

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, FEBRUARY 27TH, 2006**

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

CORRESPONDENCE:

1038634 Ontario Inc.	re Rezoning application - Duke Street West	(122)
Agriculture, Food and Rural Affairs, Ministry of	re Appointment of Municipal Weed Inspector	(119)

REPORTS FROM OFFICERS:

Burke, M.B.	re Litigation with JCJ Contracting Ltd.	(138)
Burke, M.B.	re Title to Chippewa Street road allowance extension	(139)
Burke, M.B.	re Land sale - Hughes Road	(140)
Conrad, C.M.	re 2006 Municipal Election	(118)
Hall, B.	re Rezoning application by Menalon Properties Inc., Airport Road	(115)
Hall, B.	re Rezoning application by Deborah Norwood & Peter Atkinson, 702 High Street	(116)
Hall, B.	re Rezoning application by Maurice & Doris Barre, Carmichael Drive	(117)
Hall, B.	re Exemption from Condominium Approval Process - Daryl Duguay, McPhail Street	(124)
Hall, B.	re Exemption from Condominium Approval Process - 720611 Ontario Inc., Gorman Street	(125)
Houston, J.	re Appointment of Municipal Weed Inspector	(119)
Manning, J.	re Tender 2006-15, Self-Contained Breathing Apparatus Program	(121)
Manning, J.	re Tender 2006-11, Elevator modernization	(123)

Res. #2006-110: Moved by Councillor Chirico, seconded by Councillor Mendicino
That minutes for the meetings held:

- Monday, February 13, 2006; and
- Monday, February 20, 2006

be adopted as presented.

"CARRIED"

Res. #2006-111: Moved by Councillor Mendicino, seconded by Councillor Anthony
That Community Services Committee Report No. 2006-06 relating to:

- Official Plan Amendment and Rezoning Application by Marshall Park Development Ltd., Booth Road

be adopted as presented.

"CARRIED"

COMMUNITY SERVICES COMMITTEE REPORT NO. 2006-06

February 27, 2006

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2006-06 and recommends:

1. That
 - a) the proposed Official Plan Amendment by Rick Miller on behalf of Marshall Park Developments Ltd. to change the designation of Concession 16, Lot 37, 36R-7257, Part 1, Parcels 5258 & 16951 W&F (Booth Road) from "General Industry" to "Residential" be approved;
 - b) the proposed Zoning By-Law Amendment Rick Miller on behalf of Marshall Park Developments Ltd. to change the designation of Concession 16, Lot 37, 36R-7257, Part 1, Parcels 5258 & 16951 W&F (Booth Road) from a "Light Industrial Two (M2)" zone, a "Light Industrial Three (M3)" zone and a "Floodplain and Erosion (O2)" zone to a "Residential Third Density (R3)" zone, a "Residential Multiple Second Density (RM2)" zone and a "Floodplain and Erosion Special Zone (O2 Sp.)" be approved; and
 - c) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O. 1990 as amended, to ensure that before any stages of development occur, the applicant prepare a stormwater management, archaeological assessment, obtain a Fill, Construction & Alteration to Waterway Permit to the satisfaction of the City of North Bay and the North Bay-Mattawa Conservation Authority.

All of which is respectfully submitted.

ASSENTS
 MENDICINO
 ANTHONY
 MAROOSIS
 FEDELI

DISSENTS

Res. #2006-112: Moved by Councillor Mendicino, seconded by Councillor Anthony That Community Services Committee Report No. 2006-07 relating to:

- 2005 Municipal Heritage Committee Annual Report

be adopted as presented.

"CARRIED"

COMMUNITY SERVICES COMMITTEE REPORT NO. 2006-07

February 27, 2006

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2006-07 and recommends:

1. That the 2005 Municipal Heritage Committee Annual Report be noted and filed.

All of which is respectfully submitted.

ASSENTS
 MENDICINO
 ANTHONY
 MAROOSIS
 FEDELI

DISSENTS

Res. #2006-113: Moved by Councillor Mendicino, seconded by Councillor Anthony That Community Services Committee Report No. 2006-08 relating to:

- 2006 Heritage Festival event requests

be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2006-08

February 27, 2006

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2006-08 and recommends:

1. That
 - 1) the Management Committee of the North Bay Heritage Festival be granted permission to hold the 2006 event in and about Lee Park and Waterfront Park from Friday, August 4, 2006 until Monday, August 7, 2006, both inclusive, with subsidiary activities occurring from Tuesday, August 1, 2006 until Tuesday, August 8, 2006, both inclusive;
 - 2) to facilitate the undertaking of the 2006 North Bay Heritage Festival, the following requests be approved:
 - a) The North Bay Heritage Festival Management Committee be granted exclusivity from Friday, July 28, 2006 until Thursday, August 10, 2006, both inclusive, in, 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, both sides of Memorial Drive from the Uniroc Site to and including Lee Park; Veterans Soccer and Ball Fields; ONR Soccer Field; Amelia Park; and CP Railands, as defined in Attachment 1 to Report CSBU 2006-27.
 - b) The Kate Pace Way be closed from Stanley Street at Memorial Drive, along Memorial Drive to the Uniroc Site from 8:00 a.m. on Monday, July 31, 2006 until 4:00 p.m. on Tuesday, August 8, 2006, subject to the erection of appropriate signage and barricades by the North Heritage Festival Management Committee, as defined in Attachment 2 to Report CSBU 2006-27
 - c) The following streets be closed temporarily from 8:00 a.m. on Wednesday, August 2, 2006 until 4:00 p.m. on Tuesday, August 8, 2006, as defined in Attachment 3 to Report CSBU 2006-27:
 - i) Memorial Drive between Oak Street West and Queen Street
 - ii) Monk Street between Stanley Street and Memorial Drive
 - iii) Regina Street between Stanley Street and Memorial Drive
 - iv) Stanley Street between Memorial Drive and Regina Street with the abovementioned being subject to the provision of access passes as well as information to businesses and residents in the affected area, and the erection of appropriate signage, barricades and control gates by the North Bay Heritage Festival Management Committee.

- d) The Waterfront Parking Lots be closed from 8:00 a.m. on Tuesday, August 1, 2006 until 4:00 p.m. on Tuesday, August 8, 2006, subject to the provision of an alternate parking location for marina tenants by the North Bay Heritage Festival Management Committee, as defined in Attachment 4 to Report CSBU 2006-27.
- e) A temporary exclusion to Section D, Regulation #3B of the Municipal Alcohol Policy (Attachment 5 to Report CSBU 2006-27) be approved, allowing the establishment of two (2) licensed areas to serve alcohol from Friday, August 4, 2006 up to and inclusive of Monday, August 7, 2006 from 11:00 a.m. to midnight in conjunction with the event at the location as defined in Attachment 6 to Report CSBU 2006-27.
- f) Having approved Recommendation 1 granting permission to hold the public celebration known as the 2006 North Bay Heritage Festival, 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, as defined in Attachment 7 to Report CSBU 2006-27.

All of which is respectfully submitted.

ASSENTS
MENDICINO
ANTHONY
MAROOSIS
FEDELI

DISSENTS

Res. #2006-114a: Moved by Councillor Vaillancourt, seconded by Councillor Chirico That Engineering & Works Committee Report No. 2006-02 be amended to delete Section 5(h).

“LOST”

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

Yeas: Councillors Vaillancourt, Mendicino, Chirico

Nays: Councillors Boldt, Koziol, Campbell, Bain, Maroosis, Graham, Anthony, Mayor Fedeli

Res. #2006-114b: Moved by Councillor Koziol, seconded by Councillor Bain That Engineering & Works Committee Report No. 2006-02 relating to:

- Pesticide By-Law

be adopted as presented.

“CARRIED”

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

Yeas: Councillors Boldt, Bain, Koziol, Maroosis, Mendicino, Campbell, Graham, Vaillancourt, Mayor Fedeli

Nays: Councillors Anthony, Chirico

ENGINEERING & WORKS COMMITTEE REPORT NO. 2006-02

February 27, 2006

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

Your Worship and Councillors:

The Engineering & Works Committee presents Report No. 2006-02 and recommends:

1. That a) Pesticide By-Law No. 2005-03 be amended as follows:

i) under EXEMPTIONS Section 3(a) (vii) be amended from:

“to maintain a golf course in accordance with Integrated Pest Management practices”

to:

“to maintain a golf course green, fairway or tee”

ii) under EXEMPTIONS Section 3(b) be amended from:

“Notwithstanding the exemptions contained in Section 3(a) (vi) (infestation) and 3(a) (v) (health hazard), no person shall apply a pesticide within 15 metres (45 feet) of lakes, rivers or streams when it is raining or forecast to rain or when wind velocity is blowing more than 11 kilometres per hour”

to:

(i) “Notwithstanding the exemptions contained in Sections 3(a) (iv) (infestations) and 3(a) (v) (health hazards), no person shall apply a pesticide within 30 metres (98 feet) of lakes, rivers and streams”

(ii) “Notwithstanding the exemptions contained in Sections 3(a) (iv) (infestations) and 3(a) (v) (health hazards), no person shall apply a pesticide when it is raining or forecast to rain, or when wind velocity is stronger than 11 kilometres per hour”

iii) Schedule “A” to By-Law No. 2005-03, Class C Sites be amended from:

“- environmentally sensitive areas (including lawn and gardens within 15 metres of a lake or flowing river or stream)”

to:

“- environmentally sensitive areas (including lawns and gardens within 30 metres of a lake or flowing river or stream)”

iv) Schedule “A” to By-Law No. 2005-03, “Weed Thresholds Based on Site Classifications” table be amended as follows:

Class A - Action/Threshold be amended from:

“From 10-15% weed coverage by area or 5 broadleaf plants per m²”

to:

“From 20-30% weed coverage by area or 10 broadleaf weeds per m²”

Class B - Action/Threshold be amended from:

“From 20-50% weed coverage by area or 15 broadleaf plants per m²”

to:

“From 40-100% weed coverage by area or 30 broadleaf weeds per m²”

Class C - Action/Threshold be amended from”

“Greater than 50% weed coverage by area or 20 broadleaf plants per m²”

to:

“100% weed coverage by area or 40 broadleaf weeds per m²”

- v) under EXEMPTIONS, Section 3, that the following sections be added:
 - g) An applicator using a pesticide product, if the application is made for the purposes as indicated in Section 3(a) (iv) or 3(a) (v) shall immediately post a Warning sign in a conspicuous location on the treated property which is to remain for a 24-hour period after posting. The following information shall be clearly marked on the sign:
 - (i) Warning of pesticide use;
 - (ii) Type of pesticide used;
 - (iii) Type of pest being controlled;
 - (iv) The date and time the sign was posted; and
 - (v) The date the lawn was treated.
 - h) Any retailer within the City of North Bay that sells a product that contains a pesticide shall place a Notice sign in a conspicuous location at the point-of-sale which alerts all purchasers that the City of North Bay has restricted use and placed notification requirements on lawn and garden products containing a pesticide and used within the corporate limits of the City of North Bay;
- vi) Schedule “A” to By-Law No. 2005-03, Class B Sites be amended by adding:
 - golf course roughs
- b) Council provide direction to the Engineering and Environmental Services Department regarding support funding for this program.

All of which is respectfully submitted.

ASSENTS
KOZIOL
BAIN
CAMPBELL
FEDELI

DISSENTS

Res. #2006-115: Moved by Councillor Mendicino, seconded by Councillor Anthony That the recommendation from the Planning Advisory Committee regarding the rezoning application by Paul Goodridge on behalf of Menalon Properties Inc. - Airport Road, be referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

Res. #2006-116: Moved by Councillor Mendicino, seconded by Councillor Anthony That the recommendation from the Planning Advisory Committee regarding the rezoning application by Deborah Norwood and Peter Atkinson - 702 High Street be referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

Res. #2006-117: Moved by Councillor Mendicino, seconded by Councillor Anthony That the recommendation from the Planning Advisory Committee regarding the rezoning application by Goodridge Planning Solutions on behalf of Maurice and Doris Barre - Carmichael Drive be referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

Res. #2006-118: Moved by Councillor Chirico, seconded by Councillor Boldt That 1) Report to Council No. CORP 2006-27 be received; and
2) Council authorize a by-law to provide for advance votes to be held prior to Voting Day and to provide for reduced hours of voting in Institutions and Retirement Homes as set out in Report to Council No. CORP 2006-27.

“CARRIED”

Res. #2006-119: Moved by Councillor Mendicino, seconded by Councillor Anthony That City Council appoint the City’s Parks Supervisor as Municipal Weed Inspector for 2006, and that the City Clerk be authorized to prepare the appropriate by-law to the City’s Parks Supervisor as the Municipality’s Weed Inspector for 2006 and submit the name of the Municipal Weed Inspector to the Provincial Chief Inspector before April 1st, of this year.

“CARRIED”

Res. #2006-120: Moved by Councillor Chirico, seconded by Councillor Boldt That accounts totaling \$7,534,535.23 for January 2006 be approved.

“CARRIED”

Res. #2006-121: Moved by Councillor Mendicino, seconded by Councillor Anthony That 1) North Bay City Council approve a contract be issued to Superior Safety Inc. in the amount of \$223,094.23 (taxes extra) for the supply of a Self-Contained Breathing Apparatus Program;
2) a Capital Expenditure By-Law be prepared to authorize the 2006 Fire Vehicle and Equipment Program (Capital Project No. 85), at a net debenture cost of \$280,000.00; and

- 3) the Chief Financial Officer be authorized to transfer up to \$56,000.00 from the Fire Training and Equipment Reserve Fund to be applied to the purchase.

“CARRIED”

Res. #2006-122: Moved by Councillor Mendicino, seconded by Councillor Anthony That the rezoning application by Rick Miller on behalf of 1038634 Ontario Inc. - Duke Street West be received.

“CARRIED”

Res. #2006-123: Moved by Councillor Chirico, seconded by Councillor Boldt That North Bay City Council approve the award of a contract to Schindler Elevator Corporation in the amount of \$207,812.00 (excluding taxes), for the modernization of both elevators at North Bay City Hall.

“CARRIED”

Res. #2006-124: Moved by Councillor Mendicino, seconded by Councillor Anthony That

- 1) the Condominium Application by Daryl Duguay (2025791 Ontario Inc. - Larson Contracting) on the property described as Lots 4 to 10, 113, 114 and 186, Plan M-165, Lots 101 to 103, and Lot 10-5, Plan M-186 and Lots 41 and 44, Plan M-45, requesting an exemption from Section 51 of the *Planning Act* to grant Draft Approval of a Plan of Condominium, as represented on the attached plan (as shown on Schedule B to Report No. CSBU 2006-33), subject to the conditions contained in Appendix “A” to Report No. CSBU 2006-33 dated February 20, 2006 be approved; and
- 2) the Owner enter into a Condominium Agreement with the City of North Bay to address site servicing, lot grading, paving, fire protection and landscaping.

“CARRIED”

Councillor Boldt declared a conflict of interest on the above matter as she acts as an agent in an action against Mr. Duguay.

Res. #2006-125: Moved by Councillor Mendicino, seconded by Councillor Anthony That

- 1) the Condominium Application by Rick Miller on behalf of 720644 Ontario Inc. on the property described as Concession C, Part Lot 22, Plan 15, Lots 3 to 6, requesting an exemption from Section 51 of the *Planning Act* to grant Draft Approval of a Plan of Condominium, as represented on the attached plan (as shown on Schedule B to Report No. CSBU 2006-28), subject to the conditions contained in Appendix “A” to Report No. CSBU 2006-28 dated February 16, 2006, be approved; and
- 2) the Owner enter into a Condominium Agreement with the City of North Bay prior to site development to address site servicing, lot grading, stormwater management, building location, fire protection, and the completion of Record of Site Condition.

“CARRIED”

Res. #2006-126: Moved by Councillor Chirico, seconded by Councillor Boldt
That the following by-law be read a first and second time:

By-Law No. 2006-38 to establish rates and charges for the supply of water and sanitary sewer.

“CARRIED”

Res. #2006-127: Moved by Councillor Chirico, seconded by Councillor Boldt
That the following by-law be read a third time and passed:

By-Law No. 2006-38 to establish rates and charges for the supply of water and sanitary sewer.

“CARRIED”

Res. #2006-128: Moved by Councillor Chirico, seconded by Councillor Boldt
That the following by-laws be read a first and second time:

By-Law No. 2006-15 to authorize user fees for the North Bay Fire Department.

By-Law No. 2006-43 to authorize the Milani Road Watermain Reconstruction Project.

By-Law No. 2006-48 to execute an Agreement with Her Majesty the Queen in Right of Ontario as represented by the Minister of Community Safety and Correctional Services and the North Bay Police Services Board relating to the Safer Communities - 1,000 Officers Partnership Program.

“CARRIED”

Res. #2006-129: Moved by Councillor Chirico, seconded by Councillor Boldt
That the following by-laws be read a third time and passed:

By-Law No. 2006-15 to authorize user fees for the North Bay Fire Department.

By-Law No. 2006-43 to authorize the Milani Road Watermain Reconstruction Project.

By-Law No. 2006-48 to execute an Agreement with Her Majesty the Queen in Right of Ontario as represented by the Minister of Community Safety and Correctional Services and the North Bay Police Services Board relating to the Safer Communities - 1,000 Officers Partnership Program.

“CARRIED”

Res. #2006-130: Moved by Councillor Mendicino, seconded by Councillor Anthony
That the following by-laws be read a first and second time:

By-Law No. 2006-45 being Official Plan Amendment No. 102 (Marshall Park Developments Ltd. - Booth Road).

By-Law No. 2006-46 to rezone certain lands on Booth Road (Marshall Park Developments Ltd.).

“CARRIED”

Res. #2006-131: Moved by Councillor Mendicino, seconded by Councillor Anthony
That the following by-laws be read a first and second time:

By-Law No. 2006-25 to authorize user fees under the *Planning Act*.

By-Law No. 2006-47 to designate a Site Plan Control Area on certain
lands on Booth Road (Marshall Park Developments Ltd.).

“CARRIED”

Res. #2006-132: Moved by Councillor Mendicino, seconded by Councillor Anthony
That the following by-laws be read a third time and passed:

By-Law No. 2006-25 to authorize user fees under the *Planning Act*.

By-Law No. 2006-47 to designate a Site Plan Control Area on certain
lands on Booth Road (Marshall Park Developments Ltd.).

“CARRIED”

Res. #2006-133: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-law be read a first and second time:

By-Law No. 2006-24 being the Waste Management By-Law.

“CARRIED”

Res. #2006-134: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-law be read a third time and passed:

By-Law No. 2006-24 being the Waste Management By-Law.

“CARRIED”

Res. #2006-135: Moved by Councillor Anthony, seconded by Councillor Graham
WHEREAS asphalt and concrete costs are seen to have risen in the City
of North Bay;

AND WHEREAS local staff indicates such costs appear to be
disproportionate to the costs of similar substances in other cities,
specifically Northern Ontario cities;

AND WHEREAS these costs had dramatic effect on our water and sewer
budgeting results for the year 2005, and are expected to do so again in
2006;

BE IT THEREFORE RESOLVED that the Chief Administrative Officer be
directed to report to Council on potential alternatives or adjustments to
our current purchase process; as well as our current usage of
materials such as asphalt and concrete. Topics for investigation should
include:

- (1) whether any savings might occur through purchasing raw
materials but having municipal staff implement its usage "in-
house";
- (2) costs of acquiring product elsewhere;
- (3) cost enhancements in joining with smaller townships and
municipalities to purchase in bulk; if they too are experiencing
rising costs;

- (4) any new technologies that could result in savings through better re-use or refinement of materials like asphalt debris

AND BE IT FURTHER RESOLVED THAT the results of this report be presented by July 24, 2006 for information purposes and consideration prior to the budget process for 2007.

“CARRIED”

Res. #2006-136:

Moved by Councillor Bain, seconded by Councillor Boldt
WHEREAS the Waste Diversion Organization for Ontario has recommended that Municipalities in Ontario be mandated to achieve 60% waste diversion;

AND WHEREAS 60% waste diversion can only be met by diverting and processing organic waste separately from other waste categories,

AND WHEREAS organic waste collection/processing is estimated to cost \$45 per capita, which in North Bay’s case would add an annual tax burden of \$1,000,000 (not including capital costs),

AND WHEREAS it is still possible to find and commission new landfills in Northern Ontario,

AND WHEREAS the City of North Bay is planning to and is investing in the harvesting of landfill gas which is dependant on organics being present in the waste,

AND WHEREAS organic separation may attract wildlife (including bears) and vermin into residential areas,

AND WHEREAS outdoor organic processing may also attract wildlife and vermin into residential areas,

AND WHEREAS organic separation discourages back yard composting,

BE IT THEREFORE RESOLVED THAT Northern Ontario be exempt from participating in Waste Diversion Programs that would result in the separation of organics from regular waste collection and disposal.

“CARRIED”

Res. #2006-137:

Moved by Councillor Chirico, seconded by Councillor Boldt
That Council adjourn in-camera to discuss litigation matter #12 and property matters #13 to #15 inclusive.

“CARRIED”

Res. #2006-138:

Moved by Councillor Koziol, seconded by Councillor Bain
That 1) Council confirm the retainer of John Hubble, of Loopstra Nixon, to act in defence of the claim filed by JCJ Contracting Ltd. concerning the landfill and to pursue the City’s Counterclaim; and

- 2) the costs of such retainer be charged to the landfill tipping fees reserve.

“CARRIED”

Res. #2006-139: Moved by Councillor Chirico, seconded by Councillor Boldt
That the City Solicitor be authorized to apply for an Order to have the
City entered as Owner of any road allowance lands which remain in the
name of John Ferguson or Jeannie Ferguson.

“CARRIED”

Res. #2006-140: Moved by Councillor Chirico, seconded by Councillor Boldt
That Council consider a transfer of Part 7, Plan 36R-11960 to the
abutting owner, Sadie Resko, in order to improve an access issue for
nominal consideration only.

“CARRIED”

Res. #2006-141: Moved by Councillor Chirico, seconded by Councillor Mendicino
That this Meeting do now adjourn.

“CARRIED”

MAYOR VIC FEDELI

CITY CLERK CATHERINE CONRAD