

**Present:** Mayor Mitchell  
Councillor Drumm  
Councillor Emm  
Councillor Gleed  
Councillor Leahy  
Councillor Roy  
Councillor Yamada

**Also Present:** R. Petrie, Chief Administrative Officer  
S. Beale, Commissioner of Public Works  
P. LeBel, Commissioner of Community & Marketing Services  
W. Mar, Commissioner of Legal and By-law Services/Town Solicitor  
K. Nix, Commissioner of Corporate Services/Treasurer  
R. Short, Commissioner of Planning  
D. Speed, Fire Chief  
C. Harris, Town Clerk  
S. Cassel, Deputy Clerk

**Regrets:** North Ward Councillor (vacant)

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1. Declarations of Pecuniary Interest

1.1 There were no declarations of pecuniary interest.

2. Adoption of Minutes

2.1 Regular Council - April 18, 2016  
Special Council - April 25, 2016  
Special Council - May 2, 2016 (Closed minutes of the In-Camera session under separate cover)

**Resolution # 218-16**

Moved By Councillor Leahy  
Seconded by Councillor Roy

That the minutes be adopted.

**Carried**

3. Delegations/Presentations

**3.1** Whitby Wolves Novice A

Recognition/Award: 2015/2016 Provincial Championships Novice A - Gold

Mayor Mitchell attended the dais and was joined by Councillor Drumm and P. LeBel, Commissioner of Community and Marketing Services.

Coaches Ryan Rayner, Todd Bryk, Mike Hall and Geoff Bell were welcomed onto the dais to recognize the team members of the Whitby Wolves Novice A for their accomplishment as the 2015/2016 Provincial Championships Novice A - Gold.

**3.2** Youth Council

Recognition/Award: Platinum Level Youth Friendly Community Designation

Prior to inviting the Youth Council to the dais, the Youth Friendly Community Project Video created by Jordan Lackner, was played for Members of Council and the audience.

Mayor Mitchell attended the dais and was joined by Councillor Yamada, Sarah Klein, Manager of Recreation, John Watkins, Supervisor of Community Development and Youth/Children's Service and P. LeBel, Commissioner of Community and Marketing Services. The Youth Council were welcomed onto the dais to recognize them for their accomplishment for receiving the Platinum Level Youth Friendly Community Designation.

Jordan Lackner was presented with a certificate in recognition of the creation of the Youth Friendly Community Project Video.

**3.3** John Watkins

Recognition/Award: PRO Member Award: Certificate of Recognition for 5 Years of Service

Mayor Mitchell attended the dais and was joined by Sarah Klein, Manager of Recreation and P. LeBel, Commissioner of Community and Marketing Services.

John Watkins was welcomed onto the dais to recognize him for his

accomplishment in receiving the PRO Member Award, Certificate of Recognition for 5 Years of Service.

**3.4 Jack Barnes**

Recognition/Award: 5th Anniversary of Jack Barnes' Neighbourhood Clean Up

Mayor Mitchell attended the dias and was joined by Councillor Leahy.

Jack Barnes was welcomed onto the dais to recognize him for his accomplishment in organizing the 5th annual Jack Barnes' Neighbourhood Clean Up.

**3.5 Gerald Parker**

Re: Planning and Development Department Report, PL 44-16  
West Whitby Architectural/Urban Design Guidelines

Gerald Parker, 47 Stratton Crescent, appeared before Council and posed a series of questions and requested that answers to the questions be provided prior to the report being received and adopted by Council. The questions raised included:

- whether the reference in the document which stated “On behalf of the Town of Whitby” was true or whether it was for information only;
- what citizens of Whitby were included;
- whether there was public consultation or advisement of this important issue;
- whether the Accessibility Advisory Committee (AAC) was engaged;
- whether the Fire Department had been involved and if so what was their involvement;
- what specific staff comprised the “Working Committee”;
- whether the design guidelines include the WHO Age Friendly designation;
- how many age friendly and accessible units were allocated;
- what safe school route plans were included in the guidelines;
- whether the Town of Whitby Accessibility Standards were considerations or standards;
- whether the development charges review would be coming forward soon and would it be written by the Town of Whitby.

Mr. Parker concluded by stating that accessibility is a right and not an afterthought and that the guidelines needed to be for residents who live and pay their taxes in Whitby. He stated that the next steps were to send the report back so that it could be vetted through the AAC, to

clarify and answer the questions raised and include local citizens in the solutions.

**3.6** Vera Felgemacher  
Legal and By-law Services Department Report, LS 13-16  
Re: Legal and By-law Services Department Fees By-law - Update

Vera Felgemacher, 209 John Street West, appeared before Council and raised concerns regarding the increase in animal adoption fees for cats and dogs. She stated that fees were increased in January 2016 and within 3 months a 20% increase for cat adoption and a 13.7% increase for dog adoption was being proposed.

Ms. Felgemacher raised questions regarding:

- a financial report of revenues and expenditures for license fees to support the increase in adoption fees;
- what analysis was used to increase the impoundment fees;
- the impacts to seniors citizens who are on fixed incomes;
- why 'other animal adoption' was not clearly defined and whether it was necessary;
- whether there were conflicts of interest not declared on this matter; and,
- how increases in other fees included in the 2016 Budget were justified as inflationary increases when the increases were above the inflation rate.

Ms. Felgemacher concluded with comments on business licensing revenues and questioned why the Town was not providing a convenient on-line licensing option for Home Based Businesses (HBB) noting the possible revenues that could be generated through HBB licenses.

**4.** Correspondence

**4.1** That the following requests be endorsed:

- May 9 to 15, 2016 as Nursing Week
- May 29 to June 4, 2016 as Victims and Survivors of Crime Week
- June 4, 2016 as National Health and Fitness Day
- June 15, 2016 as World Elder Abuse Awareness Day
- June 19, 2016 as Walk for Values Day
- June 25, 2016 as Lacrosse Day
- June 2016 as Brain Injury Awareness Month
- June 2016 as Recreation and Parks Month
- June 2016 as Seniors' Month
- May 30 to June 6, 2016 - Flag Raising - Pride Week
- June 17 to 20, 2016 - Flag Raising - Walk for Values

**Resolution # 219-16**

Moved By Councillor Yamada  
Seconded By Councillor Leahy

That the proclamations for Nursing Week - May 9 to 15, 2016, Victims and Survivors of Crime Week - May 29 to June 4, 2016, National Health and Fitness Day - June 4, 2016, World Elder Abuse Awareness Day - June 15, 2016, Walk for Values Day - June 19, 2016, Lacrosse Day - June 25, 2016, Brain Injury Awareness Month - June 2016, Recreation and Parks Month - June 2016, Seniors' Month - June 2016, and the flag raising for Pride Week - May 30 to June 6 and Walk for Values - June 17 to 19, 2016, be endorsed.

**Carried**

5. Planning and Development Committee  
Report # 6 of the Planning and Development Committee - April 25, 2016

- 5.1** Planning and Development Department Report, PL 47-16  
Re: Official Plan Amendment and Zoning By-law Amendment  
Applications: Southbound Development Inc., 95 Taunton Road East  
(OPA 2015/W-02, Z-14-15)

**Resolution # 220-16**

Moved By Councillor Roy  
Seconded By Councillor Gleed

1. That Council approve the application to amend the Town of Whitby Official Plan (OPA 2015-W/02) as Amendment No. 102 to the Whitby Official Plan, as shown on Attachment #5, subject to the comments and conditions contained in Section 8 of Planning Report Item No. 47-16;
2. That the Clerk forward a copy of Planning Report Item No. 47-16, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Official Plan Amendment No. 102 to the Region of Durham's Commissioner of Planning;
3. That Council approve the application to amend Zoning By-law No. 1784, (Z-14-15), subject to the conditions contained in section 8 of Planning Report Item No. 47-16 and the Approval of Amendment No. 102 to the Whitby Official Plan;
4. The Town of Whitby will ensure that the applicant has submitted

- a Record of Site Condition (RSC) to the Ministry of the Environment and Climate Change (MOECC) for the subject property known municipally as 95 Taunton Road East (assessment roll number 180903002402300);
5. Furthermore, following the approvals of both the Official Plan and Zoning By-law Amendment applications (file numbers OPA 2015-W/02 and Z-14-15), the Town of Whitby will also withhold any permits and future development permissions/approvals until such a time the above referenced RSC is acknowledged and MOECC has advised the RSC has not been selected for audit;
  6. The Region of Durham will require a copy of the MOECC's RSC acknowledgment letter (and any other supporting documentation) from the applicant, prior to the Town proceeding with the issuance of any permits and subsequent development permissions/approvals for the subject lands; and,
  7. That a By-law to amend Zoning By-law 1784 be brought forward for consideration by Council;
  8. That at the site plan approval stage, Council will require implementation of a shared access serving Southbound Developments, the Baptist Church and 2484319 Ontario Inc. properties, in a location determined by the Region of Durham, in consultation with the Town of Whitby and the landowners;
  9. That a public walkway access to Willowbrook Drive be included as part of the site plan approval; and,
  10. That up to eight storeys be permitted on the Taunton Road frontage provided there is no change to the proposed density of the development.

**Carried**

**5.2 Planning and Development Department Report, PL 44-16**  
Re: West Whitby Architectural/Urban Design Guidelines

Discussion ensued regarding the guidelines, review of the guidelines by the Accessibility Advisory Committee (AAC) and ongoing review throughout the process.

Members of Council referred to the Memorandum dated May 9, 2016 from R. Short, Commissioner of Planning regarding an addenda/errata to Report PL 44-16 that included revisions based on the comments provided by the Planning and Development Committee. The memorandum was provided to Members of Council prior to the meeting.

**Resolution # 221-16**

Moved By Councillor Roy  
Seconded By Councillor Gleed

1. That Planning and Development report PL 44-16 be received for information; and,
2. That Council adopt the architectural/urban design guidelines as found in Attachment #1 for use by Developers, Builders and Designers in the West Whitby Community.

**Carried later in the meeting (See following motion)**

**Resolution # 222-16**

Moved By Councillor Roy  
Seconded by Councillor Drumm

That the main motion be amended by adding the following after 'Community':  
and that the changes outlined in the memorandum, dated May 9, 2016, from R. Short, Commissioner of Planning, be incorporated into the guidelines.

**Carried**

The main motion, as amended, was then carried.

- 5.3** Planning and Development Department Report, PL 49-16  
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)

Discussion ensued regarding Ontario Municipal Board (OMB) oversight and its influence on municipal decision making, the changes that had been made since the original application had been submitted and other similar development that had been approved in the Town.

Members of Council referred to the Memorandum dated May 9, 2016 from R. Short, Commissioner of Planning regarding an addenda/errata to Report PL 49-16 that included revisions to Attachment #7 of the report. The memorandum was provided to Members of Council prior to the meeting.

**Resolution # 223-16**

Moved By Councillor Roy  
Seconded By Councillor Gleed

1. That Planning Report PL 49-16 be received for information; and,
2. That Council approve the recommendations as set out in Planning and Development Report PL 24-16.

**Carried later in the meeting (See following motion)**

**Resolution # 224-16**

Moved By Councillor Roy  
Seconded By Councillor Leahy

That Item 2 of the main motion be amended by adding the following after 'PL 24-16':  
and that the changes to Attachment #7 of PL 24-16 as outlined in the memorandum, dated May 9, 2016, from R. Short, Commissioner of Planning, be approved.

**Carried**

The main motion, as amended, was then carried on a recorded vote as follows:

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Councillor Joe Drumm		x	
Councillor Michael Emm	x		
Councillor Derrick Gleed	x		
Councillor Chris Leahy	x		
Councillor Elizabeth Roy		x	
Councillor Steve Yamada	x		
Mayor Don Mitchell	x		
	5	2	0

- 5.4** Planning and Development Department Report, PL 43-16  
Re: Whitby Sustainability Advisory Committee 2015 Annual Report

**Resolution # 225-16**

Moved By Councillor Roy  
Seconded By Councillor Gleed



1. That Council receive the Whitby Sustainability Advisory Committee 2015 Annual Report as information; and,
2. That the Whitby Sustainability Advisory Committee terms of reference be amended to add two appointees from the Whitby Youth Council as non-voting members for a term beginning in September until June each year.

**Carried**

- 5.5** Planning and Development Department Report, PL 46-16  
Re: Sign By-law Variance Application for Tim Hortons Menu Board and Wall Signs at 910 Dundas Street West

**Resolution # 226-16**

Moved By Councillor Roy  
Seconded By Councillor Gleed

That Council approve Sign By-law Variance Application SB-02-16 to the Town of Whitby Sign By-law 5695-05 for the new Tim Hortons location on lands municipally known as 910 Dundas Street West in accordance with the following amendments:

- a) To increase the menu board sign area from 1.0 square metre to 3.7 square metres, for a maximum of one (1) menu board sign;
- b) To increase the menu board sign height from 2.0 metres to 2.2 metres; and,
- c) To reduce the minimum distance above the adjacent grade for three (3) surface mounted window box (wall signs) to 0.7 metres, whereas a minimum of 2.5 metres is required.

**Carried**

- 5.6** Planning and Development Department Report, PL 41-16  
Re: Earth Hour 2016 Results

**Resolution # 227-16**

Moved By Councillor Roy  
Seconded By Councillor Gleed

1. That Planning Report Item PL 41-16 be received as information; and,

2. That the Clerk forward a copy of this report to the Durham District School Board, Durham Catholic District School Board, Whitby Hydro, Whitby Library, Station Gallery, Whitby Chamber of Commerce, Durham Region Astronomical Association, and the Whitby Sustainability Advisory Committee.

**Carried later in the meeting (See following motion)**

**Resolution # 228-16**

Moved By Councillor Gleed  
Seconded by Councillor Roy

The Item 2 of the main motion be amended by adding the following after 'Committee':  
Durham Region Roundtable on Climate Change.

**Carried**

The main motion, as amended, was then carried

- 5.7** Planning and Development Department and Fire and Emergency Services Department Joint Report, PL 42-16  
Re: Installation of Broad Band Communication Services and Automatic Fire Sprinkler Systems in Addition to the Ontario Building Code for West Whitby

**Resolution # 229-16**

Moved By Councillor Roy  
Seconded By Councillor Gleed

1. That the joint Planning and Development and Whitby Fire and Emergency Services Report PL 42-16 be received for information; and,
2. That Staff, in consultation with the Region of Durham Public Works Department, provide additional information in regard to infrastructure servicing and dwelling unit sprinkler design requirements to the meeting of the Planning and Development Committee held on May 16, 2016.

**Carried**

- 5.8** Planning and Development Department Report, PL 45-16  
Re: Request for Durham Region to Amend the Regional Official Plan  
Regarding Places of Worship

**Resolution # 230-16**

Moved By Councillor Roy  
Seconded By Councillor Glead

1. That Planning Report PL 45-16 be received for information;
2. That Council request, for reasons outlined in Report PL 45-16, that the Region of Durham initiate a Regional Official Plan Amendment to delete the reference to “places of worship” in Regional Official Plan Policy 8C.2.2, as outlined on Attachment #1;
3. That the Region of Durham be requested to initiate the proposed amendment separately from, and in advance of, a municipal comprehensive review of the Durham Regional Official Plan; and,
4. That the Clerk forward a copy of Council’s resolution and this report to the Whitby Ethno-Cultural & Diversity Committee, the Region of Durham and all local area municipalities within the Region of Durham.

**Carried**

6. Operations Committee  
Report # 6 of the Operations Committee - May 2, 2016

- 6.1** Legal and By-law Services Department, LS 09-16  
Re: Feline Trap, Neuter, and Release (TNR) Program - Update

This item was referred back at Committee.

- 6.2** Community and Marketing Services Department Report, CMS 31-16  
Re: Town of Whitby Platinum Level Youth Friendly Community  
Recognition

**Resolution # 231-16**

Moved By Councillor Emm  
Seconded By Councillor Glead

1. That Community and Marketing Services Report CMS 31-16

- regarding the Town of Whitby Platinum Level Youth Friendly Community Recognition be received as information; and,
2. That Council recognize the Whitby Youth Council and Whitby Youth Network Committee for their ongoing contributions in helping the Town of Whitby achieve the highest level of recognition as a Youth Friendly Community.

**Carried**

- 6.3** Community and Marketing Services Department Report, CMS 27-16  
Re: Whitby Harbour Day 2016

**Resolution # 232-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

1. That Council approve the recommendations of the Whitby Harbour Day Committee of Council regarding the proposed activities for the 2016 Whitby Harbour Day as outlined in the Community and Marketing Services Department Report CMS 27-16;
2. 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; and,
3. That Council approve the proposed date of July 23 for Whitby Harbour Day 2016.

**Carried**

- 6.4** Community and Marketing Services Department Report, CMS 33-16  
Re: Pro Shop Lease Agreement

**Resolution # 233-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

1. That Council direct staff to negotiate and prepare a lease agreement with Elexero Hockey for pro shop space at the Iroquois Park Sports Centre and McKinney Centre; and,

2. That the Mayor and Clerk be authorized to execute the lease agreement.

**Carried**

- 6.5** Community and Marketing Services Department and Planning and Development Department Joint Report, CMS 32-16  
Re: Downtown Music Festival

**Resolution # 234-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

1. That Council approve the proposed Downtown Music Festival (Blues Fest) and the associated activities to be held Saturday, June 25, 2016 in downtown Whitby, subject to the terms and conditions outlined in the joint Departmental report CMS 2-16;
2. That Council authorize the use of the former Fire Hall building located at 201 Brock Street South and the north portion of adjacent Town parking lot number 4 for the event;
3. That Council authorize the closure of Colborne Street between Byron Street and Green Street and Brock Street South between Dunlop Street and Dundas Street from 8:00 a.m. to 11:00 p.m. on Saturday, June 25, 2016;
4. That Council provide an exemption to the Town's Noise By-law #6917-14 during the hours of the proposed Downtown Music Festival; and,
5. That Council approve the allocation of municipal resources and costs for the event which would be funded from the Community and Marketing Services Department Special Events 2016 Operating Budget (an amount of \$4,000 is included in the Operating Budget for this event).

**Carried**

- 6.6** Legal and By-law Services Department Report, LS 13-16  
Re: Legal and By-law Services Department Fees By-law - Update

**Resolution # 235-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

1. That Report LS 13-16 be received for information;
2. That Council approve the proposed fees for services and activities provided by the Legal and By-law Services Department as outlined within Report LS 13-16; and,
3. That the Clerk be directed to bring forward a by-law to give effect to the recommendations contained in Report LS 13-16.

**Carried**

- 6.7** Office of the Town Clerk Report, CLK 14-16  
Re: Public Notice Policy

**Resolution # 236-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

1. That Report CLK 14-16 of the Office of the Town Clerk be received for information;
2. That Council approve the Public Notice Policy as shown in Attachment #1 to this report; and,
3. That the Clerk be directed to bring forward a by-law for enactment to repeal By-law #5183-03.

**Carried**

- 6.8** Office of the Town Clerk Report, CLK 15-16  
Re: Motion to Refer or Commit - Proposed Procedure By-law Amendment

**Resolution # 237-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

1. That Report CLK 15-16 from the Office of the Town Clerk be received for information; and,
2. That the Clerk be directed to bring forward a by-law to amend Procedure By-law 7072-15, substantially in the form of the draft by-law appended as Attachment #1 to this report.

**Carried**

- 6.9** Office of the Town Clerk Report, CLK 16-16  
Re: 5 Paddles Brewing Company – Manufacturer's Limited Liquor Sales  
Licence Application

**Resolution # 238-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

1. That Whitby Town Council hereby declares their support for the application made by 5 Paddles Brewing Company, located at 1390 Hopkins Street for a Manufacturer's Limited Liquor Sales Licence ("By the Glass") to the Alcohol and Gaming Commission of Ontario (AGCO); and,
2. That the Clerk provide written notice to the Alcohol and Gaming Commission of Ontario (AGCO) and 5 Paddles Brewing Company notifying them of Council's resolution confirming its support.

**Carried**

- 6.10** Corporate Services Department and Public Works Department Joint Report, CS 14-16  
Re: Reconstruction of Byron Street, Trent Street and Keith Street (T-1-2016)

**Resolution # 239-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

1. That the Town of Whitby accept the low tender as received from Eagleson Construction in the amount of \$2,636,801.13 (plus applicable taxes) for all labour, materials and equipment necessary to complete the reconstruction of Byron Street, Trent Street and Keith Street;
2. That the Town of Whitby's portion of the estimated project cost in the amount of \$2,213,000.00 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

**Carried**

- 6.11** Corporate Services Department and Public Works Department Joint Report, CS 26-16  
Re: Replacement of Chain Link Fence (T-573-2016)

**Resolution # 240-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

1. That the Town of Whitby accept the low tender of Anthony Furlano Construction Inc. in the amount of \$113,089.00 (excluding taxes) for the replacement of chain link fence as required by the Town of Whitby;
2. That the total estimated cost in the amount of \$140,079.36 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

**Carried**

- 6.12** Corporate Services Department and Public Works Department Joint Report, CS 27-16  
Re: Sidewalk Replacement (T-502-2016)

**Resolution # 241-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

1. That the Town of Whitby accept the low tender of Serve Construction Ltd. in the amount of \$748,892.50 (excluding taxes) (with reduction of Craydon Road) for the sidewalk replacement as required by the Town of Whitby;
2. That an over expenditure in the amount of \$102,400.00 be approved and funded from the Maintenance Reserve and Arena Reserve, Growth Reserve Fund and Development Charges;
3. That the total estimated project cost for the Town of Whitby, in the amount of \$870,000.00 be approved; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

**Carried**



- 6.13** Public Works Department and Corporate Services Department Joint Report, CS 28-16  
Re: Supply and Delivery of Two (2) Mid-Size SUV's (T-43-2016)

**Resolution # 242-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

1. That the Town of Whitby accept the low tender bid of Georgian Chevrolet Buick GMC in the amount of \$62,300.00 (plus applicable taxes) for the supply and delivery of two (2) mid-size SUV's;
2. That the total estimated project cost for the Town of Whitby in the amount of \$67,396.48, be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

**Carried**

- 6.14** Corporate Services Department and Public Works Department Joint Report, CS 29-16  
Re: Ash Tree Removal (T-42-2016)

**Resolution # 243-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

1. That the Town of Whitby accept the low compliant bid as received from W.M Weller Tree Service Ltd. in the amount of \$213,060.00 (plus applicable taxes) for an eight (8) month seasonal contract for ash tree removal services;
2. That the total estimated eight (8) month project cost for the Town of Whitby in the amount of \$239,000.00 be approved;
3. That approval be granted for the option to extend the contract for one (1) additional year term provided the Company's performance is satisfactory and subject to budget approval; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

**Carried**

- 6.15** Corporate Services Department and Public Works Department Joint Report, CS 32-16  
Re: Willis Avenue Culvert Rehabilitation and Ashburn Road Culvert Replacement (T-2-2016)

**Resolution # 244-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

1. That the Town of Whitby accept the low tender of 2220742 Ontario Ltd o/a Bronte Construction. in the amount of \$288,999.25 (excluding taxes) for the culvert rehabilitation on Willis Avenue and culvert replacement on Ashburn Road as required by the Town of Whitby;
2. That the total estimated project cost for the Town of Whitby, in the amount of \$405,000.00 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

**Carried**

- 6.16** Corporate Services Department Report, CS 33-16  
Re: To Authorize the Manager of Revenue and Assessment Review Officer to Appeal Selected Property Assessments on behalf of the Town of Whitby

**Resolution # 245-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

That Council authorize the Manager of Revenue and the Assessment Review Officer to file a Notice of Complaint, on behalf of the Town of Whitby, for assessment values on certain properties within the Town of Whitby, as set out in Corporate Services Report, Item CS 33-16.

**Carried**

- 6.17** Corporate Services Department Report, CS 34-16  
Re: Applications for Cancellation, Reduction, Adjustment and/or Refund of Taxes

**Resolution # 246-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

That applications for cancellation, reduction, adjustment and/or refund of taxes be approved as listed in this report, in the amount of \$2,153,137.41 for the taxation years 2008 to 2015 inclusive.

**Carried**

- 6.18** Corporate Services Department Report, CS 35-16  
Re: 2016 Final Tax Billing

**Resolution # 247-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

1. That the tax rates for the year 2016 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 23, 2016 and September 26, 2016;
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 2016 in accordance with the approved budgets and regulations.

**Carried**

- 6.19** Public Works Department Report, PW 14-16  
Re: LED Street Light Conversion Program Update

**Resolution # 248-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

1. That Report PW 14-16 be received as information;

2. That Phase 3 of the street light conversion program with an estimated cost of \$625,150.00 be advanced from 2017 to 2016 for all square pack street lights (1,401), to be funded from the existing approved LED budget;
3. For Downtown Whitby and Brooklin, the replacement of the existing decorative and cobra head HPS streetlights as shown in Attachments #1 and #2 be investigated further for possible replacement to decorative style LED street lights; and,
4. That a copy of Report PW 14-16 be forwarded to Whitby Hydro.

**Carried**

- 6.20** Public Works Department Report, PW 15-16  
Re: All-Way Stop Control at the Intersection of Gilbert Street East and Green Street

**Resolution # 249-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

1. That an all-way stop control be installed at the intersection of Gilbert Street East and Green Street;
2. That Council authorize the Clerk to bring forward an amending By-law to Traffic By-law 1862-85, for Council approval; and,
3. That a copy of the Report PW 15-16 be provided to the Durham Region Police Service.

**Carried**

- 6.21** Public Works Department Report, PW 17-16  
Re: All-Way Stop Control at the Intersection of Country Lane and Vineyard Avenue/Bridgid Drive

**Resolution # 250-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

1. That an all-way stop control be installed at the intersection of Country Lane and Vineyard Avenue/Bridgid Drive;
2. That Council authorize the Clerk to bring forward an amending By-law to Traffic By-law 1862-85, for Council approval; and,

3. That a copy of the Report PW 17-16 be provided to the Durham Region Police Service.

**Carried**

- 6.22** Fire and Emergency Services Department Report, FR 03-16  
Re: 2015 Annual Report

**Resolution # 251-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

That Council receive for information Whitby Fire and Emergency Services' (WFES') 2015 Annual Report.

**Carried**

- 6.23** Fire and Emergency Services Department Report, FR 05-16  
Re: Fire Chief's Community Advisory Committee

**Resolution # 252-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

That Report FR 05-16 of Whitby Fire and Emergency Services be received for information.

**Carried**

- 6.24** Fire and Emergency Services Department Report, FR 06-16  
Re: Fire Department Chaplain

**Resolution # 253-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

That Council approve the addition of a Chaplain with critical incident training and experience to provide spiritual and mental health services to Whitby Fire and Emergency Services (WFES) personnel as needed.

**Carried**

- 6.25** Fire and Emergency Services Department Report, FR 07-16  
Re: Additional Reserve Fire Apparatus

**Resolution # 254-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

That Council approve the expansion of the number of reserve fire apparatus from two to three.

**Carried**

- 6.26** Correspondence

**Resolution # 255-16**

Moved By Councillor Emm  
Seconded By Councillor Gleed

That staff investigate developing a procedure to outline the requirements for correspondence distributed to Members of Council, such as the requirement to provide the author's full name and address.

**Carried**

7. Notice of Motion

- 7.1** There were no notices of motion.

8. New and Unfinished Business

- 8.1** Planning and Development Department Report, PL 48-16  
Re: Draft Plan of Condominium Sundance MPI Developments Inc., 1400 Nichol Avenue (Phase II)

**Resolution # 256-16**

Moved By Councillor Roy

Seconded By Councillor Leahy

1. That Council approve the application for a Draft Plan of Condominium (CW-2016-02) subject to the conditions of approval in Section 8.0 of Planning Report Item PL 48-16;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement for the subject property; and,
3. That the Clerk advise the Commissioner of Planning at the Region of Durham of Council's decision.

**Carried**

**8.2 Status Update on Operations New and Unfinished Business List**

Councillor Gleed requested an update on Items MD 2033 and 2321 pertaining to funds raised at the former Mayor's Gala. W. Mar, Town Solicitor, advised that a staff report would be forthcoming in June to the Operations Committee and that the report would include details of the consultations with the bank as well as opportunities for using the funds in the community.

**Resolution # 257-16**

Moved By Councillor Gleed  
Seconded By Councillor Roy

That Council consider motions in accordance with Section 2.12.2 of the Procedure By-law regarding support for the Fort McMurray wildfire disaster relief, Ontario Municipal Board (OMB) reform, and support for Bill 158 – Saving the Girl Next Door.

**Carried**

**8.3 Bill 158 - Saving the Girl Next Door**

Discussion ensued regarding the seriousness of the crime of human trafficking of young girls, the need to provide greater ability to the Police to intervene in these circumstances and the potential through the Bill to provide this ability to the Police.

**Resolution # 258-16**

Moved By Councillor Gleed  
Seconded By Councillor Roy

Whereas human trafficking is a heinous crime that has been referred to as modern day slavery;

Whereas traffickers recruit, transport, harbor and control the girl next door for sexual exploitation or forced labour;

Whereas it is one of the fastest growing crimes that starts and stays in Canada, targeting victims – 90 percent of which are Canadian-born and predominantly female, averaging the age of 14; and,

Whereas Ontario is a major hub of human trafficking in Canada, and victims are lured, manipulated and coerced, often over the internet from every part of Ontario.

Now Therefore Be it Resolved:

That the Council of the Corporation of the Town of Whitby support Bill 158, Saving the Girl Next Door Act, 2016, support MPP Laurie Scott's motion for a multi-jurisdictional and coordinated task force of law enforcement agencies, Crown prosecutors, judges, victims' services and frontline agencies; and,

That a copy of this resolution be forwarded to all Members of Provincial Parliament, Durham Region Police Service Board and municipalities.

**Carried**

#### **8.4 Disaster Relief - Fort McMurray**

##### **Resolution # 259-16**

Moved By Councillor Roy  
Seconded By Councillor Gleed

Whereas the Council of the Town of Whitby expresses its deepest support to those impacted by the Alberta wildfires in the Fort McMurray area;

Whereas there is a need for assistance for those who have been displaced and are responding to the disaster;

Now Therefore Be it Resolved:



That \$2,000 be donated to the Association of Municipalities Ontario (AMO) as part of the Federation of Canadian Municipalities and AMO's call to action; and,

That the financial contribution from the Town of Whitby be sent forthwith in order to receive matching dollars from the Federal and Alberta governments.

**Carried**

**8.5 Ontario Municipal Board (OMB) Reform**

**Resolution # 260-16**

Moved By Councillor Yamada  
Seconded By Councillor Leahy

Whereas municipalities spend an incredible amount of resources and taxpayer money developing an Official Plan; and

Whereas a municipalities Official Plan is ultimately approved by the Province; and

Whereas it is within the legislative purview of Municipal Council to approve Official Plan amendments or Zoning By-law changes that better the community or fit within the vision of the Cities/towns Official Plan; and

Whereas it is also within the legislative purview of Municipal Council to deny Official Plan amendments or Zoning By-law changes that do not better the community or do not fit within the vision of the municipality's Official Plan; and

Whereas planning decisions may be appealed to the Ontario Municipal Board ("OMB"), an unelected, appointed body that is not accountable to the residents of the Greater Golden Horseshoe; and

Whereas appeals of OMB decisions are limited to questions of law, not the findings of facts in a case; and

Whereas all decisions—save planning decisions—made by Municipal Council are similarly only subject to appeal by judicial review and such

appeals are limited to questions of law;

The Town of Whitby supports the call on the province to take immediate action to review the powers and process of the Ontario Municipal Board, an unelected body, that is not accountable to the residents, to ensure that the OMB is respectful of municipal planning policies and local decision making and complies with Provincial Policy; and, Also that the Province of Ontario limit the jurisdiction of the OMB to questions of law or process, and that the Government of Ontario be requested to require the OMB to uphold any planning decisions of Municipal Councils unless they are contrary to the processes and rules set out in legislation.

**Carried**

- 8.6** Councillor Roy publicly thanked the Whitby Rotary Club Sunrise for their assistance with painting the Rowe House and advised of upcoming events in the Community:
- The Stool Event Art Project, Thursday, May 12, 2016, at Tap and Tankard;
  - Food Truck Frenzy, organized by the Rotary Club, Saturday, May 14 and Sunday, May 15, 2016.

**9. By-Laws**

That the following by-laws be passed:

- 9.1** Bylaw # 7132-16, being a by-law to assume Strandmore Circle, Montgomery Avenue and Joshua Boulevard as public highways.
- 9.2** By-law # 7133-16, being a by-law to amend By-law # 1862-85, to regulate traffic on highways in the Town of Whitby. (Schedule N, Stop Signs - Strandmore Circle, Montgomery Avenue and Joshua Boulevard)
- 9.3** By-law # 7134-16, being a by-law to assume Westport Drive and Portsmouth Street as public highways.
- 9.4** By-law # 7135-16, being a by-law to amend By-law # 1862-85, to regulate traffic on highways in the Town of Whitby. (Schedule N, Stop Signs - Westport Drive, Portsmouth Street, Kenneth Hobbs Avenue and Civic Centre Drive)
- 9.5** By-law # 7136-16, being a by-law to assume South Blair Street South and Watson Street as public highways.

Refer to CS 12-14

- 9.6** By-law # 7137-16, being a by-law to amend Procedure By-law Number 7072-15.

Refer to CLK 15-16

- 9.7** By-law # 7138-16, being a by-law to amend By-law # 1862-85, to regulate traffic on highways in the Town of Whitby. (Schedule N, Stop Signs -Country Lane and Vineyard Avenue/Bridgid Drive)

Refer to PW 17-16

- 9.8** By-law # 7139-16, being a by-law to amend By-law # 1862-85, to regulate traffic on highways in the Town of Whitby. (Schedule N, Stop Signs - Gilbert Street East and Green Street)

Refer to PW 15-16

- 9.9** By-law # 7140-16, being a bylaw to impose fees for certain fees and activities provided or done by the Town of Whitby Legal and By-law Services Department.

Refert to LS 13-16

- 9.10** By-law # 7141-16, being a by-law to set and levy tax rates for the calendar year 2016 for the Town of Whitby purposes and to set penalty and interest rates for unpaid taxes.

Refer to CS 35-16

- 9.11** By-law # 7142-16, being a by-law to repeal By-law # 5183-03 establishing procedures for giving notice under the provision of the Municipal Act, 2001.

Refer to CLK 14-16

- 9.12** By-law # 7143-16, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PL 65-16

### **Resolution # 261-16**

Moved By Councillor Leahy

Seconded By Councillor Emm

That leave be granted to introduce By-law # 7132-16 to # 7143-16 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 # 262-16**

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 May 9, 2016 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 # 263-16**

Moved By Councillor Yamada  
Seconded By Councillor Drumm

That the meeting adjourn.

**Carried**

The meeting adjourned at 9: 05 p.m.

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Christopher Harris, Town Clerk

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Don Mitchell, Mayor