The Corporation of the Town of Orangeville  
Council Chambers  
87 Broadway  
Orangeville  
Ontario

Agenda  
Special Council Meeting  
December 15, 2014 - 7 p.m.

1 Call to Order
2 Singing of the National Anthem
3 Disclosures of (Direct or Indirect) Pecuniary Interest
4 Approval of Agenda
5 Uncompleted Business – December 8, 2014 Agenda
5.1 Closed Meeting

Section 239. (2)(b) of the Municipal Act, 2001 – personal matters about an identifiable individual, including municipal or local board employees (Honours Committee – 2014 Municipal Senior and Youth of the Year Awards) (Appointments to Boards and Committees)

Section 239. (2)(b) of the Municipal Act, 2001 (closed meeting under another Act) and s. 11, Municipal Freedom of Information and Protection of Privacy Act (Economic and Other Interests) (Leased Parking Lot – 112 Broadway)
New Item – Brought Forward from Finance and Administration
Budget Committee Meeting

Section 239. (2)(b) of the Municipal Act, 2001 - personal matters about an
identifiable individual, including municipal or local board employees (Town
employee)

Section 239. (2)(b) of the Municipal Act, 2001- Labour Relations/Employee
Negotiations (Town employees)

5.2 Resolutions

5.2.1 Code of Conduct (C00) (Deputy Mayor Maycock)

Whereas the Municipal Act, 2001 authorizes municipalities to establish a Code of
Conduct for Members of Council or local boards of the municipality;

And whereas the establishment of a Code of Conduct for Members of Council is
consistent with the principles of transparent and accountable government;

And whereas the elected officials of the Town of Orangeville have and continue to
recognize their obligation to serve their constituents in a conscientious and diligent
manner recognizing that as leaders of the community, they are held to a higher
standard of behaviour and conduct;

And whereas ethics and integrity are at the core of public confidence in government
and in the political process, and elected officials are expected to perform their duties
in office and arrange their private affairs in a manner that promotes public
confidence, avoids the improper use of influence of their office and conflicts of
interests, both apparent and real and the need to uphold both the letter and the spirit
of the law including policies adopted by Council;

And whereas a Code of Conduct ensures that Members of Council share a common
basis and understanding for acceptable conduct extending beyond the legislative
provisions governing the conduct of Members of Council as set out in the Municipal
Act, 2001; Municipal Conflict of Interest Act; Municipal Elections Act, 1996; and the
Municipal Freedom of Information and Protection of Privacy Act;

Therefore be it resolved that staff be directed to bring forward a Code of Conduct for
Members of Council for the consideration of Council.

5.2.2 Reference 2013 Council Remuneration Review (C06) (Councillor
Bradley)

Whereas the current policy permits Council members to acquire their own laptop
computers instead of accepting a Town purchased laptop;

And whereas the Town reimburses the purchaser the equivalent value of the Town
computer;

And whereas Council is held to a high degree of openness, transparency and
accountability;

And whereas the information on the computer used for Town business should be
under the custody and control of the Town;
And whereas the Town of Orangeville has no custody or control over a personally
owned computer in the possession of any Council member;

And whereas if any investigation is required on the computer, the Town would not be
able to access the information;

And whereas if a Freedom of Information request is made by the public, the Town
would not be able to provide the information;

Therefore, be it resolved that staff solicit an outside consultant to review the possible
threats to the security and liability of the Town of Orangeville by the use of
personally owned computers and personal communications methods by Council and
recommendations to address these concerns;

And furthermore, that the purchase of a personal laptop by any Council member be
at their own expense and that any reimbursement by the Town be put on hold until
this report is brought to Council for their consideration.

5.2.3 Various Items of Concern (M04) (Councillor Wilson)

That the following items raised during the recent election campaign be referred to
staff for their consideration, and report at the first regularly scheduled meeting of
Council in 2015:

- Red ants in Town parks;
- More benches along trails;
- By-law enforcement of improper trail use;
- Concrete pads at bus stops (especially "C" Line);
- Transit bus pull-in at Lawrence Street Seniors building;
- Televise PSB meetings;
- Poor condition of Town back lanes (especially the lane between 1st and
  2nd streets);
- Refrain from putting Christmas lights up before Remembrance Day;
- Eliminate planned/proposed sidewalks where not necessary (especially
  Thompson & Gooseberry, and Sandringham);
- Attend to the landscaping in the Broadway Median;
- Town’s ability to set a separate rate for residential condominiums;
- Reduce speed on Zina Street;
- Need for a grocery store Downtown; and,
- Property owner’s ability to appeal taxes.

5.2.4 Town’s Procedure By-law (C01) (Councillor Wilson)

That the Town’s Procedure By-law be amended as follows:

a) All Committee minutes (draft or otherwise) be presented to the first Council
meeting following the Committee meeting, by the Committee Chair or appointed
Councillor.

b) Committee minutes (and their presentation) be moved from the end of the
Council Agenda to an earlier position, prior to Information Items and staff
reports.
c) All staff reports be either “for information” or accompanied by a staff recommendation.

d) Replace the 15 minutes allowed to speak to a motion (4.14.2), with a maximum number of times to speak (2), and a total of 5 minutes per occasion.

e) Prohibit use of personal technology devices by Councillors during Council and Committee meetings. This prohibition is extended to all appointed citizen members of Town Committees.

5.2.5 Council Orientation Education/Training Session (C03)

(Councillor Wilson)

That the CAO and Senior Town Staff prepare a Council orientation educational/training session in accordance with Section 239. (3.1) of the Municipal Act, prior to the end of February 2015.

Municipal Act:

239. Educational or training sessions

(3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.

2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

Record may be disclosed

(9) …the Municipal Freedom of Information and Protection of Privacy Act does not apply to a record of a meeting closed under subsection (3.1).

5.3 By-laws (C01)

Bill 14 – 097 A by-law to amend Sign By-law 2013, to regulate the use and erection of signs, canopies and other advertising devices. (Auth. by Resol. #6, Aug. 11/14).

New Business – December 15, 2014 Agenda

6 Adoption of Minutes of Previous Council Meetings

The minutes of the Inaugural Meeting held on December 1, 2014 and regular meeting of Council held on December 8, 2014.

7 Question Period

8 Petitions and Delegations

9 Correspondence

9.1 Information Items
9.1.1 Ministry of Citizenship, Immigration and International Trade - Ontario Honours and Awards Secretariat - Ontario’s Volunteer Recognition Programs for 2015 (A01)


10 Reports

10.1 Encroachment Agreement – Broadway Orangeville Holdings Inc., 137-139 Broadway (PL-2014-32) (C11/D16/L04)

A report from Ms. N. Tuckett, Director of Economic Development, Planning and Innovation, dated December 10, 2014.

Recommendation:

That report PL-2014-32 dated December 10, 2014, with respect to an Encroachment Agreement for 137-139 Broadway, as requested by Broadway Orangeville Holdings Inc., be received;

And that Council authorize the Mayor and Clerk to execute an Encroachment Agreement in substantially the same form as the Agreement attached to the report as Schedule “B” and pass a by-law to that effect.

11 Resolutions

11.1 Committees of Council, Special Purpose Bodies, etc. (Councillor Wilson)

Whereas By-law No. 23-2011 is a by-law “to establish committees of council, to confirm appointments thereto and to confirm appointments to special purpose bodies and other committees as deemed necessary”; and

Whereas consideration has yet to be given to what positions the newly elected Councillors for the Town of Orangeville will be appointed; and

Whereas there has been some discussion of the need to review the current number, size and mandate of the Town’s various Committees; and

Whereas the language of the existing Schedules “A” and "B" to By-Law No. 23-2011 is ambiguous respecting Standing Committees (Portfolios); and

Whereas the ability of the Mayor to appoint members of Council to various Standing Committees (Portfolios) should be subject to Council approval;

Now therefore be it resolved that By-law No. 23-2011 be referred to a subcommittee of Council comprised of the Mayor, Deputy Mayor and a Councillor to be appointed,
for review and recommendation prior to any appointments being considered or voted on by Town Council; and

That recommended amendments to By-law No. 23-2011 and its schedules be put before Council no later than January 31, 2015.

12 By-laws

12.1 Bill 14 – 102 A by-law to confirm the proceedings of the Corporation of the Town of Orangeville at its regular meeting held on December 8, 2014.

Bill 14 – 103 A by-law to authorize entering into a term-debt agreement for capital project funding.

Bill 14 – 104 A by-law to authorize the Corporation of the Town of Orangeville to enter an Encroachment Agreement with Broadway Orangeville Holdings Inc. (137-139 Broadway).

13 Notice of Motion

13.1 Various Items of Concern (Councillor Garisto – for January 12, 2015)

That the following items raised during the recent election campaign be referred to staff to investigate the following issues and report to Council:

- the feasibility of banning parking at:
  - the corner of John and Dufferin Streets
  - the corner of Karen Court
- Install a stop sign at the intersection of Amelia Street and Walsh Crescent
- Investigate the feasibility of having a transit stop in the driveway of the Montgomery Village Seniors Community
- Install signs on Riddell Road advising motorists of the seniors’ residence
- Investigate overnight parking at the dog park parking lot

14 New Business

(INCLUDING verbal reports on Associations, Boards and Committees on which Council has representatives).

15 Adjournment
The Corporation of the Town of Orangeville

By-law Number ________

A by-law to amend Sign by-law 28-2013 to regulate the use and erection of signs, canopies and other advertising devices.

Whereas By-law 28-2013 regulates the use and erection of signs, canopies and other advertising devices within the Town of Orangeville;

And whereas Council of the Corporation of the Town of Orangeville deems it expedient to amend By-law No. 28-2013, as amended;

Be it therefore enacted by the municipal council of The Corporation of the Town of Orangeville as follows:

1. That Section 7.7(b) of By-law 28-2013 be amended to read as follows:

   Ground signs can incorporate up to 45% of the total sign display area as a readograph or electronic message display on lots with less than 30 m of highway frontage, or on lots with more than 30 m but less than 45 m of highway frontage up to a maximum of 40% of the total sign display area, or for Commercial lots only with more than 45 m of highway frontage up to a maximum of 33% of the total sign display area.

2. Section 7.7 add clause (d) to read as follows:

   Ground signs incorporating readograph or electronic message display shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light conditions.

3. Section 7.7 add clause (e) to read as follows:

   Ground signs incorporating an electronic message display shall not contain a flashing or continuous scrolling message or image. Where the message is of other than scrolling script, the frequency of any image change shall not be less than every 7 seconds.

4. Sections 6.2(a)(vi), 6.5(a)(iv), 6.6(a)(iv), to be amended to add the following:

   If the lot frontage of the property is less than 30 m, a second ground sign for the purpose of readograph or electronic message display will not be permitted.

5. Sections 6.2(a)(vi), 6.5(a)(iv), 6.6(a)(iv), to be further amended to include the following:

   That the one additional ground sign permitted not exceed a height of 3 m.
6. Section 4.9 add clause (x) to read as follows:

Temporary signs, including bag signs and coroplast signs, with the exception of signage erected by community associations, charitable organizations, and non-profit corporations and with the exception of one temporary sign for a building contractor or home renovation operator working on site for a maximum 30 day period.

7. Section 3.19 change the definition name from Digital Signage to Digital Image Signage.

8. This by-law shall come into force and effect on the date of passing.

Passed in open Council this 8th day of December, 2014.

Jeremy D Williams, Mayor

Susan Greatrix, Clerk
The Corporation of the Town of Orangeville
Opera House, Municipal Offices
87 Broadway, Orangeville, Ontario

Minutes of the Inaugural Meeting of the
Council of the Town of Orangeville
held at 7:00 p.m., December 1, 2014

Members Present
Mayor J. Williams
Deputy Mayor W. Maycock
Councillors: S. Bradley
G. Campbell
N. Garisto
D. Kidd
S. Wilson

Staff Present
Mr. R. K. Schwarzer, C.A.O.
Ms. S. Greatrix, Clerk
Ms. S. Lankheit, Deputy Clerk
Mr. B. Parrott, Treasurer
Mr. D. Jones, Director of Public Works
Ms. N. Tuckett, Director of Planning
Mr. V. Douglas, Director of Building and
By-law Enforcement
Mr. E. Brennan, Director of Parks and Recreation
Mr. A. Macintosh, Fire Chief
Ms. D. Fraser, Chief Librarian
Mr. W. Kalinski, Deputy Police Chief
Ms. S. Duncan, Communications Officer
Ms. J. Gohn, H.R. Manager

Guests Present
The Honourable Mr. Justice Douglas B. Maund
Constable Darren Cooper
Ms. J. Pomeroy

The meeting commenced at 7 p.m. with the singing of the National Anthem led by Ms. Juliette Pomeroy.

The Honourable Mr. Justice Douglas B. Maund administered the Declaration of Office and invested the Mayor with the Chain of Office.

The Honourable Mr. Justice Douglas B. Maund administered the Declaration of Office to the remaining members of the new Council and presented the Mayor and Council of The Corporation of the Town of Orangeville for the 2010-2014 term of office.
Mayor Williams called to order the first meeting of the Council of the Town of Orangeville for the new term.

The Mayor delivered his inaugural address. He thanked his family, campaign team, volunteers and the residents of Orangeville for their support. Mayor Williams assured residents that he will continue to pursue the goals of his platform. He said the electorate voted for fiscal restraint which involves taking a fresh look at current processes and how services are being delivered. The Mayor said he did not feel the need to slash and burn, neither could the current trend in budget growth be sustained. He said going forward there would need to be a pulling back on the reins of spending. Mayor Williams urged Council members to co-operate despite different view-points. He spoke to the power of diversity and its capability to create positive changes and encouraged Council to work together and build on the difference that can unite and will benefit the Town.

Mayor Williams invited each member of Council to address the assembly. Council members thanked families, campaign workers and residents for their support, and renewed their commitment to serve the community to the best of their ability.

Mayor Williams announced the next meeting of Council would be held at 7 p.m. on December 8, 2013.

Mayor Williams invited everyone in attendance to join Council for refreshments in the atrium.

Adjournment

Moved by Deputy Mayor Maycock
Seconded by Councillor Garisto

That the meeting be adjourned.  
(Time: 7:40 p.m.)

Carried.

Jeremy D Williams, Mayor

Susan Greatrix, Clerk
Minutes of a regular meeting of Council
held on December 8, 2014, 7:00 p.m.

<table>
<thead>
<tr>
<th>Members Present</th>
<th>Staff Present</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor J. Williams</td>
<td>Mr. R. Schwarzer, CAO</td>
</tr>
<tr>
<td>Deputy Mayor W. Maycock</td>
<td>Ms. S. Greamix, Clerk</td>
</tr>
<tr>
<td>Councillors:</td>
<td></td>
</tr>
<tr>
<td>S. Bradley</td>
<td>Mr. E. Brennan, Director of Parks and Recreation</td>
</tr>
<tr>
<td>G. Campbell</td>
<td>Mr. V. Douglas, Director of Building &amp; By-law Enforcement</td>
</tr>
<tr>
<td>N. Garisto</td>
<td>Ms. D. Fraser, Chief Librarian</td>
</tr>
<tr>
<td>D. Kidd</td>
<td>Mr. D. Jones, Director, Public Works</td>
</tr>
<tr>
<td>S. Wilson</td>
<td>Mr. B. Parrott, Treasurer</td>
</tr>
<tr>
<td></td>
<td>Ms. N. Tuckett, Director of Economic Development, Planning and Innovation</td>
</tr>
<tr>
<td></td>
<td>Chief Wayne Kalinski, Orangeville Police Service</td>
</tr>
<tr>
<td></td>
<td>Ms. J. Gohn, Manager, Human Resources</td>
</tr>
<tr>
<td></td>
<td>Mr. R. J. Lackey, Manager, Operations &amp; Development</td>
</tr>
<tr>
<td></td>
<td>Ms. R. Phillips, Manager, Economic Development</td>
</tr>
<tr>
<td></td>
<td>Ms. S. Lankheit, Deputy Clerk</td>
</tr>
<tr>
<td></td>
<td>Ms. S. Duncan, Manager, Communications</td>
</tr>
<tr>
<td></td>
<td>Mr. O. Vlaicu, IT Technician</td>
</tr>
</tbody>
</table>

**Call to Order**

The Chair, Mayor Williams, called the Council meeting to order at 7:00 p.m.

**Singing of National Anthem**

**Disclosure of (Direct or Indirect) Pecuniary Interest** None.

**Approval of Agenda**

The Chair advised of an addition to the closed meeting as authorized by the Municipal Act, 2001, Section 239.2:
(b) personal matters about an identifiable individual, including municipal or local board employees (appointments to Boards & Committees)

1 Moved by Councillor Garisto
   Seconded by Councillor Kidd

   That the agenda of December 8, 2014, be approved as amended.
   Carried.

Adoption of Minutes of Previous Council Meeting

The regular and closed minutes of meetings of Council held on September 29, 2014, were presented.

2 Moved by Councillor Campbell
   Seconded by Councillor Wilson

   That the regular and closed minutes of meetings of Council held on September 29, 2014, be adopted as printed and circulated.
   Carried.

Proclamations and Presentations

Mayor Jeremy Williams recognized the Distinguished Budget Presentation Award presented to the Town by the Government Finance Officers Association of the United States and Canada and congratulated the Treasury Department budget team.

Question Period

None.

Petitions and Delegations

Friends of Island Lake – Community Trails – Close the Gap Campaign (A01)

Mr. Bob Shirley, Co-Chair, Friends of Island Lake (FOIL), addressed Council with respect to the “Close the Gap Campaign”, noting that FOIL is working on the last piece of the trail to “close the gap” and have collected approximately $540,000 of the $800,000 needed to complete the trail.

Mr. Shirley requested Council to approve a grant of $25,000 for the trail.
Mr. Bill Lidster, Credit Valley Conservation Authority (CVC), outlined the CVC’s new fees, ongoing efforts to increase visitors to Island Lake in co-operation with Toronto Region Conservation Authority, Hills of Headwaters and Central Counties Tourism, Theatre Orangeville and other organizations.

3  Moved by Councillor Campbell  
Seconded by Councillor Wilson

That Council consider a $25,000 donation to the Island Lake trails during the 2015 budget deliberations

Carried.

Headwaters Communities in Action – Annual Update (A01)

Ms. Shirley Boxem, Headwaters Communities in Action, provided an update on the organization’s 2014 activities and 2015 initiatives and requested Council to approve a $5,000 grant that would assist the organization in leveraging an additional $50,000 in funding and $50,000 through in-kind donations.

4  Moved by Councillor Bradley  
Seconded by Councillor Wilson

That the presentation from Ms. Shirley Boxem, Headwaters Communities in Action, with respect to Headwater Communities in Action annual update, be received;

And that Council consider the funding request for $5,000 during the 2015 budget deliberations.

Carried.

Orangeville Sustainability Action Team – Tree-Watering Bags Program (M04)

Mr. Mark Whitcombe, Orangeville Sustainability Action Team member, addressed Council with respect to the success of tree-watering bags program implemented by the Orangeville Sustainability Action Team, and suggested that the use of the bags be mandated in the Town’s contract with its arborist.

Mr. Whitcombe noted that the program demonstrated the value of committees and urged Council to continue its support of committees through the budget process.
Canadian Union of Postal Workers Local 577 – Resolution – Home Postal Service (M04)

Mr. Gord Taylor, President and Ms. Nancy Prendergast, Secretary-Treasurer, Canadian Union of Postal Workers Local 577, addressed Council with respect to a resolution regarding changes to home postal service.

Resolutions from the County of Huron, dated November 25, 2014, and the Township of Pelee, dated December 1, 2014, with respect to changes to home postal service, were presented.

Moved by Councillor Garisto
Seconded by Deputy Mayor Maycock

Whereas Canada Post announced on December 11, 2013 that it plans to convert all door-to-door delivery to community mailbox (CMB) delivery;

Whereas community mailboxes are susceptible to vandalism, and have additional problems in terms of safety, accessibility, litter, snow build-up and the environment;

Whereas going to CMB delivery would be especially hard on seniors and people with disabilities and could undermine their ability to live independently and their health and safety;

Whereas door-to-door delivery helps build strong communities by providing a service that supports local businesses and residents;

Be it resolved that the Town of Orangeville send a letter to the Minister responsible for Canada Post and to our local Member of Parliament that:

1) informs the Minister that the Town of Orangeville wants to keep and expand door-to-door delivery;

2) requests that the Government consult with Canadians about what kind of postal service they need before allowing Canada Post to make major changes to public postal service.

Carried.

Kin Club of Orangeville – 2015 Santa Claus Parade (M04)

Mr. Doug Robinson, Kin Club of Orangeville member, addressed Council with respect to the 2015 Santa Claus Parade, displayed highlights from the 2014 Santa Claus Parade and requested that council continue to support the Parade with a grant of $6,000 in 2015.
Moved by Councillor Garisto
Seconded by Deputy Mayor Maycock

That Council consider the funding request for $5,000 during the 2015 budget deliberations.

Carried.

Sign By-law 28-2013 – Request to Amend Section 7.3 (T07)

Correspondence from the Rotary Club, Lions Club and Orangeville Blues and Jazz Festival, addressed Council with respect to an amendment to Sign By-law 28-2013, Section 7.3, to allow additional signs promoting community events.

Moved by Councillor Bradley
Seconded by Councillor Wilson

That the enquiry be referred to the Sign Development Review Committee to bring forward a recommendation to Council.

Carried.

Correspondence
Orangeville and District Snowmobile Association – Snowmobile By-law (M04)

Correspondence from Mr. Zen Slipenkyj, President, Orangeville and District Snowmobile Club Association, dated October 5, 2014, with respect to the snowmobile by-law, was presented.

Moved by Councillor Wilson
Seconded by Councillor Kidd

That staff work with the Snowmobile Club to review the by-law and report to Council

Carried.

Orangeville Business Improvement Area – Board of Management Resolutions (A01)

Correspondence from the Orangeville Business Improvement Area, Board of Management, dated November 25, 2014, with respect to resolutions, was presented.
Moved by Councillor Wilson
Seconded by Councillor Bradley

That the correspondence from the Orangeville Business Improvement Area – Board of Management, dated November 25, 2014, be received;

And that any Orangeville Business Improvement Area surplus or deficit remaining at the end of any fiscal year following the audit shall be added to, or removed from, the Orangeville Business Improvement Area operating reserve;

And that the Orangeville Business Improvement Area Board of Management has the discretion to exceed the approved budgeted expenditures, in any given year, by an amount limited to an overall variance of 5% of the approved budgeted expenditures, provided that an amount equal to the variance is available in the Orangeville Business Improvement Area operating reserve.

Carried.

Orangeville Business Improvement Area – Board of Management – Downtown Parking Study (A01)

Correspondence from the Orangeville Business Improvement Area, Board of Management, dated November 28, 2014, with respect to a downtown parking study, was presented.

Moved by Councillor Bradley
Seconded by Councillor Wilson

That Council consider the funding request for a parking study during the 2015 budget deliberations.

Carried.

Appointment of Directors – Orangeville Railway Development Corp. (T12)

Correspondence from Ritchie Ketcheson Hart & Biggart LLP, dated December 2, 2014, with respect to the appointment of directors, was presented.

Moved by Deputy Mayor Maycock
Seconded by Councillor Wilson

That the correspondence from Ritchie Ketcheson Hart & Biggart LLP, dated December 2, 2014, with respect to the appointment of directors to the Orangeville Railway Development Corp., be received;
And whereas Rob Adams and Mary Rose are anticipated to resign as directors of Orangeville Railway Development Corp;

And whereas the Town is the sole shareholder of Orangeville Railway Development Corp., a corporation incorporated pursuant to the Business Corporations Act and the Shortline Railways Act, 1995;

Be it therefore resolved that Nick Garisto and Don Kidd be appointed as directors of Orangeville Railway Development Corp.

Carried.

Moved by Councillor Wilson
Seconded by Councillor Bradley

That the Orangeville Railway Development Corp. (ORDC) and the Town of Orangeville make representations to the Province of Ontario’s Minister of Transportation respecting the property tax appeal issue;

And that the Mayor and appropriate staff attend any meetings arranged for that purpose.

Carried.

Information Items

The following items were presented for the information of Council:

Heritage Permit Applications (P11)
HR 11/14 – The Tipsy Toad Pub and Grill, 171 Broadway (Signage). 
HR 12/14 – The Tipsy Toad Pub and Grill, 171 Broadway. 
HR 13/14 – The Black Wolf Smokehouse, 139 Broadway.

New Businesses in Orangeville – September 1 to October 31, 2014  
(ED-2014-20) (C11/D02) 

2014 Third Quarter Operating Variance Report (TF-2014-42) (C11/F05) 

Update on Emerald Ash Borer Management Program (PW-2014-59)  
(C11/E04) 
Annual Reports (C11)
Arts and Culture Committee, dated November 5, 2014.
Mayor’s Seniors Advisory Committee, dated November 5, 2014.

Renewing of Facility Cleaning Agreements, Orangeville Services
Prevention of Cruelty to Animals Contracted Service Agreement
(BB-2014-10) (C11/L14)

Reserve Adequacy Analysis (TF-2014-41) (C11/F21)

Letter of Appreciation – Sports and Cultural Events Funding (M04)
Correspondence from Jason and Jeremy Noble, recipients of Sports and Cultural
Events Funding, dated September 22, 2014.

Resolutions – Town of Mono (C10)
Town of Mono resolution, dated September 26, 2014, addressed to Premier
Kathleen Wynne, with respect to the use of neonicotinoid pesticides.

Town of Mono resolution, dated November 11, 2014, addressed to the Township
of Greater Madawaska, with respect to Bill 83, Protection of Public Participation
Act 2014.

Town of Mono resolution, dated October 7, 2014, addressed to Spectrum
Management Operations Branch, with respect to consultation on policy changes
in the 3500 MHz band and new licensing process in rural areas.

Resolution – County of Dufferin (C10)
Resolution from the County of Dufferin, dated October 8, 2014, addressed to
Spectrum Management Operations Branch, with respect to consultation on policy changes
in the 3500 MHz band and new licensing process in rural areas.

Ontario Municipal Board – Environment and Land Tribunals Ontario
Notice of Prehearing Conference – 45 Church Street - OPZ 1/14 (A01/D09)
Ontario Municipal Board notice of a prehearing conference, to be held February
18, 2015, with respect to 45 Church Street - OPZ 1/14.

Ontario Good Roads Association – Nominations to the Board of Directors –
Deadline Extended (A01)
Correspondence from the Ontario Good Roads Association, dated November 11,
2014, extending the deadline for nominations to December 19, 2014.
Moved by Deputy Mayor Maycock
Seconded by Councillor Bradley

That the information items be received

Carried.

Moved by Councillor Bradley
Seconded by Councillor Kidd

That the Town of Mono resolution, dated September 26, 2014, addressed to Premier Kathleen Wynne, with respect to the use of neonicotinoid pesticides, be referred to staff to prepare a similar resolution in support.

Carried.

Moved by Councillor Wilson
Seconded by Councillor Bradley

That Mr. R. J. Lackey, Manager, Operations & Development, be nominated for election to the Board of Directors of the Ontario Good Roads Association.

Carried.

Reports

2015 Schedule of Council/Budget Meetings (CL-2014-11) (C11/C03)

A report from Ms. S. Greatrix, Clerk, dated December 8, 2014, was presented.

Moved by Councillor Garisto
Seconded by Councillor Kidd

That report CL-2014-11, dated December 8, 2014, with respect to a schedule of council meetings for 2015, be received;

And that the schedule of council meetings as outlined in Option 2 attached to the report be approved.

Defeated.
Moved by Councillor Bradley  
Seconded by Councillor Wilson

That report CL-2014-11, dated December 8, 2014, with respect to a schedule of council meetings for 2015, be received;

And that the schedule of council meetings as outlined in Option 1 attached to the report be approved.

Carried.

Resolution – Special Meetings (C03)

14 Moved by Councillor Bradley  
Seconded by Councillor Garisto

That special meetings of Council and/or the Finance and Administration Committee of Council be held on Monday, December 15, 2014, commencing at 7:00 p.m.

Carried.

Councillor Campbell offered her regrets for the meeting on December 15th, noting that she had another commitment and would not be able to attend.

Indoor Facility Assessment Study Final Report (PR-2014-16) (C11/R05)

Annad Desai from Monteith Brown Planning Consultants provided a presentation to Council, with respect to the Indoor Facility Assessment Study.

A report from Mr. E. Brennan, Director of Parks and Recreation, dated December 8, 2014, was presented.

15 Moved by Councillor Wilson  
Seconded by Councillor Bradley

That report PR-2014-16, dated December 8, 2014, with respect to the Indoor Facility Assessment Study Final Report, be received;

And that Council accept the findings as presented in the Indoor Facilities Assessment Study;

And that staff consider the recommendations for future planning and development of recreation programs and facilities.
Councillor Campbell requested a recorded vote:

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor Wilson</td>
<td>Yes</td>
</tr>
<tr>
<td>Councillor Bradley</td>
<td>Yes</td>
</tr>
<tr>
<td>Councillor Campbell</td>
<td>No</td>
</tr>
<tr>
<td>Councillor Kidd</td>
<td>Yes</td>
</tr>
<tr>
<td>Councillor Garisto</td>
<td>Yes</td>
</tr>
<tr>
<td>Deputy Mayor Maycock</td>
<td>Yes</td>
</tr>
<tr>
<td>Mayor Williams</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Carried.

Moved by Councillor Wilson
Seconded by Councillor Campbell

That this Council state that it will not close, on a permanent basis, Tony Rose Pool during this term of Council.

Deputy Mayor Maycock requested a recorded vote:

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor Wilson</td>
<td>Yes</td>
</tr>
<tr>
<td>Councillor Bradley</td>
<td>No</td>
</tr>
<tr>
<td>Councillor Campbell</td>
<td>Yes</td>
</tr>
<tr>
<td>Councillor Kidd</td>
<td>Yes</td>
</tr>
<tr>
<td>Councillor Garisto</td>
<td>Yes</td>
</tr>
<tr>
<td>Deputy Mayor Maycock</td>
<td>Yes</td>
</tr>
<tr>
<td>Mayor Williams</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Carried

Meeting Recessed 9:26 p.m.
Meeting Reconvened 9:36 p.m.

Bid for Founders Cup 2016 (PR-2014-18) (C11/F00)

Mr. Bruce Codd and Mr. Ryan Dowdall, Orangeville Minor Lacrosse Association, provided a presentation to Council with respect to the bid for Founders Cup 2016 and requested:
- a letter of support from Council and the Parks and Recreation Department
- that Council support the Recreation Committee’s suggestions respecting
  o a grant to cover floor time costs
  o reduced costs to rent meeting rooms
  o placing the Founders Cup & Northmen logos on floor/boards
A report from Mr. E. Brennan, Director of Parks and Recreation, dated December 8, 2014, was presented.

17 Moved by Councillor Wilson  
Seconded by Deputy Mayor Maycock

That report PR-2014-18, dated December 8, 2014, with respect to the Bid for Founders Cup 2016, be received;

And that Council offer support to the Orangeville Minor Lacrosse Association in its bid to secure the 2016 Founders Cup;

And that should the bid be successful, Council consider support of the Tournament with a grant and/or in-kind contribution of up to $7,500;

And that Economic Development and Parks and Recreation Staff be directed, following consultation with community sport organizations, to prepare a municipal policy for sport bid and hosting opportunities for consideration by Council;

And that Council consider a sports tourism reserve fund with a maximum contribution of $10,000 annually and funded from any potential savings generated within the Parks and Recreation and Economic Development operating budgets, to be used to support future sport/event opportunities.

Carried Unanimously.

Petitions and Delegations

Debbie Sipkema and Kim Newby, representing the Dufferin County Cultural Resource Circle, presented highlights of the first Aboriginal Day Festival held on June 21, 2014 and proposed 2015 Festival and requested that Council continue the in-kind support provided by the Town in 2014.

Moved by Councillor Bradley  
Seconded Councillor Wilson

That Council receive information and approve continuing the in-kind support provided by the Town in 2014.

Carried.

A report from Ms. N. Tuckett, Director of Economic Development, Planning and Innovation, dated December 2, 2014, was presented.

18 Moved by Deputy Mayor Maycock
Seconded by Councillor Wilson

That report PL-2014-36, dated December 2, 2014, with respect to the Ontario Municipal Board Appeal for Official Plan and Zoning By-law Amendment Applications OPZ 3/14 (Southwest corner of Alder and C Line), be received;

And that legal counsel be sought to represent the Town at the Ontario Municipal Board hearing, as needed.

Carried.

Deputy Mayor Maycock requested a recorded vote

Councillor Wilson  Yes
Councillor Bradley  Yes
Councillor Campbell  Yes
Councillor Kidd  Yes
Councillor Garisto  Yes
Deputy Mayor Maycock  Yes
Mayor Williams  Yes

Carried.

Plan of Subdivision Application S 1/14 – Hamount Investments Ltd. 20 C Line (PL-2014-37) (C11/D11)

A report from Ms. N. Tuckett, Director of Economic Development, Planning and Innovation, dated November 21, 2014, was presented.

19 Moved by Councillor Garisto
Seconded by Councillor Kidd

That report PL-2014-37, dated November 21, 2014, with respect to Plan of Subdivision Application S 1/14 as submitted by Hamount Investments Ltd., 20 C Line, be received;
And that Council authorize the Mayor and Clerk to execute the subdivision agreement for 20 C Line and pass a by-law to that effect;

And that the Mayor be authorized to sign the final plans for registration once all of the conditions have been cleared and the required financial obligations have been met for the development.

Carried.

Orangeville Hydro Services Inc. (CL-2014-12) (C11/E06)

A report from Ms. S. Greatrix, Clerk, dated December 8, 2014, was presented.

20 Moved by Councillor Garisto
Seconded by Deputy Mayor Maycock

That report CL-2014-12, dated December 8, 2014, with respect to Orangeville Hydro Services Inc., be received;

And that the Mayor and Clerk be authorized to execute confirmation of the Resolution of Orangeville Hydro Services Inc., dated the 8th day of July, 2014.

Carried.

Toronto 2015 Torch Relay for the Pan Am Games Celebration Community (ED-2014-17) (C11/M02)

A report from Councillor S. Wilson, Chair, Torch Relay Planning Team, dated November 24, 2014, was presented.

21 Moved by Councillor Wilson
Seconded by Councillor Bradley

That report ED-2014-17, dated November 24, 2014, with respect to Toronto 2015 Torch Relay for the Pan Am Games Celebration Community, be received;

And that a maximum of $25,000 be granted to supporting the Torch Relay Community Celebration within the 2015 Committees – Community Initiatives budget line;

And that following completion of a public nomination process, the Torch Relay Planning Team report to Council in January 2015 with recommendations for a Community Torchbearer and alternates.
Deputy Mayor Maycock requested a recorded vote.

Councillor Wilson  Yes  
Councillor Bradley  Yes  
Councillor Campbell  Yes  
Councillor Kidd  Yes  
Councillor Garisto  No  
Deputy Mayor Maycock  Yes  
Mayor Williams  No  

Carried.

Credit Valley Explorer (ED-2014-19) (C11/T12)

A report from Ms. N. Tuckett, Director of Economic Development, Planning and Innovation, dated November 19, 2014, was presented.

22  Moved by Councillor Wilson  
Seconded by Councillor Bradley  

That report ED-2014-19, dated November 27, 2014, with respect to the Credit Valley Explorer, be received;

And that staff be directed to move forward with Option 3 outlined in this report and enter into discussions with representatives from Cando Rail Services and Theatre Orangeville regarding in-kind marketing and customer service/ booking support as an enhanced contribution towards the operation of the Credit Valley Explorer Tour Train on a trial basis for 2015 with a view to work towards profitability with the Credit Valley Explorer;

And that staff report back to Council with a proposed year long trial agreement in 2015.

Carried.

Capital Deficit Funding Proposal (TF-2014-40) (C11/F05)

A report from Mr. B. Parrott, Treasurer, dated December 8, 2014, was presented.

23  Moved by Councillor Bradley  
Seconded by Councillor Campbell  

That report TF-2014-40, dated December 8, 2014, with respect to Capital Deficit Funding Proposal, be received;
And that Council authorize a wastewater rates reserve fund transfer in the amount of $24,850;

And that Council authorize a water rates reserve fund transfer in the amount of $19,450;

And that Council authorize the acquisition of external debt in the amount of $1,850,000.

Deputy Mayor Maycock requested a recorded vote.

Councillor Wilson	Yes
Councillor Bradley	Yes
Councillor Campbell	Yes
Councillor Kidd	No
Councillor Garisto	No
Deputy Mayor Maycock	Yes
Mayor Williams	Yes

Carried.

Leased Parking Lot Proposed Renewal Agreement with Artel Inc., for the Leased Parking Spaces at 112 Broadway (BB-2014-09) (C11/L07)

A report from Mr. V. Douglas, Director of Building and By-law Enforcement, dated November 26, 2014, was presented.

24 Moved by Councillor Wilson
Seconded by Councillor Bradley

That Council refer Report BB-2014-9 (Leased Parking Lot Proposed Renewal Agreement with Artel Inc., for the Leased Parking Spaces at 112 Broadway) to the closed meeting scheduled for this date, pursuant to:

S. 239(2)(b), Municipal Act (closed meeting under another Act) and s. 11, Municipal Freedom of Information and Protection of Privacy Act (Economic and Other Interests)

Carried.

Emergency Management Committee Proposal (GA-2014-03) (C11/C12)

A report from Mr. R.K. Schwarzer, C.A.O., and Mr. B. Parrott, Treasurer, dated December 8, 2014, was presented.
Moved by Councillor Campbell
Seconded by Councillor Bradley

That report GA-2014-03, dated December 8, 2014, with respect to the Emergency Management Committee Proposal, be received;

And that Council approve the creation of the Emergency Management Committee.

Carried.

Tender Results for Horticultural Services for Supplying, Planting, Watering and Maintenance of Gardens and Planters – Tender No. 18PW-14 (PW-2014-55) (C11/F18)

A report from Mr. R. J. Lackey, Manager of Operations and Development, dated November 25, 2014, was presented.

Moved by Councillor Garisto
Seconded by Deputy Mayor Maycock

That report PW-2014-55, dated November 25, 2014, with respect to tender results for Horticultural Services of Supplying, Planting, Watering and Maintenance of Gardens and Planters (Tender No. 18PW-14), be received;

And that Council accept the tender submitted by Whispering Pines Landscaping for Horticultural Services for Supplying, Planting, Watering and Maintenance of Gardens and Planters, subject to the Town receiving acceptable safety and insurance documentation, all in accordance with the terms and conditions set forth in the tender.

Carried.

Extension of the Transit Services Contract (PW-2014-58) (C01/T03)

A report from Mr. R. J. Lackey, Manager of Operations and Development, dated November 25, 2014, was presented.

Moved by Councillor Bradley
Seconded by Councillor Campbell

That report PW-2014-58, dated November 25, 2014, with respect to the Extension of the Transit Services Contract, be received;
And that the current contract with First Student Canada Inc. be extended for a period of two years, subject to the Town receiving acceptable safety and insurance documentation, all in accordance with the terms and conditions set forth in the current agreement;

And that Council consider a by-law authorizing the Mayor and Clerk to sign an agreement with First Student Canada Inc. to extend the existing contract for an additional two-year period.

Carried.

Extension of Agreement to Temporarily Accept Sewage from a New Development in Mono (PW-2014-57) (C11/E03)

A report from Mr. D. Jones, Director of Public Works, dated November 25, 2014, was presented.

28 Moved by Councillor Wilson
Seconded by Councillor Kidd

That report PW-2014-57, dated November 25, 2014, with respect to an extension to the Agreement to temporarily accept sewage at the Water Pollution Control Plant from a new development in Mono, be received;

And that Council consider a by-law authorizing the Mayor and Clerk to sign an extension to the agreement with Brookfield Homes (Ontario) Ltd. to temporarily accept sewage from the Fieldstone Residential Community Development in the Town of Mono.

Carried.

Update on Federal and Provincial Funding Programs (PW-2014-60) (C11/F11)

A report from Mr. D. Jones, Director of Public Works, dated November 25, 2014, was presented.

29 Moved by Councillor Garisto
Seconded by Councillor Campbell

That report PW-2014-60, dated November 25, 2014, with respect to an update on Federal and Provincial Funding Programs, be received;
And that Council consider a by-law authorizing the Mayor and Clerk to sign a contribution agreement with Her Majesty the Queen in Right of Ontario.

Carried.

Appointment of Fire Negotiations Committee
(HR-2014-04) (C11/C12)

A report from Ms. J. Gohn, Human Resources Manager, dated November 21, 2014, was presented.

Moved by Deputy Mayor Maycock
Seconded by Councillor Wilson

That report HR-2014-04, dated November 21, 2014, with respect to the appointment of the Fire Negotiations Committee, be received;

And that Council establish the Corporation’s Fire Negotiation Committee;

And that Council direct the committee to begin preparations for the bargaining process with the Orangeville Professional Firefighter’s Association Local 4328 in February 2015;

And that Councillors Campbell and Bradley be appointed to the Fire Negotiation Committee.

Deputy Mayor Maycock requested a recorded vote

Councillor Wilson  Yes
Councillor Bradley  Yes
Councillor Campbell  Yes
Councillor Kidd  Yes
Councillor Garisto  No
Deputy Mayor Maycock  Yes
Mayor Williams  Yes

Carried.


A memorandum from the Property Standards Committee, dated December 2, 2014, with respect to a motion made at its July 29, 2014 meeting, was presented.
Moved by Councillor Campbell
Seconded by Councillor Bradley

That Public Works staff prepare a draft by-law for Council's consideration that outlines an application process for dealing with landscaping encroachments on the Town's road right of way, and conditions under which such encroachments could be considered, having regard for maintenance, site lines/safety, and other considerations.

Carried.

Committee Minutes (C06)

The following minutes were presented for the information of Council:

Access Orangeville – September 2.
Arts and Culture – September 10, October 8.
Committee of Adjustment – November 5.
Economic Development Committee – June 24, September 23.
Heritage Orangeville – June 25.
Mayor's Seniors' Advisory Committee – September 3.
Orangeville Public Library – September 24, October 22.
Orangeville Sustainability Action Team – October 14.
Recreation Committee – September 11, October 2.

Moved by Councillor Campbell
Seconded by Deputy Mayor Maycock

That the minutes of the meetings listed be received.

Carried.

Resolutions

Federation of Canadian Municipalities – National Board of Directors (A01) (Councillor Wilson)

Moved by Councillor Bradley
Seconded by Councillor Campbell

Whereas the Federation of Canadian Municipalities (FCM) represents the interests of municipalities on policy and program matters that fall within federal jurisdiction;
And whereas FCM’s National Board of Directors is comprised of elected municipal officials from all regions and sizes of communities to form a broad base of support and provide FCM with the prestige required to carry the municipal message to the federal government;

Be it resolved that the Council of The Corporation of the Town of Orangeville endorse Councillor Scott Wilson to stand for election on FCM’s National Board of Directors; and

Be it further resolved that Council assume all costs associated with Councillor Wilson attending FCM’s National Board of Directors meetings.

Carried.

By-laws (C01)

34 Moved by Councillor Bradley
Seconded by Councillor Wilson

That bill 14-097 (a by-law to amend Sign By-law 28-2013) be deferred to the next meeting of Council and that bills 14-094 and 14-096, 14-098 to 14-101 be read, enacted, signed, sealed and numbered as follows:

By-law 95-2014 A by-law to confirm the proceedings of the Corporation of the Town of Orangeville at its regular meeting held on September 29, 2014 and its Inaugural Meeting held on December 1, 2014.

By-law 96-2014 A by-law to authorize the Temporary Borrowing for: Up to $24,000,000 (between January 1 and September 30, 2015) and Up to $12,000,000 (between October 1 and December 31, 2015).

By-law 97-2014 A by-law to authorize a Subdivision Agreement with Hamount Investments Ltd., and to authorize the signing of the final M-Plan upon clearance of all conditions (Hamount Investments Ltd.; 20 C Line; S 1/14).

By-law 98-2014 A by-law to authorize an extension of a public transit service contract with First Student Canada Inc.

By-law 99-2014 A by-law to authorize the extension of an agreement with Brookfield Homes (Ontario) Limited to temporarily accept raw sewage at the Water Pollution Control Plant.
By-law 100-2014  A by-law to authorize a contribution agreement with the Minister of Agriculture, Food and Rural Affairs (OMAFRA) under the Formula-Based Component of the Ontario Community Infrastructure Fund.

Carried.

Closed Meeting

Moved by Councillor Campbell
Seconded by Councillor Garisto

That Council move into a closed meeting as authorized by the Municipal Act, 2001, Section 239.2 (b) personal matters about an identifiable individual, including municipal or local board employees (Honours Committee).

Carried.

Motion to Continue Meeting Past 11:00 p.m.

Moved by Councillor Kidd
Seconded by Councillor Garisto

That the meeting continue past 11:00 p.m.

Councillor Wilson  No
Councillor Bradley  No
Councillor Campbell  No
Councillor Kidd  No
Councillor Garisto  No
Deputy Mayor Maycock  No
Mayor Williams  No

Defeated.

The meeting adjourned.  (11:01 p.m.)

Jeremy D Williams, Mayor
Susan Greatrix, Clerk
November 2014

Dear friends:

I am pleased to invite you to participate in two of Ontario's volunteer recognition programs for 2015.

The Ontario government recognizes volunteers from all sectors through the following programs:

The Ontario Medal for Young Volunteers - presented to young volunteers between the ages of 15 and 24 for their actions and dedication to improve the quality of life in their communities and beyond.

Deadline for nominations is January 15

The Ontario Volunteer Service Awards - in recognition of continuous years of service to a single community organization.

Deadline for nominations is January 25

Nomination forms and additional information are available on the Ministry of Citizenship, Immigration and International Trade website at www.ontario.ca/honoursandawards

You may also contact the Ontario Honours and Awards Secretariat by phone at: 416-314-7526 or 1-877-832-8622; by TTY at 416-327-2391.

Please take this opportunity to nominate volunteers for the appropriate award program and feel free to share this letter with others that would be interested in participating in these worthwhile programs.

By submitting a nomination, you can help ensure that volunteers receive the recognition they deserve.

Additionally, please find a bookmark enclosed which invites you to visit the ServiceOntario for Not-for-profits site, a new government resource to help start and manage not-for-profits.

Thank you for participating.

Yours truly,

Michael Chan
Minister
Purpose
The purpose of this report is to inform Council of a proposed request for an encroachment agreement between the landowner at 137-139 Broadway and the Town to permit an encroachment of the front wall and façade of an existing building in the Broadway road allowance and recommend approval of same.

Background and Discussion
The subject property is located on the north side of Broadway, between First and Second Street (See Schedule “A”). The building, which housed the White Truffle restaurant recently was sold. It was noted upon a zoning compliance request that the building encroaches onto the Town’s road allowance. The new owner has requested that this encumbrance be addressed.

As Council is aware the relationship of historical buildings to property lines can often result in conflicts, such as encroachments over property lines. The existing building was constructed in 1886 with its front wall approximately 0.51 metres (1.6 feet) within the municipal road allowance of Broadway. The overhanging eaves and the second floor window also encroach by 1.0 metre (3.2 feet) and 1.22 metres (4 feet), respectively.
An Encroachment Agreement is a common tool used in situations such as this where a historical building has encroached over a property line and the affected property owner, in this case the Town, agrees to permit the encroachment but intends to protect its interests. In fact, the Town has entered into a number of encroachment agreements with private landowners elsewhere in the downtown, most recently for the property at 127 Broadway.

To satisfy the requirements of the Agreement, the landowner has arranged to include the Town on their liability insurance for the property to protect the Town against claims in the future. Staff feels this is an appropriate agreement to enter into as it legalizes an existing condition. As the Town will be included on the landowner's insurance coverage for the building, there will be no increased liability for the municipality as a result. In fact, the introduction of this Agreement will improve the situation as there is currently no agreement or insurance coverage in place for the existing encroachment of the building.

**Official Plan**
The Official Plan designates these lands “Central Business District” which permits a variety of commercial uses, including retail stores, restaurants, and office uses. The proposal conforms to the Official Plan.

**Zoning By-law**
The property is zoned Central Business District (CBD), which also permits the proposed uses. The front yard setback for buildings in the CBD Zone is “nil”.

**Financial Impact**
All costs associated with the registration of the encroachment agreement on title will be the property owner’s responsibility.

**Vision and Values**
The Vision and Values statement adopted by Council sets out a direction for the Town by presenting a set of core values that will guide Council’s and staff’s actions now and into the future. In particular, the statement outlines that the Town will “Encourage business growth” and “Honour our heritage”. The encroachment agreement would be consistent with the objectives of the Vision and Values statement and the Official Plan insofar that it would be seen to encourage the success of a local business while protecting an existing heritage building and enhancing the Broadway streetscape.

**Recommendation**
That Report PL-2014-32 dated December 10, 2014, regarding an Encroachment Agreement for 137-139 Broadway, as requested by Broadway Orangeville Holdings Inc., be received;
And that Council authorize the Mayor and Clerk to execute an Encroachment Agreement in substantially the same form as the Agreement attached as Schedule "B" and pass a by-law to that effect.

Respectfully submitted,

Nancy Tuckett, MSc. Pl., BEd, MCIP, RPP
Director of Economic Development,
Planning and Innovation

Prepared by,

Mary Adams
Planning Administrator

Attachments
Schedule “A” – Location Map
Schedule “B” – Encroachment Agreement
This agreement is entered into

BETWEEN

THE CORPORATION OF THE TOWN OF ORANGEVILLE
hereinafter referred to as "the Town"

and-

BROADWAY ORANGEVILLE HOLDINGS INC.
hereinafter referred to as "the Owner"

Background

1. The following are some of the facts upon which this agreement is based.
   (a) The Municipal Act, 2001, S.C. 2001, c.25, S.8 provides a municipality with the powers of a natural person for the purpose of exercising its authority under this or any other Act;
   (b) The Owner is the registered and beneficial Owner of property described as Lot 17, Plan 47, Town of Orangeville, County of Dufferin, known municipally as 137-139 Broadway which is hereinafter referred to as "the property" (P.I.N. 34024-0106 (LT)).
   (c) The Owner has sought the permission of the Town to maintain a portion of the building, the overhanging eaves, and the second floor window (hereinafter called the "Encroachment") on the property which encroach onto the Broadway public road allowance by approximately 0.51 metres, 1.0 metres, and 1.22 metres.
   (d) The Town has agreed to permit the Owner such Encroachment.

Terms of Agreement

2. The Owner will at its costs, charge and expense and to the satisfaction of the Town, keep and maintain the Encroachment in a good and proper state of repair and safety, and will not make any additions or modifications to the Encroachment without first obtaining the express written consent of the Town.

3. The Owner shall have the benefit of the herein Encroachment for the life of the building, and may make all reasonable use of that part of the building constituting the Encroachment, including reasonable repairs and maintenance in the same manner as an owner of the property could enjoy. Such benefit shall not include any other rights, title or interest to the Owner or its successors in title, in the said lands.

4. The Owner agrees to indemnify and save harmless the Town from and against all actions, causes of actions, interest, claims, demands, costs damages, expenses or loss which the Town may suffer or sustain or be put to by reason of any damage to property or injury or death to any person as a result of the existence of the Encroachment encroaching over or upon the public road allowance known as Broadway. At the time of execution of this Agreement, the Owner shall deliver to the Town an endorsement from its general liability insurance policy confirming that the Town has been named as an additional insured for third party bodily injury and property damage arising out of the granting of this Agreement to no less than Two Million ($2,000,000.00) Dollars or such greater amount as the Town may require. This policy shall be kept in force by the Owner during the term of this Agreement and the Owner shall deliver to the Town forthwith upon the placing of said endorsement or renewal thereof, as the case may be, a copy of the said policy satisfactory to the Town.

5. The Owner covenants and agrees to assign and to transfer this Agreement to any successor of the herein lands and will obtain from such successor a covenant in favour of the Town that the successor will be bound by all of the terms and conditions of this Agreement and in particular reference to Paragraph four (4) herein. It is the intention that the successor of the Owner shall have the benefit of and be liable for performance of the obligations contained in this Agreement.

6. The Owner covenants and agrees that the Town, its respective officers, servants, workers, employees, agents and contractors under its control or supervision or any of them shall have
the right from time to time and at all reasonable times during the currency of this Agreement, to enter in and upon the lands herein with all necessary workers, equipment and material for the purposes of inspecting the Encroachment or removing same from the lands if the Owner neglects, refuses or fails to comply with a duly served notice of alteration or removal as hereinbefore provided; PROVIDED that such inspection shall not free or relieve the Owner in any way whatsoever from the liability under the covenant hereinbefore set out to keep and maintain the Encroachment in good and proper repair and condition.

7. The Owner covenants that any gas, telephone, electric, light or other public utility company shall have the right at all times to enter upon the lands for the purpose of constructing, repairing, maintaining, replacing or removing any sewers, mains, culverts, drains, water pipes, gas pipes, poles, wires or other underground services and installations. The Owner shall not be entitled to any damages or compensation by reason of the exercise of the utility company's rights contained in this paragraph and the Owner at its own expense shall carry out such alterations or removal of the Encroachment as the Town may direct pursuant to the terms of this paragraph.

8. The Owner agrees that for the purpose of this Agreement, notice may be given to it by mailing same, post paid and addressed to:

Broadway Orangeville Holdings Inc.
c/o Luciano Rubino and Edward Ventura
69 Baywood Road
Toronto, Ontario
M9W 3Y8

Such notice shall be deemed to have been received by the Owner ten (10) days following the date when it was handed to the post office.

9. The Owner agrees that all parts of the Encroachment shall be removed at its expense upon demolition of the building.

In Witness whereof the Parties have signed this agreement.

in the presence of

THE CORPORATION OF THE TOWN OF ORANGEVILLE

Jeremy Williams, Mayor
Date: ________________

Susan Greatrix, Clerk
Date: ________________

BROADWAY ORANGEVILLE HOLDINGS INC.

____________________
Name: ______________________
I have the authority to bind the company
Position: ____________________
Date: ________________
The Corporation of the Town of Orangeville

By-law Number __________

A by-law to confirm the proceedings of the Corporation of the Town of Orangeville at its regular meeting held on December 8, 2014.

Whereas Section 5 (1) of the Municipal Act, 2001, as amended, provides that the powers of a municipal corporation shall be exercised by its council;

And whereas Section 5 (3) of the Municipal Act, 2001, as amended, provides that municipal powers shall be exercised by by-law;

Be it therefore enacted by the municipal Council of The Corporation of the Town of Orangeville as follows:

1. That all actions of the Council of The Corporation of the Town of Orangeville at its regular meeting held on December 8, 2014, with respect to every report, motion, by-law, or other action passed and taken by the Council, including the exercise of natural person powers, are hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this or a separate by-law.

2. That the Mayor and Clerk are authorized and directed to do all the things necessary to give effect to the action of the Council of The Corporation of the Town of Orangeville referred to in the preceding section.

3. That the Mayor and the Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the Town of Orangeville.

Passed in open Council this 15th day of December, 2014.

Jeremy D Williams, Mayor

Susan Greatrix, Clerk
The Corporation of the Town of Orangeville

By-law Number

A by-law to authorize entering into a term-debt agreement for capital project funding.

Whereas Council authorized the acquisition of external debt in the amount of $1,850,000 at its December 8, 2014 meeting;

And whereas the Treasurer recommends an amortization period for the debt of eight years;

And whereas it is desirable to complete the funding transaction before the end of the fiscal year;

Be it therefore enacted by the municipal Council of The Corporation of the Town of Orangeville as follows:

1. That the Treasurer be authorized to seek competitive quotations for the provision of term-debt from Schedule I Canadian banking institutions;

2. That the Treasurer be authorized to fix the term of the debt;

3. That the Treasurer be authorized to select the institution providing the lowest indicative bid at the date of closing for the bidding process;

4. That the financial institution selected and the Town will make every reasonable effort to complete the transaction prior to the end of the fiscal year;

5. That the Treasurer will report to Council in January with respect to the selection of the successful financial institution and the terms of the debt funding;

6. That the Mayor and Clerk are hereby authorized to execute a term-debt funding agreement with the financial institution selected and to affix the corporate seal thereto.

Passed in open Council this 15th day of December, 2014.

__________________________
Jeremy D Williams, Mayor

__________________________
Susan Greatrix, Clerk
The Corporation of the Town of Orangeville

By-law Number ________

A by-law to authorize The Corporation of the Town of Orangeville to enter into an Encroachment Agreement with Broadway Orangeville Holdings Inc. (137-139 Broadway)

Whereas Broadway Orangeville Holdings Inc., hereinafter called “the Owner” is the registered and beneficial Owner of property described as Lot 17, Plan 47, Town of Orangeville, County of Dufferin, municipally known as 137-139 Broadway, which is hereinafter referred to as “the property”;

And whereas the Owner has sought the permission of the Town to maintain the front wall and façade of the building (hereinafter called the “Encroachment”) at 137-139 Broadway which encroaches onto the public road allowance known as Broadway described in Schedule “B” herein;

And whereas the Town of Orangeville has agreed to permit the Owner such an Encroachment;

And whereas this agreement is entered into to satisfy the requirements of the Town;

Be it therefore enacted by the Municipal Council of The Corporation of the Town of Orangeville as follows:

1. That the Encroachment Agreement between Broadway Orangeville Holdings Inc. and the Corporation of the Town of Orangeville, in substantially the same form as the agreement attached hereto as Schedule “B”, is hereby approved.

2. And that the Mayor and Clerk are hereby authorized and instructed to execute the said agreement on behalf of the Corporation of the Town of Orangeville and to affix the corporate seal thereto.

Passed in open Council this 15th day of December, 2014.

________________________
Jeremy D Williams, Mayor

________________________
Susan Greatrix, Clerk