

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, JANUARY 26TH, 2004**

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

CORRESPONDENCE:

Beaulieu, Gaetan	re Encroachment Agreement - 112 Vincent	(43)
406 Squadron (North Bay) RCAFA	re Tax exemption request	(44)
Josefowich, Ted	re Rezoning application - 280 Airport Road	(42)
Mepham, Dave	re Lane closure - Princess Street, Ferguson Street, Wyld Street and Victoria Street	(56)
Ross, Sylvia	re Public access - Colgan Avenue	(46)

REPORTS FROM OFFICERS:

Baker, B.R.	re Public access - Colgan Avenue	(46)
Burke, M.B.	re Encroachment Agreement - 112 Vincent	(43)
Burke, M.B.	re Community Waterfront Park Operating Agreement	(59)
Burke, M.B.	re City sale to Kap Freight and Cartage	(72)
Elliott, G.	re Lee Avenue - Designated through highway	(40)
Elliott, G.	re Pedestrian safety - St. Hubert School	(41)
Fior, J.F.	re 2003 Annual Report - Downtown Community Improvement Plan	(58)
Horsman, B.	re Item 1 of Action Plan - Bill 124	(47)
Horsman, B.	re Items 3, 4, 5 of Action Plan - Bill 124	(53)
Horsman, B.	re Item 2 of Action Plan - Bill 1124	(54)
Kilgour, I.G.	re Final approval - Plan of Subdivision - Oakridge Court	(51)
Kilgour, I.G.	re Condominium application - New Era Homes - Chapais Street/McKeown Avenue	(55)
Kilgour, I.G.	re Lane closure - Princess Street, Ferguson Street, Wyld Street and Victoria Street (Dave Mepham)	(56)
Knox, J.	re Renewal of Collective Agreement - CUPE Local 122-1	(50)
Kraemer, L.	re Tax exemption request - 406 Squadron (North Bay) RCAFA	(44)
Kraemer, L.	re Water Charge Refund/Recovery Policy	(52)
Manning, J.	re Tender 2003-119, Sale of City owned land - Douglas Street	(57)
Manning, J.	re Design, contract preparation, tendering And construction administration services For Jane Street Reconnection and Eloy Road watermain - RFP 2003-126	(62)
McMullen, D.	re Youth Retention/Attraction Task Force	(60)
Simmonds, J.C.	re Technical Standards Task Force	(45)
Simmonds, J.C.	re Water Treatment Plan Status	(61)

Res. #2004-34: Moved by Councillor Vaillancourt, seconded by Councillor Bain
That minutes for the meeting held:

- Monday, January 12, 2004

be adopted as presented.

“CARRIED”

Res. #2004-35: Moved by Councillor Chirico, seconded by Councillor Anthony
That General Government Committee Report No. 2004-03 relating to:

- Recruitment, selection and orientation of citizen appointees to agencies, boards and commissions

be adopted as presented.

“CARRIED”

GENERAL GOVERNMENT COMMITTEE REPORT NO. 2004-03

January 26, 2004

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2004-03 and recommends:

1. That Report CAO 2003-21 on the recruitment, selection and orientation of citizen appointees to agencies, boards and commissions be noted and filed.

All of which is respectfully submitted.

ASSENTS
CHIRICO
ANTHONY
BAIN
VAILLANCOURT
FEDELI

DISSENTS

Res. #2004-36: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Community Services Committee Report No. 2004-03 relating to:
- the Downtown Community Improvement Plan
be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2004-03

January 26, 2004

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2004-03 and recommends:

1. That the request by Retirement Living Centres Inc. to have the Downtown Community Improvement Plan modified to extend financial incentives to the Empire Living Centre be denied.

All of which is respectfully submitted.

ASSENTS
MENDICINO
KOZIOL
FEDELI

DISSENTS

Res. #2004-37: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Community Services Committee Report No. 2004-04 relating to:

- a rezoning application by Dr. Larry Woodward, Cooks Mill Road

be adopted as presented.

“CARRIED”

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

YEAS: Councillors Vaillancourt, Anthony, Mason, Koziol, Chirico, Mendicino, Mayor Fedeli

NAYS: Councillors Campbell, Boldt, Bain

COMMUNITY SERVICES COMMITTEE REPORT NO. 2004-04

January 26, 2004

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2004-04 and recommends:

1. That
 - a) Report to Council CSBU 2004-03 be received;
 - b) the application from Dr. Larry Woodward to amend the Official Plan to redesignate Concession 3, West ½ Lot 23, Cooks Mill Road from “Rural” to “Rural Commercial” be approved;
 - c) the application from Dr. Larry Woodward to rezone Concession 3, West ½ Lot 23 from a “Rural (A)” zone to a “Rural Commercial Special Zone (RC Sp.)” be approved; and
 - d) 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 vegetative buffering, servicing issues, tent and trailer locations, driveway access, fire protection, garbage storage and collection, time of monthly operation, and the number of tent and trailer sites.

All of which is respectfully submitted.

ASSENTS
MENDICINO
KOZIOL
FEDELI

DISSENTS

Res. #2004-38: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Community Services Committee Report No. 2004-05 relating to:

- Planning Services submission under the F.A.S.T. Track Initiative

be adopted as presented.

COMMUNITY SERVICES COMMITTEE REPORT NO. 2004-05

January 26, 2004

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2004-05 and recommends:

- 1. That Report CSBU 2003-83, being a Planning Services submission under the F.A.S.T. Track Initiative be noted and filed.

All of which is respectfully submitted.

ASSENTS
MENDICINO
KOZIOL
FEDELI

DISSENTS

Res. #2004-39: Moved by Councillor Mason, seconded by Councillor Boldt
That Engineering & Works Committee Report No. 2004-01 relating to:

- Pesticide use in the Trout Lake watershed

be adopted as presented.

“CARRIED”

ENGINEERING & WORKS COMMITTEE REPORT NO. 2004-01

January 26, 2004

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

Your Worship and Councillors:

The Engineering & Works Committee presents Report No. 2004-01 and recommends:

- 1. That
 - a) a by-law to control pesticide use in the Trout Lake watershed be approved as referenced in Report EES 2003-66;
 - b) staff promote awareness of the by-law and alternatives to pesticide use through existing education programs;
 - c) a Report to Council be prepared to evaluate the effectiveness of the by-law as well as the education and awareness initiatives, and the status of the drinking water source after 12 months of the by-law coming into force; and
 - d) a Pesticides Advisory Committee be formed and given the mandate to work towards 100% city-wide pesticide control within a 12 month period by January 1, 2005.

All of which is respectfully submitted.

ASSENTS
MASON
BOLDT
CAMPBELL

DISSENTS

Res. #2004-40: Moved by Councillor Mason, seconded by Councillor Boldt
That 1) the Traffic and Parking By-Law No. 2002-01, Schedule 5, be amended to designate a portion of Lee Avenue as a Through Highway as follows:

SCHEDULE 5 - DESIGNATED THROUGH HIGHWAYS - SECTION "L"

Insert:

<u>ROAD</u>	<u>From</u>	<u>To</u>
Lee Avenue	MacDonald Avenue	Ethel Street

2) the Public Works Traffic Department place a new "STOP" sign for the westbound approach of Ethel Street at Lee Avenue.

"CARRIED"

Res. #2004-41: Moved by Councillor Mason, seconded by Councillor Boldt
That 1) the Traffic and Parking By-Law 2002-01, Schedule 11, be amended to revise the limits of the bus loading zone on Lorne Avenue and McLeod Street as follows:

SCHEDULE 11 - SECTION "L" - Delete:

<u>Road</u>	<u>Side</u>	<u>Between</u>
Lorne Avenue	North	from a point 10 meters west of the centre line of McLeod Street westerly for a distance of 35 meters

SCHEDULE 11 - SECTION "L" - Insert:

<u>Road</u>	<u>Side</u>	<u>Between</u>
Lorne Avenue	North	the east side of McLeod Street, to a distance of 50 meters westerly

SCHEDULE 11 - SECTION "M" - Insert:

<u>Road</u>	<u>Side</u>	<u>Between</u>
McLeod Street	East	the north side of Lorne Avenue, to a distance of 14 meters southerly

2) a copy of Report No. EES 2003-73 be forwarded to Mr. Vince Emond, Mr. David Overholt and Sergeant Mike Tarini, North Bay City Police for information.

"CARRIED"

Res. #2004-42: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the rezoning application by Dennis Mong on behalf of Ted Josefowich, 280 Airport Road be received and referred to the Community Services Committee for a public meeting.

"CARRIED"

Res. #2004-43: Moved by Councillor Chirico, seconded by Councillor Anthony
That 1) the request for an Encroachment Agreement for the replacement of an existing shed in the laneway at 112 Vincent Avenue, North Bay be denied; and

2) the applicant be advised that a lane closure application will be required, prior to April 30, 2004, failing which the shed and fence enclosing the laneway shall be removed.

"CARRIED"

Res. #2004-44a: Moved by Councillor Chirico, seconded by Councillor Anthony
That the request from the 406 Squadron (North Bay) RCAFA for exemption from the municipal portion of the property tax for a ten year period on property located at 406 First Avenue West be denied.

“CARRIED”

Res. #2004-44b: Moved by Councillor Bain, seconded by Councillor Campbell
That the request form the 406 Squadron (North Bay) RCAFA be referred to the General Government Committee.

“LOST”

Res. #2004-45: Moved by Councillor Mason, seconded by Councillor Boldt
That 1) the Engineering Requirements Checklist be adopted as a City Policy document outlining the requirements for new development; and

2) a Development Liaison Committee be constituted to discuss issues of mutual interest between the development industry and the City and that membership be initially developed by the City Administrative Officer and Mayor.

“CARRIED”

Res. #2004-46: Moved by Councillor Mason, seconded by Councillor Boldt
That the report from B.R. Baker dated January 19, 2004 re Public access on Colgan Avenue be referred to the Engineering & Works Committee.

“CARRIED”

Res. #2004-47: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Report CSBU 2003-86 from Brian Horsman dated January 8, 2004 be received for information purposes.

“CARRIED”

Res. #2004-48: Moved by Councillor Chirico, seconded by Councillor Anthony
That accounts for Clarion Resort - Pinewood Park totaling \$5,360.39 for December 2003 be approved.

“CARRIED”

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

Res. #2004-49: Moved by Councillor Chirico, seconded by Councillor Anthony
That accounts totaling \$5,461,097.42 for December 2003 be approved.

“CARRIED”

Res. #2004-50: Moved by Councillor Chirico, seconded by Councillor Anthony
That 1) the Director of Human Resources, Managing Director Public Works, City Engineer, a representative from the Finance Department and any other staff member that may be required, be authorized to represent the City at negotiations with CUPE Local 122-1 for renewal of the Collective Agreement; and

2) the City's Bargaining Committee take direction from the Chief Administrative Officer and General Government Committee.

“CARRIED”

- Res. #2004-51: Moved by Councillor Mendicino, seconded by Councillor Koziol
That 1) Council grant Final Approval to the Draft Approval 17 Lot Residential Plan of Subdivision by R.D. Miller, OLS on behalf of 873342 Ontario Inc. being Part S.W. ¼ Lot 17, Concession "B" (Oakridge Court); and
- 2) the Mayor and Clerk be authorized to sign the Final Plan of Subdivision subject to receipt of all easement and subdivision agreement requirements.

"CARRIED"

- Res. #2004-52: Moved by Councillor Chirico, seconded by Councillor Anthony
That Council implement a Water Charge Refund/Recovery Policy to address issues related to charges applied to water accounts in error and the collection of charges inadvertently omitted from water accounts and further, that adjustments be retroactive to a maximum of two years.

"CARRIED"

- Res. #2004-53: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the report from B. Horsman dated January 8, 2004 re Item Numbers 3, 4 & 5 of Action Plan - Implementation of mandated provisions of *Bill 124* be referred to the Community Services Committee.

"CARRIED"

- Res. #2004-54: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the report from B. Horsman dated January 16, 2004 re Item Number 2 of Action Plan - Implementation of mandated provisions of *Bill 124* be referred to the Community Services Committee.

"CARRIED"

- Res. #2004-55: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the Condominium Application, City File No. 48CDM-03103 by Rick Miller, OLS on behalf of New Era Homes Ltd. be referred to the Community Services Committee for a public meeting.

"CARRIED"

Councillor Boldt declared a conflict of interest on the above matter as she is an agent in action against the applicant.

- Res. #2004-56: Moved by Councillor Mendicino, seconded by Councillor Koziol
That 1) the application by Dave Mephram to close a laneway abutting Lots 667, 668, 669, 670, 671, 672, Plan 93 and Part Lot 162, Plan 57 be approved;
- 2) the closure of the laneway be subject to the granting of any requirement easements; and
 - 3) the Chief Administrative Officer be authorized by Council to initiate normal closure procedures for the subject laneway.

"CARRIED"

- Res. #2004-57: Moved by Councillor Chirico, seconded by Councillor Anthony
That North Bay City Council approve the sale of vacant land described as Plan M-32, Lots 1 to 4 and Part of Lot 5, Remainder of Parcel 70 W/F formerly known as the Elks Playground, being 0.67 acres, having

approximately 234.2 feet frontage, and 125.00 feet depth to Bruce Knox for \$161,502.00 (GST extra) according to the terms of Tender 2003-119.

“CARRIED”

Res. #2004-58: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the 2003 Annual Report for the Downtown Community Improvement Plan, Report to Council CSBU 2004-07 dated January 22, 2004 be referred to the Community Services Committee.

“CARRIED”

Res. #2004-59: Moved by Councillor Chirico, seconded by Councillor Anthony
That the report from M.B. Burke dated January 15, 2004 re Community Waterfront Park Operating Agreement be referred to the General Government Committee.

“CARRIED”

Res. #2004-60: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Report No. CSBU 2004-09 be received by Council and referred to the Community Services Committee.

“CARRIED”

Res. #2004-61: Moved by Councillor Mason, seconded by Councillor Boldt
That 1) no commitment be made for the purchase of Membrane equipment or tenders be called for any part of the new Water Filtration Plant until Federal funding is approved; and
2) an extension to the completion date of the new Water Filtration Plant be applied for.

“CARRIED”

Res. #2004-62: Moved by Councillor Mason, seconded by Councillor Boldt
That North Bay City Council approves a contract be awarded to Jp2g Consultants Inc. in the amount of \$65,163.00 (GST inc.) for the Engineering Design Services only for the Jane Street reconstruction and Eloy Road watermain.

“CARRIED”

Res. #2004-63: Moved by Councillor Chirico, seconded by Councillor Anthony
That the following by-law be read a first and second time:

By-Law No. 2004-14 to stop up, close and convey a portion of Hepburn Street, Ottawa Street and South Street, Plan 17.

“CARRIED”

Res. #2004-64: Moved by Councillor Chirico, seconded by Councillor Anthony
That the following by-laws be read a first and second time:

By-Law No. 2004-15 to amend By-Law No. 2002-128 to levy certain interim rates, taxes and charges for the year 2004 (as it relates to the due date of the 2004 interim tax levy and the Monthly Pre-Authorized Payments Plan).

By-Law No. 2004-17 to amend By-Law No. 1992-19 being a by-law to appoint Fenceviewers.

By-Law No. 2004-18 to amend By-Law No. 1983-111 being a by-law to appoint a Committee of Adjustment.

By-Law No. 2004-19 to amend By-Law No. 1983-112 being a by-law to appoint a Planning Advisory Committee.

By-Law No. 2004-22 to amend By-Law No. 2002-72 being a by-law to establish and Independent Parking Authority.

By-Law No. 2004-24 to amend By-Law No. 2003-14 to levy certain interim rates, taxes and charges for the year 2004 (as it relates to the adjustment of interim taxes).

“CARRIED”

Res. #2004-65: Moved by Councillor Chirico, seconded by Councillor Anthony
That the following by-laws be read a third time and passed:

By-Law No. 2004-15 to amend By-Law No. 2002-128 to levy certain interim rates, taxes and charges for the year 2004 (as it relates to the due date of the 2004 interim tax levy and the Monthly Pre-Authorized Payments Plan).

By-Law No. 2004-17 to amend By-Law No. 1992-19 being a by-law to appoint Fenceviewers.

By-Law No. 2004-18 to amend By-Law No. 1983-111 being a by-law to appoint a Committee of Adjustment.

By-Law No. 2004-19 to amend By-Law No. 1983-112 being a by-law to appoint a Planning Advisory Committee.

By-Law No. 2004-22 to amend By-Law No. 2002-72 being a by-law to establish and Independent Parking Authority.

By-Law No. 2004-24 to amend By-Law No. 2003-14 to levy certain interim rates, taxes and charges for the year 2004 (as it relates to the adjustment of interim taxes).

“CARRIED”

Res. #2004-66: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the following by-law be read a first and second time:

By-Law No. 2004-25 to rezone certain lands on Cooks Mill Road (Dr. Larry Woodward).

“CARRIED”

Res. #2004-67: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the following by-laws be read a first and second time:

By-Law No. 2004-23 to execute a Subdivision Agreement with 873342 Ontario Inc. (Kenalex/Graham/Jackson) relating to the Oakridge Subdivision.

By-Law No. 2004-26 to designate a Site Plan Control Area on certain lands on Cooks Mill Road (Dr. Larry Woodward).

“CARRIED”

Res. #2004-68: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the following by-laws be read a third time and passed:

By-Law No. 2004-23 to execute a Subdivision Agreement with 873342 Ontario Inc. (Kenalex/Graham/Jackson) relating to the Oakridge Subdivision.

By-Law No. 2004-26 to designate a Site Plan Control Area on certain lands on Cooks Mill Road (Dr. Larry Woodward).

“CARRIED”

Res. #2004-69: Moved by Councillor Mason, seconded by Councillor Boldt
That the following by-laws be read a first and second time:

By-Law No. 2004-16 to amend Traffic & Parking By-Law No. 2002-01, Section 18 (no parking any time).

By-Law No. 2004-20 to amend Traffic & Parking By-Law No. 2002-01, Section 18 (no parking any time) and Section 19 (no parking areas at any time - winter months).

By-Law No. 2004-21 to amend Traffic & Parking By-Law No. 2002-01, Section 12 (loading zones), Section 18 (no parking at any time) and Section 20 (no parking areas restricted times).

“CARRIED”

Res. #2004-70: Moved by Councillor Mason, seconded by Councillor Boldt
That the following by-laws be read a third time and passed:

By-Law No. 2004-16 to amend Traffic & Parking By-Law No. 2002-01, Section 18 (no parking any time).

By-Law No. 2004-20 to amend Traffic & Parking By-Law No. 2002-01, Section 18 (no parking any time) and Section 19 (no parking areas at any time - winter months).

By-Law No. 2004-21 to amend Traffic & Parking By-Law No. 2002-01, Section 12 (loading zones), Section 18 (no parking at any time) and Section 20 (no parking areas restricted times).

“CARRIED”

Res. #2004-71: Moved by Councillor Chirico, seconded by Councillor Anthony
That Council adjourn in-camera to discuss a property matter.

“CARRIED”

Res. #2004-72: Moved by Councillor Chirico, seconded by Councillor Anthony
That one acre of land in the Birch's Road Industrial Park be sold to Kap Freight and Cartage for the offered price of \$15,000.00 per acre.

“CARRIED”

Res. #2004-73: Moved by Councillor Bain, seconded by Councillor Vaillancourt
That this meeting do now adjourn.

“CARRIED”

MAYOR

CITY CLERK