



**Regular Meeting of City Council
Minutes**

**March 26, 2024, 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 Vrebosch, Councillor Mayne

Members Absent: Councillor Gardiner, Councillor Mitchell

1. Declaration of Pecuniary Interest and the General Nature Thereof

1.1 Councillor Bain - In-Camera Correspondence declared a conflict of interest in relation to item #10.2 and did not reconvene with Council.

2. Motion to Suspend the Rules

2.1 Councillor Tanya Vrebosch

Res. # 2024-70

Moved by Councillor Bain
Seconded by Councillor Horsfield

Pursuant to Section 2.2 of the City of North Bay's Procedural By-Law No. 2019-80, the applicable Rules are hereby suspended to allow for a retraction and apology from Councillor Tanya Vrebosch.

Carried

3. Public Presentations

3.1 Don Rennick, Comments on the 2024 Operating Budget and Budget Process

4. Public Meeting Minutes

Res. # 2024-71

Moved by Councillor Horsfield
Seconded by Councillor Mayne

That the minutes for the public meetings held on:

- Thursday, February 15, 2024;
- Tuesday, February 27, 2024;
- Monday, March 4, 2024;

- Tuesday, March 5, 2024;
- Wednesday, March 6, 2024; and
- Thursday, March 7, 2024

be adopted as presented.

Carried

5. Motion for Reconsideration

6. Committee Reports

7. Correspondence

That Council receive the 2023 Statement of Remuneration and Expenses for Members of Council for the year ended December 31, 2023 as attached to Report to Council CORP 2024-027 dated March 22, 2024 from Margaret Karpenko.

- 7.1 Proposed Zoning By-Law Amendment and Draft Plan of Condominium by Tulloch Geomatics Inc. on behalf of Highland Woods Developments Inc. - Golf Club Road (unaddressed)

Res. # 2024-72

Moved by Councillor Mallah
 Seconded by Councillor King

That the proposed Zoning By-Law Amendment and Draft Plan of Condominium applications by Tulloch Geomatics Inc. on behalf of Highland Woods Developments Inc. – Golf Club Road (unaddressed) be received and referred to the Community Services Committee for a Public Meeting.

Carried

- 7.2 2024 Canada Day Celebrations

Res. # 2024-73

Moved by Councillor Mallah
 Seconded by Councillor King

That Council:

1. grant permission to the O’Canada Day Committee to hold the 2024 Canada Day Celebrations in and about the Waterfront Park on July 1, 2024, pursuant to By-Law No. 2014-53 (Noise By-Law); and
2. grant an exemption to the O’Canada Day Committee from the Noise By-Law, and exclusivity over the event and grounds be approved as follows: a) having approved Recommendation No. 1 granting permission to hold the public celebration known as the 2024 O’Canada Day Event, the event becomes exempt from the noise control provisions contained in By-Law No. 2014-53 (Noise By-Law), as amended, pursuant to the operation of Section 6

and Schedule 3 thereof, as defined in Attachment 1, in Report to Council CSBU 2024-10 dated February 13, 2024 from Erin Vaughan; and b) exclusive use on July 1, 2024, on and over the City-owned and controlled lands (except the North Bay Wastewater Treatment Facility Lands) within the area defined as, extending from, and inclusive of the waterfront beaches starting at Tenth Street and both sides of Memorial Drive from the Uniroc site up to and including Lee Park.

Carried

7.3 Proposed Road Closure Application – 392 Norwood Avenue

Res. # 2024-74

Moved by Councillor Mallah
Seconded by Councillor King

That

1. the application by Mathew Blanchfield to acquire an unopened municipal road allowance, as shown on Schedule "A" attached to Report to Council CSBU 2024-09 dated February 15, 2024 from Peter Carello, be approved;
2. the sale of the unopened road allowance be subject to the granting of any required easements; and
3. the Chief Administrative Officer be authorized by Council to negotiate this sale for the subject road allowance at the appraised value.

Carried

7.4 Municipal Accommodation Tax - Agreement Renewal

Res. # 2024-75

Moved by Councillor Horsfield
Seconded by Councillor Inch

That Council authorize the Chief Administrative Officer and City Clerk to execute an agreement with Tourism North Bay for a period of five (5) years, to the satisfaction of the Chief Administrative Officer, the Chief Financial Officer and City Solicitor.

Carried

7.5 Purchasing By-Law

Res. # 2024-76

Moved by Councillor Horsfield
Seconded by Councillor Inch

That Council authorize an amendment to City of North Bay By-Law 2024-02, being a by-law to amend City of North Bay Purchasing By-Law 2013-200, as set out in Report to Council CORP 2024-22 dated March 14, 2024 from Margaret Karpenko.

Carried

7.6 Final Approval of Plan of Condominium - 215 Ross Drive (Richardson)

Res. # 2024-77

Moved by Councillor Mallah
Seconded by Councillor King

That Council:

1. grant final approval to a Vacant Land Plan of Condominium for a property located at 215 Ross Drive; and
2. authorize the Mayor and City Clerk to sign the Condominium Agreement with David Wayne Richardson, Estate Trustee for the Estate of John Edwin Richardson consisting of three (3) units and one (1) common element, upon receipt of all Condominium Agreement requirements.

Carried

7.7 Reduction, Cancellation or Refund of Taxes - Section 357/358, the Municipal Act, S. O. 2001, c.25

Res. # 2024-78

Moved by Councillor Horsfield
Seconded by Councillor Inch

That:

1. Report to Council CORP 2024-19 for the Cancellation, Reduction or Refund of Taxes under Sections 357 and 358 of the Municipal Act, 2001, c.25 be received;
2. Council accepts and approves the 15 applications, as recommended by the Municipal Property Assessment Corporation (MPAC), for the period set out on each application form and that the taxes totaling approximately \$44,800 be adjusted under Section 357 of the Municipal Act, S.O. 2001, c.25 of which the City's portion is estimated to be \$33,290;
3. the Treasurer be directed to adjust the Collector's Roll; accordingly; and
4. staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

7.8 2023 Remuneration and Expenses for Members of Council

Res. # 2024-79

Moved by Councillor Horsfield
Seconded by Councillor Inch

That Council receive the 2023 Statement of Remuneration and Expenses for Members of Council for the year ended December 31, 2023 as attached to Report to Council CORP 2024-027 dated March 22, 2024 from Margaret Karpenko.

Carried

8. By-Laws for Consideration

Res. # 2024-80

Moved by Councillor Horsfield
Seconded by Councillor Inch

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

By-Law No. 2024-21 to appoint an Integrity Commissioner.

By-Law No. 2024-25 to authorize the execution of a Condominium Agreement between The Corporation of the City of North Bay and David Wayne Richardson, Estate Trustee for the Estate of John Edwin Richardson - 215 Ross Drive.

By-Law No. 2024-26, being a by-law to amend By-Law No. 2024-02, which amended Purchasing By-Law No. 2013-200.

Carried

Res. # 2024-81

Moved by Councillor Horsfield
Seconded by Councillor Inch

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

By-Law No. 2024-21 to appoint an Integrity Commissioner.

By-Law No. 2024-25 to authorize the execution of a Condominium Agreement between The Corporation of the City of North Bay and David Wayne Richardson, Estate Trustee for the Estate of John Edwin Richardson - 215 Ross Drive.

By-Law No. 2024-26, being a by-law to amend By-Law No. 2024-02, which amended Purchasing By-Law No. 2013-200.

Carried

9. Motions

9.1 Occupational Health and Safety Act

Res. # 2024-82

Moved by Councillor Horsfield
Seconded by Councillor Mallah

Whereas Council received the attached Motion from the City of Greater Sudbury in relation to amendments to the Occupational Health and Safety Act to clarify the definition of "Employer".

Therefore Be it Resolved that the Council of the City of North Bay endorses and supports the Motion made by the Council of the City of Greater Sudbury.

And Further be it Resolved that a copy of this motion be sent to the Honourable Doug Ford, Premier of Ontario, the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, MPP Victor Fedeli, Association of Municipalities of Ontario, Federation of Northern Ontario Municipalities and the City of Greater Sudbury.

City of Greater Sudbury

December 12, 2023

Sent Via Email

Municipalities of Ontario

Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of "Employer"

The following resolution was passed by Council of the City of Greater Sudbury on December 5, 2023:

CC2023-303: WHEREAS in 2015 the City of Greater Sudbury (the "City") entered into a contract with a contractor experienced in road construction projects to complete a project on Elgin Street in the City's downtown core;

AND WHEREAS the contract provided that the contractor would be the constructor for the project as that term is defined in the Occupational Health and Safety Act (the "Act");

AND WHEREAS an employee of the constructor operating a grader on the project struck and killed a pedestrian;

AND WHEREAS the City was charged with offences under the Act as the constructor and the employer;

AND WHEREAS after being acquitted at trial and on appeal, the Ontario Court of Appeal, in a decision issued on April 23, 2021, found the City to be liable for contraventions of the Construction Regulations as an employer as it employed quality control inspectors to monitor the quality of work on the project from time-to-time;

AND WHEREAS the Supreme Court of Canada, in a decision issued on November 10, 2023, was evenly divided 4-4 on the issue resulting in dismissal of the City's appeal;

AND WHEREAS the consequence of this decision is that municipalities in Ontario, as well as all other owners of property in the province, who wish to undertake construction, are subject to being charged and convicted as an employer for offences in relation to project sites for which they have no control and have, in accordance with the Act, contracted with an entity to assume plenary oversight and authority over the work on such site as the constructor;

AND WHEREAS the potential of an owner being charged as an employer as that term is defined in the Act in circumstances where it has engaged a constructor disregards and renders meaningless the owner-constructor provisions contained in the Act and presents an unacceptable level of increased risk and confusion for owners and contractors throughout the province;

AND WHEREAS the City believes that the safety of workers is paramount however the safety of workers on construction projects in Ontario is not increased by placing liability on parties that do not have control of and are not responsible for the conduct of the work on such sites;

NOW THEREFORE BE IT RESOLVED THAT the Council for the City of Greater Sudbury requests that the province amend the Occupational Health and Safety Act to clarify the definition of "employer" to exclude owners that have contracted with a constructor for a project;

AND BE IT FURTHER RESOLVED THAT this motion be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, France Gelinis, MPP for Nickel Belt, Jamie West, MPP for Sudbury, the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, Ontario's Big City Mayors, Mayors and Regional Chairs of Ontario, Northern Ontario Large Urban Mayors, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Ontario municipalities.

Yours truly,

Brigitte Sobush

Manager of Clerk's Services/Deputy City Clerk

Carried

10. In-Camera Correspondence

Councillor Bain declared a conflict of interest in relation to item #10.2 and did not reconvene with Council.

Res. # 2024-83

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 6:55 p.m. for the following reason:

Item 10.2, being a potential acquisition of land by the municipality.

Carried

Res. # 2024-84

Moved by Councillor Horsfield
Seconded by Councillor Inch

That Council reconvene at 7:01 pm.

Carried

11. Giving Notice (Notice of Motion)

12. Confirmatory By-Law

Res. # 2024-85

Moved by Councillor Vrebosch
Seconded by Councillor Lowery

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

By-Law No. 2024-14 to confirm proceedings of the Regular Meeting of Council held on March 26, 2024.

Carried

Res. # 2024-86

Moved by Councillor Vrebosch
Seconded by Councillor Lowery

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

By-Law No. 2024-14 to confirm proceedings of the Regular Meeting of Council held on March 26, 2024.

Carried

13. Adjournment

Res. # 2024-87

Moved by Councillor Vrebosch
Seconded by Councillor Lowery

That this Regular Meeting of Council do now adjourn at 7:02 p.m.

Carried

Mayor Peter Chirico

City Clerk Karen McIsaac