

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION
OF THE TOWN OF WHITBY HELD ON MONDAY, SEPTEMBER 17, 2012 AT THE
HOUR OF 7:00 P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL
BUILDING

PRESENT: Mayor Perkins
Councillor Coe
Councillor Drumm
Councillor Emm
Councillor Hanson (left the meeting at 8:40 p.m.)
Councillor Mitchell
Councillor Montague
Councillor Roy

Mayor Perkins in the Chair

STAFF PRESENT: R. Petrie, Chief Administrative Officer
P. LeBel, Commissioner of Community & Marketing Services
S. Beale, Commissioner of Public Works
M. Gerrard, Fire Chief
K. Nix, Commissioner of Corporate Services/Treasurer
S. Pohjola, Town Solicitor
R. Short, Commissioner of Planning
D. Wilcox, Town Clerk
S. Stones, Clerk/Stenographer

Mayor Perkins welcomed everyone to the Council meeting and congratulated staff on recent events including Harvest Day, Heritage Day and other summer events. She also thanked all of the volunteers involved in addition to the corporate sponsors who helped to offset the expenses.

1. DISCLOSURES OF INTEREST

Councillor Emm made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to the discussion of Item 4.1 – Planning Report, Item PL 51-12 Re: Update on Gerdau Ameristeel's Environmental Assessment and Item 4.2 – Planning Report, Item PL 53-12 Re: Gerdau-Ameristeel (Formerly Co-Steel LASCO), 2011 Monitoring Report Berm Liaison Committee, Town of Whitby, as he has a family member that works for the facility. Councillor Emm did not take part in the discussion or vote on the matter.

Councillor Mitchell made a declaration of interest under the Municipal Conflict of Interest Act with respect to the discussion of Item 4.11, Public Works Report, Item PW 31-12 Re: Winchester Road Class Environmental Assessment (EA) Study Update – PIC No. 2 and 1 e) of Item 4.12, Public Works Report, Item PW 32-12 Re: 2012 Regional Cycling Plan Review as he owns property that fronts onto Winchester Road. Councillor Mitchell did not take part in the discussions or vote on these matters.

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2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6644-12

RESOLUTION NO. 221-12

Minutes of Council Meetings – June 25 (2), June 28, July 13 and
September 10, 2012

Councillor Coe, seconded by Councillor Montague, moved for leave to introduce a by-law and to dispense with the reading of the by-law by the Clerk to adopt the minutes of the Regular Meeting of Council held on June 25, 2012 and the Special Meetings of Council held on June 25, June 28, July 13 and September 10, 2012 and that the same be considered read a first and second time.

CARRIED

The by-law was read a third time and finally passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

By-Law 6644-12 considered read a first, second, and third time and finally passed.

3. PRESENTATIONS/DELEGATIONS

3.1 Cam Watson, Watson & Associates Economists Ltd.
Re: Presentation on Development Charge Background Study

Cam Watson, Watson & Associates Economists Ltd. provided a PowerPoint presentation on the 2012 Development Charge Background Study and Proposed By-law Overview. He outlined Whitby's Growth Forecast, Anticipated Location of Residential Growth (2012 – 2031), the Town's Capital Program, Total Deductions Under the Development Charges Act (DCA), Means Adopted to Ensure Full Coverage of the Town's Development Charges, Development Charge Calculation Summary, Comparison of Whitby's Development Charges per Single Detached Unit and Comparison of Whitby's Non-Residential Development Charges per Square Foot of Gross Floor Area. Key clauses of the proposed by-law and proposed by-law policy modifications, in addition to the next steps were also addressed.

A question and answer period ensued.

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3.2 Delegation(s) further to Public Notice
Re: Development Charges

Mayor Perkins declared the meeting to be a public meeting and invited submissions from the public.

Gerald Parker, Executive Director, Institute of Canadian Justice, appeared before Council and advised that in 2002, as Accessibility Coordinator for the City of Brampton, he had been involved in managing the provincial amendment to the Development Charges Act to ensure the inclusion of accessibility in the infrastructural and development agreements and outcomes. Mr. Parker advised he wanted to ensure the inclusion of a specific reference to accessibility so as to require accessible infrastructural outcomes and avoid known and ongoing lapses in the inclusion and monetary and administrative factoring of provisions such as curb cuts, signalized traffic signals and accessible playgrounds, in addition to other public use facilities and/or assets as provided under the Development Charges Act.

He noted concern with the 4% proposed increase in development charges, indicating he felt this was insufficient to cover the growth infrastructure needs.

Matthew Cory, Principal Planner/Project Manager, Malone Given Parsons Ltd., appeared before Council on behalf of the Brooklin North Landowners Group (BNLG). He advised that the group is concerned with elements of the Watson Background Study, particularly as it relates to the amount and timing of growth forecast for the Brooklin North expansion area and level of infrastructure investment (particularly road) required to service these lands. Mr. Cory advised that staff will be meeting with himself and landowners to discuss their concerns in detail, particularly with reference to the future road requirements and the cost of these roads which they would like to see built into the current development charges.

Mr. Cory further advised the 4% increase in development charges was low and not sufficient to cover the infrastructure growth, especially roads.

General discussion ensued on the matter.

There being no further submissions from the public, Mayor Perkins closed the public meeting.

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4. CORRESPONDENCE

4.1 CORR 24-12

Correspondence dated July 27, 2012 received from Roger Anderson,
Chair, Durham Regional Police Services regarding the Next General
Common Communication Platform (NextGen)

RESOLUTION NO. 221-12

MOVED by Councillor Emm
Seconded by Councillor Montague

That CORR 24-12 from the Durham Regional Police Services Board with
respect to the NextGen reliability and transmission paths be received and
that the Planning Department be directed to advise/provide notice to the
Chief of Police as part of the Planning application consultation process
that include any planning requests for medium and high-rise structures or
for the placement of wind-turbines within the Town of Whitby.

CARRIED

4.2 CORR 25-12

That the following requests be proclaimed:

- International Walk to School Month – October 2012
- International Walk to School Day – October 10, 2012
- Lupus Awareness Month – October 2012
- Transgender Day of Remembrance – November 20, 2012

RESOLUTION NO. 222-12

MOVED by Councillor Coe
Seconded by Councillor Roy

That CORR 25-12, being a request for proclamation for International Walk
to School Month – October 2012; International Walk to School Day –
October 10, 2012; Lupus Awareness Month – October 2012 and
Transgender Day of Remembrance – November 20, 2012 be endorsed.

CARRIED

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4.3 CORR 26-12

Correspondence dated September 14, 2012 received from Matthew Cory, Malone Given Parsons Ltd. regarding Brooklin North Landowners Group Follow-up Comments DRAFT 2012 Development Charge Background Study

RESOLUTION NO. 223-12

MOVED by Councillor Coe
Seconded by Councillor Montague

That CORR 26-12, being correspondence dated September 14, 2012 received from Matthew Cory, Malone Given Parsons Ltd. regarding Brooklin North Landowners Group Follow-up Comments DRAFT 2012 Development Charge Background Study, be received as part of the public submissions on the Proposed Development Charges By-law.

CARRIED

4.4 CORR 27-12

Correspondence dated September 13, 2012 received from Brian Moss, Brian Moss and Associates Ltd. re Draft Development Charge Study/Bylaw Requested Revision, Heathwood Neighbourhood, West Whitby

RESOLUTION NO. 224-12

MOVED by Councillor Coe
Seconded by Councillor Montague

That CORR 27-12, being correspondence dated September 13, 2012 received from Brian Moss, Brian Moss and Associates Ltd. re Draft Development Charge Study/Bylaw Requested Revision, Heathwood Neighbourhood, West Whitby, be received as part of the public submissions on the Proposed Development Charges By-law.

CARRIED

4. STANDING COMMITTEES

- (a) Planning and Development Committee – September 4, 2012
Report No. 7
Recommendations to Council
-

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- 4.3 Planning Report, Item PL 52-12
Re: Greater Toronto Area Clean Air Council, Green Economy Summit
and 2012 Inter-governmental Declaration on Clean Air and Climate
Change
-

COUNCIL DECISION:

1. That Council receive Planning Report Item PL 52-12 as information;
and,
2. That Council endorse Whitby's inclusion as a signatory to the 2012
Inter-Governmental Declaration on Clean Air and Climate Change.

- 4.4 Planning Report, Item PL 54-12
Re: Application Zoning By-law Amendment and Site Plan Approval
for Campkin's Camping Centre Inc.
-

COUNCIL DECISION:

1. That Council approve zoning application (Z-03-12), subject to the
conditions in Section 8.0 of Planning Report Item PL 54-12;
2. That Council approve site plan application SP-06-12 subject to the
conditions of approval contained in Section 8.0 of Planning Report,
Item PL 54-12; as amended, to reflect that all references to "trees"
within the revised site plan, including the landscape strip adjacent to
Highway 7 and 12, be deleted and replaced with "low shrubbery" and
that all reference to 143 vehicles be deleted and further that no
limitation be placed on the number of non-motorized vehicles,
3. That the amending By-law be presented for Council's approval; and,
4. That the Mayor and Clerk be authorized to execute any necessary
documents.

RESOLUTION NO. 225-12

MOVED by Councillor Emm
Seconded by Councillor Montague

That Items 4.1 to 4.4 inclusive of Report No. 7 of the Planning &
Development Committee dated September 4, 2012, be adopted, save and
except Items 4.1 and 4.2.

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Having declared a conflict of interest, Councillor Emm did not take part in the discussion or vote on Item 4.1 and 4.2.

- 4.1 Planning Report, Item PL 51-12
Re: Update on Gerdau Ameristeel's Environmental Assessment

RESOLUTION NO. 226-12

MOVED by Councillor Montague
Seconded by Councillor Hanson

COUNCIL DECISION:

1. That Planning Report, Item PL 51-12 be received for information;
2. That Council endorse staff's comments, as outlined in Section 5.0, of PL 51-12 as the Town's comments regarding Final Gerdau Ameristeel Recycling Environmental Assessment; and,
3. That the Clerk forward a copy of this report to Gerdau Ameristeel, Region of Durham Planning, and the Ministry of the Environment.

CARRIED

- 4.2 Planning Report, Item PL 53-12
Re: Gerdau-Ameristeel (Formerly Co-Steel LASCO),
2011 Monitoring Report Berm Liaison Committee, Town of Whitby

Brief discussion ensued and clarification sought on if there would be sufficient funds if the site was decommissioned. R. Petrie, Chief Administrative Officer, advised staff will inquire and will report back to Council.

RESOLUTION NO. 227-12

MOVED by Councillor Montague
Seconded by Councillor Hanson

COUNCIL DECISION:

1. That Planning Report, Item No. PL 53-12 be received for information; and,

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2. That the Clerk forward a copy of Planning Report Item No. PL 53-12, to Gerdau-Ameristeel, the Ministry of the Environment, the Region of Durham Clerk's Department, and the members of the Berm Liaison Committee for information.

CARRIED

- (b) Operations Committee – September 10, 2012
Report No. 9
Recommendations to Council
-

- 4.1 Community & Marketing Services Report, Item CMS 55-12
Re: Healthy Communities Fund Program – Proposed WRAP Challenge:
Walk and Read Across the Provinces
-

COUNCIL DECISION:

1. That Community and Marketing Services Department Report CMS 55-12 pertaining to the Healthy Communities Fund Program from the Provincial Ministry of Tourism, Culture and Sport for the proposed WRAP Challenge: Walk and Read Across the Provinces, be received as information;
2. That Council endorse the development of the proposed WRAP Challenge: Walk and Read Across the Provinces and its implementation by the Community and Marketing Services Department Recreation Section in collaboration with the Whitby Public Library; and,
3. That Council approve receiving grant funding from the Provincial Ministry of Tourism, Culture and Sport and sponsorship funding from TD Canada Trust to cover the full cost of the implementation of the proposed WRAP Challenge: Walk and Read Across the Provinces, as outlined in the staff report.

- 4.6 Corporate Services Report, Item CS 70-12
Re: 2013 Standing Committee and Council Schedule

COUNCIL DECISION:

1. That Report CS 70-12 of the Commissioner, Corporate Services and Treasurer be received;

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2. That the 2013 Standing Committee and Council Meeting Schedule included as Attachment 1 to this report be approved; and
 3. That the Town Clerk be given the authority to give effect thereto.
- 4.10 Public Works Report, Item PW 28-12
Re: Whitby Operations Centre Expansion Business Case

COUNCIL DECISION:

1. That Public Works Department Report No. PW 28-12 regarding the Whitby Operations Centre Expansion Business Case be received as information; and,
2. That the vacant Town-owned land (approximately 1.47 acres) on the corner of Broadleaf Avenue and McKinney Drive be reserved for future Operations Centre use (Attachment 3); and,
3. That the Public Works Department retain the services of a consultant to develop an Operations Centre Master Plan utilizing the existing site and Town property on the south west corner of McKinney Drive and Broadleaf Avenue, include a phasing plan, and an order of magnitude cost estimate for each phase.

RESOLUTION NO. 228-12

MOVED by Councillor Mitchell
Seconded by Councillor Roy

That Items 4.1 to 4.4 and Items 4.6 to 4.13 inclusive of Report No. 9 of the Operations Committee dated September 10, 2012, be adopted, save and except Items 4.2, 4.3, 4.4, 4.7, 4.8, 4.9, 4.11, 4.12 and 4.13.

CARRIED

- 4.2 Corporate Services Report, Item CS 66-12
Re: Operating & Capital Budget Monitoring Policies

Discussion ensued with respect to the wording of the proposed Capital Budget Monitoring Policy and the removal of the word "immediate" from page 2 of the proposed policy.

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MOVED by Councillor Roy
Seconded by Councillor Mitchell

COUNCIL DECISION:

1. That Council endorse the Operating Budget Monitoring Policy, as provided in Attachment 1;
2. That Council endorse the Capital Budget Monitoring Policy, as provided in Attachment 2;
3. That staff be directed to bring forward an updated Surplus Disposition policy and develop related reserve/reserve fund policies for Council's review and approval.

[REFERRED LATER IN THE MEETING]
[SEE FOLLOWING MOTION]

RESOLUTION NO. 229-12

MOVED by Councillor Roy
Seconded by Councillor Mitchell

COUNCIL DECISION:

That Corporate Services Report, Item CS 66-12 Re: Operating & Capital Budget Monitoring Policies be referred back to staff for clarification of the wording of the Capital Budget Process Policy.

CARRIED

- 4.3 Corporate Services Report, Item CS 67-12
Re: Second Quarter Projection Report as of June 30, 2012

A brief discussion ensued with the respect to the number of staff vacancies.

RESOLUTION NO. 230-12

MOVED by Councillor Mitchell
Seconded by Councillor Roy

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COUNCIL DECISION:

That Report No. CS 67-12 of the Commissioner of Corporate
Services/Treasurer be received as information.

CARRIED

4.4 Corporate Services Report, Item CS 68-12
Re: Development Charge Background Study – Information

General discussion ensued with reference to the study, based on comments
that arose during the public meeting and with respect to issues such as
infrastructure funding and growth, and accessibility charges (and the basis
for calculating these charges) and the question of raising development
charges.

RESOLUTION NO. 231-12

MOVED by Councillor Mitchell
Seconded by Councillor Roy

COUNCIL DECISION:

1. That the 2012 Development Charge Background Study dated
August 24, 2012, prepared by Watson & Associates Economists
Ltd. be received as information;
2. That following the Statutory Public Meeting on September 17, 2012,
staff be directed to submit a report with final recommendations and
a proposed by-law to the October 1, 2012 Operations Committee
for consideration and final approval at Council on October 9, 2012.

CARRIED

4.9 Corporate Services/Public Works Joint Report, Item CS 73-12
Re: Selection of Consultant Team for the Transportation Municipal
Class EA Study in Northwest Brooklin – (RFP-76-2012)

RESOLUTION NO. 232-12

MOVED by Councillor Mitchell
Seconded by Councillor Roy

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COUNCIL DECISION:

1. That the Town of Whitby accept the highest scoring proposal of AECOM in the amount of \$396,088.00 (excluding taxes) to provide Consulting Services for a Transportation Municipal Class Environmental Assessment Study in Northwest Brooklin.
2. That a budget in the amount of \$433,000 be approved, of which \$150,035 is to be funded from Development Charges, \$196,040 from the Growth Reserve Fund and \$86,925 from one time program reserves.
3. That the report take into consideration Resolution No. 198-12 of the June 28, 2012 Council meeting, and further that written confirmation from the Commissioner of Public Works be received indicating this is included with the Terms of Reference for the consultant.
4. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

- 4.7 CMS/Corporate Services Joint Report, Item CS 71-12
Re: Vanier Park Construction – (T-75-2012)

RESOLUTION NO. 233-12

MOVED by Councillor Mitchell
Seconded by Councillor Roy

COUNCIL DECISION:

1. That the Town of Whitby accept the low tender of Melfer Construction Inc. in the amount of \$506,600 (excluding taxes) for all labour, materials and equipment necessary to complete the construction of Vanier Park;
2. That the total estimated project cost in the amount of \$598,054.06 be approved;
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

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- 4.8 Corporate Services/Planning Joint Report, Item CS 72-12
Re: Consulting Services to develop Port Whitby Secondary Plan update;
Community Improvement Plan; and Urban Design Guidelines
– (RFP-63-2012)
-

General discussion ensued with respect to the cost of the studies in terms of consulting fees.

Concern was raised with respect to a recent newspaper article with respect to a high-rise development in the Port Whitby area. It was noted that the Town of Whitby has acquired over 1,000 acres on the waterfront in addition to land that has been donated by Dupont. R. Short, Commissioner of Planning, advised that the community was involved in the process of development for the area and that is what is now included in the Official Plan.

RESOLUTION NO. 234-12

MOVED by Councillor Mitchell
Seconded by Councillor Roy

COUNCIL DECISION:

1. That the Town of Whitby accept the highest scoring proposal of planningAlliance to an upset limit in the amount of \$322,920.00 (excluding taxes) for Consulting Services for the development of the Port Whitby Secondary Plan update, Community Improvement Plan and Urban Design Guidelines subject to negotiation of a satisfactory agreement;
2. The Staff be authorized to enter into negotiations with planningAlliance regarding a satisfactory agreement for the final work plan; and
3. That the Mayor and Clerk be authorized to subsequently execute the necessary contract documents.

CARRIED

- 4.12 Public Works Report, Item PW 32-12
Re: 2012 Regional Cycling Plan Review

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RESOLUTION NO. 235-12

MOVED by Councillor Mitchell
Seconded by Councillor Roy

COUNCIL DECISION:

1. That Council support the Proposed 2012 Regional Cycling Network with the following requested modifications:
 - a) The addition of Thickson Road and removal of Anderson Street/Hopkins Street (between Conlin Road and Consumers Drive).
 - b) The addition of Thickson Road (between Winchester Road and Columbus Road) and Winchester Road (between Anderson Street and Thickson Road) and the removal of Watford Street/Carnwith Drive/Croxall Boulevard (between Winchester Road and Columbus Road).
 - c) The addition of Pringle Drive/Bradley Drive/Martinet Street/Garden Street as an interim solution to the future Mary Street/Crawforth Street connection.
 - d) The addition of a Thickson Road interim solution to the future Hopkins Street/ Highway 401 Overpass.
 - e) The addition of an east-west connection between Coronation Road and Anderson Street, which generally follows the proposed/future mid-block arterial road as identified in the Town of Whitby Transportation Master Plan.
2. That Council not support the Proposed 2012 Regional Cycling Plan Cost Sharing Proposal and request that the Region of Durham undertake all implementation and maintenance responsibilities for all cycling facilities within Regional right-of-ways and that all such cycling facilities be a Regionally owned asset.
3. That Council support the Town of Whitby undertaking all implementation and maintenance responsibilities for cycling facilities within Town right-of-ways and that all such cycling facilities be a Town owned asset.

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4. That the Cycling Facility Types as proposed in the Regional Cycling Plan be requested to be confirmed with Town staff during detailed design stages.
5. That the Region be requested to develop an implementation plan that not only implements cycling facilities as part of an associated road reconstruction/rehabilitation project, but also an independent cycling implementation program that focuses on completing gaps in the cycling network.
6. That the Region be requested to implement a signage/way finding/mapping plan to ensure that the public has a clear understanding of the available facilities.
7. That a copy of Public Works Report PW 32-12 be forwarded to the Region of Durham and all local municipalities within the Region of Durham.

RESOLUTION NO. 236-12

MOVED by Councillor Mitchell
Seconded by Councillor Roy

That Item 1 e) of the main motion be divided in order to deal with it separately.

CARRIED

Based on the above motion, Item 1 e) was now before Council. Having declared a conflict of interest, Councillor Mitchell did not take part in the discussion or vote on the following item.

RESOLUTION NO. 237-12

MOVED by Councillor Roy
Seconded by Councillor Coe

- 1 e) The addition of an east-west connection between Coronation Road and Anderson Street, which generally follows the proposed/future mid-block arterial road as identified in the Town of Whitby Transportation Master Plan.

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The main motion, as divided, was then CARRIED.

4.13 Public Works Report, Item PW 33-12
Re: Proposed New and Expanded Town of Whitby Battery
Recycling Program

Brief discussion ensued with respect to the report.

RESOLUTION NO. 238-12

MOVED by Councillor Mitchell
Seconded by Councillor Roy

COUNCIL DECISION:

1. That staff be authorized to implement “public drop-off” recycling containers for primary dry-cell and rechargeable batteries at select Town of Whitby facilities.
2. That staff be authorized to enter into a one (1) year agreement with RMC (Raw Materials Company Inc.) for the processing and recycling of all used batteries collected at Town facilities.
3. That a copy of Public Works Department Report PW 33-12, “Battery Recycling Program” be forwarded to the Region of Durham and area municipalities.

CARRIED

4.11 Public Works Report, Item PW 31-12
Re: Winchester Road Class Environmental Assessment (EA)
Study Update – PIC No. 2

General discussion took place with respect to the proposed additional right-of-way being reduced/eliminated in the vicinity of Luther Vipond Arena/Brooklin Memorial Park so that the park lands/historical gates remain within the Town of Whitby ownership.

Based on the discussion, the Town Clerk was requested to distribute a memo to LACAC Heritage Whitby to this effect.

RESOLUTION NO. 239-12

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MOVED by Councillor Roy
Seconded by Councillor Coe

COUNCIL DECISION:

1. That Public Works Report PW 31-12 be received as information.
2. That the Region of Durham be requested to include the following modifications within the pending Winchester Road Class EA Environmental Study Report:
 - a) Detailed need and justification analysis supporting the recommended solution and design with traffic analysis/discussion on how the proposed varying cross-sections will accommodate traffic demand and the resulting impact on local streets, with and without a proposed mid-arterial roadway, and any recommended mitigation measures to resolve issues with traffic infiltration on local streets.
 - b) The inclusion of a multi-use path on the south side of Winchester Road, in lieu of a proposed sidewalk, between Baldwin Street and Thickson Road.
 - c) Investigation/discussion/inclusion of further pedestrian crossing opportunities of Winchester Road throughout the study limits, including at the Chelmsford Drive intersection.
 - d) The proposed additional right-of-way be reduced/eliminated in the vicinity Luther Vipond Arena/Brooklin Memorial Park.
 - e) The entrance to the Brooklin Memorial Open Space Lands be maintained.
 - f) All new and replacement roadway illumination capital costs be borne by the Region of Durham and through any applicable collected development charge funds.
 - g) All hard surface boulevard/median island treatments be undertaken with brick pavers between Anderson Street and Baldwin Street and all costs associated with this work be borne by the Region of Durham.

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- h) A Tree Preservation/Planting Plan, with further consultation with Town staff.
- 3. That a copy of the draft Environmental Study Report be submitted to the Town for review/comment.
- 4. That a copy of Public Works Report PW 31-12 be forwarded to the Region of Durham.

CARRIED

6. NOTICE OF MOTION

There were no notices of motion presented.

7. NEW AND UNFINISHED BUSINESS

- 7.1 Public Works Report, Item PW 34-12
Re: Noise By-law Exemption – Region of Durham Contract
D2012-010 – Consumer Drive/Thickson Road Re-construction

Brief discussion ensued regarding the report. It was noted that the Commissioner of Public Works will be delegated authority to approve noise exemptions and further, Members of Council will be notified of approved exemptions.

RESOLUTION NO. 240-12

MOVED by Councillor Drumm
Seconded by Councillor Montague

COUNCIL DECISION:

- 1. That Council approve the Region of Durham's request for an exemption from the provisions of Noise By-law 292-70 as amended, to facilitate road reconstruction activities as part of Regional Contract D2012-010 for up to 40 evenings (8 pm to 7 am) Monday through Saturday and on Sundays (8 am to 5 pm) between September 18th, 2012 and July 15th, 2013 with the exception of holiday weekends (Friday through Monday).
- 2. That Council direct Staff to bring forward an amending by-law to Town of Whitby Noise By-Law 292-70 as amended, to delegate the

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HOUR OF 7:00 P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL
BUILDING

authority to the Commissioner of Public Works to approve noise by-law exemptions for construction works undertaken by the Town of Whitby, Region of Durham and/or Ministry of Transportation (with the exception of Highway 407 related activities), subject to the following general guidelines:

- a) If possible, work outside the limits of the Town's Noise By-law will be avoided.
 - b) If possible, evening work within 400m of residential dwellings will be avoided.
 - c) If possible – Sunday work will be avoided. However if Sunday work is required, work will be limited between 8 am and 5 pm, whenever possible.
 - d) No evening work will be permitted on holiday weekends.
3. That the necessary amending by-law be brought forward for Council approval.

CARRIED

7.2 Grade 5 Action Pass

Councillor Coe advised Council that the Grade 5 Action Pass is returning for the fifth year for Grade 5 students. Further information may be obtained by contacting the Durham Health Connection Line at 905-666-6241.

7.3 Summer Garden Tour

Councillor Montague advised that Whitby in Bloom organized a garden tour this summer rather than the front gardens competition. He advised it was very successful with over 3000 visits to 12 or 13 gardens that participated.

7.4 Information on Off-Leash Dog Parks

Councillor Drumm advised he attended a presentation on off-leash dog parks at the AMO Conference in Ottawa, presented by Frank CowAn Insurance. A request was made for the Town Clerk to obtain a copy of the presentation, which dealt with such issues as liability and signage.

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7.5 Community Events on Town of Whitby Website Calendar

Councillor Mitchell inquired as to what events are posted on the Town of Whitby events calendar site, as he noted a recent Terry Fox Run and upcoming run to aid research for breast cancer (Run for the Cure) were not listed. R. Petrie explained that Town sponsored events are listed which involve the Town of Whitby as a corporate sponsor but not necessarily general community events.

7.6 Thickson Wood Nature Festival – Saturday, September 22, 2012

Councillor Mitchell advised the 11th Annual Birds, Beavers & Butterflies Nature Festival is taking place on Saturday, September 22, 2012 at Thickson Woods.

7.7 Legion Parade – Sunday, September 16, 2012

Mayor Perkins advised the Ladies Auxiliary F1 Command of the Royal Canadian Legion held a large convention and parade at the Whitby Curling Club on Sunday, September 16, 2012.

8. BY-LAWS

- 6645-12 By-law to appoint Benny Wan, Chris Lyons and Tabitha Talbot as a Municipal Law Enforcement Officer
- 6646-12 By-law to regulate the discharge of firearms [Refer to Corporate Services Report, Item CS 65-12, June 28, Special Council Meeting]
- 6647-12 By-law to release a 0.3 m reserve and dedicate it as a public road allowance [Block 60, Plan 40M-2388, Joshua Blvd.]
- 6648-12 By-law to appoint certain individuals under contract as a Municipal Law Enforcement Officer

RESOLUTION NO. 241-12

MOVED by Councillor Montague, seconded by Councillor Mitchell, that leave be granted to introduce By-law Nos. 6645-12 to 6648-12, and to dispense with the reading of the by-laws by the Clerk and that the same be considered read a first, second and third time and finally passed and that the Mayor and Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

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9. CONFIRMATORY BY-LAW NO. 6649-12

RESOLUTION NO. 242-12

MOVED by Councillor Emm, seconded by Councillor Roy, 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 September 17, 2012, 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. 6649-12 considered read a first, second and third time and finally passed.

10. ADJOURNMENT

RESOLUTION NO. 243-12

MOVED by Councillor Emm
Seconded by Councillor Coe

That the meeting be adjourned.

CARRIED

The meeting adjourned at 9:15 p.m.

Debi A. Wilcox, Town Clerk

Patricia Perkins, Mayor