



Council

Agenda

Regular Meeting of Council
April 16, 2012
at 7:00 p.m.

MEETINGS

**FOR THE WEEK OF
APRIL 16TH, 2012**

Monday, April 16, 2012

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, APRIL 16TH, 2012**

PUBLIC PRESENTATIONS:

PUBLIC MEETING MINUTES:

Monday, April 2, 2012
Tuesday, April 10, 2012

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

Monday, April 2, 2012

COMMITTEE REPORTS:

Community Services Committee Report No. 2012-08
Community Services Committee Report No. 2012-09

CORRESPONDENCE:

1. Report from Catherine Conrad dated April 4, 2012 re Appointment of Chief Administrative Officer (H11/2012/CAO/KNOXJ).
2. Report from Christina Murphy dated April 3, 2012 re Set Fines and Short Form Wordings for Smoking By-Law No. 2012-97 (C00/2012/BYLAWS/SMOKING).
3. Report from Steve McArthur dated April 5, 2012 re Rezoning application by North Bay Daycare o/b of The Trustees of the Laurier Avenue North Bay Congregation of the United Church of Canada - 440 Laurier Avenue (D14/2012/11681/LAURAVEN).
4. Accounts for March 2012 (F14/2012/EOIR/GENERAL).
5. Accounts for Royal Bank and Toronto Dominion Bank for March 2012 (F14/2012/EOIR/GENERAL).
6. Report from Lorraine Rochefort dated April 2, 2012 re Reduction, Cancellation or Refund of Taxes (F22/2012/442/GENERAL).

7. Report from Paul Valenti dated April 10, 2012 re Tender 2012-20, Asphalt Concrete Pavement Patching (F05/2012/ROADS/6052RD).
8. Report from Paul Valenti dated April 10, 2012 re Tender 2012-21, Ready Mix Concrete (F18/2012/TENDE/GENREAL).
9. Report from Paul Valenti dated April 10, 2012 re Tender 2012-22, Sidewalk Replacement (F05/2012/ROADS/605854RD).
10. Report from Paul Valenti dated April 10, 2012 re Tender 2012-23, Supply of Aggregates (F18/2012/TENDE/GENERAL).
11. Report from Sharon Kitlar dated April 12, 2012 re 2012 World's Finest Show Spring Event (M02/2012/WFSSE/GENERAL).
12. Report from Sharon Kitlar dated April 11, 2012 re 2012 O'Canada Day Event (M02/2012/SPECI/CANADA).
13. Report from Sharon Kitlar dated April 12, 2012 re Municipal Alcohol Policy Amendment to include Steve Omischl Sports Field Complex (A09/2012/POLCY/ALCOHOL).

BY-LAWS FOR CONSIDERATION:

General Government - First, second and third readings:

By-Law No. 2012-76 to authorize the sale of lands no longer required for municipal purposes to Dan Burke and Ruth Burke (Part of Bourke Street Road Allowance).

By-Law No. 2012-106 to confirm proceedings of the Meeting of Council on April 2, 2012.

By-Law No. 2012-107 to authorize the sale of lands no longer required for municipal purposes (Part of Bourke Street Road Allowance).

By-Law No. 2012-110 to appoint a Chief Administrative Officer.

By-Law No. 2012-111 to authorize the execution of an Employment Agreement with Jerry D. Knox.

By-Law No. 2012-112 to confirm proceedings of the Meeting of Council on March 26, 2012.

By-Law No. 2012-116 to authorize the sale of Parts 1 & 2 on Plan 36R-13218, Part of the Alexander Road Allowance.

By-Law No. 2012-117 to authorize the execution of an Agreement with 1650939 Ontario Ltd. o/a Dominion Construction regarding Leger Square Reconstruction.

Community Services – First and second readings:

By-Law No. 2012-100 to rezone certain lands on Airport Road (North Bay Jack Garland Airport).

Community Services – First, second and third readings:

By-Law No. 2012-113, being a by-law to amend By-Law No. 1999-06, the Property Standards & Vital Services By-Law.

Community Services – Third reading:

By-Law No. 2012-36 to rezone certain lands on Main Street West (Southshore Investments Inc. – 1704 to 1730 Main Street West).

MOTIONS:

MOTION TO ADJOURN IN-CAMERA:

IN-CAMERA CORRESPONDENCE:

14. ***Confidential*** report from Lorraine Rochefort / Margaret Karpenko dated March 27, 2012 re Personnel Matter.
15. ***Confidential*** report from Paul Valenti dated April 10, 2012 re Property Matter.

MOTION TO RECONVENE:

MOTION FOR RECONSIDERATION:

GIVING NOTICE:

ADJOURNMENT:

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, APRIL 2ND, 2012**

PRESENT: Mayor McDonald, Councillors Koziol, Anthony, Maroosis, Bain, Mayne, Vrebosch, Vaillancourt, Mendicino

PUBLIC PRESENTATIONS:

Betty Dean	re Habitat for Humanity Golf Tournament
Stephen Tomlinson	re Lake Accesses
Miles Peters	re Lake Accesses
Cathy King	re Lake Accesses
Brianna Wilson	re Lake Accesses
Barry Lachance	re Battle of Vimy Ridge Celebration

CORRESPONDENCE:

Laplante, G.	re Resignation from the Municipal Accessibility Advisory Committee	(225)
North Bay Public Library	re Vacancy on the North Bay Public Library Board	(226)
Grannittis Ristorante	re Requesting Extension to Liquor License - 540 Lakeshore Drive	(232)

REPORTS FROM OFFICERS:

Karpenko, M	re 2012 Development Charges and 2011 Treasurer's Report	(234)
Killins, S.	re Annual Report-2011 Building Permit Fees	(233)
Mimee, R.	re 2011 Year-End Variance Report	(239)
Severino, J.	re Merrick Landfill Tipping Fee Increase	(231)
Valenti, P.	re Request for Proposal No. 2011-78, Group Benefits Consulting Services	(235)
Valenti, P.	re Tender No. 2012-09, Analytical Laboratory Services	(236)
Valenti, P.	re Tender No. 2012-12, Leger Square Reconstruction	(237)
Valenti, P.	re Tender No. 2012-19, Catchbasin Cleaner/ Pressure Jet Rodder	(238)

Res. #2012-218: Moved by Councillor Anthony, seconded by Councillor Maroosis
That the rules of order be suspended to change the order of the
agenda to allow Council to consider the motion from Councillor
Mendicino regarding City owned lake accesses as the first item of
business.

"CARRIED"

Res.#2012-219: Moved by Councillor Mendicino, seconded by Councillor Bain
WHEREAS on January 24, 2011 Council passed Resolution No.
2011-68 directing staff to complete a comprehensive review of City
owned Lake Nipissing accesses and report back to Council;

AND WHEREAS staff have held four (4) public consultation sessions;

AND WHEREAS there was overwhelming support to keep these
accesses in Public ownership;

THEREFORE BE IT RESOLVED that based on the feedback provided by the public at these public information meetings, Council directs staff to continue the review. However no sales will be considered.

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

Yeas: Councillors Mendicino, Maroosis, Vrebosch, Anthony, Mayne, Bain, Mayor McDonald

Nays: Councillors Koziol, Vaillancourt

"CARRIED"

Res. #2012-220: Moved by Councillor Maroosis, seconded by Councillor Vaillancourt That minutes for the public meetings held on:

- Monday, March 19, 2012 ; and
- Monday, March 26, 2012

be adopted as presented.

"CARRIED"

Res. #2012-221: Moved by Councillor Maroosis, seconded by Councillor Vaillancourt That minutes for the closed meetings held on:

- Monday, March 19, 2012; and
- Friday, March 23, 2012

be adopted as presented.

"CARRIED"

Res. #2012-222: Moved by Councillor Mendicino, seconded by Councillor Vaillancourt That Community Services Committee Report No. 2012-06 relating to:

- Municipal Accessibility Advisory Committee Annual Report; and
- Municipal Heritage Committee Annual Report

be adopted as presented.

"CARRIED"

COMMUNITY SERVICES COMMITTEE REPORT NO. 2012-06

April 2, 2012

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2012-06 and recommends:

1. That
 - a) the Municipal Accessibility Advisory Committee be thanked for their work; and
 - b) the 2011 Update – Municipal Accessibility Plan and Municipal Accessibility Advisory Committee Annual Report be noted and filed.

- 2. That
 - a) the Municipal Heritage Committee be thanked for their work; and
 - b) the 2011 Update – Municipal Heritage Committee Annual Report be noted and filed.

All of which is respectfully submitted.

ASSENTS
 MENDICINO
 VAILLANCOURT
 McDONALD

DISSENTS

Res. #2012-223: Moved by Councillor Mendicino, seconded by Councillor Vaillancourt That Community Services Committee Report No. 2012-07 relating to:

- Amendments to Property Standards By-Law No. 1999-06
 be adopted as presented.

Councillor Koziol declared a conflict of interest as this by-law may affect her business.

"CARRIED"

COMMUNITY SERVICES COMMITTEE REPORT NO. 2012-07

April 2, 2012

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2012-07 and recommends:

- 1. That Council authorize the City Clerk to amend Property Standards By-Law 1999-06, as set out in Report to Council CORP 2012-09, with the exception of the recommended amendment to section 4.9.1.

All of which is respectfully submitted.

ASSENTS
 MENDICINO
 VAILLANCOURT
 McDONALD

DISSENTS

Res. #2012-224: Moved by Councillor Vrebosch, seconded by Councillor Mayne That Engineering & Works Committee Report No. 2012-01 relating to:

- Curbside Collection of Recyclables for the ICI Sector
 be adopted as presented.

"CARRIED"

ENGINEERING & WORKS COMMITTEE REPORT NO. 2012-01

April 2, 2012

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

Your Worship and Councillors:

The Engineering & Works Committee presents Report No. 2012-01 and recommends:

1. That the resolution passed by the Waste Resources Liaison Committee on October 25, 2011 relating to Curbside Collection of Recyclables for the ICI Sector be noted and filed.

All of which is respectfully submitted.

ASSENTS
VREBOSCH
MAYNE
BAIN
McDONALD

DISSENTS

Res. #2012-225: Moved by Councillor Koziol, seconded by Councillor Anthony
That the resignation of Geoff Laplante received March 16, 2012 from the Municipal Accessibility Advisory Committee be received and Mr. Laplante be thanked for his involvement on the Committee.

"CARRIED"

Res. #2012-226: Moved by Councillor Koziol, seconded by Councillor Anthony
That Council

- 1) confirm the vacancy on the North Bay Public Library board;
- 2) thank Allyson Meney for her involvement on the Board; and
- 3) direct the City Clerk to advertise for applications.

"CARRIED"

Res. #2012-227: Moved by Councillor Koziol, seconded by Councillor Anthony
That accounts totalling \$9,095,710.40 for January 2012 be approved.

"CARRIED"

Res. #2012-228: Moved by Councillor Koziol, seconded by Councillor Anthony
That accounts for Royal Bank and Toronto Dominion Bank totalling \$4,670.73 for January 2012 be approved.

"CARRIED"

Res. #2012-229: Moved By Councillor Koziol, seconded by councillor Anthony
That accounts totalling \$9,034,039.43 for February 2012 be approved.

"CARRIED"

Res. #2012-230: Moved by Councillor Koziol, seconded by Councillor Anthony
That accounts for Royal Bank and Toronto Dominion Bank totalling
\$2,803.91 for February 2012 be approved.

"CARRIED"

Res. #2012-231: Moved by Councillor Vrebosch, seconded by Councillor Mayne
That Report to Council EESW-2012-36 dated March 26, 2012 from
John Severino re Merrick Landfill Tipping Fee Increase be referred
to the Engineering & Works Committee for a Public Meeting.

"CARRIED"

Res. #2012-232: Moved by Councillor Koziol, seconded by Councillor Anthony
That the City of North Bay offers no objection to the temporary
extension of the Liquor License for Grannittis Ristorante, 540
Lakeshore Drive on Saturday, May 26, 2012 from 11:00 a.m. to
2:00 a.m. the following day, provided that the operation continues
to comply with all other municipal by-laws.

"CARRIED"

Res. #2012-233: Moved by Councillor Mendicino, seconded by Councillor Vaillancourt
That Report to Council CSBU 2012-40 relating to the Annual Report
on 2011 Building Permit Fees be referred to the Community
Services Committee for a Public Meeting.

"CARRIED"

Res. # 2012-234: Moved by Councillor Koziol, seconded by Councillor Anthony
That Report to Council CORP 2012-35 relating to 2012 Development
Charges and 2011 Treasurer's Report be referred to the General
Government Committee for a Public Meeting.

Mayor McDonald declared a conflict of interest as he owns property in the Cedar
Heights area.

"CARRIED"

Res. #2012-235: Moved by Councillor Koziol, seconded by Councillor Anthony
That City Council approve the award of a contract to Mosey &
Mosey Insurance Agency Ltd., in the estimated amount of
\$106,039.00 (excluding HST), for the provision of group benefits
consulting services over a five (5) year term.

"CARRIED"

Res.# 2012-236: Moved by Councillor Vrebosch, seconded by Councillor Mayne
That City Council approve a contract be issued to AGAT
Laboratories Inc., in the amount of \$64,212.00 (excluding HST), to
perform analytical testing services in support of landfill, septic and
surface water monitoring programs from the time of contract to
December 31, 2014.

"CARRIED"

Res. #2012-237: Moved by Councillor Mendicino, seconded by Councillor Vaillancourt
That City Council approve the award of a contract to 1650939
Ontario Ltd., o/a Dominion Construction in the amount of
\$117,278.45 (excluding HST), for replacement of retaining walls
and other associated works in Leger Square.

"CARRIED"

Res. #2012-238: Moved by Councillor Vrebosch, seconded by Councillor Mayne
That City Council approve the award of a contract to Joe Johnson
Equipment Inc., in the amount of \$388,477.00 (excluding HST), for
the supply of one (1) Catchbasin Cleaner / Pressure Jet Rodder.

"CARRIED"

Res. #2012-239: Moved by Councillor Koziol, seconded by Councillor Anthony
That 1) the City of North Bay's 2011 Year-End Variance Report be
received and filed; and

2) the Chief Financial Officer be authorized to process the
following year-end transfers to and from reserve funds as
at December 31, 2011:

- transfer 2011 operating budget year-end surplus of
\$21,407.00 to Tax Rate Stabilization Reserve Fund;
- transfer 2011 Water and Sanitary Sewer operating
deficit of (\$281,151.00) from the Water and Sanitary
Sewer Capital Reserve Fund;
- transfer 2011 Police Services operating surplus of
\$138,871.00 to the Police Vested Sick Leave Reserve
Fund; and
- transfer \$2,456.76 from Land Sales Reserve to Airport
Reserve.

"CARRIED"

Res. #2012-240: Moved by Councillor Koziol, seconded by Councillor Anthony
That the following by-laws be read a first and second time:

By-Law No. 2012-72 to authorize the sale of Part 2 on Plan 36R-
13219, part of the Bourke Street Road Allowance.

By-Law No. 2012-99 to confirm proceedings of the Meeting of
Council on March 19, 2012.

By-Law No. 2012-108 to repeal By-Law No. 2000-71, being a by-
law to recognize the Heritage Railway Company as a Committee.

"CARRIED"

Res. #2012-241: Moved by Councillor Koziol, seconded by Councillor Anthony
That the following by-laws be read a third time and passed:

By-Law No. 2012-72 to authorize the sale of Part 2 on Plan 36R-
13219, part of the Bourke Street Road Allowance.

By-Law No. 2012-99 to confirm proceedings of the Meeting of
Council on March 19, 2012.

By-Law No. 2012-108 to repeal By-Law No. 2000-71, being a by-
law to recognize the Heritage Railway Company as a Committee.

"CARRIED"

Res. # 2012-242: Moved by Councillor Koziol, seconded by Councillor Anthony
That the following by-law be read a third time and passed:

By-Law No. 2012-73 to stop up and close parts of Second Avenue,
Plan 21, abutting Front Street.

"CARRIED"

Res. #2012-243: Moved by Councillor Mendicino, seconded by Councillor Vaillancourt
That the following by-law be read a first and second time:

By-Law No. 2012-109, being a by-law to amend User Fee By-Law
No. 2011-123 (Athletic Fields – Schedules "F" & "G").

"CARRIED"

Res. # 2012-244: Moved by Councillor Mendicino, seconded by Councillor Vaillancourt
That the following by-law be read a third time and passed:

By-Law No. 2012-109, being a by-law to amend User Fee By-Law
No. 2011-123 (Athletic Fields – Schedules "F" & "G").

"CARRIED"

Res. #2012-245: Moved by Councillor Anthony, seconded by Councillor Mayne
WHEREAS Earth Day is a day designed to inspire awareness and
appreciation for the Earth's environment and this year is being held
on Sunday, April 22, 2012.

AND WHEREAS the City of North Bay can and is doing its part to
address environment and energy issues in our community.

BE IT THEREFORE RESOLVED THAT the City of North Bay take part
in and support Earth Day activities and that local participating
groups be encouraged to register their Earth Day activities with
Earth Day Canada and The City of North Bay.

AND BE IT FURTHER RESOLVED THAT the City of North Bay declare
the day of Sunday, April 22, 2012 from 12:01 a.m. to 11:59 p.m.
as "Earth Day" in the Municipality of North Bay.

"CARRIED"

Res. #2012-246: Moved by Councillor Koziol, seconded by Councillor Anthony
That Council adjourn in-camera pursuant to section 239.(2) of the
Municipal Act, 2001, as amended at 8:58 p.m. for the following
reasons: Items #16, 17 and 18, being proposed disposition of
lands by the Municipality; and Item #19, being personal matters
about identifiable individuals, including municipal employees.

"CARRIED"

Res. #2012-247: Moved by Councillor Koziol, seconded by Councillor Anthony
That Council reconvene at 9:44 p.m.

"CARRIED"

- Res. #2012-248: Moved by Councillor Koziol, seconded by Councillor Maroosis
That 1) City Council approve the high bid from Steve Crea Homes Limited in the amount of \$56,100.00 (HST extra), for the sale of vacant city owned land described as Registered Plan No. M-258, Part of Alexander Road Allowance, Reference Plan No. 36R-13218, Parts 1 & 2, on the west side of Kingsway Avenue, being a rectangular parcel with a total land area of 0.123 ha (0.303 acres), having 20.12 metres (66.0 feet) frontage on Kingsway Avenue and 60.95 metres (200 feet) depth; and
- 2) the funds from the sale be placed in the Property Development Reserve Fund (99535).

"CARRIED"

- Res. #2012-249: Moved by Councillor Koziol, seconded by Councillor Anthony
That 1) City Council approve the high bid from Mike St. Pierre in the amount of \$60,000.00 (HST extra), for the sale of vacant city owned land described as Registered Plan No. 64, Part of Bourke Street Road Allowance, Reference Plan No. 36R-13219, Part 1, on the east side of Durrill Street, being a rectangular parcel with a total land area of 0.055 ha (0.138 acres), having 18.288 metres (60.0 feet) frontage on Durrill Street and 30.554 metres (100 feet) depth; and
- 2) the funds from the sale be placed in the Property Development Reserve Fund (99535).

"CARRIED"

- Res. #2012-250: Moved by Councillor Vaillancourt, seconded by Councillor Maroosis
That this Regular Meeting of Council do now adjourn at 9:46 p.m.

"CARRIED"

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

**MINUTES OF THE PUBLIC MEETING OF
CITY COUNCIL HELD UNDER THE *PLANNING ACT*
HELD TUESDAY, APRIL 10, 2012**

PRESENT: Mayor McDonald, Councillors Koziol, Maroosis, Bain, Mayne, Vrebosch, Vaillancourt, Mendicino, Lawlor

1. City of North Bay - North Bay Jack Garland Airport

Councillor Lawlor explained the purpose of the meeting.

The Deputy City Clerk advised that notice of the meeting was given by prepaid first class mail on the 21st day of March, 2012 to all owners of property within 120 metres of the subject property and by the posting of a placard on the subject property.

Peter Carello explained the purpose of the rezoning application.

Councillor Lawlor asked for public presentations in support of or objecting to the rezoning.

1. Robert Starling – 230 Four Mile Lake Road, North Bay

- Mr. Starling's property is North of the Jack Garland Airport
- He would like to know what the long term plans are for the wetland area directly behind his property

MAYOR ALLAN McDONALD

DEPUTY CLERK KAREN McISAAC

**MINUTES OF THE PUBLIC MEETING OF
CITY COUNCIL HELD UNDER THE *PLANNING ACT*
HELD TUESDAY, APRIL 10, 2012**

PRESENT: Mayor McDonald, Councillors Koziol, Maroosis, Bain, Mayne, Vrebosch, Vaillancourt, Mendicino, Lawlor

1. Dimitrios and Tracy Kolios - Carmichael Drive

Councillor Lawlor explained the purpose of the meeting.

The Deputy City Clerk advised that notice of the meeting was given by prepaid first class mail on the 21st day of March, 2012 to all owners of property within 120 metres of the subject property and by the posting of a placard on the subject property.

Peter Carello explained the Plan of Subdivision application.

Councillor Lawlor asked for public presentations in support of or objecting to the application.

1. Larry Carriere – 405 Carmichael Drive, North Bay

- he had to pay to run water to his property and currently has two sets of shut off valves in his driveway
- he wants to ensure that he will not be paying any further costs to run water to the new subdivision.

2. John Ashley – 413 Carmichael Drive, North Bay

- the lot next to his property has a large pond almost the size of the lot and he would like to know how this lot will be developed.

MAYOR ALLAN McDONALD

DEPUTY CLERK KAREN McISAAC

COMMUNITY SERVICES COMMITTEE REPORT NO. 2012-08

April 16, 2012

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2012-08 and recommends:

1. That
 - 1) the proposed Zoning By-Law Amendment by the City of North Bay for lands at the North Bay Jack Garland Airport be approved;
 - 2) Section 3 of the City of North Bay's Zoning By-Law No. 28-80 be amended to revise the definition for "Corporate Administrative Office;" and
 - 3) Section 7.11.1.1 of the City of North Bay's Zoning By-Law No. 28-80 be amended to add "Corporate Administrative Office" as a Permitted Use in the "Industrial Air Park – Groundside (MAP-G)" zone.

All of which is respectfully submitted.

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

COMMUNITY SERVICES COMMITTEE REPORT NO. 2012-09

April 16, 2012

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2012-09 and recommends:

1. That 1) the proposed Plan of Subdivision (7 Lots, File #48T-12111) by Goodridge Planning & Surveying on behalf of Dimitrios and Tracy Kolios, for Concession A, Lot 16, Reference Plan NR-33 Part 4, and 36R-12000 Parts 1 & 2, PIN 49127-0928 (LT) and 49127-0933 (LT), in the former Township of Widdifield, shown as Lots 1 to 7 and Block 8 for the subject lands on Carmichael Drive, as shown on Schedule "B" attached hereto, be given draft approval subject to the conditions in Appendix "A" attached to the report to the Planning Advisory Committee dated March 1, 2012; and
- 2) the Owner(s) enter into a Subdivision Agreement with the City of North Bay prior to site development to address lot grading, storm water management, buffer areas, sediment/erosion control, general drainage considerations, and parkland dedication."

All of which is respectfully submitted.

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

CITY OF NORTH BAY
REPORT TO COUNCIL

Report No: CORP 2012-50

Date: April 4, 2012

Originator: David Linkie / Catherine Conrad

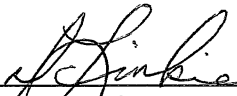
Subject: Appointment of Chief Administrative Officer

RECOMMENDATION

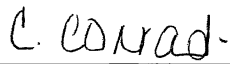
That:

1. Council appoint Jerry D. Knox as Chief Administrative Officer, effective July 30, 2012;
 2. the By-law confirming the appointment be brought forward for three (3) readings on Monday, April 16, 2012; and
 3. the By-law authorizing the execution of an Employment Agreement be brought forward for three (3) readings on Monday, April 16, 2012.
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Respectfully submitted,



David Linkie
Chief Administrative Officer



Catherine Conrad
City Clerk

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Personnel designated for continuance: City Clerk

City of North Bay Report to Council

Report No.: CORP-2012-49

Date: April 3, 2012

Originator: Christina A. (Tina) Murphy, Assistant City Solicitor/City Prosecutor

Subject: Set Fines and Short Form Wordings for Smoking By-Law No. 2012-97

RECOMMENDATION

That Council authorize an application for approval of set fines and short form wordings for offences contrary to the Smoking By-Law as set out in Schedule "A" of Report to Council No. CORP-2012-49.

BACKGROUND

The Smoking By-Law was passed on Monday, March 5, 2012. The purpose of seeking approval for set fines and short form wordings is to allow the City of North Bay to enforce the Smoking By-Law by writing Certificate of Offence Notices (tickets) under Part I of the *Provincial Offences Act*. This ticketing process is the same process that occurs when a person receives a speeding ticket. It allows for a more expeditious process and allows the defendant the opportunity to pay the fine out of court if they wish. The City of North Bay always has the option not to use the ticketing process despite the availability of set fines and short form wordings and would then proceed to charge pursuant to Part III of the *Provincial Offences Act* which requires the issuing of an Information and a Summons to the Defendant. This process does require the defendant to appear in court. This process can be used for a variety of reasons instead of a Part I ticket (ie: 30 day time limitation period for issuing a Part I ticket has passed; the City of North Bay expects to seek a fine greater than \$1,000.00 due to the seriousness of the offence; a repeat offender; etc.)

In order to use set fines the City of North Bay must obtain approval from the Regional Senior Justice of the Ontario Court of Justice for the Northeast Region. The proposed set fines must first be sent to the Ministry of the Attorney General, Crown Law Office – Criminal prior to being sent to the Regional Senior Justice. The entire approval process can take anywhere from one month to six months.

ANALYSIS/OPTIONS

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

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

SMOKING IN PUBLIC PLACES BY-LAW NO. 2012-97

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
1.	Smoke in workplace	Section 2.1	\$150.00
2.	Employer fail to ensure compliance	Section 2.2(i)	\$150.00
3.	Employer fail to post non-smoking signs	Section 2.2(iii)	\$150.00
4.	Employer permit ashtrays	Section 2.2(iv)	\$150.00
5.	Smoke in public place	Section 3.1	\$150.00
6.	Proprietor fail to ensure compliance	Section 3.2(i)	\$150.00
7.	Proprietor fail to post no-smoking signs	Section 3.2(iii)	\$150.00
8.	Proprietor permit ashtrays	Section 3.2(iv)	\$150.00
9.	Smoke on North Bay Regional Health Centre property	Section 3.4	\$150.00
10.	Smoke on City property	Section 3.5	\$150.00
11.	Smoke in designated municipal building entranceway	Section 4.1(i)	\$150.00
12.	Smoke in designated workplace entranceway	Section 4.1(ii)	\$150.00
13.	Smoke in designated apartment building entranceway	Section 4.1(iii)	\$150.00
14.	Permit smoking receptacle within designated entranceway	Section 4.2	\$150.00
15.	Obstruct inspector	Section 6.2	\$150.00

Schedule "A"

Note: The penalty provision for the offence indicated above is Part 7 of By-Law No. 2012-97 a certified copy of which has been filed

INTER OFFICE

MEMO

City of North Bay
Planning Services

To: Cathy Conrad, City Clerk
From: Steve McArthur - Senior Planner, Current Operations
Subject: Resolution No. 4 - Planning Advisory Committee
Date: April 5, 2012

Quoted below is Resolution No. 4 passed at the regular meeting of the Planning Advisory Committee held on Wednesday, March 28th, 2012:

Resolution No. 4

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

1. That the proposed Zoning By-law Amendment application by North Bay Daycare on behalf of The Trustees of the Laurier Avenue North Bay Congregation of the United Church of Canada to rezone the property legally described as Registered Plan No. 56, Part Lot 38, from a 'Residential Third Density (R3)' zone to a 'Residential Third Density Special Zone No. 128 (R3 Sp.128)', 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

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 North Bay Daycare on behalf of the Trustees of the Laurier Avenue North Bay Congregation of the United Church of Canada, 449 Laurier Avenue in the City of North Bay

Date: March 26, 2012

Recommendations

1. That the proposed Zoning By-law Amendment application by North Bay Daycare on behalf of The Trustees of the Laurier Avenue North Bay Congregation of the United Church of Canada to rezone the property legally described as Registered Plan No. 56, Part Lot 38, from a 'Residential Third Density (R3)' zone to a 'Residential Third Density Special Zone No. 128 (R3 Sp.128)', 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.

Site

The subject lands are legally described as Registered Plan No. 56, Part Lot 38 and are located at 449 Laurier Avenue in the City of North Bay. This is the site of the soon-to-be-closed Laurier Avenue United Church.

The surrounding land uses are primarily residential and include semi-detached dwellings, single family detached dwellings and commercial properties fronting on Fisher Street. Chippewa Creek, the Kinsmen Trail and the Fisher Street Parkette are in close proximity to the subject lands, as is the North Bay Daycare main location at the corner of Haig and Fisher Streets, as shown on Schedule 'A' attached hereto.

Proposal

The Applicant, North Bay Daycare on behalf of The Trustees of the Laurier Avenue North Bay Congregation of the United Church of Canada, has submitted a Zoning By-law amendment application to rezone the subject property from a 'Residential Third Density (R3)' zone to a 'Residential Third Density Special Zone No. 128 (R3 Sp.128)' in order to permit the conversion of the Church into a Day Nursery. The special component of the proposed amendment will add 'Day Nursery' to the list of permitted uses and will recognize existing setbacks and lot coverage on the subject lands.

Official Plan

The property is currently designated 'Residential' on Schedule "1" of the City of North Bay's Official Plan.

Section 2.1 of the Official Plan, Settlement Areas, states that: *"Infill and intensification developments will be primarily encouraged in the Central Business District (CBD) and surrounding neighbourhoods, where appropriate, and where adequate municipal services, facilities, and transit routes exist. Infilling and intensification will also be promoted in other areas of the City where there is appropriate infrastructure and new development or redevelopment is compatible with surrounding land uses."*

The area is adequately serviced and the conversion represents an infill opportunity and continued use on what otherwise would be a vacant building. The lower level of the Church has been used as a Day Nursery for nearly two (2) decades. This use was permitted as an accessory use to the main use, which was the Laurier Avenue United Church. Now that the Church is proposed for closure and sale, the proposed rezoning and end use as a Day Nursery should not represent a significant change to the surrounding neighbourhood.

The proposal to rezone the subject property from a 'Residential Third Density (R3)' zone to a 'Residential Third Density Special Zone No. 128 (R3 Sp.128)' in order to permit the conversion of the Church into a Day Nursery on the subject lands is in conformity with the Official Plan.

Zoning By-Law No. 28-80

The subject property is presently zoned "Residential Third Density (R3)" which permits the following uses:

- Single Detached Dwelling (minimum frontage of 13.7m)
- Duplex Dwelling
- Semi-Detached Dwelling
- Group Home Type 1
- Accessory Home Based Businesses
- Parks, Playgrounds & Non-Profit Uses
- Institutional Uses

The Applicant is proposing to rezone the subject lands to a "Residential Third Density Special Zone No. 128 (R3 Sp.128)" which would permit the above uses, will add 'Day Nursery' to the list of permitted uses, and will recognize the existing setbacks and lot coverage on the subject lands.

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 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 North Bay-Mattawa Conservation Authority and the Ministry of Transportation have indicated they have no concerns or objections to this proposal.

The Chief Building Official and the Chief Fire Prevention Officer advised the following: *"Despite the fact that there does not appear to be a change of use, the owners ought to have Building Services and Fire Prevention attend the site. The inspection may result in required upgrades pursuant to the OBC and Fire Code. The upgrades may require a building permit."*

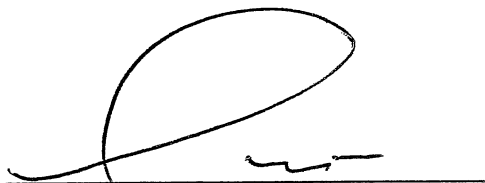
Density Special Zone No. 128 (R3 Sp.128)' in order to permit the conversion of the Church into a Day Nursery. The special component of the proposed amendment will add 'Day Nursery' to the list of permitted uses and will recognize existing setbacks and lot coverage on the subject lands at 449 Laurier Avenue in the City of North Bay.

This is the site of the soon-to-be-closed Laurier Avenue United Church. The surrounding land uses are primarily residential and include semi-detached dwellings, single family detached dwellings and commercial properties fronting on Fisher Street. Chippewa Creek, the Kinsmen Trail and the Fisher Street Parkette are in close proximity to the subject lands, as is the North Bay Daycare main location at the corner of Haig and Fisher Streets, as shown on Schedule 'A' attached hereto.

The conversion of the Church into a day nursery will result in development on existing full municipal services. The conversion will trigger a review of the building and property under the Building and Fire Codes of today, thereby ensuring that public safety and security will be adequately addressed. The property will be subject to Site Plan Control, which will regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required. Under the current proposal, no increase in traffic is expected. If a full conversion and use of the upper floor is sought, an appropriate review and amendment to the Site Plan Control Agreement (SPCA) may be required.

It is my professional opinion that the proposed Zoning By-law amendment is in conformity with the Official Plan and the end use 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,

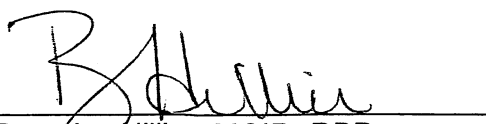


Steve McArthur, MCIP, RPP
Senior Planner – Current Operations

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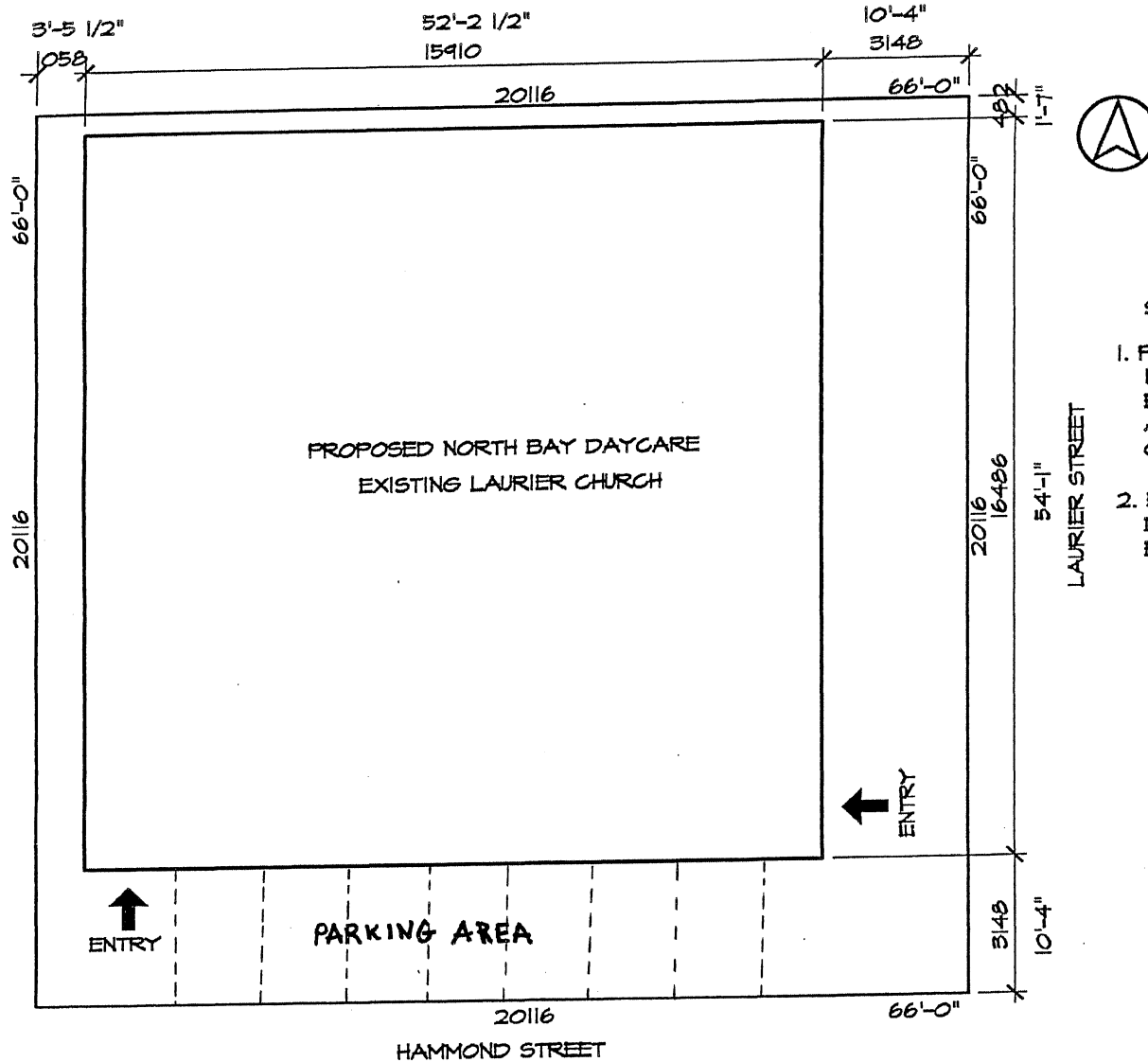
attach.

I concur with the recommendations contained in this report.



Beverley Hillier, MCIP, RPP
Manager, Planning Services

SCHEDULE B



SURVEY INFORMATION

1. PROPERTY SURVEY DIMENSION INFORMATION IS APPROXIMATED FROM A DRAWING PROVIDED BY THE OWNER DATED FEBRUARY 13, 2012. ACTUAL DIMENSION SETBACKS ARE NOT CONFIRMED BY THE ARCHITECT.
2. BUILDING DIMENSIONS ARE TAKEN FROM A DRAWING DATED APRIL, 1989 PREPARED BY BRIAN R. BERTRAND ARCHITECT.

GG

4

North Bay, ON

April 16, 2012

Subject: Elected Official Invoice Register

File No. F14/2012/EOIR/GENERAL

Res. 2012 - _____

Moved by Councillor: _____

Seconded by Councillor: _____

That accounts totaling \$14,102,884.24 for March 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 \$3,624.71 for March 2012 be approved.

Carried

Carried as amended

Lost

Conflict _____ Endorsement of Chair _____

Record of Vote (Upon Request of Councillor _____)

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

Signature of Clerk _____

City of North Bay**Report to Council**

Report No.: CORP 2012-48

Date: April 2, 2012

Originator: Lorraine Rochefort

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

RECOMMENDATION:

That the tax appeal applications attached to CORP Report No. 2012-45 that have been returned with a positive recommendation from the Municipal Property Assessment Corporation be adjusted for the period set out on each application form and that the applicable taxes be cancelled, reduced or refunded as authorized by Section 357 of the Municipal Act, S.O. 2001 c.25.

BACKGROUND:

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

The attached thirteen applications have been reviewed and verified by the Municipal Property Assessment Corporation (MPAC). Twelve have been returned with a positive recommendation and one with a negative recommendation. Application 2012-13a dealt with a tax exemption request. It was determined by MPAC's legal branch that the property did not qualify for exemption.

The subject applications deal specifically with:

- Section 357 (1) (a) - tax class change
- Section 357 (1) (d)(i) - raised by fire/.demolition
- Section 357 (1)(d)(ii) - damaged and substantially unusable

The 2012 budget is \$120,000; the municipal portion write-off of the subject applications is \$24,919.10.

CITY OF NORTH BAY**REPORT TO COUNCIL**

Report No: CORP 2012-53

April 10, 2012

Originator: Paul Valenti

Subject: Tender 2012-20 Asphalt Concrete Pavement Patching

RECOMMENDATION:

That North Bay City Council approve the award of a contract to Miller Paving North Bay, a Division of Miller Paving Limited in the estimated amount of \$1,558,312.50 (HST excluded) to supply Asphalt Concrete Pavement Patching Material from the time of award to December 1, 2012.

BACKGROUND:

The material is required for repairs to City roads.

The tender was advertised publicly in accordance with the City Purchasing Policy. The Manager of Purchasing distributed five (5) tender packages. Tender closed on March 28, 2012. Two (2) tenders were received and evaluated by the Purchasing Manager and the Manager of Roads and Traffic. The results are as follows:

Miller Paving North Bay, a Division of Miller Paving Limited	\$1,558,312.50
Pioneer Construction Ltd.	\$1,634,106.00

The cost is considered fair and reasonable.

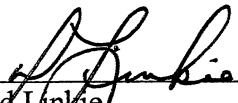
ANALYSIS / OPTIONS:

1. Award the contract to the lowest responsive bidder meeting specifications as per the City of North Bay Purchasing Policy.
2. Do not purchase any material and forgo necessary ongoing maintenance works.

RECOMMENDED OPTION / FINANCIAL IMPACTS:

Option #1 is recommended as follows:

That North Bay City Council approve the award of a contract to Miller Paving North Bay, a Division of Miller Paving Limited in the estimated amount of \$1,558,312.50 (HST excluded) to supply Asphalt Concrete Pavement Patching Material from the time of award to December 1, 2012.



David Linkie
Chief Administrative Officer

Personnel designated for continuance: Manager of Roads and Traffic
Attachments: Tenders

CITY OF NORTH BAY
REPORT TO COUNCIL

Report No: CORP 2012-51

April 10, 2012

Originator: Paul Valenti

Subject: Tender 2012-21 Ready Mix Concrete

RECOMMENDATION:

That North Bay City Council approve a contract be awarded to Lafarge Canada Inc. in the estimated amount of \$91,992.10 (excluding HST) for the supply of Ready Mix Concrete on an as and when requested basis from the date of contract to October 1, 2012.

BACKGROUND:

The tender was based on estimates of the quantity of material required by the Public Works Department. Payment will be made only for the amount of material requested and delivered.

The tender was advertised publicly in accordance with the City Purchasing Policy. The Manager of Purchasing distributed five (5) tender packages. Tender closed on March 28, 2012. Two (2) tenders were received and evaluated by the Purchasing Manager and the Manager of Roads and Traffic. The results are as follows:

Lafarge Canada Inc.	\$ 91,992.10
Rainbow Concrete Industries Limited	Non-responsive*

* The tender received by Rainbow Concrete Industries Limited did not meet the submission requirements as specified in the documents and therefore deemed non-responsive.

The cost is considered fair and reasonable.

ANALYSIS / OPTIONS:

1. Award the contract to the lowest responsive bidder meeting specifications as per the City of North Bay Purchasing Policy.
 2. Do not purchase any material and forgo necessary ongoing maintenance and minor project works.
-

RECOMMENDED OPTION / FINANCIAL IMPACTS:

Option #1 is recommended as follows:

CITY OF NORTH BAY
REPORT TO COUNCIL

Report No: CORP 2012-52

April 10, 2012

Originator: Paul Valenti

Subject: Tender 2012-22 Sidewalk Replacement

RECOMMENDATION:

That North Bay City Council approve a contract be awarded to First North Enterprise Inc. in the estimated amount of \$108,000.00 (HST excluded) to replace sidewalks on a requested basis from the date of contract to October 31, 2012.

BACKGROUND:

The tender was based on estimates of the quantity of material and works required by the Public Works Department. Payment will be made only for the amount of material and work requested.

The tender was advertised publicly in accordance with the City Purchasing Policy. The Manager of Purchasing distributed seven (7) tender packages. Tender closed on April 4, 2012. Three (3) tenders were received and evaluated by the Purchasing Manager and the Manager of Roads and Traffic. The results are as follows:

First North Enterprise Inc.	\$ 108,000.00
Battano Construction Ltd.	\$ 114,000.00
Trisan Construction	Non-responsive*

* The tender received by Trisan Construction did not meet the submission requirements as specified in the documents and therefore deemed non-responsive.


The cost is considered fair and reasonable.

ANALYSIS / OPTIONS:

1. Award the contract to the lowest responsive bidder meeting specifications as per the City of North Bay Purchasing Policy.
 2. Do not award the contract. This option is not recommended as the material and works are necessary to ongoing maintenance and replacement of City sidewalks.
-

RECOMMENDED OPTION / FINANCIAL IMPACTS:

Option #1 is recommended as follows:



David Linkie
Chief Administrative Officer

Personnel designated for continuance: Manager of Roads and Traffic
Attachments: Tenders

CITY OF NORTH BAY

REPORT TO COUNCIL

Report No: CORP 2012-54

April 10, 2012

Originator: Paul Valenti

Subject: Tender 2012-23 Supply of Aggregates

RECOMMENDATION:

That North Bay City Council approve a contract be awarded to Pioneer Construction Inc. in the estimated amount of \$399,988.00 (HST excluded) for the supply of Aggregate Materials on an as and when requested basis from the date of contract to October 30, 2012.

BACKGROUND:

The tender was based on estimates of the quantity of material required by the Public Works Department. Payment will be made only for the amount of material requested and delivered.

The tender was advertised publicly as per the City of North Bay Purchasing Policy. The Purchasing Manager distributed ten (10) tender packages. Six (6) tenders were received and evaluated by the Manager of Roads and Traffic and the Purchasing Manager. The results are as follows:

Pioneer Construction Inc.	\$399,988.00
2212880 Ontario Ltd.	\$405,750.00
Edgar Poulin Construction & Rental Ltd.	\$416,620.00
Miller Paving North Bay, a Division of Miller Paving Limited	\$455,890.00
Bruman Construction Inc.	\$565,977.00
Ed Seguin & Sons	\$699,790.00

The cost is considered fair and reasonable.

ANALYSIS / OPTIONS:

1. Award the contract to the lowest responsive bidder meeting specifications as per the City of North Bay Purchasing Policy.
 2. Do not purchase any material. Ongoing maintenance and project works requiring material will need to be cancelled.
-

City of North Bay**Report to Council**

Report No: CSBU 2012 - 37

Date: April 12, 2012

Originator: Sharon Kitlar
Manager Recreation and Leisure ServicesSubject: 2012 World's Finest Show Spring Event -
Exclusivity of use of parkland and other lands

RECOMMENDATION

That the World's Finest Shows be granted exclusivity within the following defined city parkland, roadways and sidewalks for their spring show which is scheduled to take place in Lee Park on May 30 to June 3, 2012 with setup taking place May 27 – 29, 2012. The exclusive area is defined as Lee Park inclusive; Memorial Drive roadway and associated sidewalks along the borders of Lee Park from Stanley Street to Judge Avenue; Judge Avenue and associated sidewalks from Leask Street to Lee Avenue; Lakeshore Drive roadway and the associated sidewalks beginning at the north border of Lee Park extending to 100 meters south past the intersection at Judge Avenue. (See map attached)

BACKGROUND

For the past several years the World's Finest Shows has offered a spring midway including rides, games and food services. In association with this show they have had an agreement to donate a percentage of the receipts from the event to Summer in the Park. Last year this amounted to \$14,119.

The World's Finest Shows event takes place within the boundaries of Lee Park. In the past there have been vendors who have set up in close proximity to the event along the associated roadways and sidewalks and as a result have competed directly with the event by offering similar products/services.

By granting the event exclusivity of the areas described above on these days, the activities in and about the area of their show are controlled. This prevents other vendors or attractions from setting up in areas in the vicinity of the show and, in turn, supports the sponsorship of the Summer in the Park community event.

ANALYSIS / OPTIONSOption One - Approve the request as presented

If Council is satisfied with the recommendation as presented, Council should approve the request.

OVERPASS



STANLEY ST

MEMORIAL DRIVE

COLGAN

AMELIA

JAMES

QUEEN

Exclusive Area



CITY OF NORTH BAY
Engineering And Environmental Services

Spring Midway
Exclusivity

Drawn By

Scale

Drawing No.

Ck'd. By

Date May 18, 2011

Midway 2011

City of North Bay

Report to Council

Report No: CSBU 2012-39

Date: April 11, 2012

Originator: Sharon Kitlar
Manager Recreation and Leisure Services

Subject: 2012 O' Canada Day Event

- Permission to Hold the Event
- Noise By-Law Exemption
- Exclusivity of Use of Parkland and Other Lands

RECOMMENDATIONS

1. That the O'Canada Day Committee be granted permission to hold the 2012 Canada Day Celebrations in and about the Waterfront Park on July 1, 2012 pursuant to By-Law No. 142-76 (Noise By-Law).
2. That the requests by the O'Canada Day Committee regarding exemption from the Noise By-Law, and exclusivity over the event and grounds be approved as per the following:
 - a) Having approved Recommendation No. 1 granting permission to hold the public celebration known as the 2012 O'Canada Day Event, the event becomes exempt from the noise control provisions contained in By-Law No. 142-76 (Noise By-Law), as amended, pursuant to the operation of Section 6 and Schedule 3 thereof, as defined in Attachment 1.
 - b) Exclusivity be granted on July 1, 2012, on and over the City-owned or controlled lands (except the North Bay Wastewater Treatment Facility Lands) within the area defined as, extending from, and inclusive of the waterfront beaches starting at Tenth Street and both sides of Memorial Drive from the Uniroc site up to and including Lee Park. (See Exclusivity Map attached)

BACKGROUND

Permission to Hold Event

The O'Canada Day Committee must ask Council for permission to hold the event pursuant to Noise By-Law No. 142-76 (see Attachment 1).

Noise By-law

Under the condition that Council grants the Committee permission to hold the O'Canada Day Event, the event would be eligible to be exempt from the Noise By-Law. This exemption has been granted over the past several years with no complaints regarding the event.

Option 2 – Grant the requests in an amended form.

If Council is not satisfied with the requests as presented but wants the event to proceed, Council could grant the request for permission to hold the event (by approving Recommendation 1) and amend the other requests to suit its concerns (by approving Recommendation No. 2 in an amended form). Depending upon the amendments made, the O'Canada Day Committee may need to review its methodology for the undertaking of the event.

Option 3 – Refuse to grant all requests.

The O'Canada Day Event would not take place this year.

RECOMMENDED OPTION / FINANCIAL IMPLICATIONS

Option 1 – Approve the requests as presented.

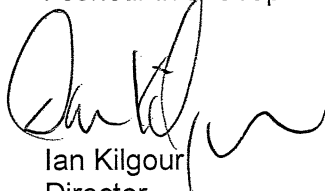
There are no financial implications to the City

Submitted by,



Sharon Kitlar
Manager Recreation and Leisure Services

I concur in this report and recommendation.



Ian Kilgour
Director
Parks, Recreation
& Leisure Services



Jerry Knox
Managing Director
Community Services



Dave Linkie
Chief Administrative Officer

Position designated for continuance: Community Event Facilitator

Attachments:

1. Extracts from the Noise By-Law (By-Law 142-76), as amended
2. Exclusivity Map

Copy for: Managing Director, Community Services
Police Chief
Director of Parks, Recreation and Leisure Services
Manager of Corporate Services

City of North Bay

Report to Council

Report No: CSBU 2012-38

Date: April 12, 2012

Originator: Sharon Kitlar
Manager Recreation and Leisure Services

Subject: Municipal Alcohol Policy Amendment to include Steve Omischl Sports Field Complex

RECOMMENDATION

That Council approves an amendment to the Municipal Alcohol Policy Regulation 3 to include the Steve Omischl Sports Field Complex as a facility that is eligible to host liquor licensed events.

BACKGROUND

The Steve Omischl Sports Field Complex officially opened August 20, 2011. It has two artificial turf fields, one natural turf field and three ball diamonds. The complex has the quality and capacity to attract large municipal and out-of-town sporting events.

Over the course of the summer approximately 11 ball/soccer/frisbee tournaments are hosted on North Bay sports fields. Some of these events include a beer tent at the main event location. It is anticipated that the adult events which have included the service of alcohol will move to the Omischl Complex because of the number of fields in one place which centralizes tournament games and activities.

In order to have the ability to host liquor licensed events the Steve Omischl Sport Field Complex must be added to the Municipal Alcohol Policy.

Municipal Alcohol Policy

The Municipal Alcohol Policy provides regulations to assist staff and facility users in the management of the service of alcohol in municipal facilities while ensuring the safety of all participants and the protection of its facilities. (Copy attached). The regulations detailed in the Policy adhere to and are in addition to the requirements under Alcohol and Gaming Commission of Ontario (AGCO).

Under Regulation 3 the Policy identifies facilities that are eligible to host events that include the service of alcohol. The following facilities/parks are currently eligible for a special occasion permit:

- West Ferris Centennial Community Centre Hall, Board Room & Arena Floor
- Pete Palangio Arena Lounge and Boardroom
- Thomson Park Shelter Area
- Lee Park
- Memorial Gardens

It is proposed that the Steve Omischl Sport Field Complex be added to this Regulation as a facility where the service of alcohol will be allowed as follows: "That Steve Omischl Sport Field Complex is designated as a park suitable for outdoor licensed functions in designated areas identified and approved by the Director of Parks, Recreation and Leisure Services or designate."


I concur in this report and recommendation.



Ian Kilgour
Director Parks, Recreation and Leisure Services



Jerry Knox
Managing Director Community Services



Dave Linkle
Chief Administrative Officer

Person designated for continuance: Erin Vaughan
Community Event Facilitator

Attachments: Municipal Alcohol Policy

4. To provide for a balanced use of alcohol through Special Occasion Permits (SOP) so that alcohol becomes a responsible part of a social function rather than the reason for the function.
5. To provide a balance of wet and dry facilities and programs so that consumers, abstainers, adults, youth and families will be adequately serviced and protected.

REGULATION NO. 1: POLICY REVIEW

This Policy will be reviewed on an annual basis or as required based on changes to AGCO regulations and /or municipal facility modifications that may impact eligibility for licensing. Major changes to the policy regulations will be sent to City Council for approval.

REGULATION NO. 2: FACILITIES ELIGIBLE FOR SPECIAL OCCASION PERMITS

The following lists facilities that are considered eligible for licensing under a Special Occasion Permit. Granting permission for an SOP function is at the discretion of the Facility Manager depending on the nature of the function, other activities occurring in the facility and a demonstration that the sponsoring organization can manage the function effectively.

REGULATION NO. 3: MUNICIPAL FACILITIES ELIGIBLE FOR LICENSING

SECTION A: WEST FERRIS CENTENNIAL COMMUNITY CENTRE (WFCCC)

- A. That the hall of the West Ferris Community centre (WFCCC) be designated as a suitable facility for licensed functions.
- B. That the arena floor surface of the WFCCC is designated as a suitable facility for licensed functions when the ice surface is covered or removed.
- C. That the boardroom of the West Ferris Arena is designated as a suitable area for licensed functions.

SECTION B: PETE PALANGIO ARENA

- A. That the lounge of the Pete Palangio arena be designated as a suitable area for licensed functions only when both ice surfaces have been rented by adult groups.
- B. That the boardroom of the Pete Palangio arena is designated as a suitable area for licensed functions.

That the dressing rooms of the Veteran's soccer field, the WFCCC arena, Memorial Gardens and the Pete Palangio arena be clearly designated as areas not suitable for drinking alcohol before, during or after sporting events.

SECTION B: OTHER FACILITIES NOT MENTIONED

That all other parks, ball fields, play areas and facilities, beaches and green spaces owned and operated by the City of North Bay be designated as areas not suitable for alcohol consumption and licensed events.

SECTION C: CITY HALL AND CITY BUILDINGS

- A. That the municipal council chambers be designated an area not suitable for licensed events.
- B. That the lobby of City Hall and the boardroom on the 5th floor of City Hall be designated as suitable for licensed events.

REGULATION NO. 6: EVENTS NOT ELIGIBLE FOR LICENSES

That all youth events and all minor sports events, including banquets, be designated as events not suitable for alcohol consumption. Associated adult evening social events commencing after 8:30 p.m. will be allowed, however, minors are considered to be any person under the age of 19

REGULATION NO. 7: YOUTH ADMITTANCE TO ADULT EVENTS

That persons under the legal drinking age not be admitted to licensed social events held after 8:30 p.m., being held in municipally owned facilities, except in the case of a family occasion or private function such as a wedding or anniversary celebration.

In the case of day time licensed events such as adult tournaments and special community events, under age youth have permission to enter outdoor licensed areas as long as they are accompanied by a parent or guardian. (This paragraph is in accordance with the policies and regulations of the Alcohol and Gaming Commission of Ontario).

REGULATION NO. 8: SIGNS

That the following signs be prominently displayed during all licensed functions.

A: STATEMENT OF INTOXICATION:

The following statement will appear on a wall sign and may be printed onto serving cups and/or table talkers.

floor and door monitors have attended a Smart Serve course and have been trained in responsible server techniques.

REGULATION NO. 10: PROVIDE LOW AND NON-ALCOHOL DRINKS

That in order to be eligible for a facility rental for a licensed permit event, the sponsor must be able to demonstrate to the satisfaction of the department that low alcohol drinks are available throughout the duration of the event. Non-alcohol drinks must be offered at no charge or at a price substantially lower than charged for alcohol drinks. Food items (i.e. sandwiches, light meals) must be available.

REGULATION NO. 11: SAFE TRANSPORTATION

A. That the event sponsor supervisor will be required by the department to implement the following

▪ **DESIGNATED DRIVER**

- . Advertise the Designated Driver Program and announce during the event.
- . Provide non-alcohol drinks (such as coffee, pop, juices) at no charge or at a substantially reduced rate for the designated driver.

▪ **ALTERNATIVE TRANSPORTATION OPTIONS**

- . Post local taxi phone numbers.
- . Have sponsor drive intoxicated participants home.
- . Call a friend, relative, or taxi to assist intoxicated drivers and/or collect keys upon entry.
- . If necessary, call police, warn or apprehend impaired driver.
- . Announce alternate transportation options available during the event.

▪ **POLICE SPOT CHECKS**

- . Promote the importance of leaving the event a sober driver.
- . Post wall and/or table signs and/or print messages on paper serving cups that read:

“The North Bay Police Services and the Ontario Provincial Police appreciates your assistance in reducing impaired driving everywhere and thank you for leaving this event a sober driver.”

NOTE: Please see Regulation No. 6 regarding SOBER DRIVER SPOTCHECK AWARENESS

REGULATION NO. 12: EVENT CONTROLS

A. That in order to be eligible to rent a municipal facility for a licensed event, the sponsor must demonstrate to the satisfaction of the department that the alcohol

14. At least one representative from the Parks, Recreation and Leisure Services Department with authority to demand correction and/or shut down an event on behalf of the City, will monitor all S.O.P. events.
15. The event sponsor must abide by the rules of the Municipal Alcohol Policy as enforced by the municipal representative.
16. Marketing practices, which encourage increased consumption such as oversized drinks, double shots of spirits, pitchers of beer, drinking contests, and volume discounts are not permitted.
17. Ticket prices for non-alcohol beverages will be purchased at a reduced rate than that of alcohol beverages.
18. If tickets are sold they must be purchased from a designated ticket seller with a maximum of six tickets per purchase.
19. Unused tickets are to be redeemable for cash on demand at any time during the event.
20. In order to reduce the risk of intoxication and the rate of consumption, staff should encourage participants to consume food, low alcohol beverages, and non-alcohol beverages.
21. The Parks, Recreation and Leisure Services Department reserve the right to require the presence of police officers for the duration of an event, the cost of which will be borne by the sponsoring group or individual. The number of officers is to be determined by the City of North Bay Police Administration and or the Parks, Recreation & Leisure Services department.
22. There will be no last call announcement or signal signifying that the bar area will be closing.
23. A free bar event must have trained servers and floor monitors.
24. Weddings and private family functions held in municipally owned facilities fall under the regulations of this policy.
25. All event workers must have some form of identification approved by the Parks, Recreation and Leisure Services Department.
26. Whenever possible, Police will be notified by the municipal representative or the event sponsor of a potentially risky situation before the situation is out of control.
27. Tickets must be purchased no later than 30 minutes prior to bar closing

Up to 40	1	1	1	1
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PETE PALANGIO ARENA

LOUNGE				
NUMBER OF PARTICIPANTS	BARTENDERS	FLOOR MONITORS	DOOR SUPERVISORS	TICKET * SELLERS
Under 50	1	1	1	1
51 to 100	1	1	1	1
101 to 245	2	2	2	2

BOARD ROOM				
NUMBER OF PARTICIPANTS	BARTENDERS	FLOOR MONITORS	DOOR SUPERVISORS	TICKET * SELLERS
Under 50	1	1	1	1
51 to 100	2	1	1	2

THOMSON PARK

SHELTER AREA			
BARTENDERS	FLOOR MONITORS	DOOR SUPERVISORS	TICKET SELLERS
2	1	each exit	1

LEE PARK

SHELTER AREA			
BARTENDERS	FLOOR MONITORS	DOOR SUPERVISORS	TICKET SELLERS
2	1	each exit	1

STEVE OMISCHL SPORTS COMPLEX

GRASS AREA IN FRONT OF PARKING LOT OR SPACE BETWEEN FIELD D&E			
BARTENDERS	FLOOR MONITORS	DOOR SUPERVISORS	TICKET SELLERS
2	1	each exit	1

6. Where underage youth are found to have consumed or to be consuming alcohol at an S.O.P. and non S.O.P. function, the authorities may be called and /or the following procedure may be followed:

FIRST INFRACTION: The individual will be turned over to the parent(s) or guardian(s). If a parent or guardian is not available, the police will be called. A registered letter will be sent by the Department to the parent(s)/guardian(s). The individual will also be banned from the licensed area for six (6) consecutive months.

SECOND INFRACTION: The individual will be banned from attending any public functions held in the facility for a period of six (6) consecutive months. A registered letter will be sent by the Department to the parent(s)/guardian(s).

THIRD INFRACTION: Local authorities will be called and the individual will be banned from public functions held in the facility for a minimum of one (1) year. A registered letter will be sent by the Department to the parent(s)/guardian(s).

7. Where adults and youth engage in disruptive behaviour at social events, authorities may be called and/or the following procedure may be followed:

FIRST INFRACTION: A letter of warning from the Department will be sent by registered mail. The individual may be automatically suspended from the facility for a period of six (6) consecutive months depending on the severity of the incident.

SECOND INFRACTION: The individual will be suspended from the facility for a period of six (6) consecutive months. A registered letter will be sent by the Department.

THIRD INFRACTION: The individual will be banned from public functions held in the facility for a period of one (1) year. A registered letter will be sent by the Department.

REGULATION NO. 15: COMMERCIAL LIQUOR LICENSES

That the City of North Bay encourage existing licensed establishments, liquor license applicants and community groups and clubs to develop an in-house operating policy that will guide them in the responsible service of alcohol. This would include the requirement for all staff to be Smart Serve certified.

REGULATION NO. 16: ALCOHOL ADVERTISING

That permanent advertising that promotes the use of alcohol is prohibited in all municipal facilities.

APPENDIX "A"

AGREEMENT: SPECIAL OCCASION PERMIT EVENTS

~~~~~  
CONTACT PERSON: \_\_\_\_\_  
HOST ORGANIZATION: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
PHONE #: BUSINESS \_\_\_\_\_ HOME: \_\_\_\_\_  
FAX # \_\_\_\_\_  
E-MAIL: \_\_\_\_\_

**DESIGNATED ALTERNATIVE CONTACT PERSON:**

Name: \_\_\_\_\_ Phone: (B) \_\_\_\_\_ (H)  
Name: \_\_\_\_\_ Phone: (B) \_\_\_\_\_ (H)  
Name: \_\_\_\_\_ Phone: (B) \_\_\_\_\_ (H)

IN CONSIDERATION OF PERMISSION BEING GRANTED TO HOLD AN EVENT AT  
THE PREMISES KNOWN AS: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

The applicant has read the Special Occasion Permit, event controls listed below, and agrees to follow them.

The applicant understands that the City of North Bay Municipal Alcohol Policy and the Alcohol and Gaming Commission of Ontario Act must be adhered to.

The organizers indemnify and save harmless the Corporation of the City of North Bay, its offices and employees from any claim or demand arising as a result of the

## APPENDIX "B" GUIDELINES FOR SPECIAL OCCASION PERMIT HOLDERS

As the contact person for a Special Occasion Permit, you and your group can be held liable for injuries and damages arising from failure to adhere to the Alcohol and Gaming Commission of Ontario Act. These infractions include serving someone to intoxication, serving someone who is already intoxicated, serving minors and failing to prevent impaired individuals from driving. In order to reduce your group's risk of liability, the following guidelines should be adopted.

1. The event sponsor must provide the following to the Parks, Recreation and Leisure Services Department ten (10) days prior to the event:
  - a) A list of event workers with each worker's S.I.P./Smart Serve registration number.
  - b) A Special Occasion Permit obtained from the Alcohol and Gaming Commission of Ontario
  - c) The name(s), if any, of the permit holder's designate(s).

The permit holder of an outdoor event must, at least twenty-one (21) days prior to the event, give written notice of the event to the municipality, the police, fire and health department.

2. The person who signs the Special Occasion Permit Application and the rental agreement or designate must attend the event and be responsible for making decisions regarding the operation of the event.
3. All event workers, including the sponsor, must refrain from consuming alcohol while on duty at the event.
4. A worker who is impaired or intoxicated will not be allowed to be on duty at the event.
5. The event sponsor and recreation staff must ensure that the physical setting is safe for both drinkers and non-drinkers.
6. The event sponsor and recreation staff must prevent participants from engaging in activities that can harm them or others.
7. The only acceptable form of identification will be a Ontario's driver's license with photo, Canadian passport with a photo, Canadian citizenship card with a photo, Canadian armed forces card with photo or a Liquor Control Board of Ontario BYID photo card.
8. All exits must be supervised by event staff. These staff control access into the licensed areas and ensure alcohol does not leave the licensed area.



23. Whenever possible, Police will be notified by the municipal representative or the event sponsor of a potentially risky situation before the situation is out of control.
24. Tickets must be purchased no later than 12:30 a.m.
25. The bar area will close at 12:45 a.m. and no later than 1:00 a.m.
26. All entertainment must be completed by 1:15 a.m. for indoor events or 11:00 p.m. for outdoor events.
27. All tables must be cleared by 1:30 a.m.
28. Facilities must be vacated by 2:00 a.m.

## APPENDIX "D"

### THE APPLICANT FOR THIS AGREEMENT HEREBY AGREES:

1. To use the facilities in a manner that will not disturb the peace and quiet of other persons adjacent to a public facility.
2. There will be no screaming, shouting, swearing or use of insulting or obscene language.
3. There will be no impeding or molesting of other persons in their use of public facilities.
4. To be responsible for all damage(s) to the facility or equipment by participants in the event and ensure that any City facilities used, will be properly secured and all lights and appliances turned off before leaving facility.
5. To clean the area of refuse and remove any equipment /items at the conclusion of the event.
6. The Department reserves the right to require the use of the premises for its purpose upon two days notice to the applicant. The Department reserves the right to cancel any permit.
7. If the applicant intends to erect any structure which will require stakes or similar to be put into the ground, the applicant will notify the Department at the time of application, due to electrical, telephone, and water lines below ground, and obtain the approval of the Department in writing. If it is determined that locates are required, the applicant will request them through the utility company (i.e. Bell, Hydro, Union Gas) at least two (2) weeks prior to event.
8. If the sale of food is to take place, the Health Unit must be notified and approval granted from the Health Unit.
9. A Fire Permit must be obtained from North Bay Fire Prevention Office, for any bonfire open fire in conjunction with the permitted event.
10. The Department reserves the right to limit the number of dates for events requested by any one group / individual. Subsequent requests will be considered at the completion of the second event.
11. The sale of liquor requires a Special Occasion Permit and compliance with all Alcohol and Gaming Commission of Ontario regulations, as well as City of North Bay Special Occasion Permit guidelines.
12. Permission for fireworks must be obtained from City Council. A Fireworks Permit must be obtained, as well as proof of liability insurance, with the City of North Bay named as co-insured in the amount of \$2,000,000. (minimum). Copies of

**RESPONSIBILITY: Parks, Recreation and Leisure Services**

**REFERENCES AND RELATED POLICIES AND PROCEDURES:**

**PROCEDURES:**

|                                                          |                                               |
|----------------------------------------------------------|-----------------------------------------------|
| <b>Business Unit Responsible for the Administration:</b> | <b>Community Services Business Unit</b>       |
| <b>Operating Units</b>                                   | <b>PARKS, RECREATION AND LEISURE SERVICES</b> |

**ATTACHMENTS:**  
**Samples of signage**

02.

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

**BY-LAW NO. 2012-76**

A BY-LAW TO AUTHORIZE THE SALE OF LANDS NO LONGER REQUIRED FOR MUNICIPAL PURPOSES TO DAN BURKE AND RUTH BURKE (Part of Bourke Street, Road Allowance)

WHEREAS the Municipality is authorized by Procedural By-Law No. 2011-186, to dispose of lands no longer required for municipal purposes;

AND WHEREAS Council declared the lands surplus and authorized the sale of lands by Resolution No. 2012-138 at its Regular Meeting held on Tuesday, February 21<sup>st</sup>, 2012;

AND WHEREAS the notice of sale of City-owned land was advertised in the North Bay Nugget on March 24th, 2012;

AND WHEREAS Council deems it desirable to convey Part of the Bourke Street Road Allowance, Registered Plan No. 64, being designated as Part 2 on Plan 36R-13219, City of North Bay, District of Nipissing.

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

1. The Corporation of the City of North Bay is hereby authorized and directed to transfer Part of the Bourke Street Road Allowance, Registered Plan No. 64, being designated as Part 2 on Plan 36R-13219, City of North Bay, District of Nipissing to Dan Burke and Ruth Burke for the sum of \$3,750.00.
2. That the Mayor, City Clerk and City Solicitor are hereby authorized and directed to execute the said transfer and such further and other documents as may be reasonably required to complete the transfer of the said lands. The City Solicitor has the authority to electronically sign for completeness and release any document required to be registered on title.

READ A FIRST TIME IN OPEN COUNCIL THE 16TH DAY OF APRIL, 2012.

READ A SECOND TIME IN OPEN COUNCIL THE 16TH DAY OF APRIL, 2012.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16TH DAY OF APRIL, 2012.

\_\_\_\_\_  
MAYOR ALLAN MCDONALD

\_\_\_\_\_  
CITY CLERK CATHERINE CONRAD

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-106

**BEING A BY-LAW TO CONFIRM PROCEEDINGS  
OF THE MEETING OF COUNCIL ON  
APRIL 2, 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 April 2, 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.

READ A FIRST TIME IN OPEN COUNCIL THIS 16<sup>TH</sup> DAY OF APRIL, 2012.

READ A SECOND TIME IN OPEN COUNCIL THIS 16<sup>TH</sup> DAY OF APRIL, 2012.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 16<sup>TH</sup> DAY OF APRIL, 2012.

\_\_\_\_\_  
MAYOR ALLAN McDONALD

\_\_\_\_\_  
CITY CLERK CATHERINE CONRAD

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

**BY-LAW NO. 2012-107**

A BY-LAW TO AUTHORIZE THE SALE OF LANDS NO LONGER REQUIRED FOR MUNICIPAL PURPOSES (Part of the Bourke Street Road Allowance)

WHEREAS the Municipality is authorized by Procedural By-Law No. 2011-186, to dispose of lands no longer required for municipal purposes;

AND WHEREAS Council declared the lands surplus and authorized the sale of lands by Resolution No. 2012- 249 at its Regular Meeting held on Monday, April 2<sup>nd</sup>, 2012;

AND WHEREAS Council deems it desirable to sell Part of the Bourke Street Road Allowance , Registered Plan No. 64, being designated as Part 1 on Plan 36R-13219, City of North Bay, District of Nipissing by the public tender process.

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

1. The Corporation of the City of North Bay is hereby authorized and directed to sell Part of the Bourke Street Road Allowance, Registered Plan No. 64, being designated as Part 1 on Plan 36R-13219, City of North Bay, District of Nipissing to Michael St. Pierre for \$60,000.00.
2. That the Mayor, City Clerk and City Solicitor are hereby authorized and directed to execute the said transfer and such further and other documents as may be reasonably required to complete the transfer of the said lands. The City Solicitor has the authority to electronically sign for completeness and release any document required to be registered on title.

READ A FIRST TIME IN OPEN COUNCIL THE 16TH DAY OF APRIL, 2012.

READ A SECOND TIME IN OPEN COUNCIL THE 16TH DAY OF APRIL, 2012.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16TH DAY OF APRIL, 2012.

\_\_\_\_\_  
MAYOR ALLAN MCDONALD

\_\_\_\_\_  
CITY CLERK CATHERINE CONRAD

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

**BY-LAW NO. 2012-110**

**BEING A BY-LAW TO APPOINT A  
CHIEF ADMINISTRATIVE OFFICER**

**WHEREAS** by Resolution No. 2012-\_\_\_\_ passed by Council at its Regular Meeting held on Monday, April 16, 2012, Council approved the appointment of Jerry D. Knox to the position of Chief Administrative Officer effective July 30, 2012;

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

1. That Jerry D. Knox be appointed to the position of Chief Administrative Officer effective the 30<sup>th</sup> day of July, 2012.

READ A FIRST TIME IN OPEN COUNCIL THIS 16<sup>TH</sup> DAY OF APRIL, 2012.

READ A SECOND TIME IN OPEN COUNCIL THIS 16<sup>TH</sup> DAY OF APRIL, 2012.

cc  
READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16<sup>TH</sup> DAY OF APRIL, 2012.

\_\_\_\_\_  
MAYOR ALLAN McDONALD

\_\_\_\_\_  
CITY CLERK CATHERINE CONRAD

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

**BY-LAW NO. 2012-111**

**BEING A BY-LAW TO AUTHORIZE THE  
EXECUTION OF AN EMPLOYMENT  
AGREEMENT WITH JERRY D. KNOX**

**WHEREAS** the Employment Agreement with Jerry D. Knox relating to the position of Chief Administrative Officer was approved by Resolution No. 2012-\_\_\_\_\_ passed by Council at its Regular Meeting held on the 16<sup>th</sup> day of April, 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 Employment Agreement dated the 16<sup>th</sup> day of April, 2012 with Jerry D. Knox relating to the position of Chief Administrative Officer.
2. That the Mayor and Clerk of The Corporation of the City of North Bay are hereby authorized to execute that certain Employment Agreement between The Corporation of the City of North Bay and Jerry D. Knox and to affix thereto the Corporate seal.

READ A FIRST TIME IN OPEN COUNCIL THIS 16<sup>TH</sup> DAY OF APRIL, 2012.

cc. READ A SECOND TIME IN OPEN COUNCIL THIS 16<sup>TH</sup> DAY OF APRIL, 2012.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16<sup>TH</sup> DAY OF APRIL, 2012.

\_\_\_\_\_  
MAYOR ALLAN McDONALD

\_\_\_\_\_  
CITY CLERK CATHERINE CONRAD



THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-112

**BEING A BY-LAW TO CONFIRM PROCEEDINGS  
OF THE MEETING OF COUNCIL ON  
MARCH 26, 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 March 26, 2012 in respect of each motion, resolution and other action passed and taken by the Council at is 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.

READ A FIRST TIME IN OPEN COUNCIL THIS 16<sup>TH</sup> DAY OF APRIL, 2012.

cc.

READ A SECOND TIME IN OPEN COUNCIL THIS 16<sup>TH</sup> DAY OF APRIL, 2012.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 16<sup>TH</sup> DAY OF APRIL, 2012.

\_\_\_\_\_  
MAYOR ALLAN McDONALD

\_\_\_\_\_  
CITY CLERK CATHERINE CONRAD

MS

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-116

**BEING A BY-LAW TO AUTHORIZE THE SALE OF PARTS 1  
& 2 ON PLAN 36R-13218, PART OF THE ALEXANDER  
ROAD ALLOWANCE**

**WHEREAS** Council authorized the sale of Parts 1 and 2 on Plan 36R-13218, Part of the Alexander Road Allowance , to Steve Crea Homes Limited by Resolution No. 2012-248 passed on the 2nd day of April, 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 authorize the sale of Parts 1 and 2 on Plan 36R-13218, part of the Alexander Road Allowance, to Steve Crea Homes Limited.
2. That the Mayor and Clerk of The Corporation of the City of North Bay are hereby authorized to execute such documents as may be reasonably required to complete the transfer. The City Solicitor has the authority to electronically sign for completeness and release any documents require to be registered on title.

READ A FIRST TIME IN OPEN COUNCIL THE 16TH DAY OF APRIL, 2012.

READ A SECOND TIME IN OPEN COUNCIL THE 16TH DAY OF APRIL, 2012.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16TH DAY OF APRIL, 2012.

\_\_\_\_\_  
MAYOR ALLAN MCDONALD

\_\_\_\_\_  
CITY CLERK CATHERINE CONRAD

AK

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

**BY-LAW NO. 2012-117**

**BEING A BY-LAW TO AUTHORIZE THE  
EXECUTION OF AN AGREEMENT WITH  
1650939 ONTARIO LTD. O/A DOMINION  
CONSTRUCTION RELATING TO LEGER  
SQUARE RECONSTRUCTION**

**WHEREAS** the agreement with 1650939 Ontario Ltd. o/a Dominion Construction for replacement of retaining walls and other associates works in Leger Square was approved by Resolution No. 2012-237 passed on the 2<sup>nd</sup> day of April, 2012;

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

1. The Corporation of the City of North Bay enter into an Agreement dated the 4<sup>th</sup> day of April, 2012 with 1650939 Ontario Ltd. o/a Dominion Construction relating to Leger Square Reconstruction in a form satisfactory to the City Solicitor.
2. The Mayor and Clerk 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 1650939 Ontario Ltd. o/a Dominion Construction and such further and other documents as may be reasonably required and to affix thereto the Corporate seal.

READ A FIRST TIME IN OPEN COUNCIL THIS 16<sup>TH</sup> DAY OF APRIL, 2012.

READ A SECOND TIME IN OPEN COUNCIL THIS 16<sup>TH</sup> DAY OF APRIL, 2012.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16<sup>TH</sup> DAY OF APRIL, 2012.

\_\_\_\_\_  
MAYOR ALLAN McDONALD

\_\_\_\_\_  
DEPUTY CLERK KAREN McISAAC

197  
THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-100

A BY-LAW TO AMEND ZONING BY-LAW NO. 28-80 TO REZONE  
CERTAIN LANDS ON AIRPORT ROAD

(CITY OF NORTH BAY – JACK GARLAND AIRPORT)

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-6 and C-7” 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 April 16, 2012 to approve this rezoning.

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

- 1) Schedules “C-6” and “C-7” of By-law No. 28-80 are amended by changing the zoning designation of the property shown on Schedules “A” and “B” attached hereto, and more particularly described as the Jack Garland Airport, shown as hatched on Schedule “A” attached hereto from an “Industrial Air Park – Airside (MAP – A)” and an “Industrial Air Park – Groundside (MAP – G)” zone to an “Industrial Air Park – Airside (MAP – A)” and an “Industrial Air Park – Groundside (MAP – G)” zone.
- 2) Section 3 of By-law No. 28-80 is amended by replacing the definition of a “Corporate Administrative Office” with the following:

“Corporate Administrative Office means an establishment primarily engaged in overall management of a corporation or business entity, such as executive, administrative, personnel, legal and sales activities, performed in a single location or building for other branches or divisions of the firm involved in any use that would normally be permitted within industrial zones. A Corporate Administrative Office specifically excludes Professional Offices, Clinics, Banks and other similar uses, such as a realtor, legal office, financial services and medical offices.”
- 3) Section 7.11.1.1 of By-law No. 28-80 is amended by adding “Corporate Administrative Office” to the list of Permitted Uses.
- 4) All buildings or structures erected or altered and the use of land in such an “Industrial Air Park – Airside (MAP – A)” and an “Industrial Air Park – Groundside (MAP – G)” zone shall conform to all applicable provisions of By-law No. 28-80 of the Corporation of the City of North Bay.
- 5) a) Notice of this By-law shall be given by the Clerk in the manner and form and to the persons prescribed by Section 6 of O. Reg. 545/06 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 16<sup>th</sup> DAY OF APRIL 2012.**

**READ A SECOND TIME IN OPEN COUNCIL THE 16<sup>th</sup> DAY OF APRIL 2012.**

**READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 30<sup>th</sup> DAY OF APRIL 2012.**

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**MAYOR, ALLAN MACDONALD**

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**CITY CLERK, CATHERINE CONRAD**



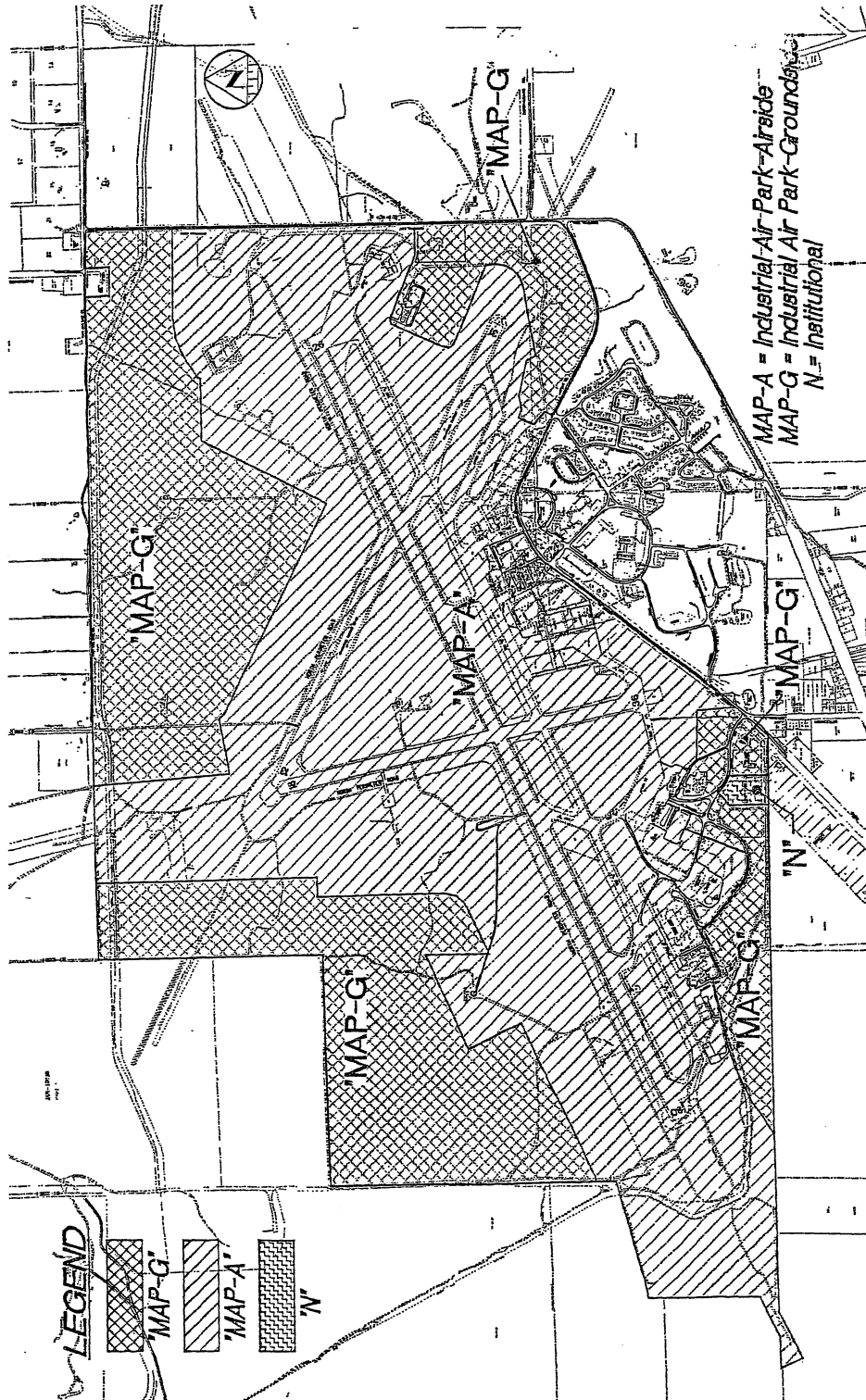
This is Schedule "B"

To By-law No. 2012-100

Passed the \_\_\_ day of \_\_\_\_\_ 20

\_\_\_\_\_  
Mayor, Allan MacDonald

\_\_\_\_\_  
City Clerk, Catherine Conrad



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

**BY-LAW NO. 2012-113**

**BEING A BY-LAW TO AMEND  
BY-LAW NO. 1999-06,  
(THE PROPERTY STANDARDS &  
VITAL SERVICES BY-LAW)**

**WHEREAS** by Community Services Committee Report No. 2012-07 passed at its Regular Meeting held on Monday, April 2, 2012 Council authorized amendments to By-Law No. 1999-06.

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS THE FOLLOWING:**

1. That Section 3.1.1(4) is hereby deleted and the following inserted in lieu thereof:  
"3.1.1(4) garbage, rubble, waste, discarded and unused construction material or other debris."
2. That Section 3.3.4 is hereby deleted and the following inserted in lieu thereof:  
"3.3.4 No person shall maintain or change the grade of any property which causes excessive storm water to be discharged onto abutting properties causing an adverse affect."
3. That Section 3.5.1. is hereby deleted and the following inserted in lieu thereof:  
"3.5.1 Accessory buildings, fences, retaining walls and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair."
4. That Section 4.16.2 of By-Law 1999-06, as amended, is hereby deleted.
5. That Section 4.16.3 of By-Law 1999-06, as amended, is hereby deleted.
6. That Section 4.16.4 of By-Law 1999-06, as amended, is hereby deleted.
7. That Section 4.18 - Ventilation be amended to add the following:  
"4.18.4 Exhaust ducts including those connected to bathroom fans and laundry drying equipment are required to be independent of other exhaust ducts, discharged directly to the outdoors and constructed of smooth corrosion resistant material."



8. That Section 4.21.1. is hereby deleted and the following inserted in lieu thereof:

"4.21.1 The number of occupants, residing on a permanent basis in an individual dwelling unit, shall not exceed one person for every nine square metres (96.88 sq. ft.) of habitable floor area."

9. That Section 4.21 – Occupancy Standards be amended to add the following:

"4.21.4 The minimum ceiling height in any dwelling unit measured from finished floor to finished ceiling shall not be less than 1.95 metres (6'5"). Doors, means of egress and stair headrooms shall not be less than 1.95 metres in height as well."

10. That Section 7.7.1 be deleted and the following inserted in lieu thereof:

"7.7.1 A Property Standards Committee shall be established composed of not fewer than three (3) members appointed by Council."

11. That Section 7.7.3 be deleted and the following inserted in lieu thereof:

"7.7.3 The term of office for members shall be the term of Council (four years)."

12. That Schedule C-1 is hereby deleted and the following inserted in lieu thereof:

"The following persons are hereby appointed as enforcement officers under the *Ontario Building Code Act*, the *North Bay Property Standards and Vital Services By-Law 1999-06*, as amended, and the *Provincial Offences Act*, for so long as they continue to be employed by the City of North Bay in that capacity:

|                  |                                                                 |
|------------------|-----------------------------------------------------------------|
| Shawn Killins    | Chief Property Standards Officer<br>Provincial Offences Officer |
| Doug Braund      | Property Standards Officer<br>Provincial Offences Officer       |
| Richard Mountain | Property Standards Officer<br>Provincial Offences Officer       |
| Rikki Parrish    | Property Standards Officer<br>Provincial Offences Officer       |
| Danny Rodgers    | Property Standards Officer<br>Provincial Offences Officer       |
| Carly Sherritt   | Property Standards Officer<br>Provincial Offences Officer       |

13. This By-Law shall come into force and effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 16<sup>TH</sup> DAY OF APRIL, 2012.

READ A SECOND TIME IN OPEN COUNCIL THIS 16<sup>TH</sup> DAY OF APRIL, 2012.

cc.  
READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16<sup>TH</sup> DAY OF APRIL, 2012.

\_\_\_\_\_  
MAYOR ALAN McDONALD

\_\_\_\_\_  
CITY CLERK CATHERINE CONRAD

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As

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-36

A BY-LAW TO AMEND ZONING BY-LAW NO. 28-80  
TO REZONE CERTAIN LANDS ON MAIN STREET WEST  
TO EXPAND THE LIST OF PERMITTED USES IN A  
"LIGHT INDUSTRIAL THREE SPECIAL ZONE NO. 37 (M3 SP.37)"

(SOUTHSHORE INVESTMENTS INC. – 1704 TO 1730 MAIN STREET WEST)

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 Schedules "B-40" and "B-41" 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 March 19<sup>th</sup>, 2012 to approve this rezoning.

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

- 1) Schedules "B-40" and "B-41" of By-law No. 28-80 are amended by changing the zoning designation of the property shown on Schedule "A" attached hereto (which property is more particularly described as Plan No. M-36, Lots 83 to 85, 90 to 93, 98 to 100, Part Lots 81, 82, 94 to 97, 112 to 115, Reference Plan No. 36R-2791, Parts 2 & 4, and Reference Plan No. 36R-2583, Parts 1 & 5, known locally as 1704 to 1730 Main Street West in the City of North Bay), shown as hatched on Schedule "B" attached hereto.
  
- 2) Section 11 of the By-law Number 28-80 is amended by adding the following to Section 11.4.37:
  - "11.4.37 "Light Industrial Three Special Zone No. 37 (M3 Sp.37)"
  
  - 11.4.37.1 The property description of this "Light Industrial Three Special Zone No. 37 (M3 Sp.37)" is Plan No. M-36, Lots 83 to 85, 90 to 93, 98 to 100, Part Lots 81, 82, 94 to 97, 112 to 115, Reference Plan No. 36R-2791, Parts 2 & 4, and Reference Plan No. 36R-2583, Parts 1 & 5, known locally as 1704 to 1730 Main Street West in the City of North Bay, as shown on the attached Schedule "A" and on Schedules "B-40" and "B-41" of By-law No. 28-80.
  
  - 11.4.37.2 a) The regulations for this "Light Industrial Three Special Zone No. 37 (M3 Sp.37)" are as follows:
    - i) The permitted uses shall be limited to the following:
      - Those uses permitted in a Light Industrial Two (M2) zone.
      - The use of land, building or structure designed for the purpose of manufacturing, assembling, processing, preparing, inspecting or ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for

sale any goods, substances or things, and the storage of building and construction equipment and materials where such operations do not involve the emission of air or water pollutants that exceed the standards set by the appropriate Provincial Regulatory Authority. This does not include forest product industries, refineries, mills, foundries, chemical plants or similar heavy industries. It also does not include a mine, pit, quarry or oil wells, but includes:

- Auto Dealerships and Service Establishments
- Body shop
- Bulk sales establishments
- Data processing firm
- Garden centre
- Heavy Equipment Sales and Service
- Heavy Equipment Storage
- Recreational Vehicle and Equipment Sales and Service
- Repair garage
- Self Storage Uses
- Transportation & Communications, Utility Yards, Terminals
- Warehouse and Storage Uses
- Administrative offices or day nursery or both associated with and integral with the main use.
- One (1) apartment unit within the main building for an essential worker, owner/operator or caretaker.
- Outdoor storage is permitted, subject to the provisions of Section 7.4.2.5 of the City of North Bay's Zoning By-law.

11.4.37.2 b) The special component of the Zoning By-law amendment would limit the permitted uses to the foregoing and would recognize existing deficiencies in the front yard setback from 13.5 metres to the existing 11.0 metres; and the exterior (easterly) side yard setback from 7.0 metres to the existing 3.0 metres.

11.4.37.3 The use of land or building in this "Light Industrial Three Special Zone No. 37 (M3 Sp.37)" shall conform to all other regulations of this By-law except as hereby expressly varied."

- 3) Pursuant to Section 41 of the Planning Act, R.S.O, 1990 as amended, those lands shown as hatched on Schedule "B" attached hereto are hereby designated a Site Plan Control Area.
- 4) a) Notice of this By-law shall be given by the Clerk in the manner and form and to the persons prescribed by Section 6 of O. Reg. 545/06 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 19TH DAY OF MARCH 2012.

READ A SECOND TIME IN OPEN COUNCIL THE 19TH DAY OF MARCH 2012.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 6<sup>TH</sup> DAY OF APRIL 2012.

\_\_\_\_\_  
MAYOR ALLAN MCDONALD

\_\_\_\_\_  
CITY CLERK CATHERINE CONRAD

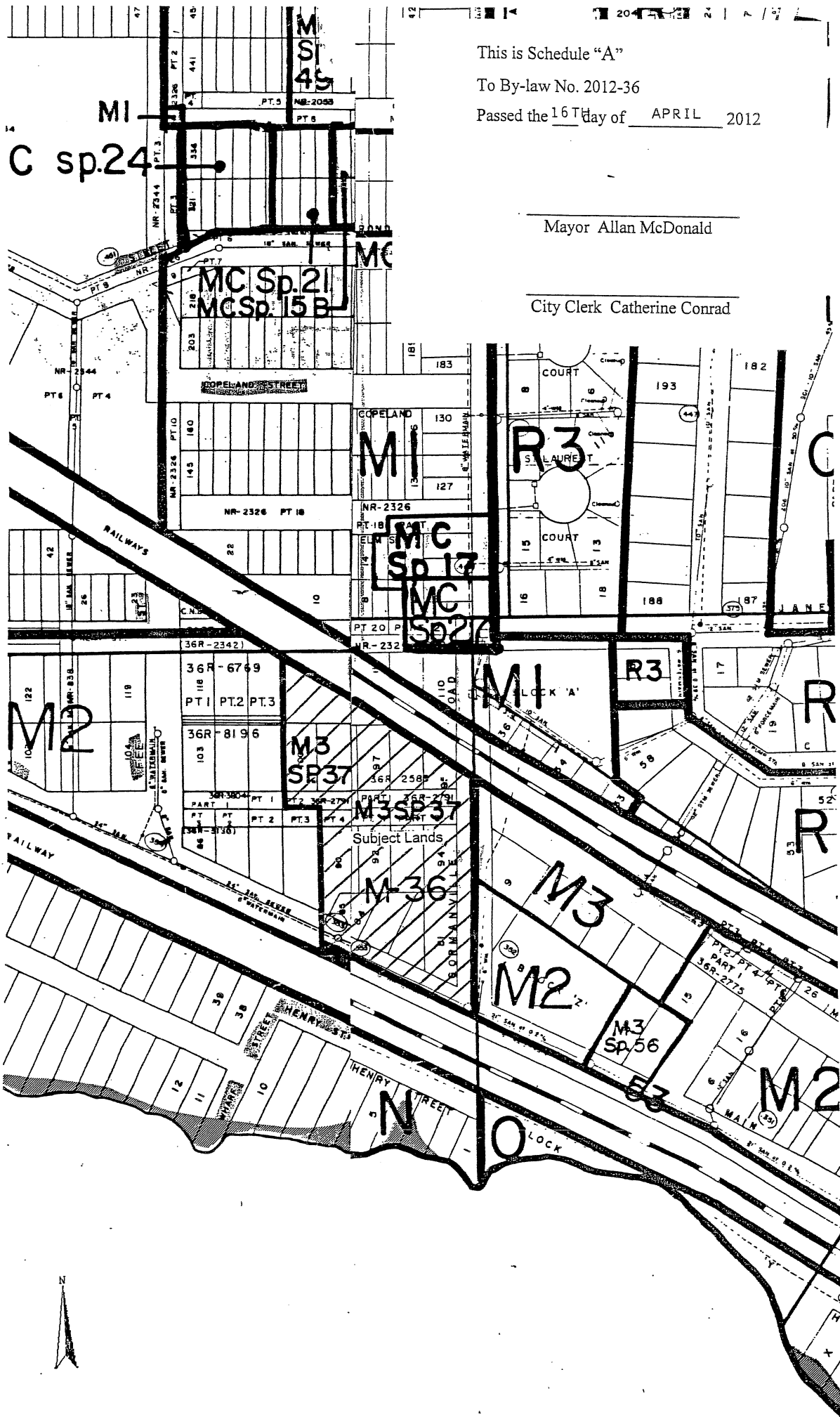
This is Schedule "A"

To By-law No. 2012-36

Passed the 16<sup>th</sup> day of APRIL 2012

Mayor Allan McDonald

City Clerk Catherine Conrad



C sp.24

MC Sp. 21  
MC Sp. 15 B

MC Sp. 17  
MC Sp. 21

M2

M3 Sp. 37

M3 Sp. 37  
Subject Lands

M36

M3

M2

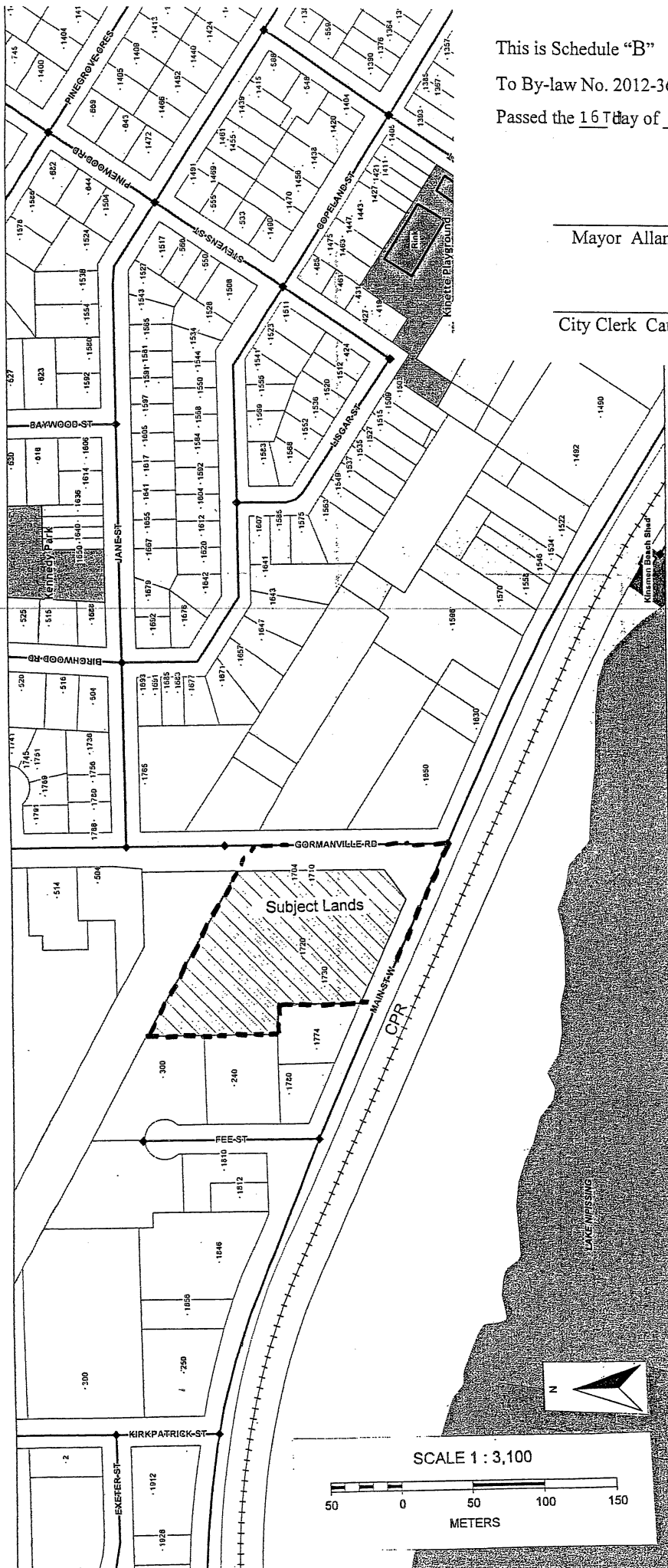
M3 Sp. 56

M2

This is Schedule "B"  
To By-law No. 2012-36  
Passed the 16<sup>th</sup> day of APRIL 2012

Mayor Allan McDonald

City Clerk Catherine Conrad



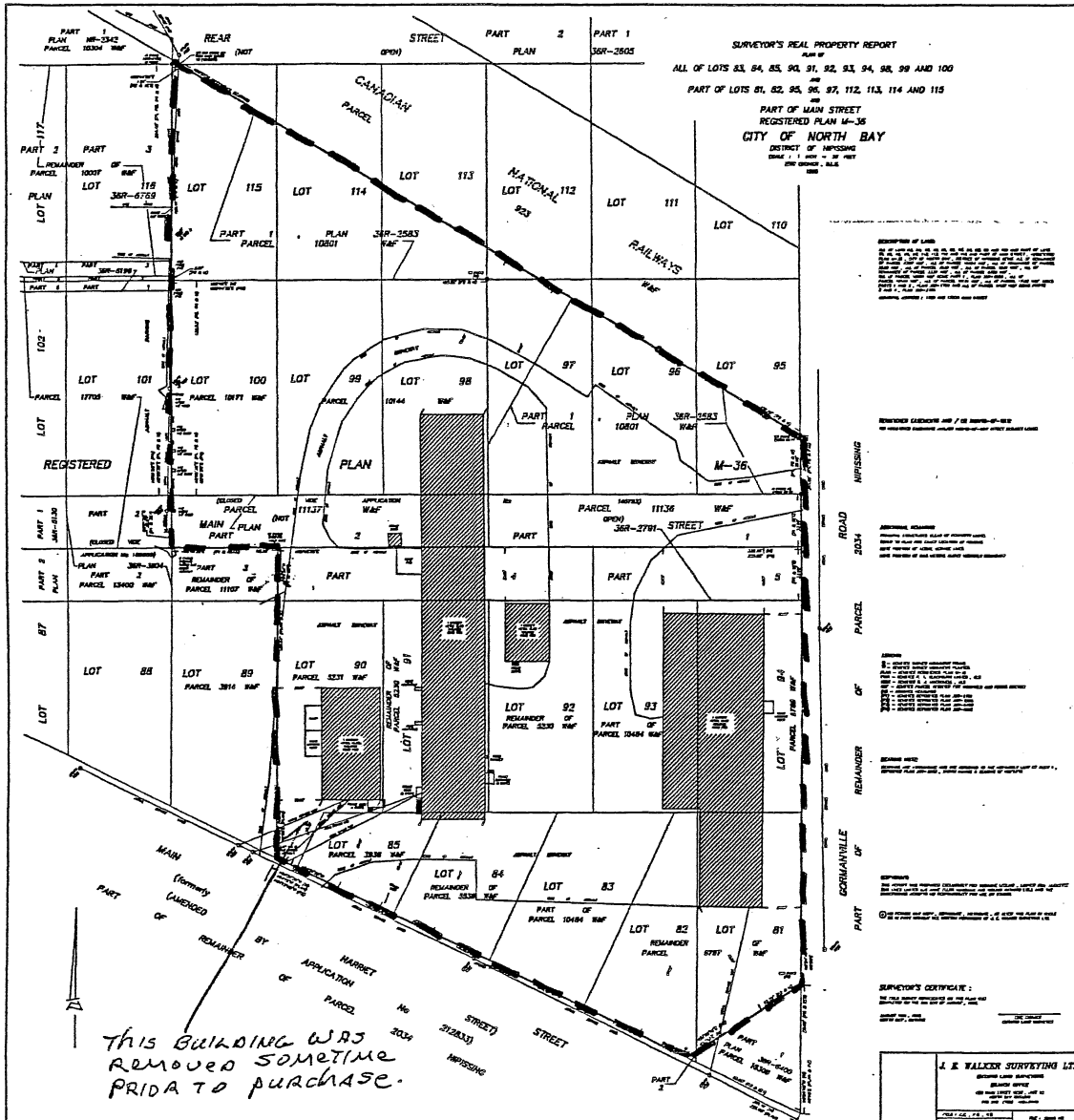
This is Schedule "C"

To By-law No. 2012-36

Passed the 16<sup>TH</sup> day of APRIL 2012

Mayor Allan McDonald

City Clerk Catherine Conrad



CERTIFIED TRUE COPY OF SURVEY

*J. R. Walker, OLS*