

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION
OF THE TOWN OF WHITBY HELD ON MONDAY, MARCH 5, 2012 AT THE HOUR OF
7:00 P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

PRESENT: Councillor Coe
Councillor Drumm
Councillor Emm
Councillor Hanson
Councillor Mitchell
Councillor Montague
Councillor Roy

ABSENT: Mayor Perkins (on Municipal Business)
Deputy Mayor Drumm in the Chair

STAFF PRESENT: R. Petrie, Chief Administrative Officer
S. Beale, Commissioner of Public Works
M. Gerrard, Fire Chief
S. Edwards, Manager of Parks, Marina, Long Range Planning,
Tourism & Culture
K. Nix, Commissioner of Corporate Services/Treasurer
S. Pohjola, Town Solicitor
R. Short, Commissioner of Planning
D. Wilcox, Town Clerk
M. Pettit, Deputy Clerk

1. DISCLOSURES OF INTEREST

Councillor Mitchell made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Planning Report, Item PL 09-12 of the Planning & Development Committee, as well as By-law 6592-12, and Item 5.1 under New & Unfinished Business in the Planning & Development Committee Meeting minutes, as the applicant and property owner have been customers of his in the past and the substance of the report raises a potential pecuniary interest. Councillor Mitchell did not take part in the discussion or vote on these matters.

Councillor Hanson made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Zoning – Home Occupations should the subject arise, as she has a family member who has a home occupation.

Councillor Montague made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Zoning - Home Occupations should the subject arise, as he has a home occupation.

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2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6589-12

RESOLUTION NO. 52-12

Minutes of Council Meetings – February 6, February 16 and February 21, 2012

Councillor Emm seconded by Councillor Montague 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 February 6, 2012 and the Special Meetings of Council held on February 16 and 21, 2012 at 6:00 p.m. and immediately following the Operations Committee Meeting 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. 6589-12 considered read a first, second, and third time and finally passed.

3. PRESENTATIONS/DELEGATIONS

There were no presentations or delegations.

4. CORRESPONDENCE

4.1 CORR 05-12

a) That the following requests be proclaimed:

- 2011-2012 United Nations Official Year of the Bat and Bat Appreciation Week – 2nd week of April 2012
- NHL Alumni & Camp Maple Leaf Day – March 30, 2012
- Red Cross Month – March 2012
- International Day Against Homophobia/Transphobia – May 17, 2012
- PRIDE Week in Durham – June 4 – 10, 2012

b) That the following flag raisings be approved:

- International Day Against Homophobia/Transphobia – May 17, 2012
- PRIDE Week in Durham – June 4 – 10, 2012

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RESOLUTION NO. 53-12

MOVED by Councillor Coe
Seconded by Councillor Hanson

That CORR 05-12, being requests for proclamations for 2011-2012 United Nations Official Year of the Bat and Bat Appreciation Week – 2nd week of April 2012; NHL Alumni & Camp Maple Leaf Day – March 30, 2012; Red Cross Month – March 2012; International Day Against Homophobia/Transphobia – May 17, 2012 and PRIDE Week in Durham – June 4 – 10, 2012, and requests for flag-raising for International Day Against Homophobia/Transphobia – May 17, 2012 and PRIDE Week in Durham – June 4 – 10, 2012, be endorsed.

CARRIED

- 4.2 CORR 06-12
Email dated January 20, 2012 from Matthew Hepplestone, Tiny Paws Foster Home, regarding an on-line petition raising awareness of the ongoing problem of Domestic Animal Cruelty
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RESOLUTION NO. 54-12

MOVED by Councillor Coe
Seconded by Councillor Roy

That CORR 06-12 being an email dated January 20, 2012 from Matthew Hepplestone, Tiny Paws Foster Home, regarding an on-line petition raising awareness of the ongoing problem of Domestic Animal Cruelty, be received for information.

CARRIED

- 4.3 CORR 07-12
Correspondence dated February 15, 2012 from Margaret Clayton, Chair, LACAC Heritage Whitby, regarding a recent resolution passed by LACAC Heritage Whitby with respect to future use options of the Cullen Park Heritage Buildings
-

RESOLUTION NO. 55-12

MOVED by Councillor Coe
Seconded by Councillor Roy

That CORR 07-12, being correspondence dated February 15, 2012 from Margaret Clayton, Chair, LACAC Heritage Whitby, regarding a recent resolution passed by LACAC Heritage Whitby with respect to future use options of the Cullen Park Heritage Buildings be referred to staff for a report.

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CARRIED

5. STANDING COMMITTEES

- (a) Planning & Development Committee – February 13, 2012
Report No. 2
Recommendations to Council

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

- 4.1 Planning Report, Item PL 09-12
Re: Zoning Amendment Application to Permit the Extension of a Temporary Use By-law – Devil's Den Golf Centre (693316 Ontario Ltd.) – (Z-10-11)
745 Winchester Road West – Part of Lot 31, Concession 5

RESOLUTION NO. 56-12

MOVED BY Councillor Coe
Seconded by Councillor Hanson

COUNCIL DECISION:

1. That Council approve the application submitted by Devil's Den Golf Centre for the extension of the temporary uses on the subject property of a golf driving range, beach volleyball courts and ancillary uses for a period of three (3) years; and,
2. That the amending by-law be brought forward for Council approval.

CARRIED

- 4.2 Planning Report, Item PL 12-12
Re: Port Whitby: Secondary Plan Update, Community Improvement Plan and Urban Design Guidelines – Terms of Reference
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General discussion ensued on the matter.

RESOLUTION NO. 57-12

MOVED BY Councillor Coe
Seconded by Councillor Hanson

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COUNCIL DECISION:

1. That Planning Report Item PL 12-12 be received for information;
2. That Council endorse the Terms of Reference, as shown on Attachment #1, and authorize Staff to prepare and issue a Request for Proposal for consulting services for preparation of a Secondary Plan Update, Community Improvement Plan and Urban Design Guidelines for Port Whitby for completion at the end of the calendar year 2013; and,
3. That Council approve additional funding as set out in Planning Report Item PL 12-12 for the Port Whitby Secondary Plan Update, Community Improvement Plan and Urban Design Guidelines as outlined in Section 7 to be funded from the Long Term Capital Financing Reserve Fund.

CARRIED

- (b) Operations Committee – February 21, 2012
Report No. 3
Recommendations to Council

- 4.3 Corporate Services Report, Item CS 05-12
Re: T-109-2011 – Supply and Delivery of Two (2) 2012, Custom Built
Pumper Fire Trucks
-

COUNCIL DECISION:

1. That the Town of Whitby accept the low tender of Dependable Emergency Vehicles in the amount of \$999,900.00 (excluding taxes) for the supply and delivery of two (2) 2012 custom built pumper trucks.
2. That the total estimated project cost for the Town of Whitby in the amount of \$1,626,414.00 be approved and that the remaining budget be used for the procurement of the required equipment for the pumper trucks, subject to Council approval.
3. That the Mayor and Clerk be authorized to execute the contract documents.

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- 4.4 Public Works Report, Item PW 05-12
Re: Update to Traffic By-law No. 1862-85: Various School Locations

COUNCIL DECISION:

1. That Traffic By-Law number 1862-85 be amended to alphabetically incorporate the proposed changes to Schedule "A", No Stopping Restrictions on Norista Street, Blackfriar Avenue, Cachet Boulevard and Palmerston Avenue as shown in Attachments A.
2. That Council authorize the Clerk to bring forward an amending By-law to By-law 1862-85, for Council approval, as shown in Attachment B.
3. That a copy of Public Works Report PW 05-12 be forwarded to Robert Munsch Public School, Blair Ridge Public School, and the Durham District School Board.

- 4.5 Fire Department Report, Item FR 01-12
Re: Ontario Municipal Fire Prevention Officers Association (OMFPOA)
Training and Education 2012 Symposium, Ajax, Ontario
-

COUNCIL DECISION:

That Whitby Fire and Emergency Services Report FR 1-12, with respect to the Ontario Municipal Fire Prevention Officers Association (OMFPOA) Training and Education Symposium, be received as information.

RESOLUTION NO. 58-12

MOVED BY Councillor Mitchell
Seconded by Councillor Roy

That Items 4.2 to 4.5, inclusive, of Report No. 3 of the Operations Committee dated February 21, 2012, be adopted, save and except Item 4.2.

CARRIED

- 4.2 Community & Marketing Services Report, Item CMS 15-12
Re: Sports Facilities Strategy – Terms of Reference

General discussion ensued on the matter.

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RESOLUTION NO. 59-12

MOVED BY Councillor Mitchell
Seconded by Councillor Roy

COUNCIL DECISION:

1. That Council approve the Terms of Reference, as indicated on Attachment No. 1, for the development of the Sports Facilities Strategy;
2. That Council authorize Staff to issue a Request for Proposal to obtain submissions from qualified consultants for the preparation of the Sports Facilities Strategy; 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 Sports Facilities Strategy.

CARRIED

- (c) Special Management Committee — February 1 and February 9, 2012

RESOLUTION NO. 60-12

MOVED BY Councillor Coe
Seconded by Councillor Emm

That the minutes of the Special Management Committee Meetings held on February 1 and February 9, 2012 be received.

CARRIED

6. NOTICE OF MOTION

There were no notices of motion at the meeting.

7. NEW AND UNFINISHED BUSINESS

- 7.1 Planning Report, PL 14-12
Re: Earth Hour 2012

General discussion ensued on the matter.

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RESOLUTION NO. 61-12

MOVED BY Councillor Coe
Seconded by Councillor Emm

COUNCIL DECISION:

1. That Planning Report Item No. PL 14-12, regarding the Town of Whitby's participation in Earth Hour on March 31, 2012 be received as information;
2. That the Clerk be authorized to register the Town of Whitby to participate in Earth Hour 2012;
3. That businesses and all residents of the Town of Whitby be encouraged to participate in Earth Hour 2012; and,
4. That a copy of this report be forwarded to the Durham Region Astronomical Association, the Durham District School Board, the Durham Catholic School Board, Whitby Hydro, the Library Board, the Whitby Chamber of Commerce and the Station Gallery.

CARRIED

7.2 Direct Election of Regional Chair

Councillor Coe advised that a public meeting was being held on April 4 at 10:00 am at the Regional Headquarters in the Council Chambers to gather public feedback on the matter of direct election of the Regional Chair.

7.3 Youth Film Festival – March 6, 2012

Councillor Montague advised that the upcoming Youth Film Festival to be held on March 6th had sold out but encouraged everyone to attend next year's event if they get the chance.

7.4 Timing of Report on Majestic Park – Referral of CMS 14-12

Councillor Roy noted the referral of CMS 14-12 re: 2012 Parks Development Projects: Majestic Park and Cathedral Park as outlined in the minutes of the Operations Committee Meeting of February 21, 2012 and enquired when the report would be coming back before Committee. The Chief Administrative Officer advised that an overview report of the strategy may be available in time for the next Operations Committee Meeting.

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7.5 Review of Municipal Conflict of Interest Act

RESOLUTION NO. 62-12

MOVED by Councillor Mitchell
Seconded by Councillor Roy

That the rules of procedure be suspended and leave be granted to
introduce a motion related to the Municipal Conflict of Interest Act.

CARRIED
ON A TWO THIRDS
MAJORITY VOTE

General discussion ensued on the matter.

RESOLUTION NO. 63-12

MOVED by Councillor Mitchell
Seconded by Councillor Roy

That the Town Solicitor report back on the Municipal Conflict of Interest
Act and opportunities to increase its effectiveness and transparency.

CARRIED

7.6 Oshawa-Whitby Kiwanis Music Festival – a Night of Stars

Deputy Mayor Drumm advised that the Oshawa-Whitby Kiwanis Music
Festival is presenting a Night of Stars taking place on Saturday, March
24th at 8:00 p.m. at the Hebron Christian Reformed Church at 4240
Anderson St. N. and that tickets are still available.

7.7 Current Studies Being Undertaken

Deputy Mayor Drumm advised that he counted the number of studies
currently being undertaken that are listed on the Town's website and
reminded members that these would involve a great deal of time and
resources over the next few years.

8. BY-LAWS

RESOLUTION NO. 64-12

MOVED by Councillor Hanson seconded by Councillor Coe that leave be granted
to introduce By-law Nos. 6590-12 and 6594-12, save and except By-law 6592-
12, 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

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

RESOLUTION NO. 65-12

MOVED by Councillor Hanson seconded by Councillor Coe that leave be granted to introduce By-law No. 6592-12, 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.

CARRIED

9. CONFIRMATORY BY-LAW NO. 6595-12

RESOLUTION NO. 66-12

MOVED by Councillor Roy 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 meeting held on March 5, 2012, 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. 6595-12 considered read a first, second and third time and finally passed.

10. ADJOURNMENT

RESOLUTION NO. 67-12

MOVED by Councillor Coe
Seconded by Councillor Emm

That the meeting be adjourned.

CARRIED

The meeting adjourned at 7:44 p.m.

Debi A. Wilcox, Town Clerk

Joe Drumm, Deputy Mayor