

Present: Mayor Perkins
Councillor Coe
Councillor Drumm
Councillor Emm
Councillor Gleed
Councillor Mitchell
Councillor Montague
Councillor Roy

Also Present: R. Petrie, Chief Administrative Officer
S. Beale, Commissioner of Public Works
P. LeBel, Commissioner of Community & Marketing Services
K. Nix, Commissioner of Corporate Services/Treasurer
R. Short, Commissioner of Planning
S. Siersma, Acting Deputy Fire Chief
D. Wilcox, Town Clerk
S. Cassel, Acting Deputy Clerk

Regrets: None noted

1. Declarations of Pecuniary Interest

1.1 Councillor Montague made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding Items 5.2 and 5.3, relating to Home-Based Businesses, as he owns a home-based business. Councillor Montague did not take part in the discussion or vote on these items.

1.2 Councillor Mitchell made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding Items 5.2 and 5.3, relating to Home-Based Businesses, as his daughter owns a home-based business. Councillor Mitchell did not take part in the discussion or vote on these items.

Councillor Mitchell also made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding Item 5.10, Planning and Development Department Report, PL 23-14, LACAC Heritage Whitby

Advisory Committee 2013 annual report that references the Brooklin Methodist Cemetery which is located across the road from him. Councillor Mitchell did not take part in the discussion or vote on this item.

- 1.3 Mayor Perkins made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding Items 5.2 and 5.3, relating to Home-Based Businesses, as a member of her family owns a home-based business. Mayor Perkins did not take part in the discussion or vote on these items.

2. Adoption of Minutes

- 2.1
 - Regular Council - March 31, 2014

Resolution # 141-14

Moved By Councillor Coe
Seconded By Councillor Montague

That the minutes be adopted.

Carried

3. Delegations/Presentations

- 3.1 Recognition of Whitby Minor Hockey Association Minor Midget AAA Hockey Team

Award/Accomplishment: Winner of the Ontario Minor Hockey Association Championship

Mayor Perkins, Councillor Coe, Chair of Community and Marketing Services, and P. LeBel, Commissioner of Community and Marketing Services attended the dais with Laura Porter, member of the team staff for the Whitby Minor Hockey Association Minor Midget AAA Hockey Team and provided each team member with a Town of Whitby medal recognizing their accomplishments in winning the Ontario Minor Hockey Association Championship.

- 3.2 Recognition of 9 Whitby Minor Hockey Association AAA players who have been drafted to the OHL

Mayor Perkins, Councillor Coe, Chair of Community and Marketing Services, and P. LeBel, Commissioner of Community and Marketing Services attended the dais with Laura Porter, member of the team staff

for the Whitby Minor Hockey Association Minor Midget AAA Hockey Team, to recognize the following players in their accomplishments of being drafted to the Ontario Hockey League:

- Matthew Hotchkiss - Guelph Storm
- Jonah Gadjovich - Owen Sound
- Jack Hanley - Belleville
- Ryan Porter - Sarnia
- Chase St. Aubin - Belleville
- Matthew Bumstead - Owen Sound
- Ian McKinnon - Peterborough Petes
- Mitchell Martan - Saginaw
- Liam Morgan - Barrie

4. Correspondence

- 4.1** Correspondence from David Chambers, President, Durham College Foundation re: final pledge payment of the Town of Whitby's commitment to the Growing for our Future Campaign at Durham College.

Resolution # 142-14

Moved By Councillor Coe
Seconded By Councillor Montague

That the correspondence from David Chambers, President, Durham College Foundation regarding the final pledge payment of the Town of Whitby's commitment to the Growing for our Future Campaign at Durham College, dated March 24, 2014, be received for information.

Carried

- 4.2** Correspondence from Steven Harper, Prime Minister of Canada re: National Day of Honour, May 9, 2014.

Discussion ensued with respect to the ending of Canada's Military Mission in Afghanistan and the many sacrifices made by the soldiers and their families.

Resolution # 143-14

Moved By Councillor Coe
Seconded By Councillor Montague

That the correspondence dated April 9, 2014 from Steven Harper, Prime Minister of Canada regarding a National Day of Honour on May 9, 2014, be endorsed.

Carried

- 4.3** That the following request be endorsed:
- April 28 - May 4, 2014 - Public - Rail Safety Week

Resolution # 144-14

Moved By Councillor Coe
Seconded By Councillor Montague

That the proclamation for Public - Rail Safety Week - April 28-May 4, 2014, be endorsed.

Carried

5. Planning and Development Committee
Report # 5 of the Planning and Development Committee - April 7, 2014

- 5.1** Brian Kelly, Region of Durham
Re: Durham Region Roundtable on Climate Change

Resolution # 145-14

Moved By Councillor Montague
Seconded By Councillor Coe

That the Town of Whitby participate on the Region of Durham Expert Task Forces for the Climate Change Action Plan for the time period outlined in the timetable provided by the Region at the discretion of the Chief Administrative Officer.

Carried

- 5.2** Correspondence dated March 24, 2014 and March 31, 2014 from Rick Foster, Whitby resident
Re: Home Based Businesses

Having previously declared a conflict of interest, Mayor Perkins, Councillor Montague and Councillor Mitchell did not take part in the

discussion or vote on this item.

Councillor Coe assumed the Chair.

Resolution # 146-14

Moved By Councillor Gleed

Seconded By Councillor Roy

That correspondence dated March 24 and 31, 2014 from Rick Foster, regarding Home Based Businesses be referred to the Town Clerk for a report to the Operations Committee on the licensing of home-based businesses.

Carried

5.3 Delegations from Vera Felgemacher, Whitby resident
Re: Home Based Businesses

Having previously declared a conflict of interest, Mayor Perkins, Councillor Montague and Councillor Mitchell did not take part in the discussion or vote on this item.

Resolution # 147-14

Moved By Councillor Gleed

Seconded By Councillor Roy

That the delegations made by Vera Felgemacher at the March 24, 2014 Operations Committee and March 31, 2014 Council Meetings be referred to the Town Clerk for a report to the Operations Committee on the licensing of home-based businesses.

Carried

Mayor Perkins resumed the Chair.

5.4 Planning and Development Department Report, PL 24-14
Re: Application for an Industrial Draft Plan of Subdivision and Zoning By-law Amendment Application - The 21st Company Inc. (SW-2013-06, Z-14-13) Part Lot 19, Concession 1, Town of Whitby

Discussion ensued with respect to the importance of fostering relationships between business and industry to encourage innovation

and create jobs for the citizens of Whitby.

Further discussion ensued regarding the rapidly changing economic and social environment that will depend on support from businesses and organizations such as the 21st Company Inc. and Durham College to provide for investment in the future economic vitality of the Town and create a community that has a competitive advantage.

Resolution # 148-14

Moved By Councillor Montague

Seconded By Councillor Coe

1. That Council approve the application for an Industrial Draft Plan of Subdivision (File No. SW-2013-06) as illustrated on Attachment #4 subject to the comments and conditions contained in Section 8.0 of Planning Report PL 24-14;
2. That a 20 metre road allowance be approved due to the unique nature of this development and that it not be considered a precedent;
3. That Council approve the application to amend Zoning By-law 1784 (File No. Z-14-13) subject to the comments and conditions contained in Section 8.0 of Planning Report PL 24-14;
4. That staff be authorized to close former applications on the subject lands, namely S-203-89, OPA-2005-W/05 and Z-42-05;
5. That any necessary By-law be presented for Council's approval;
6. That staff be authorized to prepare a subdivision agreement;
7. That the Mayor and Clerk be authorized to sign any necessary documents;
8. That the Region of Durham Commissioner of Planning be advised of Council's decision; and,
9. That the Clerk forward a Notice of Decision to those parties and agencies who have requested to be notified of Council's decision.

Carried

- 5.5** Planning and Development Committee Report, PL 20-14
Re: Zoning By-law Amendment Application - Arbour Memorial Inc. (Z-21-13) 2000 Dundas Street East and 21 Garrard Road

Resolution # 149-14

Moved By Councillor Montague

Seconded By Councillor Coe

1. That Council approve Zoning Amendment application Z-21-13 subject to the conditions of approval contained in Section 8.0 of Report PL 20-14;
2. That the Planning and Development Department prepare a Notice of Municipal Approval to be advertised in the local newspaper pursuant to the Funeral, Burial and Cremation Services Act and that the applicant be responsible for the advertisement costs;
3. That the Planning and Development Department send a copy of the decision to the Registrar;
4. That a By-law to amend Zoning By-law 1784 be brought forward for consideration by Council at such time as the appeal period has been completed and that no appeals are received to the public notice required under the Funeral, Burial and Cremation Services Act; and,
5. That the Clerk forward a Notice of Decision to those persons and agencies who had requested to be notified of Council's decision.

Carried

5.6 Planning and Development Department Report, PL 16-14
Re: Provincial Policy Statement, 2014

Discussion ensued with respect to the need for development of age-friendly communities that support seniors and create physical and social environments that enable seniors to maintain all aspects of life. Further discussion ensued with respect to the opportunity that this policy provides in supporting our seniors.

Resolution # 150-14

Moved By Councillor Montague
Seconded By Councillor Coe

That Planning Report No. PL 16-14 be received as information.

Carried

5.7 Planning and Development Committee Report, PL 19-14
Re: Zoning By-law Amendment and Site Plan Application - Callbeck Animal Hospital (Z-01-14 and SP-01-14) 950 Taunton Road East

Resolution # 151-14

Moved By Councillor Montague
Seconded By Councillor Coe

1. That Council approve Zoning Amendment Application (Z-01-14) and Site Plan Application (SP-01-14), subject to the conditions contained in Section 8.0 of Planning Report, PL 19-14;
2. That a By-law to lift the 'H' symbol from the C2-S-5 zone category be brought forward for consideration by Council; and,
3. That the Mayor and Clerk be authorized to execute the Site Plan Agreement and any related documents.

Carried

- 5.8** Planning and Development Committee Report, PL 21-14
Re: Brooklin Downtown Development Steering Committee 2013 Annual Report

Resolution # 152-14

Moved By Councillor Montague
Seconded By Councillor Coe

That Council receive as information the Brooklin Downtown Development Steering Committee 2013 Annual Report.

Carried

- 5.9** Planning and Development Department Report, PL 22-14
Re: Downtown Whitby Development Steering Committee 2013 Annual Report

Resolution # 153-14

Moved By Councillor Montague
Seconded By Councillor Coe

That Council receive as information the Downtown Whitby Development Steering Committee 2013 Annual Report.

Carried

- 5.10** Planning and Development Department Report, PL 23-14
Re: LACAC Heritage Whitby Advisory Committee 2013 Annual Report
Having previously declared a conflict of interest, Councillor Mitchell did

not take part in the discussion or vote on this item.

Resolution # 154-14

Moved By Councillor Montague
Seconded By Councillor Coe

That Council receive as information the LACAC Heritage Whitby
Advisory Committee 2013 Annual Report.

Carried

6. Operations Committee
Report # 5 of the Operations Committee - April 14, 2014

- 6.1 Community and Marketing Services Department Report, CMS 22-14
Re: Coach Park Design

Resolution # 155-14

Moved By Councillor Roy
Seconded By Councillor Emm

1. That Council approve the proposed design plan for Coach Park as identified in Community and Marketing Services Report CMS 22-14;
2. That Staff be authorized to proceed with the detailed working drawings, specifications and tender documents for the park; and,
3. That the park construction be tendered and that Staff report back to Council with a recommendation of the preferred general contractor, the playground equipment manufacturer and equipment designs, construction timing and budget analysis.

Carried

- 6.2 Corporate Services/Community and Marketing Services Departments
Joint Report, CS 14-14
Re: Supply and Installation of Piers 5 and 7 (T-14-2014) Port Whitby
Marina

Brief discussion ensued with respect to the Marina ranking in the top five percent of eco-rated facilities in Ontario since 2003 noting that the improvements to the piers would contribute to this status.

Resolution # 156-14

Moved By Councillor Roy
Seconded By Councillor Emm

1. That the Town of Whitby accept the low compliant tender bid as received from Kropf Industrial Inc. in the amount of \$489,575.00 (plus applicable taxes) for all labour, materials and equipment necessary to supply and install two new piers at Port Whitby Marina;
2. That the total estimated cost in the amount of \$509,575.00 for the supply and installation of two new piers be approved, and;
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 6.3** Corporate Services/Public Works Departments Joint Report, CS 16-14
Re: Manning Stormwater Management Pond (T-2-2014) Manning and Garden

Resolution # 157-14

Moved By Councillor Roy
Seconded By Councillor Emm

1. That the Town of Whitby accept the low compliant tender bid as received from Hard-Co Construction Ltd. in the amount of \$647,161.87 (plus applicable taxes) for all labour, material and equipment necessary for the construction of the Manning Storm water Management Pond;
2. That the total estimated project cost for the Town of Whitby in the amount of \$750,000.00 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 6.4** Corporate Services/Public Works Departments Joint Report, CS 17-14
Re: Sidewalk Construction (T-502-2014) Various locations

Brief discussion ensued with respect to the sidewalk construction and it was requested that any residents affected by sidewalk construction in front of their homes be notified well in advance of the start of the work.

Resolution # 158-14

Moved By Councillor Roy
Seconded By Councillor Emm

1. That the Town of Whitby accept the low compliant tender bid as received from Slip-Form Construction in the amount of \$1,164,669.10 (plus applicable taxes) for all labour material and equipment necessary to complete sidewalk construction at various locations as required by the Town of Whitby;
2. That an over expenditure in the amount of \$ 133,620.00 be approved, of which \$64,549.00 be funded from development charges and \$69,071.00 from one-time reserves;
3. That the total estimated project cost for the Town of Whitby in the amount of \$1,534,445.00 be approved; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 6.5** Corporate Services and Community and Marketing Services
Departments Joint Report, CS 18-14
Re: Main Entrance Trellis Repair, Town of Whitby Municipal Building (T-16-2014)

This item was referred back at Committee.

- 6.6** Public Works Department Report, PW 12-14
Re: Town of Whitby Municipal Building//Region of Durham Headquarters
Parking Lot Connection

Brief discussion ensued regarding the lack of parking in both the Durham Region and Town of Whitby parking lots. It was further discussed that this project will require the coordination of both parties to ensure its success noting that safety was of the utmost importance.

Resolution # 159-14

Moved By Councillor Roy
Seconded By Councillor Emm

1. That Council endorse a new parking lot connection between the Town of Whitby Municipal Building and Region of Durham Headquarters in the location as conceptually illustrated as Option 'B' in Attachment No. 1; and,

2. That the total estimated project cost of \$60,000, be approved and financed from One-Time Reserves specifically the Long Term Finance Reserve Fund.

Carried

- 6.7** Public Works Department Report, PW 14-14
Re: Draft Appointment By-law Terms and Conditions

This item was withdrawn from the agenda.

- 6.8** Legal and Human Resources Services Department Report, LS 5-14
Re: Towing By-law

Discussion ensued with respect to the towing issues in Downtown Whitby and the need to understand why these issues were occurring. Further discussion ensued regarding the need for municipal legislation to address concerns and to help make Downtown Whitby a viable place that people want to visit.

R. Petrie, Chief Administrative Officer, advised Members of Council that he had sent an email just prior to the start of the Council meeting and provided Members with a paper copy for their reference. The email provided information on potential Provincial legislation through Bills 93 and 189 that could supersede any legislation put forth by the Town. Mr. Petrie suggested that Council may want to wait to see if the Provincial legislation passes prior to proceeding with the staff report and recommendation.

Discussion ensued with respect to the proposed Provincial legislation that focuses more on highways, insurance claims and the Roadside Assistance Protection Act and Consumer Protection Act rather than towing in local communities and it was suggested that more clarity would be needed before a decision could be made and to hold off on proceeding with the staff report.

Further discussion ensued regarding the possibility of the Provincial legislation not passing and that there was merit in staff continuing on with the work that focuses on towing issues in the local community.

Discussion ensued with respect to a breakdown of commercial private property and residential private property in relation to the towing issues noting that many of the business owners in Whitby do not live in the Town and that they should be part of the feedback consultation process. R. Petrie, advised that there are not a lot of statistics but that some could be derived through Parking Enforcement reporting.

Resolution # 160-14

Moved By Councillor Roy

Seconded By Councillor Emm

1. That Report LS 5-14 be received as information;
2. That Legal and Human Resources Services staff initiate public and industry consultation on the proposed Towing By-law (Attachment 1) as detailed in this Report; and,
3. That Legal and Human Resources Services report back to the Operations Committee in June of 2014 with the final draft of the Towing By-law considering all input from the public and the towing industry.

Carried

7. Notice of Motion

7.1 There were no notices of motion.

8. New and Unfinished Business

8.1 Mayor Perkins commended staff on their remarkable efforts in the coordination of parking and traffic management at the visitation for the late Honourable Jim Flaherty at the Abilities Centre on April 15, 2014, noting that the coordination was accomplished in a very short period of time.

8.2 Councillor Coe referred to a news release that was provided to Members of Council prior to the meeting regarding improved access to oral health services for low income families.

He advised of a further news release regarding Durham Mental Health Services (DMHS), Durham Region Non-Profit Housing Corporation (DRNPHC) and Lakeridge Health's Pinewood Centre coming together to create a support network to help seniors stay healthy at home. He advised that this initiative is being funded through the Central East Local Health Integration Network (LHIN) and will offer flexible, individualized support through a combination of scheduled check-ins and as-needed, on-call support. Councillor Coe advised that he would provide the news release to the Town Clerk for circulation to all Members of Council.

- 8.3** Councillor Coe advised that a team had been put together by the LHIN to evaluate the delivery of their own mental health strategy and that they were calling for volunteers to serve on committee. He stated that the application process ended at the end of March and that they would be announcing the successful candidates, noting that these initiatives would benefit members of the community that were 55 years of age and older.
- 8.4** Councillor Gleed advised that Pitch in Brooklin would take place on Saturday, April 26, 2014 from 9:00 a.m. to 11:00 a.m. to clean up Brooklin Parks and encouraged all Members of Council to partake in the event.
- 8.5** Councillor Roy advised that the Whitby Sustainability Advisory Committee, the Downtown Whitby Development Steering Committee and the Chamber of Commerce would be coming together to help clean up Whitby's Downtown on Saturday, April 26, 2014 starting at 10:00 a.m.
- 8.6** Councillor Roy advised that Doors Open Whitby would take place on Saturday, May 3, 2014 and noted that LACAC Heritage Whitby has been working diligently on this initiative.
- 8.7** Councillor Drumm requested an update on the status of the Fire Chief. R. Petrie, Chief Administrative Officer, stated that a meeting would take place in the near future.
- 8.8** Councillor Mitchell advised that the Whitby Environmental Youth Alliance would be holding a tree planting on Sunday, April 27, 2014 from 10:00 a.m. to 12:00 p.m.
- 8.9** Councillor Mitchell advised that Nova's Ark would be holding their annual Friendship Walk on Saturday, April 26, 2014 from 11:00 a.m. to 12:00 p.m. at Grass Park.
- 8.10** Mayor Perkins announced a news release recognizing Debi Wilcox, Town Clerk, as Regional 10 Director for the International Institute of Municipal Clerks (IIMC). She noted that Ms. Wilcox would be representing all of Canada through her role with IIMC which is a non-profit organization with over 9500 members that promotes lifelong learning, skill development and public service and fosters a spirit of mutual assistance and goodwill among Municipal Clerks around the globe. Mayor Perkins stated that Whitby Town Council is very proud

that Ms. Wilcox will be representing the Town of Whitby in this prestigious role.

9. By-Laws

That the following by-laws be passed:

9.1 By-law # 6852-14, being a by-law to assume and dedicate certain lands as a public highway for street widening purposes (650 Brawley Road West)

9.2 By-law # 6853-14, being a by-law to assume and dedicate certain lands as a public highway for street widening purposes (1400 Nichol Avenue)

9.3 By-law # 6854-14, being a by-law to appoint certain persons as Municipal Law Enforcement Officers for the purpose of enforcing parking restrictions on private property [Ontario Parking Enforcement Services Inc.]

9.4 By-law # 6855-14, being a by-law to lift and assume as part of the public highway, 0.3 metre reserve known as part of Holman Court

Resolution # 161-14

Moved By Councillor Montague

Seconded By Councillor Emm

That leave be granted to introduce By-laws # 6852 to 6855-14, and to dispense with the readings of the by-laws by the Clerk and that the same be considered read and passed and that the Mayor and Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

10. Confirmatory By-Law

10.1 Confirmatory By-law

Resolution # 162-14

Moved By Councillor Roy

Seconded By Councillor Gleed

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 regular meeting held on April 22nd, 2014, and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

11. Adjournment

11.1 Motion to Adjourn

Resolution # 163-14

Moved By Councillor Emm
Seconded By Councillor Drumm

That the meeting be adjourned.

Carried

The meeting adjourned at 8:15 p.m.

Debi A. Wilcox, Town Clerk

Patricia Perkins, Mayor