

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

Also Present: R. Petrie, Chief Administrative Officer
S. Beale, Commissioner of Public Works
E. Belsey, Manager, Long Range Planning
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
D. Speed, Fire Chief
C. Harris, Town Clerk
S. Dave, Legislative Coordinator

Regrets: Councillor Coe (leave of absence)
Councillor Roy

1. Declarations of Pecuniary Interest

1.1 Councillor Emm made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding Item 2.1, adoption of the Special Council Minutes for the meeting held on December 15, 2015 contained within the January 18, 2016 Regular Minutes as he has a relative that is a member of the Whitby Hydro Board of Directors.

1.2 Councillor Drumm noted that he had made a declaration of pecuniary interest under the Municipal Conflict of Interest Act at the Special Council Meeting dated February 8, 2016 held prior to the Regular Council meeting, regarding Item 2.11, Council Appointments to the Whitby Public Library Board, as he has a family member who is employed by the Whitby Public Library.

2. Adoption of Minutes

- 2.1** Regular Council - January 18, 2016
Special Council - January 25, 2016
Special Council - February 1, 2016 (Closed minutes of the In-Camera session under separate cover)

Resolution # 50-16

Moved By Councillor Emm
Seconded By Councillor Leahy

That the minutes be adopted.

Carried

3. Delegations/Presentations

- 3.1** Ellen McRae representing Durham Environmental Advisory Committee (DEAC)
Re: DEAC Environmental Achievement Awards

Ellen McRae representing Durham Environmental Advisory Committee (DEAC) appeared before Council and provided a PowerPoint presentation regarding the DEAC Environmental Achievement Awards. She advised that the DEAC was seeking nominations for the 2016 Awards, and encouraged Council and the public to nominate individuals or organizations that were working to preserve Durham Region's environment. She further advised that nomination forms were available on the DEAC website and the deadline to submit nominations is February 26, 2016.

- 3.2** Annual Address by Roger Anderson, Regional Chair and CEO, Regional Municipality of Durham

Roger Anderson, Chair, Regional Municipality of Durham, appeared before Council to give his annual address, providing highlights from the Region for 2015. Some of the key highlights included:

- hosting the PANAM games, Durham Festival, the opening of the Clarington Policy Complex and the new Fairview Lodge;
- updating the Region's Strategic Plan and the Master Plan;
- establishing the Regional Composition Committee and preparing a final report by March 2016;
- funding of regional infrastructure, including the proposed 2016 Road Improvement Program including funding totaling \$46 Million in the Town of Whitby;

- conducting a study to transfer regional roads to area municipalities, and the associated costs;
- Mr. Anderson touched on several projects that were under way including the Rossland Road and Victoria Street Road widening, improvements on Myrtle Road and Ashburn Road, completion of the Henry Street reconstruction, the Climate Change Adaptation Strategy, Age-Friendly Community Strategy, and continuing to support economic growth in Durham by attracting international businesses, partnering with the Sparks Centre, and attracting tourist events.

Detailed discussion ensued regarding:

- continuing to attract businesses to the Region to discourage commuting and traffic congestion;
- partnering with the federal government on the opening of the Pickering airport and the implications thereof;
- ensuring adequate servicing of the West Whitby subdivisions;
- progress on the Durham York Energy Centre;
- funding of hard services with respect to the 407 link; and
- support for the Regional Council Composition Committee and the work done thus far.

4. Correspondence

4.1 That the following requests be endorsed:

- Proclamation of February 15 to 22, 2016 as Scout-Guide Week and associated flag raising
- March 2016 as Nutrition Month

Resolution # 51-16

Moved By Councillor Gleed

Seconded By Councillor Leahy

That the proclamation and flag raising for Scout-Guide Week - February 16 to 22, 2016 and proclamation for Nutrition Month - March 2016, be endorsed.

Carried

4.2 Correspondence Number 2016-23 from David A. Ullrich, Executive Director, Great Lakes and St. Lawrence Cities Initiative dated January 15, 2016 regarding Waukesha Diversion Application - Resolution for

Member Comments

Resolution # 52-16

Moved By Councillor Leahy
Seconded By Councillor Glead

Whereas, the Great Lakes and St. Lawrence River Basin represents approximately 20% of the world's freshwater resource and supports the third largest economy in the world; and,

Whereas, on December 13, 2015, the Great Lakes Governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin, and the Premiers of Ontario and Quebec signed the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement, and the Governors endorsed the companion Great Lakes-St. Lawrence River Basin Water Resources Compact (the Compact), which was later approved by the United States Congress and signed by the President, banning new water diversions from the Basin except in communities located in counties straddling the water division line between the Great Lakes-St. Lawrence Basin and other basins; and,

Whereas, the City of Waukesha, WI, is located in Waukesha County, a county straddling the water division line; and,

Whereas, the City of Waukesha has applied to use water from Lake Michigan as its source of drinking water to the Wisconsin Department of Natural Resources; and,

Whereas, the Wisconsin Department of Natural Resources has deemed the diversion application approvable and forwarded it on January 7, 2016 to the Great Lakes-St. Lawrence River Water Resources Regional Body (Regional Body) and Compact Council for its consensus and decision; and,

Whereas, all eight Great Lakes states must vote in favour of the application for it to go forward to a special meeting of the Compact Council in late spring 2016; and,

Whereas, the application does not meet the terms of the Compact, as there are significant questions about the necessity of the diversion to meet the drinking water quantity and quality needs of Waukesha and other concerns; and,

Whereas, the City of Waukesha plans to provide water to its neighbouring communities which have not demonstrated a need for a new water supply, contrary to the terms of the Compact; and,

Whereas, the precedent-setting nature of the Waukesha water diversion application is of great concern to the mayors of the Great Lakes and St. Lawrence Cities Initiative; and,

Whereas, the impacts of the proposed return flow of water to Lake Michigan through the Root River will cause significant changes to the ecosystem and to the urban shores of the mouth of the River; and,

Whereas, the Regional Body review process is inadequate as it provides for only one public meeting to be held in Waukesha, resulting in far too limited public engagement on a matter of great regional, national, and international importance; and,

Whereas, the Regional Body is not providing sufficient public information to Basin residents; and,

Whereas, the Regional Body's decision on Wisconsin DNR's Declaration of Finding, expected on April 21, 2016, allows for input from the eight US Great Lakes states, Ontario and Quebec, and will be key in the final Compact Council decision.

Therefore, be it resolved, that the Council of the Town of Whitby, a member of the Great Lakes and St. Lawrence Cities Initiative, reaffirm its commitment to the protection of our water resources by calling the Governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin, and the Premiers of Ontario and Quebec, and their representatives on the Regional Body and Compact Council to reject the Waukesha water diversion application in its current form; and,

Be it finally resolved, that the Council of the Town of Whitby urge the Governors and Premiers of the Regional Body and Compact Council, consistent with good public policy, to ensure complete transparency and full public engagement through open meeting, webinars, websites and any other appropriate means of communication, including at least one public hearing in each of the 10 jurisdictions included in this process.

Carried

5. Planning and Development Committee
Report # 2 of the Planning and Development Committee - January 25, 2016

- 5.1** Planning and Development Department Report, PL 9-16
Re: Site Plan Application - Northwest Corner of Civic Centre Drive and
Kenneth Hobbs Avenue (SP-04-15)

Resolution # 53-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Council approve Site Plan Application (SP-04-05) subject to the comments and conditions contained in Section 8.0 of Planning Report Number PL 9-16; and,
2. That the Mayor and Clerk be authorized to execute the Site Plan Agreement.

Carried

- 5.2** Planning and Development Department Report, PL 11-16
Re: Site Plan Application for Region of Durham Sewage Pumping
Station, on a Property Located at 500 Jeffery Street (SP-15-15)

Resolution # 54-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Council approve site plan application (SP-15-15) subject to the conditions of approval contained in Section 8.0 of Planning Report, PL 11-16; and,
2. That the Commissioner of Planning be authorized to approve the site plan and related drawings as part of a Letter of Undertaking.

Carried

- 5.3** Planning and Development Department Report, PL 2-16
Re: Addendum to PL 90-15, Downtown Events Update

Resolution # 55-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Council receive Planning and Development Report PL 90-15 (Attachment #1) and PL 2-16 as information;
2. That the proposed Part-Time Marketing and Events Program Assistant position at an estimated ongoing cost of \$29,000 be referred to the 2016 Budget;
3. That Council approve the closure of Baldwin Street (Cassels Road to Way Street) for the annual Brooklin Harvest Festival on a go forward basis;
4. That the proposed additional operating costs associated with Brooklin Harvest Festival in 2016 totaling \$26,000 be included in the 2016 Budget;
5. That Whitby Heritage Day be moved to coincide with the Saturday of Culture Days weekend (generally held on the last weekend of September) on a go forward basis; and,
6. That staff continue discussions with various community groups in Brooklin to seek assistance with the Brooklin Harvest Festival moving forward and report back on any developments of these discussions.

Carried later in the meeting [see following motion]

Resolution # 56-16

Moved By Councillor Gleed
Seconded by Councillor Drumm

That Item 2 of the main motion be amended to read:
That the proposed Part-Time Marketing and Events Program Assistant position at an estimated ongoing cost of \$29,000 be referred to the Service Delivery Review

Motion Lost

The main motion was then carried.

- 5.4** Planning and Development Department Report, PL 7-16
Re: Framework for a Downtown Whitby Strategy for Action

This item was referred back at Committee.

- 5.5** Planning and Development Department Report, PL 8-16
Re: Accessibility Advisory Committee (AAC) Work Plan 2016-2018

Resolution # 57-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Council receive as information the Accessibility Advisory Committee's proposed 2016 – 2018 Work Plan;
2. That Council approve the Accessibility Advisory Committee's proposed 2016 - 2018 Work Plan and the actions contained within;
3. That Council approve the funds requested by the Accessibility Advisory Committee to enable them to complete their work plan; and
4. That Council approve the Accessibility Advisory Committee updated Terms of Reference.

Carried

- 5.6** Planning and Development Department Report, PL 10-16
Re: Ontario's Climate Change Strategy

Resolution # 58-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Planning and Development Report item PL 10-16 be received as information; and,
2. That staff report back at such time as the Province of Ontario releases its Five-year Action Plan.

Carried

- 6.** Operations Committee
Report # 2 of the Operations Committee - February 1, 2016

- 6.1** Correspondence Number 2016-30 from Curtis Sahadath dated January 13, 2016 regarding traffic and safety concerns at Manning Road and Ribblesdale Drive

Resolution # 59-16

Moved By Councillor Gleed
Seconded By Councillor Leahy

That Correspondence Number 2016-30 from Mr. Curtis Sahadath regarding traffic and safety concerns at Manning Road and Ribblesdale Drive be endorsed and directed to the Region of Durham for response with a copy to Whitby Council as Manning Road is a Regional Road.

Carried

- 6.2** Community and Marketing Services Department Report, CMS 13-16
Re: Ethno-cultural and Diversity Advisory Committee 2015 Review and Proposed 2016 Work Plan

Resolution # 60-16

Moved By Councillor Gleed
Seconded By Councillor Leahy

1. That Council receive as information the Ethno-cultural and Diversity Advisory Committee of Council's 2015 summary of activities and accomplishments;
2. That Council approve the Ethno-cultural and Diversity Advisory Committee of Council's proposed 2016 Work Plan; and,
3. That the Clerk forward a copy of Community and Marketing Services Department Report CMS 13-16 to the Durham Region Local Diversity and Immigration Partnership Council.

Carried

- 6.3** Community and Marketing Services Department Report, CMS 16-16
Re: The Rotary Club of Whitby Food Truck Frenzy

Resolution # 61-16

Moved By Councillor Gleed
Seconded By Councillor Leahy

1. That Council approve the extension of the Rotary Club of Whitby's Food Truck Frenzy to include a ticketed VIP event on Friday, May 13 to run from 6:00 p.m. to 11:00 p.m.;
2. That Council approve expanded operating hours of the Food Truck Frenzy on Saturday, May 14 and Sunday May 15 to 11:00 p.m. and 8:00 p.m. respectively; and,
3. That Council approve the request for an exemption to the

municipality's Noise By-law 6917-14 to host the Food Truck Frenzy on Friday, May 13 from 6:00 p.m. to 11:00 p.m., Saturday, May 14 from 11:00 a.m. to 11:00 p.m. and Sunday, May 15 from 11:00 a.m. to 8:00 p.m.

Carried

- 6.4** Community and Marketing Services Department Report, CMS 18-16
Re: 2017 Allan Cup

Resolution # 62-16

Moved By Councillor Gleed
Seconded By Councillor Leahy

That Community and Marketing Services Report, CMS 18-16 be received for information.

Carried

- 6.5** Community and Marketing Services Department Report, CMS 15-16
Re: Indoor Soccer Dome - Sole Source Dome Supplier

Resolution # 63-16

Moved By Councillor Gleed
Seconded By Councillor Leahy

1. That Council approve The Farley Group for the manufacture and supply of the soccer dome structure as outlined in the staff report for the Rossland Road West Soccer Dome project;
2. That Council approve an exemption to the terms contained with the Purchasing Policy to engage the manufacturer and supplier, The Farley Group, subject to Section 11 – Sole Source Procurement and Justification;
3. That the amount of \$384,861 (plus applicable taxes) be pre-budget approved; and,
4. That the Mayor and Clerk be authorized to execute the required documents.

Carried

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

Report, CS 02-16
Re: Tender Award for Traffic Marking Paint

Resolution # 64-16

Moved By Councillor Gleed
Seconded By Councillor Leahy

1. That the Town of Whitby accept the low tender of Ennis Paint Canada ULC in the three year amount of \$202,875.00 (excluding taxes) for the supply and delivery of traffic marking paint; and,
2. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 6.7** Corporate Services Department Report, CS 03-16
Re: Reporting Requirement Per Ontario Regulation 284/09

Resolution # 65-16

Moved By Councillor Gleed
Seconded By Councillor Leahy

That Report No. CS 03-16 of the Commissioner of Corporate Services/Treasurer be received as information.

Carried

- 6.8** Office of the Town Clerk Report, CLK 02-16
Re: Appointment of a Municipal Ombudsman and Creation of a Public Complaint Policy and Procedure

Resolution # 66-16

Moved By Councillor Gleed
Seconded By Councillor Leahy

1. That staff be directed to develop a Public Complaint Policy and Procedure;
2. That the Council of the Town of Whitby approve the appointment of a Municipal Ombudsman to conduct investigations with respect to the

- administrative acts of the Town;
3. That the Clerk be authorized to partner with the Region of Durham as part of a Request for Proposals (RFP) seeking proposals for the services of a Municipal Ombudsman; and,
 4. That the Clerk bring forward a recommended proposal and candidate for appointment as Municipal Ombudsman for consideration upon completion of the RFP.

Carried

- 6.9** Public Works Department. Planning and Development Department and Legal and By-law Services Department Joint Report, PW 03-16
Re: Passenger Drop-off/Pick-up Zones and Taxicab Stands in Downtown Whitby

Resolution # 67-16

Moved By Councillor Gleed
Seconded By Councillor Leahy

1. That Council approve two time-limited taxicab zones in Downtown Whitby;
2. That Council approve four time-limited passenger drop-off/pick-up zones in Downtown Whitby;
3. That Council amend the provisions of Town of Whitby Traffic By-law No. 1862-85 to give effect to the recommendations contained in this Report (Attachment 1).

Carried

- 6.10** Confidential Community and Marketing Services Department Report, CMS 17-16
Re: Community and Marketing Services Department - Staffing Matters

Resolution # 68-16

Moved By Councillor Gleed
Seconded By Councillor Leahy

That Council approve the proposed reorganization resulting in an incremental staff position within the Community and Marketing Services Department as outlined in Commissioner's Report CMS 17-16.

Carried

7. Notice of Motion

7.1 There were no notices of motion.

8. New and Unfinished Business

8.1 Community and Marketing Services Department Report, CMS 21-16
Re: Mayor's Fundraiser Event

Resolution # 69-16

Moved By Councillor Drumm
Seconded By Councillor Leahy

1. That Council endorse the annual 'Mayor's Fundraiser' as a Town Event;
2. That the net proceeds from the Mayor's Fundraiser be allocated to a Lead Cause (up to 50% of the net proceeds) and the Mayor's Community Development Fund;
3. That an estimated budget allocation for the Mayor's Fundraiser of \$100,000 in revenue and \$50,000 in expenses be approved;
4. That the Mayor's Fundraiser be exempt from the Town's Purchasing Policy for the purchase of goods and services that do not exceed \$50,000 in price (except for insurance and risk management requirements); and,
5. That the Mayor's Community Development Fund Policy/Procedures and Special Events Policy be updated to include the Mayor's Fundraiser.

Carried

8.2 Public Works Department and Planning Development Department Joint Report, PW 8-16
Re: Ministry of Transportation of Ontario (MTO) Grant for Electric Vehicle Charging Stations

Resolution # 70-16

Moved By Councillor Gleed
Seconded By Councillor Yamada

1. That Report PW 8-16 regarding the MTO funding application for

- vehicle charging stations be received as information;
2. That staff be authorized to submit an application for funding of seven electric vehicle charging stations through the Ontario Governments' Electric Vehicle Chargers Ontario Program to supply electric vehicle charging stations; and,
 3. That staff report back to Council on the results of the application and the action plan going forward.

Carried

9. By-Laws

That the following by-laws be passed:

- 9.1 By-law # 7091-16, being a by-law to assume Denbury Court as a public highway.
- 9.2 By-law # 7092-16, being a by-law to assume Bellhouse Place and Joshua Boulevard as public highways.
- 9.3 By-law # 7093-16, being a by-law to amend By-law # 1862-85, to regulate traffic on highways in the Town of Whitby. (Schedule N, Stop Signs - Bellhouse Place)
- 9.4 By-law # 7094-16, being a by-law to impose fees for certain services and activities provided or done by the Town of Whitby, Public Works Department.
Refer to PW 2-16
- 9.5 By-law # 7095-16, being a by-law to create passenger drop-off/pick-up spaces and taxicab spaces in Whitby.
Refer to PW 03-16

Resolution # 71-16

Moved By Councillor
Seconded By Councillor

That leave be granted to introduce By-law # 7091-16 to 7095-16 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

Note: the Clerk advised Mayor Mitchell and Members of Council that By-law Number 7096-16 was inadvertently included on the agenda and is a duplication of By-law Number 7095-16.

10. Confirmatory By-law

10.1 Confirmatory By-law

Resolution # 72-16

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 February 8, 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 # 73-16

Moved By Councillor Leahy
Seconded By Councillor Drumm

That the meeting adjourn.

Carried

The meeting adjourned at 8:36 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor