

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, JUNE 29, 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. Petrie, Chief Administrative Officer (CAO)
K. Nix, Director of Corporate Services/Treasurer
S. Beale, Director of Public Works
R. Short, Director of Planning
P. LeBel, Director of Community and Marketing Services
B. Mowat, Deputy Fire Chief
P. Jones, Town Clerk
M. Pettit, Deputy Clerk

1. DISCLOSURES OF INTEREST

Councillor Emm declared a pecuniary interest with respect to Planning Report, Item PL 59-09, as a family member resides in close proximity to the location of the application. He did not participate in the discussion or voting on this item.

Councillor Mitchell declared a pecuniary interest with respect to Planning Report, Item PL 61-09, as he is in the building supply business. He did not participate in the discussion or voting on this item.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6194-09

RESOLUTION NO. 190-09

Councillor Emm, seconded by Councillor Drumm, 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 1, 2009 and the minutes of the Special Meetings of Council held on June 10, 2009 and June 22, 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. 6194-09 considered read a first, second and third time and finally passed.

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3. PRESENTATIONS

(i) 407 East Environmental Assessment & Preliminary Design Study Project Team

Dan Remollino, Project Manager, Ontario Ministry of Transportation, and Doug Allingham and Brenda Jamieson, Project Managers with AECOM, provided a status update on the Highway 407 East Environmental Assessment and Preliminary Design Study.

(ii) Whitby Race Relations and Diversity Committee – Scholarship Recipients

Mayor Perkins, Councillor Coe, the Mayor's Designate on the Whitby Race Relations and Diversity Committee, assisted by Committee Chair Reverend Nussey, presented each of the following high school graduates with a \$500.00 cheque:

- Robin Simpson, Donald A. Wilson Secondary School
- Aprelle Powell, Donald A. Wilson Secondary School
- Adil Kanji, Anderson Collegiate & Vocational Institute
- Jessica Irvine, Anderson Collegiate & Vocational Institute
- Fahim Fikrat, Anderson Collegiate & Vocational Institute

(iii) Recognition of "Relay for Life" Committee Chairs

Mayor Perkins and Yvonne Chornobay, from Donald A. Wilson Secondary School, recognized the following students who as "Relay for Life" Committee Chairs, raised over \$42,000 for the Canadian Cancer Society:

- Kathryn MacDonald, Donald A. Wilson Secondary School
- Katelyn Reischke, Donald A. Wilson Secondary School
- Vincent Kang, Donald A. Wilson Secondary School
- Alyssa Wood, Donald A. Wilson Secondary School
- Lauren Baker, Donald A. Wilson Secondary School
- Mikael Astejada, Donald A. Wilson Secondary School
- Jocelyn Lui, Donald A. Wilson Secondary School
- Taylor Smith, Donald A. Wilson Secondary School
- Miranda Caldwell, Donald A. Wilson Secondary School
- Talia Waite, Henry Street High School
- Brandon Clarkson, Henry Street High School
- Elizabeth Smale, Henry Street High School

(iv) Whitby Professional Firefighters Association Local 2036 Cheque Presentation to Muscular Dystrophy Canada

Mayor Perkins, Councillor Coe, Chair of Fire and Emergency Services, and Bob Mowat, Deputy Fire Chief, and Mike Pfeiffer, President of the Whitby Professional Firefighters Association Local 2036, recognized the Association for its fundraising efforts.

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3. (continued)

- (v) Planning Report, Item PL 61-09
Re: RioCan Property Services Inc. – Zoning Amendment Application – Site Plan
Application (Z-03-09, SP-04-09) – 4605 Garrard Road
-

Councillor Mitchell left the Meeting Hall at 8:54 p.m. and returned at 9:14 p.m.

Solicitor Brian Radnoff appeared on behalf of Olga Kachnij and requested Council table or adjourn consideration of the above planning application while his client and the applicant work out some issues involving their neighbouring properties.

- (vi) Corporate Services/Public Works Report, Item PW 27-09
Re: Cochrane Street Surface Treatment (W-2009-11)
-

Residents Ian Finch, John Bruce Davies and Robert Walton appeared before Council and urged that Cochrane Street be given immediate attention due to its deteriorated condition.

- (vii) Public Works Report, Item PW 19-09
Re: 804 Brock Street North – Encroachment Agreement (E-5300)
-

Bob McCleery appeared before Council and urged approval of the Committee recommendations associated with the above encroachment agreement.

Councillor Pitchforth left the meeting at 9:38 p.m. and returned at 9:40 p.m.

4. CORRESPONDENCE

- (i) CORR 19-09
Letter from Humane Society
-

RESOLUTION NO. 191-09

MOVED by Councillor Drumm
Seconded by Councillor Emm

That a letter dated June 17, 2009 from Karin Martens, President of the Humane Society and addressed to Mayor Pat Perkins and Members of Council, asking for a donation to offset certain Town charges related to development, be referred to the CAO and staff for review and consideration.

CARRIED

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MOVED by Councillor Mitchell
Seconded by Councillor Pitchforth

That Council consider recommendations from the June 22, 2009 Operations
Committee meeting at this time.

CARRIED

5. STANDING COMMITTEES

(b) Operations Committee – June 22, 2009
Report Recommendations to Council

3.1 Community and Marketing Services Report, Item CMS 33-09
Re: Durham Region Grade 5 Action Pass Program

COUNCIL DECISION

That Council approve establishing the Durham Region Grade 5 Action Pass as
an annual program moving forward.

3.3 Community and Marketing Services Report, Item CMS 35-09
Re: Kiwanis Heydenshore Park Accessible Playground

COUNCIL DECISION

1. That Council endorse the elements and design parameters for the
proposed accessible playground to be located within Kiwanis
Heydenshore Park; and,
2. That Council authorize Staff to proceed with the tendering process and
report back to Council with a recommendation of the preferred contractor,
construction timing and budget analysis.

3.4 Community and Marketing Services Report, Item CMS 36-09
Re: Kiwanis Heydenshore Park Parking Lot

COUNCIL DECISION

1. That Council endorse the design for the proposed parking lot to be located
within Kiwanis Heydenshore Park; and,
2. That Council authorize Staff to proceed with the tendering process and
report back to Council with a recommendation of the preferred contractor,
construction timing and budget analysis.

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5. (continued)

3.5 Community and Marketing Services Report, Item CMS 37-09

Re: Willow Park Phase 2

COUNCIL DECISION

1. That Council endorse the proposed park design for Phase 2 of Willow Park; and,
2. That Council authorize Staff to proceed with the tendering process and report back to Council with a recommendation of the preferred contractor, construction timing and budget analysis.

3.6 Corporate Services Report, Item CS 29-09

Re: EA6 District Park Landscape Construction (W2009-53)

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of Melfer Construction Limited in the amount of \$1,030,000.00 for EA6 District Park Landscape Construction;
2. That the total estimated project cost for the Town of Whitby in the amount of \$1,175,691.96 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

3.7 Corporate Services Report, Item CS 31-09

Re: 2010 Budget Process and Preliminary Calendar

COUNCIL DECISION

1. That the preliminary 2010 Budget Calendar as outlined in Attachment A be approved by Council;
2. That the Budget Calendar be posted on the Town website; and,
3. That the Budget Overview & Input meeting and the Budget Deliberation meeting dates be included in the fall Whitby Perspective and advertised on the Town's various facility notice boards two weeks prior to the dates.

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5. (continued)

3.8 Corporate Services Report, Item CS 32-09

Re: Annual Statement of Development Charge Reserve Funds as at
December 31, 2008

COUNCIL DECISION

1. That the annual Statement of Development Charge Reserve Funds as at December 31, 2008 be received for information; and,
2. That a copy of the Statement be forwarded to the Minister of Municipal Affairs and Housing.

3.9 Corporate Services Report, Item CS 33-09

Re: Building Permit Fees Annual Report 2008

COUNCIL DECISION

That Corporate Services Report, Item CS 33-09, be received for information.

3.10 Corporate Services Report, Item CS 35-09

Re: Deferral of Scheduled Indexing of Residential and Non-residential
Development Charges

COUNCIL DECISION

1. That the scheduled indexing for August 1, 2009 of residential and non-residential development charges under the Development Charge (DC) By-Law No. 6080-08 be deferred for a period of one year until August 1, 2010;
2. In order to defer the indexing for one year, the public process to amend the applicable development charge by-law be authorized, as follows:
 - a) The Statutory Public meeting of Council as required by the Development Charges Act, 1997 be held on a date, to be established between July 24 and July 31, in consultation with the Mayor, to consider the above proposed amendment to Development Charge By-law No. 6080-08 and public input;
 - b) The proposed Development Charge By-law Amendment and Background Study as required by the Development Charges Act, 1997 be released to the public at no charge upon request to the Corporate Services Department, commencing two weeks before the meeting; and,

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5. (continued)

- c) Staff be authorized to place appropriate notification in newspapers of sufficiently general circulation in the Town of Whitby and on the Town's website setting forth the date, time location and purpose of the Statutory Public Meeting and the date and contact for release of the proposed Development Charge By-law amendment and Background Study.

3.12 Corporate Services Report, Item CS 38-09

Re: Oceanpearl Park/Trail (W2009-52)

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of D.D.R. Landscape Contractors Ltd. in the amount of \$210,667.27 for Oceanpearl Park/Trail Construction;
2. That the total estimated project cost for the Town of Whitby in the amount of \$239,224.50 be approved; and
3. That the Mayor and Clerk be authorized to execute the contract documents.

3.13 Corporate Services Report, Item CS 40-09

Re: Projects Recommended for the Canada-Ontario Infrastructure Stimulus Fund

COUNCIL DECISION

1. That Council endorse the Brooklin Community Centre and Library project and the Anne Ottenbrite Pool accessibility improvements project as eligible projects for the Canada-Ontario Infrastructure Stimulus Fund;
2. That Council commit the required municipal contribution to these projects; and,
3. That the Mayor and Clerk be authorized to sign the required documents to enter into a contribution agreement specific to each grant.

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5. (continued)

3.14 Public Works Report, Item PW 19-09

Re: 804 Brock Street North - Encroachment Agreement (E-5300)

COUNCIL DECISION

1. That Council approve the request for an Encroachment Agreement for the public road allowance at 804 Brock Street North, subject to the terms and conditions contained in Public Works Report, Item PW 19-09;
2. That the Mayor and Clerk be authorized to execute the Encroachment Agreement;
3. That a "No Parking" sign be erected and enforced;
4. That the \$500 encroachment fee be waived; and,
5. That the dimensions of the hammerhead be no greater than 4 m X 7m.

3.16 Public Works Report, Item PW 28-09

Re: Conlin Road and Anderson Street Pavement Rehabilitation (W-2009-9)

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of Hard-Co Construction in the revised amount of \$1,423,537.90 for the pavement rehabilitation on Conlin Road and Anderson Street;
2. That an over expenditure in the amount of \$333,537.50 be approved – of which \$76,207.55 is to be funded from the Capital Reserve Fund, and \$257,329.95 is to be funded from Development Charges;
3. That the total estimated project cost for the Town of Whitby in the amount of \$1,533,537.90 be approved; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

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5. (continued)

3.18 Public Works Report, Item PW 31-09

Re: Adult Crossing Guard Review Intersection of Burns Street and
Sawdon Drive/ Devon Port Lane

COUNCIL DECISION

That Public Works Report, Item PW 31-09 Re: Adult Crossing Guard Review Intersection of Burns Street and Sawdon Drive/ Devon Port Lane be referred back to staff for the undertaking of an updated speed/traffic study to work with the School Board and Durham Regional Police Service in investigating alternative options to better highlight any school crossing and to ascertain the final numbers of students attending the subject school.

3.19 Public Works Report, Item PW 33-09

Re: Whitby Road Watch

COUNCIL DECISION

1. That Public Works Report, Item PW 33-09 be received as information;
2. That Council approve the proposed Road Watch Charter; and,
3. That a copy of the Public Works Report, Item PW 33-09 be forwarded to Road Watch Canada and Durham Regional Police Services.

3.20 Corporate Services/Public Works Joint Report, Item PW 34-09

Re: Phase II Emergency Works - Slope Stability & Erosion Control, Lynde Creek
in the vicinity of Woodhaven Drive (E-2210)

COUNCIL DECISION

1. That the Town of Whitby accept the low quote as submitted by Dynex Construction Limited in the amount of \$98,947.33;
2. That the total estimated project cost for the Town of Whitby in the amount of \$145,235.55 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

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5. (continued)

3.21 Public Works Report, Item PW 35-09

Re: Update to Traffic By-Law No. 1862-85: Various Locations

COUNCIL DECISION

1. That Traffic By-Law number 1862-85 be amended to incorporate the proposed changes to Schedule "B", No Parking Restrictions, as shown in Attachment A; save and except Fifewood Crescent;
2. That a copy of Public Works Report, Item PW 31-09 be forwarded to adjacent schools, the Durham District School Board, and the Durham Catholic District School Board; and,
3. That the times noted in column 4 in Attachment A be changed to coincide with the morning start times and afternoon finish times of corresponding schools during their established school year.

3.22 Public Works Report, Item PW 36-09

Re: Winter Maintenance Equipment Rental Contracts

COUNCIL DECISION

1. That staff be authorized to prepare and issue tenders for the supply of rental winter maintenance equipment for sanding and snow plowing operations in September, 2009 prior to the expiry of the current rental contracts in April, 2010; and,
2. That Council authorize the Department to negotiate a contract extension with Hard Co for the supply of two (2) 16 cubic yard single purpose sanders until April 2015.

3.23 Public Works Report, Item PW 38-09

Re: Purchase and Installation of Exhaust Emission Reduction Systems on Selected Equipment

COUNCIL DECISION

That the inclusion of \$20,000.00 be considered as part of the 2010 budget discussions for the purchase of sixteen Global Emission Control Systems to be installed on six ice edgers and ten "walk behind" lawn mowers.

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5. (continued)

3.24 Fire Department Report, Item FR 03-09

Re: Aerial Platform Replacement (A-2115)

COUNCIL DECISION

1. That the Town of Whitby grant permission to issue a request for quotation to the two (2) firms able to provide a welded aluminium rear mount aerial platform. E-One Fire apparatus and Pierce Fire Apparatus are the two (2) manufacturers that build this type of aerial device; and,
2. That the Town of Whitby grant permission to award if the quotation meets the specifications and is within the available funding.

3.25 CONFIDENTIAL - Corporate Services Report, Item CS 37-09

Re: Legal Property Matter

COUNCIL DECISION

That the recommendations contained in Confidential Corporate Services Report, Item CS 37-09, be adopted by Council.

RESOLUTION NO. 192-09

MOVED by Councillor Pitchforth

Seconded by Councillor Scott

That Council adopt the recommendations set out in Item Nos. 3.1, 3.3 to 3.10 inclusive, 3.12 to 3.14 inclusive, 3.16, 3.18 to 3.25 inclusive, as contained within the minutes of the meeting of the Operations Committee held on June 22, 2009.

CARRIED

3.2 Community and Marketing Services Report, Item CMS 34-09

Re: Municipal Performing Arts Centre – Market and Community Needs
Assessment Study

RESOLUTION NO. 193-09

MOVED by Councillor Pitchforth

Seconded by Councillor Scott

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5. (continued)

1. That Council approve the draft Terms of Reference to undertake a study of the Market and Community Needs for a Performing Arts Centre;
2. That Council authorize Staff to proceed with a proposal call to obtain submissions from qualified consultants; and,
3. That Staff report back to Council with a recommendation regarding the preferred consultant and study financing.

CARRIED

3.11 Corporate Services Report, Item CS 36-09

Re: Brooklin Community Centre & Library (W2009-40)

RESOLUTION NO. 194-09

MOVED by Councillor Pitchforth

Seconded by Councillor Scott

1. That the Town of Whitby accept the low tender of Aquicon Construction Ltd. in the amount of \$10,196,000 for the Brooklin Community Centre and Library project, subject to confirmation of Infrastructure Stimulus funding;
2. That the total estimated project cost for the Town of Whitby in the amount of \$13,236,000 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED AS AMENDED
BY THE FOLLOWING MOTION

MOVED by Councillor Emm

Seconded by Councillor Mitchell

That the above motion be amended by adding the following thereto:

4. That staff investigate the need and placement for a pedestrian crossing in the area of the proposed new Brooklin Community Centre and Library.

CARRIED

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5. (continued)

3.17 Public Works Report, Item PW 30-09

Re: Retailer Fee on Plastic Shopping Bags (E3200)

RESOLUTION NO. 195-09

MOVED by Councillor Pitchforth

Seconded by Councillor Scott

1. That Report PW 30-09 regarding "Retailer Fee on Plastic Shopping Bags" be received as information; and,
2. That staff develop a communication plan to promote voluntary reduction of plastic bags for all large retailers in Whitby.

CARRIED

4.1 Status Update on Railways in the Town of Whitby

RESOLUTION NO. 196-09

MOVED by Councillor Pitchforth

Seconded by Councillor Scott

That staff be directed to consult with the federal regulatory body and report back as to the safety status of the various railways throughout the Town of Whitby.

CARRIED

3.15 Corporate Services/Public Works Report, Item PW 27-09

Re: Cochrane Street Surface Treatment (W-2009-11)

RESOLUTION NO. 197-09

MOVED by Councillor Drumm

Seconded by Councillor Mitchell

1. That the Town of Whitby reject all tenders regarding Contract W-2009-11;
2. That Staff perform the drainage/ditch works in late 2009 and early 2010;
3. That the Town of Whitby re-tender the surface treatment portion in early 2010; and,

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5. (continued)

4. That funds associated with this project be carried over to 2010.

CARRIED AS AMENDED
BY THE FOLLOWING MOTION

MOVED by Councillor Roy
Seconded by Councillor Drumm

That the above motion be amended by adding the following thereto:

5. That Cochrane Street surface treatment be the first priority in 2010 and the first project to be scheduled and constructed in 2010.

CARRIED

(a) Planning and Development Committee – June 15, 2009
Report Recommendations to Council

3.3 Planning Report, Item PL 64-09

Re: Highmark Orchards Inc.

Public Meeting 7:50 P.M.

Applications to Amend the Town of Whitby Official Plan, Zoning By-Law and Proposed Plan of Subdivision (OPA 2008-W/03, SW-2007-01, Z-28-07)

Part of Lot 20, Concession 4

COUNCIL DECISION

1. That Council approve the application to amend the Town of Whitby Official Plan (file OPA-2008-W/03) as Amendment No. 82, subject to the comments and conditions contained in Planning Report, Item PL 64-09;
2. That a By-law to adopt Official Plan Amendment No. 82 be brought forward for consideration by Council;
3. That the Clerk forward a copy of Planning Report, Item PL 64-09, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Official Plan Amendment No. 82 to the Region of Durham;
4. That Council approve the Draft Plan of Subdivision (SW-2007-01), shown as Attachment #4 to Planning Report Item PL-64-09; subject to the comments and conditions contained in Planning Report, Item PL 64-09;

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5. That Council approve the application to amend Zoning By-law 1784, (File Z-28-07), subject to the comments and conditions contained in Planning Report, Item PL 64-09;
6. That a By-law to amend Zoning By-law No. 1784 be brought forward for consideration by Council;
7. That staff be authorized to prepare a subdivision agreement;
8. That the Mayor and Clerk be authorized to execute the subdivision agreement;
9. That the Region of Durham be advised of Council's decision; and,
10. That the Clerk forward a Notice of Decision to those persons and agencies who had requested to be notified of Council's decision.

4.1 Planning Report, Item PL 58-09

Re: Re-designation Under Part IV of the Ontario Heritage Act for the Station Gallery, 1450 Henry Street South, Town of Whitby - (C-4200, A-2160 - LACAC) - Part of Lot 28, Concession 1, 1450 Henry Street Concession 1, 1450 Henry Street

COUNCIL DECISION

1. That Planning Report, Item PL 58-09, regarding the Re-designation under Part IV of the Ontario Heritage Act for the Station Gallery, 1450 Henry Street South, Town of Whitby, be received as information,
2. That the Clerk's Office, in conjunction with LACAC Heritage Whitby, draft and forward an appropriate "Notice of Intent to Designate" to the Ontario Heritage Foundation, and the local newspaper, and;
3. That Planning Staff be directed to prepare the necessary By-law together with reasons for designation for Council approval.

4.2 Planning Report, Item PL 60-09

Re: Review of Doors Open Whitby 2009 and Request to Participate Annually in Doors Open Ontario

COUNCIL DECISION

1. That Planning Report, Item PL 60 -09, regarding the Doors Open Whitby 2009 summary be received as information;

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5. (continued)

2. That Council authorize the Planning Department, in conjunction with LACAC Heritage Whitby, to schedule an annual Doors Open Whitby event to be held on the first Saturday in May;
3. That Staff be authorized to submit annually the required application to the Ontario Heritage Trust; and,
4. That Staff review the required budget for Doors Open on an annual basis.

4.5 Planning Report, Item PL 66-09

Re: Cullen Central Park Draft Official Plan Amendment and Zoning By-law Amendment – (OPA2009-W/06, Z-14-09) – Whitby

COUNCIL DECISION

1. That Planning Report, Item PL 66-09 be received as information;
2. That Planning staff be authorized to circulate the Draft Official Plan Amendment and format for a Draft Zoning By-law Amendment to agencies for comment and commence the public consultation process; and,
3. That Staff be authorized to investigate the designation of the heritage structures in Cullen Central Park, under Part IV of the Ontario Heritage Act, through consultation with Whitby LACAC.

4.6 Planning Report, Item PL 67-09

Re: Site Plan Application - 2134105 Ontario Inc. (Circle Taxi) – (SP-16-09)
– 128 Brock St. N.

COUNCIL DECISION

1. That Council approve the site plan application (SP-16-09) subject to the comments and conditions contained in Planning Report, PL 67-09; and,
2. That the Mayor and Clerk be authorized to execute the site plan agreement.

4.7 Planning Report, Item PL 69-09

Re: Zoning Amendment Application - John D. Rogers & Associates – (Z-05-09)
– 707 Brock Street South

COUNCIL DECISION

1. That Council approve zoning amendment application Z-05-09 subject to the comments and conditions outlined in Planning Report, Item PL 69-09;

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5. (continued)

2. That a By-law to amend Zoning By-law No. 2585 be brought forward for consideration by Council; and,
3. That the Mayor and Clerk be authorized to execute a site plan agreement.

4.8 Planning Report, Item PL 70-09

Re: Request to Initiate Municipal Class Environmental Assessment
West Whitby Secondary Plan Area – (OPA-2009-W/03)

COUNCIL DECISION

1. That Council support the West Whitby Landowners Group's request that the Region of Durham initiate a Municipal Class Environmental Assessment for Regional water and wastewater services for the West Whitby Secondary Plan area; and,
2. That the Clerk forward a copy of this report and Council resolution to the Clerk for the Region of Durham and to the Commissioners of Public Works, Finance and Planning.

4.9 Planning Report, Item PL 71-09

Re: Zoning By-law Amendment - Central Lake Ontario Conservation (Z-07-09) –
Various: Broken Front Concession & Concession 1, Lots 30 to 35

COUNCIL DECISION

1. That Council approve zoning amendment application Z-07-09 subject to the comments and conditions outlined in Planning Report, Item PL 71-09; and,
2. That the amendments to Zoning By-laws No. 2585 & 1784 be brought forward for consideration by Council.

4.11 Planning Report, Item PL 73-09

Re: Annual Housing Monitoring Report - January 1, 2008 to December 31, 2008
Town Of Whitby

COUNCIL DECISION

1. That Planning Report, Item PL 73-09, re: Annual Housing Monitoring Report – January 31, 2008 to December 31, 2008, be received for information; and,
2. That the Clerk forward a copy of Planning Report, Item PL 73-09 to the Region of Durham.

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5. (continued)

4.13 Planning Report, Item PL 63-09

Re: Official Plan Review - Intensification Strategy - Public Workshop #2
– (OPA-2009-W/02)

COUNCIL DECISION

1. That Planning Report, Item PL 63-09, re: Official Plan Review – Intensification Strategy – Public Workshop #2 – (OPA-2009-W/02), be received for information; and,
2. That the correspondence from Bousfields Inc., dated June 15, 2009, regarding Planning Report, Item PL 63-09, be received for information.

RESOLUTION NO. 198-09

MOVED by Councillor Drumm
Seconded by Councillor Coe

That Council adopt the recommendations set out in Item Nos. 3.3, 4.1, 4.2, 4.5 to 4.9, inclusive, 4.11 and 4.13, as contained within the minutes of the meeting of the Planning & Development Committee held on June 15, 2009.

CARRIED

4.3 Planning Report, Item PL 62-09

Re: Site Plan Application - Durham District School Board - Proposed Unnamed Lynde Shores Public School (SP-14-09) – Whitby Shores Greenway, Part of Lot 30, Broken Front Concession

RESOLUTION NO. 199-09

MOVED by Councillor Drumm
Seconded by Councillor Coe

1. That Council approve Site Plan Application SP-14-09 subject to the comments and conditions contained in Planning Report, Item PL 62-09;
2. That the Mayor and Clerk be authorized to execute a Site Plan Agreement; and,
3. That the Site Plan Agreement clearly states that if the proposed unnamed Lynde Shores Public School becomes a bussing school, then it would be retrofitted for a bus drop-off area.

CARRIED

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5. (continued)

4.4 Planning Report, Item PL 65-09

Re: Site Plan Application Calloway Reit (Whitby) Inc. - (SP-10-09)
– 4100 Baldwin St. South

RESOLUTION NO. 200-09

MOVED by Councillor Drumm
Seconded by Councillor Coe

1. That Site Plan Application (SP-10-09) be approved subject to a successful Minor Variance Application and the comments and conditions contained in Planning Report, Item PL 65-09; and,
2. That the Mayor and Clerk be authorized to execute the Site Plan Agreement.

CARRIED

4.10 Planning Report, Item PL 72-09

Re: Site Plan Application - Child Day Care Facility - Lyn Marsh Enterprise Ltd.
(SP-05-09) – 120 Walnut Street

RESOLUTION NO. 201-09

MOVED by Councillor Drumm
Seconded by Councillor Coe

1. That Council approve the revisions to Council approved site plan application (SP-05-09) subject to the comments and conditions contained in Planning Report, Item PL 72-09; and,
2. That the conditions of approval for (SP-05-09), as part of Council's approval dated May 11, 2009 remain in effect except for the revisions contained in Planning Report, Item PL 72-09.

CARRIED

4.12 Planning Report, Item PL 74-09

Re: Endangered Species Act, 2007

RESOLUTION NO. 202-09

MOVED by Councillor Drumm
Seconded by Councillor Coe

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5. (continued)

That Planning Report, Item PL 74-09, re: Endangered Species Act, 2007, be received as information.

CARRIED

3.1 Planning Report, Item PL 59-09

Re: 2172633 ONTARIO INC.

Public Meeting 7:30 P.M.

Temporary Use Zoning Application, Residential Sales Office – (Z-11-09)
105 Rossland Road West

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

RESOLUTION NO. 203-09

MOVED by Councillor Drumm

Seconded by Councillor Coe

1. That Council approve Zoning Application (Z-11-09) subject to the comments and conditions contained in Planning Report, Item PL 59-09;
2. That a By-law to amend Zoning By-law No. 2585 be brought forward for consideration by Council;
3. That the residents of Byron Street North (north of Palmerston Avenue) be notified of the report and advised it will be coming to Council on June 29, 2009 and that Council give them the opportunity to deputize at that meeting if they so wish; and,
4. That north of Palmerston Avenue, the street name remain as "Byron Street North" and that if staff wish to rename the crescent portion of the street, that they proceed.

CARRIED

3.4 Planning Report, Item PL 61-09

Re: Riocan Property Services Inc.

Public Meeting 8:00 P.M.

Zoning Amendment Application - Site Plan Application - (Z-03-09, SP-04-09) –
4605 Garrard Rd.

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

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5. (continued)

RESOLUTION NO. 204-09

MOVED by Councillor Drumm
Seconded by Councillor Emm

1. That Zoning Application (Z-03-09) be approved subject to the comments and conditions contained in Planning Report, Item PL-61-09;
2. That a By-law be brought forward for Council consideration;
3. That Site Plan Application (SP-04-09) be approved subject to the comments and conditions contained in Planning Report, Item PL-61-09; and,
4. That the Mayor and Clerk be authorized to execute the Site Plan Agreement.

CARRIED

RESOLUTION NO. 205-09

MOVED by Councillor Emm
Seconded by Councillor Coe

That Council meet past 11:00 p.m.

CARRIED

6. NOTICES OF MOTION

(i) **Election Process**

RESOLUTION NO. 206-09

MOVED by Councillor Mitchell
Seconded by Councillor Roy

1. That staff investigate opportunities to enhance public engagement, information and dialogue through the election process by improving individual and electronic access by the voters to the candidates and that such investigation shall specifically address:
 - (a) the provision of adequate public debates between the candidates in appropriate venues;
 - (b) ensuring that such debates are recorded and made available electronically to permit convenient access by voters;

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6. (continued)

- (c) opportunities for candidate statements to be recorded and made available electronically to permit convenient access by voters, and
- (d) facilitating access to candidate information through the Town website; and

- 2. That staff report to Operations Committee in this regard on September 14, 2009.

CARRIED

7. NEW AND UNFINISHED BUSINESS

RESOLUTION NO. 207-09

MOVED by Councillor Emm
Seconded by Councillor Drumm

That the rules of procedure be suspended to allow introduction of the following three motions.

CARRIED ON A
TWO-THIRDS VOTE

7.1 Mail-in Ballot Process

RESOLUTION NO. 208-09

MOVED by Councillor Emm
Seconded by Councillor Drumm

That staff investigate the possibility of mail-in voting and report back at the September 14, 2009 Operations Committee meeting.

CARRIED

7.2 Flood Insurance

RESOLUTION NO. 209-09

MOVED by Councillor Mitchell
Seconded by Councillor Emm

That the Town Solicitor be directed to investigate and report back to Council on whether or not the Province could prohibit insurance companies from cancelling a home owner's insurance coverage as a result of having suffered a loss due to flooding;

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7. (continued)

That the Association of Municipalities of Ontario (AMO), the Financial Services Commission and Ontario Minister of Finance be advised of Council's concern in this regard; and,

That an attempt be made to discuss this matter during the Minister's Forum at AMO.

CARRIED

7.3. Brooklin Library

RESOLUTION NO. 210-09

MOVED by Councillor Pitchforth
Seconded by Councillor Emm

That the Mayor write to Brookvalley Holdings Ltd. and extend thanks for the donation of its sale office on Winchester Road for use as a temporary library in Brooklin while a new Community Centre and Library is constructed; and,

That an invitation also be extended to Brookvalley Holdings Ltd. to attend the official opening of the new Brooklin Community Centre and Library once completed.

CARRIED

8. BY-LAWS

- | | |
|---------|--|
| 6195-09 | By-law to authorize the sale of certain surplus land being Part 2, Plan 40R-25011, Holstead Road at Montgomery Avenue, Brooklin, to Brooklin Meadows West. (Refer to Corporate Services Report, Item CS 16-09) |
| 6196-09 | By-law to appoint William Brooks and Daniel Shohdy of Group 4S Security Services as Municipal By-law Enforcement Officers for the purpose of enforcing parking restrictions on private property. |
| 6197-09 | By-law to appoint Shawn Farndon as a Municipal Law Enforcement Officer for the purpose of enforcing by-laws of the Town of Whitby, during the time period from May 4, 2009 to September 4, 2009. |

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8. (continued)

6198-09 By-law to amend By-law No. 1862-85, as amended, to regulate traffic on highways in the Town of Whitby, with respect to Schedule "B" (No Parking) restrictions in various locations. (Refer to Public Works Report, Item PW 35-09.)

6199-09 By-law to designate the property composed of Block 144 on Plan 40M-2295, as not being subject to part lot control. (Casewood Holdings Inc., SW-2003-07)

6200-09 By-law to designate the property being composed of Lot 34 on Plan 40M-2037, shown as Parts 1 and 2 on Plan 40R-20497 and Part of Block 249 on Plan 40M-2037, shown as Part 1 on Plan 40R-21691, as not being subject to part lot control. (Cachet Estate Homes (Brooklin) Inc., S-240-97)

6201-09 By-law to adopt Town of Whitby Official Plan Amendment No. 82, which changes the land use designation on the subject land, by exception, to increase the maximum permitted density from 15 units per net residential hectare to 17 units per net residential hectare, for the Subject Land, and adding a Parkette symbol.

The effect of the Amendment is to permit the future development of proposed plan of subdivision consisting of 85 to 93 single detached dwellings, a stormwater block, a woodlot buffer, and a 0.4 hectare parkette. (Highmark (Orchards) Inc., OPA-2008-W/03; SW-2007-01; Z-28-07, Planning Report, Item PL 64-09)

6202-09 By-law to amend Zoning By-law No. 2585, as amended, by changing the zoning from R2-DT – Residential Type 2 – Downtown Zone to R2-DT-8 – Residential Type 2 – Downtown Zone – Exception 8 for the lands municipally known as 707 Brock Street South, Town of Whitby.

The effect of the zoning change is to permit the additional use of business or professional office. (John D. Rogers & Associates, Z-05-09, Planning Report, Item PL 69-09)

6203-09 By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from D(NR) – Development Non-Residential to G-4 – Greenbelt – Exception 4 Zone, A – Agricultural Zone to G-4 – Greenbelt – Exception 4 Zone, G – Greenbelt Zone to G-4 – Greenbelt – Exception 1 Zone, A – Agricultural Zone to OS-1 – Open Space – Exception 1 Zone, and C2 – Highway Commercial to

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8. (continued)

G-4 – Greenbelt – Exception 4 Zone for the land situated on the west side of Jeffery Street, south of Highway 401, in the Town of Whitby .

The effect of the zoning change is to more accurately reflect and support those permitted uses which are compatible with the management goals of the Central Lake Ontario Conservation Authority's vision for the management of the Lynde Shores Conservation Area and to better reflect the environmental sensitivity of these lands. (Central Lake Ontario Conservation Authority, Z-07-09, Planning Report, Item 71-09)

6204-09

By-law to amend Zoning By-law No. 2585, as amended, by changing the zoning from D(NR) – Development Non-Residential to OS-2 – Open Space – Exception 2 Zone and F-1 – Flood – Exception 1 Zone for the land situated on the east side of Jeffery Street, north of Victoria Street West, in the Town of Whitby.

The effect of the zoning change is to more accurately reflect and support those permitted uses which are compatible with the management goals of the Central Lake Ontario Conservation Authority's vision for the management of the Lynde Shores Conservation Area and to better reflect the environmental sensitivity of these lands. (Central Lake Ontario Conservation Authority, Z-07-09, Planning Report, Item 71-09)

6205-09

By-law to amend Zoning By-law No. 2585, as amended, to permit the temporary use of the existing single detached residential dwelling for a residential sales office until June 29, 2012, for the land situated on the south side of Rossland Road West, west of Brock Street North municipally known as 105 Rossland Road West, Town of Whitby.

The effect is to permit the temporary use of the existing single detached dwelling for a residential sales office for a temporary period of three years. (2172633 Ontario Inc., Z-11-09, Planning Report, Item PL 59-09)

6206-09

By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from I*-Institutional / Residential – R3D*, Residential – R2B*, Holding-Residential –H-R2C*, Holding-Residential – H-R3B* and Holding-Residential – H-R3C* to Residential - R2B*-10, Residential – R2C*-5, Residential – R3A* for the lands within Part Lot 31 and 32, Concession 3, Town of Whitby.

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8. (continued)

The effect of the zoning change is to permit the development of 26 single detached residential dwellings and 7 link residential dwellings. (1466098 Ontario Ltd., Z-42-04, Planning Report, Item PL 45-09)

6207-09 By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from 'A' Agricultural to R1A*-2 Residential Zone, R2A*-9 Residential Zone, R2B*-9 Residential Zone, G Greenbelt Zone, and OS Open Space Zone for the lands within Part of Lot 20, Concession 4, Town of Whitby.

The effect of this zoning change is to permit the residential development of the Subject Land for a maximum of 93 single detached dwellings. (Highmark Orchards Inc., OPA 2008-W/03, SW-2007-01, Z-28-07, Planning Report, Plan PL-64-09)

6208-09 By-law to amend Zoning By-law No. 1784, as amended, for the land located at 4605 Garrard Road, Town of Whitby.

The effect of this zoning change is to revise certain zone provisions in the C2-S-5 Zone and to add the additional use of a financial institution on a portion of the Subject Land. (Riocan Property Services Inc., Z-03-09, Planning Report, Item PL-61-09)

RESOLUTION NO. 211-09

MOVED by Councillor Scott, Seconded by Councillor Roy, that leave be granted to introduce By-law Nos. 6195-09 to 6208-09, 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. 6195-09 and 6208-09, inclusive, considered read a first, second and third time and finally passed.

RESOLUTION NO. 212-09

MOVED by Councillor Drumm
Seconded by Councillor Coe

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8. (continued)

That Council suspend its rules of procedure in order to permit the introduction of
By-law No. 6209-09.

CARRIED ON A
TWO-THIRDS VOTE

6209-09 By-law to designate the property composed of Block 28 on Plan
40M-2360, as not being subject to part lot control. (Liza Homes
SW-2003-07)

RESOLUTION NO. 213-09

MOVED by Councillor Scott, seconded by Councillor Roy, that leave be granted to
introduce By-law No. 6209-09, and to dispense with the reading of the by-law 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 No. 6209-09 considered read a first, second and third time and finally passed.

9. CONFIRMATORY BY-LAW NO 6210-09

RESOLUTION NO. 214-09

MOVED by Councillor Coe, seconded by Councillor Drumm, 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
June 29, 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. 6210-09 considered read a first, second and third time and finally passed.

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10. ADJOURNMENT

RESOLUTION NO. 215-09

MOVED by Councillor Emm at 11:17 p.m.
Seconded by Councillor Drumm

That this June 29th, 2009 meeting of the Council of The Corporation of the Town
of Whitby adjourn.

CARRIED

Paul Jones, Clerk

Patricia Perkins, Mayor