

Minutes of the Regular Meeting of Council held on Monday, October 20, 2014, at 6:00 p.m. in the Municipal Office Council Chambers.

Present: Mayor G. McKay, Deputy Mayor S. Kramp*, Councillors J. Attwood, J. Charlebois, B. Jeffery, M. Ross, P. File*, Z. Pendlebury and G. Canning

Also Present: Director of Planning and Building Services/Deputy CAO, W. Crown
Director of Human Resources/Health and Safety, G. Green
Acting Clerk, L. Lee
Deputy Clerk/Senior Executive Assistant, K. Desroches
Solicitor H. Elston

* Arrived at 6:07 p.m during discussion on Item #1.

* Arrived at 6:44 p.m during Closed Session discussion.

1. CALL TO ORDER

Mayor G. McKay called the meeting to order at 6:00 p.m.

The Mayor then asked the Clerk to provide information regarding notice of the meeting. The Clerk advised that the meeting agenda was posted on the website in advance of the meeting in accordance with the Town's Procedural By-law. The agenda was also provided to both Council and Department Heads.

2. DECLARATIONS OF PECUNIARY INTEREST

None declared at this time.

3. CLOSED SESSION

Mayor McKay asked Council if they had any concerns with moving into a closed session based on the purpose of the meeting.

The Mayor recommended that if, at any point during the meeting, members of Council had any other concern they are asked to bring it forward at that point.

a) Motion to move into closed session

Moved by Z. Pendlebury

Seconded by G. Canning

That Council move into closed session;

And further that this portion of the meeting be closed to the public pursuant to section 239 of the *Municipal Act, 2001*, as indicated;

- **Subsection 2 (c)**
Proposed or pending acquisition or disposition of land
- **Section 2 (b)**
Personal matters about an identifiable individual

CARRIED.

i) Closed Session Items

1. Elstons, Barristers and Solicitors - re confidential report, dated October 4, 2014, regarding a personal matter

Council reviewed a confidential report dated October 4, 2014. Mr. H. Elston, Solicitor and Barrister, highlighted key points within the report and responded to questions.

2. Land Acquisition/Disposition

Council reviewed Confidential Report 2014-002, dated October 15, 2014, from the Waterfront Project Steering Committee.

To allow for the Regular Meeting of Council to proceed at its scheduled time, Mayor McKay called for a recess and advised that the closed session would resume upon adjournment of the Council meeting.

Meeting recessed - 6:54 p.m.

Meeting reassembled - 7:00 p.m.

3. OPEN SESSION – 7:00 P.M.

Now Present: Mayor G. McKay, Deputy Mayor S. Kramp, Councillors J. Attwood, P. File, Z. Pendlebury, J. Charlebois, B. Jeffery, M. Ross and G. Canning

Also Present: Director of Planning and Building Services, W. Crown
Director of Parks and Recreation, B. Peter
Director of Finance/Treasurer, M. Villeneuve
Director of Public Works, S. Berriault
Deputy Fire Chief, T. Toole
Town Engineer, J. Galloway
Acting Clerk, L. Lee
Deputy Clerk/Senior Executive Assistant, K. Desroches

5. **MOMENT OF SILENT REFLECTION**

6. **CONSENT AGENDA**

Adoption of recommendations as set out on the Consent Agenda for the Regular Meeting of Council on October 20, 2014.

Moved by P. File

Seconded by J. Attwood

That Council adopt the recommendations as set out on the Consent Agenda for the Regular Meeting of Council held October 20, 2014.

CARRIED.

7. **PRESENTATION**

a) **Dennis Milton Art Work**

Mayor McKay provided an introduction and presented a piece of art work entitled "Sunlit Island" which the Milton Family has donated to the Town of Midland. The art work will be displayed at the Municipal Office.

8. **ACCOUNTS**

a) **General Accounts**

Moved by B. Jeffery

Seconded by P. File

That the Accounts for the month of September 2014, totalling \$5,535,726.85 be approved and confirmed as paid.

CARRIED.

9. **CORRESPONDENCE**

a) **Appointee to Midland Cultural Advisory Committee**

Council reviewed an email dated September 25, 2014, from Mr. C. Khan, following which it was then,

Moved by P. File

Seconded by B. Jeffery

That, further to an email dated September 25, 2014, from Mr. C. Khan, Schedule "C" of By-law 2012-75 be amended by inserting member, Rose MacArthur, to the Midland Cultural Advisory Committee for a term to expire November 30, 2014.

CARRIED.

- b) Submission of Sustainable Severn Sound's: i. 2014 Sustainability Baseline Report ii. 2014-2018 Strategic Plan iii. 2014-2018 Program Initiatives

Council reviewed a letter dated September 19, 2014, from Ms. T. Roxborough, Sustainability Coordinator, following which it was then,

**Moved by P. File
Seconded by S. Kramp**

That Council receive the 2014 Sustainability baseline report, 2014-2018 Strategic Plan and 2014-2018 Program initiatives, contained in correspondence dated September 19, 2014, from T. Roxborough, Sustainability Coordinator;

And that this correspondence be forwarded to the new Council for consideration;

And that an invitation be extended to Sustainable Severn Sound to appear as a deputation.

CARRIED.

- c) Victim Crisis Assistance Ontario (VCAO)

Council reviewed a letter dated September 19, 2014, from Mr. D. Conley, Chairman, Barrie and Area VCARS, following which it was then,

**Moved by P. File
Seconded by J. Attwood**

That Council support the position of the Barrie and area VCARS as set out in a letter dated September 19, 2014 with respect to the proposed Victim Crisis Assistance Ontario (VCAO);

And that copies of the Town's letter of support be provided to the Premier of Ontario and Garfield Dunlop, M.P.P. Simcoe North.

CARRIED.

- d) Remembrance Day Parade

Council reviewed a letter dated October 6, 2014, from Ms. M. Flower, Manager Branch 80, Royal Canadian Legion, following which it was then,

**Moved by P. File
Seconded by B. Jeffery**

That further to letter of request dated October 6, 2014, from the Royal Canadian Legion, Branch 80, permission be granted to

the Royal Canadian Legion Branch 80, to conduct their Annual Remembrance Day Parade on Tuesday, November 11, 2014, from the Cenotaph to the Legion via King, Bay and Queen Streets at 11:00 a.m.; provided that all municipal requirements are met, and that a certificate of insurance in the amount of \$2 million, naming the Town of Midland as an additional insured is provided.

CARRIED.

10. REPORTS

a) General Committee Report 2014-8 of its meeting held October 14, 2014

1. PR-2014-62 Host City Agreement 2016 Ontario 55+ Summer Games
(Reference Section B, Item #1, of the above Report)

Moved by G. Canning

Seconded by Z. Pendlebury

That, as recommended in Report PR-2014-62 dated October 7, 2014, Council approve a by-law to authorize the signing of the Host City Agreement for the 2016 Ontario 55+ Summer Games.

CARRIED.

2. PR-2014-61 Proposed Winterfest Biathlon Event
(Reference Section B, Item #2, of the above Report)

Moved by G. Canning

Seconded by M. Ross

That, as recommended in Report PR-2014-61 dated October 7, 2014, Council approve the use of air rifles as part of the 724 Midland Lions RC Air Cadet Squadron Biathlon for Saturday, January 31, 2015, in Little Lake Park provided all safety measures are followed as outlined in the letter dated September 22, 2014, and that a certificate of insurance naming the Town of Midland as an additional insured for two million dollars liability insurance be provided.

CARRIED.

3. PR-2014-59 Land Transfer from Portage Park Estates
(Reference Section B, Item #3, of the above Report)

Moved by G. Canning

Seconded by M. Ross

That, as recommended in Report PR-2014-59 dated October 2, 2014, Council approve the By-law to accept the transfer of

PIN 58451-0030, being part water lot in front of lots 111 & 112, Concession 2, and Block B, Plan 1437, Town of Midland and that payment be made from the Parkland Reserves account.

CARRIED.

**4. PR-2014-58 Watercross Event
(Reference Section B, Item #4, of the above Report)**

- a) Letter received October 20, 2014 from J. Barker, expressing concern regarding the impact of the Watercross event on Little Lake, wildlife on the lake, Midland citizens.

**Moved by Z. Pendlebury
Seconded by M. Ross**

That, as recommended in Report PR-2014-58 dated October 2, 2014, the Severn Sound Environmental Association report dated September 26, 2014, be received as information.

CARRIED.

**Moved by G. Canning
Seconded by M. Ross**

That, further to Report PR-2014-58 dated October 2, 2014, Council approve the Ontario Watercross 2nd Annual Midland Race for Saturday, July 25, 2015, in Little Lake Park, provided all requirements of the Town's Special Events Policies are followed.

It was then,

**Moved by Z. Pendlebury
Seconded by B. Jeffery**

That the motion now before Council be deferred.

A recorded vote was requested.

	AYE	NAY
Deputy Mayor Stephan Kramp	X	
Zena Pendlebury	X	
Patricia File	X	
Jim Attwood	X	
Glen Canning	X	
Mike Ross		X
Bob Jeffery	X	
Jack Charlebois	X	

CARRIED.

**5. PR-2014-57 Silver Goose Cyclocross Race
(Reference Section B, Item #5, of the above Report)**

Moved by G. Canning

Seconded by M. Ross

That, as recommended in Report PR-2014-57 dated October 2, 2014, Council approve the Silver Goose Cyclocross Race event for Little Lake Park on Sunday, October 26, 2014, and approve the closure of Little Lake Park Road on October 26, 2014, from 9:00 am to 3:00 pm.

CARRIED.

**6. CL-2014-25 Indoor Farmers' Market Request
(Reference Section C, Item #3, of the above Report)**

Moved by J. Attwood

Seconded by P. File

That, as recommended in Report CL-2014-25 dated October 7, 2014, Council authorize the execution of a Farmers' Market Operation Agreement with Jo Charlebois for the operation of an Indoor Farmers' Market at the North Simcoe Sports and Recreation Centre (NSSRC) on Saturdays from November 1, 2014 to April 25, 2015.

CARRIED.

Moved by S. Kramp

Seconded by P. File

That General Committee Report 2014-8 of its meeting held October 14, 2014, be adopted as printed and circulated.

CARRIED.

c) FD-2014-05 Bunker Gear Tender

Council reviewed a report dated October 14, 2014, from T. C. Toole, Deputy Fire Chief, following which it was then,

Moved by G. Canning

Seconded by Z. Pendlebury

That, as recommended in Report FD-2014-05 dated September 30, 2014, the proposal from Safedesign Apparel Ltd. for Bunker Gear in the amount of \$55,625.50 plus HST be

**accepted.
CARRIED.**

d) WPSC-2014-001 Midland Bay Landing Revisions to Temporary Fencing at Shorewall

Council reviewed a report dated October 15, 2014, from J. Galloway, Town Engineer, following which it was then,

**Moved by S. Kramp
Seconded by P. File**

That, as recommended in Report WPSC-2014-001 dated October 15, 2014, staff be directed to implement the following Waterfront Project Steering Committee recommendations:

- 1. Remove all but the two outermost 42 inch high fence posts currently installed at the Midland Bay Landing (formerly Unimin) Park and to install 'no swimming' safety signage on the remaining two posts.**
- 2. Remove all of the 5 foot high fencing everywhere *except* immediately around the most dilapidated sections of shorewall.**
- 3. Extend the ends of the 5 foot high fencing such that the ability of a person to simply 'go around the end' is impeded significantly.**
- 4. Post 'Use at Own Risk' signage on the part of the property that is NOT Midland Bay Landing Park.**
- 5. Install four 'Life Buoy' ring flotation devices at locations along the shorewall.**
- 6. Install three ladders at locations along the shorewall to allow a person to climb out of the water should they need to.**
- 7. Remove the trip hazards, to the extent possible, along the top of the shorewall.**

A recorded vote was requested.

	AYE	NAY
Deputy Mayor Stephan Kramp		X
Zena Pendlebury	X	
Patricia File	X	

Jim Attwood	X
Glen Canning	X
Mike Ross	X
Bob Jeffery	X
Jack Charlebois	X
Mayor Gordon McKay	X

CARRIED.

e) PL-2014-73 DC By-law

Council reviewed a report dated September 30, 2014, from W. Crown, Director of Planning and Building Services, on behalf of the Ad-Hoc Development Charges Committee, following which it was then,

Moved by J. Attwood

Seconded by J. Charlebois

Whereas Council tasked the Ad-Hoc Development Charges Study Working Committee with harmonizing its Development Charges Bylaw to the Town's long term planning and economic development objectives; and,

Whereas the Committee has reviewed in detail the Town's Development Charges Background Study, the Development Charges Act, OMB and Court decisions, and staff reports and other information in the consideration of its terms of reference; and,

Whereas the Committee is mindful of the need to harmonize Development Charges rates with the Town's economic development objectives along with protecting the Town's fiscal sustainability long term;

Now therefore, further to Report PL-2014-73 dated September 30, 2014, the Committee recommends to Council as follows:

- 1. That the Town pass the necessary Bylaw under the Development Charges Act to "freeze" the Town's residential and non-residential rates at the 2014 levels for a period of five (5) years.**
- 2. That the Bylaw include a provision that an annual report be prepared and submitted to Council respecting current and projected growth rates, revenue and revenue loss, the impact of the freezing of rates, and the advisability of undertaking a Development Charges review prior to the mandatory five (5) year review.**

3. That the Bylaw be revised to remove the provision for the automatic annual indexing of charges and to include a provision for a discretionary indexing subject to the annual report.
4. That the Committee be tasked with developing the terms of reference and work plan for the Town's next Development Charges study addressing the legal obligations of the Development Charges Act and, but not limited to, a review of the study methodology, a requirement for a detailed review of the growth related capital projects by Council, further investigations of harmonizing Development Charges fiscal policy and the Town's economic development and planning objectives.

A recorded vote was requested.

	AYE	NAY
Deputy Mayor Stephan Kramp		X
Zena Pendlebury	X	
Patricia File	X	
Jim Attwood	X	
Glen Canning	X	
Mike Ross	X	
Bob Jeffery	X	
Jack Charlebois	X	
Mayor Gordon McKay	X	

CARRIED.

- f) PL-2014-78 Hanson Subdivision Request for Redline Revisions File No. 43T-95021

Council reviewed a report dated October 14, 2014, from W. Crown, Director of Planning and Building Services, following which it was then,

Moved by J. Attwood
Seconded by J. Charlebois

1. That, further to Report PL-2014-78 dated October 14, 2014, the Application submitted by MMM Group Limited on behalf of the Hanson Development Group for revisions to the Draft Plan and an extension to the Draft Plan approval of Subdivision File No. 43T-95021 be approved pursuant to Section 51 of the *Planning Act* for a period of four (4) years to October 20, 2018; and,

2. The Draft Plan approval and extension apply to the revised Draft Plan dated October 10, 2014 by MMM Group Limited; and
3. That pursuant to Sub-Section 51(47) of the *Planning Act* Council determines that no further written Notice under Sub-Section 51(45) is required.

CARRIED.

- g) Planning and Development Committee Report 2014-9
Meeting held October 1, 2014.

Moved by J. Charlebois
Seconded by J. Attwood

That Report 2014-9 of the Planning and Development Committee of Council Meeting dated October 1, 2014 be adopted as printed and circulated.

CARRIED.

11. CONSENT BY-LAW

Moved by Z. Pendlebury
Seconded by M. Ross

That leave be granted to introduce the following by-laws:

By-law 2014-75 Acknowledgement and Direction Agreement with the HGR Graham Partners LLP.

By-law 2014-76 Host City Agreement with the Sport Alliance of Ontario.

By-law 2014-77 Agreement with Joanne Charlebois to provide for an Indoor Farmers' Market for 2014-15 at North Simcoe Sports and Recreation Centre.

CARRIED.

Moved by M. Ross
Seconded by Z. Pendlebury

That By-laws 2014-75, 2014-76 and 2014-77 be read a first, second and third time and finally passed.

CARRIED.

12. GENERAL BUSINESS

1) Other Business Introduced by Members of Council or Staff

a) Leaf Vacuuming

Moved by J. Attwood

Seconded by R. Jeffery

That as a result of public demand the leaf vacuuming be resumed as a one time event for 2014, and

That the new Council in December 2014 be encouraged to take this matter back to County Council for review.

Moved by M. Ross

Seconded by P. File

That the motion now before Council be deferred to the new Council.

A recorded vote was requested.

	AYE	NAY
Deputy Mayor Stephan Kramp	X	
Zena Pendlebury		X
Patricia File	X	
Jim Attwood		X
Glen Canning	X	
Mike Ross	X	
Bob Jeffery		X
Jack Charlebois		X
Mayor Gordon McKay	X	

CARRIED.

2. Councillor File expressed disappointment over a letter being circulated by a member of Council.

13. CONFIRMATORY BY-LAW

a) By-law 2014-78

Moved by Z. Pendlebury

Seconded by M. Ross

That leave be granted to introduce By-law 2014-78, being a by-law to adopt the proceedings of the Council Meeting held on October 27, 2014, and to authorize its execution.

CARRIED.

Moved by Z. Pendlebury
Seconded by M. Ross
That By-law 2014-78 be read a first, second and third time and finally passed.
CARRIED.

14. **ADJOURNMENT**

Moved by M. Ross
Seconded by Z. Pendlebury
That this Regular Meeting of Council adjourn at 9:34 p.m.
CARRIED.

CLOSED SESSION:

Council reassembled for the closed session at 9:40 pm.

Now Present: Mayor G. McKay, Deputy Mayor S. Kramp, Councillors J. Attwood, P. File, Z. Pendlebury, J. Charlebois, B. Jeffery, M. Ross and G. Canning

Also Present: Director of Planning and Building Services, W. Crown
Director of Finance/Treasurer, M. Villeneuve
Town Engineer, J. Galloway
Acting Clerk, L. Lee
Deputy Clerk/Senior Executive Assistant, K. Desroches

i) **Closed Session Items**

2. **Waterfront Project Steering Committee – Land Acquisition/Disposition**

Council reviewed a Confidential Report 2014-002, dated October 15, 2014 regarding land acquisition/disposition.

3. **Midland Police Services Board – Personnel Matter.**

Council reviewed a confidential letter, dated October 7, 2014. .

b) **Motion to rise to open session**

Moved by Z. Pendlebury
Seconded by G. Canning
That Council in closed session now rise and report to open session.
CARRIED.

- i) Elstons, Barristers and Solicitors - re confidential report, dated October 4, 2014, regarding a personal matter

Moved by B. Jeffery

Seconded by Z. Pendlebury

That Council receive the Confidential Report from Harold Elston, dated October 4, 2014, regarding workplace harassment.

CARRIED.

- iii) Waterfront Project Steering Committee – Land Acquisition/Disposition

Moved by B. Jeffery

Seconded by Z. Pendlebury

THAT, as recommended by the Waterfront Project Steering Committee in Confidential Report WPSC 2014-002, dated October 15, 2014, staff be authorized to proceed with advancing a draft memorandum of understanding document with each of a “short list” of developers, including incurring appropriate due diligence legal and land value appraisal costs.

CARRIED.

- iii) Midland Police Services Board – Personnel Matter.

Moved by B. Jeffery

Seconded by Z. Pendlebury

That Council receive the confidential letter dated October 7, 2014, from the Midland Police Services Board and refer it to the new Council.

CARRIED.

It was then,

Moved by M. Ross

Seconded by B. Jeffery

That this Closed Meeting of Council adjourn at 10:25 p.m.

CARRIED.

L. S. Lee, Acting Clerk