

**Present:** Mayor Mitchell  
Councillor Coe  
Councillor Drumm  
Councillor Emm  
Councillor Gleed  
Councillor Roy  
Councillor Yamada

**Also Present:** R. Petrie, Chief Administrative Officer  
P. LeBel, Commissioner of Community & Marketing Services  
B. Rice, Acting Commissioner of Public Works  
R. Short, Commissioner of Planning  
D. Speed, Fire Chief  
N. Tellis, Manager of Treasury Services  
D. Wilcox, Town Clerk  
S. Dave, Legislative Coordinator

**Regrets:** Councillor Leahy

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1. Declarations of Pecuniary Interest

- 1.1** Mayor Mitchell made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding Item 2.5, Corporate Services Department and Community and Marketing Services Department Joint Report, CS 79-15, Exterior Maintenance - 400 Centre Street South, Whitby Land Registry Office, as one of the bidders is a regular customer of his business. Mayor Mitchell did not take part in the discussion or vote on the matter.

2. Presentations

- 2.1** Planning and Development Department Report, PL 61-15  
Re: Site Plan Agreement Amendment, Farhan Khan, 29 Shepherd Road (SP-17-10)

**Resolution # 373-15**

Moved By Councillor Coe  
Seconded By Councillor Emm

1. That Council approve an amendment to the registered site plan agreement to permit the installation of a swimming pool and associated fencing within the established 6 metre access allowance; and,
2. That the applicant be responsible for the costs associated with the preparation and registration of an amendment on title.

**Carried**

- 2.2** Planning and Development Department Report, PL 62-15  
Re: Removal of Draft Condition Number 27 from the Draft Conditions dated June 25, 2007 for Northcrest Homes Inc. now known as Luvian Homes (Taunton and Thickson) Limited [S-251-99 (MR-01-07)]

**Resolution # 374-15**

Moved By Councillor Coe  
Seconded by Councillor Emm

1. That Council approve the removal of Condition Number 27 from the Draft Subdivision Conditions dated June 25, 2007; and,
2. That the Region of Durham Commissioner of Planning be advised of Council's decision.

**Carried**

- 2.3** Public Works Department Report, PW 35-15  
Re: Ontario Municipal Cycling Infrastructure Program

Detailed discussion ensued with respect to:

- the importance of this program for building a cycling culture within the Town of Whitby;
- using the momentum of this program to incorporate a strategy to kickstart the Cullen Park initiative as part of the budgetary process in 2016, in particular, recommissioning the parking lot, so that residents could enjoy that space;
- options for continuing the work on trails and roadworks in the event that the Town was not successful in receiving this grant;
- the importance of a cycling infrastructure connecting Whitby and Durham municipalities;
- future opportunities for the growth of a cycling infrastructure, and the

- promotion of a cycling culture in Whitby; and
- the commitment of the Town in ensuring that north/south, east/west routes and connections to major parks were implemented.

**Resolution # 375-15**

Moved By Councillor Coe

Seconded By Councillor Emm

1. That Council approve Public Works and Community and Marketing Services Departments to make a submission to the Ontario Municipal Cycling Infrastructure Program to the Ontario Ministry of Transportation by August 6, 2015;
2. That Council endorse the inclusion of the following for the Town of Whitby's Expression of Interest submission to the Ontario Municipal Cycling Infrastructure Program (OMCIP);
  - paved shoulders on Ashburn Road from Townline Road to Myrtle Road, Brawley Road to Columbus Road, South Limit of Highway 407 to Spencers Road (Heber Down Conservation Area Entrance);
  - bike lane pavement marking and signage on Ashburn Road from Winchester Road to Columbus Road; and,
  - asphalt trail within Heber Down Conservation Area and Cullen Central Park between Ashburn Road and Cochrane Street.
3. That the Town's request be for the maximum provincial funding contribution of \$325,000; and,
4. That subject to the Town being approved for funding that staff report back on the budget requirements and implementation plan as outlined within this report.

**Carried**

- 2.4** Corporate Services Department and Community and Marketing Services Department Joint Report, CS 78-15  
Re: Natural Gas Generator at Brooklin Community Centre and Library and the Replacement of the Back-up Generator at Whitby Fire Station #2 (T-52-2015)

**Resolution # 376-15**

Moved By Councillor Coe

Seconded by Councillor Emm

1. That the Town of Whitby accept the low tender of Ferguson Electric

Company Ltd. in the amount of \$324,425.00 (excluding taxes) to complete the supply and installation of one natural gas generator at the Brooklin Community Centre and Library and the replacement of the back-up generator at Whitby Fire Station #2;

2. That an over-expenditure in the amount of \$29,666.35 be approved and funded from one time reserves;
3. That the total estimated project cost in the amount of \$356,666.35 be approved; and,
4. That the Mayor and Clerk be authorized to execute the required documents.

**Carried**

- 2.5** Corporate Services Department and Community and Marketing Services Department Joint Report, CS 79-15  
Re: Exterior Maintenance - 400 Centre Street South, Whitby Land Registry Office (T-62-2015)

Having previously declared a conflict of interest, Mayor Mitchell vacated the Chair.

Deputy Mayor Drumm assumed the Chair.

**Resolution # 377-15**

Moved By Councillor Coe  
Seconded by Councillor Emm

1. That the Town of Whitby accept the low tender as received from 784437 Ont. Inc., O/A Snyder Construction in the amount of \$67,700.00 (excluding taxes) to complete exterior maintenance at the Whitby Land Registry Office;
2. That the total estimated project cost in the amount of \$76,891.52 be approved; and,
3. That the Mayor and Clerk be authorized to execute the required documents.

**Carried**

Mayor Mitchell resumed the Chair.

- 2.6** Public Works Department and Corporate Services Department Joint Report, CS 80-15  
Re: Carnwith Drive Bump-Outs and Bike Lanes (T-51-2015)

A detailed question and answer period ensued with respect to the cost estimate for this project. B. Rice, Acting Commissioner of Public Works, advised that the initial design phase had not accounted for interlocking driveways or catch basin work, and with the rising cost of asphalt, the cost estimate was higher than expected. Further discussion ensued with respect to:

- the delays in the tendering process and the impact on timelines; and
- the need for staff to continue to review the project in the context of a traffic management strategy and report back on the impact this project will have on traffic in the area.

### **Resolution # 378-15**

Moved By Councillor Coe  
Seconded by Councillor Emm

1. That Council approve an additional budget of \$130,000.00, financed \$64,805 from Development charges and \$65,195 from one-time funds to construct Carnwith Drive bump-outs and bike lanes;
2. That Council authorize staff to award the Carnwith Drive bump outs and bike lanes to the lowest compliant bidder provided total cost is within, or does not exceed by more than 10%, the approved budget allocations; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

**Carried**

### **Resolution # 379-15**

Moved By Councillor Coe  
Seconded by Councillor Roy

That the rules of order be suspended to allow for the introduction of two matters, being Council Support for the University of Ontario Institute of Technology (UOIT) 2015 Capstone Program Submission and Feral Cats, due to their urgent nature.

**Carried on a two thirds vote**

## **3. New and Unfinished Business**

### **3.1 Council Support for the UOIT 2015 Capstone Program Submission**

**Resolution # 380-15**

Moved By Councillor Roy  
Seconded by Councillor Yamada

That the rules of order be suspended to allow a delegation from the Downtown Business Improvement Area (BIA) Steering Committee.

**Carried on a two thirds vote**

Jamie Letross, Kitchens Etc., Peter Bereczki, Whitby Sewing and Embroidery, and Chris van der Vliet, Rawlicious, appeared before Council and advised that they could not support any initiative examining issues in the downtown that was not BIA driven. Mr. Bereczki further advised that their Steering Committee was working towards developing a BIA in the downtown with a strategic master plan. As such, they were not open to other associations such as the Whitby Chamber of Commerce or the Downtown Whitby Development Steering Committee (DWDSC) spear-heading a project examining the creation of a business association or a BIA in the downtown without the recognition of their group. Ms. van der Vliet further advised that they had been unaware that such a motion would be going before Council and communication from the DWDSC or the Whitby Chamber of Commerce regarding application to the Capstone program had not been forthcoming.

Discussion ensued with respect to:

- potential benefits of applying to be a part of the program through the DWDSC and Whitby Chamber of Commerce;
- timelines for the application and the urgency of the matter, as the deadline for submission of the application is August 8, 2015;
- representatives on the DWDSC that were also part of the BIA Steering Committee and the communication between the two groups;
- project scope and details;
- project timelines and the need to communicate the progress of the application to the BIA Steering Committee;
- Council's role in supporting the application;
- the value of the research done through the project in informing the Town about best practices with other municipalities;
- the difference between a business association and a Business Improvement Area; and
- ensuring continued communication between the Town, Chamber of Commerce and the DWDSC on the progress of the application

moving forward.

R. Short, Commissioner of Planning, advised that the project was a research project and would provide research from other municipalities with respect to business associations and best practices.

**Resolution # 381-15**

Moved By Councillor Coe  
Seconded by Councillor Emm

Whereas, Council's 2014-2018 goals include "To ensure Whitby is clearly seen by all stakeholders to be business and investment friendly and supportive" and "To leverage municipal tools and resources to generate local jobs and prosperity" and;

Whereas, the Downtown Whitby Development Steering Committee's (DWDSC) Strategic Action Plan includes a recommendation for the creation of a vibrant downtown business association and;

Whereas the DWDSC and the Whitby Chamber of Commerce together wish to explore and research best practices and develop a model for a business association that can be applied throughout the Town of Whitby and;

Whereas, the UOIT Capstone Program is seeking submissions for partner projects in a variety of study areas with a project application deadline of August 8th;

Therefore be it resolved that the Town of Whitby supports the submission by the DWDSC and the Whitby Chamber of Commerce to the UOIT 2015/2016 Capstone Program for research and development of a business association model that can be applied in all areas of Whitby, including Downtown Whitby, Downtown Brooklin and other commercial centres based on comprehensive research on best practices in Canada and the United States with a final report including recommendations being presented for Council's consideration.

**Carried on a recorded vote as follows:**

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Councillor Lorne Coe	x		
Councillor Joe Drumm	x		

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Councillor Michael Emm	x		
Councillor Derrick Gleed	x		
Councillor Elizabeth Roy		x	
Councillor Steve Yamada	x		
Mayor Don Mitchell	x		
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### 3.2 Feral Cats

Brief discussion ensued with respect to:

- the complexity of the issue and the importance of addressing the concerns; and
- the role of Town staff in enforcing the Town's by-law with respect to this issue.

#### **Resolution # 382-15**

Moved By Councillor Coe  
Seconded by Councillor Yamada

Whereas, there has been concern expressed by residents regarding cats running at large contrary to the Town of Whitby's existing by-laws and;

Whereas there has also been concern expressed regarding the need for the Town of Whitby to consider altering its by-laws and practices to include a spay/neuter program for adopted cats and a trap, neuter and release (TNR) program for feral cats;

Therefore be it resolved that staff be directed to complete a review of the practices in other municipalities with respect to spay/neuter and TNR and the impacts of these programs and report back to Council this fall.

#### **Carried**

- 3.3** Members of Council commended D. Wilcox on her years of service as Town Clerk for the Town of Whitby, and wished her the best in her new role as Regional Clerk at the Region of Durham.

### 4. By-Laws

That the following by-laws be passed:

- 4.1** By-law # 7024-15, being a by-law to appoint Shrishma Dave as Acting



Deputy Clerk

- 4.2 By-law # 7025-15, being a by-law to appoint Susan Cassel as Deputy Clerk
- 4.3 By-law # 7026-15, being a by-law to amend the Building By-law # 6418-100, a by-law respecting the appointment of a Chief Building Official, Building Inspectors, Plumbing Inspectors and Fire Safety Inspectors

**Resolution # 383-15**

Moved By Councillor Gleed  
Seconded by Councillor Emm

That leave be granted to introduce By-law #7024-15 to 7026-15 and to dispense with the readings of the by-laws by the Clerk and that the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

**Carried**

5. Confirmatory By-law

5.1 Confirmatory By-law

**Resolution # 384-15**

Moved By Councillor Roy  
Seconded By Councillor Yamada

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 special meeting held on July 27, 2015, and that the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

**Carried**

6. Adjournment

6.1 Motion to Adjourn

**Resolution # 385-15**

Moved By Councillor Coe  
Seconded by Councillor Emm

That the meeting adjourn.

**Carried**

The meeting adjourned at 7:53 p.m.

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Debi A. Wilcox, Town Clerk

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Don Mitchell, Mayor