

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

Also Present: R. Petrie, Chief Administrative Officer
S. Beale, Commissioner of Public Works
P. LeBel, Commissioner of Community & Marketing Services
S. Pohjola, Town Solicitor
R. Short, Commissioner of Planning
S. Siersma, Acting Deputy Fire Chief
N. Tellis, Manager of Treasury Services
D. Wilcox, Town Clerk
S. Stones, Agenda Clerk

Regrets: None noted

1. Declarations of Pecuniary Interest

- 1.1 Councillor Mitchell made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding Item 6.10, Corporate Services/Public Works Departments Joint Report, CS 6-14, regarding Supply and Placement of Surface Treatment and Slurry Seal (T-513-2014), as he has a financial interest in property on the road. Councillor Mitchell did not take part in the discussion or vote on the matter.
- 1.2 Councillor Mitchell made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding Item 6.12, Corporate Services Department Report, CS 10-14, regarding Application for Cancellation, Reductions, Adjustment and/or Refund of Taxes as his business address is listed in the report. Councillor Mitchell did not take part in the discussion or vote on the matter.

2. Adoption of Minutes

- 2.1**
- Special Council - February 6, 2014
 - Regular Council - February 10, 2014
 - Special Council - February 20, 2014 (6:30 pm)
 - Special Council - February 20, 2014

Resolution # 83-14

Moved By Councillor Coe
Seconded By Councillor Roy

That the minutes be adopted.

Carried

3. Delegations/Presentations

- 3.1** Doug Anderson, DurhamCLEAR
Re: Item 6.13 - Enbridge - Line 9B

Doug Anderson of DurhamClear provided a PowerPoint presentation regarding Enbridge - Line 9B, advising he has approached local municipalities urging them to support the set of minimum conditions that the province proposed in its submission to the National Energy Board (NEB) with regard to Line 9. Mr. Anderson advised that when the NEB issued its decision last week, not all conditions were met and he feels it is important to strive for safer transport of hazardous substances whether by rail or by pipeline. Mr. Anderson requested that local municipalities urge the province to require that Line 9 undergoes a provincial environmental assessment and suggested that the Town of Whitby sends a letter to both Enbridge and the NEB requesting Enbridge consult with the Town of Whitby and CLOCA with respect to the watercourse management plan. Discussion ensued regarding the minimum conditions and concerns such as emergency planning, communication, thickness of pipelines and location of valves.

4. Correspondence

- 4.1** That the following requests be endorsed:
- March 2014 - National Nutrition Month
 - March 2014 - Red Cross Month
 - March 11, 2014 - World Plumbing Day

That the following flag-raising request be endorsed:

- March 11 - 31, 2014 - Red Cross Month

Resolution # 84-14

Moved By Councillor Coe

Seconded By Councillor Montague

That the proclamations for National Nutrition Month - March 2014, Red Cross Month - March 2014 and World Plumbing Day - March 11, 2014 and the flag-raising for Red Cross Month - March 11 - 31, 2014 be endorsed.

Carried

4.2 Ice Storm Assistance Announcement

Mayor Perkins advised that the large urban Mayor's caucus had sought assistance outside of the Ontario Disaster Relief Program, with respect to the ice storm. She also advised the \$190 million announced by the province is not part of the Disaster Relief Program. Mayor Perkins confirmed there is no need to have a Council resolution or fill out forms as the province will work with municipalities to assess the ice storm damage and determine what a municipality is eligible to receive. She also advised that the Ministry of Municipal Affairs and Housing is developing reporting requirements for the new ice storm assistance program and information will be announced in April on how municipalities can receive assistance.

5. Planning and Development Committee
Report # 3 of the Planning and Development Committee - February 18, 2014

5.1 Planning and Development Department Report, PL 10-14
Re: Zoning By-law Amendment Application - Antony Chirayil-Kalam (Z-16-13) 153 Perry Street

Resolution # 85-14

Moved By Councillor Montague

Seconded By Councillor Drumm

1. That Council approve zoning application (Z-16-13), subject to the conditions contained in Section 8.0 of Planning Report PL 10-14;

2. That any necessary By-law be presented for Council's approval; and,
3. That the Mayor and Clerk be authorized to sign any necessary documents.

Carried

6. Operations Committee

Report # 3 of the Operations Committee - March 3, 2014

6.1 Community and Marketing Services Department Report, CMS 11-14
Re: Community and Marketing Services Department Arena Ice/Floor,
Sports Fields and Park User Fees; and Banquet and Facility Rental
Fees

Discussion ensued regarding the fees surcharges and the impact on users.

Resolution # 86-14

Moved By Councillor Roy

Seconded By Councillor Emm

1. That Council approve the proposed user fees for Arena Ice/Floor, Sports Fields and Parks, and the proposed Banquet and Facility Rental Fees as outlined in Community and Marketing Services Department Report CMS 11-14 (Attachment #1 – Sports Fields, Arena Ice/Floor and Park User Fees and Attachment #2 – 2015 Banquet and Facility Rental Fees);
2. That the effective periods for the proposed User Fees and Rental Fees be approved as follows:
 - Sports Fields, Parks and Arena Ice/Floor User Fees: April 1, 2014 to March 31, 2015
 - Banquet and Facility Rental Fees: April 1, 2015 to March 31, 2016
3. That Council repeal By-law # 6695-13, being a by-law to impose user fees and rental fees for certain services and activities provided by the Community and Marketing Services Department; and,
4. That Council authorize the Clerk to bring forward a new by-law for approval to implement the proposed user fees and rental fees as outlined in the staff report.

Carried

6.2 Community and Marketing Services Department Report, CMS 12-14

Re: Sole Source Purchasing - Warm and Cold Header Replacement - Wendy's Arena 2, Des Newman Arena Complex

Resolution # 87-14

Moved By Councillor Roy
Seconded By Councillor Emm

1. That Council approve CIMCO Refrigeration to replace the damaged cold and warm brine headers for Wendy's Arena 2 at the Des Newman Arena Complex within Iroquois Park Sports Centre as a bona fide single source as provided for in the Purchasing Policy;
2. That the total estimated project cost in the amount of \$75,000 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

6.3 Community and Marketing Services Department Report, CMS 13-14
Re: Ontario Ministry of Tourism, Culture and Sport's Tourism Development Fund

Discussion ensued regarding the benefits to the Town of Whitby with respect to the development fund and how this will allow the Town to enhance its competitiveness in the tourism market.

Resolution # 88-14

Moved By Councillor Roy
Seconded By Councillor Emm

1. That Community and Marketing Services Department Report CMS 13-14 regarding the Ontario Ministry of Tourism, Culture and Sport's Tourism Development Fund be received as information; and,
2. That Council endorse the Economic Development Division submitting an application to the Ontario Ministry of Tourism, Culture and Sport to undertake a tourism asset mapping and gap analysis study with the objective of identifying opportunities in the Town's tourism product mix and providing business case material for economic development attraction purposes.

Carried

6.4 Community and Marketing Services Department Report, CMS 14-14
Re: Brooklin Redmen Park

This item was referred back at Committee.

6.5 Community and Marketing Services Department Report, CMS 15-14
Re: 2014 Port Whitby Marina Boater Event Program

Brief discussion ensued regarding the Port Whitby Marina and how this is a way of showing appreciation to the boaters who use the marina.

Resolution # 89-14

Moved By Councillor Roy

Seconded By Councillor Emm

1. That Council approve the recommended 2014 Port Whitby Marina boater event program as summarized in Community and Marketing Services Report CMS 15-14;
2. That Council approve an expenditure not exceeding \$1,500 to be funded from the Port Whitby Marina Operating Budget for the provision of a boater appreciation/family day event on August 16, 2014; and,
3. That Council approve reserving the Port Whitby Marina Avalon Lounge on Fridays and Sundays during the prime boating season (commencing Victoria Day weekend to September 30) for use by Marina boaters for organized or informal get-together opportunities.

Carried

6.6 Community and Marketing Services Department Report, CMS 16-14
Re: Ministry of Health and Long Term Care Healthy Kids Community Challenge

General discussion ensued regarding how the challenge will benefit the children and youth in the community in combatting childhood obesity.

Resolution # 90-14

Moved By Councillor Roy

Seconded By Councillor Emm

1. That Community and Marketing Services Department Report CMS 16-14 pertaining to the Healthy Kids Community Challenge from the

Provincial Ministry of Health and Long Term Care, be received as information; and,

2. That staff be directed to proceed with an application to the Ministry of Health and Long Term Care Health Kids Community Challenge.

Carried

- 6.7** Community and Marketing Services Department Report, CMS 17-14
Re: 2014 Summer Special Events

Resolution # 91-14

Moved By Councillor Roy

Seconded By Councillor Emm

1. That Community and Marketing Services Department Report CMS 17-14 regarding the proposed Summer Special Events Program and Schedule be received as information;
2. That Council endorse the recommended 2014 Summer Special Events Program; and,
3. That Council recognize and thank the sponsors and community organizations that support the Summer Special Events offered by the municipality.

Carried

- 6.8** Community and Marketing Services Department Report, CMS 18-14
Re: 2014 Parks Development Projects and Playground Replacement and Retrofit Program

Discussion took place regarding the concerns of childhood health and obesity and how park design should be considered during the planning and development stages of new subdivisions.

Resolution # 92-14

Moved By Councillor Roy

Seconded By Councillor Emm

1. That Community and Marketing Services Report CMS 18-14 regarding the proposed 2014 park projects to be undertaken as identified in the 2014 Parks Capital Budget, be received as information;
2. That Council approve the 2014 Town of Whitby Playground

Replacement and Retrofit Program as identified in Community and Marketing Services Report CMS 18-14;

3. That Council authorize the Parks Development Staff to initiate the Request for Proposal for the design of the playgrounds and to initiate the competitive bid process for the installation of the playgrounds; and,
4. That Staff report back to Council with a recommendation of the manufacturer and design of the playground equipment and the recommended contractor to complete the site works and installation of the 2014 playground equipment program.

Carried

6.9 Community and Marketing Services Department Report, CMS 20-14
Re: Ontario Ministry of Community Safety and Correctional Services
Safer and Vital Communities Grant

Discussion ensued regarding the need for a broader understanding of mental health among at-risk individuals, with the goal of preventing crime and increasing community safety, and the importance of community partnerships in this regard.

Resolution # 93-14

Moved By Councillor Roy
Seconded By Councillor Emm

1. That Community and Marketing Services Department Report CMS 20-14 pertaining to the Safer and Vital Communities Grant from the Ontario Ministry of Community Safety and Correctional Services, be received as information; and,
2. That Council authorize Staff to make an application to the Safer and Vital Communities Grant with the support of the Ethno-cultural and Diversity Advisory Committee of Council, Whitby Youth Council and Seniors Committee of Council, and in partnership with Ontario Shores Centre for Mental Health Sciences, Durham Region Social Services and Durham Regional Police Services, as outlined in the staff report.

Carried

6.10 Corporate Services/Public Works Departments Joint Report, CS 6-14
Re: Supply and Placement of Surface Treatment and Slurry Seal (T-513-2014)

Having previously declared a pecuniary interest, Councillor Mitchell did not vote on the matter.

Resolution # 94-14

Moved By Councillor Roy

Seconded By Councillor Emm

1. That the Town of Whitby accept the low tender bid as received from Miller Paving Limited in the amount of \$117,115.00 (net HST) for all labour material and equipment necessary to complete the supply and placement of surface treatment and slurry seal as required by the Town of Whitby; and,
2. That the total estimated project cost for the Town of Whitby in the amount of \$128,931.97 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 6.11** Corporate Services/Public Works Departments Joint Report, CS 7-14
Re: Road Resurfacing, Urban (T-501-2014)

Resolution # 95-14

Moved By Councillor Roy

Seconded By Councillor Emm

1. That the Town of Whitby accept the low tender of Furfari Paving Company Limited in the amount of \$3,173,166.96 (excluding taxes) for all labour, materials and equipment necessary to complete road resurfacing - Urban at various locations within the Town of Whitby;
2. That the total estimated cost in the amount of \$3,712,479.86 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 6.12** Corporate Services Department Report, CS 10-14
Re: Application for Cancellation, Reductions, Adjustment and/or Refund of Taxes

Having previously declared a pecuniary interest, Councillor Mitchell did not vote on the matter.

Resolution # 96-14

Moved By Councillor Roy
Seconded By Councillor Emm

That applications for cancellation, reduction, adjustment and/or refund of taxes be approved as listed in this report, in the amount of \$4,644,929.70 for the taxation years 2000 to 2013 inclusive.

Carried

6.13 Enbridge - Line 9B

Discussion ensued regarding points raised during Doug Anderson's PowerPoint presentation on Enbridge Line 9B earlier in the meeting, including the importance of safety within the community. S. Siersma, Acting Deputy Fire Chief, advised Enbridge has always been a good community partner and supportive of safety programs.

Resolution # 97-14

Moved By Councillor Mitchell
Seconded By Councillor Roy

Whereas Line 9 is a high pressure oil pipeline that crosses the full width of Durham Region, and Enbridge has applied to the National Energy Board for permission to:

1. reverse its flow so that it carries crude oil from North Westover to Montreal
2. increase its flow from 240,000 barrels to 300,000 barrels per day
3. include diluted bitumen to the classes of petroleum it can carry

Whereas the Town of Whitby submitted a Letter of Comment to the NEB expressing its concerns and similar Letters of Comment were submitted by the Region of Durham and the Town of Ajax, as well as private individuals and organizations,

Whereas the Province of Ontario also expressed its concern in its submission to the NEB and set out 7 minimum conditions that they felt

should be imposed before the NEB approves Enbridge's application:

1. a hydrostatic test of the Line
2. an independent 3rd party review of the risk and engineering assessments submitted by Enbridge
3. insurance coverage of \$1billion
4. that Enbridge incorporate vulnerable areas and source protection plans into their high consequence area and environmentally sensitive area maps
5. that these vulnerable areas be incorporated into its emergency response plan
6. conduct emergency response exercises annually with all municipalities who want them
7. publish an annual report on Line 9, including information about maintenance, spills and integrity testing

Whereas the NEB issued its ruling on March 6 and this ruling allows Enbridge to proceed with the project subject to conditions which inadequately address the concerns expressed by the Ontario government or by Durham municipalities in their Letters of Comment

Whereas, in the course of the Line 9 hearing process, it was revealed that Durham Region has the highest concentration of watercourse crossings along the entire pipeline, which, with inadequate emergency response times of between 1.5 and 4 hours, puts Durham Region communities, citizens, businesses and natural environment at increased risk in the event of a pipeline spill.

Whereas an analysis of the pipe thicknesses at the location of the 12 acknowledged leaks on Line 9b reveals that 7 of those leaks occurred where the thickness was 0.25 in, 3 of those leaks occurred where the thickness was 0.281 in, and 2 occurred where the thickness was .312 in, and none occurred where the thickness was 3/8" (.375") or more.

Whereas further analysis has revealed that 97.2% of the pipeline in Durham is either 0.25 or 0.281 in.

Whereas the Town of Whitby has no regulatory authority over this pipeline.

Therefore be it resolved that the Town of Whitby

supports the 7 conditions set out by the Province of Ontario, and

requests the Province of Ontario require the project undergo an Individual Environmental Assessment

and be it further resolved that:

due to the high concentration of watercourses and wetlands that the pipeline crosses in Durham Region and our rapidly increasing population, the Town of Whitby requests the Province of Ontario to use its influence to have Enbridge designate the entire width of Durham a 'high consequence area' and to upgrade the line within a reasonable timeframe to minimum 9.5mm (3/8") wall thickness.

and further,

that this resolution be forwarded to Ontario Premier Kathleen Wynne, Energy Minister Bob Chiarelli, and Environment Minister Jim Bradley, local MPPs and Opposition Critics

with copies to: The National Energy Board, Federal Minister of Natural Resources Joe Oliver, Federal Environment Minister Leona Aglukkaq, Enbridge, Local MPs, and other municipalities along the pipeline route

Carried

7. Notice of Motion

7.1 Recommendation to the Durham District School Board to Name the New Brooklin High School after Steve Cosgrove, Local War Veteran

At the February 10, 2014 meeting of Council, Councillors Gleed and Coe gave notice of their motion with respect to naming the new Brooklin High School after War Verteran Steve Cosgrove.

Discussion ensued regarding the procedure of selecting a name for a new school and whether it is applicable for the Town of Whitby to be involved in the process.

Resolution # 98-14

Moved By Councillor Gleed
Seconded By Councillor Coe

Whereas Steve Cosgrove, a long time Brooklin resident, has served with distinction in World War II;

Whereas Steve Cosgrove has devoted his talents, resources and given selflessly to Brooklin and the entire Whitby community, including over 30 years on the Committee of Adjustment;

Whereas Steve Cosgrove, as a long time member of the Brooklin Legion has spent countless hours educating students about the importance of remembrance and what it means to be Canadian;

Whereas it is most fitting to honour our noteworthy citizen for his work and contributions to the Town of Whitby;

Therefore be it resolved that the Durham District School Board be hereby requested to name the new Brooklin High School after Steve Cosgrove;

And be it further resolved that the Town Clerk be directed to take the necessary action to give effect thereto.

Carried later in the meeting [See following motion]

Resolution # 99-14

Moved By Councillor Gleed
Seconded By Councillor Coe

That the fifth paragraph of the main motion be amended to read as follows:

Therefore be it resolved that the Durham District School Board add Steve Cosgrove's name to the list being considered by the selection committee to name the new Brooklin High School;

Carried

The main motion, as amended, was then carried.

8. New and Unfinished Business

- 8.1** Motion re: Private Member's Bill, Bill 69
Prompt Payments Act, 2013
Support of the efforts of the City of Mississauga

Resolution # 100-14

Moved By Councillor Coe
Seconded By Councillor Gleed

1. That the Council of the Town of Whitby support the efforts of the City of Mississauga related to Bill 69 – Prompt Payments Act, 2013;
2. That Town Council indicate its concern over the limitation on the freedom to contract for construction services and the negative financial impact that Bill 69 – Prompt Payments Act, 2013 will impose on Ontario municipalities and their property taxpayers if it is approved in its current form;
3. That Town Council request this proposed bill, should it go forward, be amended by agreement of all three provincial parties to exempt municipal governments from its requirements; and
4. That the Minister of Municipal Affairs and Housing, Association of Municipalities of Ontario and local MPP's be hereby advised.

Carried

Council held a closed session prior to the regular meeting for the purpose of reviewing Community and Marketing Services Department Confidential Report, CMS 19-14 and the Appointments of Citizens to Advisory Boards and Committees.

- 8.2** Community and Marketing Services Department Confidential Report, CMS 19-14
Re: Puckrin House and Log Cabin - Cullen Central Park

Resolution # 101-14

Moved By Councillor Montague
Seconded By Councillor Gleed

1. That Council approve the disposition of the Puckrin House and Log Cabin, both in municipal ownership and located at Cullen Central Park, to the Auberge et Spa Le Nordik, carrying on business as Nordik Immobiliers - Chelsea Inc. ("Le Nordik") under the terms and conditions outlined in Community and Marketing Services Department Report CMS 19-14;
2. That Council authorize the Town Solicitor to prepare the necessary agreement and all accompanying documents to effect the transaction between the two parties; and,
3. That the Mayor and Clerk be authorized to execute the documents to

give effect thereto.

Carried

8.3 Council Appointments to Advisory Boards and Committees

Resolution # 102-14

Moved By Councillor Coe

Seconded By Councillor Roy

1. That the appointments for the following be confirmed:
 - Whitby Sustainability Advisory Committee
Stacey Leadbetter for a term ending November 30, 2014
Erica C. Rapa for a term ending November 30, 2014
 - Harbour Day Committee
Brian McCuaig for a term ending November 30, 2014
Jason Tyron for a term ending November 30, 2014
 - Whitby in Bloom Committee
Lorraine Grant for a term ending November 30, 2014
2. That the Town Clerk notify all applicants.

Carried

8.4 Highway 407E Development Group

Councillor Roy inquired as to when the representatives from Highway 407E Development Group will be returning to provide an update on the progress of the development. Mayor Perkins advised she will contact the representatives to invite them to return for an update.

8.5 Update on Downtown Whitby

Councillor Emm inquired when an update on what is taking place in the downtown area will be brought forward. Mayor Perkins advised she will contact Inspector Saliba of Durham Regional Police Service for an update.

8.6 Update on replacement of trees damaged by the ice storm

Councillor Mitchell inquired about the status of replacement of trees damaged by the ice storm. S. Beale, Commissioner of Public Works, advised the contractors are working on removing trees on the seven streets (White Ash Drive, Bradley Drive, Pilkington Drive, Michael Boulevard, Carter Crescent, Lumsden Boulevard and Bassett Boulevard) that suffered serious, widespread damage. She further advised that there will be public meetings so residents are aware of what to expect in terms of timing and types of trees being considered to replace the existing damaged ones.

8.7 Whitby Perspective Newsletter

Councillor Gleed requested that the spring edition of the Whitby Perspective Newsletter include information for residents on what to expect for timing and closures due to the construction of Highway 407. Mayor Perkins advised that each department is responsible for providing information relevant to their respective areas.

9. By-Laws

That the following by-laws be passed:

- 9.1** By-law # 6839-14, being a by-law to impose fees for certain services and activities provided or done by the Community and Marketing Services Department. [Refer to Community and Marketing Services Report, CMS 11-14]
- 9.2** By-law # 6840-14, being a by-law to designate the lands legally described as Pt Lt 20, Con 7, Pts 1 & 4, Plan 40R23888, (John Dryden House) and municipally known as 360 Columbus Road East, Town of Whitby, as having cultural heritage value and interest
- 9.3** By-law # 6841-14, being a by-law to amend By-law # 2585, as amended, being the Zoning By-law of the Town of Whitby [Metrolinx, Z-18-13, PL 7-14, Remove Holding Symbol]
- 9.4** By-law # 6842-14, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law of the Town of Whitby [Metrolinx, Z-18-13, PL 7-14, Remove Holding Symbol]

Resolution # 103-14

Moved By Councillor Roy
Seconded By Councillor Emm

That leave be granted to introduce By-law # 6839-14 to 6842-14, and to dispense with the readings of the by-law by the Clerk and that the same be considered read and passed and that the Mayor and Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

10. Confirmatory By-Law

10.1 Confirmatory By-law

Resolution # 104-14

Moved By Councillor Montague
Seconded By Councillor Glead

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its regular meeting held on March 10th, 2014, and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

11. Adjournment

11.1 Motion to Adjourn

Resolution # 105-14

Moved By Councillor Emm
Seconded By Councillor Coe

That the meeting be adjourned.

Carried

The meeting adjourned at 8:37 p.m.

Debi A. Wilcox, Town Clerk

Patricia Perkins, Mayor

