

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION  
OF THE TOWN OF WHITBY HELD ON MONDAY, APRIL 16, 2012 AT THE HOUR OF  
7:00 P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING

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

Mayor Perkins in the Chair

STAFF PRESENT: R. Petrie, Chief Administrative Officer  
S. Beale, Commissioner of Public Works  
M. Gerrard, Fire Chief  
P. LeBel, Commissioner of Community & Marketing Services  
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 Coe made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Item 7.9 under New and Unfinished Business with regard to Winchester Plaza as a family member is employed by Metro Foods. Councillor Coe did not take part in the discussion on the matter.

Councillor Mitchell made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Item 7.6 under New and Unfinished Business, with regard to a response to an invitation from a resident at 61 Ward Street – RE: Item PL 18-12 - G & L Group Ltd., OPA-2011-W/01 (Z-11-11), as the applicant and property owner have been customers of his in the past and the substance of the referenced report raises a potential pecuniary interest. Councillor Mitchell did not take part in the discussion on the matter.

2. BY-LAW TO ADOPT THE MINUTES – BY-LAW NO. 6606-12

RESOLUTION NO. 99-12

Minutes of Council Meetings – March 26, 2012 and April 10, 2012

Councillor Roy seconded by Councillor Emm 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 March 26, 2012 and the

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Special Meetings of Council held on April 10, 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 6606-12 considered read a first, second, and third time and finally passed.

3. PRESENTATIONS/DELEGATIONS

There were no presentations or delegations at the meeting.

4. CORRESPONDENCE

4.1 CORR 10-12

Copy of a petition from residents of Chiswick Avenue and Shrewsbury Drive regarding request to clean the streets of construction debris, mud and dust, dated March 2012

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RESOLUTION NO. 100-12

MOVED BY Councillor Coe

Seconded by Councillor Hanson

That CORR 10-12 being a petition from residents of Chiswick Avenue and Shrewsbury Drive regarding request to clean the streets of construction debris, mud and dust, dated March 2012 be referred to staff.

CARRIED

5. STANDING COMMITTEES

(a) Planning and Development Committee – April 2, 2012

Report No. 4

Recommendations to Council

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4.1 Planning Report, Item PL 22-12

Re: Accessibility Audit Implementation Plan 2012

General discussion ensued on the matter.

RESOLUTION NO. 101-12

MOVED BY Councillor Emm

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Seconded by Councillor Montague

COUNCIL DECISION:

That Council approve the Accessibility Audit Implementation Plan 2012.

CARRIED

4.2 Planning Report, Item PL 23-12

Re: 2012 Accessibility Plan

General discussion ensued on the matter.

RESOLUTION NO. 102-12

MOVED BY Councillor Emm

Seconded by Councillor Montague

COUNCIL DECISION:

1. That Council approve the 2012 Accessibility Plan;
2. That hardcopies of the 2012 Accessibility Plan be made available at the Town Hall, and all Community Centres, and branches of the Whitby Public Library and Recreation Facilities in the Town;
3. That the Clerk provide a copy of the 2012 Accessibility Plan to the Director of the Accessibility Directorate at the Ministry of Community and Social Services; and
4. That the Clerk provide a copy of the 2012 Accessibility Plan to members of the Accessibility Advisory Committee (AAC); the Accessibility Working Committee (AWC); and neighbouring Municipalities.

CARRIED

4.3 Planning Report, Item PL 24-12

Re: Council Request for Funds Spent on Accessibility Improvements from 2005 to Present.

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General discussion ensued on the matter.

RESOLUTION NO. 103-12

MOVED BY Councillor Emm

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Seconded by Councillor Montague

COUNCIL DECISION:

That Planning Report No. PL 24-12 be received for information.

CARRIED

4.4 Planning Report, Item PL 25-12

Re: Zoning Amendment Application to Permit a Temporary Use By-law for  
a Personal Service Use (Hair Salon) – (Z-09-11) – 3145 Garden St.

General discussion ensued on the matter.

RESOLUTION NO. 104-12

MOVED BY Councillor Emm

Seconded by Councillor Montague

COUNCIL DECISION:

1. That Council approve zoning application (Z-09-11) to permit a temporary use By-law for a personal service use (hair salon), in principle, subject to,
  - (a) the conditions contained in Section 5.0 of Planning Report PL-25-12,
  - (b) That the wood screen fence adjacent to the south property line on lands municipally known as 3145 Garden Street and as illustrated on the site plan set out in Planning Report PL 25-12 be deleted in its entirety;
  - (c) an amending by-law be brought forward at the next Council meeting; and,
2. That the Mayor and Clerk be authorized to execute any necessary documents.

CARRIED

4.5 Planning Report, Item PL 26-12

Re: Comments to Minister of Municipal Affairs and Housing regarding  
Proposed Amendment No. 1 to the Central Pickering Development Plan

General discussion ensued on the matter.

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RESOLUTION NO. 105-12

MOVED BY Councillor Emm  
Seconded by Councillor Montague

COUNCIL DECISION:

1. That Council endorse Planning Commissioner's Report PL 26-12 as the Town's comments regarding the Minister's proposed Amendment to the CPDP;
2. That the Region of Durham and the Minister of Municipal Affairs and Housing be advised that the Town of Whitby does not support the proposed Amendment to the Central Pickering Development Plan;
3. That Council continues to support Regional Official Plan Amendment #128 as adopted by Regional Council on June 3<sup>rd</sup>, 2009, as supported through Council Resolution Numbers 26-09 and 84-09; and supporting Planning Reports 11-09 and 31-09; and,
4. That the Clerk forward a copy of this report and Council's resolution to the Minister of Municipal Affairs and Housing, the Minister of Infrastructure, the Region of Durham, area municipalities within Durham, and Durham's Members of Provincial Parliament.

CARRIED

- (b) Operations Committee – April 10, 2012  
Report No. 5  
Recommendations to Council

- 4.1 Community & Marketing Services Report, Item CMS 26-12  
Re: Whitby Iroquois Soccer Club – Proposed Outdoor Artificial  
Soccer Field

COUNCIL DECISION:

1. That Council support in principle the conversion of an outdoor natural turf soccer field to an artificial turf soccer field at the Rossland Road Soccer Park by the Whitby Iroquois Soccer Club to serve the growing interest and participation in youth and adult soccer;

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2. That Council authorize Staff to meet with representatives of the Whitby Iroquois Soccer Club to further develop the details and confirm the costs associated with the development of the proposed outdoor artificial turf facility;
  3. That an expenditure of \$20,000 be approved to engage a land survey and geotechnical engineering firm to undertake an investigation of the site conditions (topography, soils conditions and storm drainage analysis) in order to prepare preliminary design concepts and refine cost estimates;
  4. That the proposed business plan and repayment schedule submitted by the Whitby Iroquois Soccer Club be reviewed in detail by the Community and Marketing Services and Corporate Services Departments; and,
  5. That Staff report back to Council at the completion of these investigations.
- 4.2 Corporate Services/Public Works Joint Report, Item CS 11-12  
Re: T-513-2012 Supply and Placement of Surface Treatment and Slurry Seal
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COUNCIL DECISION:

- 1 That the Town of Whitby accept the low tender of Miller Paving Limited in the amount of \$241,593.80 (excluding taxes) for the supply and placement of surface treatment and slurry seal on Town roads and sections of Townline Road which is shared with the Township of Scugog.
  2. That the total estimated project cost for the Town of Whitby in the amount of \$237,595.97 be approved; and,
  3. That the Mayor and Clerk be authorized to execute the contract documents.
- 4.3 Corporate Services/Public Works Joint Report, Item CS 12-12  
Re: T-23-2012 Compound Storage Shed
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COUNCIL DECISION:

1. That the Town of Whitby accept the tender of Winvalley Contracting – A Division of 747137 Ontario Inc. in the amount of \$220,037.00 to provide all labour, materials and equipment necessary to provide a

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Compound Storage Shed;

2. That the total estimated project cost for the Town of Whitby in the amount of \$263,263.65 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

4.4 Corporate Services/Public Works Joint Report, Item CS 13-12  
Re: T-504-2012 Crack Sealing

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COUNCIL DECISION:

1. That the Town of Whitby accept the low tender of R&N Maintenance in the amount of \$47,250.00 (excluding taxes) for all labour, materials and equipment necessary to provide crack sealing as required by the Town;
2. That the total estimated project cost for the Town of Whitby in the amount of \$58,081.60 be approved;
3. That staff be authorized to extend this contract on an annual basis thereafter for up to two (2) additional one (1) year periods provided the Company's performance, quality and completion of the work is satisfactory and proposed pricing for subsequent year is acceptable to the Town;
4. That subject to performance, staff be authorized to utilize R & N Maintenance for additional work in the fall of 2012 to address additional crack sealing needs caused by the excessive 2012 freeze / thaw cycles and which would be funded by Public Works maintenance savings; and,
5. That the Mayor and Clerk be authorized to execute the contract documents.

4.6 Corporate Services/Public Works Joint Report, Item CS 18-12  
Re: T-5-2012 Glen Hill Drive Intersection Improvements

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COUNCIL DECISION:

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- 1 That the Town of Whitby accept the low tender of Aloia Bros. Concrete Contractors Ltd. in the amount of \$149,271.53 (excluding taxes) for all labour, materials and equipment necessary to provide Glen Hill Drive intersection improvements as required by the Town;
  2. That the total estimated project cost for the Town of Whitby in the amount of \$253,000 be approved; and,
  3. That the Mayor and Clerk be authorized to execute the contract documents.
- 4.7 Corporate Services/Public Works Joint Report, Item CS 19-12  
Re: T-501-2012 Hot Mix Paving & Road Resurfacing – Urban

COUNCIL DECISION:

- 1 That the Town of Whitby accept the low tender of Furfari Paving Co. Ltd in the amount of \$2,714,186.10 (excluding taxes) for Hot Mix Paving and Road Resurfacing – Urban as required by the Town.
2. That the total estimated project cost for the Town of Whitby in the amount of \$3,072,000.00 be approved;
3. That the Mayor and Clerk be authorized to execute the contract documents; and,
4. That Council authorize the Commissioner of Public Works to grant a noise by-law exemption, as required, for up to 2 days to Furfari Paving Co. Ltd. for the purpose of providing an asphalt overlay on Dundas Street East from Craydon Street to Hopkins Street.

RESOLUTION NO. 106-12

MOVED BY Councillor Mitchell  
Seconded by Councillor Roy

That Items 4.1 to 4.11 of Report No. 5 of the Operations Committee dated April 10, 2012, be adopted, save and except Items 4.5, 4.8, 4.9, 4.10 and 4.11.

CARRIED

- 4.5 Corporate Services/Public Works Joint Report, Item CS 14-12



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Re: T-512-2012 Replacement of Fences Adjacent to Town Property

General discussion ensued on the matter.

RESOLUTION NO. 107-12

MOVED BY Councillor Mitchell  
Seconded by Councillor Roy

COUNCIL DECISION:

1. That the Town of Whitby accept the low tender of Cedar Springs Landscape Group Ltd. in the amount of \$128,340.00 (excluding taxes) for the replacement of fences adjacent to Town property;
  2. That the total estimated project cost for the Town of Whitby in the amount of \$149,598.78 be approved; and,
  3. That the Mayor and Clerk be authorized to execute the contract documents.
- 4.8 Corporate Services/Public Works Joint Report, Item CS 20-12  
Re: T-11-2012 Lupin, Lilac Terrace, Hutchison Avenue – Storm Sewer Improvements
- 

General discussion ensued on the matter.

RESOLUTION NO. 108-12

MOVED BY Councillor Mitchell  
Seconded by Councillor Roy

COUNCIL DECISION:

- 1 That the Town of Whitby accept the low tender of Esposito Bros Construction Ltd. in the amount of \$568,930.52 (excluding taxes) for all labour, materials and equipment necessary to provide storm sewer improvements as required by the Town;
2. That the total estimated project cost for the Town of Whitby in the amount of \$858,000 be approved; and,

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3. That the Mayor and Clerk be authorized to execute the contract documents.

4.9 CMS/Corporate Services Joint Report, Item CS 22-12  
Re: T-27-2012 Rotary Outdoor Gym Construction – Heydenshore Park

General discussion ensued on the matter.

RESOLUTION NO. 109-12

MOVED BY Councillor Mitchell

Seconded by Councillor Roy

COUNCIL DECISION:

- 1 That the Town of Whitby accept the low tender of Melfer Construction Inc. in the amount of \$40,835.00 (excluding taxes) for the site preparation, construction and installation of outdoor gym equipment associated with the Rotary Outdoor Gym Project;
2. That the total estimated project cost in the amount of \$53,153.70 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

4.10 Public Works Report, Item PW 17-12  
Re: Emerald Ash Borer Management Plan

General discussion ensued on the matter.

RESOLUTION NO. 110-12

MOVED BY Councillor Mitchell

Seconded by Councillor Roy

COUNCIL DECISION:

1. That Council direct staff to undertake the recommendations proposed in the “Emerald Ash Borer Management Action Plan” as contained in Section 5 of Report PW 17 – 12;
2. That Council endorse the resolution as proposed by the Ontario Urban Forest Council (Refer to Attachment 5) and direct that it be forwarded by the Town Clerk to the Association of Municipalities of Ontario (AMO); and,

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3. That a copy of Report PW 17-12 be forwarded to area municipalities within the Region of Durham.
- 4.11 Public Works Report, Item PW 19-12  
Re: Durham Bike Summit 2012 and Durham Waterfront Community Ride

General discussion ensued on the matter.

RESOLUTION NO. 111-12

MOVED BY Councillor Mitchell  
Seconded by Councillor Roy

COUNCIL DECISION:

1. That Report PW 19-12, regarding the Durham Bike Summit 2012 and Durham Waterfront Community Ride be received as information;
2. That Council authorize Public Works staff to provide a one time sponsorship contribution of \$300 in support of the Durham Bike Summit 2012 to be funded from the Traffic Related Expenditures Operating Account; and,
3. That a copy of Public Works Report PW 19-12 be forwarded to the Share the Road Cycling Coalition.

CARRIED  
AS AMENDED  
[See following motion]

RESOLUTION NO. 112-12

MOVED BY Councillor Emm  
Seconded by Councillor Drumm

That the main motion be amended by deleting the word "sponsorship" from Item 2.

CARRIED

The main motion, as amended, was then CARRIED.

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6. NOTICE OF MOTION

There were no notices of motion at the meeting.

7. NEW & UNFINISHED BUSINESS

- 7.1 Community & Marketing Services Report, Item CMS 23-12  
Re: New Economic Development Website

RESOLUTION NO. 113-12

MOVED BY Councillor Drumm  
Seconded by Councillor Coe

COUNCIL DECISION

1. That Community and Marketing Services Report CMS 23-12 regarding the Town's new Economic Development Website be received as information; and,
2. That Council endorse the new Economic Development Website and the launch on May 1, 2012.

CARRIED

- 7.2 Corporate Services Report, Item CS 17-12  
Re: New Town of Whitby Website

RESOLUTION NO. 114-12

MOVED BY Councillor Drumm  
Seconded by Councillor Coe

COUNCIL DECISION

1. That Report No. CS-17-12 of the Commissioner of Corporate Services/Treasurer be received as information; and,
2. That the new Town of Whitby website be launched concurrently with the new Economic Development Website.

CARRIED

- 7.3 CMS/Corporate Services Joint Report, Item CS 27-12  
Re: General Contractor Work at Iroquois Park Sports Centre (Q-50-2012)

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General discussion ensued on the matter.

RESOLUTION NO. 115-12

MOVED BY Councillor Coe  
Seconded by Councillor Emm

COUNCIL DECISION

1. That the Town of Whitby accept the low quotation of B. Fayer & Son Construction Ltd in the amount of \$80,250.00 (excluding taxes) for the demolition and construction of the temporary offices to accommodate the Community and Marketing Services Department at Iroquois Park Sports Centre; and,
2. That the Mayor and Clerk be authorized to execute the contract documents.

CARRIED

- 7.4 Memorandum from Robert S. Petrie, Chief Administrative Officer with respect to Delegation During Possible Work Stoppage – Proposed Resolution
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RESOLUTION NO. 116-12

MOVED BY Councillor Coe  
Seconded by Councillor Emm

COUNCIL DECISION

That Council authorize that in the event of a work stoppage by C.U.P.E. 53, that the following delegations of authority be implemented:

- a) Summer Recess Procedures, as outlined in the Purchasing Policy
- b) That the Commissioner of Public Works be delegated authority to grant or refuse an exemption to Noise By-law 292-70, as amended;
- c) That the Commissioner of Planning be delegated authority relating to site plan control, in accordance with the Summer Recess Procedures as outlined in By-law No. 5445-04.

CARRIED

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7.5 Proposed Brooklin Parkway – Official Plan Review Draft Policy Discussion

Councillor Hanson commented on the recent kerfuffle that a line drawn on a map had caused in relation to alternative routes as presented during an Official Plan Review discussion at the Special Council meeting of March 19, 2012 and urged staff to ensure the Environmental Assessment be expedited and that the Terms of Reference for the EA be brought before Council for consideration prior to the summer recess and that a Community Advisory Committee be recommended as part of the Terms of Reference.

Having previously declared a conflict Councillor Mitchell did not participate in the discussion on the following item.

7.6 Response to Invitation from Resident to Walk Through Property at 61 Ward Street – RE: Application - G & L Group Ltd., OPA-2011-W/01 (Z-11-11) Concession 5, Part Lots 31 and 32

Councillor Drumm enquired when the date for the walk through of the property was to take place. S. Beale, Commissioner of Public Works advised that staff were co-ordinating the date with representatives from the Ministry of Environment, CLOCA and the Region as well as Council Members and once a mutually suitable date was determined, Council Members would be advised.

7.7 Whitby in Bloom Free Seminar Schedule

Councillor Montague advised that the first in a series of free seminars being offered at the Brooklin United Church was extremely successful and that more than 200 people attended and produced 1500 lbs in non-perishable food donations for Feed the Need. Councillor Montague encouraged everyone to check out the remaining seminars in the series. Further details outlining upcoming speakers and topics are available on the Town's website.

7.8 National Volunteer Week - April 15-21, 2012

Councillor Coe advised that he attended a recent event honouring volunteers and wanted to highlight the value of civic participation and to once again publicly thank all volunteers for their services and valuable contributions to the community.

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7.9 Code of Conduct for Council Members

General discussion ensued on the matter.

RESOLUTION NO. 117-12

MOVED BY Councillor Coe  
Seconded by Councillor Emm

That the rules of procedure be suspended and leave be granted to introduce a motion related to providing direction to staff to prepare a report regarding a Code of Conduct for Council.

CARRIED  
ON A TWO THIRDS  
MAJORITY VOTE

RESOLUTION NO. 118-12

MOVED BY Councillor Coe  
Seconded by Councillor Emm

That staff be directed to prepare a report on the establishment of a Code of Conduct for the Council of the Town of Whitby.

CARRIED

Having previously declared a conflict Councillor Coe did not participate in the discussion on the following item.

7.9 Winchester Plaza Ltd – OMB Hearing Decision Outcome

Councillor Mitchell commented on the recent OMB Decision regarding the OMB appeal put forth by Winchester Plaza Ltd. for the property located at the south-east corner of Thickson Road and Winchester Road East, and thanked Planning Staff for their efforts in this regard.

7.10 Special Waste Collection – Metal Waste

Councillor Mitchell advised that the Special Waste Collection program, specifically for the collection of metal waste resulted in 79 metric tonnes of scrap metal being collected in 2011 within the Town of Whitby, which is the highest amount in all of Durham Region. Councillor Mitchell commended Public Works staff for their efforts in this regard.

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7.11 My-Waste App Recently Released

Mayor Perkins asked S. Beale, Commissioner of Public Works to comment on the new waste application recently released by the Town of Whitby. Commissioner Beale advised that the program is called my-waste, which is a customizable digital application which lets mobile device users download the full range of information that is on the Town of Whitby website and in its printed waste collection calendars. Residents can download the my-waste app by going to [www.my-waste.mobi/Whitby](http://www.my-waste.mobi/Whitby) and selecting the link to the store or marketplace for their device.

8. BY-LAWS

6607-12 By-law to appoint certain persons as municipal law enforcement officers for the purpose of enforcing parking restrictions on private property.

RESOLUTION NO. 119-12

MOVED by Councillor Hanson seconded by Councillor Coe that leave be granted to introduce By-law Nos. 6607-12, 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

9. CONFIRMATORY BY-LAW NO. 6608-12

RESOLUTION NO. 120-12

MOVED by Councillor Montague, seconded by Councillor Mitchell 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 April 16, 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. 6608-12 considered read a first, second and third time and finally passed.



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10. ADJOURNMENT

RESOLUTION NO. 121-12

MOVED by Councillor Emm  
Seconded by Councillor Montague

That the meeting be adjourned.

CARRIED

The meeting adjourned at 8:13 p.m.

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Debi A. Wilcox, Town Clerk

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Patricia Perkins, Mayor