

**THE CORPORATION OF THE
TOWN OF MATTAWA**

AGENDA

**REGULAR MEETING OF COUNCIL
MONDAY, APRIL 28TH, 2014
7:00 P.M.**

**MUNICIPAL COUNCIL CHAMBERS
160 WATER STREET
MATTAWA, ONTARIO**

THE CORPORATION OF THE TOWN OF MATTAWA
A G E N D A
MUNICIPAL COUNCIL CHAMBERS
160 WATER STREET
MATTAWA, ONTARIO
MONDAY, APRIL 28TH, 2014 @ 7:00 P.M.

- 1. Call to Order**
- 2. Disclosure of Pecuniary Interest and Nature Thereof**
- 3. Petitions & Delegations**
 - 3.1 Andrew Layne, Canadian Cancer Society – Re: Upcoming Community Events
- 4. Correspondence**
 - 4.1 Corporation of the Town of Petrolia – Re: Support for Resolution
General Government Services Committee – Clerk
 - 4.2 Township of Papineau-Cameron – Re: RNH Rental & Homeowners Properties
General Government Services Committee – Clerk
 - 4.3 AMO – Re: Weekly Watch File
General Government Services Committee – Clerk
 - 4.4 AMO – Re: New AMO Task Force on Police Modernization Advice
Protection to Persons & Property Committee – Clerk
 - 4.5 AMO – Re: Announcement for Transit & Transportation Infrastructure
Environmental Services Committee – Clerk
 - 4.6 Ministry of Energy – Re: Clean Energy
Environmental Services Committee – Clerk
 - 4.7 Township of Wainfleet – Re: Support for Resolution
General Government Services Committee – Clerk
 - 4.8 FONOM – Re: 2014 FONOM Northeastern Municipal Conference
General Government Services Committee – Clerk
 - 4.9 Corporation of the Township of Bonfield – Re: Requesting Council Support
General Government Services Committee – Clerk
 - 4.10 AMO – Re: Weekly Watch File
General Government Services Committee – Clerk

Monday, April 28, 2014
Correspondence – Cont'd

- 4.11 Queen's Park Office – Re: First Responders Day Celebrations at Queen's Park Protection to Persons & Property Committee – Clerk
- 4.12 Board of Funeral Services – Re: Celebrate 100 Years General Government Services Committee – Clerk
- 4.13 Frank Klees MPP – Re: Inaugural First Responders Day May 1st Protection to Persons & Property Committee – Clerk
- 4.14 AMO – Re: OPP Billing Update & Additional Webinar General Government Services Committee – Clerk

5. Questions/Comments (public & Council) about the Content of the Agenda

6. Municipal Report Number 687

- **Minutes of Previous Meeting (s)**
- **Presentation of By-laws/Resolutions**
- **Adoption of Report**

7. Committee Reports

8. Questions from the Floor

9. New/Old Business

10. 2/3 (Special Resolutions – not previously circulated)

11. In Camera (Closed) None

12. Return to Regular Session

13. Adjournment

Monday, April 28, 2014

Members of Council,

Attached please find Municipal Report Number 687 for consideration by Council.

Respectfully submitted

David J. Burke
Acting Administrator/Clerk/Treasurer

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THE CORPORATION TOWN OF MATTAWA

COMMITTEE: GENERAL GOVERNMENT SERVICES

CHAIRPERSON: COUNCILLOR L. MICK

DEPT. HEAD: DAVID J. BURKE

TITLE: ADOPTION OF THE MINUTES

Draft By-Law

Item

Policy Recommendation

Mayor D. Backer and Members of Council:

It is respectfully recommended to Council that the minutes of the Regular Meeting of Monday April 14, 2014 be adopted as circulated.

Councillor L. Mick

THE CORPORATION OF THE TOWN OF MATTAWA

The minutes of the regular meeting of Council held Monday, April 14, 2014 at 7:00 p.m. in the Municipal Council Chambers.

Present: Mayor D. Backer
Councillor N. Walters
Councillor C. Lacelle
Councillor L. Mick
Councillor P. Dupras
Councillor L. Ross
Councillor M. L. Arrowsmith
David J. Burke, Clerk
Francine Desormeau, Deputy-Clerk

*When a recorded vote is requested and the minutes indicate the recorded vote was "Unanimous" it means all Councillors present and noted above voted in favour unless otherwise indicated.

1. Meeting Called to Order
2. No Disclosure of Pecuniary Interest and Nature Thereof
3. Petitions & Delegations
- 3.1 Anita Fortin made an oral presentation to Council on a Multi-Purpose Complex Committee proposal and requested a letter of support in principle for her proposed project.
4. Correspondence
5. No Questions/Comments about the Content of the Agenda
6. Municipal Report Number 686

Page No. 78

It is respectfully recommended to Council that the minutes of the Regular Meeting of Monday March 24, 2014 be adopted as circulated.

Carried

Page No. 79

That the disbursements for the month of March 2013 in the amount of \$440,293.83 be adopted as submitted.

Carried

Page No. 80

It is therefore recommended that By-law 14-13 be approved permitting the Mayor and Clerk of the Corporation of the Town of Mattawa to sign the 'MEMORANDUM OF UNDERSTANDING' Schedule "A" with the Mattawa and Area Food Bank.

Carried

Resolution Number 14-16

Moved by Councillor L. Mick

Seconded by Councillor C. Lacelle

That the Municipal Report Number 686 be adopted.

Carried

7. Committee Reports
- 7.1 Water Treatment Plant Ministry of Environment Inspection
- 7.2 2013 Summary Waterworks Report
8. Questions from the Floor
9. New/Old Business
10. 2/3 (Special Resolutions – not previously circulated)
11. In Camera (Closed) Session (None)
12. Return to Regular Session
13. Adjournment

The regular meeting of Council Monday, April 14, 2014 adjourned at 8:25 p.m.

Mayor

Clerk

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: PLANNING & DEVELOPMENT SERVICES

CHAIRPERSON: COUNCILLOR L. MICK

DEPT. HEAD: DAVID J. BURKE

TITLE: INTERIM CONTROL BY-LAW – ADULT ENTERTAINMENT ESTABLISHMENTS

Draft By-Law **Item** **Policy Recommendation**

Mayor D. Backer and Members of Council:

Research into regulating adult entertainment establishments has resulted in an interim control By-law being produced with respect to the prohibition and/or regulation of adult entertainment establishments.

An interim control by-law, if passed by Council, is in effect for one year and it is Council's intention to commence a review of the Official Plan and Zoning in the near future which would review this subject as part of the planning review process and provide options for Council consideration.

As an interim measure it is recommended that Council adopt the attached By-law which will provide for a moratorium on Adult Entertainment establishments.

Recommendation:

As an interim measure it is recommended that Council adopt the attached By-law 14-14 which will provide for a moratorium on Adult Entertainment establishments.

Respectfully submitted

Councillor L. Mick

CORPORATION OF THE TOWN OF MATTAWA

BY-LAW NUMBER 14-14

BEING A BY-LAW TO ESTABLISH AN AREA OF INTERIM CONTROL PURSUANT TO SECTION 38(1) OF THE PLANNING ACT

WHEREAS Section 38(1) of the Planning Act, R. S. O. 1990, C. P. 13, as amended, authorizes the Council of a municipality to pass an interim control by-law where the Council has directed that a review or study be undertaken in respect of land use planning policies in the municipality, or any defined area(s) thereof;

AND WHEREAS Council directed that a study be undertaken with respect to the prohibition and/or regulation of adult entertainment establishments and the land use issues associated therewith in the municipality;

AND WHEREAS Council has deemed it necessary and expedient to pass an interim control by-law with respect to adult entertainment establishments;

NOW THEREFORE, the Council of the Corporation of the Town of Mattawa enacts as follows:

1. For the purpose of this By-law, the following terms shall have the correspondence meanings;

“Adult Book” means printed matter which depicts or describes specified sexual activities or specified anatomical areas.

“Adult Bookstore” means any premises or part thereof where Adult Books are provided, offered for sale or rent, or for the use of a patron or member in the pursuance of a business, trade, calling, occupation, club, association or venture;

“Adult Entertainment Business” means any premises or part thereof in which is provided, in pursuance of a trade, calling, business, occupation, club, association or venture, services or goods appealing to or designed to appeal to erotic or sexual appetites or inclinations;

“Adult Entertainment Establishment” includes an Adult Entertainment Business, Body-rub Businesses, Adult Book Store or an Adult Videotape Store;

“Adult Videotape” means any Videotape the content of which is designed or held out as designed to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject-matter distinguished or characterized by the portrayal of one or more persons involved or engaging in specified sexual activities, or by an emphasis on the display of specified human body areas and, in the absence of evidence to the contrary, a videotape classified by the Ontario Film Review Board as “restricted” with the added information piece “adult sex film” shall be deemed to be an Adult Videotape”.

“Adult Videotape Store” means any premises or part thereof where Adult Videotapes are provided, offered for sale or rent, or for the use of a patron or member in the “Body-rub” is an activity where

the primary function is the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, a person's body or part thereof but does not included medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario;

“Body-rub Business” means any premises or part thereof where a Body-rub is performed, offered or in pursuance of a trade, calling, business, occupation, club, association or venture, but does not include any premises or part thereof where Body-rubs are performed for medical or therapeutic reasons by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario;

2. Except as noted, words or phrases found in this By-law shall have the same meaning as found in Zoning By-law No. 85-23 as amended, as applicable.
3. The provisions of this By-law shall apply to:
 - a. Those land located within the area regulated by the Town of Mattawa Zoning By-law 85-23, as amended, zoned:
 - i. Commercial (C) Zone;
 - ii. Commercial-Special (C-X) Zone;
 - iii. Highway Commercial (H-C) Zone;
 - iv. Industrial (I) Zone;
 - v. Open Space (OS-1) Zone
4. Notwithstanding any other by-laws to the contrary, including any site specific and/or exceptions found in Zoning By-law 85-23 as amended, no person shall, within those areas noted in Section 3 of this By-law erect or use any land building or structure for the purposes of an Adult Entertainment Establishment.
5. This By-law shall come into full force and effect on the date of enactment and shall expire twelve months there from unless the term is extended pursuant to Section 38 of the Planning Act RSO. 1990, C. P. 13, as amended.

READ PASSED AND ADOPTED this _____ day of _____ 2014.

Mayor

Clerk

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: BY-LAW & BUILDING DEPARTMENT
CHAIRPERSON: COUNCILLOR L. ROSS
DEPT. HEAD: DAVID J. BURKE
TITLE: REQUEST FOR SIX FOOT FENCE ON PROPERTY
 Draft By-law X Item Policy Recommendation

Mayor D. Backer and Members of Council:

Allan Aubin applied to the municipality in March (Correspondence 4.27 of the April 14th Agenda) to build a six foot fence on the East and South side of his property located at 330 Poplar Street. Fence By-Law # 93-35, Section 7 (b) (i) does not permit a fence to be constructed higher than 5 feet for a residential property.

The request for this fence is for privacy issues.

The fence By-Law permits Council to make exceptions to the height requirements. In the past Council has granted similar requests. For these reasons the following is recommended:

Recommendation:

That Council authorizes and permits a six foot fence along the East and South side on the property known as 330 Poplar Street excluding the front yard. Normal front yard By-Law requirements will be observed.

Respectfully submitted

Councilor L. Ross

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: PROTECTION TO PERSONS AND PROPERTY

CHAIRPERSON: COUNCILLOR L. ROSS

DEPT. HEAD: DAVID J. BURKE

TITLE: RENEWAL CONTRACT AGREEMENT WITH OPP

X Draft By-Law _____ Item _____ Policy Recommendation

Mayor D. Backer and Members of Council:

The present contract between the Town of Mattawa and the Ministry of Community Safety and Correctional Services (MCSCS) for policing services provided by the Ontario Provincial Police (OPP) is due to expire on April 30, 2014. In December 2013, the Ontario Provincial Police contacted the municipality to request an extension to the agreement for the provision of police services until December 31, 2014 when a new provincial funding formula and agreement will be presented to Council for its consideration. The Agreement was originally from the 1st day of May, 2009 to the 30th day of April, 2014.

Council did pass a By-law earlier this year (By-law 14-03) authorizing the signing of an amending agreement but the Legal Services Branch of the Ontario Provincial Police reviewed the documents and required some changes be effected and a new by-law be passed.

Two options were presented to the municipality which were to either enter into an amending agreement that includes the current cost recovery formula or to revert to a Section 5.1 policing arrangement under the Police Services Act which includes the current cost recovery formula.

All four municipalities (Mattawa Group of Four consisting of the Town of Mattawa, Township of Papineau-Cameron, Township of Calvin and the Township of Mattawan) have selected the first option, being the Section 10 PSA Contract Option.

Recommendation:

That Council of the Town of Mattawa authorizes the signing of an amending agreement with the Minister of Community Safety and Correctional Services by extending the contract for the provision of Police Services until December 31, 2014.

Respectfully submitted
Councillor L. Ross

CORPORATION OF THE TOWN OF MATTAWA

BY-LAW NUMBER 14-15

A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE MINISTER OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES

WHEREAS the Council of the Town of Mattawa did enter into an agreement with the Her Majesty the Queen in Right of Ontario as represented by the Minister of Community Safety and Correctional Services on the 1st day of May, 2009 to the 30th day of April, 2014 for the provision of Police Services in accordance with Section 10 of the Police Services Act;

AND WHEREAS pursuant to Section 32 of the Agreement, each party may amend the Agreement by written Agreement;

AND WHEREAS the Parties wish to amend the Agreement by extending the Agreement with the Minister of Community Safety and Correctional Services from May 1, 2014 to December 31, 2014;

AND WHEREAS it is deemed necessary to authorize the execution of an Amending Agreement.

NOW THEREFORE THE COUNCIL OF THE TOWN of MATTAWA HEREBY ENACTS AS FOLLOWS:

1. THAT By-law 14-03 is hereby repealed.
2. THAT the Corporation of the Town of Mattawa authorizes the extension of the Agreement with the Minister of Community Safety and Correctional Services as outlined in Schedule "A" attached to and forming part of this By-law
3. THAT the Mayor and Clerk are hereby authorized to execute on behalf of the Town of Mattawa, the Amending Agreement with Her Majesty the Queen in Right of Ontario as represented by the Minister of Community Safety and Correctional Services.
4. THAT the By-law shall come in to force and take effect on the date of its passing.

READ, PASSED AND ADOPTED this _____ day of _____ 2014.

Mayor

Clerk

Schedule “A” to By-law 14-15

This AMENDING AGREEMENT, made in four (4) originally executed copies, is from the 1st day of May 2014 to the 31st day of December 2014.

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

as represented by

**THE MINISTER OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES
 (“Ontario”)**

-and-

**THE CORPORATION OF THE TOWN OF MATTAWA
 (“the Municipality”)**

BACKGROUND

- A. The Parties entered into the Agreement for the provision of Police Services under Section 10 of the *Police Services Act* (the "Agreement") which commenced on the 1st day of May 2009.
- B. The Agreement includes all the Schedules and Appendices to the Agreement.
- C. Pursuant to Section 32, the Parties may amend the Agreement by written agreement.
- D. The Parties wish to amend the Agreement as set out in this Amending Agreement, by extending the duration of the contract to conclude on the 31st day of December 2014, and by applying the 2013 OPP municipal cost recovery formula to the period from January 1st, 2014 to December 31st, 2014, as supported by Bylaw #14-15 dated, the 28th day of April, 2014, of the Council of the Corporation of the Town of Mattawa (attached as Schedule “A”).

NOW THEREFORE, the Parties agree as follows:

- 1. Section 29 of the Agreement shall be replaced with the following:
 - 29. Notwithstanding the date upon which this Agreement is signed, the term of this Agreement shall commence on the 1st day of May 2009, and shall conclude on the 31st day of December 2014.

Schedule "A" to By-law 14-15

2. Effective January 1st, 2014 the parties agree that the Annual Budget shall be adjusted as set out in Schedule "B" to account for the application of the 2013 cost formula.

Relevant terms and conditions of the Agreement, that are not specifically amended but that relate to the amendments set out in this Amending Agreement shall be deemed to be amended so as to give effect to the changes herein.

Except for the amendments set out herein, the terms and conditions of the Agreement remain in full force and effect and time shall remain of the essence.

Notwithstanding the date upon which this Amending Agreement is signed, this Amending Agreement is effective from the 1st day of May 2014 to the 31st day of December, 2014.

FOR ONTARIO

The Minister of Community Safety and Correctional Services

FOR THE MUNICIPALITY

Mayor

Administrator/Clerk/Treasurer

Date signed by the Municipality: _____

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: SOCIAL & FAMILY SERVICES

CHAIRPERSON: COUNCILLOR M. L. ARROWSMITH

DEPT. HEAD: DAVID J. BURKE

TITLE: DECLARATION OF JUNE AS SENIORS MONTH

Draft By-Law Item Policy Recommendation

Mayor D. Backer and Members of Council:

In the correspondence section of the April 14, 2014 agenda, a letter (4.6) from the Minister Responsible for Seniors Affairs, the Honourable Mario Sergio, requested that communities proclaim the entire month of June as Seniors' Month.

Whereas Seniors' Month is an annual nation-wide celebration;

Whereas seniors have contributed and continue to contribute immensely to the life and vibrancy of this community and whereas their contributions past and present warrant appreciation and recognition and their stories deserve to be told;

Whereas the health and well-being of seniors is in the interest of all and further adds to the health and well-being of the community and whereas the knowledge and experience seniors pass on to us continues to benefit all therefore the following is recommended:

Recommendation:

That Council hereby proclaims the entire month of June to be Seniors' Month in the Town of Mattawa and encourages all citizens to recognize and celebrate the accomplishments of our seniors.

Respectfully recommended

Councillor M. L. Arrowsmith

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: SOCIAL AND FAMILY SERVICES

CHAIRPERSON: COUNCILLOR M. L. ARROWSMITH
(Council representative on Museum Board)

DEPT. HEAD: JACQUES BEGIN

TITLE: FINANCIAL ASSISTANCE TO MUSEUM FOR STAFFING COSTS

Draft By-Law

Item

Policy Recommendation

Mayor D. Backer and Members of Council:

Council approved a grant in the amount of \$15,000 in 2012 and 2013 to the Mattawa and Area Museum to offset their operating costs.

President John Whalen made a presentation to Council in spring of 2012 initially requesting financial assistance to ensure continuance of the Museum's efforts to maintain and promote the area's history.

Council appreciates the efforts and good work the Museum does and three years ago agreed to assume the museum building and by doing so took over the responsibility of maintaining the building. This permitted the Board to concentrate on programming since they wouldn't have to worry about operating costs.

Council is complimentary of the Museum's record and generally is in favour of contributing additional funds to assist with their administration/staffing costs. A \$15,000.00 donation for this year will assist the Museum with their staffing costs and Council will revisit this decision in 2015.

Recommendation:

That the Town of Mattawa, in response to the Mattawa and Area Museum request for financial assistance to assist with staffing/operating costs, will provide a \$15,000.00 grant to the Museum for 2014. Council continues to encourage the Museum Board to seek other sources of revenue from various levels of Government including other area municipalities who are just as much part of the history on display at the Museum as the municipality.

Respectfully submitted

Councillor M. L. Arrowsmith

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: HEALTH SERVICES

CHAIRPERSON: COUNCILLOR M. L. ARROWSMITH

DEPT. HEAD: DAVID J. BURKE

TITLE: SUPPORT OF HEALTH UNIT'S PURCHASE OF LAND

Draft By-Law Item Policy Recommendation

Mayor D. Backer and Members of Council:

In the correspondence section of the April 14, 2014 agenda, a letter (4.6) from the North Bay Parry Sound District Health Unit requested the municipality approve and support their plans to purchase land, as part of Phase 1 of their Accommodation Plan which was submitted to all affected municipalities in November of last year.

The Health Unit, in order to purchase property, must first acquire the consent of councils from the majority of municipalities within the health unit service area. To date, eleven municipalities have adopted resolutions in favour of proceeding with Phase 1.

Council spoke of this request and is in support of the Health Unit purchasing land in North Bay.

Recommendation:

Be it resolved that the Council of the Town of Mattawa supports the Board of Health for the North Bay Parry Sound District Health Unit in proceeding with the purchase of property.

Respectfully recommended

Councillor M. L. Arrowsmith

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: RECREATION, TOURISM & SPECIAL PROJECTS

CHAIRPERSON: COUNCILLOR N. WALTERS

DEPT. HEAD: JACQUES BEGIN

TITLE: DISPOSAL OF SURPLUS EQUIPMENT

Draft By-Law

Item

Policy Recommendation

Mayor D. Backer and Members of Council:

At the January 9th, 2014 regular council meeting, Council authorized staff to issue a tender for the sale / disposal of the 1987 Kodiak dump truck and the Recreation Department's 1994 F-350 flatbed truck which were deemed as surplus.

Our advertisement attracted no bids for the 1994 F-350 and 2 bids for the 1987 Kodiak dump truck which was sold to the highest bidder. Since the last meeting Mr. Currey Serre expressed a desire to purchase the 1994 F-350 flatbed – bid amount \$300.00

Recommendation:

That Council authorize the staff to complete the sale of the 1994 F-350 Flatbed to Currey Serre in accordance with the terms and conditions of the tender at a price of \$300.

Respectfully submitted,

Councillor N. Walters