

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF  
THE TOWN OF WHITBY HELD ON MONDAY, JUNE 28, 2010 AT THE HOUR OF 7:00 P.M.  
IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

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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  
D. Wilcox, Town Clerk  
M. Pettit, Deputy Clerk

1. DISCLOSURES OF INTEREST

Councillor Drumm made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Item 4.9, Corporate Services Report, Item CS 47-10, Item 4.10, Corporate Services Report, Item CS 48-10 and Item 4.12, Corporate Services Report, Item CS 50-10 as he has a family member who is employed by the Whitby Public Library. Councillor Drumm did not participate in the discussion or vote on these matters.

Councillor Scott made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Item 4.2, Community & Marketing Services Report, Item CMS 29-10 as she has a family member who operates a business across from the downtown old Whitby fire hall site. Councillor Scott did not participate in the discussion or vote on these matters.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6362-10

RESOLUTION NO. 215-10

Minutes Of Council Meetings – June 7 and June 22, 2010

Councillor Drumm, seconded by Councillor Emm, 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 June 7, 2010, and the minutes of the Special Meetings of Council held on June 7 and June 22, 2010 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

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By-Law 6362-10 considered read a first, second, and third time and finally passed.

3. PRESENTATIONS

The Clerk advised that Kevin Tunney of Tunney Planning had requested his name be withdrawn from the presentations list and that report PL 74-10 be withdrawn from the agenda. Mr. Tunney further requested on behalf of his client, Steve (1995) Holdings Ltd. that file OPA 2009-W/08 for property municipally known as 870 Taunton Road East be closed.

- (i) Christopher White, Chair of the Lakeridge Health Whitby Task Force and Kevin Empey, President and CEO of Lakeridge Health.
- 

Christopher White, Chair of the Lakeridge Health Whitby Task Force and Kevin Empey, President and CEO of Lakeridge Health appeared before Council and provided a status update on the plans to reopen the Lakeridge Health Whitby facility. A question and answer period ensued.

- (ii) Kevin Tunney, Tunney Planning **(withdrawn)**  
Planning Report, Item PL 74-10  
Re: Official Plan Amendment Application & Zoning By-law Amendment  
Application (By-Law 1784) Steve (1995) Holdings Ltd. – 870 Taunton Road East  
(OPA-2009-W/08) (Z-25-09)
- 

- (iii) Mark D'Onofrio **(withdrawn)**  
Planning Report, Item 74-10  
Re: Official Plan Amendment Application & Zoning By-law Amendment  
Application (By-Law 1784) Steve (1995) Holdings Ltd. – 870 Taunton Road East  
(OPA-2009-W/08) (Z-25-09)
- 

- (iv) Marian Quackenbush **(withdrawn)**  
Planning Report, Item 74-10  
Re: Official Plan Amendment Application & Zoning By-law Amendment  
Application (By-Law 1784) Steve (1995) Holdings Ltd. – 870 Taunton Road East  
(OPA-2009-W/08) (Z-25-09)
- 

- (v) Cheryl McNally, 114 Baldwin Street, Brooklin  
Re: Application to Amend the Zoning By-law 1696626 Ontario Inc.  
(Z-22-09) (Approved by Council April 19, 2010)
- 

Cheryl McNally appeared before Council and asked for clarification on whether the deletion of payment-in-lieu of parking was approved on April 19, 2010 during consideration of Planning Report, PL 33-10. Ms. McNally was advised this had not been approved.

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4. CORRESPONDENCE

- (i) CORR 19-10  
Correspondence dated June 21, 2010 from Christy Chrus, Secretary-Treasurer  
of LACAC Heritage Whitby regarding nomination of Margaret Clayton for  
Heritage Community Recognition Program
- 

RESOLUTION NO. 216-10

MOVED by Councillor Pitchforth  
Seconded by Councillor Drumm

That CORR 19-10 from Christy Chrus, Secretary-Treasurer of LACAC Heritage  
Whitby regarding the nomination of Margaret Clayton for Heritage Community  
Recognition Program "Built Heritage" be endorsed.

CARRIED

- (ii) CORR 20-10 (**withdrawn**)  
Various email correspondence in relation to Report PL 74-10 with respect to 870  
Taunton Road East
- 

- Margaret Sledziewski
- Mischelle Vance
- Tim Mason
- Shazia Ishrat
- Marian Quackenbush
- Debbie Armstrong-Cattell
- Amanda and Paul Hoffmann

5. STANDING COMMITTEES

- (a) Planning and Development Committee – June 14, 2010  
Report Recommendations to Council
- 

- 2.1 Planning Report, Item PL 81-10  
Re: Update - Sustainable Community Plan for Port Whitby
- 

**COUNCIL DECISION**

That Planning Report PL-81-10 be received for information.

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- 2.2 Planning Report, Item PL 68-10  
Re: Proposed Amendments to the Town's Zoning By-laws  
Concerning Parking Standards and Provisions (Z-04-08)
- 

**COUNCIL DECISION**

1. That Planning Report Item PL 68-10 be received for information; and,
2. That Planning Staff be authorized to schedule a statutory Public Meeting to consider public input on proposed amendments to the Town's Zoning By-laws concerning parking standards and provisions based on the staff recommendations outlined in the comparison charts included as Attachments to Planning Report Item PL 68-10.

- 3.1 Planning Report, Item PL 80-10  
Re: Official Plan Amendment Application & Zoning By-law Amendment  
Application (By-Law No. 2585) - Royal Distributing Canada/Industrial Equities  
Whitby Corporation – 920 Champlain Court (OPA-2010-W/03) (Z-12-10)
- 

**COUNCIL DECISION**

1. That Council approve Official Plan Amendment application (OPA-2010-W/03), and a By-law to adopt Amendment No. 88 to the Whitby Official Plan, as shown on Attachment #3 to this report, be brought forward for Council's consideration, subject to the comments and conditions contained in Planning Report, Item PL 80-10; and
2. That the Clerk forward a record of the adopted Official Plan Amendment, including a copy of the Planning Report, Item PL 80-10, two (2) copies of the adopted Amendment, a copy of the adopting By-law and any other required documentation to the Region of Durham Commissioner of Planning within fifteen (15) days of adoption of the Amendment; and
3. That Council approve Zoning By-law Amendment application (Z-12-10), and a Zoning By-law Amendment be brought forward for Council's consideration, subject to the comments and conditions contained in Planning Report, Item PL 80-10; and,
4. That the Clerk send a Notice of Council's decision to those persons and agencies who had requested to be notified of Council's decision.

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- 4.1 Planning Report, Item PL 74-10  
Re: Official Plan Amendment Application & Zoning By-law Amendment  
Application (By-Law 1784) Steve (1995) Holdings Ltd. – 870 Taunton Road East  
(OPA-2009-W/08) (Z-25-09)
- 

Council was provided with correspondence from Tunney Planning dated June 28, 2010 with respect to this matter. Mr. Tunney, on behalf of his client requested that this Official Plan Amendment application (OPA-2009-W/08) be closed.

**COUNCIL DECISION**

1. That correspondence dated June 28, 2010 from Tunney Planning on behalf of Steve (1995) Holdings Ltd. be received; and
2. That Official Plan Amendment Application file (By-law 1784) Steve (1995) Holdings Limited, (OPA-2009-W/08) (Z-25-09) for property municipally known as 870 Taunton Road East, Whitby be closed.

- 4.2 Planning Report, Item PL 66-10  
Re: Review of Doors Open Whitby 2010 Event and Request for Approval of  
Doors Open Whitby Site Guidelines
- 

**COUNCIL DECISION**

1. That Planning Report Item PL 66-10, regarding the Doors Open Whitby 2010 event summary, dated May 17, 2010 be received as information; and,
2. That Council adopt the Door Open Whitby “Guidelines for Selection of Participating Sites” for future Doors Open Whitby events.

- 4.3 Planning Report, Item PL 67-10  
Re: Review of Planning Fees for Temporary Use Applications
- 

**COUNCIL DECISION**

1. That Planning Report Item PL 67-10 regarding Planning Fees be received for information; and,
2. That the review of the Planning Fees continue with the consultant, Watson and Associates, as administered by the Corporate Services Department; and,
3. That Council, in the interim, establish a temporary use application fee of \$2,750.00, effective January 1, 2010 in accordance with Section 5.0 of Planning Report, Item PL 67-10.

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- 4.4 Planning Report, Item PL 69-10  
Re: Zoning Amendment Application to Remove 'H' – Holding Provision –  
Sorbara/Tribute Holdings Inc. – Part of Lot 24 and 25, Concession 6 (Z-10-10)  
(SW-2002-03) (Phase 5)
- 

**COUNCIL DECISION**

1. That Council approve the removal of the 'H' - Holding symbol from the subject property subject to the comments and conditions contained in Planning Report No. PL 69-10; and,
2. That the amending Zoning By-law to remove the 'H' - Holding symbol be brought forward for Council's approval.

- 4.5 Planning Report, Item PL 70-10  
Re: Zoning Amendment Application to Remove 'H' – Holding Provision –  
Sorbara/Tribute Holdings Inc. – Part of Lot 24 and 25, Concession 6 (Z-11-10)  
(SW-2002-03) (Phase 7)
- 

**COUNCIL DECISION**

1. That Council approve the removal of the 'H' - Holding symbol from the subject property subject to the comments and conditions contained in Planning Report No. PL 70-10; and,
2. That the amending Zoning By-law to remove the 'H' - Holding symbol be brought forward for Council's approval.

- 4.6 Planning Report, Item PL 71-10  
Re: Heritage Permit Application for Part IV and Part V  
Properties Designated Under the Ontario Heritage Act
- 

**COUNCIL DECISION**

1. That Planning Report Item PL 71-10 regarding the Heritage Permit Application for Part IV and Part V properties designated under the Ontario Heritage Act, dated June 14, 2010, be received as information; and,
2. That Council direct staff to implement the Heritage Permit Application process as outlined in this report and included as Attachment #1.

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4.7 Planning Report, Item PL 73-10

Re: Site Plan Application 2233477 Ontario Inc. Redevelopment of Existing Gas  
Bar – 1603 Dundas Street East (SP-05-10)

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**COUNCIL DECISION**

1. That Council approve Site Plan Application SP-05-10 subject to the comments and conditions contained in Planning Report No. PL 73-10; and,
2. That Council authorize the Mayor and Clerk to execute a Site Plan Agreement.

4.8 Planning Report, Item PL 75-10

Re: Site Plan Application Durham District School Board  
Pringle Creek Public School Addition – 80 Ribblesdale Drive (SP-08-10)

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**COUNCIL DECISION**

1. That Council approve Site Plan Application SP-08-10 subject to the comments and conditions contained in Planning Report Item PL 75-10; and,
2. That the Mayor and Clerk be authorized to execute the Site Plan Agreement.

**RESOLUTION NO. 217-10**

MOVED by Councillor Coe  
Seconded by Councillor Mitchell

That the report of the Planning and Development Committee dated June 14, 2010, be adopted, save and except Item 3.3.

CARRIED

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3.3 Planning Report, Item PL 78-10

Re: Applications to Amend the Whitby Official Plan and Zoning By-law No. 1784  
Stockworth Developments Ltd. - Northeast Quadrant of Baldwin St. and  
Winchester Rd. E. Brooklin (OPA-2009-W/04) (Z-12-09)

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RESOLUTION NO. 218-10

MOVED by Councillor Coe  
Seconded by Councillor Drumm

**COUNCIL DECISION**

1. That Council approve the application to amend the Town of Whitby Official Plan (OPA 2009-W/04) as Amendment No. 87 to the Whitby Official Plan, subject to the comments and conditions contained in Planning Report Item No. PL 78-10; and,
2. That a By-law to adopt Official Plan Amendment No. 87 be brought forward for consideration by Council; and,
3. That the Clerk forward a copy of Planning Report, Item PL 78-10, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Official Plan Amendment No. 87 to the Region of Durham's Commissioner of Planning; and
4. That Council approve the application to amend Zoning By-law No. 1784, (File Z-12-09), subject to the comments and conditions contained in Planning Report Item PL 78-10; and,
5. That a By-law to amend Zoning By-law No. 1784 be brought forward for consideration by Council; and,
6. That the Clerk forward a Notice of Decision to the Region of Durham's Commissioner of Planning and those persons and agencies who had requested to be notified of Council's decision; and,
7. That Zoning Amendment application (Z-14-07) and Site Plan Amendment Application (SP-18-07) be closed; and,
8. That an agreement to secure the preservation of the buildings at 18 and 20 Winchester Rd. and their relocation within the site be entered into prior to the approval of any Zoning By-law amendment.

CARRIED



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5. STANDING COMMITTEES

- (b) Operations Committee – June 21, 2010  
Report Recommendations to Council
- 

- 4.1 Community & Marketing Services Report, Item CMS 27-10  
Re: New Brooklin Community Centre – User Fees – Brooklin Community Centre  
and Library
- 

**COUNCIL DECISION**

1. That Council approve the proposed user fees for services and programs that will be offered at the new Brooklin Community Centre as presented in Community and Marketing Services Department Report CMS 27-10; and,
2. That the effective period for the proposed user fees be approved as follows:
  - fitness fees – October 1, 2010 to March 31, 2011
  - facility rental fees – October 1, 2010 – March 31, 2012; and,
3. That Council authorize the Clerk to amend By-law No.6298-10, 2010 Parks, Facilities and Program Fees to include the recommended fees for the new Brooklin Community Centre facility.

- 4.4 Corporate Services Report, Item CS 42-10  
Re: Peel Park Redevelopment Landscape Reconstruction (T-49-2010)
- 

**COUNCIL DECISION**

1. That the Town of Whitby accept the low tender of Oak Site Preparation Inc. in the estimated amount of \$1,863,085.27 (net H.S.T) for the Peel Park re-development and reconstruction;
2. That the total estimated project cost for the Town of Whitby in the amount of \$2,010,000.00 be approved; and
3. That the Mayor and Clerk be authorized to execute the contract documents.

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- 4.5 Corporate Services Report, Item CS 43-10  
Re: Windsor Bay Park Landscape Construction (T-50-2010)
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**COUNCIL DECISION**

1. That the Town of Whitby accept the low tender of Hawkins Contracting Services Ltd. in the amount of \$88,663.41 (net HST) for the Windsor Bay Park Landscape Construction project; and,
2. That an over expenditure in the amount of \$41,852.88 be approved and funded from Development Charges, and the Growth Capital Reserve Fund; and,
3. That the total estimated project cost for the Town of Whitby in the amount of \$108,223.88 be approved; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

- 4.6 Corporate Services Report, Item CS 44-10  
Re: First Quarter Projection Report as of March 31, 2010
- 

**COUNCIL DECISION**

That the 2010 First Quarter Projection report as of March 31, 2010, be received for information.

- 4.7 Corporate Services Report, Item CS 45-10  
Re: Cachet Park (70101507) (T-41-2010)
- 

**COUNCIL DECISION**

1. That the Town of Whitby accept the low tender of Hawkins Contracting Ltd. in the amount of \$166,646.00 (net HST) for Cachet Park; and,
2. That an over expenditure in the amount of \$90,000 be approved and funded from Development Charges and the Growth Reserve Fund; and
3. That the total estimated project cost for the Town of Whitby in the amount of \$177,313.97 be approved; and
4. That the Mayor and Clerk be authorized to execute the contract documents.

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- 4.8 Corporate Services/Public Works Joint Report, Item CS 46-10  
Re: Engineering Consulting Services for the Preliminary and Detailed  
Design of Columbus Road – Columbus Road (RFP#24-2010)
- 

**COUNCIL DECISION**

1. That the Town of Whitby accept the highest scoring proposal of SRM Associates in the amount of \$144,225 (net HST) for the provision of Consulting Services for the Design of Columbus Road Reconstruction; and,
2. That the total estimated project cost for the Town of Whitby in the amount of \$160,763.36 be approved; and,
3. That the Mayor and Clerk be authorized to execute the necessary contract documents.

- 4.11 Corporate Services Report, Item CS 49-10  
Re: Building Permit Fees Annual Report 2009
- 

**COUNCIL DECISION**

That Corporate Services Report, Item CS 49-10, be received for information.

- 4.13 Corporate Services/Public Works Joint Report, Item CS 51-10  
Re: Collection of Municipal Solid Waste From Multi-Residential Apartment  
Buildings and Municipal Facilities in the Town of Whitby (T-42-2010)
- 

**COUNCIL DECISION**

1. That the Town of Whitby accept the low tender of J & F Waste Systems Inc. in the total amount of \$71,202.12 (net HST) for bulk residual waste collection from multi-residential buildings and municipal facilities; and,
2. That the Town of Whitby accept the low tender of National Waste Services Inc. in the amount of \$8,412.00 (net HST) for the collection of recyclable materials and residual waste in roll-off containers from municipal facilities; and,
3. That approval be granted to award the contract for a 60 month term with the option to extend the contract for three additional one year terms based on satisfactory performance and product quality as well as budget approval for subsequent years; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

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- 4.14 Corporate Services Report, Item CS 53-10  
Re: Taxation and Treasury Department Fees
- 

**COUNCIL DECISION**

1. That Council adopt a by-law to prescribe fees for certain services and activities provided by Taxation and Treasury Services effective July 1, 2010.
2. That the previous user fee By-law 6063-08 be repealed.

- 4.15 CMS/Corporate Services Report, Item CS 54-10  
Re: Sole Source Purchase of Five Ice Re-surfacers
- 

**COUNCIL DECISION**

That Council authorize staff to proceed by way of competitive quotes and complete the necessary negotiation with both companies [Zamboni Company Limited and Resurface Corporation (Olympia)].

- 4.16 CMS/Public Works Report, Item PW 32-10  
Re: Continuous Improvement Funding for Recycling and Organics Waste Diversion at Town Facilities
- 

**COUNCIL DECISION**

1. That Council be advised the Town of Whitby's application for funding under the Waste Diversion Ontario's Continuous Improvement Fund has been approved for an amount of \$50,000; and,
2. That Council authorize the Mayor and Clerk to execute the funding agreement with Waste Diversion Ontario (WDO); and,
3. That the Public Works Department be authorized to proceed with the Phase 1 works at an estimated cost of \$20,000 to be financed out of this year's Solid Waste Current Budget; and,
4. That funding to complete the implementation of the public space recycling and organics waste diversion program at Town facilities be included in the draft 2011 Capital and Operating Budgets for Council's consideration.

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4.17 Public Works Report, Item PW 33-10

Re: Montgomery Avenue – Montgomery Avenue, Brooklin

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**COUNCIL DECISION**

1. That the Montgomery Avenue roadworks and tree plantings, as identified within Attachment A, be approved and undertaken in the 2010 construction season at an estimated construction cost of \$19,500, and to be funded from 2010 engineering road capital accounts; and,
2. That Town of Whitby staff, in conjunction with Whitby Hydro undertake further streetlight analysis of the Vipond Road/Montgomery Avenue intersection, and an item be included in the Draft 2011 Capital budget to undertake illumination work at this location in 2011; and,
3. That Public Works Report PW 33-10 regarding Montgomery Avenue be forwarded to Meadowcrest Public School, Durham District School Board, and Durham Regional Police; and,
4. That staff continue to monitor the traffic, parking and pedestrian operations in the vicinity of Downtown Brooklin following the opening of the Brooklin Community Centre and Library and report to Council with any proposed updates.

4.19 Public Works Report, Item PW 35-10

Re: Sole Source Purchase of One (1) Two Stream Side Loading Garbage Packer

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**COUNCIL DECISION**

That staff be authorized to negotiate directly with Joe Johnson Equipment Incorporated for the purchase of one (1) replacement Labrie two stream garbage packer.

4.20 Fire Department Report, Item FR-02-10

Re: Retention of the 1991 Superior 100' Aerial Platform (A-2115)

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**COUNCIL DECISION**

1. That Council approve the retention of the 1991 Superior 100' Aerial Platform; and,
2. That Staff be authorized to proceed with the sale of the 1990 Pierce 65' Telesquirt Aerial ladder.

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- 4.21 Chief Administrative Officer Report, Item CAO-01-10  
Re: Bill 168, An Act to Amend the Occupational Health and Safety Act
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**COUNCIL DECISION**

1. That Report CAO 01-10 of the Chief Administrative Officer be received; and,
2. That the Harassment and Violence in the Workplace, Policy 7-00-04, included as Attachment 1 to this report be approved; and;
3. That the appropriate officials of the Town of Whitby be authorized to take the necessary actions to give effect thereto.

- 4.22 Chief Administrative Officer Report, Item CAO-02-10  
Re: Review of Appointments to Boards and Committees  
- Policy Implementation
- 

**COUNCIL DECISION**

1. That Report CAO 02-10 of the Chief Administrative Officer be received; and,
2. That Policy 01-02-14 for Boards & Advisory Committees, included as Attachment #1 to this report be approved; and,
3. That the Boards & Advisory Committees, included as Attachment #2 to this report be formally adopted; and,
4. That the Property Standards Review Committee and the Animal Services Appeals Committee be established effective the new term of Council; and,
5. That the Town Clerk be directed to take the appropriate action.

- 4.23 Corporate Services Report, Item CS 52-10  
Re: By-law to Authorize the Assessment Review Board to Exercise Council's Functions Under Subsection 357(1)(d.1) of the Municipal Act, 2001, for an Application for Sickness or Extreme Poverty
- 

**COUNCIL DECISION**

That a by-law be brought forward to authorize the Assessment Review Board (an independent adjudicative tribunal who deals with appeals related to properties that may be incorrectly assessed or classified across the Province and reviews some types of property tax appeals) to exercise the Council's functions under subsection 357(1)(d.1) of the Municipal Act, 2001, where the applicant requests relief for taxes as a result of sickness or extreme poverty.

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RESOLUTION NO. 219-10

MOVED BY Councillor Pitchforth  
Seconded by Councillor Roy

That the report of the Operations Committee dated June 21, 2010, be adopted,  
save and except Items 4.2, 4.3, 4.9, 4.10, 4.12 and 4.18.

CARRIED

4.3 Corporate Services Report, Item CS 41-10  
Re: 2010 Municipal Election - Election Sign By-law

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A question and answer period ensued on this matter.

MOVED BY Councillor Pitchforth  
Seconded by Councillor Roy

1. That Report CS 41-10 of the Director of Corporate Services/Treasurer be received; and,
2. That Section 3(b) regulating Election Campaign Signs in By-law No. 5696-05, the Temporary Sign By-law be repealed; and,
3. That the draft by-law authorizing the regulation of Election Signs, included as Attachment No. 1 to this report be enacted; save and except the deletion of 5 (c); and,
4. That the appropriate officials of the Town of Whitby be authorized to take the necessary action to give effect thereto.

MOTION LOST

RESOLUTION NO. 220-10

MOVED BY Councillor Drumm  
Seconded by Councillor Emm

**COUNCIL DECISION**

That Report CS 41-10 of the Director of Corporate Services/Treasurer regarding the regulation and enforcement of Election Signs be referred back to staff for a report in the new term of Council.

CARRIED

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- 4.18 CMS/Public Works Report, Item PW 34-10  
Re: Town of Whitby Cycling and Leisure Trails Plan – Final Report

RESOLUTION NO. 221-10

MOVED BY Councillor Pitchforth  
Seconded by Councillor Roy

**COUNCIL DECISION**

1. That Council adopt in principle the recommendations contained in the Town of Whitby Cycling and Leisure Trails Plan Final Report; and,
2. That Staff be directed to consider and report on the recommendations contained in the Town of Whitby Cycling and Leisure Trails Plan Final Report within all future capital projects and development applications; and,
3. That Staff be directed to bring forward an implementation plan, including a funding strategy regarding the Town of Whitby Cycling and Leisure Trails Plan for Council's consideration; and,
4. That Council request Durham Regional Council to amend the Regional Cycling Spine Network to include all facilities identified on Regional Roads in the Town of Whitby Cycling and Leisure Trails Plan Final Report; and,
5. That a copy of the Town of Whitby Cycling and Leisure Trails Plan Final Report be forwarded to the Region of Durham, the neighbouring municipalities of the Town of Ajax, City of Pickering, City of Oshawa and the Township of Scugog, the Central Lake Ontario Conservation Authority and the Ministry of Transportation; and,
6. That staff be requested to report back to Council on the future Lynde Creek Trail including a review of previous Council resolutions, established policies and status of acquisitions.

CARRIED  
AS AMENDED  
[See Following Motion]

MOVED by Councillor Emm  
Seconded by Councillor Drumm

That Item 5 of the main motion be amended by adding after 'Township of Scugog', the following:

"Township of Brock, Township of Uxbridge and the Municipality of Clarington".

CARRIED

The main motion, as amended was then CARRIED.



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4.2 Community & Marketing Services Report, Item CMS 29-10  
Re: Municipal Performing Arts Centre – Market and Community Needs  
Assessment Study

---

Councillor Scott had previously declared a conflict in regard to this item and did not participate in the discussion or vote on this matter.

RESOLUTION NO. 222-10

MOVED BY Councillor Pitchforth  
Seconded by Councillor Emm

**COUNCIL DECISION**

1. That Community and Marketing Services Department Report CMS 29-10 regarding the Municipal Performing Arts Centre Market and Community Needs Assessment Study be received as information; and,
2. That as a next step in the evaluation process, Staff be directed to undertake a location analysis of potential sites that could house a Performing Arts Centre; and,
3. That Council direct Staff to engage an engineering and design consultant to assist in the determination of the site servicing requirements, projected site development costs and other property specific issues that would be associated with potential sites that could house a Performing Arts Centre;
4. That Council defer consideration of any options for the former Fire Hall site in downtown Whitby until the location analysis for a Performing Arts Centre is completed and reviewed with Council; and,
5. That Staff be directed to develop a business case that would contain long term financing options, including a potential public-private partnership, for the purpose of constructing and operating a Performing Arts Centre; and,
6. That Staff report back to Council with their findings and recommendations.

CARRIED  
ON A RECORDED VOTE AS FOLLOWS

YES

Councillor Coe  
Councillor Emm  
Councillor Pitchforth  
Mayor Perkins

NO

Councillor Drumm  
Councillor Mitchell  
Councillor Roy

ABSTAINED

Councillor Scott

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- 4.9 Corporate Services Report, Item CS 47-10  
Re: Library Stacks and Shelving – Brooklin Community Centre and Library  
(T-29-2010)
- 

Councillor Drumm had previously declared a conflict in regard to this item and did not participate in the discussion or vote on this matter.

RESOLUTION NO. 223-10

MOVED BY Councillor Pitchforth  
Seconded by Councillor Scott

**COUNCIL DECISION**

1. That the Town of Whitby accept the low tender of Carr McLean Limited in the amount of \$125,600 (net HST) for Library Stacks and Shelving for the Brooklin Community Centre & Library; and,
2. That the total estimated project cost for the Town of Whitby in the amount of \$127,810.56 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

- 4.10 Corporate Services Report, Item CS 48-10  
Re: Interior Furniture Requirements – Brooklin Community Centre and Library  
(T-30-2010)
- 

Councillor Drumm had previously declared a conflict in regard to this item and did not participate in the discussion or vote on this matter.

RESOLUTION NO. 224-10

MOVED BY Councillor Pitchforth  
Seconded by Councillor Coe

**COUNCIL DECISION**

1. That the Town of Whitby accept the low tender of Drechsel Business Interiors in the amount of \$176,304.10 (net HST) for Interior Furniture Requirements for the Brooklin Community Centre & Library; and,
2. That the total estimated project cost for the Town of Whitby in the amount of \$179,407.05 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

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- 4.12 Corporate Services Report, Item CS 50-10  
Re: Annual Statement of Development Charge Reserve Funds as at  
December 31, 2009
- 

Councillor Drumm had previously declared a conflict in regard to this item and did not participate in the discussion or vote on this matter.

RESOLUTION NO. 225-10

MOVED BY Councillor Pitchforth  
Seconded by Councillor Roy

**COUNCIL DECISION**

1. That the annual Statement of Development Charge Reserve Funds as at December 31, 2009 be received for information; and,
2. That a copy of the Statement be forwarded to the Minister of Municipal Affairs and Housing.

CARRIED

6. NOTICE OF MOTION

There were no notices of motion presented.

RESOLUTION NO. 226-10

MOVED BY Councillor Emm  
Seconded by Councillor Mitchell

That the meeting recess for a short break.

CARRIED

The meeting reconvened at 8:49 p.m.

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7. NEW AND UNFINISHED BUSINESS

- 7.1 Re: Public Works Report, Item PW 30-10  
Renewal of Sewage System Management Agreement
- 

RESOLUTION NO. 227-10

MOVED BY Councillor Pitchforth  
Seconded by Councillor Emm

**COUNCIL DECISION**

1. That Public Works report PW 30-10 be received as information; and,
2. That Council approve the renewal of an agreement with the Health Department of the Regional Municipality of Durham to delegate responsibilities under the Building Code Act with respect to sewage systems with capacity of less than 10,000 litres per day; and,
3. That the Mayor and Clerk be authorized to execute the agreement on behalf of the Town of Whitby.

CARRIED

- 7.2 Corporate Services Report, CS 56-10  
Re: Requested Taxi Cab Fare Increase Harmonized Sales Tax
- 

RESOLUTION NO. 228-10

MOVED BY Councillor Emm  
Seconded by Councillor Pitchforth

**COUNCIL DECISION**

1. The Report CS 56-10 of the Director of Corporate Services/Treasurer be received; and,
2. That CORR. 18-10 from Bell Taxi and Circle Taxi, included as Attachment 1 to this report be received and the Town Clerk advise the respondents of the action taken in this regard; and,
3. That the draft amending by-law to Licensing By-law 5545-04, as amended, increasing the taxicab tariffs to reflect the 8% Harmonized Sales Tax, included as Attachment 2 to this report be approved and enacted.

CARRIED

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- 7.3 CAO Report, CAO 04-10  
Re: Official Plan Review – Commuter Station Area
- 

The CAO advised that this report was being withdrawn.

- 7.4 Corporate Services Report, CS 55-10  
Re: Expanded Scope for the Downtown Brooklin Infrastructure Project
- 

RESOLUTION NO. 229-10

MOVED BY Councillor Pitchforth  
Seconded by Councillor Scott

**COUNCIL DECISION**

1. That the Town of Whitby enter into an Agreement with the Federal Economic Development Agency of Southern Ontario and specifically under the Community Adjustment Fund Program for the general purposes of obtaining financing through a non-repayable contribution; and,
2. That Council authorize staff to work directly with Whitby Hydro to implement the distribution system and street light improvements required as part of the Downtown Brooklin Infrastructure Project; and,
3. That Council authorize staff to increase the scope of tender T-502-2010 for sidewalk construction at various locations within Whitby to include the Brooklin Infrastructure sidewalk replacement at tendered unit pricing; and,
4. That the Mayor and Clerk be authorized to execute the required documents.

CARRIED

- 7.5 Planning Report, Item PL 84-10  
Re: Designation of Heritage Buildings at Cullen Central Park (Log Cabin Emporium, Jones Puckrin House, and Cullen Summer Cottage)
- 

RESOLUTION NO. 230-10

MOVED BY Councillor Coe  
Seconded by Councillor Emm

**COUNCIL DECISION**

1. That Report No. PL 84-10, regarding the Designation of Heritage Buildings at Cullen Central Park (Log Cabin Emporium, Jones Puckrin House, and

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Cullen Summer Cottage), dated June 28<sup>th</sup>, 2010, be received as information; and,

2. That Staff be authorized to have the exterior elevations of the Log Cabin Emporium, Jones Puckrin House and the Cullen Summer Cottage, municipally known as 300 Taunton Road West designated under Part IV of the Ontario Heritage Act as per the recommendation of LACAC Heritage Whitby; and,
3. That Staff, in consultation with LACAC Heritage Whitby, be directed to prepare and forward an appropriate 'Notice of Intent to Designate' to the property owner, the Ontario Heritage Trust and the local newspaper; and,
4. That Staff be directed to prepare the necessary by-law together with reasons for designation for Council's consideration.

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. 212-10

MOVED by Councillor Coe  
Seconded by Councillor Drumm

That Council go into an In Camera meeting of the Council which has been scheduled in accordance with the provisions of the *Municipal 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 litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

CARRIED

- a) Verbal Update from the Chief Administrative Officer, Director of Planning and Town Solicitor with respect to a matter before the Ontario Municipal Board, OPA-2009-W/01, OMB File No. PL090617, 1675239 Ontario Limited (Guscon)  
1606, 1610 & 1614 Charles Street, Harbour Development Area No. 2

The Director of Planning, with the aid of a powerpoint presentation provided a detailed overview of this matter.

[Refer to the In Camera minutes of the meeting – Town Clerk has custody and control of these minutes].

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RESOLUTION NO. 213-10

MOVED by Councillor Pitchforth  
Seconded by Councillor Coe

That Council rise from the In Camera session of Council.

CARRIED

RESOLUTION NO. 214-10

MOVED by Councillor Mitchell  
Seconded by Councillor Coe

The Ontario Municipal Board, OPA-2009-W/01, OMB File No.  
PL090617,1675239 Ontario Limited (Guscon)  
1606, 1610 & 1614 Charles Street, Harbour Development Area No. 2

---

Whereas the matter of applications OPA 2009-W/01 and Z-02-09 have been referred to the Ontario Municipal Board by the applicant, 1675239 Ontario Limited, for lands municipally known as 1606, 1614 and 1616 Charles Street;

And Whereas a hearing of the Ontario Municipal Board regarding these applications is scheduled to commence on September 14, 2010;

And Whereas the applicant is requesting an Official Plan Amendment and Zoning By-Law Amendment to permit a building height of 25 storeys and at a density of 431 units per hectare;

And Whereas the Town has undertaken a review of its Official Plan, inclusive of a Growth Plan conformity process and intensification study and has not yet concluded this process;

And Whereas completion of this Official Plan review process will enable Council to address these Official Plan and Zoning By-law applications presently before the Ontario Municipal Board;

And Whereas planning reports to the Town of Whitby by its consultants have recommended building heights of up to 18 storeys and a maximum density of 300 units per hectare in the Port Whitby community in which these applications are encompassed;

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NOW THEREFORE BE IT HEREBY RESOLVED THAT Town staff, its consultants and legal counsel be instructed to request a deferral of consideration of the applications presently before the Ontario Municipal Board through adjournment of the appeal hearing until February 2011 to permit the completion of the Official Plan review process and incorporation of the Town's Growth Plan Conformity and Intensification Study recommendations following full public consultation; and,

In the event that the Ontario Municipal Board determines that it will not grant the adjournment of the hearing of these applications, then Town staff, its consultants and legal counsel are hereby instructed to oppose applications OPA 2009-W/01 and Z-02-09 now before the Ontario Municipal Board and to take the position at the hearing that any residential development on the lands known as 1606, 1614 and 1616 Charles Street be permitted only up to a maximum height of 18 storeys and a maximum density of 300 units per hectare.

CARRIED

Council recessed from the In-Camera Session at 6:34 pm and reconvened in the Council Chambers at 7:00 pm.

9. BY-LAWS

- 6363-10 By-law to approve fees for services and programs that will be offered at the new Brooklin Community Centre. (Refer to Community and Marketing Services Report, Item CMS 27-10).
- 6364-10 By-Law for the regulation of Election Campaign Signs. (Refer to Corporate Services Report, Item CS 41-10). **[WITHDRAWN]**
- 6365-10 By-law to authorize the Assessment Review Board to exercise Council's functions under subsection 357(1) (d.1) of the Municipal Act, 2001, where the applicant requests relief for taxes as a result of sickness or extreme poverty. (Refer to Corporate Services Report, Item CS 52-10).
- 6366-10 By-Law to prescribe fees for certain services and activities provided by Taxation and Treasury Services effective July 1, 2010. (Refer to Corporate Services Report, Item CS 53-10).
- 6367-10 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.
- 6368-10 By-law to designate the property composed of Blocks 75-86 inclusive on Registered Plan 40M-2413 as not being subject to part lot control.



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9. BY-LAWS (Continued)

- 6369-10 By-law to designate the property composed of Block 1 on Registered Plan 40M-2383 as not being subject to part lot control, and to repeal By-law 6090-08, to designate the property composed of Block 1 on Registered Plan 40M-2383 as not being subject to part lot control which expires on July 7, 2010.
- 6370-10 A by-law to appoint individuals as Municipal Law Enforcement Officers for the purpose of enforcing parking regulations on municipal and private property.
- 6371-10 By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning by removing the H-Holding Symbol from zone categories Residential Type (R2A\*-WS / R2B\*-WS, R2A\*-WS/ R2B\*-WS / R2C\*-WS, R2C\*-WS / R3A\*-WS, R2A\*-WS / R2B\*-WS/ R2C\*-WS) – Wide Shallow for the lands shown as the Subject Land. (Refer to Planning Report, Item PL 69-10).
- 6372-10 By-law is to amend Zoning By-law No. 1784, as amended, by changing the zoning by removing the H-Holding Symbol from zone categories Residential Type (R2A\*-WS / R2B\*-WS, R2A\*-WS/ R2B\*-WS / R2C\*-WS, R2C\*-WS / R3A\*-WS, R2A\*-WS / R2B\*-WS/ R2C\*-WS) – Wide Shallow for the lands shown as the Subject Land. (Refer to Planning Report, Item PL 70-10).
- 6373-10 By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from H-MUR-VB-5, Holding Mixed-Use Residential – Village of Brooklin Exception 5 to H-MUR-VB-6, Holding Mixed-Use Residential – Village of Brooklin Exception 6 for the lands municipally known as 22 Baldwin Street, Town of Whitby. (Refer to Planning Report, Item PL 33-10).
- 6374-10 By-law to amend Zoning By-law No.1784, as amended by changing the zoning from TRN-E – Tourist Recreation Node – East Zone, and A-Agricultural Zone to TRN-1 – Tourist Recreation Node – East – Exception 1 Zone, OS-2 – Open Space – Exception 2 Zone and G-5 – Greenbelt – Exception 5 Zone for the land municipally known as 300 Taunton Road West and additional land north of Taunton Road West, east of Cochrane Street within Part of Lot 28, Concession 4, Town of Whitby. (Refer to Planning Report, Item PL 63-10).
- 6375-10 By-law to amend Zoning By-law No. 1784, as amended for the land located at the northeast quadrant of Baldwin Street and Winchester Road E. (OPA 2009/W/04) (Z-12-09) (Refer to Planning Report PL 78-10).  
**[WITHDRAWN]**

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9. BY-LAWS (Continued)

- 6376-10 By-law to adopt Official Plan Amendment No. 87 to the Official Plan of Town of Whitby. (File No. OPA-2009-W/04) (Z-12-09). (Refer to Planning Report, Item PL 78-10).
- 6377-10 By-law to adopt Official Plan Amendment No. 88 to the Official Plan of Town of Whitby. (File No. OPA-2010-W/03) (Z-12-10). (Refer to Planning Report, Item PL 80-10).
- 6378-10 By-law to amend Zoning By-law No. 2585, as amended, for the land located at 920 Champlain Court. (File No. OPA-2010-W/03) (Z-12-10). (Refer to Planning Report, Item PL 80-10).
- 6379-10 By-law to convey certain lands, being Blocks 258 and 260, Plan 40M-1584 (Subdivision Agreement SB426, Chidley Glen Developments Limited, Phase 11).
- 6380-10 By-law to amend 5545-04 to provide an increase in taxi cab fare. (Refer to Corporate Services Report, Item CS-56-10).

RESOLUTION NO. 231-10

MOVED by Councillor Emm, seconded by Councillor Roy, that leave be granted to introduce By-law Nos. 6363-10 to 6380-10, save and except By-law Nos. 6364-10 and 6375-10, 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

10. CONFIRMATORY BY-LAW NO 6381-10

RESOLUTION NO. 232-10

MOVED by Councillor Coe seconded by Councillor Pitchforth 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 June 28, 2010, 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. 6381-10 considered read a first, second and third time and finally passed.

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11. ADJOURNMENT

RESOLUTION NO. 233-10

MOVED by Councillor Emm  
Seconded by Councillor Drumm

That the meeting be adjourned.

CARRIED

The meeting adjourned at 8:59 p.m.

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Debi A. Wilcox, Town Clerk

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Patricia Perkins, Mayor