



**Oshawa City Council
Minutes**

**March 25, 2024, 9:30 a.m.
Council Chamber**

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

Public Meeting

The Mayor called the meeting to order and stated that all members of Council were participating from the Chamber except Councillors Marks and McConkey (entered the meeting at 9:34 a.m.)

National Anthem

Land Acknowledgement

The City of Oshawa is situated on lands within the traditional and treaty territory of the Michi Saagiig and Chippewa Anishinaabeg and the signatories of the Williams Treaties, which include the Mississaugas of Scugog Island, Curve Lake, Hiawatha and Alderville First Nations, and the Chippewas of Georgina Island, Rama and Beausoleil First Nations.

We are grateful for the Anishinaabeg who have cared for the land and waters within this territory since time immemorial.

We recognize that Oshawa is steeped in rich Indigenous history and is now present day home to many First Nations, Inuit and Métis people. We express gratitude for this diverse group of Indigenous Peoples who continue to care for the land and shape and strengthen our community.

As a municipality, we are committed to understanding the truth of our shared history, acknowledging our role in addressing the negative impacts that colonization continues to have on Indigenous Peoples, developing reciprocal relationships, and taking meaningful action toward reconciliation.

We are all Treaty people.

Councillors Marks and McConkey entered the meeting.

Council Member Announcements

Various announcements were made by Members of Council.

Additional Agenda Items

Moved by Councillor Chapman

Seconded by Councillor Giberson

That additional information CNCL-24-31 concerning Item CF 24-20 regarding Contract Award – RFT – C2024-010 Supply Delivery of 8 Side Loading Refuse Trucks – Split Packers be added to the agenda for the meeting of March 25, 2024 and be referred to the respective item.

Carried

Declarations of Pecuniary Interest

Councillor Neal - CNCL-24-24 - New Community Centre in the Northwood Business Park - Alternative Design Concept (Ward 2)

Councillor Neal made a declaration of interest concerning Report CNCL-24-24 regarding the new Community Centre in the Northwood Business Park - alternative design concept as he sits on the Board of Directors for the Oshawa Senior Citizens Centre (OSCC55+) and did not take part in discussion or voting on the matter.

Councillor Neal - CO-24-14 - Selection of the 2024 Oshawa Community Legend Award Recipient (All Wards)

Councillor Neal made a declaration of interest concerning Item CO-24-14 regarding the selection of the 2024 Oshawa Community Legend Award recipient as he sits on the Board of Directors for the Oshawa Senior Citizens Centre (OSCC55+) and did not take part in discussion or voting on the matter.

Presentations

Durham Agricultural Advisory Committee - Overview of Durham Agriculture

Hubert Schillings, Durham Agricultural Advisory Committee provided an overview of Durham Agricultural.

Members of Council questioned Hubert Schillings.

The Regional Municipality of Durham - Durham Region's Strategic Plan Process and Online Survey

Andrea Smith, Policy Advisor, Corporate Initiatives provided a presentation concerning Durham Region's Strategic Plan Process and Online Survey.

Members of Council questioned Andrea Smith.

Delegations

None

Items requiring Council Direction

CNCL-24-23 - 2025 Budget Timetable and Engagement Opportunities (All Wards)

Moved by Councillor Giberson

Seconded by Councillor Chapman

That pursuant to CNCL-24-23 dated March 20, 2024, concerning the 2025 budget timetable and engagement opportunities:

1. That Council reduce the time period as set out in subsection 7(3) of O. Reg. 530/22 to pass a resolution making an amendment to the proposed budget from 30 days to 20 days; and,
2. That a Council meeting be held on November 22, 2024 for proposing amendments to the budget; and,
3. That Council reduce the time period as set out in subsection 7(10) of O. Reg. 530/22 to override the head of Council's veto of an amendment to the proposed budget from 15 days to 9 days; and,
4. That Council approve the public engagement opportunities as set out in Section 5.3 of this report.

Amendment:

Moved by Councillor Giberson

Seconded by Councillor McConkey

That the recommendation concerning Report CNCL-24-23 be amended to change the time for the public meeting scheduled on November 8, 2024 from 9:30 a.m. to 6:30 p.m.

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

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

Lost (5 to 6)

The vote on the recommendation concerning Report CNCL-24-23.

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

Negative (1): Councillor Neal

Carried (10 to 1)

Moved by Councillor Chapman
Seconded by Councillor Marimpietri

That the meeting recess for 15 minutes.

The meeting recessed at 10:55 a.m. and reconvened at 11:10 a.m. with all members of Council in attendance.

Carried

CNCL-24-24 - New Community Centre in the Northwood Business Park - Alternative Design Concept (Ward 2)

Councillor Neal declared a conflict on this item. (Councillor Neal made a declaration of interest concerning Report CNCL-24-24 regarding the new Community Centre in the Northwood Business Park - alternative design concept as he sits on the Board of Directors for the Oshawa Senior Citizens Centre (OSCC55+) and did not take part in discussion or voting on the matter. ;)

Moved by Councillor Marimpietri
Seconded by Councillor Nicholson

That Council reconsider its June 26, 2023 decision regarding Report CNCL-23-63 concerning the new Community Centre in Northwood Business Park and increasing the swimming pool to eight (8) lanes.

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

Carried (10 to 0)

Moved by Councillor McConkey
Seconded by Councillor Marks

That Council move into Committee of the Whole.

Affirmative (5): Councillor Giberson, Councillor Kerr, Councillor Marks, Councillor McConkey, and Councillor Nicholson

Negative (5): Mayor Carter, Councillor Chapman, Councillor Gray, Councillor Lee, and Councillor Marimpietri

Conflict (1): Councillor Neal

Lost (5 to 5)

Moved by Councillor Marimpietri
Seconded by Councillor Lee

1. That pursuant to Report CNCL-24-24, dated March 20, 2024, concerning an alternative design for the New Community Centre in the Northwood Business Park, Option 1 – Alternative Design Concept: Full Site as outlined in Section 5.8.1 of this Report be approved; and,
2. That staff report back to Council prior to tender on total funds required to complete the facility and recommendations on a funding strategy.

Moved by Councillor McConkey
Seconded by Councillor Giberson

That Report CNCL-24-24 be referred to a Joint meeting of the Safety and Facilities Services Committee and Corporate and Finance Services Committee.

Affirmative (2): Councillor Giberson, and Councillor McConkey

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

Conflict (1): Councillor Neal

Lost (2 to 8)

The vote to adopt the recommendation contained in Option 1 as set out in Report CNCL-24-24.

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

Negative (1): Councillor Giberson

Conflict (1): Councillor Neal

Carried (9 to 1)

CNCL-24-26 - 40 km/h Area Program (Maximum Rate of Speed Areas) (All Wards)

Moved by Councillor Gray
Seconded by Councillor Giberson

That in accordance with Report CNCL-24-26 dated March 20, 2024, staff proceed with implementing the 40 km/h Area Program beginning in 2024.

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

Carried (11 to 0)

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 March 25, 2024 be adopted as recommended except the following:

Items CO-24-14 and CO-24-20 from the Fourteenth Report of the Community and Operations Services Committee; and,

Items CF-24-10, CF-24-17, CO-24-21 and CF-24-23 from the Sixteenth Report of the Corporate and Finance Services Committee; and,

Item SF-24-08 and related By-laws 42-2024 and 43-2024 and SF-24-10 from the Fourteenth Report of the Safety and Facilities Services Committee.

Carried

Moved by Councillor Marimpietri
Seconded by Councillor McConkey

That Council reconsider its decision regarding the consent agenda in order to exclude Items CO-24-15 and SF-24-06 from the consent agenda **(Requires 2/3 vote of members present.)**

Carried

The vote to adopt all items listed under the heading of Public Consent Agenda for the City Council Meeting dated March 25, 2024 be adopted as recommended with the exception of the following:

Items CO-24-14, CO-24-15 and CO-24-20 from the Fourteenth Report of the Community and Operations Services Committee; and,

Items CF-24-10, CF-24-17, CO-24-21 and CF-24-23 from the Sixteenth Report of the Corporate and Finance Services Committee; and,

Items SF-24-06, SF-24-08 and related By-laws 42-2024 and 43-2024 and SF-24-10 from the Fourteenth Report of the Safety and Facilities Services Committee.

Carried

Moved by Councillor Nicholson
Seconded by Councillor Marimpietri

That the meeting recess for one hour.

The meeting recessed at 12:27 p.m. and reconvened at 1:30 p.m. with all members of Council in attendance except Councillor Marimpietri (entered the meeting at 1:47 p.m.)

Carried

Adoption of Council Minutes

That the minutes of the City Council meeting held on February 26, 2024 be adopted.

Correspondence with recommendations

CNCL-24-30 - The Regional Municipality of Durham Requesting Municipalities Jointly Nominate a Candidate to the CTC Source Protection Committee (All Wards)

That in accordance with Correspondence CNCL-24-30 from the Region of Durham, the City of Oshawa agrees to nominate Tavis Nimmo, Manager of Water Resource Monitoring & Protection in the Environmental Services Branch of the Works Department at the Region of Durham, to represent the joint municipalities at the CTC Source Protection Committee.

Standing Committee Reports

Report of the Community and Operations Services Committee

CO-24-12 - Volt Hockey Recreation Program (Previously OAAC-24-07) (All Wards)

That in accordance with Report CO-24-12 concerning the Volt Hockey Recreation Program the following be referred to staff:

'That the City investigate starting a recreation program for Volt Hockey, a newly adopted sport for the disability community, played on a city gym or court using specially designed hockey sport chairs, played as a three vs. three game with chairs that are battery operated and controlled with a joystick.'

CO-24-17 - Jayson Deslauriers submitting correspondence to make a delegation regarding an agreement at Kinsmen Civic Memorial Stadium Agreement (Ward 4)

That Correspondence CO-24-17 from Jayson Deslauriers, Baseball Oshawa requesting to renew the previous agreement or create a new agreement between the City of Oshawa and Oshawa Legion Minor Baseball for Kinsmen Civic Memorial Stadium be referred to staff and report back to Council.

CO-24-13 - Installing Solar Lights on Conlin Road East to Accommodate Safer Bus Stops (Ward 1)

Whereas at its meeting of January 29, 2024 Council adopted the following recommendation contained in CNCL-24-08 concerning the installation of solar lights on Conlin Road East to accommodate safer bus stops:

“Whereas the road, traffic and pedestrian conditions on Conlin Road East have been growing increasingly problematic; and,

Whereas both Oshawa and Region staff are working on the design and funding for the infrastructure needed to complete the urban landscape along Conlin Road East; and,

Whereas the lack of safe accessible bus stops, lighting, turn lanes, and a four lane road necessary to accommodate the heavy traffic, combined present serious safety issues; and,

Now therefore staff investigate the feasibility of installing solar lights (similar to the one installed at Winchester Road East and Given Road in Oshawa) in conjunction with Durham Region Transit and the Region of Durham on Conlin Road East to accommodate safer bus stops”; and,

Whereas off-grid solar powered streetlights are not necessary along Conlin Road East as there is electric power available for streetlighting from the existing Oshawa Power hydro poles along the road between Ritson Road North and Townline Road North; and,

Whereas installing streetlighting powered by the existing electrical supply is more cost-efficient and reliable than off-grid solar powered streetlights; and,

Whereas based on staff-review of all seven (7) existing Durham Region Transit bus stop locations on Conlin Road East between Ritson Road North and Townline Road North, all but one of the existing seven (7) Durham Region Transit bus stop locations has existing streetlighting in the vicinity of the bus stop; and,

Whereas Durham Region Transit has recently relocated the existing westbound bus stop at Conlin Road East and Verne Bowen Street/Riverton Street closer to the intersection to improve safety; and,

Whereas in order to assist Durham Region Transit, City staff have replaced the existing streetlights at the intersection of Conlin Road East and Verne Bowen Street/Riverton Street to improve safety and visibility at the recently relocated bus stop on the north side of Conlin Road East and the existing bus stop on the south side of Conlin Road East; and,

Whereas the new westbound bus stop at Conlin Road East and Coppermine Street has no existing streetlighting, and staff have recently investigated installing new streetlighting powered from the existing Oshawa Power electrical supply on the south side of Conlin Road East to improve the safety and visibility of this bus stop; and,

Whereas City staff received approval from Oshawa Power to install additional streetlighting to their pole on the south side of Conlin Road East at Coppermine Street; and,

Whereas the City's streetlighting contractor has completed the installation of additional streetlighting on the Oshawa Power hydro pole on the south side of Conlin Road East at Coppermine Street; and

Whereas City staff can confirm that, based on post-installation analysis, adequate illumination is now being provided to the new bus stop on north side of Conlin Road East at Coppermine Street from the Oshawa Power hydro pole on the south side of Conlin Road East;

Therefore, be it resolved that item CO-24-13 concerning the installation of solar lights on Conlin Road East to accommodate safer bus stops be received for information.

CO-24-16 - Community and Operations Services Committee Outstanding Items Status Report - First Quarter 2024 (All Wards)

That Report CO-24-16 dated March 13, 2024 being the Community and Operations Services Committee Outstanding Item Status Report for the first quarter of 2024 be received for information.

CO-24-18 - Oshawa Outdoor Facilities

Whereas the weather patterns for Oshawa have been unseasonably warm and some outdoor facility users have enquired about the ability to book and use outdoor facilities at a date earlier than is the traditionally permitted;

Therefore be it resolved that:

1. Staff investigate the potential of advancing the process of granting permits for Oshawa's outdoor facilities to community users earlier than the traditional date of May 1; and,
2. In the event that staff ascertain outdoor facilities are able to accommodate earlier activity due to the favorable weather conditions, the Commissioner, Community and Operations Services Department implement an advanced permit option, at their discretion, and forgo the procedural reporting process to Committee; and,
3. If the Commissioner deems the use of outdoor facilities can be activated on an advanced schedule without negatively impacting facility conditions, Affiliated User Groups as defined in the Sports Field and Outdoor Court Allocation Policy be contacted first and offered the advanced permit option.

CO-24-19 - General Fees and Charges By-Law 13-2003, as amended, concerning a change to the definition of a senior from 65+ to 55+

Whereas General Fees and Charges By-law 13-2003, as amended defines a senior as '65+ years of age living in or paying property taxes in Oshawa'; and,

Whereas Oshawa's Age-Friendly Strategy in partnership with Oshawa Senior Community Centres 55+ (OSCC 55+) is to support independent active living and enable older adults to continue to join in all aspects of community life; and

Whereas OSCC 55+ memberships are available to persons aged 55 and older; and,

Whereas all other municipalities in the Region of Durham provide senior discounts for those aged 55 years of age and older;

Therefore be it resolved that General Fees and Charges By-Law 13-2003, as amended be further amended to change the definition of a senior from 65+ years of age to 55+ years of age living in or paying property taxes in Oshawa.

Report of the Corporate and Finance Services Committee

CF-24-10 - The Region of Durham Submitting a Funding Request for the Creation of a Durham Region-Wide Family Physician Recruitment Program (All Wards)

That in accordance with Correspondence CF-24-10 from the Region of Durham, the request for the City of Oshawa to participate in the cost-sharing of a Durham Region-wide Family Physician Recruitment Program be endorsed.

CF-24-12 - 2023 Annual Investment Report (All Wards)

That Report CF-24-12, dated February 28, 2024 concerning the 2023 annual investment activity be received for information.

CF-24-13 - Corporate Payments for the Months of October, November and December 2023 (All Wards)

That Report CF-24-13, dated February 28, 2024 concerning the corporate payments for the months of October, November and December 2023 be received for information.

CF-24-14 - Contract Award - RFT-C2024-005 Roof Replacement - Harman Park Arena (Ward 5)

Whereas, the Purchasing By-Law 80-2020 requires Council approval to award contracts greater than \$2,000,000; and,

Whereas, Council approved funding in the 2023 and 2024 budget for Project 11-0071 in the amounts of \$1,500,000 and \$2,300,000 respectively, for a total of \$3,800,000 including non-rebateable H.S.T. for Roof Replacement – Harman Arena; and,

Whereas, there has been a total of \$161,000 committed to date for design and contract management, and structural reinforcement; and,

Whereas, Procurement issued a Request for Tender (R.F.T.) C2024-005 for Roof Replacement – Harman Park Arena; and,

Whereas, four (4) bids were received and opened by Procurement on February 5, 2024; and,

Whereas, Bids received are publically posted on the City website at Oshawa's Bids and Tenders; and,

Whereas, the bid received from Bel-Con Design-Builders Ltd. in the amount of \$2,105,878 excluding H.S.T., meets the requirements of the tender and is within budget; and,

Whereas, the bidders provided optional pricing for work related to roof area 6 and supply and install of low emissivity ceiling; and,

Whereas, Bel-Con Design-Builders Ltd. cost to complete the optional work is \$309,066 for a total cost of \$2,414,944 excluding H.S.T.;

Therefore, be it resolved that pursuant to CF-24-14, that the Manager, Procurement award a contract to Bel-Con Design-Builders Ltd. in the amount of \$2,414,944 excluding H.S.T., for Roof Replacement – Harman Park Arena.

CF-24-15 - Disclosure of Property Standards Orders and Notices (All Wards)

Whereas at its February 8, 2021 meeting, the Corporate Services Committee (“Committee”) meeting provided the following direction:

“Whereas Council members in instances where Municipal Law Enforcement has received complaints on vacant properties and issued Orders, when these matters come before Committee and Council, members receive copies of the Orders and a summary of the history of complaints and Municipal Law Enforcement actions in order to make informed decisions regarding requests for demolition; and,
That a summary of complaint history on vacant properties be referred to the City Solicitor”; and,

Whereas the City’s Property Standards By-law 1-2002, as amended – which was modernized by way of By-law 136-2021, as approved by Council at its November 22, 2021 meeting – prescribes minimum standards for the maintenance and occupancy of buildings, structures and surrounding lands, including with respect to vacant buildings that are in a state of disrepair and/or maintenance, and is established pursuant to the Ontario Building Code Act, 1992, S.O. 1992, c. 23; and,

Whereas at its May 1, 2023 Council meeting, Council approved of a Vacant Buildings and Land Registry By-law in accordance with Report SF-23-17 dated April 19, 2023, which establishes a requirement to register a vacant building or land and establishes a regular full-cost recovery inspection system in order to ensure that such properties continue to comply with the Property Standards By-law and all applicable law; and,

Whereas specific enforcement activities, including the issuance of Property Standards Orders and related details, are not disseminated to Committee or Council pursuant to Enforcement By-law 92-2014 (“Enforcement By-law”) as they contain confidential and personal information; and,

Whereas disclosure of personal information is subject to the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56 and related processes;

Therefore be it resolved:

1. That members of Committee and Council not be provided with copies of Orders and a summary of the complaint history on vacant properties; and,
2. That the Item “Request for Summary of Complaint History on Vacant Properties” be removed from the Corporate and Finance Services Committee’s Outstanding Items List.

CF-24-22 - Corporate and Finance Services Committee Outstanding Items Status Report - First Quarter 2024 (All Wards)

1. Whereas on February 19, 2019 the Corporate Services Committee referred the following motion to staff for a report: “That administrative or procedural direction given by a Council without passage of a motion at City Council shall terminate at the end of the term of Council.”; and,Whereas such administrative or procedural directions given without motion or decision of Council are verbal only and therefore are not captured in minutes of a meeting and cannot be tracked; and,Whereas on June 10, 2022 Council adopted and new Procedure By-law; and,Whereas Section 26.1d) of Council’s Procedure By-law states that all direction to staff will be given in the form of a motion;Therefore that all administrative or procedural directions given by previous Councils without the passage of a motion be terminated and Item 4 be removed from the Corporate and Finance Services Committee’s Outstanding Items List; and,
2. Whereas on May 1, 2023 Council referred Correspondence CF-23-33 from the Ontario Regiment requesting 10 parking spaces for Armoury members in Parking Lot 20 and options for parking in adjacent City garages to staff for a report; and,Whereas as a result of this direction, this item appears on the Corporate and Finance Services Committee’s Outstanding Items Status Report; and,Whereas such parking requests are more appropriately handled by Community and Operations Services Department staff;Therefore that Item 14 from the Ontario Regiment requesting 10 parking spaces for Armoury members in Parking Lot 20 and options for parking in adjacent City garages be removed from the Corporate and Finance Services Committee Outstanding Items list and placed on the Community and Operations Services Committee’s Outstanding Items List; and,

3. Whereas on June 23, 2023, Council directed that staff receive feedback from the Community, members of Council and staff concerning a new Oshawa Strategic Plan; and,

Whereas this direction includes reporting back to Council directly, not Committee, and was erroneously included on the Committee's Outstanding Items Status Report; and,
Whereas Council has a special meeting scheduled on April 12, 2024 to provide feedback, following which staff will report to Council at a later meeting;
Therefore that Item 17 regarding the 2024-2027 Strategic Plan be removed from the Corporate and Finance Services Committee's Outstanding Items List; and,

4. That the remainder of Report CF-24-22 dated February 28, 2024 being the Corporate and Finance Services Committee's Outstanding Items Status Report for the first quarter of 2024 be received for information.

CF-24-16 - Combined Heat and Power Plant at Delpark Centre (Ward 1)

That in accordance with Report CF-24-16 dated February 28, 2024 concerning the Combined Heat and Power Plant at Delpark Homes Centre, staff be directed to terminate all agreements related to the Combined Heat and Power Plant at Delpark Homes Centre.

Report of the Economic and Development Services Committee

ED-24-29 - Bloor-Simcoe Intensification Study - Consultation Process (Previously OAAC-24-09) (Ward 5)

That in accordance with Report ED-24-29 concerning the Bloor-Simcoe Intensification Study-Consultation Process, the following be received for information:

1. That based on the presentation from Planning Staff concerning the Bloor-Simcoe Intensification Study-Consultation Process, the Oshawa Accessibility Advisory Committee receive a special report on the potential for model accessibility improvements in the Bloor-Simcoe Intensification Study in both publicly owned lands and private lands in alignment with Oshawa, Durham Region, Ontario Ministry of Transportation and Metrolinx official plans; and,
2. That this shall include key features of Highway 401, CN Rail, Future Go Expansion, Oshawa Creek and Trail Network, Heritage Status and Local Business.'

ED-24-30 - Durham Region Transit Stop at Harmony Taunton Smart Centres (Previously OAAC-24-05) (Ward 1)

That in accordance with Report ED-24-30 concerning the Durham Region Transit Stop at Harmony Taunton Smart Centres, the following be endorsed and referred to Durham Region Transit:

'That the Oshawa Accessibility Advisory Committee advise Durham Region Transit that the transit stop changes recently initiated that removed the Harmony Taunton Smart Centres Stop is adversely

impacting people with disabilities and that Durham Region Transit consider returning the stop to the shopping plaza.'

ED-24-31 - Correspondence from Diana Turchin concerning the use of Glass Railings in the City of Oshawa (All Wards)

That Correspondence ED-24-31, dated February 10, 2024, concerning the use of Glass Railings in the City of Oshawa be referred to the Oshawa Environmental Advisory Committee.

ED-24-33 - Refund Request for Draft Plan of Subdivision S-O-2023-01, 20-24 Beatrice Street West, Build Up Real Development Co Oshawa Inc. (Ward 2)

Whereas, Build Up Real Development Co Oshawa Inc. (the "Applicant") is advancing an application for site plan approval (File: SPA-2022-18) for the lands municipally known as 20 and 24 Beatrice Street West to facilitate the development of six (6) semi-detached dwellings and a twenty (20) unit apartment building (stacked townhouses); and,

Whereas, the Applicant has also submitted an application for a proposed draft plan of subdivision (File: S-O-2023-01) to create three (3) blocks, consisting of one (1) block for the proposed apartment building, one (1) block for the proposed semi-detached dwellings and a road widening block; and,

Whereas, the proposed draft plan of subdivision application was submitted to facilitate a future application for a common elements draft plan of condominium, allowing the future Parcels of Tied Land (P.O.T.L.s) associated with the semi-detached dwellings to be created utilizing the removal of part lot control process; and,

Whereas, a public meeting has not been held for the proposed draft plan of subdivision; and,

Whereas, the Applicant is now proposing to advance the development as a standard condominium instead of the originally proposed common elements condominium, negating the need for the proposed draft plan of subdivision; and,

Whereas, the Applicant has decided to withdraw the draft plan of subdivision application and has requested a 75% refund of the draft plan of subdivision application fees in accordance with the letter forming Attachment 1 to this resolution; and,

Whereas, the City does not have a refund policy for draft plan of subdivision applications; and,

Whereas, the City's refund policy for zoning by-law amendment applications would permit the refund of 50% of a zoning by-law amendment application fee where an application is withdrawn prior to notification of a public meeting being held;

Therefore, be it resolved that pursuant to Item ED-24-33, dated February 28, 2024, the Director of Planning Services be authorized to refund 50% of the application fees submitted by Build Up Real Development Co Oshawa Inc. for draft plan of subdivision S-O-2023-01.

ED-24-34 - City-initiated Amendments to Zoning By-law 60-94 (All Wards)

That pursuant to Report ED-24-34 dated February 28, 2024, the Economic and Development Services Department be authorized to initiate the statutory public process under the Planning Act for Council to consider proposed City-initiated amendments to Zoning By-law 60-94, generally in accordance with Attachment 1 to said Report.

ED-24-36 - Economic and Development Services Committee Outstanding Items Status Report - First Quarter (All Wards)

That Item ED-23-36, dated March 4, 2024, being the Economic and Development Services Committee's Outstanding Items Status Report for the first quarter of 2024 be received for information.

Report of the Safety and Facilities Services Committee

SF-24-07 - Technical Amendments to Fireworks By-law 59-2014 and Tiered and Escalating Administrative Monetary Penalties (All Wards)

Whereas the Fireworks By-law 59-2014, as amended (“Fireworks By-law”) is a by-law that regulates the sale and discharge of fireworks within the City of Oshawa (“City”); and,

Whereas staff regularly review the City’s by-laws to identify opportunities to enhance municipal regulatory standards; and,

Whereas Section 5.5 of Report SF-23-13 “Options to Amend Fireworks By-law 59-2014” dated March 15, 2023 identified an opportunity to establish Tiered and Escalating Administrative Monetary Penalties (A.M.P.) and implement the following amendments to increase clarity in the Fireworks By-law:

- Amend Section 9 of the Fireworks By-law to establish Tiered and Escalating A.M.P.s with the following tiers:
 - Tier 1: \$250
 - Tier 2: \$350
 - Tier 3: \$450
- Implement minor typographical changes to reflect updates in position titles and to increase clarity with respect to references to by-laws and legislation.
- Renumbering certain sections to increase clarity and ease of reference.
- Implement minor typographical changes to provide further clarity on when permits are required for the discharge of Consumer Fireworks; and,

Whereas Section 429 of the Municipal Act, 2001, S.O. 2001, c. 25 (“Municipal Act”) authorizes municipalities to establish a system of fines, impose maximum single offence fines of \$100,000 and impose total fines for multiple and continuing offences greater than \$100,000, under a by-law enacted pursuant to the Municipal Act; and,

Whereas additional municipal benchmarking has identified the opportunity to enhance existing enforcement tools by increasing fine amounts for offences that are charged and convicted under the Provincial Offences Act, R.S.O. 1990, c. P.33 by amending the fines as articulated in the Fireworks By-law to the following:

- A minimum fine of \$500 and a maximum fine not exceeding \$100,000; and,

- In the case of a continuing offence, for each day that the offence continues, a minimum fine of \$500 and a maximum fine not exceeding \$10,000, with the total of daily fines not limited to \$100,000; and,
- In the case of multiple offences, for each offence, a minimum fine of \$500 and a maximum fine not exceeding \$10,000, with the total of daily fines not limited to \$100,000;

Therefore be it resolved that Council approve the amending by-law, as set out in Attachment 1 to Report SF-24-07, to further amend Fireworks By-law 59-2014, as amended, to establish Tiered and Escalating Administrative Monetary Penalties, including other technical amendments as indicated, and to increase fine amounts for offences charged and convicted under the Provincial Offences Act, R.S.O. 1990, c. P.33.

SF-24-09 - Safety and Facilities Services Committee Outstanding Items List Status Report - First Quarter 2024 (All Wards)

That Report SF-24-09, dated March 13, 2024 being the Safety and Facilities Services Committee's Outstanding Items List Status Report for the first quarter of 2024 be received for information.

Other Staff Reports and Motions

CNCL-24-25 - Intergovernmental Partnership Program (All Wards)

1. That pursuant to Report CNCL-24-25, dated March 20, 2024, concerning an Intergovernmental Partnership Program, that the proposed Intergovernmental Partnership Program Policy, be endorsed; and,
2. That in accordance with the proposed Intergovernmental Partnership Program Policy:
 - i. That the existing friendship agreements with Louyang City and Wuxi New District be expired; and,
 - ii. That staff confirm partnership details with the City of Aquino and report back to Council on proposed agreement terms.

By-Laws

The following By-laws were passed:

39-2024 - A By-law to Amend Delegation of Authority By-law 29-2009, as amended

(Implements direction of March 4, 2024 through Item ED-24-25 of the Twenty-eighth Report of the Economic and Development Services Committee to alter the delegation restriction under Item 60 of Schedule 'A' in such a manner that the execution and registration of Heritage Easement Agreements would be delegated to the Commissioner, Economic and Development Services Department for purposes beyond those simply relating to the City's Heritage Property Tax Reduction Program, provided that the property has been designated by Council under Part IV or Part V of the Ontario Heritage Act.)

40-2024 - A By-law to Further Amend Fence and Sight Triangle By-law 23-2014, as amended and Boulevard By-law 136-2006, as amended

(Implements Council direction of January 29, 2024 through Item SF-24-01 of the Fourteenth Report of the Safety and Facilities Services Committee to provide clarity in reference to corner sight triangles, address sight obstructions on top of retaining walls located within the driveway sight triangle, and to remove references to Legal Non-Complying provisions for fences, natural features, things or objects located within the corner sight triangle or driveway sight triangle to enhance public safety. Further, the Committee recommended to remove the appeals process for remedial work orders to ensure effective and efficient compliance with the respective by-laws.)

41-2024 - A By-law to Further Amend Fireworks By-law 59-2014, as amended

(Implements direction of March 25, 2024 through Item SF-24-07 of the Fourteenth Report of the Safety and Facilities Services Committee to establish Tiered and Escalating Administrative Monetary Penalties, implement technical amendments and increase fine amounts for offences charged and convicted under the Provincial Offences Act, R.S.O. 1990, c. P.33.)

42-2024 - A By-law to Further Amend Vehicle-for-Hire By-law 31-2022, as amended

(Implements direction of March 25, 2024 through Item SF-24-08 of the Fourteenth Report of the Safety and Facilities Services Committee to implement technical amendments and to establish additional licensing fees to further encourage the delivery of accessible taxicab services.)

43-2024 - A By-law to Further Amend General Fees and Charges By-law 13-2003, as amended

(Implements direction of March 25, 2024 through Item SF-24-08 of the Fourteenth Report of the Safety and Facilities Services Committee to amend Schedule C.1 of General Fees and Charges By-law 13-2003, as amended to reflect new Vehicle-for-Hire Licensing fee categories in order to further incentivize the increase in supply of accessible taxicabs within the City.)

44-2024 - A By-law to Provide for the Implementation and Collection of an Interim Tax Levy for 2024

(Implements Council direction of October 30, 2023 through Item CF-23-72 of the Sixteenth Report of the Corporate and Finance Services Committee to implement and collect an interim tax levy for 2024.)

45-2024 - A By-law to Amend General Fees and Charges By-Law 13-2003, as amended

(Implements direction of March 25, 2024 through Item CO-24-19 of the Fourteenth Report of the Community and Operations Services Committee to change the definition of a senior from 65+ years of age to 55+ years of age living in or paying property taxes in Oshawa.)

Public Discussion Agenda

Matters Excluded from Consent Agenda

CO-24-14 - Selection of the 2024 Oshawa Community Legend Award Recipient (All Wards)

Councillor Neal declared a conflict on this item. (Councillor Neal made a declaration of interest concerning Item CO-24-14 regarding the selection of the 2024 Oshawa Community Legend Award recipient as he sits on the Board of Directors for the Oshawa Senior Citizens Centre (OSCC55+) and did not take part in discussion or voting on the matter.)

Consent Motion:

That pursuant to Report CO-24-14 dated March 13, 2024, concerning the selection of the 2024 Oshawa Community Legend Award recipient:

1. That Joanne Kozaroff be selected as the 2024 Oshawa Community Legend Award; and,
2. That the 2024 Oshawa Community Legend Award be presented to Joanne Kozaroff at a future meeting of Council.

The vote to adopt the recommendation contained in Item CO-24-14.

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

Conflict (1): Councillor Neal

Absent (1): Councillor Marimpietri

Carried (9 to 0)

CO-24-15 - Use of Speed Cushions on Rural Roads (Ward 1)

Consent Motion:

1. That pursuant to Report CO-24-15, dated March 13, 2024 and in accordance with the Neighbourhood Traffic Management Guide (N.T.M.G.) and the Institute of Transportation Engineers (I.T.E.), staff will implement pavement markings and/or signage where appropriate along Columbus Road West; and,
2. That staff continue to work with Durham Regional Police Service and request additional speed enforcement along Columbus Road West; and,
3. That following the Council approved process, staff consider installing Radar Message Boards along Columbus Road West.

The vote to adopt the recommendation contained in Item CO-24-15.

Carried

CO-24-20 - Delpark Park Homes Centre Installation of a Tennis Court

Consent Motion:

That Staff investigate and report back on the installation of a Tennis Court at the Delpark Homes Centre.

Moved by Councillor Lee

Seconded by Councillor Chapman

That Item CO-24-20 be referred to the Parks, Recreation and Cultural Needs Assessment.

Carried

CF-24-17 - Reserves and Reserve Funds Funding (All Wards)

Consent Motion:

1. That pursuant to Report CF-24-17, dated February 28, 2024, concerning reserves and reserve funds funding, a transfer of surplus funds from the Tax Appeal Reserve in the amount of \$4,000,000 be transferred to the following reserves:
 - a. Parks and Recreation Infrastructure Reserve \$1,000,000
 - b. Energy Management Fund \$500,000
 - c. Conditions Audit (CARS) Reserve \$1,000,000
 - d. Information Technology (IT) Reserve \$500,000
 - e. Tribute Communities Centre (TCC) Reserve \$1,000,000; and,
2. That the 2023 Operating Surplus in the amount of approximately \$4.5 million be utilized:
 - a. to repay interfund note (IFN) #70, City of Oshawa By-law 12-2023, in the amount of \$1,666,000; and,
 - b. to repay interfund note #71, City of Oshawa By-law 11-2023, in the amount of \$800,000; and,
 - c. to provide additional funding to the Growth Related Non-DC Reserve in the amount of approximately \$2.0M; and,
3. That unclaimed Site Alteration securities and applicable interest in the amount of \$371,700 be transferred to the Civic Property Development Reserve.

Moved by Councillor Nicholson
Seconded by Councillor McConkey

That Item CF-24-17 be referred to a special meeting of Council in Committee of the Whole to be discussed in tandem with the Strategic Financial Plan.

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

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

Absent (1): Councillor Marimpietri

Lost (4 to 6)

Councillor Marimpietri entered the meeting.

The vote to adopt the recommendation contained in Item CF-24-17.

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

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

Carried (8 to 3)

CF-24-18 - Capital Project Status as of December 31, 2023 (All Wards)

Consent Motion:

That Report CF-24-18, dated February 28, 2024 concerning the Capital Project Status Report as of December 31, 2023 be received for information.

The vote to adopt the recommendation contained in Item CF-24-18.

Carried

CF-24-19 - Security Surveillance and Guard Services Contract (All Wards)

Consent Motion:

1. That the Manager, Procurement be authorized to extend the existing contract for a one year term as outlined in Report CF-24-19, "Security Surveillance and Guard Services Contract", dated February 28, 2024, to Logixx Security Inc. for the provision of security surveillance and guard services; and,
2. That the Manager, Procurement be authorized to extend the contract for an additional two one-year terms to Logixx Security Inc. subject to favourable service and pricing; and,
3. That the Region of Durham be requested to assist with the cost and enter into a memorandum of understanding with the City of Oshawa for fifty (50) per cent of the cost of the Dedicated Downtown Patrol Enforcement Resource for the calendar year 2024, and that the Commissioner, Corporate and Finance Services be authorized to enter into the agreement in a form and content to the satisfaction of the Commissioner, Corporate and Finance Services and the City Solicitor; and,
4. That a copy of this report and Council resolution be provided to the Region of Durham Council, Region of Durham Social Services Department, Region of Durham Health Department, Region of Durham Planning & Economic Development Department, Lakeridge Health and Durham Regional Police Service Board, Chief of Police and Greater Oshawa Chamber of Commerce.

The vote to adopt the recommendation contained in Item CF-24-19.

Carried

CF-24-20 - Contract Award - RFT- C2024-010 Supply Delivery of 8 Side Loading Refuse Trucks - Split Packers (All Wards)

Consent Motion:

Whereas, the Purchasing By-Law 80-2020 requires Council approval to award contracts greater than \$2,000,000 and that exceed the approved budget; and,

Whereas Council approved funding for Project 24-13-0056 in the amount of \$4,000,000 including non-rebateable H.S.T. for eight (8) Side Loaders; and,

Whereas Procurement issued a Request for Tender (R.F.T.) C2024-010 for Supply and Delivery of 8 Side Loading Refuse Trucks Split Packers; and,

Whereas two (2) bids were received and opened by Procurement on February 15, 2024; and,

Whereas bids received are publically posted on the City website at Oshawa's Bids and Tenders; and,

Whereas the bid received from Winslow-Gerolamy Motors Limited in the amount of \$4,506,416 (\$4,585,729 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 \$585,729 including the non-rebateable H.S.T.; and,

Whereas the additional cost of \$585,729 can be funded from the Operations Reserve;

Therefore be it resolved that pursuant to CF-24-20:

1. That the additional funding being requested in Item CF-24-20 for the \$585,729 including non rebateable HST for the Eight side loading refuse trucks – split packers is deferred for the period of time up to the next Oshawa Council meeting when an alternate motion may be recommended once Staff and Council Members have considered the merits of staggering the refuse truck acquisition so that the order for seven side loading split packer refuse trucks may be advanced and the acquisition of an eighth refuse truck is contemplated with regard to the merits of ordering an electric refuse truck, similar to the Region of Peel's pilot project, and,
2. That the Manager, Procurement award a contract to Winslow-Gerolamy Motors Limited in the amount of \$4,506,416 excluding H.S.T. and minus the amount for the truck in Part 1, for Supply and Delivery of 7 Side Loading Refuse Trucks Split Packers.

The vote to adopt the recommendation contained in Item CF-24-20.

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

Lost (0 to 11)

Moved by Councillor Chapman
Seconded by Councillor Giberson

Whereas, the Purchasing By-Law 80-2020 requires Council approval to award contracts greater than \$2,000,000 and that exceed the approved budget; and,

Whereas Council approved funding for Project 24-13-0056 in the amount of \$4,000,000 including non-rebateable H.S.T. for eight (8) Side Loaders; and,

Whereas Procurement issued a Request for Tender (R.F.T.) C2024-010 for Supply and Delivery of 8 Side Loading Refuse Trucks Split Packers; and,

Whereas two (2) bids were received and opened by Procurement on February 15, 2024; and,

Whereas bids received are publically posted on the City website at Oshawa's Bids and Tenders; and,

Whereas the bid received from Winslow-Gerolamy Motors Limited in the amount of \$4,506,416 (\$4,585,729 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 \$585,729 including the non-rebateable H.S.T.; and,

Whereas the additional cost of \$585,729 can be funded from the Operations Reserve;

Therefore, be it resolved that pursuant to CF-24-20:

1. That additional funding of \$585,729 to be funded from the Operations Reserve be approved; and,
2. That the Manager, Procurement award a contract to Winslow-Gerolamy Motors Limited in the amount of \$4,506,416 excluding H.S.T., for Supply and Delivery of 8 Side Loading Refuse Trucks Split Packers.

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

Carried (11 to 0)

CF-24-21 - Analysis of a Reduced Boulevard Presence and Time Limits Concerning the Placement of Election Signs (All Wards)

Consent Motion:

1. That Report CF-24-21 concerning an Analysis of a reduced boulevard presence and time limits concerning the placement of election signs be referred back to staff to prepare a public presentation on the function and mechanics of the proposed Election Signs By-law, inclusive of comparators to those of neighbouring municipalities in addition to relevant GTA municipalities; and,
2. Further report back to Council via a future special Committee of the Whole to be scheduled in consultation with Council members and City staff.

The vote to adopt the recommendation contained in Item CF-24-21

Affirmative (7): Councillor Giberson, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

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

Carried (7 to 4)

CF-24 23 - First-Year Canadian Medical Student Placements (All Wards)

Consent Motion:

1. The Council of the City of Oshawa encourage the Province of Ontario and the Federal Government of Canada work together to effectively boost the number of first year medical student placements within Ontario and Canadian Universities in order to secure the much needed physician recruitment of family doctors for communities like Oshawa and the Region of Durham; and,
2. This motion be shared with the Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM), MPPs and MPs for endorsement and support and that the Mayor communicate accordingly.

Moved by Councillor Gray

Seconded by Councillor Marimpietri

That Item CF-24-23 be referred to Corporate Communications and the Mayor's Office for wording improvements to make the motion more impactful and further, that the improved wording be reported back at the next regularly scheduled Council meeting.

Carried

SF-24-06 - Review of Licensing By-law 120-2005 and Proposed Program Enhancements (All Wards)

Consent Motion:

That based on Report SF-24-06, dated March 13, 2024 concerning a review of Licensing By-law 120-2005 and Proposed Program Enhancements:

1. The following be deferred to the Safety and Facilities Services Committee meeting of April 15, 2024: 'Council approve by-laws in a final form and content acceptable to Legal Services and the Commissioner, Safety and Facilities Services Department to establish a new Business Licensing By-law to regulate certain businesses in the City of Oshawa as detailed in Section 5.4 of this Report, to repeal By-law 120-2005, and to further amend General Fees and Charges By-law 13-2003, as amended to establish applicable licensing fees as detailed in Section 5.4 of this Report'; and,
2. That staff be directed to conduct a review of relevant regulations and business licensing options for Boarding Kennel and Breeders and report back to the Safety and Facilities Services Committee at a later date.

The vote to adopt the recommendation contained in Item SF-24-06

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

Carried (11 to 0)

SF-24-08 - Technical Amendments to Vehicle-for-Hire By-law 31-2022 (All Wards)

Consent Motion:

That based on Report SF-24-08, dated March 13, 2024 concerning Technical Amendments to Vehicle-for-Hire By-law 31-2022:

1. That Council approve by-laws in final form and content acceptable to Legal Services and the Commissioner, Safety and Facilities Services Department to further amend the Vehicle-for-Hire By-law 31-2022, as amended, and the General Fees and Charges By-law 13-2003, as amended to implement technical amendments and to establish additional licensing fees to further encourage the delivery of accessible taxicab services as generally outlined in Section 5.2 of this Report; and,
2. That staff be directed to report back on additional licensing measures to incentivize the Vehicle-for-Hire industry in attempts to increase the supply of wheelchair accessible services, including a Reciprocal Licensing Arrangement with Durham Region lower-tier municipalities; and,
3. That the requirements of the Public Notice Policy GOV-23-02 regarding notice to the public for the amendments to the General Fees and Charges By-law 13-2003, as amended be waived; and,
4. That staff investigate a surcharge to fund additional accessible vehicles.

Amendment:

Moved by Councillor Giberson

Seconded by Councillor Chapman

That Part 4 of the recommendation contained in Item SF-24-08 be amended to add the words 'and other forms of possible funding' after the word 'surcharge'

Carried

The vote to adopt the recommendation contained in Item SF-24-08, as amended and pass related By-laws 42-2024 and 43-2024.

Carried

SF-24-10 - Questions regarding the Active Transportation Master Plan Link 3 Recreation Trail (Ward 1)

Consent Motion:

That pursuant to Item SF-24-10, staff report to the next Committee meeting with available answers to the questions below related to the proposed Active Transportation Master Plan Link 3 recreation trail:

- a. A map showing the actual trail design with elevation data, areas where guard rails or retaining walls between the creek and private property lines will be needed; and,
- b. A map showing the trees which are in proximity to the private property lines and that were planted and tagged in the last decade for slope stability and the City identify which of the trees will need to cut down, and if any will be relocated or replaced; and,
- c. A map showing the trail setbacks from the flood plan regulated area, and hazard and erosion areas; and,
- d. The City's plan to ensure how the recurring flooding issues from both the creek and the Arborwood Storm Water Management Pond are to be addressed to mitigate adverse impacts to the trail infrastructure and residential properties in close proximity; and,
- e. Has the City considered adding any planting necessary to increase privacy; and,
- f. There are steep drop offs in some sections along the proposed trail area - which residential properties will need to have fill added behind them and the embankment regraded; and,
- g. Has the City completed all necessary geotechnical investigations, given soil test contractors were on site Feb 22, 2024 digging holes or will there be more tests; and,
- h. What is the expected construction start date.

Amendment:

Moved by Councillor Chapman

Seconded by Councillor Lee

That the recommendation contained in Item SF-24-10 be amended to add the following after Part h: 'and, i. Have any of the properties encroached in any way onto City property;

and, j. Has there been any site alterations to any properties that has or may have a negative effect on City property.'

Carried

The vote to adopt the recommendation contained in Item SF-24-10, as amended.

Carried

Items Pulled from the Information Package

CNCL-24-27 - Oshawa Power and Utilities Corporation (Oshawa Power) Report of the Chairman to the Shareholder - Fourth Quarter Report (2023) (Previously INFO-24-51) (All Wards)

Moved by Councillor McConkey

Seconded by Councillor Giberson

That Item CNCL-24-27 from Oshawa Power and Utilities Corporation (Oshawa Power) Report of the Chairman to the Shareholder - Fourth quarter Report be received for information.

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 March 25, 2024 be adopted as recommended except the following:

Items ED-24-26, ED-24-28 and ED-24-35 of the Twenty-eighth Report of the Economic and Development Services Committee.

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-24-25 - Use of Heritage Easement Agreements to Protect Designated Heritage Properties (All Wards)

1. That, pursuant to Report ED-24-25 dated February 28, 2024, Economic and Development Services staff be authorized to advance amendments to the Delegation of Authority By-law 29-2009, as amended, to remove the delegation restriction under Item 60 of Schedule "A" of said by-law which limits the use of Heritage Easement Agreements to only those properties designated by Council as eligible for a Heritage Property Tax Reduction, generally in accordance with Attachment 3 to said Report; and
2. That, pursuant to Report ED-24-25 dated February 28, 2024, the Commissioner of Economic and Development Services be authorized to execute Heritage Easement Agreements, and cause such agreements to be registered on title, where deemed appropriate under the Ontario Heritage Act, in a form and content satisfactory to the Commissioner of Economic and Development Services and City Solicitor.

ED-24-27 - Acquisition Strategy: Land on Bagot Street (Ward 4)

That pursuant to Closed Report ED-24-27 dated February 28, 2024, City staff be directed to proceed as outlined in Sections 5.4 and 5.5 of said Report.

Report of the Safety and Facilities Services Committee

None

Other Staff Reports and Motions

None

Closed Discussion Agenda

Matters Excluded from Consent Agenda

ED-24-26 - Results of the Request for Proposal (Reference Number C2023-093) for the Purchase/Lease and Development of the City-owned Land Located at 0 and 20 Harbour Road (Ward 5)

Consent Motion:

1. That, pursuant to Closed Report ED-24-26 dated February 28, 2024, City staff be authorized to advance Option 1 in accordance with Section 5.3.1 of Report ED-24-26; and,
2. That Staff be directed to initiate a rezoning of City owned lands known as 0 and 20 Harbour Roads to have complementary uses as found on the adjacent property to the east; and further that the rezoning be completed by October 2024.

A request was made to vote on Part 2 separately.

Moved by Councillor Chapman
Seconded by Councillor Gray

That Part 2 of Item ED-24-26 be referred to Item ED-24-34.

Carried

The vote on Part 1 of the recommendation contained in Item ED-24-26.

Carried

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) (h) and (k) of the Municipal Act in order to consider Items ED-24-28 and ED-24-35 which concerns information explicitly supplied in confidence to the municipality by Canada, a province or territory or a Crown agency of any of them and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality.

A request was made to divide the recommendation in order to vote on each item separately.

The vote to go into closed session in order to consider Item ED-24-28.

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

Carried (11 to 0)

The vote to go into closed session in order to consider Item ED-24-35.

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

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

Carried (8 to 3)

Moved by Councillor Chapman
Seconded by Councillor Giberson

That the meeting recess for 15 minutes.

The meeting recessed at 2:47 p.m. and reconvened at 3:03 p.m. in a session closed to the public with all members of Council present in the Chamber.

Carried

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, Safety and Facilities Services Department; the Commissioner, Community and Operations Services; the Commissioner, Economic and Development Services Department; the Director, Planning Services; the Manager, Policy; C. Leherbauer, Senior Planner; L. Moebs, Principal Planner; F. Bianchet, Council-Committee Coordinator and K. Christopher, Council-Committee Coordinator.

All other staff left the meeting.

Council entered closed session at 2:47 p.m.

Closed meeting discussions took place.

Moved by Councillor Chapman
Seconded by Councillor Giberson

That Council rise from closed session and report.

Carried

Council rose from closed session at 4:00 p.m.

Closed Meeting Report

The following is a summary of the closed portion of the meeting.

All members of Council were present in the Chamber.

Members of Council questioned the Commissioner, Economic and Development Services Department concerning Item ED-24-26.

The Commissioner, Economic and Development Services Department responded to questions from Council.

Members of Council questioned the Commissioner, Economic and Development Services Department concerning Item ED-24-35.

The Commissioner, Economic and Development Services Department responded to questions from Council.

This concludes the closed meeting summary.

ED-24-28 - Third Update on Matters Related to the Oshawa-to-Bowmanville GO Rail Extension (All Wards)

Consent Motion:

That, pursuant to Report ED-24-28 dated February 28, 2024, regarding a third update on matters related to the Oshawa-to-Bowmanville GO Rail Extension, Council adopt the position and comments as referenced in Section 2.0 of said Report and authorize staff to proceed as outlined in said Section.

The vote on the recommendation contained in Item ED-24-28.

Carried

ED-24-35 - Response to Correspondence from the Minister of Municipal Affairs and Housing concerning 2023 Housing Targets and Performance (All Wards)

Consent Motion:

That, pursuant to Closed Item ED-24-35, the Mayor of Oshawa be directed to respond to the Minister of Municipal Affairs and Housing and the Province of Ontario in the manner outlined in said Closed Item.

Amendment:

Moved by Councillor Giberson

Seconded by Councillor Chapman

That the motion be amended to add the following: ';and, That upon confirmation that the information contained in ED-24-35 has been made public by the Province, that ED-24-35 be released publicly.'

Carried

The vote to adopt the recommendation contained in Item ED-24-35, as amended.

Carried

Moved by Councillor Marimpietri
Seconded by Councillor Chapman

That Council reconsider its previous decision of March 25, 2024 concerning Item CF-24-21.
(Requires 2/3 vote of members present.)

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

Carried (11 to 0)

The following recommendation concerning Item CF-24-21 was now before Council:

1. That Report CF-24-21 concerning an Analysis of a reduced boulevard presence and time limits concerning the placement of election signs be referred back to staff to prepare a public presentation on the function and mechanics of the proposed Election Signs By-law, inclusive of comparators to those of neighbouring municipalities in addition to relevant GTA municipalities; and,
2. Further report back to Council via a future special Committee of the Whole to be scheduled in consultation with Council members and City staff.

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

Lost (0 to 11)

Moved by Councillor Chapman
Seconded by Councillor Neal

That Section 3(q) of Election Sign By-law 42-2014, as amended, be further amended to change the word 'forty-second (42nd)' to 'twenty-fifth (25)'.

Amendment:

Moved by Councillor Giberson
Seconded by Councillor Lee

That the motion be further amended to add the following: 'that a \$250 deposit for signs also be implemented.'

Affirmative (2): Councillor Giberson, and Councillor Lee

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

Lost (2 to 9)

The vote to adopt the motion concerning Item CF-24-21.

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

Carried (11 to 0)

Items Requiring Council Direction

None

Matters Tabled

Notices of Motion

CNCL-24-28 - Mandatory Breaks During Council and Standing Committee Meetings (All Wards)

Moved by Councillor Nicholson

Seconded by Councillor Marimpietri

That Council's Procedure By-law be amended to include the following mandatory breaks during Council and Standing Committee meetings:

- a) Council:
 - 11:00 a.m. – 11:15 a.m. - a fifteen minute comfort break;
 - 12:30 p.m. - 1:30 p.m. - a one hour break for lunch;
 - 3:00 p.m. – 3:15 p.m. - a fifteen minute comfort break
 - 5:00 p.m. - 6:00 p.m. - a one hour break for dinner, if required; and,
- b) Standing Committees:
 - i) For meetings starting at 9:30 a.m.
 - 11:00 a.m. – 11:15 a.m. - a fifteen minute comfort break
 - ii) For meetings starting at 1:30 p.m.
 - 3:00 p.m. – 3:15 p.m. – a fifteen minute comfort break; and,
- c) For meetings which start at 6:30 p.m. - a fifteen minute comfort break at 8:00 p.m.

Amendment:

Moved by Councillor McConkey

Seconded by Councillor Kerr

That the motion be amended to replace the word 'mandatory' with the word 'suggested'

Carried

The vote to adopt the recommendation contained in Notice of Motion CNCL-24-28, as amended.

Carried

CNCL-24-29 - Parking Utilization Survey for the On-Street and Off-Street Parking Components of the City's Municipal Parking System in the Downtown Oshawa Urban Growth Centre (Ward 4)

Moved by Councillor Kerr
Seconded by Councillor Marimpietri

That commencing in Q2 of 2024, staff initiate an updated parking utilization survey for the on- and off-street parking components of the City's municipal parking system in the Downtown Oshawa Urban Growth Centre (the "D.O.U.G.C.") as recommended in Report CNCL-21-110 dated November 23, 2021, including an analysis of the current municipal parking supply in the D.O.U.G.C. and the future parking requirements related to current development proposals, and accounting for any future parking supply reductions related to proposed development and future Rapid Transit, as well as proposed reduced parking requirements related to current development proposals, and that staff investigate and determine an appropriate funding source.

Carried

CNCL-24-32 - Back-up Recording of Committee and Council Meetings (All Wards)

Whereas there was an issue with the audio at a recent City Standing Committee meeting and the sound was not recorded;

Now therefore;

1. That IT be directed to ensure there is a back-up audio recording of all City Committee and Council meetings; and,
2. That the Clerks department advise Council members and the public when the webstream for a City Committee of Council meeting fails, that meeting be delayed or rescheduled until the webstream is working.

The Notice of Motion was ruled out of order by the Mayor.

Councillor McConkey challenged the Mayor's ruling.

The vote to uphold the Mayor'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

Carried (9 to 2)

CNCL-24-33 - Speeding on Rural Roads (Ward 1)

Speed concerns on 'Rural Roads' are on the increase; and,

In an effort to prevent further accidents, associated with traffic safety, from occurring;

Be it resolved that notwithstanding the city's policies relating to the limitation of traffic safety measures applicable on rural roads, that staff work with the ward councillors to activate an effective pilot project aimed at reducing speeds and improving road safety on Columbus Road, thereby offering a model potentially applicable on other 'Rural Roads' within our community.

The Notice of Motion was ruled out of order by the Mayor.

Confirming By-Law

Moved by Councillor Chapman
Seconded by Councillor Giberson

That the confirming by-law be passed.

Carried

Adjournment

Moved by Councillor Kerr
Seconded by Councillor Neal

That the meeting adjourn at 4:41 p.m.

Carried

Mayor

City Clerk