

NORTH BAY[®]

O N T A R I O • C A N A D A

Just North Enough to be PERFECT

Council

Agenda

Regular Meeting of Council

October 31, 2011

at 7:00 p.m.

MEETINGS

**FOR THE WEEK OF
OCTOBER 31ST, 2011**

Monday, October 31, 2011

7:00 p.m.

Regular Meeting of Council
Council Chambers, 2nd Floor

**THE CORPORATION OF THE CITY OF NORTH BAY
REGULAR MEETING OF COUNCIL HELD
MONDAY, OCTOBER 31, 2011**

PUBLIC PRESENTATIONS:

Michael Linkie re Property standards issue

PUBLIC MEETING MINUTES:

Monday, October 17, 2011

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

Monday, October 17, 2011

COMMITTEE REPORTS:

Community Services Committee Report No. 2011-23

CORRESPONDENCE:

1. Letter from D. Barker dated October 26, 2011 re Resignation from the Property Standards Committee (C01/2011/APPTS/GENERAL).
2. Report from P. Valenti dated October 25, 2011 re Tender No. 2011-85, Aerospace Business Park (F05/2011/ABP/3201).

BY-LAWS FOR CONSIDERATION:

General Government - First, second and third readings:

By-Law No. 2011-218 to confirm proceedings of the Meeting of Council on October 17, 2011.

By-Law No. 2011-219 to authorize the Memorial Gardens Rehabilitation Program.

By-Law No. 2011-221 to amend By-Law No. 2003-05, being a by-law to regulate smoking in public places or workplaces.

By-Law No. 2011-222 to authorize the 2012 Capitol Centre Matching Trillium Funding Capital Program.

By-Law No. 2011-223 to execute an Agreement with Provincial Offences Administrative Centre for the North Bay Court Service Area, as represented by the CAO Review Committee of the POA Municipal Partners relating to the use of the City of North Bay Council Chambers.

By-Law No. 2011-225 to amend By-Law No. 201-90 being a by-law to prohibit unauthorized parking on private or municipal property.

By-Law No. 2011-226 to amend Clean Yard By-Law No. 2011-185.

Engineering & Works - First, second and third readings:

By-Law No. 2011-220 to amend Traffic & Parking By-Law No. 2002-001 (Schedule 18 - No Parking Areas At Any Time, Schedule 6 - Stop Signs).

MOTIONS:

MOTION TO ADJOURN IN-CAMERA:

IN-CAMERA CORRESPONDENCE:

3. ***Confidential*** report from P. Leckie dated October 26, 2011 re Solicitor/client privilege.
4. ***Confidential*** report from J.D. Knox dated October 26, 2011 re Property matter.
5. ***Confidential*** report from M. Karpenko / L. Rochefort dated October 25, 2011 re Litigation matter.

MOTION TO RECONVENE:

MOTION FOR RECONSIDERATION:

GIVING NOTICE:

ADJOURNMENT:

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, OCTOBER 17TH, 2011**

PRESENT: Mayor McDonald, Councillors Chirico, Koziol, Maroosis, Bain, Mayne, Vrebosch-Merry, Vaillancourt, Mendicino, Lawlor

PUBLIC PRESENTATIONS:

Sue Miller/Brian Taylor/Barbara Groves re Update – *Source Water Protection Act*

CORRESPONDENCE:

Harriman & Associates	re Rezoning application – 2046304 Ontario Ltd. – 342 Percy Street	(696)
Orlando Rosales & Mabel Hernandez	re Rezoning application – 403 Worthington Street East	(697)
Cliff & Maureen Cowcill	re Amending Traffic & Parking By-Law - No Parking Restriction - Cedar Heights Road	(699)
Capitol Centre	re 2012 Capital Request	(700)
Colin Vickers/Christopher Kuntz	re Amending Traffic & Parking By-Law - All Way Stops - McIntyre Street West	(701)

REPORTS FROM OFFICERS:

Carvell, D.	re Electric Cooling System	(706)
Karpenko, M.	re 2012 Capital Request	(700)
Kitlar, S.	re Municipal Cultural Plan Final Report	(698)
Korell, A.	re Amending Traffic & Parking By-Law - Cedar Heights Road	(699)
Korell, A.	re Amending Traffic & Parking By-Law - All Way Stops	(701)
Korell, A.	re Sanitary Sewer Capital Project – Premier Road	(703)
Korell, A.	re Waterfront Park Dev. - Civic Square	(707)
McArthur, S.	re Laneway closure – Stephan & Dominique Gravelle - 559 King Street West	(694)
McArthur, S.	re Laneway closure – Murray & Diane Neil - 934 Maher Street	(695)
Mimee, R.	re 2012 Water & Sanitary Sewer Rates	(708)
Murphy, T.	re Amendment to Clean Yard By-Law	(704)
Rocheffort, L.	re Reduction, Cancellation & Refund of Taxes	(702)
Valenti, P.	re RFP 2011-91, Circle Lake Portable Building	(705)

Res. #2011-691: Moved by Councillor Vaillancourt, seconded by Councillor Maroosis
That minutes for the public meetings held on:

- Monday, September 19, 2011
- Monday, September 26, 2011; and
- Monday, October 3, 2011

be adopted as presented.

"CARRIED"

Res. #2011-692: Moved by Councillor Chirico, seconded by Councillor Mendicino
That minutes for the closed meetings held on:

- Saturday, September 17, 2011
- Monday, September 19, 2011; and
- Monday, October 3, 2011

be adopted as presented.

"CARRIED"

Res. #2011-693a: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That Community Services Committee Report No. 2011-22 relating to:

- Official Plan Amendment, Zoning By-Law Amendment and Plan of Subdivision – Jack and Helen Norman, Four Mile Lake Road

be adopted as presented.

Mayor McDonald declared a conflict of interest as he owns property in the area and left the Chair. Deputy Mayor Chirico took the Chair for discussion on this matter.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2011-22

October 17, 2011

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2011-22 and recommends:

1. That the application to amend the Official Plan and the Zoning By-Law and the application of Draft Approval of a Rural Residential Estate Subdivision (22 lots) by Goodridge Planning Solutions on behalf of Jack & Helen Norman for Concession 2, Part of the North Half of Broken Lot 13, Parcel 716 W/F, PIN 49127-0758 (LT) in the former Township of Widdifield be denied.

All of which is respectfully submitted.

ASSENTS

LAWLOR
MENDICINO
VAILLANCOURT

DISSENTS

Res. #2011-693b: Moved by Councillor Bain, seconded by Councillor Mayne
That Community Services Committee Report No. 2011-22 be amended
as follows:

- That
- 1) Nine (9) new pilot lots be created, and they are defined as “Minimal Impact Lots”. The new lots would be held to the same applicable restrictions and conditions, as the Northshore Residential Development is (Subdivision File No. 48T-02103); and
 - 2) to mediate any noise concerns the new owners may have, the City Solicitor and the Airport Manager create wording that shall be registered on the title for the new lots created.

Mayor McDonald declared a conflict of interest as he owns property in the area and left the Chair. Deputy Mayor Chirico took the Chair for discussion on this matter.

Record of Vote (Upon Request of Councillor Bain)

Yeas: Councillors Bain, Marosis, Mayne,

Nays: Councillors Vrebosch-Merry, Mendicino, Koziol, Lawlor, Vaillancourt, Deputy Mayor Chirico

“LOST”

- Res. #2011-694: Moved by Councillor Chirico, seconded by Councillor Koziol
That 1) the application by Stephan & Dominique Gravelle to close a portion of the laneway in the block bounded by King Street West / High Street & McPhail Street, legally described as Plan No. M-165, abutting Lots 81 and 82, as shown on the Schedule "A" attached to Report to Council CSBU 2011-91, be approved;
- 2) the closure of the laneway be subject to the granting of any required easements; and
 - 3) the Chief Administrative Officer be authorized by Council to initiate normal closure procedures for the subject laneway.

"CARRIED"

- Res. #2011-695: Moved by Councillor Chirico, seconded by Councillor Koziol
That 1) the application by Murray & Diane Neil to close a portion of the laneway in the block bounded by Maher Street / Regina Street / Hardy Street & Laurier Avenue, legally described as Plan No. 72, abutting Part Lot 61, as shown on the Schedule "A" attached to Report to Council CSBU 2011-90, be approved;
- 2) the closure of the laneway be subject to the granting of any required easements; and
 - 3) the Chief Administrative Officer be authorized by Council to initiate normal closure procedures for the subject laneway.

"CARRIED"

- Res. #2011-696: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the rezoning application by Harriman & Associates on behalf of 2046304 Ontario Ltd. – 342 Percy Street be received.

"CARRIED"

- Res. #2011-697: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the rezoning application by Orlando Rosales & Mabel Hernandez, Registered Plan No. 10, Part Lot 291 – 403 Worthington Street East be received.

"CARRIED"

- Res. #2011-698: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That Report to Council 2011-82 dated October 12, 2011 regarding the Municipal Cultural Plan be received by Council and referred to the Community Services Committee for review and discussion.

"CARRIED"

- Res. #2011-699: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne
That Traffic and Parking By-Law No. 2002-001 be amended to restrict parking, as set out in Report to Council EESW 2011-75 dated October 12, 2011 prepared by Alan Korell.

"CARRIED"

- Res. #2011-700: Moved by Councillor Chirico, seconded by Councillor Koziol
That 1) City Council approve a first charge against the 2012 Capital Budget in the amount of \$275,000.00, as matching funds for the Ontario Trillium grant received by the Capitol Centre; and

- 2) an expenditure by-law be approved in the amount of \$275,000.00 for the Capitol Centre.

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

Yeas: Councillors Chirico, Maroosis, Mayne, Vaillancourt, Lawlor, Mendicino, Koziol, Vrebosch-Merry, Bain, Mayor McDonald

Nays: Nil

"CARRIED"

Res. #2011-701: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne
That 1) Traffic and Parking By-Law No. 2002-001 be amended to add "All Way Stops" at the following intersections:

- a) King Street and Ferguson Street
 - b) McKee Street and Ski Club Road;
- 2) "All Way Stops" not be installed at the following intersections and the persons formally requesting "All Way Stops" be informed in writing:
- a) Connaught Avenue and Gordon Drive
 - b) First Avenue and Fraser Street
 - c) Wallace Road and Lakeheights Road; and
 - d) McIntyre Street West and Harvey Street.

"CARRIED"

Res. #2011-702: Moved by Councillor Chirico, seconded by Councillor Koziol
That the tax appeal applications attached to CORP Report No. 2011-163 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 357/358 of the *Municipal Act*, S.O. 2001, c.25.

"CARRIED"

Res. #2011-703: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne
Whereas Council approved a capital expenditure by-law for the 2010 Premier Road Capital Project, Project No. 3116SS in the amount of \$1,000,000.00, Council hereby authorizes and directs that the remaining \$500,000.00 be spent on abnormal operational overages due to service leaks in the water distribution system.

"CARRIED"

Res. #2011-704: Moved by Councillor Chirico, seconded by Councillor Maroosis
That Council authorize an amendment to revise Section 4.5 of the City of North Bay Clean Yard By-Law No. 2011-185, as contained in Report to Council No. CORP 2011-159 dated October 12, 2011.

"CARRIED"

Res. #2011-705: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That City Council approve the award of a contract to D.J. Venasse Construction Limited in the amount of \$237,000.00 (excluding HST), for the supply and installation of a portable building at Circle Lake.

"CARRIED"

Res. #2011-706: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That 1) Council authorize the purchase and installation of twelve (12) Electric Cooling Systems for the Transit New Flyer Fleet utilizing EMP as a sole supplier; and

- 2) Council authorize the use of \$138,541.00 from the Transit One Time Funding held in Capital Budget 2891TR and \$129,539.00 of 2012 operating funds to fund the project.

"CARRIED"

- Res. #2011-707: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne
That 1) a capital expenditure by-law be prepared for the consideration of City Council in the amount of \$100,000.00 to authorize expenses for the Memorial Gardens Capital Project No. 6016RF; and
- 2) the unused Capital funds from the John Street Bridge and Creek Rehabilitation, Capital Project No. 3300RD in the amount of \$200,000.00 and \$100,000.00 from the Memorial Gardens Project No. 6016RF be transferred to the Waterfront Park Development Capital Project No. 2745PR-RD. This money will allow for the Civic Square paving stone placement instead of the originally contemplated temporary asphalt at a cost of \$285,000.00.

Mayor McDonald declared a conflict of interest as his hockey team leases the Memorial Gardens.

"CARRIED"

- Res. #2011-708: Moved by Councillor Chirico, seconded by Councillor Koziol
That Report to Council CORP 2011-161 dated October 12, 2011 from Ron Mimee & Lorraine Rochefort regarding the proposed 2012 Water and Sanitary Sewer Rates be referred to the General Government Committee for a Public Meeting.

"CARRIED"

- Res. #2011-709: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-law be read a first and second time:
- By-Law No. 2011-214 to confirm proceedings of the Meeting of Council on October 3, 2011.

"CARRIED"

- Res. #2011-710: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-law be read a third time and passed:
- By-Law No. 2011-214 to confirm proceedings of the Meeting of Council on October 3, 2011.

"CARRIED"

- Res. #2011-711: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the following by-law be read a first and second time:
- By-Law No. 2011-217 to designate lots on a certain Plan of Subdivision that has been registered for eight (8) years or more as deemed not to be on a Registered Plan of Subdivision (Gravelle – 559 King Street West).

"CARRIED"

- Res. #2011-712: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the following by-law be read a third time and passed:
- By-Law No. 2011-217 to designate lots on a certain Plan of Subdivision that has been registered for eight (8) years or more as deemed not to be on a Registered Plan of Subdivision (Gravelle – 559 King Street West).

"CARRIED"

Res. #2011-713: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne
That the following by-laws be read a first and second time:

By-Law No. 2011-215 to execute an Agreement with MX Constructors Inc. relating to the construction of the Overflow Storm Sewer System.

By-Law No. 2011-216 to execute an Agreement with Miller Waste Systems Inc. relating to Recycling Collection, Processing and Marketing Services and Garbage Collection and Transportation to the Merrick Landfill Site Services.

"CARRIED"

Res. #2011-714: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne
That the following by-laws be read a third time and passed:

By-Law No. 2011-215 to execute an Agreement with MX Constructors Inc. relating to the construction of the Overflow Storm Sewer System.

By-Law No. 2011-216 to execute an Agreement with Miller Waste Systems Inc. relating to Recycling Collection, Processing and Marketing Services and Garbage Collection and Transportation to the Merrick Landfill Site Services.

"CARRIED"

Res. #2011-715: Moved by Councillor Chirico, seconded by Councillor Koziol
That Council adjourn in-camera pursuant to section 239.(2) of the *Municipal Act, 2001*, as amended at 8:30 p.m. for the following reason:
Item #16, being the potential lease of property by the Municipality.

"CARRIED"

Res. #2011-716: Moved by Councillor Chirico, seconded by Councillor Koziol
That Council reconvene at 8:35 p.m.

"CARRIED"

Res. #2011-717: Moved by Councillor Maroosis, seconded by Councillor Vaillancourt
That this Regular Meeting of Council do now adjourn at 8:35 p.m.

"CARRIED"

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

COMMUNITY SERVICES COMMITTEE REPORT NO. 2011-23

October 31, 2011

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

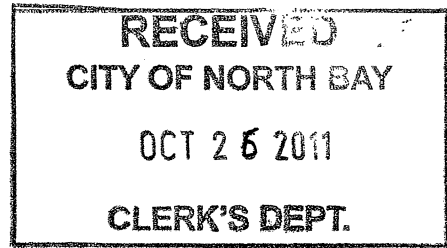
Your Worship and Councillors:

3 and recommends:

1. That
 - a) the Municipal Cultural Plan Final Report be accepted by Council as presented and attached to Report to Council CSBU 2011-82;
 - b) the Parks, Recreation and Leisure Services Department be directed to form a Cultural Round Table comprised of municipal staff and representatives of a variety of community arts, heritage and cultural sectors to determine the priority for the initiatives identified in the report and to assist with organizing an Annual Culture Summit; and
 - c) the Parks, Recreation and Leisure Services Department keep Council informed regarding the progress through information reports. Any financial implications will be sent to Council for approval through the annual Budget process.

All of which is respectfully submitted.

	ASSENTS	DISSENTS
LAWLOR (CHAIRMAN)	_____	_____
MENDICINO	_____	_____
VAILLANCOURT	_____	_____
MAYOR McDONALD	_____	_____



OCT. 26/11

To CATHY CONRAD

This is to inform you that I am hereby
resigning from the Property Standards &

Interviews Committee effective today.

Thank you for allowing me opportunity to serve
the city.

Dale Barber

#205.432 Wickstead Ave.

North Bay, ON P1A3H1

CITY OF NORTH BAY**REPORT TO COUNCIL**

Report No: CORP 2011-164

October 25, 2011

Originator: Paul Valenti

Subject: Tender No. 2011-85, Aerospace Business Park

RECOMMENDATION:

That City Council approve an Expenditure By-Law being line No. 21, Project No. 3201RD/WS/SS Airport Industrial land Servicing in the amount of \$6,000,000. being a 2012 Capital Project and;

That North Bay City Council approves the award of a contact to Gap Construction Co. Ltd. in the amount of \$5,369,717.00 (excluding HST) for the construction of the North Bay Aerospace Business Park.

BACKGROUND:

North Bay is home to an established, dynamic aerospace industry. The industry develops, manufactures and exports globally-competitive products and services for major international programs in aircraft, space and defense industries. Due to North Bay's accessible location and highly skilled workforce, the City is regarded as an ideal place to conduct aerospace-related business which will require additional industrial designated lands.

North Bay has seen significant growth in the industrial sector as a whole. The current industrial parks within the city limits, being the Seymour Street and Gateway Parks are at or near capacity. With the need for industrial designated lands within the City of North Bay, and with the unrestricted Municipal ownership of the Airport lands, the development of an Airport Aerospace Business Park with the potential for approximately 1,000 serviced acres has been identified as a strategic investment in the long-term health and prosperity of the community.

The primary goal will be to develop a comprehensive investment attraction package that will facilitate the expansion and relocation of businesses to the new Airport Aerospace Business Park. The City is therefore taking the Draft Plan of Subdivision approach to facilitate the planning and design process of the property.

The tender was publicly advertised in accordance with the City of North Bay Purchasing Policy. Twenty eight (28) tender packages were distributed directly to contractors. Tenders closed on September 28, 2011. Nine (9) responses were received and evaluated by Aecom consulting engineers, Manager of Purchasing, and Engineering Development Approvals. The results are as follows:

Firm	Tender Price (excluding HST)
Gap Construction Co. Ltd.	\$5,369,717.00
Pedersen Construction Inc.	\$5,969,639.60
Hollaway Equipment Rental Ltd.	\$6,401,883.10
Interpaving Ltd.	\$6,413,951.01
Bruman Construction Inc.	\$6,459,615.22
Teranorth Construction & Engineering Ltd.	\$6,526,747.45
Leo Alarie & Sons Construction Ltd.	\$6,604,170.00
R.M. Belanger Limited	\$6,644,897.40
Kenalex Construction Company Limited	\$6,801,840.00

The low tender price provided by Gap Construction Co. Ltd. was obtained competitively and is considered fair and reasonable.

ANALYSIS / OPTIONS:

1. That City Council approve an Expenditure By-Law being line No. 21, Project No. 3201RD/WS/SS Airport Industrial land Servicing in the amount of \$6,000,000. being a 2012 Capital Project and;

That North Bay City Council approves the award of a contact to Gap Construction Co. Ltd. in the amount of \$5,369,717.00 (excluding HST) for the construction of the North Bay Aerospace Business Park.

2. Do not award a contract. This option is not recommended as the works are a critical need to provide new industrial lands to support future growth of the City.

RECOMMENDED OPTION / FINANCIAL IMPACTS:

Option 1 is recommended as follows:

That North Bay City Council approves the award of a contact to Gap Construction Co. Ltd. in the amount of \$5,369,717.00 (excluding HST) for the construction of the North Bay Aerospace Business Park. This project was budgeted as a 2012 project within the 2011 Capital Plan. Due to the interest in the land the project has been tendered in 2011 in order to begin work prior to the frost. This approval will also allow for the project to proceed as soon as construction season beings in 2012. This is a priority project as ties to the City's economic and development plans.

An amount of \$6,000,000 has been allocated in the 2011 Engineering, Environmental Services & Public Works Capital Budget being a 2012 Capital project Line No. 21, Project No. 3201RD, a capital project for Airport Industrial Land and Servicing. This report requests the authorization

of an Expenditure By-law in the amount of \$6,000,000 to be developed as a charge against the 2012 Capital Budget as follows:

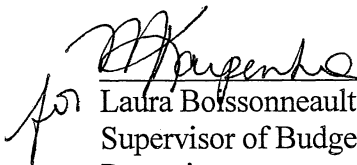
	Roads	Water	Sewer	Total
Airport Industrial Land and Servicing costs	2,850,000	1,425,000	1,425,000	\$5,700,000
Financing Costs	150,000	75,000	75,000	300,000
Less: NOHFC and FedNor Funding	<u>(2,000,000)</u>	<u>(1,000,000)</u>	<u>(1,000,000)</u>	<u>(4,000,000)</u>
Net Amount to be Debentured	1,000,000	500,000	500,000	2,000,000

Respectfully submitted,




Paul Valenti,
Manager of Purchasing

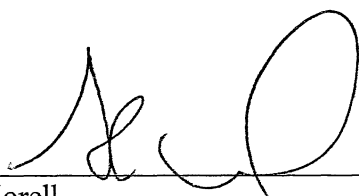
We concur in this report and recommendation.



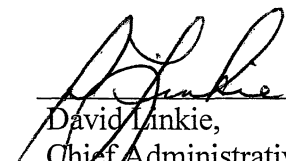
Laura Boissonneault, CGA
Supervisor of Budgets & Financial Reporting



Margaret Karpenko, CMA
Chief Financial Officer/Treasurer



Alan Korell
Managing Director of Engineering,
Environmental Services and Works



David Linkie,
Chief Administrative Officer

Personnel designated for continuance: Development Approvals, Engineering

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-218

**BEING A BY-LAW TO CONFIRM PROCEEDINGS
OF THE MEETING OF COUNCIL ON
OCTOBER 17, 2011**

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 under section 9 of the Act, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise and any of the matters shall be 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 October 17, 2011 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 the by-law required for approving and authorizing the taking of any action authorized therein or thereby required for the exercise of any powers 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 31ST DAY OF OCTOBER, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 31ST DAY OF OCTOBER, 2011.

cc READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 31ST DAY OF OCTOBER, 2011.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-219

**A BY-LAW TO AUTHORIZE THE
MEMORIAL GARDENS REHABILITATION PROGRAM**

WHEREAS the *Municipal Act, 2001* (S.O. 2001, c-25), Section 326 authorizes the Council to pass a by-law for the purposes therein stated;

AND WHEREAS the *Municipal Act, 2001* (S.O. 2001, c-25), Section 401 authorizes the Council to pass a by-law for the purposes herein stated;

AND WHEREAS the Council passed Resolution 2011-707 at its Meeting held Monday, October 17, 2011, authorizing the Memorial Gardens Rehabilitation Program, being 2011 Community Services' Capital Budget Line No. 83 (Project No. 6016RF), with a net debenture cost of \$100,000.00;

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

1. That the expenditure of \$100,000.00 for the Memorial Gardens Rehabilitation Program be hereby authorized:

Memorial Gardens Rehabilitation Costs	\$ 95,000.00
Financing Costs	<u>5,000.00</u>
Net Amount to be Debentured	\$100,000.00

2. That the Treasurer of the City of North Bay is hereby authorized to borrow from time to time from any bank or person by way of promissory note or notes temporary advances of money to meet the cost of work as aforesaid pending the completion thereof and pending the issue and sale of the debentures hereinafter referred to but in no event shall the aggregate of such borrowings exceed the amount of \$100,000.00 limited in this by-law.
3. Any promissory note or notes issued pursuant to paragraph 2 hereof shall be sealed with the seal of The Corporation of the City of North Bay and signed by the Mayor or Deputy Mayor and the Treasurer of the City of North Bay.
4. That the debentures to be issued to pay for the cost of such work shall bear interest at such rate as the Council may determine and shall be made payable within ten (10) years.

READ A FIRST TIME IN OPEN COUNCIL THIS 31ST DAY OF OCTOBER, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 31ST DAY OF OCTOBER, 2011.

cc
READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 31ST DAY OF OCTOBER, 2011.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

AZ

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-221

**BEING A BY-LAW TO AMEND BY-LAW NO. 2003-05
(BEING A BY-LAW TO REGULATE SMOKING
IN PUBLIC PLACES AND WORKPLACES)**

WHEREAS section 115 of the *Municipal Act*, 2001, S.O. 2001, c. 25 (as amended), authorizes the Council of a local municipality to pass a by-law to prohibit or regulate the smoking of tobacco in public places and workplaces within the municipality;

AND WHEREAS section 10(2) of the *Municipal Act* authorizes a municipality to pass by-laws respecting health, safety, and well-being of persons;

AND WHEREAS section 12 of O. Reg. 48/06 to the *Smoke-Free Ontario Act*, S.O. 1994, c. 10 prohibits smoking within a nine metre radius surrounding any entrance or exit of certain prescribed buildings;

AND WHEREAS section 12 of the *Smoke-Free Ontario Act* permits municipalities to enact smoking by-laws that are more restrictive than sections 9 and 10 of the Act;

AND WHEREAS Council passed Resolution No. 2011-609 at its Regular Meeting held Monday, August 29, 2011 to authorize smoking prohibitions for requested workplace and multi-residential apartment buildings,

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY ENACT AS FOLLOWS:

1. That Schedule B and C be deleted and the attached Schedules B and C be inserted in lieu thereof.
2. This amending by-law shall come into force and effect on September 6, 2011.

READ A FIRST TIME IN OPEN COUNCIL THIS 31ST DAY OF OCTOBER, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 31ST DAY OF OCTOBER, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 31ST DAY OF OCTOBER, 2011.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

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SCHEDULE "B" to the Corporation of the City of North Bay By-Law No. 2003-05

Designated **workplaces** with entranceway smoking prohibitions:

Workplace and Address	Entranceway(s)	Date of Designation
Northgate Mall 1500 Fisher Street	Parkade Entrance	May 1, 2010
Northgate Mall 1500 Fisher Street	Tower Court Entrance	May 1, 2010
Northgate Mall 1500 Fisher Street	Food Court Entrance	May 1, 2010
Northgate Mall 1500 Fisher Street	ONR Entrance	May 1, 2010
Calvary Temple 271 Ski Club Road	All Entrances	May 1, 2010
133 Main Street West	Front Entrance off Main Street – Rear Entrance off Oak Street	May 1, 2010
Odd Fellows Temple 1272 Algonquin Avenue	Front Entrance to Algonquin Ave Rear Side Entrance to Parking Lot	May 1, 2010
Momma Poon's 1260 Algonquin Avenue	Front Entrance to Algonquin Avenue Rear Entrance to Highland Road	May 1, 2010
CIBC 1236 Algonquin Avenue	Front Entrance to Algonquin Avenue Rear Entrance to Highland Road	May 1, 2010
North Bay Parry Sound District Health Unit 681 Commerical Street	All Entrances (1 Public and 2 Employee)	May 1, 2010
North Bay Parry Sound District Health Unit 700 Cassells Street	Rear Main Entrance off Parking Lot	May 1, 2010
Northern Honda 1401 Seymour Street	Main Showroom Entrance, Employee Showroom Fire Exit Service Entrance Parts/Receiving Entrance Garage Man-Door at Rear facing South-East	May 1, 2010
Yes! Employment Services 945 Stockdale Road	, Main Entrance, 2 Side Entrances and 2 Rear Entrances	July 26, 2010
One Kids Place 400 McKeown Avenue	Main Entrance Under Canopy to be Designated	July 26, 2010
North Bay Mall 300 Lakeshore Drive	Winners Entrance, No Frills Entrance, Sport Check Entrance	July 26, 2010
True North Chevrolet Cadillac 1370 Seymour Street	All doors and entrances	October 31, 2011
The North Bay Food Bank, 1319 Hammond Street	Main entrance	October 31, 2011
PT Works, 1831 Cassells Street	Employee entrance facing Shaw Street, customer entrance facing Olive Street	October 31, 2011
Shopper's Home Health Care, 1883 Cassells Street	Shipping door facing Shaw Street, customer door facing Olive Street	October 31, 2011
The Lighthouse, 975 McKeown Avenue	Front entrance	October 31, 2011

Martel & Mitchell Physiotherapy, 130 King Street West	Front entrance	October 31, 2011
First Choice Hair Cutters, 975 McKeown Avenue	Front entrance	October 31, 2011

SCHEDULE "C" to the Corporation of the City of North Bay By-Law No. 2003-05

Designated **apartment** buildings containing more than six (6) units with entranceway smoking prohibitions:

Apartment Address	Entranceway (s)	Date of Designation
348 Worthington St. East	Front Entrance facing Worthington East	May 1, 2010
190 Lavase Road	Front Entrance facing Lavase Road	May 1, 2010
430 Wickstead Avenue	Entrance at Front of Office Building	May 1, 2010
420 Wickstead Avenue	Entrance at Front of Building facing Wickstead Avenue	May 1, 2010
432 Wickstead Avenue	Entrance at Front of Building facing Wickstead Avenue	May 1, 2010
444 Wickstead Avenue	Entrance at Front of Building facing Wickstead Avenue	May 1, 2010
462 Wickstead Avenue	Entrance at Front of Building facing Wickstead Avenue	May 1, 2010
474 Wickstead Avenue	Entrance at Front of Building facing Wickstead Avenue	May 1, 2010
486 Wickstead Avenue	Entrance at Front of Building facing Wickstead Avenue	May 1, 2010
40 Judge Avenue	14 separate 6-plex main entrances	May 1, 2010
134 Lindsay Street	Front Entrance	May 1, 2010
141 Lindsay Street	Front Entrance	May 1, 2010
387 Main Street West	Front Entrance	May 1, 2010
198 Hughes Road	Front Entrance	May 1, 2010
135 Worthington Street West	Front Entrance off Worthington Street West	May 1, 2010
365 Lakeshore Drive	Front Entrance to Lobby Facing West	May 1, 2010
116 Blair Street	Front Entrance	May 1, 2010
480 Fisher Street	Rear Entrance to Parking Lot	May 1, 2010
1272 Algonquin Avenue	Rear Side Entrance to Parking Lot	May 1, 2010
Marina Point Retirement Village – 130 Elm Street	Main Entrance	July 26, 2010
Bay Manor, 648 Main Street West	Front entrance facing Main Street	October 31, 2011
Douglas Court, 820 Douglas Street	Front entrance facing Douglas Street	October 31, 2011
Elizabeth Court, 19 Johnston Road	Front entrance facing Johnston Road	October 31, 2011
College Heights, 730 Rose Avenue	Rear entrance facing private parking lot	October 31, 2011

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-222

**A BY-LAW TO AUTHORIZE THE
2012 CAPITOL CENTRE
MATCHING TRILLIUM FUNDING
CAPITAL PROGRAM**

WHEREAS the *Municipal Act, 2001* (S.O. 2001, c-25), Section 326 authorizes the Council to pass a by-law for the purposes therein stated;

AND WHEREAS the *Municipal Act, 2001* (S.O. 2001, c-25), Section 401 authorizes the Council to pass a by-law for the purposes herein stated;

AND WHEREAS the Council passed Resolution 2011-700 at its Meeting held Monday, October 17, 2011, authorizing the Capitol Centre Matching Trillium Funding Capital Program, being **2012** Local Boards & Commissions, Capital Project No. 6048RF, with a net debenture cost of \$275,000.

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

1. That the expenditure of \$275,000 for the Capitol Centre Matching Trillium Funding Capital Program be hereby authorized:

Rehabilitation Costs	\$ 550,000.00
Financing Costs	<u>0.00</u>
Less Ontario Trillium Funding	<u>(\$275,000.00)</u>
Net Amount to be Debentured	\$275,000.00

2. That the Treasurer of the City of North Bay is hereby authorized to borrow from time to time from any bank or person by way of promissory note or notes temporary advances of money to meet the cost of work as aforesaid pending the completion thereof and pending the issue and sale of the debentures hereinafter referred to but in no event shall the aggregate of such borrowings exceed the amount of \$275,000.00 limited in this by-law.
3. Any promissory note or notes issued pursuant to paragraph 2 hereof shall be sealed with the seal of The Corporation of the City of North Bay and signed by the Mayor or Deputy Mayor and the Treasurer of the City of North Bay.
4. That the debentures to be issued to pay for the cost of such work shall bear interest at such rate as the Council may determine and shall be made payable within ten (10) years.

READ A FIRST TIME IN OPEN COUNCIL THIS 31ST DAY OF OCTOBER, 2011.

cc.

READ A SECOND TIME IN OPEN COUNCIL THIS 31ST DAY OF OCTOBER, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED 31ST DAY OF OCTOBER, 2011.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-223

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH PROVINCIAL OFFENCES ADMINISTRATIVE CENTRE FOR THE NORTH BAY COURT SERVICE AREA, AS REPRESENTED BY THE CAO REVIEW COMMITTEE OF THE POA MUNICIPAL PARTNERS RELATING TO THE USE OF THE CITY OF NORTH BAY COUNCIL CHAMBERS

WHEREAS the Agreement with the Provincial Offences Administration Centre for the North Bay Court Service Area, as represented by the CAO Review Committee of the POA Municipal Partners for the use of the City of North Bay Council Chambers was approved by General Government Committee Report No. 2010-06 passed by Council on the 28th day of June, 2010;

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 enter into an Agreement dated the 1st day of February, 2011 with the Provincial Offences Administration Centre for the North Bay Court Service Area, as represented by the CAO Review Committee of the POA Municipal Partners relating to the use of the City of North Bay Council Chambers.
2. That the Mayor and Clerk of The Corporation of the City of North Bay are hereby authorized to execute that certain Agreement between The Corporation of the City of North Bay and the Provincial Offences Administration Centre for the North Bay Court Service Area, as represented by the CAO Review Committee of the POA Municipal Partners and to affix thereto the Corporate seal.

READ A FIRST TIME IN OPEN COUNCIL THIS 31ST DAY OF OCTOBER, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 31ST DAY OF OCTOBER, 2011.

cc
READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 31ST DAY OF OCTOBER, 2011.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-225

**BEING A BY-LAW TO AMEND BY-LAW NO. 201-90,
AS AMENDED BEING A BY-LAW TO PROHIBIT UNAUTHORIZED
PARKING ON PRIVATE OR MUNICIPAL PROPERTY**

WHEREAS Council passed Resolution No. 2011-605 at its Regular Meeting held Monday, August 29, 2011, authorizing the amendment to By-Law No. 1990-201 which prohibits unauthorized parking on Private or Municipal property.

AND WHEREAS Section 101 of the *Municipal Act, R.S.O. 2001 (S.O. 2001, C-25)*, provides that by-laws may be passed by the Council of a municipality for prohibiting the parking or leaving of motor vehicles on private or municipal property;

AND WHEREAS it is deemed desirable to include the parking areas at the North Bay Regional Health Centre;

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

1. That Schedule "A" to By-law No. 201-90 be amended to include the following property to the attached Schedule "A" and forming part of this By-law.
2. This by-law comes into force upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 31ST DAY OF OCTOBER, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 31ST DAY OF OCTOBER, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 31ST DAY OF OCTOBER, 2011.

cc

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

THIS IS "SCHEDULE A" TO THE CORPORATION OF THE CITY OF
NORTH BAY'S BY-LAW NO. 2011-225

LEGAL DESCRIPTION OF PARKING AREAS TO BE REGULATED:

6. NORTH BAY REGIONAL HEALTH CENTRE

- FIRSTLY: Parcel 19012, section of Widdifield & Ferris;
Part of Lot 23, Concession B Township of Widdifield, now City of North Bay, District of Nipissing, parts 1 to 5 of Plan 36R10957 & parts 9 & 10, of plan 36R11367;
Part of Lot 24, Concession B, Township of Widdifield, now City of North Bay, parts 6 to 15 of plan 36R10957 and parts 1, 2, 3 & 5 of plan 36R11367;
Except parts 1 & 2 of plan 36R11522;
Subject to LT77541 partially released by LT406505;
Subject to LT405939, City of North Bay in the District of Nipissing.
- SECONDLY: Parcel 19063 section of Widdifield & Ferris;
Part of lot 23, Concession B, Township of Widdifield, now City of North Bay, parts 11, 12, 13, 14, 15, 16 & 17 of plan 36R11367;
Subject to LT405939, LT77541, North Bay, District of Nipissing
- THIRDLY: Part of lot 1, Concession B, of the Township of Commanda, parts 16 to 25 of plan 36R10957;
Subject to CD118, CD120 and NB162482, City of North Bay In the District of Nipissing

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-226

**BEING A BY-LAW TO AMEND THE CLEAN
YARD BY-LAW NO. 2011-185**

WHEREAS Council passed Resolution No. 2011-704 at its Regular Meeting held Monday, October 17, 2011, authorizing an amendment to the Clean Yard By-Law No. 2011-185

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

1. Section 4.5 of City of North Bay Clean Yard By-Law No. 2011-185 is hereby deleted and the following inserted in lieu thereof:

“Any person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine, penalty or order as provided for in the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended or any successor thereof, and the *Provincial Offences Act*, R.S.O. 1990, c. P.33 as amended or any successor thereof.”

2. This by-law comes into force upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 31ST DAY OF OCTOBER, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 31ST DAY OF OCTOBER, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 31ST DAY OF OCTOBER, 2011.

cc

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-220

**A BY-LAW TO AMEND TRAFFIC & PARKING BY-LAW NO. 2002-001
(SCHEDULE 18 – NO PARKING AREAS AT ANY TIME)
(SCHEDULE 6 – STOP SIGNS)**

WHEREAS the *Municipal Act, 2001*, (S.O. 2001, c.25) authorizes the Council to pass By-Laws regulating or prohibiting certain traffic on highways and regulating or prohibiting parking on highways;

AND WHEREAS the *Highway Traffic Act*, R.S.O. 1990, Chapter H-8, as amended, authorizes the Council to pass By-laws regulating traffic on highways;

AND WHEREAS the Council passed Resolution No. 2011-699 at its meeting held Monday, October 17, 2011, authorizing that the Traffic & Parking By-law No. 2002-001 be amended with respect to no parking areas;

AND WHEREAS the Council passed Resolution No. 2011-701 at its meeting held Monday, October 17, 2011, authorizing that the Traffic & Parking By-law No. 2002-001 be amended with respect to all way stops.

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

1. That Schedule 18 (No Parking Areas at Any Time) to Traffic & Parking By-Law No. 2002-001 is hereby amended to add the following:

<u>"Road</u>	<u>Side</u>	<u>From</u>	<u>To</u>
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SECTION B

Belleview Crescent	Houses with Even Numbers	McGibbon St	McGibbon St
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SECTION C

Cartier Street	West & North	McKeown Ave	Champlain
Cedar Heights	North	College Drive	Western Limit
Cypress Court	South	McNamara Street	

SECTION D

Dover Court	West	McGibbon Street	
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SECTION K

Kathryn Crescent	Houses with Even Numbers	Cartier Street	Cartier Street
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SECTION M

McGibbon Street	South	Cartier Street	McNamara Street
McNamara Street	West	McKeown Ave	McGibbon Street

SECTION S

Southview Crescent	South & West	Belleview Crescent	Belleview Crescent
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2. That Schedule 6 (Stop Signs) to Traffic & Parking By-Law No. 2002-001 is hereby amended to add the following:
 - "20. King Street and Ferguson Street On all four approaches
 21. McKee Street and Ski Club Road On all four approaches"

3. That this by-law comes into effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 31ST DAY OF OCTOBER, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 31ST DAY OF OCTOBER, 2011.

cc READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 31ST DAY OF OCTOBER, 2011.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

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