



The Corporation of the City of Temiskaming Shores
Regular Meeting of Council
Tuesday, February 19, 2019
5:00 P.M.
City Hall Council Chambers – 325 Farr Drive

Minutes

1. Call to Order

The meeting was called to order by Mayor Carman Kidd at 5:00 p.m.

2. Roll Call

Council: Mayor Carman Kidd; Councillors Jesse Foley, Doug Jelly, Jeff Laferriere, Mike McArthur and Danny Whalen

Present: Christopher W. Oslund, City Manager
David B. Treen, Municipal Clerk
Doug Walsh, Director of Public Works
Tammie Caldwell, Director of Recreation
Shelly Zubyck, Director of Corporate Services
Tim Uttley, Fire Chief
Laura-Lee MacLeod, Treasurer (7:30 pm)
James Franks, Economic Development Officer

Regrets: Councillor Hewitt

Media: Diane Johnston, Temiskaming Speaker
Bill Buchberger, CJTT 104.5 FM

Members of the Public Present: 8

3. Review of Revisions or Deletions to Agenda

None

4. Approval of Agenda

Resolution No. 2019-134

Moved by: Councillor McArthur

Seconded by: Councillor Whalen

Be it resolved that City Council approves the agenda as printed.

Carried

5. Disclosure of Pecuniary Interest and General Nature

Mayor Kidd Item 16 f) and By-law No. 2019-039

6. Closed Session

Resolution No. 2019-135

Moved by: Councillor Jelly

Seconded by: Councillor Laferriere

Be it resolved that Council agrees to convene in Closed Session at 5:02 p.m. to discuss the following matters:

- a) **Under Section 239 (2) (i) of the Municipal Act, 2001 – commercial and financial information, supplied in confidence to the municipality, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position – CannAssist Presentation;**
- b) **Under Section 239 (2) (i) of the Municipal Act, 2001 – commercial and financial information, supplied in confidence to the municipality, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position – Economic Development Updates;**

Carried

Resolution No. 2019-136

Moved by: Councillor Jelly

Seconded by: Councillor Foley

Be it resolved that Council agrees to rise with report from Closed Session at 6:04 p.m.

Carried

Matters from Closed Session:

- a) **Under Section 239 (2) (i) of the Municipal Act, 2001 – commercial and financial information, supplied in confidence to the municipality, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position – CannAssist Presentation**

CannAssist made a presentation to Council.

- b) **Under Section 239 (2) (i) of the Municipal Act, 2001 – commercial and financial information, supplied in confidence to the municipality, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position – Economic Development Updates**

The Economic Development Officer provided Council with an update on various economic development initiatives.

7. Review and adoption of Council Minutes

Resolution No. 2019-137

Moved by: Councillor Laferriere

Seconded by: Councillor Foley

Be it resolved that City Council approves the following minutes as printed:

- a) Special meeting of Council – February 4, 2019 (Budget)
b) Regular meeting of Council – February 5, 2019

Carried

8. Public Meetings pursuant to the Planning Act, Municipal Act and other Statutes

8.1. *Disposition of Land – Roy Smith*

Owner: City of Temiskaming Shores

Subject Land: Part 1 on Plan 54R-6078

Purpose: disposition of Part 1 on Plan 54R-6078 to Roy Smith

8.2. Disposition of Land – Marcel Germaine

Owner: City of Temiskaming Shores

Subject Land: Parts 2 on Plan 54R-6078

Purpose: The disposition of Part 2 on Plan 54R-6078 to Marcel Germain

Note: Application 8.1 and 8.2 were presented at the same time as the subject properties are in proximity to each other and the lands are on the same reference plan.

Mayor Kidd outlined that the public meeting scheduled tonight is to consider two applications to acquire municipally owned property and that the public meeting serves two purposes: first, to present to Council and the public the details and background to the proposed dispositions and secondly, to receive comments from the public and agencies before a decision is made by Council.

Mayor Kidd declared the meeting to be open and to be a public meeting and ask the Clerk, Dave Treen to provide the background to the two proposed applications.

Dave Treen utilizing a slide deck indicated that the subject properties are on Cobalt Avenue near the intersection of Rorke Avenue and Carter Boulevard. Mr. Roy Smith is seeking to acquire a portion of Birch Street abutting his property for the purposes building an accessory garage. Mr. Marcel Germain is seeking to acquire a portion of the laneway between Birch and Maple Streets off of Cobalt Avenue to which he has property on either side.

Resolution No. 2018-088 authorized staff to proceed with a potential disposition with Mr. Germain for the laneway and Resolution No. 2018-339 authorized staff to proceed with a potential disposition with Mr. Roy for a portion of Birch Street. A reference plan was prepared (54R-6078) to legal described both properties and was paid for jointly by Mr. Germain and Mr. Roy.

It was noted that both parties, at their own expense applied for and attained Deeming By-laws such that their respective properties merged on title. Prior to disposition of the portion of Birch and laneway it will be necessary for Council to adopt a by-law to stop up and close these subject lands.

Mr. Treen concluded that depending on any comments received this evening an Administrative Report recommending the adoption of the required stop up and close by-law as well as by-laws for the purchase and sale fo the lands will be prepared for the next regular Council meeting.

Mayor Kidd inquired if there were any questions or comments from members of the public. With none, Mayor Kidd inquired if there were any questions or comments

from Council. With none Mayor Kidd declared this portion of the public meeting to be closed and advised that Council await the associated Administrative Report at the next meeting.

9. Question and Answer Period

None.

10. Presentations / Delegations

a) David Treen, Clerk – Temiskaming Shores

Re: Municipal Conflict of Interest Act

Clerk Dave Treen utilizing a slide deck that the *Modernizing Ontario's Municipal Legislation Act* was given Royal Assent and made substantial changes to the *Municipal Conflict of Interest Act (MCIA)*.

Under Section 5.1 of the MCIA members are required, as of March 1, 2019, to file a **written** statement after he or she discloses a pecuniary interest under Section 5 of the Act. Section 5.2 requires that members that have declared a pecuniary interest shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.

Mr. Treen outlined various sections of the MCIA and the parameters, direct or indirect under which a member is to declare a pecuniary interest and such interest is to be disclosed at a meeting at which the matter is being considered or as soon as possible afterwards. It was noted that this requirement, as of March 1, 2019, needs to be in a written format and filed with the Clerk or secretary of the committee or local board as the case may be.

Section 2 of the MCIA provides circumstances under which a member would have an indirect pecuniary interest; however the MCIA does not define direct pecuniary, but has been held to be a financial, monetary or economic interest and is not to be narrowly defined. Mr. Treen reviewed the definition for Child, Controlling Interest and Senior Officer as contained in the MCIA.

Mr. Treen provided several excerpts from judicial decisions (Case Law comments) to assist in illustrating the importance of declaring a conflict of interest. Mr. Treen concluded by providing the form developed for the purposes of declaring a pecuniary interest and that the MCIA also requires the Clerk to maintain a registry of Declaration of Pecuniary Interest available for public viewing.

Resolution No. 2019-138

Moved by: Councillor Jelly
Seconded by: Councillor Foley

Be it resolved that Council acknowledges the presentation from Municipal Clerk, Dave Treen in regards to new requirements under the Municipal Conflict of Interest Act.

Carried

11. Communications

a) Jamie McGarvey, AMO President – Association of Municipalities Ontario

Re: Provincial review of Joint and Several Liability

Reference: Received for Information

b) Honourable Vic Fedeli, Minister of Finance

Re: Update on 2019 OMPF funding – same as 2018

Reference: Referred to the Treasurer

Resolution No. 2019-139

Moved by: Councillor Whalen
Seconded by: Councillor Laferriere

Be it resolved that City Council agrees to deal with Communication Items 10. a) to 10. b) according to the Agenda references.

Carried

12. Committees of Council – Community and Regional

None.

13. Committees of Council – Internal Departments

None.

14. **Reports by Members of Council**

Councillor Jelly reported on the following:

- **Public Works:** The Winter Operations Plan, approved by Council, provides guidance to the PW department on plowing and snow removal operations which aligns with the legislated Maintenance Standards for roadways in the Province of Ontario.

The Public Works Department is staffed by four, five-person crews and a patrol person providing coverage 24 hours per day – seven days a week. These crews can and are rescheduled as required to ensure that our roadways are maintained in as safe and passible condition as possible. Once plowing operations are completed, crews focus on snow removal left by the plowing operation.

There are 5 grader routes, 4 snow plow routes, two sidewalk routes, 3 loader routes and 2 sander routes. The majority of the plowing operation is carried during the late evening and early morning hours when traffic volumes are lighter and the equipment can maneuver much easier. Subsequent to a storm event, crews are assigned to snow removal along with hired trucks for the operation.

To date the City has spent \$95,000 on trucking and hired equipment in 2019. Commencing February 18th, the snow removal operation will move to two shifts per day (7:00 a.m. to 3:00p.m. and 10:00 p.m. to 6:30a.m.) in an effort to address the snow accumulations on local and collector streets.

Due to the extreme amount of snowfall this year, residents are finding it difficult to find places to put the snow from their property resulting in a number of instances of windrows within the travelled portions of roadways or sidewalks. By-law No. 2009-159 prohibits such stockpiling of snow and the city is asking for public assistance in addressing these matters voluntarily without the need for enforcement.

15. **Notice of Motions**

None.

16. **New Business**

- a) **Memo No. 001-2019-CGP – Third Reading By-law No. 2019-026 to amend By-law No. 2012-101 Traffic By-law (amending fees)**

Resolution No. 2019-140

Moved by: Councillor Jelly

Seconded by: Councillor McArthur

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 001-2019-CGP; and

That Council hereby directs staff to incorporate grammatical and procedural changes recommended by the Office of the Attorney General into By-law No. 2019-026 for consideration of third and final reading at the February 19, 2019 Regular Council meeting.

Carried

b) Administrative Report No. CGP-005-2019 – Temiskaming Shores Municipal Accommodation Tax

Resolution No. 2019-141

Moved by: Councillor Jelly

Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CGP-005-2019;

That Council approves the implementation of the 4% Municipal Accommodation Tax effective January 1, 2020; and

That Council directs staff to begin the process of stakeholder meetings with accommodation providers to set up the structure of the program and bring an implementation model back to Council in the Fall of 2019 for approval.

Defeated

Recorded Vote

For Motion

Against Motion

Councillor Foley

Councillor Jelly

Councillor Laferriere

Councillor McArthur

Councillor Whalen

Mayor Kidd

c) Memo No. 004-2019-CS – Replacement of By-law No. 2019-015 – Development Agreement with 2373775 Ontario Inc. (Rivard Bros) – Beach Gardens

Resolution No. 2019-142

Moved by: Councillor Laferriere

Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 004-2019-CS; and

That Council directs staff to prepare the necessary by-law to repeal By-law No. 2019-015 and to authorize the entering into a Development Agreement with 2373775 Ontario Inc. c.o.b. as Rivard Bros. for the development of property locally known as Beach Gardens for consideration at the February 19, 2019 Regular Council meeting.

Carried

d) Administrative Report No. CS-006-2019 – Tree Canopy and Council Maternity Leave Policies

Resolution No. 2019-143

Moved by: Councillor Foley

Seconded by: Councillor Jelly

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-006-2019;

That Council directs staff to prepare the necessary by-law for a Tree Canopy and Natural Vegetation Policy for consideration at the February 19, 2019 Regular Council meeting; and

That Council directs staff to prepare the necessary by-law for a Council Member Pregnancy and/or Parental Leave Policy for consideration at the February 19, 2019 Regular Council meeting.

Carried

e) Administrative Report No. CS-007-2019 – Conflict of Interest Act – Registry and Declaration

Resolution No. 2019-144

Moved by: Councillor Laferriere

Seconded by: Councillor Whalen

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-007-2019;

That Council endorses use of the form, being Appendix 01 to Administrative Report No. CS-007-2019, for making written statements under the *Municipal Conflict of Interest Act*;

That the Clerk is hereby authorized to make modifications as necessary to Appendix 01 where such modifications do not alter the intent of the form; and

That Council directs the Clerk's Office to maintain a Registry of declared conflicts in accordance to the Act available for public inspection during normal working hours.

Carried

f) Administrative Report No. CS-008-2019 – Disposition of Land – Temiskaming Shores Seniors Housing Corporation

Mayor Kidd disclosed a pecuniary interest with Administrative Report No. CS-008-2019 and did not participate in the discussion of the subject matter nor did he vote on Resolution No. 2019-145.

Resolution No. 2019-145

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-008-2019; and

That Council directs staff to prepare the necessary by-law for a Purchase and Sale Agreement with Temiskaming Shores Seniors Housing Corporation as the purchaser and the City of Temiskaming Shores as the vendor for Parts 1 to 6 on Plan 54R-6084 in the amount of \$2 for consideration at the February 19, 2019 Regular Council meeting.

Carried

g) Administrative Report No. CS-009-2019 – Appointment of an Integrity Commissioner

Resolution No. 2019-146

Moved by: Councillor Jelly

Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-009-2019; and

That Council directs staff to prepare the necessary by-law to enter into a two (2) year Service Agreement with Expertise for Municipalities (e4m) for Integrity Commissioner Services commencing on March 1, 2019 for consideration at the February 19, 2019 Regular Council meeting.

Carried

h) Administrative Report No. CS-010-2019 – Haileybury Family Health Team – Renewal of Lease Agreements for Haileybury Medical Centre

Resolution No. 2019-147

Moved by: Councillor Laferriere

Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-010-2019;

That Council approves an increase to the rental rates for the use of office space by the Haileybury Family Health Team by 2.4% for 2019 in accordance with the Consumer Price Index; and

That Council directs staff to prepare the necessary by-law to enter into a one (1) year lease agreement with the Haileybury Family Health Team for the use of office space at the Haileybury Medical Centre for consideration at the February 19, 2019 Regular Council meeting.

Carried

i) Memo No. 001-2019-PPP – Appointment of member to the Emergency Management Program Committee

Resolution No. 2019-148

Moved by: Councillor Jelly

Seconded by: Councillor Whalen

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 001-2019-PPP; and

That Council directs staff to prepare the necessary by-law to amend By-law No. 2019-018 by removing Emily Disley as a member of the Emergency Management Program Committee (EMPC) and appointing Serenna Besserer, Regional Manager of Operations with the Canadian Red Cross as a member of the EMPC for consideration at the February 19, 2019 Regular Council meeting.

Carried

j) Memo No. 002-2019-PPP – Essentials of Municipal Fire Protection Seminar

Resolution No. 2019-149

Moved by: Councillor Foley

Seconded by: Councillor Laferriere

Be it resolved that the Council of the City of Temiskaming Shores hereby

acknowledges receipt of Memo No. 002-2019-PPP; and

That Council further acknowledges that the Office of the Fire Marshal and Emergency Management (OFMEM) are offering a one-day Essentials of Municipal Fire Protection Seminar in the City of Temiskaming Shores on Wednesday, March 6, 2019.

Carried

k) Supplemental Administrative Report No. RS-002-01-2019 – 2019 Recreation Fee Increases

Resolution No. 2019-150

Moved by: Councillor McArthur

Seconded by: Councillor Whalen

Be it resolved that the Council of the City of Temiskaming Shores hereby directs staff to modify the non-resident additional fee for Municipal Marinas to read as follows:

“Non-Resident Additional Fee of \$200 per vessel.”

Carried

Recorded Vote

For Motion

- Councillor Foley
- Councillor Laferriere
- Councillor McArthur
- Councillor Whalen
- Mayor Kidd

Against Motion

- Councillor Jelly

Resolution No. 2019-151

Moved by: Councillor McArthur

Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Supplemental Administrative Report No. RS-002-01-2019; and

That Council directs staff to amend By-law No. 2012-039 (Departmental User Fees) to increase recreational fees for 2019 to 2021 for consideration at the February 19, 2019 Regular Council meeting.

Carried

Recorded Vote

For Motion

Councillor Foley
Councillor Laferriere
Councillor McArthur
Councillor Whalen
Mayor Kidd

Against Motion

Councillor Jelly

17. By-laws

Resolution No. 2019-152

Moved by: Councillor Foley

Seconded by: Councillor McArthur

Be it resolved that:

By-law No. 2019-035 Being a by-law to amend By-law No. 2019-018 (Appointments to various Committees and Boards for the 2018-2022 Term of Council – Community Emergency Management Program Committee)

By-law No. 2019-036 Being a by-law to enter into a Service Agreement with Expertise for Municipalities (e4m) for Integrity Commissioner Services

By-law No. 2019-037 Being a by-law to adopt a Tree Canopy and Natural Vegetation Policy

By-law No. 2019-038 Being a by-law to adopt a Council Member Pregnancy and/or Parental Leave Policy

By-law No. 2019-040 Being a by-law to enter into a Lease Agreement with the Haileybury Family Health Team for the rental of space at the Haileybury Medical Centre

By-law No. 2019-041 Being a by-law to authorize a Development Agreement with 2373775 Ontario Inc. for the development of Beach Gardens and to repeal By-law No. 2019-015

be hereby introduced and given first and second reading.

Carried

Resolution No. 2019-153

Moved by: Councillor Laferriere

Seconded by: Councillor Whalen

Be it resolved that:

By-law No. 2019-026 (Traffic By-law Amendments – Set Fines);

By-law No. 2019-035;

By-law No. 2019-036;

By-law No. 2019-037;

By-law No. 2019-038;

By-law No. 2019-040; and

By-law No. 2019-041

be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

Carried

Resolution No. 2019-154

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Be it resolved that:

By-law No. 2019-033 Being a by-law to amend By-law No. 2012-039 (Departmental User Fees and Services – Schedule “D” Recreation Fees)

be hereby introduced and given first and second reading.

Carried

Recorded Vote

For Motion

Councillor Foley
Councillor Laferriere

Against Motion

Councillor Jelly

Councillor McArthur
Councillor Whalen
Mayor Kidd

Resolution No. 2019-155

Moved by: Councillor Laferriere

Seconded by: Councillor McArthur

Be it resolved that By-law No. 2019-033 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

Carried

Recorded Vote

For Motion

Councillor Foley
Councillor Laferriere
Councillor McArthur
Councillor Whalen
Mayor Kidd

Against Motion

Councillor Jelly

Mayor Kidd disclosed a pecuniary interest with By-law No. 2019-039 and did not participate in the discussion nor did he vote on Resolution No. 2019-156.

Resolution No. 2019-156

Moved by: Councillor Laferriere

Seconded by: Councillor Whalen

Be it resolved that By-law No. 2019-039 being a by-law to authorize the Disposition of Land to the Temiskaming Shores Seniors Housing Corporation be hereby introduced and given first and second reading.

Carried

Mayor Kidd disclosed a pecuniary interest with By-law No. 2019-039 and did not participate in the discussion nor did he vote on Resolution No. 2019-157.

Resolution No. 2019-157

Moved by: Councillor Laferriere

Seconded by: Councillor McArthur

Be it resolved that By-law No. 2019-039 be given third and final reading, be signed by the Deputy Mayor and Clerk and the corporate seal affixed thereto.

Carried

18. 2019 Capital Budget Presentation

Treasurer, Laura-Lee MacLeod using a slide deck presented Draft No. 2 of the 2019 Budget reviewing the General operations and the Environmental operations. Laura provided an overview of the 2019 General Capital (Corporate, Fire, Public Works, Recreation, Prop. Maintenance, and Fleet) as well as the Environmental Capital.

The Corporate Services recommended capital projects were presented by Councillor Laferriere at a total project cost of \$18,550. Councillor Laferriere also outlined the projects that had been deferred amounting to \$175,000.

The Fire & Emergency Management Services recommended capital projects were presented by Councillor Jelly at a total project cost of \$33,067. Councillor Jelly also outlined the projects that had been deferred amounting to \$150,000.

The Public Works recommended capital projects were presented by Councillor Jelly at a total project cost of \$2,337,899. Councillor Jelly also outlined the projects that had been deferred amounting to \$1,800,000.

The Recreation recommended capital projects were presented by Councillor McArthur at a total project cost of \$98,000. Councillor McArthur also outlined the projects that had been deferred amounting to \$653,000.

The Property Maintenance recommended capital projects were presented by Councillor Jelly at a total project cost of \$1,853,600. Councillor Jelly also outlined the projects that had been deferred amounting to \$911,000.

The Fleet Replacement recommended capital projects were presented by Councillor Jelly at a total project cost of \$1,724,500. Councillor Jelly also outlined the projects that had been deferred amounting to \$5,000. Treasurer Laura-Lee reviewed the impacts the modifications would have on the Fleet Replacement Plan and further outlined three options for payment options.

The Environmental Services recommended capital projects were presented by Councillor Jelly at a total project cost of \$1,565,447. Councillor Jelly also outlined the projects that had been deferred amounting to \$1,450,000. Laura-Lee reviewed various Multi-year projects.

City Manager, Chris Oslund reviewed various options with Council outlining the increased revenues based on a 1%, 2%, 3% and 4% increase to the 2018 Tax Levy. Various general budget shortfalls (unknowns, OMPF, Policing, Health & SS), funds available for transfer to capital and the capital deficit were provided.

19. Schedule of Council Meetings

- a) Regular – Tuesday, March 5, 2019 at 6:00 p.m.
- b) Regular – Tuesday, March 19, 2019 at 6:00 p.m.

20. Question and Answer Period

None.

21. Confirming By-law

Resolution No. 2019-158

Moved by: Councillor McArthur

Seconded by: Councillor Jelly

Be it resolved that By-law No. 2019-042 being a by-law to confirm certain proceedings of Council of The Corporation of the City of Temiskaming Shores for its Regular Meeting held on **February 19, 2019** be hereby introduced and given first and second reading.

Carried

Resolution No. 2019-159

Moved by: Councillor Laferriere

Seconded by: Councillor Whalen

Be it resolved that By-law No. 2019-042 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

Carried

22. Adjournment

Resolution No. 2019-160

Moved by: Councillor McArthur

Seconded by: Councillor Jelly

Be it resolved that City Council adjourns at 8:37 p.m.

Carried

Mayor – Carman Kidd

Clerk – David B. Treen