



CITY COUNCIL MEETING

**TUESDAY, APRIL 10, 2007
COUNCIL CHAMBER
6:30 p.m.**

AGENDA

Notice to Correspondents

The personal information contained in your correspondence to Oshawa City Council or its committees is collected under the *Municipal Act, 2001*. Any personal information you choose to disclose in your correspondence will be used to receive your views on the relevant issue(s) to enable the City to make its decision on the matter. This information will become part of the public record. You may request, in writing, the removal of your personal identity information from correspondence posted on the Internet. It is our policy to publish only the correspondent's name on the Internet.

Questions regarding City Council meetings may be directed to Kim Bressan, Council Meeting Co-ordinator, at 905-436-5636, ext. 2433 or by email to kbressan@oshawa.ca.

WEBSITE: www.oshawa.ca

COUNCIL COMPOSITION

The Council of the City of Oshawa is made up of eleven members - one Mayor, seven Regional Councillors and three City Councillors.

MEMBERS OF COUNCIL

Below are the members of the Council of the City of Oshawa and the Ward they represent:

Mayor John Gray
Regional Councillor April Cullen (Ward Six)
Regional Councillor John Henry (Ward Five)
Regional Councillor Joseph Kolodzie (Ward Four)
Regional Councillor Robert Lutczyk (Ward Two)
Regional Councillor John Neal (Ward Seven)
Regional Councillor Brian Nicholson (Ward One)
Regional Councillor Nester Pidwerbecki (Ward Three)
City Councillor Tito-Dante Marimpietri (Wards Two and Four)
City Councillor Louise Parkes (Wards Five and Six)
City Councillor Maryanne Sholdra (Wards One and Three)

CITY COUNCIL MEETINGS

City Council meetings are held on the following Mondays commencing at 6:30 p.m. and the public is welcome to attend: January 15, February 5 and 26, March 19, April 10 (Tuesday), and 30, May 22 (Tuesday), June 11, July 3 (Tuesday), and 23, September 4 (Tuesday), and 24, October 15, November 5 and 26, and December 17, 2007.

City Council will take a 15 minute break at 8:30 p.m. during every regular City Council meeting, or at the next opportunity after 8:30 p.m. upon the completion of the item being discussed at 8:30 p.m.

Members of the public may address Council concerning an item on the agenda, provided they have appeared before the appropriate Standing Committee and are in opposition to the Committee's recommendations, by submitting a written request to the City Clerk before noon on the Thursday preceding the Monday Council meeting. Speakers are generally limited to 5 minutes.

There are four Standing Committees of Council: Development Services Committee, Audit, Budget and Corporate Services Committee, Community Services Committee and the Strategic Initiatives Committee. A calendar of all Standing Committee meeting dates is available on the City of Oshawa website at www.oshawa.ca.

PLEASE NOTE: Cellular phones/pagers must be switched to the non-audible function during this meeting.

SECTION ONE

CITY COUNCIL AGENDA APRIL 10, 2007

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City Council's Closed Meeting is scheduled to begin in the Committee Room, Second Floor, Rundle Tower at 4:00 p.m.

City Council's Public Meeting is scheduled to begin in the Council Chamber at 6:30 p.m.

PUBLIC AGENDA

ADDITIONAL BLESSING

Reverend Allan Jorgenson, First Baptist Church.

ANNOUNCEMENTS FROM COUNCIL MEMBERS

(As may be presented by Council members)

DECLARATIONS OF PECUNIARY INTEREST

(As may be presented by Council members)

PRESENTATIONS

Rose Mary Mason to be presented with a Certificate of Recognition and an Achievement Pin from the Ontario Heritage Trust through the 2006 Ontario Heritage Community Recognition Program for her work to protect, promote and preserve Oshawa's rich and diverse heritage.

Joyce Marshall, Committee Member, YWCA Durham, to present information concerning the 25th Annual Women of Distinction Gala to be held on May 10, 2007.

DELEGATIONS/DELEGATION REQUESTS

Delegations

1. [Bill Longworth requesting to address City Council](#) in opposition to the recommendation contained in Item 16 of the Thirteenth Report of the Audit, Budget and Corporate Services Committee to deny his Partnership Grant request for \$25,000 to support VOTES. (All Wards)

Delegation Requests

None.

PUBLIC MEETING

None.

CORRESPONDENCE REQUESTS

1. [Municipality of Clarington, Anne Greentree, Deputy Clerk, requesting Oshawa Council's endorsement of Clarington Council's resolution](#) to Durham Regional Police Service (DRPS) requesting DRPS rescind their new policy requiring paid-duty officers receive a minimum of one week advance notice and payment in advance for their services, and advising this new policy may cause undue hardship for certain non-profit organizations, and in certain circumstances such as emergency property standards orders. (All Wards)
2. [Bill Longworth expressing concern the total taxpayer cost of City politicians is falsely reported in Oshawa This Week](#) and requesting Regional salaries and benefits, and all other compensation and benefits including conferences, car allowances, and the annual cost of blackberries be included in the calculation to reflect a more realistic estimate of Council members' compensation and benefits. (All Wards)

ADDITIONAL AGENDA ITEMS/MOTIONS

(As may be distributed to or introduced by Council members)

PUBLIC CONSENT AGENDA

That all items listed under the heading of Consent Agenda for the April 10, 2007 public meeting agenda be adopted as recommended.

ADOPTION OF MINUTES

That the minutes of the [March 19, 2007](#) City Council meetings be adopted.

CORRESPONDENCE

31. [Oshawa and District Dart League, Larry Higgins, Secretary](#), requesting their Annual Motor City Open International Dart Tournament being held June 1, 2 and 3, 2007 at Donevan Recreation Complex be declared a community festival.
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- (Ward 3)

Recommendation

That the Motor City Open International Dart Tournament being held June 1, 2 and 3, 2007 at Donevan Recreation Complex be declared a community festival and the Alcohol and Gaming Commission be advised the City has no objection to the sale of liquor and beer at the Donevan Recreation Complex subject to the necessary approvals concerning zoning, health, police, fire protection, building and licensing requirements.

Correspondence – Received and Filed

That correspondence listed in Appendix A to the Public Agenda for the April 10, 2007 City Council meeting be received and filed.

COMMITTEE REPORTS

Report of the Development Services Committee

The Development Services Committee respectfully reports and recommends to City Council its Fourteenth Report

1. Region of Durham, Request for Proposals, RFP-764-2006 under the Canada-Ontario Affordable Housing Program: Rental and Supportive Housing Component (DS-07-93) (All Wards)

(See Pages 400 and 9 to 29)

Recommendation

That correspondence dated March 16, 2007, from the Region of Durham concerning their Request for Proposals, RFP-764-2006 under the Canada-Ontario Affordable Housing Program: Rental and Supportive Housing Component be received for information.

2. Applications to Amend the Oshawa Official Plan, the Pinecrest Part II Plan and Zoning By-law 60-94, 855-903 and 1007 Taunton Road East, Oshawa-Taunton Developments Inc. (DS-07-82) (Ward 6)

(See Pages 401 and 47 to 72)

Recommendation

1. That the application submitted by Oshawa-Taunton Developments Inc. to amend the Oshawa Official Plan and the Pinecrest Part II Plan to permit Planned Commercial Strip uses at 855-903 Taunton Road East and to amend the Pinecrest Part II Plan to permit Planned Commercial Centre and Open Space and Recreation uses at 1007 Taunton Road East be approved.
2. That the proposed amendment to the Oshawa Official Plan and Pinecrest Part II Plan as contained in Attachment 4 to the report of the Commissioner of Development Services, DS-07-82, dated March 21, 2007, be approved and that the necessary by-law be passed.
3. That the application submitted by Oshawa-Taunton Development Inc. to amend Zoning By-law 60-94 to permit PSC-A (Planned Strip Commercial) uses at 855-903 Taunton Road East and PCC-D (Planned Commercial Centre) uses at 1007 Taunton Road East be approved, subject to certain revisions and conditions in accordance with the comments contained in the report of the Commissioner of Development Services, DS-07-82, dated March 21, 2007, and that the necessary by-law be passed.

4. That City Council declare Block 58, Plan 40M-2028 (Instrument Number LT1018855), to be surplus subject to the zoning by-law amendment for 855-903 Taunton Road East coming into effect, with actual conveyance of the lands to Schleiss Development Company Limited being undertaken after servicing requirements for the lands to the north have been determined and arrangements have been made for any necessary servicing easements.
 5. That the site plan approval process for the proposed development address the matters set out in Attachment 5 of the report of the Commissioner of Development Services, DS-07-82, dated March 21, 2007, to the satisfaction of the Development Services Department.
 6. That the Taunton-Harmony Corridor Study Final Report – Recommended Land Use Plan and Urban Design Concept as approved by City Council on January 13, 2003 and as amended, be further amended to show the lands municipally known as 855-903 Taunton Road East as Planned Commercial Strip and the tableland portion of 1007 Taunton Road East as Planned Commercial Centre.
3. Applications for New Telecommunication Facilities, 328 Ritson Road North and 316 Kitchener Avenue, Telus (DS-07-84) (Wards 2 and 5)

(See Pages 402 and 73 to 83)

Recommendation

That the Commissioner of Development Services be authorized to advise Industry Canada that the City has no objection to the proposals by Telus to install telecommunication towers and at grade equipment shelters at 316 Kitchener Avenue and in the northwest corner of 328 Ritson Road North, subject to Telus entering into a letter of undertaking addressing such matters as siting, fencing, architecture and landscaping to the satisfaction of the Commissioner of Development Services.

4. Application to Remove Part Lot Control, 980 King Street East, Paul Taylor (DS-07-65) (Ward 3)

(See Pages 402 and 84 to 86)

Recommendation

Whereas an application for the removal of part lot control has been made to sever a 780 square metre (8,400 sq. ft.) parcel of land from 980 King Street East and add it to the rear of 972 King Street East; and,

Whereas the approval of the application is deemed appropriate;

Therefore the application for removal of part lot control be approved for 980 King Street East (Part of Lot 14, Sheet 3C, Registered Plan 357) subject to the following conditions:

1. That the necessary by-law be passed after:
 - (i) An appropriate survey describing the proposed lot addition and showing all existing buildings, lot coverage and proposed setbacks for the retained lands at 980 King Street East has been deposited; and
 - (ii) Any required Committee of Adjustment variances are finally approved.
2. This conditional approval shall expire on April 10, 2008, if the above conditions have not been satisfied.
5. Application for a Variance to Sign By-law 72-96, 600 Thornton Road North, Westbourne Ruddy Electric (DS-07-90) (Ward 2)

(See Pages 403 and 87 to 89)

Recommendation

Whereas Westburne Ruddy Electric has applied for a variance to permit an 18 square metre (192 sq. ft.) fascia sign [(1.8m (6ft) high by 9.75m (32ft.) in length] on the south elevation of its building at 600 Thornton Road South; and,

Whereas Sign By-law 72-96 does not permit fascia signs that do not face a street line; and,

Whereas the proposed sign is appropriate to increase the visibility of the business from Champlain Avenue and Highway 401;

Therefore, the application for a variance to Sign By-law 72-96 submitted by Westburne Ruddy Electric (File SV-3/07) to permit the proposed fascia sign on the south elevation of 600 Thornton Road South be approved.

6. February 2007 Building Permit Statistics (DS-07-77) (All Wards)

(See Pages 403 and 90 to 92)

Recommendation

That Report DS-07-77 dated March 21, 2007, from the Commissioner of Development Services regarding the February 2007 building permit statistics be received for information.

7. Investigation into closure of Grandview Street North at King Street East (DS-07-85) (Ward 3)

(See Pages 404 and 93 to 100)

Recommendation

1. That the report of the Commissioner of Development Services, DS-07-85, dated March 21, 2007, regarding an investigation into the possible closure of Grandview Street North, at King Street East be received for information.
 2. That Community Services staff continue to monitor the intersection of Grandview Street North and King Street East.
 3. That a copy of this report be forwarded to the residents of Grandview Street North, north of King Street East.
8. Asphalt Overlay, Sidewalk, and Curb and Gutter Construction, Tender for Contract O 07-01 (DS-07-92) (Wards 1, 2, 4 and 5)

(See Pages 404 and 101 to 102)

Recommendation

1. That the tender submitted by Four Seasons Site Development Ltd. for Contract O 07-01 for asphalt overlay, sidewalk, and curb and gutter construction, in the amount of \$1,436,653.00 be accepted.
 2. That the City of Oshawa enter into an agreement with Four Seasons Site Development Ltd. for the placement of asphalt overlay, sidewalk, and curb and gutter construction on City roads.
9. Telus Mobility, proposed communication sites at 915 Grandview Street North and 1661 Harmony Road North (Legends Centre) (DS-07-88) (Wards 6 and 7)

(See Pages 406 and 1 to 5)

Recommendation

That the request from Telus Mobility for a communication site at 1661 Harmony Road North (Legends Centre) be approved and that staff be authorized to negotiate with Telus.

10. Oshawa Clinic, requesting the City to review the Development Charges By-law and consider exempting medical clinics (DS-07-94) (All Wards)

(See Pages 407 and 30)

Recommendation

That major medical clinics be exempted from Development Charges, and that staff be directed to amend the City of Oshawa Development Charges By-law 84-2004.

11. Applications to Amend the Oshawa Official Plan, the Samac Secondary Plan and Zoning By-law 60-94, 1399 Simcoe Street North, Ed Malachowski (DS-07-80 and DS-07-97) (Ward 7)

(See Pages 405, 407 and 31 to 46)

Recommendation

1. That the applications to amend the Oshawa Official Plan, Samac Secondary Plan (File B3100-0086), and Zoning By-law 60-94 (File Z 5/06) submitted by Ed Malachowski to permit planned commercial strip uses at 1399 Simcoe Street North be approved, in part, to only permit a used car lot as a temporary use under the provisions of the Planning Act.
 2. That in accordance with Section 34(17) of the Planning Act and notwithstanding that the rezoning proposed in the public meeting notice, the public meeting report and at the public meeting differs to some degree from the proposal approved by City Council such differences are not substantial enough to require further notice and another public meeting.
12. Council Directive – Part 1(a) of Item 18 of the Twelfth Report of the Development Services Committee concerning a proposed amendment to Zoning By-law 60-94 to regulate the size, height and location of accessory buildings in rural residential zones referred back to staff for investigation (DS-07-94 and DS-07-37) (All Wards)

(See Pages 408 and 103 to 111)

Recommendation

1. That City Council pass an amendment to Zoning By-law 60-94:
 - (a) To further regulate the size, height and location of accessory buildings in rural residential zones except the OS-ORM and AG-ORM Zones generally in accordance with the recommended regulations which form part of Attachment 1 to the Commissioner of Development Services' Report DS-07-37 dated February 28, 2007, in a form acceptable to the City Solicitor.

13. Harbour Road Land Use Study Implementation, Proposed Amendments to the Oshawa Official Plan and Zoning By-law 60-94 (DS-07-81) (Ward 1)

(See Pages 411 and 112 to 133)

Recommendation

1. That the proposed Amendment to the Oshawa Official Plan, contained in Attachment 1 to Report DS-07-81, dated March 21, 2007, be approved, that the necessary by-law be passed and that the Amendment be forwarded to the Region of Durham for their approval, subject to incorporating the following revisions to the proposed Official Plan Amendment:
 - (a) Replace proposed new Section 2.3.7.18 (d) with a revised proposed new Section 2.3.7.18 (d) as follows:

“Prior to any new development occurring within the subject area, other than the expansion of a lawfully existing use as of April 10, 2007 or the redevelopment of existing residential lands, any required investigations shall be undertaken and any necessary mitigative measures shall be identified and implemented in order to address adverse environmental effects associated with soil and water contamination, in accordance with Provincial guidelines in effect at the time of development. To ensure that the lands are remediated to the appropriate environmental standard prior to development, all of the lands within the subject area will be placed in an appropriate holding zone category, which shall remain in effect until a Record of Site Condition, filed electronically with the Ministry of the Environment, has been obtained for each development site.”
 - (b) Replace proposed new Section 2.3.7.18 (f) with a revised proposed new Section 2.3.7.18 (f) as follows:

“Prior to any new development of lands within 300 metres of a waterway or waters within the Oshawa Harbour, an archaeological assessment is completed to the satisfaction of the Ministry of Culture;”
2. That the proposed Amendment to Zoning By-law 60-94, contained in Attachment 2 to Report DS-07-81, dated March 21, 2007, be approved, and that the necessary by-law be passed, subject to incorporating the following revisions to the proposed Zoning By-law Amendment:

- (a) Replace proposed new Section 3.5.2(52) (b) with a revised proposed new Section 3.5.2(52) (b) as follows:

“Verification has been provided to the satisfaction of the City and the Region, in the form of a Record of Site Condition acknowledged by the Ministry of the Environment, that the soils of the subject site are suitable for development in accordance with the relevant Provincial guidelines in effect immediately prior to the issuance of a building permit.”

3. That in accordance with Section 34(17) of the Planning Act and notwithstanding that the proposed rezoning by-law differs to a minor degree from that proposed in the public meeting notice and presented in the report of the Commissioner of Development Services, DS-07-81 dated March 21, 2007, such differences are not substantial enough to require further notice and another public meeting.
4. That any future development plans be subjected to a public open house as part of Committee and Council consideration.

Audit, Budget and Corporate Services Committee

The Audit, Budget and Corporate Services Committee respectfully reports and recommends to City Council its Thirteenth Report

1. Rosemary Spencer – Income Splitting (ABCS-07-100) (All Wards)

(See Pages 504 and 8)

Recommendation

That correspondence dated March 5, 2007 from Rosemary Spencer concerning income splitting be received for information and that she be advised to contact her Member of Parliament or the Minister of Finance as income splitting is the responsibility of the Canada Revenue Agency.

2. Durham Regional Police – Marijuana Grow Op Notification (ABCS-07-103) (All Wards)

(See Pages 505 and 26 to 33)

Recommendation

That correspondence dated March 26, 2007, from Durham Regional Police concerning marijuana Grow Op notification be received for information.

3. Mayor David Miller, City of Toronto – One Cent NOW! Campaign (ABCS-07-101) (All Wards)

(See Pages 505 and 9 to 21)

Recommendation

That City of Oshawa endorse the City of Toronto's One Cent NOW! Campaign.

4. Accounts for the Month of February 2007 (ABCS-07-92) (All Wards)

(See Pages 506 and 100 to 115)

Recommendation

That Report ABCS-07-92, Accounts for the month of February 2007, be received for information.

5. Amendments to By-laws 101-83, 122-83 and 69-2000 (ABCS-07-99) (All Wards)

(See Pages 506 and 138 to 142)

Recommendation

1. That By-law 101-83, as amended, being a by-law pursuant to the Municipal Act and Police Services Act to provide for the appointment of Municipal Law Enforcement Officers, be further amended by adding to Schedule "A" thereto the name of Kevin Feagan.
2. That By-law 122-83, as amended, being a by-law pursuant to the Planning Act and Police Services Act to provide for the appointment of Municipal Law Enforcement Officers and Peace Officers to enforce zoning by-laws, be further amended by adding to Schedule "A" thereto the name of Kevin Feagan.
3. That By-law 69-2000, as amended, being a by-law pursuant to the Building Code Act and the Police Services Act to provide for the appointment of Municipal Law Enforcement Officers to administer and enforce the property standards by-law, by adding to Schedule "A" thereto the name of Kevin Feagan.

6. Request for Waiving of Fees – Mackenzie Park Neighbourhood Association (ABCS-07-88) (All Wards)

(See Pages 507 and 148 to 150)

Recommendation

That the request for the waiving of fees totaling \$130 for the MacKenzie Park Neighbourhood Association as outlined in Report ABCS-07-88 be approved as it meets all the criteria established within the Request for Waiving of Fees Policy.

7. 2006 Building Permits (ABCS-07-93) (All Wards)

(See Pages 507 and 151 to 153)

Recommendation

That Report ABCS-07-93, 2006 Building Permits, be received for information.

8. Request for Financial Assistance – CanGrands (ABCS-07-94) (All Wards)

(See Pages 507 and 154 to 158)

Recommendation

1. That the request for waiving of fees from CanGrands for the rental of Memorial Park and Memorial Park Bandshell, up to a maximum of \$500, be provided for their celebration of Grandparents Day as it meets the criteria established within the Request for Waiving of Fees Policy; and
2. That where those fees do not exceed \$500, that the difference between the actual value of the fees waived and \$500 be provided by way of a grant through the Financial Assistance Program, as outlined in Report ABCS-07-94.

9. Request for Partnership Grant – Rose of Durham (ABCS-07-96) (All Wards)

(See Pages 508 and 168 to 202)

Recommendation

That the 2007 Partnership Grant request from Rose of Durham for \$7,300 as outlined in Report ABCS-07-96 be denied as it does not meet the approved criteria.

10. Request for Partnership Grant – Oshawa Children’s Community Fair – 2007
(ABCS-07-97) (All Wards)

(See Pages 508 and 203 to 215)

Recommendation

That the 2007 Partnership Grant request from Oshawa Children’s Community Fair for \$2,500 as outlined in Report ABCS-07-97 be approved as it meets the approved criteria.

11. Council Directive – To amend Council’s Procedural By-law to change the start time of closed session and establish a dedicated dinner hour
(ABCS-07-104) (All Wards)

(See Pages 508 and 509, and 143)

Recommendation

That Council’s Procedural By-law be amended so that the closed session of regular City Council meetings commence at 3:30 p.m. instead of 4:00 p.m. and that a dedicated dinner hour be established at 5:30 p.m. prior to the open session.

12. Medal for Presentation to Oshawa Citizens (ABCS-06-146) (All Wards)

(See Pages 512 and 89 to 92)

Recommendation

That the development of a Mayor/Councillors’ Medal for presentation to citizens for outstanding contribution be removed from the Audit, Budget and Corporate Services Committee Outstanding Items Status Report for the reasons outlined in Report ABCS-06-146 dated May 31, 2006.

13. Council and Committee Meeting Schedule – Summer 2007 (All Wards)
(ABCS-07-79)

(See Pages 512 and 93 to 96)

Recommendation

That as outlined in Report ABCS-07-79 from the Commissioner of Corporate Services:

1. The regular Audit, Budget and Corporate Services Committee and Community Services Committee meetings of Monday, July 16, 2007 be rescheduled to Wednesday, July 11, 2007.
 2. The regular City Council meeting of July 23, 2007 be rescheduled to Monday, July 16, 2007.
14. Renaming of the Audit, Budget and Corporate Services Committee (All Wards)
(ABCS-07-80)

Council Directive - To rename the Audit, Budget and Corporate Services Committee (ABCS-07-105) (All Wards)

(See Pages 513, 97 to 99, and 144)

Recommendation

That the Audit, Budget and Corporate Services Committee be renamed the Finance and Administration Committee.

15. Audit, Budget and Corporate Services Committee Outstanding Items Status Report (All Wards)
(ABCS-07-72)

(See Pages 513 and 116 to 137)

Recommendation

1. Procedure for Nomination and Appointment to the Board of Directors of the Oshawa Public and Utilities Corporation (OPUC) and Oshawa PUC Networks Inc. (All Wards)

Whereas the appointment of directors to the Oshawa Public and Utilities Corporation (OPUC) and Oshawa PUC Networks Inc. is the responsibility of City Council as outlined in the Shareholder Declaration; and

Whereas the quarterly reports from the Chairman of the Oshawa Public Utilities Corporation are forwarded directly to City Council; and

Whereas Legal Services Branch was directed to review the policy of appointment to the Board of Directors and Shareholder Declaration concerning residency; and

Whereas Legal Services reports to the City Manager's Office;

Therefore be it resolved that Item 9, 'Procedure for Nomination and Appointment to the Board of Directors of the Oshawa Public and Utilities Corporation (OPUC) and Oshawa PUC Networks Inc' be removed from the Audit, Budget and Corporate Services Committee Outstanding Items Status Report and transferred to the City Manager's or City Council's Outstanding Items Status Report.

2. Councillors' Expense Policy (All Wards)

Whereas Report ABCS-05-20, 'Councillors' Expense Policy' dated December 2, 2005 from the Commissioner of Corporate Services was referred back to staff for consultation with Members of Council; and

Whereas Members of Council were polled for their input; and

Whereas City Council has approved the reallocation of Councillor Expenses in the 2007 Budget document;

Therefore be it resolved that Item 10, 'Councillors' Expense Policy' be removed from the Audit, Budget and Corporate Services Committee Outstanding Items Status Report.

3. George Beecher – Request for Independent Ownership of Accessible Taxi Licence Plates (All Wards)

Whereas the Oshawa Accessibility Advisory Committee (OAAC) reports through the Facility and Project Management Services Branch; and

Whereas the reporting for the Facility and Project Management Services Branch was transferred from the Corporate Services Department to the Development Services Department as part of the City Manager's Corporate Reorganization approved by Council on June 22, 2006;

Therefore be it resolved that Item 14, 'George Beecher – Request for Independent Ownership of Accessible Taxi Licence Plates' be removed from the Audit, Budget and Corporate Services Committee Outstanding Items Status Report and transferred to the Development Services Committee's Outstanding Items Status Report.

4. (a) Community Policing Centre for North Oshawa
(b) Valiant Property Management and Northview Cooperative Homes Incorporated – Community Policing Station for North Oshawa (Attachments) (Ward 6)
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Whereas on July 13, 2006 City Council directed staff to investigate options to assist in the construction of the Community Policing Centre; and

Whereas on July 13, 2006 correspondence from Valiant Property Management and Northview Meadow Cooperative Homes Incorporated concerning a Community Policing Station for North Oshawa was referred to the appropriate City staff, the Regional Municipality of Durham and Durham Regional Police Services Board; and

Whereas on July 17, 2007 Council received Report OS-06-170 (Attached), North Oshawa Park Master Plan – Construction Costs for an additional Club House for a Community Police Centre for information; and

Whereas Report OS-06-170 addressed the costs for a new stand-alone police station at an estimated cost of \$742,500, advised that a community police centre would require approval of, and funding by the Durham Regional Police; and

Whereas the report advised that should Council wish to proceed with the concept of a community police centre at this site, that Durham Regional Police be requested to consider a Community Police Centre in the Durham Regional Police budget; and

Therefore be it resolved that the Audit, Budget and Corporate Services Committee provide staff with further direction.

5. Licensing By-law 120-2005 – Body Rub Parlours (Attachment) (All Wards)

Whereas Licensing By-law 120-2005 was a result of a comprehensive review and adopted by City Council on December 5, 2005; and

Whereas on September 25, 2006 staff were directed to investigate Licensing By-law 120-2005 concerning location, zoning enforcement and fees for body rub parlours and report back to Committee;

Therefore be it resolved that the Audit, Budget and Corporate Services Committee provide staff with further direction.

6. City Council Directive – Report CM-06-88, B. Duignan and D. Potts re. Bill 130, Municipal Statute Law Amendment Act, 2006 – Power to Impose Administrative Penalties (All Wards)

Whereas the Legal Services Branch reports to the City Manager’s Office; and,

Whereas Council has directed that the City Solicitor provide a teach-in concerning Bill 130 to all members of Council;

Therefore be it resolved that Item 27, ‘City Council Directive – Report CM-06-88, B. Duignan and D. Potts re. Bill 130, Municipal Statute Law Amendment Act, 2006 – Power to Impose Administrative Penalties’ be removed from the Audit, Budget and Corporate Services Outstanding Items Status Report.

7. That the remainder of the Audit, Budget and Corporate Services Committee Outstanding Items Status Report ABCS-07-72 and the Confidential Audit, Budget and Corporate Services Committee Outstanding Items Status Report be received for information.

16. Request for Partnership Grant – VOTES (ABCS-07-95) (All Wards)

(See Pages 510 and 516, and 159 to 167)

Recommendation

That the 2007 Partnership Grant request from VOTES of \$25,000 as outlined in Report ABCS-07-95 be denied as it does not meet all the criteria established within the Partnership Grant Policy.

Report of the Community Services Committee

The Community Services Committee respectfully reports and recommends to City Council its Eleventh Report

1. Temporary Parking on Division Street during Colborne Street Construction (CS-07-65) (Ward 5)

(See Page 600 and Pages 8 to 11)

Recommendation

That based on Report CS-07-65, dated March 14, 2007, entitled 'Temporary Parking on Division Street during Colborne Street Reconstruction' from the Commissioner of Community Services, Traffic By-law 79-99, as amended, be further amended temporarily to permit parking on the east side of Division Street between William Street and Adelaide Avenue starting Monday, May 1, 2007 and ending Monday, July 16, 2007.

2. Southmead Park Parking Review (CS-07-70) (Ward 1)

(See Pages 600 to 601 and Pages 38 to 42)

Recommendation

That Report CS-07-70, dated March 16, 2007, titled 'Southmead Park Parking Review' from the Commissioner of Community Services be received for information.

3. Proposed Parking Regulation Changes on Beatrice Street East between Pondview Court and Townline Road (CS-07-64) (Ward 6)

(See Page 601 and Pages 2 to 7)

Recommendation

That based on Report CS-07-64, dated March 7, 2007, entitled 'Proposed Parking Regulation Changes on Beatrice Street East between Pondview Court and Townline Road' from the Commissioner of Community Services:

1. Traffic By-law 79-99, as amended, be further amended to prohibit parking on the south side of Beatrice Street East, between Pondview Court and Townline Road; and
2. Traffic By-law 79-99, as amended, be further amended to prohibit parking on the north side of Beatrice Street East, between Townline Road and a point 60 metres west of Townline Road.

4. Request by Downtown Action Committee for the relocation of the 2007 Farmers Market to City Hall (CS-07-67) (All Wards)

(See Page 602 and Pages 24 to 27)

Recommendation

That based on Report CS-07-67, dated March 26, 2007, entitled 'Request by Downtown Action Committee for the Relocation of the 2007 Farmers Market to City Hall', from the Commissioner of Community Services:

1. That the 2007 Farmers Market be located in Municipal Parking Lot #51; and
2. That the Downtown Action Committee obtain a Facilities Booking Permit for this venue and that they comply with the terms and conditions of the permit.

5. Road Occupancy By-law Update (CS-07-68) (All Wards)

(See Page 602 and Pages 28 to 37)

Recommendation

That based on Report CS-07-68, dated March 15, 2007, entitled 'Road Occupancy By-law Update' from the Commissioner of Community Services:

1. By-law 25-99, Road Occupancy By-law, be repealed; and
2. The proposed Road Occupancy By-law be approved.

6. Central Pool Agreement – Durham District School Board (CS-07-71) (All Wards)

(See Page 603 and Pages 43 to 45)

Recommendation

That based on Report CS-07-71, dated March 20, 2007, entitled 'Central Pool Agreement – Durham District School Board', from the Commissioner of Community Services:

1. The City of Oshawa not renew the agreement with the Durham District School Board for the continued use of Central Pool; and
2. That a copy of this report be forwarded to the Durham District School Board advising that the Central Pool Agreement will not be renewed by the City of Oshawa.

7. Consolidated Depot Education and Training Session (CS-07-75) (All Wards)

(See Page 603)

Recommendation

That an Education and Training session be held the morning of May 4, 2007 concerning the Consolidated Depot and available options.

Report of the Strategic Initiatives Committee

None.

COMMITTEE OF THE WHOLE REPORTS

1. R. Foster, Auditor General, submitting Report AG-07-03 concerning Consideration of the Need for a Fraud Hotline (All Wards)

(See Pages 1 to 4)

Recommendation

That the City establish additional policies and procedures to support the Code of Ethics as set out in Section 5.0 of Report AG-07-03, dated April 3, 2007, rather than a fraud hotline.

2. R. Duignan, City Manager, submitting Report CM-07-22 concerning Program Review – Revised Terms of Reference and Proposed Delivery Option (All Wards)

(See Pages 5 to 34)

Recommendation

1. That the revised terms of reference and scope of the program review outlined in City Manager Report CM-07-22 dated April 4, 2007, be endorsed;
2. That delivery Option 2(a) outlined in City Manager Report CM-07--22 dated April 4, 2007 be adopted; and,
3. That one Council representative be appointed to the proposed project steering committee to be chaired by the Mayor.

3. R. Duignan, City Manager, submitting Report CM-07-20 concerning a Collective Approach to the Regent Theatre (All Wards)

(See Pages 35 to 43)

Recommendation

1. That the City Manager be authorized to further clarify the details of the Atria Developments response to the RFEOI based upon the principles set out in Report CM-07-20 dated April 4, 2007 and report back to Council on June 11, 2007 on the details.
2. That the Regent Theatre Steering Committee be thanked for its efforts with respect to the RFEOI.
3. That the City Manager meet with the Oshawa Durham Symphony to explore the opportunity to secure its long term future in Oshawa based upon mutually acceptable arrangements and report back to Council on June 11, 2007 on the outcome of the discussions.
4. That funding for the preparation of an Arts and Culture Strategy and the concept of a potential reserve for a possible future performing arts centre be referred to the 2007 Strategic Financial Plan.
5. That the City Manager meet with the Oshawa Folk Arts Council to discuss arrangements to release the Oshawa Folk Arts Council from its obligations towards the Regent Theatre and report to Council on these discussions on June 11, 2007.

CONSENT MOTIONS

“That the City of Oshawa proclaim:

April 28 to May 6, 2007 as ‘Naturopathic Medicine Week’;

May 1, 2007 as ‘Hepatitis C Awareness Day’ and May 2007 as ‘Hepatitis C Awareness Month’;

May 6 to 12, 2007 as ‘Oshawa Accessibility Awareness Week’;

May 13 to 19, 2007 as ‘Communities in Bloom Week’ and the Communities in Bloom flag be flown at City Hall and Memorial Park during the week;

May 2007 as 'Museum Month';

May 2007 as 'Community Living Month';

June 22, 2007 as 'St. Jean-Baptiste Day' and the Franco-Ontarian flag be flown at City Hall on that day; and

June 2007 as 'Seniors' Month'."

"That as Percy Luther is no fulfilling the duties of Acting Deputy City Clerk for the City of Oshawa, By-law 51-2005 appointing him as Deputy City Clerk be repealed."

"That Lonny Knox be appointed Deputy City Clerk for the City of Oshawa."

BY-LAWS

That By-laws 23-2007 to 33-2007 be approved.

- 23-2007 A By-law to amend Traffic By-law 79-99.
(Implements direction of April 10, 2007, through Item 1 of the Eleventh Report of the Community Services Committee to temporarily remove the 'No Parking Anytime' regulations on the east side on Division Street between William Street East and Adelaide Avenue East from May 7 to July 16, 2007.) (Ward 5)
- 24-2007 A By-law restricting Imitation Firearms.
(Implements direction of March 19, 2007 through Council Resolution 161 to prohibit the use or display of imitation firearms in public places.) (All Wards)
- 25-2007 A By-law to amend Traffic By-law 79-99.
(Implements direction of April 10, 2007 through Item 3 of the Eleventh Report of the Community Services Committee to prohibit parking on the south side of Beatrice Street East, between Pondview Court and Townline Road and on the north side between Townline Road and a point 60 metres west of Townline Road.) (Ward 6)
- 26-2007 A By-law to adopt Amendment 125 to the Oshawa Official Plan.
(Implements direction of April 10, 2007 through Item 13 of the Fourteenth Report of the Development Services Committee to redesignate certain lands located in the area east of Simcoe Street South and bounded by Harbour Road on the south, Wellington Avenue East on the north, and Montgomery Creek on the east, and by adding appropriate policies to the Official Plan.) (Ward 1)

- 27-2007 A By-law to amend Zoning By-law 60-94.
(Implements direction of April 10, 2007 through Item 13 of the Fourteenth Report of the Development Services Committee to rezone certain lands located within the Harbour Road Land Use Study Area, the area east of Simcoe Street South and bounded by Harbour Road on the south, Wellington Avenue East on the north, and Montgomery Creek on the east to implement policies in the Official Plan the Harbour Road Land Use Study and to establish special conditions, and holding symbols, and permitted interim uses.) (Ward 1)
- 28-2007 A By-law to amend Council's Procedural By-law 126-75.
(Implements direction of April 10, 2007 through Item 11 of the Thirteenth Report of the Audit, Budget and Corporate Services Committee to establish the closed session of regular City Council meetings to commence at 3:30 p.m. instead of 4:00 p.m. and to establish a dedicated dinner hour at 5:30 p.m. prior to the open session.) (All Wards)
- 29-2007 A By-law to adopt Amendment 126 to the Oshawa Official Plan of the former Oshawa Planning Area – Secondary Plan for the Samac Community.
(Implements direction of April 10, 2007 through Item 11 of the Fourteenth Report of the Development Services Committee to permit an automobile sales and service establishment for used vehicles as a temporary use under the provision of the *Planning Act* in addition to the uses currently permitted at 1399 Simcoe Street North, Ed Malachowski.) (Ward 7)
- 30-2007 A By-law to amend Zoning By-law 60-94.
(Implements direction of April 10, 2007 through Item 11 of the Fourteenth Report of the Development Services Committee to rezone uses at 1399 Simcoe Street North to permit a temporary automobile sales and service establishment for used vehicles until April 10, 2010 under the provisions of the *Planning Act*, Ed Malachowski.) (Ward 7)
- 31-2007 A By-law to amend Road Occupancy By-law 25-99.
(Implements direction of April 10, 2007 through Item 5 of the Eleventh Report of the Community Services Committee to update the By-law to revise timelines for repairs, insurance requirements, sod warranties and cost recovery.) (All Wards)
- 32-2007 A By-law to authorize the execution of a tax arrears extension agreement.
(Implements direction of April 10, 2007 through Item 1 of the Twelfth Report of the Audit, Budget and Corporate Services Committee to enter into an extension agreement concerning Roll #040 027 105 00 0000, Tax Sale File 26-2007 for tax arrears.) (Ward 3)

- 33-2007 A By-law to appoint a Deputy City Clerk.
(Implements direction of April 10, 2007 through Council Resolution to
appoint Lon Knox as Deputy City Clerk and repeal the appointment of
Percy Luther as Acting Deputy City Clerk.) (All Wards)

DISCUSSION AGENDA

MATTERS EXCLUDED FROM CONSENT AGENDA

MATTERS TABLED

1. The motion concerning the Groundwater Sampling and Bioaerosol Study Results Oshawa Skeet & Gun Club/Composting Facility at the southeast corner of Harmony Road and Coates Road. (October 14, 2003)
2. Part 1 of Item 5 of the Thirty-first Report of the Operational Services Committee – stayed pending completion of the North Oshawa Park Master Plan. (October 4, 2004)
3. Item 7 of the Thirty-fifth Report of the Strategic Initiatives Committee concerning Durham Regional Police Service – Project Clean Sweep (SIC-05-22) – tabled to allow for further consultation with Durham Regional Police Services. (February 28, 2005)
4. Parts (c) and (d) of Council Resolution 1125 concerning requests to the Ministry of the Environment with respect to Courtice Auto Wreckers Limited's Harmony Road compost site. (October 5, 2005, 8:00 p.m. meeting)
5. Part 1 of Item 12 of the Eighth Report of the Community Services Committee concerning collection of returnable containers for residential waste – tabled pending completion of Part 2. (February 26, 2007)

NOTICES OF MOTION

(As may be presented by Council members)

CONFIRMING BY-LAW

A by-law to confirm the City Council meeting of April 10, 2007.

ADJOURN

**APPENDIX A
CITY COUNCIL PUBLIC AGENDA
APRIL 10, 2007**

For your information, the following correspondence received by the City Clerk will be filed following City Council's meeting of April 10, 2007:

1. [Town of Lakeshore, Kirk Foran, Director of Corporate Services](#), forwarding correspondence to the Minister of Municipal Affairs and Housing requesting the Province reconsider its current policy of not compensating agricultural landowners for loss of future development opportunities, and expressing concern this unfair practice of establishing green space under Ontario's Greenbelt plan could extend beyond the Golden Horseshoe. (All Wards)
2. [Government of Newfoundland and Labrador, Minister of Health and Community Services, Ross Wiseman](#), thanking Oshawa Council for their resolution supporting the elimination of trans fat in food and advising they will support their federal colleagues as action is taken on this important health issue. (All Wards)
3. [Ministry of Community Safety and Correctional Services, Dan Hefkey, Chief](#), congratulating Oshawa for its commitment to public safety in 2006 by successfully completing the Essential Level Emergency Management Program required under the *Emergency Management and Civil Protection Act* and Ontario Regulation 380/04, and advising that Emergency Management Ontario's staff will be in contact to assist Oshawa to maintain full compliance in 2007. (All Wards)
4. [Regional Municipality of Durham, P.M. Madill, Regional Clerk](#), forwarding Regional Planning Committee's February 2007 report summarizing the key findings of the 2006 Annual Building Permit Activity Review. (All Wards)
5. [Keith Miller, Event Chair, YWCA Durham 'A Hair Affair'](#), thanking Oshawa Council for its support to the YWCA and the 'Hair Affair' event benefiting YWCA Durham's emergency housing programs for women and children. (All Wards)
6. [City of Pickering, Debi Bentley, City Clerk](#), forwarding Pickering Council's resolution to the Regional Municipality of Durham endorsing a Preliminary Work Plan for reviewing the Pickering Official Plan and advising a public meeting will be held in spring 2007 to obtain public input and a Final Work Plan will follow. (All Wards)
7. [Teachers of English as a Second Language Association of Ontario, Sharon Rajabi, President](#), thanking Oshawa Council for their support in proclaiming the week of November 18 to 24, 2006 as 'English as a Second Language Week'. (All Wards)

8. [Association of Municipalities of Ontario/Local Authority Services \(LAS\) Natural Gas Procurement Program, and LAS Electricity Procurement Program](#) forwarding their February/March 2007 newsletter providing information to members concerning their respective programs and energy marketplaces. (All Wards)
9. [Province of New Brunswick, Minister of Health Michael Murphy](#), responding to Oshawa Council's resolution supporting the elimination of trans fat in food and encouraging the Federal Government to move forward with the June 2006 Trans Fat Task Force recommendations to the Federal Minister of Health to effectively eliminate or reduce trans fats in Canadian foods. (All Wards)
10. [Township of Brock, Mayor Larry O'Connor](#), forwarding correspondence to the Minister of Municipal Affairs and Housing requesting appropriate provincial decision-makers be informed that five of the eight lower tier municipalities in Durham Region (Brock, Clarington, Scugog, Whitby and Uxbridge) oppose Private Members Bill 172 calling for the direct election of the Regional Chair and therefore Durham Regional Council does not have the 'triple majority' support required under section 218, of the *Municipal Act, 2001* to proceed to change the composition of council as described under section 219(2) of the *Municipal Act, 2001*. (All Wards)
11. [Township of Brock, George Graham, Chief Administrator](#), forwarding the Protection to Persons and Property Committee's resolution to Minister of Transportation requesting Durham Regional Police Service be allowed to develop a photo radar system to enforce speed limits to make roads safer. (All Wards)
12. [Town of Ajax, Martha Pettit, Manager of Legislative Services/Deputy Clerk, forwarding Ajax Council's resolution](#) to the Regional Municipality of Durham in response to Bill 51 - *The Planning and Conservation Land Statute Law Amendment Act, 2006*, and forwarding their General Government Committee report dated March 22, 2007 providing comments on legislative and regulatory changes affecting Ajax and outlining potential planning opportunities. (All Wards)
13. [Ontario Municipal Board, R. Rossi, Member, forwarding Decision 0804](#) issued on March 28, 2007 allowing the appeal and authorizing a minor variance to permit the maintenance of an existing deck located in the rear yard, 307 Niagara Drive, Yvonne Qu, Applicant. (Ward 5)
14. [Regional Municipality of Durham, P.M. Madill, Regional Clerk](#), forwarding a summary of subdivision and condominium activity within the Region in 2006. (All Wards)

15. [Regional Municipality of Durham, P.M. Madill, Regional Clerk](#), forwarding Regional Council's resolution to Prime Minister Stephen Harper supporting the 'Let's get a fair deal' campaign initiated by the Greater Toronto Airports Authority to keep Toronto competitive with other North American international airports, and requesting the Federal Government reduce rent charges at Toronto Pearson International Airport similar to the rent reduction approved for the Vancouver Airport. (All Wards)
16. [Osler, Hoskin & Harcourt LLP, Stanley Stein](#), solicitor for Hudson's Bay Company and Zellers Inc., forwarding correspondence to the Ontario Municipal Board advising their clients have reached a settlement with Oshawa South Developments Inc. and therefore withdraw their appeals opposing the City's Official Plan Amendment 123 and Zoning By-law 121-2006. (Ward 7)
17. [Sandra Kranc, City Clerk](#), advising Council in accordance with Section 80(3) of the *Municipal Elections Act*, 1996, that a Notice of Default was sent to Jack Hale, Tim Dobson and Dawn Turner concerning failure to file Municipal Election Financial Statements by 5:00 p.m. on April 2, 2006. (All Wards)