

Minutes of the Regular Meeting of Council held on Tuesday, February 18, 2014, at 7:00 p.m. in the Municipal Office Council Chambers.

Present: Mayor G. McKay, Deputy Mayor S. Kramp, Councillors Z. Pendlebury, P. File, G. Canning, B. Jeffery, M. Ross, J. Attwood and J. Charlebois

Also Present: Director of Planning and Development/Acting CAO, W. Crown
Director of Parks and Recreation, B. Peter
Director of Finance/Treasurer, M. Villeneuve
Town Engineer, J. Galloway
Director of Human Resources/Health and Safety, G. Green
Director of Corporate Services/Clerk (A), L. Lee
Deputy Clerk/Senior Executive Assistant, K. Desroches

1. **CALL TO ORDER**
2. **MOMENT OF SILENT REFLECTION**
3. **DECLARATIONS OF PECUNIARY INTEREST**
4. **CONSENT AGENDA**

Adoption of recommendations as set out on the Consent Agenda for the Regular Meeting of Council on February 18, 2014.

Moved by S. Kramp
Seconded by P. File

That Council adopt the recommendations as set out on the Consent Agenda for the Regular Meeting of Council held February 18, 2014, with exception of item 4.a), Closed Meeting Complaint – July 22, 2013 Council Meeting, as Mayor McKay and Councillor File wish to speak to this item.

CARRIED.

- 4a) **Closed Meeting Complaint – July 22, 2013 Council Meeting**

Mayor McKay and Councillor File each spoke to the correspondence following which, it was then,

Moved by S. Kramp
Seconded by P. File

THAT Consent Agenda Item 4.a), Closed Meeting Complaint – July 22, 2013, Council Meeting, be received as information.

CARRIED.

5. **PRESENTATION**

a) Heritage Appreciation Award

Mayor McKay presented Ms. S. McKenzie, Mr. J. Hunter and Mr. G. Lesperance (Cecile Lesperance accepted the award on behalf of her son, Gerry) each with the 2014 Heritage Appreciation Award for their significant contributions to the promotion and support of local heritage and the Town's history, and for their significant contributions to the preservation of local heritage assets.

b) Heritage Merit Award

Mayor McKay presented Mr. R. Skoggard and Ms. A. Scarth of 423 Hugel Avenue with the 2014 Heritage Merit Award in recognition of their efforts to preserve and enhance Midland's built heritage.

6. **DEPUTATIONS**

a) Midland Police Services Board - 2014 Budget

Ms. K. Willis, Chair, Midland Police Services Board, spoke to the challenges encountered by the Board in its attempt to meet the 0 and 2% budget target and why this budget goal was not feasible within the existing Police Service operational model.

A question and answer period followed Chair Willis' address. Both Chair Willis and Chief Osborne responded to questions raised by Council

Mayor McKay thanked Ms. Willis for her deputation.

7. **ACCOUNTS**

a) General Accounts

For the month of January 2014.

Moved by B. Jeffery

Seconded by P. File

That the Accounts for the month of January 2014, totalling \$2,093,115.36 be approved and confirmed as paid.

CARRIED.

8. **CORRESPONDENCE**

a) County of Simcoe 10 Year Affordable Housing and Homelessness Prevention Strategy Working Group

Council reviewed a letter dated January 28, 2014, from Mr. C. Patterson, Warden, County of Simcoe, advising of County Council's adoption of a 10 Year Affordable Housing and Homelessness Prevention Strategy Working

Group and requesting the Mayors and Deputy Mayors of their specific geographic region put forward the name of a representative by February 28, 2014, for participation in the working group.

It was noted that the North Simcoe Mayors and Deputy Mayors are in support of the appointment of Mayor McKay to the working group.

Moved by P. File
Seconded by B. Jeffery

That Gord McKay be appointed to represent the Towns of Midland and Penetanguishene and the Townships of Tiny and Tay on the County of Simcoe's 10 Year Affordable Housing and Homelessness Prevention Strategy Working Group.

CARRIED.

b) Local Municipal Consideration of the Title of County Councillor on Municipal Ballot

Council reviewed a letter dated February 5, 2014, from Mr. C. Patterson, Warden, County of Simcoe, advising of their resolution recommending that each member municipality give consideration to including the title "County Councillor" next to the positions of Mayor and Deputy Mayor on the municipal ballot.

The matter was referred to the Acting Clerk with a report to be forwarded to the March General Committee meeting.

c) Donation Request – Planting of Planters and Trees

Council reviewed a letter dated February 5, 2014, from Ms. R. Tucker, Secretary, Midland Horticultural Society, following which it was then,

Moved by P. File
Seconded by B. Jeffery

That Council herein confirms its granting of financial support to the Midland Horticultural Society to assist with the cost of planting the planters in various locations throughout the Town.

CARRIED.

d) YMCA Youth Exchanges Canada Program

Council reviewed an email dated February 5, 2014, from Mr. and Mrs. Copeland, requesting financial assistance for the above program.

Council directed staff to investigate possible funding options or any alternative means of support.

e) Freitag Inquiries

- i) Council reviewed a letter dated February 7, 2014, from Mr. H. Freitag, Penetanguishene resident, asking why a by-law is read three times.
- ii) Council reviewed a letter dated February 9, 2014, from Mr. H. Freitag, Penetanguishene resident, inquiring if the municipality informed the public of its duty to clear ice and snow from sidewalks.
- iii) Council reviewed a letter dated February 1, 2014, from Mr. H. Freitag, Penetanguishene resident, providing a copy of his letter to the Premiere of Ontario and requesting Council's comments in this regard.
- iv) Council reviewed a letter dated February 1, 2014, from Mr. H. Freitag, Penetanguishene resident, regarding our correspondence dated January 24, 2014, in response to his inquiry with respect to the Accountability and Transparency Policy.

The Acting Clerk was directed to provide a response to Mr. Freitag on each of the above matters.

Acting Clerk Lee was directed to bring forward a written policy identifying how correspondence addressed to Mayor and Council will be addressed.

f) Town Bus Route - Request

Council reviewed a letter dated February 6, 2014, from Ms. L. Tomlinson, Executive Director, Wendat Community Programs, requesting that the Town bus route include a stop at the Medical Centre at the Real Canadian Super Store, to accommodate seniors who attend the physicians at this location.

The matter was referred to the Director of Public Works for review with a report to be brought forward to a future meeting.

g) Support re. Joint and Several Liability

Council reviewed a News Release dated February 12, 2014, from Mr. R. Pettapiece, MPP, Perth-Wellington, requesting support of his private member's resolution, following which it was then,

Moved by S. Kramp

Seconded by P. File

That Midland supports the private member's resolution introduced by Randy Pettapiece, MPP, Perth-Wellington requesting the provincial government to protect tax payers from higher property taxes by implementing a comprehensive,

long-term solution to reform joint and several liability insurance for municipalities, addressing the rise in insurance premiums due to rising litigation and claim costs.

CARRIED.

Recessed at 9:13 pm

Reassembled at 9:20 pm

9. REPORTS

a) General Committee Report 2014-2 of its meeting held February 10, 2014

1) Quit Claim – Sanitary and Storm Sewer Easements
(Reference Section A, Item #2, of the above Report)

Moved by Z. Pendlebury

Seconded by M. Ross

That, as recommended in Report PW2014-004 dated February 5, 2014, staff be directed to have Quit Claims prepared and registered to remove the sanitary and storm sewer easements on lands between Ingram Crescent and Midland Secondary School, which lands are now owned by the Town of Midland, and that the Mayor and Clerk be authorized to execute the documents required to complete the Quit Claims.

CARRIED.

2) 2014 Election – Joint Compliance Audit Committee
(Reference Section B, Item #2, of the above Report)

Moved by B. Jeffery

Seconded by M. Ross

THAT, as recommended in Report CL-2014-1 dated February 3, 2014, Council re-establish a Joint Compliance Audit Committee and Terms of Reference, with the Town of Penetanguishene, the Township of Tay and the Township of Tiny, for the 2014-2018 Council term;

AND THAT a joint advertisement be developed, for the four municipalities, seeking interested applicants;

AND THAT staff report back once the applications have been received so that Council may appoint the representatives to this committee.

CARRIED.

- 3) Yonge and King Street Intersection
(Reference Section B, Item #4, of the above Report)

Moved by B. Jeffery
Seconded by M. Ross

That, as recommended in Report MAAC 2014-1, dated January 27, 2014, the Accessible Pedestrian Signal be extended at the Yonge and King Street intersection to allow additional crossing time for pedestrians;

And that additional signage be installed to alert drivers to be cautious of pedestrian traffic;

And that the pedestrian crossing lines be repainted using a ladder or zebra crossing style to increase their visibility.

CARRIED.

- 4) CAO Performance Evaluation Process
(Reference Section B, Item #5, of the above Report)

Moved by B. Jeffery
Seconded by M. Ross

That, as recommended in Report HR/H&S 2014-02 dated February 4, 2014, Council receive HR/H&S 2014-02 for information purposes and adopts the evaluation process described within the report.

CARRIED.

- 5) Members of the Audit Committee
(Reference Section B, Item #6, of the above Report)

Moved by P. File
Seconded by S. Kramp

THAT the following two members of Council be appointed to the newly formed Audit Committee for the Town of Midland:

**Councillor B. Jeffery
Councillor G. Canning**

CARRIED.

- 6) Big Bike Event
(Reference Section C, Item #2, of the above Report)

Moved by G. Canning
Seconded by Z. Pendlebury

That, as recommended in Report 2014-4 Parks and Recreation, dated February 4, 2014, Council approve the Big Bike Event on June 10, 2014, provided all requirements of the Town's Special Events policies are followed.

CARRIED.

- 7) YMCA ½ Marathon
(Reference Section C, Item #3, of the above Report)

Moved by G. Canning
Seconded by M. Ross

That, as recommended in Report 2014-5 Parks and Recreation dated February 4, 2014, Council approve the YMCA ½ Marathon event on April 27, 2014, provided all requirements of the Town's Special Events policies are followed.

CARRIED.

- 8) Soapbox Races
(Reference Section C, Item #4, of the above Report)

Moved by G. Canning
Seconded by M. Ross

That, as recommended in Report 2014-6 Parks and Recreation, dated February 3, 2014, Council approve the Soapbox Races on May 10, 2014, provided all requirements of the Town's Special Events policies are followed.

CARRIED.

- 9) Grass Cutting Tender
(Reference Section C, Item #5, of the above Report)

Moved by G. Canning
Seconded by M. Ross

That, as recommended in a Report 2014-9 dated February 4, 2014, the tender from PT Landscaping Inc. in the amount of \$8,773.80, plus HST for the 2014 grass cutting contract be approved.

CARRIED.

- 10) Simcoe County Trails Strategy
(Reference Section C, Item #7, of the above Report)

Moved by Z. Pendlebury
Seconded by G. Canning

That, as recommended in Report 2014-2 Parks and Recreation, dated January 29, 2014, the Simcoe County Trails Strategy draft report be received as information and that staff work collaboratively with Simcoe County and neighbouring municipal staff to participate in the implementation of the pertinent recommendations as they pertain to the interests of the Town of Midland.

CARRIED.

Moved by S. Kramp
Seconded by P. File

That General Committee Report 2014-2 of its meeting held February 10, 2014, be adopted as printed and circulated.

CARRIED.

- b) Management Study Opportunities

Council reviewed a report dated February 6, 2014, from C. Tripp, CAO, providing an update regarding the above, following which it was then,

Moved by B. Jeffery
Seconded by M. Ross

That the Report dated February 6, 2014, Management Studies Opportunity, be received as information.

CARRIED.

- c) Appointments to Boards and Committees

Acting Clerk L. S. Lee advised of the Midland Heritage Committee's desire to declare a vacancy on the committee as the current appointee no longer resides in the area, following which it was then,

Moved by B. Jeffery
Seconded by M. Ross

THAT the seat of Jessica Henderson on the Midland Heritage Committee be declared vacant;

AND THAT Council thanks Ms. Henderson for her contributions.

CARRIED.

- d) Appointments to Boards and Committees – Midland Police Services Board

(MPSB)

- i) Council reviewed a letter dated February 13, 2014, from Mr. D. S. Christie, Christie, Barrister and Solicitor, regarding a motion to approve a temporary appointment to replace Deputy Mayor Kramp on the MPSB pending the conclusion of the Ontario Civilian Police Commission's investigation, following which it was then,

Moved by M. Ross
Seconded by B. Jeffery

WHEREAS Section 27(5)(b) of the *Police Services Act* (the "Act") provides that Council of the Town shall appoint one member of the Council to the Midland Police Services Board (the "Board").

AND WHEREAS pursuant to By-law 2012-75 Council appointed Deputy Mayor S. Kramp to serve as a member of the Board for a term to expire November 1, 2013;

AND WHEREAS Council has not reappointed Deputy Mayor S. Kramp or a replacement for him;

AND WHEREAS pursuant to Section 27(10.2) of the Act, Deputy Mayor S. Kramp continues to be a member of the Board;

AND WHEREAS the conduct or performance of Deputy Mayor S. Kramp is being investigated by the Ontario Civilian Police Commission under Section 25 of the *Police Services Act*;

AND WHEREAS pursuant to Section 14(1) of Regulation 421/97 Deputy Mayor S. Kramp has declined to exercise his duties as a member of the Board for the duration of the investigation;

AND WHEREAS pursuant to Section 77(c) of the *Legislation Act, 2006*, Council may temporarily appoint another member of Council to the Board while Deputy Mayor S. Kramp is unable to act;

THEREFORE BE IT RESOLVED:

- 1. That a member of Council be appointed a member of the Midland Police Services Board temporarily pending the conclusion of the Ontario Civilian Police Commission's investigation and further resolution of Council terminating the temporary appointment.**

A motion to defer was put forward and a recorded vote was requested.

	AYE	NAY
Deputy Mayor S. Kramp		X
Councillor P. File		X
Councillor G. Canning		X
Councillor J. Charlebois	X	
Councillor Z. Pendlebury	X	
Councillor M. Ross		X
Councillor B. Jeffery	X	
Councillor J. Attwood	X	
Mayor G. McKay		X

DEFEATED.

Council then proceeded to consider the main motion. A recorded vote was requested.

	AYE	NAY
Deputy Mayor S. Kramp		X
Councillor P. File		X
Councillor G. Canning		X
Councillor J. Charlebois	X	
Councillor Z. Pendlebury	X	
Councillor M. Ross		X
Councillor B. Jeffery	X	
Councillor J. Attwood	X	
Mayor G. McKay		X

CARRIED.

The Acting Clerk called for nominations for the appointment of a temporary member to the Midland Police Services Board. Councillors Jeffery, Canning and Attwood were nominated. Councillor Jeffery declined. An election by a show of hands was conducted, following which it was then,

Moved by M. Ross
Seconded by S. Kramp

THAT Councillor G. Canning be appointed a member of the Midland Police Services Board temporarily pending the conclusion of the Ontario Civilian Police Commission's investigation and further resolution of Council terminating the temporary appointment.

A recorded vote was requested.

	AYE	NAY
Deputy Mayor S. Kramp		X
Councillor P. File		X
Councillor G. Canning		X
Councillor J. Charlebois	X	
Councillor Z. Pendlebury	X	
Councillor M. Ross		X
Councillor B. Jeffery	X	
Councillor J. Attwood	X	
Mayor G. McKay		X

CARRIED.

e) Healthy Kids Community Challenge

Council reviewed a report dated February 12, 2014, from B. Peter, Director of Parks and Recreation, following which it was then,

**Moved by M. Ross
Seconded by G. Canning**

That Council endorse and support an application for funding for the Healthy Kids Community Challenge and authorize staff to present financial contributions in 2014 and future budgets as required.

CARRIED.

f) Tourism Wayfinding Signage Program Tender

Council reviewed a report dated February 12, 2014, from B. Peter, Director of Parks and Recreation, following which it was then,

**Moved by M. Ross
Seconded by G. Canning**

That Council approve the tender submitted by Fantasy Sign and Display Inc. and authorize staff to revise the tender to a maximum of \$43,000.

CARRIED.

g) Planning and Development Committee Report 2014-2
Meeting held February 5, 2014.

a) Economic Development
(Reference Item 2B, of the above Report)

**Moved by J. Charlebois
Seconded by J. Attwood**

That the Council of the Town of Midland supports, in principle, the Huronia Economic Alliance- Economic

Development Strategic Action Plan (HEA-EDSAP) dated January 2014 (attached to Staff Report PL-2014-7).

And further that the Huronia Economic Development Corporation (HEDC) – Terms of Reference (attached to Staff Report PL-2014-7) be approved.

And further that the HEA be delegated the responsibility to conduct all legal and administrative work required to establish the Huronia Economic Development Corporation.

And further, as per HEA Report dated August 23, 2013 (attached to Staff Report PL-2014-7), that all funding provided by the County of Simcoe for the purposes of economic development be transferred to the North Simcoe Community Futures Development Corporation (NSCFDC) to be held in trust for the use by the Huronia Economic Development Corporation.

CARRIED.

- b) Social Media and Planning Matters
(Reference Item #2C, of the above Report)

**Moved by J. Attwood
Seconded by J. Charlebois**

That staff be authorized to utilize the twitter account “midland planning@planmidland” to provide public information about Town Planning Committee Meetings and Agendas (Planning and Development Committee of Council, Committee of Adjustment/Sign Variance Committee, Heritage Committee) and notices of public meetings/hearings in respect of Planning Applications in accordance with Staff Report PL-2014-8.

CARRIED.

- c) Source Protection Plan Implementation Study - RFP
(Reference Item #2E, of the above Report)

**Moved by J. Attwood
Seconded by J. Charlebois**

That Council hereby approves the request for proposal for the Source Protection Plan Implementation Study in accordance with Report PL-2014-10 for posting, distribution and submissions.

CARRIED.

- d) Mandatory Septic Re-Inspection Program
(Reference Item #2F, of the above Report)

Moved by J. Attwood
Seconded by J. Charlebois

That Staff Report BD-2014-01 dated January 15, 2014 be received.

That staff be directed to establish and undertake the work necessary to support the establishment of a Town Mandatory Septic Re-Inspection Program commencing in 2014.

That staff be directed to prepare the required amendment to Building By-Law 2005-51 to establish a re-inspection of septic systems as a mandatory inspection.

That staff be directed to prepare an amendment to Building By-law 2005-51 to establish a re-inspection fee of \$100.00 plus H.S.T. and a fee of \$350.00 in respect of any orders issued regarding the septic re-inspection.

That the Town of Midland, pursuant to Article 1.10.1.3. of the Ontario Building Code (OBC), shall accept a certificate in lieu of a re-inspection, subject to the certificate being provided in accordance with the requirements of the OBC.

CARRIED.

Moved by J. Charlebois
Seconded by J. Attwood

That Report 2014-2 of the Planning and Development Committee Meeting dated Wednesday, February 5, 2014 be adopted as printed and circulated.

CARRIED.

- h) Heritage Property Tax Relief Program

Council reviewed a report dated February 12, 2014, from J. Krushnisky, Planner, and W. Crown, Director of Planning and Building Services, following which it was then,

Moved by M. Ross
Seconded by Z. Pendlebury

That the Town of Midland establish a Heritage Property Tax Relief Program in accordance with Section 365.2 of the *Municipal Act* and as set out in Staff Report PL-2014-15.

That Council's approval of the establishment of a Heritage Property Tax Relief Program be referred to the 2015 Budget Process.

That staff be directed to finalize the Heritage Property Tax Relief Program by-law for Council adoption.

That the Town of Midland recommend to the County of Simcoe the passing of a Heritage Property Tax Relief Program by-law for a reduction or refund of taxes levied for upper-tier purposes.

DEFFERED.

The matter was referred to the Planning and Development Committee for consideration with a report to be brought forward at a future meeting.

10. CONSENT BY-LAW

**Moved by J. Attwood
Seconded by J. Charlebois**

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

- **By-law 2014-7 Authorize the payment of the legal expenses incurred by a member of Council.**

CARRIED.

Councillor Jeffery spoke to the by-law, following which it was then,

It was then,

**Moved by J. Attwood
Seconded by J. Charlebois**

That By-law 2014-7 be read a first, second and third time and finally passed.

CARRIED.

It was then,

**Moved by J. Attwood
Seconded by J. Charlebois**

That leave be granted to introduce By-law 2014-9, being a by-law to authorize the entering into of a tax arrears extension agreement with owners of the land at 267 Barnett Avenue, Orville J. Lamoureux and Pauline Lamoureux and Patricia Lamoureux, tenant in occupation of the same land.

CARRIED.

It was then,

Moved by J. Attwood

Seconded by J. Charlebois

That By-law 2014-9 be read a first, second and third time and finally passed.

CARRIED.

It was then,

Moved by M. Ross

Seconded by G. Canning

That pursuant to Section D, Item 6, of By-law 2012-42, Council agrees to remain in session past 11:00 p.m. in order to deal with the matters included on the agenda.

CARRIED.

11. GENERAL BUSINESS

1) Other Business Introduced by Members of Council or Staff

a) Deputy Mayor Kramp provided an update on the activities of the Severn Sound Environmental Association.

b) Councillor File advised that three Lakewood Drive residents have submitted letters in opposition of Council's decision to declare 349 Lakewood Drive as surplus to the needs of the Municipality. Councillor File requested that Council revisit the question.

W. Crown advised that this matter is now before the Planning and Development Committee meeting.

c) Deputy Mayor Kramp raised a question regarding the requirement to provide an annual report on Freedom of Information requests to the Information and Privacy Commission, as well as to Council.

Acting Clerk Lee confirmed that a report is filed with the Information and Privacy Commission annually and that she would prepare a report for Council.

d) Deputy Mayor Kramp spoke to a report provided to Council in the past regarding the status of any legal action against the municipality and questioned whether Council can expect to receive this report in the near future.

Acting CAO Crown advised that he would look into the matter.

- e) Deputy Mayor Kramp questioned the status of a report usually provided to Council on a quarterly basis regarding workplace claims.

W. Crown advised that he would investigate the status of the report.

Councillors Pendlebury and Charlebois departed the meeting at 10:58 p.m.

12. CONFIRMATORY BY-LAW

- a) By-law 2014-8

Moved by J. Attwood

Seconded by B. Jeffery

That leave be granted to introduce By-law 2014-8.

CARRIED.

It was then,

Moved by J. Attwood

Seconded by B. Jeffery

That By-law 2014-8 be read a first, second and third time and finally passed.

CARRIED.

13. ADJOURNMENT

Moved by J. Attwood

Seconded by B. Jeffery

That this Regular Meeting of Council adjourn at 11:07 p.m.

CARRIED.

L. S. Lee, A/Director of Corporate Services/Clerk (A)