

REGULAR COUNCIL MINUTES

December 9, 2013 -7:00 pm

Council Chambers

Whitby Municipal Building

**Present:** Mayor Perkins  
Councillor Coe  
Councillor Drumm  
Councillor Emm  
Councillor Gleed  
Councillor Mitchell  
Councillor Montague  
Councillor Roy

**Also Present:** R. Petrie, Chief Administrative Officer  
S. Beale, Commissioner of Public Works  
M. Gerrard, Fire Chief  
P. LeBel, Commissioner of Community & Marketing Services  
K. Nix, Commissioner of Corporate Services/Treasurer  
S. Pohjola, Town Solicitor  
R. Short, Commissioner of Planning  
D. Wilcox, Town Clerk  
S. Cassel, Legislative Coordinator

**Regrets:** None noted

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1. DECLARATIONS OF PECUNIARY INTEREST

- 1.1 Councillor Gleed made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding Item 6.1 Community and Marketing Services Report, CMS 55-13, Wounded Warriors Canada, Park of Reflection, Cullen Central Park as he is serving as the Vice-Chair of Wounded Warriors Canada. Councillor Gleed did not take part in the discussion or vote on the matter.

2. ADOPTION OF MINUTES

- 2.1
- Regular Council - November 18, 2013
  - Special Council - November 26, 2013
  - Special Council - December 2, 2013

**Resolution No. 504-13**

Moved By Councillor Coe  
Seconded by Councillor Roy

That the minutes be adopted.

**CARRIED**

**3. DELEGATIONS/PRESENTATIONS**

**3.1 Recognition of John Dolstra regarding Highway of Heroes Bridge Memorial**

Mayor Perkins was joined by R. Petrie, Chief Administrative Officer and John Dolstra on the dais. Mayor Perkins commended Mr. Dolstra on his service on council in previous years and for his work on the Highway of Heroes Bridge. Mr. Dolstra was presented with a certificate from Council recognizing the work that had been done to erect plaques along the Highway of Heroes.

R. Petrie, Chief Administrative Officer, thanked Mr. Dolstra on behalf of staff for his efforts in this initiative to the community.

Mr. Dolstra expressed his gratitude for council's support and thanked those who helped and supported him through this endeavor. He acknowledged several volunteers for their support and work on the project. He mentioned that they were looking forward to seeing troupes start to come home in 2014 and that the plaques along the highway would be there to greet them.

Mr. Dolstra mentioned that a dedication service would be planned to unveil the plaques and that he hoped Members of Council would be able to partake in the service.

**3.2 Representatives of the Brooklin Agricultural Society/Brooklin Spring Fair with the next installment of their pledge toward the Brooklin Community Centre & Library**

Mayor Perkins, Councillor Coe, Chair of Community and Marketing Services and P. LeBel, Commissioner of Community and Marketing Services, were joined on the dais by members of the Brooklin Agricultural Society including Nancy Wagg, President. Ms. Wagg presented a cheque for \$5,000.00 as the next installment toward the pledge that the Society has made to the Brooklin Community Centre and Library. The cheque for \$5,000.00 brings the total contributions to date to \$25,000.

P. LeBel, Commissioner of Community and Marketing Services, thanked the Brooklin Spring Fair and the Agricultural Society for their financial contributions to the Brooklin Community Centre and Library. Commissioner LeBel noted that not only did the Society pledge \$25,000.00 toward the Community Centre but also \$5,000.00 for audio video equipment and stated that this equipment has been an asset to the library.

Mayor Perkins mentioned that the Brooklin Spring Fair was embarking upon their 103rd annual fair in 2014 and commended the Fair for not only providing a wonderful annual event but also for their investment in the community. The theme for the fair in 2014 will be Tractors and Tailgates.

**Resolution No. 505-13**

Moved By Councillor Coe  
Seconded by Councillor Roy

That a motion to hear Mike Pettigrew, Biglieri Group and Frank Marchio, Director of Land Development, Lakeview Homes with respect to Planning Report, PL 116-13 and Don Given, President, Malone Parsons representing the Brooklin North Landowners Group with respect to Planning Report, PL 116-13 be allowed.

**CARRIED ON A TWO-THIRDS VOTE**

- 3.3** Mike Pettigrew, Biglieri Group Ltd. and Frank Marchio, Director of Land Development, Lakeview Homes  
Re: Planning Report, PL 116-13 - Re: Town Staff involvement concerning an appeal to the Ontario Municipal Board Committee of Adjustment decision on Application A/51/13 submitted by The Biglieri Group on behalf of Lyndebrook Development Ltd. - Southeast corner of Baldwin Street South and Canary Street

Mike Pettigrew, Biglieri Group Ltd. and Frank Marchio, Director of Land Development, Lakeview Homes, appeared before Council to request Council to take a position on a decision made by the Committee of Adjustment regarding a minor variance to reduce the length of a private garage in the subdivision for Lyndebrook Developments at the southeast corner of Baldwin Street South and Canary Street and referred to a letter dated December 6, 2013 from the Biglieri Group that was provided to Members of Council after the publication of the agenda. Mr. Pettigrew stated that the decision of the Committee of Adjustment sufficed the four

tests of the Planning Act and that if it was not supported would bring undue hardships to the applicant. The representatives further stated that although they were proposing a reduction in the size of the garage that the space would provide for two parking spaces and storage capacity.

A question and answer period ensued with regard to the size of the garage and the percentage of space that would be eliminated if the reduced size were approved. The representatives noted that the discrepancy of space was less than one percent of the total area of the garage, however it was noted that the proposed length is thirteen percent less than the length that is required through By-law # 6700-13.

**3.4** Don Given, President, Malone Given Parsons representing the Brooklin North Landowners Group  
Re: Planning Report, PL 115-13 - Planning and Public Works  
Departments Joint Report – Re: Recommended Work Plan for the  
Brooklin Comprehensive Land Use and Transportation Master Plan  
Studies (OPA-2013-W/02)

Don Given, President, Malone Given Parsons, representing the Brooklin North Landowners Group, appeared before Council and referred to a letter dated December 9, 2013 from Malone Given Parsons Ltd. that was provided to Members of Council after the publication of the agenda regarding comments on Planning Report, PL 115-13. Mr. Malone stated that the landowners group had previously asked for a front-ending agreement that would see the costs of development charge studies funded by the landowner group, however the report was recommending that the landowners group fund seventy-five percent of the studies resulting in no development charge credits. He further mentioned that this recommendation was a surprise to the landowners group and that they had not had opportunity to negotiate this with Town staff.

A detailed question and answer period ensued regarding the size of the land mass that is involved in the Work Plan and it was noted that the Brooklin Landowners control only forty percent of the land in comparison to the Whitby landowners group that controls almost one hundred percent of the land. The Brooklin landowners group are paying for studies on lands that were not originally included in the plan when it was created.

Detailed discussion ensued with respect to the Highway 407 Bypass and whether it would be running through Brooklin. It was noted that if the bypass does run through Brooklin that it would be difficult to proceed with the secondary plan and that land uses would be impacted.

Further discussion ensued with regard to public consultation going forward and questions were asked as to whether there would be any misleading or compromise to the provincial process in relation to the Highway 407.

4. CORRESPONDENCE

4.1 That the following request be endorsed:

- January 2014 - Tamil Heritage Month

**Resolution No. 506-13**

Moved By Councillor Coe  
Seconded by Councillor Montague

That the proclamation for Tamil Heritage Month - January 2014 be endorsed.

**CARRIED**

5. PLANNING & DEVELOPMENT COMMITTEE

Report No. 13 of the Planning & Development Committee - November 25, 2013

5.1 Planning Report, PL 114-13

Re: Applications for a Draft Plan of Subdivision and Zoning By-law Amendment for 2287531 Ontario Inc. and 784534 Ontario Inc. (SW-2012-04 and Z-23-12) 4655 and 4675 Baldwin Street South

Discussion ensued with regard to traffic signalization for this subdivision and it was stated that a traffic light was needed on Baldwin Street to provide safer access to residents.

Discussion ensued with regard to the park location within the subdivision and it was noted that details surrounding this will be coming back in the staff report.

**Resolution No. 507-13**

Moved By Councillor Montague  
Seconded by Councillor Coe

1. That Report PL 114-13, with respect to applications for a draft plan of subdivision and zoning by-law amendment for 2287531 Ontario Inc. and 784534 Ontario Inc., be referred back to staff;

2. That staff enter into agreements with the landowners regarding the implementation of traffic signalization to allow for safe access and egress onto Baldwin Street, 8.5 metre setbacks for rear yards and the location and land mass contribution for the parkette; and,
3. That staff report back on the agreements to the Planning and Development Committee.

**CARRIED**

**5.2 Planning Report, PL 109-13**

Re: Downtown Whitby Heritage Conservation District Study Werden's Plan District Area

Detailed discussion ensued with respect to the concerns expressed by residents wanting to know about the details of the guidelines prior to a by-law being passed. It was noted that acquiring feedback from residents regarding the guidelines is an important step prior to formulating another survey. It was further noted that it is necessary to take a step back to ensure that the needed feedback was obtained prior to proceeding.

A question and answer period ensued regarding the ability for residents to opt out of the program. It was noted that currently residents can designate their homes as heritage under the Ontario Heritage Act by going through the appropriate process. For heritage district areas, certain merits are identified to determine if it is worthy of becoming a heritage district and a by-law is implemented to guide change in the area to help stabilize it. It was further noted that the community provides input into the guidelines and the guidelines are intended to provide input, investment and incentives for heritage buildings.

Clarification on an opt-out clause was discussed, noting that it means changing the boundary of the proposed district to remove a property during the by-law approval stage.

**Resolution No. 508-13**

Moved By Councillor Montague  
Seconded by Councillor Coe

1. That Planning Report Item PL 109-13 regarding the Werden's Plan District Area as set out in Downtown Whitby Heritage Conservation District Study, dated November 25, 2013 be received as information;
2. That staff commence a review of incentive and development opportunities that will promote revitalization of the downtown

commercial core which will include engagement of stakeholders and will report back to Council on these findings before the Heritage District Study proceeds for the proposed Four Corners Commercial Heritage District;

3. That staff prepare a survey to be presented to the Planning and Development Committee for approval; and,
4. That upon approval of the survey, that staff be directed to re-survey all 250 households in the Werden neighbourhood and report the results back at the next regularly scheduled Planning and Development Committee Meeting.

**SEE FOLLOWING MOTION**

**Resolution No. 509-13**

Moved By Councillor Emm  
Seconded by Councillor Coe

That the main motion be amended by adding the following as Item 5:

Further, that when staff are preparing the report back to the Planning Committee on the survey questions, that staff also be requested to review the ability for residents to opt-out of the Werden's Plan Heritage District Area and report back on the matter.

**CARRIED [SEE FOLLOWING MOTION]**

**Resolution No. 510-13**

Moved By Councillor Mitchell  
Seconded by Councillor Coe

That Items 3 and 4 of the main motion be replaced by the following:

1. That staff report back on a process to develop detailed heritage guidelines in relation to Werden's Plan District Area; and
2. That Items 3 and 4 of Report PL 109-13 be deferred until the completion of the process to develop the heritage guidelines in relation to Werden's Plan District Area have been reviewed by the Planning and Development Committee.

**CARRIED**

The main motion, as amended, was then CARRIED

- 5.3** Planning Report, PL 106-13  
Re: Zoning By-law Amendment and Site Plan Application Ren's Pet  
Depot (Z-07-13 and SP-06-13) 980 Taunton Road East

**Resolution No. 511-13**

Moved By Councillor Montague  
Seconded by Councillor Coe

1. That Council approve Zoning Amendment Application (Z-07-13) and Site Plan Application (SP-06-13), subject to the conditions contained in Section 8.0 of Planning Report, PL 106-13;
2. That a By-law to amend Zoning By-law No. 1784 be brought forward for consideration by Council; and,
3. That the Mayor and Clerk be authorized to execute the Site Plan Agreement.

**CARRIED**

- 5.4** Planning Report, PL 107-13  
Re: Taunton and Garrard Zoning Study (Z-19-13) Lands at the  
Northwest Corner of Taunton Road East and Garrard Road

**Resolution No. 512-13**

Moved By Councillor Montague  
Seconded by Councillor Coe

That Council endorse the proposed Work Plan to undertake a zoning study (Taunton and Garrard Zoning Study) to determine the appropriate future land uses and update the zoning for lands at the northwest corner of Taunton Road East and Garrard Road as outlined within Report PL 107-13.

**CARRIED**

- 5.5** Planning Report, PL 110-13  
Re: Site Plan Application - Sorbara/Tribute Holdings Inc. (SP-13-13)  
6610 Baldwin Street North

**Resolution No. 513-13**



Moved By Councillor Montague  
Seconded by Councillor Coe

1. That Council approve Site Plan Application (SP-13-13) subject to the comments and conditions contained in Planning Report Number PL 110-13;
2. That site plan approval be conditional upon receiving a favourable decision with respect to a Committee of Adjustment application to permit the use and zone provisions of the R5A\*-4 Zone within a D(NR) Zone category; and,
3. That the Mayor and Clerk be authorized to execute the Site Plan Agreement.

**CARRIED**

- 5.6** Planning Report, PL 111-13  
Re: Site Plan Application for Dancor Development Corporation (SP-19-13) South of Wentworth Street, East of Forbes Street

This item was ratified at a Special Meeting of Council on November 26, 2013.

- 5.7** Planning Report, PL 113-13  
Re: Fairview Lodge Corner Feature and Dundas and Cochrane Gateway - Conceptual Plans (F15-PROJ) Cochrane Street and Dundas Street West

This item was referred back at Committee.

- 6. OPERATIONS COMMITTEE**  
Report No. 13 of the Operations Committee - December 2, 2013

- 6.1** Community and Marketing Services Department, CMS 55-13  
Re: Wounded Warriors Canada - Park of Reflection - Cullen Central Park

Having previously declared a conflict of interest, Councillor Gleed did not take part in the discussion or vote on the matter.

Discussion ensued with regard to the location of the Park of Reflection and that it was a peaceful place of reflection for those visiting. It was noted that Whitby is proud to host both the head office for Wounded Warriors of Canada and the Park of Reflection.

**Resolution No. 514-13**

Moved By Councillor Montague  
Seconded by Councillor Coe

1. That Council endorse in principle the concept of the 'Park of Reflection' within the Town of Whitby as presented by Wounded Warriors Canada;
2. That Council approve the recommended location in Cullen Central Park for the proposed Wounded Warriors Canada's 'Park of Reflection' subject to the conditions outlined in Community and Marketing Services Report CMS 55-13; and,
3. That staff report further to Council on the detailed design of the proposed 'Park of Reflection', the funding commitment required by Wounded Warriors Canada for the project construction, and the ongoing operational maintenance program and cost and that staff report back on the costing and funding opportunities associated with establishing accessible access to the park.

**CARRIED**

**6.2** Community and Marketing Services Department, CMS 56-13  
Re: Whitby in Bloom

A brief discussion ensued regarding the work that the Whitby in Bloom Committee puts in and that they were looking forward to next year's competition.

**Resolution No. 515-13**

Moved By Councillor Roy  
Seconded by Councillor Emm

1. That the 2013 Communities in Bloom National Judges Evaluation of the Town of Whitby be received as information;
2. That Council endorse the Whitby In Bloom Committee of Council's recommendations for the proposed 2014 Whitby In Bloom Program as outlined in Community and Marketing Services Report CMS 56-13;
3. That Council approve the Town's participation in the 2014 National Edition – Evaluated Program of Communities in Bloom; and,
4. That subject to approval of the 2014 Operating Budget, that Council approve the 2013 WIB reserve balance be allocated to support the Town's entry into the 2014 National Edition – Evaluated Program of

Communities in Bloom.

**CARRIED**

**6.3** Community and Marketing Services Department Report, CMS 57-13  
Re: Smoking in Outdoor Public Places

Council acknowledged citizens Jane Ling and Kelly Connelly for their efforts in bringing this issue forward. Discussion ensued with regard to the negative effects of tobacco and that the Province of Ontario has come a long way in its non-smoking initiatives.

It was noted that the School Boards in Durham Region should be made aware of the Town's regulation of smoking in outdoor public places.

**Resolution No. 516-13**

Moved By Councillor Roy  
Seconded by Councillor Emm

1. That Council approve the recommendations contained in Community and Marketing Services Report CMS 57-13 to regulate Smoking in Outdoor Public Places on properties that the Town of Whitby owns and leases for the purpose of providing municipal services;
2. That Council authorize staff to prepare a by-law to regulate Smoking in Outdoor Public Places, related to areas where children and youth play and congregate, and at public entrances/exits to municipal buildings and facilities;
3. That staff bring forward the draft Smoking in Outdoor Public Places By-law for Council approval and enactment in the first quarter of 2014;
4. That an amount of \$40,000 from one time reserves be allocated for the installation of signage within parks, parkettes and at municipal buildings and facilities, and for the development and implementation of a public education and advertising program; and,
5. That the Clerk forward a copy of Community and Marketing Services Department Report CMS 57-13 to the Region of Durham Health Department.

**SEE FOLLOWING MOTION**

**Resolution No. 517-13**

Moved By Councillor Montague

Seconded by Councillor Glead

That Item 5 of the main motion be amended to read as follows:

That the Clerk forward a copy of Community and Marketing Services Department Report, CMS 57-13 to the Province of Ontario, Durham District School Board, Durham Catholic District School Board and all area Municipal Clerks in the Durham Region.

**CARRIED**

The main motion, as amended, was then CARRIED

- 6.4** Community and Marketing Services Department Report, CMS 58-13  
Re: TO2015 Pan and Parapan American Games - Local Host Committee

**Resolution No. 518-13**

Moved By Councillor Roy  
Seconded by Councillor Emm

1. That Community and Marketing Services Department Report CMS 58-13 regarding the TO2015 Pan and Parapan American Games be received as information;
2. That Council endorse at the request of the TO2015 Organizing Committee the development of a Local Host Committee to reach out and promote to the community the TO2015 Games, as further outlined in the staff report;
3. That the Town of Whitby as the host community, and the Abilities Centre as the host venue, each appoint a representative to co-chair the Local Host Committee; and,
4. That staff report back to Council once the Local Host Committee is operational to secure approval to the Committee's proposed plans leading up to the TO2015 Games.

**CARRIED**

- 6.5** Community and Marketing Services Department, CMS 59-13  
Re: The Waterfront Parks and Open Space Master Plan - Waterfront Parks and Open Space

This item was referred back at Committee.

**6.6** Community and Marketing Services and Public Works Departments  
Joint Report, CMS 60-13  
Re: Proposed Adopt-a-Trail Program and Policy

Brief discussion ensued with regard to the possibility of a trail from Cullen Central Park to Heber Down Conservation Area and it was noted that there were discussions underway in this regard.

**Resolution No. 519-13**

Moved By Councillor Roy  
Seconded by Councillor Emm

That Council approve the proposed Adopt-a-Trail Program and Policy attached to Community and Marketing Services and Public Works Departments Joint Report CMS 60-13.

**CARRIED**

**6.7** Community and Marketing Services Department, CMS 61-13  
Re: Ministry of Economic Development, Trade and Employment's Youth Jobs Strategy and Youth Skills Connections - Community Stream Proposal

Brief discussion ensued with regard to taking a community involvement approach and the need to look at entrepreneurial opportunities.

Discussion ensued regarding the memo, dated December 9, 2013, provided by P. LeBel, Commissioner of Community and Marketing Services, which provided clarity regarding Item 4 of the report recommendation.

**Resolution No. 520-13**

Moved By Councillor Roy  
Seconded by Councillor Glead

1. That the Community and Marketing Services Department Report CMS 61-13 regarding the Ministry of Economic Development, Trade and Employment's Youth Jobs Strategy be received as information;
2. That Council approve the Economic Development Division's participation with the Durham Region Unemployed Help Centre in the development of the Youth Skills Connections – Community Stream funding proposal as outlined in the staff report;

3. That subject to the Ministry of Economic Development, Trade and Employment's approval of the Durham Region Unemployed Help Centre's proposal that the financial aspects related to partnering in this project be integrated within the Economic Development Division's annual 2014 and 2015 Operating Budgets; and,
4. That Council direct the Economic Development Division to establish the Whitby Youth Employment Action Committee with the partnership support of the Community Innovation Lab and Whitby based agencies, such as the Whitby Chamber of Commerce, with the purpose of developing programs with funding from the Province's Youth Jobs Strategy to assist Whitby youth secure good employment opportunities.

**CARRIED**

- 6.8** Community and Marketing Services Department, CMS 62-13  
Re: Appointment of Members of Whitby Seniors' Services to the Seniors' Services Committee of Council

**Resolution No. 521-13**

Moved By Councillor Roy  
Seconded by Councillor Emm

That Council approve and appoint the following members of Whitby Seniors' Services to the Whitby Seniors' Services Committee of Council for a period of one year ending November 30, 2014:

- Suzanne Allen
- Shirley Barnes
- Valare Bromley
- George Newans
- Ann Nielsen
- Shirley Scott
- David Sanocki
- Bonita Spall
- George Spall
- Carl Wilson

**CARRIED**

- 6.9** Planning and Development and Corporate Services Departments Joint Report, CS 93-13

Re: Corporate Energy Management Plan (RFP-82-2013)

**Resolution No. 522-13**

Moved By Councillor Roy  
Seconded by Councillor Emm

1. That the Town of Whitby accept the highest scoring proposal of IndEco Strategic Consulting Inc. in the amount of \$106,650.00 (excluding taxes) to provide consulting services for the Corporate Energy Management Plan as required by the Town of Whitby;
2. That the total estimated project cost in the amount of \$108,527.04 be approved;
3. That the over expenditure of \$8,527.04 be funded from the Corporate Development Reserve; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

**CARRIED**

- 6.10** Corporate Services Department Report, CS 94-13  
Re: Third Quarter Projection Report as at September 30, 2013

**Resolution No. 523-13**

Moved By Councillor Roy  
Seconded by Councillor Emm

That Report No. CS 94-13 of the Commissioner of Corporate Services/Treasurer be received as information.

**CARRIED**

- 6.11** Public Works Department Report, PW 08-13  
Re: Winter Maintenance Services Agreement for Highway 407 Crossing Roads Sections

**Resolution No. 524-13**

Moved By Councillor Roy  
Seconded by Councillor Emm

1. That Report, Item PW 08-13 regarding "Winter Maintenance

- Services Agreement for Highway 407 Crossing Roads Sections” be received as information; and,
2. That Council authorize the Mayor and Clerk to enter into a Winter Maintenance Agreement with OMR 407 East Development Group General Partnership in a form satisfactory to the Town Solicitor; and,
  3. That a copy of the Public Works Department Report, Item PW 08-13 regarding “Winter Maintenance Services Agreement for Highway 407 Crossing Roads Sections” be forwarded to the OMR 407 East Development Group General Partnership for their information; and,
  4. That a copy of Report PW 08-13 and the Winter Maintenance Services Agreement for Highway 407 Crossing Roads Sections be forwarded to the Region of Durham, Cities of Oshawa and Pickering, and the Town of Ajax.

**CARRIED**

**6.12** Public Works Department, PW 34-13  
Re: Darren Avenue - Pedestrian Signal Review

Discussion ensued regarding the three-way stop sign and it was requested that staff report back to Council once the assessment of the three-way stop sign had been completed.

**Resolution No. 525-13**

Moved By Councillor Roy  
Seconded by Councillor Emm

1. That Report PW 34-13, regarding a Pedestrian Signal on Darren Avenue, be received as information;
2. That a three way stop be implemented at Darren Avenue and Chatterson Street;
3. That a letter be sent to the Ministry of Transportation to expedite the review of non-electrical regulatory signage to provide pedestrians with the right-of-way, over vehicles, on lower order and lower speed roads; and,
4. That after assessment of the installation of the three way stop sign at Darren Avenue and Chatterson Street, that a staff review be conducted to consider the effects of the three-way stop sign and report back to Council if any further steps are required to limit parking to one side of the street on Darren Avenue.

**SEE FOLLOWING MOTION**



**Resolution No. 526-13**

Moved By Councillor Drumm  
Seconded by Councillor Montague

That Item 4 of the main motion be amended to read as follows:

That after assessment of the installation of the three-way stop sign at Darren Avenue and Chatterson Street, that a staff review be conducted to consider the effects of the three-way stop sign and report back to Council.

**CARRIED**

The main motion, as amended, was then CARRIED

- 6.13** Public Works Department, PW 36-13  
Re: Status of Update of Transportation and Parking Studies and Reports

Brief discussion ensued regarding moving forward with the study and Council noted they were looking forward to the completion of the study and the results in the Spring of 2014.

**Resolution No. 527-13**

Moved By Councillor Roy  
Seconded by Councillor Emm

That Report PW 36-13, regarding the status update of transportation and parking related studies, be received as information.

**CARRIED**

- 6.14** Public Works Department Report, PW 39-13  
Re: Townline Road - Scugog Fill Application - Scugog Township  
[This report was provided to Council as an update report to PW 37-13, presented at the Operations Committee Meeting on December 2, 2013]

A question and answer period ensued with regard to provincial and regional roads that may be used on the route and it was noted that the Town does not have jurisdiction over these roads.

Discussion ensued with respect to the Town's position noting that the

route should not go through downtown Brooklin.

A question and answer period ensued with regard to whether conversations had taken place with CLOCA and it was noted that CLOCA had not been included in the dialogue to this point.

Further discussion ensued with regard to the effects that this project would have on surrounding residents and who was responsible to ensure the fill was clean.

### **Resolution No. 528-13**

Moved By Councillor Roy  
Seconded by Councillor Coe

1. That the Township of Scugog be advised that the Town of Whitby does not support the proposed site alteration permit application for the lands at 926 Townline Road due to anticipated impact on the municipality's infrastructure and to socio-natural environmental concerns;
2. That Council direct the Commissioner of Public Works to forward a letter to the Township of Scugog outlining the recommended conditions for the proposed site alteration permit as drafted in Section 5 of the staff report, in the event that the Township of Scugog approves the subject application;
3. That the Township of Scugog, in the event the application is approved, as part of the site alteration permit a defined trucking route be established and that no fill trucks be permitted on roads owned by the Town of Whitby with the exception of Townline Road; and that no fill trucks be permitted on Winchester Road East and Baldwin Street within downtown Brooklin;
4. That the Province of Ontario and the Region of Durham be requested to support the Town of Whitby's position; and
5. That Public Works Report PW 39-13 be forwarded to the Township of Scugog, Region of Durham, Ministry of Transportation and Central Lake Ontario Conservation Authority.

### **CARRIED**

## **7. NEW AND UNFINISHED BUSINESS**

### **7.1 Planning and Public Works Departments Joint Report, PL 115-13 Re: Recommended Work Plan for the Brooklin Comprehensive Land Use and Transportation Master Plan Studies (OPA-2013-W/02)**

Discussion ensued with regard to the possibility of the Brooklin

Landowners Group having opportunity to meet with Town staff to have further discussions on the Work Plan and it was noted that dialogue between the Brooklin and Whitby Landowner Groups was necessary in order to sort out the details.

Further discussion ensued regarding the need to identify the resolution of the Highway 407 bypass as a priority of the workplan.

**Resolution No. 529-13**

Moved By Councillor Mitchell  
Seconded by Councillor Glead

1. That Council direct Staff to further negotiate the proposed funding plan for the Brooklin Comprehensive Land Use and Transportation Master Plan Studies with the landowners in the Secondary Plan study area, and bring back a recommended formula for Council approval; and,
2. That the report and proposed work schedule be updated to identify the resolution of the provincial highway bypass as a priority.

**CARRIED**

**7.2 Planning Report, PL 116-13**

Re: Town Staff involvement concerning an appeal to the Ontario Municipal Board Committee of Adjustment decision on Application A/51/13 submitted by The Biglieri Group on behalf of Lyndebrook Development Ltd. - Southeast corner of Baldwin Street South and Canary Street

Discussion ensued with regard to the restrictions of the size of private garages included in By-law # 6700-13 and it was noted that the sizes were modified to ensure that there was a minimum space in the garage for parking. Staff advised Council that notice of By-law # 6700-13 was given and that it was the expectation that developers would comply with the new standards.

Further discussion ensued noting that there seemed to be no reason why the developer could not find a design that would accommodate the garage size as stated in the by-law. It was further noted that supporting the application to reduce the size of the garage would be moving backward from the new standards that have been implemented.

**Resolution No. 530-13**

Moved By Councillor Montague  
Seconded by Councillor Coe

1. That Council not support the decision of the Committee of Adjustment to approve Application A/51/13 to reduce the minimum length of a private garage that serves two or more vehicles from 6.2 metres to 5.4 metres for 23 single detached dwellings in draft approved Plan of Subdivision SW-2012-01 based on the Planning Commissioner's Report to the Committee of Adjustment dated Thursday November 21, 2013;
2. That staff be authorized to file an appeal to the Ontario Municipal Board on behalf of the Town of Whitby; and,
3. That staff attend any Ontario Municipal Board hearing to advance Council's position on the Committee of Adjustment decision on Application A/51/13.

**CARRIED**

- 7.3** Councillor Emm mentioned the move of the Lynde House that took place on the weekend of November 29, 2013 and congratulated all those involved in the intricacies of the move.
  - 7.4** Councillor Montague recognized the twenty-four Whitby youth that were honoured at a banquet for their dedication to volunteering in the community.
  - 7.5** Councillor Coe advised of the media release from the Region of Durham on December 9, 2013 regarding the Grade 5 Action Pass that provides all grade 5 students in Durham with free, unlimited access to public swimming, public skating and some drop-in programs until August 31, 2014 at all participating municipal recreation centres, Durham Family YMCA and Durham College/University of Ontario Institute of Technology (UOIT) Campus Ice Centre.
  - 7.6** Councillor Roy mentioned the two Whitby youths, Thomas Nancekivell and Emily Leonard, that had been missing since Friday, December 6, 2013 and that she hopes for their safe return to their families.
  - 7.7** Councillor Roy mentioned the recent resignation of Mary Ann Martin, a School Board Trustee for many years and requested that a note of thanks be sent to her for her years of service from Whitby Town Council.
- 8. NOTICE OF MOTION**

9. BY-LAWS

That the following by-laws be passed:

- 9.1 By-law # 6802-13, being a by-law to appoint Susan Cassel as Acting Deputy Clerk
- 9.2 By-law # 6803-13, being a by-law to lift and assume as part of the public highway, 0.3 metre reserve known as Kirkland Place
- 9.3 By-law # 6804-13, being a by-law to lift and assume as part of the public highway, 0.3 metre reserve known as Roma Drive
- 9.4 By-law # 6805-13, being a by-law to lift and assume as part of the public highway, 0.3 metre reserve known as Holman Court
- 9.5 By-law # 6806-13, being a by-law to enter into a Municipal Capital Facility Agreement with Whitby Iroquois Soccer Club

**Resolution No. 531-13**

Moved By Councillor Montague  
Seconded by Councillor Mitchell

That leave be granted to introduce By-law # 6801-13 to 6806-13, save and except By-law # 6801-13, 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 Clerk sign the same and the Seal of the Corporation be thereto affixed.

**CARRIED**

- 9.6 By-law # 6801-13, being a by-law to appoint certain persons as municipal law enforcement officers for the purpose of enforcing parking restrictions on private property

Discussion ensued with regard to the issues with parking and issuing of parking tickets on private property and clarification was sought with regard to liability and revenues generated through parking tickets on private property.

**Resolution No. 532-13**

Moved By Councillor Drumm

Seconded by Councillor Roy

1. That By-law # 6801-13 be referred to the Town Solicitor to prepare a report and provide a legal opinion including consultation with Durham Regional Police Services, with respect to concerns received about parking issues/problems; and,
2. That the report and legal opinion be presented at the next regularly scheduled Operations Committee.

**CARRIED UNANIMOUSLY ON A RECORDED VOTE**

10. CONFIRMATORY BY-LAW

10.1 Confirmatory By-law

**Resolution No. 533-13**

Moved By Councillor Gleed  
Seconded by Councillor Emm

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 regular meeting held on December 9th, 2013, and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

**CARRIED**

11. ADJOURNMENT

11.1 Motion to Adjourn

**Resolution No. 534-13**

Moved By Councillor Coe  
Seconded by Councillor Emm

That the meeting be adjourned.

**CARRIED**

The meeting adjourned at 9:29 p.m.

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Debi A. Wilcox, Town Clerk

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Patricia Perkins, Mayor