

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON TUESDAY, OCTOBER 13, 2009 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

PRESENT: Mayor Perkins

Councillors Coe, Drumm, Mitchell, Pitchforth, Roy and Scott

Mayor Perkins in the Chair

ALSO PRESENT: R. Petrie, Chief Administrative Officer (CAO)
S. Beale, Director of Public Works
R. Short, Director of Planning
P. LeBel, Director of Community and Marketing Services
M. Gerrard, Fire Chief
N. Tellis, Manager of Treasury Services
P. Jones, Town Clerk
S. Stones, Clerk/Stenographer

The meeting started at 8:01 p.m.

1. DISCLOSURES OF INTEREST

Councillor Drumm declared a pecuniary interest with respect to the transit components of Public Works Report, Item PW 45-09, as he has a child who is employed by Durham Region Transit.

Councillor Mitchell declared a pecuniary interest with respect to the possible extension of Conlin Road as identified in Public Works Report, Item PW 45-09, as he owns property in the area.

Councillor Roy declared a pecuniary interest with respect to Planning/Public Works Joint Report, Item PW 41-09, as she owns a home identified in the report for heritage preservation.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6234-09

RESOLUTION NO. 275-09

Councillor Drumm, seconded by Councillor Coe, moved for leave to introduce a by-law and to dispense with the reading of the by-law by the Clerk to adopt the Minutes of the Regular Meeting of Council held on September 21st, 2009 and the Minutes of the Special Meetings of Council held on September 21st, 2009 at 6:30 p.m. and October 5th, 2009 following the Operations Committee Meeting and that the same be considered read a first, second and third time and finally passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

By-law No. 6234-09 considered read a first, second and third time and finally passed.

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3. PRESENTATIONS

- (i) None

4. CORRESPONDENCE

- (ii) CORR 24-09
Correspondence dated August 5th, 2009 from Suzanne Strasberg, President, Ontario Medical Association, concerning the need for menu board labelling by restaurants in order that consumers can make better food choices in the fight against obesity
-

RESOLUTION NO. 276-09

MOVED by Councillor Coe
Seconded by Councillor Pitchforth

- 1) That Whitby Town Council go on record as supporting the Ontario Medical Association (OMA) in its quest to have the Ontario Government introduce legislation that would require calorie counts to be listed adjacent to the items on menus and menu boards at chain restaurants and school cafeterias across the province; and,
- 2) That the Minister of Health and Long Term Care, the Ontario Medical Association (OMA) and the Medical Officer of Health at the Region of Durham, be so advised.

CARRIED

- (i) CORR 23-09
Correspondence dated September 16th, 2009 and October 6th, 2009 from the Columbus Community Coalition including a petition supporting a boundary realignment to include Columbus as part of the Town of Whitby
-

RESOLUTION NO. 277-09

MOVED by Councillor Coe
Seconded by Councillor Pitchforth

- 1) That CORR 23-09 be received as information; and,
- 2) That the Columbus Community Coalition, the City of Oshawa and the Minister of Municipal Affairs and Housing be advised of the position taken by Whitby Town Council in its Resolution 258-09.

CARRIED

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4. (continued)

(iii) CORR 25-09

Correspondence dated October 7, 2009 from Derek Suddons, Theresa Worona-MacKenzie and residents in the immediate Parkview Boulevard area regarding
lot coverage and the need for interim control by-law

RESOLUTION NO. 278-09

MOVED by Councillor Coe
Seconded by Councillor Pitchforth

That the rules of procedure be suspended to allow introduction of the following motion.

CARRIED ON A
TWO-THIRDS VOTE

RESOLUTION NO. 279-09

MOVED by Councillor Coe
Seconded by Councillor Drumm

That CORR 25-09 be received as information; and referred to Planning staff for consideration and a report back to Council.

CARRIED

5. STANDING COMMITTEES

- (a) Planning and Development Committee – September 8, 2009
Report Recommendations to Council
-

3.4 Planning Report, Item PL 92-09 (8:00 p.m.)

Re: Baycliffe Homes

Plan of Subdivision Application, Baycliffe Homes, 1466098 Ontario Limited
(SW-2003-05) – Part Of Lot 22, Concession 4

COUNCIL DECISION

1. That Council approve the Draft Plan of Subdivision (SW-2003-05) latest revision date September, 2009, shown as Attachment #3 to Planning Report Item PL 92-09 as proposed by 1466098 Ontario Limited, subject to the comments and conditions contained in Planning Report, Item PL 92-09;

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5. (continued)

2. That the Region of Durham be advised of Council's decision;
3. That the Clerk forward a Notice of Decision to those persons and agencies who had requested to be notified of Council's decision;
4. That staff be authorized to prepare a subdivision agreement;
5. That the Mayor and Clerk be authorized to execute the subdivision agreement;
6. That Council declare the former road right-of-way lands in front of Lots 224, 225 and 226 on Plan 40M-2139 (15, 17 and 19 Ball Crescent) as shown on Attachment #4 as being surplus to municipal needs;
7. That in accordance with the provisions of the Municipal Act, 2001, the Town give public notice, by placing an advertisement in the local newspaper for two consecutive weeks, of its intention to deed the lands shown on Attachment #4, to the adjacent landowners;
8. That subject to fulfillment of the required public process and provided no objection is received regarding the proposed disposal of the surplus lands, a by-law be brought forward to authorize deeding the land to the adjacent landowners for a nominal sum of \$2.00 plus disbursements;
9. That the Mayor and Clerk be authorized to execute the necessary documents;
10. That 1466098 Ontario Limited pay for all the costs associated with the land transfer, including, but not limited to, advertisement in the local newspaper, preparation and registration of a satisfactory reference plan and all legal costs;
11. That the land exchange and associated works be secured through the subdivision agreement; and,
12. That the Subdivider prepare a parking management plan for the plan of subdivision.

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5. (continued)

4.1 Planning Report, Item PL 89-09

Re: Zoning Amendment Application – Sufia Motara – (Z-17-09)
– 97 Thickson Road South

COUNCIL DECISION

1. That Council approve the application to amend Zoning By-law 1784 (Z-17-09), subject to the comments and conditions contained in Planning Report, Item PL 89-09; and,
2. That a By-law to amend Zoning By-law No. 1784 be brought forward for consideration by Council.

RESOLUTION NO. 280-09

MOVED by Councillor Coe
Seconded by Councillor Mitchell

That Council adopt the recommendations set out in Item Nos. 3.4 and 4.1, as contained within the minutes of the meeting of the Planning & Development Committee held on September 28, 2009.

CARRIED

4.2 Planning Report, Item PL 94-09

Re: Initial Proposed Accessible Built Environment Standard

RESOLUTION NO. 281-09

MOVED by Councillor Coe
Seconded by Councillor Mitchell

1. That the Ministry of Community and Social Services be advised that:
 - the implementation strategy for implementation of the Accessible Built Environment Standard is not achievable without significant impact to municipal property taxpayers;
 - the time frames provided for retrofitting of existing infrastructure should be reviewed and extended;
 - the assumptions to determine the cost impacts are considered to be low, meaning the impacts to the public and private sector will be larger than suggested again supporting the need for modified time lines for implementation;

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5. (continued)

- should the Province determine that the standards are to be accommodated within the proposed timelines then grant and loan programs should be provided to both the public and private sectors to accommodate infrastructure retrofits;
 - prior to finalizing the Accessible Built Environment Standard the public consultation process should be extended to provide community based notification to residential, commercial and industrial property owners;
 - there is a high level of concern about the potential fiscal and physical impacts the standards will have on heritage residential, commercial and institutional properties within Whitby's historic downtown areas and elsewhere;
2. That the Town of Whitby forward Planning Report Item PL 94-09 to the Minister of Community and Social Services as comments on the Initial Proposed Accessible Built Environment Standard, as set out under Section 7 – Considerations;
3. That the Accessibility Working Committee receive a copy of Planning Report, Item PL 94-09; and,
4. That a copy of Council's resolution together with Planning Report, Item PL 94-09 be circulated to the Accessibility Advisory Committee, Region of Durham, Durham Area Municipalities, AMO and C. Elliot, MPP.

CARRIED

5. (b) Operations Committee – October 5, 2009
Report Recommendations to Council

3.2 Corporate Services Report, Item CS 44-09

Re: Council Notification Procedure for Tax Sale Properties

COUNCIL DECISION

1. That Council endorse the procedure of a written information report being provided to Council regarding properties eligible for tax sale pursuant to the Municipal Act, 2001, at least one month prior to advertisement of any such tax sale proceedings, which report shall contain details of the subject property's tax roll number, municipal address, amount owing, ward location and property attributes (e.g. vacant lands); and,
2. That advertisements be placed in the Brooklin Town Crier newspaper as appropriate.

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5. (continued)

3.3 Corporate Services Report, Item CS 59-09

Re: Supply and Delivery of One (1) Trailer Mounted Vacuum Excavating System
(W2009-31)

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of Vermeer Canada Inc., in the amount of \$47,075.80 for One Trailer Mounted Vacuum Excavating System;
2. That the total estimated project cost in the amount of \$46,992.80 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

3.4 Corporate Services Report, Item CS 60-09

Re: Whitby Seniors' Activity Centre Parking Lot Expansion (W2009-24)

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of Ron Robinson Limited, in the amount of \$208,193.99 for the Whitby Seniors' Activity Centre Parking Lot Expansion;
2. That an over expenditure in the amount of \$163,424.99 be approved and be funded from the Capital Reserve Fund; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

3.5 Corporate Services Report, Item CS 61-09

Re: To Authorize The Treasurer To Vest The Property On Boychyn Drive, Plan 40M-1641, Block 83, Into The Ownership Of The Town Of Whitby

COUNCIL DECISION

That Council authorize the Treasurer to vest the property on Boychyn Drive, Plan 40M-1641, Block 83, into the ownership of the Town of Whitby and that the outstanding taxes be written off as uncollectible.

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5. (continued)

3.7 Public Works Report, Item PW 44-09

Re: 2009 Waste Electrical and Electronic Equipment Drop-off Event (E-3200)

COUNCIL DECISION

1. That Council approve the Public Works Department co-hosting a Waste Electrical and Electronic Equipment Drop-off Event with the Region of Durham Waste Management Services at the Town of Whitby Operations Centre on October 24th, 2009, from 9:00 am-1:00 pm;
2. That Council approve a Departmental initiative allowing staff to accept non-perishable food during the event; and,
3. That a copy of Public Works Department Report, Item PW 44-09 regarding the "2009 Waste Electrical and Electronic Equipment Drop-off Event with the Region" be forwarded to the Region of Durham and the Area Municipalities.

3.9 Public Works Report, Item PW 48-09

Re: Region of Durham 2010 Capital Road Program & 4-year Forecast

COUNCIL DECISION

That Public Works Report, Item PW 48-09, be forwarded to the Region of Durham for their consideration during the development of the 2010 Regional Capital Road program and Four-Year Forecast.

RESOLUTION NO. 282-09

MOVED by Councillor Pitchforth

Seconded by Councillor Scott

That Council adopt the recommendations set out in Item Nos. 3.2 to 3.5, inclusive, 3.7 and 3.9, as contained within the minutes of the meeting of the Operations Committee held on October 5th, 2009.

CARRIED

3.6 Planning/Public Works Joint Report, Item PW 41-09

Re: Highway 407 East Individual Environmental Assessment and Preliminary Design Study - Comments on Final Study Report

Having declared a pecuniary interest, Councillor Roy did not take part in the discussion or vote on this item.

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5. (continued)

RESOLUTION NO. 283-09

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

1. That Council endorse the letter as shown in Attachment 'A' of the Planning/Public Works Joint Report, Item PW 41-09 and it be forwarded to Mr. Jeffrey Dea, Project Officer, Ministry of the Environment; and,
2. That staff continue to provide Council with status updates at key milestones and decision points in the planning and design process for Highway 407.

CARRIED

3.8 Public Works Report, Item PW 45-09

Re: Transportation Master Plan – Presentation of Consultant's Findings and Preliminary Recommendations

Having declared pecuniary interests, Councillor Drumm and Councillor Mitchell did not take part in the discussion or vote on this item.

RESOLUTION NO. 284-09

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

1. That Public Works Report, Item PW 45-09 regarding the Transportation Master Plan, be received for information; and,
2. That all future meetings related to the Transportation Master Plan be conducted in Committee of the Whole format.

CARRIED

3.1 Community & Marketing Services/Planning Joint Report, Item CMS 15-09

Re: Ministry of Education Draft Policy - "Encouraging Facility Partnerships"

RESOLUTION NO. 285-09

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

1. That Council endorse the Staff comments regarding the Ministry of Education's draft policy on Encouraging Facility Partnerships and a copy of Community & Marketing Services/Planning Joint Report, Item CMS 15-09 be forwarded to the Ministry of Education; and,

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5. (continued)

2. That a copy of Council's resolution and the Community & Marketing Services/Planning Joint Report, Item CMS 15-09 be forwarded to the Ministry of Education, Durham District School Board, Durham Catholic District School Board, Conseil Scolaire de District Catholique Centre-Sud, Whitby Trustees, C. Elliott-MPP for Whitby/Oshawa and the Durham Region Planning Department.

CARRIED

6. NOTICES OF MOTION

None.

7. NEW AND UNFINISHED BUSINESS

7.1 Planning/Public Works Joint Report, Item PL 95-09

GO Transit – Oshawa East Track Extension and New Rail Maintenance Facility –
Contract 1TC-2007-EN-054

RESOLUTION NO. 286-09

MOVED by Councillor Coe
Seconded by Councillor Pitchforth

1. That the Town of Whitby support in principle extension of the GO Transit Rail Service from Whitby to Bowmanville, and construction of a Rail Equipment Facility in the Town of Whitby;
2. That the recommendations set out in Report PL 95-09 be considered as the Town of Whitby's input to the GO Transit Environmental Assessment Study; and,
3. That copies of Council's resolution together with a copy of Report PL 95-09 be forwarded to: GO Transit, Region of Durham, AECOM and the Ministry of Environment.

8. BY-LAWS

6235-09 By-law to assume Parts 1, 2 and 3 on Plan 40R-25356 as Part of Garden Street for road widening purposes. (Refer to Minthollow Estates Inc., SP-18-06, Garden Street North)

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8. (continued)

6236-09 By-law to assume Part 1 on Plan 40R-26032 as Part of Thicksen Road South and Part 14 on Plan 40R-26032 as Part of Wentworth Street, for road widening purposes. (Refer to Johnson Controls U.L.C. – LD 008-009/2009 – 1555 Wentworth Street)

6237-09 By-law to designate 4 Cassels Road West, as a structure of cultural heritage value and interest to the Town of Whitby under Part IV, Section 29 of the Ontario Heritage Act R.S.O. 1990, c. 0.18, as amended.

The purpose of the designation by-law is to maintain the current character of the structure so that it is in keeping with the cultural heritage value and interest of the property and to require consultation with LACAC Heritage Whitby for any future changes to the exterior of the structure.

6238-09 By-law to designate 42 Cassels Road East, as a structure of cultural heritage value and interest to the Town of Whitby under Part IV, Section 29 of the Ontario Heritage Act R.S.O. 1990, c. 0.18, as amended.

The purpose of the designation by-law is to maintain the current character of the structure so that it is in keeping with the cultural heritage value and interest of the property and to require consultation with LACAC Heritage Whitby for any future changes to the exterior of the structure.

6239-09 By-law to designate 75 Baldwin Street, as a structure of cultural heritage value and interest to the Town of Whitby under Part IV, Section 29 of the Ontario Heritage Act R.S.O. 1990, c. 0.18, as amended.

The purpose of the designation by-law is to maintain the current character of the structure so that it is in keeping with the cultural heritage value and interest of the property and to require consultation with LACAC Heritage Whitby for any future changes to the exterior of the structure.

6240-09 By-law to designate 1450 Henry Street, as a structure of cultural heritage value and interest to the Town of Whitby under Part IV, Section 29 of the Ontario Heritage Act R.S.O. 1990, c. 0.18, as amended.

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8. (continued)

The purpose of the designation by-law is to maintain the current character of the structure so that it is in keeping with the cultural heritage value and interest of the property and to require consultation with LACAC Heritage Whitby for any future changes to the exterior of the structure.

6241-09

By-law to designate 9210 Heron Road, as a structure of cultural heritage value and interest to the Town of Whitby under Part IV, Section 29 of the Ontario Heritage Act R.S.O. 1990, c. 0.18, as amended.

The purpose of the designation by-law is to maintain the current character of the structure so that it is in keeping with the cultural heritage value and interest of the property and to require consultation with LACAC Heritage Whitby for any future changes to the exterior of the structure.

6242-09

By-law to designate 1001 Green Street, as a structure of cultural heritage value and interest to the Town of Whitby under Part IV, Section 29 of the Ontario Heritage Act R.S.O. 1990, c. 0.18, as amended.

The purpose of the designation by-law is to maintain the current character of the structure so that it is in keeping with the cultural heritage value and interest of the property and to require consultation with LACAC Heritage Whitby for any future changes to the exterior of the structure.

6243-09

By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from R2 – Residential Zone to R2-2 – Residential Zone – Exception 2 for the lands shown as the Subject Land.

The effect of the zoning change is to permit the additional home occupation use of an esthetician to a maximum gross floor area of 46.5 square metres (500 square feet). (Refer to Planning Report, Item PL 89-09, Z-17-09.)

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8. (continued)

RESOLUTION NO. 287-09

MOVED by Councillor Roy, Seconded by Councillor Coe, that leave be granted to introduce By-law Nos. 6235-09 to 6243-09, inclusive, and to dispense with the reading of the by-laws by the Clerk and that the same be considered read a first, second and third time and finally passed and that the Mayor and Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

By-law Nos. 6235-09 and 6243-09, inclusive, considered read a first, second and third time and finally passed.

9. CONFIRMATORY BY-LAW NO 6244-09

RESOLUTION NO. 288-09

MOVED by Councillor Scott, seconded by Councillor Pitchforth, that leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its meeting held on October 13, 2009, and that the same be considered read a first, second and third time and finally passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

By-law No. 6244-09 considered read a first, second and third time and finally passed.

10. ADJOURNMENT

RESOLUTION NO. 289-09

MOVED by Councillor Drumm at 9:55 pm
Seconded by Councillor Coe

That this October 13th, 2009 meeting of the Council of The Corporation of the Town of Whitby adjourn.

CARRIED

Paul Jones, Clerk

Patricia Perkins, Mayor