

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, MAY 10, 2010 AT THE HOUR OF 7:00 P.M.
IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

PRESENT: Mayor Perkins
Councillor Coe
Councillor Drumm
Councillor Emm
Councillor Mitchell
Councillor Pitchforth
Councillor Roy
Councillor Scott

Mayor Perkins in the Chair

STAFF PRESENT: R. Petrie, Chief Administrative Officer
S. Beale, Director of Public Works
M. Gerrard, Fire Chief
P. LeBel, Director of Community & Marketing Services
K. Nix, Director of Corporate Services/Treasurer
S. Pohjola, Town Solicitor
R. Short, Director of Planning
M. Pettit, Deputy Clerk
S. Stones, Clerk/Stenographer

Councillor Emm, at the request of Mayor Perkins, paid tribute to Dr. Kenneth Hobbs, a long-time resident of Whitby who passed away last week. Dr. Hobbs had served as a Town Councillor and was involved in the creation of the hospital in Whitby, as well as playing an important role in the Rotary Club of Whitby.

Mayor Perkins acknowledged the efforts of Patrick Quinton-Brown, an active youth member of the community, who was the recipient of a \$70,000 scholarship through TD Canada Trust, for post-secondary studies.

1. DISCLOSURES OF INTEREST

Councillor Pitchforth made a declaration of interest under the *Municipal Conflict of Interest Act* at the In Camera Meeting held prior to the regular meeting with respect to presentations regarding proposals for Cullen Central Park as she is employed by one of the proponents. Councillor Pitchforth left the meeting and did not participate in the discussion on the matter.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6331-10

RESOLUTION NO. 155-10

Councillor Pitchforth, seconded by Councillor Roy, moved for leave to introduce a by-law and to dispense with the reading of the by-law by the Deputy Clerk to adopt the minutes of the Regular Meeting of Council held on April 19, 2010, and the minutes of the Special Meetings of Council held on April 26, 2010 and April 29, 2010 and that the same be considered read a first, second and third time and finally passed and that the Mayor and the Deputy Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

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By-Law 6331-10 considered read a first, second, and third time and finally passed.

3. PRESENTATIONS

- a) Recognition of the Whitby Wildcats PeeWee AE Hockey Team, who won the Ontario Minor Hockey Association Peewee Championship

Mayor Perkins, along with Councillor Scott, Mayor's Designate to the Community & Marketing Services Department, and Peter LeBel, Director of Community & Marketing Services, welcomed Bob Gamble, Head Coach and the members of the Whitby Wildcats PeeWee AE Hockey Team to the podium and presented them with medals in recognition of their championship win.

- b) Jenny Bilenduke, representing the Eastview Boys and Girls Club to provide an update on the expansion of programs available at Whitby

Jenny Bilenduke, of the Eastview Boys and Girls Club, gave an overview of the services and history of the Eastview Boys and Girls Club. Ms. Bilenduke also reviewed the afterschool program offered by the Eastview Boys and Girls Club at Westminster United Church since September 2009, which provides snacks, homework assistance, a craft program and play time for 25 children between the ages of 6 to 12.

- c) Presentation by Home Depot General Managers' David Serviss for the EverAlert Home Fire Safety Program of a \$5,000 cheque to Fire Chief Gerrard

Mayor Perkins, along with Fire Chief, Michael Gerrard, invited David Serviss, General Manager of Home Depot, to the podium who presented a \$5,000 cheque to the Town of Whitby in support of the EverAlert Home Fire Safety Program. Through the donation, the Fire Chief advised that 4,000 pamphlets have been distributed to homes to promote awareness of fire safety techniques.

- d) Norma Moores, IBI Group
Public Works/CMS Joint Report, Item PW 29-10
Re: Town of Whitby Cycling Plan and Leisure Trails Plan
Status update and Preliminary Recommendations

Norma Moores, Project Manager, IBI Group, provided a PowerPoint Presentation that will be presented at the Whitby Cycling and Leisure Trails Plan Public Workshop on May 12, 2010. Ms. Moores was joined by Glenn O'Connor, Principal Landscape Architect of the project.

A question and answer period ensued.

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4. CORRESPONDENCE

- a) CORR 16-10
Correspondence dated April 13, 2010 from Kim Coates, Clerk, Township of Scugog,
regarding Municipal Council – Length of Term
-

RESOLUTION NO. 156-10

MOVED BY Councillor Mitchell
Seconded by Councillor Pitchforth

That CORR 16-10 from Kim Coates, Clerk, Township of Scugog, regarding Municipal
Council – Length of Term, be received as information.

CARRIED

5. STANDING COMMITTEES

- (a) Planning and Development Committee – April 26, 2010
Report Recommendations to Council
-

4.3 Planning Report, Item PL 48-10

Re: Subdivision Application with Lifting of Holding Symbol, Adalan Development
Corp. (SW-2010-01, Z-03-10) – Part of Lot 18, Concession 3

COUNCIL DECISION

1. That Council approve the Draft Plan of Subdivision (File SW-2010-01) as found on Attachment #2 subject to the comments and conditions contained in Planning Report Item PL 48-10;
2. That Council approve the removal of the 'H' Holding Symbol from the subject property, subject to the comments and conditions contained in Report No. PL 48-10;
3. That a By-law to amend Zoning By-law No. 1784 be brought forward for consideration by Council;
4. That staff be authorized to prepare a subdivision agreement;
5. That the Mayor and Clerk be authorized to execute the subdivision agreement;
6. That the Region of Durham Commissioner of Planning be advised of Council's decision;

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7. That the Clerk forward a Notice of Decision to those persons and agencies who had requested to be notified of Council's decision; and,
8. That the Subdivider prepare a parking management plan for the plan of subdivision.

4.4 Planning Report, Item PL 44-10

Re: FCM – Sustainable Community Plan Update Port Whitby

COUNCIL DECISION

That Planning Report PL 44-10 be received as information.

4.5 Planning Report, Item PL 49-10

Re: Downtown Whitby Development Steering Committee - Terms of Reference

COUNCIL DECISION

1. That Planning Report Item PL 49–10 be received as information;
2. That the attached Terms of Reference for the Downtown Whitby Development Steering Committee (DWDSC) be approved; and
3. That a copy of the Terms of Reference be provided to the DWDSC members.

4.6 Planning Report, Item PL 50-10

Re: Accessibility Audit Implementation Plan Update

COUNCIL DECISION

That Council approve the Accessibility Audit Implementation Plan Update.

4.8 Planning Report, Item PL 53-10

Re: Tree Preservation Recommendation - Lillian Livingstone and Tony and Ida Albis - (Z-31-07, SW-2007-02) – Part of Lot 27, Concession 3

COUNCIL DECISION

1. That Council approve the recommended method of preserving trees within the tree preservation area as defined by Niblett Environmental Associates Inc. by placing the lands in a 'G' Greenbelt zone category;
2. That a By-law delineating the tree preservation area as 'G' Greenbelt be brought forward for consideration by Council; and,
3. That Council approve an amendment to the draft conditions of approval for SW-2007-02 to include appropriate measures for tree preservation prior to and during construction.

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RESOLUTION NO. 157-10

MOVED BY Councillor Coe
Seconded by Councillor Mitchell

That the report of the Planning and Development Committee dated April 26, 2010, be adopted, save and except Items 4.1, 4.2 and 4.7.

CARRIED

- 4.1** Planning Report, Item PL 54-10
Re: Applications to Amend the Town of Whitby Official Plan and Zoning By-law,
- 2074359 Ontario Ltd. (OPA-2008-W/08, Z-18-08) - 1010 Dundas Street East

RESOLUTION NO. 158-10

MOVED BY Councillor Coe
Seconded by Councillor Mitchell

COUNCIL DECISION

1. That Council receive Planning Report PL-54-10 for information,
2. That Council not approve the applications to amend the Town of Whitby Official Plan (OPA 2008-W/08) and Zoning By-law (Z-18-08) as submitted;
3. That a high density designation be approved but be limited to those lands now zoned C2S to permit an apartment building not exceeding 5 storeys and permit ground floor commercial development up to 810 square m of commercial floor space and that the remainder of the lands be developed for medium density townhouses.
4. That the application to amend the Zoning By-law (Z-18-08) be tabled until the applicant submits a revised concept plan in accordance with Council's direction.
5. That the Applicant be required to enter into a Master Development Agreement, which is registered on title of the subject lands, to secure an acceptable urban master plan for Council's consideration and approval;
6. That the applications as amended by the applicant be brought forward for Council consideration;
7. That the Mayor and Clerk be authorized to execute the Master Development Agreement at such time as the supporting plans have been approved by Council; and,

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8. That the Clerk forward a Copy of Council's decision to those persons / agencies who had requested to be notified of Council's decision.

CARRIED ON A RECORDED VOTES
AS FOLLOWS:

YES

Councillor Coe
Councillor Drumm
Councillor Mitchell
Councillor Pitchforth
Councillor Roy
Councillor Scott
Mayor Perkins

NO

Councillor Emm

4.2 Planning Report, Item PL 46-10

Re: Applications to Amend the Town of Whitby Official Plan and Zoning By-law, and Draft Plan of Subdivision – Adalan Development Corp. (OPA-2008-W/10, SW-2008-02, Z-19-08) - South of Columbus Road West, East of Way Street, and North of Carnwith Drive West

RESOLUTION NO. 159-10

MOVED BY Councillor Coe
Seconded by Councillor Mitchell

COUNCIL DECISION

1. That Council refuse the application to amend the Town of Whitby Official Plan (file OPA-2008-W/10) to remove the 'Medium Density' symbol;
2. That the 'Medium Density' symbol be retained for future development of residential lands to the east;
3. That Council approve the Draft Plan of Subdivision (SW-2008-02) latest revision date October, 2009, shown as Attachment #4 to Planning Report Item PL 46-10 as proposed by Adalan Development Corp, subject to the revisions, comments and conditions contained in Planning Report Item PL 46-10 and further, that Block 37 remain as a forested block and be brought into the ownership of the Town, and Lots 5, 6 7 and 8 be deleted;
4. That staff be authorized to prepare a subdivision agreement;
5. That the Mayor and Clerk be authorized to execute the subdivision agreement;

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6. That Council approve the application to amend Zoning By-law 1784, (File Z- 19-08), subject to the comments and conditions contained in Planning Report Item PL 46-10;
7. That a By-law to amend Zoning By-law No. 1784 be brought forward for consideration by Council; and;
8. That the Clerk forward a Notice of Decision to the Region of Durham Planning Department and those persons and agencies who had requested to be notified of Council's decision.

CARRIED

- 4.7** Planning Report, Item PL 51-10
Re: Request for Minor Variance to Sign By-law – Amica Mature Lifestyle Inc. –
(SB-01-09) – 200 Kenneth Hobbs Avenue
-

RESOLUTION NO. 160-10

MOVED BY Councillor Coe
Seconded by Councillor Mitchell

COUNCIL DECISION

That minor variance application SB-01-09 to the Town of Whitby Sign By-law 5695-05 for 200 Kenneth Hobbs Avenue be approved in accordance with the following:

1. That Section 3(2)(a) be varied to permit one (1) additional ground sign at Garden Street for a total of (2) illuminated ground signs for a Retirement Home as illustrated on Attachment #4 and identified as S.1 – Sheet 101;
2. That the applicant enter into an amending Site Plan Agreement with the Town and that the Mayor and Clerk be authorized to execute the agreement to secure comment #2 by Public Works under Section 7(C)(2) to Report PL 51-10; and,
3. That the applicant be responsible for the fees involved in the preparation and registration of the amending agreement.

CARRIED

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5. STANDING COMMITTEES

- (b) Operations Committee – May 3, 2010
Report Recommendations to Council
-

- 4.5 Community & Marketing Services Report, Item CMS 21-10
Re: Avalon Dental Care – Naming Rights Sponsorship at Port Whitby Marina

COUNCIL DECISION

That Council approve the Avalon Dental Care sponsorship of the lounge/banquet room at the Port Whitby Marina under the terms and conditions listed in the Community and Marketing Services Department Report CMS 21-10.

- 4.6 Corporate Services Report, Item CS 22-10
Re: Bill 130, The Municipal Statute Law Amendment Act, 2006
Policy Development – Mandatory Provisions
-

COUNCIL DECISION

1. That Report CS 22-10 of the Director, Corporate Services/Treasurer be received;
2. That the Accountability and Transparency Policy 1-0-24, included as Attachment 1 to this report be approved;
3. That the Delegation of Powers and Duties Policy 1-0-25, included as Attachment 2 to this report be approved;
4. That the appropriate officials of the Town of Whitby be authorized to take the necessary actions to give effect thereto.

- 4.7 Corporate Services/Public Works Joint Report, Item CS 27-10
Re: Two Stormwater Enhancement Sites within the Pringle Creek Watershed (T-8-2010) – Garden Street/Burns Street/Consumers Drive
-

COUNCIL DECISION

1. That the Town of Whitby accepts the low tender of Ron Robinson Limited in the amount of \$1,678,306.44 (net applicable taxes) for two stormwater quality enhancement sites within the Pringle Creek Watershed;
2. That the total estimated project cost for the Town of Whitby in the amount of \$1,943,844.63 be approved; and
3. That the Mayor and Clerk be authorized to execute the contract documents.

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- 4.9** Corporate Services Report/Public Works Joint Report, Item CS 30-10
Re: Bridge and Culvert Rehabilitation (T-5-2010)
-

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of All Services Incorporated in the amount of \$271,811 (net applicable taxes) for bridge and culvert rehabilitation;
2. That the total estimated project cost for the Town of Whitby in the amount of \$436,594.87 be approved; and
3. That the Mayor and Clerk be authorized to execute the contract documents.

- 4.10** Corporate Services/Public Works Joint Report, Item CS 31-10
Re: Palace Street Reconstruction From Dundas Street To Walnut Street
Including Watermain And Sanitary Sewer Replacement (T-4-2010)
– Palace Street
-

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of Cobourg Development Services Ltd in the amount of \$1,148,332.17 (net applicable taxes), subject to approval from The Regional Municipality of Durham for their portion of \$504,004.61. The Town of Whitby's portion is \$664,538.21 for the reconstruction of Palace Street from Dundas Street to Walnut Street including watermain and sanitary sewer replacement;
2. That the total estimated project cost for the Town of Whitby in the amount of \$845,538.21 be approved; and
3. That the Mayor and Clerk be authorized to execute the contract documents.

- 4.11** Corporate Services/Public Works Joint Report, Item CS 32-10
Re: Co-Operative Tender for Supply, Delivery and Application of Calcium/Magnesium Chloride – (Contract No. T-539-2010)
– (399 DUS GE 2920) (799 XMA GE 2841)
-

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of Miller Paving Limited in the total amount of \$453,321 (net GST) where the Town of Whitby's portion is the adjusted amount of \$12,540.00 (net GST) for the supply, delivery and application of liquid magnesium chloride;

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2. That the Town of Whitby accept the low tender of Innovative Surface Solutions in the amount of \$18,984 (net applicable taxes) where the Town of Whitby's portion is the adjusted amount of \$4,704.00 (net applicable taxes) for the supply and delivery of flake calcium chloride; and
3. That approval be granted for the option to extend the contract for two additional one year terms based on satisfactory performance, product quality, proposed pricing for years two and three being acceptable to the Durham Purchasing Co-Operative Group, as well as budget approval for subsequent years.

4.12 Corporate Services Report, Item CS 33-10

Re: 2010 Municipal Election – Use of Touch Screen Vote Tabulators

COUNCIL DECISION

1. That Report CS 33-10 of the Director of Corporate Services/Treasurer be received;
2. That a by-law authorizing the use of Touch Screen Voting tabulators for municipal elections, included as Attachment No. 1 to this report be enacted; and
3. That the appropriate officials of the Town of Whitby be authorized to take the necessary action to give effect thereto.

4.13 Corporate Services Report, Item CS 34-10

Re: 2010 Municipal Election – Advance Vote Locations and Hours and
Special Voting Locations

COUNCIL DECISION

1. That Report CS 34-10 of the Director of Corporate Services/Treasurer be received;
2. That a by-law authorizing the 2010 Municipal Election Advance Vote dates, times and locations and Special Voting Locations, included as Attachment No. 1 to this report be enacted; and
3. That the appropriate officials of the Town of Whitby be authorized to take the necessary action to give effect thereto.

4.14 Public Works Report/CMS Joint Report, Item PW 08-10

Re: Recycling and Organics Waste Diversion at Town Facilities - (E-3200)

COUNCIL DECISION

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1. That Council be advised that the Public Works Department submitted a grant application in the amount of \$54,533 to Waste Diversion Ontario (WDO), Continuous Improvement Fund (CIF) for partial funding of Whitby's public space recycling initiative within the municipal facilities; and
2. If the WDO application for funding is successful, Public Works staff will report back to Council in 2010 with the revised cost for implementing the proposed municipal building recycling initiative for consideration in the 2011 budget.

RESOLUTION NO. 161-10

MOVED BY Councillor Pitchforth
Seconded by Councillor Roy

That the Report of the Operations Committee dated May 3, 2010 be adopted, save and except Items 4.1 to 4.4 inclusive, 4.8 and 4.15.

CARRIED

- 4.1** Memorandum dated April 23, 2010 from Michael Gerrard, Fire Chief
In response to questions raised at the Operations Committee on
March 22, 2010

Fire Department Report, FR 1-10

Re: By-law to License and Regulate the Sale and Discharge of Fireworks (A-2115)

RESOLUTION NO. 162-10

MOVED BY Councillor Pitchforth
Seconded by Councillor Roy

COUNCIL DECISION

1. That By-Law 3907-96 "Being a By-Law to Regulate the Sale and Setting Off of Fireworks" be repealed and a new by-law known as the "Fireworks By-Law" respecting the regulating, licensing, sale and discharge of fireworks, as amended, to reflect that section 2.1 of the draft Fireworks By-Law include New Year's Eve, be approved by Council for the purpose of:
 - Licensing the sale of fireworks from mobile units
 - Regulating the discharge of Consumer (family) Fireworks, Display Fireworks, and Theatrical (Pyrotechnics Special Effects) Fireworks;
2. And that By-Law No. 5765-06 "The Fee By-law" be amended as follows:

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- a \$200 permit fee for the mobile sale of Fireworks,
 - a \$200 permit fee for the discharging of Display and/or Theatrical Fireworks,
 - a permit, at zero (0) cost for the discharging of Consumer Fireworks on days other than New Years Day, Canada Day and Victoria Day; and
3. That the appropriate officials of the Town of Whitby be authorized to take the necessary actions to bring about compliance with the by-law.

4.2 Community & Marketing Services Report, Item CMS 07-10
Re: Naming of the District Park on Darren Avenue (E.A. 6)

MOVED BY Councillor Pitchforth
Seconded by Councillor Roy

1. That Council approve the naming of the new district park in the former planning area E.A.6 as Darren Park, which is consistent with the Town of Whitby Municipal Property and Facility Naming Policy regarding the naming of parks; and
2. That Council approve naming the splash pad feature within the new district park after former Councillor Dennis Fox; and,
3. That Mr. Fox be advised of Council's decision in this matter.

RESOLUTION NO. 163-10

MOVED BY Councillor Emm
Seconded by Councillor Mitchell

That the main motion be divided in order to consider Item #1 separately.

CARRIED

RESOLUTION NO. 164-10

MOVED BY Councillor Emm
Seconded by Councillor Mitchell

COUNCIL DECISION

1. That Council approve the naming of the new district park in the former planning area E.A.6 as Darren Park, which is consistent with the Town of Whitby Municipal Property and Facility Naming Policy regarding the naming of parks; and

CARRIED

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RESOLUTION NO. 165-10

MOVED BY Councillor Drumm
Seconded by Councillor Mitchell

COUNCIL DECISION

2. That Council approve naming the splash pad feature within the new district park after former Councillor Dennis Fox; and,
3. That Mr. Fox be advised of Council's decision in this matter.

CARRIED

- 4.3** Community & Marketing Services Report, Item CMS 19-10
Re: Whitby in Bloom Update Regarding Changes to the Communities in Bloom Program and Judging Categories
-

RESOLUTION NO. 166-10

MOVED BY Councillor Pitchforth
Seconded by Councillor Roy

COUNCIL DECISION

1. That the Council resolution approved on March 8, 2010 (Community and Marketing Services Department Report CMS 11-10) regarding the Town's participation in the 2010 National Communities in Bloom Program, Friends Category, be rescinded; and,
2. That Council approves the Town's participation in the 2010 Communities in Bloom National (Competition) Edition.

CARRIED ON A
TWO THIRDS MAJORITY VOTE

- 4.4** Community & Marketing Services Report, Item CMS 20-10
Re: Baycliffe Park – Baycliffe Drive and Twin Streams Road
-

RESOLUTION NO. 167-10

MOVED BY Councillor Pitchforth
Seconded by Councillor Roy

COUNCIL DECISION

1. That lighting be installed at Baycliffe Park to illuminate the senior playground structure and the parking lot;

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2. That the Parks By-law 5066-02 be amended such that the existing daily hours of closure for Baycliffe Park be changed from 11:30 p.m. to 6:00 a.m. to 10:00 p.m. to 6:00 a.m. for the season of April 1st to September 30th;
3. That subject to Council approval of the amendment in park hours, that signage be changed to reflect the new hours; and further, that a sign be installed on Baycliffe Drive directing park users to the parking lot located off of Twin Streams Road;
4. That subject to Council approval of the amendment in park hours, that Staff inform Durham Regional Police Service (DRPS) of the change and further that Staff continue to forward to the DRPS all incident and vandalism notices and reports associated with the park;
5. That Staff report back to Council in the 1st quarter of 2011 after monitoring the park for incident activity through the summer and fall period;
6. That staff review the plantings around the perimeter of the parking lot and at the north aspect of the playground area; and
7. That Durham Regional Police Services be requested to have a zero tolerance approach and ticket all persons and vehicles in Baycliffe Park after closure.

CARRIED

4.8 Corporate Services/Public Works Joint Report, Item CS 29-10
Re: Dundas Street Rehabilitation and Storm Sewer Twinning from
Craydon Road to Anderson Street (T-9-2010) – Dundas Street

RESOLUTION NO. 168-10

MOVED BY Councillor Pitchforth
Seconded by Councillor Roy

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of Hard-Co Construction Limited in the amount of \$1,449,378.00 (net applicable taxes) for the Dundas Street rehabilitation and storm sewer twinning;
2. That an over expenditure in the amount of \$25,850.40 be approved and funded from the Growth Capital Reserve Fund and development charges

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3. That the total estimated project cost for the Town of Whitby in the amount of \$1,669,907.40 be approved; and
4. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

4.15 Public Works Report, Item PW 26-10
Re: Adopt-A-Road Program – Information and Status Update

RESOLUTION NO. 169-10

MOVED BY Councillor Pitchforth
Seconded by Councillor Roy

COUNCIL DECISION

1. That Report No. 26-10, regarding a status update on the Town's Adopt - A- Road Program, dated April 12, 2010, be received as information;
2. That Staff continue with the development and expansion of the current Adopt-A-Road program, through information posted on the Town's website and in local publications, to solicit participation by individuals, community groups and volunteer organizations; and
3. That the Town recognizes the generous contribution of Swish Maintenance in the continued success and expansion of the Adopt-A-Road program.

CARRIED AS AMENDED
[See Following Motion]

RESOLUTION NO. 170-10

Moved by Councillor Mitchell
Seconded by Councillor Emm

That the main motion be amended by adding the following:

4. That Staff report back on volunteer programs to support the clean-up of parks, trails and ravines.

The main motion was then CARRIED AS AMENDED.

6. NOTICE OF MOTION

There were no notices of motion presented.

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7. NEW AND UNFINISHED BUSINESS

- a) CMS/Public Works Joint Report, Item PW 29-10
Re: Town of Whitby Cycling Plan and Leisure Trails Plan – Status Update and
Preliminary Recommendations
-

RESOLUTION NO. 171-10

MOVED BY Councillor Emm
Seconded by Councillor Drumm

That Public Works/Community and Marketing Services Departments Join Report
PW 23-09 regarding the Town of Whitby Cycling Plan and Leisure Trails Plan be
received for information.

CARRIED

- b) Community & Marketing Services Report, Item CMS 22-10
Re: Community Connection Canada Day Fireworks Event – Victoria Fields
-

RESOLUTION NO. 172-10

MOVED BY Councillor Emm
Seconded by Councillor Drumm

COUNCIL DECISION

1. The Council approve the involvement of the Town of Whitby in the
planning and implementation of the Community Connection 2010 Canada
Day Fireworks Event; and
2. That Council approve a budget allocation of \$9,000 to support the
Community Connection 2010 Canada Day Fireworks event to be held at
Victoria Fields.

CARRIED

- c) Community & Marketing Services Report, Item CMS 23-10
Re: Ontario Industrial Electricity Rates
-

RESOLUTION NO. 173-10

MOVED BY Councillor Emm
Seconded by Councillor Drumm

COUNCIL DECISION

1. That Community and Marketing Services Department Report CMS 23-10
be received as information;

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, MAY 10, 2010 AT THE HOUR OF 7:00 P.M.
IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

2. That Council endorse the following resolution:

Whereas a goal of the Provincial Government's 'Open Ontario' 2010 Budget is to protect and enhance job creation and economic growth through providing stimulus plans to increase investment, trade and global opportunities for Ontario companies;

Whereas communities located throughout the Province have been affected by the global economic recession and the transformation of key sectors, especially manufacturing, resulting in plant closures, job losses and a heavy burden on families and communities;

Whereas a competitively priced electrical energy supply is a critical component for the maintenance and growth of manufacturing in all of Ontario, including Whitby and Durham Region;

Whereas the Provincial Government has announced as part of the 'Open Ontario' 2010 Budget the creation of a three-year Northern Ontario Electricity Rebate Program averaging \$150 million annually that would provide electricity rebates of two cents per kilowatt-hour for qualifying large industrial users, resulting in a reduction of their electricity prices by approximately 25 per cent based on 2009 levels;

Whereas large industrial manufacturers operating plants in southern Ontario are competitively disadvantaged since they are ineligible for the recently announced electricity rebate program that will be available to all large industrial users located in northern Ontario;

Whereas the large industrial power users and manufacturers associations have proposed to the Provincial Government that power rates should be favourably adjusted to reduce and/or eliminate escalating electricity add-on charges to encourage and reward those industries that load shift thereby reducing electricity demand during peak periods;

Therefore be it resolved that the Town of Whitby calls upon the Provincial Government to implement a similar electricity rebate program announced in the Province's 'Open Ontario' 2010 Budget to all qualifying large industrial manufacturers no matter where they are located in Ontario; and further, that the Province undertake a review of the add-on charges such as the Global Adjustment and Debt Retirement Charges with the view of reducing or temporarily suspending those charges for large power users, so as to enhance the competitiveness of all Ontario manufacturers to compete globally and provide sustainable employment; and,

3. That the Clerk forward a copy of this report, once approved by Council, to the Honourable Dalton McGuinty, Premier of Ontario; Honourable Brad Duguid, Minister of Energy and Infrastructure; Honourable Sandra

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Pupatello, Minister of Economic Development and Trade; Honourable Dwight Duncan, Minister of Finance and Chair of the Management Board of Cabinet; Honourable Linda Jeffrey, Minister of Natural Resources; Christine Elliott, MPP Whitby-Oshawa; all other Members of Provincial Parliament in Durham Region; Durham Region Economic Development and Tourism Department; all other municipal economic development offices in the Region of Durham; Regional Municipality of Durham, Whitby Chamber of Commerce; all other Chambers and Boards of Trade in Durham Region; Durham Strategic Energy Alliance; Atlantic Packaging Products Ltd. and Gerdau Ameristeel Corporation Whitby.

CARRIED

8. CONFIDENTIAL MATTERS

In accordance with Procedural By-law 6125-08 and the provisions of the *Municipal Act*, an In Camera meeting of Council was held prior to the regularly scheduled meeting.

RESOLUTION NO. 174-10

MOVED by Councillor Emm
Seconded by Councillor Roy

That Council go into an In Camera meeting of the Council which has been scheduled in accordance with the provisions of the *Municipal Act*, *Municipal Freedom of Information and Protection of Privacy Act* and Procedural By-law 6125-08, in that the matters to be discussed relate to advice that is subject to solicitor-client privilege, including communications necessary for that purpose and information that relates to confidential third-party information.

CARRIED

a) Cullen Central Park – Presentations by Proponents

Presentations were provided regarding proposals for Cullen Central Park. A question and answer period ensued.

Council recessed from the In-Camera Session at 6:40 pm and reconvened in the Council Chambers at 7:00 pm.

9. BY-LAWS

6332-10 Being a by-law to assume certain lands as public highways for road widening purposes on Dundas Street East (Parts 3 and 4 on 40R-26340) [Refer to Planning Report PL 162-01, Hedgate Developments Inc., 400 Dundas Street East]

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- 6333-10 Being a by-law to assume Abbyview Drive, St. Philip Court and Ball Crescent as public highways. (Plan 40M-2287)
- 6334-10 Being a by-law to amend Traffic By-law No. 1862-85, as amended, to regulate traffic on highways in the Town of Whitby with respect to Schedule N, Stop Signs.
- 6335-10 Being a by-law to assume Kressman Court, Shasta Crescent and Twin Streams Road as public highways (Plan 40M-2275 Crownvetch Developments Inc.)
- 6336-10 Being a by-law to assume Robert Attersley Drive East, Claridge Crescent, Archstone Street, Folkstone Gate, Harrongate Place and Haverhill Crescent as public highways. (Plan 40M-2110 Milltree Developments Inc.)
- 6337-10 Being a by-law to dedicate the sight triangle on Thistledown Crescent as a public highway. (LD 069-074/2008 & LD 109-110/2008, Part 5, Plan 40R-26292)
- 6338-10 Being a by-law to dedicate Block 116-Plan 40M-2192 as part of Birchpark Drive (0.3 metre reserve) designated as Part 1 and 5 on Plan 40R-23432 as a public highway.
- 6339-10 Being a by-law to regulate the licensing, sale and discharge of fireworks.[Refer to FR 1-10]
- 6340-10 Being a by-law to adopt Amendment No. 85 to the Official Plan of the Town of Whitby. (File No. OPA-2008-W/11)
- 6341-10 Being a by-law to amend Zoning By-law No. 1784, as amended, to permit the development of land for a residential subdivision. (Adalan Development Corporation, Z-03-10) [Refer to PL 48-10]
- 6342-10 Being a by-Law authorizing the use of Touch Screen Voting Tabulators for the municipal election.
- 6343-10 Being a by-law authorizing the 2010 Municipal Election Advance Vote dates, times and locations and Special Voting Locations.

RESOLUTION NO. 175-10

MOVED by Councillor Drumm, seconded by Councillor Pitchforth, that leave be granted to introduce By-law Nos. 6332-10 to 6343-10, inclusive, and to dispense with the reading of the by-laws by the Deputy Clerk and that the same be considered read a first, second and third time and finally passed and that the Mayor and Deputy Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

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By-law Nos. 6332-10 and 6343-10, inclusive, considered read a first, second and third time and finally passed.

10. CONFIRMATORY BY-LAW NO 6344-10

RESOLUTION NO. 176-10

MOVED by Councillor Emm seconded by Councillor Mitchell, that leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Deputy Clerk to confirm the proceedings of the Council of the Town of Whitby at its meeting held on May 10, 2010, and that the same be considered read a first, second and third time and finally passed and that the Mayor and the Deputy Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

By-law No. 6344-10 considered read a first, second and third time and finally passed.

11. ADJOURNMENT

RESOLUTION NO. 177-10

MOVED by Councillor Emm
Seconded by Councillor Coe

That the meeting be adjourned.

CARRIED

The meeting adjourned at 9:35 p.m.

Martha A. Pettit, Deputy Clerk

Patricia Perkins, Mayor