

Resolutions resulting from Regular Council - 21 Feb 2017

Item #	Item Description	Resolution #	Resolution	Disposition	Resolution Details	Voter Names
	Special Council - January 30, 2017 (Closed minutes of the closed session under separate cover) Regular Council - January 30, 2017 Special Council - January 31, 2017 Special Council - February 13, 2017		That the minutes be adopted.	Carried	Moved By Councillor Leahy	
	That the following requests be endorsed: <ul style="list-style-type: none"> • 2017 as the Year of Epilepsy Awareness • February 19 to 25, 2017 as Scout-Guide Week • April 24, 2017 as Human Values Day • February 22 to 23, 2017 - Flag Raising - Scout-Guide Week • February 24 to 25, 2017 - Flag 		That the proclamations for Year of Epilepsy Awareness - 2017, Scout-Guide Week - February 19 to 25, 2017, Human Values Day - April 24, 2017 and flag raisings for Scout-Guide Week - February 22 to 23, 2017, Girl-Guide Week - February 24 to 25, Epilepsy Awareness - March 20 to 27, 2017 and Walk for Values - May 18 to 22, 2017, be endorsed.	Carried	Moved By Councillor Yamada	

	<p>Raising - Girl-Guide Week</p> <ul style="list-style-type: none"> • March 20 - 27, 2017 - Flag Raising - Epilepsy Awareness • May 18 to 22, 2017 - Flag Raising - Walk for Values 					
	<p>Correspondence # 2017-84, dated February 1, 2017 and received by the Town Clerk from Christine Raynor, Chair, Board of Directors, VON Durham and Jo-Anne Poirier, President and CEO, VON Ontario regarding a residential hospice serving the Town of Whitby and Durham Region</p>		<p>That Land Use Map A and Land Use Map V for the West Whitby Community Secondary Plan be amended, through Official Plan Amendment 105, to reflect a Residential designation over that portion of lands municipally known as 2 Coronation Road and now designated Prestige Industrial.</p>	Carried	Moved By Councillor Roy	
	<p>Memorandum from C. Harris, Town Clerk Re: Resolution to Authorize Agreement for the Ontario Municipal Cycling Infrastructure Program</p>		<p>That the Mayor and Clerk be and they are hereby authorized and empowered on behalf of the Town, to execute an Agreement with Her Majesty the Queen in right of Ontario as represented by the Minister of Transportation for the Province of Ontario, for the Ontario Municipal Cycling Infrastructure Program, a copy of</p>	Carried	Moved By Councillor Drumm	

			which Agreement is attached to the Memorandum from the Town Clerk dated February 21, 2017.			
	<p>Planning and Development Department Report, PL 6-17</p> <p>Re: Site Plan Application, Rogers Communications Inc., 5920 Hall Road North (SP-13-15)</p>		<ol style="list-style-type: none"> 1. That Council approve Site Plan Application (SP-13-15) subject to the conditions of approval set out in Section 8 of Planning Report PL 6-17; and, 2. That the Mayor and Clerk be authorized to execute the Site Plan Agreement. 	Carried	Moved By Councillor Roy	
	<p>Planning and Development Department Report, PL 3-17</p> <p>Re: Sign By-law Variance to the Permanent Sign By-law for Directional and Ground Signs on 1 Gerdau Court - Gerdau Inc. (SB-08-16)</p>		<ol style="list-style-type: none"> 1. That Council approve Sign By-law Variance Application SB-08-16 to the Town of Whitby Sign By-law 5695-05 for Gerdau Inc. on lands municipally known as 1 Gerdau Court in accordance with the following amendments: <ol style="list-style-type: none"> a. To permit three (3) additional ground signs on the subject land, one of which (Sign #4, as labelled on the attached site plan) with a maximum height of 4.1 metres; whereas only one (1) ground sign is permitted per lot frontage, 	Carried	Moved By Councillor Leahy	

			<p>and a maximum height of 3.7 metres is permitted; and,</p> <p>b. To permit two (2) directional signs (Signs #3 and #7, as labelled on the attached site plan) with a maximum sign area of 2.4 square metres, and a maximum height of 2.2 metres, whereas a maximum sign area of 1.0 square metres and a maximum height of 2.0 metres is permitted.</p>			
	<p>Planning and Development Department Report, PL 5-17 Re: Region of Durham's Post Circulation Letter for the Port Whitby Community Secondary Plan - Official Plan Amendment 104 (OPA-2012-W/01)</p>		<ol style="list-style-type: none"> 1. That Planning Report item PL 5-17 be received for information; 2. That Council request that the Region of Durham approve the Port Whitby Community Secondary Plan, Official Plan Amendment 104, with the proposed modifications, as indicated in the Region's post circulation letter dated January 23, 2017 (refer to Attachment #1 to PL 5-17); 	Carried	Moved By Councillor Roy	

			<ol style="list-style-type: none"> 3. That the Region of Durham include a further modification in its decision regarding the Port Whitby Community Secondary Plan, Official Plan Amendment 104, as shown on Attachment #2 to PL 5-17; and, 4. That the Clerk forward a copy of Council's resolution and Planning Report PL 5-17 to the Region of Durham. 			
	Office of the Chief Administrative Officer Report, CAO 02-17 Re: 2016 Accessibility Plan Update - Revised		That Council receives this report as information.	Carried	Moved By Councillor Emm	
	Office of the Chief Administrative Officer Report, CAO 03-17 Re: Consulting with Canadians on Accessibility Legislation		<ol style="list-style-type: none"> 1. That Council receive this report as information; 2. That Report CAO 03-17 be accepted as the Town's comments to the proposed development of new Federal accessibility legislation; and, 3. That the Clerk forward Report CAO 03-17 to the Federal Office for Disability Issues as the Town of Whitby comments on the proposed development of new Federal accessibility 	Carried	Moved By Councillor Emm	

			legislation.			
	Office of the Town Clerk Report, CLK 03-17 Re: Integrity Commissioner Appointment		<ol style="list-style-type: none"> 1. That Council appoints Guy W. Giorno in partnership with the Region of Durham's Request for Proposal 1042A-2016 for Municipal Integrity Commissioner Services as awarded to Fasken Martineau DuMoulin LLP; 2. That the Town Clerk be authorized to bring forward a by-law authorizing the appointment of Guy W. Giorno as the Municipal Integrity Commissioner for the Town of Whitby; and, 3. That the Mayor and Town Clerk be authorized to execute the necessary documents for appointment. 	Carried later in the meeting (see following motion)	Moved By Councillor Emm	
	Office of the Town Clerk Report, CLK 03-17 Re: Integrity Commissioner Appointment		<p>That the main motion be amended by adding Items 4 and 5 as follows:</p> <ol style="list-style-type: none"> 4. That Council refer to the By-laws portion of the agenda to enact the proposed amendments to the Council Code of Conduct as shown in Attachment 1 to the Memorandum from the Town Clerk dated February 21, 2017; and, 5. That Council refer to the By-laws portion of the agenda to 	Carried	Moved By Councillor Leahy	

			enact the proposed amendments to the Boards and Advisory Committees Code of Conduct as shown in Attachment 2 to the Memorandum from the Town Clerk dated February 21, 2017.			
	Office of the Town Clerk Report, CLK 04-17 Re: Method of Voting - 2018 Municipal Election		<ol style="list-style-type: none"> 1. That Report CLK 04-17 of the Office of the Town Clerk be received; 2. That Council authorize the use of Optical Scan Vote Tabulators for the 2018 Municipal Election with an alternate voting option of Special Mail-in Ballots as outlined in Section 5 of Report CLK 04-17; 3. That the Town Clerk be directed to bring forward the draft by-laws, as shown in Attachment #1 and Attachment #2 to Report CLK 04-17, for enactment; and, 4. That the Clerk be given the authority to take the necessary action to give effect thereto. 	Carried	Moved By Councillor Emm	
	Corporate Services Department and Public Works Department Joint Report, CS 07-17 Re: Operations Centre - Phase 1 Expansion		<ol style="list-style-type: none"> 1. That the Town of Whitby accept the highest ranking proposal submitted by McCallum Sather Architects Inc. in the amount of \$377,000.00 (plus applicable taxes) for Architectural Engineering 	Carried	Moved By Councillor Emm	

	Architectural Engineering and Professional Design Services (RFP-148A-2016)		<p>and Professional design services for Phase 1 of a multi-phase expansion of the existing Operations Centre at 333 McKinney Drive;</p> <ol style="list-style-type: none"> 2. That the total project cost in the amount of \$471,180.48 be approved; and, 3. That the Mayor and Clerk be authorized to execute the contract documents. 			
	Corporate Services Department Report, CS 08-17 Re: Development Charge Background Study and By-law Policy Considerations		<ol style="list-style-type: none"> 1. That the recommended changes to the definitions and non-statutory exemptions are included in the Development Charge by-law for consideration; and, 2. That the recommended change to the Timing and Calculation Section be included in the Development Charge by-law for consideration. 	Carried	Moved By Councillor Emm	
	Legal and By-law Services Department Report, LS 03-17 Re: By-law Services Re-inspection Fees		<ol style="list-style-type: none"> 1. That Council authorize a fee of \$200.00 for certain re-inspections conducted by staff in By-law Services; and, 2. That the Clerk be directed to bring forward a by-law to give effect to the recommendations contained in this report. 	Carried	Moved By Councillor Emm	

	<p>Community and Marketing Services Department Report, CMS 09-17 Re: Recreation Programs Activity Guide</p>		<ol style="list-style-type: none"> 1. That the household delivery of the Recreation Programs Activity Guide (Guide) produced by the Community and Marketing Services Department be cancelled; 2. That in addition to the current online accessible Guide, that 5,000 copies be printed and distributed to Town of Whitby recreation facilities, Whitby Seniors' Activity Centre, Whitby Public Library branches and the Station Gallery for residents that wish to have a printed version; and, 3. That the proposed distribution changes be implemented with the Fall/Winter Guide which will be available in August 2017. 	Carried	Moved By Councillor Emm	
	<p>Community and Marketing Services Department Report, CMS 11-17 Re: Highway of Heroes Tree Planting</p>		<ol style="list-style-type: none"> 1. That Council approve the proposed Highway of Heroes Tree Planting and community event at Iroquois Park Sports Centre to be held on Saturday, May 13, 2017; 2. That the project and community event be branded and included as 	Carried	Moved By Councillor Emm	

			<p>part of the Town of Whitby's celebration of Canada's 150 Sesquicentennial Anniversary; and,</p> <p>3. That the Town's portion of the cost to fund the event be secured through sponsorship and in-kind support.</p>			
	<p>Community and Marketing Services Department Report, CMS 12-17 Re: 2017 Canada Day/County Town Carnival and Harbour Day</p>		<p>1. That the proposed Waterfront Festival planned to celebrate Canada's Sesquicentennial Anniversary not occur due to the Town of Whitby not being successful in receiving Canada 150 funding from either the Federal or Provincial Governments;</p> <p>2. That the 2017 Harbour Day be combined with the 2017 Canada Day/County Town Carnival on July 1, 2017 at Victoria Fields to create a larger community event;</p> <p>3. That the water based themed activities associated with Harbour Day be moved into the Canada Day/County Town Carnival programming, including the allocated</p>	Carried	Moved By Councillor Emm	

			<p>budget;</p> <ol style="list-style-type: none">4. That Community and Marketing Services Staff evaluate the success of the combined 2017 event and report back to Council on its viability for the future and focus for 2018;5. That the Canada Day/County Town Carnival kick off in the morning with the introduction of a Waterfront Bicycle Ride to celebrate and to promote Whitby being designated a Bronze Level Bicycle Friendly Community as recognized by the Share the Road Cycling Coalition;6. That the theme for the Canada Day/County Town Carnival and Waterfront Bicycle Ride be to celebrate Whitby, our community's cultural and natural heritage and diversity, and Canada's Sesquicentennial Anniversary; and,7. That the Clerk forward a copy of staff Report CMS 12-17 to Celina Caesar Chavannes, MP for Whitby-Oshawa and to			
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			Lorne Coe, MPP for Whitby-Oshawa.			
	Community and Marketing Services Department Report, CMS 13-17 Re: Iroquois Park Sports Centre, Arena 4 Abatement Project		<ol style="list-style-type: none"> 1. That Community and Marketing Service Report CMS 13-17 pertaining to an emergency mould abatement and repair in Arena 4 be received as information; and, 2. That the project cost in the amount of \$78,899 be funded from the Maintenance Reserve. 	Carried	Moved By Councillor Emm	
	Community and Marketing Services Department Report, CMS 14-17 Re: Whitby Economic Development China Investment Attraction and Trade Strategy		<ol style="list-style-type: none"> 1. That Community and Marketing Services Report CMS 14-17 regarding the Whitby Economic Development China Investment Attraction and Trade Strategy be received for information; and, 2. That the China Investment Attraction and Trade Strategy be maintained with changes to the Strategy to exclude participating in outbound missions, only with Council approval if an investment opportunity arises. 	Carried	Moved By Councillor Emm	
	Community and Marketing Services Department Report, CMS 15-17		That the existing method of delivery for The Whitby Perspective continue to be provided by Canada Post to all	Carried on a recorded vote as follows:	Moved By Councillor Leahy	

	Re: The Whitby Perspective Delivery		Whitby residents.			
	Community and Marketing Services Department Report, CMS 08-17 Re: Redevelopment of the Pump House		<ol style="list-style-type: none"> 1. That Council approve the adaptive reuse of the former Pump House, 269 Water Street, as a waterfront restaurant; 2. That staff be directed to retain the services of Ritchie Ketcheson Hart & Biggart LLP to provide legal advice regarding the lease of the Pump House property, and to prepare the Lease and Development Agreement with the real estate development company SJ71 Limited, subject to the terms and conditions outlined in Report CMS 08-17, for the re-purposing and reconstruction of the Pump House as a waterfront restaurant; 3. That staff be directed to accept a site plan application from SJ71 Limited on behalf of the Town for the restoration and reconstruction of the Pump House as a waterfront restaurant; 4. That the Clerk be directed to forward a copy of 	Carried	Moved By Councillor Emm	

			<p>Report CMS 08-17 to LACAC Heritage Whitby on a confidential basis; and,</p> <p>5. That Council authorize the Mayor and Clerk to sign the Lease and Development Agreement as outlined in Report CMS 08-17, including any and all documentation necessary to give effect to same.</p>			
	Operations Centre Renovations - 3rd Floor Addition		That staff be directed to explore the feasibility of adding a third floor, to be completed with the proposed second floor addition, to the Operations Centre and report back to the Committee within two months.	Carried	Moved By Councillor Emm	
	Corporate Services Department and Human Resource Services Joint Report, CS 11-17 Re: Employee Benefit Consultant		<ol style="list-style-type: none"> 1. That the Town of Whitby accept the highest ranking proposal submitted by Mosey & Mosey Insurance Agency Ltd., for Employee Benefit Consultant; 2. That the Town of Whitby authorize Mosey and Mosey Insurance Agency Ltd. to take the Town's benefit plan to market and negotiate on its behalf and recommend a preferred provider based on these negotiations; 3. That Mosey and Mosey 	Carried	Moved By Councillor Gleed	

			<p>conduct a review of the Town's current disability management and sick leave management process and make recommendations for improvements; and,</p> <p>4. That the Mayor and Clerk be authorized to execute the contract documents.</p>			
	<p>Memorandum from Doug Barnes, Interim CAO Re: Overtime and Sick Time Statistics - New and Unfinished Business Item MD 2597</p>		<p>That the Memorandum from Doug Barnes, Interim CAO, Re: Overtime and Sick Time Statistics, be received for information.</p>	Carried	Moved By Councillor Emm	
	<p>Confidential Memorandum from Doug Barnes, Interim CAO Re: Proposed Changes to Employee Benefits</p>		<p>That Council refer Item 8.4 to the Management Committee meeting in March 2017 upon the Employee Benefits Consultant having reviewed the proposed change, and its impact on the overall benefits package as part of management and Council's total compensation including methods for communicating the proposed change.</p>	Carried	Moved By Councillor Roy	
	<p>Memorandum from P. LeBel, Commissioner of Community and Marketing Services and K. Nix, Commissioner of</p>		<p>That staff be directed to cancel the award to the low tender bid of Fresco Enterprises Inc. in the amount of \$497,446.00 (which includes provisional items and excludes applicable taxes) for</p>	Carried	Moved By Councillor Emm	

	<p>Corporate Services/Treasurer Re: Municipal Building Accessible Counters and Partition Renovations</p>		<p>the Municipal Building Accessible Counters and Partition Renovations project.</p>			
	<p>Planning and Development Department Report, PL 17-17 Re: Official Plan Review - Recommended Official Plan Amendment 105</p>		<ol style="list-style-type: none"> 1. That Planning and Development Report Item No. PL 17-17 be received for information; 2. That Deferral 13 to the Whitby Official Plan be lifted; 3. That Amendment 105 to the Whitby Official Plan be adopted by by-law; 4. That the Clerk forward to the Region of Durham, within fifteen days of adoption of Amendment 105 to the Whitby Official Plan, the necessary documentation for a non-exempt Official Plan Amendment; 5. That the Clerk send a Notice of Council's adoption of Amendment 105 to those persons and agencies who have requested further notification regarding the Official Plan Review; and, 6. That, in accordance with Section 26(7) of the Planning Act, the Region 	<p>Carried later in the meeting (see following motion)</p>	<p>Moved By Councillor Roy</p>	

			<p>of Durham be advised that Official Plan Amendment 105:</p> <ul style="list-style-type: none"> a. conforms with provincial plans or does not conflict with them; b. has regard to matters of Provincial interest; and, c. is consistent with the 2014 Provincial Policy Statement. 			
	<p>Planning and Development Department Report, PL 17-17 Re: Official Plan Review - Recommended Official Plan Amendment 105</p>		<p>That the main motion be amended by adding items 7 and 8 as follows:</p> <p>7. That the word “and” be deleted from Section 8.1.3.3.4 e), and the following words be added at the end of Section 8.1.3.3.4 f): “and, g) Baldwin Street between Winchester Road and George Street – 20 to 26 metres”.</p> <p>8. That the following words be deleted from Section 8.1.7.3.9, after the word “transportation”: “in accordance with the Municipality’s and Region of Durham’s design criteria and engineering principles”.</p>	Carried	Moved By Mayor Emm	
	<p>Corporate Services Department Report,</p>		<p>1. That report CS 20-17 from the Commissioner of</p>	Carried later in the	Moved By Councillor Gleed	

	<p>CS 20-17 Re: 2017 Budget Options</p>		<p>Corporate Services/Treasurer be received as information;</p> <p>2. Council approve the following measures to achieve the budgetary tax increase target of 4.49%:</p> <ul style="list-style-type: none"> a. The \$232K contribution to the Accessibility Reserve and the \$288K contribution to the Downtown Improvement Reserve be discontinued; b. That the existing balances of both the Accessibility Reserve and Downtown Improvement Reserve be collapsed into the Maintenance Reserve or Growth Reserve Fund and that the existing approved open projects and the draft 2017 budgeted projects be funded from the respective Maintenance Reserve or Growth 	<p>meeting (see following motions)</p>		
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			<p>Reserve Fund;</p> <ul style="list-style-type: none">c. Programs and projects to support Accessibility and the Downtowns beyond 2017 are considered for funding as part of the annual capital budget prioritization process as per the Capital Budget Policy;d. That the \$265K in fee changes and the \$289K service level changes/cost reductions be implemented as outlined in Attachment 1; <ul style="list-style-type: none">3. That Staff be directed to evaluate options on Attachment 2 in time for the 2018 budget target;4. That given the infrastructure deficit in the recent Municipal Asset Management Plan, Council approve the maintenance reserve target be removed and that Staff bring forward a revised maintenance reserve policy; and,5. Staff report to Council on			
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			reserve and reserve fund balances and projected uncommitted balances prior to future budget deliberations.			
	Corporate Services Department Report, CS 20-17 Re: 2017 Budget Options			Carried	Moved By Mayor Drumm	
	Corporate Services Department Report, CS 20-17 Re: 2017 Budget Options		That Item 2d of the main motion be amended to read as follows: 'That the service level changes/cost reductions be implemented as outlined in Attachment # 1 to CS 10-17.'	Motion lost on a recorded vote as follows:	Moved By Councillor Gleed	
	Corporate Services Department Report, CS 20-17 Re: 2017 Budget Options		That Item 3 of the main motion be amended to read as follows: That Staff be directed to evaluate options on Attachment 2 to CS 10-17 in time for the 2018 budget target, including: <ul style="list-style-type: none"> a. Review of the Rossland Library branch in light of lease expiry in September 2017; and, b. Consideration to transferring the operation of the fitness centre at the Whitby Civic Recreation Centre to the Abilities Centre. 	Motion withdrawn	Moved By Councillor Gleed	
	Corporate Services Department Report, CS 20-17		That the main motion be amended by adjusting Item 2 d to read as follows:	Carried	Moved By Councillor Leahy	

	Re: 2017 Budget Options		<p>d. That the \$265K in fee changes and the \$289K service level changes/cost reductions be implemented as outlined in Attachment 1, and the following items be referred to staff for additional information:</p> <ul style="list-style-type: none"> i. Ice rental fees; ii. Increase recreation program fees -2%; iii. close Luther Vipond during non peak months; iv. miscellaneous revenue increases and cost cuts; v. reduce AOP hours on Friday nights; vi. Reduce Youth Room Staffing; vii. Eliminate grooming paths in winter by midnight shift resources; viii. reduce time and hours of splash pads. 			
	Economic Development		That a motion to introduce a matter pertaining to Economic Development be allowed due to its timely and urgent nature.	Carried on a Two Third Vote	Moved By Councillor Gleed	
	Economic Development		That Economic Development Staff be directed to initiate dialogue with the Region of Durham and Global Toronto to investigate a strategy for investment opportunities utilizing the recently agreed to Free Trade Agreement between Canada and the European	Carried	Moved By Councillor Gleed	

			Union.			
	Heritage Designation of the Brooklin Community Centre		That a motion to introduce a matter pertaining to the heritage designation of the Brooklin Community Centre be allowed due to its timely and urgent nature.	Carried on a Two Third Vote	Moved By Councillor Mulcahy	
	Heritage Designation of the Brooklin Community Centre		That the designation of the Brooklin Community Centre in accordance with Part IV of the Ontario Heritage Act be referred to the Planning and Development Department and LACAC Heritage Whitby to report back on the designation.	Carried	Moved By Councillor Mulcahy	
	By-law # 7246-17-17, being a by-law to repeal By-law # 7104-16. (Boards and Advisory Committees Code of Conduct) Refer to CLK 03-17		That leave be granted to introduce By-law # 7234-17 to # 7246-17 and to dispense with the readings of the by-laws by the Clerk and that the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.	Carried	Moved By Councillor Emm	
	Confirmatory By-law		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 February 21, 2017 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the	Carried	Moved By Councillor Emm	

			Corporation be thereto affixed			
	Motion to Adjourn		That the meeting adjourn.	Carried	Moved By Councillor Emm	