



**THE CORPORATION OF THE
TOWN OF MIDLAND**

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**Minutes of the Regular Meeting of Council with Closed Session held on Monday,
June 27, 2016 at 5:30 p.m. in the Municipal Office Council Chambers.**

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

Regrets: Deputy Mayor M. Ross

Also Present: Chief Administrative Officer (Interim), G. Wood
Director of Corporate Services/Clerk/Deputy CAO, A. Fay
Director of Planning and Building Services, W. Crown
Deputy Clerk, K. Desroches

Guests: P. Peterson, Solicitor, HGR Graham Partners**
J. Robinson, MHBC Planning Urban Design and Landscape
Architecture**

*Arrived at 5:35 pm during discussion on Item 3a)i)a).

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

1. CALL TO ORDER

Mayor G. McKay called the meeting to order at 5:30 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.

Councillor Main spoke to Item 3a)i)b) Aberdeen Boulevard Properties, and questioned the purpose for addressing the matter in closed session, noting that no correspondence was provided. The Clerk provided clarification.

Based on the concerns raised, the item was withdrawn from the agenda.

2. DECLARATIONS OF PECUNIARY INTEREST

No declarations were made.

3. CLOSED SESSION

a) Motion to move into closed session

Moved by G. MacDonald

Seconded by C. Oschefski

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 Appointments**

- **Subsection 2 (e)
Litigation or Potential Litigation**

**Subject matter
Source Protection OMB Appeal**

CARRIED.

i) Closed Session Item

a) Source Protection OMB Appeal

Council reviewed a Confidential Memo dated June 20, 2016, from J. Robinson, MHBC Planning Urban Design and Landscape Architecture, providing an update on a Midland Source Water Protection appeal and seeking Council's direction on how to proceed.

W. Crown provided a brief overview of the matter and introduced P. Peterson, HGR Graham Partners and J. Robinson, MHBC Planning Urban Design and Landscape Architecture.

Mr. Peterson and Mr. Robinson spoke to the matter and responded to questions raised by members of Council.

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

b) Aberdeen Boulevard Properties

Verbal report from the Director of Planning and Building Services

As previously noted, this item was withdrawn.

c) Appointments - MAAC and Youth Committee

Council reviewed a confidential report dated June 22, 2016, from the Deputy Clerk, together with applications submitted for consideration for appointment to the Youth 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. MacDonald

Seconded by C. Oschefski

That this Closed Meeting of Council be adjourned at 6:04 p.m. and that Council now rise and report to open session.

CARRIED.

4. OPEN SESSION – 7:00 P.M.

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

Regrets: Deputy Mayor M. Ross

Also Present: Chief Administrative Officer (Interim), G. Wood
Director of Corporate Services/Clerk/Deputy CAO, A. Fay
Director of Operations, S. Berriault
Director of Planning and Building Services, W. Crown
Marketing and Communications Coordinator, S. Cooper
Deputy Clerk, K. Desroches

5. MOMENT OF SILENT REFLECTION

6. DECLARATIONS OF PECUNIARY INTEREST

No declarations were made.

i) Motions arising from closed session discussions

a) Source Protection OMB Appeal

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

That, further to Confidential Memorandum dated June 20, 2016 from MHBC Planning Urban Design and Landscape Architecture and related discussions held during the Closed Meeting of June 27, 2016, Council herein confirms the direction provided to staff on how to proceed respecting the matter.

CARRIED.

b) Appointments - MAAC and Youth Committee

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

That, further to Report CL-2016-24 dated June 22, 2016, and related discussions that occurred at the Closed Meeting session held June 27, 2016, Council herein confirms the appointment of Brooklynn Prior and Tori St. Amant to the Midland Youth.

CARRIED.

7. CONSENT AGENDA

**Moved by J. Main
Seconded by J. Oschefski**

That Council adopt the recommendations as set out on the Consent Agenda for the Regular Meeting of Council held June 27, 2016, with the exception of Item 1b) Special Meeting of Council with Closed Session held May 17, 2016, as Councillor File wishes to speak to the matter.

CARRIED.

1d) Special Meeting of Council with Closed Session held May 17, 2016

Councillor File questioned how the Town will be proceeding in terms of the direction provided to staff by way of a motion respecting the Midland Power Utility Corporation, in consideration of the decision to proceed with the sale of the utility.

The Interim CAO spoke to the matter, following which it was then,

Moved by J. Main
Seconded by C. Oschefski
That Consent Agenda Item 1b) Special Meeting of Council with
Closed Session held May 17, 2016 be adopted as printed and
circulated.
CARRIED.

8. DEPUTATIONS

a) 2016 Terry Fox Run

Mr. D. Chapman, representing the Terry Fox Foundation, provided a PowerPoint presentation highlighting the Foundation's objectives and goals, citizen participation over the years, communication strategies to increase awareness and participation in the Terry Fox Run, and proposing opportunities where the Town may assist.

b) County of Simcoe Services

Warden G. Marshall introduced County CAO M. Aitken. Mr. M. Aitken, County CAO, provided a PowerPoint presentation highlighting the many services and programs provided by the County, and efforts to address the expanding needs of the community in anticipation of future growth.

c) Municipal Property Assessment Corporation (MPAC)

Ms. K. Jylha, Account Manager, Municipal & Stakeholder Relations, provided a PowerPoint presentation, highlighting the property assessment process and cycle, data collection and preparation, the assessment notice and tools available to the public, market trends, assessment changes from 2016 to 2017, and how MPAC is engaging with municipalities.

9. PUBLIC MEETING

a) Sign By-law Amendment for Home Occupations/Home Industries

Mayor McKay called the meeting to order and advised that the public meeting is being held to receive input on the amendment to Sign By-law 2011-79 respecting signs for Home Occupations located in Residential Zones. Mayor McKay advised that the Public Meeting is being held in accordance with Section 6 of the Town's Notice By-law being By-law 2009-20.

Mayor McKay then asked the Clerk to confirm notification of the meeting and to note any correspondence received regarding the proposed By-law. The Clerk advised that notice of the meeting was posted on the Town's website and notice boards on June 10, 2016 in accordance with the related process. No written submissions were received.

Mayor McKay called for anyone in the audience to make comments in opposition or in support of the proposed by-law.

There being no comments, the public meeting regarding the amendment to Sign By-law 2011-79 respecting signs for Home Occupations located in Residential Zones was closed.

10. ACCOUNTS

a) General Accounts

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

That the accounts for the month of May 2016, totalling \$1,146,743.86 be approved and confirmed as paid.

CARRIED.

11. CORRESPONDENCE

a) Request for Draft Plan of Subdivision Extension Part of Lots 111 & 112, Concession 2, Plan 69 (former Tay)

Council received as information a letter dated June 22, 2016, from Mr. J. Robinson, Partner, MHBC Planning Urban Design and Landscape Architecture, advising of their support of the recommendation from the Planning and Development Committee that the draft approval of the subdivision be extended for an additional five years so that the remaining conditions can be satisfied.

b) BIA – June 30th Tent Set Up

Council reviewed an email dated June 22, 2016, from Mr. M. Shepherd, Communications Manager, Downtown Midland Business Improvement Area, following which it was then,

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

That, further to email dated June 22, 2016, from Mr. M. Shepherd, Communications Manager, Downtown Midland Business Improvement Area, permission be granted, in principle, to set up 2 tents Downtown Midland in front of Neezhoday Park on June 30, 2016, from 12:00 pm to 3:00 pm, to do “giveaways”, as well as a tent for B101 for a live broadcast, subject to staff approval of the related Special Events Application.

CARRIED.

12. REPORTS

General Committee Report 2016-6 of its meeting held June 13, 2016

- 1) OP-2016-023 Receipt of Land from J. Stollar Construction Limited for Sanitary Sewer Piping to Stollar West Pump Station
(Reference Section A, Item #2, of the above Report)

Moved by P. File
Seconded by J. Main

That, further to Report OP-2016-023 dated June 8, 2016, Council consider a By-law to accept certain lands from J. Stollar Construction Limited for sanitary sewer piping to the Stollar West Pump Station.

CARRIED.

- 2) OP-2016-024 Community Foundations of Canada New Community Fund for Canada's 150th - Request for Support from Council for Application
(Reference Section A, Item #3, of the above Report)

Moved by P. File
Seconded by J. Main

That, further to Report OP-2016-024 dated June 8, 2016, Council support an application to the Community Foundations of Canada New Community Fund for Canada's 150th Anniversary of Confederation.

CARRIED.

- 3) OP-2016-025 Conversion of Part of Parking Lot at 509 Bay Street to a Picnic/Rest Area
(Reference Section A, Item #4, of the above Report)

Having previously declared a pecuniary interest respecting the matter at the June 13 General Committee Meeting by reason that he owns a property in close proximity to the lot, Councillor G. Canning vacated his seat.

Moved by P. File
Seconded by J. Main

That, further to Report OP-2016-025 dated June 8, 2016, staff be directed to undertake a further review to determine if the proposed picnic/rest area complies with permitted uses identified within the existing lease with Imperial Oil.

CARRIED.

Councillor Canning returned to his seat.

- 4) CAO-2016-2 Midland Cultural Centre Insurance
(Reference Section B, Item #2, of the above Report)

Moved by J. Contin
Seconded by G. Canning

That, further to Report CAO-2016-2 dated June 3, 2016, staff be directed to prepare an amending agreement to reflect the following changes related to insurance coverage for the Midland Cultural Centre:

- **continue to provide coverage for the Midland Cultural Centre Building and its contents;**
- **provide a grant to the MCC Inc. for the cost of insurance coverage related to the insurance requirements of the MCCI Board;**

And further that the above noted insurance costs be provided for a period of 5 years beginning in 2016 at a maximum cost of \$20,000 for 2016;

And further that the above noted insurance costs be reduced yearly by 1/5 of the \$20,000 so that the Town will cover \$4,000 in 2020 and nil in 2021, subject to staff being able to find \$20,000 within the 2016 budget.

CARRIED.

- 5) CAO-2016-3 Request from Library for a Temporary Repayable Loan
(Reference Section B, Item #3, of the above Report)

Moved by G. Canning
Seconded by J. Contin

That, further to Report CAO-2016-3 dated June 9, 2016, Council agree to provide Temporary Financing to the Midland Public Library in the amount of \$135,000 in order to allow the Midland Public Library Board to proceed with a grant application under the Federal Government's Canada 150 Grant Program and that this temporary loan be repaid from the 2017 and 2018 Library budget with no increase in the Town's contribution for these two years.

CARRIED.

- 6) CL-2016-8 Severn Sound Environmental Association Lease Agreement
(Reference Section B, Item #4, of the above Report)

Moved by G. Canning
Seconded by J. Contin

That, further to Report CL-2016-8 dated June 3, 2016, staff be directed to advise the Severn Sound Environmental Association (SSEA) that costs associated with utilities, garbage collection and snow removal totalling \$13,374 will no longer be covered solely by the Town but rather will be borne by all 9 participating municipalities;

And further that the draft agreement be forwarded to Council for approval provided the \$13,374 is covered by the member municipalities of the SSEA.

CARRIED.

- 7) CL-2016-20 Huronia Museum Lease Review
(Reference Section B, Item #5, of the above Report)

Moved by J. Contin
Seconded by G. Canning

That, further to Report CL-2016-20 dated June 6, 2016, staff be directed to convene a meeting with the Huronia Museum Ad Hoc Committee to discuss amendments to the proposed lease with a revised Lease Agreement to be brought forward to a future meeting for Council's consideration.

CARRIED.

- 8) Strategic Planning Priorities of Council 2014/2015 – 2018/2019
(Reference Section B, Item #6, of the above Report)

Moved by G. Canning
Seconded by J. Contin

That Council herein approves the revised Strategic Planning Priorities of Council 2014/2015 - 2018/2019 document, based on feedback regarding 2014/2015.

CARRIED.

- 9) Ontario Municipal Board Jurisdiction
(Reference Section B, Item #7, of the above Report)

Moved by J. Contin
Seconded by G. Canning

That, further to Notice of Motion dated December 8, 2015, from the Town of Aurora, Council support the Town of Aurora in their petition to the Ontario Government to limit the

jurisdiction of the OMB to questions of law or process and require them to uphold any planning decisions of Municipal Councils unless they are contrary to the processes and rules set out in legislation.

CARRIED.

- 10) Permission to Use Portions of Roads
(Reference Section B, Item #8, of the above Report)

Moved by G. Canning
Seconded by J. Contin

That, further to letter dated May 20, 2016, from Mr. R. Mitchell, permission be granted, in principle, to the Coast to Coast Against Cancer Foundation to use portions of roads being northbound Marshall Road from Ellery's Sideroad, continuing northbound on Wilson Road to Golf Link Road, on August 14, 2016, between the hours of 10:00 am and 2:00 pm, for up to 500 cyclist during the Tour For Kids, 3-day cycling fundraising event, subject to staff approval of the related Special Events Application.

CARRIED.

- 11) By-Law 2009-18 Section 2.0
(Reference Section B, Item #9, of the above Report)

Moved by J. Contin
Seconded by G. Canning

That, further to letter dated June 9, 2016, from Mr. J. Karagianis, Psychiatrist-in-Chief, Waypoint Centre for Mental Health Care, staff be directed to prepare the necessary by-law to amend By-law 2009-18 to provide for an exemption to the number of dogs permitted in a single dwelling unit, including specific criteria respecting same.

CARRIED.

Moved by G. MacDonald
Seconded by J. Main

That General Committee Report 2016-6 of its meeting held June 13, 2016, be adopted as printed and circulated.

CARRIED.

- b) Planning and Development Committee Report 2016-6
Meeting held June 1, 2016.

- i) Zoning By-law Amendment ZBA-06-15
Home Occupation and Home Industry
(Reference Item 3A of the above Report)

Moved by G. Canning
Seconded by J. Contin

That Zoning By-law Amendment File No. ZBA-06-16 and Sign By-law Amendment respecting Home Occupations and Home Industries be approved, in accordance with Staff Report PL-2016-30, dated May 13, 2016.

That Staff be directed to finalize the required implementing By-law for the Amendment to the Zoning By-law 2004-90, as amended, in accordance with Staff Report PL-2016-30, dated May 13, 2016, for adoption and passing by Council.

Pursuant to Section 34(17) of the *Planning Act*, Council determines that no further Notice of the proposed By-law is required as the changes to the proposed By-law are minor in nature.

That Staff schedule a Public Meeting for the proposed Sign By-law Amendment, in accordance with Staff Report PL-2016-30, dated May 13, 2016, and that Notice of the proposed amendment to the Sign By-law 2011-79 be given in accordance with the Town Notice By-law 2009-20.

That Staff prepare a Guide to Establishing a Home-Based Business in Midland following adoption of the amending By-laws in accordance with Staff Report PL-2016-30, dated May 13, 2016.

CARRIED.

- ii) Site Plan Application SPA-03-16,
Plaza Retail REIT (Mountainview Mall)
9220 and 9226 County Road 93
(Reference Section 3B of the above Report)

Moved by G. Canning
Seconded by J. Contin

That Site Plan Application No. SPA-03-16 Highway 93 (Midland) Investments Inc. (Plaza Retail REIT) be hereby approved as set out in Staff Report PL-2016-35 dated May 24, 2016.

That all required drawings and/or reports shall be submitted and approved by the appropriate Staff in accordance with approved Site Plan Application No. SPA-03-16 and the changes identified in Staff Report PL-2016-35 dated May 24, 2016.

That Planning and Building Services Staff be directed to prepare the required Site Plan Agreement in respect of the approved Site Plan Application No. SPA-03-16 Highway 93 (Midland) Investments Inc. (Plaza Retail REIT) for execution by the Owner, that the Site Plan Agreement be brought forward to Council for Approval and, that a By-law to authorize the Mayor and Clerk to execute the said Site Plan Agreement be presented at the next available meeting.

CARRIED.

- iii) Draft Plan of Subdivision – MD-T-0001
Midland Bay Estates Inc. (formerly CMRI)
Request for Extension of Draft Plan Approval
(Reference 3C of the above Report)

Moved by G. Canning
Seconded by J. Contin

That the Town of Midland grant an extension of Draft Plan of Subdivision approval pursuant to Subsection 51(33) of the *Planning Act* for the Midland Bay Estates Draft Plan of Subdivision, File MD-T-0001, for a period of five (5) years to June 28, 2021 as recommended in Planning Report PL-2016-28 dated May 13, 2016.

That the Draft Conditions be further amended to include the dedication of Blocks 95 – 98 (inclusive) to the Town for park and open space purposes and to require a detailed slope analysis as part of the overall lot grading and drainage plan, as recommended in Planning Report PL-2016-28 dated May 13, 2016.

Pursuant to Section 51(47) of the *Planning Act*, Council determines that no further Notice is required as the changes to the Draft Conditions are minor in nature.

CARRIED.

Moved by J. Contin
Seconded by G. Canning
That Report 2016-6 of the Planning and Development Committee of Council Meeting held June 1, 2016, be adopted as printed and circulated.
CARRIED.

- c) PL-2016-38 422 King Street (Letherby Home) Amending Designation By-law, Heritage Alteration Permit, & Density Bonusing Agreement

Council reviewed a report dated June 17, 2016, from J. Lewis, Senior Planner, following which it was then,

Moved by J. Contin
Seconded by G. Canning
That, as recommended in Report PL-2016-38 dated June 17, 2016, Council adopt By-law 2016-44 pursuant to Section 30.1 of the *Ontario Heritage Act* amending the Heritage Designation for 422 King Street – Letherby Home to correct the statement explaining the property’s cultural heritage value or interest or the description of the property’s heritage attributes as recommended by the Midland Heritage Committee in Report PL-2016-38, dated June 17, 2016.

That Council approve the Heritage Alteration Permit for 422 King Street as recommended by the Midland Heritage Committee in Report PL-2016-38, dated June 17, 2016.

That Council adopt By-law 2016-45 which will authorize the Mayor and Clerk to enter into a Density Bonusing Agreement with 2357070 Ontario Inc. on behalf of the Corporation of the Town of Midland as recommended in Report PL-2016-38, dated June 17, 2016.

CARRIED.

- d) PL-2016-39 Second Units By-law 2016-29 Appeal of the Passing of the Zoning By law to the OMB Appointment of Counsel

i) Council reviewed a report dated June 15, 2016, from W. Crown, Director of Planning and Building Services, following which it was then,

Moved by J. Contin
Seconded by G. Canning
That, as recommended in Report PL-2016-39 dated June 15, 2016, Mr. Leo Longo of Aird Berlis LLP be retained by the Town in respect of the Appeal of Passing of

Zoning By-law 2016-29 respecting the Second Units and Bill 140 Implementation and that he be requested to prepare a full opinion on the Appeal and the Town's Defence of the By-law.

CARRIED.

- ii) Council received as information an email dated June 27, 2016, from Mr. A. Arlett, President Tiffin Homeowners Association, and Mr. G. Dixon, regarding the above.

e) Signing Authority

Interim CAO Wood spoke to the delegation of signing authority on the Town's corporate accounts to the Deputy Mayor for continuity purposes, noting that currently only himself and the Mayor have been delegated signing authority. It was then,

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

Whereas the Town requires two signatories for transactions related to the Corporation's account;

And whereas staff feel that it would be prudent to add an additional member of Council for continuity;

Now therefore, Deputy Mayor Mike Ross be added as a signing authority for the Corporation.

CARRIED.

f) CL-2016-22 Dog By-law Exemption

Council reviewed a report dated June 20, 2016, from A. Fay, Director of Corporate Services/Clerk/Deputy CAO, recommending that Council consider amending By-law 2009-18 to provide for a temporary exemption provision respecting the number of dogs permitted at any one dwelling unit. (By-law 2016-47)

g) Tieless Months

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

That the remainder of this month and the months of July and August 2016, be declared as Tieless Months in support of the many visitors and tourists visiting our area.

CARRIED.

- h) OP-2016-C06 – Ontario Municipal Cycling Infrastructure Program (OMCIP) – Grant Funding Agreement

Council reviewed a report dated June 27, 2016, from S. Berriault, Director of Operations, recommending that Council consider a By-law to authorize the entering into of an Agreement with Ontario Municipal cycling Infrastructure Program for grant funding to improve cycling infrastructure and help promote cycling as a safe, convenient and appealing mode of transportation in Midland. (By-law 2016-49)

13. CONSENT BY-LAW

**Moved by J. Main
Seconded by C. Oschefski**

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

- By-law 2016-42 Amend Zoning By-law 2004-90, as amended to regulate Home Occupations.
- By-law 2016-44 Amend By-law 2014-60, designating the property municipally known as 422 King Street (Letherby Home), for the purpose of correcting the statement explaining the property's cultural heritage value or interest or the description of the property's heritage attributes.
- By-law 2016-45 Density Bonusing Agreement with 2357070 Ontario Inc. at 422 King Street.
- By-law 2016-46 Site Plan Agreement with Highway 93 (Midland) Investments Inc. (Plaza Retail REIT).
- By-law 2016-47 Amend By-law 2009-18 being a by-law for the licensing and control of dogs.

CARRIED.

It was then,

**Moved by J. Main
Seconded by C. Oschefski**

That By-laws 2016-42, 2016-44, 2016-45, 2016-46 and 2016-47, be read a first, second and third time and finally passed.

CARRIED.

It was then,

Moved by J. Main
Seconded by C. Oschefski

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

By-law 2016-43 Amend Sign By-law 2011-79 respecting Signs in Residential Zones for Home Occupation purposes.

CARRIED.

It was then,

Moved by J. Main
Seconded by C. Oschefski

That By-law 2016-43 be read a first, second and third time and finally passed.

CARRIED.

It was then,

Moved by J. Main
Seconded by C. Oschefski

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

By-law 2016-49 Agreement with Her Majesty The Queen in Right of Ontario, as represented by the Minister of Transportation for the Ontario Municipal Cycling Infrastructure Program.

CARRIED.

It was then,

Moved by J. Main
Seconded by C. Oschefski

That By-law 2016-49 be read a first, second and third time and finally passed.

CARRIED.

14. GENERAL BUSINESS

a) St. Paul's United Church – Enabling Accessibility Funding

Councillor File advised that St. Paul's United Church is requesting a letter from the Town expressing support of their application for funding under the Enabling Accessibility Fund. It was then,

Moved by P. File
Seconded by C. Oschefski

That Council provides a letter of support for St. Paul's United Church in their grant application for funding to the Enabling Accessibility Fund (EAF) Call for Proposals for their project to add a lift, accessible washrooms, accessible entrance doors and other accessible features as set out in their project "Help Elevate Accessibility Now".

CARRIED.

15. **CONFIRMATORY BY-LAW**

1) By-law 2016-48

Moved by J. Main
Seconded by C. Oschefski

That leave be granted to introduce By-law 2016-48, being a by-law to adopt the proceedings of the Council Meeting held on June 27, 2016, and to authorize its execution.

CARRIED.

It was then,

Moved by J. Main
Seconded by C. Oschefski

That By-law 2016-48 be read a first, second and third time and finally passed.

CARRIED.

16. **ADJOURNMENT**

Moved by C. Oscheski
Seconded by S. Strathearn

That this Regular Meeting of Council adjourn at 9:40 p.m.

CARRIED.

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