



CITY OF ORILLIA COUNCIL MINUTES

2003-173

MINUTES OF THE REGULAR MEETING OF COUNCIL, MONDAY, AUGUST 11, 2003 AT 10:36 P.M. FOLLOWING THE COUNCIL COMMITTEE MEETING

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

Disclosure of Interest

1. Councillor Downey - re Clause 9. of Council Committee Report No. 2003-12.

Nature of Interest - re Councillor Downey's wife is doing contract work for the Orillia Public Library.

Councillor Downey declined to discuss the matter or to vote on its disposition.
2. Councillor Downey - re Clause 18. of Council Committee Report No. 2003-12.

Nature of Interest - re Councillor Downey's firm represents the owner of the Zoo Bar and Grill on another matter.

Councillor Downey declined to discuss the matter or to vote on its disposition.
3. Councillor Smith - re By-law Number 2003-115.

Nature of Interest - re Councillor Smith's sister lives at 60 Skyline Drive.

Councillor Smith left the platform during discussion on this matter.

Minutes

The Minutes of the previous meeting, having been prepared and copies distributed, were taken as printed.

Consent Agenda

1. Association of Municipalities of Ontario: File: A01-AMO
 - a) Alert - re Two-Year Transfer Tax Exemption for LDCs Passed and Other Electricity Updates.
 - b) Alert - re Urgent Appeal to Municipalities to Support Blue Box Funding.
(See Resolution Number 2003-269)

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

2. Simcoe York District Health Council - re Upcoming Primary Health Care Information Session, September 17, 2003. File: S08-SYHU

Recommendation: Receive as informational.

3. Information Orillia - re Quarterly Social Reporting Summary. File: A01-GEN
Recommendation: Receive as informational.
4. Lake Simcoe Regional Airport - re Ontario Mayors for Automotive Investment.
File: C12-LSRA
Recommendation: Receive as informational.
5. Fire Marshal of Ontario - re Ontario Fire Marshal's recommendations. File: P00-OFM
Recommendation: Receive as informational.
6. Minister of Public Safety and Security - re Ontario Fire Marshal's
recommendations. File: P00-OFM
Recommendation: Receive as informational.
7. Heather Bertram (LACAC member) - re Appointee stipends. File: C12-LACAC
Recommendation: Receive as informational.
Copy to Local Architectural Conservation Advisory
Committee.
8. Tiffin's Creative Centre - re proposed library expansion. File: C12-LIB
Recommendation: Receive as informational.
Copy to Orillia Public Library Board.
9. Joanne Haskins - re pesticide policy. File: P04-PES
Recommendation: Receive as informational.
Copy to Parks and Recreation Department.
Copy to Environmental Advisory Committee.
10. Barbara J. Moore - re pesticides in parks. File: P04-PES
Recommendation: Receive as informational.
Copy to Environmental Advisory Committee.
Copy to Parks and Recreation Department.
11. Ministry of Agriculture and Food - re Nutrient Management Information Package.
File: P04-PES
Recommendation: Receive as informational.
Copy to Public Works Department.
12. Lake Simcoe Region Conservation Authority - re nomination form for
"Environmental Giants", The 2003 LSRCA Conservation Awards.
File: A01-LAKE
Recommendation: Receive as informational.
Copy to Environmental Advisory Committee.
13. Gilda's Club Barrie Ontario - re requesting assistance in identifying a suitable
facility for Gilda's Club Barrie Ontario. File: A00-GEN
Recommendation: Receive as informational.

14. Ontario Heritage Foundation - re invitation to participate in the Ontario Heritage Foundation's "Heritage Community Recognition Program 2003".
File: C12-LACAC
- Recommendation: ~~Receive as informational.
Copy to Local Architectural Conservation Advisory
Committee.~~
(See Resolution Number 2003-272)
15. Kehoe Development Corporation Inc. - re Councillor Smith's declaration of pecuniary interest re Kehoe Development Corporation Inc. File: L02-KEH
- Recommendation: ~~Receive as informational.~~
(See Resolution Number 2003-273)
16. Easter Seal Society - re requesting financial assistance. File: C12-GNT
- Recommendation: Forward grant application to organization for submission to the Grants Committee.
17. Orillia & Area Parkinson Support Group - re requesting financial assistance.
File: C12-GNT
- Recommendation: Forward grant application to organization for submission to the Grants Committee.
18. Tom Gostick - re location of service vehicle for servicing the Island Princess.
File:
- Recommendation: Refer to Council Committee.
Request report from the Parks and Recreation Department.
19. Farmers' Market Management Committee - re parking on Nottawasaga and Andrew Streets. File: C12-FMMC,XC01-2003-
- Recommendation: ~~Refer to Council Committee.
Request report from the Public Works Department and the
Manager of Legislative Services Division of the City
Manager's Office.~~
(See Resolution Numbers 2003-275 and 2003-276)
20. Keith Smith - re Scout Valley fencing at 2895/2995 Old Barrie Road. File: C12-EAC
- Recommendation: ~~Refer to Scout Valley Sub-Committee of the Environmental
Advisory Committee.~~
(See Resolution Number 2003-277)
21. Orillia Minor Lacrosse Association - re request to sell lacrosse items at Girls' Lacrosse Tournament to be held from August 15 - 17, 2003. File: M02-GEN
- Recommendation: That Council confirm that the Orillia Minor Lacrosse Association be allowed to sell t-shirts, shorts, key chains, kilts, sticks, balls and other products with the Brine, Pro Boss, STX name on them related to girls field lacrosse at Kitchener Park from August 15 - 17, 2003.

22. Director of Real Estate - re disposal of an easement over City-owned lands - Colborne Street Parking Lot. File: C01-2003-

Recommendation: That the following resolution be passed:

“THAT the City-owned lands fronting on Colborne Street East more particularly described below:

Firstly: Part of Lot 2, North of Colborne Street, Registered Plan 12, City of Orillia, County of Simcoe, designated as Parts 2 and 4 on a Draft Plan of Survey dated July 24, 2003 prepared by Dearden and Stanton Ltd., File No. R-400,

Secondly: Part of Lot 2, South of Mississaga Street, Registered Plan 12, City of Orillia, County of Simcoe, designated as Parts 26, 27 and 28 on a Draft Plan of Survey dated July 24, 2003 prepared by Dearden and Stanton Ltd., File No. R-400,

Thirdly: Part of Lots 2 and 3, South of Mississaga Street, Registered Plan 12, City of Orillia, County of Simcoe, designated as Parts 18, 21, 22 and 24 on a Draft Plan of Survey dated July 24, 2003 prepared by Dearden and Stanton Ltd., File No. R-400,

being in the City of Orillia, County of Simcoe, be declared surplus to the needs of the municipality in order to relocate certain rights-of-way to provide access from Colborne Street East to the rear of properties fronting on Mississaga Street East.”

23. Director of Real Estate - re disposal of surplus City-owned property, Champlain Business Park. File: C01-2003-

Recommendation: That the following resolution be passed:

“THAT Part 1, Registered Plan 51R-32092 being part of the west half of Lot 7, Concession 3, Part of Pin 58633-0327(LT), Township of Orillia (Southern Division), now in the City of Orillia, County of Simcoe, be declared surplus to the needs of the municipality.”

2003-268 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 August 11, 2003, with the exception of the recommendation(s) with respect to Correspondence Item(s) 1.b), 4, 5, 14, 15, 16, 19, 20 and 21 which shall be introduced separately. Carried.

2003-269 Moved by Buchanan, seconded by Smith, that Council endorse the position of A.M.O. with respect to urging the Minister of Environment to have the Blue Box Funding Plan passed;

AND THAT a letter of support be forward to Minister Wilson;

AND THAT copies of this letter be copied to:

The Premier of Ontario
The Minister of Municipal Affairs and Housing
Garfield Dunlop, M.P.P., Simcoe North

Carried.

2003-270 Moved by Gardy, seconded by McLaughlin, that the recommendation with respect to Correspondence Item 4. on the Consent Agenda for the regular meeting of Council on August 11, 2003 be adopted. Carried.

2003-271 Moved by Gardy, seconded by McLaughlin, that the recommendation with respect to Correspondence Item 5. on the Consent Agenda for the regular meeting of Council on August 11, 2003 be adopted. Carried.

2003-272 Moved by Buchanan, seconded by Smith, that the recommendation with respect to Correspondence Item 14. on the Consent Agenda for the regular meeting of Council on August 11, 2003, read as follows:

Receive as informational.

Copy to Local Architectural Conservation Advisory Committee.

Copy to Director of Culture and Heritage. Carried.

2003-273 Moved by Gardy, seconded by McLaughlin, that the recommendation with respect to Correspondence Item 15. on the Consent Agenda for the regular meeting of Council on August 11, 2003, read as follows:

That staff obtain a legal opinion on the ability of a citizen to bring a successful action against any individual member of Council for declaring a pecuniary interest and refraining from participating in discussion and voting on a specific issue;

AND THAT an opinion be obtained from City's insurers with respect to coverage in the event an action is initiated. Carried.

2003-274 Moved by Buchanan, seconded by Smith, that the recommendation with respect to Correspondence Item 16. on the Consent Agenda for the regular meeting of Council on August 11, 2003 be adopted. Carried.

2003-275A Moved by Morano, seconded by McLaughlin, that the recommendation with respect to Correspondence Item 19. on the Consent Agenda for the regular meeting of Council on August 11, 2003, read as follows:

That Council permit parking on the south side of Nottawasaga Street from Andrew Street to Albert Street on Saturdays and Sundays;

AND THAT two "handicapped" parking spots be provided beside the planters on West Street.

2003-275B Moved by Buchanan, seconded by Lauer, that the motion now before Council be amended by deleting Clause one. Carried.

2003-275C Moved by Morano, seconded by McLaughlin, that the recommendation with respect to Correspondence Item 19. on the Consent Agenda for the regular meeting of Council on August 11, 2003, read as follows:

THAT two "handicapped" parking spots be provided beside the planters on West Street. Carried.

2003-276 Moved by Morano, seconded by McLaughlin, that staff reports be received from Public Works Department on the issue of parking on the south side of Nottawasaga Street from Andrew Street to Albert Street;

AND THAT the report be available at the September 15, 2003 Council Committee meeting. Carried.

2003-277 Moved by Morano, seconded by Smith, that the recommendation with respect to Correspondence Item 20. on the Consent Agenda for the regular meeting of Council on August 11, 2003, read as follows:

Refer to E.A.C. for a report back to the September 15, 2003 Council Committee meeting. Carried.

2003-278 Moved by Alexander, seconded by Lauer, that the recommendation with respect to Correspondence Item 21. on the Consent Agenda for the regular meeting of Council on August 11, 2003 be adopted. **LOST**

Recorded Vote

Yeas - Alexander, Morano, Smith, Stevens

Nays - Gardy, McLaughlin, Lauer, Downey, Buchanan

Reports

1. Report Number 2003-11 of the Committee of the Whole Council. (Motion)
(See Page 2003-181)
2. Report Number 2003-12 of the Council Committee. (Motions) (See Pages 2003-182 - 2003-184)
3. Mayor Stevens - re Provincial Proposal for Mandatory Referendum on Municipal Taxation Increases. File: A01-AMO (Motion)
4. Parking Advisory Committee - re Tender Award/Redevelopment Colborne Street Parking Lot. File: L07-COL (Motion)

2003-279 Moved by Smith, seconded by Buchanan, that Report Number 2003-11 of the Committee of the Whole Council, now before Council, be adopted. Carried.

2003-280 Moved by Buchanan, seconded by Smith, that Report Number 2003-12 of the Council Committee, now before Council, be adopted with the exception of Clause(s) 9., 16. and 18., which shall be introduced separately. Carried.

2003-281 Moved by Buchanan, seconded by Smith, that Clause 9. of Report Number 2003-12 of the Council Committee, now before Council, be adopted. Carried.

2003-282 Moved by Buchanan, seconded by Smith, that Clause 16. of Report Number 2003-12 of the Council Committee, now before Council, be adopted. Tabled.

2003-283 Moved by Buchanan, seconded by Smith, that Clause 18. of Report Number 2003-12 of the Council Committee, now before Council, be adopted. Carried.

2003-284 Moved by Gardy, seconded by McLaughlin, that the report from Mayor Stevens regarding the Provincial proposal for mandatory referendum on municipal taxation increases, be received as informational. Carried.

2003-285 Moved by Lauer, seconded by Alexander, that as recommended in a report dated August 1, 2003 from the Parking Advisory Committee, vehicle access easements be granted to W.J. Shaw Jewellers Limited and Anchor Rock Construction Limited for Municipal Parking Lot #1 as set out in the report;

AND THAT the contract for the reconstruction of Municipal Parking Lot #1 be awarded to Lafarge Construction for the adjusted tender price of \$216,886.48 (plus tax);

AND THAT the contract for the supply and installation of three Cale pay and display parking control devises, be awarded to Park Smart Inc. for the tendered total price of \$27,600 (plus tax). Carried.

Motions

2003-286 Moved by Lauer, seconded by Alexander, that Resolution Number 2003-245, adopted by Council on June 30, 2003, respecting the availability of Council agendas, be rescinded. **LOST**

Recorded Vote

Yeas - Alexander, Lauer, Buchanan, Stevens

Nays - Gardy, McLaughlin, Downey, Morano, Smith

2003-287 Moved by Smith, seconded by Morano, that Councillor Doug Downey be appointed to the Culture and Heritage Interim Advisory Board, for the remainder of this Council term (November 30, 2003);

AND THAT Councillors Downey and Lauer be appointed to the Department of Culture and Heritage as Liaison Councillors. Carried.

Notice of Motion

Councillor McLaughlin advised that he intends to introduce a motion regarding large item pick-ups at the next regular meeting of Council.

By-laws

2003-288 Moved by Morano, seconded by Downey, that By-law Number 2003-115, a by-law to impose charges on property owners in a designated area (Alexander Heights) for the upgrading of water services by the municipality, be now introduced and read a first, second and third time today. Carried.

2003-289 Moved by Smith, seconded by Morano, that the following by-laws be now introduced and read a first, second and third time today:

2003-108 A By-law to exempt part of Registered Plan 1339 from Part Lot Control under the Planning Act - MacIsaac Drive Extension.

2003-109 A By-law to provide for advance votes to be held prior to Voting Day.

2003-110 A By-law to authorize a License Agreement with Bayside Restaurant (Elie Bilissis) – Barnfield Point Recreation Centre.

2003-111 A By-law to authorize the exchange of easements with W.J. Shaw Jewellers Limited and Anchor Rock Construction Limited with respect to the Colborne Street East Municipal Parking Lot.

2003-112 A By-law to authorize the execution of a contract with Park Smart Inc. - Parking Control Machines.

2003-113 A By-law to authorize the execution of a contract with Lafarge Canada Inc. for the redevelopment of 22 and 24 Colborne Street East.

2003-114 A By-law to amend Chapter 493 of the City of Orillia Municipal Code - Remuneration - Expenses. Carried.

2003-116 A By-law to authorize a certain encroachment on Mississaga Street in the City of Orillia (211 Mississaga Street East).

2003-117 A By-law to repeal and replace Chapter 263 of the City of Orillia Municipal Code - Sale of Real Property Procedure.

2003-180

2003-290 Moved by Downey, seconded by Morano, that By-law Number 2003-118, a by-law to confirm the proceedings of Council at its meetings held on August 11, 2003, 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 - 12:35 P.M.

MAYOR

CLERK

CITY OF ORILLIA

TO: The Mayor and Members of Council
FROM: Committee of the Whole Council
DATE: August 11, 2003
SUBJECT: **Report Number 2003-11 (From meeting of August 11, 2003)**

Your Committee is pleased to report as follows:

1. THAT the report dated July 31, 2003 from the Director of Real Estate and City Treasurer regarding the City entering into a Lease Agreement with Tuxedo's Fine Catering Inc., be adopted and implemented.

2. THAT as recommended in a report dated August 5, 2003 from Mayor Stevens, Council appoint the following members of the dissolved Leacock Memorial Home Board and Opera House Management Committee, who have accepted the invitation offered, to the new Culture and Heritage Interim Advisory Board on an ad hoc basis:

Eric Broger
Mark Rolland
Louisa Schulz
Sandy Eaton
Joe Francoz
Olivia Detlor
Phyllis Atkey
Ed Wielus

AND THAT the Interim Advisory Board begin immediately to work with the Director of Culture and Heritage to fulfill its mandate of developing the terms of reference for the future permanent Advisory Board.

F. Smith,
Chair.

CITY OF ORILLIA

TO: The Mayor and Members of Council
FROM: Council Committee
DATE: August 11, 2003
SUBJECT: Report Number 2003-12 (From meeting of August 11, 2003)

Your Committee is pleased to report and recommend as follows:

1. THAT Council endorse the Huronia Trails and Greenways Committee Vehicle Recycling Program.
2. THAT as recommended in a report dated July 9, 2003 from the Farmers' Market Manager, Council authorize the Farmers' Market Management Committee to arrange for the installation of four banners on poles bordering the Market site, subject to compliance with Chapter 832 of the City of Orillia Municipal Code - Signs.
3. THAT the semi-annual report dated July 3, 2003 from the Orillia Police Services Board, be received as informational.
4. THAT the semi-annual report dated July 23, 2003 from the Orillia Youth Opportunities Committee, be received as informational.
5. THAT the semi-annual report dated July 28, 2003 from the Leacock Memorial Home Board, be received as informational.
6. THAT the semi-annual report dated July 25, 2003 from the Lake Simcoe Regional Airport, be received as informational.
7. THAT the semi-annual report dated July 25, 2003 from the Opera House Management Committee, be received as informational.
8. THAT the semi-annual report dated July 15, 2003 from the Economic Development Committee, be received as informational.
9. THAT the semi-annual report dated August 5, 2003 from the Orillia Public Library Board, be received as informational.
10. THAT as recommended in a report dated August 5, 2003 from the Director of Parks and Recreation, staff be authorized to meet with representatives of the Poplar Heights Parks Committee to talk about alternatives identified in the report;
AND THAT staff report back to Committee on the outcome of the meeting.

11. THAT the 2003 Capital budget surplus from Contract R-03-31 be applied to extend the existing contract to include asphalt paving of Heyden Avenue from Victoria Crescent to its end.

12. THAT as recommended in a report dated July 25, 2003 from the Public Works Department and the Director of Parks and Recreation, the contract to provide project design and construction management services for the Municipal Operations Centre be awarded to Greer Galloway Incorporated for the price of \$75,351.80 (GST extra).

13. THAT as recommended in a report dated July 17, 2003 from the Public Works Department, an Offer to Purchase a parcel of land from 155 West Street South be made to GL&V Canada Inc. based on the City paying for the legal survey but with no payment for actual land value;
AND THAT the land acquisition be dedicated as part of the West Street South roadway;
AND THAT acquisition of a parcel of land from the Orillia Power Distribution Corporation (OPDC), from their transformer station property at 175 West Street South, be considered during the 2004 Capital Budget deliberations.

14. THAT as recommended in a report dated August 5, 2003 from the Project Coordinator, the GIS Focus Group prepare a Terms of Reference and proceed to issue a Request for Proposal to select a consultant to prepare a Strategic Plan Implementation Proposal for a Corporate Geographic Information System to a maximum cost of \$50,000;
AND THAT the City's share of the GIS Strategic Plan and Implementation Proposal be funded from the existing GIS Capital budget.

15. THAT as recommended in a report dated August 5, 2003 from the Fire Chief, Council approve the Orillia Fire Department's participation in a co-operative purchase of fire apparatus with four other municipalities;
AND THAT the Orillia Fire Department be authorized to single source the purchase from the supplier approved by the co-operative;
AND THAT the estimated cost of \$268,000 plus tax be charged to the Fire Equipment Reserve.

16. THAT as recommended in a report dated July 12, 2003 from the City Treasurer, Council increase the 2003 municipal and school property taxes of the Couchiching Golf and Country Club to \$31,807.48.

17. THAT as recommended in a report dated July 30, 2003 from the Director of Planning and Development, the final draft of the zoning by-law add duplexes as a permitted use in the R1 and R2 zones subject to a minimum lot area of 550 square metres and a minimum lot frontage of 18 metres, notwithstanding the exemption for lot area and frontage provided for existing lots by Section 3.11;

AND THAT prior to the Public Meeting, staff be authorized to incorporate all zoning by-law amendments approved by the Planning Advisory Committee and Council with any necessary modifications to give effect to those approvals;

AND THAT Council proceed to hold the formal Public Meeting, as required by the Planning Act, on September 22, 2003.

18. THAT as recommended in a report dated July 29, 2003 from the Director of Real Estate, Mr. Wilf Brain, owner of the Zoo Bar and Grill be granted an encroachment of 0.139 metres onto the Mississauga Street road allowance, at the north-east corner, to extend the present patio structure;

AND THAT the granting of this encroachment be subject to receipt of a \$500 encroachment fee, plus a further \$500 legal expense fee (as per City policy).

19. THAT as recommended in a report dated July 31, 2003 from the Director of Real Estate, the existing lease under which 1438224 Ontario Inc. has use of a 100' strip of City-owned land, for their sales trailer, be extended for a twelve-month period commencing June 19, 2003, at an annual rental of \$5,000, subject to a provision allowing the tenant the option to terminate mid-term;

AND THAT the same terms and conditions apply as in the previous lease agreement.

20. THAT as recommended in a report dated July 30, 2003 from the Manager of Council Services/Clerk, Council repeal and replace Chapter 263 of the City of Orillia Municipal Code - Sale of Real Property - to reflect changes to procedures governing the sale of lands as set out in section 268 of the new *Municipal Act, 2001*.

21. THAT as recommended in a report dated August 5, 2003 from the City Manager, the 2003 membership proposal from the Lake Simcoe Region Conservation Authority, be received.

M. Buchanan,
Chair.