

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, NOVEMBER 17, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

PRESENT: Mayor Perkins

Councillors Coe, Drumm, Emm, Mitchell, Pitchforth, Roy and Scott

Mayor Perkins in the Chair

ALSO PRESENT: R. S. Petrie, Chief Administrative Officer
B. Short, Director of Planning
K. Nix, Director of Corporate Services/Treasurer
K. MacCarl, Fire Chief
S. Beale, Director of Public Works
P. LeBel, Director of Community and Marketing Services
S. Pohjola, Town Solicitor
B. Cordick, Manager of Operational Services
P. Jones, Town Clerk
M. Pettit, Deputy Clerk

1. DISCLOSURES OF INTEREST

None

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6119-08

RESOLUTION NO. 294-08

Councillor Emm, seconded by Councillor Drumm, moved for leave to introduce a by-law and to dispense with the reading of the by-law by the Clerk to adopt the minutes of the Special Meeting of Council held on October 27th at 7:00 p.m., the Regular Meeting of Council held on October 27th at 8:00 p.m., and the Special Meeting of Council held on November 3rd, 2008 at 4:00 p.m. and that the same be considered read a first, second and third time and finally passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

By-law No. 6119-08 considered read a first, second and third time and finally passed.

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3. PRESENTATIONS

- (i) Recognition of The Whitby Chiefs Pee Wee AAA Baseball Team as Ontario
Baseball Champions for the Fourth consecutive year

Mayor Perkins, Councillor Scott, Chair of Community and Marketing Services and Peter LeBel, Director, Community and Marketing Services shared in recognizing The Whitby Chiefs Pee Wee AAA Baseball team.

- (ii) Recognition of The Whitby Chiefs Senior Rookie Baseball Team as Baseball
Ontario Rookie AAA Provincial Champions

Mayor Perkins, Councillor Scott, Chair of Community and Marketing Services and Peter LeBel, Director, Community and Marketing Services shared in recognizing The Whitby Chiefs Senior Rookie Baseball Team.

- (iii) Recognition of John Ewles as a newly Licensed Truck and Transport Mechanic

Mayor Perkins, Councillor Mitchell, Chair of Public Works, Suzanne Beale, Director of Public Works and Brian Cordick, Manager of Operational Services shared in recognizing John Ewles and his accomplishment.

- (iv) Recognition of Leo Larkin and Rob Carson for their Design of Two Stream Waste
Trucks

Mayor Perkins, Councillor Mitchell, Chair of Public Works, Suzanne Beale, Director of Public Works and Brian Cordick, Manager of Operational Services shared in recognizing Leo Larkin and Rob Carson for their design of a safer, more efficient truck.

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4. CORRESPONDENCE

- (ii) CORR 21-08
Letter from Tom Edwards, Chair – Whitby Advisory Committee for Seniors
regarding Full Service Gas Stations
-

RESOLUTION NO. 295-08

MOVED by Councillor Emm
Seconded by Councillor Drumm

That correspondence Item CORR 21-08 be referred to the Director of Planning for consideration in the development of a report on the issue of full service gas stations in Whitby, such report having been requested by Council at its September 15, 2008 meeting.

CARRIED

5. STANDING COMMITTEES

- (a) Planning and Development Committee – November 3, 2008
Report Recommendations to Council
-

4.2 Planning Report, Item PL 134-08
Re: Committee of Adjustment Honorariums

COUNCIL DECISION

That Council adopt a By-law to increase the rates for Committee of Adjustment Honorariums to \$65.00 per Member and \$75.00 per Chair.

4.3 Planning Report, Item PL 136-08
Re: Appointment of Control Architect – Whitby By The Lake Inc.

COUNCIL DECISION

1. That Council appoint Mr. David Stewart of Williams and Stewart Associates as Control Architect for the subdivision plan; and,
2. That the Developer and Mr. Stewart be advised of Council's approval and the Developer's financial obligations as set out in Planning Report, Item No. PL 136-08.

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5(a). (Continued)

4.4 Planning Report, Item PL 138-08

Re: Site Plan Application – Whitby Entertainment Holdings Inc
Hockey Life – Building “U”

COUNCIL DECISION

1. That Council approve site plan application (SP-32-08) subject to the comments and conditions contained in Planning Report, PL 138-08; and,
2. That the Mayor and Clerk be authorized to execute the site plan agreement.

5.1 Appointment of Control Architects

COUNCIL DECISION

That staff report back to Committee with a report outlining a list of qualified architects to be considered by the development industry for the purpose of providing architectural control services for plans of subdivision in the Town of Whitby.

RESOLUTION NO. 296-08

MOVED By Councillor Drumm
Seconded by Councillor Mitchell

That Council adopt the recommendations set out in Item Nos. 4.1 through 4.4, inclusive, and Item 5.1 as contained in the minutes of the meeting of the Planning and Development Committee held on November 3, 2008, save and except Item No. 4.1 thereof.

CARRIED

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5(a). (Continued)

4.1 Planning Report, Item PL 109-08

Re: Staff Report – Downtown Whitby Development Steering Committee
(DWDSC) – 2007 Report – Strategic Action Plan Recommendations

RESOLUTION NO. 297-08

MOVED By Councillor Drumm
Seconded by Councillor Mitchell

COUNCIL DECISION

1. That Council endorse the recommendations set out in Planning Report, Item PL 109-08 and also endorse and refer:
 - (i) Item 1.1 respecting Heritage Conservation District under Section 5.0 Discussion/Options in the staff report to Council for consideration as part of its 2009 budget deliberations; and,
 - (ii) Item 1.2 Signage under Section 5.0 Discussion/Options in the staff report for consideration by Council as part of its 2010 budget deliberations;
2. That a copy of Council's decision be forwarded to the DWDSC; and,
3. That Council direct staff to review and update the Town's Community Improvement Plan as it related to Downtown Whitby.

CARRIED

5(a) Special Planning and Development Committee – November 10, 2008
Report Recommendations to Council

3.1 Planning Report, Item PL 142-08

Re: CONLIN/ANDERSON AREA FUTURE LAND USE
Growing Durham: Growth Plan Implementation Study – Future Land Use in the
Conlin/Anderson Area

RESOLUTION NO. 298-08

MOVED By Councillor Drumm
Seconded by Councillor Mitchell

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5(a). (Continued)

COUNCIL DECISION

1. That Council recommend to the Region of Durham that:
 - (i) the Conlin Road/Anderson Street area, inclusive of 420 Conlin Road, shown on Attachment #1 to Planning Report, Item PL 142-08 be designated "Living Area",
 - (ii) "New Employment Lands required to 2031" be replaced accordingly as shown on Attachment #6 to Planning Report, Item PL 142-08, and
 - (iii) "New Living Area Required to 2031", be reduced accordingly as shown on Attachment #6 to Planning Report, Item PL 142-08; and
2. That a copy of Planning Report No. PL 142-08 and Council's resolution be forwarded to the Region of Durham and the land owners within the Conlin Road / Anderson Street area.

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5. (Continued)

- (b) Operations Committee – November 10, 2008
Report Recommendations to Council
-

3.2 Community and Marketing Services Report, Item CMS 30-08
Re: Whitby ACTIVE2010 Plan

COUNCIL DECISION

1. That Council endorse the recommendations outlined in the proposed Whitby ACTIVE2010 Plan;
2. That Council authorize staff to submit the Plan to the Ministry of Health Promotion;
3. That Council authorize Staff to apply to the Ministry of Health Promotion for a Communities in Action Fund grant to implement the ACTIVE2010 Plan; and,
4. That Staff be directed to implement those components of the ACTIVE2010 Plan with a zero budget impact into staff's work plans if unsuccessful in securing a provincial grant.

3.4 Corporate Services Report, Item CS 58-08
Re: Supply and Delivery of Sign Hardware and Posts
Co-Operative Tender #CL 2008-30

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of Maximum Signs in the amount of \$21,191.46 for the supply and delivery of sign hardware and posts;
2. That the continuation of the contract for a second and third year be accepted subject to proposed pricing, a satisfactory annual performance review and budget approval in consecutive years; and
3. That the Mayor and Clerk be authorized to execute the contract documents.

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5(b) (Continued)

3.8 Public Works Report, Item PW 47-08

Re: Two Way Radio System Replacement

COUNCIL DECISION

1. That the Public Works Department's existing VHF two way radio system be replaced with a UHF two way radio system;
2. That staff be authorized to standardize the Public Works two-way radio system based on Motorola equipment consistent with the Whitby Fire Department, and;
3. That staff be authorized to issue a formal quotation directly with Motorola and their authorized dealer for the replacement of the existing VHF two way radio system based on UHF Motorola equipment consistent with the Whitby Fire Department.

3.9 Public Works Report, Item PW 48-08

Re: Appointment of Municipal By-Law Enforcement Officers
For the Purpose of Enforcing Parking By-Laws

COUNCIL DECISION

1. That a By-law be brought forward to appoint the individuals in Attachment A to PW 48-08 as Municipal By-law Enforcement Officers for the purpose of enforcing the Town's parking by-laws; and
2. That the future appointment of individuals as Municipal By-law Enforcement Officers be brought forth directly as a By-law to Council.

3.11 Public Works Report, Item PW 51-08

Re: Acceptance of an Easement over Part of Lot 23, Concession 6, for the purpose of a Public Sidewalk on Baldwin Street, south of Carnwith Drive

COUNCIL DECISION

1. That Council authorize the acceptance of an easement over Part of Lot 23, Concession 6, as shown as Part 1 on Reference Plan 00-25-997-08-B for the purpose of a sidewalk for public use.
2. That a By-Law regarding this item be brought forward for Council's approval.

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5(b) (Continued)

**3.12 CONFIDENTIAL: Community and Marketing Services Report,
Item CMS 36-08**

Re: Disposition of Property

COUNCIL DECISION

That the recommendations contained in Confidential Community and Marketing Services Report, Item CMS 36-08 be adopted by Council.

RESOLUTION NO. 299-08

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

That Council adopt the recommendations set out in Item Nos. 3.1 through 3.12 inclusive as contained in the minutes of the meeting of the Operations Committee held on November 10, 2008, save and except Item Nos. 3.1, 3.3, 3.5 through 3.7 inclusive and 3.10 thereof.

CARRIED

3.1 Community and Marketing Services Report, Item CMS 27-08
Re: Special Events Policy

RESOLUTION NO. 300-08

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

COUNCIL DECISION

1. That Council approve the Special Events Policy outlined in Attachment 1; and,
2. That Council endorse the events identified in Schedule A of the Special Events Policy as "Town Special Events".

CARRIED

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5(b) (Continued)

3.3 Community and Marketing Services Report, Item CMS 31-08

Re: Life Threatening Allergies and Administration of
Medication Policy

RESOLUTION NO. 301-08

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

COUNCIL DECISION

That Council approve the attached Recreation Division Policy on the Administration of Medication including life threatening allergies and other medical conditions.

CARRIED

3.5 Corporate Services Report, Item CS 59-08

Re: CRC Accessible Change Room – W2008-28

RESOLUTION NO. 302-08

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of B. Fayer and Sons Construction Ltd. in the amount of \$51,954.00 for the Whitby Civic Recreation Complex Accessible Change Room and Locker Upgrade;
2. That the over-expenditure in the amount of \$29,942.80 be approved and funded from the Accessibility Reserve; and
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

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5(b) (Continued)

3.6 Corporate Services Report, Item CS 60-08

Re: Supply, Delivery and Installation of Telephone Switch Upgrade
For the Town of Whitby – RFP #4-2008

RESOLUTION NO. 303-08

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

COUNCIL DECISION

1. That the Town of Whitby accept the proposal of Bell Canada in the amount of \$140,285.23 for the Supply, Delivery, and Installation of a Telephone Switch Upgrade for the Town of Whitby; and
2. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

3.7 Corporate Services Report, Item CS 61-08

Re: Final Recommendation on the Expansion of No Hunting Areas
In the Town of Whitby

RESOLUTION NO. 304-08

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

COUNCIL DECISION

That Council refer Corporate Services Report, Item CS 61-08 to staff for more investigation and consultation with farmers and hunters and their Associations.

CARRIED

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5(b) (Continued)

3.10 Public Works Report, Item PW 50-08

Re: Metrolinx: Draft Regional Transportation Plan: Draft Investment
Strategy

RESOLUTION NO. 305-08

MOVED by Councillor Pitchforth

Seconded by Councillor Scott

COUNCIL DECISION

1. That Public Works/Planning Report Item PW 50-08 be received for information;
2. That Staff and Region comments contained in Report Item PW 50-08 concerning the Draft Regional Transportation Plan and Draft Investment Strategy released by Metrolinx be endorsed by Council;
3. That a copy of Report Item PW 50-08 be forwarded to Metrolinx, the Region of Durham and the Ministry of Transportation.

CARRIED AS AMENDED BY
THE FOLLOWING MOTION

RESOLUTION NO. 306-08

MOVED by Councillor Mitchell

Seconded by Councillor Emm

4. That the 407 transitway through Oshawa be built concurrent with the highway to save on construction time and costs and provide a “transit first” environment as new employment and residential development along this corridor proceeds.

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6. NOTICES OF MOTION

None.

7. NEW AND UNFINISHED BUSINESS

7.1 Planning Report, Item PL 149-08

Re: Annual Christmas in the Village – Tree Lighting/Permission for Annual
Temporary Closure Portion of Cassels Road

RESOLUTION NO. 307-08

MOVED by Councillor Emm
Seconded by Councillor Coe

COUNCIL DECISION

1. That Planning Director's Report Item PL 149-08, regarding the Annual Brooklin Christmas in the Village event and related Temporary Road Closure be received as information;
2. That, in addition to the existing Roebuck Street closure, Council authorize the temporary road closure of Cassels Road East (Baldwin Street to Princess Street) and Durham Street (at Cassels) to accommodate the Brooklin Christmas in the Village, on an annual basis, (traditionally) on the last Friday of November; and,
3. That the required public notification to local residents and businesses regarding the temporary road closure be provided.

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8. BY-LAWS

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|---------|--|
| 6120-08 | By-law to lift Part Lot Control for the lands being composed of Blocks 1,2,3,4,5 and 6 on Plan 40M-2377. |
| 6121-08 | By-law to assume Part 1, Plan 40R-22898 as part of Shepherd Road (Z-01-08, SP-02-08, Planning Report, Item PL 33-08). |
| 6122-08 | By-law to appoint certain Town of Whitby Employees as Municipal Law Enforcement Officers (Refer to Public Works Report, Item PW 48-08). |
| 6123-08 | By-law to assume an easement over Part 1 on Reference Plan 00-25-997-08-B for the purpose of a sidewalk for public use (Refer to Public Works Report, Item PW 51-08). |
| 6124-08 | By-law to set honorarium for Committee of Adjustment Members (Refer to Planning Report, Item PL 134-08). |
| 6125-08 | By-law to amend Procedure By-law governing the calling, place and proceedings of Council and Committee Meetings (Decisions of Council, Special Meetings October 22, 2007 and May 13, 2008 and Regular Meeting October 27, 2008). |

RESOLUTION NO. 308-08

MOVED by Councillor Mitchell, Seconded by Councillor Roy, that leave be granted to introduce By-law Nos. 6120-08 to 6125-08, inclusive, and to dispense with the reading of the by-laws by the Clerk and that the same be considered read a first, second and third time and finally passed and that the Mayor and Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

By-law Nos. 6120-08 to 6125-08, inclusive, considered read a first, second and third time and finally passed.

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9. CONFIRMATORY BY-LAW NO 6126-08

RESOLUTION NO. 309-08

MOVED by Councillor Coe, seconded by Councillor Roy, move for leave to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its meeting held on November 17th, 2008, and that the same be considered read a first, second and third time and finally passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

By-law No. 6126-08 considered read a first, second and third time and finally passed.

10. ADJOURNMENT

RESOLUTION NO. 310-08

MOVED by Councillor Emm at 9:43 p.m.
Seconded by Councillor Drumm

That this November 17th, 2008 meeting of the Council of The Corporation of the Town of Whitby adjourn.

CARRIED

Paul Jones, Clerk

Patricia Perkins, Mayor