Minutes of a meeting of the Council of the City of Oshawa held in the Committee Meeting Room on November 26, 2007 at 3:30 p.m.

Councillors Cullen (left at 10:23 p.m.), Henry, Kolodzie, Lutczyk (entered at 6:30 p.m.), Marimpietri, Neal (entered at 6:30 p.m.), Nicholson, Parkes, Pidwerbecki and Sholdra (left at 9:45 p.m.) were present. Mayor Gray was absent.

Deputy Mayor Nicholson presided.

DECLARATIONS OF PECUNIARY INTEREST

See Pages 562 and 568.

PRESENTATIONS

None.

DELEGATIONS/DELEGATION REQUESTS

Moved by Councillor Sholdra, seconded by Councillor Pidwerbecki, (638) “That the City of Oshawa assume jurisdiction of the matter concerning the Downtown Oshawa Board of Management.” CARRIED

Councillor Parkes made a declaration of pecuniary interest concerning Delegations 1 and 2 in regard to the Downtown Oshawa Board of Management as she is a member of the Board and temporarily left the meeting during discussion of the item.

Delegations

1. Cathy Coxhead, Chair, Downtown Oshawa Board of Management (DOBM), invited to address City Council concerning an identifiable individual. (Ward 2)

2. Jackie Simkin invited to address City Council concerning the Downtown Oshawa Board of Management (DOBM). (Ward 2)

Delegation Requests

None.
Moved by Councillor Marimpietri, seconded by Councillor Kolodzie, (639) “That the meeting be closed to the public in order to discuss confidential legal and property matters.” CARRIED

All Council members were present for closed meeting discussions except Councillors Lutczyk, Neal and Mayor Gray. Also present were S. Kranc, City Clerk, B. Duignan, City Manager, R. Stockman, Commissioner of Corporate Services, R. Foster, Auditor General, L. Knox, Solicitor, C. Symons-Milroy, Director of Economic Development, P. Stewart, Senior Planner, P. Ralph, Manager of Development and Urban Design, D. Tuley, Downtown Development Officer, and K. Bressan, Council Meeting Coordinator. All members of the public left the meeting.

Council discussed matters during a closed portion of the meeting.

Jackie Simkin entered the meeting.

Council members questioned Jackie Simkin.

Jackie Simkin temporarily left the meeting.

Closed meeting discussions were held.

Cathy Coxhead, Chair, DOBM, Jackie Simkin, Member, DOBM, and Laura Vaillancourt, Vice-Chair, DOBM, entered the meeting.

Cathy Coxhead addressed Council concerning an identifiable individual.

Council members questioned Cathy Coxhead.

Moved by Councillor Cullen, seconded by Councillor Henry, (640) “That the meeting recess.” CARRIED

The meeting recessed at 4:20 p.m. and reconvened at 4:22 p.m. All Council members were present except Councillors Lutczyk, Neal, Parkes and Mayor Gray. Also present were S. Kranc, City Clerk, B. Duignan, City Manager, R. Stockman, Commissioner of Corporate Services, R. Foster, Auditor General, L. Knox, Solicitor, C. Symons-Milroy, Director of Economic Development, P. Stewart, Senior Planner, P. Ralph, Manager of Development and Urban Design, D. Tuley, Downtown Development Officer, and K. Bressan, Council Meeting Coordinator. All members of the public left the meeting except Cathy Coxhead, Chair, DOBM, Jackie Simkin, Member, DOBM, and Laura Vaillancourt, Vice-Chair, DOBM.

Jackie Simkin and Laura Vaillancourt addressed Council concerning an identifiable individual.

Council members questioned Jackie Simkin and Laura Vaillancourt.

Cathy Coxhead, Jackie Simkin and Laura Vaillancourt left the meeting.
Closed meeting discussions were held.

Councillor Parkes re-entered the meeting and Councillor Sholdra temporarily left the meeting.

The meeting recessed at 5:29 p.m. and reconvened at 5:31 p.m. All Council members were present except Councillors Lutczyk, Neal, Sholdra and Mayor Gray. Also present were S. Kranc, City Clerk, B. Duignan, City Manager, R. Stockman, Commissioner of Corporate Services, R. Foster, Auditor General, L. Knox, Solicitor, and K. Bressan, Council Meeting Coordinator. All members of the public left the meeting.

Closed meeting discussions took place.

ADDITIONAL AGENDA ITEMS/MOTIONS

1. Ron Wilson requesting to address City Council in closed session concerning Item 4 of Committee of the Whole Reports concerning Report CM-07-64 with respect to the First Step Methadone Clinic (Loralgia Management Limited) 32 Simcoe Street South. (Ward 2)

Moved by Councillor Pidwerbecki, seconded by Councillor Marimpietri, (641) “That staff be directed to advise Ron Wilson that his delegation would be heard in public session if he so chooses to be heard in this manner.” CARRIED

Ron Wilson and Laura Vaillancourt entered the meeting. Ron Wilson was advised that his delegation would be heard in public session.

Ron Wilson withdrew his request to address City Council.

Ron Wilson and Laura Vaillancourt left the meeting.

Closed meeting discussions were held.

Moved by Councillor Marimpietri, seconded by Councillor Henry, (642) “That Council rise from the closed meeting.” CARRIED

CONFIDENTIAL CORRESPONDENCE REQUESTS

None.
ADDITIONAL AGENDA ITEMS/MOTIONS (Continued)

Moved by Councillor Sholdra, seconded by Councillor Marimpietri, “That the item concerning the Downtown Oshawa Board of Management be tabled to a special closed Council meeting prior to Christmas.” LOST

Moved by Councillor Kolodzie, seconded by Councillor Pidwerbecki, (643) “That the appointment of the identifiable individual to the Downtown Oshawa Board of Management be upheld.” CARRIED

CONSENT AGENDA

Moved by Councillor Kolodzie, seconded by Councillor Marimpietri, (644) “That all items listed under the heading of Consent Agenda for the November 26, 2007 closed meeting be adopted as recommended.” CARRIED

CONFIDENTIAL CORRESPONDENCE

None.

CONFIDENTIAL COMMITTEE REPORTS

Report of the Development Services Committee

The Development Services Committee respectfully reports and recommends to City Council its Thirty-sixth Report

1. Minister of Transport – clarification of Oshawa Harbour issues regarding return of caveated lands and divestiture of the Port (DS-07-313/OWCC-07-06) (Ward 1)

   Recommendation (CARRIED – See Page 565)

   That Confidential Correspondence DS-07-313/OWCC-07-06 dated July 11, 2007, from The Honourable Lawrence Cannon, Minister of Transport, providing clarification of Oshawa Harbour issues be received for information.
Report of the Finance and Administration Committee

The Finance and Administration Committee respectfully reports and recommends to City Council its Nineteenth Report.

1. Application for Taxicab Driver Licence – Bruce William Martin (FA-07-184)(All Wards)

Recommendation (CARRIED – See Page 565)

That based on Report FA-07-184, dated October 26, 2007, the application for a Taxicab Driver Licence from Bruce William Martin be denied.

Report of the Community Services Committee

None.

Report of the Strategic Initiatives Committee

None.

COMMITTEE OF THE WHOLE REPORT


Recommendation (CARRIED – See Page 565)

That the City Manager’s Report CM-07-67 dated November 21, 2007 and attached confidential correspondence from the Oshawa Power and Utilities Corporation dated November 16, 207 be received for information.

DISCUSSION AGENDA

MATTERS EXCLUDED FROM CONSENT AGENDA

None.

Moved by Councillor Henry, seconded by Councillor Kolodzie, (645) “That the meeting recess.” CARRIED
The meeting recessed at 5:42 p.m. and reconvened at 6:30 p.m. in the Council Chamber. All Council members were present except Mayor Gray.

PUBLIC AGENDA

ADDITIONAL BLESSING

Reverend Haniford Branscombe, Hillsdale United Church, gave the additional blessing.

ANNOUNCEMENTS FROM COUNCIL MEMBERS

Deputy Mayor Nicholson announced the Mayor was attending the Liveable Communities Awards (LivCom) currently being held in England, where Oshawa is one of 10 cities nominated in Category C, for cities with populations of 75,000 to 200,000. He advised Oshawa was awarded ‘Gold Status’ and received the third-place Bronze Award in Category C.

Councillor Sholdra complimented organizers of the Santa Claus Parade for a successful parade with the largest turnout to date.

Councillor Neal announced that last Thursday he was at the Durham Regional Police Service (DPRS) R.I.D.E. program kick-off at Durham College/U.O.I.T. and advised that DPRS will be implementing the R.I.D.E. program all over the City. He wished everyone a festive season and encouraged party-goers to have a safe driving plan when going out.

Councillor Lutczyk advised he represented the City at yesterday’s 2007 Grey Cup where Habitat for Humanity announced they will construct a home for one Durham Region family thanks to a partnership between the 2007 Grey Cup, the Michael ‘Pinball’ Clemons Foundation, the Canadian Auto Workers Union (C.A.W.), and the City of Oshawa. The family will also help build the home and will purchase it from Habitat for Humanity with an interest-free mortgage. Councillor Lutczyk stated he wants to expel the urban myth that General Motors is not a ‘green car’ company and advised that at the Los Angeles ‘Green Car 2008’ Car Show, there were five vehicles on the short-list and three were GM products. He added, it is another urban myth that the winning ‘green car’ design should be a small car when in fact the winning vehicle was a full-size, 4-door Chevrolet Tahoe Hybrid.

Councillor Marimpietri extended congratulations to Councillor Henry and the Oshawa Hospital Foundation for a successful fundraiser on November 23, 2007, expressing that the ‘Fire and Ice Gala’ at the General Motors Centre was an impressive evening, adding that the Foundation hopes to have raised close to $1,000,000.
DECLARATIONS OF PECUNIARY INTEREST

Councillor Neal made a declaration of pecuniary interest concerning Report CM-07-67 and Correspondence Request Item 2 relating to Oshawa Power and Utilities Corporation, as his wife is employed by the OPUC Networks Inc. and he was not present for discussion or voting on the matters; and Report CM-07-68 concerning Oshawa Power and Utilities Corporation and did not participate in discussion or voting on the item.

PRESENTATIONS

Hugh Peacock, President, and Brian Brasier, Executive Director, Friends of Second Marsh, provided a presentation on the status of the Great Lakes Wetlands Centre project. He displayed the final design of exhibits provided by Lord Cultural Resources for the 4,000 square foot Exhibit Hall. Hugh Peacock stated the Great Lakes Wetlands Centre is a key feature in the City’s current submission to the Liveable Communities Awards in England. He requested Council encourage the federal and provincial levels of government to finally deliver the expected and promised funding to complete the $8 million Great Lakes Wetlands Centre so we can all enjoy it.

Council members questioned Hugh Peacock and Brian Brasier.

Vince and Teresa Corvinelli, Pardo Estates Limited, presented a wood-framed collage of photographs showing completed homes in Meadow Lane Estates, Columbus, built by Corvinelli Construction Ltd. The Corvinelli’s requested Council accept their gift and find an appropriate location at City Hall to display the collage.

DELEGATIONS/DELEGATION REQUESTS

Delegations

1. Carleen Riley invited to address City Council concerning Item 3 of the Thirty-third Report of the Development Services Committee regarding the proposed sale of City land on Bond Street East, east of Oshawa Boulevard North. (Ward 5)

2. Reg Malachowski invited to address City Council concerning Item 3 of the Thirty-third Report of the Development Services Committee regarding the proposed sale of City land on Bond Street East, east of Oshawa Boulevard North. (Ward 5)

3. Bill Longworth requesting to address City Council opposing Item 15 of the Twentieth Report of the Finance and Administration Committee denying his request that the Auditor General be directed to perform an audit concerning the City’s responsibilities to inform the public about the plebiscite question prior to the 2006 Municipal Election. (All Wards)
Moved by Councillor Kolodzie, seconded by Councillor Henry, (646) “That the delegations be heard.” CARRIED

Carleen Riley addressed City Council in opposition to the proposed sale of City land on Bond Street East, east of Oshawa Boulevard North referred to in Item 3 of the Thirty-third Report of the Development Services Committee stating the land is located at a dangerous section of road at the bottom of an ‘S’ curve, where guardrails, caution signs, and speed signs recommend 40 km/h, which speed is not enforceable. Carleen Riley displayed photographs of the street. She stated there are four times as many accidents at the Bond Street and Oshawa Boulevard North intersection than at Bond Street and King Street intersection. Carleen Riley stated that most curves have a built-in widening to allow for extra maneuvering and safety, but she has been advised this ‘S’ curve does not. Carleen Riley submitted a list of 34 people who are not able to attend but are strongly opposed to driveways at the ‘S’ on curve Bond Street East. Carleen Riley advised there is an OMB appeal hearing on this matter on January 8, 2008 and requested Council’s due diligence when considering this matter.

Council members questioned Carleen Riley.

Dave Angelakis, Sernas Transtech (The Sernas Group), addressed City Council and provided a Traffic Safety Review concerning the proposed Bond Street East access at 360 King Street East referred to by the previous delegation, Carleen Riley, and referred to in Item 3 of the Thirty-third Report of the Development Services Committee. He provided illustrations, a review of collision history, site lines and traffic operations within the vicinity of the two proposed driveways. Dave Angelakis stated he has concluded that plans for the two proposed driveways exceed the minimum site line measurements required under national guidelines. He referred to the area’s collision history over the last 5 years stating there is no pattern of safety issues along the subject section of Bond Street East, and an operational analysis of queuing, waving and general driver behaviour revealed the majority of drivers are reasonably navigating this section along Bond Street East without difficulty.

Council members questioned Dave Angelakis.

Bill Longworth addressed City Council in opposition to Item 15 of the Twentieth Report of the Finance and Administration Committee denying his request that the Auditor General be directed to perform an audit concerning the City’s responsibilities to inform the public about the plebiscite question prior to the 2006 Municipal Election. He stated that if an audit showed the plebiscite result had no validity because voters lacked information then Council could confidently return to a ward-based election system. Bill Longworth stated there is a great discrepancy between the Supreme Court, the province and the Mayor concerning whether the City has a responsibility to provide a rationale to the public for the electoral system change. Bill Longworth referred to various City expenditures which he felt were less important than the cost of informing the voters concerning a change in the electoral system. He urged City Council to request the Auditor General compare Oshawa’s efforts to communicate the ballot question to voters with other communities, to review Supreme Court cases, and to commission surveys and questionnaires concerning the 2007 election ballot.
Council members questioned Bill Longworth.

Reg Malachowski addressed City Council in opposition to Item 3 of the Thirty-third Report of the Development Services Committee regarding the proposed sale of City land on Bond Street East, east of Oshawa Boulevard North stating he has done everything that he can do concerning this property and the land has no value to anyone but he and his family. He advised that the City has approved the location of the two driveways, the Region as has approved one land division application and the second one has been appealed to the OMB by a private citizen opposed to the sale. The City suggested that Roxborough Avenue be closed which he agreed to and which balances the property and a professional traffic consultant has concluded there is enough room to put in two driveways safely. He stated he has been there for 37 years and asked how is it that Carleen Riley can stop him from severing his property when the authorities and professionals have said it is a safe plan. Reg Malachowski added that he can get a petition signed if that is what it takes. He stated he sees no reason to delay the sale of this property again as he is willing to purchase the land with no conditions.

Council members questioned Reg Malachowski.

Delegation Requests

None.

PUBLIC MEETING

In accordance with Section 12(1) of the Development Charges Act, 1997, notice was provided of City Council’s intention to solicit the views of the public concerning the passage of a by-law amending the City of Oshawa Development Charge By-law 84-2004 to change the indexing of City development charges from annual to semi-annual indexing to occur on March 1st and September 1st, and to commence on March 1, 2008. (All Wards)

No one present indicated a desire to address City Council concerning the passage of a By-law amending the City of Oshawa Development Charge By-law 84-2004.

No one present indicated a desire to address City Council concerning Report CM-07-65 regarding Cancellation, Reduction or Refund of Taxes for Batch 2007-357-3, however Council was in receipt of correspondence from Gregory Tuck requesting that Application 481, ORH Corporation, be tabled until the next Council meeting.

Moved by Councillor Kolodzie, seconded by Councillor Lutczky, (647) “That Council Report CM-07-65 be amended by separating Application 481, ORH Corporation from Batch 2007-357-3; and Application 481 be tabled to the December 17, 2007 Council meeting at the request of the applicant.” CARRIED
CORRESPONDENCE REQUESTS

1. Gerald and Judith Grant requesting the City not sell land fronting onto Bond Street East, east of Oshawa Boulevard North to Reginald Malachowski. (Ward 5)
   Moved by Councillor Kolodzie, seconded by Councillor Henry,
   (648) “That Correspondence Request 1 from Gerald and Judith Grant be referred to Item 3 of the Thirty-third Report of the Development Services Committee.” CARRIED

2. Oshawa Power & Utilities Corporation (OPUC), Irv Harrell, Chairman of the Board, advising their Board of Directors unanimously recommends that Bruce Fenton be reappointed to the Boards of OPUC and Oshawa PUC Networks Inc. for the normal term of three years, effective January 1, 2008. (All Wards)
   Moved by Councillor Kolodzie, seconded by Councillor Parkes,
   (649) “That Council endorse the recommendation of the Board of Directors of Oshawa Power & Utilities Corporation to reappoint Bruce Fenton to the Boards of Oshawa Power & Utilities Corporation and Oshawa PUC Networks Inc. for the normal term of three years, effective January 1, 2008.” CARRIED

ADDITIONAL AGENDA ITEMS/MOTIONS

Moved by Councillor Parkes, seconded by Councillor Pidwerbecki,
(650) “That Item 8 of Matters Tabled being an Application for Approval to Expropriate Lands to extend Fox Street be lifted from the table.” CARRIED

PUBLIC CONSENT AGENDA

Moved by Councillor Kolodzie, seconded by Councillor Henry,
(651) “That all items listed under the heading of Consent Agenda for the November 26, 2007 public meeting be adopted as recommended except:

Item 3 of the Thirty-third Report of the Development Services Committee;
Item 12 of the Thirty-seventh Report of the Development Services Committee;
Item 1 of the Seventeenth Report of the Finance and Administration Committee;
Items 3, 10, 11, 13, 15, 16, 18 and 19 of the Twentieth Report of the Finance and Administration Committee
Items 1 and 4 of the Fifteenth Report of the Strategic Initiatives Committee;
Report CM-07-64; and,
the caucus motion concerning appointments.” CARRIED

Moved by Councillor Pidwerbecki, seconded by Councillor Marimpietri,
(652) “That the meeting recess.” CARRIED
The meeting recessed at 8:36 p.m. and reconvened at 8:55 p.m. All Council members were present except Councillors Cullen, Sholdra and Mayor Gray.

Moved by Councillor Marimpietri, seconded by Councillor Henry, (653) “That Council reconsider Item 20 of the Twentieth Report of the Finance and Administration Committee.” CARRIED ON A 2/3 VOTE OF MEMBERS PRESENT

Moved by Councillor Marimpietri, seconded by Councillor Henry, (654) “That Zena Burns be heard.” CARRIED ON A 2/3 VOTE OF MEMBERS PRESENT

Councillors Cullen and Sholdra re-entered the meeting during the delegation of Zena Burns.

Zena Burns addressed City Council concerning Item 20 of the Twentieth Report of the Finance and Administration Committee stating Oshawa residents do not want taxes to be increased. Zena Burns stated closed meetings concerning the purchase of the Cullen Miniature Village were suspicious and that Council lacked a plan concerning the purchase. She stated taxpayers have been deceived by unplanned spending and suggested Council use better management and work together as a team. Zena Burns stated it is scandalous that Council uses taxpayers’ money on frills such as the Regent Theatre and the Cullen Miniature Village when children go to school hungry and there are poor and needy in the community that could use that money.

Council members questioned Zena Burns.

ADOPTION OF MINUTES

That the minutes of the November 5, 2007 City Council meeting be adopted. (CARRIED – See Page 571)

CORRESPONDENCE

Correspondence – Received and Filed

That correspondence listed in Appendix A to the Public Agenda for the November 26, 2007 City Council meeting be received and filed. (CARRIED – See Page 571)
Correspondence

31. Livestock Valuer, Wesley Glaspell, submitting a report and affidavit concerning Reuben McRae’s claim for $150 for one goat killed by a coyote (Ward 7)

Recommendation (CARRIED – See Page 571)

That the report of the Livestock Valuer, Wesley Glaspell, concerning Reuben McRae’s claim for $150 for one goat killed by a coyote be approved.

COMMITTEE REPORTS

Report of the Development Services Committee

The Development Services Committee respectfully reports and recommends to City Council Item 3 of the Thirty-third Report

3. Sale of City Land on Bond Street East, east of Oshawa Boulevard North, to R. Malachowski (DS-07-289) (Ward 5)

Recommendation (LOST AND TABLED – See Page 593)

That the City advise Reginald Michael Malachowski and Sandra Elizabeth Malachowski that it will not waive the Condition of Severance pertaining to the Agreement of Purchase and Sale, dated May 30, 2007 and that the Agreement of Purchase and Sale is therefore considered null and void.

The Development Services Committee respectfully reports and recommends to City Council its Thirty-seventh Report

1. ArtsSmarts sculpted historical buildings in Oshawa (DS-07-321) (All Wards)

Recommendation (CARRIED – See Page 571)

That the Commissioner of Development Services work in partnership with ArtSmarts, and that the students and teachers involved in the ArtSmarts education project be invited to a future Council meeting and be recognized for their achievements.
2. Comments from stakeholders regarding a proposed Residential Rental Licensing By-law and concerns about student housing (DS-07-311) (Ward 7)

Recommendation (CARRIED – See Page 571)

That Correspondence DS-07-311 from stakeholders submitting comments regarding a proposed Residential Rental Licensing By-law and concerns regarding student housing be referred to Municipal Law Enforcement and Licensing Services and to Legal Services staff in conjunction with the subsequent report on a proposed Residential Rental Licensing By-law.

3. Alternate Bell Mobility Location in South Oshawa, Request for Permission to Perform Signal Test (DS-07-316) (Ward 1)

Recommendation (CARRIED – See Page 571)

That permission be granted to Bell Mobility to perform a signal test at an alternate location in south Oshawa.

4. Letter of appreciation from Jason Morin, Director of Low Rise Construction, Orchard Ridge Homes, for exceptional customer service received from staff with respect to the issuance of building permits (DS-07-317) (All Wards)

Recommendation (CARRIED – See Page 571)

That the letter of appreciation dated November 2, 2007, from Jason Morin, Director of Low Rise Construction, Orchard Ridge Homes, Correspondence DS-07-317, regarding exceptional customer service received from staff with respect to the issuance of building permits be received for information.

5. Revised Application to Amend Zoning By-law 60-94, 62 Whiting Avenue, Central Lake Ontario Conservation Authority (DS-07-306) (Ward 1)

Recommendation (CARRIED – See Page 571)

1. That the revised application submitted by the Central Lake Ontario Conservation Authority to amend Zoning By-law 60-94 (File Z-9/2006) to recognize a single detached dwelling at 62 Whiting Avenue be approved subject to the following conditions:

   (a) That the proposed residential lot shown on Exhibit 3 to Report DS-07-306 dated November 7, 2007, be rezoned to an appropriate R1 (Residential) Zone.

   (b) That prior to the passage of the rezoning by-law, the owner submit a draft survey plan to the satisfaction of the City.
2. That in accordance with Section 34(17) of the Planning Act and notwithstanding that the rezoning proposed in the public meeting notice, public meeting report and at the public meeting differs to some degree from that presented in Report DS-07-306 dated November 7, 2007, such differences are not substantial enough to require further notice and another public meeting.

6. Application for Variances to Sign By-law 72-96, 925 Taunton Road East, Bank of Montreal (DS-07-287) (Ward 6)

Recommendation (CARRIED – See Page 571)

Whereas the Bank of Montreal has applied for the following variances to Sign By-law 72-96:

(a) To interpret the signs on the two towers to be fascia signs;
(b) To permit one fascia sign on the west building elevation which does not face a street line, whereas the sign by-law only permits a fascia sign facing a street line;
(c) To permit a fascia sign on the south side of the south tower that projects 2.2 metres (7.2 ft.) above the roof line of the building, whereas the sign by-law only permits a fascia sign facing a street line and restricts a fascia sign from projecting more than 1 metre (3.28 ft.) above a roof line;
(d) To permit a fascia sign on the east side of the east tower that projects 3.6 metres (11.8 ft.) above the roof line of the building, whereas the sign by-law only permits a fascia sign facing a street line and restricts a fascia sign from projecting more than 1 metre (3.28 ft.) above a roof line;
(e) To permit a fascia sign on the west side of the east tower that projects 3.2 metres (10.5 ft.) above the roof line of the building, whereas the sign by-law only permits a fascia sign facing a street line and restricts a fascia sign from projecting more than 1 metre (3.28 ft.) above a roof line;
(f) To permit an incidental sign [10 feet (3 m) Clearance] and a directional sign (Do Not Enter) that are each 0.84 square metres (9.05 sq. ft.) in sign area and have a minimum clearance of 3.0 metres (9.8 ft.) for vehicle access whereas the sign by-law restricts the maximum sign area of incidental and directional signs to 0.4 square metres (4.31 sq. ft.) and requires a minimum clearance of 4.25 metres (13.94 ft.) for a sign that projects over an area in which a vehicle has access;
(g) To permit two directional signs (Drivethru Instabank) each with a sign area of 0.68 square metres (7.3 sq. ft.) whereas the sign by-law restricts the maximum sign area of a directional sign to 0.4 square metres (4.31 sq. ft.); and,
Whereas the proposed signs are considered appropriate for the proposed bank in this commercial area;

Therefore, the application for variances to Sign By-law 72-96 submitted by the Bank of Montreal (File SV-12/2007) to permit the proposed fascia, incidental and directional signs at 925 Taunton Road East, be approved.


Recommendation (CARRIED – See Page 571)

Whereas A&W has applied for the following variances to Sign By-law 72-96:

East Elevation:

(a) To permit four fascia signs on the east building elevation that do not face a street line whereas the sign by-law only permits fascia signs facing a street line;

(b) To permit a vertical separation distance of less than 1.5 metres (4.92 ft.) between fascia signs on the east building elevation whereas the sign by-law requires a minimum vertical separation of 1.5 metres (4.92 ft.) between fascia signs;

(c) To permit three incidental signs (point of purchase), each with a sign area of 1.4 square metres (15 sq. ft.) on the east building elevation whereas the sign by-law only permits a maximum sign area of 0.4 square metres (4.3 sq. ft.) for an incidental sign;

South Elevation:

(a) To permit a directional sign (DO NOT ENTER) on the south building elevation with a sign area of 0.70 square metres (7.6 sq. ft.) whereas the sign by-law only permits a maximum sign area of 0.4 square metres (4.3 sq. ft.) for a directional sign;

(b) To permit an incidental sign (point of purchase) with a sign area of 1.4 square metres (15 sq. ft.) on the south building elevation whereas the sign by-law only permits a maximum sign area of 0.4 square metres (4.3 sq. ft.) for an incidental sign;

West Elevation:

(a) To permit three fascia signs on the west building elevation that do not face a street line whereas the sign by-law only permits fascia signs facing a street line;
(b) To permit a vertical separation distance of less than 1.5 metres (4.92 ft.) between fascia signs on the west building elevation whereas the sign by-law requires a minimum vertical separation of 1.5 metres (4.92 ft.) between fascia signs;

(c) To permit one fascia sign (A&W logo) on the west building elevation to be more than 1.0 metre (3.3 ft.) above the roof line whereas the sign by-law permits a fascia sign to be a maximum of 1.0 metre (3.3 ft.) above the roof line;

North Elevation:

(a) To permit 3 fascia signs on the north building elevation whereas the sign by-law only permits one fascia sign facing a street line;

(b) To permit a fascia sign (A&W logo and root beer mug) on the north building elevation to be more than 1.0 metre (3.3 ft.) above the roof line whereas the sign by-law permits a fascia sign to be a maximum of 1.0 metre (3.3 ft.) above the roof line;

(c) To permit a vertical separation distance of less than 1.5 metres (4.92 ft.) between fascia signs on the north elevation whereas the sign by-law requires a minimum vertical separation of 1.5 metres (4.92 ft.) between fascia signs;

Other Signs:

(a) To permit a directional sign (DRIVE THRU) with a sign area of 0.73 square metres (7.8 sq. ft.) whereas the sign by-law only permits a maximum sign area of 0.4 square metres (4.3 sq. ft.) for a directional sign; and

(b) To permit an incidental sign (menu board) with a sign area of 2.5 square metres (26.9 sq. ft.) whereas the sign by-law only permits a maximum sign area of 0.4 square metres (4.3 sq. ft.) for an incidental sign.

Whereas the proposed signs are appropriate for the proposed restaurant in this commercial area;

Therefore, the application for variances to Sign By-law 72-96 submitted by A&W (File SV-11/07) to permit the proposed fascia, incidental and directional signs at 915 Taunton Road East, be approved.
8. Application for a Variance to Sign By-law 72-96, 1300 Harmony Road North, Mr. Greek (DS-07-304) (Ward 6)

Recommendation (CARRIED – See Page 571)

Whereas Mr. Greek has applied for a variance to Sign By-law 72-96 to permit two fascia signs on the north elevation of the building whereas the sign by-law only permits one fascia sign for each premise facing a street line; and,

Whereas an additional fascia sign is considered appropriate for the Mr. Greek restaurant which is located in a large shopping centre development;

Therefore, the application for a variance to Sign By-law 72-96 submitted by Mr. Greek (File SV 14/07) to permit an additional fascia sign on the north elevation of the building at 1300 Harmony Road North, be approved.

9. Application for Removal of ‘h’ Holding Symbols, south side of Taunton Road East, west of the Harmony Creek, Oshawa-Taunton Developments Inc. (DS-07-305) (Ward 6)

Recommendation (CARRIED – See Page 571)

Whereas City Council passed amendments to Zoning By-law 60-94 to permit certain commercial uses on three development sites on the south side of Taunton Road East, immediately west of Harmony Creek; and,

Whereas the zoning by-law includes an ‘h-23’ holding symbol to ensure that:

(a) The lands are included in a master site plan agreement covering the lands zoned PCC-D(4) and are developed in common therewith; and
(b) That the top of bank and development limits along the Harmony Creek valley are determined; and,

Whereas the zoning by-law includes an ‘h-45’ holding symbol to ensure that:

(a) An appropriate master site plan agreement is executed with the City which incorporates all of the lands zoned PCC-D(4);
(b) Stormwater management and site servicing/drainage studies are completed to the satisfaction of the City and CLOCA and any recommendations are implemented through a Site Plan Agreement;
(c) A geotechnical report is completed to the satisfaction of the City and any recommendations are implemented through a Site Plan Agreement;
(d) Sanitary servicing is installed to the satisfaction of the Region;
(e) A noise study is completed to the satisfaction of the City and any recommendations are implemented through a Site Plan Agreement;
(f) An Environmental Site Assessment is completed to the satisfaction of the City and any recommendations are implemented through a Site Plan Agreement; and

(g) An Archaeological assessment is completed to the satisfaction of the Ministry of Culture; and,

Whereas the zoning by-law includes an ‘h-46’ holding symbol to ensure that the lands at 1007 Taunton Road East are included in the master site plan agreement covering the lands zoned PCC-D(4) and are developed in common with adjacent lands; and,

Whereas it is expected that a site plan agreement will be executed by the applicant shortly; and,

Whereas it is appropriate for Council to consider this matter at this time in order to advance the issuance of conditional building permits;

That the ‘h-23’, ‘h-45’ and ‘h-46’ holding symbols be removed by by-law from the lands zoned PCC-D(4) ‘h-23’, PCC-D(4) ‘h-45’ and PCC-D(4) ‘h-45’ and ‘h-46’ on the south side of Taunton Road East, west of Harmony Creek at the November 26, 2007, Council meeting and that no building permit be issued until the Commissioner of Development Services is satisfied that the development can proceed.

10. Application for Variance to Sign By-law 72-96, 1399 Simcoe Street North, Langstaff Auto Sales (DS-07-309) (Ward 7)

Recommendation (CARRIED – See Page 571)

Whereas Langstaff Auto Sales has applied for a variance to Sign By-law 72-96 to permit an accessory roof sign on the sales office for the temporary automobile sales and service establishment whereas the sign by-law does not permit roof signs in the City; and,

Whereas on April 10, 2007, City Council passed a by-law which rezoned the subject site to R6-C (Residential) subject to a temporary use by-law which allows an automobile sales and service establishment until April 10, 2010, unless the temporary use by-law is extended under the Planning Act; and,

Whereas the sign is considered reasonable for the temporary automobile sales and service establishment use;

Therefore, the application for a variance to Sign By-law 72-96 submitted by Langstaff Auto Sales (File SV15/07) to permit a roof sign at 1399 Simcoe Street North be approved and that this variance shall expire when the temporary use zoning by-law expires.

Recommendation (CARRIED – See Page 571)

That Correspondence DS-07-312/OWCC-07-05 dated July 10, 2007, from Martha Pettit, Manager of Legislative Services/Deputy Clerk, Town of Ajax, forwarding the Ajax Town Council’s resolution concerning the review of Great Lakes Water Quality Agreement be referred to staff.

12. Laval Drive, Proposed Street Lights and Banner Poles (DS-07-318) (Ward 2)

Recommendation (AMENDED – See Page 594)

That the alternative lighting standard and centre median banner poles proposed by SmartCentres for installation within the Laval Drive road allowance be approved consistent with Report DS-07-318 dated November 7, 2007, subject to satisfactory arrangements, to the satisfaction of City staff, made with SmartCentres to cover any extraordinary costs of maintenance or replacement of the alternative proposed lighting and centre median banner poles.

13. October 2007 Building Permit Statistics (DS-07-315) (All Wards)

Recommendation (CARRIED – See Page 571)


Report of the Finance and Administration Committee

The Finance and Administration Committee respectfully reports and recommends to City Council its Seventeenth Report.

1. Rental Housing Properties Owned by the City (FA-07-175) (All Wards)

Recommendation (TABLED – See Page 592)

That approval be sought from CMHC to dispose of the City’s stock of rental housing properties on the open market as described in Option 3 of Report FA-07-175 dated October 10, 2007.
The Finance and Administration Committee respectfully Reports and recommends to City Council its Twentieth Report.

1. Stewart Bennett, Event Manager, Oshawa International Festival - Request to address Committee and Council concerning Application for Partnership Grant (FA-07-199) (All Wards)

Recommendation (CARRIED – See Page 571)

That Stewart Bennett, Event Manager, Oshawa International Festival be invited as a delegation to a 2008 Budget meeting.

2. Request for Waiving of Fees – Grandview Children’s Centre (FA-07-192) (All Wards)

Recommendation (CARRIED – See Page 571)

That the request for waiving of fees totaling $394.77 for the Christmas Skating Party as outlined in Report FA-07-192 dated October 23, 2007 be approved as it meets all the criteria established within the Request for Waiving of Fees Policy.

3. Accounts for the Month of September 2007 (FA-07-182) (All Wards)

Recommendation (CARRIED – See Page 594)

That Report FA-07-182, Accounts for the Month of September 2007, dated October 19, 2007 be received for information.


Recommendation (CARRIED – See Page 571)


5. Summary of Contracts Awarded for the Period October 1 to October 31, 2007 (FA-07-194-CM) (All Wards)

Recommendation (CARRIED – See Page 571)


Recommendation (CARRIED – See Page 571)


7. Insurance Coverage 2008 (FA-07-202) (All Wards)

Recommendation (CARRIED – See Page 571)

That the Manager, Purchasing Services be authorized to issue a purchase order to Frank Cowan Company in the amount of $769,142 (plus tax) for corporate insurance coverage for one year - commencing January 1, 2008 based upon information provided in Report FA-07-202 dated November 5, 2007.

8. Steven Frei, Green Limousines Inc. – Request for Exemption (FA-07-183) (All Wards)

Recommendation (CARRIED – See Page 571)

1. That Report FA-07-183, regarding correspondence from Steven Frei, Green Limousine Inc. requesting exemption from the definition of Limousine as defined in Taxicab By-law 50-2003, be received for information;

2. That the request from Steven Frei, Green Limousine, for a ‘complete’ exemption from the definition of Limousine, as defined in Taxicab By-law 50-2003, be denied; and

3. That Steven Frei, Green Limousine be granted an exemption from the 2900 millimetre wheelbase requirement, included in the definition of Limousine as set out in By-law 50-2003.


Recommendation (CARRIED – See Page 571)

That Report FA-07-178, dated October 17, 2007, concerning the new Statutory Holiday, Family Day, declared by the Provincial government, be received for information.
10. Amended Regional E911 Policy and Procedure Manual and Associated Agreement (FA-07-204-CM) (All Wards)

Recommendation (CARRIED – See Page 594)

That based on Report FA-07-204-CM dated November 6, 2007, that the Mayor and Clerk be authorized to sign an agreement in a form satisfactory to the City Solicitor adopting the updated E911 Regional Policy and Procedure Manual.

11. Designation of Legends Center as Nuclear Reception Centre (FA-07-205-CM) (All Wards)

Recommendation (CARRIED – See Page 594)

1. That based on Report FA-07-205-CM dated November 6, 2007, that the request from the Region of Durham for the use of the Legends Centre as a nuclear reception centre be granted; and further

2. That the Mayor and Clerk be authorized to execute a Memorandum of Understanding in a form satisfactory to the City Solicitor.

12. Tiered Response Agreement Update (FA-07-206-CM) (All Wards)

Recommendation (CARRIED – See Page 571)

1. That based on Report FA-07-206-CM dated November 7, 2007, the changes to the Tiered Response Agreement proposed by Durham EMS be endorsed;

2. That the Mayor and Clerk be authorized to execute an agreement in a form satisfactory to the City Solicitor; and

3. That Lakeridge Base Hospital, Durham Region EMS and the Fire Chief meet one year after implementation to review statistics associated with the protocol changes.

13. Toys for Tickets – Parking and Vehicle Enforcement (FA-07-187) (All Wards)

Recommendation (CARRIED – See Page 594)

1. That the ‘Toys for Tickets’ initiative as outlined in Report FA-07-187, be approved for 2007 as a pilot project.

2. That staff be authorized to promote the project through various media, as approved by the Director of Municipal Law Enforcement and Licensing Services.

3. That staff monitor the project for 2007 to assess the number of children assisted by this initiative, financial impact and customer feedback.
14. New Lot Maintenance By-law (FA-07-188)  
Recommendation  (CARRIED – See Page 571)

1. That City Council adopt the recommended Lot Maintenance By-law, substantially in the form attached to Report FA-07-188 and in a final form acceptable to the City Solicitor.

2. That City Council repeal By-law 15-83, as amended, being an existing by-law regulating lot maintenance, ponding, and illegal dumping.

3. That Legal Services coordinate the preparation of a schedule of short form wordings and set fines with respect to the new Lot Maintenance By-law.

15. Bill Longworth – Request to address Committee to request that City Council direct Oshawa’s Auditor General to perform an audit on how well the City of Oshawa carried out its responsibilities in informing the public concerning the plebiscite question during the 2006 Municipal Election (FA-07-198)  
Recommendation  (LOST AND REFERRED – See Page 594)

That Correspondence FA-07-198, dated October 19, 2007, from Bill Longworth requesting that City Council direct Oshawa’s Auditor General to perform an audit on how well the City of Oshawa carried out its responsibilities in informing the public concerning the plebiscite question during the 2006 Municipal Election be received for information.

16. Referendum Questions (FA-07-209)  
Recommendation  (LOST – See Page 594)

That any future referendum questions be referred to the Accountability and Transparency Sub-Committee to develop a framework.

17. Amendment to By-law 101-83 (FA-07-193)  
Recommendation  (CARRIED – See Page 571)

That By-law Number 101-83, as amended, be further amended by enactment of a by-law in the form comprising Attachment 1 to Report FA-07-193.
18. Revised Media Relations Guidelines Manual (FA-07-196) (All Wards)

Recommendation (REPLACED – See Page 595)

That the revised Media Relations Guidelines Manual and Media Advisory, Media release and Public Service Announcement Policy as set out respectively in Attachment 1 to Report FA-07-196 dated November 5, 2007 be endorsed including the following amendments:

1. That Page 1, Paragraph 5 of the Media Relations Guidelines Manual be revised to read: ‘For the purpose of this document, a ‘City of Oshawa corporate announcement/initiative’ is defined as special events, ground-breakings, special initiatives – e.g. Canada Day Celebration (event), Conant Complex (ground-breaking), Liveable Communities (special initiative), General Motors Centre Brownfield Award (project).

2. That Paragraph 6 be inserted into Page 1 of the Media Relations Guidelines Manual as follows: ‘This policy, with the exception of corporate announcements/initiatives, does not apply to any Member of Council or staff working for a Member of Council.

3. That Paragraph 7 be inserted into Page 1 of the Media Relations Guidelines Manual as follows: ‘That furthermore, all communications between elected City Councillors and support staff is confidential and this principle shall be respected by the Mayor, all Councillors and City staff.

19. Maple Leaf Sports and Entertainment (FA-07-207) (Ward 2)

Recommendation (PART 1, PARAGRAPH 1 CARRIED
PART 1, PARAGRAPH 2 AND PART 2 LOST
– See Page 596)

Whereas Maple Leaf Sports and Entertainment (MLSE) has entered into a five year agreement with the City of Oshawa to operate and manage the General Motors Centre; and,

Whereas MLSE has not met or exceeded key financial goals within their Business Plan during their first year of operation;

Therefore be it resolved:

1. That MLSE immediately develop key performance measures in conjunction with the Working Committee and Ron Foster, Auditor General; and,

   That these measures are to be reported monthly in a written report that will also provide reasons for variances above or below the Business Plan; and,

2. That the monthly report be available to members of City Council.
20. Zena Burns – Request to address Committee concerning Taxes and Better Management Strategies (FA-07-197) (All Wards)

Recommendation (CARRIED – See Page 597)

That Correspondence FA-07-197 from Zena Burns requesting to address Committee concerning taxes and better management strategies be received for information.

Report of the Community Services Committee

The Community Services Committee respectfully reports and recommends to City Council its Twenty-fifth Report

1. Field Marking Review of Soccer Fields (CS-07-213) (All Wards)

Recommendation (CARRIED – See Page 571)

That based on Report CS-07-213 dated October 25, 2007, paint lining for all soccer fields in the City not be implemented in 2008 in consideration of the substantial additional costs and the financial constraints within the 2008 operating Budget.

2. Marketing and Promotion Initiatives – Recreation and Culture Services (CS-07-215) (All Wards)

Recommendation (CARRIED – See Page 571)

That Report CS-07-215 dated October 26, 2007, regarding Recreation and Culture Services’ marketing and promotion initiatives be received for information.

3. Downtown Floral Program (CS-07-214) (Wards 2 and 5)

Recommendation (CARRIED – See Page 571)

1. That based on Report CS-07-214 dated November 2, 2007, the floral components within the downtown be rearranged in 2008 to improve hanging basket displays and develop floral enhancements at the King Street West gateway to the downtown at King Street and on McMillan Drive; and,

2. That staff report back in the fall of 2008 on the results of the hanging basket trials and further options to improve the overall downtown floral program.
Report of the Strategic Initiatives Committee

The Strategic Initiatives Committee respectfully reports and recommends to City Council its Fifteenth Report

1. Bob Malcolmson, CEO & General Manager, Greater Oshawa Chamber of Commerce - 2008 Physician Recruitment Taskforce Budget Request (SIC-07-49) (All Wards)

   Recommendation               (CARRIED – See Page 597)

   That the 2008 pre-budget request of $124,000 for the Physician Recruitment Task Force be approved.

2. Chris Winter, Executive Director, Conservation Council of Ontario – Request to address Committee concerning the ‘We Conserve’ movement and requesting the City’s endorsement and participation (SIC-07-47) (All Wards)

   Recommendation               (CARRIED – See Page 571)

   Whereas public awareness and concern for the health of our environment is deep-rooted and strong;

   Whereas the public and businesses are actively seeking and implementing solutions;

   Whereas our citizens look to us for leadership in environmental policy, support programs, and community engagement; and,

   Whereas conservation offers a wide range of environmental solutions that minimize our collective ecological footprint while maintaining a high quality of life and a strong economy;

   Be it resolved:

   1. That the City of Oshawa endorse and participate in ‘We Conserve’, Ontario’s united conservation movement hosted by the Conservation Council of Ontario;

   2. That staff be directed to integrate our current and future environmental activities into a public statement of our commitment to conservation solutions, including:

      a. our internal commitment,

      b. our environmental policy and support programs, and

      c. community engagement;
3. That the City works with other municipalities and partners in We Conserve to continually improve our own environmental performance and the conservation services we provide to our community; and,

4. That a copy of this resolution be forwarded to the Oshawa Environmental Advisory Committee.

3. W. Donald Cousens, Director, Municipal Affairs Practice, Counsel Public Affairs Inc. – Proposal to organize a Community Day for the City of Oshawa at Queen’s Park (SIC-07-52) (All Wards)

Recommendation (CARRIED – See Page 571)

That Correspondence SIC-07-52, dated October 22, 2007 from Donald Cousens, Director, Municipal Affairs Practice, Counsel Public Affairs proposing that Counsel Public Affairs (CPA) organize a Community Day for the City of Oshawa at Queen’s Park, be referred to the 2008 budget meetings.

4. Proposed Community Safety Committee and Strategy (SIC-07-46) (All Wards)

Recommendation (AMENDED – See Page 597)

1. That the proposed terms of reference for the establishment of an Oshawa Community Safety Taskforce as set out in Attachment No. 2 to Report SIC-07-46 dated November 7, 2007 be endorsed in principle, to be presented to the Oshawa Community Safety Taskforce for their review and approval;

2. That City Council appoint two Council representatives to the Oshawa Community Safety Taskforce;

3. That staff be authorized to contact key stakeholder groups to seek representatives for the core Oshawa Community Safety Taskforce to initiate the process, as identified in the proposed terms of reference;

4. That initial funding for the taskforce in the amount of $10,000 be included in the 2008 budget; and

5. That Report SIC-07-46 dated November 7, 2007 be forwarded to the MP and MPP for Oshawa for their information.
5. Strategic Team to achieve more effective direct communications and funding from upper levels of Government (SIC-07-48) (All Wards)

Recommendation (CARRIED – See Page 571)

That Report SIC-07-48, Strategic Team to achieve more effective direct communications and funding from upper levels of Government, be received for information and that no further action be taken.

That the purpose and intent of the vision of Report SIC-07-48 be undertaken by the Strategic Initiatives Committee in conjunction with the Mayor's office.

COMMITTEE OF THE WHOLE REPORTS

1. Bob Duignan, City Manager, submitting Report CM-07-62 concerning a proposed amendment to City of Oshawa Development Charge By-law 82-2004 and related Development Charge Background Study to change indexing of City Development Charges from annual to semi-annual indexing. (All Wards)

Recommendation (CARRIED – See Page 571)

That Report CM-07-62 dated November 22, 2007, on a proposed amendment to Development Charge By-law 82-2004 to change the indexing of City development charges from annual indexing to semi-annual indexing and a related Development Charge Background Study be referred back to staff to consider comments made at the public meeting and for the preparation of a subsequent report and recommendation. This referral does not constitute or imply any form or degree of approval.

2. Chris Brown, Director, Finance Services, submitting Report CM-07-65 concerning Cancellation, Reduction or Refund of Taxes Batch 2007-357-3. (Wards 2, 3, 4, 5, 6 and 7)

Recommendation (CARRIED – See Page 571)

That the applications contained in Batch 2007-357-3 for cancellation, reduction, or refund of taxes attached to Report CM-07-65 be approved.

Recommendation (CARRIED – See Page 571)

1. That the City Manager’s Report CM-07-68 dated November 21, 2007 and attached correspondence from the Oshawa Power and Utilities Corporation dated November 16, 2007 be received for information; and

2. That the resolutions contained in Attachment No. 1 submitted by the Directors’ of Oshawa Power and Utilities Corporation be ratified and approved in accordance with the provisions of the Business Corporations Act (Ontario), and further that the Mayor and Clerk be authorized to execute.

4. Bob Duignan, City Manager, submitting Report CM-07-64 concerning First Step Methadone Clinic (Loralgia Management Limited) 32 Simcoe Street South (Ward 2)

Recommendation (TABLED – See Page 593)

That a staff delegation meet Ministry and Provincial officials to develop tools to allow municipalities to regulate methadone clinics related to Report CM-07-64.

CONSENT MOTIONS

“That the City of Oshawa proclaim April 21 to 27, 2008 as ‘Pitch-In Week 2008’.” (CARRIED – See Page 571)

“1. That the following persons be appointed to various Boards, Commissions, Committees and other community organizations:

<table>
<thead>
<tr>
<th>Board/Committee</th>
<th>Appointee(s)</th>
<th>Term</th>
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</thead>
<tbody>
<tr>
<td>Community Physician Recruitment</td>
<td>Councillor Neal</td>
<td>December 1, 2007 to November 30, 2008</td>
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<tr>
<td>Task Force</td>
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<tr>
<td>Heritage Oshawa (LACAC)</td>
<td>Joe Marion</td>
<td>December 1, 2007 to November 30, 2010</td>
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<td>Steven Barr</td>
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<td>Olexander Wlasenko</td>
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<td>Board/Committee</td>
<td>Appointee(s)</td>
<td>Term</td>
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<tr>
<td>Oshawa Accessibility Advisory Committee</td>
<td>Councillor Cullen</td>
<td>December 1, 2007 to November 30, 2008</td>
</tr>
<tr>
<td>Two persons with a disability for a three-year term</td>
<td>Susan Bloxam, Cyndie Sproul</td>
<td>December 1, 2007 to November 30, 2010</td>
</tr>
<tr>
<td>One interested party for a three-year term</td>
<td>Patricia Gray</td>
<td>December 1, 2007 to November 30, 2010</td>
</tr>
<tr>
<td>Two parents of disabled children for a three-year term</td>
<td>Kenneth Patterson, John Glover</td>
<td>December 1, 2007 to November 30, 2010</td>
</tr>
<tr>
<td>Oshawa Court of Revision</td>
<td>Sheila Bell</td>
<td>December 1, 2007 to November 30, 2010</td>
</tr>
<tr>
<td>Oshawa Harbour Commission</td>
<td>George Weisz</td>
<td>December 1, 2007 to November 30, 2008</td>
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<tr>
<td>Oshawa Public Library Board</td>
<td>Elizabeth Vipond</td>
<td>December 1, 2007 to November 30, 2010</td>
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<tr>
<td>Oshawa Valley Botanical Garden Task Force</td>
<td>Councillor Kolodzie</td>
<td>December 1, 2007 to November 30, 2008</td>
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<tr>
<td>Parkwood Board of Directors</td>
<td>Councillor Lutczyk</td>
<td>December 1, 2007 to November 30, 2008</td>
</tr>
<tr>
<td>Oshawa Historical Society</td>
<td>Councillor Sholdra</td>
<td>December 1, 2007 to November 30, 2010</td>
</tr>
</tbody>
</table>

2. and that all unsuccessful applicants for appointment be thanked for their interest.”
   (CARRIED – See Page 598)

**BY-LAWS**

That By-laws 123-2007 to 127-2007 be approved.

123-2007 A By-law to amend Zoning By-law 60-94.
(Implements direction of November 26, 2007 through Item 9 of the Thirty-seventh Report of the Development Services Committee to lift the ‘h-23’, ‘h-45’ and ‘h-46’ holding symbols from lands located on the south side of Taunton Road East, immediately west of Harmony Creek, Oshawa-Taunton Developments Inc.)
   (Ward 6)
   (CARRIED – See Page 571)
OSHAWA CITY COUNCIL MINUTES – NOVEMBER 26, 2007

124-2007 A By-law to expropriate lands required for municipal purposes.
(Implements direction of October 15, 2007 through Council Resolution 553 to expropriate lands described as Part of Lot 14, Sheet 15B Plan 357 and Part of Lot 7, Sheet 16B, Plan 357, being designated as Part 9 on 40R-22844 to extend Fox Street; OPUC Networks Inc., SmartCentres and the City of Oshawa) (Ward 2)
(CARRIED – See Page 571)

(Implements direction of November 5, 2007 through Item 7 of the Thirty-fourth Report of the Development Services Committee to replace fee schedules appropriately to implement new Planning and Engineering Fees and to increase them by 3% annually.) (All Wards)
(CARRIED – See Page 571)

126-2007 A By-law to amend Appointment By-law 145-85.
(Implements direction of November 26, 2007 through Council resolution to appoint Elizabeth Vipond to the Oshawa Public Library Board for a three-year term commencing December 1, 2007 and ending November 30, 2010, subject to holding office until her successor is appointed.) (All Wards)
(CARRIED – See Page 571)

127-2007 A By-law to govern and regulate the maintenance of land.
(Implements direction of November 26, 2007 through Item 14 of the Seventeenth Report of the Finance and Administration Committee to regulate lot maintenance, illegal dumping and ponding.) (All Wards)
(CARRIED – See Page 571)

DISCUSSION AGENDA

MATTERS EXCLUDED FROM CONSENT AGENDA

Moved by Councillor Parkes, seconded by Councillor Cullen,
(655) “That the rules of procedure be waived to alter the order of the agenda to bring forward Item 1 of the Seventeenth Report of the Finance and Administration Committee and Committee of the Whole Report CM-07-64.” CARRIED

Moved by Councillor Parkes, seconded by Councillor Cullen,
(656) “That Item 1 of the Seventeenth Report of the Finance and Administration Committee be tabled to allow staff to organize a site tour by Council members.” CARRIED
Moved by Councillor Parkes, seconded by Councillor Cullen, “That Report CM-07-64 be tabled to the January 28, 2008 Council meeting to allow for a delegation.” CARRIED


AFFIRMATIVE – Councillors Henry, Lutczyk, Neal, Nicholson, Parkes

NEGATIVE – Councillors Cullen, Kolodzie, Marimpietri, Pidwerbecki and Sholdra

Absent – Mayor Gray

Moved by Councillor Pidwerbecki, seconded by Councillor Sholdra, “That staff negotiate a new agreement of purchase and sale with Reg Malachowski to include the lot severance as discussed and that staff investigate the feasibility of altering the two driveways to support frontal exit only and the Mayor and Clerk be authorized to execute the agreement.” LOST ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Cullen, Kolodzie, Marimpietri, Pidwerbecki and Sholdra

NEGATIVE – Councillors Henry, Lutczyk, Neal, Nicholson and Parkes

Absent – Mayor Gray

Moved by Councillor Marimpietri, seconded by Councillor Kolodzie, “That the matter of the sale of City land on Bond Street East, east of Oshawa Boulevard North, to Reg Malachowski be tabled to the December 17, 2007 meeting of Council.” CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Cullen, Kolodzie, Marimpietri, Nicholson, Pidwerbecki and Sholdra

NEGATIVE – Councillors Henry, Lutczyk, Neal and Parkes

Absent – Mayor Gray

Moved by Councillor Parkes, seconded by Councillor Henry, “That Council adopt Item 12 of the Thirty-seventh Report of the Development Services Committee.” CARRIED AS AMENDED BY LATER VOTE

Councillor Sholdra left the meeting.
Moved by Councillor Henry, seconded by Councillor Marimpietri,
(660) "That Item 12 of the Thirty-seventh Report of the Development Services Committee be amended to add ‘and staff investigate the provision of traffic lights at Laval Drive and Stevenson Road South at the cost of SmartCentres’.” CARRIED

Item 12 of the Thirty-seventh Report of the Development Services Committee CARRIED AS AMENDED.

Moved by Councillor Lutczyk, seconded by Councillor Kolodzie,
(661) “That Council adopt Item 3 of the Twentieth Report of the Finance and Administration Committee.” CARRIED

Moved by Councillor Lutczyk, seconded by Councillor Kolodzie,
(662) “That Council adopt Item 10 of the Twentieth Report of the Finance and Administration Committee.” CARRIED

Moved by Councillor Lutczyk, seconded by Councillor Kolodzie,
(663) “That Council adopt Item 11 of the Twentieth Report of the Finance and Administration Committee.” CARRIED

Moved by Councillor Lutczyk, seconded by Councillor Kolodzie,
(664) “That Council adopt Item 13 of the Twentieth Report of the Finance and Administration Committee.” CARRIED

Moved by Councillor Lutczyk, seconded by Councillor Kolodzie,
“That Council adopt Item 15 of the Twentieth Report of the Finance and Administration Committee.” LOST ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Henry, Kolodzie, Parkes and Pidwerbecki

NEGATIVE – Councillors Cullen, Lutczyk, Marimpietri, Neal and Nicholson

Absent – Councillor Sholdra and Mayor Gray

Moved by Councillor Marimpietri, seconded by Councillor Neal,
(665) “That the request of Bill Longworth be referred to the Accountability and Transparency Sub-Committee.” CARRIED

Moved by Councillor Lutczyk, seconded by Councillor Kolodzie,
“That Council adopt Item 16 of the Twentieth Report of the Finance and Administration Committee.” LOST BY LATER VOTE

Moved by Councillor Parkes, seconded by Councillor Henry,
“That Item 16 of the Twentieth Report of the Finance and Administration Committee be amended by adding ‘for future referendums’ following the word ‘framework’.” LOST
Item 16 of the Twentieth Report of the Finance and Administration Committee LOST ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Lutczyk, Neal and Parkes

NEGATIVE – Councillors Cullen, Henry, Kolodzie, Marimpietri, Nicholson, Pidwerbecki

Absent – Councillor Sholdra and Mayor Gray

Councillor Cullen left the meeting.

Moved by Councillor Lutczyk, seconded by Councillor Kolodzie,
“That Council adopt Item 18 of the Twentieth Report of the Finance and Administration Committee.” REPLACED BY LATER MOTION

The Chair ruled that Item 18 of the Twentieth Report of the Finance and Administration Committee was out of order as presented.

Moved by Councillor Parkes, seconded by Councillor Neal,
(666) That Item 18 of the Twentieth Report of the Finance and Administration Committee be replaced with the following motion:

1. That Page 1, Paragraph 5 of the Media Relations Guidelines Manual be revised to read: ‘For the purpose of this document, a ‘City of Oshawa corporate announcement/initiative’ is defined as special events, ground-breakings, special initiatives – e.g. Canada Day Celebration (event), Conant Complex (ground-breaking), Liveable Communities (special initiative), General Motors Centre Brownfield Award (project).

2. That Paragraph 6 be inserted into Page 1 of the Media Relations Guidelines Manual as follows: ‘This policy, with the exception of corporate announcements/initiatives, does not apply to any Member of Council or staff working for a Member of Council.

3. That Paragraph 7 be inserted into Page 1 of the Media Relations Guidelines Manual as follows: ‘That furthermore, all communications between elected City Councillors and support staff is confidential and this principle shall be respected by the Mayor, all Councillors and City staff.”
4. That the newly numbered Paragraph 8 on Page 1 and Paragraph 4 on Page 20 of the Media Relations Guidelines Manual be amended by inserting the words ‘Elected Officials and’ before the words ‘Corporate Officials’.” CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Henry, Kolodzie, Lutczyk, Marimpietri, Neal, Nicholson, Parkes and Pidwerbecki

NEGATIVE – None

Absent – Councillors Cullen, Sholdra and Mayor Gray

Moved by Councillor Lutczyk, seconded by Councillor Kolodzie, (667) “That Council adopt Item 19 of the Twentieth Report of the Finance and Administration Committee.” PART 1, PARAGRAPH 1 CARRIED, PART 1, PARAGRAPH 2 AND PART 2 LOST ON THE FOLLOWING VOTES

The motion was divided upon request to vote on each part separately.

Part 1, Paragraph 1 of Item 19 of the Twentieth Report of the Finance and Administration Committee concerning the development of key performance measures CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Lutczyk, Marimpietri, Neal, Nicholson and Parkes

NEGATIVE – Councillors Henry, Kolodzie and Pidwerbecki

Absent – Councillor Cullen, Sholdra and Mayor Gray

Part 1, Paragraph 2 of Item 19 of the Twentieth Report of the Finance and Administration Committee concerning monthly reports LOST ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Lutczyk, Marimpietri, Neal, Parkes

NEGATIVE – Councillors Henry, Kolodzie, Nicholson, Pidwerbecki

Absent – Councillor Cullen, Sholdra and Mayor Gray
Part 2 of Item 19 of the Twentieth Report of the Finance and Administration Committee concerning monthly reports being available to Council LOST ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Lutczyk, Marimpietri, Neal, Parkes

NEGATIVE – Councillor Henry, Kolodzie, Nicholson and Pidwerbecki

Absent – Councillor Cullen, Sholdra and Mayor Gray

Moved by Councillor Lutczyk, seconded by Councillor Kolodzie, (668) “That Council adopt Item 20 of the Twentieth Report of the Finance and Administration Committee.” CARRIED

Moved by Councillor Neal, seconded by Councillor Marimpietri, (669) “That the hour be extended.” CARRIED

Moved by Councillor Pidwerbecki, seconded by Councillor Marimpietri, (670) “That Council adopt Item 1 of the Fifteenth Report of the Strategic Initiatives Committee.” CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Henry, Lutczyk, Marimpietri, Neal, Nicholson, Parkes and Pidwerbecki

NEGATIVE – Councillor Kolodzie

Absent – Councillor Cullen, Sholdra and Mayor Gray

Moved by Councillor Pidwerbecki, seconded by Councillor Marimpietri, (671) “That Council adopt Item 4 of the Fifteenth Report of the Strategic Initiatives Committee.” CARRIED AS AMENDED BY THE FOLLOWING MOTION

Moved by Councillor Marimpietri, seconded by Councillor Neal, (672) “That Part 2 of Item 4 of the Fifteenth Report of the Strategic Initiatives Committee be amended to appoint Councillors Lutczyk and Parkes to the Oshawa Community Safety Taskforce.” CARRIED

Item 4 of the Fifteenth Report of the Strategic Initiatives Committee CARRIED AS AMENDED.

Moved by Councillor Kolodzie, seconded by Councillor Henry, (673) “That the motion concerning Council caucus appointments be approved.” CARRIED AS AMENDED BY THE FOLLOWING MOTION

Moved by Councillor Kolodzie, seconded by Councillor Henry, (674) “That the motion concerning Council caucus appointments be amended by adding that Councillor Sholdra be appointed to replace Councillor Nicholson on the Oshawa Historical Society for the term ending November 30, 2010.” CARRIED
The motion concerning Council caucus appointments CARRIED AS AMENDED.

NOTICES OF MOTION

Councillor Marimpietri gave notice of the following motion:

“That staff investigate and report through the Community Services Committee on recommendations to incorporate community/neighbourhood identification information on local street name signs in the City of Oshawa via a feasible integration of the outlined initiative into our current local street sign replacement program.”

Moved by Councillor Kolodzie, seconded by Councillor Marimpietri, (675) “That the meeting recess.” CARRIED

The meeting recessed at 11:23 p.m. and reconvened at 11:30 p.m. in Committee Room 2B. All Council members were present except Councillors Cullen, Sholdra and Mayor Gray.

Moved by Councillor Parkes, seconded by Councillor Lutczyk, (676) “That the meeting be closed to the public in order to discuss a confidential property matter.” CARRIED

All Council members were present for closed meeting discussions except Councillors Cullen, Sholdra and Mayor Gray. Also present were S. Kranc, City Clerk, B. Duignan, City Manager, R. Stockman, Commissioner of Corporate Services, L. Knox, Solicitor, and C. Symons-Milroy, Director of Economic Development. All members of the public left the meeting.

The City Manager provided Fact Sheet CM-07-70 concerning a confidential property matter.

Closed meeting discussions were held.

Moved by Councillor Lutczyk, seconded by Councillor Marimpietri, (677) “That Council rise from the closed meeting.” CARRIED

Moved by Councillor Parkes, seconded by Councillor Lutczyk, (678) “That Council endorse Fact Sheet CM-07-70 concerning a confidential property matter.” CARRIED
CONFIRMING BY-LAW

Moved by Councillor Kolodzie, seconded by Councillor Henry, (679) “That the Confirming By-law be approved.” CARRIED

128-2007 A By-law to confirm the City Council meeting of November 26, 2007.

ADJOURN

Moved by Councillor Kolodzie, seconded by Councillor Lutczyk, (680) “That the meeting adjourn.” CARRIED

The meeting adjourned at 11:59 p.m.
For your information, the following correspondence received by the City Clerk was filed following City Council’s meeting of November 26, 2007:

1. Regional Municipality of Durham, P.M. Madill, Regional Clerk, forwarding their report concerning the Durham Agricultural Advisory Committee 2007 Farm Tour which focused on the challenges and opportunities faced by three farms, a peat producer and a co-op in the Township of Brock. (All Wards) (CARRIED – See Page 571)

2. Regional Municipality of Durham, P.M. Madill, Regional Clerk, forwarding their Quarterly Report on Regional Planning Activities from July 1, 2007 to September 30, 2007. (All Wards) (CARRIED – See Page 571)

3. Drinking Water Source Protection, Kathy Stranks, Manager, Chair and CAO’s office, pursuant to the *Clean Water Act, 2006*, forwarding a list of member appointments to the CTC Source Protection Committee effective November 7, 2007, and approving the Source Protection Authority liaison position. (All Wards) (CARRIED – See Page 571)

4. Bill Longworth expressing his view that a general vote system of election in Oshawa is un-Canadian because it will centralize political power in a few rich areas leaving vast areas of the City unrepresented. (All Wards) (CARRIED – See Page 571)

5. Regional Municipality of Durham, Lino Trombino, Senior Planner, Current Planning, inviting the public to attend a meeting on Thursday, November 29, 2007 at 9:30 a.m. in Boardroom 1-H of the Durham Region Headquarters at 605 Rossland Road East, Whitby to provide a verbal or written submission to the Durham Region Planning Committee concerning the Region's Application to Amend the Durham Regional Official Plan to incorporate policies stemming from the implementation of Bill 51, the *Planning and Conservation Land Statute Law Amendment Act, 2006*; and, forwarding their Public Meeting Report concerning the proposed amendments. (All Wards) (CARRIED – See Page 571)