

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, MARCH 30, 2009 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, Roy and Scott

Mayor Perkins in the Chair

ALSO PRESENT: R. S. Petrie, Chief Administrative Officer
K. Nix, Director of Corporate Services/Treasurer
B. Short, Director of Planning
D. Armstrong, Acting Fire Chief
S. Beale, Director of Public Works
P. LeBel, Director of Community and Marketing Services
S. Pohjola, Town Solicitor/Acting Manager of Human Resources
P. Jones, Town Clerk
M. Pettit, Deputy Clerk

The meeting commenced at 8:00 p.m.

1. DISCLOSURES OF INTEREST

Councillor Drumm declared a pecuniary interest with respect to Item 4.7, Planning Report PL 28-09, as he lives within proximity of 339 Dovedale Drive. He did not participate in the discussion or voting on this item.

Councillor Mitchell declared a pecuniary interest with respect to Item 4.3, Planning Report, Item PL 23-09 as several heritage properties are in close proximity to his residence. He did not participate in the discussion or voting on this item.

Councillor Coe declared a pecuniary interest with respect to New & Unfinished Business, Item No. 7.3, as his wife is employed by A&P Foods. He did not take part in the discussion or voting on this item.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6167-09

RESOLUTION NO. 86-09

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 Special Meetings of Council held on March 9, 2009, March 10, 2009, March 16, 2009 and March 23, 2009 and the Regular Meeting of Council held of March 9, 2009 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. 6167-09 considered read a first, second and third time and finally passed.

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3. PRESENTATIONS

(i) Cub Pack 6 – Visit to Council Meeting

Mayor Perkins and Councillor Mitchell welcomed the Cub Pack members and leaders and presented them with pins.

(ii) Ontario Power Generation (OPG)

Laurie Swami, OPG's Director of Licensing, attended on behalf of Patrick McNeill, OPG's Senior Vice President, Nuclear Generation Development, and provided a presentation on the status of OPG's new nuclear project at Darlington and advised of the OPG public consultation meeting to be held in Whitby on April 28, 2009. Further details can be found on the OPG website.

4. CORRESPONDENCE

(i) CORR 09-09

Letter dated March 10, 2009 from Dale Chipman, Chair, Brooklin Downtown Development Steering Committee, requesting that the Committee's terms of reference be amended to add an additional business owner to the composition of the Committee and that Matt Hanley be appointed by Council to fill that position

RESOLUTION NO. 87-09

MOVED by Councillor Emm
Seconded by Councillor Drumm

- 1) That the terms of reference for the Brooklin Downtown Development Steering Committee be amended to add one additional business owner to the composition of the Committee; and,
- 2) That Council hereby appoint business owner, Matt Hanley, to the Brooklin Downtown Development Steering Committee effective immediately, such appointment to be effective until November 30, 2009 or until a successor is appointed.

CARRIED

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4. (continued)

(ii) CORR 10-09

Letter dated March 4, 2009 from Michael Eggert thanking Council for naming a parkette after his mother, Suse Eggert. Mr. Eggert also made a contribution for plantings in the parkette

RESOLUTION NO. 88-09

MOVED by Councillor Emm
Seconded by Councillor Drumm

That correspondence Item CORR 10-09 be received as information.

CARRIED

(iii) CORR 11-09

Letter dated March 13, 2009 from Margaret Clayton, Chair of LACAC Heritage Whitby, requesting that Council endorse a particular resolution

RESOLUTION NO. 89-09

MOVED by Councillor Emm
Seconded by Councillor Drumm

WHEREAS according to the Heritage Canada Foundation, Canada has lost more than 20% of its pre-1920 heritage buildings to demolition over the past 30 years; and

WHEREAS the Heritage Canada Foundation has stated that urgent action is needed to stop the demolition of Canadian landmarks, to restore and re-use them, and to acknowledge their value as a reminder of our origins and cultures; and,

WHEREAS heritage buildings are also a valuable economic development resource which supports re-urbanization initiatives and tourism, stimulates adjacent development, increases property values, all while providing environmental benefits by way of reducing landfill, preserving natural resources and promoting sustainability; and

WHEREAS there are currently no federal financial incentives to encourage private sector investment in the rehabilitation of heritage properties; and,

WHEREAS LACAC Heritage Whitby has requested that the Town of Whitby pass a resolution requesting the Federal government to introduce financial incentives which would encourage private sector investment in the rehabilitation of historic properties;

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4. (continued)

BE IT RESOLVED that the Corporation of the Town of Whitby endorse resolutions by Heritage Canada Foundation and the Federation of Canadian Municipalities that request the Federal Ministers of Finance and the Environment to establish tax incentives which would encourage private sector investment in the rehabilitation of heritage properties; and,

THAT this motion be forwarded to the local Member of Parliament; and,

THAT the Association of Municipalities of Ontario be requested to support the work of the Heritage Canada Foundation and the Federation of Canadian Municipalities regarding the need for federal tax incentives by endorsing a resolution at its Annual Convention; and further,

THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(iv) CORR 12-09

Two pieces of correspondence dated March 17, 2009 from Marilyn Taylor requesting reconsideration of Zoning By-law Amendment – File Z-13-08, Planning Report, Item PL 118-08; and, reimbursement of legal and other fees

RESOLUTION NO. 90-09

MOVED by Councillor Emm
Seconded by Councillor Drumm

That correspondence Item CORR 12-09 be referred to the Director of Planning for consideration and a report to Council.

CARRIED

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5. STANDING COMMITTEES

- (a) Planning and Development Committee – March 16, 2009
Report Recommendations to Council
-

4.2 Planning Report, Item PL 22-09

Re: Site Plan Application (SP-42-08) – Nick Kristanas – Part of Lot 23,
Concession 1, Carlow Court

COUNCIL DECISION

1. That Council approve Site Plan Application SP-42-08 subject to the comments and conditions contained in Planning Report, Item PL 22-09; and,
2. That the Mayor and Clerk be authorized to execute the Site Plan Agreement.

4.3 Planning Report, Item PL 23-09

Re: Review of Ontario Heritage Act and Town's Inventory of Heritage
Properties

COUNCIL DECISION

1. That Planning Report, Item No. PL 23-09 regarding the Review of the Ontario Heritage Act and Town's Inventory of Heritage Properties, dated March 16, 2009 be received as information;
2. That staff, in consultation with LACAC Heritage Whitby and through a public review process, be authorized to update the Town of Whitby Inventory of Heritage Properties with criteria outlined in Ontario Regulation 9/06 of the Ontario Heritage Act to include those properties listed under Part IV (either *designated* or *significant*) and those properties listed under Part V (heritage conservation district) and report back to Council for approval and formalization of a register once it has been updated;
3. That Council authorize the Secretary-Treasurer of LACAC Heritage Whitby to continue to sign off on demolition permits for those properties listed as *significant* in the Town's Inventory of Heritage Properties until such time as a formal *heritage register* has been completed; and,
4. That staff continue to consult with LACAC Heritage Whitby prior to signing off on a demolition permit for those properties listed as *significant* in the Town's Inventory of Heritage Properties or for other properties that may be of cultural heritage value or interest to the Committee.

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5. (continued)

4.5 Planning Report, Item PL 25-09

Re: Final Proposed Accessible Transportation Standard

COUNCIL DECISION

1. That Council receive Planning Report, Item PL 25-09 as information; and,
2. That the Accessibility Working Committee and the Accessibility Advisory Committee receive a copy of Planning Report, Item PL 25-09.

4.6 Planning Report, Item PL 27-09

Re: Proposed Terms of Reference - Expansion of Gerdau Ameristeel
Recycling Shredder By-Product Disposal Site (E-2000)

COUNCIL DECISION

1. That Council endorse the following recommendations as the Town of Whitby's comments on the proposed Terms of Reference submitted by Gerdau Ameristeel for an Environmental Assessment of On-Site Management Options for Produced and Landfilled Shredder By-Product Residue:
 - a) That the Terms of Reference be revised to address the need and requirements for a decommissioning plan in the post-closure period of the operations;
 - b) That the proponent be required to prepare a decommissioning plan for the landfill site;
 - c) That, should an expansion to the landfill berm be approved, financial assurances, in the form of a new letter of credit be required and submitted to the Ministry of Environment, including indexing to reflect current pricing;
 - d) That Table A-1 of the proposed Terms of Reference be amended to include "safety" as an Indicator of the Social Community Criteria;
 - e) That Table A-1 of the proposed Terms of Reference be amended to include a column of "Options/Potential Mitigation Measures" to be examined in the studies being conducted. And, more specifically, that a berm be an option to be examined through the Noise Assessment and the Social/Cultural Assessment;

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5. (continued)

- f) That the need for a leachate barrier be addressed in the proposed Terms of Reference in a new column, "Options/Potential Mitigation Measures", or alternatively that Section 3.1 – *Alternatives* be amended to include a leachate barrier to be evaluated as a subset to Alternatives 3 and 4, whereby expansion to the landfill capacity is proposed;
 - g) That the Ministry of Environment takes into account requirements for zoning approvals prior to the final approval of the expansion of the landfill berm;
 - h) That the Whitby Fire Department's comments, as contained in this report, be addressed during the undertaking of the Environmental Assessment;
 - i) That Gerdau Ameristeel or the Ministry of Environment invite the Durham Region Health Department to sit on the Berm Liaison Committee; and,
 - j) That the Ministry of Environment give consideration to comments and concerns raised in written submissions from area residents in its evaluation of the Terms of Reference.
2. That the Region of Durham consider requesting the appointment of a member of the Health Department to sit on the existing Berm Liaison Committee; and,
3. That a copy of Planning Report, Item PL 27-09 and Council's resolution be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment, Gerdau Ameristeel, the Region of Durham's Clerk and Medical Officer of Health, the Central Lake Ontario Conservation Authority, Christine Elliott, MPP, the Environmental Commissioner of Ontario and those individuals who indicated an interest in this matter.

RESOLUTION NO. 91-09

MOVED by Councillor Drumm
Seconded by Councillor Coe

That Council adopt the recommendations set out in Item Nos. 4.2, 4.3, 4.5 and 4.6 as contained within the minutes of the meeting of the Planning & Development Committee held on March 16, 2009.

CARRIED

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5. (continued)

4.1 Planning/Public Works/Fire Joint Report, Item PL 02-09
Re: Accessory Apartments

RESOLUTION NO. 92-09

MOVED by Councillor Drumm
Seconded by Councillor Coe

1. That Planning/Public Works/Fire Joint Report, Item PL 02-09 be received for information;
2. That Council authorize Planning Staff to initiate a public process, including a Public Open House, to consider amendments to Zoning By-laws 1784 and 2585 to permit and regulate accessory apartments in single detached and semi-detached dwelling units; and,
3. That Council authorize the Public Works Building and By-law Division to further report on proposed amendments to the Property Standards By-law No. 856-79, and Apartment Registration By-law No. 4359-9.

CARRIED

Councillor Mitchell noted a pecuniary interest on Item 4.3.

RESOLUTION NO. 93-09

MOVED by Councillor Drumm
Seconded by Councillor Emm

That leave be granted to hold a second and separate vote on Item 4.3 without Councillor Mitchell voting as he has declared a conflict.

CARRIED

Councillor Mitchell did not vote on the following item. At no time during this meeting did he take part in any discussion on this item.

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5. (continued)

4.3 Planning Report, Item PL 23-09

Re: Review of Ontario Heritage Act and Town's Inventory of Heritage
Properties

RESOLUTION NO. 94-09

MOVED by Councillor Drumm

Seconded by Councillor Emm

COUNCIL DECISION

1. That Planning Report, Item No. PL 23-09 regarding the Review of the Ontario Heritage Act and Town's Inventory of Heritage Properties, dated March 16, 2009 be received as information;
2. That staff, in consultation with LACAC Heritage Whitby and through a public review process, be authorized to update the Town of Whitby Inventory of Heritage Properties with criteria outlined in Ontario Regulation 9/06 of the Ontario Heritage Act to include those properties listed under Part IV (either *designated* or *significant*) and those properties listed under Part V (heritage conservation district) and report back to Council for approval and formalization of a register once it has been updated;
3. That Council authorize the Secretary-Treasurer of LACAC Heritage Whitby to continue to sign off on demolition permits for those properties listed as *significant* in the Town's Inventory of Heritage Properties until such time as a formal *heritage register* has been completed; and,
4. That staff continue to consult with LACAC Heritage Whitby prior to signing off on a demolition permit for those properties listed as *significant* in the Town's Inventory of Heritage Properties or for other properties that may be of cultural heritage value or interest to the Committee.

CARRIED

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5. (continued)

4.4 Planning Report, Item PL 24-09

Completed Application for the Recognition of Camp X Under the Historic
Sites and Monuments Board of Canada as a National Historic Site,
Intrepid Park

RESOLUTION NO. 95-09

MOVED by Councillor Drumm
Seconded by Councillor Coe

1. That Planning Report, Item PL 24-09 regarding the Completed Application for the Recognition of Camp X under the Historic Sites and Monuments Board of Canada as a National Historic Site, dated March 16, 2009, be received as information; and,
2. That the Secretary-Treasurer to LACAC Heritage Whitby be authorized to submit the application to recognize Camp X as a National Historic Site under the Historic Sites and Monuments Board of Canada.

CARRIED

4.8 Planning Report, Item PL 29-09

Re: Bill 150, The Green Energy and Green Economy Act, 2009

RESOLUTION NO. 96-09

MOVED by Councillor Drumm
Seconded by Councillor Coe

1. That Planning Report, Item PL 29-09 be received as information;
2. That the comments contained in Planning Report, Item PL 29-09 be endorsed by the Planning and Development Committee and Council as the Town of Whitby's comments on Bill 150, The Green Energy and Green Economy Act, 2009;
3. That a copy of Planning Report, Item PL 29-09 be submitted to the Cabinet Liaison & Strategic Policy Coordinator at the Ministry of Energy; and the Clerk of the Standing Committee on General Government; and,
4. That a copy of Planning Report, Item PL 29-09 be circulated to the Clerk of the Region of Durham, the area municipalities, Christine Elliott, MPP, and the Environmental Commissioner of Ontario.

CARRIED

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5. (continued)

4.9 Planning Report, Item PL 30-09

Re: Site Plan Application (SP-40-08) – Brooklin Community Centre and Library
– 6 and 8 Vipond Road

RESOLUTION NO. 97-09

MOVED by Councillor Drumm

Seconded by Councillor Coe

1. That Council approve Site Plan Application (SP-40-08) subject to the comments and conditions contained in Planning Report, Item PL 30-09; and,
2. That the Director of Planning be authorized to approve a suitable site plan, and related drawings.

CARRIED

4.7 Planning Report, Item PL 28-09

Re: Zoning Application (SZ-22-08) – Karen Robinson, 339 Dovedale Drive

Councillor Drumm did not vote or take part in any discussion on this item having declared a pecuniary interest as previously noted.

RESOLUTION NO. 98-09

MOVED by Councillor Emm

Seconded by Councillor Mitchell

1. That Council approve Zoning Application (Z-22-08) subject to the comments and conditions contained in Planning Report, Item PL 28-09; and,
2. That a By-law to amend Zoning By-law No. 2585 be brought forward for consideration by Council.

CARRIED

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5. (continued)

5. (b) Operations Committee – March 23, 2009
Report Recommendations to Council
-

3.1 Community and Marketing Services Report, Item CMS 20-09
Re: Wetherburn (Medland Farms) Trail

COUNCIL DECISION

1. That Council endorse the design for the proposed pedestrian pathway to be located within the Williamsburg subdivision permitting access from Wetherburn Drive into the Lynde Creek Bio-Diversity Trail system; and,
2. That Council authorize Staff to proceed with the tendering process and report back to Council with a recommendation of the preferred contractor, construction timing and budget analysis.

3.4 Community and Marketing Services Report, Item CMS 25-09
Re: Jeffery Park Parking Lot

COUNCIL DECISION

1. That Council endorse the design for the proposed parking lot expansion within Jeffery Park; and,
2. That Council authorize Staff to proceed with the tendering process and report back to Council with a recommendation of the preferred contractor, construction timing and budget analysis.

3.5 Community and Marketing Services Report, Item CMS 26-09
Re: Country Lane Splash Pad

COUNCIL DECISION

1. That Council endorse the design for the proposed water splash pad feature to be located within Country Lane District Park; and,
2. That Council authorize Staff to proceed with the tendering process and report back to Council with a recommendation of the preferred contractor, construction timing and budget analysis.

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5. (continued)

3.6 Community and Marketing Services Report, Item CMS 27-09

Re: Lease Agreement Toronto Area Transit Operating Authority
(T.A.T.O.A. - GO Transit) for Use of Parking Spaces at Iroquois Park Sports
Centre and Luther Vipond Memorial Arena

COUNCIL DECISION

1. That Council authorize the lease agreement with the Toronto Area Transit Operating Authority ("GO Transit") to utilize 300 parking spaces for a one (1) year period (May 1, 2009 – April 30, 2010) at the Iroquois Park Sports Centre (IPSC);
2. That Council authorize the lease agreement with the Toronto Area Transit Operating Authority ("GO Transit") to utilize 20 parking spaces for a one (1) year period (May 1, 2009 – April 30, 2010) at the Luther Vipond Memorial Arena (LVMA);
3. That the lease agreements be subject to the following conditions:
 - a. That the term be for a one (1) year period only with a sixty (60) day notice of termination clause, and that any renewal option will be at the sole discretion of the Town of Whitby;
 - b. That parking be limited to the south east parking lot only at Iroquois Park Sports Centre and that GO Transit acknowledge that all other parking areas will be deemed "no parking" to commuters and enforceable by the Town of Whitby;
 - c. That the Town of Whitby be permitted to exempt up to 15 days per calendar year in order to accommodate the parking needs of special events at Iroquois Park Sports Centre. The Town of Whitby will provide two (2) weeks advanced written notice of these dates. GO Transit will communicate the exclusions through notices to the commuters at their expense; and,
4. That the Mayor and Clerk be authorized to execute the lease agreements.

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5. (continued)

3.7 Corporate Services Report, Item CS 07-09

Re: Crack Sealing – (File W2009-37)

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of 1005428 Ontario Ltd., o/a R & N Maintenance in the amount of \$86,215.50 for Crack Sealing;
2. That approval be granted for the option to extend the contract for a second and third year term based on the suppliers' products and performance having been satisfactory and proposed pricing for the second year being acceptable to the Town;
3. That the total estimated project cost in the amount of \$82,110.00 be approved; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

3.8 Corporate Services Report, Item CS 08-09

Re: One Articulated 4.0 Cubic Yard, 4 Wheel Loader with Plow (File W2009-35)

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of Bob Mark New Holland Sales in the amount of \$237,187.00 for One Articulated 4.0 Cubic Yard, 4 Wheel Loader with Plow;
2. That the total estimated project cost in the amount of \$226,692.00 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

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5. (continued)

3.9 Corporate Services Report, Item CS 09-09

Re: Repair of Town Owned Catch Basins and/or Maintenance Holes
(File W2009-16)

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of Peltar Paving and General Contracting Ltd. in the amount of \$58,773.75 for the Repair of Town Owned Catch Basins and/ or Maintenance Holes;
2. That the total estimated cost in the amount of \$67,170.00 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

3.10 Corporate Services Report, Item CS 10-09

Re: Hot Mix Paving – (File W2009-1)

COUNCIL DECISION

1. That the Town of Whitby accept the low tender of Furfari Paving Co. Ltd. in the revised amount of \$2,203,858.81 for Hot Mix Paving;
2. That the total estimated project cost in the amount of \$2,345,206.97 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

3.11 Corporate Services Report, Item CS 11-09

Re: Cooperative Tender for the Supply of Gas and Diesel Fuel
(Issued by: Region of Durham) – (File T-257-2008)

COUNCIL DECISION

1. That the Town of Whitby approve an award for the Supply and Delivery of Gas and Diesel from Petro-Canada, being the lowest bidder meeting specification, in the amount of \$893,627.24 (net GST) for a 3 year term;

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2. That approval be granted for the continuation of the contract for 2 additional one year terms, (2012, 2013) based upon satisfactory performance in the prior year, acceptable pricing and budget approvals; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

3.12 Public Works Report, Item PW 11-09

Re: 2009 Compost Giveaway Event – (File E-3200)

COUNCIL DECISION

1. That Council approve the Public Works Department co-hosting a Compost Giveaway event with the Region of Durham on April 18, 2009;
2. That Council approve a Departmental initiative allowing staff to accept non-perishable food during the Compost Giveaway; and,
3. That a copy of Public Works Department Report, Item PW 11-09 regarding the “2009 Compost Giveaway” event be forwarded to the Region of Durham and the Area Municipalities.

3.13 Public Works Report, Item PW 12-09

Re: Noise Exemption Request – Miller Paving

COUNCIL DECISION

That Council exempt Miller Paving Limited from the noise restrictions provided in the Town of Whitby Noise By-law, 292-70 as amended, to permit the asphalt plant at 4615 Thickson Road, to operate during the night, early morning hours and Sunday evenings, from the date of granting this request, to November 30, 2009.

4.1 Traffic Signalization at Burns St. & Henry St.

COUNCIL DECISION

That Town of Whitby Council respectfully request the Regional Municipality of Durham accelerate the Regional Works project for the installation of traffic signalization at Burns/Henry intersection to be completed as soon as possible.

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5. (continued)

4.2 Sidewalk Accessibility Improvements on Dryden Blvd.

COUNCIL DECISION

That staff be directed to investigate and report back as to costs for understanding sidewalk accessibility improvements at Dryden and Bentonwood, Dryden and Jason and Dryden and Kenneth Hobbs.

RESOLUTION NO. 99-09

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

That Council adopt the recommendations set out in Items Nos. 3.1, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 4.1, 4.2 as contained in the minutes of the meeting of the Operations Committee held on March 23, 2009.

CARRIED

3.2 Community and Marketing Services Report, Item CMS 23-09
Re: Whitby County Town Carnival

RESOLUTION NO. 100-09

MOVED by Councillor Pitchforth
Seconded by Councillor Scott

1. That Council approve the recommendations from the Whitby County Carnival Committee of Council and Staff contained within Community and Marketing Services Report, Item CMS 23-09;
2. That the 2009 Whitby County Town Carnival be held at Cullen Central Park on Saturday June 27, 2009;
3. That the Whitby Community Heritage Association act as the licence holder and partner with the County Town Carnival Committee of Council for the 2009 Great Little Duck Race for the purpose of fundraising for this year's event; and,
4. That the Great Little Duck Race be held at D'Hillier Park on Saturday, May 9, 2009.

CARRIED

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5. (continued)

3.3 Community and Marketing Services Report, Item CMS 24-09

Re: EA 6 District Park

RESOLUTION NO. 101-09

MOVED by Councillor Mitchell

Seconded by Councillor Emm

1. That Council endorse the design for the proposed District Park to be located within the former EA 6 planning area bordered by Taunton Road, Thickson Road, Dryden Boulevard and Anderson Street; and,
2. That Council authorize Staff to proceed with the tendering process and report back to Council with a recommendation of the preferred contractor, construction timing and budget analysis.

CARRIED

MOVED by Councillor Mitchell

Seconded by Councillor Coe

3. That consideration be given to naming EA6 District Park "Dennis Fox Park" and staff be directed to report back having regard for the Town's Parks Naming Policy.

CARRIED

3.14 Planning/Public Works Joint Report, Item PW 14-09

Re: Highway 407 East Environmental Assessment – Community Value Plans

RESOLUTION NO. 102-09

MOVED by Councillor Pitchforth

Seconded by Councillor Scott

1. That Planning/Public Works Joint Report, Item PW 14-09 be received for information;
2. That staff continue to work with the Highway 407 Project Team as further details regarding the Community Value Plans become available; and,
3. That a copy of Council's resolution and Planning/Public Works Joint Report, Item PW 14-09 be forwarded to the Ministry of Transportation.

CARRIED

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON MONDAY, MARCH 30, 2009 AT THE HOUR OF 8:00
P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

6. NOTICES OF MOTION

None.

7. NEW AND UNFINISHED BUSINESS

7.1 Planning Department Report, Item PL 32-09

Re: Zoning Amendment Application to Remove 'H' Holding Provision
Sorbara/Tribute Holdings Inc. – Phase 6 – (Z-04-09)
– Part of Lots 24 & 25, Concession 6

RESOLUTION NO. 103-09

MOVED by Councillor Emm
Seconded by Councillor Coe

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 32-09; and,
2. That the amending Zoning By-law to remove the 'H' Holding symbol be brought forward for Council's approval.

CARRIED

RESOLUTION NO. 104-09

MOVED by Councillor Coe
Seconded by Councillor Emm

That the rules of the procedure be suspended to allow introduction of the following motion.

CARRIED ON A
TWO-THIRDS VOTE

7.2 Kendalwood Drive

Re: Relief from Parking By-law

RESOLUTION NO. 105-09

MOVED by Councillor Coe
Seconded by Councillor Emm

Whereas Kendalwood Seventh-day Adventist Church, located at 300 Kendalwood Road is hosting a Prayer Conference, April 17 to April 19, 2009, and requires relief from the Town of Whitby Parking by-law Council hereby authorize

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7. (continued)

relief from parking enforcement from Friday, April 17, 2009, starting at 3:00 p.m. until Monday, April 20, 2009 at 7:30 a.m. on the west side only of Kendalwood Road from a point 10 m south of the Church Driveway to 10 m north of Broadview Avenue.

CARRIED

7.3 Special Council Meeting – April 6th, 2009

Planning Report, Item PL 36-09

Re: Decision of the Durham Regional Planning Commissioner to Approve
Amendment No. 135 to the City of Oshawa Official Plan

Councillor Coe declared a pecuniary interest with respect to this item as his wife is employed by A&P Foods. He did not take part in the discussion or voting on this item.

RESOLUTION NO. 106-09

MOVED by Councillor Emm

Seconded by Councillor Drumm

That a Special Council Meeting be held on April 6th, 2009 at 6:45 p.m. prior to that evening's Planning and Development Committee Meeting, for the purpose of discussing Official Plan Amendment No. 135 to the Oshawa Official Plan.

CARRIED

8. BY-LAWS

6168-09 By-law to authorize a Franchise Agreement between the Corporation of the Town of Whitby and Enbridge Gas Distribution Inc. (Refer to Public Works Report, Item PW 54-08, Resolution 320-08)

6169-09 By-law to assume Parts 2 and 3 on Plan 40R-25680 as Part of Keith Street and Part 5 on Plan 40R-25680 as Part of Brock Street South for road widening purposes. (Refer to Planning Report, Item PL 29-08, King's Petro Inc., Z-11-07, SP-01-08)

6170-09 By-law to assume Parts 1 on Plan 40R-25652 for road widening purposes at Garrard Road. (Refer to Memorial Gardens Canada Limited – LD 044-2008 – 2000 Dundas Street East)

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6171-09 By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from G – Greenbelt Zone to M1-1 – Restricted Industrial Zone Exception 1 and from M1 – Restricted Industrial Zone to G – Greenbelt Zone for the portion of the property, located at 2001 Victoria Street East, Town of Whitby.

The effect of the zoning change from G to M1-1 is to permit an expansion to the existing self storage facility, consisting of three new self storage buildings. The effect of the zoning change from M1 to G is to reflect the floodplain limits, as defined by Central Lake Ontario Conservation Authority (Refer to Planning Report, Item PL 127-08, Z-17-08, Halloway Holdings Limited)

6172-09 By-law to amend Zoning By-law No. 1784, as amended, by changing the zoning from H-R2A*-WS/H-R2B*-WS/H-R2C*-WS – Holding – Single Detached Dwelling – Wide Shallow Zone to R2A*-WS/R2B*-WS/R2C*-WS – Single Detached Dwelling – Wide Shallow Zone.

The effect of the zoning change is to permit the development of the land for a residential subdivision. (Refer to Planning Report, Item PL 32-09, Z-04-09, Sorbara/Tribute Holdings Inc.)

6173-09 By-law to amend Zoning By-law No. 2585, as amended, by changing the zoning from R3 – Residential Type 3 to R3-1 Residential Type 3 Exception 1 for the property known as 339 Dovedale Drive, Town of Whitby.

The effect of the zoning change is to permit one accessory dwelling unit within the existing semi-detached dwelling on the subject property. (Refer to Planning Report, Item PL 28-09, Z-22-08, Karen Elizabeth Robinson, 339 Dovedale Drive)

RESOLUTION NO. 107-09

MOVED by Councillor Mitchell, Seconded by Councillor Drumm, that leave be granted to introduce By-law Nos. 6168-09 and 6173-09, 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. 6168-09 and 6173-09, inclusive, considered read a first, second and third time and finally passed.

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9. CONFIRMATORY BY-LAW NO 6174-09

RESOLUTION NO. 108-09

MOVED by Councillor Roy, seconded by Councillor Scott, 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 March 30, 2009, 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. 6174-09 considered read a first, second and third time and finally passed.

10. ADJOURNMENT

RESOLUTION NO. 109-09

MOVED by Councillor Emm at 10:08 p.m.
Seconded by Councillor Scott

That this March 30, 2009 meeting of the Council of The Corporation of the Town of Whitby adjourn.

CARRIED

Paul Jones, Clerk

Patricia Perkins, Mayor