



Oshawa City Council Minutes

**November 21, 2022, 9:30 a.m.
Council Chamber**

Present: Mayor Carter
Councillor Chapman
Councillor Giberson
Councillor Gray
Councillor Kerr
Councillor Marimpietri
Councillor Marks
Councillor McConkey
Councillor Neal
Councillor Nicholson
Councillor Lee

Public Meeting

National Anthem

Recognition of Indigenous Lands

The City of Oshawa sits on treaty land that is steeped in rich Indigenous history and is the present day home to many First Nations, Métis and Inuit peoples. We acknowledge that we live and work on land covered under the Williams Treaties, and the traditional territories of the Mississaugas of Scugog Island First Nation.

We acknowledge this land out of respect for the many Indigenous nations who have cared for the lands and waters from the beginning of time and still do so today. We extend our gratitude and appreciation for the opportunity to live and work on this territory.

We are committed to understanding the truth of our shared history, confronting our past and present, and building a better future together in true reconciliation.

Council Member Announcements

Various announcements were made relating to activities and events.

Additional Agenda Items

Moved by Councillor Chapman
Seconded by Councillor Giberson

That the Delegation of Diane Stephen concerning Report CNCL-22-78 be added to the agenda for the meeting of November 21, 2022. **(Requires 2/3 vote of members present)**

Motion Carried

Declarations of Pecuniary Interest

None

Presentations

None

Delegations

Moved by Councillor Chapman
Seconded by Councillor Giberson

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

Motion Carried

Diane Stephen addressed City Council concerning CNCL-22-78 regarding City Comments on Bill 23, 'More Homes Built Faster Act, 2022'.

Items Requiring Council Direction

None

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 November 21, 2022 be adopted as recommended except:

Items CNCL-22-75, CNCL-22-76 and CNCL-22-68.

Motion Carried

Adoption of Council Minutes

That the minutes of the City Council meeting held on September 26, 2022 be adopted.

Correspondence with Recommendations

None

Standing Committee Reports

Report of the Community and Operations Services Committee

None

Report of the Corporate and Finance Services Committee

None

Report of the Economic and Development Services Committee

None

Report of the Safety and Facilities Services Committee

None

Other Staff Reports and Motions

CNCL-22-77 - 2023 Budget Meeting Dates (All Wards)

Whereas, Section 290 (1.1) of the Municipal Act it states 'Despite subsection (1), a budget for a year immediately following a year in which a regular election is held, may only be adopted in the year to which the budget applies.'; and,

Whereas, Council approved through Report FIN-22-43 that the 2023 Operating and Capital Budgets be presented to Council on December 9, 2022; and,

Whereas, Report FIN-22-43 outlined that the 2023 Budget deliberation meetings and approval dates be deferred to January 2023 due to timing associated with the 2022 Municipal Election and to remain compliant with the Municipal Act; and,

Whereas, the Council meeting schedule was approved on November 15, 2022;

Therefore be it resolved that the 2023 Operating and Capital Budget deliberation and approval dates of Friday, January 13, 2023, Thursday, January 19, 2023, Friday, January 20, 2023 and Friday, January 27, 2023 (if needed) be approved.

By-laws

165-2022 - A By-law to Amend Council Procedure By-law 128-2022

Public Discussion Agenda

Matters Excluded from Consent Agenda

CNCL-22-75 - Retiring the City's Tagline 'Prepare To Be Amazed' (All Wards)

Consent Motion:

1. That the 'Prepare To Be Amazed' tagline no longer be used as outlined in Section 5.2 of Report CNCL-22-75, dated November 16, 2022, concerning Retiring the City's tagline 'Prepare To Be Amazed'; and,
2. That City staff update the Council-approved City of Oshawa Corporate Visual Identity Manual as outlined in Section 5.2 of this Report; and,

3. That City staff include a budget submission for consideration in the proposed 2024 capital budget for costs associated with updating and/or replacing outdoor signage at City facilities and 'Welcome' gateway signs as outlined in Section 5.2 of this Report.

The vote to adopt the recommendation contained in Item CNCL-22-75.

Motion Carried

CNCL-22-76 - City of Oshawa Parking Study (All Wards)

Consent Motion:

1. That, pursuant to Memorandum CNCL-22-76 dated November 15, 2022, City Council endorse the final report, appendices and prioritized recommendations for the City of Oshawa Parking Study dated January 22, 2021, prepared by IBI Group, as contained in Attachments 1, 2 and 3 of CNCL-21-110 as attached to this Memorandum as Attachment 1 as a general guide to help inform decision making, subject to the comments and recommendations of City staff as outlined in said Attachment; and,
2. That, pursuant to Memorandum CNCL-22-76 dated November 15, 2022, City Council authorize the Development Services Department to initiate the statutory public process under the Planning Act for Council to consider proposed City-initiated amendments to the Oshawa Official Plan and Zoning By-law 60-94, generally as set out in Section 5.1.8.1 and Attachments 3 and 4 of CNCL-21-110.

Moved by Councillor Neal

That CNCL-22-76 be referred to staff.

No Secunder.

Motion Lost

The vote to adopt the recommendation contained in Item CNCL-22-76.

Affirmative (7): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Kerr, Councillor Marks, Councillor Neal, and Councillor Lee

Negative (3): Councillor Gray, Councillor Marimpietri, and Councillor Nicholson

Absent (1): Councillor McConkey

Motion Carried (7 to 3)

Councillor McConkey entered the meeting at 10:22 a.m.

CNCL-22-78 - City Comments on Bill 23, 'More Homes Built Faster Act, 2022' (All Wards)

Consent Motion:

1. That Report CNCL-22-78 dated November 16, 2022, including Attachments 4 to 9, be endorsed as the City's comments on the Province's proposed amendments under Bill

23, “More Homes Built Faster Act, 2022” to the Planning Act, to Ontario Regulations 232/18 and 299/19 under the Planning Act, the Development Charges Act, the Ontario Heritage Act and the Conservation Authorities Act, as well as the Province’s review of the Provincial Policy Statement, 2020 and “A Place to Grow: Growth Plan for the Greater Golden Horseshoe.”; and,

2. That staff be authorized to submit the comments contained in Report CNCL-22-78 dated November 16, 2022 relating to the proposed amendments under Bill 23 to the Planning Act (including two regulations under this Act), the Development Charges Act, the Ontario Heritage Act and the Conservation Authorities Act, as well as the review of the Provincial Policy Statement, 2020 and the Growth Plan in response to the associated proposals posted on the Environmental Registry of Ontario website; and,
3. That staff be authorized to forward a copy of Report CNCL-22-78 dated November 16, 2022 and the related Council resolution to the Association of Municipalities of Ontario, Ontario Big City Mayors, the Region of Durham, Durham area municipalities, Durham area M.P.P.s and the City’s Building Industry Liaison Team, which includes the Durham Chapter of the Building Industry and Land Development Association and the Durham Region Home Builders’ Association.

Affirmative (7): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Marimpietri, and Councillor Marks

Negative (4): Councillor McConkey, Councillor Neal, Councillor Nicholson, and Councillor Lee

Motion Carried (7 to 4)

Items Pulled from the Information Package

None

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 November 21, 2022 be adopted as recommended.

Motion Carried

Correspondence with Recommendations

Closed Standing Committee Reports

Report of the Community and Operations Services Committee

None

Report of the Corporate and Finance Services Committee

None

Report of the Economic and Development Services Committee

None

Report of the Safety and Facilities Services Committee

None

Other Staff Reports and Motions

CNCL-22-74 - Orin Contractors Corp. v. The Corporation of the City of Oshawa - Settlement Update (All Wards)

That Council approve the recommendations as outlined in Section 5.3 of Closed Report CNCL-22-74.

Closed Discussion Agenda

Matters Excluded from Consent Agenda

None

Items Requiring Council Direction

None

Matters Tabled

None

Notices of Motion Previously Given

CNCL-22-81 - New Program for Affordable Accessible Dwelling Units

Moved by Councillor McConkey

Seconded by Councillor Neal

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; and

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.

Amendment:

Moved by Councillor Nicholson

Seconded by Councillor Kerr

That the motion be referred to the Economic and Development Services Committee.

Amendment:

Moved by Councillor Chapman

Seconded by Councillor Marimpietri

That the referral be amended to replace the words 'Economic Development Services Committee' with the words 'the Region of Durham and report back to Council'.

Affirmative (9): Mayor Carter, Councillor Chapman, Councillor Gray, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Lee

Negative (2): Councillor Giberson, and Councillor Nicholson

Motion Carried (9 to 2)

The vote to adopt the referral, as amended.

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

Motion Carried (11 to 0)

CNCL-22-82 - On-line Guide of Frequently Used By-laws

Moved by Councillor McConkey

Seconded by Councillor Neal

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.

Affirmative (2): Councillor McConkey, and Councillor Neal

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

Motion Lost (2 to 9)

CNCL-22-83 - New Policy for Surveying Residents Living Within the Neighbourhood of a Proposed New Park

Moved by Councillor McConkey

Seconded by Councillor Neal

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.

Affirmative (2): Councillor McConkey, and Councillor Neal

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

Motion Lost (2 to 9)

CNCL-22-84 - Secondary Uses for Recreational Trails within the Hydro Corridor

Councillor Chapman assumed the Chair.

Moved by Councillor McConkey
Seconded by Councillor Neal

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.

Amendment:

Moved by Councillor McConkey
Seconded by Councillor Neal

That the motion be referred to the Security and Facilities Committee.

The Motion was ruled out of order by the Chair.

Amendment:

Moved by Councillor Nicholson
Seconded by Councillor Neal

That the motion be amended to replace the words 'the 2023' with the words 'a future'.

Motion Carried

Moved by Councillor Marks
Seconded by Councillor Marimpietri

That the motion be referred to the Facilities and Safety Services Committee.

The Motion was ruled out of Order by the Chair.

Moved by Councillor Marimpietri
Seconded by Councillor Marks

That the motion be further amended to replace the word 'include' with the word 'considered'.

Motion Carried

Moved by Councillor Marks
Seconded by Councillor Marimpietri

That the motion, as amended be referred to the Safety and Facilities Services Committee.

Motion Carried

Mayor Carter resumed the Chair.

CNCL-22-85 - Upgrades to Everglades Park

Moved by Councillor McConkey
Seconded by Councillor Neal

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

Amendment:

Moved by Councillor McConkey
Seconded by Councillor Neal

That the motion be amended to replace the words 'be included' with the word 'considered'.

Moved by Councillor McConkey
Seconded by Councillor Neal

That the motion be withdrawn.

Motion Carried

CNCL-22-86 - Vision Zero Signage

Moved by Councillor McConkey
Seconded by Councillor Neal

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.

Amendment:

Moved by Councillor McConkey
Seconded by Councillor Neal

That the motion be amended to replace the word 'included' with the words 'considered as an option'.

Motion Carried

Amendment:

Moved by Councillor Giberson
Seconded by Councillor Marks

That the motion be further amended to delete the words 'in the 2023 budget'.

Motion Carried

Moved by Councillor Chapman
Seconded by Councillor Kerr

That the motion be referred to the Community and Operations Committee.

Motion Carried

CNCL-22-87 - Implementation of Encroachment Agreements for Accessible Ramps that Encroach on Existing Sidewalks or Public Rights-of-Way

Moved by Councillor McConkey
Seconded by Councillor Neal

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.

Moved by Councillor McConkey
Seconded by Councillor Neal

That the motion be referred to the next Council meeting.

Motion Carried

Notices of Motion

None

Confirming By-Law

Moved by Councillor Chapman
Seconded by Councillor Giberson

Motion Carried

Adjournment

Moved by Councillor Kerr
Seconded by Councillor Nicholson

That the meeting adjourn.

The meeting adjourned at 11:23 a.m.

Motion Carried

Mayor

City Clerk