

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, NOVEMBER 23, 2009 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

PRESENT: Mayor Perkins

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

Mayor Perkins in the Chair

ALSO PRESENT: R. Petrie, Chief Administrative Officer (CAO)
S. Beale, Director of Public Works
R. Short, Director of Planning
K. Nix, Director of Corporate Services/Treasurer
S. Pohjola, Town Solicitor & Acting Manager of Human Resource Services
M. Gerrard, Fire Chief
S. Edwards, Manager of Parks, Marina, Long Range Planning,
Tourism & Culture
P. Jones, Town Clerk
D. Wilcox, Town Clerk (January 1, 2010)
M. Pettit, Deputy Clerk
S. Cassel, Clerk/Stenographer

The meeting started at 8:00 p.m.

1. DISCLOSURES OF INTEREST

Councillor Drumm declared a pecuniary interest with respect to any consideration of the proposed relocation of the Hideaway Bingo Hall to 114 Dundas Street East as he is a long-time member of the Knights of Columbus.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6256-09

RESOLUTION NO. 323-09

Councillor Coe, seconded by Councillor Pitchforth, 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 Regular Meeting of Council held on November 2nd, 2009 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. 6256-09 considered read a first, second and third time and finally passed.

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3. PRESENTATIONS

- (i) Consideration of Proposal to Relocate the Hideaway Bingo Hall to 114 Dundas Street East in Whitby

Having declared a pecuniary interest, Councillor Drumm left the meeting hall at 8:10 p.m. He did not hear the following speakers nor take part in the discussions, nor pose any questions.

The following persons spoke against the proposed relocation:

- Trevor Whiffen, from Aylesworth LLP, Solicitors for the Red Barn Auditorium, the Red Barn Charity Association and the Sunray Charitable Group
- Frank Sobil, President of the Red Barn Charity Association, Oshawa
- Joe Kondyjowski, 708 Mary St. N., Oshawa, past owner of the Red Barn Auditorium, Oshawa

The following persons spoke in favour of the relocation:

- Dave Conway, Chairman of the Hideaway Charities Association (2009)
- Binod Singh, President, Hideaway Bingo Hall Inc.

Council members posed a number of questions to various of the speakers.

4. CORRESPONDENCE

Councillor Drumm returned to the meeting hall at this point in the proceedings.

- (i) CORR 26-09
Correspondence dated November 16, 2009 from residents of James Rowe Drive regarding a request to prohibit the hanging of laundry in certain outdoor locations and by-law enforcement issues in the Town of Whitby

RESOLUTION NO. 324-09

MOVED by Councillor Emm
Seconded by Councillor Coe

That CORR 26-09 be referred to the Administration for consideration and a report back to Council.

CARRIED

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4. (continued)

(ii) CORR 27-09

Correspondence dated November 18, 2009 from Mr. Binod Singh, President, Hideaway Bingo Hall Inc., regarding the proposed relocation of the Hideaway Bingo Hall to 114 Dundas Street East in Whitby

Having declared a pecuniary interest, Councillor Drumm did not participate in the discussion or vote on the following two items.

RESOLUTION NO. 325-09

MOVED by Councillor Emm
Seconded by Councillor Pitchforth

That CORR 27-09 be received as information and referred for deliberation of Operations Committee Item 3.1, Consideration of Proposal to Relocate the Hideaway Bingo Hall to 114 Dundas Street East in Whitby.

CARRIED

The Clerk noted the receipt and distribution of additional correspondence related to the proposed relocation of the Hideaway Bingo Hall to 114 Dundas Street East in Whitby.

RESOLUTION NO. 326-09

MOVED by Councillor Emm
Seconded by Councillor Pitchforth

That receipt of the additional correspondence be noted and referred for deliberation of Operations Committee Item 3.1, Consideration of Proposal to Relocate the Hideaway Bingo Hall to 114 Dundas Street East in Whitby.

CARRIED

5. STANDING COMMITTEES

(a) Planning and Development Committee – November 9, 2009
Report Recommendations to Council

4.1 Planning Report, Item PL 107-09

Re: Conveyance of Parts 2 and 3 on Plan 40R-25747– (S-240-97 PH. 5) – Lot 1,
Registered Plan 40M-2311

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5. (continued)

COUNCIL DECISION

1. That Council accept the conveyance of Parts 2 and 3 on 40R-25747 from Brookvalley Developments Inc. subject to the lands being free from all encumbrances save and except for an easement in favour of Whitby Hydro Electric Commission on Part 1 of Plan 40R-Draft found on Attachment #3;
2. That Brookvalley Developments Inc. be responsible for all reference plan preparation and registration including all legal costs to complete the land conveyance and associated easement; and,
3. That the requirements of the executed subdivision agreement for Phase 5 comprised of fencing adjacent to Lot 1 on registered plan 40M-2311, be completed by the Developer for the adjusted lot line.

4.2 Planning Report, Item PL 110-09

Re: Gerdau-Ameristeel (Formerly Co-Steel LASCO) - 2008 Monitoring Report
Berm Liaison Committee – 1801 Hopkins Street

COUNCIL DECISION

1. That Planning Report, Item PL 110-09 be received for information;
2. That the Clerk forward a copy of Planning Report, Item PL 110-09, to Gerdau-Ameristeel, the Ministry of the Environment, the Region of Durham Clerk's Department, and C. Elliott, MPP, for information; and,
3. That Gerdau-Ameristeel be requested to circulate Planning Report, Item PL 110-09 to all members of the Berm Liaison Advisory Committee.

4.3 Planning Report, Item PL 112-09

Re: EMS Storage Facility – Region of Durham – (SP-24-09)
– 4040 Anderson Street

COUNCIL DECISION

1. That Site Plan Application (SP-24-09) be approved subject to the comments and conditions contained in Planning Report, Item PL 112-09; and,

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5. (continued)

2. That the Planning Director be authorized to approve the site plan, landscape plan and building elevations in accordance with Council's approval subject to a letter of undertaking.

4.5 Planning Report, Item PL 114-09

Re: Count Me In! Community Challenge – Results

COUNCIL DECISION

1. That Planning Report, Item PL 114-09 be received as information; and,
2. That a copy of Planning Report, Item PL 114-09 be forwarded to Whitby Hydro and the Durham Region Astronomical Association.

4.6 Planning Report, Item PL 115-09

Re: Site Plan Approval – Whitby By The Lake Inc. – (SP-22-09)
– Part of Lot 29 & 30, Broken Front Concession

COUNCIL DECISION

1. That Council approve Site Plan Application SP-22-09 subject to the comments and conditions contained in Planning Report, Item PL 115-09; and,
2. That the Mayor and Clerk be authorized to execute the Site Plan Agreement.

RESOLUTION NO. 327-09

MOVED by Councillor Coe
Seconded by Councillor Mitchell

That Council adopt the recommendations set out in Item Nos. 4.1 to 4.3, inclusive, 4.5 and 4.6, as contained within the minutes of the meeting of the Planning & Development Committee held on November 9th, 2009.

CARRIED

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5. (b) Operations Committee – November 16, 2009
Report Recommendations to Council
-

4.1 Community & Marketing Services Report, Item CMS 49-09
Re: Implementation of Whitby's ACTIVE2010 Plan

COUNCIL DECISION

1. That Council endorse the Town of Whitby's award of \$33,300 from the Provincial Ministry of Health Promotion, the Healthy Communities Fund, for the implementation of the Town's ACTIVE2010 Plan;
2. That the unbudgeted one-time Provincial funding be used to hire a part-time staff person to administer the Town's ACTIVE2010 Plan;
3. That based on the level of the Provincial funding grant, Council approve the implementation of the modified ACTIVE2010 Plan as outlined in Report CMS 49-09;
4. That the Provincial funding be expended between December 1, 2009 and November 30, 2010; and,
4. That once the one-time Provincial funding is expended, the part-time staff person and any incremental ACTIVE2010 Plan activities not continue in the future without additional Provincial grants.

4.2 CMS/Corporate Services Joint Report, Item CMS 50-09
Re: BizPaL

COUNCIL DECISION

1. That the Community and Marketing Services and Corporate Services Departments Joint Report, Item CMS 50-09 regarding the introduction of BizPaL, an on-line business permits and licences information service, be received as information;
2. That Council endorse the introduction of the BizPaL service and its inclusion on the Town of Whitby website;
3. That BizPaL be launched effective November 30, 2009; and,

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5. (continued)

4. That the Clerk forward a copy of Report CMS 50-09 to the Whitby Chamber of Commerce, Durham Region Economic Development and Tourism Department, Business Advisory Centre Durham, Chair of the Downtown Brooklin Business Association, Chairs of the Brooklin and Whitby Downtown Development Committees, Whitby Hydro Energy Corporation, Whitby Public Library, J. Flaherty-MP for Whitby/Oshawa and C. Elliott-MPP for Whitby/Oshawa.

4.3 Community & Marketing Services Report, Item CMS 51-09

Re: Facility Closure Policy Related to Inclement Weather and Power Outages

COUNCIL DECISION

That Council approve and adopt the policy regarding the Closure of Recreational Facilities and Community Centres related to Inclement Weather and Power Outages as set out in Community & Marketing Services Report, Item CMS 51-09.

4.5 Community & Marketing Services Report, Item CMS 53-09

Re: Iroquois Park Sports Centre and Willow Park Ball Fields Replacement

COUNCIL DECISION

1. That Council endorse the proposed locations and designs for the replacement of the existing ball fields that will be displaced at Iroquois Park Sports Centre and Willow Park; and,
2. That Council authorize Park Development Staff to proceed with the tendering process for the Iroquois Park Sports Centre and Willow Park replacement ball fields and report back to Council with a recommendation as to the preferred contractor, construction timing and budget analysis.

4.6 Corporate Services Report, Item CS 62-09

Re: Heydenshore Site Improvement (W2009-29)

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of Royalcrest Paving and Contracting Ltd. in the amount of \$533,152.34 for Heydenshore Site Improvement;

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5. (continued)

2. That the total estimated project cost for the Town of Whitby in the amount of \$566,079.13 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

4.8 Corporate Services Report, Item CS 67-09

Re: Disposition of Block 83, Plan 40M-1641 – Boychyn Drive

COUNCIL DECISION

1. That Council declare Block 83, Plan 40M-1641 as surplus to its needs;
2. That in accordance with the provisions of the Town of Whitby by-law for the disposal of surplus property, the Town give public notice of its intention to dispose of the property by placing an advertisement in the newspaper one time;
3. That, provided no objection is received by the Town in connection with the proposed disposal of the property, the property be offered for sale to one of the property owners who have the ownership of the lands to the north, south and east of the subject lands through a tender process; and,
4. That the Mayor and Clerk be authorized to execute the required documents.

4.10 Public Works Report, Item PW 53-09

Re: Public Works Asset Assumptions - January through November 2009

COUNCIL DECISION

1. That Public Works Report, Item PW 53-09, regarding Public Works Asset Assumptions for January through November 2009, be received as information; and,
2. That staff continue to analyze the ongoing asset assumption information to determine resource requirements for future Operating and Capital budgets and to establish growth factors (e.g. staff, equipment, etc.) by asset class and service type.

RESOLUTION NO. 328-09

MOVED by Councillor Pitchforth
Seconded by Councillor Roy

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5. (continued)

That Council adopt the recommendations set out in Item Nos. 4.1 to 4.3, inclusive, 4.5, 4.6, 4.8 and 4.10 as contained within the minutes of the meeting of the Operations Committee held on November 16th, 2009.

CARRIED

4.7 Corporate Services Report, Item CS 66-09

Re: Port Whitby Marina Dredging (Q2009-2)

RESOLUTION NO. 329-09

MOVED by Councillor Pitchforth

Seconded by Councillor Roy

1. That the Town of Whitby accept the quote of Dallas Dredging Co. Ltd. in the revised amount of \$63,000 for Port Whitby Marina dredging;
2. That the total estimated project cost for the Town of Whitby in the amount of \$60,000 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

4.9 Corporate Services Report, Item CS 68-09

Re: 2010 Council and Standing Committee Meeting Schedule - Report #2

RESOLUTION NO. 330-09

MOVED by Councillor Pitchforth

Seconded by Councillor Roy

1. That the 2010 schedule of meetings for Council and Standing Committees as outlined in Schedules A and B to Corporate Services Report, Item CS 68-09 be adopted with all Planning and Development and Operations Committee and Council meetings starting at 7:00 p.m.;
2. That in 2010 no Council meetings be televised between August 31 and voting day; and,
3. That the 2010 Meeting schedule be published on the Town's website.

CARRIED ON A
RECORDED VOTE AS FOLLOWS

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5. (continued)

YEAS

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

NAYS

Councillor Drumm

3.1 Consideration of Proposal to Relocate the Hideaway Bingo Hall to
114 Dundas Street East in Whitby

Having previously declared a pecuniary interest, Councillor Drumm left the meeting hall at 9:28 p.m. He did not take part in the discussion nor vote on this item.

MOVED by Councillor Pitchforth
Seconded by Councillor Coe

That Council of the Corporation of the Town of Whitby not approve the relocation of the Hideaway Bingo Hall in Whitby to 114 Dundas Street East, also in Whitby, for the following reasons:

1. it is not in the Region's best interest;
2. it is not a good location;
3. charities are satisfied with limiting hall operations to Oshawa and Pickering; and,
4. the limited number of players to support a third hall in the Region.

MOTION NOT VOTED ON

RESOLUTION NO. 331-09

MOVED by Councillor Mitchell
Seconded by Councillor Emm

That the above motion be divided.

CARRIED

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5. (continued)

RESOLUTION NO. 332-09

MOVED by Councillor Mitchell
Seconded by Councillor Pitchforth

That the following clause be deleted:

2. it is not a good location

CARRIED

RESOLUTION NO. 333-09

MOVED by Councillor Roy
Seconded by Councillor Coe

That the following clause be added:

it creates a negative economic impact on existing bingo halls and charities.

CARRIED

RESOLUTION NO. 334-09

MOVED by Councillor Mitchell
Seconded by Councillor Emm

That the numbered clauses be carried as amended and as follows:

1. it is not in the Region's best interest;
2. charities are satisfied with limiting hall operations to Oshawa and Pickering;
3. the limited number of players to support a third hall in the Region; and,
4. it creates a negative economic impact on existing bingo halls and charities.

CARRIED

There was considerable debate amongst Council members regarding the remainder of the motion.

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5. (continued)

RESOLUTION NO. 335-09

MOVED by Councillor Mitchell
Seconded by Councillor Pitchforth

That the matter of the proposed relocation of the Hideaway Bingo Hall to 114 Dundas Street East in Whitby be referred to Council in Committee of the Whole and considered at such time as the proponent, Mr. Binod Singh, has provided a business case/market analysis that includes the following elements:

- an outline of the primary trading area (i.e. where will the customer base originate from);
- a realistic outline of the demonstrated demand for the bingo hall by charitable organizations, including a list of charities wishing to conduct bingo at the hall;
- an analysis of the economic impact of the hall on other bingo halls and charitable licencees in Oshawa and Pickering;
- evidence that businesses in the immediate area of the proposed relocation support the bingo hall relocation;
- a summary of the benefits to the community and the financial impact to the Town of Whitby; and,
- a description of the proposed operation of the bingo hall as detailed in Section 5 of Appendix 1 of the Criteria and Procedures for Establishing Bingo Halls as published by the Registrar of Alcohol and Gaming, Alcohol and Gaming Commission of Ontario.

CARRIED

RESOLUTION NO. 336-09

MOVED by Councillor Emm at 10:20 p.m.
Seconded by Councillor Roy

That Council recess for five minutes.

CARRIED

The meeting resumed at 10:25 p.m. Councillor Drumm returned to the meeting hall at this time.

6. NOTICES OF MOTION

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None

7. NEW AND UNFINISHED BUSINESS

7.1 SUSTAINABILITY INITIATIVES IN WHITBY

RESOLUTION NO. 337-09

MOVED by Councillor Mitchell
Seconded by Councillor Drumm

That the rules of procedure be suspended to allow introduction of the following motion.

CARRIED ON A
TWO-THIRDS VOTE

RESOLUTION NO. 338-09

MOVED by Councillor Mitchell
Seconded by Councillor Drumm

1. That staff report back with options to organize and focus sustainability initiatives in Whitby, such report to include:
 - a) a summary of initiatives in other Durham municipalities including staff resources, organization, citizen participation and budgetary allocation; and,
 - b) recommendations for enhancing Whitby's focus on sustainability.
2. That the report be referred to the 2010 Budget deliberations.

CARRIED

7.2 REGIONAL PUBLIC WORKS REPORT NO. 2009-J-46 – REGIONAL ROADS

RESOLUTION NO. 339-09

MOVED by Councillor Emm
Seconded by Councillor Roy

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7. (continued)

That the rules of procedure be suspended to allow introduction of the following motion.

CARRIED ON A
TWO-THIRDS VOTE

RESOLUTION NO. 340-09

MOVED by Councillor Emm
Seconded by Councillor Coe

Whereas both Brock Street and Thicksen Road between Rossland Road and Taunton Road are high priority needs in accordance with the primary key considerations in Regional Public Works Report No. 2009-J-46, and;

Whereas both roads are now needs with respect to existing traffic volumes and Thicksen Road in particular is a now need with respect to pavement conditions, and;

Whereas the extension of Highway 407 through the Town of Whitby is scheduled to be built by 2013 with planned interchanges at Brock Street and Thicksen Road which will significantly increase existing capacity problems on both roads and;

Whereas the Region is proposing to improve Thicksen Road in 2013 and Brock Street in 2014 which may result in some overlap in construction of two key parallel north/south routes in the Town of Whitby after the extension of Highway 407;

Therefore be it resolved that the Town of Whitby requests that both Brock Street and Thicksen Road between Rossland Road and Taunton Road be advanced in the Region of Durham's capital program such that they are both constructed at different times by the year 2013.

CARRIED UNANIMOUSLY ON A
RECORDED VOTE AS FOLLOWS

YEAS

NAYS

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

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8. BY-LAWS

- 6257-09 By-law to appoint/revoke persons as Municipal By-law Enforcement Officers for the purpose of enforcing parking restrictions on private property.
- 6258-09 By-law to amend Schedule "A" of Building By-law No. 5718-05, for the purpose of appointing/revoking persons as Fire Prevention Officers.
- 6259-09 By-law to assume Part 1 on Plan 40R-22600 for road widening purposes. (Refer to LD 130/2008, LD 146-150,2008, LD 003-006/2009)
- 6260-09 By-law to assume Bridlewood Boulevard and Charterhouse Drive, as shown on Plan 40M-2245, as public highways. (Refer to Adalan Development Corporation PH3, 40M-2245)
- 6261-09 By-law to amend By-law No. 1862-85, as amended, to regulate traffic on highways in the Town of Whitby, with respect to Schedule "N" (stop signs). (Refer to Refer to Adalan Development Corporation PH3, 40M-2245)
- 6262-09 By-law to assume Carnwith Drive West, Braddock Court, Leithridge Crescent and Whitmore Court, as shown on Plan 40M-2241, as public highways. (Refer to Brooklin Meadows Limited, Brooklin Centre, 40M-2241)
- 6263-09 By-law to amend By-law No. 1862-85, as amended, to regulate traffic on highways in the Town of Whitby, with respect to Schedule "N" (stop signs). (Refer to Brooklin Meadows Limited, Brooklin Centre, 40M-2241)
- 6264-09 By-law to amend By-law No. 2585, as amended, to eliminate redundant provisions and correct minor errors. The effect of the technical amendments will be to improve the clarity and ease of use of the Zoning By-law and thereby enhance customer service. (Z-23-09)

RESOLUTION NO. 341-09

MOVED by Councillor Drumm, Seconded by Councillor Scott, that leave be granted to introduce By-law Nos. 6257-09 to 6265-09, inclusive, save and except By-law No. 6264-09 and By-law No. 6265-09 being renumbered 6264-09, and to dispense with the

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8. (continued)

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. 6257-09 and 6264-09, inclusive, considered read a first, second and third time and finally passed.

9. CONFIRMATORY BY-LAW NO 6265-09

RESOLUTION NO. 342-09

MOVED by Councillor Mitchell, seconded by Councillor Roy, that leave be granted 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 November 23, 2009, 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. 6265-09 considered read a first, second and third time and finally passed.

10. ADJOURNMENT

RESOLUTION NO. 343-09

MOVED by Councillor Emm at 10:45 p.m.
Seconded by Councillor Drumm

That this November 23rd, 2009 meeting of the Council of The Corporation of the Town of Whitby adjourn.

CARRIED

Paul Jones, Clerk

Patricia Perkins, Mayor