

MINUTES OF THE SPECIAL MEETING OF THE COUNCIL OF THE CORPORATION  
OF THE TOWN OF WHITBY HELD ON THURSDAY, JUNE 28, 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

Mayor Perkins in the Chair

Councillor Coe  
Councillor Drumm  
Councillor Emm  
Councillor Hanson  
Councillor Mitchell  
Councillor Montague  
Councillor Roy

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

1. DISCLOSURES OF INTEREST

Councillor Hanson made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to the discussion of Item 3.4, Community & Marketing Services Report, Item CMS 53-12 Re: Summer Camp Program as she has a family member employed by the summer camp program. Councillor Hanson did not take part in the discussion or vote on the matter.

2. a) DELEGATIONS

2.1 K. Worsley, 7230 Country Lane  
Representing Brooklin RAP (Residents Against Parkway)  
Re: Item 3.10, Public Works Report PW 25-12

K. Worsley, 7230 Country Lane, appeared before Council, on behalf of Brooklin RAP (Residents Against Parkway), regarding a petition that had been submitted against the proposed road link at the 407 and 407 Link, West Whitby as identified on the Town of Whitby Transportation Master Plan, Exhibit 9.1, Recommended Protected Corridors" in reference to Item 3.10 – Public Works Report, Item PW 25-12 – Re: Terms of Reference – Northwest Brooklin Transportation Corridor – Municipal Class Environmental Assessment (EA) Study. On behalf of Brooklin RAP, he outlined concerns regarding the link, including decreasing property values and proposed different alternatives for a north-south route to connect to Highway 401, particularly with reference to truck traffic.

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General discussion ensued regarding the impact on the area and alternate routes.

MOVED by Councillor Coe  
Seconded by Councillor Hanson

That a motion to hear Matthew Cory of Malone, Given, Parsons Ltd. on behalf of the Brooklin North Landowner's Group with respect to Public Works Report PW 25-12, be approved.

CARRIED

- 2.2 Matthew Cory of Malone, Given, Parsons Ltd.  
On behalf of the Brooklin North Landowners Group (BNLG)  
Re: Item 3.10, Public Works Report PW 25-12

Matthew Cory, Principal Planner/Project Manager, Malone Given Parsons Ltd., appeared before Council on behalf of the Brooklin North Landowners Group (BNLG). He expressed concerns that the report recommended proceeding with an EA study, in the absence of a secondary plan for the area. He proposed referring the report back to staff to include modifications, such as expanding the scope of the EA to assess all of the transportation/servicing needs for the Brooklin North and West Secondary Plan area; concurrently initiating the secondary planning process for the North/West Brooklin area; and, undertaking both processes in a coordinated manner under the joint Municipal Class EA/Planning Act process.

Discussion ensued with respect to the modifications as proposed by Malone Given Parsons Ltd., on behalf of BNLG. Members were provided with a copy of correspondence from Malone, Given, Parsons Ltd as part of the addendum agenda with respect to this matter.

2. b) CORRESPONDENCE

- 2.3 CORR. 19-12  
K. Worsley, 7230 Country Lane on behalf of Brooklin RAP (Residents Against Parkway), submitting a signed neighbourhood petition against the proposed road link at the 407 and 407 Link, West Whitby as identified on the Town of Whitby Transportation Master Plan, Exhibit 9.1, Recommended Protected Corridors" with reference to Item 3.10 – Public Works Report, Item PW 25-12 – Re: Terms of Reference – Northwest Brooklin Transportation Corridor – Municipal Class Environmental Assessment (EA) Study
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RESOLUTION NO. 192-12

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MOVED by Councillor Hanson  
Seconded by Councillor Montague

That CORR 19-12, from Ken Worsley, 7230 Country Lane, on behalf of Brooklin RAP (Residents Against Parkway) regarding a signed neighbourhood petition against the proposed road link at the 407 and 407 Link, West Whitby as identified on the Town of Whitby Transportation Master Plan, Exhibit 9.1, Recommended Protected Corridors” be received as information and referred to consideration of Public Works Report, Item PW 25-12.

CARRIED

- 2.4 CORR 20-12  
Correspondence dated June 28, 2012 from Matthew Cory, Malone, Given, Parsons Ltd. Re: Item 3.10 - Public Works Report, Item PW 25-12 Re: Terms of Reference – Northwest Brooklin Transportation Corridor – Municipal Class Environmental Assessment (EA) Study.

RESOLUTION NO. 193-12

MOVED by Councillor Coe  
Seconded by Councillor Hanson

That CORR 20-12, being correspondence dated June 28, 2012 from Matthew Cory, Malone, Given, Parsons Ltd. Re: Item 3.10 - Public Works Report, Item PW 25-12 Re: Terms of Reference – Northwest Brooklin Transportation Corridor – Municipal Class Environmental Assessment (EA) Study be received as information and referred to consideration of Public Works Report, Item PW 25-12.

CARRIED

RESOLUTION NO. 194-12

MOVED by Councillor Coe  
Seconded by Councillor Mitchell

A motion to suspend the rules in order to add correspondence from the Federation of Canadian Municipalities with respect to a June 26, 2012 FCM Member Alert: Infrastructure Roundtable Consultations and correspondence from the Federation of Canadian Municipalities with respect to a June 7, 2012 FCM Communique – Diamond Jubilee.

CARRIED ON A 2/3RDS  
MAJORITY VOTE

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2.5 CORR 21-12

Correspondence dated June 26, 2012 regarding FCM Member Alert:  
Infrastructure Roundtable Consultations to gather first-hand municipal  
input for the federal government's initiative to develop a new long-term  
infrastructure plan

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General discussion ensued on the matter.

RESOLUTION NO. 195-12

MOVED by Councillor Coe  
Seconded by Councillor Drumm

Development of a New Long-term Federal Plan for Municipal  
Infrastructure Funding

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WHEREAS, The Building Canada Plan and a number of important federal-  
provincial transfer agreements vital to Canada's cities and communities,  
will expire in March 2014;

WHEREAS, Federal investments over the last few years have helped to  
slow the decline of our cities and communities, and the Government of  
Canada has committed to develop a new long-term plan for municipal  
infrastructure funding in consultation with municipal and  
provincial/territorial governments;

WHEREAS, a seamless transition from the Building Canada Plan to a new  
long term plan is necessary to ensure that municipalities can continue  
planning their capital spending effectively;

WHEREAS, The Federation of Canadian Municipalities (FCM) has  
launched a campaign to ensure the new plan reflects municipal priorities  
across the country and asks its member municipalities to pass a Council  
resolution supporting the campaign;

AND WHEREAS, our community has continuing infrastructure needs, that  
can only be met with through the kind of long-term planning and  
investment made possible by a national plan;

THEREFORE BE IT RESOLVED that Council endorses the FCM  
campaign and urges the Minister of Transport, Infrastructure and  
Communities to work with FCM to ensure the new long-term infrastructure  
plan meets the core infrastructure needs of cities and communities;

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BE IT FURTHER RESOLVED that Council urges the Minister of Transport, Infrastructure and Communities to ensure that the new long-term plan is fully in place when existing programs expire in 2014; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Minister of Transport, Infrastructure and Communities, to the Minister of Municipal Affairs and Housing, Christine Elliott, MPP for Whitby-Oshawa, the Federation of Canadian Municipalities and to the Association of Municipalities of Ontario.

CARRIED

2.6 CORR 22-12

FCM Communique – Queen’s Diamond Jubilee Medal Program – email dated June 7, 2012

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Brief discussion took place regarding the Federal Government’s Queen’s Diamond Jubilee Medal Program, which invites municipalities to award a Queen’s Diamond Jubilee medal to a citizen who has made an exceptional contribution to his/her community. As the deadline for submissions is August 1, 2012, it was the consensus that Mayor Perkins and the Chief Administrative Officer would determine a potential candidate and alternate.

RESOLUTION NO. 196-12

MOVED by Councillor Mitchell  
Seconded by Councillor Drumm

That CORR 22-12 being correspondence dated June 7, 2012 regarding the Queen’s Diamond Jubilee Medal Program be received and referred to Mayor Perkins and the Chief Administrative Officer for the purpose of submitting an application on behalf of the Town of Whitby.

CARRIED

3. ITEMS FOR CONSIDERATION BY COUNCIL IN COMMITTEE OF THE WHOLE

RESOLUTION NO. 197-12

MOVED by Councillor Coe  
Seconded by Councillor Drumm

That Council resolve itself into Committee of the Whole with Mayor Perkins in the Chair.

CARRIED

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MOVED by Councillor Hanson

A motion to suspend the rules and change the order of the agenda in order to consider Item 3.10 - Public Works Report, Item PW 25-12 - Re: Terms of Reference – Northwest Brooklin Transportation Corridor – Municipal Class Environmental Assessment (EA) Study, at this time.

CARRIED ON A 2/3<sup>RD</sup>  
MAJORITY VOTE

3.10 Public Works Report, Item PW 25-12  
Re: Terms of Reference – Northwest Brooklin Transportation Corridor –  
Municipal Class Environmental Assessment (EA) Study

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General discussion and a question and answer period ensued.

RECOMMENDATION:

MOVED by Councillor Drumm

1. That Council approve the Terms of Reference for the Northwest Brooklin Transportation Municipal Class Environmental Assessment (EA) Study as provided in Attachment 1;
2. That staff issue a request for proposal and engage a Consultant Team as soon as possible to undertake the Northwest Brooklin Transportation Municipal Class Environmental Assessment (EA) Study; and,
3. That staff report to Council with the recommended proposal and Consultant Team.

CARRIED AS AMENDED  
[See Following Motion]

MOVED by Councillor Mitchell

That item 1 of the main motion be amended by adding the following after "in Attachment 1;"

And that the Terms of Reference be amended under Section 1.0 Study Purpose (agenda page 259, page 1 of Attachment 1) by inserting after the second last paragraph of this Section the following;

"The study will give consideration to establishing an alternative route for provincial Highway 7/12 as it passes through Brooklin so that the Town of

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Whitby can gain care and control over Baldwin Street as it passes through  
Downtown Brooklin.”

CARRIED

The main motion, as amended, was then CARRIED.

3.1 Community & Marketing Services Report, Item CMS 37-12  
Re: Waterfront Parks and Open Space Master Plan – Draft Phase 2  
Report

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Detailed discussion ensued with respect to this matter.

RECOMMENDATION:

MOVED by Councillor Coe

1. That the draft Phase 2 Report for the Town of Whitby Waterfront Parks and Open Space Master Plan attached to Community and Marketing Services Department Report CMS 37-12 be received for information;
2. That Council comments and direction on the draft Phase 2 Report be referred to the Consultant for consideration and inclusion in the Waterfront Parks and Open Space Master Plan; and,
3. That Staff be authorized to conduct in the fall of 2012 a Public Information Centre regarding the draft Phase 2 Report.

CARRIED

3.2 Community & Marketing Services Report, Item CMS 41-12  
Re: Municipal Performing Arts Centre – Consultant's Site Assessments  
Report

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Detailed discussion ensued on the matter.

RECOMMENDATION:

MOVED by Councillor Mitchell

That Item 3.2 - Community & Marketing Services Report, Item CMS 41-12  
Re: Municipal Performing Arts Centre – Consultant's Site Assessments  
Report, be referred to later in the meeting, immediately following  
consideration of Item 3.3, being Community & Marketing Services Report,

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Item CMS 52-12 – re: Ontario Lottery and Gaming Corporation –  
Modernizing Lottery and Gaming in Ontario.

CARRIED

Committee members took a brief recess at 9:35 p.m. and reconvened at  
9:46 p.m.

RECOMMENDATION

MOVED by Councillor Emm

A motion to suspend the rules and change the order of the agenda in order  
to consider Item 3.4 – Community & Marketing Services Report, Item CMS  
53-12 – Summer Camp Program, at this time.

CARRIED ON A 2/3<sup>RD</sup>  
MAJORITY VOTE

3.4 Community & Marketing Services Report, Item CMS 53-12  
Re: Summer Camp Program

Brief discussion ensued and staff were thanked for bringing the report to  
Council. Mladen Micanovic advised the Clerk that he was in attendance,  
and was available for questions if required.

Councillor Hanson declared her conflict earlier in the meeting and did not  
take part in the discussion or vote on the following matter.

RECOMMENDATION:

MOVED by Councillor Mitchell

1. That Community and Marketing Services Department Report CMS  
53-12 be received;
2. That a new level of service be implemented in 2012 for one-on-one  
counselors for children with severe disabilities at no additional cost  
to the registrant; and
3. That Council approve the hiring of one special needs camp director  
for eight weeks and two special needs camp counselors for six  
weeks, noting an increase in the camp staffing operational budget  
of approximately \$13,000.

CARRIED



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3.3 Community & Marketing Services Report, Item CMS 52-12  
Re: Ontario Lottery and Gaming Corporation – Modernizing Lottery and  
Gaming in Ontario

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P. LeBel, Commissioner of Community and Marketing Services, outlined the contents of Report CMS 52-12. He advised that the Ontario Lottery and Gaming Corporation (OLG) has released its new Strategic Plan, 'Modernizing Lottery and Gaming in Ontario'. He further advised that OLG has identified 29 gaming zones throughout Ontario that are either an existing gaming area, or has the potential to be a location for a future gaming facility. The Town of Whitby is located in the C3 gaming zone that also includes the City of Pickering and Town of Ajax.

Extensive discussion ensued with respect to the feasibility of Whitby being host to a gaming facility and the next steps in the process. It was noted that time is of the essence as the OLG requires direction by the fall of 2012.

RECOMMENDATION:

MOVED by Councillor Mitchell

1. That Community and Marketing Services Department Report CMS 52-12 regarding information presented by the Ontario Lottery & Gaming Corporation (OLG) to municipalities on OLG's Strategic Business Plan, 'Modernizing Lottery and Gaming in Ontario', be received as information;
2. That Council give consideration to the economic development and revenue benefits that would accrue to the municipality by hosting a regulated gaming facility within the Town of Whitby as a result of OLG designating Whitby-Ajax-Pickering as a gaming zone (C3) in their new strategic business plan;
3. That Council conduct a Virtual Town Hall Public Information Centre in July 2012 to provide information to Whitby residents and businesses on OLG's Modernizing Lottery and Gaming in Ontario business plan, and to gauge public opinion on whether the Town of Whitby should be considered a host municipality for a future gaming facility;
4. That Council after receiving input from residents and businesses from the Public Information Centre, confirm its decision on whether the Town of Whitby would host a gaming facility, or, that the Town of Whitby would not host a gaming facility;

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5. That if Council confirms its intent to host a gaming facility, that potential public and private sites be identified and submitted to OLG to be included in their RFP process; and further that Council authorize staff to receive enquiries from potential gaming facility operators and inform them of the Town's position;
6. That Council define and promote its vision for a gaming facility including complimentary economic development opportunities such as a possible hotel, convention centre, and other related ancillary uses that Council would like a potential gaming operator to consider as part of their submission to the OLG; and,
7. That the decision of Council be forwarded to the Ontario Lottery & Gaming Corporation, the Region of Durham and Christine Elliott, MPP for Whitby-Oshawa.

CARRIED

Based on a previous referral motion, Council now returned to Item 3.2, being Community & Marketing Services Report, Item CMS 41-12 - Re: Municipal Performing Arts Centre – Consultant's Site Assessments Report.

- 3.2 Community & Marketing Services Report, Item CMS 41-12  
Re: Municipal Performing Arts Centre – Consultant's Site Assessments Report
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RECOMMENDATION

MOVED by Councillor Coe

That staff confirm and update the business case analysis from the Municipal Market and Needs Assessment Study and that staff report back on the business case update, in particular the long term capital and operating financing implications of a Municipal Performing Arts Centre.

CARRIED

- 3.5 Corporate Services Report, Item CS 47-12  
Re: Operating & Capital Budget Policies
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RECOMMENDATION:

MOVED by Councillor Roy

1. That Council repeal existing policy Operating Budget Process #2-3-01 and approve the updated Operating Budget Process;

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2. That Council repeal existing policy Capital Budget Development Process #2-3-02 and approve the updated Capital Budget Process; and
3. That staff be directed to bring forward Operating and Capital Budget monitoring policies for Council's review and approval.

CARRIED

3.6 Corporate Services Report, Item CS 53-12  
Re: Marketing and Communication Initiatives for Animal Services  
– Increasing Animal Licensing Compliance

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General discussion ensued and the Town Clerk confirmed that the existing lifetime licences will be “grandfathered” into the licensing system.

RECOMMENDATION:

MOVED by Councillor Drumm

1. That Report CS 53-12 of the Commissioner of Corporate Services/Treasurer be received;
2. That staff, enhance the online, print and media marketing of animal licenses for the purpose of assisting in increasing the 2012 animal licensing compliance;
3. That the door to door licensing campaign for 2012 continue and further, that a one year pilot program be initiated in Ward 1 (Brooklin), that utilizes Animal Licensing Services for the purpose of increasing the licensing compliance;
4. That Cat and Dog By-law #5443-04, Section 2(4) (a) be amended by deleting the one-time registration fee (lifetime licenses) in the amount of thirty-five dollars;
5. That staff investigate the opportunities to provide for easy online payments, including renewals and mail out reminders and report back at the September 10, 2012 meeting of the Operations Committee;
6. That staff review the animal license fee structure to ensure that we are at market rate with comparable municipalities.

CARRIED

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3.7 CMS/Corporate Services Joint Report, Item CS 59-12  
Re: Building Condition Assessments

General discussion ensued on the matter.

RECOMMENDATION:

MOVED by Councillor Coe

1. That Council receive as information the Town of Whitby Facilities Study Part B: Building Condition Assessments prepared by Morrison Hershfield on 32 Town owned properties; and,
2. That Staff prepare a follow up report to Council that provides a comprehensive condition assessment that includes all building components that were not covered by the Morrison Hershfield scope of study.

CARRIED

3.8 Corporate Services Report, Item CS 65-12  
Re: Discharge of Firearms By-law

General discussion ensued on the matter.

RECOMMENDATION:

MOVED by Councillor Coe

1. That Report CS 65-12 of the Commissioner of Corporate Services/Treasurer be received;
2. That By-law 4823-01 be repealed in its entirety upon the passing of the new Firearms by-law;
3. That the draft Discharge of Firearms by-law, included as Attachment #1 to this report be approved;
4. That a copy of the by-law be sent to Durham Regional Police Service, Ministry of Natural Resources and any interested parties who provided notification to the Town Clerk; and,
5. That the Town Clerk take the necessary action to give effect to these thereto.

CARRIED

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3.9 Public Works Report, Item PW 06-12  
Re: Traffic Operational Review Policy

General discussion ensued on the report.

RECOMMENDATION:

MOVED by Councillor Roy

1. That Council endorse the Traffic Operational Review Policy, as provided in Attachment 1;
2. That a copy of Public Works Report PW 06-12 be forwarded to the Durham District School Board, Durham Catholic District School Board, and Durham Regional Police Service;
3. That Public Works staff initiate formal discussions with staff from the Durham District School Board, Durham Catholic District School Board and Durham Regional Police Service regarding the development of a Community Outreach Program for elementary school aged children with respect to transportation safety;
4. That staff monitor the implementation process of the Policy and report back to Council, as appropriate, with any recommended updates and/or modifications; and,
5. That staff report to Council in regards to any recommended measures and associated requirements associated with enhancements to Educational and Enforcement programs involving the municipality.

CARRIED

MOVED by Councillor Coe

That Council rise from Committee of the Whole.

CARRIED

RESOLUTION NO. 198-12

MOVED by Councillor Coe  
Seconded by Councillor Emm

That Council ratify the actions from the Committee of the Whole.

CARRIED

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4. BY-LAWS

- 6638-12 By-law to designate certain portions of a registered plan of subdivision as not being subject to part lot control [Liza Communities – Casewood Holdings Inc. – Blocks 26 & 27, Plan 40M-2360]
- 6639-12 By-law to amend Cat and Dog By-law #5443-04, Section 2 (4) (a) to delete the one-time registration fee [CS 53-12]

RESOLUTION NO. 199-12

MOVED by Councillor Hanson, seconded by Councillor Montague, that leave be granted to introduce by-laws 6638-12 and 6639-12 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 the Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

5. CONFIRMATORY BY-LAW NO. 6640-12

RESOLUTION NO. 200-12

MOVED by Councillor Emm, seconded by Councillor Roy, 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 special meeting held on June 28<sup>th</sup>, 2012 at 7:00 p.m. 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. 6640-12 considered read a first, second and third time and finally passed.

6. ADJOURNMENT

RESOLUTION NO. 201-12

MOVED by Councillor Coe  
Seconded by Councillor Emm

That the meeting be adjourned.

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The meeting adjourned at 10:38 p.m.

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Debi A. Wilcox, Town Clerk

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Patricia Perkins, Mayor