



PRESENT:

Mayor David Ryan

COUNCILLORS:

- D. Dickerson
- R. Johnson
- B. Littley
- B. McLean
- J. O'Connell
- D. Pickles

ALSO PRESENT:

- T. J. Quinn - Chief Administrative Officer
- T. Melymuk - (Acting) Chief Administrative Officer
- E. Buntsma - Director, Operations & Emergency Services
- N. Carroll - Director, Planning & Development
- G. Paterson - Director, Corporate Services & Treasurer
- D. Wilcox - City Clerk
- D. Shields - Deputy Clerk

Mayor Ryan advised that the Council Agenda would be altered so that Council could reconvene back into the In Camera session to complete unfinished business. He noted that Council would complete the presentation regarding the 2009 Pickering Blooms Program prior to moving to the In Camera session.

(I) INVOCATION

Mayor Ryan called the meeting to order and led Council in the saying of the Invocation.

(II) DISCLOSURE OF INTEREST

No disclosures of interest were noted.

(III) PRESENTATIONS

1. Mayor Ryan
Councillor McLean
Recognition of 2009 Pickering Blooms Program
"Gardens of Distinction"



Mayor Ryan and Councillor McLean recognized and congratulated the Pickering residents and schools that received the Gardens of Distinction certificates for the 2009 Pickering Blooms Program. The following residents were recognized;

Mary Dawson, Sharon Rose Dongren, Randy & Ann Taylor, Carolyn Kasperski, John Conte, Howard Kopstick, Donna Jones, Joni Gillingham, Penny Purdon, Cheryl Sliz, David Arathoon, Ida Carlucci, Robert Allpress, Rosemary Aiken, Ann Livingston & Robert Mackenzie, Jacqueline Booth, Musarrat Mirza, John Briggs, Principal and Laurel Gown, Teacher, representing Highbush Public School , Trevor Sone, Property Manager representing Discovery Place 1 and Anne Marie Pawalski, representing Holy Redeemer Parish.

Council reconvened the In Camera session at 7:42 pm in order to complete unfinished business.

Council reconvened into the Regular Council session at 8:40 pm.

(IV) ADOPTION OF MINUTES

Resolution # 230/09

Moved by Councillor Johnson
Seconded by Councillor McLean

Council Minutes, September 21, 2009, as amended
Special Council Minutes, September 28, 2009
Planning & Development Committee Minutes, October 5, 2009
Executive Committee Minutes, October 13, 2009

CARRIED

(V) DELEGATIONS

1. Terry Quinney
Ontario Federation of Anglers & Hunters
Re: Update on the Lake Ontario Atlantic Salmon
Restoration Program (L.O.A.S.R.P)

Terry Quinney of the Ontario Federation of Anglers & Hunters appeared before Council and updated them on the Lake Ontario Atlantic Salmon Restoration Program. He noted that the 4 key strategies for the program were; fish production and stocking, habitat and water quality enhancement, research and assessment and education and outreach. Mr. Quinney noted that the City of Pickering should be very proud of the

initiatives put forward by Pickering in the restoration of Duffins Creek and that he felt within 10 years Duffins Creek should have atlantic salmon within it again.

2. Pierre Chauvin
MHBC
Re: Report PD 29-09
Kinsale Properties Ltd.

Pierre Chauvin of MHBC appeared before Council on behalf of Kinsale Properties Ltd. and Jason Miller of Miller Golf Design. Mr. Chauvin noted that he was there to answer any additional questions and provide clarification if needed.

A question and answer period ensued.

Moved by Councillor O'Connell
Seconded by Councillor McLean

That the rules of procedure be suspended in order to allow for the following delegations.

Sharon Cruise
Jim Robb

CARRIED

1. Confidential Memorandum dated October 16, 2009 from the Chief
Administrative Officer with respect to the YDSS Odour Control Facility

Further to discussions in the In Camera session the following is hereby ratified in the public session.

Resolution # 231/09

Moved by Councillor Dickerson
Seconded by Councillor Pickles

1. That Council retain a qualified expert to assist with the review of the Environmental Assessment on inflow/infiltration issues and aquifer delineation issues;
2. That Council write to the Minister of the Environment to address the amended EAs and the government review; and
3. That if unsuccessful in achieving the desired results with the letter to the Minister, commence an application for judicial review.



CARRIED UNANIMOUSLY
ON A RECORDED VOTE

4. Re: Odour Control Facility
Southeast Collector Trunk Sewer Project

Sandy Rider, Rouge Duffins Greenspace Coalition noted that she was there to introduce David Donnelly.

David Estrin appeared before Council and with the assistance of a powerpoint presentation summarized the information within the letter dated October 19th, 2009 in the Council Correspondence section of the agenda. Mr. Estrin reiterated that it was crucial that Council take effective steps now to protect the interests of the municipality and its residents given the final step in the EA process is now in motion with the deadline for comments to the Environment Minister being November 20, 2009.

A question and answer period ensued.

Devi Gopalan appeared before Council and reiterated her position on the fact that she feels the City of Pickering and their residents were not treated fairly throughout this whole process. She noted that there was no timely communication to them and also felt that the Memorandum of Understanding had been breached. She stated that for a year they have been asked to be treated fairly and noted that it was up to Council now to protect the residents of Pickering.

A question and answer period ensued.

Dan Murphy noted that all of his material had been covered and there was no reason for him to address Council.

Jocelyn Barber appeared before Council and stated that she was a long time resident in Pickering and had first hand experience with the first pipeline installation. She noted that there is a smell around the pipeline and has been for the start. She stated that the reason there were no complaints on record was due to the fact residents in the area did not want to complain because they thought the value of their properties would decrease. She also noted there were problems with well water and that the natural water system was affected. She requested that Council do everything they could to protect the City of Pickering and its residents regarding the second pipeline.

A question and answer period ensued.

Peter Rodrigues noted that all of his material had been covered and there was no reason for him to address Council.



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David Donnelly appeared before Council representing the Rouge Duffins Greenspace Coalition. He noted that he has acted on previous court cases regarding the Environmental Assessments. He also stated that he felt the letter York Region sent to the City of Pickering was a threat to the City and stated that the City should strongly follow up on that threat. Mr. Donnelly also noted that his client is asking Council to partner with the citizens group against this process. A question and answer period ensued.

Sharon Cruise noted that all of her material had been covered and there was no reason for her to address Council.

Jim Robb appeared before Council and noted that most of his comments had been covered. He stated that Council needed to act now against the EA process and the Region of York in order to protect the community and citizens of Pickering and the environment.

A question and answer period ensued.

Council took a 10 minute recess and reconvened at 9:58 pm.

Resolution # 232/09

Moved by Councillor O'Connell
Seconded by Councillor Littley

That the rules of procedure be suspended in order to add a new piece of correspondence, CORR. 103-09 from Mr. David Estrin, Certified Environmental Law Specialist, Gowlings with respect to the Southeast Collector Trunk Sewer Environmental Assessment.

CARRIED ON A
2/3RD MAJORITY VOTE

(VI) CORRESPONDENCE

1. CORR. 96-09
EVERETT BUNTSMA
DIRECTOR, OPERATIONS & EMERGENCY SERVICES
CITY OF PICKERING
One The Esplanade
Pickering, ON L1V 6K7



Resolution # 233 /09

Moved by Councillor Dickerson
Seconded by Councillor Johnson

1. That the Corporate Grants policy be waived;
2. That a grant of \$750.57 be provided to the Durham West Girls Junior Lightning Hockey Team to host an exhibition game with the Team China Olympic Hockey Team at the Delany Rink in the Recreation Complex; and
3. That the appropriate officials of the City of Pickering be given the authority to give effect thereto.

CARRIED

2. CORR. 97-09
RON HALLIDAY
DEVELOPMENT MANAGER
COUGS INVESTMENTS LTD.
2700 Audley Road North
Ajax, ON L1Z 1T7

Resolution # 234/09

Moved by Councillor Pickles
Seconded by Councillor Dickerson

That CORR. 97-09 received from Ron Halliday, Development Manager, Cougs Investments Ltd. requesting permission from the City to construct a 300 mm diameter watermain along the north side of the unopened 5th Concession Road right-of-way between Balsam Road and future Garrardview Road as required by the Region of Durham to provide a secondary watermain feed for the proposed Deer Creek East subdivision be approved.

CARRIED

3. CORR. 98-09
P.M. MADILL
REGIONAL CLERK
REGION OF DURHAM
605 Rossland Road East
Whitby, ON L1N 6A3

Resolution # 235/09

Moved by Councillor Dickerson
Seconded by Councillor Johnson

That CORR. 98-09 received from P.M. Madill, Regional Clerk, Region of Durham, with respect to a resolution passed at a meeting held September 23, 2009 regarding support of the Durham Strategic Energy Alliance (DSEA) lead proposal submission to the Provincial Ministry of Research and Innovation for the creation of a Durham-based Research Innovation Centre under the Ontario Network of Excellence be received for information.

CARRIED

4. CORR. 99-09
J.W. TIERNAY
EXECUTIVE DIRECTOR
ONTARIO GOOD ROADS ASSOCIATION
6355 Kennedy Road, Unit 2
Mississauga, ON L5T 2L5

Resolution # 236/09

Moved by Councillor Dickerson
Seconded by Councillor Johnson

That CORR. 99-09 received from J.W. Tiernay, Executive Director, Ontario Good Roads Association providing information with respect to the nominations for directors to serve on the 2010-2011 Board of Directors be received for information.

CARRIED

5. CORR. 100-09
BRUCE MACGREGOR
CHIEF ADMINISTRATIVE OFFICER
YORK REGION
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Discussion ensued on this matter. The Chief Administrative Officer was asked to aggressively respond to CORR. 100-09.

Resolution # 237/09

Moved by Councillor Dickerson
Seconded by Councillor Johnson

That CORR. 100-09 received from Bruce Macgregor, Chief Administrative Officer, Regional Municipality of York, regarding the direction Pickering Council is taking with respect to the Southeast Collector Trunk Sewer Individual Environmental Assessment Project and the York/Durham Odour Control Facility be received for information.

CARRIED

6. CORR. 101-09
RODGER MILLER, VICE PRESIDENT
MATTAMY DEVELOPMENT CORPORATION
2360 Bristol Circle
Oakville, ON L6H 6M5

Resolution # 238/09

Moved by Councillor Dickerson
Seconded by Councillor Johnson

That CORR. 101-09 received from Rodger Miller, Vice President, Mattamy Development Corporation providing their plans and timeframes involved for the development of their lands with respect to the draft plan approval of the property. (Draft Plan of Subdivision SP-2008-01, Zoning By-law Amendment Application A 1/08) be received for information.

CARRIED

7. CORR. 102-09
a) CROHN'S AND COLITIS FONDATION OF CANADA 76-79
b) INTERNATIONAL EPIDERMOLYSIS BULLOSA
c) RECYCLING COUNCIL OF ONTARIO
d) ONTARIO FEDERATION OF LABOUR (OFL)



Resolution # 239/09

Moved by Councillor Dickerson
Seconded by Councillor Johnson

That CORR. 102-09 be received and the following proclamations be declared:

November, 2009 – “Crohn’s and Colitis Awareness Month”;
October 25 – 31, 2009 “International Epidermolysis Bullosa Awareness Week”;
October 19 – 25, 2009 “Waste Reduction Week in Canada”
November 6, 2009 “Community Social Service Workers Appreciation Day”

8. CORR. 103-09
DAVID ESTRIN
CERTIFIED ENVIRONMENTAL LAW SPECIALIST
GOWLINGS
BARRISTERS & SOLICITORS
Suite 1600, 1 First Canadian Place
100 King Street West
Toronto, ON M5X 1G5

Resolution # 240/09

Moved by Councillor O’Connell
Seconded by Councillor Littley

That CORR. 103-09 from David Estrin, Certified Environmental Law Specialist, Gowlings, with respect to the Southeast Collector Trunk Sewer Environmental Assessment (EA) and the Memorandum of Understanding (MOU) between the City of Pickering and the Regional Municipality of York be received for information.

CARRIED LATER IN THE
MEETING, AS AMENDED
[See Following Motions]

Resolution # 241/09

Moved by Councillor O’Connell
Seconded by Councillor McLean

That the main motion be amended by adding the following as Items 2 a), b) and 3:

2. That Council direct the City Solicitor to inform the York Region Solicitor, Chair and Members of York Regional Council that the City of Pickering:
 - a) Considers York Region to be in breach of its obligations under the MOU in respect of the Environmental Assessment process for the SEC Trunk Sewer including, without limitation, the unfair manner in which York Region has carried out the Environmental Assessment for the SEC Trunk Sewer;
 - b) That in the event York Region has not by October 30, 2009 clearly communicated to the City of Pickering that York Region is willing to address the City's concerns as expressed in resolutions passed on September 22, 2009 including suspend the processing of its Environmental Assessment now before the Minister of Environment in order to rectify issues of concern to the City of Pickering, that the City of Pickering commence a Court application for a declaration that York Region is in breach of its obligations, duties and responsibilities under the MOU and for such ancillary relief, including injunctive relief, as may be appropriate;
3. That staff be directed to retain outside counsel, Rodney V. Northey, to refer to opinions provided by Solicitor David Estrin, prepare and submit correspondence to the Minister of Environment and Ministry of Environment detailing City of Pickering's concerns and requests with regards to the SEC Trunk Sewer Project by November 20, 2009.

CARRIED ON A DIVIDED
MOTION LATER IN THE
MEETING
[See Following Motions]

Resolution # 242/09

Moved by Councillor Dickerson
Seconded by Councillor Littley

That the main motion as amended be divided in order to deal with Item 2 a),b) and 3 separately.

CARRIED ON A
RECORDED VOTE
AS FOLLOWS:



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YES

Councillor Dickerson
Councillor Johnson
Councillor Littley
Mayor Ryan

NO

Councillor McLean
Councillor O'Connell
Councillor Pickles

Resolution # 243/09

Moved by Councillor Littley
Seconded by Councillor Pickles

That the amendment [(Item 2 a), b) and 3)] be referred to Legal Counsel.

MOTION DEFEATED
ON A RECORDED
VOTE AS FOLLOWS:

YES

Councillor Johnson
Councillor Littley
Councillor Pickles

NO

Councillor Dickerson
Councillor McLean
Councillor O'Connell
Mayor Ryan

Resolution # 244/09

Moved by Councillor O'Connell
Seconded by Councillor McLean

2. Direct the City Solicitor to;

- a) Considers York Region to be in breach of its obligations under the MOU in respect of the Environmental Assessment process for the SEC Trunk Sewer including, without limitation, the unfair manner in which York Region has carried out the Environmental Assessment for the SEC Trunk Sewer;

CARRIED ON A
RECORDED VOTE
AS FOLLOWS:



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YES

Councillor Dickerson
Councillor Littley
Councillor McLean
Councillor O'Connell
Mayor Ryan.

NO

Councillor Johnson
Councillor Pickles

Resolution # 245/09

Moved by Councillor O'Connell
Seconded by Councillor McLean

2. Direct the City Solicitor to;

- b) That in the event York Region has not by October 30, 2009 clearly communicated to the City of Pickering that York Region is willing to address the City's concerns as expressed in resolutions passed on September 22, 2009 including suspend the processing of its Environmental Assessment now before the Minister of Environment in order to rectify issues of concern to the city of Pickering, that the City of Pickering commence a Court application for a declaration that York Region is in breach of its obligations, duties and responsibilities under the MOU and for such ancillary relief, including injunctive relief, as may be appropriate;

CARRIED ON A
RECORDED VOTE
AS FOLLOWS:

YES

Councillor Dickerson
Councillor Littley
Councillor McLean
Councillor O'Connell
Mayor Ryan

NO

Councillor Johnson
Councillor Pickles

Resolution # 246/09

Moved by Councillor O'Connell
Seconded by Councillor McLean



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3. That staff be directed to retain outside counsel, Rodney V. Northey, to refer to opinions provided by Solicitor David Estrin, prepare and submit correspondence to the Minister of Environment and Ministry of Environment detailing City of Pickering's concerns and requests with regards to the SEC Trunk Sewer Project by November 20, 2009.

CARRIED ON A
RECORDED VOTE
AS FOLLOWS:

YES

Councillor Littley
Councillor McLean
Councillor O'Connell
Mayor Ryan

NO

Councillor Dickerson
Councillor Johnson
Councillor Pickles

The main motion, as amended, was then CARRIED.

(VII) COMMITTEE REPORTS

a) REPORT PD 2009-09 OF THE PLANNING & DEVELOPMENT COMMITTEE

1. Director, Planning & Development, Report PD 24-09
Zoning By-law Amendment Application A 10/09
Pine Ridge Management Inc. & 1331301 Ontario Inc.
Part of Lots 20 & 21, Concession 1
(1450 & 1525 Pickering Parkway)
City of Pickering

COUNCIL DECISION

1. That Report PD 24-09 of the Director, Planning & Development be received;
2. That Zoning By-law Amendment Application A 10/09, submitted by Pine Ridge Management Inc. & 1331301 Ontario Inc. for lands being Part of Lot 20, Concession 1 & Part of Lot 21, Concession 1, be approved to broaden the range of commercial uses for the subject properties including offices and personal service uses, and add nursing home, retirement home and multiple dwelling-vertical (apartment) as permitted uses and increase the permitted height from six to eight storeys on the lands;

3. That no further notice is required to change the by-law to increase the permitted height from six to eight storeys, proposed subsequent to the holding of the public meeting, as it is within the provisions of the *Planning Act*; and
 4. Further, that the zoning by-laws to implement Zoning By-law Amendment Application A 10/09, as set out in Appendices I and II to Report PD 24-09, be forwarded to City Council for enactment.
3. Director, Planning & Development, Report PD 27-09
City Initiated Application
Zoning By-law Amendment Application A 12/08
Dunbarton Village Zoning Review
City of Pickering

COUNCIL DECISION

1. That Report PD 27-09 of the Director, Planning & Development be received;
2. That Zoning By-law Amendment Application A 12/08 be approved to rezone certain lands in Dunbarton Village to recognize existing legal non-conforming uses and to establish a range of permitted uses appropriate for this Village environment; and
3. Further, that the draft zoning by-law to implement Zoning By-law Amendment Application A 12/08, as set out in Appendix I to Report PD 27-09, be forwarded to City Council for enactment.

Resolution # 247/09

Moved by Councillor Johnson
Seconded by Councillor Littley

That the Report of the Planning & Development Committee 2009-09, dated October 5, 2009, be adopted, save and except Items 2 and 4.

CARRIED

2. Director, Planning & Development, Report PD 26-09
Continuation of Urban Design Consulting Services
-Downtown Pickering & Pickering Growth Strategy Program

General discussion ensued on this matter. The Chief Administrative Officer was directed to have this matter referred to a future strategy session in order to go over the consultants work.

Resolution # 248/09

Moved by Councillor Johnson
Seconded by Councillor Littley

1. That Report PD 26-09 of the Director, Planning & Development respecting urban design consulting services be received;
2. That the Director, Planning & Development and the Office of Sustainability be authorized to continue with the services of Young & Wright / IBI Group to act as the City's urban design consultants on the:
 - a) Downtown Pickering program to an upset limit of \$50,000 using professional and consultative service funds approved by Council in the 2009 Planning & Development Department budget;
 - b) Downtown Pickering program for 2010 to a limit to be determined through the Planning & Development Department budget approval process;
 - c) Pickering Growth Strategy program to an upset limit of \$65,000 using professional and consultative service funds approved by Council in the 2008/2009 Planning & Development Department budgets; and
3. Further, that the appropriate City officials be authorized to take the necessary action to give effect hereto.

CARRIED

4. Director, Planning & Development, Report PD 29-09
Durham Region Official Plan Amendment Application OPA 2008-001
Official Plan Amendment Application OPA 05-04/P
Amendment 20 to the Pickering Official Plan
Zoning By-law Amendment Application A 33/05
Kinsale Properties Ltd.
(Part of Lot 4, Concession 6)
City of Pickering

General discussion ensued on this matter.

Resolution # 249/09

Moved by Councillor Johnson
Seconded by Councillor Littley

1. That Report PD 29-09 of the Director, Planning & Development regarding Official Plan Amendment Application OPA 05-04/P, Amendment 20 to the Pickering Official Plan, be received;
2. a) That Amendment 20 to the Pickering Official Plan initiated by Kinsale Properties Ltd., to permit a 12-hole golf course and associated uses by redesignating the lands from *Agricultural Areas, Open Space System – Natural Areas* and *Exception (E1-3.20.a)* to *Open Space System – Active Recreational Areas* as set out in Exhibit "A" to Appendix I to Report PD 29-09 be adopted and forwarded to the Region of Durham for approval;
b) That the Draft By-law to adopt Amendment 20 to the Pickering Official Plan to establish a golf course with maintenance buildings, a clubhouse with limited food services and a separate building with an indoor golf simulator as set out in Appendix I to Report PD 29-09 be forwarded to Council for enactment;
3. That Council advise the Region of Durham that it supports the application to amend the Durham Regional Official Plan, File: OPA 2008-P-51, submitted by Kinsale Properties Ltd., to redesignate a 29.9 hectare site in the City of Pickering from Prime Agricultural Areas to Major Open Space Areas to permit the development of a 12-hole golf course;
4. That Zoning By-law Amendment Application A 33/05 submitted by Kinsale Properties Ltd. for lands being Part of Lot 18, Concession 1, City of Pickering, to amend the zoning of the subject property to permit a 12-hole golf course with maintenance buildings, a clubhouse with limited food services and a separate building with an indoor golf simulator as outlined in Report PD 29-09 be approved;
5. That the draft by-law to amend Zoning By-law 3037, as amended by By-law 1751/83 to permit a 12-hole golf course with maintenance buildings, a clubhouse with limited food services and a separate building with an indoor golf simulator is to be forwarded to Council for enactment once the Ministry of Natural Resources advises the City that the final limits of development and boundaries for open space zoning are appropriate; and
6. Further, that the City Clerk forward a copy of Report PD 29-09 to the Region of Durham and the Town of Ajax for information.

CARRIED LATER IN THE
MEETING
[See Following Motion]

Resolution # 250/09

Moved by Councillor O'Connell
Seconded by Councillor Dickerson

That Items 2a), and 5 of the main motion be revised as follows and that additional recommendations be added and numbered as 7, 8 and 9:

- 2 a) That Amendment 20 to the Pickering official Plan initiated by Kinsale Properties Ltd., to permit a 12 hole golf course and associated uses by redesignating the lands from Agricultural Areas, Open Space System-Natural Areas and Exception E1-3.20(a) to Open Space System-Active Recreational Areas as set out in the revised Exhibit "A" to Appendix 1 to Report PD 29-09 be adopted and forwarded to the Region of Durham for approval;
5. That the draft by-law to amend Zoning By-law 3037, as amended by By-law 1751/83, to permit a 12 hole golf course with maintenance building, a clubhouse with limited food services and a separate building with an indoor golf simulator be forwarded to Council for enactment;
7. That the development/site plan agreement required prior to removal of the "H" – Holding Category include, but not be limited to matters outlined in Attachment #3 to the memo dated October 14, 2009, addressed to the City Clerk from the Director, Planning & Development.
8. That the draft by-law to amend Zoning By-law 3037, as amended, contain a "H" Holding Category and provisions that the "H" not be lifted until independent testing for contamination is conducted for the entire depth of the existing fill on site; and
9. That the independent testing of the existing on-site fill be conducted under the administration of the City and paid for by Kinsale Properties Ltd.

The main motion, as amended, was then CARRIED.



b) REPORT EC 2009-08 OF THE EXECUTIVE COMMITTEE

1. Director, Corporate Services & Treasurer, Report CS 38-09
2009 Year End Audit

COUNCIL DECISION

1. That Report CS 38-09 of the Director, Corporate Services & Treasurer be received;
 2. That the Audit Plan as submitted by Deloitte & Touche LLP, included as Attachment 1 to this report be received for information; and,
 3. That the Chief Administrative Officer and the Director, Corporate Services & Treasurer be authorized to sign the Auditor's Engagement Letter on behalf of the City.
2. Director, Corporate Services & Treasurer, Report CS 36-09
Clerks Division Revenue Controls Review

COUNCIL DECISION

That Report CS 36-09 of the Director, Corporate Services & Treasurer regarding the results of the Clerks Division Revenue Controls Review be received for information.

3. Director, Corporate Services & Treasurer, Report 37-09
Section 357/358 of the *Municipal Act* – Adjustment to Taxes

COUNCIL DECISION

1. That Report CS 37-09 of the Director, Corporate Services & Treasurer be received;
2. That the write-offs of taxes as provided under Section 357/358 of the *Municipal Act*, 2001 be approved; and,
3. That the appropriate officials of the City of Pickering be authorized to take the necessary action to give effect hereto.

4. Director, Corporate Services & Treasurer, Report CS 39-09
Veridian Corporation – Promissory Notes Renewal

COUNCIL DECISION

1. That Report CS 39-09 of the Director, Corporate Services & Treasurer be received;
 2. That the maturity dates on the Promissory Notes in the amount of \$7,095,000 to Veridian Corporation and \$17,974,000 to Veridian Connections Inc. be amended to November 1, 2012 at their face value with the existing terms and conditions with interest at 6% or the Ontario Energy Board Deemed Rate as indicated on the respective notes;
 3. That a by-law in the form included as Attachment 2 to this report providing for the approval and execution of a Note Amending Agreement be enacted;
 4. That the Mayor and Clerk be authorized to execute the Note Amending Agreement on behalf of the City of Pickering in the form included as Attachment 3 to this report;
 5. That the Director, Corporate Services & Treasurer be authorized to undertake any actions including negotiations or amendments to the terms and conditions necessary in order to put the foregoing into effect; and
 6. That the appropriate officials at the City of Pickering be given authority to give effect thereto.
5. Director, Operations & Emergency Services, Report OES 45-09
407 East Final Individual Environmental Assessment (FIEA) and
Preliminary Design Study – August 2009
City of Pickering Comments

COUNCIL DECISION

1. That Report OES 45-09 of the Director, Operations & Emergency Services and the Director, Planning & Development, regarding the 407 East Final Individual Environmental Assessment (FIEA) and Preliminary Design Study, August 2009, be received;
2. That Council endorses the Technically Preferred Route (TPR) consisting of the Highway 407 East Mainline and the two North-South Freeway "Links" connecting Highway 401 in West Durham and in East Durham (See Attachment 1);

3. That Council supports the transitway corridor, the locations of transitway stations and the maintenance yards within Pickering in principle, as the basis for the submission of a future separate environmental assessment;
4. That Council requests the Ontario Ministry of Transportation (MTO) to work with City staff to determine alternative strategies for the seven cultural heritage properties in Pickering proposed to be displaced in the FIEA Report (See Attachment 2);
5. That Council requests the MTO to consider a better location or retain flexibility to re-orient the proposed interchange at Westney Road to accommodate a more easterly alignment for the Greenwood By-Pass on Westney Road, should the Region of Durham's Environmental Assessment (EA) for the Greenwood By-Pass support such an alignment;
6. That, as previously requested in Report No. OES 07-09, dated January 12, 2009 (See Attachment 3), Council requests all proposed grade separations within Pickering include raised sidewalks (1.8 metre minimum width) on both sides of the roadways, and dedicated bicycle lanes (1.5 metre minimum width) on the outer lanes on both sides of the roadways at MTO expense;
7. That Council requests the MTO to install a gateway feature at Lake Ridge Road in Pickering as a component of Community Value Plan (CVP);
8. That Council requests MTO to relocate and replace ball diamonds, play grounds, and parking, etc. located at Don Beer Memorial Park north of Highway 407 in the Hamlet of Brougham which is being significantly impacted by the proposed alignment, and that MTO be further requested to work closely with the City of Pickering and the Federal Government to find a suitable location, all at MTO expense;
9. That Council endorses the comments and recommendations made by staff to the MTO, dated August 4, 2009 (See Attachment 4) and further requests MTO to incorporate them into the FIEA Report;
10. That Council endorses the concerns raised by staff on the FIEA Report to the MTO in Appendix 3 of Report OES 45-09 and further requests MTO to incorporate them into the FIEA Report;
11. That MTO revise the FIEA to take into account the data and status updates contained in Appendix 4 of Report OES 45-09;



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12. That following the approval of FIEA Report, Council requests MTO to work closely with City of Pickering staff during the subsequent design and implementation phases of the 407 easterly extension;
 13. That a copy of the Report OES 45-09 be forwarded to the MTO, the 407 East EA Project Team, Region of Durham, all Durham area municipalities, and Transport Canada; and
 14. Further, that the City Clerk be requested to forward Report OES 45-09 and the October 13, 2009 Executive Committee decision on this matter to Ontario Ministry of Environment (MOE) by the required deadline of October 16, 2009 and forward Council's decisions on this matter following the Council meeting of October 19, 2009 to MOE.
6. Director, Corporate Services & Treasurer, Report CS 40-09
Tender / Contract Approval
- Councils' Summer Recess

COUNCIL DECISION

1. That Report CS 40-09 of the Director, Corporate Services & Treasurer regarding tender and contract approvals during Councils' Summer Recess be received; and,
2. That Council pass a resolution ratifying the approval of the Tenders and Contracts by the Chief Administrative Officer contained in this Report during Council's summer recess being Tender No. T-11-2009 Durham Purchasing Co-operative for the Supply and Delivery of Culvert; Tender No. T-13-2009, Supply and Delivery of Fire Rescue Equipment; Tender No. T-16-2009, Asphalt and Concrete Repairs; Tender No. T-20-2009, Supply and Delivery of Two (2) One-Ton Dump Trucks; and Tender No. T-21-2009, Reconstruction of Luna Court.

Resolution # 251/09

Moved by Councillor Dickerson
Seconded by Councillor Johnson

That the Report of the Executive Committee EC 2009-08, dated October 13, 2009, be adopted.

CARRIED

(VIII) NEW AND UNFINISHED BUSINESS

1. Director, Operations & Emergency Services, Report OES 48-09
Quotation Q -62-2009
- Underground Hydro Conversion on Liverpool Road

Resolution # 252/09

Moved by Councillor Pickles
Seconded by Councillor Johnson

1. That Report OES 48-09 of the Director, Operations & Emergency Services regarding the Underground Hydro Conversion on Liverpool Road be received;
2. That Quotation Q-62-2009 submitted by Dundas Power Line Limited in the amount of \$82,950.00 (GST included) be accepted;
3. That the total gross project cost of \$89,250.00 (GST included) including the quotation amount and other associated costs and the total net project cost of \$85,000 be approved;
4. That the total net project costs of \$85,000 be funded as follows:
 - a) The sum of \$40,000 to be funded from the Move Ontario Reserve as was approved in the 2007 Capital Budget;
 - b) The additional sum of \$45,000 to be funded by a draw from the Move Ontario Reserve;
5. That Council authorize the Director, Corporate Services & Treasurer to take any actions necessary in order to effect the foregoing; and
6. That the appropriate City of Pickering officials be authorized to take necessary action to give effect hereto.

CARRIED

2. Director, Planning & Development Report PD 30-09
Tender T-22-2009
-Tender for Road Improvements on Acorn Lane, Kodiak Street, Carpenter Court and Woodview Avenue

Resolution # 253/09

Moved by Councillor Pickles
Seconded by Councillor Johnson

1. That Report PD 30-09 regarding the asphalt improvements for Acorn Lane, Kodiak Street, Carpenter Court and Woodview Avenue be received;
2. That Tender T-22-2009 submitted by Ashland Paving Ltd. for the road improvements to Acorn Lane, Kodiak Street, Carpenter Court and Woodview Avenue at cost of \$249,352 (GST included) be accepted;
3. That the total gross project cost of \$276,862 (GST included) including the tender amount and other associated costs and the total net project cost of \$263,678 be approved;
4. That Council authorize the Director, Corporate Services & Treasurer to finance the project as follows:
 - a) that the sum of \$135,000 be financed from development contributions using the developers' security;
 - b) that the sum of \$128,678 be funded from:
 - (i) the Development Charges Roads Related Reserve Fund in the amount of \$93,600;
 - (ii) DC City's Share Reserve in the amount of \$114,400;
 - c) that the Director, Corporate Services & Treasurer is authorized to take any actions necessary in order to effect the foregoing; and
5. Further, that the appropriate City of Pickering officials be authorized to take necessary action to give effect thereto.

CARRIED

3. Director, Corporate Services & Treasurer, Report CS 41-09
Toys for Tickets / Food for Fines Promotion

Resolution # 254/09

Moved by Councillor Pickles
Seconded by Councillor Johnson



1. That Report CS 41-09 of the Director, Corporate Services & Treasurer be received;
2. That the proposed Toys for Tickets / Food for Fines Promotion be implemented for December 10 and 11, 2009; and
3. That the appropriate staff of the City of Pickering be given the authority to give effect thereto.

CARRIED

(IX) MOTIONS & NOTICES OF MOTION

a) PICKERING SUSTAINABLE DEVELOPMENT GUIDELINES

Resolution # 255/09

Moved by Councillor Dickerson
Seconded by Councillor Pickles

WHEREAS in May 2007, a consulting team lead by Dillon Consulting issued its Sustainable Development Guidelines Final Report to the City of Pickering; and

WHEREAS on June 18, 2007, Pickering Council received the consulting team's Final Report and directed staff to use the Draft Sustainable Development Guidelines contained in that Report as input to the development of sustainability performance measures and benchmarks for Seaton, and as input to the sustainability components of the Pickering Official Plan Review; and

WHEREAS the Draft Guidelines apply to neighbourhood plans, plans of subdivision, site plans, rezoning applications and building permits: and

WHEREAS the Draft Guidelines establish three Levels of Sustainability; and

WHEREAS on October 20, 2008, Council adopted Resolution 206/08 that among other things requires that a report be submitted with all development applications demonstrating how the site development and building design/construction is consistent with the City's Sustainable Development Guidelines; and

WHEREAS on April 20, 2009, Council adopted Amendment 17 to the Pickering Official Plan setting out the requirements for complete applications for official plan amendments, zoning amendments, plans of subdivision and condominium, and site plans, that among other things requires the submission of a "Sustainable Development



Report" which Report would evaluate the application in relation to the City's Draft Guidelines; and

WHEREAS the Draft Guidelines were discussed at a recent meeting of the Sustainable Pickering Advisory Committee, and consideration was given to the need to establish a minimum level of sustainability in relation to the Draft Guidelines;

WHEREAS the Sustainable Pickering Advisory Committee and Staff continue to refine the guidelines to improve their effectiveness in evaluating development proposals; and

WHEREAS the minimum level of required sustainability is anticipated to increase over time as technology evolves and sustainable elements become better integrated in standard development practice;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the City of Pickering hereby requires that all future neighbourhood plans, draft plans of subdivision, official plan amendments, and zoning amendments that are recommended to Council for approval, and all site plans considered by the Site Plan Advisory Committee, achieve as a minimum, a rating of Level 1 in relation to the City's Draft Sustainable Development Guidelines, except where circumstances preclude this minimum being achieved, and where such circumstances are explained in the related report to Council or conveyed to Committee Members at the Site Plan Advisory Committee Meeting.

CARRIED UNANIMOUSLY
ON A RECORDED VOTE

b) AIRPORT IN NORTH PICKERING
2010 BALLOT QUESTION

Resolution # 256/09

Moved by Councillor McLean
Seconded by Councillor Dickerson

WHEREAS in 1972, the Government of Canada expropriated 18,600 acres of land in Pickering, Markham and Uxbridge with the intention of creating an international airport site for the greater Metropolitan Toronto region;

WHEREAS in 1998, a decision was made to defer the construction of an airport in North Pickering, to allow for local governments and interest groups to explore alternatives to federal airport zoning regulations;



WHEREAS after years of public consultation the *Pickering Airport Site Zoning Regulations* were passed on September 30, 2004;

WHEREAS in May 2007, the Greater Toronto Airport Authority was awarded a contract to complete a comprehensive Needs Assessment Study to determine the need for a North Pickering Airport;

WHEREAS the Council for the City of Pickering is on record as being opposed to an airport within its boundaries;

WHEREAS public opinion is an integral factor to be considered with respect to the proposed airport in North Pickering; and

NOW THEREFORE BE IT RESOLVED that a public meeting and by-law to place the following question on the November 2010 City of Pickering election ballot be scheduled and that the City Clerk initiate the required processes outlined in the *Municipal Elections Act, 1996*;

Do you support the City of Pickering's position to oppose construction and operation of an airport in the City of Pickering?

YES or NO

CARRIED ON A
RECORDED VOTE
AS FOLLOWS:

YES

NO

Councillor Dickerson
Councillor Littley
Councillor McLean
Councillor O'Connell
Mayor Ryan

Councillor Johnson
Councillor Pickles

(X) BY-LAWS

6990/09 Being a By-law to amend Restricted Area (Zoning) By-law 3036, as amended by By-laws 1346/81 and 6365/04, to implement the Official Plan of the City of Pickering, Region of Durham in Part of Lot 21, Concession 1, in the City of Pickering (A 10/09)



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- 6991/09 Being a By-law to amend Restricted Area (Zoning) By-law 3036, as amended by By-law 6007/02, to implement the Official Plan of the City of Pickering, Region of Durham in Part of Lot 21, Concession 1, in the City of Pickering (A 10/09)
- 6992/09 Being a by-law to amend Restricted Area (Zoning) By-law 3036, as amended, to implement the Official Plan of the City of Pickering Planning Area, Region of Durham in the former Dunbarton Village. (A 12/08)
- 6993/09 Being a By-law to amend Restricted Area (Zoning) By-law 2511, as amended, to implement the Official Plan of the City of Pickering District Planning Area, Region of Durham in Part of Road Allowance between Part of Lots 79 to 85, 110 and 111, Plan 350, in the City of Pickering. [OMB Approved By-law].
- 6994/09 Being a by-law to approve and authorize the execution of a note amending agreement made as of the 31st day of October, 2009 in respect of second amended and restated promissory notes dated October 1, 2006 issued by Veridian Corporation and Veridian Connections Inc. in favour of The Corporation of the Town of Ajax, The Corporation of the City of Belleville, The Corporation of the Municipality of Clarington and The Corporation of the City of Pickering, and to approve the issue of third amended and restated promissory notes dated as of the 31st day of October, 2009.
- 6995/09 Being a By-law to adopt Amendment 20 to the Official Plan for the City of Pickering. (OPA 05-04/P)

THIRD READING:

Councillor Pickles, seconded by Councillor Johnson moved that By-law Numbers 6990/09 to 6995/09, be adopted, and the said by-law be now read a third time and passed and that the Mayor and Clerk sign the same and the seal of the Corporation be affixed thereto.

CARRIED

(XI) OTHER BUSINESS

1. The Chief Administrative Officer was requested to action the following:
 - a) Councillor O'Connell requested investigation into the agreements in place to allow the Region of York to build structures on City property and the closing of roads at the Water Pollution Control Plant.



b) Councillor Dickerson requested an update regarding the "support our troupes" flags.

(XII) CONFIDENTIAL MATTERS

In accordance with Procedural By-law 6746/07 and the provisions of the *Municipal Act*, an In Camera meeting of Council was held prior to the regularly scheduled meeting.

Mayor Ryan advised that the order of the confidential agenda was changed to the following order; Report CAO 07-09, Chabot Enterprises, Mattamy (Brock Road) Limited and then the YDSS Odour Facility.

Councillor O'Connell requested that the draft four page legal opinion from Rod Northey of Fogler, Rubinoff be released and discussed in the open session.

Moved by Councillor O'Connell
Seconded by Councillor McLean

That the confidential 4 page draft letter from Rod Northey, Fogler, Rubinoff with respect to the YDSS Odour Facility be divided from the In Camera agenda and discussed in the open session of Council.

TABLED UNTIL LATER
IN THE MEETING
[See Following]

Discussion ensued on this matter. A. Allison advised that in his opinion the draft letter should not be released as a further 42 page document from Mr. Northey would be presented during the in camera discussion of this matter. Mr. Allison provided further clarification on the legal rights of the City.

Mr. Allison was further questioned on meeting with a member of the public and divulging the City's position and legal representation on the matter.

Moved by Councillor Littley
Seconded by Councillor Dickerson

That the motion of Councillors O'Connell and MacLean be tabled until after the delegation of Mr. Northey.

CARRIED



Resolution # 257/09

Moved by Councillor Pickles
Seconded by Councillor Littley

That Council go In Camera in accordance with the provisions of the *Municipal Act* for the purpose of dealing with matters relating to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a proposed or pending acquisition or disposition of land by the municipality or local board and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

CARRIED ON A
RECORDED VOTE
AS FOLLOWS:

YES

Councillor Dickerson
Councillor Johnson
Councillor Littley
Councillor Pickles
Mayor Ryan

NO

Councillor McLean
Councillor O'Connell

1. Confidential Report CAO 07-09 of the Chief Administrative Officer
Arnts Topsoil and Pickering Golf Academy
Extension of Leases

General discussion ensued on this matter.

Moved by Councillor Pickles
Seconded by Councillor Dickerson

Resolution #258/09

That the recommendations as contained in Confidential Report CAO 07-09 of the Chief Administrative Officer, be adopted.

CARRIED

2. Memorandum dated October 14, 2009 to the Chief Administrative Officer from the City Solicitor with respect to Robert Chabot Enterprises Ltd.
3356 Sideline 4 (Balsam Road)



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The City Solicitor advised that Mr. Stan Makuch, Solicitor for Robert Chabot Enterprises Ltd. Was available should Council have questions.

Moved by Councillor Dickerson
Seconded by Councillor Johnson

Resolution # 259/09

That the recommendation as contained in the Confidential minutes of October 19, 2009, be adopted.

CARRIED

3. Memorandum dated October 14, 2009 to the Chief Administrative Officer, from the Director, Planning & Development and the City Solicitor with Respect to an Appeal of Draft Plan of Subdivision SP-2008-01 and Zoning By-law Amendment A 01/08, Mattamy (Brock Road) Limited Part Lots 17 & 18, Concession 3, City of Pickering

Moved by Councillor Pickles
Seconded by Councillor Johnson

Resolution # 260/09

That the recommendations as contained in the Confidential minutes of October 19, 2009 be adopted.

CARRIED

4. Memorandum dated October 16, 2009 from the Chief Administrative Officer With respect to the YDSS Odour Control Facility

Detailed discussion ensued on this matter.

Moved by Councillor Dickerson
Seconded by Councillor Pickles

Resolution # 261/09

That the recommendations as contained in the Confidential minutes of October 19, 2009 be adopted.



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CARRIED UNANIMOUSLY
AND RATIFIED

Moved by Councillor Dickerson
Seconded by Councillor Pickles

That Council rise and ratify the actions taken at the In Camera session.

CARRIED

(XIII) CONFIRMATION BY-LAW

By-law Number # 6996/09

Councillor Johnson, seconded by Councillor McLean, moved for leave to introduce a By-law of the City of Pickering to confirm those proceedings of the Council of The Corporation of the City of Pickering at its Regular Meeting of October 19, 2009.

CARRIED

(XIV) ADJOURNMENT

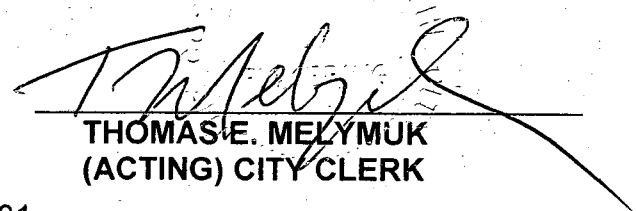
Moved by Councillor O'Connell
Seconded by Councillor Johnson

That the meeting be adjourned at 12:00 am.

CARRIED

DATED this 19th day of October, 2009



MAYOR DAVID RYAN

THOMAS E. MELYMUK
(ACTING) CITY CLERK