

Minutes of a meeting of the Council of the City of Oshawa held in the Council Chamber with electronic participation on May 25, 2021 at 9:30 a.m.

Mayor Carter and Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri (left the meeting at 11:30 a.m.), Marks, McConkey, Neal and Nicholson were present electronically.

Mayor Carter presided.

Public Meeting

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 Chapman, seconded by Councillor Giberson, (130) “That time-sensitive Report CNCL-21-51 concerning additional funding for the Dr. Blake Parkette and Report CNCL-21-53 concerning additional funding for the Adelaide Underpass Rehabilitation be added to the Consent agenda for the City Council meeting of May 25, 2021.” Carried on a 2/3 vote of members present

Declarations of Pecuniary Interest

Councillor Marimpietri made a declaration of interest concerning Item FIN-21-52 regarding design services for the reconstruction of Thornton Road North between Conlin Road West to Winchester Road East as he has family who owns property and resides within the area potentially affected by the item and did not take part in discussion or voting on the matter.

Councillor Marimpietri made a declaration of interest concerning Item DS-21-94 regarding an update on the realignment of Athol Street between Simcoe Street South and Albert Street as he has family who owns property and resides within the area potentially affected by the item and did not take part in discussion or voting on the matter.

Councillor Marimpietri made a declaration of interest concerning Item DS-21-95 regarding proposed extension of Interim Control By-law 25-2020 – Land Use Study of GI (General Industrial) zoned lands in the Northwood Business Park as he has family who owns property and resides within the area potentially affected by the item and did not take part in discussion or voting on the matter.

Councillor Marimpietri made a declaration of interest concerning Report CNCL-21-50 regarding an update on LPAT Appeals for 1455, 1515, and 1517 Thornton Road North as he has family who owns property and resides within the area potentially affected by the item and did not take part in discussion or voting on the matter.

Councillor McConkey made a declaration of interest concerning Report CNCL-21-48 regarding City of Oshawa Integrity Commissioner – Report on Complaint Sinnott et al. v. McConkey, 2021 ONMIC 4 as she was the respondent in the report and did not take part in discussion or voting on the matter.

Moved by Councillor McConkey, seconded by Councillor Kerr,
“That the rules of procedure be waived to introduce a time-sensitive motion concerning Emancipation Day.” Lost on the following vote

Affirmative – Councillors Giberson, Gray, Kerr, McConkey and Nicholson

Negative – Councillors Chapman, Hurst, Marimpietri, Marks, Neal and Mayor Carter

Absent – None

Moved by Councillor Nicholson, seconded by Councillor Gray,
“That the rules of procedure be waived to submit a notice of motion concerning amending the signage of landmark facilities to add a parallel name of the facility in “Anishinaabemowinn.” Lost on the following vote

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

Negative – Councillors Chapman, Hurst, Kerr, Marimpietri, McConkey and Neal

Absent – None

Presentations

None

Delegations

None

Matters Requiring Direction

Correspondence Requiring Action

CNCL-21-48 City of Oshawa Integrity Commissioner – Report on Complaint Sinnott et al. v. McConkey, 2021 ONMIC 4

Moved by Councillor Chapman, seconded by Councillor Marks,
(131) “Whereas the recommendation of the Integrity Commissioner at Paragraph 233 on page 49 of his report states:

“In the circumstances, I believe it is important to confirm that the employees in the Finance Services Department have performed their duties to high standards, and, in particular, have exhibited, upheld, and maintained professional behaviour, integrity and due care, objectivity, professional competence, and confidentiality.

I recommend that Council adopt this finding.”; and,

Whereas Council believes the employees of our Finance Services Department perform their duties to the highest standards with professional competence;

Therefore be it resolved that the Council of the City of Oshawa agrees with the recommendation of the Integrity Commissioner at paragraph 233 of his report and thanks the staff of the Finance Services Department for their continued professional behaviour, integrity, due care, and objectivity.” Carried as amended by later votes

Moved by Councillor Giberson, seconded by Councillor Marimpietri, (132) “That the motion be amended to insert the words ‘and receives the report for information as recommended on Page 234’ before the words ‘and thanks the staff of the Finance Services Department’.” Carried on the following vote

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

Negative – Councillor Chapman and Mayor Carter

Declaration of Interest – Councillor McConkey

Absent – None

The vote to adopt the motion concerning Report CNCL-21-48 Carried as amended on the following

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

Negative – None

Declaration of Interest – Councillor McConkey

Absent – None

Items Pulled from Information Package

None

CS-21-57 Umanah Umanah Submitting Correspondence Requesting the Installation of a Splash Pad at Laval Park Playground

Recommendation (Carried – See Page 156)

That Correspondence CS-21-57 from Umanah Umanah requesting the installation of a splash pad at Laval Park Playground be referred to staff for a report.

CS-21-51 Accessible Charging Stations for Mobility Devices (OAAC-21-37)

Recommendation (Carried – See Page 156)

That CS-21-51 being the Fourth Report of the Oshawa Accessibility Advisory Committee concerning Accessible Charging Stations for Mobility Devices be referred to staff for further investigation.

CS-21-54 Selection of the Community Legend Award Recipient

Recommendation (Carried – See Page 156)

1. That the Community Services Committee nominate the fifth person listed in Confidential Attachment 3 as the 2021 Community Legend from the nominations presented in Report CS 21-54; and,
2. That the selected recipient be presented the 2021 Community Legend award at a future Council meeting in 2021.

CS-21-55 Painted Poppy on East Sidewalk of Memorial Park

Recommendation (Carried – See Page 156)

Whereas on November 23, 2020, City Council referred CS-20-67 regarding the installation of a painted poppy design on the east-side sidewalk of Memorial Park and on the pathway leading to, but not on the official cenotaph area to staff for investigation and that they report back to Community Services Committee with their recommendation; and,

Whereas staff reached out to Legion Branch 43 to receive feedback regarding the request for the painted poppy design at Memorial Park; and,

Whereas the Legion Branch 43 reached out to the Legion Higher Command and were advised that the poppy is copyright and shall not be placed where it will be defaced; and,

Whereas staff confirmed through the Official Canadian Legion Poppy Manual with regards to Community Use that the Poppy is not to be inset or depicted in tiles on the ground or positioned in any way that would see the Poppy trod upon; and

Whereas placement of a painted poppy on a sidewalk would lead to it being tread upon;

Therefore be it resolved that the installation of a painted poppy of the Eastside sidewalk of Memorial Park and on the pathway leading to, but not on the official cenotaph area, not be approved.

CS-21-56 Investigation of an Off Leash Dog Park in Southern Part of Kedron Part 2 Planning Area

Recommendation (Carried – See Page 156)

That Report CS-21-56 concerning an investigation of an off leash dog park in southern part of the Kedron Part 2 Planning Area be referred to staff for further investigation and that public consultation be started on this proposed location.

CS-21-59 3-Way Stop Sign at Farewell Street South and Athol Street East

Recommendation (Carried – See Page 156)

Whereas a number of residents on Farewell Street south have voiced concerns about the volume of vehicles turning south off of King Street east and speeding southbound including in the 40 km/h zone from south of Athol Street to south of Hoskin Avenue; and,

Whereas a number of residents on Athol Street East have voiced concerns about the volume of vehicles turning west off Farewell Street South and speeding westbound along Athol St E to Wilson Rd S; and,

Whereas a 3-way stop sign at Farewell Street South and Athol Street East would cause drivers in this area to slowdown thereby enhancing safety;

Therefore be it resolved that staff be directed to install a 3-way stop at Farewell Street South and Athol Street East.

Report of the Corporate Services Committee

The Corporate Services Committee respectfully reports and recommends to City Council its Twenty-Ninth Report.

CORP-21-25 2021 Exceptional Student Achievement Award

Recommendation (Carried – See Page 156)

1. That in accordance with Report CORP-21-25, dated May 5, 2021, the 2021 Exceptional Student Achievement Award in the amount of \$1,000 be awarded to the student from Maxwell Heights Secondary School; and,

2. That the Mayor send a letter of congratulations on behalf of City Council to the recipient.

CORP-21-26 Updated Policies in Accordance with the Information and Records Management Strategic Plan

Recommendation (Referred – See Page 180)

1. That Council approve the Records and Information Management Policy as set out in Attachment 1 of Report CORP-21-26; and,
2. That Council approve the modernized Access and Privacy Policy as set out in Attachment 2 of Report CORP-21-26; and,
3. That Council approve and pass the M.F.I.P.P.A. By-law in the form set out in Attachment 3 of Report CORP-21-26 to delegate the powers and duties of the Council to the City Clerk for the purposes of the Municipal Freedom of Information and Protection of Privacy Act; and,
4. That Council approve the modernized Privacy Breach Response Policy and Procedure as set out in Attachment 5 of Report CORP-21-26.

CORP-21-29 Anti-Asian Racism

Recommendation (Carried – See Page 156)

Whereas widespread reports, surveys and personal experiences from across the Asian community have indicated a disturbing increase in Anti-Asian discrimination, infringements on basic human rights and acts of violence in Canada and around the world, impacting Asians of all nationalities including a Filipino-American woman beaten in NYC, the six Asian-Americans of Chinese and Korean descent murdered in the Atlanta spa shootings, and many more, sparking protests across Canada and the United States in March 2021; and,

Whereas the Chinese Canadian National Council Toronto Chapter compiled feedback from the Asian community through two online (self-reporting) surveys, that together reported over 1,150 instances of Anti-Asian racism between March 10, 2020 and February 28, 2021 (with approximately half of those incidents reported since January, and nearly 40% having occurred in Ontario), which is believed to have been exacerbated and aggravated due to widespread scapegoating and racialization of the Covid-19 pandemic; and,

Whereas according to an Angus Reid study (2020), 43% of surveyed Canadians of Asian-descent reported feeling threatened or intimidated as a direct result of Covid-19; and,

DS-21-100 Notice of Motion – Comprehensive Review of the City’s Real Estate Policy with respect to the City’s Acquisition and Disposition of Real Property

Recommendation (Carried – See Page 180)

That DS-21-100 being a Notice of Motion concerning a comprehensive review of the City’s Real Estate Policy with respect to the City’s acquisition and disposition of real property be received for information.

DS-21-104 Third Report of Heritage Oshawa

Recommendation (Carried – See Page 156)

That Report DS-21-104 being the third report of Heritage Oshawa concerning the Designation of 1, 3, 5 Simcoe Street South and 3, 5, 7 King Street (HTG-21-26) be received for information:

- “1. Designation of 1, 3, 5 Simcoe Street South and 3, 5, 7 King Street East (HTG-21-26)
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Recommendation

Whereas Heritage Oshawa heard a presentation on a development proposal (originally presented to Heritage Oshawa on November 26, 2020 and presented in amended form on January 28, 2021) concerning the properties at the civic addresses 1, 3, 5 Simcoe Street South and 3, 5, 7 King Street East, Oshawa; and,

Whereas in response to this proposal, over the period from November 2020 to February 2021, Volunteer Members of the former Heritage Oshawa Inventory and Designation Working Group and of Heritage Oshawa researched the history and heritage attributes of these properties, producing Report HTG-20-58; and,

Whereas at the January 28, 2021 meeting, Heritage Oshawa struck the Designation Working Group, consisting of Ann Dulhanty, for the purpose of reviewing Report HTG-20-58, and Report HTG-21-05, which compiles and comments on the materials collected, is the result; and,

Whereas 1, 3, 5 Simcoe Street South and 3, 5, 7 King Street East represent two distinct building structures; however, since the development proposal is for all these addresses simultaneously, Report HTG-21-05 contains information about both. It should also be noted that 7 Simcoe Street South is attached to the buildings reported on here, although it is not part of the same development proposal; and,

Whereas the findings of Report HTG-21-05 establish that the subject properties, built circa 1860 and included as Class B properties in the Heritage Oshawa Inventory, meet the criteria for design or physical value, historical or associative value, and contextual value as the only remaining Victorian-era commercial buildings of Oshawa's original commercial hub, the Four Corners at King Street and Simcoe Street; and,

Whereas 1, 3, 5 Simcoe Street South and 3, 5, 7 King Street East have design or physical heritage value as examples of the Italianate style of commercial building of the period, especially in the form of the decorative brick and stone features on the parapet and around the second and third floor windows of 5 Simcoe Street South; and,

Whereas 1, 3, 5 Simcoe Street South and 3, 5, 7 King Street East have associative value in the long line of notable Oshawa merchants who have operated businesses at these addresses from the earliest years of the settlement, including the following tenants in 1932;

- 1 Simcoe Street South: Bassett's (Jewellers);
 - 1 1/2 Simcoe Street South: Harry Atkins (Lingerie);
 - 3 Simcoe Street South: George W. McLaughlin;
 - 3 Simcoe Street South: Dr. S. J. Phillips (dentist);
 - 3 Simcoe Street South: Masonic Hall;
 - 3 King Street East: Borsook Millinery;
 - 5 King Street East: Bouckley's Shoe Repair;
 - as of 1970, Laura Secord's and Bassett Jewellers;
- and,

Whereas 1, 3, 5 Simcoe Street South and 3, 5, 7 King Street East have contextual value in their location on the southeast corner of Oshawa's "Four Corners"—the location of Edward Skae's mid-1800s "checkerboard" store (1830–1842)—when the area was known as Skae's Corners; and,

Whereas the Victorian commercial buildings on this southeast corner are the only ones of this era remaining on the Four Corners and are a landmark of Oshawa's historic downtown and long-time commercial hub; and,

Whereas Heritage Oshawa's mandate states: "Cultural heritage resources enhance the quality of life for Oshawa citizens by providing a connection to the community's past and creating a sense of place. These historical buildings and landscapes add an economic benefit to the city while contributing to making Oshawa a beautiful place to live"; and,

Whereas Heritage Designation recognizes the importance of a property to the local community, protects the property's cultural heritage value, encourages good stewardship and conservation, and promotes knowledge and understanding about the property; and,

Whereas the advantages of Heritage Designation include:

- Conserving irreplaceable, highly visible resources;
- Recognizing community identity and contributing to the local quality of life;
- Qualifying the property owner for tax credits (when available);
- Acknowledging Oshawa's architectural past;
- Benefitting economic sectors, including tourism;
- Encouraging pride in the history and cultural heritage resources of the community; and,

Whereas designation is protective of only those heritage attributes specified in the Designation By-law; therefore owners of Designated Properties are free to make alterations to those aspects of their property that are not listed as heritage attributes in the property's Designation By-law (most often the interiors); and,

Whereas owners of Designated Properties are not prohibited from undertaking alterations that affect the listed heritage attributes, but only require written approval from City Council; and,

Whereas owners of Designated Properties do not require Council approval for minor alterations or regular maintenance to a Designated Property, including choice of paint colour; and,

Whereas owners of Designated Properties are not:

- required to restore the property to its original condition;
- required to open their property to the public;
- expected to incur expenses beyond those of any other responsible property owner;

Therefore be it resolved that 1, 3, 5 Simcoe Street South and 3, 5, 7 King Street East be designated as a property of cultural heritage significance under the *Ontario Heritage Act*."

DS-21-94 Update on the Realignment of Athol Street between Simcoe Street
South and Albert Street

Recommendation (Carried – See Page 180)

1. That, pursuant to Item DS-21-94, staff be directed to:
 - a) remove the westbound left turn (south) lane markings at the intersection of Athol Street East and Celina Street; and,
 - b) install six (6) additional parking spaces and one loading space as generally depicted on Attachment 1 to said report; and,
 - c) sign one of the (6) additional spaces as a short term lay-by space for curbside pick-up as generally depicted on Attachment 1 to said Report; and,
2. That, pursuant to Item DS-21-94, the related capital project be approved and funded from the Transportation Reserve with funding in the amount of \$15,000 plus H.S.T.; and,
3. That, pursuant to Item DS-21-94, the Commissioner, Community Services Department be authorized to amend the Traffic By-law to give effect to Items 1 a) to 1 c) above as generally depicted on Attachment 1 to said Report.

DS-21-95 Proposed Extension of Interim Control By-law 25-2020 – Land Use
Study of GI (General Industrial) zoned lands in the Northwood
Business Park

Recommendation (Carried – See Page 185)

Whereas on February 24, 2020, City Council considered Report DS-20-43 dated February 19, 2020 and directed staff to undertake a land use study to review the appropriateness of the current GI (General Industrial) zoning within portions of the area known as the Northwood Business Park (the “Land Use Study”); and,

Whereas on February 24, 2020, City Council passed Interim Control By-law 25-2020 (the ‘Interim Control By-law’) for a period of one (1) year to prohibit the use of any land, building, or structure for the purpose of developing land in a GI (General Industrial) Zone within the Northwood Business Park, except for such lawful uses within lawfully existing buildings and structures as the land was being used for on the date of the passing of the Interim Control By-law, consisting of the following two areas:

- a) The northern portion of 918 Taunton Road West; and,

b) A portion of 1455, 1515 and 1517 Thornton Road North; and,

Whereas on September 23, 2020, the Committee of Adjustment considered an application (File: A-2020-56) submitted by D.G. Biddle on behalf of RIC (1515 Thornton) Inc. (the 'Application') for variances from the City's Zoning By-law 60-94, including the Interim Control By-law, to permit an anaerobic digestion facility in new buildings and new associated outdoor equipment at 1515 Thornton Road North and adopted the following recommendation:

'That the application by D.G. Biddle on behalf of RIC (1515 Thornton) Inc. for 1515 Thornton Road North, Oshawa, Ontario, be tabled indefinitely'; and,

Whereas on October 13, 2020, the City received a letter from Erik Gillespie, J.D., on behalf of both the Ummah Foundation of Durham and the owner of 1515 Thornton Road North, advising that the Application had been appealed to the Local Planning Appeal Tribunal ('L.P.A.T.') pursuant to Section 45(12) of the Planning Act, R.S.O. 1991, c. P.13 (the 'Appeal'); and,

Whereas pursuant to Report DS-20-131 dated November 4, 2020 staff were authorized by Council to represent the City at the L.P.A.T. hearing regarding the Appeal, which began on February 22, 2021 and ended on February 26, 2021; and,

Whereas the L.P.A.T. has not yet issued a decision regarding the Appeal; and,

Whereas it is appropriate to defer the Land Use Study until the L.P.A.T. has issued a decision regarding the Appeal given that the outcome of the Appeal could have implications on the Land Use Study; and,

Whereas pursuant to Ontario Regulation 149/20, the Interim Control By-law expiry date of February 24, 2021 has been extended for an additional period of 97 days as a result of the COVID-19 pandemic and the Provincial suspension of certain legislative timelines and accordingly, the Interim Control By-law will now expire on May 31, 2021 unless further extended; and,

Whereas pursuant to Section 38(2) of the Planning Act, Council can extend the period during which an Interim Control By-law is in effect for a maximum duration of two years, which in this case is until May 31, 2022; and,

Whereas upon completion of the Land Use Study and the approval of any implementing planning instruments, the Interim Control By-law, as extended, may be repealed prior to the May 31, 2022 extension date;

Therefore, be it resolved that Interim Control By-law 25-2020 be extended to May 31, 2022 to provide sufficient time for the Local Planning Appeal Tribunal to issue its decision on the Appeal of the Committee of Adjustment decision regarding File: A-2020-56, and to allow staff to complete the Land Use Study taking into consideration the Tribunal's decision, prepare any proposed planning instruments (e.g. Official Plan and/or Zoning By-law Amendments) to guide the development of those existing GI (General Industrial) zoned lands in the Northwood Business Park, and implement any recommended planning instruments.

DS-21-107

Direction on City Staff Involvement Respecting Appeals to the Conservation Review Board of a Council Decision Concerning the Issuance of a Notice of Intent to Designate 195 Simcoe Street North Under the Ontario Heritage Act

Recommendation (Carried – See Page 156)

Whereas the dwelling located at 195 Simcoe Street North and known as the Robert McLaughlin House is a 'listed, non-designated' property on the City's Register of Properties of Cultural Heritage Value or Interest (the 'Register') under Section 27 of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 ('Ontario Heritage Act') but is not currently designated; and,

Whereas on February 2, 2021, Nantuck Investments Inc. (the 'Owner') provided to the City a Notice of Intent to Demolish the Robert McLaughlin House; and,

Whereas on February 8, 2021, the Development Services Committee considered the above-noted letter dated February 2, 2021 from Nantuck Investments Inc. as Correspondence DS-21-24, and recommended to City Council that the correspondence be received for information; and,

Whereas on February 22, 2021, City Council referred Correspondence DS-21-24 to Heritage Oshawa for comment; and,

Whereas on February 25, 2021, in response to the referral of Correspondence DS-21-24, Heritage Oshawa recommended the Robert McLaughlin House be designated under Part IV of the Ontario Heritage Act; and,

Whereas, on March 15, 2021, the Development Services Committee considered Item DS-21-24 and recommended to City Council as follows (Item: DS-21-42):

1. That, pursuant to Item DS-21-42, the second report Heritage Oshawa, Development Services staff be authorized to undertake the process established in the Ontario Heritage Act to designate, the Robert McLaughlin House, located at

195 Simcoe Street North, as a property of cultural heritage value or interest under the Ontario Heritage Act by undertaking the following:

- (a) Prepare a Notice of Intent to Designate the property known as the Robert McLaughlin House, located at 195 Simcoe Street North under the Ontario Heritage Act; and,
 - (b) Publish the Notice in accordance with the Ontario Heritage Act; and,
 - (c) Forward the Notice to the Ontario Heritage Trust in accordance with the Ontario Heritage Act; and,
 - (d) Prepare the necessary by-law and Designation Statement and Description, with input from Heritage Oshawa, for approval by Council; and,
2. That, pursuant to Item DS-21-42, the second report Heritage Oshawa, Development Services staff be directed to investigate with the property owner of 195 Simcoe Street North any possible opportunities for the adaptive reuse of the property.'; and,

Whereas on March 29, 2021, City Council endorsed Item DS-21-42; and,

Whereas pursuant to Council's endorsement of Item DS-21-42, City staff prepared a Notice of Intent to Designate the Robert McLaughlin House under Part IV of the Ontario Heritage Act, and published the Notice in the local Oshawa This Week newspaper on April 1, 2021 as well as forwarded the Notice to the Ontario Heritage Trust and the property owner, in accordance with the Ontario Heritage Act; and,

Whereas the City Clerk has received two (2) Notices of Objection to the Notice of Intent to Designate within the 30-day legislated appeal period under the Ontario Heritage Act, which period expired on May 3, 2021 (Attachments 1 and 2 of said Report); and,

Whereas Council policy requires that the Development Services Department prepare a report to the Development Services Committee when an appeal is lodged against a Council decision;

Therefore be it resolved:

1. That pursuant to Item DS-21-107 dated May 10, 2021, the Conservation Review Board be advised that Oshawa City Council maintains their position that the Robert McLaughlin House at 195 Simcoe Street North be designated under Part IV of the Ontario Heritage Act; and,

2. That pursuant to Item DS-21-107 dated May 10, 2021, the City of Oshawa seek party status at the Conservation Review Board; and,
3. That pursuant to Item DS-21-107 dated May 10, 2021, City staff be authorized to attend the Conservation Review Board hearing in support of Council's position; and,
4. That upon the conclusion of the Conservation Review Board hearing, City staff report back to the Development Services Committee and Council with the Conservation Review Board's recommendation report with respect to the designation of the Robert McLaughlin House.

Report of the Finance Committee

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

FIN-21-45 Louise Parks Requesting Budget Consideration for Historic Mural Restoration

Recommendation (Carried – See Page 156)

That Correspondence FIN-21-45 dated April 20, 2021 from Louise Parkes concerning a request for budget consideration for the Historic Mural Restoration be referred to staff for consideration in the 2022 budget.

FIN-21-47 Summary of Contract Awards March (INFO-21-65)

Recommendation (Carried – See Page 156)

That Report FIN-21-47 concerning the summary of contract awards for March 2021 be received for information.

FIN-21-48 Corporate Payments for the Month of January 2021 (INFO-21-66)

Recommendation (Carried – See Page 181)

That Report FIN-21-48 concerning the corporate payments for the month of January 2021 be received for information.

FIN-21-49 Corporate Payments for the Month of February 2021

Recommendation (Carried – See Page 156)

That Report FIN-21-49 concerning the corporate payments for the month of February 2021 be received for information.

- FIN-21-50 Corporate Payments for the Month of March 2021
- Recommendation (Carried – See Page 156)
- That Report FIN-21-50 concerning the corporate payments for the month of March 2021 be received for information.
- FIN-21-51 2022 Budget Timetable
- Recommendation (Carried – See Page 156)
- That the 2022 Budget timetable as set out in Report FIN-21-51, dated May 12, 2021, be approved.
- FIN-21-52 C2021-052 Design Services for the Reconstruction of Thornton Road North between Conlin Road West to Winchester Road East
- Recommendation (Carried – See Page 181)
- That in accordance with Report FIN-21-52 dated May 12, 2021, that the Supervisor, Purchasing and Support Services be authorized to award a contract to The Municipal Infrastructure Group Ltd., a T.Y. Lin International Company in the amount of \$546,667 (exclusive of HST), for design services for the reconstruction of Thornton Road North between Conlin Road West to Winchester Road East, being the highest ranked proposal received.
- FIN-21-53 Staff Position and Equipment Requests – Fire Prevention Inspector and Parks Project Manager and Temporary Parks Project Coordinator
- Recommendation (Carried – See Page 181)
1. That pursuant to Report FIN-21-53 dated May 12, 2021, the addition of two regular full-time staff positions identified as priorities in areas of strategic and operational need within the Corporation be approved, namely:
 - a) Fire Prevention Inspector, Fire Services, Community Services Department; and
 - b) Parks Project Manager, Operations Services, Community Services Department;
 2. That pursuant to Report FIN-21-53 dated May 12, 2021, the addition of one temporary full-time staff position for 18 months, identified as an operational priority for the immediate future within the Corporation be approved, namely:
 - a) Parks Project Coordinator, Operations Services, Community Services Department;

3. That pursuant to Report FIN-21-53 dated May 12, 2021, the purchase of a vehicle, associated equipment and uniform for the Fire Prevention Inspector be approved; and,
4. That the funding for these three positions, vehicle, associated equipment and uniform be funded from the approved 2021 budget allocation of \$250,000 originally earmarked to provide financial support for the Memorial Cup Tournament.

FIN-21-54

Fire Training Facility

Recommendation

(Carried – See Page 182)

Whereas on November 26, 2020 City Council considered Report CNCL-20-189 and endorsed the 2020 Fire Master Plan and Community Risk Assessment, including the Council and Operational recommendations and input from the Fire Chief and the Senior Fire Services Leadership Team as the strategic direction for Oshawa Fire Services over the term of the Plan; and,

Whereas the Fire Services has an existing training apparatus located at the South Field of the Oshawa Executive Airport, and that location will be utilized to accommodate additional fire training and training tower; and,

Whereas one of the recommendations in the Plan was to undertake the preparation of a business case that includes research into partnership opportunities for the development of a permanent training facility within the City of Oshawa that is capable of live fire training; and,

Whereas the Fire Chief has identified the need for an additional area for fire training exercises that is capable of live fire training in the short term that can be located temporarily on the South Field of the Oshawa Executive Airport and then can be relocated to a more permanent site when that site is determined by Council (see Attachments 1 and 2 for the Fire Training Facility location approved by Nav Canada, the Additional Area for fire training exercises and Attachment 3 for proposed building elevations); and,

Whereas the location for the Fire Training Facility has received approval from Nav Canada; and,

Whereas the training of our Fire Services staff is a key priority to ensure they are safe and can provide the level of service expected by our community; and,

Whereas the Fire Chief will continue to investigate partnership opportunities with other municipalities and the private sector and Durham College as appropriate; and,

Whereas according to the 2022 Capital Budget Forecast the Fire Training Facility in a temporary location is identified as a project estimated at a cost of \$1.5 million; and,

Whereas it is important to advance this project from a fire safety and training perspective; and,

Whereas 75% of the cost (\$1.125 million) is development charge eligible and for the balance of the cost (\$ 375,000) Finance Services has identified that there are sufficient uncommitted funds in the Civic Property Development Reserve; and,

Whereas the proposed use is consistent with the Council approved South Field Master Plan which was a Heritage/Recreation/Public Use theme;

Therefore be it resolved that Council approve the development of a fire training facility/tower to be located temporarily at the South Field of the Oshawa Executive Airport until a permanent location is determined by Council at an amount of \$1.5 million including HST using \$1.125 million in the Fire Protection Development Charge Reserve and \$375,000 of funding from the Civic Property Development Reserve.

FIN-21-56

Request for Additional Funding – Storm Water Management Pond Cleaning at 700 Taunton Road East

Recommendation (Carried – See Page 156)

Whereas, the Purchasing By-Law 80-2020 requires Council approval to award contracts that exceed the approved budget; and,

Whereas, Council approved Project 21-54-0005 Storm Water Management Pond Cleaning at 700 Taunton Road East in the amount of \$225,000 including non-rebateable H.S.T; and,

Whereas, Purchasing Services issued a Request for Tender (R.F.T.) C2021-043 for Storm Water Management Pond Cleaning; and,

Whereas, a total of four (4) bids were received and opened by Purchasing Services on April 15, 2021; and,

Whereas, the bid received from Buildscapes Construction Ltd. in the amount of \$447,720 plus H.S.T. (\$455,600 including non-rebateable H.S.T.) is the low compliant bidder and meets the requirements of the tender; and,

Whereas, there is a funding shortfall of \$230,600, including non-rebateable H.S.T.; and

Whereas Finance Services has confirmed that the additional cost of \$230,600, including non-rebateable H.S.T. can be funded from Federal Gas Tax;

Therefore, be it resolved that Council approve the additional funding of \$230,600 including non-rebateable H.S.T. be funded from Federal Gas Tax and authorize the Supervisor Purchasing and Support Services to award a contract to Buildscapes Construction Ltd. in the amount of \$447,720, plus HS.T., for the Storm Water Management Pond Cleaning at 700 Taunton Road East.

FIN-21-57

Request for Additional Funding – Farewell Creek Watercourse Improvements

Recommendation (Carried – See Page 156)

Whereas, the Purchasing By-Law 80-2020 requires Council approval to award contracts that exceed the approved budget; and,

Whereas, Council approved Project 21-54-0036 Farewell Creek Design Build in the amount of \$877,000 including non-rebateable H.S.T.; and,

Whereas, the work in this Request for Proposal includes design build services to restore and improve the Farewell Creek watercourse adjacent to the cul-de-sac at the end of Augusta Court in order to prevent erosion occurring on private properties as identified in Palmer Environmental Consulting Group Inc. Fluvial Geomorphological Assessment of Farewell Creek to Support the Evaluation of Erosion Mitigation Strategies at Augusta Court, Oshawa, dated December 2016; and,

Whereas, Purchasing Services issued Request for Proposal O 21-07 for Farewell Creek Design-Build; and,

Whereas, a total of three (3) bids were received and opened by Purchasing Services on April 1, 2021; and,

Whereas, the evaluations team unanimously scored the bid received by Cambridge Landscaping & Construction Ltd as comprehensive, thorough, addressed all requirements of the R.F.P, is the highest-ranking proponent and best satisfied the City's requirements; and,

Whereas, the bid cost was \$1,424,982 (including non-rebateable H.S.T.) creating a funding shortfall of \$547,982, including non-rebateable H.S.T.; and,

Whereas Finance Services has confirmed that the additional cost of \$547,982, including non-rebateable H.S.T. can be funded from the Watercourse Improvements Development Charge and Growth Related Non-Development Charge Reserves;

Therefore, be it resolved that Council approve the additional funding of \$547,982 including non-rebateable H.S.T. be funded from the Watercourse Improvements Development Charge and Growth Related Non-Development Charge Reserves and authorize the Supervisor, Purchasing & Support Services to award a contract to Cambridge Landscaping & Construction Ltd in the amount of \$1,400,336 plus H.S.T. for O 21-07 Farewell Creek Design Build.

FIN-21-58 Commercial and Industrial Farmland Awaiting Development Education Tax Rate

Recommendation (Carried – See Page 156)

Whereas an upper-tier municipality is required, pursuant to section 308(5) of the Municipal Act, 2001, S.O., c.25, as amended, to establish tax ratios for the lower-tier municipalities. The tax ratios determine the relative amount of taxation to be borne by each property class; and,

Whereas the Regional Municipality of Durham set the tax ratios for 2021 for Oshawa and the other area municipalities; and,

Whereas the property classes have been prescribed by the Ministry of Finance pursuant to section 7 of the Assessment Act, R.S.O. 1990, c.A.31, as amended; and,

Whereas By-law 51-2021, being the by-law to adopt the estimates of all sums required to be raised by taxation for the year 2021 and to establish the Tax Rate necessary to raise those sums was approved and passed April 26, 2021; and,

Whereas Ontario Regulation 361/18 promotes and supports small scale on farm business on farms across Ontario. The commercial and industrial subclasses were created to provide a tax rate lower than the existing commercial and industrial tax rates that would otherwise apply; and,

Whereas that upon review of the lower tier Rates and Parameters submission with the Province of Ontario, the Farmland Awaiting Development – Phase I Provincially determined education rates were confirmed; and,

Whereas the eight realty tax qualifiers impacted do not have CVA for the City of Oshawa and therefore do not create any financial implications for the City;

Therefore be it resolved that the Education Tax Rate contained in Schedule “B” of the 2021 City’s tax levying by-law 51-2021, be amended for the Farmland Awaiting Development Realty Tax Qualifiers as follows:

C2, being Commercial – PIL: Farmland Phase 1: Full be amended to 0.22%

C1, being Commercial – Taxable: Farmland Phase 1: Full be amended to 0.22%;

C5, being Commercial – PIL: Farmland Phase 2: Full be amended to 0.88%

C6, being Commercial – PIL: Farmland Phase 2: General be amended to 0.88%

C4, being Commercial – Taxable: Farmland Phase 2: Full be amended to 0.88%

I2, being Industrial – PIL: Farmland Phase 1; Full be amended to 0.22%

I3, being Industrial – PIL: Farmland Phase 1: General be amended to 0.22%

I1, being Industrial – Taxable: Farmland Phase 1: Full be amended to 0.22%

FIN-21-59

Financial Policy Change

Recommendation (Carried – See Page 156)

That staff investigate a change in financial policy wherein the cost of design, whether done by outside consultant or city staff be funded from the project account and including the use of development charges for design costs wherein possible.

Staff Reports/Motions

CNCL-21-46

Information Report on Actions taken to Address Poverty

Recommendation (Carried – See Page 182)

That Report CNCL-21-46, 'Information Report on 2020 Actions Taken to Address Poverty', dated May 19, 2021 be received for information.

CNCL-21-47

Human Rights Garden: Relocation to Ed Broadbent Waterfront Park

Recommendation (Carried – See Page 182)

1. That Council reconsider its decision of June 21, 2018 concerning the location of the Human Rights Garden at Brick Valley Park; and,
2. That the location of the Human Rights Garden be changed to Ed Broadbent Waterfront Park; and,

3. That based on Report CNCL-21-47, dated May 19, 2021, staff be directed to proceed to community engagement on the revised conceptual plan as shown in Attachment 1, for the Ed Broadbent Waterfront Park, which incorporates the Human Rights Garden as a feature.

CNCL-21-49 Financial Position and Impacts of Covid-19 as of April 30, 2021

Recommendation (Carried – See Page 183)

That Report CNCL-21-49, dated May 19, 2021 concerning the 2021 year-to-date financial position and impacts of COVID-19 as at April 30, 2021, be received for information.

CNCL-21-51 Dr. Blake Parkette – Additional Funding

Recommendation (Carried – See Page 183)

Whereas on January 2017, Council approved Project 17500029 - Dr. Blake Parkette Development in the amount of \$175,000, inclusive of H.S.T., for the design and construction of a new parkette at 95 Royal Street; and,

Whereas in 2020, Council approved an additional \$550,000, inclusive of H.S.T., for the construction of the Dr. Blake Parkette; and,

Whereas Request for Proposal C2019-064 for the Dr. Blake Parkette landscape architectural design was awarded to Basterfield & Associates in the amount of \$83,235.30, excluding H.S.T.; and,

Whereas public engagement events were held to obtain input into the proposed parkette design, at a cost of approximately \$1,200, exclusive of H.S.T.; and,

Whereas a Central Lake Ontario Conservation Authority (C.L.O.C.A.) permit was obtained for the site, at a cost of approximately \$1,700, exclusive of H.S.T.; and,

Whereas some preliminary work was undertaken by internal staff on the adjacent City-owned property to provide a catch basin connection for the future parkette, in the amount of \$8,200, exclusive of H.S.T.; and,

Whereas Request for Tender C2020-099 for the Dr. Blake Parkette landscape construction was awarded to Anthony Furlano Construction (A.F.C.) in the amount of \$523,431, exclusive of H.S.T.; and,

Whereas approximately 800m³ of fill, of unknown composition, had been stockpiled on the site; and,

Whereas geotechnical investigations were undertaken as a component of due diligence studies to characterize the soil conditions of the stockpiled fill; and,

Whereas the geotechnical investigations identified impacted soil that exceeded the generic Ministry of Environment Conservation and Parks (M.E.C.P.) Table 3 Soil Groundwater and Sediment Standards, including hydrocarbons and heavy metals; and,

Whereas the stockpiled fill was removed from the site in August 2020 by others; and,

Whereas confirmatory geotechnical investigations were undertaken on the remaining soil identified impact fill that exceeded the generic Ministry of Environment Conservation and Parks (M.E.C.P.) Table 3 Soil Groundwater and Sediment Standards, including hydrocarbons and heavy metals; and,

Whereas on February 1, 2021, the Request for Quotation to complete a Risk Mitigation Assessment for the future Dr. Blake Parkette site was awarded to XCG Environmental Consultants (XCG) in the amount of \$58,290, excluding H.S.T.; and,

Whereas the contractor, A.F.C., was put on hold while the Risk Mitigation Assessment was undertaken; and,

Whereas in March 2021, XCG completed a soil quality investigation, which confirmed the presence of deleterious fill within the shallow soil across the site; and,

Whereas XCG determined that adverse risks to human and ecological health were possible through direct contact of soils, and identified required Risk Mitigation Measures for the site; and,

Whereas XCG identified that a shallow soil cap (30cm depth) or hard asphalt/concrete cap (20cm depth) is required to prevent direct contact with soil; and,

Whereas the existing landscape design for Dr. Blake Parkette included raising the grades by 15cm; and,

Whereas two options were explored to address the cap requirements: (Option 1) excavating an additional 15cm of fill from the softscape areas, disposing offsite, and importing 15cm of clean fill for the softscape areas; and, (Option 2) further raising the grades with an additional 15cm of clean fill to meet the cap requirements; and,

Whereas Basterfield & Associates advised that further raising the grades by an additional 15cm across the site was constrained by the need to match existing grades at Royal Street and Avenue Street; pathway grading to maintain a maximum allowable slope of 5%; and the small size of the site, such that feasible grade increases are limited to the central area of the site; and,

Whereas Basterfield & Associates advised that a minimum of two (2) months would be required to modify the design to further raise the grades and obtain an amended C.L.O.C.A. permit; and,

Whereas the contractor, AFC, has advised that given the delay in mobilization, delay costs of \$4,872.50 per month will be incurred, starting in June 2021; and,

Whereas, the contractor, AFC, has advised that should construction not remobilize by June 2021, the Project will not move forward until 2022, given the long lead times required for obtaining the necessary materials, as well as other commitments; and,

Whereas a comparison of the two (2) options for Risk Mitigation Measures identified a minimal 2% cost difference (approximately \$8,870); and,

Whereas Option 1, excavation and disposal of 15cm of impacted fill and import 15cm of clean fill for the softscape areas, can be achieved for a 2021 construction, should approval to proceed be received by early June 2021; and,

Whereas Option 2, raising the grades and redesign, cannot be achieved until 2022; and,

Whereas additional construction services are required to excavate, remove, and import clean fill across the softscape areas to meet the cap requirements, and that these additional construction services are outside the current scope of work for A.F.C.; and,

Whereas the cost to implement the Risk Mitigation Measures (Option 1) is \$420,820, exclusive of H.S.T.; and,

Whereas there is approximately \$44,000 remaining in uncommitted funds in Project 17500029, which provided a contingency for the Project; and,

Whereas Basterfield & Associates recommends carrying a total project contingency of 10%, due to the significant unknown variables related to the impacted fill, in the amount of \$100,000; and,

Whereas the expanded scope of work will require an additional \$476,820, exclusive of H.S.T. (\$481,672, inclusive of H.S.T.), which covers planned and unforeseen soil works; and,

Whereas finance services advises there is \$481,672 available in the Parks, Recreation and Trails D.C. and Growth Related Non-DC reserves;

Therefore be it resolved that Council approve the additional funding of \$481,672, inclusive of H.S.T., funded from Parks, Recreation and Trails D.C. and Growth Related Non-DC reserves for Project 17500029 – Dr. Blake Parkette to cover the additional costs associated with the Dr. Blake Parkette construction.

CNCL-21-53 Adelaide Underpass Rehabilitation – Additional Funding

Recommendation (Carried – See Page 156)

Whereas in 2017 design on the Adelaide Avenue Underpass Rehabilitation was initiated, using funding from Project 17510038 – Parks Pathway Infrastructure, Various Locations, in the amount of \$50,000; and,

Whereas in consideration of the complexity of design and anticipated construction costs, various general capital pathway Projects were reserved for the Adelaide Avenue Underpass Rehabilitation construction, and, totaling \$300,000; and,

Whereas on February 21, 2018, engineering design services for the Harmony Creek Trail rehabilitation was awarded to AMTEC Engineering, with a current Purchase Order amount of \$75,627.60, exclusive of H.S.T.; and,

Whereas in 2019 Council approved an additional \$330,000 for Project 19520011 for construction of the Adelaide Avenue Underpass Rehabilitation; and,

Whereas additional design work was undertaken in 2019 and 2020 to address permitting requirements; and,

Whereas a C.L.O.C.A. permit was received on March 29, 2021; and,

Whereas the Fisheries and Oceans Canada Letter of Advice was received on April 21, 2021; and,

Whereas construction work is subject to the coldwater fisheries timing window, between July 1st and September 15th; and,

Whereas construction must mobilize by early June in order to meet construction timeline restrictions within the 2021 coldwater fisheries timing window; and,

Whereas given the nature of the structural works and the technical expertise required on site a specialized full time on site contract administrator will be required; and,

Whereas AMTEC Engineering is the Engineer of Record and the most qualified to provide specialized technical expertise on site contract administration; and,

Whereas AMTEC Engineering has provided a quote of \$98,900, exclusive of H.S.T., to provide full time on-site contract administration; and

Whereas Request for Tender O-21-13 for the construction of the Adelaide Underpass rehabilitation was released on April 29, 2021 and closed May 20, 2021; and,

Whereas materials pricing has significantly increased due to COVID-19 shortages and increased demand; and,

Whereas the lowest bid was submitted by GMP Contracting in the amount of \$746,844.60, exclusive of H.S.T.; and,

Whereas there is approximately \$567,000, exclusive of H.S.T. remaining in uncommitted funds in Project 19520011 and Project 17510038; and,

Whereas the Region of Durham is contributing \$57,000, inclusive of H.S.T., for the portion of the Adelaide Avenue underpass rehabilitation related to the Regional structure; and,

Whereas AMTEC Engineering recommends carrying a 10% contingency on the construction contract value for unforeseen issues, in the amount of \$75,000; and,

Whereas Project 19520011 will require an additional \$296,744, exclusive of H.S.T. (\$305,351, inclusive of H.S.T.), which covers planned and unforeseen works; and,

Whereas Finance Services advises there is \$305,351 available in the Federal Gas Tax Reserve,

Therefore be it resolved that Council:

1. Approve increasing AMTEC Engineering's contract amount by \$98,900, exclusive of H.S.T., to provide full-time construction inspection and contract administration for the Adelaide Avenue underpass rehabilitation; and,
2. Approve the additional funding of \$305,351, inclusive of H.S.T., be funded from the Federal Gas Tax Reserve for Project 19520011 – Adelaide Avenue Rehabilitation, to cover the additional construction and full time construction contract administration costs.

Public Discussion Agenda

Matters Excluded from Consent Agenda

Moved by Councillor Gray, seconded by Councillor Nicholson, (134) "That Item CORP-21-26 concerning updated policies in accordance with the Information and Records Management Strategic Plan and related By-law 62-2021 be referred back to the Corporate Services Committee." Carried on the following vote

Affirmative – Councillors Gray, Kerr, McConkey, Neal, Nicholson and Mayor Carter

Negative – Councillors Chapman, Giberson, Hurst, Marimpietri and Marks

Absent – None

The recommendation contained in Item DS-21-106 from Durham District School Board concerning a surplus property at 300 Ritson Road South was now before Council.

The vote to adopt the recommendation contained in Item DS-21-106 Carried on the following

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

Negative – None

Absent – None

The recommendation contained in Item DS-21-100 concerning a notice of motion for a comprehensive review of the City's Real Estate Policy with respect to the City's acquisition and disposition of real property was now before Council.

The vote to adopt the recommendation contained in Item DS-21-100 Carried on the following

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

Negative – Councillors Hurst, McConkey and Neal

Absent – None

The recommendation contained in Item DS-21-94 concerning an update on the realignment of Athol Street between Simcoe Street South and Albert Street was now before Council.

The vote to adopt the recommendation contained in Item DS-21-94 Carried on the following

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

Negative – None

Declaration of Interest – Councillor Marimpietri

Absent – None

Moved by Councillor Chapman, seconded by Councillor Marks, (135) “Whereas the recommendation in Item DS-21-95 is dependent on Council’s decision of Report CNCL-21-50;

Therefore Item DS-21-95 and related By-law 63-2021 be deferred until after Report CNCL-21-50 has been dealt with.” Carried

The recommendation contained in Item FIN-21-48 concerning corporate payments for the month of January 2021 was now before Council.

The vote to adopt the recommendation contained in Item FIN-21-48 Carried.

The recommendation contained in Item FIN-21-52 concerning the design services for the reconstruction of Thornton Road North between Conlin Road West to Winchester Road East was now before Council.

The vote to adopt the recommendation contained in Item FIN-21-52 Carried on the following

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

Negative – None

Declaration of Interest – Councillor Marimpietri

Absent – None

The recommendation contained in Item FIN-21-53 concerning staff position and equipment requests – Fire Prevention Inspector and Parks Project Manager and Temporary Parks Project Coordinator was now before Council.

The vote to adopt the recommendation contained in Item FIN-21-53 Carried on the following

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

Negative – None

Absent – None

The recommendation contained in Item FIN-21-54 concerning a fire training facility was now before Council.

The vote to adopt the recommendation contained in Item FIN-21-54 Carried on the following

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

Negative – None

Absent – None

The recommendation contained in Report CNCL-21-46 concerning an information report on actions taken to address poverty was now before Council.

The vote to adopt the recommendation contained in Report CNCL-21-46 Carried on the following

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

Negative – None

Absent – None

The recommendation contained in Report CNCL-21-47 concerning a human rights garden: relocation to Ed Broadbent Waterfront Park was now before Council.

The vote to adopt Part 1 of the recommendation contained in Report CNCL-21-47 Carried on the following

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

Negative – None

Absent – None

Councillor Marimpietri left the meeting.

Mayor Carter temporarily left the meeting. Councillor Chapman assumed the Chair.

The vote to adopt Parts 2 and 3 of the recommendation contained in Report CNCL-21-47 Carried on the following

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marks, McConkey, Neal, and Nicholson

Negative – None

Absent – Councillor Marimpietri and Mayor Carter

Mayor Carter returned to the meeting and resumed the Chair.

Moved by Councillor Chapman, seconded by Councillor Marks, (136) “That the meeting recess for 10 minutes.” Carried

The meeting recessed at 11:39 a.m. and reconvened at 11:51 a.m. with all members of Council in attendance except Councillor Marimpietri.

The recommendation contained in Report CNCL-21-49 concerning the financial position and impacts of Covid-19 as of April 30, 2021 was now before Council.

The vote to adopt the recommendation contained in Report CNCL-21-49 Carried.

The recommendation contained in Report CNCL-21-51 concerning Dr. Blake Parkette – additional funding was now before Council.

The vote to adopt the recommendation contained in Report CNCL-21-51 Carried on the following

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

Negative – None

Absent – Councillor Marimpietri

Closed Consent Agenda

Moved by Councillor Chapman, seconded by Councillor Giberson, (137) “That all items listed under the heading of Closed Consent Agenda for the Council meeting of May 25, 2021 be adopted as recommended except Report CNCL-21-50.” 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

None

Report of the Finance Committee

None

Closed Staff Reports/Motions

CNCL-21-50 Update on LPAT Appeals for 1455, 1515, and 1517 Thornton Road
North

Closed Pursuant to Section 239 (2) (e) and (f) of the Municipal Act

Recommendation (Carried – See Page 185)

That pursuant to Report CNCL-21-50 dated May 19, 2021, Council directs City staff to proceed based on the recommendations set out in Section 5.4 of this Report.

Closed Discussion Agenda**Matters excluded from Closed Consent Agenda**

Moved by Councillor Chapman, seconded by Councillor Giberson, (138) “That the meeting recess and reconvene in a session closed to the public pursuant to Section 239 (2) (e) and (f) to consider Report CNCL-21-50 which is concerning litigation or potential litigation, including matters before administrative tribunals, affecting the City and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.” Carried

The meeting recessed at 12:19 p.m. and reconvened at 12:21 p.m. in closed session with all members of Council in attendance electronically except Councillor Marimpietri.

Also in attendance were the City Clerk, the Chief Administrative Officer; the Commissioner, Community Services Department; the Commissioner, Corporate Services Department; the Commissioner, Development Services Department; the Commissioner, Finance Services/Treasurer; the Deputy City Clerk; A. Koznick, Lawyer; M. Binkle, Lawyer and G. Thurston, Manager, Human Resource Services and Safety.

All other staff left the meeting.

Council entered closed session at 12:21 p.m.

Closed meeting discussions were held.

Councillor McConkey left the meeting.

Closed meeting discussions continued.

Moved by Councillor Chapman, seconded by Councillor Giberson, (139) "That Council rise from closed session and report." Carried

Council rose from Closed session at 1:15 p.m.

Closed Report

All members of Council participating remotely verbally affirmed they were alone.

Members of Council questioned A. Koznick, Lawyer concerning Report CNCL-21-50.

Councillor McConkey left the meeting.

This concludes the closed meeting summary.

The recommendation contained in Report CNCL-21-50 concerning an update on LPAT appeals for 1455, 1515, and 1517 Thornton Road North was now before Council.

The vote to adopt the recommendation contained in Report CNCL-21-50 Carried on the following

Affirmative – Councillors Chapman, Giberson, Hurst, Kerr, Marks, Neal and Mayor Carter

Negative – Councillors Gray and Nicholson

Absent – Councillors McConkey and Marimpietri (Declaration of Interest)

The recommendation contained in Item DS-21-95 concerning proposed extension of Interim Control By-law 25-2020 – Land Use Study of GI (General Industrial) zoned lands in the Northwood Business Park and related By-law 63-2021 was now before Council.

The vote to adopt the recommendation contained in Item DS-21-95 and pass By-law 63-2021 Carried on the following

Affirmative – Councillors Chapman, Giberson, Hurst, Kerr, Marks, Neal and Mayor Carter

Negative – Councillors Gray and Nicholson

Absent – Councillors McConkey and Marimpietri (Declaration of Interest)

Items Requiring Action

None

By-laws

- 62-2021 A By-law to delegate powers and duties to the City Clerk for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act* (Implements Council direction of May 25, 2021 through Item CORP-21-26 of the Twenty-Ninth Report of the Corporate Services Committee to delegate powers and duties of City Council to the City Clerk for the purposes of *the Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended.) (Referred – See Page 180)
- 63-2021 A By-law to Amend Interim Control By-law 25-2020 (Implements Council direction of May 25, 2021 through Item DS-21-58 of the Sixtieth Report of the Development Services Committee to extend Interim Control By-law 25-2020 to May 31, 2022 to provide sufficient time for the Local Planning Appeal Tribunal to issue its decision on the Appeal of the Committee of Adjustment decision regarding File: A-2020-56; and to allow staff to complete the Land Use Study taking into consideration the Tribunal's decision, prepare any proposed planning instruments to guide the development of those existing GI (General Industrial) zoned lands in the Northwood Business Park, and to implement any recommended planning instruments.) (Carried – See Page 185)
- 64-2021 A By-law to Amend Tax By-law 51-2021 (Implements Council direction of May 25, 2021 through Item FIN-21-58 of the Fortieth Report of the Finance Committee to amend Schedule B of the Tax By-law concerning Education Tax Rates for Commercial and Industrial Farmland Awaiting Development.) (Carried – See Page 156)

Matters Tabled

No items were lifted from the table.

Notices of Motion

The following three notices of motion were submitted by Councillor Hurst:

“Whereas approximately 300 feet of Taylorwood Road remains in its original roadway state without curbs, boulevard and sidewalk; and,

Whereas the Taylorwood corners at Simcoe Street are improved as is the newer residential section of Taylorwood and the adjacent streets of Herbert and Carswell leaving a gap of asphalt roadway surface and unsafe pedestrian walkway from Simcoe onto Taylorwood;

Therefore staff be directed to report back cost and timing for asphalt roadway, curbs and sidewalk for inclusion in the 2022 budget and 2022 work plan; and,

That this motion be referred to the Development Services Committee.”

and;

“Whereas according to the City’s website, the Michael Starr Trail is a 5 kilometre multi-use paved recreational trail; and,

Whereas it should be noted that 2822 metres of same is granular surface;

Therefore the granular portions of the trail be surfaced with asphalt; and,

That this motion be referred to the 2022 Budget.”

and;

“Whereas the property municipally known as 1658 Ritson Road North has been developed and fully occupied as a multi-unit residence for approximately 5 years; and,

Whereas the developer entered into a site plan agreement with the City of Oshawa and provided monies to the City for municipal improvements; and,

Whereas the temporary walkway abuts the curb and there is a partially open culvert which is unsafe for pedestrians; and,

Whereas the Region owns the property to the south and the approximately 20 year old residential neighbourhood to the north have a sidewalk setback from the roadway leaving gap in continuous pedestrian safety along Ritson Road North;

Now therefore staff enquire of the City’s current contractor as to its ability to effect this additional sidewalk project in 2021 and report back accordingly; and,

That this motion be referred to the Development Services Committee.”

The following notice of motion is submitted by Councillor Neal:

“Whereas it is prudent for the City to have shovel ready projects to submit for future infrastructure grant programs; and,

Whereas residents have been asking for the trails that have been approved by Council to be completed to improve the walkability to parks and amenities in the Taunton Planning Area;

Now therefore staff advance the timing from 2023 to 2022 for the design of the trails to Arborwood Park identified in the 2021 DC Charges By-law update and investigate including the design for it in the 2022 Budget; and

This motion be referred to the Community Services Committee.”

The following two notices of motion are submitted by Councillor McConkey:

“Whereas the most effective time to complete parks and trails is early in a development project;

Now therefore staff develop the wording of a clear policy that ensures builder/developers are responsible for the timely completion of area parks and trails in new residential development so that any growing dissatisfaction from delays is avoided; and

That this motion be referred to the Development Services Committee.”

and,

“Whereas the City of Oshawa has been experiencing phenomenal growth and many changes; and,

Whereas the City’s centennial fast is approaching, and 2022 will be a good year to survey and hear from Oshawa residents to help gauge how satisfied are they with their City, what is important to them, what future priorities would they like to see given focus, what asset renewal and policy or by-law changes or other feedback information can they provide to help inform the development of Oshawa’s budgets, strategic plan priorities along with program and service delivery to help shape the best future for Oshawa;

Now therefore the City conduct a Community Satisfaction Survey to measure residents’ satisfaction with City programs and service delivery and their future expectations, for an evaluation of what is effective now and an assessment how expectations for value, experience, support can consistently be met and/or improved; and,

That this motion be referred to the 2022 Budget.”

Confirming By-Law

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

42-2021 A by-law to confirm the City Council meeting of May 25, 2021.

Adjourn

Moved by Councillor Kerr, seconded by Councillor Neal,
(141) "That the meeting adjourn." Carried

The meeting adjourned at 1:19 p.m.