



Oshawa City Council Minutes

September 26, 2022, 9:30 a.m.
Council Chamber

Present:

- Mayor Carter
- Councillor Chapman
- Councillor Giberson
- Councillor Gray
- Councillor Hurst
- Councillor Kerr
- Councillor Marimpietri
- Councillor Marks
- Councillor McConkey
- Councillor Neal
- Councillor Nicholson

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.

Council Member Announcements

Various announcements were made relating to activities and events.

Additional Agenda Items

Moved by Councillor Chapman
Seconded by Councillor Giberson

That additional Correspondence from Emmanuel Casalino submitting comments concerning Item DS-22-195 be added to the agenda for the meeting of September 26, 2022 and be referred to the respective item.

Motion Carried

Moved by Councillor Chapman
Seconded by Councillor Giberson

That By-law 143-2022 being a by-law to amend the legal description contained in By-law 80-2021 with respect to the designation of the property located at 2651 Harmony Road North be added to the agenda for the meeting of September 26, 2022.

Motion Carried

Declarations of Pecuniary Interest

Councillor Chapman - DS-22-180 - Request by the Ontario Regiment R.C.A.C. Regimental Museum to enter the City-owned Oshawa Executive Airport South Field to undertake Required Studies in Support of their Expansion Proposal (Ward 2)

Councillor Chapman made a declaration of interest concerning Item DS-22-180 as he is a member in good standing and Honorary Colonel of the Ontario Regimental Museum.

Councillor Chapman - FIN-22-90 - Correspondence submitted by Denis Bigioni, President, Canadian Automotive Museum requesting Financial Assistance (Ward 4)

Councillor Chapman made a declaration of interest concerning Item FIN-22-90 as the correspondence references the Ontario Regiment Museum of which he is a member as well as the Honorary Colonel of the Ontario Regimental Museum.

Councillor Neal - CNCL-22-58 - Various Residents Submitting Comments concerning Item DS-22-174 (Ward 1)

Councillor Neal made a declaration of interest concerning Correspondence CNCL-22-58 as a member of his family has a contract with the Durham District Catholic School Board.

Councillor Neal - DS-22-174 - Public Comments on Council Decision to Declare as Potentially Surplus: Portion of the Grassed Area in the Northwest Corner of the Delpark Homes Centre Lands at 1661 Harmony Road North (Ward 1)

Councillor Neal made a declaration of interest concerning Correspondence DS-22-174 as a member of his family has a contract with the Durham District Catholic School Board.

Councillor Neal - FIN-22-84 - Correspondence submitted by the Oshawa Central Council of Neighbourhood Associations Requesting Financial Assistance in the Replacement of the Septic System at the Thornton Dundee Hall (Ward 4)

Councillor Neal made a declaration of interest concerning Item FIN-22-84 as he sits on the Board of the Oshawa Central Council of Neighbourhood Association.

Councillor Neal - FIN-22-94 - Correspondence Submitted by the Durham Catholic District School Board Requesting a Waiving of Fees (All Wards)

Councillor Neal made a declaration of interest concerning FIN-22-94 as a member of his family has a contract with the Durham Catholic District School Board.

Councillor Neal - FIN-22-85 - City of Oshawa / Oshawa Senior Community Centres Relationship Audit - Upgrade regarding Municipal Services Agreement (All Wards)

Councillor Neal made a declaration of interest concerning FIN-22-85 as he sits on the Board of Directors for the Oshawa Senior Community Centres.

Councillor Kerr - DS-22-175 - Disposal Strategy: Air and Underground Rights Associated with the City-owned Public Parking Lot (Lot 16) located on the south side of Athol Street East, between Celina and Albert Streets (Ward 1)

Councillor Kerr made a declaration of interest concerning Item DS-22-175 as the Applicant became a sponsor of the Troubadour Concert Series of which he is an unpaid volunteer organizer.

Councillor Marimpietri - DS-22-175 - Disposal Strategy: Air and Underground Rights Associated with the City-owned Public Parking Lot (Lot 16) located on the south side of Athol Street East, between Celina and Albert Streets (Ward 1)

Councillor Marimpietri made a declaration of interest concerning Item DS-22-175 as he has family members whom own property and operate a business within the area.

Presentations

None

Delegations

Moved by Councillor Chapman
Seconded by Councillor Giberson

That the delegation of Mark Allen be heard. **(Requires 2/3 vote of members present)**

Motion Carried

Mark Allen Requesting to Address City Council concerning Item DS-22-195 regarding a Request for a Report Concerning High Speed Internet North of Highway 407 in Oshawa (Ward 1)

Mark Allen addressed City Council concerning Item DS-22-195 regarding a request for a report concerning high speed internet north of Highway 407 in Oshawa.

Members of Council questioned Mark Allen.

Matters Requiring Direction

CNCL-22-62 - Libero Mazzaroppi, Mayor, City of Aquino Submitting Correspondence Requesting Twinship between the City of Oshawa and the City of Aquino

Moved by Councillor Chapman
Seconded by Councillor Giberson

That CNCL-22-62 concerning correspondence submitted by Libero Mazzaroppi, Mayor of Aquino requesting Twinship between the City of Oshawa and the City of Aquino be referred to staff for a report.

Motion Carried

Items Pulled from Information Package

CNCL-22-57 - Resolution passed by the Council of the Region of Durham concerning Increased Noise due to Modified Vehicles in Durham (INFO-22-183) (All Wards)

Moved by Councillor Neal
Seconded by Councillor Giberson

That Council endorse the resolution contained in Correspondence CNCL-22-57 from the Region of Durham concerning increased noise due to modified vehicles.

Amendment:

Moved by Councillor Giberson
Seconded by Councillor Neal

That a copy of this motion be sent to the Minister of Municipal Affairs and Housing and the Minister of the Environment in addition to those listed in the resolution from the Region of Durham.

Motion Carried

The vote to adopt the recommendation contained in Item CNCL-22-57, as amended.

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Hurst, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Motion Carried (11 to 0)

CNCL-22-56 - David Spackman Submitting Correspondence Requesting to Address City Council concerning the Contract with Rent-A-Bench (INFO-22-206) (Ward 2)

Moved by Councillor Nicholson
Seconded by Councillor Hurst

That Council reconsider its previous direction from September 27, 2021 on the matter. **(Requires 2/3 vote of members present)**

Affirmative (8): Councillor Gray, Councillor Hurst, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Negative (3): Mayor Carter, Councillor Chapman, and Councillor Giberson

Motion Carried (8 to 3)

Moved by Councillor Nicholson

Seconded by Councillor Marimpietri

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; and,

That Rent-a-Bench be invited to speak at a future meeting of City Council.

Motion Carried

The vote to adopt the recommendation contained in Item CNCL-22-56, as amended.

Motion Carried

CNCL-22-63 - Correspondence received from Dean Lindsay resigning from the Oshawa Active Transportation Advisory Committee (INFO-22-205) (All Wards)

Moved by Councillor McConkey

Seconded by Councillor Neal

That CNCL-22-63 being correspondence received from Dean Lindsay concerning his resignation from the Oshawa Active Transportation Advisory Committee be referred to staff for consideration of ensuring the function of the Advisory Committee and the role of Committee members is appreciated and assists the continuous improvement of The Corporation of the City of Oshawa.

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Hurst, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Motion Carried (11 to 0)

CNCL-22-64 - Resolution passed by the Council of the Town of Ajax requesting the Province amend Section 268 of the Municipal Act to provide for appointing alternates to the upper-tier Council (INFO-22-184) (All Wards)

Moved by Councillor McConkey

That CNCL-22-64 being a resolution passed by the Council of the Town of Ajax concerning a request that the Province amend Section 268 of the Municipal Act to provide for appointing alternates to the upper-tier Council be endorsed.

Lost - No Seconder.

CNCL-22-65 - Oshawa Power and Utilities Report of the Chairman to the Shareholder - First Quarter 2022 (INFO-22-202) (All Wards)

CNCL-22-66 - Oshawa Power and Utilities Report of the Chairman to the Shareholder - Second Quarter 2022 (INFO-22-203) (All Wards)

That Correspondence CNCL-22-65 and CNCL-22-66 being the First and Second Quarter 2022 Oshawa Power and Utilities Report of the Chairman to the Shareholder be referred to Finance Services for a report to the Finance Committee. (Requires reconsideration of Shareholder Reporting Process)

Moved by Councillor Nicholson
Seconded by Councillor McConkey

That Council reconsider its Policy regarding Shareholder reporting process. **(Requires 2/3 vote of members present)**

Motion Lost

Public Consent Agenda

Moved by Councillor Chapman
Seconded by Councillor Giberson

That all items listed under the heading of Public Consent Agenda for the City Council Meeting dated September 26, 2022 be adopted as recommended except:

Correspondence CNCL-22-58; and,

Items CORP-22-56 and CORP-22-60 of the Forty-Second Report of the Corporate Services Committee; and,

Items DS-22-183, DS-22-187, DS-22-169, DS-22-173, DS-22-174 and DS-22-195 of the Eighty-Third Report of the Development Services Committee; and,

Items FIN-22-90, FIN-22-84 and FIN-22-94 of the Fifty-Ninth Report of the Finance Committee.

Motion Carried

Correspondence

Adoption of Council Minutes

That the minutes of the City Council meetings held on June 10, June 20 and September 12, 2022 be adopted.

Standing Committee Reports

Report of the Community Services Committee

CS-22-88 - Eighth Report of the Oshawa Accessibility Advisory Committee (All Wards)

That CS-22-88, being the Eighth Report of the Oshawa Accessibility Advisory Committee concerning the request for City hosted events to have wheelchair ramps to access the stage be received for information.

CS-22-80 - Lakeview Park Extended Hours of Operation - (All Wards)

Whereas on December 13, 2021 Council endorsed motion [CS-21-135 “Alteration of Lakeview Park’s Visiting Hours”](#) and amending By-law 151-2021 to extend the operating hours of a portion of Lakeview Park until midnight thereby amending the [Parks and Facilities By-law 83-2000](#);

1. That the Parks By-law be amended temporarily to allow for Lakeview Park, south of Lakeview Park Drive and east of Kluane Avenue including Lakewood Park Lookout, to be open to the public until 12:00 midnight nightly, regardless of season; and,
2. That staff monitor and investigate and report back to the Community Services Committee in the Second Quarter of 2022; and,
3. That water access at Lakeview Park be restricted after 6:00 p.m. during the winter months regardless of the by-law change until staff can report back in the second quarter.

Whereas staff have been monitoring park use since implementation of the extended hours in December; and,

Whereas Parks Operations staff have had no additional issues since the hours were extended; and,

Whereas Corporate Security has indicated a slight increase in people using the park after midnight, however, to date there have been no issues at the park directly attributed to the extended hours; and,

Whereas no issues or concerns have been raised by the operator of the on-site business since the hours were extended; and,

Whereas Durham Regional Police Services did not provide any comments related to the extended hours at Lakeview Park;

Therefore be it resolved that the Parks and Facilities By-law 83-2000 be amended permanently to allow for Lakeview Park, south of Lakeview Park Drive and east of Kluane Avenue including Lakewood Park Lookout, to be open to the public until 12:00 midnight nightly, regardless of season and that water access to Lakeview Park be restricted after 6:00 PM during the months of November through to the end of March.

CS-22-79 - Carbon Monoxide Alarm By-law 72-2012 (All Wards)

Whereas the City of Oshawa’s Carbon Monoxide Alarm By-law 72-2012, as amended (“Carbon Monoxide Alarm By-law”), was introduced in 2012 as a tool to require the installation and maintenance of Carbon Monoxide Alarms in all Dwelling Units, as defined by the Carbon Monoxide Alarm By-law, and which include those Dwelling Units containing fuel burning appliances and/or attached garages; and,

Whereas the purpose of the Carbon Monoxide Alarm By-law is to ensure residents have Carbon Monoxide Alarms in place to provide early warning when carbon monoxide is present in Dwelling Units; and,

Whereas this Carbon Monoxide Alarm By-law was necessary because at the time the Carbon Monoxide Alarm By-law was approved by Council, Ontario Regulation 213/07, *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4 (“Ontario Fire Code”) did not require the installation of Carbon Monoxide Alarms in all Dwelling Units; and,

Whereas requirements for Carbon Monoxide Alarms have now been incorporated into the Ontario Fire Code; and,

Whereas the Ontario Fire Code now provides this requirement, and the City of Oshawa’s Fire Services now has legislated authority under the Ontario Fire Code to enforce compliance to ensure Carbon Monoxide Alarms are present in residences; and,

Whereas this regulatory change has made the need for the City of Oshawa’s Carbon Monoxide Alarm By-law redundant;

Therefore, be it resolved, that the Carbon Monoxide Alarm By-law 72-2012 as amended, being a by-law requiring the installation and maintenance of Carbon Monoxide Alarms in all Dwelling Units, including those that contain fuel burning appliances and/or attached garages, be repealed.

CS-22-81 - Long Term Lease Agreement with Scouts Canada for City's ongoing use of Camp Samac Outdoor Pool (Ward 2)

1. That based on Report CS-22-81 dated September 14, 2022, the City continue to operate Camp Samac Outdoor Pool; and,
2. That the Mayor and Clerk be authorized to execute an agreement acceptable to Legal Services and Finance Services for a five-year lease of Camp Samac Outdoor Pool with an option to renew for an additional five years; and,
3. That staff include anticipated capital repairs in the 10 year Capital Forecast.

CS-22-82 - Community Safety Zones (Ward 5)

1. That based on Report CS-22-82, dated September 14, 2022, the Traffic and Parking By-law 79-99, as amended be further amended to implement a Community Safety Zone on Simcoe Street South from Harbour Road to the south limit of Simcoe Street South; and,
2. That the Traffic and Parking By-law 79-99, as amended be further amended to implement a 40 km/h maximum rate of speed on Simcoe Street South from Harbour Road to the south limit of Simcoe Street South; and,
3. That the Traffic and Parking By-law 79-99, as amended be further amended to implement a 40 km/h maximum rate of speed on Harbour Road from Simcoe Street South to Farewell Street; and,
4. That the Traffic and Parking By-law 79-99, as amended be further amended to implement a Community Safety Zone on Cedar Street from Wentworth Street West to Stone Street; and,

5. That the Traffic and Parking By-law 79-99, as amended be further amended to implement a 40 km/h maximum rate of speed on Cedar Street from Wentworth Street West to Killarney Court; and,
6. That the Traffic and Parking By-law 79-99, as amended be further amended to implement a Community Safety Zone on Phillip Murray Avenue from Valley Drive to Park Road South and the speed be reduced to 40 km /h.

CS-22-83 - Maximum Rate of Speed Area (All Wards)

That based on Report CS-22-83, dated September 14, 2022, the Traffic and Parking By-law 79-99, as amended, be further amended to implement the revision outlined in Section 5.2 of this report.

CS-22-84 - Overnight Parking Restrictions (All Wards)

That based on Report CS-22-84, dated September 14, 2022, the Traffic and Parking By-law 79-99, as amended, be further amended to change the overnight seasonal parking restriction from '3:00 a.m. to 6:00 a.m. from December 1st to April 1st of the following year' to '2:00 a.m. to 6:00 a.m. from December 1st to April 1st of the following year.'

CS-22-85 - Community Services Committee Outstanding Items List Report - Third Quarter (All Wards)

That Report CS-22-85, dated August 30, 2022 being the Community Services Committee's Outstanding Items Status Report for the third quarter of 2022 be received for information.

CS-22-90 - Community Safety Zone on Columbus Road West and Columbus Road East (Ward 1)

Whereas speeding and safety concerns have been reported from residents residing in Columbus in the City of Oshawa to the DRPS, City staff and the Ward Councillors concerning Columbus Road West from Simcoe Street North, West to Thornton Road North; and,

Whereas speeding and safety concerns have been reported from residents residing in Columbus in the City of Oshawa to the DRPS, City staff and the Ward Councillors concerning Columbus road east from Simcoe Street North, East to Ritson Road North,

Therefore be it resolved:

1. That a Community Safety Zone be implemented on Columbus Road West from Simcoe Street North, to Thornton Road North; and,
2. That a Community Safety Zone be implemented on Columbus Road East from Simcoe Street to Ritson Road North.

CS-22-91 - No Heavy Vehicles on Grandview Street North between Taunton Road East and Conlin Road East (Ward 1)

Whereas heavy trucks have become a problem on Grandview Street North with the massive infrastructure and new home construction happening north of Conlin Road; and,

Whereas it has become a safety concern with school opening this September; and,

Now therefore be it resolved that the City make Grandview Street North between Taunton Road East and Conlin Road East, a No Heavy Vehicle restricted road section at the earliest possible time.

CS-22-92 - Request for Radar Speed Boards (All Wards)

Whereas currently there are 5 Radar Speed Boards for each Ward and their deployment is subject to the agreement of the two Ward Councillors; and,

Whereas deployment of these boards throughout the Ward has had a positive effect of the traffic flow in the areas where residents have voiced their concerns to their Ward Councillors; and,

Whereas increasing the number of these boards will allow the boards to be deployed in more areas or for longer periods of time in each Ward;

Therefore be it resolved that staff be directed to investigate increasing the number of Radar Speed Boards by 5 additional boards for each Ward and that the purchase of the additional boards be considered in the 2023 budget.

CS-22-93 - Speed Limit Reduction on Rossland Road East between Harmony Road North and the dead end at Grandview Street North (Ward 3)

Whereas the portion of Rossland Road East that is east of Harmony Road North is a City of Oshawa road; and,

Whereas the posted speed is 50 Km/H on this portion of Rossland Road East between Harmony Road North and the dead end where it meets Grandview Street North; and,

Whereas Grandview Street North is a posted 40Km/H speed zone; and,

Whereas many drivers travelling east on Rossland Road East do not slow to the 40 Km/H speed from the 50 Km/H speed on Rossland Road East; and,

Whereas reducing the speed to 40 Km/H on the portion of Rossland Road East between Harmony Road North and the dead end at Grandview Street North will mean drivers will not have to reduce their speed when turning north on Grandview Street North;

Therefore be it resolved that the speed limit on the portion of Rossland Road East between Harmony Road North and the dead end at Grandview Street North be reduced to 40 Km/H and posted as such.

CS-22-94 - Speed Limit Reduction on Riverside Drive North from Bond Street East to Ascot Street (Ward 3)

Whereas Riverside Drive North runs north & south between Ascot Street and Bond Street East; and,

Whereas many motorists are in a hurry and to avoid the heavy traffic on Harmony Road North and the traffic lights at Harmony Road North and Bond/King Street East use Riverside Drive North as their alternative route to travel to Bond Street East; and,

Whereas residents are concerned with the speed of drivers using Riverside Drive North and request the posted speed limit be reduced to 40 Km/H;

Therefore be it resolved that the speed limit on Riverside Drive North from Bond Street East to Ascot Street be reduced to 40 Km/H and posted as such.

CS-22-95 - Request for Staff to send a notice to the Property Owners at Ormond Drive and Blythewood Square (Ward 1)

That staff send out notice to property owners at the corners of Ormond and Blythewood Square, Ormond and Kingsfield loop to determine if there are any objections to 3 way stop signs at these two corners for traffic calming and safety for Sherwood School and Sherwood Park.

CS-22-96 - Pedestrian Signals Downtown Oshawa (Ward 4)

Whereas Downtown Oshawa is a high-volume pedestrian urban area; and,

Whereas a safe and accommodating pedestrian environment is crucial to safety and a positive experience when people are Downtown Oshawa; and,

Whereas both Plan 20Thirty and Plan 20Twenty have affirmed the importance of a positive pedestrian experience in achieving the goals of Downtown improvement; and,

Whereas the Region of Durham has committed to a Vision Zero plan which includes the reduction of collisions of vehicles into pedestrians and other active transportation users and on page 21 of the plan identifies Leading Pedestrian Intervals as a program that they plan to implement; and,

Whereas results of a study by Fayish and Gross suggested an almost 60% reduction in pedestrian-vehicle collisions at intersections with Leading Pedestrian Intervals; and,

Whereas Leading Pedestrian Intervals are being deployed in more municipalities around Canada and the world in recognition of their proven ability to make pedestrians safer, due to their prioritization of pedestrian movement prior to the changing of the vehicle traffic signals, and the benefits for pedestrians generally and especially for older adults, people with disabilities, and children crossing;

Therefore be it resolved that the Community Services Committee recommend to Oshawa City Council that the City of Oshawa request that the Region of Durham implement Leading Pedestrian Intervals at signalized intersections in Downtown Oshawa.

CS-22-97 - Speed Limit Reduction on Hillcroft Street between Mary Street North and Glebe Avenue and Galahad Drive between Glebe Avenue and Camelot Drive (Ward 4)

Whereas the posted speed limit on Hillcroft Street is 50 km/h, except for three (3) sections with posted 40 km/h speed limits between Simcoe Street North and Mary Street North, Ritson Road North and a point 91 metres west of Trick Avenue, and Camelot Drive and Wilson Road North; and,

Whereas the posted speed limit on Galahad Drive is 50 km/h, except for a section with a posted 40 km/h speed limit between Gladfern Street and Gentry Crescent (north leg); and,

Whereas Sir Albert Love Catholic School, Walter E. Harris Public School, Harmony Heights Public School, and S.J. Phillips Public School are located in close proximity to Hillcroft Street and Galahad Drive; and,

Whereas elementary school students have walking routes to school along Hillcroft Street and Galahad Drive; and,

Whereas there is a bike route along Hillcroft Street between Simcoe Street North and Camelot Drive; and,

Whereas there are multiple parks and greenspaces located along Hillcroft Street and Galahad Drive; and,

Whereas there are two (2) recreation trail crossings (Michael Starr Trail and Harmony Creek Trail) located along Hillcroft Street;

Therefore, for the increased safety of the pedestrians and other road users along Hillcroft Street and Galahad Drive, a 40 km/h speed limit be by-lawed on Hillcroft Street between Mary Street North and Glebe Avenue, and Galahad Drive between Glebe Avenue and Camelot Drive.

Report of the Corporate Services Committee

CORP-22-55 - Fifth Report of the Oshawa Accessibility Advisory Committee (All Wards)

That based on Report CORP-22-55, being the Fifth Report of the Oshawa Accessibility Advisory Committee concerning accessibility awards, a checklist be established and a physical site inspection be undertaken prior to a nomination for an accessibility award.

CORP-22-54 - Corporate Services Committee Outstanding Items List Status Report - Third Quarter 2022 (All Wards)

That Report CORP-22-54, dated September 7, 2022 being the Corporate Services Committee's Outstanding Items Status Report for the third quarter of 2022 be received for information.

CORP-22-58 - Amendments to Bill 3, Strong Mayors, Building Homes Act, 2022

Whereas, on August 10, 2022, the Ontario government introduced Bill 3, Strong Mayors, Building Homes Act, 2022 ("Strong Mayors, Building Homes Act"), which amends the Municipal Act, 2001, the City of Toronto Act, 2006, and the Municipal Conflict of Interest Act to advance provincial priorities; and,

Whereas, the Strong Mayors, Building Homes Act provides the mayors of Toronto and Ottawa with new powers, which alters the governance and public administration of the cities of Ottawa and Toronto; and,

Whereas, changes to the Strong Mayors, Building Homes Act gives the mayors of Toronto and Ottawa, as head of council, broader scope of authority including, but not limited to, the following powers:

- Direct municipal employees to:
 - undertake research and provide advice to the head of council and the municipality on policies and programs of the municipality;

- carry out duties related to the exercise of the power or performance of the duty, including implementing any decisions made by the head of council;
- Appoint a chief administrative officer:
 - the powers of a municipality under section 229 of the Municipal Act, 2001, with respect to the chief administrative officer, are assigned to the head of council;
 - Powers regarding organizational structure:
 - determine the organizational structure of the municipality are assigned to the head of council;
- Employment matters:
 - hire, dismiss or exercise any other prescribed employment powers with respect to the chief administrative officer, head of any division or the head of any other part of the organizational structure (excluding those positions appointed by statute or any other prescribed persons);
- Powers re local boards:
 - appoint, dismiss or revoke the appointment of chairs and vice-chairs of local boards;
- Powers re committees:
 - establish or dissolve committees;
 - appoint, dismiss or revoke chairs and vice-chairs of committees;
 - assign functions to committees;
- Powers re meetings:
 - despite any procedure by-law passed by the municipality, if a particular matter could potentially advance a prescribed provincial priority, the head of council may require the council to consider the matter at a meeting;
- Veto powers:
 - despite any procedure by-law passed by the municipality, if the head of council is of the opinion that all or part of a by-law could potentially interfere with a prescribed provincial priority, the head of council may provide written notice to the council of that municipality regarding intent to consider vetoing the by-law;
- Powers and duties re budget:
 - the powers and duties of a municipality with respect to proposing and adopting a budget are assigned to the head of council;
 - prepare a proposed budget for the municipality and provide the proposed budget to the council for the council's consideration; and,

Whereas, these additional powers could extend to other municipal mayors; and,

Whereas, the amendments could have unintended consequences including reducing the role and responsibilities of municipal Councils on such matters, thereby detrimentally affecting local democracy; and,

Whereas, at the August 2022 AMO Conference, the Premier of Ontario stated the importance of working with municipal partners and the power of collaboration in building Ontario together; and,

Whereas, there was limited consultation with members of the public, Ontario municipalities including mayors, chief administrative officers / city managers as well as key stakeholders such as the Association of Municipalities of Ontario (“AMO:”), Ontario Municipal Administrators’ Association (“OMAA”), Association of Municipal Managers, Clerks and Treasurers of Ontario (“AMCTO”); and,

Whereas, the current municipal governance is democratic and is effective and efficient in achieving provincial priorities; and,

Whereas, the changes to Bill 3 are intended to take effect on November 15, 2022, the start date of a new municipal council term;

Therefore be it resolved:

1. That Mayor Dan Carter send a letter to the Premier of Ontario, Minister of Municipal Affairs and Housing, Deputy Minister of Municipal Affairs and Housing, Secretary of the Cabinet, Head of the Ontario Public Service, Deputy Attorney General of Ontario, Attorney General, MPP Parliamentary Assistant to the Attorney General advising that:
 - i. Oshawa City Council does not support the amendments to Bill 3, Strong Mayors, Building Homes Act, 2022; and,
 - ii. Oshawa City Council does not support the amendments applying to the City of Oshawa;
2. That a copy of the Council resolution be provided to the Region of Durham, all Durham Region municipalities, Durham Region Members of Provincial Parliament, AMO, OMAA and AMCTO.

CORP-22-59 - Review of City Policies related to Short Term Rentals

That the new City policies related to short term rentals be reviewed in Quarter 1 of 2023 to determine how some tightening of certain gaps can be improved.

Report of the Development Services Committee

DS-22-185 - Tenth Report of Heritage Oshawa Committee (All Wards)

Whereas the Mandate of Heritage Oshawa is to advise and assist Council on all matters relating to the preservation and promotion of cultural heritage resources within the city of Oshawa; and,

Whereas the approved 2022 Heritage Oshawa Workplan states “Advise and assist Council on all matters relating to cultural heritage including, but not limited to, buildings and structures, cultural heritage landscapes and archeological sites; and,

Whereas there is current Provincial legislation regarding Altering a Part IV Designated Property, such as a Heritage Permit and all necessary information;

Therefore be it resolved that the city of Oshawa create and implement any and all such documents necessary to implement Part 33 (1) and 42 (1) of the Ontario Heritage Act.

DS-22-173 - Request to Further Extend a Council Condition of Approval for an Application under the Urban Growth Centre Community Improvement Plan, 17 Brock Street West (Ward 4)

Whereas, on April 8, 2019, City Council considered Report DS-19-41 dated March 20, 2019 and approved, subject to conditions, an application submitted by 2276712 Ontario Inc. under the Urban Growth Centre Community Improvement Plan for an Increased Assessment Grant to facilitate the development of a two-storey addition for office space at 17 Brock Street West (Attachment 1); and,

Whereas, among the original conditions of approval, one required the foundation of the two-storey addition to be completed by August 31, 2019 and another required the construction of the building addition to be completed and available for occupancy by December 31, 2019; and,

Whereas, on August 19, 2019 at the request of 2276712 Ontario Inc., those dates were subsequently extended to June 30, 2020 and October 31, 2020, respectively, under the delegated authority of the Commissioner, Development Services Department; and,

Whereas, on June 24, 2020 at the request of 2276712 Ontario Inc., those dates were further extended to June 30, 2021 and October 31, 2021, respectively, also under the delegated authority of the Commissioner, Development Services Department; and,

Whereas, the June 30, 2021 foundation deadline was met; and,

Whereas, by email dated September 2, 2021, 2276712 Ontario Inc. requested another extension of the deadline related to the condition dealing with the completion of the building addition and occupancy, owing to the ongoing challenges with sourcing material and workers during the COVID-19 pandemic; and,

Whereas, the condition related to the completion of the building addition and occupancy was further extended to October 31, 2022 which was approved under the delegated authority of the Commissioner, Development Services Department, with notice being provided to the applicant that this would be the last extension granted by the Commissioner, Development Services Department and any additional extension requests will be reported to the Development Services Committee and Council to seek direction on the appropriateness of a further extension; and,

Whereas, by email dated August 19, 2022 (see Attachment 2), 2276712 Ontario Inc. requested another extension to the condition related to the completion of the building addition and occupancy, owing to the ongoing supply chain and labour challenges as a result of the COVID-19 pandemic;

Therefore be it resolved that the request dated August 19, 2022 from 2276712 Ontario Inc. to further extend the condition of approval related to building completion and occupancy for the application under the Urban Growth Centre Community Improvement Plan for 17 Brock Street West be approved, such that now the 2-storey addition shall be complete and available for occupancy by October 31, 2023.

DS-22-177 - Potential Acquisition of a Portion of 2425 Simcoe Street North for Additional Parkland in the Windfields Community (Ward 2)

1. That, pursuant to Report DS-22-177 dated September 7, 2022, the Commissioner, Development Services Department or Director of Planning Services be directed to advance the acquisition of a portion of the southeast quadrant of 2425 Simcoe Street North measuring approximately 0.37 hectares (0.92 ac.) in size as part of the parkland dedication contribution

for the residential development proposed on the balance of the lands by Tribute Communities on behalf of 2285136 Ontario Limited, pursuant to an application for Site Plan Approval (File: SPA-2021-05); and,

2. That, in the event Part 1 above is approved, conveyance of the land forming part of the parkland dedication contribution to the City shall be required prior to the issuance of a building permit for the structural shell of the 588-unit apartment building proposed as part of the application for Site Plan Approval under File SPA-2021-05, and said conveyance in this manner shall be a condition of the associated site plan agreement; and,
3. That, in relation to the conveyance described in Part 2 above, the Commissioner, Development Services Department be authorized to enter into an appropriate agreement with Tribute Communities or a company to be named later to permit the lands acquired by the City to be used as construction access and staging in relation to the development of the balance of the lands municipally known as 2425 Simcoe Street North, in a form and content satisfactory to the Commissioner, Development Services Department and the City Solicitor; and,
4. That, following the acquisition of the southeast quadrant of 2425 Simcoe Street North and the conclusion of any agreement with Tribute Communities or a company to be named later for construction access and staging, staff are authorized to initiate the public process to change the zoning from PCC-A(4)/SSC-B "h-57" (Planned Commercial Centre/Automobile Service Centre) to OSP (Park Open Space).

DS-22-178 - Development Services Committee Outstanding Items List Report - Third Quarter (All Wards)

That Report DS-22-178, dated August 23, 2022 being the Development Services Committee's Outstanding Items Status Report for the third quarter of 2022 be received for information.

DS-22-179 - Request under the Urban Growth Centre Community Improvement Plan (Ward 4)

That, pursuant to Report DS-22-179 dated September 7, 2022, the Holmes Development Corporation be approved for an Upgrade to Building and Fire Codes Grant in the amount of \$20,000.00.

DS-22-181 - Appointment of Accountable Executive for the Oshawa Executive Airport (Ward 2)

1. That, pursuant to Report DS-22-181 dated September 7, 2022, Warren Munro, Commissioner, Development Services Department be appointed by by-law as the Accountable Executive for the Oshawa Executive Airport pursuant to Subpart 6, 106.02(1)(a) of the Canadian Aviation Regulations; and,
2. That, pursuant to Report DS-22-181 dated September 7, 2022, the Airport Manager be directed to notify the Federal Minister of Transport that Warren Munro, Commissioner, Development Services Department has been appointed by by-law as the Accountable Executive for the Oshawa Executive Airport pursuant to Subpart 6, 106.02(1)(b) of the Canadian Aviation Regulations; and,
3. That, pursuant to Report DS-22-181 dated September 7, 2022, Warren Munro, Commissioner, Development Services Department be directed to submit to the Federal Minister of Transport a signed statement that he accepts the responsibilities of the position within 30 days after his

appointment as the Accountable Executive for the Oshawa Executive Airport pursuant to Subpart 6, 106.02(1)(c) of the Canadian Aviation Regulations; and,

4. That, pursuant to Report DS-22-181 dated September 7, 2022, that the by-law further specify that Warren Munro be fully indemnified by the City against any personal liability arising out of his good faith execution of his duties as the Accountable Executive.

DS-22-194 - Investigation of Cost to Reconstruct Roselawn Avenue, Winifred Avenue and Bickle Drive (Ward 2)

Whereas, Thornton Road North is an important road in Oshawa, connecting the Highway 407 East with the Northwood Business Park and areas of Oshawa further south; and,

Whereas, Council has approved the reconstruction of Thornton Road North, generally between Conlin Road and Highway 407 East, as a capital project in the 2022 Capital Budget; and

Whereas the Region of Durham has agreed to extend water and sanitary sewer services along Thornton Road North concurrent with the reconstruction of Thornton Road North; and,

Whereas, some residents who reside in the Bickle Drive Subdivision (i.e. Roselawn Avenue, Winifred Avenue and Bickle Drive), have been experiencing water quality, and water quantity issues; and,

Whereas, the cost to reconstruct Roselawn Avenue, Winifred Avenue and Bickle Drive, including installation of regional water and sewer services, is currently unknown,

Therefore be it resolved, that Development Services staff report to City Council through the 2023 budget deliberations on the estimated cost for reconstruction of Roselawn Avenue, Winifred Avenue and Bickle Drive, including estimates from the Region for regional services, and associated project timelines.

Report of the Finance Committee

FIN-22-91 - Notice of Motion - Quarterly Reserve Fund Tracking Reports (All Wards)

That the Notice of Motion FIN-22-91 concerning the Quarterly Reserve Fund Tracking Reports be referred to the review and update of the Financial Strategy to take place in the next term of Council.

FIN-22-92 - Correspondence submitted by Gordon Barton concerning a Request for Road Improvements on 4880 Stevenson Road North (Ward 1)

That Correspondence FIN-22-92 submitted by Gordon Barton concerning a request for road improvements on 4880 Stevenson Road North be referred to the 2023 Budget.

FIN-22-78 - Corporate Payments for the Month of June 2022 (All Wards)

That Report FIN-22-78 concerning the Corporate Payments for the month of June 2022 be received for information.

FIN-22-79 - Corporate Payments for the Month of July 2022 (All Wards)

That Report FIN-22-79 concerning the Corporate Payments for the month of July 2022 be received for information.

FIN-22-80 - Corporate Payments for the Month of August 2022 (All Wards)

That Report FIN-22-80 concerning the Corporate Payments for the month of August 2022 be received for information.

FIN-22-81 - Summary of Contract Awards During the Period of June 1, 2022 to August 31, 2022 (All Wards)

That Report FIN-22-81, dated September 14, 2022 Summary of Contracts Awarded during the Period of June 1, 2022 to August 31, 2022 be received for information.

FIN-22-82 - Financial Position as of July 31, 2022 (All Wards)

That Report FIN-22-82, dated September 14, 2022 concerning the City's financial position as of July 31, 2022 be received for information.

FIN-22-83 - 2023 Interim Tax Levying By-law (All Wards)

That the 2023 Interim Tax Levying By-law as outlined in Attachment 1 to Report FIN-22-83 dated September 14, 2022 concerning the 2023 Interim Tax Levying By-law be approved.

FIN-22-86 - Capital Projects Status as at July 31, 2022 (All Wards)

That Report FIN-22-86 concerning the Capital Project Status Report as at July 31, 2022 dated September 14, 2022 be received for information.

FIN-22-87 - Corporate Purchasing Card (P-Card) (All Wards)

Whereas, the City of Oshawa has used U.S. Bank for its P-Card Services since 1999; and,

Whereas, on November 30, 2015 Council approved FIN-15-105 Accounts Payable and Purchasing Audit Report recommendation that included updates to the P-Card Policy and a review of the P-Card provider; and,

Whereas, Bank of Montreal (BMO) was awarded the Corporate Card Services Program through a competitive bid process issued by the Province of Ontario; and,

Whereas, Finance staff reviewed the Province of Ontario agreement with Bank of Montreal (BMO) for corporate card services program; and,

Whereas, the BMO Corporate Card Services Program offers an enhanced software web portal, increased software capabilities and reporting, modernized P-Card program, and annual rebates based on Oshawa's P-Card spend; and,

Whereas, the program is offered at no cost to the City and staff are estimating an annual rebate of \$12,000, based on current spending; and,

Whereas, the implementation will address the KPMG recommendation and include an assessment of current cardholders, re-evaluation of spending/transaction limits, revisiting the Corporate Credit Card, new staff agreement & policy;

Therefore, be it resolved that pursuant to Report FIN-22-87, Council authorize the Manager, Procurement and Accounts Payable to award a contract to Bank of Montreal for Corporate Purchasing Card Program and implement a Corporate Purchasing Card Program.

FIN-22-89 - Finance Committee Outstanding Items Status Report - Third Quarter, 2022 (All Wards)

That Report FIN-22-89, dated September 14, 2022 being the Finance Committee's Outstanding Items Status Report for the third quarter of 2022 be received for information.

FIN-22-93 - Oshawa Participation in the 2023 Ontario Parasport Games (Ward 4)

Whereas the 2023 Ontario Parasport Games will be held in the Durham Region on February 3, 4, and 5, 2023 (three nights); and,

Whereas, the City received correspondence from the Region of Durham dated September 1, 2022 requesting that the City of Oshawa become a host venue for 5-a-Side Soccer, after the unfortunate collapse of the initial host venue in January and that the City of Oshawa consider that the permitted time be donated in-kind in support of this event (Attachment 1); and,

Whereas Regional Council has endorsed and supported the successful bid to host the 2023 Ontario Parasport Games by Sport Durham, the Region of Durham; and,

Whereas the 2023 Ontario Parasport Games is supported by the Government of Ontario through its Games Ontario program and will attract over 500 participants, including 300 athletes from across the province, participating in 11 sports; and,

Whereas it is estimated the Games will have an economic impact of nearly \$700,000 for Durham Region and will result in lasting legacies which benefit Durham residents; and,

Whereas the City of Oshawa is well positioned to host 5-a-Side Soccer at the Oshawa Civic Recreation Complex Fieldhouse; and,

Whereas the facility permitting costs to host this event are estimated at \$3,700.

Therefore, be it resolved that the request from the Region of Durham to host 5-a-Side Soccer at the Oshawa Civic Recreation Complex be approved and that the \$3,700 in permitting fees be waived in support of the 2023 Ontario Parasport Games.

FIN-22-88 - Next Generation 9-1-1 (NG-911) Single Source (All Wards)

1. That in accordance with Report FIN-22-88 dated September 14, 2022, that the Manager, Procurement and Accounts Payable be authorized to award a single source contract to Netagen in the amount of \$775,000 (exclusive of HST), for a NG-911 compatible communication systems for a five year term; and,
2. That in accordance with Report FIN-22-88 dated September 14, 2022, that City staff be authorized to negotiate a contract with Intergraph Canada ULC, Hexagon Safety, Infrastructure, & Geospatial Division for a NG-911 compatible C.A.D. solution for submission in the 2023 Capital Budget; and,
3. That in accordance with Report FIN-22-88 dated September 14, 2022, upon approval of NG-911 compatible C.A.D. solution project in the 2023 Capital Budget and successful negotiations with Intergraph Canada ULC, Hexagon Safety, Infrastructure, & Geospatial Division, that the

Manager, Procurement and Accounts Payable be authorized to award a single source contract to Intergraph Canada ULC, Hexagon Safety, Infrastructure, & Geospatial Division:

- a. The City's component of the cost not to exceed the approved 2023 capital budget, and the total which is anticipated to be approximately \$2.55 million; and,
- b. Include the City's component of the cost of support and maintenance in the annual operating budgets, which is estimated to be approximately \$56,000/year.

FIN-22-92 - New Financial Strategy for Parks and Trails (All Wards)

That the following motion be referred to the Parks, Recreation, Library and Cultural Facility Needs Assessment Study:

Whereas City Parks and Trails require a comprehensive funding strategy;

Now therefore the City investigate a new financial strategy for Parks and Trails.

Staff Reports/Motions

Public Discussion Agenda

Matters Excluded from Consent Agenda

CNCL-22-58 - Various Residents Submitting Comments concerning Item DS-22-174 (Ward 1)

Councillor Neal declared a conflict on this item. (Councillor Neal made a declaration of interest concerning Correspondence CNCL-22-58 as a member of his family has a contract with the Durham District Catholic School Board.)

Consent Motion:

That Correspondence CNCL-22-58 from various residents submitting comments concerning Item DS-22-174 being public comments on Council decision to declare as potentially surplus: portion of the grassed area in the northwest corner of Delpark Homes Centre lands at 1661 Harmony Road North be referred to Item DS-22-174.

The vote to adopt the recommendation contained in Item CNCL-22-58.

Affirmative (10): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Hurst, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, and Councillor Nicholson

Conflict (1): Councillor Neal

Motion Carried (10 to 0)

CNCL-22-59 - Various Residents Submitting Comments concerning Item DS-22-195 (Ward 1)

Consent Motion:

That Correspondence CNCL-22-59 from various residents submitting comments concerning Item DS-22-195 regarding a request for a report concerning high speed internet north of Highway 407 in Oshawa be referred to Item DS-22-195.

The vote to adopt the recommendation contained in Item CNCL-22-59.

Motion Carried

CORP-22-56 - Sixth Report of the Oshawa Accessibility Advisory Committee (All Wards)

Consent Motion:

That based on Report CORP-22-56 being the Sixth Report of the Oshawa Accessibility Advisory Committee concerning power assisted door operators, staff be requested to investigate the possibility, practicality and reliability of sensor operated power doors as the Oshawa Accessibility Design Standards include 'wave' type door openers as an additional option for power-assisted doors.

Amendment:

Moved by Councillor Giberson

Seconded by Councillor Chapman

That the motion be amended to include, 'to be considered where appropriate and practical, and not to result in a security, privacy or health and safety risk.' at the end of the sentence.

Motion Carried

The vote to adopt the recommendation contained in Item CORP-22-56, as amended.

Motion Carried

CORP-22-60 - Lobbying By-law Amendment to Code of Conduct

Consent Motion:

That the motion concerning a Lobbying By-law Amendment to the Code of Conduct be referred to staff for a report:

'That a Lobbying By-law amendment to the Code of Conduct be brought forward and report back to the next Council to be included in the members' code of conduct, as has been enacted by the City of Toronto.' (Requires reconsideration of a previous Council decision)

Moved by Councillor Nicholson

Seconded by Councillor McConkey

That Council reconsider its previous decision with respect to a Lobbying By-law.. **(Requires 2/3 vote of members present)**

Affirmative (5): Councillor Giberson, Councillor Gray, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Negative (6): Mayor Carter, Councillor Chapman, Councillor Hurst, Councillor Kerr, Councillor Marimpietri, and Councillor Marks

DS-22-183 - Eighth Report of Heritage Oshawa Committee (Wards 4 and 5)

Consent Motion:

That based on Report HTG-22-40, staff proceed with the designation of 442 King Street East, 469 King Street East, 76 Elgin Street East, the General Motors South Plant located at 700-900 Park Road South, and 78-82 King Street West.

Moved by Councillor Kerr

Seconded by Councillor Chapman

That Item DS-22-183 being the Eighth Report of Heritage Oshawa be referred back to staff for a report.

Motion Carried

DS-22-187 - Application under the Urban Growth Centre Community Improvement Plan and Other Requested Incentives, 135 Bruce Street, Medallion Developments Inc. operating as 135 Bruce Street Developments Ltd. (Ward 4)

Consent Motion:

1. That, pursuant to Report DS-22-187 dated September 7, 2022, Medallion Developments Inc. operating as 135 Bruce Street Developments Ltd. be provided the following in respect to its proposed Phase 1 development of an apartment building at 135 Bruce Street under the City's Urban Growth Centre Community Improvement Plan:
 - a. An Increased Assessment Grant of 50% per year for 16 years totaling an upset limit of \$3,893,568 over the 16-year period. This value may change over the 16-year grant period to ensure the grant total is achieved based on Municipal Property Assessment Corporation's final assessment.
2. That the City enter into an agreement with Medallion Developments Inc. operating as 135 Bruce Street Developments Ltd. setting out performance criteria related to the approval of the Increased Assessment Grant under the City's Urban Growth Centre C.I.P. including, but not limited to:
 - a. The building must have the foundation completed by October 31, 2024 to the satisfaction of the Chief Building Official; and,
 - b. The project must be completed and available for first occupancy by December 31, 2026 to the satisfaction of the Chief Building Official; and,
 - c. The Director, Planning Services must approve an Accessibility Plan, with input from the Oshawa Accessibility Advisory Committee, and this Plan must be implemented and maintained; and,

- d. The property, including any building, must be maintained in accordance with the Property Standards By-law and the Ontario Building Code during the period of the Grant; and,
 - e. Medallion shall continuously comply with any City agreement and City by-laws; and,
 - f. That any Increased Assessment Grant will only be provided to Medallion after all applicable City taxes have been paid by the property owner; and,
 - g. The building architecture is to be designed to the satisfaction of the Director, Planning Services; and,
 - h. Where possible, the owner shall use local trades and suppliers. The owner must agree to a notification program to make local trades and suppliers aware of the project and allow them an opportunity to bid on the project; and,
 - i. Any other appropriate criteria considered advisable by the City Solicitor and Commissioner, Development Services Department.
- 3. That the Commissioner, Development Services Department be authorized to execute any agreement(s) with the owner to implement Parts 1 and 2 above in a form and content satisfactory to the Commissioner, Development Services Department and City Solicitor; and,
 - 4. That the Mayor and Chair of Development Services Committee be authorized to write a letter to the Region of Durham to request support for this project under the Regional Revitalization Program and that if successful the Mayor and Clerk be authorized to execute an agreement with the Region, as appropriate, in a form and content acceptable to the Commissioner, Development Services Department and City Solicitor; and,
 - 5. That the portions of the request by Medallion Developments Inc. operating as 135 Bruce Street Developments Ltd. for financial incentives related to cash-in-lieu of parkland dedication, development application fees, building permit fees and unspecified brownfield development incentives made in their letter dated August 9, 2022 and September 12, 2022 be denied.

Amendment:

Moved by Councillor Nicholson

Seconded by Councillor Neal

That the recommendation be amended to add the following as Part 6:

- '6. It is recommended that the Development Services Committee provide direction in the form of a recommendation to Council in respect to the request by Medallion Developments Inc. operating as 135 Bruce Street Developments Ltd. for certain City-level development incentives and for the City's support in working with Medallion to secure other development incentives at the Regional level, as set out in their letter to the City dated August 9, 2022 and that the City of Oshawa support Medallion and the Region of Durham as part of any agreement for certain City-level development incentives and potential Region of Durham incentives that Medallion work with the staff at the Region of Durham to include a agreement with a license plan for Durham Region to lease one unit/floor in all new 10floor+ Medallion apartment buildings in the City of Oshawa for the Region of Durham to be permitted to sublet for affordable accessible social housing in the City of Oshawa.'

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Hurst, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Motion Carried (11 to 0)

That Part 6 be referred back to staff.

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Hurst, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Motion Carried (11 to 0)

That vote to adopt the recommendation contained in Item DS-22-187 be adopted, as amended.

Motion Carried

DS-22-169 - Proposed New Telecommunication Tower and Related Equipment, 1995 Ritson Road North, SpectraPoint Inc. on behalf of Rogers Communications Inc. and The Trustees of the Kedron Congregation of the United Church of Canada at Kedron (Ward 1)

Consent Motion

That, pursuant to Report DS-22-169 dated September 7, 2022, the Commissioner, Development Services Department be authorized to advise Innovation, Science and Economic Development Canada that the City has no objection to the proposal by SpectraPoint Inc. on behalf of Rogers Communications Inc. on lands owned by The Trustees of the Kedron Congregation of the United Church of Canada at Kedron at 1995 Ritson Road North to install a 24 metre (78.7 ft.) high monopole telecommunication tower with related at-grade equipment and fencing, subject to Rogers Communications Inc. addressing such matters as siting and tower design to the satisfaction of the Commissioner, Development Services Department (File: SPA-2022-07).

The vote to adopt the recommendation contained in Item DS-22-169.

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Hurst, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Motion Carried (11 to 0)

DS-22-174 - Public Comments on Council Decision to Declare as Potentially Surplus: Portion of the Grassed Area in the Northwest Corner of the Delpark Homes Centre Lands at 1661 Harmony Road North (Ward 1)

Councillor Neal declared a conflict on this item. (Councillor Neal made a declaration of interest concerning Correspondence DS-22-174 as a member of his family has a contract with the Durham District Catholic School Board.)

Consent Motion:

That, pursuant to Report DS-22-174 dated September 7, 2022, the portion of the grassed area in the northwest corner of the Delpark Homes Centre lands at 1661 Harmony Road North as generally shown on Attachments 2 and 3 to said Report be declared conditionally surplus to municipal requirements, as outlined in Section 5.4.1 of said Report.

Amendment:

Moved by Councillor McConkey

Seconded by Councillor Hurst

That Item DS-22-174 be referred to the Parks, Recreation, Library and Culture Facility Needs Assessment.

Affirmative (3): Councillor Hurst, Councillor Kerr, and Councillor McConkey

Negative (7): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Marimpietri, Councillor Marks, and Councillor Nicholson

Conflict (1): Councillor Neal

Motion Lost (3 to 7)

The vote to adopt the recommendation contained in Item DS-22-174.

Affirmative (8): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Marimpietri, Councillor Marks, and Councillor Nicholson

Negative (2): Councillor Hurst, and Councillor McConkey

Conflict (1): Councillor Neal

Motion Carried (8 to 2)

DS-22-195 - Request for a Report concerning High Speed Internet North of Highway 407 in Oshawa (Ward 1)

Consent Motion:

That staff prepare a report for Council to advise Oshawa residents on the timing of High Speed Internet being brought to the underserved communities and farm areas north of Highway 407 in Oshawa.

Amendment:

Moved by Councillor Neal

Seconded by Councillor McConkey

That the motion be amended to add:

'and, That staff respond back immediately with a report back to a special Council meeting if required within two weeks to provide service to Columbus and Raglan to assist residents and resolve this important internet issue.'

Affirmative (2): Councillor McConkey, and Councillor Neal

Negative (9): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Hurst, Councillor Kerr, Councillor Marimpietri, Councillor Marks, and Councillor Nicholson

Motion Lost (2 to 9)

The vote to adopt the recommendation contained in Item DS-22-195.

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Hurst, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Motion Carried (11 to 0)

FIN-22-90 - Correspondence submitted by Denis Bigioni, President, Canadian Automotive Museum requesting Financial Assistance (Ward 4)

Councillor Chapman declared a conflict on this item. (Councillor Chapman made a declaration of interest concerning Item FIN-22-90 as the correspondence references the Ontario Regiment Museum of which he is a member as well as the Honorary Colonel of the Ontario Regiment.

Consent Motion:

That Correspondence Item FIN-22-90 submitted by Deni Bigioni, President, Canadian Automotive Museum requesting Financial Assistance be referred to the 2023 Budget.

The vote to adopt the recommendation contained in Item FIN-22-09.

Affirmative (10): Mayor Carter, Councillor Giberson, Councillor Gray, Councillor Hurst, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Conflict (1): Councillor Chapman

Motion Carried (10 to 0)

FIN-22-84 - Correspondence submitted by the Oshawa Central Council of Neighbourhood Associations Requesting Financial Assistance in the Replacement of the Septic System at the Thornton Dundee Hall (Ward 4)

Councillor Neal declared a conflict on this item. (Councillor Neal made a declaration of interest concerning Item FIN-22-84 as he sits on the Board of the Oshawa Central Council of Neighbourhood Association.)

Consent Motion:

Whereas the Septic System issues at Thornton Dundee Hall are an environmental, health and safety issue requiring immediate attention; and,

Whereas the Treasurer advises there are suitable funds available in the Infrastructure Reserve;

Therefore be it resolved that an amount not to exceed one hundred thousand dollars (\$100,000.00) be approved for the replacement of the Septic System at Dundee Hall.

The vote to adopt the recommendation contained in Item FIN-22-84

Affirmative (10): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Hurst, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, and Councillor Nicholson

Conflict (1): Councillor Neal

Motion Carried (10 to 0)

FIN-22-94 - Correspondence Submitted by the Durham Catholic District School Board Requesting a Waiving of Fees (All Wards)

Councillor Neal declared a conflict on this item. (Councillor Neal made a declaration of interest concerning FIN-22-94 as a member of his family has a contract with the Durham Catholic District School Board.)

Consent Motion:

That Additional Correspondence FIN-22-94 submitted by the Durham Catholic District School Board requesting a waiving of field user fees be referred to staff for a report.

The vote to adopt the recommendation contained in Item FIN-22-94.

Affirmative (10): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Hurst, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, and Councillor Nicholson

Conflict (1): Councillor Neal

Motion Carried (10 to 0)

Closed Consent Agenda

Moved by Councillor Chapman
Seconded by Councillor Giberson

That all items listed under the heading of Closed Consent Agenda for the City Council Meeting dated September 26, 2022 be adopted as recommended except:

Items DS-22-180, DS-22-189, DS-22-175 and DS-22-188 of the Eighty-Fourth Report of the Development Services Committee; and,

Item FIN-22-85 of the Sixtieth Report of the Finance Committee.

Motion Carried

Closed Correspondence

CNCL-22-60 - Domenic Albis, Chair, Downtown Oshawa Business Alliance Submitting Correspondence concerning Hiring Practices at the City of Oshawa (All Wards)

That Correspondence CNCL-22-60 from Domenic Albis, Chair, Downtown Oshawa Business Alliance submitting correspondence concerning the hiring practices at the City of Oshawa be referred to Item CNCL-22-61.

Closed Standing Committee Reports

Report of the Community Services Committee

None

Report of the Corporate Services Committee

None

Report of the Development Services Committee

DS-22-175 - Disposal Strategy: Air and Underground Rights Associated with the City-owned Public Parking Lot (Lot 16) located on the south side of Athol Street East, between Celina and Albert Streets (Ward 1)

Councillor Kerr declared a conflict on this item. (Councillor Kerr made a declaration of interest concerning Item DS-22-175 as the Applicant became a sponsor of the Troubadour Concert Series of which he is an unpaid volunteer organizer.)

Councillor Marimpietri declared a conflict on this item. (Councillor Marimpietri made a declaration of interest concerning Item DS-22-175 as he has family members whom own property and operate a business within the area.)

That, pursuant to Report DS-22-175 dated September 7, 2022, staff be authorized to execute the disposal strategy outlined in Section 5.3 of said Report for the air and underground rights associated with the City-owned public parking lot (Lot 16) located on the south side of Athol Street East, between

Celina Street and Albert Street, that was conditionally declared surplus to municipal requirements by City Council on June 20, 2022.

Affirmative (9): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Hurst, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Conflict (2): Councillor Kerr, and Councillor Marimpietri

Motion Carried (9 to 0)

DS-22-180 - Request by the Ontario Regiment R.C.A.C. Regimental Museum to enter the City-owned Oshawa Executive Airport South Field to undertake Required Studies in Support of their Expansion Proposal (Ward 2)

Councillor Chapman declared a conflict on this item. (Councillor Chapman made a declaration of interest concerning Item DS-22-180 as he is a member in good standing and Honorary Colonel of the Ontario Regimental Museum. ;)

That based on Closed Item DS-22-180:

1. The request from the Ontario Regiment R.C.A.C. Regimental Museum to enter specific City-owned lands be approved; and,
2. That the Commissioner, Development Services Department be authorized to execute any required documents to give effect to Part 1; and,
3. That City Council support, in principle, the expansion proposal formally submitted by the Ontario Regiment R.C.A.C. Regimental Museum at the South Field of the Oshawa Executive Airport, subject to, but not limited to, such matters as the submission of an application for Site Plan Approval, all appropriate studies in support of the Site Plan Approval application, an assessment of any and all improvements to existing services in the South Field necessary to appropriately accommodate the expansion, and the negotiation of an appropriate lease/licence, all to the satisfaction of the City.

Affirmative (10): Mayor Carter, Councillor Giberson, Councillor Gray, Councillor Hurst, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Conflict (1): Councillor Chapman

Motion Carried (10 to 0)

DS-22-182 - Update on Potential Sale of Unimproved and Closed Montgomery Street Road Allowance (Ward 5)

That pursuant to Closed Report DS-22-182 dated September 7, 2022 concerning the disposition of the unimproved and closed Montgomery Street road allowance located north of Bloor Street East, south of Highway 401, east of Ritson Road South and west of Wilson Road South, the Commissioner,

Development Services Department be authorized to execute the revised disposal strategy as outlined in Section 5.6 of said Report.

Report of the Finance Committee

FIN-22-85 - City of Oshawa / Oshawa Senior Community Centre Relationship Audit - Upgrade regarding Municipal Services Agreement (All Wards)

Councillor Neal declared a conflict on this item. (Councillor Neal made a declaration of interest concerning FIN-22-85 as he sits on the Board of Directors for the Oshawa Senior Community Centres.)

That pursuant to Closed Report FIN-22-85 dated September 14, 2022, staff be directed to proceed as recommended in Section 5.2 of said Report.

Affirmative (10): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Hurst, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, and Councillor Nicholson

Conflict (1): Councillor Neal

Motion Carried (10 to 0)

Closed Staff Reports/Motions

None

Moved by Councillor Chapman
Seconded by Councillor Giberson

That pursuant to the Municipal Act this meeting be closed to the public in order to consider Item DS-22-189 concerning proposed or pending acquisition or disposition of land, negotiations carried on or to be carried on by or on behalf of the municipality; and, Item DS-22-188 which is a proposed or pending acquisition or disposition of land; and, Correspondence CNCL-22-61 which is to be referred to CNCL-22-60, a verbal update regarding the Chief Administrative Officer's Position which are personal matters about an identifiable individual, including City or local board employees.

Motion Carried

Moved by Councillor Chapman
Seconded by Councillor Hurst

That the meeting recess in order to shut down the webstream.

The meeting recessed at 11:08 a.m. and reconvened in closed session at 11:20 a.m.

Motion Carried

Closed Discussion Agenda

Matters Excluded from Consent Agenda

The meeting recessed at 11:08 a.m. and reconvened in closed session at 11:20 a.m. with all members of Council in attendance with Councillor Marks attending electronically.

Also in attendance were the City Clerk; the Deputy City Clerk; the Council-Committee Coordinator; the Commissioner, Finance Services/Interim Executive Director, Human Resource Services; the Commissioner, Development Services Department; the Commissioner, Community Services Department; the City Solicitor; the Director, Planning Services; and, the Manager, Policy.

All other staff left the meeting.

Council entered closed session at 11:20 a.m.

Closed meeting discussions took place.

All members of staff except the City Clerk and Deputy City Clerk left the meeting.

Closed meeting discussions continued.

Council rose from closed session at 12:14 p.m.

Closed Report

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

The Commissioner of Development Services responded to questions concerning Item DS-22-188.

All members of staff, with the exception of the City Clerk and the Deputy City Clerk left the meeting.

The Commissioner, Finance Services/Interim Executive Director, Human Resource Services provided a verbal update on the Chief Administrative Officer's Position - Options for Filling the Vacancy.

A motion providing direction to the Commissioner, Finance Services/ was moved and voted on in closed session.

This concludes the closed meeting summary.

DS-22-189 - Fourth Report of the Port of Oshawa Working Group (Ward 5)

Consent Motion:

1. That, pursuant to Closed Report PORT-22-01 dated August 31, 2022, the Commissioner, Development Services Department be authorized to execute the agreements as generally contained in Attachments 3 through 8 of said Report, subject to the agreements being in a form and content satisfactory to the Commissioner, Development Services Department and the City Solicitor; and,
2. That, pursuant to Closed Report PORT-22-01 dated August 31, 2022, the appropriate staff be authorized to undertake the various actions outlined in Section 5.2.7 of said Report; and,
3. That, Pursuant to Closed Report PORT-22-01 dated August 31, 2022, Council endorse in principle the concept landscape drawings as generally contained in Attachment 9 of said

Report, and direct the Commissioner, Development Services Department to report back to the Port of Oshawa Working Group, the Development Services Committee and Council for approval of the final design drawings.

Amendment:

Moved by Councillor McConkey

Seconded by Councillor Nicholson

That the motion be amended to add the following as Part 4:

'4. For greater transparency, Council of the City of Oshawa agree that the HOPA/City signed Memorandum of Understanding and the 6 agreements being attachments 3 to 8 in Closed Report PORT-22-01 which are to be signed by both the City and HOPA not remain closed reports but should be made public after signing'.

Moved by Councillor Chapman

Seconded by Councillor Giberson

That the amendment be further amended to add at the end of the sentence, 'and after all land transactions are complete where applicable'.

Moved by Councillor Hurst

Seconded by Councillor Kerr

That the question be put.

Motion Carried

The vote on the amendment, as amended.

Motion Carried

The vote on the recommendation contained in Item DS-22-189, as amended.

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Hurst, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Motion Carried (11 to 0)

DS-22-188 - Request by the Robert McLaughlin Gallery to make Certain Improvements to the Leased Premises at 72 Queen Street (Ward 4)

Consent Motion:

1. That, pursuant to Item DS-22-188, the Robert McLaughlin Gallery's proposed leasehold improvements are approved in principle, subject to all necessary requirements by City staff, the Central Lake Ontario Conservation Authority and the Region of Durham being met to the satisfaction of the Commissioner, Development Services Department; and,

2. That, pursuant to Item DS-22-188, and subject to the approval of Part 1 above, the Commissioner, Development Services Department or Director of Planning Services be authorized to sign-off on behalf of the City of Oshawa, as owner of the subject lands at 72 Queen Street, on any required permits or agreements in support of the Robert McLaughlin Gallery's proposed leasehold improvements.

The vote to adopt the recommendation contained in Item DS-22-188.

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Hurst, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Motion Carried (11 to 0)

Items Requiring Action

CNCL-22-61 - Chief Administrative Officer's Position - Options for Filling the Vacancy (All Wards)

Moved by Councillor Nicholson

Seconded by Councillor Kerr

That staff proceed as directed in closed session and pass By-law 120-2022 being a By-law to Enact Council's Decision concerning the Chief Administrative Officer's Position.

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Hurst, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Motion Carried (11 to 0)

By-Laws

The following By-laws were passed:

120-2022 - A By-law to Enact Council's Decision concerning the Chief Administrative Officer's Position

121-2022 - A By-law to Amend Delegation By-law 29-2009, as amended

122-2022 - A By-law to Amend Delegation of Authority By-law 29-2009, as amended

123-2022 - A By-law to Amend By-law 78-91, as amended, By-law 79-99, By-law 83-2000, as amended

124-2022 - A By-law to Establish and Regulate the City of Oshawa's Fire Department

125-2022 - A By-law to Amend Road Occupancy By-law 37-2007, as amended

126-2022 - A By-law to Amend Traffic By-law 79-99, as amended

127-2022 - A By-law to Amend By-laws 76-2006, 136-2006, 78-2008, 64-2020, 23-2014, 103-2005, 65-2020, 78-2006, 33-92, 120-2005, 94-2002, 127-2007, 112-82, 65-2009, 83-2000, 79-2006, 14-2010, 72-96, 78-91, 92-2009, 41-2001, 97-2009, 113-2008, as amended

128-2022 - A By-law to Establish The Corporation of the City of Oshawa's Rules of Procedure for Meetings of Council and Applicable Committees

131-2022 - A By-law to Amend Traffic By-law 79-99, as amended

132-2022 - A By-law to Amend Traffic By-law 79-99, as amended

133-2022 - A By-law to Amend Traffic By-law 79-99, as amended

134-2022 - A By-law to Amend Traffic By-law 79-99, as amended

135-2022 - A By-law to Amend Traffic By-law 79-99, as amended

136-2022 - A By-law to Amend Traffic By-law 79-99, as amended

137-2022 - A By-law to Amend Traffic By-law 79-99, as amended

138-2022 - A By-law to Amend Traffic By-law 79-99, as amended

139-2022 - A By-law to Amend Traffic By-law 79-99, as amended

140-2022 - A By-law to Appoint an Accountable Executive for the Oshawa Executive Airport

141-2022 - A By-law to provide for implementation and collection of an interim tax levy for 2023

142-2022 - A By-law to require the installation and maintenance of Carbon Monoxide Alarms
Matters Tabled

None

Notices of Motion Previously Given

None

Notices of Motion

The following notices of motion were submitted by Councillor McConkey:

"Whereas affordable accessible dwelling units in the City of Oshawa are needed for social housing; and;

Whereas many new high rise residential apartment buildings in excess of 10 floors are slated for construction in Oshawa;

Now therefore the City of Oshawa initiate a new program for affordable accessible housing in Oshawa in collaboration with the Region of Durham and with community developer/builder partners, with the City of Oshawa approving a new policy that one dwelling unit per floor of all new buildings in Oshawa being constructed over a 10 floor height be made available to the Region of Durham for lease and to permit the Region to sublease for affordable accessible social housing under a special agreement with the building owner; and,

That this Notice of Motion be referred to the next Council."

And;

"Whereas Oshawa has a number of new by-laws and recently has become home to many new residents; and,

Whereas the role of the City Communications department is to raise public awareness of many changes related to Oshawa governance matters, rules and regulations;

Now therefore City staff be instructed to publish an on-line guide for the people of Oshawa which contains a summary of the most frequently requested Oshawa By-laws, similar to the practice of other municipalities to better inform residents of what is allowed or prohibited under certain City by-laws; and,

That this Notice of Motion be referred to the next Council."

And;

"Whereas City-wide surveys conducted by the City for the design of neighbourhood parks would benefit from a new policy where there is a weighting of all participants in the survey, in fairness to residents in the park neighbourhood. The geographic location of the survey participants should be factored in the ranking of certain survey questions;

Now therefore City surveys should include a request for the first three digits of the postal code of any individuals completing a survey in order for the City to ensure a fair weighting of the survey responses, with higher weighting given to individuals responding from the neighbourhood where the park is located; and,

That this Notice of Motion be referred to the next Council."

And;

"Whereas Hydro One encourages hydro corridor secondary uses for recreational trails and have a licensing program to accommodate municipalities looking to improve the walkability and active appreciation of neighbourhoods; and,

Whereas the Hydro Corridor east of Ritson Road North, north of Taunton and Ormond for an approximate distance of 2km to Conlin Road connects 4 Parks, Everglades, Ritson Fields, Parkwood Meadows and Conlin Meadows Parks; and,

Whereas an off-road recreational trail in this Hydro Corridor was included in the City's Development Charges Act in 2019, to be completed in 2023, and has been included as a proposed trail in the City of Oshawa's 2014 Active Transportation Master Plan;

Now therefore the licensing of the Hydro One Corridor and design for the construction of a recreational trails be included in the 2023 Capital Budget; and,

That this Notice of Motion be referred to the next Council."

And;

"Whereas Everglades Park is a well used neighbourhood park in an area with many families; and,

Whereas the playground equipment that is in serious need of upgrades;

Now therefore the redevelopment design of Everglades Park be included in the 2023 Capital Budget; and,

That this Notice of Motion be referred to the next Council."

And;

"Whereas Clarington has successfully implemented Vision Zero measures for road safety; and,

Whereas Oshawa also is committed to Vision Zero and new traffic calming measures; and,

Whereas Clarington and other municipalities have found the red and white striped tiger tail banner under a City stop sign to be effective;

Now therefore staff consider the addition of tiger tail signs to certain stop signs and the cost to be included in the 2023 budget; and,

That this Notice of Motion be referred to the next Council."

And;

"Whereas the City of Oshawa is committed to a barrier free built environment; and,

Whereas other municipalities have a program for proposed accessible ramps which would encroach on existing sidewalks or public right-of-ways;

Now therefore staff investigate implementing encroachment agreements that could improve the accessibility across the City; and,

That this Notice of Motion be referred to the next Council."

Confirming By-Law

Moved by Councillor Chapman

Seconded by Councillor Giberson

That the Confirming By-law be passed.

Motion Carried

Adjournment

Moved by Councillor Chapman

Seconded by Councillor Giberson

That the meeting adjourn at 12:31 p.m.

Mayor

City Clerk