



**THE CORPORATION OF THE
TOWN OF MIDLAND**

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**Minutes of the Regular Meeting of Council with Closed Session held on Monday,
July 25, 2016 at 5:00 p.m. in the Municipal Office Council Chambers.**

Present: Mayor G. McKay, Deputy Mayor Ross*, Councillors J. Main,
G. MacDonald, P. File, J. Contin G. Canning C. Oschefski,
and S. Strathearn.

Also Present: Chief Administrative Officer (Interim), G. Wood
Director of Corporate Services/Clerk/Deputy CAO, A. Fay
Director of Human Resources/Health and Safety, G. Green**
Deputy Clerk, K. Desroches

Guests: R. Johnston, Organization Consulting Limited***
R. Ellis, CAO Recruitment Committee***
CAO Candidate
Director of Finance/Treasurer Candidate

*Arrived upon commencement of Item 2.

**Arrive upon commencement of Item 3a)i)b) and departed upon conclusion of
discussion on same.

***Departed upon conclusion of Item 3a)i)a).

1. CALL TO ORDER

Mayor G. McKay called the meeting to order at 5:00 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 Town's
website in advance of the meeting in accordance with the Town's Procedural By-
law.

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

There were no concerns brought forward.

2. DECLARATIONS OF PECUNIARY INTEREST

No declarations were made.

3. CLOSED SESSION

a) Motion to move into closed session

Moved by J. Contin
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 (b)**
Personal matters about an identifiable individual

Subject matter
Committee Appointment

- **Subsection 2 (d)**
Labour Relations or Employee Negotiations

Subject matter
CAO Recruitment Update
Director of Finance/Treasurer Recruitment Update

CARRIED.

i) Closed Session Item

a) CAO Recruitment Update

Council received a verbal report from Mr. R. Johnston, Organization Consulting Limited, as well as a PowerPoint presentation highlighting the CAO recruitment process.

Mr. Johnston responded to questions raised by members of Council.

Mr. Johnston introduced the candidate selected by the CAO Recruitment Committee who then addressed Council and responded to questions.

Upon departure of the candidate, discussion ensued.

Following discussion, Council directed staff to prepare the appropriate motion for consideration upon conclusion of this closed meeting session.

b) Director of Finance/Treasurer Recruitment Update

Council received a verbal report from the Chief Administrative Officer regarding the Director of Finance/Treasurer recruitment process.

The CAO introduced the candidate selected for the position who then addressed Council and responded to questions.

Upon departure of the candidate, discussion ensued.

Following discussion, Council directed staff to prepare the appropriate motion for consideration upon conclusion of this closed meeting session.

c) Appointment – Midland Accessibility Advisory Committee

Council reviewed Confidential Report CL-2016-27 dated July 25, 2016, from the Deputy Clerk, together with applications submitted for consideration for appointment to the Midland Accessibility Advisory Committee.

Following discussion, Council directed staff to prepare the appropriate motion for consideration upon conclusion of this closed meeting session.

ii) Motion to rise to open session

Moved by G. Canning

Seconded by J. Contin

That this Closed Meeting of Council be adjourned at 7:11 p.m. and that Council now rise and report to open session.

CARRIED.

4. OPEN SESSION – 7:30 P.M.

Now Present: Mayor G. McKay, Deputy Mayor M. Ross, Councillors G. Canning, P. File, G. MacDonald, J. Main, C. Oschefski, J. Contin and S. Strathearn

Also Present: Chief Administrative Officer (Interim), G. Wood
Director of Corporate Services/Clerk/Deputy CAO, A. Fay
Manager of Maintenance Operations, R. Dalziel
Manager of Water and Wastewater Operations, P. Leclair
Director of Planning and Building Services, W. Crown
Town Engineer, J. Galloway
Marketing and Communications Coordinator, S. Cooper
Deputy Clerk, K. Desroches

5. **MOMENT OF SILENT REFLECTION**

6. **DECLARATIONS OF PECUNIARY INTEREST**

Councillor G. Canning declared a pecuniary interest with respect to Item 12j) BIA Board – New Appointment, by reason that the appointee is his spouse.

Councillor C. Oschefski declared a pecuniary interest with respect to Item 12h) New Orleans Pizza – Refreshment Vehicle License Application and Item 12i) Bayside Beach Shop – Hawkers and Peddlers License Application, by reason that he is the Floatie Fest organizer which is the event that the noted applicants will be participating in.

i) **Motions arising from closed session discussions**

a) **CAO Recruitment Update**

Moved by C. Oschefski

Seconded by J. Contin

That, further to discussions that occurred at the Closed Meeting Session held July 25, 2016, Council herein confirms its direction to staff on how to proceed respecting the recruitment of a Chief Administrative Officer.

CARRIED.

b) **Director of Finance/Treasurer Recruitment Update**

Moved by C. Oschefski

Seconded by J. Main

That, further to discussions that occurred at the Closed Meeting Session held July 25, 2016, Council herein confirms its direction to staff on how to proceed respecting the recruitment of a Director of Finance/Treasurer.

CARRIED.

c) **Appointment – Midland Accessibility Advisory Committee**

Moved by C. Oschefski

Seconded by J. Main

That, further to Report CL-2016-27 dated July 25, 2016, and related discussions that occurred at the Closed Meeting session held July 25, 2016, Council herein confirms the appointment of Kathy Banks to the Midland Accessibility Advisory Committee.

CARRIED.

7. **CONSENT AGENDA**

Moved by C. Oschefski

Seconded by G. Canning

That Council adopt the recommendations as set out on the Consent Agenda for the Regular Meeting of Council held July 25, 2016.

CARRIED.

8. **PRESENTATION**

a) 2015-16 OMHA Novice BB East Champions

Mayor McKay presented medallions to the Huronia Steel Sales Novice Rep Team and coaching staff in recognition of their 2015-2016 OMHA Novice BB East championship win.

9. **DEPUTATIONS**

a) North Simcoe Agricultural Expo Agricole Association

Mr. P. Debruyne provided a PowerPoint presentation highlighting the Association's proposal to host a Farm Fresh Food Fest event in August 2017, its anticipated benefits to the Town, the marketing strategy being undertaken, and requesting that the Town consider a financial contribution of \$1,500 for 2016 and \$1,500 for 2017. It was then,

Moved by P. File

Seconded by J. Contin

That, in consideration of a grant request from the North Simcoe Agriculture-Expo Association, Council approve the payment of \$1,500 in 2016 subject to funds being found within the 2016 budget and failing to find those funds, that the 2017 budget include \$3,000 for consideration by Council during budget deliberations.

CARRIED.

b) Concerns re. Loitering

Mr. R. Bradley spoke to ongoing challenges associated with students loitering and leaving garbage, and proposed various solutions he believes may alleviate the problem.

The Director of Planning and Building Services noted that staff have been meeting with School Board officials to discuss possible options to resolve the issues.

Staff was directed to ensure that Mr. Bradley is kept apprised of any efforts that may be initiated to resolve the issues.

c) Huronion Museum Update

Ms. N. Born, Executive Director, provided an update on efforts being undertaken to increase attendance and engage the community, the success of these initiatives, funding opportunities, and the Museum's goals for the future.

10. ACCOUNTS

a) General Accounts

**Moved by J. Contin
Seconded by G. Canning**

That the accounts for the month of May 2016, totalling \$5,267,931.40 be approved and confirmed as paid.

CARRIED.

11. CORRESPONDENCE

a) Midland and District Lawn Bowling Club – Lease Renewal

Council reviewed a letter dated July 14, 2016, from Mr. B. Henderson, President – MDLBC, following which it was then,

**Moved by S. Strathearn
Seconded by C. Oschefski**

That, further to letter dated July 14, 2016, from the Midland District Lawn Bowling Club, staff be directed to bring forward a by-law providing for a new five year lease with the Midland District Lawn Bowling Club to expire on December 31, 2021;

And further that the specific terms of the lease including rent be approved by both parties prior to bringing the By-law to Council for approval.

CARRIED.

b) Midland and District Lawn Bowling Club – Request

Council reviewed a letter dated July 15, 2016, from Mr. B. Henderson, President – MDLBC, following which it was then,

**Moved by S. Strathearn
Seconded by C. Oschefski**

That, further to letter dated July 14, 2016, from the Midland District Lawn Bowling Club, Council herein confirms its support of the Midland District Lawn Bowling Club's application under the New Horizons for Seniors Grant to permit the necessary repair work required to the Club's roof and to allow for replacement of the backboards/plinths.

CARRIED.

c) ATV By-law Amendment Request

Council reviewed an email dated July 18, 2016, from Ms. T. Barron, following which it was then,

Moved by G. Canning

Seconded by J. Contin

That staff be directed to investigate how other municipalities are dealing with the use of ATVs within their boundaries, what restrictions have been imposed, and what are the concerns that have been raised and to bring forward a report detailing the findings.

CARRIED.

d) FIT 3.0.1

Council reviewed a letter received July 20, 2016, from Ms. T. Berkman, Project Team Coordinator, Solar Power Network, following which it was then,

Moved by S. Strathearn

Seconded by C. Oschefski

WHEREAS capitalized terms not defined herein have the meanings ascribed to them in the FIT Contract, Version 3.1;

AND WHEREAS the Province's FIT Program encourages the construction and operation of Rooftop solar PV generation projects (the "Projects");

AND WHEREAS one or more Projects may be subject to FIT Contracts and may be constructed and operated in Town of Midland ("Local Municipality");

AND WHEREAS in accordance with the FIT Rules, Version 3.0, the Council of the Local Municipality ("Council") had previously indicated, by a resolution, its support for Projects in the Local Municipality (the "Prior Resolution");

AND WHEREAS Council now indicates, by a resolution dated no earlier than June 10, 2015, Council's continued support for the construction and operation of the Projects anywhere in the Local Municipality (the "New Resolution");

AND WHEREAS, pursuant to the FIT Contract, where a New Resolution is received in respect of the Projects in the Local Municipality, Suppliers will be recognized as fulfilling the requirements under Section 2.4(d)(vii) of the FIT Contract, which may result in Suppliers being offered Notice to Proceed in accordance with the terms of their respective FIT Contract(s);

NOW THEREFORE BE IT RESOLVED THAT:

Council of the Town of Midland supports the construction and operation of the Projects anywhere in the Town of Midland. This resolution's sole purpose is to enable Suppliers to achieve Notice to Proceed under their FIT Contracts and may not be used for the purpose of any other form of municipal approval in relation to a FIT Contract or Project or for any other purpose.

This resolution shall expire twelve (12) months after its adoption by Council.

CARRIED.

e) Hwy 12 Walmart / Home Depot Mall Entry/Exit

Council reviewed an email dated July 11, 2016, from Mr. W. Frith and Ms. S. Waugh, Midland residents, expressing their concerns regarding the entry/exit at Walmart and Home Depot and suggesting that there be an additional entry/exit intersection at that location to help alleviate the congestion.

The Director of Planning and Building Services advised that the subject property is under the jurisdiction of the Ministry of Transportation (MTO), with the related property being under the ownership of four private land owners. The Director noted that the Town has identified potential improvements and has been reaching out to the MTO who have confirmed that a review is underway.

The Director noted that Town officials are working to arrange a meeting with the private land owners to discuss a range of possible improvements.

Staff was directed to forward a letter of response to Mr. Frith and Ms. Waugh.

f) Official Plan Review and 17111 Hwy 12

Council received as information an email dated July 17, 2016, from Mr. and Mrs. Smith, regarding the Official Plan and Zoning By-law 2004-90 and the current Official Plan Review as it relates to 17111 Hwy 12.

12. REPORTS

a) ENG-2016-25 Trades Tender Results – Midland Operations Centre

Council reviewed a report dated July 2, 2016, from J. Galloway, Town Engineer, recommending that the trade tenders listed in Attachment "A" be accepted. (By-law 2016-50)

b) OP-2016-C07 Monthly Report on Waterworks - June 2016

Council received as information a report dated July 20, 2016, from J. Beauchamp, Compliance Officer, which included details on current water quality and production, distribution maintenance, training, and sample results for the month of June 2016.

c) OP-2016-C08 Tender - Biosolids Management

Council reviewed a report dated July 20, 2016, from S. Berriault, Director of Operations, recommending that the tender for a two year contract from Region of Huronia Environmental Services (2013) Ltd. (ROHES) for the supply of all equipment and labour necessary for the transporting of Liquid Processed Organic Waste (Biosolids) from the Wastewater Treatment Centre in the amount of \$697,072, with an option to renew for a third year in the amount of \$354,161, be accepted. (See By-law 2016-53)

d) OP-2016-C09 Tree Trimming and Removal - Urban Forest and Parks/Trails Areas Tender Results

Council reviewed a report dated July 20, 2016, from S. Berriault, Director of Operations, recommending that the tender bid from W.M. Weller Tree Service Ltd. for the trimming and removal of trees in various locations throughout Midland, in the amount of \$26,365.50, exclusive of H.S.T., be accepted. (By-law 2016-52)

e) OP-2016-C10 Final Tragically Hip Concert Broadcast - August 20, 2016 at 509 Bay Street

i) Council reviewed a report dated July 20, 2016, from S. Berriault, Director of Operations, following which it was then,

**Moved by M. Ross
Seconded by P. file**

That, as recommended in Report OP-2016-C10 dated July 20, 2016, permission be granted, in principle, for the closure of Bay Street from King Street to Borsa Lane on Saturday, August 20, 2016 from 5:00 p.m. until 12:00 midnight to accommodate expected attendance during the broadcasting of the final Tragically Hip Concert in the 509 Bay Street parking area; subject to staff approval of the related Special Events Application.

CARRIED.

ii) Boathouse Eatery – Request for Beer Tent and BBQ

Council reviewed a letter of request from the Boathouse Eatery, following which it was then,

**Moved by G. Canning
Seconded by J. Contin**

That Council herein supports, in principle, the Boathouse Eatery's request to operate a beer tent and BBQ in conjunction with the Hip Concert on August 20, 2016, from 6 pm to 12 midnight, subject to staff approval of the related Refreshment Vehicle Licence Application and any other applicable requirements.

CARRIED.

- f) ML-2016-08 Municipal Law Enforcement Officer's Investigative Report – June 2016

Council received as information a report dated July 20, 2016, from J. Reichheld, Municipal Law Enforcement Officer, providing an update on departmental operations and street parking meter revenue.

- g) CL-2016-26 Procurement By-law Amendment

Council reviewed a report dated July 7, 2016, from A. Fay, Director of Corporate Services/Clerk/Deputy CAO, following which it was then,

**Moved by G. Canning
Seconded by J. Contin**

That, as recommended in Report CL-2016-26 dated July 7, 2016, staff be directed to bring forward a by-law to amend By-law 2014-48 which would remove the requirement to have a member of Council in attendance during a tender/proposal opening, and would address the Town's procurement requirements under the Integrated Accessibility Standards Regulation.

CARRIED.

- h) New Orleans Pizza – Refreshment Vehicle License Application

Having previously declared a pecuniary interest, Councillor Oschefski vacated his Council seat.

Clerk Fay advised that in accordance with the Town's business licencing by-law, permission from Council is required when an applicant wishes to operate a refreshment vehicle on Town property. It was then,

**Moved by J. Contin
Seconded by G. Canning**

That permission be granted to 2311866 Ontario Ltd./New Orleans Pizza, in principle, to operate a refreshment vehicle on July 31, 2016 at Little Lake Park from 12 noon to 11 pm as part

**of Floatie Fest, subject to staff approval of the related Refreshment Vehicle Licence Application.
CARRIED.**

i) Bayside Beach Shop – Hawkers and Peddlers License Application

Clerk Fay advised that in accordance with the Town's business licencing by-law, permission from Council is required when an applicant wishes to operate as a Hawker and Peddler on Town property. It was then,

**Moved by G. Canning
Seconded by J. Contin**

That Council herein supports, in principle, the Bayside Beach Shop's application to operate as a Hawker and Peddler on July 31, 2016, at Little Lake Park from 12 noon to 11 pm as part of Floatie Fest, subject to staff approval of the related Hawkers and Peddlers Licence Application.

CARRIED.

Councillor Oschefski returned to his Council seat.

j) BIA Board – New Appointment

Having previously declared a pecuniary interest, Councillor Canning vacated his Council seat.

Clerk Fay advised that during a recent BIA meeting, S. Canning was appointed to the BIA Board. As the appointment needs to be formalized by a motion of Council, it was then,

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

That Schedule "D" to By-law 2015-83 be amended by adding Susan Canning to the Business Improvement Area Board of Directors for a term to expire November 30, 2016.

CARRIED.

Councillor Canning returned to his seat.

k) IBEW Collective Agreement

Clerk Fay advised that, based on Council's direction, staff proceeded with the signing of the Memorandum of Understanding and preparation of the related by-law providing for ratification of the IBEW Collective Agreement. (By-law 2016-51)

13. CONSENT BY-LAW

**Moved by G. MacDonald
Seconded by C. Oschefski**

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

- By-law 2016-50 Agreements with various sub-trade Contractors for the construction of the Midland Operations Centre.
- By-law 2016-51 Collective Agreement with the International Brotherhood of Electrical Workers (IBEW) on behalf of its Local 636 February 1, 2016 to January 31, 2019.
- By-law 2016-52 Agreement with W.M. Weller Tree Service Ltd. for the trimming and removal of trees in various locations.
- By-law 2016-53 Agreement with Region of Huronia Environmental Services (2013) Ltd. for the transporting of Liquid Processed Organic Waste (Biosolids) from the Wastewater Treatment Centre.

CARRIED.

It was then,

**Moved by G. MacDonald
Seconded by C. Oschefski**

That By-laws 2016-50, 2016-51, 2016-52, and 2016-53, be read a first, second and third time and finally passed.

CARRIED.

14. GENERAL BUSINESS

1) Other Business Introduced by Members of Council or Staff

a) Council Strategic Plan Priorities

Councillor Strathearn advised that the motion deferred by Council at a previous Council meeting that provided for the consideration of options and related actions to assist the Town in meeting its cost containment objectives has been revised for Council's consideration. It was then,

**Moved by S. Strathearn
Seconded by G. Canning**

Whereas Council wishes to clarify the direction provided to staff on implementing the priorities from its Council Strategic Plan;

Therefore be it resolved;

- 1) That a hiring freeze immediately be implemented except where otherwise approved by Council;
- 2) That the hiring freeze allow for internal replacements and/or relocations once a full review of the need for a replacement is conducted;
- 3) That the annual budget process present Council with a core budget showing all in operating budget with scenarios of -2% and -1%.

Further, be it resolved that under the auspices of the new CAO:

- 1) That Management prepare a business plan for the Corporation for the remaining term of Council by February 28, 2017;
- 2) That the business plan focus on corporation-wide process improvements that will maintain and/or improve municipal service levels, while allowing for new Council directed services;
- 3) That these process improvements reduce the annual cost of operations as experienced in 2015, in the order of \$1,500,000.00 by 2018 (exclusive of police service budget and excluding capital items);
- 4) That the fiscal room opened up in the operations budget by process improvements be used solely to fund Council approved initiatives identified under the Economic Development and Tourism and/or Healthy Sustainable Community priorities of Council's Strategic Plan.

CARRIED.

- b) Councillor File spoke to the need for a comprehensive tree policy and introduced the following motions:

Moved by P. File
Seconded by J. Main

That staff in operations be directed to prepare a draft tree policy for consideration of Council to include creating objectives for trees on public lands, in our parks and also trees on private lands in the Town of Midland.

CARRIED.

It was then,

Moved by J. Main

Seconded by P. File

That staff be directed to prepare background reference documents in relation to tree management best practices.

CARRIED.

15. CONFIRMATORY BY-LAW

1) By-law 2016-54

Moved by G. MacDonald

Seconded by C. Oschefski

That leave be granted to introduce By-law 2016-54, being a by-law to adopt the proceedings of the Council Meeting held on July 25, 2016, and to authorize its execution.

CARRIED.

It was then,

Moved by C. Oschefski

Seconded by J. Main

That By-law 2016-54 be read a first, second and third time and finally passed.

CARRIED.

16. ADJOURNMENT

Moved by C. Oschefski

Seconded by J. Main

That this Regular Meeting of Council adjourn at 10:34 pm.

CARRIED.

A. Fay, Director of Corporate Services/Clerk/Deputy CAO
