Regular Council Minutes November 21, 2016 -7:00 pm Council Chambers Whitby Municipal Building

Present: Deputy Mayor Gleed

Councillor Drumm
Councillor Emm
Councillor Leahy
Councillor Mulcahy
Councillor Roy
Councillor Yamada

Also Present: D. Barnes, Interim Chief Administrative Officer

S. Beale, Commissioner of Public Works

P. LeBel, Commissioner of Community & Marketing Services

W. Mar, Commissioner of Legal and By-law Services/Town Solicitor

K. Nix, Commissioner of Corporate Services/Treasurer

R. Short, Commissioner of Planning

D. Speed, Fire Chief C. Harris, Town Clerk S. Cassel, Deputy Clerk

Regrets: Mayor Mitchell

The meeting began at 7:04 p.m.

- 1. Declarations of Pecuniary Interest
 - **1.1** There were no declarations of pecuniary interest.
- 2. Adoption of Minutes
 - 2.1 Special Council October 31, 2016 (Closed minutes of the In Camera session under separate cover)Regular Council October 31, 2016

Resolution # 560-16

Moved By Councillor Leahy Seconded By Councillor Mulcahy That the minutes be adopted.

Carried

Presentations

3.1 Ada Leahy

Award/Recognition: Police Chief for a Day Contest Winner

Deputy Mayor Gleed attended the dais and was joined by Councillor Leahy. Ada Leahy was welcomed onto the dais and recognized as the winner of the Police Chief for a Day contest.

It was the consensus of Council to change the order of the agenda and hear Presentation Item 3.3 at this time.

3.2 Charlie Burns, Salvation Army

Award/Recognition: Whitby in Bloom Cheque Presentation to the Salvation Army - Proceeds of Rain Barrel Sales

Deputy Mayor Gleed attended the dais and was joined by Councillor Mulcahy. Jane Austin, Whitby in Bloom Committee and Charlie Burns, Salvation Army were welcomed onto the dais. Deputy Mayor Gleed acknowledged Charlie Burns for his many contributions to the community. Jane Austin, on behalf of the Whitby in Bloom Committee, presented the Salvation Army with a cheque in the amount of \$550.00 from the sale of rain barrels by the Whitby in Bloom Committee.

3.3 Kendra McAlpine

Award/Recognition: Junior Fire Chief for the School Year 2016/2017

Deputy Mayor Gleed attended the dais and was joined by Councillor Drumm and Fire Chief Speed. Kendra McAlpine was welcomed onto the dais and recognized as the Junior Fire Chief for the school year 2016/2017.

Council heard Presentation Item 3.2 at this time.

4. Delegations

4.1 There were no delegations.

5. Correspondence

- **5.1** That the following requests be endorsed:
 - November 2016 as Trans Awareness Month
 - December 3, 2016 as Day of Persons with Disabilities
 - January 15, 2017 as World Religion Day
 - November 23 to 30, 2016 Flag Raising -Trans Awareness Month

Resolution # 561-16

Moved By Councillor Yamada Seconded By Councillor Emm

That the proclamations for Trans Awareness Month - November 2016, Day of Persons with Disabilities - December 3, 2016 and World Religion Day - January 15, 2017 and flag raising for Trans Awareness Month - November 23 to 30, 2016, be endorsed.

Carried

5.2 Correspondence # 2016-672 received by the Town Clerk on November 13, 2016 from Debi A. Wilcox, MPA, CMO, CMM III, Regional Clerk/Director of Legislative Services, The Regional Municipality of Durham

Re: A By-law to Change the Composition of Regional Council

Resolution # 562-16

Moved By Councillor Yamada Seconded By Councillor Emm

Whereas Whitby Town Council considered potential changes to the composition of Town Council given the pending changes to Regional Council Composition through Staff Report CLK 17-16 and Resolution # 412-16 and decided that the Town's Regional Councillors would continue to be elected at large;

And Whereas Whitby Town Council consented to the Regional Municipality of Durham's By-law 40-2016 through Resolution # 461-16 to change the composition of Whitby Town Council to include one (1) additional member for the Town of Whitby;

Now therefore be it resolved:

1. That Correspondence # 2016-672 received by the Town Clerk on

- November 13, 2016 from Debi A. Wilcox, MPA, CMO, CMM III, Regional Clerk/Director of Legislative Services, Regional Municipality of Durham, advising that changes to Regional Council composition have received the required triple majority approval, be received for information;
- That the Clerk be directed to provide notice in accordance with the Town's Notice Policy of Town Council's intent to change the composition of Town Council from 8 members to 9 members to include an additional Regional Councillor to be elected at-large; and,
- That subject to providing the required notice, the Clerk be directed to bring forward the necessary Council Composition Bylaw.

- 6. Planning and Development Committee
 Report # 12 of the Planning and Development Committee November 7, 2016
 - 6.1 Planning and Development Department Report, PL 106-16 Re: Zoning By-law Amendment Application, Dan Raponi, 229 Kendalwood Road (Z-14-16)

Resolution # 563-16

Moved By Councillor Roy Seconded By Councillor Yamada

- 1. That Council approve Zoning By-law Amendment Application (Z-14-16) subject to the conditions contained in Section 8 of Report PL 106-16; and,
- 2. That the Zoning By-law Amendment be brought forward for Council's consideration.

Carried

Planning and Development Department Report, PL 105-1 6
 Re: Sign By-law Variance Application for 'Copper Branch' Wall Sign on 66 Baldwin Street

Resolution # 564-16

Moved By Councillor Roy

Seconded By Councillor Yamada

- 1. That Council approve Sign By-law Variance Application SB-07-16 to the Town of Whitby Sign By-law 5695-05 for the Copper Branch (eating establishment) on lands municipally known as 66 Baldwin Street in accordance with the following amendment:
 - To permit a maximum projection of a wall sign from 50.0 centimetres to 92 centimetres, for a maximum of one (1) wall sign.

Carried

- Operations Committee
 Report # 12 of the Operations Committee November 14, 2016
 - 7.1 Community and Marketing Services Department Report, CMS 56-16 Re: Volunteer Outdoor Ice Rink Program and Policy Pilot Project at Whitby Kinsmen Park Update

Resolution # 565-16

Moved By Councillor Emm Seconded By Councillor Yamada

- Due to the short-lived operating season of the 2015-16 outdoor rink pilot project, that Council approve the renewal of the pilot location for the Volunteer Outdoor Ice Rink in Whitby Kinsmen Park for the 2016-17 season and that the outdoor rink be operated based on the parameters outlined in staff report CMS 60-15 and the proposed draft Volunteer Outdoor Ice Rink Policy; and.
- That Staff report back on the proposed Volunteer Outdoor Ice Rink Program and draft Policy subject to the completion of the pilot location and the review of increased staff and budget required to support the implementation of the program on a Town wide basis.

Carried

7.2 Community and Marketing Services Department Report, CMS 59-16Re: Community Gardens History and Status

Resolution #566-16

Moved By Councillor Emm Seconded By Councillor Yamada

- That Council authorize Staff to conduct a Public Information Centre for the development of a new Community Garden Program and Policy;
- 2. That Staff report back to Council on the findings of the Public Information Centre;
- 3. That Staff report back to Council on a revised draft Community Garden Program and Policy; and,
- 4. That Council repeal the Garden Plots Policy Procedure adopted on March 22, 1982 (Resolution Number 652-82).

Carried

7.3 Community and Marketing Services Department Report, CMS 60-16 Re: Cullen Central Park Redevelopment -Proposed Bocce and Pickleball Courts

Resolution # 567-16

Moved By Councillor Emm Seconded By Councillor Yamanda

- That Council approve the proposed park design plan (Attachment 2) for the development of three Pickleball Courts and two additional Bocce Courts at Cullen Central Park; and,
- That staff be authorized to prepare the detailed park design and issue a tender for the project and report back to Council with a recommended general contractor and overall project costs.

Carried

7.4 Community and Marketing Services Department Report, CMS 63-16 Re: Update - Whitby Civic Recreation Complex Capstone CHP Micro-Turbine Project

Resolution # 568-16

- That Council approve the purchase of two (2) Capstone C65
 Combined Heat and Power (CHP) Micro-turbines, as a bona-fide
 sole source procurement in accordance with section 11 of the
 Purchasing Policy;
- 2. That Council approve the maintenance agreement with WHEC in the amount of \$24,000 annually, as a bona-fide sole source procurement in accordance with section 11 of the Purchasing Policy:
- 3. Based on the new direction and funding contribution from Whitby Hydro Energy Corporation (WHEC) towards the Capstone CHP Micro-turbines, that the increased project cost of \$332,584 be approved and funded from uncommitted one-time reserves; and,
- 4. That the Clerk forward a copy of Report CMS 63-16 to the Whitby Hydro Energy Corporation and the Whitby Sustainability Advisory Committee.

7.5 Community and Marketing Services Department Report, CMS 61-16 Re: Update on Discussions with the Department of Fisheries and Oceans Canada

Resolution # 569-16

- That Community and Marketing Services Department Report CMS 61-16 regarding an update on discussions with the Department of Fisheries and Oceans Canada related to Whitby Harbour be received as information;
- 2. That Council approve funds in the amount of \$15,000 for water testing and sampling costs related to dredging works as directed by Fisheries and Oceans Canada, to be funded from the Marina reserve:
- 3. That an exemption from the provisions of the Noise By-law No. 6917-14 to permit dredging on weekends as needed between November 26, 2016 and December 18, 2016 be approved;
- 4. That staff report back to Council following the receipt of the Department of Fisheries and Oceans Canada long term sediment management plan for Whitby Harbour; and,
- 5. That the Clerk forward a copy of Report CMS 61-16 to Fisheries and Oceans Canada.

7.6 Community and Marketing Services Department, CMS 62-16 Re: Iroquois Park Sports Centre - Detailed Engineering Study

Resolution #570-16

Moved By Councillor Emm Seconded By Councillor Yamada

- That Council authorize a grant application be made to the Independent Electricity System Operator for a detailed engineering study at Iroquois Park Sports Centre;
- 2. That staff be authorized to engage I.B. Storey Inc. to prepare and submit the grant application at no cost to the municipality; and,
- 3. That if approved by the Independent Electricity System Operator, I.B. Storey be authorized to complete the study for the grant amount with no additional cost to the municipality.

Carried

7.7 Community and Marketing Services Department Report, CMS 65-16 Re: Whitby Iroquois Soccer Club - Rossland Road Soccer Complex -Proposed Soccer Dome over the Artificial Turf Field

Resolution # 571-16

- That the installation of a permanent second soccer dome to be located over the outdoor artificial turf field located at the Rossland Road Soccer Complex be approved;
- 2. That the proposed second soccer dome as a municipally financed project with an estimated project cost in the amount of \$4,000,000 be pre-budget approved;
- 3. That the terms of the capital repayment by the Whitby Iroquois Soccer Club for the second soccer dome be approved:
- That the Commissioner of Planning and Development be authorized to approve any amendments and/or requirements to the outdoor artificial turf field site plan to include the installation of a permanent soccer dome;
- 5. That an exemption to the terms contained within the Purchasing

- Policy be approved to engage the consulting firm AECOM, subject to Section 7 Repetitive Projects/Assignments for Consultants for Continuous Service for the purpose of providing architectural and engineering design services for the project;
- 6. That staff be authorized to issue the tender documents to the prequalified general contractors for the site works and project construction;
- That the purchase, manufacture and installation of the soccer dome structure from The Farley Group as a bona-fide sole source procurement in accordance with Section 11 of the Purchasing Policy be approved;
- That staff be authorized to award the project to the general contractor for the construction and site works of the indoor soccer dome subject to meeting all Town specifications, favourable references and the tender not be exceeded by more than 10% of the approved capital allocation;
- 9. That the capital and operating agreement be amended and that By-Law No. 6806-13 being a by-law to enter into a Municipal Capital Facility with the Whitby Iroquois Soccer Club be amended to include the second soccer dome;
- 10. That staff be directed to enter into an easement agreement with the Durham District School Board (DDSB) to permit the soccer dome to be partially located on DDSB property;
- 11. That staff be authorized to make applications to the Committee of Adjustment to deal with variances required to implement the site plan for the soccer dome over the outdoor artificial turf field located at the Rossland Road Soccer Complex, and to vary the use permissions on the lands zoned open space owned by the Durham District School Board located at 681 Rossland Road West to include a 'recreational sports complex'; and,
- 12. That the Mayor and Clerk be authorized to execute the required documents.

Carried unanimously on a recorded vote as follows:

	For	Against	Abstained
Councillor Joe Drumm	Х		
Councillor Michael Emm	Х		
Councillor Derrick Gleed	Х		
Councillor Chris Leahy	Х		
Councillor Rhonda Mulcahy	Х		
Councillor Elizabeth Roy	Х		
Councillor Steve Yamada	Х		
	7	0	0

7.8 Community and Marketing Services Department, CMS 66-16 Re: Catering in Municipal Facilities

Resolution # 572-16

Moved By Councillor Emm Seconded By Councillor Yamada

That the Qualified Caterer Program be cancelled and that only a Permit Rental Fee and the Town's Facility Insurance Requirements be necessary for catered events at Town of Whitby facilities.

Carried unanimously on a recorded vote as follows:

	For	Against	Abstained
Councillor Joe Drumm	Х		
Councillor Michael Emm	Х		
Councillor Derrick Gleed	Х		
Councillor Chris Leahy	Х		
Councillor Rhonda Mulcahy	Х		
Councillor Elizabeth Roy	Х		
Councillor Steve Yamada	Х		
	7	0	0

7.9 Office of the Town Clerk Report, CLK 18-16

Re: Appointment of ADR Chambers Inc. as part of the Co-Operative Purchasing Arrangement for Municipal Ombudsman Services

Resolution # 573-16

- 1. That Council appoints ADR Chambers Inc. through partnering with the Region of Durham's Request for Proposals (RFP) 1014-2016 for Municipal Ombudsman Services;
- That the Town Clerk be authorized to bring forward a by-law authorizing the appointment of ADR Chambers Inc. as the Municipal Ombudsman for the Town of Whitby;
- 3. That Council approve the Terms of Reference for the Municipal Ombudsman included as Attachment #1:

- 4. That the Mayor and Town Clerk be authorized to execute the necessary documents for appointment;
- 5. That the Town Clerk provide notice of the appointment of ADR Chambers as the Municipal Ombudsman to the Town's local boards and municipally-controlled corporations; and,
- 6. That Council approve the Public Complaints Policy included as Attachment #2.

7.10 Public Works Department Report, PW 33-16Re: Revised Community Organization Sign Policy

Resolution # 574-16

Moved By Councillor Emm Seconded By Councillor Yamada

- 1. That Council approve the revised Community Organization Sign Policy;
- That the recommended two (2) sign designs be standardized and approved as part of the revised Community Organization Sign Policy;
- 3. That the Department seek the approval of the Region of Durham Works Department and the Ontario Ministry of Transportation to install new Community Organization Signs in locations involving their respective rights of way; and,
- That an additional \$28,200 be included for Council's consideration in the 2017 draft Capital Budget for the installation of new Community Organization Signs on Baldwin Street north of Columbus Road.

Carried

7.11 Public Works Department Report, PW 34-16 Re: Emerald Ash Borer Action Plan Update

Resolution # 575-16

Moved By Councillor Emm Seconded By Councillor Yamada

1. That Public Works Report PW 34-16 be received as information;

and.

2. That Public Works Staff continue to provide Council with a status update on the Emerald Ash Borer (EAB) Action Plan twice each calendar year.

Carried

7.12 Public Works Department and Legal and By-law Services Department Joint Report, PW 40-16

Re: Sanitary Sewer Easement in Favour of the Region of Durham Over Unopened Coronation Road Allowance

Resolution # 576-16

Moved By Councillor Emm Seconded By Councillor Yamada

- That Council approve the sanitary sewer easement to the Region of Durham over three sections of the unopened Coronation Road right-of-way, south of Dundas Street West. One is on the north side of the MTO highway corridor and the other two are on the south side of the CNR / Metrolinx corridor, being PINs 26494-0713, 26493-0042 and 26493-0070, respectively over the entire property ("the Coronation Road Easements");
- 2. That the Clerk bring forward the necessary by-law authorizing the Coronation Road Easements; and,
- 3. That the Mayor and Clerk be authorized to execute the easement agreement and any ancillary documents necessary to effect same.

Carried

7.13 Office of the Chief Administrative Officer Report, CAO 18-16 Re: Service Delivery Review Initial Implementation Plan

Resolution # 577-16

Moved By Councillor Emm Seconded By Councillor Yamada

> That Council endorse the Service Delivery Review (SDR) Initial Implementation Plan in CAO Report 18-16 covering those Opportunities that can be initiated prior to the employment of the

- permanent CAO, and that address the Town's most immediate service delivery-related needs;
- 2. That Staff be directed to take the necessary actions, as broadly outlined in Attachment 1, to proceed with Service Delivery Opportunities 5, 18.1 and 18.2, and that \$125,000 for the engagement of consultants be allocated from the Town's Corporate Development Reserve for this purpose;
- 3. That Council approve to commence the SDR Initial Implementation Plan immediately and that all purchases will be in accordance with the Purchasing Policy;
- 4. That the Commissioner of Corporate Services / Treasurer be authorized to award the proposals to the highest competitive bidders, provided such proposals do not exceed by more than 10%, the approved budget allocation; and,
- That all remaining Service Delivery Review Opportunities be considered by Council as part of a Long Range SDR Implementation Plan to be presented to Council as part of the 2018 Budget Review process.

7.14 Confidential Corporate Services Department Report, CS 69-16 Re: Proposed Purchase of Part Lot 28, Broken Front Concession, being Part 11, Plan 40R-4135, Save and Except for Part 2, Plan 40R-18279 and Part 10, Plan 40R-4135, Save and Except Part 4, Plan 40R-18279, Gordon Street, from the Minister of Economic Development, Employment and Infrastructure

Resolution # 578-16

- 1. That the Town of Whitby purchase Part Lot 28, Broken Front Concession, Part 11, Plan 40R-4135, save and except for Part 2, Plan 40R-18279 and Part 10, Plan 40R-4135, save and except Part 4, Plan 40R- 18279, ("the properties") Gordon Street, from the Minister of Economic Development, Employment and Infrastructure for the sum of \$2,350:
- 2. That the Town recover the purchase price of \$2,350 and all costs associated with the Town's acquisition of the properties from Whitby By the Lake Inc.;
- 3. That the Clerk bring forward a by-law authorizing the purchase of the properties; and,

4. That the Mayor and Clerk be authorized to execute the required documents to give effect thereto.

Carried

- Management Committee
 Report # 7 of the Management Committee November 15, 2016
 - 8.1 Legal and By-law Services Report, LS 20-16Re: Legal and By-law Services Department Staffing Plan 2017 to 2021

Resolution # 579-16

Moved By Councillor Leahy Seconded By Councillor Drumm

That Council approve the proposed reorganization for the Legal and Bylaw Services Department outlined in Confidential Report LS 20-16.

Carried

8.2 Office of the Chief Administrative Officer Report, CAO 17-16 Re: Employee Recognition Committee Recommendations

Resolution # 580-16

Moved By Councillor Leahy Seconded by Councillor Drumm

- 1. That the CAO Report CAO 17-16 be received;
- 2. That Human Resources be directed to revise the Town's Employee Recognition Program in accordance with Option 1 in Section 5 of this report, and;
- 3. That Human Resources implement these changes in 2018.

Carried

- Notice of Motion
 - **9.1** There were no notices of motion.

Resolution # 581-16

Moved By Councillor Roy Seconded By Councillor Emm

That the rules of procedure be suspended in order to bring forward a motion that is time sensitive in that it is requesting a report back from staff prior to the completion of the Development Charges Study currently underway.

Carried on a two thirds vote

10. New and Unfinished Business

10.1 Exemption or Reduction in Development Charges for Apartment Units within the Downtown Community Improvement Area

Discussion ensued regarding the potential opportunities to provide exemptions to apartment buildings within the downtown Whitby Community Improvement Area in order to encourage development in the downtown.

Further discussion ensued regarding the timing of passing the development charges by-law and whether there were sufficient staff resources to report back prior to the passing of the by-law.

Resolution # 582-16

Moved By Councillor Roy Seconded By Councillor Emm

- That the Commissioner of Corporate Services review prior to the finalization of the development charge by-law the opportunity to provide for an exemption or reduction in the development charges that may be applied to apartment units within the Downtown Community Improvement Area as set out on Schedule E to Whitby's Official Plan and on lands now zoned for and permitting such development; and,
- 2. That the Commissioner of Corporate Services report back to Council with the findings.

Carried

10.2 Ontario Municipal Board Reform

Councillor Drumm raised the matter of the review of the Ontario Municipal Board (OMB) legislation. He advised that Tracy MacCharles,

MPP, Pickering-Scarborough East and Soo Wong, MPP, Scarborough-Agincourt had held a public meeting regarding the legislative review and stated that he would like to see a similar public meeting held in the Whitby community with our local MPP.

W. Mar, Commissioner of Legal and By-law Services/Town Solicitor, advised that a joint report between his department and the Planning Department would be forthcoming to Council once the Region had provided their comments on the matter which were expected towards the end of this month.

10.3 Provincial Growth Plan

Councillor Drumm raised the matter of the Provincial Growth Plan, specifically the policies on density and the projections stated in the Plan and the revised projections that were relevant to current day. He raised concerns regarding the inability for communities to accommodate the increased densities and the need to ensure that this feedback was provided to the Province.

- R. Short, Commissioner of Planning, stated that a report would be forthcoming to Council with staff's comments on the legislative changes early in the New Year.
- 10.4 Councillor Drumm raised the matter of property assessment and the projected increases that will occur over the next four years noting that Whitby has been flagged to see some of the highest increases. He stated the importance of communicating this information to residents and providing them with an understanding of property assessment and the impacts to property taxes.
- 10.5 Deputy Mayor Gleed reminded Members of Council and the public about the Christmas in the Park event being held on Friday, November 25, 2016 at 6:00 p.m. in Grass Park and the Annual Christmas Tree Lighting in downtown Whitby that would take place on Friday, December 2, 2016 at 6:00 p.m. in Celebration Square. Deputy Mayor Gleed encourage all to attend.

11. By-Laws

That the following by-laws be passed:

11.1 By-law #7197-16, being a by-law to acquire ownership of lands described as Part Lot 28, Broken Front Concession, Part 11, Plan 40R-4135, save and except for Part 2, Plan 40R-18279 and Part Lot 28, Broken Front Concession, Part 10, Plan 40R-4135, save and except

Part 4, Plan 40R-18279. (Gordon Street) Refer to CS 69-16

- 11.2 By-law # 7198-16, being a by-law to grant an easement in favour of The Regional Municipality of Durham over three sections of the unopened Coronation Road right-of-way, south of Dundas Street West being PIN's 26494-0713, 26493-0042 and 26493-0070, respectively over those entire properties for the purpose of a sanitary sewer.

 Refer to PW 40-16
- 11.3 By-law # 7199-16, being a by-law to change the street name of sections of Lake Ridge Road South to Old Lake Ridge Road and Lyndebrook Road to Peleshok Drive.
 Refer to PL 98-16
- **11.4** By-law # 7200-16, being a by-law to assume Bradford Court as a public highway. (Northcrest Homes Inc. S-251-99, MR-01-07)
- 11.5 By-law # 7201-16, being a by-law to amend By-law # 1862-85, to regulate traffic on highways in the Town of Whitby. (Schedule N, Stop Signs Bradford Court and Powell Road)
- **11.6** By-law 7202-16, being a by-law to assign the duties, roles and responsibilities of the Interim Chief Administrative Officer.

Resolution # 583-16

Moved By Councillor Leahy Seconded By Councillor Emm

That leave be granted to introduce By-law # 7197-16 to # 7202-16 and to dispense with the readings of the by-laws by the Clerk and that the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

- 12. Confirmatory By-Law
 - **12.1** Confirmatory By-law

Resolution # 584-16

Moved By Councillor Mulcahy Seconded By Councillor Leahy

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its regular meeting held on November 21, 2016 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

13. Adjournment

13.1 Motion to Adjourn

Resolution # 585-16

Moved By Councillor Emm Seconded By Councillor Leahy

That the meeting adjourn.

Carried

The meeting adjourned at 8:15 p.m.

Christopher Harris, Town Clerk Derrick Gleed, Deputy Mayor