



CITY OF ORILLIA COUNCIL MINUTES

2004-96

MINUTES OF THE REGULAR MEETING OF COUNCIL, MONDAY, APRIL 19, 2004 AT 8:45 P.M. FOLLOWING THE ANNUAL SHAREHOLDER ORILLIA POWER CORPORATION MEETING

Present: Mayor R. Stevens in the Chair
Councillors: R. Cipolla
D. Downey
W. Gardy
C. Garland
T. Lauer
F. Smith
P. Spears

Absent: Councillor G. Morano

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

Disclosure of Interest

1. Councillor Downey - re Consent Item No. 11, By-law Numbers 2004-59 and 2004-60.

Nature of Interest - Councillor Downey is a Director on the Orillia District Chamber of Commerce.

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

2. Councillor Downey - re Clause 7. of Committee of the Whole Report 2004-5 and By-law Number 2004-54.

Nature of Interest - one of the candidates has co-signed for debt in his company.

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

3. Councillor Lauer - re Deputation No. 1 regarding the Mariposa Folk Foundation.

Nature of Interest - Councillor Lauer is a Director on the Mariposa Folk Foundation.

Councillor Lauer left the platform during discussion on this matter.

4. Councillor Lauer - re Clause 9. of Council Committee Report 2004-7.

Nature of Interest - Councillor Lauer has had real estate involvement with one of the company's that bid on Contract Q-04-10.

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

5. Councillor Garland - re Deputation No. 2 regarding the Gates of Orillia Bingo Hall.

Nature of Interest - Councillor Garland's daughter is involved with the Orillia Channel Cats.

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

6. Councillor Cipolla - Deputation No. 2 regarding the Gates of Orillia Bingo Hall.

Nature of Interest - Councillor Cipolla's daughter is involved with Let's Dance.

Councillor Cipolla 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.

Deputations

1. Mr. Gerry Hawes of the Mariposa Folk Foundation spoke to Council requesting permission to charge for parking during the 2004 Mariposa Folk Festival. File: M02-GEN (Motion)
2. Mr. Andy LaCroix, General Manager and Ms. Ellen MacDonald, President of the Gates of Orillia Bingo Hall presented a power point presentation in support of their request for an amendment to the smoking by-law. File: C01-2001-185 (Motion)
 - a) Letters from various organizations.

2004-138 Moved by Smith, seconded by Cipolla, that as requested in a letter dated February 9, 2004 from the Mariposa Folk Foundation, the Foundation is hereby authorized to charge a fee to festival-goers to park on the festival site during the 2004 Mariposa Folk Festival in those areas of the park reserved exclusively for use by Mariposa Folk Festival. Carried.

2004-139 Moved by Downey, seconded by Spears, that, further to the request by Penetanguishene-Huronina Bingo Inc. in a letter dated March 12, 2004, Article 10.2 of Chapter 953 of the City of Orillia Municipal Code - Smoking - Regulation - Public Places and Workplaces - be amended to provide that the provisions of Chapter 953 with respect to Bingo Halls shall come into effect on January 1, 2007, provided that the applicant has closed the existing Gates of Orillia Bingo Hall and opened a new E-gaming facility in Orillia with a minimum investment of \$2.5 million by December 31, 2004. **LOST**

Recorded Vote

Yeas - Spears, Gardy, Downey

Nays - Lauer, Smith, Stevens

Meeting recessed - 9:55 p.m.

Meeting re-assembled - 10:05 p.m.

2004-140 Moved by Smith, seconded by Cipolla, that the area to be used as paid parking for the Mariposa Folk Festival shall be identified as all parking spaces in Tudhope Park excluding the forty spaces located between the Welcome Centre and the Barnfield Point Recreation Centre. Carried.

Recorded Vote

Yeas - Spears, Cipolla, Garland, Smith, Stevens

Nays - Gardy, Downey

Consent Agenda

1. Association of Municipalities of Ontario: File: A01-AMO
 - a) Alert - re AMO President Meets with Premier McGuinty.
 - b) Alert - re Premier McGuinty puts vision of strong communities in writing.
 - c) Alert - re Rent Bank Program/Energy Emergency Fund Announced.

- d) From the Municipal Front Door and Beyond: Achieving Barrier-Free Communities.
- e) AMO Responds to Environment Minister's Announcement on Review of Environmental Assessment Process and Waste Diversion Strategy.
- f) Alert - re Province Reverses Decision to Close Judson.
- g) For Your Information - re Environment Canada Issues Final Road Salts Code of Practice.
- h) Alert - re AMO Board Makes Recommendations on Planning Reform.
- i) For Your Information - re *The Peter J. Marshall Municipal Innovation Awards*, Deadline for Submissions - June 18, 2004.

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

2. City of Peterborough - re requesting endorsement of its resolution regarding health unit funding. File: C10-GEN

Recommendation: Receive as informational.

3. Ministry of Municipal Affairs and Housing - re News Release entitled "McGuinty Government Delivers Real, Positive Change through Provincial Rent Bank Program". File: A16-MMAH

Recommendation: Receive as informational.
Copy to Housing Committee.

4. Ministry of Municipal Affairs and Housing - re update on the implementation of the changes to the building regulatory system as a result of the *Building Code Statute Law Amendment Act, 2002*. File: A16-MMAH

Recommendation: Receive as informational.
Copy to Planning and Development Department.

5. Environment Canada, Ontario Region - re State of the Great Lakes, 2003 report. File: A16-FED

Recommendation: Receive as informational.
Copy to Planning and Development Department.
Copy to Public Works Department.
Copy to Environmental Advisory Committee.

6. Ministry of Natural Resources - re Fact Sheet entitled "Bear Management Strategy". File: A16-MNR

Recommendation: Receive as informational.
Copy to Police Services Board.

7. Ontario Public Service Employees Union - re improving service quality at the Municipal Property Assessment Corporation (MPAC). File: A16-MPAC

Recommendation: Receive as informational.

8. The Association of Municipal Tax Collectors of Ontario - re requesting support of its resolution requesting the Province to amend the Municipal Act, 2001 regarding appeals to the Assessment Review Board. File: C10-GEN

Recommendation: Receive as informational.
Copy to Treasury Department.

9. Sport Alliance of Ontario - re Community Sport for All Award. File: M08-GEN
Recommendation: Receive as informational.
Copy to Parks and Recreation Department.
10. Communities in Bloom - re Municipal Gateways Competition - 2004. File: M02-GEN
Recommendation: Receive as informational.
11. Orillia District Chamber of Commerce - re invitation to attend the Port of Orillia Opening Ceremonies, May 13, 2004. File: M02-GEN
Recommendation: Receive as informational.
12. Information Orillia - re letter of thanks for 2003 grant. File: C12-GNT
Recommendation: Receive as informational.
Copy to Grants Committee.
Copy to Housing Committee.
13. Mount Slaven Public School - re increase in traffic and speed on Westmount Drive adjacent to Mount Slaven Public School. File: T08-GEN
Recommendation: ~~Refer to Council Committee.~~
~~Request report from the Public Works Department.~~
(See Resolution Number 2004-145C)
14. Mariposa Arts Theatre Foundation - re requesting financial assistance. File: C12-GNT
Recommendation: Refer to Grants Committee.
15. United Senior Citizens of Ontario, Branch 1532, Zone 11 - re requesting financial assistance. File: C12-GNT
Recommendation: Forward grant application to organization for submission to the Grants Committee.
16. Mnjikaning First Nation - re Gaming Conference, Casino Rama Hotel, April 21, 2004. File: M02-GEN
Recommendation: Receive as informational.
17. Jim Watt - re Orillia Waterfront Framework Plan. File: D23-FRA
Recommendation: Receive as informational.
Copy to Planning and Development Department.
18. Fayne Bullen - re Orillia Waterfront Framework Plan. File: D23-FRA
Recommendation: Receive as informational.
Copy to Planning and Development Department.
19. Jeanne and George Page - re proposed expansion of the Orillia Public Library. File: C12-LIB
Recommendation: Receive as informational.
20. Wendy Hamilton - re proposed expansion of the Orillia Public Library. File: C12-LIB
Recommendation: Receive as informational.

21. Doug Peddle - re public input to the proposed multi-use recreation facility.
File: C12-MURF

Recommendation: Receive as informational.
Copy to Multi-Use Recreation Facilities Committee.

22. Kelly Clune - re request for delay in awarding Orillia's Solid Waste Collection Contract. File: L04-

Recommendation: Refer to Council Committee.
Request report from Public Works Department in conjunction with the Solid Waste Contract report going to the April 26th Committee meeting.

23. Township of Oro-Medonte - re speed limit on Bass Lake Sideroad. File: C01-2004- (2 letters dated March 5, 2004 and March 29, 2004)

- a) Letter dated January 21, 2004 from the Manager of Council Services/Clerk.

Recommendation: A by-law be passed to implement a 40 km/h speed limit on Bass Lake Sideroad between Hepinstall Place and Harvie Settlement Road.

2004-141 Moved by Gardy, seconded by Cipolla, that Council adopt the recommendations as set out on the Consent Agenda for the Regular Meeting of Council on April 19, 2004, with the exception of the recommendation(s) with respect to Correspondence Item(s) 1.c), 10., 11., 13., 17., 18. and 22. which shall be introduced separately. Carried.

2004-142 Moved by Cipolla, seconded by Gardy, that the recommendation with respect to Correspondence Item 1.c) on the Consent Agenda for the regular meeting of Council on April 19, 2004 be adopted. Carried.

2004-143 Moved by Garland, seconded by Smith, that the recommendation with respect to Correspondence Item 10. on the Consent Agenda for the regular meeting of Council on April 19, 2004 be adopted. Carried.

2004-144 Moved by Cipolla, seconded by Gardy, that the recommendation with respect to Correspondence Item 11. on the Consent Agenda for the regular meeting of Council on April 19, 2004 be adopted. Carried.

2004-145A Moved by Gardy, seconded by Cipolla, that the recommendation with respect to Correspondence Item 13. on the Consent Agenda for the regular meeting of Council on April 19, 2004, read as follows:

Refer to Council Committee.
Request report from the Public Works Department.
Request report from Police Services Board regarding time spent on traffic control on Westmount Drive in conjunction with Public Works Department report.

2004-145B Moved by Downey, seconded by Cipolla, that the motion now before Council be amended by deleting the words "in conjunction with Public Works Department report" and inserting the words "in the area of Mount Slaven Public School and Harriett Todd School". Carried.

2004-145C Moved by Gardy, seconded by Cipolla, that the recommendation with respect to Correspondence Item 13. on the Consent Agenda for the regular meeting of Council on April 19, 2004, read as follows:

Refer to Council Committee.
Request report from the Public Works Department.
Request report from Police Services Board regarding time spent on traffic control on Westmount Drive in the area of Mount Slaven Public School and Harriett Todd School. Carried.

2004-146 Moved by Lauer, seconded by Spears, that the recommendation with respect to Correspondence Items 17. and 18. on the Consent Agenda for the regular meeting of Council on April 19, 2004, be adopted. Carried.

2004-147 Moved by Lauer, seconded by Spears, that the recommendation with respect to Correspondence Item 22. on the Consent Agenda for the regular meeting of Council on April 19, 2004 be adopted. Carried.

Correspondence

1. Orillia Public Library Board - re scheduling of budget presentations. File: C12-LIB

2004-148 Moved by Spears, seconded by Garland, the correspondence dated March 25, 2004 from the Orillia Public Library Board regarding the scheduling of budget presentations, be referred to the City Treasurer and the Finance and Administration Liaison Councillors for consideration. Carried.

Motions

Council, at its meeting held on February 16, 2004, postponed the following motion to today's meeting:

2004-149A Moved by Morano, seconded by Smith, that as recommended in a report dated February 5, 2004 from the Orillia Public Library Board, the Board be authorized to retain the firm of Carruthers Shaw and Partners Limited, Architects, at a cost of \$44,815 plus G.S.T. of \$3,067.05, to undertake the Architectural and Urban Planning Study to investigate the feasibility of locating a proposed new library on the Market Block.

2004-149B Moved by Cipolla, seconded by Gardy, that the motion now before Council be amended by adding the following:

"AND THAT the City Manager be requested to lead the City's staff involvement in this study and the other issues related to the library proposal." **LOST**

2004-149C Moved by Morano, seconded by Smith, that as recommended in a report dated February 5, 2004 from the Orillia Public Library Board, the Board be authorized to retain the firm of Carruthers Shaw and Partners Limited, Architects, at a cost of \$44,815 plus G.S.T. of \$3,067.05, to undertake the Architectural and Urban Planning Study to investigate the feasibility of locating a proposed new library on the Market Block. Carried.

Reports

1. Report Number 2004-5 of the Committee of the Whole Council. (Motions)
(See Page 2004-104)
2. Report Number 2004-6 of the Council Committee. (Motion) (See Page 2004-105)
3. Report Number 2004-7 of the Council Committee. (Motions) (See Pages 2004-106 - 2004-107)
4. Finance and Administration Liaison Councillors - re Benefits for Council Members. File: H02-GEN (Motion)

5. Mayor Stevens - re Priority Lists. File: C00-OBJ (Motion)

2004-150 Moved by Cipolla, seconded by Spears, that Report Number 2004-5 of the Committee of the Whole Council, now before Council, be adopted with the exception of Clause 7., which shall be introduced separately. Carried.

2004-151 Moved by Cipolla, seconded by Spears, that Clause 7. of Report Number 2004-5 of the Committee of the Whole Council, now before Council, be adopted. Carried.

2004-152 Moved by Downey, seconded by Garland, that Report Number 2004-6 of the Council Committee, now before Council, be adopted. Carried.

2004-153 Moved by Spears, seconded by Lauer, that Report Number 2004-7 of the Council Committee, now before Council, be adopted with the exception of Clauses 3., 4. and 9., which shall be introduced separately. Carried.

2004-154 Moved by Gardy, seconded by Cipolla, that Clause 3. of Report Number 2004-7 of the Council Committee, now before Council, be adopted. Carried.

2004-155 Moved by Gardy, seconded by Spears, that Clause 4. of Report Number 2004-7 of the Council Committee, now before Council, be adopted. Carried.

2004-156 Moved by Spears, seconded by Cipolla, that Clause 9. of Report Number 2004-7 of the Council Committee, now before Council, be adopted. Carried.

2004-157 Moved by Lauer, seconded by Downey, that as recommended in a report dated April 6, 2004 from the Finance & Administration Liaison Councillors, Council members be given the option annually of buying into the management-level programme for drugs, dental and vision care benefits at their own expense. Carried.

2004-158 Moved by Downey, seconded by Smith, that the report dated April 15, 2004 from Mayor Stevens regarding the lists of Council priorities for the 2003-2006 term, be adopted. Carried.

2004-159 Moved by Spears, seconded by Lauer, whereas the Board of Directors of Orillia Power Corporation passed the following motion at its March 22, 2004 Board Meeting:

“Resolved, that the Board of Directors of Orillia Power Corporation declares a regular dividend, subject to shareholder approval, in the amount of \$1,200,000 payable to the City of Orillia by May 6, 2004.”

THEREFORE BE IT RESOLVED that the Shareholder ratifies the Board of Directors’ dividend motion of March 22, 2004 and approves payment of a regular dividend to the Shareholder in the amount of \$1,200,000 by May 6, 2004. Carried.

A verbal motion to Table the following motion was Lost.

2004-160 Moved by Cipolla, seconded by Gardy, whereas the Board of Directors of Orillia Power Corporation passed the following motion at its March 22, 2004 Board Meeting:

“Resolved, that the Board of Directors of Orillia Power Corporation declares a special dividend, subject to shareholder approval, in the amount of \$2,500,000 payable to the City of Orillia by May 6, 2004.”

THEREFORE BE IT RESOLVED that the Shareholder ratifies the Board of Directors’ dividend motion of March 22, 2004 and approves payment of a special dividend to the Shareholder in the amount of \$2,500,000 by May 6, 2004. Carried.

By-laws

2004-161 Moved by Garland, seconded by Smith, that By-law Number 2004-54, a by-law for the purpose of appointing members to certain Committees, be now introduced and read a first, second and third time today. Carried.

2004-162 Moved by Downey, seconded by Garland, that the following by-laws be now introduced and read a first, second and third time today:

2004-55 A By-law to repeal and replace Chapter 147 of the City of Orillia Municipal Code - Director of Planning and Development.

2004-56 A By-law to repeal By-law Number 2003-130 - Acting Director of Planning and Development.

2004-58 Amendment Number 154 to Traffic and Parking Regulation By-law Number 1983-80, as amended.

2004-61 A By-law to authorize the acquisition of an easement for municipal services (Kemp - Goldie Drive/Commerce Road). Carried.

2004-163 Moved by Downey, seconded by Garland, that By-law Number 2004-57, a by-law to authorize various 2004 Maintenance Contracts, be now introduced and read a first, second and third time today. Carried.

2004-164 Moved by Garland, seconded by Smith, that the following by-laws be now introduced and read a first, second and third time today:

2004-59 A By-law to authorize the execution of a Special Events Agreement with the Orillia and District Chamber of Commerce.

2004-60 A By-law to authorize the execution of a Marina Management Agreement with the Orillia and District Chamber of Commerce. Carried.

2004-165 Moved by Downey, seconded by Garland, that By-law Number 2004-62, a by-law to confirm the proceedings of Council at its meetings held on April 19, 2004, 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

1. Maurice McMillan
- re OPC Annual Shareholder Meeting

MEETING ADJOURNED - 11:35 P.M.

MAYOR

CLERK

CITY OF ORILLIA

TO: The Mayor and Members of Council
FROM: Committee of the Whole Council
DATE: April 6, 2004
SUBJECT: Report Number 2004-5 (From meeting of April 5, 2004)

Your Committee is pleased to report as follows:

1. THAT Ruth Coursey be appointed as the City's Director of Planning and Development, effective May 10, 2004.

2. THAT the following be appointed a member of the Environmental Advisory Committee for a term expiring November 30, 2005:
Michael Fogarty

3. THAT the following be appointed a member of the Farmers' Market Management Committee for a term expiring November 30, 2005:
Rene McCutcheon (Orillia Farmers' Market Organization)

4. THAT the following be appointed a member of the Farmers' Market Management Committee for a term expiring November 30, 2006:
Richard Jolliffe (Orillia Farmers' Market Organization)

5. THAT the following be appointed a member of the Licensing Committee for a term expiring November 30, 2006:
Robert B. Nevison (Farmers' Market Management Committee)

6. THAT the following be appointed members of the Order of Orillia Awards Committee for terms expiring November 30, 2006:
Beulah B. (Bunny) Cunningham
Michael F. Dodd

7. THAT the following be appointed a member of the Orillia Hall of Fame Committee for a term expiring November 30, 2006:
Kelly Lassaline

R. Cipolla,
Chair.

CITY OF ORILLIA

TO: The Mayor and Members of Council
FROM: Council Committee
DATE: April 1, 2004
SUBJECT: **Report Number 2004-6 (From meeting of March 22, 2004)**

Your Committee is pleased to report and recommend as follows:

1. THAT as recommended in a report dated March 15, 2004 from the City Treasurer, the annual Statement of the Treasurer prepared pursuant to s.284 of the Municipal Act, 2001, S.O. 2001, c.25 and the Statement of Remuneration and Expenses for Members of Council, be received as informational.

G. Morano,
Chair.

CITY OF ORILLIA

TO: The Mayor and Members of Council
FROM: Council Committee
DATE: April 6, 2004
SUBJECT: Report Number 2004-7 (From meeting of April 5, 2004)

Your Committee is pleased to report and recommend as follows:

1. THAT subject to the outcome of the Council priority-setting session on April 14, 2004, this Committee recommends to Council that as recommended in a report dated March 22, 2004 from the Orillia Police Services Board, Council approve the selection of Rebanks Pepper Littlewood Boyd Architects Inc. at a cost of \$38,200 (plus G.S.T.) to prepare a report to address facility needs for police and fire.
2. THAT the Police Services Board be requested to advise Council on the outcome of its negotiations for Provincial assistance with the funding of the Emergency Services Accommodation study, in accordance with the Council resolution of September 22, 2003.
3. THAT the reports dated March 17, 2004 and March 24, 2004 from the Economic Development Committee and the City of Orillia Housing Committee respectively, be received as informational.
4. THAT the report dated March 19, 2004 from the Farmers' Market Management Committee regarding parking issues, be referred to the following for consideration and recommendation back to Council by May 31, 2004:
 - Parking Advisory Committee
 - Orillia Police Services Board
 - City Manager's Office, Legislative Services Division
 - Public Works Department
 - Fire Department
 - Downtown Orillia Management Board
5. THAT as recommended in a report dated March 15, 2004 from the Public Works Department, a "No Parking Anytime" restriction be implemented on the north side of Benner Street between West Street and Peter Street;
AND THAT a "No Parking Anytime" restriction be implemented on the north side of Champlain Street between West Street and Peter Street.
6. THAT as recommended in a report dated March 30, 2004 from the Manager of Property and Purchasing, Council approve the selection of Murray Mechanical Systems Ltd. to upgrade the Orillia Opera House HVAC system, as part of the ongoing control and energy conservation program, for \$88,454 (G.S.T. exempt).

7. THAT the report dated March 31, 2004 from the Solid Waste Technical Coordinator regarding the 2003 Solid Waste Management Annual Report, be adopted and implemented.

8. THAT as recommended in a report dated March 31, 2004 from the Public Works Department, the Annual Road Program for 2004 through 2006 be adopted including the provision of an additional contribution from the Water and Sewer Reserve of \$103,000 related to water and sewer on Andrew Street and Tecumseth Street.

9. THAT the report dated March 26, 2004 from the Public Works Department regarding 2004 Public Works Maintenance and Equipment Tenders, be adopted and implemented.

10. THAT staff continue researching membership in the Severn Sound Environmental Association and report back to Council Committee, following a presentation by the SSEA.

P. Spears,
Chair.