



Council

Agenda

**Regular Meeting of Council
October 3, 2011
at 7:00 p.m.**

MEETINGS

**FOR THE WEEK OF
OCTOBER 3RD, 2011**

Monday, October 3, 2011

5:00 p.m.

Special Closed Meeting of Council
Council will adjourn in-camera for
training and educational purposes
5th Floor Boardroom

7:00 p.m.

Regular Meeting of Council
Council Chambers, 2nd Floor
City Hall

**THE CORPORATION OF THE CITY OF NORTH BAY
REGULAR MEETING OF COUNCIL HELD
MONDAY, OCTOBER 3, 2011**

PUBLIC PRESENTATIONS:

Trevor Schindeler re Cold War Museum
Dale Lalonde re Watermain Break

PUBLIC MEETING MINUTES:

Nil

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

Nil

COMMITTEE REPORTS:

General Government Committee Report No. 2011-16

CORRESPONDENCE:

1. Report from C.A. Murphy dated September 27, 2011 re Set Fines and Short Form Wordings for Clean Yard By-Law No. 2011-185 (C00/2011/BYLAW/CLNYARD).
2. Report from S. McArthur dated September 27, 2011 re Deeming By-Law - Stephan and Dominique Gravelle, 559 King Street West (C00/2011/DEEM/559KINGW).
3. Report from J.D. Knox dated September 27, 2011 re North Bay Jack Garland Airport Capital Budget (F05/2011/AIRPOT/6031AT).
4. Report from G. Love dated September 26, 2011 re Fire Department Training and Equipment Reserve Account (F11/0211/PROVI/NBFD).
5. Report from P. Valenti dated September 28, 2011 re Request for Proposal No. 2011-79, External Audit Services (F03/2011/AUDIT/GENERAL).
6. Report from L. Rochefort dated September 28, 2011 re Reduction, cancellation or refund of taxes (F22/2011/442/GENERAL).

BY-LAWS FOR CONSIDERATION:

General Government - First, second and third readings:

By-Law No. 2011-208 to confirm proceedings of the Meeting of Council on September 19, 2011.

By-Law No. 2011-211 to execute a Transfer of Easement between The Corporation of the City of North Bay and North Bay Municipal Non-Profit Housing Corporation (Parts 1 & 2, Plan 36R-13131).

Community Services - Third reading:

By-Law No. 2011-205 to amend By-Law No. 28-80 to implement changes to the policies and regulations (General Review and Update).

Engineering & Works - First, second and third readings:

By-Law No. 2011-209 to execute an Agreement with Sifto Canada Corp. relating to the supply and hauling of bulk road sale.

MOTIONS:

Councillor Mendicino re Cold War Museum

MOTION TO ADJOURN IN-CAMERA:

IN-CAMERA CORRESPONDENCE:

7. *Confidential* report from R. Evans dated September 23, 2011 re Property matter.

MOTION TO RECONVENE:

MOTION FOR RECONSIDERATION:

GIVING NOTICE:

ADJOURNMENT:

GENERAL GOVERNMENT COMMITTEE REPORT NO. 2011-17

October 3, 2011

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2011-17 and recommends:

1. That
 - a) City Council approve the Long-Range Financial Plan - Water and Wastewater Operations in accordance with Ontario Regulation 453/07;
 - b) City Council endorse the Long-Range Financial Plan - Water and Wastewater Operations as financially viable;
 - c) the Long-Range Financial Plan be submitted to the Ministry of Municipal Affairs and Housing in accordance with the *Safe Drinking Water Act*; and
 - d) the Long-Range Financial Plan - Water and Wastewater Operations be made available for public review at the City Clerk's Office and on the City's website in accordance with the Ontario Regulation 453/07.

All of which is respectfully submitted.

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

City of North Bay Report to Council

Report No.: CORP-2011-155

Date: September 27, 2011

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

Subject: Set Fines and Short Form Wordings for Clean Yard By-Law No. 2011-185

RECOMMENDATION

That Council authorize an application for approval of set fines and short form wordings for offences contrary to the Clean Yard By-Law No. 2011-185 as set out in Schedule "A" of Report to Council No. CORP-2011-155.

BACKGROUND

The Clean Yard By-Law was passed September 6, 2011. The purpose of seeking approval for set fines and short form wordings is to allow the City of North Bay to enforce the Clean Yard By-Law by writing Certificate of Offence Notices (tickets) under Part I of the *Provincial Offences Act*. This ticketing process is the same process that occurs when a person receives a speeding ticket. It allows for a more expeditious process and allows the defendant the opportunity to pay the fine out of court if they wish. The City of North Bay always has the option not to use the ticketing process despite the availability of set fines and short form wordings and would then proceed to charge pursuant to Part III of the *Provincial Offences Act* which requires the issuing of an Information and a Summons to the Defendant. This process does require the defendant to appear in court. This process can be used for a variety of reasons instead of a Part I ticket (ie: 30 day time limitation period for issuing a Part I ticket has passed; the City of North Bay expects to seek a fine greater than \$1,000.00 due to the seriousness of the offence; a repeat offender; etc.)

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

ANALYSIS/OPTIONS

1. To authorize an application for the approval of set fines and short form wordings. This would allow The Corporation of the City of North Bay to enforce the Clean Yard By-Law No. 2011-185 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 Clean Yard By-Law No.

2011-185 by writing Certificate of Offence Notices (tickets) under Part I of the *Provincial Offences Act*. The By-Law could still be enforced by the laying of an Information pursuant to Part III of the *Provincial Offences Act*. However, the Part III option is normally more time consuming for the enforcement officer and it does not allow the defendant to pay the fine out of court.

RECOMMENDED OPTION

That Council authorize an application for approval of set fines and short form wordings for offences contrary to the Clean Yard By-Law No. 2011-185 as set out in Schedule "A" of Report to Council No. CORP-2011-155.

Respectfully submitted,




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

We concur in this report and recommendation.



Peter E.G. Leckie, City Solicitor



David G. Linkie, C.A.O.

Personnel designated for continuance: Christina A. (Tina) Murphy, Assistant City Solicitor/City Prosecutor

Attachments: (1)

CAM/vgh

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

CLEAN YARD BY-LAW NO. 2011-185

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
1.	Owner fail to keep residential lands free of domestic waste	Section 3.1	\$65.00
2.	Owner fail to trim grass and weeds on residential land	Section 3.2	\$65.00
3.	Store inoperative motor vehicle on residential land	Section 3.3	\$65.00
4.	Obstruct officer conducting inspection	Section 4.3	\$65.00
5.	Owner fail to comply with order	Section 4.6	\$65.00

Note: The penalty provision for the offences indicated above is Section 4.5 of By-Law No. 2011-185 a certified copy of which has been filed.

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Schedule "A"

Report No: CSBU 2010 - 89

Date: September 27, 2011

Originator: Steve McArthur, Senior Planner, Current Operations

Subject: Deeming By-law Request by Stephan & Dominique Gravelle – 559 King Street West

File No: C00/2011/BY-LA/DEEMING/0001

RECOMMENDATION

That Council adopts a Deeming By-law to deem Lot 82 of Registered Plan M-165, not to be a separate lot on a Registered Plan of Subdivision.

BACKGROUND

An application has been received from Stephan & Dominique Gravelle to deem a certain lot not to be a separate lot on a Registered Plan of Subdivision. The Applicants request that the properties located at 559 King Street West (see Schedule "A" attached hereto) be deemed to be a single property. Lots 83 & 84 on Plan M-165 are occupied by a single detached dwelling. Lot 82 is currently vacant and undeveloped. The Applicants own both properties and they have been considered and used as one property for decades.

The Applicant is proposing to construct a detached garage in the rear of the property straddling what is currently a separate lot of record (Lot 82). The purpose of deeming the properties is to permit the construction of the garage across the property lines which would otherwise be prohibited by the Zoning By-law.

Section 50(4) of the Planning Act allows City Council to pass a by-law to designate or "deem" any Plan of Subdivision or part thereof that has been registered for eight years or more not to be a Plan of Subdivision. One of the purposes of a Deeming By-law is to allow a municipality to reconcile the arrangement, size and configuration of lots on a registered Plan of Subdivision with area zoning standards or other area registered Plans of Subdivision. The reconciliation of lot configuration can provide for proper and orderly development that will respect and reinforce the character of existing development in an area and is consistent with the zoning standards applicable to the area and provides another measure to control development and the subdivision of land where circumstances have changed over time.

The subject request has been circulated for comment to all internal departments and external agencies that may have an opinion on this matter.

North Bay Hydro did not object to the merger of the two properties, but added that North Bay Hydro policy is one service per property. Therefore, the new garage electrical service will need to be sub fed from the existing home.

No further comments or concerns were received.

OPTIONS / ANALYSIS

Option 1:

To adopt a Deeming By-law in order to consolidate the properties into a single property unit.

Option 2:

Not to pass the Deeming By-law.

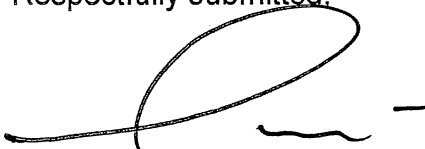
RECOMMENDED OPTION

That Council adopt a Deeming By-law to deem Lot 82 of Registered Plan M-165, not to be a separate, transferrable lot on a Registered Plan of Subdivision.

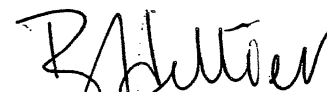
The subject properties are now in common ownership, and the request to have the properties assembled to function as one residential entity, is reasonable.

The adopting of a Deeming By-law in this instance will permit the Applicants to construct a detached garage on the northwest portion of the consolidated property that will meet all of the requirements of the City of North Bay's Zoning By-law and will be in character with other properties in the immediate area.

Respectfully submitted,



Steve McArthur, MCIP, RPP
Senior Planner, Current Operations



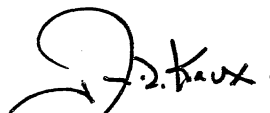
Beverley Hillier, MCIP, RPP
Manager, Planning Services

SM/dlb


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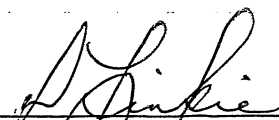
We concur in this report and recommendation.



Jerry D. Knox
Managing Director, Community Services

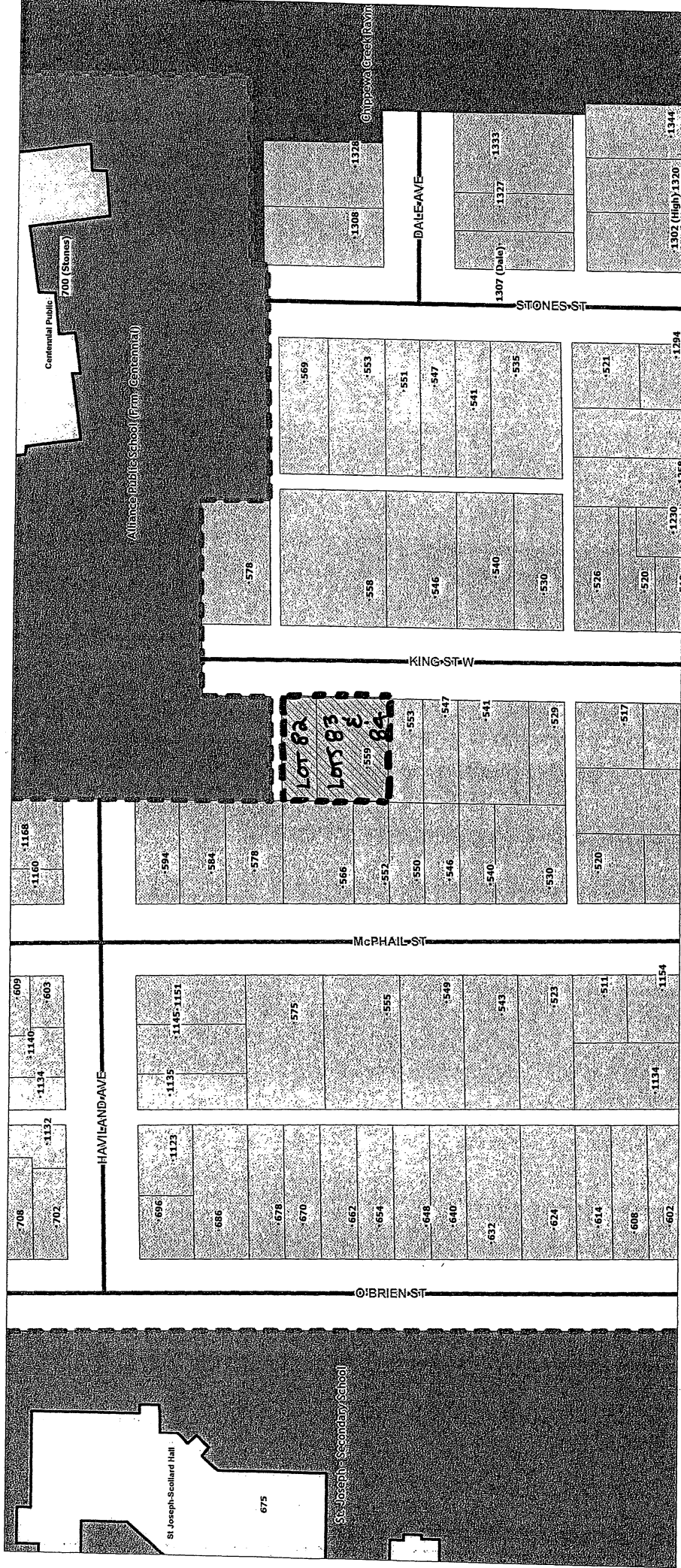


Peter Leckie
City Solicitor



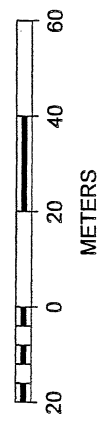
David G. Linkie
Chief Administrative Officer

SCHEDULE A



REQUESTED DEEMING BY-LAW
TO MERGE LOTS 82 TO 84 ON PLANS M-165

SCALE 1 : 1,611



September 1, 2011

The Corporation of the
City of North Bay
P.O. Box 360
200 McIntyre Street. East
North Bay, ON P1B 8H8

RE: Deeming By-Law

To whom it may concern:

Please accept this Deeming By-Law request to combine area of PLAN M165 LOT 82 with PLAN M165 LOT 83 & 84 for the purpose of adding space to our current yard. We intend to build a garage; therefore we need to merge the lots to make this project possible.

Thanking you in advance for your time and consideration in this matter.



Dominique Gravelle
Stephan Gravelle
559 King Street West
North Bay, ON P1B 6A4
(home) 705-475-1579
(cell) 705-499-5897

REPORT TO COUNCIL

Report No: CSBU 2011 - 94

Date: September 27, 2011

Originator: Jerry D. Knox, Managing Director Community Services

Subject: North Bay Jack Garland Airport - Capital

RECOMMENDATION

- 1) That Council agrees to share the expenses associated to the Terminal Renovation with the Airport Board; and
- 2) That Council agrees to utilize \$32,500 of unused 2011 Airport Capital, Project 6031AT, and authorize the Chief Financial Officer to utilize up to \$50,000 of the Completed Capital Project Reserve # 99537 for these renovations.

BACKGROUND

In 2011 both Sunwing and Transat announced charter air services from North Bay servicing destinations in the Caribbean. As a result of this additional service the need to expand the secured customer waiting area at the Airport Terminal has been identified at an estimated cost of \$140,000 to \$160,000. These funds were not allocated in the 2011 Capital Budget.

A total of \$32,500 remains in the 2011 Airport Capital. These funds include \$25,000 of "emergency capital" and \$7,500 of unspent funds. Given the need, the Airport Board is prepared to undertake the expense; however, this would significantly reduce the Board's funds on hand. Under similar circumstances in the past, the City and Airport have worked together to share the cost of unanticipated expenses. The Airport Manager has confirmed the Board is hopeful the City will agree to share the costs of renovating the Terminal's secured waiting area.

At present, the Completed Capital Project Reserve #99537 has a balance of \$1.2 million.

OPTIONSOption 1:

Council agrees to share the expense of the Terminal renovations with the Airport Board.

Under this option, the renovations will be completed and the Airport funds will not be significantly depleted.

Option 2:

Council does not agree to share the expenses of the Terminal renovations with the Airport Board.

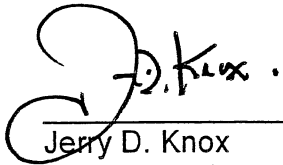
Under this option the Airport will need to undertake the renovations on their own resulting in a reduction of their funds on hand.

RECOMMENDED OPTION

Option 1:

- 1) That Council agrees to share the expenses associated to the Terminal Renovation with the Airport Board, and
- 2) That Council agrees to utilize \$32,500 of unused 2011 Airport Capital, Project 6031AT, and authorize the Chief Financial Officer to utilize up to \$50,000 of the Completed Capital Project Reserve # 99537 for these renovations.

Respectfully submitted,



Jerry D. Knox
Managing Director, Community Services

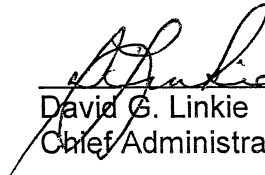
JDK/dlb

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We concur with this report.



Margaret Karpenko, CMA
Chief Financial Officer / Treasurer



David G. Linkie
Chief Administrative Officer

Report No: CSBU 2011 - 92

Date: September 26, 2011

Originator: Fire Chief Grant J. Love

Subject: Fire Department Training and Equipment Reserve Account
(Council Resolution #2005-284)

RECOMMENDATION

The Fire Chief is approved to purchase specialized training and replacement equipment from the Fire Department Training and Equipment Reserve account as below.

BACKGROUND #1

The Ontario Provincial Government through the Office of the Ontario Fire Marshal allocated funds to each fire service in Ontario to assist with the development of training and equipment purchase. North Bay Fire & Emergency Services to-date has \$63,770.00 remaining. The following training item is recommended as it is extremely important for the safety and protection of civilians and firefighters in a hostile or potentially hostile fire event. In addition this unit will be used to prepare firefighters for command decisions on the fire ground where safety is paramount and rescue to imminent.

Fire suppression tactics have changed considerably since the introduction of lightweight building construction. The introduction of engineered trusses, laminate I beams, synthetic types of interior furnishings and contents has led to the rapid fire growth and potential for earlier collapse thereby causing is a significant safety factor to civilians and firefighters. Therefore extensive training in Incident Management and positive pressure ventilation (PPV) has become a necessary component of officer development within our department. PPV when applied correctly will increase victim survival enabling firefighters quicker access for rescue and fire control. It will also decrease the chance of firefighter injury due to flashover. PPV has also proven to contain fire quickly to area of origin decreasing fire and smoke damage.

The only correct way to effectively, efficiently and safely perform training evolutions using PPV is to construct a training module. This unit would be set up as needed and used to ignite a content fire to build up heat and smoke permitting firefighters to effectively see and feel the impact PPV has during an offensive fire attack. The initial start-up cost for this unit is \$8000.00 and will be utilized to train all of our Officers, potential Officers and firefighters.

Cost not to exceed \$8,000

BACKGROUND #2

Replacement of Multi-gas Gas detection units, calibration, Bump units and data retrieval devices:

These units are used when attending CO alarms, Hazmat Alarms and investigations of unknown substance. The calibration units and bump test unit is an upgrade to our existing system and used to verify the gas detection units are functioning correctly. The data links will provide a record of each alarm attended and can be kept in the actual incident report for future reference.

Cost not to exceed \$7,500

BACKGROUND #3

Replacement of Emergency First Response medical training mannequin:

This unit is used to provide a means for firefighters to train on a quarterly basis to maintain medical response skills and used to re-certify on an annual basis the level of training firefighters require to be current. Our present mannequins are in a state of repair as they are routinely used by all firefighters and in need replacement.

Cost not to exceed \$4,000

BACKGROUND #4

Hazardous materials spill kit units. Includes oil/water/chemical absorbing booms and pads and fire retardant granular for clean-up of chemical spills. Our current supplies are either outdated, or in need of utilizing newer forms of equipment. There have been advances in compounds that are utilized in absorbing chemicals and we are in need of upgrading our supplies. (i.e. granular absorbent that will not soak up water and is fire retardant)

Cost not to exceed \$4,500

BACKGROUND #5

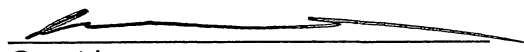
Purchase of CBRNE cartridges for Hazmat/fire investigation filters. We currently have full face masks that are capable of using two different types of filters, one for normal fire scenes and one for fires that have chemical components involved. This would provide us with the second type of filter to better protect staff.

Cost not to exceed \$7,500

Total cost of proposed items is approximately \$31,500.

New balance remaining in reserve account will be approximately \$32,270.

Respectfully submitted,



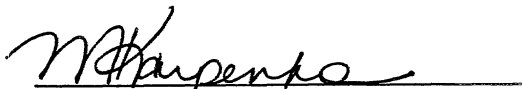
Grant Love
Fire Chief

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We concur in this report and recommendation.



Laura Boissonneault
Supervisor of Budgets and Financial Reporting



Margaret Karpenko
Chief Financial Officer / Treasurer



Chief Administrative Officer
David G. Linkie

Personnel designated for continuance: Brian Hunt, Deputy Fire Chief

**CITY OF NORTH BAY
REPORT TO COUNCIL**

Report No: CORP 2011-160

September 28, 2011

Originator: Paul Valenti

Subject: Request for Proposal No. 2011-79, External Audit Services

RECOMMENDATION:

That North Bay City Council approves the award of a contract to KPMG LLP Chartered Accountants in the amount of \$463,325.00 (excluding HST) for External Audit Services for the City of North Bay and Local Boards and Commissions, as identified below. The contract is for a period of five (5) years beginning with the 2011 year end.

Local Boards and Commissions:

- District of Nipissing Social Services Administration Board
 - Nipissing District Housing Corporation
 - East Nipissing District Home for the Aged
 - East Nipissing District Home for the Aged – Community Support Services Program
 - North Bay Parry Sound District Health Unit
 - North Bay Public Library Board
 - Board of Management for the Downtown Improvement Area
 - North Bay Jack Garland Airport Corporation
 - The Business Centre Nipissing Parry Sound
 - North Bay Hydro Holdings Limited (review engagement only)
 - North Bay Hydro Generation Limited (review engagement only)
-

BACKGROUND:

Section 296 of the Ontario Municipal Act states that an auditor of a municipality shall not be appointed for a term exceeding five years. The current auditor has been under contract by the City and Local Boards and Commissions since 2004. Included in the contract were two (2), one (1) year extensions, previously approved by Council. These extensions were requested in order to maintain continuity of auditors to account for the new financial statement reporting requirements as established through the Public Sector Accounting Board. As the term of the current auditor has expired, it was appropriate to issue an RFP for audit services for the next five years, beginning with the 2011 year end.

The Request for Proposal was publicly advertised in accordance with the City of North Bay's Purchasing Policy. Four (4) RFP packages were distributed. The RFP closed August 24, 2011 with four (4) Proposals being received. The Proposals were evaluated by the City's Chief Financial Officer/Treasurer, Director of Finance, Manager of Purchasing, and Directors of Finance for the District of Nipissing Social Services Administration Board and North Bay Parry Sound District Health Unit.

A thorough technical and financial analysis was completed. The final ranking of the proposals is as follows:

<u>Firm</u>	<u>5 Year Cost</u>	<u>Points</u>	<u>Technical Ratio</u>
1. KPMG LLP Chartered Accountants	\$ 463,325	705	0.0015216
2. BDO Canada LLP	\$ 556,500	800	0.0014376
3. Grant Thornton LLP	\$ 693,050	645	0.0009307
4. Collins Barrow, Sudbury-Nipissing LLP	\$ 633,300	530	0.0008369

Pricing was obtained through an open competitive process and is considered fair and reasonable.

ANALYSIS / OPTIONS:

1. That North Bay City Council approves the award of a contract to KPMG LLP Chartered Accountants in the amount of \$463,325.00 (excluding HST) for External Audit Services for the City of North Bay and Local Boards and Commissions. The contract is for a period of five (5) years beginning with the 2011 year end.
2. That North Bay City Council not award the contract. This option is not recommended as Section 296 of the Ontario Municipal Act requires a competitive process every five (5) years and that every municipality must appoint auditors. Further, the City's purchasing practice is to award the contract to the Proponent with the highest technical ratio providing for the best overall value.

RECOMMENDED OPTION / FINANCIAL IMPACTS:

Option 1 is recommended as follows:

That North Bay City Council approves the award of a contract to KPMG LLP Chartered Accountants in the amount of \$463,325.00 (excluding HST) for External Audit Services for the City of North Bay and Local Boards and Commissions. The contract is for a period of five (5) years, beginning with the 2011 year end. .


The 2011 City of North Bay Operating Budget contains an allocation of \$40,000 for Audit Services for the year 2011 audit. Pricing from the recommended audit firm is in the amount of \$30,125. Forthcoming budgets will allocate sufficient funds for the remaining years. The Local Boards and Commissions are responsible for payment of their portion of the services provided.

Respectfully submitted,



Paul Valenti,
Manager of Purchasing

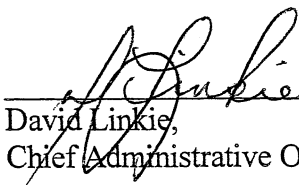
We concur in this report and recommendation.



Laura Boissonneault, CGA
Supervisor of Budgets & Financial
Reporting



Margaret Karpenko, CMA
Chief Financial Officer/Treasurer



David Linkie,
Chief Administrative Officer

Personnel designated for continuance: Chief Financial Officer/Treasurer

City of North Bay**Report to Council**

Report No.: CORP 2011-153

Date: September 28th, 2011

Originator: Lorraine Rochefort

Subject: Reduction, Cancellation or Refund of Taxes
Section 357/358, the Municipal Act, S.O. 2001, c.25

RECOMMENDATION:

That the tax appeal applications attached to CORP Report No. 2011-153 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 357/358 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. Section 357 applications deal with the current year only.

Section 358 of the Municipal Act allows for assessments to be cancelled or reduced if it is deemed by MPAC that there was a gross or manifest error in the assessment of the property. Section 358 applications can deal with the current and two prior years.

The attached 20 applications have been reviewed and all but 2 have been returned with a positive recommendation by the Municipal Property Assessment Corporation (MPAC). The subject applications deal specifically with:

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

Application 2011-9 – The demolition of the buildings removed the obsolescence that was associated with these structures and as a result there is no decrease in value.

Application 2011-11 – There is no change in value because the 2011 assessment roll was returned recognizing the demolition of the old dwelling.

The 2011 budget is \$150,000; the municipal portion write-off of the subject applications is \$13,664.50, which will bring the actual to \$122,236.65.

ANALYSIS/OPTIONS:

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

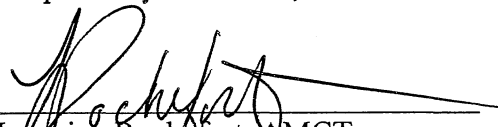
Option #2 – Council accept MPAC’s recommendations and approve the adjustment of the attached tax appeals for the period set out on each application form and that the applicable taxes be cancelled, reduced or refunded as authorized by Section 357/358 of the Municipal Act, S.O. 2001, c.25.

RECOMMENDED OPTION:

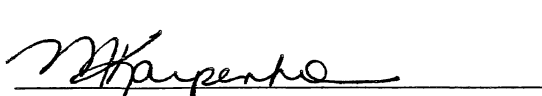
Option #2 is the recommended option.

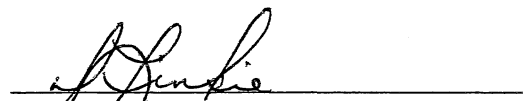
That the tax appeal applications attached to CORP Report No. 2011-153 that have been returned with a positive recommendation from the Municipal Property Assessment Corporation, be adjusted for the period set out on each application form and that the applicable taxes be cancelled, reduced or refunded as authorized by Section 357/358 of the Municipal Act, S.O. 2001 c.25.

Respectfully submitted,


Lorraine Rochefort, AMCT
Manager of Revenues & Taxation

We concur in this report and recommendation.


Margaret Karpenko, CMA
Chief Financial Officer/Treasurer


David Linkie
Chief Administrative Officer

Personnel designated for continuance: Manager of Revenues & Taxation

Attach. Summary of Section 357 Applications

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-208

**BEING A BY-LAW TO CONFIRM PROCEEDINGS
OF THE MEETING OF COUNCIL ON
SEPTEMBER 19, 2011**

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 September 19, 2011 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 be 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 3RD DAY OF OCTOBER, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 3RD DAY OF OCTOBER, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 3RD DAY OF OCTOBER, 2011.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

KM

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-211

BEING A BY-LAW TO AUTHORIZE THE EXECUTION
OF A TRANSFER OF EASEMENT BETWEEN THE
CORPORATION OF THE CITY OF NORTH BAY AND
NORTH BAY MUNICIPAL NON-PROFIT HOUSING
CORPORATION (PARTS 1 & 2, PLAN 36R-13131)

WHEREAS an Easement Agreement with the North Bay Municipal Non-Profit Housing Corporation was approved by Resolution No. 2011-307 passed on the 18th day of April, 2011.

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

1. That The Corporation of the City of North Bay provide a Transfer of Easement to North Bay Municipal Non-Profit Housing Corporation over Parts 1 & 2, Plan 36R-13131.
2. That the Mayor and Clerk of The Corporation of the City of North Bay are hereby authorized to execute the Transfer of Easement between The Corporation of the City of North Bay and North Bay Municipal Non-Profit Housing Corporation and to affix thereto the corporate seal.

READ A FIRST TIME IN OPEN COUNCIL THE 3RD DAY OF OCTOBER, 2011.

READ A SECOND TIME IN OPEN COUNCIL THE 3RD DAY OF OCTOBER, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 3RD DAY OF OCTOBER, 2011.

AS

MAYOR ALLAN MCDONALD

CITY CLERK CATHERINE CONRAD

AK

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-205

**A BY-LAW TO AMEND BY-LAW NO. 28-80 TO IMPLEMENT CHANGES TO THE
POLICIES AND REGULATIONS
(GENERAL REVIEW & UPDATE)**

WHEREAS a comprehensive review of Zoning By-law No. 28-80 recommended changes to the Text and Schedules of the By-Law;

AND WHEREAS the Council of The Corporation of the City of North Bay has ensured 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 the Council has deemed it desirable to amend the text and zone designations of By-law No. 28-80 as indicated herein, pursuant to Section 34 of the Planning Act, R.S.O. 1990 as amended;

AND WHEREAS Council passed a resolution on September 19, 2011 to approve this amendment to Zoning By-law No. 28-80.

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

SCHEDULES

- 1) The Schedules Section of Zoning By-law No. 28-80 are amended, as follows:
 - a. Schedule B-42 of Zoning By-law 28-80 are amended by changing the zoning designation of the lands shown as hatched on Schedule "A" attached hereto from a "Residential Multiple Third Density (RM3)" zone to a "District Commercial (C4)" zone.
 - b. Schedule B-50 of Zoning By-law 28-80 is amended by changing the zoning designation of the lands shown as hatched on Schedule "B" attached hereto from a "Residential Multiple First Density (RM1)" zone to a "Residential Multiple Second Density (RM2)" zone.
 - c. Schedule B-50 of Zoning By-law 28-80 is amended by changing the zoning designation of the lands shown as hatched on Schedule "B" attached hereto from a "Residential Multiple Second Density (RM2)" zone to a "Residential Multiple First Density (RM1)" zone.

DEFINITIONS

- 2) Section 2 of the Zoning By-law 28-80 is amended, as follows:
 - a. The definition of "Boarding, Lodging or Rooming House" in Section 2 of the Zoning By-law No. 28-80 is amended by deleting the words "Supervised Residence,"
 - b. The definition of "Dwelling, Single Detached" in Section 2 of the Zoning By-law No. 28-80 is deleted in its entirety and replaced with the following:

"DWELLING, SINGLE DETACHED means a completely detached dwelling unit in which cooking and sanitary facilities are provided for the exclusive use of the household. A SINGLE DETACHED DWELLING is used as a single housekeeping unit in which no occupant has exclusive use of any part of the unit."
 - c. The definition of "Group Home Type 3" in Section 2 of Zoning By-law No. 28-80 is amended by deleting the words "Supervised Residence".
 - d. The definition of "Institutional Use" in Section 2 of Zoning By-Law No. 28-80 is amended by replacing the words "and Group Home Type 2" with the words ", Group Home Type 2 and Group Home Type 3".
 - e. Section 2 of Zoning By-law 28-80 is amended by adding the following new definition:

“**Pharmacy** means a retail store that dispenses prescription drugs and which sells, among other things, non-prescription medicines, health and beauty products, and associated sundry items. A pharmacy may also sell food products. No more than 30% of the total Commercial Floor Space may be devoted to food products.”

- f. Section 2 of Zoning By-law No. 28-80 is amended by removing “Supervised Residence” and its definition from the By-law.

GENERAL PROVISIONS

- 3) Section 3 of the Zoning By-law 28-80 is amended as follows:

- a. Section 3.16.5 of Zoning By-law No. 28-80 is amended to add “(excluding stairs)” on the second line in the Structure Section following the word “decks”.
- b. Section 3.16.6 of Zoning By-law No. 28-80 is amended to add “(excluding stairs)” on the second line in the Structure Section following the word “decks”.
- c. Section 3.16.7 of Zoning By-law No. 28-80 is amended by deleting the words “and including handicap ramps” from the Structure Section.
- d. Section 3.16 of the Zoning By-law No. 28-80 is amended to include the following new subsection :

	Structure	Yard In Which Projection Is Permitted	Maximum Project from <i>Main Wall</i> Permitted
3.16.11	Brick Façade / Siding	Any Yard	0.1 metres

- e. Section 3.25.16 of Zoning By-law No. 28-80 is amended to remove “Freight containers are permitted in industrial, commercial, institutional and open space zones, subject to the provisions of this By-law for the particular zone in which said freight container is located.”
- f. Section 3.26.k) of the Zoning By-law No. 28-80 is deleted.
- g. Section 3.26.6 of Zoning By-law No. 28-80 is amended by deleting “5% of the required parking spaces in a public parking area shall be reserved for accessible parking spaces” and replaced with the following:

“Section 3.26.6 A minimum number of accessible parking spaces must be provided, as per the below table:

Minimum number of Required Parking Spaces	Minimum Number of Accessible Parking Spaces
10 – 30	1
31 – 60	2
61 – 90	3

1 additional Accessible Parking Space for each additional 30 parking spaces or part thereof.”

- h. Section 3.26.6.a) is amended by adding the following new subsection:
 “Section 3.26.6) a.iii) the minimum width of an accessible parking space may be reduced to 3.5 metres when the parking stall is located adjacent to a hard-surfaced walkway dedicated to pedestrian access that has a minimum width of 1.5 metres.”
- i. Section 3.26.6 a) through Section 3.26.6 f) of Zoning By-law No. 28-80 is renumbered to 3.26.6.1 a) through 3.26.6.1 f).
- j. Section 3 of Zoning By-law 28-80 shall be amended to include the following new subsection:
 “3.39.3 Any **Commercial Agricultural Use** shall be prohibited in any “Holding (H)” zone.”

ZONING REQUIREMENTS

- 4) No changes are proposed to Section 4 of Zoning By-law No. 28-80.

RESIDENTIAL ZONES

- 5) Section 5 of the Zoning By-law 28-80 is amended as follows:

- a. Sections 5.1.6, 5.1.6.1, 5.1.6.2 and 5.1.6.3 are deleted in their entirety and replaced with the following new subsection:

“5.1.6.1 No person shall park or store in any Residential Zone any commercial vehicle which:

- i) Has a length greater than 6.0 metres; or
- ii) Has a height greater than 2.0 metres.

A commercial vehicle may include but is not limited to a bus, trailer, cube truck, tow truck, tilt/n/load, dump truck, tractor trailer, semi-trailer, ambulance or hearse.

5.1.6.2 Where a commercial vehicle does not exceed the size regulations established by Section 5.1.6.1, a maximum of one commercial vehicle may be parked within a fully enclosed building, side or rear yard of a residential property, provided that:

5.1.6.2.1 The commercial vehicle is operated by the occupant of the dwelling unit on said lot;

5.1.6.2.2 Said vehicle, if parked in a side or rear yard, is screened by an opaque fence one and eight-tenths (1.8) metres in height; and

5.1.6.2.3 The commercial vehicle does not diminish the residential character of the neighbourhood;

5.1.6.3 This subsection shall not prevent the standing or any such vehicle for the purpose of normal business operations, such as actively loading or unloading merchandise or passengers.”

- b. The Table in Section 5.2.2 is amended by modifying the regulations for the following existing permitted uses:

ZONE	PERMITTED USE	MIN. LOT AREA PER DWELLING UNIT IN SQ.M.	MIN. LOT FRONTAGE IN METRES	MAXIMUM LOT COVERAGE	MAXIMUM HEIGHTS (STORIES)
RM1	Group home type 1	232.2	18	35%	N/A
RM2	Group home type 1	232.2	18	35%	N/A

- c. The Table in Section 5.2.2 is amended by adding regulations for the following Permitted uses:

ZONE	PERMITTED USE	MIN. LOT AREA PER DWELLING UNIT IN SQ.M.	MIN. LOT FRONTAGE IN METRES	MAXIMUM LOT COVERAGE	MAXIMUM HEIGHTS (STORIES)
R1	Group home type 1	557.4	18	36%	2.5
R2	Group home type 1	464.5	15	35%	2.5
R3	Group home type 1	418.0	13.7	35%	2.5
R5	Group home type 1	278.0	9	35%	1
RM1	Group home type 2	464.0	22.8	35%	N/A
RM2	Group home type 2	464.0	22.8	35%	N/A

COMMERCIAL ZONES

- 6) Section 6 of the Zoning By-law 28-80 is amended, as follows:

- a. Section 6.2.1.1 of Zoning By-law No. 28-80 is amended to add “Pharmacy” as a Permitted Use.

- b. Section 6.3.1.1 of Zoning By-law No. 28-80 is amended to add "Pharmacy" as a Permitted Use.
- c. Section 6.4.1.1 of the Zoning By-law No. 28-80 is amended by removing "Drug Store" as a Permitted Use and adding "Pharmacy" as a new Permitted Use.
- d. Section 6.5.1.1 of Zoning By-law No. 28-80 is amended to add "Pharmacy" as a Permitted Use.
- e. Section 6.7.1.1 of Zoning By-law No. 28-80 is amended to add "Pharmacy" as a Permitted Use.

INDUSTRIAL ZONES

- 7) Section 7 of the Zoning By-law 28-80 is amended, as follows:
 - a. Section 7.4.1.1 of Zoning By-law No. 28-80 is amended by removing the words "requiring outside storage".

OPEN SPACE ZONES

- 8) No amendments are proposed to Section 8 of Zoning By-law 28-80.

INSTITUTIONAL ZONES

- 9) No amendments are proposed to Section 9 of Zoning By-law 28-80.

RURAL ZONES

- 10) No amendments are proposed to Section 10 of Zoning By-law 28-80.

OTHER AMENDMENTS

- 11) By-law No. 2010-163 is amended to add "Part of Part 5, " to the legal description following the words "Part 1,"

READ A FIRST TIME IN OPEN COUNCIL THIS 19th DAY OF SEPTEMBER 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 19th DAY OF SEPTEMBER 2011.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 3rd DAY OF OCTOBER 2011.

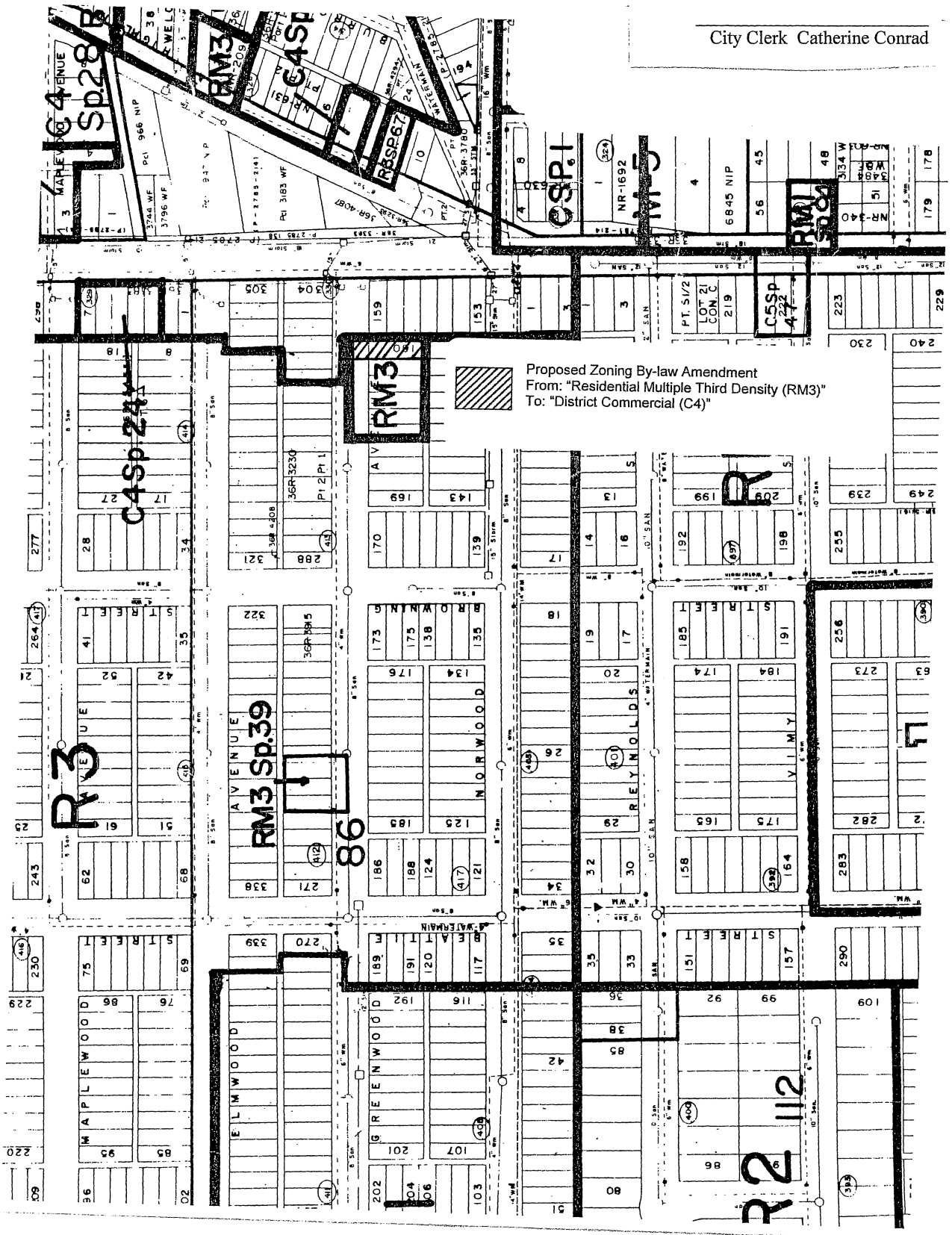
MAYOR, ALLAN MCDONALD

CITY CLERK, CATHERINE CONRAD

This is Schedule "A"
To By-law No. 2011-205
Passed the 3rd day of October 2011

Mayor Allan McDonald

City Clerk Catherine Conrad



THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-209

**BEING A BY-LAW TO AUTHORIZE THE EXECUTION
OF AN AGREEMENT WITH SIFTO CANADA CORP.
RELATING TO THE SUPPLY AND HAULING OF
BULK ROAD SALT**

WHEREAS the Agreement with Sifto Canada Corp. for the supply and hauling of bulk road salt was approved by Resolution No. 2011-614 passed by Council on the 29th day of August, 2011;

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

1. That The Corporation of the City of North Bay enter into an Agreement dated the 3rd day of October, 2011 with Sifto Canada Corp. relating to the supply and hauling of bulk road salt.

2. That 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 Sifto Canada Corp. and to affix thereto the Corporate seal.

READ A FIRST TIME IN OPEN COUNCIL THIS 3RD DAY OF OCTOBER, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 3RD DAY OF OCTOBER, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 3RD DAY OF OCTOBER, 2011.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

221

MOTION

North Bay, Ontario October 3, 2011

Subject: National Cold War Museum

File No. R01/2011/HERIT/GENERA

Res. No. 2011-_____

Moved by Councillor: Mendicino _____

Seconded by Councillor: Mayne _____

WHEREAS the Under Ground Complex (UGC) located at Canadian Forces Base North Bay has played an integral defence role in protecting Northern American air defence for the last five decades;
AND WHEREAS in 2006 the Department of National Defence moved the functions previously housed within the UGC to a new state-of-the-art Above Ground Complex;
AND WHEREAS the Government of Canada is currently in the process of declaring the UGC surplus to the needs of the Federal Government and pursuing the disposal of this facility;
AND WHEREAS this facility is unique in nature with regard to location, construction and use;
AND WHEREAS the UGC defines a period in Global history that placed both Canada and North Bay on the world stage;
THEREFORE, BE IT RESOLVED THAT the "Discussion Paper: A National Cold War Museum in North Bay " be provided to the Federal Department of Canadian Heritage, Parks Canada, Public Works and Government Services Canada, the Office of the Prime Minister, Jay Aspin, M.P. Nipissing - Timiskaming and other government agencies as determined by the Chief Administrative Officer,
AND FURTHER THAT after review by the Government of Canada, consideration be given to developing the UGC for a World Class National Cold War Museum.

Carried

Carried as amended

Lost

Conflict _____ Endorsement of Chair _____

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

Signature of Clerk _____