

Regular Council Minutes
November 2, 2015 -7:00 pm
Council Chambers
Whitby Municipal Building

Present: Mayor Mitchell
Councillor Coe
Councillor Drumm
Councillor Emm
Councillor Gleed
Councillor Leahy
Councillor Roy
Councillor Yamada (left the meeting at 9:18 p.m.)

Also Present: P. LeBel, Acting Chief Administrative Officer/Commissioner of
Community & Marketing Services
S. Beale, Commissioner of Public Works
K. Nix, Commissioner of Corporate Services/Treasurer
D. Speed, Fire Chief
J. Austin, Manager, Development Control Design & Technical
Services
C. Harris, Town Clerk
S. Cassel, Deputy Clerk

Regrets: None noted

Mayor Mitchell advised of a change in the order for the agenda in that the Remembrance Day Colour Guard would be presented prior to proceeding with the agenda. Members of Council concurred with the change.

1. Declarations of Pecuniary Interest
 - 1.1 There were no declarations of pecuniary interest.
2. Adoption of Minutes
 - 2.1 Regular Council - October 13, 2015
Special Council - October 19, 2015 (Closed minutes of the In-Camera session are under separate cover)
Special Council - October 26, 2015 (Closed minutes of the In-Camera session are under separate cover)

Resolution # 471-15

Moved By Councillor Coe
Seconded by Councillor Roy

That the minutes be adopted.

Carried

3. Delegations/Presentations

3.1 Remembrance Day Colour Guard comprised of members of Whitby Legion Branch 112 and Brooklin Legion Branch 152

A Remembrance Day Colour Guard comprised of members of Whitby Legion Branch 112 and Brooklin Legion Branch 152 was presented.

Branch 112 advised that their Remembrance Day service will be held on November 11th commencing at 10:30 a.m. at the Cenotaph in Whitby and their Remembrance Day dinner will follow commencing at 6:30 p.m.

Branch 152 advised that their Remembrance Day dinner will be held on Sunday, November 8th at 6:30 p.m. and the Remembrance Day service will be held on November 11th at 1:00 p.m. at Luther Vipond Memorial Arena.

3.2 Whitby Warriors Novice 1 Boys Lacrosse Team
Recognition/Award: 2015 Ontario Field Lacrosse Novice A Champions

Mayor Mitchell attended the dais and was joined by Councillor Gleed and P. LeBel, Commissioner of Community and Marketing Services. Coach Chris Tucker was welcomed onto the dais to recognize the team members of the Whitby Warriors Novice 1 Boys Lacrosse Team for their accomplishment as the 2015 Ontario Field Lacrosse Novice A Champions.

3.3 Whitby Eagles Senior Women's Softball Team
Recognition/Award: 2015 National Champions (2011 & 2014 National Champions and 2012, 2013, 2014 Provincial Champions)

Mayor Mitchell attended the dais and was joined by Councillor Coe and P. LeBel, Commissioner of Community and Marketing Services. Coach Rosemary Theriault was welcomed onto the dais to recognize the team members of the Whitby Eagles Senior Women's Softball Team for their accomplishment as the 2015 National Champions.

- 3.4** Brad Carter, Acting Planning Manager and Eric Campbell, Planning Analyst, Durham Region Police Services Board
Re: Community Safety and Policing in Durham Region - 2017-2019 Business Plan

Stindar Lal, Durham Region Police Services Board, appeared before Council and introduced Brad Carter, Acting Planning Manager, Durham Region Police Service. Mr. Carter provided a PowerPoint presentation which included an overview of Community Safety and Policing in Durham Region and the 2017-2019 Business Plan and noted that a public opinion survey was currently available until December 2015 at www.drps.ca.

A detailed question and answer period ensued between Members of Council and representatives of the Durham Region Police Service and Durham Region Police Services Board.

- 3.5** Mia Back representing Honk Mobile
Re: New Pay by Phone System Demonstration

Mia Back, representing Honk Mobile and Alison Albrecht, Supervisor of Parking Services appeared before Council and provided a presentation regarding the new pay by phone application initiative in the downtown to provide the ability for citizens to pay for parking on a smart phone device.

Resolution # 472-15

Moved By Councillor
Seconded By Councillor

That Council suspend the rules of procedure in accordance with Section 3.12 of Procedure By-law 6794-13 to hear a delegation from the Canadian Doctors for Medicare and consider the proposed resolution by same and the delegation by Carmela Marshall with respect to LS 10-15.

Carried on a two thirds vote

- 3.6** Winny Li and Kevin Beaulieu representing Canadian Doctors for Medicare
Re: Resolution in Support of Developing and Implementing a National Pharmacare Program as an extension of Canadian Medicare.

Winny Li and Kevin Beaulieu representing Canadian Doctors for

Medicare appeared before Council and provided a PowerPoint presentation with respect to developing and implementing a National Pharmacare Program as an extension of Canadian Medicare.

Brief discussion ensued with respect to the importance of this initiative and the benefits of such a program to citizens and the community.

Further discussion ensued regarding the importance of referring these matters to the Provinces who deal with healthcare matters and relying on their expertise to fully investigate this type of program.

Recommendation:

Moved By Councillor Coe
Seconded By Councillor Roy

Whereas Whitby has recognized and has demonstrated over the past years, its commitment to the importance of healthy citizens as the foundation of a healthy, engaged and economically vibrant community; and,

Whereas over 3 million Canadians, including many in our local communities, don't take medicines prescribed by their doctors because they can't afford them; and,

Whereas Canada is currently the ONLY country with a universal public healthcare program that does not have a national pharmacare program; and,

Whereas the risk of having no insurance for medicines is high among lower income Canadians which includes the service industry, precarious working and seasonal workers, like many in Whitby; and,

Whereas studies show that adding a national pharmacare program to our national health care system would lower costs to businesses by over \$8 billion per years, providing Canadian companies competitive advantages in international trade; and,

Whereas recent research confirms that these gains can be achieved with little or no increase in public investment; and,

Whereas municipal government expenses for employee benefits would be significantly reduced by a national pharmacare program; and,

Whereas a national prescription drug formulary would support better

quality prescribing, including reducing dangerous and inappropriate prescribing to Canadian seniors; and,

Whereas a National Pharmacare plan is sound policy, both economically and socially; and,

Whereas the Government of Canada has a responsibility under the Canada Health Act to protect, promote and restore physical and mental well-being of persons and enable reasonable access to health care services without causing barriers, including financial barriers; and,

Whereas a national, universal Pharmacare program would enable all Canadians access to quality, safe and cost effective medications, improve health outcomes and generate cost savings;

Therefore be it resolved that Whitby express its support for the creation of a National Pharmacare program as an extension of Canadian Medicare, whereas health and economic studies now show that such as policy would improve health in municipalities, give local businesses a competitive advantage in the global marketplace and lower costs for municipal government on taxpayers;

Be it resolved that Whitby calls on the Province of Ontario to work with other Provinces and the Federal Government to develop and implement a National Pharmacare program; and

Be it resolved that Whitby also urge the Federation of Canadian Municipalities to adopt a similar resolution respecting the Federal government; and,

Be it further that Whitby convey the decision of Council on this resolution to the Association of Municipalities of Ontario, the Federation of Canadian Municipalities, the Federal Minister of Health, and the Prime Minister.

Note: The disposition of this matter, Item 3.6, was determined through the referral motion below.

Resolution # 473-15

Moved By Councillor Emm
Seconded By Councillor Leahy

That the proposed motion in Support of Developing and Implementing a

National Pharmacare Program be referred to staff and brought forward for consideration at the next regularly scheduled Council meeting to be held on November 23, 2015.

Carried

- 3.7** Carmela Marshall
Re: Legal Department and Public Works Department Joint Report, LS 10-15
Proposed Site Alteration By-law Status Update and Interim Revision to Fill Control By-law (Note: this item was referred at the Operations Committee meeting of October 26, 2015 - LS 07-15)

Carmela Marshall, on behalf of the Ontario Soil Regulation Task Force (OSRTF), appeared before Council and stated that they were in support of the staff recommendation and amendment to the existing by-law. She stated that OSRTF had drafted a model site alteration by-law which was based on best practices of several municipal large site alterations by-laws, included over 5 years of research on fill issues and had been peer reviewed by specialists in the industry. She requested Whitby Council to review the documents that she had submitted prior to the Council meeting and consider the proposed recommendations during the 90 day review period of the new site alteration by-law. She further suggested that farmland not be exempted from obtaining fill permits due to the potential amount of fill that could come in to large parcels of farmland and the number of trucks required to haul in the fill. She further suggested that a separate security fee and a scaled application fee be considered in the new by-law.

Resolution # 474-15

Moved By Councillor Leahy
Seconded By Councillor Drumm

That Council take a short recess.

Carried

Council recessed at 9:18 p.m. and reconvened at 9:25 p.m.

4. Correspondence

- 4.1** That the following request be endorsed:
- November 2015 as Lung Month

Resolution # 475-15

Moved By Councillor Coe
Seconded By Councillor Roy

That the proclamation for Lung Month - November 2015, be endorsed.

Carried

5. Planning and Development Committee
Report # 11 of the Planning and Development Committee - October 19, 2015

- 5.1** Planning and Development Department Report, PL 77-15
Re: Zoning By-law Amendment Application and Site Plan Application,
Mercedes Benz Durham, 250 Thickson Road South (Z-10-15 and SP-08-15)

Resolution # 476-15

Moved By Councillor Coe
Seconded By Councillor Emm

1. That Council approve Zoning By-law Amendment Application (Z-10-15) subject to the conditions contained in Sections 5 and 8 of Report PL 77-15;
2. That the Zoning By-law Amendment not be brought forward for consideration by Council until such time as the Town is satisfied that the conditions of the Central Lake Ontario Conservation Authority and the Region of Durham as outlined in Section 8 of this report have been met;
3. That Council approve Site Plan Application (SP-08-15) subject to the conditions contained in Sections 5 and 8 of Report PL 77-15;
4. That staff be authorized to prepare a Site Plan Agreement; and,
5. That the Mayor and Clerk be authorized to sign any necessary documents.

Carried

- 5.2** Planning and Development Department Report, PL 81-15
Re: Site Plan Application - Southwest Corner of Gordon Street and
Whitby Shores Greenway, Courtice North Inc. (SP-09-15)

Resolution # 477-15

Moved By Councillor Coe
Seconded By Councillor Emm

1. That Council approve Site Plan Application (SP-09-15) subject to the comments and conditions contained in Section 8.0 of Planning Report Number PL 81-15; and,
2. That the Mayor and Clerk be authorized to execute the Site Plan Agreement.

Carried

- 5.3** Planning and Development Department Report, PL 80-15
Re: That Council Stop Up and Close Portions of Desmond G. Newman Boulevard in Order to Transfer the Lands to the Adjacent Subdivisions

Resolution # 478-15

Moved By Councillor Coe
Seconded By Councillor Emm

1. That Planning and Development Report Item PL 80-15 be received for information and considered as an addendum to PL 43-15;
2. That Council stop up and close portions of Desmond G. Newman Boulevard, being parts 3, 4, 5 and 6 on Plan 40R-27297, parts 2, 3, 4 and 5 on Plan 40R-27298 and part 1 on Plan 40R-28971;
3. That the Clerk advertise in the local newspaper in accordance with the established procedures for stopping up and closing including the disposal of surplus property, Council's intent to sell the surplus property, for a nominal fee, to Mattamy, West Whitby Holdings, Chelseahill, TFP Whitby Developments Inc. and Lazy Dolphin to complete the draft plans of subdivision;
4. That provided no objection is received in connection with the proposed stopping up and closing and disposal of the surplus lands, the fees incurred for the conveyance of the lands to the Developers shall be at no cost to the Municipality;
5. That the Clerk bring forward the required by-law(s) to stop up and close and deem surplus for Council approval;
6. That the Mayor and Clerk be authorized to execute the necessary documents for the conveyance; and,
7. That the preparation of the reference plans, transfer documents and registration of the land transfers between the Town and Developers be the responsibility of the West Whitby landowners group.

Carried

- 5.4** Memorandum from the Commissioner of Planning
Re: Update on Status of Werden's Plan Heritage Conservation District (HCD)

Resolution # 479-15

Moved By Councillor Coe
Seconded By Councillor Emm

That the Memorandum from the Commissioner of Planning, regarding an update on the status of Werden's Plan Heritage Conservation District (HCD) be received for information.

Carried

- 6.** Operations Committee
Report # 11 of the Operations Committee - October 26, 2015

- 6.1** Community and Marketing Services Department Report, CMS 49-15
Re: 2013-2018 Recreation and Leisure Services Youth Strategy

Resolution # 480-15

Moved By Councillor Roy
Seconded By Councillor Gleed

That Community and Marketing Services Department Report, CMS 49-15 regarding the progress of the 2013-2018 Recreation and Leisure Services Youth Strategy be received as information.

Carried

- 6.2** Community and Marketing Services Department Report, CMS 48-15
Re: Summer Camps and Playground Program

Resolution # 481-15

Moved By Councillor Roy
Seconded By Councillor Gleed

1. That Community and Marketing Services Report, CMS 48-15 regarding Summer Camp programs and the Summer Playground Program be received as information; and,
2. That the Summer Playground Program be referred to the 2016 Budget as a decision item above and beyond the Council approved 2016 target.

Carried

- 6.3** Community and Marketing Services Department Report, CMS 50-15
Re: Former Land Registry Office, 400 Centre Street South

This item was referred back at Committee

- 6.4** Community and Marketing Services Department Report, CMS 51-15
Re: Enhanced Security and Safety Measures - Whitby Municipal Building

This item was referred back at Committee

- 6.5** Public Works Department and Corporate Services Department Joint Report, CS 91-15
Re: Supply and Delivery of One (1) Current Model Year, 15,000 LB G.V.W, Four Wheel Drive Regular Cab Truck Complete with Aerial Device and Utility Body (T-96-2015)

Resolution # 482-15

Moved By Councillor Roy
Seconded By Councillor Gleed

1. That the Town of Whitby accept the low tender bid of East Court Ford Lincoln in the amount of \$114,164.00 (plus applicable taxes) for the supply and delivery of one (1) current model year, 15,000 LB G.V.W, four wheel drive regular cab truck complete with aerial device and utility body;
2. That the over expenditure of \$20,173.29 be financed from the Growth Reserve Fund (\$211.82) and Development Charges (\$19,961.47);
3. That the total estimated project cost for the Town of Whitby in the amount of \$120,673.29 be approved; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 6.6** Corporate Services Department and Public Works Department Joint Report, CS 92-15
Re: Ash Tree Removal (T-38-2015)

Resolution # 483-15

Moved By Councillor Roy
Seconded By Councillor Glead

1. That the Town of Whitby accept the low compliant bid as received from Ontario Line Clearing and Tree Services 2010 Ltd. in the amount of \$68,590.00 (plus applicable taxes) for a four (4) month seasonal contract for ash tree removal services;
2. That the total estimated four (4) month project cost for the Town of Whitby in the amount of \$77,000.00 be approved;
3. That Council provide pre-budget approval for the estimated funds for ash tree removals in 2016 of \$342,000 as defined in the 2014 Emerald Ash Borer Action Plan PW 25-14 and that the \$342,000 be funded from the One-Time Reserve Fund;
4. That Staff be authorized to tender the 2016 projects related to the action plan under pre-budget approval with an anticipated start date of March 15, 2016; and,
5. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 6.7** Legal and Human Resources Services Department and Public Works Department Joint Report, LS 07-15
Re: Site Alteration By-law: Status Update
(see also LS 10-15 under Section 9 - New and Unfinished Business)

This item was referred at Committee to November 2, 2015 Council

- 6.8** Legal Department Report, LS 09-15
Re: Temporary Sign By-law Amendment

Resolution # 484-15

Moved By Councillor Roy

Seconded By Councillor Gleed

That Council adopt By-law 7052-15 to amend the provisions of
Temporary Sign By-law 5696-05.

Carried

- 6.9** Public Works Department Report, PW 40-15
Re: Revised Community Organization Sign Policy

This item was referred back at Committee

- 6.10** Municipal Office Needs Assessment

Resolution # 485-15

Moved By Councillor Roy
Seconded By Councillor Gleed

That Staff report back with an update on implementation and further
action required for the Municipal Office Needs Assessment further to
Staff Reports CMS 21-08, CAO 04-11, and CAO 03-13.

Carried

- 7.** Management Committee
Report # 5 of the Management Committee - October 13, 2015

- 7.1** Update from the Chief Administrative Officer, Chief Administrative
Officer Report, CAO 06-15
Re: Performance Management and Succession Planning

Resolution # 486-15

Moved By Councillor Coe
Seconded By Councillor Drumm

1. That the Performance Management Policy attached to Report CAO
06-15 be approved;
2. That the Succession Management Policy attached to Report CAO
06-15 be approved, with Section 2.2 being expanded to include
identifying all positions for succession planning so that it is an
ongoing process;

3. That the Manager of Human Resources in consultation with the Senior Management Team recommend a Performance Management Form to be used in accordance with the Performance Management Policy for approval by the Management Committee at its meeting on December 15, 2015;
4. That the Manager of Human Resources in consultation with the Senior Management Team provide a report to the Management Committee at its meeting on January 19, 2016 on the Town's Succession Management Plan and recommended training and development requirements; and,
5. That the Performance Management Policy be implemented for 2016.

Carried

8. Notice of Motion

8.1 There were no notices of motion.

9. New and Unfinished Business

9.1 Community and Marketing Services Department Report, CMS 54-15
Re: North Atlantic Professional Hockey League Request

Resolution # 487-15

Moved By Councillor Drumm
Seconded By Councillor Leahy

That the Town of Whitby not support the request from the North Atlantic Professional Hockey League to locate a hockey team franchise at Iroquois Park Sports Centre.

Carried

9.2 Legal Department and Public Works Department Joint Report, LS 10-15
Re: Proposed Site Alteration By-law Status Update and Interim Revision to Fill Control By-law (Note: this item was referred at the Operations Committee meeting of October 26, 2015 - LS 07-15)

Resolution # 488-15

Moved By Councillor Coe
Seconded By Councillor Glead

1. That Report LS 10-15 providing an update regarding the status of the public / industry consultation on the proposed Site Alteration By-law be received for information;
2. That Council enact a road damage contribution / inspection fee per cubic meter for all new permits until such time as the proposed new Site Alteration By-law is adopted by Council; and,
3. That Council adopt By-law 7052-15 (Attachment 1) to amend the current Fill Control By-law 5849-06 to give effect to Recommendation #2 in this Report.

Carried

- 9.3** Memorandum from Robert Short, Commissioner of Planning and Development
Re: Provincial Review of Conservation Authorities Act

Resolution # 489-15

Moved By Councillor Drumm
Seconded By Councillor Leahy

That the memorandum from Robert Short, Commissioner of Planning and Development, regarding the Provincial Review of Conservation Authorities Act be referred to staff and brought forward for consideration at a Special Council Meeting to be called by the Mayor after Durham Region Council considers this matter.

Carried

- 9.4** Memorandum from Robert Short, Commissioner of Planning and Development
Re: West Whitby Zoning – Retention of Paul Lowes, Sorensen Gravely Lowes Planning Associates Inc.

Resolution # 490-15

Moved By Councillor Drumm
Seconded by Councillor Leahy

That Sorensen Gravely Lowes be retained by the Town of Whitby to undertake the development of a zoning by-law amendment for the plans of subdivision in West Whitby as set out on Attachment #1 on the basis of full funding through the West Whitby Landowners in the amount of

\$91,350.00 plus \$11,876.00 HST for a total amount of \$103,226.00.

Carried

10. By-Laws

That the following by-laws be passed:

- 10.1** By-law # 7049-15, being a by-law to establish the Active Transportation and Safe Roads Advisory Committee.
Refer to CMS 47-15
- 10.2** By-law # 7050-15, being a by-law to establish the Doors Open Whitby Advisory Committee
Refer to PL 71-15
- 10.3** By-law # 7051-15, being a by-law to amend By-law # 1862-85, to Regulate Traffic on Highways in the Town of Whitby (Schedule P, Maximum Rate of Speed, Valleywood Drive)
Refer to PW 39-15
- 10.4** By-law # 7052-15, being a by-law to amend Section 4.(2) of By-law # 5846-06, known as the Fill Control Bylaw, to change the fees for permits under the by-law
Refer to LS 10-15
- 10.5** By-law # 7053-15, being a by-law to amend By-law # 5696-05, known as the Temporary Sign By-law
Refer to LS 09-15
- 10.6** By-law # 7054, being a by-law to appoint certain persons as Municipal Law Enforcement Officers for the purpose of enforcing parking restrictions on private property
- 10.7** By-law # 7055-15, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law for the Town of Whitby [Golden Falcon Homes (SW 2015-15 and Z-08-15)]
Refer to PL 72-15
- 10.8** By-law # 7056-15, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law for the Town of Whitby.
[CST Canada Co. (Z-04-15)]
Refer to PL 50-15

Resolution # 491-15

Moved By Councillor Leahy
Seconded By Councillor Glead

That leave be granted to introduce By-law #7049-15 to 7056-15 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

11. Confirmatory By-Law

11.1 Confirmatory By-law

Resolution # 492-15

Moved By Councillor Leahy
Seconded By Councillor Emm

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 2, 2015 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

12. Adjournment

12.1 Motion to Adjourn

Resolution # 493-15

Moved By Councillor Drumm
Seconded By Councillor Emm

That the meeting adjourn.

Carried

The meeting adjourned at 9:55 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor