

Regular Council Minutes
September 18, 2017 -7:00 pm
Council Chambers
Whitby Municipal Building

Present: Mayor Mitchell
Councillor Drumm
Councillor Emm
Councillor Gleed
Councillor Leahy
Councillor Mulcahy
Councillor Roy
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
A. Kennedy, Executive Advisor to the Mayor
A. Lam, Manager of Development Engineering and Environmental Services
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. Saunders, Commissioner of Planning and Development
C. Siopis, Manager of Corporate Communications
D. Speed, Fire Chief
C. Harris, Town Clerk
S. Cassel, Deputy Clerk (Recording Secretary)

Regrets: None noted

1. Declarations of Pecuniary Interest

1.1 There were no declarations of pecuniary interest.

2. Adoption of Minutes

2.1 Special Council - June 26, 2017

Regular Council - June 26, 2017 (Confidential minutes under separate cover)

Special Council - July 17, 2017 (Confidential minutes under separate cover)

Special Council - August 21, 2017 (Confidential minutes under separate cover)

Resolution # 411-17

Moved By Councillor Leahy
Seconded By Councillor Emm

That the minutes be adopted.

Carried

3. Presentations

3.1 Recognition/Award: 2017 Summer Playground Program Sponsors

- Canadian Tire Jumpstart
- CAPREIT
- Community Connection

Mayor Mitchell attended the dais and was joined by Councillor Roy and S. Klein, Manager of Recreation. Representatives of Canadian Tire Jumpstart, CAPREIT and Community Connection were welcomed onto the dais and recognized for their financial sponsorship of the 2017 Summer Playground Program.

3.2 Recognition/Award: Whitby Canada Summer Games Athletes

Mayor Mitchell attended the dais and was joined by Councillor Mulcahy and P. LeBel, Commissioner of Community and Marketing Services. Adam Scott, recipient of a gold medal in Wrestling, Ethan Placek, recipient of a bronze medal in 100m Freestyle Swimming and Liam Mulcahy recipient of a bronze medal in Mountain Bike Relay, were welcomed onto the dais and recognized for their achievements at the 2017 Canada Summer Games.

4. Delegations

4.1 There were no delegations.

5. Correspondence

5.1 That the following requests be endorsed:

- September 18 to 22, 2017 - National Hunger Awareness Week
- September 2017 - Prostate Cancer Awareness Month
- October 2017 - National Occupational Therapy Month
- November 13, 2017 - Flag Raising - Global Entrepreneurship

Week

Resolution # 412-17

Moved By Councillor Yamada
Seconded By Councillor Leahy

That the proclamations for National Hunger Awareness Week - September 18 to 22, 2017, Prostate Cancer Awareness Month - September 2017 and National Occupational Therapy Month - October 2017 and the flag raising for Global Entrepreneurship Week - November 13, 2017, be endorsed.

Carried

6. Planning and Development Committee
Report # 7 of the Planning and Development Committee - September 5, 2017

- 6.1** Planning and Development Department Report, PL 76-17
Re: Site Plan Application, Signum Wireless Corporation, 1800 Dundas Street East (SP-05-17)

Resolution # 413-17

Moved By Councillor Gleed
Seconded By Councillor Mulcahy

1. That Council refuse Site Plan Application SP-05-17 for the following reasons:
 - a. The proposed tower location does not satisfy the requirements of Policy MS 070; and,
 - b. The proposed tower location is adjacent to a residential community and is not considered to be compatible with surrounding land uses.

Carried

- 6.2** Planning and Development Department Report, PL 75-17
Re: Draft Plan of Condominium Application, Brooklin Meadows Limited, Southeast Corner of Baldwin Street and Carnwith Drive East (CW-2017-03)

Resolution # 414-17

Moved By Councillor Gleed
Seconded By Councillor Mulcahy

1. That Council approve the application for a Draft Plan of Condominium (CW-2017-03) subject to the conditions of approval in Attachment #3 of Planning and Development Department Report Number PL 75-17;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement for the subject property; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham of Council's decision.

Carried

- 6.3** Planning and Development Department Report, PL 77-17
Re: 520 Henry Street (Henry Fliess House) Designated by Municipal By-law #6919-14 under Part IV of the Ontario Heritage Act, Legal Description Update

Resolution # 415-17

Moved By Councillor Gleed
Seconded By Councillor Mulcahy

1. That an amendment to Municipal By-law #6919-14 be brought forward to the Regular Council Meeting on September 18, 2017 for Council's consideration; and,
2. That a copy of PL 77-17 be forwarded to the property owner and the Ontario Heritage Trust.

Carried

- 7.** Operations Committee
Report # 8 of the Operations Committee - September 11, 2017

- 7.1** Corporate Services Department Report, CS 80-17
Re: Development Charges Amended By-law

Resolution # 416-17

Moved By Councillor Emm

Seconded By Councillor Yamada

1. That the Town of Whitby 2017 Development Charges Amendment Background Study: Roads and Related Services – Town-Wide Infrastructure, dated July 19, 2017, completed in accordance with Section 10 of the Development Charges Act, 1997, be adopted, including the capital program and all calculations therein;
2. That approval of the capital program included in the Background Study indicates Council's intention that an increase in the need for service will be met as required under paragraph 2 of Section 5(1) of the Development Charges Act, 1997 and Section 3 of Ontario Regulation 82/98. This approval shall be subject to further annual review during the capital budget process;
3. That in accordance with s.s.5(1)5 of the Development Charges Act, 1997 and Section 5 of the Ontario Regulation 82/98, it is Council's clear intention that any excess capacity identified in the Development Charges Amendment Background Study, shall be paid for by development charges contemplated in the said Development Charges Amendment Background Study, or other similar changes;
4. That having considered the submissions received on, before and during the public meeting held on September 11, 2017 in connection with the Development Charge Amendment Background Study, and the proposed amendment to the Development Charge By-Law, Council determine that no further public meeting under Section 12 of the Development Charges Act, 1997, S.O. 1997, c.27 is necessary with respect to the said Development Charges Amendment Background Study or the amended Development Charges by-law;
5. That having considered the use of more than one development charge by-law to reflect different needs for services in different areas, Council determine that for the services and associated infrastructure proposed to be funded by development charges under the amended Development Charge by-law, that it is fair and reasonable that charges be calculated on a town-wide uniform basis; and,
6. That the draft Development Charge by-law included in Attachment 1, originally contained in the Development Charges Amendment Background Study: Roads and Related Services – Town-Wide Infrastructure, dated July 19, 2017, prepared by Hemson Consulting Ltd, be brought forward and approved.

Carried

- 7.2** Office of the Chief Administrative Office Report, CAO 08-17
Re: Corporate Re-brand Project

Resolution # 417-17

Moved By Councillor Emm
Seconded By Councillor Yamada

1. That report CAO 08-17 be received as information; and,
2. That staff report back on the strategic findings and recommendations of Phase One of the Corporate Rebrand Project in Q4 2017.

Carried

- 7.3** Office of the Chief Administrative Officer Report, CAO 10-17
Re: Farmers' Market Update

Resolution # 418-17

Moved By Councillor Emm
Seconded By Councillor Yamada

1. That report CAO 10-17, as amended by the Memorandum from the Manager of Corporate Communications dated September 11, 2017, be received as information;
2. That Council approve the relocation of the Farmers' Market from 201 Brock Street South (Firehall Site), to Celebration Square at the Whitby Public Library in October 2017; and,
3. That staff be directed to prepare an agreement between the Durham Region Farmers' Market Association and the Town of Whitby for the use of Celebration Square.

Carried

- 7.4** Office of the Town Clerk Report, CLK 21-17
Re: 2018 Council and Committee Meeting Schedule

Resolution # 419-17

Moved By Councillor Emm
Seconded By Councillor Yamada

1. That Report CLK 21-17 be received;
2. That Council approve the 2018 Council and Committee Calendar appended as Attachment #1 to this report; and,
3. That the Town Clerk take the necessary action to give effect thereto.

Carried

- 7.5** Office of the Town Clerk Report, CLK 22-17
Re: Town Brewery – Manufacturer’s Limited Liquor Sales Licence Application

Resolution # 420-17

Moved By Councillor Emm
Seconded By Councillor Yamada

1. That Whitby Town Council hereby declares their support for the application made by the Town Brewery, located at 1632 Charles Street, Whitby, for a Manufacturer’s Limited Liquor Sales Licence (“By the Glass”) to the Alcohol and Gaming Commission of Ontario (AGCO); and,
2. That the Clerk provide written notice to the Alcohol and Gaming Commission of Ontario (AGCO) and the Town Brewery notifying them of Council’s resolution confirming its support.

Carried

- 7.6** Public Works Department Report, PW 25-17
Re: Ontario Municipal Commuter Cycling Program

Resolution # 421-17

Moved By Councillor Emm
Seconded By Councillor Yamada

That Public Works Report PW 25-17 regarding the Ontario Municipal Commuter Cycling Program be received for information.

Carried

- 7.7** Community and Marketing Services Department Report, CMS 41-17

Re: Concussion Policy

Resolution # 422-17

Moved By Councillor Emm
Seconded By Councillor Yamada

That Council approve the draft Concussion Policy as outlined in CMS Report 41-17.

Carried

- 7.8** Community and Marketing Services Department Report, CMS 42-17
Re: Summer Camp and Playground Programs

Resolution # 423-17

Moved By Councillor Emm
Seconded By Councillor Yamada

1. That Community and Marketing Services Report CMS 42-17 regarding the Summer Camp and Playground Programs pertaining to the following items be received as information:
 - a. A review of the 2017 Summer Camp and Playground Programs and changes to these programs for 2018 based on community growth and needs; and,
 - b. The impact of the Province of Ontario's proposed Bill 148 Fair Workplaces, Better Jobs Act on the operating budget of the Summer Camp and Playground Programs.
2. That the Chief Administrative Officer and the Town Clerk report back to Council on the impact of Bill 148 - The Fair Workplaces, Better Jobs Act and prepare a resolution that reiterates the Premier's commitment at AMO to review the unintended consequences of the Bill on municipalities.

Carried

- 7.9** Corporate Services Department Report, CS 82-17
Re: Operating Projection Report as at July 28, 2017

Resolution # 424-17

Moved By Councillor Emm

Seconded By Councillor Yamada

That report No. CS 82-17 of the Commissioner of Corporate Services/Treasurer be received as information.

Carried

- 7.10** Corporate Services Department Report, CS 78-17
Re: 2018 Budget Process and Calendar

Resolution # 425-17

Moved By Councillor Emm
Seconded By Councillor Yamada

That the 2018 Budget Process and Calendar outlined in this report be approved by Council and that the Town Clerk establish the meeting dates.

Carried

- 7.11** Public Works Department and Corporate Services Department Joint Report, CS 81-17
Re: Streetlight Luminaire Replacement (T-85-2017)

Resolution # 426-17

Moved By Councillor Emm
Seconded By Councillor Yamada

1. That the Town of Whitby accept the low bid as submitted from Alineutility Limited in the amount of \$406,302.50 (plus applicable taxes) for the Streetlight Luminaire Replacement project for an eight (8) month term;
2. That the total estimated project cost in the amount of \$454,083.66 be approved;
3. That approval be granted for the option to extend the contract for one (1) additional one (1) year term based on satisfactory performance, and budget approval; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 7.12** Public Works Department Report, PW 23-17
Re: Sole Source Joint Project with Whitby Hydro for Pole Transformer Removal/Street Light Pole Installation

Resolution # 427-17

Moved By Councillor Emm
Seconded By Councillor Yamada

1. That Council authorize staff to sole source the Pole Transformer Removal/Street Light Pole Installation Project to Westmore Poleline & Electric Inc. based on the provided quotation of \$126,990, exclusive of taxes, plus a contingency of 10% for a total project cost of \$138,000; and,
2. That a copy of this report be forwarded to Whitby Hydro for their information.

Carried

- 7.13** Corporate Services Department Report, CS 74-17
Re: Renewal of Banking Services Agreement

Resolution # 428-17

Moved By Councillor Emm
Seconded By Councillor Yamada

1. That the agreement with the Royal Bank of Canada (RBC) for the provision of banking services be renewed as amended for a period of five years;
2. That the Clerk update the required By-law for Council adoption; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 7.14** Public Works Department and Corporate Services Department Joint Report, CS 77-17
Re: Articulated Compact Wheel Loader (T-74-2017)

Resolution # 429-17

Moved By Councillor Emm
Seconded By Councillor Yamada

1. That the Town of Whitby accept the low tender bid of York Region Equipment Centre in the amount of \$135,800.00 (plus applicable taxes) for the supply and delivery of one (1) Articulated Compact Wheel Loader;
2. That the over expenditure of \$14,190.08 be financed from the Maintenance Reserve;
3. That the total estimated project cost for the Town of Whitby in the amount of \$139,190.08 be approved; and;
4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

8. Notice of Motion

8.1 Protecting the Automotive Sector

Resolution # 430-17

Moved By Councillor Roy
Seconded By Councillor Yamada

Whereas the auto sector directly employs over 101,000 people in Ontario, and indirectly supports the creation of more than 300,000 good jobs in communities nationwide;

And Whereas the automotive industry represents Canada's largest manufacturing sector, Ontario's chief export and the economic lifeblood of hundreds of Canadian communities;

And Whereas a thriving auto sector is an essential part of Whitby's local economy, stimulating growth, innovation, and good, high-paying jobs;

And Whereas Canada's auto sector has been deeply integrated with that of the United States since the early-20th century, as indicated by the 1965 Canada-US Auto Pact;

And Whereas the North American Free Trade Agreement governs nearly every aspect of Canada and the United States' economic relationship, including the import and export of auto parts and vehicles;

And Whereas even minor changes to the established trade relationship between Canada and the United States could have enormous consequences for workers and consumers on both sides of the border;

And Whereas in 2016 the government of Ontario and Michigan signed a Memorandum of Understanding calling for increased cooperation and partnership between their two automotive sectors;

And Whereas the United States has announced its intent to renegotiate NAFTA;

And Whereas Canada's economic future and the continued well-being of Whitby's local economy depend on a thriving automotive sector.

Now Therefore Be It Resolved:

That Council join with Councils across Ontario in calling on the federal government to make the protection and growth of Canada's automotive sector a key priority in the upcoming NAFTA negotiations;

That local members of Parliament who have not yet done so be urged to join the parliamentary auto caucus, advocating for the well-being of Canada's automotive sector in Ottawa; and,

That a copy of this resolution be forwarded to The Right Honourable Justin Trudeau, Prime Minister of Canada and The Honourable Celina Caesar-Chavannes, M.P., Whitby.

Carried

8.2 Review of the Parks and Smoking in Outdoor Public Places By-laws

Resolution # 431-17

Moved By Councillor Roy

Seconded By Councillor Gleed

Whereas the current Parks By-law was enacted in 2002;

And Whereas the Town is growing in terms of population and size, and as our resident base grows so too will our park usage;

And Whereas neighbouring municipalities have introduced permitting processes for the use of parks by large groups;

And Whereas the use of drones is becoming commonplace given the affordability and availability of the technology;

And Whereas the use of e-cigarettes is increasing, thus requiring a review of the Town's Smoking in Outdoor Public Places By-law.

Now Therefore Be It Resolved:

That the Commissioner of Community and Marketing Services and Town Solicitor be directed to conduct a comprehensive review of the Parks By-law and Smoking in Outdoor Public Places By-law before the end of Q1 2018, including regulations related the permitting of large groups, use of barbeques, non-tobacco smoking, and the use of drones.

Carried

Mayor Mitchell relinquished the Chair in order to move the following motion pertaining to Bill 148 - The Fair Workplaces, Better Jobs Act.

Deputy Mayor Roy assumed the Chair.

8.3 Bill 148 - The Fair Workplaces, Better Jobs Act

Resolution # 432-17

Moved by Mayor Mitchell
Seconded By Councillor Roy

Whereas the Ontario government is proposing to make a variety of changes to the Employment Standards Act through Bill 148, The Fair Workplaces, Better Jobs Act, 2017;

And Whereas the Premier and Minister of Labour stated at the annual AMO conference that the unintended consequences of Bill 148 related to municipal governments will be re-examined;

And Whereas scheduling, on-call payments, equal pay provisions, vacation entitlements, personal emergency leave, union certification, and successor rights are a few of the issues that would impact municipal

operations and budgets; and,

And Whereas recent amendments adopted at the Standing Committee on Finance and Economic Affairs further impact employers, including municipal governments.

Now Therefore Be It Resolved:

That the Council of the Town of Whitby requests that the Government of Ontario honour its commitment made at AMO to re-examine the unintended consequences of Bill 148 as it relates to municipal governments;

That these unintended consequences be rectified; and,

That a copy of this resolution be forwarded to The Honourable Kathleen Wynne, Premier of Ontario, The Honourable Kevin Flynn, Minister of Labour, Mr. Lorne Coe, M.P.P., Whitby-Oshawa and AMO.

Carried unanimously on a recorded vote as follows:

	For	Against	Abstained
Councillor Joe Drumm	x		
Councillor Michael Emm	x		
Councillor Derrick Gleed	x		
Councillor Chris Leahy	x		
Councillor Rhonda Mulcahy	x		
Councillor Elizabeth Roy	x		
Councillor Steve Yamada	x		
Mayor Don Mitchell	x		
	8	0	0

Mayor Mitchell resumed the Chair.

8.4 Fallingbrook Park

Detailed discussion ensued regarding concerns raised by residents regarding the retrofit and the playground equipment installed at Fallingbrook Park. Reference was made to the Memorandum, dated September 8, 2017 from the Commissioner of Community and Marketing Services regarding the Fallingbrook Park Playground and the need for staff to report back to Council on the details of a potential

retrofit including cost and precedence considerations, comparisons of retrofits in other parks within the Town, and a review of the community engagement process for park design and retrofits.

Resolution # 433-17

Moved By Councillor Yamada
Seconded By Councillor Leahy

Whereas playgrounds contribute to the social interaction and health and well-being of children and youth; and,

And Whereas area residents have expressed concern that the new playground has fewer play features and equipment than the previous playground.

Now Therefore Be It Resolved:

That the Commissioner of Community and Marketing Services report to the October 23, 2017 Operations Committee to identify opportunities to integrate additional playground features at Fallingbrook Park similar to what existed prior to the playground renovation.

Note: The disposition of this matter, Item 8.4, was determined through the referral motion below.

Resolution # 434-17

Moved By Councillor Yamada
Seconded By Councillor Leahy

That the Notice of Motion regarding Fallingbrook Park be referred to the CAO and Town Clerk to prepare a draft resolution that will comprehensively review the issue of the Fallingbrook Park retrofit and that the draft resolution be presented to Council within a month.

Carried

9. New and Unfinished Business

- 9.1 Councillor Drumm raised the matter of renaming the Centennial Building after the late Mayor Robert Attersley; however he did not receive the required two-thirds majority to formally introduce the matter under New and Unfinished Business.

Mayor Mitchell recommended that this matter be brought forward at another time in the form of a motion requesting staff to report back on potential naming opportunities to honour the Attersley family.

10. By-Laws

That the following by-laws be passed:

- 10.1** By-law # 7312-17, being a by-law to authorize the sale of Part of PIN 26523-0121 (LT), Part of Block D, Plan M-1111, Part 1, Plan 40R-29688, Whitby (Pringle Drive).
Refer to Confidential Report CS 63-17
- 10.2** By-law # 7313-17, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law for the Town of Whitby.
Refer to PL 54-17 (Z-15-16)
- 10.3** By-law # 7314-17, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law for the Town of Whitby.
Refer to PL 58-17 (Z-07-17)
- 10.4** By-law # 7315-17, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law for the Town of Whitby.
Refer to PL 56-17 (Z-03-17, SW-2017-02)
- 10.5** By-law # 7316-17, being a by-law to amend the Fees and Charges By-law # 7220-17.
Refer to CMS 35-17
- 10.6** By-law # 7317-17, being a by-law to amend By-law # 6919-14 to change the legal description of the Heritage Property known as the Henry Fliess House.
Refer to PL 77-17
- 10.7** By-law # 7318-17, being a by-law to authorize the renewal of the Banking Services Agreement with the Royal Bank of Canada.
Refer to CS 74-17
- 10.8** By-law # 7319-17, being a By-law to Amend By-law #7255-17 regarding Development Charges – Roads & Related – Town-wide Infrastructure for the Corporation of the Town of Whitby.
Refer to CS 80-17

Resolution # 435-17

Moved By Councillor Leahy
Seconded By Councillor Yamada

That leave be granted to introduce By-law # 7312-17 to # 7319-17 and to dispense with the reading 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 # 436-17

Moved By Councillor Leahy
Seconded By Councillor Gleed

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 September 18, 2017 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 # 437-17

Moved By Councillor Roy
Seconded By Councillor Yamada

That the meeting adjourn.

Carried

The meeting adjourned at 8:37 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor