

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, SEPTEMBER 15, 2008 AT THE HOUR OF
8:00 P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

PRESENT: Mayor Perkins

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

Mayor Perkins in the Chair

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

1. DISCLOSURES OF INTEREST

Councillor Mitchell declared a pecuniary interest in regard to Planning Report, Item PL 116-08 as he is in the building supply business and there is mention in the Report of a competitor as part of the existing development.

Councillor Coe declared a pecuniary interest. He noted that the Ontario Realty Corporation (ORC) has a principle interest in the development application that is the subject of Planning Director's Report, Item 124-08, that ORC is an agency of the Ontario Government and he is an employee of the Ontario Government.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6098-08

RESOLUTION NO. 225-08

Councillor Mitchell, seconded by Councillor Pitchforth, moved for leave to introduce a by-law and to dispense with the reading of the by-law by the Clerk to adopt the minutes of the meetings of Council held on July 7th at 12 noon, July 7th at 8:00 p.m., July 22 and September 3, 2008 and that the same be considered read a first, second and third time and finally passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

By-law No. 6098-08 considered read a first, second and third time and finally passed.

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3. PRESENTATIONS

(i) Whitby Girls Softball Squirt Team – Provincial Champions

Mayor Perkins, Councillor Scott, Chair of Community and Marketing Services and Peter LeBel, Director, Community and Marketing Services shared in recognizing the Whitby Girls Softball Squirt Select Team who were Provincial Women's Softball Association Division Champions in 2008.

(ii) Whitby Warriors Midget 2 Lacrosse Team – Provincial Midget B Box Lacrosse Champions

Mayor Perkins, Councillor Scott, Chair of Community and Marketing Services and Peter LeBel, Director of Community and Marketing Services, shared in recognizing the Whitby Warriors Midget 2 Lacrosse Team, Provincial Midget B Box Lacrosse Champions in 2008.

(iii) Recognition of Brennan Potter who assisted in the rescue of his father using skills learned in the Town's Junior Fire Department Program

Mayor Perkins, Councillor Coe, Chair of Fire and Emergency Services and Fire Chief Kent MacCarl shared in recognizing Brennan Potter.

(iv) Staff Recognition – Fire Inspector Terry VonZuben – for achieving high honours in his Fire Safety Certificate Course at Seneca College

Mayor Perkins and Councillor Coe, Chair of Fire and Emergency Services and Fire Chief Ken MacCarl shared in recognizing Fire Inspector Terry VonZuben.

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4. CORRESPONDENCE

- (i) CORR 15-08
Petition from residents seeking a variety of traffic calming measures for
Montgomery Avenue
- (i) CORR 16-08
Petition from residents of Rivers Edge Place asking that a planned sidewalk
not be built

RESOLUTION NO. 226-08

MOVED by Councillor Emm
Seconded by Councillor Drumm

That correspondence CORR 15-08 and CORR 16-08 be referred to the Director
of Public Works for review, report and further consideration by Council.

CARRIED

5. STANDING COMMITTEES

- (a) Planning and Development Committee –September 2, 2008
Report Recommendations to Council

3.3 Planning Report, Item PL 123-08 [7:50 P.M]

Re: 2074359 ONTARIO LTD.

Whitby Official Plan Amendment (OPA-2008-W/08) and Zoning Amendment
Application (Z-18-08) – 1010 Dundas Street East

COUNCIL DECISION

- 1. That Planning Report PL- 123-08, be received as information;
- 2. That the Planning Department report back to the Planning Development Committee at such time as input from the public, commenting agencies and departments has been received and assessed;
- 3. That the traffic study required in accordance with 10.1.4.6 of Whitby's Official Plan also address issues such as the impacts on Crawforth Street, its function as a collector road and access to the proposed development as well as required improvements to Dundas Street; and
- 4. That the traffic study also be subject to a peer review at the cost of the applicant.

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5. (Continued)

4.1 Planning Report, Item PL 115-08

Re: Request for Minor Variance to Sign By-Law (SB-01-08) Shell Canada
Products – 3 Baldwin Street

COUNCIL DECISION

That the minor variance application SB-01-08 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 0.3 metres for two (2) wall signs as identified as Type
“F” on Attachments #2 and #3 to Planning Report Item PL 115-08; and,
2. To reduce the minimum height of a wall sign above the adjacent grade
from 2.5 metres to 1.6 metres for one (1) wall sign as identified as Type
“X” on Attachments #2 and #3 to Planning Report Item PL 115-08.

RESOLUTION NO. 227-08

MOVED By Councillor Drumm
Seconded by Councillor Emm

That Council adopt the recommendations set out in Items No. 3.3 and 4.1 as contained
in the minutes of the meeting of the Planning and Development Committee held on
September 2, 2008.

CARRIED

3.2 Planning Report, Item PL 116-08 [7:40 P.M.]

Re: CASEWOOD HOLDINGS INC.

Zoning Amendment Application (Z-16-08) – 4200 Garden Street

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

RESOLUTION 228-08

MOVED By Councillor Drumm
Seconded by Councillor Emm

1. That Planning Report Item PL-116-08 be received as information;

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5. (Continued)

2. That the Planning Department report back to the Planning and Development Committee at such time as the public input and agency comments have been received and assessed; and.
3. That a parking study be undertaken and be subject to peer review at the applicant's cost.

CARRIED

4.2 Planning Report, Item PL 120-08

Re: Zoning Amendment Application to Remove "H" Holding Provision –
Shahzad Rana/King's Petro Inc. 1006 Brock Street South and 107 Keith S

RESOLUTION 229-08

MOVED By Councillor Drumm
Seconded by Councillor Emm

1. That Council approve zoning application (Z-21-08) being the removal of the 'H' Holding Symbol from the subject property, subject to the comments and conditions contained in Report No. PL 120-08; and,
2. That the amending Zoning By-law to remove the 'H' Holding symbol be brought forward for Council's approval, at such time as the Region of Durham has received an acknowledgement letter that a Record of Site Condition has been filed with the Ministry of Environment.

CARRIED

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5. (Continued)

- (b) Operations Committee – September 8, 2008
Report Recommendations to Council
-

3.2 Community and Marketing Services Report, Item CMS 25-08
Re: Employee Active Living Program

COUNCIL DECISION

That Council approve the policy to provide the opportunity for Town of Whitby full and permanent part time employees to purchase Health Club and Aquatics annual memberships at the Whitby Civic Recreation Complex at 50% of the published rates.

3.3 Community and Marketing Services Report, Item CMS 26-08
Re: Breastfeeding in Public Policy

COUNCIL DECISION

That Council approve the implementation of the attached policy supporting breastfeeding in all Town of Whitby facilities and public places.

3.4 Community and Marketing Services Report, Item CMS 29-08
Re: Durham Region Grade 5 Action Pass Program

COUNCIL DECISION

That Council approve the Durham Region Grade 5 Action Pass Program for grade five students to allow free access to Town of Whitby public swim and skate programs.

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5. (Continued)

3.5 Corporate Services Report, Item CS 44-08

Re: W2008-16 Repair of Catch Basins and/or Maintenance Holes

COUNCIL DECISION

1. That the Town of Whitby accept the low tender meeting the specifications of Bennington Construction Ltd. in the amount of \$97,700.40, for the repair of catch basins and/or maintenance holes;
2. That the total estimated project cost in the amount of \$100,000.00 be approved; and
3. That the Mayor and Clerk be authorized to execute the contract documents.

3.6 Corporate Services Report, Item CS 45-08

Re: Flat Deck and Hot Patch Box

COUNCIL DECISION

1. That the Town of Whitby accept the low tender meeting the specifications of Amaco Construction Equipment Inc. in the amount of \$67,235.00, for the acquisition of a flat deck and hot patch box;
2. That the total estimated cost in the amount of \$64,260.00 be approved; and
3. That the Mayor and Clerk be authorized to execute the contract documents.

3.10 CONFIDENTIAL Corporate Services Report, Item CS 46-08

Re: Proposed Disposition of Lands

RECOMMENDATION

1. That staff be directed to negotiate a land lease in accordance with the terms and conditions in Confidential Report Item CS 46-08; and
2. That the Mayor and Clerk be authorized to execute such documents as may be required as part of the negotiation it being understood that the ultimate disposition shall be subject to Council approval.

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5. (Continued)

4.4 Election Signs

RECOMMENDATION

Whereas, election signs are normally a part of communicating and advertising by candidates in an election; and

Whereas, election signs can become unsightly and are often not welcomed by the community; and

Whereas election signs are unaffordable for some candidates; and

Whereas election signs are not usually environmentally friendly;

Therefore be it resolved that staff bring forward a report for consideration at the December 1, 2008 meeting of the Operations Committee regarding election signs with information and options in order:

- (i) to limit the size and height of election signs;
- (ii) to limit the number of election signs on public property to certain identified intersections so that only one election sign per candidate can be erected at each intersection;
- (iii) That signs at intersections be limited to 4 locations north of Taunton Road and 12 locations south of Taunton Road (i.e. 4 per Ward);
- (iv) That election lawn signs be allowed on private property within the non-municipal portion with the property owner's consent; and
- (v) That the report address methods of active enforcement and not just respond on a "complaints-only" basis.

RESOLUTION NO. 230-08

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

That Council adopt the recommendations set out in Item Nos. 3.1, through 3.10 and 4.4 inclusive, as contained in the minutes of the meeting of the Operations Committee held on September 8, 2008, save except Item No's. 3.1, 3.7, 3.8 and 3.9 thereof.

CARRIED

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5. (Continued)

3.1 Community and Marketing Services Report, Item CMS 24-08

Re: Parks and Recreation Subsidization Policy

RESOLUTION NO. 231-08

MOVED by Councillor Pitchforth

Seconded by Councillor Scott

COUNCIL DECISION

1. That Council approve the amended Parks and Recreation Subsidization Policy; and,
2. That the new policy be implemented effective December 1, 2008, which coincides with the start of the registration period for the winter Parks and Recreation programs.

CARRIED

3.7 Corporate Services Report, Item CS 47-08

Re: Taunton Road Multi-Use Asphalt Pathway

RESOLUTION NO. 232-08

MOVED by Councillor Pitchforth

Seconded by Councillor Scott

COUNCIL DECISION

1. That the Town of Whitby accept the low tender meeting the specifications of Royalcrest Paving & Contracting Ltd. in the amount of \$250,661.78, for the construction of a 3.0m wide asphalt multi-use path on the south side of Taunton Road from Baycliffe Drive easterly to Valleywood Drive;
2. That the total estimated project cost in the amount of \$321,225.50 be approved; and
3. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

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5. (Continued)

3.8 Public Works Report, Item PW 37-08

Re: Corporate Policies for Town Owned Fences –REVISED

RESOLUTION NO. 233-08

MOVED by Councillor Pitchforth

Seconded by Councillor Scott

COUNCIL DECISION

That the proposed Corporate Fencing Policies be referred back to staff and that staff host a public workshop and provide individual notification to specifically affected homeowners and report back to Committee thereafter.

CARRIED

3.9 Public Works Report, Item PW 41-08

Re: Updating Traffic By-Law 1862-85, Schedule B Parking Restrictions on the East and West side of Garden Street between Reynolds Street and Dundas Street East

RESOLUTION NO. 234-08

MOVED By Councillor Pitchforth

Seconded by Councillor Scott

COUNCIL DECISION

Subject to further consultation and discussion with affected residents, and staff reporting back to the September 29, 2008 Operations Committee meeting, there be no changes or new restrictions in terms of parking on the east and west side of Garden Street between Reynolds and Dundas.

CARRIED

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5. (c) Management Committee – August 19, 2008
Report Recommendations to Council
-

2.1 Non Union Staff Compensation Review – Status Update

RESOLUTION 235-08

MOVED By Councillor Emm
Seconded by Councillor Drumm

That staff proceed to issue Request for Proposal RFP #3-2008 to at least three qualified human resource consultants it being understood that Management Committee will serve as the selection committee referred to in the RFP.

CARRIED

6. NOTICES OF MOTION

None.

7. NEW AND UNFINISHED BUSINESS

7.1 Full Service Gas Stations

RESOLUTION NO. 236-08

MOVED by Councillor Emm
Seconded by Councillor Drumm

That Council suspend the rules of procedure in order to allow the introduction of the following motion.

CARRIED BY A TWO THIRDS VOTE

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7. (Continued)

RESOLUTION NO. 237-08

MOVED By Councillor Drumm
Seconded by Councillor Coe

Whereas it is in the public interest to ensure accessibility to a full range of services and facilities for all members of the public; and

Whereas there are currently no full service gas stations in the Town of Whitby;

THEREFORE BE IT RESOLVED that staff investigate and report on making it a requirement of all future applications to the Town of Whitby for new gas stations or the redevelopment of existing gas stations to provide full service and at the same price as self service.

CARRIED ON A
RECORDED VOTE AS FOLLOWS

YEAS

Councillor Coe
Councillor Drumm
Councillor Emm
Councillor Mitchell
Councillor Pitchforth
Councillor Scott
Mayor Perkins

NAYS

7.2 Port Whitby Transportation Management

RESOLUTION NO. 238-08

MOVED by Councillor Emm
Seconded by Councillor Drumm

That Council suspend the rules of procedure in order to allow introduction of the following motion.

CARRIED BY A TWO THIRDS VOTE

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7. (Continued)

RESOLUTION NO. 239-08

MOVED By Councillor Mitchell
Seconded by Councillor Emm

That staff report back to Council on truck traffic issues in the Port Whitby area particularly opportunities to divert from Brock Street to Victoria Street as well as address traffic issues raised by Port Whitby residents at the public meeting held on September 9, 2008.

CARRIED

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8. BY-LAWS

- 6099-08 By-law to change amend Zoning By-law No. 1784, as amended, by changing the zoning from A – Agricultural Zone to R3 – Third Density Residential and G – Greenbelt Zone for the lands municipally known as 28 Shepherd Road, Town of Whitby. (Refer to Planning Report, Item PL 33-08)
- 6100-08 By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from A – Agricultural Zone to R2B* - Residential Zone and G – Greenbelt Zone for the land located in Part of Lot 19, Concession 6 (municipally known as 475 Columbus Road East, Plan of Subdivision SW-2004-02), Town of Whitby. (Refer to Planning Report, Item PL 66-06)
- 6101-08 By-law to adopt Town of Whitby Official Plan Amendment No. 77, for the subject lands, generally located in Part Lot 27, Broken Front Concession, Port Whitby, to amend the `Harbour Development Area No. 4` in the Port Whitby Secondary Plan to increase the maximum density of 115 units to 370 units per net hectare of land deemed developable, permitting a total of 1243 dwelling units. A marina, ancillary retail, and personal service uses may also be permitted. (Refer to Planning Report PL-110-08).)

RESOLUTION NO. 240-08

MOVED by Councillor Drumm, Seconded by Councillor Scott, that leave be granted to introduce By-law Nos. 6099-08 to 6101-08, inclusive, and to dispense with the reading of the by-laws by the Clerk and that the same be considered read a first, second and third time and finally passed and that the Mayor and Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

By-law Nos. 6099-08 to 6101-08, inclusive, considered read a first, second and third time and finally passed.

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9. CONFIRMATORY BY-LAW NO 6102-08

RESOLUTION NO. 241-08

MOVED by Councillor Coe, seconded by Councillor Emm, move for leave to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its meeting held on September 15th, 2008, and that the same be considered read a first, second and third time and finally passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

By-law No. 6102-08 considered read a first, second and third time and finally passed.

10. ADJOURNMENT

RESOLUTION NO. 242-08

MOVED by Councillor Emm at 9:36 p.m.
Seconded by Councillor Pitchforth

That this September 15th, 2008 meeting of the Council of The Corporation of the Town of Whitby adjourn.

CARRIED

Paul Jones, Clerk

Patricia Perkins, Mayor