



**Council**

**Agenda**

**Regular Meeting of Council  
April 30, 2012  
at 7:00 p.m.**

# MEETINGS

**FOR THE WEEK OF  
APRIL 30<sup>TH</sup>, 2012**

Monday, April 30, 2012

7:00 p.m.

Regular Meeting of Council  
Council Chambers, 2<sup>nd</sup> Floor

**THE CORPORATION OF THE CITY OF NORTH BAY  
REGULAR MEETING OF COUNCIL HELD  
MONDAY, APRIL 30<sup>TH</sup>, 2012**

**PUBLIC PRESENTATIONS:**

Todd Wilcox re North Bay Hydro

**PUBLIC MEETING MINUTES:**

Monday, April 16, 2012

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

Monday, April 16, 2012

**COMMITTEE REPORTS:**

Nil

**CORRESPONDENCE:**

1. Report from Steve McArthur dated April 18, 2012 re Official Plan Amendment and Rezoning application by Brian McLean – Songis Road (D14/2012/MCLEA/SONGISRD).
2. Report from Catherine Conrad dated April 24, 2012 re Recommendation to Rescind Resolution No. 2012-260 (F22/2012/442/GENERAL).
3. Report from Peter Valenti dated April 24, 2012 re Tender No. 2012-27, Two (2) - 4x4 Sport Utility Emergency Response Vehicles (F05/1202/FIRE/6063FD).
4. Report from Peter Valenti dated April 24, 2012 re Street Light Replacement Program (F05/2011/PUBWO/3013SL).

**BY-LAWS FOR CONSIDERATION:**

**General Government - First, second and third readings:**

By-Law No. 2012-118 to confirm proceedings of the Meeting of Council on April 16, 2012.

By-Law No. 2012-121, being a by-law to repeal By-Law No. 2012-73.

By-Law No. 2012-122 to stop up and close parts of Second Avenue, Plan 21, abutting Front Street.

By-Law No. 2012-123 to authorize the sale of lands no longer required for municipal purposes (Parts of Second Avenue, Plan 21, abutting Front Street.)

**Community Services – Third reading:**

By-Law No. 2010-155 to rezone certain lands on Seymour Street (Autogene Industries North Bay Inc. – 1891 Seymour Street).

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

**MOTIONS:**

Councillor Anthony re ONTC Divestiture

**MOTION TO ADJOURN IN-CAMERA:**

**IN-CAMERA CORRESPONDENCE:**

5. ***Confidential*** report from Catherine Conrad dated April 25, 2012 re Personal Matter.
6. ***Confidential*** report from Catherine Conrad dated April 25, 2012 re Personal Matter.
7. ***Confidential*** report from Margaret Karpenko / Peter Leckie dated April 25, 2012 re Solicitor/Client Privilege.
8. ***Confidential*** report from Lea Janisse dated April 25, 2012 re Personal Matter.

**MOTION TO RECONVENE:**

**MOTION FOR RECONSIDERATION:**

**GIVING NOTICE:**

**ADJOURNMENT:**

**MINUTES OF THE REGULAR MEETING  
OF CITY COUNCIL  
HELD MONDAY, APRIL 16th, 2012**

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

**PUBLIC PRESENTATIONS:**

Kimberly Keech/Megan Davidson re 44<sup>th</sup> North Bay Guides  
Brian Kelly re ONTC

**REPORTS FROM OFFICERS:**

Conrad, C.	re Appointment of Chief Administrative Officer	(255)
Kitlar, S.	re 2012 World's Finest Show Spring Event	(265)
Kitlar, S.	re 2012 O'Canada Day Event	(266)
Kitlar, S.	re Municipal Alcohol Policy Amendment	(267)
McArthur, S.	re Rezoning application by North Bay Daycare	(257)
Murphy, C.	re Wording for Smoking By-Law No. 2012-97	(256)
Rochefort, L.	re Reduction, Cancellation or Refund of Taxes	(260)
Valenti, P.	re Tender No. 2012-20 Asphalt Concrete Pavement Patching	(261)
Valenti, P.	re Tender No. 2012-21 Ready Mix Concrete	(262)
Valenti, P.	re Tender No. 2012-22 Sidewalk Replacement	(263)
Valenti, P.	re Tender No. 2012-23 Supply of Aggregates	(264)
Valenti, P.	re RFP No. 2012-13 – Mud Lake Road	(281)

**Res. #2012-251:** Moved by Councillor Vaillancourt, seconded by Councillor Bain  
That minutes for the public meetings held on:

- Monday, April 2, 2012; and
- Monday, April 10, 2012

be adopted as presented.

"CARRIED"

**Res. #2012-252:** Moved by Councillor Vaillancourt, seconded by Councillor Bain  
That minutes for the closed meetings held on:

- Monday, April 2, 2012

be adopted as presented.

"CARRIED"

**Res. #2012-253:** Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That Community Services Committee Report No. 2012-08 relating to:

- Rezoning application by the City of North Bay – North Bay Jack Garland Airport – Airport Road

be adopted as presented.

"CARRIED"

**COMMUNITY SERVICES COMMITTEE REPORT NO. 2012-08**

April 16, 2012

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

Your Worship and Councillors:

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

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

All of which is respectfully submitted.

ASSENTS  
LAWLOR  
MENDICINO  
VAILLANCOURT  
McDONALD

DISSENTS

Res. #2012-254: Moved by Councillor Lawlor, seconded by Councillor Mendicino That Community Services Committee Report No. 2012-09 relating to:

- Plan of Subdivision application by Dimitrios & Tracy Kolios - Carmichael Drive

be adopted as presented.

"CARRIED"

**COMMUNITY SERVICES COMMITTEE REPORT NO. 2012-09**

April 16, 2012

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

Your Worship and Councillors:

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

1. That
  - 1) the proposed Plan of Subdivision (7 Lots, File #48T-12111) by Goodridge Planning & Surveying on behalf of Dimitrios and Tracy Kolios, for Concession A, Lot 16, Reference Plan NR-33 Part 4, and 36R-12000 Parts 1 & 2, PIN 49127-0928 (LT) and 49127-0933 (LT), in the former Township of Widdifield, shown as Lots 1 to 7 and Block 8 for the subject lands on Carmichael Drive, as

shown on Schedule "B" attached hereto, be given draft approval subject to the conditions in Appendix "A" attached to the report to the Planning Advisory Committee dated March 1, 2012; and

- 2) the Owner(s) enter into a Subdivision Agreement with the City of North Bay prior to site development to address lot grading, storm water management, buffer areas, sediment/erosion control, general drainage considerations, and parkland dedication."

All of which is respectfully submitted.

ASSENTS  
 LAWLOR  
 MENDICINO  
 VAILLANCOURT  
 McDONALD

DISSENTS

- Res. #2012-255: Moved by Councillor Koziol, seconded by Councillor Maroosis  
 That 1) Council appoint Jerry Knox as Chief Administrative Officer, effective July 30, 2012;
- 2) the by-law confirming the appointment be brought forward for three (3) readings on Monday, April 16, 2012; and
  - 3) the by-law authorizing the execution of an employment Agreement be brought forward for three (3) readings on Monday, April 16, 2012

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

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

Nays: Nil

"CARRIED"

- Res. #2012-256: Moved by Councillor Koziol, seconded by Councillor Maroosis  
 That Council authorize an application for approval of set fines and short form wordings for offences contrary to the Smoking By-Law, as set out in Schedule "A" of Report to Council CORP 2012-49.

"CARRIED"

- Res. #2012-257: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
 That the recommendation from the Planning Advisory Committee regarding the Rezoning application by North Bay Daycare on behalf of The Trustees of the Laurier Avenue North Bay Congregation of the United Church of Canada – 449 Laurier Avenue be referred to the Community Services Committee for a Public Meeting.

"CARRIED"

- Res. #2012-258: Moved by Councillor Koziol, seconded by Councillor Maroosis  
 That accounts totalling \$14,102,884.24 for March 2012 be approved.

"CARRIED"

Res. #2012-259: Moved by Councillor Koziol, seconded by Councillor Maroosis  
That accounts for Royal Bank and Toronto Dominion Bank totalling \$3,624.71 for March 2012 be approved.

"CARRIED"

Res. #2012-260: Moved By Councillor Koziol, seconded by councillor Maroosis  
That the Tax Appeal applications attached to CORP Report No. 2012-48 that have been returned with a positive recommendation from the Municipal Property Assessment Corporation be adjusted for the period set out on each application form and that the applicable taxes be cancelled, reduced or refunded as authorized by Section 357 of the *Municipal Act*, S.O. 2001 c.25.

"CARRIED"

Res. #2012-261: Moved by Councillor Vrebosch, seconded by Councillor Mayne  
That City Council approve the award of a contract to Miller Paving North Bay, a Division of Miller Paving Limited in the estimated amount of \$1,558,312.50 (HST excluded), to supply Asphalt Concrete Pavement Patching material from the time of award to December 1, 2012.

"CARRIED"

Res. #2012-262: Moved by Councillor Vrebosch, seconded by Councillor Mayne  
That City Council approve a contract be awarded to Lafarge Canada Inc., in the estimated amount of \$91,992.10 (excluding HST), for the supply of Ready Mix Concrete on an as and when requested basis from the date of contract to October 1, 2012.

"CARRIED"

Res. #2012-263: Moved by Councillor Vrebosch, seconded by Councillor Mayne  
That City Council approve a contract be awarded to First North Enterprise Inc., in the estimated amount of \$108,000.00 (HST excluded), to replace sidewalks on a requested basis from the date of contract to October 31, 2012.

"CARRIED"

Res. #2012-264: Moved by Councillor Vrebosch, seconded by Councillor Mayne  
That City Council approve a contract be awarded to Pioneer Construction Inc., in the estimated amount of \$399,988.00 (HST excluded), for the supply of Aggregate Materials on an as and when requested basis from the date of contract to October 30, 2012.

Councillor Maroosis declared a conflict of interest as his son-in-law is employed by an unsuccessful bidder.

"CARRIED"

Res. #2012-265: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That the World's Finest Shows be granted exclusivity within the following defined city parkland, roadways and sidewalks for their spring show which is scheduled to take place in Lee Park on May 30 to June 3, 2012, with setup taking place May 27 - 29, 2012. The exclusive area is defined as Lee Park inclusive; Memorial Drive roadway and associated sidewalks along the borders of Lee Park from Stanley Street to Judge Avenue; Judge Avenue and associated sidewalks from Leask Street to Lee Avenue;



Lakeshore Drive roadway and the associated sidewalks beginning at the north border of Lee Park extending to 100 meters south past the intersection at Judge Avenue.

"CARRIED"

- Res. #2012-266: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That 1) the O'Canada Day Committee be granted permission to hold the 2012 Canada Day Celebrations in and about the Waterfront Park on July 1, 2012 pursuant to By-Law No. 142-76 (Noise By-Law);
- 2) the requests by the O'Canada Day Committee regarding exemption from the Noise By-Law, exclusivity over the event and grounds be approved as per the following:
- a) having approved Recommendation No. 1 granting permission to hold the public celebration known as the 2012 O'Canada Day Event, the event becomes exempt from the noise control provisions contained in By-Law No. 142-76 (Noise By-Law), as amended, pursuant to the operation of Section 6 and Schedule 3 thereof;
- b) exclusivity be granted on July 1, 2012 on and over the City-owned or controlled lands (except the North Bay Wastewater Treatment Facility Lands) within the area defined as, extending from, and inclusive of the waterfront beaches starting at Tenth Street and both sides of Memorial Drive from the Uniroc Site up to and including Lee Park.

"CARRIED"

- Res.# 2012-267: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That City Council approve the amendment to the Municipal Alcohol Policy Regulation 3 attached to Report to Council CSBU 2012-38 dated April 12, 2012 to include the Steve Omischl Sports Field Complex, as a facility that is eligible to host liquor licensed events.

"CARRIED"

- Res. #2012-268: Moved by Councillor Koziol, seconded by Councillor Maroosis  
That the following by-laws be read a first and second time:
- By-Law No. 2012-76 to authorize the sale of lands no longer required for municipal purposes to Dan Burke and Ruth Burke (Part of Bourke Street Road Allowance).
- By-Law No. 2012-106 to confirm proceedings on the Meeting of Council on April 2, 2012.
- By-Law No. 2012-107 to authorize the sale of lands no longer required for municipal purposes (Part of the Bourke Street Road Allowance).
- By-Law No. 2012-112 to confirm proceedings of the Meeting of Council on March 26, 2012.
- By-Law No. 2012-116 to authorize the sale of Parts 1 & 2 on Plan 36R-13218, Part of Alexander Road Allowance.

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

"CARRIED"

Res. #2012-269: Moved by Councillor Koziol, seconded by Councillor Maroosis  
That the following by-laws be read a third time and passed:

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

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

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

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

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

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

"CARRIED"

Res. #2012-270: Moved by Councillor Koziol, seconded by Councillor Maroosis  
That the following by-law be read a first and second time:

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

"CARRIED"

Res. #2012-271: Moved by Councillor Koziol, seconded by Councillor Maroosis  
That the following by-law be read a third time and passed:

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

"CARRIED"

Res. #2012-272: Moved by Councillor Koziol, seconded by Councillor Maroosis  
That the following by-law be read a first and second time:

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

"CARRIED"

Res. # 2012-273: Moved by Councillor Koziol, seconded by Councillor Maroosis  
That the following by-law be read a third time and passed:

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

"CARRIED"

Res. #2012-274: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That the following by-law be read a first and second time:

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

"CARRIED"

Res. # 2012-275: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That the following by-law be read a first and second time:

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

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

"CARRIED"

Res. #2012-276: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That the following by-law be read a third time and passed:

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

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

"CARRIED"

Res. #2012-277: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That the following by-law be read a third time and passed:  
By-Law No. 2012-36 to rezone certain lands on Main Street West (Southshore Investments Inc. - 1704 to 1730 Main Street West).

"CARRIED"

Res. #2012-278: Moved by Councillor Mendicino, seconded by Councillor Bain

WHEREAS NDP Leader Andrea Horwath has requested that the Provincial Government stop the divestment process for the Ontario Northland Transportation Commission (ONTC) thereby retaining this critical piece of Northern Ontario infrastructure in public ownership; and

WHEREAS Premier McGuinty has stated that his government still intends to proceed with this ill conceived plan to sell off the ONTC; and

WHEREAS Premier McGuinty's government released a Growth Plan for Northern Ontario to much fan fare with the Growth Plan designed to set the North's economy on a strong, globally competitive footing; and

WHEREAS then Minister of Northern Development, Mines and Forestry Michael Gravelle stated "*The true strength of the North is its people, their resourcefulness and their entrepreneurial spirit. We're harnessing these qualities to develop a Growth Plan for Northern Ontario that is built by northerners, for northerners. We look forward to reaping the benefits in an innovative, robust and competitive northern economy.*" and

WHEREAS current Minister of Northern Development and Mines Rick Bartolucci stated *"Keeping Northern Ontario strong and prosperous today and in the future is important to all of us, and a Growth Plan for Northern Ontario will give greater opportunities for economic prosperity in our community."* and

WHEREAS the Northern Growth Plan contains extensive acknowledgement that the success of the Plan's stated purpose of creating a "stronger, more prosperous North for generations to come" is dependent upon "delivering a complete network of transportation, energy, communications, social and learning infrastructure to support strong, vibrant communities" as stated in the Guiding Principles; and

WHEREAS the Province recently commenced a Northern Multi Modal Transportation study as one of the first significant initiatives under the Growth Plan; and

WHEREAS this Multi Modal Transportation Study is not yet sufficiently developed to fully understand the implications of the ONTC divestiture; and

WHEREAS the Province has established a Northern Advisory Committee (NAC) comprised of prominent Northerners to provide a Northern perspective on significant Provincial decisions impacting Northern Ontario; and

WHEREAS a core function of the NAC is to provide advice to the Province on strategies to ensure the success of regional economic development including the role of transportation in contributing to this success; and

WHEREAS the Northern Growth Plan states: *"This Plan marks a new era of closer collaboration. The Province will play a leading role in realizing this Plan's vision, but the Province will not be acting alone. The residents, local governments, Aboriginal peoples, businesses and institutions of the North will be leaders in this transformation as well;"* and

WHEREAS the decision to divest the ONTC was made unilaterally by the Province with absolutely no consultation with local governments, Aboriginal peoples, businesses or any other stakeholder including the Provincially appointed NAC; and

WHEREAS this heavy handed decision brings into question the Government's commitment to the laudable goals stated in the Northern Growth Plan and is an affront to those Northerners committed to improving the regions economy and quality of life as part of the Northern Advisory Committee.

BE IT THEREFORE RESOLVED THAT the Mayor and Council of the City of North Bay strongly request that Premiere McGuinty immediately terminate the planned divestment of the ONTC and meet with Northern stakeholders as requested in correspondence from Northern Mayors dated April 2<sup>nd</sup>, 2012; and

BE IT FURTHER RESOLVED THAT a copy of this resolution be sent to the Honourable Premier Dalton McGuinty; the Honourable Rick Bartolucci, Minister of Northern Development and Mines; the Honourable Bob Chiarelli, Minister of Infrastructure and the Minister of Transportation;

the Honourable Dwight Duncan, Minister of Finance; the Ontario Northland Transportation Commission – Administration and Unions; the Federation of Northern Ontario Municipalities; all municipalities in the ONTC catchment area; all affected First Nation communities in Northeastern Ontario; Victor Fedeli MPP; Jay Aspin MP; Tim Hudak, Leader of the Progressive Conservative Party of Ontario; Andrea Horwath, Leader of the Ontario New Democratic Party; and to the North Bay and District Chamber of Commerce.

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

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

Nays: Nil

"CARRIED"

Res. #2012-279: Moved by Councillor Koziol, seconded by Councillor Maroosis That Council adjourn in-camera pursuant to section 239.(2) of the *Municipal Act, 2001*, as amended, at 8:07 p.m. for the following reasons: Item 14, being personal matters about identifiable individuals, including municipal employees; and Item 15, being the proposed disposition of lands by the Municipality

"CARRIED"

Res. #2012-280: Moved by Councillor Koziol, seconded by Councillor Maroosis That Council reconvene at 8:31 p.m.

"CARRIED"

Res. #2012-281: Moved by Councillor Koziol, seconded by Councillor Maroosis That 1) City Council approve the sale to Micor Holdings Ontario Ltd., for a parcel of vacant City-owned land described as Concession D, Part of Lot 18, Parcels 238 and 10108, Reference Plan 36R-5553, Parts 15 & 30 in the former Township of Widdifield, in the amount of \$128,900.00 (HST extra); and

2) the funds from the sale be placed in the Property Development Reserve Fund.

"CARRIED"

Res. #2012-282: Moved by Councillor Bain, seconded by Councillor Vaillancourt That this Regular Meeting of Council do now adjourn at 8:32 p.m.

"CARRIED"

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

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

---

INTER OFFICE

---

---

---

---

---

*City of North Bay  
Planning Services*

MEMO

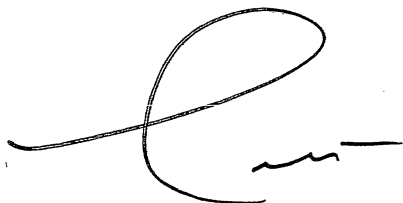
**To:** Cathy Conrad, City Clerk  
**From:** Steve McArthur - Senior Planner, Current Operations  
**Subject:** Resolution No. 5 - Planning Advisory Committee  
**Date:** April 18, 2012

Quoted below is Resolution No. 5 passed at the regular meeting of the Planning Advisory Committee held on Wednesday, March 28<sup>th</sup>, 2012:

Resolution No. 5

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

1. That the proposed Official Plan Amendment from 'Rural' to 'Aggregate Extraction' by Brian McLean for the property legally described as Concession 4, North Part of Lot 2, Parcel 1631, on lands North of Highway #63 at Songis Road in the City of North Bay BE APPROVED; and
2. That the proposed Zoning By-law Amendment from 'Rural (A)' to 'Rural Industrial Extractive (RME)' by Brian McLean for the property legally described as Concession 4, North Part of Lot 2, Parcel 1631, on lands North of Highway #63 at Songis Road in the City of North Bay BE APPROVED."



Steve McArthur, MCIP, RPP  
Senior Planner, Current Operations

North Bay Planning Advisory Committee

Resolution No. 5

Date: March 28, 2012

Moved By: [Signature]

Seconded By: [Signature]

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

1. That the proposed Official Plan Amendment from ‘Rural’ to ‘Aggregate Extraction’ by Brian McLean for the property legally described as Concession 4, North Part of Lot 2, Parcel 1631, on lands North of Highway #63 at Songis Road in the City of North Bay BE APPROVED; and
2. That the proposed Zoning By-law Amendment from ‘Rural (A)’ to ‘Rural Industrial Extractive (RME)’ by Brian McLean for the property legally described as Concession 4, North Part of Lot 2, Parcel 1631, on lands North of Highway #63 at Songis Road in the City of North Bay BE APPROVED.”

“CARRIED”

[Signature]  
Chair

---

**INTER OFFICE**

---

---

---

---

---

---

**City of North Bay**  
**PLANNING SERVICES**

---

**MEMO**

---

**To:** Chair and Members, Planning Advisory Committee

**From:** Steve McArthur – Senior Planner, Current Operations

**Subject:** Proposed Official Plan and Zoning By-law Amendment by Brian McLean for the property legally described as Concession 4, North Part of Lot 2, Parcel 1631, North of Highway #63 at Songis Road in the City of North Bay.

**Date:** March 20, 2012

**Recommendations**

- 1) That the proposed Official Plan Amendment from 'Rural' to 'Aggregate Extraction' by Brian McLean for the property legally described as Concession 4, North Part of Lot 2, Parcel 1631, on lands North of Highway #63 at Songis Road in the City of North Bay BE APPROVED; and
- 2) That the proposed Zoning By-law Amendment from 'Rural (A)' to 'Rural Industrial Extractive (RME)' by Brian McLean for the property legally described as Concession 4, North Part of Lot 2, Parcel 1631, on lands North of Highway #63 at Songis Road in the City of North Bay BE APPROVED.

**Site**

The lands subject to the proposed amendments are in the rural area of the City of North Bay near the easterly city limits, approximately 800 metres west of Phelps Township.

The property is 160 acres in total land area, with a width and depth of 800 metres. A regulated watercourse (Redbridge Creek) runs through the southwest corner of the property, as shown on Schedule 'B' attached hereto. The subject property is surrounded by vacant, undeveloped Crown lands and City-owned lands on all sides.

**Proposal**

The Applicant is proposing to re-designate and rezone the subject property in order to permit the establishment of an Aggregate Extraction and Quarry operation on the subject lands.

The Ministry of Natural Resources (MNR) application process for an Aggregate Extraction license requires that the property be appropriately designated and zoned for Aggregate Extraction by the City.

**Provincial Policy Statement (PPS 2005)**

This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2005). The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development.



Section 2.5 of the PPS 2005 contains policies related to Mineral Aggregate Resources. It states that mineral aggregate resources shall be protected for long-term use and as much of the mineral aggregate resource as is realistically possible shall be made available as close to markets as possible. Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.

Being that the proposed quarry is inside of the City of North Bay limits, it represents an opportunity to extract the mineral aggregate resource in an area that is relatively close to its intended market.

Section 2.5.2.2 of the PPS 2005 adds that: *"Extraction shall be undertaken in a manner which minimizes social and environmental impacts. The conservation of mineral aggregate resources should be promoted by making provision for the recovery of these resources, wherever feasible."*

Section 2.5.2.4 further states that: *"Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act."*

With the exception of a regulated watercourse (Redbridge Creek) which runs through the southwest corner of the property, as shown on Schedule 'B' attached hereto, the subject property is surrounded by vacant, undeveloped Crown lands and City-owned lands on all sides. There is no risk to public health or safety as outlined in Section 2.5.2.4. Because this is a proposed aggregate operation, not an existing operation, an Official Plan and Zoning By-law amendment is required. Both the MNR and the North Bay-Mattawa Conservation Authority (NBMCA) have been pre-consulted with regards to this proposal and their comments have been included in the Correspondence section of this report.

In my professional opinion, the proposed Official Plan and Zoning By-law amendments are consistent with the policies contained in the Provincial Policy Statement (PPS 2005).

### **Growth Plan for Northern Ontario (GPNO 2011)**

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process.

The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario. Specific Planning related policies, including regional economic planning, the identification of strategic core areas, and targets for intensification have not yet been defined by the Province or incorporated into the Official Plan.

Section 2.1 of the GPNO 2011 states that the: *"forestry and the minerals sector are vital to Ontario's economy. These sectors will continue to drive the North's economy through innovation, value-added products and services, and sustainable resources management practices."* Section 2.3.8 of the GPNO 2011 adds that a goal of the Plan is to: *"expand geoscience mapping and data collection and public access to resource information to expedite the discovery and development of new minerals and other resources."*

The subject lands are not currently in an area designated by the Province or the City of North Bay for aggregate extraction. The Applicant has done his own market research and is confident that if a license can be achieved through the MNR licensing process, the extraction is economically viable.

In my professional opinion, the proposed Official Plan and Zoning By-law amendments are consistent with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

### Official Plan

The property is currently designated 'Rural' on Schedule "2" of the City of North Bay's Official Plan.

The Applicant has applied to re-designate the subject lands 'Aggregate Extraction'.

The Rural Area is beyond the area required for urban development and therefore the intent of the Official Plan is to protect the rural nature of these lands, by directing new development to the Settlement Area, leaving the rural area largely undeveloped. Uses in the Rural Area will be those uses that are location dependent and do not require urban services, such as but not limited to: *aggregate and mineral extraction*, limited restricted industrial, highway commercial, waterfront commercial, rural institutional and limited residential development. One third of the rural area (approximately 8,500 hectares or 21,000 acres) is Crown Land and therefore subject to Provincial approvals and permitting. The Province can undertake any activity on Crown Lands without municipal approval, such as but not limited to: *forestry, mining and aggregate operations* without Official Plan and zoning conformity. It is the intent of the Official Plan to strictly control development within the rural area and ensure that land use conflicts in the rural area are minimized.

Section 3.1.6 of the Official Plan states that Council shall: "*Designate Aggregate Resource Areas and Mineral Resource Areas to ensure they are protected for the long term.*"

Section 3.2. Aggregate Extraction Designations, add that: "*Primary Aggregate Resource Areas as shown on Schedule 2 to this Official Plan were initially identified through the Ministry of Natural Resources 'Aggregate Resources Inventory' and will be protected from incompatible land uses. An Official Plan amendment will be required however, prior to the establishment of any new additional aggregate areas not shown on Schedule 2.*" As the property is not designated a "Primary Aggregate Resource Area" in the Official Plan, an Official Plan amendment is required.

The City recognizes that mineral resources are a fixed location non-renewable resource found throughout the Planning Area and that their effective management is essential. It is also recognized that a balance must be struck between the competing priorities for the protection of the mineral resource and the need to address the other goals of the Official Plan, such as encouraging growth and prosperity in the City.

Lands designated Aggregate Extraction on Schedule "2" represent sites where the extraction of aggregate, as defined from time to time in the *Aggregate Resources Act* and accessory and incidental uses thereto, such as crushing, screening, blending, washing, stockpiling and recycling together with, agriculture, forestry, wildlife and fisheries management, portable asphalt plants and wayside pits and quarries will be permitted. No other use shall be permitted without amendment to the Plan. Lands currently designated Aggregate Extraction on Schedule "2" do not represent the total area of potential extraction or identified aggregate resources. However, all mining operations shall be permitted only in those areas so designated. An amendment to the Official Plan is therefore required where new extraction operations are proposed in any area not designated for that use.

Sections 3.2.2 and 3.2.4 of the Official Plan states that: "*Aggregate designations will take precedence over any land use that would prevent their future expansion and extraction, except where previous Official Plan Amendments occurred which established a new designation. In order to establish a new extractive operation or expand an existing extraction operation beyond the area currently designated Aggregate Extraction on Schedule 2, an amendment to the Official Plan and Comprehensive Zoning By-law will be required.*"

The Official Plan further adds that an application to amend the Official Plan and Comprehensive Zoning By-law must be accompanied by the following information and follow the following procedures:

- a) Submission of copies of all documentation provided to the Ministry of Natural Resources as required for licensing, pursuant to the Aggregate Resources Act.
- b) Submission of a hydrogeological study demonstrating that washing and screening operations will be carried out in accordance with Provincial standards, regulations and guidelines.
- c) Submission of a traffic study demonstrating that the movement on existing streets or roads will not be unduly obstructed or interfered with by aggregate carrying vehicles during the operation of the pit or quarry.
- d) The capability of the existing road network to service the proposed new aggregate operation and the possible need to improve an existing road or construct a new municipal or private road, for the activities of the new aggregate operation.
- e) In a situation where an existing municipal road requires improvement, or a new municipal road constructed, appropriate cost sharing will be negotiated between the City and the developer.
- f) The determination for the construction of any new municipal or private roads will be required where the aggregate operations are of a scale where the transporting of the aggregate operation would have negative impacts on existing rural residential developments.
- g) In instances where new private roads, for the purpose of access to aggregate operations or haulage of aggregate, need to be constructed, the road shall be designed to accommodate the Aggregate operation. All private roads shall be constructed at no cost to the City of North Bay.
- h) Any proposed new municipal road construction shall be approved by the City and constructed to the appropriate municipal standard.
- i) Where a road is constructed for the purpose of an aggregate operation, no new residential lot creation will be permitted along the new road to ensure the viability of the aggregate operation.
- j) In instances where roads are assumed and maintained by the Municipality, new residential lot creation may be permitted along these roads in the future, the purchasers of the property shall be made aware that the road is primarily used for the haulage of aggregate.
- k) Submission of an environmental engineering study demonstrating that the effects from the proposed aggregate extraction operation or from any associated processing operations upon land uses in the surrounding area in terms of air quality through dust and particulate emissions and the potential for noise and vibration levels and quality and quantity of surface water and ground water resources will not exceed limits established by Provincial standards, regulations and guidelines.

The intent of these policies of the Official Plan is to mitigate any potential impacts on established abutting property owners. In the context of this specific application, the subject property is surrounded by vacant, undeveloped Crown lands and City-owned lands on all sides, therefore there will be no impact to directly abutting properties. The licensing process established by the MNR is stringent and comprehensive. A site plan, operations plan and rehabilitation plan are required as part of the application process and the City and North Bay-Mattawa Conservation Authority, in addition to other external agencies, are afforded the opportunity to review and comment on all aggregate license applications.

In terms of the specific requirements of the Official Plan listed above, items c) thru j) deal with the impact to the Province and City's road network. The property is currently landlocked and can only be accessed through a 'bush road/trail' that transacts the property on the east side. The Ministry of Transportation (MTO) has indicated that at this point in the process they are not concerned from a corridor Management Perspective. The MTO added that their Geotech/Aggregates section will be involved in the MNR aggregate licensing, and the MNR will solicit their input if necessary. The City's Engineering Department offered no objection and has not requested any additional studies at this time.

Items a), b) and k) as outlined above will be required by the MNR as part of the licensing process and the City and North Bay-Mattawa Conservation Authority, in addition to other external agencies, will be afforded the opportunity to review and comment. The comments submitted by the NBMCA in response to this circulation, detailed in the Correspondence section of this report, support this position.

Although the Official Plan states that the aforementioned studies must accompany the proposed Official Plan amendment, it is my opinion that based on the comments received from circulated agencies, the surrounding land uses and the stringent MNR licensing processes; it is acceptable to proceed without the hydrological or traffic studies.

In my professional opinion the proposed Official Plan amendment meets the general intent of the Official Plan.

### **Zoning By-Law No. 28-80**

The subject property is presently zoned "Rural (A)" which permits the following uses:

- Agricultural and Forestry Uses
- Cemeteries
- Commercial Agricultural Uses
- Conservation Areas
- Hobby farm
- Public and Private Recreational Uses
- Existing single detached dwellings and new single detached dwellings on a lot created pursuant to Section 50 or 53 of the Planning Act, R.S.O. 1990 as amended
- Accessory uses to the above
- Accessory home based businesses in accordance with Section 3.35

The Applicant is proposing to rezone the subject lands to a "Rural Industrial Extractive (RME)" zone which permits the following uses:

- Asphalt plant
- Concrete/Block Plant
- Pit
- Quarry
- Solar Farm
- Any buildings and equipment necessary for the extraction of sand, gravel or stone

The Applicant is proposing to re-designate and rezone the subject property in order to permit the establishment of an Aggregate Extraction and Quarry operation on the subject lands. The Ministry of Natural Resources (MNR) application process for an Aggregate Extraction license requires that the property be appropriately designated and zoned for Aggregate Extraction by the City prior to application. There is no new development being proposed at this time as part of this amendment.

### **Considerations**

This proposal was circulated to property owners within 120 metres (400 feet) of the subject lands, as well as to several municipal departments and agencies that may have an interest in the application.

In terms of correspondence received, the Engineering Department, the Secretary-Treasurer of the North Bay Municipal Heritage Committee, the Chief Building Official, the Chief Fire Prevention Officer and the Ministry of Transportation have indicated they have no concerns or objections to this proposal.

The North Bay-Mattawa Conservation Authority (NBMCA) submitted the following comments:

*"This office has received and reviewed the proposed official plan and zoning by-law amendment to re-designate the subject property from Rural to Aggregate Extraction and to rezone the subject property from a Rural (A) zone to a Rural Extractive Industrial (RME) zone in order to permit the establishment of an Aggregate Extraction and Quarry operation. The following comments are based on a review of the application with respect to the mandate of the Conservation Authority: Ontario Regulation 177/06 (Development, Interference with Wetlands & Alteration to Shorelines & Watercourses) as per Section 28 of the Conservation Authorities Act of Ontario and Part 8 (Private Sewage Disposal Systems) of the Ontario Building Code. In addition to those comments, the Conservation Authority provides advice to the municipality with regard to Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the Provincial Policy Statement 2005 (PPS). The Conservation Authority has no objection to this application.*

*For your information a tributary of Redbridge Creek traverses the south west corner of the property. This creek is part of the North River Watershed which empties into Lake Talon and the Mattawa River system. This creek and associated wetlands are regulated by the by the North Bay-Mattawa Conservation Authority under Ontario Regulation 177/06. This regulation is pursuant to Section 28 of the Conservation Authorities Act of Ontario. It is required that the property owner(s) obtain a Development, Interference with Wetlands & Alterations to Shorelines & Watercourses (DIA) Permit from this office prior to undertaking any site alteration activities and/or any construction or renovation work on the subject property. Site alteration activities would include: the placement or removal of fill material of any kind, and/or the alteration of existing grades on the subject property; as well as alterations to the watercourse.*

*Please note that should the application for an aggregate licence to the MNR be successful, activities under the Aggregate Resources Act are exempt from a DIA permit as per Section 28 (11) of the Conservation Authorities Act. A DIA permit would not be required in the licenced area. With respect to fish habitat, the Conservation Authority will review the aggregate licence proposal as per our Level II agreement with the Department of Fisheries and Oceans.*

*As you are aware, this property falls within the designated area as per Ontario Regulation 244/97 of the Aggregate Resources Act (ARA) of Ontario. The Ministry of Natural Resources (MNR) is the agency responsible for issuing licences under this act. The issuance of a licence serves several purposes, including the management of the aggregate resources, control and regulation of aggregate operations, requiring the rehabilitation of lands from which aggregate is removed and minimizing adverse environmental impacts from aggregate operations. Detailed technical reports are required to be submitted as part of the application package to the MNR. It is my understanding that the municipality is given the opportunity to review and comment on these documents at that time. It is assumed that the through the licencing process the MNR will highlight provincial interests, as set out in Sections 2 PPS, to be addressed in the technical studies."*

No further correspondence was received with regard to this proposal.

### Summary

The City recognizes that mineral resources are a fixed location non-renewable resource found throughout the Planning Area and that their effective management is essential. The lands subject to the proposed amendments are in the rural area of the City of North Bay near the easterly city limits, approximately 800 metres west of Phelps Township. The property is 160 acres in total land area, with a width and depth of 800 metres and is surrounded by vacant, undeveloped Crown lands and City-owned lands on all sides.

The intent of the policies contained in the Official Plan is to mitigate any potential impacts on established abutting property owners. In the context of this specific application, there should be no impact to directly abutting properties (the Crown and the City). The licensing process established by the MNR is stringent and comprehensive. A site plan, operations plan and rehabilitation plan are required as part of the application process and the City, North Bay-Mattawa Conservation Authority and other external agencies will have an opportunity to review and comment on all the required plans and studies that will be part of the aggregate license applications.

The application to amend the Official Plan and to rezone the property allows the Applicant, if approved, to proceed with his license application. The Ministry of Natural Resources (MNR) application process for an Aggregate Extraction license requires that the property be appropriately designated and zoned for Aggregate Extraction by the City prior to application. There is no new development being proposed at this time as part of this amendment.

Both the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2005) contain policies related to Aggregate Resources, stated that they shall be protected for long-term use and as much of the mineral aggregate resource as is realistically possible shall be made available as close to markets as possible. It is my professional opinion the proposed Official Plan and Zoning By-law amendments are consistent with Provincial Policy, as set out by the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2005).

Respectfully submitted,



Steve McArthur, MCIP, RPP  
Senior Planner – Current Operations

W:\PLAN\NRMS\14\2012\MCLEA\SONG\SRD\0003-PACRpt-#826.doc

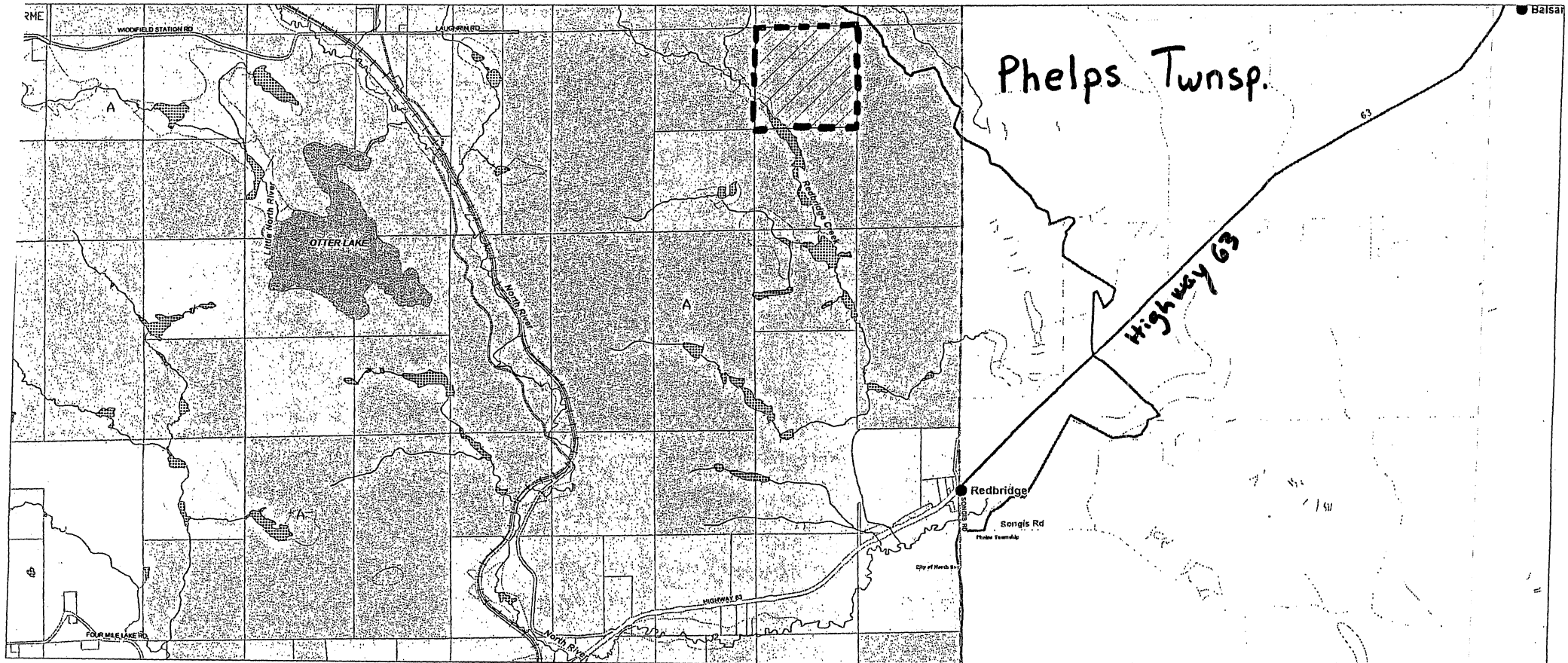
attach.

I concur with the recommendations contained in this report.

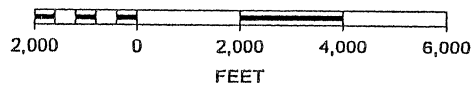


Beverley Hillier, MCIP, RPP  
Manager, Planning Services

# SCHEDULE A



SCALE 1 : 45,046



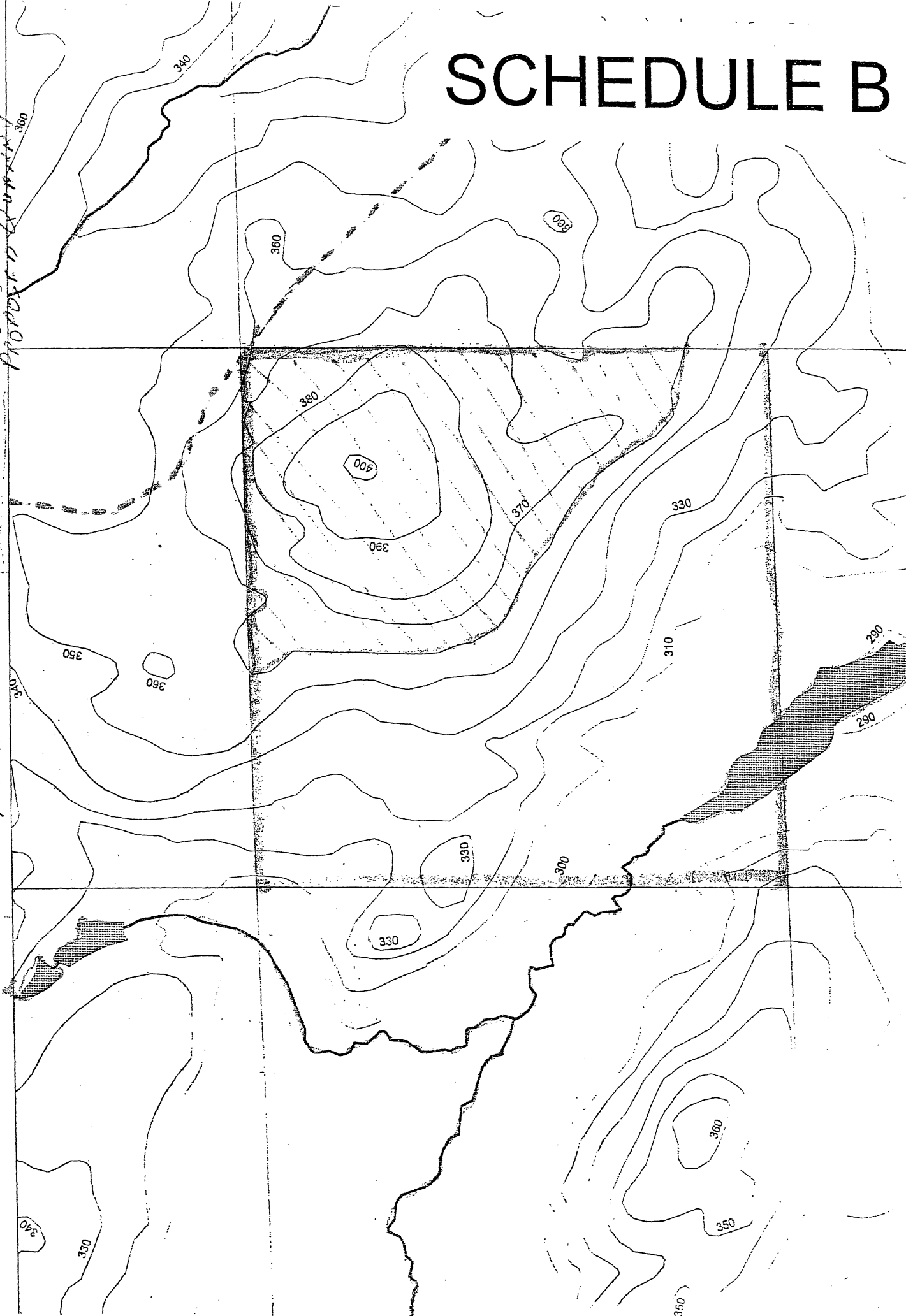
Proposed Official Plan and  
Zoning By-law Amendment  
From: "Rural (A)"  
To: "Rural Extractive Industrial (RME)"



# SCHEDULE B

STREAM A  
ROAD  
PROPERTY QUARRY

SCALE 1:7255





REPORT TO COUNCIL

Report No: CORP 2012-58

Date: April 24, 2012

Originator: Catherine Conrad

Subject: Recommendation to Rescind Resolution No. 2012-260

RECEIVED  
CITY OF NORTH BAY  
APR 24 2012  
CLERK'S DEPT.

RECOMMENDATION

That Council rescind Resolution No. 2012-260 passed at the Regular Meeting of Council held on April 16, 2012 regarding the reduction, cancellation or refund of taxes.

BACKGROUND

On Monday, April 16, 2012 Council passed the following Resolution:

"That the Tax Appeal applications attached to CORP Report No. 2012-48 that have been returned with a positive recommendation from the Municipal Property Assessment Corporation be adjusted for the period set out on each application form and that the applicable taxes be cancelled, reduced or refunded as authorized by Section 357 of the *Municipal Act*, S.O. 2001, c.25."

Section 357.(5)(b) of the *Municipal Act* requires that the applicants be notified of the meeting by mail sent at least 14 days before Council meets to make its decision so that they may make representations to the Council. As notice was not given in accordance with the requirements of the *Act* it is recommended that the resolution passed on April 16, 2012 be rescinded.

Notices will be mailed to all applicants advising that the applications will be presented to the Council for their consideration at the Regular Meeting scheduled for May 14, 2012.

Respectfully submitted,

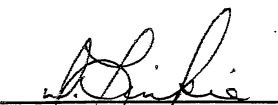
C. Conrad

Catherine Conrad  
City Clerk

W:\CLERK\RM\SF22\2012\442\GENERAL\0004.doc

We concur in this report and recommendation.

  
Chief Financial Officer /  
Treasurer – Margaret Karpenko

  
Chief Administrative Officer –  
David Linkie

Personnel designated for continuance: Catherine Conrad, City Clerk  
Copy to: Lorraine Rochefort, Manager of Revenues & Taxation

## CITY OF NORTH BAY

### REPORT TO COUNCIL

Report No: CORP 2012-59

April 24, 2012

Originator: Paul Valenti

Subject: Tender No. 2012-27 for Two (2) 4X4 Sport Utility Emergency Response Vehicles

---

#### **RECOMMENDATION:**

That North Bay City Council approves the award of a contract to George Stockfish Ford Sales Ltd. in the amount of \$71,684.00 (excluding HST) for the supply of two (2) 2012 Ford Expedition 4X4 Model SSV (Special Service Vehicle) Vehicles.

#### **BACKGROUND:**

The Fire Department has a requirement for two (2) new 4X4 Sport Utility Emergency Response Vehicles. The vehicles are to replace two (2) existing vehicles as part of the department's vehicle replacement program. The vehicles are for on-call senior officer emergency response and are used on a 24 hour basis to provide support to the Incident Commander. The vehicles were specified to meet the needs for emergency response in a safe and efficient manner and provide adequate interior space for all of equipment needed to perform the duties of an Incident Safety Officer in compliance of MOL Section 21 Guidance note number 2-4 and SOG 1-137.

A tender was publicly advertised in accordance with the City's Purchasing Policy. Eight (8) tender packages were distributed. The tender closed April 11, 2012. Three (3) tenders were received and evaluated by the Purchasing Manager and Deputy Fire Chief, Operations. The results are as follows:

George Stockfish Sales Ltd.	\$71,684.00	(excluding HST)
True North Chevrolet	\$76,704.80	
Georgian Chevrolet Buick GMC	\$77,440.00	

The low tender price from George Stockfish Sales Ltd. includes a trade-in value of \$5,000 total for the two (2) existing 2006 Chevrolet Impalas.

The vehicles tendered by George Stockfish Ford Sales Ltd. are a 2012 Ford Expedition 4X4 Model SSV and meet the requirements and specifications as outlined in the tender. The SSV model is geared specifically to Fire and Police Services and is manufactured at a basic level while providing for heavy duty suspension, transmission, breaking system, and electrical system.

Additionally, the vehicles offer flexibility for use in pulling the response trailers for CBRNE, Wildland and Ice/Water alarms in the event current units used for this are committed or out of service for maintenance. The vehicles will provide an improvement to current operations.

---

The total price is considered fair and reasonable.

---

**ANALYSIS / OPTIONS:**

1. Award the contract to George Stockfish Sales Ltd. as their tender represents the lowest responsive bid.
  2. Do not award a contract and continue to use the existing vehicles. This will result in ongoing maintenance costs and at some point may affect the ability in providing the required services.
- 

**RECOMMENDED OPTION / FINANCIAL IMPACTS:**

Option 1 is recommended as follows:

That North Bay City Council approves the award of a contract to George Stockfish Ford Sales Ltd. in the amount of \$71,684.00 (excluding HST) for the supply of two (2) 2012 Ford Expedition 4X4 Model SSV (Special Service Vehicle) Vehicles.

An amount of \$570,000 has been allocated, of which sufficient funds remain, in the 2012 Fire Department Capital Budget, Project No. 6063FD; authorized with By-law No. 2012-18 dated February 6, 2012.

---

Respectfully submitted,



---

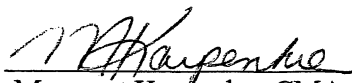
Paul Valenti  
Purchasing Manager

We concur in this report and recommendation.




---

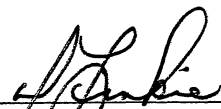
Laura Boissonneault, CGA  
Supervisor of Budgets & Financial  
Reporting



---

Margaret Karpenko, CMA  
Chief Financial Officer/Treasurer

  
\_\_\_\_\_  
Grant Love  
Fire Chief

  
\_\_\_\_\_  
David Linkie  
Chief Administrative Officer

Personnel designated for continuance: Deputy Fire Chief, Operations

Attachments: Tenders

## CITY OF NORTH BAY

## REPORT TO COUNCIL

Report No: CORP 2012-56

April 24, 2012

Originator: Paul Valenti

Subject: Street Light Replacement Program

---

**RECOMMENDATION:**

That North Bay City Council approve the issuing of a contract to Kenalex Construction Ltd. in the amount of \$276,807.00 (excluding HST) for the installation only of 3,567 LED Street Cobra head light fixtures.

---

**BACKGROUND:**

The City issued a Request for Proposal on August 17, 2011 for the installation of approximately 5,567 street lights. The work included removal of the current HPS street lights and replacement with new LED Cobra head fixtures. The supply of the new fixtures was completed under a separate and previous RFP.

The contract was awarded to Ainsworth Inc. in the amount \$395,257.00 (excluding HST) with an agreement entered into on October 11, 2011. The project has experienced delays attributed to the performance of Ainsworth Inc. As such, the City and Ainsworth Inc. have mutually agreed to terminate the contract. The termination is conditional upon the completion of an agreement between the City and Kenalex Construction Ltd. Kenalex provided the next lowest price as part of their submission for the original RFP. They have agreed to complete the remaining portion of the work at the cost and under the terms and conditions of the existing contract with Ainsworth Inc.

The remaining portion of the project includes the installation of approximately 3,567 street lights along with other minor works. The total cost to complete the work is in the amount of \$276,807.00 (excluding HST).

---

**ANALYSIS / OPTIONS:**

1. That North Bay City Council approve the issuing of a contract to Kenalex Construction Ltd. in the amount of \$276,807.00 (excluding HST) to complete the installation of the remaining 3,567 LED Street Cobra head light fixtures.

- 
2. Do not issue a contract to Kenalex Construction Ltd. The City would then be in the position to enforce the original contract with Ainsworth Inc. for the completion of the work. This will likely lead to further delays in completing the project.
- 

**RECOMMENDED OPTION / FINANCIAL IMPACTS:**

Option 1 is recommended as follows:

That North Bay City Council approve the issuing of a contract to Kenalex Construction Ltd. in the amount of \$276,807.00 (excluding HST) for the installation only of 3,567 LED Street Cobra head light fixtures.

Sufficient funds have been allocated, and remain, in the 2011 Engineering, Environmental Services and Works Capital Budget, Line No. 10, Project No. 3013SL, authorized by By-law 2011-95 dated April 4, 2011.

---

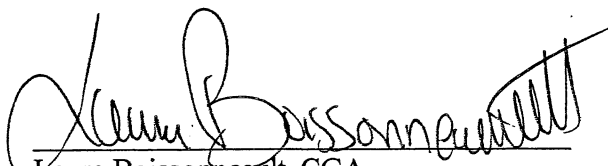
Respectfully submitted,



---

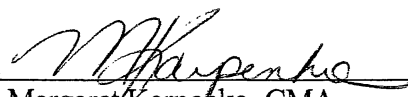
Paul Valenti,  
Purchasing Manager

We concur in this report and recommendation.



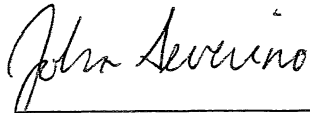
---

Laura Boissonneault, CGA  
Supervisor of Budgets & Financial  
Reporting



---

Margaret Karpenko, CMA  
Chief Financial Officer/Treasurer



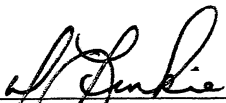
---

John Severino P.Eng., M.B.A.  
Manager - Environmental Services



---

for Alan Korell  
Managing Director of Engineering,  
Environmental Services and Works



---

David Linkie,  
Chief Administrative Officer

Personnel designated for continuance: Manager, Environmental Services

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

**BY-LAW NO. 2012-118**

**BEING A BY-LAW TO CONFIRM PROCEEDINGS  
OF THE MEETING OF COUNCIL ON  
APRIL 16, 2012**

**WHEREAS** the *Municipal Act, R.S.O. 2001*, Chapter 25, (the "Act") Section 5(1), provides that the powers of a municipal corporation shall be exercised by Council;

**AND WHEREAS** Section 5 (3) of the Act provides a municipal power including a municipality's capacity, rights, powers and privileges and section 9 of the Act, shall be exercised by by-law unless the municipality specifically authorized to do otherwise and any of the matters shall implemented by the exercise of the natural person powers;

**AND WHEREAS** in many cases action which is taken or authorized to be taken by Council does not lend itself to the passage of an individual by-law

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

1. That the actions of the Council of The Corporation of the City of North Bay at its meeting held on April 16, 2012 in respect of each motion, resolution and other action passed and taken by the Council at its said Meeting is, except where the prior approval of the Ontario Municipal Board or other authority is by law required, hereby adopted, ratified and confirmed.
2. That where no individual by-law has been passed with respect to the taking of any action authorized in or by the Council mentioned in Section 1 hereof or with respect to the exercise of any powers of the Council, then this by-law shall be deemed for all purposes to be the by-law required for approving and authorizing the taking of any action authorized therein or thereby required for the exercise of any power 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 30<sup>TH</sup> DAY OF APRIL, 2012.  
READ A SECOND TIME IN OPEN COUNCIL THIS 30<sup>TH</sup> DAY OF APRIL, 2012.  
READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 30<sup>TH</sup> DAY OF APRIL, 2012.

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

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



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

**BY-LAW NO. 2012-121**

BEING A BY-LAW TO REPEAL BY-LAW 2012-73  
(BEING A BY-LAW TO STOP UP AND CLOSE PARTS OF  
SECOND AVENUE, PLAN 21, ABUTTING FRONT STREET,  
IN THE CITY OF NORTH BAY)

WHEREAS Council passed Resolution No. 2011-821 on the 11<sup>th</sup> day of December, 2011, Council approved the closure of parts of Second Avenue;

AND WHEREAS at its Regular Meeting held on Monday, April 2<sup>nd</sup>, 2012 Council gave third reading to By-Law No. 2012-73 to close parts of Second Avenue;

AND WHEREAS there was an error in the legal description cited in By-Law No. 2012-73;

AND WHEREAS in order to register the By-Law in the Land Titles Office for the District of Nipissing to affect the closure of part of Second Avenue it is necessary to repeal By-Law 2012-73 and to adopt a new By-Law with the proper legal description.

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 By-Law 2012-73 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THE 30<sup>TH</sup> DAY OF APRIL, 2012.

READ A SECOND TIME IN OPEN COUNCIL THE 30<sup>TH</sup> DAY OF APRIL, 2012.

cc. READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THE 30<sup>TH</sup> DAY OF APRIL, 2012.

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

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

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

**BY-LAW NO. 2012-122**

BEING A BY-LAW TO STOP UP AND CLOSE PARTS OF  
SECOND AVENUE, PLAN 21, ABUTTING FRONT STREET,  
IN THE CITY OF NORTH BAY

WHEREAS it is deemed expedient and in the interest of The Corporation of the City of North Bay those parts of Second Avenue, Plan 21, abutting Front Street be closed and stopped up;

AND WHEREAS by Resolution No. 2011-821 passed on the 11<sup>th</sup> day of December, 2011, Council approved the closure of parts of Second Avenue;

AND WHEREAS parts of Second Avenue, Plan 21, abutting Front Street are hereby declared to be surplus;

AND WHEREAS notice of this by-law was published once a week for two consecutive weeks in the North Bay Nugget, published in the City of North Bay;

AND WHEREAS no person has claimed that his lands will be prejudicially affected by the passing of this by-law nor applied to be heard in person or by his counsel, solicitor, or agent, the Council of the City nor a Committee of said Council;

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

1. That part of Second Avenue, Plan 21, abutting Front Street designated as Parts 6, 7, 8 and 9 on Reference Plan 36R-13069, in the City of North Bay, District of Nipissing, are hereby closed and stopped up.
2. This by-law comes into force and effect upon a certified copy of the by-law being registered in the Land Titles Office for the District of Nipissing.

· READ A FIRST TIME IN OPEN COUNCIL THE 30<sup>TH</sup> DAY OF APRIL, 2012.

READ A SECOND TIME IN OPEN COUNCIL THE 30<sup>TH</sup> DAY OF APRIL, 2012.

cc. READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THE 30<sup>TH</sup> DAY OF APRIL, 2012.

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

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

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

**BY-LAW NO. 2012-123**

A BY-LAW TO AUTHORIZE THE SALE OF LANDS NO  
LONGER REQUIRED FOR MUNICIPAL  
PURPOSES  
(Parts of Second Avenue, Plan 21 abutting  
Front Street)

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

AND WHEREAS Council authorized the transfer of lands by Resolution No. 2012-821 at its Regular Meeting held on Monday, December 11, 2011;

AND WHEREAS Council deems it desirable to transfer Parts 1, 2, 4, 7 and 9, on Plan 36R-13069, City of North Bay, District of Nipissing, to the owners of the lands abutting thereon, their successors or assigns.

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

1. The Corporation of the City of North Bay is hereby authorized and directed to transfer Parts 1, 2, 4, 7 and 9, Plan 36R-13069, City of North Bay, District of Nipissing to the owners of the lands abutting thereon, their successor or assigns.
2. That the Mayor, City Clerk and City Solicitor are hereby authorized and directed to execute the said transfer and such further and other documents as may be reasonably required to complete the transfer of the said lands. The City Solicitor has the authority to electronically sign for completeness and release any document required to be registered on title.

READ A FIRST TIME IN OPEN COUNCIL THE 30TH DAY OF APRIL, 2012.

cc READ A SECOND TIME IN OPEN COUNCIL THE 30TH DAY OF APRIL, 2012.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 30TH DAY OF APRIL, 2012.

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

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

17

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-100

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

(CITY OF NORTH BAY – JACK GARLAND AIRPORT)

**WHEREAS** the owner of the subject property has initiated an amendment to the Zoning By-law;

**AND WHEREAS** the Council of The Corporation of the City of North Bay has ensured that adequate information has been made available to the public, and has held at least one public meeting after due notice for the purpose of informing the public of this By-law;

**AND WHEREAS** it is deemed desirable to amend the zone designation shown on Schedule “C-6 and C-7” of By-law No. 28-80 pursuant to Section 34 of the Planning Act R.S.O. 1990, as amended.

**AND WHEREAS** Council passed a resolution on April 16, 2012 to approve this rezoning.

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

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

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

- b) Where no Notice of Appeal is filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, then this By-law shall be deemed to have come into force on the day it was passed.
- c) Where one or more notices of appeal are filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, setting out the objection to the By-law and the reasons in support of the objection, then this By-law shall not come into force until all appeals have been finally disposed of, whereupon the By-law shall be deemed to have come into force on the day it was passed.

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

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

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

---

**MAYOR, ALLAN MACDONALD**

---

**CITY CLERK, CATHERINE CONRAD**

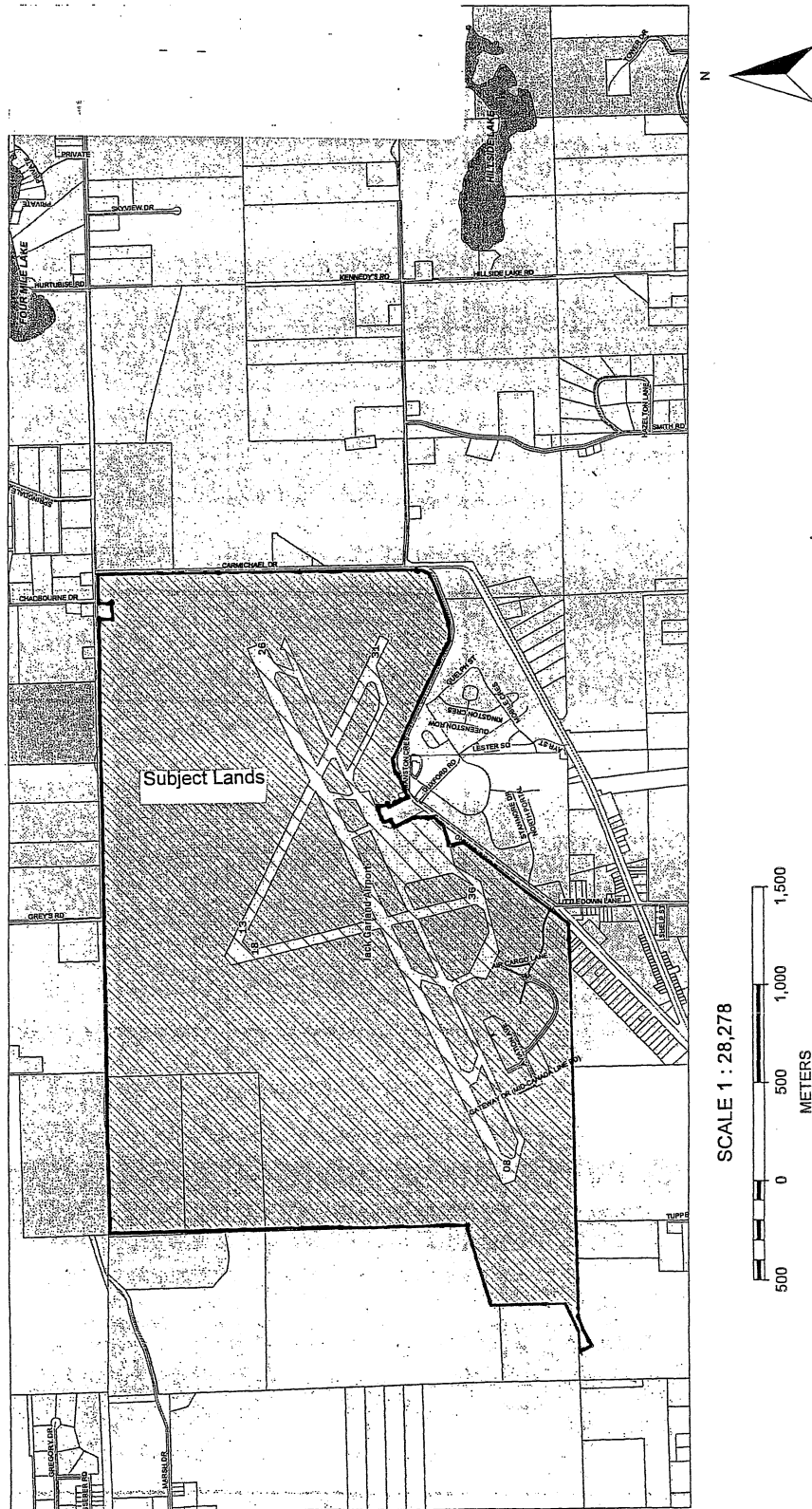
This is Schedule "A"

To By-law No. 2012-100

Passed the 30<sup>th</sup> day of APRIL 2012

Mayor, Allan MacDonald

City Clerk, Catherine Conrad



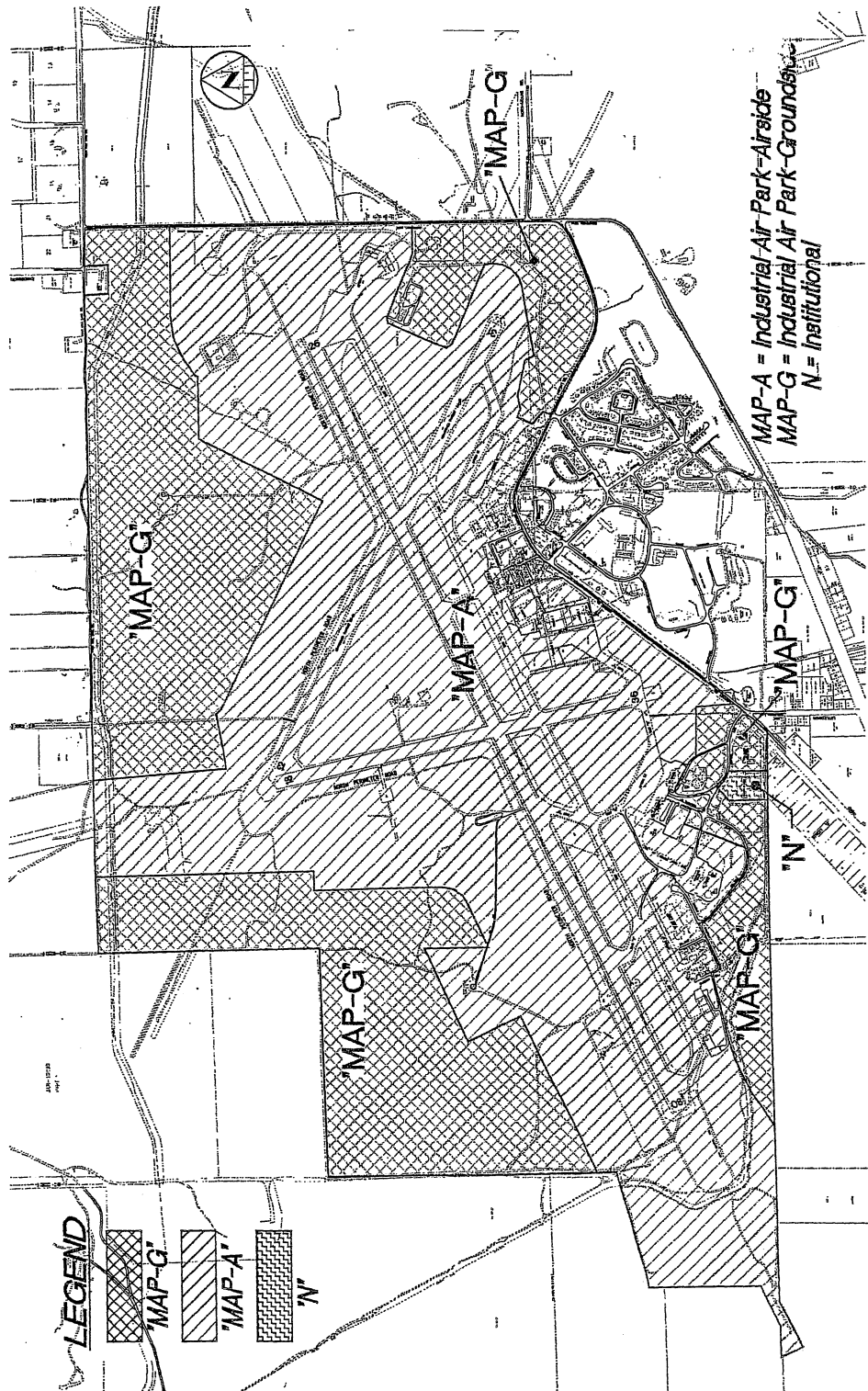
This is Schedule "B"

To By-law No. 2012-100

Passed the 30 day of APRIL 20

Mayor, Allan MacDonald

City Clerk, Catherine Conrad



THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2010-155

A BY-LAW TO AMEND ZONING BY-LAW NO. 28-80 TO REZONE  
CERTAIN LANDS ON SEYMOUR STREET FROM A "LIGHT INDUSTRIAL THREE (M3)" ZONE  
TO AN "INDUSTRIAL COMMERCIAL ZONE SPECIAL NO. 62 (MC Sp. 62)"

(AUTOGENE INDUSTRIES NORTH BAY INC. – 1891 SEYMOUR STREET)

WHEREAS the owner of the subject property has initiated an amendment to the Zoning By-law;

AND WHEREAS the Council of The Corporation of the City of North Bay has ensured that adequate information has been made available to the public, and has held at least one public meeting after due notice for the purpose of informing the public of this By-law;

AND WHEREAS it is deemed desirable to amend the zone designation shown on Schedule "B-53" of By-law Number 28-80 pursuant to Section 34 of the Planning Act R.S.O. 1990, as amended.

AND WHEREAS Council passed a resolution on July 12<sup>th</sup>, 2010 to approve this rezoning.

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

- 1) Schedule "B-53" of By-law Number 28-80 is amended by changing the zoning designation of the property shown on Schedule "A" attached hereto (which property is more particularly described as Part of Concession D, Lot 17, Registered Plan 36M-541, Block 1, Reference Plan 36R-10161 NR 752, Parts 1 & 3, PIN 49142-0198, 49142-0199 and 49142-0200 (LT), in the Former Township of Widdifield) along Seymour Street in the City of North Bay from a "Light Industrial Three (M3)" zone to a "Industrial Commercial Special Zone Number 62 (MC Sp. 62)".
- 2) Section 11 of the By-law Number 28-80 is amended by inserting at the end thereof the following Section 11.4.62:
  - "11.4.62 Industrial Commercial Special Zone Number 62 (MC Sp. 62)
  - 11.4.62.1 The property description of this "Industrial Commercial Special Zone Number 62 (MC Sp. 62) is Part of Concession D, Lot 17, Registered Plan 36M-541, Block 1, Reference Plan 36R-10161 NR 752, Parts 1 & 3, PIN 49142-0198, 49142-0199 and 49142-0200 (LT), in the Former Township of Widdifield, along Seymour Street in the City of North Bay, as shown on the attached Schedule and on Schedule "B-53".
  - 11.4.62.2 The regulations for this "Industrial Commercial Special Zone Number 62 (MC Sp. 62)" are as follows:
    - i) The minimum front yard setback shall be 13.3 metres; and
    - ii) The minimum rear yard setback shall be 2.8 metres.
  - 11.4.62.3 The use of land or building in this Industrial Commercial Special Zone Number 62 (MC Sp. 62) shall conform to all other regulations for the Industrial Commercial Zone and this By-law except as hereby expressly varied."
- 3) Section 11 of By-law Number 28-80 is further amended by inserting "Industrial Commercial Special Zone Number 62 (MC Sp. 62)" as shown on Schedule "B" to this By-law.



- 4) Pursuant to Section 41 of the Planning Act, R.S.O, 1990 as amended, those lands shown as hatched on Schedule "A" attached hereto are hereby designated a Site Plan Control Area.
- 5)
  - a) Notice of this By-law shall be given by the Clerk in the manner and form and to the persons prescribed by Section 4 of Reg. 254/06, as amended.
  - b) Where no notice of appeal is filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, then this By-law shall be deemed to have come into force on the day it was passed.
  - c) Where one or more notices of appeal are filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, setting out the objection to the By-law and the reasons in support of the objection, then this By-law shall not come into force until all appeals have been finally disposed of, whereupon the By-law shall be deemed to have come into force on the day it was passed.

READ A FIRST TIME IN OPEN COUNCIL THE 12<sup>TH</sup> DAY OF JULY, 2010.

READ A SECOND TIME IN OPEN COUNCIL THE 12<sup>TH</sup> DAY OF JULY 2010.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THE 30<sup>TH</sup> DAY  
OF APRIL, 2012.

---

MAYOR ALLAN McDONALD

---

CITY CLERK CATHERINE CONRAD

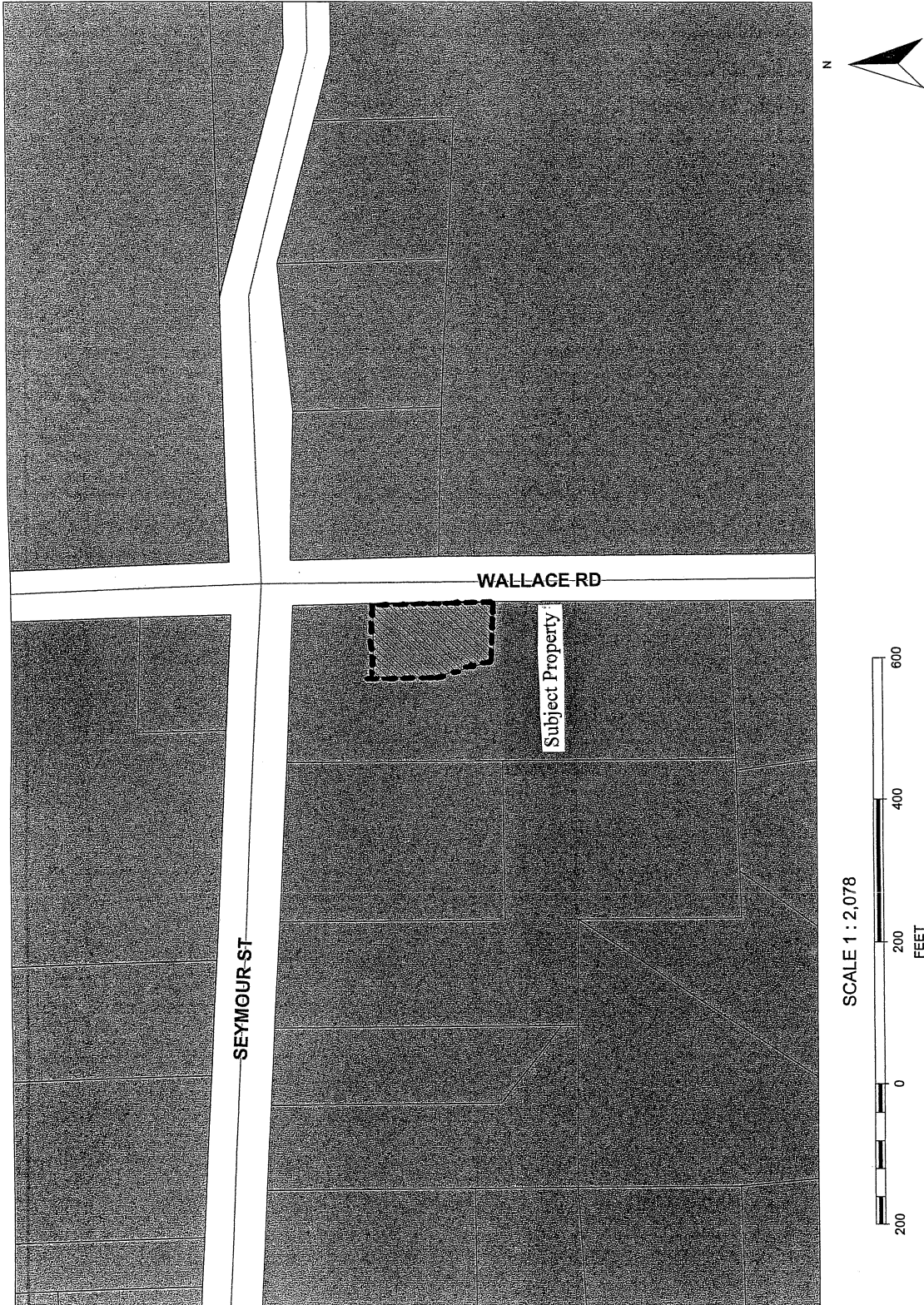
This is Schedule "A"

To By-law No. 2010-155

Passed the 30<sup>th</sup> day of APRIL, 2012.

MAYOR ALLAN McDONALD

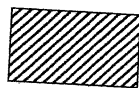
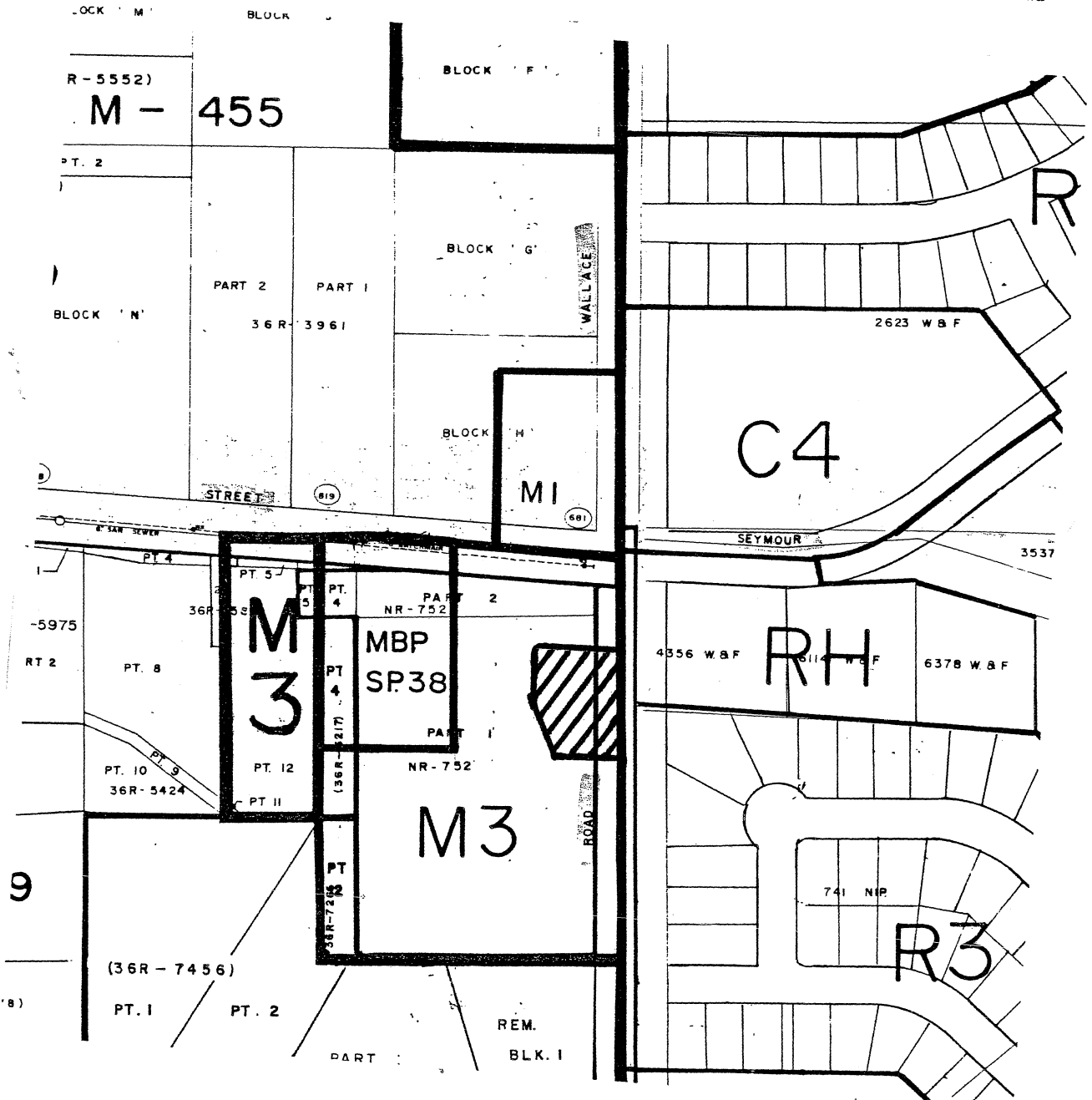
City Clerk Catherine Conrad



This is Schedule "B"  
To By-law No. 2010-155  
Passed the 30<sup>th</sup> day of APRIL 2012.

MAYOR ALLAN MCDONALD

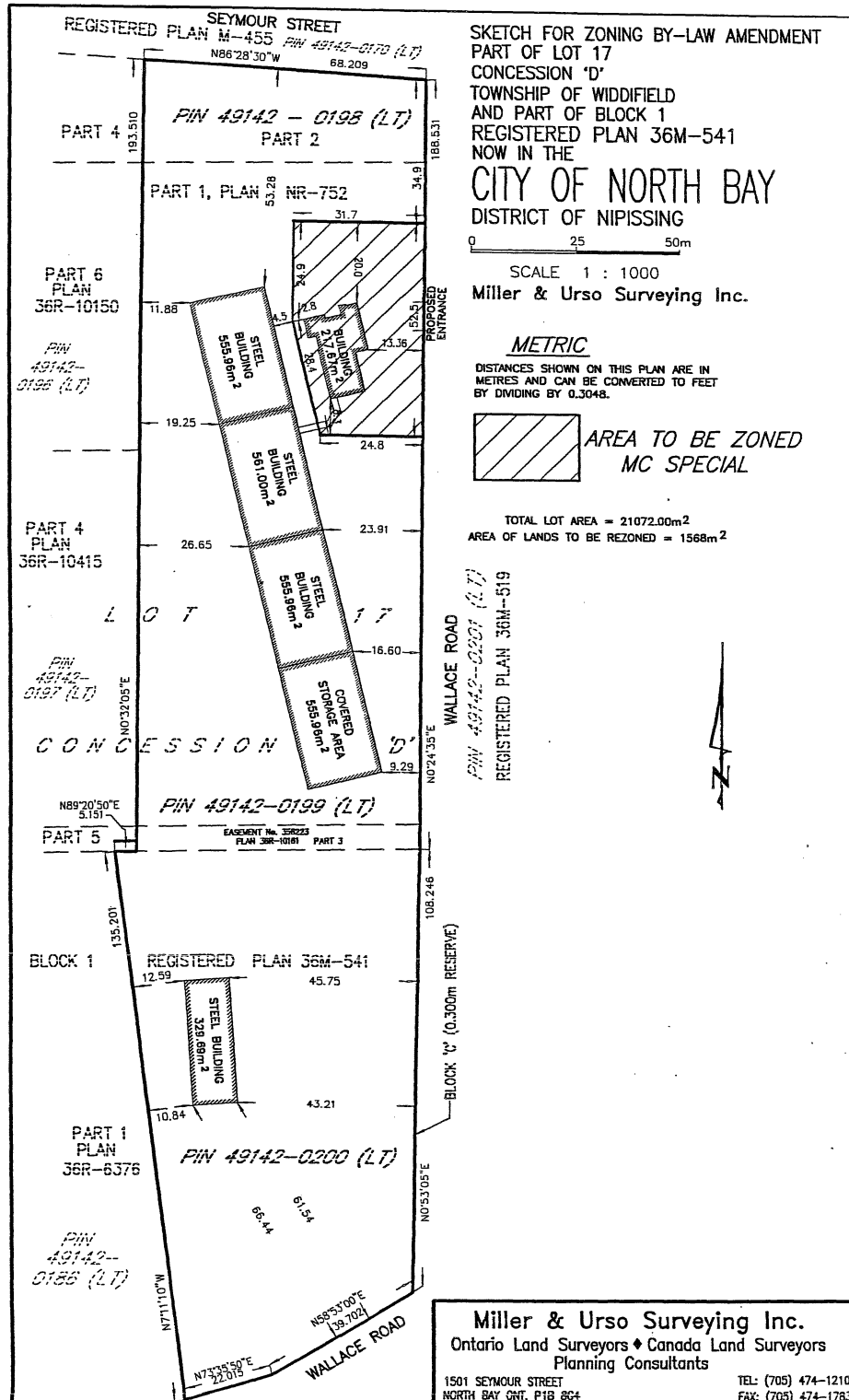
City Clerk Catherine Conrad



Zoning By-law Amendment from  
"Light Industrial Three (M3)" Zone  
to "Industrial Commercial Special  
Zone No. 62 (MC Sp. 62)"

MAYOR ALLAN MCDONALD

City Clerk Catherine Conrad



**MOTION**

North Bay, Ontario April 30, 2012

**Subject:** Ontario Northland Transportation Commission Divestiture

**File No.** T10/2012/ONTC/GENERAL

**Res. No.** 2012-

**Moved by Councillor:** ANTHONY

**Seconded by Councillor:** MAROOSIS

WHEREAS the Mayors of the Northern Communities Working Group met with the Minister of Northern Development and Mines, Rick Bartolucci in Toronto on April 19, 2012, regarding the Provincial Government's proposed divestiture of the Ontario Northland Transportation Commission (ONTC);

AND WHEREAS the Mayors requested that the divestiture process be stopped until the recently commenced Northern Ontario Multimodal Transportation Strategy was completed;

AND WHEREAS the Mayors requested a meeting with Premier McGuinty, to be held in Northern Ontario, and at which meeting Premier McGuinty would be asked to explain in a clear and transparent manner how the Government would satisfactorily address the concerns of Northern communities, business and residents;

AND WHEREAS Minister Bartolucci confirmed the Government's intent to proceed with divestment in spite of the growing grave concerns of Northerners;

AND WHEREAS there is no apparent Government plan or divestment criteria that addresses the concerns of Northern stakeholders with regard to the current initiative and lost future opportunities.

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of North Bay requests that the Government of the Province of Ontario immediately stop the divestment of the ONTC;

AND BE IT FURTHER RESOLVED THAT the Council of the City of North Bay request that Premier McGuinty and Minister Bartolucci meet with Mayors of the Northern Communities Working Group, affected Aboriginal leaders, Business leaders, and affected labour organizations in order to commence negotiations for a "New Deal for the Ontario Northland";

AND BE IT FURTHER RESOLVED THAT a copy of this resolution be sent to the Honourable Premier Dalton McGuinty; the Honourable Rick Bartolucci, Minister of Northern Development and Mines; the Honourable Bob Chiarelli, Minister of Infrastructure and the Minister of Transportation; the Honourable Dwight Duncan, Minister of Finance; the Ontario Northland Transportation Commission – Administration and Union; the Federation of Northern Ontario Municipalities; all municipalities in the ONTC catchment area; all affected First Nation communities in Northeastern Ontario; Victor Fedeli MPP; Jay Aspin MP; Tim Hudak, Leader of the Progressive Conservative Party of Ontario; Andrea Horwath, Leader of the Ontario New Democratic Party; and to the North Bay and District Chamber of Commerce.

Carried

Carried as amended

Lost

Conflict \_\_\_\_\_ Endorsement of Chair \_\_\_\_\_

Record of Vote (Upon Request of Councillor \_\_\_\_\_)

Signature of Clerk \_\_\_\_\_