

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, OCTOBER 4TH, 2004**

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

CORRESPONDENCE:

North Bay Regional Health Centre	re Tender 2004-54, Reconstruction of Jane Street and Eloy Road Watermain	(689)
Papineau-Magill, Dian	re Resignation from North Bay & District Health Unit Board of Directors	(678)
Vuorimaki, Clinton	re Fence variance request - 178 Campbell Avenue	(684)

REPORTS FROM OFFICERS:

Burke, M.B.	re Fire Protection Agreement for the Union of Ontario Indians	(682)
Burke, M.B.	re Encroachment Agreement - Creative Learning, 181 Main Street West	(685)
Burke, M.B.	re Community Waterfront Friends Park Site Development and Landscaping	(686)
Burke, M.B.	re Fire Protection Agreement for Nipissing First Nation	(690)
Burke, M.B.	re <i>Municipal Act</i> 2001 Consultation Process	(693)
Burke, M.B.	re Settlement of A&P Taxes, 1999 - 2004	(703)
Burke, M.B.	re City sale to Nipissing Entertainment Inc.	(704)
Fry, M.	re Temporary road closure - Santa Claus Parade	(683)
Hall, B.	re Rezoning application - Little Down Lane	(676)
Hall, B.	re Rezoning application - North Bay Waterfront	(677)
Horsman, B.	re Fence variance request - 178 Campbell Avenue	(684)
Manning, J.	re Tender 2004-87, Metal wall cladding - Memorial Gardens	(679)
Manning, J.	re Tender 2004-147, Boiler upgrade	(680)
Manning, J.	re Tender 2004-140, Haulage of bulk road salt	(681)
Manning, J.	re Tender 2004-144, Lakeside Drive sanitary sewer	(688)
Manning, J.	re Tender 2004-129, Sale of vacant city land - 500 McGaughey Avenue	(702)
Municipal Accessibility Advisory Committee	re 2004 Update to Municipal Accessibility Plan	(687)
Rogers, B.A.	re Preliminary 2005 Capital Budget	(692)
Rushton, J.	re Renewal of Employee Group Benefit Plan Policies	(691)
Simmonds, J.C.	re Tender 2004-54, Reconstruction of Jane Street and Eloy Road Watermain	(689)

Res. #2004-670: Moved by Councillor Mason, seconded by Councillor Koziol
That minutes for the meetings held on:

- Monday, September 20, 2004; and
- Monday, September 27, 2004

be adopted as presented.

"CARRIED"

Res. #2004-671: Moved by Councillor Chirico, seconded by Councillor Bain
 That General Government Committee Report No. 2004-14 relating to:

- the 2005 Council and Standing Committees Meeting Schedule

be adopted as presented.

“CARRIED”

GENERAL GOVERNMENT COMMITTEE REPORT NO. 2004-14

October 4, 2004

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2004-14 and recommends:

1. That City Council adopt the “Council and Standing Committees Meeting Schedule” attached to Report to Council No. CORP 2004-134, dated September 14, 2004 for the scheduling of Regular Meetings of Council and its Standing Committees during 2005.

All of which is respectfully submitted.

ASSENTS
 CHIRICO
 BAIN
 VAILLANCOURT
 FEDELI

DISSENTS

Res. #2004-672a: Moved by Councillor Mendicino, seconded by Councillor Koziol
 That Community Services Committee Report No. 2004-24 relating to:

- Rezoning application by Renaissance Development Corporation - Third Avenue

be adopted as presented.

“CARRIED AS AMENDED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2004-24

October 4, 2004

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2004-24 and recommends:

1. That a) the proposed Zoning By-Law Amendment by Rick Miller, OLS on behalf of Renaissance Development Corporation, to rezone:

- i) Plan 79, Lots 8 to 15 (inclusive), Lots 24 to 27 (inclusive) Blocks E, F, G and Part of Block D and Lot 557 and Part Lot 558, Plan M-21 and Part of Sherbrooke Street and Plan 59, Lots 1, 2, 3, 4, 9 to 18 (inclusive), Blocks A, B and Part of Block C and Part of Fraser

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Street from a "Railway (MR)" zone to a "Residential Fifth Density (R5)" zone;

- ii) Part Lot 558, Lot 559, Plan M-21 and Lots 1, 2 and 3 and Part Lot 4, Plan M-20 from a "Railway (MR)" zone to a "Neighbourhood Commercial (C5)" zone;
- iii) Plan 79, Lots 18 to 23 (inclusive), Lots 28 to 31 (inclusive), Part Lots 36, 37, 38, 39 and Part of Sherbrooke Street from a "Railway (MR)" zone to a "Residential Third Density (R3)" zone
- iv) Plan M-59, Lots 29, 30 and Part of Lot 31, Lots 37 to 43 (inclusive) from a "Railway (MR)" zone to a "General Commercial Outer Core (C2)" zone

be approved; and

- b) those portions of the subject property being rezoned to a "General Commercial Outer Core (C2)" zone and a "Neighbourhood Commercial (C5)" zone be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O. as amended, to regulate lighting, parking, lot grading, stormwater management, landscaping, building location and fencing.

All of which is respectfully submitted.

ASSENTS
MENDICINO
KOZIOL
MAROOSIS
FEDELI

DISSENTS

Res. #2004-672b: Moved by Councillor Mendicino, seconded by Councillor Koziol That Community Services Committee Report No. 2004-24 be amended to include the following:

"c) That the Chief Administrative Officer be asked to report on the negotiation of an agreement with the applicant for the removal of the former Canadian National Railway trestles, prior to the third reading of the Rezoning By-Law."

"CARRIED"

Res. #2004-673: Moved by Councillor Mendicino, seconded by Councillor Koziol That Community Services Committee Report No. 2004-25 relating to:

- rezoning application by D.J. Venasse Construction (1988) Ltd., 690 McKeown Avenue

be adopted as presented.

"CARRIED"

COMMUNITY SERVICES COMMITTEE REPORT NO. 2004-25

October 4, 2004

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

Your Worship and Councillors:

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The Community Services Committee presents Report No. 2004-25 and recommends:

1. That the proposed Zoning By-Law Amendment by Rick Miller on behalf of D.J. Venasse Construction (1988) Limited to rezone Concession "C", Part Lot 22, Plan 36R-9826, Parts 1, 2 and 3 (690 McKeown Avenue) from an "Industrial Commercial Special Zone No. 15 (MC Sp.15)" to a "District Commercial (C4)" zone be approved.

All of which is respectfully submitted.

ASSENTS
MENDICINO
KOZIOL
MAROOSIS
FEDELI

DISSENTS

Res. #2004-674: Moved by Councillor Mason, seconded by Councillor Boldt
That Engineering & Works Committee Report No. 2004-17 relating to:

- the supply of highway coarse bulk salt

be adopted as presented.

"CARRIED"

ENGINEERING & WORKS COMMITTEE REPORT NO. 2004-17

October 4, 2004

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

Your Worship and Councillors:

The Engineering & Works Committee presents Report No. 2004-17 and recommends:

1. That North Bay City Council approve that a contract be issued to Sifto Canada Inc. in the estimated amount of \$566,400.00 (taxes inc). for the supply of highway coarse bulk salt on an as and when requested basis from the date of contract to April 30, 2005.

All of which is respectfully submitted.

ASSENTS
MASON
BOLDT
CAMPBELL
FEDELI

DISSENTS

Res. #2004-675: Moved by Councillor Bain, seconded by Councillor Mason
That Striking Committee Report No. 2004-09 relating to:

- appointment to North Bay & District Health Unit Board of Directors

be adopted as presented.

STRIKING COMMITTEE REPORT NO. 2004-09

October 4, 2004

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

Your Worship and Councillors:

The Striking Committee presents Report No. 2004-09 and recommends as follows:

1. That Councillor Judy Koziol be appointed to the North Bay & District Health Unit Board of Directors to fill the unexpired term of Dian Papineau-Magill.

All of which is respectfully submitted.

Res. #2004-676: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the rezoning application by the City of North Bay - Little Down Lane be received.

"CARRIED"

Res. #2004-677: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the rezoning application by the City of North Bay - North Bay Waterfront be received.

"CARRIED"

Res. #2004-678: Moved by Councillor Chirico, seconded by Councillor Bain
That the resignation of Dian Papineau-Magill from the North Bay & District Health Unit be accepted with regret and Ms. Papineau-Magill be thanked for her involvement on this board.

"CARRIED"

Res. #2004-679: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the North Bay City Council approve the award of a contract to Industrial Cladding (2000) Ltd. in the amount of \$89,245.00 (taxes inc.) to replace the metal wall cladding at Memorial Gardens.

"CARRIED"

Res. #2004-680: Moved by Councillor Mason, seconded by Councillor Boldt
That the North Bay City Council approve a contract be issued to Meltnorth Boiler Services Inc. in the estimated amount of \$82,045.32 (GST inc.) to upgrade three portable steam boilers.

"CARRIED"

Res. #2004-681: Moved by Councillor Vaillancourt, seconded by Councillor Bain
That the report from J. Manning/B.A. Rogers dated September 22, 2004 re Tender 2004-140, Haulage of bulk road salt be referred to the Engineering & Works Committee.

“CARRIED”

Res. #2004-682: Moved by Councillor Chirico, seconded by Councillor Bain
That Council authorize a Fire Protection Service Agreement with the Union of Ontario Indians and the Anishinabek Nation Management Group Inc. to provide fire fighting response to the five Union of Ontario

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Indians buildings at Lot 5, Concession B, on the north side of Highway 17 West.

“CARRIED”

Res. #2004-683: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the Santa Claus Parade Committee be granted road closures on November 21, 2004 at the following locations:

- from approximately 9:00 a.m. - 12:00 p.m. on Chippewa Street from Cassells Street to Cite des Jeunes
- from approximately 9:00 a.m. - 12:00 p.m. on High Street from Princess Street to Olive Street; and;
- from approximately 11:30 a.m. - 1:30 p.m. on Main Street from Cassells Street to Foran Street.

“CARRIED”

Res. #2004-684: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Council authorize a variance to Fence By-Law 2002-105 to allow the construction of a 6' vertical board fence running parallel to Campbell Avenue from the existing house to 18'6" southerly towards Gertrude Street, then 90 degrees easterly parallel to Gertrude Street for approximately 59' to a point occupied by a large tree approximately 8' east of the new shed and approximately 12' from the edge of the new driveway. At this point the fence shall reduce to a maximum of 4' in height or alternatively, turn the 6' fence 90 degrees northerly to a line projecting the front face of garage which would intersect the alternate 6' fence. The property adjacent to the new garage area has an existing fence approximately 5' in height adjacent to the new driveway then turns 90 degrees and continues at 6' in height adjacent to Gertrude Street. This fence does not conform to Fence By-Law 2002-105 and the owner of the property will be duly notified to remedy the non-conformance.

“CARRIED”

Res. #2004-685: Moved by Councillor Chirico, seconded by Councillor Bain
That Council authorize an Encroachment Agreement for Creative Learning at 181 Main Street West.

“CARRIED”

Res. #2004-686: Moved by Councillor Chirico, seconded by Councillor Bain
That the City of North Bay apply, in partnership with the Community Waterfront Friends, to the Northern Ontario Heritage Fund for \$1,000,000.00 and to FedNor for \$500,000.00 for the next phase required to advance the waterfront redevelopment for landscaping and site development costs.

“CARRIED”

Res. #2004-687: Moved by Councillor Chirico, seconded by Councillor Bain

- That
- 1) Resolution No. 1 from the Municipal Accessibility Advisory Committee be received and referred to the General Government Committee to be considered as part of the 2005 budget process; and
 - 2) copies of the report be forwarded to all departments for review and consideration.

“CARRIED”

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Res. #2004-688:

Moved by Councillor Mason, seconded by Councillor Boldt

- That
- 1) North Bay City Council approve the award of a contract to Pedersen Construction in the amount of \$219,617.50 (GST inc.) for the construction of the Lakeside Drive Sanitary Sewer;
 - 2) the award of the tender be subject to receipt of signed agreements with the funding partners and approval be received from Ontario Realty Corporation for an easement over Ministry of Natural Resources lands;
 - 3) a Capital By-Law be prepared for consideration by City Council to authorize the Lakeside Drive Sanitary Sewer at a net debenture cost of \$110,000.00; and
 - 4) the City Solicitor be given approval to pursue the release of the old lakebed property required for the installation of the works.

“CARRIED”

Res. #2004-689:

Moved by Councillor Mason, seconded by Councillor Boldt

- That
- 1) Tender 2004-54 for the reconstruction of Jane Street and Eloy Road watermain be rescinded and that the work be re-tendered in the future when confirmation of funding of the North Bay Regional Health Centre's share has been received;
 - 2) Report No. EES 2004-54 dated September 29, 2004 from John C. Simmonds, P. Eng., City Engineer be forwarded to J. Roger Marleau, Chair, Joint Executive Committee, N.B.R.A.H.C. for information; and
 - 3) a copy of the report be forwarded to Ms. Monique Smith, MPP for the District of Nipissing.

“CARRIED”

Res. #2004-690:

Moved by Councillor Chirico, seconded by Councillor Bain

- That Council
- 1) approve a Fire Protection Service Agreement for the Nipissing First Nation for the residential properties and the commercial/industrial properties owned by the Band; and
 - 2) in the absence of satisfactory payment agreements terminate fire protection service to the privately owned commercial/industrial buildings on the Reserve lands as of January 1, 2005.

“CARRIED”

Res. #2004-691:

Moved by Councillor Chirico, seconded by Councillor Bain

- That
- 1) the City's insured group benefit plans; Basic Life Insurance, Accidental Death & Dismemberment, Long Term Disability, Deluxe Travel and Vision Care; currently underwritten by the

Co-Operators and Maritime Life Health Insurance Companies be renewed, effective October 1st, 2004 with no required rate increase as outlined in a recent report from Mosey & Mosey Benefit Plan Consultants; and

- 2) the District of Nipissing Social Services Administrative Board (DNSSAB) continue to be included in The City's ASO underwriting arrangement on the condition that DNSSAB's claims experience has no impact on the City's costs of

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liabilities and that year end accounting would determine the respective surplus or deficit of each account.

"CARRIED"

Res. #2004-692: Moved by Councillor Chirico, seconded by Councillor Bain
That the Preliminary 2005 Capital Budget be received and referred to the General Government Committee.

"CARRIED"

Res. #2004-693: Moved by Councillor Chirico, seconded by Councillor Bain
That cities in Northern Ontario be allowed by regulation to declare that certain provisions in section 106 of the *Municipal Act, 2001* regarding economic development shall not apply so long as any such actions otherwise meet the standards of procedure and transparency under the *Municipal Act, 2001*.

"CARRIED"

Res. #2004-694: Moved by Councillor Chirico, seconded by Councillor Bain
That the following by-laws be read a first and second time:

By-Law No. 2004-158 to stop up, close and convey a portion of a laneway bounded by Beattie Street, Oakwood Avenue, Browning Street and Maplewood Avenue.

By-Law No. 2004-164 to stop up, close and convey a portion of the Ethel Street road allowance.

"CARRIED"

Res. #2004-695: Moved by Councillor Chirico, seconded by Councillor Bain
That the following by-laws be read a first and second time:

By-Law No. 2004-151 to designate the property known as the Canadian Pacific Railway (CPR) Station as being of architectural and historical value.

By-Law No. 2004-163 to appoint the Chief Building Official

By-Law No. 2004-165 to execute an Agreement with Comsatec Inc. relating to the supply of natural gas.

"CARRIED"

Res. #2004-696: Moved by Councillor Chirico, seconded by Councillor Bain
That the following by-laws be read a third time and passed:

By-Law No. 2004-151 to designate the property known as the Canadian Pacific Railway (CPR) Station as being of architectural and historical value.

By-Law No. 2004-163 to appoint the Chief Building Official

By-Law No. 2004-165 to execute an Agreement with Comsatec Inc. relating to the supply of natural gas.

“CARRIED”

Res. #2004-697: Moved by Councillor Chirico, seconded by Councillor Bain
That the following by-law be read a third time and passed:

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By-Law No. 2004-71 to authorize funding for the new Regional Health Centre.

“CARRIED”

Res. #2004-698: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the following by-laws be read a first and second time:

By-Law No. 2004-166 to rezone certain lands on McKeown Avenue (D.J. Venasse Construction (1988) Limited - 690 McKeown Avenue).

By-Law No. 2004-168 to rezone certain lands on Third Avenue (Renaissance Development Corporation - former CNR Right-of-Way).

“CARRIED”

Res. #2004-699: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the following by-laws be read a first and second time:

By-Law No. 2004-167 to designate a Site Plan Control Area on certain lands on McKeown Avenue (D.J. Venasse Construction (1988) Limited - 690 McKeown Avenue).

By-Law No. 2004-169 to designate a Site Plan Control Area on certain lands on Third Avenue (Renaissance Development Corporation - former CNR Right-of-Way).

“CARRIED”

Res. #2004-700: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the following by-laws be read a third time and passed:

By-Law No. 2004-167 to designate a Site Plan Control Area on certain lands on McKeown Avenue (D.J. Venasse Construction (1988) Limited - 690 McKeown Avenue).

By-Law No. 2004-169 to designate a Site Plan Control Area on certain lands on Third Avenue (Renaissance Development Corporation - former CNR Right-of-Way).

“CARRIED”

Res. #2004-701: Moved by Councillor Chirico, seconded by Councillor Bain
That Council adjourn in-camera to discuss property matters #20 and #22 and litigation matter #21.

“CARRIED”

Res. #2004-702: Moved by Councillor Chirico, seconded by Councillor Bain
That 1) North Bay City Council approve the bid offered by Mrs. Olga Rota in the amount of \$35,000.00 (GST extra) be accepted,

for the sale of vacant city owned land described as Plan M-189, between Lots 586 and 620. The municipal address is 500 McGaughey Avenue; and

- 2) Tender 2004-129 be cancelled in its entirety.

“CARRIED”

Res. #2004-703: Moved by Councillor Chirico, seconded by Councillor Bain
That Council approve the Minutes of Settlement with A&P Properties

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Limited and with the Municipal Property Assessment Corporation dated September 17, 2004.

“CARRIED”

Res. #2004-704: Moved by Councillor Chirico, seconded by Councillor Bain
That Council approve a sale of 3.1 acres in the Ferris Industrial Park to Nipissing Entertainment Inc. at a purchase price of \$10,000.00 per acre subject to Nipissing Entertainment Inc. obtaining all licenses, permits, approvals and zoning required for the construction of the raceway on the adjacent 99 acres.

“CARRIED”

Res. #2004-705: Moved by Councillor Mason, seconded by Councillor Koziol
That this meeting do now adjourn.

“CARRIED”

MAYOR

CITY CLERK