

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION
OF THE TOWN OF WHITBY HELD ON MONDAY, OCTOBER 31, 2011 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
Councillor Roy

Mayor Perkins in the Chair

STAFF PRESENT: R. Petrie, Chief Administrative Officer
P. LeBel, Director of Community & Marketing Services
S. Beale, Director of Public Works
M. Gerrard, Fire Chief
S. Pohjola, Town Solicitor
R. Short, Director of Planning
N. Tellis, Manager of Treasury Services
D. Wilcox, Town Clerk
M. Pettit, Deputy Clerk

Mayor Perkins advised she is dressed with pride this evening in a Whitby Wolves team jersey after receiving a challenge from Mayor Foster of the Municipality of Clarington. Mayor Perkins proudly advised that the Whitby Girls Hockey Teams won the recent "Flames Challenge Day".

1. DISCLOSURES OF INTEREST

There were no disclosures of interest.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6538-11

RESOLUTION NO. 293-11

Minutes of Council Meetings – October 11, 2011

Councillor Coe seconded by Councillor Drumm 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 October 11, 2011 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 6538-11 considered read a first, second, and third time and finally passed.

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3. PRESENTATIONS/DELEGATIONS

- (i) Presentation by the Fire Chief, M. Gerrard to Ed Sobczak, Whitby resident, in honour of a compassionate act of humanitarianism

Mayor Perkins, Councillor Montague, Department Chair of Fire & Emergency Services, and Fire Chief, M. Gerrard welcomed Ed Sobczak, a former volunteer with the Whitby Fire Department, to the dais to be recognized for his compassionate act of humanitarianism in helping to save the life of Clarence Luce. Mr. Sobczak was presented with a Certificate of Appreciation from the Town. Mr. Sobczak was joined on the dais by Clarence Luce and his children who expressed their sincere thanks to Mr. Sobczak for using his training and his quick and decisive action which prevented what could otherwise have been a very tragic incident.

4. CORRESPONDENCE

- (i) CORR 27-11
Restorative Justice Week – November 13 – 20, 2011

Being correspondence from the Correctional Service of Canada requesting proclamation of Restorative Justice Week. Restorative Justice is a non-adversarial, non-retributive approach to justice that emphasizes healing in victims, meaningful accountability of offenders, and the involvement of citizens in creating healthier, safer communities.

RESOLUTION NO. 294-11

MOVED By Councillor Drumm
Seconded by Councillor Coe

That CORR 27-11, being correspondence from the Correctional Service of Canada requesting proclamation of Restorative Justice Week be endorsed.

CARRIED

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5. STANDING COMMITTEES

- (a) Planning and Development Committee – October 17, 2011
Report No. 11
Recommendations to Council

- 4.1 Planning Report, Item 63-11
Re: Site Plan Application – Whitby NE Developments – Swiss Chalet –
(SP-08-11) – 20 Taunton Road East

General discussion on the matter ensued and the applicant was commended for including additional accessible parking spots in the development.

RESOLUTION NO. 295-11

MOVED By Councillor Coe
Seconded by Councillor Emm

COUNCIL DECISION:

1. That Council approve site plan application (SP-08-11) subject to the conditions of approval contained in Section 8.0 of Planning Report, PL 63-11;
2. That one of the conditions of approval be:
 - That should any noise complications arise from the garbage operations at the site between the subject property and the residential property to the east, that the applicant will undertake, at their cost, any noise mitigation necessary to alleviate the concerns; and,
3. That the Mayor and Clerk be authorized to execute any necessary documents.

CARRIED

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- 4.2 Planning Report, Item 64-11
Re: Appointment of Control Architect – Williams & Stewart Associates –
(SW-2008-02) – Part of Lot 24, Concession 6

RESOLUTION NO. 296-11

MOVED By Councillor Coe
Seconded by Councillor Emm

COUNCIL DECISION:

1. That Council appoint the firm of Williams & Stewart Associates as Control Architect for the subdivision plan Adalan Development Corp. and the Sorbara Development Group; and,
2. That the Subdivider Adalan Development Corp./Sorbara Development Group 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 64-11.

CARRIED

5. STANDING COMMITTEES

- (b) Operations Committee – October 24, 2011
Report No. 11
Recommendations to Council

- 4.2 Community & Marketing Services Report, Item CMS 51-11
Re: Temporary Office Space for Abilities Centre

COUNCIL DECISION:

1. That Council approve the temporary use of office space at the Centennial Building by the Abilities Centre to accommodate additional program staff until such time as the Abilities Centre's offices are ready for occupancy; and,
2. That Council approve the temporary provision of office space at no cost to the Abilities Centre.

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4.3 Community & Marketing Services Report, Item CMS 54-11
Re: Facility Rental User Liability Insurance Program

COUNCIL DECISION:

1. That Council award the contract to BFL Canada Risk and Insurance Services Inc., for a period of up to five (5) years, as the insurance provider of the proposed Facility Rental User Liability Insurance Program;
2. That Council approve the draft Facility Rental User Liability Insurance Policy;
3. That the proposed Facility Rental User Liability Program and Policy be introduced effective January 1, 2012; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

4.6 Community & Marketing Services Report, Item CMS 57-11
Re: Bell Mobility Inc. Lease Agreement for Use of Space at Iroquois Park Sports Centre

COUNCIL DECISION:

1. That Council authorize a lease agreement subject to the terms identified in the staff report with Bell Mobility Inc. to provide space for the installation and ongoing maintenance of antenna equipment at the Iroquois Park Sports Centre to improve cellular reception for Bell Mobility customers; and,
2. That the Mayor and Clerk be authorized to execute the agreement.

4.9 Community & Marketing Services Report, Item CMS 61-11
Re: Baagwating Community Association

COUNCIL DECISION:

1. That Community and Marketing Services Department Report CMS 61-11 be received for information;
2. That Council endorse the following resolution:

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WHEREAS the Great Blue Heron Charity Casino provides significant economic development benefits and opportunities for the communities and residents of Durham Region;

WHEREAS the Great Blue Heron Charity Casino employs a great number of Aboriginal people and is one of Durham Region's largest employers;

WHEREAS the Great Blue Heron Charity Casino and the Baagwating Community Association, its charitable arm, have been considerable financial supporters of not-for-profit community organizations in Durham Region that now rely upon them for financial assistance, growth and sustainability;

WHEREAS the Great Blue Heron Charity Casino is seeking the Ontario Government, and specifically the Alcohol and Gaming Commission of Ontario, to approve a planned expansion to its charity casino operations by increasing the number of gaming tables and the betting limit to sustain the operations of a larger facility;

AND WHEREAS a planned expansion to the Great Blue Heron Charity Casino will create jobs, enhance local and regional economic development, and provide greater opportunity for the Baagwating Community Association to increase its charitable giving to not-for-profit organizations and the communities overall in Durham Region;

THEREFORE be it resolved that the Council of the Town of Whitby requests that the Provincial Government and the Alcohol and Gaming Commission of Ontario endorse the proposed expansion of the Great Blue Heron Charity Casino to increase the number of gaming tables and the betting limit so that the Casino can move forward with its facility expansion thereby creating more jobs, increasing economic prosperity, and enhancing the donations that it makes to the communities of Durham Region; and,

3. That the Clerk forward a copy of the staff report and the Council resolution to the Honourable Dalton McGuinty, Premier of Ontario; Alcohol and Gaming Commission of Ontario; Minister of Aboriginal Affairs; Christine Elliott, MPP for Whitby-Oshawa; all other Members of Provincial Parliament in Durham Region; Township of Scugog; Durham Region Economic Development and Tourism Department;

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Great Blue Heron Charitable Casino; and the Baagwating Community
Association .

- 4.11 Corporate Services Report, Item CS 62-11
Re: Animal Shelter Agreement with Town of Ajax

COUNCIL DECISION:

1. That Report CS 62-11 of the Director, Corporate Services and Treasurer be received;
2. That the Town of Whitby enter into a Shelter Service Agreement with the Town of Ajax in the amount of \$84,500. for 2011, \$87,000. for 2012 and \$89,600. for 2013 as outlined in Attachment No. 1 to this report; and
3. That the Mayor and Clerk be authorized to execute the Shelter Service Agreement.

- 4.12 Corporate Services Report/Public Works Joint Report, Item CS 76-11
Re: Supply and Delivery of Three (3) Utility Tractors with
Attachments – (T-88-2011)
-

COUNCIL DECISION:

1. That the Town of Whitby accept the low bid as submitted by Green Tractors Incorporated in the amount of \$129,950.00 (excluding taxes) for the supply and delivery of three (3) utility tractors with attachments.
2. That the total estimated project cost for the Town of Whitby in the amount of \$137,637.12 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

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- 4.13 Corporate Services Report, Item CS 77-11
Re: Rivers Edge Park Construction – (T-89-2011)

COUNCIL DECISION:

1. That the Town of Whitby accept the low tender of Royalcrest Paving & Construction Ltd. in the amount of \$133,422.50 (excluding taxes) for Rivers Edge park construction;
2. That an over expenditure in the amount of \$22,662.74 be approved and be financed by savings from 2011 growth projects previously tendered this year;
3. That the total estimated project cost for the Town of Whitby in the amount of \$152,662.74 be approved; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

- 4.14 Corporate Services Report, Item CS 80-11
Re: Summer Recess Tenders

COUNCIL DECISION:

Receive as information.

- 4.15 Fire Department Report, Item FR 02-11
Re: Pumper/Rescue Vehicles

COUNCIL DECISION:

That staff be authorized to issue a single (1) Tender document for the procurement of two Pumper/Rescue vehicles.

- 4.16 Public Works Report, Item PW 44-11
Re: Ontario Building Code Changes

COUNCIL DECISION:

That Council receive this report as information.

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RESOLUTION NO. 297-11

MOVED BY Councillor Mitchell
Seconded by Councillor Roy

That Items 4.1 to 4.16 of Report No. 11 of the Operations Committee dated October 24, 2011, be adopted, save and except Items 4.1, 4.4, 4.5, 4.7, 4.8 and 4.10.

CARRIED

- 4.1 Community & Marketing Services Report, Item CMS 48-11
Re: Brock Street Activity Centre Youth Room

RESOLUTION NO. 298-11

MOVED BY Councillor Mitchell
Seconded by Councillor Roy

COUNCIL DECISION:

1. That Council approve the closure of the Brock Street Activity Centre Youth Room effective December 31, 2011;
2. That Council approve the re-allocation of the operating funds in the 2012 budget for the Brock Street Activity Centre Youth Room to offer youth programs at the Centennial Building, and after school youth programs at John Dryden Public School and West Lynde Public School on a one year trial basis; and,
3. That Staff report back to Council at the end of the one year trial regarding the performance of the programs.

CARRIED

- 4.4 Community & Marketing Services Report, Item CMS 55-11
Re: Rick Hansen 25th Anniversary Relay Update

P. LeBel, Director of Community & Marketing Services outlined the proposed schedule of the event in detail.

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RESOLUTION NO. 299-11

MOVED BY Councillor Mitchell
Seconded by Councillor Roy

COUNCIL DECISION:

That Community and Marketing Services Report CMS 55-11 regarding the Whitby community stop of the Rick Hansen 25th Anniversary Relay on Saturday, November 5, 2011 be received as information.

CARRIED

- 4.5 Community & Marketing Services Report, Item CMS 56-11
Re: Naming the 'Arena Complex' at Iroquois Park Sports Centre and a
future Street in West Whitby after former Mayor Desmond Newman

Mayor Perkins advised that communication had been received from former Mayor Des Newman asking that the decision on the naming of the road be deferred until such time as he has a chance to discuss with Town Staff.

RESOLUTION NO. 300-11

MOVED BY Councillor Mitchell
Seconded by Councillor Roy

COUNCIL DECISION:

1. That Council approve the naming of the 'arena complex' located within Iroquois Park Sports Centre and a future arterial road to be located within the West Whitby development area after former Mayor Desmond Newman;
2. That the area within Iroquois Park Sports Centre that houses all six arenas and the municipal offices be designated and named the 'Des Newman Arena Complex';
3. That subject to Council approval on the naming at Iroquois Park Sports Centre, that signage within the main entrance of the arena complex and on the pylon signs located on Henry Street and Victoria Street, be installed to recognize the 'Des Newman Arena Complex';
4. That the future north/south arterial road to be built in the West Whitby development area between Taunton Road and Dundas Street

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(referred to as the realigned Coronation Road in the Highway 407 East Extension Class Environmental Assessment and West Whitby Secondary Plan) be named 'Desmond Newman Drive' with future consideration to extending the street name to the north and to the south as development occurs; and,

5. That the Planning Department secure the street name, 'Desmond Newman Drive' within the future plans of subdivision in West Whitby.

CARRIED LATER IN THE MEETING
(See Following Motion)

MOVED BY Councillor Emm
Seconded by Councillor Coe

That the main motion be amended by the following:

That Items 4 and 5 of the report recommendation be referred back to staff until such time as staff have had an opportunity to meet for discussions with former Mayor Des Newman.

CARRIED

The main motion as amended was then CARRIED

4.7 Community & Marketing Services Report, Item CMS 59-11
Re: Waterfront Parks and Open Space Master Plan
– Phase 1 Report

General discussion on the matter ensued specifically regarding the public engagement process and opportunities to communicate with residents, including the use of social media.

RESOLUTION NO. 301-11

MOVED BY Councillor Mitchell
Seconded by Councillor Roy

COUNCIL DECISION:

1. That the Draft Phase 1 Report for the Town of Whitby Waterfront Parks and Open Space Master Plan attached to Community and Marketing Services Report CMS 59-11 be received for information; and,

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2. That the comments and suggestions arising from the Mayor's Town Hall Meeting held on September 27, 2011 be referred to the Consultant for consideration in the development of the precinct concepts in Phase II of the Master Plan process.

CARRIED

4.8 Community & Marketing Services Report, Item CMS 60-11
Re: Rotary Club of Whitby Sunrise Ribfest – Victoria Fields

General discussion on the matter ensued in regard to ensuring that this new and welcome event did not compromise any ongoing special events in the future and that a comprehensive communication plan be formulated to advise residents of the details of the event.

RESOLUTION NO. 302-11

MOVED BY Councillor Mitchell
Seconded by Councillor Roy

COUNCIL DECISION:

1. That Council approve the request from the Rotary Club of Whitby Sunrise to host an annual 'Ribfest' at the Town of Whitby Victoria Fields, with the inaugural event planned for July 13, 14, and 15, 2012;
2. That Council endorse the comments provided in the staff report regarding the items requested by the Rotary Club of Whitby Sunrise to host this event at Whitby's waterfront;
3. That Council approve a one time budget allocation in the amount of \$10,000 to cover the municipal services that would be associated with the inaugural Rotary Club of Whitby Sunrise event, as described in the staff report; and,
4. That the proposed one time budget allocation be included in the Community and Marketing Services 2012 Special Events Budget and that 2012 pre-budget approval be granted.

CARRIED UNANIMOUSLY
ON A RECORDED VOTE

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- 4.10 Community & Marketing Services Report, Item CMS 62-11
Re: Volunteer Recognition
-

RESOLUTION NO. 303-11

MOVED BY Councillor Mitchell
Seconded by Councillor Roy

COUNCIL DECISION:

1. That Community and Marketing Services Department Report CMS 62-11 pertaining to volunteer recognition be received as information;
2. That Council endorse expanding the annual volunteer recognition event to include community based organizations that work directly with the Town as outlined in Community and Marketing Services Report CMS 62-11, and,
3. That the volunteer recognition event planned for November 22, 2011 be expanded in accordance with the recommendations contained within the Staff report.

CARRIED

CONFIDENTIAL MATTERS

- 4.17 Confidential Public Works Report, Item PW 38-11
Re: Flooding Mitigation on Lupin Drive, Lilac Terrace and Hutchinson Avenue
-

RESOLUTION NO. 304-11

MOVED BY Councillor Mitchell
Seconded by Councillor Drumm

COUNCIL DECISION:

That the recommendations as contained in Confidential Public Works Report, Item PW 38-11 be adopted.

CARRIED

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5. STANDING COMMITTEES

- (c) Audit Committee – October 14, 2011
Report No. 1
Recommendations to Council

- 2.1 Corporate Services Report, Item CS 78-11
2010 Year end Communication and Financial Statements

RESOLUTION NO. 305-11

MOVED BY Councillor Drumm
Seconded by Councillor Roy

COUNCIL DECISION:

That Report No. 78-11 of the Director of Corporate Services/Treasurer be
received for information.

CARRIED

- (d) Management Committee – October 18, 2011

RESOLUTION NO. 306-11

MOVED BY Councillor Drumm
Seconded by Councillor Coe

That the minutes of the Management Committee held on October 18,
2011 be received.

CARRIED

6. NOTICE OF MOTION

There were no notices of motion.

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7. NEW AND UNFINISHED BUSINESS

- 7.1 Community & Marketing Services Report, CMS 63-11
Re: Wendy's Restaurants Naming Rights Sponsorship at Iroquois Park
Sports Centre
-

RESOLUTION NO. 307-11

MOVED BY Councillor Emm
Seconded by Councillor Roy

COUNCIL DECISION:

That Council approve the Wendy's Restaurants naming rights sponsorship at Iroquois Park Sports Centre, including renaming Arena 2 to 'Wendy's Arena 2', under the terms and conditions identified in Community and Marketing Services Report, CMS 63-11.

CARRIED

- 7.2 Off-Leash Dog Park Public Meeting – November 10th

Councillor Emm advised that a public meeting will be held on November 10th in the Council Chambers from 7:00 – 9:00 p.m. to solicit input and feedback from the public on the matter of creating an off-leash dog park within the Town of Whitby.

- 7.3 Accessible Parking Spaces in Box Store Developments

Councillor Montague enquired what options the Town had in order to ensure that accessible parking spaces were accounted for at each building within future box store developments.

RESOLUTION NO. 308-11

MOVED BY Councillor Montague
Seconded by Councillor Emm

That staff report back on options for ensuring that accessible parking spaces are required to be located at each building entrance within a box store development site.

CARRIED

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7.4 Coyote Sightings in East Ward

Councillor Montague advised that he has received word of numerous sightings of coyotes roaming throughout residential areas within the East Ward and enquired what recourse residents had to deal with this issue. The Town Clerk advised that the Town's Animal Services only had jurisdiction over domesticated animals and that the Ministry of Natural Resources oversee wildlife. When calls are received from residents they are advised of the Ministry's contact information.

RESOLUTION NO. 309-11

MOVED BY Councillor Mitchell
Seconded by Councillor Drumm

That leave be granted to introduce a motion.

CARRIED ON A TWO THIRDS
MAJORITY VOTE

RESOLUTION NO. 310-11

MOVED BY Councillor Mitchell
Seconded by Councillor Hanson

That the Town Clerk research with other municipalities to determine a supportive positive action in the form of a resolution to take to the Association of Municipalities of Ontario (AMO) and the Ministry of Natural Resources (MNR) for endorsement that would provide municipalities with the authority to actively pursue effective methods to address the growing population of coyotes in residential areas.

CARRIED

7.5 Hospital Taskforce Status Update

Councillor Drumm enquired when Council would be receiving their next Hospital Taskforce update. Mayor Perkins advised that the Taskforce would be determining this at their meeting to be held later in the week.

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7.6 Remembrance Day – Fundraising Issues and Observance

Councillor Roy advised that volunteers were still required to assist with the selling of poppies at both the Whitby Legion and the Brooklin Legion.

Councillor Hanson advised that a Remembrance Music Concert was being held at Hebron Church on Saturday, November 5th at 7:00 p.m. with all proceeds going to support the Legions' Poppy fund. Tickets are available from the Whitby Legion, the Brooklin Legion, at the door and online at www.hanson.ca

Mayor Perkins advised that both Legions would be invited to the Special Council meeting scheduled for Monday, November 7th in order to provide a colour guard in observance of Remembrance Day.

7.7 Whitby Public Works Department Wins Watershed Award from CLOCA

Mayor Perkins advised that the Town of Whitby Public Works Department were the winners of the Watershed Award from CLOCA for their storm water quality enhancement projects. Mayor Perkins advised that the Public Works Department would be formally presented the award by CLOCA at an upcoming Council meeting.

8. BY-LAWS

- 6539-11 By-law to appoint certain persons as Municipal Law Enforcement Officers for the purpose of enforcing parking restrictions on private property.
- 6540-11 By-law to appoint Derek Page and Chris Gulin as a Municipal Law Enforcement Officers for the purpose of enforcing Town of Whitby by-laws.
- 6541-11 By-law to amend Zoning By-law 1784, as amended, by changing the zoning from H-R3D* - Holding – Residential (R3D*) Zone to R2B* - Residential (R2B*) Zone, R2C* - Residential (R2C*) Zone, R3A*-WS – Residential (R3A*-WS) Wide Shallow Zone, R4B* - Residential (R4B*) Zone, G- Greenbelt (G) Zone, R2A*-WS-2 – Residential (R2A*-WS) Wide Shallow Zone – Exception 2 for the lands within Part of Lot 31, Concession 3, Town of Whitby west of Country Lane and south of Twin Streams Road, shown as the Subject Land. The

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effect of the zoning change is to permit the residential development of the Subject Land for a variety of dwelling types including single detached dwellings, link dwellings and street townhouse dwellings. [Baia shore Investments Inc. Z-15-10 - PL 18-11]

- 6542-11 By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from D(NR) – Development (Non-Residential) Zone to R1A*-1 – Residential (R1A*) Zone – Exception 1 and G – Greenbelt (G) Zone for the lands known as Block 69, Plan 40M-2241 situated south of Columbus Road West shown as the Subject Land. The effect of the zoning change is to permit the development of the Subject Land for two single detached dwellings. [Sorbara/Tribute Holdings Inc. Z-27-09 - PL 19-11]
- 6543-11 Being a by-law to authorize the execution of the Culture Creative Communities Prosperity Fund Agreement for the purpose of the grant funding for a heritage planning consultant for the Heritage Conservation District Study and Plan for Downtown Whitby. [CMS/PL 30-11]

RESOLUTION NO. 311-11

MOVED by Councillor Emm seconded by Councillor Hanson that leave be granted to introduce By-law Nos. 6539-11 to 6543-11, 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. 6544-11

RESOLUTION NO. 312-11

MOVED by Councillor Mitchell seconded by Councillor Montague 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 October 31, 2011, 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. 6544-11 considered read a first, second and third time and finally passed.

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10. ADJOURNMENT

RESOLUTION NO. 313-11

MOVED by Councillor Coe
Seconded by Councillor Emm

That the meeting be adjourned.

CARRIED

The meeting adjourned at 8:35 p.m.

Debi A. Wilcox, Town Clerk

Patricia Perkins, Mayor