

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

PRESENT: Mayor Perkins

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

Mayor Perkins in the Chair

ALSO PRESENT: R. S. Petrie, Chief Administrative Officer
B. Short, Director of Planning
K. Nix, Director of Corporate Services/Treasurer
K. MacCarl, Fire Chief
S. Beale, Director of Public Works
P. LeBel, Director of Community and Marketing Services
S. Pohjola, Town Solicitor
P. Jones, Town Clerk
M. Pettit, Deputy Clerk

1. DISCLOSURES OF INTEREST

None

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6111-08

RESOLUTION NO. 271-08

Councillor Scott, 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 Special Meeting of Council held on October 6th at 7:15 p.m., the Regular Meeting of Council held on October 6th at 8:00 p.m., and the Meeting of All Members of Council held on October 20th, 2008 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. 6111-08 considered read a first, second and third time and finally passed.

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

3. PRESENTATIONS

(i) Remembrance Day Observance

A colour guard comprised of members of the Royal Canadian Legion Branches 112 and 152 led Council through a Remembrance Day Observance.

(ii) Recognition - Whitby Olympic Athlete - Erika Schmutz – Para Olympic Rugby Team

Mayor Perkins, Councillor Scott, Chair of Community and Marketing Services and Peter LeBel, Director, Community and Marketing Services shared in recognizing Erika Schmutz as a bronze medallist winner on the Para Olympic Rugby Team.

(iii) Update - Highway 407 East Environmental Assessment and Preliminary Design Study

Dan Remollino, Ontario Ministry of Transportation
Brenda Jamieson, Totten Sims Hubicki
Doug Allingham, Totten Sims Hubicki

Mr. Remollino, Ms. Jamieson and Mr. Allingham appeared before Council and made a Powerpoint presentation.

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

4. CORRESPONDENCE

- (i) CORR 19-08
Letter from Margaret Clayton, Chair Whitby Local Architectural Conservation
Advisory Committee – Heritage Whitby concerned about the future of the Whitby
Pumphouse
-

RESOLUTION NO. 272-08

MOVED by Councillor Drumm
Seconded by Councillor Emm

That correspondence item CORR 19-08 be referred to the Chief Administrative
Officer for review, report and future consideration by Council as part of its 2009
budget deliberations.

CARRIED

- (ii) CORR 20-08
Letter from Madelaine Meilleur, Minister of Community and Social Services – in
response to Mayor Perkins who wrote the Minister as Minister responsible for
accessibility issues about the fact there are currently no full service gas stations
in Whitby
-

RESOLUTION NO. 273-08

MOVED by Councillor Drumm
Seconded by Councillor Emm

That correspondence Item CORR 20-08 be referred to the Director of Planning
for consideration in the development of a report on the issue of full service gas
stations in Whitby, such report having been requested by Council at its
September 15, 2008 meeting.

CARRIED

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

5. STANDING COMMITTEES

- (a) Planning and Development Committee –October 14, 2008
Report Recommendations to Council
-

4.2 Planning Report, Item PL 131-08

Re: Site Plan Application (SP-31-08) Manuel Desousa - 17 Stevens Road

COUNCIL DECISION

1. That Site Plan Application (SP-31-08) be approved subject to the comments and conditions contained in Planning Report Item # PL-131-08; and,
2. That the Planning Director be authorized to approve an acceptable site plan in lieu of the applicant entering into a Site Plan Agreement with the Municipality.

4.3 Planning Report, Item PL 133-08

Re: Site Plan Application (SP-26-08) Sven Linkvist
501 Brock Street South

COUNCIL DECISION

1. That Council approve the site plan application (SP-26-08) subject to the comments and conditions contained in Planning Report, PL 133-08; and,
2. That the Mayor and Clerk be authorized to execute the site plan agreement.

4.4 Planning Report, Item PL 135-08

Re: Healthy Communities and Sustainability: A Discussion Paper on
the Role of Municipal Government

COUNCIL DECISION

That Planning Report, Item PL 135-08 be referred for future consideration by Council as part of its 2009 budget deliberations.

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

RESOLUTION NO. 274-08

MOVED By Councillor Drumm
Seconded by Councillor Coe

That Council adopt the recommendations set out in Item Nos. 3.1 and 4.2 through 4.4, inclusive, as contained in the minutes of the meeting of the Planning and Development Committee held on October 14, 2008, save and except Item No. 3.1 thereof.

CARRIED

3.1 Re: DEL ROSSO GROUP

Public Meeting 7:30 P.M.

Official Plan Amendment and Zoning By-Law No. 2585 (OPA-2008-W/07 and (Z-14-08) – 101 Victoria Street West, 1510, 1514 & 1518 Brock Street South
(Refer to Planning Report, Item PL 132-08)

RESOLUTION NO. 275-08

MOVED By Councillor Roy
Seconded by Councillor Drumm

COUNCIL DECISION

1. That Planning Report Item PL-132-08 be received as information;
2. That staff report on alternative options for the completion of both a Port Whitby and Waterfront Master Plan;
3. That staff bring forward a report outlining what can be done with existing and future development applications prior to the master plans being completed; and,
4. That both staff reports be brought back before Planning and Development Committee in January 2009.

CARRIED

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

5. (Continued)

- (b) Operations Committee – October 20, 2008
Report Recommendations to Council
-

2.1 Separation of Waste Materials

COUNCIL DECISION

1. That Town staff ensure that blue and green bins are available for public use at all Town of Whitby events and functions and are required in all rental agreements between the Town and external groups for the use of Town facilities; and
2. That an overall waste management policy be created involving updated environmental standards that minimize garbage.

3.2 Community and Marketing Services Report, Item CMS 33-08
Re: Safer and Vital Communities Grant

COUNCIL DECISION

That Council direct Staff to apply for a \$20,000 Safer and Vital Communities Grant from the Ministry of Community Safety and Correctional Services.

3.4 Corporate Services Report, Item CS 55-08
Re: 2009 Council and Standing Committee Meeting Schedule

COUNCIL DECISION

1. That the 2009 schedule of Meetings for Council, Standing Committees and Management Committee as outlined in Schedule A to Corporate Services Report Item CS 55-08 be adopted subject to all meetings between January and July 2009 being advanced one week with the first meeting of the Planning & Development Committee occurring on January 5, 2009 and the Council meeting of July 6, 2009 occurring on June 29, 2009, with no meetings the weeks of the Ontario Good Roads Association Conference and the Federation of Canadian Municipalities Conference.
2. That the 2009 Meeting schedule as amended be published on the Town's website.

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

5. (Continued)

3.5 Corporate Services Report, Item CS 56-08

Re: Second Quarter Projection Report as of June 30th, 2008

COUNCIL DECISION

That the 2008 Second Quarter Financial Projection report as of June 30th, 2008 be received as information.

3.6 Public Works Report, Item PW 43-08

Re: July and August 2008 Flooding – Status Update

COUNCIL DECISION

1. That Public Works Report PW 43-08 be received as information;
2. That staff continue to investigate the July and August 2008 storm water related flooding incidents and report to Council in a public forum on opportunities to mitigate future potential occurrences;
3. That staff continue to work with representatives from the Region of Durham and Central Lake Ontario Conservation Authority (CLOCA) on the investigation of the July and August 2008 flooding incidents; and
4. That a copy of Public Works Report 43-08 be forwarded to the Region of Durham and CLOCA.

3.7 Public Works Report, Item PW 46-08

Re: School Poster Colouring Competition

COUNCIL DECISION

1. That Public Works Department Report PW-46-08 regarding the "School Poster Colouring Competition" be received as information;
2. That a copy of the Public Works Department Report PW-46-08 regarding the "School Poster Colouring Competition" be forwarded to the School Boards; and,
3. That a copy of Public Works Department Report PW-46-08 regarding the "School Poster Colouring Competition" be forwarded to the City of Oshawa and the Region of Durham.

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

5. (Continued)

4.1 July and August 2008 Flooding

COUNCIL DECISION

That Council request the Region of Durham and Central Lake Ontario Conservation Authority expedite their respective processes regarding flooding and sanitary sewer backup in the Town of Whitby and bring back their respective reports to a public meeting of the Operations Committee to apprise the public as to what is being done to remedy the situation.

4.2 Anti-Idling Policy

COUNCIL DECISION

That Council initiate an anti-idling policy for all Town of Whitby vehicles and that staff be directed to prepare a report on this matter for Council's consideration prior to Christmas.

RESOLUTION NO. 276-08

MOVED by Councillor Pitchforth
Seconded by Councillor Roy

That Council adopt the recommendations set out in Item Nos. 2.1, and 3.2 through 3.7 and 4.1 and 4.2 inclusive as contained in the minutes of the meeting of the Operations Committee held on October 20, 2008, save and except Item No. 3.3. thereof.

CARRIED

RESOLUTION NO. 277-08

MOVED by Councillor Pitchforth
Seconded by Councillor Roy

3.3 Community and Marketing Services Report, Item CMS 34-08
Re: Replacement Van for Whitby Seniors Services

COUNCIL DECISION

That Council approve spending up to \$80,000 to purchase a new van for Whitby Seniors Services (WSS) replacing the current 2000 GMC van.

CARRIED

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

5. (Continued)

- (c) Management Committee – October 21, 2008
Report Recommendations to Council
-

2.1 Non Union Job Evaluation and Compensation Study

RESOLUTION NO. 278-08

MOVED by Councillor Drumm
Seconded by Councillor Mitchell

COUNCIL DECISION

1. That Council approve the hiring of Mercer (Canada) Limited to undertake a non union job evaluation and compensation study;
2. That the terms of reference for such study provide:
 - (i) for the consultant to propose a new job evaluation tool as opposed to evaluating the Town's existing tool;
 - (ii) for development of a communications strategy;
 - (iii) such other matters as may be directed by the Town's Management Committee; and
3. That the Mayor and Clerk be authorized to execute all documents necessary and related to the undertaking of the study.

CARRIED

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

6. NOTICES OF MOTION

None.

7. NEW AND UNFINISHED BUSINESS

RESOLUTION NO. 279-08

MOVED By Councillor Drumm
Seconded by Councillor Emm

That Council add an Item 7.2 Community and Marketing Services Report CMS
35-08 to the Council Agenda.

CARRIED BY A TWO
THIRDS VOTE

MOVED by Councillor Drumm
Seconded by Councillor Coe

RESOLUTION NO. 280-08

That Council resolve itself into Committee of the Whole in order to consider
Planning Report Item PL 139-08 and Community and Marketing Services Report
Item, CMS 35-08.

CARRIED

7.1 Planning Report, Item PL 139-08

Re: Region of Durham Growth Plan Implementation Study: Scenario Evaluation
and Recommended Preferred Growth Scenario

The discussion on this report began at 9:30 p.m. The public was invited to make
comment.

The following individuals appeared before Council in Committee of the Whole to
advise they were opposed to any expansion of the urban boundary north of
Columbus Road:

David Mills, 7680 Cedarbrook Trail
Jim Smiley, 40 Bayberry Crt
Brian Tidmarsh, 18 Richard Butler Drive
MaryLou Harrison, 1 St. Thomas Street
Jane Ling, 535 Myrtle Road West, Ashburn

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

7. (Continued)

Bryce Jordan, on behalf of West Whitby Landowners Group, appeared before Council in Committee of the Whole and indicated that the proposal reflects the group's desires.

Mayor Perkins left the meeting at 10:03 and Deputy Mayor Emm assumed the Chair. Mayor Perkins returned at 10:12 p.m. and resumed the Chair.

MOVED By Councillor Drumm

1. That Planning Report PL 139-08 be received for information;
2. That Staff comments contained in Planning Report PL 139-08 be endorsed as the Town's preliminary comments on the Growing Durham: Draft Recommended Growth Scenario and Policy Directions Report dated, September 23, 2008;and,
3. That a copy of Planning Report PL 139-08 be forwarded to the Region of Durham.

CARRIED AS AMENDED

MOVED By Councillor Mitchell

That Item two of the above motion be repealed and replaced with the following:

2. That Council establish the urban boundary for North Whitby as recommended by Urban Strategies Inc. on June 3, 2008 which set the living area boundary at the approximate midway point between Columbus and Brawley Roads and that Planning Report PL 139-08 and attachments be revised accordingly.

LOST

MOVED By Councillor Emm

That Council in Committee of The Whole continue to meet past 11:00 p.m.

CARRIED

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

7. (Continued)

MOVED By Councillor Drumm

That the above motion be amended by adding thereto:

4. That Council supports the Region's direction to identify the lands on the northwest corner of Conlin and Anderson as residential within the 2031 Growth Plan; and,
5. That Whitby's Planning Department be directed to hold a public meeting with the landowners of the balance of lands identified in the October 27, 2008 Addendum to Planning Report PL 139-08 to determine an appropriate land use.

CARRIED

MOVED By Councillor Roy

That Council in Committee of the Whole recess for 10 minutes at 11:09 p.m.

CARRIED

Councillor Mitchell left the meeting and the meeting resumed at 11:19 p.m.

7.2 Community and Marketing Services Report, Item CMS 35-08
Re: Abilities Centre

MOVED By Councillor Drumm at 11:24 p.m.

That the following part of this meeting be closed to the public for the purpose of obtaining advice that is the subject of solicitor-client privilege and considering a proposed disposition of land by the Town.

CARRIED

MOVED By Councillor Emm At 11:24 p.m..

That Council in Committee of the Whole continue to meet past 11:30 p.m.

CARRIED BY A TWO
THIRDS VOTE

Committee conferred with the Town's Solicitor for a time.

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

7. (Continued)

MOVED By Councillor Emm at 11:40 p.m.

That this Committee of the Whole meeting be reopened to the public.

CARRIED

MOVED By Councillor Drumm

1. That the joint Community and Marketing Services, Corporate Services and Planning Departments Report CMS 35-08 be received as information;
2. That Council approve the Abilities Centre project subject to the following comments and conditions:
 - a) that the Abilities Centre Board confirm the total capital cost of the project;
 - b) that signed agreements for the funding commitments from the Federal Enabling Accessibility Fund and the Canada Ontario Infrastructure Program in the combined amount of \$21,000,000 be received;
 - c) that the Abilities Centre Board provide confirmation from a financial institution ensuring the ability to secure sufficient funds to cover the remaining capital and cash flow requirements to complete the construction of the project;
 - d) that all funding from a financial institution be obtained without the requirement of security related to a lien on the Town's property;
 - e) Council's favourable consideration of an independent financial consultant's review of the Proponent's Business Plan and our staff analysis in order to:
 - i) assess the soundness of both the business plan and our staff analysis;
 - ii) independently assess and identify the full potential costs and impacts to the municipality;
 - iii) measure and comment on the ability for the proponents to meet the objective of their business plan and build and sustain the revenues projected;
 - iv) identify any increased program costs to the municipality that may be incurred as a neighbouring service provider – example, the pool and sports fields;

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

7. (Continued)

- v) review and advise whether the lease arrangements might expose the municipality to costs in the building and programming of the centre;
- 3. That Council authorize the Town Solicitor to prepare a lease or formation of a municipal capital facilities agreement as deemed appropriate;
- 4. That Council approve the recommendations contained within the staff report in regard to the Site Plan Application File SP-30-08 and that the conditions of site development be included in the lease or the municipal capital facilities agreement;
- 5. That the Town of Whitby's financial commitment of \$1,000,000 for the purposes of contributing to the outside works associated with the Abilities Centre project be used to cover the costs associated with the relocation of the existing tennis courts to the north side of Iroquois Park Sports Centre, and the relocation of the ball diamond to another Town park location, with both projects to be constructed in 2009; and, that any surplus funds after the reconstruction of the Town's facilities be used by the Abilities Centre Board for the capital cost of the facility;
- 6. That Council direct staff to include a provision for renovations to Anne Ottenbrite Pool in the 10 year capital forecast;
- 7. That the construction start and/or the on-site development works for the Abilities Centre project be phased, as required, to ensure there is no disruption to the 2009 Whitby Tennis Club program;
- 8. That Council authorize the Planning Department to prepare a site plan agreement; and;
- 9. That Council authorize the Mayor and Clerk to execute the lease or the municipal capital facilities agreement and the site plan agreement subject to all of the conditions being met as outlined in the Staff report and this resolution.

CARRIED

MOVED By Councillor Emm

That Committee of the Whole rise and report to Council.

CARRIED

The regular meeting of Council for Monday, October 27, 2008 resumed.

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

7. (Continued)

MOVED By Councillor Emm
Seconded by Councillor Coe

That Items 7.1 and 7.2 as considered by Council in Committee of the Whole be
voted on separately.

CARRIED

7.1 Planning Report, Item PL 139-08

Re: Region of Durham Growth Plan Implementation Study: Scenario Evaluation
and Recommended Preferred Growth Scenario

MOVED By Councillor Drumm
Seconded By Councillor Coe

RESOLUTION NO. 281-08

1. That Planning Report PL 139-08 be received for information;
2. That Staff comments contained in Planning Report PL 139-08 be endorsed as the Town's preliminary comments on the Growing Durham: Draft Recommended Growth Scenario and Policy Directions Report dated, September 23, 2008;and,
3. That a copy of Planning Report PL 139-08 be forwarded to the Region of Durham.
4. That Council supports the Region's direction to identify the lands on the northwest corner of Conlin and Anderson as residential within the 2031 Growth Plan; and,
5. That Whitby's Planning Department be directed to hold a public meeting with the landowners of the balance of lands identified in the October 27, 2008 Addendum to Planning Report PL 139-08 to determine an appropriate land use.

CARRIED

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

7. (Continued)

7.2 Community and Marketing Services Report, Item CMS 35-08
Re: Abilities Centre

MOVED By Councillor Drumm
Seconded by Councillor Emm

RESOLUTION NO. 282-08

1. That the joint Community and Marketing Services, Corporate Services and Planning Departments Report CMS 35-08 be received as information;
2. That Council approve the Abilities Centre project subject to the following comments and conditions:
 - a) that the Abilities Centre Board confirm the total capital cost of the project;
 - b) that signed agreements for the funding commitments from the Federal Enabling Accessibility Fund and the Canada Ontario Infrastructure Program in the combined amount of \$21,000,000 be received;
 - c) that the Abilities Centre Board provide confirmation from a financial institution ensuring the ability to secure sufficient funds to cover the remaining capital and cash flow requirements to complete the construction of the project;
 - d) that all funding from a financial institution be obtained without the requirement of security related to a lien on the Town's property;
 - e) Council's favourable consideration of an independent financial consultant's review of the Proponent's Business Plan and our staff analysis in order to:
 - (i) assess the soundness of both the business plan and our staff analysis;
 - ii) independently assess and identify the full potential costs and impacts to the municipality;
 - i) measure and comment on the ability for the proponents to meet the objective of their business plan and build and sustain the revenues projected;

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

- iv) identify any increased program costs to the municipality that may be incurred as a neighbouring service provider – example, the pool and sports fields;
 - v) review and advise whether the lease arrangements might expose the municipality to costs in the building and programming of the centre;
- 3. That Council authorize the Town Solicitor to prepare a lease or formation of a municipal capital facilities agreement as deemed appropriate;
- 4. That Council approve the recommendations contained within the staff report in regard to the Site Plan Application File SP-30-08 and that the conditions of site development be included in the lease or the municipal capital facilities agreement;
- 5. That the Town of Whitby's financial commitment of \$1,000,000 for the purposes of contributing to the outside works associated with the Abilities Centre project be used to cover the costs associated with the relocation of the existing tennis courts to the north side of Iroquois Park Sports Centre, and the relocation of the ball diamond to another Town park location, with both projects to be constructed in 2009; and, that any surplus funds after the reconstruction of the Town's facilities be used by the Abilities Centre Board for the capital cost of the facility;
- 6. That Council direct staff to include a provision for renovations to Anne Ottenbrite Pool in the 10 year capital forecast;
- 7. That the construction start and/or the on-site development works for the Abilities Centre project be phased, as required, to ensure there is no disruption to the 2009 Whitby Tennis Club program;
- 8. That Council authorize the Planning Department to prepare a site plan agreement; and;
- 9. That Council authorize the Mayor and Clerk to execute the lease or the municipal capital facilities agreement and the site plan agreement subject to all of the conditions being met as outlined in the Staff report and this resolution.

CARRIED

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

8. BY-LAWS

- 6112-08 By-law to appoint/revoke certain persons as Municipal Law Enforcement Officers for the purpose of enforcing parking restrictions on private property.
- 6113-08 By-law to authorize the sale of certain surplus land being Block E, Plan M-1148, Walton Boulevard (Refer to Planning Report, Item PL 61-08).
- 6114-08 By-law to authorize the sale of certain land being Part 1, Plan 40R-25614, portion of Byron Street. (Refer to Planning Report, Item PL 38-06).
- 6115-08 By-law to assume Part 1, Plan 40R-22898 as part of Charles Street (Z-01-08, SP-02-08, Planning Report, Item PL 33-08).
- 6116-08 By-law to amend Traffic By-law No. 1862-85, as amended, to establish "No Parking" restriction on the east and west sides of Garden Street, between Reynolds Street and Dundas Street East. (Refer to Public Works Director's Report, Item PW 44-08).
- 6117-08 By-law to amend Zoning By-law No. 2585, as amended, by changing the zoning from H-R5A – Holding – Residential Type 5A Zone and OS – Open Space Zone to H-R5A-10 Holding-Residential Type 5A – Exception 10 Zone and OS – Open Space Zone for the land located in Part of Lot 27, Broken Front Concession situated west of Brock Street South, south of Front Street and municipally known as 1900 Brock Street South, Town of Whitby. The purpose of the "H" holding symbol is to control development until the conditions imposed related to removing the "H" are satisfied or fulfilled.

The effect of the zoning change is to permit the future development of a residential housing project with a maximum of 1,243 dwelling units consisting of a mix of apartment dwelling houses and block townhouse dwellings once the conditions imposed related to removing the "H" are satisfied or fulfilled. The apartment dwelling houses are proposed to range from 9 storeys to 33 storeys in height. The project also provides for a maximum of 1,695 square metres (18,245 sq.ft.) of gross floor area for ancillary commercial and personal service uses. Parking is proposed to be provided in above grade parking garages that are generally screened from view from public streets and public walkways. (Refer to Planning Report, Item PL 110-08).

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 27, 2008 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

RESOLUTION NO. 283-08

MOVED by Councillor Drumm, Seconded by Councillor Roy, that leave be granted to introduce By-law Nos. 6112-08 to 6117-08, 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. 6112-08 to 6117-08, inclusive, considered read a first, second and third time and finally passed.

9. CONFIRMATORY BY-LAW NO 6118-08

RESOLUTION NO. 284-08

MOVED by Councillor Scott, seconded by Councillor Coe, move for leave 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 27th, 2008, 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. 6118-08 considered read a first, second and third time and finally passed.

10. ADJOURNMENT

RESOLUTION NO. 285-08

MOVED by Councillor Emm at 11:48 p.m.
Seconded by Councillor Coe

That this October 27th, 2008 meeting of the Council of The Corporation of the Town of Whitby adjourn.

CARRIED

Paul Jones, Clerk

Patricia Perkins, Mayor