MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITBY HELD ON MONDAY, FEBRUARY 7, 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

S. Beale, Director of Public Works

P. LeBel, Director of Community & Marketing Services

B. Mowat, Deputy Fire Chief

K. Nix, Director of Corporate Services/Treasurer

S. Pohjola, Town Solicitor R. Short, Director of Planning

D. Wilcox, Town Clerk M. Pettit, Deputy Clerk

1. <u>DISCLOSURES OF INTEREST</u>

Mayor Perkins made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Item 4.2 of the Operations Committee Report, regarding Community & Marketing Services Report, Item CMS 9-11, Community & Marketing Services Department Facility Rental Fees, as she has a family member who is working with the Whitby Minor Hockey Association on a contractual basis.

Councillor Mitchell made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Item 4.8 of the Operations Committee Report, regarding Corporate Services/Public Works Joint Report, Item CS 14-11, Supply and Delivery of Trees – Spring and Fall Plantings (T-518-2011) as two of the bidders are business customers.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6441-11

RESOLUTION NO. 29-11

Minutes of Council Meetings – January 17, 2011 and January 24, 2011

Councillor Drumm, seconded by Councillor Roy moved to 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 January 17, 2011 and the

Special Meeting of Council held on January 24, 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 6441-11 considered read a first, second, and third time and finally passed.

3. PRESENTATIONS/DELEGATIONS

i) Roger Anderson – Chair, Regional Municipality of Durham Annual Address

Roger Anderson, Chair, Regional Municipality of Durham, appeared before Council and provided an overview of the highlights and accomplishments completed in 2010 and outlined proposed goals and future plans for 2011.

5. STANDING COMMITTEES

- (a) Planning and Development Committee January 24, 2011 Report No. 2 Recommendations to Council
- 3.2 Planning Report, Item PL 8-11
 Fred And Monique Lea
 Public Meeting 7:40 p.m.
 Temporary Use Zoning Amendment & Site Plan Application
 (Z-01-11, SP-17-10) 29 Shepherd Road

- 1. That Council approve zoning amendment application Z-01-11 and site plan application SP-17-10 subject to the comments and conditions outlined in Report No. PL-8-11;
- 2. That Council authorize the Mayor and Clerk to execute a Site Plan Agreement; and,
- 3. That a By-law to amend Zoning By-law No. 1784 be brought forward for consideration by Council.

4.1 Planning Report, PL 7-11

Re: Site Plan Application – Durham District School Board – (SP 20-10) – 270 Michael Boulevard

COUNCIL DECISION:

- 1. That Council approve the site plan application (SP 20-10) subject to the recommendations of the Planning Department contained in Planning Report PL 7-11;
- 2. That the Mayor and Clerk be authorized to execute the site plan agreement .

RESOLUTION NO. 30-11

MOVED BY Councillor Coe Seconded by Councillor Drumm

That Report No. 2 of the Planning & Development Committee dated January 24, 2011, be adopted.

CARRIED

5. STANDING COMMITTEES

- (b) Operations Committee January 31, 2011 Report No. 2 Recommendations to Council
- 4.3 Community & Marketing Services Report, Item CMS 10-11

 Re: Facility Rental Policy Community Centres

- 1. That Council repeal Policy Procedure 610004 'Facility Rental to Town' (Council Resolution No. 162-76);
- 2. That Council repeal Policy Procedure 610007 'Renting a Municipal Recreational Hall' (Council Resolution 450-89);
- 3. That Council repeal Policy Procedure 610008 'Bartenders for Heydenshore, Centennial and Brooklin Community Centres' (Parks and Recreation Department Memorandum March 11, 1981); and,

- 4. That Council adopt the proposed policy attached to the staff report regarding the facility rental of Town of Whitby Community Centres and meeting rooms/halls contained within Town Community Centres.
- 5. That the proposed policy attached to the staff report, under the "Procedure" section, waive the administration fee for community groups that are run by a volunteer board of directors if a refund is requested six months prior to the event.
- 4.7 Corporate Services Report, Item CS 13-11

 Re: Property Standards Review Committee Terms of Reference

COUNCIL DECISION:

- 1. That Report CS 13-11 of the Director, Corporate Services & Treasurer be received;
- 2. That the Terms of Reference for the Property Standards Review Committee, included as Attachment 1 to this report be adopted; and
- 3. That the Town Clerk take the necessary action to give effect thereto.
- 4.9 Corporate Services/Public Works Joint Report, Item CS 15-11 Re: Town Workwear (RFP-553-2010)

- That the Town of Whitby accept the highest scoring proposal of Why-Steria Marketing and Promotions in the total estimated annual amount of \$36,279.49 (not including taxes) for both Option 'A' High Visibility and Option 'B' Work Clothing for a three (3) year contract. Prices shall remain firm for each year of this initial three (3) year term. Annual performance, product quality, timely service and budget approval in consecutive years will be reviewed by the Town during this initial term and be a factor in continuing for the three year period.
- 2. That the Mayor and Clerk be authorized to execute the necessary contract documents.

4.11 Public Works Report, Item PW 2-11
 Re: Amendment to Traffic By-law 1862-85 – Schedule "T" – Bridge
 Weight Limits – Columbus Road and Way Street

COUNCIL DECISION:

- 1. That Traffic By-Law number 1862-85 be amended to incorporate the proposed changes to Schedule "T", Bridge Weight Limits as shown in Attachment A.
- 2. That Bridge Weight Limit By-Laws 4767-01 and 4769-01 be repealed.

RESOLUTION NO. 31-11

MOVED BY Councillor Mitchell Seconded by Councillor Roy

That Items 4.3 to 4.7 and 4.9 to 4.12 of Report No. 2 of the Operations Committee dated January 31, 2011, be adopted, save and except Items 4.2, 4.4, 4.6, 4.10, 4.12 and 4.13.

CARRIED

4.4 Community & Marketing Services Report, Item CMS 11-11
Re: Innovation Durham Northumberland (IDN) – a new Regional Innovation Centre to serve the Durham Region and Northumberland County

RESOLUTION NO. 32-11

MOVED BY Councillor Mitchell Seconded by Councillor Roy

COUNCIL DECISION:

That Community and Marketing Services Department (Economic Development Division) Report CMS No. 11-11, regarding Innovation Durham Northumberland (IDN) – a new Regional Innovation Centre to serve the Durham Region and Northumberland County, be received as information.

RESOLUTION NO. 33-11

MOVED BY Councillor Drumm Seconded by Councillor Montague

That Corporate Services/Public Works Joint Report, Item CS 15-11 Re: Town Workwear (RFP-553-2010) be reconsidered.

CARRIED ON A TWO THIRDS MAJORITY VOTE

Item 4.9, Corporate Services/Public Works Joint Report, Item CS15-11 was then before Council.

4.9 Corporate Services/Public Works Joint Report, Item CS 15-11 Re: Town Workwear (RFP-553-2010)

RESOLUTION NO. 34-11

MOVED BY Councillor Drumm Seconded by Councillor Mitchell

- 1. That the Town of Whitby accept the highest scoring proposal of Why-Steria Marketing and Promotions in the total estimated annual amount of \$36,279.49 (not including taxes) for both Option 'A' High Visibility and Option 'B' Work Clothing for a three (3) year contract. Prices shall remain firm for each year of this initial three (3) year term. Annual performance, product quality, timely service and budget approval in consecutive years will be reviewed by the Town during this initial term and be a factor in continuing for the three year period.
- 2. That approval be granted to extend the agreement beyond the initial three (3) year term on an annual basis for up to two (2) additional one (1) year terms provided the Company's annual performance and product quality is satisfactory, timely service and budget approval in consecutive years. For approved additional years and beyond the initial three (3) year term, the unit prices will be negotiated between the Town and Successful Respondent to a maximum increase of the annual rate of change in the Consumer Price Index (C.P.I.) all items, Ontario.

3. That the Mayor and Clerk be authorized to execute the necessary contract documents.

CARRIED

4.6 Corporate Services Report, Item CS 10-11 Re: Website Review and Update

RESOLUTION NO. 35-11

MOVED BY Councillor Mitchell Seconded by Councillor Roy

COUNCIL DECISION:

That Corporate Services Report, Item CS 10-11, Re: Website Review and Update, be received as information.

CARRIED

4.10 Corporate Services Report, Item CS 16-11
Re: Supply and Delivery of Fire Fighter Bunker Gear (T-550-2010)

RESOLUTION NO. 36-11

MOVED BY Councillor Emm Seconded by Councillor Roy

COUNCIL DECISION:

- 1. That the Town of Whitby accept the low tender of Safedesign Apparel Limited in the annual amount of \$34,043.75 (not including taxes) for the Supply and Delivery of Fire Fighter Bunker Gear;
- 2. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED AS AMENDED (See Following Motion)

RESOLUTION NO. 37-11

MOVED BY Councillor Emm Seconded by Councillor Roy

That the main motion be amended by re-instating recommendation #2 of Report CS 16-11 as follows:

2. That approval be granted to extend the agreement beyond the initial one (1) year term on an annual basis for up to two (2) additional one (1) year terms providing the Company's annual performance and product quality is satisfactory. For approved additional years beyond the first year, the unit prices will be adjusted according to the annual rate of change in the Consumer Price Index (C.P.I.), All items, Ontario as published thirty (30) days prior to the expiry of the current term; and,

CARRIED

The main motion, as amended, was then CARRIED.

4.12 Public Works Report, Item PW 3-11

Re: Update to Traffic By-law No. 1862-85: Centre Street South

RESOLUTION NO. 38-11

MOVED BY Councillor Mitchell Seconded by Councillor Roy

- 1. That Traffic By-Law number 1862-85 be amended to alphabetically incorporate the proposed changes to Schedule "B": No Parking, on Centre Street South as shown in Attachment A;
- 2. That Traffic By-Law number 1862-85 be amended to alphabetically incorporate the proposed changes to Schedule "F": Parking Meter Zones on Highways, on Centre Street South as shown in Attachment B; and,

3. That staff be directed to install signs, pavement markings, parking meters and related fixtures and hardware on Centre Street South as shown in Attachment C.

CARRIED

Having declared a conflict Mayor Perkins vacated the Chair and did not participate in the discussion or vote on the following matter. Deputy Mayor Drumm assumed the Chair.

4.2 Community & Marketing Services Report, Item CMS 9-11
Re: Community & Marketing Services Department Facility Rental Fees

RESOLUTION NO. 39-11

MOVED BY Councillor Mitchell Seconded by Councillor Roy

COUNCIL DECISION:

- 1. That Council approve the proposed rental fees for the Community and Marketing Services Department facilities for the period April 1, 2011 to March 31, 2012, and for facilities for the period of April 1, 2012 to March 31, 2013, as outlined in Attachment No.1 to this report; save and except ice and floor rental fees;
- 2. That Council repeal By-laws No. 6298-10, and No. 6299-10 to impose fees for certain programs, services, and facilities provided by the Community and Marketing Services Department;
- 3. That Council authorize the Clerk to bring forward a new by-law for Council approval to implement the proposed rental fees as outlined in this Departmental report; and
- 4. That the delegation of the Whitby Minor Hockey Association be referred to staff to investigate and report back to Committee at the next Operations Meeting on February 22, 2011.

CARRIED

Mayor Perkins resumed the Chair.

4.13 Public Works Report, Item PW 10-11
Re: Update to Traffic By-law No. 1862-85: Mary Street On-Street
Parking

RESOLUTION NO. 40-11

MOVED BY Councillor Mitchell Seconded by Councillor Drumm

COUNCIL DECISION:

- 1. That Traffic By-Law number 1862-85 be amended to alphabetically incorporate the proposed changes to Schedule "B", On-Street Parking on Mary Street, as shown in Attachment A, for duration of approximately 5 months, terminating in July 2011.
- 2. That the Durham District School be requested to relocate its Mary Street drop-off/pick-up location for students attending Pringle Creek Public School (located on Ribblesdale Drive) to the on-site F.M Heard School Bus Loading Zone.
- 3. That a copy of Public Works Report PW 10-11 be forwarded to Florence M. Heard Public School, and the Durham District School Board.

CARRIED

Having declared a conflict Councillor Mitchell did not participate in the discussion or vote on the following matter.

4.8 Corporate Services Report /Public Works Joint Report, Item CS 14-11
 Re: Supply and Delivery of Trees – Spring and Fall Plantings
 (T-518-2011)

RESOLUTION NO. 41-11

MOVED BY Councillor Coe Seconded by Councillor Emm

COUNCIL DECISION:

- 1. That the Town of Whitby accept the low tender of Uxbridge Nurseries Ltd. in the annual amount of \$21,340.00 (not including taxes) for the Supply and Delivery of Trees Spring and Fall Plantings for a three (3) year Seasonal contract term. Prices shall remain firm for this initial three (3) year term. Annual performance, product quality, timely service and budget approval will be reviewed by the Town during this initial term and be a factor in continuing for the three year period.
- 2. That approval be granted to extend the agreement beyond the initial three (3) year term on an annual basis for up to two (2) additional one (1) year terms providing the Company's annual performance and product quality is satisfactory, timely service and budget approval in consecutive years. For approved additional years, the unit prices will be adjusted according to the annual rate of change in the Consumer Price Index (C.P.I.), All items, Ontario as published thirty (30) days prior to the expiry of the current term;
- 3. That the Mayor and Clerk be authorized to execute the contract document.

CARRIED

6. <u>NOTICE OF MOTION</u>

Councillors Drumm and Mitchell gave notice that they will at the next or subsequent meeting of Council present the following Notice of Motion:

Full Service Hospital in Whitby

- 1. That Council re-affirm its support for a new, centrally located full service hospital in Whitby; and
- 2. That Town staff report back on the dedication of lands located on Baldwin Street, municipally described as Con. 5, Pt Lot 24, RP40R-24388 Part 9 (23.09 acres) to the Province through LHIN for the purpose of a full service hospital in Whitby. (These lands are at the future intersection of 407 and Baldwin Street just south of the Brooklin Towne Centre Plaza).

7. <u>NEW AND UNFINISHED BUSINESS</u>

7.1 Community & Marketing Services Report, Item CMS 12-11 Re: Statistics Canada – 2011 Census

RESOLUTION NO. 42-11

MOVED BY Councillor Drumm Seconded by Councillor Roy

COUNCIL DECISION:

- 1. That Council support the request from Statistics Canada to promote and encourage Whitby residents to participate in the forthcoming 2011 Household Census Survey which will occur in May and June 2011;
- 2. That Council approve the installation of a hyperlink on the Town's website to the Statistics Canada Census website; the installation of Census promotional posters in Town facilities; and the inclusion of a notice in The Whitby Perspective (if space permits and timing of its distribution coincides with the Census period), to support the campaign to promote resident participation in the 2011 Census; and.
- 3. That a copy of the staff report be sent by the Clerk to the Honourable Jim Flaherty, MP for Whitby-Oshawa, and the Minister of Finance and Minister Responsible for the GTA.

CARRIED

7.2 Nomination of Regional Appointment
Durham Agriculture Advisory Committee

RESOLUTION NO. 43-11

MOVED BY Councillor Emm Seconded by Councillor Coe

That John Dolstra be nominated to act as the Whitby representative on the Durham Agriculture Advisory Committee (DAAC) until November 30, 2014 or until a successor is appointed.

RESOLUTION NO. 44-11

MOVED BY Councillor Mitchell Seconded by Councillor Coe

That leave be granted to introduce a motion related to the Highway 407 East Completion.

CARRIED ON A TWO THIRDS MAJORITY VOTE

7.3 Highway 407 East Completion

RESOLUTION NO. 45-11

MOVED BY Councillor Mitchell Seconded by Councillor Coe

- 1. That the Region of Durham be requested to include in their report 2011-J-12 regarding Highway 407, the Town of Whitby's request for sidewalks and cycling facilities on the Highway 407 structures as outlined in the Town letter dated December 9, 2010 sent to the Ministry of Transportation and that the letter be attached as an addendum.
- 2. That Council support the Region's recommendation that Lake Ridge Road interchange at Highway 401, and Highway 401 widening between Salem Road and the West Durham Link, be included in the 5 year construction program for Southern Ontario highways (2011-2015), to coordinate with the construction of the West Durham Link;
- 3. That Council request that the Region of Durham support and include in their report the implementation of the Rossland Road/West Durham Link interchange as part of the Phase One implementation.

7.4 OTHER BUSINESS

The Chief Administratvie Officer was requested to action the following:

- That staff investigate the matter of renaming Byron Street to Veteran's Walk or Veteran's Way with the Royal Canadian Legion Branch 112.
- ii) That all future discussions involving the Corporate Centralized Contact Centre report presented at the Operations Committee on January 31, 2011 be conducted in a public forum.

8. <u>BY-LAWS</u>

- By-law to approve fees for facility rentals for 2011-2012.. (Refer to Community & Marketing Services Report, Item CMS 9-11.)
- By-law to amend Traffic By-law 1862-85, Schedule "T", Bridge Weight Limits. (Refer to Public Works Report, PW 2-11.)
- By-law to update Traffic By-law 1862-85, Schedule "B", No Parking, with respect to Centre Street South. (Refer to Public Works Report, PW 3-11.)
- By-law to update Traffic By-law 1862-85, Schedule "F", Parking Meter Zones on Highways, with respect to Centre Street South. (Refer to Public Works Report, PW 3-11.)
- By-law to designate the property composed of Blocks 7 to 10, inclusive, on Plan 40M-2377 as not being subject to part lot control. (Refer to Subdivision File SW-2005-05)
- By-law to designate the property composed of Lots 97, 102, 103 on Plan 40M-2352 as not being subject to part lot control. (Refer to Subdivision File S-240-97)
- By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from A Agricultural to A-5 Agricultural Exception 5 to permit the temporary use of two single detached dwellings on a single lot until August 7, 2012 for the land situated on the east side of Shepherd Road, municipally known as 29 Shepherd Road, Town of Whitby. (Refer to Z-01-11 Fred and Monique Lea 29 Shepherd Road Planning Report, No. PL 8-11)

RESOLUTION NO. 46-11

MOVED by Councillor Hanson, seconded by Councillor Montague, that leave be granted to introduce By-law Nos. 6442-11 to 6448-11, 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. 6449-11

RESOLUTION NO. 47-11

MOVED by Councillor Emm, 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 February 7, 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. 6449-11 considered read a first, second and third time and finally passed.

10. <u>ADJOURNMENT</u>

RESOLUTION NO. 48-11

MOVED by Councillor Drumm Seconded by Councillor Emm

That the meeting be adjourned.

The meeting adjourned at 8:39 p.m.	
Debi A. Wilcox, Town Clerk	Patricia Perkins, Mayor