

Present: Mayor Mitchell
Councillor Alexander
Councillor Leahy
Councillor Lee
Councillor Mulcahy
Councillor Newman
Councillor Roy
Councillor Shahid
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
S. Beale, Commissioner of Public Works
W. Mar, Commissioner of Legal and By-law Services/Town Solicitor
K. Nix, Commissioner of Corporate Services/Treasurer
R. Saunders, Commissioner of Planning and Development
J. Romano, Acting Commissioner of Community Services
S. Klein, Director of Strategic Initiatives
H. Ellis, Executive Advisor to the Mayor
C. Harris, Town Clerk
K. Narraway, Manager of Legislative Services/Deputy Clerk
(Recording Secretary)

Regrets: None noted

1. Declarations of Pecuniary Interest
 - 1.1 There were no declarations of pecuniary interest.
2. Adoption of Minutes
 - 2.1 Special Council - May 27, 2019
Regular Council - May 27, 2019
Special Council - May 30, 2019
Special Council - June 17, 2019

Resolution # 193-19

Moved By Councillor Lee
Seconded By Councillor Newman

That the Special Council minutes of May 27, 2019, the Regular Council minutes of May 27, 2019, the Special Council minutes of May 30, 2019, and the Special Council minutes of June 17, 2019, be adopted.

Carried

3. Presentations

- 3.1** Whitby Wolves Atom BB Team
Award/Recognition: 2018/2019 Ontario Women's Hockey Association
Atom BB Provincial Champions

Mayor Mitchell attended the dais and was joined by Councillor Roy. Head Coach Brian Docherty, Assistant Coach Jim Boyd, Assistant Coach Aaron Rice, members of the team's training staff, and players from the Whitby Wolves Atom BB Team were welcomed onto the dais to recognize the team members for their accomplishment as the 2018/2019 Ontario Women's Hockey Association Atom BB Provincial Champions.

- 3.2** David Lahey, President and Founder of Predictive Success, and Robert Killin, Chief Executive Officer of SmartDesk
Recognition: Predictive Success: "Canada's Top Growing Companies" and SmartDesk: Branham's nationally ranked list of tech companies

Mayor Mitchell attended the dais and was joined by Councillor Leahy. David Lahey, President and Founder of Predictive Success, along with his team, and Robert Killin, Chief Executive Officer of SmartDesk, along with his team, were welcomed onto the dais and recognized for their accomplishments as one of "Canada's Top Growing Companies", and for being listed in Branham's nationally ranked list of tech companies, respectively.

4. Delegations

- 4.1** Anna Papa representing Optilinx Systems Inc.
Re: Planning and Development Department Report, PL 65-19
Whitby Official Plan Amendment and Zoning By-Law Amendment
Applications for 4560 Thickson Road North (Optilinx) Files: DEV-01-16,
OPA-2016-W/04, Z-19-16; Regional Official Plan Amendment
Application (Optilinx) Regional File: OPA-2016-003

Refer to Item 9.1, PL 65-19

Anna Papa, representing Optilinx Systems Inc., appeared before Council and requested that the applications for Optilinx Systems Inc. be deferred to a future date to provide time to undertake additional studies and to work with commenting agencies.

A question and answer period ensued between Members of Council, Ms. Papa, and Nick Conforti, owner of Optilinx Systems Inc. regarding:

- future expansion of the business and if the applicant could stay within the maximum permissible development boundaries;
- studies to be reviewed by the applicant's ecologist;
- growth and expansion of the business and the jobs that have been created since the business was established;
- restricting expansion of the business and the potential impact that could have on the company's workforce;
- time required for a deferral to undertake studies and conduct additional consultation with commenting agencies;
- efforts that the owner has made to relocate the business to a different location and assistance that the owner has received from the Town's Economic Development Staff;
- discussions that have taken place with the Central Lake Ontario Conservation Authority; and,
- inspections conducted by the Town's By-law Services Division.

Moved By Councillor Alexander
Seconded By Councillor Leahy

That Council consider Item 7.7 at this time.

Carried

Moved By Councillor Roy
Seconded By Councillor Leahy

That the rules of procedure be suspended to hear a delegation from George Lysyk regarding Item 6.10, PL 55-19.

Carried on a Two Thirds Vote

- 4.2** George Lysyk
Re: Planning and Development Department Report, PL 55-19
Brooklin North Landowners Group Inc. – Brooklin Community

Secondary Plan Area –Comprehensive Block Plan

George Lysyk, 71 Southwood Street, Oshawa, appeared before Council and stated that he and his family have owned the property at 360 Columbus Road West for the past 60 years. He indicated that he and his family are not part of the landowners group and are concerned about the amount of community uses that have been proposed for their property. He stated that their property represents approximately 4 percent of the total lands covered by the Comprehensive Block Plan, however approximately 18 percent of the total community uses are proposed to be located on their land.

5. Correspondence

5.1 That the following request be endorsed:

- September 21, 2019 - Whitby Youth Day (refer also to Item 9.2)

Resolution # 194-19

Moved By Councillor Newman
Seconded By Councillor Shahid

That the proclamation for Whitby Youth Day be endorsed.

Carried

6. Committee of the Whole Report
Planning and Development - June 10 and 17, 2019

6.1 Memorandum from C. Harris, Town Clerk dated May 10, 2019 regarding the Whitby Sustainability Advisory Committee's request to Declare Climate Change an Emergency

A brief question and answer period ensued between Members of Council and Staff regarding the timeline for the introduction of battery electric vehicles into the Town's fleet.

Resolution # 195-19

Moved By Councillor Roy
Seconded By Councillor Leahy

That the Whitby Sustainability Advisory Committee requests that the Council of the Town of Whitby endorse the following:

1. That Council recognizes that climate change poses a significant threat to both the current and future social, economic, and environmental well-being of the community;
2. That Council recognizes the need to strive for an extensive reduction in greenhouse gas emissions to reduce the local and global impacts of climate change;
3. That measures to promote mitigation and resiliency be considered and implemented across the community to ensure that the community remains prosperous and protected from climate change;
4. That Council declare a climate emergency as a way of strengthening Whitby's commitment to reducing the short and long term impacts of climate change;
5. That Council demonstrate leadership and encourage the community to consider the urgency of climate change in all daily activities, and;
6. That Council request Staff to consider climate change as a priority in all activities and works completed across the municipality to strive for a deep reduction in greenhouse gas emissions and to consider comprehensive and proactive implementation of measures to promote mitigation and resiliency in the face of climate change.

Carried

- 6.2** Planning and Development Department Report, PL 57-19
Re: File: DEV-03-17 - Draft Plan of Subdivision Application SW-2017-05, Zoning By-law Amendment Application Z-15-17, Brock Street South, Brookfield Homes (Ontario) Whitby Limited

A discussion ensued between Members of Council regarding:

- the proposed number of units associated with the development;
- the proposed number of parking spaces for the development and the potential for traffic impacts on Brock Street;
- rescinding delegated authority for site plan approval and the ability to require the site plan to be presented to Council for approval;
- investments that the developer has made in the community and the importance of keeping an open dialogue with the developer about the project; and,
- the significance of the development, including those portions that will become public lands, and the importance of Council reviewing the details of the project, including the site plan.

Moved By Councillor Roy
Seconded By Councillor Leahy

1. That Council approve the Draft Plan of Subdivision, File: SW-2017-05 subject to the comments included in Planning Report PL 57-19 and the conditions of draft plan approval included in Attachment # 8;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Region of Durham Commissioner of Planning be advised of Council's decision;
4. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision;
5. That Council approve the amendment to Zoning By-law # 2585, File: Z-15-17 as outlined in Planning Report PL 57-19; and,
6. That a By-law to amend Zoning By-law # 2585 be brought forward for consideration by Council.

Carried later in the meeting [see following motion]

Moved By Councillor Leahy
Seconded By Councillor Yamada

That the main motion be amended to include Item 7 as follows:
7. That Council rescind delegated authority for site plan approval for the development.

Carried

The main motion, as amended, was then carried as follows:

Resolution # 196-19

Moved By Councillor Roy
Seconded By Councillor Leahy

1. That Council approve the Draft Plan of Subdivision, File: SW-2017-05 subject to the comments included in Planning Report PL 57-19 and the conditions of draft plan approval included in Attachment # 8;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Region of Durham Commissioner of Planning be advised of Council's decision;
4. That the Clerk forward a Notice to those parties and agencies

- who requested to be notified of Council's decision;
5. That Council approve the amendment to Zoning By-law # 2585, File: Z-15-17 as outlined in Planning Report PL 57-19;
 6. That a By-law to amend Zoning By-law # 2585 be brought forward for consideration by Council; and,
 7. That Council rescind delegated authority for site plan approval for the development.

Carried

6.3 Planning and Development Department Report, PL 60-19
Re: Urban Design Plan for the Northeast Corner of Rossland Road East and Garden Street

A question and answer period ensued between Members of Council and Staff regarding:

- Urban Design Plans being a new initiative for the Town and opportunities to review the process;
- ensuring robust consultation with condominium corporations and condominium residents in the future;
- tiering of buildings being required along the boundaries of the Urban Design Plan;
- how each application would be evaluated in consideration of best planning practices;
- benefits of the Urban Design Plan, including ensuring connectivity between developments and coordination of access points;
- the Secondary Plan and how it informed the framework for the Urban Design Plan;
- deferring consideration of the matter until additional dialogue has occurred with residents of 712 Rossland Road East; and,
- comments that have been received from Members of the Public and how the comments will be used to review future applications.

Resolution # 197-19

Moved By Councillor Roy
Seconded By Councillor Leahy

That the Urban Design Plan for the northeast corner of Rossland Road East and Garden Street, dated May 6, 2019, prepared by Evans Planning Inc. and John G. Williams Limited on behalf of Whitby Realty Developments Inc. and Star Residence Ltd., be endorsed by Council and used in the review and consideration of associated development applications.

Carried

- 6.4** Planning and Development Department Report, PL 56-19
Re: Conlin Anderson Landowners Group – Brooklin Community
Secondary Plan Area – Comprehensive Block Plan

Resolution # 198-19

Moved By Councillor Roy
Seconded By Councillor Leahy

That the Comprehensive Block Plan for the South Brooklin, Conlin / Anderson Land Owners Group, dated May 2019, prepared by the Biglieri Group Ltd. be endorsed and used in the review and consideration of future development applications.

Carried

- 6.5** Planning and Development Department Report, PL 58-19 Re: DEV-05-17: Draft Plan of Subdivision Applications SW-2008-01 (MR-01-17), Zoning By-law Amendment Application Z-15-17, 1900 Brock Street South, Brookfield Homes (Ontario) Whitby Limited

A question and answer period ensued between Members of Council and Staff regarding parking requirements, additional detail that will be included with the site plan, the ongoing environmental assessment for the bridge on Brock Street, and whether Council should rescind delegated authority for site plan approval.

Moved By Councillor Roy
Seconded By Councillor Leahy

1. That Council approve the Major Redline Revision to the Draft Approved Plan of Subdivision (File: SW-2008-01 [MR-01-17]) subject to the comments included in Planning Report PL 58-19 and the Conditions of Draft Plan Approval included in Attachment # 8;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Region of Durham Commissioner of Planning be advised of Council's decision;
4. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision;
5. That Council approve the amendment to Zoning By-law # 2585,

- File: Z-15-17 as outlined in Planning Report PL 58-19; and,
6. That a By-law to amend Zoning By-law # 2585 be brought forward for consideration by Council.

Carried later in the meeting [see following motion]

Moved By Councillor Leahy
Seconded By Councillor Newman

That the main motion be amended to include Item 7 as follows:
7. That Council rescind delegated authority for site plan approval for the development.

Carried on a recorded vote as follows:

	For	Against	Abstained
Councillor Alexander	x		
Councillor Leahy	x		
Councillor Lee		x	
Councillor Mulcahy		x	
Councillor Newman	x		
Councillor Roy		x	
Councillor Shahid		x	
Councillor Yamada	x		
Mayor Mitchell	x		
	5	4	0

The main motion, as amended, was then carried as follows:

Resolution # 199-19

Moved By Councillor Roy
Seconded By Councillor Leahy

1. That Council approve the Major Redline Revision to the Draft Approved Plan of Subdivision (File: SW-2008-01 [MR-01-17]) subject to the comments included in Planning Report PL 58-19 and the Conditions of Draft Plan Approval included in Attachment # 8;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Region of Durham Commissioner of Planning be advised of Council's decision;

4. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision;
5. That Council approve the amendment to Zoning By-law # 2585, File: Z-15-17 as outlined in Planning Report PL 58-19;
6. That a By-law to amend Zoning By-law # 2585 be brought forward for consideration by Council; and,
7. That Council rescind delegated authority for site plan approval for the development.

Carried

- 6.6** Planning and Development Department Report, PL 61-19
Re: Zoning By-law Amendment Application, Thickson Road North, 2417349 Ontario Inc., File: DEV-01-15 (Z-11-15)

Resolution # 200-19

Moved By Councillor Roy
Seconded By Councillor Leahy

1. That Council approve an amendment to Zoning By-law # 1784, File: Z-11-15 to change the zoning of the subject land from D(NR) – Development (Non-Residential) to C2-S – Special Purpose Commercial and M1A – Prestige Industrial with an exception to permit an automobile sales establishment; and,
2. That the Zoning By-law Amendment be brought forward for consideration by Council.

Carried

- 6.7** Planning and Development Department Report, PL 63-19
Re: Zoning By-law Amendment Application, 101 Victoria Street West, and 1510-1520 Brock Street South, Mobco Developments Inc., File: DEV-20-18 (Z-32-18)

A question and answer period ensued between Members of Council and Staff regarding:

- parking spaces associated with the development;
- the Zoning By-law amendment being brought to Council after completion of the parking and traffic studies for the development;
- the proximity of the development to transit corridors resulting in a reduced need for parking; and,
- the decision of the proponent to provide the number of parking spaces required by the Zoning By-law for the property.

Resolution # 201-19

Moved By Councillor Roy
Seconded By Councillor Leahy

1. That Council approve an amendment to Zoning By-law # 2585, File: Z-32-18 to permit a mixed use (residential-commercial) building on the subject land; and,
2. That a Zoning By-law Amendment be brought forward for Council's approval at such time as the proponent has provided a satisfactory updated Transportation Study (including the parking rationale) to the satisfaction of the Public Works Department.

Carried

- 6.8** Planning and Development Department Report, PL 54-19 Re: Heathwood Homes – Zoning By-law Amendment Application for Block 633 – 4145 Country Lane, File: DEV-02-19, SW-2011-01 (MR-01-19), Z-01-19

Resolution # 202-19

Moved By Councillor Roy
Seconded By Councillor Leahy

1. That Council approve the amendment to Zoning By-law # 1784, File: Z-01-19, as outlined in Planning Report PL 54-19; and,
2. That a By-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

Carried

- 6.9** Planning and Development Department Report, PL 59-19
Re: Downtown Whitby Action Plan June 2019 Update

Resolution # 203-19

Moved By Councillor Roy
Seconded By Councillor Leahy

That Report PL 59-19, Downtown Whitby Action Plan June 2019 Update, be received as information.

Carried

- 6.10** Planning and Development Department Report, PL 55-19
Re: Brooklin North Landowners Group Inc. – Brooklin Community
Secondary Plan Area –Comprehensive Block Plan

A question and answer period ensued between Members of Council and Staff regarding the Comprehensive Block Plan and how it aligns with the Secondary Plan and mechanisms to ensure that non-participating landowners are treated equitably and are consulted.

Resolution # 204-19

Moved By Councillor Roy
Seconded By Councillor Leahy

That the Comprehensive Block Plan prepared for the Brooklin North Landowners Group Inc. dated April 2019, prepared by Malone Given Parsons Ltd., be endorsed in principle and used in the review and consideration of future development applications.

Carried

- 6.11** Planning and Development Department Report, PL 64-19
Re: Removal of 400 Mary Street East from the Municipal Heritage
Register

Resolution # 205-19

Moved By Councillor Roy
Seconded By Councillor Leahy

1. That the property municipally known as 400 Mary Street East be removed from the Town's Municipal Heritage Register;
2. That a full Heritage Documentation Report be prepared prior to demolition and submitted to the Town to be deposited at the Whitby Archives; and,
3. That the final elevations for the proposed redevelopment be reviewed by the Heritage Whitby Advisory Committee.

Carried

- 6.12** Planning and Development Department Report, PL 62-19
Re: Downtown Whitby Community Improvement Plan Grant Program
Uptake and Recommended Amendments

This item was referred at Committee.

- 6.13** Planning and Development Department Report, PL 66-19
Re: Temporary Use Zoning By-law Amendment Application DEV-15-19
(Z-09-19), Northeast Corner of Thickson Road North and Columbus
Road East, Brooklin Northeast Developments CR Inc.

Resolution # 206-19

Moved By Councillor Roy
Seconded By Councillor Leahy

1. That Council approve a Zoning By-law Amendment (Z-09-19) to permit a temporary residential sales office at the northeast corner of Thickson Road North and Columbus Road East for a three year period; and,
2. That the Zoning By-law Amendment be brought forward for Council's consideration.

Carried

7. Committee of the Whole Report
General Government - June 10 and 17, 2019

- 7.1** Corporate Services Department Report, CS 44-19
Re: Audit and Accountability Fund

A discussion ensued between Members of Council about the Town's efforts to continuously find efficiencies, citing the 2016 Service Delivery Review and detailed annual budget reviews.

Resolution # 207-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That Council respectfully decline to participate in the application for the Audit and Accountability Fund; and,
2. That the CAO prepare a letter to the Minister highlighting efforts

that have been taken to proactively find efficiencies and improve service delivery at the Town of Whitby.

Carried

7.2 Regional Governance Review

Resolution # 208-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

Whereas the Regional Governance Review Terms of Reference for Special Advisors Michael Fenn and Ken Seiling states that all materials produced by the Special Advisors, including research analysis, reports and recommendations, are the exclusive property of the Ministry of Municipal Affairs and Housing and may be released publicly at the discretion of the Ministry;

Whereas the Regional Governance Review must be transparent in the interest of accountability and in consideration of the potential impacts to local and regional municipal governments;

Whereas the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) has requested that the report containing the Special Advisors findings and recommendations to the Minister of Municipal Affairs and Housing that is due to be presented in early July be made public;

Now Therefore be it Resolved:

That the Council of the Town of Whitby endorses AMCTO's position that the report prepared by the Special Advisors regarding the Regional Government Review be released upon its finalization and presentation to the Minister in July; and,

That the Clerk be directed to circulate a copy of this resolution to the Minister of Municipal Affairs and Housing, Lorne Coe M.P.P, Special Advisors Michael Fenn and Ken Seiling, AMCTO, AMO, and all GTA municipalities.

Carried

7.3 Short-Term Rentals

Resolution # 209-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

Whereas the use of residential housing for short-term rentals through sites like Airbnb pose challenges for existing stable neighbourhoods, including increased noise, garbage, and parking issues;

And Whereas the negative impacts of short-term rental accommodations are increased when entire homes are rented, and the homeowner is not present;

And Whereas other municipalities across Ontario have investigated and implemented solutions to attempt to mitigate the negative impacts of short-term rental accommodations in their communities;

Now Therefore be it Resolved:

That Council direct staff to report back in Fall 2019 regarding potential measures and options to regulate short-term rental accommodations in Whitby, including a review of what other municipalities have undertaken in this matter and the impact of short-term rental rules in their communities.

Carried

7.4 Traffic Calming on Robert Attersley Drive and Promenade Drive

A question and answer period ensued between Members of Council and Staff about if a pilot project was necessary or if a permanent solution could be implemented.

Moved By Councillor Yamada
Seconded By Councillor Leahy

That Staff be directed to report back by Q4 2019 about traffic calming opportunities and/or traffic calming pilot projects that could be implemented for Robert Attersley Drive and Promenade Drive.

Carried later in the meeting [see following motion]

Moved By Councillor Lee
Seconded By Councillor Yamada

That the main motion be amended to insert the words "including speed bumps" after the word "projects".

Carried

The main motion, as amended, was then carried as follows:

Resolution # 210-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

That Staff be directed to report back by Q4 2019 about traffic calming opportunities and/or traffic calming pilot projects, including speed bumps, that could be implemented for Robert Attersley Drive and Promenade Drive.

Carried

- 7.5** Correspondence # 2019-439 received by the Town Clerk from Ralph Walton, Regional Clerk/Director of Legislative Services, The Regional Municipality of Durham dated April 2, 2019 regarding a new Regional Smoke-Free By-law (2019-MOH-2).

A discussion ensued between Members of Council regarding;

- designated smoking areas potentially making it more difficult for persons who smoke to quit smoking;
- smoking and second hand smoke being leading causes of preventable death and contributors to cancers;
- smoke-free workplaces leading to increased smoking cessation, increased productivity, and less sick time; and,
- supporting health and wellness for Town employees, including smoking cessation.

Moved By Councillor Yamada
Seconded By Councillor Leahy

That the Region of Durham's Smoke-Free By-law be referred back to the Region with a request that municipalities be provided with the same

ability to create designated smoking areas as institutions.

Motion lost

Resolution # 211-19

Moved By Councillor Mulcahy
Seconded By Councillor Lee

That the Council of the Corporation of The Town of Whitby hereby consents to and endorses in its entirety the Region of Durham Smoke-Free By-law #28-2019.

Carried

- 7.6 Memorandum from C. Harris, Town Clerk dated June 7, 2019 regarding Ethno-cultural and Diversity Advisory Committee Recommendation to Council regarding Changing the Committee Name to Whitby Diversity and Inclusion Advisory Committee.

Resolution # 212-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

That the Ethno-cultural and Diversity Advisory Committee's name be changed to the Whitby Diversity and Inclusion Advisory Committee.

Carried

- 7.7 Corporate Services Department and Community and Marketing Services Department Joint Report, CS 42-19
Re: T-20-2019 – Willow Park Accessible Baseball Diamond

Resolution # 213-19

Moved By Councillor Alexander
Seconded By Councillor Leahy

1. That the Town of Whitby accept the low bid as submitted by Smith and Long Limited in the amount of \$274,149.08, (plus applicable taxes) for all labour, materials, equipment and supervision necessary to complete Willow Park Accessible

- Baseball Diamond as required by the Town of Whitby;
2. That the total project cost including contingency of \$313,974.10 be approved;
 3. That the Town authorize a funding contribution of up to \$45,000.00 to mitigate any donation / sponsorship funding shortfall for the accessible ball diamond at Willow Park and that the funding source(s) be determined by the Treasurer; and,
 4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

It was the consensus of Council to move to Item 4.2 at this time.

- 7.8** Office of the Chief Administrative Officer Report, CAO 21-19
Re: Whitby Civic Centre Project - Update

Resolution # 214-19

Moved By Councillor Yamada
Seconded by Councillor Leahy

1. That CAO 21-19 be received as information, and;
2. That staff report back to Council in the fall of 2019 on the recommended next steps following Public and Stakeholder consultation on the proposed Civic Centre Project.

Carried

- 7.9** Public Works Department Report, PW 26-19
Re: Downtown Whitby Additional On-Street Parking Opportunities

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That Council approve the new parking opportunities in Downtown Whitby (see Attachment 1 for modifications); and,
2. That Council authorize the Clerk to bring forward the amending By-laws for Council approval.

Carried later in the meeting [see following motion]

Moved By Councillor Alexander

Seconded By Councillor Leahy

That Item 1 of the main motion be amended to insert the words "save and except the proposed modifications to on-street parking on King Street between Colborne Street and Gilbert Street, until such time as Staff can undertake additional review and public consultation" after "Whitby".

Carried

The main motion, as amended, was then carried as follows:

Resolution # 215-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That Council approve the new parking opportunities in Downtown Whitby, save and except the proposed modifications to on-street parking on King Street between Colborne Street and Gilbert Street, until such time as Staff can undertake additional review and public consultation (see Attachment 1 for proposed modifications); and,
2. That Council authorize the Clerk to bring forward the amending By-laws for Council approval.

Carried

- 7.10** Corporate Services Department Report, CS 18-19
Re: Tender Awards

Resolution # 216-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

That Report No. CS 18-19 of the Commissioner of Corporate Services be received as information.

Carried

- 7.11** Public Works Department and Corporate Services Department Joint Report, CS 31-19

Re: RFP-39-2019 – Detailed Design, Tender Preparation, and Construction Liaison Services for the Des Newman Blvd. Overhead at CP Rail

Resolution # 217-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That the Town of Whitby accept the highest ranking proposal submitted by Stantec Consulting Ltd. in the amount of \$579,502.00 (plus applicable taxes) for the provision of Detailed Design and Tender Preparation Services for the Des Newman Blvd. Overhead at CP Rail (Phase 1);
2. That the Total Project Cost (Phase 1) of \$614,702.00 be approved;
3. That a budget increase of \$49,789.00 be approved and the funding sources be determined by the Treasurer;
4. That approval be granted to award Phase 2 for the provision of Construction Liaison Services for the Des Newman Blvd. Overhead at CP Rail in an estimated amount of \$62,000.00 (plus applicable taxes, CPI) subject to satisfactory performance and subject to budget approval; and,
5. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 7.12** Corporate Services Department Report, CS 34-19
Re: Annual Statement of Development Charge and Parkland Reserve Funds as at December 31, 2018

Resolution # 218-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That the annual statement of Development Charge and Parkland Reserve Funds as at December 31, 2018 be received as information; and,
2. That the annual update on the Non-Statutory and Statutory Development Charge exemptions and the total Development Charge collections be received as information.

Carried

- 7.13** Public Works Department and Corporate Services Department Joint Report, CS 36-19
Re: Replacement of Culverts on Conlin Road, Contract: T-54-2019

Resolution # 219-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That the Town of Whitby accept the low bid as submitted by Premier North Ltd. in the amount of \$226,482.00, (plus applicable taxes) for all labour, materials, equipment and supervision necessary to complete the replacement of culverts on Conlin Road as required by the Town of Whitby;
2. That the Total Project Cost of \$296,500.00 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 7.14** Corporate Services Department, Planning and Development Department and Public Works Department Joint Report, CS 38-19
Re: Downtown Whitby Business Improvement Area Grant Request – Special Events

Resolution # 220-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That report CS 38-19 be received for information;
2. That staff be directed to amend the “Memorandum of Understanding between the Corporation of the Town of Whitby and the Downtown Whitby Business Improvement Area Board of Management” to include support for in-kind services of up to an annual maximum of \$5,000, subject to the Town’s ability to deliver the services for Town Supported Events managed by the BIA Board of Management;
3. That the following events be considered “Town Supported Events” for 2019 in accordance with the Town’s Special Events Policy,: Cherries on the Promenade, Beer Fest and Christmas

Market;

4. That the Town Clerk be authorized to execute the MOU, and be delegated the authority to make amendments thereto subject to such amendments being mutually agreed upon by the BIA Board of Management and the relevant Town Departments; and,
5. That Item MD-4779 be removed from the New and Unfinished Business List.

Carried

- 7.15** Public Works Department and Corporate Services Department Joint Report, CS 40-19
Re: Reconstruction of Centre Street South and Gilbert Street West,
Contract: T-5-2019

Resolution # 221-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That the Town of Whitby accept the low bid as submitted by Hard-Co Construction Ltd. in the amount of \$4,240,135.00 (plus applicable taxes) for all labour, materials, equipment and supervision necessary for the reconstruction of Centre Street South and Gilbert Street West;
2. That the Town of Whitby's portion of the Total Project Cost in the amount of \$3,470,000.00 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 7.16** Corporate Services Department Report, CS 41-19
Re: 2020 Budget Process and Calendar

Resolution # 222-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That the 2020 Budget Process and Calendar outlined in this report be approved by Council and that the Town Clerk establish the meeting dates;

2. That the Commissioner of Corporate Services/Treasurer be authorized to initiate any changes for the 2020 Budget format that may enhance and ensure the information support the guiding financial principles of:
 - Incorporate a long term perspective;
 - Establish linkages to broad organizational goals;
 - Focus decisions on results and outcomes;
 - Involve and promote effective communication with stakeholders;
 - Promote program efficiency and effectiveness; and,
3. That an education and training session be held involving Council and Staff in Q3, 2019, being early in the 2020 budget process, for the purpose of discussing potential changes in the priority of projects in 2020 and long range financial planning impacts arising from the shortfall in the development charges collection and the potential impact of Bill 108.

Carried

- 7.17** Community and Marketing Services Department and Corporate Services Department Joint Report, CS 43-19
Re: T-32-2019 – Central Park Renovation

A brief question and answer period ensued between Members of Council and Staff about the specific projects that would be included as part of the Central Park Renovation.

Resolution # 223-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That the Town of Whitby accept the low bid as submitted by Royalcrest Paving and Contracting Ltd in the amount of \$689,000.00, (plus applicable taxes) for all labour, materials, equipment and supervision necessary to complete Central Park Renovation as required by the Town of Whitby;
2. That the total project cost including contingency of \$912,030.40 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 7.18** Office of the Town Clerk Report, CLK 06-19
Re: Council Expense Policy Update

This item was referred at Committee.

- 7.19** Public Works Department Report, PW 22-19
Re: Town of Whitby Municipal Asset Management Plan

Resolution # 224-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That Public Works Report PW 22-19 on the status of existing Town of Whitby infrastructure assets be received for information;
2. That Council endorse the following recommendations for future versions of the MAMP:
 - a. To continue to develop robust condition assessment programs, for all asset categories on a pre-determined schedule to keep data current and accurate;
 - b. To continually research new technologies/available preventative maintenance and rehabilitation strategies to minimize lifecycle costs;
 - c. To review the high priority projects identified within the MAMP and incorporate them into the Capital Budget/9 Year Forecast on an annual basis;
 - d. To review asset management software needs and implement a solution to provide efficiencies;
 - e. To update the MAMP and report to Council on an annual basis;
 - f. To incorporate the findings of the Long Range Financial Plan into the MAMP; and,
 - g. To review and update the Asset Management Policy and Governance at least every five years.

In addition, future phases of the MAMP should include:

- h. To develop quantifiable relationship matrices between major capital infrastructure and future operating costs to assist in managing long-term sustainability of public assets;
- i. To incorporate the future near term assumption of assets from planned growth and Development Charges Study into the next phase of the MAMP (e.g. West Whitby);

- j. To identify through the Asset Management Resourcing Strategy all associated costs (Labour, Equipment, Facilities, Capital/Operating Funding) related to growth and incorporate the findings into the MAMP; and,
 - k. Climate change adaptation and mitigation will be addressed through all service areas.
3. That Item MD-4911 be removed from the New and Unfinished Business list.

Carried

- 7.20** Community and Marketing Services Department Report, CMS 18-19
Re: Okanagan Hockey Group Lease Agreement

Resolution # 225-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That Council Approve an 11 month lease agreement between the Town of Whitby and the Okanagan Hockey Group for meeting space in the upper mezzanine of Iroquois Parks Sports Centre from August 11, 2019 to July 30, 2020 (the "Lease Agreement");
2. That Staff be authorized to negotiate the terms and conditions of an extension agreement, if agreed to by the parties; and,
3. That the Mayor and Clerk be authorized to execute the Lease Agreement and sign any other related and necessary documents to the Lease Agreement.

Carried

- 7.21** Community and Marketing Services Department Report, CMS 20-19
Re: 2019 Accessibility Advisory Committee Work Plan

Resolution # 226-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That Council receive this report as information; and,
2. That Council endorses the 2019 Accessibility Advisory Committee Work Plan.

Carried

- 7.22** Office of the Chief Administrative Officer and Corporate Services
Department Joint Report, CAO 18-19
Re: Business Planning Process

Resolution # 227-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That Council receive CAO Report 18-19 as information; and,
2. That Council approve the proposed Business Planning process outlined in this report.

Carried

- 7.23** Confidential Office of the Chief Administrative Officer, Community and Marketing Services Department and Corporate Services Department
Joint Report, CAO 16-19
Re: Staff Accommodations – Leasing of Office Space

Resolution # 228-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That Report CAO 16-19 be received;
2. That staff be authorized to negotiate a lease agreement for a six year term with Graywood Developments Ltd. for office space located at 3000 Garden Street (Whitby Town Square) on such terms as set out in Report CAO 16-19;
3. That the Mayor and Clerk be authorized to sign the lease agreement including any and all documentation necessary to give effect thereto;
4. That the lease and operating costs be added to the 2020 Operating Budget;
5. That one-time capital costs of \$278,000 be funded from a source determined by the Treasurer;
6. That the CAO and the Commissioner of Corporate Services/Treasurer be authorized to enter into any ancillary agreements for the purchase of goods or services to expedite the relocation of staff to the leased premises;

7. That the leased office space be designated by Council as a municipal capital facility to exempt the space from taxation for municipal and education purposes; and,
8. That the Clerk be directed to prepare a by-law for Council's approval to designate the leased space as a municipal capital facility, and to prepare and issue all documentation necessary to give effect thereto.

Carried

7.24 Land Acknowledgement

Resolution # 229-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

Whereas providing a land acknowledgement at the beginning of a meeting gives time for reflection and demonstrates recognition of Indigenous lands, treaties, and people;

Whereas Indigenous peoples have been acknowledging the land at the beginning of gatherings, ceremonies, and event for time immemorial;

Whereas providing a land acknowledgement involves making a statement recognizing the traditional territory of the Indigenous people who called the land home before the arrival of settlers;

Whereas providing a land acknowledgement involves thinking about what changes can be made going forward in order to further the reconciliation process; and,

Whereas providing a land acknowledgement marks a small and important step in the process of reconciliation and honours the land and Indigenous presence which dates back over 10,000 years;

Now Therefore be it Resolved:

That Staff be directed to bring forward an amendment to the Procedure By-law to incorporate a land acknowledgement after the Moment of Reflection at the beginning of each Regular Council meeting.

Carried

8. Notice of Motion
9. New and Unfinished Business

9.1 Planning and Development Department Report, PL 65-19
Re: Whitby Official Plan Amendment and Zoning By-Law Amendment
Applications for 4560 Thickson Road North (Optilinx) Files: DEV-01-16,
OPA-2016-W/04, Z-19-16; Regional Official Plan Amendment
Application (Optilinx) Regional File: OPA-2016-003

A question and answer period ensued between Members of Council and Staff regarding:

- remediation required on the property and opportunities to consult with the Central Lake Ontario Conservation Authority regarding the conditions of the remediation;
- opportunities to provide lands to the Conservation Authority to compensate for the loss of environmentally sensitive lands on the property;
- the ability for the applicant to appeal the decision of Council, should Council refuse the application; and,
- receiving additional information from the Chief Administrative Officer about the efforts the Town has made to help the property owner find an alternative location for their business; and,
- the potential timing of a Council meeting to allow the applicant additional time to undertake studies and work with the Town's Economic Development Staff to explore alternative locations for the business.

Moved By Councillor Shahid
Seconded By Councillor Yamada

1. That the Official Plan Amendment and Zoning By-law Amendment applications (Files: DEV-01-16; OPA-2016-W/04; Z-19-16) should be refused;
2. That the Clerk forward a copy of Council's decision to the applicant, the Region of Durham, and those persons who requested further notification regarding the applications; and,
3. That the Clerk forward a copy of Planning and Development Department Report PL 65-19 to the Region of Durham Planning and Economic Development Department.

Note: The disposition of the matter, Item 9.1, was determined through the deferral motion below.

Resolution # 230-19

Moved By Councillor Yamada
Seconded By Councillor Leahy

That consideration of Staff Report PL 65-19, Whitby Official Plan Amendment and Zoning By-Law Amendment Applications for 4560 Thickson Road North (Optilix), be postponed to the October 28, 2019 Council Meeting to allow the applicant additional time to review and revise the studies associated with the application.

Carried

9.2 Whitby Youth Day

This item was not considered by Council.

9.3 Recognition of Parvaneh Pessian

Councillor Roy rose on a point of privilege and recognized Parvaneh Pessian, Reporter for Metroland Media Group, for her service as a journalist covering Whitby Council meetings and for the work she has done reporting important local issues in the Town.

9.4 Organizational Updates - Chief Administrative Officer

M. Gaskell, Chief Administrative Officer announced that effective immediately, Downtown Planning Staff and Sustainability Staff would move into the Strategic Initiatives Division led by Sarah Klein. He indicated that Maria McDonnell would move into the Strategic Initiatives Division as the Senior Manager of Community Advancements and that she would provide oversight to the Economic Development and Sustainability portfolios.

Additionally, M. Gaskell announced that effective immediately, John Romano would be appointed Acting Commissioner of Community Services. He indicated that Mr. Romano would serve as Acting Commissioner until such time as the permanent position is filled.

Moved By Councillor Mulcahy
Seconded By Councillor Shahid

That the rules of procedure be suspended and notice requirements dispensed with in order to introduce a motion regarding Sport Durham's 2022 Ontario Summer Games Bid and a motion regarding Elimination of

Highway 412 Tolls and Release of Employment Lands.

Carried on a Two Thirds Vote

9.5 Sport Durham 2022 Ontario Summer Games Bid

A question and answer period ensued between Members of Council and Staff regarding the benefits of the Summer Games Bid, opportunities for amateur athletes, and that Whitby is being considered as the host community for lacrosse, box lacrosse, and sailing.

Resolution # 231-19

Moved By Councillor Mulcahy
Seconded By Councillor Lee

Whereas the Region of Durham through Sport Durham is submitting a bid to host the 2022 Ontario Summer Games in August 2022;

Whereas Sport Durham is seeking support from community partners which would be included as part of the bid submission;

Whereas the Ontario Summer Games will offer an opportunity for the Town of Whitby to showcase knowledge, skill, and expertise from hosting many past significant events; and,

Whereas the Ontario Summer Games will provide an opportunity to showcase the Region of Durham, the Town of Whitby, grow a local volunteer base, contribute to tourism and economic activity, develop amateur athletes, leave lasting legacies, and inspire a sense of pride in the community;

Now Therefore be it Resolved:

1. That Whitby Council endorse in principle Sport Durham's bid to host the 2022 Ontario Summer Games, subject to Staff reporting to Council with detailed information regarding the Town's participation in the games; and,
2. That this resolution be circulated to the Region of Durham, all Durham Region Municipalities, Sport Durham, MPP Lorne Coe, and MP Celina Caesar-Chavannes.

Carried unanimously on a recorded vote as follows:

	For	Against	Abstained
Councillor Alexander	x		
Councillor Leahy	x		
Councillor Lee	x		
Councillor Mulcahy	x		
Councillor Newman	x		
Councillor Roy	x		
Councillor Shahid	x		
Councillor Yamada	x		
Mayor Mitchell	x		
	9	0	0

9.6 Elimination of 412 Tolls and Release of Employment Lands

A discussion ensued between Members of Council about the timing of this motion considering that the Province has indicated that tolls on Highway 412 are currently being reviewed, traffic congestion on Lake Ridge Road, and the importance of Council restating its position supporting the elimination of tolls, given that new Ministers have been appointed by the Provincial government.

Resolution # 232-19

Moved By Councillor Newman
Seconded By Councillor Mulcahy

Whereas the Council of the Town of Whitby has on numerous previous occasions requested that the tolls on Highway 412 be eliminated and the employment lands abutting Highways 412 and 407 be released; and,

Whereas a new Minister of Minister of Transportation and Minister of Economic Development, Job Creation and Trade have been appointed;

Now Therefore be it Resolved:

1. That Council reaffirms its previous request that:
 - a. The Ministry of Transportation expeditiously identify, declare surplus, and release designated employment lands that were not required for the construction of Highways 412 and 407; and,
 - b. That the Province eliminate the tolls on Highway 412 which are a distinct disadvantage and disincentive to

Durham Region to efficiently move goods, services and people and to attract and retain prestige industrial and office investments and value added jobs for the employment lands abutting the provincial highway.

2. That the Clerk be directed to forward a copy of this resolution to Durham area municipalities, all Durham Region MPPs, John Henry, Regional Chair, the Honourable Caroline Mulroney, Minister of Transportation and Minister of Francophone Affairs, and the Honourable Vic Fedeli, Minister of Economic Development, Job Creation and Trade and Chair of Cabinet.

Carried unanimously on a recorded vote as follows:

	For	Against	Abstained
Councillor Alexander	x		
Councillor Leahy	x		
Councillor Lee	x		
Councillor Mulcahy	x		
Councillor Newman	x		
Councillor Roy	x		
Councillor Shahid	x		
Councillor Yamada	x		
Mayor Mitchell	x		
	9	0	0

10. By-Laws

That the following by-laws be passed:

- 10.1 By-law # 7523-19, being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2013-02) as not being subject to Part Lot Control.

- 10.2 By-law # 7524-19, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law for the Town of Whitby.

Refer to Report PL 61-19 (Z-11-15)

- 10.3 By-law # 7525-19, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law for the Town of Whitby.

Refer to Report PW PL 54-19 (Z-01-19)

- 10.4** By-law # 7526-19, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law for the Town of Whitby.

Refer to PL 49-19 (Z-12-18)

- 10.5** By-law # 7527-19, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law for the Town of Whitby.

Refer to Report PL 46-19 (Z-08-19)

- 10.6** By-law # 7528-19, being a by-law to amend By-law #1784, as amended, being the Zoning By-law for the Town of Whitby.

Refer to Report PL 50-19 (Z-06-19)

- 10.7** By-law # 7529-19, being a by-law to amend By-law #1784, as amended, being the Zoning By-law for the Town of Whitby.

Refer to Report PL 52-18 (Z-16-17)

- 10.8** By-law # 7530-19, being a by-law to amend By-law #1784, as amended, being the Zoning By-law for the Town of Whitby.

Refer to Report PL 25-19 (Z-16-18)

- 10.9** By-law # 7531-19, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law for the Town of Whitby.

Refer to Report PL 66-19 (Z-09-19)

- 10.12** By-law # 7534-19, being a by-law to amend Procedure By-law # 7462-18.

Refer to Item 7.24, Land Acknowledgement

- 10.13** By-law # 7535-19, being a by-law to assume Rushlands Crescent as shown on Plan 40M-2518 as a Public Highway.

- 10.14** By-law # 7536-19, being a by-law to amend By-law # 1862-85, to regulate traffic on highways and on certain private roads in the Town of Whitby.

- 10.15** By-law # 7537-19, being a by-law to designate the Log Cabin on the property municipally known as 300 Taunton Road West, Part 2 of Plan 40R-30337, as being of cultural heritage value and interest.

Refer to Report PL 37-19

- 10.16** By-law # 7538-19, being a by-law to amend By-law # 6506-10 to amend the legal description of the heritage property known as the Cullen Summer Cottage, municipally known as 300 Taunton Road West, Part 1 of Plan 40R-30337, as being of cultural heritage value and interest.

Refer to Report PL 37-19

- 10.17** By-law # 7539-19, being a by-law to authorize the donation of the London & Port Stanley Box Car located at the Station Gallery to the Railworks Coalition and the Ontario Electric Railway Historical Association.

Resolution # 233-19

Moved By Councillor Leahy
Seconded By Councillor Lee

That leave be granted to introduce By-laws # 7523-19 to # 7531-19 and # 7534-19 to # 7539-19, and to dispense with the reading 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

- 10.10** By-law # 7532-19, being a by-law to amend the Fees and Charges By-law # 7220-17.

Refer to Report PW 26-19

- 10.11** By-law # 7533-19, being a by-law to amend By-law # 1862-85, to regulate traffic on highways and on certain private roads in the Town of Whitby.

Refer to Report PW 26-19

Resolution # 234-19

Moved By Councillor Leahy
Seconded By Councillor Lee

That leave be granted to introduce By-laws # 7532-19 to # 7533-19, as amended further to Resolution # 215-19, and to dispense with the reading 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

11. Confirmatory By-Law

11.1 Confirmatory By-law

Resolution # 235-19

Moved By Councillor Lee
Seconded By Councillor Newman

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 June 24, 2019 and 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

12. Adjournment

12.1 Motion to Adjourn

Moved By Councillor Leahy
Seconded By Councillor Roy

That the meeting adjourn.

Carried

The meeting adjourned at 9:43 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor