



CITY OF ORILLIA COUNCIL MINUTES

2000-87

MINUTES OF THE REGULAR MEETING OF COUNCIL, MONDAY, APRIL 17, 2000 AT 7:30 P.M. IN THE COUNCIL CHAMBER

Present: Mayor K. McCann in the Chair
 Councillors: M. Buchanan
 D. Evans
 W. Gardy
 M. Kirby
 T. Lauer
 G. Morano
 D. Shaw
 P. Spears

The meeting opened with the singing of O Canada and the reciting of the Opening Prayer.

Disclosure of Interest

1. Councillor Evans – re Clause 1. of Report Number 2000-6 of the Committee of the Whole Council.

Nature of Interest – Councillor Evans is named in a Statement of Claim, respecting the Economic Development Commission.

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

2. Councillor Evans – re Consent Item No. 15.

Nature of Interest – Councillor Evans is on the Board of Directors for the Festival of Orillia.

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

3. Councillor Lauer – re Consent Item No. 15.

Nature of Interest – Councillor Lauer is on the Board of Directors for the Festival of Orillia.

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

Deputation

Mr. Murray Cayley, Mr. Shad Shadbolt and Ms. Gay Guthrie, Orillia Museum of Art and History spoke to Council providing information on the upcoming celebration of the 100th anniversary of the raising of Lord Strathcona's Horse (Royal Canadians) to be held on July 12 and 13, 2000. File: M02-GEN

Presentation

Councillor Morano presented the Simcoe County District Health Unit award to the Mayor, received by the City in recognition of implementing a Municipal Alcohol Policy.

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) For Your Information - re AMO and MFOA Announce a New Way of Doing Business.
 - b) Alert - re Bill 79 and the POST 2000 Tax Period.

Recommendation: Receive as informational.
2. The Municipality of Centre Hastings - re requesting endorsement of their resolution regarding the Ministry of the Environment issuing major water taking permits. File: C10-GEN

Recommendation: Receive as informational.
3. Town of Richmond Hill - re requesting endorsement of their resolution regarding adult entertainment parlours. File: C10-GEN

Recommendation: Receive as informational.
4. City of Welland - re requesting endorsement of their resolution regarding exempting cultural clubs and non-profit halls from paying commercial tax rates. File: C10-GEN

Recommendation: Receive as informational.
5. Municipality of Chatham-Kent - re requesting endorsement of their resolution regarding a review of the Drainage Act Grant Programs. File: C10-GEN

Recommendation: Receive as informational.
6. Bell Canada - re proposal to revise prices for some business services and basic single-party residential line access rates for customers in Ontario and Quebec. File: A12-GEN

Recommendation: Receive as informational.
7. Minister of Municipal Affairs and Housing - re inaugural edition of the Capital Budgeting Handbook is now available. File: A16-MMAH

Recommendation: Receive as informational.
8. Minister of Municipal Affairs and Housing - re commercial/industrial tax rates. File: F21-GEN

Recommendation: Receive as informational.
9. Mr. Doug Abernethy - re Minutes of the Ontario Community Council on Impaired Driving (OCCID) General Meeting held on February 20, 2000. File: A01-OCCID

Recommendation: Receive as informational.
10. Township of Springwater - re invitation to compete in the annual Log Sawing contest, April 29, 2000. File: M02-GEN

Recommendation: Receive as informational.

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11. Canadian Wildlife Service - re correspondence from the Federal Minister of the Environment regarding the Species at Risk Act (SARA). File: A16-FED

Recommendation: Receive as informational.

12. T.I.E. Club Seniors - re waterfront railway lands. File: D23-RAIL

Recommendation: Receive as informational.
Copy to Planning and Parks and Recreation Departments.

13. Orillia and Muskoka District Labour Council - re International Day of Mourning, April 28, 2000. File: M02-TAG

Recommendation: Receive as informational.
Copy of proclamation request forwarded to Mayor's Office.

14. Orillia & District Arts Council - re funding request to accomplish their Year 2000 goals. File: C12-GNT

Recommendation: Refer to Grants Committee for a report.

15. Festival Orillia Inc. - re requesting that a portion of Tudhope Park be closed during The Mariposa Folk Festival, July 7 - 9, 2000. File: M02-GEN

Recommendation: Refer to Council Committee.
Request report from the Parks and Recreation Department.

16. Signature Memorials Limited - re requesting Council's approval in constructing a private family mausoleum. File: S09-CEM

Recommendation: That the following resolution be passed:

"THAT Council has no objection to an application by Signature Memorials Limited to the Ministry of Consumer and Commercial Relations to construct a private family mausoleum to be erected at St. Michael's Roman Catholic Cemetery, Orillia."

17. Orillia Boat Cruises - re request for dockage of a second boat, The Lady Belle II for the 2000 summer season. File: R05-GEN

Recommendation: Refer to Council Committee.
Request report from the Parks and Recreation Department in consultation with the Orillia and District Chamber of Commerce.

2000-114 Moved by Morano, seconded by Gardy, that Council adopt the recommendations as set out on the Consent Agenda for the Regular Meeting of Council on April 17, 2000, with the exception of the recommendation(s) with respect to Correspondence Item(s) 1.(b), 13., 15., 16. and 17. which shall be introduced separately. Carried.

2000-115 Moved by Spears, seconded by Shaw, that the recommendation with respect to Correspondence Item 1.b) on the Consent Agenda for the regular meeting of Council on April 17, 2000 be adopted. Carried.

2000-116 Moved by Buchanan, seconded by Kirby, that the recommendation with respect to Correspondence Item 13. on the Consent Agenda for the regular meeting of Council on April 17, 2000 be adopted. Carried.

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2000-117 Moved by Spears, seconded by Shaw, that the recommendation with respect to Correspondence Item 15. on the Consent Agenda for the regular meeting of Council on April 17, 2000 be adopted. Carried.

2000-118 Moved by Spears, seconded by Gardy, that the recommendation with respect to Correspondence Item 16. on the Consent Agenda for the regular meeting of Council on April 17, 2000 be adopted. Carried.

2000-119 Moved by Spears, seconded by Shaw, that the recommendation with respect to Correspondence Item 17. on the Consent Agenda for the regular meeting of Council on April 17, 2000 be adopted. Carried.

Correspondence

1. Mr. Simon Weisman, PGW Limited - re owners of 70 Front Street North (Front Street Shopping Centre) interested in purchasing the C.N. land abutting their property to the east. File: D23-RAIL (Motion – LOST)

2000-120 Moved by Gardy, seconded by Morano, that the Operations Department be instructed to clear the City-owned property east of and adjacent to the Front Street plaza of various weeds pursuant to the timetable set out in the Weed Control Act, saplings and debris;

AND THAT costs for this work be appropriated from _____. LOST

Reports

1. Report Number 2000-6 of the Committee of the Whole Council. (Motions) (See Page 2000-94)
2. Report Number 2000-8 of the Council Committee. (Motions) (See Pages 2000-95 – 2000-96)
3. Orillia O.P.P. Detachment - re Business Plan 2000. File: C12-PSB (Info)
4. Mayor McCann, Chair, Bill 35 Transition Committee - re Future of Orillia's Hydro Utility. File: L11-Bill35 (Motions)
5. Mayor McCann - re Severn Hydro. File: L11-Bill35 (Motion)

2000-121 Moved by Lauer, seconded by Kirby, that Report Number 2000-6 of the Committee of the Whole Council, now before Council, be adopted with the exception of Clause 1. which shall be introduced separately. Carried.

2000-122 Moved by Kirby, seconded by Lauer, that Clause 1. of Report Number 2000-6 of the Committee of the Whole Council, now before Council, be adopted. Carried.

2000-123 Moved by Lauer, seconded by Evans, that Report Number 2000-8 of the Council Committee, now before Council, be adopted with the exception of Clauses 3., 7. and 8., which shall be introduced separately. Carried.

2000-124 Moved by Evans, seconded by Kirby, that Clause 7. of Report Number 2000-8 of the Council Committee, now before Council, be adopted. **WITHDRAWN**

2000-125A Moved by Buchanan, seconded by Kirby, that Clause 8. of Report Number 2000-8 of the Council Committee, now before Council, be adopted.

2000-125B Moved by Spears, seconded by Shaw, that the motion now before Council be amended by adding the following clause:

"with the exception that the \$50.00 user fee for windsurfers be deleted." LOST

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2000-125C Moved by Buchanan, seconded by Kirby, that Clause 8. of Report Number 2000-8 of the Council Committee, now before Council, be adopted. Carried.

Recorded Vote

Yeas - Morano, Evans, Lauer, Kirby, Buchanan

Nays - Shaw, Spears, Gardy, McCann

2000-126 Moved by Lauer, seconded by Kirby, that Clause 3. of Report Number 2000-8 of the Council Committee, now before Council, be adopted. Carried.

2000-127 Moved by Morano, seconded by Gardy, that, as recommended in a report dated April 10, 2000 from the Bill 35 Transition Committee regarding the future of Orillia's hydro utility:

1. The City of Orillia retain ownership of the assets of the Orillia, Water, Light and Power Commission by establishing a distribution company and a generation/services company.

2. A Board of Directors consisting of five members be appointed by City Council for the holding company;
AND THAT the shareholder direction encourage the holding company to minimize the size of the boards of its subsidiaries.

3. Council appoint a Committee to oversee the recruitment process, interview candidates, and make recommendations to Council regarding the Board of Directors of the holding company, and that such Committee consist of two members of Council, one member of the community at large, one representative of the existing Commission, and the City Manager.

4. The appointments to the initial Board of Directors be made for a combination of one-year, two-year, and three-year terms;
AND THAT, as each initial term expires, directors be appointed or re-appointed for a three-year term.

5. No limit be placed on the number of times that a Director can be re-appointed to the Board of Directors.

6. Compensation levels of the Board of Directors be subject to Council approval, and that the recruitment committee be mandated to submit a recommendation to Council regarding the initial compensation structure.

7. The holding company be required to submit progress reports on its activities semi-annually to City Council.

8. Council request the Board of the holding company to undertake a review of the telecommunications initiative on a priority basis in the first year of the Corporation's business plan.

9. Council agree to a recapitalization of the generation company that would produce a commercial debt/equity ratio in the range between 60/40 and 70/30.

10. With respect to the generation company's operations, Council approve the principle of moving from a rate minimization approach to a profit maximization approach over a transition period of three to five years.

11. Council agree to a recapitalization of the distribution company that would produce a debt/equity ratio of 50/50, as will be used by the OEB in its rate approval process.

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12. With respect to the distribution company's operations, Council approve the principle of moving to the permissible rate of return on equity over a transition period of three to five years.

13. The shareholder direction preclude the corporation from entering into new retail businesses, including commodity retailing, either directly or through a subsidiary, without the express approval of City Council. Carried.

Recorded Vote

Yeas – Shaw, Spears, Gardy, Morano, Evans, Lauer, Kirby, Buchanan, McCann

Nays –

2000-128 Moved by Shaw, seconded by Spears, that as recommended in a report dated April 10, 2000 from the Bill 35 Transition Committee regarding the future of Orillia's hydro utility, City Council select the holding company model to hold the City's investment in the two subsidiary companies;

AND THAT the shareholder direction for the holding company require Council approval for any proposed distribution of dividends received from the competitive subsidiary. Carried.

2000-129 Moved by Shaw, seconded by Spears, that as recommended in a report dated April 10, 2000 from the Bill 35 Transition Committee regarding the future of Orillia's hydro utility, City Council establish a policy that members of City Council and City staff not be eligible for appointment to the Board of the holding company or its subsidiaries. Carried.

2000-130 Moved by Evans, seconded by Lauer, that as recommended in a report dated April 10, 2000 from the Bill 35 Transition Committee regarding the future of Orillia's hydro utility, the City Solicitor be authorized to draft a shareholder direction for use by the recruitment committee, which minimizes the range of issues requiring shareholder approval beyond those listed in this report. Carried.

2000-131 Moved by Morano, seconded by Gardy, that the Township of Severn be advised that the City of Orillia is willing to discuss partnership options between the successor companies of O.W.L.P. and Severn Hydro in an expeditious manner;

AND THAT the O.W.L.P. be requested to investigate and advise City Council which of the partnership options, if any, make sense from a business standpoint. Carried.

By-laws

2000-132 Moved by Evans, seconded by Lauer, that the following by-laws be now introduced and read a first, second and third time today:

2000-48 A By-law to authorize the execution of Contract No. R-00-1 with Superior Catchbasin Services for the Cleaning of Catchbasins.

2000-49 A By-law to authorize the execution of Contract No. R-00-5 with K.J. Beamish Construction Co. Limited for the construction of Sewers, Curbs, Sidewalks and related appurtenant works.

2000-50 A By-law to authorize the execution of Contract No. R-00-6 with K.J. Beamish Construction Co. Limited to supply and place asphalt.

2000-51 A By-law to authorize the execution of Contract No. R-00-7 with K.D.N. Pavement Markings Ltd. for Street Line Painting.

2000-52 A By-law to authorize the execution of Contract No. R-00-9 with M.H. Poleline Construction Ltd. for Street Light Maintenance.

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- 2000-53 A By-law to authorize the execution of a contract with Arnott Construction Limited for the reconstruction of Barrie Road (RWS-00-51).
- 2000-54 A By-law to authorize the execution of a Lease Agreement with The Orillia Lawn Bowling Club.
- 2000-55 A By-law for the purpose of appointing members to certain Boards, Commissions, Committees and other designated offices. (OWLS)
Carried.

2000-133 Moved by Lauer, seconded by Kirby, that By-law Number 2000-56, a by-law to confirm the proceedings of Council at its meeting held on April 17, 2000, 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. Norm Lewthwaite, 401 Regent Street
 - re thank you for the going away party
 - re tender process for entrance signs

2. Dennis Edmonds, 226 Westmount Drive South
 - re 3.23 parcel of land sold to Aubrey Ford, In Trust
 - re Ad Hoc Economic Development Commission Task Force – would like notice of these meetings
 - re garbage tags

MEETING ADJOURNED – 10:15 P.M.

MAYOR

CLERK

2000-94

CITY OF ORILLIA

TO: The Mayor and Members of Council
FROM: Committee of the Whole Council
DATE: April 11, 2000
SUBJECT: Report Number 2000-6 (From meeting of April 10, 2000)

Your Committee is pleased to report as follows:

1. THAT Council sell 3.23 acres of land in Champlain Industrial Park, being Part 3 on Plan 51R-28422, for the amount of \$80,750.00, to Aubrey Ford In Trust, subject to a completed offer of purchase and sale being received in a form satisfactory to the solicitor of the Economic Development Commission.

2. THAT Charter Properties Inc. be granted a 30-day extension ending May 18, 2000 to the timeframe in which they have the ability to waive the conditions under their offer to purchase 179 Memorial Avenue (Queen's Pizzeria property);
AND THAT this extension be conditional upon the purchaser agreeing that the purchase price deposit of \$2,000 be non-refundable and payable to the vendor in the event that this sale does not close as a result of the purchaser not satisfying or waiving the conditions.

K. McCann,
Chairman.

2000-95

CITY OF ORILLIA

TO: The Mayor and Members of Council
FROM: Council Committee
DATE: April 11, 2000
SUBJECT: Report Number 2000-8 (From meeting of April 10, 2000)

Your Committee is pleased to report and recommend as follows:

1. THAT as recommended in a report dated March 29, 2000 from the Property Services Department, the Orillia Lawn Bowling Club be granted a one-year extension on their lease, which currently expires on August 14, 2004 in order that they may qualify for grants from the Trillium Foundation.

2. THAT as recommended in a report dated April 5, 2000 from the Operations Department, the present system, under which properties with access to sanitary sewers pay sewer usage charges, be maintained.

3. THAT as recommended in a report dated April 5, 2000 from the Director of Parks and Recreation, no action be taken on the request of the Dominion Gospel Hall as the Lion's Oval is previously reserved;
AND THAT all similar outreach requests of churches be denied until a policy position is developed;
AND THAT the matter of policy development be referred to the Recreation Advisory Committee for its consideration and a subsequent report to Council recommending a policy position.

4. THAT as recommended in a report dated March 30, 2000 from the Engineering Department, Arnott Construction Limited be awarded Contract RWS-00-51, Reconstruction of Barrie Road from Memorial Avenue to Dunlop Street, for the tendered sum of \$895,183.83 (including 7% G.S.T.) with actual payment made for work done under contract unit prices;
AND THAT City Staff be authorized to do all things necessary to complete Contract RWS-00-51;
AND THAT work on this contract be allowed to commence prior to formal ratification by Council.

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5. THAT as recommended in a report dated March 30, 2000 from the Property Services Department, staff be authorized to proceed with the process to declare the following property surplus to the needs of the City, as per the conditions set out in the Property Procedural By-law 1995-99, being Block 30, on Registered Plan 51M-655 (formerly Township of Orillia) now in the City of Orillia, County of Simcoe; AND THAT an easement be granted to Bell Canada over Block 30 on Registered Plan 51M-655 in the West Ridge Subdivision.

6. THAT as recommended in a report dated April 5, 2000 from the Property Services Department, the vacant vending space on the C.P.R. right-of-way, located on the westerly side of Centennial Drive north of the Ossawippi restaurant, be made available for lease to Mr. Peter Marinakos, Tops in Pizza, subject to the terms and conditions of vending on the C.P.R. right-of-way; AND THAT the rental fee for the space remain at \$1,500 plus the \$750 refreshment vehicle license fee for the period from May 1, 2000 - October 15, 2000 at which time the stall shall be removed from the space.

7. THAT as recommended in a report dated April 5, 2000 from the Director of Parks and Recreation, the approximately 10 acre park space west of Highway No. 11 fronting on Harvie Settlement Road be named West Ridge Park.

8. THAT the report dated April 5, 2000 from the Director of Parks and Recreation regarding Tudhope Park Access, be adopted and implemented; AND THAT staff investigate a drop off point for Moose Beach.

9. THAT the report dated March 22, 2000 from the Operations Department regarding 2000 Operations Maintenance and Equipment Tenders, be adopted.

10. THAT the report dated March 20, 2000 from the Manager of Council Services/Clerk and the Office Manager regarding Policy Manual updates, be adopted and implemented.

K. McCann,
Chairman.