

REGULAR COUNCIL MINUTES
October 7, 2013 -7:00 pm
Council Chambers
Whitby Municipal Building

Present: Mayor Perkins
Councillor Coe
Councillor Drumm
Councillor Emm
Councillor Mitchell
Councillor Montague
Councillor Roy

Also Present: R. Petrie, Chief Administrative Officer
S. Beale, Commissioner of Public Works
M. Gerrard, Fire Chief
P. LeBel, Commissioner of Community & Marketing Services
S. Pohjola, Town Solicitor
R. Short, Commissioner of Planning
D. Wilcox, Town Clerk
L. Doughty, Deputy Clerk

Regrets: None noted

1. DECLARATIONS OF PECUNIARY INTEREST

- 1.1 Mayor Perkins made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding Item 8.1 By-law No's. 6775-13, 6776-13, and 6777-13 relating to Home Based Businesses, as a member of her family owns a home based business. Mayor Perkins left the meeting during the discussion and did not vote on this matter.
- 1.2 Councillor Montague made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding Item 8.1 By-law No's. 6775-13, 6776-13, and 6777-13 relating to Home Based Businesses, as he owns a home based business. Councillor Montague left the meeting during the discussion and did not vote on this matter.
- 1.3 Councillor Emm made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding Item 5.5, Planning Report, PL 95-13 Gerdau (Formerly Co-Steel LASCO) 2012 Monitoring Report

Berm Liaison Committee, 1801 Hopkins Street, as a family member works for Gerdau. Councillor Emm did not participate in discussion on the matter.

2. ADOPTION OF MINUTES

- 2.1
- Regular Council - September 16, 2013
 - Special Council - September 23, 2013

Resolution No. 398-13

Moved By Councillor Coe
Seconded By Councillor Roy

That the minutes be adopted.

CARRIED

3. DELEGATIONS/PRESENTATIONS

3.1 Recognition of the Town of Whitby for the iCompass Foundation Award

Representatives from iCompass presented the iCompass Foundation Award to the Town of Whitby. The award recognizes a municipality for its innovation in technology related to meeting management and for improving openness and transparency in local government. Mayor Perkins was joined on the dias by Councillor Drumm, Chair of the Office of the Town Clerk; Robert Petrie, Chief Administrative Officer; Debi Wilcox, Town Clerk; Susan Cassel, Legislative Coordinator; and Alex Richards, Jeremy Bosch, and Paul Blanchet, of iCompass. Mayor Perkins congratulated the Office of the Town Clerk for their significant work on this project.

3.2 Bill Little, representing Sancora Ltd. and David Mills, Mills and Associates

Re: Planning Report, PL 98-13 - Zoning Amendment Application to remove the Holding (H) Symbol and Site Plan Application - Sancora Ltd. (Z-10-13, SP-10-13) 66 and 68 Baldwin Street and 11 Price Street

The delegation request was withdrawn.

3.3 Lydia Hartley, representing the Residents Against the Parkway (RAP)
Re: Planning and Public Works Joint Report, PL 96-13 - Recommended Study Process for Greater Brooklin Comprehensive Secondary Plan Study

Lydia Hartley, representing the Residents Against the Parkway (RAP) group addressed Council regarding Planning and Public Works Joint Report, PL 96-13 - Recommended Study Process for Greater Brooklin Comprehensive Secondary Plan Study. Ms. Hartley commented that RAP considers the lines of communication have not been clear with residents in the Brooklin area in relation to the future transportation plan and proposed major changes that may be the Brooklin Parkway Road. Ms. Hartley indicated RAP prefers that AECOM fast track the proposed study regarding the main arteries of transportation in the area with clearly identified timelines for the review. A question and answer period ensued regarding the proposed transportation plan and associated timelines. Members of Council were provided with a written submission dated October 2, 2013 from the Residents Against Parkway Committee.

3.4 Edie Gomille, Whitby Resident

Re: Chief Administrative Officer Report, CAO 6-13 - Proposed Discharge of Firearms By-law

Edie Gomille, 759 Cochrane Street, Whitby, addressed Council regarding public safety with respect to the proposed discharge of firearms by-law. Ms. Gomille commented on the ballistics and projectiles as outlined in the Canadian Firearms Safety Course guide expressing concern with the discharge of firearms. A question and answer period ensued.

4. CORRESPONDENCE

4.1 That the following requests be endorsed:

- October 7 to 9, 2013 - Flag Raising for Grandview Kids Day
- October 9, 2013 - Proclamation of Grandview Kids Day
- October 30, 2013 - Proclamation of the 13th Annual Child Care Worker & Early Childhood Educator Appreciation Day

Resolution No. 399-13

Moved By Councillor Coe

Seconded By Councillor Emm

That the request for flag raising for Grandview Kids Day from October 7 to 9, 2013; and the proclamation for Grandview Kids Day on October 9, 2013; and the proclamation for the 13th Annual Child Care Worker & Early Childhood Educator Appreciation Day on October 30, 2013 be endorsed.

CARRIED

- 4.2** Correspondence from Doris and Jim Holley, Whitby Residents, dated July 16, 2013, regarding Street Naming in Honour of George Holley, World War II Veteran

Resolution No. 400-13

Moved By Councillor Coe
Seconded By Councillor Roy

That Council support the request for a street named in honour of George Holley, World War II Veteran, in the Town of Whitby.

CARRIED

5. PLANNING & DEVELOPMENT COMMITTEE
Report No. 10 of the Planning & Development Committee - September 23, 2013

- 5.1** Planning Report, PL 91-13
Re: The Plan for Port Whitby Phase 2: Draft Preferred Land Use Plan (OPA-2012-W/01 and OPA-2012-W/02) Port Whitby

Discussion ensued regarding the report relating to transportation, sustainability and associated standards.

Resolution No. 401-13

Moved By Councillor Montague
Seconded By Councillor Coe

1. That Planning Report No. PL 91-13 be received for information; and
2. That subject to further consultation with affected Departments and internal Steering Committee regarding the consultant's Draft Preferred Land Use Plan, that a proposed Draft Official Plan Amendment to update the Port Whitby Secondary Plan be brought forward for circulation to commenting agencies and for presentation at a Public Meeting;
3. That the Draft Community Improvement Plan and Urban Design Guidelines be brought forward for Council's consideration at a later date.

CARRIED

- 5.2** Planning Report, PL 92-13
Re: Site Plan Application - Jared and Neran Emmanuel Single Detached Dwelling Addition Within Lands Designated as Hazard Land and Environmentally Sensitive Area (SP-16-13) 870 Winchester Road West

Resolution No. 402-13

Moved By Councillor Montague
Seconded By Councillor Coe

1. That Council approve site plan application (SP-16-13) subject to the conditions of approval contained in Section 8.0 of Planning Report, PL 92-13; and,
2. That the applicant execute a letter of undertaking and be responsible for the fee associated with its preparation.

CARRIED

- 5.3** Planning Report, PL 93-13
Re: Repeal of By-law No. 4030-97 to Designate the John Dryden House, 360 Columbus Road East (Maple Shade Farm) as being of Historic and Architectural Value and Interest

Resolution No. 403-13

Moved By Councillor Montague
Seconded By Councillor Coe

1. That Planning Report Item No. PL 93-13 be received as information; and,
2. That a by-law be prepared to repeal By-law No. 4030-97 to Designate the John Dryden House, 360 Columbus Road East as being of Historic and Architectural Value and Interest.

CARRIED

- 5.4** Planning Report, PL 94-13
Re: Re-Designation of the John Dryden House, 360 Columbus Road East (Part 1 and 4 on Reference Plan 40R-23888), as being of Historic and Architectural Value and Interest under Part IV of the Ontario Heritage Act, R.S.O. c. O. 18.

Resolution No. 404-13

Moved By Councillor Montague
Seconded By Councillor Coe

1. That Planning Report Item No. PL 94-13 be received as information;
2. That a Notice of Intent to Designate John Dryden House, 360 Columbus Road East (Part 1 and 4, on Reference Plan 40R-23888) be published as per section 29. (1.1) of the Ontario Heritage Act, R.S.O. 1990 c. O.18.;
3. That, if there are no objections to the designation in accordance with section 29. (6) of the Ontario Heritage Act, the Clerk be authorized to introduce the by-law designating the property under Part IV, Section 29 of the Ontario Heritage Act; and,
4. That, if there are objections in accordance with section 29. (7) of the Ontario Heritage Act, the Clerk be directed to refer the proposed designation to the Conservation Review Board.

CARRIED

- 5.5** Planning Report, PL 95-13
Re: Gerdau (Formerly Co-Steel LASCO) 2012 Monitoring Report - Berm Liaison Committee, Town of Whitby - 1801 Hopkins Street

Having previously declared a pecuniary interest in the matter, Councillor Emm did not participate in the discussion or vote on the matter.

Resolution No. 405-13

Moved By Councillor Montague
Seconded By Councillor Coe

1. That Planning Report, Item Number PL 95-13 be received as information; and,
2. That the Clerk forward a copy of Planning Report Number PL 95-13, to Gerdau, the Ministry of Environment, the Region of Durham Clerk, and the members of the Berm Liaison Committee for information.

CARRIED

- 5.6** Planning and Public Works Joint Report, PL 96-13
Re: Recommended Study Process for Greater Brooklin Comprehensive Secondary Plan Study

Discussion ensued regarding the report and the proposed timelines for

the study, concern with a standalone parkway, and the requirement to follow the formal EA process including consideration of all alternatives. R. Petrie, Chief Administrative Officer, advised there may be opportunities to address the larger road issues before the conclusion of the main plan. It was advised that the timeline for completion will be confirmed after meetings with the Region of Durham and the Ministry, bringing some alternatives for the higher order system as soon as possible.

Resolution No. 406-13

Moved By Councillor Montague
Seconded By Councillor Coe

1. That joint Planning and Public Works Report Item No. PL 96-13 be received for information;
2. That Council authorize the undertaking and integration of a Transportation Master Plan with the comprehensive Secondary Plan study for the Greater Brooklin Area through expanding the scope of the current Transportation Class Environmental Study for Northwest Brooklin;
3. That Council endorse the general scope of work and overall study framework outlined in joint Planning and Public Works Report Item No. PL 96-13 as the basis for the preparation of a draft Terms of Reference for the integrated Secondary Plan Study and the Transportation Master Plan Study, as well as for peer reviews of background reports, in consultation with other internal Departments and external agencies;
4. That, notwithstanding the Purchasing Policy, Council authorize staff to sole source and retain AECOM to undertake a Transportation Master Plan for the Greater Brooklin Area through an expansion of the current Northwest Brooklin Class EA; and sole source and retain AECOM as necessary for peer reviews of background transportation and civil engineering documents submitted by the Brooklin North Landowners Group;
5. That, notwithstanding the Purchasing Policy, Council confirm the authorization to sole source peer review consultants and authorize staff to sole source and retain a planning consultant and any other consultants necessary to assist the Town in the preparation of a Secondary Plan; and
6. That joint Planning and Public Works Report Item No. PL 96-13 and Council's resolution be forwarded to the members of the Technical Advisory Committee and the Community Advisory Committee for the Northwest Brooklin EA Study, the Brooklin North Landowners Group, the Residents Against the Parkway, the Region of Durham, the

Ministry Infrastructure and Renewal; the Ministry of Transportation; the Ministry of Environment, the Ministry of Natural Resources and the Ministry of Municipal Affairs and Housing, and commenting agencies and LACAC Heritage Whitby, Accessibility Advisory Committee, Sustainability Advisory Committee and Downtown Brooklin Development Steering Committee.

CARRIED LATER IN THE MEETING [SEE FOLLOWING MOTION]

Resolution No. 407-13

Moved By Councillor Roy
Seconded By Councillor Drumm

That item 6 of the main motion be amended by adding the Residents Against the Parkway Group.

CARRIED

That the main motion be amended by adding the following as item 7:

Resolution No. 408-13

Moved By Councillor Coe
Seconded By Councillor Montague

That staff report back on an estimated timeline for completion of the transportation portion of the Greater Brooklin Comprehensive Secondary Plan Study.

CARRIED ON A RECORDED VOTE AS FOLLOWS:

	For	Against	Abstained
Councillor Lorne Coe	x		
Councillor Joe Drumm	x		
Councillor Michael Emm	x		
Councillor Don Mitchell	x		
Councillor Ken Montague	x		
Councillor Elizabeth Roy	x		
Mayor Pat Perkins	x		
	7	0	0

The main motion, as amended, was then CARRIED.

5.7 Planning Report, PL 97-13

Re: Request for Variances to the Permanent Sign By-law for the On-Site Menu Boards at the Tim Horton's Locations Noted (SB-01-13, SB-02-13, SB-03-13) 320 Thickson Road South, 821 Dundas Street West and 601 Victoria Street West

Resolution No. 409-13

Moved By Councillor Montague
Seconded By Councillor Coe

That Council approve Sign Variance Applications SB-01-13, SB-02-13, and SB-03-13 to the Town of Whitby Sign By-law 5695-05 for Tim Horton's on lands municipally known as 320 Thickson Road South, 821 Dundas Street West and 601 Victoria Street West in accordance with the following amendments:

1. 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 for each location; and,
2. To increase the menu board sign height from 2.0 metres to 2.2 metres for each location.

CARRIED

5.8 Planning Report, PL 98-13

Re: Zoning Amendment Application to remove the Holding (H) Symbol and Site Plan Application - Sancora Ltd. (Z-10-13, SP-10-13) 66 and 68 Baldwin Street and 11 Price Street

Resolution No. 410-13

Moved By Councillor Mitchell
Seconded By Councillor Drumm

That the recommendations set out in Report PL 98-13 be approved as

modified by the memorandum to Report PL 98-13 dated October 4, 2013 from the Commissioner of Planning. [Item 8.2]

CARRIED

6. OPERATIONS COMMITTEE

Report No. 10 of the Operations Committee - September 30, 2013

6.1 Chief Administrative Officer Report, CAO 6-13
Re: Proposed Discharge of Firearms By-law

Discussion ensued regarding the report and firearms safety. An email from Gerald Parker dated October 7, 2013 was received and circulated to Members of Council at the meeting in relation to firearms safety; an additional piece of correspondence regarding ballistics was also circulated at the meeting from Edie Gomille. A chronology of the Discharge of Firearms By-law review was provided to Members of Council at the meeting from D. Wilcox, Town Clerk.

Resolution No. 411-13

Moved By Councillor Roy

Seconded By Councillor Emm

1. That Report CAO 6-13 of the Chief Administrative Officer be received;
2. That the proposed Discharge of Firearms By-law, included as Attachment #1 to this report be approved and that sections 3.2.4, 3.4.1., 3.4.2 and 4.4 of the proposed by-law be amended by adding "lawful occupier";
3. That By-law No. 6646-12 be repealed in its entirety upon the passing of the new Discharge of Firearms By-law;
4. That a copy of the by-law be sent to Durham Regional Police Service, Ministry of Natural Resources and the Ontario Federation of Anglers and Hunters; and,
5. That the Town Clerk take the necessary action to give effect thereto.

CARRIED ON A RECORDED VOTE AS FOLLOWS:

	For	Against	Abstained
Councillor Lorne Coe	x		
Councillor Joe Drumm		x	
Councillor Michael Emm	x		

Councillor Don Mitchell	x		
Councillor Ken Montague	x		
Councillor Elizabeth Roy	x		
Mayor Pat Perkins	x		
	6	1	0

CARRIED

6.2 Chief Administrative Officer Report, CAO 10-13
Re: Update on Greenwood Mushroom Farm

Discussion ensued regarding the report, the proposed Odour Management Plan, the request for technical expertise and the Provincial duty regarding this matter. R. Petrie, Chief Administrative Officer confirmed that a member of planning staff will attend the Ashburn Community meeting on October 15, 2013 and recommended awaiting further information from the meeting regarding the Greenwood Mushroom Farm proposal, as well background data from OMAFRA. The hiring of a consultant may be premature until such time as the Town receives data analysis regarding the effectiveness of the Belgium operational solution and the value of a site visit to Belgium. Council confirmed they would like an update after the October 15th meeting.

Resolution No. 412-13

Moved By Councillor Roy
Seconded By Councillor Emm

1. That Report CAO 10-13 of the Chief Administrative Officer be received for information;
2. That Greenwood Mushroom Farm be requested to review their Odour Management Plan developed with community input with Council prior to proceeding with any development applications;
3. That the Chief Administrative Officer be directed to review the engagement of consulting experience acceptable to the Ashburn Community to assess the Odour Management Plan being prepared by Greenwood Mushroom Farm following receipt of the Greenwood Mushroom Farm odour management proposal and the OMAFRA review of the facility in Belgium;
4. That the Chief Administrative Officer contact Greenwood Mushroom Farm to determine the appropriate cost participation and to report to Council at its meeting of October 7, 2013;
5. That the Chief Administrative Officer report back on the possibility of a staff member attending the community meeting on October 15th as

an observer given the previous commitment of Council members for that evening;

6. That staff be directed to advise the Ashburn Community Committee when the Greenwood Mushroom Farm Odour Management Plan and/or any development applications are coming forward for Council's consideration; and
7. That a copy of this report and Council resolution be forwarded to all those copied with the Mayor's letter of May 2, 2013.

CARRIED

6.3 Public Works Report, PW 30-13
Re: Darren Avenue Traffic Operational Review

Resolution No. 413-13

Moved By Councillor Roy
Seconded By Councillor Emm

1. That an All-Way Stop Control be installed in 2013 on Darren Avenue at Carlinds Drive/Chieftain Street and that Traffic By-law 1862-85 be updated accordingly;
2. That removal of the raised median and modified pavement markings at the intersection of Darren Avenue and Carlinds Drive/Chieftain Street, with an estimated cost of \$25,000, be completed in 2013, and funded from current year maintenance reserve savings;
3. That additional playground warning signage be installed adjacent to Darren Park;
4. That a copy of the Report PW 30-13 be provided to the Durham Regional Police Service for enforcement consideration;
5. That staff request that the Regional Traffic Centre synchronize the area traffic signals; and
6. That staff follow up with the Road Watch Committee to review the opportunities to bring portable message signs into the neighbourhood.

CARRIED

6.4 Community and Marketing Services and Corporate Services Joint Report, CMS 40-13
Re: Public Wireless Internet Access at Municipal Facilities

An email from Gerald Parker dated October 7, 2013 was circulated to

Members of Council at the meeting in support of the report.

Resolution No. 414-13

Moved By Councillor Roy
Seconded By Councillor Emm

1. That Council approve the provision of no charge open wireless internet access to the public at municipal facilities as outlined in the Community and Marketing Services and Corporate Services Departments Joint Report CMS 40-13; and,
2. That Council approve the draft Wireless Internet Access at Municipal Facilities Policy appended to the report.

CARRIED

- 6.5** Community and Marketing Services Report, CMS 44-13
Re: Launch of Economic Development e-Newsletter

Resolution No. 415-13

Moved By Councillor Roy
Seconded By Councillor Emm

That Community and Marketing Services Department Report CMS 44-13 regarding the launch of the Economic Development e-newsletter be received as information.

CARRIED

- 6.6** Community and Marketing Services Report, CMS 45-13
Re: 2014 - 2018 Whitby Economic Development China Investment Attraction and Trade Strategy

Discussion ensued regarding the report and opportunities for attracting investment to Whitby.

Resolution No. 416-13

Moved By Councillor Roy
Seconded By Councillor Emm

1. That Community and Marketing Services Department Report CMS

- 45-13 regarding the proposed 2014 – 2018 Whitby Economic Development China Investment Attraction and Trade Strategy be approved in principle by Council; and,
2. That the financial aspects related to this proposed strategy be included in the Economic Development Division's annual operating budget for Council's consideration during the budget review process.

CARRIED

- 6.7** Community and Marketing Services Report, CMS 46-13
Re: 2014 - 2018 Whitby Economic Development Domestic/International Marketing Plan

Resolution No. 417-13

Moved By Councillor Roy
Seconded By Councillor Emm

1. That Community and Marketing Services Department Report CMS 46-13 regarding the 2014 – 2018 Whitby Economic Development Domestic/International Marketing Plan be approved in principle by Council; and,
2. That the financial aspects related to this Plan be included in the Economic Development Division's annual operating budget for Council's consideration during the budget review process.

CARRIED

- 6.8** Community and Marketing Services Report, CMS 47-13
Re: Town of Whitby Activity Guide

Resolution No. 418-13

Moved By Councillor Roy
Seconded By Councillor Emm

1. That the Town of Whitby Activity Guide, produced by the Community and Marketing Services Department, change its publication schedule from four editions per year to two editions per year; and,
2. That the proposed changes commence with the 2014 Spring/Summer Activity Guide that would be published in February, 2014.

CARRIED

6.9 Community and Marketing Services Report, CMS 48-13
Re: Off Leash Dog Parks - Cochrane Street and Jeffery Street

A question and answer period ensued regarding the timeline for completion of the parks.

Resolution No. 419-13

Moved By Councillor Roy
Seconded By Councillor Emm

1. That Council approve the proposed operating model for the Off Leash Dog Parks Volunteer Group;
2. That Council authorize Staff to work with the community to organize and fulfill the proposed operating model for the Off Leash Dog Parks Volunteer Group;
3. That Council approve the Code of Conduct for the off leash dog parks appended as Attachment No. 2 to Community and Marketing Services Report CMS 48-13;
4. That Council approve the terms to be included in the lease agreement with the Central Lake Ontario Conservation Authority for the two off leash dog park sites;
5. That subject to review and approval of the specific wording of the lease agreement by the Municipal Solicitor, that the Mayor and Clerk be authorized to execute the lease agreement; and,
6. That a copy of Community and Marketing Services Report CMS 48-13 be forwarded to the Central Lake Ontario Conservation Authority.

CARRIED

6.10 Community and Marketing Services Report, CMS 49-13
Re: Relocation of Lynde House to the Brock Street Activity Centre Site in Downtown Whitby

Resolution No. 420-13

Moved By Councillor Roy
Seconded By Councillor Emm

1. That Council approve the location of the Lynde House within the Brock Street Activity Centre site as attached to Community and Marketing Services Report CMS 49-13, and subject to the conditions

- included in the Report;
2. That Council approve the sole sourcing of the relocation of the Lynde House to the Brock Street Activity Centre site to Laurie McCullough Building Moving in the amount of \$159,400 (excluding taxes) for all labour, materials, equipment and terms, as set out in the Staff Report;
 3. That the total estimated cost and the associated site works to relocate the Lynde House in the amount of \$256,000 (excluding taxes) be approved;
 4. That Council authorize all costs of the relocation and repurposing of the Lynde House, including but not limited to the associated site works, repairs and modifications, landscaping, and pedestrian connections to the Brock Street Activity Centre, be funded from the proceeds of the sale of the Cullen Central Park property; and,
 5. That Staff be authorized to coordinate the relocation of the Lynde House with the recommended mover and all affected agencies with the intent of moving the structure to its new site in November, 2013.

CARRIED

- 6.11** Corporate Services and Public Works Joint Report, CS 68-13
Re: Supply and Delivery of One (1) 2013, 15,000 lbs. G.V.W. Cab and Chassis Complete with Dump Body and Specified Articulated Crane (T-55-2013)

Resolution No. 421-13

Moved By Councillor Roy
Seconded By Councillor Emm

1. That the Town of Whitby accept the low compliant tender bid of Donway Ford Sales Limited, in the total net amount of \$79,840.00 (plus applicable taxes) for the supply and delivery of one (1) 2013, 15,000 LBS G.V.W cab and chassis complete with dump body and specified articulated crane;
2. That the total estimated project cost for the Town of Whitby in the amount of \$85,245.18 be approved;
3. That the over expenditure in the amount of \$13,605.00 be approved and be funded from current Maintenance savings; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

- 6.12** Corporate Services and Planning Joint Report, CS 69-13
Re: Growth Forecast - Development Charges Update

Resolution No. 422-13

Moved By Councillor Roy
Seconded By Councillor Emm

That the Report No. CS 69-13 of the Commissioner of Corporate Services/Treasurer and the Commissioner of Planning be received as information.

CARRIED

- 6.13** Corporate Services and Public Works Joint Report, CS 75-13
Re: Supply and Delivery of One (1) Current Model Year, Utility Tractor with Flail Mower Attachments (T-70-2103)

Resolution No. 423-13

Moved By Councillor Roy
Seconded By Councillor Emm

1. That the Town of Whitby accept the low compliant tender bid of Joe Johnson Equipment Inc, in the total net amount of \$180,723.11 (plus applicable taxes) for the supply and delivery of one (1) 2013, utility tractor with flail mower attachments; and,
2. That the total estimated project cost for the Town of Whitby in the amount of \$184,903.83 be approved; and,
3. That the over expenditure of \$34,904.00 be financed from the Growth Reserve Fund (\$365.00) and Development Charges (\$34,539); and
4. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

- 6.14** Corporate Services and Public Works Joint Report, CS 76-13
Re: Supply and Delivery of Two (2) Current Model Year, 9500 lbs. G.V.W. 4 Wheel Drive Pick Up Truck with Plow Attachment (T-71-2013)

This item was withdrawn from the agenda at the Committee meeting.

- 6.15** Corporate Services and Public Works Joint Report, CS 77-13
Re: Supply and Delivery of Three (3) Current Year Model, 40,000 lbs.
G.V.W. Single Axle Combination Dump Trucks with Plow and Wing (T-
73-2013)

Resolution No. 424-13

Moved By Councillor Roy
Seconded By Councillor Emm

1. That the Town of Whitby accept the low compliant tender bid of Harper Truck Centre Inc, in the total net amount of \$584,991.00 (plus applicable taxes) for the supply and delivery of three (3) 2014, 40,000 lbs G.V.W. single axle combination dump trucks with plow and wing; and,
2. That the total estimated project cost for the Town of Whitby in the amount of \$598,286.84 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

- 6.16** Corporate Services and Community and Marketing Services Joint Report, CS 78-13
Re: D'Hillier Park Tennis Courts Redevelopment (T-57-2013)

Resolution No. 425-13

Moved By Councillor Roy
Seconded By Councillor Emm

1. That the Town of Whitby accept the low tender of Tri Son Contracting Inc. in the amount of \$58,176.63 (excluding taxes) for all labour, materials and equipment necessary to complete the redevelopment of D'Hillier Park tennis courts as required by the Town of Whitby;
2. That the total estimated cost in the amount of \$64,700.54 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

- 6.17** Corporate Services and Public Works Joint Report, CS 79-13
Re: Supply and Delivery of Two (2) Current Model Year, Extended Cab 1/2 Ton, Rear Wheel Drive, 6.5' Box Pick Ups; One (1) Current Model Year, Extended Cab 1/2 Ton, Rear Wheel Drive, 8.0' Box Pick Up; and One (1) Current Model Year, Extended Cab 1/2 Ton, Four Wheel Drive, 6.5' Box Pick Up (T-76-2013)

Resolution No. 426-13

Moved By Councillor Roy
Seconded By Councillor Emm

1. That the Town of Whitby accept the low compliant tender bid of Marigold Ford Lincoln, in the total net amount of \$93,592.00 (plus applicable taxes) for the supply and delivery of two (2) 2014, extended cab ½ ton, rear wheel drive, 6.5' box pick ups, one (1) 2014, extended cab ½ ton, rear wheel drive, 8.0' box pick up and one (1) 2014, extended cab ½ ton, four wheel drive, 6.5' box pick up; and,
2. That the total estimated project cost for the Town of Whitby in the amount of \$104,239.22 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

- 6.18** Corporate Services and Community and Marketing Services Joint Report, CS 80-13
Re: Design, Supply and Installation Services for Playground and Replacement and Retrofit Program - Duggan Park and Tom Edwards Park (RFP-67-2013)

Resolution No. 427-13

Moved By Councillor Roy
Seconded By Councillor Emm

1. That the Town of Whitby accept the highest scoring proposal of Henderson Recreation Equipment Ltd. in the amount of \$157,963.64 (excluding taxes) to provide the design, supply and installation services for playground upgrades at Duggan Park and Tom Edwards Park;
2. That the total estimated project cost of \$160,743.80 be approved; and,

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

CARRIED

- 6.19** Corporate Services and Community and Marketing Services Joint Report, CS 82-13
Re: 2013 Playground Site Works - Duggan, Tom Edwards and Whitburn Parks (T-77-2013)

Resolution No. 428-13

Moved By Councillor Roy
Seconded By Councillor Emm

1. That the Town of Whitby accept the low tender of Lakeridge Contracting Ltd. in the amount of \$163,886.00 (excluding taxes) for all labour, materials and equipment necessary to complete the site works for the playground replacement/retrofits at Duggan, Tom Edwards and Whitburn Parks as required by the Town of Whitby;
2. That the total estimated cost in the amount of \$166,770.39 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

- 6.20** Corporate Services and Community and Marketing Services Joint Report, CS 83-13
Re: Off Leash Dog Parks Construction - Jeffery Street and Cochrane Street (T-61-2013)

Resolution No. 429-13

Moved By Councillor Roy
Seconded By Councillor Emm

1. That the Town of Whitby accept the low tender of Royalcrest Paving and Contracting Ltd. in the amount of \$192,136.55 (excluding taxes) for all labour, materials and equipment necessary to construct two off leash dog parks as required by the Town of Whitby;
2. That the total estimated cost in the amount of \$215,518.15 be approved;
3. That an over expenditure in the amount of \$115,518.15 be approved

- and funded from one time Capital Reserves of \$47,593.48 and Development Charges of \$67,924.67; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

- 6.21** Corporate Services and Community and Marketing Services Joint Report, CS 84-13
Re: Consultant for a Sports Facilities Strategy (RFP-69-2013)

Resolution No. 430-13

Moved By Councillor Roy
Seconded By Councillor Emm

1. That the Town of Whitby accept the highest scoring proposal of Monteith Brown Planning Consultants in the amount of \$86,350.00 (excluding taxes) to provide consulting services to complete a Sports Facilities Strategy as required by the Town of Whitby;
2. That the total estimated project cost of \$90,869.76 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

- 6.22** Public Works Report, PW 25-13
Re: Status Update on Proposed Waste Reduction Act

Resolution No. 431-13

Moved By Councillor Roy
Seconded By Councillor Emm

1. That Council receive this report for information and;
2. That staff continue to monitor the proposed changes in the Waste Reduction Act and update Council on the impact, if any, on Town programs and budgets.

CARRIED

7. NOTICE OF MOTION

7.1 There were no Notices of Motion.

8. NEW AND UNFINISHED BUSINESS

8.1 Planning Memorandum

Re: Zoning Regulations Relating to Home Based Businesses (By-law No's 6775-13, 6776-13 and 6777-13)

Having previously declared a pecuniary interest in this matter, Mayor Perkins and Councillor Montague left the Chambers at this time and did not participate in the discussion or vote on the matter. Deputy Mayor Mitchell assumed the Chair. Discussion ensued regarding the memorandum and the challenges and opportunities in relation to home based businesses.

Resolution No. 432-13

Moved By Councillor Emm
Seconded By Councillor Coe

That the Planning Memorandum regarding Zoning Regulations Relating to Home Based Businesses dated October 7, 2013 be received for information.

CARRIED ON A RECORDED VOTE AS FOLLOWS:

	For	Against	Abstained
Councillor Lorne Coe	x		
Councillor Joe Drumm	x		
Councillor Michael Emm	x		
Councillor Don Mitchell	x		
Councillor Elizabeth Roy	x		
	5	0	0

Mayor Perkins resumed the Chair.

8.2 Planning Memorandum

Re: Planning Report Item PL 98-13
Zoning Amendment Application Z-10-13
Site Plan Application SP-10-13
66 and 68 Baldwin Street and 11 Price Street

The Planning Memorandum dated October 4, 2013 regarding Planning Report, Item PL 98-13, was addressed as part of Item 5.8 earlier in the meeting.

- 8.3** Chief Administrative Officer Memorandum
Re: Chief Administrative Officer Report, CAO 10-13 - Greenwood Mushroom Farm

Resolution No. 433-13

Moved By Councillor Emm
Seconded By Councillor Coe

The the Chief Administrative Officer Memorandum re: Chief Administrative Officer Report, CAO 10-13 - Greenwood Mushroom Farm, be received for information.

CARRIED

- 8.4** Councillor Mitchell expressed concern with the traffic congestion due to the closure of Anderson Street for the 407 construction. He further noted that the closure was expected to be for approximately nine months and questioned if Ashburn Road was to be closed at the same time. He further noted that the timing must be accurate in order to minimize the inconvenience to residents. It was confirmed that the Chief Administrative Officer, Town Solicitor and Commissioner of Public Works would meet to ensure all communications were accurate. Mayor Perkins confirmed she will communicate to Council any further information she may gain at an upcoming meeting with 407 East.
- 8.5** Councillor Emm commented on the Nuisance by-law and a recent issue with Lafontaine who had a major window vandalized. Councillor Emm requested a verbal update on the Nuisance by-law. S. Pohjola, Town Solicitor provided an update indicating Durham Regional Police Services advises that the Nuisance bylaw is working well, but will communicate this recent turn of events to them for further dialogue. The Town Solicitor was requested to provide information on the further dialogue to Members of Council.
- 8.6** Councillor Montague asked about upcoming fire events. Chief Gerrard advised of Fire Prevention Week, and other special events and an open house at the local fire stations, educational events with the schools, seniors centres and healthcare facilities.

- 8.7** Councillor Coe provided news from the Ontario Soccer Association, regarding their development league program and the eighteen associated clubs, one of which was Whitby Iroquois Soccer Club.
- 8.8** Mayor Perkins asked about the waste pick up for the week following the long weekend. S. Beale, Commissioner of Public Works, confirmed residents should check their calendar for the upcoming week and advised of a waste application available for iPhones, iPads and androids that is downloaded from the Town website.

9. **BY-LAWS**

By-law No's. 6775-13, 6776-13 and 6777-13 were separated due to declarations of pecuniary interest. Mayor Perkins and Councillor Montague did not vote on By-law No's. 6775-13, 6776-13 and 6777-13. Deputy Mayor Mitchell assumed the Chair.

That the following by-laws be passed:

- 9.1** By-law No. 6775-13, being a by-law to amend By-law No. 2585, as amended, being the Zoning By-law of the Town of Whitby as it relates to home-based business use permissions and zone provisions. [Refer to PL 55-13, Z-05-12]
- 9.2** By-law No. 6776-13, being a by-law to amend By-law No. 1784, as amended, being the Zoning By-law of the Town of Whitby as it relates to home-based business use permissions and zone provisions. [Refer to PL 55-13, Z-05-12]
- 9.3** By-law No. 6777-13, being a by-law to amend By-law No. 5581-05, as amended, being the Zoning By-law of the Town of Whitby as it relates to home-based business use permissions and zone provisions. [Refer to PL 55-13, Z-05-12]

It was noted by the Town Clerk that first reading of the by-laws had been completed on September 16, 2013.

Resolution No. 434-13

Moved By Councillor Coe
Seconded By Councillor Roy

That leave be granted to introduce By-law No's. 6775-13, 6776-13 and 6777-13 and to dispense with the readings of the by-laws by the Clerk and that the same be considered read a second and third time and

finally passed and that the Deputy Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

Mayor Perkins resumed the Chair.

- 9.4** By-law No. 6780-13, being a by-law to regulate the discharge of firearms in certain defined areas of the Town of Whitby [Refer to Chief Administrative Officer Report, CAO 6-13]

- 9.5** By-law No. 6781-13, being a by-law to appoint certain persons as Municipal Law Enforcement Officers for the purpose of enforcing parking restrictions on private property [1610 Champlain Avenue, 101 Kathleen Street]

Resolution No. 435-13

Moved By Councillor Roy
Seconded By Councillor Drumm

That leave be granted to introduce By-law No's. 6780-13 and 6781-13 and to dispense with the readings 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 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 No. 436-13

Moved By Councillor Drumm
Seconded By Councillor Coe

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 Council of the Town of Whitby at its meeting held on October 7, 2013, 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

11. ADJOURNMENT

11.1 Motion to Adjourn

Resolution No. 437-13

Moved By Councillor Emm
Seconded By Councillor Coe

That the meeting be adjourned.

CARRIED

The meeting adjourned at 9:47 p.m.

Debi A. Wilcox, Town Clerk

Patricia Perkins, Mayor