PRESENT: Mayor Perkins

Councillor Coe Councillor Emm Councillor Hanson Councillor Mitchell Councillor Montague

Mayor Perkins in the Chair

ABSENT: Councillor Roy (Leave of Absence)

Councillor Drumm (with regrets)

STAFF PRESENT: R. Petrie. Chief Administrative Officer

P. LeBel, Director of Community & Marketing Services

S. Beale, Director of Public Works

M. Gerrard, Fire Chief

K. Nix, Director of Corporate Services/Treasurer

S. Pohjola, Town Solicitor

E. Belsey, Manager, Long Range Planning & Strategic Design

D. Wilcox, Town Clerk

S. Stones, Clerk/Stenographer

1. DISCLOSURES OF INTEREST

Councillor Emm made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Planning Report, Item 48-11, Gerdau-Ameristeel (Formerly Co-Steel LASCO) – 2010 Monitoring Report – Berm Liaison Committee – Town of Whitby – 1801 Hopkins Street, as Councillor Emm has a family member who works for Gerdau-Ameristeel. Councillor Emm did not take part in the discussion or vote on the matter.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6513-11

RESOLUTION NO. 259-11

Minutes of Council Meetings – June 27 and September 6, 2011

Councillor Montague, seconded by Councillor Hanson, 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 June 27, 2011 and the Special Meetings of Council held on June 27 and September 6, 2011 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 6513-11 considered read a first, second, and third time and finally passed.

3. PRESENTATIONS/DELEGATIONS

(i) Recognition of Catherine Partlow

Mayor Perkins, Councillor Emm, Chair of Community & Marketing Services and P. LeBel, Director of Community & Marketing Services, welcomed Catherine Partlow to the dais. Catherine was recognized for her accomplishments at the 2011 Special Olympics in Greece where she won 2 gold medals in track and field, in the 100 m and 200 m races. She was also part of the 4 x 100 race with Team Canada coming in fourth overall. Catherine was also a participant in the 2007 Special Olympics in China where she received one gold and one silver medal and in 2003 in Ireland where she came in 4th and 6th.

(ii) Recognition of Whitby Warriors Junior "A" Lacrosse Team

The Whitby Warriors Junior "A" Lacrosse team coaching staff joined Mayor Perkins, Councillor Emm, Chair of Community & Marketing Services and P. LeBel, Director of Community & Marketing Services on the dais in recognition of winning the 2011 Minto Cup National Junior "A" Lacrosse Champions. The team was represented by Mark Brown, President; Derek Keenan, Coach; Jeff McComb, Coach; Dan Ladouceur, Coach; Jim Dasberg, Coach and Bob Hanna, General Manager as the players are attending university in Canada and the United States. It was noted the Minto Cup will be hosted by Whitby in 2012.

(iii) Recognition of The Whitby Courthouse Theatre

Linda Lyons, President of the Whitby Courthouse Theatre, and a number of group members, joined Mayor Perkins, Councillor Emm, Chair of Community & Marketing Services and P. LeBel, Director of Community & Marketing Services on the dais in recognition of winning the 2010-2011 THEA (Community Theatre Oscar) awards in the Musical Category and the Comedy Category. Ms. Lyons advised it had been 21 years since the Whitby Courthouse Theatre had been represented at the provincial level awards, which are considered the "Oscars" of community theatre. She further noted that the Whitby Courthouse Theatre is a not-for-profit community theatre that has been in existence for over 50 years and featuring all age groups, including youth ages 8 to 16.

(iv) Whitby McDonalds Restaurants Recognition

Stacey and Mike Forman of Whitby McDonalds Restaurants were welcomed to the dais by Mayor Perkins, Councillor Montague, Chair of Fire and Emergency Services, and Fire Chief M. Gerrard in recognition of their continuous support (over 10 years) of youth programs including Jr. Fire Chief for a Day, Jr. Fire Department, Learn Not to Burn and Fire Prevention Week. Mayor Perkins presented the Formans with a plaque to thank them for their support and Chief Gerrard noted they are also active participants in the programs.

4. <u>CORRESPONDENCE</u>

- (i) CORR 24-11
 - That the following request be proclaimed:
 - Lupus Awareness Month October 2011

RESOLUTION NO. 260-11

MOVED by Councillor Coe Seconded by Councillor Emm

That CORR 24-11, being a request for Proclamation for Lupus Awareness Month – October 2011, be endorsed.

CARRIED

5. STANDING COMMITTEES

- (a) Planning and Development Committee September 6, 2011 Report No. 9 Recommendations to Council
- 4.2 Planning Report, Item 49-11Re: Committee of Adjustment Terms of Reference

- 1. That Planning Report PL 49-11 be received for information; and,
- 2. That the Terms of Reference for the Town of Whitby Committee of Adjustment, included as Attachment #2 to this report be approved.

4.3 Planning Report, Item 51-11

Re: Zoning Amendment Application – Remove 'H' Holding Provision – MPI Group – (Z-06-11) – Adanac Drive

COUNCIL DECISION:

- 1. That Council approve the removal of the 'H' Holding symbol from the remainder of the Draft Approved Plan of Subdivision S-201-89, subject to the comments and conditions contained in Report No. PL 51-11; and,
- 2. That the amending Zoning By-law to remove the 'H' Holding symbol be brought forward for Council's approval.
- 4.4 Planning Report, Item 52-11

Re: City of Oshawa Official Plan Amendment for Trent University on the southeast corner of Thornton Road South & King Street West

COUNCIL DECISION:

- 1. That Planning Report, Item PL 52-11, regarding the City of Oshawa's Official Plan Amendment for Trent University, be received as information; and,
- 2. That a copy of Planning Report Item PL 52-11 be forwarded to the City of Oshawa's Clerk's Department.
- 4.5 Planning Report, Item 53-11

Re: Request for Minor Variance to Sign By-law – Anne Johncox for RIP Partners – (SB-01-11) – 79 Baldwin Street

COUNCIL DECISION:

That minor variance application SB-01-11 to the Town of Whitby Sign Bylaw 5695-05 for 79 Baldwin Street be approved in accordance with the following;

1. That Section 4(1)(b) be varied to permit 2 additional wall (hanging) signs non-illuminated, along the Baldwin Street frontage for a total of 3 wall signs for a law office as illustrated on Attachment #4;

- 2. That Section 4(1)(b) be further amended to permit 1 wall sign non-illuminated along the north façade of the building, which does not front on to a street for a law office as illustrated on Attachment #5; and,
- 3. That Section 2(2)(b) be varied to increase the maximum allowable projection of a wall sign from 50.0 centimetres to 101.0 centimetres for the two wall (hanging) signs located on the west façade at the Baldwin Street frontage.
- 4.6 Planning Report, Item 54-11

Re: Request for Variance to Sign By-law – Daniel Johnson Architect Inc. (Starbucks) – (SB-02-11) – 660 Taunton Road East

COUNCIL DECISION:

That Council approve the Minor Variance Application SB-02-11 to the Town of Whitby Sign By-law 5695-05 for the above mentioned property for the following minor variance:

- 1. To increase the maximum menu board sign area from 1.0 square metre to 3.0 square metres, as illustrated on Attachment No. 4 to Planning Report Item No. PL-54-11.
- 4.7 Planning Report, Item 55-11

 Re: Partners for Climate Protection Program

- That Councillor Coe be appointed as the elected official for Whitby to the Federation of Canadian Municipalities – International Council for Local Environmental Initiatives Partners for Climate Protection Program;
- 2. That Anne Edmonds, Principal Planner, be appointed as the Corporate Staff person, pending the hiring of the Sustainability Coordinator, to the Federation of Canadian Municipalities International Council for Local Environmental Initiatives Partners for Climate Protection Program; and,
- 3. That the Town Clerk take the necessary action to give effect thereto.

4.8 Planning Report, Item 56-11

Re: Region of Durham Community Climate Change Local Action Plan

COUNCIL DECISION:

That Planning Report PL 56-11 be received for information.

RESOLUTION NO. 261-11

MOVED BY Councillor Coe Seconded by Councillor Montague

That Items 4.1 to 4.8 of Report No. 9 of the Planning & Development Committee dated September 6, 2011, be adopted, save and except Item 4.1.

CARRIED

4.1 Planning Report, Item 48-11

Re: Gerdau-Ameristeel (Formerly Co-Steel LASCO)

- 2010 Monitoring Report - Berm Liaison Committee - Town of Whitby

1801 Hopkins Street

Members of Council were provided with a copy of correspondence dated September 19, 2011 from Scott Ferguson, Senior Project Manager, XCG Consultants Ltd., on behalf of Gerdau-Ameristeel. General discussion ensued on this matter.

RESOLUTION NO. 262-11

MOVED BY Councillor Coe Seconded by Councillor Montague

COUNCIL DECISION:

- 1. That Planning Report, Item No. PL 48-11 be received for information; and,
- 2. That the Clerk forward a copy of Planning Report Item No. PL 48-11, to Gerdau-Ameristeel, the Ministry of the Environment, the Region of Durham Clerk's Department and the members of the Berm Liaison Committee for information.

CARRIED

5. STANDING COMMITTEES

- (b) Operations Committee September 12, 2011 Report No. 9 Recommendations to Council
- 4.3 Community & Marketing Services Report, Item CMS 50-11 Re: Waterfront Parks and Open Space Master Plan Update

COUNCIL DECISION:

- 1. That Community and Marketing Services Report 50-11 be received for information; and,
- 2. That Staff and the Consultant bring forward to Council the draft Phase 1 Report upon the review and assessment of the telephone survey results, and the public and stakeholder workshops; input from the Mayor's September Town Hall Meeting; and input from the Advisory Committee.
- 4.4 Corporate Services Report, Item CS 63-11Re: 2012 Budget Calendar

COUNCIL DECISION:

That the 2012 Budget Calendar as outlined be approved by Council and that the Clerk establish the meeting dates.

4.5 Corporate Services Report, Item CS 64-11

Re: Second Quarter Projection Report as of June 30, 2011

COUNCIL DECISION:

That the 2011 Second Quarter Projection report as of June 30, 2011 be received for information.

4.7 Corporate Services Report, Item CS 68-11
Re: 2012 Standing Committee and Council Meeting Schedule

COUNCIL DECISION:

1. That Report CS 68-11 of the Director, Corporate Services and Treasurer be received;

- 2. That the 2012 Standing Committee and Council Meeting Schedule included as Attachment 1 to this report be approved; and
- 3. That the Town Clerk be given the authority to give effect thereto.
- 4.10 Public Works Report, Item PW 40-11Re: Town Comments on Draft Region of Durham 5 Year Capital RoadProgram

- 1. That Report PW 40-11 be forwarded to the Region of Durham and the Region be requested to include sufficient funds in their 5 year Capital Roads program to complete the following:
 - i) The initiation in 2012 of an Environmental Assessment for the upgrading of Lake Ridge Road from Dundas Street to Highway 407 with implementation of any required improvements prior to the opening of Highway 407.
 - ii) The initiation in 2012 of Environmental Assessments for the upgrading of Brock Street from Taunton Road to Highway 407 and Thickson Road from Taunton Road to Winchester Road, with implementation of any required improvements prior to the opening of Highway 407.
 - iii) The initiation in 2012 of an Environmental Assessment for upgrading Victoria Street between Brock Street and Watson Street.
 - iv) The construction of the Consumers Drive extension from Thickson Road to Thornton Road prior to the opening of the new GO Station at Thornton Road.
 - v) The advancement of the widening of Rossland Road between Garden Street and east of Civic Centre Drive to 2013.
- 2. That it be requested that the Region establish a sustainably funded 5 year watermain and sanitary sewer replacement program, similar to that of their road program.

3. That it be requested that the Region confirm the anticipated timing for replacement of watermain and sanitary sewer for those high priority Town road projects listed in this report..

RESOLUTION NO. 263-11

MOVED BY Councillor Mitchell Seconded by Councillor Emm

That Items 4.1 to 4.10 of Report No. 9 of the Operations Committee dated September 12, 2011, be adopted, save and except Items 4.1, 4.2, 4.6, 4.8 and 4.9.

CARRIED

4.1 Community & Marketing Services Report, Item CMS 47-11 Re: Port Whitby Marina In-Water Winter Dockage

RESOLUTION NO. 264-11

MOVED BY Councillor Mitchell Seconded by Councillor Emm

COUNCIL DECISION:

That Council approve the cancellation of the In-water Winter Dockage Program at Port Whitby Marina.

CARRIED

4.2 Community & Marketing Services Report, Item CMS 49-11 Re: Leash Free Dog Area(s)

RESOLUTION NO. 265-11

MOVED BY Councillor Mitchell Seconded by Councillor Emm

- 1. That Community and Marketing Services Report CMS 49-11 be received as information;
- 2. That Council direct Staff to host a workshop to gather public input related to leash free dog area(s);

- 3. That Staff report back to Council on public input received, potential leash free dog area(s), detailed design parameters, and financial options to fund leash free dog area(s); and
- 4. That staff consult with other municipalities with respect to designated off-leash areas.

CARRIED

4.6 Corporate Services/Public Works Joint Report, Item CS 67-11 Re: Downtown Brooklin Transportation Study

RESOLUTION NO. 266-11

MOVED BY Councillor Mitchell Seconded by Councillor Emm

COUNCIL DECISION:

- 1. That the Town of Whitby accept the highest scoring proposal of Cole Engineering in the amount of \$72,615 (excluding taxes) for the Downtown Brooklin Transportation Study;
- 2. That the total estimated project cost for the Town of Whitby in the amount of \$73,893.02 be approved; and
- 3. That the appropriate Town staff take the necessary action to give effect thereto.

CARRIED

4.8 Public Works Report, Item PW 36-11 Re: Regional Cycling Plan

General discussion ensued on this matter.

RESOLUTION NO. 267-11

MOVED BY Councillor Mitchell Seconded by Councillor Emm

COUNCIL DECISION:

- 1. That the Region of Durham be requested to revise the Regional Cycling Network to include those routes identified in Attachment 1.
- 2. That for those on-road cycling facilities including dedicated lanes, paved shoulders, signage and pavement markings along Regional Roads, the Region be 100% responsible for construction and maintenance.
- 3. That for those off-road cycling facilities shown in Attachment 1, that all design and construction costs be shared between the Town and the Region as follows:
 - a. When the cycling facility is undertaken as part of a Regional road reconstruction and/or widening project, all costs associated with the design, land acquisition, utility relocation, grading, and customized bridge structures are to be borne 100% by the Region; and all costs associated with granular, asphalt, signage, markings, and other mutually agreed upon amenities, be shared equally (50/50) between the Region and the Town.
 - b. When the cycling facility is proposed to be undertaken as an individual project, all costs associated with the project (design, utility relocations, property, construction, etc) are to be shared equally (50/50) between the Town and the Region.
 - c. That all short term maintenance responsibilities (snow plowing, minor repairs, etc) be 100% the responsibility of the Town of Whitby.
 - d. That all future capital replacement costs be shared equally (50/50) between the Region of Durham and the Town of Whitby.
- 4. That a copy of Public Works Report PW 36-11 be forwarded to the Region of Durham and all local municipalities.

CARRIED ON A RECORDED VOTE AS FOLLOWS:

Yes No Absent

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

4.9 Public Works Report, Item PW 37-11

Re: Sole Source Purchase of One (1) Replacement Wide Cut Mower

RESOLUTION NO. 268-11

MOVED BY Councillor Mitchell Seconded by Councillor Emm

COUNCIL DECISION:

That staff be authorized to negotiate directly with G.C. Duke Equipment Limited for the supply and delivery of one (1) replacement Jacobsen wide cut mower as identified in the 2011 Capital Replacement Budget.

CARRIED

NOTICE OF MOTION

There were no notices of motion.

7. NEW AND UNFINISHED BUSINESS

7.1 Corporate Services/Public Works Joint Report, CS 69-11 Re: Compound Storage Shed – T-44-2011

RESOLUTION NO. 269-11

MOVED BY Councillor Coe Seconded by Councillor Emm

COUNCIL DECISION

1. That the Town of Whitby accept the tender of 784437 Ont. Inc. o/a Snyder Construction in the amount of \$229,800.00 to provide all

labour, materials and equipment necessary to provide a Compound Storage Shed;

- 2. That the total estimated project cost for the Town of Whitby in the amount of \$265,000.00 be approved; and.
- 3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

7.2 CMS/Corporate Services Joint Report, CS 70-11
Re: RFP-80-2011 Facilities Study/Replacement Cost Analysis & Conditions Assessment

RESOLUTION NO. 270-11

MOVED BY Councillor Coe Seconded by Councillor Emm

COUNCIL DECISION

- That the Town of Whitby accept the highest scoring proposal of Morrison Hershfield Ltd. in the amount of \$99,980 (excluding taxes) to provide Consulting Services for the completion of the Facilities Study/Replacement Cost Analysis and Conditions Assessment Study;
- 2. That the total estimated project cost in the amount of \$101,739.64 be approved; and,
- 3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

7.3 <u>Heritage Days</u>

Councillor Emm thanked staff responsible for the event for their hard work and advised there was a good turnout for Heritage Days.

7.4 Milestones and Terry Fox Run

Councillor Montague advised the recent Milestones birthday celebration with Whitby Seniors Services and Terry Fox Run were both great events

and that Whitby residents have raised \$1.6 million for the run over the years.

7.5 <u>Winchester Road Closure</u>

Councillor Mitchell and Councillor Hanson expressed their appreciation of support by Mayor Perkins, S. Beale, Director of Public Works and the Public Works Department, and the Region of Durham staff during the time of the road closure. The Mayor also expressed her gratitude to staff for their assistance and guidance during the period of closure to ensure the safety of residents and businesses in Brooklin.

7.6 <u>Upcoming Events</u>

Mayor Perkins stated that a Town Hall session would be held in the Council Chambers on September 27, 2011 from 7:00 p.m. to 9:00 p.m. with a focus on waterfront parks and open space masterplan. She advised the purpose is to engage the public to get ideas from them as to the future of the area.

7.7 <u>Outdoor Education Area</u>

Mayor Perkins announced Councillor Montague had won 165 large armour stones in a contest at a recent Association of Municipalities of Ontario (AMO) event. She advised it would be nice to see the stones, which could be used as an outdoor education area, located in Councillor Montague's ward, with a suggestion of the Thicksons Woods area. The idea was supported by Councillor Montague and the Mayor suggested staff follow through to find out the next steps involved.

8. <u>CONFIDENTIAL MATTERS</u>

In accordance with Procedural By-law 6125-08 and the provisions of the *Municipal Act*, an In Camera meeting of Council was held prior to the regularly scheduled meeting.

All members of Council were present, save and except Councillors Drumm and Roy. Staff present for the In Camera session were R. Petrie, Chief Administrative Officer; S. Pohjola, Town Solicitor; K. Nix, Director of Corporate Services/Treasurer; S. Beale, Director of Public Works;. M. Trudel, Acting Supervisor of Purchasing and D. Wilcox, Town Clerk.

RESOLUTION NO. 271-11

MOVED BY Councillor Hanson Seconded by Councillor Coe

That Council go In Camera in accordance with the provisions of the Municipal Act and Procedural By-law 6125-08, in that the matters to be discussed relate to advice that is subject to solicitor-client privilege relating to Report CS 69-11.

CARRIED

8.1 Corporate Services/Public Works Joint Report, CS 69-11 Re: Compound Storage Shed – T-44-2011

Council received a verbal update from the Town Solicitor with respect to the submitted tender documents related to T-44-2011, Compound Storage Shed, as outlined in Report CS 69-11. A question and answer period ensued.

RESOLUTION NO. 272-11

MOVED BY Councillor Coe Seconded by Councillor Emm

That Council rise and recess from the In Camera session.

CARRIED

Council recessed from the In Camera Session at 6:37 p.m. and reconvened in the Council Chambers at 7:00 pm.

9. <u>BY-LAWS</u>

- 6514-11 By-law to assume certain lands as public highways for street widening purposes [1638387 Ontario Ltd. SP-08-09 100 Chestnut Street West]
- By-law to establish certain lands as public highways to provide access to lands [Humane Society– SP-15-09 1505 Wentworth Street]
- By-law to establish certain lands as public highways [Senator Homes Blocks 91 and 95 on Plan 40M-2413]

6517-11	By-law to amend By-law No. 1862-85 to regulate traffic on highways in the Town of Whitby with reference to Section "P" – Maximum Rate of Speed. [Public Works Report, Item PW 38-10]
6518-11	By-law to designate certain lands as public highways [Part 1 of Plan 40R-22234 – Carnwith Drive West]
6519-11	By-law to stop-up and close part of the public highway known as Carnwith Drive
6520-11	By-law to amend By-law No. 6437-11, being a by-law to amend By-law No. 5642-05, establishment of a program to provide tax reductions or refunds in respect of eligible heritage properties
6521-11	By-law to establish certain lands as a municipal highway [Parts 1, 2, 3 and 4, Plan 40R-23732 – Devon Port Lane]
6522-11	By-law to assume certain lands as a public highway for road widening purposes [Land Division Application – LD 250/1998 – 312 Powell Road]
6523-11	By-Law to authorize the sale of certain lands to the abutting landowner of a portion of the road allowance between Lots 30 and 31, Concession 3 (Country Lane) at Holman Court [Corporate Services Report, Item CS 59-11]
6524-11	By-law to appoint persons as Municipal Law Enforcement Officers for the purpose of enforcing parking restrictions on Private Property. [R. Bergeron and A. Bergsma]
6525-11	By-law to designate the property composed of Blocks 55, 56 and 58 on Registered Plan 40M-2428 as not being subject to part lot control. [Sernas Associates - Delpark Homes – S-201-89 – 40M-2428]
6526-11	By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from H-R2C* - Holidng – Residental (R2C*) Zone to R2C* - Residential (R2C*) Zone for the lands shown as the Subject Land. The effect of the zoning change is to permit the development of the subject land for residential purposes. [MPI Group Inc. Z-06-11 – PL 51-11]

- By-law to designate the property composed of Block 29 on Registered Plan 40M-2360, more specifically described as Parts 16 and 26 on Registered Plan 40R-27139 and Block 152 on Registered Plan 40M-2295, more specifically described as Parts 1, 6, 7, 8, 9, 17, 22 and 23 on Registered Plan 40R-27139 as not being subject to part lot control. [Liza Communities Casewood Holdings Inc. SW-2003-07 40M-2360 and 40M-2295]
- By-law to adopt Town of Whitby Official Plan Amendment No. 96, to the Official Plan of the Town of Whitby [Del Rosso Group OPA-2008/W/07; Z-14-08 PL 45-11]

RESOLUTION NO. 273-11

MOVED by Councillor Emm, seconded by Councillor Mitchell, that leave be granted to introduce By-law Nos. 6514-11 to 6528-11, save and except By-law No. 6506-11, 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

10. CONFIRMATORY BY-LAW NO. 6529-11

RESOLUTION NO. 274-11

MOVED by Councillor Coe, seconded by Councillor Hanson, 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 September 19, 2011, 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. 6529-11 considered read a first, second and third time and finally passed.

11. <u>ADJOURNMENT</u>

RESOLUTION NO. 275-11

MOVED by Councillor Emm Seconded by Councillor Coe

That the meeting be adjourned.

CARRIED

		<i>)</i>
The meeting adjourned at 8:03 p.m.		
Debi A. Wilcox. Town Clerk	Patricia Perkins. Mavor	_