Regular Council Minutes December 15, 2015 -7:00 pm Council Chambers Whitby Municipal Building

Present: Mayor Mitchell

Councillor Coe
Councillor Drumm
Councillor Emm
Councillor Gleed
Councillor Leahy
Councillor Roy
Councillor Yamada

Also Present: R. Petrie, Chief Administrative Officer

T. Painchaud, Manager of Transportation and Parking Services

P. LeBel, Commissioner of Community & Marketing Services

K. Nix, Commissioner of Corporate Services/Treasurer

R. Short, Commissioner of Planning

D. Speed, Fire Chief

C. Harris, Town Clerk

S. Dave, Legislative Coordinator

Regrets: None noted

1. Declarations of Pecuniary Interest

- 1.1 Mayor Mitchell made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding the recommendation listed under Item 6.5, Report CS 97-15, pertaining to cycling paths on Ashburn Road as he has an interest in a property located on Ashburn Road affected by the proposed cycling path. Mayor Mitchell did not take part in the discussion or vote on these matters.
- 1.2 Councillor Emm made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding Item 5.5, Planning and Development Department Report, PL 89-15, Gerdau Ameristeel 2014 Monitoring Report for Environmental Certificate of Approval, contained in the November 23, 2015 Council Meeting Minutes, as a member of his family works for Gerdau Ameristeel. Councillor Emm did not take part in the discussion or vote on these minutes.

2. Adoption of Minutes

2.1 Special Council - November 23, 2015 (Closed minutes of the In-Camera session are under separate cover)

Regular Council - November 23, 2015

Special Council - November 30, 2015

Special Council - December 7, 2015 (Closed minutes of the In-Camera session are under separate cover)

Resolution # 548-15

Moved By Councillor Coe Seconded By Councillor Roy

That the minutes be adopted.

Carried

It was the consensus of Council to hear change the order of the delegations/presentations so that Item 3.3 would be heard first, followed by 3.2 and 3.1 respectively.

3. Delegations/Presentations

3.1 Saira Knowles and Chrissie Wysotski, Station Gallery Recognition/Accomplishment: Ontario Association of Art Galleries (OAAG) 38th Annual Awards, Education Award

Mayor Mitchell attended the dais and was joined by Councillor Emm. Saira Knowles and Chrissie Wysoltski were welcomed onto the dais to be recognized for their winning the Education Award at the Ontario Association of Art Galleries (OAAG) 38th Annual Awards.

3.2 Anne Sims, Senior Director, Administration, Development & Community Relations, Station Gallery

Re: Overview of the Station Gallery

Anne Sims, Senior Director, Administration, Development and Community Relations, and Olex Wlasenko, Curator, Station Gallery appeared before Council and provided a PowerPoint presentation on the following:

- expanding the reach of the Station Gallery to improve access to arts and culture through cultural inclusion and social connections;
- increase in audience over the last year, with 39,000 visitors in 2015

- alone, and record annual membership submissions and attendance to the Annual Members Exhibition;
- engaging multicultural youth in participating through strong partnerships with the Ethno-Cultural and Diversity Advisory Committee, University of Ontario Institute of Technology, Durham College and Trent University - Durham;
- robust arts education program with over 14,000 participants; and
- the nomination for the Premiere's Excellence in Art Award.

Discussion ensued with respect to:

- educational collaboration with school boards;
- financial challenges for the Station Gallery and how they are addressed; and
- overview of the exhibits planned for 2016.
- 3.3 Sue Pitchforth representing Group 74

 Recognition/Accomplishment: Development of the Harvest Festival

 Event

Mayor Mitchell attended the dais and was joined by Councillor Gleed. Sue Pitchforth, on behalf of Group 74, was welcomed onto the dais to be recognized for Group 74's development of the Harvest Festival Event.

- 4. Correspondence
 - **4.1** That the following request be endorsed:
 - January 17, 2016 as World Religion Day

Resolution # 549-15

Moved By Councillor Coe Seconded By Councillor Leahy

That the proclamation for World Religion Day - January 17, 2016, be endorsed.

Carried

- 5. Planning and Development Committee
 Report # 14 of the Planning and Development Committee November 30, 2015
 - 5.1 Brian Kelly, Region of DurhamRe: Request for the Town of Whitby to be involved as a partner in the

Community Energy Plan Process for Durham Region

Resolution # 550-15

Moved By Councillor Coe Seconded By Councillor Emm

- 1. That the Town of Whitby participate in the coordinated Community Energy Planning with the Region of Durham and other local Durham municipalities; and,
- 2. That the Town agrees to cost share and provide staffing contribution and financial contribution of \$4,000 in 2016 and 2017.

Carried

Planning and Development Department Report, PL 99-15
 Re: Official Plan Amendment and Zoning Bylaw Amendment
 Applications, 1823702 Ontario Inc., Southwest Corner of Gordon Street
 and Scadding Avenue (OPA 2013-W/01 and Z -25-12)

This item was referred back at Committee.

Flanning and Development Department Report, PL 97-15
Re: Zoning Amendment Application to Permit a Temporary Use By-law, Charles H. Best Diabetes Centre for Children and Youth, 360 Columbus Road East (Z-15-15)

Resolution # 551-15

Moved By Councillor Coe Seconded By Councillor Emm

- That Council approve the zoning application (Z-15-15) submitted by Charles H. Best Diabetes entre for Children and Youth to permit a temporary use on the subject land for a period of three (3) years, and;
- 2. That the amending by-law be brought forward for Council approval.

Carried

Planning and Development Department Report, PL 98-15
 Re: TransCanada Eastern Mainline Pipeline - Update and Report on
 Alignment Opinions Proposed by Oshawa Having Potential Impacts in

Whitby

Resolution # 552-15

Moved By Councillor Coe Seconded By Councillor Emm

- 1. That Planning Report No. PL 98-15 be received as information;
- 2. That the Town of Whitby note its objection to the National Energy Board (NEB) to the City of Oshawa's position on alternative alignments to the TransCanada Eastern Mainline Pipeline from the TransCanada proposed alignment north of Brawley Road to the Highway 407 corridor, and that all alternative routing alignments including any required ROW easements, setbacks and safety zones, be fully contained within the City of Oshawa; and.
- 3. That the Clerk forward a copy of Planning and Development Report No. PL 98-15 and Council's resolution to the City of Oshawa, Region of Durham, TransCanada, and the National Energy Board.

Carried

Planning and Development Department Report, PL 94-15
Re: Applications for a Draft Plan of Subdivision and Zoning By-law
Amendment for Chelseahill Developments Inc., East Side of Desmond
G. Newman Boulevard North of the C.P.R. (SW-2013-05 and Z-13-13)

Resolution # 553-15

Moved By Councillor Coe Seconded By Councillor Emm

- 1. That Council approve the application for the recommended Draft Plan of Subdivision (File No. SW-2013-05) as illustrated on Attachment # 5 subject to the comments and conditions contained in Section 8.0 of Planning Report PL 94-15;
- That Council approve the application to amend Zoning By-law 1784 (File No. Z-13-13) subject to the comments and conditions contained in Section 5.0 of Planning Report PL 94-15;
- 3. That Council appoint the firm of Williams & Stewart Associates as Control Architect for the recommended Draft Plan of Subdivision;
- 4. That a comprehensive By-law for the West Whitby subdivisions be brought forward to Council for approval at such time as the requested zone provisions have been reviewed and accepted;
- 5. That staff be authorized to prepare a subdivision agreement;

- 6. That the Mayor and Clerk be authorized to sign any necessary documents:
- 7. That the Region of Durham Commissioner of Planning be advised of Council's decision:
- That the Clerk forward a Notice of Decision to those parties and agencies who have requested to be notified of Council's decision; and,
- That draft conditions 79 and 81 be deferred pending a Staff report to Council prior to the Commissioner of Planning issuing final plan approval.

- Operations Committee
 Report # 13 of the Operations Committee December 7, 2015
 - 6.1 Memorandum from Christopher Harris, Town Clerk
 Re: Independent Legal Advice for the Mayor and Member of Council for Inquiries Pursuant to the Municipal Conflict of Interest Act

Resolution # 554-15

Moved By Councillor Roy Seconded By Councillor Gleed

- 1. That staff be directed to investigate the creation of a Council Expense Policy and report back;
- That legal advice for conflict of interest matters be considered as an eligible expense for Members of Council in the Council Expense Policy; and,
- 3. That \$4,000 funded from one-time reserves be included in the draft 2016 budget.

Carried

6.2 Public Works Department Report, PW 41-15 Re: Bowman Avenue

Resolution # 555-15

- That sidewalk replacements on both sides of Bowman Avenue between Crawforth Street and Johnson Avenue be included for consideration in the 2016 Capital budget, with an estimated construction cost of \$67,000;
- 2. That a semi-urban/modified ditch drainage system (as shown in Attachment 2) on both sides of Bowman Avenue between Dundas Street and Johnson Avenue be included for consideration in the 2016 Capital budget, with an estimated construction cost of \$425,000 to be funded from Maintenance Reserves;
- 3. That an expenditure of \$25,000 be approved in 2015, from Maintenance Reserves, to undertake the detailed design and tender preparation of the semi-urban/modified ditch drainage system as shown in Attachment 2; and,
- 4. That Schedule R of Traffic By-Law 1862-85 be amended as shown in Attachment 4 to include Heavy Truck Restrictions on Bowman Avenue from 50m north of Dundas Street to Crawforth Street.

6.3 Community and Marketing Services Department Report, CMS 60-15 Re: Volunteer Outdoor Ice Rink Program and Policy Pilot at Kinsmen Park

Resolution # 556-15

Moved By Councillor Roy Seconded By Councillor Gleed

- That Council approve the proposed pilot location for the Volunteer Outdoor Ice Rink Program in Whitby Kinsmen Park for the 2015-16 season and that the outdoor rink be operated based on the parameters outlined in this report and the proposed draft Volunteer Outdoor Ice Rink Policy; and,
- 2. That Staff report back on the proposed Volunteer Outdoor Ice Rink Program and draft Policy subject to the completion of the pilot location and the review of increased staff and budget required to support the implementation of the program on a Town wide basis.

Carried

6.4 Community and Marketing Services Department Report, CMS 61-15 Re: Whitby Iroquois Soccer Club - Second Indoor Soccer Dome at the Rossland Road West Soccer Complex

Resolution #557-15

Moved By Councillor Roy Seconded By Councillor Gleed

- That Community and Marketing Services Department Report CMS 61- 15 pertaining to the Whitby Iroquois Soccer Club be received as information:
- 2. That Council approve the installation of a second indoor soccer dome at the Rossland Road West Soccer Complex;
- 3. That Council approve the proposed second indoor soccer dome as a municipally financed project and the estimated project cost in the amount of \$1,400,000 be referred to the 2016 Capital Budget;
- 4. That the Whitby Iroquois Soccer Club submit a revised business plan to the satisfaction of the Treasurer that includes the capital cost repayment schedule and capital replacement plan for the second indoor soccer dome;
- 5. That Council authorize staff to submit a site plan application to the Planning and Development Committee;
- 6. That staff be authorized to issue a request for quotation to expedite the project for architectural and engineering design services to prepare the detail design and Tender documents;
- That staff be authorized to issue the Tender for the construction and site works for the indoor soccer dome and report back to Council with the recommended general contractor, project costs and timetable; and,
- 8. That staff be authorized to amend the capital and operating agreement between the Town of Whitby and the Whitby Iroquois Soccer Club to include the second indoor soccer dome.

Carried

6.5 Public Works Department and Corporate Services Department Joint Report, CS 97-15

Re: Pre-budget Approval - 2016 Roads Resurfacing Program

Having previously declared a conflict of interest, Mayor Mitchell did not take part in the discussion or vote on any matters pertaining to the cycling path on Ashburn Road.

Resolution # 558-15

- 1. That Council provide pre-budget approval of the 2016 roads resurfacing projects valued at \$6,435,800;
- 2. That Staff be authorized to tender the resurfacing projects as identified in Attachment 1, save and except, any projects dealing with a cycling path on Ashburn Road;
- 3. That the Commissioner of Corporate Services / Treasurer be authorized to award the tenders to the lowest compliant bidder provided such tenders are within or do not exceed by more than 10%, the approved budget allocation of \$6,621,800 (2016 pre-budget approval and prior years' approved capital budget); and,
- 4. That subject to the finalization of the Region of Durham's and the MTO's 2016 work plan, that Council authorize Staff to defer or substitute a road project with a similar comparable road resurfacing project, if needed.

After having declared a conflict of interest, Mayor Mitchell vacated the Chair. Deputy Mayor Drumm assumed the Chair.

Resolution # 559-15

Moved By Councillor Roy Seconded By Councillor Gleed

That Staff be authorized to tender the resurfacing projects as identified in Attachment 1, pertaining to cycling paths on Ashburn Road.

Carried

Mayor Mitchell assumed the Chair.

6.6 Public Works Department and Corporate Services Department Joint Report, CS 98-15

Re: Front Street Culvert Replacement (T-119-2015)

Resolution # 560-15

Moved By Councillor Roy Seconded By Councillor Gleed

1. That the Town of Whitby accept the low tender of Fidelity

Engineering and Construction Inc. in the amount of \$780,375.12 (excluding taxes) for all labour, materials and equipment necessary to complete the Front Street Culvert Replacement subject to approval from the Regional Municipality of Durham for their portion in the amount of \$67,222.42 (plus applicable taxes) for watermain replacement works;

- 2. That the total estimated cost in the amount of \$925,000.00 be approved; and,
- 3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

6.7 Community and Marketing Services Department, Public Works Department and Corporate Services Department Joint Report, CS 99-15 Re: Town Workwear (RFP-553-2015)

Resolution # 561-15

Moved By Councillor Roy Seconded By Councillor Gleed

- 1. That the Town of Whitby accept the highest scoring proposal of Imagewear by Mark's in the amount of \$132,541.92 (excluding taxes) for a three year term to provide Town Workwear (high visibility and work clothing);
- That approval be granted for the option to extend the contract for two

 (2) additional one (1) year terms based on satisfactory performance, product quality, pricing, as well as budget approval for the subsequent years;
- 3. That the total estimated cost of \$134,439.04 be approved; and,
- 4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

6.8 Corporate Services Department Report, CS 100-15Re: 2016 Interim Tax Billing

Resolution # 562-15

- 1. That the by-law to allow for the Interim Tax Billing for the 2016 taxation year, as shown in Attachment 1 of Corporate Services Report CS 100-15, be approved by Council; and,
- 2. That By-law No. 6932-15 be repealed.

6.9 Corporate Services Department Report, CS 101-15
Re: Third Quarter Projection Report as at November 30, 2015

Resolution # 563-15

Moved By Councillor Roy Seconded By Councillor Gleed

That report No. CS 101-15 of the Commissioner of Corporate Services/Treasurer be received as information.

Carried

6.10 Corporate Services Department Report, CS 102-15 Re: Demolition of Town Owned Building Located at 150 Winchester Road West

Resolution # 564-15

Moved By Councillor Roy Seconded By Councillor Gleed

- That the building located at 150 Winchester Road West be used as a temporary training facility for Whitby Fire and Emergency Services; and,
- 2. When the building is no longer required by Whitby Fire and Emergency Services as a training facility that it be demolished.

Carried

6.11 Corporate Services Department Report, CS 103-15 Re: Capital Budget and Reserve Forecast Update as of November 23, 2015

Resolution # 565-15

Moved By Councillor Roy Seconded By Councillor Gleed

That Report CS 103-15 from the Commissioner of Corporate Services/Treasurer be received as information.

Carried

6.12 Corporate Services Department Report, CS 104-15 Re: Development Charge Background Study Update

Resolution # 566-15

Moved By Councillor Roy Seconded By Councillor Gleed

- 1. That Report CS 104-15 from the Commissioner of Corporate Services/Treasurer be received as information;
- 2. That Staff be directed to consult with stakeholders in the Development Community; and,
- 3. That Staff be directed to advise the Development Community of this report and any future Development Charge related reports.

Carried

6.13 Public Works Department Report, PW 52-15
Re: Rossland Road Widening from LakeRidge Road to McQuay
Boulevard Detailed Design and Tender Preparation (PRH-RO-1)

Resolution # 567-15

- That Council authorize staff to sole source and retain Cole Engineering Group Ltd. to undertake the detailed design and tender preparation for the Rossland Road Widening from Lake Ridge Road to McQuay Boulevard;
- 2. That Council provide pre-budget approval of \$150,000 (included in the 2016 capital budget and to be included in the 2016 Development Charge Background Study) for the detailed design and tender

preparation services for the Rossland Road widening from Lake Ridge Road to McQuay Boulevard; and,

3. That the Mayor and Clerk be authorized to execute the necessary contract documents.

Carried

6.14 Office of the Town Clerk Report, CLK 07-15

Re: Proposed Amendments to the Town's Procedure By-law

Resolution # 568-15

Moved By Councillor Roy Seconded By Councillor Gleed

- 1. That Report CLK 07-15 of the Office of the Town Clerk be received for information; and,
- 2. That Council approve the draft by-law as shown in Attachment #1 to Report CLK 07-05 and authorize the Town Clerk to take the necessary action to give effect thereto.

Carried

6.15 Office of the Town Clerk Report, CLK 09-15

Re: Council Code of Conduct and Integrity Commissioner Terms of Reference

This item was referred back at Committee.

6.16 Office of the Town Clerk Report, CLK 10-15

Re: Revisions to the Issuance of Proclamation Policy

Resolution # 569-15

- 1. That Report CLK 10-15 of the Office of the Town Clerk be received for information; and,
- 2. That Council approve the revised Issuance of Proclamation Policy as shown in Attachment #1 to CLK 10-15.

6.17 Corporate Services Department and Community and Marketing Services Department Joint Report, CMS 55-15

Re: Standardization of Building Automation Systems (BAS)

Resolution # 570-15

Moved By Councillor Roy Seconded By Councillor Gleed

That Council authorize Staff to issue a Request for Proposal to select two (2) building automation systems (BAS) that would become the standard for all current and future building automation projects within Town facilities.

Carried

6.18 Office of the Town Clerk Report, CLK 11-15

Re: Refreshment Vehicle Review – Consultant Findings and Way Forward

This item was referred back at Committee.

6.19 Community and Marketing Services Department Report, CMS 57-15 Re: Pump House Revitalization

This item was referred back at Committee.

6.20 Community and Marketing Services Department Report, CMS 64-15 Re: Appointment of Members of Whitby Seniors Services to the Seniors' Services Committee of Council

Resolution # 571-15

Moved By Councillor Roy Seconded By Councillor Gleed

That Council approve and appoint the following members of Whitby Seniors' Services to the Whitby Seniors' Services Committee of Council for a period of one year ending December 31, 2016:

Suzanne Allen

- Shirley Barnes
- Kenneth Roberts
- Carol James
- Eleanor Stevenson
- Ann Nielsen
- David Milton
- Rob Smith
- Bonita Spall
- George Spall

- 7. Notice of Motion
 - **7.1** There were no notices of motion.
- 8. New and Unfinished Business
 - Planning and Development Department Report, PL 74-15
 Re: Draft Plan of Subdivision and Site Plan Approval Applications –
 2370527 Ontario Inc.(Golden Falcon Homes) (SW-2014-03 and SP-06-14)

Resolution # 572-15

Moved By Councillor Coe Seconded By Councillor Leahy

- 1. That Council approve the application for a Draft Plan of Subdivision (File No. SW-2014-03) subject to the comments and conditions contained in Section 8.0 A of Planning Report PL 74-15 and subject to Section 3.0 of the Public Works Memorandum dated December 7, 2015:
- 2. That Council approve the application for Site Plan Approval (File No. SP- 06-14) subject to the comments and conditions contained in Section 8.0 B of Planning Report PL 74-15 and subject to Section 3.0 of the Public Works Memorandum dated December 7, 2015;
- 3. That approval be subject to a successful Minor Variance application being approved by the Committee of Adjustment to seek relief from the zoning by-law concerning the reduction of the rear yard setback and the distance between dwelling units;
- 4. That staff be authorized to prepare a Subdivision and Site Plan Agreement;
- 5. That the Mayor and Clerk be authorized to sign any necessary

- documents:
- 6. That the Region of Durham Commissioner of Planning be advised of Council's decision; and,
- 7. That the Clerk forward a Notice of Decision to those parties and agencies who have requested to be notified of Council's decision.

8.2 Memorandum from Commissioner of Public Works regarding Memorandum of Understanding (MOU) with the Ministry of Transportation of Ontario (MTO) regarding Baldwin Street in Brooklin

Resolution # 573-15

Moved By Councillor Roy Seconded By Councillor Gleed

- That the Mayor and Clerk be authorized to execute the Memorandum of Understanding with the Province of Ontario regarding Baldwin Street in Brooklin; and
- 2. That staff be directed to take the necessary steps to proceed with items and actions as outlined in the Memorandum of Understanding.

Carried unanimously on a recorded vote

	For	Against	Abstained
Councillor Lorne Coe	Х		
Councillor Joe Drumm	X		
Councillor Michael Emm	Х		
Mayor Don Mitchell	Х		
Councillor Elizabeth Roy	Х		
Councillor Derrick Gleed	Х		
Councillor Chris Leahy	Х		
Councillor Steve Yamada	Х		
	8	0	0

- **8.3** Councillor Roy requested that Staff investigate options for naming a local street or other facility after the late former Councillor.
- 8.4 Councillor Coe advised that if calls are received from residents regarding the intake of Syrian Refugees, further information and resources are available through the Durham Welcome Centers. Contact

information for these resources can be found through the Region of Durham's website.

- 8.5 Mayor Mitchell advised that information through the Organ and Tissue Donor Association indicated that Whitby had a 28% participation rate for organ and tissue donation. Mayor Mitchell noted that there can be long waiting lists for organ and tissue donations, and as such, he encouraged people to register to be a donor at www.beadonor.ca.
- 9. By-Laws

That the following by-laws be passed:

- 9.1 By-law # 7070-15, being a by-law to appoint certain persons as Municipal Law Enforcement Officers for the purpose of enforcing parking restrictions on public streets and property
- 9.2 By-law # 7071-15, being a by-law to provide for an interim tax levy for the year 2016 Refer to CS 100-15
- 9.3 By-law # 7072-15, being a by-law too provide rules for governing the order and procedures of the Council of the Town of Whitby Refer to CLK 07-15
- 9.4 By-law # 7073-15, being a by-law to to grant an easement over lands to Whitby Hydro Energy Services Corporation Refer to CS 94-15
- 9.5 By-law # 7074-15, being a by-law to designate R.A. Sennett Public School, 300 King Street, Lots 1, 2, 3, 4, Third Double Range, Plan H50032, Lot 17 and Part of Lots 18, 19 and 20, Third Double Range, Plan H50032, Part of Parts 1 and 2, Plan 40R-4729 being Gilbert Street, as closed by By-law D-84040, Plan H-50032Whitby as being of cultural heritage value and interest Refer to PL 24-15
- 9.6 By-law # 7075-15, being a by-law appoint certain persons as Municipal Law Enforcement Officers for the purpose of enforcing parking restrictions on private property
- 9.7 By-law # 7076-15, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law of the Town of Whitby

Refer to PL 97-15

Resolution # 574-15

Moved By Councillor Leahy Seconded by Councillor Emm

That leave be granted to introduce By-law #7070-15 to 7076-15 and to dispense with the readings 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

10. Confirmatory By-Law

10.1 Confirmatory By-law

Resolution # 575-15

Moved By Councillor Leahy Seconded By Councillor Emm

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 December 15, 2015 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

11. Adjournment

11.1 Motion to Adjourn

Resolution # 576-15

Moved By Councillor Coe Seconded By Councillor Emm

That the meeting adjourn.

Carried		
The meeting adjourned at 8:1	7 p.m.	
Christopher Harris, Town Clerk	Don Mitchell, Mayor	