

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF  
THE TOWN OF WHITBY HELD ON MONDAY, DECEMBER 8, 2008 AT THE HOUR OF 8:00  
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

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PRESENT: Mayor Perkins

Councillors Coe, Drumm, Emm, Mitchell, Pitchforth, Roy and Scott

Mayor Perkins in the Chair

ALSO PRESENT: R. S. Petrie, Chief Administrative Officer  
B. Short, Director of Planning  
K. MacCarl, Fire Chief  
S. Beale, Director of Public Works  
P. LeBel, Director of Community and Marketing Services  
S. Pohjola, Town Solicitor  
N. Tellis, Manager of Treasury Services  
P. Jones, Town Clerk  
M. Pettit, Deputy Clerk

1. DISCLOSURES OF INTEREST

Councillor Drumm declared a pecuniary interest with respect to any matter involving the Whitby Public Library Board. He advised that a member of his family is employed by the Whitby Public Library Board.

Councillor Mitchell declared a pecuniary interest in regard to Planning Report, Item PL 143-08 as he is in the building supply business and there is mention in the Report of a competitor.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6127-08

RESOLUTION NO. 311-08

Councillor Emm, seconded by Councillor Coe, 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 meetings of Council held on November 17, 2008 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. 6127-08 considered read a first, second and third time and finally passed.

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3. PRESENTATIONS

(i) Presentation – Oak Ridges Moraine Foundation

Kim Gavine, Executive Director of the Oak Ridges Moraine Foundation presented the Town, through Mayor Perkins, mounted photographs depicting various scenic views of the Oak Ridges Moraine.

(ii) Margaret Clayton, Local Architectural Conservation Advisory Committee (LACAC)  
Re: Planning Report, Item PL 143-08  
Zoning Amendment Application (Z-16-08) – Casewood Holdings Inc.  
4100 and 4200 Garden Street **(Refer to November 24, 2008 P&D 79)**

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Ms. Clayton noted that the Crawford House located at 4100 Garden Street dated back to 1862 and represented a unique building façade that should be preserved. She suggested that a zoning by-law amendment should not be brought forward until LACAC has had an opportunity to consult with the developer.

4. CORRESPONDENCE

(i) CORR 22-08

Letter dated November 10, 2008 from Dwight Duncan, Minister of Finance/Minister of Revenue, Jim Watson, Minister of Municipal Affairs and Housing and George Smitherman, Minister of Energy and Infrastructure/Deputy Premier regarding the Investing in Ontario Act grant of \$4,952,416 to be used at the Town's discretion for capital priorities

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RESOLUTION NO. 312-08

MOVED by Councillor Emm  
Seconded by Councillor Drumm

That correspondence Item CORR 22-08 be referred to the Chief Administrative Officer and Treasurer for consideration as part of the Town's budgeting process in 2009.

CARRIED

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5. STANDING COMMITTEES

- (a) Planning and Development Committee – November 24, 2008  
Report Recommendations to Council
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**4.1 Planning Report, Item PL 140-08**

Re: Site Plan Application – Thickson Place Developments Inc. – 70 Thickson  
Road South

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**COUNCIL DECISION**

1. That Site Plan Application (SP-34-08) be approved subject to the comments and conditions contained in Planning Report Item No. PL-140-08 and a successful Minor Variance application;
2. That the Mayor and Clerk be authorized to execute the Site Plan Agreement; and,
3. That notwithstanding sections 1 and 2 the Starbucks portion of the site accommodate the Town's standard of 12 vehicles in the drive through.

**4.4 Planning Report, Item PL 147-08**

Re: Site Plan Application (SP-33-08)1713377 Ontario Inc., Sunray Street

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**COUNCIL DECISION**

1. That Council approve the site plan application (SP-33-08) subject to the comments and conditions contained in Planning Report, Item PL 147-08; and,
2. That the Mayor and Clerk be authorized to execute the site plan agreement.

**4.5 Planning Report, Item PL 153-08**

Re: Recognition of Camp X under the Historic Site and Monuments Board of  
Canada as a National Historic Site

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**COUNCIL DECISION**

1. That Planning Report, Item PL 153-08, be received as information; and,
2. That the Planning Department report back to the Planning and Development Committee at such time as the report to proceed with the recognition process for Camp X as a National Historical Site under the Historic Sites and Monuments Board of Canada has been completed.

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5. (Continued)

**4.6 Planning Report, Item PL 154-08**

Re: Review of Doors Open Whitby 2008 and Application to Participate in Doors  
Open Ontario 2009

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**COUNCIL DECISION**

1. That Planning Report, Item PL 154-08, regarding the Doors Open Ontario 2008 Program summary be received as information; and,
2. That Council authorize the Planning Department in conjunction with LACAC Heritage Whitby to submit an application to the Ontario Heritage Trust to participate in Doors Open Ontario 2009.

**4.8 Planning Report, Item PL 156-08**

Re: Site Plan Application – John Dryden Elementary School – Durham District  
School Board

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**COUNCIL DECISION**

1. That Council approve the site plan application (SP-38-08) subject to the comments and conditions contained in Planning Report, Item PL 156-08; and,
2. That the Mayor and Clerk be authorized to execute the site plan agreement.

**4.9 Planning Report, Item PL 157-08**

Re: Request for Minor Variance to Sign By-Law  
Pioneer Petroleums – 1519 Dundas Street East

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**COUNCIL DECISION**

That the minor variance application SB-02-08 to the Town of Whitby Sign By-law 5695-05 for the above mentioned property be approved to reduce the minimum height of a wall sign above the adjacent grade from 2.5 metres to 0.91 metres for one (1) wall sign as identified as Type “D”.

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5. (Continued)

**4.10 Planning Report, Item PL 158-08**

Re: Request for Minor Variance to Sign By-Law Shell Canada – 320 Thickson Road

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**COUNCIL DECISION**

That the minor variance application SB-03-08 to the Town of Whitby Sign By-Law 5695-05 for the above mentioned property be approved to:

1. Reduce the minimum height of a wall sign above the adjacent grade from 2.5 metres to 1.95 metres for one (1) wall sign as identified as Type “BANK LOTTO”; and,
2. Reduce the minimum height of a wall sign above the adjacent grade from 2.5 metres to 0.4 metres for four (4) wall signs as identified as Type “POSTER BOARDS”.

**RESOLUTION NO. 313-08**

MOVED By Councillor Drumm  
Seconded by Councillor Coe

That Council adopt the recommendations set out in Item Nos. 3.1 and 3.2, 4.1 through 4.10 inclusive, and Item 5.1 as contained in the minutes of the meeting of the Planning and Development Committee held on November 24, 2008, save and except Item Nos. 3.1, 3.2, 4.2, 4.3, 4.7 and 5.1 thereof.

CARRIED

**3.1 Planning Report, Item PL 146-08**

Re: Parking Study  
Review and Update Zoning Standards and Provisions Public Meeting –  
Presentation of Consultant’s Findings and Recommendations

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**RESOLUTION NO. 314-08**

MOVED By Councillor Drumm  
Seconded by Councillor Coe

1. That Planning/Public Works Joint Report, Item No. PL 146-08 summarizing the consultant's findings and draft recommendations regarding the Parking Study be received for information; and,

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5. (Continued)

2. That the consultant's final report take into account comments of the Accessibility Directorate's Accessible Transportation Standards Development Committee, the technical steering committee, comments received at the Open House and Public Meeting and be prepared and presented early in the first quarter of 2009.

CARRIED

**3.2 Planning Report, Item PL 145-08**

Re: Implementation of Bill 51

Planning and Conservation Land Statute Law Amendment Act, 2006: Part A – Requirements for a Complete Application; Part B – Site Plan Control Policies; Part C – Employment Area Conversion Policies

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RESOLUTION NO. 315-08

MOVED By Councillor Drumm

Seconded by Councillor Coe

PART A – Complete Application Requirements:

1. That Council adopt the Town initiated Official Plan Amendment to amend the Town of Whitby Official Plan, File OPA-2008-W/01, as Amendment No. 79, as contained in Planning Report, Item No. PL 145-08;
2. That a By-law to adopt Official Plan Amendment No. 79 be brought forward for Council approval;
3. That the Clerk forward a record of the adopted Official Plan Amendment No. 79, including a copy of Planning Report, Item PL 145-08, two (2) copies of the adopted amendment, a copy of the adopting by-law, and other relevant materials, to the Region of Durham, within fifteen (15) days of adoption of the amendment;
4. That the Region of Durham be advised of Council's decision; and,
5. That the Clerk forward a Notice of Decision to those persons and agencies who had requested to be notified of Council's decision.

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5. (Continued)

PART B – Site Plan Control Policies:

1. That Council adopt the Town initiated Official Plan Amendment to amend the Town of Whitby Official Plan, file OPA-2008-W/02, as Amendment No. 80, as contained in Planning Report, Item No. PL 145-08;
2. That a By-law to adopt Official Plan Amendment No. 80 be brought forward for Council approval;
3. That the Clerk forward a record of the adopted Official Plan Amendment No. 80, including a copy of Planning Report, Item PL 145-08, two (2) copies of the adopted amendment, a copy of the adopting by-law, and other relevant materials, to the Region of Durham, within fifteen (15) days of adoption of the amendment;
4. That the Region of Durham be advised of Council's decision; and,
5. That the Clerk forward a Notice of Decision to those persons and agencies who had requested to be notified of Council's decision.

PART C – Employment Lands Conversion Policies:

1. That Council adopt the Town initiated Official Plan Amendment to amend the Town of Whitby Official Plan, file OPA-2008-W/05, as Amendment No. 81, as contained in Planning Report, Item No. PL 145-08;
2. That a By-law to adopt Official Plan Amendment No. 81 be brought forward for Council approval;
3. That the Clerk forward a record of the adopted Official Plan Amendment No. 81, including a copy of Planning Report, Item PL 145-08, two (2) copies of the adopted amendment, a copy of the adopting by-law, and other relevant materials, to the Region of Durham, within fifteen (15) days of adoption of the amendment;
4. That the Region of Durham be advised of Council's decision; and,
5. That the Clerk forward a Notice of Decision to those persons and agencies who had requested to be notified of Council's decision.

CARRIED

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5. (Continued)

**4.3 Planning Report, Item PL 144-08**  
**Re: Full Serve Gas Stations**

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RESOLUTION NO. 316-08

MOVED By Councillor Drumm  
Seconded by Councillor Coe

1. That Staff, through the Town's web site, identify full and self serve gas stations providing full service for the elderly and persons with physical disabilities and other limitations together with the corporate contact information;
2. That the Canadian Petroleum Products Institute be invited to make a presentation to Town Council addressing the issue of providing accessible service stations with the provision of full service facilities for the elderly and persons with physical disabilities and other limitations in Whitby;
3. That Staff encourage applicants to provide better accessibility in the consideration of the design and operation of new gas stations or the redevelopment of existing gas stations, along with the provision of appropriate education awareness programs and visible signage and accessible brochures, directories and contact numbers and service hours promoting accessibility to benefit all members of the public and in particular those having special needs such as the elderly and persons with physical disabilities and other limitations requiring access to a full service facility; and,
4. That the Town of Whitby's Accessibility Advisory Committee be advised of these recommendations and a copy of these recommendations, once approved by Council, be forwarded electronically to the Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM), the Federal Government, the Provincial Government, and the Regional Municipality of Durham.

CARRIED AS AMENDED  
BY THE FOLLOWING MOTION



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5. (Continued)

MOVED By Councillor Mitchell  
Seconded by Councillor Coe

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

5. That the Town of Whitby Council and Staff use all available tools to ensure the provision of a full serve component for all future gas station facilities in the Town of Whitby; and,
6. That the Mayor's Office write to all gas station operators in the Town of Whitby to request them to review their current operations to see what can be done to accommodate patrons with special needs.

CARRIED

**4.7 Planning Report, Item PL 155-08**

Re: Site Plan Application Lakeridge Health Corporation – Proposed Dialysis  
Trailer Facility

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RESOLUTION NO. 317-08

MOVED By Councillor Drumm  
Seconded by Councillor Coe

1. That Site Plan Application (SP-41-08) be approved subject to the comments and conditions contained in Planning Report, Item PL 155-08;
2. That the Mayor and Clerk be authorized to approve an acceptable site plan in lieu of the applicant entering into a Site Plan Agreement with the Municipality;
3. That the proponent advise the Director of Public Works as to their preferred option to options A, B and C as set out on pages 4 and 5 to Planning Report, Item PL 155-08; and,
4. That the Mayor, on behalf of Whitby Town Council, forward a letter to the Minister of Health and Christine Elliot, MPP, encouraging:
  - i) the re-opening of the hospital at 300 Gordon Street; and,
  - ii) the Ontario Government to act on the report that was forwarded to the government from Lakeridge Health and the Central East Local Health Integration Network calling for the re-opening of the hospital.

CARRIED

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5. (Continued)

**5.1 Additional Sidewalk Snow Clearing Locations**

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RESOLUTION NO. 318-08

MOVED By Councillor Drumm  
Seconded by Councillor Coe

That the sidewalks located on Queen Street between Winchester Road and Baldwin Street and on Lockridge Street between Cochrane Street and Whitburn Street be plowed as part of the Town's ongoing Snow Clearing Program.

CARRIED

**4.2 Planning Report, Item PL 143-08**

Re: Zoning Amendment Application (Z-16-08) Casewood Holdings Inc. – 4100  
and 4200 Garden Street

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

RESOLUTION NO. 319-08

MOVED By Councillor Drumm  
Seconded by Councillor Emm

1. That Zoning Amendment Application Z-16-08 be approved subject to the comments and conditions contained in Planning Report, Item PL 143-08 with the exception of those comments and conditions relating to the Crawforth House;
2. That the Site Plan be amended in a manner satisfactory to the Town;
3. That the bricks from the Crawforth House be incorporated into the new building; and
4. That the Local Architectural Conservation Advisory Committee - Heritage Whitby be consulted on the design.

CARRIED AS AMENDED BY  
THE FOLLOWING TWO MOTIONS

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5. (Continued)

MOVED By Councillor Coe  
Seconded by Councillor Pitchforth

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

5. That the applicant be responsible for the installation of a bronze, pole mounted heritage marker plaque, subject to approval by the Local Architectural Conservation Advisory Committee.

CARRIED

MOVED By Councillor Pitchforth  
Seconded by Councillor Coe

That the main motion be further amended by adding the following thereto:

6. That the applicant incorporate the south and east wall faces of the Crawforth House into the façade of the new building and that the Local Architectural Conservation Advisory Committee work with staff and the developer to facilitate this.

CARRIED

- (b) Operations Committee – December 1, 2008  
Report Recommendations to Council
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**3.1 Community and Marketing Services Report, Item CMS 37-08**  
Re: Health Club Membership Policy

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**COUNCIL DECISION**

That Council adopt the Health Club Membership Policy attached to Community and Marketing Services Report, Item CMS 37-08 and repeal Policy 610020 (Resolution No. 1076-01).

**3.2 Corporate Services Report, Item CS 62-08**  
Re: Urban Boulevard Grounds Maintenance

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**COUNCIL DECISION**

1. That the Town of Whitby accept the low tender of 604786 Ontario Limited (o/a Tom's Landscaping Maintenance & Design) in the amount of \$140,162.22 for Urban Boulevard Grounds Maintenance for the Town of Whitby;

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5. (Continued)

2. That the continuation of the contract for a second and third year be approved subject to a satisfactory annual performance review, timely completion of work, quality of work and budget approval in consecutive years; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

**3.3 Corporate Services Report, Item CS 64-08**

Re: 2009 Interim Tax Billing

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**COUNCIL DECISION**

That a by-law be brought forward to allow for Interim Tax Billing for the 2009 taxation year and By-Law No. 6001-2007 be repealed.

**3.5 Corporate Services Report, Item CS 66-08**

Re: Third Quarter Projection Report as of September 30, 2008

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**COUNCIL DECISION**

That the 2008 Third Quarter Projection report as of September 30<sup>th</sup>, 2008 be received as information.

**3.6 Corporate Services Report, Item CS 67-08**

Re: Recommendation for Whitby Hydro to Manage Power Delivery Alternatives

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**COUNCIL DECISION**

1. That Corporate Services Report CS 67-08 be received as information; and,
2. That Council authorize Whitby Hydro to manage electricity procurement for the Town of Whitby, including entering into agreements for power procurement on behalf of the Town of Whitby for a one year trial basis.

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5. (Continued)

**3.7 Public Works Report, Item PW 52-08**

Re: Environmental Youth Summit

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**COUNCIL DECISION**

1. That Public Works Department Report PW 52-08 regarding the December 11, 2008 "Environmental Youth Summit" be received as information;
2. That a copy of the Public Works Department Report PW 52-08 regarding the "Environmental Youth Summit" be forwarded to the Durham District Public School Board and the Durham District Catholic School Board; and,
3. That a copy of Public Works Department Report PW 52-08 regarding the "Environmental Youth Summit" be forwarded to the City of Oshawa and the Region of Durham.

**3.8 Public Works Report, Item PW 54-08**

Re: Franchise Agreement with Enbridge Gas Distribution

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**COUNCIL DECISION**

1. That Council approve the form of draft By-Law (including the franchise agreement forming part thereof) attached hereto and authorize the submission thereof, and any other documents required, to the Ontario Energy Board for approval pursuant to the provisions of Section 9 of the Municipal Franchises Act; and,
2. That Council request the Ontario Energy Board to make an order dispensing with the assent of the municipal electors of the attached draft By-Law (including the franchise agreement forming part thereof) pursuant to the provisions of Section 9(4) of the Municipal Franchises Act.

**RESOLUTION NO. 320-08**

MOVED by Councillor Pitchforth

Seconded by Councillor Emm

That Council adopt the recommendations set out in Item Nos. 3.1 through 3.8 inclusive, as contained in the minutes of the meeting of the Operations Committee held on December 1, 2008, save and except Item No. 3.4 thereof.

CARRIED

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5. (Continued)

**3.4 Corporate Services Report, Item CS 65-08**

Re: Consolidated Financial Statements and Audit Plan for the Year  
Ended December 31, 2008

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RESOLUTION NO. 321-08

MOVED by Councillor Emm  
Seconded by Councillor Mitchell

That the Town's Management Committee be responsible for acting as the Town's audit review group and report the results and any recommendations regarding the annual external audit of financial statements to Council.

MOTION LOST

MOVED by Councillor Coe  
Seconded by Councillor Pitchforth

1. That an Audit Committee be struck comprised of the Mayor, Budget Chair and the Chief Administrative Officer; and,
2. That the Audit Committee review and report the results and any recommendations regarding the annual external audit of financial statements to Council.

CARRIED

(c) Management Committee – November 18, 2008  
Report Recommendations to Council

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**2.4 Review of Health and Safety Issues**

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RESOLUTION NO. 322-08

MOVED by Councillor Emm  
Seconded by Councillor Drumm

1. That council adopt the Directive for Occupational Health and Safety as recommended by the Town's Health and Safety Officer; and
2. The Mayor and Clerk be authorized to sign the Directive on behalf of the Corporation and Council.

CARRIED

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6. NOTICES OF MOTION

None.

7. NEW AND UNFINISHED BUSINESS

**7.1 Planning Report, Item PL 148-08**

Re: Zoning Amendment Application (Z-26-06) and Application to Remove "H"  
Holding Symbol for Draft Approved Plan of Subdivision SW-2000-05  
Leafwood Investments Inc. – NW Corner of Taunton and Thicksen Roads

RESOLUTION NO. 323-08

MOVED by Councillor Drumm  
Seconded by Councillor Coe

1. That Council approve the removal of the "H" Holding symbol from the subject property, subject to the comments and conditions contained in Planning Report No. PL 148-08; and,
2. That the amending Zoning By-law to remove the "H" Holding symbol be brought forward for Council's approval, at such time as the applicant has entered into the appropriate development agreements to satisfy the requirements of the Public Works and Planning Departments.

CARRIED

**7.2 Appointment of Acting Fire Chief**

Mayor Perkins and all Members of Council recognized and thanked Fire Chief, Kent MacCarl for his 33 years of service to the Town of Whitby and wished him all the best in his upcoming retirement.

RESOLUTION NO. 324-08

MOVED by Councillor Coe  
Seconded by Councillor Drumm

That Drew Armstrong be appointed Fire Chief on an acting basis and for the purposes of By-Law 4822-01 and subsection 6(1) of the Fire Protection and Prevention Act, 1997.

CARRIED

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8. BY-LAWS

- 6128-08 By-law to provide for interim tax levies in the year 2009 for the Town of Whitby (Refer to Corporate Services Report, Item CS 64-08)
- 6129-08 By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from H-CMU\*-7 – Holding – Commercial Mixed Use – Exception 7, H-R3A\* - Holding – Residential R3A\*, H-R4A\* - Holding – Residential R4A\*, H-R4B\* - Holding – Residential R4B\* to CMU\*-7 – Commercial Mixed Use – Exception 7, R3A\* - Residential R3A\*, R4A\* - Residential R4A\* and R4B\* - Residential R4B\* for the lands located at the northwest corner of Taunton Road East and Thicksen Road North, Town of Whitby. The effect of the zoning change is to permit the development of the land for a commercial shopping centre and for residential purposes. (Refer to Planning Report, Item PL 148-08)

RESOLUTION NO. 325-08

MOVED by Councillor Scott, Seconded by Councillor Roy, that leave be granted to introduce By-law Nos. 6128-08 and 6129-08, 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. 6128-08 and 6129-08, inclusive, considered read a first, second and third time and finally passed.

9. CONFIRMATORY BY-LAW NO 6130-08

RESOLUTION NO. 326-08

MOVED by Councillor Mitchell, seconded by Councillor Drumm, move for leave 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 December 8, 2008, 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. 6130-08 considered read a first, second and third time and finally passed.



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10. ADJOURNMENT

RESOLUTION NO. 327-08

MOVED by Councillor Emm at 9:47 p.m.  
Seconded by Councillor Pitchforth

That this December 8, 2008 meeting of the Council of The Corporation of the  
Town of Whitby adjourn.

CARRIED

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Paul Jones, Clerk

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Patricia Perkins, Mayor