

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, MARCH 8, 2010 AT THE HOUR OF 7:00 P.M.
IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

PRESENT: Mayor Perkins
Councillor Coe
Councillor Drumm
Councillor Emm
Councillor Mitchell
Councillor Pitchforth
Councillor Roy
Councillor Scott

Mayor Perkins in the Chair

STAFF PRESENT: R. Petrie, Chief Administrative Officer
S. Beale, Director of Public Works
M. Gerrard, Fire Chief
P. LeBel, Director of Community & Marketing Services
K. Nix, Director of Corporate Services/Treasurer
S. Pohjola, Town Solicitor
R. Short, Director of Planning
D. Wilcox, Town Clerk
M. Pettit, Deputy Clerk

1. DISCLOSURES OF INTEREST

Councillor Drumm made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to the Council minutes of February 8, 2010, regarding the Relocation Application for the Hideaway Bingo Hall as he is a member of one of the charities involved.

Councillor Scott made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to the Council minutes of February 8, 2010, regarding the Relocation Application for the Hideaway Bingo Hall as she has a personal legal conflict with the item for personal reasons.

Councillor Coe made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to the Special Council minutes of February 8, 2010, the Ontario Municipal Board appeal of Oshawa Official Plan Amendment No. 135, as a family member is employed by Metro Foods.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6297-10

RESOLUTION NO. 63-10

Councillor Coe seconded by Councillor Pitchforth 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 February 8, 2010 and the Minutes of the Special Meetings of Council held on February 8, 2010; and February 16, 2010, and that the same be considered read a first, second and third time and finally passed and that the

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Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

By-law No. 6297-10 considered read a first, second and third time and finally passed.

3. PRESENTATIONS

- (i) John Mutton, Strategic Insights Canada
Re: CORR 09-10, CORR 10-10, and CORR 11-10
Direct Election of Regional Chair

John Mutton, Insights Canada, appeared before Council, asking Whitby Council to put a referendum question on the 2010 ballot regarding the direct election of the Regional Chair. Mr. Mutton briefly outlined that this position should be directly elected by the residents of the Region of Durham. A question and answer period ensued.

- (ii) Bruce Wood, Chairperson, Municipal Affairs, CAW Retirees Local 222
Re: CORR 09-10; CORR 10-10, and CORR 11-10
Direct Election of Regional Chair

Bruce Wood, Chairperson, Municipal Affairs, CAW Retirees Local 222, a listed delegate was not present.

- (iii) David Brazeau, Director of Public Affairs, Rouge Valley Health System
Re: Update on Rouge Valley Health System

David Brazeau, Director of Public Affairs, Rouge Valley Health System, appeared before Council on behalf of Rouge Valley Health System. He provided a brief powerpoint presentation with respect to updates on the deficit elimination plan, quality and risk, transformation of Rouge Valley and issues/challenges. A question and answer period ensued.

- (iv) Don Terry, Manager, Public Affairs – Pickering, Ontario Power Generation
Re: Recently announced Ontario Power Generation (OPG) Investment Strategy
for Durham Region.

Don Terry, Manager, Public Affairs – Pickering, Ontario Power Generation (OPG) appeared before Council to update members on the recent announcement to proceed with the planning phase of refurbishment of existing units at Darlington station and construction of new units at Darlington. A question and answer period ensued.

4. CORRESPONDENCE

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- (i) CORR 07-10
Correspondence received from the Corporation of the Town of Gravenhurst regarding the matter of petitioning the Premier of Ontario to take the necessary steps in a timely manner to amend the Ombudsman Act to include hospitals under the jurisdiction of the Ombudsman

RESOLUTION NO. 64-10

Moved by Councillor Emm
Seconded by Councillor Coe

COUNCIL DECISION

That CORR 07-10 with respect to a resolution from the Corporation of the Town of Gravenhurst regarding petitioning the Premier of Ontario to amend the Ombudsman Act to include hospitals be referred to the Chief Administrative Officer to report.

CARRIED

- (ii) CORR 08-10
Correspondence dated February 9, 2010 from C. Anne Greentree, Deputy Clerk, Municipality of Clarington regarding Building of 407 East (Mainline and Link) at One Time (No Staging) – File No. H05

RESOLUTION NO. 65-10

Moved by Councillor Roy
Seconded by Councillor Pitchforth

COUNCIL DECISION

That CORR 08-10 from the Municipality of Clarington with respect to Building 407 East (Mainline and Link) at One Time (No Staging) be referred to staff to report.

CARRIED

- (iii) CORR 09-10
Correspondence dated February 16, 2010 from Patti L. Barrie, Municipal Clerk, Municipality of Clarington regarding Direct Election of the Regional Chair
- (iv) CORR 10-10
Correspondence dated February 18, 2010 from Debbie Shields, City Clerk, City of Pickering regarding Notice of Motion – Direct Election of the Region of Durham Chair- Ratification of the 2006 Ballot Question – File: A-2100-001-10

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- (v) CORR 11-10
Correspondence dated February 18, 2010 from Debbie Shields, City Clerk, City
of Pickering regarding Notice of Motion – Direct Election of Regional Chair
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RESOLUTION NO. 66-10

MOVED by Councillor Emm
Seconded by Councillor Drumm

COUNCIL DECISION

That CORR 09-10, 10-10 and 11-10 from the Municipality of Clarington and the
City of Pickering with respect to the Direct Election of the Regional Chair be
referred to the Town Clerk to report.

CARRIED

- (vi) CORR 12-10
Correspondence dated February 18, 2010 from Debbie Shields, City Clerk, City
of Pickering regarding Notice of Motion – Integrity Commissioner – File: A-2100-
001-10
-

RESOLUTION NO. 67-10

MOVED by Councillor Emm
Seconded by Councillor Coe

COUNCIL DECISION

That CORR 12-10 from the City of Pickering with respect to a Notice of Motion-
Integrity Commissioner be referred to Administration for a report.

CARRIED

- (vii) CORR 13-10
Correspondence dated November 2009 from G.P. Carroll, President, Municipal
Engineers Association, notifying municipalities that in celebration of their 50th
anniversary, a book entitled "Sharing With Pride: has been published by the
Municipal Engineers Association and will be made available for viewing at the
Whitby Public Library – Main Branch
-

RESOLUTION NO. 68-10

MOVED by Councillor Emm
Seconded by Councillor Drumm

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COUNCIL DECISION

That CORR 13-10 from the Municipal Engineers Association with respect to celebration of their 50th Anniversary be received for information.

CARRIED

- (viii) CORR 14-10
Correspondence dated February 8, 2010 from Glenn Jager, Senior VP, Pickering A, Pickering Nuclear, Ontario Power Generation regarding an application submitted to the Canadian Nuclear Safety Commission for the renewal of OPG's Operating License of Pickering A Nuclear Generating Station

RESOLUTION NO. 69-10

MOVED by Councillor Emm
Seconded by Councillor Drumm

COUNCIL DECISION

That CORR 14-10 from the Ontario Power Generation with respect to renewal of the operating license of Pickering A Nuclear Generating Station be received for information.

CARRIED

Council took a five minute recess and reconvened at 9:21 p.m.

5. **STANDING COMMITTEES**

- (a) Planning and Development Committee – February 16, 2010
Report Recommendations to Council

- 3.3 Planning Report, Item PL 13-10
Re: Mike Polonsky & Adriana Carnevale
Temporary Use Zoning Amendment Application – (Z-26-09)
7725 Cedarbrook Trail

COUNCIL DECISION

1. That Planning Report, Item PL 13-10 be received as information;
2. That the Zoning By-law Amendment Application Z-26-09 submitted by Mike Polonsky and Adriana Carnevale for property municipally known as 7725 Cedarbrook Trail to amend the zoning to permit the temporary use of two (2) single detached dwellings on a single lot be approved;

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3. That the amending zoning by-law to implement Zoning By-law Amendment Application Z-26-09 be forwarded to Council for enactment; and
4. That prior to any extension of the temporary use by-law, that written notice be given to the affected neighbouring properties.

4.2 Planning Report, Item PL 14-10

Re: Zoning Amendment Application to Remove 'H' Holding Provision
Pardo Estates Limited – (Z-02-10) – Lots 1-6 On Plan 40M-2400

COUNCIL DECISION

1. That Council approve the removal of the 'H' Holding symbol for lots 1 to 6 on plan 40M-2400, subject to the comments and conditions contained in Planning Report No. PL 14-10; and,
2. That the amending Zoning By-law to remove the 'H' Holding symbol be brought forward for Council's approval.

4.3 Planning Report, Item PL 15-10

Re: Earth Hour – March 27, 2010 – (B-3200)

COUNCIL DECISION

1. That Planning Report Item No. PL 15-10 be received as information;
2. That the Clerk register the Town of Whitby to participate in Earth Hour on March 27, 2010;
3. That businesses and residents of Whitby be encouraged to participate in Earth Hour 2010; and,
4. That a copy of this report be forwarded to the Durham District School Board, the Durham Catholic School Board, Whitby Hydro, the Library Board and the Station Gallery.

4.4 Planning Report, Item PL 16-10

Re: Thickson Square Commercial – Requirement for Fountain in Stormwater
Management Pond – (SP-36-02)
– Northeast corner Taunton Road and Thickson Road

COUNCIL DECISION

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1. That Planning Report PL 16-10 be received as information;
2. That Council approve the request to remove the requirement for a fountain in the stormwater management pond at the Thickson Square Commercial Development subject to the comments contained in Planning Report PL 16-10; and,
3. The Mayor and Clerk be authorized to execute a Site Plan Amending Agreement which will delete the stormwater management pond fountain requirements from the original Site Plan Agreement.
4. That staff be instructed to consult with the Regional Municipality of Durham's Health Department with respect to the appropriate plantings that need to be incorporated into this pond and report back to Committee and that staff develop a policy with respect to future ponds.

- 4.7** Planning Report, Item PL 19-10
Re: Regulations for The Green Energy and Green Economy Act, 2009 and
Renewable Energy Project Approvals Process
-

COUNCIL DECISION

1. That Planning Report PL 19-10 be received as information; and,
2. That a copy of Planning Report PL 19-10 be circulated to the Ministry of the Environment, to confirm whether municipalities can apply existing provisions of their zoning by-laws to small-scale renewable energy projects, and that copies be sent to the Association of the Municipalities of Ontario (AMO) and Christine Elliott, MPP.

RESOLUTION NO. 70-10

Moved by Councillor Coe
Seconded by Councillor Mitchell

That the Report of the Planning & Development Committee dated February 16, 2010, be adopted, save and except Items 4.1, 4.5, 4.6 and 5.1.

CARRIED

- 4.1** Planning Report, Item PL 10-10
Re: FCM – Sustainable Community Plan Update – Port Whitby

RESOLUTION NO. 71-10

MOVED by Councillor Coe
Seconded by Councillor Emm

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COUNCIL DECISION

1. That Planning Report PL 10-10 be received for information; and
2. Further, that the Chief Administrative Officer be requested to report back on the timing required in order to meet FCM grant deadlines.

CARRIED

- 4.5** Planning Report, Item PL 17-10
Re: Staff Report – Downtown Whitby Development Steering
Committee (DWDSC) – 2009 Annual Report – Strategic Action Plan
Recommendations
-

RESOLUTION NO. 72-10

MOVED by Councillor Mitchell
Seconded by Councillor Pitchforth

COUNCIL DECISION

1. That Report No. PL 17-10 regarding Staff Report – Downtown Whitby Development Steering Committee (DWDSC) – 2009 Annual Report – Strategic Action Plan Recommendations, dated February 16, 2010 be received as information;
2. That Council endorse the Planning Department Staff recommendations set out in Planning Report Item PL 17-10; as amended to reflect that any replacement trash receptacles proposed retain the heritage features; and
3. That a copy of Council's decision be forwarded to the Downtown Whitby Development Steering Committee (DWDSC).

CARRIED

- 4.6** Planning Report, Item PL 18-10
Re: Staff Report – Brooklin Downtown Development Steering Committee
(BDDSC) – 2009 Annual Report – Downtown Brooklin
-

RESOLUTION NO. 73-10

MOVED by Councillor Pitchforth
Seconded by Councillor Mitchell

COUNCIL DECISION

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1. That Report No. PL 18-10 regarding Staff Report –Downtown Brooklin Development Steering Committee (DBDSC) – 2009 Annual Report, dated February 16, 2010 be received as information;
2. That Council endorse the Planning Department Staff recommendations set out in Planning Report Item PL 18-10; as amended to reflect that any replacement trash receptacles proposed retain the heritage features
3. That a copy of Council's decision be forwarded to the Downtown Brooklin Development Steering Committee (DBDSC).

CARRIED

5.1 Water Street Extension

RESOLUTION NO. 74-10

Moved by Councillor Drumm
Seconded by Councillor Coe

COUNCIL DECISION

That the proposed Water Street extension be removed from the draft Transportation Master Plan (TMP) for Town of Whitby and that the Region of Durham be requested to remove it from the Regional Transportation Master Plan and the Regional Official Plan.

CARRIED UNANIMOUSLY
ON A RECORDED VOTE

5. (b) Operations Committee – March 1, 2010
Report Recommendations to Council
-

4.2 Community & Marketing Services Report, Item CMS 06-10
Re: Community and Marketing Services Department User Fees
(Excludes Ice/Floor User Fees)

COUNCIL DECISION

1. That Council approve the proposed user fees for services and programs presented in Community and Marketing Services (CMS) Department Report CMS 06-10, and outlined in Attachment No. 1;
2. That the effective periods for the proposed user fees adjustments be approved as follows:
 - Port Whitby Marina – March 15, 2010 to February 15, 2011

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- Camps – April 1, 2010 to March 31, 2011
- All other Programs/Services – July 1, 2010 to March 31, 2011
- Facilities – April 1, 2011 to March 31, 2012

3. That all CMS Department user fees be presented to customers and published in the Recreation Activity Guides “without applicable taxes” commencing with the issuance of the Summer Activity Guide, to be distributed to Whitby households on May 26, 2010;
4. That Council repeal By-law No. 6149-09, a by-law to impose user fees for certain programs, services, and facilities provided by the Community and Marketing Services Department; and,
5. That Council authorize the Clerk to bring forward a new by-law for Council approval to implement the proposed new user fees as outlined in this Departmental report.

4.4 Community & Marketing Services Report, Item CMS 09-10
Re: Windsor Bay Park – Brock Street South and Front Street East

COUNCIL DECISION

1. That Council approve the proposed park design for Windsor Bay Park outlined in Community and Marketing Services Department Report CMS 09-10 and illustrated in Attachment No. 2;
2. That Staff be authorized to proceed with the detailed working drawings, specifications and tender documents; and,
3. That the project be tendered and that Staff report back to Council with a recommendation of the preferred general contractor, construction timing and budget analysis.

4.8 Corporate Services Report, Item CS 05-10
Re: Roof Replacement - Luther Vipond Memorial Arena - (T-15-2010)

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of Triumph Aluminum & Sheet Metal Inc. in the amount of \$280,791.00 for the Roof Replacement at Luther Vipond Memorial Arena;
2. That the total estimated project cost for the Town of Whitby in the amount of \$297,220.00 be approved; and

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

4.9 Corporate Services Report, Item CS 06-10
Re: Automobile Allowance Rates - Amendment to Policy

COUNCIL DECISION

That the amendment to the Automobile Allowance Policy # 2-0-05 as outlined in Attachment 1, be approved.

4.10 Corporate Services Report, Item CS 07-10
Re: Lakeridge Health Whitby Foundation - Funding for Dialysis Machines

COUNCIL DECISION

That Council remit the \$100,000 for dialysis machines to the Lakeridge Health Whitby Foundation.

4.11 Corporate Services Report, Item CS 08-10
Re: Property Tax Relief for Branches of the Royal Canadian Legion

COUNCIL DECISION

1. That a by-law be brought forward to exempt Branch 112 of the Royal Canadian Legion, located at 117 Byron Street South and Branch 152 of the Royal Canadian Legion, located at 56 Baldwin Street from property taxation for Town of Whitby purposes; and,
2. That the Region of Durham be requested to exempt Branch 112 of the Royal Canadian Legion, located at 117 Byron Street South and Branch 152 of the Royal Canadian Legion, located at 56 Baldwin Street from property taxation;
3. That this by-law be effective January 1, 2010.

4.12 Corporate Services Report, Item CS 09-10
Re: Applications For Cancellation, Reduction, Adjustment And/Or Refund Of Taxes

COUNCIL DECISION

That applications for cancellation, reduction, adjustment and/or refund of taxes be approved as listed in this report, in the amount of \$440,614.48 for the taxation years 1998 to 2009 inclusive.

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- 4.13** Public Works Report, Item PW 11-10
Re: 2010 Compost Giveaway Event – (E-3200)

COUNCIL DECISION

1. That Council approve the Public Works Department co-hosting a Compost Giveaway event with the Region of Durham on Saturday, May 1, 2010; and,
2. That a copy of Public Works Department Report PW 11-10 regarding the “2010 Compost Giveaway Event” be forwarded to the Region of Durham and the Area Municipalities.

RESOLUTION NO. 75-10

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

That the Report of the Operations Committee dated March 1, 2010 be adopted, save and except Items 4.1, 4.3, 4.5, 4.6, 4.7 and 4.14.

CARRIED

- 4.1** Community & Marketing Services Report, Item CMS 04-10
Re: Anne Ottenbrite Pool - Renovations and Accessibility Improvements - Design Proposal
-

RESOLUTION NO. 76-10

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

COUNCIL DECISION

1. That Council approve the architectural design generally as outlined in Community and Marketing Services Report, Item CMS 04-10 and illustrated in the attached Appendix for the proposed renovations and accessibility improvements to Anne Ottenbrite Pool;
2. That Staff be authorized to proceed with the detailed working drawings, specifications and tender documents, and issue the project for tender in April 2010; and,
3. That Staff report back to Council following the tender closing with a recommendation for the preferred contractor, construction schedule and budget analysis.

CARRIED

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- 4.3** Community & Marketing Services Report, Item CMS 08-10
Re: Options for Special Events - County Town Carnival, Community
Connections, Harbour Days and Canada Day
-

RESOLUTION NO. 77-10

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

COUNCIL DECISION

1. That Council approve the following recommendations regarding the Great Little Duck Race, County Town Carnival and Canada Day fireworks:
 - i. That the Great Little Duck race be held at D'Hillier Park on Saturday, May 8, 2010;
 - ii. That the County Town Carnival be held at Cullen Central Park on June 26, 2010;
 - iii. That Community Connection be issued a permit for Victoria Fields on June 30 and July 1, 2010 for the purpose of the setup and display of fireworks for Canada Day; and,
2. That Council direct Staff to consult with organizations identified in the Report and other potential community partners regarding opportunities to consolidate events, reduce costs and improve revenues, while enhancing and maximizing the benefits of the special events to the community overall; and to report to Council further upon the findings.

CARRIED

- 4.5** Community & Marketing Services Report, Item CMS 10-10
Re: Peel Park
-

RESOLUTION NO. 78-10

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

COUNCIL DECISION

1. That Council approve the proposed redevelopment design for Peel Park outlined in Community and Marketing Services Department Report CMS 10-10 and illustrated in Attachment No. 2;

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2. That Staff be authorized to proceed with the detailed working drawings and tender documents; and,
3. That the project be tendered and that Staff report back to Council with a recommendation of the preferred contractor, construction timing and budget analysis.

CARRIED

4.6 Community & Marketing Services Report, Item CMS 11-10
Re: Whitby In Bloom

RESOLUTION NO. 79-10

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

COUNCIL DECISION

1. That the 2009 Whitby in Bloom program highlights be received as information;
2. That Council approve the Town's continued participation in the National Communities in Bloom Program, Friends Category in 2010; and,
3. That Council endorse the Whitby in Bloom Committee of Council and Staff's recommendations for the 2010 program.

CARRIED

4.7 Community & Marketing Services Report, Item CMS 12-10
Arena Ice and Floor User Fees

RESOLUTION NO. 80-10

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

COUNCIL DECISION

1. That no fee increase be implemented on the ice or floor rental rates for user groups for the period of April 1, 2010 to March 31, 2011;
2. That Council approve the proposed arena ice and floor user fees for the period April 1, 2010 to March 31, 2011, presented in Community and Marketing Services Report CMS 12-10 and outlined in the attached Appendix;

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3. That the \$25.00 per hour and the \$9.00 per hour surcharge levied on all ice and floor rentals respectively at all arena facilities be maintained at the current level;
4. That Council authorize the Clerk to bring forward a new by-law for Council approval to implement the proposed ice and floor user fees as outlined in Community and Marketing Services Report CMS 12-10;
5. That the program hours at the McKinney Centre be expanded on the weekend to commence at 6:00 a.m. (versus 7:00 a.m.) during the ice hockey season only and that Council approve the addition of a part time Attendant 1 position to accommodate the new programming hours;
6. That the Town's Access Program not be expanded to include Whitby minor sport organizations, and that staff provide Whitby minor sport organizations with information on other subsidization programs that may financially assist their participants;
7. That in order for all Whitby and other Ontarian children and youth to receive the health and social benefits of sport and recreation participation, the Municipality requests the following of the Provincial Government:
 - that the age exemption for sport and recreation program fees for the application of the Harmonized Sales Tax (HST) be extended to children and youth aged 15 years and younger (from 14 years) so that it aligns with the age criteria of the Federal Government's "Children's Fitness Tax Credit";
 - that an exemption from the HST be provided for all sport and recreation facility rentals (ice and floor rentals, etc.) used for programming for children and youth 15 years of age and under;
 - that an exemption from the HST be provided on all safety equipment for sport and recreation used by children and youth 15 years and younger; and further,
 - that an exemption from the HST be provided on all sport and recreation drop-in programs for all users where the maximum drop-in fee is \$5.00 and less; and,
8. That the Municipality forward its request regarding exemptions to the HST To the Honourable Dalton McGuinty, Premier; Honourable Dwight Duncan, Minister of Finance; Honourable Margaret Best, Minister of Health Promotion; Honourable Laurel Broken, Minister of Children and Youth Services; Honourable John Wilkinson, Minister of Revenue; Christine Elliott, MPP Whitby-Oshawa; Honourable Jim Flaherty, Minister of Finance and Minister Responsible for the GTA and MP Whitby-Oshawa and all other

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members of Provincial and Federal Parliament in Durham Region; the Association of Municipalities of Ontario (AMO), Federation of Canadian Municipalities ,and all Ontario municipalities requesting their endorsement.

CARRIED

4.14 Public Works Report, Item PW 13-10
Re: Montgomery Avenue, Brooklin

RESOLUTION NO. 81-10

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

COUNCIL DECISION

That Report PW 13-10, regarding Montgomery Avenue, be received as information.

CARRIED AS AMENDED
[See Following Motion]

RESOLUTION NO. 82-10

MOVED by Councillor Pitchforth
Seconded by Councillor Drumm

That the main motion be amended by adding the following as Item 2, 3 and 4;

2. That subject to public consultation, budget approval and update to Council;
 - a) That staff be directed to complete painted white lines on the east and west side of Montgomery Avenue extending between Vipond Road to Carnwith Avenue, along with the removal of on street parking, at an estimated cost of approximately \$2,000 (as outlined on Attachment E);
 - b) That staff be directed to install two raised medians within the existing road curbs north and south of Holsted Avenue at a cost of approximately \$35,000. (as outlined on Attachment D);
3. That staff report back on costing and number of additional trees that can be installed on the boulevard on Montgomery Avenue to add a visual buffer to the road; and
4. Further, that this work be included in the 2010 work plan for the Public Works Department.

CARRIED

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The main motion was then CARRIED, AS AMENDED.

6. NOTICE OF MOTION

In order to meet legislated timelines under the Municipal Elections Act, Councillors Mitchell and Roy requested that the rules of procedure be suspended in order to deal with a Notice of Motion concerning the Election of Regional Councillors by Ward.

MOVED by Councillor Mitchell
Seconded by Councillor Roy

That the rules be suspended in order to introduce a motion with respect to the Election of Regional Councillors by Ward.

MOTION LOST
ON A 2/3RD MAJORITY VOTE

Mayor Perkins advised that due to the motion to suspend the rules and introduce the Notice of Motion being defeated, the matter would now appear on the March 29, 2010 meeting of Council.

The following Notice of Motion will appear on the March 29, 2010 meeting of Council for disposition.

(i) Election of Regional Councillors by Ward

Whereas the role of an elected official is based on the principles of accountability, accessibility and effective democratic representation;

Whereas the Town of Whitby has experienced significant growth and it is in the best interests of the residents to have Regional representation by a ward system;

Whereas the Municipal Elections Act provides that Council can pass a by-law to place a question on the ballot;

Whereas questions must concern a matter within the jurisdiction of the municipality and the wording must be clear concise and neutral with the ability to be answered yes or no;

And further, the Municipal Elections Act provides that the results of a question are binding if at least fifty percent of the eligible voters vote on the question and more than fifty percent of the votes on the question are in favour of those results;

Now therefore be it resolved that a public meeting and by-law to place the following question on the October 25, 2010 Town of Whitby election ballot be

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
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scheduled and that the Town Clerk initiate the required processes outlined in the Municipal Elections Act;

Are you in favour of electing those councillors who represent the Town on Regional Council by a ward vote as opposed to general (at large) vote?

YES

NO

7. NEW AND UNFINISHED BUSINESS

7.1 2010 Current and Capital Budget

Councillor Pitchforth reminded everyone that the Current and Capital Operating Budget meeting would be held on Thursday, March 11, 2010 at 7:00 pm in the Council Chambers.

7.2 Low Income Dental Clinic to Open in Whitby

Councillor Roy advised that there was a recent article in relation to a low-income dental clinic to open at the Whitby Mall and noted that the Region is receiving \$500,000.00 in start-up funding from the Ministry of Health to set up the program. She further advised that the Region of Durham would not go ahead with the initiative until it receives written confirmation from the Ministry that it will provide all operating costs. She requested that a letter of support be sent in this regard.

RESOLUTION NO. 83-10

MOVED by Councillor Roy
Seconded by Councillor Drumm

COUNCIL DECISION

That the Mayor send a letter of support to the Ministry of Health with respect to the start up funding of \$500,000.00 to the Region of Durham for a low income dental clinic in the Whitby Mall and that a copy of the letter be sent to the Medical Officer of Health.

CARRIED

7.3 Status Update on Task Force on Implementation of Hospital Opening

Councillor Emm requested an update with respect to when members of the Task Force would be coming to Council to update members on the work completed to date. Mayor Perkins indicated that an open invitation had been issued and that a meeting to discuss had been set up in this regard for March 23, 2010.

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7.4 Lighting Concerns at the Amica Mature Lifestyle Inc., 200 Kenneth Hobbs Drive

Councillor Drumm inquired into the status of excessive lighting at the Amica Mature Lifestyle building located at 200 Kenneth Hobbs Drive, and the concerns raised by residents. The Director, Planning & Development was requested to provide an update to Council in this regard.

7.5 Policy on Reimbursement of Education

Councillor Mitchell requested the Chief Administrative Officer to review the education reimbursement policy in place at the Town to ensure there are no concerns in this regard.

7.6 Province of Ontario – Jobs in the New Economy; Honouring Infrastructure Spending

Councillor Coe noted the recent Ontario Throne Speech which commits the Government to Jobs in the New Economy; Honouring Infrastructure Spending.

RESOLUTION NO. 84-10

MOVED by Councillor Coe
Seconded by Councillor Emm

COUNCIL DECISION

That the Mayor send a letter of support to the Minister of Finance for the Province of Ontario, thanking the government for their continued support of investments in local infrastructure.

CARRIED

8. BY-LAWS

- | | |
|---------|--|
| 6298-10 | By-law to approve fees for certain programs, services and activities and for the use of certain facilities and parks, excludes ice/floor user fees. (Refer to Community and Marketing Services Report, Item CMS 06-10) |
| 6299-10 | By-law to approve fees for arena ice and floor user fees (Refer to Community and Marketing Services Report, Item CMS 12-10) |
| 6300-10 | By-law to except certain branches of the Royal Canadian Legion from Property taxation for Town of Whitby purposes (refer to Corporate Services Report, Item CS 08-10). |

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6301-10 By-law to authorize the corporation to enter into the Municipal Funding Agreement with the Association of Municipalities of Ontario. The Amended Funding Agreement with AMO to enable transfer of Federal Gas Tax Revenues under the New Deal for Cities and Communities (extension required as contingent upon the completion of a program evaluation of the initial agreement, which is now successfully concluded).

6302-10 By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from A – Agricultural Zone to R2A* – Residential Zone and R2B* – Residential Zone for the lands within Part of Lot 31, Concession 3 to the west of Country Lane. The effect of the zoning change is to permit the development of 28 single detached dwellings. (Refer to Planning Report, PL 97-08 – Ritson Creek Developments Inc. – Z-07-05.)

RESOLUTION NO. 85-10

MOVED by Councillor Mitchell Seconded by Councillor Drumm that leave be granted to introduce By-law Nos. 6298-10 to 6302-10, inclusive, and to dispense with the reading of the by-laws by the Clerk and that the same be considered read a first, second and third time and finally passed and that the Mayor and Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

By-law Nos. 6298-10 and 6302-10, inclusive, considered read a first, second and third time and finally passed.

9. CONFIRMATORY BY-LAW NO 6303-10

RESOLUTION NO. 86-10

MOVED by Councillor Emm seconded by Councillor Scott 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 March 8th, 2010, 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. 6303-10 considered read a first, second and third time and finally passed.

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10. ADJOURNMENT

RESOLUTION NO. 87-10

MOVED by Councillor Coe
Seconded by Councillor Drumm

That the meeting be adjourned.

CARRIED

The meeting adjourned at 10:23 p.m.

Debi A. Wilcox, Town Clerk

Patricia Perkins, Mayor