



CITY OF ORILLIA COUNCIL MINUTES

2002-101

MINUTES OF THE REGULAR MEETING OF COUNCIL, MONDAY, JUNE 3, 2002 AT 7:30 P.M. IN THE COUNCIL CHAMBER

Present: Mayor R. Stevens in the Chair
Councillors: A. M. Alexander
M. Buchanan
D. Downey
W. Gardy
T. Lauer
K. McLaughlin
G. Morano
F. Smith

The meeting opened with the singing of O Canada and a moment of silence.

Disclosure of Interest

1. Councillor Alexander – re Clause 13. of Council Committee Report Number 2002-9 and By-law Number 2002-60.

Nature of Interest – Councillor Alexander’s husband is a retiree of the Toronto Dominion Bank.

Councillor Alexander declined to discuss the matter or to vote on its disposition.

2. Councillor Lauer – re Correspondence Items 1. and 2. regarding South Street and By-law Number 2002-71.

Nature of Interest – Councillor Lauer is involved with one of the parties.

Councillor Lauer left the meeting during discussion on this matter.

3. Councillor Downey - re Clauses 3. and 4. of Committee of the Whole Report Number 2002-10 and By-law Number 2002-68.

Nature of Interest – Councillor Downey is a member of the law firm that has acted for J&B Food Services.

Councillor Downey left the meeting during discussion on the matter.

Deputations

1. Mr. Jim Morgenstern, Principal of dma Planning and Management Services responded to Councillors’ questions regarding the MURF Feasibility Study – Final Report. File: C12-MURF

Recessed – 8:05 p.m.

Re-assembled – 8:22 p.m.

2. Mr. Calvin Stone, Ms. Krista Storey and Mr. Brian Crate spoke to Council presenting the key Lake Country tourism projects and requesting a financial contribution. File: M02-GEN

2002-183 Moved by Alexander, seconded by Lauer, that Council refer the request from the Board of Ontario's Lake Country, as set out in its deputation of June 3, 2002 for a financial contribution of \$5,000 in 2002 and \$10,000 in 2003 and possible consideration of a further three-year financial commitment, to Council Committee with the request for a report from the Economic Development Committee.

Minutes

The Minutes of the previous meetings, having been prepared in typewritten form and copies distributed, were taken as printed.

Consent Agenda

1. Association of Municipalities of Ontario: File: A01-AMO
 - a) Alert - re Many of Eves' Leadership Race Policies find their way into the throne speech.
 - b) Alert - re Reminder! Peter J. Marshall Innovative Awards 2002 Competition.
 - c) For Your Information - re AMO President Delivers Major Speech on "Quest for a New Deal".
 - d) For Your Information - re AMO Works Hard to See Bill 90, Waste Diversion Bill Clear Another Hurdle.
 - e) Alert - re Walkerton Inquiry Report does not call for radical reform.
 - f) Alert - re Municipal Support needed to extinguish Volunteer Firefighter Two-Hatter problem. **(See Resolution Number 2002-185)**
 - g) Alert - re Province Releases New Policy on "Spouse in the House".

Recommendation: Receive as informational.
Copied to appropriate Departments and Agencies.

2. City of Woodstock - re requesting endorsement of its resolution regarding the operation of the Ontario Municipal Board. File: C10-GEN

Recommendation: ~~Receive as informational.~~
(See Resolution Number 2002-186)

3. City of Mississauga - re requesting endorsement of its resolution regarding the operation of the Ontario Municipal Board. File: C10-GEN

Recommendation: ~~Receive as informational.~~
(See Resolution Number 2002-187)

4. Township of North Himsforth - re requesting support of its resolution regarding lottery proceeds. File: C10-GEN

Recommendation: ~~Receive as informational.~~
(See Resolution Number 2002-188)

5. Township of South-West Oxford - re requesting endorsement of its resolution regarding the re-institution of photo radar on 400 series highways.
File: C10-GEN

Recommendation: ~~Receive as informational.~~
(See Resolution Number 2002-189)

6. Township of Oro-Medonte - re appointment of Donald Bell as Ward 1 Councillor for the Township of Oro-Medonte. File: C10-GEN

Recommendation: Receive as informational.

7. County of Simcoe - re by-law to change composition and size of County Council.
File: A16-COS

Recommendation: Receive as informational.
8. County of Simcoe - re Media Release entitled "County of Simcoe Hires General Manager of Corporate Services". File: A16-COS

Recommendation: Receive as informational.
9. Minister of Municipal Affairs and Housing - re extensions for the Municipal Performance Measurement Program (MPMP) and the Financial Information Return (FIR). File: A16-MMAH

Recommendation: Receive as informational.
Copy to Treasury Department.
10. Ontario Municipal Board - re Decision regarding Springhill Development Corp. development at 354 Atherley Road. File: C01-2001-173

Recommendation: Receive as informational.
Copy to Planning and Development Department.
11. Ontario Clean Air Alliance - re phase-out of the City of Orillia's purchases of coal-fired electricity. File: E00-GEN

Recommendation: ~~Receive as informational.~~
(See Resolution Number 2002-190)
12. Ontario Good Roads Association - re Highlights from the OGRA Board of Directors' Meeting: April 18, 2002. File: A01-GEN

Recommendation: ~~Receive as informational.~~
~~Copy to Engineering Department.~~
~~Copy to Operations Department.~~
(See Resolution Number 2002-191)
13. My Home - Our Environment - re Federal and Provincial initiatives achieving significant progress toward Canadian pesticide risk reduction. File: P04-PES

Recommendation: Receive as informational.
Copy to Environmental Advisory Committee.
14. Pub and Bar Coalition of Ontario (PUBCO Ontario) - re Smoke Free By-law.
File: C01-2001-185

Recommendation: Receive as informational.
15. Electricity Distributors Association (EDA) - re News Release entitled "Blue Chip Experts Call for Separation of Hydro One's Transmission and Distribution Businesses". File: A01-GEN

Recommendation: Receive as informational.
16. Orillia Rowing Club - re letter of thanks for grant received. File: C12-GNT

Recommendation: Receive as informational.
Copy to Grants Committee.

17. Amy DeVillers - re request for financial assistance in conjunction with an international educational exchange. File: C12-GNT

Recommendation: Refer to Grants Committee.
Copy to Mayor's Office re souvenirs.

18. Mr. and Mrs. Neill Latter - re bus service in the Couchiching Point area.
File: T03-GEN

Recommendation: Refer to Council Committee.
Request report from the Property Services Department.
Copy to Orillia Police Services Board

19. Couchiching Conservancy - re property tax exemption. File: A01-GEN, XF21-GEN

Recommendation: ~~Refer to Council Committee.~~
~~Request report from the Planning and Development Department.~~
(See Resolution Number 2002-194)

20. Donna Westfall - re resignation from the Farmers' Market Management Committee. File: C01-2002-

Recommendation: That the following resolution be passed:

"THAT the resignation of Donna Westfall, as a member of the Farmers' Market Management Committee is hereby accepted with regrets, and the Clerk be instructed to thank Ms. Westfall for her valuable contribution to the municipality while serving as a member of the Committee;

AND THAT the matter of a replacement be referred to the Committee of the Whole Council for consideration and recommendation."

2002-184 Moved by Lauer, seconded by Alexander, that Council adopt the recommendations as set out on the Consent Agenda for the Regular Meeting of Council on June 3, 2002, with the exception of the recommendation(s) with respect to Correspondence Item(s) 1.f), 2., 3., 4., 5., 11., 12., 13., 14., and 19. which shall be introduced separately. Carried.

2002-185 Moved by Gardy, seconded by McLaughlin, that the recommendation with respect to Correspondence Item 1.f) on the Consent Agenda for the regular meeting of Council on June 3, 2002 read as follows:

That Garfield Dunlop be advised that the City of Orillia supports Bill 30, the Fire Fighters Employment Protection Act 2002. Carried.

2002-186 Moved by Gardy, seconded by McLaughlin, that Council endorses the resolution of the City of Woodstock regarding the operation of the Ontario Municipal Board;

AND THAT copies of this resolution and the City of Woodstock resolution be forwarded to the following:

Honourable Chris Hodgson, Minister of Municipal Affairs and Housing
Garfield Dunlop, M.P.P., Simcoe North Carried.

2002-187 Moved by Gardy, seconded by McLaughlin, that Council endorses the resolution of the City of Mississauga regarding the operation of the Ontario Municipal Board;

AND THAT copies of this resolution and the City of Mississauga resolution be forwarded to the following:

Honourable Chris Hodgson, Minister of Municipal Affairs and Housing
Garfield Dunlop, M.P.P., Simcoe North Carried.

2002-188 Moved by Gardy, seconded by McLaughlin, that Council support the resolution of the Township of North Himsforth regarding lottery proceeds;

AND THAT copies of this resolution and the Township of North Himsforth resolution be forwarded to the following:

Honourable Martin Cauchon, Federal Minister of Justice and Attorney
General
Honourable Tim Hudak, Provincial Minister of Consumer and Business
Services
Honourable Chris Hodgson, Provincial Minister of Municipal Affairs and
Housing
Paul DeVillers, M.P., Simcoe North
Garfield Dunlop, M.P.P., Simcoe North **LOST**

2002-189 Moved by Gardy, seconded by McLaughlin, that Council endorse the resolution of the Township of South-West Oxford regarding the re-institution of photo radar on 400 series highways;

AND THAT copies of this resolution and the Township of South-West Oxford resolution be forwarded to the following:

Honourable Norman Sterling, Minister of Transportation
Garfield Dunlop, M.P.P., Simcoe North Carried.

2002-190 Moved by Alexander, seconded by Lauer, that the recommendation with respect to Correspondence Item 11. on the Consent Agenda for the regular meeting of Council on June 3, 2002, read as follows:

Receive as informational.
Copy to Orillia Power Corporation.

2002-191 Moved by Gardy, seconded by McLaughlin, that the recommendation with respect to Correspondence Item 12. on the Consent Agenda for the regular meeting of Council on June 3, 2002 read as follows:

Refer to Council Committee.
Request report from the Operations Department.
Request report from the Engineering Department. Carried.

2002-192 Moved by Gardy, seconded by Alexander, that the recommendation with respect to Correspondence Item 13. on the Consent Agenda for the regular meeting of Council on June 3, 2002 be adopted. Carried.

2002-193 Moved by Gardy, seconded by Downey, that the recommendation with respect to Correspondence Item 14. on the Consent Agenda for the regular meeting of Council on June 3, 2002 be adopted. Carried.

2002-194 Moved by Gardy, seconded by Lauer, that the recommendation with respect to Correspondence Item 19. on the Consent Agenda for the regular meeting of Council on June 3, 2002 read as follows:

Refer to Council Committee.
Request report from the Planning and Development Department.
Request report from the Treasury Department. Carried.

Correspondence

1. Simcoe County, Muskoka-Parry Sound Recovery Homes - re parking on South Street. File: C01-2002-71 (Motion)
2. New Path Youth and Family Services - re parking on South Street. File: C01-2002-71 (Motion)
3. County of Simcoe - re requesting support of its resolution regarding Welfare Fraud Control Delivery. File: A16-COS (Motion)
4. Mr. Paul DeVillers, M.P., Simcoe North - re Commemorative Medals to commemorate the Queen's Golden Jubilee. File: M08-GEN (Motion)
5. Doctors' Recruitment Committee - re request for financial assistance. File: S08-DR (Motion)
 - a) Memo - Economic Development Officer.
6. Orillia Business Women's Association - re request to display plaques in the City Centre. File: A20-GEN (Motion)

2002-195 Moved by McLaughlin, seconded by Morano, that the correspondence dated May 10, 2002 from Simcoe County, Muskoka-Parry Sound Recovery Homes respecting parking on South Street, be received as informational. Carried.

2002-196 Moved by McLaughlin, seconded by Morano, that the request by New Path Youth and Family Services in a letter dated May 22, 2002 for its staff to park on the City-owned water tower property on Benner Street be referred to Council Committee with a report from the Property Services Department. Carried.

2002-197 Moved by Gardy, seconded by McLaughlin, that Council support the resolution of the County of Simcoe regarding new municipal expenditures for Welfare Fraud Control Delivery;

AND THAT copies of this resolution and the County of Simcoe resolution be forwarded to the following:

Honourable Brenda Elliott, Minister of Community, Family and
Children's Services
Garfield Dunlop, M.P.P., Simcoe North Carried.

2002-198 Moved by Smith, seconded by Morano, that Council forward the correspondence from Paul DeVillers, M.P., Simcoe North dated May 15, 2002 respecting the award of Golden Jubilee Commemorative Medals to Committee of the Whole for consideration and submission of recipients' names to Mr. DeVillers' office by June 30, 2002. Carried.

2002-199 Moved by McLaughlin, seconded by Alexander, that as requested in the Doctors' Recruitment Committee correspondence dated May 9, 2002 and as recommended by the Economic Development Committee in a memo dated May 27, 2002, the City grant \$5,000 to the Doctors' Recruitment Committee to assist in its efforts to recruit physicians;

AND THAT the expense be funded as follows:

Economic Development Committee	\$2,500	
Grants Budget	\$2,500	Carried.

2002-200 Moved by Alexander, seconded by Buchanan, that Council approve the relocation of the Orillia Business Women's Association Women of the Year plaques to the hall adjacent to the Council Chamber, subject to the Association assuming all liability for the plaques. Carried.

Reports

1. Report Number 2002-10 of the Committee of the Whole Council. (Motions)
(See Pages 2002-110 - 2002-111)
2. Report Number 2002-9 of the Council Committee. (Motions) (See Pages 2002-112 - 2002-114)
3. Grants Committee - re Report Number 2002-6. File: C12-GNT (Motion)

2002-201 Moved by Smith, seconded by Morano, that Report Number 2002-10 of the Committee of the Whole Council, now before Council, be adopted with the exception of Clauses 3. and 4., which shall be introduced separately. Carried.

2002-202 Moved by Morano, seconded by Buchanan, that Clause 3. of Report Number 2002-10 of the Committee of the Whole Council, now before Council, be adopted. Carried.

2002-203 Moved by Morano, seconded by Buchanan, that Clause 4. of Report Number 2002-10 of the Committee of the Whole Council, now before Council, be adopted. Carried.

2002-204 Moved by Buchanan, seconded by Smith, that Report Number 2002-9 of the Council Committee, now before Council, be adopted with the exception of Clauses 8. and 13., which shall be introduced separately. Carried.

2002-205 Moved by Buchanan, seconded by Smith, that Clause 8. of Report Number 2002-9 of the Council Committee, now before Council, be adopted. Carried.

2002-206 Moved by Buchanan, seconded by Smith, that Clause 13. of Report Number 2002-9 of the Council Committee, now before Council, be adopted. Carried.

2002-207 Moved by McLaughlin, seconded by Gardy, that as recommended in Report Number 2002-6 of the Grants Committee, the following grants be approved:

Orillia RoadRunners	215.63
Canada Day Committee	1,500.00
Telecare	500.00
City of Orillia Pipes and Drums	1,000.00

AND THAT any City expenses related to the Lieutenant Governor's visit in July be paid from the General Council Expense budget. Carried.

2002-208 Moved by McLaughlin, seconded by Gardy, that Council reconsider Council's decision of March 4, 2002 to take no action on the recommendation contained in the staff report dated January 21, 2002 to implement a levy increase in 2002. **LOST**

Recorded Vote - 2/3 majority of all members required

Yeas – McLaughlin, Alexander, Downey, Buchanan, Stevens

Nays – Gardy, Lauer, Morano, Smith

By-laws

2002-209 Moved by Downey, seconded by Morano, that By-law Number 2002-60, a by-law to authorize the execution of an agreement with TD Canada Trust, be now introduced and read a first, second and third time today. Carried.

2002-210 Moved by Downey, seconded by Morano, that the following by-laws be now introduced and read a first, second and third time today:

2002-61 A By-law to amend Chapter 284 of the City of Orillia Municipal Code - Dog - Licensing - Regulation.

2002-62 A By-law to amend Chapter 877 of the City of Orillia Municipal Code - Solid Waste Management.

2002-63 A By-law to adopt the municipal budgets for the year 2002 and to provide for the raising, levying and collecting of monies required during the said year for the purposes of the City of Orillia.

2002-64 A By-law to provide for the raising, levying and collecting of the monies required during the year 2002 for education purposes.

2002-65 A By-law to adopt the 2002 budget of the Downtown Orillia Management Board and to provide for the raising, levying and collecting of the special area charge required for the said year for the purposes of the said Board.

2002-66 A By-law to authorize the extension to Contract OWLS-99/02 with Laidlaw Transit Ltd.

2002-67 A By-law to authorize the execution of a contract with Earth Tech Canada Inc. (Earth Tech) for a Phase I Environmental Assessment and Phase II Environmental Site Investigation (ESI) for 95 Barrie Road.

2002-69 A By-law to authorize the acquisition of Part of Lot 8, Concession 3, Parts 3 and 8, Reference Plan 51R-31112 from 1442065 Ontario Inc. (Homewood Park).

2002-70 A By-law to authorize the execution of an agreement with The Simcoe County District Health Unit for the provision of enforcement.

2002-211 Moved by Morano, seconded by Smith, that By-law Number 2002-68, a by-law to authorize the execution of a Food/Bar and Vending Contract with Elie Bilissis and Olga Opostolou, be now introduced and read a first, second and third time today. Carried.

2002-212 Moved by Morano, seconded by Smith, that By-law Number 2002-71, Amendment Number 136 to Traffic and Parking Regulation By-law Number 1983-80, as amended, be now introduced and read a first, second and third time today. Carried.

2002-213 Moved by Morano, seconded by Smith, that By-law Number 2002-72, a by-law to confirm the proceedings of Council at its meeting held on June 3, 2002, be now introduced and read a first, second and third time today. Carried.

By-laws read a first, second and third time and passed.

Open Public Forum

- Nil

MEETING ADJOURNED – 11:00 P.M.

MAYOR

CLERK

CITY OF ORILLIA

TO: The Mayor and Members of Council
FROM: Committee of the Whole Council
DATE: May 28, 2002
SUBJECT: Report Number 2002-10 (From meeting of May 27, 2002)

Your Committee is pleased to report as follows:

1. THAT as recommended in a report dated May 21, 2002 from the Property Services Department, the City enter into an agreement with the Ontario Realty Corporation to lease 50% of both the "rentable building area" and parking at the Orillia Police Building, located at 66 Peter Street South, for a three-year term retroactive to June 3, 2001 at a monthly rental fee of \$8,304.75, subject to the City solicitor's satisfaction with the lease language.

2. THAT as recommended in a report dated May 21, 2002 from the Property Services Department, staff be authorized to convey the closed Huronia Road road allowance, Parts 2 and 3, Plan 51R-21204, adjacent to 485 Sundial Drive, to 1493835 Ontario Inc. for the sum of \$10,000 plus expenses, subject to the following:

1. That utility easements be granted over the full width and length of this property;
2. That this conveyance is conditional upon the subject property being declared surplus to the needs of the municipality, in accordance with the provisions of the Property Disposal By-law 1995-99;
3. That the purchaser also agrees to assume all municipal costs relating to the surplussing and conveying of the subject property and arranging for the various utility easements;

AND THAT upon the purchaser providing a further security deposit of \$3,000 towards surplussing and legal costs, staff be authorized to proceed with the surplussing process as set out in the Property Disposal By-law 1995-99.

3. THAT staff be authorized to purchase restaurant equipment identified in the report from the Director of Parks and Recreation dated May 22, 2002, at an estimated cost of \$6,500 to be funded from the Barnfield Point Recreation Reserve and repaid out of concession fees;

AND THAT the City of Orillia enter into a licence agreement with Elie Bilissis and Olga Apostolou for a term expiring August 31, 2003, to operate the food and beverage concession and vending machines in the Hog Line Restaurant on the same terms as the previous agreement, with the exception that the three-year renewal option shall be eliminated.

4. THAT the Parks and Recreation Department assume the operation of the park/arena concessions.

F. Smith,
Chair.

CITY OF ORILLIA

TO: The Mayor and Members of Council
FROM: Council Committee
DATE: May 28, 2002
SUBJECT: Report Number 2002-9 (From meeting of May 27, 2002)

Your Committee is pleased to report and recommend as follows:

1. THAT as recommended in a report dated May 21, 2002 from the MURF Steering Committee, Council accept the final report of the Multi-use Recreation Facility Feasibility Study, prepared by dmA Planning and Management Services, as fulfilling the terms of reference for the study.
2. THAT as recommended in a report dated May 21, 2002 from the MURF Steering Committee, the MURF Steering Committee be reconstituted to undertake a review of the recommendations of the Feasibility Study and to prepare an interim detailed implementation strategy within six months which will be undertaken if Council decides to proceed with the project following the final report.
3. THAT as recommended in a report dated May 21, 2002 from the MURF Steering Committee, the Multi-use Recreation Feasibility Study be referred to the Recreation Advisory Committee and appropriate City staff and the public for comment back to Council.
4. THAT the report dated May 22, 2002 from the City Manager regarding Background on MURF Financing, be received as informational.
5. THAT as recommended in a report dated May 15, 2002 from the Recreation Advisory Committee, the Committee establish a Community Organization of tennis users;
AND THAT the Tennis Court User Policy be adopted as outlined in the report;
AND THAT the User Fee Policy be adopted as outlined in the report;
AND THAT a Capital Replacement Fund be established for tennis facilities from the fees proposed.
6. THAT the report dated May 22, 2002 from the Operations Department regarding the water pressure at 196 John Street be received as informational;
AND THAT a copy of the report be forwarded to Mr. Paul Leef for his information.

7. THAT as recommended in a report dated May 22, 2002 from the Manager of Council Services/Clerk, St. John Lane be closed to vehicular traffic between 8:00 a.m. and 3:00 p.m. on Saturday, June 1, 2002 to allow for a fundraising garage sale/information day;

AND THAT St. John Ambulance be advised of this approval prior to Council ratification.

8. THAT Council grant exemptions from Chapter 938 of the City's Municipal Code (Noise) for the Highway 12 widening project as follows:

- (1) Five full nights (9:00 p.m. – 7:00 a.m.) for work at the Westmount Drive/Coldwater Road intersection;
- (2) Five full nights for excavation and granular base work on the ramps in the south-east quadrant of the Highway 11/Highway 12 interchange;
- (3) One hundred days of exemptions from 6:30 a.m. – 7:00 a.m. for work on Highway 12 itself;
- (4) Extension of the exemptions previously granted for asphalt grinding and paving on ramps from the 9:00 p.m. to 12:00 midnight period previously granted to full night exemptions.

9. THAT as recommended in a report dated May 22, 2002 from the City Manager and the City Treasurer, the Engineering Department's report dated May 21, 2002 regarding Contract RWS-02-32, reconstruction of Memorial Avenue from Highway 12 to Rose Avenue, be referred to the City Manager and City Treasurer for further consultation and report back to Committee.

10. THAT as recommended in a report dated May 22, 2002 from the City Treasurer, Earth Tech Canada Inc. (Earth Tech) be awarded the contract to provide a Phase I Environmental Assessment and subsequent Phase II Environmental Site Investigation (ESI) at 95 Barrie Road for a tender price of \$19,618.90;

AND THAT the Mayor and Clerk be authorized to execute the necessary documents.

11. THAT as recommended in a report dated May 21, 2002 from the Director of Parks and Recreation, Belair Recreational Products Inc. be awarded the contract for phase one of a two phase project to replace the Victoria Park play apparatus for children two to five years of age at a cost of \$22,269.02 (taxes included).

12. THAT the report dated May 21, 2002 from the Manager of Legislative Services regarding a Progress Report – Implementation of Chapter 953 – Smoking Regulation, be received as informational.

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13. THAT as recommended in a report dated May 21, 2002 from the Purchasing Agent, the Purchasing Card Program be changed to T-D Canada Trust VISA; AND THAT the City be authorized to enter into an agreement with T-D Canada Trust to provide VISA purchasing cards for City staff and members of Council.
AND THAT the Purchasing Card Program include charges to restaurants and hotels.

M. Buchanan,
Chair.