

Present: Mayor Mitchell
Councillor Drumm
Councillor Emm
Councillor Gleed
Councillor Leahy
Councillor Mulcahy
Councillor Roy (arrived at 8:06 p.m.)
Councillor Yamada

Also Present: D. Barnes, Interim Chief Administrative Officer
S. Beale, Commissioner of Public Works
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. Short, Commissioner of Planning
D. Speed, Fire Chief
C. Harris, Town Clerk
S. Cassel, Deputy Clerk

Regrets: None noted

1. Declarations of Pecuniary Interest

- 1.1** Councillor Emm made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding Item 6.1, Planning and Development Department Report, PL 109-16, Gerdau Ameristeel 2015 Monitoring Report for Environmental Certificate of Approval as a member of his family works for Gerdau Ameristeel. Councillor Emm did not take part in the discussion or vote on the matter.

2. Adoption of Minutes

- 2.1** Special Council - October 7, 2016 (Closed minutes of the In Camera session under separate cover)
Special Council - October 19, 2016 (Closed minutes of the In Camera session under separate cover)
Special Council - November 1, 2016 (Closed minutes of the In Camera session under separate cover)

session under separate cover)
Special Council - November 21, 2016 (Closed minutes of the In Camera session under separate cover)
Regular Council - November 21, 2016

Resolution # 595-16

Moved By Councillor Leahy
Seconded By Councillor Gleed

That the minutes be adopted.

Carried

3. Presentations

3.1 Scott Ure

Recognition/Award:

- 30 Year Service Medal from the Municipal Law Enforcement Officers' Association of Ontario

Deputy Mayor Gleed attended the dais and was joined by Councillor Drumm, W. Mar, Commissioner of Legal and By-law Services/Town Solicitor and K. Narraway, Supervisor of By-law Services. Scott Ure was welcomed onto the dais and recognized for receiving the 30 Year Ontario Municipal Law Enforcement Long Service Medal from the Municipal Law Enforcement Officers' Association of Ontario.

3.2 Brian Booth

Recognition/Awards:

- 15 Year Service Award from the Municipal Law Enforcement Officers' Association of Ontario
- Professional Values Award from the Municipal Law Enforcement Officers' Association of Ontario

Deputy Mayor Gleed attended the dais and was joined by Councillor Drumm, W. Mar, Commissioner of Legal and By-law Services/Town Solicitor and K. Narraway, Supervisor of By-law Services. Brian Booth was welcomed onto the dais and recognized for receiving the 15 Year Ontario Municipal Law Enforcement Long Service Medal from the Municipal Law Enforcement Officers' Association of Ontario.

Brian was further recognized for receiving the 2016 Professional Values Award from the Municipal Law Enforcement Officers' Association for helping rescue a child from drowning while attending a get-together with

family and friends this past summer.

4. Delegations

4.1 There were no delegations.

5. Correspondence

5.1 There was no correspondence.

6. Planning and Development Committee

Report # 13 of the Planning and Development Committee - November 28, 2016

6.1 Planning and Development Department Report, PL 114-16
Re: Site Plan Application – Southwest Corner of Civic Centre Drive and
Kenneth Hobbs Avenue (SP-15-16)

Resolution # 596-16

Moved By Councillor Yamada
Seconded By Councillor Gleed

1. That Council approve Site Plan Application (SP-15-16) subject to the comments and conditions contained in Section 8.0 of Planning Report Number PL 114-16; and,
2. That the Mayor and Clerk be authorized to execute the Site Plan Agreement.

Carried

6.2 Planning and Development Department Report, PL 113-16
Re: Draft Plan of Condominium Whitby (Brock and Rossland)
Developments Inc. (CW-2016-03, SP-04-15)

Resolution # 597-16

Moved By Councillor Yamada
Seconded By Councillor Gleed

1. That Council approve the application for a Draft Plan of Condominium (CW-2016-03) subject to the conditions of approval in Section 8.0 of Planning and Development Report Item PL 113-16;

2. That the Mayor and Clerk be authorized to execute the Condominium Agreement for the subject land; and,
3. That the Clerk advise the Commissioner of Planning at the Region of Durham of Council's decision.

Carried

- 6.3** Planning and Development Department Report, PL 115-16
Re: Amendment to Draft Condition for Noise Attenuation (SW-2005-06, MR-01-09)

Resolution # 598-16

Moved By Councillor Yamada
Seconded By Councillor Gleed

1. That Council approve a Minor Amendment to Condition Number 10 and 23 of the Draft Subdivision Conditions dated January 5, 2010; and,
2. That the Region of Durham Commissioner of Planning be advised of Council's decision.

Carried

- 6.4** Planning and Development Department Report, PL 117-16
Re: Official Plan Amendment 103 - Increase in Residential Densities Downtown Whitby, Region of Durham Proposed Modification (OPA-2015-W/01)

Resolution # 599-16

Moved By Councillor Yamada
Seconded By Councillor Gleed

1. That Council request that the Region of Durham approve Amendment 103 to the Whitby Official Plan, with the Region's proposed modification, as indicated in the Region's post-circulation letter dated November 3, 2016 (refer to Attachment #1 to this report); and,
2. That the Clerk forward a copy of Council's resolution to the Region of Durham.

Carried

- 6.5** Office of the Town Clerk Report, CLK 27-16
Re: Establishment of a Business Improvement Area (BIA) for Downtown Whitby

Resolution # 600-16

Moved By Councillor Yamada
Seconded By Councillor Gleed

1. That Report CLK 27-16 of the Office of the Town Clerk be received;
2. That the Town Clerk be authorized to undertake the legislated process as outlined in Section 5 of this report for establishing a Business Improvement Area (BIA) in Downtown Whitby within the proposed boundaries shown in Attachment 1;
3. That the Town Clerk be authorized to enter into a Memorandum of Understanding, as outlined in Attachment 2, with the Downtown Whitby BIA Formation Committee; and,
4. That if the required objections, as outlined in the Municipal Act, are not received, the Town Clerk be authorized to bring forward a by-law for Council's approval to establish a BIA in Downtown Whitby.

Carried

- 6.6** Planning and Development Department Report, PL 109-16
Re: Gerdau Ameristeel 2015 Monitoring Report for Environmental Certificate of Approval

Having previously declared a conflict of interest, Councillor Emm did not take part in the discussion or vote on the matter.

Resolution # 601-16

Moved By Councillor Yamada
Seconded By Councillor Drumm

1. That Planning Report, Item Number PL 109-16 be received as information; and,
2. That the Clerk forward a copy of Planning Report Number PL 109-16 to Gerdau Ameristeel Corporation, the Ministry of Environment and Climate Change, the Region of Durham, and the members of the Site Liaison Committee for information.

Carried

6.7 Highway 412 - Non-tolled Route

Resolution # 602-16

Moved By Councillor Yamada
Seconded By Councillor Gleed

Whereas it is proposed that Highway 412 will become a tolled highway in 2017;

Whereas all other Ontario link highways to and from Highway 401 are non-tolled highways; and,

Whereas the current plan to make the Highway 412 a toll route will drastically discourage people from driving it and increase traffic on local roads and Highway 401.

Now Therefore be it Resolved:

That the Council of the Town of Whitby request that the Province of Ontario make Highway 412 a non-tolled highway.

Carried

7. Operations Committee
Report # 13 of the Operations Committee - December 5, 2016

7.1 Public Works Department Report, PW 20-16
Re: Winter Control Service Level for Sidewalks

Resolution # 603-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Report PW 20-16 be received as information;
2. That Council endorse the existing sidewalk maintenance services as documented in this report and provided as Appendix A;
3. That staff continue to update Council on any new Provincial legislative changes that would impact the levels of service

- requirements for winter maintenance, including that of sidewalks;
4. That as roadways are reconstructed and as new and upgraded modifications are made to sidewalk infrastructure, staff review, consult with residents, and implement where practical, and financially viable, upgraded sidewalk infrastructure to Canada Post mailbox locations;
 5. That for future community mailboxes (CMB) locations (new development or relocations), that they be situated, when possible, adjacent to planned sidewalk locations and/or that additional sidewalk infrastructure be provided as required, within adequate right of way as per Town design standards;
 6. That staff report back, as required, with any changes to maintenance requirements associated with updates to the Official Plan (e.g. Road Classification Schedule) along with the cost and level of service implications; and,
 7. That the sidewalk on the north side of Ontario Street West between Henry Street and King Street be included and cleared of snow as part of the Town's regular sidewalk winter control program.

Carried

7.2 Public Works Department Report, PW 36-16
Re: Town of Whitby Municipal Asset Management Plan

Recommendation:

Resolution # 604-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Public Works Report PW 36-16 be received for information;
2. That Council endorse the eight recommendations as discussed in Section 5 of Public Works Report PW 36-16; and,
3. That Staff report back to Council on an Asset Management Funding Strategy as part of the Long Term Financing Strategy currently proposed in 2017.

Carried

7.3 Public Works Department Report, PW 38-16
Re: Bill 151 Waste-Free Ontario Act

Resolution # 605-16

Moved By Councillor Emm

Seconded By Councillor Leahy

1. That Report PW 38-16 be received as information; and,
2. That staff report back to Council, as required, when further details on the potential affects of Bill 151 to municipalities are available.

Carried

7.4 Public Works Department Report, PW 39-16
Re: Neighbourhood Watch and Road Watch Partnership

Members of Council referred to an email from Jim McGrorey, Volunteer and Events Coordinator, Road Watch Committee, received prior to the Council meeting, that requested PW 39-16 be deferred to a meeting in January 2017 to provide an opportunity for the Road Watch Committee to discuss the matter.

Resolution # 606-16

Moved By Councillor Emm

Seconded By Councillor Leahy

1. That Council approve a two-year partnership between Neighbourhood Watch and Road Watch resulting in the Neighbourhood Watch signage being funded through the Road Watch program;
2. The staff monitor the partnership between Neighbourhood Watch and Road Watch and report back to Council, as appropriate, with any recommended updates and/or modifications; and,
3. That the Clerk be authorized to provide a copy of Report PW 39-16 to the Durham Regional Police Service Regional Neighbourhood Watch Coordinator and the Road Watch Committee.

Note: The disposition of this matter, Item 7.4, was determined through the motion to Postpone to a Definite Time below.

Resolution # 607-16

Moved By Councillor Gleed

Seconded By Councillor Emm

That consideration of Public Works Department Report, PW 39-16 regarding the Neighbourhood Watch and Road Watch Partnership be Postponed to the Operations Committee meeting in January 2017.

Carried

- 7.5** Corporate Services Department and Community and Marketing Services Department Joint Report, CS 80-16
Re: Interior Demolition – Former Land Registry Office, 400 Centre Street South (T-151-2016)

Resolution # 608-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That the Town of Whitby accept the low Tender from Everstrong Construction Ltd. in the amount of \$83,400.00 (plus applicable taxes) for all labour, materials and equipment necessary to complete the interior demolition of the former Land Registry Office, 400 Centre Street South;
2. That the total estimated demolition project cost in the amount of \$97,598.00 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 7.6** Corporate Services Department Report, CS 82-16
Re: 2017 Interim Tax Billing

Resolution # 609-16

Moved By Councillor Emm
Seconded By Councillor Leahy

That a by-law be brought forward to allow for the Interim Tax Billing for the 2017 taxation year and that By-Law No. 7071-15 be repealed.

Carried

7.7 Corporate Services Department Report, CS 83-16
Re: Development Charge Background Study

Brief discussion ensued regarding the possibility of receiving a more targeted report to discuss the changes and new exemption concepts pertaining to development charges as well as the potential to hold an education and training session of Council to provide clarity on the extensive document.

It was requested that the Interim Chief Administrative Officer look into the matter and provide options to Council.

Resolution # 610-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That the draft Development Charge Background Study and By-Law be received as information;
2. That Clerks schedule the statutory Public Meeting to review the draft study and by-law for January 23rd, 2017, and Staff communicate this meeting through an advertisement in the newspaper, the Town website and through social media; and,
3. That Staff bring forward a final report to the March 6th, 2017 Operation's Committee, for Council's consideration to adopt the Development Charge By-Law.

Carried

7.8 Community and Marketing Services Department Report, CMS 64-16
Re: Carbon Monoxide Sensors

Resolution # 611-16

Moved By Councillor Emm
Seconded By Councillor Leahy

That Community and Marketing Services Report CMS 64-16 be received as information.

Carried

7.9 Community and Marketing Services Department Report, CMS 67-16
Re: Appointment of Members of Whitby Seniors' Services to the

Seniors' Services Committee of Council

Resolution # 612-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Council approve and appoint the following members of Whitby Seniors' Services to the Whitby Seniors' Services Committee of Council for a period of one year ending December 31, 2017:
 - Suzanne Allen
 - Shirley Barnes
 - Carol James
 - Tom McNown
 - David Milton
 - Rob Smith
 - Bonita Spall
 - George Spall
 - Eleanor Stevenson
 - Bob Toyama

Carried

- 7.10** Community and Marketing Services Department Report, CMS 68-16
Re: 2019 Ontario ParaSport Games

Resolution # 613-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Council endorse the bid submission by Sport Durham to host the 2019 Ontario ParaSport Games;
2. That if Sport Durham is successful in securing the Ontario ParaSport Games, that Iroquois Park Sports Centre be the host site for Sledge Hockey; and,
3. That if Iroquois Park Sports Centre is used for the Sledge Hockey competition that the ice rental fees be waived.

Carried

- 7.11** Office of the Town Clerk Report, CLK 23-16

Re: Proposed Use of Internet and Telephone Voting Methods for the
2018 Municipal Election

Detailed discussion ensued with respect to:

- the increased use of internet voting for Ontario municipalities in the 2014 Municipal Election and the projected number of municipalities that would utilize this voting method in 2018;
- the possibility of holding a public open house to answer questions regarding the security of the system;
- benefits and risks of internet voting and the need to manage the risks;
- identified areas for improvement with the use of this voting method in the 2016 By-election;
- the need to ensure that electors vote free of influence from other individuals;
- offering mail-in ballots on request for those electors that may not be able to make it out to the polls;
- the need to address voter apathy in elections;
- issues pertaining to the Voters' List and the associated challenges this brings for internet voting;
- the expanded use of technology in every day life and the need to embrace technology as a way moving forward; and,
- the liability risks associated with a controverted election.

Resolution # 614-16

Moved By Councillor Mulcahy

Seconded By Councillor Drumm

1. That Report CLK 23-16 of the Office of the Town Clerk be received for information;
2. That the Town Clerk be directed to conduct a Public Open House in January 2017 to provide a public demonstration of the Dominion Voting Systems telephone and internet voting, including information pertaining to security mechanisms; and,
3. That the Town Clerk report back to the Operations Committee on the feedback and findings obtained through the Public Open House.

Motion lost on a recorded vote as follows:

	For	Against	Abstained
Councillor Joe Drumm	x		
Councillor Michael Emm		x	

Councillor Derrick Glead		x	
Councillor Chris Leahy		x	
Councillor Rhonda Mulcahy	x		
Councillor Elizabeth Roy	x		
Councillor Steve Yamada		x	
Mayor Don Mitchell	x		
	4	4	0

Resolution # 615-16

Moved By Councillor Leahy
Seconded By Councillor Glead

That the Town Clerk be directed to report back on voting method options, other than telephone and internet voting, for the 2018 Municipal Election.

Carried

- 7.12** Office of the Town Clerk and Municipal Information Systems Joint Report, CLK 25-16
Re: Electronic Sign-In Stations for Interested Parties at Public Meetings

Resolution # 616-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Report CLK 25-16 of the Office of the Town Clerk and Municipal Information Systems be received for information; and,
2. That Council approve a one-time capital expenditure of \$10,000 funded from uncommitted one-time reserves for the purchase of equipment and technology to provide electronic sign-in stations for interested parties at public meetings.

Carried

- 7.13** Office of the Town Clerk Report, CLK 26-16
Re: 2017 Council and Committee Calendar and Proposed Amendments to the Procedure By-law

Resolution # 617-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That the 2017 Council and Committee calendar appended at Attachment 1 to this report be approved;
2. That the Closed Meeting Policy appended to this report as Attachment 2 be approved; and,
3. That the Town Clerk be directed to bring forward the necessary amending by-law for the proposed revisions to Procedure By-law 7072-15, as generally outlined in Attachment 3 appended to this report.

Carried

- 7.14** Correspondence #2016-715 received by the Town Clerk from M. Mackenzie, Government Relations Officer, University of Ontario Institute of Technology (UOIT), on November 21, 2016 regarding an UOIT update and request for financial support.

Resolution # 618-16

Moved By Councillor Emm
Seconded By Councillor Leahy

That staff engage in dialogue with UOIT regarding the development of a long range business case for investment by the University in Whitby.

Carried

8. Notice of Motion

- 8.1** There were no notices of motion.

9. New and Unfinished Business

- 9.1** Legal and By-law Services and Planning and Development Department Joint Report, LS 27-16
Re: Review of the Ontario Municipal Board – Public Consultation Document

Resolution # 619-16

Moved By Councillor Drumm
Seconded By Councillor Leahy

1. That Council support the following recommendations outlined in Durham Region Planning and Economic Development Commissioner's Report #2016-COW-85, regarding Environmental Bill of Rights Registry No. 012-7196 – Review of the Ontario Municipal Board – Public Consultation Document:
 - That the Province provide details on how the proposed changes related to narrowing the Board's jurisdiction and powers would be implemented, including, clarification on what issues would be limited from appeal and what the test for the limits would be;
 - That municipalities be granted the authority to refuse dormant planning applications through an administrative process, whether they are deemed complete or not, after a period of five years to ensure current municipal and provincial policy objectives are being met; and,
2. That the Clerk forward a copy of Council's resolution regarding Report LS 27-16, to the Ministry of Municipal Affairs.

Carried

Resolution # 620-16

Moved By Councillor Gleed
Seconded By Councillor Drumm

That a motion regarding Incrementality Rules be introduced in accordance with Section 2.12.2 of the Procedure By-law due to its time sensitive nature.

Carried on a two thirds vote

9.2 Incrementality Rules

Resolution # 621-16

Moved By Councillor Gleed
Seconded By Councillor Drumm

WHEREAS the Town of Whitby is advocating for a principled approach to the design of the federal government's \$81 billion funding

commitment known as Canada's Long-Term Infrastructure Plan;

WHEREAS the Town of Whitby is committed to working together with the Government of Canada and the Province of Ontario to use this funding to support priority infrastructure projects across Ontario which will promote economic growth and job creation today, while supporting jobs in the future;

WHEREAS the Town of Whitby recognizes that in order to support sound infrastructure planning, it is essential that future programs provide greater flexibility to direct funding towards existing priorities and respecting existing fiscal plans;

WHEREAS the Town of Whitby recognizes that federal "incrementality" rules undermine sound asset management planning by focusing only on new and accelerated projects, rather than priority projects identified in existing municipal plans; and,

WHEREAS a more flexible approach overall, particularly by not imposing "incrementality" requirements for project eligibility, is necessary to properly recognize the many years of critical capital planning and prioritization work already undertaken by the Town of Whitby.

NOW THEREFORE BE IT RESOLVED:

That the Council of The Corporation of the Town of Whitby supports this principled approach to the design of federal infrastructure programs and calls upon the Government of Canada not to impose "incrementality" rules as part of its program design.

Carried

10. By-Laws

That the following by-laws be passed:

- 10.1** By-law # 7208-16, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law of the Town of Whitby. (Dan Raponi, 229 Kendalwood Road, Z-14-16)
Refer PL 106-16
- 10.2** By-law # 7209-16, being a by-law to amend By-law #2585, as amended, being the Zoning By-law for the Town of Whitby. (Matanda Homes Limited, Z-06-16)
Refer to PL 91-16

- 10.3** By-law # 7210-16, being a by-law to provide for an interim tax levy for the year 2017.
Refer to CS 82-16
- 10.4** By-law # 7211-16, being a by-law designate certain portions of a registered Plan of Subdivision as not being subject to Part Lot Control. (George Pietracci, Randy-Pentek and Edward Surveying Ltd.)
- 10.5** By-law # 7212-16, being a by-law to authorize the Town of Whitby to appoint ADR Chambers Mediators and Arbitrators ("ADR Chambers") as the Municipal Ombudsman for the Town of Whitby.
Refer to CLK 18-16
- 10.6** By-law # 7213-16, being a by-law to Procedure By-law Number 7072-15.
Refer to CLK 26-16

Resolution # 622-16

Moved By Councillor Leahy
Seconded By Councillor Emm

That leave be granted to introduce By-law # 7208-16 to # 7213-16 and to dispense with the readings of the by-laws by the Clerk and that the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

11. Confirmatory By-Law

11.1 Confirmatory By-law

Resolution # 623-16

Moved By Councillor Drumm
Seconded By Councillor Yamada

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 December 12, 2016 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 # 624-16

Moved By Councillor Emm
Seconded By Councillor Mulcahy

That the meeting adjourn.

Carried

The meeting adjourned at 8:48 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor