

Regular Council Minutes
February 19, 2019 - 7:00 PM
Council Chambers
Whitby Town Hall

Present: Mayor Mitchell
Councillor Alexander
Councillor Leahy
Councillor Lee
Councillor Mulcahy
Councillor Newman
Councillor Roy
Councillor Shahid
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
S. Beale, Commissioner of Public Works
W. Mar, Commissioner of Legal and By-law Services/Town Solicitor
K. Nix, Commissioner of Corporate Services/Treasurer
R. Saunders, Commissioner of Planning and Development
C. Siopis, Manager of Corporate Communications
J. Romano, Manager of Facilities
D. Speed, Fire Chief
C. Harris, Town Clerk
K. Narraway, Deputy Clerk (Recording Secretary)

Regrets: None noted

1. Declarations of Pecuniary Interest

- 1.1** Mayor Mitchell declared a pecuniary interest under the Municipal Conflict of Interest Act regarding Item 7.14, Corporate Services Department Report CS 14-19, regarding Application for Cancellation, Reduction, Adjustment and/or Refund of Taxes, as two properties he owns are impacted.

2. Adoption of Minutes

- 2.1** Special Council - January 21, 2019
Regular Council - January 21, 2019
Special Council - February 4, 2019 (Confidential Minutes under separate cover)

Special Council - February 11, 2019 (Confidential Minutes under separate cover)

Resolution # 46-19

Moved By Councillor Lee
Seconded By Councillor Newman

That the Special Council minutes of January 21, 2019, Regular Council minutes of January 21, 2019, Special Council minutes of February 4, 2019, and Special Council minutes of February 11, 2019 be adopted.

Carried

3. Presentations

3.1 Anne-Marie Padurariu

Award/Recognition: Artist Gymnastics World Championship Beam Silver Medal Winner and awarded the 2016 and 2017 Junior Athlete by Gymnastics Canada Women's Artistic Gymnastics

Mayor Mitchell attended the dais and was joined by Councillor Lee. Anne-Marie Padurariu was joined by Elena Davydova, Head Coach and Owner of Gemini Gymnastics who were welcomed onto the dais to recognize Anne-Marie for receiving the Artist Gymnastics World Championship Beam Silver Medal and being awarded the 2016 and 2017 Junior Athlete by Gymnastics Canada Women's Artistic Gymnastics.

3.2 John Henry, Regional Chair/Board Member, representing Durham Regional Police Services Board and Brad Carter, Acting Manager of Strategic Planning, Durham Regional Police Service
Re: Durham Regional Police Service 2020-2022 Strategic Business Plan Consultations

John Henry, Regional Chair/Board Member, representing Durham Regional Police Services Board and Brad Carter, Acting Manager of Strategic Planning, Durham Regional Police Service appeared before Council and provided a PowerPoint presentation regarding Durham Regional Police Service 2020-2022 Strategic Business Plan.

Highlights of the presentation included:

- an overview of the crime rate in the Region of Durham as compared to other urban centres;
- an overview of the consultation that the Durham Regional Police

Service has undertaken during the preparation of their 2020-2022 Strategic Business Plan;

- the importance of engaging a range of stakeholders, including vulnerable sectors of the population; and
- that a survey developed by the Durham Regional Police Services has received 4,500 responses, with 500 responses from Whitby residents.

Council provided the following input to the Durham Regional Police Service:

- that there is a need to develop a strategy to address domestic violence;
- that human trafficking is a concern in the Region that requires a coordinated response;
- speeding and careless driving remain primary concerns for Whitby residents;
- concerns about vehicle traffic in school zones and the possibility of creating a task force to educate road users about traffic and pedestrian safety;
- the need for education and awareness about the impacts of cyber bullying in the digital age;
- developing a strategy to ensure that seniors are educated and safeguarded against fraud;
- the need for diversity in the members of the Durham Regional Police Service to ensure that police are representative of the community they serve and protect;
- speeding concerns from traffic around the Whitby GO Transit Station;
- recognition for the work completed by the Durham Regional Police Service and the resources they have committed to downtown Whitby;
- the importance of working with municipalities to create awareness about the dangers associated with distracted driving; and,
- the need to combat the normalization of firearms in the Town's urban areas.

3.3 Colin Thomson and Clint Scott representing Pickering Auxiliary Rescue Association

Re: 2018 Review and Strategic Plan for 2019

Clint Scott, representing Pickering Auxiliary Rescue Association, appeared before Council and provided a PowerPoint presentation regarding the Strategic Plan for 2019 and a review of 2018.

Highlights of the presentation included:

- the benefit of the funding provided by the Mayor's Community Development Fund in 2018;
- volunteers with the Association committed 7,700 hours of time to serving the community in 2018;
- an analysis of population growth in the Region of Durham versus the number of search and rescue calls;
- an overview of the Association's strategic and business plans;
- an overview of the Association's community awareness programs;
- the Association's strategy to engage the community;
- the need to procure a vessel capable of operating in near shore conditions; and,
- the future need to procure a replacement primary vessel for the Association.

A question and answer period ensued between Mr. Scott and Members of Council regarding the most common calls for service, the geographic limits of the area served by the Association, opportunities to raise the Association's profile within the Region of Durham, and how boaters can contact the Association in the event of an emergency.

4. Delegations

4.1 There were no delegations.

5. Correspondence

5.1 That the following requests be endorsed:

- February 2019 - Black History Month
- February 5, 2019 - Chinese New Year
- March 14, 2019 - Pi Day of Giving to the University of Ontario Institute of Technology
- April 2, 2019 - World Autism Day
- May 2019 - Huntington Disease Awareness Month
- April 2 to 5, 2019 - Flag Raising - World Autism Day
- May 9 to 13, 2019 - Flag Raising - Huntington Disease Awareness

Resolution # 47-19

Moved By Councillor Newman
Seconded By Councillor Alexander

That the proclamations for Black History Month, Chinese New Year, Pi Day of Giving to the University of Ontario Institute of Technology, World Autism Day, Huntington Disease Awareness Month, and the flag raisings for World Autism Day and Huntington Disease Awareness, be endorsed.

Carried

6. Committee of the Whole Report
Planning and Development - February 4, 2019

- 6.1 Planning and Development Department Report, PL 19-19
Re: Draft Plan of Condominium – 2500564 Ontario Limited (o/a Golden Falcon Homes), 4070 and 4080 Garrard Road, File CW-2018-02

Resolution # 48-19

Moved By Councillor Roy
Seconded By Councillor Newman

1. That Council approve the application for a Draft Plan of Condominium (CW-2018-02) subject to the comments included in Planning Report PL 19-19 and the conditions of draft plan approval included in Attachment # 4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement for the subject property; and,
3. That the Clerk advise the Commissioner of Planning at the Region of Durham of Council's decision.

Carried

- 6.2 Planning and Development Department Report, PL 20-19
Re: Variance to the Permanent Sign By-law for a Menu Board Sign at 75 Consumers Drive, File SB-01-19

Resolution # 49-19

Moved By Councillor Roy
Seconded By Councillor Newman

That Council approve a variance to the Town of Whitby Permanent Sign By-law # 7379-18 for Permit World Consulting Services Inc. (Starbucks)

at 25 Consumers Drive, to permit one (1) menu board sign with an area of 1.86 square metres.

Carried

7. Committee of the Whole Report
General Government - February 4 and 11, 2019

7.1 Office of the Chief Administrative Officer Report, CAO 05-19
Re: Corporate Rebrand Project, Phase Two - Final Report

It was the consensus of Council to refer consideration of this Item to Item 9.1.

7.2 Corporate Services Department Report, CS 13-19
Re: Reporting Requirement Per Ontario Regulation 284/09

Resolution # 50-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

That Report CS 13-19 of the Commissioner of Corporate Services/Treasurer be received as information.

Carried

7.3 Community and Marketing Services Department Report, CMS 05-19
Re: Seniors Programming Changes – Seniors Van Service and Seniors' Activity Centre Hours of Operation

Resolution # 51-19

Moved By Councillor Newman
Seconded By Councillor Leahy

1. That Council approve discontinuing the Whitby Seniors' Van Service in September 2019;
2. That Staff be directed to retain the Seniors' Van until such time as alternative uses and the continuation of sponsorship have been explored;
3. That Staff be directed to report back to Council by Q3 2019; and,
4. That the adjusted hours of operation for the Whitby Seniors'

Activity Centre on Saturday and Sunday effective July 2019 be received as information.

Carried

- 7.4** Community and Marketing Services Department, Corporate Services Department and Planning and Development Department Joint Report, CMS 07-19
Re: 128 Brock Street South

Resolution # 52-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That Council declare Part of Lots 31 and 32, Plan H-50032, 1st 1. Double Range, being Part 1, Plan 40R-12663, and know municipally as 128 Brock Street South, as shown on the sketch identified in the appendix to this report, surplus to its needs;
2. That in accordance with the provision of the Municipal Act, 2001, and the Town of Whitby's Acquisition, Sale or Other Disposition of Land Policy and By-law, the Town give notice of its intention to sell the subject property by placing an advertisement in the newspaper, post notice on the Town's website and post a sign on the property for not less than ten days;
3. That the Terms of Reference for the Expression of Interest (EOI) for the redevelopment of the municipally owned property at 128 Brock Street South be approved;
4. That the EOI be issued and staff report back on the submissions received and the preferred candidate(s) recommended to move to the next phase of the project;
5. That item MD 3454 be lifted from the New and Unfinished Business – General Government; and,
6. That the Mayor and Clerk be authorized to execute the necessary documents to give effect thereto.

Carried

- 7.5** Community and Marketing Services Department Report, CMS 09-19
Re: Court Fees, Whitby Minor Sport Organizations Field Fees, Arena Floor Fees, Lacrosse Box Fees

Resolution # 53-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That Council approve the proposed Minor Sport Organizations Field Fees, Court Fees, Arena Floor Rental Fees, and Lacrosse Box Fees for 2019 and 2020 as outlined in Attachment 1;
2. That Staff be directed to meet with the Whitby Tennis Club to discuss the potential of an operating and capital agreement for the use of the Iroquois Park Sports Centre tennis courts;
3. That the Clerk be authorized to amend the Consolidated Fees and Charges By-law # 7220-17 to include the Community and Marketing Services Fees Schedule attached to the staff report; and,
4. That item MD- 4735 pertaining to CMS 03-19 2019 Programs and Services Fees be lifted from the New and Unfinished Business list.

Carried

- 7.6** Public Works Department Report, PW 05-19
Re: 2019 Community Waste Event

Resolution # 54-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

That report PW 05-19 be received as information.

Carried

- 7.7** Office of the Town Clerk Report, CLK 02-19
Re: Council-Staff Relations Policy

Resolution # 55-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

That the Council-Staff Relations Policy appended to Report CLK 02-19 as Attachment #1 be approved.

Carried

- 7.8** Correspondence # 2019-132 received by the Town Clerk from Karey Anne Large, Downtown Whitby Business Improvement Area dated January 2, 2019 regarding the Downtown Whitby Business Improvement Area's 2019 Proposed Budget, Disbursement Schedule and Request for In-Kind Contributions by the Town.

Resolution # 56-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That the Downtown Whitby BIA request for in-kind contributions by the Town be referred to staff to report back on resource implications; and,
2. That the Clerk be directed to bring forward a by-law to approve the levy for the 2019 Downtown Whitby Business Improvement Area budget.

Carried

- 7.9** Correspondence # 2019-105 received by the Town Clerk from Eric Davie, Canada Cone Inc. dated January 27, 2019 regarding a request for Ice Cream Bicycles in the Town of Whitby.

Resolution # 57-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That Correspondence # 2019-105 received by the Town Clerk from Eric Davie, Canada Cone Inc. dated January 27, 2019 regarding a request for Ice Cream Bicycles in the Town of Whitby be received for information; and,
2. That Staff be directed to bring forward a report to introduce amendments to the Refreshment Vehicle By-law in order to permit ice cream and frozen treat vehicles, including bicycles, in residential areas, subject to general conformity with refreshment vehicle licensing requirements.

Carried

7.10 Public Works Department Report, PW 1-19
Re: Review of Solid Waste Services

Resolution # 58-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That Council receives this report;
2. That staff report to Council following the outcome of a Request for Information (RFI) to determine contractor interest for short term and long term waste collection service for new West Whitby and Brooklin developments;
3. That subject to the outcome of the RFI, staff report back to Council for any associated approvals necessary to issue a Request for Proposal for future contracted services and recommendations for the strategic implementation plan for Waste Collection Service; and,
4. That staff continue to proceed with refining the implementation of the recommendations of the Solid Waste Management Review November 2018 (updated January 3 for accessibility), subject to the necessary Council and budgetary approvals.

Carried

7.11 Public Works Department, Community and Marketing Services
Department and Planning and Development Department Joint Report,
PW 06-19
Re: Ontario Municipal Act – Tree Canopy Policies

Resolution # 59-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That for the purpose of complying with Section 270 (1) (7) of the Municipal Act, Council hereby acknowledges the policies as described in Section 4 of Report PW 06-19, and as outlined in detail in Attachments 1 to 17, as may be amended or replaced from time to time, as the Town's policies to protect and enhance the tree canopy and natural vegetation in the municipality; and,
2. That the Public Works Forestry Group provide semi annual updates to Council on the status of Forestry, and its related tree management programs, as well as any relevant educational

opportunities.

Carried

- 7.12** Public Works Department Report, PW 08-19
Re: Des Newman Boulevard Grade Separation - Status Update

Resolution # 60-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That Report PW 08-19 be received for information;
2. That Council approve the advancement of up to \$1,129,609.48 (plus taxes) for earthworks related the Des Newman CP Rail Grade Separation Project from the 2020 budget;
3. That Council authorize the Des Newman CP Rail Grade Separation environmental compensation be undertaken by the West Whitby Landowner Group (WWLG) as part of the overall West Whitby compensation work currently being undertaken by the WWLG, and be paid at such time that costs are confirmed and the required environmental works are constructed;
4. That staff continue to provide regular status updates to Council on the grade separation project; and,
5. That the Commissioner of Public Works and the Treasurer be authorized to execute such additional documents that are necessary to give effect to the recommendations in Report PW 08-19 that were not otherwise previously delegated to staff.

Carried

- 7.13** Corporate Services Department Report, CS 11-10
Re: 2018 Investment Report

Resolution # 61-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

That Report No. CS 11-19 of the Commissioner of Corporate Services/Treasurer be received for information.

Carried

7.14 Corporate Services Department Report, CS 14-19
Re: Application for Cancellation, Reduction, Adjustment and/or Refund
of Taxes

Having previously declared a conflict of interest, Mayor Mitchell vacated the Chair for this portion of the meeting and did not take part in discussion or vote on the matter.

Deputy Mayor Mulcahy assumed the Chair.

Resolution # 62-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

That applications for cancellation, reduction, adjustment and/or refund of taxes be approved as listed in this report, in the amount of \$3,428,008.59 for the taxation years 2010 to 2018 inclusive.

Carried

Mayor Mitchell resumed the Chair.

7.15 Corporate Services Department Report, CS 15-19
Re: Update on Outstanding Assessment Appeals

Resolution # 63-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That Report CS 15-19 be received as information; and,
2. That Town Staff will continue to report annually on the outstanding assessment appeals.

Carried

7.16 Office of the Chief Administrative Officer Report, CAO 09-19
Re: 2018 Corporate Sick and Overtime Utilization

Resolution # 64-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

That CAO Report 09-19 regarding 2018 Corporate Sick and Overtime Utilization be received as information.

Carried

- 7.17** Legal and By-law Services Department Report, LS 06-19
Re: Noise By-law Exemption Request – All Seniors Care

Resolution # 65-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

That Council deny the request from All Seniors Care and Pomerleau Inc. for an exemption from the Town of Whitby Noise By-law # 6917-14, as attached to Report LS 06-19.

Carried

- 7.18** Review of Social Media Policy CA 020

Resolution # 66-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That Staff be directed to review Social Media Policy CA 020 against best practices in the municipal and public sector and bring forward any amendments to the Policy arising from such a review;
2. That as part of the draft Corporate Media Relations Policy referral in accordance with New and Unfinished Business item MD 4208, that Staff be directed to bring forward the updated media relations policy at such time as the Social Media Policy review is completed; and,
3. That Staff be directed to explore opportunities for a social media and media relations education and training session with Council.

Carried

8. Notice of Motion

8.1 There were no notices of motion.

9. New and Unfinished Business

9.1 Office of the Chief Administrative Officer Report, CAO 10-19
Re: Corporate Rebrand Project, Phase Two - Alternate Options

A question and answer period ensued between Town Staff and Members of Council regarding:

- the importance of residents being involved in selecting a new Town logo;
- the creation of a selection committee to evaluate alternate logo designs;
- the possibility of an award being provided to the creator of the winning logo design;
- the ability to exclude the current brand and create two new branding options with two new logo designs;
- conducting additional consultation with the community and capping the costs associated with consultation;
- the types of community consultation that could be undertaken;
- if staff could provide an interim report about community engagement tactics;
- if the community could vote to choose the final logo;
- the financial benefit of looking at options to modify the proposed logo;
- the total costs associated with proceeding with alternative logo designs;
- the possibility of incorporating blue and gold into a logo as these colours are common for youth sports teams, youth groups, and schools in the community;
- if Staff could report back to refine the total cost of the brand project, including costs for community engagement and consultation;
- that abstract logos result in negative feedback initially and that it takes time for people to begin to identify with a logo;
- that there has been some positive feedback from community members who have brand experience; and,
- that financial constraints should not influence this process and Whitby's brand is very important moving forward in order to effectively market and promote the Town.

Moved By Councillor Leahy

Seconded By Councillor Shahid

1. That Report CAO 10-19 be received for information; and,
2. That Council adopt the Recommendations set out in Option 2 in Section 4 of Report CAO 10-19.

Carried later in the meeting [see following motion]

Moved By Councillor Mulcahy

Seconded By Councillor Roy

That Item 2 of the main motion be amended by adding the following after 'CAO 10-19':

with an open house for the purpose of community wide consultation; and,

That the main motion be amended by adding the following as Item 3:

That Staff report back with timing and firm costing to execute the proposed consultation tactics.

Carried

The main motion, as amended, was then carried as follows:

Resolution # 67-19

Moved By Councillor Mulcahy

Seconded By Councillor Roy

1. That Report CAO 10-19 be received for information;
2. That Council adopt the Recommendations set out in Option 2 in Section 4 of Report CAO 10-19 with an open house for the purpose of community wide consultation; and
3. That Staff report back with timing and firm costing to execute the proposed consultation tactics.

Carried

- 9.2** Legal and By-law Services, Planning and Development Department and Office of the Town Clerk Joint Report, LS 07-19
Re: Town Brewery "Manufacturer's Tied House Licence" Application to the AGCO

A brief discussion ensued regarding a meeting that took place between the business owners, Town Staff and certain Members of Council for the purpose of discussing the success of the business and the need to control noise associated with its operation.

Resolution # 68-19

Moved By Councillor Roy
Seconded By Councillor Leahy

1. That staff be authorized to send the letter attached to Report LS 07-19 to Town Brewery; and,
2. That staff take all necessary steps to carry out the options contained in the attached letter.

Carried

10. By-Laws

That the following by-laws be passed:

- 10.1** By-law # 7477-19, being a by-law to authorize the sale of the lands municipally known as 580 Water Street, Whitby, Ontario and legally described in Schedule "A" attached hereto.
Refer to Report CMS 08-19
- 10.2** By-law # 7478-19, being a by-law to dedicate Block 165 on Plan 40M-2636 (the "Plan") as public highway. (Marlborough Street)
- 10.3** By-law # 7479-19, being a by-law to dedicate Blocks 199, 200, 201 and 202 on Plan 40M-1598 (the "Plan") as public highways. (Deverell Street, Lofthouse Drive, Dehart Drive and Dryden Boulevard)
- 10.4** By-law # 7480-19, being a by-law to dedicate Blocks 113 and 114 on Plan 40M-12362 (the "Plan") as public highways. (Barnabas Street and Morningstar Avenue)
- 10.5** By-law # 7481-19 being a by-law to amend the Fees and Charges By-law # 7220-17.
Refer to Report CMS 09-19
- 10.6** By-law # 7483-19, being a by-law to assume Promenade Drive and Dobosky Court as shown on Plan 40M-2408, as public highways.

[784534 Ontario Inc., (Denoble Homes) SW-2005-02]

- 10.7** By-law # 7483-19, being a by-law to amend By-law # 1862-85, to regulate traffic on highways in the Town of Whitby. (Schedule N – Stop Signs)

Resolution # 69-19

Moved By Councillor Leahy
Seconded By Councillor Newman

That leave be granted to introduce By-laws # 7477-19 to # 7483-19 and to dispense with the reading of the by-laws by the Clerk and that the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

11. Confirmatory By-Law

11.1 Confirmatory By-Law

Resolution # 70-19

Moved By Councillor Leahy
Seconded By Councillor Newman

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 February 19, 2019 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

12. Adjournment

12.1 Motion to Adjourn

Moved By Councillor Lee
Seconded By Councillor Alexander

That the meeting adjourn.

Carried

The meeting adjourned at 8:28 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor