

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, APRIL 2ND, 2007**

PRESENT: Mayor Fedeli, Councillors Chirico, Campbell, Mayne, Vaillancourt, Graham, Mendicino, Koziol, Bain, Anthony

CORRESPONDENCE:

Chamberlain Architect Services Ltd.	re Rezoning - Seymour Street	(214)
Yeates, Dr. Noreen	re InsideOut Chiropractic 8 th Annual Blade, Bike and Run for Fun Event	(212)

REPORTS FROM OFFICERS:

Bullock, P.	re Development of a Green Plan	(219)
Burke, M.B.	re Council Chambers renovations	(211)
Burke, M.B.	re InsideOut Chiropractic 8 th Annual Blade, Bike and Run for Fun Event	(212)
Burke, M.B.	re Stone Manor Drive - Kenwood Hills Subdivision, Pre-Servicing Agreement Phase IV	(213)
Burke, M.B.	re City sale to Ed Dolata - Pinewood Park Dr.	(239)
Celentano, J.J.	re <i>Aggregate Resources Act</i> implementation	(225)
Conrad, C.M.	re Municipality of Powassan, Request for support	(224)
Hall, B.	re OPA and Rezoning - FDM4 International 1297 Airport Road	(217)
Hall, B.	re Rezoning - Karen McCluskey & Brent Wood, 593 John Street	(218)
Knox, J.D.	re North Bay Jack Garland Airport improvements	(221)
Manning, J.	re RFP 2007-22, Job Evaluation Review	(223)
Manning, J.	re Tender 2007-29, Removal of CN trestles	(226)
Ringler, T.G.	re Consolidation of Parking By-Laws	(216)
Ringler, T.G.	re Charitable Gaming decline	(220)
Ringler, T.G.	re New Bingo Revenue Model	(222)
Rogers, B.A.	re 2007 Federal Public Transit Funding	(227)
Simmonds, J.C.	re Drainage easement - 40 Tupper Drive	(215)

Res. #2007-208: Moved by Councillor Mendicino, seconded by Councillor Graham
That minutes for the meeting held on:

- Monday, March 5, 2007

be adopted as presented.

"CARRIED"

Res. #2007-209: Moved by Councillor Mendicino, seconded by Councillor Graham
That Closed Meeting minutes for the meeting held on:

- Monday, March 19, 2007

be adopted as presented.

"CARRIED"

Res. #2007-210: Moved by Councillor Koziol, seconded by Councillor Mendicino
That Engineering & Works Committee Report No. 2007-01 relating to:

- amendments to Noise By-Law No. 142-76

be adopted as presented.

“CARRIED”

ENGINEERING & WORKS COMMITTEE REPORT NO. 2007-01

April 2, 2007

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

Your Worship and Councillors:

The Engineering & Works Committee presents Report No. 2007-01 and recommends:

“1. That Noise By-Law No. 142-76 be amended by deleting sections 5(2) (g) and 5(4) and adding the following sections:

5 (2)(g) A plan showing the location of the event/premises, the location of amplification equipment and speakers and methods employed to prevent sound from unnecessarily escaping from the event/premises, the location from which the sound levels will be measured, if applicable and any additional information as deemed necessary by the City Clerk of Council to consider the application made under this section;

5 (2)(h) Applications for exemptions must be complete and received by the City Clerk at least 60 days prior to the date of the exemption sought;

5 (2)(i) No application shall be deemed complete until the applicant has provided all information as required by the City Clerk or Council and has paid the application fee. Where additional costs may be incurred by the applicant, such costs shall be borne by the applicant;

5 (2)(j) Noise By-Law Exemptions granted for events at commercially zoned properties for the following dates shall not exceed the maximum times and maximum sound levels as follow:

<u>Event Definition</u>	<u>Date</u>	<u>Maximum Time Permitted</u>
Heritage Festival	Applicable Friday	as specified in Schedule 4
	Applicable Saturday	as specified in Schedule 4
	Applicable Sunday	Until midnight of the same day

5 (4) Public Notification that Council will consider a Noise By-Law Exemption.

The City Clerk shall place a public notice in a local newspaper at least 10 days prior to the date and time that Council will consider a Noise By-Law Exemption which shall state the location(s) date(s) and time(s) of requested exemption.

2. That By-Law No. 142-76 be updated and amendments consolidated into a new by-law pursuant to the *Municipal Act* and that a new schedule of fines under the *Provincial Offences Act* be prepared for Councils consideration.”

Restrictions –Schedule 4

Time Interval <i>Friday/Saturday</i>	11:59 pm - 1:00 am (next day)	1:00 am - 1:45 am (next day)	1:45 am - 2:00 am (next day) (Music off 2:00 am)	2:00 am - 7:00 am (next day)
Maximum dBA	90	75	60	50
Frequency of Sound Level Measurements	Every 10 minutes	Every 5 minutes	Every 2 minutes	Every 5 minutes
Total Number of Sound Level Measurements	6	9	7	3 consecutive starting a 2:00 am
Maximum distance from source that measurement is taken	7.6m (measurement to be unobstructed and taken outdoors)	7.6 m (measurement to be unobstructed and taken outdoors)	7.6 m (measurement to be unobstructed and taken outdoors)	7.6 m (measurement to be unobstructed and taken outdoors)
Time Interval <i>Sunday</i>	11:45 pm -12:00 pm (Music off 12:00 pm)	12:00 pm - 12:15 am (next day)	12:15am -7:00am (next day)	
Maximum dBA	90	60	50	
Frequency of Sound Level Measurements	Every 2 minutes	Every 2 minutes	Every 5 minutes	
Total Number of Sound Level Measurements	7	7	3 consecutive starting a 12:15 pm	
Maximum distance from source that measurement is taken	7.6 m (measurement to be unobstructed and taken outdoors)	7.6 m (measurement to be unobstructed and taken outdoors)	7.6 m (measurement to be unobstructed and taken outdoors)	

Measurement Criteria:

Measurement of sound levels shall be the responsibility of the property owner.

The “sound level” will be determined by measuring the sound pressure level measured in decibels using the “A” weighting network setting of a sound meter (being a device listed in ANSI Type II or IEC 123 that is calibrated for the measurement of sound and includes Bruel and Kjaer’s Precision Sound Level meter, which setting meets the minimum specification in ANSI Type II or IEC 123).

An acoustical calibrator shall be used.

A windscreen shall be used on all outdoor measurements.

Documentation Required:

- Sound levels must be conducted as per Schedule 4 for each period and shall be recorded on an official sound level record form.
- Calibration must be performed at the start and at the end of the monitoring period.
- Sound measuring devices must use the "A" weighting and FAST response characteristics.
- Background noise must be at least 10 decibels lower than the noise source being measured.
- A survey form must be completed containing date, time, location, noise source, wind speed/direction, temperature, humidity, equipment information (make, model, serial #), site sketch with the location of the noise source and measurement location (including appropriate distances), data and calibration information. A sample survey form is available from the City.

- The survey form must be provided to the Police/By-law Enforcement Officer upon request and to the City Clerk within 10 days of the event.

All of which is respectfully submitted.

ASSENTS
 KOZIOL
 MENDICINO
 GRAHAM
 FEDELI

DISSENTS

Res. #2007-211: Moved by Councillor Chirico, seconded by Councillor Campbell
 That the Managing Director of Corporate Services be authorized to proceed with the Council Chambers renovations as to carpentry, electrical, carpet, new seating and mill work elements at a total estimated cost of \$110,000.00 during 2007 and that the new audio visual presentation systems be deferred to 2008 depending on funding availability.

“CARRIED”

Res. #2007-212: Moved by Councillor Chirico, seconded by Councillor Campbell
 That Council approve the Blade, Bike and Run for Fun Event on June 2, 2007 and designate it as a Municipal Event to be operated my municipal volunteers organized by the North Bay and District Chiropractic Society, with all proceeds to be donated to charity.

“CARRIED”

Res. #2007-213: Moved by Councillor Koziol, seconded by Councillor Mendicino
 That Council authorize payment of the over-sizing charges for the watermain on Stone Manor Drive upon receipt of a Transfer of Easement for the ownership of the underground utilities.

“CARRIED”

Res. #2007-214: Moved by Councillor Anthony, seconded by Councillor Bain
 That the rezoning application by Chamberlain Architect Services Limited - Seymour Street be received.

“CARRIED”

Res. #2007-215: Moved by Councillor Koziol, seconded by Councillor Mendicino
 That 1) staff work with the developer of Tupper Drive to arrange for a privacy fence to be built on the boundary of 40 Tupper Drive and the North Bay Golf & Country Club; and
 2) no further action be taken in regard to the rear yard drainage easement on Tupper Drive.

“CARRIED”

Res. #2007-216: Moved by Councillor Chirico, seconded by Councillor Campbell
 That 1) by-laws to Regulate Parking in Municipal Parking Lots, Fire Routes and Disabled Parking be presented to Council for three (3) readings:
 2) By-Law 201-90, being a by-law to Regulate Parking on Municipal and Private Property and Parking and Traffic By-Law 2002-01, be amended to reflect the changes in the new prescribed set fines; and

- 3) all short form wordings and set fine requests be forwarded to the Senior Regional Justice of the Ontario Court of Justice for approval.

“CARRIED”

Res. #2007-217: Moved by Councillor Anthony, seconded by Councillor Bain
That the recommendation from the Planning Advisory Committee regarding the Official Plan Amendment and Rezoning applications by FDM4 International - 1297 Airport Road, be referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

Res. #2007-218: Moved by Councillor Anthony, seconded by Councillor Bain
That the recommendation from the Planning Advisory Committee regarding the Rezoning application by Kevin Stephens on behalf of Karen McCluskey & Brent Wood - 593 John Street, be referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

Res. #2007-219: Moved by Councillor Koziol, seconded by Councillor Mendicino
That the report from P. Bullock dated March 8, 2007 re Development of a Green Plan for the City of North Bay be referred to the Engineering & Works Committee.

“CARRIED”

Res. #2007-220: Moved by Councillor Chirico, seconded by Councillor Campbell
That CORP Report 2007-46 dated March 20, 2007 from the Manager of Corporate Support relating to Charitable Gaming be noted and filed.

“CARRIED”

Res. #2007-221: Moved by Councillor Anthony, seconded by Councillor Bain
That a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize the improvements to the North Bay Jack Garland Airport, being 2007 Capital Budget Project No. 82, at a net debenture cost of \$256,000.00.

“CARRIED”

Res. #2007-222: Moved by Councillor Chirico, seconded by Councillor Campbell
That

- 1) By-Law No. 40-70, being a by-law to appoint a Lottery Licensing Officer and to provide for a procedure and other requirements in respect of the licensing of lotteries for charitable and religious purposes, and all amendments thereto be repealed and the current fee of \$75.00 per Bingo session be continued on a flat fee basis;
- 2) the current financial audit limits be raised to coincide with new Provincial requirements; and
- 3) a report be prepared within six months on the potential for licensing fee increases.

“CARRIED”

Res. #2007-223: Moved by Councillor Chirico, seconded by Councillor Campbell
That North Bay City Council approve a contract be let to Hay Group Limited in the estimated amount of \$59,555.00 (taxes extra), to provide a Job Evaluation Review of Non-Union positions.

“CARRIED”

Res. #2007-224: Moved by Councillor Chirico, seconded by Councillor Campbell
That 1) Council of the City of North Bay supports the Municipality of Powassan Resolution No. 2007-117 regarding Drinking Water Quality Measurement Standards; and
2) a copy of this Resolution in support be forwarded to the Municipality of Powassan, the Honourable Laurel Broten, Minister of the Environment and Monique Smith, MPP (Nipissing).

“CARRIED”

Res. #2007-225: Moved by Councillor Anthony, seconded by Councillor Bain
That 1) Council offer its support to the request of the Municipality of Callander seeking extensions to the deadline for applications under the *Aggregate Resources Act*; and
2) Council make a similar request to the Minister of Natural Resources seeking an extension to the deadline for applications for licenses for existing operators under the *Act* in North Bay from June 30, 2007 to September 30, 2007.

“CARRIED”

Res. #2007-226: Moved by Councillor Koziol, seconded by Councillor Mendicino
That 1) North Bay City Council approve a contract be awarded to LaCroix Construction Co., in the amount of \$393,599.00 (GST extra), for the removal of the CN Trestles and embankments for the Ferguson Street and Wyld Street crossings;
2) the Chief Financial Officer be authorized to transfer up to \$500,000.00 from the Property Development Reserve Fund to fund the 2007 CN Corridor Trestle and Embankment Removal Project; and
3) the Chief Financial Officer be authorized to transfer all future net proceeds from the sale of CN corridor property to the Property Development Reserve Fund.

“CARRIED”

Res. #2007-227: Moved by Councillor Chirico, seconded by Councillor Campbell
That 1) the Chief Financial Officer be authorized to transfer the balance of funds received from the Federal Government Transit Fund Trust in the amount of \$1,175,392.78 as follows:
1) Transit Terminal Capital Project \$614,400.00
2) Transit Coach Replacement Program \$560,992.78;
2) Mayor Fedeli send a letter of thanks to the Federal Government and the Association of Municipalities of Ontario for these funds; and

- 3) Mayor Fedeli send a letter to Monique Smith, MPP requesting that she attend at a Council Meeting to address this funding issue.

“CARRIED”

Record of Vote (*Upon Request of Councillor Chirico*).

Yeas: Councillors Chirico, Anthony, Mayne, Koziol, Mendicino, Bain, Campbell, Graham, Vaillancourt, Mayor Fedeli

Res. #2007-228: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-law be read a first and second time:

By-Law No. 2007-54 to stop up, close and convey a portion of the laneway bounded by O'Brien Street, Lansdowne Avenue, McLeod Street and Hutcheson Avenue.

“CARRIED”

Res. #2007-229: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a first and second time:

By-Law No. 2007-55 to authorize the Bridge Rehabilitation Project.

By-Law No. 2007-56 to authorize the purchase and lease of vehicles and equipment for the Public Works & Services Division.

By-Law No. 2007-57 to authorize the replacement of various rural road culverts.

By-Law No. 2007-58 to authorize the 2007 Capital Allocation for the North Bay Police Service.

By-Law No. 2007-59 to authorize the 2007 Capital Allocation for the North Bay Public Library.

By-Law No. 2007-60 to authorize the 2007 Capital Allocation for the Capitol Centre.

By-Law No. 2007-61 to authorize the Asphalt Resurfacing Sheeting Program.

By-Law No. 2007-62 to authorize the purchase of a Transit Bus Lift and renovations to buildings for the Public Works & Services Division.

By-Law No. 2007-63 to authorize the purchase and lease of new vehicles and equipment for the water and sanitary sewer maintenance activities of the Public Works & Services Division.

By-Law No. 2007-64 to authorize the Sewer & Water Reconstruction Project of the Public Works & Services Division.

By-Law No. 2007-65 to authorize the Watermain Looping Project.

By-Law No. 2007-66 to authorize the Sewer Treatment Plant Automation.

By-Law No. 2007-67 to authorize the Hydrant Rehabilitation Project.

By-Law No. 2007-68 to authorize the Waste Water (Sewage) Treatment Plant Facilities and Sanitary Sewer Lift Station repairs.

“CARRIED”

Res. #2007-230:

Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a third time and passed:

By-Law No. 2007-55 to authorize the Bridge Rehabilitation Project.

By-Law No. 2007-56 to authorize the purchase and lease of vehicles and equipment for the Public Works & Services Division.

By-Law No. 2007-57 to authorize the replacement of various rural road culverts.

By-Law No. 2007-58 to authorize the 2007 Capital Allocation for the North Bay Police Service.

By-Law No. 2007-59 to authorize the 2007 Capital Allocation for the North Bay Public Library.

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By-Law No. 2007-67 to authorize the Hydrant Rehabilitation Project.

By-Law No. 2007-68 to authorize the Waste Water (Sewage) Treatment Plant Facilities and Sanitary Sewer Lift Station repairs.

“CARRIED”

Res. #2007-231:

Moved by Councillor Anthony, seconded by Councillor Bain
That the following by-laws be read a first and second time:

By-Law No. 2007-75 to repeal By-Law No. 2006-95 (being a by-law to rezone certain lands on Francis Street - Robert L. Smith).

By-Law No. 2007-76 to authorize the execution of an Agreement with BK Corporate Marketing Services, a division of Sudbury Wolves Hockey Club Ltd. relating to transit advertising.

By-Law No. 2007-78 to authorize the execution of an Agreement with Ottawa Valley Railway, operated by RaiLink Canada Ltd. relating to public pedestrian walkway/access for the North Bay Heritage Festival.

“CARRIED”

Res. #2007-232: Moved by Councillor Anthony, seconded by Councillor Bain
That the following by-laws be read a third time and passed:

By-Law No. 2007-75 to repeal By-Law No. 2006-95 (being a by-law to rezone certain lands on Francis Street - Robert L. Smith).

By-Law No. 2007-76 to authorize the execution of an Agreement with BK Corporate Marketing Services, a division of Sudbury Wolves Hockey Club Ltd. relating to transit advertising.

By-Law No. 2007-78 to authorize the execution of an Agreement with Ottawa Valley Railway, operated by RaiLink Canada Ltd. relating to public pedestrian walkway/access for the North Bay Heritage Festival.

“CARRIED”

Res. #2007-233: Moved by Councillor Koziol, seconded by Councillor Mendicino
That the following by-laws be read a first and second time:

By-Law No. 2007-50 to authorize the execution of an Agreement with Northland Engineering (1987) Limited relating to Engineering Services for McKeown Avenue.

By-Law No. 2007-69 to amend By-Law No. 2005-03 (being a by-law to control the use of pesticides).

By-Law No. 2007-77 to authorize the execution of an Agreement with Miller Paving North Bay, a division of Miller Paving Limited relating to asphalt concrete pavement patching.

“CARRIED”

Res. #2007-234: Moved by Councillor Koziol, seconded by Councillor Mendicino
That the following by-laws be read a third time and passed:

By-Law No. 2007-50 to authorize the execution of an Agreement with Northland Engineering (1987) Limited relating to Engineering Services for McKeown Avenue.

By-Law No. 2007-69 to amend By-Law No. 2005-03 (being a by-law to control the use of pesticides).

By-Law No. 2007-77 to authorize the execution of an Agreement with Miller Paving North Bay, a division of Miller Paving Limited relating to asphalt concrete pavement patching.

“CARRIED”

Res. #2007-235: Moved by Councillor Mendicino, seconded by Councillor Chirico
That the presentation by Partners In Hockey be referred to the Community Services Committee for a report with recommendations to address the issues raised by Partners In Hockey.

“CARRIED”

- Res. #2007-236: Moved by Councillor Mendicino, seconded by Councillor Chirico
That 1) the City of North Bay respectfully requests that the North Bay Joint Hospital Laundry Board delay, for one (1) year, any decision on closing the local facility as a result of consolidating services with Sudbury and relocating the operation to Sudbury; and
- 2) during that time, the Board explore a viable business model that will keep the facility here, thus saving a minimum of twenty-six (26) jobs in North Bay.

“CARRIED”

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

Yeas: Councillors Mendicino, Vaillancourt, Mayne, Graham, Campbell, Koziol, Anthony, Chirico, Bain, Mayor Fedeli

- Res. #2007-237: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council adjourn in-camera at 8:17 p.m. to discuss matters that relating to proposed or pending acquisition or disposal of land by the municipality or local board.

“CARRIED”

- Res. #2007-238: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council reconvene at 8:25 p.m.

“CARRIED”

- Res. #2007-239: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council authorize the sale of Parts 1 & 2, Plan 36R-12037 to Ed Dolata, the abutting owner for the negotiated value of \$4,500.00.

“CARRIED”

- Res. #2007-240: Moved by Councillor Mendicino, seconded by Councillor Vaillancourt
That this Meeting do now adjourn.

“CARRIED”

MAYOR VIC FEDELI

CITY CLERK CATHERINE CONRAD