

REGULAR COUNCIL MINUTES

October 28, 2013 -7:00 pm

Council Chambers

Whitby Municipal Building

**Present:** Mayor Perkins  
Councillor Coe  
Councillor Drumm  
Councillor Emm  
Councillor Gleed (appointed to Council at 8:00 p.m.)  
Councillor Mitchell  
Councillor Montague  
Councillor Roy

**Also 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  
J. Austin, Manager Development Control Design and Technical Services  
D. Wilcox, Town Clerk  
L. Doughty, Deputy Clerk  
S. Cassel, Legislative Coordinator

**Regrets:** None noted

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Mayor Perkins advised of a change in the order for the agenda in that the Remembrance Day Colour Guard would be presented prior to the adoption of the minutes. Members of Council concurred with the change.

1. DECLARATIONS OF PECUNIARY INTEREST

- 1.1 Councillor Mitchell made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding Item 7.2 Corporate Services and Community and Marketing Services Departments Joint Report, CS 87-13 regarding the Municipal Building Main Entrance Trellis Repair as one of the bidders is a customer at his lumber business. Councillor Mitchell did not take part in the discussion or vote on the matter.

2. ADOPTION OF MINUTES

- 2.1**
- Regular Council - October 7, 2013
  - Special Council - October 15, 2013 [In-Camera minutes under separate cover]

**3. DELEGATIONS/PRESENTATIONS**

- 3.1** A Remembrance Day Colour Guard comprised of members of Whitby Legion Branch 112 and Brooklin Legion Branch 152 was presented. Branch 112 advised that their Remembrance Day service will be held on November 11th commencing at 10:30 a.m. at the Cenotaph in Whitby and their Remembrance Day dinner will follow commencing at 5:00 p.m. Branch 152 advised that their Remembrance Day dinner will be held on Sunday, November 3th and the Remembrance Day service will be held on November 11th at 2:00 p.m. at Luther Vipond Memorial Arena.

**4. APPOINTMENT - NORTH WARD 1 COUNCIL VACANCY**

**4.1 Appointment - North Ward 1 Council Vacancy**

Mayor Perkins provided a statement of the purpose of this portion of the meeting.

Ms. Wilcox read out the list of qualified candidates who consented to the nomination and completed the Declaration of Qualification. She announced the names of certified candidates alphabetically by surname as follows:

Vera Felgemacher  
Derrick Gleed  
Joseph Jedinak  
Brian MacKinnon  
Patrick McCann  
Danielle Menard Jacob  
Garrett Parton  
Jack Hagop Pashayan

Ms. Wilcox advised that following Certification, P. McCann had withdrawn his candidacy. Mayor Perkins then requested a motion in accordance with the motion noted on the agenda. She advised the motion form was to be duly signed by the mover and seconder. S. Cassel, Legislative Coordinator submitted the motion form to the mover and seconder for signature.

**Resolution No. 444-13**

Moved By Councillor Emm

Seconded By Councillor Montague

That the following persons, who have signified in writing that they are legally qualified to hold the office of councillor and consented to accept the office if they are appointed to fill the vacancy of councillor, be considered for appointment to fill such vacancy:

- Vera Felgemacher
- Derrick Gleed
- Joseph Jedinak
- Brian MacKinnon
- Danielle Menard Jacob
- Garrett Parton
- Jack Hagop Pashayan

**CARRIED**

Ms. Wilcox advised of the official Slate of Candidates. The names were duly displayed on screen within the Chambers.

Ms. Wilcox outlined the appointment procedure as duly approved by Council in accordance with the Municipal Act. As Town Clerk, Ms. Wilcox presided over this portion of the agenda advising that the rules of procedure governing Council would not apply during the appointment process.

Ms. Wilcox advised the next portion of the appointment procedure was to allow each candidate on the Slate of Candidates the opportunity to address Council for a period of not more than five minutes. A summary of the Slate of Candidates was provided in advance of the meeting in the Town lobby as well as on the Town website.

Ms. Wilcox asked that Marisa Dillon and Sarah Stones, scrutineers, to take their place.

Ms. Wilcox, outlined the steps to determine the order of speaking for the Slate of Candidates. Ms. Cassel confirmed with the Town Clerk the inclusion of each candidates' name in the box and the names were drawn for order of speaking. L. Doughty, Deputy Clerk, recorded the names on the overhead screen in the order they were drawn as follows:

Vera Felgemacher  
Derrick Gleed  
Brian MacKinnon  
Joseph Jedinak  
Jack Hagop Pashayan  
Danielle Menard Jacob  
Garrett Parton

Ms. Dillon and Ms. Stones recorded the speaking order on Form 1 – Order of Speaking, for audit purposes.

Ms. Wilcox confirmed that each speaker would be provided five minutes in which to address Council and would be timed by the Deputy Clerk.

Ms. Wilcox confirmed with Council that no questions to the speakers or debate was permitted. Ms. Wilcox advised that if a speaker was called and failed to address Council, therefore missing their turn, the speaker would forfeit their speaking position.

The following Certified Candidates addressed Council:

Vera Felgemacher  
Derrick Gleed  
Joseph Jedinak  
Jack Hagop Pashayan  
Danielle Menard Jacob  
Garrett Parton

Once the speakers concluded Ms. Wilcox advised that the voting process would begin.

Ms. Wilcox confirmed that in accordance with the Municipal Act, there would be no secret ballot or other method of secret voting.

M. Dillon and S. Stones were again requested to attend the delegation table for the recording of the votes.

Ms. Wilcox confirmed that each member of Council may vote for one nominee in each round of voting and that rounds of voting would continue until one nominee had received more than half of the votes of the Members of Council present, and that for this evening that number was four. She requested that all members of Council leave their hands up until the vote was recorded.

Scrutineers were requested to use Form 2, Round 1 for the recording of the vote. Ms. Wilcox proceeded to draw the first candidate for Round 1, that being Derrick Gleed. Ms. Wilcox called the vote for Derrick Gleed. As Derrick Gleed received more than half of the votes of the Members of Council present, that number being four, Ms. Wilcox confirmed the voting process to be closed.

Ms. Wilcox addressed Members of Council, and thanked all candidates who submitted their name, congratulating Derrick Gleed as the official appointed member of Council for North Ward 1.

Ms. Wilcox, Town Clerk then requested that Derrick Gleed step forward and she administered the Oath of Office.

The appointment process was therefore concluded.

Councillor Gleed took his place on the dias.

5. CORRESPONDENCE

5.1 That the following requests be endorsed:

- October 21 - 27, 2013 - Waste Reduction Week
- November 25 - December 1, 2013 - National Aids Week

**Resolution No. 445-13**

Moved By Councillor Emm

Seconded By Councillor Montague

That the proclamations for Waste Reduction Week October 21 - 27, 2013 and National Aids Week November 25 - December 1, 2013 be endorsed.

**CARRIED**

6. PLANNING & DEVELOPMENT COMMITTEE

Report No. 11 of the Planning & Development Committee - October 15, 2013

6.1 Planning Report, PL 99-13

Re: Draft Plan of Subdivision Application and Zoning Amendment Application - Adalan Development Corporation (SW-2013-01 and Z-03-13) 3541 and 3545 Garrard Road

Discussion ensued regarding the report.

**Resolution No. 446-13**

Moved By Councillor Montague

Seconded By Councillor Coe

1. That Council approve Draft Plan of Subdivision SW-2013-01 subject to the conditions of approval contained in Section 8.0 of Report PL 99-13;
2. That Council approve Zoning Amendment Application Z-03-13 subject to the conditions of approval contained in Section 8.0 of Report PL 99-13;
3. That a By-law to amend Zoning By-law 1784 be brought forward for consideration by Council;
4. That staff be authorized to prepare a subdivision agreement;
5. That the Mayor and Clerk be authorized to execute the subdivision agreement;
6. That the Region of Durham Commissioner of Planning be advised of Council's decision; and,
7. That the Clerk forward a Notice of Decision to those persons and agencies who had requested to be notified of Council's decision.

**CARRIED LATER IN THE MEETING [SEE FOLLOWING MOTION]**

**Resolution No. 447-13**

Moved By Councillor Drumm

Seconded By Councillor Coe

That Item 1 of the main motion be amended to reflect the following:

That the 16 lots at 8 metres be amended to 10.5 metres and that 29 lots at 10.5 metres be amended to 12 metres.

**LOST ON A RECORDED VOTE AS FOLLOWS:**

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Councillor Lorne Coe		x	
Councillor Joe Drumm	x		
Councillor Michael Emm		x	
Councillor Derrick Gleed		x	
Councillor Don Mitchell		x	
Councillor Ken Montague		x	
Councillor Elizabeth Roy		x	

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Mayor Pat Perkins		x	
	1	7	0

The main motion was then CARRIED.

It was noted that Councillor Gleed had requested to abstain due to his limited knowledge of the matter. The Chair advised he was required to vote.

- 6.2** Planning Report, PL 100-13  
Re: Request for Variances to the Permanent Sign By-law for the On-Site Menu Boards at the Tim Horton's Locations Noted (SB-04-13 and SB-05-13) 1 Paisley Court and 1818 Dundas Street East

**Resolution No. 448-13**

Moved By Councillor Montague  
Seconded By Councillor Coe

That Council approve Sign Variance Applications SB-04-13, and SB-05-13 to the Town of Whitby Sign By-law 5695-05 for Tim Horton's on lands municipally known as 1 Paisley Court and 1818 Dundas Street East in accordance with the following amendments:

1. To increase the menu board sign area from 1.0 square metre to 3.7 square metres, for a maximum of one (1) menu board sign for each location; and,
2. To increase the menu board sign height from 2.0 metres to 2.2 metres for each location.

**CARRIED**

- 6.3** Planning Report, PL 101-13  
Re: Request for Variances to the Permanent Sign By-law for the On-Site Menu Boards (SB-06-13) 4051 Thickson Road North

**Resolution No. 449-13**

Moved By Councillor Montague  
Seconded By Councillor Coe

That Council approve Sign Variance Application SB-06-13 to the Town of Whitby Sign Bylaw 5695-05 for Tim Horton's on lands municipally

known as 4051 Thickson Road North in accordance with the following amendments:

1. To increase the menu board sign area from 1.0 square metre to 3.7 square metres, for a maximum of two (2) double-sided menu board signs; and,
2. To increase the menu board sign height from 2.0 metres to 2.2 metres, for a maximum of two (2) double-sided menu board signs.

**CARRIED**

**6.4 Planning Report, PL 102-13**

Re: Request for a Sign By-law Amendment and Variances to the Permanent Sign By-law for a Pylon Sign to be Located on an Abutting Property to Advertise a Landscape Supply Business (SBA-01-13) Part 3 on Plan 40R-27491, Lot 35, Concession 4

**Resolution No. 450-13**

Moved By Councillor Montague

Seconded By Councillor Coe

That Council approve Sign By-law Amendment Application SBA-01-13 to the Town of Whitby Sign By-law 5695-05 for T. Arnts Loam Supply Ltd. on lands legally known as Part 3 on Plan 40R-27491 in accordance with the following site-specific by-law amendment, and two (2) pylon sign variances:

1. That Council approve the definition of a pylon sign for the subject property to read as follows: means a sign advertising the use or occupancy of an adjacent use on lands described as Part 3 on Plan 40R-27491, supported by one (1) or more poles, or other support structure;
2. The sign amendment by-law shall specifically locate the pylon sign within Part 3 on Plan 40R-27491, and located a minimum of 11.0 metres from the front lot line (Lake Ridge Road North), and a minimum of 16.5 metres from the driveway access at Lake Ridge Road North;
3. That the sign amendment by-law be prepared for Council's approval;
4. That Council approve a sign variance to increase the maximum sign area for a pylon sign from 12.0 sq.m to 14.0 sq.m, for a maximum of one (1) pylon sign on the property; and,
5. That Council approve a sign variance to increase the maximum height for a pylon sign from 6.1 m to 7.3 m, for a maximum of one (1)



pylon sign on the property.

**CARRIED**

7. OPERATIONS COMMITTEE

Report No. 11 of the Operations Committee - October 21, 2013

- 7.1** Corporate Services and Community and Marketing Services  
Departments Joint Report, CS 85-13  
Re: Seniors' Activity Centre Flat Roof Replacement - Whitby Seniors'  
Activity Centre (T-74-2013)

A question and answer period ensued regarding the report.

**Resolution No. 451-13**

Moved By Councillor Roy  
Seconded By Councillor Emm

1. That the Town of Whitby accept the low tender of Roque Roofing Inc., in the amount of \$57,290.00 (excluding taxes) for all labour, materials and equipment necessary to complete the roof replacement at the Whitby Seniors' Activity Centre;
2. That the total estimated cost in the amount of \$72,498.30 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

**CARRIED**

- 7.2** Corporate Services and Community and Marketing Services  
Departments Joint Report, CS 87-13  
Re: Municipal Building Main Entrance Trellis Repair - Whitby Municipal Building (Q-78-2013)

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

Discussion ensued regarding the report and possible cost saving redesign options.

**Resolution No. 452-13**

Moved By Councillor Emm  
Seconded By Councillor Drumm

That Report CS 87-13 regarding the Municipal Building Main Entrance Trellis Repair of the Whitby Municipal Building be referred back to staff to research ways to reduce the cost of the project.

**CARRIED**

**7.3** Corporate Services and Public Works Departments Joint Report, CS 88-13

Re: Supply and Delivery of Two (2) Current Model Year, 9500 LBS G.V.W. 4 Wheel Drive Pick Up Truck with Plow Attachment (T-71-2013)

**Resolution No. 453-13**

Moved By Councillor Roy

Seconded By Councillor Emm

1. That the Town of Whitby accept the compliant tender bid of Durham Dodge Chrysler Jeep, in the total net amount of \$69,394.06 (plus applicable taxes) for the supply and delivery of two(2) 2014, 9500 LBS G.V.W. 4 wheel drive pick up trucks with plow attachments;
2. That the total estimated project cost for the Town of Whitby in the amount of \$78,115.40 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

**CARRIED**

**7.4** Public Works Report, PW 29-13

Re: Town of Whitby Battery (Drop-off) Recycling Program Update

**Resolution No. 454-13**

Moved By Councillor Roy

Seconded By Councillor Emm

1. That Council receive this report for information; and
2. That staff be authorized to extend the existing service agreement for a one year term, with an option for up to two one year extensions subject to satisfactory performance with Raw Materials Company Inc. (RMC) for the processing and recycling of all recovered batteries from Town facilities and multi-residential locations.

**CARRIED**

- 7.5** Office of the Town Clerk and Corporate Services Departments Joint Report, CAO 11-13  
Re: Optical Scan Ballot Tabulation and Audio Voting System (Proposal Award - RFP-65-2013)

**Resolution No. 455-13**

Moved By Councillor Roy  
Seconded By Councillor Emm

1. That the Town of Whitby accept the proposal of Dominion Voting Systems Corporation for the lease (rental) of Optical Scan Vote Tabulators in the amount of \$72,133.00, (excluding taxes), for the 2014 election;
2. That the total project costs in the amount of \$73,402.54 be approved and funded from the Election Reserves;
3. That Council approve the 5 year Contract Pricing Option of Dominion Voting Systems Corporation for the 2018 election, which provides for the same pricing as the 2014 election; and
4. That the Mayor and Clerk be authorized to execute the contract documents.

**CARRIED**

- 7.6** Powell Road - Road Reconstruction

**Resolution No. 456-13**

Moved By Councillor Roy  
Seconded By Councillor Emm

That an independent review of the drawings and specifications presented at the public information session be undertaken to confirm they conform to the as built specifications and that copies of the original communications regarding the reconstruction be provided to Council.

**CARRIED**

**8. NOTICE OF MOTION**

- 8.1** There were no notices of motion noted.

9. NEW AND UNFINISHED BUSINESS

- 9.1** Memorandum from R. Petrie, Chief Administrative Officer  
Re: 66 and 68 Baldwin Street and 11 Price Street  
By-law to Remove the Holding (H) Symbol

**Resolution No. 457-13**

Moved By Councillor Mitchell  
Seconded By Councillor Glead

That notwithstanding Council Resolution No. 410-13 in light of written confirmation by MTO accepting the Storm Water Management Plan for the proposed development with storm water servicing connected to their facilities on Baldwin Street the Zoning By-law to remove the Holding (H) Symbol be brought forward at this time.

**CARRIED**

- 9.2** Mayor Perkins advised that November 5 - 13, 2013 is Veteran's Week and that 2013 is the Year of the Korean War Veteran.
- 9.3** Mayor Perkins advised of an announcement today by the Waterfront Regeneration Trust and Central Lake Ontario Conservation Authority (CLOCA) that the Provincial Government would provide a \$600,000 investment to complete the waterfront trail alignment of provincially significant wetlands in the Town of Whitby.
- 9.4** Councillor Coe advised of the Ministry of Municipal Affairs and Housing announcement regarding the Land Use Planning and Appeal and Development Charges Systems Review.
- 9.5** Councillor Montague provided results of the Communities in Bloom Competition, advising that the Town of Whitby received an 87 percent mark for the 50,000 citizens plus category, earning a "five bloom community status." The Town also received special mention in the "blue and green infrastructure" category for its long term commitment to blue and green infrastructure that will connect all sectors of the Whitby community. Congratulations were extended to the Whitby in Bloom Committee as well as Peter LeBel, Commissioner of Community and Marketing Services and to Steve Edwards, Manager of Parks, Marina, Long Range Planning, Culture and Tourism, for their support for the project.

- 9.6** Councillor Montague advised of a new artist's wall at the Brooklin Community Centre and Library that offers uniquely decorated lettering as well as a recent library event highlighting children's book illustrators.
- 9.7** Councillor Emm advised of issues in the downtown core and subsequent discussion with R. Petrie, Chief Administrative Officer and D. Wilcox, Town Clerk, regarding liquor licensing. Mr. Petrie confirmed a memorandum will be forthcoming to Council regarding this matter.

10. **BY-LAWS**

That the following by-laws be passed:

- 10.1** By-law No. 6773-13, Being a by-law to regulate election signs [Refer to CS 58-13]

Council requested that the procedure for enforcement of election signs be presented before the end of the year.

**Resolution No. 458-13**

Moved By Councillor Mitchell  
Seconded By Councillor Emm

That By-law No. 6773-13, Being a by-law to regulate election signs be referred back to staff to clarify the definition and objectives of a sight triangle and to include illustrations of a sight triangle.

**CARRIED**

- 10.2** By-law No. 6784-13, Being a by-law to appoint certain Town staff as Municipal Law Enforcement Officers
- 10.3** By-law No. 6785-13 - Being a by-law to lift and assume as part of the public highway a 0.3 metre reserve known as Burns Street
- 10.4** By-law No. 6786-13 - Being a by-law to assume and dedicate certain lands as a public highway for street widening purposes (Dundas Street East)
- 10.5** By-law No. 6787-13 - Being a by-law to fix the remuneration of Committee Chairs of Whitby Hydro Energy Corporation and its subsidiaries

**10.6** By-law No. 6788-13, Being a by-law to appoint North Ward 1 Councillor

**10.7** By-law No. 6789-13, Being a by-law to amend By-law No. 1784, as amended, being the Zoning By-law of the Town of Whitby [Refer to Item 9.1 - 66 and 68 Baldwin Street and 11 Price Street - By-law to Remove the Holding (H) Symbol]

**Resolution No. 459-13**

Moved By Councillor Roy  
Seconded By Councillor Drumm

That leave be granted to introduce By-law No's. 6784-13 to 6789-13, and to dispense with the readings 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 the Clerk sign the same and the Seal of the Corporation be thereto affixed.

**CARRIED**

**11. CONFIRMATORY BY-LAW**

**11.1** Confirmatory By-law

**Resolution No. 460-13**

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 Council at its meeting held on October 28, 2013, 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**

**12. ADJOURNMENT**

**12.1** Motion to Adjourn

**Resolution No. 461-13**

Moved By Councillor Emm  
Seconded By Councillor Gleed

That the meeting be adjourned.

**CARRIED**

The meeting adjourned at 8:43 p.m.

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Debi A. Wilcox, Town Clerk

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Patricia Perkins, Mayor