

CO-24-63

From: Jeff Davis <M.F.I.P.P.A. Section 14(1) >

Sent: Friday, December 6, 2024 3:41 PM

To: clerks <clerks@oshawa.ca>

Cc: John Gray <JGray@oshawa.ca>; Jim Lee <JLee@oshawa.ca>; Bob Chapman <BChapman@oshawa.ca>; John Neal <JNeal@oshawa.ca>; Brian Nicholson <BNicholson@oshawa.ca>; Dan Carter <DCarter@oshawa.ca>

Subject: delegation request

Please accept this as my request to make a delegation on each of the below items at Monday's Community and Operations Services Committee meeting.

Also please include the following as correspondence to that meeting.

As I posted on Facebook, "Improving Oshawa and Durham Region one idea at a time"

We have a pretty short Community and Operations Services Committee Meeting Agenda for Monday morning.

Despite being a short agenda, these items deserve some discussion.

CO-24-60 - Parking Utilization Study in the Downtown Oshawa Urban Growth Centre (D.O.U.G.C.) (All Wards)

This item has attachments.

- Recommendation That the Community and Operations Services Committee recommend to City Council: That Report CO-24-60 dated December 4, 2024 concerning the Parking Utilization Survey (the "Study") for the On-Street and Off-Street Parking Components of the City's Municipal Parking System in the Downtown Oshawa Urban Growth Centre (the "D.O.U.G.C."), be received for information.

Now, you might recall that Council failed to endorse the last Parking Study back in 2021 or so.

So, it appears that they have paid another consultant to complete an updated study with a new and fancier name.

Is it ironic that this new study comes just days or weeks after Council has voted to give up two of the more used parking lots to developers?? Or was it by design that this information didn't come forward until after Council debated in closed sessions on the

fates of our downtown parking lots??

This consultant's report that looks into present and future parking needs for the downtown includes statistics on parking rates at Lot 4 and Lot 16 and includes those parking lots and availability in their calculations for 2031 and beyond.

While the report removed Lot 20 from the synopsis as it is supposed to become an urban park, it didn't remove Lot 16 which has been under negotiations with ATRIA Developments for their upcoming Canada Post building redevelopment. The report shows no change in available parking at lot 16. No decrease, no increase... I venture to say, No FACTS!

The lot 16 negotiations have been ongoing for nearly 3 years but took a significant switch recently when Council agreed to declare it as surplus to municipal needs. Previously they had decided only the air and unground rights were surplus which would maintain a public parking lot, of some sort...

But Lot 4 was a recent item to come to Council's attention, and on Monday's Economic and Development Services Committee meeting it was mentioned to be of an 'urgent nature', even suggesting it might require a special meeting of Council to approve.

What's so urgent about giving away (OK, they call it disposing of which could include selling it for cash, but the details are hidden behind closed doors...) Lot 4 which is recognized as surpassing the 85% use threshold? Pretty hard to declare it as 'surplus to municipal needs' when it is currently operating at about 98% capacity...

And this report shows no change in use, configuration or availability of the 68 parking spaces...

Lot 16 shows at about 74% utilization, which could certainly increase if lot 4 were to disappear, and will be sorely missed on event days with a current utilization rate of 99% when TCC events are scheduled (not to mention it is a convenient and preferred parking lot for events at the Regent and Biltmore Theatres).

What this particular study does show is the underutilization rates of our parking garages, namely garages 2 and 3 during normal day and weekend periods and garages 1 and 2 during events.

What does appear to be 'missing' from the report is the number of leased spaces in those garages, which may or may not be actually occupied despite being leased or reserved.

This report is recommended for receive for information, and that is exactly what should be done - throw it in the trash!!

But why have we paid for a second consultant to provide us with a useless parking study?

Why is Council hell bent to get rid of two of our better producing parking lots and why are they doing it all behind closed doors and not telling the public why or what they are doing??

CO-24-61 - Cemetery By-Law Update (CS-18-44) (All Wards)

There is no attached report so no information on what needs to be updated, why, or how..

I cringe at the recommendation which builds on by-law 29-2009, the Delegation of Authority by-law.

Therefore be it resolved:

1. That based on CO-24-61 dated December 4, 2024 the new Cemetery By-law be passed and the By-law be in the final form and content satisfactory to the Bereavement Authority of Ontario and the City Solicitor; and,
1. That Cemetery By-law 76-2012, as amended, be repealed.

With this wording, Council will never see the new by-law and it will be passed on consent, sight unseen. The public will have no opportunity to see or provide input.

This is a pretty common practice now at the City of Oshawa and recently came to my attention with By-law 178-2022, the Real Estate Acquisition and Disposition By-law. I went looking for this By-law about 3 weeks ago after Lot 4 came up on the Closed Agenda and was blocked from access. The by-law is considered to not be a 'common by-law' and is therefore not publicly accessible on the City's website. The City wanted me to file a newly created Information Access process that included an application and fees to view what should be a public by-law.

I eventually bought a copy of the by-law through Clerks and Service Oshawa and find that it instructs staff to bring all details of real estate transactions through closed reports. I consider that to be contrary to the Municipal Act which lists real estate as a discretionary exemption to the open meeting protocols. In my opinion, each case should be looked at individually, and the City is required to provide 'as much information as possible' to the public while protecting only pertinent information.

I also found that staff spent 6 years developing the by-law and Council passed it under consent without every seeing a copy... In effect, that 6 years of development spanned three different Councils, and many that approved it didn't even know what direction had been provided to staff. There is no oversight to by-law creation, and often those by-laws include increased or new fees and charges.

I recently saw a similar Cemetery by-law update at a small lower tier municipality that was presented to Council complete with all the revised fees, and believe Oshawa's new by-law will be similar. Except Oshawa will not be transparent about it and will not inform the public or Council.

Staff get Council approval to create the by-law in a form acceptable to the City Solicitor, the City Solicitor gets council approval, and none of the above take any responsibility for the Accountability or Transparency that the public deserve!

What an amazing play of CYA!

<https://pub-oshawa.escribemeetings.com/Meeting.aspx...>

Jeff Davis

M.F.I.P.P.A. Section 14 (1)