



The Corporation of The Town of Midland

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Minutes of the Regular Meeting of Council held on Wednesday, August 14, 2019 at 5:30 p.m. in the Municipal Office Council Chambers.

Present: Mayor S. Strathearn, Deputy Mayor M. Ross, Councillors J. Main, C. Oschefski, C. McGinn, B. Prost, B. Gordon, J. Downer, and C. Cunningham

Also Present: Chief Administrative Officer, J. Skorobohacz
Director of Corporate Services/Town Solicitor, A. Sidhu *
Director of Finance/Treasurer, S. Turnbull
Director of Planning and Building Services, W. Crown
Director of Infrastructure, A. Campbell
Director of Human Resources/Health and Safety, L. Yourkin*
Clerk, K. Desroches
Deputy Clerk. S. Edgar

*arrived at 7:00 p.m.

5:30 PM Council Orientation

Development Charges 101 – Mr. S. Krzeczunowicz of Hemson Consulting, provided a presentation to Council regarding Development Charges.

1. Call to Order

Mayor Strathearn called the meeting to order at 7:00 p.m.

2. Mayor's Introductory Remarks and Moment of Silent Reflection

3. Declarations of Conflict of Interest

- i) Councillor B. Gordon declared a Conflict of Interest with respect to Item 10. 5) CS-2019-6 Update regarding the encrypted Midland Police Services Records and the associated actions of the town related to the attempted recovery of the Town Property and the ensuing reputational and financial harm to the Corporation as a result of the encryption of Midland Police Services ("MPS") electronic records, as the statements and recommendations within the report create a pecuniary interest for him.
- ii) Council J. Downer declared a Conflict of Interest with respect to Item 15. 9) Motion to allow those with a valid wheelchair plate to park in any legally designated parking spot/area for free, as he owns a wheelchair plate.

4. Approval of Agenda

Moved by C. Oschefski

Seconded by B. Prost

That the contents of the Council Agenda for August 14, 2019, be approved as amended (addition of addendum and correction within By-law 2019-61 to reflect address – 640 Bayport, and numbering within body of the Agenda).

CARRIED.

5. Consent Agenda

Moved by B. Prost

Seconded by C. Oschefski

That the items and related recommendations contained within the August 14, 2019, Consent Agenda as consent items having been considered by Council be adopted.

CARRIED.

i. Council Minutes for adoption

- 1) Regular Meeting of Council with Closed Session held on July 10, 2019

That the Minutes of the Regular Meeting of Council with Closed Session held on July 10, 2019, be adopted as printed and circulated.

ii. Council Information Packages for receipt

- 1) CIP July 2 to July 12, 2019
- 2) CIP July 15 to July 19, 2019
- 3) CIP July 21 to July 24, 2019
- 4) CIP July 29 to August 2, 2019

Received as information.

iii. All Reports

- 1) CS-2019-4 Dissolution of Culture Midland Committee

That Council dissolve the Culture Midland Committee effective August 15, 2019, and extends its appreciation to the Members of the Committee for their efforts; and

That Council re-affirms its support for the creation of a new joint culture committee, to be referred to as the Culture Alliance in the Heart of Georgian Bay.

2) FIN-2019-12 Reconciliation of Capital Projects Carried Forward

That Report FIN-2019-12, Reconciliation of Capital Projects Carried Forward, dated August 14, 2019, be received; and

That \$10,000.00 be transferred to the Council Initiatives Reserve;

That \$60,000.00 be transferred to the Parks Facility Reserve;

That \$12,000.00 be transferred to the Municipal Parking Reserve;

That \$404,445.23 be carried forward and included in the 2019 Tax-Supported Capital Program;

That \$2,559.96 be transferred to the Waste/Water Reserve; and

That \$393,058.58 be transferred to the Water Reserve,

That \$764,939.78 be carried forward and included in the 2019 Rate-Supported Capital Program.

3) FIN-2019-13 Additional Development Charge Withdrawals

That Report FIN-2019-13, Additional Development Charge Withdrawals, dated August 14, 2019, be received; and

That Council approves the draw of \$14,000 from the Police Development Charge Reserve Fund and transfer to Police Operations Reserve; and

That Council approves the draw of \$139,490 from the Parks Development Charge Reserve Fund; and

That the \$139,490 be returned to the respective Reserves; \$101,827 be returned to the Facility Replacement Reserve (9795), \$20,924 is returned to the Public Works Equipment/Vehicle Reserve (9732) and \$16,739 is returned to the Public Works Operations Reserve (9775).

4) FIN-2019-14 2018 Development Charge Activity

That Report FIN-2019-14, 2018 Development Charge Activity, dated August 14, 2019, be received; and

That the 2018 Annual Report on Development Charge Reserves, as required under the *Development Charges Act*, be forwarded to the Ministry of Municipal Affairs and Housing.

5) FIN-2019-15 Development Charges By-law and Background Study 2019

That Report FIN-2019-15, Development Charges By-law and Background Study 2019, dated August 14, 2019, be received; and

That Council directs Hemson Consulting Ltd. to proceed with the preparation of the Development Charges Background Study in order to release the background study by September 6, 2019 in order to meet the Provincial timeline for consideration of a future Development Charges By-law.

6) FIN-2019-16 Second Quarter Financial Report

That Report FIN-2019-16, Second Quarter Financial Report, dated August 14, 2019, be received for information.

7) FIN-2019-17 Creation of the MPUC Sale Proceeds Investment Committee

That Report FIN-2019-17, Creation of the MPUC Sale Proceeds Investment Committee, dated August 14, 2019, be received; and

That the Director of Finance be authorized to establish a separate ONE Investment portfolio account to hold the Legacy Fund balance of \$10,693,994.00 (reflective of the amount of interest earned to the date of transfer); and

That the Terms of Reference for the MPUC Sale Proceeds Investment Committee be approved; and

Further That the Clerk be directed to post the two public vacancies.

8) ENG-2019-14 Well 7 Upgrade Land Acquisition

That Report ENG-2019-14, Well 7 Upgrade Land Acquisition, dated August 14, 2019, be received; and

That Council direct staff to take all necessary actions to sever 0.47 acres of Town owned land at 16984 Hwy 12 and undertake the appropriate actions necessary to make this 0.47 land parcel surplus for its sale as outlined in this report; and

That Council authorize staff to make any necessary modifications to the lease agreement with Newmarket Tay Power Corporation for the removal of said 0.47 acres of land from the purview of the said lease agreement; and

That Council approve the purchase of 0.19 acres of land from Coland Development Corporation and sale of 0.47 acres of land to Coland Development Corporation as outlined in this report.

9) PL-2019-64 Laneways Sign Fee Exemption

That Report PL-2019-64, Laneways Sign Fee Exemption, dated August 14, 2019 be received; and

That Sign Permit Fees in relation to the “Love Your Laneways” project be waived during the period between June 19, 2019 to December 31, 2020; and

That Council consider enacting a By-law in support of the Laneways Sign Fee Exemption at its meeting dated August 14, 2019.

10) CL-2019-10 Committee Appointments

That Report CL-2019-10, Committee Appointments, dated August 14, 2019, be received; and

That Councillor Cher Cunningham be appointed to the Midland Seniors Council as the Council representative on the Committee for a term coinciding with the Term of Council; and

That Councillor Cher Cunningham be appointed to the Joint Culture Committee (The Culture Alliance in the Heart of Georgian Bay) as the Town of Midland’s “Community Appointee” for a one-year term.

6. Motion to suspend Council into Committee of the Whole

Moved by J. Main
Seconded by B. Prost

That Council resolve into the Committee of the Whole.

CARRIED.

COMMITTEE OF THE WHOLE

7. Presentations

There were none.

8. Deputations

1) Fierté Simcoe Pride – Rainbow Crosswalk

Mr. B. R. Amyot, President, addressed Council and provided an overview of Fierté Simcoe Pride and their activities in the past 8 years.

Upon conclusion of Mr. Amyot's address, a verbal motion was Moved by C. McGinn and Seconded by C. Oschefski

That Council move out of the Committee of the Whole in order to deal with the Motion respecting the rainbow crosswalk as per Item 8. 1).
The motion was CARRIED.

It was then,

Moved by B. Gordon

Seconded by J. Downer

That Council support the painting of a rainbow crosswalk at a suitable location in our core area in support of Simcoe Pride and our LGBTQ Community members and refer it to Staff for comment and recommendations.

A Recorded Vote was requested

	<u>AYE</u>	<u>NAY</u>
Beth Prost	X	
Cher Cunningham	X	
Carole McGinn	X	
Deputy Mayor Mike Ross	X	
Cody Oschefski	X	
Bill Gordon	X	
Jim Downer	X	
Jonathan Main	X	
Mayor Stewart Strathearn	X	

CARRIED unanimously.

On a verbal Motion Moved by C. Oschefski and Seconded by J. Main and Carried, Council reconvened the Committee of the Whole session.

2) Music Festival 2020-2024 – Little Lake Park

Mr. Reid Bailey provided a PowerPoint Presentation regarding a proposed Music Festival to be held at Little Lake Park for the years 2020 – 2024.

Following discussion, it was then,

Moved by B. Prost

Seconded by C. Oschefski

That, further to the Deputation made by Mr. R. Bailey, Council approve, in principle, the request from Mr. Reid Bailey, to use the premises of Midland's Little Lake Park in 2020 to hold a Music Festival in 2020 pending a Staff report and subsequent approval of the related special events application.

CARRIED.

- 3) Proposed Change to King Street Construction Schedule
Ms. L. George, owner of Fresh by Leanne, addressed Council regarding the use of the parking lot at 526 Bay Street for a laydown area during the construction that will take place in the Fall of 2019 as well as in the Spring of 2020.

It was noted that Staff would be looking at an alternative location for the laydown area.

- 4) CS-2019-6 Update regarding the encrypted Midland Police Service Records and the associated actions of the Town related to the attempted recovery of the Town Property and the ensuing reputational and financial harm to the Corporation as a result of the encryption of Midland Police Service (“MPS”) electronic records.

Having declared a Conflict of Interest, Councillor Gordon vacated his seat.

Mr. S. Saltsman addressed Council regarding the encrypted Midland Police Service Records. He provided a hard copy of his speaking notes.

- 5) PL-2019-30 Zoning By-law Amendment Application ZBA-01-19 Plan of Subdivision MD-T-0119 - Kaitlin Corporation – 640 Bayport Boulevard

Mr. E. Bertucci, Kaitlin Corporation, addressed Council and referred to the correspondence he had submitted dated August 8, 2019 with respect to the proposed Zoning By-law Amendment and Plan of Subdivision at 640 Bayport Boulevard.

9. Public Meeting

- 1) Notice of Public Meeting – Application to amend the Zoning By-law 219 Queen Street

Present: Josh Morgan, Morgan Planning and Development Inc.

The Deputy Mayor advised that Council will be considering an Application for an Amendment to the Town’s Zoning By-law with respect to the lands at 219 Queen Street.

The Director of Planning and Building Services confirmed that Notice of the Public Meeting was provided in accordance with the requirements of the *Planning Act*. Correspondence dated August 6, 2019 was received from Mr. A. Markle, President of Eagleview Condominiums Inc.

The Director of Planning and Building Services provided a PowerPoint presentation outlining the proposed Zoning By-law Amendment.

Mr. Josh Morgan, agent on behalf of the Applicant, provided a PowerPoint outlining the reasons and justifications for the Amendment.

The Deputy Mayor then asked for comments from the audience, to which there were none. Since there were no comments, the Deputy Mayor called the Public Meeting to a close. Council will consider the Application in Section 10 of the Agenda.

2) Notice of Intention to Pass an Amending By-law to Remove a Holding "H" Symbol - 710 Balm Beach Road

The Deputy Mayor stated that the Town provided Notice of Intention to pass a By-law to remove the Holding "H" Symbol from 710 Balm Beach Road on July 18, 2019 in accordance with Section 36 of the *Planning Act*.

The Owner has fulfilled the necessary requirements pertaining to the removal of the Holding "H" Symbol and the Town is therefore in a position to pass the necessary By-law.

The Deputy Mayor then asked for comments from the audience, to which there were none. Since there are no comments, the Deputy Mayor called the Public Meeting to a close. Council will consider the Application in Section 10 of the Agenda.

10. Reports and other items withdrawn from Consent Agenda for Council's consideration

1) ENG-2019-13 King Street Construction Schedule

Council reviewed Report ENG-2019-13 dated August 14, 2019 from A. Campbell, Director of Infrastructure, following which it was then,

Resolution (COW-2019-41)

Moved by C. Oschefski

Seconded by S. Strathearn

That Report ENG-2019-13, King Street Construction Schedule, dated August 14, 2019, be received; and

That Council approve a fall 2019 construction start for Arnott Construction Limited for works identified in this report.

CARRIED.

2) PL-2019-63 Zoning By-law Amendment Application ZBA-04-19 - 219 Queen Street

Council reviewed Report PL-2019-63 dated August 14, 2019 from W. Crown, Director of Planning and Building Services, following which it was then,

Moved by C. McGinn
Seconded by C. Oschefski

That Report PL-2019-63, Zoning By-law Amendment Application ZBA-04-19 for 219 Queen Street, dated August 14, 2019, be received; and

That Council refer the results of the Statutory Public Meeting (held August 14, 2019) with respect to Application No. ZBA-04-19 for an amendment to the Zoning By-law, to Staff for a report on the Application, the results of the Public Meeting, and a planning opinion and recommendation including but not limited to the application's consistency with the Provincial Policy Statement, conformity to Provincial and County Plans, and conformity with the Town of Midland Official Plan.

CARRIED.

- 3) PL-2019-61 Site Plan Control Approval Application No.SPA-03-19 Zoning By-law Amendment No. ZBA-06-19 - 710 Balm Beach Road Coland Developments Corporation

Council reviewed Report PL-2019-61 dated August 14, 2019 from W. Crown, Director of Planning and Building Services, following which it was then,

Resolution (COW-2019-43)

Moved by S. Strathearn
Seconded by B. Gordon

That Report PL-2019-61, Site Plan Control Approval Application No. SPA-03-19 and Zoning By-law Amendment No. ZBA-06-19 for 710 Balm Beach Road, dated August 14, 2019, be received; and

That Council hereby approves Site Plan Application SPA-03-19 and Zoning By-law Amendment Application No. ZBA-06-19 for the Removal of the Holding "H" Symbol respecting 710 Balm Beach Road as set out in Staff Report PL-2019-61 dated August 14, 2019.

That the required drawings and/or reports be submitted in accordance with approved Site Plan Application No.SPA-03-19 and in accordance with the revisions as requested by Staff.

That the applicable By-law to authorize the Mayor and Clerk to execute the said Site Plan Agreement be presented at a future meeting, subject to staff's confirmation of approvals from the County of Simcoe.

That the implementing By-law for Zoning By-law Amendment No. ZBA-06-19 respecting the removal of the Holding "H" Symbol be considered by Council at its meeting dated August 14, 2019.

CARRIED.

4) PL-2019-30 Zoning By-law Amendment Application ZBA-01-19 Plan of Subdivision MD-T-0119 – Kaitlin Corporation – 640 Bayport Boulevard

Council reviewed Report PL-2019-30 dated August 14, 2019 from W. Crown, Director of Planning and Building Services, following which it was then,

Resolution (COW-2019-44)

Moved by J. Downer

Seconded by C. Oschefski

That Report PL-2019-30, Zoning By-law Amendment Application ZBA-01-19, Plan of Subdivision MD-T-0119 for 640 Bayport Boulevard, dated August 14, 2019, be received; and

That Draft Plan of Subdivision Application No. MD-T-0119 and Zoning By-law Amendment Application No. ZBA-01-19 respecting the lands at 640 Bayport Boulevard be approved, as amended, as set out in Staff Report PL-2019-30 dated August 14, 2019; and

That the Director be authorized to approve the Draft Plan of Subdivision being Attachment #3 to Staff Report PL-2019-30 and approve the Conditions of Draft Approval as outlined in Attachment #6 to Staff Report PL-2019-30 dated August 14, 2019; and

That Council pass the implementing Zoning By-law to rezone the property in accordance with Attachment #4 to Staff Report PL-2019-30 dated August 14, 2019; and

That Council deems the changes to the development and the proposed rezoning in response to the public input and comments minor in nature pursuant to Section 34(17) of the *Planning Act*, and as such no further public meeting is required; and

Council requests its Corporate Services Department (By-law Enforcement) to investigate on-street parking issues in the Bayport Village subdivision and provide a report respecting whether additional restrictions (e.g. No on-street parking, parking on one side of street, rotating sides, etc.) and additional signage and enforcement are required; and

Council requests its Infrastructure Department (Parks) to investigate the issues and schedule for the construction of Foundry Park and provide a report and recommendations to Council.

CARRIED.

- 5) CS-2019-6 Update regarding the encrypted Midland Police Service Records and the associated actions of the Town related to the attempted recovery of the Town Property and the ensuing reputational and financial harm to the Corporation as a result of the encryption of Midland Police Service (“MPS”) electronic records

Having declared a Conflict of Interest, Councillor B. Gordon vacated his seat.

J. Skorobohacz, CAO, and the Town Solicitor provided a PowerPoint presentation to Council. Hard copies of the presentation were provided on desk.

It was then,

Moved by J. Main

Seconded by C. McGinn

That Council Agrees to extend the meeting of Council beyond 11:00 p.m. to allow for consideration of the remaining agenda items under Section 9.2 of the Procedure By-law 2019-62.

CARRIED.

Following discussion, it was then,

Moved by C. Cunningham

Seconded by B. Prost

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 2b)

Litigation or Potential Litigation

Subsection 2f)

Advice that is subject to Solicitor client Privilege

- **CS-2019-6 Update regarding the encrypted Midland Police Service Records and the associated actions of the Town related to the attempted recovery of the Town Property and the ensuing reputational and financial harm to the Corporation as a result of the encryption of Midland Police Service (“MPS”) electronic records.**

CARRIED.

Staff Present: Chief Administrative Officer, J. Skorobohacz
Director of Corporate Services/Town Solicitor, A. Sidhu
Clerk, K. Desroches
Deputy Clerk. S. Edgar

Following discussion, it was then,

Moved by C. McGinn
Seconded by C. Oschefski

That this Closed Meeting of Council be adjourned at 1:15 a.m. on August 15, 2019 and that Council now rise and report to open session.

CARRIED

Council reviewed Report CS-2019-6 dated August 14, 2019 from A. Sidhu, Director of Corporate Services/Town Solicitor, following which it was then,

Resolution (COW-2019-45)

Moved by C. Oschefski
Seconded by S. Strathearn

THAT Council receives for information, Report CS-2019-6 dated August 14, 2019, being an update respecting the encrypted MPS Records and the associated actions of the Town related to the attempted recovery of Public Property and the ensuing reputational and financial implications to the Corporation as a result of the encryption of MPS electronic records.

AND THAT Council having due consideration for the significance of the encryption of the Midland Police Service electronic data and the resultant implications to both costs to the taxpayers of the Town of Midland and the reputation of the municipal corporation re-affirms and supports the actions undertaken as noted in this report;

AND THAT Council further directs Administration to take all necessary legal steps to address the encrypted MPS records issue and Mr. Michael Osborne's and Mr. William Gordon's involvement in that issue; and

FURTHER THAT Council authorizes the Administration to co-ordinate with the Midland Police Services Board and legal counsel to address the Statement of Claim from Michael Osborne ("Mr. Osborne" - former Chief of Police, MPS).

A recorded Vote was requested

	<u>AYE</u>	<u>NAY</u>
Carole McGinn		X
Cody Oschefski	X	
Deputy Mayor Mike Ross	X	
Jim Downer	X	
Beth Prost		X
Jonathan Main	X	
Cher Cunningham	X	
Mayor Stewart Strathearn	X	
CARRIED.		

Councillor Gordon returned to his seat

11. Notice of Motion

Given the late hour, this Item was not dealt with.

12. General Announcements

Given the late hour, this Item was not deal with.

13. Motion to close Committee of the Whole and resume to formal Council session

Moved by J. Main

Seconded by B. Prost

That the Committee of the Whole rise and report.

CARRIED.

FORMAL SESSION

14. Motion to adopt actions of Committee of the Whole

Moved by J. Main

Seconded by C. McGinn

That the recommendations of the Committee of the Whole for the meeting of August 14, 2019, be adopted as Resolutions of Council.

CARRIED.

15. Motions for which Notice was given

Given the late hour, Council Deferred consideration of this Item to September 4, 2019.

1) **Moved by C. Oschefski**

Seconded by

That Administration be directed to provide an approximate costing for Floatie Fest/Jaws on the Lake to be presented to Council for consideration and pending Council's approval, that the Floatie Fest/Jaws on the Lake event be added to the 2020 Events Schedule and beyond and paid for using the events/tourism budget.

- 2) **Moved by B. Gordon**
Seconded by
That Staff deploy the speed trailer on Cook Drive and that the metrics be presented to Council and the MPSB for recommendation to OPP for enforcement; and
- That Staff look into costs of speed bumps and signage that can be located in various trouble spots in our Community.
- 3) **Moved by B. Gordon**
Seconded by
That any member of a committee or board be assigned a Municipally controlled and audited email address for any and all official correspondence and that members be prohibited from using personal email accounts for the purpose of their business in relation to their position; and
- That any email correspondence in their possession that has been sent/received for the purposes of their position on that committee or board be exported and transferred to the Town of Midland so that it may comply with the requirements of the *Municipal Freedom of Information and Protection of Privacy Act* and enable Freedom of Information requests to be made against same.
- 4) **Moved by B. Gordon**
Seconded by
That Councillor Gordon be afforded the immediate opportunity to update Council regarding the ongoing negotiations with the OPP concerning the plan to make the Midland Police Service data available to them; and
- That Council receive for information the suggested legally-binding framework that will allow this to happen.
- 5) **Moved by B. Gordon**
Seconded by
That Staff report on the options available to regulate or reconsider the continued use of e-bikes on Midland's trail systems with a focus primarily on pedestrian safety.
- 6) **Moved by B. Gordon**
Seconded by
That Council approve in principle the installation of Kindness Meters in locations throughout the Downtown Core for the purposes of collecting cash donations; and

That a Staff Report be prepared outlining the feasibility of this project and suggestions respecting locations and the distribution of the funds towards initiatives such as the Community Grant Program or local Charity.

- 7) **Moved by C. McGinn**
Seconded by

That Council consider a suitable means for people who are vulnerable or concerned about stating their full name and address in public to confirm that they are a resident or a stakeholder within the Town of Midland.

- 8) **Moved by C. McGinn**
Seconded by

That Council consider permitting those with a valid wheelchair plate to park in any legally designated parking spot/area for free.

16. By-laws

1. By-laws 2019-58, 2019-60, 2019-61

Moved by J. Main
Seconded by C. McGinn

That the following By-laws:

By-law 2019-58 Amend Zoning By-law 2004-90, as amended, for the removal of the Holding “H” Symbol on 710 Balm Beach Road.

By-law 2019-60 Amend By-law 2005-51 being a By-law to regulate the issuance of permits for the construction, demolition, alteration of buildings, plumbing and sewage systems.

By-law 2019-61 Amend Zoning By-law 2004-90, as amended to establish site specific development permissions for 640 Bayport Blvd (Bay Port Phase II).

be passed and enacted.

CARRIED.

17. Confirmatory By-law

Moved by J. Main

Seconded by C. McGinn

That By-law 2019-62 being a by-law to adopt the proceedings of the Council meeting held August 14, 2019, be passed and enacted.

CARRIED.

18. Adjournment

Moved by

Seconded by

That this Regular Meeting of Council adjourn at 1:25 a.m. August 15, 2019.

CARRIED.

Stewart Strathearn, Mayor

Karen Desroches, Clerk

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