

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, FEBRUARY 9, 2009 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

PRESENT: Mayor Perkins

Councillors Coe, Drumm, Emm, Mitchell, Pitchforth, Roy and Scott

Mayor Perkins in the Chair

ALSO PRESENT: R. S. Petrie, Chief Administrative Officer
K. Nix, Director of Corporate Services/Treasurer
B. Short, Director of Planning
D. Armstrong, Acting Fire Chief
S. Beale, Director of Public Works
P. LeBel, Director of Community and Marketing Services
S. Pohjola, Town Solicitor
M. Gale, Supervisor of Solid Waste
P. Jones, Town Clerk
M. Pettit, Deputy Clerk

1. DISCLOSURES OF INTEREST

Councillor Emm declared a pecuniary interest in regard to Community and Marketing Services Report, Item CMS 10-09 as he has a family member using the Whitby Marina.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6146-09

RESOLUTION NO. 24-09

Councillor Drumm, seconded by Councillor Emm, moved for leave to introduce a by-law and to dispense with the reading of the by-law by the Clerk to adopt the minutes of the meetings of Council held on January 19, 2009 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. 6146-09 considered read a first, second and third time and finally passed.

3. PRESENTATIONS

(i) Stephanie Geller – Synchronized Swimming

Mayor Perkins, Councillor Scott and Mr. LeBel presented Stephanie Geller with a medal recognizing her efforts and accomplishments in the sport of synchronized swimming.

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3. (Continued)

(ii) Waste Reduction Week – School Poster Coloring Competition

Mayor Perkins, Councillor Mitchell, Ms. Beale and Mr. Gale presented Helen Liu, winner of the School Poster Coloring Competition, and Kaitlyn Errington and Olivia Siciliano, who both received an Honourable Mention, with a certificate and token from the Town of Whitby to recognize their efforts. The three Grade 7 students all attend Bellwood Public School.

(iii) Fire Services Material

Mayor Perkins, Councillor Coe and Drew Armstrong oversaw the presentation of historical materials detailing fire service in the Town of Whitby since 1903. The materials were presented by Mr. Ken corner to the Town Archivist, Mr. Brian Winter.

4. CORRESPONDENCE

(i) CORR 02-09

Letter dated January 26, 2009 from the Chair and Vice Chair of the Downtown Whitby Development Steering Committee advising that the Committee wishes to investigate the development of a Business Improvement Area and requesting Council support in principle

RESOLUTION NO. 25-09

MOVED by Councillor Drumm
Seconded by Councillor Emm

That correspondence Item CORR 02-09 be referred to the Town Clerk and the Clerk report back to Council on his findings.

CARRIED

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5. STANDING COMMITTEES

- (a) Planning and Development Committee – January 26, 2009
Report Recommendations to Council
-

3.1 Planning Report, Item PL 12-09

Re: Whitby (Brock and Rossland) Developments Inc.

Public Meeting 7:30 P.M.

Applications to Amend the Town of Whitby Official Plan (OPA-2008-W/12);
Zoning Bylaw (Z-23-08) and Proposed Plan of Subdivision (SW-2008-03) –
Northeast Intersection of Brock and Rossland

COUNCIL DECISION

1. That Planning Report, Item PL 12-09, be received as information;
2. That the Planning Department report back to the Planning and Development Committee at such time as the public input and agency comments have been received; and,
3. That the Chief Administrative Officer report back to the Planning and Development Committee recommending a clear set of criteria to be met before a planning application is referred for consideration as part of the Intensification Strategy component of the Whitby Official Plan Review.

4.2 Planning Report, Item PL 11-09

Growing Durham: Recommended Growth Scenario and Policy Directions: Final
Report, November 18, 2008

COUNCIL DECISION

1. That Planning Report Item PL 11-09 be received for information;
2. That Planning staff be authorized to further discuss the Town's outstanding concerns and comments with the Recommended Growth Scenario and associated policy directions with Regional Staff in the upcoming preparation of the Regional Official Plan Amendment;
3. That Planning staff report back to Council at key milestones of the Regional Official Plan Amendment process; and,
4. That a copy of Planning Report Item PL 11-09 be forwarded to the Region of Durham.

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5. (Continued)

4.3 Planning Report, Item PL 14-09

Initial Proposed Standard for Accessible Information and Communication

COUNCIL DECISION

1. That the Town of Whitby forward Planning Report Item PL 14-09 to the Minister of Community and Social Services as comments on the proposed Information and Communications Standard; as set out under Section 7 – Considerations;
2. That the Accessibility Working Committee receive a copy of the Planning Report Item PL 14-09 and establish a recommended strategy of policy development and implementation and estimated cost impacts for the consideration of the Planning and Development Committee and Council;
3. That a copy of Council's resolution together with Planning Report Item PL 14-09 be circulated to the Region of Durham, Durham Area Municipalities, Association of Municipalities of Ontario (AMO) and C. Elliot, MPP; and,
4. That the Province be requested to clarify its role as it relates to funding of the costs involved in achieving any new accessibility standards.

RESOLUTION NO. 26-09

MOVED By Councillor Drumm
Seconded by Councillor Coe

That Council adopt the recommendations set out in Item Nos. 3.1, 4.1, 4.2 and 4.3, as contained in the minutes of the meeting of the Planning and Development Committee held on January 26, 2009, save and except Item No. 4.1 thereof.

CARRIED

4.1 Planning Report, Item PL 10-09

Metrolinx - Final Regional Transportation Plan and Investment Strategy

RESOLUTION NO. 27-09

MOVED By Councillor Drumm
Seconded by Councillor Coe

That Planning/Public Works Joint Report Item PL 10-09 be received for information.

CARRIED

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5. (Continued)

- (b) Operations Committee – February 2, 2009
Report Recommendations to Council
-

3.2 Community and Marketing Services Report, Item CMS 08-09
Re: Whitby Seniors Services Transportation Program

COUNCIL DECISION

1. That Council support eligibility modifications to the Whitby Seniors Services Transportation program so more members of the Whitby Seniors Activity Centre can access the service;
2. That Council approve a fee increase for users of the Whitby Seniors Services Transportation service from \$1.00 per ride to \$1.50 per ride; and,
3. That if Council approves the recommendations, the proposed program adjustments be effective April 1, 2009.

3.5 Community and Marketing Services Report, Item CMS 11-09
Re: Whitby Seniors Services Foot Care Program
- Transfer to Community Care Durham

COUNCIL DECISION

1. That Council approve the transfer of the Whitby Seniors Services Foot Care program to Community Care Durham;
2. That Council give direction to staff to formally request the Central East Local Health Integrated Network, as the funding partner of the program, to designate and transfer the Whitby Seniors Services Foot Care program to Community Care Durham; and,
3. Subject to Council approval of the recommendation to transfer the program, and the Central East Local Health Integrated Network granting the transfer as the funding partner, that the effective date of the transfer be April 1, 2009.

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5. (Continued)

3.6 Community and Marketing Services Report, Item CMS 12-09

Re: Parks and Recreation Property and Facility Naming Policy

COUNCIL DECISION

1. That Council adopt a Parks and Recreation Property Naming Policy attached to Community and Marketing Services Report, CMS 12-09, as Attachment #1; and,
2. That existing Policy 620006 (Council Resolution 1550-88) Naming of Municipal Parks be repealed.

3.8 Corporate Services Report, Item CS 03-09

Re: Proposed Sale of Part 4, Plan 40R-24357 at Montgomery Avenue
and Carnwith Drive West, Brooklin to Sorbara Tribute Holdings Inc.

COUNCIL DECISION

1. That Council declare Part 4, Plan 40R-24357, at Montgomery Avenue and Carnwith Drive West, Brooklin, as shown on Attachment # 1, as surplus to its needs;
2. That the Town give notice of its intention to sell the property by placing an advertisement in the newspaper one time;
3. That, provided no objection is received by the Town in connection with the proposed disposal of the property, the property be sold to Sorbara Tribute Holdings Inc. to be merged with Block 51, Plan 40M-2385;
4. That in lieu of an appraisal specific to this land that the value of the property be calculated based on a per square foot value of an appraisal obtained for Block E, Plan M1148 (Walton Boulevard); and,
5. That the Mayor and Clerk be authorized to execute the required documents.

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5. (Continued)

3.9 Public Works Report, Item PW 04-09

Re: Fees for Services & Activities Provided and Performed by the Town of
Whitby Public Works Department

COUNCIL DECISION

1. That Council approve the proposed Fees for Services & Activities provided by the Public Works Department as outlined within Public Works Report PW 4-09; and,
2. That Council repeal existing By-law 6016-08 and authorize the Clerk to bring forward a new by-law for Council approval as shown in Attachment 1 to this report.

3.12 Public Works Report, Item PW 07-09

Re: Two Way Radio System Replacement Recommendation

COUNCIL DECISION

1. That the Town of Whitby accept the quotation from Williams Communication Services Limited in the amount of \$260,519.05 (\$248,991.66 net GST) for the replacement of the two way radio system; and,
2. That an over expenditure of \$6,271.66 be approved and funded from Equipment Reserve Fund.

RESOLUTION NO. 28-09

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

That Council adopt the recommendations set out in Item Nos. 3.1 through 3.12, as contained in the minutes of the meeting of the Operations Committee held on February 2, 2009, save and except Item No. 3.1, 3.3, 3.4, 3.7, 3.10 and 3.11 thereof.

CARRIED

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5. (Continued)

3.1 Community and Marketing Services Report, Item CMS 07-09
Re: Volunteer Recognition

RESOLUTION NO. 29-09

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

1. That the Town of Whitby conduct a single annual volunteer recognition event for direct service volunteers who serve on Boards, Committees of Council and special committees assisting the Public Works, Planning and Community and Marketing Services Departments excluding Seniors Services;
2. That funds for the single volunteer recognition event for direct service volunteers who serve on Boards, Committees of Council and special committees be allocated within the Special Events Division budget, subject to the annual approval of budget by Council;
3. That the volunteer recognition activities of the Seniors Services Division continue to be undertaken by the Division and be funded through the annual budget, the Seniors Committee of Council and donations, as appropriate; and,
4. That Staff review the manner in which the Town of Whitby might provide volunteer recognition and support to volunteer service partner organizations and report back to Committee and Council with recommendations.

CARRIED

3.3 Community and Marketing Services Report, Item CMS 09-09
Re: Ontario Nuclear New Build Procurement Project

RESOLUTION NO. 30-09

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

1. That Community and Marketing Services Department Report No. 09-09 be received as information;
2. That Council endorse the following resolution:

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5. (Continued)

- Whereas a secure and competitively priced energy supply is a key foundation for the maintenance and growth of a competitive Ontario and Durham Region economy;
 - And whereas Canada's and Ontario's nuclear industry has a demonstrated track record of safety, innovation and environmental stewardship;
 - And whereas Canadian innovative design and manufacture of nuclear reactors has proven to be competitive in world markets;
 - And whereas there is currently and projected to be an increase in the expansion of nuclear construction worldwide and Ontario and Durham Region stand to benefit through the export of nuclear components and technology;
 - And whereas more than 150 Canadian/Ontario companies employ over 12,000 high tech workers in the nuclear energy area;
 - Therefore be it resolved that the Town of Whitby calls upon the Provincial Government to give priority in the procurement process for the next generation of nuclear power technology to be sited at Darlington, to the bidder that has substantial current investments, strategic partnerships and alliances in and with Ontario companies, and is prepared to further establish and demonstrate continued investment in and with Ontario companies to enhance and provide sustainable employment opportunities for the new nuclear build project; and,
3. That the Clerk forward a copy of this report, once approved by Council, to the Honourable George Smitherman, Deputy Premier and Minister of Energy and Infrastructure; Honourable Michael Bryant, Minister of Economic Development; Honourable Dwight Duncan, Minister of Finance and Chair of the Management Board of Cabinet; Honourable John Wilkinson, Minister of Research and Innovation; Christine Elliott, MPP Whitby-Oshawa; all other Members of Provincial Parliament in Durham Region; office of the Prime Minister; Honourable Lisa Raitt, Minister of Natural Resources; Honourable Jim Flaherty, Minister of Finance and Minister Responsible for the GTA and MP Whitby-Oshawa; all other members of Federal Parliament in Durham Region; Durham Region Economic Development and Tourism Department; local municipal economic development offices in Durham Region; all Boards of Trade and Chambers of Commerce in Durham Region; and the Regional Municipality of Durham and the Municipality of Clarington.

CARRIED

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5. (Continued)

3.7 Community and Marketing Services Report, Item CMS 13-09

Re: Scotiabank Naming Rights Sponsorship at IPSC

RESOLUTION NO. 31-09

MOVED by Councillor Pitchforth

Seconded by Councillor Scott

That Council approve the Scotiabank sponsorship at Iroquois Park Sports Centre (IPSC), including renaming Arena 1 to Scotiabank Arena 1, under the terms and conditions listed herein.

CARRIED

3.10 Public Works Report, Item PW 05-09

Re: School Poster Colouring Competition Winner

RESOLUTION NO. 32-09

MOVED by Councillor Pitchforth

Seconded by Councillor Scott

1. That Public Works Department Report PW-5-09 regarding the "School Poster Colouring Competition Winner" be received as information;
2. That a copy of the Public Works Department Report PW-5-09 regarding the "School Poster Colouring Competition Winner" be forwarded to the Durham District School Board and the Durham Catholic District School Board; and,
3. That a copy of Public Works Department Report PW-5-09 regarding the "School Poster Colouring Competition Winner" be forwarded to the Region of Durham.

CARRIED

3.11 Public Works Report, Item PW 06-09

Re: Invasive Species - Emerald Ash Borer

RESOLUTION NO. 33-09

MOVED by Councillor Pitchforth

Seconded by Councillor Scott

1. That staff continue to monitor the Emerald Ash Borer infestation in Pickering and provide Council with status updates; and,

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5. (Continued)

2. That a copy of Public Works Report, Item PW 06-09 be sent to the Central Lake Ontario Conservation Authority (CLOCA).

CARRIED

3.4 Community and Marketing Services Report, Item CMS 10-09

Re: Policy for Port Whitby Marina New Applicants

Having declared a pecuniary interest, Councillor Emm did not take part in the discussion or voting on this item.

RESOLUTION NO. 34-09

MOVED by Councillor Pitchforth
Seconded by Councillor Drumm

That Council adopt the Policy for Port Whitby Marina New Applicants as attached to Community and Marketing Services Report No. CMS 10-09.

CARRIED

6. NOTICES OF MOTION

None.

7. NEW AND UNFINISHED BUSINESS

7.1 Community and Marketing Services Report, Item CMS 14-09

Re: Arenas and Community Centre Capital Projects - Submissions for Canada's Economic Action Plan

RESOLUTION NO. 35-09

MOVED by Councillor Emm
Seconded by Councillor Coe

1. That Council direct staff to make application(s) to the Federal Government for partnership capital funding announced in the January 27, 2009 Federal Budget 'Economic Action Plan' on the following proposed projects:
 - a. Iroquois Park Sports Centre – Expansion and Roof Replacement on Arena 1
 - b. Luther Vipond Memorial Arena – Roof Replacement
 - c. Brooklin Community Centre and Library - new build

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7. (Continued)

2. That staff be authorized to engage the services of Barry Bryan & Associates (BBA), an architectural/engineering design firm, for the purposes of undertaking the work on the two proposed arena projects;
3. That Council provide pre-budget approval for fees associated with the work to be completed by BBA in the projected amount of \$140,000; and,
4. That staff report back to Council on the success of the applications and the level of funding that the Municipality may be eligible for any other projects.

CARRIED

**7.2 Association of Municipalities of Ontario (AMO) –
Position on Waste Diversion**

RESOLUTION NO. 36-09

MOVED by Councillor Emm
Seconded by Councillor Coe

Whereas the Ministry of the Environment (MOE) has launched a five year review of the Waste Diversion Act and is seeking feedback on the challenges associated with Ontario's waste diversion framework, the programs under it and the proposed plan moving forward;

Whereas on December 19, 2008, the Association of Municipalities (AMO) issued a correspondence request regarding the AMO position on the Waste Diversion Act and the Blue Box Program review;

Whereas AMO and the Municipal Waste Association (MWA) support shifting full responsibility for all activities related to managing discarded consumer packaging and printed paper to the stewards responsible for producing this packaging;

Whereas AMO and MWA further support full Extended Producer Responsibility (EPR) to provide the incentive for stewards to examine and implement new design into their products to reduce the amount of packaging material in the first place, to enable reuse, to design with recyclability in mind and to design it in a way that will be cost effective;

Whereas AMO and MWA have prepared a discussion paper recommending an expanded list of designated blue box materials including all post consumer packaging and printed paper with proposed implementation within 3 years;

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7. (Continued)

Whereas AMO and MWA support promotion and educational programs conducted at the Provincial level to provide consistent and comprehensive levels of service with adequate funded industry financial incentives to municipalities so they may target specific curbside collection requirements;

Therefore be it resolved that The Town of Whitby generally supports AMO correspondence on the Waste Diversion Act and the Blue Box Program Review Plan as set out in their letters to Honorable John Gerretsen, Minister of the Environment and Andrew Pollock, Vice Chair Waste Diversion Ontario dated December 19, 2008 for the Review of the (BBPP) Blue Box Program Plan and to Alena Grunwald, Project Manager at the Ministry of the Environment dated December 19, 2008 regarding the response to the review of the Ontario's Waste Diversion Act 2002 discussion paper EBR 010-4676; and, that a copy of this resolution be forwarded to the Region of Durham and all municipalities in the Region of Durham.

CARRIED

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8. BY-LAWS

- 6149-09 By-law to approve fees for certain programs, services and activities and for the use of certain facilities and parks. (Refer to Community and Marketing Services Reports, Item CMS 03-09 and CMS 08-09).
- 6150-09 By-law to approve fees for certain Public Works Department services and activities. (Refer to Public Works Report, Item PW 04-09)
- 6151-09 By-law to assume Blackfriar Avenue, Wessex Drive, Wilshire Drive, Penhurst Drive, Kinross Avenue, Bexley Crescent and Cachet Boulevard, as shown on Plan 40M-2037, as public highways.
- 6152-09 By-law to amend By-law No. 1862-85, as amended, to regulate traffic on numerous highways in the Town of Whitby.
- 6153-09 By-law to assume Decatur Place, as shown on Plan 40M-2218, as a public highway.
- 6154-09 By-law to amend By-law No. 1862-85, as amended, to regulate traffic on highways in the Town of Whitby.
- 6155-09 By-law to assume Part 1, 2 and 3 on Plan 40R-24877 as part of Dundas Street East for road widening purposes. (SP-61-05, Planning Report, Item PL36-06)
- 6156-09 By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from H-R2A*-WS – Holding – Residential – Wide Shallow to R2A*-WS - Residential – Wide Shallow for the land on the west side of Way Street municipally known as 138 Way Street, Town of Whitby. The effect of the zoning change is to permit the development of the land for residential purposes. (Z-30-07, Planning Report, Item PL 23-08)
- 6157-09 By-law to designate the property composed of Lot 40 on Plan 40R-2291, as not being subject to part lot control.

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8. (Continued)

RESOLUTION NO. 37-09

MOVED by Councillor Coe, Seconded by Councillor Roy, that leave be granted to introduce By-law Nos. 6149-09 and 6157-09, 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. 6149-09 and 6157-09, inclusive, considered read a first, second and third time and finally passed.

9. CONFIRMATORY BY-LAW NO 6158-09

RESOLUTION NO. 38-09

MOVED by Councillor Drumm, seconded by Councillor Emm, move for leave to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its meeting held on February 9, 2009, 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. 6158-09 considered read a first, second and third time and finally passed.

10. ADJOURNMENT

RESOLUTION NO. 39-09

MOVED by Councillor Emm at 9:26 p.m.
Seconded by Councillor Roy

That this February 9, 2009 meeting of the Council of The Corporation of the Town of Whitby adjourn.

CARRIED

Paul Jones, Clerk

Patricia Perkins, Mayor