



**THE CORPORATION OF THE
TOWN OF MIDLAND**

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**Minutes of the Regular Meeting of Council with Closed Session held on Monday,
September 26, 2016 at 6:00 p.m. in the Municipal Office Council Chambers.**

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

Regrets: Councillor C. Oschefski

Also Present: Chief Administrative Officer J. Skorobohacz
Director of Corporate Services/Clerk/Deputy CAO, A. Fay
Director of Operations, S. Berriault
Director of Finance/Treasurer, S. Turnball
Director of Human Resources/Health and Safety, G. Green*
Deputy Clerk, K. Desroches

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

1. CALL TO ORDER

Mayor McKay called the meeting to order at 6:00 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 S. Strathearn

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 2 (b)**
Personal matters about an identifiable individual

Subject matter
- Youth Committee Appointments

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

Subject matter
- OPSEU Negotiations Update

CARRIED.

i) Closed Session Item

- a) Ontario Public Services Employees Union (OPSEU) Negotiations Update

Council reviewed Confidential Staff Report HR/HS 2016-09 dated September 22, 2016, from G. Green, Director of Human Resources/Health and Safety, providing an update on the progress of OPSEU negotiations.

The Director provided clarification regarding potential options respecting the bargaining process in response to questions raised by members of Council.

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

- b) Midland Youth Committee Appointments

Council reviewed Confidential Staff Report CL-2016-33 dated September 22, 2016, from the Deputy Clerk, together with applications submitted for consideration for appointment to the Midland 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 S. Strathearn
Seconded by J. Main

That this Closed Meeting of Council be adjourned at 6:18 p.m. and that Council now rise and report to open session.

CARRIED.

4. OPEN SESSION – 7:00 P.M.

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

Regrets: Councillor C. Oschefski

Also Present: Chief Administrative Officer, J. Skorobohacz
Director of Corporate Services/Clerk/Deputy CAO, A. Fay
Director of Finance/Treasurer, S. Turnball
Town Engineer, J. Galloway
Director of Planning and Building Services, W. Crown
Marketing and Communications Coordinator, S. Cooper
Municipal Law Enforcement Officer, J. Reichheld
Deputy Clerk, K. Desroches

Mayor McKay spoke to the recent passing of Nancy Keefe who served the Town of Midland for many years in various capacities as Deputy Mayor, Reeve, Deputy Reeve and Councillor. Mayor McKay asked everyone to keep Mrs. Keefe's family in their thoughts.

5. MOMENT OF SILENT REFLECTION

6. DECLARATIONS OF PECUNIARY INTEREST

Deputy Mayor Ross expressed his apologies for not declaring a pecuniary interest at a previous meeting where there was a tag day request related to the Images Dance Company of which his sister is the owner.

There were no further declarations made.

i) Motions arising from closed session discussions

a) OPSEU Negotiations Update

Moved by M. Ross

Seconded by J. Contin

That, further to Report HR/HS 2016-09 OPSEU Bargaining Update and related discussion during the Closed Meeting session held September 26, 2016, Council herein confirms its direction to staff on how to proceed regarding the OPSEU negotiations.

CARRIED.

b) Midland Youth Committee Appointments

Moved by M. Ross
Seconded by J. Contin

That, further to Report CL-2016-33 dated September 22, 2016, and related discussions that occurred at the Closed Meeting session held September 26, 2016, Council herein confirms the appointment of Abigale Goneau, Curtis Bernard and Paw Roe Shee to the Midland Youth Committee.

CARRIED.

7. CONSENT AGENDA

Moved by J. Contin
Seconded by G. Canning

That Council adopt the recommendations as set out on the Consent Agenda for the Regular Meeting of Council held September 26, 2016.

CARRIED.

8. DEPUTATIONS

a) Economic Development Corporation

Ms. S. Vegh Economic Development Officer, and K. Eldson Befort, Board Member, Economic Development Corporation of North Simcoe (EDCNS), thanked the Town for its continued support and provided a PowerPoint presentation highlighting the EDCNS' Driving Investment and Attraction Plan, the organization's successes to date and goals for the future, and providing an overview of the Board of Directors and its various initiatives.

b) Hurononia Airport

Mr. R. Ellis, Board of Directors, provided a PowerPoint presentation highlighting the success of the Huronia Airport, its growth and development, economic impact, revenue sources, recent and upcoming events and capital projects planned for the next 5 years.

c) Buttertart Festival

Ms. A. Bird, Manager, Midland Buttertart Festival, provided a Powerpoint presentation highlighting the success of this year's Buttertart Festival and Butter Tart Trot, the marketing strategy used to promote the event, related costs and revenue generated, the results of a survey undertaken during the event, and providing a preliminary overview of plans for next year's event.

d) Sustainable Severn Sound (SSS)

Ms. T. Roxborough, Sustainability Coordinator, Sustainable Severn Sound, provided a PowerPoint presentation highlighting the organization's Sustainability Action Plan for 2016-2018, sustainability framework, municipal survey results, website initiative, and sustainability report card.

Ms. Roxborough noted that the SSS will be presenting its annual SSS Municipal Sustainability Leadership Award at an event being held November 29, 2016, and encouraged the nomination of a deserving municipal staff and Council member in recognition of their efforts in championing sustainability.

8. ACCOUNTS

a) General Accounts

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

That the accounts for the month of August 2016, totalling \$1,919,339.93 be approved and confirmed as paid.

CARRIED.

9. CORRESPONDENCE

a) Annual Cross-Country Running Meet – Elementary Schools

Council reviewed a letter dated September 13, 2016, from Ms. J. McLaren, Area Convenor, North Simcoe Cross-Country Running Meet, following which it was then,

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

That, further to letter dated September 13, 2016, from Ms. J. McLaren, Area Convenor, North Simcoe Cross-Country Running Meet, permission be granted in principal, to conduct their annual cross country run on October 12, 2016, at Little Lake Park; and further that Little Lake Park Road be closed to local traffic from 7:30 a.m. and 3:30 p.m, and that the washrooms beside the Little Lake Galley Restaurant remain open; subject to staff approval of the related Special Events Application.

CARRIED.

b) Letters of Resignation – Committee of Adjustment

i) Council reviewed an email dated September 5, 2016, from Mr. T. Gibbons, advising of his resignation, following which it was then,

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

That Mr. Terry Gibbons' resignation from the Committee of Adjustment be accepted with thanks and appreciation for his contributions.

CARRIED.

- ii) Council reviewed a letter of resignation dated September 4, 2016, from Mr. A. Philips, following which it was then,

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

That Mr. Andrew Philips' resignation from the Committee of Adjustment be accepted with thanks and appreciation for his contributions.

CARRIED.

- iii) Letter of Resignation – Midland Active Transportation Advisory Committee

Council reviewed an email dated September 15, 2016, from Mr. S. Campbell, advising of his resignation, following which it was then,

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

That Mr. Scott Campbell's resignation from the Midland Active Transportation Advisory Committee be accepted with thanks and appreciation for his contributions.

CARRIED.

- d) Request to Rename Street

Council reviewed a letter dated September 12, 2016, from Ms. P. Maitland, requesting that Jordelli Lane or Stollar Place be renamed Ellison Place in honour of her grandfather, Harvey Ellison, following which it was then,

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

That, further to letter dated September 12, 2016, from Ms. P. Maitland, staff be directed to investigate possible options respecting the renaming of Jordelli Lane or Stollar Place as Ellison Place in honour of Harvey Ellison.

CARRIED.

e) Community Walk

Council reviewed an email dated September 23, 2016, from Ms. R. Scruton, CSC Chigamik CHC, Physiotherapist, following which it was then,

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

That, further to letter dated September 23, 2016, from Ms. R. Scruton, Physiotherapist, Chigamik Community Health Centre, permission be granted in principal, to conduct a Community Walk on September 28, 2016, from 11:00 am to 12:00 pm, at the Midland Town Dock as part of the Community Health and Wellness week; subject to staff approval of the related Special Events Application.

CARRIED.

f) Annual Cross-Country Running Meeting – High Schools

Council reviewed a letter dated September 26, 2016, from Mr. R. Dalziel, Meet Convenor, North Simcoe Cross-Country Running Meet, following which it was then,

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

That, further to letter dated September 26, 2016, from Mr. R. Dalziel, Meet Convenor, North Simcoe Cross-Country Running Meet, permission be granted in principal, to conduct their annual cross country run on October 13, 2016, at Little Lake Park;

And further that Little Lake Park Road be closed to local traffic from 7:30 a.m. and 4:30 p.m., and that the washrooms beside the Little Lake Galley Restaurant remain open; subject to staff approval of the related Special Events Application.

CARRIED.

11. REPORTS

a) General Committee Report 2016-7 of its meeting held September 12, 2016

1) ENG-2016-23 Javelin Retaining Wall – Construction Contract
(Reference Section A, Item #3, of the above Report)

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

That, further to Report ENG-2016-23 dated September 12, 2016, the tender from Bermingham Foundation

Solutions Limited to construct a new retaining wall at the entry road to the Javelin Co-op in the amount of \$534,846 exclusive of HST, be accepted.

CARRIED.

- 2) ML-2016-10 Dog Control By-Law
(Reference Section B, Item #1, of the above Report)

Moved by P. File
Seconded by J. Main

That, further to Report ML-2016-10 dated September 6, 2016, staff be directed to bring forward a by-law to amend 2009-18 to the September Council meeting for consideration.

CARRIED.

- 3) CL-2016-30 Huronia Museum Lease Review
(Reference Section B, Item #3, of the above Report)

Moved by J. Contin
Seconded by G. Canning

That, further to Report CL-2016-30 dated September 1, 2016, staff be directed to forward the draft Lease and Partnership Agreement to the Huronia Museum Board for their review and approval; and further, provided both Agreements are approved by the Huronia Museum Board, said agreements shall be brought forward to a future Council meeting for formal approval.

CARRIED.

- 4) 39th Annual Santa Claus Parade
Reference Section B, Item #6, of the above Report)

Moved by J. Contin
Seconded by G. Canning

That, further to letter dated August 28, 2016, from Mr. J. Veals, 2016 Santa Claus Parade Chairperson, permission be granted, in principle, to the Midland Civitan Club Inc. to conduct the 39th Annual Santa Claus Parade on November 26, 2016, at 11:00 am;

And further that, no more than two hours before the parade, King Street be closed from Yonge Street to Bay Street to traffic and parking, before and during the parade, subject to staff approval of the related Special Events Application.

CARRIED.

Moved by G. MacDonald
Seconded by J. Main

That General Committee Report 2016-7 of its meeting held September 12, 2016, be adopted as printed and circulated.

CARRIED.

- b) OP-2016-C13 Watermain Construction – Various Locations Tender Results Hannah/College from Queen to Yonge, Fourth from Hugel to Dominion, William from Bay to Frank

Council reviewed a report dated September 21, 2016, from S. Berriault, Director of Operations, recommending that the tender bids from CC Underground for the construction of the above new watermains be accepted. (See By-laws 2016-62, 2016-63, 2016-64)

- c) Planning and Development Committee Report 2016-8
Meeting held September 7, 2016.

Moved by G. Canning
Seconded by J. Contin

That Report 2016-8 of the Planning and Development Committee of Council Meeting held September 7, 2016, be adopted as printed and circulated.

CARRIED.

- d) PL-2016-54 Proposed Heritage Designation of 310 Fifth Street

Council reviewed a report dated September 14, 2016, from J. Lewis, Senior Planner, following which it was then,

Moved by G. Canning
Seconded by J. Contin

That, as recommended in Report PL-2016-54 dated September 14, 2016, Council supports the consideration of 310 Fifth Street for designation pursuant to Section 29 of the *Ontario Heritage Act* and directs Staff to finalize the Draft Designation By-law and commence the “Notice of Intention to Designate” process as provided under the *Ontario Heritage Act*.

CARRIED.

- e) PL-2016-57 Official Plan Review – Non-Application Based Requests for Re-Designation

Council reviewed a report dated September 23, 2016, from W. Crown, Director of Planning and Building Services, following which it was then,

Moved by G. Canning
Seconded by J. Contin

That, as recommended in Report PL-2016-57 dated September 23, 2016, Council hereby approves the process for the consideration of non-application based requests for re-designation as set out in the Memorandum dated August 2, 2016 from the Planning Partnership.

A recorded vote was requested.

	<u>AYE</u>	<u>NAY</u>
Stewart Strathearn	X	
Jack Contin	X	
Glen Canning	X	
Deputy Mayor Mike Ross	X	
Patricia File		X
George MacDonald	X	
Jonathan Main	X	
Mayor Gordon McKay	X	

CARRIED.

f) Operating "All Terrain Vehicles" within the Town of Midland

Council reviewed a report dated August 11, 2016, from M. Osborne, Police Chief, recommending that the Town not amend its by-law to permit the operation of ATVs on municipal roadways within the Town of Midland.

In response to a question raised by Deputy Mayor Ross, the Clerk advised that the report was prepared based on Council's direction at the July Council meeting, in response to an email from a resident requesting that ATVs be permitted on municipal roadways.

Your Committee expressed support of the Police Chief's position respecting the matter and directed staff to provide a letter of response to the resident advising of same.

g) ML-2016-13 168 William Street

Council received as information a report dated September 20, 2016, from J. Reichheld, MLEO, in response to a resident's concerns regarding the condition of the structure at 168 William Street.

h) ML-2016-14 228 Chaingate Drive

Council received as information a report dated September 20, 2016, from J. Reichheld, MLEO, in response to concerns raised by a resident regarding the condition of the property at 228 Chaingate Drive.

i) ML-2016-15 748 Maxwell Avenue

Council received as information a report dated September 20, 2016, from J. Reichheld, MLEO, highlighting efforts being undertaken to alleviate ongoing concerns raised by residents regarding littering, smoking, and damage caused by a local high school.

j) Silver Goose Cyclocross Bicycle Race Event – Date Change

Clerk Fay advised that the letter of request supported by Council at its August Council meeting stated that the Silver Goose Cyclocross Bicycle Race Event was to be held on November 6, 2016 when, in fact, the actual event date is November 13, 2016. As a result, a new motion has been prepared to reflect the correct event date. It was then,

Moved by G. Canning

Seconded by J. Contin

That, further to letter dated August 10, 2016, Council approve, in principle, the request from the Silver Goose Cyclocross Race Committee, to hold a Cyclocross event at Little Lake Park on November 13, 2016;

And further that Little Lake Park Road be closed for the duration of the day, as the road is part of the race course; subject to staff approval of the related Special Events Application.

CARRIED.

k) Workplace Harassment Policy By-law

Clerk Fay advised that, with the Town's establishment of a Violence and Harassment Free Workplace Policy, in accordance with legislative requirements under the Occupational Health & Safety Act, By-law 98-38, which established a Workplace Harassment Policy, is no longer required. As a result, a by-law to repeal By-law 98-38 has been prepared for Council's consideration. (See By-law 2016-67)

l) Huronian Museum Lease and Partnership Agreement

Clerk Fay advised that, based on Council's direction, the draft Lease Agreement and Partnership Agreement were presented to the Huronia Museum Board for review. The Board has confirmed its approval of the agreements. The Clerk noted that Item 7b) of the Partnership Agreement has been amended for clarity purposes based on feedback from the Town's Director of Finance/Treasurer. (See By-law 2016-66)

m) OMB Appeal Update - Zoning By-law 2016-29

Clerk Fay advised that confirmation has been received advising that the appeals filed by three individuals relating to By-law 2016-29 have been withdrawn. As a result, the Town is awaiting confirmation that the related hearing has been cancelled.

Clerk Fay noted that the County is reviewing Official Plan Amendment No. 9, and staff, through the Town's Solicitor, requested a copy of any correspondence the County has received regarding same. To this end, a letter (on desk) from the Ministry of Municipal Affairs (MMA) was received and references the fact that the MMA would like to see the limitations on the age of the primary dwelling removed from the Official Plan Amendment and Zoning By-law Amendment. Consequently, the Town's Solicitor has asked that Council approve his attendance as a deputation to the Committee of the Whole or permit him to submit his comments in writing explaining Midland Council's reason for its decision.

Council recommended the our Solicitor provide his comments in writing for consideration by County Council.

n) CL-2016-31 Renewal of Joint Use Agreement with the Simcoe County District School Board

Council reviewed a report dated September 7, 2016, from K. Desroches, Deputy Clerk, recommending that Council endorse the continuation of the Joint Use Agreement between the Town of Midland and the Simcoe County District School Board and enact the appropriate by-law and authorize the Clerk and Mayor to execute the agreement.
(See By-law 2016-65)

o) CAO-2016-7 Retaining Services of Mark Rodger – Supplementary Report

Council reviewed a report dated September 13, 2016, from G. Wood, Interim CAO (former), following which it was then,

Moved by M. Ross
Seconded by J. Contin

That, as recommended in Report CAO-2016-7 dated September 13, 2016, Council affirm their decision to retain the services of Mark Rodger and Dr. Lawrence Murphy as outlined in BLG's retainer letter dated August 1, 2016 at a fee ranging from \$250,000 to \$350,000 plus disbursements and HST, and further

That the RFP is to include a mandatory feature requiring the successful proponent to contribute the sum of \$200,000 towards the Town's cost estimate, and further

That Council appoint a transaction team of 6 people including the Mayor, one Councillor to be named, the Chair of MPUC or his designate, the Town's CAO, the Town's Treasurer and MPUC President and CEO for the purpose of aiding Mark Rodger and Dr. Lawrence Murphy during the RFP process with the understanding that significant decisions will be brought back to Town Council for direction, and further

That Council authorizes the payment of expenses related to this transaction through the temporary borrowing from the Town's Reserve Accounts and this borrowing is to be repaid from the \$200,000 recovered from the successful proponent and funds in excess of this amount are to be deducted from the proceeds of sale and returned to the Reserve Accounts.

A friendly amendment to increase Councillor representation on the transaction team from one member to two was proposed, following which it was,

**Moved by J. Contin
Seconded by M. Ross**

That, as recommended in Report CAO-2016-7 dated September 13, 2016, Council affirm their decision to retain the services of Mark Rodger and Dr. Lawrence Murphy as outlined in BLG's retainer letter dated August 1, 2016 at a fee ranging from \$250,000 to \$350,000 plus disbursements and HST, and further

That the RFP is to include a mandatory feature requiring the successful proponent to contribute the sum of \$200,000 towards the Town's cost estimate, and further

That Council appoint a transaction team of 7 people including the Mayor, two Councillors to be named, the Chair of MPUC or his designate, the Town's CAO, the Town's Treasurer and MPUC President and CEO for the purpose of aiding Mark Rodger and Dr. Lawrence Murphy during the RFP process with the understanding that significant decisions will be brought back to Town Council for direction, and further

That Council authorizes the payment of expenses related to this transaction through the temporary borrowing from the Town's Reserve Accounts and this borrowing is to be repaid from the \$200,000 recovered from the successful proponent and funds in excess of this amount are to be deducted from the proceeds of sale and returned to the Reserve Accounts.

CARRIED.

12. **CONSENT BY-LAW**

Moved by G. MacDonald

Seconded by J. Main

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

- | | |
|-----------------------|--|
| <u>By-law 2016-61</u> | Agreement with Bermingham Foundation Solutions for the Javelin Wall Reconstruction Project. |
| <u>By-law 2016-62</u> | Agreement with CC Underground for the construction of a new watermain on William Street from Bay Street to Frank Street. |
| <u>By-law 2016-63</u> | Agreement with CC Underground for the construction of a new watermain on Fourth Street from Hugel Avenue to Dominion Avenue. |
| <u>By-law 2016-64</u> | Agreement with CC Underground for the construction of a new watermain on Hannah Street and College Street from Queen Street to Yonge Street. |
| <u>By-law 2016-65</u> | Joint Use Agreement with the Simcoe County District School Board (SCDSB). |
| <u>By-law 2016-66</u> | Lease Agreement and Partnership Agreement with the Huronia Museum. |
| <u>By-law 2016-67</u> | Repeal By-law 98-38, Workplace Harassment Policy. |
| <u>By-law 2016-68</u> | Amend By-law 2009-18, Licensing and Control of Dogs. |

CARRIED.

It was then,

Moved by G. MacDonald

Seconded by J. Main

That By-laws 2016-61, 2016-62, 2016-63, 2016-64, 2016-65, 2016-66, 2016-67 and 2016-68, be read a first, second and third time and finally passed.

CARRIED.

13. **GENERAL BUSINESS**

1) Other Business Introduced by Members of Council or Staff

In response to questions raised by Councillor Strathearn, the Municipal Law Enforcement Officer advised that a report will be presented at the October General Committee Meeting providing for a new by-law to address the mooring of vessels on Town-owned waters/property.

14. **CONFIRMATORY BY-LAW**

1) By-law 2016-69

**Moved by G. MacDonald
Seconded by J. Main**

That leave be granted to introduce By-law 2016-69, being a by-law to adopt the proceedings of the Council Meeting held on September 26, 2016, and to authorize its execution.

CARRIED.

It was then,

**Moved by J. Main
Seconded by G. MacDonald**

That By-law 2016-69 be read a first, second and third time and finally passed.

CARRIED.

15. **ADJOURNMENT**

**Moved by J. Main
Seconded by G. MacDonald**

That this Regular Meeting of Council adjourn at 9:56 p.m.

CARRIED.

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