

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON TUESDAY, SEPTEMBER 7, 2010 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 Mitchell
Councillor Pitchforth
Councillor Roy
Councillor Scott

Mayor Perkins in the Chair

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

1. DISCLOSURES OF INTEREST

Councillor Pitchforth made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Item 3.1, Planning Report PL 94-10, as her office is located across the street, and with respect to Item 4.10, Planning Report PL 77-10 as the property is located at the end of her street. Councillor Pitchforth also made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Item 4.13, Corporate Services Report, CS 64-10, as she is employed by one of the proponents with respect to the proposals for Cullen Central Park. Councillor Pitchforth did not take part in the discussion or vote on the matter.

Councillor Emm made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Item 4.9, Planning Report PL 105-10, as he is a member of the Church referred to in the report. Councillor Emm did not take part in the discussion or vote on the matter.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6386-10

RESOLUTION NO. 236-10

Minutes of Council Meetings – June 28, July 26 and August 30, 2010

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 Regular Meeting of Council held on June 28, 2010, and the minutes of the Special Meetings of Council held on July 26, 2010 and August 30, 2010 and that the same be

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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 6386-10 considered read a first, second, and third time and finally passed.

3. PRESENTATIONS

(i) Namesake Presentation – HMCS Whitby

Commander Matthew Davies of HMCS York, Commanding Officer of the Naval Reserve Division at York in Toronto and Lt. John Anderson of HMCS York presented Mayor Perkins with a commemorative framed picture of HMCS Whitby, in recognition of the Canadian Navy's centennial year. HMCS Whitby was launched on D-Day, June 6, 1944 and was decommissioned in 1947 when it became a merchant vessel, according to Commander Davies.

(ii) Recognition of the Whitby Professional Fire Fighters Association on their fundraising efforts between April 1, 2009 – March 31, 2010 of \$20,900 for Muscular Dystrophy Canada.

A presentation was made to Mike Pfeiffer, Association President, Harry Agar, Chairperson and Ken VanStaveren by Mayor Perkins for their fundraising efforts in support of Muscular Dystrophy Canada. Councillor Mitchell, Chair of the Fire Department and Fire Chief Mike Gerrard, joined the Mayor on the dais in congratulating the firefighters. Pamela Musgrave, Regional Manager, Muscular Dystrophy Canada, was in attendance and thanked the association for their support and fundraising efforts, explaining the Whitby Professional Firefighters Association is one of the top five fundraising departments in Ontario and as such, they have been awarded the "Walk the Extra Mile" Award by Muscular Dystrophy Canada.

iv) Recognition of Town of Whitby's success in the Province-wide Power Pledge Challenge

Mayor Perkins was joined on the dais by Jim Lavelle and Monique Skelton of Whitby Hydro and R. Short, Director of Planning and Lisa Young, Planner 1, and congratulated them for encouraging community involvement in the Power Pledge Challenge. Whitby was the winner of the "participation" category for communities over 75,000 people.

DELEGATIONS

- iii) Marcy Cowan on behalf of Carl Marco
3.1 Planning Report, Item PL 94-10
Re: Zoning Amendment Application – Carl Marco – (Z-09-10)
– 2 Duke Street
-

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Paul Bastarache, R.R. 3, Kirkfield, representing Marcy Cowan, appeared before Council and advised the applicant would be satisfied as long as applications/notices are sent out to all parties concerned as soon as possible. He indicated continued support in working with Planning staff on the application.

- v) Ken and Lynda Chapman
7.1 Planning Report, Item PL 106-10
Re: Request to Repeal Heritage Designation By-law 2655-89, The Robert Spence House, 709 Centre Street South
-

Ken and Lynda Chapman appeared before Council and outlined the background of their request to repeal the heritage designation of their home at 709 Centre Street South. Mr. Chapman explained they have lived in their home for 25 years and when they received heritage designation, they had been assured they could have the designation removed by writing to the Town of Whitby. He also advised that their home insurance policy has increased 25% this year due to the heritage designation, which is difficult as they are retired and on a fixed income.

General discussion ensued on this matter.

- (vi) Bruce McMinn, Barrister and Solicitor
On behalf of Steve Bobor, Rossland Properties Inc.
Planning Report, Item 95-10
Re: Zoning Amendment Application – Rossland Properties Inc.
(Z-30-04) – 700 Rossland Road E.
-

Bruce McMinn, on behalf of Steve Bobor, Rossland Properties Inc., appeared before Council and advised his client supports the staff recommendation and was disappointed it hadn't been supported by the Planning & Development Committee. He also advised his client would prefer the matter is deferred rather than denied to effect a resolution in everyone's best interest.

- (vii) Steve Popoff, 435692 Ontario Limited
Planning Report, Item 87-10
Re: Proposed Official Plan Amendment – Provincially Significant Wetland Complexes
Corbett Creek Coastal Wetland Complex – Whitby Harbour Wetland Complex
Lynde Creek Coastal Wetland Complex and Whitby-Oshawa Iroquois Beach Wetland Complex Application – (OPA-2007-W/03)
-

Steve Popoff, 3 Hanover Court, President of 435692 Ontario Limited, appeared before Council and requested deferral of 820 and 840 Conlin Road, properties owned by 435692 Ontario Limited, from inclusion of the proposed Official Plan Amendment. He advised the company's main objection is the denial of their request to the province for a site visit with Council members present. Mr. Popoff

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further advised the properties are being farmed and he believes the land is not provincially significant.

RESOLUTION NO. 237-10

MOVED by Councillor Drumm

Seconded by Councillor Emm

That the rules of procedure be suspended in order to change the order of business and continue with New and Unfinished Business.

CARRIED ON A TWO THIRDS
MAJORITY VOTE

7. NEW AND UNFINISHED BUSINESS

7.1 Planning Report, Item PL 106-10

Re: Request to Repeal Heritage Designation By-law 2655-89, The Robert Spence House, 709 Centre Street South

Detailed discussion ensued on this matter. Based on the discussion, Council was of the opinion to provide compensation in the form of a heritage rebate to the Chapman's to assist with the additional insurance premium costs. Staff will review the matter and process in more detail, including making the necessary policy amendments.

RESOLUTION NO. 238-10

MOVED BY Councillor Drumm

Seconded by Councillor Emm

COUNCIL DECISION

1. That Planning Report No. PL 106-10 regarding the Request to Repeal Heritage Designation By-law 2655-89, The Robert Spence House, 709 Centre Street South, dated September 7th, 2010, be received as information;
2. That Council refuse the application to repeal the heritage designation By-law No. 2566-89 for The Robert Spence House, located at 709 Centre Street South;
3. That a copy of Council's resolution be sent to Ken and Lynda Chapman and LACAC Heritage Whitby;

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4. That a copy of this Report File No. PL 106-10, be sent to the Ministry of Culture, the Association of Municipalities of Ontario, the Insurance Bureau of Canada and the Heritage Canada Foundation; and,
5. That Staff be directed to report back on the Heritage Tax Rebate Program with recommendations for improvements to the program.

REFERRED LATER IN
THE MEETING
[See Following Motion]

RESOLUTION NO. 239-10

MOVED BY Councillor Mitchell
Seconded by Councillor Emm

1. That Planning Report, Item PL 106-10, be referred back to staff to explore the options to cover the cost of the insurance premium for Ken and Lynda Chapman for the year through a heritage rebate program;
2. That in accordance with the provisions of the Ontario Heritage Act with respect to a request to repeal a designation by the owners of 709 Centre Street South, that the owners (Chapman's) agree to an extension in order to provide staff with sufficient time to review the matter, on condition the matter is brought forth at the first regular Planning & Development Committee meeting in January 2011; and
3. That staff be directed as part of their review to liaise with other agencies to review and discuss opportunities to assist homeowners with the increased insurance expenses related to designated heritage homes, including the Ministry of Culture, the Association of Municipalities of Ontario, the Insurance Bureau of Canada, the Heritage Canada Foundation and the office of the Minister of Culture and the Minister of Finance.

CARRIED

4. CORRESPONDENCE

- (i) CORR 21-10
Correspondence dated June 25, 2010 from Mayor Pat Perkins to Joseph W. Tiernay, Ontario Good Roads Association regarding the Minimum Maintenance Standards (MMS) requesting a contribution
-

RESOLUTION NO. 240-10

MOVED by Councillor Mitchell
Seconded by Councillor Emm

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That CORR 21-10 Joseph W. Tiernay, Ontario Good Roads Association (OGRA) regarding the Minimum Maintenance Standards (MMS) requesting a contribution, be received and that OGRA be advised that a contribution is being made through the Durham Municipal Insurance Pool.

CARRIED

- (ii) CORR 22-10
Correspondence dated June 28, 2010 and July 21, 2010 from Mayor Rick Bonnette, the Town of Halton Hills, Re: Motion – Request to Province to Cover all Appeal Costs to the Ontario Municipal Board for Growth Conformity Exercises
-

RESOLUTION NO. 241-10

MOVED by Councillor Coe
Seconded by Councillor Drumm

That CORR 22-10 from Mayor Rick Bonnette, the Town of Halton Hills, Re: Motion – Request to Province to Cover all Appeal Costs to the Ontario Municipal Board for Growth Conformity Exercises, be endorsed.

CARRIED

- (iii) CORR 23-10
Correspondence dated June 2, 2010 from Pamela Musgrave, Regional Manager, Muscular Dystrophy, Re: Acknowledgement of the Whitby Professional Fire Fighters Association's fundraising efforts
-

RESOLUTION NO. 242-10

MOVED by Councillor Drumm
Seconded by Councillor Roy

That CORR 23-10 from Pamela Musgrave, Regional Manager, Muscular Dystrophy, Re: Acknowledgement of the Whitby Professional Fire Fighters Association's fundraising efforts be received for information.

CARRIED

- (iv) CORR 24-10
Residents of Ontario Street East
Residents submitting a petition requesting that Ontario Street East between Green Street and Athol Street be curbed and paved in the very near future
-

RESOLUTION NO. 243-10

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MOVED by Councillor Emm
Seconded by Councillor Drumm

That CORR 24-10 from the residents of Ontario Street East requesting that Ontario Street East between Green Street and Athol Street be curbed and paved in the very near future be referred to the Operations Committee and the Director of Public Works for a report.

CARRIED

- (v) CORR 25-10
Correspondence dated June 9, 2010 from Chris Buckley, President, CAW Local 222, and J. Freeman, Durham Region Labour Council, regarding a request to the federal government to hold a national summit on the issue of pensions and support the expansion of the Canada Pension Plan
-

General discussion ensued on this matter.

RESOLUTION NO. 244-10

MOVED by Councillor Drumm
Seconded by Councillor Coe

That CORR 25-10 from Chris Buckley, President, CAW Local 222, and J. Freeman, Durham Region Labour Council, regarding a request to the federal government to hold a national summit on the issue of pensions and support the expansion of the Canada Pension Plan be referred to the Director of Corporate Services/Treasurer for a report.

CARRIED.

- (vi) CORR 26-10
Correspondence dated August 5, 2010 from Thomas G. Gettinby, CAO & Municipal Clerk, The Township of Brock, regarding support of recognizing the Giant Hogweed as a noxious weed
-

RESOLUTION NO. 245-10

MOVED by Councillor Emm
Seconded by Councillor Pitchforth

That CORR 26-10 from Thomas G. Gettinby, CAO & Municipal Clerk, The Township of Brock, regarding support of recognizing the Giant Hogweed as a noxious weed be endorsed.

CARRIED

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- (vii) CORR 27-10
Correspondence dated August 17, 2010 from Robert Fraser, President, Whitby
Chamber of Commerce, regarding transportation and commuting times for
Whitby residents
-

RESOLUTION NO. 246-10

MOVED by Councillor Coe
Seconded by Councillor Pitchforth

That CORR 27-10 from Robert Fraser, President, Whitby Chamber of
Commerce, regarding transportation and commuting times for Whitby residents
be endorsed.

CARRIED

- (viii) CORR 28-10
Correspondence dated June 15, 2010 from C. Anne Greentree, Deputy Clerk,
the Corporation of the Municipality of Clarington, regarding funding for the
Durham Children's Aid Society (File o. 207.GE)
-

RESOLUTION NO. 247-10

MOVED by Councillor Coe
Seconded by Councillor Drumm

That CORR 28-10 from C. Anne Greentree, Deputy Clerk, the Corporation of the
Municipality of Clarington, regarding funding for the Durham Children's Aid
Society (File o. 207.GE) be endorsed.

CARRIED

- (ix) CORR 29-10
Correspondence dated July 30, 2010 from John Schindler, President and Chair,
Ontario Society of Professional Engineers, asking for support of importance of
the nuclear sector in Whitby and the surrounding region
-

RESOLUTION NO. 248-10

MOVED by Councillor Mitchell
Seconded by Councillor Coe

That CORR 29-10 from John Schindler, President and Chair, Ontario Society of
Professional Engineers, asking for support of importance of the nuclear sector in
Whitby and the surrounding region be received for information.

CARRIED

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(x) CORR 30-10

Correspondence dated September 2, 2010 from Bruce McMinn, Barrister & Solicitor on behalf of Rossland Properties Inc., with respect to PL 95-10, Rossland Properties Inc., 700 Rossland Road East, Z-30-04, requesting that this matter be deferred from consideration by Council as his client believes that there exists sufficient momentum on the file to permit continuing discussions amongst the various parties to effect the resolution of outstanding issues

RESOLUTION NO. 249-10

MOVED by Councillor Emm
Seconded by Councillor Coe

That CORR 30-10 from Bruce McMinn, Barrister & Solicitor on behalf of Rossland Properties Inc., with respect to PL 95-10, Rossland Properties Inc., 700 Rossland Road East, Z-30-04, requesting that this matter be deferred from consideration by Council as his client believes that there exists sufficient momentum on the file to permit continuing discussions amongst the various parties to effect the resolution of outstanding issues be received and referred to consideration of Planning Report, PL 95-10.

CARRIED

(xi) CORR 31-10

Correspondence dated August 31, 2010 from Steve Popoff, 435692 Ontario Limited, with respect to PL 87-10, outlining his concerns in relation to property municipally known as 820 and 840 Conlin Road, Whitby and noting clarification of a process by which landowners may object to inclusion of their particular lands within the relevant wetland complexes

RESOLUTION NO. 250-10

MOVED by Councillor Emm
Seconded by Councillor Drumm

That CORR 31-10 from Steve Popoff, 435692 Ontario Limited, with respect to PL 87-10, outlining his concerns in relation to property municipally known as 820 and 840 Conlin Road, Whitby and noting clarification of a process by which landowners may object to inclusion of their particular lands within the relevant wetland complexes be received and referred to consideration of Planning Report, PL 87-10.

CARRIED

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- (xii) CORR 32-10
Correspondence dated September 2, 2010 from Susan Smyth, 458 Crystal
Beach Blvd., providing comments with respect to Report PL 90-10, Gerdau-
Ameristeel
-

RESOLUTION NO. 251-10

MOVED by Councillor Coe
Seconded by Councillor Emm

That CORR 32-10 from Susan Smyth, 458 Crystal Beach Blvd., providing
comments with respect to Report PL 90-10, Gerdau-Ameristeel be received and
referred to consideration of Planning Report, PL 90-10.

CARRIED

- (xiii) CORR 33-10
Correspondence received September 2, 2010 from John Haas, 458 Crystal
Beach Blvd., providing comments with respect to Report PL 90-10, Gerdau-
Ameristeel
-

RESOLUTION NO. 252-10

MOVED by Councillor Coe
Seconded by Councillor Emm

That CORR 33-10 from John Haas, 458 Crystal Beach Blvd., providing
comments with respect to Report PL 90-10, Gerdau-Ameristeel be received and
referred to consideration of Planning Report, PL 90-10.

CARRIED

7. NEW AND UNFINISHED BUSINESS

Councillor Emm – Point of Personal Privilege

Councillor Emm requested through Mayor Perkins a point of personal privilege. Mayor
Perkins acknowledged and granted the request.

Councillor Emm addressed Council to announce he will not be seeking re-election this
fall and expressed how honoured he is to have been part of Council for so many terms.
Council members thanked Councillor Emm for his hard work and dedication through the
years.

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5. STANDING COMMITTEES

- (a) Planning and Development Committee – August 30, 2010
Report Recommendations to Council
-

- 3.4 Planning Report, Item PL 93-10
Re: Applications to Amend the Whitby Official Plan and Zoning By-law 2585
D.G. Biddle and Associates on Behalf of MA Goldhawk Enterprises Ltd.
– (OPA-2010-W/02) (Z-14-10) - 924 Brock Street South
-

COUNCIL DECISION

1. That Council approve the application to amend the Town of Whitby Official Plan (OPA 2010-W/02) as Amendment No. 93 to the Whitby Official Plan, subject to the comments and conditions contained in Planning Report Item No, PL 93-10;
 2. That the application (OPA 2010-W/02) be further amended by accepting the sight triangle as proposed by the applicant as shown on Attachment No. 5 to this report;
 3. That a by-law to adopt Official Plan Amendment No. 93 be brought forward for consideration by Council; and,
 4. That the Clerk forward a copy of Planning Report Item No. PL 93-10, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Official Plan Amendment No. 93 to the Region of Durham's Commissioner of Planning; and,
 5. That Council approve the application to amend Zoning By-law No. 2585, (File Z-14-10), subject to the comments and conditions contained in Planning Report Item PL 93-10;
 6. That a By-law to amend Zoning By-law No. 2585 be brought forward for consideration by Council; and,
 7. That the Clerk forward a Notice of Decision to the Region of Durham's Commissioner of Planning and those person and agencies who had requested to be notified of Council's decision.
- 3.6 Planning Report, Item PL 104-10
Re :Margaret Ann McIntyre - Temporary Use Zoning Amendment Application
- (Z-17-10) - 4655 Coronation Road
-

COUNCIL DECISION

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1. That Council approve the temporary amendment application Z-17-10 subject to the comments and conditions outlined in Planning Report Item PL-104-10; and,
 2. That a By-law to amend Zoning By-law No. 1784 be brought forward for consideration by Council.
- 4.3 Planning Report, Item PL 86-10
Re: Annual Housing Monitoring Report
January 1, 2009 to December 31, 2009 Town of Whitby
-

COUNCIL DECISION

1. That Planning Report, Item PL 86-10, be received for information; and,
 2. That the Clerk forward a copy of Planning Report, Item PL 86-10 to the Region of Durham.
- 4.4 Planning Report, Item PL 88-10
Re: Zoning Amendment Application to Lift 'H' – Holding Provision - Baiashore Investments Inc. – (Z-16-10) - Part of Lots 31 and 32, Concession 3
-

COUNCIL DECISION

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 88-10; and,
 2. That the amending Zoning By-law to remove the 'H' – Holding symbol be brought forward for Council's approval following the applicant's fulfillment of the Town's conditions identified in Section 7.0 (C) to the satisfaction of Whitby Public Works.
- 4.5 Planning Report, Item PL 89-10
Re: Zoning Amendment Application to Lift 'H' – Holding Provision, Schickedanz Homes – (Z-466-87) - Part of Lot 26, Concession 2, Municipally known as 308 and 310 Mary Street
-

COUNCIL DECISION

1. That Council approve the removal of the 'H' Holding Symbol from the subject property, subject to the conditions and comments contained in Planning Report No. PL 89-10; and,
2. That the amending Zoning By-law to remove the 'H' – Holding symbol be brought forward for Council's approval.

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- 4.6 Planning Report, Item PL 91-10
Re: Lynde Shores Environmental Management Plan – Status Update on
Annual Monitoring
-

COUNCIL DECISION

1. That Planning Report Item No. PL 91-10 be received for information; and,
2. That the Lynde Shores Monitoring Program continue in 2011 and that the need for continued annual monitoring be re-evaluated at the conclusion of the 2011 monitoring period; and,
3. That a copy of this report be forwarded to the members of the Lynde Shores Monitoring Committee, the Central Lake Ontario Conservation Authority and the Region of Durham Planning Department.

- 4.7 Planning Report, Item PL 92-10
Re: Request for Minor Variance to Sign By-law - Suncor Energy – (SB-01-10)
- 1600 Rossland Road East
-

COUNCIL DECISION

That the minor variance application SB-01-10 to the Town of Whitby Sign By-law 5695-05 for the above mentioned property be approved for the following:

1. To reduce the minimum height of a wall sign above the adjacent grade from 2.5 metres to 1.1 metres for six (6) wall signs as identified as Sign “A” on Attachments #2 and #3 to Planning Report Item PL 92-10.

- 4.8 Planning Report, Item PL 96-10
Re: Site Plan Application - Memorial Gardens Canada Inc. (SP-19-10)
- 2000 Dundas St. E.
-

COUNCIL DECISION

1. That Council approve Site Application SP-19-10 subject to the comments and conditions in Planning Report PL 96-10; and,
2. That the Notice of Decision be advertised in the local newspaper in accordance with the *Cemeteries Act (Revised)* and that the applicant be responsible for the newspaper advertisement costs and associated.

RESOLUTION NO. 253-10

MOVED BY Councillor Coe
Seconded by Councillor Mitchell

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That the report of the Planning & Development Committee dated August 30, 2010, be adopted, save and except Items 3.1, 3.3, 3.7, 4.1, 4.9, 4.10, 4.11 and 4.12.

CARRIED

- 3.1 Planning Report, Item PL 94-10
Re: Zoning Amendment Application – Carl Marco – (Z-09-10)
2 Duke Street
-

Discussion ensued on this matter, noting that new information had been provided since the original application.

RESOLUTION NO. 254-10

MOVED BY Councillor Mitchell
Seconded by Councillor Roy

COUNCIL DECISION

That Planning Report, Item PL 94-10, of the Director of Planning be referred back to staff for further review.

CARRIED

- 3.3 Planning Report, Item PL 87-10
Re: Proposed Official Plan Amendment - Provincially Significant Wetland Complexes
Corbett Creek Coastal Wetland Complex - Whitby Harbour Wetland Complex
Lynde Creek Coastal Wetland Complex and Whitby-Oshawa Iroquois Beach
Wetland Complex (OPA-2007-W/3)
-

A question and answer period ensued. Based on the discussion By-law 6402-10 was withdrawn to allow the necessary modifications be made and to be presented at the September 9, 2010 Special meeting of Council.

RESOLUTION NO. 255-10

MOVED BY Councillor Mitchell
Seconded by Councillor Emm

COUNCIL DECISION

1. That Council approve the proposed amendment to the Town of Whitby Official Plan (OPA-2007-W/3) as Amendment No. 92, shown as Attachment #6; and,
2. That a By-Law to adopt Official Plan Amendment No. 92 be brought forward for consideration by Council; and,

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3. That the Clerk forward a copy of Planning Report PL 87-10, two (2) copies of the adopted Amendment, and a copy of the By-law to adopt Official Plan Amendment No. 92 to the Region of Durham within fifteen (15) days of adoption of the amendment; and,
4. That the Clerk send a Notice of Council's decision to those persons and agencies who have requested to be notified.

CARRIED AS AMENDED
(See Following Motion)

RESOLUTION NO. 256-10

MOVED BY Councillor Mitchell
Seconded by Councillor Emm

That Item 1 of the main motion be amended by adding the following after 'Amendment 6';

"as amended to defer the following properties from the proposed official plan amendment;

- a) 4650 Garden Street (Roll #18-09-010-037-03800-0000)
- b) 4430 Garrard Road (Roll #18-09-010-037-21300-0000)
- c) 780 Taunton Road East (Roll #18-09-010-037-33400-0000)
- d) 820 Conlin Road (Roll #18-09-010-037-36400-0000)
- e) 840 Conlin Road (Roll #18-09-010-037-36500-0000)
- f) Thickson Road North (Part of Lot 20, Concession 4)
(Roll #18-09-010-037-15200-0000); and
- g) 975 Conlin Road (Part of Lot 18, Concession 4)
(Roll #18-09-010-037-36200-0000).

CARRIED

The main motion, as amended, was then CARRIED.

- 3.7 Planning Report, Item PL 95-10
Re: Zoning Amendment Application – Rossland Properties Inc.
(Z-30-04) - 700 Rossland Road East
-

General discussion ensued on this matter.

RESOLUTION NO. 257-10

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MOVED by Councillor Coe
Seconded by Councillor Mitchell

COUNCIL DECISION

1. That Council deny the application to amend Zoning By-law 1784 (Z-30-04); and
2. That the Clerk notify the applicant and any persons and agencies who had requested to be notified of Council's decision.

CARRIED AS AMENDED
[See Following Motion]

MOVED by Councillor Mitchell
Seconded by Councillor Coe

That Item 1 of the main motion be amended by adding after 'Zoning By-law 1784 (Z-30-04)', the following:

"due to the fact that traffic issues have not been addressed and a more comprehensive plan for the area is required; and"

CARRIED

The main motion, as amended, was then CARRIED.

- 4.1 Planning Report, Item PL 90-10
Re: Gerdau Ameristeel (Formerly Co-Steel LASCO)
2009 Monitoring Report Berm Liaison Committee
- 1801 Hopkins Street
-

Discussion ensued among the Mayor, Council and staff members regarding the report. R. Short, Director of Planning, advised that he would provide a copy of CORR. 32-10 and CORR. 33-10 to Gerdau Ameristeel for their information and appropriate response.

RESOLUTION NO. 258-10

MOVED BY Councillor Mitchell
Seconded by Councillor Emm

COUNCIL DECISION

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1. That Planning Report, Item No. PL 90-10 be received for information; and,
2. That the Clerk forward a copy of Planning Report Item No. PL 90-10, to Gerdau-Ameristeel, the Ministry of the Environment, and the Region of Durham Clerk's Department, for information.

CARRIED

- 4.9 Planning Report, Item PL 105-10
Re: Site Plan Application - Burns Presbyterian Church – (SP-16-10)
765 Myrtle Road West
-

RESOLUTION NO. 259-10

MOVED BY Councillor Mitchell
Seconded by Councillor Pitchforth

COUNCIL DECISION

1. That Council approve the Site Plan Application (SP-16-10) subject to the comments and conditions contained in Planning Report, PL 105-10; and,
2. That the applicant enter into a Letter of Undertaking with the Town of Whitby; and,
3. That the issuance of the building permit be withheld until such time as the required Minor Variance(s) be final and binding and the conditions of the Region have been satisfied.

CARRIED

- 4.10 Planning Report, Item PL 77-10
Re: Zoning Amendment Application to Remove 'H' Holding Provision
1638230 Ontario Ltd (Kaitlin Group) – (Z-07-10)
10 Winchester Road West
-

RESOLUTION NO. 260-10

MOVED BY Councillor Mitchell
Seconded by Councillor Emm

That Planning Report, PL 77-10, be referred back to the first meeting of the Planning & Development Committee of the new Council in January 2011.

CARRIED

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4.11 Planning Report, Item PL 97-10

Re: Site Plan Application - Stockworth Developments Ltd. – (SP-10-10)
Northeast quadrant of Baldwin St., and Winchester Rd. E. Brooklin

RESOLUTION NO. 261-10

MOVED BY Councillor Mitchell
Seconded by Councillor Emm

COUNCIL DECISION

1. That Council approve Site Plan Application (SP-10-10) subject to the comments and conditions contained in Planning Report Item # PL-97-10; and,
2. That the Mayor and Clerk be authorized to execute the Site Plan Agreement.

CARRIED

4.12 Planning Report, Item PL 101-10

Re: Town of Whitby – Future Sustainability Initiatives
Part I: Corporate Energy Management Plan
Part II: A - Partners for Climate Protection Program
B - Integrated Community Sustainability Plan

General discussion ensued on this matter.

RESOLUTION NO. 262-10

MOVED BY Councillor Mitchell
Seconded by Councillor Coe

COUNCIL DECISION

1. That Planning Report PL 101-10 be received as information;
2. That Administration be directed to establish a Corporate Energy Management Team generally described in this report;
3. That the Corporate Energy Management Team be directed to develop a Corporate Energy Management Plan for Council's consideration and approval in early 2011;

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4. That Administration be authorized to retain the services of Local Authority Services (LAS) to develop the necessary benchmarks to enable the Town to develop a Corporate Energy Management Plan;
5. That the Town of Whitby join the FCM-ICLEI Partners for Climate Protection Program as per the attached Council Resolution; and,
6. That Administration be directed to prepare the terms of reference for an Integrated Community Sustainability Advisory Committee generally as described in this report and in accordance with Council Policy 1-02-14 Boards & Advisory Committees of Council for Council's consideration and approval.

CARRIED

5. STANDING COMMITTEES

- (b) Operations Committee – August 31, 2010
Report Recommendations to Council
-

- 4.2 Community & Marketing Services Report, Item CMS 30-10
Re: Land Gift to the Town of Whitby of Part 11 on Plan 40R-19029,
Water Street from 2119342 Ontario Inc. – Water Street
-

COUNCIL DECISION

1. That Council accept the gifting of land to the Town of Whitby of Lot 26 Part 11 on Plan 40R-19029, Water Street from 2119342 Ontario Inc. (the holding company for the Whitby based MTC – Manufacturing Technology Centre);
 2. That the Town of Whitby be responsible for the registration including all legal costs to complete the land transfer;
 3. That Council formally thank and recognize MTC – Manufacturing Technology Centre and its CEO, Mr. Howard Humphrey, for the gift;
 4. That the Director of Corporate Services/Treasurer be directed to issue a charitable tax receipt in the amount of \$110,000; and,
 5. The Mayor and Clerk be authorized to execute the required documents.
- 4.5 Community & Marketing Services Report, Item CMS 33-10
Re: Bocce Ball Facility
-

COUNCIL DECISION

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1. That Council approve the recommendations contained within Community and Marketing Services Report CMS 33-10 regarding a bocce ball facility;
 2. That Cullen Central Park be identified as the preferred location for a bocce ball facility; and,
 3. That funding for the design and installation of the bocce ball facility be included in the 2011 Parks Capital Budget.
- 4.6 Community & Marketing Services Report, Item CMS 34-10
Re: Clean Marine Rating Update and Recommended New Clean Marine Agreement for Port Whitby Marina
-

COUNCIL DECISION

1. That Community and Marketing Services Department Report CMS 34-10 regarding the Clean Marine Rating Update and recommended new Clean Marine Agreement for Port Whitby Marina, be received as information; and,
 2. That Council approve the use of a formalized Clean Marine Agreement for Marina customers to be entered into at the time of dockage or storage contracts.
- 4.8 Corporate Services Report, Item CS 56-10
Re: Delegation During Council Election Recess
-

COUNCIL DECISION

1. That Council authorize that the Summer Recess Procedures, as outlined in the Purchasing Policy, be adopted while Council is in recess during the 2010 election from September 2010 through December 2010;
 2. That the Director of Public Works be delegated the authority to grant or refuse an exemption to Noise By-law No. 292-70, as amended, during the election recess.
- 4.9 Corporate Services Report, Item CS 57-10
Re: 2009 Insured Claims & Insurance Reserve Fund Policy
-

COUNCIL DECISION

1. That Report No. CS 57-10, regarding 2009 Insured Claims, dated August 31, 2010, be received as information;
2. That Council approve the attached Insurance Reserve Fund Policy; and,

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3. That staff engage a consultant to provide advice regarding establishing a recommended target balance for the Insurance Reserve Fund Policy and that the cost be funded by the Insurance Reserve Fund.
 - 4.10 Corporate Services Report, Item CS 59-10
Re: Municipal Election Compliance Audit Committee
- Appointment of Members
(Attachment is Confidential and Under Separate Cover)
-

COUNCIL DECISION

1. That the following individuals be appointed to the Municipal Election Compliance Audit Committee:
 1. Gillian Burton
 2. Douglas Colbourne
 3. Ron Colucci; and
 2. That the Town Clerk take the necessary action to give effect thereto.
 - 4.11 Corporate Services Report /Public Works Joint Report, Item CS 62-10
Re: Vipond Road Improvements from Heber Down Crescent to Price Street (Q-64-2010)
-

COUNCIL DECISION

1. That the Town of Whitby accept the quotation of Aloia Bros. Concrete Contractors Ltd. in the amount of \$145,955.00 (excluding HST) for the Vipond Road Improvements from Heber Down Crescent to Price Street;
 2. That the Town of Whitby's portion of the total estimated project cost in the amount of \$57,841.27 be approved and funded from savings from other capital projects; and,
 3. That the Mayor and Clerk be authorized to execute the contract documents.
 - 4.12 Corporate Services Report/Public Works Joint Report, Item CS 63-10
Re: Co-Operative Tender for Supply and Delivery of Sodium Chloride (T-280-2010)
-

COUNCIL DECISION

1. That the Town of Whitby accept its portion of the low tender of Canadian Salt Company Limited in the total amount of \$2,276,456.00 (net HST) for a three year term for the supply and delivery of sodium chloride; and,

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2. That approval be granted for the option to extend the contract for two additional one year terms past the 3 year term based on satisfactory performance, product quality, and the proposed pricing for years four and five being acceptable to the Durham Purchasing Co-Operative Group; and,
 3. That the Mayor and Clerk be authorized to execute the contract documents.
- 4.13 Corporate Services Report, Item CS 64-10
Re: Declare Surplus Portion of Lands at Cullen Central Park
-

COUNCIL DECISION

1. That a portion of lands at Cullen Central Park, as shown on the attached sketch included as Attachment No. 1 to this report, be declared surplus for the purposes of sale and redevelopment;
2. That in accordance with the provision of the Municipal Act, the Town give public notice of its intention to sell the subject property by placing an advertisement in the newspaper for four successive weeks; and,
3. That provided no objection is received by the Town in connection with the proposed sale a by-law be brought forward to authorize the sale conditional on a negotiated agreement acceptable to Council.

CARRIED
[Reconsidered later in the meeting]

- 4.14 Corporate Services Report, Item CS 65-10
Re: Jeffery Park Parking Lot Expansion and Wetherburn Drive Trail
(T-68-2010)
-

COUNCIL DECISION

1. That the Town of Whitby accept the low bid of Cedar Springs Landscape Group Ltd. in the amount of \$143,282.42 (net HST) for Part A covering Jeffery Park Parking Lot Expansion;
2. That the Town of Whitby accept the low bid of Montgomery Mac Ewen Contracting Ltd. in the amount of \$91,666.84 (net HST) for Part B covering Wetherburn Drive Trail Connection;

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3. That an over expenditure in the amount of \$5,804.19 be approved and be funded through savings from other Capital projects;
 4. That the total estimated project cost for the Town of Whitby in the amount of \$145,804.19 for Part A and the total estimated project cost for the Town of Whitby in the amount of \$93,280.18 for Part B be approved; and,
 5. That the Mayor and Clerk be authorized to execute the contract documents.
- 4.15 Corporate Services Report, Item CS 66-10
Re: Whitby Civic Recreation Centre Parking Lot Expansion
-

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of Montgomery Mac Ewen Contracting Limited in the amount of \$170,132.60 (net HST) for the Whitby Civic Recreation Centre Parking Lot Expansion;
 2. That the total estimated project cost for the Town of Whitby in the amount of \$249,051.93 be approved;
 3. That the Mayor and Clerk be authorized to execute the Contract documents.
- 4.16 Corporate Services Report, Item CS 67-10
Re: Second Quarter Projection Report as of June 30, 2010
-

COUNCIL DECISION

That the 2010 Second Quarter Projection report as of June 30, 2010, be received for information.

- 4.17 Corporate Services Report/Fire Department Joint Report, Item CS 68-10
Re: W.F.E.S. Master Fire Plan
-

COUNCIL DECISION

1. That the Town of Whitby accept the highest scoring proposal of MMM Group in the amount of \$84,023.00 (net HST) for the development of a Master Fire Plan;
2. That the total estimated project cost for the Town of Whitby in the amount of \$95,501.00 be approved; and,

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3. That the Mayor and Clerk be authorized to execute the necessary contract documents.
- 4.18 Corporate Services Report, Item CS 69-10
Re: Willow Park Re-Development Landscape Construction
-

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of Royalcrest Paving & Contracting Ltd. in the amount of \$379,487.66 (net HST) for Willow Park re-development landscape construction;
 2. That an over expenditure in the amount of \$86,275.66 be approved and funded from DCA Parks and the Growth Reserve Fund;
 3. That the total estimated project cost for the Town of Whitby in the amount of \$386,166.66 be approved; and,
 4. That the Mayor and Clerk be authorized to execute the contract documents.
- 4.19 Public Works Report, Item PW 38-10
Re: Update to Traffic By-Law No. 1862-85 Schedule "P" Maximum Rate of Speed adjacent to Elementary Schools
-

COUNCIL DECISION

1. That Council approve, in principle, the implementation of 40km/h speed reduction zones on Town of Whitby roadways adjacent to all elementary schools within the Town of Whitby;
2. That Traffic By-Law number 1862-85 be amended to alphabetically incorporate the proposed changes to Schedule "P": Maximum Rate of Speed, on Norista Street, Blackfriar Avenue, and Whitby Shores Greenway as shown in Attachment A;
3. That Council authorize staff to bring forward the necessary By-law amendments regarding 40 km/hr speed reduction zones adjacent to all future elementary schools within the Town of Whitby;
4. That installations of Flashing Beacons and/or Community Safety Zones be considered on a site by site basis with recommendations brought forward to Council for consideration; and,

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5. That a copy of Public Works Report PW 38-10 be forwarded to the Durham District School Board, Durham Catholic District School Board, and Durham Regional Police.
 - 4.21 Public Works Report, Item PW 40-10
Re: Submission of Municipal Bridge Data to the Ontario Government and the Ontario Good Roads Association
-

COUNCIL DECISION

1. That Council authorize staff to provide the Ontario Good Roads Association (OGRA) with the most recent road structure conditions ratings (bridges and culverts greater than 3 metres in diameter) for inclusion in the Municipal DataWorks by March 31, 2011; and,
2. That a copy of Report No. PW 40-10 and the corresponding Council resolution be sent to the Ontario Good Roads Association.

RESOLUTION NO. 263-10

MOVED BY Councillor Pitchforth
Seconded by Councillor Roy

That the report of the Operations Committee dated August 31, 2010, be adopted, save and except Items 4.1, 4.4, 4.7, 4.20, 4.22, 4.23.

CARRIED

- 4.1 Community & Marketing Services Report, Item CMS 37-10
Re: Draft Economic Competitiveness and Development Strategic Plan –
“Building Our Economic Future”
-

General discussion ensued on this matter.

RESOLUTION NO. 264-10

MOVED by Councillor Pitchforth
Seconded by Councillor Roy

COUNCIL DECISION

1. That Community and Marketing Services Department Report CMS No. 37-10, regarding the Draft Economic Competitiveness and Development Strategic Plan – “*Building Our Economic Future*”, be received as information;

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2. That Council endorse in principle the recommendations contained within the document entitled "*Building Our Economic Future*" – An Economic Development Strategy for the Town of Whitby";
3. That Council endorse in principle the recommendations contained within the document entitled "*Building Our Economic Future*" - An Economic Development Marketing Strategy for the Town of Whitby";
4. That the background document entitled "A Situational Analysis Report for the Town of Whitby" be received as information;
5. That the implementation plans associated with the Economic Development Strategy and the Marketing Strategy be referred to the 2011 budget and future years;
6. That Staff report to Council at least annually on the progress of the implementation of the Economic Development Strategic Plan and the Economic Development Marketing Strategy.

CARRIED AS AMENDED
[See Following Motion]

MOVED BY Councillor Emm
Seconded by Councillor Pitchforth

That Item 5 of the main motion be amended by adding after the words 'Marketing Strategy' the following;

'including the one for Brooklin'

CARRIED

The main motion, as amended, was then CARRIED.

- 4.4 Community & Marketing Services Report, Item CMS 32-10
Re: Town of Whitby Waterfront Parks and Open Space Master Plan –
Draft Terms of Reference
-

General discussion ensued on the matter.

RESOLUTION NO. 265-10

MOVED by Councillor Pitchforth
Seconded by Councillor Roy

COUNCIL DECISION

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1. That Council approve the draft Terms of Reference for the development of the Town of Whitby Waterfront Parks and Open Space Master Plan;
2. That Council authorize Staff to issue a Request for Proposal to obtain submissions from qualified consultants; and,
3. That Staff report back to Council with a recommendation regarding the preferred consultant, the cost to complete the project and the timetable to complete the preparation of the Master Plan.

CARRIED

4.7 Community & Marketing Services Report, Item CMS 36-10
Re: Park Hours and Security Measures

Discussion ensued on this matter and staff were asked to ensure that an educational background, including contact information be part of the public communication plan.

RESOLUTION NO. 266-10

MOVED by Councillor Drumm
Seconded by Councillor Roy

COUNCIL DECISION

1. That the Parks By-law 5066-02 be amended such that the existing hours of closure for parks without lit sport fields and courts be changed from 11:30 p.m. to 6:00 a.m. to 10:00 p.m. to 6:00 a.m. for the period of April 1 to September 30 inclusive; and from 10:00 p.m. to 6:00 a.m. to 8:00 p.m. to 6:00 a.m. for the period of October 1 to March 31 inclusive;
2. That the Parks By-law 5066-02 be amended such that the existing hours of closure for parks with lit sport fields and courts be set as 11:30 p.m. to 6:00 a.m. for the period of April 1 to September 30 inclusive; and 8:00 p.m. to 6:00 a.m. from October 1 to March 31 inclusive;
3. That subject to Council approval of the amendment to park hours that:
 - signage be changed to reflect the new hours;
 - Durham Regional Police Service (DRPS) be advised of the change and that Staff continue to forward to DRPS all incident and vandalism notices and reports;
 - all sport user groups be advised of the change in park hours; and,
 - the new park hours be advertised in the Parks and Recreation Activity Guides through 2011 and in The Whitby Perspective; and,

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4. That Staff report further to Council regarding additional park security measures.

CARRIED

- 4.20 Public Works Report, Item PW 39-10
Re: Update to Traffic By-Law 1862-85: All-Way Stop Control at the
Columbus Road/Ashburn Road Intersection
-

RESOLUTION NO. 267-10

MOVED by Councillor Pitchforth
Seconded by Councillor Roy

COUNCIL DECISION

That Traffic By-Law number 1862-85 be amended to alphabetically incorporate the proposed changes to Schedule "N": Stop Signs as shown in Attachment A.

CARRIED

- 4.22 Public Works Report, Item PW 42-10
Re: Exemption of Paid Parking at Municipal Lots and On-Street Meters for
Veteran Licence Plate Owners and Operators
-

RESOLUTION NO. 268-10

MOVED by Councillor Pitchforth
Seconded by Councillor Roy

COUNCIL DECISION

1. That Public Works Report PW 42-10 be received for information;
2. That the operators of vehicles displaying an Ontario veteran licence plate be exempt from paying parking fees at all on-street parking meters and pay and display machines in municipal lots;
3. That By-law 4910-01, The Municipal Parking Lot By-law, as amended be further amended to exempt operators of vehicles displaying an Ontario veteran licence plate from paying parking fees in municipal lots;
4. That By-law 1862-85, The Traffic By-law, as amended be further amended to exempt operators of vehicles displaying an Ontario veteran licence plate from paying parking fees at on-street parking meters;

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5. That the amending by-laws be brought forward for adoption by Council.

CARRIED

- 4.23 Planning Report/Public Works Joint Report, Item PL 103-10
Re: Sole Sourcing of Downtown 2 in 1 Waste Containers
-

RESOLUTION NO. 269-10

MOVED by Councillor Pitchforth
Seconded by Councillor Roy

COUNCIL DECISION

That Council authorize staff to single source and allow Purchasing to finalize the purchase of approximately 90-100 black curb side waste receptacles from Waste Wise Products of Toronto to replace the current receptacles in Downtown Whitby and Downtown Brooklin.

CARRIED LATER IN THE MEETING
[See Following Motion]

RESOLUTION NO. 270-10

MOVED by Councillor Mitchell
Seconded by Councillor Drumm

That the main motion be amended by adding the following as Item 2 and re-numbering the main motion as Item 1;

‘That no private advertising be permitted on the receptacles.’

MOTION LOST
[See Following Motion]

The main motion was then CARRIED

RESOLUTION NO. 271-10

MOVED by Councillor Drumm
Seconded by Councillor Mitchell

That the rules of procedure be suspended in order to reconsider Corporate Services Report, Item CS 64-10.

CARRIED ON A TWO THIRDS
MAJORITY VOTE

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4.13 Corporate Services Report, Item CS 64-10
Re: Declare Surplus Portion of Lands at Cullen Central Park

The Chief Administrative Officer advised that due to Council direction at the In Camera portion of the Council meeting, Item 2 needed to be revised and Item 3 of the main recommendation deleted in its entirety.

Councillor Pitchforth had previously declared a conflict of interest and therefore did not take part in the discussion or vote on the matter.

RESOLUTION NO. 272-10

MOVED by Councillor Drumm
Seconded by Councillor Coe

COUNCIL DECISION

1. That a portion of lands at Cullen Central Park, as shown on the attached sketch included as Attachment No. 1 to this report, be declared surplus for the purposes of sale and redevelopment;
2. That in accordance with the provision of the Municipal Act, the Town give public notice of its intention to sell the subject property by placing an advertisement in the newspaper for four successive weeks; and,
3. That provided no objection is received by the Town in connection with the proposed sale a by-law be brought forward to authorize the sale conditional on a negotiated agreement acceptable to Council.

CARRIED AS AMENDED
[See Following Motion]

MOVED by Councillor Drumm
Seconded by Councillor Coe

That Item 2 of the main motion be amended by deleting "four successive weeks" and replacing it with "one week" and further, that Item 3 of the main motion be deleted in its entirety.

CARRIED

RESOLUTION NO. 273-10

MOVED by Councillor Emm
Seconded by Councillor Roy

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That the meeting recess for a short break.

CARRIED

The meeting reconvened at 9:35 p.m.

6. NOTICE OF MOTION

There were no notices of motion presented.

7. NEW & UNFINISHED BUSINESS

There was no further new and unfinished business discussed.

8. CONFIDENTIAL MATTERS

In accordance with Procedural By-law 6125-08 and the provisions of the *Municipal Act*, an In Camera meeting of Council was held prior to the regularly scheduled meeting.

Councillor Pitchforth did not attend the meeting as she had previously made a declaration of interest under the *Municipal Conflict of Interest Act*, as she is employed by one of the proponents with respect to the proposals for Cullen Central Park.

RESOLUTION NO. 274-10

MOVED by Councillor Coe
Seconded by Councillor Mitchell

That Council go into an In Camera meeting of Council in accordance with the provisions of the *Municipal Act* and Procedural By-law 6125-08, in that the matters to be discussed relate to a proposed or pending acquisition or disposition of land by the municipality.

CARRIED

2.1 Confidential Report CMS 35-10
Re: Cullen Central Park - Negotiations with Le Nordik Nature Spa
for the Sale and Development of Portions of the Property

The Chief Administrative Officer introduced the report, followed by the Director of Community & Marketing Services. A detailed question and answer period ensued. [Refer to the In Camera minutes of the meeting – Town Clerk has custody and control of these minutes].

RESOLUTION NO. 275-10

MOVED by Councillor Coe
Seconded by Councillor Mitchell

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That Council rise from the In Camera session of Council.

CARRIED

Council recessed from the In-Camera Session at 6:43 p.m. and reconvened in the Council Chambers at 7:00 pm.

The Town Clerk advised during the open session of Council that the recommendations as contained in the minutes of the September 7, 2010 In Camera meeting of Council with respect to Confidential Report CMS 35-10, Cullen Central Park – Negotiations with Le Nordik Nature Spa for the Sale and Development of Portions of the Property required to be ratified during the open session of Council, noting that Item 1 was confidential in accordance with the provisions of the *Municipal Act* and Procedural By-law #6125-08. She further noted that the by-law with respect to this matter would be presented at the September 9, 2010 Special Meeting of Council.

RESOLUTION NO. 276-10

MOVED by Councillor Drumm
Seconded by Councillor Mitchell

1. That Item 1 of the recommendations as contained in the minutes of the In Camera meeting of Council held on September 7, 2010, be adopted;

CARRIED

RESOLUTION NO. 277-10

MOVED by Councillor Drumm
Seconded by Councillor Mitchell

2. That a by-law be enacted by Council authorizing execution of an agreement of Purchase and Sale between the Town of Whitby and Le Nordik Nature Spa subject to the required conditions and terms.

CARRIED ON A RECORDED
VOTE AS FOLLOWS

Yes

Councillor Drumm
Councillor Mitchell
Councillor Roy
Councillor Scott

No

Councillor Coe
Councillor Emm
Mayor Perkins

Abstained (conflict)

Councillor Pitchforth

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9. BY-LAWS

- 6387-10 By-law to impose fees for certain services and activities provided or done by Whitby Fire and Emergency Services. (Refer to Fire Department Report, FR 01-10)
- 6388-10 By-law to appoint individuals as Municipal Law Enforcement Officers for the purpose of enforcing parking regulations on private property.
- 6389-10 By-law to amend Traffic By-law No. 1862-85, as amended, to regulate traffic on highways in the Town of Whitby with respect to Schedule "N", Stop Signs. (Refer to Public Works Report, PW 39-10)
- 6390-10 By-law to amend Traffic By-law No. 1862-85, as amended, to regulate traffic on highways in the Town of Whitby with respect to Schedule "P", Stop Signs. (Refer to Public Works Report, PW 38-10)
- 6391-10 By-law to assume Ipswich Place, Hesham Drive, Helston Crescent, Covington Drive, Corsham Drive and Cachet Boulevard as Public Highways (Refer to Brookvalley Developments Inc. PH 3, Plan 40M-2173)
- 6392-10 By-law to regulate and control the use of public parks and park buildings (Refer to Community & Marketing Services Report, CMS 36-10)
- 6393-10 By-law to dedicate Block 115 on Plan 40M-2192 as being part of Birchpark Drive and Parts 13 & 15 on Plan 40R-26292 as being part of Thistledown Crescent to provide frontage and access to lots created through land division (LD 069-074/2008 and LD 109 & 110/2008).
- 6394-10 By-law to designate the property composed of Block 87 on Registered Plan 40M-2413 as not being subject to part lot control. (Senator Homes)
- 6395-10 By-law to designate the property composed of Blocks 25 – 30 (inclusive) on Registered Plan 40M-2415 and Blocks 59 – 61 (inclusive) on Registered Plan 40M-2331 as not being subject to part lot control.
- 6396-10 By-law is to amend Zoning By-law No. 1784, as amended, by changing the zoning from MUR-VB-5 Mixed Used Residential – Village of Brooklin – Exception 5, and R2-VB – Residential Two – Village of Brooklin, to H-C1-VB-6 – Holding - Commercial 1 – Village of Brooklin – Exception 6 for the lands known as 11, 19, and 23 Baldwin Street and 12, 14, 18, and 20 Winchester Road East Town of Whitby. (Refer to Planning Report, PL 78-10)
- 6397-10 By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from R3 Residential Type 3 Zone to C2-S-8, Special Purpose

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Commercial Exception 8 Zone for the lands known municipally as 924 Brock St S., Town of Whitby. (Refer to Planning Report, PL 93-10, Durham Decompression Centre, Z-14-10)

- 6398-10 By-law to amend Zoning By-law No. 1784, as amended by removing the H-Holding symbol and changing the zoning from Holding Residential R2B* Zone (H-R2B*) and Holding Residential R2C* Zone (H-R2C*) to Residential R2B* Zone (R2B*) and Residential R2C* Zone (R2C*).
- 6399-10 By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from A – Agricultural to A-4 – Agricultural – Exception 4 to permit the temporary use of two single detached dwellings on a single lot until March 7, 2012 for the land situated on the east side of Coronation Road, south of Lyndebrook Road municipally known as 4655 Coronation Road, Town of Whitby. (Refer to Planning Report, PL 104-10, McIntyre)
- 6400-10 By-law to amend Zoning By-law No. 2585, as amended, by removing the H-Holding symbol and changing the zoning from Holding Residential Type 6 Downtown Exception 1 (H-R6-DT-1) and Holding Residential Type 6 Downtown Exception 2 (H-R6-DT-2) to Residential Type 6 Downtown Exception 1 (R6-DT-1) and Residential Type 6 Downtown Exception 2 (R6-DT-2). (Refer to Planning Report, PL 89-10, Schikendanz)
- 6401-10 By-law to amend Zoning By-law No. 1784, as amended, by removing the 'H' Holding symbol and changing the zoning from H-R5A*-5 – Holding Residential (R5A*) Zone – Exception 5 to R5A*-5 – Residential (R5A*) Zone Exception 5 for the lands situated south of Heber Down Crescent north of Winchester Road West. (Refer to Planning Report, PL 77-10, Kaitlin Group) **[WITHDRAWN]**
- 6402-10 By-law to adopt Town of Whitby Official Plan Amendment No. 92, to the Official Plan of the Town of Whitby (File No. OPA-2007-W/03) (Refer to Planning Report, PL 87-10.) **[REFERRED TO SEPTEMBER 9, 2010 SPECIAL COUNCIL MEETING]**
- 6403-10 By-law to adopt Town of Whitby Official Plan Amendment No. 93, to the Official Plan of the Town of Whitby (File No. OPA-2010-W/02) (Refer to Planning Report, PL 93-10.)
- 6404-10 By-law to designate the exterior of the Jones Puckrin House municipally known as 300 Taunton Road West, legally described as Part 1, Plan 40R-26574 as a property of cultural heritage value and interest to the Town of Whitby under Part IV, Section 29 of the Ontario Heritage Act R.S.O. 1990, c. 0.18, as amended 2005. (Refer to Planning Report, PL 84-10)

The effect of the designation by-law is to maintain the current character of the building so that it is in keeping with the cultural heritage value and

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interest of the property and to require consultation with LACAC Heritage Whitby prior to any future changes to the exterior features of the building

- 6405-10 By-law to designate the exterior of the Log Cabin Emporium municipally known as 300 Taunton Road West, legally described as Part 2, Plan 40R-26574 as a property of cultural heritage value and interest to the Town of Whitby under Part IV, Section 29 of the Ontario Heritage Act R.S.O. 1990, c. 0.18, as amended 2005.

The effect of the designation by-law is to maintain the current character of the building so that it is in keeping with the cultural heritage value and interest of the property and to require consultation with LACAC Heritage Whitby prior to any future changes to the exterior features of the building. (Refer to Planning Report, PL 84-10)

- 6406-10 By-law to designate the exterior of the Cullen Summer Cottage municipally known as 300 Taunton Road West, legally described as Part 3, Plan 40R-26574 as a property of cultural heritage value and interest to the Town of Whitby under Part IV, Section 29 of the Ontario Heritage Act R.S.O. 1990, c. 0.18, as amended 2005.

The effect of the designation by-law is to maintain the current character of the building so that it is in keeping with the cultural heritage value and interest of the property and to require consultation with LACAC Heritage Whitby prior to any future changes to the exterior features of the building. (Refer to Planning Report, PL 84-10)

- 6407-10 By-law to amend Traffic By-law No. 1862-85, as amended, to regulate traffic on highways in the Town of Whitby, Section 9, with respect to Ontario Veteran Plates. (Refer to Public Works Report, PW 42-10)

- 6408-10 B-law to amend Section 5 of municipal parking lot By-law No. 4910-01 with respect to Ontario Veteran Plates. (Refer to Public Works Report, PW 42-10)

- 6409-10 By-law to appoint Knights on Guard and its representatives as Municipal Law Enforcement Officers for the purpose of enforcing sign regulations for the 2010 municipal election. (Refer to Corporate Services Report, Item CS 56-09)

- 6410-10 By-law to amend Traffic By-law No. 1862-85, as amended, to regulate traffic on highways in the Town of Whitby with respect to Schedule "A", No Stopping. (Refer to Public Works Report, PW 24-10 - – Twin Streams Road and Gartshore Drive)

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RESOLUTION NO. 278-10

MOVED by Councillor Mitchell, seconded by Councillor Coe, that leave be granted to introduce By-law Nos. 6387-10 to 6410-10, with the exception of By-law Nos. 6401-10 and 6402-10, 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. CONFIRMATORY BY-LAW NO 6411-10

RESOLUTION NO. 279-10

MOVED by Councillor Emm, 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 September 7, 2010, 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. 6411-10 considered read a first, second and third time and finally passed.

11. ADJOURNMENT

RESOLUTION NO.280-10

MOVED by Councillor Emm
Seconded by Councillor Mitchell

That the meeting be adjourned.

CARRIED

The meeting adjourned at 9:45 p.m.

Debi A. Wilcox, Town Clerk

Patricia Perkins, Mayor