

REGULAR COUNCIL MINUTES
January 21, 2013 -7:00 pm
Council Chambers
Whitby Municipal Building

Present: Mayor Perkins
Councillor Coe
Councillor Drumm
Councillor Emm
Councillor Hanson
Councillor Mitchell
Councillor Montague
Councillor Roy

Also Present: R. Petrie, Chief Administrative Officer
S. Beale, Commissioner of Public Works
P. LeBel, Commissioner of Community & Marketing Services
B. Mowat, Deputy Fire Chief
K. Nix, Commissioner of Corporate Services/Treasurer
R. Short, Commissioner of Planning
D. Wilcox, Town Clerk
L. Doughty, Deputy Clerk
S. Cassel, E-agenda Project Coordinator

Regrets: None noted

1. DECLARATIONS OF PECUNIARY INTEREST

- 1.1 Councillor Montague made a declaration of pecuniary interest under the Municipal Conflict of Interest Act in relation to item 5.3, Report PL1-13 regarding the Study of Zoning Regulations Related to Home Based Businesses as he owns and operates a home based business.
- 1.2 Councillor Hanson made a declaration of pecuniary interest under the Municipal Conflict of Interest Act in relation to item 5.3, Report PL1-13 regarding the Study of Zoning Regulations Related to Home Based Businesses as a family member runs a home based business.
- 1.3 Mayor Perkins made a declaration of pecuniary interest under the Municipal Conflict of Interest Act in relation to item 2.1, Special Council Minutes of January 10, 2013 specific to Whitby Hydro as a member of

her family is employed with Whitby Hydro in customer service.

1.4 Councillor Drumm made a declaration of pecuniary interest under the Municipal Conflict of Interest Act in relation to item 2.1, Special Council Minutes of January 10, 2013 specific to Whitby Public Library and Iroquois Park Sport Centre as members of his family are employed with these organizations.

1.5 Councillor Emm made a declaration of pecuniary interest under the Municipal Conflict of Interest Act in relation to item 10.2, By-law No. 6690-13 as a member of his family works for Gerdau Steel.

2. ADOPTION OF MINUTES

- 2.1**
- Regular Council Meeting - December 10, 2012
 - Planning & Development Committee Meeting - January 7, 2013
 - Special Council Meeting - January 10, 2013
 - Special Council Meeting - January 14, 2013
 - Operations Committee Meeting - January 14, 2013
 - Management Committee Meeting - January 15, 2013

Resolution No. 11-13

Moved By Councillor Coe

Seconded By Councillor Mitchell

That the minutes be adopted.

CARRIED

3. DELEGATIONS/PRESENTATIONS

3.1 Recognition of the Town of Whitby for receiving a Silver Award for its waste minimization achievements

Mayor Perkins and Councillor Mitchell extended congratulations to the Commissioner and staff of the Public Works Department in recognition of receiving a Silver Award for its waste minimization achievements in 2011 as awarded by the Recycling Council of Ontario 2012 Waste Minimization Awards.

Mayor Perkins also extended congratulations to Murray Gale, Superintendent of Solid Waste Management on his upcoming retirement from the Town of Whitby and thanked him for his many years of service.

3.2 Recognition of the Town of Whitby for receiving the Roger Brown Public Works Day Award

Mayor Perkins and Councillor Mitchell congratulated the Commissioner and staff of the Public Works Department of the Town of Whitby for receiving the Roger Brown Public Works Day Award as awarded by the Ontario Public Works Association (OPWA) to municipalities with a population of 150,000 or less that host an event during Public Works Week that exemplifies outstanding performance.

4. CORRESPONDENCE

4.1 2012 Annual Report - Brooklin Downtown Development Steering Committee (BDDSC)

Resolution No. 12-13

Moved By Councillor Coe
Seconded by Councillor Emm

That the 2012 Annual Report of the Brooklin Downtown Development Steering Committee (BDDSC) be received for information.

CARRIED

4.2 2012 Annual Report - Downtown Whitby Development Steering Committee (DWDSC)

Resolution No. 13-13

Moved by Councillor Coe
Seconded by Councillor Emm

That the 2012 Annual Report of the Downtown Whitby Development Steering Committee be received for information.

CARRIED

4.3 Whitby Social Activity Club and Bocce Courts

Resolution No. 14-13

Moved By Councillor Coe
Seconded By Councillor Emm

That the correspondence from the Whitby Social Activity Club and Bocce Courts be referred to Administration for a report (CMS).

CARRIED

5. PLANNING & DEVELOPMENT COMMITTEE
Report No. 1 of the Planning & Development Committee - January 7, 2013

5.1 Planning Report, PL 1-13
Re: Study of Zoning Regulations Relating to Home Based Businesses
(Z-05-12)

Discussion ensued regarding home based businesses and enforcement of the proposed by-law.

Resolution No. 15-13

Moved By Councillor Emm
Seconded By Councillor Coe

That Planning Staff be authorized to schedule a statutory Public Meeting to consider public input related to the proposed amendments to Zoning By-laws 1784, 2585 and 5581-05 based on the staff draft recommendations outlined in Section 5.4/5.5 and the comparison chart included as Attachment # 1 to Planning Report PL 1-13.

CARRIED LATER IN THE MEETING [SEE FOLLOWING MOTION]

Moved By Councillor Emm
Seconded By Councillor Mitchell

That licensing be considered in the public information session.

CARRIED

The main motion was then CARRIED ON A RECORDED VOTE AS FOLLOWS:

YES
Councillor Coe
Councillor Emm

Councillor Mitchell
Councillor Roy
Mayor Perkins

NO
Councillor Drumm

Councillors Montague and Hanson had previously declared a conflict of interest and did not vote on the matter.

- 5.2** Planning Report, PL 2-13
Re: Site Plan Application - Wynn Whitby Centre Inc. - SP-19-12 - 25
Consumers Drive

Resolution No. 16-13

Moved By Councillor Emm
Seconded By Councillor Montague

1. That Council approve the Site Plan Application (SP-19-12) subject to the conditions contained in Section 8.0 of Planning Report, PL 2-13;
2. That the handicapped parking spots at the Wynn Whitby Centre be redistributed to achieve more availability of handicap parking on the site; and
3. That the Mayor and Clerk be authorized to execute the Site Plan Agreement.

CARRIED

- 5.3** Planning Report, PL 4-13
Re: Amended Site Plan Approval for a 142 unit Common Element
Townhouse Development - Sundance MPI Developments Inc. - SP-14-
11 - Nichol Avenue

Discussion ensued regarding the cost of the roundabout. Staff advised the cost of the roundabout is included in the maintenance envelope for the budget. Staff provided an outline of the cost of signalization for the intersection.

Resolution No. 17-13

Moved By Councillor Emm
Seconded By Councillor Montague

1. That Council approve the amended site plan subject to a successful minor variance application being approved by the Committee of Adjustment to seek relief from the zoning by-law concerning the setback of Unit 104 from the new road allowance;
2. That all conditions of approval previously identified in Section 8.0 of Planning Report PL 46-12 shall continue to apply, save and except for the revisions found in Planning Report PL 4-13;
3. That the Developer shall be responsible for all costs associated with the preparation and registration of a reference plan for the purpose of conveying a road widening to the Town to implement the roundabout intersection design as shown on Attachment # 5;
4. That the Developer provide a financial contribution in the amount of \$75,000.00 toward the construction of the roundabout intersection; and,
5. That the Mayor and Clerk be authorized to execute any necessary documents.

CARRIED

- 5.4** Planning Report, PL 5-13
Re: Site Plan Application - Region of Durham - SP-20-12 - 101
Consumers Drive

Resolution No. 18-13

Moved By Councillor Emm
Seconded By Councillor Montague

1. That Council approve the Site Plan Application (SP-20-12) subject to the conditions contained in Section 8.0 of Planning Report, PL 5-13; and,
2. That the Commissioner of Planning be authorized to approve the site plan drawings.

CARRIED

- 5.5** Planning Report, PL 6-13
Re: Site Plan Applications - Region of Durham - SP-14-12, SP 15-12
and SP-16-12 - 289 Water Street, 7705 Duffs Road, 4600 Garrard Road

Resolution No. 19-13

Moved By Councillor Emm
Seconded By Councillor Montague

1. That Council approve Site Plan Applications SP-14-12, SP-15-12, and SP-16-12 subject to the conditions contained in Section 8.0 of Planning Report, PL 6-13; and,
2. That the Commissioner of Planning be authorized to approve the site plan drawings.

CARRIED

6. OPERATIONS COMMITTEE

Report No. 1 of the Operations Committee - January 14, 2013

6.1 Community and Marketing Services Report, CMS 1-13
Re: Boys and Girls Club of Durham

Discussion ensued regarding the partnership with the Boys and Girls Club of Durham.

Resolution No. 20-13

Moved By Councillor Mitchell
Seconded By Councillor Hanson

That Council approve the provision of temporary access to a work station at the Whitby Civic Recreation Complex to the Boys and Girls Club of Durham for the Whitby After School Program Coordinator to assist with the coordination and implementation of the after school programs in C.E. Broughton and West Lynde Public Schools.

CARRIED

6.2 Community and Marketing Services/Public Works Joint Report, CMS 2-13
Re: Rotary Club of Whitby Sunrise - 2013 Whitby Ribfest - Victoria Fields

Discussion ensued regarding the proposed 2013 Whitby Ribfest event. R. Petrie, Chief Administrative Officer, clarified this was a one time funding item outside the 2012 budget approval process as Ribfest was an inaugural event and confirmed the monies for the 2013 Ribfest event are in the proposed budget to be considered in February 2013. Further discussion ensued regarding parking enforcement for the event.

Resolution No. 21-13

Moved By Councillor Mitchell
Seconded By Councillor Hanson

1. That Council approve the request from the Rotary Club of Whitby Sunrise to host the Whitby Ribfest at the Town of Whitby's Victoria Fields July 12, 13 and 14, 2013;
2. That Council endorse the comments provided in Community Marketing Services/Public Works Departments Report CMS 2-13 regarding the items requested by the Rotary Club of Whitby Sunrise to host this event at Whitby's waterfront;
3. That Council direct an allocation in the amount of \$10,500 be included in the Community and Marketing Services Department's 2013 Special Events Budget to cover the projected costs of the municipal services that would be associated with the Rotary Club of Whitby Sunrise Ribfest as outlined in the staff report; and,
4. That Council approve the Rotary Club of Whitby Sunrise's request for an exemption from the provisions of the municipality's Noise By-law 292-70 to host the annual Whitby Ribfest on July 12, 2013 from 12:00 p.m. to 11:00 p.m., on July 13, 2013 from 11:00 a.m. to 11:00 p.m. and on July 14, 2013 from 11:00 a.m. to 8:00 p.m.

CARRIED UNANIMOUSLY ON A RECORDED VOTE

- 6.3** Corporate Services Report, CS 1-13
Re: Lease with Whitby Civic Physiotherapy Centre - Whitby Civic Recreation Complex - 555 Rossland Road East

Resolution No. 22-13

Moved By Councillor Mitchell
Seconded By Councillor Hanson

1. That Council approve a three year lease between the Town of Whitby and the Whitby Civic Physiotherapy Centre for 746.25 square feet in the lower lobby of the Whitby Civic Recreation Complex at 555 Rossland Road East, effective February 1, 2013 to January 31, 2016, subject to the terms and conditions as set out in Report CS 1-13; and,
2. That the Mayor and Clerk be authorized to execute the required documents.

CARRIED

- 6.4** Public Works Report, PW 2-13
Re: Municipal Access Agreement - Rogers Communications Partnership

Resolution No. 23-13

Moved By Councillor Mitchell
Seconded By Councillor Hanson

1. That the Municipal Access Agreement with Rogers Communications, as shown in Attachment 1 be approved.
2. That Council authorize staff to begin discussions with other telecommunication providers to enter into Municipal Access Agreements with the Town of Whitby.
3. That the Mayor and Clerk be authorized to execute Municipal Access Agreements and renewals with telecommunications companies.

CARRIED

- 6.5** Public Works Report, PW 3-13
Re: By-law Review and Update Schedule

Resolution No. 24-13

Moved By Councillor Mitchell
Seconded By Councillor Hanson

That this report and the attached By-law Services update schedule (Schedule 'A') be received by Council for information.

CARRIED

- 7. MANAGEMENT COMMITTEE**
Report No. 1 of the Management Committee - January 15, 2013

- 7.1** Management Compensation

It was clarified that the Town of Whitby utilizes the formula of the average of all Municipal Councils in the Durham Region to allocate its compensation for Members of Council.

Resolution No. 25-13

Moved By Councillor Coe

Seconded By Councillor Emm

That an economic adjustment of 2.2% for the Non-Union and Management salary grid be approved effective January 1, 2013.

CARRIED

8. NOTICE OF MOTION

8.1 There were no Notices of Motion.

9. NEW AND UNFINISHED BUSINESS

9.1 Corporate Services Report, CS 3-13
Re: Replacement of Storage Area Network (SAN) with a new Dell Compellent SAN through Single Source

Resolution No. 26-13

Moved By Councillor Coe
Seconded by Councillor Roy

1. That Council approve a single source purchase for the replacement of the storage area networks (SAN) for the Town Hall and the backup site at the Fire Department Headquarters from Dell Canada Inc., and
2. That Council approve the purchase of the replacement SANS in the amount of \$84,680.00 from Dell Canada Inc.

CARRIED

9.2 Appointments of Citizens to Advisory Boards & Committees

- Downtown Whitby Development Steering Committee
- Durham Trails Coordinating Committee

Council held a closed session prior to the regular meeting for the purpose of reviewing the confidential applications.

Resolution No. 27-13

Moved By Councillor Coe
Seconded By Councillor Roy

That Council recommend the following appointments to Boards and

Committees:

That the nomination of Carol Slaughter be recommended to the Region of Durham for appointment to the Durham Trails Coordinating Committee; and

That James Wineck be appointed to the Downtown Whitby Development Steering Committee for a term ending November 30, 2014.

CARRIED

9.3 Demolition of School Buildings

Resolution No. 28-13

Moved By Councillor Emm
Seconded By Councillor Drumm

That leave be granted to introduce a motion.

CARRIED ON A TWO-THIRDS VOTE

R. Petrie, Chief Administrative Officer, outlined the requirements of the Building Code Act that must be met regarding demolition of a building and advised that a report will be forthcoming to Council. Discussion ensued regarding the matter.

Resolution No. 29-13

Moved By Councillor Emm
Seconded By Councillor Drumm

1. That Administration be requested to review and prepare a report on the demolition permit process, specifically in relation to allowing for a period of public consultation prior to a school demolition;
2. That staff investigate opportunities to save R. A. Sennett Public School; and
3. That a communication mechanism with the local school Boards be established.

CARRIED

9.4 Ministry of Health and Long Term Care Seniors Strategy

Councillor Coe discussed the Ministry of Health and Long Term Care Seniors Strategy and Ontario Action Plan for Seniors focusing on active aging, security for seniors, one stop services and coordinated aspects of services for seniors.

9.5 Whitby Public Library

Councillor Mitchell advised that Ian Ross, CEO of the Whitby Public Library and Jane Hilton, Chair of the Whitby Public Library Board will be honoured with an award at the Ontario Library Association on January 31, 2013 for the archival and preservation digitization project. Mayor Perkins will extend an invitation to attend a future meeting of Council.

9.6 Public Information Centre on January 30, 2013 regarding the Firearms By-law

Councillor Mitchell advised that a Public Information Centre will be held on January 30, 2013 from 6:00 to 8:00 p.m. at the Brooklin Community Centre regarding the Firearms By-law.

9.7 Public Works Consultation with Towing Companies

Councillor Drumm questioned the status of the tow truck by-law and further if preference could be made for Whitby based companies.

10. BY-LAWS

10.1 By-law No. 6689-13, being a by-law to lift and assume as part of the public highway, 0.3 metre reserve known as Promenade Drive.

10.2 By-law No. 6691-13, being a by-law to amend By-law No. 2585, as amended, being the Zoning By-law of the Town of Whitby.

Resolution No. 30-13

Moved By Councillor Montague
Seconded By Councillor Coe

That leave be granted to introduce By-law No. 6689-13 to 6691-13, save and except By-law 6690-13 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

- 10.3** By-law No. 6690-13, being a by-law to appoint certain persons as Municipal Law Enforcement Officers for the purpose of enforcing parking restrictions on private property.

Councillor Emm declared a conflict of interest relating to the by-law and did not vote on the matter.

Discussion ensued regarding the enforcement of parking restrictions. R. Petrie, Chief Administrative Officer, advised of the decision to amend the by-law prior to appointing enforcement officers. A public meeting will be held as part of the consultation process.

Resolution No. 31-13

Moved By Councillor Montague
Seconded by Councillor Coe

That leave be granted to introduce By-law No. 6690-13 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

11. CONFIRMATORY BY-LAW

- 11.1** Confirmatory By-Law No. 6692-13

Resolution No. 32-13

Moved By Councillor Mitchell
Seconded by Councillor Drumm

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its meeting held on January 21, 2013, 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

12. ADJOURNMENT

12.1 Motion to adjourn

Resolution No. 33-13

Moved By Councillor Montague
Seconded By Councillor Emm

That the meeting be adjourned.

CARRIED

The meeting adjourned at 8:39 p.m.

Debi A. Wilcox, Town Clerk

Patricia Perkins, Mayor