

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION  
OF THE TOWN OF WHITBY HELD ON MONDAY, DECEMBER 10, 2012 AT THE  
HOUR OF 7:00 P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL  
BUILDING

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PRESENT: Mayor Perkins  
Councillor Coe  
Councillor Drumm  
Councillor Emm  
Councillor Hanson  
Councillor Mitchell  
Councillor Montague  
Councillor Roy

Mayor Perkins in the Chair

STAFF PRESENT: R. Petrie, Chief Administrative Officer  
S. Beale, Commissioner of Public Works  
M. Gerrard, Fire Chief  
P. LeBel, Commissioner of Community & Marketing Services  
K. Nix, Commissioner of Corporate Services/Treasurer  
S. Pohjola, Town Solicitor  
R. Short, Commissioner of Planning  
D. Wilcox, Town Clerk  
L. Doughty, Deputy Clerk

Mayor Perkins called the meeting to order at 7:00 p.m.

Mayor Perkins welcomed everyone to the Council meeting and extended best wishes for a safe and festive holiday season.

1. DISCLOSURES OF INTEREST

There were no disclosures of interest.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6673-12

RESOLUTION NO. 318-12

Minutes of Council Meetings – November 19, November 26 and December 3,  
2012

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Councillor Hanson, seconded by Councillor Roy, 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 November 19, 2012 and the Special Meetings of Council held on November 19, November 26 and December 3, 2012 and that the same be considered read a first and second time.

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The by-law was read a third time and finally passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

By-Law 6673-12 considered read a first, second, and third time and finally passed.

CARRIED SAVE AND EXCEPT  
THE FOLLOWING MATTER

RESOLUTION NO. 319-12

MOVED by Councillor Drumm  
Seconded by Councillor Roy

That Item 3.2, part 1) of the November 26, 2012 Special Meeting of Council relating to a Confidential Verbal Update on a Parking/Towing Matter be divided from the minutes in order to deal with it separately.

CARRIED ON A RECORDED VOTE  
AS FOLLOWS:

YES

Councillor Coe  
Councillor Hanson  
Councillor Mitchell  
Councillor Montague  
Mayor Perkins

NO

Councillor Drumm  
Councillor Emm  
Councillor Roy

Councillor Drumm further requested that By-law No. 6685-12 be dealt with separately later in the meeting.

3. PRESENTATIONS/DELEGATIONS

- 3.1 Representatives from the Optimist Club of Brooklin  
Presenting to the Town of Whitby a cheque for \$5,000 which is their third annual instalment towards their pledge of \$25,000 to enhance programs and services at the Brooklin Branch Library
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Mayor Perkins, Councillor Drumm and Commissioner LeBel attended the dias to receive a cheque from Brian Wick on behalf of the Optimist Club of Brooklin in the amount of \$25,000, which is the final of four annual

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instalments towards their total pledge of \$100,000 to the Brooklin Community Centre and Library. The Mayor and Council thanked the Optimist Club for their commitment to this outstanding community facility that is focused on youth; and also extended congratulations to the Optimist Club on the celebration of their 25<sup>th</sup> anniversary.

- 3.2 Representatives from the Brooklin Agricultural Society  
Presentation to the Town of Whitby a cheque in the amount of \$25,000  
which is the final annual instalment towards their \$100,000. Pledge to the  
Brooklin Community Centre and Library
- 

Mayor Perkins and Councillor Mitchell received a cheque from Len and Karen Waltham on behalf of the Brooklin Agricultural Society in the amount of \$5,000 as their third annual instalment towards a pledge of \$25,000 to enhance programs and services at the Brooklin Branch Library. The Mayor and Council thanked the society for their wonderful partnership on this project and expressed how fortunate the community is to have a dedicated Agricultural Society that for more than one hundred years has organized the annual Brooklin Spring Fair.

- 3.3 Recognition of Brooklin/Whitby Girls Representative Fastball  
Association - Whitby Eagles – Senior Team
- 

The Brooklin/Whitby Girls Representative Fastball Association, Whitby Eagles Senior Team Members and coaching staff joined Mayor Perkins, Councillor Drumm, Chair of Community & Marketing Services and P. LeBel, Commissioner of Community & Marketing Services on the dais to recognize the Team's accomplishments and awards in becoming the Canadian National Champions with an overall 2012 record of 41-3.

- 3.4 Recognition of Brooklin/Whitby Girls Representative Fastball  
Association Whitby Eagles – Novice Team
- 

The Brooklin/Whitby Girls Representative Fastball Association, Whitby Eagles Novice Team Members and coaching staff joined Mayor Perkins, Councillor Drumm, Chair of Community & Marketing Services and P. LeBel, Commissioner of Community & Marketing Services on the dais to recognize the Team's accomplishments and awards in becoming a finalist in the Canadian National Champions with an overall season of playing 52 games.

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3.5 Recognition and Presentation to Town of Whitby Firefighter's Jason  
Ronfeld and John Sotiriou, recipients of the Ontario Medal for Firefighter  
Bravery

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Mayor Perkins, Councillor Montague, Chair of the Fire Department and Fire Chief Gerrard acknowledged Town of Whitby Firefighter's Jason Ronfeld and John Sotiriou, recipients of the Ontario Medal for Firefighter Bravery. Fire Chief Gerrard provided a summary of the events surrounding the fire of April 29, 2012, to which Jason and John responded as Whitby firefighters and are recognized for their bravery in the face of danger. Jason and John were awarded an Ontario medal for Firefighter Bravery as presented by the Honourable David Charles Onley, Lieutenant Governor of Ontario. Mayor Perkins presented each with a certificate of honour on behalf of the Town of Whitby and extended thanks to them and to all members of the Whitby Fire Department for the work they do every day to make our community safe.

3.6 Recognition and Presentation to Rico Sirizzotti, Whitby Minor Hockey  
Head Coach, for saving the life of a referee during a recent hockey  
tournament in Mississauga

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Rico Sirizzotti, Whitby Minor Hockey Head Coach, together with Mike Pitchforth and Fred Sidaros of the Whitby Minor Hockey Association, joined Mayor Perkins on the dais. Mayor Perkins presented a certificate of appreciation to Rico Sirizzotti on behalf of the Town of Whitby for his actions in saving the life of a referee during a recent hockey tournament in Mississauga, Ontario.

3.7 Rouge Valley Health Care System  
Regarding the Future of Health Care

David Brazeau, Director, Public Affairs, Community Relations and Telecommunications, Rouge Valley Health Care System, made a presentation to Council regarding the future of healthcare, highlighting services at Rouge Valley and providing information regarding the core business of health care, focus on quality care, maximizing existing funds, pooling resources, integration of services and specialization (in consultation with the Central East LHIN). He indicated that many hospital services may be relocated to other hospitals as specialist services, or in clinical settings. Collaborative care is one strategic initiative that Rouge Valley is preparing for in the next three years, in order to make best use of its people in team formations. He noted that changes are forthcoming due

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to the fiscal impetus of the economic challenges in Ontario and throughout Canada and we will experience healthcare reform in the coming years. In summary, Mr. Braveau advised that this is the start of community consultation though Rouge Valley understands and commits to the need for accessible local services.

Discussion ensued regarding the Ontario Action Plan for Healthcare; and the recent announcement of a Provincial Seniors Care Strategy; and the continued need for youth mental health services within the community.

3.8 Lakeridge Health  
Regarding the Future of Health Care Services in Durham Region

Kevin Empey, President & CEO, Lakeridge Health, made a presentation regarding the future of health care services in Durham Region highlighting the philosophy to increase efficiency, but also improve quality while continuing within the current funding envelope. He noted that this philosophy will drive Centres of Excellence and much is being accomplished with the Central East LHIN and other hospitals to form partnerships. Lakeridge Health is currently in a strong fiscal position, with a balanced budget, working to reduce historical debt and administrative costs, while also looking for other budgetary savings. He stated that Lakeridge Health has focused on three key areas with quality based services this year including eye care; hip and knee surgery; and the kidney centre and are above provincial standards in many of these services. He further advised that as a regional centre Lakeridge is building on and strengthening its cancer services, eye care and kidney centre. Lakeridge will work to develop elder strategies and wishes to be a leader in senior's care and continues to be part of the solution for Durham Region and the Central East LHIN. In summary, Mr. Empey advised that Lakeridge Health continues to discuss a joint research strategy with Durham College and UOIT for the coming year; and also continues to pursue funding for a Whitby hospital.

Discussion ensued regarding a proposed Whitby hospital. Mr. Empey advised that the pursuance of a Whitby hospital is a five stage process in Ontario and at this time Lakeridge Health has been advised that funding does not exist. He stated that Lakeridge Health continues to have conversations with the Ministry and aims to build new hospitals in Bowmanville, Oshawa and Whitby within a fifteen year time frame and works to remain strategically focused on these initiatives, discussing strategies for land acquisition and design of the building for Whitby. In response to further questions, Mr. Empey noted that it is anticipated that a

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fifty acre parcel will be required and a request for support would first be presented to the Region of Durham with a subsequent presentation to the municipality.

Discussion ensued regarding the aging population in Durham Region; recent announcement of the Senior Care Strategy; need for critical supports for seniors in the years to come; analysis of services currently provided; gaps in service; and demands the aging population will place on the system. Long term care and complex continuing care will be the areas in which shortages are experienced.

3.9 Central East Local Health Integration Network (LHIN)  
Update to Council on the Integrated Health Service Plan for the Central  
East Region

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Deborah Hammons, CEO; Wayne Gladstone, Chair; and Karen O'Brien, Public Affairs Officer, Central East Local Health Integration Network (LHIN) provided an update to Council on the Integrated Health Service Plan for the Central East Region advising of the improved health delivery service over the past three years and highlighting outcomes from the 2010 – 2013 strategic plan. Ms. Hammons noted that the Central East LHIN provides over \$730 million annually to local health service providers in Durham Region and is responsible for healthcare planning within the Central East region and works to integrate health care services, considering mergers of agencies across the LHIN to better provide services.

Ms. Hammons highlighted the many health care providers LHIN partners with throughout the community as well as some of the recent major LHIN initiatives, particularly geriatrics, restorative care, and senior friendly hospitals. She further stated that recent investments include Community Care Durham and the Central East Community Care Access Centre and the strategic aim for the next three years is based on the Ministers Action Plan: to keep people healthy; provide faster access to family healthcare; and “right care, right time right place” access. In summary, she advised that we will see a shift away from hospitals into community services and must implement a sustainable health care system with improved coordinated services and attention to quality; focusing on seniors, vascular health, mental health and addictions, and palliative care.

Discussion ensued regarding Provincial initiatives in palliative care, current community access centre provision of palliative services, new partnerships underway, LHIN's steering committee and networks with

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hospice care services, nurse led palliative teams and plans for a future residential hospice. Council noted that Central East LHIN offers some ground breaking geriatric programs across the Region and they were encouraged to seek a deputation at the Health and Social Services Committee at the Region as well as Durham Regional Council.

Discussion ensued regarding mental health and the need to better case manage individuals in order to provide them the assistance they require; more infrastructure is needed and the LHIN must continue to work with health service providers to assist those individuals who move in and out of the health care system. Further discussion ensued regarding retirement homes and independent living facilities and the promise of onsite long term care facilities once residents require more care; however, this is not necessarily the reality.

4. CORRESPONDENCE

4.1 CORR 32-12

That the following request be proclaimed:  
Lyme Disease Awareness Month – May 2013

RESOLUTION NO. 320-12

MOVED by Councillor Coe  
Seconded by Councillor Montague

That CORR 32-12, being a request for Lyme Disease Awareness Month for May 2013, be proclaimed.

CARRIED

5. STANDING COMMITTEES

- (a) Planning and Development Committee – November 26, 2012  
Report No.  
Recommendations to Council

- 3.3 Planning Report, PL 83-12  
Re: Application for Zoning By-law Amendment and Site Plan Approval for Campkin's Camping Centre Inc.– (Z-03-12 & SP-06-12) – Part Lot 20,  
Concession 9

COUNCIL DECISION:

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1. That Council approve the requested reduction in the front yard setback along Baldwin Street from 14 metres to 3 metres, subject to the Ministry of Transportation's conditions as outlined in Section 8.0 of Planning Report Item PL 83-12;
  2. That the Planning Department's conditions of approval outlined in Section 8.0 of Planning Report Item PL 54-12, as amended by Council, remain save and except the Ministry of Transportation's 14 metre setback requirement; and,
  3. That the amending By-law be brought forward for Council's approval.
- 4.1 Planning Report, Item PL 77-12  
Re: Zoning By-law Amendment Application – Sophie Donches  
– (Z-11-12) – 508 Brock Street South
- 

COUNCIL DECISION:

1. That Council approve zoning application (Z-11-12), subject to the conditions contained in Section 8.0 of Planning Report PL 77-12;
  2. That any necessary By-law be presented for Council's approval; and,
  3. That the Mayor and Clerk be authorized to sign any necessary documents.
- 4.2 Planning Report, Item PL 78-12  
Re: Request for Variance to the Permanent Sign By-law – The TDL Group (Tim Horton's) – (SB-02-12) – 130 Taunton Road West
- 

COUNCIL DECISION:

That Council approve the Sign Variance Application SB-02-12 to the Town of Whitby Sign By-law 5695-05 for The TDL Group (Tim Horton's) on lands municipally known as 130 Taunton Road West in accordance with the following amendments:

1. To increase the menu board sign area from 1.0 square metre to 3.7 square metres, to a maximum of two (2) menu board signs; and,



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2. To increase the menu board sign height from 2.0 metres to 2.2 metres.
- 4.3 Planning Report, Item PL 79-12  
Re: Request for Variance to the Permanent Sign By-law – The TDL  
Group (Tim Horton's) – (SB-03-12) – 5939 Baldwin Street South
- 

COUNCIL DECISION:

That Council approve the Sign Variance Application SB-03-12 to the Town of Whitby Sign By-law 5695-05 for The TDL Group (Tim Horton's) on lands municipally known as 5939 Baldwin Street South in accordance with the following amendments:

1. To increase the menu board sign area from 1.0 square metre to 3.7 square metres, to a maximum of two (2) menu board signs; and,
  2. To increase the menu board sign height from 2.0 metres to 2.2 metres.
- 4.5 Planning Report, Item PL 82-12  
Re: Site Plan Application – Durham Catholic District School Board  
– Expansion of St. Bridget Catholic Elementary School – (SP-17-12)  
– 200 Carnwith Drive West
- 

COUNCIL DECISION:

1. That Council approve Site Plan Application (SP-17-12) subject to the Conditions of Approval contained in Section 8.0 of Planning Report No. PL 82-12;
2. That Council approve the granting of a vehicular easement over a portion of Carnwith Park to the Durham Catholic District School Board and that the Board be responsible for all costs incurred for the preparation and registration of the easement in accordance with the conditions of approval contained in Section 8.0 of Planning Report Item PL 82-12; and,
3. That the Mayor and Clerk be authorized to execute the Site Plan Agreement and any related documents.

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- 4.6 Planning Report, Item PL 85-12  
Re: Site Plan Application to Permit a 252 unit Condominium  
Development – Whitby By the Lake Inc. (Senator Homes)  
– (SP-05-12) – 77 Gordon Street
- 

COUNCIL DECISION:

1. That Council approve site plan application SP-05-12 subject to the conditions of approval as outlined in Section 8.0 of Planning Report Item PL 85-12; and,
2. That the Mayor and Clerk be authorized to execute any necessary documents.

RESOLUTION NO. 321-12

MOVED by Councillor Emm  
Seconded by Councillor Montague

That Items 3.3, 4.1, 4.2, 4.3, 4.5 and 4.6 of Report No. 10 of the Planning and Development Committee dated November 26, 2012, be adopted, save and except Items 4.4 and 4.7.

CARRIED

- 4.4 Planning Report, Item PL 80-12  
Re: Provincial Policy Statement Review – Response to Draft Policies  
– (D3300)
- 

RESOLUTION NO. 322-12

MOVED by Councillor Emm  
Seconded by Councillor Montague

COUNCIL DECISION:

1. That Planning Report No. PL 80-12 be received for information;
2. That Council endorse staff comments contained in Planning Report No. PL 80-12; and
3. That the Clerk forward a copy of Planning Report No. PL 80-12 and Council's resolution to the Ministry of Municipal Affairs and Housing, Regional Municipality of Durham and area municipalities.

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CARRIED LATER IN THE MEETING  
[SEE FOLLOWING MOTION]

RESOLUTION NO. 323-12

MOVED by Councillor Emm  
Seconded by Councillor Montague

That Item 2 of the main motion be amended to reflect the following  
additional comments from Council, which are underlined:

Section 1.4.3

- Establishing and implementing minimum targets for the provision of housing which is affordable to seniors as well as to low and moderate income households;
- Permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents, including seniors and special needs requirements; and

That municipal cultural planning be recognized in the Provincial Policy Planning Statement, Section 1.7.1.

CARRIED

The main motion, as amended, was then CARRIED.

- 4.7 Planning Report, Item PL 87-12  
Re: Downtown Capital Project Plan & Future Proposed Budget  
Allocation of Downtown Improvement Reserve Fund – Downtown  
Whitby; Downtown Brooklin; and Dundas – Thickson Centre

Discussion ensued regarding the proactive approach taken by the downtown committees. Administration was requested to review opportunities to better utilize the bicycle rack facilities.

RESOLUTION NO. 324-12

MOVED by Councillor Emm  
Seconded by Councillor Montague

COUNCIL DECISION:

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1. That Planning Report Item PL 87-12, regarding the Downtown Capital Project Plan and Future Proposed Budget Allocation of Downtown Improvement Reserve Fund, dated November 26, 2012, be received as information;
2. That Staff be authorized to allocate funds from the Downtown Improvement Reserve Fund for expenditure toward those projects outlined in Section 5.1; and,
3. That Staff be authorized to explore the costs for the proposed projects outlined in Section 5.2 and report back to Council with recommended projects for implementation.

CARRIED

(b) Operations Committee – December 3, 2012

Report No.

Recommendations to Council

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4.3 Community & Marketing Services Report, Item CMS 71-12  
Re: Reports on Two Regionally Based Economic Development  
Conferences

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COUNCIL DECISION:

That Community and Marketing Services Department Report CMS 71-12 regarding two regionally based Economic Development Conferences be received as information:

- Durham Economic Prosperity Conference 'Sharpening Durham's Competitive Edge', November 9<sup>th</sup>, 2012, and;
- Durham Strategic Energy Alliance 'Energy at the Crossroads – Making the Future Happen', November 8<sup>th</sup>, 2012.

4.6 Community & Marketing Services Report, Item CMS 74-12  
Re: Whitby Hydro SaveONenergy Arena 5 Lighting Retrofit  
– Iroquois Park Sports Centre

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COUNCIL DECISION:

That Council approve the installation of a new energy efficient lighting system in the Whitby Hydro SaveONenergy Arena 5 at Iroquois Park Sports

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Centre, to be funded by Whitby Hydro and a grant from the Ontario Power Authority.

4.8 Community & Marketing Services Report, Item CMS 77-12  
Re: Community and Marketing Services Department User Fees

COUNCIL DECISION:

1. That Council approve the proposed user fees presented in Community and Marketing Services Department Report CMS 77-12 and as outlined in Attachment No. 1 - CMS Program and Service Fees and Port Whitby Marina Fees;
2. That the effective periods for the proposed user fees outlined in Attachment No. 1 be approved as follows:
  - CMS Program and Service Fees  
April 1, 2013 to March 31, 2014
  - Port Whitby Marina Fees  
February 16, 2013 to February 15, 2014
3. That Council repeal Schedule 1 to By-law No. 6566-11 being a by-law for certain services and activities provided or offered by the Community and Marketing Services Department;
4. That Council authorize the Clerk to bring forward a new by-law for approval to implement the proposed new user fees as outlined in the staff report; and,
5. That staff report back to Council regarding proposed user fees for Sports Fields and Arena Ice/Floor Rental fees and Banquet Hall and Facility Rental Fees for 2013/2014.

4.9 Community & Marketing Services Report, Item CMS 78-12  
Re: 2013 Whitby in Bloom

COUNCIL DECISION:

1. That Community and Marketing Services Department Report CMS 78-12 regarding the Terms of Reference for the Whitby In Bloom Committee of Council as outlined in Attachment No. 1 be approved; and,

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2. That Council authorize the Town's participation and registration in the 2013 Communities in Bloom National Evaluated Program pending approval of the 2013 Operating Budget.
  - 4.10 Corporate Services Report, Item CS 83-12  
Re: Request for Review of By-law No. 3436-94, relating to the  
Keeping of Pigeons
- 

COUNCIL DECISION:

That Report CS 83-12 of the Commissioner of Corporate Services/Treasurer be received for information.

- 4.11 Corporate Services Report, Item CS 84-12  
Re: Request for Review of By-law No. 6646-12, Discharge of Firearms  
By-law
- 

COUNCIL DECISION:

1. That Report CS 84-12 of the Commissioner of Corporate Services/Treasurer be received;
  2. That a public information meeting be held with respect to the Discharge of Firearms By-law No. 6646-12 in early 2013 for the purpose of obtaining feedback on suggested changes submitted by the Ontario Federation of Anglers and Hunters and a number of north Brooklin residents; and
  3. That the Town Clerk report back on proposed changes to the Discharge of Firearms By-law No. 6646-12 following the public information meeting.
  - 4.12 Corporate Services Report, Item CS 87-12  
Re: Review of the Number of On-Demand Accessible Taxicabs  
in the Town of Whitby
- 

COUNCIL DECISION:

1. That Report CS 87-12 of the Commissioner of Corporate Services/Treasurer be received;
2. That Council approve the draft by-law shown in Attachment 1 to this report to amend Section 2(4) of Business Licensing By-law 5545-

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- 04, as amended, with respect to the availability and uninterrupted service of accessible taxicabs in order to comply with the Accessibility for Ontarians with Disabilities Act, 2005; and,
3. That the Clerk be authorized to bring forward the draft by-law for Council approval.

4.13 Corporate Services Report, Item CS 88-12  
Re: 2013 Interim Billing

COUNCIL DECISION:

That a by-law be brought forward to allow for Interim Tax Billing for the 2013 taxation year and that By-Law No. 6564-11 be repealed.

4.14 CMS/Corporate Services Joint Report, Item CS 91-12  
Re: Trails Construction – (T-92-2012)

COUNCIL DECISION:

1. That the Town of Whitby accept the low tender of Royalcrest Paving and Contracting Ltd. in the amount of \$296,827.10 (excluding taxes) for all labour, materials and equipment necessary for the trails construction;
2. That the total estimated project cost in the amount of \$374,133.25 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

4.15 Corporate Services Report, Item CS 92-12  
Re: Reporting Requirement Per Ontario Regulation 284/09

COUNCIL DECISION:

That Report No. CS 92-12 of the Commissioner of Corporate Services/Treasurer be received as information.

4.16 Corporate Services Report, Item CS 93-12  
Re: Temporary Borrowing By-law

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That a By-law be brought forward to authorize the temporary borrowing of an amount up to Fifteen Million dollars for cash flow purposes, if required, at any one time during the calendar year 2013.

- 4.17 Corporate Services Report, Item CS 94-12  
Re: Third Quarter Projection Report as of September 30, 2012

COUNCIL DECISION:

That Report No. CS 94-12 of the Commissioner of Corporate Services/Treasurer be received as information.

- 4.21 Fire Department Report, Item FR 04-12  
Re: Whitby Fire and Emergency Services – 2011 Annual Report

COUNCIL DECISION:

The attached Whitby Fire and Emergency Services' 2011 Annual Report be received for information.

RESOLUTION NO. 325-12

MOVED by Councillor Mitchell  
Seconded by Councillor Roy

That Items 4.3, 4.6, 4.8 to 4.17 inclusive and item 4.21 of Report No. 12 of the Operations Committee dated December 3, 2012, be adopted, save and except Items 4.1, 4.2, 4.4, 4.7, 4.18, 4.19 and 4.20.

CARRIED

- 4.1 Community & Marketing Services Report, Item CMS 69-12  
Re: 2013 'Whitby Whitbylicious' Culinary Event

RESOLUTION NO. 326-12

MOVED by Councillor Mitchell  
Seconded by Councillor Roy

COUNCIL DECISION:



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1. That Council endorse the 2013 'Winter Whitbylicious' culinary event being coordinated by Whitby restaurants to run from January 24 to February 7, 2013; and,
2. That Council support the 2013 'Winter Whitbylicious' culinary event through the promotional efforts outlined in Community and Marketing Services Department Report CMS 69-12.

CARRIED

4.2 Community & Marketing Services Report, Item CMS 70-12  
Re: Citizen Communications Survey

It was clarified that staff will add a virtual town hall, blog and wiki to the list of communications available for the survey. Commissioner LeBel advised that the survey will be issued online December 14, 2102 and will also be available in hardcopy at the major municipal facilities through the Town of Whitby until late January 2013.

RESOLUTION NO. 327-12

MOVED by Councillor Mitchell  
Seconded by Councillor Roy

COUNCIL DECISION:

1. That Council approve the proposed Citizen Communications Survey questionnaire appended to Community and Marketing Services Department Report CMS 70-12 and outlined in the project development framework set out in the Corporate Communications Strategy work plan;
2. That questions eight and nine of the Citizens Communications Strategy be amended to better reflect the language of social media and to possibly utilize the virtual town hall; and,
3. That two columns be added to question three of the Citizens Communications Strategy to reflect "in your neighbourhood" and "town-wide" in order to gather further information.

CARRIED

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- 4.4 Community & Marketing Services Report, Item CMS 72-12  
Re: Appointment of the Whitby Seniors' Services Committee of  
Council Members
- 

General discussion ensued on this matter.

RESOLUTION NO. 328-12

MOVED by Councillor Mitchell  
Seconded by Councillor Roy

COUNCIL DECISION:

That Council approve and appoint the following members of Whitby Seniors' Services to the Whitby Seniors' Services Committee of Council for a period of one year ending November 30, 2013.

- Suzanne Allen
- Shirley Barnes
- Valare Bromley
- Carol James
- George Newans
- Ann Nielsen
- Shirley Scott
- Bonita Spall
- George Spall
- Carl Wilson

- 4.7 Community & Marketing Services Report, Item CMS 75-12  
Re: Waterfront Parks and Open Space Master Plan Phase 2  
Report – Whitby Waterfront
- 

Detailed discussion ensued on this matter.

RESOLUTION NO. 329-12

MOVED by Councillor Mitchell  
Seconded by Councillor Roy

COUNCIL DECISION:

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1. That the Waterfront Parks and Open Space Master Plan Phase 2 Report attached to Community and Marketing Services Department Report CMS 75-12 be received for information;
2. That Council endorse in principle the general concepts for each precinct recommended in the Waterfront Parks and Open Space Master Plan Phase 2 Report; and,
3. That Staff report back to Council at the completion of the draft Phase 3 Report addressing implementation, priorities and projected costs for the proposed Waterfront Parks and Open Space Master Plan.

CARRIED

4.18 Public Works Report, Item PW 40-12  
Re: Metrolinx – South Blair Street/GO-CN Rail Grade Separation  
and East Rail Maintenance Facility (ERMF) – South Whitby

Councillor Emm requested that the minutes of Council formally note his concern with the plan for the walkway over the existing bridge. It is understood that the Commissioner of Public Works and Metrolinx will continue to work to find a feasible solution to the walkway.

RESOLUTION NO. 330-12

MOVED by Councillor Mitchell  
Seconded by Councillor Roy

COUNCIL DECISION:

1. That Public Works Report PW 40-12 be received for information.
2. That Council authorize staff to enter into an agreement with Metrolinx to secure the commitments and conditions as contained within Public Works Report PW 40-12 associated with the Metrolinx South Blair Street Grade Separation project subject to:
  - a. The Region of Durham providing assurance that for the duration of the project the Brock Street South/Pringle Creek Bridge is capable of supporting the increased vehicular traffic, and that an ongoing monitoring program will be undertaken.

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- b. That Metrolinx provide the required securities to the Town of Whitby to ensure that all commitments are undertaken to the satisfaction of the Commissioner of Public Works.
  3. That Council direct Staff to bring forward an amending by-law to Town of Whitby By-Law 1718-84 as amended to remove the spring half-load restriction on Water Street during the 20-month detour period (April 2014 through December 2015), subject to Metrolinx providing the applicable financial securities as determined by the Commissioner of Public Works.
  4. That Council direct staff to bring forward a by-law to stop up and close Hopkins Street, south of the future Victoria Street/Hopkins Street intersection at such time the South Blair Street bridge and related road works and the new east-west access road are completed to the satisfaction of the Commissioner of Public Works.
  5. That Council direct staff to bring forward an amending by-law to Town of Whitby Traffic By-law 1862-85 to install No Parking restrictions on the north side of Water Street from Brock Street to South Blair Street.
  6. That Council direct staff to bring forward an amending by-law to Town of Whitby Traffic By-law 1862-85 to reduce the posted speed limit on Water Street to 40km/h during the temporary closure of South Blair Street and the associated detours.
  7. That Council direct staff to report back to Council on the required acquisition and disposition of lands associated with Hopkins Street, south of Victoria Street and the new east-west public road, which will be located from approximately 600m south of Watson Street East to easterly 400m.
  8. That Council direct staff to implement Truck Routing signage, which would direct trucks towards South Blair Street at such time the South Blair Street grade separation and related road works, including the signalization of the South Blair Street/Victoria Street intersection is completed to the satisfaction of the Commissioner of Public Works.
- 4.19 Public Works Report, Item PW 41-12  
Re: Public Nuisance By-law

Discussion ensued on this matter.

RESOLUTION NO. 331-12

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MOVED by Councillor Mitchell  
Seconded by Councillor Roy

COUNCIL DECISION:

1. That Council direct staff to invite public review and feedback on the draft Public Nuisance By-law (Attachment 1) and post the draft by-law on the Town's website for a minimum period of 30 days.
  2. That Council direct staff to circulate the draft Public Nuisance By-law to all bars and pubs in downtown Whitby and to members of the Downtown Development Steering Committee and Durham Regional Police Service for their review and comment over the same 30 day review period.
- 4.20 Public Works Report, Item PW 42-12  
Re: Ministry of Infrastructure of Ontario – Municipal Infrastructure  
Investment Initiative Capital Program – Expression of Interest

General discussion ensued on this matter.

RESOLUTION NO. 332-12

MOVED by Councillor Mitchell  
Seconded by Councillor Roy

COUNCIL DECISION:

1. That Council authorize the Public Works Department to prepare an Asset Management Plan (AMP) to be completed by December 31, 2013;
2. That Council approve \$175,000 from one time reserve (LTFR) to provide for consulting services to complete the Asset Management Plan (AMP);
3. That Council endorse the Municipal Infrastructure Investment Initiative (MIII) Capital Program Expression of Interest for the replacement of the Front Street structure over the Rowe Channel, as shown in Attachment 4, as being factually accurate; and,

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4. That Public Works staff submit the Expression of Interest as shown in Attachment 4 to the Ministry of Infrastructure by January 9, 2013.

CARRIED

6. NOTICE OF MOTION

At the October 29, 2012 meeting of Council, Councillors Drumm and Roy gave notice that at the next or subsequent regular meeting of Council, they would present the following motion. In accordance with the Procedural By-law, the Notice of Motion was first called on November 19, 2012. The Notice of Motion as presented is noted as follows:

6.1 Referendum for a Casino

RESOLUTION NO. 333-12

MOVED by Councillor Drumm  
Seconded by Councillor Roy

That Whitby Town Council budget sufficient money in 2013 to hold a referendum in order that Whitby voters may decide whether they wish to be the host community for a casino.

SEE FOLLOWING

Councillor Coe rose on a point of order, stating to the Chair that he understood this motion to be contrary to a Council decision.

The Chair requested clarification from the Town Clerk. The Town Clerk advised that the motion passed by Council on September 10, 2012 through Resolution No. 214/12 is a settled matter and therefore the Notice of Motion is deemed out of order.

The Chair confirmed acceptance of the point of order and ruled the motion out of order as this is a settled matter of Council.

Councillor Drumm appealed the ruling of the Chair.

The Chair outlined for Members of Council the procedural process for an appeal to the Chair.

Councillor Drumm requested a recorded vote on the ruling of the Chair.

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YES

Councillor Coe  
Councillor Emm  
Councillor Hanson  
Councillor Mitchell  
Councillor Montague  
Mayor Perkins

NO

Councillor Drumm  
Councillor Roy

CARRIED

The ruling of the Chair was upheld and the Notice of Motion was denied.

7. NEW AND UNFINISHED BUSINESS

- 7.1 Planning Report, PL 88-12  
Re: Draft Plan of Condominium – Kaitlin Homes of Brooklin Ltd.  
– (CW-2012-02) – 52 and 54 Harvey Johnston Way
- 

RESOLUTION NO. 334-12

MOVED by Councillor Emm  
Seconded by Councillor Montague

COUNCIL DECISION:

1. That Council approve the Draft Plan of Condominium (CW-2012-02) subject to the comments and conditions in Section 8 of Planning Report Item PL 88-12;
2. That the Mayor and Clerk be authorized to execute the condominium agreement for the subject property; and,
3. That the Clerk advise the Regional Planning Department of Council's decision.

CARRIED

- 7.2 Planning Report, PL 89-12  
Re: Removal of An Agreement – Option to Purchase from the Property  
Title – (SP-18-10) – Part of Lot 26, Concession 2, Municipally known  
as 310 Mary Street East
- 

RESOLUTION NO. 335-12

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MOVED by Councillor Mitchell  
Seconded by Councillor Roy

COUNCIL DECISION:

1. That Council approve the request to remove an agreement being an option to purchase from the title of 310 Mary Street East; and,
2. That the owner of the property be responsible for all fees associated with the removal of the agreement.

CARRIED

- 7.3 Planning Report, PL 90-12  
Re: Integrated Accessibility Standards, Ontario Regulation 191/11  
Compliance Requirements 2012

RESOLUTION NO. 336-12

MOVED by Councillor Mitchell  
Seconded by Councillor Roy

COUNCIL DECISION:

1. That Planning Report No. PL 90-12 be received for information;
2. That Council adopt the new and amended corporate policies in Attachment #1, in accordance with the compliance requirements of the Integrated Accessibility Standards, Ontario Regulation 191/11; and
3. That Staff report back in the 1<sup>st</sup> Quarter of 2013 on further compliance requirements and resources needed to meet the January 1, 2014 deadline.

CARRIED

- 7.4 Youth Awards Dinner

Councillor Montague advised of a recent celebration that he attended in the community to honour twenty young adults for their volunteer work both locally and internationally.



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7.5 407 Highway - Public Information Centre Session

Councillor Roy provided a reminder of the 407 Highway public information centre session on Wednesday, December 12, 2012, at Whitney Hall, Iroquois Park Sports Hall Centre, Whitby, from 5:00 to 8:00 p.m.

8. BY-LAWS

- 6674-12 By-law regarding certain services and activities provided by the Community and Marketing Services Department. [Refer to Community & Marketing Services Report, CMS 77-12]
- 6675-12 By-law to amend Business Licensing By-law No. 5545-04 for licensing, regulating and governing certain businesses carried on within the Town of Whitby. [Refer to Corporate Services Report, CS 87-12]
- 6676-12 By-law to provide for an Interim Tax Levy for the year 2013 [Refer to Corporate Services Report, CS 88-12]
- 6677-12 By-law to authorize the borrowing of a sum or sums not exceeding in the aggregate fifteen million dollars for the year 2013 [Refer to Corporate Services Report, CS 93-12]
- 6678-12 By-law to appoint certain persons as Municipal Law Enforcement Officers for the purposes of enforcing parking restrictions on private property.
- 6679-12 By-law to revoke the appointment of Benny Wan as a Municipal Law Enforcement Officer.
- 6680-12 By-law to lift and assume as part of the public highway system 0.3 metre reserve known as Part 12, Plan 40R-26292 [being part of Thistledown Cresecent].
- 6681-12 By-law to amend Zoning By-law No. 5581-05, as amended, by changing the zoning from ORM-R3-1-Oak Ridges Moraine Residential Three Exception One Zone to ORM-C2-1-Oak Ridges Moraine Highway Commercial Two Exception One Zone for the lands fronting onto Baldwin Street North shown as the Subject Land. The effect of the zoning change is to permit only the open storage and display of non-motorized recreational vehicles on the

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Subject Land and to further regulate that such storage and display of non-motorized recreational vehicles be no closer than 3 metres to the Baldwin Street North street line and no closer than 1.5 metres from the rear lot line. [Refer to Planning Report, PL 54-12/PL 83-12 – Campkin's Camping Centre Ltd. – Z-03-12]

- 6682-12 By-law to amend Zoning By-law No. 5581-05, as amended, by changing the zoning from ORM-R3-1-Oak Ridges Moraine Residential Three Exception One to ORM-R3-3-Oak Ridges Moraine Residential Three Exception Three for the Subject Land fronting onto Mud Lake Road. The effect of the zoning change is to permit the development of the lands zoned ORM-R3-3 for one single detached dwelling on a lot with a minimum lot area of 0.5 hectares and a minimum lot frontage of 33 metres. [Refer to Planning Report, PL 54-12 – Campkin's Camping Centre Ltd. – Z-03-12]
- 6683-12 By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from D(R) – Development (Residential) Zone to R2A\* - Residential (R2A\*) Zone, R2A\*-11 – Residential (R2A\*) Zone – Exception 11 and G – Greenbelt (G) Zone for the lands situated at the southwest corner of Carnwith Drive West and Way Street shown as the Subject Land. The effect of the zoning change is to permit the development of 8 lots for single detached dwellings on the Subject Land, to permit one lot to have a minimum lot frontage of 4.5m and to adjust the Greenbelt Zone boundary to reflect the extent of the Hazard Lands. [Refer to Planning Report, PL 72-12 – Van Andel Holdings Limited – Z-12-12]
- 6684-12 By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from R1, First Density Residential (R1) Zone, R2 – Second Density Residential (R2) Zone, H-R2A\* – Holding Residential (R2A) Zone, and H-R2C\* – Holding Residential (R2C\*) Zone to R2A\*-10 – Residential (R2A\*) Zone – Exception 10 and G-8 – Greenbelt (G) Zone – Exception 8 for the lands within Part of Lot 27, Concession 3, situated west of Brock Street North and north of Dryden Boulevard, Town of Whitby, shown as the Subject Land. The effect of the zoning change is to permit the development of the lands zoned R2A\*-10 for single detached dwellings and to restrict the use of the lands zoned G-8 only for passive recreational use and prohibit any buildings, structures and swimming pools on such land. [Refer to Planning Reports, PL 27-10, PL 25-10, PL 53-10 – C.K. Ho – Livingstone/Albis – Z-31-07/Z-32-07]

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6686-12 By-law to appoint a Municipal Law Enforcement Officer. [Refer to  
Item 4, November 26, 2012 Council minutes, replaces By-law No.  
6670-12]

RESOLUTION NO. 337-12

MOVED by Councillor Coe, seconded by Councillor Mitchell that leave be  
granted to introduce By-law No. 6674-12 to 6686-12, save and except By-law  
6685-12 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

RESOLUTION NO. 338-12

MOVED by Councillor Coe, seconded by Councillor Mitchell that leave be  
granted to introduce By-law No. 6685-12 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.

6685-12 By-law to amend Parking By-law No. 2916-90, to delete Section  
4(4) relating to towing. [Refer to Item 3.2, November 26, 2012  
Council minutes.

YES

NO

Councillor Coe  
Councillor Emm  
Councillor Hanson  
Councillor Mitchell  
Councillor Montague  
Mayor Perkins

Councillor Drumm  
Councillor Roy

CARRIED

10. CONFIRMATORY BY-LAW NO. 6687-12

RESOLUTION NO. 339-12

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MOVED by Councillor Montague, seconded by Councillor Emm 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 December 10, 2012, 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. 6687-12 considered read a first, second and third time and finally passed.

11. ADJOURNMENT

RESOLUTION NO. 340-12

MOVED by Councillor Montague  
Seconded by Councillor Emm

That the meeting be adjourned.

CARRIED

The meeting adjourned at 10:34 p.m.

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Debi A. Wilcox, Town Clerk

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Patricia Perkins, Mayor