

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, NOVEMBER 1ST, 2004**

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

CORRESPONDENCE:

Retirement Living Centre Inc.	re 20 minute drop-off zone - Empire Living Centre	(746)
Koziol, Judy	re Resignation from North Bay & District Health Unit	(748)
Nipissing University	re Education Centre field	(762)
Rennick, Don	re Resignation from Water Conservation Advisory Committee	(750)
Transportation, Ministry of	re Dedicated Gas Tax Funds for Public Transportation Program	(755)

REPORTS FROM OFFICERS:

Bullock, P.	re Evaluation of effluent from North Bay Sewage Treatment Plant	(761)
Burke, M.B.	re Part Lot Control By-Law for North Bay - Mattawa Conservation Authority lots	(758)
Burke, M.B.	re Mixed use trails	(769)
Burke, M.B.	re City sale to Dalron	(781)
Burke, M.B.	re City sale to Gap Construction Co. Ltd.	(782)
Burke, M.B.	re Offer to purchase from Kap Freight & Cartage	(783)
Celentano, J.J.	re Sale of former CN lands	(784)
Conrad, C.M.	re User Fee By-Law for Waste Management and Sanitary Sewer Rates	(759)
Elliott, G.	re Capital Project priority listing request	(747)
Fry, M.	re Nipissing University Education Centre field	(762)
Hall, B.	re Closure of Regina Street road allowance	(766)
Hall, B.	re Closure of laneway - Strathcona Drive	(767)
Killins, S.	re Municipal By-Law Enforcement Officers	(763)
Killins, S.	re Property Standards & Vital Services By-Law	(764)
Killins, S.	re Current status of Enforcement Officers	(768)
Kraemer, L.	re Reduction, cancellation or refund of taxes - <i>Municipal Act, Section 357</i>	(744)
Lang, A	re Dedicated Gas Tax Funds for Public Transportation Program	(755)
Linkie, D.G.	re CN trestle removal - Renaissance Development Corporation	(743)
Manning, J.	re RFP 2004-145, Supply and maintenance of photocopiers	(751)
Manning, J.	re Tender 2004-170, Gas heating units - Pete Palangio Arena	(760)
McCullough, E.A.	re Fire Underwriters Survey Grading	(749)
Reid, P.	re Transit's Dial-A-Cab and North Highway service update	(745)
Reid, P.	re Dedicated Gas Tax Funds for Public Transportation Program	(755)
Ringler, T.G.	re 20 minute drop-off zone - Empire Living Centre	(746)
Rogers, B.A.	re 2004 debenture issue	(765)
Tomek, A.	re Household Hazardous Waste Transfer Facility	(756)
Tomek, A.	re Multi-Purpose Waste Management Transfer Facility	(757)

Res. #2004-739: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Community Services Committee Report No. 2004-27 relating to:

- Arts, Culture and Heritage Policy Framework

be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2004-27

November 1, 2004

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2004-27 and recommends:

1. That
 - a) Report No. CSBU 2004-94 dated October 20, 2004 be received by City Council;
 - b) Council support the concept of an Arts, Culture and Heritage Organization, which would act as a liaison between the various Arts, Culture and Heritage groups and the City;
 - c) staff be directed to develop, for Council’s consideration, an official Municipal Policy to govern and direct the interaction of the City with the Arts, Culture and Heritage components of our community by January 17, 2005; and
 - d) the Coordinating Body for Arts, Culture and Heritage (CBACH) be encouraged to continue and complete a Business Plan to support the policy framework and terms of reference.

All of which is respectfully submitted.

ASSENTS
MENDICINO
KOZIOL
MAROOSIS
FEDELI

DISSENTS

Res. #2004-740: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Community Services Committee Report No. 2004-28 relating to:

- 2004 Heritage Festival financial statements

be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2004-28

November 1, 2004

TO THE COUNCIL

Your Worship and Councillors:

The Community Services Committee presents Report No. 2004-28 and recommends:

1. That
 - a) the 2004 Heritage Festival financial statements be revised to reflect the two (2) missing costs and be recorded as \$237,046.00;
 - b) a \$10,000.00 contingency for delayed expenditures be identified in future financial statements;
 - c) the Heritage Festival Management Committee be sent a copy of Report CORP 2004-165 outlining funding options for the accumulated deficit of \$322,537.00;
 - d) the Heritage Festival Management Committee be asked to determine how much of the accumulated deficit it could recover in the next two (2) years; and
 - e) the proposed budget for the 2005 North Bay Heritage Festival and Airshow be forwarded to City Council by November 15, 2004 together with recommendations relating to the Heritage Festival SWOT Team's report.

All of which is respectfully submitted.

ASSENTS
MENDICINO
KOZIOL
MAROOSIS
FEDELI

DISSENTS

Res. #2004-741: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Community Services Committee Report No. 2004-29 relating to:

- Heritage Festival SWOT Team Report

be adopted as presented.

"CARRIED"

COMMUNITY SERVICES COMMITTEE REPORT NO. 2004-29

November 1, 2004

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2004-29 and recommends:

1. That Report No. CSBU 2004-92 dated October 12, 2004 relating to the Heritage Festival SWOT Team Report be noted and filed.

All of which is respectfully submitted.

ASSENTS
MENDICINO
KOZIOL
MAROOSIS

DISSENTS

Res. #2004-742 Moved by Councillor Mason, seconded by Councillor Boldt
That Engineering & Works Committee Report No. 2004-19 relating to:

- Minimum Maintenance Standards

be adopted as presented.

“CARRIED”

ENGINEERING & WORKS COMMITTEE REPORT NO. 2004-19

November 1, 2004

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

Your Worship and Councillors:

The Engineering & Works Committee presents Report No. 2004-19 and recommends:

1. That the City of North Bay initiate implementation of Minimum Maintenance Standards for Municipal Highways.

All of which is respectfully submitted.

ASSENTS
MASON
BOLDT
CAMPBELL
FEDELI

DISSENTS

Res. #2004-743: Moved by Councillor Mendicino, seconded by Councillor Koziol
That 1) the proposed zoning by-law amendment by Rick Miller, OLS on behalf of Renaissance Development Corporation to rezone certain lands in the City of North Bay as contained in By-Law No. 2004-168 be read a third time and passed;

- 2) City staff commence a tender process for the removal of the former Canadian National Railway trestles and abutment(s) over certain streets in the City of North Bay; and
- 3) the Chief Administrative Officer continue to discuss cost-sharing opportunities for the removal of CN trestles and associated abutments with Renaissance Development.

“CARRIED”

Res. #2004-744: Moved by Councillor Chirico, seconded by Councillor Anthony
That the tax appeals attached to Report No. CORP 2004-153 under Section 357 of the *Municipal Act* be adjusted for the period set out on each application form and that the applicable taxes be cancelled, reduced or refunded with the exception of the applications that did not receive a positive recommendation from the Municipal Property Assessment Corporation.

“CARRIED”

Res. #2004-745: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Council receive Report No. CSBU 2004-95 dated October 22, 2004
for information purposes only.

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“CARRIED”
November 1, 2004

Res. #2004-746: Moved by Councillor Chirico, seconded by Councillor Anthony
That the Traffic and Parking By-Law 2002-01 be amended to provide for a
20 minute drop-off zone at 160 McIntyre Street West and 425 Fraser Street
(Empire Living Centre).

“CARRIED”

Res. #2004-747: Moved by Councillor Mason, seconded by Councillor Boldt
That Report EES 2004-67 dated October 20, 2004 regarding the Capital
Project Priority Listing be received for information purposes only.

“CARRIED”

Res. #2004-748: Moved by Councillor Chirico, seconded by Councillor Anthony
That the resignation of Judy Koziol from the North Bay & District Health Unit
be accepted with regret.

“CARRIED”

Res. #2004-749: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the City of North Bay adopt a FUS Class 3 Public Fire Protection
Classification (PFPC) in the Hydrant Protected Areas (H.P.A.) effective
November 22, 2004.

“CARRIED”

Res. #2004-750: Moved by Councillor Chirico, seconded by Councillor Anthony
That the resignation of Don Rennick from the Water Conservation Advisory
Committee be accepted with regret and the Mr. Rennick be thanked for his
involvement on the Committee.

“CARRIED”

Res. #2004-751: Moved by Councillor Chirico, seconded by Councillor Anthony
That North Bay City Council approve that the City of North Bay enter into a
36 month lease agreement with Better Business Systems to supply 8
photocopiers. Total cost of the agreement is \$73,296 (taxes extra).

“CARRIED”

Res. #2004-752: Moved by Councillor Chirico, seconded by Councillor Anthony
That accounts totaling \$8,480,527.49 for September 2004 be approved.

“CARRIED”

Res. #2004-753: Moved by Councillor Chirico, seconded by Councillor Anthony
That accounts for Clarion Resort - Pinewood Park totaling \$1,314.04 for
September 2004 be approved.

“CARRIED”

Councillor Mason declared a conflict of interest on the above matter as he is employed by Clarion
Resort - Pinewood Park.

Res. #2004-754: Moved by Councillor Chirico, seconded by Councillor Anthony
That accounts for Ontario Northland totaling \$38.52 for September 2004 be

approved.

“CARRIED”

Res. #2004-755: Moved by Councillor Mendicino, seconded by Councillor Koziol
That 1) Council authorize the preparation of a by-law permitting The Corporation of the City of North Bay to enter into the Letter of Agreement with the Province of Ontario related to Provincial

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funding under the Dedicated Gas Tax Funds for Public Transportation Program;

- 2) the Mayor and Chief Financial Officer be authorized to sign the Letter of Agreement on behalf of the City; and
- 3) a “Dedicated Gas Tax Funds” reserve fund be established.

“CARRIED”

Res. #2004-756: Moved by Councillor Mason, seconded by Councillor Chirico
That the resolution passed by the Waste Resources Liaison Committee on October 20, 2004 re Household Hazardous Waste Transfer Facility be received.

“CARRIED”

Res. #2004-757: Moved by Councillor Mason, seconded by Councillor Chirico
That the resolution passed by the Waste Resources Liaison Committee on October 20, 2004 re Multi-Purpose Waste Management Transfer Facility be received.

“CARRIED”

Res. #2004-758: Moved by Councillor Chirico, seconded by Councillor Anthony
That Council authorize a Part Lot Control Exemption By-Law to deem Lots 4, 6 and 7, Plan 68, as not being subject to part lot control pursuant to Section 50(7) of the *Planning Act*.

“CARRIED”

Res. #2004-759: Moved by Councillor Chirico, seconded by Councillor Anthony
That 1) Council receive the new Waste Management and Sanitary Sewer Rates By-Laws; and

- 2) the by-laws be referred to the General Government Committee for a public meeting under the *Municipal Act* on the 22nd day of November 2004.

“CARRIED”

Res. #2004-760: Moved by Councillor Mendicino, seconded by Councillor Koziol
That North Bay City Council approve the award of contract to Gagnon & Associates Inc. in the amount of \$82,271.82 (taxes inc.) for the supply only of two gas heating units for Pete Palangio Arena.

“CARRIED”

Res. #2004-761: Moved by Councillor Mason, seconded by Councillor Boldt
That the report from P. Bullock dated October 25, 2004 re Evaluation of effluent from the North Bay Sewage Treatment Plant be referred to the Engineering & Works Committee.

“CARRIED”

Res. #2004-762: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Council direct staff to negotiate a renewal to the Education Centre Field Use Agreement, and, subject to successful conclusion of negotiations, authorize the Chief Administrative Officer to approve up to \$25,000.00 for field renovation to be allocated from the 2005 Capital Budget.

“CARRIED”

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Res. #2004-763: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Council direct the City Clerk to prepare an amendment to By-Law No. 2000-28, being a by-law to appoint Municipal Law Enforcement Officers as authorized under the provisions of the *Police Services Act*.

“CARRIED”

Councillor Bain declared a conflict of interest on the above matter as his sister is one of the Municipal Law Enforcement Officers.

Res. #2004-764: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Council direct the City Clerk to prepare an amendment to By-Law No. 1999-006, Section 4.21, sentence 4.21.1; reducing the minimum required ceiling height for an existing habitable floor area from the current 2.1 metres (6 ft. 11 in.) to 1.95 (6 ft. 5 in.).

“CARRIED”

Res. #2004-765: Moved by Councillor Chirico, seconded by Councillor Anthony
That the City of North Bay agree to sell, through their Fiscal Agents, up to \$4,314,000.00 of installment debentures to be dated November 25, 2004, maturing, November 25, 2005 to 2014, to be sold at an average offering yield not to exceed 5.2% and to be subject to terms and conditions acceptable to the Chief Financial Officer and CIBC World Markets Inc.

“CARRIED”

Res. #2004-766: Moved by Councillor Mendicino, seconded by Councillor Koziol
That

- 1) the unopened portion of the Regina Street road allowance bounded by Fisher Street, Highway 11/17, McGaughey Avenue and the O.N. Railway, abutting Lots 586 and 620, Plan M-189, be closed and sold to the abutting property owner at its' appraised value;
- 2) the closure and sale of the road allowance be subject to the granting of any required easements; and
- 3) the Chief Administrative Officer be authorized by Council to initiate normal closure procedures for the subject road allowance.

“CARRIED”

Res. #2004-767: Moved by Councillor Mendicino, seconded by Councillor Koziol
That

- 1) the application by Lawrence Landriault to close a laneway abutting Lots 218, Plan M-327, Lots 13 and 14, Plan 83 be approved;
- 2) the closure of the laneway be subject to the granting of any required easements; and
- 3) the Chief Administrative Officer be authorized by Council to

initiate normal closure procedures for the subject laneway.

“CARRIED”

Res. #2004-768: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Council direct the City Clerk to prepare a new Appointment Schedule
of Enforcement Officers to amend Schedule “E” of By-Law No. 47-95,
being a by-law to Regulate the Administration of Building Permits.

“CARRIED”

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Res. #2004-769: Moved by Councillor Mason, seconded by Councillor Boldt
That no action be taken concerning the existing status of the Traffic By-Law
to prohibit bicycles being ridden on sidewalks.

“CARRIED”

Res. #2004-770: Moved by Councillor Chirico, seconded by Councillor Anthony
That the following by-laws be read a first time:

By-Law No. 1004-174 to stop up, close and convey a portion of a laneway
between Lansdowne Avenue and Hutcheson Avenue.

By-Law No. 2004-175 to stop up, close and convey a portion of the Colgan
Avenue road allowance.

“CARRIED”

Res. #2004-771: Moved by Councillor Chirico, seconded by Councillor Anthony
That the following by-law be read a first and second time:

By-Law No. 2004-177 to stop up, close and convey a portion of a laneway
between Fraser Street and Ferguson Street.

“CARRIED”

Res. #2004-772: Moved by Councillor Chirico, seconded by Councillor Anthony
That the following by-laws be read a first and second time:

By-Law No. 2004-176 to execute an Agreement with the Union of Ontario
Indians relating to fire protection services.

By-Law No. 2004-180 to execute a Letter of Agreement with Her Majesty
the Queen in Right of Ontario as represented by the Minister of
Transportation relating to the Dedicated Gas Tax Funds for Public
Transportation Program.

“CARRIED”

Res. #2004-773: Moved by Councillor Chirico, seconded by Councillor Anthony
That the following by-laws be read a third time and passed:

By-Law No. 2004-176 to execute an Agreement with the Union of Ontario
Indians relating to fire protection services.

By-Law No. 2004-180 to execute a Letter of Agreement with Her Majesty
the Queen in Right of Ontario as represented by the Minister of
Transportation relating to the Dedicated Gas Tax Funds for Public
Transportation Program.

“CARRIED”

Res. #2004-774: Moved by Councillor Chirico, seconded by Councillor Anthony
That the following by-law be read a third time and passed:

By-Law No. 2004-158 to stop up, close and convey a portion of the laneway bounded by Beattie Street, Oakwood Avenue, Browning Street and Maplewood Avenue.

“CARRIED”

Res. #2004-775: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the following by-law be read a third time and passed:

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By-Law No. 2004-171 to rezone certain lands on Highway 63 (Eric Girard-Highway 63).

“CARRIED”

Res. #2004-776: Moved by Councillor Mason, seconded by Councillor Boldt
That the following by-laws be read a first and second time:

By-Law No. 2004-181 to execute a Grant Agreement with the Federation of Canadian Municipalities (as trustee of the Green Municipal Enabling Fund) relating to Wind Power Study.

By-Law No. 2004-182 to execute an Agreement with Pedersen Construction Inc. relating to the Lakeside Drive sanitary sewer.

“CARRIED”

Res. #2004-777: Moved by Councillor Mason, seconded by Councillor Boldt
That the following by-laws be read a third time and passed:

By-Law No. 2004-181 to execute a Grant Agreement with the Federation of Canadian Municipalities (as trustee of the Green Municipal Enabling Fund) relating to Wind Power Study.

By-Law No. 2004-182 to execute an Agreement with Pedersen Construction Inc. relating to the Lakeside Drive sanitary sewer.

“CARRIED”

Res. #2004-778: Moved by Councillor Chirico, seconded by Councillor Mendicino
That the Chief Administrative Officer be directed to prepare a report to Council regarding the current City By-Law No. 38-93, as amended, being a by-law to regulate the discharge of firearms within the City.

“CARRIED”

Res. #2004-779: Moved by Councillor Vaillancourt, seconded by Councillor Chirico
WHEREAS the Council of the City of North Bay has been proactive in maintaining balanced operating and capital budgets;

AND WHEREAS the City’s operating and capital budgets are publicly updated on a quarterly basis;

AND WHEREAS the City of North Bay makes considerable annual cash contributions to many Agencies, Boards and Commissions;

AND WHEREAS the citizens of North Bay have a vested interest in knowing the status of all budgets to which they contribute;

NOW THEREFORE BE IT RESOLVED THAT the City of North Bay requests all Agencies, Boards and Commissions of which the City of North Bay makes annual cash contributions, to submit updated accurate budgets on a quarterly basis for information purposes

“CARRIED”

Res. #2004-780: Moved by Councillor Chirico, seconded by Councillor Anthony
That Council adjourn in-camera to discuss property matters 28, 29, 30, 31 and 32 and a personnel matter.

“CARRIED”

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Res. #2004-781: Moved by Councillor Chirico, seconded by Councillor Anthony
That Council approve an Amending Agreement to increase the total deposit from Dalron to \$50,000.00 and to extend the closing date to March 31, 2005.

“CARRIED”

Res. #2004-782: Moved by Councillor Chirico, seconded by Councillor Anthony
That Council approve a proposal from Gap Construction Co. Ltd. to re-purchase Lot 45, Plan 36M-595 for the sum of \$45,000.00.

“CARRIED”

Res. #2004-783: Moved by Councillor Chirico, seconded by Councillor Anthony
That Council approve the sale of 3.05 acres of land on Birch's Road to Kap Freight and Cartage for the sum of \$21,000.00 (plus GST).

“CARRIED”

Res. #2004-784: Moved by Councillor Chirico, seconded by Councillor Anthony
That

- 1) City staff be directed to prepare a list of properties, generated from portions of the former Canadian National Railway mainline between Timmins Street and John Street, that may be offered for sale on an “as is” basis at such time as required rezonings and road closures are successfully completed;
- 2) at such time as Council directs the sale, whole lots or blocks with redevelopment potential be offered for sale by public tender subject to the provisions of the City's Procedural By-Law;
- 3) part lots be first offered for sale to abutting owners, as lot additions, at appraised value;
- 4) the proceeds from these land sales be set aside into a Reserve Fund;
- 5) the Chief Financial Officer be authorized to transfer, from the Land Reserve Fund, such funds as may be reasonable and required from time to time, to facilitate public safety on and around the lands, as well as addressing costs associated with normal sale processes; and
- 6) City staff be directed to report back to Council, by way of a separate report, on the options and financial implications associated with trestle, abutment and embankment removal and any potential soil remediation areas.

“CARRIED”

Res. #2004-785: Moved by Councillor Mendicino, seconded by Councillor Chirico
That this meeting do now adjourn.

“CARRIED”

MAYOR

CITY CLERK