



Regular Meeting of City Council

Minutes

January 31, 2023, 6:30 p.m.

Council Chambers

City Hall - 200 McIntyre Street East, North Bay, ON

Members Present: Mayor Chirico, Councillor Horsfield, Councillor Inch, Councillor Mallah, Councillor King, Councillor Lowery, Councillor Bain, Councillor Gardiner, Councillor Vrebosch, Councillor Mitchell

Members Absent: Councillor Mayne

1. Declaration of Pecuniary Interest and the General Nature Thereof

1.1 Councillor Lowery - Castle Arms as "I am an employee of the Castle Arms Board."

1.2 Councillor Bain - In-Camera Correspondence

Declared a conflict in relation to In-Camera Item 9.3 and left the room for the discussion of the matter.

1.3 Councillor Gardiner - In-Camera Correspondence

Declared a conflict in relation to In-Camera Items 9.3 and 9.5 and left the room for the discussion of these matters.

1.4 Councillor Inch - In-Camera Correspondence

Declared a conflict in relation to In-Camera Item 9.3 and left the room for the discussion of the matter.

1.5 Councillor Vrebosch - In-Camera Correspondence

Declared a conflict in relation to In-Camera Item 9.3 and left the room for the discussion of the matter.

2. Public Presentations

2.1 Jaymie Lathem, Anita Brisson & James Miles - Creative Industries 2022 Annual Report

2.2 Seth Compton & Kelsie Etches - Operating Costs for Outloud North Bay

2.3 Scott Gardiner - Near North Palliative Care Network Services

3. Public Meeting Minutes

Res. # 2023-49

Moved by Councillor Lowery

Seconded by Councillor Gardiner

That the minutes for the public meetings held on:

- Wednesday, January 4, 2023;
- Monday, January 9, 2023;
- Tuesday, January 10, 2023; and
- Tuesday, January 17, 2023

be adopted as presented.

Carried

4. Motion for Reconsideration

5. Committee Reports

6. Correspondence

6.1 CO-OP 2022-64, Antivirus Software Purchase

Res. # 2023-50

Moved by Councillor Horsfield

Seconded by Councillor Inch

That Council approve the award of a contract to Softchoice Canada Inc. in the amount of \$84,125.50 (plus HST) for the provision of antivirus software licenses.

Carried

6.2 Proposed Road Closure Application - Flannery Street

Res. # 2023-51

Moved by Councillor Mallah

Seconded by Councillor King

That:

1. the application by Renaissance Development Corporation to close two (2) portions of unopened municipal road allowances, as shown on Schedule "A" attached to Report to Council CSBU 2023-12 dated January 13, 2023 from Peter Carello, be approved by Council;
2. the closure of the unopened road allowances be subject to the granting of any required easements; and
3. the Interim Chief Administrative Officer be authorized by Council to initiate normal closure procedures for the subject road allowances.

Carried

6.3 Request for Use of Fireworks - Canadore College

Res. # 2023-52

Moved by Councillor Mallah
Seconded by Councillor King

That Council authorize Canadore College to have a pyrotechnic (fireworks) display to celebrate the Chinese New Year on February 3, 2023 at the Main Campus at 100 College Drive.

Carried

6.4 Proposed Laneway Closure by Brittany Godon & Jason Pearce – 230 Third Avenue East

Res. # 2023-53

Moved by Councillor Mallah
Seconded by Councillor King

That:

1. the application by Brittany Godon and Jason Pearce to close a portion of the laneway located adjacent to 230 Third Avenue East, as shown on Schedule "A" attached to Report to Council CSBU 2023-14 dated January 17, 2023 from Peter Carello, be approved by Council;
2. the closure of the laneway be subject to the granting of any required easements; and
3. the Interim Chief Administrative Officer be authorized by Council to initiate normal closure procedures for the subject laneway.

Carried

6.5 Staff Appointments under Building By Law No. 2018-53

Res. # 2023-54

Moved by Councillor Mallah
Seconded by Councillor King

That Council authorize an amendment to City of North Bay By-Law No. 2018-53, being a by-law to Regulate the Administration of Building Permits, as amended, as set out in Report to Council CSBU 2023-13 dated January 16, 2023 by Beverley Hillier.

Carried

6.6 Temporary Physical Extensions of Licensed Premises - Outdoor Patios

Res. # 2023-55

Moved by Councillor Mallah
Seconded by Councillor King

That Council authorize:

1. an amendment to City of North Bay By-Law No. 2016-30, as amended, being a by-law to adopt a Sidewalk and Patio Policy, as set out in Report to Council CSBU 2023-08 dated January 16, 2023 from Beverley Hillier; and
2. the parking fees applicable under the existing Sidewalk Patio Policy be waived for 2023 and 2024.

Carried

6.7 Request for Tender 2022-89, Asphalt Concrete Pavement Patching

Res. # 2023-56

Moved by Councillor Mitchell
Seconded by Councillor Horsfield

That Council approve the award of a contract to Miller Paving Limited, based on the unit rates specified in their bid for Request for Tender 2022-89 for the asphalt concrete pavement patching for a term of one (1) year, with an option in favour of the City to extend the agreement for a term of up to one (1) additional year.

Carried

6.8 Clean, Green, Beautiful North Bay Sculpture

Res. # 2023-57

Moved by Councillor Mallah
Seconded by Councillor King

That:

1. Council approves the sculpture donation from Clean, Green, Beautiful North Bay, as shown in Schedule "B", and approve the selected sculpture location as shown as Site 1 on Schedule "C" as recommended by the Public Art Advisory Committee and as included and shown in Report to Council CSBU dated January 20, 2023 from Bryan Kimber; and
2. Council authorize the Mayor and the City Clerk to execute the agreement between The Corporation of the City of North Bay and Clean, Green, Beautiful North Bay to establish City ownership and maintenance of the donation of the sculpture once installed and constructed to the City of North Bay's satisfaction.

Carried

6.9 Final Approval of a Plan of Condominium – 537 Ann Street –
Jeffrey James Staples

Res. # 2023-58

Moved by Councillor Mallah

Seconded by Councillor King

That:

1. Council grant final approval to a Plan of Condominium for a property located at 537 Ann Street;
2. the Mayor and City Clerk be authorized to sign the Condominium Agreement with Jeffrey James Staples consisting of four (4) residential units, upon receipt of all Condominium Agreement requirements; and
3. an execution by-law be brought forward for three (3) readings at the Regular Meeting of Council held on January 31, 2023.

Carried

6.10 Proposed Draft Plan of Subdivision by Miller & Urso Surveying
Inc. on behalf of 1804016 Ontario Inc. - Pearce Street

Res. # 2023-59

Moved by Councillor Mallah

Seconded by Councillor King

That:

1. Council authorize the existing holding zone of "Residential Second Density Holding (R2H)" be removed for a portion of the lands, as shown on Schedule "A" to Report to Council CSBU 2023-01 dated January 20, 2023 from Peter Carello, known locally as 0 Tower Drive and as legally described in Appendix "A", attached to Report to Council CSBU 2023-01 dated January 20, 2023 from Peter Carello; and
2. the proposed Draft Plan of Subdivision (Subdivision File No. 48T-22101) by Miller & Urso Surveying Inc. on behalf of 1804016 Ontario Inc. in the City of North Bay for lands known locally as 0 Tower Drive and as legally described in Appendix "A", shown as Schedule "B" to Report to Council CSBU 2023-01 dated January 20, 2023 from Peter Carello, be given Draft Approval subject to the conditions in Appendix "C" attached to Report to Council CSBU 2023-01 dated January 20, 2023 by Peter Carello.

Carried

7. By-Laws for Consideration

Res. # 2023-60

Moved by Councillor Mallah
Seconded by Councillor King

That the following by-laws be read a first and second time:

By-Law No. 2023-02 to authorize user fees for City Departments.

By-Law No. 2023-03 to authorize user fees for North Bay Fire and Emergency Services.

By-Law No. 2023-04 to amend By-Law No. 2010-108, as amended – Waste Management By-Law (Schedules A and E).

By-Law No. 2023-05 to amend the City of North Bay On-Street Parking By-Law No. 2014-37 (Schedule 9).

By-Law No. 2023-06 to amend By-Law No. 2011-234, to Regulate Parking in Municipal Parking Lots (Schedules B, C and D).

By-Law No. 2023-16 to authorize temporary borrowing from time to time to meet current expenditures during the fiscal year ending December 31, 2023.

By-Law No. 2023-18 to amend By-Law No. 2018-53, being a by-law to regulate the Administration of Building Permits.

By-Law No. 2023-19 to remove the Holding Zone Symbol from lands zoned by By-Law No. 2016-13.

By-Law No. 2023-20 to authorize the execution of a Condominium Agreement between The Corporation of the City of North Bay and Jeffrey James Staples - 537 Ann Street.

Carried

Res. # 2023-61

Moved by Councillor Mallah
Seconded by Councillor King

That the following by-laws be read a third time and passed:

By-Law No. 2023-02 to authorize user fees for City Departments.

By-Law No. 2023-03 to authorize user fees for North Bay Fire and Emergency Services.

By-Law No. 2023-04 to amend By-Law No. 2010-108, as amended – Waste Management By-Law (Schedules A and E).

By-Law No. 2023-05 to amend the City of North Bay On-Street Parking By-Law No. 2014-37 (Schedule 9).

By-Law No. 2023-06 to amend By-Law No. 2011-234, to Regulate Parking in Municipal Parking Lots (Schedules B, C, and D).

By-Law No. 2023-16 to authorize temporary borrowing from time to time to meet current expenditures during the fiscal year ending December 31, 2023.

By-Law No. 2023-18 to amend By-Law No. 2018-53, being a by-law to regulate the Administration of Building Permits.

By-Law No. 2023-19 to remove the Holding Zone Symbol from lands zoned by By-Law No. 2016-13.

By-Law No. 2023-20 to authorize the execution of a Condominium Agreement between The Corporation of the City of North Bay and Jeffrey James Staples - 537 Ann Street.

Carried

8. Motions

8.1 Cassellholme

Res. # 2023-62(a)

Moved by Councillor Vrebosch

Seconded by Councillor Bain

Whereas on December 9, 2021, by Council Resolution No. 2021-499, Council directed staff to engage a consultant to undertake a comprehensive review of the steps needed to transition Cassellholme to a city owned home;

And Whereas based on this review, the eight (8) other member Municipalities of Cassellholme passed a good-faith by-law to support a guarantee and deferral of claims with the Ontario Infrastructure and Lands Corporation to allow the Cassellholme redevelopment project to move forward.

Therefore Be It Resolved that the Interim Chief Administrative Officer bring forward a report, no later than March 28, 2023, with an update on the third party review.

And Further that a copy of this motion be forwarded to the eight (8) other member municipalities of the Cassellholme Board.

Carried as amended

Res. # 2023-62(b)

Moved by Councillor Gardiner

Seconded by Councillor King

That the Motion re: Cassellholme be referred to the General Government Committee.

Record of Vote (upon the Request of Councillor Vrebosch)

Yeas: Councillors King, Gardiner, Bain, Lowery, Mallah, Inch, Horsfield and Mayor Chirico

Nays: Councillors Vrebosch, Mitchell

Carried

8.2 Ward System

Res. # 2023-63(a)

Moved by Councillor Lowery
Seconded by Councillor Inch

Whereas there is a desire to investigate the creation of a ward system within the City of North Bay for the 2026 Municipal Election.

Therefore Be It Resolved that Council direct the City Clerk to prepare a Report to Council regarding the implementation of a Ward System in the City of North Bay for information purposes.

Carried as amended

Res. # 2023-63(b)

Moved by Councillor Gardiner
Seconded by Councillor King

That the Motion re: Establishing a Ward System be referred to the General Government Committee.

Carried

8.3 Education Program - Water Portal

Res. # 2023-64

Moved by Councillor Vrebosch
Seconded by Councillor King

Whereas the City of North Bay has an online water portal where citizens can view their water consumption online, estimate their bill and protect themselves against leaks;

And Whereas the City offers paperless billing for water bills where citizens can receive a one-time \$5.00 rebate for signing up;

And Whereas the City is still offering a low flow toilet rebate program.

Therefore Be It Resolved that staff create an in person and virtual educational program for citizens relating to the use and the benefits of the portal.

Carried

8.4 Castle Arms

Councillor Lowery declared a conflict on this item, as "I am an employee of the Castle Arms Board."

Res. # 2023-65(a)

Moved by Councillor Vrebosch

Seconded by Councillor Bain

Whereas as per the Castle Arms Organizational Profile found on the Castle Arms website:

"Cassellholme was originally built in 1924 with funding from 23 participating municipalities of Nipissing. We continue to receive approximately 17% of our operating budget from nine of those municipalities. Shortly after the current building was constructed in 1962, the District of Nipissing was split and Cassellholme was designated as the District Home for East Nipissing. In 1986, the Board of Management created the non-profit seniors' apartment corporation called Castle Arms. Today, these five buildings are home to more than 250 active seniors in North Bay and Mattawa";

And Whereas in the posted Non-Consolidated Financial Statements for the year ended December 31, 2020 of the East Nipissing District Home for the Aged ("Cassellholme"), the notes to the financial statements state:

"The Board of Directors of the Home controls Castle Arms and the Board of Directors of the Home has majority representation on the Board of Directors of Castle Arms. Castle Arms is incorporated without share capital under the laws of the Province of Ontario as a non-profit organization and its primary purpose is to provide housing to senior citizens on a rent-g geared-to-income basis.";

And Whereas the Board of Management for the District of East Ferris ("Cassellholme Board of Management") consists of seven members and the area they represent with two members at large appointed by the Lieutenant Governor in Council and three members appointed by the municipal council of the City of North Bay, one member appointed jointly by the municipal councils of the Town of Mattawa, the Township of South Algonquin, the Township of Calvin, and the Township of Papineau-Cameron and one member appointed jointly by the municipal councils of the Township of Bonfield, the Township of Chisholm, the Township of East Ferris and the Township of Mattawan, (collectively the "Municipal Members");

And Whereas historically the members of the Cassellholme Board of Management have been the same members of the Castle Arms Board of Management;

And Whereas at the Castle Arms Board meeting held on June 17, 2021, it was moved and approved that the Castle Arms Board approve an Ad Hoc committee to review, reform, and modernize the By-Laws and Governance materials of the Board and that the suggested changes to the Board By-Laws be brought back to the Board for approval tentatively at the end of the summer;

And Whereas at the Castle Arms Board meeting on September 23, 2021, the Castle Arms Board approved the resignation of Alan McDonald and the appointment of Bill Vrebosch, of the City of North Bay, Area 1 Member, effective September 23, 2021;

And Whereas at the same meeting of the Castle Arms Board on September 23, 2021, the Castle Arms Board accepted the resignation of Mayor Dean Backer of the Town of Mattawa, Area 2 Member, effective September 21, 2021;

And Whereas at the October 28, 2021 meeting of the Castle Arms Board, the resignations of Terry Kelly of the Municipality of East Ferris, Area 3 Member, effective September 28, 2021 and the resignation of Bill Vrebosch, Area 1 Member, effective October 26, 2021 were announced and accepted;

And Whereas at the meeting on October 28, 2021, item 6.1, the Castle Arms Board approved the revised Castle Arms By-Laws adopted from the Cassellholme By-Laws, approved on August 26, 2021;

And Whereas at the same meeting on October 28, 2021, item 8.1, the Board was advised that effective three (3) years from October 19, 2021, the Cassellholme and Castle Arms Boards must have separate Board Members. The Cassellholme Board is mandated by the Ministry to have Members represented from the Area Municipalities, so the Cassellholme Board cannot be changed. The Castle Arms Board of Management will advertise for the three (3) open vacancies with a media release to be sent out to request volunteers to sit on the Board. The current Board Members will select Members from applications received. It was suggested to hold off for a month before advertising;

And Whereas the Minutes of the October 28, 2021 meeting of the Castle Arms Board does not identify the legislation nor the section of the legislation requiring that the Cassellholme Board and Castle Arms Board must have separate Board Members;

And Whereas at the November 30, 2021 City of North Bay Council meeting, Dave Mendicino was appointed to represent the City of North Bay on the Cassellholme East Nipissing Home for the Aged Board ;

And Whereas at the Castle Arms Board meeting on November 25, 2021 the board approved the CEO to make the necessary changes to ensure compliance with the most recent changes to the Ontario Not-for-Profit Corporations Act (ONCA) and commence the recruitment process for the current Board vacancies.

And Whereas at the December 14th, 2021 Special Board of Management Meeting of Cassellholme, the Cassellholme Board of Management accepted the appointment of Dave Mendicino, of the City of North Bay, Area 1 Member, effective November 30, 2021 for a term to expire November 14, 2022;

And Whereas Cassellholme Board of Management meetings took place on November 25, 2021, December 14, 2021, January 6, 2022 and January 27, 2022 and Castle Arms Board meetings took place only on November 25, 2021 and January 27, 2022;

And Whereas at the January 27, 2022 meeting of the Castle Arms Board, newly appointed Mayor Gail Degagne of Chisholm and Councillor Dave Mendicino, being members of the Cassellholme Board of Management, were denied access to the Castle Arms Board meeting as board members and could only attend as guests;

And Whereas there has been no communication or consultation with the City of North Bay or any of the other eight (8) Member Municipalities prior to amendment of the Castle Arms by-law and corporate governance;

And Whereas it appears that the Member Municipalities no longer have representation on the Castle Arms Board;

Therefore Be It Resolved that the Council of the City of North Bay direct:

- (a) that a copy of this motion be sent to all Member Municipalities;
- (b) the Interim Chief Administrative Officer to retain appropriate advisors with legal and financial expertise to review the amendment of the By-Law of the Castle Arms Board, including the requirement that the Castle Arms Board and the Cassellholme Board of Management have different board members, and make recommendations;
- (c) notify and invite all of the Member Municipalities to participate in the review and update them as appropriate; and
- (d) the findings of the review are to be reported to the Council of the City of North Bay and the Member Municipalities.

Carried as amended

Res. # 2023-65(b)

Moved by Councillor Gardiner
Seconded by Councillor King

That the Motion re: Castle Arms be referred to the General Government Committee.

Record of Vote (upon the Request of Councillor Vrebosch)

Yeas: Councillors Mallah, Gardiner, King, Horsefield and Mayor Chirico

Nays: Councillors Vrebosch, Bain, Inch, Mitchell

Carried

9. In-Camera Correspondence

Councillor Bain declared a conflict in relation to In-Camera Item 9.3 and left the room for the discussion of the matter.

Councillor Gardiner declared a conflict in relation to In-Camera Items 9.3 and 9.5 and left the room for the discussion of these matters.

Councillor Inch declared a conflict in relation to In-Camera Item 9.3 and left the room for the discussion of the matter.

Councillor Vrebosch declared a conflict in relation to In-Camera Item 9.3 and left the room for the discussion of the matter.

Res. # 2023-66

Moved by Councillor Horsfield

Seconded by Councillor Inch

That Council adjourn in-camera pursuant to section 239.(2) of the *Municipal Act, 2001*, as amended at 9:06 p.m. for the following reasons:

Item 9.2, being personal matters about identifiable individuals, including municipal or local board employees;

Item 9.3, being a proposed acquisition of land by the Municipality;

Item 9.4, being a potential disposition of lands by the Municipality; and

Item 9.5, being a proposed disposition of lands by the Municipality.

Carried

Res. # 2023-67

Moved by Councillor Horsfield

Seconded by Councillor Inch

That Council reconvene at 9:41 p.m.

Carried

9.2 Confidential report from Karen McIsaac dated January 19, 2023 re Personal matters about an identifiable individual, including municipal or local board employees

Res. # 2023-68

Moved by Councillor Horsfield

Seconded by Councillor Inch

That Council appoint Anne S. Taylor to the North Bay Public Library Board for a term to expire November 14, 2026.

Carried

10. Giving Notice (Notice of Motion)

11. Confirmatory By-Law

Res. # 2023-69

Moved by Councillor Horsfield

Seconded by Councillor Inch

That the following by-law be read a first and second time:

By-Law No. 2023-09 to confirm the proceedings from the Regular Meeting of Council held on January 31, 2023.

Carried

Res. # 2023-70

Moved by Councillor Horsfield

Seconded by Councillor Inch

That the following by-law be read a third time and passed:

By-Law No. 2023-09 to confirm proceedings of the Regular Meeting of Council held on January 31, 2023.

Carried

12. Adjournment

Res. # 2023-71

Moved by Councillor Vrebosch

Seconded by Councillor Bain

That this Regular Meeting of Council do now adjourn at 9:43 p.m.

Carried

Mayor Peter Chirico

City Clerk Karen McIsaac