

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, MARCH 17, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

PRESENT: Mayor Perkins

Councillors Coe, Drumm, Mitchell, Pitchforth, Roy and Scott

Mayor Perkins in the Chair

ALSO PRESENT: K. R. Nix, Acting Chief Administrative Officer/Director of Corporate
Services/Treasurer
B. Short, Director of Planning
K. MacCarl, Fire Chief
S. Beale, Director of Public Works
N. Tellis, Manager of Treasury Services
P. G. LeBel, Director of Community and Marketing Services
S. Pohjola, Town Solicitor
P. Jones, Town Clerk
M. Pettit, Deputy Clerk

1. DISCLOSURES OF INTEREST

None.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6039-08

RESOLUTION NO. 88-08

Councillor Scott, seconded by Councillor Drumm, moved for leave to introduce a by-law and to dispense with the reading of the by-law by the Clerk to adopt the minutes of the meetings of Council held on February 13, 19, 27 and 28, 2008 and that the same be considered read a first, second and third time and finally passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

By-law No. 6039-08 considered read a first, second and third time and finally passed.

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3. PRESENTATIONS

- (i) Annual Address by Roger Anderson, Chair Regional Municipality of Durham
Mr. Roger Anderson, Chair of the Regional Municipality of Durham, appeared before Whitby Council and presented the Region's annual report.
- (ii) Yung Chang – "Up the Yangtze"
Mr. Chang was recognized for his film accomplishments including the documentary "Up the Yangtze". Mr. Chang was unable to attend the Council meeting as he was attending the Hong Kong International Film Festival. In his absence his parents, Dr. Walter and Mrs. Elizabeth Chang, accepted a certificate on his behalf.
- (iii) Road Watch Volunteers – 5 and 10 Year Recognition
Mayor Perkins, Councillor Pitchforth, the Mayor's Designate on the Road Watch Committee and Suzanne Beale, Director of Public Works, recognized the following individuals for their dedication in volunteering to make the streets of Whitby safe:

5 year – Marvin Atkinson, Cliff Cantelon, Ken Corner, Patricia Sgandurra, and Joanne Speakman

10 year – Roger Asselin, Nancy Eden, Kim Glover, John Jarvie, Bill Lawson, Marie Lawson, Victor Maleshev, Harold McGary and Greg Reid
- (iv) Ontario Heritage Trust Award Recipients
Mayor Perkins, Councillor Pitchforth, Mayor's Designate on the Local Architectural Conservation Advisory Committee (LACAC), Margaret Clayton, Chair of LACAC and Bob Short, Director of Planning Services presented certificates to Rick McDonnell, Neil Guthrie, Bob Ashby, Doreen Squelch and Brian Winter in recognition of their efforts in preserving the heritage of the Town of Whitby.
- (v) Brooklin Optimist Club – Contribution to the development of the Brooklin Community Centre
Annette Cowan, President, Brian Wick, Treasurer, and other members of the Brooklin Optimist Club, presented Mayor Perkins with a cheque for \$100,000.00 to assist in the development of the Brooklin Community Centre. Mayor Perkins presented a certificate of appreciation recognizing the Brooklin Optimist Club's generous donation.

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3. (Continued)

- (vi) Scott Templeton – Appointment of a Meeting Investigator (Refer to Corporate Services Report, Item CS 10-08)

Mr. Templeton appeared before Council and spoke against the appointment of Local Authority Services as Meeting Investigator in the case of a person requesting an investigation of whether the Town had complied with the open meeting provisions of the Municipal Act or the Town's Procedure By-Law. He would prefer that such investigations be undertaken by the Ontario Ombudsman.

4. CORRESPONDENCE

- (i) CORR 05-08 Ministry of Community Safety and Correctional Services

Letter acknowledging Whitby's fulfilment of the Emergency Management and Civil Protection Act, noting the Town's efforts and leadership in building a disaster resilient community.

RESOLUTION NO. 89-08

MOVED by Councillor Drumm
Seconded by Councillor Roy

That Correspondence 05-08 be received as information.

CARRIED

5. STANDING COMMITTEES

- (a) Operations Committee – March 3, 2008
Report Recommendations to Council

3.1 Community and Marketing Services Report, Item CMS 4-08

Re: Request to Name Rotary Garden Whitby Public Library Main Branch - The Rotary Club of Whitby

COUNCIL DECISION

1. That Council approve the request by the Rotary Club of Whitby to name the walkway within Rotary Garden at the Public Library Main Branch Wilkinson Way;
2. That costs associated with any signage related to the naming of either Rotary Garden or Wilkinson Way be paid for by the Rotary Club of Whitby; and,

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5. (Continued)

3. That the design of any signage related to the naming of either Rotary Garden or Wilkinson Way be approved by the Staff of the Community and Marketing Services Department.

3.2 Community and Marketing Services Report, Item CMS 5-08

Re: Communities in Bloom National Program

COUNCIL DECISION

1. That Community and Marketing Services Report, CMS 5-08, be received as information;
2. That The Town of Whitby participate in the 2008 Friends Program (non-evaluated) in place of the Communities in Bloom National Program;
3. That the Whitby in Bloom program outlined in CMS 5-08 be referred to the 2008 Budget process;
4. That Council establish the Whitby in Bloom Steering Committee as a Committee of Council; and,
5. That Council appoint the 2007 Steering Committee members as identified on Attachment #3 to serve on the Committee in 2008.

3.4 Community and Marketing Services Report, Item CMS 7-08

Re: Optimist Club of Brooklin Donation to the New Brooklin Community Centre and Library Project

COUNCIL DECISION

1. That Council recognize the generous donation of \$100,000 pledged by the Optimist Club of Brooklin toward the new Brooklin Community Centre and Library; and,
2. That Council congratulates the Optimist Club of Brooklin for demonstrating civic leadership through this gift and leading fundraising activities connected with the new Brooklin Community Centre and Library project.

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5. (Continued)

3.5 Public Works Report, Item PW 18-08

Re: 2008/2009 Christmas Holiday Waste Collection Schedule

COUNCIL DECISION

1. That Public Works Department Report PW-18-08 regarding the "2008/2009 Christmas Holiday Waste Collection Schedule" be received as information; and,
2. That a copy of Public Works Department Report PW-18-08 regarding the "2008/2009 Christmas Holiday Waste Collection Schedule" be forwarded to the City of Oshawa and the Region of Durham.

3.6 Public Works Report, Item PW 19-08

Re: 2008 Compost Give-Away Event

COUNCIL DECISION

1. That Public Works Department Report PW-19-08 regarding the "2008 Compost Give-Away" event be received as information;
2. That Council approve the Department co-hosting a Compost Give-Away event with the Region of Durham on May 3, 2008; and,
3. That a copy of Public Works Department Report PW-19-08 regarding the "2008 Compost Give-Away" event be forwarded to the Region of Durham.

3.7 Public Works Report, Item PW 20-08

Re: Regional Cycling Plan

COUNCIL DECISION

1. That Public Works Department Report PW 20-08 regarding the Region of Durham's Cycling Plan be received as information;
2. That Town staff meet with the Region of Durham and its other area municipalities to establish criteria and partnered funding formulas for the provision of "off road" cycling facilities within the Region's road allowance;
3. That the Public Works Engineering Design Standards be updated to include supplemental typical sections for "on" and "off" road bike lanes and multi-purpose pathways within the Town's road allowance; and,

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5. (Continued)

4. That a copy of the Public Works Department Report PW 20-08 be forwarded to the Region of Durham and its area municipalities.

3.8 Corporate Services Report, Item CS 5-08

Re: W2008-31 Custodial Services for Parks Fieldhouses

COUNCIL DECISION

1. That the Town of Whitby accept the tender of Suite One Maintenance & Contracting Inc. in the amount of \$33,600.00 for the first year of a three year contract, for the custodial services for parks fieldhouses;
2. That the total estimated project costs in the amount of \$32,000.00 be approved;
3. That the continuation of the contract for a second and third year term be accepted subject to an annual performance review, timely completion of work requirements and current budget approval by Town Council; and
4. That the Mayor and Clerk be authorized to execute the contract documents.

3.9 Corporate Services Report, Item CS 6-08

Re: W2008-24 Custodial Services for Brooklin Community Centre

COUNCIL DECISION

1. That the Town of Whitby accept the tender of Suite One Maintenance & Contracting Inc. in the amount of \$37,322.25 for the first year of a three year contract, for the custodial services for Brooklin Community Centre;
2. That the total estimated project costs in the amount of \$35,545.00 be approved;
3. That the continuation of the contract for a second and third year term be accepted subject to an annual performance review, timely completion of work requirements and current budget approval by Town Council; and
4. That the Mayor and Clerk be authorized to execute the contract documents.

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5. (Continued)

3.10 Corporate Services Report, Item CS 8-08

Re: W2008-41 Gravel Crushing and Stockpiling

COUNCIL DECISION

1. That the Town of Whitby accept the tender of Robert E. Young Construction Ltd. in the amount of \$53,970.00 for gravel crushing and stockpiling;
2. That the total estimated project costs in the amount of \$51,400.00 be approved; and
3. That the Mayor and Clerk be authorized to execute the contract documents.

3.11 Corporate Services Report, Item CS 9-08

Re: W2008-20 Supply and Delivery of Trees for the Town of Whitby Spring and Fall Plantings

COUNCIL DECISION

1. That the Town of Whitby accept the tender of Uxbridge Nurseries Limited in the amount of \$35,253.74 for the supply and delivery of trees for spring and fall street tree replacement planting;
2. That the total estimated project costs in the amount of \$33,693.84 be approved;
3. That the continuation of the contract for a second and third year term be accepted subject to an annual performance review, timely completion of work requirements and current budget approval by Town Council; and
4. That the Mayor and Clerk be authorized to execute the contract documents.

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5. (Continued)

3.13 Planning Report, Item PL 31-08

Re: Earth Hour – March 29, 2008

COUNCIL DECISION

That Planning Report, Item PL 31-08, regarding the Town of Whitby's participation in Earth Hour, on March 29, 2008 be received as information.

RESOLUTION NO. 90-08

MOVED by Councillor Pitchforth
Seconded by Councillor Drumm

That Council adopt the recommendations set out in Items Nos. 3.1 through 3.13, as contained in the minutes of the meeting of the Operations Committee held on March 3, 2008, save except Item Nos. 3.3 and 3.12 thereof.

CARRIED

3.3 Community and Marketing Services Report, Item CMS 6-08

Re: Whitby County Town Carnival

RESOLUTION NO. 91-08

MOVED by Councillor Pitchforth
Seconded by Councillor Drumm

That Community and Marketing Services Report, Item No. CMS 6-08, be received as information.

CARRIED

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5. (Continued)

3.12 Corporate Services Report, Item CS 10-08

Re: Amendments to the Municipal Act, 2001 – Appointment of an Investigator

RESOLUTION NO. 92-08

MOVED by Councillor Pitchforth

Seconded by Councillor Drumm

1. That Council receive this report respecting the appointment of an Investigator pursuant to section 239.1 and 239.2 of the Municipal Act, 2001, for information, and that the Mayor and Clerk be authorized to execute an Investigator Services Agreement appointing Local Authority Services Ltd. (LAS) as the Investigator in the event that a request for an investigation is received; and
2. That Council enact a By-Law appointing LAS as the Investigator to act when a complaint is made and an investigation is triggered.

CARRIED

(b) Planning & Development Committee – March 10, 2008
Report Recommendations to Council

3.1 Planning Report, Item PL 27-08

Re: NAPOLEON TSELIOS [7:30 P.M.]

Zoning Amendment Application (Z-03-08) – 836 & 840 Brock Street North

COUNCIL DECISION

1. That Council approve the zoning application (Z-03-08) subject to the comments and conditions contained in Planning Report, Item No. 27-08; and,
2. That a By-law to amend Zoning By-law No. 2585 be brought forward for consideration by Council.

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5. (Continued)

3.2 Planning Report, Item PL 30-08

Re: 2112094 ONTARIO LIMITED [8:00 P.M.]

Zoning Amendment Application (Z-02-08) – Part Lot 24, Concession 5

COUNCIL DECISION

1. That Council approve zoning amendment application Z-02-08, to amend Zoning By-law 1784, subject to the comments and conditions contained in Planning Report, Item PL 30-08;
2. That the by-law to amend Zoning By-law No. 1784 be brought forward for consideration by Council;
3. That condition of draft approval number 1 for plan of subdivision SW-2004-05 be amended to reflect the smaller parcel to be dedicated to the municipality for stormwater management purposes; and,
4. That the Region of Durham be advised of Council's decision.

3.3 Planning Report, Item PL 26-08

Re: MIR ASGARY [8:10 P.M.]

Zoning Amendment Application (Z-27-07) – 1022 Brock Street South

COUNCIL DECISION

1. That Council approve the zoning application (Z-27-07) subject to the comments and conditions contained in Planning Report, Item PL 26-08; and,
2. That a By-law to amend Zoning By-law No. 2585 be brought forward for consideration by Council.

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5. (Continued)

3.4 Planning Report, Item PL 25-08

Re: D.G. BIDDLE & ASSOCIATES LTD. [8:20 P.M.]

Zoning Amendment Application - (Z-26-07) – 35 Winchester Road East

COUNCIL DECISION

1. That Council approve zoning application (Z-26-07) subject to the comments and conditions contained in Planning Report, Item PL 25-08;
2. That a By-law to amend Zoning By-law No. 1784 be brought forward for consideration by Council; and,
3. That Council authorize the Planning Department to prepare a site plan agreement.

4.1 Planning Report, Item PL 22-08

Re: Authorization to Initiate a Zoning Review on Municipal Lands Known as 695
Conlin Road to Review the Permitted Uses

COUNCIL DECISION

1. That Council direct Staff to hold a Public Meeting to consider an amendment to Zoning By-law No. 1784 for municipal property known as 695 Conlin Road, to rezone the lands to add an additional use of a Humane Society within the H-M1 zone and to place the lands within the Provincially Significant Wetland (PSW) into a 'G' Greenbelt zone;
2. That notice of the Public Meeting be sent to all property owners within 120 metres (400 feet) of the site, and that a notification sign be placed on the subject property;
3. That the Humane Society of Durham Region be advised that the Town is prepared to initiate an amendment to the zoning by-law to permit such a use on the developable lands and that such lands will only be made available to purchase by the public in accordance with the Municipal Act;
4. That the lands be offered for sale at fair market value through the multiple listing service and a real estate broker chosen by the Director of Corporate Services following the final approval of the proposed zoning by-law amendment and an updated land appraisal and by advertising in the Brooklin Town Crier and Whitby This Week on at least one occasion; and,
5. That the sale of the lands include the area to be zoned 'G' – Greenbelt (PSW).

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5. (Continued)

4.2 Planning Report, Item PL 23-08

Re: Zoning Amendment Application (Z-30-07) Sorbara/Tribute Holdings Inc.
Remove 'H' Holding Symbol – Phase 4 (SW-2002-03) North East Corner of
Montgomery Avenue and Carnwith Drive

COUNCIL DECISION

1. That Council approve zoning application (Z-30-07) to remove the 'H' Holding symbol from Phase 4 Brooklin Meadows (West) (SW-2002-03), subject to the comments and conditions contained in Planning Report, Item No. PL 23-08; and,
2. That the amending Zoning By-law to remove the 'H' Holding symbol be brought forward for Council's consideration.

4.3 Planning Report, Item PL 28-08

Re: Site Plan Application (SP-03-08) Durham District School Board – Proposed
Olde Winchester Elementary School, Blackfriar Avenue, Part of Lot 20,
Concession 8

COUNCIL DECISION

1. That Council approve Site Plan Application SP-03-08 subject to the comments and conditions contained in Planning Report, Item No. PL 28 - 08; and,
2. That Council Authorize the Planning Department to prepare a Site Plan Agreement.

4.4 Planning Report, Item PL 29-08

Re: Site Plan Application (SP-01-08) - King's Petro 1006 Brock Street South &
107 Keith Street

COUNCIL DECISION

1. That Council approve the site plan application (SP-01-08) subject to the comments and conditions contained in Planning Report, Item No. PL 29-08; and,
2. That Council authorize staff to prepare a site plan agreement.

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5. (Continued)

RESOLUTION NO. 93-08

MOVED by Councillor Coe
Seconded by Councillor Roy

That Council adopt the recommendations set out in Items Nos. 3.1 through 3.4, 4.1 through 4.4, and 5.1 inclusive, as contained in the minutes of the meeting of the Planning and Development Committee held on March 10, 2008, save except Item No. 5.1 thereof.

CARRIED

5.1 Regional Planning Report No. 2008-P-19

Re: Growth Plan Implementation Study – Phase 1 and 2 Report, Public and Agency Comments and Responses Working Paper; and Defining Alternative Growth Scenarios Working Paper, File D12-05

RESOLUTION NO. 94-08

MOVED by Councillor Coe
Seconded by Councillor Roy

That the comments attributed to the Town of Whitby in Regional Report 2008-P-19 Growth Implementation Study, Appendix "A" be noted as representing Town staff comments subject to review and comment by Whitby Town Council.

CARRIED

6. NOTICES OF MOTION

None.

7. NEW AND UNFINISHED BUSINESS

None.

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8. BY-LAWS

- 6040-08 By-law to appoint Local Authority Services Ltd. (LAS) as a Meeting Investigator. (Refer to Corporate Services Report, Item CS 10-08)
- 6041-08 By-law to amend Zoning By-law No. 1784, as amended, in respect of the property being composed of Part of Lot 18, Concession 3, located on the north side of Rossland Road East, east of Garrard Road, municipally known as 1916 Rossland Road East, Town of Whitby, to change the zone category from 'A' Agriculture Zone to a 'I*' Institutional Zone to recognize the existing church, and to bring the zoning into conformity with the Town of Whitby Official Plan. (Refer to Planning Report, Item PL 37-07)
- 6042-08 By-law to amend Zoning By-law No. 2585, as amended, in respect of property being comprised of Part of Lot 30, Broken Front Concession, on the south side of Whitby Shores Greenway, described as Parts 4 & 7, 40R-24417, Town of Whitby, to change the zone category from "D(NR)" Development (Non Residential) to "R2B" Residential zone to permit the development of single detached dwelling. (Refer to Planning Report, Item PL 14-08)
- 6043-08 By-law to amend Zoning By-law No. 1784, as amended, in respect of the lands being composed of Part of Lot 24, Concession 5, Plan of Subdivision SW-2004-05, Block 5, east of Baldwin Street South, south of Winchester Road East, Town of Whitby, to change the zone category of the property from G-Greenbelt Zone to H-I*-3 Institutional – Exception 3 Zone to accommodate the future development of the Subject Lands for only the following uses; church, community centre, daycare centre, fraternal lodge and private school. (Refer to Planning Report Item, PL 30-08)

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8. (Continued)

RESOLUTION NO. 95-08

MOVED by Councillor Coe, Seconded by Councillor Pitchforth, that leave be granted to introduce By-law Nos. 6040-08 to 6043-08, inclusive, and to dispense with the reading of the by-laws by the Clerk and that the same be considered read a first, second and third time and finally passed and that the Mayor and Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

By-law Nos. 6040-08 to 6043-08, inclusive, considered read a first, second and third time and finally passed.

9. CONFIRMATORY BY-LAW NO 6044-08

RESOLUTION NO. 96-08

Councillor Mitchell, seconded by Councillor Roy, move for leave to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its meeting held on March 17th, 2008, and that the same be considered read a first, second and third time and finally passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

By-law No. 6044-08 considered read a first, second and third time and finally passed.

10. ADJOURNMENT

RESOLUTION NO. 97-08

MOVED by Councillor Drumm at 10:00 p.m.
Seconded by Councillor Pitchforth

That this March 17, 2008 meeting of the Council of The Corporation of the Town of Whitby adjourn.

CARRIED

Paul Jones, Clerk

Patricia Perkins, Mayor