

Regular Council Minutes
September 19, 2016 -7:00 pm
Council Chambers
Whitby Municipal Building

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

Also Present: R. Petrie, Chief Administrative Officer
S. Beale, Commissioner of Public Works
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
S. Klein, Manager of Recreation
C. Harris, Town Clerk
S. Cassel, Deputy Clerk

Regrets: None noted

1. Declarations of Pecuniary Interest

1.1 There were no declarations of pecuniary interest.

2. Adoption of Minutes

2.1 Special Council - June 23, 2016
Special Council - June 27, 2016 - 5:30 p.m.
Special Council - June 27, 2016 - 6:00 p.m. (Closed minutes of the In-Camera session under separate cover)
Regular Council - June 27, 2016
Special Council - July 21, 2016
Special Council - August 18, 2016 (Closed minutes of the In-Camera session are under separate cover)
Special Council - August 23, 2016

Special Council - September 6, 2016
Special Council - September 12, 2016

Resolution # 402-16

Moved By Councillor Leahy
Seconded By Councillor Emm

That the minutes be adopted.

Carried

3. Delegations/Presentations

3.1 Kelly O'Connor, Executive Assistant, Grandview Children's Centre
Re: Update on the Activities of the Centre

Lorraine Sunstrum-Mann, Executive Director, Grandview Children's Centre, appeared before Council and provided a PowerPoint presentation. Highlights of the presentation included:

- an overview of the programs offered through the Centre including the number of children participating in the programs as well as the wait-lists and wait-time to access programs;
- the six locations across the Durham Region including two locations in the Town of Whitby;
- future needs of the Centre to meet growing demands; and,
- the capital project being undertaken for a new Grandview Centre and the funds and donations received to date.

A question and answer period ensued between Members of Council and Ms. Sunstrum-Mann regarding various aspects of the programs and services provided by the Centre.

3.2 Pramilla Ramdahani, Community Innovation Lab - NEET Youth Incubator Whitby Program
Re: Appreciation to the Town of Whitby for its support and contributions to the NEET Youth Incubator Whitby Program

Gordon Mackey, Finance and Administration Manager, Community Innovation Lab - NEET Youth Incubator Whitby Program, appeared before Council and provided a PowerPoint presentation. Highlights of presentation included:

- recognition of the Town of Whitby for their support of the Lab; and,

- the programs offered which included in-class training, local community mentors, individual coaching and pitch competitions to assist entrepreneurs in the start up of businesses.

3.3 Leo Plue, Executive Director, Abilities Centre
Re: Update on the Abilities Centre and Future Plans

Leo Plue, Executive Director, Abilities Centre, appeared before Council and provided a PowerPoint presentation. Highlights of the presentation included:

- an overview of the programs offered at the Centre and the inclusiveness of the programs which are for all people with or without disabilities;
- the nature of the Centre being a Community Hub which attracts several events and community groups;
- the workings of the Centre in that it is a private, not-for-profit, charitable organization, run by a Board of Directors, mainly self-funded through memberships, rentals and tenants with minimal government funding.

A question and answer period ensued between Members of Council and Mr. Plue regarding several aspects of the programs and partnerships at the Abilities Centre.

3.4 Gerald Parker
Re: Office of the Town Clerk Report, CLK 19-16
Overview of Changes to the Municipal Elections Act through Bill 181, Municipal Elections Modernization Act

Gerald Parker, 47 Stratton Crescent, appeared before Council and requested that Council embrace ranked ballots and a referendum question on this matter to voters. He provided an overview of the efforts and sacrifice by those who have fought in wars to obtain and retain democracy and stated that the use of ranked ballots is democracy. He added that Whitby has the capacity to lead in this regard, be modern and progressive while still respecting the past. Mr. Parker requested that Council:

- vote in favour of using ranked ballots;
- consider removing election donations by corporate entities and limit contributions to campaigns from Whitby residents only; and,
- consider the changes to the cut-off dates for nominations and have regard for the fact that people have to make decisions for financial and physical reasons.

3.5 Nick Boileau representing 123 Whitby

Re: Office of the Town Clerk Report, CLK 21-16
2016 North Ward One By-Election Summary and Considerations and
Options for the 2018 Municipal Election

Nick Boileau, representing 123 Whitby, appeared before Council and acknowledged Whitby Council for their discussions regarding ranked ballots. He mentioned that since the Operations Committee meeting on September 12, 2016, they had opportunity to hold a Town Hall meeting in the community. Although ranked ballots did have some detractors, those in attendance at the Town Hall meeting showed support for this voting option and people seemed interested and engaged in the idea. Mr. Boileau appealed to Council to look at how far we have come, be extremely proud of what has been accomplished and look to the possibilities going forward in terms of what can be done. He further stated that if Council voted in favour of a referendum on ranked ballots, they would be the first municipality in Ontario to use this method of voting and that it would create a lasting legacy in moving toward electoral reform. Mr. Boileau commented that electoral reform is on the public's agenda and has been witnessed around the world noting that people today feel excluded from the political process.

A question and answer period ensued between Members of Council and Mr. Boileau regarding the referendum question on ranked ballots and the use of technology in a ranked ballot election.

Resolution # 403-16

Moved By Councillor Roy
Seconded By Councillor Emm

That the rules of procedure be suspended to hear a delegation from Jamie MacInnis, City Homes, pertaining to Planning and Development Committee Report, PL 88-16, as Mr. MacInnis had not first appeared before the appropriate Standing Committee.

Carried on a two thirds vote

- 3.6** Jamie MacInnis, City Homes
Re: Planning and Development Department Report, PL 88-16
Re: Status of Review on the Downtown Whitby Community
Improvement Plan

Jamie MacInnis, on behalf of City Homes, appeared before Council and stated that he was in attendance at the Planning and Development Committee meeting held on September 6, 2016 and that there was

some confusion in the motion for Council direction on this item. He commented on how important revitalization is to the Whitby downtown and that the recommendation in the report was providing staff with the direction to see if there are incentives on how the downtown could be improved. He further commented that the report recommendation was requesting to look at the expansion of the Community Improvement Area (CIP) and that staff would be reporting back on this matter. He added that this matter was very important to City Homes as they were looking at a large development in the downtown and the outcome of this matter is of great interest to them.

4. Correspondence

4.1 That the following requests be endorsed:

- September 19 to 23, 2016 as Hunger Awareness Week
- September 2016 as Prostate Cancer Awareness Month
- October 2, 2016 as Wrongful Conviction Day
- October 26, 2016 as Child Care Worker and Early Childhood Educator Appreciation Day
- October 2016 as Occupational Therapy Month
- November 2016 as Woman Abuse Awareness and Prevention Month

Resolution # 404-16

Moved By Councillor Yamada
Seconded By Councillor Leahy

That the proclamations for Hunger Awareness Week - September 19 to 23, 2016, Prostate Cancer Awareness Month - September 2016, Wrongful Conviction Day - October 2, 2016, Child Care Worker and Early Childhood Educator Appreciation Day - October 26, 2016, Occupational Therapy Month - October 2016 and Woman Abuse Awareness and Prevention Month - November 2016, be endorsed.

Carried

5. Planning and Development Committee
Report # 9 of the Planning and Development Committee - September 6, 2016

- 5.1 Planning and Development Department Report, PL 91-16
Re: Draft Plan of Subdivision Application, Zoning By-law Amendment Application and Site Plan Application, Matanda Homes Limited, 1011 Brock Street North, 1011 Byron Street South and Vacant Land on Byron

Street (SW-2016-01, Z-06-16, SP-11-16)

Resolution # 405-16

Moved By Councillor Roy
Seconded By Councillor Leahy

1. That Council approve Draft Plan of Subdivision SW-2016-01 subject to the conditions of approval contained in Section 8.0-A of Report PL 91-16;
2. That Council approve Zoning By-law Amendment Application Z-06-16 subject to the conditions of approval contained in Section 8.0 of Report PL 91-16;
3. That Council approve Site Plan Application SP-11-16 subject to the conditions of approval contained in Section 8.0-B of Report PL 91-16;
4. That any necessary by-law be brought forward for consideration by Council;
5. That staff be authorized to prepare a subdivision agreement;
6. That the Mayor and Clerk be authorized to sign any necessary documents;
7. That the Region of Durham Commissioner of Planning be advised of Council's decision;
8. That the Clerk forward a Notice of Decision to those persons and agencies who had requested to be notified of Council's decision; and,
9. That staff prepare a site plan agreement and that the Mayor and Clerk be authorized to execute the appropriate documents.

Carried

- 5.2** Planning and Development Department Report, PL 90-16
Re: Zoning By-law Amendment Application, Liza Communities,
Southeast Corner of Promenade Street and Garden Street (Z-07-14)

Resolution # 406-16

Moved By Councillor Roy
Seconded By Councillor Leahy

1. That Council approve Zoning By-law Amendment Application (Z-07-14) subject to the conditions contained in Section 8 of Report PL 90-16; and,
2. That the Zoning By-law Amendment be brought forward for

Council's consideration.

Carried

- 5.3** Planning and Development Department Report, PL 86-16
Re: Zoning By-law Amendment Application, Allen-Glass Development,
3210 Brock Street North and Vacant Land on Disney Court (Z-07-16)

Resolution # 407-16

Moved By Councillor Roy
Seconded By Councillor Leahy

1. That Council approve Zoning By-law Amendment Application (Z-07-16) subject to the conditions contained in Section 8 of Report PL 86-16; and,
2. That the Zoning By-law Amendment be brought forward for Council's consideration.

Carried

- 5.4** Planning and Development Department Report, PL 92-16
Re: Sign By-law Variance Application for Whitby Town Square Pylon
Sign on 3000/3050 Garden Street (SB-06-16)

Resolution # 408-16

Moved By Councillor Roy
Seconded By Councillor Leahy

1. That Council approve Sign By-law Variance Application SB-06-16 to the Town of Whitby Permanent Sign By-law 5695-05 for the existing shopping centre on lands municipally known as 3000 and 3050 Garden Street in accordance with the following amendment:
 - a. To permit a proposed pylon sign fronting onto Garden Street with a sign area of 26.5 square metres; and,
 - b. That as a condition of the variance, the LED wattage for the pylon sign shall be regulated in the following manner:
 - i. The light shall not project onto any adjacent lots;
 - ii. The illumination shall not exceed 5,000 nits between sunrise and sunset; and,
 - iii. The illumination shall not exceed 500 nits between sunset and sunrise.

Carried

5.5 Planning and Development Department Report, PL 88-16
Re: Status of Review on the Downtown Whitby Community
Improvement Plan

Detailed discussion ensued with respect to:

- the original staff recommendation and the additions being proposed to address the issues raised at the Planning and Development Committee meeting;
- the proposal of treating the historic downtown differently than the remaining areas of the downtown;
- the role of incentives in Council's objectives for the downtown;
- the need to move forward in a timely manner to accommodate interests in development in the downtown;
- the importance of defining the priority area in terms of the CIP and for the installation of gateways to signify entry into the downtown; and,
- the possibility of a future placement of Whitby Town Hall in the downtown.

Resolution # 409-16

Moved By Councillor Roy

Seconded By Councillor Leahy

1. That Council receive Planning and Development Report PL 88-16, regarding the Status of Review on the Downtown Whitby Community Improvement Plan;
2. That Council direct Staff to initiate the Official Plan Amendment process to review the Downtown Whitby Community Improvement Plan and that such review address the following:
 - a. adjust the Downtown Whitby Community Improvement Plan boundary to reflect the proposed boundary expansion area shown in Attachment #1;
 - b. assess the Tax Increment Equivalent Grant as a financial incentive and develop the related policies and criteria for consideration;
 - c. identify potential sites that could be eligible for Municipal Tax Assistance Program and Provincial Brownfield Financial Tax Incentive and develop the related policies and criteria for consideration;
 - d. review the Facade Improvement Grant Program to

- increase the total grant available for an application from the current \$5,000 maximum per application;
 - e. develop a Signage Grant Program, and develop the related policies and criteria for consideration;
 - f. review Development Charge related incentives in conjunction with the Town's Development Charge By-law update and report back on any potential and impact of such incentives;
 - g. review the potential and impact to waive and/or reduce Planning Application Fees and Building Permit Fees and develop appropriate policies and criteria for consideration;
 - h. review the inclusion of financial incentive programs into the Downtown Whitby Community Improvement Plan that would qualify the Town of Whitby for the Regional Revitalization Program.
- 3. That, as part of the future Downtown Whitby Secondary Plan review process, Parkland Dedication policies be reviewed;
 - 4. That staff identify a "Priority Area" within the CIP centred around the historic downtown for public consultation as part of the CIP Area Boundaries Review to take place Q4 2016 and Q1 2017;
 - 5. That staff report back as part of the final CIP recommendations, to be brought forward for Council consideration in Q2 2017, on incentives, including separate packages for:
 - a. the Priority Area; and
 - b. the balance of the existing CIP including the proposed CIP expansion area.

Carried

- 6. Operations Committee
Report # 9 of the Operations Committee - September 12, 2016

- 6.1** Office of the Town Clerk Report, CLK 19-16
Re: Overview of Changes to the Municipal Elections Act through Bill 181, Municipal Elections Modernization Act

Resolution # 410-16

Moved By Councillor Emm
Seconded By Councillor Leahy

That Report CLK 19-16 of the Office of the Town Clerk be received for information.

Carried

6.2 Office of the Town Clerk Report, CLK 21-16
Re: 2016 North Ward One By-Election Summary and Considerations
and Options for the 2018 Municipal Election

Discussion ensued regarding:

- ranked ballots and the need for an education and training session for Council to better understand this type of election;
- the need to be able to educate electors on this electoral reform;
- the ability for Council to make a decision on the use of ranked ballots without the need for a referendum question to electors; and,
- the merits of a referendum question in allowing electors to voice their preferences.

Resolution # 411-16

Moved By Councillor Emm
Seconded By Councillor Leahy

That Council provide direction to further explore the option to have a referendum question on ranked ballots for the 2018 Municipal Election and that the Clerk report back on the full details of using this method including opportunities for public consultation.

Motion Lost on a Tie Vote

6.3 Office of the Town Clerk Report, CLK 17-16
Re: Ward Boundaries and Council Composition

Resolution # 412-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That the existing structure of four wards with one Ward Councillor representing each ward be maintained;
2. That should the changes to Regional Council composition receive a triple majority approval, the Town's Regional Councillors continue to be elected at-large;
3. That the Clerk be directed to investigate and report back on the development of a Ward Boundary Guideline Policy to establish

- criteria for consideration of future ward boundary adjustments;
and,
4. That the Commissioner of Community and Marketing Services report back on Council Chambers design to accommodate the additional Regional Councillor.

Carried

- 6.4** Legal and By-law Services Department Report, LS 16-16
Re: Amendment to Cat and Dog By-law 5443-04 to Increase the Number of Dogs Permitted per Dwelling Unit

Resolution # 413-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Report LS 16-16 be received for information.

Carried

- 6.5** Legal and By-law Services Department Report, LS 19-16
Re: Noise By-law – Snow Clearing in Residential Areas

Discussion ensued with respect to the delegation by Mr. Barry at the Operations Committee meeting held on September 12, 2016 and a request from Mr. Barry seeking mediation to find a compromise to the issues raised.

Resolution # 414-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Council receive Legal and By-law Services Report, LS 19-16 for information;
2. That Council direct staff to host a public meeting to present the proposed changes to the Town's Noise By-law to gather feedback from residents and affected businesses; and,
3. That Council direct staff to report back to Operations Committee by November 14, 2016 with the results of the public meeting.

Carried later in the meeting [See following motions]

Resolution # 415-16

Moved By Councillor Emm
Seconded By Councillor Leahy

That the main motion be divided to deal with items 2 and 3 separately.

Carried

Items 2 and 3 of the main motion were now before Council.

Resolution # 416-16

Moved By Councillor Emm
Seconded by Councillor Leahy

2. That Council direct staff to host a public meeting to present the proposed changes to the Town's Noise By-law to gather feedback from residents and affected businesses; and,
3. That Council direct staff to report back to Operations Committee by November 14, 2016 with the results of the public meeting.

Motion Lost

Item 1 of the main motion was now before Council.

Resolution # 417-16

Moved By Councillor Roy
Seconded By Councillor Emm

That the main motion be amended by adding the following as Item 2:
That staff be directed to work with the neighbours involved to seek a resolution to the issues raised either through staff involvement or mediation services.

Carried

The main motion, as amended, was then carried.

6.6 Public Works Department Report, PW 21-16
Re: Rural Road Speed Limit Review

Resolution # 418-16

Moved By Councillor Emm

Seconded By Councillor Leahy

1. That Council approve the proposed speed limits as per the revised Schedule A of the attached draft traffic by-law amendment;
2. That Council authorize the Clerk to bring forward an amending By-law to By-law 1862-85, Schedule 'P', for Council approval;
3. That Public Works staff meet with Durham Regional Police Service to discuss the implementation of the new speed limits; and,
4. That the Clerk be authorized to provide a copy of PW 21-16 to the Region of Durham, City of Oshawa and Durham Regional Police Service.

Carried

- 6.7** Public Works Department and Legal and By-law Services Department Joint Report, PW 24-16
Re: Metrolinx East Rail Maintenance Facility – Drainage Easement Over a Portion of the Gerdau Court Lands

Resolution # 419-16

Moved By Councillor Emm

Seconded By Councillor Leahy

1. That Council approve a drainage easement to Reimer Transport over a portion of the Gerdau Court Lands (formerly New Public Access Road);
2. That the Clerk bring forward the necessary by-law authorizing the drainage easement over a portion of the Gerdau Court Lands; and,
3. That the Mayor and Clerk be authorized to execute the easement agreement and any ancillary documents necessary to effect the same.

Carried

- 6.8** Public Works Department Report, PW 26-16

Re: Windrow Snow Clearing Program

Discussion ensued regarding the reduction of services and the communication to residents who use the program advising of changes. Further discussion ensued with respect to different delivery models that had been explored and the insurance requirements when working on private property.

Resolution # 420-16

Moved By Councillor Emm

Seconded By Councillor Leahy

1. That Report PW 26-16 is received as information;
2. That the Windrow Snow Clearing Program be modified for the 2016/2017 winter season to remove any work being performed on private property and maintain clearing the snow from the windrow and public sidewalk;
3. That the eligibility requirement for the Windrow Snow Clearing Program be amended to include that residents not be away for more than 45 consecutive days between November 1 and April 15;
4. That the revised Windrow Snow Clearing Program Application included in Appendix C be approved for use when registration begins on October 1, 2016; and,
5. That the Service Level Standard for the Windrow Snow Clearing Program included as Appendix D be adopted.

Carried later in the meeting [See following motion]

Resolution # 421-16

Moved By Councillor Yamada

Seconded By Councillor Leahy

That the main motion be amended by adding the following as Item 6:
That staff be directed to explore alternative service delivery options for the windrow program as it relates to private property and that staff report back on opportunities.

Motion Lost

The main motion, was then carried.

- 6.9** Public Works Department Report, PW 27-16
Re: Fences on Residential Properties Adjacent to Arterial Roads

Resolution # 422-16

Moved By Councillor Emm
Seconded By Councillor Leahy

That Report PW 27-16 be received as information.

Carried later in the meeting [See following motion]

Resolution # 423-16

Moved By Councillor Yamada
Seconded By Councillor Emm

That the main motion be amended by adding the following as Items 2 and 3:

2. That By-law Number 4394-99, being a by-law to prescribe the height and description of lawful fences, be amended to include the following as Section 2 (1)(a):

Despite the provisions of Subsection 2(1) of this by-law, in circumstances where a property abuts an arterial road as defined in either the Town of Whitby or Region of Durham Official Plan, the maximum fence height shall be 2.4 metres for the portion of the fence that abuts the arterial road; and,

3. That Council authorize the Clerk to bring forward the amending by-law for Council's approval.

Carried

The main motion, as amended, was then carried.

- 6.10** Public Works Department Report, PW 30-16
Re: Town Comments on Draft 2017 Region of Durham Road Program and 9-Year Forecast

Resolution # 424-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That the Clerk circulates report PW 30-16 to the Region of Durham;
2. That the Region be requested to include sufficient funds in their 2017 and 9-Year Capital Roads Program to complete the following projects in 2017:
 - a. Cochrane Street intersection improvements at Rossland Road for construction in 2017 (advanced from 2021);
 - b. Cochrane Street rehabilitation from Ferguson Street to Vernon Street for construction in 2017 (advanced from 2020).

Completion of the above projects would eliminate barriers along the north-south priority cycling network connecting the Waterfront Trail and Greenbelt Cycling Route;

- c. Initiate an Environmental Assessment in 2017 for Lake Ridge Road from Dundas Street to Highway 407 (expand existing project limits between Dundas Street and Rossland Road) associated with the opening of the Highway 401 and 407 interchanges at Lake Ridge Road;
 - d. Initiate an Environmental Assessment in 2017 for Thicksen Road from Taunton Road to Winchester Road associated with the opening of the Highway 407/412 project;
 - e. Initiate an Environmental Assessment in 2017 for improvements to Victoria Street between Gordon Street and Brock Street, including the assessment of new/improved pedestrian and cycling opportunities for crossing Victoria Street; and,
 - f. Initiate an Environmental Assessment in 2017 for Lake Ridge Road to review the realignment of Columbus Road and Concession 7 (in Pickering) to eliminate the existing offset intersections and provide a safe east-west vehicular and cycling connection between Municipalities.
3. That the Region be requested to include sufficient funds in their 2017 and 9-Year Capital Roads Program to complete the following projects in 2018:
 - a. Initiate an Environmental Assessment in 2018 for the widening of Hopkins Street and CP Rail Grade Separation from Consumers Drive to Dundas Street to improve cycling and pedestrian accommodation and support development of the Port Whitby area; and,
 - b. Taunton Road and Anderson Street intersection improvements project for construction in 2018 to address existing traffic capacity and cycling deficiencies on Anderson Street.
4. That the Region be requested to include sufficient funds in their 2017 and 9-Year Capital Roads Program to advance the Hopkins

Street Overpass at Highway 401 for construction in 2021 (advanced from 2025) to improve cycling and pedestrian accommodation and support development of the Port Whitby area;

5. That the Region consider deferring funds in their 2017 and 9-Year Capital Roads Program for the following projects in order to accommodate the advancement request of the above noted projects:
 - a. Champlain Avenue rehabilitation from Consumers Drive to Thornton Road (construction in 2019 from 2017); and,
 - b. Thickson Road widening from Wentworth Street to CN Rail (construction in 2023 from 2020).
6. That the Region be requested to establish a 10-Year watermain and sanitary sewer replacement program, to allow coordination with municipal road projects and consider preventative infrastructure maintenance needs;
7. That the Region be requested to establish a 10-Year cycling facility implementation program to allow coordination with municipal projects; and,
8. That Town staff meet with Regional staff to discuss who does what regarding street lighting on Regional Roads and report back to Town Council.

Carried

- 6.11** Public Works Department Report, PW 31-16
Re: Discount Rate for Leased Parking in Municipal Lots and Interim Payment in Lieu (PIL)

Resolution # 425-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Council approve the proposed discounted schedule for municipal lot leased parking as shown in Attachment B;
2. That Council consider and provide direction on an interim (October 1, 2016 to November 31, 2017) payment in lieu policy (PIL) for parking;
3. That staff bring forward to Council the Terms of Reference for the Parking Master Plan in January 2017;
4. That a payment in lieu (PIL) policy be developed as part of the 2017 Parking Master Plan for surface and structured parking and be brought forward to Council for review and consideration; and,

5. That Council authorize the Clerk to bring forward an amending By-law to Municipal Parking Lot By-law No. 4910-01, for Council approval.

Carried

- 6.12** Public Works Department and Corporate Services Department Joint Report, CS 55-16
Re: Low Profile Dump Truck with Slide in Sander (T-60-2016)

Resolution # 426-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That the Town of Whitby accept the low tender bid of Tallman Truck Centre Limited the amount of \$129,954.00 (plus applicable taxes) for the supply and delivery of an Low Profile Dump Truck with Slide in Sander;
2. That the over expenditure of \$27,951.19 be financed from the Maintenance Reserve;
3. That the total estimated project cost for the Town of Whitby in the amount of \$134,741.19 be approved; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 6.13** Corporate Services Department and Public Works Department Joint Report, CS 57-16
Re: Supply and Delivery of Winter Sand (C2016-056)

Resolution # 427-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That the Town of Whitby accept the low tender of TBG Environmental Inc. in the annual amount of \$17,600.00 (excluding taxes) for the supply and delivery of winter sand;
2. That approval be granted for the option to extend the contract on an annual basis for up to two (2) additional years provided the Company's and materials performance is satisfactory;

3. That the total estimated three (3) year project cost for the Town of Whitby in the amount of \$54,131.00 be approved; and,
4. 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 58-16
Re: Three (3) 1/2 Ton, Extended Cab, 4x4 Pickups (T-61-2016)

Resolution # 428-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That the Town of Whitby accept the low tender bid of Oxford Dodge Chrysler (1992) LTD. in the amount of \$104,220.00 (plus applicable taxes) for the supply and delivery of three (3) 1/2 ton, extended cab, 4x4 pickups;
2. That the over expenditure of \$10,754.27 be financed from the Maintenance Reserve;
3. That the total estimated project cost for the Town of Whitby in the amount of \$106,754.27 be approved; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 6.15** Corporate Services Department Report, CS 59-16
Re: Second Quarter Operating Projection Report as at June 30, 2016

Resolution # 429-16

Moved By Councillor Emm
Seconded By Councillor Leahy

That report No. CS 59-16 of the Commissioner of Corporate Services/
Treasurer be received as information.

Carried

- 6.16** Corporate Services Department Report, CS 60-16

Re: Development Charge Background Study Update

Resolution # 430-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That the preliminary Capital Program Growth Forecast and the Level of Service calculations outlining the Town's anticipated growth needs be received as information;
2. That the draft cost of growth calculations relating to the Capital Program Growth Forecast and as prepared by Hemson Consulting Ltd be received as information;
3. That Staff report back to Council on recommended policy considerations for inclusion in the Development Charge By-Law; and,
4. That Staff be instructed to continue Stakeholder consultation on the items discussed in this report.

Carried

- 6.17** Public Works Department and Corporate Services Department Joint Report, CS 61-16
Re: Fleet Maintenance Operational Study (RFP-111-2016)

Resolution # 431-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Council approve the proposal submitted by KPMG LLP, in the amount of \$74,950.00 (excluding taxes) to provide consulting services for the Fleet Management Study;
2. That the over expenditure of \$1,269.12 be financed from the Corporate Development Reserve;
3. That the total project cost for the Town of Whitby in the amount of \$76,269.12 be approved; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 6.18** Corporate Services Department and Public Works Department Joint

Report, CS 63-16

Re: Road Rehabilitation of Watson Street, Dufferin Street, Annes Street
and the Port Whitby Marina Access Road (T-3-2016)

Resolution # 432-16

Moved By Councillor Emm

Seconded By Councillor Leahy

1. That the Town of Whitby accept the low tender bid of Hard-Co Construction in the reduced tender amount of \$1,422,289.86 (plus applicable taxes) for the road rehabilitation of Watson Street, Dufferin Street and the Port Whitby Marina access road, with the reduction of Annes Street Rehabilitation;
2. That an over expenditure in the amount of \$59,616.00 be approved and financed from the Maintenance Reserves;
3. That the total estimated project cost for the Town of Whitby in the amount of \$824,000.00 be approved; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 6.19** Fire and Emergency Services Department Report, FR 09-16
Re: Sole Source Purchase of Fire Apparatus

Resolution # 433-16

Moved By Councillor Emm

Seconded By Councillor Leahy

1. That staff be authorized to negotiate directly with Darch Fire to purchase a Pierce Ascendant multipurpose 107 foot aerial single axle pumper rescue apparatus;
2. That the Commissioner of Corporate Services/Treasurer be authorized to award the sole source purchase to Darch Fire, if the negotiated price is within the approved budget; and,
3. That the Commissioner of Corporate Services/Treasurer be authorized to issue and award tenders for purchase of associated equipment for the Pierce Ascendant within the approved budget.

Carried

- 6.20** Community and Marketing Services Department Report, CMS 51-16
Re: Whitby Civic Recreation Complex and Abilities Centre Proposed Health Club Partnership

Resolution # 434-16

Moved By Councillor Emm
Seconded By Councillor Leahy

That Council authorize a reciprocal agreement between the Whitby Civic Recreation Complex Health Club and the Abilities Centre that would permit members of each facility to become associate members at the partner facilities for a nominal fee as outlined in the Staff report.

Carried

- 6.21** Community and Marketing Services Department Report, CMS 52-16
Re: Community Connection Board Terms of Reference and Proposed Work Plan

Resolution # 435-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Council approve the updated Terms of Reference for the Community Connection Board; and,
2. That Council approve the Community Connection proposed Work Plan and the actions contained within.

Carried

7. Audit Committee
Report # 1 of the Audit Committee - June 30, 2016

- 7.1** Corporate Services Department Report, CS 54-16
Re: 2015 Year End Communication And Financial Statements

Discussion ensued regarding the minutes of the Audit Committee meeting of June 30, 2016 and clarification was sought on the motion pertaining to revising the structure of the Committee. It was discussed that the current composition of the Committee includes the CAO which is unconventional in most municipalities and staff were requested to undertake a review of the Committee and provide recommendations to

Council for the composition of the Committee.

Further clarification was sought regarding the need to provide for better clarity on surpluses shown in the year-end financial statements. It was requested that staff provide an update on the surpluses to the Management Committee prior to next year's Audit Committee meeting to provide clarity on this matter.

Resolution # 436-16

Moved By Councillor Gleed
Seconded By Councillor Emm

That Report No. CS 54-16 of the Commissioner of Corporate Services/Treasurer be received for information.

Carried

8. Notice of Motion

- 8.1** Notice was provided at the Council meeting of June 27, 2016 that the following motion would be presented as follows:

Mandatory Sprinkler Systems in all new Residential Construction across the Province

Resolution # 437-16

Moved By Councillor Yamada
Seconded By Councillor Leahy

Whereas residential fire continues to present a serious risk for personal injury, death and property damage;

Whereas Staff Report PL 78-16 recommended that new low and medium density residential units being constructed in four of the new West Whitby developments, be required to offer as an option, automatic fire sprinkler systems to purchasers of these units;

Whereas neither the Ontario Building Code (OBC) nor the National Building Code of Canada has mandated the need to install fire sprinkler systems in new low-rise homes;

Whereas provincial policies need to address liability concerns, the Ontario Building Code and maintenance and infrastructure issues; and,

Whereas the Whitby Fire Service and the Ontario Association of Fire Chiefs supports changes to the Ontario Building Code to require that all new residential dwellings require the installation of residential fire sprinklers to save lives, reduce serious injuries and reduce property damage.

Therefore be it resolved that a copy of PL 78-16 and this motion be sent to the Premier of Ontario, The Minister of Municipal Affairs and Housing and the President of the Association of Municipalities of Ontario (AMO); and,

Be it further resolved that the Ontario Government move to amend the Ontario Building Code to make sprinkler systems mandatory in all new residential construction across the province.

Carried

9. New and Unfinished Business

- 9.1** Councillor Drumm brought attention to deputations made at the Operations Committee meeting of September 12, 2016 and noted that many of the delegates were not Whitby residents. He stated that he would bring this matter forward at a later time for consideration of delegations from outside the Whitby community.

10. By-Laws

That the following by-laws be passed:

- 10.1** By-law # 7174-16-16, being a by-law to designate certain portions of a registered Plan of Subdivision as not being subject to Part Lot Control. (Blocks 4 & 5, 40M-2561)
- 10.2** By-law # 7175-16, being a by-law authorize a drainage easement over a portion of Gerdau Court. (Parts 1 and 3 on Plan 40R-28078)
Refer to PW 24-16
- 10.3** By-law # 7176-16, being a by-law to lift and assume as part of the public highway, 0.3 metre reserve known as part of Nathan Avenue.
- 10.4** By-law # 7177-16, being a by-law to amend By-law Number # 4394-99,

being a by-law to prescribe the height and description of lawful fences and to require the owners of privately-owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools.

Resolution # 438-16

Moved By Councillor Yamada
Seconded By Councillor Emm

That leave be granted to introduce By-law # 7174-16 to # 7177-16 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

11. Confirmatory By-Law

11.1 Confirmatory By-law

Resolution # 439-16

Moved By Councillor Emm
Seconded By Councillor Leahy

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 September 19, 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

12. Adjournment

12.1 Motion to Adjourn

Resolution # 440-16

Moved By Councillor Mulcahy
Seconded By Councillor Emm

That the meeting adjourn.

Carried

The meeting adjourned at 9:47 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor