

REGULAR COUNCIL MINUTES

May 6, 2013 -7:00 pm

Council Chambers

Whitby Municipal Building

Present: Mayor Perkins
Councillor Coe
Councillor Drumm
Councillor Emm
Councillor Hanson
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
L. Doughty, Deputy Clerk

Regrets: None noted

1. DECLARATIONS OF PECUNIARY INTEREST

- 1.1 Councillor Mitchell made a declaration of pecuniary interest under the Municipal Conflict of Interest Act with respect to Item 6.10, Corporate Services/Public Works Report, CS 30-13 re: Supply and Delivery of Pressure Treated Wood (T-572-213) as this is a product that is available for sale at his business. Councillor Mitchell did not take part in the vote on the matter.

2. ADOPTION OF MINUTES

- 2.1
- Regular Council - April 22, 2013
 - Special Council - April 29, 2013

Resolution No. 204-13

Moved By Councillor Coe
Seconded By Councillor Roy

That the minutes be adopted.

CARRIED

3. DELEGATIONS/PRESENTATIONS

3.1 There were no delegations or presentations.

4. CORRESPONDENCE

4.1 Petition for "No Sidewalk on Henry Street East Side, Whitby" from Residents of Henry Street, Trent Street West, St. John Street West, Ontario Street West and Colborne Street West, received April 22, 2013

Discussion ensued regarding the report. Staff were asked to review any by-laws relating to local streets, as it relates to sidewalks on both sides.

Resolution No. 205-13

Moved By Councillor Coe
Seconded By Councillor Emm

That the petition for "No Sidewalk on Henry Street East Side, Whitby" from Residents of Henry Street, Trent Street West, St. John Street West, Ontario Street West and Colborne Street West, received April 22, 2013, be received and referred to Administration.

CARRIED

4.2 That the following requests be proclaimed:

- Hunger Awareness Week - May 6 - 10, 2013
- Parapan Am Day - August 7, 2013
- World Oceans Week - June 1 - 8, 2013

That the following flag raising be approved:

- Parapan Am Day - August 7, 2013

Resolution No. 206-13

Moved By Councillor Coe
Seconded By Councillor Montague

That the requests for proclamations for Hunger Awareness Week - May 6 - 10, 2013; Parapan Am Day - August 7, 2013 and World Oceans Week - June 1 - 8, 2013; and the request for flag-raising on Parapan Am Day - August 7, 2013 be endorsed.

CARRIED

5. PLANNING & DEVELOPMENT COMMITTEE

Report No. 6 of the Planning & Development Committee - April 29, 2013

5.1 Planning Report, PL 46-13

Re: Applications for Official Plan Amendment, Draft Plan of Subdivision and Zoning by Whitby (Brock and Rossland) Developments Inc. (OPA-2008-W/12, SW-2008-03, Z-23-08) Northeast intersection of Brock Street and Rossland Road

Resolution No. 207-13

Moved By Councillor Emm

Seconded By Councillor Montague

1. That Council approve the application to amend the Town of Whitby Official Plan (file OPA-2008-W/12) as Amendment No. 97, subject to the comments and conditions contained in Planning Report, Item No. PL 46-13;
2. That a By-law to adopt Official Plan Amendment No. 97 be brought forward for consideration by Council;
3. That the Clerk forward a copy of Planning Report, Item PL 46-13, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Official Plan Amendment No. 97 to the Region of Durham;
4. That Council approve Draft Plan of Subdivision (SW-2008-03) as shown on Attachment #3 and Zoning Application (Z-23-08) subject to the conditions of approval contained in Section 8.0 of Planning Report Item PL 46-13;
5. That a By-law to amend Zoning By-law No. 1784 be brought forward for consideration by Council;
6. That staff be authorized to prepare a subdivision agreement;
7. That the Mayor and Clerk be authorized to execute the subdivision agreement;
8. That the Clerk forward a Notice of Decision to those persons and agencies who had requested to be notified of Council's decision; and,
9. That Council appoint the firm of Williams & Stewart Associates as Control Architect for the subdivision plan.

CARRIED

- 5.2** Planning Report, PL 47-13
Re: Downtown Whitby Heritage Conservation District Study - Phase 1
Recommendation Report

Resolution No. 208-13

Moved By Councillor Emm
Seconded By Councillor Montague

1. That Planning Report Item PL 47-13 regarding the Downtown Whitby Heritage Conservation District Study, dated April 29, 2013 be received as information;
2. That Town Staff develop and implement a communications program to provide residents and property owners in each of the three proposed districts with comprehensive information on Heritage Conservation Districts (HCDs) and address issues and comments that have arisen to date. This program could include pamphlets, newsletters, and community-based meetings;
3. That the process of addressing the potential designation of three individual Heritage Conservation Districts does not occur simultaneously but through stepped implementation with each of the individual identified prospective HCD's over time subject to approval of Town Council; and
4. That, after a communications program is undertaken, a public workshop program commence for Phase 2 (Plan and Guidelines) for the prospective Heritage Conservation District Plan called Werden's Plan Neighbourhood District.
5. That Town Staff report back to Council in the fall of 2013 on the outcome of efforts to build consensus around the contents of a Heritage Conservation District plan for Werden's Plan Neighbourhood District prior to any such plan being finalized for the consideration for adoption by Council.

CARRIED

- 5.3** Planning Report, PL 48-13
Re: Site Plan Application - Whitby Entertainment Holdings Inc. Addition to Existing Chuck-E-Cheese (SP-03-13) 75 Consumers Drive (Building 'J')

Resolution No. 209-13

Moved By Councillor Emm
Seconded By Councillor Montague

1. That Council approve site plan application (SP-03-13) subject to the conditions of approval contained in Section 8.0 of Planning Report, PL 48-13; and,
2. That the Mayor and Clerk be authorized to execute any necessary documents.

CARRIED

- 5.4** Planning Report, PL 49-13
Re: Application to Amend Zoning By-law Kiya Developments Inc. (Z-05-13) 3549 Garrard Road

Resolution No. 210-13

Moved By Councillor Emm
Seconded By Councillor Montague

1. That Council approve zoning application (Z-05-13), subject to the conditions contained in Section 8.0 of Planning Report PL 49-13; and,
2. That the amending By-law be brought forward for Council's approval.

CARRIED

- 5.5** Planning Report, PL 50-13
Re: Earth Hour 2013 Results - Town of Whitby

Resolution No. 211-13

Moved By Councillor Emm
Seconded By Councillor Montague

1. That Planning Report Item No. PL 50-13, regarding the Town of Whitby's participation in Earth Hour on March 23, 2013 be received as information; and,
2. That a copy of this report be forwarded to the Durham District School Board, Durham Catholic District School Board, Whitby Hydro, Whitby Library Board, the Station Gallery, Whitby Chamber of Commerce, Abilities Centre and the Durham Region Astronomical Association.

CARRIED

- 5.6** Planning Report, PL 51-13
Re: Application for Zoning By-law Amendment and Site Plan Approval
for H.N. Construction Ltd. (Office Building) (Z-17-12 & SP-12-12) 1550
Dundas Street East

Resolution No. 212-13

Moved By Councillor Emm
Seconded By Councillor Montague

1. That Council approve zoning application (Z-17-12) and site plan application (SP-12-12) subject to the conditions of approval contained in Section 8.0 of Planning Report Item PL 51-13;
2. That the amending By-law be brought forward for Council's approval; and,
3. That the Mayor and Clerk be authorized to execute any necessary documents.

CARRIED

- 5.7** Planning Report, PL 52-13
Re: Site Plan Application - Jarek Baginski - Single Family Dwelling
Within Hazard Land and Environmentally Sensitive Area Designated
Lands (SP-15-11) 605 Lyndebrook Road

Resolution No. 213-13

Moved By Councillor Emm
Seconded By Councillor Montague

1. That Council approve site plan application (SP-15-11) subject to the conditions of approval contained in Section 8.0 of Planning Report, PL 52-13;
2. That the Mayor and Clerk be authorized to execute any necessary documents; and,
3. That the requirement for the 3.0 metre road widening not be required as a condition of approval.

CARRIED

- 5.8** Planning Report, PL 53-13

Re: Removal of a Site Plan Agreement from the Title of Block 2, Plan 40M-2383 (SP-12-09)

Resolution No. 214-13

Moved By Councillor Emm
Seconded By Councillor Montague

1. That Council approve the request to remove a site plan agreement from the title of Block 2, Plan 40M-2383.
2. That the vendor of the property be responsible for all fees associated with the removal of the agreement.

CARRIED

6. OPERATIONS COMMITTEE

Report No. 6 of the Operations Committee - April 30, 2013

6.1 Corporate Services Report, CS 34-13

Re: Consideration of Changes to the Discharge of Firearms By-law No. 6646-12 and Possible Reinstatement of Legalized Hunting in Designated Areas of the Town of Whitby

This item was referred back at Committee.

6.2 Community and Marketing Services Report, CMS 05-13

Re: 2013 Whitby Harbour Day - Port Whitby Marina

Resolution No. 215-13

Moved By Councillor Mitchell
Seconded By Councillor Drumm

1. That Council approve the recommendations of the Whitby Harbour Day Committee of Council regarding the proposed activities as outlined in Community and Marketing Services Report CMS 05-13 for Whitby Harbour Day;
2. That Council approve Whitby Harbour Day being held on Saturday, July 27, 2013 at Port Whitby Marina in partnership with the Whitby Yacht Club; and,
3. That Council authorize Staff to request approval from the Region of Durham for the Town of Whitby to undertake a road closure on Brock Street South for the duration of the Dentistry on Dundas fireworks display.

CARRIED

- 6.3** Community and Marketing Services Report, CMS 20-13
Re: Bocce Courts - Request by the Whitby Social Activity Club for
Booking of Courts and Use of Community Space - Bocce Courts Cullen
Central Park

This item was referred back at Committee.

- 6.4** Community and Marketing Services Report, CMS 22-13
Re: Signage to Recognize the Whitby Dunlops - 1958 World Ice Hockey
Champions - Iroquois Park Sports Centre

Resolution No. 216-13

Moved By Councillor Mitchell
Seconded By Councillor Drumm

1. That Council approve the naming of the driveway at Iroquois Park Sports Centre from Henry Street to Victoria Street the 'Whitby Dunlops World Champions Way'; and,
2. That Council approve the proposed sign design and installation locations at each of the entrances into Iroquois Park Sports Centre located at Henry Street and Victoria Street (refer to Attachments No. 1 and 2).

CARRIED

- 6.5** Community and Marketing Services Report, CMS 23-13
Re: After School Program Fund - Provincial Ministry of Tourism, Culture
and Sport

Congratulations were extended to staff for their excellent initiative in developing after school programs.

Resolution No. 217-13

Moved By Councillor Mitchell
Seconded By Councillor Drumm

1. That Community and Marketing Services Department Report CMS 23-13 pertaining to the After School Program Fund from the Provincial Ministry of Tourism, Culture and Sport, be received as

- information; and,
2. That Council authorize Staff to make an application to the After School Program Fund for the introduction of an after school program at E.A. Fairman Public School and an expansion of the existing after school program at John Dryden Public School, as outlined in the staff report.

CARRIED

6.6 Community and Marketing Services Report, CMS 24-13
Re: 2013 Summer Special Events

Resolution No. 218-13

Moved By Councillor Mitchell
Seconded By Councillor Drumm

1. That Community and Marketing Services Department Report CMS 24-13 regarding the proposed Summer Special Events Program and Schedule be received as information;
2. That Council endorse the recommended 2013 Summer Special Events Program and Schedule; and,
3. That Council recognize and thank the sponsors and community organizations that support the Summer Special Events offered by the municipality.

CARRIED

6.7 Community and Marketing Services Report, CMS 25-13
Re: Heart Wise Exercise Program Network

Resolution No. 219-13

Moved By Councillor Mitchell
Seconded By Councillor Drumm

That Council authorize the Community and Marketing Services Department to apply to become a partner of the Greater Toronto Area Heart Wise Exercise Program Network.

CARRIED

6.8 Community and Marketing Services Report, CMS 26-13

Re: TO2015 Pan and Parapan American Games - Town of Whitby - Abilities Centre

Resolution No. 220-13

Moved By Councillor Mitchell
Seconded By Councillor Drumm

That Community and Marketing Services Department Report CMS 26-13 regarding the TO2015 Pan and Parapan American Games be received as information.

CARRIED

- 6.9** Corporate Services/Community and Marketing Services Joint Report, CS 26-13
Re: Majestic Park Construction (T-4-2013) Majestic Street in Lynde Shores Community

Resolution No. 221-13

Moved By Councillor Mitchell
Seconded By Councillor Drumm

1. That the Town of Whitby accept the low tender bid of Melfer Construction Inc. in the amount of \$150,442.48 (excluding taxes) for all labour, materials and equipment necessary to complete the construction of Majestic Park;
2. That the total estimated cost in the amount of \$179,313.27 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

- 6.10** Corporate Services/Public Works Joint Report, CS 30-13
Re: Supply and Delivery of Pressure Treated Wood (T-572-2013)

As he had previously declared a pecuniary interest in this item of business, Councillor Mitchell did not vote on the matter.

Resolution No. 222-13

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That the Town of Whitby accept the low tender of Fairway Building Supply in the amount of \$123,781.90 (excluding taxes) for the supply and delivery of pressure treated wood as required by the Town of Whitby; and,
2. That approval be granted to extend this contract for up to two (2) additional one (1) year terms subject to budget approval, suppliers annual performance, timely delivery and satisfactory product quality; and,
3. That the total estimated cost in the amount of \$125,960.46 be approved; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

- 6.11** Corporate Services/Planning Joint Report, CS 31-13
Re: Hanging Flower Basket/Planter Maintenance (T-528-013)

Resolution No. 223-13

Moved By Councillor Mitchell
Seconded By Councillor Drumm

1. That the Town of Whitby accept the tender of Code Property Services in the net amount of \$17,340.00 (plus applicable taxes) for the first year of a three year contract, for the maintenance of hanging flower baskets and planters.
2. That approval be granted to extend the agreement for an additional two (2) one (1) year terms based on the company's satisfactory annual performance, product quality and service, as well as the Town's annual budget approval. Pricing shall remain firm for the duration of the contract.
3. That the total estimated 2013 project costs for the Town of Whitby in the amount of \$17,645.18 be approved; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

- 6.12** Corporate Services Report, CS 37-13
Re: Applications for Cancellation, Reduction, Adjustment and/or Refund

of Taxes

Resolution No. 224-13

Moved By Councillor Mitchell
Seconded By Councillor Drumm

That applications for cancellation, reduction, adjustment and/or refund of taxes be approved as listed in this report, in the amount of \$3,017,360.84 for the taxation years 2001 to 2012 inclusive.

CARRIED

- 6.13** Corporate Services Report, CS 38-13
Re: To Authorize the Supervisor of Revenue and Assessment Review Officer to Appeal Selected Property Assessments on Behalf of the Town of Whitby

Resolution No. 225-13

Moved By Councillor Mitchell
Seconded By Councillor Drumm

That Council authorize the Supervisor of Revenue and the Assessment Review Officer to file a Notice of Complaint, on behalf of the Town of Whitby, for the assessment values on certain properties within the Town of Whitby, as set out in Corporate Services Report, Item 38-13.

CARRIED

- 6.14** Corporate Services Report, CS 41-13
Re: 2013 Final Tax Billing

Resolution No. 226-13

Moved By Councillor Mitchell
Seconded By Councillor Drumm

1. That the tax rates for the year 2013 General Municipal Town Levies be approved as indicated in Schedule "A", attached;
2. That the tax due dates for the final tax bills for the Residential, Farmland, Pipeline and Managed Forest tax classes be June 21st, 2013 and September 24, 2013;

3. That the Treasurer be authorized to set the appropriate due dates for the capped tax classes (Commercial, Industrial and Multi-Residential) once all billing factors are known; and
4. That a By-law be brought forward to set the Town of Whitby due dates and levy rates for 2013 in accordance with the approved budgets and regulations.

CARRIED

6.15 Public Works Report, PW 19-13

Re: Traffic Operational Review of Trent Street and Dunlop Street - Downtown Whitby

Discussion ensued regarding the report and an overall traffic operations strategy that would allow for the development of traffic management strategies to safely move traffic on Town streets; review of existing speed limits on streets, particularly in school zones; and to fully explain traffic control devices. The status of the Valleywood plan was also requested. S. Beale, Commissioner of Public Works confirmed that the Valleywood report will be forthcoming to the Operations Committee in June 2013. S. Beale also confirmed staff is commencing meetings with local school boards regarding school zone traffic strategies; and that staff are also looking at early designs for urbanization and will report to Operations Committee regarding these matters.

Resolution No. 227-13

Moved By Councillor Mitchell

Seconded By Councillor Drumm

1. That an All-Way Stop Control be installed in 2013 on Dunlop Street at Centre Street, Centre and Ontario Streets, and Centre and Trent Streets, prior to the reconstruction of Henry Street and installation of the new traffic signal on Henry Street at Burns Street and that the Traffic By-law be updated accordingly.
2. That centreline and painted buffer line pavement markings be installed in 2013 along Dunlop Street from east of Henry Street to west of Brock Street.
3. That new stop bar and directional pavement markings be installed in 2013 at the existing King Street, Centre Street and Byron Street stop controlled intersections connecting to Trent Street.
4. That staff begin in 2013 the preliminary design for the future urbanization of Trent Street between Henry Street and Brock Street.
5. That staff continue to proactively enforce the 4:30-6:00 pm No Parking Restriction on Dundas Street and consult with adjacent

property owners/tenants on expanding the time restriction (e.g. 3:00 to 7:00 pm) and converting the No Parking to No Stopping, particularly on the south side of the roadway between Byron Street and Brock Street.

6. That Durham Regional Police Services (DRPS) be requested to undertake proactive speed enforcement (including the use of radar message boards) during peak travel periods along Dunlop Street and in the Downtown area between Arthur Street/Dundas Street/Henry Street and Brock Street during the reconstruction of Henry Street.
7. That staff identify all intersections within the Town that do not have stop bar and directional dividing line pavement markings and incorporate the provisions for such in future budgets and work programs.
8. That staff undertake in 2013 auto and pedestrian volume, speed, vehicle classification and origin and destination data collection throughout the Downtown in preparation of the upcoming Traffic Operations Study and to provide "Before" condition data.
9. That staff closely monitor operating conditions at intersections within the area including along Trent Street and Dunlop Street throughout 2013/2014 particularly during the Henry Street construction.
10. That staff prepare a draft Terms of Reference for the proposed Downtown Traffic Operations Study and provide to Council for review and consideration in the Fall of 2013.
11. That a copy of the Report PW 19-13 be provided to the Durham Regional Police Services, Durham Transit, and Downtown Whitby Development Steering Committee.

CARRIED

- 6.16** Correspondence from M. Edwards
Re: Policy Exception Request, Tree Dedication Commemorative Program

Resolution No. 228-13

Moved By Councillor Mitchell
Seconded By Councillor Drumm

That the correspondence dated April 8, 2013 from M. Edwards regarding the policy exception request for the Tree Dedication Commemorative Program be referred to Administration with a response to be provided at the next Council meeting of May 6, 2013.

CARRIED

7. NOTICE OF MOTION

7.1 There were no notices of motion.

8. NEW AND UNFINISHED BUSINESS

8.1 Community and Marketing Services Department, CMS 29-13
Re: Request for Exemption to the Tree and Bench Dedication
Commemorative Program Policy - Civic Centre Park

Resolution No. 229-13

Moved By Councillor Drumm
Seconded By Councillor Roy

That Council approve the request from Margaret Edwards for an exemption to the Tree and Bench Dedication Commemorative Program Policy for the installation of a tree and bronze plaque within Civic Centre Park for the reasons outlined in the staff report and the attached correspondence.

CARRIED

8.2 Councillor Emm requested information regarding "fee for information" charges. K. Nix, Commissioner of Corporate Services confirmed fee for information charges have been included in the Fee By-law since 2006. These charges offset the cost for maintaining the assessment base and are consistent with other lakeshore municipalities.

8.3 Councillor Emm asked of the status of Item MD-0528 - Town of Whitby Fire Department - Water Rescues. M. Gerrard, Fire Chief confirmed more data collection and verification is required before the report is forthcoming.

8.4 Councillor Roy advised that Erin Guillemette of Junior Chamber International (Durham) was successful at the JCI America's competition and will now move forward to compete in the international conference in Rio de Janeiro.

8.5 Councillor Roy commented on the excellent Doors Open event held on May 4, 2013. She volunteered at Camp X and more than two hundred people visited the site.

- 8.6** Councillor Mitchell commented on the recent installation of temporary home services signage on local boulevards. Many of these companies are not local businesses. S. Beale, Commissioner of Public Works indicated that by-law enforcement are enforcing the Temporary Sign By-law and public works staff maintaining the boulevards for grass cutting will also remove temporary signs. Mayor Perkins indicated there are many sandwich board signs out in downtown Brooklin and asked that Councillor Hanson discuss this at the next Brooklin Downtown Development Steering Committee meeting.

9. **BY-LAWS**

That the following by-laws be passed:

- 9.1** By-law No. 6732-13, being a by-law to set and levy the rates of taxation for the year 2013 for Town of Whitby purposes and to set penalty and interest rates for unpaid taxes [Re: Corporate Services Report, CS 41-13]
- 9.2** By-law No. 6733-13, being a by-law to amend By-law No. 1784, as amended, being the Zoning By-law of the Town of Whitby [Re: 2309078 Ontario Limited - Z-19-12 - PL 41-13]
- 9.3** By-law No. 6734-13, being a by-law to designate certain portions of a registered plan of subdivision as not being subject to Part Lot Control [Re: Colin McLachlan - 100 Summerside - 40M-2415 - Block 31]

Resolution No. 230-13

Moved By Councillor Montague
Seconded By Councillor Roy

That leave be granted to introduce By-law Nos. 6732-13 to 6734-13, and to dispense with the reading of the by-laws by the Clerk and that the same be considered 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

10. **CONFIRMATORY BY-LAW**

- 10.1** Confirmatory By-law

Resolution No. 231-13

Moved By Councillor Drumm
Seconded By Councillor Mitchell

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 May 6, 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 Corporate be thereto affixed.

CARRIED

11. ADJOURNMENT

11.1 Motion to Adjourn

Resolution No. 232-13

Moved By Councillor Emm
Seconded By Councillor Hanson

That the meeting be adjourned.

CARRIED

The meeting adjourned at 7:25 p.m.

Debi A. Wilcox, Town Clerk

Patricia Perkins, Mayor