

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION  
OF THE TOWN OF WHITBY HELD ON TUESDAY, OCTOBER 11, 2011 AT THE  
HOUR OF 7:00 P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL  
BUILDING

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PRESENT: Mayor Perkins  
Councillor Coe  
Councillor Drumm  
Councillor Emm  
Councillor Hanson  
Councillor Mitchell  
Councillor Montague  
Councillor Roy

Mayor Perkins in the Chair

STAFF PRESENT: R. Petrie, Chief Administrative Officer  
P. LeBel, Director of Community & Marketing Services  
S. Beale, Director of Public Works  
M. Gerrard, Fire Chief  
K. Nix, Director of Corporate Services/Treasurer  
S. Pohjola, Town Solicitor  
R. Short, Director of Planning  
D. Wilcox, Town Clerk  
S. Cassel, Licencing Clerk

1. DISCLOSURES OF INTEREST

Councillor Drumm made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to CORR 25-11, correspondence dated September 21, 2011 from T. Galinis, General Manager, Durham Region Transit with respect to Bill C-615, being an act to establish a National Public Transit Strategy as Councillor Drumm has a family member who works for Durham Region Transit. Councillor Drumm did not take part in the discussion or vote on the matter.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6531-11

RESOLUTION NO. 278-11

Minutes of Council Meetings – September 19 and 26, 2011

Councillor Montague, seconded by Councillor Hanson, 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 September 19, 2011 and the Special Meeting of Council held on September 26, 2011 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

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By-Law 6531-11 considered read a first, second, and third time and finally passed.

3. PRESENTATIONS/DELEGATIONS

RESOLUTION NO. 279-11

MOVED by Councillor Roy  
SECONDED by Councillor Coe

That the rules of procedure be suspended in order to consider a motion to hear the four deputations regarding Planning Report, Item 61-11 Downtown Whitby Heritage Conservation District Designation Process and Design Guidelines - Approved Terms of Reference.

CARRIED ON A TWO THIRDS  
MAJORITY VOTE

- i) Tim Pritchard, Whitby resident  
Re: Planning Report, Item 61-11  
Downtown Whitby Heritage Conservation District Designation Process and Design Guidelines - Approved Terms of Reference
- 

Mr. Tim Pritchard, 315 King Street, Whitby appeared before Council and noted that he has lived in Whitby for 38 years. Mr. Pritchard stated how he felt it was very important to preserve and maintain the heritage in Whitby, especially the area around the downtown four corners. He noted that the four corners of downtown need to be protected and the original heritage of the buildings preserved. Mr. Pritchard further expressed concerns regarding the development of new buildings throughout the Town and felt that new buildings in the area of the four corners would undermine the heritage feel and charm of the neighbourhood. He advised that great strides have already been taken but the work is only half done. Many buildings have not been officially designated and he fears for empty buildings such as R.A. Sennett Public School will be taken over by developers. Mr. Pritchard would like to see a vote in favour of the Heritage Conservation District Designation process which will finish the job started in preserving the heritage in Whitby. He noted that with this preservation Whitby will be a unique community that is not found in other municipalities. Mr. Pritchard further added that the heritage and charm of downtown will benefit businesses and residences alike and will attract new businesses that will want to be part of this historical environment.

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- ii) Vera Felgemacher, Whitby resident  
Re: Planning Report, Item 61-11  
Downtown Whitby Heritage Conservation District Designation Process and  
Design Guidelines - Approved Terms of Reference
- 

Vera Felgemacher, 209 John Street, Whitby has enjoyed living in Whitby for many years and loves her old Whitby neighbourhood where homeowners are longtime residents that never want to move away. Ms. Felgemacher plans to spend her retirement years in Whitby and expressed the importance of preserving the heritage and old homes in Whitby. She stated that she has heard a number of positive comments from others regarding the appearance of old Whitby. Ms. Felgemacher is pleased that Council is considering a consultant to help in the heritage designation process and hopes that the heritage in Whitby can be preserved for many years to come.

- iii) Wyatt McGillis, Whitby resident  
Re: Planning Report, Item 61-11  
Downtown Whitby Heritage Conservation District Designation Process and  
Design Guidelines - Approved Terms of Reference
- 

Wyatt McGillis, 209 John Street, Whitby stated that he is originally from Pickering and moved to Whitby with his wife and has loved it since he moved here. He noted that Whitby is a great place to live and would like to see heritage signs placed on the streets to draw attention to the historical streets in Town. Mr. McGillis hopes that Council will vote in favor to hire a consultant for the Whitby Heritage conservation process.

- iv) Doug Anderson, Whitby resident  
Re: Planning Report, Item 61-11  
Downtown Whitby Heritage Conservation District Designation Process and  
Design Guidelines - Approved Terms of Reference
- 

Doug Anderson appeared before Council and stated that he has lived in downtown Whitby since 1974. Mr. Anderson advised he has been involved with the Whitby Historical Society for many years and he spoke of past historical designations in the Town dating back 29 years. Mr. Anderson expressed concern that the Town was still talking about the same topic all these years later and he wants to Council to move forward with making decisions regarding heritage preservation. With all the previous discussions on this topic Mr. Anderson questioned whether a consultant was really necessary to discuss the matter further. He further

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stated that Council has enough information to move forward and come up with the same boundaries and processes that a consultant will come up with. He understands the process of hiring a consultant but he would like to eliminate the cost of the consultant if possible and have Council move forward on their own.

4. CORRESPONDENCE

(i) CORR 25-11

Correspondence dated September 21, 2011 from T. Galinis, General Manager, Durham Region Transit with respect to Bill C-615, being an act to establish a National Public Transit Strategy

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Having previously declared a conflict of interest, Councillor Drumm did not participate in the discussion or vote on the following item.

RESOLUTION NO. 280-11

MOVED By Councillor Mitchell  
Seconded by Councillor Coe

That CORR 25-11, being correspondence from T. Galinis, General Manager, Durham Region Transit with respect to Bill C-615 be endorsed.

CARRIED

(ii) CORR 26-11

Correspondence dated September 21, 2011 from Debbie Shields, City Clerk, City of Pickering, with respect to a Notice of Motion adopted by Pickering City Council at their meeting held on September 19, 2011 concerning banning shark fins

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RESOLUTION NO. 281-11

MOVED by Councillor Mitchell  
Seconded by Councillor Roy

1. That the City of Pickering be requested to provide the Town of Whitby with a copy of the staff report when completed with respect to the matter of banning the sale, possession and consumption of shark fins and related products; and

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2. That the Town Clerk be requested to provide a report to Council upon receipt of the staff report from the City of Pickering.

CARRIED

5. STANDING COMMITTEES

- (a) Planning and Development Committee – September 26, 2011  
Report No. 10  
Recommendations to Council

- 4.1 Planning Report, Item 57-11  
Re: Changes to the Power Pledge Community Challenge 2011

COUNCIL DECISION:

1. That Planning Report Item No. PL 57-11, regarding the Town of Whitby's participation in The Power Pledge Community Challenge, be received as information; and,
2. That a copy of this report be forwarded to Whitby Hydro.

- 4.2 Planning Report, Item 58-11  
Re: Site Plan Application – Robert & Eve Brouwer  
– (SP-09-11) – 9909 Dagmar Road

COUNCIL DECISION:

1. That Council approve the Site Plan application (SP-09-11) subject to the Conditions of Approval contained in Section 8.0 of Planning Report, PL 58-11; and,
2. That the applicant execute a Letter of Undertaking.

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- 4.4 Planning Report, Item 60-11  
Re: Site Plan Application – First Capital Brooklin Corp. Building “M”  
– The Beer Store – (SP-05-11) – 3 Winchester Road East

COUNCIL DECISION:

1. That Council approve the Site Plan Application (SP-05-11) subject to the Conditions of Approval contained in Section 8.0 of Planning Report Item PL 60-11; and,
2. That the Mayor and Clerk be authorized to execute the Site Plan Agreement.

- 4.6 Planning Report, Item 62-11  
Re: Additional Budget for Whitby Official Plan Review & Intensification  
Strategy – (OPA-2009-W/02 & OPA-2009-W/04)

COUNCIL DECISION:

1. That Council approve the additional budget for the Whitby Official Plan Review in the amount of \$84,000, funded from the Long Term Capital Financing Reserve Fund; and
2. That Council approve the additional budget for the Intensification Strategy in the amount of \$66,000, funded from the Long Term Capital Financing Reserve Fund.

RESOLUTION NO. 282-11

MOVED BY Councillor Coe  
Seconded by Councillor Roy

That Items 4.1 to 4.6 of Report No. 10 of the Planning & Development Committee dated September 26, 2011, be adopted, save and except Items 4.3 and 4.5.

CARRIED

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4.3 Planning Report, Item 59-11  
Re: Integrated Accessibility Standards, Ontario Regulation 191/11

General discussion ensued on this matter, especially in relation to implementation and related costs.

RESOLUTION NO. 283-11

MOVED BY Councillor Coe  
Seconded by Councillor Roy

COUNCIL DECISION:

1. That Planning Report No. PL 59-11 be received for information;
2. That Administration establish a Project Lead Team, comprised of senior staff from each department, including Public Library and Station Gallery, working in consultation with the Accessibility Coordinator, to develop an implementation strategy to ensure the Town meets all corporate obligations under the new Integrated Accessibility Standards Regulation including the development of:
  - a) corporate administration policies and procedures; and
  - b) a corporate communication strategy;
3. That Administration report back on the policies and procedures and implementation strategy for Council's consideration and approval.

CARRIED

4.5 Planning Report, Item 61-11  
Re: Downtown Whitby Heritage Conservation District Designation  
Process and Design Guidelines – Approved Terms of Reference

Detailed discussion ensued on the matter.

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RESOLUTION NO. 284-11

MOVED BY Councillor Coe  
Seconded by Councillor Hanson

COUNCIL DECISION:

1. That Planning Report Item PL 61-11 be received for information;
2. That Council endorse the Terms of Reference, as shown on Attachment #1, and authorize Staff to prepare and issue a Request for Proposal for consulting services for preparation of the Downtown Whitby Heritage Conservation District Study, Plan and Design Guidelines, subject to the comments and conditions outlined in Planning Report Item PL 61-11; and,
3. That Council approve the municipal budget share for the proposed Downtown Whitby Heritage Conservation District Study, Plan and Design Guidelines from a one-time reserve fund.

CARRIED AS AMENDED  
LATER IN THE MEETING  
(SEE FOLLOWING MOTION)

MOVED BY Councillor Coe  
Seconded by Councillor Roy

That the main motion be amended by adding the following as Item  
No. 4:

4. That staff be instructed to engage the consultant in preparing a number of options for recommendation to Council with respect to an enhanced public engagement plan.

CARRIED UNANIMOUSLY  
ON A RECORDED VOTE

The main motion as amended was then CARRIED UNANIMOUSLY ON A  
RECORDED VOTE.



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5. STANDING COMMITTEES

- (b) Operations Committee – October 3, 2011  
Report No. 10  
Recommendations to Council

- 4.1 Corporate Services Report, Item CS 71-11  
Re: Port Whitby Marina Harbour Dredging – (Q-52-2011)

COUNCIL DECISION:

1. That the Town of Whitby accept the quote of Richardson Workboats Inc. in the amount of \$78,616.35 (excluding taxes) for Port Whitby Marina Harbour Dredging for the areas as outlined in the report;
2. That the total estimated project cost for the Town of Whitby in the amount of \$80,000 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

- 4.2 Corporate Services/Public Works Joint Report, Item CS 72-11  
Re: Decanting Facility – Operations Services

COUNCIL DECISION:

1. That the Town of Whitby accept the quotation of Hard-Co Construction in the amount of \$63,000 (excluding taxes) for the building of a Decanting Facility;
2. That the total estimated project cost for the Decanting Facility in the amount of \$65,108.80 be approved;
3. That the Mayor and Clerk be authorized to execute the contract documents.

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- 4.3 Corporate Services/Public Works Joint Report, Item CS 73-11  
Re: Durham Purchasing Cooperative – Traffic Signs & Posts  
and Hardware – (CL2011-6)
- 

COUNCIL DECISION:

1. That the Town of Whitby accept the low tender of Owl-Lite Rentals in the amount of \$11,759.26 per year (excluding taxes) for the purchase of signs.
2. That the Town of Whitby accept the low tender of UCC in the amount of \$17,806.71 per year (excluding taxes) for the purchase of traffic sign hardware;
3. That approval be granted for continuance into the second and third year term subject to acceptable pricing and vendor performance.
4. That the total estimated 3 year contract amount for the Town of Whitby's requirements in the amount of \$90,258.93 be approved;
5. That the appropriate Town staff take the necessary action to give effect thereto.

- 4.4 Corporate Services Report, Item CS 74-11  
Re: IPSC – Lobby/Pro Shop Roof Replacement – (T-39-2011)

COUNCIL DECISION:

1. That the Town of Whitby accept the low tender of Eileen Roofing Inc. in the amount of \$59,900.00 (excluding taxes) for the Iroquois Park Sports Centre lobby/pro shop roof replacement; and,
2. That the total estimated project cost for the Town of Whitby in the amount of \$64,954.24 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

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- 4.5 Corporate Services/Public Works Joint Report, Item CS 75-11  
Re: Compound Storage Shed – (T-44-2011)

COUNCIL DECISION:

That the Town of Whitby cancel Tender No. T-44-2011 due to the cost of the project significantly exceeding the proposed budget.

RESOLUTION NO. 285-11

MOVED BY Councillor Mitchell  
Seconded by Councillor Emm

That Items 4.1 to 4.7 of Report No. 10 of the Operations Committee dated October 3, 2011, be adopted, save and except Items 4.6 and 4.7.

CARRIED

- 4.6 Public Works Report, Item PW 39-11  
Re: Veterans Way Designation – Campbell Street and Byron Street

General discussion ensued on this matter.

RESOLUTION NO. 286-11

MOVED BY Councillor Mitchell  
Seconded by Councillor Emm

COUNCIL DECISION:

1. That Public Works Report Item PW 39-11 be received as information;
2. That Council approve the two locations to be designated as Veterans Way;
3. That Council adopt the proposed sign design for the use of the Veterans Way designation;
4. That subject to Council's approval of the recommendations outlined within this report, the report be forwarded to the Whitby and

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Brooklin Branches of the Royal Canadian Legion for approval to  
use the poppy symbol; and

5. That the Director of Public Works be authorized to approve the final  
design of the poppy symbol in conjunction with the Royal Canadian  
Legion.

CARRIED

- 4.7 Public Works Report, Item PW 42-11  
Re: Noise Exemption Request – Wal-Mart Canada Corp.  
– 4100 Baldwin Street South
- 

RESOLUTION NO. 287-11

MOVED BY Councillor Mitchell  
Seconded by Councillor Emm

COUNCIL DECISION:

1. That Council approve Wal-Mart Canada Corporation's request for  
an exemption from Town of Whitby Noise By-law 292-70 as  
amended, from October 17, 2011 to October 20, 2011 subject to  
the following condition:
  - a) That the works be completed using lower compression  
paving equipment between the hours of 12:00 AM and  
6:00 AM.

CARRIED

6. NOTICE OF MOTION

There were no notices of motion.

7. NEW AND UNFINISHED BUSINESS

7.1 International Festival of Authors

Councillor Coe advised that the International Festival of Authors is taking  
place on October 20, 2011 at 7:30 p.m. at the Whitby Centennial Building.  
Tickets are on sale and can be purchased for \$10 each. Councillor Coe  
further mentioned that two contemporary authors from the United Kingdom  
will be in attendance.

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7.2 Public Libraries 100<sup>th</sup> Anniversary

Councillor Mitchell advised that it is the 100<sup>th</sup> Anniversary of Public Libraries and a kick off event to launch Ontario Public Library Week 2011 is being held at the Whitby Library Main Branch on Monday, October 17, 2011 at 2:30 p.m.

7.3 Brooklin Horticultural Society and Whitby in Bloom

Councillor Montague informed council that he had attended an event for the 90<sup>th</sup> Anniversary of the Brooklin Horticultural Society and that it was a successful event.

Councillor Montague also advised that five star awards were handed out for this year's Whitby in Bloom and that the gardens viewed were spectacular.

8. CONFIDENTIAL MATTERS

In accordance with Procedural By-law 6125-08 and the provisions of the *Municipal Act*, an In Camera meeting of Council was held prior to the regularly scheduled meeting.

RESOLUTION NO. 288-11

MOVED BY Councillor Coe  
Seconded by Councillor Hanson

That Council go In Camera in accordance with the provisions of the Municipal Act and Procedural By-law 6125-08, in that the matters to be discussed relate to proposed or pending acquisition or disposition of the land by the municipality and solicitor-client privilege.

CARRIED

8.1 Cullen Central Park  
Update on Negotiations with Le Nordik Nature Spa for the Sale and  
Development of Portions of the Property

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R. Petrie provided a confidential overview of the status of the negotiations that have taken place to date. A brief question and answer period ensued.

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RESOLUTION NO. 289-11

MOVED BY Councillor Coe  
Seconded by Councillor Drumm

That Council rise and recess from the in camera session.

CARRIED

Council recessed from the In Camera Session at 6:14 p.m. and reconvened in the Council Chambers at 7:00 pm.

9. BY-LAWS

- 6532-11 By-law to designate the property composed of Lot 21 on Registered Plan 40M-2398 as not being subject to part lot control. [Storybrook Homes (Paul Halminen) – Plan 40M-2398 – S-156-87]
- 6533-11 By-law to stop-up and close part of the public highway known as Ball Crescent. [Baycliffe Homes – 1455098 Ontario Limited – SW-2003-05 – Parts 1, 2 and 3 on Plan 40R-26155]
- 6534-11 By-Law to Appoint Persons as Municipal Law Enforcement Officers for the purpose of enforcing parking restrictions on private property
- 6535-11 By-Law to Appoint Persons as Municipal Law Enforcement Officers for the purpose of enforcing parking restrictions on public property
- 6536-11 By-law to designate certain portions of a registered plan of subdivision as not being subject to part lot control. [Liza Communities (Casewood Holdings Inc.) – Plan 40M-2360 & 40M-2295 – SW-2003-07]

RESOLUTION NO. 290-11

MOVED by Councillor Mitchell seconded by Councillor Roy that leave be granted to introduce By-law Nos. 6532-11 to 6536-11, 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

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10. CONFIRMATORY BY-LAW NO. 6537-11

RESOLUTION NO. 291-11

MOVED by Councillor Emm 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 October 11, 2011, 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. 6537-11 considered read a first, second and third time and finally passed.

11. ADJOURNMENT

RESOLUTION NO. 292-11

MOVED by Councillor Coe  
Seconded by Councillor Montague

That the meeting be adjourned.

CARRIED

The meeting adjourned at 8:15 p.m.

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Debi A. Wilcox, Town Clerk

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Patricia Perkins, Mayor