Minutes of a meeting of the Council of the City of Oshawa held in the Council Chamber on December 14, 2015 at 3:30 p.m.

Mayor Henry and Councillors Aker, Carter, Diamond, England, Kerr, Pidwerbecki, Sanders and Shields were present. Councillors Chapman and Neal were absent.

Mayor Henry presided.

**Declarations of Pecuniary Interest**

(See Page 445)

**Presentations**

None.

**Delegations/Delegation Requests**

**Delegations**

1. Dave Conway requesting to address City Council concerning Correspondence Request Item 1 related to his request for the release of confidential attachments 8, 9 and 10 to Report AG-13-09.

Moved by Councillor England, seconded by Councillor Sanders,

(595) “That Dave Conway be heard.” Carried

Dave Conway addressed City Council to request the release of confidential attachments 8, 9 and 10 to Report AG-13-09 and further requested his Correspondence Request be moved to the 6:30 p.m. Public Council Agenda. He expressed surprise that Report CM-15-27 was on the December 14, 2015 Closed Council Agenda, stating that Council directed such a report be written on March 17, 2014 and, when it had not, he had concluded there must not be any concerns with Report AG-13-09 or its attachments. Dave Conway stated that Council directed a report be provided on the legal implications and risks of releasing the Report’s confidential attachments and thought it unnecessary to discuss the entirety of Report CM-15-27 in a closed meeting. He further stated that legal advice could only be that Council can or cannot release confidential attachments 8, 9 and 10 to Report AG-13-09 and requested Council discuss Report CM-15-27 in a public meeting.

2. Jeff Davis requesting to address City Council concerning Correspondence Request Item 2 related to the public release of confidential attachments to Report AG-13-09.

Moved by Councillor England, seconded by Councillor Kerr,

(596) “That Jeff Davis be heard.” Carried

Jeff Davis addressed City Council concerning the public release of confidential attachments to Report AG-13-09 stating the public perception may be that the accusations in Report AG-13-09 are again being downplayed as Council has a long-standing direction to the City Solicitor to provide a report concerning the legal implications of releasing confidential attachments to Report AG-13-09. Jeff Davis described some aspects of Report AG-13-09, referred to some Council members’
concern and read parts of the May 21, 2013 Council direction authorizing George Rust-D’Eye to investigate the statements made in Report AG-13-09 including that a report back to Council be presented as soon as possible in an open session to enable full public disclosure. Jeff Davis read from George Rust-D’Eye’s September 3, 2013 report to Council in which Council was recognized for its decision to release previous confidential documents related to the purchase of property at 199 Wentworth Street including Reports CM-12-32 and CM-13-29.

Moved by Councillor England, seconded by Councillor Carter, (597) “That the delegation’s time be extended by two minutes.” Carried

Jeff Davis continued his delegation stating on December 3, 2015 the City Clerk advised him there was no date for issuance of the City Solicitor’s report on the matter of the public release of confidential attachments to Report AG-13-09, and since then the report has been issued. Jeff Davis suggested for accountability and transparency the public should have access to the former Auditor General’s comments about the City’s acquisition of 199 Wentworth Street. He requested City Solicitor’s Report CM-15-27 be considered in public session and that confidential attachments to Report AG-13-09 be made public.

Council members questioned Jeff Davis.

Delegation Requests (2/3 vote required)

None.

Correspondence Requests

1. David Conway requesting that confidential attachments 8, 9 and 10 to Report AG-13-09 concerning the real estate acquisition of the Consolidated Operations Depot be posted to the City’s website.

Moved by Councillor Aker, seconded by Councillor Shields, (598) “That Correspondence Request Item 1 from David Conway requesting that confidential attachments 8, 9 and 10 to Report AG-13-09 be posted to the City’s website be received for information.” Carried

2. Jeff Davis expressing concern with Council’s direction to the City Solicitor on March 17, 2014 to provide a written report on the legal implications and risks of releasing the confidential attachments to Report AG-13-09.

Moved by Councillor Aker, seconded by Councillor Shields, (599) “That Correspondence Request Item 2 from Jeff Davis expressing concern with the City Solicitor’s direction to write a report on the legal implications and risks of releasing the confidential attachments to Report AG-13-09 be received for information.” Carried
Moved by Councillor Aker, seconded by Councillor Sanders, (600) “That Correspondence Request Item 3 from the Canadian Mental Health Association – Durham writing in support of the recommendation concerning 485 and 501 Normandy Street be received for information.” Carried

Additional Agenda-Related Correspondence

None.

Closed Consent Agenda

Moved by Councillor Pidwerbecki, seconded by Councillor Kerr, (601) “That all items listed under the heading of Closed Consent Agenda for the December 14, 2015 Council meeting be adopted as recommended except Confidential Motion CM-15-28.” Carried

Confidential Correspondence

Correspondence

None.

Confidential Committee Reports

Report of the Development Services Committee

None.

Report of the Joint Development Services and Finance Committees

The Joint Development Services and Finance Committees respectfully reports and recommends to City Council:

1. Overview of the Offers to Purchase 485 and 501 Normandy Street and the Cost/Benefit Analysis of the Proposals (DS-15-226)

    Recommendation (Carried - See Page 443)

    That staff proceed as directed concerning Option 1 as outlined in Report DS-15-226, ‘Overview of the Offers to Purchase 485 and 501 Normandy Street and the Cost/Benefit Analysis of the Proposals’.

Report of the Corporate Services Committee

None.
Report of the Community Services Committee

None.

Report of the Finance Committee

None.

Committee of the Whole Reports

1. David Potts, City Solicitor submitting Report CM-15-27 concerning Confidential Documents

Recommendation (Carried - See Page 443)

That Option 1 in section 5.0 of Report CM-15-27 be approved.

Motions


(See Page 444)

Discussion Agenda

Matters Excluded From Consent Agenda

Moved by Councillor Pidwerbecki, seconded by Councillor Kerr, (602) “That pursuant to Subsection 239(b) of the Municipal Act this meeting be closed to the public in order to discuss personal matters about an identifiable individual related to labour relations and referred to in Confidential Motion CM-15-28.” Carried

All Council members were present for the closed meeting except Councillors Chapman and Neal. Also present were M. Medeiros, Acting City Clerk, J. Sharma, City Manager and K. Bressan, Council Meeting Co-ordinator. All members of the public left the meeting.

Closed meeting discussions took place.

Moved by Councillor Carter, seconded by Councillor Shields, (603) “That Council rise from the closed meeting and report.” Carried

Closed Meeting Report

The following is a summary of the closed portion of the meeting:

Council members questioned the City Manager concerning the staff vacancy and Motion CM-15-28.
Moved by Councillor Kerr, seconded by Councillor Pidwerbecki, (604) “That Council adopt the recommendation contained in Motion CM-15-28.” Carried as amended by later vote

Moved by Councillor Aker, seconded by Councillor Diamond, (605) “That the last paragraph contained in Motion CM-15-28 be amended and replaced with the following: ‘That in accordance with CM-15-28, the City Manager be directed to complete any necessary administrative processes required to appoint Mr. Ron Diskey as Commissioner of Community Services, effective immediately.’.” Carried by later vote

Closed meeting discussion took place.

The vote on the amendment carried.

The vote on the main motion carried as amended.

This concludes the closed meeting summary report.

Moved by Councillor Sanders, seconded by Councillor Shields, (606) “That the meeting recess.” Carried

The meeting recessed at 4:17 p.m. and reconvened at 6:30 p.m. All Council members were present following the recess except Councillors Chapman and Neal.

Public Agenda

Announcements from Council Members

Various announcements were made relating to activities and events.

Declarations of Pecuniary Interest

Councillor Sanders made a declaration of pecuniary interest concerning Part 1 of Item 6 of the Eighteenth Report of the Corporate Services Committee as it refers to the Genosha Hotel at 68 King Street East and, as he is a member of the Board that holds a mortgage on the referenced property, he did not participate in discussion or voting on that part of the item.

Councillor Shields made a declaration of pecuniary interest concerning Item 9 of the Twenty-second Report of the Development Services Committee and related By-laws 145-2015 and 146-2015 as they refer to 701 and 705 Grandview Street North in the Eastdale Part II Plan and, as he is involved in a commercial development in the referenced area, he did not participate in discussion or voting on the item or by-laws.
Councillor Carter made a declaration of pecuniary interest concerning Item 1 of the Joint Report of the Development Services and Finance Committees as it refers to the Central Business District Renaissance Community Improvement Plan and the Downtown Shoulder Area Renaissance Community Improvement Plan; and, Item 5 of the Eighteenth Report of the Corporate Services Committee as it refers to the Oshawa Central Business District Improvement Area Board of Management, and as he is a member of the downtown business improvement area, he did not participate in discussion or voting on the items.

**Presentations**

The Oshawa United Services Remembrance Committee presented Legion Branches 43 and 637 with Poppy Funds monies raised from their 2015 Festival of Remembrance Concert.

Mayor Henry presented Operations Services staff, Dan Deutekom and Leo Stafford, with two Awards from the 2015 Ontario Parks Association Municipal Floral Display Competition: one for the 'Container Plantings and Hanging Baskets’ category and the other for the ‘Floral Art’ category.

Jennifer Green and Sabrina Pirmohamed, Public Health Nurses, Durham Region Health Department provided a presentation entitled ‘Mental Health Promotion Across the Lifespan in Durham Region’.

**Delegations/Delegation Requests**

**Delegations**

1. Rosemary McConkey requesting to address City Council in opposition to Item 7 of the Twenty-second Report of the Development Services Committee concerning City-initiated amendments to the Oshawa Official Plan and Samac Secondary Plan.

Moved by Councillor England, seconded by Councillor Diamond, (607) “That Rosemary McConkey be heard.” Carried

Rosemary McConkey addressed City Council in opposition to Item 7 of the Twenty-second Report of the Development Services Committee concerning City-initiated amendments to the Oshawa Official Plan and Samac Secondary Plan stating the good news about Oshawa’s record-high residential development comes with bad news as there will be a record-high loss of agricultural lands. She stated the City’s plan for the urban boundary north of Winchester Road disregards the provincial initiative to curb urban sprawl and protect agricultural land, and that Council is reneging on the R.O.P.A. 128 Minutes of Settlement approved by the Ontario Municipal Board in December 2013. She requested the implementation of special site specific policies to recognize the gateway to the Hamlet of Columbus pursuant to a May 2011 Council resolution and that the recommendation in Item 7 of the Twenty-second Report of the Development Services Committee provide for a buffer, ensure a measured scale and a phased approach to the development of the urban boundary expansion.
Delegation Requests (requires 2/3 vote)

1. Jeff Davis requesting to address City Council concerning the risk reports and outstanding issues reports referred to in his e-mail of December 8, 2015 and listed as Correspondence Request Item 2.

Moved by Councillor Carter, seconded by Councillor Diamond, (608) “That Jeff Davis be heard.” Carried

Jeff Davis addressed City Council concerning the risk reports and outstanding issues reports referred to in his e-mail of December 8, 2015 stating only upon his request for outstanding reports was he advised that Report CM-15-27 from the City Solicitor would be on the December 14, 2015 Council Agenda. He suggested Council receive regular updates from the City Manager and the Corporate Leadership Team concerning risk and outstanding issues reports. He felt the delay in producing Report CM-15-27 leaves City staff’s transparency and accountability open to debate and gives the perception the City is hiding something related to George Rust-D’Eye’s investigation. Jeff Davis stated, with a newly appointed City Manager he hopes Council and staff can effectively work toward common goals for the good of the City and its residents. He advised that Report CM-13-53 submitted by the previous City Manager referred to a revised corporate risk management policy and procedure however he was advised by the City Clerk that corporate risk reports have not been completed for a couple of years due to several factors, mostly being the departure of senior staff and other priorities, and that senior management hopes to have a process in place sometime in 2016. Jeff Davis advised he was shocked and dismayed that other priorities took precedence over corporate risk when it should be regularly assessed so that Council members are advised of any risks associated with their decisions.

Moved by Councillor England, seconded by Councillor Diamond, (609) “That the delegation's time be extended by two minutes.” Carried.

Jeff Davis continued his delegation stating there is no direct reference to a risk assessment policy and procedure in the revised duties of the new City Manager. He stated it is difficult for Council members to remain vigilant and ensure every policy and procedure is being adhered so they must rely on full-time staff to ensure compliance, adding this would be the role of an Auditor General if there was one appointed. Jeff Davis requested Council bring forward the development of policies and procedures so the City can be pro-active and not reactive. He suggested the new City Manager be apprised of his duties including the requirement for bi-annual risk and legal claims reports to Council so members are fully prepared with complete and accurate information before making decisions.
Correspondence Requests

1. Gun Koleoglu, Law Student, Osgoode Hall interning with ‘Our Horizon’ submitting that ‘climate change risk disclosures on gas pumps’ are a simple, low-cost Canadian innovation that could potentially change the world; and, requesting their Executive Director, Rob Shirkey provide a presentation to Council or Committee concerning this idea and/or requesting Council’s support in the form of a by-law or a resolution.

   Moved by Councillor Diamond, seconded by Councillor Carter,
   (610) “That Correspondence Request Item 1 from Gun Koleoglu, Law Student, Osgoode Hall concerning climate change risk disclosures on gas pumps be received for information.”  Carried

2. Jeff Davis forwarding two Oshawa Council resolutions which he would like to comment on, the first relating to an October 15, 2013 Council resolution directing that significant corporate risks and legal claims be reported to Council in June and December of each year; and, the second relating to a June 9, 2014 Council resolution directing that a Working Team be established to review and revise the current acquisition and disposition of land policy and report to Council in a public meeting.

   Moved by Councillor Pidwerbecki, seconded by Councillor Aker,
   (611) “That Correspondence Request Item 2 from Jeff Davis concerning Council's direction to report back on the significant corporate risks and legal claims and the establishment of a working team to review and revise the current acquisition and disposition of land policy be received for information.”  Carried

3. Crystal Grieve requesting her 5 year old daughter, Mayci, be provided an opportunity to sing the National Anthem at a public Council meeting.

   Moved by Councillor Sanders, seconded by Councillor Carter,
   (612) “That Council’s Policy permitting only community groups/schools to sing ‘O Canada’ be waived; and,

   That Mayci Grieve be permitted to sing ‘O Canada’ at a Council meeting.”  Carried

Additional Agenda-Related Correspondence

None.

Public Consent Agenda

Moved by Councillor Pidwerbecki, seconded by Councillor Kerr,
(613) “That all items listed under the heading of Public Consent Agenda for the December 14, 2015 Council meeting be adopted as recommended except:

   Items 9 and 14 of the Twenty-second Report of the Development Services Committee;
   Item 2 of the Eighteenth Report of the Corporate Services Committee;
   Items 4 and 5 of the Sixteenth Report of the Community Services Committee;
   Items 1, 6 and 7 of the Eighteenth Report of the Finance Committee; and,
Adoption of Minutes

That the minutes of the November 30, December 2 and 9, 2015 City Council meeting be adopted. (Carried – See Page 448)

Correspondence

Correspondence – Received and Filed

That correspondence listed in Appendix A to the Public Agenda for the December 14, 2015 Council meeting be received and filed. (Carried – See Page 448)

Correspondence

None.

Advisory Committee Meeting Minutes

61. Heritage Oshawa

Recommendation (Carried – See Page 448)

That the minutes of the Heritage Oshawa meeting of November 26, 2015 be received for information.

62. Oshawa Environmental Advisory Committee

Recommendation (Carried – See Page 448)

at the minutes of the Oshawa Environmental Advisory Committee meeting of December 1, 2015 be received for information.

63. Oshawa Airport Advisory Committee

Recommendation (Carried – See Page 448)

That the minutes of the Oshawa Airport Advisory Committee meeting of December 8, 2015 be received for information.
Standing Committee Reports

Report of the Development Services Committee

The Development Services Committee respectfully reports and recommends to City Council its Twenty-second Report.


Recommendation (Carried – See Page 448)


2. Appointment of Accountable Executive for the Oshawa Executive Airport (DS-15-232)

Recommendation (Carried – See Page 448)

1. That pursuant to Report DS-15-232 dated December 3, 2015, Jag Sharma, City Manager, be appointed by by-law as the Accountable Executive for the Oshawa Executive Airport pursuant to the Canadian Aviation Regulations; and,

2. That pursuant to Report DS-15-232 dated December 3, 2015, the by-law further specify that Jag Sharma be fully indemnified by the City against any personal liability arising out of his good faith execution of his duties as the Accountable Executive.

3. Rosemary McConkey Requesting to Address the Development Services Committee Concerning Report DS-15-218, ‘Recommended Amendments Concerning the Official Plan Conformity and Watershed Implementation Exercise’ (DS-12-236)

Recommendation (Carried – See Page 448)

That Correspondence DS-15-236 from Rosemary McConkey regarding the recommended amendments concerning the Official Plan Conformity and Watershed Implementation Exercise, and her subsequent delegation concerning the matter, be received for information.

Recommendation (Carried – See Page 448)

That Correspondence DS-15-237 from Zelinka Priamo Ltd. on behalf of RioCan Management Inc., regarding the recommended amendments concerning the Official Plan Conformity and Watershed Implementation Exercise, be received for information.

5. A.E.C.O.M – Notice of Study Completion and Transportation Environmental Study Report Submission, Highway 401 from Brock Road to Courtice Road, Class Environmental Assessment and Preliminary Design Study, Ministry of Transportation (DS-15-233)

Recommendation (Carried – See Page 448)

That Correspondence DS-15-233 from A.E.C.O.M advising that a Transportation Environmental Study Report has been prepared which provides information on the process that has been followed leading to the selection of the Recommended Plan, the environmental effects and proposed mitigation measures, as well as the technical findings of the study, and advising that the 30-day public and agency review period ends on December 19, 2015, be referred to staff for a direct response.

6. Highway 407 East, Phase 2 Extension - Community Values Plan – Motifs on the Winchester Road East Bridge Overpass (File: B-7200-P2) (DS-15-229)

Recommendation (Carried – See Page 448)

Whereas the Province has initiated Phase 2 of the extension of Highway 407 from Harmony Road North to Highway 35/115, which will include a bridge overpass carrying Winchester Road East over Highway 407 within the City of Oshawa limits; and,

Whereas the Province is creating a Community Values Plan aimed at improving the aesthetics of the highway to enhance the amenities and heritage of the surrounding community; and,

Whereas an opportunity now exists to create motifs (embossed images on both sides of the bridge overpass) to commemorate the City’s cultural heritage related to Windfields Farm and to celebrate the City’s education future with the growth of the universities and the college; and,

Whereas two themes for motifs have been identified by City staff:

- Educational
- Equestrian
Whereas City staff recommend that the east side of the bridge overpass (westbound traffic from Clarington) should have an educational theme and the west side of the bridge (eastbound traffic) should have an equestrian theme; and,

Whereas the educational theme complements the Council-approved welcome message to be included on the municipal boundary signage along the Highway 407 as detailed in Report DS-14-196 dated December 3, 2014 which says 'Live, Learn and Prosper', and,

Whereas the equestrian theme is consistent with the recommendation of Report DS-15-33 dated February 18, 2015 as endorsed by Council which requested an equestrian theme on a bridge along Highway 407 at the east end of the City; and,

Whereas Heritage Oshawa at its meeting of November 26, 2015 has been informed of these themes and the staff recommendation; and,

Whereas the cost to create and install the motifs will be funded by the Province; and,

Whereas the Province is in the process of finalizing the design of the bridge overpass and requires the City's input by January 15, 2016;

Therefore be it resolved that the City of Oshawa request the Province to provide motifs promoting an educational theme on the east side of the bridge overpass and an equestrian theme on the west side of the bridge overpass carrying Winchester Road East over Highway 407 and with all costs to be funded by the Province and further that City staff work with the Province to ensure the motifs are constructed as part of the Highway 407 East, Phase 2 undertaking.

7. Recommended Amendments Concerning the Official Plan Conformity and Watershed Implementation Exercise (DS-15-218)

Recommendation (Carried – See Page 448)

1. That pursuant to Report DS-15-218 dated December 2, 2015, the City-initiated amendments to the Oshawa Official Plan and Samac Secondary Plan that are required to implement the following:

   a) The Provincial Greenbelt Plan;
   
   b) The Provincial Growth Plan for the Greater Golden Horseshoe;
   
   c) Amendments 114 and 128 to the Durham Regional Official Plan, which implemented the Greenbelt Plan and the Growth Plan at a Regional level; and,
   
   d) Appropriate environmental policies based on the Central Lake Ontario Conservation Authority Natural Heritage System mapping and watershed plans for the Oshawa Creek and Black/Harmony/Farewell Creek watersheds. These watershed plans are intended to implement the watershed-based planning
approach supported in the above noted Provincial and Regional planning documents,

be adopted by by-law in a form and content acceptable to the Commissioner of Development Services, generally in accordance with the comments in the Report and be forwarded to the Region of Durham for approval; and,

2. That the Region of Durham be requested to amend the Durham Regional Official Plan to implement the City’s proposed amendments in accordance with the comments contained in Report DS-15-218.

8. Declaration of Certain City lands as Potentially Surplus (DS-15-219)

Recommendation (Carried – See Page 448)

That pursuant to Report DS-15-219 dated December 2, 2015, the City-owned lands identified in Attachment 1 to Report DS-15-219, be declared as potentially surplus to municipal requirements, except for 173 Westmount Street; and that, given the localized nature of the matter, the newspaper advertising requirements of By-law 97-2000 be waived and that the notice inviting public comment on the declaration be mailed only to the abutting property owners and also to the Region of Durham if the property abuts a Regional road.

9. Applications to Amend the Oshawa Official Plan (Eastdale Part II Plan) and Zoning By-law 60-94, 701 and 705 Grandview Street North, 1891217 Ontario Inc. (DS-15-222)

Recommendation (Carried – See Page 472)

1. That pursuant to Report DS-15-222 dated December 2, 2015, the application submitted by 1891217 Ontario Inc. to amend to the Oshawa Official Plan (Eastdale Part II Plan) (File: OPA-2015-02) to permit a larger restaurant with a maximum gross floor area of 215 square metres (2,314 square feet) at 701 and 705 Grandview Street North be approved in accordance with the comments contained in the above noted Report and the necessary by-law be passed; and,

2. That pursuant to Report DS-15-222 dated December 2, 2015, the application submitted by 1891217 Ontario Inc. to amend Zoning By-law 60-94 (File: Z-2015-02) to permit a larger restaurant with a maximum gross floor area of 215 square metres (2,314 square feet) and service office uses as additional permitted uses at 701 and 705 Grandview Street North be approved in accordance with the comments contained in the above noted Report and the necessary by-law be passed.
10. Applications to Amend the Eastdale Part II Plan and Zoning By-law 60-94,  
707 Harmony Road North, Michael McDougall (DS-15-223)

Recommendation  (Carried – See Page 448)

1. That pursuant to Report DS-15-223 dated December 2, 2015, the 
application submitted by Michael McDougall to amend the Eastdale Part II 
Plan (File OPA-2015-01) to permit service office and professional office 
uses as additional permitted uses at 707 Harmony Road North be approved 
in accordance with the comments contained in the above Report and the 
necessary by-law be passed; and,

2. That pursuant to Report DS-15-223 dated December 2, 2015, the 
application submitted by Michael McDougall to amend Zoning By-law 
60-94 (File Z-2015-01) to permit service office and professional office uses 
as additional permitted uses at 707 Harmony Road North be approved in 
accordance with the comments contained in the above-noted Report and 
the necessary by-law be passed; and,

3. That in accordance with Section 34(17) of the Planning Act and 
notwithstanding that the rezoning proposed in the public meeting report and 
at the public meeting differs from that approved by City Council, such 
differences are not substantial enough to require further notice and another 
public meeting.

11. Request to Extend Required Date to Commence Business Operations, Holiday 
Inn Express, Abdul Rehman on behalf of Chayell Hospitality Group, 67 Simcoe 
Street North (File: B-1200-0032) (DS-15-225)

Recommendation  (Carried – See Page 448)

Whereas Abdul Rehman purchased 67 Simcoe Street North (the Lands) from the 
City to develop a hotel and conference facility (Hotel Development) on the Lands; 
and,

Whereas one of the conditions of the Agreement of Purchase and Sale, Amended 
Schedule “C” dated March 27, 2013 between the City and Mr. Rehman obligates 
Mr. Rehman to commence business operations (defined as being the first night for 
which payment for an overnight stay is collected) within eighteen (18) to twenty 
(20) months of the commencement of construction in order to continue to be in 
good standing with the agreement with the City; and,

Whereas the commencement of construction has been acknowledged and 
confirmed as April 21, 2014; and,

Whereas Mr. Rehman is obligated to commence business operations by 
December 21, 2015; and,

Whereas the hotel development is now nearing completion; and,
Whereas by letter from Mr. Rehman received by the City November 17, 2015, Mr. Rehman requested an amendment to the Agreement to provide an extension to the condition such that business operations must commence by March 31, 2016;

Therefore be it resolved that Council authorize the requested change to the Agreement of Purchase and Sale and that the Mayor and Clerk be authorized to execute any documentation and agreements to give effect to the foregoing in a form and content satisfactory to the Commissioner of Development Services and the City Solicitor.


Recommendation (Carried – See Page 448)

Whereas in January 2015 the Durham District School Board (D.D.S.B.) commenced the Accommodation Review of three secondary schools in Oshawa (Oshawa Central, R. S. McLaughlin and Eastdale); and,

Whereas the review process involved the establishment of an Accommodation Review Committee (A.R.C.) to study, report and make recommendations to the D.D.S.B. Trustees on accommodation options regarding the three secondary schools; and,

Whereas on January 26, 2015 Council received correspondence from the D.D.S.B. concerning the establishment of an A.R.C. for the three secondary schools and referred it to the Development Services Committee for appropriate review and report back to Council as soon as possible; and,

Whereas, on September 28, 2015 City Council approved the following recommendation of the Development Services Committee:

'1. That Report DS-15-167, dated September 9, 2015, be endorsed as the City’s comments on the Durham District School Board’s Accommodation Review of certain Oshawa Secondary Schools and that the Durham District School Board be advised that the City does not support the closure of Oshawa Central Collegiate Institute; and,

2. That a copy of Report DS-15-167, dated September 9, 2015, and the related Council resolution be sent to the Durham District School Board, the Accommodation Review Committee, the Minister of Education and all Oshawa M.P.P.s'; and,

Whereas the accommodation review process of the three secondary schools, included four public meetings and eleven working group meetings in Phase I of the Accommodation Review process, which was completed on November 16, 2015; and,
Whereas Phase I of the Accommodation Review has resulted in a Recommendation Report from the A.R.C. and a Recommendation Report from D.D.S.B. staff, that were received by the D.D.S.B. Trustees on November 16, 2015; and,

Whereas the Recommendation Report from the A.R.C. recommends that the D.D.S.B. Trustees consider two scenarios: Scenario 8 that proposes to close Oshawa Central in June 2016, with additional transitional considerations and Scenario 12 that proposes to keep Oshawa Central open with revisions to the Secondary School catchment areas and feeder schools boundaries to adjust enrolments; and,

Whereas the Recommendation Report from D.D.S.B. staff, recommends that the D.D.S.B. Trustees adopt Scenario 8 that proposes to close Oshawa Central in June 2016; and,

Whereas Phase II of the Accommodation Review process began on November 16, 2015 and the D.D.S.B. Trustees will now consider both Recommendation Reports received from the A.R.C. and the D.D.S.B. staff and will make a decision regarding the school accommodation needs at a Special Board Meeting on February 1, 2016; and,

Whereas in the meantime there are opportunities available for the public to provide input on both the ARC and Board staff reports at a D.D.S.B. meeting on January 18, 2016 and at three Standing Committee meetings on December 7, 2015, January 4, 2016 and February 1, 2016, respectively; and,

Whereas there continues to be community opposition to the closure of Oshawa Central since it is an important community asset;

Therefore be it resolved:

1. That a letter signed by all members of Council who support keeping Oshawa Central open be sent to Durham District School Trustees to reinforce City Council’s position to keep Oshawa Central open; and,

2. That a copy of the letter be sent to the Minister of Education, Minister of Municipal Affairs and Housing, and all Oshawa M.P.P.s.

13. Update on Activities Associated with Filing a Provincial Record of Site Condition for City Harbour Lands and Request for an Extension of Certain Dates in Harbour Settlement Agreement (DS-15-230)

Recommendation (Carried – See Page 448)

1. That pursuant to Report DS-15-230 dated December 2, 2015, additional funds in the amount of $160,000 plus H.S.T. be approved to complete the additional tasks identified by X.C.G. Consultants Ltd. in a revised scope of work dated November 30, 2015 which are associated with filing a Provincial Record of Site Condition for the City owned harbour lands; and,
2. That pursuant to Report DS-15-230 dated December 2, 2015, the Federal Government and Oshawa Port Authority be requested to consent to extend the date for the City to use the West Wharf lands and Marina lands for a municipal public purpose from January 2017 to October 31, 2018 pursuant to the 2010 Harbour Settlement Agreement and that the Mayor and Clerk be authorized to execute such documentation to effect the extension as considered appropriate by the Commissioner of Development Services and the City Solicitor.

14. Request for Expressions of Interest for a Marina at the Oshawa Harbour
(File: B-1100-0305) (DS-15-231)

Recommendation (Carried – See Page 472)

Whereas there continues to be public interest in reestablishing a marina on City owned lands at the Oshawa Harbour; and,

Whereas on February 14, 2014 Council adopted the following motion:

‘That staff move forward and perform the appropriate demand studies required to facilitate the community’s vision of successfully revitalizing the Oshawa waterfront lands, inclusive of a full service marina and a public boat launch; with the said studies to be funded from a combination of the parkland open space reserve and the corporate contingency fund as well as any of the appropriate Development Services and Community Services related reserves that staff deem necessary to advance the community interest on the Oshawa waterfront’; and,

Whereas staff propose that the initial step should be to undertake a Request for Expressions of Interest (R.F.E.O.I.) to determine the level of interest in establishing a marina (full service or otherwise at the Oshawa Harbour) by the private sector; and,

Whereas staff recommend that a qualified consultant be retained pursuant to the Purchasing By-law to prepare terms of reference for the R.F.E.O.I. for Council’s approval; and,

Whereas after Council approves the terms of reference, the R.F.E.O.I. will be publicized;

Therefore be it resolved that staff be authorized to retain a qualified consultant to prepare, for Council approval, terms of reference for a Request for Expression of Interest for a marina on City lands at the Oshawa Harbour and the funds required to retain the consultant be taken from the uncommitted balance from the Parks, Recreation, Library and Culture Facility Needs Assessment Study and the reserves and corporate contingency fund as directed by Council in 2014 as necessary.
15. Request to Receive First Payment of Building Permit Fee Grant, Holiday Inn Express, Abdul Rehman on behalf of Chayell Hospitality Group, 67 Simcoe Street North (File: B-1200-0032) (DS-15-235)

Recommendation (Carried – See Page 448)

Whereas on February 27, 2013 Council approved a request from Abdul Rehman for a Building Permit Fee Grant for the proposed Holiday Inn Express hotel and conference centre development (Hotel Development) at 67 Simcoe Street North pursuant to the City’s Central Business District Renaissance Community Improvement Plan (C.I.P.) to be funded from the Civic Property Development Reserve; and,

Whereas the owner has paid the building permit fee; and,

Whereas the building permit fee grant is for a total of $180,000; and,

Whereas on May 20, 2014 Council indicated that the City would provide:

• A $90,000 Building Permit Fee Grant back to Mr. Rehman upon completion of the structural shell construction of both the hotel and conference centre buildings to the satisfaction of the Chief Building Official;

• An additional $90,000 Building Permit Fee Grant back to Mr. Rehman upon completion of the hotel and conference centre and a final building inspection to the satisfaction of the Chief Building Official; and,

Whereas although considerable construction has been completed, certain items remain outstanding before the structural shell of each building can be declared complete by the Chief Building Official; and,

Whereas by letter to the City received November 30, 2015, Mr. Rehman has requested that the City provide the first $90,000 Building Permit Fee Grant at this time notwithstanding that the structural shells of both buildings are not completed; and,

Whereas the City would continue to hold the remaining $90,000 which will be provided to Mr. Rehman only upon completion of both buildings and a final building inspection by the Chief Building Official; and,

Whereas it is appropriate to provide the first $90,000 building permit fee grant to the applicant given the significant construction completed on site;

Therefore be it resolved that Council authorizes the City Treasurer to provide the first $90,000 Building Permit Fee Grant to Mr. Rehman from the Civic Property Development Reserve given the significant construction completed to date on the structural shells of both the hotel and conference centre at 67 Simcoe Street North.

Recommendation (Carried – See Page 448)

Item 7: Anna Camposeo – Request on Behalf of Dominic Fiorente to Purchase City-Owned Property, 1521 Simcoe Street North

Whereas on September 18, 2014, Anna Camposeo submitted a request (DS-14-188) on behalf of Dominic Fiorente to purchase the City-Owned property forming part of 1521 Simcoe Street North adjacent to his property; and,

Whereas on December 8, 2014, Development Services Committee referred DS-14-188 to staff for a report; and,

Whereas Mr. Fiorente has advised he is no longer interested in acquiring the subject lands;

Therefore be it resolved that Item 7: ‘Anna Camposeo – Request on Behalf of Dominic Fiorente to Purchase City-Owned Property, 1521 Simcoe Street North’ be removed from the Development Services Committee’s Outstanding Items Status Report.

Item 1 of the Confidential Portion of the Outstanding Items Status Report: Potential Purchase of the Northern Portion of the Former Cedardale School Site

Whereas on March 2, 2009 Report DS-09-01 dated February 25, 2009 was presented at a Closed Meeting of the Development Services Committee containing a recommendation concerning the potential acquisition of the northern part of the former Cedardale School site for park purposes; and,

Whereas on March 2, 2009 the Development Services Committee tabled Report DS-09-01; and,

Whereas on April 16, 2012 the Development Services Committee lifted Report DS-09-01 from the table and authorized staff to investigate the acquisition of part of the former Cedardale School site for park purposes and report back; and,

Whereas Community Services staff do not support the acquisition of part of the former Cedardale School site for park purposes given its location and limited access and visibility to the street;

Therefore be it resolved that Item 1: ‘Potential Purchase of the Northern Portion of the Former Cedardale School Site’ be removed from the Development Services Committee’s Confidential Outstanding Items Status Report; and,

That the remainder of the Development Services Committee’s Outstanding Items Status Report, be received for information.
17. **Proposed Change to War Veteran Street Naming Policy**  

Recommendation  (Carried – See Page 448)

That the War Veteran Street Naming Policy be amended to allow all War Veteran Street Name Nomination Forms to go directly to staff to follow the street naming process without first coming to the Development Services Committee.

18. **Building Permit and Inspection Fees**  

Recommendation  (Carried – See Page 448)

That pursuant to Report DS-15-224 dated December 2, 2015 the proposed amendments to Building Permit and Inspection fees which form Attachment 1 to said Report be approved and that an appropriate by-law be passed in a form and content acceptable to the City Solicitor and Commissioner of Development Services.

**Report of the Joint Development Services and Finance Committees**

The Joint Development Services and Finance Committees respectfully reports and recommends to City Council:


Recommendation  (Carried – See Page 448)

1. That pursuant to Report DS-15-152 dated December 2, 2015, the Development Services Department be authorized to initiate the public process under the Planning Act for Council to consider a proposed amendment to the existing Central Business District Renaissance Community Improvement Plan including titling it as the Urban Growth Centre Community Improvement Plan; and,

2. That pursuant to Report DS-15-152 dated December 2, 2015, the Development Services Department be authorized to initiate the public process under the Development Charges Act for Council to consider a proposed amendment to Development Charge By-law 80-2014 that extends the Development Charge exemption in the City’s Central Business District to coincide with the boundaries of the Downtown Oshawa Urban Growth Centre and provide an exemption only for apartments and block and street townhouses; and,
3. That Council delegate to a joint Finance Services Committee and Development Services Committee the responsibility to hold the public meeting under the Development Charges Act and Planning Act and to make recommendations to Council on the proposed amendments to the Central Business District Community Improvement Plan and Development Charge By-law; and,

4. That in accordance with Report DS-15-152 dated December 2, 2015, the requirements of Purchasing By-law 17-2010 be waived, and the Manager, Purchasing Services be authorized to single source a contract to Watson and Associates Economists Ltd. with an upset limit of $5,500, inclusive of disbursements but exclusive of H.S.T., to complete a scoped review of the City of Oshawa Development Charge Background Study and undertake an analysis of an extension of the Development Charge exemption in the Central Business District to coincide with the boundaries of the Downtown Oshawa Urban Growth Centre; and,

5. That the scoped review of the City of Oshawa Development Charge Background Study be funded from the Administrative Growth Studies Development Charge Reserve.

Report of the Corporate Services Committee

The Corporate Services Committee respectfully reports and recommends to City Council its Eighteenth Report.

1. John Karkoulas, CityWide Taxi – Requesting an Exemption to the Taxi Cab By-law to Permit Him to Paint His Taxicab Pink in Support of the Fight to Conquer Cancer (CORP-15-183)

Recommendation (Carried – See Page 448)

That Correspondence CORP-15-183 from John Karkoulas, CityWide Taxi requesting an exemption to the Taxi Cab By-law to permit him to paint his taxicab pink in support of the fight to conquer cancer be received for information.


Recommendation (Amended – See Page 448)

That as outlined in Correspondence CORP-15-185 from Blackbird Construction - Blackbird Constructors 407 GP - Highway 407 East Phase 2 the request for an exemption from the Noise By-law be approved.
3. Seventh Report of the Oshawa Environmental Advisory Committee

Recommendation (Carried – See Page 448)

That the Seventh Report of the Oshawa Environmental Advisory Committee be endorsed:

1. Absentee Member

Recommendation

That pursuant to the Advisory Committees of Council Policy and Procedure Section 6.3 regarding Attendance Management, Hayley Harnack be removed from the Oshawa Environmental Advisory Committee.

4. Amendments to Records Retention By-law 45-2002, as Amended

Recommendation (Carried – See Page 448)

1. That the proposed amendments to Schedule ‘A’ of Records Retention By-law 45-2002 as set out in the draft amending by-law attached to Report CORP-15-178, dated December 4, 2015 be approved; and,

2. That the City Clerk be authorized to undertake any and all actions necessary to implement such amendments upon passage of the amending by-law.

5. Appointment to the Oshawa Central Business District Improvement Area Board of Management

Recommendation (Carried – See Page 448)


6. Corporate Services Committee’s Outstanding Items Status Report – Fourth Quarter 2015

Recommendation (Carried – See Page 448)

1. Item 4 - Property Standards at the Genosha Hotel

Whereas Heritage Oshawa expressed concern with the standard of care and deteriorating condition of the Genosha Hotel located at 68 King Street East at its March 5, 2015 meeting; and,
Whereas the concern was referred to the March 23, 2015 Corporate Services Committee for consideration; and,

Whereas the matter was referred to staff for consultation with Heritage Oshawa and the Downtown Oshawa Board of Management and for a report back; and,

Whereas Bowood Properties is presently remediating the deteriorating conditions of the Genosha Hotel as part of a redevelopment project;

Therefore Item 4 ‘Property Standards at the Genosha Hotel’ be removed from the 2015 Corporate Services Committee Outstanding Items Status Report.

2. Item 9 - City of Hamilton Court Order Canada Post regarding Super Mailboxes

Whereas on April 23, 2015 the Corporate Services Committee directed that staff investigate the City of Hamilton’s court action against Canada Post to restrain the corporation from contravening its by-law and to try to stop the corporation from installing new super mailboxes and whether the City of Oshawa can be involved; and,

Whereas in 2014 Canada Post announced the commencement of a five-year nation-wide transition from residential door-to-door mail delivery to delivery to community mailboxes; and,

Whereas the City of Hamilton was one of the first communities earmarked for transition, with 36,000 residences to become serviced by 1,145 community mailboxes; and,

Whereas on April 15, 2015 Hamilton Council passed By-law 15-091 which subjected Canada Post to a discretionary permit acquisition process for placement of community mailboxes, placed a four-month moratorium upon placement of the community mailboxes and included financial penalties for non-compliance; and,

Whereas Canada Post brought an application in the Superior Court of Justice challenging the validity of Hamilton’s by-law on the basis it was void for vagueness and uncertainty, conflicted with federal law and was outside the City’s jurisdiction; and,

Whereas on June 11, 2015 the Court rendered judgment in favour of Canada Post and determined that the by-law was without effect in respect of community mailboxes by or on behalf of Canada Post;

Therefore Item 9 ‘City of Hamilton Court Order Canada Post regarding Super Mailboxes’ be removed from the Corporate Services Committee’s Outstanding Items Status Report – Fourth Quarter 2015; and,
3. That the remaining items listed in Report CORP-15-184 'Corporate Services Committee’s Outstanding Items Status Report – Fourth Quarter 2015' be received for information.


   **Recommendation** (Carried – See Page 448)

   That in accordance with Report CORP-15-180, 'Emergency Repairs - Robert McLaughlin Gallery' dated November 24, 2015, funding in the amount of $186,000 to complete the emergency repairs to the heating and humidification systems at the Robert McLaughlin Gallery (R.M.G.) be approved from the Facility Replacement Reserve; and,

   That the R.M.G. be advised that costs related to the cancellation of the exhibit are not eligible for reimbursement from the Facility Replacement Reserve; and,

   That the R.M.G. be requested to consider the $25,000 costs of the supplementary domestic water heater within the Gallery’s capital budget; and,

   That staff of the City of Oshawa and the R.M.G. be requested to consider seeking reimbursement from Enbridge Gas proportional to the delays caused by that company’s lack of clarity in dealing with the emergency.

8. **Unauthorized Parking By-law 97-2009 and Administrative Penalties** (CORP-15-181)

   **Recommendation** (Carried – See Page 448)

   That City Council pass a by-law in a form consistent with Section 5.2 of Report CORP-15-181 and in a final form acceptable to the City Solicitor to amend Unauthorized Parking Bylaw 97-2009 and Administrative Penalty By-law 24-2011 to establish a tiered and escalating system of Administrative Penalties for Unauthorized Parking By-law 97-2009 contraventions.

9. **Tenant Issues in the Geographic Area of Wentworth Street West and Cedar Street** (CORP-15-182)

   **Recommendation** (Carried – See Page 448)

   1. That staff examine the feasibility of implementing a program to proactively audit property maintenance issues within rental apartment buildings exceeding six (6) units in the City of Oshawa; and,

   2. That staff advise the Tenant Association, the building owners and management with reference to the community safety concerns expressed regarding illicit activity to Durham Regional Police Services; and,

   3. That staff conduct an assessment to determine whether there is a benefit to form short-term issues-based working groups to address the concerns expressed by the Tenants’ Association, owners and management; and,
4. That Durham Regional Police Services be asked to work with the residents in the area to set up a neighbourhood watch program.

Report of the Community Services Committee

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


3. Request for a Second Crossing Guard at the Intersection of Coldstream Drive and Grandview Street North (CS-15-139) Recommendation (Carried – See Page 448)

1. That an additional school crossing guard be provided at the intersection of Coldstream Drive and Grandview Street North; and,

4. Amendment to Snow and Ice Removal By-law (CS-15-140)

Recommendation (Referred – See Page 473)

1. That Council amend By-law 92-2009 as set out in Attachment 1 to Report CS-15-140; and,

2. That in the interest of ensuring public safety and maintaining accessibility on municipal sidewalks, Municipal Law Enforcement and Operations Services be directed to implement the new enforcement approach as detailed in this Report under By-law 92-2009; and,

3. That Corporate Communications, Operations Services and Municipal Law Enforcement develop and implement a communication strategy advising residents of the relevant snow and ice clearing standards; and,

4. That upon Council approval of the recommendations, that an additional $7,000 be included in the 2016 winter operating budget to cover the communication plan.


Recommendation (Amended – See Page 474)

1. That based on Report CS-15-142, Traffic By-law 79-99 as amended, be further amended to prohibit heavy traffic on Conant Street from Ritson Road South to Nelson Street; and,

2. That the existing 40 km/h maximum speed limit on Conant Street be extended from Ritson Road South to Nelson Street; and,

3. That ‘No Stopping, 8:00 a.m. to 4:30 p.m., Monday to Friday’ restrictions be implemented near the intersection of Conant Street and Sylvia Street; and,

4. That a ‘No Parking Anytime’ restriction be implemented on the west side of Nelson Street between Sharon Avenue and Wolfe Street; and,

5. That a ‘School Bus Loading Zone’ be implemented on the east side of Sylvia Street between Conant Street and the north limit of Sylvia Street; and,

6. That ‘Playground Ahead’ signs be installed on Conant Street and Nelson Street approaches to Conant Park; and,

7. That a copy of this report be sent to the resident inquirers; and,
8. That staff engage the City’s Engineering Department to determine and advise how Nelson Street could be widened to accommodate commercial traffic, or how a laneway could be added to the park at the north end of Nelson Street, and what the cost of such projects would be, and that staff provide a report for the January 21, 2016 meeting; and,

9. The staff be directed to work with the Durham District Separate School Board to investigate opportunities related to a ‘kiss and ride’ in the area.


Recommendation (Carried – See Page 448)

That based on CS-15-143, being a memorandum concerning Adam White’s request for staff to collect feedback on how to improve service delivery at Lakeview Park and to write a public report of the effects of the amendment to Parks By-law 83-2000, that Item 9 of the Community Services Committee’s Outstanding Items Status Report be removed.


Recommendation (Carried – See Page 448)

Whereas Correspondence DS-14-78 was received from Laura Vaillancourt on April 4, 2014; and,

Whereas the request in summary contemplates using parking revenues achieved through the use of Lot 4 for investment and improvement of Lot 4, and,

Whereas Lot 4 is one portion of our parking system that benefits the City; and,

Whereas Lot 4 resurfacing or improvement will continue to be prioritized along with other needs within our parking system and City infrastructure requirements; and,

Whereas revenues from our parking system are used to manage all aspects of the City inclusive of the parking system; and,

Whereas staff has communicated this information directly to the author of the correspondence;

Therefore be it resolved that based on Report CS-15-141, being the Community Services Committee’s Outstanding Items Status Report, Item 3: ‘Laura Vaillancourt – Use of Parking Fees for Lot 4’ be removed and the remainder of the Community Services Committee’s Outstanding Items Status Report, be received for information.
Report of the Finance Committee

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

1. Durham Municipal Insurance Pool (FIN-15-93)

Recommendation (Carried – See Page 448)

1. That staff work with Durham Municipal Insurance Pool representatives to explore the possibility of joining the insurance pool and engage an Actuary to complete a review of the City’s ten-year claim history; and,

2. That an operating budget amount for actuarial consulting services in the amount of $20,000 be included in the City’s 2016 operating budget; and,

3. That staff report back to Council on the quantitative and qualitative analysis supporting a go-forward recommendation regarding the City’s corporate insurance coverage in relationship to the insurance pool to determine if joining the Durham Municipal Insurance Pool is prudent.

2. General Motors Centre Capital Forecast and Funding Strategy (FIN-15-96)

Recommendation (Carried – See Page 448)

That the funding strategy and proposed 2016 budget contribution outlined in Report FIN-15-96, ‘General Motors Centre Capital Forecast and Funding Strategy’ dated December 1, 2015, be referred to the 2016 budget deliberations.

3. 2016 Audit Plan (FIN-15-107)

Recommendation (Carried – See Page 448)

1. That the 2016 audit plan set out in Attachment 1 to Report FIN-15-107 dated November 30, 2015, be received for information; and,

2. That $150,000 from staff savings be redirected to internal audit with a reduction of one full-time employee.

4. 2016 Borrowing By-law (FIN-15-114)

Recommendation (Carried – See Page 448)

5. **2016 Interim Tax Billing By-law** (FIN-15-115)

Recommendation (Carried – See Page 448)


6. **Corporate Insurance Coverage for 2016** (FIN-15-116)

Recommendation (Carried – See Page 448)

That the Manager, Purchasing Services be authorized to issue a purchase order to Jardine Lloyd Thompson Canada Inc. in the amount of $1,210,012 (including tax) for the provision of corporate insurance coverage for one year, commencing January 1, 2016, as detailed in Report FIN-15-116, ‘Corporate Insurance Coverage for 2016’, dated December 1, 2015.

7. **Rogers Hometown Hockey Funding** (FIN-15-117)

Recommendation (Carried – See Page 448)

Whereas Council at its meeting of June 29, 2015, approved a motion to accept in principle a request from Rogers Hometown Hockey to be a tour stop on the 2015/2016 season tour and that City staff report back to Council regarding costs and logistics; and,

Whereas in order to deliver this event, there are several requirements of the City including, executing a Letter of Agreement with Rogers Hometown Hockey, setting up a local organizing committee, and organizing various site logistics; and,

Whereas it is estimated that the Rogers Hometown Hockey event would cost the City approximately $60,000; and,

Whereas Report CM-15-17 recommended a funding strategy which included a provision of $30,000 from the corporate contingency account for waiving of fees for facility rental and licensing, operations staffing, security, rental of equipment, ancillary fees and an event contingency; and,

Whereas City Council at its meeting of July 27, 2015, requested Finance Services, in conjunction with Community Services, to investigate alternate appropriate funding sources for the $30,000 proposed from the corporate contingency account, such sources to include already approved budgetary items such as vacancy gapping, projects that are not proceeding within this budget year, substitution for lower priority programs that could be completed in 2016, and/or sponsorships; and,

Whereas staff performed an investigation of potential funding sources but could not identify an appropriate alternative beyond the use of the corporate contingency account;
Therefore be it resolved that $30,000 be allocated from the corporate contingency account to fund a portion of the Rogers Hometown Hockey event scheduled for December 26 and 27, 2015.


Recommendation (Carried – See Page 448)

Whereas at the October 29, 2015 meeting of the Finance Committee staff were directed to investigate and report back on a policy concerning renewal on an anniversary date or on a pro-rated basis, for licenses that are currently renewed annually; and,

Whereas the matter of licensing falls under the purview of the Corporate Services Committee;

Therefore be it resolved that Item 4, ‘Renewal of Annual Licenses’ on the Finance Committee’s Outstanding Items Status Report be transferred to the Corporate Services Committee’s Outstanding Items Status Report; and,

The remainder of Report FIN-15-118, being the Finance Committee’s Outstanding Items Status Report, be received for information

Committee of the Whole Reports

None.

Motions

“That the Special Olympics Ontario Flag be raised at City Hall on January 7, 2016 and fly for one week.” (Carried – See Page 448)

By-Laws

(Implements direction of December 14, 2015 through Item 5 of the Eighteenth Report of the Finance Committee to implement and collect an interim tax levy for the year 2016.)
(Carried – See Page 448)
142-2015  A By-law to Appoint an Accountable Executive for the Oshawa Executive Airport.
(Implements direction of December 14, 2015 through Item 2 of the Twenty-second Report of the Development Services Committee to appoint Jag Sharma as the Accountable Executive for the Oshawa Executive Airport pursuant to the *Canadian Aviation Regulations* and, that Jag Sharma be fully indemnified by the City against any personal liability arising out of his good faith execution of his duties as the Accountable Executive; and that By-law 11-2015 be repealed.)
(Carried – See Page 448)

143-2015  A By-law to Adopt Amendment 177 to the Oshawa Official Plan.
(Implements direction of December 14, 2015 through Item 10 of the Twenty-second Report of the Development Services Committee to add a specific policy to permit service office and professional office uses as additional permitted uses within a Low Density Residential designation at 707 Harmony Road North, Eastdale Part II Plan.)
(Carried – See Page 448)

144-2015  A By-law to Amend Zoning By-law 60-94, as amended.
(Implements direction of December 14, 2015 through Item 10 of the Twenty-second Report of the Development Services Committee to change the zoning to permit service office and professional office uses as additional permitted uses at 707 Harmony Road North, Michael McDougall.)
(Carried – See Page 448)

145-2015  A By-law to Adopt Amendment 178 to the Oshawa Official Plan.
(Implements direction of December 14, 2015 through Item 9 of the Twenty-second Report of the Development Services Committee to add a site specific policy for 701 and 705 Grandview Street North to permit a larger restaurant with a maximum gross floor area of 215 square metres (2,314 square feet), Eastdale Part II Plan.)
(Carried – See Page 474)

146-2015  A By-law to Amend Zoning By-law 60-94, as amended.
(Implements direction of December 14, 2015 through Item 9 of the Twenty-second Report of the Development Services Committee to change the zoning to permit a larger restaurant with a maximum gross floor area of 215 square metres (2,314 square feet), and service office uses as additional permitted uses at 701 and 705 Grandview Street, 1891217 Ontario Inc.)
(Carried – See Page 474)
(Implements direction of December 14, 2015 through Item 4 of the  
Eighteenth Report of the Corporate Services Committee to amend  
Schedule ‘A’ to provide for retention periods and the destruction of various  
records.)  
(Carried – See Page 448)

148-2015  A By-law to Amend the Snow and Ice Removal By-law 92-2009, as  
amended.  
(Implements direction of December 14, 2015 through Item 4 of the  
Sixteenth Report of the Community Services Committee to implement and  
enforce snow and ice removal for public safety and to communicate  
initiatives around snow and ice clearance.)  
(Referred – See Page 473)

149-2015  A By-law to Authorize Borrowing.  
(Implements direction of December 14, 2015 through Item 4 of the  
Eighteenth Report of the Finance Committee to authorize borrowing from  
time to time to meet expenditures during the fiscal year ending  
December 31, 2016.)  
(Carried – See Page 448)

Discussion Agenda

Matters Excluded From Consent Agenda

Moved by Councillor Aker, seconded by Councillor Pidwerbecki,  
(614) “That Council adopt the recommendation contained in Item 9 of the  
Twenty-second Report of the Development Services Committee.” Carried on the  
following vote

Affirmative – Councillors Aker, Carter, Diamond, England, Kerr, Pidwerbecki, Sanders,  
and Mayor Henry

Negative – None

Declarations of Interest – Councillor Shields

Absent – Councillors Chapman and Neal

Moved by Councillor Aker, seconded by Councillor Pidwerbecki,  
(615) “That Council adopt the recommendation contained in Item 14 of the  
Twenty-second Report of the Development Services Committee.” Carried

Moved by Councillor England, seconded by Councillor Sanders,  
(616) “That Council adopt the recommendation contained in Item 2 of the Eighteenth  
Report of the Corporate Services Committee.” Carried as amended by later vote
Moved by Councillor England, seconded by Councillor Sanders, (617) “That Item 2 of the Eighteenth Report of the Corporate Services Committee be amended to read as follows: ‘Whereas Blackbird Constructors 407 General Partnership (B.B.C.) has scheduled construction activities along the Highway 407 right of way from Grandview Street North to Townline Road (‘Subject Area’) from January 4, 2016 to March 31, 2016 to undertake construction work on the Highway 407 East Phase 2 Project; and,

Whereas the scheduled construction activities include moving soil using a fleet of scrapers; and,

Whereas in an effort to minimize the impact on traffic and to complete the project in a timely manner, B.B.C. has identified a need to undertake construction work 24 hours each day, weather permitting, until March 31, 2016; and,

Whereas it is anticipated that the construction work will generate noise disturbances contrary to Noise By-law 112-82 in that the By-law only permits construction noise between the hours of 7:00 a.m. and 7:00 p.m. Monday to Saturday and 9:00 a.m. and 5:00 p.m. on Sundays; and,

Whereas B.B.C. has submitted correspondence CORP-15-185 requesting a full exemption from Noise By-law 112-82 for the duration of the project;

Now therefore be it resolved that B.B.C. and its employees, subcontractors and agents are exempt from Noise By-law 112-82, as amended until April 1, 2016 subject to the following conditions:

- That B.B.C. provide advertising/notification of this project in the local media advising Oshawa residents of the project timeframe, that the project may create noise and a twenty-four (24) hour contact number of the on-site supervisor for residents to call if they have any concerns or questions; and,

- That B.B.C. provide written notice detailing the scope of the project, the potential for noise disruptions and a twenty-four (24) hour contact number of the on-site supervisor to Oshawa residents living within one (1) kilometer of the Subject Area; and,

- That the Municipality of Clarington be advised that noise will be generated in Oshawa that may affect Clarington residents residing in this area.’. Carried

The vote on the main motion carried as amended.

Moved by Councillor Kerr, seconded by Councillor Pidwerbecki, (618) “That Council adopt the recommendation contained in Item 4 of the Sixteenth Report of the Community Services Committee.” Referred by the following motion
Moved by Councillor England, seconded by Councillor Diamond,
(619) “That Item 4 of the Sixteenth Report of the Community Services Committee and related By-law 148-2015 be referred back to staff to consolidate the requirements between Community Services and Corporate Services for a report back to the first Community Services Committee meeting in 2016.” Carried

Moved by Councillor Kerr, seconded by Councillor Pidwerbecki,
(620) “That Council adopt the recommendation contained in Item 5 of the Sixteenth Report of the Community Services Committee.” Carried as amended by later votes

Moved by Councillor Kerr, seconded by Councillor Shields,
(621) “That Item 5 of the Sixteenth Report of the Community Services Committee be amended by adding ‘10. That staff be directed to examine the costs, timing and processes involved in moving the telephone pole, currently located at the south end of the boulevard in front of the Meat Depot on Nelson Street, to a location further north on the boulevard in order to provide access for vehicles backing into the loading dock from a northerly direction.’.” Carried

Moved by Councillor England, seconded by Councillor Diamond,
(622) “That Item 5 of the Sixteenth Report of the Community Services Committee be amended by adding ‘11. That the possible sight line obstruction from fencing at the northwest corner of Nelson and Wentworth Streets be investigated.’.” Carried

The vote on Item 5 of the Sixteenth Report of the Community Services Committee carried as amended.

Moved by Councillor Diamond, seconded by Councillor Carter,
(623) “That Council adopt the recommendation contained in Item 1 of the Eighteenth Report of the Finance Committee.” Carried

Moved by Councillor Diamond, seconded by Councillor Carter,
(624) “That Council adopt the recommendation contained in Item 6 of the Eighteenth Report of the Finance Committee.” Carried

Moved by Councillor Diamond, seconded by Councillor Carter,
(625) “That Council adopt the recommendation contained in Item 7 of the Eighteenth Report of the Finance Committee.” Carried on the following vote

Affirmative – Councillors Aker, Carter, Diamond, England, Kerr, Pidwerbecki, Sanders, Shields and Mayor Henry

Negative – None

Absent – Councillors Chapman and Neal

Moved by Councillor Pidwerbecki, seconded by Councillor Kerr,
(626) “That By-laws 145-2015 and 146-2015 be passed.” Carried
Matters Tabled

No matters were lifted from the table.

Notices of Motion

Councillor England provided the following notices of motion:

“That staff investigate and report back at the end of the first quarter on a request from P.F.L.A.G. to paint a Rainbow Flag at the crosswalks outside City Hall and at the intersection of Simcoe and King Streets; and,

That this be referred to the Community Services Committee.”

“That the Council Procedural By-law be changed to allow for questions from Councillors to Commissioners at Council meetings, after the Consent Agenda and Discussion Agenda and before Matters Tabled; and,

That this be referred to the Corporate Services Committee.”

Confirming By-Law

Moved by Councillor Pidwerbecki, seconded by Councillor Kerr, (627) “That the Confirming By-law be passed.” Carried

150-2015 A By-law to confirm the City Council meeting of December 14, 2015.

Adjourn

Moved by Councillor Shields, seconded by Councillor Sanders, (628) “That the meeting adjourn.” Carried

The meeting adjourned at 8:21 p.m.

Minutes adopted this 1st day of February 2016

Mayor
For your information, the following correspondence received by the City Clerk was filed following City Council’s meeting of December 14, 2015:

1. Town of Whitby, Christopher Harris, Town Clerk forwarding Whitby Council’s resolution endorsing aPHa Resolution A15-2 sponsored by Haliburton Kawartha Pine Ridge District Health Unit to implement a national universal pharmacare program.
   (Carried – See Page 448)

2. Township of Scugog, Kim Coates, Interim Municipal Clerk forwarding Scugog Council’s resolution supporting Clarington Council’s request that Metrolinx and the Ministry of Transport acquire and develop a commuter parking area and a GO bus station at the Courtice Road site on an interim basis.
   (Carried – See Page 448)

3. Minister of Natural Resources and Forestry, The Honourable Bill Mauro, providing a response to Oshawa Council’s request that a website be created to collect all invasive species data and best practices, and advising that the Ministry and the Ontario Federation of Anglers and Hunters established the Invading Species Awareness program in 1992 and as part of the program developed a website called ‘Early Detection & Distribution Mapping System (EDDMapS) Ontario’ which allows self-reporting, maps, species information, best practices and contains 26,000 records from Ontario with access to 2.7 million records from other provinces, the U.S. and internationally.
   (https://www.eddmaps.org/ontario/)
   (Carried – See Page 448)

4. Regional Municipality of Durham, Debi Wilcox, Regional Clerk forwarding Regional Council’s request to the Prime Minister and the Premier of Ontario to disallow further downloading of social housing immediately; and, to develop and publish a financial forecast for long-term infrastructure plans including rehabilitation of existing social housing and construction of new affordable housing; and, requesting authority to issue a Request for Proposal in early 2016 for the construction of 100 to 115 rental units in Durham Region; and, to provide leadership concerning Operating Agreement obligations and specifically requesting the three stranded semi-detached units at 1094, 1098 and 1116 Cedar Street, Oshawa be declared as surplus to Regional requirements at the end of the current tenancy; and, forwarding further detailed requests to the Province concerning Ontario’s social housing portfolio.
   (Carried – See Page 448)

5. Association of Municipalities of Ontario, Gary McNamara, President thanking Oshawa Council for its donation to Lifeline Syria which plans to resettle 1,000 families in Ontario and advising they raised $67,540 to date.
   (Carried – See Page 448)
6. Immigration Watch Canada, Daniel Murray forwarding their latest bulletin entitled, ‘Canada Moves from Earth’s Knuckle Dragger to Earth’s Drunk’ commenting that Prime Minister Trudeau’s support of high immigration intake will slowly nullify any gains achieved by cuts in Greenhouse Gas Emissions.  
(Carried – See Page 448)

7. Minister of Municipal Affairs and Housing, Ted McMeekin forwarding the Advisory Panel’s review of the Growth Plan for the Greater Golden Horseshoe, the Niagara Escarpment Plan, the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan; and, forwarding a summary of the main themes that emerged during the 17 Town Hall consultation meetings; and, advising their government will consider the Advisory Panel’s recommendations and will seek input on the proposed amendments to the Plans in the winter of 2016; and, encouraging interested persons to visit their website for updated information on the co-ordinated review.

Planning for Health, Prosperity and Growth in the Greater Golden Horseshoe: 2015 – 2041

The Co-ordinated Land Use Planning Review Summary Report on Town Hall Meetings is available for your review.

Co-ordinated Review Website
(Carried – See Page 448)

8. Regional Municipality of Durham, Roger Saunders, Director, Strategic Planning forwarding Regional Commissioner of Planning and Economic Development Report 2015-P-67 updating Durham Region’s employment land inventory to enable investors and interested persons to see the status of development and services on the Employment Area land base; and, to manage and monitor growth in the employment lands.

Report 2015-P-67
(Carried – See Page 448)