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## **Minutes of Monthly Meeting – May 21, 2008**

### **Meeting called to order by the Chair at 6:00pm**

#### **Director's In Attendance**

Cathy Coxhead	Chair
Laura Vaillancourt	Vice-Chair
Anna Visconti	Treasurer
Tony Vander Barren	Director
Giacomo Bruno	Director
Jackie Simkin	Director
Louise Parkes	Councillor, City of Oshawa
Darryl Sherman	Advisor
David Tuley	Downtown Development Officer

#### **Merchants In Attendance**

Wes Evans	Wes Side Photography
Shelby Quashie	Earth Tones

#### **Regrets Sent**

Val Foster	Advisor
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No declarations of pecuniary interests noted.

Chair announced that guest Mary Creighton was unable to present at the meeting as planned, re Play On street hockey tournament scheduled for August 2008, however Mary and/or the event organizer would be rescheduled for the June meeting.

**Chair addressed the Board with the following remarks:**

Feedback from Members indicated they were very happy and very excited about the mixed media campaign and the overall efforts of the Board to promote the downtown. They enjoyed the evening and would like to see more meetings in a similar style in order to allow everyone an opportunity to ask questions and to discuss issues.

Several Members complained about the argumentative approach taken by two Directors of the Board regarding certain agenda items. Members commented that they were disappointed that a united front was not apparent, and embarrassed that the Board would choose the Membership meeting as a venue to argue.

One follow up letter was received after the April 21/08 meeting from Mr. Dave Thomas with a request to circulate his letter to the Board.

Jackie Simkin commented that upon receipt of the letter, it should have been circulated to the Board immediately as per Mr. Thomas's request.

Vivian Sled responded that she sent an email to Mr. Thomas thanking him for writing his letter and advising him that the letter would be sent to the Chair first and then shared with the Board at the May 21/08 meeting, as per policy.

Councillor Parkes further commented that Laura Vaillancourt had taken it upon herself to give Lon Knox a copy of Mr. Thomas's letter the evening of April 21/08. When advised of the letter by Lon Knox, Councillor Parkes stated that she had followed up with Mr. Thomas to discuss his concerns, and that she would like the Board to recognize that some of Mr. Thomas's remarks were valid and would need to be addressed by the Chair. The Chair suggested a letter be drafted in response to Mr. Thomas's concerns, pending Lon Knox's advice on the matter.

A phone call was received from the Ombudsman's office to inquire about the way in which the Board posts the monthly meetings for the public, in response to a complaint lodged by Jackie Simkin. The Chair advised the Ombudsman that to the best of her knowledge the meetings are posted on the website, but this would have to be confirmed by the Office Administrator upon her return from holidays.

Vivian called the Ombudsman's office to confirm that the monthly meetings are posted on the website marquee every month, to which the representative at the Ombudsman's office stated she was satisfied with that method.

David Tuley asked the Chair if he could report an additional phone call he received about the Board, and proceeded to advise the Board that he had received a call from MMAH in reference to a complaint lodge by Jackie Simkin. The MMAH stated that they were doing the City a courtesy by giving David a call to advise him of the complaint. They reported that they would be returning Jackie's call but that they were not the MMAH police

and would not be getting involved.

Anna Visconti asked the Board what they could do to protect themselves from Jackie and Laura's attempts to bring the Board down at every opportunity. Anna asked the Board if they should seek legal advice to address the slanderous remarks being made and about the liability issues surrounding the defamation. Anna further stated that she wanted to know from David Tuley and/or Council how to proceed.

Louise Parkes reminded the group that there is a principle as a Board of Governance deliberating in many voices but speaking in only one, bound by decisions made and governed accordingly. Louise also went on to say that conforming to the new act will take time as the rules are very complex. Councillor Parkes went on to say that she was mortified with the behaviour of Laura and Jackie at the April 21/08 meeting.

Laura complained about not having the agenda for the April meeting beforehand. Vivian reminded the Board that the draft agenda had been presented to them at the March 18/08 meeting (all Directors were present). The Chair reminded Laura that she did not attend a special meeting that had been called on Monday, April 14/08 to go over the agenda.

Jackie Simkin complained that notification of the April 16/08 meeting to the Membership was not done in a timely manner. Vivian provided the time line of when the notice of meeting was sent confirming that the notices had gone out well in advance of the 15 day ruling.

✓ March 10/08	Notice mailed to 160 property owners
✓ March 19 & 20/08	Notices hand delivered to merchants
March 24/08	Email blast to downtown merchants
April 10/08	Email blast to downtown merchants
April 15/08	Email blast to downtown merchants

Louise Parkes asked Jackie Simkin and Laura Vaillancourt what their intent was. Louise asked Laura if she has confidence in the Chair, but Laura would not answer as "it was her right to refuse." Louise suggested that if Laura did not have confidence in the Board she should not be holding a position of leadership. Louise went on to address Laura's disruptive manner speaking against the Board in general, and approaching Merchants to lobby against the Board.

Laura asked about secret meetings that took place last year (2007) in order to remove Jackie Simkin from the Board, to which the Chair responded that with the exception of Laura everyone on the Board had approached her to remove Jackie as a Director of the Board and that no secret Board meetings had taken place.

Anna Visconti voiced her opinion about the repeated phone calls being made against the Board and the letters of complaint about the Board being made by Jackie Simkin and Laura

Vaillancourt. She further stated that she no longer had any confidence in Laura as Vice-Chair of the Board, nor her representation of the Board in any manner whatsoever.

Laura Vaillancourt suggested Board training as she has been attending a session in Newmarket and felt that the standard of care was an issue in the Oshawa Board. David Tuley commented that MMAH would come if asked (by the City). Louise Parkes suggested the Board bring in a facilitator rather than have the Board attend training in a group session outside the office. **Motion 5:00** was made by Laura to have the Board participate in some level training, seconded by Tony Vander Baaren. The Chair asked everyone to send their recommendations regarding the training into her for consideration before making a final decision on the kind of training and on the time line.

**Carried**

Anna Visconti asked Laura if the training she was attending would support her recent efforts to continually be disloyal to the Board. **Motion 5:01** was made by Anna to remove Laura from her position as Vice-Chair based on a vote of no confidence. Seconded by Louise Parkes.

**Carried**

**Motion 5:02** was made by Louise Parkes to appoint Tony Vander Baaren as Vice-Chair for one year. Tony stated he would like to think about it and also suggested that the position of Vice-Chair and Secretary/Treasurer should be rotated. Motion was seconded by Anna Visconti.

**Carried**

### **Approval of Agenda**

Laura Vaillancourt asked for the agenda to be changed as follows: Item #10 DBOM ~~September AGM~~ to be changed to DBOM/**UOIT** Reception. Vivian agreed that it was a typo and should have read as per Laura's change.

**Motion 5:03** to accept the amended agenda made by Louise Parkes, seconded by Anna Visconti.

**Carried**

### **Approval of March and April Minutes**

Laura Vaillancourt and Jackie Simkin inquired why the changes they requested to the March minutes weren't made. The Chair responded that she did not feel the requested changes were accurate and did not represent what had taken place at the meeting.

**Motion 5:04** to accept the March 18/08 minutes, and the April 16/08 minutes made by Anna Visconti, seconded by Tony Vander Baaren.

**Carried**

### **Treasurer's Report**

Jackie Simkin inquired about the new vendor "Surefoot Electric". Vivian responded that Surefoot Electric was the company hired to take down the winter banners and the holiday lighting.

Jackie asked the following questions pertaining to Surefoot Electric:

- Who hired them
- Who signed the contract
- Who authorized the payment
- Why did the lights come down

Vivian Sled reminded Jackie that she had collected 3 quotes for the job and presented them to the Board in December 2007, and that the Board had directed her to hire Surefoot and to coordinate the removal of banners and lights.

Vivian also told Jackie that the lights needed to come down as the poles (all 200) were being tested and repaired by the City, and that there was a lot of confusion about whether or not the lights worked or if it was the power supply to the pole. Surefoot had been hired to complete the work for the City as well so that everything could be accomplished by one company over the course of 2-3 days. Vivian reported to the Board that \$1921.50 had been billed to the City re Surefoot Electric invoice of \$5,701.50 for their portion of the work completed, re poles and banner arms. The total cost to the Board was \$3,780.00, which is significantly less than previous year's invoices of almost \$8,000.00.

**Motion 5:05** Made by Anna Visconti to accept the March financials, seconded by Tony Vander Baaren.

**Carried**

## **Advertising/Marketing Report**

Tony Vander Baaren presented the creative for the print advertising for the Board for the Sidewalk Sale. The following comments were made, with a directive to Tony to resubmit the ad for approval through the Board office.

- Add free parking at the Mary Street garage with a receipt from any downtown merchant
- Make the word “sidewalk” all one word
- Add the days of the sale Wednesday to Saturday (dates to be included as well)

## **Downtown Development Officer’s Report**

David Tuley reported that he has been working with three new clients that are all looking for restaurant space in the downtown. One law firm has also been looking for space through David.

David also reported that a developer has shown interest in the Access site, which is zoned industrial at the moment. The developer is interested in purchasing the property.

David reported that the YMCA is working on a campaign to expand their membership as they lost a significant amount of members when the Legend Centre opened. David has recommended that the YMCA use the Citizens Court for networking, and also suggested that the Board consider this venue as well.

David reported that the hotel project is moving along well, however the completion date for the hotel will be late 2009 or early 2010.

A new event was reported that will introduce lawyers of Durham Region to property owners. “A Friend of the Court” will be an Economic Development event with David heading up the project.

The Downtown Cultural Consortium was brought to the attention of the Board, outlining the purpose of the downtown group and the current members. A representative from The McLaughlin Gallery, Parkwood Estates, Oshawa Library, Downtown Board of Management and Oshawa Economic Development will meet for coffee and discussion. The group will be bringing each other up to date on events etc. with a focus on community partnerships, rotating the meetings as they go.

David reported that he is working diligently on the commercial space for lease/sale and will be able to provide a direct link from our new website. Anna Visconti suggested that David have a look at the Port Hope BIA website and their real estate page.

## **Correspondence Received – for discussion**

Vivian brought forward a request for sponsorship from the Super Wheels group. The Board did not feel that the sponsorship request met the criteria for a downtown promotional event. Vivian to advise Walter Rebo of the Board's decision.

The Oshawa General's season ticket holder information was brought forward for the Board. Vivian advised the Board that the cost of the tickets for the 2007 season was \$1470.00. The tickets were used a give-aways via trivia questions posted in SNAP. The Board asked to revisit the expense at the June meeting.

Vivian read a letter of complaint from a lady, Ms Heather G. (*not able to read last name*) regarding the state of downtown and the problems associated with the negative impact of the First Step Methadone Clinic. Vivian also reported that she had called the lady (*no address was on the letter*) to discuss her concerns, but was only able to leave a message on an answering machine. The Board suggested that Vivian contact the lady again and invite her to come downtown for a walk and to have lunch compliments of the Board in order to try and improve her opinion of the downtown.

A report from Surefoot Electric was discussed, with Vivian summarizing the results collected by Surefoot re banner arms and power source at the poles. Vivian also reported that a meeting was being set up with Bill Grylls from the City of Oshawa to discuss the findings and to resolve the current situation so that the banner program can continue safely. Louise Parkes commented that the City Manager was impressed with the detailed report that was submitted by the Board and that the City appreciated the work the Board had undertaken as a partner in the banner program.

Vivian brought an alternative choice to the Board regarding the advertising budget in place with Metroland, re mixed media campaign. Downtown sales rep Jennifer Reesor wanted the Board to consider listing themselves on [www.durhamregion.com](http://www.durhamregion.com) as part of the \$3,000.00 budget set aside for Metroland advertising. The Board felt that the majority of print advertising through Metroland should remain event driven; however they agreed to look at a website proposal from Jennifer at the June meeting.

A notice regarding commercial property tax amendments made under the Assessment Act given to Darryl Sherman for his review and comment.

Anna Visconti inquired about the allocation of funds from the DAC budget in reference to the Board's request for sponsorship funds. Vivian reported that the City had advised her that the money was being split up as follows:

### **\$5,000 – Mural program**

Transferred directly to the City's reserve and administered by Finance Services as necessary.

Vivian stated that Chris Brown had contacted her to ask if the Board would still remain involved as a partner, to which Vivian responded that she would have to take his request to the Board for further discussion.

David Tuley announced that he had been given all the files pertaining to the downtown murals in order to familiarize himself with the program.

Laura Vaillancourt asked if the murals were a Board responsibility, to which Louise Parkes explained how the mural started and how they had been managed and maintained over the past several years, which included participation by the Board on a staffing level, and on an agreement to share the cost of 401 signage. Louise Parkes suggested the mural discussion be moved to the June agenda to provide David the opportunity of bringing himself up to speed on the files.

### **\$4,000 – Banner Program**

Transferred to the Community Services Department to help fund the maintenance and upkeep of the poles and arms for the Banner Program within the Downtown Board of Management area.

### **\$30,000 – Jazz & Blues**

Funding allocated for the Jazz & Blues Festival be administered by Finance Services through the Partnership Grant Program and used to support initiatives such as Jazz & Blues.

### **\$6,000 – Autofest**

Funding allocated for the Downtown Autofest Kick-Off Event be administered by Finance Services through the Partnership Program and used to support initiatives such as Autofest, and that the funds related to the event be reviewed each year in an effort to reduce the City's financial support, thereby allow the Partnership Grant Program to fund other emerging initiatives.

The Board should note that future funding requests must be made through the City of Oshawa's Partnership Grant Program. **To be considered for 2009**, Partnership Applications must be received by Nov. 15/08. [http://www.oshawa.ca/cit\\_hall/documents.asp?cid=14](http://www.oshawa.ca/cit_hall/documents.asp?cid=14)

- \$2000 – Doors Open received approval
- \$1500 – The Peony Festival received approval
- \$2,000 – Children's Fair being investigated by staff
- \$1500 – Seniors Swing Into Summer being investigated by staff



## **Correspondence Received – for information purposes only**

Oshawa Centre Golf Tournament June 12/08 at Deer Creek

Places to Grow Proposed Size & Location of Urban Growth Centres in the GGH

Jillian Follert's article re David Tuley interview "Buzz Builds, Vacancies Drop", Metroland Sunday, April 27/08

## **Councillor Louise Parkes Report**

**Safety Committee Report** – discussions going well with the Downtown being treated as a priority. The next meeting Tue. May 27/08 is to determine a list of goals and an action plan to move forward.

**Hotel Project** – Hotel will be a short term/long term facility, housing a convention centre with a very exciting architectural element to the building.

**UOIT in the Downtown** – Councillor Parkes reported that to the best of her knowledge the deal is signed and an official announcement will follow. She also reported that the University is looking for additional space for a Cyber Crime unit and for two other uses not yet disclosed. Laura Vaillancourt asked about the age of the UOIT group coming to the downtown, with Councillor Parkes commenting that she thought they would be an older group in their mid 30's to 40's.

## **Events & Meetings**

**Oshawa Chamber of Commerce AGM** – both Cathy Coxhead and Louise Parkes attended the event and both felt it was a great networking opportunity.

**DBOM/UOIT Welcome Reception** – Laura Vaillancourt requested that the Board address the event regarding venue, date, etc. Louise Parkes reported that Glyn Laverick was very keen on having a Gala Reception at the Regent Theatre at the end of September, and would like to have further discussions pertaining to his invitation before any planning is started.

- Laura Vaillancourt suggested the Board work towards September 20<sup>th</sup>. or 27<sup>th</sup>.
- Louise Parkes reported Glyn has plans to have a full week of concerts the week he opens
- Anna Visconti suggested that the Board wait on the date until the Regent is further along
- **Cathy Coxhead asked the Board to wait and let Glyn take the lead on the event**
- Laura Vaillancourt asked if she should be pursuing last years sponsors, to which the Board asked that she wait until a meeting can be arranged with Glyn to determine how he would like to see the event unfold

### Open Discussion to Address Dissention

Darryl Sherman asked Jackie Simkin and Laura Vaillancourt if they were planning on continuing to work against the Board, and pointed out that no one on Council supported their recent string of correspondence as was evident at the April 21/08 Council meeting.

Jackie stated she was hurt because her constitution had taken a lot of time to complete and was never acknowledged or accepted by the Board. Jackie also stated that she feels the Board should provide a letter from Lon Knox confirming they are in compliance. Louise appealed to both Jackie and Laura asking them why they appear to be deliberately trying to cause trouble for the Board.

Darryl asked if they were going to pursue having the Board disbanded in reference to Laura's letter to City stating that "doing nothing is not an option", to which Laura refused to answer. Jackie stated that the letter from Lon Knox would help appease her, however if she couldn't get answers from the Board she would continue to seek answers on her own from other levels of government.

Jackie stated that more open discussion was necessary on decisions being made, and Laura stated that she did not feel that all correspondence was being circulated to the Board properly. Cathy Coxhead remarked that due to the trouble that flares up every time something is circulated, she had directed the Office Administrator to send everything to her for review before circulating, and that not all items get redirected unless the Board must make a decision.

Anna Visconti asked Laura if she is talking to the Methadone Clinic about the assault that the Office Administrator suffered. Laura stated that she had only spoken to a friend of a friend in the neighbourhood and that the neighbour had mentioned the Clinic was seriously considering suing the Board under the privacy act because Vivian allegedly took photos of patients in front of the clinic.

Laura further stated that the Chair should have reported the incident to the entire Board, to which Cathy reported that Vivian had asked that it remain confidential until she had met with the police and with her lawyer. Cathy further stated that Laura's remarks on the telephone implied that she was withholding information about the clinics plans to sue the Board, and that under the advice of Lon Knox she be reminded that a Board member cannot discuss legal matters on behalf of the Board, as per the email sent to the Director's May 2/08 **when litigation is threatened it is a serious matter and it is not appropriate to speculate about the intentions of the stakeholder in the downtown, when the Board has not been officially contacted about this issue. Therefore, I would advise all Members that we have a fiduciary duty to protect the Board of Management and all contact pertaining to potential litigation should be directed through the Chair only.**

Anna Visconti asked Laura what her intention was when she visited several merchants to try and get them to vote via proxy against the amended budget by telling them the Board was guilty of misappropriating funds.

**Motion 5:06** was made by Laura Vaillancourt to constitute a committee to develop governance and operational framework. Members to include a practicing lawyer and a practicing accountant who have previous board experience, working in earnest to set out governance and operational terms of reference, and a higher standard of care. Work to take place in the month of May/June so a draft document can be presented to the Board at the June 18/08 meeting. Seconded by Jackie Simkin.

Louise Parkes stated that the motion was redundant as the Board already had a codification of policies and procedures and a by-law document that meets the act.

### **Motion failed**

## **Downtown Business Development Manager's Report**

### New Website

Packages were printed for the Director's to review the new website page by page in order to collect all suggestions and corrections where necessary so that the site contained more up to date information and flowed properly. **Due to time constraints, the packages were left untouched.**

### Sidewalk Sale

Only a few merchants have provided a copy of their insurance certificate for the event.

A meeting with Roy Vanderkwaak and David Tuley has been scheduled for us to discuss a sidewalk café program on a trial basis for this summer.

Over 25 community groups were invited to join us during the sidewalk sale.

The following have confirmed their interest in attending: Frosty Freeze, Oshawa Art Association, John Howard Society, Motor City Car Club, Oshawa Jazz & Blues, The Canadian Red Cross. Several groups were interested but had a conflict on the dates. Oshawa Library and YMCA to confirm their attendance shortly.

Rose Mary Mason contacted to see if she was interested in having a heritage walk but have not received a response.

Shelby is organizing an Oshawa Music Week July 14<sup>th</sup> – 19<sup>th</sup>. with the showcase entertainment happening in venues downtown in the evenings. Musical artists that will play for free during the day as long as they can busk. Anyone that plays will have access to bottled water and \$5.00 lunch voucher.

Print advertising schedule is as follows:.

Posters to be printed for merchants so they can be displayed right after the July 1<sup>st</sup>. weekend.

Toronto Star	½ page Sat. July 12 and Thur. July 17
Oshawa Express	½ page July edition
SNAP	½ page July edition
Metroland	½ page July 11 <sup>th</sup> . or 13 <sup>th</sup> .

Radio advertising is booked. 10 commercials on KX96 July 14-19 and 15 on CKDO July 14-18

Promotion of the sale on Rogers and Channel 12 to be coordinated with the reps as a live interview. Reviewing contracts re visual advertising for events, over and above the commercial.

Face painting is confirmed free of charge through John Howard Society.

Parking promo organized – free at Mary St. garage with a receipt from a downtown merchant. By-law Officers providing extra minutes instead of tickets (providing user has not abused the extra time given).

Foot patrol notified that we will need them on site throughout the sale.

Volunteers on stand by to blow up balloons for kids. Will rent tank and purchase balloons.

Shelby is working on getting Max & Ruby downtown at Avanti's (huge draw for kids) Avanti's considering sponsoring the event on their patio.

### Autofest Report

Have received DRPS cost for security and Sgt. Shaw was able to keep it the same as last year, which was \$2,000 less then previous years.

May have trouble with getting a sound guy booked – Doug Deveaux is reluctant to do it again this year because George Fox's entourage was extremely difficult to work with. Combined with hassles from the City and Motor City Car Club's involvement, Doug's feeling like its just way too much trouble.

Sponsorship is slowly being finalized – Tony and I have meetings with TD, and the Chamber of Commerce. I've also followed up with OPG, and there's a car dealership that is semi-interested in advertising in our "program".

Entertainment is up in the air until we know how much money we are working with.

Please note that the Board will have to come forward as volunteers for this event so that we can rotate the hours –event starts at 7am with the City and the runs until 11pm.

### Jazz & Blues Report

Becky has advised me that the Diva show and the Latin Jazz showcase will both be at The Jube. She could not get a venue in the downtown to work with her other then Riley's which committed to the media kick-off event and a Blues showcase event.

She received \$30,000 from the City for the festival in order to hold a free community event at Memorial Park on Saturday, August 9<sup>th</sup>.

### Fire Hydrants

Art students from O'Neill Collegiate are scheduled to paint the fire hydrants in the downtown as part of their school curriculum. The Board did not have to buy paint this time as there was a lot left over from the November event. The only expense was for lunch for the students at Pete's Open Kitchen. My plan is to take photos of all the hydrants and create a page on our website for the initiative.

### HRDC Summer Student

Application was denied for a summer student through the Canada Summer Jobs program. Vivian asked to check with Colin Carries office to try and get a student. Board notified that Becky Choquette (Jazz & Blues) and Vivian have talked about hiring a student for \$12/hour and splitting the cost as per scheduled hours worked.

### Business Update

Spices restaurant has closed. There is however an interested party looking at the space for another restaurant.

Earth Tones is relocating in the downtown – moving to Ontario Street

Uneek Sneeka is relocation in the downtown – moving to unit on King St. beside Zack's

**Motion 5:06 to adjourn** made by Louise Parkes, seconded by Anna Visconti.

**Carried**

Next meeting Wednesday June 18/08
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