



Oshawa City Council Minutes

January 30, 2023, 9:30 a.m.
Council Chamber

Present:

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

Public Meeting

National Anthem

Moment of Silence

A moment of silence was held for all community leaders, staff and family members that have passed away over the previous year.

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

None

Declarations of Pecuniary Interest

Councillor Chapman - CNCL-23-19 - Potential Camp X Building Relocation to the South Field Heritage Conservation District (Ward 2)

Councillor Chapman made a declaration of interest concerning Report CNCL-23-19 as he is a member in good standing of the Ontario Regiment Museum which is located at the South Fields of the Oshawa Executive Airport and did not take part in discussion or voting on the matter.

Councillor Neal - ED-23-02 - Disposal Strategy: Portion of the Grassed Area in the Northwest Corner of the Delpark Homes Centre Site at 1661 Harmony Road North (Ward 1)

Councillor Neal made a declaration of interest concerning Item ED-23-02 as he has a family member who has a contract with the Durham Separate District School Board (D.S.D.S.B.), and the property being discussed is adjacent to the parcel owned by the D.S.D.S.B. and did not take part in discussion or voting on the matter.

Councillor McConkey - ED-23-09 - Integrated Columbus Part II Planning Act and Municipal Class Environmental Assessment Act Study (Ward 1)

Councillor McConkey made a declaration of interest concerning Item ED-23-09 as she has family who own property in the area and did not take part in discussion or voting on the matter.

Presentations

The Oshawa Sports Hall of Fame - 2023 Inductees

Adrian Vanhemmen and Leslie Sealy, Oshawa Sports Hall of Fame provided a presentation concerning the 2023 inductees to the Oshawa Sports Hall of Fame.

Durham Regional Police Service - 2022 Year End and Plans for 2023

Inspector Saliba, Inspector Finateri and Inspector Martin, Durham Regional Police Service provided a presentation concerning the 2022 year end and plans for 2023.

Members of Council questioned Inspector Saliba, Inspector Finateri and Inspector Martin, Durham Regional Police Service.

Moved by Councillor Marks

Seconded by Councillor Nicholson

That the meeting recess.

The meeting recessed at 10:51 a.m. and reconvened at 11:05 a.m. with all members of Council present except Councillor McConkey.

Motion Carried

Delegations

None

Items requiring Council Direction

CNCL-23-12 - Region of Durham Requesting Nominations for the Durham Environment and Climate Advisory Committee (All Wards)

Moved by Councillor Chapman
Seconded by Councillor Giberson

That based on Correspondence CNCL-23-12 from the Region of Durham requesting nominations for the Durham Environment and Climate Advisory Committee, Dimitri Stathopoulos be nominated for appointment.

Motion Carried

CNCL-23-19 - Potential Camp X Building Relocation to the South Field Heritage Conservation District (Ward 2)

Councillor Chapman declared a conflict on this item. (Councillor Chapman made a declaration of interest concerning Report CNCL-23-19 as he is a member in good standing of the Ontario Regiment Museum which is located at the South Fields of the Oshawa Executive Airport and did not take part in discussion or voting on the matter.)

Moved by Councillor Marimpietri
Seconded by Councillor Marks

That, pursuant to Report CNCL-23-19 dated January 25, 2023, Item 8 of Report DS-19-213 regarding an investigation into the relocation of the Camp X Building to the South Field at the Oshawa Executive Airport be removed from the Outstanding Items List of the Economic and Development Services Department.

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

Negative (1): Councillor Kerr

Conflict (1): Councillor Chapman

Motion Carried (9 to 1)

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 January 30, 2023 be adopted as recommended, except the following:

Correspondence CNCL-23-27 and CNCL-23-13; and,

Item CO-23-05 and By-law 10-2023 of the Second Report of the Community and Operations Services Committee; and,

Items CF-23-03 and CF-23-04 of the Second Report of the Corporate and Finance Services Committee; and,

Items ED-23-04 and ED-23-09 of the Third Report of the Economic and Development Services Committee; and,

Report CNCL-23-25.

Motion Carried

Adoption of Council Minutes

That the minutes of the City Council meetings held on December 12, 2022 and January 13, 2023 be adopted.

Correspondence with recommendations

CNCL-23-11 - Durham Region Transit Requesting the City Nominate a Community Member Representative to the Durham Region Transit Advisory Committee (All Wards)

That based on Correspondence CNCL-23-11 from the Region of Durham, Heather Hall be nominated for appointment to the Durham Region Transit Advisory Committee for a four-year term corresponding with the term of Regional Council or until such time as new appointments are made.

Standing Committee Reports

Report of the Community and Operations Services Committee

CO-23-02 - 40 km/h Area Pilot - Downtown Oshawa (Ward 4)

That Report CO-23-02, dated January 11, 2023, concerning the 40 km/h Area Pilot - Downtown Oshawa be received for information.

CO-23-03 - Amendment to the L.E.A.F. Backyard Tree Planting Program Agreement (All Wards)

Whereas pursuant to Item [CS-20-59](#) dated October 19, 2020, a joint 5-year agreement was executed with the Region of Durham, participating municipalities of the City of Oshawa, Town of Ajax, Town of Whitby, City of Pickering and the Township of Scugog, and Local Enhancement and Appreciation of Forests (L.E.A.F.) for the implementation of the backyard tree planting program as described in [Report CS-20-21](#) dated March 9, 2020; and,

Whereas the Township of Brock and Municipality of Clarington wish to participate in the program; and,

Whereas to add the Township of Brock and Municipality of Clarington an amendment to the L.E.A.F. Backyard Tree Planting Program Agreement is necessary;

Therefore be it resolved that the Mayor and Clerk be authorized to sign the attached amendment to the L.E.A.F. Backyard Tree Planting Program Agreement and that the Commissioner of Community and Operations Services be authorized to sign any future amending agreements if administrative in nature.

CO-23-04 - Community and Operations Services Committee Outstanding Items List - First Quarter 2023 (All Wards)

That Report CO-23-04, dated January 5, 2022 being the Community and Operations Services Committee's Outstanding Items Status Report for the first quarter of 2023 be received for information.

CO-23-01 - Correspondence from Steven Kemp, Manager, Traffic Engineering & Operations, Region of Durham concerning a New Community Safety Zone on Raglan Road on the West Side of Simcoe Street (Previously INFO-22-221)

That based on Correspondence CO-23-01 from Steven Kemp, Manager, Traffic Engineering & Operations, Region of Durham concerning a New Community Safety Zone on Raglan Road on the West Side of Simcoe Street, Council request the Region of Durham to change the start and end point of the Raglan Road West Community Safety Zone a short distance from just east of Stevenson Road North to just west of Stevenson Road North.

Report of the Corporate and Finance Services Committee

CF-23-01 - Corporate Payments for the Month of November 2022 (All Wards)

That Report CF-23-01 concerning the corporate payments for the month of November 2022 be received for information.

CF-23-02 - Community Benefit Charge Strategy (All Wards)

That pursuant to Report CF-23-02, Community Benefit Charge Strategy dated January 4, 2023, the public be invited to provide feedback on the Strategy and staff report back to the Corporate and Finance Services Committee.

CF-23-06 - Vacancies on the Oshawa Active Transportation Advisory Committee (All Wards)

That in accordance with Report CF-23-06, dated January 4, 2023, concerning the two vacancies on the Oshawa Active Transportation Advisory Committee, applicants 2 and 3 be appointed to the Oshawa Active Transportation Advisory Committee for the terms outlined in Attachment 1, or until such time as successors are appointed.

CF-23-07 - 2022 Municipal and School Board Elections - Identification, Removal and Prevention of Barriers Affecting Electors and Candidates with Disabilities (All Wards)

That pursuant to Report CF-23-07, dated January 4, 2023, concerning 2022 Municipal and School Board Elections – Identification, Removal and Prevention of Barriers Affecting Electors and Candidates with Disabilities, the City Clerk consider the received feedback and where appropriate incorporate into the 2026 Municipal and School Board Elections.

Report of the Economic and Development Services Committee

ED-23-05 - Economic and Development Services Committee Outstanding Items List Report - First Quarter (All Wards)

That Report ED-23-05, dated January 4, 2022 being the Economic and Development Services Committee's Outstanding Items Status Report for the first quarter of 2023 be received for information.

ED-23-11 - Building Permit Fees Discretionary Increase (All Wards)

Whereas, on March 22, 2022, City Council reviewed Report INFO-22-79 regarding the 2021 Annual Statement of Building Permit Revenues and Expenses as is required per Section 7(4) of the Building Code Act, 1992, S.O. 1992, c. 23 (the "Building Code Act, 1992") which stated that the overall revenues of building permit fees exceeded the expenses for the administration and enforcement of the Building Code Act and Ontario Building Code; and,

Whereas, the Building Code Act, 1992 stipulates that building permit fees must not exceed the reasonable costs for the enforcement of the Building Code Act, 1992 and Ontario Building Code and that excess funds may be stored in a reserve fund to support the building permit program during periods of decline; and,

Whereas, the building permit reserve fund targets a balance of two (2) times the total Building Services budget based on municipal best practices and the Oshawa Building Permit Reserve fund is currently far greater than the recommended two times; and,

Whereas, Schedule "B" to the City's Building By-Law 33-2009, as amended ("Building By-law 33-2009") stipulates the various classes and types of building permits and their respective building permit fees, and whereas Section 14.1.5. of said By-Law further stipulates an automatic fee increase of three percent (3%) each year shall be imposed effective the first day of January each year with no regard to costs, inflation or the state of the building permit reserve fund; and,

Whereas, Section 7 of the Building Code Act, 1992 authorizes the Council of the City of Oshawa to pass certain by-laws prescribing classes of permits, permit application documents, fees, inspections and other related matters; and,

Whereas, it is appropriate to provide flexibility to the Chief Building Official to consider maintaining current fees when appropriate;

Therefore that Section 14 of By-law 33-2009, as amended, be further amended by deleting the word "shall" in the first line and replacing it with the word "may" such that Subsection 14.1.5 reads as follows:

"Fees may be increased by three percent each year effective on the first day of January of each year. Flat rate shall may be rounded to the nearest dollar amount. Increments of half dollar and greater shall be rounded up. All other fees shall be rounded to the nearest cent."

ED-23-13 - Proposed New Telecommunication Tower and Related Equipment, 171 Harmony Road South, Fontur International Inc., on behalf of Rogers Communications Inc. (Ward 3)

That, pursuant to Report ED-23-13 dated January 4, 2023, the Commissioner, Economic and Development Services Department be authorized to advise Innovation, Science and Economic Development Canada that the City has no objection to the proposal by Fontur International Inc. on behalf of Rogers Communications Inc. to install a 30 metre (98.4 ft.) high monopole telecommunication tower with related at-grade equipment and fencing at 171 Harmony Road South, subject to Rogers Communications Inc. entering into an appropriate lease agreement with the City

and addressing such matters as siting and tower design to the satisfaction of the Commissioner, Economic and Development Services Department (File: SPA-2022-13).

ED-23-14 - Durham Region's Municipal Comprehensive Review: City Comments on the Region of Durham's Growth Management Study, Phase 2: Draft Settlement Area Boundary Expansions and Area Municipal Growth Allocations (All Wards)

1. That Report ED-23-14 dated January 4, 2023 be endorsed as the City's comments on the thirteen (13) private landowner requests for settlement area boundary expansions that have been submitted to the Region of Durham as part of Envision Durham, the Municipal Comprehensive Review of the Durham Regional Official Plan, as outlined in Section 5.3 of said Report; and,
2. That, Planning Services staff be authorized to submit to the Region of Durham for consideration as part of the Envision Durham Municipal Comprehensive Review, the City's settlement area boundary expansion request, as outlined in Section 5.4 of said Report; and,
3. That, Planning Services staff be authorized to submit to the Region of Durham for consideration as part of the Envision Durham Municipal Comprehensive Review, the City's comments on the additional areas identified by the Region for Durham for settlement area boundary expansions, as outlined in Section 5.5 of said Report; and,
4. That, staff be authorized to forward a copy of Report ED-23-14 dated January 4, 2023 and the related Council resolution to the Region of Durham and Durham area municipalities.

ED-23-15 - City-initiated Amendments to Sign By-law 72-96 (All Wards)

That the proposed City-initiated amendments to the City of Oshawa's Sign By-law 72-96, as amended, as generally set out in Attachment 1 to Report ED-23-15 dated January 4, 2023, be approved, and the appropriate amending by-law be passed in a form and content acceptable to the City Solicitor and Commissioner, Economic and Development Services Department and that the requirements for public notice (including newspaper advertisements) in the Notice to the Public By-law 147-2007, as amended, be waived since the proposed amendments are minor in nature, reduce future sign variance applications and are intended to keep the Sign By-law 72-96, as amended, current.

Report of the Safety and Facilities Services Committee

SF-23-01 - Correspondence Submitted by Anthony Shanderuk Requesting a Fire Works Ban in the City of Oshawa (All Wards)

That Correspondence SF-23-01 submitted by Anthony Shanderuk concerning the request to ban Fire Works in the City of Oshawa be referred to staff for a report to come back in the second quarter of 2023.

SF-23-02 - Safety and Facilities Services Committee Outstanding Items List Status Report - First Quarter 2023 (All Wards)

That Report SF-23-02, dated January 10, 2023 being the Safety and Facilities Services Committee's Outstanding Items List Status Report for the first quarter of 2023 be received for information.

Other Staff Reports and Motions

CNCL-23-21 - Infrastructure Canada, Green and Inclusive Buildings Program – Rotary Park Redevelopment (Ward 4)

Whereas Project #2112, Rotary Park Redevelopment with a total budget of \$8,221,663 was approved in 2021 through reports CS-21-36 and CS-21-94; and,

Whereas the current project schedule targets a completion date of June 2024; and,

Whereas detailed design is substantially complete and the construction tender is expected to be tendered early February 2023; and,

Whereas the maximum amount permitted from all Government of Canada sources is 100% of eligible costs; and,

Whereas \$4.86M Canada Community Building Funding has already been allocated as a partial funding source for the project; and,

Whereas there is an opportunity to pursue a funding grant through the Infrastructure Canada, Green and Inclusive Community Buildings (GICB) Program; and,

Whereas the GICB Program has a total of \$1.5 billion to support projects including the construction of new publicly-accessible community buildings that serve underserved and high-needs communities across Canada; and,

Whereas under New Build conditions the grant can provide up to 60% of total project costs, including engineering; and,

Whereas the application deadline for submission is February 28, 2023; and,

Whereas a decision on successful applications may take up to 4 months from submission; and,

Whereas an approximate 4 month delay in tendering will result in the project completion being pushed beyond 2024; and,

Whereas successful projects must be completed by March 31, 2026; and,

Whereas an alternative building systems design will be required to achieve the project net-zero carbon condition of the Program; and,

Whereas an alternative systems design may add up to \$150,000 additional budget pressure; and,

Whereas such initiatives align with the Corporate Strategic Goal of Environmental Responsibility;

Therefore, be it resolved that Council consider directing staff to pursue project funding opportunities through the Infrastructure Canada, Green and Inclusive Buildings Program for the Rotary Park Redevelopment project.

By-Laws

The following By-laws were passed:

9-2023 - A By-law to further amend Sign By-law 72-96, as amended

(Implements direction of January 30, 2023 through Item ED-23-15 of the Third Report of the Economic and Development Services Committee to further amend Sign By-law 72-96, as amended, to regulate signs within Oshawa and Projections and Suspensions on Highways.)

11-2023 - A By-law to authorize The Corporation of the City of Oshawa to issue an Interfund Note for the total principal amount not to exceed \$800,000 as financing for the 2023 capital additions as required from new staffing requests

(Implements Council direction of January 19, 2023 through resolution to authorize the issuance of an Interfund Note for a total principal amount not to exceed \$800,000 for a maximum term not to exceed ten (10) years, for the financing for the City of Oshawa's 2023 capital additions as required from new staffing requests.)

12-2023 - A By-law to authorize The Corporation of The City of Oshawa to issue an Interfund Note for the total principal amount not to exceed \$1,666,000 as financing for the 2023 capital additions as required from new staffing requests

(Implements Council direction of January 19, 2023 through resolution to authorize the issuance of an Interfund Note for a total principal amount not to exceed \$1,666,000 for a maximum term not to exceed ten (10) years, for the financing of the City of Oshawa's 2023 Capital additions required from new staffing requests.)

Public Discussion Agenda

Matters Excluded from Consent Agenda

CNCL-23-27 - Various Residents Submitting Comments in Opposition to Item CO-23-05 concerning Tobogganing on City-owned Lands (All Wards)

Consent Motion:

That Correspondence CNCL-23-27 from various residents submitting comments in opposition to Item CO-23-05 concerning tobogganing on City-owned lands be referred to Item CO-23-05.

The vote to adopt the recommendation contained in Correspondence CNCL-23-27.

Motion Carried

CNCL-23-13 - Jeff Davis Requesting a Robust Review Policy for City By-laws, Processes and Policies (All Wards)

Consent Motion:

That Correspondence CNCL-23-13 from Jeff Davis requesting a robust review policy for City By-laws, processes and policies, be received for information.

Moved by Councillor McConkey

Seconded by Councillor Neal

That Correspondence CNCL-23-13 from Jeff Davis requesting a robust review policy for City By-laws, processes and policies be referred to staff to investigate a City By-law Review Policy.

Affirmative (4): Councillor Gray, Councillor Lee, Councillor McConkey, and Councillor Neal

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

Motion Lost (4 to 7)

The vote to adopt the recommendation contained in Correspondence CNCL-23-13.

Motion Carried

CO-23-05 - Tobogganing on City owned lands (All Wards)

Consent Motion:

Whereas in response to an incident that occurred in another municipality, the Durham Municipal Insurance Pool (D.M.I.P.) undertook a risk assessment of sanctioned and unsanctioned toboggan hills located within municipalities across the Region of Durham; and,

Whereas tobogganing is a high-risk activity that rates in the Top 5 most dangerous winter activities in Canada; and,

Whereas the City is committed to providing a safe environment for the residents of Oshawa, realizing that this a healthy activity for all to enjoy; and,

Whereas the City participated in the survey which included an inspection and review of Knights of Columbus Park, Grandview Village Park, Woodview Park, Eastbourne Park, Hyde Park, McLaughlin Park, Chopin Park, Somerset Park, Mountjoy Park, and Coldstream Park, which Staff believe to contain hills that are used for tobogganing; and,

Whereas the City's [Parks and Facilities By-law 83-2000](#) ("Parks and Facilities By-law") indicates that tobogganing is allowed unless otherwise signed to prohibit the activity; and,

Whereas most hills within City parks are not signed to prohibit tobogganing; and,

Whereas D.M.I.P.'s Risk Assessment of Toboggan Hills Report included an assessment of risk for City park locations with hills which indicated a number of deficiencies and recommendations that must be addressed in order to mitigate risks where tobogganing is not prohibited, which includes the need for:

- a formal procedure for opening and closing hills at the beginning and end of the season;
- an inspection program during the winter season;
- proper signage and introduction of a condition warning system to communicate when conditions are suitable for tobogganing or when the hill is closed, such as a flagging system;
- formal procedures for incident and accident reporting;
- official operating hours of tobogganing hills that are consistent with park information on the City's website;

- reducing the potential for personal injury by implementing site specific measures to protect users from impact through the use of padding or removal of any obstacles or hazards that could cause injury, such as trees, tree stumps, branches, rocks, debris and other infrastructure or park related amenities that might be located along the path of travel or run-off area; and,

Whereas the risk assessment also provided recommendations for hills where tobogganing is prohibited, including:

- the need for signage to indicate that tobogganing is not permitted;
- the development and implementation of a formal pre-season inspection program to demonstrate due diligence; and,
- the development of a formal incident/accident reporting procedure. This could be achieved by adding the City's contact information to signage; and,

Whereas the City does not have a formal toboggan hill policy or program that meets the recommendations outlined in the Risk Assessment of Toboggan Hills Report, and as such the City currently has an exposure to risk; and,

Whereas additional temporary staff and resources would be required to implement all the recommendations for the hills surveyed, estimated to be a minimum increase of \$30,000 to the annual operating budget to retain staff to undertake regular inspections and to address deficiencies noted in the Risk Assessment of Toboggan Hills Report which could include the installation of fencing, impact barriers, tree removal, grading and assuming no new outdoor ice rinks; and,

Whereas staff have reviewed the hills surveyed and the various site specific deficiencies and determined that it may be feasible to implement the recommendations for two of the more popular hills utilizing current staff resources and budget; and,

Whereas staff would recommend piloting designated tobogganing hills at Knights of Columbus Park and Grandview Village Park and to consider opportunities for future toboggan hills in the planning, design and operation of future parks and facilities where practical;

Therefore be it resolved that the Community and Operations Services Committee recommend to Council:

1. That section 7.09 of the Parks and Facilities By-law, as amended, be further amended to clearly prohibit activities like tobogganing outside of areas formally designated for tobogganing, as outlined in Attachment 1; and,
2. That the City designate the hills at Knights of Columbus Park and Grandview Village Park as Designated Areas for tobogganing and sledding pursuant to the Parks and Facilities By-law, and implement the various recommendations for designated hills as outlined in the Risk Assessment of Toboggan Hills Report prior to the start of the next winter season. Additionally, that a winter maintained accessible path of travel be considered at Knights of Columbus at the time of redevelopment; and,
3. That staff report back any issues or challenges resulting from the designating of the hills noted under Item 2; and,

4. That the City implement the various recommendations for non-designated hills as outlined in Risk Assessment of Toboggan Hills Report including signage within 1 year, with the exception of those designated for tobogganing and sledding under Item 2; and,
5. That tobogganing be considered as part of the Parks, Recreation, Library and Culture Facility Needs Assessment; and,
6. That Facility Management Services consider opportunities for future designated hills in the planning, design and operation of future or redevelopment of parks if in future there is a desire to formally designate an area for tobogganing and sledding.

Amendment:

Moved by Councillor Gray

Seconded by Councillor Lee

That the recommendation contained in Item CO-23-05 be amended to add Part 7 and 8 as follows: 'That non-designated hills be signed "Unsanctioned Hill. This hill is not inspected or maintained for tobogganing or sledding."; and,

That staff continue to review additional parks where tobogganing and sledding can be safely accommodated and sanctioned for this activity in the future where feasible.'

Affirmative (7): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Lee, Councillor Marks, and Councillor McConkey

Negative (4): Councillor Kerr, Councillor Marimpietri, Councillor Neal, and Councillor Nicholson

Motion Carried (7 to 4)

Amendment:

Moved by Councillor McConkey

Seconded by Councillor Marks

That the recommendation contained in Item CO-23-05 be further amended to add the following as a new Part 8 and the remainder be renumbered accordingly: 'That staff bring the hills listed below on line as designated for tobogganing next winter season as the City now has an additional Parks Patrol person to assist with this process and inspections:

- Woodview Park (Ward 4)
- Hyde Park (Ward 3)
- Coldstream Park (Ward 1)
- Somerset Park (Ward 2)
- Mount Joy Part (Ward 1)
- McLaughlin Park (Ward 4)
- Eastbourne Park (Ward 3)'

Affirmative (7): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Lee, Councillor Marks, and Councillor McConkey

Negative (4): Councillor Kerr, Councillor Marimpietri, Councillor Neal, and Councillor Nicholson

Motion Carried (7 to 4)

Amendment:

Moved by Councillor McConkey

Seconded by Councillor Marks

That the recommendation contained in Item CO-23-05 be further amended to add the following as Part 10: 'That the DMIP audit report and Oshawa survey be published on the City's website.' Ruled out of order by the Chair.

Councillor McConkey challenged the ruling of the Chair.

The vote to uphold the Chair's ruling.

Affirmative (5): Mayor Carter, Councillor Chapman, Councillor Lee, Councillor Marimpietri, and Councillor Marks

Negative (6): Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Motion Lost (5 to 6)

Moved by Councillor Gray

Seconded by Councillor Giberson

That Item CO-23-05, including the amendments, concerning tobogganing on City owned lands be referred back to the Community and Operations Services Committee.

Affirmative (6): Mayor Carter, Councillor Giberson, Councillor Gray, Councillor Lee, Councillor Marks, and Councillor McConkey

Negative (4): Councillor Kerr, Councillor Marimpietri, Councillor Neal, and Councillor Nicholson

Absent (1): Councillor Chapman

Motion Carried (6 to 4)

Moved by Councillor Giberson

Seconded by Councillor Kerr

That the meeting recess.

The meeting recessed at 12:45 p.m. and reconvened at 1:30 p.m. with all members of Council present except Councillors Chapman, Giberson and McConkey.

Motion Carried

Moved by Councillor Marimpietri
Seconded by Councillor Nicholson

That Council reconsider its previous decision to refer Item CO-23-05 concerning tobogganing on City owned lands back to the Community and Operations Services Committee. **(Requires 2/3 vote of members present.)**

Affirmative (8): Mayor Carter, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor Neal, Councillor Nicholson

Absent (3): Councillor Chapman, Councillor Giberson, and Councillor McConkey

Motion Carried (8 to 0)

Part 10 regarding the publishing of the DMIP Audit Report and Oshawa Survey was now before Council.

The vote on Part 10 of the amendment related to Item CO-23-05 to publish the DMIP audit report and Oshawa survey on the City's website.

Affirmative (1): Councillor Gray

Negative (7): Mayor Carter, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor Neal, and Councillor Nicholson

Absent (3): Councillor Chapman, Councillor Giberson, Councillor McConkey

Motion Lost (1 to 7)

Parts 1 to 9 of the motion related to CO-23-05 concerning tobogganing on City owned lands was now before Council.

Moved by Councillor Nicholson
Seconded by Councillor Marimpietri

That the motion be put to a Vote. **(Requires 2/3 vote of members present.)**

Affirmative (8): Mayor Carter, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor Neal, and Councillor Nicholson

Absent (3): Councillor Chapman, Councillor Giberson, Councillor McConkey

Motion Carried (8 to 0)

The vote on the motion concerning Item CO-23-05, as amended.

Negative (8): Mayor Carter, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor Neal, and Councillor Nicholson

Absent (3): Councillor Chapman, Councillor Giberson, Councillor McConkey

Motion Lost (0 to 8)

Councillor Giberson entered the meeting at 1:41 p.m.

Moved by Councillor Nicholson

Seconded by Councillor Marks

That Items CF-23-03, CF-23-04 and Report CNCL-23-25 be deferred.

Motion Carried

ED-23-04 - Application Under the City's Brownfields Renaissance Community Improvement Plan for Two (2) Brownfields Study Grants, 144 and 155 First Avenue, First Avenue Investments (Oshawa) Ltd. (Ward 5)

Consent Motion:

Whereas, First Avenue Investments (Oshawa) Ltd. has submitted two (2) applications for Brownfields Study Grants under the City's Brownfields Renaissance Community Improvement Plan, as follows:

- A grant in the amount of \$10,000 in order to undertake a supplementary Phase Two Environmental Site Assessment ("E.S.A.") for soil and groundwater sampling for the property located at 144 First Avenue; and,
- A grant in the amount of \$10,000 in order to undertake a supplementary Phase Two E.S.A. for soil and groundwater sampling for the property located at 155 First Avenue; and,

Whereas, the intent of the Brownfields Study Grant is that the grant is based on 50% of the actual cost of the eligible studies (e.g. Phase Two E.S.A.s) to a maximum of \$10,000 for each individual study and that all grants must be approved by City Council; and,

Whereas, First Avenue Investments (Oshawa) Ltd. has advised staff that the total cost to complete the required supplementary Phase Two E.S.A. for 144 First Avenue is \$21,500, and the total cost to complete the required supplementary Phase Two E.S.A. for 155 First Avenue is \$39,500; and,

Whereas, First Avenue Investments (Oshawa) Ltd. has confirmed that upon completion of the work, the City will be provided copies of both supplemental Phase Two E.S.A.s for the City's records and retention; and,

Whereas, the two (2) applications are consistent with the intent of the Brownfields Study Grant Program as they will stimulate the undertaking of private sector environmental studies of brownfield sites in the Brownfields Renaissance Community Improvement Area; and,

Whereas, the clean-up and development of contaminated lands is in the public interest since the development of contaminated lands may help to revitalize neighbourhoods, improve soil quality, improve the appearance of contaminated sites, reduce greenfield development through infilling and intensification, use existing services more effectively and increase assessment and job creation;

Therefore be it resolved that the two (2) applications for a Brownfields Study Grant submitted by First Avenue Investments (Oshawa) Ltd., for 144 First Avenue and 155 First Avenue respectively, be approved as follows:

- 50% of the cost of a supplementary Phase Two Environmental Site Assessment for soil and groundwater sampling for 144 First Avenue to a maximum of \$10,000; and,
- 50% of the cost of a supplementary Phase Two Environmental Site Assessment for soil and groundwater sampling for 155 First Avenue to a maximum of \$10,000.

The vote to adopt the recommendation contained in Item ED-23-04.

Motion Carried

ED-23-09 - Integrated Columbus Part II Planning Act and Municipal Class Environmental Assessment Act Study (Ward 1)

Councillor McConkey declared a conflict on this item. (Councillor McConkey made a declaration of interest concerning Item ED-23-09 as she has family who own property in the area and did not take part in discussion or voting on the matter.)

Consent Motion:

That, pursuant to Report ED-23-09 dated January 4, 2023, the Economic and Development Services Department be authorized to initiate the statutory public process under the Planning Act for Council to consider a proposed amendment to the Oshawa Official Plan to introduce a Part II Plan for the Columbus Planning Area, generally in accordance with said Report.

The vote to adopt the recommendation contained in Item ED-23-09.

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

Negative (1): Councillor Neal

Absent (2): Councillor Chapman, and Councillor McConkey

Motion Carried (8 to 1)

Moved by Councillor Marks

Seconded by Councillor Marimpietri

That the motion be put to a Vote on the following Items CF-23-03, CF-23-04 and Report CNCL-23-25.
(Requires 2/3 vote of members present.)

Motion Carried

CF-23-03 - Council Members Attendance at Other Committees and Task Force Meetings (All Wards)

Consent Motion:

That Report CF-23-03, dated January 4, 2023 concerning Council Members attendance at other Committees and Task Force meetings be received for information.

CF-23-04 - Corporate and Finance Services Committee Outstanding Items List Status Report - First Quarter 2023 (All Wards)

Consent Motion:

That Report CF-23-04, dated January 4, 2023 being the Corporate and Finance Services Committee's Outstanding Items List Status Report for the first quarter of 2023 be received for information.

CNCL-23-25 - January 19, 2023 Approval of Issuing an Interfund Note for \$800,000 (Ward 1)

Consent Motion:

Whereas at its meeting dated January 19, 2023, the Council of the Corporation of the City of Oshawa passed a resolution to authorize the issuance of an Interfund Note for a total principal amount not to exceed \$800,000 and for a term of ten (10) years, for financing capital work; and,

Whereas the Council of the Corporation of the City of Oshawa approved the repayment of the Interfund Note which would start in 2025; and,

Whereas the Council of the Corporation of the City of Oshawa did not specifically identify the capital projects to be funded from an Interfund Note at its meeting of January 19, 2023; and,

Whereas City staff have subsequently recommended the following projects qualify to be funded from the Interfund Note as follows:

- Northern Roads Program
- Taylorwood Road (Overlay)
- Reconstruction of Roselawn Avenue, Bickle Drive and Winifred Avenue.

Therefore be it resolved that Council approve the following:

1. The recommended projects identified for financing through the means of an Interfund Note; and,
2. The issuance of an Interfund Note for a total principal amount not to exceed \$800,000 for a term of ten (10) years with repayments commencing in 2025; and,
3. That the Regional Municipality of Durham be notified.

The vote to adopt the recommendations contained in Items CF-23-03, CF-23-04 and Report CNCL-23-25.

Motion Carried

Items Pulled from the Information Package

None

Closed Consent Agenda

Moved by Councillor Marimpietri

Seconded by Councillor Marks

That all items listed under the heading of Closed Consent Agenda for the City Council Meeting dated January 30, 2023 be adopted as recommended, except the following:

Item ED-23-02 of the Fourth Report of the Economic and Development Services Committee; and,
Report CNCL-23-23.

Motion Carried

Correspondence with recommendations

Standing Committee Reports

Report of the Community and Operations Services Committee

None

Report of the Corporate and Finance Committee Services

None

Report of the Economic and Development Services Committee

ED-23-03 - Update on Expropriation of Part of the Lands Known Municipally as 505 Simcoe Street South (Ward 5)

That, pursuant to Closed Item ED-23-03 concerning an update on expropriation of part of the lands known municipally as 505 Simcoe Street South, the Commissioner, Economic and Development Services Department and City Solicitor be authorized to proceed as set out in said Closed Item.

ED-23-12 - Offer to Purchase City-owned Land: Portion of the old Fox Street road allowance, west of the intersection of Champlain Avenue and realigned Fox Street (Ward 5)

That, pursuant to Closed Report ED-23-12 dated January 4, 2023 concerning an offer to purchase a portion of the City-owned old Fox Street road allowance, west of the intersection of Champlain Avenue and realigned Fox Street, the Commissioner, Economic and Development Services Department be authorized to proceed as outlined in Section 5.6 of said Report.

ED-23-16 - Update on Disposal Strategy for City-owned Surplus Lands North of Highway 401 between Front Street and Howard Street (Ward 5)

That, pursuant to Closed Item ED-23-16 concerning an update on a disposal strategy for City-owned surplus lands north of Highway 401 between Front Street and Howard Street, the Commissioner, Economic and Development Services Department and City Solicitor be authorized to proceed as set out in said Closed Item.

ED-23-20 - Request to Convey Ownership and Release of Easement (Ward 5)

That Correspondence ED-23-20, dated January 3, 2023, concerning a request to convey ownership and release of easement be received for information.

Report of the Safety and Facilities Services Committee

None

Other Staff Reports and Motions

CNCL-23-26 - Additional Information concerning Lease Agreement (Ward 4)

That staff proceed as directed as outlined in Report CNCL-23-26.

Closed Discussion Agenda

Matters Excluded from Consent Agenda

ED-23-02 - Disposal Strategy: Portion of the Grassed Area in the Northwest Corner of the Delpark Homes Centre Site at 1661 Harmony Road North (Ward 1)

Councillor Neal declared a conflict on this item. (Councillor Neal made a declaration of interest concerning Item ED-23-02 as he has a family member who has a contract with the Durham Separate District School Board (D.S.D.S.B.), and the property being discussed is adjacent to the parcel owned by the D.S.D.S.B. and did not take part in discussion or voting on the matter.)

Consent Motion:

That, pursuant to Closed Report ED-23-02 dated January 4, 2023, staff be authorized to execute the disposal strategy outlined in Section 5.3 of said Report for the City-owned land comprising a portion of the grassed area in the northwest corner of the Delpark Homes Centre site at 1661 Harmony Road North, as shown on Attachments 1 and 2, that Council declared conditionally surplus to municipal requirements on September 26, 2022.

The vote to adopt the recommendation contained in Item ED-23-02.

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

Conflict (1): Councillor Neal

Absent (2): Councillor Chapman, and Councillor McConkey

Motion Carried (8 to 0)

CNCL-23-23 - SO Developments Inc. - Alternative Draft Plan of Subdivision Offer - Park Road South (Ward 5)

Consent Motion:

That Correspondence CNCL-23-23 from SO Developments Inc. concerning an alternative draft plan of subdivision offer for Park Road South be referred to staff to report through the Economic and Development Services Committee.

Moved by Councillor Marimpietri
Seconded by Councillor Marks

That the meeting recess and reconvene in a session closed to the public pursuant to 239 (2) (c) and (d) of the Municipal Act in order to consider Report CNCL-23-23 which is concerning proposed or pending acquisition or disposition of land; and Report CNCL-23-24 which is concerning labour relations or employee negotiations.

Motion Carried

The meeting recessed at 1:50 p.m. and reconvened at 1:55 p.m. in a session closed to the public with all members of Council in attendance except Councillors Chapman, Marimpietri and Marks.

Also in attendance were the Director, Legislative Services/City Clerk; the Manager, Legislative Services/Deputy City Clerk; the Chief Administrative Officer, the Commissioner, Corporate and Finance Services Department; the Commissioner, Community and Operations Services Department; the Commissioner, Economic and Development Services Department; the City Solicitor; the Director, Planning Services; the Manager, Policy; and the Council-Committee Coordinator.

All other staff and members of the public left the meeting.

Councillors Marimpietri and Marks entered the meeting at 1:57 p.m.

Closed meeting discussions were held.

Rise and Report

Moved by Councillor Marimpietri
Seconded by Councillor Marks

That Council rise from closed session at 2:24 p.m.

Motion Carried

Closed Report

All members of Council were present in the Chamber except Councillors Chapman, Marimpietri and Marks.

Members of Council questioned the City Solicitor and Commissioner, Economic and Development Services Department concerning Report CNCL-23-22.

Councillors Marimpietri and Marks entered the meeting.

The City Solicitor and Commissioner, Economic and Development Services Department responded to questions from Council regarding Report CNCL-23-22.

The Commissioner, Corporate and Finance Services Department provided a verbal update concerning Report CNCL-23-24.

Members of Council questioned the Commissioner, Corporate and Finance Services Department concerning the verbal update.

The Commissioner, Corporate and Finance Services Department responded to questions from Council.

This concludes the closed meeting summary.

Items Requiring Council Direction

CNCL-23-22 - Acquisition Strategy Update: Land on Park Road South and Colonel Sam Drive (Ward 5)

Moved by Councillor Nicholson

Seconded by Councillor Gray

That pursuant to Report CNCL-23-22 dated January 25, 2023, Council select Option 1 as set out in Section 5.3 of Report CNCL-23-22.

Moved by Councillor Marimpietri

Seconded by Councillor Gray

That the meeting recess and reconvene in a session closed to the public pursuant to 239 (2) (c) of the Municipal Act in order to consider Report CNCL-23-22 which is concerning proposed or pending acquisition or disposition of land.

Motion Carried

The meeting recessed at 2:30 p.m. and reconvened at 2:51 p.m. in a session closed to the public with all members of Council in attendance except Councillor Chapman.

Also in attendance were the Director, Legislative Services/City Clerk; the Manager, Legislative Services/Deputy City Clerk; the Chief Administrative Officer, the Commissioner, Corporate and Finance Services Department; the Commissioner, Community and Operations Services Department; the Commissioner, Economic and Development Services Department; the City Solicitor; the Director, Planning Services; the Manager, Policy; and the Council-Committee Coordinator.

All other staff and members of the public left the meeting.

Closed meeting discussions were held.

Moved by Councillor Marimpietri

Seconded by Councillor Neal

That Council rise from closed session at 2:51 p.m.

Motion Carried

Closed Report

All members of Council were present in the Chamber except Councillor Chapman.

Members of Council questioned the Commissioner, Economic and Development Services Department concerning Report CNCL-23-22.

The Commissioner, Economic and Development Services Department responded to questions from Council regarding Report CNCL-23-22.

This concludes the closed meeting summary.

The vote to adopt option 1 as set out in Section 5.3 of Report CNCL-23-22.

Affirmative (6): Councillor Gray, Councillor Kerr, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Negative (4): Mayor Carter, Councillor Giberson, Councillor Lee, and Councillor Marimpietri

Absent (1): Councillor Chapman

Motion Carried (6 to 4)

CNCL-23-24 - Stephanie Sinnott, Commissioner, Corporate and Finance Services Department/Treasurer to provide a verbal update related to Labour Negotiations

Stephanie Sinnott, Commissioner, Corporate and Finance Services Department/Treasurer provided a verbal update related to Labor Negotiations in closed session.

Matters Tabled

None

Notices of Motion Previously Given

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.

Affirmative (3): Councillor Giberson, Councillor McConkey, and Councillor Neal

Negative (7): Mayor Carter, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, and Councillor Nicholson

Absent (1): Councillor Chapman

Motion Lost (3 to 7)

Notices of Motion

Moved by Councillor McConkey

Seconded by Councillor Neal

Council direct that signage be installed to make the section of Ormond between Coldstream and Parkwood Meadow Park 40Km as speeding leading up to the park from the south is a concern to many in the area.

Moved by Councillor McConkey
Seconded by Councillor Neal

That the motion concerning 40km/h signage between Coldstream and Parkwood Meadow Park be referred to the Community and Operations Committee.

Motion Carried

Moved by Councillor McConkey
Seconded by Councillor Neal

Whereas the maintenance of stormwater ponds is costly; and,

Whereas the City of Oshawa does not have a comprehensive Stormwater Management Plan and Design Guide; and,

Whereas the City of Barrie has a new and updated storm drainage and stormwater management policies and design guidelines that provides a good example;

Now therefore the City staff investigate formulating terms of reference criteria and plans for an effective stormwater management plan and design guidelines.

Moved by Councillor McConkey
Seconded by Councillor Neal

That the motion concerning formulating terms of reference criteria and plans for an effective stormwater management plan and design guidelines be referred to the Economic and Development Services Committee.

Affirmative (2): Councillor McConkey, and Councillor Neal

Negative (7): Mayor Carter, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, and Councillor Nicholson

Absent (2): Councillor Chapman, Councillor Marks

Motion Lost (2 to 7)

The vote on the motion concerning formulating terms of reference criteria and plans for an effective stormwater management plan and design guidelines.

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

Absent (2): Councillor Chapman, Councillor Marks

Motion Lost (0 to 9)

Moved by Councillor McConkey
Seconded by Councillor Neal

Whereas for over the past two decades municipalities in Ontario have been installing roundabouts as an alternative to traditional traffic signal intersection design; and,

Whereas studies have shown that roundabouts considerably decrease the amount of traffic jams, and prove intersections function better without traffic lights, considering:

1. Improve road safety; with fewer points of conflict and slower speeds decrease the risk of serious car crashes or injury; eliminate any type of high-speed collision, and head on collisions and right-angle crashes;
2. Manage increased traffic demand as they allow high volumes of traffic to travel through the area;
3. Improve air quality by eliminating unnecessary stops and idling;
4. Eliminate maintenance and electricity costs affiliated with traffic signals and are not impacted by power outages;
5. More pedestrian friendly, as cited by the Region of Waterloo, a study of 30 roundabouts in Ontario found that pedestrian collision rates are approximately 40 to 60 per cent less than pedestrian collision rates at comparable traffic signals with similar traffic and pedestrian volumes;
6. The Region of Durham has installed roundabouts across the region as part of the Durham Vision Zero Strategic Road Safety Action Plan announcing on January 17, 2023 that roundabouts are designed to maximize safety and minimize delay, while reducing emissions and fuel consumption;

Now therefore considering the safety benefits, Oshawa Council investigate developing a policy for roundabouts to become the default choice over traditional intersection design when new city roads are constructed in the City of Oshawa.

Amendment:

Moved by Councillor Nicholson

Seconded by Councillor McConkey

That the motion be amended to replace the words 'the default' with the words 'an alternative'

Motion Carried

Moved by Councillor Gray

Seconded by Councillor Giberson

That the motion concerning the development of a policy for roundabouts to become an alternative choice for traditional intersection design when new City roads are constructed be referred to the Economic and Development Services Committee.

Motion Carried

Confirming By-Law

Moved by Councillor Marimpietri
Seconded by Councillor Neal

That the Confirming By-law be passed.

Motion Carried

Adjournment

Moved by Councillor Kerr
Seconded by Councillor Neal

That the meeting adjourn at 3:27 p.m.

Motion Carried

Mayor

City Clerk