



**MEETING:** City Council

**DATE:** Monday, January 25, 2021

*Reference No. CC 4/52*

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**OPEN SESSION in the S. H. Blake Memorial Auditorium at 11:30 pm**

Chair: Mayor B. Mauro

**ELECTRONIC PARTICIPATION: OFFICIALS:**

Mayor B. Mauro  
Councillor A. Aiello  
Councillor M. Bentz  
Councillor S. Ch'ng  
Councillor A. Foulds  
Councillor C. Fraser  
Councillor T. Giertuga  
Councillor R. Johnson  
Councillor B. McKinnon  
Councillor K. Oliver  
Councillor A. Ruberto  
Councillor Peng You

Ms. D. Earle, Deputy City Clerk  
Ms. F. Track, Committee Coordinator

**OFFICIALS - ELECTRONIC PARTICIPATION:**

Mr. M. Smith, Acting City Manager  
Ms. L. Evans, General Manager – Corporate Services  
& Long Term Care  
Ms. K. Marshall, General Manager – Infrastructure &  
Operations  
Ms. K. Robertson, General Manager – Community  
Services

***OPENING CEREMONIES***

One Minute of Silence

***DISCLOSURES OF INTEREST***

**Disclosures of Interest**

Councillor A. Ruberto declared a conflict relative to BL 3/2021 - A By-law to amend By-law BL 70/2016 Community Improvement Plan – Westfort Business Area and BL 4/2021 - To amend the Community Improvement Plan for Thunder Bay's Strategic Core Areas as he owns properties in the area.

***CONFIRMATION OF AGENDA***

Confirmation of Agenda - January 25, 2021 - City Council

MOVED BY: Councillor Rebecca Johnson  
SECONDED BY: Councillor Brian McKinnon

WITH RESPECT to the January 25, 2021 City Council meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

***MINUTES OF PREVIOUS MEETINGS***

**City Council Minutes**

The Minutes of the following Meetings of the Thunder Bay City Council, to be confirmed:

1. The Thunder Bay City Council held on January 11, 2021.

MOVED BY: Councillor Trevor Giertuga  
SECONDED BY: Councillor Peng You

THAT the Minutes of the following Meetings of the Thunder Bay City Council, be confirmed:

1. The Thunder Bay City Council held on January 11, 2021.

CARRIED

***REPORTS OF COMMITTEES***

**Committee of the Whole Minutes**

The Minutes of the following Committee of the Whole meeting(s), to be adopted:

1. January 11, 2021 Committee of the Whole.

MOVED BY: Councillor Rebecca Johnson  
SECONDED BY: Councillor Peng You

THAT the Minutes of the following Committee of the Whole meeting(s), be adopted:

1. January 11, 2021 Committee of the Whole.

CARRIED

**Ratifying Resolutions - January 25, 2021**

The Deputy City Clerk advised that the resolutions previously adopted by Committee of the Whole held earlier in the evening relative to the above noted required ratification by Council. Under Council’s policy a two-thirds vote of Council was necessary.

**Committee and Board Appointments**

Confidential memorandum from Ms. K. Power, City Clerk, dated December 9, 2020 relative to the above noted was previously presented in Closed Session held on December 14, 2020.

WITH RESPECT to the confidential memorandum from Ms. K. Power, City Clerk, dated December 9, 2020, relative to Board and Advisory Committee Appointments, we recommend that the following people be appointed:

**OFFICIAL RECOGNITION – CITIZENS OF EXCEPTIONAL ACHIEVEMENT COMMITTEE**

One Citizen Representative for a four year term, expiring November 30, 2024

1. Matthew Villella

One Citizen Representative for the remainder of a four year term ending November 30, 2021

1. Samantha Martin-Bird

**Committee and Board Appointments - Council Representation**

Confidential memorandum from Ms. K. Power, City Clerk dated January 13, 2021 relative to the above noted was previously presented in Closed Session held earlier in the evening.

WITH RESPECT to the confidential Memorandum dated January 13, 2021 from Ms. K. Power, City Clerk, we recommend that Members of Council be appointed to local boards and committees, for the remainder of the term expiring November 30, 2022, as follows:

**DISTRICT OF THUNDER BAY SOCIAL SERVICES ADMINISTRATION BOARD**

1. Councillor Brian Hamilton

**THUNDER BAY DISTRICT BOARD OF HEALTH**

1. Councillor Rebecca Johnson

**THUNDER BAY FOOD STRATEGY**

1. Councillor Shelby Ch’ng

ELDER’S ADVISORY COMMITTEE

1. Councillor Shelby Ch’ng

**Human Resources Matter**

2021CLS.002 (Human Resources & Corporate Safety) relative to the above noted was previously presented in Closed Session held earlier in the evening.

WITH RESPECT to Report No. 2021CLS.002 (Human Resources and Corporate Safety), we recommend that Administration proceeds as directed in Closed Session.

**Corporate Digital Strategy**

Memorandum from Mr. J. Avella, Manager - Corporate Information Technology, dated December 10, 2020, requesting approval of Appropriation 29.

WITH RESPECT to the memorandum from Mr. J. Avella, Manager – Corporate Information Technology, dated December 10, 2020, we recommend that Appropriation No. 29 be approved;

AND THAT any necessary by-laws be presented to City Council for ratification.

**Amended Motion - Advocacy – Ontario Regulation 82/20 Rules for Areas in Stage 1 relating to Ski Hills**

A motion relative to the above noted was previously presented in Committee of the Whole held earlier in the evening.

WITH RESPECT to advocacy relating to Ontario Regulation 82/20 Rules for Areas in Stage 1, we recommend that City Council, through the Intergovernmental Affairs Committee, advocate to the provincial government to amend the regulation to allow Thunder Bay area ski hills to open;

AND THAT a copy of the resolution be sent to the Honourable Doug Ford, Premier of Ontario; the Honourable Christine Elliott, Deputy Premier of Ontario and Minister of Health; the Honourable Lisa MacLeod, Minister of Heritage, Sport, Tourism and Culture Industries; Michael Gravelle, MPP – Thunder Bay Superior North; and Judith Monteith-Farrell, MPP – Thunder Bay Atikokan.

AND THAT any necessary by-laws be presented to City Council for ratification.

**Amended Motion - Outdoor Skating Rinks - Nets**

A motion relative to the above noted was previously presented in Committee of the Whole held earlier in the evening.

WITH RESPECT to the removal of nets from outdoor ice rinks on January 21, 2021, we recommend that Administration be directed to return the nets for public use as soon as reasonably possible subject to confirmation of the direction provided to the City of Thunder Bay by the

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Thunder Bay District Health Unit to which the initial decision was made;

AND THAT Administration be directed to develop a plan for monitoring and addressing compliance to ensure that the City of Thunder Bay is in compliance O. Reg 82/20 Rules Under Stage 1 relating to outdoors rinks;

AND THAT should outdoor rinks require closure, Administration report to Council;

AND THAT any necessary by-laws be presented to Council for ratification.

**Ratifying Resolution - January 25, 2021**

MOVED BY: Councillor Albert Aiello

SECONDED BY: Councillor Aldo Ruberto

THAT the following ratifying resolutions be introduced, read, dealt with individually:

1. Committee and Board appointments;
2. Committee and Board appointments – Council Representation;
3. 2021CLS.002 (Human Resources & Corporate Safety)
4. Corporate Digital Strategy
5. Amended Motion -Advocacy – Ontario Regulation 82/20 Rules for Areas in Stage 1 relating to Ski Hills
6. Amended Motion - Outdoor Skating Rinks - Nets

**Amended Motion - Outdoor Skating Rinks - Nets**

It was consensus of Council that the resolution relative to the Amended Motion - Outdoor Skating Rinks - Nets be voted on separately.

A recorded vote was requested on the following resolution, the results of which are as follows:

<i>YEA</i>	<i>NAY</i>
<i>Mayor Bill Mauro</i>	
<i>Councillor Albert Aiello</i>	
	<i>Councillor Mark Bentz</i>
	<i>Councillor Andrew Foulds</i>
<i>Councillor Cody Fraser</i>	
<i>Councillor Trevor Giertuga</i>	
	<i>Councillor Rebecca Johnson</i>
<i>Councillor Brian McKinnon</i>	
<i>Councillor Kristen Oliver</i>	
<i>Councillor Aldo Ruberto</i>	
	<i>Councillor Peng You</i>

MOVED BY: Councillor Albert Aiello  
 SECONDED BY: Councillor Aldo Ruberto

WITH RESPECT to the removal of nets from outdoor ice rinks on January 21, 2021, we recommend that Administration be directed to return the nets for public use as soon as reasonably possible subject to confirmation of the direction provided to the City of Thunder Bay by the Thunder Bay District Health Unit to which the initial decision was made;

AND THAT Administration be directed to develop a plan for monitoring and addressing compliance to ensure that the City of Thunder Bay is in compliance O. Reg 82/20 Rules Under Stage 1 relating to outdoors rinks;

AND THAT should outdoor rinks require closure, Administration report to Council;

AND THAT any necessary by-laws be presented to Council for ratification.

LOST

**Re-vote - Amended Motion - Outdoor Skating Rinks - Nets**

A re-vote was requested on the above noted resolution.

**Deferral - Amended Motion - Outdoor Skating Rinks - Nets**

A recorded vote was requested on the following resolution, the results of which are as follows:

<i>YEA</i>	<i>NAY</i>
	<i>Mayor Bill Mauro</i>
	<i>Councillor Albert Aiello</i>
<i>Councillor Mark Bentz</i>	
<i>Councillor Andrew Foulds</i>	
	<i>Councillor Cody Fraser</i>
<i>Councillor Trevor Giertuga</i>	
	<i>Councillor Rebecca Johnson</i>
	<i>Councillor Brian McKinnon</i>
	<i>Councillor Kristen Oliver</i>
<i>Councillor Aldo Ruberto</i>	
	<i>Councillor Peng You</i>

MOVED BY: Councillor Trevor Giertuga  
 SECONDED BY: Councillor Aldo Ruberto

WITH RESPECT to Outdoor Skating Rinks - Nets, we recommend that the resolution be deferred to February 8, 2021 for ratification.

LOST

**Re-vote - Amended Motion - Outdoor Skating Rinks - Nets**

A recorded vote was requested on the following resolution, the results of which are as follows:

<i>YEA</i>	<i>NAY</i>
<i>Mayor Bill Mauro</i>	
<i>Councillor Albert Aiello</i>	
	<i>Councillor Mark Bentz</i>
	<i>Councillor Andrew Foulds</i>
<i>Councillor Cody Fraser</i>	
<i>Councillor Trevor Giertuga</i>	
	<i>Councillor Rebecca Johnson</i>

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<i>Councillor Brian McKinnon</i>	
<i>Councillor Kristen Oliver</i>	
<i>Councillor Aldo Ruberto</i>	
	<i>Councillor Peng You</i>

MOVED BY: Councillor Albert Aiello  
SECONDED BY: Councillor Aldo Ruberto

WITH RESPECT to the removal of nets from outdoor ice rinks on January 21, 2021, we recommend that Administration be directed to return the nets for public use as soon as reasonably possible subject to confirmation of the direction provided to the City of Thunder Bay by the Thunder Bay District Health Unit to which the initial decision was made;

AND THAT Administration be directed to develop a plan for monitoring and addressing compliance to ensure that the City of Thunder Bay is in compliance O. Reg 82/20 Rules Under Stage 1 relating to outdoors rinks;

AND THAT should outdoor rinks require closure, Administration report to Council;

AND THAT any necessary by-laws be presented to Council for ratification.

LOST

**Ratifying Resolution - January 25, 2021**

MOVED BY: Councillor Albert Aiello  
SECONDED BY: Councillor Aldo Ruberto

THAT the following ratifying resolutions be introduced, read, dealt with individually:

1. Committee and Board appointments;
2. Committee and Board appointments – Council Representation;
3. 2021CLS.002 (Human Resources & Corporate Safety)
4. Corporate Digital Strategy
5. Amended Motion - Advocacy – Ontario Regulation 82/20 Rules for Areas in Stage 1 relating to Ski Hills

CARRIED



***BY-LAWS***

**BL 3/2021 - A By-law to amend By-law BL 70/2016 Community Improvement Plan – Westfort Business Area**

A By-law to amend By-law BL 70/2016, being a by-law to expand lands designated within the City of Thunder Bay as Community Improvement Project Area (Westfort Business Area)

**BL 4/2021 - To amend the Community Improvement Plan for Thunder Bay’s Strategic Core Areas**

A By-law to amend By-law BL 104/2016, being a By-law to adopt a Community Improvement Plan for Thunder Bay’s Strategic Core Areas.

**BL 7/2021 - Authorization to Submit an Application to the Ontario Infrastructure and Lands Corp**

A By-law to authorize submission of an application to the Ontario Infrastructure and Lands Corporation (OILC) for financing certain ongoing capital projects for the Corporation of the City of Thunder Bay (the "Municipality"), to authorize temporary borrowing from OILC to meet expenditures in connection with such works, and to authorize long-term borrowing for such works through the issue of debentures.

Recitals

1. The Municipal Act, 2001 (Ontario), as amended, (the “Act”) provides that a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise.
2. The Council of the Municipality has passed the by-laws enumerated in column (1) of Schedule “A” attached to and forming part of this By-law (“Schedule “A”) authorizing the capital works described in column (2) of Schedule “A” (individually a “Project”, collectively the “Projects”) in the amount of the respective estimated expenditure set out in column (3) of Schedule “A”.
3. Before the Council of the Municipality approved each Project in accordance with Section 4 of Ontario Regulation 403/02, the Council of the Municipality had its Treasurer update its most recent annual debt and financial obligation limit received from the Ministry of Municipal Affairs and Housing (as so updated, the “Updated Limit”), and, on the basis of the authorized expenditure for each Project as set out in column (3) of Schedule “A” (“Authorized Expenditure”), the Treasurer calculated the estimated annual amount payable in respect of each Project and determined that the estimated annual amount payable in respect of each Project does not exceed the Updated Limit, and accordingly the approval of the Ontario Municipal Board under the Ontario Municipal Board Act (Ontario), as amended, was not required before any such Project was authorized by Council.
4. Subsection 405(1) of the Act provides that a municipality may authorize temporary borrowing to meet expenditures made in connection with a work to be financed in whole or in part by the issue of

debentures if,

(a) The municipality is an upper-tier municipality, a lower-tier municipality in a county or a single-tier municipality and it has approved the issue of debentures for the work;

(b) The municipality is a lower-tier municipality in a regional municipality and it has approved the work and the upper-tier municipality has approved the issue of debentures for the work; or

(c) The municipality has approved the issue of debentures for another municipality or school board under section 404;

5. Subsection 405(4) of the Act provides that a municipality may delegate the power set out in subsection 405(1) to the head of council, to the treasurer, or to both of them.

6. Subsection 401(1) of the Act provides that a municipality may incur a debt for municipal purposes, whether borrowing money or in any other way, and may issue debentures and prescribed financial instruments and enter prescribed financial agreements for or in relation to the debt.

7. The Act also provides that a municipality shall authorize long-term borrowing by the issue of debentures or through another municipality under section 403 or 404 of the Act.

8. OILC has invited Ontario municipalities wishing to obtain temporary and long term debt financing in order to meet capital expenditures incurred after December 31, 2003 in connection with eligible capital projects to make application to OILC for such financing by completing and submitting an application on the form provided by OILC (the “Application”).

9. The Municipality has submitted an Application to OILC to request financing for the projects by way of long-term borrowing through the issue of debentures to OILC and by way of temporary borrowing from OILC pending the issue of such debentures.

10. OILC has accepted and has approved the municipality’s Application.

**ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:**

1. The Council of the Municipality hereby confirms, ratifies and approves the completion by the Treasurer of an Application and the submission by such authorized official of an Application, duly executed by such authorized official, to OILC for the financing of the Projects in the maximum aggregate principal amount of \$900,000 (NINE HUNDRED THOUSAND DOLLARS) substantially in the form of Schedule “B” hereto and forming part of this By-law, with such changes thereon as such authorized official approved.

2. (a) Construction of each Project in the amount of the respective estimated Authorized Expenditure set out in column (3) of Schedule “A” is hereby approved and authorized;

(b) Any one or more of the Mayor and the Treasurer are hereby authorized to conclude contracts on behalf of the Municipality for the construction of the Projects in accordance with the Municipality’s usual protocol;

(c) Where applicable, the Engineer of the Municipality will forthwith make such plans, profiles and specifications and furnish such information as in the opinion of the Engineer is necessary for the construction of the Projects;

(d) Where applicable, the construction of the Projects shall be carried on and executed under the superintendence and according to the direction and orders of such Engineer.

3. The Mayor and the Treasurer are hereby authorized to negotiate and enter into, execute and deliver for and on behalf of the Municipality a financing agreement (a “Financing Agreement”) with OILC that provides for temporary and long term borrowing from OILC in respect of Post 2003 Expenditures, on the terms and conditions as such authorized officials may approve, such execution and delivery to be conclusive evidence of such approval.

4. The Mayor and/or the Treasurer are hereby authorized, pending the substantial completion of a Project or as otherwise agreed with OILC, to make temporary borrowings pursuant to section 405 of the Act in respect of each Project, on the terms and conditions provided in the Financing Agreement and on such other terms and conditions as such authorized officials may agree, and to sign such evidence of indebtedness as OILC may require (a “Note”); and the Treasurer is authorized to sign such certifications as OILC may require in connection with such borrowings in respect of each Project; provided that the amount of borrowings allocated to any Project does not exceed the Authorized Expenditure for such Project and does not exceed the loan amount set out in column (4) of Schedule “A” in respect of such Project.

5. Subject to the terms and conditions of the Financing Agreement and such other terms and conditions as OILC may otherwise require, the Mayor and the Treasurer are hereby authorized to enter into long term borrowing in respect of the Projects and to issue debentures to OILC on the terms and conditions provided in the Financing Agreement and on such other terms and conditions as such authorized officials may agree (“Debentures”); provided that the principal amount of such Debentures issued in respect of a Project does not exceed the Authorized Expenditure for such Project and does not exceed the loan amount set out in column (4) of Schedule “A” in respect of such Project.

6. In accordance with the provisions of section 25 of the Ontario Infrastructure and Lands Corporation Act, 2011 (Ontario), as security for the payment by the Municipality of any indebtedness of the Municipality to OILC incurred under the Note or any Debentures, the Municipality is hereby authorized to agree in writing with OILC that the Minister of Finance is entitled to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Municipality, or from money appropriated by the Assembly for payment to the Municipality in respect of specified matters, amounts not exceeding the amounts that the Municipality fails to pay to OILC on account of the outstanding indebtedness evidenced by the Note or any Debentures issued by the Municipality to OILC, and to pay such amounts to OILC.

7. For the purposes of meeting the obligations of the Municipality in respect of the Note and any Debentures, the Municipality shall provide for raising in each year as part of the general levy, the amounts of principal and interest payable in each year under the Note and any outstanding Debenture, to the extent that such amounts have not been provided for by any other available source including other taxes or fees or charges imposed on persons or property by a by-law of any

8. (a) The Mayor and/or the Treasurer are hereby authorized to execute and deliver the Note, the Mayor and the Treasurer are hereby authorized to enter into, execute and deliver the Financing Agreement and to cause Debentures to be issued, the Clerk and Treasurer are severally hereby authorized to generally do all things and to execute all other documents and papers in the name of the Municipality in order to perform the obligations of the Municipality under the Financing Agreement and to carry out the issuance of the Note and Debentures, and the Treasurer is authorized to affix the Municipality's municipal seal to any such documents and papers.

(b) The proceeds realized in respect of the Note and Debentures, after providing for the expenses related to their issue, if any, shall be apportioned and applied for the respective Projects and for no other purpose except as permitted by the Act.

9. This By-law shall come into force and take effect on the date it is passed.

**BL 8/2021 - Authorization to Submit an Application to the Ontario Infrastructure and Lands Corp**

A By-law to authorize submission of an application to the Ontario Infrastructure and Lands Corporation (OILC) for financing certain ongoing capital projects for the Corporation of the City of Thunder Bay (the "Municipality"), to authorize temporary borrowing from OILC to meet expenditures in connection with such works, and to authorize long-term borrowing for such works through the issue of debentures.

**BL 9/2021 - Authorization to Submit an Application to the Ontario Infrastructure and Lands Corp**

A By-law to authorize submission of an application to the Ontario Infrastructure and Lands Corporation (OILC) for financing certain ongoing capital projects for the Corporation of the City of Thunder Bay (the "Municipality"), to authorize temporary borrowing from OILC to meet expenditures in connection with such works, and to authorize long-term borrowing for such works through the issue of debentures.

**BL 10/2021 - Authorization to Submit an Application to the Ontario Infrastructure and Lands Corp**

A By-law to authorize submission of an application to the Ontario Infrastructure and Lands Corporation (OILC) for financing certain ongoing capital projects for the Corporation of the City of Thunder Bay (the "Municipality"), to authorize temporary borrowing from OILC to meet expenditures in connection with such works, and to authorize long-term borrowing for such works through the issue of debentures.

**By-law Resolution- January 25, 2021 - City Council**

Councillor A. Ruberto declared a conflict relative to BL 3/2021 - A By-law to amend By-law BL 70/2016 Community Improvement Plan – Westfort Business Area and BL 4/2021 - To amend the

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Community Improvement Plan for Thunder Bay’s Strategic Core Areas and refrained from discussing or voting on this item.

MOVED BY: Councillor Albert Aiello  
SECONDED BY: Councillor Brian McKinnon

THAT the following By-law(s) be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1. A By-law to expand lands designated within the City of Thunder Bay as Community Improvement Project Area (Westfort Business Area)

By-law Number: BL 3/2021

2. A By-law to adopt the Amended Strategic Core Areas Community Improvement Plan

By-law Number: BL 4/2021

3. A By-law to authorize a submission of an application to finance 2020 Waste Management Infrastructure capital works and to authorize temporary and long-term borrowing through the issue of debentures to OILC.

By-law Number: BL 7/2021

4. A By-law to authorize submission of an application to finance 2020 Sewage Treatment Infrastructure capital works and to authorize temporary and long-term borrowing through the issue of debentures to OILC.

By-law Number: BL 8/2021

5. A By-law to authorize submission of an application to finance 2020 Clean Water Infrastructure capital works and to authorize temporary and long-term borrowing through the issue of debentures to OILC.

By-law Number: BL 9/2021

6. A By-law to authorize submission of an application to finance 2020 Municipal Roads, Recreation, and Municipal Other infrastructure capital works and to authorize temporary and long-term borrowing through the issue of debentures to OILC.

By-law Number: BL 10/2021

CARRIED

**Re-vote - Deferral - Amended Motion - Outdoor Skating Rinks - Nets**

A re-vote was requested on the above noted resolution.

A recorded vote was requested on the following resolution, the results of which are as follows:

<i>YEA</i>	<i>NAY</i>
<i>Mayor Bill Mauro</i>	
<i>Councillor Albert Aiello</i>	
<i>Councillor Mark Bentz</i>	
<i>Councillor S. Ch'ng</i>	
<i>Councillor Andrew Foulds</i>	
	<i>Councillor Cody Fraser</i>
<i>Councillor Trevor Giertuga</i>	
	<i>Councillor Rebecca Johnson</i>
<i>Councillor Brian McKinnon</i>	
<i>Councillor Kristen Oliver</i>	
<i>Councillor Aldo Ruberto</i>	
	<i>Councillor Peng You</i>

MOVED BY: Councillor Trevor Giertuga

SECONDED BY: Councillor Aldo Ruberto

With respect to Outdoor Skating Rinks - Nets, we recommend that the resolution be deferred to February 8, 2021 for ratification.

CARRIED

***CONFIRMING BY-LAW***

**BL 6/2021 - Confirming By-law - January 25, 2021**

A By-law to confirm the proceedings of a meeting of Council, this 25th day of January, 2021.

**Confirming By-law Resolution - January 25, 2021 - City Council**

MOVED BY: Councillor Rebecca Johnson

SECONDED BY: Councillor Brian McKinnon

THAT the following By-law be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1. A By-law to confirm the proceedings of a meeting of Council, this 25th day of January, 2021

By-law Number: BL 6/2021

CARRIED

***ADJOURNMENT***

The meeting adjourned at 11:59 pm

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Mayor

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Deputy City Clerk