



Council

Agenda

Regular Meeting of Council

June 18, 2012

at 7:00 p.m.

MEETINGS

**FOR THE WEEK OF
JUNE 18, 2012**

Monday, June 18, 2012

5:00 p.m.

Special Closed Meeting of Council
Council will adjourn in-camera to discuss personnel matters
5th Floor Boardroom

6:00 p.m.

Committee Meeting of Council
Council Chambers, 2nd Floor

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, JUNE 18, 2012**

DECLARATION OF OFFICE:

Councillor Sarah Campbell

PUBLIC PRESENTATIONS:

PUBLIC MEETING MINUTES:

Nil

COMMITTEE REPORTS:

Nil

CORRESPONDENCE:

1. Standing Committee appointments (C01/2012/APPTS/GENERAL).
2. Accounts for April 2012 (F14/2012/EOIR/GENERAL).
3. Accounts for Royal Bank and Toronto-Dominion Bank for April 2012 (F14/2012/EOIR/GENERAL).
4. Report from S. McArthur dated June 7, 2012 re Rezoning application by Miller & Urso Surveying Inc. on behalf of Gap Construction Co. Ltd. - Dree Street (D14/2012/GAP/DREE).
5. Report from S. McArthur dated June 7, 2012 re Rezoning application by Kenneth & Leona Walker - 860 Northshore Road (D14/2012/WALKE/NORTHS).
6. Report from A. Korell dated June 11, 2012 re Speed limit on Highway 63 from Lees Road to Peninsula Road (T08/2012/TRAF/GENERAL).
7. Report from C.M. Conrad dated June 11, 2012 re Nomination to 2012-2014 Association of Municipalities of Ontario Board of Directors (A01/2012/AMO/GENERAL).
8. Letter from Cecil's Eatery & Beer Society dated April 26, 2012 and report from J. Severino dated June 11, 2012 re Noise By-Law exemption (E05/2012/NOISE/GENERAL).

9. Report from A. Korell dated June 11, 2012 re Cost Share Agreement for installation of watermain on Carmichael Drive (L04/2012/AGMT/SIDHU).
10. Report from S. Kitlar dated June 12, 2012 re Multi-Use Recreation Facility Study update (R05/2012/MURF/GENERAL).
11. Report from R. Mimee / D. Carvell dated June 13, 2012 re 2011/2012 Dedicated Gas Tax Funds for Public Transportation Program (L04/2012/MTO/GASTAX).
12. Report from P.E.G. Leckie dated June 8, 2012 re Universal Water Meter installation contracts (F22/2004/TAXR/UWMP).
13. Report from R. Mimee / D. Carvell dated June 13, 2012 re 2012 Transit Coach Replacement Program (F05/2012/TRANS/6082TR).
14. Report from P. Valenti dated June 12, 2012 re Tender No. 2012-04, Asphalt Resurfacing Program (F05/2012/ENVIR/3602RD).

BY-LAWS FOR CONSIDERATION:

General Government - First, second and third readings:

By-Law No. 2012-157 to confirm proceedings of the Meeting of Council on June 4, 2012.

By-Law No. 2012-158 to authorize temporary borrowing from time to time to meet current expenditures during the fiscal year ending December 31, 2012.

By-Law No. 2012-161 to execute an Agreement with Her Majesty the Queen in Right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario relating to Dedicated Gas Tax Funds for Public Transportation Program.

General Government - Third reading:

By-Law No. 2012-142 to stop up, close and convey a portion of the laneway in a block bounded by Maher Street, Regina Street, Hardy Street and Laurier Avenue.

Community Services - Third reading:

By-Law No. 2012-119 to adopt Official Plan Amendment No. 1 (Brian McLean - Concession 4, North Part of Lot 2, Parcel 1631).

By-Law No. 2012-120 to rezone certain lands north of Highway 63 at Songis Road (Brian McLean - Concession 4, North Part of Lot 2, Parcel 1631).

MOTIONS:

MOTION TO ADJOURN IN-CAMERA:

IN-CAMERA CORRESPONDENCE:

15. ***Confidential*** report from P.E.G. Leckie dated June 8, 2012 re Litigation matter.

MOTION TO RECONVENE:

MOTION FOR RECONSIDERATION:

GIVING NOTICE:

ADJOURNMENT:

Subject: STANDING COMMITTEE APPOINTMENTS

File No. C01/2012/APPTS/GENERAL

Res. No. 2012 - _____

Moved by Councillor: _____

Seconded by Councillor: _____

That the following Standing Committee appointments be made:

General Government Committee:

- Chair: Councillor Sean Lawlor
- Vice Chair: Councillor Mike Anthony
- Members: Councillor Mac Bain and Councillor George Maroosis
- Ex Officio Member: Mayor Al McDonald

Engineering & Works Committee:

- Chair: Councillor Tanya Vrebosch
- Vice Chair: Councillor Judy Koziol
- Member: Councillor Sarah Campbell
- Ex Officio Member: Mayor Al McDonald

Community Services Committee:

- Chair: Councillor Dave Mendicino
- Vice Chair: Councillor Chris Mayne
- Member: Councillor Daryl Vaillancourt
- Ex Officio Member: Mayor Al McDonald

Carried

Carried as amended

Lost

Conflict _____ Endorsement of Chair _____

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

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

Signature of Clerk _____

Subject: Elected Official Invoice Register

File No. F14/2012/EOIR/GENERAL

Res. 2012 - _____

Moved by Councillor: _____

Seconded by Councillor: _____

That accounts totaling \$14,546,611.05 for April 2012 be approved.

Carried Carried as amended Lost

Conflict _____ Endorsement of Chair _____

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

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

Signature of Clerk _____

Subject: Royal Bank and Toronto Dominion Bank

File No. F14/2012/EOIR/GENERAL

Res. 2012 - _____

Moved by Councillor: _____

Seconded by Councillor: _____

That accounts for Royal Bank and Toronto Dominion Bank totaling \$3,875.12 for April 2012 be approved.

Carried Carried as amended Lost

Conflict _____ Endorsement of Chair _____

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

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

Signature of Clerk _____

INTER OFFICE

*City of North Bay
Planning Services*

MEMO

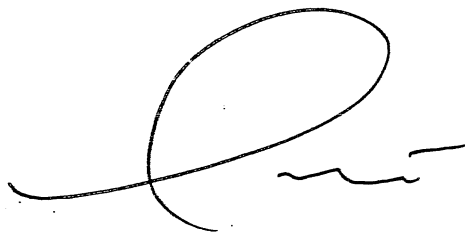
To: Cathy Conrad, City Clerk
From: Steve McArthur - Senior Planner, Current Operations
Subject: Resolution No. 3 - Planning Advisory Committee
Date: June 7th, 2012

Quoted below is Resolution No. 3 passed at the regular meeting of the Planning Advisory Committee held on Thursday, June 7th, 2012:

Resolution No. 3

"That the Planning Advisory Committee recommend the following to City Council:

1. That the proposed Zoning By-law Amendment by GAP Holdings Inc. from an 'Industrial Holding (MH)' zone to an 'Industrial Special Zone No. 3 (M Sp.3)' for the purpose of a lot addition to a property known locally as 387 Dree Street in the City of North Bay, BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required."

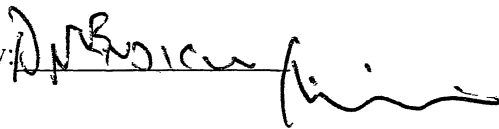


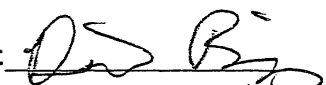
Steve McArthur, MCIP, RPP
Senior Planner, Current Operations

North Bay Planning Advisory Committee

Resolution No. 3

Date: June 7, 2012

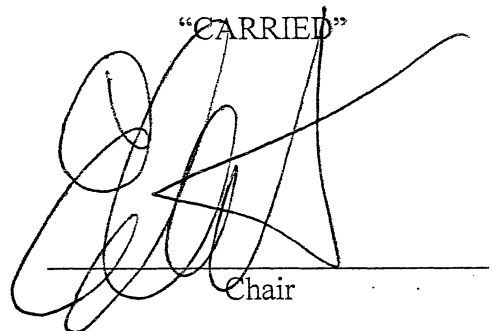
Moved By: 

Seconded By: 
(Briggs)

“That the Planning Advisory Committee recommend the following to City Council:

1. That the proposed Zoning By-law Amendment by GAP Holdings Inc. from an ‘Industrial Holding (MH)’ zone to an ‘Industrial Special Zone No. 3 (M Sp.3)’ for the purpose of a lot addition to a property known locally as 387 Dree Street in the City of North Bay, BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required.”

“CARRIED”


Chair

INTER OFFICE

City of North Bay
Planning Services

MEMO

To: Chair and Members, Planning Advisory Committee

From: Steve McArthur - Senior Planner, Current Operations

Subject: Proposed Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of GAP Construction Co. Ltd., for Vacant Lands behind 379, 383 & 387 Dree St., City of North Bay.

Date: May 30, 2012

Recommendation

1. That the proposed Zoning By-law Amendment from an 'Industrial Holding (MH)' zone to an 'Industrial Special Zone No. 3 (M Sp.3)' by Miller & Urso Surveying Inc. on behalf of GAP Construction Co. Ltd., for the property legally described as Concession 14, Part of Lot 34, Parcels 5464 & 6761 in the former Township of West Ferris, known locally as Vacant Lands at the rear of 379, 383 & 387 Dree Street in the City of North Bay, BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, in order to regulate parking, lighting, landscaping, storm water, drainage, ingress and egress and fencing as required.

Site

The subject lands consist of vacant property at the rear of 379, 383 & 387 Dree Street, as shown on Schedules "A" and "B" attached hereto. The total land area subject to this application is approximately 1.22 ha (3.0 acres). The property is designated "General Industry" in the City's Official Plan and is zoned "Industrial Holding (MH)" by Zoning By-law No. 28-80.

The subject lands are currently vacant and undeveloped. The abutting properties fronting on Dree Street are developed with three (3) light industrial businesses featuring buildings with a total footprint of approximately 1,850 sq.m. (20,000 sq.ft.). The site is surrounded by light industrial uses and other similarly designated vacant lands, the exception being the Kate Pace Way multi-use trail which abuts the subject lands immediately to the east.

Proposal

The Owner has applied to rezone the Subject Lands in order to permit the expansion of an existing business located at 387 Dree Street. If successfully rezoned, the Owner will apply to the Committee of Adjustment for a lot addition in order to add the subject lands to an existing property at 387 Dree Street.

Provincial Policy

This proposal has been reviewed in the context of the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2005). These policies provide direction on matters of Provincial interest related to land use planning and development.

The Growth Plan for Northern Ontario was introduced on March 3rd, 2011, and all Planning applications must now be evaluated to consider this plan. The GPNO is broad in scope and is aimed at shaping

development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and aboriginal peoples. This plan is an economic development tool that encourages growth in Northern Ontario. Specific planning related policies, including regional economic planning, the identification of strategic core areas, and targets for intensification have not yet been defined by the Provincial government or incorporated into the Official Plan.

This application has been reviewed in accordance with the Growth Plan for Northern Ontario (2011) and has been found to be in conformity with its policies.

This application has been reviewed in the context of the Provincial Policy Statement (PPS 2005). Section 1.0 of the PPS 2005, Building Strong Communities, provides for a wide variety of policies relating to wisely managing change and promoting efficient land use and development patterns.

Section 1.1.3.3 states: *"Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs"*.

Although it is preferable that development occur on full municipal services, the subject lands will be added to a property that is currently developed. The proposed rezoning and future lot addition should not place additional demands on the municipality for the future extension of piped sanitary services. The subject property will be added to lands with existing buildings on partial municipal services (water), resulting in redevelopment, reinvestment and intensification without the requirement for the extension of municipal services, as is encouraged by Section 1.3 'Employment Areas', which states:

"Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) planning for, protecting and preserving employment areas for current and future uses; and*
- d) ensuring the necessary infrastructure is provided to support current and projected needs."*

Section 2 of the PPS, Natural Heritage, indicates that development and site alteration shall not be permitted in *"significant habitat of endangered species and threatened species; or significant wetlands"*. The Conservation Authority has noted *"that there is a large wetland area at the south end of the subject lands"*. This wetland area is not defined as 'significant wetland' under the PPS 2005.

In addition, the Conservation Authority has identified that there are no known Species at Risk on, or within 120m, of the subject lands. The area is regulated by the NBMCA and a Development, Interference with Wetlands & Alterations to Shorelines & Watercourses (DIA) Permit will be required prior to undertaking any site alteration activities on the subject property.

Although it is not considered a PSW, the Owner has agreed that the future transfer of the subject lands will exclude the wetland area and it will remain undeveloped.

In reviewing the proposed Zoning By-law Amendment, it is my professional opinion that all pertinent Provincial policies have been applied in their entirety and that the end use is consistent with Provincial Policy as set out in the Provincial Policy Statement (PPS 2005) and in the Growth Plan for Northern Ontario (GPNO 2011).

Official Plan

The subject property is designated "General Industry" in the City of North Bay's Official Plan.

Section 2.2 of the Official Plan, Employment Lands, states that: *"The Gateway and Seymour industrial parks and other existing industrial lands within the City will be maintained by way of appropriate Official Plan policy and zoning in the City's Comprehensive Zoning By-law to ensure they remain viable. All business retention and expansion opportunities and new economic development opportunities will be developed in harmony with the environmental, social and economic environments of the City."*

The subject lands are adjacent to the Gateway Industrial Park and are currently vacant and undeveloped. The abutting properties fronting on Dree Street are developed with three (3) light industrial businesses featuring buildings with a total footprint of approximately 1,850 sq.m. (20,000 sq.ft.). The site is surrounded by light industrial uses and other similarly designated vacant lands. The Applicants' proposal to rezone the Subject Lands in order to permit the expansion of an existing business located at 387 Dree Street is in conformity with the general intent of the Official Plan.

Zoning By-law No. 28-80

The subject property is currently zoned "Industrial Holding (MH)" by the City of North Bay's Zoning By-law No. 28-80. The currently permitted uses and proposed land uses are included in the following table:

Current List of Permitted Land Uses Industrial Holding (MH) Zone	Proposed List of Permitted Land Uses Industrial Special Zone No. 3 (M Sp.3)
<p>Permitted Uses: Current -</p> <ul style="list-style-type: none"> - Agricultural and Forestry Uses; - Cemeteries - Commercial Agricultural Use - Conservation Areas - Hobby Farm - Public and Private Recreational Uses - Existing single detached dwellings and new single detached dwellings on a lot created pursuant to Section 50 or 53 of the Planning Act, R.S.O. 1990 as amended - Accessory Uses to the above - Accessory Home Based Businesses in accordance with Section 3.35 	<p>Permitted Uses: Proposed -</p> <ul style="list-style-type: none"> - Industrial Bulk sales establishments, construction contractors and yards, heavy equipment storage, heavy equipment sales and service, transportation, communication and utilities yards or terminals, wholesale uses, warehouse uses, builders' supply yards, manufacturing, processing and assembly operations not requiring municipally -supplied services such as sewer and water. <p>Residential - An apartment within the main building for an essential workman or caretaker.</p> <p>Offices - Administrative offices associated with and integral to the main industrial use.</p> <p>Outdoor Storage - Will be permitted, but shall not be conducted in the front yard and shall be enclosed and adequately screened in the form of opaque fencing or landscaping to a height of not less than one and eight-tenths (1.8) metres, but not greater than the height of the first storey of the main building on the property.</p>

The special component of the "Industrial Special Zone No. 3 (M Sp.3)" is as follows:

1. The minimum front yard shall be fifteen (15) metres.
2. The minimum rear yard setback shall be twelve (12) metres except:

- a. where the rear lot line abuts a residential or open space zone the setback from said rear lot line shall be a minimum of fifteen (15) metres, or
- b. where a rear lot line abuts a railway the setback from the rear lot line shall be nil.
3. The minimum side yard setback shall be four and five-tenths (4.5) metres except:
 - a. where the side lot line abuts a residential or open space zone the setback from said side lot line shall be a minimum of nine (9) metres, or
 - b. where a side lot line abuts a street, setback from said side lot line shall be a minimum of nine (9) metres, or
 - c. where a side lot line abuts a railway, the setback from said side lot line shall be nil.
4. The use of land in this Industrial Special 3 Zone shall be subject to a written agreement between the prospective industries and the City that:
 - a. urban services are not required for the proposed use, and
 - b. the City will not provide urban services to such land.

There is no construction anticipated and no new buildings are planned. The rezoning, if successful, will permit the expansion of an existing business located at 387 Dree Street that will continue to meet all of the requirements and regulations of the City of North Bay's Zoning By-law No. 28-80.

Correspondence

This proposal was circulated to property owners within 120 metres (400 feet) of the subject lands, as well as to several municipal departments and other agencies that may have an interest in this matter.

In terms of the correspondence received, the Engineering Department, the Chief Building Official, the Ministry of Transportation, the Chief Fire Prevention Officer, the Economic Development Department, and the Municipal Heritage Committee offered no objections to the proposal.

The North Bay-Mattawa Conservation Authority (NBMCA) offered the following comments: *"The Conservation Authority has no objection to this application, and offers the following. For your information, the above-noted property is located in a "spillway" of the La Vase River. In addition to this, there is a large wetland area at the south end of the proposed lands to be rezoned. This area is regulated by the North Bay-Mattawa Conservation Authority under Ontario Regulation 177/06. This regulation is pursuant to Section 28 of the Conservation Authorities Act of Ontario. A Development, Interference with Wetlands & Alterations to Shorelines & Watercourses (DIA) Permit will be required from this office prior to undertaking any site alteration activities and/or any construction or renovation work on the subject property. Site alteration activities would include: the placement or removal of fill material of any kind, and/or the alteration of existing grades on the subject property. It is recommended that the proposed southerly lot line be re-located so that it does not encroach into the wetland area. This would alleviate some of the spillway concerns. Correspondence from the Ministry of Natural Resources indicates that there are no known Species at Risk on the property or within 120 meters. The Conservation Authority is satisfied that the application is consistent with the policies as set out in Sections 2 and 3 of the PPS."*

The Director of Parks, Recreation & Leisure Services asked that the property be placed under Site Plan Control, in order to establish appropriate fencing and/or landscaping adjacent to the Kate Pace Way multi-use trail. Site Plan Control will allow the City to implement conditions in order to regulate parking, lighting, landscaping, fencing, storm water management, drainage, ingress and egress as required.

The requests from the NBMCA and the Director of Parks, Recreation & Leisure Services have been agreed to by the Owner and will be incorporated into the required Site Plan Control Agreement (SPCA). The Owner has indicated that the future transfer of lands to 387 Dree Street will exclude the identified wetland area and it will remain undeveloped. In addition, the Owner is agreeable to establishing and maintaining fencing and/or a buffer adjacent to the Kate Pace Way.

No objections to the proposed Zoning By-law Amendment were received from any of the other circulated property owners.

Summary

The subject lands are adjacent to the Gateway Industrial Park and are currently vacant and undeveloped.

The abutting properties fronting on Dree Street are developed with three (3) light industrial businesses featuring buildings with a total footprint of approximately 1,850 sq.m. (20,000 sq.ft.). The site is surrounded by light industrial uses and other similarly designated vacant lands. The Applicants' proposal to rezone the Subject Lands in order to permit the expansion of an existing business located at 387 Dree Street is in conformity with the general intent of the Official Plan.

The property will be subject to Site Plan Control, which will allow the City to implement conditions in order to regulate parking, lighting, landscaping, fencing, storm water management, drainage, ingress and egress as required. There is no construction anticipated and no new buildings are planned. The rezoning, if successful, will permit the expansion of an existing business located at 387 Dree Street that will continue to meet all of the requirements and regulations of the City of North Bay's Zoning By-law No. 28-80.

It is my professional opinion that the proposed Zoning By-law amendment maintains the intent of the City of North Bay's Official Plan and the end use is consistent with the Provincial Policy as outlined in the Provincial Policy Statement (PPS 2005) and in the Growth Plan for Northern Ontario (GPNO 2011).

Respectfully submitted,




Steve McArthur, MCIP, RPP
Senior Planner, Current Operations

attach.

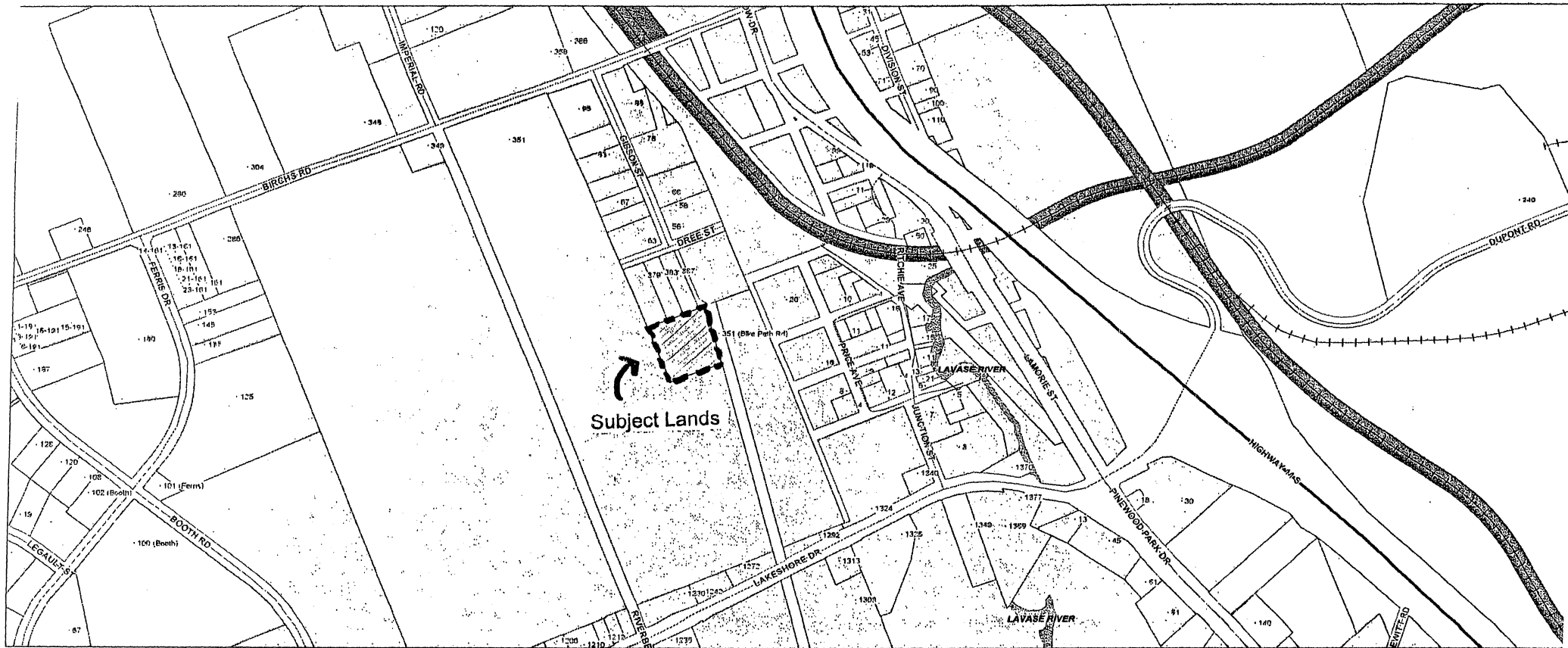
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I concur with the recommendations contained in this report.



Beverley Hillier, MCIP, RPP
Manager, Planning Services

SCHEDULE A



SCALE 1 : 10,726



 Proposed Zoning By-law Amendment
From: "Industrial Holding (MH)"
To: "Industrial Special Zone No. 3 (M Sp.3)"

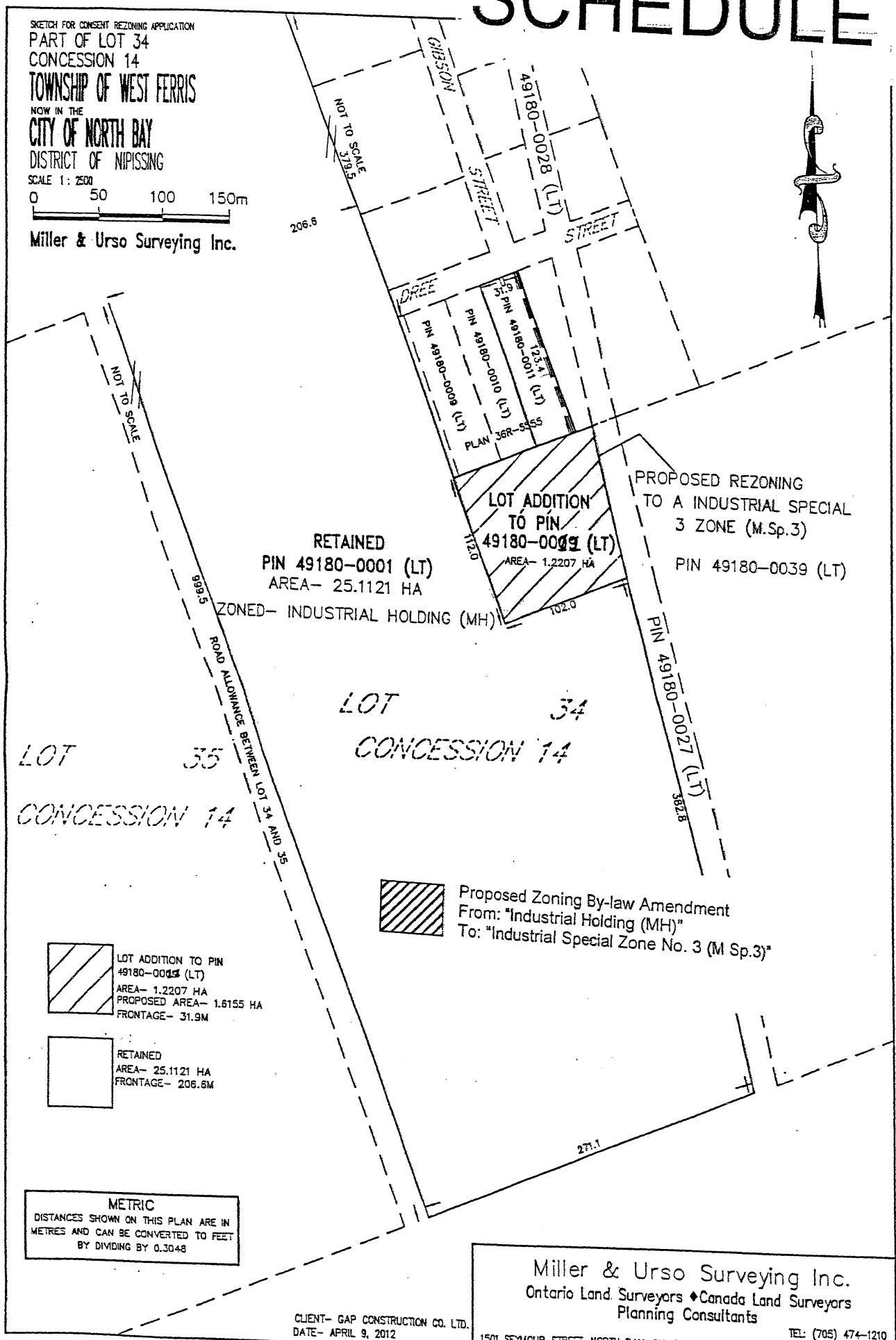


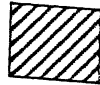
SCHEDULE B

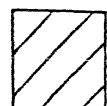
SKETCH FOR CONSENT REZONING APPLICATION
 PART OF LOT 34
 CONCESSION 14
 TOWNSHIP OF WEST FERRIS
 NOW IN THE
 CITY OF NORTH BAY
 DISTRICT OF NIPISSING

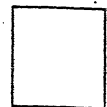
SCALE 1: 2500
 0 50 100 150m

Miller & Urso Surveying Inc.



 Proposed Zoning By-law Amendment
 From: "Industrial Holding (MH)"
 To: "Industrial Special Zone No. 3 (M Sp.3)"

 LOT ADDITION TO PIN 49180-0013 (LT)
 AREA- 1,2207 HA
 PROPOSED AREA- 1,6155 HA
 FRONTAGE- 31.9M

 RETAINED
 AREA- 25.1121 HA
 FRONTAGE- 206.6M

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

Miller & Urso Surveying Inc.
 Ontario Land Surveyors ♦ Canada Land Surveyors
 Planning Consultants
 1501 SEYMOUR STREET, NORTH BAY, ON. P1A 0C5
 TEL: (705) 474-1210
 FAX: (705) 474-1783

CLIENT- GAP CONSTRUCTION CO. LTD.
 DATE- APRIL 9, 2012

INTER OFFICE

*City of North Bay
Planning Services*

MEMO

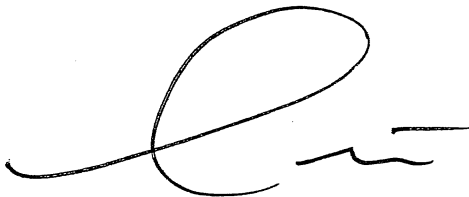
To: Cathy Conrad, City Clerk
From: Steve McArthur - Senior Planner, Current Operations
Subject: Resolution No. 2 - Planning Advisory Committee
Date: June 7th, 2012

Quoted below is Resolution No. 2 passed at the regular meeting of the Planning Advisory Committee held on Thursday, June 7th, 2012:

Resolution No. 2

"That the Planning Advisory Committee recommend the following to City Council:

That the proposed Zoning By-law Amendment by Kenneth & Leona Walker from a 'Rural Residential Lakefront (RRL)' zone to a 'Rural (A)' zone for the purpose of permitting the construction of one (1) single detached dwelling on an existing lot of record east of 850 Northshore Road in the City of North Bay, BE APPROVED."



Steve McArthur, MCIP, RPP
Senior Planner, Current Operations

North Bay Planning Advisory Committee

Resolution No. 2

Date: June 7, 2012

Moved By:

(Buigss)

Seconded By:

“That the Planning Advisory Committee recommend the following to City Council:

1. That the proposed Zoning By-law Amendment by Kenneth & Leona Walker from a ‘Rural Residential Lakefront (RRL)’ zone to a ‘Rural (A)’ zone for the purpose of permitting the construction of one (1) single detached dwelling on an existing lot of record east of 850 Northshore Road in the City of North Bay, BE APPROVED.”

“CARRIED”

Chair

INTER OFFICE

City of North Bay
PLANNING SERVICES

MEMO

To: Chair and Members, Planning Advisory Committee

From: Steve McArthur – Senior Planner, Current Operations

Subject: Proposed Zoning By-law Amendment by Kenneth & Leona Walker for the property legally described as Concession B, Part of Lot 6, Reference Plan No. 36R-10792, Part 1, and Reference Plan No. 36R-11769, Part 1, Parcel 18857 W&F in the City of North Bay.

Date: June 1, 2012

Recommendation

- 1) That the proposed Zoning By-law Amendment from a 'Rural Residential Lakefront (RRL)' zone to 'Rural (A)' zone by Kenneth & Leona Walker for the property legally described as Concession B, Part of Lot 6, Reference Plan No. 36R-10792, Part 1, and Reference Plan No. 36R-11769, Part 1, Parcel 18857 W&F in the City of North Bay, BE APPROVED.

Site

The lands subject to the proposed amendment are in the rural area of the City of North Bay near the northeast shore of Four Mile Bay on Trout Lake, adjacent to the property locally known as 850 Northshore Road, as shown on Schedule "A" attached hereto.

The subject lands are 0.69 hectares (1.71 acres) in total land area, with a frontage of approximately 111 meters (364 feet) on Northshore Road. The subject property is surrounded by vacant, undeveloped lands and similarly zoned rural residential uses on all sides.

Proposal

The Owner perfected a severance for the purpose of a lot addition in 2004 (File No. B-25-04). This resulted in a property with split zoning, being a "Rural (A)" zoning designation on the severed parcel and a "Rural Residential Lakefront (RRL)" zoning designation on the retained parcel, as shown on Schedule "B" attached hereto.

The Applicant is proposing to rezone the portion subject lands with the "Rural Residential Lakefront (RRL)" zoning designation in order to permit the construction of a single detached dwelling.

Provincial Policy Statement (PPS 2005)

This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2005). The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development.

Section 1.1.4, Rural Areas, of the PPS 2005 states that: *"In rural areas located in municipalities:*

- a) *permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses;*
- b) *development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure;*
- c) *new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae;*
- d) *development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted; ..."*

The proposed amendment will result in the construction of one (1) single detached dwelling on a private well and septic system. The North Bay-Mattawa Conservation Authority (NBMCA) has advised that there are "no concerns with the rezoning of the lands with respect to servicing the property with a septic system". The proposed development is compatible with existing rural residential uses in the immediate area.

In my professional opinion, the proposed Zoning By-law amendment is consistent with the policies contained in the Provincial Policy Statement (PPS 2005).

Growth Plan for Northern Ontario (GPNO 2011)

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process.

The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario. Specific Planning related policies, including regional economic planning, the identification of strategic core areas, and targets for intensification have not yet been defined by the Province or incorporated into the Official Plan.

The Plan has been reviewed in its entirety and in my professional opinion, the proposed Zoning By-law amendment is consistent with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

Official Plan

The property is currently designated 'Rural' on Schedule "2" of the City of North Bay's Official Plan.

The Rural Area is beyond the area required for urban development and therefore the intent of the Official Plan is to protect the rural nature of these lands, by directing new development to the Settlement Area, leaving the rural area largely undeveloped. Uses in the Rural Area will be those uses that are location dependent and do not require urban services, such as but not limited to: aggregate and mineral extraction, limited restricted industrial, highway commercial, waterfront commercial, rural institutional and *limited residential development*. It is the intent of the Official Plan to strictly control development within the rural area and ensure that land use conflicts in the rural area are minimized.

Section 3.4.10 states: "Recognizing that many of the existing residences in the rural area are non-farm dwellings, and because of the unsuitability of much of the land in the rural area of the City for agricultural purposes, it is the policy of the Plan to permit very limited residential development that maintains the rural character of the area and does not jeopardize the planned function of the rural area...".

Section 3.5 of the O.P., Trout Lake Watershed, contains policies for properties in the watershed area. It is the intent of the Official Plan to strictly control or limit the nature and extent of development along the shoreline of Trout Lake, including second-tier or backshore development, development on islands in Trout Lake, development along streams flowing into Trout Lake, as identified by the North Bay-Mattawa Conservation Authority on the schedule to the Development, Interference and Alteration to Waterways Regulations and development in the Trout Lake Watershed in general. The section goes on to add that this will be achieved by generally prohibiting the creation of new lots which front on Trout Lake or on a stream flowing into Trout Lake.

These policies are mainly in place to discourage new lot creation in the watershed. The subject lands represent an existing lot of record on the north side of Northshore Road some 155 meters (500 feet) back from the Trout Lake shoreline. In my professional opinion the proposed Official Plan amendment meets the general intent of the Official Plan.

Zoning By-Law No. 28-80

The subject property is presently zoned "Rural Residential Lakefront (RRL)" which permits the following uses:

- Existing single detached dwelling
- New single detached dwelling
- Local park and playground
- Accessory uses to the above
- Accessory home based business in accordance with Section 3.35

The Applicant is proposing to rezone the subject lands to a "Rural (A)" zone which permits the following uses:

- Agricultural and Forestry Uses
- Cemeteries
- Commercial Agricultural Uses
- Conservation Areas
- Hobby farm
- Public and Private Recreational Uses
- Existing single detached dwellings and new single detached dwellings on a lot created pursuant to Section 50 or 53 of the Planning Act, R.S.O. 1990 as amended
- Accessory uses to the above
- Accessory home based businesses in accordance with Section 3.35

The Applicant is seeking to rezone the subject lands in order to permit the construction of one (1) single detached dwelling on an existing lot of record. The subject property currently has 'split-zoning', meaning two (2) zoning designations. The applicant is seeking to rezone the subject lands to a 'Rural (A)' designation only. There is no new lot creation being proposed as part of this amendment.

Considerations

This proposal was circulated to property owners within 120 metres (400 feet) of the subject lands, as well as to several municipal departments and agencies that may have an interest in the application.

In terms of correspondence received, the Engineering Department, the Secretary-Treasurer of the North Bay Municipal Heritage Committee, the Chief Building Official, the Chief Fire Prevention Officer and the Ministry of Transportation have indicated they have no concerns or objections to this proposal.

The North Bay-Mattawa Conservation Authority (NBMCA) submitted the following comments:

"There are no concerns with the rezoning of the lands with respect to servicing the property with a septic system. Please be advised that this property is not in an area regulated by the Conservation Authority. The Conservation Authority is satisfied that the application is consistent with the policies as set out in Sections 2 and 3 of the PPS; therefore, we have no objection to this application."

The proposal was presented to the public at the regular meeting of the Planning Advisory Committee on May 16, 2012. At that meeting, the abutting property owner from 850 Northshore Road spoke and indicated that he had received notice of the application and was in support of a single detached home being built on the property. No further correspondence was received with regards to this proposal.

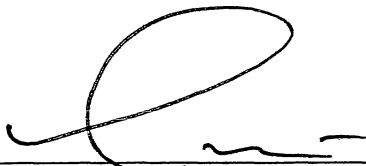
Summary

The intent of the policies contained in the Official Plan outlined in this report is to prohibit new lot creation in the Trout Lake Watershed and to mitigate any potential impacts on established area property owners. In the context of this specific application, there is no lot creation contemplated and the construction of a single detached dwelling on this existing lot of record should have no negative impact on surrounding properties.

The Owner perfected a severance for the purpose of a lot addition in 2004. This resulted in a property with split zoning, being a "Rural (A)" zoning designation on the severed parcel and a "Rural Residential Lakefront (RRL)" zoning designation on the retained parcel. In order to construct a new dwelling that meets the requirements of Zoning by-law No. 28-80 the Applicant is proposing to rezone the portion subject lands with the "Rural Residential Lakefront (RRL)" zoning designation to a "Rural (A)" zoning designation, thereby creating consisting zoning for the entire 0.69 hectares (1.71 acres) property.

It is my professional opinion the proposed Zoning By-law amendment represents good planning, is in conformity with the Official Plan, and is consistent with Provincial Policy, as set out by the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2005).

Respectfully submitted,



Steve McArthur, MCIP, RPP
Senior Planner, Current Operations

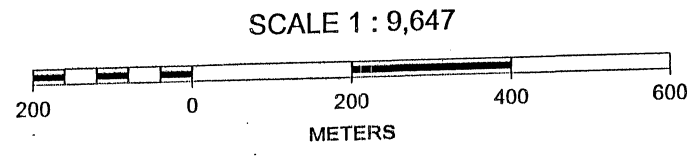
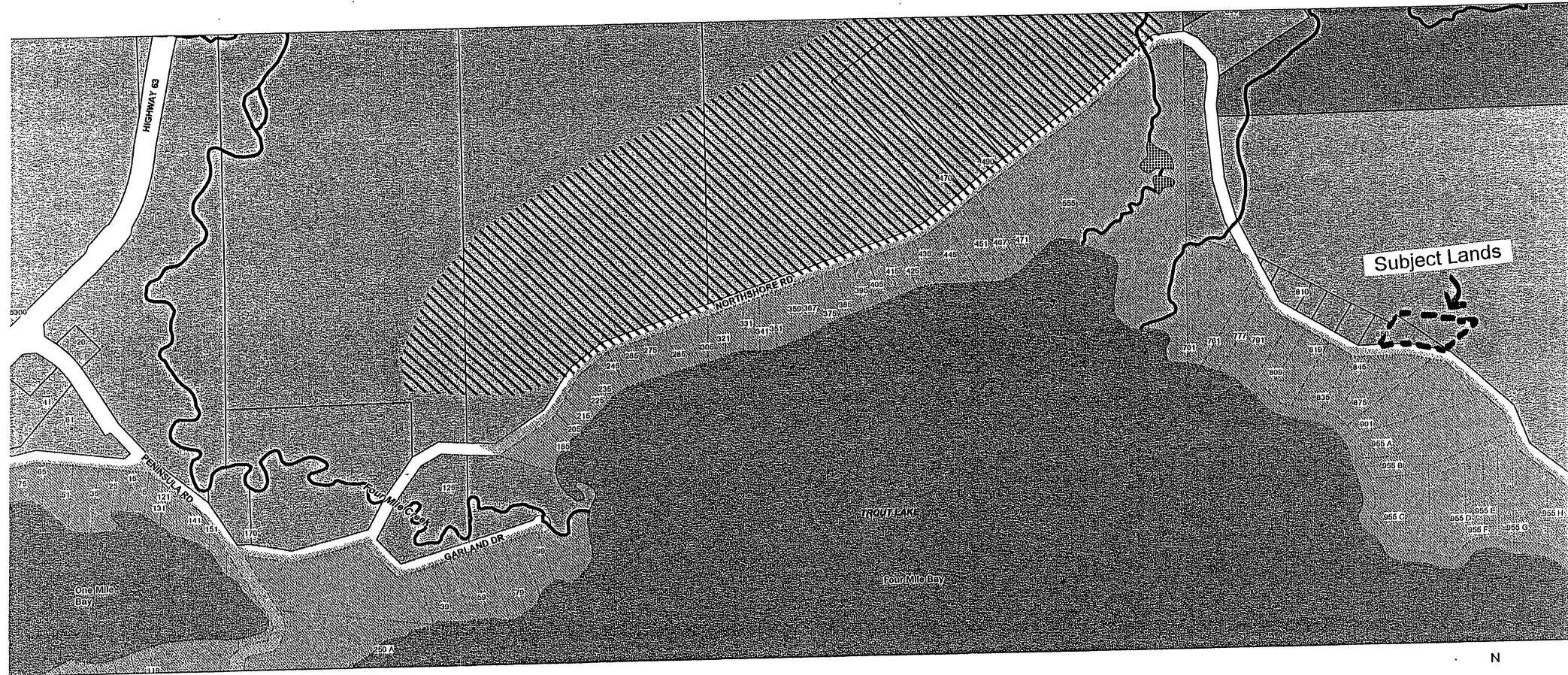
W:\PLAN\RMS\14\2012\WALKE\NORTHS\0003-PACRpt-#829.doc
attach.

I concur with the recommendations contained in this report.



Beverley Hillier, MCIP, RPP
Manager, Planning Services

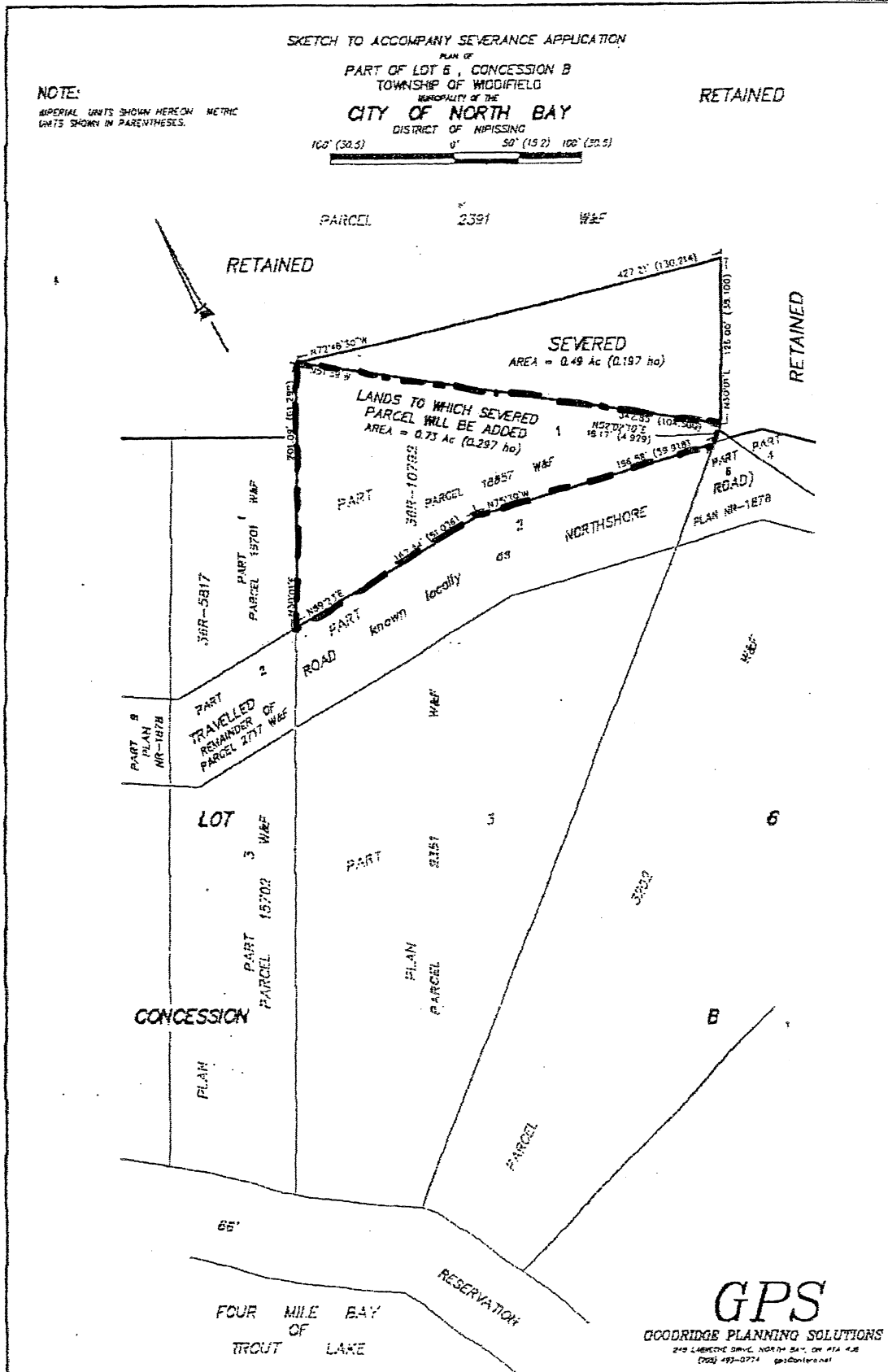
SCHEDULE A



--- Proposed Zoning By-law Amendment
From: "Rural Residential Lakefront (RRL)"
To: "Rural (A)"



SCHEDULE B



Proposed Zoning By-law Amendment
 From: "Rural Residential Lakefront (RRL)"
 To: "Rural (A)"

#6

RECEIVED
CITY OF NORTH BAY

JUN 11 2012

City of North Bay
Report to Council

Report No.: EES-2012-039

Date: June 11, 2012 CLERK'S DEPT.

Originator: Alan Korell, Managing Director of Engineering, Environmental Services
& Works

Subject: Speed Limit on Highway 63

File No: T08 – Speed Limitations “H”

RECOMMENDATION

That the City of North Bay City Council petition the Ministry of Transportation to lower the posted speed limit from Lees Road to Peninsula Road. Specifically lowering the current 70 km/hr speed limit to 60 km/hr from west of Anita Avenue to Lees Road, and lowering the current 80 km/hr speed limit to 70 km/hr from just west of Anita Avenue to Peninsula Road.

BACKGROUND

Highway #63 from Lees Avenue to the City limits is under the care and control of the Ministry of Transportation. The City of North Bay cannot change the posted speed limit in that area. That section of Highway #63 has a great number of curves and hidden entrances. It is the recommendation of the Engineering Department of the City of North Bay that vehicle posted speeds be reduced as per the recommendation cited above.

ANALYSIS/OPTIONS

Option 1:

That City Council petition the Ministry of Transportation to lower the speed limits on Highway #63 as per the recommendation cited above. This option is recommended.

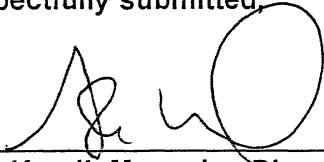
Option 2:

That City Council not petition the ministry of Transportation to lower the speed limits on Highway #63. This option is not recommended.

RECOMMENDED OPTION

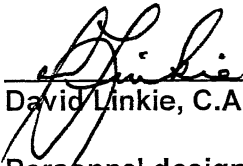
That the City of North Bay City Council petition the Ministry of Transportation to lower the posted speed limit from Lees Road to Peninsula Road. Specifically lowering the current 70 km/hr speed limit to 60 km/hr from west of Anita Avenue to Lees Road, and lowering the current 80 km/hr speed limit to 70 km/hr from just west of Anita Avenue to Peninsula Road. Option 1 is recommended.

Respectfully submitted,



Alan Korell, Managing Director of
Engineering, Environmental Services & Works

I concur in this report and recommendation.



David Linkie, C.A.O.

Personnel designated for continuance: C. Conrad, City Clerk

wpd/engin/eak125-Report to Council – Speed Limit Hwy. 63

Copy for: P. Leckie, City Solicitor
J. Knox, Managing Director, Community Services
P. Cook, Police Chief, North Bay Police Services
G. Love, Fire Chief

#7

**CITY OF NORTH BAY
REPORT TO COUNCIL**

CITY OF NORTH BAY

JUN 11 2012

CLERK'S DEPT.

Report No. CORP 2012-83

Date: June 11, 2012

Originator: Catherine Conrad

Subject: Nomination to the 2012-2014 AMO Board of Directors

RECOMMENDATION

That The Corporation of the City of North Bay nominate Councillor Mac Bain for election to the 2012-2014 Board of Directors for the Association of Municipalities of Ontario, Northern Caucus.

BACKGROUND

Please find attached a copy of the Association of Municipalities of Ontario's Request for Nominations to its 2012-2014 Board of Directors dated May 17, 2012.

Councillor Bain currently sits of the AMO Board of Directors as a Northeastern Ontario Caucus Member.

Respectfully submitted,

C. Conrad

Catherine Conrad
City Clerk

Encl.

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We concur in this report and recommendation.

Lea Janisse

Managing Director of Corporate
Services – Lea Janisse

D. G. Linkie

Chief Administrative Officer –
D. G. Linkie

Personnel designated for continuance: Catherine Conrad, City Clerk



REQUEST FOR NOMINATIONS 2012 - 2014 AMO Board of Directors

May 17, 2012

To: Head and Members of Council
From: Mike Galloway, Secretary-Treasurer, AMO

Please be advised that in accordance with the Association's governing by-law, the Secretary-Treasurer is requesting nominations to the 2012 – 2014 AMO Board of Directors.

Attached please find:

- *A summary of the offices for which elections will be held at the 2012 Annual Meeting;*
- *An estimate of the annual time commitment required to serve on the AMO Board of Directors and for those who will then serve on the AMO Executive Committee; and*
- *Nomination Form*

The names of all qualified individuals who are duly nominated will appear on the ballot for election to the Board.

Please forward a completed Nomination Form to the Association via fax at (416) 971-6191 or mail to the attention of Pat Vanini, Executive Director.

Qualified Nominees must obtain a Council resolution of support which must also specify the Caucus for which the individual is nominated. Please note that the AMO Bylaw No. 1 stipulates that a member municipality can only have one representative on the Board unless another representative is on the board as an appointed official. See "Summary of Officers".

A completed Nomination Form and supporting material must be received no later than 4:00 p.m. Friday, June 22, 2012. Nominations will not be accepted beyond that date. AMO's Chief Returning Officer, Peter Fay, will certify the nomination.

All candidates will be contacted to confirm receipt of their nominations and at that time will receive further information on the election process.

If you have any questions regarding this information, please contact Pat Vanini, Executive Director at (416) 971-9856, ext. 316, e-mail pvanini@amo.on.ca or Lorna Ruder, Executive Assistant, ext. 341, email lruder@amo.on.ca.



ANNUAL TIME COMMITMENT AMO Board of Directors and Executive Committee

The following is an estimate of time individuals can normally expect to devote for service on the AMO Board of Directors and Executive Committee (i.e. Chair of each Caucus).

Executive Meetings	10 days
Memorandum of Understanding Meetings (Executive Committee only)	10 days
Board Meetings	6 days
AMO Conference	3 days
Other Commitments (task forces, other meetings)	up to 6 days depending on interest

Board Meetings:

Board meetings are normally held on the fourth Friday in September, November, January, March and June and on the Saturday and sometimes the Sunday prior to the AMO Annual Conference in August. The June meeting is normally held in the President's home municipality. In addition to the Board meetings, Board members may also serve on AMO Task Forces.

Executive Meetings:

Executive meetings are held on the Thursday before a scheduled Board meeting and on the fourth Friday of the month when there is no Board meeting. Memorandum of Understanding (MOU) meetings are specifically scheduled and are generally monthly.



SUMMARY OF OFFICES AMO Board of Directors 2012 – 2014

Elections will be held for the 2012 – 2014 AMO Board of Directors consistent with the AMO By-law No. 1:

- **President.**
- **Secretary-Treasurer.**
- **6 County Caucus Directors.** *To be Elected:* Three elected officials and one municipal employee to be elected by caucus constituency at the conference. *Appointed:* Chairs of the Eastern and Western Ontario Wardens Caucuses.
- **7 Large Urban Caucus Directors.** *To be Elected:* Five elected officials and one municipal employee to be elected by caucus constituency at the conference. *Appointed:* Chair of the Large Urban Mayors' Caucus of Ontario.
- **6 Northern Caucus Directors.** *To be Elected:* Four elected officials to be elected by caucus constituency at the conference: two from the Northeast and two from the Northwest. *Appointed:* Chairs of the Federation of Northern Ontario Municipalities and the Northern Ontario Municipal Association.
- **7 Regional and Single Tier Caucus Directors.** *To be Elected:* Six elected officials to be elected by caucus constituency at the conference. *Appointed:* Chair of the Mayors and Regional Chairs of Ontario's Single Tier Cities and Regions.
- **6 Rural Caucus Directors.** *To be Elected:* Four elected officials and one municipal employee to be elected by caucus constituency at the conference. *Appointed:* Chair of the Rural Ontario Municipal Association.
- **6 Small Urban Caucus Directors.** *To be Elected:* Four elected officials and one municipal employee to be elected by caucus constituency at the conference. *Appointed:* Chair of Ontario Small Urban Municipalities.

Each of the above caucus members shall serve a two-year term.

Excerpt from AMO Bylaw No. 1, Section 3.1 (a): No Member Municipality may be represented on the Board by more than one elected director (either an elected official or a municipal employee) except in the case where the director is an appointed official as set out in Section 3.1 (a). In the event that more than one elected official, or more than one municipal employee from the same Member Municipality....stands for election to a caucus, the official who wins the most number of votes at the annual meeting of members shall be deemed to have been elected to the board and the other official(s) or employee(s) from the same Member Municipality shall be deemed not to have been elected to the board.

#8

CITY OF NORTH BAY

JUN 12 2012

CLERK'S DEPT.

City of North Bay
Report to Council

Report No.: EESW 2012-040

Date: June 11, 2012

Originator: John Severino, Manager, Environmental Services

Subject: Request for Exemption to Noise By-law for Aug. 03, 04 and 05 of 2012

File No: E05/2012/NOISE/GENERAL

Council Correspondence No: AK-2012-05

RECOMMENDATION

That Cecil's Eatery & Beer Society, 300 Wyld Street, be granted an exemption to Bylaw 142-76 pursuant to the terms and conditions outlined by Section 5 of the Bylaw.

The exemption applies to the site location attached.

Dates and times are as follows:

Friday August 03, 2012	9 pm until 2 am of the following day
Saturday August 04, 2012	9 pm until 2 am of the following day
Sunday August 05, 2012	9 pm until 12 am midnight

BACKGROUND/ANALYSIS

The City has received a request for Noise By-law 142-76 exemption from John Lechlitner of Cecil's Eatery and Beer Society to permit the amplification of sound using an outdoor public announce system and DJ controlled electronic sound amplification equipment at 300 Wyld Street. The requested exemption dates are during the August 2011 long weekend. Exemptions are requested for the following dates and times:

Friday August 03, 2012	9 pm until 2 am of the following day
Saturday August 04, 2012	9 pm until 2 am of the following day
Sunday August 05, 2012	9 pm until 12 midnight

The applicant has agreed to comply with the restrictions detailed in Schedule 4 of the Noise Control By-law 1976-142.

The applicant's request for exemption has been granted the last five years. The applicant has complied with the conditions of the exemption the last 5 years.

The applicant has provided all the necessary information requested to file for the exemption including a detailed list of equipment and site plan.

ANALYSIS/OPTIONS

Option 1: Council approve application as requested.
Council authorize an exemption to By-law 142-76 as received pursuant to the terms and conditions outlined by Section 5 Schedule 4 of the By-law.

Option 2: Council can deny the application as requested.
Cecil's event would have to proceed without the amplification of sound if the owner chose to proceed with the event.

RECOMMENDED OPTION

That Cecil's Eatery & Beer Society, 300 Wyld Street, be granted an exemption to Bylaw 142-76 pursuant to the terms and conditions outlined by Section 5 of the Bylaw.

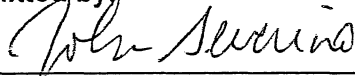
The exemption applies to the site location attached.

Dates and times are as follows:

Friday August 03, 2012	9 pm until 2 am of the following day
Saturday August 04, 2012	9 pm until 2 am of the following day
Sunday August 05, 2012	9 pm until 12 am midnight

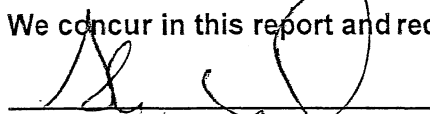
Option 1 is recommended.

Submitted by

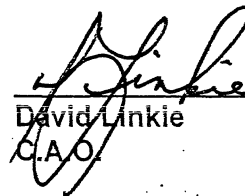


John Severino
Manager, Environmental Services

We concur in this report and recommendation.



Alan Korell
Managing Director Eng. & Env. Services



David Linkie
C.A.O.

Personnel designated for continuance:

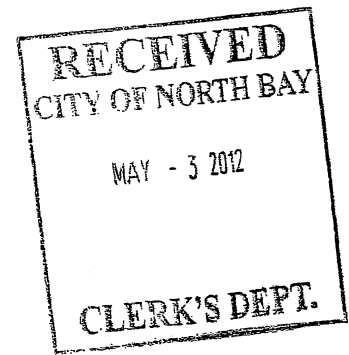
Attachments: (2)
Noise By-law 142-76
Site Map & Event Timetable

Copy for: Ron Melnyk, By-law Enforcement Officer
Police Chief P. Cook
Sharon Kitlar, Manager of Recreation and Leisure Services

w/engin/ejsev/noise – Cecil's Eatery & Beer Society - Noise Exemption

April 26, 2012

City of North Bay
200 McIntyre St. East
P.O. Box 360
North Bay, ON
P1B 8H8



Attention: City Clerk's Office
Re: Noise By-law Application

Please find attached our application and required information for the Application from Noise Control By-law No.1976-142 for August 3, 4, 5, 2012.

A Decibels Meter will be used no further than 7.6m from the sound source at the required time intervals shown in section 4 of the application. The sound will also be turned off at the times in which are specified in the foresaid section.

As well you find a cheque for \$790.00 to cover the application and advertising fees.

If you should require any additional information please feel free to contact me.


Sincerely,

John Lechlitner
Cecil's Eatery and Beer Society



300 Wyld St., P.O. Box 1017, North Bay, ON P1B 8K3
Phone: 705-472-7510 Fax: 705-474-1693 www.cecils.ca

THE CITY OF NORTH BAY

Application for Exemption from Noise Control By-law No. 1976-142

(Please complete all the sections in this Application)

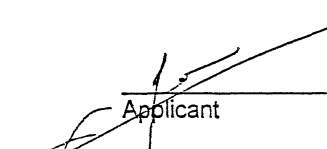
Applicant	Name (in full):	CECIL'S EATERY & BEER SOCIETY	
	Business Address:	300 WYLD ST. PO BOX 1017 NORTH BAY	
	Postal Code:	P1B 8K3	
	Telephone:	705-472-7510	Fax Number: 705-474-1693
Description of the source of sound or vibration in respect to the exemption is sought.	Amplification:	DJ'd MUSIC WITH MC	
	Other:	* Please see detailed attachment	
A statement of the particular provision or provisions of the by-law from which exemption is sought.	* Please see cover letter		
The period of time, of duration not in excess of six months, for which the exemption is sought.	Date(s):	Fri. Aug 3/12	Sat. Aug. 4/12
	Time(s):	9PM-2AM	9PM-2AM
			Sun. Aug 5/12
			9PM-12AM
A plan showing the location of the event/premises, the location of amplification equipment and speakers and methods employed to prevent sound from unnecessarily escaping from the event/premises, the location from which the sound levels will be measured, if applicable.	Date plan received by City:	MAY 3/12 - CC	
	<p>Note: this application will not be processed without the receipt of all required information, the application fee and the advertisement fee. Applications for exemptions must be complete and received by the City Clerk at least 60 days prior to the date of the exemption sought.</p>		
Application Fee (\$230.00)	Date application received by City:	MAY 3/12 - CC	
	<p>Note: this application will not be processed without the receipt of all required information, the application fee and the advertisement fee. Applications for exemptions must be complete and received by the City Clerk at least 60 days prior to the date of the exemption sought.</p>		
Advertisement Fee (\$560.00)	Date advertisement fee received by City:	MAY 3/12 - CC	
	<p>Note: this application will not be processed without the receipt of all required information, the application fee and the advertisement fee. Applications for exemptions must be complete and received by the City Clerk at least 60 days prior to the date of the exemption sought.</p>		

The applicant acknowledges and confirms that an acoustical calibrator shall be used and that windscreen shall be used on all outdoor measurements.

No exemption will be authorized without a Resolution of the City Council.

Successful applicants will be required to complete the required survey form. The form must be provided to the Police/Enforcement Officer upon request and must be filed with the City Clerk within 10 days of the event.

Dated May 3, 2012.


Applicant

Note: A separate application will be required for each event.

If you require additional information, please contact the City Clerk's Office at 474-0626, ext 2510.

The information on this form is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act and will be used only for the purpose of considering the application for an exemption from the City of North Bay's Noise Control By-law No. 1976-142.

August 3, 4, 5, 2012

★ Capacity - 2000

★ Entertainment - Friday, Sat., Sun - Dj With Mc

★ Hours - Friday Aug. 3/12 9pm-2am

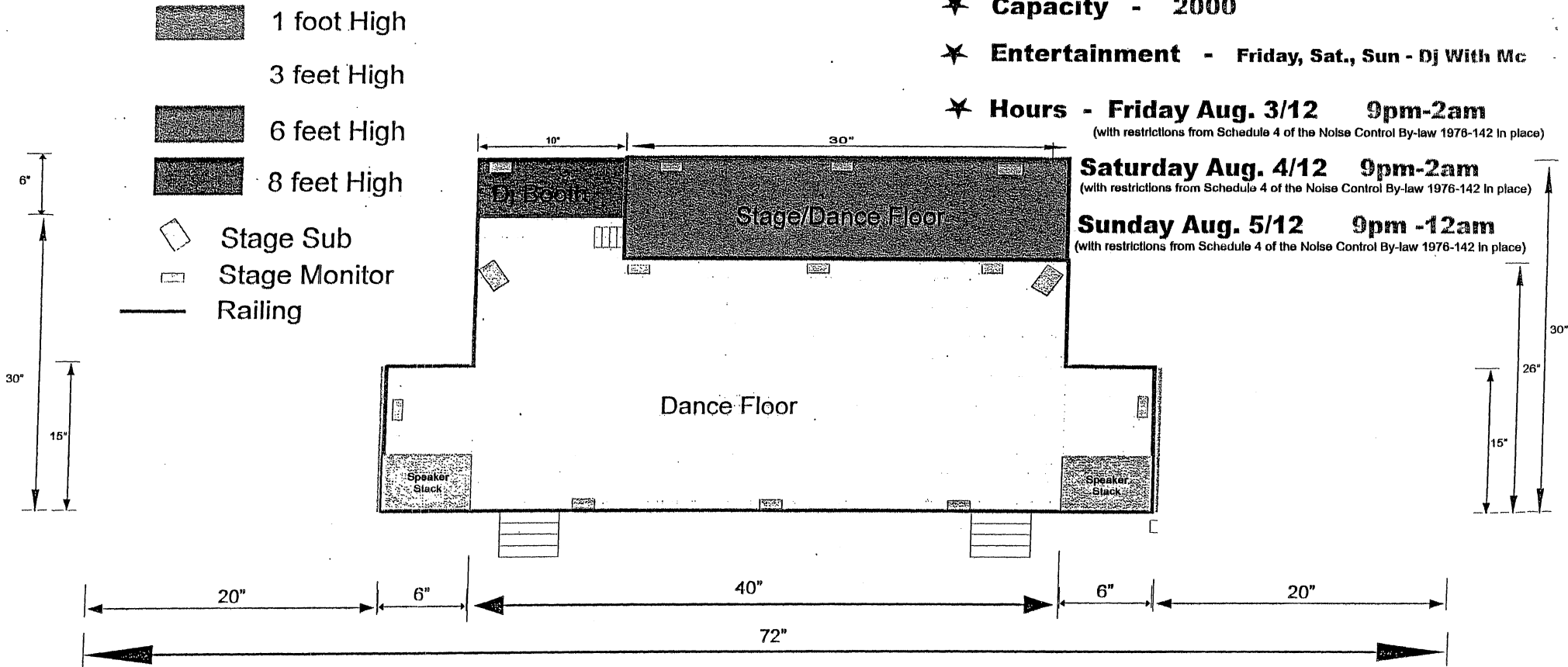
(with restrictions from Schedule 4 of the Noise Control By-law 1976-142 In place)

Saturday Aug. 4/12 9pm-2am

(with restrictions from Schedule 4 of the Noise Control By-law 1976-142 In place)

Sunday Aug. 5/12 9pm -12am

(with restrictions from Schedule 4 of the Noise Control By-law 1976-142 In place)



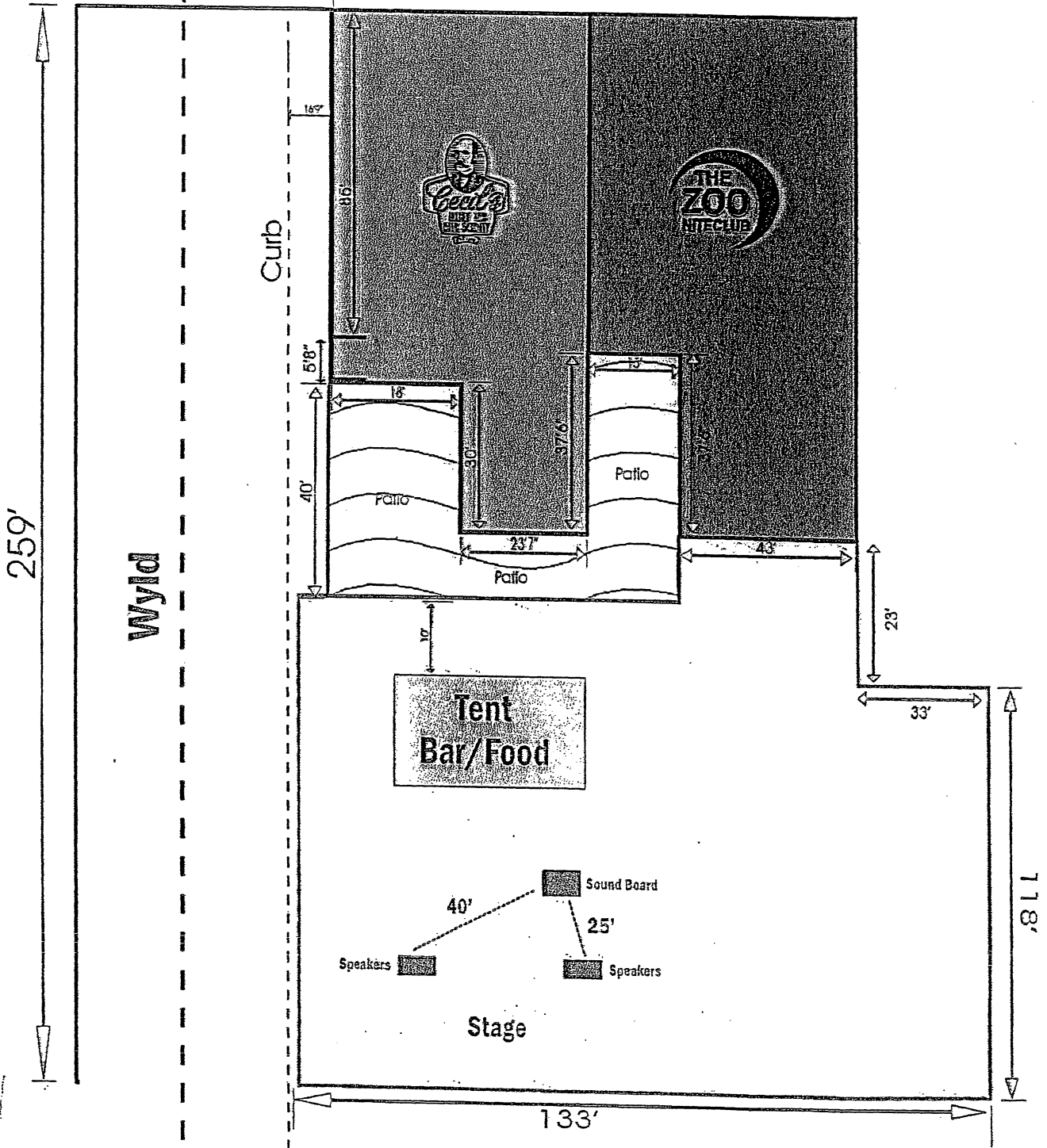
Equipment

Lighting - 24 Par 64
 - 8 Intelligent Lighting
 - 4- 750 watt strobe lights
 - Capability to use custom gobos

Sound - 1 cordless Mic
 - 6 double 18 cabs (4 for front of house and 2 for dancefloor.)
 - 6 double 15 cabs for mid and high. (4 for front of house and 2 for dancefloor)
 - 12 monitors for dancefloors and dj booth.

Other - Railing around dance floor
 - 200' of Crowd/divider fencing
 - 2 massive foggers
 - 2 foam machines

Main



McIntyre

**City of North Bay
Report to Council**

Report No.: EESW 2012-041

Date: June 11, 2012

Originator: Alan Korell, Managing Director, Engineering, Environmental Services & Works

Subject: Cost Share Agreement for Residents on Carmichael Drive

File No: D20 -

RECOMMENDATION

That the City Clerk and Mayor sign the attached agreement between the Corporation of the City of North Bay and Kulwinderpal Sidhu, Rajwant Sidhu, William Gordon Kirton, Babara Anne Kirton & Karl Thomas Kilpper.

BACKGROUND/ANALYSIS

The City of North Bay installed a watermain on Carmichael Drive in front of the properties of the owners mentioned above. The watermain was paid for by those owners. There is a possibility that other persons who own property adjacent to the watermain may want to connect in the future. The attached agreement spells out the terms of how those owners which paid for the installation would be compensated should that happen.

ANALYSIS/OPTIONS

Option 1: Sign the agreement with owners. This option is recommended.

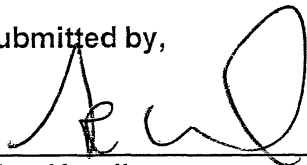
Option 2: Not sign the agreement. This option is not recommended as it would not be fair to the persons that paid up front for the work to be done.

RECOMMENDED OPTION

That the City Clerk and Mayor sign the attached agreement between the Corporation of the City of North Bay and Kulwinderpal Sidhu, Rajwant Sidhu, William Gordon Kirton, Babara Anne Kirton & Karl Thomas Kilpper. Option 1 is recommended.

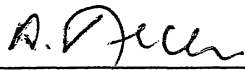
Watermain Cost Share Agreement for Residents on Carmichael Drive

Submitted by,



Alan Korell
Managing Director Eng. & Env. Services & Works

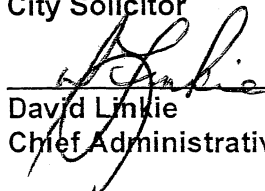
We concur in this report and recommendation.



Peter Leckie
City Solicitor



for Margaret Karpenko
Chief Financial Officer



David Linkie
Chief Administrative Officer

Personnel designated for continuance: Cathy Conrad, City Clerk

Attachments: (1) Servicing Agreement

Copy for: Peter Leckie, City Solicitor
Margaret Karpenko, Chief Financial Officer

w/engin/eak142 – Watermain Cost Share Agreement for Residents on Carmichael Drive

THIS AGREEMENT MADE THIS 9TH DAY OF JUNE, 2011

BETWEEN:

THE CORPORATION OF THE CITY OF NORTH BAY
(Hereinafter referred to as "North Bay")

- and -

KULWINDERPAL SIDHU, RAJWANT SIDHU
WILLIAM GORDON KIRTON, BARBARA ANNE KIRTON &
KARL THOMAS KILPPER
(Hereinafter referred to as "SKK")

WHEREAS SKK contributed SIXTY-SIX THOUSAND SIX HUNDRED & SIXTY-NINE DOLLARS (\$66,669.00) for the construction of a 10" (250 millimeter) water main along Carmichael Drive from approximately the North tunnel of the Sage Complex to Ayre Street shown as the dotted line on the attached Schedule "A";

AND WHEREAS SKK paid the City the sum of SIXTY-SIX THOUSAND SIX HUNDRED & SIXTY NINE DOLLARS (\$66,669.00) as set out on Schedule "B";

AND WHEREAS the City is prepared to ensure the equitable distribution of the capital costs of the water main (which cost a total of ONE HUNDRED & FORTY THOUSAND DOLLARS (\$140,000.00)) amongst the other three properties owners who could benefit therefrom, as set out on Schedule "C" hereto;

AND WHEREAS Kulwinderpal Sidhu and Rajwant Sidhu owns Parts 1 & 2 on Plan 36R-3185, Karl Thomas Kilpper owns Parcel 6831 Widdifield and Ferris, and Barbara Anne Kirton and William Gordon Kirton own *Part 1, Plan 36R-2851*;

AND WHEREAS the City has the authority to pass a By-Law to impose charges for the capital cost of construction, where such charges shall be payable upon connection to the water main.

NOW THEREFORE in consideration of the recitals and mutual covenants herein, the City and SKK hereby agrees as follows:

1. The City agrees to pass a By-Law to impose a capital cost charge for the construction of the 10" water main on Carmichael Drive abutting the SKK lands to require the payment set out on Schedule "C" hereto for the first connection and to require payment as set out in Schedule "D" hereto for the second connection. In the event of any future connections to this part within Forty (40) years, the City agrees to recalculate the fair and equitable capital contribution based on the attached Schedules.
2. In this Agreement, "connection" means the construction of a lateral to convey water to a private property line or building from the 10 inch water main on Carmichael Drive, as should on Schedule "A" hereto.
3. If another property owner connects to this water main, such property owner shall pay \$14,881.47 for a ¾" connection. If another or any subsequent connection is to be made, then the subsequent connecting property owner shall pay \$12,165.88 to the City. If the said watermain is extended on the east limit of Carmichael Drive, such extension shall be treated as a single connection for the purpose of providing a contribution to SKK.
4. The funds received by the City from a first or subsequent connection shall be repaid by the City to SKK until the original investment by SKK is paid in full.
5. The amounts set out herein shall be adjusted based on the increase in the Consumer Price Index from the date the by-law is passed until the sum is paid.

6. The By-Law shall be calculated based on the capital and interest costs incurred in the capital contribution as calculated by the Chief Financial Officer of the City at the time that the works were completed as of October 31st, 2010 until such time within the next twenty (20) years from the date of this Agreement as those future connections may arise.

7. The parties acknowledge that the form of the By-Law shall be as set out on Schedule "E" hereto.

8. SKK acknowledge and agree that in the event there are no connections to the said water main within a period of twenty (20) years from date of this Agreement, this Agreement shall be null and void and there shall be no further claim or demand upon the City therefore. Further, that in the event there is no connection, the City shall not be responsible for any of the capital costs incurred by SKK for the construction of the 10 inch water main on Carmichael Drive as shown on Schedule "A" hereto.

9. This Agreement shall be binding upon the parties hereto, their successors and assigns.

**IN WITNESS WHEREOF THE PARTIES HERETO HAVE HEREUNTO
CAUSED TO BE AFFIXED THEIR CORPORATE SEALS IN EXECUTION
HEREOF DULY ATTESTED BY THE HANDS OF THEIR PROPER OFFICERS
AND AUTHORIZED IN THAT BEHALF.**

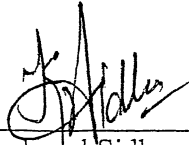
**THE CORPORATION OF THE CITY
OF NORTH BAY**

Mayor, Allan McDonald

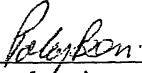
Catherine Conrad, City Clerk



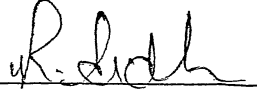
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Kulwinderpal Sidhu



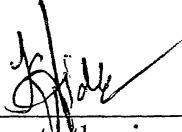
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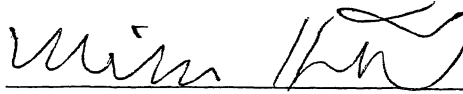
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Rajwant Sidhu



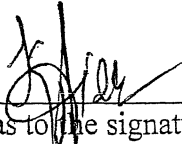
Rajwant Sidhu



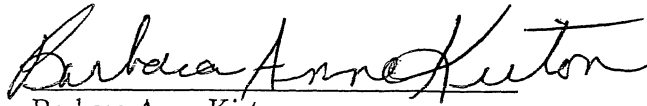
Witness as to the signature of
William Gordon Kirton



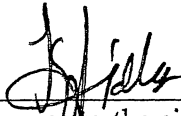
William Gordon Kirton



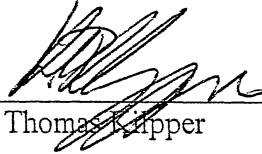
Witness as to the signature of
Barbara Anne Kirton



Barbara Anne Kirton

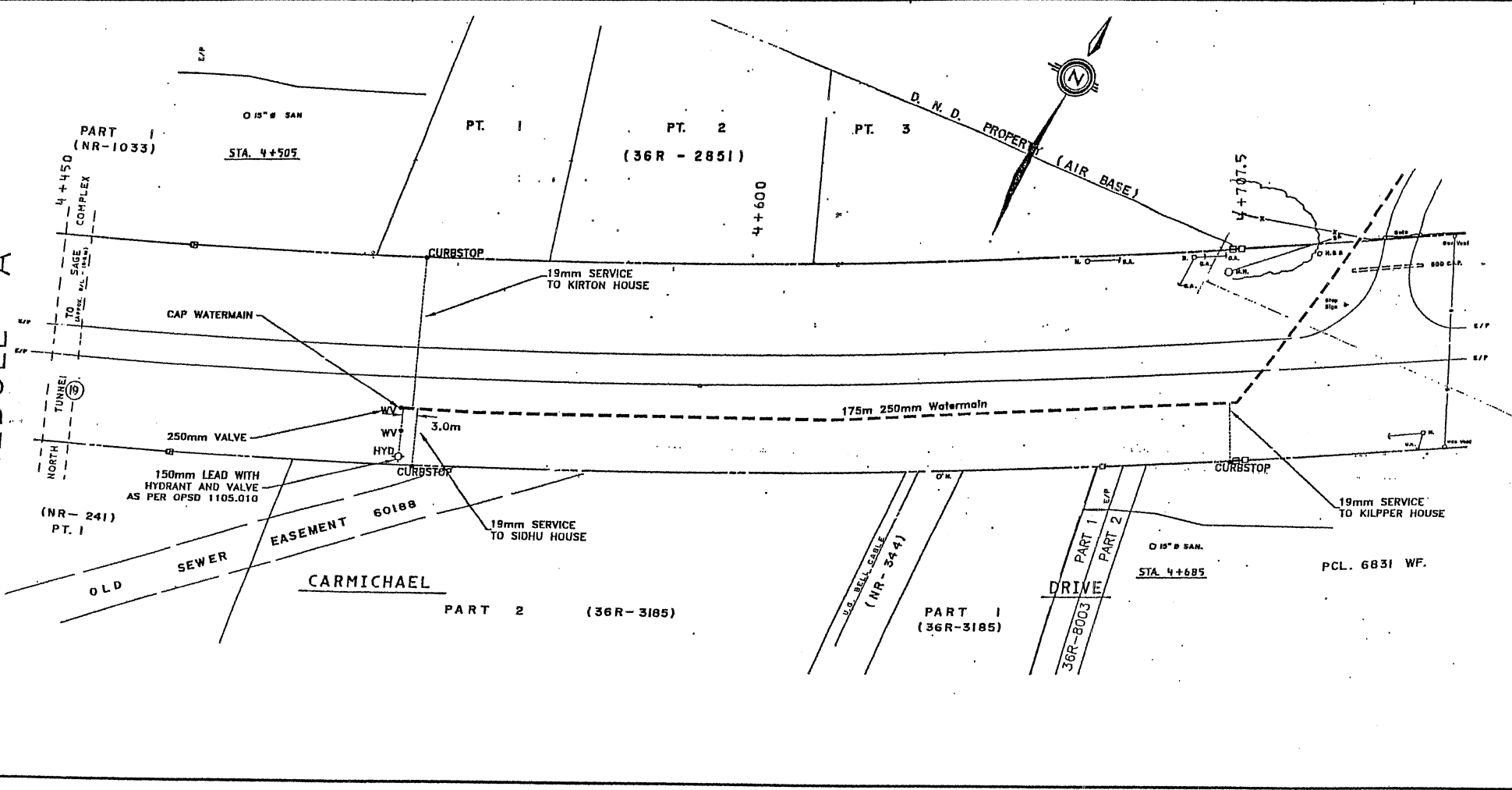


Witness as to the signature of
Karl Thomas Kilpper



Karl Thomas Kilpper

SCHEDULE "A"



Capital Payback to construct the 175m length of 250mm watermain from Ayr street south along Carmichael
Cost of Work: \$66,669

Resident	Service	Paid Last	Last Cost Share	New Share to be Paid	New Cost Share %	Credits / (Payments)
1 Kirton:	3/4"	\$19,141.00	28.71%	\$ 14,881.4732	22.32%	\$ 4,259.53
1.24 Sidhu:	2"	\$23,764.00	35.64%	\$ 18,453.0268	27.68%	\$ 5,310.97
1.24 Kilpper:	2"	\$23,764.00	35.64%	\$ 18,453.0268	27.68%	\$ 5,310.97
1 new 3/4" service	3/4"	\$.00	0%	\$ 14,881.4732	22.32%	\$ (14,881.47)
Totals		\$ 66,669.00	100.00%	\$ 66,669.00	100.00%	\$ -

4.48 Units of Service

SCHEDULE B

Capital Payback to construct the 175m length of 250mm watermain from Ayr street south along Carmichael
 Cost of Work: \$66,669

Resident	Service	Paid	Total Cost Share
1 Kirton:	3/4"	\$19,141	28.71%
1.24 Sidhu:	2"	\$23,764	35.64%
1.24 Kilpper:	2"	\$23,764	35.64%
Totals			100.00%

3.48 Units of Service

SCHEDULE C

Capital Payback to construct the 175m length of 250mm watermain from Ayr street south along Carmichael

Cost of Work: \$66,669

Resident	Service	Paid Last	Last Cost Share	New Share to be Paid	New Cost Share %	Credits / (Payments)
1 Kirton:	3/4"	\$ 14,881.47	22.32%	\$ 12,165.88	18%	\$ 2,715.60
1.24 Sidhu:	2"	\$ 18,453.03	27.68%	\$ 15,085.69	23%	\$ 3,367.34
1.24 Kilpper:	2"	\$ 18,453.03	27.68%	\$ 15,085.69	23%	\$ 3,367.34
1 1st new 3/4" service		\$ 14,881.47	22.32%	\$ 12,165.88	18%	\$ 2,715.60
1 2nd new 3/4" service		\$0		\$ 12,165.88	18%	\$ (12,165.88)
Totals		\$ 66,669.00	100.00%	\$ 66,669.00	100.00%	\$ -

5.48 Units of Service

SCHEDULE D

City of North Bay**Report to Council**

Report No: CSBU 2012-51

Date: June 12 2012

Originator: Sharon Kitlar, Manager Recreation and Leisure Services

Subject: Multi-Use Recreation Facility Study Update

RECOMMENDATION

That this report regarding the Multi-Use Recreation Facility Study be received by Council and referred to Committee for further discussion and a presentation by Monteith Brown Planning Consultants be given at a future date.

BACKGROUND

In 2007, North Bay Partners in Hockey, through representative, Mike Finner, approached the City requesting that the City undertake a feasibility study to determine the need for an additional ice surface. In 2010 Khouri Long held community meetings with respect to the need for additional recreational facilities in North Bay and then approached the City regarding the information gathered at these meetings. The group requested that a recreational facility feasibility study be undertaken by the City.

In 2011 the funding to support a feasibility study addressing the community needs pertaining to ice surfaces and other recreational facilities was approved.

On January, 23 2012 Council approved the award of the Multi-Use Recreation Facility (MURF) Study to Monteith Brown Planning Consultants Ltd. The total cost of the study is \$111, 877.50. The study will assess the need and feasibility of the City to renovate, replace or construct arena facilities as well as the need and feasibility to construct an indoor multi-use recreational facility.

Work-Plan and Critical Path

The study process began in February with the final report being submitted in the fall (September/October) 2012. A copy of the proposed work plan and critical path is attached.

Tasks Completed to Date

Since the award of the contract the following activities have taken place with respect to the study process:

1. The formation of the MURF Advisory Committee (MURFAC) consisting of community members and City staff. This Committee has been working with the consultant throughout the study process to provide input, background and advice. Committee members are:

Mike Finner, North Bay Partners in Hockey

Khouri Long, North Bay Community Representative
Heather Chambers, Sport North Bay
Linda Turcotte, Canadore College, Nipissing University
Ian Kilgour, Director Parks, Recreation and Leisure Services
Sharon Kitlar Manager Recreation and Leisure Services
Cathy Seguin, Manager Arenas and Facilities
Dave Euler, Manager Engineering

2. February 9th First meeting with the Consultant Team and MURFAC to confirm the work plan and timelines for the study process. This included public consultation, community awareness, the household survey, stakeholder consultation, public open house and a list of required background information and reports to be provided to the Consultants by staff and other committee members. (See meeting summary attached)
3. Feb/March/April Community Awareness Items – MURF website on City of North Bay site, posters, media announcements and ads, social media postings and news bulletins on City website, email blasts to municipal and community representatives and contacts.
4. March 21 Community Workshop with Ice Users
5. March 22 Community Workshop with potential recreational facility users
6. March/April Household Survey – The survey is meant to represent the opinions of all taxpayers, not just the primary user groups. A statistically significant, random sample was completed in North Bay.
7. April 18 2nd meeting with MURFAC – To review the information gathered to date, The objectives and the next phase of work (See meeting summary attached)
8. April 18 Public Open House – City Hall Lobby- to solicit input from potential stakeholders and user groups not represented in interviews, as well as interested members of the public.

Next Steps

Since the last activity (Public Open House) the Consultant Team have been reviewing information received to date to begin drafting the first deliverable which is the Situation Analysis Report. Based on background document review, demographic and trends analysis, inventory review and stakeholder and public input, a list of preliminary issues, suggestions and priorities for consideration will be summarized.

This information will be presented to the MURFAC Committee and City Council to initiate discussion regarding the various facility options and receive feedback. High level discussion of pros and cons of each option will allow for a smaller number of options to be short-listed for more detailed examination. It is anticipated that this presentation meeting will occur in July at a scheduled Council Committee meeting.

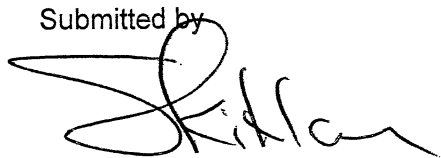
ANALYSIS / OPTIONS

1. That this report regarding the Multi-Use Recreation Facility Study be received by Council and referred to Committee for further discussion and a presentation by Monteith Brown Planning Consultants be given at a future date.
2. That Council does not receive this report.

RECOMMENDED OPTION / FINANCIAL IMPLICATIONS

1. That this report regarding the Multi-Use Recreation Facility Study be received by Council and referred to Committee for further discussion and a presentation by Monteith Brown Planning Consultants be given at a future date.

Submitted by



Sharon Kitlar
Manager Recreation and Leisure Service

I concur in this report and recommendation.



Ian Kilgour
Director Parks, Recreation and Leisure Services



Jerry Knox
Managing Director Community Services



Dave Linkie
Chief Administrative Officer

Person designated for continuance: Manager Recreation and Leisure Services

Attachments: Proposed Work Plan and Critical Path
February 9 2012, meeting summary
April 18th, meeting summary



SECTION 3 Proposed Work Plan

All tasks anticipated to be undertaken as part of this Feasibility Study are described in detail below. Our work plan is flexible and we are open to discussing its elements with the City. Please refer to the critical path (Section 4) for the proposed timing of these tasks.

3.1 MURFAC Meeting #1 and Site Visits

Upon notification of awarding of the contract, a meeting will be held with the Multi-use Recreation Facility Advisory Committee (MURFAC) to finalize the Work Plan and review the Study objectives. Key meeting dates will be scheduled and refinements to the proposed work program will be discussed. To facilitate a quick start to the Project, it is expected that the City will provide the Consulting Team with all relevant background information at or prior to this meeting. It will also be important to discuss significant public demands and issues that have been identified by the Committee as these will play an important role in the Study's consultation program, analysis, and recommendations. Following the meeting, the City's three arena sites will be visited to assist in documenting challenges and opportunities.

3.2 Communications Plan & Awareness Program

The success of this project requires that the entire community be involved in identifying issues and/or providing feedback on the proposed options. To guide the Study, the Consulting Team will develop a communications plan that identifies the "who, what, when, where and how" of the consultation program. Consultation efforts will be concentrated near the beginning and end stages of the project.

Further, in order to ensure proper communication with stakeholders and the general public, we will work with the MURFAC to disseminate information throughout the planning process by way of:

- posters advertising the public meetings and other opportunities to participate; and

- suggested wording of Internet postings and online feedback forms (we will also provide copies of draft and final documents in PDF format to allow for posting and downloading from the City's web-site); we understand that the City will be responsible for hosting and maintaining the web portal.

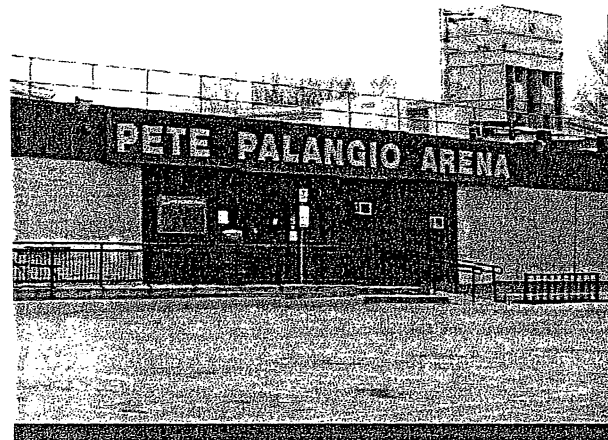
3.3 Background Document Review

All relevant background reports, documents and other material will be reviewed by the Consulting Team, including the Building Condition Assessments, Official Plan, Development Charges Study, facility schedules, registration data, etc. All relevant information resulting from the review will be documented for use throughout the study.

3.4 Demographic Analysis

Early in the process, we will develop a community profile that identifies demographic characteristics that may influence the current and future demand for indoor recreational facilities in North Bay and area. We expect that 2011 Census data will begin to be released during the timeframe of this study, providing us with reasonably current data.

There are also several sources from which data can be extrapolated to identify a reasonable projection of future population growth in the City. The Ministry of Finance has age cohort projects for Nipissing District to the year 2036; these should provide high level estimates that can be applied to North Bay. The City's own Population, Housing and Employment Forecast Update (2006-2031) will be referenced, as well as other key sources, such as District of Nipissing Social Services Administration Board.



3.5 Trends Analysis

Specific economic, social and attitudinal issues, trends and best practices relating to recreational participation and facilities will be explored through secondary research methods. In addition to identifying these trends, an assessment of broader internal and external factors affecting the City's ability to respond to existing and future community-specific leisure needs will be undertaken. Assistance from the City and stakeholders will be required to identify local registration figures and capture rates (going back at least 5 years). Our extensive and up-to-date trends research with other municipalities allows us to 'hit the ground running' with this task and to compare the City with similar benchmarked communities.

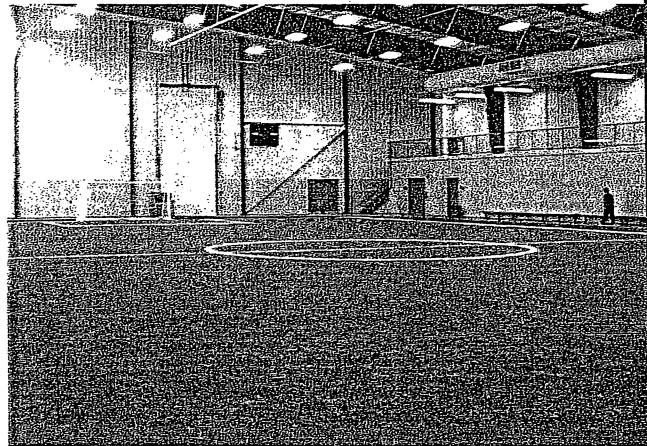
3.6 Review of City and Regional Facilities

Surrounding communities (e.g., Callander, Bonfield, Corbeil, Powassan, Sturgeon Falls, Trout Creek, Mattawa, etc.) will be contacted to gather data on the usage of their arena facilities by North Bay residents and organizations. This will assist in creating an understanding of the degree of latent demand within the City (which causes residents to seek ice time further elsewhere). These communities will also be asked about their future plans for arena renewal or policy changes that could impact the supply of ice time within the region. Conversely, a review of North Bay arena schedules will help to determine the extent to which the City's facilities serve outside residents. This ice time review will also provide guidance to the needs assessment task later on in the work plan.

Arena and multi-use recreation facility renewal and construction projects in other comparable communities will also be studied to learn from their experiences; e.g., what was built; at what cost; what were the key design considerations; what were the sport tourism gains; have usage projections materialized; what has been the community benefit; what would they do differently; etc. The MURFAC will be asked to assist in identifying potential candidates for review, which will be undertaken by the Consulting Team via telephone and email correspondence. Having worked in several dozen municipalities throughout Ontario, our Team is well positioned to undertake this task.

3.7 Household Survey

As an optional project task and separately costed item to the proposal, we strongly suggest that a municipal-wide household telephone survey be undertaken for this project. The benefits of a telephone survey are many – most importantly, it would be statistically significant (the sample is randomly drawn) and the number of responses can be guaranteed, unlike with an online survey. The result is a reliable dataset that identifies participation rates and priorities from a representative cross-section of North Bay residents. We strongly believe that this level of quantitative input is vital to a study of this nature as the survey represents the opinions of all taxpayers, not just the primary user groups. When making tough financial decisions, City Council will be interested in knowing what the true community needs are and a random sample survey is the best way to uncover this information.



This survey will help to identify priorities not only for arena requirements, but also for multi-use recreational facility components (particularly those activities for which there may be few identifiable stakeholders, such as an indoor walking track). Questions relating to participation, facility priorities, willingness to pay, willingness to travel, etc. can all be posed. Furthermore, our survey database allows for comparisons to other communities across Ontario, which will help to place the results in context.

In order to obtain a statistically accurate response ($\pm 5\%$, 19 times out of 20), approximately 384 completed surveys from North Bay households are required. Each survey would take up to 10 minutes

to complete, with a maximum of three open-ended questions. The survey would be conducted by our staff (we complete about five such survey projects each year) and would be undertaken in English only (should French language surveying be required, we can discuss options with the Committee prior to survey design). The results would be tabulated and reported on in the Feasibility Study, with meaningful cross-tabulations identified.

3.8 Stakeholder and Staff Interviews

To solicit information and provide opportunity for candid discussion on major topics from a wide variety of internal and external stakeholders, we will conduct a combination of one-on-one and small group interviews. From the pre-bidders meeting, we understand that the MURFAC members (consisting of City staff and community stakeholders) are to be the core group of interviewees. The interviews will follow a semi-structured list of questions relating to:

- current utilization levels and trends;
- anticipated future outlook and factors affecting participation;
- limitations of existing facilities;
- future design considerations;
- willingness to pay for renovated, redeveloped or new facilities (and their preferred method of financing);
- partnership potential;
- broader community usages and sport tourism;
- willingness to travel to other communities, etc.

It may also be beneficial to allow for a one hour per session to be an open public forum; this would provide an opportunity for residents that are not affiliated with any stakeholder groups to provide comment. Logistics of the interviews and sessions can be determined at the initial meeting with the MURFAC.

3.9 Public Meeting #1

On the day following the stakeholder and staff interviews, we will facilitate an open public meeting to solicit input from potential stakeholders or user groups that were not represented in the interviews, as well as interested members of the public. This meeting will identify emerging issues related to arena and indoor multi-use recreational needs, preferences, perceived gaps in service, etc. Our staff are excellent facilitators and are extremely adept at both drawing out the participants true issues and priorities and at assisting groups in moving from divergent viewpoints to a shared position of common ground.

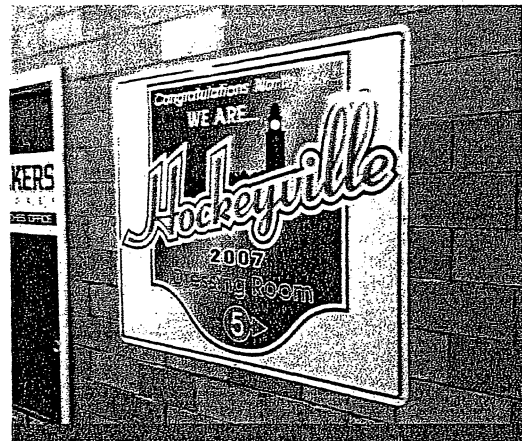
The purpose of the meeting is not to validate the views of municipal staff or the Consultants, rather it is to understand the importance that the public places on certain issues. Experience has shown that this process, besides providing valuable data and information, also increases the commitment of participants to the action plans and final outcome of the study.



The City will be responsible for arranging a suitable meeting space and for advertising the session. Our Team will prepare discussion questions, lead the discussions, and provide appropriate documentation. With direction from MURFAC, we can structure this meeting as more of a public open house, as opposed to a more formal public meeting. The open house format is a more informal setting that allows people to come and go as they please, engaging the consultants in conversation on the topic of their choosing; display boards would be prepared help to inform the discussion.

3.10 Establish Guiding Principles / Core Objectives

To provide guidance to the next stage of work – namely the needs assessment and strategy development – we will draft a set of objectives. These objectives will be core directional statements intended to align the outcome of this process with the priorities of the community, stakeholders, and Council. Sample topics may include cost effectiveness (multi-pad sites), community-responsiveness, accessibility, partnerships, retrofit over construction, etc. This is a necessary step as there is the chance that there could be many competing interests in this project, such as the priority given to meeting community needs versus sport tourism. The development of the objectives will be an iterative process as they will be subject to review as we undertake the remainder of the work program.



3.11 Situation Analysis Report

To finalize the information collected in this phase of the project, a Situation Analysis Report will be drafted. Based on the background document review, demographic and trends analysis, inventory review, and stakeholder and public input, this task will also allow the Consulting Team to compile a preliminary list of issues, suggestions, and priorities for consideration at the next stage. This report will serve as the foundation for the needs assessment and, ultimately, the complete Feasibility Study. Nine (9) copies of this report will be provided to the City, as well as a digital copy (which may be posted on the City's website).

3.12 MURFAC Meeting #2

The Consulting Team will meet with the MURFAC to review the Situation Analysis Report, the objectives, and the next phase of work.

3.13 Sport Tourism Review

We understand that the City does not currently have a sport tourism strategy or policy. Therefore, for this task we will employ formal approaches adopted in other jurisdictions to develop guiding principles that will underpin our sport tourism and hosting investigations. We will also interact with the MURFAC, key stakeholders, community leaders and staff to determine the local capacity and capabilities of North Bay to host regional, provincial or national level events.

Our investigations will review the City's current inventory of indoor sport facilities to determine their physical attributes and limitations. These investigations will not only look at the technical attributes of the "base buildings" (i.e. the sizes of the floors, ceiling heights, removable dasher boards, etc) but also at the overall site to determine opportunities to install temporary facilities (often referred to as overlay) for major events – such as temporary seating, portable concessions, moveable media centers or other requirements. We will also investigate the community's assets such as hotels and other accommodation options, major gathering places (banquet halls), restaurants, attractions, etc. that are valuable resources when bidding to host events. Finally we will work with staff to determine the local volunteer capacity, which is an essential requirement to accommodate major events and tournaments.



This task will identify; (1) the facility gaps that must be filled in order to effectively host a variety of different sports or entertainment events; (2) voids in community infrastructure that could be impediments to winning bids for sport hosting opportunities; and (3) capacity gaps that should be filled to effectively position North Bay as a qualified host of future sport, cultural or entertainment events. We will rely on staff and the Committee to guide and focus our investigations as to the types of events (four-season use) that are most desirable and best suited for North Bay. At this point we anticipate the majority of our efforts will be directed toward sport tournaments and events that can be accommodated in community centres or arena venues – however, this could be expanded to other categories of events in accordance with staff direction.

3.14 Assessment of Arena & Multi-use Facility Needs

A critical task to the ones that follow, our approach to facility needs assessments is worth noting. Our Team does not believe in applying per capita provision standards (e.g., one arena for every "x" residents) in order to identify facility needs because this approach is near-sighted – it does not take into account local demand factors, participation rates, age composition, or other factors that may be unique to North Bay. Instead, we have pioneered the use of market-driven provision rates (e.g., one ice pad for every "x" youth participants) that are tied more closely to actual participation and that are built flexibly to accurately identify needs in changing communities. This approach is modelled off of ice allocation practices and is able to adjust for various ratios of house league v. competitive play and youth v. adult demands. It is linked to local factors and is seldom identical from community to community – we recognize that North Bay is not Sudbury, or Barrie, or Toronto and this needs to be accounted for. Time

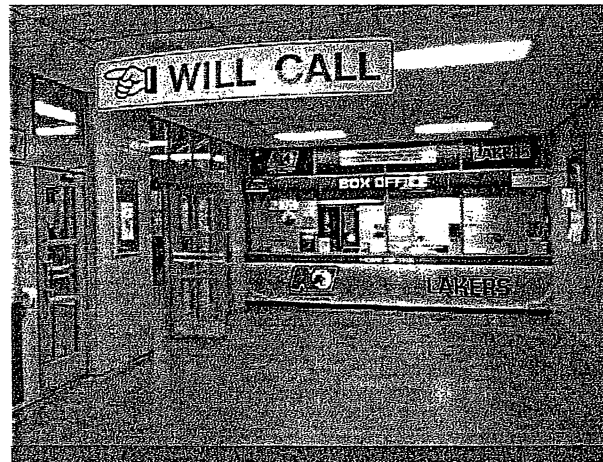
and again, the use of market-driven targets has been proven to be the most accurate system for identifying the true needs of each community.

Through an analysis of arena schedules, registration figures and trends, usage (and availability) outside of the City, and latent demand as identified by stakeholders, we will create a market-driven provision target that is appropriate for identifying current arena needs in North Bay. This target will be applied to the age cohort forecasts to identify future arena needs as far out as 2036. This exercise will identify the total number of ice rinks required in the City, with consideration also being given to their distribution and accessibility in the City. Other subsequent tasks, including the facility reviews, structural analysis, sport tourism review, and option development will identify the preferred options for meeting this need in the short and long-term. As part of this analysis, the impact of improved and/or new arenas on recreation facilities in surrounding communities will also be assessed.

The needs assessment will also give specific consideration to the provision of a new multi-use recreational space (e.g., indoor soccer/turf, multi purpose rooms, meeting rooms, storage space, lecture space, etc.), as directed by the previous inputs. The intent is for these facilities to be complementary to the main use of one or more arena facilities (including in the off-season) and, ideally, to be delivered in partnership with other interests in the community. The approach for evaluating demand for indoor soccer/sports facilities is similar to that of arenas (e.g., they are a factor of participation and demographics, with considerations to identified stakeholder demand and partnerships); however, requirements for other ancillary spaces (e.g., meeting rooms) will be more heavily influenced by public and stakeholder input.

3.15 Structural Reviews

In order to inform the development of options and capital cost analysis, our Team will perform an initial structural (non-invasive) analysis of any buildings or infrastructure where potential renovation is being recommended. This task will be led by **Anrep Krieg Desilets Gravelle Ltd.** of North Bay, a multi-disciplinary firm providing structural, mechanical, electrical and civil engineering services.



3.16 Identify Facility Provision Options

Based on the guiding principles, needs assessment, and known condition of the existing facilities and sites, our Team will propose a range of options for the renovation, replacement, or construction of arenas and/or multi-use recreational components. Only options that are reasonably achievable will be identified, with greater detail of analysis being generated in subsequent tasks. Advantages and disadvantages to each option will be identified and will serve as a point of future discussion at the next round of committee and public meetings.

3.17 Concept Plan Development

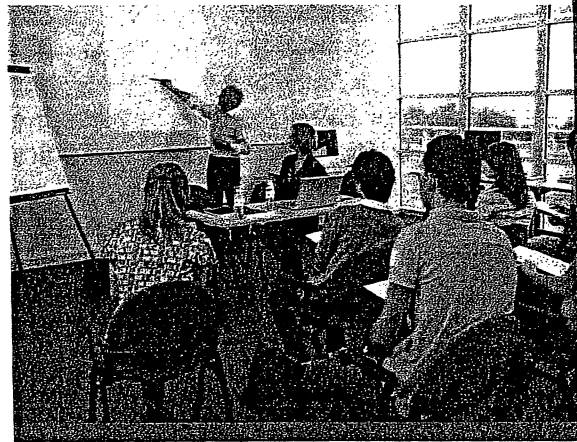
Using bubble or fit diagrams overlaid over aerial photography and property lines, our Team will illustrate how each proposed option could fit within its site. This may include multiple options for configurations associated with expansion, redevelopment, or new construction. City staff will be consulted to better understand the potential effect of proposed renovations on the programming and operational activities of existing facilities. The development of concept plans focuses on fit only and does not include any 3d modelling, soil testing, stormwater management studies, or similar analysis.

3.18 Present Options to MURFAC & Council

In June 2012, our Team will meet with the MURFAC and City Council (on same or subsequent days) to present the various facility options and to receive feedback. High level discussion of pros and cons of each option will be had in order to allow for a smaller number of options to be short-listed for more detailed examination.

3.19 Public Meeting #2

Our experience has shown that public consultation near the end of the planning process is essential to gaining community support. Therefore, we propose to conduct a public meeting (on the day following the presentations to the MURFAC and Council) to present the preliminary findings of the Study (including the proposed options) and to provide an opportunity for residents to express their opinions and ideas.



The meeting will provide a good "reality check" to ensure that the options are reflective of community needs and that the priorities established by the MURFAC and the Consulting Team are acceptable. We will prepare a PowerPoint presentation highlighting key findings and directions, which will be followed by a question and answer period. The City will be responsible for arranging a suitable meeting space and advertising the meeting.

3.20 Partnership & Funding Assessment

The Consulting Team will provide an assessment of the potential for partnerships with the sports clubs, community-based groups or the private sector for the development and/or operation of the new MURF facility and/or arena facilities. Although much of the information required for this task will have already been collected through prior contact with various stakeholders, it is expected that additional dialogue may be required. This task will focus on the viability of various partnership opportunities that have reasonable long-term prospects for success and that are in keeping with the municipality's expectations for a relationship with outside interests. We will examine opportunities for capital funding partnerships, sponsorships, tenant lease-hold payment relationships and naming right opportunities as well as other

creative methods to assist in covering the cost of construction. We will also explore the potential of operating partnerships that are consistent with the municipality's view for the future of the facility.

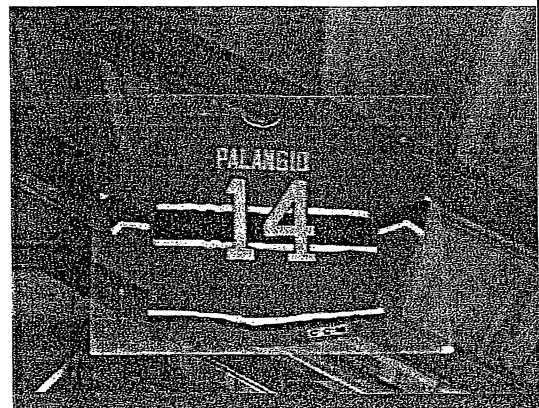
To guide this review, we will concentrate on examples of relationships that have been successfully employed in other communities. In examining all types of relationships we will be careful to determine the level of municipal risk and related benefits associated with each potential partnership opportunity. All partnership, capital funding and operating data will be incorporated into our report dealing with the capital and operating implications of the new facility. Our consulting team will work with staff to ensure that the opportunities are reflective of municipal values and consistent with the City's long-term vision for the facility.

3.21 User Fee Review

We will begin this review by analyzing North Bay's traditional user fee policies and pricing practices. We will also perform an analysis of the City's historic cost recovery performance for different types of municipal recreation facilities – i.e., arenas, community centres, etc. The City's fees will be compared to similar prices in other neighbouring jurisdictions as well as other municipalities of North Bay's size. We will be particularly interested in municipalities that have a combination of traditional single purpose facilities and large multi-purpose complexes to determine the degree to which tiered or a variable pricing exists. As possible, we will attend to compare pricing practices to cost recovery ratios to quantify the financial benefit of a more aggressive user fee strategy. The user fee review will also take into account the partnership and community group relationships that will be examined in the previous tasks. This may reveal opportunities for "revenue guarantees" to through these arrangements or other long-term agreements between the City and select group of users. Furthermore, then maybe opportunities to engage high use groups in creative forms of fund raising or other revenue producing concepts that provide more revenue certainty to the municipality while reducing the price paid by preferred users. This information will be combined to form a recommended user fee strategy for the new MURF and/or arena facilities.

3.22 Site Evaluation

If new construction is an option under consideration, a scoped site evaluation process will be undertaken utilizing sites short-listed by the City. The preferred location for the complex will be identified through the development and application of a series of mandatory and preferred site criteria (e.g., availability, servicing, size and configuration, partnership potential, adjacent land uses, proximity to residents, cost feasibility, etc.) that will be weighted and scored by our Team. Some assistance from the City will be required to identify key site information (e.g., ownership, servicing, etc.). Our Team's background as land use planners will be an important asset in undertaking this task.



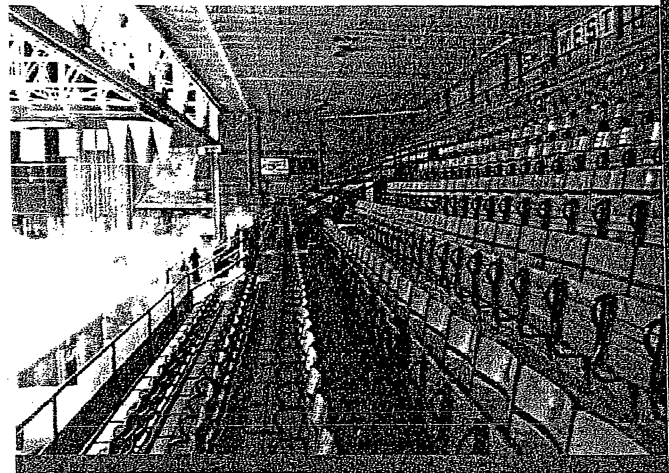
3.23 Capital Cost Estimates

Based on the findings of the needs assessment, a preliminary space programme for the various short listed infrastructure options will be prepared, allowing our Team to create order of magnitude capital cost estimates based on comparable and recent building projects in Ontario. The costs associated with LEED accreditation will also be identified for any new or substantially renovated/redeveloped infrastructure. In addition, the timing and phasing of the proposed options will be outlined, along with an implementation plan to allow the City to move forward with confidence. The implementation plan will also identify options for interim accommodation of uses, should this be required.

3.24 Operating Cost Estimates

We will begin this task by confirming the governance structure and management approach for the new facility which will be important determinants in the staff deployment strategy - including administration personnel, full and part time program staff, maintenance workers and other service staff. Based on the assumption that the arena and/or multi-use facility would be operated by the municipality, we will use the City's prevailing compensation rates to determine payroll costs – which will likely represent the most significant cost item borne by the facility. We will also use the City's traditional cost metrics performance for other major expense items such as utilities, supplies, administration and contractors. These performances will be checked against industry averages for other similar communities that operate facilities of the size and scope of the arena and/or multi-use facility. This information will be combined into an operating cost statement.

Our Team will then prepare operating and program strategies including the facility's market position, its inventory of programs and services, facility schedules, etc. Based upon the output of the previous task, we will recommend a user fee and price structure that reflects market conditions and is agreeable to the City, preferred users and other stakeholders. These fees will be applied to projected use profiles to produce anticipated revenue generated by user groups and individual users. We will also take into account revenue streams from other sources such as rentals, events, concessions, sponsorship, advertising, etc. This information will be combined to generate revenue projections for each area of business within the new facility. We will present all of this information in a standard business plan format including a consolidated five year pro forma for the proposed facility.



3.25 Draft Feasibility Study

A Draft Feasibility Study, containing all of the work completed to date, will be prepared and submitted to the MURFAC for review. The Consulting Team will provide nine (9) hard copies and a digital copy of

the report, to be posted on the City's website. This report will include the earlier Situation Analysis Report, as well as the needs assessment, options, and business plan components.

3.26 Present Draft Report to MURFAC & Council

We will schedule meetings with the MURFAC and Council (on same or subsequent days) to discuss the complete draft Feasibility Study in September 2012. A PowerPoint presentation will guide the audience through the Study and highlight the key findings and recommendations.

3.27 Finalize Feasibility Study

The Consulting Team will make any final adjustments to the Feasibility Study based upon feedback from the MURFAC and Council, and provide a digital copy and nine (9) hard copies of the final report to the City.

3.28 Present Final Report to MURFAC & Council

Meetings will be held with the MURFAC and Council (on same or subsequent days) to present the final Feasibility Study in October 2012.

CRITICAL PATH

City of North Bay
 Multi-use Recreational Facility Feasibility Study
 RFP 2011-102
 December 2011

- ↔ - Staff, Committee Consultation
- ↔ - Public Consultation
- - Analysis, Design, Report Writing
- - Deliverable



I V A N S B E R G R A N K I N G A N D A R C H I T E C T U R E

	2012																																												
	January					February				March				April					May				June					July					August				September					October			
	1	2	3	4	5	1	2	3	4	1	2	3	4	1	2	3	4	5	1	2	3	4	1	2	3	4	5	1	2	3	4	5	1	2	3	4	1	2	3	4	5	1	2	3	4
MURFAC Meeting #1 and Site Visits	↔																																												
Communications Plan & Awareness Program	↔																																												
Background Document Review	→																																												
Demographic Analysis	→																																												
Trends Analysis	→																																												
Review of City and Regional Facilities	→																																												
Household Survey (Optional Project Component)	→																																												
Stakeholder and Staff Interviews	↔																																												
Public Meeting #1	↔																																												
Establish Guiding Principles / Core Objectives	→																																												
Situation Analysis Report	→ ○																																												
MURFAC Meeting #2	↔																																												
Sport Tourism Review	→																																												
Assessment of Arena & Multi-use Facility Needs	→																																												
Structural Reviews	→																																												
Identify Facility Provision Options	→																																												
Concept Plan Development	→																																												
Present Options to MURFAC & Council	→																																												
Public Meeting #2	↔																																												
Partnership & Funding Assessment	→																																												
User Fee Review	→																																												
Site Evaluation	→																																												
Capital Cost Estimates	→																																												
Operating Cost Estimates	→																																												
Draft Feasibility Study	→ ○																																												
Present Draft Report to MURFAC & Council	↔																																												
Finalize Feasibility Study	→ ○																																												
Present Final Report to MURFAC & Council	↔																																												

City of North Bay – Multi-use Recreational Facility Feasibility Study

MURFAC Meeting #1

Thursday, February 9, 2012

ACTION ITEMS / DECISION POINTS

In attendance: City staff: Ian Kilgour, Sharon Kitlar, Cathy Seguin, David Euler

Community members: Mike Finner, Linda Turcotte, Heather Chambers, Khouri Long

Consultants: Steve Langlois (MBPC), Anand Desai (MBPC), Trent Collie (EBHW)

Topic	Description	Point Person	Deadline
1. Project Management	Steve Langlois (slanglois@mbpc.ca) is the project manager for the consulting team. Ian Kilgour (Ian.Kilgour@cityofnorthbay.ca) is the project manager for the City. Questions should be directed to the pertinent staff/community member, but Sharon Kitlar (Sharon.Kitlar@cityofnorthbay.ca) should be copied on all correspondence. Sharon will also be the point person for coordination of the public consultation items and MURFAC logistics.	Steve Langlois (consultants) Ian Kilgour / Sharon Kitlar (City)	n/a
2. Work Plan & Timing	The project work plan and timing was reviewed. Expected completion in late September 2012, so as to feed into the City's budget process. Most of the public consultation is to be scheduled in Spring, although some may occur in Summer if necessary. MBPC to update Communications Plan as necessary.	MBPC (update Communications Plan)	n/a
3. Public Consultation			
a) Poster & Awareness	MBPC to prepare poster and web narrative for City's use. City to advertise project, including providing notice of undertaking the household survey, via various means including social media, press release and/or as a Council agenda item. MURFAC members are encouraged to send an email blast to their contacts.	MBPC (poster, web narrative) City (advertisement) MURFAC (emails)	February 29, 2012 March 7, 2012
b) Household Survey	MBPC to draft survey and administer in March 2012. A draft will be sent to the MURFAC via email for comments and approval.	MBPC (draft survey) MURFAC (approval)	February 29, 2012 March 9, 2012

Topic	Description	Point Person	Deadline
c) Stakeholder Consultation	<p>Two evening workshops will be held on consecutive days (one with ice users and one with turf users), with interviews scheduled during the daytime in between (e.g., with representatives from YMCA, Armed Forces Base, Health Unit, School Boards and Post-Secondary institutions, etc.).</p> <p>MURFAC Committee members are encouraged to identify potential groups and City staff persons to be consulted and provide contact information to Sharon Kitlar. Sharon will coordinate they interviews and workshops with the assistance of Mike (arena users), Linda (education sector), and Khouri (sport tourism/ hospitality, turf users, etc.).</p> <p>MBPC to propose possible dates and coordinate with Sharon.</p> <p>MBPC will prepare consultation materials as necessary, including brief questionnaires that can be distributed to ice/turf users in advance of sessions.</p>	<p>MURFAC (identify contacts) Sharon Kitlar (logistics)</p> <p>MBPC (scheduling, materials, facilitation)</p>	<p>March 9, 2012</p> <p>tbd</p> <p>February 29, 2012</p>
d) Public Open House	<p>The first public event (open to general public, stakeholders) will be an open house format with display boards, comment sheets, and informal discussion opportunities. Sharon and MBPC to coordinate.</p>	<p>MBPC (scheduling, materials, facilitation) Sharon Kitlar (logistics)</p>	<p>Date tbd (likely April)</p>
4. Background Data	<p>The City provided the consultants with much of the previously requested background data. The following items remain outstanding and should be provided to the consultants as soon as possible:</p> <ul style="list-style-type: none"> • Ice registration figures over the past five years (Mike Finner) • City of North Bay Recreation Master Plan (2000) • Historic arena usage data (2001 & 2006) • Historic attendance data for Trappers and Lakers • Digital base mapping files • Operating budgets for arenas • Organizational chart for each arena plus pay scales for arena staff • Corporate Strategic Plan (if available) • DC Background • Listing of surrounding arenas, along with contact information • Updates on Sport Tourism Strategy (as available) • Policies or guidelines pertaining to partnerships (if available) • Floor Plans for each arena • Digital images for presentation materials (e.g., leisure activities) 	<p>Mike Finner (registration data) Cathy Seguin / Sharon Kitlar/ Ian Kilgour (various)</p> <p><i>Note: please notify MBPC if requested information is not available</i></p>	<p>February 29, 2012</p> <p>February 29, 2012</p>

Topic	Description	Point Person	Deadline
5. Next Meeting	Date tbd (tentative for April). MBPC to provide two weeks' notice for all proposed MURFAC meeting dates. Daytime meetings are acceptable to the Committee. MBPC to prepare agendas and action items; Sharon to distribute to MURFAC.	MBPC (scheduling, agendas, action items) Sharon (coordinate, distribute)	n/a

City of North Bay – Multi-use Recreational Facility Feasibility Study

MURFAC Meeting #2

Wednesday, April 18, 2012

ACTION ITEMS / DECISION POINTS

In attendance: City staff: Ian Kilgour, Sharon Kitlar, Cathy Seguin

Community members: Mike Finner, Linda Turcotte, Heather Chambers, Khouri Long

Consultants: Steve Langlois (MBPC), Anand Desai (MBPC), Ian Hill (EBHW)

Topic	Description	Point Person	Deadline
1. User Group Surveys	<p>The deadline for user group surveys was listed as April 18, however, a last call will be put out to get as many completed surveys as possible before the end of the month. The following groups were to be contacted:</p> <ul style="list-style-type: none"> • Heather – NDA, Legion Track & Field, Ladies Volleyball, Larry Tougas • Cathy – Lakers, Trappers • Mike – Girls Hockey • Khouri – Harriet Madigan (note: MBPC has her contact info and will speak to her over the phone), Indoor Golf (Dan & Glen) • Sharon – remaining soccer and baseball groups 	MURFAC to encourage response. Sharon to coordinate submissions.	End of April 2012
2. Review of Household Survey	The results of the random sample telephone survey were reviewed (PowerPoint presentation). A full report of the findings will be contained within the next deliverable – the Situation Analysis Report.	MBPC (Situation Analysis Report)	Target May/June 2012
3. Review of Arenas in Region	Preliminary data pertaining to rinks in surrounding communities was reviewed. A full report of the findings will be contained within the next deliverable – the Situation Analysis Report.	MBPC (Situation Analysis Report)	Target May/June 2012
4. Open Discussion	The Committee was engaged in a discussion about project expectations and related issues. Comments from this discussion will be used by the consultants in the development of the study deliverables.	n/a	n/a
5. Future Public Open House	A date has yet to be scheduled for the second public open house, to be held to present options/costs. Possible timing is late June / July. A suggestion was made to broadcast this event through Cogeco.	MBPC/City	Target late June / July 2012
6. Next Meeting	Date tbd (tentative for late May/June).	MBPC/City	Target late May/June 2012

L04112/M10/GAS/TN1

CITY OF NORTH BAY

#11

REPORT TO COUNCIL

JUN 14 2012

Report No: CORP 2012-84

Date: June 13, 2012

Originator: Ron Mimee / Dorothy Carvell

CLERK'S DEPT.

Subject: 2011/2012 Dedicated Gas Tax Funds for Public Transportation Program

RECOMMENDATIONS:

1. **That the Mayor and the Chief Financial Officer be authorized to sign the Letter of Agreement on behalf of the City of North Bay related to funding provided by the Province of Ontario to the City of North Bay under the Dedicated Gas Tax Funds for Public Transportation Program, and;**
 2. **That the execution by-law be presented for three readings on June 18, 2012 permitting the Corporation of the City of North Bay to enter into a Letter of Agreement with the Province of Ontario related to funding under the Dedicated Gas Tax Funds for Public Transportation Program.**
-

BACKGROUND:

To support municipal transit expansion and operations, the provincial government has been investing in municipal transit systems. Since 2004 this funding, the '**Dedicated Gas Tax Funds for Public Transportation Program**' has been phased in and is now equal to 2 cents per litre of the province's gasoline tax revenue. To date, the province has committed \$2.3 billion for municipal transit including \$321 million for this, the eighth year, of the program.

To support increased public transportation ridership in the City of North Bay and in recognition of the City's need for predictable and sustainable funding to support investments in the renewal and expansion of public transportation systems, the Ministry agrees to provide funding to the City of North Bay in an amount up to \$1,029,733 in accordance with and subject to the terms set out in the Letter of Agreement and the guidelines and requirements, with \$772,300 payable on receipt of this signed Letter of Agreement and related execution municipal by-law, and the remaining payment payable thereafter on a quarterly basis.

The requirements for all Dedicated Gas Tax Funds for Public Transportation Program received in 2011 / 2012 and beyond are as follows:

- The Municipality shall deposit the funds received under this Letter of Agreement in a dedicated gas tax funds reserve.
- The Municipality shall use these funds only in accordance with the guidelines and requirements as follows:
 - Public transportation capital expenditures that promote increased transit ridership, and are above a municipality's baseline spending;
 - Public transportation operating expenditures that are above a municipality's baseline spending;

-
- Capital expenditures for the replacement of any transportation vehicles, and are above a municipality's baseline spending;
 - Capital expenditures that provide improvements to transit security and passenger safety, and are above a municipality's baseline spending; and
 - Major refurbishment on any fully accessible, or to be made fully accessible, public transportation vehicle, and are above a municipality's baseline spending
 - Baseline spending is defined as: a municipality's spending level, which equals the average municipal's own spending on public transportation for the years 2001 to 2003 and includes a rate of 2% per year for inflation.
- The Municipality shall adhere to all reporting and accountability measures set out in the guidelines and requirements, and shall provide all requested documents to the Ministry.
-

ANALYSIS / OPTIONS:

Option #1

Not to authorize the preparation of the by-law and forfeit an allocation of \$1,029,733 for 2012. This option is not recommended.

Option #2

Authorize the signing of the Letter of Agreement and present the authorizing by-law for three readings on June 18, 2012. This would comply with the program requirements and result in the receipt of the full amount of \$1,029,733 for 2012.

RECOMMENDED OPTIONS / FINANCIAL IMPLICATIONS:


Option # 2 is recommended.

1. **That the Mayor and the Chief Financial Officer be authorized to sign the Letter of Agreement on behalf of the City of North Bay related to funding provided by the Province of Ontario to the City of North Bay under the Dedicated Gas Tax Funds for Public Transportation Program, and;**
2. **That the execution by-law be presented for three readings on June 18, 2012 permitting the Corporation of the City of North Bay to enter into a Letter of Agreement with the Province of Ontario related to funding under the Dedicated Gas Tax Funds for Public Transportation Program.**

From 2004 to 2011, the City of North Bay received \$7,127,289 in dedicated gas tax funds. \$4,190,349 of these funds have been spent on capital projects: new transit terminal, new transit vehicles and other transit related capital projects and \$2,936,940 has been used to offset transit operating expenses that are above the City's baseline spending.

The City of North Bay has included dedicated gas tax funding of \$462,000 in its 2012 capital budget to fund transit capital projects and \$510,000 in its 2012 operating budget for transit operating purposes. At the end of 2012, actual eligible expenditures will be compared to the City's baseline spending levels to determine the amount of dedicated gas tax that can be utilized. Any unused funds will remain in the dedicated gas tax reserve fund.

Respectfully submitted,

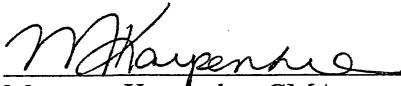


Ron Mimee
Manager of Accounting and Budgets

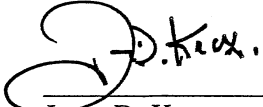


Dorothy Carvell
Transit Manager

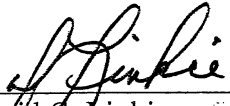
We concur with this report and recommendation.



Margaret Karpenko, CMA.
Chief Financial Officer/Treasurer



Jerry D. Knox
Managing Director, Community Services



David G. Linkie, I
Chief Administrative Officer

Personnel designated for continuance: Director of Financial Services/Transit Manager
Attachment: Letter of Agreement (4 copies)

Ministry of
Transportation

Office of the Minister

Ferguson Block, 3rd Floor
77 Wellesley St. West
Toronto, Ontario
M7A 1Z8
(416) 327-9200
www.mto.gov.on.ca

Ministère des
Transports

Bureau du ministre

Édifice Ferguson, 3^e étage
77, rue Wellesley ouest
Toronto (Ontario)
M7A 1Z8
(416) 327-9200
www.mto.gov.on.ca



June 8, 2012

His Worship, Al McDonald
Mayor
City of North Bay
PO Box 360, 200 McIntyre Street East
North Bay, ON P1B 8H8

Dear Mayor McDonald:

RE: Letter of Agreement between Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario (the "Ministry") and the City of North Bay (the "Municipality") Related to Funding Provided by the Province of Ontario (the "Province") to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program (this "Letter of Agreement")

This Letter of Agreement sets out the terms and conditions for the use of dedicated gas tax funds by municipalities for public transportation.

As the Province desires to increase public transportation ridership to support the development of strong communities, the Ministry maintains a Dedicated Gas Tax Funds for Public Transportation Program (the "Program") under which two (2) cents of the existing provincial gas tax will be provided to municipalities for public transportation expenditures.

Any funding to the Municipality by the Ministry will be provided in accordance with the terms and conditions set out in this Letter of Agreement and the Dedicated Gas Tax Funds for Public Transportation Program – 2011 / 2012 Guidelines and Requirements (the "guidelines and requirements").

.../2

In consideration of the mutual covenants and agreements contained in this Letter of Agreement and the guidelines and requirements, which have been reviewed and are understood by the Municipality and are hereby incorporated by reference, the Ministry and the Municipality covenant and agree as follows:

1. To support increased public transportation ridership in the Municipality, and in recognition of the Municipality's need for predictable and sustainable funding to support investments in the renewal and expansion of public transportation systems, the Ministry agrees to provide funding to the Municipality under the Program in an amount up to \$1,029,733 in accordance with and subject to the terms set out in this Letter of Agreement and the guidelines and requirements, with \$772,300 payable on receipt of this signed Letter of Agreement and related authorizing municipal by-law, and the remaining payments payable thereafter on a quarterly basis.
2. Despite Section 1, the Municipality understands and agrees that any amount payable under this Letter of Agreement may be subject, at the Ministry's discretion, to adjustment to reflect final gas tax receipts and any other adjustments as set out in the guidelines and requirements, including those related to annual appropriations of funds by the Legislative Assembly of Ontario.
3. If the Municipality receives dedicated gas tax funds on behalf of any other municipality, and the other municipality has agreed to the Municipality collecting the dedicated gas tax funds on its behalf, the Municipality shall provide, upon request and in compliance with the requirements set out in the guidelines and requirements, any applicable municipal by-law and legal agreement between the Municipality and the other municipality providing for such arrangement to the Ministry prior to the payment of any dedicated gas tax funds by the Ministry under this Letter of Agreement.
4. The Municipality shall deposit the funds received under this Letter of Agreement in a dedicated gas tax funds reserve account, and use such funds only in accordance with the guidelines and requirements.

5. The Municipality shall adhere to the reporting and accountability measures set out in the guidelines and requirements, and shall provide all requested documents to the Ministry.
6. The Municipality understands and agrees that the funding provided under this Letter of Agreement represents the full extent of the Ministry's and Province's financial contribution under the Program and that no additional funds will be provided by either the Ministry or the Province for such purposes to the Municipality for the 2011 / 2012 Program year.
7. The Ministry may terminate this Letter of Agreement at any time, without cause, upon giving at least sixty (60) days written notice to the Municipality. If the Ministry terminates this Letter of Agreement without cause, it may cancel all further dedicated gas tax funds payments. Where the Ministry has terminated this Letter of Agreement under this Section, the Ministry may, after determining the Municipality's reasonable costs to terminate any binding agreement for any eligible public transportation service acquired or to be acquired with dedicated gas tax funds provided under this Letter of Agreement, provide the Municipality with additional funding to offset, in whole or in part, such costs. The additional funding may be provided only if there is an appropriation for this purpose, and in no event shall the additional funding result in the total funding under this Letter of Agreement exceeding the amount specified under Section 1.
8. If the Legislature fails to appropriate sufficient funds for the Program, the Ministry may terminate this Letter of Agreement immediately by giving written notice to the Municipality. In such instance the Ministry may cancel all further dedicated gas tax fund payments.
9. Any provisions, including those in the guidelines and requirements, which by their nature are intended to survive the termination or expiration of this Letter of Agreement, shall survive its termination or expiration.
10. The Municipality hereby consents to the execution by the Ministry of this Letter of Agreement by means of an electronic signature.

If the Municipality is satisfied with and accepts the terms and conditions of this Letter of Agreement, please secure the required signatures for the four enclosed copies of this Letter of Agreement and return two fully signed copies to:

Ministry of Transportation
Division Services and Program Management Office
27th Floor, Suite # 2702
777 Bay Street,
Toronto, Ontario
M7A 2J8

Once the Ministry has received the signed copies, the last signature of which shall be the effective date of this Letter of Agreement, together with a copy of the authorizing municipal by-law, the Ministry will make arrangements for the payment of the dedicated gas tax funds to the Municipality.

Yours sincerely,



Bob Chiarelli
Minister of Transportation

I have read and understand the terms of this Letter of Agreement, as set out above, and by signing below I am signifying the Municipality's consent to be bound by these terms.

The Corporation of the City of North Bay

Per: _____ Date: _____
Mayor

Per: _____ Date: _____
Chief Financial Officer/Treasurer

#12

CITY OF NORTH BAY
REPORT TO COUNCIL

JUN 14 2012

CLERK'S DEPT.

Report No: CORP 2012-79

Date: June 8th, 2012

Originator: PETER E.G. LECKIE

Subject: Universal Water Metering Installation Contracts

RECOMMENDATION

That:

1. That a By-Law to authorize the execution of an Agreement with Neptune Technology Group (Canada) Ltd. for the implementation of a Universal Water Metering Program for the original tender price of \$6,063,575.79 be approved.
2. That the Water Meter Installation Project Management Services Agreement entered into with Veritec Consulting Inc., on September 4th, 2009, by By-Law 2009-230, be confirmed for the original upset limit of \$217,210.00.

HISTORY

The water meter installation process began in 2004. As a result of a competitive process, Veritec Consulting Inc., a Professional Engineering Consulting Firm with expertise in water meters, provided a water meter installation strategy for the City in 2008, as summarized in the attached report of October 15th, 2008. The Provincial and Federal funding was approved in 2008 and an RFP for the installation of a system was closed in June of 2009. Negotiation of a contract had been completed and was on the verge of being approved by By-Law in May of 2010 when it was interrupted by the Judicial Review Application by Master Meter Products Canada Inc.

COURT DECISION

The Judicial Review process was very extensive, but after pleadings and discoveries the Divisional Court heard this matter in March of 2012. Its decision to approve the City's decision making process allows the City to now award the contract to Neptune. Neptune has agreed to maintain the 2009 terms. A copy of the Court decision is attached as Schedule "A".

IMPLEMENTATION

Given that this Council has not dealt with this matter, it was felt desirable to bring this Report to Council to confirm the original prices and to authorize the by-law for the execution of the Agreement with Neptune. At the staff level, it is proposed that the contract will now be managed by David Euler in the Engineering Department. The installation contract always contemplated that Project Management Services which include field inspection and meter calibration would be undertaken by Veritec Consulting Inc. Veritec had been selected by an RFP process for the strategy and provided competitive pricing for this process with an upset limit of \$217,210.00 in 2009. An agreement was entered into with Veritec Consulting Inc., on September 4th, 2009 for Project Management Services by By-Law 2009-230. Veritec has confirmed that this upset limit will remain the same by way of its letter to David Euler dated June 6th, 2012 attached as Schedule "B".

FINANCIAL

The funding for this project includes 1/3 funding from the Province and Federal Government totaling in the amount of \$4,640,966.00. The City's net cost for the project is 2.5 million. The Federal funding has an installation deadline of March 31st, 2016. We have reviewed the funding and are satisfied that, while tight, the project can be completed within those Capital Project limits. The 330 additional homes built since 2009 will be included in the installation at the original 2009 prices.

OPTIONS ANALYSIS

Option 1: To not authorize the execution of an Agreement with Neptune Technology Group (Canada) Ltd. for the implementation of a Universal Water Metering Program for the original tender price of \$6,063,575.79 be approved.

This would put the funding deadline in jeopardy.

Option 2: To authorize the execution of the Agreement with Neptune Technology Group (Canada) Ltd., for the implementation of a Universal Water Metering Program.

The competitive process to recommend and select Neptune has now been endorsed by the Divisional Court in no uncertain terms. Neptune is prepared

to maintain its 2009 prices. We are satisfied that these prices are competitive.

Option 3: That the Water Meter Installation Project Management Services Agreement entered into with Veritec Consulting Inc., on September 4th, 2009, by By-Law 2009-230 be confirmed for the original upset limit of \$217,210.00.

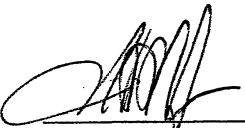
RECOMMENDED OPTION

1. That a By-Law to authorize the execution of an Agreement with Neptune Technology Group (Canada) Ltd. for the implementation of a Universal Water Metering Program for the original tender price of \$6,063,575.79 be approved.
 2. That the Water Meter Installation Project Management Services Agreement entered into with Veritec Consulting Inc., on September 4th, 2009 by By-Law 2009-230, be confirmed for the original upset limit of \$217,210.00.
-

Respectfully submitted,



Peter E.G. Leckie
City Solicitor



Michael B. Burke
Corporate Counsel

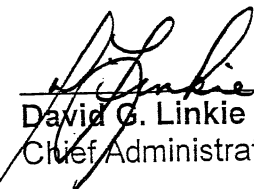


Alan Korell, P.Eng., R.P.P., M.C.I.P.
Managing Director/City Engineer
Engineering, Environmental Services & Works



Margaret Karpenko, CMA
Chief Financial Officer/Treasurer

I concur in this report and recommendation



David G. Linkie
Chief Administrative Officer

Attached:

1. Schedule "A" - Reasons for Judgment
2. Schedule "B" - Veritec Consulting Inc., letter of June 6th, 2012
3. Schedule "C" – Report dated October 15th, 2008

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SCHEDULE A

CITATION: Mastermeter Products Canada Inc. v. Corporation of the City of North Bay, 2012 ONSC 1887
DIVISIONAL COURT FILE NO.: 282/10
DATE: 20120514

ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT
THEN R.S.J., SWINTON AND BRYANT JJ.

BETWEEN:)	
)	
MASTERMETER PRODUCTS CANADA)	<i>Joel Farber and Yadira Flores, for the</i>
INC.)	<i>Applicant</i>
)	
)	<i>Applicant</i>
)	
- and -)	
)	
THE CORPORATION OF THE CITY OF)	<i>Murray Stieber and Sonny Ingram, for the</i>
NORTH BAY and NEPTUNE)	<i>Respondent City of North Bay</i>
TECHNOLOGY GROUP (CANADA))	
LTD.)	
)	
)	<i>Respondents</i>
)	
)	
)	HEARD at Toronto: March 22, 2012

BY THE COURT:

Overview

[1] Mastermeter Products Canada has brought an application for judicial review to prevent the respondent City of North Bay ("the City") from entering into a contract with the respondent Neptune Technology Group Canada Ltd. ("Neptune") for the supply and installation of water meters. Mastermeter claims that it was denied procedural fairness because of the way in which the City conducted the bidding process for the contract and, therefore, the decision should be set aside, and the City should be required to conduct the bidding process over again.

[2] For the reasons that follow, we would dismiss the application for judicial review, as we are satisfied that the City conducted a fair process.

Factual Background

[3] On June 25, 2007, North Bay City Council ("Council") passed a resolution directing City staff to develop a Request for Proposal ("RFP") to hire a firm to develop a long-term Universal Water Metering Strategy and to source out all funds and options available for installation and financing of the system.

[4] On November 5, 2007, Council retained Veritec Consulting Inc. ("Veritec") to assist the municipality in developing a universal water metering strategy.

[5] On March 6, 2009, Council passed Resolution No. 2009-144, authorizing City staff to proceed with the Universal Water Metering Program (the "Program") as outlined in the water metering strategy developed by Veritec.

[6] On March 16, 2009, Council enacted By-Law No. 2009-55, which authorized the expenditure of funds for the Program totaling \$6,961,450.00 with the project costs to be shared equally by the City, the Government of Canada and the Ontario Government, pursuant to the Building Canada Fund Contribution Agreement for Infrastructure Projects dated April 14, 2009 ("Contribution Agreement"). Pursuant to the Contribution Agreement, any project costs in excess of this amount would be the sole responsibility of the City.

[7] On May 22, 2009, the City issued a Request for Proposal #2009-166 (the "RFP") for the Implementation of Universal Water Metering Program which includes the supply and installation of water meters in the City and an associated "Fixed Area Network" ("FAN") to allow autonomic electronic meter reading, data collection and storage. The RFP allowed bidders to submit a proposal whereby the FAN either belonged to the City or it would be independently owned. If the independent FAN infrastructure was chosen, the proposals could contemplate the City hosting the data ("the in-house option") or the proponent hosting the data ("the hosted option"). Both the FAN and the water meters were to have a minimum life cycle of 15 years.

[8] The City established an Evaluation Committee to evaluate each of the proposals submitted. The Committee first evaluated the proposals in accordance with the points system set out in the RFP and then divided the points by the cost of the proposal to give the "technical ratio".

[9] Based on an initial assessment, the Evaluation Committee identified three leading proponents: Neptune, Mastermeter and Wamco Municipal Products ("Wamco"). The Committee evaluated and re-evaluated the three proposals for the hosted and in-house FAN options.

[10] On August 31, 2009, the Evaluation Committee awarded initial scores to Neptune of 993.75 and to Mastermeter of 1,047.50. The Evaluation Committee then asked Veritec to provide a Net Present Value ("NPV") model, which would account for the operating costs of each model so that the Committee could better evaluate the proposals. Using Veritec's analysis, Neptune had the highest technical ratio for the in-house FAN option, and Mastermeter had the highest technical ratio for the hosted option.

[11] On September 16, 2009, the Evaluation Committee revised its scoring of the technical ratio of the proposals based on the capital costs of the proposals. Neptune continued to have the highest technical ratio.

[12] At this time, Brian Rogers, the City's former Chief Financial Officer, became concerned about the 15 year evaluation period used for the NPV. Mr. Rogers was concerned that by using a 15 year evaluation period, the City would be required to rely on an assumption that the estimated operating and maintenance costs (indexed) would remain constant, notwithstanding the fact that the successful proponent was not required to make any such commitment to operating and maintenance estimates.

[13] The Evaluation Committee then re-evaluated the leading proposals on a 5, 10, and 15 year evaluation period. Following the re-evaluation, Neptune continued to have the highest technical ratio for all three evaluation periods for the in-house option. It also had the highest technical ratio for the hosted option based on a 5 year evaluation period.

[14] On October 6, 2009, the Evaluation Committee recommended to Council that the contract should be awarded to Neptune based on their assessment that the Neptune proposal offered the best value to the City.

[15] On October 19, 2009, Council approved a contract to be issued to Neptune for the supply and installation of a Universal Water Metering Program. The award was conditional upon reaching a final agreement with Neptune.

[16] During the course of negotiations with Neptune, the City discovered nominal additional costs that would be incurred that were not reflected in Neptune's proposal. Therefore, the Evaluation Committee re-evaluated the proposals of the three leading proponents. Neptune still had the highest technical ratio for the in-house option, the option the City chose to proceed with.

[17] In May, 2010, the Evaluation Committee reported to Council with two options: execute the negotiated agreement with Neptune or issue a new RFP. The Report provided a summary of the evaluations of the in-house option using the 5 year evaluation period. Despite a revision in Neptune's operating costs, it remained in first place for the in-house option. The Evaluation Committee recommended that Council execute the contract with Neptune.

[18] On June 11, 2010, Mastermeter filed an application for judicial review for an order prohibiting the City from entering into a contract with Neptune for the supply and installation of water meters and associated services in accordance with the RFP. In essence, Mastermeter seeks an order from the Divisional Court that the City go back and reconsider the proposals because the City failed to disclose the criteria for the evaluation.

The Issues

[19] Section 278(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 states in part: "A municipality shall adopt and maintain policies with respect to ... its procurement of goods and services." The City enacted By-law 2004-16 which requires the City to acquire goods and services in a manner that complies with its procurement by-law and purchasing policy. Counsel

for the City acknowledged in oral argument that the municipality exercised a statutory power of decision in the procurement of the water meters and services, and therefore, its decision to award the contract to Neptune is subject to judicial review.

[20] Mr. Farber, counsel for Mastermeter, submitted that the City denied it procedural fairness because the City failed to disclose to Mastermeter the criteria to be used to evaluate the proposals. Counsel further submits that Mastermeter would have revised its bid if the criteria had been disclosed. More specifically, Mastermeter argues that the City improperly considered the technical ratio, as that criterion was not set out in the RFP. As well, the City failed to disclose that it would evaluate the proposals on a 5 year period.

The Admissibility of an Expert Opinion

[21] Counsel for the applicant proffered an expert witness statement of Rishi Kumar, M.Sc. Eng, P.Eng. Mr. Kumar was retained to provide an opinion for this application for judicial review on the following question:

Whether or not the bid process under RFP 2009-006 was conducted responsibly and with the requisite degree of fairness, openness and transparency applicable to major competitive procurement process.

[22] Mr. Stieber, counsel for the City, objected to the admissibility of the proffered opinion on the ground that it does not meet one of the criteria for the admission of expert evidence from *R. v. Mohan*, [1994] 2 S.C.R. 9, in that it is not necessary to assist the court.

[23] We agree that the proffered opinion does not meet the necessity criterion because the Court can form its own conclusion about the fairness of the City's procedure without the assistance of the proffered expert testimony. Therefore, the affidavit of Mr. Kumar was struck at the outset of the hearing.

Analysis

[24] The RFP grants the City a broad discretion to accept a proposal. The RFP #2009-66 informs the proponents as follows:

6. The City reserves the right to accept or reject any proposal based on our evaluation. The lowest or any proposal not necessarily accepted.

7. All proposals will be evaluated by the Evaluation team comprised of City of North Bay Staff.

The purpose of the Evaluation Team is to select the Proposal that provides the best value and meets the City's needs and requirements.

11. Proposals will be evaluated using a best value approach considering both merit and price. They will be assessed on a point rating system for the following (managerial and organizational, financial, technical, and total points available).

Neither the qualifying proposal which scores the highest number of rating points, nor the one which contains the lowest price will be necessarily accepted. Contractor selection will be based on the best overall value to the Corporation in terms of merit and price ratio. Each Proponent must score a minimum of 50% of the total points available to be considered for any award. The evaluation committee will short-list and only those firms successful may be asked to make a presentation which will be taken into consideration in the final selection.

23. The City reserves the right to reject any or all proposals in his [sic] best interest. The lowest or any proposal will not necessarily be accepted.

The award of any Agreement and or Purchase Order will be at the absolute discretion of the City. The City reserves the right to negotiate any terms or conditions of the Agreement as it chooses with the Preferred Proponent without obligation to communicate, negotiate, or review similar modifications with other Proponents. ...

[25] The decision of the City to award a contract to a particular bidder is reviewable on a standard of reasonableness (*Bot Construction Limited v. Ontario (Ministry of Transportation)*, 2009 ONCA 879 at para. 8).

[26] Despite the City's broad discretion, Mastermeter takes issue with the process followed, arguing that the City failed to treat bidders fairly and equally in the following ways:

- It implemented a 5 year NPV financial evaluation after the bids had opened and been scored without disclosure to the bidders. The 5 year NPV evaluation was not consistent with the RPV.
- It failed to provide a fair and impartial report to Council in May 2010.
- It based its decision on the technical ratio, as well as the points, when the technical ratio criterion had not been disclosed in the RFP.

[27] In our view, the RFP process was fair, and the decision to award the contract to Neptune was reasonable. Thus, there is no basis for judicial intervention in the City's decision to award the contract to Neptune.

[28] The Evaluation Committee applied the same set of criteria and undertook the same evaluation for the proposals of Neptune, Mastermeter and the other proponents.

[29] The Evaluation Committee did not apply a criterion undisclosed in the RFP when it looked at the technical ratio. The RFP clearly specifies that price is part of the financial evaluation. While the RFP does not use the term "technical ratio", it clearly states in Article 11 that the selection will be based on "the best overall value to the Corporation in terms of merit and price ratio."

Page: 6

[30] While the RFP did not explicitly set out an evaluation period, this did not render the process unfair. The City made no representation about the evaluation period. Mastermeter chose to use a capital cost ratio based on a 15 year period because the RFP required the meters to have a life cycle of at least 15 years. Mastermeter did not inquire or request clarification concerning its use of the 15 year period. Neptune calculated cost differently.

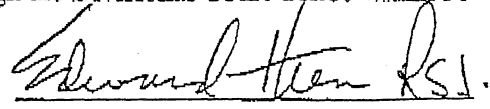
[31] Each proponent received the same information from the City. Members of the Evaluation Committee applied the same set of criteria for each of the selected proponents. Some of the members of the Evaluation Committee provided sworn affidavits concerning the criteria they had used and they were not cross-examined. There is no suggestion of bad faith or that the decision was unreasonable or based on irrelevant extraneous factors.

[32] The City reserved the right to accept any and all proposals in its best interest and the award of any contract was within the City's absolute discretion. The Evaluation Committee used a 5, 10 and 15 year evaluation period, and Neptune had the highest technical ratio for the in-house option for each of these periods. The City selected the in-house option and, therefore, the City reasonably concluded that Neptune's bid was the best.

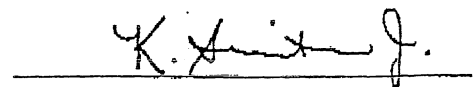
[33] The City had no obligation to negotiate with Mastermeter after it decided to award the contract to Neptune in October 2009 (Article 23). Therefore, there is no basis for Mastermeter to argue that it was treated unfairly because of the contents of the May 2010 report to Council.

Conclusion

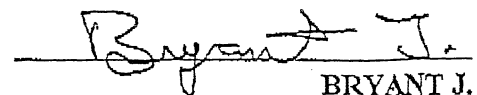
[34] Accordingly, the application for judicial review is dismissed. If the parties cannot agree on costs, they may make brief written submissions through the Divisional Court Office within 30 days of the release of this decision.



THEN R.S.J.



SWINTON J.



BRYANT J.

Released: *May 14, 2012*

CITATION: Mastermeter Products Canada Inc. v. Corporation of the City of North Bay, 2012
ONSC 1887

DIVISIONAL COURT FILE NO.: 282/10

DATE: 20120514

ONTARIO

SUPERIOR COURT OF JUSTICE

DIVISIONAL COURT

THEN R.S.J., SWINTON AND BRYANT JJ.

BETWEEN:

MASTERMETER PRODUCTS CANADA INC.

Applicant

- and -

THE CORPORATION OF THE CITY OF NORTH
BAY and NEPTUNE TECHNOLOGY GROUP
(CANADA) LTD.

Respondents

REASONS FOR JUDGMENT

BY THE COURT

Released: May 14, 2012

**IF COST SUBMISSIONS ARE INDICATED
UNLESS OTHERWISE DIRECTED
KINDLY FILE FOUR HARD
COPIES OF COST SUBMISSIONS
TOGETHER WITH AN AFFIDAVIT OF SERVICE
WITH THE COURT OFFICE AT
DIVISIONAL COURT, ROOM 174,
OSGOODE HALL, 130 QUEEN STREET WEST,
TORONTO, ON, M5H 2N5
FOR CONSOLIDATION AND PRESENTATION TO
THE MEMBERS OF THE PRESIDING PANEL OF JUDGES**

SCHEDULE B



1495 Bonhill Rd., Unit #12
Mississauga, Ontario
L5T 1M2
Phone: (905) 696-9391
Fax: (905) 696-9395
info@veritec.ca

June 6, 2012

City of North Bay
200 McIntyre Street East
North Bay, ON
P1B 8H8

Attn: David Euler, P.Eng. – Director, Water & Wastewater

Re: Revised Project Costing for Project Management Services Related to the Universal Water Metering Program.

Dear David,

Following our conference call of June 5th, 2012 regarding the Universal Water Metering Program, Veritec Consulting Inc. is pleased to provide the following revised project costing in relation to our existing Agreement and Purchase Order for project management services.

In September 2009, Veritec Consulting Inc. was retained by the City of North Bay under RFP #2009-44 to provide "*Water Meter Installation Project Management Services*". In our proposal, we had provided an upset limit cost for all services and disbursements of \$217,210.00 plus taxes. This upset limit cost included an optional item consisting of providing guidance and assistance to the City with respect to contract negotiations with the successful water meter contractor.

An Agreement for services dated September 4th, 2009 between the City of North Bay and Veritec Consulting Inc. was signed by both parties. The Agreement provides for an upset limit cost of \$210,830.00, as the "*optional assistance with the contract negotiations*" was not selected by the City at the time of signing the Agreement. North Bay purchase order #027355 was issued on November 25, 2009 for a total upset limit of \$210,830.00 plus taxes.

The project commenced in November 2009 and as contract negotiations were started with the successful vendor, the City requested that Veritec participate with the contract negotiations and agreed to cover the additional costs for this optional item bringing the total upset limit cost back to the original proposal cost of \$217,210.00 plus taxes. From November 2009 to March 2010, a total of \$21,141.81 was invoiced against this project upset limit of \$217,210.00. The remaining budget currently stands at \$196,068.19 plus taxes.

Veritec would like to confirm that that we are prepared to complete the study workplan as proposed in our July 15, 2009 submission within the remaining total upset limit cost of \$196,068.19. We have attached to this letter, a revised time-task matrix illustrating the remaining tasks to be completed and the time allocated to each task and staff member.



In addition, Veritec is also prepared to participate in a second project start-up meeting with City staff in order re-initiate the project and review timelines, workplan and deliverables at no additional cost.

If you have any questions or required any additional information, please do not hesitate to contact me at your convenience. We are happy that the City is now able to move forward with the Universal Water Metering Program and we look forward to working with the City on this project.

Yours Truly,
Veritec Consulting Inc.,
a Miya Group Company

A handwritten signature in black ink, appearing to read 'Alain Lalonde'.

Alain Lalonde, P.Eng.
President & CEO

Report to Council

Report No.: CORP 2008-145

Date: October 15, 2008

Originator: Brian Rogers/Lorraine Rochefort/Peter Bullock

Subject: **UNIVERSAL WATER METERING**

RECOMMENDATION:

1. That the Universal Water Metering Strategy developed by Veritec Consulting Inc. be adopted and that this project be submitted to the 2009 Capital Budget
 2. That the Clerk be authorized to prepare a Capital By-law for the 2008 Capital Budget Project #27 (Water Metering Strategy Implementation) in amount of \$1.3 million
 3. That the Universal Water Metering Strategy be evaluated for funding through the Building Canada – Communities Component
-

BACKGROUND:

The City of North Bay contracted Veritec Consulting Inc. in late 2007 to develop a “Universal Water Metering Strategy”, including the identification of funding opportunities and an implementation strategy. This firm has worked closely with an interdepartmental Steering Committee to generate three reports as follows:

Phase One – Universal Water Metering Overview

Phase Two – Evaluation of Metering and AMR Technology

Phase Three – Universal Metering Implementation Strategies and Costs

A copy of each report is available in the Clerk’s office. The Executive Summary is attached for your information. CORP 2008-145 is filed to interpret report recommendations in the broadest sense and to support the recommendation to implement a universal water meter system within the City of North Bay.

ANALYSIS:

The Veritec Study confirms that the City of North Bay cannot indefinitely delay a decision to deploy water meters for reasons noted below:

- Despite water conservation efforts to reduce peak consumption, overall water consumption continues to increase
- North Bay’s per capita water consumption is extremely high, when compared to other communities across Canada, and it continues to climb.

-
- Current demand on the water system resulting from the inability to charge for water use based on consumption is not sustainable and would result in the eventual need for increased capacity
 - Accelerated depletion of the water source; a possible scenario if North Bay continues to experience rapid industrial growth; could result in the City having to react quickly to establish needed controls
 - The water system has limited capacity; the City's water source has a capped capacity and available reserves are slowly dwindling
 - Lack of capacity hinders and/or prevents new development which has an adverse affect on economic development and fiscal health of the community
 - The City cannot accurately calculate non-revenue water associated with system leakage, fire fighting, water main flushing and unauthorized uses. It is estimated that the City is currently experiencing non-revenue water loss of up to 39%
 - The City's water billing flat rate structure for residential users is not conducive to achieving water conservation and is not equitable in sharing cost based on use. About 13,500 of the 15,000 users are on the flat rate water structure.

Veritec Consulting has evaluated a "do nothing" approach in the Phase III Report which contemplates eventually sourcing water from Lake Nipissing. This option would not likely obtain Environmental Assessment approval until all efforts to achieve conservation are exhausted.

The City is currently planning and building a new water infrastructure on the assumption that the water demand will be reduced to normal levels. Currently the City lacks basic tools gained through metering that permits the operator to determine where the water goes and how it is used and/or lost – elements now considered essential to managing modern water infrastructure. Water system security and safety will be improved by implementing the strategy recommended by Veritec Consulting Inc.

The following discussion primarily focuses on the timing of implementation, what to install, how it will work and how it will be funded.

Implementation

Fundamentally the question to be answered regarding timing is: "Why should North Bay begin to implement the Universal Water Metering Strategy now?"

All essential elements for implementation are falling into place and provide a strong business case to move on this issue in 2009:

- A timely plan has been prepared which favours a robust "state of the art" system that offers the greatest benefits and highest flexibility to the City and to the users of the system.
- A potential partnership is on the table with North Bay Hydro which can lower implementation (and potentially future operating) costs
- To move this issue now is less expensive than proceeding out of need in the future.

- An external funding opportunity has been announced and this project has all the elements to meet eligibility criteria to be ranked highly by the granting agency
- The new water filtration plant will come on line in 2009 and water will become more expensive to supply as a result of treatment costs.
- There may never be a better fiscal window of opportunity and future options may be more burdensome on rate payers or may result in the deployment of more modest water metering system

Recommended System

Veritec Consulting Inc. recommends that the City of North Bay implement a water metering system that can be read through North Bay Hydro's wireless network to coincide with their smart meter initiative to be deployed in 2009.

Costing

The total cost identified in the Veritec Report to implement the recommended strategy to install 15,000 water meters at all service locations in North Bay is \$7,470,300.00.

This option would normally be the most costly option however the availability of North Bay Hydro's fixed network reduces the cost by \$658,800.00. Also, there are a number of new ICI meters that have been recently installed that will not be replaced immediately which will reduce the costs in the Veritec Report by \$150,000.00 bringing the total capital cost to \$6,661,500.00.

The cost of the recommended strategy can be broken down as follows:

<u>Category</u>	<u>Quantity</u>	<u>Cost</u>
Installing Meters for the Un-metered Sector	13,500	\$ 4,185,000.00
Upgrading/Replacement of Existing Meters	1,500	\$ 496,500.00
Meter Communications Interface	15,000	\$ 1,980,000.00
Wireless Network for Reading Meters		<u>\$.00</u>
Total Capital		\$ 6,661,500.00
 Annual Operation and Maintenance		 \$ 241,000.00

Current annual operating and maintenance costs are \$120,000.00 which proves that adding water meters will increase operating and maintenance costs related to water meters. This is more than offset by the decrease in the water system operating and maintenance costs from lower pumping and chemical dosing costs and from less wear and tear on the system.

This project may be eligible for third party funding though the recently announced Building Canada – Communities Component. Under the grant program, the City could see the following cost sharing:

Cost borne by the water user (1/3 rd)	\$ 2,220,500.00
Cost funded through Building Canada Fund (2/3 rd s)	\$ 4,441,000.00

Future Opportunities

If North Bay proceeds to implement a universal water metering strategy in parallel to North Bay Hydro, opportunities have been identified to consider joint meter reading and/or joint billing with the hydro utility. Further assessment is needed to determine the full benefit of this option, however this could lower operating costs in the future.

FINANCING

The identified budget of \$6,661,500.00 would be funded as follows:

Building Canada – Communities Component –Federal	\$2,205,000.00
Building Canada – Communities Component –Provincial	\$2,205,000.00
City of North Bay 1/3 Share	\$2,205,000.00

The 2009 Approved Water Capital Budget included an allocation of \$1,300,000.00 which, if approved by City Council, will authorize the Chief Financial Officer to fund this amount from 2008 water revenues without incurring debt. This would leave \$905,000.00 to be funded in 2009 or 2010 Water Capital Budgets. The draft 2009 to 2013 Capital Forecast will include this allocation if authorized by City Council. The funding plan described above will not require any water rate increases to accommodate debt service costs. No debentures would be issued for this project. Announcements of projects approved for funding from the Building Canada – Communities Component program are expected by the spring of 2009. At that time City Council will have the option of proceeding with the project by awarding a Request for Proposals for the supply and installation of water meters.

ANALYSIS/OPTIONS:

Option 1:

The City of North Bay can opt to proceed to begin installing water meters in 2009 as part of a Universal Water Metering Strategy as recommended by Veritec Consulting Inc.

Water meters can be implemented in stages which, in part, is funding dependant. The total identified cost to implement a wireless read state of the art Universal Water Metering Strategy is \$6,661,500.00. If North Bay selects universal water metering as its preferred candidate project to the Building Canada – Communities Component and it is successful in obtaining this funding – project financing can be lowered to \$ 2,205,000.00.

If implemented and supported by a new water pricing system that encourages conservation, Veritec suggests that the City would see a sustained per capita water demand decline of 10% freeing up system capacity and preserving Trout Lake as the City's source for water for the foreseeable future. Consumers will see improved equity in how they are billed for the water they use.

Options to merge meter reading and billing with North Bay Hydro can be pursued to lower operating costs. If the City opts to delay implementation of water meters, water consumption will continue to grow and system limits will increasingly put the City at risk of having to address this issue in a crisis with fewer options available.

Option 2:

The City can opt to continue to rely on the existing water system that has older meters for the ICI/multi-residential system and no meters in the residential sector. Maintenance cost for existing meters will increase as replacement is necessary and the City will repopulate its inventory of meters that may not be compatible with a future system.

Operating costs will continue to rise because of increasing demand. Water conservation options to reduce demand are limited without meters in place. The water billing system will need to be revised to improve water billing equity but true equity is not possible. The City will have to revisit options in the future and it runs the risk of having to address this issue in a crisis if the remaining water system capacity is suddenly exhausted and some opportunities currently available may be limited or withdrawn in the future.

RECOMMENDED OPTION:

Option 1 is recommended

1. That the Universal Water Metering Strategy developed by Veritec Consulting Inc. be adopted and that this project be submitted to the 2009 Capital Budget
2. That the Clerk be authorized to prepare a Capital By-law for the 2008 Capital Budget Project #27 (Water Metering Strategy Implementation) in amount of \$1.3 million
3. That the Universal Water Metering Strategy be evaluated for funding through the Building Canada Fund

Respectfully submitted,

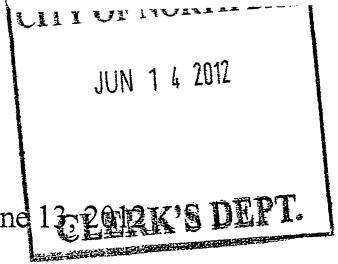
Brian Rogers,
Chief Financial Officer

Lorraine Rochefort, AMCT
Manager of Revenues & Taxation

Peter Bullock,
Manager of Environmental Services

CITY OF NORTH BAY
REPORT TO COUNCIL

#13



Report No: CORP 2012 - 85
Originator: Ron Mimee / Dorothy Carvell
Subject: 2012 Transit Capital Budget Allocation

Date: June 13, 2012

RECOMMENDATION:

That a Capital Expenditure By-Law in the amount of \$1,155,000 be prepared for the consideration of City Council to authorize the 2012 Community Services Capital Budget, Transit Coach Replacement Program, Project No.6082TR, at a net debenture cost of \$693,000.

BACKGROUND:

The Province of Ontario has partnered with Municipalities on the Transit Procurement Initiative Program for the years 2011/2013 for conventional buses. Council authorized the execution of the Governance Agreement relating to the Joint Procurement of transit buses for 2011 to 2013 by passing By-Law No. 2011-144 on June 6, 2011.

The Joint Procurement Program has proven to be very beneficial to the City of North Bay. For the 2011-2013 Joint Procurement for conventional buses, the base bus price was \$10,000 less than the previous joint procurement tender. In comparison, this translates into an approximate 5% saving over transit systems that tendered individually. Savings also include \$10,000 for extended warranty and \$8,000 for the mini-hybrid system. Both these items, previously, were costs in addition to the base bus price. Current bus costs are as follows:

Base Bus Price for 2012, per unit	\$406,540
HST	7,155
Total cost per bus	\$413,695

As well, the Province of Ontario has confirmed that the City of North Bay has been allocated \$1,029,733 under the Provincial Dedicated Gas Tax for Public Transportation Program for 2011 / 2012.

A schedule to the proposed By-Law is submitted for consideration of Council.

Vehicles	\$1,100,000
Temporary financing and contingencies	<u>55,000</u>
Total Expenditure	\$1,155,000
<i>Less:</i>	
Provincial Dedicated Gas Tax funding	<u>\$ 462,000</u>
Net Amount to be Debentured	\$ 693,000

ANALYSIS / OPTIONS:

Option 1:

Not to approve a Capital Expenditure By-Law. The transit coach replacement program would be set back resulting in increasing refurbishment costs on older buses. Complying with the Accessibility for Ontarians with Disabilities Act would be negatively impacted. This would also result in losing the Provincial Dedicated Gas Tax Funds.

Option 2:

To authorize the preparation of a capital expenditure by-law to approve the 2012 Transit Coach Replacement Program. This would allow for the application of available 2012 transit funding and support the continuation of the transit coach replacement program.

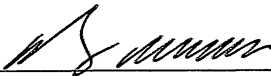
Option #2 is recommended.

RECOMMENDED OPTION/FINANCIAL IMPLICATIONS:

That a Capital Expenditure By-Law in the amount of \$1,155,000 be prepared for the consideration of City Council to authorize the 2012 Community Services Capital Budget, Transit Coach Replacement Program, Project No.6082TR, at a net debenture cost of \$693,000.

The 2012 Capital Budget, Project No.6082TR, includes an amount of \$1,155,000 for the 2012 Transit Coach Replacement Program. This amount is for the purchase of two conventional buses. Funding for this project includes \$693,000 from the issuance of debentures with the difference funded from the Provincial Dedicated Gas Tax reserve. This budget supports the continuation of the Conventional Transit Coach and Parabus Replacement Plan.

Respectfully submitted,



Ron Mimeo
Manager of Accounting and Budgets



Dorothy Carvell
Transit Manager

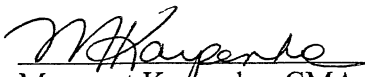
We concur with this report and recommendations.



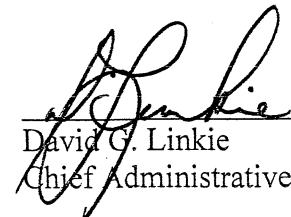
Laura Boissonneault, CGA
Supervisor of Budgets and Financial Reporting



Jerry D. Knox
Managing Director, Community Services



Margaret Karpenko, CMA
Chief Financial Officer/Treasurer



David G. Linkie
Chief Administrative Officer

Personnel designated for continuance: Manager of Accounting and Budgets / Transit Manager

Project Summary

Project Number:	6082TR		
Title:	TRANSIT COACH REPLACEMENT PROGRAM ON-GO		
Asset Type:	VEHICLES - Transit		
Division:	Community Services		
Budget Year:	2012		
Scenario Name:	Main	Active:	Yes
Budget Status:	Staff Input		
Regions:			
Project Type:	TRANSIT		

Project Description				Project Comments			
This project is to provide for the replacement of the City's aging transit fleet.				See 6033TR for the 2011 budget.			
Scenario Description				Scenario Comments			
Project Forecast				Project Detailed 2012			
Budget Year	Total Expense	Total Revenue	Difference	GL Account	Description	Total Amount	
2012	1,155,000	1,155,000	0	Expense			
2013	1,270,500	1,270,500	0	5025	VEHICLES	1,155,000	
2014	125,000	125,000	0			Total Expense:	1,155,000
2015	120,750	120,750	0	Revenue			
2016	1,491,000	1,491,000	0	282	Prov Gas Tax	462,000	
2017	1,491,000	1,491,000	0	285	Debenture	693,000	
2018	1,470,000	1,470,000	0			Total Revenue:	1,155,000
2019	1,606,500	1,606,500	0				
2020	1,711,500	1,711,500	0				
2021	1,762,845	1,762,845	0				
	<u>12,204,095</u>	<u>12,204,095</u>	<u>0</u>				
Related Projects				Operating Budget Impact			
Year Identified	Start Date	Project Partner	Manager			Est. Completion Date	
2012			JERRY KNOX				

#14

CITY OF NORTH BAY

JUN 14 2012

CLERK'S DEPT.

**CITY OF NORTH BAY
REPORT TO COUNCIL**

Report No: CORP 2012-82

Originator: Paul Valenti

Subject: Tender 2012-04 Asphalt Resurfacing Program

RECOMMENDATION:

That City Council approve an Expenditure By-Law being Project No. 3602RD College Drive – New Climbing Lane, Widening and Pathway in the amount of \$133,333.00 being a 2012 Engineering, Environmental Services and Works Capital Project; and

That City Council approve an Expenditure By-Law being Project No. 3402RD Airport Road Resurfacing Program in the amount of \$176,191.00 being a 2013 Engineering, Environmental Services and Works Capital Project; and

That City Council approve an award of a contract to Pioneer Construction Inc. in the amount of \$3,626,106.16 (excluding HST) for the 2012 Asphalt Resurfacing Program.

BACKGROUND:

The City annually tenders for the rehabilitation and/or reconstruction of various roads with the City of North Bay. Tender quantities are based on work required and previous year unit prices.

The tender was publicly advertised in accordance with the City Purchasing Policy. Eight (8) tender packages were distributed directly to contractors. Tenders closed on May 16, 2012. Two (2) tenders were received and evaluated by the City Development Engineer and Purchasing Manager. The results are as follows:

<u>Firm</u>	<u>Price (HST excluded)</u>
Pioneer Construction Inc.	\$3,626,106.16
Miller Paving North Bay a division of Miller Paving Limited	\$3,739,962.23

The tender price offered is very competitive. The unit prices received are lower than anticipated. As such, the City seeks to further expand the scope of work to include asphalt resurfacing on Airport Road from Carmichael Drive towards Duxford Road. The estimated cost of this work based on unit prices received is \$400,000.00.

ANALYSIS / OPTIONS:

1. That City Council approve an Expenditure By-Law being Project No. 3602RD College Drive – New Climbing Lane, Widening & Pathway in the amount of \$133,333.00 being a 2012 Engineering, Environmental Services and Works Capital Project; and

That City Council approve an Expenditure By-Law being Project No. 3402RD Airport Road Resurfacing Program in the amount of \$176,191.00 being a 2013 Engineering, Environmental Services and Works Capital Project; and

That City Council approve an award of a contract to Pioneer Construction Inc. in the amount of \$3,626,106.16 (excluding HST) for the 2012 Asphalt Resurfacing Program.

2. Do not award a contract. This option is not recommended. The work is necessary to the ongoing road resurfacing program. This would lead to further deterioration of the identified roads and a potential impact to public safety.

RECOMMENDED OPTION / FINANCIAL IMPACTS:

Option 1 is recommended as follows:

That City Council approve an Expenditure By-Law being Project No. 3602RD College Drive – New Climbing Lane, Widening & Pathway in the amount of \$133,333.00 being a 2012 Engineering, Environmental Services and Works Capital Project; and

That City Council approve an Expenditure By-Law being Project No. 3402RD Airport Road Resurfacing Program in the amount of \$176,191.00 being a 2013 Engineering, Environmental Services and Works Capital Project; and

That City Council approve the award of a contract to Pioneer Construction Inc. in the amount of \$3,626,106.16 (excluding HST) for the 2012 Asphalt Resurfacing Program.

The total cost of the project including HST less the HST rebate is in the amount of \$4,089,993. This cost is inclusive of the tender contract plus an estimated amount of \$400,000 to complete asphalt resurfacing on Airport Road from Carmichael Drive towards Duxford Road. The expanded work will be funded through a transfer of funds from project 3602RD College Drive Climbing Lane and funds from 2013 project 3402RD Airport Road Resurfacing.

The project will be funded as follows:

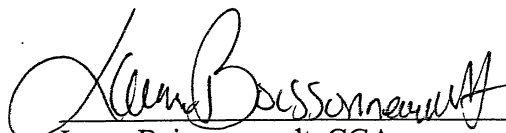
Project No.	Project Name	By-Law No.	By-Law Passed	Amount Available
6051RD	2012 Asphalt Resurfacing Program	2012-65	Mar. 5, 2012	\$2,300,000
3402RD	2012 Airport Rd Resurfacing	2012-85	Mar. 19, 2012	\$750,000
6054RD	2012 Pedestrian Safety Program	2012-80	Mar. 19, 2012	\$104,882
6076PR	2012 Trails Hard Surface Rehab	2012-27	Feb. 6, 2012	\$114,500
6056RD	2012 Rural Roadways Rehab	2012-41	Feb. 21, 2012	\$100,000
6051RD	2011 Asphalt Resurfacing Program	2011-88	Apr. 4, 2011	\$373,027
6027PR	2011 Trails Hard Surface Rehab	2011-71	Mar. 21, 2011	\$38,000
3602RD	2012 College Dr. – Climbing Lane			\$133,333
3402RD	2013 Airport Rd Resurfacing			\$176,191
Total				\$4,089,993

Respectfully submitted,

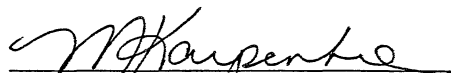


Paul Valenti,
Manager of Purchasing

We concur in this report and recommendation.



Laura Boissonneault, CGA
Supervisor of Budgets & Financial
Reporting

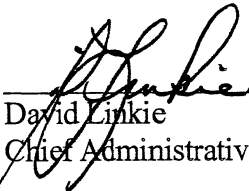


Margaret Karpenko, CMA
Chief Financial Officer/Treasurer



for

Alan Korell
Managing Director of Engineering,
Environmental Services and Works



David Linkie
Chief Administrative Officer

Attachments: Tenders

Personnel designated for continuance: Infrastructure Engineer

Project Summary

Project Number:	3602RD		
Title:	COLLEGE DR. - NEW CLIMBING LANE, WIDENING & PATHWAY		
Asset Type:	INFRASTRUCTURE - Roads		
Division:	Engineering, Environmental & Works		
Budget Year:	2012		
Scenario Name:	Main	Active:	Yes
Budget Status:	Staff Input		
Regions:			
Project Type:	ROADS		

Project Description				Project Comments			
This project provides for the construction of a new northbound climbing lane on College Drive. In addition, a new pathway will be constructed to serve the University.							
Scenario Description				Scenario Comments			
Project Forecast				Project Detailed 2012			
Budget Year	Total Expense	Total Revenue	Difference	GL Account	Description	Total Amount	
2012	400,000	400,000	0	Expense			
2013	400,000	400,000	0	3425	CONSTRUCTION CONTRACT	400,000	
2016	4,400,000	4,400,000	0			Total Expense:	400,000
	5,200,000	5,200,000	0	Revenue			
				0291	Other Grants	266,667	
				285	Debenture	133,333	
						Total Revenue:	400,000
Related Projects				Operating Budget Impact			
Year Identified	Start Date	Project Partner	Manager			Est. Completion Date	
2011			ALAN KORELL				

Project Summary

Project Number:	3402RD		
Title:	AIRPORT RD RESURFACING PROGRAM (O'BRIEN TO CARMICHAEL)		
Asset Type:	INFRASTRUCTURE - Roads		
Division:	Engineering, Environmental & Works		
Budget Year:	2012		
Scenario Name:	Main	Active:	Yes
Budget Status:	Staff Input		
Regions:			
Project Type:	ROADS		

Project Description				Project Comments			
This project provides for the resurfacing of Airport Road from O'Brien St. to Carmichael Dr. This project will extend the life of the road, and reduce annual maintenance costs while providing a continued level of service. In addition, Airport Road continues to experience growing traffic volumes and as a major collector to the area of Airport Hill. The proposed works can also be coordinated with the proposed intersection improvements at Pearce Street.							
Scenario Description				Scenario Comments			
Project Forecast				Project Detailed 2012			
Budget Year	Total Expense	Total Revenue	Difference	GL Account	Description	Total Amount	
2012	750,000	750,000	0	Expense			
2013	750,000	750,000	0	3425	CONSTRUCTION CONTRACT	750,000	
	1,500,000	1,500,000	0			Total Expense:	750,000
				Revenue			
				0286	Pay As you Go	750,000	
						Total Revenue:	750,000
Related Projects				Operating Budget Impact			
Year Identified	Start Date	Project Partner	Manager			Est. Completion Date	
2011			ALAN KORELL				

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-157

**BEING A BY-LAW TO CONFIRM PROCEEDINGS
OF THE MEETING OF COUNCIL ON
JUNE 4, 2012**

WHEREAS the *Municipal Act, R.S.O. 2001*, Chapter 25, (the "Act") Section 5(1), provides that the powers of a municipal corporation shall be exercised by Council;

AND WHEREAS Section 5 (3) of the Act provides a municipal power, including a municipality's capacity, rights, powers and privileges under section 9 of the Act, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise and any of the matters shall be implemented by the exercise of the natural person powers;

AND WHEREAS in many cases action which is taken or authorized to be taken by Council does not lend itself to the passage of an individual by-law;

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

1. That the actions of the Council of The Corporation of the City of North Bay at its meeting held on June 4, 2012 in respect of each motion, resolution and other action passed and taken by the Council at its said Meeting is, except where the prior approval of the Ontario Municipal Board or other authority is by law required, hereby adopted, ratified and confirmed.
2. That where no individual by-law has been passed with respect to the taking of any action authorized in or by the Council mentioned in Section 1 hereof or with respect to the exercise of any powers of the Council, then this by-law shall be deemed for all purposes to the by-law required for approving and authorizing the taking of any action authorized therein or thereby required for the exercise of any powers therein by Council.
3. That the Mayor and the proper officers of The Corporation of the City of North Bay are hereby authorized and directed to do all things necessary to give effect to the said actions or to obtain approvals where required, and to execute all documents as may be necessary and directed to affix the corporate seal to all such documents as required.

cc.

READ A FIRST TIME IN OPEN COUNCIL THIS 18TH DAY OF JUNE, 2012.

READ A SECOND TIME IN OPEN COUNCIL THIS 18TH DAY OF JUNE 2012.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 18TH DAY OF JUNE, 2012.

MAYOR ALLAN McDONALD

DEPUTY CLERK KAREN McISAAC

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-158

**BEING A BY-LAW TO AUTHORIZE TEMPORARY
BORROWING FROM TIME TO TIME TO MEET
CURRENT EXPENDITURES DURING THE FISCAL
YEAR ENDING DECEMBER 31, 2012**

WHEREAS the *Municipal Act*, S.O. 2001, Chapter M.25, Section 407, provides authority for a municipality to authorize the Head of Council and the Treasurer to borrow from time to time, such sums as the Council considers necessary to meet, until the taxes are collected and other revenues are received, the current expenditures of the Municipality for the year;

AND WHEREAS the total amount which may be borrowed from all sources at any one time to meet the current expenditures of the Municipality, except with the approval of the Ontario Municipal Board, is limited by Section 407 of the *Municipal Act*;

AND WHEREAS the Council of The Corporation of the City of North Bay authorized the Treasurer to borrow from time to time to meet current expenditures by Resolution No. 2012-360 passed on the 4th day of June, 2012.

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

1. The Head of Council and the Treasurer are hereby authorized to borrow from time to time during the fiscal year (hereinafter referred to as the current year) such sums as may be necessary to meet, until taxes are collected and other revenues are received, the current expenditures of the Municipality for the current year.
2. The lender(s) from whom amounts may be borrowed under authority of this by-law shall be **The Toronto-Dominion Bank** and such other lender(s) as may be determined from time to time by by-law of Council.
3. The total amount which may be borrowed at any one time under this by-law plus any outstanding amounts of principal borrowed and accrued interest under Section 407 together with the total of any similar borrowings that have not been repaid, shall not exceed from January 1st to September 30th of the current year, 50 percent of the total estimated revenues of the Municipality as set out in the budget adopted for the current year; and from October 1st to December 31st of the current year, 25 percent of the total of the estimated revenues of the Municipality as set out in the budget adopted for the current year or \$12,000,000.00, whichever is less.
4. The Treasurer shall, at the time when any amount is borrowed under this by-law, ensure that the lender is or has been furnished with a certified copy of this by-law, if applicable, and a statement showing the nature and amount of the estimated revenues for the current year and also showing the total of any other amounts borrowed from any and all sources under authority of Section 407 of the *Municipal Act* that have not been repaid.
5. For purposes of this by-law the estimated revenues referred to in section 3 and 4 do not include revenues derivable or derived from, a) any borrowing, including through any issue of debentures; b) a surplus, including arrears of taxes, fees or charges; or c) a transfer from the capital fund, reserve funds or reserves.

6. The Treasurer be and is hereby authorized and directed to apply in payment of all or any sums borrowed under this by-law, together with interest thereon, all or any of the moneys hereafter collected or received, either on account of or realized in respect of the taxes levied for the current year and previous years or from any other source, that may be lawfully applied for such purpose.
7. Evidences of indebtedness in respect of borrowings made under section 1 shall be signed by the Head of the Council or conform to the Treasurer or both of them.
8. The lender shall not be responsible for establishing the necessity of temporary borrowing under this by-law or the manner in which the borrowing is used.
9. This by-law shall take effect on the final day of passing.

READ A FIRST TIME IN OPEN COUNCIL THIS 18TH DAY OF JUNE, 2012.

READ A SECOND TIME IN OPEN COUNCIL THIS 18TH DAY OF JUNE, 2012.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 18TH DAY OF JUNE, 2012.

MAYOR ALLAN MCDONALD

DEPUTY CLERK KAREN MCISAAC

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-161

**BEING A BY-LAW TO AUTHORIZE THE EXECUTION
OF AN AGREEMENT WITH HER MAJESTY THE
QUEEN IN RIGHT OF THE PROVINCE OF
ONTARIO, REPRESENTED BY THE MINISTER OF
TRANSPORTATION FOR THE PROVINCE OF
ONTARIO RELATING TO DEDICATED GAS TAX
FUNDS FOR PUBLIC TRANSPORTATION PROGRAM**

WHEREAS the Agreement with Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario for Dedicated Gas Tax Funds for Public Transportation Program was approved by Resolution No. 2012-____ passed by Council on the 18th day of June, 2012;

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 dated the 8th day of June, 2012 with Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario relating to Dedicated Gas Tax Funds for Public Transportation Program.
2. That the Mayor and Chief Financial Officer of The Corporation of the City of North Bay are hereby authorized to execute that certain Agreement between The Corporation of the City of North Bay and Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario and to affix thereto the Corporate seal.

READ A FIRST TIME IN OPEN COUNCIL THIS 18TH DAY OF JUNE, 2012.

READ A SECOND TIME IN OPEN COUNCIL THIS 18TH DAY OF JUNE, 2012.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 18TH DAY OF JUNE, 2012.

MAYOR ALLAN McDONALD
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DEPUTY CLERK KAREN McISAAC

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-142

**BEING A BY-LAW TO STOP UP, CLOSE AND CONVEY
A PORTION OF THE LANEWAY LOCATED IN A BLOCK BOUNDED BY MAHER
STREET, REGINA STREET, HARDY STREET AND LAURIER 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 61 and 80, Plan 72, be closed, stopped up and sold to the abutting owner;

AND WHEREAS by Resolution No. 2011-695 passed on the 17th day of October, 2011 Council approved the closure of the laneway;

AND WHEREAS the laneway abutting Lots 61 and 80, Plan 72, 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 61 and 80, Plan 72, designated as Part 1 on Reference Plan 36R-13267 is hereby closed, stopped up and conveyed.
2. The City shall transfer Part 1, Plan 36R-13267 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 4TH DAY OF JUNE, 2012.

cc. READ A SECOND TIME IN OPEN COUNCIL THE 4TH DAY OF JUNE, 2012.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THE 18TH DAY OF JUNE, 2012.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

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LANE CLOSING BY-LAW

The Council of The Corporation of the City of North Bay will consider and, if approved, will pass and enact at its meeting to be held on the 18th day of June, 2012, at the hour of 7:00 o'clock in the evening at the Council Chambers, City Hall, 200 McIntyre Street East, a by-law to close a portion of the laneway located in a block bounded by Maher Street, Regina Street, Hardy Street and Laurier Avenue, located in the City of North Bay as shown on the key map below and described as follows:

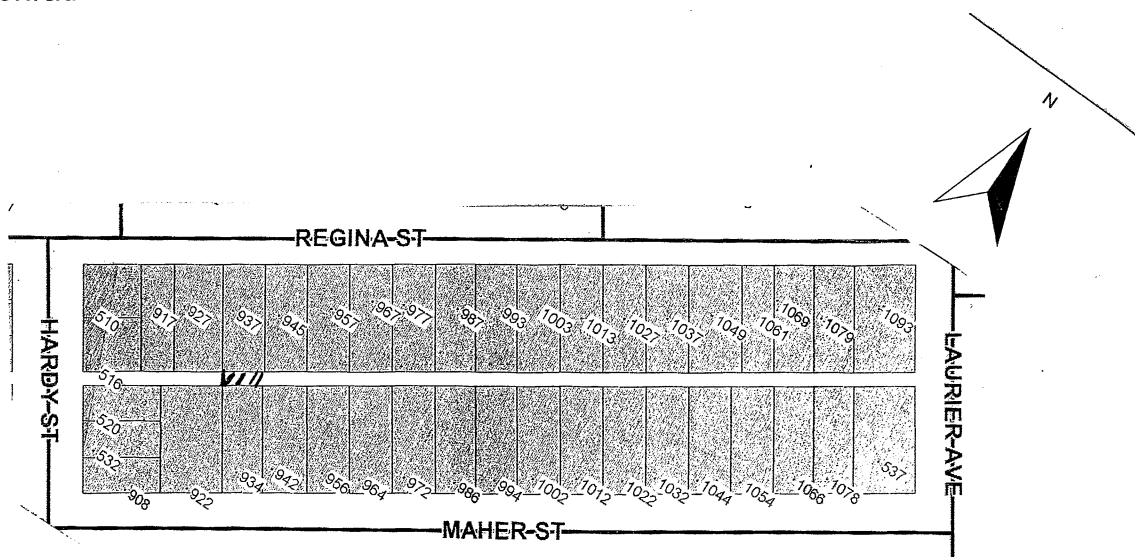
That portion of the laneway located in a block bounded by Maher Street, Regina Street, Hardy Street and Laurier Avenue, and bounded on the north by Lot 80 and on the south by Lot 61, Plan 72, designated as Part 1, on Reference Plan 36R-13267, in the City of North Bay, in the Land Titles Division of Nipissing is to be closed, stopped up and conveyed to the owners of lands abutting the said laneway.

The appropriate plan may be examined at the Office of the City Clerk at the City Hall, 200 McIntyre Street East, North Bay, Ontario.

The Council will, at the said meeting hear in person or by his Counsel, Solicitor or Agent, any person who claims that his or her lands will be prejudicially affected by the by-law and who applies to be heard.

Dated and first published at the City of North Bay this 19th day of May, 2012.

Catherine Conrad
City Clerk



THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-119

OFFICIAL PLAN AMENDMENT NO. 1

(BRIAN MCLEAN – CONCESSION 4, NORTH PART OF LOT 2, PARCEL 1631)

WHEREAS the owner of the subject property has requested an amendment to the Official Plan of the North Bay Planning Area;

AND WHEREAS the Council of The Corporation of the City of North Bay has ensured that adequate information has been made available to the public and has held at least one public meeting after due notice for the purpose of informing the public of this By-law;

AND WHEREAS it is deemed desirable to amend the land use designation shown on Schedule "2" to the Official Plan of the North Bay Planning Area pursuant to Section 17 of the Planning Act R.S.O. 1990, as amended by the Statutes of Ontario, 19101, Chapter 4, Section 9.

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

- 1) The attached Schedules and explanatory text constituting Amendment No.1 to the Official Plan of the City of North Bay Planning Area are hereby adopted.
- 2) The appendices constitute revisions to the appendices only of the Official Plan and shall not constitute part of this Amendment.
- 3)
 - a) Notice of this By-law shall be given by the Clerk in the manner and form and to the persons prescribed by Section 4 of O. Reg. 254/06 as amended.
 - b) Where no notice of appeal is filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, then this By-law shall be deemed to have come into force on the day after the last day for filing an appeal
 - c) Where one or more notices of appeal are filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, setting out the objection to the By-law and the reasons in support of the objection, then this By-law shall not come into force until all appeals have been finally disposed of, whereupon the By-law shall be deemed to have come into force on the day after the last day all appeals have been finally disposed of.

READ A FIRST TIME IN OPEN COUNCIL THE 4TH DAY OF JUNE, 2012.

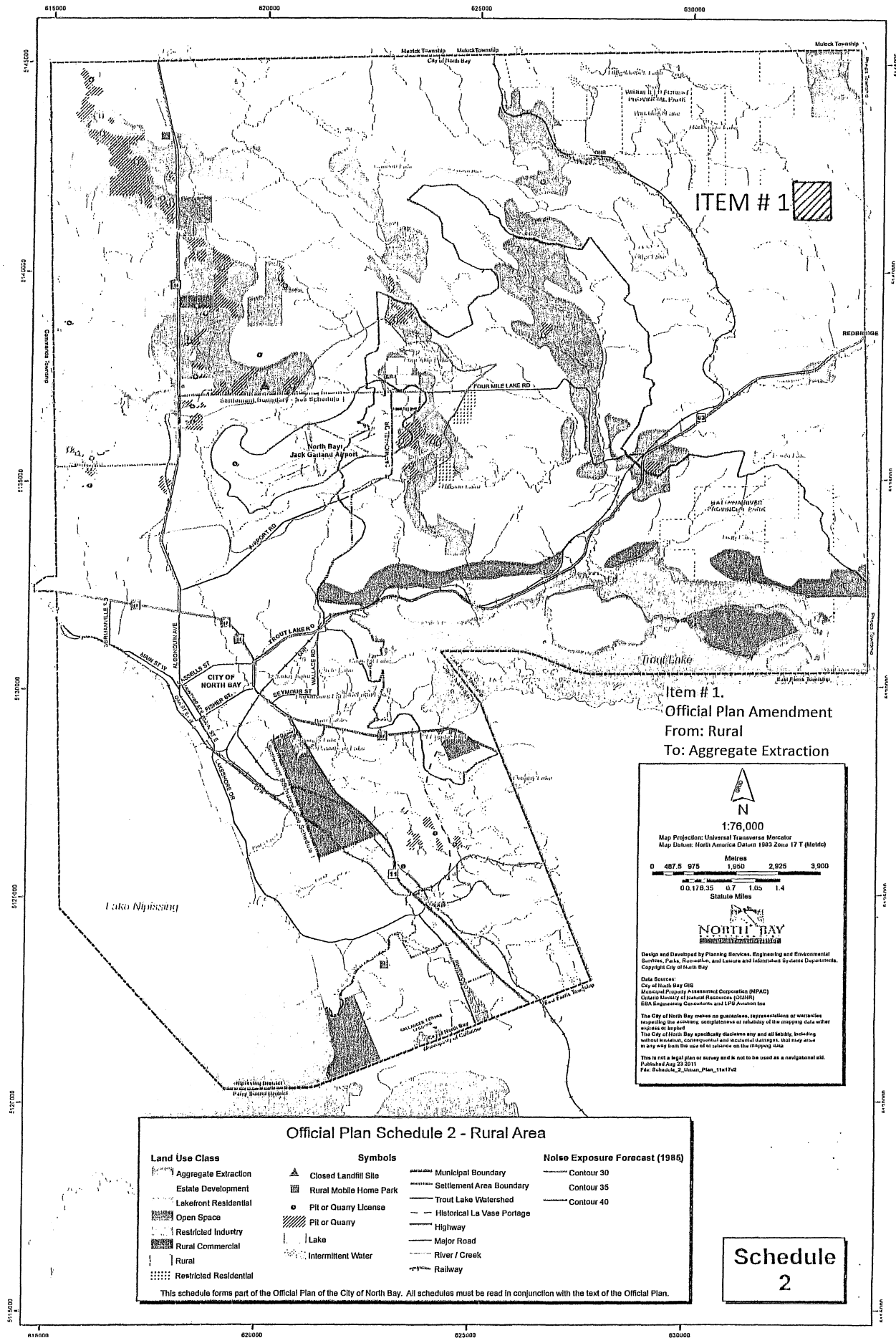
READ A SECOND TIME IN OPEN COUNCIL THE 4TH DAY OF JUNE, 2012.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 18TH DAY OF JUNE, 2012.

MAYOR ALLAN McDONALD

DEPUTY CLERK KAREN McISAAC

SCHEDULE 1-A



ITEM # 1

Item # 1.
Official Plan Amendment
From: Rural
To: Aggregate Extraction

N

1:76,000

Map Projection: Universal Transverse Mercator
Map Datum: North America Datum 1983 Zone 17 T (Metric)

Metres
0 487.5 975 1,950 2,925 3,900

Statute Miles
0.0 0.178 35 0.7 1.05 1.4

NORTH BAY
Municipal Corporation

Design and Developed by Planning Services, Engineering and Environmental Services, Parks, Recreation, and Leisure and Industrial Systems Department, Copyright City of North Bay

Data Sources:
City of North Bay GIS
Municipal Property Assessment Corporation (MPAC)
Ontario Ministry of Natural Resources (OMNR)
EBA Engineering Consultants and LPB Aviation Inc

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This is not a legal plan or survey and is not to be used as a navigational aid.
Published Aug. 22 2011.
Fax: Schedule_2_Drawn_Plan_11x17x2

Official Plan Schedule 2 - Rural Area		
Land Use Class	Symbols	Noise Exposure Forecast (1986)
Aggregate Extraction	Closed Landfill Site	Contour 30
Estate Development	Rural Mobile Home Park	Contour 35
Lakefront Residential	Pit or Quarry License	Contour 40
Open Space	Pit or Quarry	
Restricted Industry	Lake	
Rural Commercial	Intermittent Water	
Rural	Municipal Boundary	
Restricted Residential	Settlement Area Boundary	
	Trout Lake Watershed	
	Historical La Vase Portage	
	Highway	
	Major Road	
	River / Creek	
	Railway	

This schedule forms part of the Official Plan of the City of North Bay. All schedules must be read in conjunction with the text of the Official Plan.

**Schedule
2**

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-120

A BY-LAW TO AMEND ZONING BY-LAW NO. 28-80 TO REZONE CERTAIN LANDS NORTH OF HIGHWAY 63 AT SONGIS ROAD

(BRIAN MCLEAN – CONCESSION 4, NORTH PART OF LOT 2, PARCEL 1631)

WHEREAS the owner of the subject property has initiated an amendment to the Zoning By-law;

AND WHEREAS the Council of The Corporation of the City of North Bay has ensured that adequate information has been made available to the public, and has held at least one public meeting after due notice for the purpose of informing the public of this By-law;

AND WHEREAS it is deemed desirable to amend the zone designation shown on Schedule "C-8" of By-law No. 28-80 pursuant to Section 34 of the Planning Act R.S.O. 1990, as amended.

AND WHEREAS Council passed a resolution on June 4, 2012 to approve this rezoning.

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

- 1) Schedule "C-8" of By-law No. 28-80 is amended by changing the zoning designation of the property shown on Schedules "A" and "B" attached hereto, and more particularly described as Concession 4, North Part of Lot 2, Parcel 1631 in the former Township of Widdifield, in the City of North Bay, from a "Rural (A)" zone to a "Rural Industrial Extractive (RME)" zone.
- 2) All buildings or structures erected or altered and the use of land in such "Rural Industrial Extractive (RME)" zone shall conform to all applicable provisions of By-law No. 28-80 of the Corporation of the City of North Bay.
- 3)
 - a) Notice of this By-law shall be given by the Clerk in the manner and form and to the persons prescribed by Section 4 of Reg. 254/06, as amended.
 - b) Where no notice of appeal is filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, then this By-law shall be deemed to have come into force on the day it was passed.
 - c) Where one or more notices of appeal are filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, setting out the objection to the By-law and the reasons in support of the objection, then this By-law shall not come into force until all appeals have been finally disposed of, whereupon the By-law shall be deemed to have come into force on the day it was passed.

READ A FIRST TIME IN OPEN COUNCIL THE 4TH DAY OF JUNE, 2012.

READ A SECOND TIME IN OPEN COUNCIL THE 4TH DAY OF JUNE, 2012.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 18TH DAY OF JUNE,
2012.

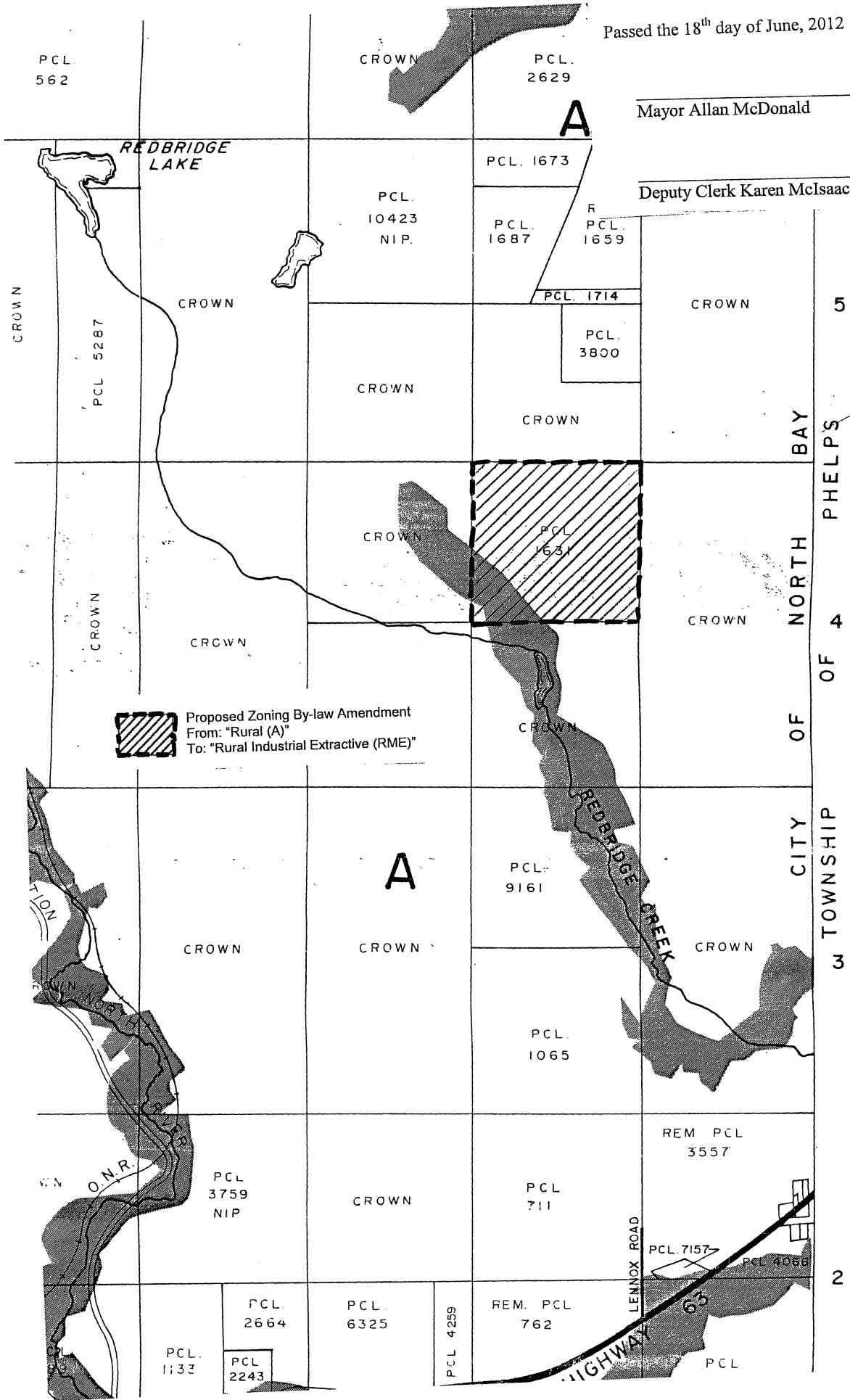
MAYOR ALLAN McDONALD


DEPUTY CLERK KAREN McISAAC

Passed the 18th day of June, 2012

Mayor Allan McDonald

Deputy Clerk Karen McIsaac



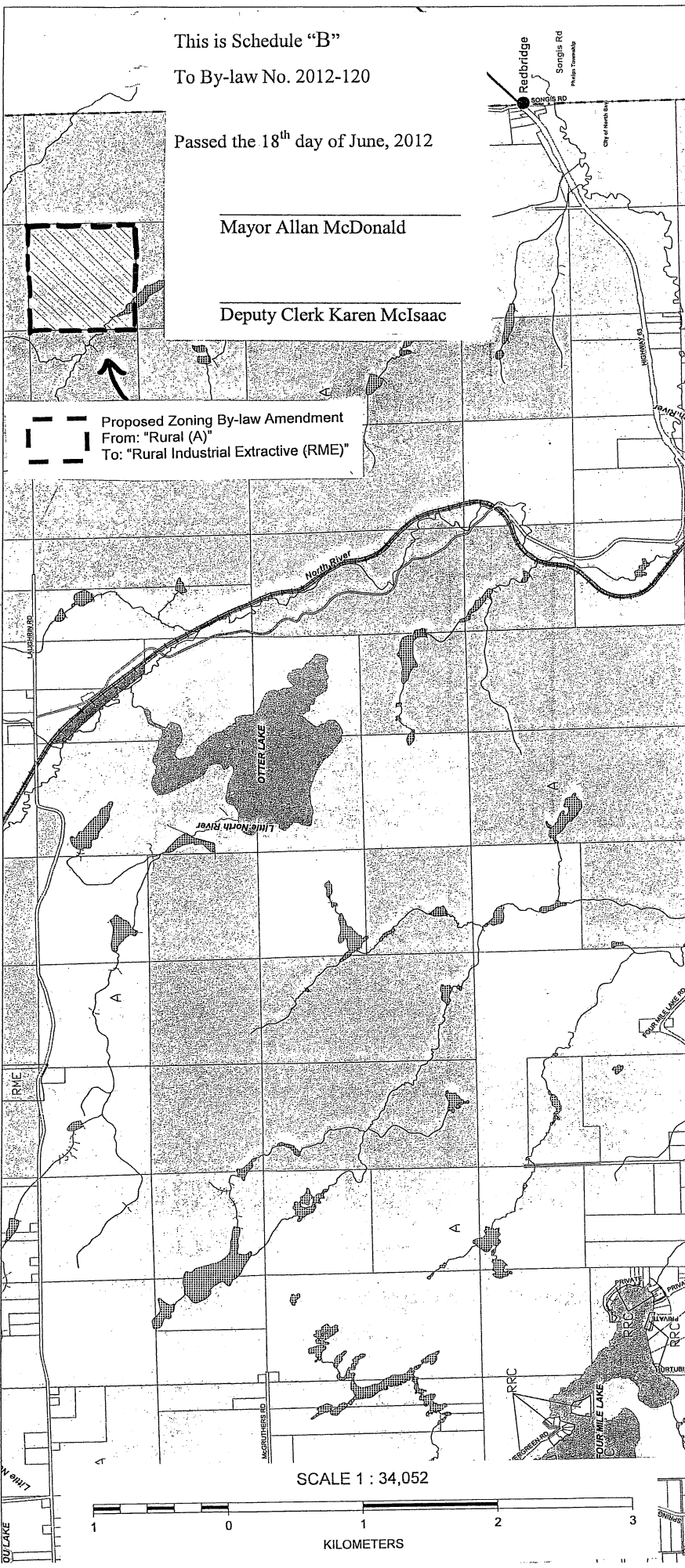
 Proposed Zoning By-law Amendment
From: "Rural (A)"
To: "Rural Industrial Extractive (RME)"

This is Schedule "B"
To By-law No. 2012-120

Passed the 18th day of June, 2012

Mayor Allan McDonald

Deputy Clerk Karen McIsaac



Proposed Zoning By-law Amendment
From: "Rural (A)"
To: "Rural Industrial Extractive (RME)"

SCALE 1 : 34,052

