



The Corporation of the City of Temiskaming Shores
Regular Meeting of Council
Tuesday, March 19, 2024 – 6:00 p.m.
City Hall – Council Chambers – 325 Farr Drive

Minutes

1. Land Acknowledgement

We acknowledge that we live, work, and gather on the traditional and unceded Territory of the Algonquin People, specifically the Timiskaming First Nation.

We recognize the presence of the Timiskaming First Nation in our community since time immemorial and honour their long history of welcoming many Nations to this beautiful territory and uphold and uplift their voice and values.

2. Call to Order

The meeting was called to order by Mayor Laferriere at 6:00 p.m.

3. Roll Call

Council: Mayor Jeff Laferriere; Councillors Jesse Foley (Virtual), Melanie Ducharme (Virtual), Ian Graydon, Nadia Pelletier-Lavigne, Danny Whalen, and Mark Wilson

Present: Amy Vickery, City Manager
Logan Belanger, Municipal Clerk
Shelly Zubyck, Director of Corporate Services
Mathew Bahm, Director of Recreation
Brad Hearn, Information Systems & Technology
Steve Burnett, Manager of Environmental Services
Mitch McCrank, Manager of Transportation Services
Steve Langford, Fire Chief
Stephanie Leveille, Treasurer

Regrets: N/A

Media: 2

Delegates: Amar Lad - Team Lead, Mobility Planning with TYLIN

Members of 4
the Public:

4. Review of Revisions or Deletions to Agenda

None

5. Approval of Agenda

Resolution No. 2024-102

Moved by: Councillor Graydon

Seconded by: Councillor Pelletier-Lavigne

Be it resolved that City Council approves the agenda as printed.

Carried

6. Disclosure of Pecuniary Interest and General Nature

Councillor Ian Graydon disclosed a Declaration of Conflict of Interest on Section 15) By-Law No. 2024-027 being a by-law to authorize the entering into a Lease Agreement with the Community Choir for the rental of space at the Lawrence “Bun” Eckensviller Community Hall, as his wife is a member of the Choir.

7. Public Meetings pursuant to the Planning Act, Municipal Act and other Statutes

None

8. Review and Adoption of Council Minutes

Resolution No. 2024-103

Moved by: Councillor Wilson

Seconded by: Councillor Graydon

Be it resolved that City Council approves the following minutes as printed:

- a) Regular Council Meeting – February 20, 2024; and
- b) Committee of the Whole Meeting – March 5, 2024.

Carried

9. Presentations / Delegations

- a) Amar Lad - Team Lead, Mobility Planning with TYLIN

Re: City of Temiskaming Shores Downtown Cores Mobility Study

Amar Lad - Team Lead, Mobility Planning with TYLIN, utilizing PowerPoint provided a presentation regarding the development of the City's Downtown Cores Mobility Study, to help give direction to create and improve opportunities to connect people to businesses and community spaces in the City, by balancing the needs of all modes of transportation.

The goals of the Study included providing the best transportation service for all users; accommodating land use and urban design; incorporating active travel; providing implementation feasibility; providing an estimated cost of construction, and a phasing strategy. Mr. Lad reviewed the project timeline; the consultation process, provided an overview of complete streets and Vision Zero principles; completed a review of policies and design guidelines; provided an overview of existing transportation network gaps and opportunities, and baseline traffic analysis; followed by a description of the proposed implementation phases (i.e. Phase 1: Minor / Partial Improvements and Phase 2: Major / Full Improvements), including cost estimates and potential funding sources, most notably the Green Municipal Fund. Mr. Lad completed the presentation by reviewing next steps (i.e. Council endorsement of the Plan, finalizing Plan documentation and publication of a notice of completion), as well as a review of additional considerations.

Mayor Laferriere thanked Mr. Lad for the presentation, and invited questions from members of Council. Councillor Whalen discussed considerations regarding the recommendation to align transit service with the ONTC train service (once operational), as the hours of operations may not align. Councillor Ducharme inquired about winter maintenance and snow removal with the addition of proposed design elements for Complete Streets.

Resolution No. 2024-104

Moved by: Councillor Graydon

Seconded by: Councillor Whalen

Be it resolved that Council for the City of Temiskaming Shores hereby acknowledges receipt of the City of Temiskaming Shores Downtown Cores Mobility Study presentation.

Carried

10. Correspondence/ Communications

- a) Claire Hendrikx, Temiskaming Shores Public Library Board Member

Re: Letter of Resignation, 2024-02-05

Reference: Accepts the resignation letter as submitted

- b) Eastlink

Re: Request for Permission to Conduct Door-Knocking Campaign, 2024-02-12

Reference: Received for Information

- c) Earlton Timiskaming Regional Airport Authority

Re: December 2023, January 2024, and February 2024 Financials

Reference: Received for Information

- d) Erika Luoma, Fund and Volunteer Coordinator – North Region Autism Ontario

Re: Celebration of World Autism Awareness Day – April 2, 2024

Reference: Proclamation presented under Section 14. New Business for Council Consideration

- e) Beth Morton, Clerk-Administrator – Township of Perry

Re: Request to the Province to Amend Blue Box Regulation for 'Ineligible' Sources, 2024-02-26

Reference: Received for Information

Note: Councillor Wilson requested this item be returned for Council consideration

- f) Olivia Leger, Clerk/County Solicitor – Lambton County

Re: Responsibility of and costs associated with the continued construction, operation, and maintenance of major municipally-owned highways, 2024-02-23

Reference: Received for information

Note: Councillor Wilson requested this item be returned for Council consideration

- g) Timiskaming Health Unit

Re: Community Safety and Well-Being Committee, Six Month Report

Reference: Received for Information

- h) Timiskaming Health Unit

Re: Porcupine Health Unit and the Timiskaming Health Unit Merger Community Update, 2024-02-29

Reference: Received for Information

- i) Nicole Martin, CAO/Clerk - Township of Amaranth

Re: Highway 413, 2024-02-23

Reference: Received for Information

- j) Josh Machesney, City Clerk - City of Quinte West

Re: Housing Funding, 2024-02-02

Reference: Received for Information

Note: Councillor Wilson requested this item be returned for Council consideration

k) Timiskaming Health Unit

Re: Report to the Board of Health Year-End Report – January to December 2023

Reference: Received for Information

l) Timiskaming Health Unit

Re: Board of Health Briefing Note - Endorsement of Public Health Sudbury & Districts Letter on Household Food Insecurity

Reference: Received for Information

Resolution No. 2024-105

Moved by: Councillor Wilson

Seconded by: Councillor Graydon

Be it resolved that the Council for the City of Temiskaming Shores agrees to deal with Communications Items 10 a) though l) in accordance with agenda references.

Carried

11. Committees of Council – Community and Regional

Resolution No. 2024-106

Moved by: Councillor Whalen

Seconded by: Councillor Pelletier-Lavigne

Be it resolved that the following minutes be accepted for information:

- a) Minutes from the District of Timiskaming Social Services Administration Board meeting held on January 17, 2024;
- b) Minutes from the Earlton Timiskaming Regional Airport Authority meeting held on November 16, 2023 and January 18, 2024; and
- c) Minutes from the Temiskaming Shores Public Library Board meeting held on November 22, 2023; and
- d) Minutes from the Timiskaming Health Unit Board of Health meeting held on January 31, 2024.

Carried

12. Reports by Members of Council

Councillor Whalen updated that the Temiskaming Shores Development Corporation held their first meeting, and Tricia Anderson was elected as Chair and Councillor Mark Wilson as Vice-Chair for the Committee.

13. Notice of Motions

None

14. New Business

- a) **Prince Edward County Resolution of Support – Expand the life span of fire apparatus (Correspondence from the February 20, 2024 Regular Council Meeting)**

Resolution No. 2024-107

Moved by: Councillor Graydon

Seconded by: Councillor Whalen

Whereas Council for Price Edward County adopted a resolution requesting support to expand the life span of fire apparatus, at their regular meeting of Council on January 16, 2024; and

Whereas fire Apparatus is governed by industry best practices, the application of law and recognized industry partners, including the Ontario Fire Service Section 21 Guidance Notes, National Fire Protection Association Standards, The Occupational Health and Safety Act, and the Fire Underwriters Survey (FUS); and

Whereas the Fire Underwriters Survey (FUS) is a provider of data, underwriting, risk management and legal/regulatory services focusing on community fire protection and fire prevention systems in Canada, establishing apparatus replacement schedules based on safety and risk mitigation practices; and

Whereas no provincial funding is available for new fire trucks, yet small and rural municipalities must meet the same standards set by the FUS as larger municipalities for fire equipment, including additional pressure to move fire trucks out when they reach a specific age, even though they can still meet the safety regulations.

Be it resolved that Council for The Corporation of the City of Temiskaming Shores hereby supports Prince Edward County's request to the FUS for the creation of a new community fire-protection and fire prevention insurance

system that does not put all municipalities under the same umbrella, with distinct categories for rural and urban municipalities; and

That a copy of this resolution be sent to the Honourable Doug Ford, Premier of Ontario; the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development; and the Honourable Paul Calandra, Minister of Municipal Affairs and Housing; and

Further that a copy of this resolution be sent to the Federation of Canadian Municipalities (FCM), The Association of Municipalities Ontario (AMO), and Prince Edward County.

Carried

- b) **Federation of Northern Ontario Municipalities (FONOM) Resolution of Support - Amendment to the Occupational Health and Safety Act to Clarify the Definition of Employer (Correspondence from the February 20, 2024 Regular Council Meeting)**

Resolution No. 2024-108

Moved by: Councillor Whalen

Seconded by: Councillor Graydon

Whereas many municipalities in Ontario have seen an increase to their insurance rates due to Joint and Several Liability; and

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 of Temiskaming Shores 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.

Be it resolved that Council for the City of Temiskaming Shores requests 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

Further that this resolution 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 Gelin, 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 the Clerk of the City of Greater Sudbury.

Carried

c) **Proclamation - April 2, 2024 World Autism Awareness Day (Correspondence Item No. 10 d.)**

Resolution No. 2024-109

Moved by: Councillor Wilson

Seconded by: Councillor Pelletier-Lavigne

Whereas in 2008, The United Nations General Assembly unanimously declared April 2nd as World Autism Awareness Day — an annual opportunity for a dedicated conversation about autism spectrum disorder (ASD); and

Whereas in 2012, Canadian Parliament passed the World Autism Awareness Day Act recognizing April 2nd as World Autism Awareness Day; and

Whereas Autism Spectrum Disorder affects more than 135,000 Ontarians on the autism spectrum, and ASD is now recognized as the most common neurological disorder affecting 1 in every 66 children, as well as their friends, family and community; and

Whereas ASD is a spectrum disorder, which means it not only manifests itself differently in every individual in whom it appears, but its characteristics will change over the life of each individual. A child with ASD will become an adult with ASD; and

Whereas Autism Ontario and its chapters share common goals of providing information and education, supporting research, advocating for programs and services for the autism community, and is dedicated to increasing public awareness about autism and the day-to-day issues faced by individuals with autism, their families, and the professionals with whom they interact; and

Whereas this year's campaign initiative is Celebrate the Spectrum to unite families, schools, communities, businesses, government, and professionals in recognizing World Autism Awareness Day, by celebrating people on the autism spectrum and bringing to light the systemic barriers that must be removed to create a more supportive and inclusive Ontario.

Be it resolved that Council for the City of Temiskaming Shores hereby proclaims April 2, 2024 as "World Autism Awareness Day" in the City of Temiskaming Shores.

Carried

d) **Memo No. 011-2024-CS - Treasurer’s 2023 – Statement of Remuneration**

Resolution No. 2024-110

Moved by: Councillor Graydon

Seconded by: Councillor Whalen

Whereas Section 284 (1) of the Municipal Act, 2001 states that the Treasurer of a municipality shall in each year, on or before March 31, provide to the Council of the municipality an itemized statement of remuneration and expenses paid in the previous year to each member of Council and to each person, other than a member of Council, appointed by the municipality to serve as a member of any body, including a local board, in respect of his or her services as a member of the body.

Now therefore be it resolved that Council acknowledges receipt Memo No. 011-2024-CS; and the 2023 Statement of Remuneration and Expenses as submitted by the Treasurer; and

That a copy of this statement be posted on the City’s website and advertised in the City Bulletin.

Carried

15. By-Laws

Councillor Ian Graydon declared a conflict of interest on the following By-Law; therefore, did not participate in the discussion or voting of Resolution No. 2024-111.

Resolution No. 2024-111

Moved by: Councillor Whalen

Seconded by: Councillor Pelletier-Lavigne

Be it resolved that:

By-law No. 2024-027 Being a by-law to authorize the entering into a Lease Agreement with the Community Choir for the rental of space at the Lawrence “Bun” Eckensviller Community Hall

be hereby introduced and given first, second and third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

Carried

Resolution No. 2024-112

Moved by: Councillor Graydon

Seconded by: Councillor Pelletier-Lavigne

Be it resolved that:

- By-law No. 2024-021 Being a by-law to enter into an agreement with Timmins Kenworth Ltd. for the purchase of one (1) Kenworth Triaxle Truck
- By-law No. 2024-022 Being a by-law to enter into an agreement with Macnab Transit Sales Corp. for the purchase of a used Coach Transit Shuttle Bus
- By-law No. 2024-023 Being a by-law to authorize an agreement with D.M. Wills Associates Limited for professional engineering services to provide annual monitoring at the New Liskeard and Haileybury Landfill Sites
- By-law No. 2024-024 Being a by-law to enter into an agreement with Miller Paving Limited for the 2024 Roadway Rehabilitation Program
- By-law No. 2024-025 Being a by-law to amend By-law No. 2015-128 as amended, to establish a system for the Collection and Disposal of Garbage, Recyclables and other refuse – Free Tipping Fee Voucher Program
- By-law No. 2024-026 Being a by-law to amend By-law No. 2023-113 to authorize entering into a funding agreement with the Federation of Canadian Municipalities (FCM) under the Green Municipal Fund (GMF) to establish a roadmap to net zero emissions for eight municipal buildings in the City of Temiskaming Shores – Amendment No. 1: Addition of six municipal buildings
- By-law No. 2024-028 Being a by-law to authorize an agreement with Roger A. Rivard and Son Ltd. O/A Rivard Bros. Ltd., for the replacement of the Niven Reservoir Roof
- By-law No. 2024-029 Being a by-law to authorize an agreement with Temiskaming Power Sports Inc. for the lease of the New Liskeard Marina, for the operation of a marina and power sports store

- By-law No. 2024-030 Being a by-law to authorize the execution of a Memorandum of Understanding and Operating Agreement with the Town of Cobalt for Transit Services “Temiskaming Transit”
- By-law No. 2024-031 Being a by-law of the Corporation of the City of Temiskaming Shores to authorize the borrowing upon serial debentures in the principal amount of \$330,215.29 towards the cost of snow blower attachments
- By-law No. 2024-032 Being a By-law of the Corporation of the City of Temiskaming Shores to authorize the borrowing upon serial debentures in the principal amount of \$522,631.56 towards the cost of ICI water meters
- By-law No. 2024-033 Being a by-law of the Corporation of the City of Temiskaming Shores to authorize the borrowing upon serial debentures in the principal amount of \$920,506.66 towards the cost of the New Liskeard Landfill Site
- By-law No. 2024-034 Being a by-law to authorize the entering into a Lease Agreement with the Haileybury Family Health Team for the rental of space at the Haileybury Medical Centre
- By-law No. 2024-035 Being a by-law to authorize the Sale of Land being 468 Georgina Avenue (PLAN M13NB BLK O LOT 1 LOT 2 PCL 1866NND FIRE HALL) 5418-030-003-02400

be hereby introduced and given first, second and third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

Carried

16. Schedule of Council Meetings

- a) Committee of the Whole – April 2, 2024 starting at 3:00 p.m.
- b) Regular Council Meeting – April 16, 2024 starting at 6:00 p.m.

17. Question and Answer Period

None

18. Closed Session

Resolution No. 2024-113

Moved by: Councillor Whalen

Seconded by: Councillor Pelletier-Lavigne

Be it resolved that Council agrees to convene in Closed Session at 7:40 p.m. to discuss the following matters:

- a) Adoption of the February 20, 2024 and March 5, 2024 Closed Session Minutes; and
- b) Under Section 239(2)(b) of the Municipal Act, 2001 – Personal matter (identifiable individual) – HR Update.

Carried

Resolution No. 2024-114

Moved by: Councillor Foley

Seconded by: Councillor Ducharme

Be it resolved that Council agrees to rise with report from Closed Session at 7:46 p.m.

Carried

Matters from Closed Session

Adoption of the February 20, 2024 and March 5, 2024 Closed Session Minutes

Resolution No. 2024-115

Moved by: Councillor Pelletier-Lavigne

Seconded by: Councillor Ducharme

Be it resolved that Council approves the following as printed:

- a) Closed Session Minutes from the February 20, 2024 Regular Council meeting, and the Closed Session Minutes from the March 5, 2024 Committee of the Whole meeting.

Carried

Under Section 239(2)(b) of the Municipal Act, 2001 – Personal matter (identifiable individual) – HR Update

Staff provided Council with an update in Closed Session.

19. Confirming By-law

Resolution No. 2024-116

Moved by: Councillor Foley

Seconded by: Councillor Ducharme

Be it resolved that By-law No. **2024-036** being a by-law to confirm certain proceedings of Council of The Corporation of the City of Temiskaming Shores for its Committee of the Whole Meeting held on March 5, 2024, and for its Regular meeting held on March 19, 2024, be hereby introduced and given first, second, third and final reading; and be signed by the Mayor and Clerk and the Corporate Seal affixed thereto.

Carried

20. Adjournment

Resolution No. 2024-117

Moved by: Councillor Graydon

Seconded by: Councillor Pelletier-Lavigne

Be it resolved that Council hereby adjourns its meeting at 7:48 p.m.

Carried

Mayor

Clerk