MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITBY HELD ON TUESDAY, OCTOBER 9, 2012 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 Hanson Councillor Mitchell Councillor Montague Councillor Roy

Mayor Perkins in the Chair

STAFF PRESENT: R. Petrie, Chief Administrative Officer

P. LeBel, Commissioner of Community & Marketing Services

S. Beale, Commissioner of Public Works

M. Gerrard. Fire Chief

K. Nix, Commissioner of Corporate Services/Treasurer

J. Austin, Manager, Development Control Design & Technical

Services

D. Wilcox, Town Clerk

S. Cassel, Licencing Clerk

Mayor Perkins called the meeting to order at 7:00 pm

1. DISCLOSURES OF INTEREST

Councillor Mitchell made a declaration of interest under the Municipal Conflict of Interest Act with respect to the discussion of Item 4.2 - Planning Report, Item PL 57-12 - Re: Heritage Designation of the Brooklin Pioneer Cemetery (Methodist Episcopal Cemetery). – South Side of Albert Street at South End of Church Street, Lot 189 of Plan No. H-50052 as he has lives across the road from the cemetery. Councillor Mitchell did not take part in the discussion or vote on the matter.

Councillor Mitchell made a declaration of interest under the Municipal Conflict of Interest Act with respect to the discussion of 1 e) of Item 4.7 – Public Works Report, Item PW 36-12 Re: Town Comments on Draft Region of Durham 5 Year Capital Road, Water and Sanitary Sewer Programs as he owns property that fronts onto Winchester Road. Councillor Mitchell did not take part in the discussions or vote on this matter.

2. <u>BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6656-12</u>

RESOLUTION NO. 248-12

Minutes of Council Meetings – September 17, 2012 and September 24, 2012

Councillor Roy, seconded by Councillor Hanson, 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 September 17, 2012 and the Special Meeting of Council held on September 24, 2012 and that the same be considered read a first and second time.

CARRIED

The by-law was read a third time and finally passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

By-Law 6656-12 considered read a first, second, and third time and finally passed.

3. PRESENTATIONS/DELEGATIONS

3.1 Yusuf Moolla, Ray Abbott, Ayub Shek, (Imam) Noorudeen Ghauri, Moolco Investments Inc.

Re: Planning Report, Item PL 64-12

Zoning Amendment and Site Plan Application – Moolco Investments Inc.

 (Z-10-12 & SP-07-12) – Northwest Corner of Garden Street at Consumers Drive

Yusuf Moolla, resident of Whitby, appeared before Council and asked for Council's support of the application. Mr. Moolla commented that the proposed gas bar will offer a full service gas station which is not offered elsewhere in the Town at this time. He further commented that the amendments that have been made to the plans have addressed traffic and noise concerns. Garbage concerns have also been addressed and the receptacles have been moved and garbage collection will be done during work days. Mr. Moolla spoke to the environmental concerns raised by residents and ensured Council that the equipment that will be used will meet high standards. He further spoke to the creation of jobs and revenue that would be a result of the gas station. The limited objections that have come from residents do not justify not approving this project and there have been some residents in support of the application.

A representative of the applicant, introduced as the Spiritual Leader of the community, appeared before Council and commented on the source of revenue that would come from this development and that this business

would be a positive source of revenue to the community.

Ray Abbott, representative of the applicant, appeared before Council and spoke in favour of the application and stated that the amendments that have been made to the plans have taken all concerns into consideration and he asked for Council's approval of the application.

3.2 Matthew Cory, Principal

Malone Given Parsons Ltd., on behalf of Brooklin North Landowners Group – Follow-up Comments DRAFT 2012 Development Charge Background Study

Re: Corporate Services Report, Item CS 75-12 Development Charges By-law Final Recommendations

Mr. Cory appeared before Council on behalf of Brooklin North Landowners Group. He stated that the Owners are deeply concerned that the Development Charge By-law is underestimating the future cost of roads in the Brooklin area. Mr. Cory spoke about the rapid growth that is taking place in Brooklin and does not think that the Development Charges Study has taken this growth into consideration. The Development Charge Study has taken some roads into consideration but the roads that are slated up to the year 2031 also need to be addressed. With the correlating realization of the population growth, Mr. Cory believes that the timeline may need to be moved up and this should be considered in the Development Charge By-law now. The Landowners Group respectfully request that the Development Charge By-law be referred back to staff for more consideration.

A detailed question and answer period ensued with respect to the northwest transportation corridor and the environmental assessments that have not yet been completed on some roads which makes it difficult for staff to estimate the determined costs that will be required for these roads. Further discussion ensued regarding the costs projected by Mr. Cory for road improvements up to the year 2031. Mr. Cory further commented that the numbers estimated in the Transportation Master Plan are spread over the Town and do not specifically take into consideration the growth in Brooklin.

Members of Council discussed the ability to review the Development Charge By-law if required prior to the five year maximum timeframe for review. Discussion ensued regarding the structure that may not be currently in place to support future roads and that this could be problematic and impact landowners in the future who may have to pay more Development Charges to further develop these roads.

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4. CORRESPONDENCE

4.1 CORR 28-12

Correspondence dated October 5, 2012 received from Matthew Cory, Malone Given Parsons Ltd. Brooklin North Landowners Group – Follow-up Comments DRAFT 2012 Development Charge Background Study

RESOLUTION NO. 249-12

MOVED by Councillor Drumm Seconded by Councillor Coe

That CORR 28-12, being correspondence dated October 5, 2012 received from Matthew Cory, Malone Given Parsons Ltd., Brooklin North Landowners Group regarding follow-up comments on the draft 2012 Development Charge Background Study be received for information and referred to Corporate Services Report, Item CS 75-12 for consideration.

CARRIED

5. <u>STANDING COMMITTEES</u>

- (a) Planning and Development Committee September 24, 2012 Report No. 8 Recommendations to Council
- 4.2 Planning Report, Item PL 57-12

Re: Heritage Designation of the Brooklin Pioneer Cemetery (Methodist Episcopal Cemetery). – South Side of Albert Street at South End of Church Street, Lot 189 of Plan No. H-50052

RESOLUTION NO. 250-12

MOVED by Councillor Emm Seconded by Councillor Hanson

COUNCIL DECISION:

 That Planning Report No. PL 57-12, regarding the Designation of the Brooklin Pioneer Cemetery, dated September 24, 2012, be received as information; MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITBY HELD ON TUESDAY, OCTOBER 9, 2012 AT THE HOUR OF 7:00 P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

- 2. That Staff be authorized to have the Brooklin Pioneer Cemetery, municipally known as Lot 189 of Plan No. H-50052, designated under Part IV of the Ontario Heritage Act;
- 3. That Staff, in consultation with LACAC Heritage Whitby, be directed to prepare and forward an appropriate 'Notice of Intent to Designate' to Groveside Cemetery Board, the Ontario Heritage Trust and the local newspaper;
- 4. That Staff, in consultation with LACAC Heritage Whitby and the Groveside Cemetery Board, determine the appropriate placement of the Heritage Designation plaque on the subject property; and
- 5. That Staff be directed to prepare the necessary by-law together with reasons for designation for Council's consideration.

CARRIED

4.3 Planning Report, Item PL 64-12
 Re: Zoning Amendment and Site Plan Application – Moolco
 Investments Inc. – (Z-10-12 & SP-07-12) – Northwest Corner of Garden
 Street at Consumers Drive

Discussion ensued regarding the impacts on traffic if a gas station was approved for this location. It was also discussed that the Town has previously denied applications for gas stations on this site as Council has decided that they do not want this type of development at this location.

RESOLUTION NO. 251-12

MOVED by Councillor Emm Seconded by Councillor Hanson

COUNCIL DECISION:

That Council refuse the application to amend the Zoning By-law 2585 (Z-10-12) and Site Plan application (SP-07-12) for property located at the northwest corner of Garden Street at Consumers Drive.

CARRIED AS AMENDED [See Following Motion]

RESOLUTION NO. 252-12

MOVED By Councillor Emm Seconded By Councillor Coe

That the main motion be amended to read as follows:

That Council refuse the application to amend the Zoning By-law 2585 (Z-10-12) and Site Plan application (SP-07-12) for property located at the northwest corner of Garden Street at Consumers Drive based on the fact that Council supports the existing zoning designation on this site.

The main motion, as amended, was then CARRIED UNANIMOUSLY on a recorded vote.

- (b) Operations Committee October 1, 2012
 Report No. 10
 Recommendations to Council
- 4.3 Community & Marketing Services Report, Item CMS 57-12

 Re: Industrial/Consumers Drives Soccer Field #2 Lighting System

COUNCIL DECISION:

- That the Town of Whitby not proceed with the Industrial/Consumers
 Drives Soccer Field #2 Lighting System project as outlined in
 CMS/CS Corporate Services Joint Report CS 60-12; and,
- 2. That the Corporate Services Department, Purchasing Section, notify the bidders that tendered the construction of the Industrial/Consumers Drives Soccer Field #2 Lighting System that the Town of Whitby will not be proceeding with the project.
- 4.4 Community & Marketing Services Report, Item CMS 59-12
 Re: Intrepid Park and "Camp X" Intrepid Park

COUNCIL DECISION:

- 1. That Community and Marketing Services Report CMS 59-12 be received;
- 2. That Council authorize Staff to issue a Parks Permit(s) and Film Permit(s) to address the proposed occupancy at Intrepid Park for the

- archaeological and re-enactment portions of the filming planned by the History Channel regarding a television series on "Camp X"; and,
- 3. That Staff report back to Council regarding the installation of the Parks Canada plaque designating "Camp X" as a National Historic Event once details are available, and on the proposed Town of Whitby park sign(s) for Intrepid Park.
- 4.5 Public Works Report, Item PW 13-12 Re: Way Street

COUNCIL DECISION:

That Public Works Report PW 13-12 be received as information.

4.6 Public Works Report, Item PW 35-12
 Re: Metrolinx – South Blair Street/GO-CN Rail Grade Separation and East Rail Maintenance Facility (ERMF)

COUNCIL DECISION:

- 1. That Public Works Report PW 35-12 be received for information;
- 2. THAT Metrolinx be requested to hold a Public Information Session for Port Whitby area residents to review the works associated with construction of the South Blair Grade Separation for the East Rail Maintenance Facility including the proposed traffic detours and associated works and to receive public input, and;
- 3. THAT staff be directed to submit a recommendation report on the proposed Metrolinx traffic detours and associated works taking into consideration the input received at the above noted Public Information Session.
- 4.9 Corporate Services Report, Item CS 79-12 Re: Summer Recess Tenders

COUNCIL DECISION:

That Report No. CS-79-12 of the Commissioner of Corporate Services/Treasurer be received as information.

4.11 CONFIDENTIAL REPORT – Corporate Services Report, Item CS 77-12
Re: Lease with Metrolinx (formerly GO Transit) for the use of Town Owned
Lands at Henry and Victoria Streets for the Purpose of a Temporary Parking
Lot

COUNCIL DECISION:

- 1. That the recommendation as contained in Item 1 of Confidential Corporate Services Report, Item CS 77-12 be adopted;
- 2. That the Municipal Solicitor be directed to prepare a lease agreement; and
- 3. That the Mayor and Clerk be authorized to execute the lease documents.

RESOLUTION NO. 253-12

MOVED by Councillor Mitchell Seconded by Councillor Roy

That Items 4.2 to 4.9 and Item 4.11 inclusive of Report No. 10 of the Operations Committee dated October 1, 2012, be adopted, save and except Items 4.2, 4.7 and 4.8.

CARRIED

4.2 Community & Marketing Services Report, Item CMS 56-12
Re: Corporate Communications Strategy

General discussion ensued on the matter.

RESOLUTION NO. 254-12

MOVED by Councillor Mitchell Seconded by Councillor Roy

- 1. That Council authorize staff to undertake the development of a Town of Whitby Corporate Communications Strategy; and,
- 2. That Council approve the proposed framework for the development of the Corporate Communications Plan as outlined in the staff report.

CARRIED

4.8 Corporate Services Report, Item CS 75-12
Re: Development Charges By-law Final Recommendations

Discussion ensued, specifically noting the by-law can be reviewed as needed to address future growth and necessary infrastructure.

RESOLUTION NO. 255-12

MOVED by Councillor Mitchell Seconded by Councillor Roy

- That based on submissions received by the Town regarding the August 24th Development Charge Background Study, it is recommended that the projects listed in Attachment 1 be included in the development charge recoverable cost calculations as it is determined they are attributable to the development anticipated in the Background Study and are otherwise eligible costs;
- 2. That Schedule B of the proposed by-law in the August 24th Development Charge Background Study be changed to reflect the development charge rates outlined in Attachment 2;
- 3. That the Town of Whitby Development Charge Background Study, dated August 24, 2012, completed in accordance with Section 10 of the Development Charges Act, 1997, and as modified by the above recommendations, be adopted, including the forecasts of development activity, the capital expenditure forecasts and all calculations contained therein;
- 4. That approval of the Capital Forecasts included in the Background Study, as modified, indicates Council's intention that an increase in the need for service will be met as required under paragraph 3 of Section 5(1) of the Development Charges Act, 1997 and Section 3 of Ontario Regulation 82/98. This approval shall be subject to further annual review during the capital budget process;
- 5. That in accordance with s.s.5(1)5 of the Development Charges Act, 1997 and Section 5 of Ontario Regulation 82/98, it is Council's clear intention that any excess capacity provided by any of the above referenced works will be paid for by future development charges;
- 6. That, staff report back on whether a further background study should be undertaken as a result of the conclusion of the Ontario Municipal Board Appeal process regarding ROPA 128 and the Province's October 27, 2010 Decision;

- 7. That, based on public input received by the Town, and the limited changes proposed to the final by-law, pursuant to Section 12 of the Development Charges Act, Council determine that a further public meeting shall not be required; and
- 8. That the proposed Development Charge By-law, effective November 1, 2012, contained in Appendix F of the Development Charge Background Study, dated August 24th, 2012, prepared by Watson & Associates Economists Ltd., as modified by the recommendations approved by Council in Corporate Services Report CS 75-12 be brought forward.

CARRIED

4.7 Public Works Report, Item PW 36-12
 Re: Town Comments on Draft Region of Durham 5 Year Capital
 Road, Water and Sanitary Sewer Programs

RESOLUTION NO. 256-12

MOVED by Councillor Mitchell Seconded by Councillor Roy

COUNCIL DECISION:

- 1. That Report PW 36-12 be forwarded to the Region of Durham and the Region be requested to include sufficient funds in their 5 year Capital Roads program to complete the following:
 - a) The initiation in 2013 of an Environmental Assessment for the upgrading of Lake Ridge Road from Dundas Street to Highway 407 with implementation of any required improvements prior to the opening of Highway 407.
 - b) The initiation in 2013 of Environmental Assessments for the upgrading of Baldwin Street from Taunton Road to Highway 407 and Thickson Road from Taunton Road to Winchester Road, with implementation of any required improvements prior to the opening of Highway 407.
 - c) The initiation in 2013 of an Environmental Assessment for upgrading Victoria Street between Brock Street and Watson Street.
 - d) The advancement of the widening of Rossland Road between Garden Street and east of Civic Centre Drive to 2013.

- e) The advancement of the widening of Winchester Road from Baldwin Street to Thickson Road to 2015.
- f) The advancement of the widening of Victoria Street from Lake Ridge Road to Seaboard Gate from 2014/2015 to 2013/2014.
- g) The advancement of the Manning Road Adelaide Avenue connection to 2014.
- That the Region be requested to establish a sustainably funded 5 year watermain and sanitary sewer replacement program, similar to that of their road program.
- 3. That the Region be requested to confirm the anticipated timing for replacement of watermain and sanitary sewer deficiencies (if any) for those Town road projects listed in Attachment 3.
- 4. That Town Staff initiate discussions with Region of Durham Staff to investigate future pedestrian crossing(s) opportunities of Victoria Street between Gordon Street and Charles Street.

[See Following Motions]

RESOLUTION NO. 257-12

MOVED by Councillor Roy Seconded by Councillor Coe

That Item 1 e) of the main motion be divided in order to deal with it separately.

CARRIED

Based on the above motion, Item 1 e) was now before Council. Having declared a conflict of interest, Councillor Mitchell did not take part in the discussion or vote on the following item.

RESOLUTION NO. 258-12

MOVED by Councillor Roy Seconded by Councillor Coe

 The advancement of the widening of Winchester Road from Baldwin Street to Thickson Road to 2015.

CARRIED

The main motion, as divided, was then CARRIED.

6. NOTICE OF MOTION

There were no notices of motion presented.

7. <u>NEW AND UNFINISHED BUSINESS</u>

7.1 Corporate Services Report, Item CS 66-12
Re: Operating & Capital Budget Monitoring Policies

General discussion ensued.

RESOLUTION NO. 259-12

MOVED by Councillor Coe Seconded by Councillor Roy

COUNCIL DECISION:

- 1. That Council endorse the Operating Budget Monitoring Policy, as provided in Attachment 1;
- 2. That Council endorse the Capital Budget Monitoring Policy, as provided in Attachment 2 with the word "immediate" being removed from the phrase "immediate purchase of goods and services" located on page 2 of the policy; and,
- 3. That staff be directed to bring forward an updated Surplus Disposition policy and develop related reserve/reserve fund policies for Council's review and approval.

CARRIED

7.2 Week of the Child

Councillor Coe, as a member of the Region's Health and Social Services Committee, invited residents to celebrate the Week of the Child. Information regarding this event can be found at www.durham.ca.

7.3 <u>Cowadunga Fundraiser – Meadowcrest Public School</u>

Councillor Hanson advised that Meadowcrest Public School is once again holding their annual Cowadunga Fundraiser event on Saturday, October 13, 2012 and invited members of the community to stop by the school and show their support.

7.4 October – Breast Cancer Awareness Month

Councillor Mitchell stated that October is breast cancer awareness month and that there is a walk happening at Heydenshore this month in support of taking steps against breast cancer.

7.5 Fires in the Town of Whitby

Councillor Emm asked the Fire Chief about the recent fires in the Town in the abandoned buildings along the 407 corridor and enquired as to what measures staff were taking to combat this issue. M. Gerrard, Fire Chief, stated that staff were regularly checking the buildings to ensure they were secure.

7.6 Bocce Ball Court

Mayor Perkins advised that the Bocce Ball Court at Cullen Central Park is having it's official opening on Friday, October 12, 2012 at 4:00 pm and invited residents to come out and be entertained as Members of Council demonstrate the game at the official opening.

8. BY-LAWS

6651-12	By-law to appoint certain individuals under contract as a Municipal Law Enforcement Officer
6652-12	By-law with respect to Development Charges [Refer to Corporate Services Report, CS 75-12]
6653-12	By-law to amend By-law No. 1862-85 to regulate traffic on highways in the Town of Whitby with reference to Section "N" – Stop Signs. [2112094 Ont. Ltd. Roybrook Farm – Plan 40M-2383]
6654-12	By-law to assume Chelmsford Drive as a public highway. [2112094 Ont. Ltd. Roybrook Farm – Plan 40M-2383]
6655-12	Being a by-law to designate the Commissioners' (Department Heads) of the Corporation of the Town of Whitby (By-law to reflect

a change in titles from Directors to Commissioners).

RESOLUTION NO. 260-12

MOVED by Councillor Emm, seconded by Councillor Montague, that leave be granted to introduce By-law Nos. 6651-12 to 6655-12, 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

9. CONFIRMATORY BY-LAW NO. 6657-12

RESOLUTION NO. 261-12

MOVED by Councillor Drumm, 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 Clerk to confirm the proceedings of the Council of the Town of Whitby at its meeting held on October 9, 2012, 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. 6657-12 considered read a first, second and third time and finally passed.

10. ADJOURNMENT

RESOLUTION NO. 262-12

MOVED by Councillor Emm Seconded by Councillor Coe

That the meeting be adjourned.

CARRIED

The meeting adjourned at 8:34 p.m	
Debi A. Wilcox, Town Clerk	Patricia Perkins, Mayor