

REGULAR COUNCIL MINUTES
April 22, 2013 -7:00 pm
Council Chambers
Whitby Municipal Building

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

Also 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

Regrets: None noted

1. DECLARATIONS OF PECUNIARY INTEREST

1.1 There were no declarations of pecuniary interest.

2. ADOPTION OF MINUTES

- 2.1
- Special Council Meeting - April 2, 2013
 - Regular Council Meeting - April 2, 2013

Resolution No. 164-13

Moved By Councillor Coe
Seconded By Councillor Montague

That the minutes be adopted.

CARRIED

3. DELEGATIONS/PRESENTATIONS

3.1 There were no delegations or presentations.

4. CORRESPONDENCE

4.1 That the following requests be proclaimed:

- Day of the Honey Bee - May 29, 2013
- Recreation and Parks Month - June 2013

Resolution No. 165-13

Moved By Councillor Coe
Seconded By Councillor Emm

That the requests for proclamations for Day of the Honey Bee - May 29, 2013 and Recreation and Parks Month - June 2013 be endorsed.

CARRIED

5. PLANNING & DEVELOPMENT COMMITTEE

Report No. 5 of the Planning & Development Committee - April 8, 2013

5.1 Planning Report, PL 37-13
Re: Overview for the 2nd Community Meeting for the Port Whitby Secondary Plan update, Community Improvement Plan and Urban Design Guidelines Project (OPA-2012-W/01, OPA-2012-W/02) Port Whitby

Discussion ensued regarding the Port Whitby Secondary Plan update.

Resolution No. 166-13

Moved By Councillor Emm
Seconded By Councillor Montague

1. That Planning Report PL 37-13 be received for information; and,
2. That the Parks and Recreation elements to the Port Whitby Secondary Plan considered by staff and the consultants in relation to the project be input into the future Town of Whitby Waterfront Plan and be presented to Council for their consideration at the appropriate

time.

CARRIED

- 5.2** Planning Report, PL 40-13
Re: Appointment of Control Architect Williams & Stewart Associates
(SW-2007-02, S-206-90) Part of Lot 27, Concession 3

Resolution No. 167-13

Moved By Councillor Emm
Seconded By Councillor Montague

1. That Council appoint the firm of Williams & Stewart Associates as Control Architect for the subdivision plan, known as Vintages being comprised of the builders Highmark Homes and DeNoble Homes; and,
2. That the Subdividers Highmark Homes/DeNoble Homes and Williams & Stewart Associates be advised of Council's appointment and the Subdivider's financial obligations as set out in Section 8.0 of Planning Report PL 40-13.

CARRIED

- 5.3** Planning Report, 41-13
Re: Draft Plan of Subdivision Application and Zoning Amendment
Application - 2309078 Ontario Limited (Golden Falcon Homes) (SW-2012-02 & Z-19-12) Winchester Road East

Discussion ensued regarding the development project and the residential input to the proposal.

Resolution No. 168-13

Moved By Councillor Emm
Seconded By Councillor Montague

1. That Council not approve the revised draft plan of subdivision being Plan 4 (Attachment #9) and in the alternative, approve Plan 2 (Attachment #7) of the draft plan of subdivision (SW-2012-02) including zoning application (Z-19-12) amended to reflect the recommended plan subject to the conditions of approval contained in Section 8.0 of Report PL 41-13;
2. That the developer provide a monetary contribution to be directed to

- the development of Duggan Park;
3. That the trees be replaced to the maximum size permitted within the Town through consultation with the Town Arborist and Landscape Architect;
 4. That the developer comply with the newly established garage driveway sizes per approved By-law No.'s 6700-13, 6701-13 and 6702-13;
 5. That staff be directed to investigate potential traffic calming measures within the area of the development and report back to the Operations Committee prior to the commencement of road construction;
 6. That a By-law to amend Zoning By-law 1784 be brought forward for consideration by Council;
 7. That staff be authorized to prepare a subdivision agreement;
 8. That the Mayor and Clerk be authorized to execute the subdivision agreement;
 9. That the Region of Durham Commissioner of Planning be advised of Council's decision; and,
 10. That the Clerk forward a Notice of Decision to those persons and agencies who had requested to be notified of Council's decision.

SEE FOLLOWING MOTION

Resolution No. 169-13

Moved By Councillor Hanson
Seconded By Councillor Emm

That Item 5 be amended to read as follows:

That staff be directed to investigate potential traffic calming measures within the area of the development and report back to the Operations Committee prior to the commencement of final stage road construction.

CARRIED

The main motion, as amended, was then CARRIED.

- 5.4** Planning Report, PL 42-13
Re: Draft Plan of Condominium (Tribute Communities) (CW-2013-01)
Part of Lot 21, Concession 6, north side of Carnwith Road East and west of Thickson Road North

Resolution No. 170-13

Moved By Councillor Emm
Seconded By Councillor Montague

1. That Council approve the Draft Plan of Condominium (CW-2013-01) subject to the conditions of approval in Section 8 of Planning Report Item PL 42-13;
2. That the Mayor and Clerk be authorized to execute the condominium agreement for the subject property; and,
3. That the Clerk advise the Commissioner of Planning at the Region of Durham of Council's decision.

CARRIED

- 5.5** Planning Report, PL 43-13
Re: LACAC Heritage Whitby - 2012 Annual Report

Resolution No. 171-13

Moved By Councillor Emm
Seconded By Councillor Montague

That Planning Report PL 43-13, regarding LACAC Heritage Whitby 2012 Annual Report be received as information.

CARRIED

- 5.6** Planning Report, PL 44-13
Re: Design of Public Spaces, Ontario Regulation 413/12

Resolution No. 172-13

Moved By Councillor Emm
Seconded By Councillor Montague

1. That PL 44-13 Design of Public Spaces, Ontario Regulation 413/12 be received as information;
2. That Town of Whitby Accessibility Standards or any other Town of Whitby standards relating to the areas covered by the Design of Public Spaces, be updated to reflect Ontario Regulation 413/12; and,
3. That the Accessibility Coordinator report back to Council with the recommended amendments.

CARRIED

6. OPERATIONS COMMITTEE

Report No. 5 of the Operations Committee - April 15, 2013

6.1 John Burgess and Ron Stevens

Re: Residents of Ashburn - Greenwood Mushroom Farm

Discussion ensued regarding this matter and possible opportunities to engage in dialogue with senior civil servants within the Ministry as part of the provincial regulatory policy group. R. Petrie, Chief Administrative Officer confirmed Council will receive a report back on the matter in June 2013.

Resolution No. 173-13

Moved By Councillor Mitchell

Seconded By Councillor Emm

1. That the presentation from the residents of Ashburn on the GMF be referred to the Chief Administrative Officer;
2. That Council support the residents' request for a permanent solution to the odour problem as soon as possible;
3. That Council actively encourage the Province of Ontario on an ongoing basis to legislate appropriate solutions based on international best practises;
4. That the Chief Administrative Officer be directed to report back on the residents' request for Council support; and
5. That the Town Clerk be directed to forward the resolution to the Premier of Ontario, The Association of Municipalities of Ontario and appropriate agencies.

SEE FOLLOWING MOTION

Resolution No. 174-13

Moved By Councillor Hanson

Seconded By Councillor Coe

That the main motion be amended by adding the following as Item 6 and renumbering accordingly.

That the correspondence dated April 18, 2013 from the Ashburn Community Committee with respect to the Greenwood Mushroom Farm

be referred to the Chief Administrative Officer for consideration as part of the report back to Council on the residents' request for Council support.

CARRIED UNANIMOUSLY ON A RECORDED VOTE

The main motion, as amended, was then CARRIED UNANIMOUSLY ON A RECORDED VOTE.

6.2 Community and Marketing Services Report, CMS 21-13
Re: Waterfront Parks and Open Space Master Plan Draft Phase 3
Implementation Report

Discussion ensued regarding the Draft Master Plan and the financial implications to the plan. The Town of Whitby has acquired almost 1,000 acres of land on the shores of Lynde Creek and has made a request to CLOCA for permitted passive recreation uses such as soccer on these lands which would allow for some flexibility in the use of the Victoria fields.

Resolution No. 175-13

Moved By Councillor Mitchell
Seconded By Councillor Emm

1. That the Waterfront Parks and Open Space Master Plan Draft Phase 3 Implementation Report attached to Community and Marketing Services Department Report CMS 21-13 be received for information;
2. That Staff report back to Council regarding the input received from the Steering Committee, Stakeholders, Interested Parties, and the Public Information Centre to be held on April 18, 2013; and,
3. That Council's comments and direction on the Draft Phase 3 Implementation Report be referred to the Consultant for consideration and inclusion in the final draft of the Waterfront Parks and Open Space Master Plan.

CARRIED

6.3 Corporate Services/Public Works Joint Report, CS 20-13
Re: Sidewalk and Curb & Gutter Construction (T-502-2013)

Resolution No. 176-13

Moved By Councillor Mitchell

Seconded By Councillor Emm

1. That the Town of Whitby accept the low tender of Trisan Construction in the amount of \$722,901.50 (excluding taxes) for all labour, materials and equipment necessary to complete sidewalk construction at various locations within the Town of Whitby;
2. That the total estimated cost in the amount of \$967,746.63 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

- 6.4** Corporate Services/Public Works Joint Report, CS 21-13
Re: Road Resurfacing, Urban (T-501-2013)

Resolution No. 177-13

Moved By Councillor Mitchell
Seconded By Councillor Emm

1. That the Town of Whitby accept the low tender of D.Crupi & Sons Limited in the amount of \$2,773,753.10 (excluding taxes) for all labour, materials and equipment necessary to complete road resurfacing - Urban at various locations within the Town of Whitby;
2. That the total estimated cost in the amount of \$3,245,956.78 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

- 6.5** Corporate Services/Public Works Joint Report, CS 22-13
Re: Roundabout Construction (Nichol Avenue and Adanac Drive) (T-13-2013)

Discussion ensued regarding the tender award for the roundabout construction.

Resolution No. 178-13

Moved By Councillor Mitchell
Seconded By Councillor Emm

1. That the Town of Whitby accept the low tender of Hard-Co Construction Ltd. in the amount of \$368,791.20 (excluding taxes) for all labour, materials and equipment necessary to construct a roundabout at Nichol Ave and Adanac Drive.
2. That the total estimated cost in the amount of \$545,000.00 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED ON A RECORDED VOTE AS FOLLOWS:

Yes

Councillor Coe

Councillor Emm

Councillor Hanson

Councillor Mitchell

Councillor Montague

Councillor Roy

Mayor Perkins

No

Councillor Drumm

- 6.6** Corporate Services/Public Works Joint Report, CS 23-13
Re: Stormwater Management Pond Sediment Removal (T-559-2013)

Resolution No. 179-13

Moved By Councillor Mitchell

Seconded By Councillor Emm

1. That the Town of Whitby accept the low tender of Sierra Excavating Enterprises Inc. in the amount of \$155,833.40 (excluding taxes) for all labour, materials and equipment necessary to complete stormwater management pond sediment removal, and;
2. That the total estimated cost in the amount of \$228,576.07 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

- 6.7** Corporate Services/Public Works Joint Report, CS 25-13
Re: Custodial Services - Parks Fieldhouses (T-517-013)

Resolution No. 180-13

Moved By Councillor Mitchell

Seconded By Councillor Emm

1. That the Town of Whitby accept the tender of Suite One Maintenance & Contracting Inc. in the net amount of \$36,750.00 (plus applicable taxes) for the first year of a three (3) year contract, for the custodial services for parks fieldhouses.
2. That approval be granted to extend this contract for up to two (2) additional one (1) year terms based on the company's satisfactory annual performance, product quality and service, as well as the Town's annual budget approval. Pricing shall remain firm for the duration of the contract.
3. That the total estimated project costs for the Town of Whitby in the amount of \$112,190.40 be approved; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

- 6.8** Corporate Services Report, CS 28-13
Re: 2014 Budget Calendar

Resolution No. 181-13

Moved By Councillor Mitchell

Seconded By Councillor Emm

That the 2014 Budget Calendar outlined in this report be approved by Council and that the Town Clerk establish the meeting dates.

CARRIED

- 6.9** Corporate Services Report, CS 32-13
Re: Site Alteration Permit on Town-owned Lands, Groveside Cemetery

Resolution No. 182-13

Moved By Councillor Mitchell

Seconded By Councillor Emm

1. That Council authorize Town staff to proceed with the Central Lake Ontario Conservation Authority (CLOCA) application for a Site Alteration Permit on Town-owned lands, zoned for future cemetery expansion, to the east of the existing Groveside Cemetery; and
2. That Council authorize Town staff to pursue opportunities to generate revenues to offset these costs by working with CLOCA and the Groveside Cemetery Board.

CARRIED

- 6.10** Corporate Services Report, CS 33-13
Re: Regional Development Charge Update

This item was withdrawn at the Operations Committee.

- 6.11** Public Works Report, PW 16-13
Re: National Public Works Week and Open House May 23, 2013

Resolution No. 184-13

Moved By Councillor Mitchell
Seconded By Councillor Emm

That Council approve the Public Works Department hosting an Open House on May 23, 2013 from 9:00 a.m. to 8:00 p.m. to celebrate National Public Works Week.

CARRIED

- 6.12** Public Works Report, PW 18-13
Re: Multi-Residential E-Waste Recycling Pilot

Resolution No. 185-13

Moved By Councillor Mitchell
Seconded By Councillor Emm

1. That Council approve a one year Electronic Waste (E-Waste) Recycling Pilot Program for multi-residential buildings; and,
2. That Staff be authorized to enter into a service agreement with Global Electric Electronic Processing (GEEP) for the collection and processing of E-Waste from multi-residential buildings only where an internal program can be established; and,

3. That Staff report back to Council in one year on the findings of the Pilot Program; and
4. That a copy of Public Works Department Report PW 18-13, "Multi-Residential E-Waste Recycling Pilot Program", be forwarded to the Region of Durham and Area Municipalities.

CARRIED

- 6.13** Public Works Report, PW 20-13
Re: Sole Source Purchase of Two (2), Two Stream, Side Loading, One Man Garbage Packers

Resolution No. 186-13

Moved By Councillor Mitchell
Seconded By Councillor Emm

That staff be authorized to negotiate directly with Joe Johnson Equipment Incorporated for the purchase of two (2) Labrie, two stream, side loading, one man garbage packers.

CARRIED

7. MANAGEMENT COMMITTEE
Report No. 3 of the Management Committee - April 16, 2013

- 7.1** Grievances - Step 4, C.U.P.E.

Resolution No. 187-13

Moved By Councillor Coe
Seconded By Councillor Emm

That the recommendations in Items 2.1 and 2.3 as contained in the confidential minutes of the Management Committee held on April 16, 2013 be adopted.

CARRIED

8. NOTICE OF MOTION

- 8.1** There were no notices of motion.

9. NEW AND UNFINISHED BUSINESS

9.1 Procedural By-law Update

Councillor Coe asked of the status of the report regarding the Procedural By-law Update. The Town Clerk requested that Council consider amending the date of the report to the June 17, 2013 Operations Committee meeting.

Resolution No. 188-13

Moved By Councillor Coe
Seconded By Councillor Roy

That leave be granted to introduce a motion.

CARRIED

Resolution No. 189-13

Moved By Councillor Coe
Seconded By Councillor Roy

That the full Procedural By-law Update come forward to the June 17, 2013 meeting of the Operations Committee.

CARRIED

Councillor Coe requested that the draft report be sent to Members of Council prior to being formally presented at the Operations Committee in order that any comments in relation to the draft by-law may be summarized by the Town Clerk. The Town Clerk outlined a proposed process for comments and feedback that was satisfactory to Council.

- 9.2** Councillor Coe commented on the recent volunteer appreciation event held at Fairview Lodge and extended thanks to the many volunteers who assist to provide many important services in the community.

- 9.3** Councillor Hanson advised of the upcoming Public Information Centre regarding Duggan Park to be held on Thursday, April th at 7:00 p.m. in the Seniors Room at the Brooklin Community Centre and Library.

- 9.4** Councillor Roy advised of an upcoming event on Thursday, May 2, 2013 at 7:30 pm at the Durham District School Board Education Centre,

Board Room, 400 Taunton Road East, Whitby regarding the War of 1812 - Our Local History.

- 9.5** Councillor Mitchell asked of the status of the remaining public meetings regarding proposed changes to election signage. The Town Clerk clarified the advertisement process for the public meetings and the online election sign questionnaire. The final public meeting regarding proposed changes to election signage will be held May 14, 2013 at 6:00 p.m. in the library of Winchester Public School, 70 Waterford Street, Brooklin.
- 9.6** Councillor Mitchell advised of a recent Public Information Centre regarding the Highway 407 expansion and information from the meeting that indicates that the proposed noise barriers will only be provided to the areas of housing that were in place when the environmental assessment was completed. New housing has surpassed the proposed barrier and noise reduction measures will be at the cost of the home owner. Councillor Mitchell requested that the Commissioner of Public Works pursue this matter with designates at the local Highway 407 office in Whitby and report back regarding this issue. Councillor Mitchell advised that another Public Information Centre will be held on Tuesday, April 23 from 5:00 to 8:00 pm at the Brooklin United Church, 19 Cassels Road East, Whitby.
- 9.7** Councillor Drumm advised he had provided two pieces of correspondence for Council to read and to provide comments to him directly.
- 9.8** Mayor Perkins provided an update on recent Earth Week activities and extended thanks to the community for the excellent participation and clean-up initiatives.
- 9.9** Mayor Perkins advised that nine of our local Whitby Wildcats Minor Midget AAA hockey players were recently drafted into the Ontario Hockey League. The players will attend the televised meeting of Council on May 27, 2013 in order that we may congratulate them.

10. BY-LAWS

That the following by-laws be passed:

- 10.1** By-law No. 6709-13, being a by-law to assume various streets as public highways [Plan 40M-2291 - Luvian Homes - Chatterson Street, Darren Avenue, Cottage Crescent and Butterfly Court]

- 10.2** By-law 6710-13, being a by-law to amend By-law No. 1862-85, to regulate traffic on highways in the Town of Whitby - Schedule "N" - Stop Signs [Plan 40M-2291 - Luvian Homes - Chatterson Street, Darren Avenue, Cottage Crescent and Butterfly Court]
- 10.3** By-law 6726-13, being a by-law to amend By-law No. 1784, as amended, being the Zoning By-law of the Town of Whitby [Re: Planning Report PL 31-13 - Dr. Arun Rajasekaran - Z-14-12]
- 10.4** By-law No. 6727-13, being a by-law to amend By-law No. 1784, as amended, being the Zoning By-law of the Town of Whitby [Re: Planning Report, PL 33-13 - Gatzios Planning and Development Consultants (Smart Centres) - Z-15-12]
- 10.5** By-law No. 6728-13, being a by-law to amend By-law No. 1784, as amended, being the Zoning By-law of the Town of Whitby [Re: Planning Report, PL 36-13 - Lyndebrook Developments Ltd. - Z-16-12, SW-2012-01]
- 10.6** By-law 6729-13, being a by-law to appoint certain persons as municipal law enforcement officers for the purpose of enforcing parking restrictions on private property [605 Rossland Road East]

Resolution No. 190-13

Moved By Councillor Hanson
Seconded By Councillor Roy

That leave be granted to introduce By-law Nos. 6709-13, 6710-13, 6726-13 to 6729-13, 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 the Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

11. CONFIRMATORY BY-LAW

11.1 Confirmatory By-law

Resolution No. 191-13

Moved By Councillor Drumm

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 Council of the Town of Whitby at its meeting held on April 22, 2013, 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

12. ADJOURNMENT

12.1 Motion to Adjourn

Resolution No. 192-13

Moved By Councillor Drumm
Seconded By Councillor Emm

That the meeting be adjourned.

CARRIED

The meeting adjourned at 7:58 p.m.

Debi A. Wilcox, Town Clerk

Patricia Perkins, Mayor