



**Oshawa City Council
Minutes**

**May 29, 2023, 9:30 a.m.
Council Chamber**

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

Absent: Councillor Kerr

Public Meeting

National Anthem

Recognition of Indigenous Lands

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

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

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

Council Member Announcements

Various announcements were made relating to activities and events.

Additional Agenda Items

Moved by Councillor Chapman
Seconded by Councillor Giberson

That the delegation of Peter Garrett , Manager, Strategic Reporting & Government Relations, Durham College be added to the agenda, and additional correspondence CNCL-23-61 from Don Lovisa, President, Durham College submitting comments concerning Report CNCL-23-54 be added to the agenda for the meeting of May 29, 2023 and be referred to the respective report.

Motion Carried

Moved by Councillor McConkey
Seconded by Councillor Neal

The the Rules of Procedure be waived to introduce a motion concerning eScooters.

Affirmative (2): Councillor McConkey, and Councillor Neal

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

Absent (1): Councillor Kerr

Motion Lost (2 to 8)

Declarations of Pecuniary Interest

Councillor Marimpietri - ED-23-98 - Stevenson Road North Municipal Class Environmental Assessment Study Update (Ward 2)

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

Mayor Carter - CF-23-40 - Urban Growth Centre Community Improvement Plan: Additional Funding Request (Ward 4)

He owns property on the street across from the affected properties and did not take part in discussion or voting on the matter.

Presentations

Certificate of Recognition - E.P. Taylor Windfields Farm Champion Award

Mayor Carter presented the E.P. Taylor Windfields Farm Champion Award to George Ihor Lysyk.

Certificate of Recognition - 2023 Community Legend Award

Mayor Carter presented the 2023 Community Legend Award to the Ukraine Canadian Congress - Durham Region Branch.

Spark Centre - Operations, Metrics and Performance

Sherry Colbourne, CEO, Spark Centre provided a presentation on Spark Centre's operations, metrics and performance.

Members of Council questioned Sherry Colbourne.

Lakeridge Health - Organization's Commitment to achieving its vision, One System. Best Health.

Cynthia Davis, CEO and President, and Dr. Randy Wax, Chief of Staff, Lakeridge Health provided a presentation on the organization's commitment to achieving its vision, One System. Best Health.

Members of Council questioned the representatives from Lakeridge Health.

Delegations

Moved by Councillor Chapman
Seconded by Councillor Giberson

That the delegation of Robert Small be heard.

Motion Carried

Moved by Councillor Chapman
Seconded by Councillor Giberson

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

Motion Carried

Robert Small - Item CO-23-28

Robert Small addressed City Council concerning Item CO-23-28 regarding follow up to Report CO-23-12, petition for pedestrian crossover on Coldstream Drive near Bloom Senior Residence.

Members of Council questioned Robert Small.

Peter Garrett, Manager, Strategic Reporting & Government Relations, Durham College- Report CNCL-23-54

Peter Garrett, Manager, Strategic Reporting & Government Relations, Durham College addressed City Council concerning Report CNCL-23-54 regarding the Downtown Oshawa Banner Program.

Members of Council questioned Peter Garrett.

Items requiring Council Direction

None

Moved by Councillor Giberson
Seconded by Councillor Lee

That the meeting recess for 15 minutes.

Motion Carried

The meeting recessed at 11:05 a.m. and reconvened at 11:21 a.m. with all members of Council in attendance except Councillor Kerr.

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 29, 2023 be adopted as recommended except the following:

Items CO-23-31, CO-23-28 and CO-23-30 of the Sixth Report of the Community and Operations Services Committee; and,

Items CF-23-40, CF-23-41 and CF-23-42 of the Seventh Report of the Corporate and Finance Services Committee; and,

Items ED-23-111, ED-23-98, ED-23-105, ED-21-110 and By-laws 62-2003, 63-2023, 64-2023, 65-2023 and 66-2023 of the Eleventh Report of the Economic and Development Services Committee; and,

Items SF-23-20 of the Sixth Report of the Safety and Facilities Services Committee; and,
Report CNCL-23-54.

Motion Carried

Adoption of Council Minutes

That the minutes of the City Council meetings held on May 1 and May 4, 2023 be adopted.

Correspondence with recommendations

None

Standing Committee Reports

Report of the Community and Operations Services Committee

CO-23-32 - OATAC 2023 Projects Working Group - Review of the Roundabout Policy (Formerly OATAC-23-06) (All Wards)

1. That Report CO-23-32 (formerly OATAC-23-06) being the OATAC Projects Working Group Report concerning the design of roundabouts be endorsed; and,
2. That staff implement the recommendations for updates to existing roundabouts.

CO-23-29 - Response to CS-22-48 being a Notice of Motion concerning the recognition of Historic Hamlets of Oshawa (All Wards)

Whereas on May 16, 2022 Community Services Committee recommended Item CS-22- 48, being a Notice of Motion, to City Council:

“Whereas the City of Oshawa has placed signage recognizing the historical hamlets of Raglan and Columbus; and,

Whereas the historical hamlets in Oshawa represent a key feature of the development of our City and that legacy should not be lost; and,

Whereas the historical hamlets of Cedar Dale, Southmead and Westmount have no recognition and their legacy is in danger of being lost;

Therefore, that staff investigate and report back on the following:

1. The feasibility of placing signage, similar to that provided for Raglan and Columbus, that will recognize the historical hamlets of Cedar Dale, Southmead and Westmount; and,
2. Funding opportunities to support the construction and placement; and,
3. Potential locations on public lands or city boulevard for such signs.”; and,

Whereas at the May 24, 2022 meeting of Council, the Notice of Motion was referred to staff to consult with the Oshawa Historical Society for further comment; and,

Whereas the Oshawa Historical Society Archivist provided a report as it relates to the proposed historical hamlets referenced in the Notice of Motion, provided as Attachment 1, but did not provide further comment related to signage; and,

Whereas generally these types of requests are initiated through community interest in recognition of historical significance; and,

Whereas since there is little known about the history of Westmount and Southmead or their boundaries; and,

Whereas Westmount and Southmead were considered neighbourhoods as opposed to a hamlet or a village it is not feasible or appropriate to provide recognition; and,

Whereas the Archivist noted that Cedar Dale was listed along with Columbus and Raglan as a principle village within the township of East Whitby with a defined boundary south of Bloor Street to Lake Ontario bounded by Park Road to the west and Wilson Road to the East, as shown in Attachment 2; and,

Whereas the Village of Columbus and the Village of Raglan are uniquely different from historical villages located within the urban boundary;

Whereas, staff reviewed the feasibility of recognizing the history of Cedar Dale as a village within the township of East Whitby and determined that accommodating road signs similar to the signs for Raglan and Columbus is not practical or feasible due to the size and space required within the right of way;

Whereas, if based on the Archivist's report, there is a desire to recognize the former Village of Cedar Dale, it would be more appropriate to include “Historic Village of Cedar Dale” on the primary neighbourhood park signage within the designated area, as shown in Attachment 3;

Whereas, this would be over and above Parks Operations annual sign replacement program requiring additional Operating Budget of \$14,500 plus staff resources;

Therefore be it resolved that if, based on the Archivists report, there is a desire to recognize the former Village of Cedar Dale the following be endorsed:

1. That, pursuant to Item CO-23-29, the former Village of Cedar Dale should be recognized as a historically significant area; and,
2. That Operations Services staff be authorized to add “Historic Village of Cedar Dale” to the primary neighbourhood park signs within the area historically known as Cedar Dale; and,
3. That an additional \$14,500 be added to the 2024 Parks Operating budget for sign replacement.

Report of the Corporate and Finance Services Committee

CF-23-37 - Financial Position as of March 31, 2023 (All Wards)

That pursuant to Report CF-23-37 dated May 3, 2023 concerning the financial position as of March 31, 2023:

1. That the transfer of \$2,245,000 of the 2022 Operating Surplus to the Parks and Recreation Infrastructure Reserve be approved; and,
2. That the Parks and Recreation Infrastructure Reserve be utilized to fund the projects identified in Section 6.0, Table 2 of this report; and,
3. That the transfer of \$808,230 of the 2022 Operating Surplus to the Conditions Audit Reserve be approved.

CF-23-38 - 2022 BMA Study Overview (All Wards)

That Report CF-23-38 dated May 3, 2023 concerning the 2022 BMA Study Overview be received for information.

CF-23-39 - Additional Funding Stevenson Road North Environmental Assessment (Ward 2)

Whereas, Project 19-73-0456, Northwood Roads Environmental Assessment was approved in the 2019 Capital Budget for \$260,000; and,

Whereas, on October 25, 2021, City Council considered CNCL-21-93, Future East-West Type ‘C’ Arterial Road connection located west of Stevenson Road North, between Taunton Road West and Conlin Road West, and directed staff to not undertake an Environmental Assessment for the future east-west Type ‘C’ arterial road; and,

Whereas, Request For Proposal, C2021-121 Consulting Services for Stevenson Road North Environmental Assessment, was issued for Project 19-73-0456, with a reduced scope of work; and,

Whereas, in April 2022, Council considered FIN-22-31, Contract Awards, and awarded a contract to Gannett Fleming Canada ULC for R.F.P. C2021-121 in the amount of \$256,073, excluding H.S.T. and the project budget was also increased by an additional \$12,791, excluding H.S.T. for costs associated with undertaking public consultations; and,

Whereas, Project 19-73-0456, has a revised budget of \$272,791, inclusive of H.S.T; and,

Whereas, Region of Durham staff have requested that an assessment of transportation, natural environment, and land-use and development constraints be undertaken for the future east-west midblock Type 'C' arterial road in order to justify its deletion from the Oshawa Official Plan; and,

Whereas, the additional assessments requested by Region of Durham staff is outside the scope of work for Project 19-73-0456; and,

Whereas, the further assessments will cost \$33,300, inclusive of H.S.T.; and,

Whereas, the Cultural Heritage assessment identified six (6) properties along Stevenson Road North as having potential Built Heritage Resource and Cultural Heritage Landscape value, and each property would require Cultural Heritage Evaluation Reports with Heritage Impact Assessments; and,

Whereas, additional due diligence is required for Cultural Heritage Evaluation Reports which will cost \$29,551, inclusive of H.S.T.; and,

Whereas, the Stage 1 Archaeological Assessment identified four (4) registered archaeological sites and parts of the area assessed exhibit archaeological potential and require Stage 2 Archaeological Assessments; and,

Whereas, additional due diligence is required for Stage 2 Archaeological Assessments which will cost \$51,715, inclusive of H.S.T.; and,

Whereas, a Contamination Overview Study as part of the Environmental Assessment identified four (4) areas of high potential for contamination and seven (7) areas of moderate contamination within the study area; and,

Whereas, property specific Phase 1 Environmental Site Assessments and if necessary, Phase 2 Environmental Site Assessments are required to be completed for the areas of potentially contaminated areas; and,

Whereas, additional due diligence is required for Phase 1 and Phase 2 Environmental Site Assessments which will cost \$67,722; and,

Whereas, there is \$182,288, available in the Transportation Roads D.C. Reserve and the Growth Related Non-D.C. Reserve;

Therefore be it resolved that pursuant to Report CF-23-39, Council approve the additional funding of \$182,288 for Project 19-73-0456, to be funded through a combination of funds from the Transportation Roads D.C. Reserve and the Growth Related Non-D.C. Reserve.

CF-23-43 - Gazebo at Lakeview Park (Ward 5)

Whereas, the gazebo at Lakeview Park located along the pathway west of the museum buildings has had minor repairs undertaken over the years; and,

Whereas, a recent inspection has found that the footings supporting the structure are no longer repairable and have led to unsafe conditions; and,

Whereas, the structure is now closed to public use; and,

Whereas, in addition to the costs associated with the demolition of the structure the replacement costs will be approximately \$115,000 for design, engineering and construction which cannot be accommodated in the Parks Operating Budget;

Therefore be it resolved that pursuant to Report CF-23-43, the costs associated with the demolition, design, engineering, permitting and construction for the replacement of the Lakeview Park Gazebo be funded from the Operations Reserve in the amount of \$115,000 including H.S.T. be approved.

Report of the Economic and Development Services Committee

ED-23-102 - Oshawa Culture Counts Awards 2023 Recipients (All Wards)

1. That, pursuant to Report ED-23-102, dated May 3, 2023, the selection process for the Culture Counts Awards program be revised generally as identified in Section 5.3 and Attachment 1 of said Report to align the selection process for the Culture Counts Awards program with other City award programs; and,
2. That Nominee Number 1 listed in Confidential Attachment 3 of the Professional Artist nominations presented in Report ED-23-102 be selected as the winner of the 2023 Oshawa Culture Counts Professional Artist Award; and,
3. That Nominee Number 2 listed in Confidential Attachment 3 of the Emerging Artists nominations presented in Report ED-23-102 be selected as the winner of the 2023 Oshawa Culture Counts Emerging Artist Award; and,
4. That pursuant to Report ED-23-102 dated May 3, 2023, Nominee Number 1 listed in Confidential Attachment 3 of the Emerging Artists nominations be selected as the Innovation and Creation Award Winner; and,
5. That the selected recipients be presented the 2023 Culture Counts Award at the June 26, 2023 Council Meeting.

ED-23-103 - Installing Art on Private Property in the Downtown (Ward 4)

1. That, pursuant to ED-23-103 dated May 3, 2023, the Public Art Policy be amended generally in accordance with the comments in said Report in a form and content acceptable to the Commissioner, Economic and Development Services Department; and,
2. That, pursuant to ED-23-103 dated May 3, 2023, Council support a biennial update of the Frame Project; and,
3. That, pursuant to ED-23-103 dated May 3, 2023, the amount of \$18,000 to fund the cost of biennially replacing the artwork in the three frames as part of the overall Frame Project be referred to the 2024 Budget.

ED-23-106 - Road Improvements to Celina Street, north of Fisher Street (Ward 5)

1. That, pursuant to Report ES-23-106 dated May 3, 2023, Economic and Development Services staff be directed to advance the rehabilitation of Celina Street between Fisher Street and a point approximately 65 metres north of Fisher Street generally in accordance with the comments of said Report; and,

2. That funding in the amount of \$88,000 plus H.S.T. be provided from the Infrastructure Reserve.

ED-23-112 - City Comments on the Proposed Provincial Planning Statement and Summary of Changes Resulting from Bill 97, the "Helping Homebuyers, Protecting Tenants Act, 2023" (All Wards)

1. That Report ED-23-112 dated May 3, 2023, including Attachment 3, be endorsed as the City's comments on the proposed Provincial Planning Statement; and,
2. That Report ED-23-112 dated May 3, 2023, including Attachment 4, be endorsed as the City's comments on Bill 97; and,
3. That Economic and Development Services staff be authorized to submit the comments contained in Report ED-23-112 dated May 3, 2023 related to the proposed Provincial Planning Statement and Bill 97 in response to the associated proposal posted on the Environmental Registry of Ontario website under Notice 019-6813 and under Notice 019-6821; and,
4. That staff be authorized to forward a copy of Report ED-23-112 dated May 3, 2023 and the related Council resolution to the Region of Durham, Durham area municipalities, and Durham area M.P.P.s.

Report of the Safety and Facilities Services Committee

SF-23-21 - Proposed Approach for Reviewing Request for Acquisition of Small Green City Holdings (All Wards)

Whereas, at its meeting on April 11, 2022, the then Development Services Committee referred Closed Correspondence DS-22-84 concerning a third party request to acquire City-owned lands at the northwest corner of Park Road South and Elmgrove Avenue to staff for a report; and,

Whereas, Parks Operational staff currently maintain twenty-four (24) Small Green City Holdings intended for beautification and/or gateway initiatives, with such maintenance generally consisting of annual and perennial planting and grass cutting (see Attachment 1); and,

Whereas, maintenance of three (3) of the twenty-four (24) Small Green City Holdings is limited to grass cutting only, specifically:

- The northwest corner of Ritson Road South and Bloor Street East;
- The northwest corner of Park Road South and Elmgrove Avenue, which was the subject of the above-noted acquisition request submitted under Closed Correspondence DS-22-84; and,
- The southeast corner of Park Road South and John Street West; and,

Whereas, Small Green City Holdings must be considered for future beautification and/or gateway initiatives, among other matters, prior to being declared surplus; and,

Whereas the three (3) above noted locations are insufficient for the purposes of safe Park development and/or amenities and have been assessed by Parks and Waste Operations staff as sub-standard locations for the implementation of beautification and/or gateway initiatives;

Therefore be it resolved that:

1. The three (3) Small Green City Holdings located at the northwest corner of Ritson Road South and Bloor Street East, the northwest corner of Park Road South and Elmgrove Avenue, and the southeast corner of Park Road South and John Street West, be referred to Economic and Development Services staff to assess whether there are any other identified municipal needs for the lands and/or whether they can be declared surplus, and then report back to City Council pursuant to its direction concerning Closed Correspondence DS-22-84.
2. Any future requests to acquire any of the remaining Small Green City Holdings as identified on Attachment 1 be directed to the Economic and Development Services Department for review, including input from the Safety and Facilities Services Department concerning any potential need for future beautification and/or gateway initiatives, prior to providing a recommendation to City Council on whether they can be declared surplus on the basis that they serve no municipal purpose.

SF-23-23 - Food Shop Licence - Temporary Exemption (All Wards)

Whereas the Business Licensing By-law 120-2005, as amended (“Licensing By-law”) is a by-law to license, regulate and govern certain businesses operating in the City of Oshawa (“City”); and,

Whereas the Licensing By-law defines Food Shops in four (4) classes which pertain to business operations where food stuffs intended for human consumption are made for sale, offered for sale, stored or sold, but does not include a licensed Refreshment Vehicle or a Bed and Breakfast Establishment; and,

Whereas food stuffs are any thing offered, intended or held out as being available for human consumption (including drink) which includes but is not limited to food in raw, unpackaged, prepared and prepackaged form; and,

Whereas prepackaged food generally refers any food stuff that is not prepared or modified at the location of sale and is contained in a package in the manner in which it is ordinarily sold to or used or purchased by a person; and,

Whereas Schedule “F” of the Licensing By-law requires that any person operating a Food Shop apply for, attain, maintain and renew a Food Shop Licence in accordance with the Licensing By-law; and,

Whereas individuals that sell food stuffs exclusively in a prepackaged form have raised concerns related to their requirement to attain and maintain a Food Shop Licence; and,

Whereas on February 27, 2023 Council directed staff to conduct a modernization review of the Licensing By-law and report back to Safety and Facilities Service Committee with potential by-law amendments to update the Licensing By-law; and,

Whereas Council considers it appropriate to exempt persons who sell food stuffs exclusively in a prepackaged form from the Food Shop licensing requirements detailed in Schedule “F” of the Licensing By-law for the duration of the City’s review of Licensing By-law;

Therefore be it resolved that persons who sell food stuffs exclusively in a prepackaged form be exempt from Schedule “F” of the Business Licensing By-law 120-2005, as amended, for the duration of the Licensing By-law review.

Other Staff Reports and Motions

See Matters Excluded from Consent Agenda

By-Laws

The following By-laws were passed:

61-2023 - A By-law to amend Zoning By-law 60-94, as amended

(Implements Council direction of January 30, 2023 through Report CNCL-23-22 to change the zoning for certain lands located on the east side of Park Road South, north of Fenelon Crescent, from GI (General Industrial) to OSP (Park Open Space) to permit these lands to be used for park purposes.)

67-2023 - A By-law to further amend Delegation By-law 29-2009, as amended

(Implements Council direction of May 1, 2023 through Item ED-23-81 of the Ninth Report of the Economic and Development Services Committee to amend Schedule "A" to Delegation By-law 29-2009, as amended, by amending Item 56 by adding the text 'Planning Act' after the text 'Condominium Act' under the heading 'Delegated Authority' in Column 2.)

Public Discussion Agenda

Matters Excluded from Consent Agenda

CO-23-31 - Request - Long Term Parking License Agreement at Centre Street Parking Garage (G1): Plazacomm Investments Ltd. (Formerly CNCL-23-40) (Ward 4)

Whereas Correspondence CO-23-26 was received from Plazacomm Investments Ltd. ("Plazacomm Investments") and reported to Council under Report CNCL-23-40 on May 1, 2023; and,

Whereas Report CNCL-23-40 was referred back to the Community and Operations Services Committee; and,

Whereas Plazacomm Investments has requested 200 parking spaces for long-term use 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 that the maximum number of parking spaces that can be offered at the Centre Street Parking Garage is 150, which Plazacomm Investments has accepted; and,

Whereas 150 parking spaces being licensed out at the City's current monthly rate would result in monthly parking revenues of approximately \$12,534 per month;

Therefore be it resolved that City Council authorize the Commissioner, Community and Operations Services to respond to Plazacomm Investment's request that the City of Oshawa shall provide a non-binding letter of commitment in providing a total of up to 150 parking spaces on a non-exclusive basis, conditionally only on Plazacomm Investment's purchase of the 8-storey office building located at 40 King Street West, City of Oshawa..

The vote to adopt the recommendation contained in Item CO-23-31.

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

Negative (2): Councillor McConkey, and Councillor Neal

Absent (1): Councillor Kerr

Motion Carried (8 to 2)

CO-23-28 - Follow up to report CO-23-12, Petition for Pedestrian Crossover on Coldstream Drive near Bloom Senior Residence (Ward 1)

Consent Motion:

1. That Option 1 to not install a PXO at Bloom Senior Residence as detailed in Section 5.1 of Report CO-23-28 'Petition for Pedestrian Crossover on Coldstream Drive near Bloom Senior Residence', dated May 10, 2023 be selected; and,
2. That Pedestrian Warning signs with Seniors tabs be installed on Coldstream Drive in the vicinity of Bloom Senior Residence.

Moved by Councillor McConkey

Seconded by Councillor Neal

That Item CO-23-28 be tabled.

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

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

Absent (1): Councillor Kerr

Motion Lost (3 to 7)

Moved by Councillor Giberson

Seconded by Councillor McConkey

That Item CO-23-28 be deferred to the June 26, 2023 meeting of Council to provide opportunity for a meeting with the commercial property owners in early June 2023.

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

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

Absent (1): Councillor Kerr

Motion Lost (4 to 6)

A request was made to divide the recommendation to vote on each part separately.

The vote to adopt Part 1 of the recommendation contained in CO-23-28.

Affirmative (7): Mayor Carter, Councillor Chapman, Councillor Gray, Councillor Lee, Councillor Marimpietri, Councillor Marks, and Councillor Nicholson

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

Absent (1): Councillor Kerr

Motion Carried (7 to 3)

The vote to adopt Part 2 of the recommendation contained in CO-23-28.

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

Negative (1): Councillor McConkey

Absent (1): Councillor Kerr

Motion Carried (9 to 1)

CO-23-30 - Proposed Region of Durham “Curbside Swap Day” Pilot (All Wards)

Consent Motion:

That based on Report CO-23-30, Oshawa not participate in the Curbside Swap Day pilot.

The vote to adopt the recommendation contained in Report CO-23-30.

Affirmative (7): Mayor Carter, Councillor Chapman, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, and Councillor Neal

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

Absent (1): Councillor Kerr

Motion Carried (7 to 3)

CF-23-40 - Urban Growth Centre Community Improvement Plan: Additional Funding Request (Ward 4)

Mayor Carter declared a conflict on this item. (He owns property on the street across from the affected properties and did not take part in discussion or voting on the matter. ;)

Councillor Chapman assumed the Chair as Mayor Carter had a declaration.

Consent Motion:

Whereas, the City of Oshawa offers five Community Improvement Plan incentive programs including:

- Brownfield Renaissance Community Improvement Plan

- Harbour Road Area Community Improvement Plan
- Simcoe Street South Renaissance Community Improvement Plan
- Urban Growth Centre Community Improvement Plan
- Wentworth Street West Community Improvement Plan; and,

Whereas, the Business and Economic Development Services department manages the Community Improvement Plan programs with support from Planning Services and offers two application intake cycles per year; and,

Whereas, the Urban Growth Centre Community Improvement Plan is the incentive most commonly applied to on an annual basis; and,

Whereas, \$100,000 is directed to the Community Improvement Plan budget per year to fund applications from the Brownfield Renaissance Community Improvement Plan, Harbour Road Area Community Improvement Plan, Simcoe Street South Renaissance Community Improvement Plan and the Urban Growth Centre Community Improvement Plan and currently holds an uncommitted balance of \$185,252; and,

Whereas, \$30,000 is directed to the Wentworth Street West Community Improvement Plan budget per year and currently holds an available balance of \$180,000; and,

Whereas, staff received three suitable applications during the Spring 2023 intake period for the Urban Growth Centre Community Improvement Plan including 11 Simcoe Street North, 72 Simcoe Street North and 87 Simcoe Street North; and,

Whereas, staff have the capability to commit funding to the projects for 72 Simcoe Street North and 87 Simcoe Street for the full value from the exiting Community Improvement Plan budget; and,

Whereas, staff understand that the proposed work to be done at 11 Simcoe Street North is in order to meet the needs of the new tenant, Trent University Durham G.T.A., which will bring post-graduate student programming to the location beginning in September 2026; and,

Whereas, staff have provided a recommended contribution to the project at 11 Simcoe Street North in the total amount of \$160,000; and,

Whereas, the breakdown of the recommended grant for the proposed work at 11 Simcoe Street North totals \$10,000 for the Façade and Accessibility Enhancement Grant, \$10,000 for the Improvement to Building and Fire Code Grant and \$140,000 for the Economic Stimulus Grant; and,

Whereas, the new post-graduate programming at 11 Simcoe Street North offered by Trent University Durham G.T.A. will bring an estimated 300 new students to the Downtown beginning in September 2023 with an anticipated enrolment of 1,000 students annually when the program is at full development; and,

Whereas, staff can fund the 11 Simcoe Street Urban Growth Centre Community Improvement Plan applications for the Façade and Accessibility Grant and Improvement to Building and Fire Code Grant from the existing budget; and,

Whereas, no applications have been deemed eligible and funded through the Wentworth Street West Community Improvement Plan grant since 2018;

Therefore be it resolved that pursuant to Report CF-23-40:

1. That staff be directed to waive relevant Community Improvement Plan provisions such as retroactively funding work in order for the property owner to obtain permits and begin work immediately; and,
2. That staff be directed to fund the remaining recommended Economic Stimulus grant for the 11 Simcoe Street North application in the amount of \$140,000 from the Wentworth Street West Community Improvement Plan budget.

Amendment:

Moved by Councillor Nicholson

Seconded by Councillor Gray

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

"That staff investigate how to replenish the Wentworth Street West Community Improvement Plan budget to ensure fiscal sustainability and report back to Council during the 2024 budget deliberations."

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

Conflict (1): Mayor Carter

Absent (1): Councillor Kerr

Motion Carried (9 to 0)

The vote to adopt the recommendation contained in Item CF-23-40, as amended.

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

Conflict (1): Mayor Carter

Absent (1): Councillor Kerr

Motion Carried (9 to 0)

Mayor Carter resumed the Chair.

CF-23-41 - Single Source Consolidated Operation Depot Generator Replacement (Ward 5)

Consent Motion:

Whereas, the Purchasing By-Law 80-2020 requires Council approval to award single source contracts greater than \$100,000; and,

Whereas, Council approved project 23-11-0440 for generator replacement at the Consolidated Operations Depot through the 2023 Capital Budget in the amount of \$550,000 including non-rebateable H.S.T.; and,

Whereas, current lead times for large format 500+ kilowatt emergency back-up generators are approximately 56 weeks from time of order; and,

Whereas, through discussions with an existing City supplier, FinCap Electrical & Mechanical Inc., staff were advised that a 600 kilowatt Kohler generator (demo model) is available for purchase with a supply and install time of approximately fourteen (14) weeks from time of order; and,

Whereas, the proposed generator has 96 hours of vibration testing runtime and comes complete with a full manufactures warranty,

Therefore be it resolved that pursuant to Report CF-23-41, Council authorize the Manager, Procurement to negotiate a single source contract with FinCap Electrical & Mechanical Inc. not to exceed the amount of \$450,000 excluding H.S.T. for Consolidated Operations Depot Generator Replacement, subject to completion of due diligence.

The vote to adopt the recommendation contained in Item CF-23-41.

Motion Carried

CF-23-42 - Single Source - Bond/Simcoe Urban Park (Ward 4)

Consent Motion:

Whereas, the Purchasing By-Law 80-2020 requires Council approval to award single source contracts greater than \$100,000; and,

Whereas, Council approved Project 23-50-0067 Bond/Simcoe Urban Park as part of the 2023 Budget; and,

Whereas, Cambium Inc. was retained to complete the preliminary site investigation and due diligence work; and,

Whereas, additional subsurface investigation work is required prior to commencing the site design and redevelopment; and

Whereas, expanding the scope of work with Cambium Inc. will ensure technical consistency, and maintain preliminary schedule and budget constraints; and,

Whereas funds for the required scope of work can be addressed through Project 23-50-0067

Therefore be it resolved that pursuant to Report CF-23-42:

1. That the Manager, Procurement be authorized to award a single source contract to Cambium Inc. not to exceed the Capital Budget amount of \$500,000 including non-rebateable H.S.T.; and
2. That in order to accommodate future development of this Project, the Manager, Procurement be authorized to single source to Cambium Inc. for any additional future works as approved by Council in the future capital budgets.

The vote to adopt the recommendation contained in CF-23-42.

Motion Carried

ED-23-111 - Application under the Urban Growth Centre Community Improvement Plan, 44 Bond Street East, Sacco Schools Ltd. (Ward 4)

1. That, pursuant to Report ED-23-111 dated May 3, 2023, the application submitted by Sacco Schools Ltd. under the City's Urban Growth Centre Community Improvement Plan for an Increased Assessment Grant be approved in accordance with Table 1 and the comments in said Report notwithstanding that a building permit has already been issued; and,
2. That, pursuant to Report ED-23-111 dated May 3, 2023, Sacco Schools Ltd. enter into an agreement with the City under the City's Urban Growth Centre Community Improvement Plan in a form and content satisfactory to the Commissioner of Economic and Development Services and Legal Services.

Amendment:

Moved by Councillor Chapman
Seconded by Councillor Lee

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

'That the Mayor and Chair of the Economic and Development Services Committee be authorized to write a letter to the Region of Durham to request support for this project under the Regional Revitalization Program and that if successful, the Mayor and Clerk be authorized to execute an agreement with the Region, as appropriate, in a form and content acceptable to the Commissioner, Economic Development Services and City Solicitor.'

Motion Carried

The vote to adopt the recommendation contained in Item ED-23-111, as amended.

Motion Carried

ED-23-98 - Stevenson Road North Municipal Class Environmental Assessment Study Update (Ward 2)

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

Consent Motion:

That, pursuant to Report ED-23-98 dated May 3, 2023, concerning the Stevenson Road North Municipal Class Environmental Assessment Study, staff be authorized to hold a public engagement in late June 2023 to present the Study process, existing conditions, the alternative solutions, and the next steps in the Study.

The vote to adopt the recommendation contained in Item ED-23-98.

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

Conflict (1): Councillor Marimpietri

Absent (1): Councillor Kerr

Motion Carried (9 to 0)

ED-23-105 - Capital Cost Sharing Agreement with George Lysyk & Sons Limited (Ward 5)

Consent Motion:

1. That, pursuant to Report ED-23-105 dated May 3, 2023, regarding the request from George Lysyk & Sons Limited to enter into a Capital Cost Sharing Agreement for the reconstruction of Dieppe Court, 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 funding in the amount of \$240,000 be approved from the Infrastructure Reserve for reimbursement to George Lysyk & Sons Limited, subject to the execution of a Capital Cost Sharing Agreement; and,
3. That Council waive the Purchasing By-law requirements and allow George Lysyk & Sons Limited to design and construct the work associated with the reconstruction of Dieppe Court.

The vote to adopt the recommendation contained in Item ED-23-105.

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

Negative (1): Councillor Neal

Absent (1): Councillor Kerr

Motion Carried (9 to 1)

ED-23-110 - City-initiated Amendments to the Oshawa Official Plan, Windfields Part II Plan, Zoning By-law 60-94, and Brownfields Renaissance, Simcoe Street South Renaissance and Wentworth Street West Community Improvement Plans (All Wards)

Consent Motion:

That the proposed amendments to the Oshawa Official Plan, Windfields Part II Plan, Zoning By-law 60-94, and Brownfields Renaissance, Simcoe Street South Renaissance and Wentworth Street West Community Improvement Plans, as generally set out in Attachments 1, 2 and 3 to Report ED-23-110 dated May 3, 2023, be adopted and that the appropriate amending by-laws be passed in a form and content acceptable to the City Solicitor and the Commissioner, Economic and Development Services Department.

The vote to adopt the recommendation contained in Item ED-23-110 and pass By-laws 62-2003, 63-2023, 64-2023, 65-2023, and 66-2023.

Motion Carried

SF-23-20 - Update to Corporate Facilities Energy Management Plan (All Wards)

That the Corporate Facilities Energy Management Plan 2024 - 2028, dated May 10, 2023, as set out in Attachment 1 to Report SF-23-20, be endorsed.

Amendment:

Moved by Councillor Giberson

Seconded by Councillor Nicholson

That the motion be amended to add:

"That the Vision Statement for the Corporate-wide Energy Management Plan be amended to read: 'Energy management will be considered a priority in corporate asset management activities, including capital, operations and maintenance decisions; and finance management and procurement decisions.'"

Motion Carried

The vote to adopt the recommendation contained in Item SF-23-20, as amended

Motion Carried

CNCL-23-54 - Downtown Oshawa Banner Program (Ward 4)

Consent Motion:

1. That, pursuant to Report CNCL-23-54 dated May 24, 2023, Economic and Development Services staff be directed to enter into a two (2) year agreement with Ontario Tech University and Trent University Durham GTA for exclusive use of designated light standards within the downtown for institutional banner installations in a form and content acceptable to the Commissioner, Community and Operations Services Department and the City Solicitor; and,
2. That Economic and Development Services staff renew the agreement with Ontario Tech University/Durham College for installing banners on light standards surrounding the campus location at Simcoe Street North and Conlin Road West.

The vote to adopt the recommendation contained in Report CNCL-23-54.

Motion Carried

Items Pulled from the Information Package

CNCL-23-55 - Commissioner, Planning and Economic and Development, Region of Durham forwarding a copy of 2023-INFO-40 concerning the 2022 Annual Building Activity Review (INFO-23-99) (All Wards)

Moved by Councillor McConkey
Seconded by Councillor Neal

That Item CNCL-23-55 concerning the Region of Durham's 2022 Annual Building Activity Review (formerly INFO-23-99) be referred to the Economic and Development Services Committee for information.

Motion Carried

CNCL-23-56 - Correspondence and Petition submitted by Rashid Akhtar concerning the pedestrian bridge located at Irvine Scott Street (INFO-23-120) (Ward 1)

Moved by Councillor McConkey
Seconded by Councillor Neal

The vote to reconsider Council's previous direction from April 25, 2022 concerning the pedestrian bridge located at Irvine Scott Street.

Affirmative (2): Councillor McConkey, and Councillor Neal

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

Absent (1): Councillor Kerr

Motion Lost (2 to 8)

CNCL-23-57 - Correspondence submitted by Robert Small concerning a Pedestrian Crossover in front of Bloom Retirement facility (INFO-23-103) (Ward 1)

Moved by Councillor Gray
Seconded by Councillor Lee

That CNCL-23-57 being correspondence submitted by Robert Small concerning a Pedestrian Crossover in front of Bloom Retirement facility be received for information.

Motion Carried

CNCL-23-59 - Various residents submitting correspondence concerning a request for a crosswalk at Coldstream Drive (INFO-23-88) (Ward 1)

Moved by Councillor Chapman
Seconded by Councillor Giberson

That Item CNCL-23-59 regarding various residents submitting correspondence concerning a request for a crosswalk at Coldstream Drive (INFO-23-88) be received for information.

Motion Carried

CNCL-23-60 - Correspondence received from Darlin Bonchek concerning the purchase of fire suppression vehicles (INFO-23-95) (All Wards)

Moved by Councillor Chapman
Seconded by Councillor Giberson

That Item CNCL-23-60 concerning correspondence submitted by Darlin Boncheck regarding the purchase of fire suppression vehicles be received for information.

Motion Carried

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 29, 2023 be adopted as recommended except Report CNCL-23-58.

Motion Carried

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-23-99 - Proposed Conveyance of Land to the City on Thornton Road North (Ward 2)

That pursuant to Closed Report ED-23-99, the Commissioner, Economic and Development Services Department be authorized to proceed as outlined in Closed Item ED-23-99 including executing any necessary document(s) and agreement(s) in a form and content satisfactory to the Commissioner, Economic and Development Services Department and the City Solicitor.

ED-23-101 - Offer of Compensation for City-owned Surplus Lands North of Highway 401 between Front Street and Howard Street and North and South of Highway 401 along Wilson Road South (Ward 5)

1. That, pursuant to Closed Item ED-23-101, the City-owned lands located generally along Wilson Road South both north and south of Highway 401 and described as Parts 2, 3,

20 and 21 on Reference Plan 40R-31832, be declared surplus to municipal requirements and that the requirements to declare a City-owned property first as potentially surplus and all notice requirements in accordance with By-law 97-2000, be waived given the localized nature of the matter; and,

2. That, pursuant to Closed Item ED-23-101, concerning offers of compensation for City-owned surplus lands north of Highway 401 between Front Street and Howard Street and north and south Highway 401 along Wilson Road South, the Commissioner, Economic and Development Services Department and City Solicitor be authorized to advance in accordance with said Closed Item.

ED-23-104 - Matters Related to Appeals of Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision for 1015 King Street East (Ward 3)

That, pursuant to Closed Report ED-23-104 dated May 3, 2023, Economic and Development Services staff be authorized to advance the recommendation outlined in said Report in regard to appeals filed by Downing Street (1015 King Street) Inc. for the applications to amend Zoning By-law 60-94 and for approval of a draft plan of subdivision, for 1015 King Street East.

ED-23-107 - Request to Purchase City-owned Parkland Forming part of Raglan Park, Directly abutting 62 Raglan Road West (Ward 1)

That, pursuant to Closed Item ED-23-107, Economic and Development Services staff be authorized to advance in accordance with said Item.

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

CNCL-23-58 - Appointment of a Fire Chief (All Wards)

Consent Motion:

Whereas the Fire Protection and Prevention Act, 1997 provides that a Council shall appoint a Fire Chief for the municipality's fire department; and,

Whereas by By-law 20-2017, Council appointed Derrick Clark as the City's Fire Chief; and,

Whereas Chief Clark is retiring effective July 31, 2023; and,

Whereas the identified individual joined Oshawa Fire Services in 1999; and,

Whereas the individual has risen through the ranks of Oshawa Fire Services throughout their career; and,

Whereas the identified individual has the necessary experience and has demonstrated exemplary leadership skills and as such it is recommended that he become the new Fire Chief;

Therefore be it resolved that a By-law be passed as follows:

1. That Stephen Barkwell be appointed as Fire Chief for The Corporation of the City of Oshawa; and,
2. That By-law 20-2017 be repealed at 11:59 p.m. on July 31, 2023; and,
3. That the by-law appointing the new Fire Chief be effective at 12:00 a.m. on August 1, 2023.

The vote to adopt the recommendation contained in Report CNCL-23-58 and pass By-law 68-2023.

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

Absent (2): Councillor Kerr, and Councillor McConkey

Motion Carried (9 to 0)

Items Requiring Council Direction

None

Matters Tabled

None

Notices of Motion

None

Confirming By-Law

Moved by Councillor Chapman
Seconded by Councillor Giberson

That the Confirming By-law be passed.

Motion Carried

Adjournment

Moved by Councillor Gray
Seconded by Councillor Giberson

That the meeting adjourn at 12:57 p.m.

Motion Carried

Mayor

City Clerk