

Minutes of the Regular Meeting of Council held on Monday, June 23, 2014, at 7:00 p.m. in the Municipal Office Council Chambers.

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

Regrets: Councillor File

Also Present: Director of Planning and Development/Deputy CAO, W. Crown
Director of Parks and Recreation, B. Peter
Director of Finance/Treasurer, M. Villeneuve
Director of Public Works, S. Berriault
Town Engineer, J. Galloway
Acting Clerk, L. Lee
Deputy Clerk/Senior Executive Assistant, K. Desroches

1. CALL TO ORDER

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

2. MOMENT OF SILENT REFLECTION

3. DECLARATIONS OF PECUNIARY INTEREST

There were no declarations made at this point.

4. CONSENT AGENDA

Adoption of recommendations as set out on the Consent Agenda for the Regular Meeting of Council on June 23, 2014.

Moved by S. Kramp

Seconded by B. Jeffery

That Council adopt the recommendations as set out on the Consent Agenda for the Regular Meeting of Council held June 23, 2014, with the exception of Item 3d), Closed Meeting Complaint – March 17, 2014 Closed Council Meeting, as Mayor McKay wishes to speak to this matter.

CARRIED.

3d) Closed Meeting Complaint – March 17, 2014 Closed Council Meeting

Mayor McKay spoke to the correspondence following which, it was then,

Moved by S. Kramp

Seconded by B. Jeffery

That Consent Agenda Item 3d), Closed Meeting Complaint – March 17, 2014 Closed Council Meeting, be adopted as printed and circulated.

CARRIED.

Mayor McKay advised he would be leaving the meeting on a personal matter for a short period during the meeting and then returning. Deputy Mayor Kramp will take the Chair during that portion of the meeting.

5. DEPUTATIONS

a) Tiffin Projects and Restrictive Covenants

Mr. J. Colussi, 583 Taylor Drive, and Mr. A. Heath, 656 Aberdeen Boulevard, spoke to Council on behalf of concerned residents of Tiffin Lake and Georgian Cove (Tiffin by the Bay), respecting the restrictive covenants on the first phase of the Tiffin by the Bay, and concerns regarding lifting of these covenants in the subsequent proposed phase.

Ms. Carry Winless-Smith, owner of three properties on Aberdeen spoke to Council with respect to the restrictive covenants on the current

Mayor McKay thanked the debutantes and advised that staff would meet with the concerned residents upon request.

b) Source Water Protection

Mr. K. Sherman presented a PowerPoint on the Severn Sound Source Water Protection Watershed and answered questions of Council members.

7:35 p.m. - Mayor McKay left the meeting.

Deputy Mayor Kramp assumed the chair.

Moved by Z. Pendlebury

Seconded by M. Ross

THAT the Severn Sound Environmental Association be required to provide additional testing of Little Lake both prior to and after the Ontario Watercress 1st Annual Midland Race for Saturday, July 26, 2014;

AND THAT funding be appropriated from the appropriate department account.

A recorded vote was request.

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

CARRIED.

6. **ACCOUNTS**

- a) General Accounts
For the month of May 2014.

Moved by M. Ross
Seconded by B. Jeffery

That the Accounts for the month of May 2014, totalling \$911,168.50 be approved and confirmed as paid.

CARRIED.

7. **CORRESPONDENCE**

- a) Access Road to Bowling Green and Shuffleboard Courts – Donation Request

Council reviewed a letter dated June 5, 2014, from Ms. C. Finlayson, Secretary, Midland and District Lawn Bowling Club, following which it was then,

Moved by J. Charlebois
Seconded by J. Attwood

That the request, made under letter dated June 5, 2014, from the Midland Lawn Bowling Club, for a donation to assist with maintenance of the entry road from King Street into the Club's location on the shore of Little Lake be approved.

And that funds be appropriated from ___ in the amount of \$1,000.

DEFERRED.

- b) Ontario Ombudsman Andre Marin May 24 speech to Ontario Police Service Boards on the findings of Justice Morden report on the Toronto Police Board

Council reviewed a letter dated June 6, 2014, from Mr. S. R. Ogden, to the Chairperson Cathy Willis, Midland Police Services Board, and copied to Mayor and Members of Council, following which it was then,

Moved by B. Jeffery
Seconded by M. Ross

That letter dated June 6, 2014, from Mr. S. R. Ogden, to the Chairperson Cathy Willis, Midland Police Services Board, providing the Ontario Ombudsman Andre Marin May 24 speech to Ontario Police Service Boards on the findings of Justice Morden report on the Toronto Police Board be received as information.

A recorded vote was request.

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

CARRIED.

8:26 p.m. Mayor McKay returned to the meeting.

c) [Huronia Museum](#)

Councillor Jeffery read the letter dated June 19, 2014, from Mr. G. French, Chairman, Huronia Museum Board of Directors, regarding the lease agreement.

Moved by G. Canning

Seconded by M. Ross

That, further to the Report PR 2014-43 dated May 29, 2014, an ad hoc committee be formed to review the proposed Huronia Museum Lease with a report to be forwarded to the July Council Meeting.

And that the following be appointed to the Committee: Councillors P. File, Z. Pendlebury, B. Jeffery, and Deputy Mayor S. Kramp

CARRIED.

8:37 p.m. – Mayor McKay reassumed the Chair.

d) [Tiffin By The Bay Covenants](#)

Council reviewed and received as information an email dated June 20, 2014, from Ms. B. Kettle, Midland resident, expressing concerns regarding the covenant situation at Tiffin By The Bay.

e) [Tiffin By The Bay Covenants](#)

Council reviewed and received as information an email dated June 23, 2014, from Mr. D. McArthur, Midland resident, expressing his concern regarding the removal of covenants on certain properties along Aberdeen Boulevard and Taylor Drive.

8. REPORTS

a) General Committee Report 2014-6 of its meeting held June 9, 2014

a) Updated Procurement By-law
(Reference Section A, Item #2, of the above Report)

Moved by B. Jeffery
Seconded by J. Attwood

That, further to Report PW2014-27 dated June 9, 2014, the updated Procurement By-law be forwarded to Council for consideration.

CARRIED.

b) Three-Quarter Ton Full Size Van Purchase
(Reference Section A, Item #3, of the above Report)

Moved by B. Jeffery
Seconded by J. Attwood

That, as recommended in Report PW2014-029 dated June 4, 2014, the tender from Tom Smith Chevrolet for the supply of a 2015 Three-Quarter Ton Full Size Van in the amount of \$18,959.45, inclusive of trade-in and exclusive of all taxes, be accepted.

CARRIED.

c) One-Ton Truck Purchase
(Reference Section A, Item #4, of the above Report)

Moved by B. Jeffery
Seconded by J. Attwood

That, as recommended in Report PW2014-030 dated June 4, 2014, the tender from Barrie Chrysler Dodge Jeep Ram Ltd. for the supply of a 2015 One-ton truck with dump box, in the amount of \$46,067, exclusive of all taxes, be accepted.

CARRIED.

d) Energy Conservation and Demand Management Plan
(Reference Section A, Item #5, of the above Report)

Moved by B. Jeffery
Seconded by J. Attwood

That, as recommended in Report PW2014-031 dated June 4, 2014, the Energy Conservation and Demand Management Plan be approved.

CARRIED.

- e) **Half Ton 4x4 Pick-Up Truck Purchase**
(Reference Section A, Item #7, of the above Report)

Moved by B. Jeffery
Seconded by J. Attwood

That, as recommended in Report PW2014-028 dated June 4, 2014, the tender from Bourgeois Motors for the supply of a 2015 Half-Ton 4x4 Pick-Up Truck in the amount of \$19,706.00, inclusive of trade-in and exclusive of all taxes, be accepted.

CARRIED.

- f) **Additional Parking Area for Soccer Fields**
(Reference Section B, Item #2, of the above Report)

Moved by G. Canning
Seconded by Z. Pendlebury

That, as recommended in Report PR 2014-42, Council approve the Licence Agreement with Re/max Georgian Bay Realty Limited (833 King Street) as attached in Report PR 2014-42 and direct staff to prepare the necessary by-law to authorize the entering into this Agreement;

And that Council approves the transfer of up to \$10,000 from the Parkland Reserve funds for the construction of the additional parking area for the Soccer Fields.

CARRIED.

- g) **Renewal of Agreement with the Pepsi Bottling Group**
(Reference Section B, Item #3, of the above Report)

Moved by G. Canning
Seconded by Z. Pendlebury

That, as recommended in Report PR 2014-41 dated May 29, 2014, Council approve the renewal of the agreement with The Pepsi Bottling Group and authorize the Director of Finance to make the financial arrangements as outlined in Report PR 2014-41.

CARRIED.

- h) **Resolution No. 2014-264 May 26, 2014**
(Reference Section B, Item #4, of the above Report)

Moved by M. Ross
Seconded by G. Canning

That, further to Report PR 2014-40 dated May 29, 2014, the Director of Parks and Recreation be directed to investigate

further the wear and tear of rugby on soccer fields, possible location of other potential fields, and to bring back a report regarding the installation of rugby goals for one field at an estimated cost of \$5,000.

CARRIED.

i) **Dogs – Compassionate Stay Request**
(Reference Section C, Item #2, of the above Report)

Moved by **B. Jeffery**
Seconded by **M. Ross**

That, as recommended in Report ML-2014-4 dated June 2, 2014, Betty-Lou Adam be granted relief until January 1, 2015, from the provisions of By-law 2009-18, the Animal Control and Licensing By-law, with respect to the keeping of two additional dogs at her residence at 254 Third Street, subject to the conditions outlined within the referenced report.

CARRIED.

j) **Clean Yards By-law**
(Reference Section C, Item #3, of the above Report)

Moved by **B. Jeffery**
Seconded by **M. Ross**

That, as recommended in Report ML-2014-5 dated June 3, 2014, staff be instructed to prepare a by-law to amend By-law 2011-27, the Clean Yards By-law, to require property owners to maintain boulevards and sidewalks adjacent to their property.

A recorded vote was request.

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

DEFEATED.

- k) **Council Information Package Policy (CIP)**
(Reference Section C, Item #4, of the above Report)

Moved by B. Jeffery
Seconded by M. Ross

That, as recommended in Report CL-2014-44 dated June 2, 2014, Council adopt the Council Information Package (CIP) policy set out in Schedule "A" of the report.

CARRIED.

- l) **Closed Session Meeting Format**
(Reference Section C, Item #5, of the above Report)

Moved by B. Jeffery
Seconded by M. Ross

That, as recommended in Report CL-2014-13 dated June 2, 2014, Procedure By-law 2010-42 be amended to incorporate closed meetings into the regular or special Council agendas and to provide for rising and reporting to open Council on that same agenda.

CARRIED.

- m) **Downtown Parking - Proposed Sub-Committee**
(Reference Section C, Item #6, of the above Report)

Moved by B. Jeffery
Seconded by M. Ross

That, as recommended in Report CL-2014-16 dated June 3, 2014, downtown parking issues be referred to the Downtown Master Plan Steering Committee.

CARRIED.

- n) **Tag Days/Proclamations/Flag Raisings – May Report**
(Reference Section C, Item #7, of the above Report)

Moved by B. Jeffery
Seconded by M. Ross

That, as recommended in Report CL-2014-15 dated June 3, 2014, the Tag Days/Proclamations/Flag Raisings Information Report for the month of May, 2014 be received.

CARRIED.

- o) **Development Charge Reserve - 2013 Annual Report**
(Reference Section C, Item #8, of the above Report)

Moved by B. Jeffery
Seconded by M. Ross

That, as recommended in Report TR-2014-25 dated May 5, 2014, Council receive as information the 2013 Annual Report on Development Charge Reserves, as required under the Development Charges Act.

CARRIED.

- p) **2015 Budget Schedule**
(Reference Section C, Item #10, of the above Report)

Moved by B. Jeffery
Seconded by M. Ross

That, further to Report TR-2014-27 dated June 3, 2014, Council endorse the 2015 Budget Schedule; and that the budget target for 2015 be 0 and 2 percent.

CARRIED.

- q) **Hydro One Funds**
(Reference Section C, Item #11, of the above Report)

Moved by B. Jeffery
Seconded by Z. Pendlebury

That, further to Report TR-2014-28 dated June 9, 2014, the remaining funds totalling \$59,000, provided by Hydro One Inc. to the Town of Midland to cover the cost of the valuation, consulting and legal services related to the proposed sale of all of the shares of the Midland Power Utility Corporation (MPUC), be set aside for a future potential RFP process.

Moved by S. Kramp
Seconded by J. Attwood

That General Committee Report 2014-6 of its meeting held June 9, 2014, be adopted as printed and circulated.

CARRIED.

Meeting recessed: 8:56 p.m.

Meeting reassembled: 9:05 p.m.

b) Audit Committee Appointment

Council reviewed a report dated June 16, 2014, from M. Villeneuve, Director of Finance/Treasurer.

Moved by G. Canning

Seconded by B. Jeffery

That, as recommended in Staff Report AU-2014-3 dated June 16, 2014, Joel Rumney be appointed to the Audit Committee.

CARRIED.

c) 2013 Audited Financial Statements

Council reviewed a report dated June 16, 2014, from M. Villeneuve, Director of Finance/Treasurer.

Moved by G. Canning

Seconded by B. Jeffery

That, as recommended in Staff Report AU-2014-4 dated June 16, 2014, Council approve the 2013 audited financial Statements.

CARRIED.

Deputy Mayor Kramp declared a pecuniary interest in the following item as he is a member of the Huronia Foundation for the Arts, and left his seat during discussion and voting on the matter.

d) Twisted Pines Event Request

Council reviewed a report dated June 19, 2014, from B. Peter, Director of Parks and Recreation, following which it was then,

Moved by M. Ross

Seconded by G. Canning

That Council not approve the Twisted Pines Event Request as outlined in Report PR2014-46, dated June 19, 2014.

CARRIED.

Deputy Mayor Kramp returned to his seat.

Councillor M. Ross declared a pecuniary interest in the following item as it is connected with his employment, and left his seat during discussion and voting on the matter.

e) Planning and Development Committee Report 2014-6
Meeting held June 4, 2014.

i) Site Plan Application SPA-04-12
Real Capital Partners (formerly BIN Management)
630 Prospect Blvd and 16736 Highway 12
(Reference Item 2C, of the above Report)

Moved by J. Attwood

Seconded by J. Charlebois

That revised Site Plan Application No. SPA-04-12 (Real Capital Partners Inc.) be hereby approved; and

That all required drawings and/or reports shall be submitted and approved by the appropriate staff in accordance with the approved Site Plan Application and the changes identified in staff Report PL-2014-35; and

That Planning and Building Services staff be directed to prepare the required Site Plan Agreement for execution by the Owner and that the Site Plan Agreement be brought forward to Council for approval and that a By-law to authorize the Mayor and Clerk to execute the said Site Plan Agreement be presented at the next available meeting.

CARRIED.

Councillor Ross returned to his seat.

ii) Imperial Oil Ltd. – 509 Bay Street
(Reference Section 2D, of the above Report)

Moved by J. Attwood

Seconded by J. Charlebois

That Council support the entering into of a License Agreement with Imperial Oil Ltd. (IOL) in accordance with the terms and conditions as outlined in staff Report No. PL-2014-37 and direct staff to finalize the Agreement, design and funding and prepare the necessary By-law for the consideration of Council.

CARRIED.

Moved by J. Charlebois

Seconded by J. Attwood

That Report 2014-6 of the Planning and Development Committee of Council Meeting dated June 4, 2014 be adopted as printed and circulated.

CARRIED.

f) Heritage Designation of 422 King Street

Council reviewed a report dated June 17, 2014, from J. Krushnisky, Planner, following which it was then,

Moved by M. Ross
Seconded by Z. Pendlebury

That, as recommended in Report PL-2014-31 dated June 17, 2014, 422 King Street be considered for designation pursuant to Section 29 of the *Ontario Heritage Act* and that staff be directed to finalize the draft designation by-law and commence the notice of intent to designate process as provided under the *Ontario Heritage Act*.

CARRIED.

9. CONSENT BY-LAW

Moved by J. Attwood
Seconded by J. Charlebois

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

By-law 2014-45 Agreement with the Pepsi Bottling Group for the provision of a Scoreboard and Sound System at the NSSRC and a beverage supply arrangement.

By-law 2014-46 Agreement with Re/Max Georgian Bay Realty Limited for the use of property municipally known as 833 King Street.

By-law 2014-48 Policies with respect to the procurement of goods and services and to repeal by-law 2004-96.

CARRIED.

Moved by J. Attwood
Seconded by J. Charlebois

That By-laws 2014-45, 2014-46 and 2014-48 be read a first, second and third time and finally passed.

CARRIED.

10. GENERAL BUSINESS

1) Other Business Introduced by Members of Council or Staff

a) Appointments to Committees

Moved by B. Jeffery
Seconded by M. Ross

THAT Schedule "C" to By-law 2013-66 be amended to reflect the appointment of Lois Lipton to the Midland Cultural Advisory Committee as the community representative for a term to expire November 30, 2014.

CARRIED.

Moved by B. Jeffery
Seconded by M. Ross

That Schedule "B" to By-law 2013-66 be amended to reflect the appointment of Michael Nihill to the Midland Seniors Council for a term to expire November 30, 2014.

CARRIED.

Moved by B. Jeffery
Seconded by M. Ross

THAT the following two community members be appointed to the Ad Hoc Development Charges Study Working Committee:

George Barber
Warren Landry

CARRIED.

b) Tieless Months

Moved by B. Jeffery
Seconded by M. Ross

That the remainder of this month and the months of July and August 2014, be declared as Tieless Months in support of the many visitors and tourists visiting our area.

CARRIED.

2) Other Business Introduced by Members of Council or Staff

- a) Councillor Ross congratulated the organizers of the Butter Tart Festival on a successful event.
- b) Councillor Attwood spoke to the variety and quality of restaurants in Midland and advised a new, very good Thai restaurant had opened on Bay Street.
- c) Deputy Mayor Kramp spoke to a resident's concerns he had received respecting the Unimin properties and health issues.

Moved by S. Kramp
Seconded by B. Jeffery

That Council receive a staff report on the new information presented to Council on the health concern of past workers at the Unimin property:

- **clarify the risks for the operation and the property**
- **the legal opinion on the exposure to the risks**
- **the need for and options for insurance**

And that the report be presented at a Special Meeting of Council to be convened prior to July 15, 2014.

A recorded vote was request.

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

CARRIED.

11. CONFIRMATORY BY-LAW

a) By-law 2014-49

A by-law to adopt the proceedings of the Council Meeting held on June 23, 2014, and to authorize its execution.

Moved by J. Charlebois

Seconded by J. Attwood

That leave be granted to introduce By-law 2014-49, being a by-law to adopt the proceedings of the Council Meeting held on June 23, 2014, and to authorize its execution.

CARRIED.

Moved by J. Attwood

Seconded by J. Charlebois

That By-law 2014-49 be read a first, second and third time and finally passed.

CARRIED.

12. ADJOURNMENT

Moved by J. Charlebois

Seconded by J. Attwood

That this Regular Meeting of Council adjourn at 9:47p.m.

CARRIED.

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