

MINUTES OF THE SPECIAL MEETING OF THE COUNCIL OF THE CORPORATION OF
THE TOWN OF WHITBY HELD ON THURSDAY, SEPTEMBER 9, 2010 AT THE HOUR OF
7:00 P.M. IN MEETING HALL AT THE WHITBY MUNICIPAL BUILDING AS CALLED BY THE
HEAD OF COUNCIL

PRESENT: Mayor Perkins
Mayor Perkins in the Chair

Councillor Coe
Councillor Emm
Councillor Drumm
Councillor Mitchell
Councillor Pitchforth
Councillor Scott
Councillor Roy

STAFF PRESENT: R. Petrie, Chief Administrative Officer
S. Beale, Director of Public Works
P. LeBel, Director of Community & Marketing Services
B. Short, Director of Planning
D. Wilcox, Town Clerk
M. Pettit, Deputy Clerk

1. DISCLOSURES OF INTEREST

Councillor Pitchforth made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to By-law No. 6414-10 regarding the agreement of Purchase and Sale between the Town of Whitby and Le Nordik Nature Spa 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.

ITEMS FOR CONSIDERATION BY COUNCIL IN COMMITTEE OF THE WHOLE

RESOLUTION NO. 281-10

MOVED by Councillor Pitchforth
Seconded by Councillor Coe

That Council resolve itself into Committee of the Whole with Councillor Coe, Chair of Planning & Development Committee, in the Chair for the purpose of considering a proposed Port Whitby Sustainable Community Plan, and an Amendment to the Whitby Official Plan, Intensification Strategy and Growth Plan Conformity, Proposed Official Plan Amendment No. 89 (Southeast corner of Victoria and Gordon Streets) and Proposed Official Plan Amendment No. 90 (Section A: Growth Plan Conformity; Section B: Intensification Strategy).

CARRIED

Councillor Coe in the Chair.

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2. PRESENTATIONS/CORRESPONDENCE

- a) Meridian Planning
Nick McDonald
FCM - Port Whitby Sustainable Community Plan Draft Final Report

Chair Coe indicated that a formal presentation was not required and received concurrence from members present.

- b) Correspondence dated August 30, 2010 from Malone Given Parson Limited on behalf of 1823702 Ontario Inc./Timberline Equities Ltd. With respect to Planning Report PL 108-10. (SW Corner of Gordon Street and Scadding Avenue), along with the Consultant's Submission
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- c) Correspondence dated September 7, 2010 from Tunney Planning Inc. with respect to Planning Report, PL 108-10 (1606, 1610 and 1614 Charles Street)
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- d) Correspondence dated September 8, 2010 from R. Houser, Goodmans on behalf of Wal-Mart Canada Corp. with respect to Planning Report, PL 108-10 (4100 Baldwin Street)
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- e) Correspondence dated September 8, 2010 from Peter F. Smith, Bousfields Inc., on behalf of Nordeagle Developments Ltd. with respect to Planning Report, PL 108-10 ("Ecoplace", northwest quadrant of Gordon Street and Victoria Street")
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RECOMMENDATION

Moved by Councillor Emm

That correspondence Items b) through e) be received for information.

CARRIED

3. DEPARTMENTAL REPORTS

- 3.1 Planning Report, Item PL 107-10
Re: FCM - Port Whitby Sustainable Community Plan Draft Final Report

R. Short, Director of Planning outlined the contents of Planning report, Item PL 107-10. Consultant team members were present in the audience to answer questions if required.

The Town Clerk provided a review of the Public Meeting process for the benefit of the audience.

Chair Coe declared the meeting to be a public meeting and invited submissions

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from the audience. There were no public submissions. Chair Coe closed the public meeting.

Committee members provided comments on the draft final report. A question and answer period ensued.

RECOMMENDATION

MOVED by Councillor Drumm

1. That Planning Report PL 107-10 be received as information.
2. That the recommendations of the Port Whitby Sustainable Community Plan be included in the consideration of the Whitby Official Plan Review, review and update of the Port Whitby Secondary Plan and Community Improvement Plan, and future Zoning By-laws; and,
3. That Planning Staff be authorized to prepare a Terms of Reference for the review and update of the Port Whitby Secondary Plan and Community Improvement Plan for Council's review and approval.

CARRIED

4. **PUBLIC MEETINGS**

- 4.1 Re: Town of Whitby Presentation
Amendment to Whitby Official Plan, Intensification Strategy, Growth Plan
Conformity
Re: Whitby Official Plan Review: Intensification Strategy; Growth Plan
Conformity
Proposed Official Plan Amendment No. 89 (Southeast corner of Victoria and
Gordon Streets)
Proposed Official Plan Amendment No. 90 (Section A: Growth Plan Conformity;
Section B: Intensification Strategy)
(Refer to Planning Report, Item PL 108-10)
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B. Short, Director of Planning introduced the item and noted correspondence received from various parties in regard to this item.

Chair Coe declared the meeting to be a public meeting and invited submissions from the audience.

Mathew Cory of Malone Given Parsons, appeared before Committee on behalf of 1823702 Ontario Inc./Timberline Equities Ltd who own property located at S/W corner of Scadding and Gordon, and advised they had provided a submission on the proposed Intensification Strategy and have spoken with Town staff in regard to it. He advised the essence of the submission was the inclusion of the area

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West of Gordon Street as higher density. They request that schedule B3 of OPA 90 be revised to delimit the Port Whitby/GO Station Intensification Areas as it was shown in the consultant's report.

Sharon Johnstone, 118-340 Watson Street, appeared before Committee and advised that she appreciated the chance and opportunity to comment and participate in the decision making process and commended Council for being able to hire a consultant of such high caliber to make this process clear and understandable to all residents who participated.

There being no further submissions, Chair Coe closed the public meeting.

Committee members provided comments on the report. A question and answer period ensued.

RECOMMENDATION

MOVED by Councillor Drumm

1. That Council approve the proposed Amendment to implement the Town's Intensification Strategy (OPA-2009-W/02) and to achieve conformity with the Province's Growth Plan for the Greater Golden Horseshoe (OPA-2010-W/01), as Amendment No. 90 to the Whitby Official Plan, as shown on Attachment #1, subject to the comments and conditions outlined in Planning Report PL 108-10;
2. That a By-law to adopt Official Plan Amendment No. 90 be brought forward for consideration by Council;
3. That the Clerk forward to the Region of Durham, within fifteen (15) days of adoption of Amendment No. 90, the necessary documentation for a non-exempt Official Plan Amendment;
4. That the Clerk send a Notice of Council's decision to those persons and agencies who have requested further notification regarding the Intensification Strategy (OPA-2009-W/02) and Growth Plan Conformity (OPA-2010-W/01);
5. That Council approve the proposed Amendment to change the land use designation on the south east corner of Victoria Street West and Gordon Street to "Major Open Space", as Amendment No. 89 to the Whitby Official Plan, as shown on Attachment #4, subject to the comments and conditions outlined in Planning Report PL 82-10;
6. That a By-law to adopt Official Plan Amendment No. 89 be brought forward for consideration by Council;

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7. That the Clerk forward a copy of Planning Report, Item PL 82-10, two (2) copies of the adopted Amendment, and a copy of the By-law to adopt Official Plan Amendment No. 89, to the Region of Durham's Commissioner of Planning; and,
8. That the Clerk send a Notice of Council's decision to those persons and agencies who have requested further notification regarding proposed Amendment No. 89 (OPA-2009-W/02).

CARRIED as AMENDED
BY THE FOLLOWING MOTIONS

MOVED by Mayor Perkins

That Attachment #1, noted as part of Item 1 of the main motion be amended as follows:

That Amendment No. 90 to the Whitby Official Plan be amended on agenda page 157, Section 4.13.4.5, a) by deleting the word 'shall' and inserting the word 'should'.

CARRIED

MOVED by Mayor Perkins

That Attachment #1, noted as part of Item 1 of the main motion be amended as follows:

That Amendment No. 90 to the Whitby Official Plan be amended on agenda page 179, by deleting the 500 metre radius noted on Exhibit 'E' to the proposed Amendment 90 – Section A; Schedule B3-Intensification.

CARRIED

MOVED by Mayor Perkins

That Attachment #1, noted as part of Item 1 of the main motion be amended as follows;

That Amendment No. 90 to the Whitby Official Plan be amended on agenda page 160 and agenda page 170, by referring Section B, Sections 4.13.6 e) and 4.13.7.8 back to staff for future consultation, appropriate documentation and clarification regarding the intent of the policies for 'Other Intensification Sites' and the impacts on the community.

CARRIED

MOVED by Councillor Emm

That Council approve, in principle, Amendment No. 90 to the Whitby Official

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Plan, as amended, subject to the Provincial approval of Regional OPA 128.

CARRIED

Councillor Coe noted that it was now the end of the Committee of the Whole portion of the agenda and Mayor Perkins would now resume the Chair.

MOVED by Councillor Emm

That Council rise and ratify the actions from Committee of the Whole.

CARRIED

5. BY-LAWS

- 6402-10 By-law to adopt Town of Whitby Official Plan Amendment No. 92, as amended, to the Official Plan of the Town of Whitby (File No. OPA-2007-W/03) (Refer to Planning Report, PL 87-10. This by-law was referred from the September 7, 2010 meeting of Council in order to reflect amendments made at that meeting.
- 6412-10 By-law to adopt Town of Whitby Official Plan Amendment No. 89 to the Official Plan of the Town of Whitby (File No. OPA-2009-W/02)
- 6413-10 By-law to adopt Town of Whitby Official Plan Amendment No. 90, as amended, to the Official Plan of the Town of Whitby (File No. OPA-2010-W/01)

RESOLUTION NO. 282-10

MOVED by Councillor Mitchell, seconded by Councillor Drumm that leave be granted to introduce By-law Nos. 6402-10, as amended, 6412-10 and 6413-10, as amended, 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

Having previously declared a conflict of interest, Councillor Pitchforth did not participate in the discussion or voting on the following item.

- 6414-10 By-law to authorize the execution of an agreement of Purchase and Sale between the Town and LeNordik Nature Spa subject to the required conditions and terms. (This by-law implements the direction from Council on September 7, 2010)

RESOLUTION NO. 283-10

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MOVED by Councillor Mitchell seconded by Councillor Coe that leave be granted to introduce By-law No. 6414-10, and to dispense with the reading of the by-law 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.

Councillor Emm asked for a recorded vote.

<u>Yes</u>	<u>No</u>	<u>Abstained (conflict)</u>
Councillor Drumm Councillor Mitchell Councillor Roy Councillor Scott	Councillor Coe Councillor Emm Mayor Perkins	Councillor Pitchforth

CARRIED
ON A RECORDED VOTE

6. CONFIRMING BY-LAW – BY-LAW NO.6415-10

RESOLUTION NO. 284-10

MOVED by Councillor Mitchell seconded by Councillor Coe 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 special meeting held on September 9, 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

4. ADJOURNMENT

RESOLUTION NO. 285-10

MOVED by Councillor Emm
Seconded by Councillor Mitchell

That the meeting be adjourned.

CARRIED

The meeting adjourned at 9:20 p.m..

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Debi A. Wilcox, Town Clerk

Patricia Perkins, Mayor