

Minutes of a meeting of the Council of the City of Oshawa held in the Committee Meeting Room on April 10, 2007 at 4:10 p.m.

Mayor Gray and Councillors Cullen, Henry, Kolodzie, Lutczyk, Marimpietri (entered at 4:14 p.m.), Neal, Nicholson, Parkes, Pidwerbecki and Sholdra were present.

Mayor Gray presided.

DECLARATIONS OF PECUNIARY INTEREST

Councillor Neal made a declaration of pecuniary interest concerning Item 2 of the Thirteenth Report of the Development Services Committee and Part 1 of Item 15 of the Thirteenth Report of the Audit, Budget and Corporate Committee as his wife is employed by OPUC Networks Inc. and did not take part in discussion or voting on the matters.

Councillor Henry made a declaration of pecuniary interest concerning Item 1 of the Thirteenth Report of the Development Services Committee and Item 10 of the Fourteenth Report of the Development Services Committee as he has a business relationship with companies referenced in the items and did not take part in discussion or voting on the matters.

Moved by Councillor Kolodzie, seconded by Councillor Cullen, (259) "That the meeting be closed to the public in order to discuss confidential legal and property matters." CARRIED

All Council members were present for closed meeting discussions except Councillor Marimpietri. Also present were S. Kranc, City Clerk, B. Duignan, City Manager, T. Hodgins, Commissioner of Development Services, R. Stockman, Commissioner of Corporate Services, S. Bertoia, Commissioner of Community Services, D. Potts, City Solicitor, R. Foster, Auditor General, C. Brown, Director of Finance, C. Symons-Milroy, Director of Economic Development, C. Kelly, Director of Transportation and Parking Services, M. Leonard, Director of Building Permits and Inspection Services, T. Adams, Director of Corporate Communications and Marketing, P. Radoslovich, Communications and Marketing Officer, E. Rodgers, Manager of Policy and Special Projects, R. Schatz, Real Estate Manager, D. Tuley, Downtown Development Officer, M. Medeiros, Committee Coordinator, and K. Bressan, Council Meeting Co-ordinator. All members of the public left the meeting.

Closed meeting discussions were held.

Councillor Marimpietri entered the meeting.

Closed meeting discussions continued.

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

Moved by Councillor Parkes, seconded by Councillor Cullen,
(260) “That Item 6 of Confidential Matters Tabled being Confidential Property Matters DS-07-16, DS-07-20 and DS-07-25 contained in Item 2 of the Eleventh Report of the Development Services Committee be lifted from the table.” CARRIED BY LATER VOTE

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

The lifting of Confidential Matters Tabled CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Cullen, Henry, Lutczyk, Marimpietri, Neal, Parkes, Pidwerbecki and Mayor Gray

NEGATIVE – Councillors Kolodzie, Nicholson and Sholdra

Absent – None

Moved by Councillor Pidwerbecki, seconded by Councillor Lutczyk,
(262) “That the meeting be closed to the public in order to discuss confidential legal and property matters.” CARRIED

All Council members were present for closed meeting discussions. Also present were S. Kranc, City Clerk, B. Duignan, City Manager, T. Hodgins, Commissioner of Development Services, R. Stockman, Commissioner of Corporate Services, S. Bertoia, Commissioner of Community Services, D. Potts, City Solicitor, R. Foster, Auditor General, C. Brown, Director of Finance, C. Symons-Milroy, Director of Economic Development, C. Kelly, Director of Transportation and Parking Services, M. Leonard, Director of Building Permits and Inspection Services, T. Adams, Director of Corporate Communications and Marketing, P. Radoslovich, Communications and Marketing Officer, E. Rodgers, Manager of Policy and Special Projects, R. Schatz, Real Estate Manager, M. Medeiros, Committee Coordinator, and K. Bressan, Council Meeting Co-ordinator. All members of the public left the meeting.

Closed meeting discussions took place.

Moved by Councillor Lutczyk, seconded by Councillor Henry,
“That Council rise from the closed meeting.” CARRIED

PRESENTATIONS

None.

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

DELEGATIONS/DELEGATION REQUESTS

Delegations

None.

Delegation Request

1. Mark Stewart, Animal Licensing Services Inc., requesting to address City Council concerning litigation between Animal Licensing Services Inc. and the City.
(All Wards)

Moved by Councillor Nicholson, seconded by Councillor Lutczyk,
(263) "That Delegation Request Item 1 from Mark Stewart be tabled for three weeks."
CARRIED

CONFIDENTIAL CORRESPONDENCE REQUESTS

None.

CONSENT AGENDA

Moved by Councillor Nicholson, seconded by Councillor Lutczyk,
(264) "That all items listed under the heading of Consent Agenda for the April 10, 2007 closed meeting be adopted as recommended except Confidential Memorandum CM-07-23 and Confidential Report CM-07-24." CARRIED

CONFIDENTIAL CORRESPONDENCE

None.

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

CONFIDENTIAL COMMITTEE REPORTS

Report of the Development Services Committee

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

1. Confidential Property Matter (DS-07-86) (Ward 7)

Recommendation (CARRIED - See Page 176)

That the recommendation contained in Confidential Report DS-07-86 dated March 21, 2007, from the Commissioner of Development Services be adopted.

2. Confidential Property Matter (DS-07-87) (Ward 2)

Recommendation (CARRIED - See Page 176)

That the recommendation contained in Confidential Report DS-07-87 dated March 21, 2007, from the Commissioner of Development Services be adopted.

Report of the Audit, Budget and Corporate Services Committee

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

1. Confidential Property Matter (ABCS-07-87) (Ward 3)

Recommendation (CARRIED - See Page 176)

That the recommendation contained in Confidential Report ABCS-07-87 dated March 2, 2007, from the Director of Finance be adopted.

Report of the Community Services Committee

None.

Report of the Strategic Initiatives Committee

None.

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

COMMITTEE OF THE WHOLE REPORTS

1. B. Duignan, City Manager, submitting Memorandum CM-07-23 concerning a confidential property matter. (Ward 2)
(See Page 178)
2. B. Duignan, City Manager, submitting Report CM-07-24 concerning a confidential property matter. (Wards 2 and 5)
(See Page 178)

DISCUSSION AGENDA

MATTERS EXCLUDED FROM CONSENT AGENDA

Moved by Councillor Parkes, seconded by Councillor Marimpietri,
(265) “That Confidential Memorandum CM-07-23 from the City Manager be received for information.” CARRIED

Moved by Councillor Nicholson, seconded by Councillor Parkes,
(266) “That Council reconsider their amending motion of March 19, 2007 concerning Item 2 of the Eleventh Report of the Development Services Committee with respect to location which is related to Confidential Report CM-07-24.” CARRIED ON A 2/3 VOTE OF MEMBERS PRESENT

Moved by Councillor Parkes, seconded by Councillor Kolodzie,
(267) “1. That Confidential Report CM-07-24 from the City Manager concerning a property matter dated April 10, 2007 be received for information.

2. That the Commissioner of Development Services, City Solicitor, and City Manager be authorized to proceed as outlined in Part 2 of Item 2 of the Eleventh Report of the Development Services Committee.
3. That staff be authorized to proceed as outlined in Part 3 of Item 2 of the Eleventh Report of the Development Services Committee.” CARRIED AS AMENDED BY LATER VOTE

Moved by Councillor Parkes, seconded by Councillor Pidwerbecki,
(268) “That Part 3 of the main motion be amended as directed.” CARRIED

The main motion related to Confidential Report CM-07-24 CARRIED AS AMENDED.

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

The meeting recessed at 5:35 p.m. and reconvened at 6:30 p.m. in the Council

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

Chamber. All Council members were present.

PUBLIC AGENDA

ADDITIONAL BLESSING

Reverend Allan Jorgenson, First Baptist Church, gave the additional blessing.

ANNOUNCEMENTS FROM COUNCIL MEMBERS

Councillor Marimpietri announced his wife and new baby girl, born on March 27th at Lakeridge Health Oshawa, are doing well and thanked everyone for their good wishes. Councillor Marimpietri announced the YWCA Hair Affair raised more than three times their fundraising target and thanked everyone for their support.

Councillor Neal referred to the commemoration of Vimy Ridge as Canada's great feat, and advised that many Oshawa high school students attended the 90th anniversary at Vimy Ridge.

Councillor Cullen advised the YWCA is still accepting donations and urged people to keep the momentum going so that Adelaide House can be re-opened. Councillor Cullen encouraged all citizens to attend the Oshawa Centre on April 12, 2007 to view the Oshawa Accessibility Advisory Committee's public display and demonstrations.

Councillor Henry stated that last week he attended the Armouries to honour returning veterans. He thanked everyone in Canada's military services for their efforts.

PRESENTATIONS

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

DELEGATIONS/DELEGATION REQUESTS

Delegations

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

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

Bill Longworth addressed City Council in opposition to the recommendation contained in Item 16 of the Thirteenth Report of the Audit, Budget and Corporate Services Committee stating that denying his request indicates a serious deficiency in democracy in Oshawa. He stated Council members have refused to provide the public with the information they needed to make a plebiscite decision. Bill Longworth stated the City should partner with a political specialist to produce information to effectively inform residents of the proposed change to the election system. He stated that previously in Oshawa all change under the general vote came following the death of a council member and not through a political vote. Bill Longworth added that election by direct vote is not used in any city the size of Oshawa unless there are political parties. He stated that Oshawa citizens will be angry when the next election presents them with a huge ballot where it will be impossible to make choices. Bill Longworth stated he intends to keep focussed on this issue during Council's entire term and he is determined those supporting the general vote will pay the price at the next election.

Council members questioned Bill Longworth.

Delegation Requests

None.

PUBLIC MEETING

None.

CORRESPONDENCE REQUESTS

1. Municipality of Clarington, Anne Greentree, Deputy Clerk, requesting Oshawa Council's endorsement of Clarington Council's resolution to the Durham Regional Police Service (DRPS) requesting DRPS rescind their new policy requiring paid-duty officers receive a minimum of one week advance notice and payment in advance for their services, and advising this new policy may cause undue hardship for certain non-profit organizations, and in certain circumstances such as emergency property standards orders. (All Wards)

Moved by Councillor Lutczyk, seconded by Councillor Kolodzie,
(270) "That Council endorse Clarington Council's resolution to the Durham Regional Police Service (DRPS) requesting DRPS rescind their new policy requiring paid-duty officers receive a minimum of one week advance notice and payment in advance for their services, and advising this new policy may cause undue hardship for certain non-profit organizations, and in certain circumstances such as emergency property standards orders." CARRIED

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

2. Bill Longworth expressing concern the total taxpayer cost of City politicians is falsely reported in Oshawa This Week and requesting Regional salaries and benefits, and all other compensation and benefits including conferences, car allowances, and the annual cost of blackberries be included in the calculation to reflect a more realistic estimate of Council members' compensation and benefits.

(All Wards)

Moved by Councillor Kolodzie, seconded by Councillor Henry,
(271) "That Correspondence Item 2 from Bill Longworth be received for information."
CARRIED

ADDITIONAL AGENDA ITEMS/MOTIONS

Moved by Councillor Henry, seconded by Councillor Kolodzie,
(272) "That whereas every Oshawa resident has a right to timely and unfettered access to all information pertaining to the conduct of any municipal election or by-election; and,

Whereas internet or web-based reporting of a candidate's financial information (including detailed contributor and expense information) has, for more than a decade, been undertaken within the federal level, all provincial jurisdictions, and several municipal jurisdictions throughout Ontario; and,

Whereas the Mayor and Council of the City of Oshawa support, without reservation, the principles of accountability, transparency and good governance,

Be it resolved that the Clerk of the City of Oshawa be instructed to make available the complete financial records of every 2006 municipal candidate for Mayor, Regional Councillor, City Councillor and School Board Trustee on the City of Oshawa website no later than Monday, April 16, 2007; and,

Be it further resolved that the Clerk be instructed to institute a permanent process to support the reporting of all candidate financial information via the City website subsequent to all future municipal elections or by-elections held within the City of Oshawa." CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Cullen, Henry, Kolodzie, Lutczyk, Marimpietri, Neal Nicholson, Parkes, Pidwerbecki, Sholdra and Mayor Gray

NEGATIVE – None

Absent - None

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

Moved by Councillor Nicholson, seconded by Councillor Neal,
(273) “That hard copies of candidate’s financial statements for the 2006 Municipal Election, 2007 School Board By-election and future elections conducted by the City of Oshawa be provided free of charge to requesters.” CARRIED

Moved by Councillor Henry, seconded by Councillor Kolodzie,
(274) “That whereas the residents of Durham support Premier McGuinty’s demand for fair healthcare funding for Ontarians based on a per capita basis and his view that ‘Justice delayed is justice denied . . . what’s best is that we’re treated the same as all Canadians’; and,

Whereas the Ministry’s own Peer Review demonstrated that Lakeridge Health is among the top 25% of hospitals in Ontario in efficiency, even when compared to single site hospitals; and,

Whereas Minister Smitherman’s Ministry clearly ordered Lakeridge Health not to ‘ . . . initiate new programs or expand existing programs without a sound business case; a clearly articulated internal financing plan; or without funding provided specifically for this purpose’; and,

Whereas Local Health Integration Networks were reportedly created to ‘ . . . give LHINs the tools they need to plan, co-ordinate and fund health care services in their communities’, and that decisions about how health services are delivered are to be made locally and ‘allow local communities to participate in this conversation’; and,

Whereas the recent provincial budget has identified additional funding to expand addiction treatment programs (\$7 million) and children’s mental health (\$8 million); and,

Whereas Lakeridge Health Addictions and Mental Health Services, and their community-based partners, have provided exceptional care to patients and their families while each currently have extensive waiting lists for services; and,

Whereas the Chief of Police has stated that ‘The effects of any total funding withdrawal in this type of program would be, in my view, immediate and negative’, and that ‘If we are to have alternatives to arrest these programs [Addictions] are vital’;

Be it resolved by Oshawa City Council that consistent with the Premier’s support of per capita funding, that the Ministry of Health also recognize that the residents of Durham have been the subject of provincial health and social services funding discrimination and that the Ontario government immediately reverse per capita funding gaps, beginning with the \$8 million in cuts ordered to Lakeridge Health; and further,

That Minister Smitherman make public his Ministry’s own ‘sound business case’ (including wind down costs (e.g. lay-offs, severances, leases etc.); start-up costs (hiring, new space, administration etc.); quality of care considerations; experienced and able partners prepared to accept the services, and; sufficient and sustainable funding to

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

maintain current services etc.) in ordering funding cuts to mental health and addictions programs at Lakeridge Health and his proposal to transfer those services to other agencies; and further,

That on April 1, 2007 when they take over funding responsibility for local health care services the Central-East LHIN immediately suspend the Minister's decision to cut funding to Lakeridge Health (including mental health and addictions services) and begin meaningful, open consultations with patients, families, staff, physicians, police and ambulance, other partners and communities affected by the Minister's decision; and further,

That this resolution be considered by Durham Regional Council and sent to the Councils from the Town of Whitby, Municipality of Clarington, Township of Scugog, and Township for Brock for support." CARRIED AS AMENDED BY THE FOLLOWING MOTION

Moved by Councillor Parkes, seconded by Councillor Henry,
(275) "That the main motion be amended by adding 'the City of Oshawa respectfully requests' following the words 'local health care services' in the second last paragraph."
CARRIED

The main motion CARRIED AS AMENDED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Cullen, Henry, Kolodzie, Lutczyk, Marimpietri, Neal, Nicholson, Parkes, Pidwerbecki, Sholdra and Mayor Gray

NEGATIVE – None

Absent - None

Moved by Councillor Henry, seconded by Councillor Sholdra,
(276) "That the 2007 Budget be reconsidered." CARRIED ON THE FOLLOWING 2/3 VOTE OF MEMBERS PRESENT

AFFIRMATIVE – Councillors Cullen, Henry, Kolodzie, Lutczyk, Marimpietri, Neal, Nicholson, Parkes, Pidwerbecki, Sholdra and Mayor Gray

NEGATIVE – None

Absent - None

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

Moved by Councillor Henry, seconded by Councillor Sholdra,
(277) “That the original projected revenues as submitted by staff in the 2007 budget for Lakefront West Park be approved in the amount of \$126,800.” CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Cullen, Henry, Kolodzie, Lutczyk, Marimpietri, Neal, Nicholson, Parkes, Pidwerbecki, Sholdra and Mayor Gray

NEGATIVE – None

Absent - None

Moved by Councillor Pidwerbecki, seconded by Councillor Sholdra,
(278) “That the 3% pay increase for the Mayor and Council members be reinstated for the year 2007, and that Council members who wish to donate their 3% raise or any portion thereof may do so by informing the Clerk’s Office in writing by April 30, 2007.” CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Henry, Kolodzie, Lutczyk, Marimpietri, Neal, Pidwerbecki, Sholdra and Mayor Gray

NEGATIVE – Councillors Cullen, Nicholson and Parkes

Absent - None

Moved by Councillor Neal, seconded by Councillor Marimpietri,
(279) “That the City of Oshawa place a poppy emblem on the Vimy Avenue Street Signs in the City of Oshawa in 2007 to commemorate the 90th anniversary of Vimy Ridge, and that notice be sent to Oshawa Legions and all veterans organizations, the Durham District School Board and the Durham Catholic District School Board..” CARRIED

Councillor Marimpietri temporarily left the meeting.

Moved by Councillor Henry, seconded by Councillor Cullen,
(280) “That Council approve the 2007 budget as amended.” CARRIED

Moved by Councillor Kolodzie, seconded by Councillor Cullen,
(281) “That Part 2 of Item 5 of the Eleventh Report of the Community Services Committee be deleted and replaced with the following: ‘That staff prepare a new Road Occupancy By-law in accordance with Report CS-07-68 for the next Council meeting.’; and, that By-law 31-2007 be withdrawn from the April 10, 2007 public agenda.”

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

Moved by Councillor Parkes, seconded by Councillor Pidwerbecki,
(282) “That the following amendments be made to the By-law Section of the April 10, 2007 Council public agenda:

- “1. That By-law 30-2007 listed in the April 10, 2007 public agenda concerning an amendment to Zoning By-law 60-94 to permit an automobile sales and service establishment for used vehicles as a temporary use under the provision of the Planning Act in addition to the uses currently permitted at 1399 Simcoe Street North, be renumbered as 31-2007; and,
2. That a By-law to adopt Amendment 58 to the Official Plan of the former Oshawa Planning Area – Secondary Plan for the Samac Community implementing direction of April 10, 2007 through Item 11 of the Fourteenth Report of the Development Services Committee be added to the Consent Agenda as By-law 30-2007; and,
3. That By-law 29-2007 listed in the April 10, 2007 public agenda be amended to describe Amendment 126 as an amendment to the Oshawa Official Plan by deleting the reference to the former Oshawa Planning Area – Secondary Plan for the Samac Community.” CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Cullen, Henry, Kolodzie, Lutczyk, Nicholson, Parkes, Pidwerbecki, Sholdra and Mayor Gray

NEGATIVE – Councillor Neal

Absent – Councillor Marimpietri

1. Downtown Action Committee, Marissa Kata, forwarding correspondence in support of private sector funding and the Hans Jain proposal concerning the Regent Theatre. (Ward 5)

Moved by Councillor Sholdra, seconded by Councillor Pidwerbecki,
(283) “That Additional Correspondence Items 1 and 2 from the Downtown Action Committee and the Regent Theatre Renewal Project respectively, be referred to Report CM-07-20.” CARRIED

2. Regent Theatre Renewal Project, Howard Smith, Chair, advising the Ontario Trillium Foundation has rescinded the remainder of the funding for the Regent Theatre due to the project’s inactivity over the past year, and suggesting plans for the short term be to continue archiving information on a part-time basis and that Joe Kondyjowski be consulted during the proposed negotiations with Hans Jain. (Ward 5)

(See Council Resolution 283)

Councillor Marimpietri re-entered the meeting.

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

PUBLIC CONSENT AGENDA

Moved by Councillor Nicholson, seconded by Councillor Parkes,
(284) “That all items listed under the heading of Consent Agenda for the April 10, 2007 public meeting agenda be adopted as recommended except:

Correspondence Received and Filed Items 13 and 16;
Items 10, 12 and 13 of the Fourteenth Report of the Development Services Committee;
Items 2, 15, and 16 of the Thirteenth Report of the Audit, Budget and Corporate Services Committee;
Item 6 of the Eleventh Report of the Community Services Committee;
Committee of the Whole Reports AG-07-03, CM-07-22 and CM-07-20; and,
By-laws 26-2007 and 27-2007.” CARRIED

ADOPTION OF MINUTES

“That the minutes of the March 19, 2007 City Council meetings be adopted.”
(CARRIED – See Page 187)

CORRESPONDENCE

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

(Ward 3)

Recommendation (CARRIED – See Page 187)

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

Correspondence – Received and Filed

That correspondence listed in Appendix A to the Public Agenda for the April 10, 2007 City Council meeting be received and filed. (CARRIED - See Pages 187 and 207)

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

COMMITTEE REPORTS

Report of the Development Services Committee

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

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

Recommendation (CARRIED – See Page 187)

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

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

Recommendation (CARRIED – See Page 187)

1. That the application submitted by Oshawa-Taunton Developments Inc. to amend the Oshawa Official Plan and the Pinecrest Part II Plan to permit Planned Commercial Strip uses at 855-903 Taunton Road East and to amend the Pinecrest Part II Plan to permit Planned Commercial Centre and Open Space and Recreation uses at 1007 Taunton Road East be approved.
2. That the proposed amendment to the Oshawa Official Plan and Pinecrest Part II Plan as contained in Attachment 4 to the report of the Commissioner of Development Services, DS-07-82, dated March 21, 2007, be approved and that the necessary by-law be passed.
3. That the application submitted by Oshawa-Taunton Development Inc. to amend Zoning By-law 60-94 to permit PSC-A (Planned Strip Commercial) uses at 855-903 Taunton Road East and PCC-D (Planned Commercial Centre) uses at 1007 Taunton Road East be approved, subject to certain revisions and conditions in accordance with the comments contained in the report of the Commissioner of Development Services, DS-07-82, dated March 21, 2007, and that the necessary by-law be passed.
4. That City Council declare Block 58, Plan 40M-2028 (Instrument Number LT1018855), to be surplus subject to the zoning by-law amendment for

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

855-903 Taunton Road East coming into effect, with actual conveyance of the lands to Schleiss Development Company Limited being undertaken after servicing requirements for the lands to the north have been determined and arrangements have been made for any necessary servicing easements.

5. That the site plan approval process for the proposed development address the matters set out in Attachment 5 of the report of the Commissioner of Development Services, DS-07-82, dated March 21, 2007, to the satisfaction of the Development Services Department.
 6. That the Taunton-Harmony Corridor Study Final Report – Recommended Land Use Plan and Urban Design Concept as approved by City Council on January 13, 2003 and as amended, be further amended to show the lands municipally known as 855-903 Taunton Road East as Planned Commercial Strip and the tableland portion of 1007 Taunton Road East as Planned Commercial Centre.
3. Applications for New Telecommunication Facilities, 328 Ritson Road North and 316 Kitchener Avenue, Telus (DS-07-84) (Wards 2 and 5)

Recommendation (CARRIED – See Page 187)

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

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

Recommendation (CARRIED – See Page 187)

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

Whereas the approval of the application is deemed appropriate;

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

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

1. That the necessary by-law be passed after:
 - (i) An appropriate survey describing the proposed lot addition and showing all existing buildings, lot coverage and proposed setbacks for the retained lands at 980 King Street East has been deposited; and
 - (ii) Any required Committee of Adjustment variances are finally approved.

2. This conditional approval shall expire on April 10, 2008, if the above conditions have not been satisfied.

5. Application for a Variance to Sign By-law 72-96, 600 Thornton Road North, Westbourne Ruddy Electric (DS-07-90) (Ward 2)

Recommendation (CARRIED – See Page 187)

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

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

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

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

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

Recommendation (CARRIED – See Page 187)

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

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

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

Recommendation (CARRIED – See Page 187)

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

Recommendation (CARRIED – See Page 187)

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

Recommendation (CARRIED – See Page 187)

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

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

Recommendation (REFERRED – See Page 207)

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

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

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

Recommendation (CARRIED – See Page 187)

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

Recommendation (REFERRED – See Page 207)

1. That City Council pass an amendment to Zoning By-law 60-94:
 - (a) To further regulate the size, height and location of accessory buildings in rural residential zones except the OS-ORM and AG-ORM Zones generally in accordance with the recommended regulations which form part of Attachment 1 to the Commissioner of Development Services' Report DS-07-37 dated February 28, 2007, in a form acceptable to the City Solicitor.
13. Harbour Road Land Use Study Implementation, Proposed Amendments to the Oshawa Official Plan and Zoning By-law 60-94 (DS-07-81) (Ward 1)

Recommendation (CARRIED – See Page 208)

1. That the proposed Amendment to the Oshawa Official Plan, contained in Attachment 1 to Report DS-07-81, dated March 21, 2007, be approved, that the necessary by-law be passed and that the Amendment be forwarded to the Region of Durham for their approval, subject to incorporating the following revisions to the proposed Official Plan Amendment:

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

- (a) Replace proposed new Section 2.3.7.18 (d) with a revised proposed new Section 2.3.7.18 (d) as follows:

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

- (b) Replace proposed new Section 2.3.7.18 (f) with a revised proposed new Section 2.3.7.18 (f) as follows:

“Prior to any new development of lands within 300 metres of a waterway or waters within the Oshawa Harbour, an archaeological assessment is completed to the satisfaction of the Ministry of Culture;”

2. That the proposed Amendment to Zoning By-law 60-94, contained in Attachment 2 to Report DS-07-81, dated March 21, 2007, be approved, and that the necessary by-law be passed, subject to incorporating the following revisions to the proposed Zoning By-law Amendment:

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

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

3. That in accordance with Section 34(17) of the Planning Act and notwithstanding that the proposed rezoning by-law differs to a minor degree from that proposed in the public meeting notice and presented in the report of the Commissioner of Development Services, DS-07-81 dated

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

March 21, 2007, such differences are not substantial enough to require further notice and another public meeting.

4. That any future development plans be subjected to a public open house as part of Committee and Council consideration.

Audit, Budget and Corporate Services Committee

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

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

Recommendation (CARRIED – See Page 187)

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

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

Recommendation (CARRIED – See Page 208)

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

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

Recommendation (CARRIED – See Page 187)

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

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

Recommendation (CARRIED – See Page 187)

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

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

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

Recommendation (CARRIED – See Page 187)

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

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

Recommendation (CARRIED – See Page 187)

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

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

Recommendation (CARRIED – See Page 187)

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

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

Recommendation (CARRIED – See Page 187)

1. That the request for waiving of fees from CanGrands for the rental of Memorial Park and Memorial Park Bandshell, up to a maximum of \$500, be provided for their celebration of Grandparents Day as it meets the criteria established within the Request for Waiving of Fees Policy; and

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

2. That where those fees do not exceed \$500, that the difference between the actual value of the fees waived and \$500 be provided by way of a grant through the Financial Assistance Program, as outlined in Report ABCS-07-94.

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

Recommendation (CARRIED – See Page 187)

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

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

Recommendation (CARRIED – See Page 187)

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

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

Recommendation (CARRIED – See Page 187)

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

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

Recommendation (CARRIED – See Page 187)

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

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

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

Recommendation (CARRIED – See Page 187)

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

1. The regular Audit, Budget and Corporate Services Committee and Community Services Committee meetings of Monday, July 16, 2007 be rescheduled to Wednesday, July 11, 2007.
2. The regular City Council meeting of July 23, 2007 be rescheduled to Monday, July 16, 2007.

14. Renaming of the Audit, Budget and Corporate Services Committee
(ABCS-07-80) (All Wards)

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

Recommendation (CARRIED – See Page 187)

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

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

Recommendation (PARTS 1 to 3 and 6 and 7 CARRIED;
PARTS 4 and 5 TABLED – See Page 208)

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

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

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

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

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

concerning residency; and

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

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

2. Councillors' Expense Policy (All Wards)

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

Whereas Members of Council were polled for their input; and

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

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

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

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

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

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

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

4. (a) Community Policing Centre for North Oshawa
(b) Valiant Property Management and Northview Cooperative Homes Incorporated – Community Policing Station for North Oshawa (Attachments) (Ward 6)
-

Whereas on July 13, 2006 City Council directed staff to investigate options to assist in the construction of the Community Policing Centre; and

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

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

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

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

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

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

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

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

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

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

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

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

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

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

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

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

Recommendation (LOST – See Page 209)

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

Report of the Community Services Committee

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

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

Recommendation (CARRIED – See Page 187)

That based on Report CS-07-65, dated March 14, 2007, entitled 'Temporary Parking on Division Street during Colborne Street Reconstruction' from the Commissioner of Community Services, Traffic By-law 79-99, as amended, be further amended temporarily to permit parking on the east side of Division Street

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

between William Street and Adelaide Avenue starting Monday, May 1, 2007 and ending Monday, July 16, 2007.

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

Recommendation (CARRIED – See Page 187)

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

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

Recommendation (CARRIED – See Page 187)

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

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

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

Recommendation (CARRIED – See Page 187)

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

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

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

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

Recommendation (CARRIED – See Page 185)

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

1. By-law 25-99, Road Occupancy By-law, be repealed; and
2. The staff prepare a new Road Occupancy By-law in accordance with Report CS-07-68 for the next Council meeting.

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

Recommendation (CARRIED – See Page 209)

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

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

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

Recommendation (CARRIED – See Page 187)

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

Report of the Strategic Initiatives Committee

None.

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

COMMITTEE OF THE WHOLE REPORTS

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

Recommendation (CARRIED – See Page 209)

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

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

Recommendation (See Page 209)

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

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

Recommendation (REFERRED – See Page 209)

1. That the City Manager be authorized to further clarify the details of the Atria Developments response to the RFEOI based upon the principles set out in Report CM-07-20 dated April 4, 2007 and report back to Council on June 11, 2007 on the details.
2. That the Regent Theatre Steering Committee be thanked for its efforts with respect to the RFEOI.
3. That the City Manager meet with the Oshawa Durham Symphony to explore the opportunity to secure its long term future in Oshawa based upon mutually acceptable arrangements and report back to Council on June 11, 2007 on the outcome of the discussions.
4. That funding for the preparation of an Arts and Culture Strategy and the

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

concept of a potential reserve for a possible future performing arts centre be referred to the 2007 Strategic Financial Plan.

5. That the City Manager meet with the Oshawa Folk Arts Council to discuss arrangements to release the Oshawa Folk Arts Council from its obligations towards the Regent Theatre and report to Council on these discussions on June 11, 2007.

CONSENT MOTIONS

“That the City of Oshawa proclaim:

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

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

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

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

May 2007 as ‘Museum Month’;

May 2007 as ‘Community Living Month’;

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

June 2007 as ‘Seniors’ Month’.” (CARRIED – See Page 187)

“That as Percy Luther is no fulfilling the duties of Acting Deputy City Clerk for the City of Oshawa, By-law 51-2005 appointing him as Deputy City Clerk be repealed.”
(CARRIED – See Page 187)

“That Lonny Knox be appointed Deputy City Clerk for the City of Oshawa.”
(CARRIED – See Page 187)

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

BY-LAWS

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

- 23-2007 A By-law to amend Traffic By-law 79-99.
(Implements direction of April 10, 2007, through Item 1 of the Eleventh Report of the Community Services Committee to temporarily remove the 'No Parking Anytime' regulations on the east side on Division Street between William Street East and Adelaide Avenue East from May 7 to July 16, 2007.) (Ward 5)
(CARRIED – See Page 187)
- 24-2007 A By-law restricting Imitation Firearms.
(Implements direction of March 19, 2007 through Council Resolution 161 to prohibit the use or display of imitation firearms in public places.)
(CARRIED – See Page 187) (All Wards)
- 25-2007 A By-law to amend Traffic By-law 79-99.
(Implements direction of April 10, 2007 through Item 3 of the Eleventh Report of the Community Services Committee to prohibit parking on the south side of Beatrice Street East, between Pondview Court and Townline Road and on the north side between Townline Road and a point 60 metres west of Townline Road.) (Ward 6)
(CARRIED – See Page 187)
- 26-2007 A By-law to adopt Amendment 125 to the Oshawa Official Plan.
(Implements direction of April 10, 2007 through Item 13 of the Fourteenth Report of the Development Services Committee to redesignate certain lands located in the area east of Simcoe Street South and bounded by Harbour Road on the south, Wellington Avenue East on the north, and Montgomery Creek on the east, and by adding appropriate policies to the Official Plan.) (Ward 1)
(CARRIED – See Page 210)
- 27-2007 A By-law to amend Zoning By-law 60-94.
(Implements direction of April 10, 2007 through Item 13 of the Fourteenth Report of the Development Services Committee to rezone certain lands located within the Harbour Road Land Use Study Area, the area east of Simcoe Street South and bounded by Harbour Road on the south, Wellington Avenue East on the north, and Montgomery Creek on the east to implement policies in the Official Plan the Harbour Road Land Use Study and to establish special conditions, and holding symbols, and permitted interim uses.) (Ward 1)
(CARRIED – See Page 210)

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

- 28-2007 A By-law to amend Council's Procedural By-law 126-75.
(Implements direction of April 10, 2007 through Item 11 of the Thirteenth Report of the Audit, Budget and Corporate Services Committee to establish the closed session of regular City Council meetings to commence at 3:30 p.m. instead of 4:00 p.m. and to establish a dedicated dinner hour at 5:30 p.m. prior to the open session.) (All Wards)
(CARRIED – See Page 187)
- 29-2007 A By-law to adopt Amendment 126 to the Oshawa Official Plan.
(Implements direction of April 10, 2007 through Item 11 of the Fourteenth Report of the Development Services Committee to permit an automobile sales and service establishment for used vehicles as a temporary use under the provision of the *Planning Act* in addition to the uses currently permitted at 1399 Simcoe Street North, Ed Malachowski.) (Ward 7)
(CARRIED – See Page 187)
- 30-2007 A By-law to adopt Amendment 58 to the Oshawa Official Plan of the former Oshawa Planning Area – Secondary Plan for the Samac Community.
(Implements direction of April 10, 2007 through Item 11 of the Fourteenth Report of the Development Services Committee to permit an automobile sales and service establishment for used vehicles as a temporary use under the provision of the *Planning Act* in addition to the uses currently permitted at 1399 Simcoe Street North, Ed Malachowski.) (Ward 7)
(CARRIED – See Page 187)
- 31-2007 A By-law to amend Road Occupancy By-law 25-99.
(Implements direction of April 10, 2007 through Item 5 of the Eleventh Report of the Community Services Committee to update the By-law to revise timelines for repairs, insurance requirements, sod warranties and cost recovery.) (All Wards)
(WITHDRAWN – See Page 185)
- 31-2007 A By-law to amend Zoning By-law 60-94.
(Implements direction of April 10, 2007 through Item 11 of the Fourteenth Report of the Development Services Committee to rezone uses at 1399 Simcoe Street North to permit a temporary automobile sales and service establishment for used vehicles until April 10, 2010 under the provisions of the *Planning Act*, Ed Malachowski.) (Ward 7)
(CARRIED – See Page 187)

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

- 32-2007 A By-law to authorize the execution of a tax arrears extension agreement.
(Implements direction of April 10, 2007 through Item 1 of the Twelfth
Report of the Audit, Budget and Corporate Services Committee to enter
into an extension agreement concerning Roll #040 027 105 00 0000, Tax
Sale File 26-2007 for tax arrears.) (Ward 3)
(CARRIED – See Page 187)
- 33-2007 A By-law to appoint a Deputy City Clerk.
(Implements direction of April 10, 2007 through Council Resolution to
appoint Lon Knox as Deputy City Clerk and repeal the appointment of
Percy Luther as Acting Deputy City Clerk.) (All Wards)
(CARRIED – See Page 187)

DISCUSSION AGENDA

MATTERS EXCLUDED FROM CONSENT AGENDA

Moved by Councillor Neal, seconded by Councillor Nicholson,
(285) “That Correspondence Received and Filed Item 13 from the Ontario Municipal
Board be received and filed.” CARRIED

Moved by Councillor Nicholson, seconded by Councillor Parkes,
(286) “That Correspondence Received and Filed Item 16 from Osler, Hoskin and
Harcourt LLP be received and filed.” CARRIED

Moved by Councillor Parkes, seconded by Councillor Henry,
(287) “That Council adopt Item 10 of the Fourteenth Report of the Development
Services Committee.” REFERRED BY THE FOLLOWING MOTION

Moved by Councillor Kolodzie, seconded by Councillor Pidwerbecki,
(288) “That Item 10 of the Fourteenth Report of the Development Services Committee
be referred to a time when the Development Charge By-law comes forward for review
and Council consideration.” CARRIED

Moved by Councillor Parkes, seconded by Councillor Henry,
(289) “That Council adopt Item 12 of the Fourteenth Report of the Development
Services Committee.” REFERRED BY THE FOLLOWING MOTION

Moved by Councillor Neal, seconded by Councillor Lutczyk,
(290) “That Item 12 of the Fourteenth Report of the Development Services Committee
be referred back to the Development Services Committee.” CARRIED

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

Moved by Councillor Parkes, seconded by Councillor Henry,
(291) “That Council adopt Item 13 of the Fourteenth Report of the Development Services Committee.” CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Cullen, Henry, Kolodzie, Lutczyk, Marimpietri, Neal, Nicholson, Parkes, Pidwerbecki, Sholdra and Mayor Gray

NEGATIVE – None

Absent - None

Moved by Councillor Lutczyk, seconded by Councillor Cullen,
(292) “That Council adopt Item 2 of the Thirteenth Report of the Audit, Budget and Corporate Services Committee.” CARRIED

Moved by Councillor Lutczyk, seconded by Councillor Cullen,
(293) “That Council adopt Item 15 of the Thirteenth Report of the Audit, Budget and Corporate Services Committee.” PARTS 1 to 3 and 6 and 7 CARRIED; PARTS 4 and 5 TABLED BY LATER VOTES

The motion was divided upon request.

Moved by Councillor Neal, seconded by Councillor Henry,
(294) “That Part 4 of Item 15 of the Thirteenth Report of the Audit, Budget and Corporate Services Committee be tabled at City Council.” CARRIED

Moved by Councillor Nicholson, seconded by Councillor Parkes,
(295) “That Part 5 of Item 15 of the Thirteenth Report of the Audit, Budget and Corporate Services Committee be tabled at City Council.” CARRIED

The remainder of Item 15 of the Thirteenth Report of the Audit, Budget and Corporate Services Committee CARRIED.

Moved by Councillor Lutczyk, seconded by Councillor Cullen,
“That Council adopt Item 16 of the Thirteenth Report of the Audit, Budget and Corporate Services Committee.” LOST ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Kolodzie, Lutczyk, Marimpietri, Pidwerbecki and Mayor Gray

NEGATIVE – Councillors Cullen, Henry, Neal, Nicholson, Parkes and Sholdra

Absent - None

Moved by Councillor Pidwerbecki, seconded by Councillor Henry,

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

(296) “That the request for a Partnership Grant from VOTES be referred back to the Finance and Administration Committee.” CARRIED

Moved by Councillor Kolodzie, seconded by Councillor Cullen,

(297) “That Council adopt Item 6 of the Eleventh Report of the Community Services Committee.” CARRIED

Councillor Cullen temporarily left the meeting.

Moved by Councillor Nicholson, seconded by Councillor Parkes,

(298) “That Council adopt the recommendations contained in Report AG-07-03 from the Auditor General concerning the need for a Fraud Hotline.” CARRIED

Councillor Cullen re-entered left the meeting.

Moved by Councillor Parkes, seconded by Councillor Cullen,

(299) “That with respect to Report CM-07-22 from the City Manager concerning a Program review:

1. That in consultation with staff it is proposed the Auditor General undertake a review of programs based on an evaluation of the following risk factors: financial significance, legal and regulatory compliance; public interest; and political interest;
2. That the Auditor General in conjunction with Human Resources hire a professional audit analyst/specialist on a contract basis to be managed by the Auditor General;
3. That the Auditor General report back through the Strategic Initiatives Committee; and,
4. That the Auditor General consider an appropriate mechanism to share his information with the public.” CARRIED

Moved by Councillor Kolodzie, seconded by Councillor Pidwerbecki,
“That the meeting recess.” LOST

Councillor Kolodzie temporarily left the meeting.

Moved by Councillor Nicholson, seconded by Councillor Pidwerbecki,

(300) “That Report CM-07-20 from the City Manager concerning the Regent Theatre be referred to a Council education session.” CARRIED

Councillor Kolodzie re-entered the meeting

Moved by Councillor Nicholson, seconded by Councillor Parkes,

OSHAWA CITY COUNCIL MINUTES – APRIL 10, 2007

(301) “That Council approve By-laws 26-2007 and 27-2007.” CARRIED

NOTICES OF MOTION

None.

CONFIRMING BY-LAW

Moved by Councillor Nicholson, seconded by Councillor Parkes,
(302) “That the Confirming By-law be approved.” CARRIED

34-2007 A By-law to confirm the City Council meeting of April 10, 2007.

ADJOURN

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

The meeting adjourned at 8:40 p.m.

**APPENDIX A
CITY COUNCIL MINUTES
APRIL 10, 2007**

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

1. Town of Lakeshore, Kirk Foran, Director of Corporate Services, forwarding correspondence to the Minister of Municipal Affairs and Housing requesting the Province reconsider its current policy of not compensating agricultural landowners for loss of future development opportunities, and expressing concern this unfair practice of establishing green space under Ontario's Greenbelt plan could extend beyond the Golden Horseshoe. (All Wards)
(CARRIED – See Page 187)
2. Government of Newfoundland and Labrador, Minister of Health and Community Services, Ross Wiseman, thanking Oshawa Council for their resolution supporting the elimination of trans fat in food and advising they will support their federal colleagues as action is taken on this important health issue. (All Wards)
(CARRIED – See Page 187)
3. Ministry of Community Safety and Correctional Services, Dan Hefkey, Chief, congratulating Oshawa for its commitment to public safety in 2006 by successfully completing the Essential Level Emergency Management Program required under the *Emergency Management and Civil Protection Act* and Ontario Regulation 380/04, and advising that Emergency Management Ontario's staff will be in contact to assist Oshawa to maintain full compliance in 2007. (All Wards)
(CARRIED – See Page 187)
4. Regional Municipality of Durham, P.M. Madill, Regional Clerk, forwarding Regional Planning Committee's February 2007 report summarizing the key findings of the 2006 Annual Building Permit Activity Review. (All Wards)
(CARRIED – See Page 187)
5. Keith Miller, Event Chair, YWCA Durham 'A Hair Affair', thanking Oshawa Council for its support to the YWCA and the 'Hair Affair' event benefiting YWCA Durham's emergency housing programs for women and children. (All Wards)
(CARRIED – See Page 187)
6. City of Pickering, Debi Bentley, City Clerk, forwarding Pickering Council's resolution to the Regional Municipality of Durham endorsing a Preliminary Work Plan for reviewing the Pickering Official Plan and advising a public meeting will be held in spring 2007 to obtain public input and a Final Work Plan will follow. (All Wards)
(CARRIED – See Page 187)

7. Teachers of English as a Second Language Association of Ontario, Sharon Rajabi, President, thanking Oshawa Council for their support in proclaiming the week of November 18 to 24, 2006 as 'English as a Second Language Week'.
(CARRIED – See Page 187)
(All Wards)
8. Association of Municipalities of Ontario/Local Authority Services (LAS) Natural Gas Procurement Program, and LAS Electricity Procurement Program forwarding their February/March 2007 newsletter providing information to members concerning their respective programs and energy marketplaces. (All Wards)
(CARRIED – See Page 187)
9. Province of New Brunswick, Minister of Health Michael Murphy, responding to Oshawa Council's resolution supporting the elimination of trans fat in food and encouraging the Federal Government to move forward with the June 2006 Trans Fat Task Force recommendations to the Federal Minister of Health to effectively eliminate or reduce trans fats in Canadian foods. (All Wards)
(CARRIED – See Page 187)
10. Township of Brock, Mayor Larry O'Connor, forwarding correspondence to the Minister of Municipal Affairs and Housing requesting appropriate provincial decision-makers be informed that five of the eight lower tier municipalities in Durham Region (Brock, Clarington, Scugog, Whitby and Uxbridge) oppose Private Members Bill 172 calling for the direct election of the Regional Chair and therefore Durham Regional Council does not have the 'triple majority' support required under section 218, of the *Municipal Act*, 2001 to proceed to change the composition of council as described under section 219(2) of the *Municipal Act*, 2001. (All Wards)
(CARRIED – See Page 187)
11. Township of Brock, George Graham, Chief Administrator, forwarding the Protection to Persons and Property Committee's resolution to Minister of Transportation requesting Durham Regional Police Service be allowed to develop a photo radar system to enforce speed limits to make roads safer. (All Wards)
(CARRIED – See Page 187)
12. Town of Ajax, Martha Pettit, Manager of Legislative Services/Deputy Clerk, forwarding Ajax Council's resolution to the Regional Municipality of Durham in response to Bill 51 - *The Planning and Conservation Land Statute Law Amendment Act*, 2006, and forwarding their General Government Committee report dated March 22, 2007 providing comments on legislative and regulatory changes affecting Ajax and outlining potential planning opportunities. (All Wards)
(CARRIED – See Page 187)

13. Ontario Municipal Board, R. Rossi, Member, forwarding Decision 0804 issued on March 28, 2007 allowing the appeal and authorizing a minor variance to permit the maintenance of an existing deck located in the rear yard, 307 Niagara Drive, Yvonne Qu, Applicant. (Ward 7)
(CARRIED – See Page 207)
14. Regional Municipality of Durham, P.M. Madill, Regional Clerk, forwarding a summary of subdivision and condominium activity within the Region in 2006. (All Wards)
(CARRIED – See Page 187)
15. Regional Municipality of Durham, P.M. Madill, Regional Clerk, forwarding Regional Council's resolution to Prime Minister Stephen Harper supporting the 'Let's get a fair deal' campaign initiated by the Greater Toronto Airports Authority to keep Toronto competitive with other North American international airports, and requesting the Federal Government reduce rent charges at Toronto Pearson International Airport similar to the rent reduction approved for the Vancouver Airport. (All Wards)
(CARRIED – See Page 187)
16. Osler, Hoskin & Harcourt LLP, Stanley Stein, solicitor for Hudson's Bay Company and Zellers Inc., forwarding correspondence to the Ontario Municipal Board advising their clients have reached a settlement with Oshawa South Developments Inc. and therefore withdraw their appeals opposing the City's Official Plan Amendment 123 and Zoning By-law 121-2006. (Ward 2)
(CARRIED – See Page 207)
17. Sandra Kranc, City Clerk, advising Council in accordance with Section 80(3) of the *Municipal Elections Act*, 1996, that a Notice of Default was sent to Jack Hale, Tim Dobson and Dawn Turner concerning failure to file Municipal Election Financial Statements by 5:00 p.m. on April 2, 2006. (All Wards)
(CARRIED – See Page 187)