

**MINUTES OF THE REGULAR MEETING  
OF CITY COUNCIL  
HELD MONDAY, JANUARY 27<sup>TH</sup>, 2003**

**PRESENT:** Mayor Burrows, Councillors Bennett, Kidd, Chirico, Campbell, Anthony, Church, Boldt, Maroosis, Handley

**CORRESPONDENCE:**

Aird & Berlis, Barristers & Solicitors	re McNulty Distribution Inc., 400 Kirkpatrick Street	(57)
Baldasaro, Peter	re Rezoning application by Don & Ferne Odorizzi, Carmichael Drive	(47)
Kiwanis Club of Nipissing	re Temporary road closure - North Bay Triathlon	(49)
Miller, Rick	re Rezoning application by Metz Furniture Ltd., Eloy Road & Gormanville Road	(48)
Royal Canadian Legion, Branch 23	re 2003 Poppy Campaign and Tag Day	(55)

**REPORTS FROM OFFICERS:**

Baker, B.R.	re Temporary road closure - North Bay Triathlon	(49)
Baker, B.R.	re Proposal for revised pricing for sale of bulk water for 2003, Public Works Yard	(51)
Bullock, P.	re NOHFC - Leachate Management Program at the Merrick Landfill Site	(53)
Burke, M.B.	re SSRA Peer Review	(54)
Burke, M.B.	re Airport Operating Agreement	(56)
Burke, M.B.	re McNulty Distribution Inc., 400 Kirkpatrick Street	(57)
Burke, M.B.	re Oak Street West proposals	(75)
Kilgour, I.G.	re Comprehensive Review of City of North Bay Zoning By-Law 28-80	(58)
Kilgour, I.G.	re Proposed Zoning By-Law amendment by the City of North Bay - former Rail Lands	(59)
Kilgour, I.G.	re Laneway Closure Application by 862399 Ontario Inc. and 900399 Ontario Inc. Lakeshore Drive	(60)
Roger, B.A.	re <i>Municipal Act</i> 2001 - Interest on Tax Overpayments	(50)
Simmonds, J.C.	re Schedule for Value Engineering process to select the method of water filtration	(52)

**Res. #2003-41:** Moved by Councillor Boldt, seconded by Councillor Handley  
That the minutes for the meeting held:

- Monday, November 4, 2002

be adopted as presented.

"CARRIED"

**Res. #2003-42:** Moved by Councillor Bennett, seconded by Councillor Kidd  
That General Government Committee Report No. 2003-01 relating to:

- the Rail Relocation costs

be adopted as presented.

**GENERAL GOVERNMENT COMMITTEE REPORT NO. 2003-01**

January 27, 2003

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

Your Worship and Councillors:

The upon the recommendation of the Rail Renegotiation Committee, the General Government Committee presents Report No. 2003-01 and recommends:

1. That
  - a) Council accept the settlement of the Rail Relocation costs by a reduction of the final invoice from \$1,032,940 to \$689,940 together with the transfer of an additional 0.544 acres from Canadian Pacific to the City, as is, for \$1.00; and
  - b) a debenture by-law be presented for consideration in the amount of \$491,613, to be applied to the 2002 Capital Budget.

All of which is respectfully submitted.

ASSENTS  
BENNETT  
KIDD  
CHIRICO

DISSENTS

Res. #2003-43: Moved by Councillor Handley, seconded by Councillor Boldt  
That General Government Committee Report No. 2003-02 relating to Smoke Free By-Law be amended by extending the effective date to December 31, 2004 for all Bingo Halls.

“LOST”

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

Yeas: Councillors Handley, Boldt

Nays: Councillors Maroosis, Church, Anthony, Campbell, Chirico, Kidd, Bennett, Mayor Burrows

Res. #2003-44: Moved by Councillor Bennett, seconded by Councillor Kidd  
That General Government Committee Report No. 2003-02 relating to:

- the Smoke Free By-Law

be adopted as presented.

“CARRIED”

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

Yeas: Councillors Maroosis, Church, Anthony, Campbell, Chirico, Kidd, Bennett, Mayor Burrows

Nays: Councillors Handley, Boldt

**GENERAL GOVERNMENT COMMITTEE REPORT NO. 2003-02**

January 27, 2003

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2003-02 and recommends:

1. That
  - a) Smoke Free By-Law No. 2003-05 be amended after first reading to:
    - (i) amend the definition of "workplace" to include "but does not include an outdoor patio or a street, road or highway";
    - (ii) amend section 2.1 to read "No person shall smoke in any workplace";
    - (iii) amend section 3.1 to read "No person shall smoke in any public place";
    - (iv) amend the Effective Date to read "December 31, 2003;
  - b) the amended By-Law be brought forward for second and third readings on January 27, 2003; and
  - c) a Task Force be established to monitor the impact of the Smoke Free By-Law.

All of which is respectfully submitted.

ASSENTS  
BENNETT  
KIDD  
CHIRICO

DISSENTS

Res. #2003-45: Moved by Councillor Church, seconded by Councillor Boldt  
That Community Services Committee Report No. 2003-01 relating to:

- Trout Lake Site Plan Control Agreements

be adopted as presented.

"CARRIED"

**COMMUNITY SERVICES COMMITTEE REPORT NO. 2003-01**

January 27, 2003

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2003-01 and recommends:

1. That Council request the Province to amend the Planning Act to allow for the pressing of charges where a property owner is not in compliance with a Site Plan Control Agreement.

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All of which is respectfully submitted.

ASSENTS  
CHURCH  
ANTHONY  
BOLDT

DISSENTS

Res. #2003-46: Moved by Councillor Handley, seconded by Councillor Maroosis  
That Engineering & Works Committee Report No. 2003-03 relating to:

- the *Sustainable Water and Sewage Systems Act, 2002*; and
- the *Safe Drinking Water Act, 2002*

be adopted as presented.

“CARRIED”

**ENGINEERING & WORKS COMMITTEE REPORT NO. 2003-03**

January 27, 2003

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

Your Worship and Councillors:

The Engineering & Works Committee presents Report No. 2003-03 and recommends:

1. That Report No. EES 2003-02 relating to the *Sustainable Water and Sewage Systems Act, 2002*, be referred to the 2003 budget process for consideration of enhancements required to comply with that *Act* (Bill 175).
2. That
  - a) Report No. EES 2003-01 relating to the *Safe Drinking Water Act, 2002* be referred to the 2003 budget process for consideration of enhancements required to comply with that *Act* (Bill 195); and
  - b) the City Solicitor prepare a report on the issue of staff and Council liabilities as they relate to the *Safe Drinking Water Act, 2002*.

All of which is respectfully submitted.

ASSENTS  
HANDLEY  
MAROOSIS  
CAMPBELL

DISSENTS

Res. #2003-47: Moved by Councillor Church, seconded by Councillor Boldt  
That the rezoning application by Peter Baldasaro on behalf of Don & Ferne Odorizzi, Carmichael Drive be received.

“CARRIED”

Res. #2003-48: Moved by Councillor Church, seconded by Councillor Boldt  
That the rezoning application by Rick Miller on behalf of Metz Furniture Ltd., Eloy Road & Gormanville Road be received.

“CARRIED”

Res. #2003-49: Moved by Councillor Handley, seconded by Councillor Maroosis  
That the following temporary road closures be implemented on Sunday, 6 July 2003, for the purpose of staging a North Bay Triathlon, which is being organized by the Kiwanis Club of Nipissing:

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1. Lakeside Drive, from Lavase Road to Sage Road, between the hours of 8:00 a.m. to 1:00 p.m.; and
2. Lees Road, from Trout Lake Road to Tower Drive, between the hours of 9:30 a.m. and 12:30 p.m., with provisions being made to accommodate local traffic only.

“CARRIED”

Res. #2003-50: Moved by Councillor Bennett, seconded by Councillor Kidd  
That Report CORP 2003-01 dated January 7, 2003 from the Director of Financial Services entitled “*Municipal Act, 2001 - Interest on Tax Overpayments*” be received.

“CARRIED”

Res. #2003-51: Moved by Councillor Handley, seconded by Councilor Maroosis  
That the recommendation of the Managing Director of Public Works & Services dated 20 January 2003, proposing a revision in pricing for the sale of bulk water from the Franklin Street Public Works Yard for 2003 be approved.

“CARRIED”

Res. #2003-52: Moved by Councillor Handley, seconded by Councillor Maroosis  
That North Bay City Council be invited to attend the final presentation of the Value Engineering Workshop to determine the preferred water filtration methodology complete with optimization savings scheduled 1:00 p.m. February 5<sup>th</sup>, 2003 in the Council Chambers.

“CARRIED”

Res. #2003-53: Moved by Councillor Handley, seconded by Councillor Maroosis  
That

- 1) City Council acknowledges that the Northern Ontario Heritage Fund Corporation will not be responsible for any cost overruns that may be incurred in completing the Leachate Management program at the City’s Merrick Landfill Site;
- 2) the City of North Bay shall commit and fund its \$1,477,000 share to complete the Leachate Management Program at the Merrick Landfill Site; and
- 3) this resolution shall be forwarded to the Northern Ontario Heritage Fund Corporation.

“CARRIED”

Res. #2003-54: Moved by Councillor Bennett, seconded by Councillor Kidd  
That Council authorize the City Engineer to retain Angus Environmental to carry out the required Peer Review of the Rail Lands Site Specific Risk Assessment at a cost up to \$10,000.00.

“CARRIED”

Res. #2003-55: Moved by Councillor Bennett, seconded by Councillor Kidd  
That 1) Council approve November 2<sup>nd</sup>, 2003 (Sunday) for the House-to-House distribution of Poppies; and  
2) November 8<sup>th</sup>, 2003 (Saturday) for Tag Day.

“CARRIED”

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Res. #2003-56: Moved by Councillor Bennett, seconded by Councillor Kidd  
That Council authorize the CAO to execute on Interim Airport Operating Agreement as outlined in the Report of the City Solicitor in Corporate Services Report No. 2003-09.

“CARRIED”

Res. #2003-57: Moved by Councillor Bennett, seconded by Councillor Kidd  
That the request for the taxes on McNulty Distribution Inc. at 400 Kirkpatrick Street be written off as uncollectable, be denied.

“CARRIED”

Councillor Chirico declared a conflict of interest on the above matter as McNulty Distribution Ltd. is a client.

Res. #2003-58: Moved by Councillor Church, seconded by Councillor Boldt  
That the Comprehensive Review of the City of North Bay Zoning By-Law No. 28-80 be received and referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

Res. #2003-59: Moved by Councillor Church, seconded by Councillor Boldt  
That the proposed Zoning By-Law Amendment by the City of North Bay - former Rail Lands be received and referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

Res. #2003-60: Moved by Councillor Church, seconded by Councillor Boldt  
That 1) the application by 862399 Ontario Inc. (Wayne Lowe) and 900399 Ontario Inc. (Mike Gibb) to close a laneway abutting Lots 33, 34, 68 and 69, Plan M-210 be approved;

2) the closure and sale of the laneway be subject to the granting of any required easements for utility purposes; and

3) the Chief Administrative Officer be authorized by Council to initiate Norman closure procedures for the subject laneway.

“CARRIED”

Res. #2003-61: Moved by Councillor Bennett, seconded by Councillor Kidd  
That the following by-law be read a first time and referred to the General Government Committee:

By-Law No. 2003-10 to amend Procedural By-Law No. 127-97 (as it relates to the purchase and sale of real estate).

“CARRIED”

Res. #2003-62: Moved by Councillor Bennett, seconded by Councillor Kidd  
That the following by-laws be read a first time and second time:

By-Law No. 2003-02 to execute a Supplementary Financing Agreement with  
North Bay-Mattawa Conservation Authority.

By-Law No. 2003-09 to authorize the purchase of lands from the Royal Bank  
of Canada - 225 Mountainview Drive (Morbark).

“CARRIED”

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Res. #2003-63: Moved by Councillor Bennett, seconded by Councillor Kidd  
That the following by-laws be read a third time and passed:

By-Law No. 2003-02 to execute a Supplementary Financing Agreement with  
North Bay-Mattawa Conservation Authority.

By-Law No. 2003-09 to authorize the purchase of lands from the Royal Bank  
of Canada - 225 Mountainview Drive (Morbark).

“CARRIED”

Record of Vote (*Upon Request of Councillor Chirico*) relating to By-Law No. 2003-02

Yeas: Councillors Handley, Maroosis, Campbell, Kidd, Bennett, Mayor Burrows

Nays: Councillors Boldt, Church, Anthony, Chirico

Record of Vote (*Upon Request of Councillor Chirico*) relating to By-Law No. 2003-09

Yeas: Councillors Handley, Maroosis, Boldt, Church, Anthony, Campbell, Kidd, Bennett, Mayor  
Burrows

Nays: Councillors Chirico

Res. #2003-64: Moved by Councillor Bennett, seconded by Councillor Kidd  
That the following by-law be read a first time and second time:

By-Law No. 2003-08 to amend By-Law No. 1999-154, to authorize the  
investigation and design, property purchase and building construction, and rail  
relocation of the Canadian Pacific Rail Lands along the Waterfront.

“CARRIED”

Res. #2003-65: Moved by Councillor Bennett, seconded by Councillor Kidd  
That the following by-law be read a third time and passed:

By-Law No. 2003-08 to amend By-Law No. 1999-154, to authorize the  
investigation and design, property purchase and building construction, and rail  
relocation of the Canadian Pacific Rail Lands along the Waterfront.

“CARRIED”

Res. #2003-66: Moved by Councillor Bennett, seconded by Councillor Kidd  
That the following by-law be read a second time:

By-Law No. 2003-05, having been changed after first reading to regulate  
smoking in public places and workplaces in the City of North Bay.

“CARRIED”

Res. #2003-67: Moved by Councillor Bennett, seconded by Councillor Kidd  
That the following by-law be read a third time and passed:

By-Law No. 2003-05, having been changed after first reading to regulate smoking in public places and workplaces in the City of North Bay.

“CARRIED”

Res. #2003-68: Moved by Councillor Church, seconded by Councillor Boldt  
That the following by-law be read a first and second time:

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By-Law No. 2003-07 to execute a Fire Rescue Agreement with Nasittuq Corporation relating to the Short Range Development Site in Beaucage Township.

“CARRIED”

Res. #2003-69: Moved by Councillor Church, seconded by Councillor Boldt  
That the following by-law be read a third time and passed:

By-Law No. 2003-07 to execute a Fire Rescue Agreement with Nasittuq Corporation relating to the Short Range Development Site in Beaucage Township.

“CARRIED”

Res. #2003-70: Moved by Councillor Handley, seconded by Councillor Maroosis  
That the following by-law be read a first and second time:

By-Law No. 2003-06 to amend Traffic By-Law No. 131-93 and Traffic & Parking By-Law No. 2002-01.

“CARRIED”

Res. #2003-71: Moved by Councillor Handley, seconded by Councillor Maroosis  
That the following by-law be read a third time and passed:

By-Law No. 2003-06 to amend Traffic By-Law No. 131-93 and Traffic & Parking By-Law No. 2002-01.

“CARRIED”

Res. #2003-72: Moved by Councillor Maroosis, seconded by Councillor Boldt  
That the motion relating to revenues from Bingo Licenses be referred to the General Government Committee.

“CARRIED”

Res. #2003-73: Moved by Councillor Chirico, seconded by Councillor Kidd  
WHEREAS the Provincial Government has set out objectives regarding the service improvement strategy for the Ontario Northland Railway to include:

- Providing access to quality telecommunications
- Supporting and enhancing economic development
- Protecting current employment and fostering growth of new jobs
- Ensuring competitive pricing for customers, and
- Maintaining or enhancing service levels



AND WHEREAS the economic prosperity of many vendor companies based in North Bay and throughout the North depend on the valuable business from the ONTC and,

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of North Bay demand that Premier Ernie Eves and the Provincial Government,

- i) Honour their objectives in any future negotiations regarding the future of ONTC;
- ii) Ensure that there is long term sustainability for ONTC transportation and telecommunication jobs and business in North Bay and indeed throughout the North;

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- iii) Adhere to the promise made that no job losses will occur or be transferred as a result of the sale of the ONTC;
- iv) Release the original ISG and CN plans for public review and evaluation; and
- v) A copy of this resolution be forwarded to the Honourable Ernie Eves, the Honourable Jim Wilson, Al McDonald, M.P.P. Nipissing, Ontario Northland Transportation Commission, NEOMAG, NEOMA, FONOM, AMO, Chambers of Commerce in the region and the Economic Development Commissions in the region.

“CARRIED”

Councillor Campbell declared a conflict of interest on the above matter as her spouse is employed by Ontario Northland Transportation Commission.

Res. #2003-74: Moved by Councillor Bennett, seconded by Councillor Kidd  
That Council adjourn to an in-camera meeting to discuss a property matter.

“CARRIED”

Res. #2003-75: Moved by Councillor Bennett, seconded by Councillor Kidd  
That 1) Council accept the recommendation of the Rail Lands Advisory Committee of December 18, 2002 and invite Dalron Developments and the Empire Living Centre to make formal proposals to purchase and develop the Oak Street West parcels, to close on February 28, 2003, according to the conditions set out in the schedule attached to Report CORP 2003-04; and

2) the other proposals be declined and the proponents be thanked for their interest and be encouraged to pursue other opportunities within the City, and that the Uniroc site not be pursued for development at this time.

“CARRIED”

Councillor Chirico declared a conflict of interest on the above matter as the applicants are clients.

Res. #2003-76: Moved by Councillor Boldt, seconded by Councillor Handley  
That this meeting do now adjourn.

“CARRIED”

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MAYOR

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CITY CLERK

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