

Minutes of a meeting of the Council of the City of Oshawa held in the Council Chamber with electronic participation on September 27, 2021 at 9:30 a.m.

Mayor Carter and Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, 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 land covered under the Williams Treaties, and the traditional territories of the Mississaugas of Scugog Island First Nation.

Mayor Carter announced that the City of Oshawa has also proclaimed September 30 as the National Day for Truth and Reconciliation, providing information on the establishment of a National Day for Truth and encouraged all community members to wear your orange shirt in reflection. Mayor Carter encouraged all Oshawa residents to visit one of the five locations in Oshawa – City Hall, Civic Recreation Complex, Columbus Community Centre, Delpark Homes Centre and Lakeview Park -- and bring and tie an orange ribbon in honour of the children who endured residential schools and to use the National Day to learn more about the Truth and Reconciliation Calls to Action, and commit to reconciliation.

Council Member Announcements

Various announcements were made relating to activities and events.

Additional Agenda Items

Moved by Councillor Chapman, seconded by Councillor Giberson,

(187) "That Correspondence CNCL-21-85 from Valerie Hunt and CNCL-21-86 from Margaret Wilkinson submitting comments in opposition to the recommendation contained in Item DS-21-155 regarding the Columbus Part II Plan be added to the agenda for the City Council meeting of September 27, 2021 and referred to the relevant report." Carried

Declarations of Pecuniary Interest

Mayor Carter made a declaration of interest concerning Report DS-21-166 regarding the Applications for "Plan 20Thirty" Steering Committee as he owns property in the area and did not take part in discussion or voting on the matter.

Mayor Carter made a declaration of interest concerning Report CS-21-91 regarding Proposed Extension of the Pilot Project on Sidewalk Snow Clearing in High Pedestrian Traffic Areas Within the Former Oshawa Central Business Improvement Area of the

Downtown as he owns property in the area and did not take part in discussion or voting on the matter.

Mayor Carter made a declaration of interest concerning Report FIN-21-88 correspondence submitted by John Mutton on behalf of the Downtown Oshawa Business Alliance regarding a proposed Property Value Protection and Loss of Rental Income Program for Oshawa's Central Business District as he owns property in the area and did not take part in discussion or voting on the matter.

Mayor Carter made a declaration of interest concerning Report CNCL-21-72 proposed Community Safety, Security and Well-Being in Oshawa's Downtown Area Action Plan as he owns property in the area and did not take part in discussion or voting on the matter.

Mayor Carter made a declaration of interest concerning Report CNCL-21-77 regarding proposed budget implications related to services previously provided by the Oshawa Downtown Business Improvement Area as he owns property in the area and did not take part in discussion or voting on the matter.

Mayor Carter made a declaration of interest concerning Report CNCL-21-71 regarding an update on a BIA outstanding legal matter as he owns property in the area and did not take part in discussion or voting on the matter.

Councillor Marimpietri made a declaration of interest concerning Report DS-21-166 regarding the applications for "Plan 20Thirty" Steering Committee as he has family members whom own property, and operate business within the subject area and did not take part in discussion or voting on the matter.

Councillor Marimpietri made a declaration of interest concerning Report DS-21-168 regarding City comments on a forthcoming Research and Development Environmental Compliance Approval Application by RIC (Harmony) Inc. and Evergreen Environmental Inc. for a Digestate Co-Composting Trial Project located at 5052 Harmony Road North as he has family members whom own property, and reside within the subject area and did not take part in discussion or voting on the matter.

Councillor Marimpietri made a declaration of interest concerning Report DS-21-150 (and relating Correspondence DS-21-165) regarding the Application to Amend Zoning By-law 60-94, Post Office LP (Atria Development), 47 Simcoe Street South, and associated proposal regarding the City-owned Parking Lot (Lot 16) located directly East of 47 Simcoe Street South, on the South Side of Athol Street East between Celina Street and Albert Street as he has family members whom own property, and operate business which may be impacted by the decisions made on the project/to the downtown Oshawa parking lot identified within the report and did not take part in discussion or voting on the matter.

Councillor Marimpietri made a declaration of interest concerning Correspondence FIN-21-88 regarding correspondence submitted by John Mutton on behalf of the Downtown Oshawa Business Alliance regarding a proposed Property Value Protection and Loss of Rental Income Program for Oshawa's Central Business District as he has family members whom own property and operate business within the subject area and did not take part in discussion or voting on the matter.

Councillor Marimpietri made a declaration of interest concerning FIN-21-164 regarding potential acquisition of certain Highway 407 East surplus lands 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 CS-21-91 regarding the proposed extension of the Pilot Project Snow Clearing in High Pedestrian Areas within the former Oshawa Central Business Improvement Area of the Downtown as he has family members whom own property and operate business within the subject area and did not take part in discussion or voting on the matter.

Councillor Marimpietri made a declaration of interest concerning CNCL-21-68 regarding direction on City staff involvement respecting an appeal to the Ontario Land Tribunal of a Council Decision concerning the Extension of Interim Control By-law 25-2020 under the Planning Act (File: B-1100-1449) as he has family members whom own property and operate business within the subject area and did not take part in discussion or voting on the matter.

Councillor Marimpietri made a declaration of interest concerning CNCL-21-72 regarding the proposed Community Safety and Well Being in Oshawa's Downtown Area Action Plan as he has family members whom own property and operate business within the subject area and did not take part in discussion or voting on the matter.

Councillor Marimpietri made a declaration of interest concerning CNCL-21-71 regarding an update on BIA outstanding legal matter as he has family members whom own property and operate business within the subject area and did not take part in discussion or voting on the matter.

Councillor Giberson made a declaration of interest concerning DS-21-166 regarding applications for "Plan 20Thirty" Steering Committee as he is a Director of a place of employment of an applicant and did not take part in discussion or voting on the matter.

Councillor Neal made a declaration of interest concerning Report DS-21-166 regarding the applications for "Plan 20Thirty" Steering Committee as he has a family member who operates a business within the subject area and did not take part in the discussion or voting on the matter.

Councillor Neal made a declaration of interest concerning Report FIN-21-88 regarding correspondence submitted by John Mutton on behalf of the Downtown Oshawa Business Alliance regarding a proposed Property Value Protection and Loss of Rental Income Program for Oshawa's Central Business District as he has family that owns property in the area and did not take part in discussion or voting on the matter.

Councillor Neal made a declaration of interest concerning Report FIN-21-82 regarding City and Oshawa Senior Community Centres website upgrades as he sits on the board of the Oshawa Seniors Community Centres and did not take part in discussion or voting on the matter.

Councillor Neal made a declaration of interest concerning Report CNCL-21-71 regarding an update on BIA outstanding legal matter as he has family that owns property in the area and did not take part in discussion or voting on the matter.

Councillor McConkey made a declaration of interest concerning Report DS-21-155, with the exception of Attachment 5.

Presentations

None

Delegations

Moved by Councillor Chapman, seconded by Councillor Giberson,
(188) "That the delegation from Robert Shaw, Rent A Bench requesting to address City Council concerning Item CS-21-96 regarding a request to renew the contract between the City of Oshawa and Rent A Bench be heard." Carried

Moved by Councillor Chapman, seconded by Councillor Giberson,

(189) "That the delegation of Dave Spackem be heard in place of Robert Shaw, concerning Item CS-21-96 regarding a request to renew the contract between the City of Oshawa and Rent A Bench." Carried

Dave Spackem addressed City Council concerning Item CS-21-96 regarding a request to renew the contract between the City of Oshawa and Rent A Bench.

Moved by Councillor McConkey, Seconded by Councillor Hurst,
(190) "That the delegate's time be extended." Carried

Dave Spackem continued to address City Council.

Members of Council questioned Dave Spackem.

Moved by Councillor Nicholson, seconded by Councillor Gray,
(191) "That the rules of procedure be waived to bring forward Correspondence CS-2196." Carried on 2/3 vote of members present.

Moved by Councillor Nicholson, seconded by Councillor Gray,
(192) "That Item CS-21-96 be referred to staff to begin negotiations on a potential future contract with Rent-A-Bench and report back to a future meeting of Council, and further that that the current contract be extended until the report is received and Council has decided on a future course of action." Carried on the following vote

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

Negative – None

Absent – None

Moved by Councillor Nicholson, seconded by Councillor Gray,
(193) "That the rules of procedure be waived to introduce a time sensitive motion concerning parking on Charter Crescent." Carried on 2/3 vote of members present.

Moved by Councillor Nicholson, seconded by Councillor Gray,
(194) “Whereas the residents of Charter Crescent have submitted a petition of over 60 signatures requesting a no parking zone on the north side of Charter Crescent, and,

Whereas parking and stopping of vehicles are creating disturbance to the resident of Charter Crescent and causing both traffic and pedestrian access issues for the area, and,

Whereas the City approved the subdivision to the north on the basis that sufficient parking would be provided interior to the subdivision and not on Charter Crescent, and,

Whereas there are constant complaints regarding illegal parking over the 3 hour limit on Charter Crescent requiring nightly enforcement at increase expense to the City of Oshawa and excessive time impacts on the bylaw enforcement staff,

Therefore, that the Council of the City of Oshawa approves a No Parking Zone along the north side of Charter Crescent and staff take appropriate actions to amend the bylaws and provide approved signage to reflect this designation.” Carried on the following vote

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

Negative – None

Absent - None

Moved by Councillor Hurst, seconded by Councillor Marimpietri,
(195) “That the rules of procedure be waived to introduce a time sensitive motion concerning the City’s Workplace Vaccination Policy.” Carried on the following 2/3 vote of members present.

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

Negative – Councillor Gray

Absent – None

Moved by Councillor Hurst, seconded by Councillor Marimpietri,
(196) “Whereas on September 1, 2021, Dr. Robert Kyle, Durham Region’s Chief Medical Officer of Health, recommended employers implement a workplace vaccination policy. Based on this recommendation and pursuant to Section 229 of the Municipal Act, 2001, and the authority that is delegated under the Chief Administrative Officer’s By-law, City of Oshawa CAO Paul Ralph has directed the implementation of a mandatory COVID-19 vaccination and verification policy in order to meet the City’s obligations as an employer under the Occupational Health and Safety Act and to protect the health and safety of our greatest resource: our people; and,

Whereas the City of Oshawa's Mandatory COVID-19 Vaccination and Verification Policy will require all employees, volunteers and students to be fully vaccinated against COVID-19 by November 12, 2021; and,

Whereas elected officials including the Mayor and all members of Oshawa City Council are technically not considered to be employees of the City of Oshawa and therefore exempt from the Mandatory COVID-19 Vaccination and Verification Policy; and,

Whereas the Mayor and all members of Oshawa City Council are physically present and active in the workplace including but not limited to City Hall, and other facilities operated by the City of Oshawa, and as such in the presence of City of Oshawa employees.

Therefore be it resolved that the Mayor and all members of Oshawa City Council disclose and provide proof of COVID-19 vaccination status to the City's Executive Director of Human Resource Services on or before November 12, 2021, in accordance with the aforesaid policy." Carried as amended by later votes

Moved by Councillor Marks, seconded by Councillor Marimpietri, (197) "That the motion be amended to add 'unless appropriate medical documentation is provided that provides an exemption to said individuals.'" Carried by later votes

Moved by Councillor Kerr, Seconded by Councillor McConkey, (198) "That the amendment be further amended to remove the word 'medical'." Carried

The amendment Carried as amended on the following vote

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

Negative – None

Absent – None

The vote on the motion concerning proof of COVID-19 vaccination status for Members of Council Carried as amended on the following vote

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

Negative – Councillor Gray

Absent – None

Moved by Councillor McConkey, seconded by Councillor Kerr, (199) "That the rules of procedure be waived to introduce a time sensitive motion concerning a hybrid model for in-person Council meetings." Lost on 2/3 vote of members present.

Affirmative – Councillors Gray, Kerr, McConkey and Nicholson

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

Absent - None

Moved by Councillor Marimpietri, seconded by Councillor Chapman,
(200) "That the meeting recess." Carried

The meeting recessed at 10:50 a.m. and reconvened at 11:11 a.m. with all members of Council in attendance.

Matters Requiring Direction

Correspondence Requiring Action

CNCL-21-73 City of Oshawa Integrity Commissioner – Report on Complaint Harding v. Neal, 2021 ONMIC 5

Moved by Councillor Chapman, seconded by Councillor Marks,
(201) "That Correspondence CNCL-21-73 from the City of Oshawa Integrity Commissioner providing a report on the complaint concerning Harding v. Neal, 2021 ONMIC5 be received for information." Carried

Items Pulled from Information Package

CNCL-21-74 Alexander Harris, Manager of Legislative Services/Deputy Clerk, Town of Ajax forwarding a resolution passed by the Council of the Town of Ajax concerning Vehicle Noisemaker Muffler Systems (INFO-21-195)

Moved by Councillor McConkey, Seconded by Councillor Neal,
(202) "That Council endorse the Ajax resolution concerning Vehicle Noisemaker Muffler Systems and the City of Oshawa follow-up on the endorsement with the following request to the Province and the Region of Durham for improved enforcement of vehicles making excessive noise and that the Region of Durham give consideration to supporting Durham Region Police Services joining the other Regional municipalities who have initiated the Project Noisemaker Program in their communities." Referred by the following motion:

Moved by Councillor Chapman, Seconded by Councillor Neal,
(203) "That Item CNCL-21-74 be endorsed and referred to Item CORP-21-46." Carried

- CNCL-21-78 Correspondence from Darryl Sherman, President, Wilson Furniture concerning the state of Downtown Oshawa, August 2021 (INFO-21-224)
- CNCL-21-79 Correspondence from The Downtown Oshawa Business Alliance concerning community development and integration in downtown Oshawa (INFO-21-227)
- CNCL-21-80 Correspondence from The Downtown Oshawa Business Alliance concerning the cessation of duplication of services among service providers/charities in Oshawa's Central Business District and Shoulder Area (INFO-21-228)
- CNCL-21-81 Stella Danos-Papaconstantinou, Commissioner, Social Services, Regional Municipality of Durham forwarding a copy of the Region's response to the letter received from Darryl Sherman concerning the state of Downtown Oshawa, August 2021 (INFO-21-231)
- CNCL-21-82 Stella Danos-Papaconstantinou, Commissioner, Social Services, Regional Municipality of Durham forwarding a copy of the Region's response to the letter received from the Downtown Oshawa Business Alliance concerning community development and integration in downtown Oshawa (INFO-21-232)
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Moved by Councillor McConkey, Seconded by Kerr,
(204) "That Correspondence CNCL-21-78 from Darryl Sherman, President, Wilson Furniture, CNCL-21-79 and CNCL-21-81 from the Downtown Oshawa Business Alliance, CNCL-21-81 and CNCL-21-82 from Stella Dano-Papaconstantinou, Commissioner Social Services, Regional Municipality of Durham concerning downtown Oshawa be referred to Item CNCL-21-72." Carried

Public Consent Agenda

Moved by Councillor Chapman, seconded by Councillor Giberson,
(205) "That all items listed under the heading of Public Consent Agenda for the September 27, 2021 Council meeting be adopted as recommended except:

Correspondence CNCL-21-75; and,

Items CS-21-88, CS-21-94, CS-21-67, CS-21-91, CS-21-100 and respective By-law 111-2021 and CS-21-101 of the Thirty-Second Report of the Community Services Committee; and,

Items CORP-21-43, CORP-21-44 and CORP-21-46 of the Thirty-First Report of the Corporate Services Committee; and,

Items DS-21-154, DS-21-166, DS-21-144, DS-21-155, DS-21-168 and DS-21-182 of the Sixty-Second Report of the Development Services Committee; and,

Items FIN-21-88 and FIN-21-82 of the Forty-Second Report of the Finance Committee; and,

Reports CNCL-21-21-68 and respective By-law 107-2021, CNCL-21-69, CNCL-21-70, CNCL-21-72 and CNCL-21-77.” Carried

Correspondence

CNCL-21-75 Debbie Crandall, Save the Oak Ridges Moraine Coalition Submitting Comments in Support of Item DS-21-168 concerning City Comments on a forthcoming Research and Development Environmental Compliance Approval Application by RIC (Harmony) Inc. and Evergreen Environmental Inc. for a Digestate Co-Composting Trial Project located at 5052 Harmony Road North

Recommendation (Carried – See Page 237)

That Correspondence CNCL-21-75 from Debbie Crandall, Save the Oak Ridges Moraine Coalition submitting comments in support of the City Comments on a forthcoming Research and Development Environmental Compliance Approval Application by RIC (Harmony) Inc. and Evergreen Environmental Inc. for a Digestate Co-Composting Trial Project located at 5052 Harmony Road North be referred to Item DS-21-168.

Adoption of Council Minutes

That the minutes of the City Council meetings held on June 21, 2021 be adopted.
(Carried – See Page 197)

Standing Committee Reports

Report of the Community Services Committee

The Community Services Committee respectfully reports and recommends to City Council its Thirty-Second Report.

CS-21-82 Nancy Albion Submitting Concerns About the Grandview Street_North Speed

Recommendation (Carried – See Page 198)

That Correspondence CS-21-82 from by Nancy Albion submitting concerns about the speeding on Grandview Street North be referred to staff to investigate the implementation of flexible bollards, also known as vertical speed barriers, and other traffic calming methods along the related problem areas of Grandview Street North.

- CS-21-84 Muhammad Mohsin Submitting a Request for Additional Tennis Courts in North Oshawa
- Recommendation (Carried – See Page 198)
- That Correspondence CS-21-84 from Muhammad Mohsin requesting additional Tennis Courts in North Oshawa be referred to staff for a report.
- CS-21-85 Alison Robichaud Submitting Comments in Support of Reducing the Speed on the Grandview Street North from Coldstream Drive to Conlin Road
- CS-21-86 Norbert and Rosalia Goral Submitting Concerns About the Speed on Grandview Street North
- Recommendation (Carried – See Page 198)
- That Correspondence CS-21-85 and CS-21-86 from various residents submitting comments in support of reducing the speed on Grandview Street North be referred to the upcoming staff report concerning traffic calming methods along the related problem areas of Grandview Street North.
- CS-21-87 Liz Schillings Submitting Concerns About the Lack of Public Washrooms in the City of Oshawa Parks
- Recommendation (Carried – See Page 198)
- That Correspondence CS-21-87 from Liz Schillings submitting concerns about the lack of public washrooms in City of Oshawa Parks be referred to staff for a direct response.
- CS-21-88 Ibrahim Siddique and Ali Tabrez Submitting a Request for Cricket Facilities in the City of Oshawa
- Recommendation (Amended – See Page 237)
- That Correspondence CS-21-88 from Ibrahim Siddique and Ali Tabrez submitting a request for cricket facilities in the City of Oshawa be referred to staff to meet with the residents for a direct response.
- CS-21-96 Robert Shaw Requesting a Continuation of Agreement Between City of Oshawa and Rent A Bench
- Recommendation (See Page 193)
- That Correspondence CS-21-96 from Robert Shaw requesting a continuation of an Agreement between the City of Oshawa and Rent A Bench be referred to staff for a report.

CS-21-80 Notice of Motion – Early Spring Flowers in Downtown Streetscape Planters

Recommendation (Carried – See Page 198)

That the following Notice of Motion concerning Early Spring Flowers in Downtown Streetscape Planters be referred to staff for a report prior to deliberation of the 2022 budget:

‘Whereas other municipalities plant early spring flowers like tulips and pansies in their downtown streetscape planters,

Whereas the City of Oshawa has active and proficient greenhouse and parks department staff,

Now therefore the City of Oshawa commence installing spring flowers in the downtown streetscape planters.’

CS-21-81 Notice of Motion – Oshawa Creek Bridge

Recommendation (Carried – See Page 198)

That the following Notice of Motion concerning the Oshawa Creek Bridge be referred to Engineering staff for a report back to the Development Services Committee:

‘Whereas the bridge over Oshawa Creek and the path behind City Hall has rotting and uneven floor boards and bricks, and missing and rotting railing boards;

Whereas in the deteriorated state of these paths of travel make it not only unsightly, but unsafe and not accessible;

Now therefore staff report on a renewal plan for the cladding elements of bridge and the design and materials of the pathway behind City Hall over Oshawa Creek and report back to Council for a remediation plan that make this path of travel safer and more accessible.’

CS-21-94 Options for the Redevelopment of Rotary Park

Recommendation (Carried – See Page 237)

That pursuant to Report CS-21-94, dated September 15, 2021 concerning the options for the redevelopment of Rotary Park, the Commissioner, Community Services Department be directed to advance Option A: Original Option presented as part of the Rotary Park Feasibility Study: A new leisure pool, major splash pad and destination playground as outlined in Section 5.3.1 of said Report.

CS-21-67 New All-way Stop Control Installation Process

Recommendation (Carried – See Page 238)

That, pursuant to Report CS-21-67 dated June 9, 2021 the new all-way stop control installation process as outlined in Section 5.2 be approved.

CS-21-83 Community Services Outstanding Items Status Report - Third Quarter 2021

Recommendation (Carried – See Page 198)

That Report CS-21-83, dated September 15, 2021 being the Community Services Committee's Outstanding Items Status Report for the third quarter of 2021 be received for information.

CS-21-89 Advancement of Trail Design at Arborwood Parkette

Recommendation (Carried – See Page 198)

Whereas on June 14, 2021, CS-21-74 was referred to staff by the Community Services Committee to investigate the feasibility of advancing the trail design and pedestrian bridge linking Arborwood Parkette to the existing trail at Esterbrook Drive (Project 50-0016) from 2023 to 2022 as identified in the DC Charges By-law update; and,

Whereas staff undertook the review of internal workload capacity to accelerate project 50-0016 from 2023 to 2022; and,

Whereas staff have capacity to deliver project 50-0016 starting in Q4 2022 given current and proposed project commitments; and,

Whereas there would be marginal efficiencies in timing by accelerating project 50-0016 from 2023 to 2022;

Therefore be it resolved that project 50-0016 can be included in the 2022 Capital budget submission with the understanding that this project would not be actively worked on by staff until Q4 2022.

CS-21-90 Request for the Design and Installation of a Basketball Full Court at Coldstream Park

Recommendation (Carried – See Page 198)

That the Community Services Staff take into consideration all public input and investigate and engage School Boards, and/or any private or public entity or entities, seek out any government grants that would be interested in sponsoring/participating in order to escalate and assist with the costs to design and the construction of a basketball full court at Coldstream Park.

CS-21-91 Proposed Extension of the Pilot Project on Sidewalk Snow Clearing in High Pedestrian Traffic Areas Within the Former Oshawa Central Business Improvement Area of the Downtown

Recommendation (Carried – See Page 238)

Whereas Council approved a snow clearing project on municipal sidewalks within the former Oshawa Central Business Improvement Area and directed staff report back to the Community Services Committee on the results of the pilot project; and,

Whereas Council approved the program and funding to come from the Operations reserve; and,

Whereas the pilot started in January of 2021 and will end in December 2021; and,

Whereas there were only seventeen winter events encountered in the winter/spring period, average events per year is forty-one; and,

Whereas there was only one complaint compared to an average of twenty three; and,

Whereas City staff are seeking approval to extend the pilot into the 2022 winter season in order to determine cost and if service levels can be maintain appropriately;

Therefore, be it resolved that Council approve an extension into the winter/spring 2022 season and that staff report back on the results of the extended pilot project in 2022.

CS-21-92 Ed Broadbent Waterfront Park: Summary of Community Engagement

Recommendation (Carried – See Page 198)

That Report CS-21-92 dated September 15, 2021 concerning the summary of community engagement for the Ed Broadbent Waterfront Park be received for information.

CS-21-93 Outdoor Winter Ice Rink Study

Recommendation (Carried – See Page 198)

That Report CS-21-93 dated September 15, 2021 being the Outdoor Winter Ice Rink Study, be referred back to staff to investigate the specifics of the operational efficiencies and costs savings associated with constructing an outdoor rink to a recreation centre that currently has an existing ice surface, ice resurfacers and refrigeration plant.

CS-21-95 Trent University Durham GTA Multi-Year Fitness Membership and Rental of Facilities for Student Use 2021-2024

Recommendation (Carried – See Page 198)

1. That Pursuant to Report CS-21-95, dated September 15, 2021, the City renew a three year agreement with Trent University Durham GTA for eight-month, Level 2 Fitness Memberships for Trent University Durham GTA students at City-owned recreation facilities, for the academic years September 2021 to April 2024; subject to the following terms and conditions:
 - a) That Trent University Durham GTA shall pay to the City 50% of the Youth Level 2 Membership rate set out in the City's General Fees and Charges By-law, numbered 13-2003, as amended (collectively, the "Fee"); and,
 - b) That Trent University Durham GTA shall pay the full rates as set out in the City's General Fees and Charges By-law for athletic facility rentals and/or access to programming outside of the membership; and,
 - c) That Trent University Durham GTA shall pay the City in two installment payments on December 1 and March 1 of each year of the three year agreement; and,
 - d) That staff meet with Trent University Durham GTA staff, as required to review student usage, discuss issues related to the agreement and to encourage student use of City recreation facilities; and,
2. That the Mayor and City Clerk be authorized to execute a formal agreement with Trent University Durham GTA in a form and

content satisfactory to the City Solicitor and Commissioners of Finance and Community Services Department.

CS-21-99 Pilot Implementation of Recurring Short-Term Closures

Recommendation (Carried – See Page 198)

That staff investigate and report back to the Community Services Committee by April of 2022 on a pilot implementation of recurring short-term closures (weekend/holidays) of city streets in the summer months (June/July/ August) for the purpose of Active Transportation use (cycling, running, walking, etc.). Said pilot closures would operate on one weekend a month during the aforementioned time frame.

CS-21-100 Reduction of Speed on Oshawa Boulevard North

Recommendation (Carried – See Page 238)

Whereas residents living along Oshawa Boulevard North between Rossland Road East and Ritson Road North have expressed traffic related safety concerns; and,

Whereas there are many young families that generate significant pedestrian activity in this area; and,

Whereas community safety is a key priority of the City of Oshawa for both pedestrians and drivers; and,

Whereas Oshawa Boulevard North is under the jurisdiction of the City of Oshawa; and,

Whereas there is currently a speed limit of 40km/h on Oshawa Boulevard North in the vicinity of Northway Court Park, and the remainder of Oshawa Boulevard North between Rossland Road East and Ritson Road North is 50km/h; and,

Whereas there is a desire to have a consistent speed limit of 40km/h along this section of road;

Therefore be it resolved:

1. That the City's Traffic By-law 79-99 be appropriately amended to make the speed limit 40km/h on Oshawa Boulevard North, between Rossland Road East and Ritson Road North.
2. That Durham Regional Police Service be requested to provide enforcement of this new 40km/h speed zone.
3. That a copy of this resolution be forwarded to Durham Regional Police Service.

CS-21-101 Community Safety Zone along Coldstream Drive

Recommendation (Carried – See Page 239)

Whereas community safety is a key priority of the City of Oshawa for both pedestrians and drivers; and,

Whereas community safety zones are sections of a roadway where public safety is of special concern such as areas near schools and where penalties for matters such as speeding and careless driving are increased; and,

Whereas Coldstream Drive is under the jurisdiction of the City of Oshawa; and,

Whereas Coldstream Drive has a speed limit of 40km/h between Wilson Road North and Townline Road North due to the number of schools and parks fronting it; and,

Whereas there is significant pedestrian activity generated by those schools and parks; and,

Whereas residents have expressed traffic related safety concerns despite the current speed limit of 40km/h;

Therefore be it resolved:

1. That the City's Traffic By-law be appropriately amended to establish a community safety zone along Coldstream Drive between Wilson Road North and Townline Road North for all times throughout the year (24/7, 365 days a year) and that the Commissioner, Community Services Department be delegated the authority to pass the amending by-law and to install the appropriate signage; and,
2. That Durham Regional Police Service be requested to strongly and consistently enforce the community safety zone in this area including the use of regular enforcement blitzes, especially during the school year; and,
3. That a copy of this resolution be forwarded to Durham Regional Police Service.

Report of the Corporate Services Committee

The Corporate Services Committee respectfully reports and recommends to City Council its Thirty-First Report.

CORP-21-39 Fifth Report of the Oshawa Animal Care Advisory Committee

Recommendation (Carried – See Page 198)

That Report CORP-21-39 being the fifth report of the Oshawa Animal Care Advisory Committee concerning proposed amendments to the Responsible Pet Owners By-law concerning pet stores be referred to staff for a report:

1. Proposed Amendments to Responsible Pet Owners By-law concerning Pet Stores (OACAC-21-31)

That current by-laws and/or regulations be amended to incorporate the recommendations listed in Appendix II of Report OACAC-21-31 concerning pet stores that sell animals in Oshawa.

CORP-21-40 Regional Municipality of Durham – 311 Customer Service Centre

Recommendation (Carried – See Page 198)

That the Region of Durham be requested to provide a presentation to the Corporate Services Committee concerning their 311 Customer Service Centre.

CORP-21-41 Arlene Feeney – Land Acknowledgement for Columbus Community Centre

Recommendation (Carried – See Page 198)

That Correspondence CORP-21-41 from Arlene Feeney requesting land acknowledgement for Columbus Community Centre be referred to staff for a report.

CORP-21-37 Vacancies on the Committee of Adjustment

Recommendation (Carried – See Page 198)

That in accordance with Report CORP-21-37, dated September 8, 2021, concerning three vacancies on the Committee of Adjustment:

1. That the applicants listed in Confidential Attachment 1 be appointed to the Committee of Adjustment for the term ending November 14, 2022, or until such time as successors are appointed; and,

2. That By-law 154-2014, be amended to give effect to these appointments.

CORP-21-42 Corporate Services Committee Outstanding Items List Status Report – Third Quarter 2021

Recommendation (Carried – See Page 198)

That Report CORP-21-42, dated September 8, 2021 being the Corporate Services Committee's Outstanding Items Status Report for the third quarter of 2021 be received for information.

CORP-21-43 2021 Municipal Law Enforcement Operational Review

Recommendation (Amended – See Page 239)

1. That M.L.E., in consultation with the Oshawa Animal Care Advisory Committee, consider options for broader changes by exploring service delivery and cost recovery options for sick or injured wildlife files and report to the Corporate Services Committee; and,
2. That M.L.E., in consultation with the Oshawa Animal Care Advisory Committee, consider changes by exploring service delivery options for animal welfare complaints and report to the Corporate Services Committee; and,
3. That three (3) hour parking violation complaints only be accepted when a licence plate number or other distinguishing vehicle traits are provided, without limiting for situations where City staff can exercise discretion for exceptions; and,
4. That staff review the Traffic Bylaw, as amended to prohibit parking on all streets from 2:00 a.m. to 6:00 a.m. for a report back to the Community Services Committee and investigate violations through proactive patrols and through a dedicated direct phone line and online complaint procedure outside of that provided by Service Oshawa while optimizing the enforcement service to prioritize the proactive patrol method; and,
5. That the City consider in the 2022 Budget, the inclusion of a minimum of 2 dedicated bylaw officers to enforce parking regulations in the City of Oshawa; and,
6. That future reports regarding new or expanded regulations provide Council with an indication of the resources required to implement and enforce; and,
7. That in order to ensure the best use of City resources, enforcement of complaints that are not health and safety related be subject to the proximity and affect criteria and that the

distance be increased from 60 to 200 metres to include the general immediate neighbourhood where a resident lives.

CORP-21-44 Response to Coyotes in Oshawa

Recommendation (Carried – See Page 239)

Whereas coyotes are found in every urban centre and are a natural part of the urban environment; and,

Whereas Coyotes can adapt to urban environments and lose their fear of humans often due to food sources readily available in our neighbourhoods; and,

Whereas the City of Oshawa has received numerous complaints and inquiries related to coyotes within the community; and,

Whereas there have been three confirmed cases of children being bitten by coyotes in two different areas of the City;

Therefore be it resolved:

That staff report back to Corporate Services Committee at its October 4, 2021 meeting outlining relevant legislation, roles and responsibilities related to coyotes and wildlife in the community, actions taken to date and actions to be taken in the future.

CORP-21-45 Strategies to Amend Administrative Penalties and Other Fees to those Creating Offences

Recommendation (Carried – See Page 198)

That the motion concerning strategies to amend administrative penalties and other fees to those creating offences be referred to staff for a report:

That the City of Oshawa adopt in principle the concept of 'Offender Pay' wherever possible and work on strategies to amend the Administrative Penalties and other fees to place more of the cost of enforcement and compliance on those creating offenses in the City of Oshawa and to provide relief to the general property taxpayer.

CORP-21-46 Request that the Province Implement Legislation Related to Excessive Vehicle Noise

Recommendation (Amended – See Page 240)

Whereas the City has undertaken an extensive review of excessive vehicle noise (CORP-20-26) in 2020 and engine brake noise from heavy vehicles (CORP-21-04) in 2021; and,

Whereas, as a result of the reviews, the City has enhanced Noise By-law 112-82 by establishing Tiered and Escalating Administrative Monetary Penalties and requested enhanced enforcement of deficient muffler systems as part of the Province's commercial vehicle inspection program; and,

Whereas excessive noise resulting from the operation of moving vehicles falls under the jurisdiction of the Highway Traffic Act, 1990 which is enforced by Durham Regional Police Services, the Ministry of Transportation and the Ontario Provincial Police; and,

Whereas Durham Regional Police Service has undertaken proactive enforcement on excessively loud vehicles;

Therefore be it resolved that Oshawa City Council request the Province implement legislation to address excessive noise from vehicle noisemaker muffler systems and provide funding for police services in Ontario to be equipped with approved decibel monitor devices to aid in effective enforcement efforts.

Report of the Development Services Committee

The Development Services Committee respectfully reports and recommends to City Council its Sixty-Third Report.

DS-21-176 Envision Durham – Growth Management Study – Release of Region-Wide Growth Analysis Technical Report (Report #2021-INFO-71), Our File: D12-01 (INFO-21-199)

Recommendation (Carried – See Page 198)

That Correspondence DS-21-176 from the Region of Durham concerning the Envision Durham Growth Management Study Release of Region-Wide Growth Analysis Technical Report be received for information.

DS-21-177 Gerald and David Bray Requesting a Letter of Support to Rename the Creek on the Bray Family Property

Recommendation (Carried – See Page 198)

That in accordance with Correspondence DS-21-177 from Gerald and David Bray a letter of support be approved by Council at its September 27, 2021 meeting as it is time sensitive.

DS-21-154 Second Report of the Port of Oshawa Working Group

Recommendation (Carried – See Page 240)

1. Request from Durham Region for City Comments on Report #2021-W-27 of the Commissioner of Works concerning Farewell Street south of Harbour Road (PORT-21-04)

Recommendation

Whereas, on June 23, 2021, Regional Council considered Report #2021-W-27 concerning a request from the Hamilton Oshawa Port Authority (H.O.P.A.) for the assumption of ownership of Farewell Street (Regional Road 56), south of Harbour Road, and adopted the following recommendation:

- A. “That Regional staff be authorized to examine the request from HOPA for the assumption of ownership of Farewell Street (Regional Road 56) south of Harbour Road in the City of Oshawa, and report back with a recommendation and/or next steps’;
- B. That the examination of this request be based on due diligence consideration of the land use, legal and financial impacts associated with the transaction;
- C. That a copy of Report #2021-W-27 of the Commissioner of Works be circulated to the City of Oshawa with a request for comments by September 30, 2021; and
- D. That a copy of Report #2021-W-27 of the Commissioner of Works be provided to the HOPA for information”; and,

Whereas, in accordance with Report #2021-W-27 of the Commissioner of Works, H.O.P.A. requested the transfer of ownership for the subject segment with a view to “allow for timely and strategic improvements to the main entrance to the port lands” and to “improve fluidity and safety within the port district”; and,

Whereas, H.O.P.A.’s request also acknowledges and commits to ensuring that all existing accesses for businesses adjoining the subject segment will remain open; and,

Whereas, City staff and Regional staff have been working on detailed design of the Farewell Street reconstruction from Harbour Road to Bloor Street; and,

Whereas, Report #2021-W-27 of the Commissioner of Works (see Attachment 1) was circulated to various City staff from Community Services and Development Services Departments for review, and City staff are generally supportive of the proposal at a high level since Farewell Street in this location is classified as a local road and functions primarily as a private driveway subject to the following comments:

- Further information and clarification from the Region of Durham is requested in order to confirm that there are no financial implications to the City as a result of the H.O.P.A.'s request to assume ownership of Farewell Street, south of Harbour Road.
- The City reserves the right to request an easement for any existing City infrastructure if it is discovered that there are existing City infrastructure located within the limits of those lands to be transferred to H.O.P.A.
- Since the exact limits of the land to be transferred to H.O.P.A. is not made clear at this time, City staff request the opportunity to review any draft surveys or reference plans prior to the transfer of ownership in order to confirm if any easements in favour of the City are required.
- City staff will continue to review and provide input into the Region's proposed rehabilitation and reconstruction of Farewell Street which is anticipated to be constructed in 2022, including requesting the Region to make the delivery of this capital project a top priority item.
- The Region needs to ensure that an easement is conveyed to McAsphalt to provide access to the McAsphalt site south of Harbour Road.
- In the event that H.O.P.A. obtains ownership of Farewell Street, south of Harbour Road, H.O.P.A. will be required to make corresponding amendments to their Land Use Plan.
- H.O.P.A. will need to work with Oshawa Fire Services to ensure access to the Port and the McAsphalt site is appropriately provided and maintained in the event of an emergency.

Therefore be it resolved:

1. That Item PORT-21-04 be endorsed as the City's comments concerning the Region of Durham's Report #2021-W-27 of the Commissioner of Works regarding Farewell Street south of Harbour Road, and that a copy of PORT-21-04 be forwarded to the Region of Durham and H.O.P.A. for their consideration; and,
 2. That the Region be requested to approve the reconstruction of Farewell Street from Harbour Road to Bloor Street in the 2022 Capital Budget.
2. City Comments Regarding Proposal to Amend Environmental Compliance Approval for McAsphalt Industries Limited (Environmental Registry of Ontario_Number 019-4128) (PORT-21-05)
-

Recommendation

Whereas, on August 9, 2021 the Ministry of the Environment, Conservation and Parks (the "M.E.C.P.") posted on the Environmental Registry of Ontario ("E.R.O.") website notice of a proposal to amend Environmental Compliance Approval (air) Number 0083-5WBSN9 for McAsphalt Industries Limited, an asphalt cement products manufacturing facility located at 1221 Farewell Street in Oshawa, to permit the addition of one natural gas-fired heater and four tanks; and,

Whereas, the contaminant emissions to the atmosphere from this facility were identified as xylenes, hydrogen chloride, particulate matter, nitrogen oxides, and noise; and,

Whereas, the McAsphalt facility is in proximity to existing and proposed residential development, north of Harbour Road, the Waterfront Trail, the Second Marsh, Lakeview Park, Montgomery Creek Provincially Significant Wetland, and the newly created Ed Broadbent Waterfront Park (see Attachment 1); and,

Whereas the M.E.C.P. has prepared Land Use Compatibility Guidelines with the objective of preventing or minimizing, through the use of buffers, the exposure of any person, property, plant or animal life to adverse effects associated with the operation of specified facilities; and,

Whereas, the McAsphalt facility conforms to the definition of specified facilities under the M.E.C.P.'s guidelines; and,

Whereas, the M.E.C.P.'s guidelines speak to the need for appropriate minimum separation distances to be implemented

between types of specified facilities and sensitive land uses;
and,

Whereas, the M.E.C.P.'s guidelines indicate that in addition to residential development, sensitive land uses may include "recreational uses which are deemed by the municipality or provincial agency to be sensitive"; and,

Whereas, on July 11, 2011 City Council deemed the Waterfront Trail, the Second Marsh, Lakeview Park and Montgomery Creek Provincially Significant Wetland to be sensitive outdoor recreational uses under the M.E.C.P.'s Land Use Compatibility Guidelines, pursuant to Resolution CM-11-38; and,

Whereas, in view of the foregoing, it is appropriate that M.E.C.P. staff be advised of the above noted sensitive land uses in proximity to the McAsphalt facility at 1221 Farewell Street, and that this factor be considered as part of the M.E.C.P.'s assessment of the proposed amendment for 1221 Farewell Street; and,

Whereas, Fire Services has noted that xylene is highly flammable and nitrogen oxide is toxic and that on-site firefighting materials such as foam, carbon dioxide or dry chemicals should be considered; and,

Whereas, comments on the subject proposed amendment are due by September 23, 2021;

Therefore be it resolved:

1. That, pursuant to PORT-21-05 dated September 9, 2021, City staff be authorized to advise the Ministry of the Environment, Conservation and Parks of the concerns of Oshawa Fire Services and consider the proximity of sensitive land uses, including existing and proposed residential areas, north of Harbour Road at Ed Broadbent Waterfront Park and the various outdoor recreational areas deemed by Council pursuant to Resolution CM 11-38 to be sensitive outdoor recreational uses under the Ministry's Land Use Compatibility guidelines, in their evaluation of the proposal to amend Environmental Compliance Approval (air) Number 0083-5WBSN9 for the McAsphalt Industries Limited asphalt cement products manufacturing facility located at 1221 Farewell Street in Oshawa.
2. That, to give appropriate effect to Part 1 of this Recommendation, staff be authorized to forward Resolution PORT-21-05 and any related resolution of the Development Services Committee to the Ministry of the

Environment, Conservation and Parks for its consideration following approval by the Development Services Committee and to provide a subsequent follow-up once Council has considered this matter.

DS-21-167 Second Report of the Oshawa Environmental Advisory Committee

Recommendation (Carried – See Page 198)

Whereas, on June 7, 2021 the Development Services Committee referred a motion to the Oshawa Environmental Advisory Committee concerning a request from Friends of Second Marsh requesting a member of the Oshawa Environmental Advisory Committee join the Board of Directors; and,

Whereas, the Oshawa Environmental Advisory Committee, at their September 7, 2021 meeting, considered OEAC-21-31 being the referral from the Development Services Committee, and made the following motion:

“That the request from the Friends of Second Marsh be accepted and a member of the Oshawa Environmental Advisory Committee join the Board of Directors, Friends of Second Marsh.”,

Therefore be it resolved that the motion made by the Oshawa Environmental Advisory Committee concerning OEAC-21-31 at their September 7, 2021 meeting be endorsed, and that the Oshawa Environmental Advisory Committee be authorized to appoint, on an ongoing basis, one of their members to serve on the Board of Directors for Friends of Second Marsh.

DS-21-175 Fourth Report of the Oshawa Active Transportation Advisory Committee

Recommendation (Carried – See Page 198)

That Report DS-21-175 being the Fourth Report of the Oshawa Active Transportation Advisory Committee concerning the Region of Durham’s Proposed Cycling Plan 2021 be endorsed:

1. Oshawa Active Transportation Advisory Committee
Comments on the Durham Region Proposed Cycling Plan
2021 (OATAC-21-27)

Recommendation

That Report OATAC-21-27 being the OATAC comments in response to the Region of Durham's Proposed Cycling Plan 2021 be forwarded to the Region of Durham with the

exception of Attachment 1 outlined on Pages 12 to 18 be endorsed.

DS-21-166 Applications for "Plan 20Thirty" Steering Committee

Recommendation (See Page 241)

That Report DS-21-166, dated September 8, 2021, concerning Applications for "Plan 20Thirty" Steering Committee be referred to Council without a recommendation.

DS-21-143 Heritage Oshawa's Recommendation to Designate Under the Ontario Heritage Act: 304 Simcoe Street South and 9 and 17 Quebec Street

Recommendation (Carried – See Page 198)

That, pursuant to Report DS-21-143 dated September 8, 2021, Development Services staff be directed to undertake the process established in the Ontario Heritage Act to designate 304 Simcoe Street South, 9 and 17 Quebec Street, as a property of cultural heritage value or interest under the Ontario Heritage Act by undertaking actions such as the following:

- a) Prepare a Notice of Intention to Designate the property located at 304 Simcoe Street South, 9 and 17 Quebec Street under the Ontario Heritage Act;
- b) Publish the Notice in the Oshawa This Week newspaper;
- c) Forward the Notice to the Ontario Heritage Trust and the Owner 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 subsequent consideration by Council

DS-21-144 One-Way to Two-Way Conversion Feasibility Study for Albert Street, Celina Street, Brock Street East, and Colborne Street

Recommendation (Carried – See Page 241)

That, pursuant to Report DS-21-144 dated September 8, 2021 concerning the One-Way to Two-Way Conversion Feasibility Study for Albert Street, Celina Street, Brock Street East, and Colborne Street staff be authorized to advance a virtual public engagement form owing to the COVID-19 pandemic, in the fall of 2021 to receive input on the preferred alternative and report back to Development Services Committee on the results of the public input and present a preliminary design for the preferred alternative.

DS-21-145 Development Services Committee Outstanding Items List Status Report – Third Quarter 2021

Recommendation (Carried – See Page 198)

That Report DS-21-145, dated September 8, 2021 being the Development Services Committee's Outstanding Items Status Report for the third quarter of 2021 be received for information.

DS-21-151 Direction on City Staff Involvement Respecting an Appeal to the Ontario Land Tribunal of a Committee of Adjustment Decision Concerning 633 Greenhill Avenue

Recommendation (Carried – See Page 198)

Whereas, on June 23, 2021 the Committee of Adjustment ("C. of A.") approved Application File A-2021-46 to permit a two-storey mixed-use building at 633 Greenhill Avenue with a minimum front yard depth and minimum exterior side yard depth of 4.5m instead of 6.0m; and,

Whereas, there was considerable opposition to the Committee of Adjustment application from a number of residents in the general vicinity of the subject site; and,

Whereas, on July 13, 2021, Theresa Corless appealed the Committee of Adjustment decision to the Ontario Land Tribunal ("O.L.T.");

Therefore be it resolved that Oshawa City Council:

1. Does not support the decision of the C. of A. with respect to Application File A-2021-46;
2. Supports the residents in the general vicinity of the subject site; and,
3. That the City does not seek party or participant status at the O.L.T. hearing.

DS-21-152 Proposal to Rename Bagot Street

Recommendation (Carried – See Page 198)

Whereas, on June 21, 2021, Oshawa City Council referred the following motion to staff for a report back on the item in September 2021:

- '1. That the City of Oshawa rename Bagot Street to a new street name that is connected to local Indigenous history; and,

2. That the selection of a new street name be carried out as part of the City of Oshawa's forthcoming consultations with Indigenous leaders; and,
3. That the selection of a new street name with the cooperation of Indigenous leaders be completed before National Indigenous Peoples Day 2022; and,
4. That prior to the selection of a new street name a copy of this motion be sent to businesses located on Bagot Street to allow them the time and ability to update their contact information.'; and,

Whereas, Bagot Street currently has only 4 properties with an address on Bagot Street; and,

Whereas staff have consulted with the Executive Director of the Oshawa Museum who has advised that the name Bagot has been used as a street name as early as 1868; and,

Whereas, the Executive Director of the Oshawa Museum has further noted that although there is no historical record regarding the name Bagot Street, it was common practice to name streets after prominent political figures such as Governor Generals; and,

Whereas, once potential street names have been identified with the cooperation of the Mississaugas of Scugog Island First Nation, the Oshawa and Durham Region Metis Council, Bawaajigewan Aboriginal Community Circle and the Community Diversity, Equity and Inclusion Committee, staff will consult with the Region of Durham Planning and Economic Development Department (which is responsible for reviewing street names in consultation with Durham Regional Police Services), Oshawa Fire Services and the Oshawa Central Ambulance Communications Centre (C.A.C.C.) to ensure that the names being considered are acceptable for street naming purposes from an emergency response perspective;

Therefore be it resolved that staff be directed to undertake the following process to advance an investigation into the potential renaming of Bagot Street to a new street name that is connected to local Indigenous history:

1. That, pursuant to DS-21-152 dated September 13, 2021, the Mayor be authorized to send a letter to Chief Kelly LaRocca of the Mississaugas of Scugog Island First Nation, Senator Cecile Wagner of the Oshawa and Durham Region Metis Council, Mary George of Bawaajigewan Aboriginal Community Circle and Uzma Danish, Chair of Oshawa's Community Diversity, Inclusion and Equity Committee requesting comments on the potential renaming of Bagot

Street including options for the name if it is concluded that it is appropriate to rename the street; and,

2. That, pursuant to DS-21-152 dated September 13, 2021, staff consult with the Region of Durham Planning and Economic Development Department, Oshawa Fire Services and the Oshawa Central Ambulance Communications Centre to ensure that the names being considered are acceptable for street naming purposes from an emergency response perspective; and,
3. That, pursuant to DS-21-152 dated September 13, 2021, staff consult the four property owners and tenants with an address on Bagot Street and request comments on the potential names identified through Parts 1 and 2 of this Resolution for the renaming of Bagot Street; and,
4. That, pursuant to DS-21-152 dated September 13, 2021, staff report back to the Development Services Committee on the results of Items 1 to 3 above and present options for the potential renaming of Bagot Street.

DS-21-155 Integrated Columbus Part II Planning Act and Municipal Class Environmental Assessment Act Study

Recommendation (Carried – See Page 242)

That, pursuant to Report DS-21-155 dated September 8, 2021, Development Services staff be authorized to hold Public Information Centre Number 4 which will be in virtual public engagement form owing to the COVID-19 pandemic for the purpose of presenting for public review and input the preferred land use and road plan and associated land budget developed for the Study, plans relating to the proposed Columbus Expansion Area outside of the Major Urban Area Boundary, transportation matters and environmental management matters, the draft policy text for the Columbus Part II Plan, the draft Columbus Community Urban Design Guidelines and the draft Columbus Transportation Master Plan Final Report.

DS-21-162 Terms of Reference for an Integrated Study to Develop a Land Use and Transportation Plan and Environmental Study Report for the Central Oshawa Major Transit Station Area

Recommendation (Carried – See Page 198)

1. That pursuant to Report DS-21-162 dated September 8, 2021, the Development Services Committee recommend to City Council that the Terms of Reference for an integrated study to develop a Land Use and Transportation Plan and Environmental Study Report for the Central Oshawa Major Transit Station

Area, as generally set out in Attachment 1 to said Report, be approved; and,

2. That a copy of this Report and the related Council resolution be sent to the Region of Durham, Metrolinx and the Central Lake Ontario Conservation Authority.

DS-21-163 Durham Region's Municipal Comprehensive Review: City Comments on the Region of Durham's Proposed Regional Official Plan Amendment – Policies and Delineations for Protected Major Transit Station Areas

Recommendation (Carried – See Page 198)

1. That Report DS-21-163 dated September 8, 2021 be endorsed as the City's comments on the Region of Durham's Proposed Regional Official Plan Amendment – Policies and Delineations for Protected Major Transit Station Areas Report dated September 7, 2021 prepared by the Region of Durham as part of Envision Durham, the Municipal Comprehensive Review of the Durham Regional Official Plan; and,
2. That staff be authorized to forward a copy of Report DS-21-163 dated September 8, 2021 and the related Council resolution to the Region of Durham and Durham area municipalities.

DS-21-168 City Comments on a forthcoming Research and Development Environmental Compliance Approval Application by RIC (Harmony) Inc. and Evergreen Environmental Inc. for a Digestate Co-Composting Trial Project located at 5052 Harmony Road North

Recommendation (Carried – See Page 242)

Whereas, on July 5, 2021, Evergreen Environmental Inc. ("Evergreen") provided notice (the "Notice", see Attachment 2) of a forthcoming application to the Ministry of the Environment, Conservation and Parks (M.E.C.P.) for a temporary Research and Development Environmental Compliance Approval (R.D.E.C.A.) for a one-year digestate co-composting trial project (the "Project") located at 5052 Harmony Road North in Oshawa (the "Site" – see Attachment 1), which was sent to adjacent properties; and,

Whereas, the City did not receive the Notice from Evergreen and only became aware of the Project on July 19, 2021 after being contacted by a concerned resident who received the Notice; and,

Whereas, City staff understand that the source of the digestate is the City of Toronto but it is unclear as to the source of the leaf and yard waste; and,

Whereas, on August 23, 2021, the City received a copy of a letter sent to residents/owners concerning the Project, prepared by Evergreen and dated August 17, 2021 (the "Follow-up Letter" – see Attachment 3), which appears to address certain comments and concerns submitted by residents to Evergreen in response to the Notice; and,

Whereas, City staff have met with M.E.C.P. and Central Lake Ontario Conservation Authority (C.L.O.C.A.) staff to gather additional information on the Project and the R.D.E.C.A. process; and,

Whereas, it is staff's understanding that the purpose of an R.D.E.C.A. is to expedite certain temporary (i.e. less than one year) research-based projects, provided that certain criteria under the Environmental Assessment Act are met; and,

Whereas, while the Project may be eligible for an R.D.E.C.A., a formal application for the Project has not yet been received by the M.E.C.P.; and,

Whereas, in anticipation of a formal application for the Project being submitted to the M.E.C.P., staff have reviewed the Notice and Follow-up Letter from Evergreen and, for the reasons outlined below, recommend that City comments on the Project be submitted to the M.E.C.P. for consideration; and,

Whereas, the Site is located in the Oak Ridges Moraine and is designated as Open Space and Recreation ORM – Natural Linkage in the Oshawa Official Plan and is zoned AG-ORM (Oak Ridges Moraine Agricultural Zone) and OS-ORM (Oak Ridges Moraine Open Space Zone) in the City of Oshawa Zoning By-law 60-94 (see Attachment 1); and,

Whereas, staff note that C.L.O.C.A. has advised that the Site is designated as a Natural Linkage Area in the Oak Ridges Moraine Conservation Plan (O.R.M.C.P.), and pursuant to Section 47.1 of the O.R.M.C.P., new waste disposal sites and facilities (i.e. the uses proposed under the Project) and organic soil conditioning sites are explicitly prohibited in Natural Linkage Areas; and,

Whereas, Evergreen will need to provide information to confirm that the proposal conforms with the applicable planning instruments (i.e. the O.R.M.C.P., Greenbelt Plan (2017), Durham Regional Official Plan, Oshawa Official Plan, and Zoning By-law 60-94); and,

Whereas, staff note that the Notice directed residents to submit comments and concerns regarding the Project to Evergreen directly within fifteen (15) days of receipt of the Notice, and although the forthcoming application for an R.D.E.C.A. may not require formal public consultation through the Environmental Registry of Ontario, consultation with local residents, the City, C.L.O.C.A., and other appropriate agencies is an essential part of the planning and approvals process and therefore public consultation for the Project should be coordinated through the M.E.C.P.; and,

Whereas, while the Follow-up Letter responded to certain comments and concerns raised by residents with respect to the Project, the following responses require further clarity:

1. Evergreen's response to Question 3 in the Follow-up Letter does not explain where the existing leaf and yard waste at the Site is sourced (i.e. from which municipality), and therefore confirmation on the source in this regard is requested;
2. Evergreen's response to Question 4 in the Follow-up Letter states that additional truck traffic will include 2 to 5 truck loads within the first week of the Project and another 2 to 5 truck loads to commence a second round of trials. Staff note that there may be an impact on the rural roads surrounding the Site and therefore clarity is requested on the haulage routes and volumes, as it relates to the Project;
3. Evergreen's response to Question 11 in the Follow-up Letter states that runoff from the Project will be collected and contained in a storage tank for recirculation to the composting process. Given that the Site is located in the Oak Ridges Moraine, clarity is requested regarding how Evergreen will ensure that there are no adverse impacts to wells and aquifers in the surrounding area;
4. While the issue of odour was not raised by area residents as a potential concern, staff note that residents in other areas of the City where processes involving in-vessel composting like the subject project have previously occurred experienced adverse odour effects. Consequently, clarity is requested as to how the matter of potential odour issues will be addressed by Evergreen;

Therefore be it resolved:

1. That the comments contained in Report DS-21-168, be endorsed as the City's comments on the Notice dated July 5, 2021 issued by Evergreen Environmental Inc. and the follow-up letter dated August 17, 2021 issued by the same concerning the forthcoming application by RIC (Harmony) Inc. and Evergreen Environmental Inc. for a temporary Research and Development Environmental Compliance Approval, to permit a one-year digestate co-composting trial project located at 5052 Harmony Road North; and,
2. That staff be authorized to forward Report DS-21-168 and any related resolution of the Development Services Committee to the Ministry of the Environment, Conservation and Parks and to provide subsequent follow-up once Council has considered this matter; and,
3. That staff be authorized to submit the comments contained in Report DS-21-168 related to the forthcoming application by RIC (Harmony) Inc. and Evergreen Environmental Inc. for a temporary Research and Development Environmental Compliance Approval to permit a one-year digestate co-composting trial project located at 5052 Harmony Road North in response to any future associated proposals posted on the Environmental Registry of Ontario where, in the opinion of the Commissioner of Development Services, the proposals are not materially different from the proposal outlined in the Notice dated July 5, 2021 and follow-up letter dated August 17, 2021 issued by Evergreen Environmental Inc.; and,
4. That a copy of Report DS-21-168 and the related Council resolution be sent to the Region of Durham, the Township of Scugog, the Municipality of Clarington, the Central Lake Ontario Conservation Authority, Kawartha Conservation Authority and Evergreen Environmental Inc.

DS-21-182

Narrower Streets in New Developments

Recommendation

(Referred – See Page 243)

Whereas the narrower streets in the new developments are causing safety concerns;

Therefore the staff report back on measures for the City to approve wider streets in all new subdivision plans than was approved in the Windfields Part II plan with the block townhouses.

Report of the Finance Committee

The Finance Committee respectfully reports and recommends to City Council its Forty-Second Report.

FIN-21-88 John Mutton on behalf of the Downtown Oshawa Business Alliance submitting correspondence proposing a Property Value Protection and Loss of Rental Income Program for Oshawa's Central Business District

Recommendation (Carried – See Page 243)

1. That Correspondence FIN-21-88 from John Mutton on behalf of the Downtown Oshawa Business Alliance proposing a Property Value Protection and Loss of Rental Income Program be referred to staff for a full report on legality, tax impact and assessment impact from this request with a report back at the next meeting of the Finance Committee; and,
2. That the City of Oshawa write to the Federal and Provincial Governments to extend their income and business support programs to at least the end of the calendar year of 2021.

FIN-21-87 Public Consultation and Survey Process to be held in the Spring Prior to the Following Year's Budget

Recommendation (Carried – See Page 198)

Whereas there are benefits when the public is consulted in the spring for input in the following year's budget;

Whereas this would especially assist new Councils in election years when there are special time constraints for a fulsome consultative process for new members of Council;

Now therefore the City of Oshawa investigate adopting the practice of other municipalities that have a consultative and survey process in the spring to receive input on the setting of guidelines for following year's budget.

FIN-21-75 Request for Proposal C2021-071 External Audit Services

Recommendation (Carried – See Page 198)

1. That in accordance with Report FIN-21-75 dated September 15, 2021, that the Manager, Procurement and Accounts Payable, be authorized to award a contract to Deloitte LLP in the amount of \$71,200, excluding all taxes, for External Audit Services, being the highest ranked proponent received; and,
2. That the Manager, Procurement and Accounts Payable, be authorized to extend this contract for an additional four one-year

terms, subject to provision of satisfactory services and agreement to terms and conditions during the option period.

FIN-21-76 Request for Proposal - C2021-087 Leasing Services/Request for Tender - C2021-091 Microsoft Surfaces and C2021-093 Laptops, Monitors, and Servers

Recommendation (Carried – See Page 198)

1. That the Manager, Procurement and Accounts Payable be authorized to execute a Master Lease Agreement with Macquarie Equipment Finance Ltd. on terms as set out in Report FIN-21-76 dated September 15, 2021, Request for Proposal (R.F.P.) C2021-087 Leasing Services in a form acceptable to the Treasurer and the City Solicitor;
2. That the Manager, Procurement and Accounts Payable be authorized to extend R.F.P C2021-087 Leasing Services for an additional four one-year terms, subject to provision of satisfactory services;
3. That the Manager, Procurement and Accounts Payable be authorized to execute schedules to the Master Lease Agreement to authorize the acquisition of computer equipment and technology together with Certificates of Acceptance and other documents required to effect the Agreement;
4. That the Manager, Procurement and Accounts Payable be authorized to extend the original Master Lease Agreement and all of its terms as approved by the Treasurer and the City Solicitor, by issuing additional lease schedules for the 2022, 2023, 2024 and 2025 computer equipment and technology requirements subject to satisfactory performance;
5. That the Manager, Procurement and Accounts Payable be authorized to award contracts, as detailed in Report FIN-21-76 dated September 15, 2021, being the low compliant bids meeting specification for each tender as follows:
 - a. Request for Tender (R.F.T.) C2021-091 Microsoft Surfaces and Accessories to Nova Networks in the amount of \$340,313 excluding taxes (Macquarie Equipment Finance Ltd. to pay equipment supplier directly);
 - b. Request for Tender (R.F.T.) C2021-093 Laptops, Monitors and Servers to CDW Canada Corp. in the amount of \$233,008 excluding taxes (Macquarie Equipment Finance Ltd. to pay equipment supplier directly);

6. That additional funding of \$30,000 excluding all taxes be made available from the Information Technology Reserve to cover other miscellaneous components as required for the 2021 equipment rollout; and,
7. That, pursuant to the requirements of Ontario Regulation 46/94, the Treasurer of the Regional Municipality of Durham be advised that the City will be entering into a financing lease with Macquarie Equipment Finance Ltd. on the terms stated in Report FIN-21-76.

FIN-21-77 Corporate Payments for the Month of June 2021

Recommendation (Carried – See Page 198)

That Report FIN-21-77 concerning the corporate payments for the month of June 2021 be received for information.

FIN-21-78 Corporate Payments for the Month of July 2021

Recommendation (Carried – See Page 198)

That Report FIN-21-78 concerning the corporate payments for the month of July 2021 be received for information.

FIN-21-79 Corporate Payments for the Month of August 2021

Recommendation (Carried – See Page 198)

That Report FIN-21-79 concerning the corporate payments for the month of August 2021 be received for information.

FIN-21-80 Royal Bank of Canada Corporate Banking Agreement Extension

Recommendation (Carried – See Page 198)

That Report FIN-21-80, dated September 15, 2021, concerning the one year extension of the City's Corporate Banking Agreement be approved.

FIN-21-85 Finance Committee Outstanding Items Status Report – Third Quarter 2021

Recommendation (Carried – See Page 198)

That Report FIN-21-85 dated September 15, 2021 being the Finance Committee's Outstanding Items Status Report for the third quarter of 2021 be received for information.

FIN-21-82 City and Oshawa Senior Community Centres Website Upgrades

Recommendation (Carried – See Page 243)

Whereas the City and Oshawa Senior Community Centres (O.S.C.C.) websites are vital communication tools and the primary source of information and services for residents, businesses, visitors, staff and other stakeholders; and,

Whereas eSolutionsGroup/GHD Digital was the successful proponent to R.F.P. C2014-049 Website Development, Support and Hosting; and,

Whereas eSolutionsGroup/GHD Digital (“website vendor”) designs, maintains and hosts the City and O.S.C.C. websites; and,

Whereas in 2014 - 2015 the City’s website underwent a significant redesign; and,

Whereas in 2015 the O.S.C.C. website underwent a significant redesign and in 2019 a refreshed “look and feel” in conjunction with the rebrand to OSCC55+; and,

Whereas the City’s and O.S.C.C. websites underlying architecture is dated technology and needs to be upgraded in order to support any new future enhancements; and,

Whereas it is prudent and best practice that website technology is kept current and up-to-date while meeting accessibility requirements to enhance customer services available on-line and improve the customer’s overall digital experience; and,

Whereas the website vendor recently advised that the City’s website end-of-life is September 2022 and requires an upgrade as well as various module updates are required for several components due to technology incompatibilities including:

- Events & Meeting calendar view is limited and unable to update due to the age of the website
- News & Alerts functionality is at end-of-life and is due to expire
- Document Manager functionality is at end-of-life and is due to expire
- eBook is no longer supported; and,

Whereas the recommended City website upgrades are significant and include:

- a review of navigation and user experience
- a refresh of the home page and webpage template updates
- enhancement to the Events & Meeting Calendar
- a new News & Alerts module

- a new Document Manager module
- a new Community Directory
- a new Business Directory
- a new Contact module
- a new Parks & Facilities module
- a new City Services module
- accessibility requirements
- integrations of other technology software solutions such as Meeting Management, CityView and Recreation registration
- importing of existing content
- community engagement
- testing and staff training; and,

Whereas the website vendor has advised that end-of-life for the O.S.C.C. website is also September 2022 and requires an upgrade as well as various updates are required for several components due to technology incompatibilities including:

- Events & Meeting calendar view is limited and unable to update due to the age of the website
- News & Alerts functionality is at end-of-life and is due to expire; and,
- Whereas the recommended O.S.C.C. website upgrades are significant and include:
 - a review of navigation and user experience
 - webpage template updates
 - enhancements to the Events & Meeting Calendar
 - a new News & Alerts module
 - a new Contact module
 - accessibility requirements
 - integrations of other technology software solutions such as Recreation registration
 - importing of existing content
 - testing and staff training; and,

Whereas the approximate cost for the City's website upgrade is \$125,000 and the approximate cost for the O.S.C.C. website upgrade is \$50,000;

Therefore be it resolved:

1. That pursuant to Report FIN-21-82 the City and O.S.C.C. Website Upgrades project be approved; and,
2. That the requirements of the Purchasing By-law 80-2020 be waived and the Manager of Procurement and Accounts Payable be authorized to negotiate a sole source contract as detailed in Report FIN-21-82, with eSolutionsGroup/GHD Digital, for provision of a website upgrade for the City and the O.S.C.C.

websites, in an amount not to exceed \$200,000 inclusive of non-rebateable H.S.T. and that it be funded from the Information Technology Reserve; and,

3. That pursuant to Report FIN-21-82 a temporary Corporate Communications Officer and a temporary Systems Analyst be hired for up to a year to meet the additional staffing requirements at a cost of \$220,000 including benefits, and that it be funded from the Information Technology Reserve.

FIN-21-86 Conlin Road East at Grandview Street North – Roundabout Design

Recommendation (Carried – See Page 198)

That Report FIN-21-86 concerning Conlin Road East at Grandview Street North – Roundabout Design dated September 15, 2021 be referred to Development Services staff to get a full comprehensive report on cost.

FIN-21-89 Audit and Accountability Fund – Intake 3

Recommendation (Carried – See Page 198)

Whereas, at the Association of Municipalities of Ontario 2021 Conference, Ministry of Municipal Affairs and Housing (M.M.A.H.) Minister, Steve Clark announced a third intake under the Audit and Accountability Fund; and,

Whereas, the third intake of the program will support Ontario's large municipalities so they can benefit from further provincial funding to conduct service delivery and administrative expenditure reviews, with the goal of finding efficiencies while protecting and modernizing front-line services; and,

Whereas, applications related to any area of municipal service delivery will be considered, but the following areas are considered priorities:

- Digital modernization
- Service integration
- Streamlined development approvals

Whereas, to apply the City must submit a completed Expression of Interest form with supporting documents by October 28, 2021 as outlined in the attached program guidelines; and,

Whereas, the need for a Corporate Data Strategy/Policy has been identified in Council approved strategies, specifically, the Information Technology Strategic Plan: 2020-2024 and the Information and Records Management Strategic Plan; and,

Whereas, a Corporate Data Strategy is directly aligned to the priority criteria identified by M.M.A.H.; and,

Whereas, the 2021 Capital Budget forecast identified project 30-0114 for Corporate GIS and Data Strategy in the amount of \$75,000 for 2022;

Therefore be it resolved that based on the information from the Ministry of Municipal Affairs and Housing, staff be directed to apply to the Audit and Accountability Fund Program - Intake 3 for the purpose of developing a Corporate Data Strategy.

FIN-21-81

Kirwin Partners Lawyers LLP – Oshawa Generals Hockey Inc.

Recommendation (Carried – See Page 198)

Whereas the City of Oshawa and the Oshawa Generals have an executed agreement named the Facility Lease and License Agreement dated February 1, 2006; and,

Whereas the term of the Agreement is twenty-five years which commenced at the date of occupancy in November 2006, the agreement is to remain in effect until November 2031; and,

Whereas on September 7, 2021 the City received correspondence dated September 3, 2021, from the lawyer representing the Oshawa Generals with a view of setting up a meeting to discuss the possibility of entering into negotiations for an early termination of the Agreement; and,

Whereas the approximate revenue the City receives from the Oshawa Generals on an annual basis is \$1.5 million, and an early termination would result in revenue loss of \$1.5 million multiplied by the remaining years of the agreement less any proposed compensation forfeited by the Oshawa Generals;

Therefore be it resolved:

1. That the City declines the offer from the Oshawa Generals to entertain discussions with respect to an early termination of the Agreement; and,
2. That the Oshawa Generals be advised that City expects the Oshawa Generals to comply with the terms and conditions of the Facility Lease and Licence Agreement; and,
3. That a copy of this direction be shared with the Oshawa Generals, the Ontario Hockey League and Canadian Hockey League.

Staff Reports/Motions

CNCL-21-68 Direction on City Staff Involvement Respecting an Appeal to the Ontario Land Tribunal of a Council Decision Concerning the Extension of Interim Control By-law 25-2020 Under the Planning Act (File: B-1100-1449)

Recommendation (Carried – See Page 243)

Whereas, on February 24, 2020, Council considered Report DS-20-43 dated February 19, 2021 relating to a proposed land use study and interim control by-law concerning GI (General Industrial) zoned lands in the Northwood Business Park, and passed the following Resolution:

- “1. That, pursuant to Report DS-20-43 dated February 19, 2020, staff be directed to undertake a land use study to review the appropriateness of the current GI (General Industrial) zoning within portions of the Northwood Business Park.
2. That, pursuant to Report DS-20-43 dated February 19, 2020, an appropriate Interim Control By-law be passed pursuant to Section 38 of the *Planning Act*, R.S.O. 1990, c. P.13 to prohibit development in the current GI (General Industrial) zoning within portions of the Northwood Business Park for a period of one (1) year, in a form and content generally reflecting the By-law comprising Attachment 3 to said Report.”; and,

Whereas, on February 24, 2020 following the adoption of the above noted Resolution, Council passed Interim Control By-law 25-2020 for a period of one (1) year to prohibit development in all GI (General Industrial) Zones within the Northwood Business Park; and,

Whereas, on September 23, 2020, the Oshawa Committee of Adjustment (the “C. of A.”) considered an application (File: A-2020-56) by D.G. Biddle on behalf of Evergreen Environmental Inc. (“Evergreen”) and RIC (1515 Thornton) Inc. for variances from the City’s Zoning By-law 60-94 to permit an anaerobic digestion facility in new buildings and new associated outdoor equipment at 1515 Thornton Road North, being one of the properties subject to Interim Control By-law 25-2020, (the “C. of A. Application”), 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 8, 2020, Evergreen applied for a building permit which was being processed concurrently with the land use study authorized by Report DS-20-43 dated February 19, 2020; and,

Whereas, on October 13, 2020, Evergreen and the UMMAH Foundation of Durham appealed the C. of A. Application decision to the Local Planning Appeal Tribunal (L.P.A.T.), pursuant to Section 45(12) of the Planning Act (the “Appeals”); and,

Whereas, a hearing was held by the L.P.A.T. from February 22, 2021 to February 26, 2021 to consider the Appeals; and,

Whereas, on May 10, 2021, the Development Services Committee considered Item DS-21-95 dated May 10, 2021 concerning a proposed extension of Interim Control By-law 25-2020 and passed the following recommendation, which was subsequently adopted by Council on May 25, 2021 and implemented through By-law 63-2021:

“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.”

Whereas, on May 12, 2021, the L.P.A.T. finalized its decision on the Appeals and issued the following order (the “Decision”):

- That the Appeals by Evergreen and UMMAH Foundation of Durham against the decision of the C. of A. are allowed and the variance to the City of Oshawa Interim Control By-law No. 25-2020 is authorized;
- The appeal by Evergreen of its application for site plan approval and determination of the site plan agreement is allowed in part;
- The revised site plans and drawings, as set out in Attachment 1 to this decision, are approved;
- The Functional Servicing and Stormwater Management Report, revised to March 18, 2021, is approved;
- The Stormwater Management Pond and Infiltration Gallery and Bio-Retention Cell Operations and Maintenance Manual, revised to March 18, 2021, are approved;
- The revised site plan agreement is approved and the Tribunal settles the terms and form of the revised site plan agreement, as found at Attachment 2 to this decision; and,

Whereas, on June 2, 2021, the City filed a motion for leave to appeal the L.P.A.T.'s Decision issued on May 12, 2021 to the Ontario Divisional Court, pursuant to Section 24 of the Ontario Land Tribunal Act, 2021, in accordance with Council's direction of May 25, 2021 pursuant to Closed Report CNCL-21-50 dated May 19, 2021; and,

Whereas, on June 11, 2021, the City submitted a request to the L.P.A.T. to review the Decision issued on May 12, 2021, pursuant to Section 23 of the Ontario Land Tribunal Act, 2021, in accordance with Council's direction of May 25, 2021 pursuant to Closed Report CNCL-21-50 dated May 19, 2021; and,

Whereas, through correspondence dated July 6, 2021, the City of Oshawa was advised by the Ontario Land Tribunal (O.L.T.), formerly operating as the L.P.A.T., that the City's request to the L.P.A.T. to review the Decision issued on May 12, 2021, was dismissed and accordingly, the Decision with respect to the Appeals remained in full force and effect; and,

Whereas, on July 16, 2021, a Notice of Appeal of Interim Control Extension By-law 63-2021 dated July 15, 2021, submitted by Evergreen and RIC (1515 Thornton) Inc. with respect to By-law 63-2021, was filed with the City Clerk, pursuant to Section 38(4.1) of the Planning Act (see Attachment 1); and,

Whereas, by Decision dated August 10, 2021, the Ontario Divisional Court dismissed the City's motion for leave to appeal the L.P.A.T.'s Decision issued on May 12, 2021; and,

Whereas, the interim control by-law concerning GI (General Industrial) zoned lands is no longer necessary owing to the decisions of the L.P.A.T. and the Ontario Divisional Court; and,

Whereas, it is appropriate to repeal By-law 25-2020;

Therefore be it resolved:

1. That, pursuant to Item CNCL-21-68 dated September 27, 2021, By-law 25-2020 be repealed; and,
2. That, pursuant to Item CNCL-21-68 dated September 27, 2021, the Ontario Land Tribunal be advised that By-law 25-2020 has been repealed.

CNCL-21-69 Diversity and Inclusion Officer Position

Recommendation (Carried – See Page 244)

1. That based on Report CNCL-21-69, dated September 22, 2021, City Council reconsider its decision of June 24, 2019, concerning Part 2 of Item FIN-19-54:

'That the current temporary position of Diversity and Inclusion Officer be extended until June 1, 2023'; and,

2. That based on Report CNCL-21-69, dated September 22, 2021, City Council approve the conversion of the temporary full time position of Diversity and Inclusion Officer to a permanent full time position and the funding required for this position be included in annual operating budgets.

CNCL-21-70 Financial Position and Impacts of COVID-19 as of August 31, 2021

Recommendation (Carried – See Page 244)

That Report CNCL-21-70, dated September 22, 2021 concerning the 2021 year-to-date financial position and impacts of COVID-19 as of August 31, 2021, be received for information.

CNCL-21-72 Proposed Community Safety, Security and Well-Being in Oshawa's Downtown Area Action Plan

Recommendation (Amended – See Page 245)

1. That the proposed Community Safety, Security and Well-Being in Oshawa's Downtown Area Action Plan, as outlined in Attachment 2 to Report CNCL-21-72, dated September 22, 2021, be endorsed; and,
2. That a copy of this report and Council resolution be provided to the Region of Durham Council, Region of Durham Social Services Department, Region of Durham Health Department, Region of Durham Planning & Economic Development Department, Lakeridge Health and Durham Regional Police Service Board and Chief of Police; and,
3. That the Regional Chief Administrative Officer and Commissioner, Social Services be invited to a future Council meeting to overview the Regional initiatives to address the issues in downtown Oshawa; and,
4. That the Chief of Durham Regional Police Service be invited to a future Council meeting to overview Durham Regional Police Service initiatives to address the issues in downtown Oshawa.

CNCL-21-76 Community Building Fund – Capital Stream

Recommendation (Carried – See Page 198)

Whereas, the Ontario government is investing \$105 million through the Community Building Fund to support non-profit and Indigenous communities recovery from the impact of COVID-19; and,

Whereas, the fund is being delivered by the Ontario Trillium Foundation (O.T.F.) across Operating and Capital streams; and,

Whereas, applications for the Community Building Fund – Capital Stream will be accepted as of September 1, 2021 and the application deadline is September 29, 2021 at 5pm E.S.T.; and,

Whereas, the fund will help strengthen communities by supporting the repair, renovation or retrofitting of existing sport and recreation facilities to address:

- Local community need by extending the life and maximizing the use of existing facilities (e.g. playgrounds, splashpads, etc.) or
- COVID-19 related public health requirements now that support future preparedness; and,

Whereas, the following definitions apply for the purpose of this fund:

- Recreation: Physical activities engaged in for the purpose of health, well-being or enjoyment with the primary focus on human activity
- Sport: Regulated and organized form of physical activity between two or more participants. Such activity may be in the form of a game, match, race, or other form of event
- Repair: Fixing or restoring a facility to increase its useful life
- Renovation: Updating the functionality of a facility to improve its usefulness
- Retrofit: Adding new features or parts to improve the functionality or efficiency of a facility; and,

Whereas, additional criteria applies as follows:

- Minimum request amount is \$10,000 and maximum request amount is \$500,000 for eligible project costs
- Term length is 6 or 12 months
- Municipalities that receive grants of \$100,000 or more will be required to purchase, produce and install an Ontario Builds sign using \$10,000 of the total O.T.F. budget request
- Limit of one application per organization however organizations can request multiple capital improvements within one facility or the same capital improvements at multiple facilities
- Capital Stream Outcomes that support the repair, renovation or retrofitting of existing sport and recreation facilities to either address local community need or public health

requirements identified through COVID-19 will need to be selected

- Applications will be assessed using 4 scoring criteria (community significance, organization supports diverse, underrepresented and/or vulnerable populations, strategy, and process); and,

Whereas, municipalities with a population over 20,000 can apply for up to 80% of total eligible project costs; and,

Whereas, the City's Grant Committee met to review and identify potential projects that fit the grant criteria; and,

Whereas, there were certain Parks projects that met the eligibility criteria including Deer Valley Park; and,

Whereas, the project work at Deer Valley Park includes the replacement of existing playground equipment, add splash pad, playground safety surfacing and site furniture, upgrading park pathway, and addition of tree plantings / naturalized areas; and,

Whereas, staff are seeking pre-budget approval for project 51-0108 to undertake the construction at Deer Valley Park in 2022 at an estimated project cost of \$845,000; and,

Whereas, new components added to the park, such as a splash pad, are ineligible for the grant. The estimated costs of the splash pad are \$200,000 as such the project budget eligible for submission is \$645,000; and,

Whereas, the project meets the grant objectives related to meeting a local community need and improving accessibility of the facility and as such staff are seeking approval to submit an application to the Community Building Fund – Capital Stream in the maximum amount of grant funding of \$500,000; and,

Whereas, the City can fund the remaining portion of the project budget through uncommitted funds in the Parks and Recreation Infrastructure Reserve;

Therefore, be it resolved that City Council:

1. Endorse pre-budget approval in the 2022 capital budget for project 51-0108 related to Deer Valley Park in the amount of \$845,000; and,
2. Approve the submission of the Deer Valley Park project as the City's application for the Community Building Fund – Capital Stream, in the amount of \$500,000.

CNCL-21-77 Proposed Budget Implications Related to Services Previously Provided by the Oshawa Downtown Business Improvement Area

Recommendation (Carried – See Page 246)

That, pursuant to Report CNCL-21-77 dated September 22, 2021 concerning Proposed Budget Implications Related to Services Previously Provided by the Oshawa Downtown Business Improvement Area, Council approve the following:

- a) That \$65,000 plus H.S.T. be approved for the holiday greenery and the holiday wreath programs and that such funding be provided from the Downtown Revitalization Reserve for the 2021 season; and,
- b) That \$65,000 plus H.S.T. be included in the 2022 Budget submission for the holiday greenery and the holiday wreath programs; and,
- c) That \$45,500 plus H.S.T. be included in the 2022 Budget submission for the downtown banner replacement program; and,
- d) That \$40,000 plus H.S.T. be included in the 2022 Budget submission for a new brand identity for the downtown; and,
- e) That \$20,000 plus H.S.T. be included in the 2022 Budget submission for improvements and activities around the Tribute Communities Centre during the convocations for the Ontario Tech University, Trent University Durham G.T.A. and Durham College; and,
- f) That \$3,500 plus H.S.T. be included in the 2022 Budget submission to be provided to support the Troubadour Series; and,
- g) That \$90,000 plus H.S.T. be included in the 2022 Budget submission to advance Kars on King event.

CNCL-21-83 Region of Durham Accessibility Award Nomination

Recommendation (Carried – See Page 198)

Whereas the Region of Durham requested nominations from the Oshawa Accessibility Advisory Committee for the Regional Accessibility Awards to be presented in the fall of 2021; and,

Whereas Advisory Committees must seek Council approval before submitting award nominations for consideration; and,

Whereas the deadline for nominations was August 13, 2021; and,

Whereas due to meeting timing, the Oshawa Accessibility Advisory Committee selected a nominee however was unable to report the recommendation until September; and,

Whereas staff have confirmed with the Region of Durham that as the nomination requires Council approval the City of Oshawa may submit a nominee following the Council meeting on September 27, 2021;

Therefore be it resolved that the OSCC55+ be nominated for the 2021 Region of Durham Accessibility Award.

CNCL-21-84 Update on New Lakeridge Health Hospital Process

Recommendation (Carried – See Page 198)

1. That, pursuant to Report CNCL-21-84 dated September 22, 2021, City Council endorse the sites identified in Confidential Attachment Number 1 to said Report as the City's preferred locations for the future site of the proposed new Lakeridge Health acute care hospital in Durham Region.
2. That City staff be directed to submit the sites outlined in Report CNCL-21-84 including Confidential Attachment Number 1 in response to Lakeridge Health's Proposal Call for the Identification of a Site for a Proposed New Hospital in Durham Region which was issued on September 21, 2021.

Public Discussion Agenda

Matters Excluded from Consent Agenda

The recommendation contained in Item CNCL-21-75 from Debbie Crandell, Save the Oak Ridges Moraine Coalition, concerning City comments on a forthcoming Research and Development Environmental Compliance Approval Application by RIC (Harmony) Inc. and Evergreen Environmental Inc. for a Digestate Co-Composting Trial Project located at 5052 Harmony Road North was now before Council.

The vote to adopt the recommendation contained in Item CNCL-21-75 Carried.

The recommendation contained in Item CS-21-88 from Ibrahim Siddiquie and Ali Tabrez submitting a request for Cricket facilities in the City of Oshawa was now before Council.

Moved by Councillor Chapman, Seconded by Councillor Kerr, (206) "That recommendation concerning Item CS-21-88 be amended to delete the words 'for a direct response' and replace it with the words 'for a report'." Carried

The vote to adopt the recommendation contained Item CS-21-88 Carried as amended

The recommendation contained in Item CS-21-94 concerning options for the redevelopment of Rotary Park was now before Council.

The vote to adopt the recommendation contained in Item CS-21-94 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 CS-21-67 concerning a new all-way stop control installation process was now before Council.

The vote to adopt the recommendation contained in Item CS-21-67 Carried on the following

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

Negative – None

Absent – None

Councillor Chapman assumed the Chair.

The recommendation contained in Item CS-21-91 concerning proposed extension of the Pilot project on sidewalk snow clearing in high pedestrian Traffic Areas within the former Oshawa Central Business Improvement Area of the Downtown was now before Council.

The vote to adopt the recommendation contained in Item CS-21-91 Carried on the following

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

Negative – Note

Declaration of Interest – Councillor Marimpietri and Mayor Carter

Absent – None

Mayor Carter resumed the Chair.

The recommendation contained in Item CS-21-100 and By-law 111-2021 concerning reduction of speed on Oshawa Boulevard North was now before Council.

The vote to adopt the recommendation contained in Item CS-21-100 and pass By-law 111-2021 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 CS-21-101 and By-law 111-2021 concerning community safety zone along Coldstream Drive was now before Council.

The vote to adopt the recommendation contained in Item CS-21-101 and pass By-law 111-2021 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 CORP-21-43 concerning 2021 Municipal Law Enforcement Operational Review was now before Council.

Moved by Councillor Chapman, Seconded by Councillor Marimpietri, (207) “That part 5 of the recommendation contained in Item CORP-21-43 be amended by deleting all the words after “of a” and replacing it with “Senior Training Officer and two (2) Part Time By-Law Officers.” Withdrawn by the following motion

Moved by Councillor Chapman, Seconded by Councillor Marimpietri, (208) “That the amendment to part 5 of the recommendation be withdrawn.” Carried

Moved by Councillor Chapman, Seconded by Councillor Marimpietri, (209) “That part 5 of the recommendation contained in Item CORP-21-43 be amended to change the word ‘dedication’ to ‘additional’ and delete the words ‘to enforce parking regulations in the City of Oshawa’.” Carried on the following vote

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

Negative – None

Absent – None

The vote to adopt the recommendation contained in Item CORP-21-43 Carried as amended 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 CORP-21-44 concerning response to coyotes in Oshawa was now before Council.

The vote to adopt the recommendation contained in Item CORP-21-44 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 CORP-21-46 concerning a request that the Province implement legislation related to excessive vehicle noise was now before Council.

Moved by Councillor Neal, Seconded by Councillor Marks, (210) “That the motion be amended to add: ‘That this Resolution be sent to All Durham Region MPPs, Region of Durham, All Durham Region Municipalities, Durham Region Police Services, Ontario Provincial Police, Oshawa Active Transportation Advisory Committee.’” Carried on the following

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

Negative – None

Absent – None

The vote to adopt the recommendation contained in Item CORP-21-46 Carried as amended 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-21-154 concerning the Second Report of the Port of Oshawa Working Group was now before Council.

The vote to adopt the recommendation contained in Item DS-21-154 Carried on the following

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

Negative – None

Absent – None

Councillor Chapman assumed the Chair.

Moved by Councillor Marks, Seconded by Councillor Hurst,
(211) "Whereas on June 21, 2021 as set out in DS-21-124 Council approved the Terms of Reference for the Plan 20Thirty Steering Committee which included the membership and composition of the steering committee; and,

Whereas according Section 7.2 Membership, Council is to appoint 9 members from each of the sectors identified in Report DS-21-124 to the steering committee; and,
Whereas Confidential Attachment 1 to Report DS-21-166 provides a list of 13 qualified individuals;

Therefore, that Council reconsider its decision of June 21, 2021 concerning the membership of the Plan 20Thirty Steering Committee." Carried on a 2/3 vote

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

Negative – None

Declaration of Interest – Councillors Giberson, Marimpietri, Neal and Mayor Carter

Absent – None

Moved by Councillor Marks, Seconded by Councillor Hurst,
(212) "That the Terms of Reference for the Plan 20Thirty Steering Committee be amended to change the composition of the Committee from 9 members to 13 members as follows:

1. 1 applicant from Retail, 2 applicants from Cultural, 1 applicant from Culinary, 3 applicants from Professional Services, 2 applicants who are Downtown residents, 2 applicants from the Downtown Development Industry, 1 applicant from Ontario Tech, 1 applicant from Social Services; and,
2. That the 13 qualified applicants listed in Attachment 2 to Report DS-21-166 be appointed." Carried by later vote

Moved by Councillor Kerr, Seconded by Councillor McConkey,
(213) "That the motion be amended to delete Part 1." Lost on the following vote

Affirmative – Councillors Gray, Kerr and McConkey

Negative - Councillors Chapman, Hurst, Marks, Nicholson

Declaration of Interest – Councillors Giberson, Marimpietri, Neal and Mayor Carter

Absent - None

The vote to adopt the recommendation contained in Item DS-21-166 Carried on the following vote

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

Negative – None

Declaration of Interest – Councillors Giberson, Marimpietri, Neal and Mayor Carter

Absent – None

Mayor Carter resumed the Chair.

The recommendation contained in Item DS-21-144 concerning One-way to Two-way Conversion Feasibility Study for Albert Street, Celina Street, Brock Street East, and Colborne Street was now before Council.

The vote to adopt the recommendation contained in Item DS-21-144 Carried on the following

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

Negative – None

Absent – None

Moved by Councillor Nicholson, seconded by Councillor Chapman,
(214) “That the meeting recess till 2:00 p.m.” Carried

The meeting recessed at 12:55 p.m. and reconvened at 2:00 p.m. with all members of Council in attendance.

The recommendation contained in Item DS-21-155 concerning Integrated Columbus Part II Planning Act and Municipal Class Environmental Assessment Act Study was now before Council.

Moved by Councillor Nicholson, Seconded by Councillor Neal,
(215) “That Item DS-21-155 be deferred to the next Council meeting.” Lost on the following vote

Affirmative – Councillors Nicholson and Neal

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

Declaration of Interest – Councillor McConkey

The vote to adopt the recommendation contained in Item DS-21-155 Carried on the following

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

Negative – Councillor Neal

Declaration of Interest – Councillor McConkey

Absent – None

The recommendation contained in Item DS-21-168 concerning City comments on a forthcoming Research and Development Environmental Compliance Approval Application by RIC (Harmony Inc. Evergreen Environmental Inc. for a Digestate Co-Composting Trail Project located at 5052 Harmony Road North was now before Council.

Moved by Councillor Neal, Seconded by Councillor Chapman, (216) "That Part 4 of the recommendation be amended to add Part 4 as follows: 'That a copy of Report DS-21-168 and the related Council resolution be sent to the Ministry of Municipal Affairs and Housing, the Region of Durham, the Township of Scugog, the Municipality of Clarington, the Central Lake Ontario Conservation Authority, Kawartha Conservation Authority and Evergreen Environmental Inc.'." 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 vote to adopt the recommendation contained in Item DS-21-166 Carried as amended on the following

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

Negative – Councillors Gray and Nicholson

Declaration of Interest – Councillor Marimpietri

Absent – None

The recommendation contained in Item DS-21-182 concerning narrower streets in new developments was now before Council.

Moved by Councillor Nicholson, Seconded by Councillor Hurst (217) "That Item DS-21-182 be referred to Development Services Committee for further clarification." Carried on the following vote

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

Negative – None

Absent – None

Councillor Chapman assumed the Chair.

The recommendation contained in Item FIN-21-88 concerning the Downtown Oshawa Business Alliance correspondence proposing a Property Value Protection and loss of

Rental Income Program for Oshawa's Central Business District was now before Council.

The vote to adopt the recommendation contained in Item FIN-21-88 Carried on the following

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

Negative – None

Declaration of Interest – Councillor Marimpietri, Neal and Mayor Carter

Absent – None

Mayor Carter resumed the Chair.

The recommendation contained in FIN-21-82 concerning the City and Oshawa Senior Community Centres Website Upgrades was now before Council.

The vote to adopt the recommendation contained in Item FIN-21-82 Carried on the following

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

Negative – None

Declaration of Interest – Councillor Neal

Absent – None

The recommendation contained in Item CNCL-21-68 and associated By-law 107-2021 concerning direction on City staff involvement respecting an appeal to the Ontario Land Tribunal of a Council decision concerning the extension of Interim Control By-law 25-2020 under the Planning Act was now before Council.

The vote to adopt the recommendation contained in Item CNCL-21-68 and pass By-law 107-2021 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 CNCL-21-69 concerning Diversity and Inclusion Officer Position was now before Council.

The vote to reconsider Council's decision of June 24, 2019 as outlined in Part 1 of Item CNCL-21-69 Carried on the following

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

Negative – None

Absent – Councilor Nicholson

The vote on Part 2 of Item FIN-19-54 Carried on the following

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

Negative – None

Absent – None

The vote to adopt the recommendation in Part 2 of Item CNCL-21-69 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 CNCL-21-70 concerning financial position and impacts of COVID-19 as of August 31, 2021 was now before Council.

The vote to adopt the recommendation contained in Item CNCL-21-70 Carried on the following

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

Negative – None

Absent – Councilor Nicholson

Councillor Chapman assumed the Chair.

The recommendation contained in Item CNCL-21-72 concerning proposed community safety, security and well-being in Oshawa's Downtown Area Action Plan was now before Council.

Moved by Councillor Giberson, seconded by Councillor Marks, (218) "That Part 4 of Attachment 2 to Item CNCL-21-72 be amended to delete the words 'Community Code of Conduct' and replace them with the words 'Community Values Agreement'." Carried as amended by later votes

Moved by Councillor Nicholson, seconded by Councillor Kerr,
(219) "That the amendment be further amended to add the words 'and Conduct' after the word 'Values'." Carried

The vote on the amendment to the recommendation contained in Item CNCL-21-72
Carried on the following

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

Negative – Councillors Chapman, Gray, McConkey

Declaration of Interest – Councillor Marimpietri and Mayor Carter

Absent - None

Moved by Councillor Giberson, Seconded by Councillor Marks,
(220) "That number 37 of Attachment 2 to Item CNCL-21-72 be amended to include the words 'Promote downtown Oshawa as a positive, vibrant, and inclusive place'." Carried

Moved by Councillor Giberson, Seconded by Councillor Nicholson,
(221) "That number 17 of Attachment 2 to Item CNCL-21-72, "Advance the discussions regarding relocation of the downtown methadone clinic with the owner", be removed."
Lost on the following vote

Affirmative – Councillors Giberson, Hurst and Nicholson

Negative – Councillors Chapman, Gray, Kerr, Marks, McConkey and Neal

Declaration of Interest – Councillor Marimpietri and Mayor Carter

Absent - None

Moved by Councillor Nicholson, Seconded by Councillor McConkey,
(222) "That number 13 of Attachment 2 to Item CNCL-21-72 be amended to add a condition, 'That neither the Region or City of Oshawa provide any financial support to any agency dispersing needles unless they institute a firm one-for-one needle exchange policy'. Carried on the following vote

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

Negative – Councillor Giberson

Declaration of Interest – Councillor Marimpietri and Mayor Carter

Absent - None

The vote on the recommendation contained in Item CNCL-21-72 Carried as amended
on the following

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

Negative – None

Declaration of Interest – Councillor Marimpietri and Mayor Carter

Absent - None

Moved by Councillor McConkey, Seconded by Councillor Gray, (223) “That the meeting recess for 5 minutes.” Carried

The meeting recessed at 4:21 and reconvened at 4:31 with all members of Council present.

The recommendation contained in Item CNCL-21-77 concerning proposed budget implications related to services previously provided by the Oshawa Business Improvement Area was now before Council.

The vote on the recommendation contained in Item CNCL-21-77 Carried on the following vote

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marks, Neal

Negative – Councillors McConkey and Nicholson

Declaration of Interest – Councillor Marimpietri and Mayor Carter

Mayor Carter resumed the Chair.

Closed Consent Agenda

Moved by Councillor Chapman, seconded by Councillor Giberson, (224) “That all items listed under the heading of Closed Consent Agenda for the Council meeting of September 27, 2021 be adopted as recommended except:

Items DS-21-153 and DS-21-164 of the Sixty-fourth Report of the Development Services Committee; and,

Report CNCL-21-71.” Carried

Closed Correspondence

None

Closed Standing Committee Reports

Report of the Community Services Committee

None

Report of the Corporate Services Committee

None

Report of the Development Services Committee

The Development Services Committee respectfully reports and recommends to City Council its Sixty-Fourth Report.

DS-21-154 Second Report of the Port of Oshawa Working Group - Extension of Tolling Agreement Concerning the Hamilton-Oshawa Port Authority Statement of Claim and the 1976 Harbour Road Extension Agreement (PORT 21-06)

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

Recommendation (Carried – See Page 246)

That staff proceed as directed in Confidential Report PORT-21-06 concerning the extension of the tolling agreement concerning the Hamilton-Oshawa Port Authority statement of claim and the 1976 Harbour Road Extension Agreement.

DS-21-153 1200 Airport Boulevard, Proposed Lease Agreement between Toronto Aerobatic Inc. and the Corporation of the City of Oshawa (Oshawa Executive Airport)

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

Recommendation (Lost – See Page 250)

That Report DS-21-153, dated September 8, 2021, concerning 1200 Airport Boulevard, Proposed Lease Agreement between Toronto Aerobatic Inc. and the Corporation of the City of Oshawa (Oshawa Executive Airport) be referred to Council without a recommendation.

DS-21-164 Potential Acquisition of Certain Highway 407 East Surplus Lands

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

Recommendation (Carried – See Page 250)

That the Commissioner, Development Services Department be authorized to decline the Agreement of Purchase and Sale for the provincially-owned surplus property labelled as Site 6 on Attachment 1 to Closed Report DS-21-164.

DS-21-173 Matters related to a property on Mary Street North

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

Recommendation (Carried – See Page 250)

That Report DS-21-173 concerning a property on Mary Street North be referred to staff for a report.

Report of the Finance Committee

None

Closed Staff Reports/Motions

CNCL-21-71 Update on BIA Outstanding Legal Matter

Closed Pursuant to Section 239(2)(b) of the Municipal Act and Sections 14.3 (d) and (f) of the Municipal Freedom of Information Protection of Privacy Act, 1990.

Recommendation (Carried – See Page 250)

That Report CNCL-21-71 dated September 22, 2021 concerning an update on a BIA Outstanding Legal matter be received for information.

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

Moved by Councillor Chapman, seconded by Councillor Giberson, (225) “That the meeting recess and reconvene in a session closed to the public pursuant to Section 239 (2) (c) to consider Items: DS-21-153, DS-164 and CNCL-21-71.” Carried by later votes

The vote to proceed into closed session to discuss Item DS-21-153 Carried on the following

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

Negative – Councillor Nicholson

Absent – Councillor Marks

The vote to proceed into closed session to discuss Items DS-21-164 and CNCL-21-71 Carried on the following

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

Negative – None

Absent - None

The meeting recessed at 4:48 p.m. and reconvened at 4:51 p.m. in closed session with all members of Council in attendance electronically.

Also in attendance were the City Clerk, the Chief Administrative Officer; the Commissioner, Corporate Services Department; the Commissioner, Community Services Department; the Commissioner, Development Services Department; the Director, Planning Services; the Commissioner, Finance Services/Treasurer; the Deputy City Clerk; the City Solicitor; the Executive Director, Human Resource Services; the Manager, Policy; and, J. Lane, Council-Committee Coordinator.

All other staff left the meeting.

Council entered closed session at 4:51 p.m.

Closed meeting discussion took place.

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

Council rose from Closed session at 5:59 p.m.

Closed Report 1

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

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

Members of Council questioned the Commissioner, Development Services Department concerning Item DS-21-153.

Members of Council questioned the Commissioner, Development Services Department concerning Item DS-21-164.

Members of Council questioned the City Solicitor concerning Item DS-21-164.

Member of Council questioned the Chief Administrative Officer concerning Item DS-21-164.

Councillor Chapman assumed the Chair.

Members of Council questioned the Commissioner, Finance Services concerning CNCL-21-71.

Mayor Carter resumed the Chair.

This concludes the closed meeting summary.

Councillor Chapman assumed the Chair

The recommendation contained in Item CNCL-21-71 concerning an update on BIA outstanding Legal matters was now before Council.

The vote to adopt the recommendation contained in CNCL-21-71 Carried on the following

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

Negative – None

Declaration of Interest – Councillors Marimpietri, Neal and Mayor Carter

Mayor Carter resumed the Chair.

Moved by Councillor Chapman, Seconded by Councillor Marks,
“That pursuant to Closed Report DS-21-153 dated September, 2021, the Commissioner, Development Services Department be authorized to enter into a lease agreement with Toronto Aerobatic Inc. for space in the Oshawa Executive Airport at 1200 Airport Boulevard consistent with the terms and conditions as generally set out in Section 5.2 of said Report, and in a form and content satisfactory to the Commissioner, Development Services Department and the City Solicitor.” Lost on the following vote

Affirmative – Councillors Chapman, Gray, Kerr and Nicholson

Negative – Councillors Giberson, Hurst, Marimpietri, Marks, McConkey, Neal and Mayor Carter

Absent - None

The recommendation contained in Item DS-21-164 regarding a potential acquisition of certain Highway 407 East Surplus Lands was now before Council.

The vote to adopt the recommendation contained in Item DS-21-164 Lost on the following

Affirmative – Councillor Chapman

Negative – Councillors Giberson, Gray, Hurst, Kerr, Marimpietri, McConkey, Neal and Mayor Carter

Absent – Councillor Marks

Moved by Councillor McConkey, Seconded by Councillor Neal,
(226) “That the City acquire the certain Highway 407 East Surplus Lands described in Item DS-21-164.” Carried as amended by later vote

Move by Councillor Nicholson, Seconded by Councillor Neal,
(227) “That the motion be amended to add ‘and that staff report on the financial strategy to acquire the lands.’” Carried

The vote on the motion concerning Item DS-21-164 to acquire certain Highway 407 East surplus lands Carried as amended on the following

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

Negative – None

Absent – Councillor Marks

By-law 112-2021, being a by-law to amend Traffic By-law 79-99, as amended was now before Council.

The vote to pass By-law 112-2021 Carried on the following

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

Negative – None

Declaration of Interest – Councillor Marimpietri

Absent – Councillor Marks

Items Requiring Action

None

By-laws

- 104-2021 A By-law to Constitute and Appoint a Committee of Adjustment and to Amend By-law 154-2014.
(Implements Council direction of September 27, 2021 through Item CORP-21-37 of the Thirty-First Report of the Corporate Services Committee to constitute a Committee of Adjustment and appoint members to fill vacancies for the balance of a four year term terminating November 14, 2022.) (Carried – See Page 197)
- 105-2021 A By-law to Designate the Property Located at 494 King Street East.
(Implements Council Direction of June 24, 2019 through Item DS-19-119 of the Seventieth Report of the Development Services Committee to designate 494 King Street East as a property of cultural heritage value or interest.) (Carried – See Page 197)
- 106-2021 A By-law to Designate the Property Located at 3860 Simcoe Street North.
(Implements Council Direction of June 21, 2021 through Item DS-21-130 of the Sixty-First Report of the Development Services Committee to designate 3860 Simcoe Street North as a property of cultural heritage value or interest.) (Carried – See Page 197)
- 107-2021 A By-law to Repeal Interim Control By-law 25-2020, as amended.
(Implements direction of September 27, 2021 through Report CNCL-21-68 for the repeal of the Interim Control By-law 25-2020 with respect to certain General Industrial Zoned areas within the area known as the Northwood Business Park in the City.) (Carried – See Page 197)

- 108-2021 A By-law to amend Zoning By-law 60-94, as amended.
(Implements the direction of the Commissioner, Development Services Department to lift the Holding 'h' provisions on lands known municipally as 1220 and 1240 Conlin Road East to remove the "h-14" holding symbol on the subject lands to permit 26 single detached dwellings and 58 street townhouses.) (Carried – See Page 197)
- 109-2021 A By-law to amend Zoning By-law 60-94, as amended.
(Implements the direction of the Commissioner, Development Services Department to lift the Holding 'h' provisions on lands known municipally as 1290 Conlin Road East to remove the "h-14" holding symbol on the subject lands to permit 93 single detached dwellings and a portion of an elementary school site.) (Carried – See Page 197)
- 110-2021 A By-law to amend Zoning By-law 60-94, as amended.
(Implements the direction of the Commissioner, Development Services Department to lift the Holding 'h' provisions on lands generally located east of Harmony Road North, north of Conlin Road East to remove the "h-14" holding symbol to advance the development of 157 lots each for a single detached dwelling, 3 blocks for up to 15 street townhouse dwellings and a portion of an elementary school site.) (Carried – See Page 197)
- 111-2021 A By-law to amend Traffic By-law 79-99, as amended
(Implements Council direction of September 27, 2021 through Item CS-21-100 of the Thirty-Second Report of the Community Services Committee to further amend the Traffic By-law Schedule XVII to change the speed limit on Oshawa Boulevard North between Rossland Road East and Ritson Road North to 40km/h.) (Carried – See Page 197)
- 112-2021 A By-law to amend Traffic By-law 79-99, as amended
(Implements Council direction of May 25, 2021 through Item DS-21-94 of the Sixtieth Report of the Development Services Committee to further amend the Traffic By-law Schedule XVII to remove the westbound left turn (south) lane markings at the intersection of Athol Street East and Celina Street, install six additional parking spaces and one loading space, and sign one of the six additional spaces as a short term lay-by for curbside pick-up.) (Carried – See Page 197)

Matters Tabled

No items were lifted from the table.

Notices of Motion

The following notice of motion is submitted by Mayor Carter:

“Whereas, in 2017, the City awarded Contract 17-02 in the amount of \$1.43 million to Coco Paving to complete road reconstruction along Carswell, Eastwood and Herbert Avenues; and,

Whereas, the contract was substantially completed on September 19, 2017; and,

Whereas, in 2018, the City awarded Contract 18-02 in the amount of \$1.775 million to Coco Paving to complete road reconstruction along Verdun Road and Oshawa Boulevard South; and,

Whereas, the contract was substantially completed on December 18, 2018; and,

Whereas, the City’s sod warranty is 90 days and exceeds the standards of 30 days established by the Ontario Provincial Specifications Standards; and,

Whereas, in recent discussions with contractors, the City has been advised that sod farms are cutting sod in thinner pieces to become more environmental friendly by leaving more of the native soil on the sod farm resulting, in some instances, with sod being cut as thin as 25 millimetres (1 inch) which, in some instances, has negatively affected sod life cycle; and,

Whereas, in recent years Engineering Services staff have been receiving a higher than usual number of resident/homeowner complaints related to dead sod in the boulevards and front yards following the completion of the work; and,

Whereas, Mayor Carter also received a number of complaints and as a result visited the areas subject to Contract 17-02 and Contract 18-02 and observed dead sod in the boulevards and front yards; and

Whereas, many of these complaints occur 3 to 4 years after a project has been completed and after the 90 day warranty has expired and the obligations of the contractor has ended; and,

Whereas, Engineering Services staff have estimated that the cost to replace dead sod related to Contract 17-02 and Contract 18-02 at \$100,000 plus H.S.T.

Therefore be it resolved that a contribution of \$100,000 plus H.S.T to replace the sod associated with Contract 17-02 and Contract 18-02; and,

That this motion be referred to the 2022 budget for consideration.”

Confirming By-Law

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

85-2021 A by-law to confirm the City Council meeting of September 27, 2021.

Adjourn

Moved by Councillor Chapman, seconded by Councillor Kerr ,
(229) "That the meeting adjourn." Carried

The meeting adjourned at 6:10 p.m.