



**Oshawa City Council  
Minutes**

**May 1, 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

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**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 related to activities and events.

Councillor Kerr temporarily left the meeting at 9:35 a.m.

**Additional Agenda Items**

Moved by Councillor Chapman  
Seconded by Councillor Giberson

That the delegations of Nancy McDowell and AnnMarie Snider be added to the agenda, and Additional Correspondence CNCL-23-52 from various residents submitting comments concerning Report CNCL-23-47 and Additional Correspondence CNCL-23-53 from AnnMarie Snider concerning CNCL-23-47 be added to the agenda for the meeting of May 1, 2023 and be referred to the respective report.”

Motion Carried

Councillor Kerr reentered the meeting at 9:39 a.m.

### **Declarations of Pecuniary Interest**

**Councillor Chapman - CF-23-33 - Dawn-Ann Catalano, Ontario Regiment (RCAC) submitting correspondence requesting 10 parking spaces for armoury members in Parking Lot #20 and options for parking in the adjacent City garages (Ward 4)**

He is an Honorary Colonel of the Ontario Regiment and did not take part in discussion or voting on the matter.

**Councillor Chapman - ED-23-83 - Request to Amend Licence Agreement between the Ontario Regiment R.C.A.C. Regimental Museum and the City of Oshawa at the South Field of the Oshawa Executive Airport (Ward 2)**

He is a member of the Ontario Regiment Tank Museum and Honorary Colonel of the Ontario Regiment and did not take part in discussion or voting on the matter.

**Councillor Neal - CF-23-28 - Durham Catholic District School Board use of Gulfstream Park by St. Anne Catholic School (Ward 2)**

He has a family member who has a contract with the Durham Catholic District School Board and did not take part in discussion or voting on the matter.

**Councillor Marimpietri - ED-23-70 - Front Ending Agreement with Broccolini Thornton Limited Partnership (Ward 2)**

He has family members who own property and reside in the potentially affected area and did not take part in discussion or voting on the matter.

**Councillor McConkey - SF-23-17 - Vacant Buildings and Property Standards By-law 1-2002 (All Wards)**

She owns vacant land and did not take part in discussion or voting on the matter.

### **Presentations**

None

### **Delegations**

Moved by Councillor Chapman  
Seconded by Councillor Giberson

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

Motion Carried

Moved by Councillor Chapman  
Seconded by Councillor Giberson

That the delegations of Nancy McDowell and AnnMarie Snider be heard.

Motion Carried

### **Joanne Ferguson - Item ED-23-65**

Joanne Ferguson addressed City Council concerning Item ED-23-65 regarding revised applications to amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94, 1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina Developments Ltd.

Councillor Gray temporarily left the meeting at 9:50 a.m.

Members of Council questioned Joanne Ferguson.

### **Nancy McDowell - Item ED-23-65**

Nancy McDowell addressed City Council concerning Item ED-23-65 regarding revised applications to amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94, 1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina Developments Ltd.

Members of Council questioned Nancy McDowell.

Councillor Gray re-entered the meeting at 9:56 a.m.

### **AnnMarie Snider - Report CNCL-23-47**

AnnMarie Snider addressed City Council concerning Report CNCL-23-47 regarding Heritage Oshawa's Motion Related to Designation of 827 Gordon Street under Part IV of the Ontario Heritage Act.

Members of Council questioned AnnMarie Snider.

### **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 May 1, 2023 be adopted as recommended except:

Items CO-23-22, CO-23-17, CO-23-20 and CO-23-24 from the Fifth Report of the Community and Operations Services Committee; and,

Items CF-23-23-33, CF-23-25, CF-23-28, CF-23-32 and CF-23-22 from the Fifth Report of the Corporate and Finance Services Committee; and,

Items ED-23-94, ED-23-61, ED-23-63, ED-23-65 and By-laws 44-2023, 45-2023 and 46-2023, ED-23-70, ED-23-77 and By-laws 47-2023 and 48-2023, ED-23-84 and ED-23-88 from the Ninth Report of the Economic and Development Services Committee; and,

Item SF-23-17 from the Fifth Report of the Safety and Facilities Services Committee; and,  
Reports CNCL-23-40 and CNCL-23-47.

Motion Carried

### **Adoption of Council Minutes**

That the minutes of the City Council meeting held on April 3, 2023 be adopted.

### **Correspondence with recommendations**

### **Standing Committee Reports**

### **Report of the Community and Operations Services Committee**

#### **CO-23-23 - OEAC - Road Salt Working Group Report - April 2023 (Formerly OEAC-23-18) (All Wards)**

1. That as outlined in Report CO-23-23 (OEAC-23-18), being OEAC's comments concerning the reduction in the use of road salt, the comments be endorsed; and,
2. That the Oshawa Environmental Advisory Committee approve the content and design of the road salt awareness postcard; and,
3. That the road salt awareness postcard be forwarded to the Corporate Communications Department for their review and approval.

#### **CO-23-21 - Selection of the 2023 Oshawa Community Legends Award Recipient (All Wards)**

1. That based on Report CO-23-21, dated April 19, 2023, concerning the Community Legends Award the second nomination in Attachment 2 be selected as the recipient of the Community Legends Award; and,
2. That the award be presented to the recipient at a future Council meeting in 2023.

#### **CO-23-16 - 40 km/h Signage along Ormond Drive between Coldstream Drive and Parkwood Meadow Park (Ward 1)**

That based on Report CO-23-16, dated April 19, 2023 concerning 40 km/h Signage along Ormond Drive between Coldstream Drive and Parkwood Meadow Park, that the speed limit on Ormond Drive between Askew Court and Coldstream Drive (east intersection) be reduced to 40 km/h.

#### **CO-23-18 - Concerns about Insufficient Parking for Library Patrons at the Oshawa Public Library – McLaughlin Branch (Ward 4)**

Whereas concerns have been raised by staff of the McLaughlin Branch Library regarding insufficient parking for library patrons in Parking Lot 50 which is located immediately west of the library building; and,

Whereas the library staff have requested 12 parking spaces to be designated 2hr max paid parking to provide short term parking for library patrons; and,

Whereas Parking Lot 50 is currently set up for 66 spaces designated for City staff overflow parking, 41 spaces for hourly paid parking between the hours of 8:00am and 6:00pm, and one accessible parking space; and,

Whereas there has been a noticeable increase in customers paying for parking for the whole day in Parking Lot 50; and,

Whereas there has been a decrease in the use of the overflow employee parking spaces in Parking Lot 50 due to the hybrid working arrangements for certain working groups at City Hall; and,

Whereas 12 parking spaces in Parking Lot 50 could be changed from employee overflow parking spaces to two hour maximum paid parking spaces to short term parking for library patrons; and,

Therefore, be it resolved that 12 parking spaces in Parking Lot 50 be changed from employee overflow parking spaces to two hour maximum paid parking spaces.

### **Report of the Corporate and Finance Services Committee**

#### **CF-23-24 - 2024 Budget Timelines (All Wards)**

That Report CF-23-24 dated April 12, 2023 concerning the 2024 budget timeline be approved.

#### **CF-23-26 - Corporate Payments for the Months of January, February and March 2023 (All Wards)**

That Report CF-23-26 concerning the corporate payments for the months of January, February and March 2023 be received for information.

#### **CF-23-27 - Contract Award – C2022-119 Conlin Road East Design (Wards 1 and 2)**

Whereas, the Purchasing By-law, requires Council approval of Professional and Consulting Services contract awards greater than \$100,000 and that exceed the approved budget; and,

Whereas, Council has approved funding for Project 20-73-0485 in the amount of \$1,321,000; and,

Whereas, it is anticipated the Region of Durham will contribute a minimum of \$434,000 for their portion of the work; and,

Whereas, Procurement issued a Request for Proposal (R.F.P.) C2022-119 for Conlin Road East Design, and,

Whereas, the R.F.P. was separated into three parts: Part A Design and Final Tender Package, Part B-1 Assistance with Procurement, Evaluation and Engineering Services during construction, and Part B-2 Construction Inspections and Contract Administration; and,

Whereas, Procurement and Engineering Services are only awarding Part A Design and Final Tender Package; and,

Whereas, Part B-1 Assistance with Procurement, Evaluation and Engineering Services during construction, and Part B-2 Construction Inspections and Contract Administration will be budgeted in future capital; and,

Whereas, three (3) bids were received (publically posted on the City's website at Oshawa's Bids and Tenders) and opened by Procurement on February 10, 2023; and,

Whereas, proposals were evaluated on corporate experience, proposal quality, project deliverables, technical response and cost; and,

Whereas, the evaluation team unanimously scored the bid received by CIMA Canada Inc. as comprehensive, thorough, addressed all requirements of the R.F.P, is the highest-ranking proponent and best satisfied the City's requirements; and,

Whereas, the proposal received from CIMA Canada Inc. in the amount of \$1,748,297, plus H.S.T. (\$1,779,067 including non-rebateable H.S.T.) for Part A Design and Final Tender Package; and,

Whereas, there is a funding shortfall of \$24,067, including non-rebateable H.S.T.; and,

Whereas, the additional cost of \$24,067 can be funded from the Roads Development Charges Reserve Fund and the Growth Related Non-DC Reserve;

Therefore be it resolved that pursuant to Report CF-23-27:

1. That additional funding of \$24,067, funded from the Roads Development Charges Reserve Fund and the Growth Related Non-DC Reserve, be approved; and,
2. That the Manager, Procurement be authorized to award a contract to CIMA Canada Inc. in the amount of \$1,748,297 plus H.S.T. for C2022-119 Conlin Road East Design, Part A Design and Final Tender Package.

**CF-23-29 - C2023-009 Stormwater Management Facility Cleaning – Additional Funding (Ward 1)**

Whereas, the Purchasing By-Law 80-2020 requires Council approval to award contracts that exceed the approved budget; and,

Whereas, in 2022 Council approved Project 54-0005 in the amount of \$275,000 inclusive of H.S.T., for Storm Water Management Pond Cleaning; and,

Whereas, Procurement issued a Request for Tender (R.F.T.) C2023-009 Stormwater Management Facility Cleaning; and,

Whereas, twelve (12) bids were received (publically posted on the City's website at Oshawa's Bids and Tenders) and opened by Procurement on February 7, 2023; and,

Whereas, the lowest complaint bid was received from Strong Bros. General Contracting Ltd. in the amount of \$435,993 (\$443,667 including non-rebateable H.S.T.); and,

Whereas, there has been a total of \$22,477 committed to date for soil sampling and surveys; and,

Whereas, there is a funding shortfall of \$191,144, including non-rebateable H.S.T.; and,

Whereas, the additional cost of \$191,144 can be funded from the Subdividers Fixed Charges account from the portion collected for the Stormwater Pond Maintenance Fees;

Therefore be it resolved that pursuant to CF-23-29:

1. That the additional funding of \$191,144 to be funded from the Subdividers Fixed Charges account be approved; and,
2. That the Manager, Procurement be authorized to award a contract to Strong Bros. General Contracting Ltd. in the amount of \$435,993 excluding H.S.T. for C2023-009 Stormwater Management Facility Cleaning.

**CF-23-30 - Additional Funding – C2023-027 Rear & Side Loader Waste Vehicles (All Wards)**

Whereas, the Purchasing By-Law 80-2020 requires Council approval to award contracts that exceed the approved budget; and,

Whereas, in 2023 Council approved various Potential Adjustments that included the request for additional vehicles and equipment in the amount of 1,821,000, which includes \$1,200,000, inclusive of non-rebateable H.S.T., for replacement of a Rear and Side Loader Waste Vehicles; and,

Whereas, Procurement issued a Request for Tender (R.F.T.) C2023-027 Supply and Delivery of Side & Rear Loading Garbage Truck; and,

Whereas, one (1) bid was received (publically posted on the City's website at Oshawa's Bids and Tenders) and opened by Procurement on March 21, 2023; and,

Whereas, the bid received from Premier Truck Group, in the amount of \$1,301,500 excluding H.S.T. (\$1,324,406 including non-rebateable H.S.T.), is the lowest compliant bidder and meets the requirements of the tender; and,

Whereas, there is a funding shortfall of \$124,406, including non-rebateable H.S.T.; and,

Whereas, the additional cost of \$124,406 can be funded from the City Equipment Reserve;

Therefore be it resolved that pursuant to CF-23-30:

1. That additional funding of \$124,406 to be funded from the City Equipment Reserve be approved; and,
2. That the Manager, Procurement be authorized to award a contract to Premier Truck Group in the amount of \$1,301,500 excluding H.S.T. for C2023-027 Supply and Delivery of Rear & Side Loader Waste Vehicles.

**CF-23-31 - 2023-2027 Accessibility Plan (All Wards)**

1. That pursuant to Report CF-22-31 dated April 12, 2023, City Council approve the City of Oshawa's 2023-2027 Accessibility Plan, as presented in Attachment 1 of said Report; and,
2. That the City Clerk be authorized to send a copy of the approved City of Oshawa Accessibility Plan to the Ministry of Seniors and Accessibility.

**CF-23-23 - 2023 Final Tax Rates By-law (All Wards)**

1. That in accordance with Report CF-23-23 dated April 12, 2023, the 2023 Final Tax Rates By-law providing for the billing and collection of the 2023 final tax levy for all property classes be approved; and,
2. That staff prepare a fact sheet on the tax rate comparisons of surrounding municipalities by May 1, 2023; and,
3. That the following be referred to staff for a report: 'That staff publish an online 2023 Budget Highlights with Infographics.'

#### **CF-23-35 - Publishing the Names of Members on Standing Committee Agendas (All Wards)**

That Council direct staff to publish the list of the Standing Committee members related to their respective Standing Committee on the Committee agendas, for increased transparency when reviewing agendas and improved efficiency for members of the public interested in approaching Council members concerning specific agenda items.

#### **CF-23-36 - Report concerning the deadline for the Arborwood Trail Project (Ward 1)**

That Finance staff report to the Corporate and Finance Services Committee on the deadline for the approved Arborwood Trail Project to ensure that the opportunity is not missed.

#### **Report of the Economic and Development Services Committee**

#### **ED-23-62 - Process for Handling Applications made under Various Sections of the Ontario Heritage Act (All Wards)**

1. That, pursuant to Report ED-23-62 dated April 12, 2023, Economic and Development Services staff be authorized to implement the staff recommended processes for applications made under Sections 27, 29, 33 and 34 of the Ontario Heritage Act, as outlined in Section 5.3 of said Report; and,
2. That, pursuant to Report ED-23-62 dated April 12, 2023, Economic and Development Services staff be directed to undertake a detailed review of the heritage policies of other municipalities and recommend appropriate heritage policies for inclusion in the Oshawa Official Plan, through the process of carrying out and reporting on the City's next Municipal Comprehensive Review of the Oshawa Official Plan.

#### **ED-23-80 - Heritage Oshawa By-law (All Wards)**

Whereas, Section 28 of the Ontario Heritage Act, R.S.O. 1990, c.0.18 (the "Act"), provides that the Council of any municipality may, by by-law, establish a municipal heritage committee, with a minimum of five members, to advise and assist the Council on matters of cultural heritage value and interest including the designation of heritage properties and heritage conservation districts under Parts IV and V of the Act, and such other heritage matters as the Council may specify by by-law; and,

Whereas, City Council established a municipal heritage committee pursuant to the Act through By-law 59-95, styled as Heritage Oshawa; and,

Whereas, By-law 59-95 was subsequently repealed and replaced with By-law 29-2006, which in turn was later repealed and replaced with By-law 02-2011; and,

Whereas, in addition to reaffirming the establishment of Heritage Oshawa as the City's Municipal Heritage Committee, By-law 02-2011 includes various provisions setting out operating procedures for the Committee; and,

Whereas, subsequent to passing By-law 02-2011 in 2011, City Council has since adopted the Advisory Committees of Council Policy and Procedure (the "Policy") which sets out provisions for the operation of all Advisory Committees of Council, including Heritage Oshawa, and requires each Advisory Committee to have a Council-approved Terms of Reference; and,

Whereas, the Policy and Terms of Reference documents are reviewed during each term of Council to ensure they remain up to date and accurate based on current legislation and other Council by-laws or policies; and,

Whereas, the operating procedures set out in By-law 02-2011 are now addressed in the Advisory Committees of Council Policy and Procedure and/or its approved Terms of Reference;

Therefore be it resolved:

1. That City Council reaffirms the establishment of Heritage Oshawa as a Municipal Heritage Committee pursuant to the Ontario Heritage Act; and,
2. That Heritage Oshawa is an Advisory Committee of Council and will operate under the Advisory Committees of Council Policy and Procedure and Committee Terms of Reference as may be amended by Council; and,
3. That By-law 02-2011 be repealed and replaced with a by-law generally in the form and content as set out in Attachment 1 to Item ED-23-80.

### **ED-23-81 - Common Element Condominiums – Public Meetings and Notices of Application (All Wards)**

Whereas, the City of Oshawa is the approval authority for applications for plans of condominium in Oshawa; and,

Whereas, Ontario Regulation 544/06 under the Planning Act was approved in 2006 to provide regulations for processing applications for plans of subdivision and plans of condominium; and,

Whereas, prior to July 1, 2016, Ontario Regulation 544/06 stipulated that for applications for common element condominiums and vacant land condominiums, the approval authority must issue a notice of application if a complete application is received and must hold a public meeting in a prescribed manner; and,

Whereas, on July 1, 2016 the Province of Ontario passed Ontario Regulation 178/16 which had the effect, in part, of amending Ontario Regulation 544/06 such that for applications for common element condominiums, the approval authority is not required to issue a notice of application for a complete application or hold a public meeting; and,

Whereas, Item 56 of the City's Delegation By-law 29-2009, as amended, delegates the approval of condominium applications that do not require a public meeting under the Condominium Act or under Council policy to the Commissioner, Economic and Development Services Department or the Director of Planning Services; and,

Whereas, the delegation is subject to the proposed plan of condominium being consistent with the approved site plan and zoning; and,

Whereas, in accordance with Item 56 of the City's Delegation By-law 29-2009, as amended, the City does not issue notices of applications or hold public meetings for proposed standard condominiums or phased condominiums; and,

Whereas, the Condominium Act and the regulations under the Condominium Act do not require a public meeting for an application for a plan of condominium submitted to an approval authority under the Planning Act; and,

Whereas, although the City does not have a policy requiring public meetings for common element condominiums, since July 1, 2016 the City of Oshawa has continued to issue notices of application and hold public meetings for applications for common element condominiums; and,

Whereas, a condominium is not a form of development but is rather a type of tenure of a property, and it does not create development or land use permissions for a property; and,

Whereas, removing the requirement for notice of application and holding a public meeting for common elements condominiums will further enhance the City's development application processing and make efficient use of Economic and Development Services staff resources; and,

Whereas, it is appropriate to continue to issue notice of application and hold a public meeting for any application for common element condominium that proposes to convert an existing rental property to condominium tenure;

Therefore be it resolved:

1. That, pursuant to Item ED-23-81, Schedule "A" to Delegation By-law 29-2009, as amended, be further amended by adding to Item 56 the text ", Planning Act" after the text "Condominium Act" under the heading "Delegated Authority", and the appropriate amending by-law be passed; and,
2. That it is a policy of Oshawa City Council that applications for common elements condominiums do not require a public meeting and do not require a notice of application unless said application proposes to convert an existing rental property to condominium tenure.

**ED-23-82 - Revised Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision (S-O-2014-04), 1500 Conlin Road East, Regita Enterprise Inc./Schleiss Development Company Limited (Ward 1)**

1. That, pursuant to Report ED-23-82 dated April 12, 2023, the revised application submitted by Regita Enterprise Inc./Schleiss Development Company Limited to amend Zoning By-law 60-94 (File: Z-2014-03) in order to implement a revised draft plan of subdivision (File: S-O-2014-04) for 1500 Conlin Road East be approved, generally in accordance with the comments in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner, Economic and Development Services Department and City Solicitor; and,
2. That, pursuant to Report ED-23-82 dated April 12, 2023, the revised application submitted by Regita Enterprise Inc./Schleiss Development Company Limited to

implement a revised draft plan of subdivision (File: S-O-2014-04) featuring 29 blocks to accommodate up to 344 single detached dwellings, 13 blocks for 72 street townhouse dwellings, 1 low residential block to accommodate up to 50 block townhouse dwellings, 2 medium density residential blocks to accommodate up to 178 block townhouse dwellings, a portion of a mixed use block, an elementary school block, a walkway block, 3 parkette blocks, 2 stormwater management pond blocks, 2 open space blocks, 7 landscape strip blocks, 2 road widening blocks, 4 reserve blocks and new arterial, collector and local roads at 1500 Conlin Road East be approved, subject to the conditions as generally set out in Attachment 5 of said Report; and,

3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report DS-16-19 dated February 3, 2016 presented at the public meeting of February 8, 2016 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 1 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

### **Report of the Safety and Facilities Services Committee**

#### **SF-23-16 - Identification Cards for Heritage Oshawa Members (Formerly HTG-23-19) (All Wards)**

That SF-23-16 being a request from Heritage Oshawa that members be provided with identification cards to identify themselves at events around the City of Oshawa be referred to staff for a report.

#### **SF-23-19 - Request for a Basketball Court to be Installed at Delpark Home Centre (Ward 1)**

Whereas many families in the Taunton Part II Planning Area have requested the City install an outdoor basketball court in Coldstream Park; and

Whereas with the new Harmony Creek trail opening to the Delpark Homes Centre, an alternate location option presented is to build a special new outdoor basketball court at the Delpark Home Centre;

Now therefore an investigation for such a special outdoor basketball court at the Delpark Home Centre be referred to the consultant for the PRLC's Report (expected in October 2023).

### **Other Staff Reports and Motions**

#### **CNCL-23-51 - Defibrillator Battery Replacement in City-owned Park Clubhouses (All Wards)**

Whereas on April 3, 2023 Council adopted the recommendation of the Community and Operations Services Committee to authorize staff to replace defibrillator batteries in Park Clubhouses on an as needed basis and to search for sponsorship opportunities for the replacements; and,

Whereas lifesaving devices known as defibrillators (Automatic External Defibrillators) are required to be installed in all publically accessible buildings, including the Park Clubhouses; and,

Whereas the Defibrillator Registration and Public Access Act, 2019 S.O. 2020, c.8 – Bill 141, identifies specific obligations of the owner of a publically accessible building and where a defibrillator has been or will be installed; and,

Whereas the City of Oshawa does not own the Park Clubhouses; they are owned, operated and maintained by the Oshawa Central Council of Neighbourhood Associations (O.C.C.N.A.); and,

Whereas the O.C.C.N.A. receives an annual operating Grant of \$50,000 to help prioritize building maintenance and repairs in consultation with City staff;

Therefore be it resolved:

1. That Council reconsider its decision of April 3, 2023 concerning Item CO-23-15 regarding the replacement of defibrillator batteries in Park Clubhouses; and,
2. That staff be authorized to allocate a portion of the \$50,000 annual operations and maintenance Grant to the Oshawa Central Council of Neighbourhood Associations to ensure obligations as set out in the above noted Act are addressed by the building owner in a pro-active manner.

## **By-Laws**

The following By-laws were passed:

### **44-2023 - A By-law to Adopt Amendment 215 to the Oshawa Official Plan**

(Implements direction of May 1, 2023 through Item ED-23-65 of the Ninth Report of the Economic and Development Services Committee to add a site specific policy to permit a maximum residential density of 592 units per hectare on lands located at 1664 Simcoe Street North and 17 and 25 Niagara Drive.)

### **45-2023 - A By-law to Adopt Amendment 73 to the Official Plan for the Former Oshawa Planning Area - Secondary Plan for the Samac Community**

(Implements direction of May 1, 2023 through Item ED-23-65 of the Ninth Report of the Economic and Development Services Committee to redesignate the subject lands located at the southwest corner of Simcoe Street North and the south leg of Niagara Drive, and municipally known as 1664 Simcoe Street North, and 17 and 25 Niagara Drive, from Medium Density I Residential to High Density II Residential to permit a 7 storey apartment building with 142 units and to apply a site specific policy to continue to permit Medium Density I Residential uses and density.)

### **46-2023 - A By-law to amend Zoning By-law 60-94, as amended**

(Implements direction of May 1, 2023 through Item ED-23-65 of the Ninth Report of the Economic and Development Services Committee to amend Zoning By-law 60-94 to permit a new 7-storey apartment building containing 142 studio apartment units at 1664 Simcoe Street North and 17 and 25 Niagara Drive.)

### **49-2023 - A By-law to amend Zoning By-law 60-94, as amended**

(Implements direction of May 1, 2023 through Item ED-23-82 of the Ninth Report of the Economic and Development Services Committee to amend Zoning By-law 60-94, as amended to permit 29 blocks to accommodate up to 344 single detached dwellings; 13 blocks for 72 street townhouse dwellings; 1 low density residential block to accommodate up to 50 block townhouse dwellings; 2 medium density residential blocks to accommodate up to 178 block townhouse dwellings; a portion of a mixed use block; an elementary school block; a walkway block; 3 parkette blocks; 2 stormwater management

pond blocks; 2 open space blocks; 7 landscape strip blocks; 2 road widening blocks; 4 reserve blocks; and, new arterial, collector and local roads at 1500 Conlin Road East.)

**50-2023 - A By-law to establish the Community Benefits Charges By-law**

(Implements Council direction of April 3, 2023 through Item CF-23-18 of the Fifth Report of the Corporate and Finance Services Committee to establish the Community Benefits Charges By-law for the Corporation of the City of Oshawa.)

**51-2023 - A By-law to amend Traffic By-law 79-99, as amended**

(Implements direction of May 1, 2023 through Item CO-23-16 of the Fifth Report of the Community and Operations Services Committee to reduce the speed limit on Ormond Drive between Askew Court and Coldstream Drive (east intersection) to 40 km/h.)

**52-2023 - A By-law for the implementation and collection of the Final Tax Levies required to be raised for the year 2023 and to establish the Tax Rates necessary to raise those sums**

(Implements direction of May 1, 2023 through Item CF-23-23 of the Sixth Report of the Corporate and Finance Services Committee for the implementation and collection for the Final Tax Levies requires to be raised for the year 2023 and to establish the Tax Rates necessary to raise those sums.)

**53-2023 - A By-law to amend Traffic By-law 79-99, as amended**

(Implements direction of May 1, 2023 through Item CO-23-18 of the Fifth Report of the Community and Operations Services Committee to change 12 parking spaces in Parking Lot #50 in the parking complex located south of the McLaughlin Art Gallery from employee overflow parking spaces to 2 hours maximum paid parking spaces.)

**54-2023 - A By-law to establish a Municipal Heritage Committee**

(Implement direction of May 1, 2023 through Item ED-23-80 of the Ninth Report of the Economic and Development Services Committee to reaffirm the establishment of Heritage Oshawa as a Municipal Heritage Committee pursuant to the Ontario Heritage Act operating as an Advisory Committee under the Advisory Committees of Council Policy and Procedure and to repeal By-law 02-2011, as amended.)

**Public Discussion Agenda**

**Matters Excluded from Consent Agenda**

**CO-23-22 - Selection of the 2023 E.P. Taylor Windfields Farm Champion Award (All Wards)**

Consent Motion

1. That based on Report CO-23-22, dated April 19, 2023, concerning the E.P. Taylor Windfields Farm Champion Award Ihor (George) Lysyk be selected as the recipient of the award and presented the E.P. Taylor Windfields Farm Champion Award at a future Council meeting in 2023; and,
2. That the next EP Taylor Windfields Farm Champion Award be awarded in 2026 and that future awards be selected and presented in the fourth year of each term of Council.

Motion Carried

Moved by Councillor McConkey  
Seconded by Councillor Marks

That Item CO-23-22 be deferred to closed session.

Affirmative (5): Councillor Giberson, Councillor Lee, Councillor Marks, Councillor McConkey, and Councillor Neal

Negative (6): Mayor Carter, Councillor Chapman, Councillor Gray, Councillor Kerr, Councillor Marimpietri, and Councillor Nicholson

Motion Lost (5 to 6)

Councillor McConkey stated the motion should require a reconsideration. The Chair advised that it did not. Councillor McConkey challenged the Chair's ruling concerning the need for reconsideration.

The vote to uphold the Chair's ruling.

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

Negative (2): Councillor McConkey, and Councillor Neal

Motion Carried (9 to 2)

The vote to adopt the recommendation contained in Item CO-23-22.

Motion Carried

### **CO-23-17 - Tiger Tail Signage on Stop Sign Posts (All Wards)**

Consent Motion

1. That based on Report CO-23-17, dated April 19, 2023 concerning the Tiger Tail Signs on Stop Signs, signage not be installed below stop signs at intersections under the jurisdiction of the City of Oshawa and staff continue to monitor and follow the guidelines for intersection improvements as outlined in the Ontario Traffic Manual; and,
2. That City Staff continue to work with Durham Regional Police Service to target City intersections with reported issues by completing stop sign compliance enforcement.

Moved by Councillor McConkey  
Seconded by Councillor Neal

That Item CO-23-17 be referred back to staff for further review with a concentration in rural areas and report back.

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

Negative (8): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, and Councillor Marks

Motion Lost (3 to 8)

Moved by Councillor Nicholson  
Seconded by Councillor Marimpietri

That the motion be amended to add the following as Part 3:

"That Staff investigate the process for the installation of oversize stop signs"

Motion Carried

The vote on the recommendation contained in Item CO-23-17, as amended.

Motion Carried

**CO-23-19 - Response to Correspondence CO-23-06 from various residents requesting an off leash dog park at Somerset Park (Ward 2)**

Consent Motion:

Whereas at the February 13, 2023 meeting of the Community and Operations Services Committee, [Correspondence CO-23-06](#), dated January 17, 2023, from various residents (3) requesting an off leash park at Somerset Park was referred to staff for a report; and,

Whereas the correspondence requests that Somerset Park be made off leash before 10:00 or 11:00 a.m.; and,

Whereas it is important that dog owners keep their dogs on leash so that parks and public spaces remain safe and enjoyable for everyone; and,

Whereas Municipal Law Enforcement Services has indicated that this park does have several historical complaints or issues related to off leash dogs; and,

Whereas dogs off leash outside of designated off leash areas are subject to enforcement under the Parks and Facilities By-law (By-law 83-2000) and the Responsible Pet Owners By-law (By-law 14-2010) due to the potential for conflict and safety concerns; and,

Whereas the desire for off leash areas need to be balanced with the safety and needs of other park users, park programming, environmental considerations, accessibility, and community support; and,

Whereas the City has developed "Guidelines for the Design and Placement of Off-Leash Areas" ("Guidelines"), appended as Attachment 1, which guides decision making process when considering suitability of off leash areas; and,

Whereas, Staff have reviewed the request from residents against the Guidelines and has identified the following concerns with designating Somerset Park for off leash use:

- lack of ability to control dogs running at large (no fencing) given the close proximity to a junior playground (ages 5-12), neighbouring properties, and walkways;
- the potential for conflict with other park users or adjacent property owners;
- the difficulty with enforcement and education especially where there is no clear fencing to delineate off leash use;
- the intended use of the park as passive recreational space that is inclusive to all users;
- the proximity of natural heritage features including woodlands and creeks which could be impacted by dogs running at large including the disturbance of wildlife, birds, vegetation, water quality and shoreline stability;
- the potential for increase in visitors using the park for off leash purposes beyond current park capacity; and,

Whereas, in addition to the concerns highlighted above, there has not been any consultation with the neighbourhood; and,

Whereas, Facility Management Services has confirmed that Somerset Park is not scheduled for Capital upgrade/redevelopment until the mid-2030's;

Therefore be it resolved that Report CO-23-19, dated April 19, 2023, be referred to Facility Management Services staff for consideration as part of any future redevelopment.

The vote to adopt the recommendation contained in Item CO-23-19.

Affirmative (4): Mayor Carter, Councillor Gray, Councillor McConkey, and Councillor Neal

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

Motion Lost (4 to 7)

Moved by Councillor Nicholson

Seconded by Councillor Marks

1. That Item CO-23-19 concerning an off-leash dog part in Somerset Park be received for information; and,
2. That staff be directed to investigate location criteria for dog parks in the City.

A request was made to vote on each part separately.

The vote on Part 1 to receive Item CO-23-19 for information.

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

Motion Carried (11 to 0)

The vote on Part 2 concerning direction to staff to investigate location criteria for dog parks in the City.

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

Motion Carried (11 to 0)

**CO-23-20 - Update on South Patch/ Glen Street Community Garden and Pepper and Berry Patch Community Garden (Ward 4 and Ward 5)**

Consent Motion:

1. That based on Report CO-23-20 dated April 19, 2023, the Glen Street Community Garden Committee be formed and assume the operations of the existing community garden as per the diagram in Attachment 4 located at Cordova Valley Park in accordance with this Report; and,
2. That the members of the Glen Street Community Garden Committee be recognized as volunteers of the City of Oshawa enabling the City to extend coverage under its Municipal Liability Insurance Policy; and,
3. That this report and Council resolution be sent to the Glen Street Community Garden Committee members to be incorporated into the garden policy and operating procedures.

The vote to adopt the recommendation contained in Item CO-23-20.

Motion Carried

**CO-23-24 - Correspondence received from Arthur Murphy concerning automatic speed enforcement cameras on Columbus Road West (Formerly INFO-23-67) (Ward 1)**

Consent Motion

That Correspondence CO-23-24, dated March 8, 2023, concerning correspondence received from Arthur Murphy concerning automatic speed enforcement cameras on Columbus Road West be received for information.

Moved by Councillor McConkey  
Seconded by Councillor Neal

That Item CO-23-24 be referred to the Community and Operations Committee.

Affirmative (4): Councillor Marimpietri, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Negative (7): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, and Councillor Marks

Motion Lost (4 to 7)

Moved by Councillor McConkey  
Seconded by Councillor Neal

That Item CO-23-24 be tabled.

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

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

Motion Lost (4 to 7)

The vote to adopt the recommendation contained in Item CO-23-24.

Motion Carried

**CF-23-33 - Dawn-Ann Catalano, Ontario Regiment (RCAC) submitting correspondence requesting 10 parking spaces for armoury members in Parking Lot #20 and options for parking in the adjacent City garages (Ward 4)**

Councillor Chapman declared a conflict on this item. (He is an Honorary Colonel of the Ontario Regiment and did not take part in discussion or voting on the matter.)

That Correspondence CF-23-33 from Dawn-Ann Catalano, Ontario Regiment (RCAC) submitting correspondence requesting 10 parking spaces for armoury members in Parking Lot #20 and options for parking in the adjacent City garages be referred to staff.

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

Conflict (1): Councillor Chapman

Motion Carried (10 to 0)

Moved by Councillor Marks  
Seconded by Councillor Giberson

That the meeting recess.

Affirmative (6): Councillor Giberson, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, and Councillor Neal

Negative (4): Mayor Carter, Councillor Gray, Councillor Lee, and Councillor Nicholson

Conflict (1): Councillor Chapman

Motion Carried (6 to 4)

The meeting recessed at 10:56 a.m. and resumed at 11:04 a.m. with all members of Council in the Chamber except Councillor Neal who was participating electronically.

**CF-23-25 - Public Engagement Initiatives - 2024 Budget (All Wards)**

Consent Motion

That Report CF-23-25 concerning public engagement initiatives for the 2024 budget be referred back to staff for a report.

The vote to adopt the recommendation contained in Item CF-23-25.

Motion Carried

**CF-23-28 - Durham Catholic District School Board use of Gulfstream Park by St. Anne Catholic School (Ward 2)**

Councillor Neal declared a conflict on this item. (He has a family member who has a contract with the Durham Catholic District School Board and did not take part in discussion or voting on the matter.)

Consent Motion:

Whereas Correspondence FIN-22-94, dated September 15, 2022, was received from the Durham Catholic District School Board to request a waiver of fees for use of the sport field at Gulfstream Park located at 2471 Bridle Road; and,

Whereas City Council referred Correspondence FIN-22-94 to staff for a report; and,

Whereas Gulfstream Park is located immediately adjacent to St. Anne Catholic School; and,

Whereas St. Anne Catholic School has been issued a rental permit for 8:30 a.m. to 3:00 p.m. Monday to Friday for the use of the sport field at Gulfstream Park for the months of September, October, May and June in the 2022/2023 school year; and,

Whereas the total value of the rental permit for the 2022/2023 school year prior to H.S.T. is \$2,210.00; and,

Whereas the City of Oshawa and Durham Catholic District School Board have an executed agreement in place for the shared use of the parking lot at Gulfstream Park; and,

Whereas the City of Oshawa and Durham Catholic District School Board are engaged in ongoing discussions regarding a partnership agreement for the use of the sport field at Monsignor John Pereyema Catholic Secondary School when it is redeveloped; and,

Whereas the City of Oshawa and Durham District School Board have a similar arrangement for the use of the tennis courts, sport field and diamonds at Alexandra Park by O'Neill Collegiate and Vocational Institute;

Therefore, be it resolved, that the fees for the use of the sport field at Gulfstream Park during the 2022/2023 school year in the amount of \$2,210 plus H.S.T. be waived for Durham Catholic District School Board and an agreement is executed to continue this arrangement for a term of five years.

The vote to adopt the recommendation contained in Item CF-23-28.

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

Conflict (1): Councillor Neal

Motion Carried (10 to 0)

**CF-23-32 - Information Report on 2022 Actions Taken to Address Poverty (All Wards)**

Consent Motion:

That Report CF-23-32 dated April 12, 2023 concerning the information report on 2022 actions taken to address poverty be received for information.

The vote to adopt the recommendation contained in Item CF-23-32.

Motion Carried

**CF-23-22 - Support for Bill 5 - Stopping Harassment and Abuse by Local Leaders Act (All Wards)**

Consent Motion:

That CF-23-22 concerning support for Bill 5 - Stopping Harassment and Abuse by Local Leaders Act be referred to staff for a report.

The vote to adopt the recommendation contained in Item CF-23-22.

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

Negative (2): Councillor McConkey, and Councillor Nicholson

Motion Carried (9 to 2)

**ED-23-94 - Robert McLaughlin Gallery's Board of Directors Requesting Leasehold Improvements to Arthur's on the 4th, Robert McLaughlin Gallery (Ward 4)**

Consent Motion:

Whereas, on April 3, 2023, City Council considered correspondence CNCL-23-34 from the Robert McLaughlin Gallery (the “R.M.G.”) regarding leasehold improvements to their leased premises at 72 Queen Street (the “Subject Lands”) and referred it to the Economic and Development Services Committee; and,

Whereas, the City and the R.M.G. executed a new lease agreement (the “Current Lease Agreement”) dated December 14, 2022 for use of the Subject Lands for a twenty (20) year term commencing December 20, 2022 and terminating on December 19, 2042; and,

Whereas, in accordance with the Current Lease Agreement, any improvements to the leased premises proposed by the R.M.G. require prior written approval from the City, and shall be installed to the City’s satisfaction; and,

Whereas, the R.M.G.’s proposed leasehold improvements to the event rental space at the gallery known as “Arthur’s” includes the following:

- Replacement of carpet with marmoleum flooring;
- Removal of coffee service station to increase flexibility of the space;
- Replacement of lighting fixtures;
- Painting of walls and trim; and,
- Acquiring new furniture to improve accessibility and flexibility of use.

Therefore be it resolved:

1. That, the Robert McLaughlin Gallery’s proposed leasehold improvements as generally outlined in correspondence CNCL-23-34 be approved, in principle, at no cost to the City and subject to all necessary requirements of City staff being met to the satisfaction of the Commissioner, Economic and Development Services Department in consultation with the Chief Administrative Officer; and
2. That, subject to the approval of Part 1 above, the Commissioner, Economic and Development Services Department or Director of Planning Services be authorized to execute on behalf of the City of Oshawa, as owner of the subject lands at 72 Queen Street, 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 ED-23-94.

Motion Carried

### **ED-23-61 - Proposed renaming of Ortono Avenue (Ward 5)**

Consent Motion:

Whereas, Plan 167, a registered plan of subdivision in the City of Oshawa was registered in February of 1913 with the street names Park Avenue, Lakeview Avenue, Birch Avenue, and Russell Avenue, amongst others; and,

Whereas, following the conclusion of the Second World War and the construction of Highway 401, several streets were closed and other streets were renamed in honour of Second World War battles such as Normandy, Dunkirk and Dieppe; and,

Whereas, there is a street named Ortono Avenue located south of Highway 401 and west of Wilson Road South; and,

Whereas, on March 9, 2023, the Ontario Regiment Museum submitted correspondence to the City (see Attachment 1) advising that the street name of Ortono was incorrect and should be spelt Ortona in reference to the Battle of Ortona; and,

Whereas, there are fifteen (15) dwellings on Ortono Avenue; and,

Whereas, reviewing a potential street name change would involve consulting with the existing residents on Ortono Avenue to obtain their comments on the possible renaming of their street and advising them of the process to change a street name and of the Council policy to provide an ex-gratia payment to offset personal costs to change their address;

Therefore, be it resolved that the Economic and Development Services Department be authorized to initiate a consultation process with the residents of Ortono Avenue and the Ontario Regiment Museum regarding the potential street name change and report back to the Economic and Development Services Committee on the results of that consultation.

The vote to adopt the recommendation contained in Item ED-23-61.

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

Motion Carried (11 to 0)

**ED-23-63 - Application for Demolition of 195 Simcoe Street North under Section 34, Part IV of the Ontario Heritage Act (Ward 4)**

Consent Motion:

Whereas, the dwelling located at 195 Simcoe Street North, known as the Robert McLaughlin House, is a “listed, non-designated” property on the City’s Register of Properties of Cultural Heritage Value or Interest under Section 27 of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 (the “Heritage Act”) but is not currently designated; and,

Whereas, on February 2, 2021, Nantuck Investments Inc. (the “Owner”) submitted to City staff notice of their intention to demolish the Robert McLaughlin House; and,

Whereas, on March 15, 2021, the then Development Services Committee considered Heritage Oshawa’s recommendation to designate the Robert McLaughlin House, and recommended to City Council that the property be designated, and that staff be directed to investigate with the Owner any possible opportunities for the adaptive reuse of the property; and,

Whereas, on March 29, 2021, City Council directed staff to undertake, among other matters, the process to designate the Robert McLaughlin House as a property of cultural heritage value or interest under the Heritage Act; and,

Whereas, on April 1, 2021, staff issued notice of the City's intention to designate the Robert McLaughlin House, advising that any person may, on or before May 3, 2021, file a Notice of Objection to the proposed designation; and,

Whereas, a Notice of Objection dated April 30, 2021 was received from the Owner with respect to the proposed designation, which was subsequently referred by City staff to the then Conservation Review Board for a hearing and recommendation to City Council concerning the designation; and,

Whereas, the Conservation Review Board has now been amalgamated with other various tribunals as the Ontario Land Tribunal; and,

Whereas, the appeal process remains ongoing, and a hearing date has not been scheduled by the Ontario Land Tribunal; and,

Whereas on March 16, 2023, the Owner submitted an application under Section 34 of the Heritage Act requesting to demolish a portion of the Robert McLaughlin House and construct an addition to the rear of the remaining portion of the dwelling, in order to facilitate the adaptive reuse of the building for two commercial units and six residential apartment units (see Attachment 1); and,

Whereas, under the Heritage Act, Council has until May 15, 2023 to deem the application either complete or incomplete and give notice to the Owner, and if Council fails to issue such a notice, the application is deemed complete; and,

Whereas, under the Heritage Act, after deeming the application complete, Council would have 90 days to deny, approve or approve with conditions the application to demolish; and,

Whereas, under the Heritage Act, Council must consult with Heritage Oshawa within the aforementioned 90 day period, prior to making a decision on the application; and,

Whereas, Economic and Development Services staff consider Attachment 1 to contain sufficient information for Council to make a decision under the Heritage Act; and,

Whereas, Council's decision on the application does not preclude Council's position on the designation of the property, a matter which remains under consideration at the Ontario Land Tribunal;

Therefore, be it resolved:

1. That, pursuant to Item ED-23-63, City Council deem the application submitted by Nantuck Investments Inc. under Section 34 of the Ontario Heritage Act concerning 195 Simcoe Street North, to be a complete application; and,
2. That, pursuant to Item ED-23-63, Economic and Development Services staff be authorized to provide Notice of Complete Application to Nantuck Investments Inc., owner of 195 Simcoe Street North, by no later than May 5, 2023, in accordance with the requirements of Section 34 of the Ontario Heritage Act; and,
3. That, pursuant to Item ED-23-63, Economic and Development Services staff be directed to consult with Heritage Oshawa on May 25, 2023 on the application under the Ontario

Heritage Act received from Nantuck Investments Inc. with respect to 195 Simcoe Street North, and report back to the Economic and Development Services Committee on June 6, 2023.

The vote to adopt the recommendation contained in Item ED-23-63.

Affirmative (6): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Kerr, Councillor Lee, and Councillor Marks

Negative (5): Councillor Gray, Councillor Marimpietri, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Motion Carried (6 to 5)

**ED-23-65 - Revised Applications to Amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94, 1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina Developments Ltd. (Ward 2)**

Consent Motion:

1. That, pursuant to Report ED-23-65 dated April 12, 2023, the revised application submitted by Karmina Developments Ltd. to amend the Oshawa Official Plan (File: OPA-2019-03) to permit a maximum residential density of 592 units per hectare at 1664 Simcoe Street North and 17 and 25 Niagara Drive be approved, generally in accordance with the comments contained in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner, Economic and Development Services Department and the City Solicitor; and,
2. That, pursuant to Report ED-23-65 dated April 12, 2023, the revised application submitted by Karmina Developments Ltd. to amend the Samac Secondary Plan (File: OPA-2019-03) to permit a maximum residential density of 592 units per hectare at 1664 Simcoe Street North and 17 and 25 Niagara Drive be approved, generally in accordance with the comments contained in said noted Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner, Economic and Development Services Department and the City Solicitor; and,
3. That, pursuant to Report ED-23-65 dated April 12, 2023, the revised application submitted by Karmina Developments Ltd. to amend Zoning By-law 60-94 (File: Z-2019-12) to rezone 1664 Simcoe Street North and 17 and 25 Niagara Drive from R3-A/R4-A/R6-A "h-48" (Residential) to an appropriate R6-D (Residential) Zone to permit a new 7-storey, 142-unit apartment building be approved, generally in accordance with the comments contained in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner, Economic and Development Services Department and the City Solicitor; and,
4. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report DS-19-186 dated October 16, 2019 presented at the public meeting of October 21, 2019 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 3

of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

Moved by Councillor McConkey

Seconded by Councillor Marimpietri

That the matter as set out in Report ED-23-65 be referred to a second Public Meeting.

Affirmative (5): Councillor Kerr, Councillor Marimpietri, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Negative (6): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Lee, and Councillor Marks

Motion Lost (5 to 6)

The vote to adopt the recommendation contained in Report ED-23-65 and pass By-laws 44-2023, 45-2023 and 46-2023.

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

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

Motion Carried (7 to 4)

### **ED-23-70 - Front Ending Agreement with Broccolini Thornton Limited Partnership (Ward 2)**

Councillor Marimpietri declared a conflict on this item. (He has family members who own property and reside in the potentially affected area and did not take part in discussion or voting on the matter.)

Consent Motion:

1. That pursuant to Report ED-23-70 dated April 12, 2023 regarding the request from Broccolini Thornton Limited Partnership to enter into a Front Ending Agreement with Broccolini Thornton Limited Partnership and any other developer with work on Thornton Road North in the vicinity of 1680 Thornton Road North for the construction of work associated with the road widening and left-turning lane storage requirements on Thornton Road North, that the Commissioner, Economic and Development Services Department be authorized to sign the agreement provided the agreement is in a form and content acceptable to the City Solicitor and the Commissioner, Corporate and Finance Services Department; and,
2. That, pursuant to Report ED-23-70 dated April 12, 2023, funding in the amount of \$5,129,864.47 in Development Charge and Growth Related Non DC funding for 73-0461 Thornton Road North Growth Related Widening for the reimbursement to Broccolini Thornton Limited Partnership be provided, subject to the execution of the Front Ending Agreement authorized by Item 1; and,

3. That, pursuant to Report ED-23-70 dated April 12, 2023, Council waive the Purchasing By-law requirements and allow Broccolini Thornton Limited Partnership to construct the work associated with the road widening and left-turning lane storage requirements on Thornton Road North as described and set forth by the City of Oshawa in the Site Plan Agreement for 1680 Thornton Road North.

The vote to adopt the recommendation contained in Item ED-23-70.

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

Negative (2): Councillor McConkey, and Councillor Neal

Conflict (1): Councillor Marimpietri

Motion Carried (8 to 2)

**ED-23-77 - City-initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 Related to the City of Oshawa Parking Study (All Wards)**

Consent Motion:

1. That, pursuant to Report ED-23-77 dated April 12, 2023, the City-initiated Amendment to the Oshawa Official Plan as generally set out in Attachment 1 of said Report be approved, and the necessary by-law be passed in a form and content acceptable to the Commissioner, Economic and Development Services Department and the City Solicitor; and,
2. That, pursuant to Report ED-23-77 dated April 12, 2023, the City-initiated Amendment to Zoning By-law 60-94 as generally set out in Attachment 2 of said Report be approved, and the necessary by-law be passed in a form and content acceptable to the Commissioner, Economic and Development Services Department and the City Solicitor; and,
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report ED-23-37 dated March 1, 2023 presented at the public meeting of March 6, 2023 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 2 of this Recommendation in Report ED-23-77, such differences are not substantial enough to require further notice and another public meeting.

The vote to adopt the recommendation in Item ED-23-77 and pass By-laws 47-2023 and 48-2023.

Affirmative (5): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, and Councillor Neal

Negative (6): Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, and Councillor Nicholson

Motion Lost (5 to 6)

**ED-23-84 - Revised Proposed New Telecommunication Tower and Related Equipment, 900 Colonel Sam Drive, SpectraPoint Inc. on behalf of Rogers Communications Inc. and R. Knocker & Son Paving Contractors Ltd. (Ward 5)**

Consent Motion:

That, pursuant to Report ED-23-84 dated April 12, 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 revised proposal by SpectraPoint Inc. on behalf of Rogers Communications Inc. on lands owned by R. Knocker & Son Paving Contractors Ltd. at 900 Colonel Sam Drive to install a 35 metre (114.83 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, Economic and Development Services Department.  
(File: SPA-2022-09).

The vote to adopt the recommendation contained in Item ED-23-84.

Motion Carried

**ED-23-88 - Municipal Consent Process and Franchise Renewal with Enbridge Gas (All Wards)**

Consent Motion:

1. That, pursuant to Report ED-23-88 dated April 12, 2023, that staff be authorized to update the current franchise agreement, to the satisfaction of the Commissioner, Economic and Development Services Department and the City Solicitor, for a term of no greater than 20 years, and that the updated agreement be executed in accordance with the City's delegation by-law; and,
2. That, pursuant to Report ED-23-88 dated April 12, 2023, that Council endorse the consolidated Municipal Consent Requirements as a guide for staff to advance Municipal Consent permits; and,
3. That staff be directed to review the General Fees and Charges By-law with respect to the fees charged for Municipal Consents for both area residents and utility service providers through the 2023 review of the City's General Fees and Charges By-law.

The vote to adopt the recommendation contained in Item ED-23-88.

Motion Carried

**SF-23-17 - Vacant Buildings and Property Standards By-law 1-2002 (All Wards)**

Councillor McConkey declared a conflict on this item. (She owns vacant land and did not take part in discussion or voting on the matter.)

Consent Motion:

1. That Council approve a Vacant Buildings and Land Registry By-law and amend the General Fees and Charges By-law 13-2002, as amended, in the form of Option “B”: Implement a Vacant Building Registry and Land By-law as detailed in Section 5.3.3 of Report SF-23-10 “Vacant Building and Land Registry By-law”, dated March 15, 2023, and in a form and content acceptable to the Chief Administrative Officer and Legal Services; and,
2. That the one (1) additional regular part-time Municipal Law Enforcement Officer position be presented to Council when appropriate through future budget submissions as part of the City’s regular budget planning process or separate reports as appropriate; and,
3. That the requirements of Notice By-law 147-2007 regarding notice to the public for amendments to the General Fees and Charges By-law 13-2003, as amended, be waived.

The vote to adopt the recommendation contained Item SF-23-17.

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

Conflict (1): Councillor McConkey

Motion Carried (10 to 0)

**CNCL-23-40 - Request - Long Term Parking License Agreement at Centre Street Parking Garage (G1): Plazacomm Investments Ltd. (Ward 4)**

Consent Motion:

Whereas, outlined in correspondence CO-23-26, appended as Attachment 1, Plazacomm Investments Ltd. is looking to redevelop the 8-storey, 100,000+ sq. ft. office building located at 40 King Street West in Oshawa; and,

Whereas this building will be redeveloped to include office space; and,

Whereas the Plazacomm Investments Ltd. has requested 200 long term parking spaces in the adjacent City owned parking structure located at 40 Bond Street West (Centre Street Parking Garage); and,

Whereas City staff have advised Plazacomm Investments Ltd. that the maximum number of parking spaces that could be offered is 150, which was acceptable; and,

Whereas staff, in consultation with Plazacomm Investments Ltd. propose that the City enter into an agreement in relation to parking at the Centre Street Parking Garage with Plazacomm Investments Ltd., subject to certain terms and conditions, including:

1. A term of 20 years commencing on January 1, 2024; and,
2. Plazacomm Investments Ltd. shall pay the City current market rate each year for each parking space; and,

3. The City shall be entitled to relocate all or some of the parking spaces being licensed to Plazacomm Investments Ltd. to other controlled parking facilities owned or operated by the City. These spaces shall be located as close as possible to the Centre Street Parking Garage and in no event will be further than 1 km from the Centre Street Parking Garage; and,
4. The City does not guarantee the availability of any parking space on a day to day basis;

Therefore be it resolved that the Mayor and Clerk be authorized to execute an agreement with Plazacomm Investments Ltd on the basis of the foregoing and in the form satisfactory to the Commissioner, Community and Operations Services Department and the City Solicitor.

Moved by Councillor Giberson  
Seconded by Councillor McConkey

That Report CNCL-23-40 being a request for a Long Term Parking License Agreement at Centre Street Parking Garage (G1) by Plazacomm Investments Ltd. be referred to the Community and Operations Services Committee.

Affirmative (6): Councillor Chapman, Councillor Giberson, Councillor Lee, Councillor Marks, Councillor McConkey, and Councillor Neal

Negative (5): Mayor Carter, Councillor Gray, Councillor Kerr, Councillor Marimpietri, and Councillor Nicholson

Motion Carried (6 to 5)

#### **CNCL-23-47 - Heritage Oshawa's Motion Related to Designation of 827 Gordon Street under Part IV of the Ontario Heritage Act (Ward 5)**

Consent Motion:

1. That, pursuant to Report CNCL-23-47 dated April 26, 2023, Economic and Development Services staff be authorized to add 827 Gordon Street to the City of Oshawa Register of Properties of Cultural Heritage Value or Interest as a listed, non-designated property; and,
2. That, pursuant to Report CNCL-23-47 dated April 26, 2023, Economic and Development Services staff be directed to advance Option 1 as set out in Section 5.10.1 of said Report to advance the designation of 827 Gordon Street under Part IV of the Ontario Heritage Act.

The vote to adopt the recommendation contained in Item CNCL-23-47.

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

Motion Carried (11 to 0)

#### **Items Pulled from the Information Package**

**CNCL-23-41 - Correspondence received from Frances Scanga concerning the Oshawa Bocce Club Lease Renewal (INFO-23-62) (All Wards)**

Moved by Councillor McConkey

[Required a vote to reconsider Council's decision of June 22, 2020. Motion to reconsider was not seconded.]

**CNCL-23-42 - Correspondence received from various residents requesting the Region of Durham pause the Envision Durham Official Plan Review (INFO-23-73) (All Wards)**

Moved by Councillor McConkey

Seconded by Councillor Neal

That Council reconsider its decision of April 3, 2023. **(Requires 2/3 vote of members present)**

Affirmative (2): Councillor McConkey, and Councillor Neal

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

Motion Lost (2 to 9)

**CNCL-23-43 - Correspondence received from Tim Bird concerning Snow Removal in Oshawa (INFO-23-76) (All Wards)**

Moved by Councillor McConkey

Seconded by Councillor Neal

That Council reconsider its direction of April 3, 2023. **(Requires 2/3 vote of members present)**

Affirmative (2): Councillor McConkey, and Councillor Neal

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

Motion Lost (2 to 9)

**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 May 1, 2023 be adopted as recommended except:

Items ED-23-72, ED-23-74, ED-23-83, ED-23-89, ED-23-91 and ED-23-73 of the Tenth Report of the Economic and Development Services Committee; and,

Report CNCL-23-23-48.

**Correspondence with recommendations**

None

## **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-23-93 - Request to Purchase 1 Mary Street North (Ward 4)**

That Correspondence ED-23-93, concerning a request to purchase 1 Mary Street North be declined.

#### **ED-23-64 - Invitation to Use Region-Owned Land on Ritson Road South on a Temporary Basis (Ward 4)**

That staff be directed to proceed in accordance with Section 2.0 of Closed Report ED-23-64 dated April 12, 2023.

#### **ED-23-66 - Proposed Lease Amendment: 100 Simcoe Street South, Oshawa PUC Networks Inc. (Ward 4)**

That, pursuant to Report ED-23-66 dated April 12, 2023, the Commissioner, Economic and Development Services Department be authorized to execute an amendment to the lease agreement with Oshawa PUC Networks Inc. (operating as Oshawa Power) for 100 Simcoe Street South generally consistent with the terms and conditions as set out in Section 5.4 of said Report and in a form and content satisfactory to the Commissioner, Economic and Development Services Department and the City Solicitor.

#### **ED-23-68 - Update on the Combined Disposal and Acquisition Strategy Related to City-owned Lands on Eulalie Avenue (Ward 4)**

That, pursuant to Closed Report ED-23-68 dated April 12, 2023, the Commissioner, Economic and Development Services Department be authorized to proceed as outlined in Section 5.3 of said Report.

#### **ED-23-69 - Update on City-owned Lands at 0 William Street East and 0 Ritson Road North (Ward 4)**

That pursuant to Closed Report ED-23-69 dated April 12, 2023, staff be authorized to proceed as outlined in Sections 5.5 and 6.0 of said Report for the City-owned lands municipally known as 0 William Street East and 0 Ritson Road North.

#### **ED-23-71 - Disposal Strategy: City-owned Land on the West Side of Haig Street, Known Municipally as 0 Haig Street (Ward 4)**

That, pursuant to Closed Report ED-23-71 dated April 12, 2023, staff be authorized to execute the disposal strategy outlined in Section 5.3 of said Closed Report for the City-owned land located on the

west side of Haig Street and known municipally as 0 Haig Street, that was declared surplus to municipal requirements by City Council on December 12, 2022.

**ED-23-79 - Potential Acquisition of Land on Thornton Road North (Ward 2)**

That, pursuant to Closed Item ED-23-79 concerning the potential acquisition of land on Thornton Road North, the Commissioner, Economic and Development Services Department be authorized to proceed as set out in said Closed Item.

**ED-23-90 - Proposed Licence Agreement for the Cordova Valley Clubhouse at 863 Glen Street (Ward 5)**

That, pursuant to Closed Report ED-23-90 dated April 12, 2023, the Commissioner, Economic and Development Services Department be authorized to proceed as outlined in Section 2.0 of said Report.

**Report of the Safety and Facilities Services Committee**

None

**Other Staff Reports and Motions**

See Matters Excluded from Consent Agenda.

**Closed Discussion Agenda**

**Matters Excluded from Consent Agenda**

Moved by Councillor Nicholson  
Seconded by Councillor Giberson

That the meeting recess for an hour.

Motion Carried

The meeting recessed at 12:31 p.m. and reconvened with all members present at 1:32 p.m.

Moved by Councillor Chapman  
Seconded by Councillor Giberson

That the meeting recess and reconvene in a session closed to the public pursuant to Section 239 (2) (c) in order to consider Items ED-23-72, ED-23-74, ED-23-83, ED-23-89, ED-23-91 and ED-23-73 which are concerning proposed or pending acquisition or disposition of land and Report CNCL-23-48 concerning proposed or pending acquisition or disposition of land.

Motion Carried

The meeting recessed at 1:35 p.m. and reconvened in closed session at 1:36 p.m. with all members of Council present except Councillor Neal who was participating electronically.

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 left the meeting.

Council entered closed session at 1:36 p.m.

Closed meeting discussions took place.

Moved by Councillor Chapman

Seconded by Councillor Kerr

That Council rise from closed session and report.

Council rose from closed session at 2:45 p.m.

### **Closed Report #1**

All members of Council were present in the Chamber except Councillor Neal who participated electronically.

Members of Council questioned the Commissioner, Economic and Development Services Department concerning Item ED-23-72.

The Commissioner, Economic and Development Services Department responded to questions from Council concerning Item ED-23-72.

Members of Council questioned the Commissioner, Economic and Development Services Department concerning Item ED-23-74.

The Commissioner, Economic and Development Services Department responded to questions from Council concerning Item ED-23-74.

Members of Council questioned the Commissioner, Economic and Development Services Department concerning Item ED-23-89.

The Commissioner, Economic and Development Services Department responded to questions from Council concerning Item ED-23-89.

Members of Council questioned the Commissioner, Economic and Development Services Department concerning Item ED-23-91.

A motion to amend the direction to staff contained in Item ED-23-91 was made.

The amendment providing direction to staff concerning Item ED-23-91 was voted on in closed session and carried.

Members of Council questioned the Commissioner, Corporate and Finance Services concerning Item ED-23-91.

Members of Council discussed Item ED-23-73.

Members of Council questioned the Commissioner, Economic and Development Services Department concerning Item ED-23-48.

The Commissioner, Economic and Development Services Department responded to questions from Council concerning Item ED-23-48.

Members of Council questioned the Commissioner, Community and Operations Services concerning Item ED-23-73.

The Commissioner, Community and Operational Services responded to questions concerning Item ED-23-73.

This concludes the closed meeting summary.

**ED-23-72 - Disposal Strategy: City-owned land located at 0 and 20 Harbour Road, at the northeast corner of Simcoe Street South and Harbour Road (Ward 5)**

Consent Motion:

That, pursuant to Closed Report ED-23-72 dated April 12, 2023, staff be authorized to execute the disposal strategy outlined in Section 5.3 of said Closed Report for 0 and 20 Harbour Road, which form part of the northeast corner of Simcoe Street South and Harbour Road, that were declared surplus to municipal requirements by City Council on April 11, 2016.

The vote to adopt the recommendation contained in Closed Item ED-23-72.

Motion Carried

**ED-23-74 - Proposed Improvements to Public Interface along Simcoe Street South, south of Harbour Road (Ward 5)**

Consent Motion:

That pursuant to Closed Report ED-23-74 dated April 12, 2023, staff be authorized to proceed in accordance with Closed Item ED-23-74 concerning proposed improvements to the public interface along Simcoe Street South, south of Harbour Road.

The vote to adopt the recommendation contained in Closed Item ED-23-74.

Motion Carried

**ED-23-83 - Request to Amend Licence Agreement between the Ontario Regiment R.C.A.C. Regimental Museum and the City of Oshawa at the South Field of the Oshawa Executive Airport (Ward 2)**

Councillor Chapman declared a conflict on this item. (He is a member of the Ontario Regiment Tank Museum and Honorary Colonel of the Ontario Regiment and did not take part in discussion or voting on the matter.)

Consent Motion:

That pursuant to Closed Report ED-23-83 dated April 12, 2023, the Commissioner, Economic and Development Services Department be authorized to proceed as outlined in Section 2.0 of said Report.

The vote to adopt the recommendation contained in Closed Item ED-23-83.

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

Conflict (1): Councillor Chapman

Motion Carried (10 to 0)

**ED-23-89 - Proposed Terms of Reference for Request for Proposal to Operate a Golf Course on City-owned Land (Ward 2)**

Consent Motion:

1. That the Terms of Reference for the Request for Proposals to operate a golf course on City-owned land be endorsed as generally set out in Attachment 3 to Report ED-23-89 dated April 12, 2023; and,
2. That, pursuant to Report ED-23-89 dated April 12, 2023, staff be authorized to proceed with the Request for Proposal in general accordance with Attachment 3 to said Report, and report back to the Economic and Development Services Committee and City Council with an overview of any submissions and a recommendation on next steps in the process.

The vote to adopt the recommendation contained in Closed Item ED-23-89.

Motion Carried

**ED-23-91 - Direction on Proposed Settlement Respecting Appeals of Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision for Lands South of Renaissance Drive, West of Park Road South (Ward 5)**

Consent Motion:

That, pursuant to Closed Report ED-23-91 dated April 12, 2023, Legal Services and Economic and Development Services be authorized to advance the recommendation outlined in said Report in regards to appeals filed by SO Developments Inc. for the applications to amend Zoning By-law 60-94 and for approval of a draft plan of subdivision, for lands located south of Renaissance Drive, west of Park Road South.

The vote to adopt the recommendation contained in Closed Item ED-23-91, as amended in closed session.

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

Negative (1): Councillor Giberson

Motion Carried (10 to 1)

**ED-23-73 - Request to Purchase City-owned Land on the west side of Grandview Street South, south of Dianne Drive (Ward 5)**

Consent Motion:

That, pursuant to Closed Report ED-23-73 dated April 12, 2023, the Commissioner, Economic and Development Services Department be directed to advance Option 1 as outlined in Section 5.5.2 of said Report.

The vote to adopt the recommendation contained in Closed Item ED-23-73.

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

Negative (2): Councillor Gray, and Councillor Nicholson

Motion Carried (9 to 2)

**CNCL-23-48 - Requests Regarding Licence Agreements to Install Advertising Benches and Litter Containers at Bus Stops on City and Regional Roads (All Wards)**

Consent Motion:

That pursuant to Closed Report CNCL-23-48 dated April 26, 2023, City staff be authorized to proceed in accordance with Section 2.0 of said Closed Report.

A request was made to vote on each Part separately.

The vote to adopt Part 1 of recommendation contained in Closed Report CNCL-23-48.

Affirmative (8): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Kerr, Councillor Lee, Councillor Marks, Councillor McConkey, and Councillor Neal

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

Motion Carried (8 to 3)

The vote to adopt Part 2 of recommendation contained in Closed Report CNCL-23-48.

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

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

Motion Lost (3 to 8)

The vote to adopt Part 3 of recommendation contained in Closed Report CNCL-23-48.

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

Motion Carried (11 to 0)

### **Items Requiring Council Direction**

Moved by Councillor Chapman  
Seconded by Councillor Giberson

That City Council select Option 2 pursuant to Closed Report CNCL-23-46 dated April 26, 2023 concerning a potential appeal to the Ontario Land Tribunal of a Committee of Adjustment Decision.

Moved by Councillor Chapman  
Seconded by Councillor Giberson

That the meeting be closed to the public pursuant to Section 239 (2) (e) and (d) in order to consider Report CNCL-23-46 which concerns litigation or potential litigation, including matters before administrative tribunals, affecting the City and Report CNCL-23-49 concerning Labour relations or employee negotiations.

Motion Carried

The meeting recessed at 2:52 p.m. and reconvened in closed session at 2:53 p.m. with all members of Council in the Chamber except Councillor Neal who was participating electronically.

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; and J. Lane, the Council-Committee Coordinator.

All other staff left the meeting.

Council entered closed session at 2:53 p.m.

Closed meeting discussions took place.

The Council-Committee-Coordinator left the meeting.

The Director, Facilities Management Services; the Director, Municipal Law Enforcement Services; the Manager Infrastructure Delivery, Mike Harrington; the Human Resources Consultant, Megan Hamilton; the Manager Compensation and Benefits, Krystal Williams; the Human Resources

Consultant, Sophia Latchmana; and, the Recruitment and Organizational Development Coordinator Alana Wieczorek entered the meeting.

Closed meeting discussions continued.

Moved by Councillor Chapman  
Seconded by Councillor Giberson

That Council rise from closed session and report.

Motion Carried

Council rose from closed session at 3:30 p.m.

### **Closed Summary #2**

The meeting recessed at 2:52 p.m. and reconvened in a session closed to the public at 2:53 p.m. with all members of Council in the Chamber except Councillor Neal who was participating electronically.

Councillor Neal verbally affirmed that he was alone.

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; and, J. Lane, the Council Committee Coordinator.

Members of Council discussed Report CNCL-23-46.

Members of Council questioned the Commissioner, Economic and Development Services concerning Report CNCL-23-46.

The Commissioner, Economic and Development Services Department responded to questions from Council concerning Report CNCL-23-46.

The Council-Committee Coordinator left the meeting.

The Director, Facilities Management Services; the Director, Municipal Law Enforcement Services; the Manager Infrastructure Delivery, Mike Harrington; the Human Resources Consultant, Megan Hamilton; the Manager Compensation and Benefits, Krystal Williams; the Human Resources Consultant, Sophia Latchmana; and, the Recruitment and Organizational Development Coordinator Alana Wieczorek entered the meeting.

Members of Council questioned the Commissioner, Finance and Corporate Services concerning Verbal Report CNCL-23-49.

The Commissioner, Finance and Corporate Services responded to questions from Council concerning Verbal Report CNCL-23-49.

This concludes the closed meeting summary.

### **CNCL-23-46 - Potential Appeal to the Ontario Land Tribunal of a Committee of Adjustment Decision (Ward 3)**

The following motion was now before Council:

That City Council select Option 2 pursuant to Closed Report CNCL-23-46 dated April 26, 2023 concerning a potential appeal to the Ontario Land Tribunal of a Committee of Adjustment Decision.

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

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

Motion Carried (7 to 4)

**CNCL-23-49 - Stephanie Sinnott, Commissioner, Corporate and Finance Services Department to Provide an Update concerning negotiations for C.U.P.E. Local 251 (Inside Workers) (All Wards)**

Stephanie Sinnott, Commissioner, Corporate and Finance Services Department provided an update concerning negotiation for C.U.P.E. Local 251 (Inside Workers).

**Matters Tabled**

None

**Notices of Motion**

**CNCL-23-39 - Notice of Motion - Policy for the Disclosure of Ontario Land Tribunal Correspondence (All Wards)**

Moved by Councillor McConkey

Seconded by Councillor Kerr

Whereas correspondence from the Ontario Land Tribunal (OLT) concerning recent planning decisions pertaining to properties located in the City, are not posted on the City's webpage, but are only emailed to members of Council and staff; and,

Whereas they are matters that have been initially discussed at Committee of Adjustment and Council, with OLT follow-up only going to members of Council and staff the public is not informed of the outcome of the appeals; and,

Whereas by having access to the OLT correspondence members of the public can keep informed;

Now therefore the City of Oshawa adopt a policy for the disclosure of OLT correspondence of emails/letters the City receives from the OLT about appeals in matters that have been before the City of Oshawa Committee of Adjustment and Oshawa Council be forwarded to Council members and staff and be included in an Information Package on the City's website.

Moved by Councillor Giberson

Seconded by Councillor Kerr

That CNCL-23-39 being a Notice of Motion concerning a policy for the disclosure of Ontario Land Tribunal Correspondence be referred to staff for report back to Committee.

Motion Carried

**Confirming By-Law**

Moved by Councillor Chapman  
Seconded by Councillor Giberson

That the Confirming By-law be passed.

Motion Carried

**Adjournment**

Moved by Councillor Kerr  
Seconded by Councillor Lee

That the meeting adjourn at 3:39 p.m.

Motion Carried

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Mayor

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City Clerk