



**THE CORPORATION OF THE
TOWN OF MIDLAND**

575 Dominion Avenue
Midland, ON L4R 1R2
Phone: 705-526-4275
Fax: 705-526-9971
info@midland.ca

**Minutes of the Regular Meeting of Council with Closed Session held on Monday,
December 12, 2016 at 6:30 p.m. in the Municipal Office Council Chambers.**

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

Regrets: Deputy Mayor Ross

Also Present: Director of Corporate Services/Clerk/Deputy CAO, A. Fay
Director of Finance/Treasurer, S. Turnbull
Deputy Clerk, K. Desroches

1. CALL TO ORDER

Mayor McKay called the meeting to order at 6:30 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. In response to a question, the Deputy Clerk advised that the meeting is being held in closed session as the topic of discussion relates to the appointment of an individual on the Buttertart Festival Steering Committee.

2. DECLARATIONS OF PECUNIARY INTEREST

Councillor G. Canning declared a pecuniary interest with respect Item 3a)i)a) Buttertart Festival Steering Committee as his business participates in the Buttertart Festival.

3. CLOSED SESSION

a) Motion to move into closed session

Moved by J. Main

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
- Butters Tart Festival Steering Committee
CARRIED.

i) Closed Session Items

a) Butters Tart Festival Steering Committee

Having previously declared a pecuniary interest, Councillor Canning excused himself from the meeting.

Council received a verbal report from the Deputy Clerk regarding the appointment of an individual to the Committee and requested Council's direction on how to proceed.

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 J. Main

Seconded by C. Oschefski

That this Closed Meeting of Council be adjourned at 6:41 p.m. and that Council now rise and report to open session.

CARRIED.

Councillor Canning returned to his seat.

4. OPEN SESSION – 7:00 P.M.

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

Regrets: Deputy Mayor Ross

Also Present: Director of Corporate Services/Clerk/Deputy CAO, A. Fay
Director of Finance/Treasurer, S. Turnbull
Director of Operations, S. Berriault
Town Engineer, J. Galloway
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**

i) Motions arising from closed session discussions

a) Buttertart Festival Steering Committee

Councillor G. Canning, having declared a pecuniary interest upon commencement of the preceding closed meeting session with respect to Item 6i)a) Buttertart Festival Steering Committee by reason that his business participates in the Buttertart Festival, refrained from voting on the motion.

Moved by S. Strathearn

Seconded by C. Oschefski

That, further to discussions that occurred during the Closed Meeting of Council held December 12, 2016, regarding the Buttertart Festival Steering Committee, Council herein confirms its direction to staff on how to proceed.

CARRIED.

7. **CONSENT AGENDA**

Moved by G. Canning

Seconded by J. Contin

That Council adopt the recommendations as set out on the Consent Agenda for the Regular Meeting of Council held December 12, 2016.

CARRIED.

8. **PRESENTATIONS**

a) Awards of Merit

Mayor McKay presented Nancy Spiker, Bryan Peter, Ross Heacock (posthumously) and Moreland Lynn (posthumously) each with the 2016 Award of Merit in recognition of their extraordinary dedication and commitment to the community.

b) 25-Year Service Awards

Mayor McKay presented Police Chief M. Osborne, Chief Building Official T. Paquette, and Manager of Water/Wastewater Operations P. LeClair, each with an award in recognition of 25 years of service to the Town.

9. DEPUTATIONS

a) Heart of Georgian Bay Update

Ms. B. Black, representing the Heart of Georgian Bay, provided a PowerPoint presentation highlighting past efforts undertaken by the organization to market North Simcoe as a destination of choice, as well as new initiatives underway or being contemplated.

b) Party on the Dock

Mr. R. Befort, Chair, Midland Rotary Club, spoke to the success of the annual Party on the Dock event and highlighted plans for the 12th annual event to be held on June 16, 2017.

10. ACCOUNTS

a) General Accounts

Moved by G. Canning

Seconded by J. Contin

That the accounts for the month of November 2016, totalling \$1,988,278.67 be approved and confirmed as paid.

CARRIED.

11. CORRESPONDENCE

a) Federal Infrastructure Phase 2 Incrementality Resolution

Council reviewed a letter dated December 21, 2016, from Ms. L. Dollin, AMO President, following which it was then,

Moved by C. Oschefski

Seconded by S. Strathearn

WHEREAS municipal governments' infrastructure is critical to our collective economic health;

WHEREAS stable, predictable and formula-based infrastructure funding allows municipal governments to plan and schedule investments in infrastructure;

WHEREAS Ontario municipal governments have asset management plans which set out a municipality's longer term capital plan which reflects the infrastructure priorities of these asset management plans; and

WHEREAS a federal incrementality rule interferes with municipal long-term infrastructure priorities and diminishes the value of municipal asset planning and management;

NOW THEREFORE BE IT RESOLVED that the Town of Midland calls on the federal government to provide long-term, predictable, and formula-based funding in its Phase 2 programs for municipal governments; and

BE IT ALSO RESOLVED that the Town of Midland calls on the federal government to change incremental requirements in Phase 2 to recognize in Ontario that a municipal government's asset management plan meets a municipal incremental infrastructure requirement.

CARRIED.

b) Request for Street Closure – February 3, 2017

Council reviewed a letter dated December 6, 2016, from Mr. M. Shepherd, Communications Manager, Downtown Midland Business Improvement Area, following which it was then,

Moved by C. Oschefski
Seconded by S. Strathearn

That, as recommended in letter dated December 6, 2016, from Mr. M. Shepherd, Communications Manager, Downtown Midland Business Improvement Area, permission be granted, in principle, for the closure of King Street in a “rolling” manner first from Elizabeth to Hugel, then add from Hugel to Dominion and then add from Dominion to Bay, with all barricades being lifted by 5:00 pm. All through streets (Elizabeth, Hugel, Dominion, and Bay) can be left open, to accommodate the 5th Annual Downtown Midland Road Hockey Game on Friday, February 3, 2017, from 4:00 pm to 5:00 pm.; subject to staff approval of the related Special Events Application.

CARRIED.

c) OPA-No. 9 – “Second Unit” Update – Recent Provincial Initiatives

Council reviewed a letter dated December 2, 2016, from Mr. L. Longo, Solicitor, Aird & Berlis, providing an update as to the current status of OPA No. 9, as well as related provincial initiatives, and recommending that Council provide direction to staff and legal counsel regarding OPA 9.

Council considered three potential options respecting the matter:

- support Mr. Longo's continued efforts to speak on behalf of the Town reaffirming Council's position respecting second units as it relates to OPA 9;
- defer further action pending a response from the County;
- withdraw and not proceed any further.

It was then,

Moved by S. Strathearn
Seconded by G. MacDonald

That, further to letter dated December 2, 2016, from Mr. L. Longo, Solicitor, Aird & Berlis, Council herein supports Mr. Longo's continued efforts to speak on behalf of the Town of Midland reaffirming Council's position respecting second units as it relates to OPA #9.

A recorded vote was requested.

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

CARRIED.

- d) Decision of Midland Council to Waive the Need for Peer Review Water Budgets for Major Developments Located Within Wellhead Protection Area Q2

Council reviewed a letter dated November 29, 2016, from Ms. L. Dollin, Chair, South Georgian Bay Lake Simcoe Source Protection Committee, recommending that the Town include a peer review of hydrogeological water balances by a qualified professional in order to ensure the protection and sustainability of the Town's drinking water supply, following which it was then,

Moved by G. MacDonald
Seconded by C. Oschefski

That, further to letter dated November 29, 2016, from Ms. L. Dollin, Chair, South Georgian Bay Lake Simcoe Source Protection Committee, Council receive the correspondence as information.

CARRIED.

- e) Midland OPA #9 – Second Units

Council reviewed an email dated December 11, 2016 from A. Arlett, President, Tiffin Homeowners Association and G. Dixon, following which it was then,

Moved by J. Main
Seconded by G. MacDonald

That, further to email dated December 11, 2016 from A. Arlett, President, Tiffin Homeowners Association and G. Dixon respecting Second Units, Council receive the correspondence as information.

CARRIED.

12. REPORTS

a) Planning and Development Committee Report 2016-11
Meeting held December 7, 2016.

i) Draft Plan of Subdivision – MD-T-01-08
Pratt Development Inc. – 823 King Street
Area Master Stormwater Management Study

Moved by J. Contin
Seconded by G. MacDonald

That the Town undertake a competitive RFP/Tender process for an Area Master Stormwater Management Study upon written confirmation in the form of an agreement with Pratt Development Inc., that it will front end the full cost of the Study, as set out in Staff Report PL-2016-60 dated October 25, 2016.

That Staff be directed to prepare an RFP/Tender for the completion of an Area Master Stormwater Management Study in accordance with the MOE 2003 *Stormwater Management Planning and Design Manual* and the requirements of the Municipal Class Environmental Assessment process.

That Staff explore and report on the range of cost recovery options that are available to the Town with respect to the front ending of the Study and any required works by Pratt Development Inc.

CARRIED.

ii) Private Consultation Report Requirements

Moved by J. Contin
Seconded by G. MacDonald

That Council hereby adopts the Policy with respect to the reporting on Private Consultations required under the *Planning Act* for Zoning By-law Amendments, Official Plan Amendments and applications for Plans of Subdivision as set out in Attachment #1 to Staff Report PL-2016-65 dated November 29, 2016.

CARRIED.

Moved by J. Contin
Seconded by G. MacDonald

That Report 2016-11 of the Planning and Development Committee of Council Meeting held December 7, 2016, be adopted as printed and circulated.

CARRIED.

- b) OP-2016-C15 Lanigan Watermain Loop Construction - Lanigan Drive to Sundowner Road - Tender Results

Council reviewed a report dated December 7, 2016, from S. Berriault, Director of Operations, recommending that the tender bid from John Bravakis Enterprises Ltd. for the construction of a new watermain from the westerly termination of Lanigan Drive to Sundowner Road in Midland in the amount of \$379,792.80, exclusive of H.S.T., be accepted.
(See By-law 2016-90)

- c) OP-2016-C16 Vindin/Fifth/Harbourview Intersection - King/Galloway Intersection- Traffic Signal Upgrades Tender Results

Council reviewed a report dated December 7, 2016, from S. Berriault, Director of Operations, recommending that the tender bid from Guild Electric Limited for the supply and installation of a new traffic signal controller and LED traffic signal equipment including pedestrian signals and audible pedestrian signals with vibrating button actuation at the Vindin Street/Fifth Street/Harbourview Drive intersection in the amount of \$55,938.77, exclusive of H.S.T., be accepted.
(See By-law 2016-91)

- d) OP-2016-C17 Well 14 Pump Motor - Well 15 Rehabilitation - Well 7A Liner - Tender Results

Council reviewed a report dated December 7, 2016, from S. Berriault, Director of Operations, following which it was then,

Moved by J. Contin
Seconded by G. MacDonald

That, as recommended in Report OP-2016-C17 dated December 7, 2016, the tender bid from International Water Supply Ltd. (IWS) for the Well 14 Pump Motor and Well 15 Rehabilitation work in the amount of \$18,825 exclusive of H.S.T., be accepted and that the tender bid from Lotowater Technical Services Inc. for the Well 7A liner work in the amount of \$48,850, exclusive of H.S.T., be accepted.

CARRIED.

e) ENG-2016-28 Draft Traffic Calming Policy

Council reviewed a report dated November 28, 2016, from J. Galloway, Town Engineer, providing a draft copy of a proposed Traffic Calming Policy following which it was then,

Moved by J. Main
Seconded by C. Oschefski

That, further to Report ENG-2016-28 dated November 28, 2016, from J. Galloway, Town Engineer, providing a draft copy of a proposed Traffic Calming Policy, Council herein confirms its support of a Public Information Session to solicit input and comments with a report being brought forward to a future meeting regarding the public engagement process.

CARRIED.

f) CL-2016-40 Emergency Management Program

Council reviewed a report dated November 29, 2016, from A. Fay, Director of Corporate Services/Clerk/Deputy CAO, recommending that By-law 2013-17 be amended by removing schedules as outlined in the attached report. (See By-law 2016-92)

Moved by G. Canning
Seconded by J. Contin

That, as recommended in Report CL-2016-40 dated November 29, 2016, By-law 2013-17 be amended by removing the following schedules:

- **Schedule “A” being the Terms of Reference for the Midland Emergency Management Program Committee and replacing same with the updated Terms of Reference revised October 2016;**
- **Schedule “B” being the Emergency Management Plan and replacing same with the updated Emergency Management Plan revised October 2016;**
- **Schedule “C” being the Community Emergency Management Coordinator and replacing same with three new Community Emergency Management Coordinator Appointment Forms;**
- **Schedule “D” being the appointment of an Emergency Information Staff as this is no longer a required form for Emergency Management Ontario;**
- **Schedule “E” being the Community Profile;**

And further that an amending by-law be brought forward to reflect the necessary changes as a result of this report.

CARRIED.

- g) CL-2016-49 Request to Lease lands abutting 177 King Street (The Boathouse Eatery)

Council reviewed a report dated November 22, 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-2016-49 dated November 22, 2016, staff be directed to prepare a lease agreement consistent with the terms outlined in Council Report (CL-2016-40) respecting lands abutting 177 King Street;

And further that staff present the lease in its final form for Council's consideration once the details have been finalized.

CARRIED.

- h) Council Committee Appointments

Moved by G. Canning

Seconded by S. Strathearn

That Schedule "C" to By-law 2016-82 be amended by adding Councillor G. McDonald to the Midland Seniors Council with a term to expire November 30, 2017;

That Schedule "E" to By-law 2016-82 be amended by adding Councillor J. Contin to the Severn Sound Sustainability Plan Steering Committee as Council's alternate with a term to expire November 30, 2017.

CARRIED.

- i) CL-2016-52 825 Birchwood – Encroachment Agreement

Council reviewed a report dated December 6, 2016, from K. Desroches, Deputy Clerk, recommending that Council consider By-law 2016-94 authorizing the entering into of an encroachment agreement with Carlos Diniz and Angela Diniz respecting 825 Birchwood Drive.
(See By-law 2016-94)

- j) CL-2016-54 Emergency Social Services Agreement

Council reviewed a report dated December 7, 2016, from A. Fay, Director of Corporate Services/Clerk/Deputy CAO, recommending that the related by-law and agreement be brought forward for Council's consideration.
(See By-law 2016-93)

k) TR-2016-17 Capital Project Carry Forward to 2017

Council reviewed a report dated December 5, 2016, from T. Leonard, Executive Assistant, Treasury, following which it was then,

Moved by G. Canning
Seconded by J. Contin

That, as recommended in Report TR-2016-17 dated December 5, 2016, any capital project approved in Budget 2016 remaining incomplete at year end, along with all unexpended approved funding, be carried forward into 2017 to provide for project completion.

CARRIED.

l) TR-2016-18 2017 Interim Tax Levy

Council reviewed a report dated December 1, 2016, from T. Leonard, Executive Assistant, Treasury, recommending that the 2017 Interim Tax Levy By-law be adopted by Council. (See By-law 2016-88)

m) TR-2016-19 2016 Borrowing Bylaw

Council reviewed a report dated December 1, 2016, from T. Leonard, Executive Assistant, Treasury, recommending that the attached Borrowing by-law be adopted by Council. (See By-law 2016-89)

n) TR-2016-20 2016 WSIB NEER Surcharge

Council reviewed a report dated December 1, 2016, from T. Leonard, Executive Assistant, Treasury, following which it was then,

Moved by G. Canning
Seconded by J. Contin

That, as recommended in Report TR-2016-20 2016 dated December 1, 2016, Council approve a transfer of \$44,090.71 from the WSIB Reserve to cover the net cost of the 2016 WSIB NEER statement surcharge.

CARRIED.

o) Midland Cultural Centre (MCC) Insurance for 2016

S. Turnbull, Director of Finance/Treasurer, spoke to a resolution passed by Council at its June meeting supporting payment, up to a maximum of \$20,000, for insurance coverage for the MCC's building, contents and board. S. Turnbull noted that the insurance cost for 2016 is \$18,600. It was then,

Moved by C. Oschefski
Seconded by J. Main

That further to a resolution passed by Council at its June Council meeting supporting the provision of insurance coverage for the Midland Cultural Centre under the Town's insurance for building and contents as well as the Board of Directors, Council directs staff to proceed with payment of the related invoice as requested by MCCI.

CARRIED.

p) Ontario Community Infrastructure Fund Formula-Based Component Agreement

Clerk Fay noted that a by-law has been prepared for Council's consideration authorizing the Town to enter into an Ontario Community Infrastructure Fund Formula-Based Component Agreement related to grant funding under the Formula-Based Component of the Ontario Community Infrastructure Fund.
(See By-law 2016-96)

13. CONSENT BY-LAW

Moved by S. Strathearn
Seconded by C. Oschefski

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

- | | |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>By-law 2016-88</u> | Interim Tax Levy for 2017 and to provide for penalty and interest. |
| <u>By-law 2016-89</u> | Authorize the borrowing of money for the year 2017 to meet current expenditures until taxes are collected. |
| <u>By-law 2016-90</u> | Agreement with John Bravakis Enterprises Ltd. for the construction of a new watermain from the westerly termination of Lanigan Drive to Sundowner Road. |
| <u>By-law 2016-91</u> | Agreement with Guild Electric Limited for the supply and installation of a new traffic signal controller and LED traffic signal equipment including pedestrian signals and audible pedestrian signals with vibrating button actuation at the Vindin Street/Fifth Street/Harbourview Drive Intersection. |
| <u>By-law 2016-92</u> | Amend By-law 2013-17 to adopt an Emergency Management Program. |
| <u>By-law 2016-93</u> | Memorandum of Agreement related to an Emergency Social Services Agreement with the County of Simcoe. |

By-law 2016-94 Encroachment Agreement with Carlos and Angela Diniz in relation to 825 Birchwood Drive.

By-law 2016-96 Ontario Community Infrastructure Fund Formula-Based Component Agreement related to grant funding under the Formula-Based Component of the Ontario Community Infrastructure Fund.

CARRIED.

It was then,

Moved by S. Strathearn

Seconded by C. Oschefski

That By-laws 2016-88, 2016-89, 2016-90, 2016-91, 2016-92, 2016-93, 2016-94 and 2016-96, be read a first, second and third time and finally passed.

CARRIED.

14. GENERAL BUSINESS

1) Motions for which notice was given

a) New Proposed Sunnyside Neighbourhood Park

Councillor S. Strathearn spoke to Report OP-2015-027 which proposed three potential sites for a new Sunnyside Neighbourhood Park. Councillor Strathearn noted that he has received a number of inquiries respecting the status of project and, as a result, is requesting that Council provide direction to staff on how to proceed. It was then,

Moved by S. Strathearn

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 2018 Budget estimates.**

CARRIED.

15. CONFIRMATORY BY-LAW

1) By-law 2016-95

Moved by S. Strathearn

Seconded by C. Oschefski

That leave be granted to introduce By-law 2016-95, being a by-law to adopt the proceedings of the Council Meeting held on December 12, 2016, and to authorize its execution.

CARRIED.

It was then,

Moved by S. Strathearn

Seconded by J. Main

That By-law 2016-95 be read a first, second and third time and finally passed.

CARRIED.

16. ADJOURNMENT

Moved by S. Strathearn

Seconded by J. Main

That this Regular Meeting of Council adjourn at 10:09 p.m.

CARRIED.

Karen Desroches, Deputy Clerk
