

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION  
OF THE TOWN OF WHITBY HELD ON MONDAY, FEBRUARY 6, 2012 AT THE HOUR  
OF 7:00 P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

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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, 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

1. DISCLOSURES OF INTEREST

Mayor Perkins made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Item 7.1 under New and Unfinished Business regarding the Oshawa Airport Expansion, as she has a family member who owns a business adjacent to the subject property. Mayor Perkins did not take part in the discussion or vote on the matter.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6582-12

RESOLUTION NO. 25-12

Minutes of Council Meetings – January 11, 12, 16, 18 and 26, 2012

Councillor Roy seconded by Councillor Emm 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 January 16, 2012 and the Special Meetings of Council held on January 11, 12, 18 and 26, 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

By-Law No. 6582-12 considered read a first, second, and third time and finally passed.

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3. PRESENTATIONS/DELEGATIONS

(i) Roger Anderson – Chair, Regional Municipality of Durham

Roger Anderson, Chair, Regional Municipality of Durham, appeared before Council and provided an overview of the highlights and accomplishments completed in 2011 and outlined proposed goals and future plans for 2012.

(ii) Recognition of Donald A. Wilson Secondary School “Gators” Senior Football Team

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The Donald A. Wilson Secondary School “Gators” Senior Football Team, coaching staff and team members joined Mayor Perkins, Councillor Emm, Chair of Community & Marketing Services and P. LeBel, Commissioner of Community & Marketing Services on the dais in recognition of winning the 2011 Metro Bowl Football Championship.

(iii) Recognition of Town of Whitby Public Works Department

Mayor Perkins, Councillor Mitchell and Suzanne Beale, Commissioner of Public Works were joined by Brian Cordick, Director of Operational Services, Murray Gale, Supervisor of Solid Waste and Lisamaria Akeson, Waste Analyst in recognition of the Public Works Department receiving three awards including: the Roger Brown Award, the Silver Award from Recycling Council of Ontario for Waste Diversion and Promotion – Communication and the Green for Life Award for the “Sort it Right” Facility Waste Minimization Program.

(iv) Update from Rouge Valley Health System

David Brazeau, Director Public Affairs, Community Relations and Telecommunications, appeared before Council and provided a Powerpoint Presentation and update from the Rouge Valley Health System. General discussion ensued on the matter.

(v) DEAC Environmental Achievement Awards

Andy Barrington, on behalf of the Durham Environmental Advisory Committee (DEAC), appeared before Council to provide information about the DEAC Environmental Achievement Awards which recognizes individual and collective efforts to promote, preserve and enhance Durham’s natural environment. It was noted that the deadline for nominations is February 20, 2012.

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4. CORRESPONDENCE

- (i) CORR 02-12  
That the following request be proclaimed:

Guide-Scout Week – February 19 – 26, 2012

RESOLUTION NO. 26-12

MOVED by Councillor Coe  
Seconded by Councillor Montague

That CORR 02-12, being a request for Proclamation Guide-Scout Week –  
February 19 – 26, 2012, be endorsed.

CARRIED

5. STANDING COMMITTEES

- (a) Planning & Development Committee – January 23, 2012  
Report No. 1  
Recommendations to Council

- 4.1 Planning Report, Item PL 01-12  
Re: Proposed Town Initiated Technical Amendments to Zoning  
By-law No. 1784
- 

COUNCIL DECISION:

1. That Council approve technical amendments to Zoning By-law  
1784 as described in Planning Director's Report PL 01-12;  
and,
2. That an appropriate amendment to Zoning By-law 1784 be  
brought forward for approval by Council.

- 4.2 Planning Report, Item PL 05-12  
Re: Minor Amendment to Draft Condition Number 6 of the Draft Conditions  
Dated July 23, 2008 – Brooklin Southeast Development CR Inc.  
– (SW-2004-02) – Part of Lot 19, Concession 6
- 

COUNCIL DECISION:

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1. That Council approve a Minor Amendment to Condition Number 6 of the Draft Subdivision Conditions dated July 23, 2008 in accordance with Section 8.0 of Planning Report, Item PL 05-12; and,
2. That the Region of Durham Commissioner of Planning be advised of Council's decision.

4.3 Planning/Public Works Joint Report, Item PL 06-12  
Re: Source Water Protection Draft Policies for Threats in Lake Ontario

COUNCIL DECISION:

1. That Joint Planning/Public Works Report Item No. PL 06-12 be received for information; and
2. That a copy of Joint Planning/Public Works Report Item No. PL 06-12 be forwarded to the Region of Durham, and the Credit Valley, Toronto & Region, Central Lake Ontario Source Protection Committee.

4.4 Planning Report, Item PL 07-12  
Re: Whitby Sustainability Advisory Committee Revised Draft Terms of Reference

COUNCIL DECISION:

1. That Council approve the revised draft Terms of Reference to create the Whitby Sustainability Advisory Committee, as shown in Attachment #1;
2. That a confirming by-law establishing the Whitby Sustainability Advisory Committee as an advisory committee to Council be brought forward for Council approval;
3. That the Clerk be authorized to commence the recruitment and selection process to establish the Whitby Sustainability Advisory Committee;
4. That the Clerk report back to Council after the recruitment and selection process to make recommendation on proposed appointees for the Whitby Sustainability Advisory Committee, for Council approval;

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5. That the Mayor appoint the Whitby Council representative for the Whitby Sustainability Advisory Committee in accordance with the procedural by-law;
  6. That the Administration establish an internal working committee to be comprised of staff members from each Department, to input, guide and implement forthcoming objectives within Whitby's Corporate Sustainability Plan; and,
  7. That an operating account in the amount of \$2,500.00 be considered in the 2012 Budget to support the Whitby Sustainability Advisory Committee.
- 4.5 Planning Report, Item PL 08-12  
Re: Recreation of Merged Lots – Request to Waive Fees  
– 121 St. John St. E.
- 

COUNCIL DECISION:

1. That the proponent be responsible for the Land Division Release Fee associated with recreating a lot at 121 St. John Street East; and,
2. That Council waive the Cash-in-Lieu of Parkland Dedication Fee and the Street Tree Contribution, subject to the existing Street Tree remaining.

RESOLUTION NO. 27-12

MOVED BY Councillor Coe  
Seconded by Councillor Emm

That Items 4.1 to 4.6, inclusive, of Report No. 1 of the Planning & Development Committee dated January 23, 2012, be adopted, save and except Item 4.6.

CARRIED

- 4.6 Corporate Services/Planning Joint Report, Item CS 07-12  
Re: RFP-106-2011 Downtown Whitby Heritage Conservation  
District Study, Plan and Design Guidelines
- 

General discussion ensued on the matter.

RESOLUTION NO. 28-12

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MOVED BY Councillor Coe  
Seconded by Councillor Emm

COUNCIL DECISION:

1. That the Town of Whitby accept the highest scoring proposal of Goldsmith Borgal & Company Ltd. in the amount of \$132,218.13 (excluding taxes) to provide Consulting Services for the Downtown Whitby Heritage Conservation District Study, Plan and Design Guidelines.
2. That the total project cost in the amount of \$134,545.16 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED UNANIMOUSLY  
ON A RECORDED VOTE

(b) Operations Committee – January 30, 2012  
Report No. 2  
Recommendations to Council

4.1 Community & Marketing Services Report, Item CMS 05-12  
Re: Local Look Back Essay/Speech Competition

COUNCIL DECISION:

1. That the three Durham Region School Boards be requested to give consideration to the implementation of the Local Look Back Essay/Speech Competition within Town of Whitby schools;
2. That the Durham Region School Boards be advised that if the Local Look Back Essay/Speech Competition is implemented, that the Town of Whitby and the Whitby Youth Council would be prepared to promote the project, and that the winning students from the participating Whitby schools in each board would be recognized by Council for their essay achievements at a future Council meeting; and,
3. That a copy of Community and Marketing Services Department Report CMS 05-12 be forwarded to the Durham District School Board, Durham Catholic District School Board and Conseil Scolaire

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de District Catholique Centre-Sud and to the other Durham Region municipalities.

- 4.4 CMS/Corporate Services Joint Report, Item CMS 08-12  
Re: Amendment to Existing Encroachment Permit – 16 McClintock Court

COUNCIL DECISION:

1. That Council approve the proposed modifications pertaining to encroachments on municipal lands for Salvatore Alfreda Princiotto with respect to 16 McClintock Court;
2. That the Municipal Solicitor be directed to prepare an Agreement to replace the existing encroachment permit, outlining the terms and conditions governing the existing and new encroachments to be registered on title with respect to 16 McClintock Court;
3. That the Princiottos enter into a Hold Harmless Agreement with the Town of Whitby; and,
4. That all costs for preparation of the Agreement and registration be borne by the Princiottos.

- 4.5 Community & Marketing Services Report, Item CMS 09-12  
Re: Parks and Recreation Subsidization Program

COUNCIL DECISION:

1. That Community and Marketing Services Report CMS 09-12 regarding the Town of Whitby's Subsidization Program and Policy be received as information; and,
2. That Council approve the proposed minor amendments to the Parks and Recreation Subsidization Policy as outlined in the Staff report.

- 4.6 CMS/Corporate Services Joint Report, Item CMS 10-12  
Re: Renewal of Park Licence (P392902) – Hydro Electric Power Corridor – Hydro One Networks – Part Lot 21, Concession 1

COUNCIL DECISION:

1. That the Town of Whitby enter into a licence (renewal) agreement for public recreational purposes with Hydro One Networks Inc./Her Majesty the Queen in Right of Ontario as represented by the

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Minister of Infrastructure for portions of the hydro corridor within Lot 21, Concession 1, as detailed in Community and Marketing Services/Corporate Services Report CMS 10-12;

2. That the Mayor and Clerk be authorized to execute the required documents; and,
3. That Staff be authorized in the future to approve and forward directly to the Mayor and Clerk for execution Hydro Electric Power Corridor/Hydro One Networks Inc. licence renewals provided that the terms of the licence agreement do not substantially change.

4.7 Community & Marketing Services Report, Item CMS 11-12  
Re: Iroquois Park Sport Centre – Addition and Renovations  
Capital Project – Additional Funding Required

COUNCIL DECISION:

1. That Council approve additional funding for the Iroquois Park Sports Centre – Addition and Renovations Capital Project partially funded through the Recreation Infrastructure Canada Program (RInC) as outlined in Community and Marketing Services Report CMS 11 -12; and,
2. That Staff be authorized to fund the projected over-expenditure of \$93,000 from One-Time Reserves to complete the capital project.

4.10 Corporate Services Report, Item CS 06-12  
Re: C-525-2011 Co-operative Tender for Duplicating Paper Requirements

COUNCIL DECISION:

1. That the Town of Whitby accept the low tender of Ariva in the amount of \$20,344.30 (excluding taxes) for duplicating paper requirements;
2. That approval be granted to extend the agreement for four (4) additional one (1) year terms provided the Company's annual performance, proposed price adjustments (if any) and product quality are satisfactory; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.



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- 4.11 Public Works Report, Item PW 02-12  
Re: Sidewalks – Highway 7 Bridge over Highway 407/Lynde Creek  
Tributary 'A'
- 

COUNCIL DECISION:

1. That Council approve \$200,000 to be included in the 2012 Development Charge Background Study and 2013 Capital Budget for the purpose providing taller barrier walls on the Highway 7 (MTO) bridge over Highway 407/Lynde Creek Tributary to accommodate future sidewalks; and,
2. That \$100,000 be included in the 2012 Development Charge Background Study and 2013 Capital Budget for the purpose of providing curb and gutter to accommodate the appropriate sidewalk platforms (and future sidewalks) on both sides of Highway 7 (MTO) between Cochrane Street and Ashburn Road.

- 4.12 CMS/Public Works Joint Report, Item PW 03-12  
Re: Metrolinx – BikeLinx Funding via Region of Durham

COUNCIL DECISION:

1. That Council authorize staff to submit the proposal as contained within CMS/Public Works Report PW 03-12 to the Region of Durham for the purpose of providing permanent bike shelters in the Town of Whitby;
2. That subject to BikeLinx funding, that Council approve the installation of three permanent bike shelters at the following prioritized locations;
  - a. Downtown Whitby Public Library
  - b. Whitby Civic Recreation Complex
  - c. Brooklin Municipal Parking Lot
3. That CMS/Public Works Joint Report PW 03-12 be forwarded to the Region of Durham Commissioner of Planning and Economic Development and Commissioner of Finance for consideration by the Region.

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- 4.14 Public Works Report, Item PW 07-12  
Re: Construction and Building Services Inspector Vehicles

COUNCIL DECISION:

1. That Council approve the use of municipal vehicles by Construction and Building Inspectors to improve efficiencies, service levels and improve safety of staff when performing inspections and field/complaint investigations; and,
2. That staff be directed to prepare a tender for the purchase of five vehicles for Construction (3 vehicles) and Building (2 vehicles) Inspection staff which would be funded from the Long Term Capital Reserve Fund with no impact to the 2012 budget.

- 4.15 Public Works Report, Item PW 10-12  
Re: New Streetlight Technology

COUNCIL DECISION:

1. That Council endorse the use of light emitting diode (LED) technology as a alternate replacement to high pressure sodium (HPS) for streetlights; and,
2. That the Department engage a consulting firm, to an upset limit of \$50,000 which will be funded from the one time reserve account, to assist in the:
  - 2.1 Development of typical roadway photometric profiles and specifications for the purpose of selecting LED luminaries and prequalifying manufacturers by means of an RFP;
  - 2.2 Update the Town of Whitby Streetlight Design Guide to incorporate LED technology and to standardize the types of luminaries used by street classification or location for new developments, capital projects and retrofit programs;
  - 2.3 Assist the Department in developing and implementing an LED streetlight conversion program; and,
3. That the Department report back on an LED conversion program including financing and grant opportunities; and,
4. That as a demonstration project, the Department be authorized to replace the existing HPS cobra head streetlight luminaries with

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LED on Watson Street, between Victoria and Charles Street, in the winter of 2012 at an estimated cost of \$8,500.00 to be funded from the existing Public Works Streetlighting Capital account; and,

5. That the Bluegrass Meadows streetlight system capital replacement program be deferred until such time as the prequalification process for the LED luminaries has been completed.

RESOLUTION NO. 29-12

MOVED BY Councillor Mitchell  
Seconded by Councillor Roy

That Items 4.1 to 4.12, inclusive, and 4.14 and 4.15, of Report No. 2 of the Operations Committee dated January 30, 2012, be adopted, save and except Items 4.2, 4.3, 4.8 and 4.9.

CARRIED

- 4.2 Community & Marketing Services Report, Item CMS 06-12  
Re: 2012 Whitby Youth Council Events

General discussion ensued on the matter.

RESOLUTION NO. 30-12

MOVED BY Councillor Mitchell  
Seconded by Councillor Roy

COUNCIL DECISION:

1. That Council approve the Whitby Youth Council's proposed 2012 (annual) special events calendar; and,
2. That Council approve the addition of two new Whitby Youth Council special events in 2012, Whitby's Got Talent and the Anti-Tobacco Movie Night.

CARRIED

- 4.3 Community & Marketing Services Report, Item CMS 07-12  
Re: Anne Ottenbrite Pool – Renovations and Accessibility Improvements Project – Additional Funding Required

General discussion ensued on the matter.

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RESOLUTION NO. 31-12

MOVED BY Councillor Mitchell  
Seconded by Councillor Roy

COUNCIL DECISION:

1. That Council approve additional funding for the Anne Ottenbrite Pool – Renovations and Accessibility Improvements Project as outlined in Community and Marketing Services Report CMS 07-12; and,
2. That Staff be authorized to fund the projected over-expenditure of \$110,000 from One-Time Reserves to complete the capital project.

CARRIED

4.8 Community & Marketing Services Report, Item CMS 12-12  
Re: Whitby in Bloom 2012 Program Recommendations

General discussion ensued on the matter.

RESOLUTION NO. 32-12

MOVED BY Councillor Mitchell  
Seconded by Councillor Roy

COUNCIL DECISION:

1. That Community and Marketing Services Report CMS 12-12 regarding the proposed 2012 Whitby In Bloom Program be received as information;
2. That Council endorse the Town's registration in the Provincial Edition Membership Program (non-evaluated) of Communities in Bloom; and,
3. That subject to approval of the 2012 Operating Budget, Council endorse the Whitby In Bloom Committee of Council and Staffs' recommendations for the proposed 2012 program.

CARRIED

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- 4.9 Community & Marketing Services Report, Item CMS 13-12  
Re: Ministry of Economic Development and Innovation  
– Southern Ontario Development Fund
- 

General discussion ensued on the matter.

RESOLUTION NO. 33-12

MOVED BY Councillor Mitchell  
Seconded by Councillor Roy

COUNCIL DECISION:

1. That Community and Marketing Services Report CMS 13-12 regarding the Ministry of Economic Development and Innovation's proposed Southwestern Ontario Development Fund be received as information;
2. That Council endorse the following resolution:
  - Whereas on November 29, 2011 the Provincial Government announced the *Attracting Investment and Creating Jobs Act, 2011* to make the Eastern Ontario Development Fund permanent, as well to establish a new and permanent Southwestern Ontario Development Fund to help communities in southwestern Ontario (including the areas of Kitchener-Waterloo, Barrie, Windsor-Sarnia, Stratford-Bruce Peninsula, London, Hamilton-Niagara and Burlington) attract new investment and create jobs across multiple sectors;
  - Whereas the proposed new Southwestern Ontario Development Fund will help address local economic development challenges in a time of global uncertainty by providing two funding streams to communities and regional economic development and industry associations, and to businesses;
  - Whereas the proposed Southwestern Ontario Development Fund would be modelled on the Eastern Ontario Development Fund which has helped create and protect over 11,700 jobs and leveraged over \$485 million in investment across Eastern Ontario;

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- Whereas there is also a Northern Ontario Heritage Fund of the Ministry of Northern Development and Mines which assists communities and businesses in Northern Ontario retain and attract investment and jobs;
  - Whereas municipalities within the 'Greater Toronto Area' (except Burlington) including all municipalities within Durham Region will not have access to funding under the new Southwestern Ontario Development Fund;
  - Whereas Durham Region which has a similar economic framework and unemployment levels as the communities located in Southwestern Ontario, and will be at a significant disadvantage in retaining jobs, attracting new investment and creating jobs if not included within the boundaries of this new funding initiative;
  - Therefore be it resolved that the Town of Whitby calls upon the Provincial Government to level the playing field and to extend the boundaries of the new Southwestern Ontario Development Fund to include Whitby/Durham Region municipalities; or in the absence of including Whitby/Durham Region in the proposed new funding program, to re-designate the Eastern Ontario Development Fund which will be made permanent under the *Attracting Investments and Creating Jobs Act, 2011*, to include the Town of Whitby and all other Durham Region municipalities; and,
3. That the Clerk forward a copy of this report, once approved by Council, to the Honourable Dalton McGuinty, Premier of Ontario; Honourable Brad Duguid, Minister of Economic Development and Innovation; Honourable Dwight Duncan, Minister of Finance; Christine Elliott, Member of Provincial Parliament for Whitby-Oshawa; all other Members of Provincial Parliament in Durham Region; Durham Region Economic Development and Tourism Division; and the Whitby Chamber of Commerce; to all other area municipalities in the GTA including the Regions of York, Peel and Halton and the Association of Municipalities of Ontario (AMO).

CARRIED

6. NOTICE OF MOTION

There were no notices of motion at the meeting.

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7. NEW AND UNFINISHED BUSINESS

Having declared a conflict Mayor Perkins vacated the Chair. Deputy Mayor Drumm assumed the Chair.

7.1 Oshawa Airport Expansion

Councillor Montague enquired if the Town could be provided further information regarding the Oshawa Airport Expansion in order that affected Town of Whitby residents have an opportunity to participate in the consultation process. General discussion ensued on the matter.

RESOLUTION NO. 34-12

MOVED BY Councillor Hanson  
Seconded by Councillor Coe

That leave be granted to introduce a motion related to the Oshawa Airport Expansion.

CARRIED  
ON A TWO THIRDS  
MAJORITY VOTE

RESOLUTION NO. 35-12

MOVED BY Councillor Hanson  
Seconded by Councillor Coe

That staff report back on background information regarding the proposed Oshawa Airport, for the expansion of, as well as any additional information required for Council to be brought up to date and to review as it relates directly to Whitby lands affected by the airport.

CARRIED

Mayor Perkins resumed the Chair.

8. BY-LAWS

RESOLUTION NO. 36-12

MOVED by Councillor Mitchell seconded by Councillor Hanson that leave be granted to introduce By-law Nos. 6583-12 and 6584-12, and to dispense with the

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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. 6585-12

RESOLUTION NO. 37-12

MOVED by Councillor Coe 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 February 6, 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

By-law No. 6585-12 considered read a first, second and third time and finally passed.

10. ADJOURNMENT

RESOLUTION NO. 38-12

MOVED by Councillor Coe  
Seconded by Councillor Emm

That the meeting be adjourned.

CARRIED

The meeting adjourned at 10:08 p.m.

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Debi A. Wilcox, Town Clerk

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Patricia Perkins, Mayor