

REGULAR COUNCIL MINUTES
September 16, 2013 -7:00 pm
Council Chambers
Whitby Municipal Building

Present: Mayor Perkins
Councillor Coe
Councillor Drumm
Councillor Emm
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
N. Tellis, Manager of Treasury Services
S. Pohjola, Town Solicitor
R. Short, Commissioner of Planning
D. Wilcox, Town Clerk
L. Doughty, Deputy Clerk

Regrets: None noted

1. DECLARATIONS OF PECUNIARY INTEREST

1.1 Mayor Perkins made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding By-law No's. 6775-13, 6776-13, and 6777-13 relating to Home Based Businesses, as a member of her family owns a home based business. Mayor Perkins left the meeting during the discussion and did not vote on this matter.

1.2 Councillor Montague made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding By-law No's. 6775-13, 6776-13, and 6777-13 relating to Home Based Businesses, as he owns a home based business. Councillor Montague left the meeting during the discussion and did not vote on this matter.

2. ADOPTION OF MINUTES

- 2.1
- Special Council - June 24, 2013
 - Regular Council - June 24, 2013
 - Special Council - June 26, 2013
 - Special Council - August 7, 2013 [In-Camera minutes under separate cover]
 - Special Council - September 9, 2013

Resolution No. 365-13

Moved By Councillor Coe
Seconded By Councillor Roy

That the minutes be adopted.

CARRIED

3. DELEGATIONS/PRESENTATIONS

3.1 Recognition of Whitby Warriors Tyke 1 Lacrosse Team

Mayor Perkins, Councillor Coe, Chair of Community & Marketing Services Department and P. LeBel, Commissioner of Community & Marketing Services, presented medals to members of the Whitby Warriors Tyke 1 Lacrosse Team. The team was recognized as the 2013 Provincial Champions.

3.2 Recognition of Erin Guillemette

Award/Accomplishment: Winner of the Junior Chamber International (JCI) Public Speaking Title for all of the Americas

Mayor Perkins welcomed Erin Guillemette to the dias. Mayor Perkins extended congratulations to Erin as the winner of the Junior Chamber International (JCI) Public Speaking Title for all of the Americas and presented her with a medal on behalf of the Town of Whitby. Erin presented her speech to Council.

3.3 Vera Felgemacher, Whitby Resident

Re: By-law No. 6777-13 Home Based Businesses

Vera Felgemacher, 209 John Street, Whitby, made a delegation regarding By-law No. 6777-13 relating to home based businesses, specifically commenting on the potential increase of home based businesses, possible signage, increased traffic issues in residential areas, possible property tax implications, communication of the implemented by-law and associated by-law enforcement.

Due to their conflict, Mayor Perkins and Councillor Montague left the Council Chambers. Deputy Mayor Mitchell assumed the Chair. Upon completion of Ms. Felgemacher's delegation, Mayor Perkins and Councillor Montague returned to the Council Chambers. Mayor Perkins resumed the Chair.

4. **CORRESPONDENCE**

- 4.1 Report from Amberley Gavel Ltd. to the Corporation of the Town of Whitby Regarding the Investigation of the Meeting of Council on November 26, 2012

Discussion ensued regarding the correspondence.

Resolution No. 366-13

Moved By Councillor Coe
Seconded By Councillor Emm

That the report from Report from Amberley Gavel Ltd. to the Corporation of the Town of Whitby Regarding the Investigation of the Meeting of Council on November 26, 2012 be received for information.

CARRIED

- 4.2 Correspondence from LACAC Heritage Whitby dated August 12, 2013
Re: The Nomination of Rick McDonnell for the Ontario Heritage Trust Community Recognition Program Lieutenant Governor's Ontario Heritage Award for Lifetime Achievement

Discussion ensued regarding the correspondence.

Resolution No. 367-13

Moved By Councillor Roy
Seconded By Councillor Drumm

That the correspondence from LACAC Heritage Whitby dated August 12, 2013 Re: The Nomination of Rick McDonnell for the Ontario Heritage Trust Community Recognition Program Lieutenant Governor's Ontario Heritage Award for Lifetime Achievement be endorsed.

CARRIED

- 4.3** That the following requests be proclaimed:
International Walk to School Month - October 2013
International Walk to School Day (IWALK) - October 9, 2013

Resolution No. 368-13

Moved By Councillor Coe
Seconded By Councillor Montague

That the request for proclamations for International Walk to School Month - October 2013 and International Walk to School Day (IWALK) - October 9, 2013 be endorsed.

CARRIED

5. PLANNING & DEVELOPMENT COMMITTEE
Report No. 9 of the Planning & Development Committee - September 3, 2013

- 5.1** Planning Report, PL 82-13
Re: Appointment of Control Architect - Williams & Stewart Associates - Medallion Developments Inc. (S-130-84) Part of Lot 22, Concession 3

Resolution No. 369-13

Moved By Councillor Montague
Seconded By Councillor Mitchell

1. That Council appoint the firm of Williams & Stewart Associates as Control Architect for the subdivision plan under file S-130-84; and,
2. That the Subdivider and Williams & Stewart Associates be advised of Council's appointment and the Subdivider's financial obligations as set out in Section 8.0 of Planning Report PL 82-13.

CARRIED

- 5.2** Planning Report, PL 83-13
Re: The Natural Step: "Sustainability & Whitby: The Road Forward"

Discussion ensued regarding the report.

Resolution No. 370-13

Moved By Councillor Montague

Seconded By Councillor Mitchell

1. That Planning Report Item No. PL 83-13 be received as information;
2. That Council receive the recommendations of The Natural Step contained in Attachment No. 1 to Report PL 83-13;
3. That Staff be directed to bring forward a Terms of Reference for the development of a Corporate Sustainability Plan, with input from the Senior Management Team, Corporate Sustainability Team, and the Whitby Sustainability Advisory Committee; and,
4. That Council approve \$50,000 funded from the Long Term Finance Reserve Fund and The Natural Step be retained by the Town of Whitby for the development and completion of a Corporate Sustainability Plan.

CARRIED

- 5.3** Planning Report, PL 85-13
Re: Town of Whitby Corporate Energy Management Plan Terms of Reference

Resolution No. 371-13

Moved By Councillor Montague
Seconded By Councillor Mitchell

1. That Planning Report Item PL 85-13 be received for information;
2. That Council endorse the Terms of Reference, as shown on Attachment #1 to Report PL 85-13, and authorize Staff to prepare and issue a Request for Proposals for consulting services for the preparation of a Corporate Energy Management Plan.

CARRIED

- 5.4** Planning Report, PL 86-13
Re: Whitby Sustainability Advisory Committee Proposed 2013/2014 Work Plan

Resolution No. 372-13

Moved By Councillor Montague
Seconded By Councillor Mitchell

1. That Planning Report PL 86-13 be received for information;
2. That Council approve the Whitby Sustainability Advisory Committee's proposed 2013/2014 Work Plan as amended to reflect that the Whitby Sustainability Advisory Committee mandate and work plan Item 1.3 and 1.4 of Planning Report, PL 86-13 (page 3 of the report) be amended by deleting 'when requested'; and,
3. That Council approve a revision to the Whitby Sustainability Advisory Committee's Terms of Reference to reduce the required quorum from 7 voting members to 50% plus 1 voting members, as outlined in this report.

CARRIED

- 5.5** Planning Report, PL 87-13
Re: Request to Remove 200 Brock Street South from the Town of Whitby Heritage Register

Resolution No. 373-13

Moved By Councillor Montague
Seconded By Councillor Mitchell

1. That Report PL 87-13 be received as information; and,
2. That the property located at 200 Brock Street South be removed from the Town's heritage register (the property being listed but not designated).

CARRIED

- 5.6** Planning Report, PL 88-13
Re: Removal of 4110 Garden Street from Municipal Heritage Register

Resolution No. 374-13

Moved By Councillor Montague
Seconded By Councillor Mitchell

1. That Report PL 88-13 be received as information; and,
2. That the property located at 4110 Garden Street be removed from the Town's heritage register (the property being listed but not designated).

CARRIED

- 5.7** Planning Report, PL 89-13
Re: Annual Housing Monitoring Report January 1, 2012 to December 31st, 2012

Discussion ensued regarding the report and the impact on local municipalities.

Resolution No. 375-13

Moved By Councillor Montague
Seconded By Councillor Mitchell

1. That Planning Report, Item PL 89-13 be received as information;
2. That the Clerk forward a copy of Planning Report, Item PL 89-13 to the Region of Durham.

CARRIED

6. OPERATIONS COMMITTEE
Report No. 9 of the Operations Committee - September 9, 2013

- 6.1** Corporate Services Report, CS 70-13
Re: 2014 Capital Maintenance Envelope

Resolution No. 376-13

Moved By Councillor Roy
Seconded By Councillor Coe

1. That Report CS 70-13 of the Commissioner of Corporate Services/Treasurer be received for information; and
2. That Staff set the draft 2014 Capital Maintenance Envelope at \$16,573,308 for budget preparation purposes subject to final approval by Council during 2014 budget deliberations.

CARRIED

- 6.2** Corporate Services and Public Works Joint Report, CS 72-13
Re: Winter Control Reserve Policy

Resolution No. 377-13

Moved By Councillor Roy
Seconded By Councillor Coe

1. That Council approve the Winter Control Reserve Policy, as provided in Attachment 1; and
2. That the funds held in the Winter Control Reserve that are in excess of the target balance be transferred to the General Contingency Reserve.

CARRIED

- 6.3** Corporate Services Report, CS 73-13
Re: Second Quarter Projection Report as at June 30, 2013

Resolution No. 378-13

Moved By Councillor Roy
Seconded By Councillor Coe

That Report No. CS 73-13 of the Commissioner of Corporate Services/Treasurer be received as information.

CARRIED

- 6.4** Corporate Services and Public Works Joint Report, CS 74-13
Re: Consultant for a Transportation Municipal Class EA study for the CP Rail crossing of New Coronation Road (RFP-56-2013) West Whitby

Resolution No. 379-13

Moved By Councillor Roy
Seconded By Councillor Coe

1. That the Town of Whitby accept the highest scoring proposal of Hatch Mott MacDonald in the amount of \$154,000.00 (excluding taxes) to provide Consulting Services for a Transportation Municipal Class Environmental Assessment Study for the new Coronation Road and CP Rail;
2. That the total estimated project cost of \$180,000.00 be approved;
3. That an over expenditure in the amount of \$ 30,000.00 be approved and funded from the one time program reserves; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

Resolution No. 380-13

Moved By Councillor Roy
Seconded By Councillor Emm

That item 3 of the main motion be amended to read as follows:

That an over expenditure in the amount of \$30,000 be approved and funded from the Growth Reserve Fund (\$300) and Development Charges (\$29,700); and,

CARRIED

The main motion, as amended, was then CARRIED.

- 6.5** Public Works Report, PW 27-13
Re: Town comments on Draft 2014 Region of Durham Road Program and 9-year Forecast

Discussion ensued regarding the report.

Resolution No. 381-13

Moved By Councillor Roy
Seconded By Councillor Coe

1. That Report PW 27-13 be forwarded to the Region of Durham and the Region be requested to include sufficient funds in their 10 year Capital Roads program to complete the following:
 - a) The initiation in 2014 of an Environmental Assessment for the upgrading of Lake Ridge Road from Dundas Street to Highway 407;
 - b) The initiation in 2014 of Environmental Assessments for the upgrading of Baldwin Street from Taunton Road to Highway 407 and Thickson Road from Taunton Road to Winchester Road;
 - c) The initiation in 2015 of an Environmental Assessment for upgrading Victoria Street between Brock Street and Gordon Street which includes the assessment of new/improved pedestrian and cyclist opportunities for crossing Victoria

- Street;
- d) The advancement of the widening of Brock Street from Rossland Road to Taunton Road to 2014;
 - e) The advancement of the widening of Rossland Road between Garden Street and east of Civic Centre Drive to 2014;
 - f) The advancement of the widening of Winchester Road from Baldwin Street to west of Anderson Street to 2015;
 - g) The advancement of the Manning Road/ Adelaide Avenue connection to 2015;
 - h) The advancement of the widening of Lake Ridge Road from Victoria Street to Dundas Street to 2016; and,
 - i) The advancement of the realignment of Victoria Street from South Blair Street to Thicksen Road to 2017.
2. That the Region be requested to establish a 10 year watermain, sanitary sewer and polybutylene water service replacement program, that is coordinated with municipal road projects and also considers preventative infrastructure maintenance needs.

CARRIED

- 6.6** Derrick W. Gleed, Vice-Chair & CFO, Wounded Warriors Canada and Daimian Boyne, Wounded Warriors Canada
Re: A Proposed Parkette for Wounded Warriors Canada

This item was referred back at Committee.

7. NOTICE OF MOTION

8. NEW AND UNFINISHED BUSINESS

It was noted in the agenda that portions of this meeting may be closed during the discussion of Report, CAO 8-13, in accordance with the Municipal Act and Procedural By-law No. 6125-08, in that matters to be discussed may relate to personal matters about an identifiable individual.

- 8.1** Report, CAO 08-13
Re: Method of Filling Vacancy – Town Councillor North Ward 1

Discussion ensued regarding the report and the possible solicitation of applications for the current vacancy. Questions ensued regarding the possible qualification process. The Town Clerk advised that a candidate application package would guide possible candidates through the process.

Resolution No. 382-13

Moved By Councillor Drumm
Seconded By Councillor Coe

1. That Report CAO 8-13 of the Chief Administrative Officer be received;
2. That Council adopt Option A, Alternative 2 to solicit applications to fill the vacant seat of Town Councillor North Ward 1; and,
3. That the Town Clerk be authorized to give effect thereto.

CARRIED

Resolution No. 383-13

Moved By Councillor Roy
Seconded By Councillor Coe

That the main motion be amended by adding the following as item 3 and renumbered accordingly:

That the Town Clerk report back to Council with an outline of the process to solicit applications for appointment to fill the current Council vacancy.

CARRIED

The main motion, as amended, was then CARRIED ON A RECORDED VOTE AS FOLLOWS:

Yes
Councillor Coe
Councillor Drumm
Councillor Emm
Councillor Roy

No
Councillor Mitchell
Councillor Montague
Mayor Perkins

- 8.2 Councillor Drumm advised of a recent visit to the Cullen Park property with the Brooklin Horticultural Society.
- 8.3 Councillor Emm advised of a recent publication of a guidebook for new and retrofit schools to design them to minimize traffic issues, and

encourage walking and cycling. Two of our local schools are highlighted in the document, and S. Beale, Commissioner of Public Works, was a contributing author.

- 8.4** Councillor Coe advised of a recent Lakeridge Health Foundation presentation to the Sunrise Rotary Club and asked of the status of the Hospital Task Force for securing a health care facility for the Town. Mayor Perkins confirmed an invitation will be extended to attend a future meeting of Council to provide an update.
- 8.5** Councillor Mitchell asked about burn permits for brush in the northern part of the Town. He requested an update including a summary of what neighbouring municipalities were doing. Fire Chief Gerrard will provide a report regarding this matter.
- 8.6** Councillor Mitchell extended congratulations to the Public Works Department on their recent Roger Brown Award. This award is provided for the top public works day event in a municipality under 150,000. The Town of Whitby has won this award for the second time.
- 8.7** Councillor Mitchell advised of his attendance at the recent Ontario Library Awards event, where the Brooklin Community Centre was recognized, with strong praise for our library services.
- 8.8** Councillor Mitchell extended congratulations to the Whitby Warriors team for their excellent season.
- 8.9** Councillor Mitchell advised that the Whitby Brass will celebrate their 150th anniversary this month. A special concert is planned as part of the scheduled events.

9. BY-LAWS

By-law No's. 6775-13, 6776-13 and 6777-13 were separated due to declarations of pecuniary interest. Mayor Perkins and Councillor Montague left the Council Chambers and did not vote on By-law No's. 6775-13, 6776-13 and 6777-13.

The Town Clerk requested that By-law No. 6773-13 be separated in order to allow for a technical amendment.

That the following by-laws be passed:

- 9.1** By-law No. 6769-13, being a by-law to regulate the alteration of designated property and property located within Heritage Conservation

Districts within the Town of Whitby [Refer to Planning Report, PL 67-13]

- 9.2 By-law No. 6770-13, being a by-law to amend By-law No. 1862-85, to regulate traffic on highways in the Town of Whitby [Refer to Public Works Report, PW 40-12]
- 9.3 By-law No. 6771-13, being a by-law to amend By-law No. 1718-84, to regulate weight limits on vehicles operated or drawn upon designed highways under the jurisdiction of the Town of Whitby during designated times of the year
- 9.4 By-law No. 6772-13, being a by-law to lift and assume as part of the public highway, 0.3 metre reserve known as Abbeyview Drive
- 9.5 By-law No. 6774-13, being a by-law to appoint certain persons as Municipal Law Enforcement Officers for the purpose of enforcing parking restrictions on private property

Resolution No. 384-13

Moved By Councillor Roy
Seconded By Councillor Drumm

That leave be granted to introduce By-law No. 6769-13 to 6777-13, save and except By-law No's 6773-13, 6775-13, 6776-13 and 6777-13, 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 the Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

Discussion ensued regarding the Council direction in relation to the size of election signs.

Resolution No. 385-13

Moved By Councillor Coe
Seconded By Councillor Emm

That By-law No. 6773-13 be referred back to staff for clarification of the recommendations of the report regarding the size of signage at 4 x 4 for municipal signs; and 4 x 8 for provincial and federal signs.

CARRIED

Having previously declared a pecuniary interest in By-law No's. 6775-13, 6775-13 and 6777-13, Mayor Perkins and Councillor Montague left the Council Chambers at this time.
Deputy Mayor Mitchell assumed the Chair.

Resolution No. 386-13

Moved By Councillor Emm
Seconded By Councillor Coe

That leave be granted to introduce By-law No's. 6775-13, 6776-13, 6777-13 and to dispense with the reading of the by-laws by the Clerk and that the same be considered read a first time.

CARRIED

Discussion ensued regarding By-law No's. 6775-13, 6776-13, and 6777-13 relating to home based businesses. Based on the discussion, the Town Solicitor recommended to Council that the by-laws not be amended on the floor, but rather referred back to staff.

Resolution No. 387-13

Moved By Councillor Emm
Seconded By Councillor Coe

That By-law No's. 6775-13, 6776-13, 6777-13 be referred back to staff to determine if hours of trucking services were part of the Council direction.

CARRIED

Mayor Perkins and Councillor Montague returned to the Council Chambers.

Mayor Perkins resumed the Chair.

Resolution No. 388-13

Moved By Councillor Montague
Seconded By Councillor Emm

That the rules of procedure be suspended in order to introduce a motion with respect to heritage designation information mailouts.

CARRIED ON A TWO-THIRDS MAJORITY VOTE

Discussion ensued regarding the recent heritage conservation meetings within the Town. R. Short, Commissioner of Planning, confirmed that By-law 6769-13 applies to the Brooklin Heritage Conservation District and was brought forward to streamline the heritage conservation process. It is not the intention of By-law 6769-13 to supersede public input nor make any predetermination of a proposed heritage district.

Resolution No. 389-13

Moved By Councillor Montague
Seconded By Councillor Emm

That a copy of By-law 6769-13 regarding heritage conservation be provided to attendees at all future meetings regarding the proposed heritage conservation districts and also be included in any future mail outs regarding the heritage conservation review.

CARRIED

10. CONFIRMATORY BY-LAW

10.1 Confirmatory By-law

Resolution No. 390-13

Moved By Councillor Coe
Seconded By Councillor Roy

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of Council of the Town of Whitby at its meeting held on September 16, 2013, 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

11. ADJOURNMENT

11.1 Motion to Adjourn

Resolution No. 391-13

Moved By Councillor Emm
Seconded by Councillor Coe

That the meeting be adjourned.

CARRIED

The meeting adjourned at 9:16 p.m.

Debi A. Wilcox, Town Clerk

Patricia Perkins, Mayor