

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, JUNE 1, 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: S. Pohjola, Acting Chief Administrative Officer/Town Solicitor
/Acting Manager of Human Resources
K. Nix, Director of Corporate Services/Treasurer
B. Short, Director of Planning
D. Armstrong, Acting Fire Chief
P. LeBel, Director of Community and Marketing Services
B. Cordick, Manager of Operational Services
P. Jones, Town Clerk
M. Pettit, Deputy Clerk

1. DISCLOSURES OF INTEREST

Councillor Pitchforth declared a pecuniary interest with respect to Planning Report, Item PL 56-09. She advised Council that she rents commercial property from the applicant and the applicant is also a business client. Councillor Pitchforth did not take part in the discussion or vote on the matter.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6187-09

RESOLUTION NO. 162-09

Councillor Drumm, seconded by Councillor Emm, moved for leave to introduce a by-law and to dispense with the reading of the by-law by the Clerk to adopt the minutes of the Regular Meeting of Council held on May 11, 2009 and the minutes of the Special Meetings of Council held on May 11, 2009 and May 25, 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. 6187-09 considered read a first, second and third time and finally passed.

3. PRESENTATIONS

- (i) Whitby Minor Hockey Association Atom AE – Ontario Minor Hockey Association
2009 Champions
-

Mayor Perkins; Councillor Scott, Chair of Community and Marketing Services; P. LeBel, Director of Community and Marketing Services; and Fred Sidaros, President, Whitby Minor Hockey Association, presented medals to the team members in recognition of their achievement.

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3. (continued)

(ii) Recognition of Ontario Hockey League Draftees

Mayor Perkins; Councillor Scott, Chair of Community and Marketing Services; P. LeBel, Director of Community and Marketing Services; and Fred Sidaros, President, Whitby Minor Hockey Association, presented a certificate and medal to Brendan Sims, Jarett Smith, Quincy McIvor, Andrew Medico, Keinan Brown and Connor Hale in recognition of their accomplishment.

(iii) Recognition of the Bank of Montreal for its support of the Junior Fire Department Program

Mayor Perkins; Councillor Coe, Chair of Fire and Emergency Services and Acting Fire Chief Drew Armstrong, joined Chris Begy, Senior Vice President and Auditor, Bank of Montreal, on the dais and received a donation from the Bank of Montreal for the Junior Fire Department Program.

4. CORRESPONDENCE

(i) CORR 17-09

Letter from Cornwall City Council requesting support for its resolution appealing to the Government of Ontario to exempt the fees paid for rental of recreation facilities and registration fees for minor sports organizations from any harmonized sales tax

RESOLUTION NO. 163-09

MOVED by Councillor Emm
Seconded by Councillor Drumm

That the Town of Whitby advise Ontario's Premier and Minister of Finance that it supports Resolution Number 2009-27.03 enacted by Cornwall City Council on April 27, 2009 which resolution appeals to the Provincial Government to exempt items related to the rental of recreation facilities and registration fees for minor sports from any harmonized sales tax; and,

That the City of Cornwall and the Association of Municipalities of Ontario also be advised of Whitby Town Council's position and support.

CARRIED

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4. (continued)

- (ii) CORR 18-09
Correspondence from Ron Martin about on-street parking issues on Inglewood
Place, dated May 8th, 2009 and May 16th, 2009
-

RESOLUTION NO. 164-09

MOVED by Councillor Emm
Seconded by Councillor Coe

That CORR 18-09 be referred to the Director of Public Works for consideration
and a report back to Council.

CARRIED

5. STANDING COMMITTEES

- (a) Planning and Development Committee – May 19, 2009
Report Recommendations to Council
-

4.1 Planning Report, Item PL 50-09

Re: Greater Toronto Area Clean Air Council 2008 - 2010 Inter-Governmental
Declaration on Clean Air

COUNCIL DECISION

1. That Council receive Planning Report Item PL 50-09 as information; and,
2. That Council endorse Whitby's inclusion as a signatory to the 2008 – 2010
Inter-Governmental Declaration on Clean Air.

4.4 Planning Report, Item PL 53-09

Re: Staff Report - Downtown Whitby Development Steering Committee
(DWDSC) - 2008 Report - Strategic Action Plan Recommendations

COUNCIL DECISION

1. That Planning Report, Item PL 53-09 regarding the Staff Report on the
Downtown Whitby Development Steering Committee's (DWDSC) 2008
Report – Strategic Action Plan Recommendations, dated May 19, 2009 be
received as information;
2. That Council endorse the recommendations set out in Planning Report,
Item PL 53-09; and,
3. That a copy of Council's decision be forwarded to the Downtown Whitby
Development Steering Committee (DWDSC).

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4. (continued)

5.1 Intensification Strategy and Official Plan Review

COUNCIL DECISION

That all future staff reports on the Intensification Strategy and Official Plan Review include the Council-approved resolution from the Council minutes of September 30, 2008 as an appendices for ease of reference purposes.

5.2 Notice to Council – Region of Durham – Development Obstacles

COUNCIL DECISION

That Council be notified whenever a development proposal meets obstacles imposed by the Regional Municipality of Durham in order that members of Council can pursue the matter with the Region and facilitate a resolution.

5.3 Beautification Efforts at the Four Corners in Downtown Whitby

COUNCIL DECISION

That the Mayor and Councillor Scott meet with senior executives with the Canadian Imperial Bank of Commerce to solicit their financial or other involvement in the beautification efforts at the four corners in downtown Whitby.

RESOLUTION NO. 165-09

MOVED by Councillor Drumm
Seconded by Councillor Emm

That Council adopt the recommendations set out in Item Nos. 4.1, 4.4, 5.1, 5.2 and 5.3 inclusive, as contained within the minutes of the meeting of the Planning & Development Committee held on May 19, 2009.

CARRIED

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4. (continued)

3.1 Planning Report, Item PL 55-09

Re: Humane Society Of Durham Region

Zoning and Site Plan Applications (Z-10-09, SP-15-09)

– South-East Corner of William Smith Drive and Wentworth Street

RESOLUTION NO. 166-09

MOVED by Councillor Drumm

Seconded by Councillor Emm

1. That the Zoning Application (Z-10-09) be approved subject to the comments and conditions contained in Planning Report, Item PL 55-09;
2. That an amendment to the Zoning By-law be brought forward for Council's consideration;
3. That the Site Plan Application (SP-15-09) be approved subject to notice of the final approval of the zoning by-law amendment being issued by the Clerk and also subject to the comments and conditions contained in Planning Report, Item PL 55-09; and,
4. That the Mayor and Clerk be authorized to execute the Site Plan Agreement.

CARRIED

4.2 Planning Report, Item PL 51-09

Re: Earth Hour 2009 – Results

RESOLUTION NO. 167-09

MOVED by Councillor Drumm

Seconded by Councillor Emm

1. That Planning Report Item No. PL 51-09, be received as information; and,
2. That a copy of this report be forwarded to Whitby Hydro, the Library Board, Whitby Chamber of Commerce, the Station Gallery, Durham Catholic District School Board, Durham District School Board and the Durham Region Astronomical Association.

CARRIED

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4. (continued)

4.3 Planning Report, Item PL 52-09

Re: Downtown Development Capital Budget:

i) Recommended Allocation of 2009 Downtown Development Capital Reserve Fund; ii) Fire Hall Reserve Fund and Recommended Use of 201 Brock Street South – Locations: i) Downtown Brooklin, Downtown Whitby, Thickson and Dundas; ii) 201 Brock Street South

RESOLUTION NO. 168-09

MOVED by Councillor Drumm

Seconded by Councillor Emm

1. That Planning Report, Item PL 52-09, regarding the Downtown Development Capital Budget, dated May 19, 2009 be received as information;
2. That Staff be authorized to allocate the Downtown Capital Reserve Fund to the projects and programs outlined in Section 5.0 (i), (ii), (iii), and (iv) of this Report, specifically Tables A, B, C, and D;
3. That Staff report back on the future projects as outlined in Section 5.0 (vi), with details regarding cost estimates, timing of projects, and budget forecasting by December 2009;
4. That Council consider the various options available for the re-use and redevelopment of the Fire Hall site at 201 Brock Street South and determine a preferred option, in conjunction with its consideration of the feasibility study for a performing arts centre; and,
5. That notwithstanding Section 3, staff be directed to report back specifically with respect to design, location and cost options for the installation of bicycle stands in downtown Brooklin and downtown Whitby.

CARRIED

4.5 Planning Report, Item PL 56-09

Re: Brooklin Memorial Chapel (Richard Barnes) – Zoning Amendment Application to Permit the Extension of a Temporary Use By-law (Z-08-09)
- 5295 Thickson Road North

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

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4. (continued)

RESOLUTION NO. 169-09

MOVED by Councillor Emm
Seconded by Councillor Drumm

1. That Council approve the zoning application (Z-08-09) submitted by Brooklin Memorial Chapel for the extension of the temporary use of an existing funeral home for a period of three (3) years; and,
2. That the amending zoning by-law be brought forward for Council approval.

CARRIED

5. (b) Operations Committee – May 25, 2009
Report Recommendations to Council

3.1 Corporate Services Report, Item CS 23-09

Re: Supply and Delivery of One (1) 11,000 G.V.W. Cab, Chassis & Dump Box
(W2009-32)

COUNCIL DECISION

1. That the Town of Whitby accept the low compliant tender of Donway Ford Sales Limited, in the amount of \$50,932.49 for One 11,000 G.V.W Cab, Chassis & Dump Box;
2. That the total estimated project cost in the amount of \$49,178.84 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

3.3 Corporate Services Report, Item CS 26-09

Re: Country Lane Splash Pad (W2009-50)

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of Pine Valley Enterprises in the amount of \$123,970.34 for Country Lane Splash Pad;
2. That the total estimated project cost for the Town of Whitby in the amount of \$118,066.99 be approved;

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5. (continued)

3. That the over expenditure of \$569.16 be approved and be funded from savings in other projects; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

3.5 Corporate Services Report, Item CS 28-09

Re: First Quarter Projection Report as of March 31, 2009

COUNCIL DECISION

That the 2009 First Quarter Projection report as of March 31, 2009, be received for information.

3.6 Public Works Report, Item PW 22-09

Re: Proposed Deferral of Developer Buffer Planting and Lighting Obligations for the Brooklin Olde Town Development (S-233-94) – Courtland Ave.

COUNCIL DECISION

1. That Council approve the request to defer the street lighting and buffer plantings on Courtland Avenue until such time as Block 53, Plan 40M-2207 is developed;
2. That the Mayor and Clerk be authorized to executed the Amending Subdivision Agreement; and,
3. That the Subdivider be responsible for any such nominal costs as may be necessary to finalize and register the Amending Subdivision Agreement.

3.9 Public Works Report, Item PW 25-09

Re: Update to By-Law No. 1862-85, Schedule "B", No Parking Restrictions on Durham Street

COUNCIL DECISION

That Traffic By-Law No. 1862-85 be amended to incorporate the proposed changes to Schedule "B", No Parking Restrictions, as shown in Attachment A to Public Works Report, Item PW 25-09.

RESOLUTION NO. 170-09

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

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5. (continued)

That Council adopt the recommendations set out in Item Nos. 3.1, 3.3, 3.5, 3.6 and 3.9, inclusive, as contained within the minutes of the meeting of the Operations Committee held on May 25, 2009.

CARRIED

3.2 Corporate Services Report, Item CS 24-09
Re: W2009-2 Sidewalk Construction (W2009-2)

RESOLUTION NO. 171-09

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

1. That the Town of Whitby accept the low tender of Francton Construction Ltd. in the amount of \$452,896.58;
2. That the total estimated project cost in the amount of \$592,679.90 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

3.4 Corporate Services Report, Item CS 27-09
Re: Burns Street Reconstruction (W2009-7)

RESOLUTION NO. 172-09

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

1. That the Town of Whitby accept the low tender of Hard-co Construction Ltd. in the amount of \$1,810,659.48 for Burns Street Reconstruction;
2. That the total estimated project cost for the Town of Whitby in the amount of \$1,469,242.90 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

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5. (continued)

**3.7 Community and Marketing Services/Public Works Joint Report,
Item PW 23-09**

Re: Terms of Reference – Town of Whitby Cycling Plan and Leisure Trails Plan

RESOLUTION NO. 173-09

MOVED by Councillor Pitchforth

Seconded by Councillor Scott

1. That Public Works/CMS Joint Report, Item PW 23-09 be received for information;
2. That Council approve the draft Terms of Reference for the development of a Cycling Plan and Leisure Trails Plan; and,
3. That Council direct staff to proceed with a proposal call for the Town of Whitby Cycling Plan and Leisure Trails Plan and report back to Council with a recommendation regarding the preferred consultant and study financing.

CARRIED

3.10 Fire Department Report, Item FR 02-09

Re: 2008 Annual Report (A-2115)

RESOLUTION NO. 174-09

MOVED by Councillor Pitchforth

Seconded by Councillor Scott

That Fire Department Report, Item FR 02-09, with respect to the 2008 Annual Report, be received as information.

CARRIED

6. NOTICES OF MOTION

(i) Election Process

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:

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6. (continued)

- (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;
- (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.

The above-noted Notice of Motion was filed in accordance with the Town's Procedure By-law for consideration at the June 29th, 2009 or a subsequent Council meeting.

7. NEW AND UNFINISHED BUSINESS

7.1 Cycling Plan Report

RESOLUTION NO. 175-09

MOVED by Councillor Mitchell
Seconded by Councillor Emm

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

CARRIED ON A
TWO-THIRDS VOTE

RESOLUTION NO. 176-09

MOVED by Councillor Mitchell
Seconded by Councillor Roy

That for budget year 2010, and annually thereafter, the percentage of total transportation funding allocated to cycling facilities shall increase relative to other roads expenditures, and this funding shift shall be specifically identified in each budget.

NOT VOTED ON

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7. (continued)

MOVED by Councillor Roy
Seconded by Councillor Emm

That the above-noted motion be referred to staff for a report and additional information regarding:

- 1) design options, including multi-use sidewalks; and,
- 2) development charges and other funding opportunities.

CARRIED

7.2 Planning & Development Committee – June 15th, 2009 – Revised Start Time

RESOLUTION NO. 177-09

MOVED by Councillor Drumm
Seconded by Councillor Emm

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

CARRIED ON A
TWO-THIRDS VOTE

RESOLUTION NO. 178-09

MOVED by Councillor Drumm
Seconded by Councillor Coe

That the June 15th, 2009 meeting of the Planning and Development Committee commence at 6:15 p.m. and the Clerk note the change when publishing the agenda and on the Town's website.

CARRIED

7.3 Request of Durham Region for Signalization at Burns and Henry Streets

RESOLUTION NO. 179-09

MOVED by Councillor Drumm
Seconded by Councillor Emm

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

CARRIED ON A
TWO-THIRDS VOTE

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7. (continued)

RESOLUTION NO. 180-09

MOVED by Councillor Emm
Seconded by Councillor Scott

That the Town of Whitby request the Regional Municipality of Durham to install signalization at the intersection of Burns and Henry Streets even if it does not meet the warrants.

CARRIED

8. BY-LAWS

6188-09 By-law to assume Preservation Place, Splendor Drive, Tweedie Crescent, Vineyard Avenue and Artesian Drive, as shown on Plan 40M-2141, as public highways. (Refer to Erin Mills Subdivision, Phase 6)

6189-09 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 "N" (stop signs). (Refer to Erin Mills Subdivision, Phase 6, Plan 40M-2141)

6190-09 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 on Durham Street. (Refer to Public Works Report, Item PW 25-09.)

6191-09 By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from M1A – Prestige Industrial, to M1A-1 – Prestige Industrial – Exception 1 for the land located at the south east corner of William Smith Drive and Wentworth Street, Town of Whitby.

The effect of this zoning change is to permit the development of an animal shelter on the subject property. (Reference Planning Report, Item PL 55-09, Z-10-09, Humane Society of Durham Region.)

RESOLUTION NO. 181-09

MOVED by Councillor Mitchell, Seconded by Councillor Pitchforth, that leave be granted to introduce By-law Nos. 6188-09 to 6191-09, 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

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8. (continued)

By-law Nos. 6188-09 and 6191-09, inclusive, considered read a first, second and third time and finally passed.

RESOLUTION NO. 182-09

MOVED by Councillor Emm
Seconded by Councillor Drumm

That Council suspend its rules of procedure in order to permit the introduction of
By-law No. 6192-09.

CARRIED ON A
TWO-THIRDS VOTE

6192-09 The purpose of By-law 6192-09 is to amend Zoning By-law No. 1784, as amended, by changing the zoning to permit the temporary use of a funeral home until July 10, 2012 for the land situated on the east side of Thickson Road North, north of Conlin Road municipally known as 5295 Thickson Road North, Town of Whitby.

The effect of the zoning change is to grant the use of the Subject Land for a funeral home for a further three year period. (Refer to Planning Report, Item PL 56-09, Z-08-09 – Richard Barnes, Brooklin Memorial Chapel – 5295 Thickson Road North.)

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

RESOLUTION NO. 183-09

MOVED by Councillor Emm, seconded by Councillor Drumm, that leave be granted to introduce By-law No. 6192-09, 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. 6192-09 considered read a first, second and third time and finally passed.

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9. CONFIRMATORY BY-LAW NO 6193-09

RESOLUTION NO. 184-09

MOVED by Councillor Scott, seconded by Councillor Coe, 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 1, 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. 6193-09 considered read a first, second and third time and finally passed.

10. ADJOURNMENT

RESOLUTION NO. 185-09

MOVED by Councillor Drumm at 10:08 p.m.
Seconded by Councillor Coe

That this June 1st, 2009 meeting of the Council of The Corporation of the Town of Whitby adjourn.

CARRIED

Paul Jones, Clerk

Patricia Perkins, Mayor