PRESENT: Mayor Perkins

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

Mayor Perkins in the Chair

ALSO PRESENT: R. S. Petrie, Chief Administrative Officer

K. Nix, Director of Corporate Services/Treasurer

B. Short, Director of PlanningD. Armstrong, Acting Fire ChiefS. Beale, Director of Public Works

P. LeBel, Director of Community and Marketing Services

S. Pohjola, Town Solicitor/Acting Manager of Human Resources

P. Jones, Town Clerk M. Pettit, Deputy Clerk

### 1. <u>DISCLOSURES OF INTEREST</u>

None.

### 2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6175-09

#### RESOLUTION NO. 112-09

Councillor Mitchell, seconded by Councillor Coe, 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 Regular Meeting of Council held on March 30, 2009 and the minutes of the Special Meeting of Council held on April 6, 2009 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. 6175-09 considered read a first, second and third time and finally passed.

### 3. PRESENTATIONS

(i) Recognition of Whitby Minor Atom AE Hockey Team – 2008/2009 Ontario Minor Hockey Association Champions

Mayor Perkins, Councillor Scott, Chair of Community and Marketing Services, and P. LeBel, Director of Community and Marketing Services, presented medals to the team members in recognition of their achievement.

# 3. (continued)

(ii) Recognition of Home Depot for donating \$5,000 towards Whitby Fire's "In-Service Public Education Program"

Mayor Perkins, Councillor Coe, Chair of Fire Services and D. Armstrong, Acting Fire Chief, accepted the donation from Dave Serviss and Tom Schultz of Home Depot.

(iii) Recognition of Frank Mazzotta, Landscape Architect, Town of Whitby – certified to practice as a full member of the Ontario Association of Landscape Architects

Mayor Perkins, Councillor Scott, Chair of Community and Marketing Services, P. LeBel, Director of Community and Marketing Services and Steve Edwards, Manager of Parks, Marina, Long Range Planning, Tourism & Culture, recognized Frank and congratulated him on his achievement.

(iv) Presentation – Highway 407 East Project Team

Dan Remollino, Project Manager, Ontario Ministry of Transportation, and Doug Allingham and Brenda Jamieson, Project Managers with AECOM, provided a status update on the Highway 407 East Environmental Assessment and Preliminary Design Study.

 (v) Presentation – Jean Roy, Canadian Petroleum Products Institute (CPPI), regarding Full-Service Gas Stations in Whitby

Jean Roy of CPPI appeared before Council and provided a presentation regarding the provision of full service at gas stations in Whitby.

(vi) Planning Report, Item PL 33-09
 Re: Zoning Application – Marilyn Margaret Taylor
 Zoning Application (Z-13-08) – 53 Ian Fleming Crescent

### **RESOLUTION NO. 113-09**

MOVED by Councillor Coe Seconded by Councillor Drumm

That Council suspend its rules of procedure in order to hear a presentation from Marilyn Taylor.

CARRIED ON A TWO-THIRDS VOTE

# 3. (continued)

Marilyn Taylor, 53 Ian Fleming Crescent, appeared before Council and requested reimbursement of the application fee and legal costs associated with the above-noted application.

### 4. CORRESPONDENCE

(i) CORR 13-09

Letter dated January 12, 2009 from Camille Desrochers, suggesting the Town of Whitby consider the imposition of a plastic bag charge at grocery stores as a waste diversion measure.

### **RESOLUTION NO. 114-09**

MOVED by Councillor Coe Seconded by Councillor Drumm

That CORR 13-09 be referred to the Director of Public Works for consideration and a report back to Council.

CARRIED

### (ii) CORR 14-09

Motion from the Municipality of South Bruce (#M09-99) requesting Council's support for fair funding for Ontario's Conservation Authorities.

# RESOLUTION NO. 115-09

MOVED by Councillor Coe Seconded by Councillor Drumm

- 1. That Council endorse Municipality of South Bruce Motion #M09-99 and the demand for fair funding of Ontario's conservation authorities by the Ontario government; and,
- 2. That the Clerk forward a copy of Motion #M09-99 and this resolution to Conversation Ontario, the Ontario Ministry of Natural Resources, our local MPP, the Central Lake Ontario Conservation Authority, the Association of Municipalities of Ontario and the Municipality of South Bruce.

# 4. (continued)

(iii) CORR 15-09

Letter from Maret Sadem-Thompson, Principal, Bellwood Public School, requesting a crossing guard at Burns Street East and Devon Port Lane.

### RESOLUTION NO. 116-09

MOVED by Councillor Coe Seconded by Councillor Drumm

That CORR 15-09 be referred to the Director of Public Works for consideration and a report back to Council.

**CARRIED** 

# 5. STANDING COMMITTEES

(a) Planning and Development Committee – April 6, 2009 Report Recommendations to Council

### 3.1 Planning Report, Item PL 33-09

Re: Zoning Application – Marilyn Margaret Taylor Zoning Application (Z-13-08) – 53 Ian Fleming Crescent

# **COUNCIL DECISION**

- 1. That Zoning Application Z-13-08 be approved subject to the comments and conditions contained in Planning Report Item PL 33-09; and,
- That subject to the applicant's withdrawal of her appeal to the Ontario Municipal Board, a by-law be enacted amending Zoning By-law No. 1784 to approve the application to permit a one-bedroom accessory apartment at 53 Ian Fleming Crescent.

### 4.1 Planning Report, Item PL 34-09

Re: Amending LACAC Heritage Whitby By-law No. 2683-89

### **COUNCIL DECISION**

 That Planning Report Item PL 34-09, regarding amending LACAC Heritage Whitby By-law No. 2683-89, dated April 6, 2009 be received as information;

## 4. (continued)

- 2. That Council adopt the proposed LACAC Heritage Whitby By-law intended to repeal and replace the existing LACAC Heritage Whitby By-law No. 2683-89; and,
- 3. That the Clerk provide a copy of the adopted LACAC Heritage Whitby Bylaw to members of LACAC Heritage Whitby.

# RESOLUTION NO. 117-09

MOVED by Councillor Drumm Seconded by Councillor Coe

That Council adopt the recommendations set out in Item Nos. 3.1 and 4.1 as contained within the minutes of the meeting of the Planning & Development Committee held on April 6, 2009.

**CARRIED** 

- 5. (b) Operations Committee April 14, 2009
  Report Recommendations to Council
  - 3.2 Community and Marketing Services Report, Item CMS 29-09

    Re: Small Craft Harbours Branch Fisheries and Oceans Canada

     Infrastructure Grant Port Whitby Marina

### **COUNCIL DECISION**

That Council acknowledge and thank the Small Craft Harbours Branch of Fisheries and Oceans Canada for receipt of a grant of \$39,000 toward infrastructure improvements at Port Whitby Marina.

3.3 Community and Marketing Services Report, Item CMS 30-09
Re: Park Identification Sign Design and Program

### **COUNCIL DECISION**

- 1. That Council endorse the proposed design for new park identification signs; and,
- 2. That Council direct Staff to proceed with the park sign replacement program as identified in the 2009 capital budget based on the cost estimates as indicated in this report.

# 5. (continued)

# 3.4 Community and Marketing Services Report, Item CMS 31-09

Re: Oceanpearl Park and Trail

### **COUNCIL DECISION**

- 1. That Council endorse the design for the proposed local park and trail to be constructed within the residential neighborhood south of Burns Street fronting onto Oceanpearl Crescent; and,
- 2. That Council direct Staff to proceed with the tendering process and report back to Council with a recommendation of the preferred contractor, construction timing and budget analysis.

# 3.5 Corporate Services Report, Item CS 12-09

Re: Supply and Delivery of One (1) 35,000 G.V.W. Cab & Chassis – (File W2009-34)

### **COUNCIL DECISION**

- 1. That the Town of Whitby accept the low tender of Scarborough Truck Centre, in the amount of \$89,685.84 for One 35,000 G.V.W Cab & Chassis;
- 2. That the total estimated project cost in the amount of \$100,717.44 be approved; and,
- 3. That the Mayor and Clerk be authorized to execute the contract documents.

# 3.6 Corporate Services Report, Item CS 13-09

Re: Mayor & Councillors' Remuneration and Expenses – 2008

### **COUNCIL DECISION**

That Corporate Services Report, Item CS 13-09, be received as information.

### 3.7 Corporate Services Report, Item CS 14-09

Re: Jeffery Street Bridge Repair – (File W2009-4)

# **COUNCIL DECISION**

1. That the Town of Whitby accept the low tender of Marbridge Construction Ltd. in the amount of \$294,856.80 for Jeffery Street Bridge Repair;

# 5. (continued)

- 2. That the total estimated project cost in the amount of \$515,816.00 be approved; and,
- 3. That the Mayor and Clerk be authorized to execute the contract documents.

# 3.8 Corporate Services Report, Item CS 15-09

Re: Charles Street and Watson Street Reconstruction – (File W2009-5)

### **COUNCIL DECISION**

- 1. That the Town of Whitby accept the low tender of Fernview Construction in the amount of \$741,638.81 for Charles Street and Watson Street Reconstruction;
- 2. That the total estimated project cost for the Town of Whitby in the amount of \$733,633.75 be approved; and,
- 3. That the Mayor and Clerk be authorized to execute the contract documents.

### 3.9 Corporate Services Report, Item CS 16-09

Re: Proposed Stop-Up, Close And Conveyance Of Part 2, Plan 40R-25011 To Brooklin Meadows West; Holstead Road At Montgomery Avenue, Brooklin

# **COUNCIL DECISION**

- 1. That Part 2, Plan 40R-25011, being part of Holstead Road, be stopped up and closed as a public highway;
- 2. That Council declare Part 2, Plan 40R-25011 as surplus to its needs;
- That, in accordance with the provisions of the Town of Whitby By-law for the disposal of surplus property, the Town give public notice of its intention to dispose of the property by placing an advertisement in the newspaper one time;
- 4. That, provided no objection is received by the Town in connection with the proposed disposal of the property, the property be conveyed to Brooklin Meadows West to be merged with Block 286 Plan 40M-2286, for the sum of \$2.00 in accordance with the provisions of the Subdivision Agreement (SW2002-3); and,

# 5. (continued)

5. That the Mayor and Clerk be authorized to execute the required documents.

### 3.10 Corporate Services Report, Item CS 17-09

Re: 2009 Final Tax Billing

# **COUNCIL DECISION**

- 1. That the tax rates for the year 2009 General Municipal Town levies be approved as indicated in Schedule "A", attached to Corporate Services Report, Item CS 17-09;
- That the tax due dates for the final tax bills for the Residential, Farmland and Managed Forest tax classes be June 15, 2009 and September 15, 2009;
- 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 allow the Treasurer to set the levy rates of taxation for the year 2009 for the Town of Whitby, Region of Durham and Education Purposes.

### 3.11 Corporate Services Report, Item CS 18-09

Re: Applications For Cancellation, Reduction, Adjustment And/Or Refund Of Taxes

### **COUNCIL DECISION**

That applications be approved as listed in Corporate Services Report, Item CS 18-09, in the amount of \$291,021.71 for the taxation years 2003, 2004, 2005, 2006, 2007 and 2008.

#### 3.12 Corporate Services Report, Item CS 19-09

Re: To authorize the Supervisor of Revenue and the Assessment Review Officer to appeal selected property assessments on behalf of the Town of Whitby

### **COUNCIL DECISION**

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 19-09.

# 5. (continued)

# 3.14 Public Works Report, Item PW 15-09

Re: Sole Source Purchase of One (1) Two Stream Side Loading Garbage Packer and One (1) Single Stream Side Loading Garbage Packer

#### **COUNCIL DECISION**

That staff be authorized to negotiate directly with Joe Johnson Equipment Incorporated for the supply and delivery of one (1) Labrie two stream garbage packer and one (1) Labrie single stream garbage packer.

### 3.15 Public Works Report, Item PW 16-09

Re: National Public Works Week and Open House May 21, 2009

# **COUNCIL DECISION**

That Council approve the Public Works Department hosting an Open House on May 21, 2009 from 9:00 am to 9:00 pm to celebrate National Public Works Week.

# RESOLUTION NO. 118-09

MOVED by Councillor Pitchforth Seconded by Councillor Roy

That Council adopt the recommendations set out in Items Nos. 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.14, and 3.15 as contained in the minutes of the meeting of the Operations Committee held on April 14, 2009.

**CARRIED** 

# 3.1 Community and Marketing Services Report, Item CMS 06-09

Re: Community Safety Task Force Final Report

### RESOLUTION NO. 119-09

MOVED by Councillor Pitchforth Seconded by Councillor Roy

- 1. That Community and Marketing Services Report No. 06-09 in regard to the Community Safety Task Force Final Report be received; and,
- 2. That the Clerks Division forward a copy of this report to the Durham Regional Police Service 18 Division (Whitby).

# 5. (continued)

# 3.13 Public Works Report, Item PW 02-09

Re: Port Whitby Truck Traffic Review

### **RESOLUTION NO. 120-09**

MOVED by Councillor Pitchforth Seconded by Councillor Roy

- 1. That Traffic By-Law No. 1862-85 be amended to incorporate the proposed changes to Schedule "R", Heavy Traffic Prohibited, as shown in Attachment A to Public Works Report, Item PW 02-09;
- 2. That staff continue to monitor the pavement condition across the at-grade CN Rail crossing on South Blair Street;
- That staff continue to investigate future transportation network modifications to assist in addressing existing and longer term mobility needs and heavy trucking issues through the Port Whitby area;
- 4. That the Region of Durham be requested to install "No Heavy Trucks" signs at the south-west corner of Brock and Victoria and signs that redirect truck traffic to South Blair;
- 5. That staff be directed to undertake a traffic study once the signage is in place and report back to Council prior to year end with an update; and,
- 6. That a copy of Public Works Report, Item PW 02-09 be forwarded to the Ministry of Transportation and the Region of Durham.

**CARRIED** 

# 3.16 Public Works Report, Item PW 17-09

Re: Impact of Cosmetic Pesticides Ban

### RESOLUTION NO. 121-09

MOVED by Councillor Pitchforth Seconded by Councillor Roy

That Public Works Report, Item PW 17-09 regarding the Impact of the Province's Cosmetic Pesticides Ban, be received as information.

# 6. <u>NOTICES OF MOTION</u>

(i) <u>Election Rebate Program</u>

MOVED by Councillor Mitchell Seconded by Councillor Roy

- That Council endorse the creation of a program for the payment of rebates to persons who make contributions to candidates for office on the Town of Whitby municipal council;
- 2. That the program be similar to that established in the Town of Ajax; and,
- 3. That staff report back with recommendations on an implementing by-law.

The above-noted Notice of Motion was filed in accordance with the Town's Procedure By-law for consideration at the May 11<sup>th</sup>, 2009 or a subsequent Council Meeting.

# 7. <u>NEW AND UNFINISHED BUSINESS</u>

7.1 Bingo Licencing

#### RESOLUTION NO. 122-09

MOVED by Councillor Roy Seconded by Councillor Drumm

That the rules of the procedure be suspended in order to allow introduction of the following motion.

CARRIED ON A TWO-THIRDS VOTE

#### RESOLUTION NO. 123-09

MOVED by Councillor Roy Seconded by Councillor Drumm

That the Clerk report back to Council on opportunities to work with local charities that rely on bingo revenues and to work with the Alcohol and Gaming Commission of Ontario to find a mechanism to expedite the processing of bingo licencing applications at other community Bingo Halls that can support their application.

| 8. | BY-LAWS |   |
|----|---------|---|
|    | 6176-09 | By-law to set and levy the rates of taxation for the year 2009 and set penalty and interest rates for unpaid taxes. (Refer to Corporate Services Report, Item CS 17-09.)  |
|    | 6177-09 | By-law to authorize the sale of certain surplus land being Part 4, Plan 40R-24357, at Montgomery Avenue and Carnwith Drive West, Brooklin, to Sorbara Tribute Holdings Inc. (Refer to Corporate Services Report, Item CS 03-09.)  |
|    | 6178-09 | By-law to amend Traffic By-law No. 1862-85, as amended, to incorporate proposed changes to Schedule "R", Heavy Traffic Prohibited, in the Port Whitby area. (Refer to Public Works Report, Item PW 02-09.)  |
|    | 6179-09 | By-law to appoint Municipal By-law Enforcement Officers for the purpose of enforcing Parking Restrictions on Private Property (Adding Durham Condominium Corporation No. 157, 2 – 92 Greengrove Way, Whitby)  |
|    | 6180-09 | By-law to repeal and replace By-law No. 2683-89 that established the Whitby Local Architectural Conservation Advisory Committee and outlined its Terms of Reference, with an updated by-law, in keeping with changes to the Ontario Heritage Act R.S.O. 1990, c O. 18, as amended 2005. |
|    |         | The effect of the change is to change the name of the Local Architectural Conservation Advisory Committee to LACAC Heritage Whitby and to change the committee's mandate, responsibilities, membership, structure and term. (Refer to Planning Report, Item PL 34-09.)                  |

### **RESOLUTION NO. 124-09**

MOVED by Councillor Mitchell, Seconded by Councillor Coe, that leave be granted to introduce By-law Nos. 6176-09 and 6180-09, 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. 6176-09 and 6180-09, inclusive, considered read a first, second and third time and finally passed.

# 8. (continued)

### **RESOLUTION NO. 125-09**

MOVED by Councillor Coe Seconded by Councillor Drumm

That Council suspend its rules of procedure in order to permit the introduction of By-law No. 6181-09.

CARRIED ON A TWO-THIRDS VOTE

6181-09

By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from R2B\* – Residential to R2B\*-8 Residential Exception 8, for the property known as 53 Ian Fleming Crescent, Town of Whitby.

The effect of the zoning change is to permit one accessory dwelling unit within the existing single detached dwelling on the Subject Land. (Refer to Planning Report, Item PL 33-09, Zoning Application Z-13-08 – 53 Ian Fleming Crescent.)

### **RESOLUTION NO. 126-09**

MOVED by Councillor Coe, Seconded by Councillor Drumm, that leave be granted to introduce By-law No. 6181-09, and to dispense with the reading of the by-law 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 No. 6181-09 considered read a first, second and third time and finally passed.

#### 9. CONFIRMATORY BY-LAW NO 6182-09

# RESOLUTION NO. 127-09

MOVED by Councillor Roy, seconded by Councillor Drumm, 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 meeting held on April 20, 2009, 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.

| <b>MINUTES</b> | OF TH   | IE REGI | ULAR N | MEETING | OF   | THE C        | <b>NUO</b> | ICIL ( | OF 7 | ГНЕ | CORP | ORA | TION | OF   |
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| THE TOW        | 'N OF V | VHITBY  | HELD ( | ON MONI | DAY, | <b>APRIL</b> | 20,        | 2009   | AT T | THE | HOUR | OF  | 8:00 | P.M. |
| IN THE ME      | EETING  | HALL (  | OF THE | WHITBY  | MUN  | NICIPA       | L BU       | ILDIN  | 1G   |     |      |     |      |      |

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| 9. (   | (continu | iea) |

By-law No. 6182-09 considered read a first, second and third time and finally passed.

# 10. <u>ADJOURNMENT</u>

# RESOLUTION NO. 128-09

MOVED by Councillor Drumm at 10:23 p.m. Seconded by Councillor Roy

That this April 20<sup>th</sup>, 2009 meeting of the Council of The Corporation of the Town of Whitby adjourn.

| Paul Jones, Clerk | Patricia Perkins, Mayor |
|-------------------|-------------------------|