



The Corporation of The Town Of Midland

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Minutes of the Regular Meeting of Council with Closed Session held on Monday, November 26, 2018 at 6:00 p.m. in the Municipal Office Council Chambers.

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

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

1. CALL TO ORDER

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

The Clerk informed Council that public notice of the meeting was provided consistent with the Town's notice provisions.

Mayor McKay asked members of Council if they had any concerns to move into a closed session based on the stated purpose of the meeting.

There were no concerns brought forward.

2. DECLARATIONS OF PECUNIARY INTEREST

There were none declared.

3. CLOSED SESSION

a) Motion to move into closed session

Moved by C. Oschefski

Seconded by J. Main

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 2a)

The Security of the Property of the Municipality

**Subsection 2f)
Advice that is subject to solicitor-client privilege**

- **IT Event – Forensic Report**

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

- **Highway 12 Property**

**Subsection 2b)
Personal Matters about an identifiable individual**

- **Award of Merit**

CARRIED.

i) Closed Session Items

a) IT Event – Forensic Report

Council received a Report dated November 22, 2018 from A. Sidhu, Director of Corporate Services/Town Solicitor with respect to IT Event – Forensic Report.

The Director provided clarification and responded to questions raised by members of Council.

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

b) Highway 12 Property

Council received a Report dated November 22, 2018 from A. Sidhu, Director of Corporate Services/Town Solicitor with respect to Highway 12 Property.

The Director provided clarification and responded to questions raised by members of Council.

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

c) Award of Merit

Council received a Report dated November 22, 2018 from K. Desroches, Clerk with respect to the Award of Merit.

The Clerk provided clarification and responded to questions raised by members of Council.

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

ii) Motion to rise to open session

Moved by C. Oschefski

Seconded by J. Main

That this Closed Meeting of Council be adjourned 6:46 p.m. and that Council now rise and report to open session.

CARRIED.

Councillor Canning left the meeting

4. OPEN SESSION – 7:00 P.M.

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

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 Engineering, Water and Wastewater, A. Campbell
Director of Operations, Parks and Facilities, S. Berriault
Director of Human Resources/Health and Safety, L. Yourkin
Fire Chief, P. Ryan
Clerk, K. Desroches
Deputy Clerk, S. Edgar
Communications and Marketing Coordinator, R. Fee

ii) Motions Arising from closed session discussions

a) IT Event – Forensic Report

Moved by P. File

Seconded by J. Contin

That the IT Event – Forensic Report provided by A. Sidhu, Director of Corporate Services/Town Solicitor respecting the ransomware attack (“Event) on the Town’s IT Infrastructure at the Closed Meeting of Council on November 26, 2018, be received.

b) Highway 12 Property

Moved by J. Main

Seconded by C. Oschefski

That further to Report CL-2018-41 respecting the property municipally known as 17111 Highway 12, Midland, presented at the Closed Meeting of Council held November 26, 2018, and related discussions, Council herein confirms its direction to staff on how to proceed respecting the matter.

CARRIED.

c) Award of Merit

Moved by P. File

Seconded by J. Contin

That, further to Confidential Staff Report CL-2018-37 dated November 22, 2018, and related discussions held during the Closed Meeting of Council on November 26, 2018, regarding the Award of Merit 2018 recipients, Council herein confirms its direction to staff on how to proceed.

CARRIED.

5. **MOMENT OF SILENT REFLECTION**

6. **DECLARATIONS OF PECUNIARY INTEREST**

- i) Councillor Strathearn declared a pecuniary interest with respect to Item 10. b) Further Delegation to Staff of Certain Planning and Development Approvals, as he is a neighbouring property owner.

7. **CONSENT AGENDA**

Moved by J. Main

Seconded by C. Oschefski

That Council adopt the recommendations as set out on the Consent Agenda for the Regular Meeting of Council with Closed Session held November 26, 2018.

CARRIED.

8. PUBLIC MEETING

a) Procedural By-law Amendment

Mayor McKay called the meeting to order and advised that the Public Meeting is being held to receive input from the public on the proposed Amendment to the Rules of Procedure for Council and its Committees to change the Inaugural Meeting of Council time from 7:300 p.m. to 6:00 p.m. Mayor McKay advised that the Public Meeting is being held in accordance with Section 16 of the Town's Notice By-law 2009-20 and the *Municipal Act*, 2001, S.O. 2001, c.25 Section 238 (2).

Mayor McKay 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, social media, and notice board and in the Midland Mirror. 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, to which there were none.

9. PETITION

a) Safety Concerns on Simcoe Boulevard and Cook Drive

Council reviewed correspondence dated October 1, 2018 from Mrs. D. Tucker, Midland resident, regarding various safety concerns on Simcoe Boulevard and Cook Drive. A petition signed by 66 residents of Simcoe Boulevard and Cook Drive dated August 31, 2018 was also provided.

Moved by G. MacDonald

Seconded by P. File

That, further to letter dated October 1, 2018, from Mrs. D. Tucker, Midland resident, regarding various safety concerns on Simcoe Boulevard and Cook Drive, and the related petition signed by 66 residents of Cook Drive and Simcoe Boulevard, staff be directed to consult with the OPP and the Town's Municipal Law Enforcement Officer regarding opportunities to address these safety concerns through further enforcement.

CARRIED

10. REPORTS

a) General Committee Report 2018-8 of its meeting held November 13, 2018

- 1) Procedural By-law Amendment – Inaugural Meeting of Council
(Reference Section A, Item 1, of the above Report)

Moved by J. Contin
Seconded by P. File

**That Procedure By-law 2010-42 be amended to change the time for the Inaugural Meeting of Council from 7:30 p.m. to 6:00 p.m. and
That staff be directed to bring forward the amending by-law to the November Council meeting for adoption.**

CARRIED.

- 2) Encroachment Agreement – 809 Ontario Street
(Reference Section A, Item 2, of the above Report)

Moved by J. Contin
Seconded by P. File

That Report CL-2018-36 dated November 13, 2018 regarding an Encroachment Agreement respecting 809 Ontario Street be received; and

That Council authorizes staff to proceed with the Encroachment Agreement respecting 809 Ontario Street pending receipt of all necessary documentation and once staff is satisfied that all requirements respecting the proposed encroachment have been met; and

That, upon fulfillment of the requirements respecting the encroachment, Mayor and Clerk be authorized to execute the By-law and Encroachment Agreement.

CARRIED.

- 3) Establishment of Police Reserve Funds
(Reference Section A, Item 3, of the above Report)

Moved by J. Contin
Seconded by P. File

That Report TR-2018-25 Establishment of Police Reserve Funds, dated November 13, 2018, be received;

That a Police Auction Reserve Fund be established and monies held until the reserve fund is exhausted;

**That a Police Property Reserve Fund be established and monies held until the reserve fund is exhausted.
CARRIED.**

- 4) Investment Agency Agreement
(Reference Section A, Item 4, of the above Report)

**Moved by P. File
Seconded by J. Contin
That Report TR-2018-26 Investment Agency Agreement, dated November 13, 2018 be received;**

**That the Investment Agency Agreement with One Fund be adopted by By-law.
CARRIED.**

- 5) Street Closure – February 1, 2019
(Reference Section A, Item 5, of the above Report)

**Moved by P. File
Seconded by J. Contin
That, further to letter dated November 5, 2018, from Mr. M. Shepherd, Communications Manager, Downtown Midland Business Improvement Area, King Street be closed in a “rolling” manner, first from Elizabeth Street to Hugel Avenue, then from Hugel Avenue to Dominion Avenue to accommodate the 7th Annual Downtown Midland Road Hockey Game on Friday, February 1, 2019, from 4:00 pm to 5:00 pm (with all barricades being lifted by 5:00 pm), subject to approval of the related special events application.**

CARRIED.

**Moved by M. Ross
Seconded by J. Contin
That General Committee Report 2018-8 of its meeting held November 13, 2018, be adopted as printed and circulated.**

CARRIED.

- b) Planning and Development Committee Report 2018-9
Meeting held November 7, 2018.
- 1) Further Delegation to Staff of Certain Planning and Development Approvals
(Reference Item 3A of the above Report)

Having declared a pecuniary interest Councillor Strathearn vacated his seat.

Moved by J. Contin
Seconded by P. File

That Staff Report PL-2018-71 dated October 26, 2018 regarding the further delegation to Staff of certain Planning and Development approvals be received.

That Council pass a delegation By-law in accordance with Staff Report PL-2018-71 dated October 26, 2018.

CARRIED.

Councillor Strathearn returned to his seat.

Moved by J. Contin
Seconded by P. File

That Report 2018-9 of the Planning and Development Committee of Council Meeting held November 7, 2018, be adopted as printed and circulated.

CARRIED.

- c) PL-2018-77 - Waypoint-Chigamik Community Health Hub – Property line issue

Council reviewed a Report dated November 26, 2018 from Wes Crown, Director of Planning and Building Services, following which it was then,

Moved by G. MacDonald
Seconded by M. Ross

That further to Report PL-2018-77 dated November 26, 2018, regarding the Waypoint-Chigamik Community Health Hub – Property line issue, Staff be directed to proceed with Option 1 as set out in the Staff Report.

A recorded vote was requested.

	<u>AYE</u>	<u>NAY</u>
Jonathan Main	X	
Deputy Mayor Mike Ross	X	
Patricia File		X
Stewart Strathearn	X	
George J. MacDonald	X	
Jack Contin		X
Cody Oschefski	X	
Mayor Gordon McKay		X

CARRIED.

d) TR-2018-27 Draft Audited Financial Statements

Council reviewed a report dated November 26, 2018 from S. Turnbull, Director of Finance/Treasurer. Council also received on-desk copies of the Amended Financial Statements, following which it was then,

Moved by C. Oschefski

Seconded by J. Main

That, as recommended in Report TR-2018-27 dated November 26, 2018, Council approves the Draft 2017 Audited Financial Statements as outlined in Report TR-2018-27, dated November 26, 2018; and

That Council appoints KPMG LLP as the Town's Auditor for the 2018 fiscal year.

CARRIED.

e) CL-2018-38 Report on the Ransomware Attack on the Town's IT Infrastructure and Cyber Risk Management

Council reviewed a report dated November 22, 2018, from A. Sidhu, Director of Corporate Services/Town Solicitor, following which it was then,

Moved by J. Main

Seconded by C. Oschefski

That Council receive Report CL-2018-38 being a report on the ransomware attack ("Event) on the Town's IT Infrastructure and cyber risk management for information.

CARRIED.

f) CL-2018-39 Kinark Child and Family Services – Lease Agreement

Council reviewed a report dated November 22, 2018 from K. Desroches, clerk, following which it was then,

Moved by C. Oschefski

Seconded by J. Main

That, as recommended in Report CL-2018-39 dated November 22, 2018, Council adopts By-law 2018-74 which authorizes a Lease Agreement with Kinark Child and Family services.

CARRIED.

g) CL-2018-40 Simcoe County Transit – Fare Integration Agreement

Having previously declared a pecuniary interest, J. Contin vacated his seat.

Council reviewed a report dated September 24, 2018 from S. Turnbull, Director of Finance/Treasurer, following which it was then,

Moved by J. Main

Seconded by C. Oschefski

That, as recommended in Report CL-2018-40 dated November 22, 2018, Council adopts By-law 2018-81 to authorize the entering into of an Agreement with The Corporation of the Town of Penetanguishene and the County of Simcoe for the provision of a Fare Integration Agreement.

CARRIED.

h) 2019 Council Committee Calendar

Council received a copy of the 2019 Council Committee Calendar along with a verbal report from K. Desroches, Clerk.

This item was provided for information purposes.

i) AD HOC Governance Review Committee

Council received a verbal report from K. Desroches, Clerk, following which it was then,

Moved by C. Oschefski

Seconded by J. Main

That the Ad Hoc Governance Review Committee be dissolved as it has concluded its mandate.

CARRIED.

j) Boards and Committees

Council received a verbal report from K. Desroches, Clerk, with respect to the Boards and Committees and the extension of appointments.

This item was provided for information purposes.

11. **CONSENT BY-LAW**

Moved by G. MacDonald

Seconded by P. File

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

By-law 2018-74 Lease Agreement between Kinark Child and Family Services and the Town of Midland.

By-law 2018-75 Amend By-law 2010-42, being the Rules of Procedure for Council and its Committees.

By-law 2018-77 Authorize the Corporation of the Town of Midland (the "Corporation") to enter into the Agency Agreement, as defined herein, between CHUMS Financing Corporation and Local Authority Services Limited, as Agent, and Eligible Investors with respect to "One Investment", and to authorize the Treasurer to execute the necessary documents from time to time for that purpose, and to repeal By-law 2008-08.

By-law 2018-78 Establish investment policies with respect to proceeds from the sale of the Midland Power Utility Corporation ("MPUC").

By-law 2018-80 Encroachment Agreement between Gord Victor Stevens and Amber Fiona McAuley in relation to 809 Ontario Street.

By-law 2018-81 Agreement with The Corporation of the Town of Penetanguishene and The Corporation of the County of Simcoe for the provision of a Fare Integration Agreement.

CARRIED.

It was then,

Moved by G. MacDonald

Seconded by P. File

That By-laws 2018-74, 2018-75, 2018-77, 2018-78, 2018-80 and 2018-81 be read a first, second and third time and finally passed.

CARRIED.

Having declared a pecuniary interest, Councillor Strathearn vacated his seat.

Moved by J. Main
Seconded by C. Oschefski

That leave be granted to introduce By-law 2018-79 being a by-law to amend By-law 2018-56 being a By-law respecting the Delegation of Certain Powers and Duties.

CARRIED

It was then,

Moved by C. Oschefski
Seconded by J. Main

That By-law 2018-79 be read a first, second and third time and finally passed.

CARRIED.

Councillor Strathearn returned to his seat.

12. GENERAL BUSINESS

- 1) Notice of Motion
None were presented.
- 2) Other Business Introduced by Members of Council or Staff
 - a) Recognition of Council 2014-2018
Department Heads presented individual prints to Members of Council in recognition of their service over the 4 year term.

13. CONFIRMATORY BY-LAW

- 1) By-law 2018-82

Moved by G. MacDonald
Seconded by P. File

That leave be granted to introduce By-law 2018-82, being a by-law to adopt the proceedings of the Council Meeting held on November 26, 2018, and to authorize its execution.

CARRIED.

It was then,

Moved by G. MacDonald
Seconded by P. File

That By-law 2018-82 be read a first, second and third time and finally passed.

CARRIED.

14. **ADJOURNMENT**

Moved by G. MacDonald

Seconded by P. File

That this Regular Meeting of Council adjourn at 9:05 p.m.
CARRIED.

Karen Desroches
Karen Desroches, Clerk

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