

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

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

Mayor Perkins in the Chair

ABSENT: Councillor Roy (with regrets)

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
M. Pettit, Deputy Clerk

Mayor Perkins noted recent events in the Town of Whitby including the induction of Adam Foote (Hockey), Wayne Primeau (Hockey) and Anne Windover (Lacrosse) into the Whitby Sports Hall of Fame, and the re-opening of Peel Park on May 10th.

1. DISCLOSURES OF INTEREST

There were no disclosures noted.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6610-12

RESOLUTION NO. 127-12

Minutes of Council Meetings – April 16, 2012 and April 25, 2012

Councillor Emm seconded by Councillor Hanson 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 April 16, 2012 and the Special Meeting of Council held on April 25, 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

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By-Law 6610-12 considered read a first, second, and third time and finally passed.

3. PRESENTATIONS/DELEGATIONS

- (a) Des Newman, former Mayor of the Town of Whitby regarding the request to name the future West Durham Link between Highway 401 and the future Highway 407 as the Des Newman Expressway

Des Newman, former Mayor of the Town of Whitby, appeared before Council and thanked Council members, Town staff, volunteers and the community for the honour of naming the future West Durham Link after him. Mr. Newman and Council members reminisced about the many significant milestones that have occurred in Whitby during his time as a Council member including the creation of the Iroquois Park Sports Complex, the drafting of the Town's first Official Plan, and the transportation plan that outlined the creation of Highway 407 which is now coming to fruition some forty years later. Mr. Newman encouraged the young members of the audience to get engaged in the community and to make a difference by getting involved. Mayor Perkins and Council members thanked Mr. Newman for his invaluable service to the community over the past four decades.

- (b) Recognition of Jill Morillo, Whitby Resident and UOIT Student/Hockey Player

Mayor Perkins, Councillor Drumm, Chair of Community & Marketing Services and P. LeBel, Commissioner of Community & Marketing Services welcomed Jill Morillo to the dais. Jill was recognized as the winner of the CIS (Canadian Interuniversity Sport) Marion Hilliard Award, which celebrates excellence in athletics, academics and community involvement. She was also named to the CIS All-Canadian team.

- (c) Recognition of Anderson CVI Raiders Boys Basketball Team

The Anderson CVI Raiders Basketball Team, coaching staff and team members joined Mayor Perkins, Councillor Drumm, Chair of Community & Marketing Services and P. LeBel, Commissioner of Community & Marketing Services on the dais in recognition of winning the 2011 and 2012 Winners Provincial High School OFSAA AAA Boys Basketball Championships.

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(d) Recognition of Whitby Minor Hockey Association Major Bantam AAA

Mayor Perkins, Councillor Drumm, Chair of Community & Marketing Services and P. LeBel, Commissioner of Community & Marketing Services welcomed the Whitby Minor Hockey Association Major Bantam AAA coaching staff and team members to the dais. The team was recognized for being the Ontario Minor Hockey Association Champions for their age division.

(e) Recognition of Whitby Minor Hockey Association Minor Midget AAA

The Whitby Minor Hockey Association Minor Midget AAAA coaching staff and team members joined Mayor Perkins, Councillor Drumm, Chair of Community & Marketing Services and P. LeBel, Commissioner of Community & Marketing Services on the dais in recognition of winning the Ontario Minor Hockey Association Championships for their age division. It was also noted that the Minor Midget team goalie, Kassidy Sauve, was the first and only female player to ever play in the OHL Cup.

(f) Recognition of Whitby Minor Hockey Association Midget AAA

Mayor Perkins, Councillor Drumm, Chair of Community & Marketing Services and P. LeBel, Commissioner of Community & Marketing Services welcomed the Whitby Minor Hockey Association Midget AAA coaching staff and team members to the dais. The team was recognized for being the Ontario Minor Hockey Association Champions for their age division.

Fred Sidaros, President, Whitby Minor Hockey Association, joined Mayor Perkins, Councillor Drumm, Chair of Community & Marketing Services and P. LeBel, Commissioner of Community & Marketing Services on the dais to recognize the following WHMA midget players for being drafted by the Ontario Hockey League:

- Conor Cummins to the Sudbury Wolves
- Bobby MacIntyre to the St. Michael's Majors
- Everett Clark to the St. Michael's Majors
- Liam Grande to the Plymouth Whalers
- Jesse Hewak to the Niagara Ice Dogs
- Kyler Challis to the Plymouth Whalers
- Davis Gadjovich to the Guelph Storm
- Carter Landry to the Saginaw Spirit

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(g) Presentation of a plaque to Whitby Youth Council

Town of Whitby staff representative John Watkins, Supervisor of Community Development, and Sarah Klein, Manager of Recreation, and members of the Whitby Youth Council joined Mayor Perkins, Councillor Drumm, Chair of Community & Marketing Services, Councillor Montague, the Mayor's Designate on the Whitby Youth Council, and P. LeBel, Commissioner of Community & Marketing Services on the dais and accepted a plaque on behalf of the Whitby Youth Council regarding Whitby's recognition as a Platinum Level Youth Friendly Community (2010 – 2015) by Playworks. Playworks is a group of organizations that are concerned about the future of our youth and that have joined forces to bring back the power of play to Ontario's young people.

(h) Recognition of the Whitby Professional Fire Fighters Association (WPFPA) on their fundraising efforts for 2011 for Muscular Dystrophy Canada

Mayor Perkins and Councillor Montague, Chair of the Fire Department were joined by Mike Pfeiffer, Association President, to provide a special presentation to Harry Agar, Retired Chairperson, in recognition of his fundraising efforts for Muscular Dystrophy Canada over the past 10 years.

Mayor Perkins, Councillor Montague, Chair of the Fire Department and Mike Pfeiffer were joined by Ken VanStaveren, WPFPA Charitable Committee Member and Paula Musgrave, Regional Manager, Muscular Dystrophy Canada, in recognition of Harry Agar's fundraising efforts in support of Muscular Dystrophy Canada. Alex Harold, MD Ambassador, appeared before Council and thanked Harry Agar and all Whitby Fire Fighters for their heroic efforts in fundraising to search for a cure.

4. CORRESPONDENCE

4.1 CORR 11-12

That the following requests be proclaimed:

- Seniors Month – June 1 – 30, 2012
- World Elder Abuse Awareness Day – June 15, 2012
- Recreation & Parks Month – June 2012

General discussion ensued on the matter.

RESOLUTION NO. 128-12

MOVED by Councillor Coe

Seconded by Councillor Montague

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That CORR 11-12, being requests for proclamations for Seniors Month – June 1 – 30, 2012; World Elder Abuse Awareness Day, June 15, 2012 and Recreation & Parks Month, June 2012, be endorsed.

CARRIED

4.2 CORR 12-12

Letter received April 30, 2012 from William Luchford, President of Whitby Lions Club, offering financial support in the amount of \$1000.00 to the cost of saving ash trees at the Whitby Lions Promenade

General discussion ensued on the matter. S. Beale, Commissioner of Public Works, advised on the availability of information on the Town of Whitby's website regarding the Emerald Ash Borer and how to deal appropriately with an infestation.

RESOLUTION NO. 129-12

MOVED BY Councillor Coe
Seconded by Councillor Hanson

That CORR 12-12 being a letter received April 30, 2012 from William Luchford, President of Whitby Lions Club, offering financial support in the amount of \$1000.00 to the cost of saving ash trees at the Whitby Lions Promenade be received for information and referred to the Public Works Department.

CARRIED

5. STANDING COMMITTEES

(b) Operations Committee – April 30, 2012
Report No. 6
Recommendations to Council

4.2 Community & Marketing Services Report, Item CMS 28-12
Re: Ethno-cultural and Diversity Advisory Committee of Council -
2011 Carry-over Projects

COUNCIL DECISION:

1. That Council approve the 2011 carry-over projects and their associated budgets from the former Race Relations and Diversity Committee (re-designated as the Ethno-cultural and Diversity Advisory Committee of Council); and,

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2. That Staff report back to Council with the proposed 2012 Work Plan of the newly appointed Ethno-cultural and Diversity Advisory Committee of Council.
- 4.5 Corporate Services/Community & Marketing Services Joint Report, Item CS 21-12
Re: Willow Park Splash Pad Renovation, T-26-2012

COUNCIL DECISION:

1. That the Town of Whitby accept the low tender of Melfer Construction Inc. in the amount of \$123,805.31 (excluding taxes) for all labour, materials and equipment necessary to complete the Willow Park Splash pad renovation project;
 2. That an over expenditure in the amount of \$63,364.28 be approved which is to be funded by 2012 Maintenance savings from previously tendered projects;
 3. That the total estimated project cost in the amount of \$138,364.28 be approved; and,
 4. That the Mayor and Clerk be authorized to execute the contract documents.
- 4.7 Corporate Services/Public Works Joint Report, Item CS 24-12
Re: Sidewalk and Curb & Gutter Construction, T-502-2012

COUNCIL DECISION:

1. That the Town of Whitby accept the low tender of Peltar Paving and General Contracting Company Limited in the amount of \$386,055.00 (excluding taxes) for Sidewalk and Curb & Gutter Construction as required by the Town;
 2. That the total estimated project cost in the amount of \$590,000.00 be approved; and
 3. That the Mayor and Clerk be authorized to execute the contract documents.
- 4.8 Corporate Services/Public Works Joint Report, Item CS 26-12
Re: Bridge Rehabilitation (Various Locations), T-4-2012

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COUNCIL DECISION:

1. That the Town of Whitby accept the low tender of Clearwater Structures Inc. in the amount of \$1,308,179.00 (excluding taxes) for Bridge Rehabilitation (Various Locations) as required by the Town;
 2. That the total estimated project cost for the Town of Whitby in the amount of \$1,566,000.00 be approved;
 3. That Council approve an over expenditure in the amount of \$247,208 of which \$175,465 is to be funded from one time reserves, and \$71,743.00 is to be funded from additional Development Charges;
 4. That Council authorize staff to retain the services of the Sernas Group for Contract Inspection and Administration Services for the Bridge Rehabilitation contract;
 5. That the Mayor and Clerk be authorized to execute the contract documents.
- 4.9 Corporate Services Report, Item CS 28-12
Re: Follow-up to Delegation Request of G. Parker
Animal Exposure Concerns and Public Agency Coordination

COUNCIL DECISION:

That Report CS 28-12 of the Commissioner of Corporate Services/Treasurer be received for information.

RESOLUTION NO. 130-12

MOVED BY Councillor Mitchell
Seconded by Councillor Drumm

That Items 4.1 to 4.9 of Report No. 6 of the Operations Committee dated April 30, 2012, be adopted, save and except Items 4.1, 4.3, 4.4 and 4.6.

CARRIED

- 4.1 Community & Marketing Services Report, Item CMS 27-12
Re: Lease Agreement with Metrolinx for Use of Parking Spaces at
Iroquois Park Sports Centre and Luther Vipond Memorial Arena

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General discussion ensued on the matter.

RESOLUTION NO. 131-12

MOVED BY Councillor Mitchell
Seconded by Councillor Drumm

COUNCIL DECISION:

1. That Council authorize the lease agreement with Metrolinx to utilize 300 parking spaces for a three (3) year period, effective April 1, 2012 to March 31, 2015, at the Iroquois Park Sports Centre (IPSC);
2. That Council authorize the lease agreement with Metrolinx to utilize 20 parking spaces for a three (3) year period, effective April 1, 2012 to March 31, 2015, at the Luther Vipond Memorial Arena (LVMA);
3. That the lease agreements be subject to the following conditions:
 - a) That the term be for a three (3) year period with a sixty (60) day notice of termination clause, and that any renewal option would be at the sole discretion of the Town of Whitby;
 - b) That parking be limited to the south east parking lot only at Iroquois Park Sports Centre and that Metrolinx acknowledge that all other parking areas would be deemed "no parking" to commuters and enforceable by the Town of Whitby;
 - c) That the Town of Whitby be permitted to exempt up to 15 days per calendar year in order to accommodate the parking needs of special events at Iroquois Park Sports Centre and Luther Vipond Memorial Arena. The Town of Whitby would provide two (2) weeks advanced written notice of these dates. Metrolinx would communicate the exclusions through notices to the commuters at their expense; and,
4. That the Mayor and Clerk be authorized to execute the lease agreements.

CARRIED

- 4.3 Community & Marketing Services Report, Item CMS 29-12
Re: Competitive Alternatives – KPMG's Guide to International Business
Location Costs – 2012 Edition
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General discussion ensued on the matter.

RESOLUTION NO. 132-12

MOVED BY Councillor Mitchell
Seconded by Councillor Drumm

COUNCIL DECISION:

That Community and Marketing Services Department - Economic Development Division Report CMS 29-12 regarding the *Competitive Alternatives* – KPMG's Guide to International Business Location Costs – 2012 Edition be received as information.

CARRIED

- 4.4 Community & Marketing Services Report, Item CMS 30-12
Re: Update on two Economic Development Initiatives:
1) Spark Centre – Regional Innovation Centre and
2) iMiN – Interactive Manufacturing Innovation Network

General discussion ensued on the matter.

RESOLUTION NO. 133-12

MOVED BY Councillor Mitchell
Seconded by Councillor Drumm

COUNCIL DECISION:

That Community and Marketing Services Department, Economic Development Division, Report CMS 30-12 regarding the "Spark Centre" – a Regional Innovation Centre to serve the Durham Region and Northumberland County; and "iMiN" – Interactive Manufacturing and Innovation Network, be received as information.

CARRIED

- 4.6 Corporate Services Report, Item CS 23-12
Re: Development Charges – Cost of Growth

General discussion ensued on the matter.

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RESOLUTION NO. 134-12

MOVED BY Councillor Mitchell
Seconded by Councillor Drumm

COUNCIL DECISION:

1. That Council receive the following report as information; and
2. That Council request that the Ministry of Municipal Affairs and Housing amend the Development Charges legislation to allow municipalities to offset the full cost of growth through development charges.
3. That the Town Clerk forward a copy of this report and Council's resolution to the Minister of Municipal Affairs and Housing, the Region of Durham, area municipalities within Durham Region, the member of Provincial Parliament for Whitby, the Ontario Minister of Finance and members of AMO.

CARRIED

6. NOTICE OF MOTION

There were no notices of motion at the meeting.

7. NEW & UNFINISHED BUSINESS

7.1 Ontario Volunteer Service Awards Ceremonies

Councillor Coe advised Council and members of the audience about the recent Ontario Volunteer Service Awards ceremonies held in Oshawa on April 16 and 17 where 350 Durham residents were honoured for their continuous years of commitment and dedicated service by donating their time to improve their communities on a daily basis.

7.2 Graffiti Incidents Ongoing Throughout the Town

Councillor Emm thanked Whitby This Week for their 4 part series devoted to graffiti which has become an ongoing problem in areas throughout the Town. Councillor Emm asked staff to do whatever they could to address this ongoing problem. General discussion ensued on the matter, including the possibility of harnessing the creative talents that have been expressed in a more productive way.

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7.3 Notification of Out of Town Travel By Council Members for the Purpose of
Conducting Town Business

Councillor Drumm requested that any Members of Council travelling to other areas throughout the country, or the world, in order to promote the Town of Whitby advise other Members of Council prior to departure in order that they be offered the chance to provide input and feedback.

8. BY-LAWS

- 6611-12 By-law to amend Zoning By-law No. 1784, as amended by changing the zoning from R2 – Second Density Residential to R2-1 Second Density Residential – Exception 1 to permit the temporary use of the existing single detached dwelling for a hair salon as a personal service establishment until May 07, 2015 for the land situated on the east side of Garden Street north of Rossland Road East municipally known as 1345 Garden Street Town of Whitby. The effect of the zoning change is to grant the use of the Subject Land for a hair salon as a personal service establishment for a three year period. [Refer to Landerson Investments Ltd. – 3145 Garden Street – Z-09-11 – PL 25-12]

RESOLUTION NO. 135-12

MOVED by Councillor Mitchell seconded by Councillor Drumm that leave be granted to introduce By-law No. 6611-12, 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

9. CONFIRMATORY BY-LAW NO. 6612-12

RESOLUTION NO. 136-12

MOVED by Councillor Montague seconded by Councillor Coe 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 May 7, 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

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By-law No. 6612-12 considered read a first, second and third time and finally passed.

10. ADJOURNMENT

RESOLUTION NO. 137-12

MOVED by Councillor Coe
Seconded by Councillor Emm

That the meeting be adjourned.

CARRIED

The meeting adjourned at 9:25 p.m.

Debi A. Wilcox, Town Clerk

Patricia Perkins, Mayor