

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

Also Present: R. Petrie, Chief Administrative Officer
S. Beale, Commissioner of Public Works
P. LeBel, Commissioner of Community & Marketing Services
W. Mar, Commissioner of Legal and By-law Services/Town Solicitor
K. Nix, Commissioner of Corporate Services/Treasurer
D. Speed, Fire Chief
J. Austin, Manager, Development Control Design & Technical Services
C. Harris, Town Clerk
S. Cassel, Deputy Clerk

Regrets: None noted

1. Declarations of Pecuniary Interest

- 1.1** Councillor Emm made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding Item 5.16, Planning and Development Department Report, PL 62-16, Sign By-law Variance Application for Margolian Dentist Office Pylon Sign, 1750 Dundas Street East (SB-03-16), as he was involved with the development of this parcel of land in Whitby. Councillor Emm did not take part in the discussion and or vote on this matter.
- 1.2** Mayor Mitchell made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding Item 5.8, Planning and Development Department Report, PL 75-16, Brooklin Study – Summary of Public Consultation on Land Use and Transportation Network Options (OPA 2013-W/02) with respect to servicing, rezoning and intensification

in the vicinity of his property. Mayor Mitchell did not take part in the discussion or vote on this matter.

2. Adoption of Minutes

- 2.1** Regular Council - June 6, 2016
Special Council - June 20, 2016 (Closed minutes of the In-Camera session under separate cover)

Resolution # 327-16

Moved By Councillor Leahy
Seconded By Councillor Emm

That the minutes be adopted.

Carried

3. Delegations/Presentations

- 3.1** Recognition/Award: Gillie Beans FUNd Day Team
- Janette & Chris Berthelot with children Madelyn, Ethan and Marissa
 - Julia Biddle
 - Amelia Smerdon
 - Ella Wiley
 - Emily Buchan

Mayor Mitchell attended the dais and was joined by Councillor Yamada. The Berthelot family and members of the Gillie Beans FUNd Day Team were welcomed onto the dais to recognize them for their involvement and organization of the Gillie Beans FUNd Day.

- 3.2** Recognition/Award: Ethno-Cultural and Diversity Advisory Committee Scholarships
Corina Casey, Mackenzie Mumby and Marwah Sadat

Mayor Mitchell attended the dais and was joined by Councillor Yamada, S. Klein, Manager of Recreation and Aldith Carasquero, member of the Ethno-Cultural and Diversity Advisory Committee (EDAC). Corina Casey, Mackenzie Mumby and Marwah Sadat were welcomed onto the dais to recognize them for receiving the Ethno-Cultural and Diversity Advisory Committee Scholarships.

3.3 Recognition/Award: 2016 Summer Playground Program Sponsors
CAPREIT

- Gobal Mailwaganam, Managing Director and Director of Housing and Municipal Affairs
- Dushyantha Anantharajan, Operations Manager
- Naheda Safi, Site Manager

Community Connection

- Cathy Marrinan, Director of Operations

RBC Royal Bank

- Travis Capes

Canadian Tire Jumpstart

- Eric Crtlidge, Regional Manager
- Marco Di Buono, AVE Programs and Operations Manager

Mayor Mitchell attended the dais and was joined by Councillor Leahy, P. LeBel, Commissioner of Community and Marketing Services and S. Klein, Manager of Recreation. Representatives of Canadian Tire Jumpstart, RBC Royal Bank, Community Connection and CAPREIT were welcomed onto the dais and recognized for their financial sponsorship of the 2016 Summer Playground Program.

3.4 Recognition/Award: MIKEY Unit Donation
Heathwood Homes

- Hugh Heron, President of Heathwood Homes and Chairman of the Mikey Network
- Eva Naumovski, Vice President of Marketing for Heathwood Homes and President of The Mikey Network

Andrin Homes

- Peter Smith, President of Andrin Homes
- Anne Marchildon, Vice-President Sales and Marketing Andrin Homes

Mayor Mitchell attended the dais and was joined by Councillor Emm and P. LeBel, Commissioner of Community and Marketing Services. Heathwood Homes and Andrin Homes were welcomed onto the dais and recognized for their contributions of MIKEY Automatic Defibrillator Units to the Town of Whitby.

3.5 Recognition/Award: Provision of a 20 year lease of land for Open Space and Access to the Waterfront Trail

Gerda

Alan Lamb, Works Manager

Mayor Mitchell attended the dais and was joined by Councillor Mulcahy. Alan Lamb, Works Manager, Gerda, was welcomed onto the dais to recognize Gerda for the provision of a 20 year lease of land for Open Space and Access to the Waterfront Trail.

**3.6 Recognition: Organization Highway 407 Opening Event
Town of Whitby Staff**

Mayor Mitchell attended the dais and was joined by Councillor Roy and R. Petrie, Chief Administrative Officer. Town of Whitby staff were welcomed onto the dais to recognize them for the organization of the Highway 407 opening event.

**3.7 Scott Bryk
Re: Highway of Heroes Living Tribute**

Scott Bryk appeared before Council and provided a PowerPoint presentation regarding the Highway of Heroes Living Tribute. Highlights of the presentation included:

- the number of trees to be planted, being 117,000, representing every Canadian who had sacrificed their life for freedom since Confederation;
- the 170 kilometre stretch of Highway from Trenton to Toronto which was officially designated by the Ministry of Transportation (MTO) as the Highway of Heroes and who had agreed to allow the planting along the highway corridor;
- extension of the planting one kilometre north and south of the highway providing opportunities for the community to actively participate;
- education opportunities for young people;
- 100 percent of donations received are used toward the purchase, planting and maintenance of the trees; and,
- a request that Council consider opportunities to partner with the Highway of Heroes in the planting of trees in Whitby.

A question and answer period ensued between Members of Council and Mr. Bryk regarding:

- whether Highway of Heroes had approached the School Boards for partnership;
- whether there were opportunities to work with Planning staff to provide planting of trees in the West Whitby area which would see significant growth and several new subdivisions that would be in need of tree planting;
- the maintenance program in place for the new trees; and,

- expected timelines for completion of the planting.

Resolution # 328-16

Moved By Councillor Drumm
Seconded By Councillor Roy

That staff be directed to work with Highway of Heroes to explore opportunities and identify potential sites for the planting of trees, ensuring that Victoria Fields is included in the exploration, and report back to Council on the available opportunities.

Carried

- 3.8** Mary June Peacock and Sabrina Pirmohamed, Public Health Nurses, representing Durham Region Health Department
Re: Mental Health Promotion across the Lifespan in Durham Region

Mary June Peacock and Jennifer Green, Public Health Nurses, representing the Durham Region Health Department appeared before Council and provided a PowerPoint presentation regarding mental health promotion in the Durham Region. Highlights of the presentation included:

- the differences between mental health and mental illness;
- programs offered by the Durham Region based on a population mental health approach;
- the mental health continuum and the changes experienced by individuals as well as the contributing factors;
- the protective and risk factors of mental health;
- opportunities to improve mental health;
- the various programs offered by the Durham Region based on age groups; and,
- the availability of information at www.durham.ca/mentalhealth.

A question and answer period ensued between Members of Council, Ms. Peacock and Ms. Green regarding:

- the outreach undertaken to re-inforce the messaging about mental health;
- availability of public health nurses in schools as well as efforts to provide presentations and workshops to engage schools;
- availability to workplaces to subscribe to receive resources; and,
- partnerships with the Durham Region Police Service (DRPS) to help in reaching out to youth.

- 3.9** Victor Suppan
Planning and Development Department Report, PL 70-16
Re: Zoning By-law Amendment Application, Cindy Suppan (Cindy's Alterations), 228 Brock Street North (Z-09-15)

Victor Suppan, 228 Brock Street North, appeared before Council and stated that he was petitioning for the removal of the six metre easement which was a pending condition of the approval of the zoning by-law amendment for 228 Brock Street North. Mr. Suppan stated that the property is remaining as a mixed use zoning designation and that there should not be a requirement for an easement to allow for the necessary parking needed for a business to operate from the home.

Discussion ensued regarding whether the property to the south would face the same requirement for an easement if it is rezoned or redeveloped.

4. Correspondence

- 4.1** That the following requests be endorsed:
- September 25, 2016 as Franco-Ontarian Day

Resolution # 329-16

Moved By Councillor Yamada
Seconded By Councillor Leahy

That the proclamation for Franco-Ontarian Day - September 25, 2016, be endorsed.

Carried

- 4.2** Correspondence from the Office of the Town Clerk
Re: Resolutions to Authorize Canada 150 Community Infrastructure Program Contribution Agreements

Resolution # 330-16

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That the Council of the Town of Whitby authorize entering into a contribution agreement to receive \$169,000 of funding under the Canada 150 Community Infrastructure Program for the

- Rehabilitation of Port Whitby Pumphouse; and,
2. That the Council of the Town of Whitby authorize entering into a contribution agreement to receive \$250,000 of funding under the Canada 150 Community Infrastructure Program for the Rehabilitation of Centennial Building Exterior.

Carried

5. Planning and Development Committee
Report # 8 of the Planning and Development Committee - June 13, 2016 and the Special Planning and Development Committee Meetings - June 20, 2016 and June 23, 2016

- 5.1 Planning and Development Department Report, PL 64-16
Re: Official Plan Amendment Increase in Residential Densities – Public Meeting (OPA-2015-W/01)

Resolution # 331-16

Moved By Councillor Roy
Seconded By Councillor Gleed

1. That Council approve the amendment to the Town of Whitby Official Plan (OPA-2015-W/01) as Amendment No. 103 to the Whitby Official Plan, as shown on Attachment #3;
2. That a By-law to adopt Official Plan Amendment No. 103 to the Whitby Official Plan be brought forward for consideration by Council;
3. That the Clerk forward to the Region of Durham, within fifteen (15) days of adoption of the amendment, the necessary documentation for a non-exempt Official Plan Amendment; and,
4. That the Clerk send a Notice of Council's decision to those persons and agencies who have requested further notification regarding Town of Whitby Official Plan (OPA-2015-W/01) as Amendment No. 103 to the Whitby Official Plan.

Carried

- 5.2 Planning and Development Department Report, PL 63-16
Re: Street Name Change Due to Highway 407 and 412 (formerly West Durham Link) Construction

This item was referred back at Committee.

5.3 Planning and Development Department Report, PL 70-16
Re: Zoning By-law Amendment Application, Cindy Suppan (Cindy's Alterations), 228 Brock Street North (Z-09-15)

Discussion ensued regarding:

- laneways and how they have come about over time;
- whether the laneway easement applies to residential dwellings;
- the intention of the implementation of laneways for residences that were converting into commercial units;
- the need to have an education session to provide information on the impact of laneways;
- the concept of laneways to avoid driveways directly onto major roads; and,
- the history of the consistent application of this policy in other areas of the Town.

Resolution # 332-16

Moved By Councillor Emm

Seconded By Councillor Drumm

That Council reconsider certain aspects of Resolution #510-15, being those related to the condition requiring a 6.0 metre wide vehicular easement.

Motion Lost

Resolution # 333-16

Moved By Councillor Roy

Seconded By Councillor Emm

1. That Planning and Development Committee receive report PL 70-16 for information; and,
2. That staff be directed to report back to Council through the Official Plan review process on the requirement for laneways/easements as part of comprehensive block development, including alternatives to the laneway/easement requirement.

Carried

5.4 Planning and Development Department Report, PL 72-16

Re: Zoning By-law Amendment Application to Permit a Temporary Use for a Residential Sales Campus – Whitby Taunton Holdings Limited (Z-09-16)

Resolution # 334-16

Moved By Councillor Roy

Seconded By Councillor Gleed

1. That Council approve Zoning By-law Amendment application Z-09-16 to permit a temporary use by-law for a Residential Sales Campus, subject to the conditions contained within Section 8.0 of Planning Report PL 72-16;
2. That an amending by-law be brought forward for Council's consideration; and,
3. That the Mayor and Clerk be authorized to execute any necessary documents.

Carried

- 5.5** Planning and Development Department Report, PL 76-16
Re: Downtown Whitby Parking Incentive - Cash-in-lieu

Resolution # 335-16

Moved By Councillor Roy

Seconded By Councillor Gleed

That, for commercial uses on the commercially-zoned properties in Downtown Whitby, identified on Attachment #1 to Planning and Development Report PL 76-16, cash-in-lieu of parking be accepted as a deferred payment, secured by Letter of Credit, until such time as a review of Downtown Whitby development incentives has been completed, with the final cash-in-lieu payment being adjusted in accordance with any parking related incentives.

Carried

- 5.6** Planning and Development Department Report, PL 77-16
Re: Zoning Amendment Application to Remove the Holding (H) Symbol, and Site Plan Application by Brock Street Brewing Company – 244 Brock Street South (Z-04-16 / SP-09-16)

Resolution # 336-16

Moved By Councillor Roy

Seconded By Councillor Gleed

1. That Council approve Zoning Amendment Application (Z-04-16) for the removal of the Holding (H) Symbol;
2. That the Zoning By-law to remove the Holding (H) Symbol be brought forward for Council's consideration;
3. That the applicant applies and is granted approval by the Committee of Adjustment for a Minor Variance Application;
4. That the applicant's Heritage Permit Application (Town File No. H-05-16) be approved by Town Staff after consultation with LACAC Heritage Whitby in accordance with the Town of Whitby's Heritage Permit and Delegation By-law No. 6769-13;
5. In accordance with LACAC's recommendations, the following conditions relating to the existing building shall also be complied with:
 - a) The applicant shall document the building with measured drawings and photographs, and be deposited in the Whitby Archives;
 - b) The building be commemorated through an illustrated interpretive panel installed on or in the new structure which notes the former location of the Sawdon Building and a brief outline of its history; and,
 - c) That the subject property, 244 Brock Street South, be removed from the Town's Heritage Registry.
6. That Council approve the site plan on the basis that cash-in-lieu of parking in the amount of \$198,250 will be a deferred payment secured through a letter of credit until Council has approved the incentives for Downtown Whitby;
7. That Council approve Site Plan Application (SP-09-16) subject to the conditions of approval contained in Section 8.0 of Report Number PL 77-16; and,
8. That the Mayor and Clerk be authorized to execute the Site Plan Agreement.

Carried later in the meeting [See following motion]

Resolution # 337-16

Moved By Councillor Gleed

Seconded By Councillor Roy

That Item 6 of the main motion be amended to read as follows:
That Council approval the site plan on the basis that cash-in-lieu of parking in the amount of \$208,000, calculated on the basis of 64 parking spaces, will be a deferred payment secured through a letter of credit until Council has approved the incentives for Downtown Whitby.

Carried

The main motion, as amended, was then carried.

- 5.7** Planning and Development Department Report, PL 71-16
Re: Site Plan Approval Application and Zoning By-law Amendment
Application to Permit a Temporary Use for a Residential Sales Office –
Chelseahill Developments Inc. (Z-08-16 and SP-14-16)

Resolution # 338-16

Moved By Councillor Roy
Seconded By Councillor Gleed

1. That Council approve Zoning By-law Amendment application Z-08-16 to permit a temporary use by-law for a Residential Sales Office, subject to the conditions contained within Section 8.0 of Planning Report PL 71-16;
2. That Council approve the Site Plan application SP-14-16 for a Residential Sales Office, subject to the conditions contained in Section 8.0 of Planning Report PL 71-16;
3. That an amending by-law be brought forward for Council's consideration; and,
4. That the Mayor and Clerk be authorized to execute any necessary documents.

Carried

- 5.8** Planning and Development Department and Public Works Department
Joint Report, PL 75-16
Re: Brooklin Study – Summary of Public Consultation on Land Use and
Transportation Network Options (OPA 2013-W/02)

Having previously declared a conflict of interest, Mayor Mitchell did not take part in the discussion or vote on matters regarding servicing, rezoning and intensification in the vicinity of his property.

Resolution # 339-16

Moved By Councillor Roy
Seconded By Councillor Gleed

That the Joint Planning and Development and Public Works Report PL 75-16 be received for information.

Carried

- 5.9** Planning and Development Department Report, PL 57-16
Re: Site Plan Application, Chidley Glen Development, 3000 Garden Street (SP-07-15)

Resolution # 340-16

Moved By Councillor Roy
Seconded By Councillor Gleed

1. That Council approve Site Plan Application (SP-07-15) subject to the conditions of approval set out in Section 8 of Planning Report PL 57-16; and,
2. That the Mayor and Clerk be authorized to execute the Site Plan Agreement.

Carried

- 5.10** Planning and Development Department Report, PL 67-16
Re: Request for Variances to the Permanent Sign By-law 5696-05 at Esso Gas Bar, 1903 Dundas Street East (SB-04-16)

Resolution # 341-16

Moved By Councillor Roy
Seconded By Councillor Gleed

That Council approve Sign Variance Application SB-04-16 to the Town of Whitby Permanent Sign By-law 5695-05 for Imperial Oil (Esso) on lands municipally known as 1903 Dundas Street East in accordance with the following amendments:

- a) To permit four (4) 'Koala' F2 signs and two (2) 'Blade' F3 signs (See Attachment #3 and #4) to be attached to the weather canopy columns; and,
- b) To permit two (2) 'Wave' F1 ground signs (See Attachment #3 and

#4) at Pump Islands 1/2 and 5/6.

Carried

- 5.11** Planning and Development Department Report, PL 68-16
Re: Request for Variances to the Permanent Sign By-law at Esso Gas Bar, 485 Winchester Road East (SB-05-16)

Resolution # 342-16

Moved By Councillor Roy
Seconded By Councillor Glead

That Council approve Sign Variance Application SB-05-16 to the Town of Whitby Permanent Sign By-law 5695-05 for Imperial Oil (Esso) on lands municipally known as 485 Winchester Road East in accordance with the following amendments:

- a) To permit six (6) 'Koala' F2 signs and four (4) 'Blade' F3 signs (See Attachment #3 and #4) to be attached to the weather canopy columns; and,
- b) To permit three (3) 'Wave' F1 ground signs (See Attachment #3 and #4) at Pump Islands 1/2, 7/8 and 11/12.

Carried

- 5.12** Planning and Development Department Report, PL 69-16
Re: Site Plan Application, Building Addition for Flanagan Foodservice, Located at 295 South Blair Street (SP-13-16)

Resolution # 343-16

Moved By Councillor Roy
Seconded By Councillor Glead

1. That Council approve Site Plan Application SP-13-16 subject to the conditions of approval as outlined in Section 8.0 of Planning Report PL 69-16; and,
2. That the Mayor and Clerk be authorized to execute the Site Plan Agreement.

Carried

- 5.13** Planning and Development Department Report, PL 61-16

Re: Adalan Development Corporation, Front-Ending Agreement (Phase 2) (SW-2008-02)

Resolution # 344-16

Moved By Councillor Roy
Seconded By Councillor Gleed

1. That Council authorize the Mayor and Clerk to execute the front-ending agreement for the Adalan Development Corporation Phase 2 subdivision development on Camber Court;
2. That the Clerk provide notice to the benefitting property owners in accordance with the Development Charges Act, 1997;
3. That the Subdivider, Adalan Development Corporation, be responsible for all legal fees incurred for the registration of the front-ending agreement on the title of the benefitting properties and the Phase 2 subdivision lands; and,
4. That the Subdivider, Adalan Development Corporation, be responsible to resolve any appeals to the front-ending agreement and/or justification inquiries from the benefitting properties at its sole cost and expense.

Carried

- 5.14** Planning and Development Department Report, PL 79-16
Re: Site Plan Application, Skyventure Whitby Limited, Located at 75 Consumers Drive (SP-01-16)

Resolution # 345-16

Moved By Councillor Roy
Seconded By Councillor Gleed

1. That Council approve Site Plan Application SP-01-16 subject to the conditions of approval as outlined in Section 8.0 of Planning Report PL 79-16, and as noted in the errata memorandum from the Commissioner of Planning dated June 9, 2016; and,
2. That the Mayor and Clerk be authorized to execute the Site Plan Agreement.

Carried

- 5.15** Planning and Development Department Report, PL 80-16

Re: Site Plan Application, Brooklin Meadows Limited (Block 240 Plan 40M-1950), Southeast Corner of Baldwin Street and Carnwith Drive East (SP-06-16)

Resolution # 346-16

Moved By Councillor Roy
Seconded By Councillor Gleed

1. That Council approve Site Plan Application (SP-06-16) subject to the revised site plan on Attachment #6 and the conditions contained in Section 8 of Report PL 80-16;
2. That Staff be authorized to prepare a Site Plan Agreement;
3. That the approval be subject to a successful application to the Committee of Adjustment as identified in Section 5 of Report PL 80-16; and,
4. That the Mayor and Clerk be authorized to sign any necessary documents.

Carried

- 5.16** Planning and Development Department Report, PL 62-16
Re: Sign By-law Variance Application for Margolian Dentist Office Pylon Sign, 1750 Dundas Street East (SB-03-16)

Having previously declared a conflict of interest, Councillor Emm did not take part in the discussion or vote on the matter.

Resolution # 347-16

Moved By Councillor Roy
Seconded By Councillor Gleed

That Council approve Sign By-law Variance Application SB-03-16 to the Town of Whitby Permanent Sign By-law 5695-05 for the existing dentist office on lands municipally known as 1750 Dundas Street East in accordance with the following amendment:

- a) To permit a proposed pylon sign 0.5 metres from a street line (Dundas Street East), whereas a minimum setback of 1.0 metre to a street line is required; and,
- b) That the existing wall sign at Dundas Street East be removed.

Carried

- 5.17** Planning and Development Department Report, PL 66-16
Re: Release for Development: Town Lands Located at the Northeast
Corner of Hickory Street and Dunlop Street East

Resolution # 348-16

Moved By Councillor Roy
Seconded By Councillor Gleed

1. That the lands shown on Attachment #1 be declared surplus for the purposes of sale and redevelopment;
2. That in accordance with the public notice policy and By-law 3650-95, the Town Clerk give public notice of its intention to sell the subject lands;
3. That provided no objection is received by the Town in connection with the sale of the lands, a by-law be brought forward to authorize the sale through the municipal tender process;
4. That the Commissioner of Corporate Services proceed to complete the required environmental reports for the lands; and,
5. That the Commissioner of Planning be authorized to:
 - a) pursue a minor variance application to reduce the exterior and front side yard requirements to 4.5m; and,
 - b) proceed with a public meeting for a plan of subdivision with the Planning and Development Committee and the Lifting of the 'H' Holding Provision.

Carried

- 5.18** Planning and Development Department Report, PL 73-16
Re: 2016 Doors Open Whitby Event

Resolution # 349-16

Moved By Councillor Roy
Seconded By Councillor Gleed

That Planning Report PL 73-16, regarding the 2016 Doors Open Whitby Event be received as information.

Carried

- 5.19** Planning and Development Department and Whitby Fire and Emergency Services Joint Report, PL 78-16

Re: Installation of Broad Band Communication Services for West Whitby and the Option for Automatic Fire Sprinkler Systems

Resolution # 350-16

Moved By Councillor Roy
Seconded By Councillor Gleed

1. That the joint Planning and Development and Whitby Fire and Emergency Services Report PL 78-16 be received for information; and,
2. That the West Whitby Landowners Group be required to install a conduit within the boulevard of Des Newman Boulevard from Dundas Street West to north of Taunton Road West which shall include interconnecting conduit at Dundas Street West/Des Newman Boulevard, Bonacord Avenue/Des Newman Boulevard, Twin Streams Road/Des Newman Boulevard and Taunton Road West/Des Newman Boulevard.

Carried

- 5.20** Planning and Development Department Report, PL 81-16
Re: Recommendation Report and Public Meeting - The Plan for Port Whitby – Draft Secondary Plan (OPA-2012-W/01)

Resolution # 351-16

Moved By Councillor Roy
Seconded By Councillor Gleed

1. That Planning Report No. PL 81-16 be received for information;
2. That Council approve the amendment to the Town of Whitby Official Plan (OPA-2012-W/01 - Port Whitby Community Secondary Plan) as Amendment No. 104 to the Whitby Official Plan, as shown on Attachment #1, save and except that Attachment #1 be revised to reduce the minimum required density within the High Density Residential designation to 30 units per net hectare;
3. That a By-law to adopt Official Plan Amendment No. 104 to the Whitby Official Plan be brought forward for consideration by Council;
4. That the Clerk forward to the Region of Durham, within fifteen (15) days of adoption of the amendment, the necessary documentation for a nonexempt Official Plan Amendment; and,

5. That the Clerk send a Notice of Council's decision to those persons and agencies who have requested further notification regarding the Port Whitby Community Secondary Plan, Urban Design Guideline and Community Improvement Plan.

Carried later in the meeting [See following motion]

Resolution # 352-16

Moved By Councillor Gleed
Seconded By Councillor Roy

That Item 2 of the main motion be amended to add the following after hectare:
and that the building heights within the Mixed Use Residential Two, be changed from 4 to 8 storeys to 3 to 6 storeys and that the following be added to the General Development Policies section:
d) Views and vistas to the waterfront and harbour from within the public realm will be considered, secured and enhanced through the review of development applications and the design of streets and public spaces.

Carried

The main motion, as amended, was then carried.

6. Operations Committee
Report # 8 of the Operations Committee - June 20, 2016

- 6.1 Corporate Services Department Report, CS 53-16
Re: Development Charge Background Study Update and Draft Development Forecast

Resolution # 353-16

Moved By Councillor Emm
Seconded By Councillor Leahy

That report CS 53-16 from the Commissioner of Corporate Services/Treasurer be received as information.

Carried

- 6.2 Corporate Services Department Report, CS 52-16

Re: Annual Statement of Development Charge Reserve Funds as at December 31, 2015

Resolution # 354-16

Moved By Councillor Emm
Seconded By Councillor Leahy

That the annual Statement of Development Charge Reserve Funds as at December 31, 2015 be received as information.

Carried

- 6.3** Corporate Services Department and Public Works Department Joint Report, CS 43-16
Re: Road Shoulders – Supply, Apply, Grade, Shape and Compact (T-564-2016)

Resolution # 355-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That the Town of Whitby accept the low compliant tender as received from D & D Trucking & Construction Service in the reduced amount of \$94,825.07 (excluding taxes) to supply, apply, grade, shape and compact road shoulders as required by the Town of Whitby;
2. That an over expenditure in the amount of \$6,993.99 be approved and funded from Maintenance Reserves;
3. That the total estimated project cost in the amount of \$108,993.99 be approved; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 6.4** Corporate Services Department Report, CS 45-16
Re: Easement in Favour of Whitby Hydro Electric Corporation – Part of Block 89, Plan 40M2413, being Part 1, Plan 40R-28944 – Majestic Park

Resolution # 356-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That the Town of Whitby grant a permanent easement to Whitby Hydro Electric Corporation over lands described as Part of Block 89, Plan 40M2413, being Part 1, Plan 40R-28944, for the purposes of installing switch gear equipment;
2. That a by-law authorizing the granting of the easement be brought forward for Council adoption; and,
3. That the Mayor and Clerk be authorized to execute the required documents.

Carried

- 6.5** Corporate Services Department and Community and Marketing Services Department Joint Report, CS 46-16
Re: LED Lights and Poles Replacement - Whitby Lawn Bowling Club (T-27-2016)

Resolution # 357-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Council accept the low tender from Langley Utilities Contracting Ltd. in the amount of \$66,570.00 plus applicable taxes, for the replacement of six lights and poles at the Whitby Lawn Bowling Club;
2. That the over expenditure of \$13,227.00 be financed from the Maintenance Reserve Fund;
3. That the total estimated project cost for the Town of Whitby in the amount of \$73,227.00, be approved; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 6.6** Corporate Services Department and Community and Marketing Services Department Joint Report, CS 47-16
Re: Rooftop Heating Cooling Unit - Whitby Seniors' Activity Centre (T-72-2016)

Resolution # 358-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That the Town of Whitby accept the low compliant bid from 1747204 Ontario Inc. Ace Services in the amount of \$60,600 (excluding taxes) for the supply and installation of a new rooftop HVAC unit at the Whitby Seniors' Activity Centre;
2. That the total estimated project cost for the amount of \$75,405.78, be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 6.7** Corporate Services Department and Public Works Department Joint Report, CS 48-16
Re: Downtown Sidewalk and Boulevard (T-15-2016)

Resolution # 359-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That the Town of Whitby accept the low tender as received from Onsite Contracting Inc. in the amount of \$503,304.72 (excluding taxes) (excluding Provisional Section – Perry Street) to complete the sidewalk and boulevard replacement as required by the Town of Whitby;
2. That an over expenditure in the amount of \$62,000.00, which results in increased funding of \$81,444.00 from the Maintenance Reserve and savings of \$19,444 for the Downtown Improvement Reserve, be approved;
3. That the total estimated project cost in the amount of \$605,000.00 be approved; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 6.8** Corporate Services Department and Public Works Department Joint Report, CS 49-16
Re: Two (2) MakeUp Air Units (T-64-2016)

Resolution # 360-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That the Town of Whitby accept the low tender from B & B Mechanical Services in the amount of \$96,640.20 (excluding taxes) for the supply and installation of two new makeup air units at the Whitby Operations Centre;
2. That the over expenditure of \$13,341.07 be financed from the Maintenance Reserve Fund;
3. That the total estimated project cost for the Town of Whitby in the amount of \$108,341.07, be approved; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 6.9** Corporate Services Department Report, CS 51-16
Re: Capital Budget and Reserve Forecast Update as of May 31, 2016

Resolution # 361-16

Moved By Councillor Emm
Seconded By Councillor Leahy

That Report CS 51-16 from the Commissioner of Corporate Services/Treasurer is received as information.

Carried

- 6.10** Legal and By-law Services Department Report, LS 02-16
Re: Graffiti Mitigation Program

Resolution # 362-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That staff implement the graffiti mitigation program described in Report LS 02-16; and,
2. That Council authorize the one-time expenditure of up to \$10,000

from reserves for the purchase of three to four portable video cameras and accessory equipment/initial setup to help detect and identify graffiti vandals.

Carried

6.11 Public Works Department Report, PW 19-16
Re: West Whitby Site Alteration Works

Recommendation:

Resolution # 363-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Report PW 19-16 be received for information; and,
2. That the Clerk be directed to bring forward a By-law to amend the Fill Control By-law 5849-06, substantially in the form of the draft By-law appended as Attachment #2 to this report.

Carried

6.12 Community and Marketing Services Department Report, CMS 40-16
Re: Whitby Harbour Lease

Resolution # 364-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Council approve entering into a lease agreement with Small Craft Harbours Branch of the Department of Fisheries and Oceans Canada for the use of the Whitby Harbour, for a term of five (5) years commencing September 1, 2016, subject to the terms and conditions outlined in the staff report;
2. That Council approve entering into a new Whitby Harbour sub-lease agreement with the Whitby Yacht Club, for a term of five (5) years commencing September 1, 2016, subject to the terms and conditions outlined in the staff report;
3. That Council authorize the Mayor and Clerk to execute the Harbour lease agreement with Small Craft Harbours Branch of the Department of Fisheries and Oceans Canada and the sub-

- lease agreement with the Whitby Yacht Club; and,
4. That Council authorize the implementation of a new Harbour Maintenance Reserve to be financed by Whitby Yacht Club net lease payments to fund future harbour maintenance and dredging projects.

Carried

- 6.13** Community and Marketing Services Department Report, CMS 42-16
Re: Community Innovation Lab – NEET Youth Incubator Program

Resolution # 365-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Community and Marketing Services Report CMS 42-16 be received as information; and,
2. That Council approve the use of facility space for the Community Innovation Lab's NEET Youth Incubator Program at the Brooklin Community Centre and Library as an in-kind (no rental fee) contribution.

Carried

- 6.14** Community and Marketing Services Department and Public Works Department Joint Report, CMS 43-16
Re: Whitby Yacht Club Request for Assistance with the 2016 Lake Yacht Racing Association (LYRA) Regatta

Resolution # 366-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Council approve the use of up to 25 Port Whitby Marina slips for overflow dockage during each day of the July 25 to 31, 2016 Lake Yacht Racing Association (LYRA) Regatta hosted by the Whitby Yacht Club;
2. That Council approve the use of Town of Whitby special events equipment to the Whitby Yacht Club during the July 25 to 31, 2016 LYRA Regatta including outdoor tables and chairs, picnic tables, waste receptacles and stage risers, subject to the

- conditions outlined in the staff report;
3. That Council authorize the Whitby Yacht Club to utilize a portion of Whitby Harbour for the mooring of deep draft racing vessels during the July 25 to 31, 2016 LYRA Regatta;
 4. That Council authorize the promotion of the July 25 to 31, 2016 LYRA Regatta on the Town of Whitby website and social media channels; and,
 5. That the cost to provide the special events equipment (delivery and pickup) to the Whitby Yacht Club be addressed within the department(s) 2016 operating budget(s).

Carried

- 6.15** Community and Marketing Services Department Report, CMS 44-16
Re: Whitby Iroquois Soccer Club - Rossland Road Soccer Complex -
Indoor Soccer Dome

Resolution # 367-16

Moved By Councillor Emm

Seconded By Councillor Leahy

1. That Community and Marketing Services Department Report, CMS 44-16 regarding the Whitby Iroquois Soccer Club and the second indoor soccer dome project be received as information;
2. That the Council approved second indoor soccer dome project to be located north of the existing indoor soccer dome at the Rossland Road Soccer Complex be cancelled;
3. That the Town of Whitby inform the general contractor, Gay Company Ltd., the low bidder for the construction Tender and the dome fabric supplier, The Farley Group, that the project is cancelled;
4. That Council authorize staff to work with the Whitby Iroquois Soccer Club to re-scope the project with the design of a second permanent indoor soccer dome over the existing outdoor artificial turf field;
5. That the Whitby Iroquois Soccer Club be requested to submit a revised business, financing and operating plan for the projected \$4M capital plus operating costs for the re-scoped dome project;
6. That AECOM be retained to work with staff and the Whitby Iroquois Soccer Club to refine the capital costs associated with the re-scoped project of doming the existing outdoor artificial turf field; and,
7. That staff report back to Council in the fall following the

discussions and review of the Whitby Iroquois Soccer Club's business and operating plan to support the re-scoped indoor soccer dome project and the proposed terms and conditions of the Town - Whitby Iroquois Soccer Club repayment plan.

Carried

- 6.16** Community and Marketing Services Department Report, CMS 45-16
Re: Recreational User Fees Study – Terms of Reference

Resolution # 368-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Council approve the Terms of Reference, as indicated on Attachment 1, for the development of the Recreational User Fees Study;
2. That Council authorize Staff to issue a Request for Proposal to obtain submissions from qualified consultants for the preparation of the Recreational User Fees Study; and,
3. That Staff report back to Council with a recommendation regarding the preferred consultant, the cost to complete the project and the timetable to complete the preparation of the Recreational User Fees Study.

Carried

- 6.17** Community and Marketing Services Department, CMS 46-16
Re: Whitby Civic Recreation Complex CHP Micro-Turbine Project

Resolution # 369-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Council approve a partnership with Whitby Hydro Energy Corporation (WHEC) and subject to WHEC Board approval, to install two (2) Capstone C65 Combined Heat and Power (CHP) Micro-turbines at the Whitby Civic Recreation Complex (CRC);
2. That Council approve the purchase of one (1) Capstone C65 CHP Microturbine, as a bona-fide sole source procurement in accordance with section 11 of the Purchasing Policy;

3. That the project cost of \$318,703 be funded from uncommitted one-time reserves; and,
4. That the Clerk forward a copy of staff report CMS 46-16 to the Whitby Sustainability Advisory Committee and Whitby Hydro Energy Corporation.

Carried

- 6.18** Community and Marketing Services Department Report, CMS 47-16
Re: Canada 150 Community Infrastructure Program - Intake Two

Resolution # 370-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Council authorize staff to make an application to the Federal Economic Development Agency for Southern Ontario for the Canada 150 Community Infrastructure Program (CIP) Intake Two;
2. That Council approve the proposed Trails project outlined in Community and Marketing Services Department Report CMS 47-16 for funding under the Canada 150 CIP Intake Two;
3. That an application for funding to the Canada 150 CIP Intake Two in the amount of \$165,000 be approved for the proposed Trails project; and,
4. That the Clerk forward a copy of staff Report CMS 47-16 to Celina Caesar- Chavannes, Member of Parliament for Whitby.

Carried

- 6.19** Corporate Services Department Report, CS 42-16
Re: Lease with Metrolinx for use of Town Owned Lands at Henry and Victoria Streets for the Purpose of a Temporary Parking Lot

Resolution # 371-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That staff be authorized to negotiate a three year lease agreement, subject to the terms and conditions outlined in Report No. CS 42-16, with Metrolinx for Town land located at the north-

east corner of Henry and Victoria Streets for the purpose of a temporary parking lot consisting of approximately 512 parking spaces;

2. That the Town Solicitor be directed to prepare a lease agreement;
3. That the Clerk forward a copy of Corporate Services Report CS 42-16 and Council resolution to Metrolinx; and,
4. That the Mayor and Clerk be authorized to execute the lease documents.

Carried

7. Management Committee
Report # 4 of the Management Committee - June 21, 2016

- 7.1** Office of the Chief Administrative Officer, Report CAO 07-16
Re: Employee Recognition Program

This item was referred back at Committee.

- 7.2** Memorandum from Janice Stubbs, Manager of Human Resource Services
Re: Leave of Absence Policy Update

Resolution # 372-16

Moved By Councillor Roy
Seconded By Councillor Leahy

That the Memorandum from Janice Stubbs, Manager of Human Resource Services, regarding an Update on the Status of the Performance Management Program, be received for information.

Carried

- 7.3** Memorandum from Janice Stubbs, Manager of Human Resource Services
Re: Update on the Status of the Performance Management Program

Resolution # 373-16

Moved By Councillor Roy
Seconded By Councillor Leahy

That Memorandum from Janice Stubbs, Manager of Human Resource Services regarding an Update on the Status of the Performance Management Program, be received for information.

Carried

8. Notice of Motion

- 8.1** In accordance with Section 3.13 of the Procedure By-law, notice is hereby provided that the following motion shall be considered and/or disposed of at the next Regular Council meeting to be held September 19, 2016:

Whereas residential fire continues to present a serious risk for personal injury, death and property damage;

Whereas Staff Report PL 78-16 recommended that new low and medium density residential units being constructed in four of the new West Whitby developments, be required to offer as an option, automatic fire sprinkler systems to purchasers of these units;

Whereas neither the Ontario Building Code (OBC) nor the National Building Code of Canada has mandated the need to install fire sprinkler systems in new low-rise homes,

Whereas provincial policies need to address liability concerns, the Ontario Building Code and maintenance and infrastructure issues; and,

Whereas the Whitby Fire Service and the Ontario Association of Fire Chiefs supports changes to the Ontario Building Code to require that all new residential dwellings require the installation of residential fire sprinklers to save lives, reduce serious injuries and reduce property damage.

Therefore be it resolved that a copy of PL 78-16 and this motion be sent to the Premier of Ontario, The Minister of Municipal Affairs and Housing and the President of the Association of Municipalities of Ontario (AMO); and,

Be it further resolved that the Ontario Government move to amend the Ontario Building Code to make sprinkler systems mandatory in all new residential construction across the province.

9. New and Unfinished Business

- 9.1** Planning and Development Department Report, PL 82-16
Re: Zoning By-law Amendment Application by Venus Bio-Med Recycling Inc. to Permit a Waste Transfer Station (limited amalgam only) within a Portion of a Multi-Unit Industrial Building on 1801 Wentworth Street (Z-11-16)

Resolution # 374-16

Moved By Councillor Leahy
Seconded By Councillor Gleed

1. That Council approve Zoning Application Z-11-16, subject to the conditions contained in Section 8.0 of Planning Report PL 82-16; and,
2. That the amending By-law be brought forward for Council's approval, as prescribed in Section 5.3 of Report Number PL 82-16.

Carried

- 9.2** Planning and Development Department Report, PL 83-16
Re: TransCanada Eastern Mainline Pipeline - Update

Resolution # 375-16

Moved By Councillor Leahy
Seconded By Councillor Gleed

1. That TransCanada, the NEB and the City of Oshawa be advised Whitby has no objection to the re-alignment of the pipeline within the City of Oshawa provided that any such alignments including any required ROW easements, setbacks and safety zones, are fully contained within the City of Oshawa;
2. That the Clerk forward a copy of Planning and Development Report No. PL 83-16 and Council's resolution to the City of Oshawa, Region of Durham, CLOCA, TransCanada, and the National Energy Board; and,
3. That the landowners within the Town of Whitby that would be impacted by a realignment be advised of Council's resolution and provided a copy of Planning Report PL 83-16.

Carried

10. By-Laws

That the following by-laws be passed:

- 10.1** By-law # 7154-16, being a by-law to designate certain portions of a registered Plan of Subdivision as not being subject to Part Lot Control. (40M-2563, Lots 33 to 49, B.G. Biddle & Associates Limited)
- 10.2** By-law # 7155-16, being a by-law to assume Summerside Avenue and Fairmount Drive as public highways.
- 10.3** By-law # 7156-16, to amend By-law # 1862-85, to regulate traffic on highways in the Town of Whitby.
- 10.4** By-law # 7157-16, being a by-law to grant an easement over lands to Whitby Hydro Electric Corporation.
Refer to CS 45-16
- 10.5** By-law # 7158-16, being a by-law to amend By-law 5849-06, known as the Fill Control By-law.
Refer to PW 19-16
- 10.6** By-law # 7159-16, being a by-law to adopt Amendment Number 103 to the Official Plan of the Town of Whitby. (Town of Whitby, OPA-2015-W/01)
Refer to PL 70-15
- 10.7** By-law # 7160-16, being a by-law to amend By-law # 2585, as amended, being the Zoning By-law of the Town of Whitby. [2373338 Ontario Ltd. (Tatra Valley Homes), Z-03-16, PL 53-16]
Refer to PL 53-16
- 10.8** By-law # 7161-16, being a by-law to amend By-law # 2585, as amended, being the Zoning By-law for the Town of Whitby.(Brock Street Brewing Company, Z-04-16)
Refer to PL 77-16
- 10.9** By-law # 7162-16, being a by-law to amend by-law # 1784, as amended, being the Zoning By-law of the Town of Whitby. (Chelseahill Development Inc., Z-08-16)
Refer to PL 71-16

- 10.10** By-law # 7163-16, being a by-law to amend by-law # 1784, as amended, being the Zoning By-law of the Town of Whitby (Whitby Taunton Holding Limited, Z-09-16)
Refer to PL 72-16
- 10.11** By-law # 7164-16, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law of the Town of Whitby. (Venus Bio-Med Recycling Inc., Z-11-16)
Refer to Report PL 82-16

Resolution # 376-16

Moved By Councillor Roy
Seconded By Councillor Emm

That leave be granted to introduce By-law # 7154-16 to # 7164-16 and to dispense with the readings of the by-laws by the Clerk and that the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

- 10.12** By-law # 7165-16, being a by-law to adopt Amendment Number 104 to the Official Plan of the Town of Whitby. (Town of Whitby, OPA-2012-W/01)
Refer to PL 81-16

Due to the amendment of Item 5.20, Planning and Development Department Report, PL 81-16, regarding the Plan for Port Whitby – Draft Secondary Plan (OPA-2012-W/01), By-law # 7165-16 was amended to include the changes outlined in the amendment of that item.

Resolution # 377-16

Moved By Councillor Roy
Seconded By Councillor Emm

That leave be granted to introduce By-law # 7165-16, as amended, and to dispense with the reading of the by-law by the Clerk and that the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

11. Confirmatory By-Law

11.1 Confirmatory By-law

Resolution # 378-16

Moved By Councillor Leahy
Seconded By Councillor Yamada

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its regular meeting held on June 27, 2016 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

12. Adjournment

12.1 Motion to Adjourn

Resolution # 379-16

Moved By Councillor Drumm
Seconded By Councillor Yamada

That the meeting adjourn.

Carried

The meeting adjourned at 9:14 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor