



**THE CORPORATION OF THE
TOWN OF MIDLAND**

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Minutes of the Regular Meeting of Council held on Monday, October 26, 2015, at 7:00 p.m. in the Municipal Office Council Chambers.

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

Regrets: Councillor G. Canning

Also Present: Chief Administrative Officer, C. Tripp
Director of Corporate Services/Clerk/Deputy CAO, A. Fay
Director of Finance/Treasurer, M. Villeneuve
Town Engineer, J. Galloway
Director of Operations, S. Berriault
Director of Planning and Building Services, W.Crown
Deputy Clerk, K. Desroches

Also in Attendance: L. Longo, Airds and Berlis (left following Item 8d)

1. CALL TO ORDER

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

2. MOMENT OF SILENT REFLECTION

3. DECLARATION OF PECUNIARY INTEREST

Councillor Contin declared a pecuniary interest with respect to General Committee Item 5a) Public Meeting, NSSRC, Park and Harbour Fee Schedule as his spouse is employed by the Askennonia Seniors Centre.

Deputy Mayor Ross declared a pecuniary interest with respect to Item 5a) Public Meeting, NSSRC, Parks and Harbour Fee Schedule as Midland Tours is a customer of his.

Mayor MacDonald declared a pecuniary interest with respect to Item 9f)iii) Simcoe Muskoka Catholic District School Board, Community Planning and Partnership Policy, Proposed Pupil Accommodation Review Policy, as his spouse is the school board trustee.

4. CONSENT AGENDA

Moved by J. Main
Seconded by G. MacDonald

That Council adopt the recommendations as set out on the Consent Agenda for the Regular Meeting of Council held October 26, 2015,

with the exception of Item #1c, Special Meeting of Council held on October 6, 2015, as Councillor File wishes to speak to the item and with exception of Item 2c), Council Information Package October 5 to October 9, Item #2, Midland Active Transportation Advisory Committee meeting held on October 1, 2015, as Councillor Main wishes to speak to the item.

CARRIED.

- 1c) Special Meeting of Council held on October 6, 2015

Councillor File spoke to the item. Council asked that Councillor File provide the documentation she received from Grant Thornton to the CAO for distribution to Council. The CAO noted that Mr. Rodgers will also be contacting Grant Thornton for a quote.

- 2c) Council Information Package October 5 to October 9, Item #2, Midland Active Transportation Advisory Committee meeting held on October 1, 2015.

Councillor J. Main spoke to the item, specifically Vision 200.

Mayor McKay suggested this matter could be brought forward through the Chair and Vice-Chair Briefing Session, it was then,

Moved by J. Main

Seconded by G. MacDonald

That Consent Agenda Item #1c, Special Meeting of Council held on October 6, 2015 be adopted as printed and circulated and that Consent Agenda Item 2c) Council Information Package October 5 to October 9, Item #2, Midland Active Transportation Advisory Committee meeting held on October 1, 2015, be received as information.

CARRIED.

5. PUBLIC MEETING

- a) NSSRC, Parks and Harbour Fee Schedule

Having previously declared a pecuniary interest, Councillor Contin left the Council Chambers.

Mayor McKay called the meeting to order and advised that the public meeting is being held to receive feedback from the public on proposed fees and charges respecting the NSSRC, Parks and Harbour. Mayor McKay advised that the public meeting is being held in accordance with Section 25 of the Town's Notice 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 provided on the Town's website and notice board on October 16, 2015. 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.

Kevin Cowie, 1495 Par Four Drive

- Mr. Cowie questioned the mission of the NSSRC and the Harbour i.e. to provide subsidized low cost opportunities to outsiders? If so, he takes exception. If the Town is providing subsidized low cost opportunities to Midlanders then one would expect to see a threshold and he wouldn't object to that.
- He suggested the Harbour should drive tourism, encourage spending in the downtown and maximize revenue. The costs for slips should not under cut local businesses.
- He felt the Town should charge market cost and establish a qualifying threshold with some slips being set aside for those that require a subsidy.

Mr. Cowie responded to questions raised by individual members of Council.

There being no further comments, the public meeting regarding proposed fees and charges respecting the NSSRC, Parks and Harbour was closed.

Councillor Contin returned to his seat.

6. PETITION

- a) Follow-up Letter Concerning Official Letter of Complaint – Marina Boat Storage

Council reviewed a letter dated September 22, 2015, from Mr. S. Bailey, on behalf of Bayport Boulevard Area residents (12 signatures), concerning the marina boat storage and noise associated with same.

Mayor McKay noted that although this matter is not an issue from a by-law perspective, he has been working with both parties to reach a mutual solution.

7. ACCOUNTS

a) General Accounts

**Moved by J. Contin
Seconded by J. Main**

That the accounts for the month of September 2015, totalling \$4,505,925.44 be approved and confirmed as paid.

CARRIED.

8. CORRESPONDENCE

a) June Callwood Outstanding Achievement Award

Council received as information a letter dated October 2015, from the Hon. Michael Chan, Minister of Citizenship and Immigration, inviting participation in the June Callwood Outstanding Achievement Award for Voluntarism in Ontario through the nomination of a deserving volunteer. The letter will be posted on the Town's website and notice boards for information purposes.

b) Farmers' Market Request

Council reviewed a letter dated October 19, 2015, from the Southern Georgian Bay Farmers Markets, requesting permission to operate a Farmers' Market at the Huronia Museum on Sundays from November 1, 2015, to May 17, 2016, between the hours of 9:00 a.m. and 1:00 p.m.

The Clerk was directed to prepare the appropriate by-law and agreement for Council's consideration at a special meeting to be held on October 27, 2015.

c) Midland and District Lawn Bowling Club Lease Agreement

Council reviewed a letter dated October 16, 2015, from Mr. B. Henderson, President – MDLBC, following which it was then,

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

That Council herein supports the extension of the Midland and District Lawn Bowling Club's current lease agreement for a one year period to expire December 31, 2016 to allow them to apply for a Trillium Grant.

And further that the terms related to rent during the period be subject to the approval of both parties at a later date.

CARRIED.

d) Regulating Second Units under the Planning Act

Council reviewed a letter dated October 14, 2015, from Mr. L. F. Longo, Aird & Berlis, providing an opinion on a number of questions surrounding the requirement that municipalities develop policies authorizing the use of Second Units for certain residential units, under the Planning Act.

W. Crown introduced Mr. Longo who was in attendance. Mr. Longo spoke to the letter and responded to questions raised by members of Council.

The correspondence was received as information.

e) Secondary Suites Under Midland's Current Zoning By-law

Council reviewed an email dated October 9, 2015, from Mr. G. Dixon, providing background material from the Town's public records with respect to the above.

Mr. Longo advised that he would provide a position to the CAO on the matters raised within the letter for Council's consideration.

9. REPORTS

a) General Committee Report 2015-8 of its meeting held October 13, 2015

- 1) FS-2015-04 Tiered Response
(Reference Section A, Item 1 of the above Report)

Moved by C. Oschefski
Seconded by S. Strathearn

That, further to Report FS-2015-04 dated September 30, 2015, Council authorize Midland Fire Services to continue to participate in the Emergency Response Agreement (Tiered Response) pending the completion of a review of service response, with a report detailing findings to be provided to Council by February/March 2016.

CARRIED.

- 2) Midland RIBFEST
(Reference Section A, Item 2a of the above Report)

Moved by C. Oschefski
Seconded by S. Strathearn

That, further to a letter received October 6, 2015, from Mr. G. Moffatt, Event Co-ordinator Midland Ribfest, permission be granted, in principle, to host the first

annual Midland RIBFEST on July 14 to 17, 2016, in the Town Dock parking lot, from Thursday starting at 4:00 p.m. and ending at 11:00 p.m., Friday and Saturday starting at 11:00 a.m. and ending at 1:00 a.m. and Sunday 11:00 a.m. until 6:00 p.m.; subject to staff approval of the related Special Events Application, subject to the review of impact upon the parking of other users of the Town Dock.

CARRIED.

- 3) OP-2015-025 Dump/Sander Box Tender
(Reference Section B, Item 2, of the above Report)

Moved by J. Main
Seconded by C. Oschefski

That, further to Report OP-2015-025 dated October 7, 2015, the tender from Laroche Equipment Inc. for the supply of a combination dump/sander box, in the amount of \$25,930.00 exclusive of all taxes, be accepted.

CARRIED.

- 4) OP-2015-026 Proposed User Fees - NSSRC & Parks/Harbour
(Reference Section B, Item 3, of the above Report)

As the matter of discussion was unrelated to Midland Tours, Deputy Mayor Ross withdrew his previous declaration.

Moved by J. Main
Seconded by C. Oschefski

That, further to Report OP-2015-026 dated October 7, 2015, Council consider a new By-law for user fees for 2016 and 2017 for the North Simcoe Sports and Recreation Centre, Parks and Harbour facilities.

DEFERRED.

Council deferred the matter for further consideration at the Special Meeting of Council scheduled for October 27, 2015, where potential options to achieve the 75th percentile will be discussed.

- 4) OP-2015-027 Sunnyside Neighbourhood Park Request
(Reference Section B, Item 4, of the above Report)

Moved by J. Main
Seconded by C. Oschefski

That, further to Report OP-2015-027 dated October 7, 2015,

- 1) **Staff be directed to undertake a detailed cost estimate of the top three preferred sites for a new proposed Sunnyside Neighbourhood Park being: a) Everton Road/Hydro Line, b) Centennial Drive; c) Castle Road for further report to Council; and**
- 2) **Preliminary costs be considered for inclusion in the 2017 Budget estimates.**

DEFERRED.

The matter was referred to 2016 budget deliberations for further consideration.

- 5) ENG-2015-17 New Operations Centre Site Preparation Tender
(Reference Section B, Item 5 of the above Report)

Moved by J. Main
Seconded by C. Oschefski

That, further to Report ENG-2015-17 dated October 6, 2015, the tender from Duivenvoorden Haulage Limited for the Site Preparation of the New Operations Centre in the amount of \$163,499.00 exclusive of all taxes, be accepted.

CARRIED.

6. ENG-2015-18 Tiffin Pond Concerns
(Reference Section B, Item 6 of the above Report)

Moved by J. Main
Seconded by C. Oschefski

That, further to Report ENG-2015-18 dated October 9, 2015, staff be directed to investigate options, in consultation with the Severn Sound Environmental Association, Sustainable Severn Sound, Friends of Tiffin Pond and other applicable agencies, to resolve concerns respecting the Tiffin stormwater pond with a report to be forwarded to a future meeting for Council's consideration.

CARRIED.

- 7) ML-2015-14 December Parking
(Reference Section C, Item 1 of the above Report)

Moved by J. Contin
Seconded by P. File

That, further to Report ML-2015-14 dated October 3, 2015, the Town of Midland provide Free Parking at the meters in the downtown during the month of December;

And further that staff be directed to provide notice of the free parking via the Town's website, Town Page, electronic notice boards and social media;

And further that any monies collected in the meters during that month be donated to a charity to be chosen by Council.

CARRIED.

- 8) CL-2015-52 Municipal Leases – Next Steps
(Reference Section C, Item 3 of the above Report)

Moved by J. Contin
Seconded by M. Ross

That, further to Report CL-2015-52 dated October 7, 2015, Council supports the following key criteria for use as a tool in evaluating the potential terms and conditions of leases for Not-for-Profit and For-Profit organizations:

1. Are they non-profit? Then
2. Do they provide services provided by other organizations?
3. Do they contribute to the Town's residents?
4. Are the majority of the members residents of Midland?
5. What other contributions do they make, i.e. furnishings, building, etc.?
6. What expenses are incurred in providing the service, space, etc. by the Town.

And further that the criteria be weighted;

CARRIED.

It was then,

Moved by J. Contin
Seconded by P. File

That, further to Report CL-2015-52 dated October 7, 2015, partnership agreements be prepared in addition to the standard lease template moving forward.

CARRIED.

It was then,

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

That, further to Report CL-2015-52 dated October 7, 2015, staff consult with the Boys and Girls Club on a possible amendment to the existing lease agreement that would increase their eligibility for grant opportunities.

CARRIED.

- 9) TR-2015-25 Municipal Performance Dashboard for Town of Midland
(Reference Section C, Item 4 of the above Report)

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

That, further to Report TR-2015-25 dated October 13, 2015, staff be directed to prepare a report providing options/opportunities on how to reach the 75% percentile based on 3 year, 6 year and 10 year timelines.

CARRIED.

- 10) Construction of a Nuclear Waste Repository in the Great Lakes Basin
(Reference Section C, Item 10 of the above Report)

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

WHEREAS Ontario Power Generation (OPG) is proposing to construct a deep geologic repository (DGR), which is an underground long-term burial facility, at the Bruce Nuclear Generating Station site in Kincardine Ontario Canada, and bury and abandon in the DGR all of Ontario's low and intermediate level radioactive nuclear waste, some of which remains highly radioactive and toxic for over 100,000 years;

AND WHEREAS Ontario Power Generation did not consider or evaluate any other actual sites for the location of the proposed DGR;

AND WHEREAS fresh water is Canada's most important resource and should be protected and managed prudently;

WHEREAS the potential damage to the Great Lakes from any leak or breach of radioactivity far outweighs any

suggested economic benefit that might be derived from burying radioactive nuclear waste at this site;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL FOR THE CORPORATION OF THE TOWN OF MIDLAND;

- 1. That in order to protect the Great Lakes and its tributaries, neither this proposed nuclear waste repository at the Bruce Nuclear Generating Station site nor any other underground nuclear waste repository be constructed in the Great Lakes Basin, in Canada, the United States, or any First Nation property.**
- 2. That the Government of Canada and the Government of Ontario be urged to reject (and seek alternatives to) Ontario Power Generation's proposal to bury and abandon radioactive nuclear waste in the Great Lakes Basin.**

CARRIED.

Moved by S. Strathearn

Seconded by C. Oschefski

That General Committee Report 2015-8 of its meeting held October 13, 2015, be adopted as printed and circulated.

CARRIED.

b) Buttertart Committee Appointment

The Deputy Clerk advised that at the September 28, 2015, Council Meeting with Closed session, Council provided direction to staff concerning appointments to the Buttertart Festival Steering Committee. Based on Council's direction a motion has been prepared for Council's consideration. It was then,

Moved by J. Contin

Seconded by P. File

That Mary Ellen Baird be appointed to the Buttertart Festival Steering Committee for a term to expire November 30, 2016;

And further that Council herein confirms the appointment of Steve Barber and Scott Campbell to the Buttertart Festival Steering Committee representing the BIA for a term to expire November 30, 2016.

CARRIED.

c) Buttertart Manager

Deputy Mayor Ross advised that a by-law has been prepared for Council's consideration providing for the entering into of a services agreement with Barb Rowlandson for the position of Manager of the Ontario's Best Buttertart Festival. (By-law 2015-36).

d) Midland BIA Appointment

The Deputy Clerk advised that changes have occurred on the BIA Board. As a result, a motion has been prepared providing for an amendment to By-law 2014-96 for Council's consideration. It was then,

Moved by J. Contin

Seconded by P. File

That Schedule 'D' to By-law 2014-96 be amended to reflect the acceptance of the resignation of Ashley Wagenaar from the Business Improvement Area Board and to confirm the appointment of Jim Brown, Kathy Kowalsky and Paula Lynn to the Board.

CARRIED.

e) ENG-2015-19 Tiffin by the Lake (Tiffin Phase 6) Outstanding Works Update

Council reviewed a report dated October 20, 2015, from J. Galloway, Town Engineer, following which it was then,

Moved by P. File

Seconded by J. Contin

That, as recommended in Report ENG-2015-19 dated October 20, 2015, staff inform the Developer of Tiffin by the Lake Phase 6 that their request for a one month extension of the deadline to November 15, 2015, to complete certain works is granted.

Prior to voting on the main motion, a friendly amendment to the main motion to change the extension period was brought forward.

Moved by M. Ross

Seconded by P. File

That, as recommended in Report ENG-2015-19 dated October 20, 2015, staff inform the Developer of Tiffin by the Lake Phase 6 that their request for a one month extension of the deadline to April 20, 2016, to complete certain works is granted.

A recorded vote was requested.

	AYE	NAY
Cody Oschefski		X
Patricia File	X	
Deputy Mayor Mike Ross	X	
Jack Contin	X	
Jonathan Main	X	
George MacDonald		X
Stewart Strathearn		X
Mayor Gordon McKay		X

DEFEATED.

A further friendly amendment was brought forward to amend the deadline date.

Moved by M. Ross
Seconded by P. File

That, as recommended in Report ENG-2015-19 dated October 20, 2015, staff inform the Developer of Tiffin by the Lake Phase 6 that their request for a one month extension of the deadline to November 23, 2015, to complete certain works is granted.

CARRIED.

Staff was directed to bring this matter forward to Council following the extension deadline if there were any concerns.

f) Planning and Development Committee Report 2015-10
Meeting held October 14, 2015.

i) Official Plan Amendment OPA-01-15
Zoning By-law Amendment ZBA-01-15
New Operations Centre - 1099 MacDonald Road
(Reference Item 3A of the above Report)

Moved by G. MacDonald
Seconded by J. Main

That Official Plan Amendment Application OPA-01-15 and Zoning By-law Amendment Application ZBA-01-15 respecting the lands at 1099 MacDonald Road be approved and the implementing Official Plan By-law and Zoning By-law be passed to redesignate a portion of the lands from Environmental Protection to Employment Areas and to rezone the property from Environmental Protection – EP and Industrial with Holding Symbol – M1-H to Industrial Exception Zone – M2-4.

CARRIED.

- ii) Home Occupation and Home Industry Review
Revised Terms of Reference
(Reference 3B of the above Report)

Moved by G. MacDonald
Seconded by J. Main

That the Planning and Building Services Department undertake a review of Home Occupation and Home Industry policies and provisions in accordance with the Revised Terms of Reference specified in Report No. PL-2015-65 dated October 2, 2015, as amended.

CARRIED.

- iii) Simcoe Muskoka Catholic District School Board
Community Planning and Partnership Policy
Proposed Pupil Accommodation Review Policy
(Reference 3C of the above Report)

Councillor MacDonald left the table.

Moved by J. Main
Seconded by C. Oschefski

That Council endorses the letter dated September 21, 2015 to the Simcoe Muskoka Catholic District School Board regarding comments on the proposed Community Planning and Partnership Policy and proposed Pupil Accommodation Review Policy with the following matters also to be provided to the SMDSB:

- a) **that walkability and the purpose of individual schools in a community, i.e. community hub, be taken into consideration;**
- b) **that during the accommodation review the public be better informed of the process and the criteria for how the final decision would be determined.**

CARRIED.

Councillor MacDonald returned to his chair.

- iv) Minor Site Plan Application SPA-04-15
R. Ouellet- 1053 Brebeuf Road
(Reference 3E of the above Report)

Moved by G. MacDonald
Seconded by J. Main

That Council permits the development of 1053 Brebeuf Road as set out in Staff Report PL-2015-69 on the basis of private on-site services;

That Staff be directed to work with the Owner to finalize the Site Plan application and Agreement in accordance with Staff Report PL-2015-69 including but not limited to:

- Limiting the amount of total pervious surfaces to less than 500 square metres.
- Requiring the use of BMP including low impact development approaches to maintain pre-development recharge rates;

That the Mayor and Clerk are hereby authorized to sign and execute the Site Plan Agreement for the development of 1053 Brebeuf Road as described in Site Plan Application No. SPA-04-15 and as set out in Staff Report PL-2015-69.

CARRIED.

Moved by G. MacDonald
Seconded by J. Main

That Report 2015-10 of the Planning and Development Committee of Council Meeting dated October 14, 2015, be adopted as printed and circulated.

CARRIED.

10. CONSENT BY-LAW

Moved by M. Ross
Seconded by P. File

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

By-law 2015-75 Agreement with Duivenvoorden Haulage Limited to provide Site Preparation services at 1099 MacDonald Road.

By-law 2015-76 Adopt Amendment No. 7 to the Official Plan.

By-law 2015-77 Rezone a portion of 1099 MacDonald Road to Industrial Exception Zone – M2-4.

CARRIED.

It was then,

Moved by M. Ross
Seconded by P. File

That By-laws 2015-75, 2015-76, and 2015-77 be read a first, second and third time and finally passed.

CARRIED.

It was then,

Moved by G. MacDonald

Seconded by J. Main

That leave be granted to introduce By-law 2015-36 – Services Agreement with Barb Rowlandson – Manager of Ontario’s Best Butterscotch Festival and Consultant to other Midland Special Events.

CARRIED.

The CAO noted that the attached agreement has been amended. Staff were directed to ensure that the correct agreement is included with the by-law. It was then,

Moved by G. MacDonald

Seconded by J. Main

That By-law 2015-36 be read a first, second and third time and finally passed, as amended.

CARRIED.

11. GENERAL BUSINESS

1) Other Business Introduced by Members of Council or Staff

a) Council Wage Increase

Councillor C. Oschefski advised that a motion has been prepared proposing a freeze in remuneration paid to Council for the remaining Council term in consideration of residents within the municipality that are not receiving wage increases. It was then,

Moved by C. Oschefski

Seconded by G. MacDonald

That the remuneration paid to members of Council be frozen at its current rate for the duration of this Council’s term of office.

DEFEATED.

12. CONFIRMATORY BY-LAW

a) By-law 2015-79

Moved by S. Strathearn

Seconded by C. Oschefski

That leave be granted to introduce By-law 2015-79, being a by-law to adopt the proceedings of the Council Meeting held on October 26, 2015, and to authorize its execution.

CARRIED.

It was then,

Moved by S. Strathearn

Seconded by C. Oschefski

That By-laws 2015-79 be read a first, second and third time and finally passed.

CARRIED.

13. ADJOURNMENT

Moved by S. Strathearn

Seconded by C. Oschefski

That this Regular Meeting of Council adjourn at 10:21 p.m.

CARRIED.

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