



**Minutes of June 9, 2010 Board Meeting**

<u>Directors in attendance</u>	Chair Vice-Chair Secretary/Treasurer	Cathy Coxhead Tony Vander Baaren Anna Visconti
<u>Solicitor for the Board</u>	Joe Neal	Neal, Mara, and Fraser
<u>City officials in attendance</u>	David Tuley Louise Parkes James Anderson	Downtown Development Officer Council Rep Mayor's Office
<u>Members in attendance</u>	Jay Jegatheeswaran Jenees Jegatheeswaran Ian Tweedle Laura Vaillaincourt	Diamonds Grill Diamonds Grill Strut Doug Wilsons Mens Wear
<u>Regrets</u>	Vivian Sled	Office Administrator
<u>Absent</u>	Jackie Simkin	Director

The meeting was called to order by the Chair at 6:00pm welcoming the members and the representatives from the City of Oshawa.

The Chair called for declarations of pecuniary interests, where by Vice-Chair Tony Vander Baaren acknowledged the call.

The Chair requested that item eight on the agenda – the Finance and Administration Committee Meeting of June 8<sup>th</sup>, 2010 – be moved to item five.

**Motion 6:01** to move item eight to item five in the agenda, allowing Solicitor Joe Neal to speak on the F&A Committee meeting before the report from Downtown Development Officer David Tuley, was made by Tony Vander Baaren, seconded by Anna Visconti.

**Carried**

**Motion 6:02** to approve the May 12<sup>th</sup>, 2010 minutes was made by Tony Vander Baaren, seconded by Anna Visconti.

**Carried**

### **Treasurer's Report**

Treasurer / Secretary Anna Visconti reported that – due to the separation of expenditures for upcoming events from the general ledger – there were few cheques or expenditures of note.

At this time Councilor Louise Parkes voiced her concern that the May 2010 minutes were too detailed, suggesting that overly detailed minutes might invite comments to be taken out of context. Chair Cathy Coxhead requested that Councilor Parkes specify her issues with the May 12<sup>th</sup>, 2010 minutes. Councilor Parkes could not point to any one issue in particular. Chair Coxhead reminded Councilor Parkes and the Board that the minutes had already been approved and the matter was dropped.

**Motion 6...:03** to approve the May 2010 financials was made by Anna Visconti.

Tony Vander Baaren interjected, asking whether the adjustment of Vivian's salary and overall expenditures discussed at previous meetings had been implemented. Anna confirmed the adjustments.

Solicitor Joe Neal arrived

Tony reported an interest among members to plan additional events with the savings resulting from those adjustments.

Councilor Parkes reported a lull in business in the core and recounted the success of previous campaigns with more than one Sidewalk Sale. She also proposed a potential ambassador program to welcome students coming downtown in the fall.

**Motion 6:04** to approve the May 2010 financial was made by Anna Visconti, seconded by Councilor Parkes.

**Carried**

Jenees Jegatheeswaran from Diamonds Grill arrived

### **Discussions regarding the June 8<sup>th</sup> Finance and Administration Committee Meeting**

At this point, Councilor Louise Parkes excused herself from the meeting table, feeling it a conflict of interest to participate in discussions/voting pertaining to the F&A proceedings.

Solicitor Joe Neal outlined the legal proceedings of the past week. He reported that the injunction against the F&A Committee meeting had been defeated and that the meeting went ahead as planned. Mr. Neal felt the question now was how to proceed, if at all.

Laura Vaillaincourt of Doug Wilsons Mens Wear arrived

Mr. Neal reported at the June 7<sup>th</sup> injunction proceedings, Justice Lack had felt no harm could come from the June 8<sup>th</sup> F&A Committee meeting going ahead. He indicated that no report on the meeting had yet been made available by the Committee. Without any report Mr. Neal wondered how to proceed with the Board's application, questioning whether the issues it raised were still relevant. In particular, Mr. Neal wanted direction on how to proceed with the issue of whether or not the City has the right to revoke or remove an appointment to the Board. He perceived that the City might not be opposed to any such motion seeking to guarantee this right.

Mr. Neal advised that any further course of action might narrow in on this particular issue as well as the possible provision for the election of Board members. He concluded that any judicial response to the June 8<sup>th</sup> F&A meeting would first necessitate the procurement of a Committee report. Options now:

Treasurer Anna Visconti suggested any future action could request that Council clarify what entails a proper appointment, which Mr. Neal felt was related to the previous issue relating City By-Law to the Municipal Act.

Anna also proposed contacting the clerk's office to determine when committee's recommendations would be made public.

James Anderson was of the opinion that it would be made public before the next Committee meeting: June 28<sup>th</sup>, 2010.

Chair Cathy Coxhead asked Joe to advise action in light of the absence of information. Mr. Neal advised that the rest of the application might not be in the best interest of the board, depending on the report. If the Board were to withdraw the application, he added, that should be done sooner rather than later. He also repeated that there might be some agreement between the Board and the City on the issue of Council's right to revoke or remove appointments. He concluded by asking the Board to direct him as soon as possible so that he may notify the City Solicitor's office of the Board's intentions.

Anna felt that Director Jackie Simkin's position as a council appointee, as stated by Committee, was an issue to be contended, stating her belief that Council is only allowed to appoint one person to the Board, and that Councilor Parkes would be that appointee.

Tony wished to address allegations of any conflict of interest on his part as Vice-Chair. He recounted that a investigation initiated by the City of Oshawa had found no such conflict, and that his own review had accounted for all necessary declarations of pecuniary interests, as well as every abstained vote. He added that Office Administrator Vivian Sled's review had found similar.

Mr. Neal parted from the Chair by expressing his hope that if anything was to come of these proceedings with the City it would be that the City formulates a Code of Conduct for the BIA.

Solicitor Joe Neal left

Louise re-joined the table

### **Downtown Development Officer David Tuley's Report**

Mr. Tuley started his report by noting that the number applications for community improvement grants and loans had greatly increased within the current term, and that an additional \$60 000 had been made available from retired projects.

Mr. Tuley continued by commenting that the UOIT banner program had been implemented in the BIA and had been well received. He also thanked the Board for its timely participation, and acknowledged how essential the Board's involvement to the program's implementation.

Mr. Tuley then listed a number of initiatives which he had participated in during the Spring of 2010, including a successful lecture circuit to Durham Community Realtors, Community Services Oshawa...all on how Downtown on the cusp of great change...Developer Insider breakfast great success...200 million worth in building permits issued in last two years downtown in time of great economic hardship...

Tony Vander Baaren commented upon the review of marketing initiatives brought forth at the F&A Committee meeting of June 8<sup>th</sup> 2010. He outlined Councilor April Cullen report on accessibility issues. Tony recommended changing the Façade Program to "Façade and Accessibility Program", feeling it imperative businesses be made aware of such loan programs. He recommended that the Board distribute flyers to inform local merchants on the Accessibility Objectives of 2012 and 2020. He reported positive discussions with BIA member Durham Medical, who expressed interest in their involvement. Tony noted Councilor Cullen's comment that 1 in 7 Oshawa residents are afflicted with disability, and felt it a great opportunity for the BIA to get involved with issues of accessibility.

Mr. Tuley agreed with Tony, informing the Board that his office has a brochure to promote new grants and loans and how specifically they can be used to promote accessibility. He did not feel it necessary to change the name of the Façade Program, but suggested it could still be used to build ramps / electric doors to improve accessibility. He recommended a joint brochure between the City and the BIA recommending BIA businesses.

Vice-Chair Tony Vander Baaren recommended searching for a group to represent and promote the accessibility issues facing merchants.

Councilor Parkes noted that many stores in the BIA have steps and wondered if the BIA could institute a design competition with UOIT to develop simple lift mechanisms, or if an existing product of that type could be sourced.

Mr. Tuley reported an initiative in Port Perry where sidewalks had been split into two levels to create easier access to stores, noting how the BIA could play big role in accessibility.

James Anderson recommended the BIA host an Expo on accessibility for vendors and for info, making the BIA a representative of the issue of accessibility.

Treasurer Anna Visconti shared her own experience with an issue of accessibility in which the cost of building a ramp for her store's front step became very expensive on the necessary involvement of a Structural Engineer. She noted that nearly 90% of downtown locations have a front step because basements in the BIA's older buildings were difficult to dig, and in order to have a full basement raised step / floor was necessary.

Mr. Tuley recalled similar difficulties in coordinating accessibility renovations among a block of businesses in the "Shops on the Square" case study.

Anna noted that the City of Toronto had undertaken a wholesale accessibility renovation by gradually sectioning the city, providing a structural engineer for each section in alternating periods to alleviate the costs to merchants.

Mr. Tuley recommended further discussion of a comprehensive accessibility plan be added to a future agenda. He also suggested meeting with Vivian in the near future to discuss the matter.

Councilor Parkes recommended coordinating accessibility efforts providing structural engineers to the merchants in an effort to lessen the costs of accessibility and speed up its implementation.

### **City Councilor Louise Parkes' Report**

Councilor Parkes began by highlighting her concerns with parking issues and the arrival of UOIT students, feeling it her duty to do so.

Councilor Parkes reported receiving correspondence from Director Jackie Simkin on Friday June 4<sup>th</sup>, 2010, that claimed she had not forwarded correspondence for the F&A Committee. In response, Councilor Parkes forwarded a previously forwarded response to one of Ms. Simkin's questions, which she felt necessary proof of her cooperation. She stated her belief that all Board members had been dutiful in providing information. She concluded the matter by outlining that the Board needs to be a respectful place in both directions, and recommended moving forward.

Councilor Parkes stated that she was delighted to see the UOIT deal passed unanimously by Council: 5 million dollar deal for the two ice pads and cancelled pool and directed 2.5 million from streetscape to university build. She had been really impressed with developments at the Alger Press Building. She stated her desire to have the Board organize some sort of celebration throughout frosh week to show students they are wanted in unique and fun way, noting the opportunity for retailers, and suggesting the format of a Fall Blowout similar to Shop & Win!'s Midnight Madness Sale.

Treasurer Anna Visconti reported that Mr. Farley Flex of Canadian Idol was interested in partnering with the Downtown on a future performance and suggested the board involve him in any welcome celebration, as well as keep him in mind for future events.

Mr. Tuley added that he had received a message regarding a meeting Community Safety meeting to organize a welcome for students. He also reported that television host Dan Carter was interested in doing a street celebration.

Chair Cathy Coxhead recommended that the Board include these organizers in any celebration plans.

Jenees Jegatheeswaran spoke about his experiences at Carlton University in Ottawa, where free transit passes and a scavenger hunt had been a part of welcome celebrations for students. He suggested similar initiatives could be instituted in the BIA with a performance organized by Farley Flex's as a finale.

James Anderson stressed that the Board should keep all three of Oshawa's Post-Secondary Institutions involved, and not just UOIT.

Vice-Chair Tony Vander Baaren voiced support for a welcome campaign, and added that the Board should further consider a re-branding campaign to add "Learn" to its logo's motto.

Jay Jegatheeswaran arrived

Louise concluded with the request that the record show that her comments on accessibility were taken spuriously and that she'd be drafting a letter to note they were taken out of context.

### **Discussion of Sidewalk Sale**

Summer Student Greg Paziuk presented a preliminary budget for the 2010 Sidewalk Sale. He advised the Board that in order to construct the budget he had consulted the budget for the previous year's Sidewalk Sale, and that the budgets were therefore very similar. Greg singled out advertising and the potential for a Sidewalk Sale Midnight Madness event as the most pressing issues.

Vice Chair Tony Vander Baaren felt that making Midnight Madness apart of Sidewalk Sale might be overkill, noting the additional work it would cause merchants in an already busy week.

Treasurer Anna Visconti agreed, adding that while Midnight Madness had been successful in the Christmas of 2009, the difference then was that it was right after the Santa Claus Parade. She also worried that it would be hard to secure things on the street at such a dark, late hour. She repeated Tony's sentiments that a Sidewalk Sale Midnight Madness campaign would be unmanageable. Anna also worried that Midnight Madness would lose its flavour if it were repeated too often.

Vice-Chair Tony Vander Baaren felt it might be a better idea to tie Midnight Madness into a Frosh Week celebration.

Jay Jegatheeswaran of Diamonds Grill applauded previous Sidewalk Sales for their great success, but added that King Street attracts the most participation and thus the most businesses. Jay finds he is the only one who participates on Bond Street and wondered if there was any way to take further steps to encourage his neighbours to participate. Mr. Jegatheeswaran was concerned that Bond Street is underexposed during Sidewalk Sale.

Vice-Chair Tony Vander Baaren replied that the reason Midnight Madness was so successful was that Director and member Nikki Henderson had been especially proactive in encouraging her neighbours to participate. He suggested instituting "Block Captains" to rally sub-districts within the BIA.

Downtown Development Officer David Tuley wondered if Midnight Madness might be more successful during Autofest. Vice-Chair Tony Vander Baaren and Councilor Louise Parkes expressed their doubt. Tony was concerned that the cars tend to block off the businesses. Councilor Parkes added that Autofest was traditionally beneficial to restaurants and men's clothing stores, and suggested that Midnight Madness be utilized with events that benefit all businesses. She agreed with Tony that Midnight Madness might be better incorporated into a Frosh Week celebration. She also felt an International

Food Festival would be an excellent way to celebrate Frosh Week, and to acknowledge the growing diversity in Downtown Oshawa.

Treasurer Anna Visconti re-addressed the concerns of Mr. Jegatheeswaran by acknowledging that Bond Street predominantly consists of restaurants, and that the Sidewalk Sale was more geared towards retail.

Chair Cathy Coxhead reminded the Board of the need to approve the preliminary budget, adding that she would rather vote on the budget as whole than by each item. Vice-Chair Tony Vander Baaren suggested rounding the budget from \$14 246 to \$13 000, omitting the projected costs of a Midnight Madness Campaign. Treasurer Anna Visconti proposed carrying over the 2009 Budget to 2010, amending the 2009 version to become the budget for 2010.

Vice-Chair Tony Vander Baaren was unsure if the Board could vote on the budget, suggesting that his declaration of pecuniary interests prevented him from voting. Chair Cathy Coxhead repeated that any proposed motion was to accept a preliminary budget for the entire event, and not specific sections of it. Councilor Parkes felt the vote did not present a conflict of interest and believed that the Board retained quorum.

**Motion 6:05** to approve a budget of \$12 919.30 for the 2010 Sidewalk Sale was made by Anna Visconti, seconded by Councilor Parkes.

### **Carried**

Summer Student Greg Paziuk sought direction on the procurement of tents. He reminded the directors that for the 2009 Sidewalk Sale the Board had rented tents in a cost-sharing program with participating merchants. He added that the former organizers of Oshawa's Jazz and Blues Festival had proposed to sell the Board its used tents.

Treasurer Anna Visconti objected to purchasing the used tents, citing their poor condition and questioning their suitability. She suggested that the Board continue to rent tents for merchants who wished to use them, but wondered if it was necessary to continue utilizing tents at all, let alone the cost-sharing program.

Vice-Chair Tony Vander Baaren found that the tents had been very eye-catching in the years previous and felt that they drew attention to the event as a whole.

Mr. Tuley re-addressed Mr. Jegtheesaran's concerns on Bond Street's lack of exposure. He wondered if it might be beneficial to allow BIA restaurants to set up on King Street as vendors during the sale. Councilor Parkes and Vice-Chair Tony Vander Baaren felt that the restrictions imposed upon vendors would necessitate a lot of planning.

Summer Student Greg Paziuk finished the Sidewalk Sale Report by inquiring whether the Board had developed a creative design for the event as in year's previous, with Vice-Chair Tony Vander Baaren confirming that a creative had been designed.

## Correspondence

Summer Student Greg Paziuk reported to the Chair that there was no correspondence to report.

## Other Business

Treasurer Anna Visconti reported having been contacted by a RBC Commercial representative about representing the Board at a meeting with the bank and the University on June 18<sup>th</sup> 2010. The Chair advised Anna to attend.

Councilor Parkes told of a convention she had attended some years back where businesses oriented their displays in the style of a carnival, promoting their business through a creative and relevant game. The prizes were coupons redeemed for food and beverages. She wondered if something similar could be organized in the BIA for Frosh Week, and repeated the importance of celebrating and welcoming students in style.

James Anderson outlined that a provision in the UOIT Student Association's Student Code of Conduct strictly regulates the involvement of alcohol at its events. He recommended the Board be mindful of this provision in any event it organizes, and including downtown bars and clubs.

Treasurer Anna Visconti added that entertainment organizer Farley Flex had been working a lot with high schools. She ascertained through her conversations with Mr. Flex that there was the possibility of a major, major entertainer coming to the downtown, with a specific interest in the opening of the Regent Theatre. She suggested Mr. Farley might be interested in doing a Canadian Idol type search at the Regent, possibly as part of Frosh Week.

Vice-Chair Tony Vander Baaren noted that the Board's past initiatives to welcome students had fallen flat, and advised Office Administrator Vivian Sled to solidify some sort of welcome plan with the Student Association.

Jenees Jegatheeswaran suggested that the best route for any event would necessitate the cooperation of the Student Association.

Treasurer Anna Visconti noted that the Student Association has worked well with the Board in the past.

Councilor Parkes reported an increase in incidents of graffiti, particularly on murals. She advised the Board that the targeting of murals was a new development, and that the Board would need to act fast to remove the markings.

Vice-Chair Tony Vander Baaren advised the Board that Jennifer Kirkham of Goodbye Graffiti, a graffiti removal specialist the Board often worked with, had relocated to Kingston. He indicated that the closest Goodbye Graffiti associate was now located in Scarborough.

Treasurer Anna Visconti recommended that the Board try a new graffiti removal product offered on the public market she had seen advertised on CBC's Dragon's Den. She suggested the Board research the product, as well as contact Goodbye Graffiti for a quote.

David Tuley left

Laura Vaillancourt called attention to the City's agreement partnering with private merchants in the removal of graffiti. She suggested the Board should not be held accountable for the defacing of private property. She also reminded the Board that murals are regularly maintained.

Councilor Parkes advised Ms. Vaillancourt that the aforementioned agreement between the City and private property owners had expired. She added that in the past mural artists had advised her that any act of defacing would need to be dealt with promptly to limit the damage to murals. Councilor Parkes felt that a swift removal would prevent escalation and further markings.

James Anderson reported that the Mayor's Office was attempting to organize a meeting with 95% of local graffiti artists to initiate a dialogue with them. He explained that the initiative would be educational in nature.

Treasurer Anna Visconti requested that the proposal to add surveillance cameras to the BIA be added to the next meeting agenda.

**Motion 6:06** was made by Tony Vander Baaren to adjourn the meeting, seconded by Anna Visconti.

Meeting adjourned.

**The next Board Meeting is scheduled for Wednesday, July 21, 2010.**