

Minutes of a meeting of the Council of the City of Oshawa held in the Council Chamber on March 18, 2019 at 3:30 p.m.

Mayor Carter and Councillors Giberson, Gray (entered the meeting at 3:32 p.m.), Hurst, Kerr (entered the meeting at 3:40 p.m.), Marimpietri, Marks, McConkey and Nicholson were present. Councillors Chapman and Neal were absent.

Mayor Carter presided.

### **Closed Meeting**

#### **Additional Closed Items**

None

#### **Declarations of Pecuniary Interest**

None

### **Closed Consent Agenda**

Moved by Councillor Giberson, seconded by Councillor Hurst, (262) "That all items listed under the heading of Closed Consent Agenda for the City Council meeting dated March 18, 2019 be adopted as recommended except Item DS-19-32." Carried

#### **Closed Correspondence**

None.

#### **Closed Standing Committee Reports**

##### **Report of the Community Services Committee**

None

##### **Report of the Corporate Services Committee**

None

**Report of the Development Services Committee**

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

**DS-19-32                      Potential Acquisition Strategy of Land on Simcoe Street North**

Closed Pursuant to Section 239(2)(c) of the Municipal Act

Recommendation                      (Carried – See Page 124)

That pursuant to Report DS-19-32 dated February 20, 2019 concerning the potential acquisition of land on Simcoe Street North, Commissioner, Development Services Department and Legal Services be authorized to further advance the possible acquisition of the land based on the revised strategy as set out in Report DS-19-32.

**Report of the Finance Committee**

None

**Closed Staff Reports/Motions**

None

**Discussion Agenda****Matters Excluded from Consent Agenda**

Councillor Gray entered the meeting.

Moved by Councillor Giberson, seconded by Councillor Hurst, (263) "That pursuant to Section 239 (2) (c) of the Municipal Act, this meeting be closed to the public in order to consider Item DS-19-32 concerning the potential acquisition of land on Simcoe Street North." Carried on the following vote

Affirmative – Councillors Giberson, Gray, Hurst, Marimpietri, Marks, Nicholson and Mayor Carter

Negative – Councillor McConkey

Absent – Councillors Chapman, Kerr and Neal

All Council members were present for the closed meeting except Councillors Chapman, Kerr (entered the meeting at 3:40 p.m.) and Neal. Also present were M. Medeiros, Acting City Clerk; S. Yoon, City Solicitor; S. Sinnott, Commissioner, Finance Services/Treasurer; R. Diskey, Commissioner, Community Services Department; T. Adams, Commissioner Corporate Services Department and L. Davis, Council-Committee Coordinator.

All other staff and members of the public left the meeting.

Council went into closed session at 3:33 p.m.

Closed meeting discussions were held.

Councillor Kerr entered the meeting during discussion.

Moved by Councillor Nicholson, seconded by Councillor Kerr,  
(264) "That Council rise from the closed meeting and report." Carried on the following vote

Affirmative – Councillors Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey and Mayor Carter

Negative – Councillor Nicholson

Absent – Councillors Chapman and Neal

Council rose from closed session at 4:10 p.m.

## **Closed Meeting Report**

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

Members of Council questioned the Commissioner, Development Services Department concerning Item DS-19-32 regarding the potential acquisition of land on Simcoe Street North.

Councillor Kerr entered the meeting.

Closed meeting discussions continued.

Members of Council questioned the City Solicitor concerning Item DS-19-32 regarding the potential acquisition of land on Simcoe Street North.

This concludes the closed meeting summary report.

Moved by Councillor Nicholson, seconded by Councillor McConkey,  
"That Item DS-19-32 be deferred to the Council Meeting of April 8, 2019." Lost on the following vote

Affirmative – Councillors Gray, Marks, McConkey and Nicholson

Negative – Councillors Giberson, Hurst, Kerr, Marimpietri and Mayor Carter

Absent – Councillors Chapman and Neal

The vote to adopt the recommendation contained in Item DS-19-32 Carried on the following

Affirmative – Councillors Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, Nicholson and Mayor Carter

Negative – Councillor McConkey

Absent – Councillors Chapman and Neal

### **Items Requiring Action**

None

### **Presentations**

None

Moved by Councillor Marimpietri, seconded by Councillor Marks, (265) “That the meeting recess.” Carried

The meeting recessed at 4:20 p.m. and reconvened at 6:30 p.m. All Council members were present following the recess except Councillors Chapman and Neal.

### **Public Meeting**

### **National Anthem**

The 36th Oshawa Brownies sang ‘O Canada’.

### **Recognition of Indigenous Lands**

The City of Oshawa is situated on treaty land that is steeped in rich indigenous history and is the present day home to many First Nations, Metis and Inuit people. Today, we acknowledge that we are gathering on the traditional territories of the Mississaugas of Scugog Island First Nation.

### **Council Member Announcements**

Various announcements were made relating to activities and events.

## Additional Agenda Items

Moved by Councillor Giberson, seconded by Councillor Gray, (266) "That the Eighth Report of the Finance Committee and the Eighth Report of the Development Services Committee be added to the Public Consent Agenda for the Council meeting of March 18, 2019." Carried on the following 2/3 vote of members present

Affirmative – Councillors Giberson, Gray, Hurst, Kerr Marimpietri, Marks, McConkey, Nicholson and Mayor Carter

Negative- None

Absent – Councillors Chapman and Neal

### CNCL-19-31      Review of Regional Government by the Province of Ontario

Moved by Councillor Marks, seconded by Councillor Marimpietri, (267) "That the rules of procedure be waived to introduce a time-sensitive item concerning the Provincial review of Regional Government at this time." Carried on the following 2/3 vote of members present

Affirmative – Councillors Giberson, Hurst, Kerr, Marimpietri, Marks, McConkey, Nicholson and Mayor Carter

Negative – Councillor Gray

Absent – Councillors Chapman and Neal

Moved by Councillor Marks, seconded by Councillor Marimpietri, (268) "Whereas, the Government of Ontario has begun a review of Ontario's eight regional municipalities, the County of Simcoe, and their lower-area municipalities by appointed Special Advisors;

Whereas, the provincially appointed Special Advisors will develop recommendations for the Minister of Municipal Affairs and Housing for the purpose of improving governance, decision-making and service delivery in the regions and Simcoe County and their lower-tier municipalities;

Whereas, the provincially appointed Special Advisors have included in the review consideration of moving to single-tier municipalities or amalgamating existing municipalities;

Whereas, neither the provincial review nor amalgamation was ever discussed during the recent provincial election by the Premier or our local Members of Provincial Parliament;

Whereas the City has a strong history of working with Durham Region such as reviewing the composition of Regional Council, reducing duplication and red tape, streamlining the development approval process and improving services for our residents and businesses; and

Whereas Oshawa is committed to continue to work with the Region and other lower-tier municipalities to provide cost efficient and effective services to our residents and businesses; and,

Whereas Oshawa is a great place to live, work, play, learn and do business due in part to the City's ability to respond to local concerns; and

Whereas maintaining Oshawa's identity and independence as a municipality is important; and,

Whereas it is important to advise the Province and the Special Advisors that Oshawa supports the existing two-tiered government system consisting of the Region and local area municipalities; and,

Whereas Oshawa does not support any amalgamation of Oshawa with any other municipality; and,

Whereas it is important that that the regional review and Provincial decision making process be open and transparent and include a significant consultant process with the public and Councils;

Now therefore be it resolved

1. That the Council of the City of Oshawa endorses the current two-tier municipal government as it has evolved with the other lower-area municipalities since the Regional government formation in 1974 and does not support any amalgamation involving Oshawa; and,
2. That the residents and businesses of Oshawa value their choices, voices and diversity of representation and they should have sufficient opportunities and time to provide input before any potential change is made in the existing two-tier municipal government including approval through a referendum; and,
3. That all Councils in the Region be provided the opportunity to have their say before any potential change is made to the existing two-tier government including municipal representation; and,
4. That this resolution be forwarded to the Premier of Ontario, the Special Advisors appointed by the Province, all Durham Region municipalities, the Association of Municipalities of Ontario, the Minister of Municipal Affairs and Housing and the Oshawa Chamber of Commerce; and,
5. That Mayor Carter send a letter to Premier Ford and the Special Advisors outlining the City's position on the Regional Government Review." Amended and Deferred by later votes

Moved by Councillor Nicholson, seconded by Councillor McConkey,  
(269) "That the motion be amended to add: 'Part 6. That the City of Oshawa host a public meeting to allow the citizens of Oshawa to express their views on the proposed regional review and that any comments offered at that meeting be sent to the Province'." Carried on the following vote

Affirmative – Councillors Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Nicholson and Mayor Carter

Negative – None

Absent – Councillors Chapman and Neal

Moved by Councillor Nicholson, seconded by Councillor McConkey,  
(270) "That Parts 1 to 5 of Item CNCL-19-31 concerning the provincial review of regional governments be deferred to a special meeting to be held after the public input meeting." Carried on the following vote

Affirmative – Councillors Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Nicholson and Mayor Carter

Negative – None

Absent – Councillors Chapman and Neal

CNCL-19-32      Free Durham Region Transit to Children 12 Years and Younger

Moved by Councillor McConkey, seconded by Councillor Nicholson,  
(271) "That the rules of procedure be waived to introduce a time-sensitive item concerning free Durham Region Transit fares for children 12 years of age and younger at this time." Carried on the following 2/3 vote of members present

Affirmative – Councillors Giberson, Gray, Hurst, Marimpietri, Marks, McConkey, Nicholson and Mayor Carter

Negative – Councillor Kerr

Absent – Councillors Chapman and Neal

Moved by Councillor McConkey, seconded by Councillor Nicholson,  
(272) "Whereas beginning March 9, 2019 children 12 and under are now allowed to ride GO Transit Fare-free; and,

Whereas Durham Region 2019 Budget deliberations are taking place this week; and,

Whereas there is environmental, cultural and economic benefits to encouraging ridership and family outings in and around our communities, especially in our short spring summer seasons;

Therefore the City of Oshawa urge the Oshawa members of the Region of Durham Council to press for and support the immediate provision of free transit to those children 12 years and younger.” Carried on the following vote

Affirmative – Councillors Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Nicholson and Mayor Carter

Negative – None

Absent – Councillors Chapman and Neal

## **Declarations of Pecuniary Interest**

(See Page 129)

## **Presentations**

Catherine Richards, Manager, Culture and Central Recreation Services and Nicole Iancovitz, Cultural Development Coordinator, provided a presentation concerning the Oshawa Culture Counts Awards program and Mayor Carter presented the Oshawa Culture Counts Awards to the 2019 recipients.

Garth Johns, Downtown Oshawa Business Improvement Area, provided an update on the Business Improvement Area activities and events.

Moved by Councillor Kerr, seconded by Councillor Giberson,  
(273) “That the presenter’s time be extended by an additional two minutes.” Carried

Garth Johns, Downtown Oshawa Business Improvement Area, continued the update on the Business Improvement Area activities and events.

Members of Council questioned Garth Johns.

## **Delegations**

None.

## **Matters Requiring Direction**

### **Correspondence Requiring Action**

None.

### **Items Pulled from Information Package**

None.



## **Public Consent Agenda**

Councillor Marimpietri made a declaration of interest concerning Item FIN-19-17 regarding funding for the proposed changes to scope for the Athol Street Cycle Track as his spouse owns and operates a business and owns property fronting on to Athol Street and contributes financially to the local business improvement area and did not take part in discussion or voting on the item.

Moved by Councillor Giberson, seconded by Councillor Marks,  
(274) "That all items listed under the heading of Public Consent Agenda for the March 18, 2019 Council meeting be adopted as recommended except:

Items CS-19-27, CS-19-28 and CS-19-23 from the Sixth Report of the Community Services Committee; and,

Item CORP-19-22 from the Fourth Report of the Corporate Services Committee; and,

Items FIN-19-17 and FIN-19-19 from the Seventh Report of the Finance Committee; and,

Item FIN-19-16 from the Eighth Report of the Finance Committee." Carried

## **Correspondence**

None

## **Adoption of Council Minutes**

That the minutes of the City Council meetings held on February 8, February 19, February 21 and March 4, 2019 be adopted. (Carried – See Page 129)

## **Standing Committee Reports**

### **Report of the Community Services Committee**

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

#### **CS-19-27                      Review of Culture Counts**

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Recommendation                      (Carried – See Page 146)

Whereas the City of Oshawa has a cultural plan, Culture Counts: Oshawa's Arts, Culture and Heritage Plan (Culture Counts), that was approved in February 2014; and,

Whereas 2019 marks the 5 year anniversary of the implementation of Strategic Directions, Strategies and Action Items contained in Culture Counts that support the strengthening, creation and celebration of cultural development initiatives, spaces and organizations in Oshawa; and,

Whereas in 2016 Recreation and Culture Services submitted a 2 year Progress Report (CS-17-22) that detailed the accomplishments between 2014 – 2016 and outlined upcoming priorities at that time; and,

Whereas since that time many additional Action Items have been completed; and,

Whereas in 2019 the Recreation and Culture Services Branch will aim to acquire Canada Cultural Spaces Grant funding to match Oshawa City Council capital funding that would allow a study to be initiated in 2019 that would address the Culture Counts action item of conducting a “feasibility study on converting the Arts Resource Centre into a cultural hub”; and,

Whereas a feasibility study of this kind would involve extensive stakeholder input and public consultation as well as research in best practices and standards for cultural hubs; and,

Whereas the results of this feasibility study would make recommendations for the City of Oshawa on how to proceed with future use, program and facility needs for the Arts Resource Centre and that these recommendations would directly impact future priorities and action related to Culture Counts; and,

Whereas a review of Culture Counts, in collaboration with the Cultural Leadership Council, Public Art Task Force and input from the public, would also assess other action items and the implementation progress of Culture Counts;

Therefore be it resolved that following the acquisition of Cultural Spaces Funding, if successful, and the subsequent completion of the feasibility study, that the Recreation and Culture Services Branch undertake a review of Culture Counts and submit to Community Services Committee a Progress Report outlining the achievements of the past 5 years and that this Progress Report will also define new initiatives and upcoming priorities.

**CS-19-28                      Proposed Pilot Project for Rotary Pool and Park Feasibility Study**

Recommendation                      (Amended – See Page 146)

Whereas Report CS-19-01 Rotary Pool and Park Feasibility Study was presented to the Community Services Committee on January 7, 2019; and,

Whereas Report CS-19-01 concerning the Rotary Pool and Park feasibility was referred to staff to coordinate a tour of Rotary Pool and Park and any other facilities that include splash pads; and,

Whereas the Rotary Pool tour took place on Monday, January 14, 2019; and,

Whereas staff require direction on the Rotary Pool and Park Feasibility Study;

Therefore be it resolved that staff operate Rotary Pool for the summer of 2019 as usual and provide some instructional programming and increased lane swimming opportunities and report back to Council on attendance for the 2019 summer outdoor pool season.

**CS-19-21                      Notification of Waste Collection Schedule Changes**

Recommendation                      (Carried – See Page 129)

Whereas waste collection boundaries have not changed since 2006; and,

Whereas the City has grown since the last boundary change and will continue to grow in size, density and population; and,

Whereas given this growth, the number of households within the current waste collection boundaries is disproportionate throughout the collection week resulting in operational inefficiencies;

Therefore be it resolved:

1. That staff coordinate with the Region of Durham on the proposed changes in waste collection boundaries as set out in Attachment 1, which is expected to impact approximately 3,985 households, in order to accommodate the growth and recognize operational efficiencies associated with adjusting the boundaries to distribute collection stops evenly throughout the collection week while also keeping impacts to residents at a minimum; and,

2. That staff work with Corporate Communications to develop a communications plan to effectively communicate the changes to residents impacted by the change in collection schedules which is expected to correspond with the timing of the updated Waste Collection Calendar and Information Guide in July 2019.

CS-19-22

Requesting Approval to Submit Application to Host the Creative Cities Network of Canada Summit in 2024

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Recommendation (Carried – See Page 129)

Whereas the City of Oshawa has an approved cultural plan, Culture Counts: Oshawa's Arts, Culture and Heritage Plan (Culture Counts); and,

Whereas contained within Culture Counts are Strategic Directions including 'Broaden and Evolve the City's Role in Arts, Culture and Heritage', 'Increase and Strengthen Communication within and about the Arts, Culture and Heritage Sector' and 'Build a Strong, Vital and Connected Arts, Culture and Heritage Sector' which contain strategies and action items that focus on creating opportunities for sharing and celebrating Oshawa's cultural vibrancy; and,

Whereas the Creative City Network of Canada, in which the City of Oshawa is an institutional member, hosts an annual Creative City Summit with the goal to gather cultural workers from across the country and offer professional development opportunities, to showcase participating host cities through events, venues and special programming and to provide delegates with an opportunity to learn and contribute to cultural tourism initiatives at the local level, and that at this time the Creative City Network of Canada is determining the host cities for the next 4 years; and,

Whereas Recreation and Culture Services submitted an Expression of Interest to host the Creative City Summit and has been invited to submit a full Application to Host; and,

Whereas the City of Oshawa will be celebrating its 100<sup>th</sup> anniversary in 2024 and hosting the Creative City Summit could be one component of showcasing Oshawa during this time; and,

Whereas Oshawa's Cultural Map identifies almost 500 cultural assets including cultural attractions, historic places, entertainment venues, public art works, and outdoor event spaces which could be incorporated as part of the Creative City Summit program; and,

Whereas the City of Oshawa has strong partnerships with members of the Cultural Leadership Council and Public Art Task Force as well as other partners including not for profit organizations and academic institutions who could work together, in partnership with the Creative City Network of Canada, to host the Creative City Summit;

Therefore be it resolved:

1. That Oshawa City Council support the concept of hosting the Creative City Summit and give approval to Recreation and Culture Services to submit an Application to host the Creative Cities Network of Canada Summit in 2024, to align with Oshawa's 100th anniversary; and,
2. That any future cost considerations be submitted to Oshawa City Council during the annual operating budget process.

CS-19-23

Harbour Lands Master Plan - Request for Proposal Terms of Reference

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Recommendation (Carried – See Page 147)

That the proposed Terms of Reference as identified in Report CS-19-23 for the Harbour Lands Master Plan Study be endorsed and for staff to proceed with issuing the Terms of Reference in a R.F.P. upon endorsement.

CS-19-24

Update Review of the City of Oshawa Neighbourhood Traffic Management Guide

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Recommendation (Carried – See Page 129)

That staff engage a consultant for approximately \$50,000 funded from the Operations Reserve to update the City of Oshawa Neighbourhood Traffic Management Guide.

CS-19-29

Community Services Committee Outstanding Items List – First Quarter 2019

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Recommendation (Carried – See Page 129)

That Report CS-19-29 dated February 12, 2019 being the Community Services Committee's Outstanding Items List for the first quarter of 2019 be received for information.

**Report of the Corporate Services Committee**

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

CORP-19-20      Jeff Davis Submitting Comments in Opposition to Report  
CORP-19-13 regarding M.F.I.P.P.A. Overview and Freedom of  
Information Requests

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Recommendation                      (Carried – See Page 129)

That Correspondence CORP-19-20 from Jeff Davis concerning Report CORP-19-13 regarding the Municipal Freedom of Information and Protection of Privacy Act overview and Freedom of Information requests be received for information.

CORP-19-22      Downed Elevators and Municipal Response

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Recommendation                      (Carried – See Page 147)

1.      That pursuant to Report CORP-19-22 dated February 20, 2019, the Provincial Government be requested to proclaim into force the remaining elements of Bill 8 related to elevating devices in all building stock; and,
2.      That pursuant to Report CORP-19-22 dated February 20, 2019, the Provincial Government be requested to amend the Technical Standards and Safety Act, 2000, as necessary, to:
  - a.      Authorize the Technical Standards and Safety Authority inspectors to impose timelines to complete repairs/replacements to elevators in buildings whether subjected to a Technical Standards and Safety Authority order or not and to impose appropriate penalties if there is a non-compliance; and
  - b.      Authorize the Technical Standards and Safety Authority inspectors to impose conditions requiring the owner to provide an alternate mechanical means of access above the ground floor when a repair to the single elevator in a building is being undertaken whether such repair is by an order of the Technical Standards and Safety Authority or not and to impose penalties if there is a non-compliance; and,
3.      That pursuant to Report CORP-19-22 dated February 20, 2019, the Provincial Government be requested to amend the Ontario Building Code to require new single elevator buildings to provide an alternative mechanical means of access above the ground floor or consider

requiring multi-level buildings to have two elevators as appropriate and to consult with the building and development industry during the process; and,

4. That a copy of Report CORP-19-22 and the related Council resolution be sent to:
  - All Region of Durham Municipalities
  - Durham Region Members of Parliament and Members of Provincial Parliament
  - Federation of Canadian Municipalities
  - Association of Municipalities of Ontario
  - Local Health Integration Network
  - Oshawa's Accessibility Advisory Committee
  - Durham Regional Accessibility Advisory Committee
  - Large Urban Mayor's Caucus of Ontario
  - Technical Standards and Safety Authority
  - Advocacy Centre for the Elderly
  - Federal/Provincial/Territorial Ministers for Seniors
  - United Senior Citizens of Ontario
  - Oshawa Senior Citizens Centres
  - Ministry of Municipal Affairs and Housing
  - Ministry of Government and Consumer Services
  - The City's Building Industry Liaison Team including Durham Region Homebuilder's Association and Building Industry and Land Development Association
  - Ontario Building Officials Association
  - Ontario Non-Profit Housing Association; and,
5. That staff continue to investigate the potential of a stand-alone By-law to address elevating devices in the City of Oshawa.

CORP-19-25      Property Standards By-law Modernization Review and Proposed Stakeholder Consultation Process

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Recommendation                      (Carried – See Page 129)

That pursuant to Report CORP-19-25 dated February 20, 2019 concerning the Property Standards By-law modernization review and proposed stakeholder consultation process, staff be authorized to review Property Standards By-law 01-2002 and schedule a public meeting to be held by the Corporate Services Committee in addition to other stakeholder consultation opportunities as detailed in Section 5.2 of the report in the second quarter of 2019.

CORP-19-23      Removal of Provisions Related to the Procedure By-law from the Public Notice By-law

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Recommendation                      (Carried – See Page 129)

That Report CORP-19-23 dated February 20, 2019 concerning the removal of provisions related to the Procedure By-law from the Public Notice By-law be received for information.

CORP-19-24      Bill 68 Implementation Matters

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Recommendation                      (Carried – See Page 129)

1.      That Council reconsider Parts 3, 4 and 5 of CORP-18-21, approved by Council on April 30, 2018 to provide that:
  - a.      The Manager, Purchasing Services be authorized to execute the required documents to piggy-back on the Region of Durham's contract for Integrity Commissioner Services, to include investigation and advisory work, effective on the date of the contract's execution and in accordance with the Purchasing By-Law; and,
  - b.      That staff report back with a recommended procedure and form for Members of Council and directors of the Downtown Oshawa Business Improvement Area (B.I.A.) Board of Management ("B.I.A. Board") to access Integrity Commissioner advisory services; and,
2.      That staff report back with a recommended public complaint procedure and form regarding alleged contraventions of the Municipal Conflict of Interest Act by Members of Council and directors of the B.I.A. Board; and,



3. That staff report back with any recommended amendments to the Council Code of Conduct (By-law 51-2015, as amended) as a result of Bill 68 amendments to the Municipal Act, or for housekeeping purposes; and,
4. That the draft Pregnancy and Parental Leave for Members of Council Policy, included in Report CORP-19-24 as Attachment 5 be approved as presented.

CORP-19-26      Corporate Services Committee Outstanding Items List – First Quarter 2019

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Recommendation                      (Carried – See Page 129)

That Report CORP-19-26, dated February 20, 2019 being the Corporate Services Committee's Outstanding Items List for the first quarter of 2019 be received for information.

**Report of the Development Services Committee**

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

DS-19-30      Stephen Wilcox, Airport Manager – Proposed Amendments to the Airport Operation and Management Agreement between the City of Oshawa and the Airport Operator Total Aviation & Airport Solutions

Recommendation                      (Carried – See Page 129)

Whereas the City and Total Aviation & Airport Solutions Limited (T.A.A.S.) entered into an Airport Operation and Management Agreement on September 1, 2006; and,

Whereas on February 22, 2011 pursuant to Report DS-11-65, City Council authorized a five year extension (September 1, 2011 through August 31, 2016) of the Agreement pursuant to section 4.2 of the agreement with an option for an additional five-year extension upon the mutual consent of the parties as well as other housekeeping and administrative amendments to the Agreement; and,

Whereas on September 1, 2011 the City and T.A.A.S. entered into an amending agreement to implement the February 22, 2011 Council direction; and,

Whereas on October 19, 2015 pursuant to Report DS-15-186 City Council authorized a ten year extension (September 1, 2016 through August 31, 2026) of the Agreement with an option for an additional five-year extension upon the mutual consent of the parties as well as other housekeeping and administrative amendments to the Agreement; and,

Whereas on January 6, 2016 the City and T.A.A.S. entered into a second Amending Agreement to implement the October 19, 2015 Council direction; and,

Whereas Section 5.1(p) of the Agreement requires that the Airport Manager or alternative (approved by the City) must be able to reach the airport within 15 minutes or less should a situation arise at the airport that requires the involvement of the Airport Manager; and,

Whereas Schedule "C" of the Agreement contains the staffing schedule of work hours; and,

Whereas by letter dated February 12, 2019 T.A.A.S. has requested that the City approve certain staff as an alternates pursuant to Section 5.1(p) and to alter the hours of the afternoon shift for the Duty Manager from 3:00 p.m. until midnight to 2:00 p.m. to 11:00 p.m. to allow a 1 hour overlap with staff on the morning shift between 2:00 p.m. and 3:00 p.m. from an operational perspective; and,

Whereas Section 11.5 of the Agreement allows the Commissioner, Development Services Department to approve, as an administrative matter, the Airport Manager's selection of an Operations Manager who has authority of the Airport Manager in his absence; and,

Whereas it is appropriate to amend the agreement to allow the Commissioner, Development Services Department to approve alternates pursuant to Section 5.1(p) as an administrative matter and to amend the staffing schedule as requested;

Therefore be it resolved:

1. That Section 5.1(p) of the Airport and Operation and Management Agreement with Total Aviation & Airport Solutions be amended to allow the Commissioner, Development Services Department to approve alternates to the Airport Manager should a situation arise at the airport that requires the involvement of the Airport Manager; and,
2. That the Airport Operation and Management Agreement with Total Aviation & Airport Solutions be amended to change the staff work hours of the afternoon shift from 3:00 p.m. until midnight to 2:00 p.m. until 11:00 p.m. to allow a 1 hour overlap of the Duty Managers between 2:00 p.m. and 3:00 p.m.; and,

3. That the Mayor and Clerk be authorized to execute an amending agreement to implement Parts 1 and 2 in a form and content acceptable to the Commissioner, Development Services Department and Legal Services.

DS-19-35

Ministry of the Attorney General – Letter to the Local Planning Appeal Tribunal concerning Withdrawal of Party Status - Ministry of Municipal Affairs and Housing Region of Durham Official Plan Amendment No. 128 ("ROPA 128") - PL101409tPL101410 City of Oshawa Official Plan Amendment No. 170 ("OPA 179") – PLI 70051

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Recommendation

(Carried – See Page 129)

That Correspondence DS-19-35 from the Ministry of the Attorney General to the Local Planning Appeal Tribunal concerning the withdrawal of party status related to the Region of Durham Official Plan Amendment No. 128 ("ROPA 128") - PL101409tPL101410 City of Oshawa Official Plan Amendment No. 170 ("OPA 179") – PLI 70051 be received for information.

DS-19-28

City Comments on Proposed Amendment 1 to the Growth Plan for the Greater Golden Horseshoe, 2017, Proposed modifications to O.Reg. 311/06 and O.Reg. 525/97 and the Proposed Framework for Provincially Significant Employment Zones

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Recommendation

(Carried – See Page 129)

1. That Report DS-19-28 dated February 20, 2019, be endorsed as the City's comments on Proposed Amendment 1 to the Growth Plan for the Greater Golden Horseshoe, 2017, proposed modifications to O.Reg 311/06 and O.Reg. 525/97 and the proposed framework for provincially significant employment zones; and,
2. That staff be authorized to forward a copy of Report DS-19-28 dated February 20, 2019 and its related resolution by the Development Services Committee to the Ministry of Municipal Affairs and Housing for its consideration and to provide a subsequent follow-up once Council has considered this matter; and,

3. That a copy of Report DS-19-28 dated February 20, 2019, and the related Council resolution be sent to the Association of Municipalities of Ontario, the Region of Durham, Durham area municipalities, Durham area M.P.P.s., the Central Lake Ontario Conservation Authority, the City's Building Industry Liaison Team which includes the Durham Chapter of the Building Industry and Land Development Association (B.I.L.D.) and the Durham Region Home Builders' Association.

DS-19-31

City Comments on the Draft Durham Community Energy Plan, titled "Seizing the Opportunity: The Clean Energy Economy in Durham"

Recommendation (Carried – See Page 129)

1. That the comments contained in Section 5.0 of Report DS-19-31 dated February 20, 2019 be endorsed as the City of Oshawa's comments on the draft Durham Community Energy Plan; and,
2. That a copy of Report DS-19-31 dated February 20, 2019 and any related Council resolution be sent to the Building Industry Liaison Team which includes the Durham Chapter of the Building Industry and Land Development Association (B.I.L.D.) and the Durham Region Home Builders Association, the Region of Durham and Durham area municipalities.

DS-19-26

Development Services Committee - Outstanding Items List – First Quarter 2019

Recommendation (Carried – See Page 129)

That Report DS-19-26 dated February 20, 2019, being the Development Services Committee Outstanding Items List for the first quarter of 2019 be received for information.

**Report of the Development Services Committee**

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

**DS-19-43                      Fourth Report of Heritage Oshawa**

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Recommendation                      (Carried – See Page 129)

That the Fourth Report of Heritage Oshawa concerning an alteration to the canopy design for the former Genosha Hotel at 70 King Street East be endorsed:

“1.        Alteration to Canopy Design for Former Genosha Hotel  
(70 King Street East)

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That Heritage Oshawa approve the alteration to canopy design for the former Genosha hotel (70 King Street East) as presented; and,

That Heritage Oshawa approve the inclusion of a to-code railing on the rear rooftop lounge on the Mary Street façade.

**Report of the Finance Committee**

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

**FIN-19-17                      Athol Cycle Track Funding for Proposed Change to Scope related  
to the Proposed Athol Street Cycle Track between Centre Street  
South and Mary Street South**

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Recommendation                      (Carried – See Page 148)

Whereas the Athol Street Cycle Track was identified in the Active Transportation Master Plan along both sides of Athol Street from Centre Street South to Mary Street South; and,

Whereas Capital Project 16-75-0062 was approved in 2016 and it related to the implementation of the Active Transportation Master Plan Walking and Cycling Network and the Capital Project Detail Sheet indicated that the specific locations for implementation would be determined in 2016; and,

Whereas one of the projects that was identified is the Athol Street Cycle Track together with the signage and markings along both sides of Athol Street; and,

Whereas the Athol Street Cycle Track project involves some pavement replacement on both the north and south sides of Athol Street to accommodate the new cycling facility; and,

Whereas in 2018 the Region identified the need to replace the water and sanitary services on Athol Street generally from Centre Street South to Albert Street and this Regional project delayed the construction of the Athol Street Cycle Track to 2019; and,

Whereas the Athol Street Cycling Track is now being constructed along with the Region's project in 2019; and,

Whereas the Region's servicing construction requires additional pavement replacement along Athol Street leaving a centre strip of existing asphalt in the middle of Athol Street generally, from Centre Street South to approximately Mary Street South to be retained; and,

Whereas from an aesthetic and asset management perspective, it would be inappropriate to leave a strip of old asphalt down the middle of this street in the downtown and it would be more appropriate to repave the entire road width; and,

Whereas the Region will include the removal and replacement of this asphalt strip as part of their construction work at a cost to the City of approximately \$103,000; and,

Whereas Finance Services has advised that the additional pavement work could be funded from Project 16-75-0062 using the Federal Gas Tax;

Therefore be it resolved that approximately \$103,000 from Project 16-75-0062 be reallocated to fund the additional centre strip paving along Athol Street, generally from Centre Street South to approximately Mary Street South; and,

That staff report back on the breakdown of the budget by project component/stage, the allocation of dollars spent and the impact of the change in scope on the financing structure of the project.

FIN-19-18

Harmony Road North Street Lighting Upgrades

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Recommendation (Carried – See Page 129)

Whereas Council approved Project 76-0047 as part of the 2019 and 9-year Forecast Capital Budget in the amount of \$851,000 to upgrade street lighting in conjunction with the Region of Durham road widening; and,

Whereas this project is budgeted for 2020 and is funded from the Transportation Roads Development Charge and Growth Related (Non-Development Charge) reserves; and,

Whereas City Council has approved Development Services project 75-0114 for the installation of sidewalks and multi-use paths on Harmony Road between Coldstream Drive and Conlin Road for 2019; and,

Whereas the street lights need to be installed in conjunction with the road widening and sidewalk installation; and,

Whereas Finance Services has confirmed that the 2019 uncommitted balances in the Transportation Roads Development Charge and Growth Related (Non-DC) reserves can fund this work in 2019;

Therefore be it resolved that Project 76-0047 Harmony Road North street lighting upgrades be brought forward and approved for 2019.

FIN-19-19

Request for Proposal C2018-105 Corporate Security Services

Recommendation (Carried – See Page 148)

1. That the Manager, Purchasing Services be authorized to negotiate a contract as detailed in Report FIN-19-19 dated February 27, 2019 to G4S Secure Solutions (Canada) Ltd. for the provision of corporate security services, in the amount of \$1,136,400 excluding all taxes being the highest ranked proposal received; and
2. That the Manager, Purchasing Services prepare an information report on the first year of service with a recommendation to extend or not extend the contract.

FIN-19-20

Finance Committee Outstanding Items List – First Quarter 2019

Recommendation (Carried – See Page 129)

That Report FIN-19-20 dated February 27, 2019, being the Finance Committee's Outstanding Items List for the first quarter of 2019 be received for information.

**Report of the Finance Committee**

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

FIN-19-16

Status Report and Policy Issues relating to the Review and Update of the City of Oshawa Development Charge By-law

Recommendation (Carried – See Page 148)

1. That, pursuant to Report FIN-19-16, the draft proposed 2019 Development Charge By-law:

- (a) Implement the consideration of capital costs for Parking Services and Waste Diversion Services given that service definition amendments to the Development Charges Act now allow for Parking Services and Waste Diversion Services to be considered as an eligible development charge service;
- (b) Allocate Operations Services into its respective service area, Transportation, Parks and Recreation or Waste Diversion;
- (c) Amend the local service policy for Transportation Services such that the City shall be required to contribute a fixed payment to the developer for the excess pavement capacity for all Type “B” arterial roads within or abutting a plan of subdivision on the basis of the difference in width only between a local residential street (8.5 metres wide) and a Type “B” arterial road (14.5 metres wide);
- (d) Implement separate charges for Industrial and Commercial/Institutional non-residential development based on the respective increase in need for service and the underlying scale of development;
- (e) Remove the current non-statutory exemption for block townhouses and apartments for the areas near Durham College and the University of Ontario Institute of Technology, as shown on Schedules E and F of Attachment 1, Development Charge By-law 80-2014, as amended, except for 1569 Simcoe Street North which is to be given a three year extension in consideration that the site has sufficiently advanced through the site plan approval process;
- (f) Add a new non-statutory exemption for small scale infill development such that the creation of any new duplex or triplex dwelling permitted under the City’s zoning by-law shall only be required to pay development charges as if the project was a single detached dwelling, provided that a single detached dwelling is also permitted under the zoning by-law;
- (g) Revise the Development Charge By-law definitions by removing the dwelling unit category for “two (2) or fewer Bedrooms in a Back-to-Back Townhouse or a Stacked Townhouse” and including these dwelling units within the group dwelling and apartment definitions, respectively;



- (h) Add a new Development Charge item related to asphalt preservation and rehabilitation of existing roads that are impacted by development; and,
  - (i) Eliminate the demolition credits for schools and places of worship which are exempt uses that did not previously pay development charges, subject to a transition policy whereby demolition credits will continue to be issued in circumstances where a demolition permit is issued prior to July 1, 2019, but not in circumstances where a demolition permit is issued on or after July 1, 2019; and,
- 2. That staff be directed to arrange a public meeting on May 2, 2019, pursuant to the Development Charges Act, 1997, regarding the draft City of Oshawa 2019 Development Charge Background Study and draft City of Oshawa Development Charge By-law; and,
- 3. That Finance Committee be delegated the authority to hold a public meeting on May 2, 2019, pursuant to the Development Charges Act, 1997; and,
- 4. That pursuant to correspondence dated November 8, 2018 received from Holland Homes requesting a development charge exemption for 976 Simcoe Street North, the request be denied given that it is site-specific in nature and not permitted under the current or proposed Development Charge By-law policy; and,
- 5. That the Region of Durham, the Durham District School Board and the Durham Catholic District School Board be requested to amend their respective Development Charge By-laws to align with the changes proposed through Oshawa's update of City of Oshawa Development Charge By-law 80-2014, as amended, related to small infill development including new duplexes and triplexes; and,
- 6. That as part of current 2019 Development Charge By-law update process, staff be directed to review transitional options for the potential phasing in of proposed development charge increases and report back to the Finance Committee; and,
- 7. That notice be given that the City of Oshawa intends to revisit the Local Service Policy for Transportation Services and the Fire Services policy during a Development Charge Review in 2020.

**Staff Reports/Motions**

None

**By-laws**

25-2019      A By-law to Change the Name of a Portion of Craftsman Drive  
(Implements Council direction of June 25, 2018 through Item DS-18-125  
of the Fifteenth Report of the Development Services Committee to rename  
a portion of Craftsman Drive for emergency services purposes.)  
(Carried – See Page 129)

**Discussion Agenda****Matters Excluded From Consent Agenda**

Moved by Councillor Giberson, seconded by Councillor Marks,  
(275) “That Council adopt the recommendation contained in Item CS-19-27 concerning  
a Review of Culture Counts.” Carried on the following vote

Affirmative – Councillors Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey,  
Nicholson and Mayor Carter

Negative – None

Absent – Councillors Chapman and Neal

Moved by Councillor Giberson, seconded by Councillor Marks,  
(276) “That Council adopt the recommendation contained in Item CS-19-28 concerning  
the proposed pilot project for Rotary Pool and Park Feasibility Study.” Carried as  
amended by later vote

Moved by Councillor McConkey, seconded by Councillor Nicholson,  
(277) “That the motion be amended to add the following after ‘increased lane  
swimming opportunities’ in the final paragraph: ‘and that during the hours the pool is  
open to the public for non-instructional programming that there be no admission  
charge’.” Carried on the following vote

Affirmative – Councillors Giberson, Marimpietri, McConkey, Nicholson and Mayor Carter

Negative – Councillors Gray, Hurst, Kerr and Marks

Absent – Councillors Chapman and Neal

The vote to adopt the recommendation contained in Item CS-19-28 Carried as amended on the following

Affirmative – Councillors Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Nicholson and Mayor Carter

Negative – None

Absent – Councillors Chapman and Neal

Moved by Councillor Giberson, seconded by Councillor Marimpietri,  
(278) “That the meeting recess.” Carried

The meeting recessed at 8:31 p.m. and reconvened at 8:45 p.m. with all members of Council in attendance except Councillors Chapman, Giberson (entered the meeting at 8:46 p.m.) and Neal.

Councillor Giberson entered the meeting.

Moved by Councillor Giberson, seconded by Councillor Marks,  
(279) “That Council adopt the recommendation contained in Item CS-19-23 concerning the terms of reference for the request for proposal for the Harbour Lands Master Plan.” Carried on the following

Affirmative – Councillors Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Nicholson and Mayor Carter

Negative – None

Absent – Councillors Chapman and Neal

Moved by Councillor Giberson, seconded by Councillor Marks,  
(280) “That Council adopt the recommendation contained in Item CORP-19-22 concerning downed elevators and municipal response.” Carried on the following vote

Affirmative – Councillors Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Nicholson and Mayor Carter

Negative – None

Absent – Councillors Chapman and Neal

Moved by Councillor Giberson, seconded by Councillor Marks,  
(281) "That Council adopt the recommendation contained in Item FIN-19-17 concerning funding for the proposed changes to scope for the Athol Street Cycle Track." Carried on the following vote

Affirmative – Councillors Giberson, Gray, Hurst, Kerr, Marks, McConkey, Nicholson and Mayor Carter

Negative – None

Declaration of Interest – Councillor Marimpietri

Absent- Councillors Chapman and Neal

Moved by Councillor Giberson, seconded by Councillor Marks,  
(282) "That Council adopt the recommendation contained in Item FIN-19-19 concerning the request for proposal for Corporate Security Services." Carried on the following vote

Affirmative – Councillors Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Nicholson and Mayor Carter

Negative – None

Absent – Councillors Chapman and Neal

Moved by Councillor Giberson, seconded by Councillor Marks,  
(283) "That Council adopt the recommendation contained in Item FIN-19-16 concerning the status report and policy review for the City's Development Charge By-law update." Carried by later vote

Moved by Councillor McConkey, seconded by Councillor Nicholson,  
"That Part 1 e) of Item FIN-19-16 be amended to add '80% exemption' after the words 'three-year'." Lost on the following vote

Affirmative – Councillor McConkey

Negative – Councillors Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, Nicholson and Mayor Carter

Absent – Councillors Chapman and Neal

Moved by Councillor Giberson, seconded by Councillor Nicholson,  
"That the recommendation contained in Item FIN-19-16 be amended to add 'Part 8: That the exemption for for-profit nursing homes be reviewed and brought back to Council.'" Lost on the following vote

Affirmative – Councillors Giberson, Hurst, Kerr and Nicholson

Negative – Councillors Gray, Marimpietri, Marks, McConkey and Mayor Carter

Absent – Councillors Chapman and Neal

The vote to adopt the recommendation contained in Item FIN-19-16 Carried on the following

Affirmative – Councillors Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, Nicholson and Mayor Carter

Negative – Councillor McConkey

Absent – Councillors Chapman and Neal

## **Matters Tabled**

No matters were lifted from the table.

## **Notices of Motion**

Councillor McConkey presented the following notice of motion:

“Whereas a number of Ontario Municipalities offered on-line and telephone voting in the 2018 Municipal Election; and,

Whereas the City of Oshawa has experienced low voter turnout in the past elections;

Therefore the City of Oshawa investigate the benefits and costs to implement a hybrid system that allows for regular in person and proxy voting, as well as on-line and telephone voting in the 2022 Municipal Elections and report to Council in the third quarter of 2020; and,

This motion be referred to the Corporate Services Committee.”

## **Confirming By-Law**

Moved by Councillor Giberson, seconded by Councillor Gray,  
(284) “That the confirming By-law be passed.” Carried

26-2019      A by-law to confirm the City Council meeting of March 18, 2019.

## **Adjourn**

Moved by Councillor Marimpietri, seconded by Councillor Marks,  
(285) “That the meeting adjourn.” Carried

The meeting adjourned at 9:41 p.m.