



## Oshawa City Council Minutes

May 27, 2024, 9:30 a.m.  
Council Chamber

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

Absent: Councillor Marks

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### **Public Meeting**

The Mayor called the meeting to order and stated that all members of Council were participating from the Chamber except Councillor Neal who was participating electronically and Councillors Marks and McConkey (entered the meeting at 9:38 a.m.) who were absent.

### **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.

## **Council Member Announcements**

Various announcements were made relating to activities and events.

Councillor McConkey entered the meeting during Council Member announcements.

## **Additional Agenda Items**

Moved by Councillor Chapman

Seconded by Councillor Giberson

That the delegation of Tony Trinidad concerning Item CO-24-27 be added to the agenda.

Carried

## **Declarations of Pecuniary Interest**

### **Councillor Neal - CO-24-27 - 2024 Update to the Parks, Recreation, Library and Culture Facility Needs Assessment (All Wards)**

Councillor Neal made a declaration of interest concerning Item CO-24-27 regarding 2024 Update of the Parks, Recreation, Library and Culture Facility Needs Assessment 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-24-29 - Safe School Zone Pilot Program (All Wards)**

Councillor Neal made a declaration of interest concerning Item CO-24-29 regarding Safe School Zone Pilot Program as he has a family member who has a contract with the School Board and did not take part in discussion or voting on the matter.

## **Presentations**

### **Certificates of Recognition - Various Awards**

#### **Mayor Carter - 2024 Culture Counts Awards**

Mayor Carter presented the following 2024 Oshawa Culture Counts Awards:

Oshawa Culture Counts Professional Artist Award is awarded to Amy Shackleton.

Oshawa Culture Counts Emerging Artists Award is awarded to Emily Rocha and Kalista Wilson.

Oshawa Culture Counts Innovation and Creation Champion Award is awarded to Oshawa Tourism.

#### **Mayor Carter - Oshawa Community Legend Award**

Mayor Carter presented the Community Legend Award to Joanne Kozaroff.

#### **Mayor Carter - Festivals and Events Ontario Provincial Award - Volunteer of the Year**

Mayor Carter presented the Festival and Events Ontario Award for Volunteer of the Year to Judi Denny.

#### **Mayor Carter - Top 100 Events Award**

Mayor Carter presented City staff with awards from Festivals and Events Ontario for two signature events, the Peony Festival and Kars on King; both events were named as Top 100 Festival and Events for 2024.

Councillor Marimpietri temporarily left the meeting.

### **Lakeridge Health - Annual Update**

Cynthia Davis, President and CEO, Lakeridge Health provided an annual update on Lakeridge Health and the health of Durham Region.

Councillor Marimpietri reentered the meeting during the presentation.

Members of Council questioned Cynthia Davis.

### **Delegations**

Moved by Councillor Chapman  
Seconded by Councillor Giberson

That the delegation of Martin Field be heard.

Carried

Moved by Councillor Chapman  
Seconded by Councillor Giberson

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

Carried

### **Martin Field - Item CF-24-34**

Martin Field addressed City Council concerning Item CF-24-34 regarding a request from the Spay Neuter Initiatives Association for on-going financial support for its accessible, low-cost spay/neuter veterinary program.

Moved by Councillor Kerr  
Seconded by Councillor Marimpietri

That the delegation's time be extended by two minutes

Carried

Martin Field continued to address City Council.

Members of Council questioned Martin Field.

Moved by Councillor Marimpietri  
Seconded by Councillor Giberson

That the meeting recess.

Carried

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

**Tony Trinidad - Item CO-24-27**

Tony Trinidad addressed City Council concerning Item CO-24-27 regarding 2024 Update to the Parks, Recreation, Library and Culture Facility Needs Assessment.

Members of Council questioned Tony Trinidad.

**Items requiring Council Direction**

None

**Public Consent Agenda**

Moved by Councillor Chapman  
Seconded by Councillor Giberson

That all items listed under the heading of Public Consent Agenda for the City Council Meeting dated May 27, 2024 be adopted as recommended except the following:

Items CO-24-27 and CO-24-29 from the Sixteenth Report of the Community and Operations Services Committee; and,

Item CF-24-34 from the Eighteenth Report of the Corporate and Finance Services Committee; and,

Items ED-24-55 and ED-24-57 from the Thirty First Report of the Economic and Development Services Committee.

Carried

**Adoption of Council Minutes**

That the minutes of the City Council meetings held on April 29 and April 30, 2024 be adopted.

**Correspondence with recommendations**

**CNCL-24-58 - D.G. Biddle & Associates Limited Submitting Comments Concerning Item ED-24-51 (All Wards)**

That Correspondence CNCL-24-58 from D.G. Biddle & Associates Limited submitting comments concerning Item ED-24-51 regarding City-initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 be referred to Item ED-24-51.

**CNCL-24-59 - Linda Power and Martin Field, Spay Neuter Initiatives Association Submitting Comments concerning Item CF-24-34 (All Wards)**

That Correspondence CNCL-24-59 from Linda Power and Martin Field, Spay Neuter Initiatives Association submitting comments concerning Item CF-24-34 regarding a request for on-going financial support for its accessible, low-cost spay/neuter veterinary program be referred to Item CF-24-34.

## **Standing Committee Reports**

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

#### **CO-24-30 - Installation of a Temporary off Leash Dog Park at Southmead Park (Ward 5)**

Whereas at its meeting of January 29, 2024, and by way of Item CO-24-05, Council directed staff to investigate the possibility of installing temporary fencing and signage for a neighbourhood level off leash dog park pilot project at Southmead Park; and,

Whereas City “Guidelines for the Design and Placement of Off-Leash Areas” (“Guidelines”), are referenced by staff to guide the decision-making process when considering the suitability of off-leash areas; and,

Whereas the guidelines are based on industry best practice for the Health and Safety of dogs and the public, and;

Whereas the need for designated areas for off-leash dog parks should be in alignment with guidelines to ensure balance with the safety and needs of other park users, park programming, the environment, accessibility, and the community as a whole; and,

Whereas City staff have reviewed Council’s direction in accordance with the Guidelines and have identified the following concerns with the installation of temporary fencing and signage for an off-leash area at Southmead Park:

- Southmead Park is approximately three kilometers from the newly constructed off-leash area at Cordova Park;
- The close proximity to a playground, neighbouring properties, trails and walkways;
- The three existing soccer fields are fully permitted;
- The existing parking lot is not designed to support the addition of an off-leash dog park;
- Temporary fencing would not meet the minimum standard of providing adequate security for both dog owners and other park users;
- Budget and resources constraints; and,

Therefore pursuant to Item CO-24-30 a pilot project for a neighbourhood off-leash dog park at Southmead Park not be implemented, and that consideration of off-leash dog parks be considered as part of future Parks Development and in accordance with City Guidelines.

#### **CO-24-31 - Trent University GTA Multi-Year Fitness Membership for Student Use, 2024-2027 (Ward 4)**

1. That pursuant to Report CO-24-31, dated May 8, 2024, the City renew a three year agreement with Trent University Durham GTA for eight-month, Level 2 Fitness

Memberships for Trent University Durham GTA students at City-owned recreation facilities, for the academic years September 2024 to April 2027; subject to the terms and conditions as set out in the Agreement; and,

2. That the Commissioner, Community and Operations Services be authorized to execute a formal agreement with Trent University Durham GTA in a form and content satisfactory to the City Solicitor, Commissioner, Corporate and Finance Services Department and the Commissioner, Community and Operations Services Department.

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

#### **ED-24-52 - Update concerning an Application under Section 32 of the Ontario Heritage Act to Repeal Part of By-Law 148-2011 for the Property Municipally Known as 452 Simcoe Street North (Ward 4)**

1. That pursuant to Report ED-24-52 dated May 1, 2024, the application submitted by the owner of the designated property at 452 Simcoe Street North to repeal a portion of Bylaw 148-2011 under Section 32 of the Ontario Heritage Act, being an application to remove the wording “clad in cedar shingles” from the description of heritage attributes associated with subject property, be recommended for approval and that an appropriate by-law, which will repeal and replace By-law 148-2011, be passed in a form and content acceptable to the City Solicitor and the Commissioner, Economic and Development Services Department; and,
2. That pursuant to Report ED-24-52 dated May 1, 2024, City staff be directed to serve notice on the property owner and the Ontario Heritage Trust of Council’s decision and publish notice of Council’s decision in accordance with Section 32(5) of the Ontario Heritage Act and the City’s Public Notice Policy.

#### **ED-24-60 - Francis and Marea Taylor submitting correspondence concerning a request for an exemption to the CIP requirements for 82-84 Simcoe Street South (Ward 4)**

That Correspondence ED-24-60 submitted by Francis and Marea Taylor concerning a request for an exemption to the CIP requirements for 82-84 Simcoe Street South, be referred to staff for a report.

#### **ED-24-53 - Application Under the City’s Brownfields Renaissance Community Improvement Plan for Two (2) Brownfield Study Grants, 299 Dean Avenue, B.G.S. STOUFFVILLE LTD. (Ward 5)**

Whereas B.G.S. STOUFFVILLE LTD. has submitted an application for two (2) Brownfields Study Grants under the City’s Brownfields Renaissance Community Improvement Plan, which consist of the following:

- A grant in the amount of \$10,000 in order to undertake a supplementary Phase Two Environmental Site Assessment (“E.S.A.”) for soil and groundwater sampling at 299 Dean Avenue; and,
- A grant in the amount of \$10,000 in order to undertake a supplementary Phase Three E.S.A. for remedial work plans and risk assessments at 299 Dean Avenue; and,

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

Whereas B.G.S. STOUFFVILLE LTD. has advised staff that the total cost to complete the required supplementary Phase Two E.S.A. for 299 Dean Avenue is \$29,785, and the total cost to complete the required supplementary Phase Three E.S.A. for 299 Dean Avenue is \$90,000; and,

Whereas B.G.S. STOUFFVILLE LTD. has confirmed that upon completion of the work, the City will be provided copies of the Phase Two E.S.A. and Phase Three E.S.A. for the City's records and retention; and,

Whereas the application is consistent with the intent of the Brownfields Study Grant Program as it will stimulate the undertaking of private sector environmental studies of brownfield sites in the Brownfields Renaissance Community Improvement Area; and,

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

Therefore be it resolved that the application for two (2) Brownfields Study Grants submitted by B.G.S. STOUFFVILLE LTD., for 299 Dean Avenue, be approved as follows:

- 50% of the cost of a supplementary Phase Two Environmental Site Assessment for soil and groundwater sampling for 299 Dean Avenue to a maximum of \$10,000; and,
- 50% of the cost of a supplementary Phase Three Environmental Site Assessment for remedial work plans and risk assessments for 299 Dean Avenue to a maximum of \$10,000.

**ED-24-56 - Direction Respecting an Appeal to the Ontario Land Tribunal of a Council Decision Concerning the Issuance of a Notice of Passing of a By-law to Designate 149 Harmony Road South under the Ontario Heritage Act Part IV (Ward 3)**

Whereas the existing building located at 149 Harmony Road South and known as the former Harmony Public School (the "Subject Site") is a "listed, non-designated" property on the City's Register of Properties of Cultural Heritage Value or Interest (the "Register") under Section 27 of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 (the "Ontario Heritage Act"); and,

Whereas on April 3, 2023, City Council considered Report ED-23-55 dated March 1, 2023 and adopted the following as part of a multi-part recommendation:

- "2. Prepare a supplemental Heritage Research Report for 149 Harmony Road South, including a Statement of Cultural Heritage Value or Interest, a detailed listing of heritage attributes;
  - a. Provide the Owner of 149 Harmony Road South with the supplemental Heritage Research Report, and request an updated position on heritage designation of the property; and,

- b. Report back to the Economic and Development Services Committee in Q4 2023 with a recommendation concerning designation of the property, including the supplemental Heritage Research Report and the updated stance from the Owner;” and,

Whereas staff subsequently procured a supplemental Heritage Research Report (the “Research Report”) dated September 19, 2023 prepared by Archaeological Research Associates Ltd. (“A.R.A. Ltd.”) for the Subject Site; and,

Whereas on September 20, 2023, Colony Real Estate Development Limited (the “Owner”) was sent a copy of the Research Report and was asked to provide a stance on designation; and,

Whereas on September 28, 2023, Heritage Oshawa considered Item HTG-23-57 dated September 21, 2023 concerning the Research Report and made a motion recommending that the Subject Site be designated under Section 29, Part IV of the Ontario Heritage Act; and,

Whereas through correspondence dated September 29, 2023 received from D.G. Biddle and Associates Ltd. on behalf of the Owner, it was made clear that the Owner did not support the designation; and,

Whereas on October 30, 2023, City Council considered Report ED-23-196 dated October 11, 2023 and adopted the following as part of a multi-part recommendation:

“4. That, pursuant to Report ED-23-196 dated October 11, 2023, Economic and Development Services staff be authorized to undertake the process established in the Ontario Heritage Act to designate the property known as the former Harmony Public School, located at 149 Harmony Road South, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act by undertaking actions such as the following:

- a. Preparing a Notice of Intention to Designate the property known as the former Harmony Public School, located at 149 Harmony Road South, under the Ontario Heritage Act which will generally include the Designation Statement and Description as described in the Heritage Research Report affixed to Attachment 8 of said Report;
- b. Circulating the Notice in accordance with the requirements of the Ontario Heritage Act;
- c. Forwarding the Notice to the Ontario Heritage Trust and the owner in accordance with the Ontario Heritage Act; and,
- d. Preparing the necessary by-law which will generally include the Designation Statement and Description for subsequent consideration by Council.”; and,

Whereas on November 6, 2023, City staff issued Notice of Intention to Designate the Subject Site in accordance with the requirements of the Ontario Heritage Act; and,

Whereas on November 30, 2023, the City received one (1) Notice of Objection to the proposed designation of the Subject Site from Overland LLP, on behalf of the Owner; and,



Whereas on January 29, 2024, City Council considered the above noted Notice of Objection (Correspondence ED-24-05) and referred the matter to staff for a report; and,

Whereas on February 26, 2024, City Council considered Report ED-24-16 dated January 31, 2024 and adopted the following recommendation:

“That, pursuant to Report ED-24-16 dated January 31, 2024, City staff be directed to proceed with the designation of the property known as the former Harmony Public School, located at 149 Harmony Road South, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act and that the appropriate by-law, which will include a Designation Statement and Description for the subject property, be passed in a form and content acceptable to the City Solicitor and the Commissioner of Economic and Development Services.”; and,

Whereas on February 26, 2024, after considering Report ED-24-16 dated January 31, 2024, City Council passed By-law 27-2024, being a by-law to designate the Subject Site as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act; and,

Whereas on February 28, 2024, City staff issued Notice of the Passing of a By-law to designate the Subject Site in accordance with the requirements of the Ontario Heritage Act and the City’s Public Notice Policy; and,

Whereas on April 1, 2024, the City received one (1) appeal to the Notice of the Passing of a By-law to designate the Subject Site from Overland LLP, on behalf of the Owner, within the 30-day legislated appeal period under Section 29(11) of the Ontario Heritage Act, which period expired on April 2, 2024 (see Attachment 1); and,

Whereas Council policy requires that the Economic and Development Services Department prepare a report to the Economic and Development Services Committee when an appeal is lodged against a Council decision;

Therefore be it resolved:

1. That pursuant to Item ED-24-56 dated May 6, 2024, the Ontario Land Tribunal be advised that Oshawa City Council maintains their position that the former Harmony Public School at 149 Harmony Road South be designated under Part IV of the Ontario Heritage Act.
2. That pursuant to Item ED-24-56 dated May 6, 2024, the City of Oshawa seek party status at the Ontario Land Tribunal.
3. That pursuant to Item ED-24-56 dated May 6, 2024, City staff, with the assistance of a heritage consultant, be authorized to attend the Ontario Land Tribunal hearing in support of Council’s decision and for these costs to be accommodated through the Corporate Litigation Account.
4. That pursuant to Item ED-24-56 dated May 6, 2024, upon the conclusion of the Ontario Land Tribunal hearing, City staff report back to the Economic and Development Services Committee with the Ontario Land Tribunal’s decision with respect to the designation of the former Harmony Public School at 149 Harmony Road South.

**ED-24-61 - Remuneration for Public Art Jury Members for the permanent public art installation at the Downtown Urban Square (Ward 4)**

Whereas on October 2, 2023, Council approved that staff proceed with the process to install permanent public art at the Downtown Urban Square at the northeast corner of Bond Street East and Simcoe Street North (CNCL-23-95); and,

Whereas the City of Oshawa Public Art Policy allows for City staff, in collaboration with the Public Art Task Force, to identify public art projects on a case by case basis that require a separate jury with specialized skills to provide expertise and recommendations relating to the acquisition of public artworks; and,

Whereas the process outlined for the Downtown Urban Square project includes convening a specialized jury with responsibilities that include reviewing artist proposals and making selection recommendations; and,

Whereas municipal comparator research conducted by staff has demonstrated that other municipalities are compensating public art jury members for their time and services; and,

Whereas current examples of compensating members who provide expertise such as the members of the City of Oshawa's Committee of Adjustment who are compensated for their participation at a rate of \$125 per member per meeting attended; and,

Whereas relevant and professional members will be identified to provide expertise on matters relating to the future acquisition and installation of the Downtown Urban Square public art work who will form the membership of the Downtown Urban Square Public Art Jury; and,

Whereas the costs associated to the remuneration of jury members for the Downtown Urban Square Public Art Jury can be accommodated through the existing Economic Development Services operating budget;

Therefore be it resolved:

1. That based on Item ED-24-61, dated May 1, 2024, the remuneration rate of \$125 per member per meeting for the Downtown Urban Square Public Art Jury be approved,
2. That the remuneration rate of \$125 per member per meeting for the Downtown Urban Square Public Art Jury be applied to meetings taking place in May 2024; and,
3. That the remuneration rate of \$125 per member per meeting for all future Public Art Juries be approved.

**ED-24-51 - City-initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 (All Wards)**

That the proposed amendments to the Oshawa Official Plan and Zoning By-law 60-94 as generally set out in Attachment 1 to Report ED-24-51 dated May 1, 2024 be adopted, and that the appropriate amending by-laws be passed in a form and content acceptable to the City Solicitor and the Commissioner, Economic and Development Services Department.

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

**SF-24-21 - Signage for Public Washrooms at City Hall (Previously OAAC-24-20) (Ward 4)**

That since the doors to the washrooms located on the same level as the Committee Room are now locked and requiring the attendance of a Security Officer to unlock,

That signage be placed in an accessible location to alert the public.

**SF-24-22 - Community Park Program with Municipal Law Enforcement and Licensing Services (All Wards)**

That Report SF-24-22, dated May 8, 2024 concerning the Community Park Program with Municipal Law Enforcement and Licensing Services (M.L.E.LS) and other City Branches be received for information.

**SF-24-23 - Municipal Law Enforcement and Licensing Services 2023 Annual Report (All Wards)**

That Report SF-24-23, dated May 8, 2024 concerning the Municipal Law Enforcement and Licensing Services 2023 Annual Report be received for information.

**SF-24-24 - 2024 Oshawa Executive Airport Action Plan (Ward 2)**

That pursuant to Report SF-24-24, dated May 8, 2024, the 2024 Oshawa Executive Airport Action Plan be endorsed by Council.

**Other Staff Reports and Motions**

**CNCL-24-57 - Updated Council-Staff Relations Policy (All Wards)**

1. That pursuant to Report CNCL-24-57 dated May 22, 2024, concerning a Council-Staff Relations Policy, City Council adopt the Council-Staff Relations Policy as set out in Attachment 1 to said Report; and,
2. That the Council-Staff Relations Policy be reviewed at the beginning of each term of a new Council as part of the Council orientation process.

**CNCL-24-56 - Update on the Development of the Oshawa Strategic Plan 2024-2027: Core Elements (All Wards)**

That pursuant to Report CNCL-24-56 dated May 22, 2024, the draft Oshawa Strategic Plan Core Elements as outlined in Attachment 1 to this Report be approved as the revised draft Vision, Mission, Priority Areas, and Goals for further development of the Oshawa Strategic Plan 2024 – 2027.

**By-Laws**

The following By-laws were passed:

**70-2024 - A By-law to Repeal Part of By-law 148-2011 which Designates the Property Municipally Known as 452 Simcoe Street North**

(Implements direction of May 27, 2024 through Item ED-24-52 of the Thirty-first Report of the Economic and Development Services Committee to repeal part of By-law 148-2011 which designates the property municipally known as 452 Simcoe Street North, specifically PIN 16311-0327 (LT) LT 11 PL 201 OSHAWA; PT LT 10 PL 201 OSHAWA AS IN OS133684; CITY OF OSHAWA (the "Subject Site"), as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18. in order to remove 'clad in cedar shingles' from the description of heritage attributes.)

## **71-2024 - A By-law to Adopt Amendment 222 to the City of Oshawa Official Plan**

(Implements direction of May 27, 2024 through Item ED-24-51 of the Thirty-first Report of the Economic and Development Services Committee to add a site specific policy to permit a maximum residential density of 868 units per hectare on certain lands located east of Simcoe Street South, north of Harbour Road, municipally known as 0 and 20 Harbour Road.)

## **72-2024 - A By-law to Amend Zoning By-law 60-94, as amended**

(Implements direction of May 27, 2024 through Item ED-24-51 of the Thirty-first Report of the Economic and Development Services Committee to make a number of City-initiated amendments to Zoning By-law 60-94 to permit an increased density of 868 units per hectare and maximum heights of 110m (35 storeys) and 95m (30 storeys) for two residential apartment towers.)

## **73-2024 - A By-law to Repeal the Council Charter and Associated By-law 109-2008**

(Implements Council direction of April 29, 2024 through Report CNCL-24-35 to repeal the Council Charter and associated By-law 109-2008.)

### **Public Consent Agenda**

#### **Standing Committee Reports**

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

#### **Standing Committee Reports**

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

### **CO-24-30 - Installation of a Temporary off Leash Dog Park at Southmead Park (Ward 5)**

Whereas at its meeting of January 29, 2024, and by way of Item CO-24-05, Council directed staff to investigate the possibility of installing temporary fencing and signage for a neighbourhood level off leash dog park pilot project at Southmead Park; and,

Whereas City “Guidelines for the Design and Placement of Off-Leash Areas” (“Guidelines”), are referenced by staff to guide the decision-making process when considering the suitability of off-leash areas; and,

Whereas the guidelines are based on industry best practice for the Health and Safety of dogs and the public, and;

Whereas the need for designated areas for off-leash dog parks should be in alignment with guidelines to ensure balance with the safety and needs of other park users, park programming, the environment, accessibility, and the community as a whole; and,

Whereas City staff have reviewed Council’s direction in accordance with the Guidelines and have identified the following concerns with the installation of temporary fencing and signage for an off-leash area at Southmead Park:

- Southmead Park is approximately three kilometers from the newly constructed off-leash area at Cordova Park;
- The close proximity to a playground, neighbouring properties, trails and walkways;

- The three existing soccer fields are fully permitted;
- The existing parking lot is not designed to support the addition of an off-leash dog park;
- Temporary fencing would not meet the minimum standard of providing adequate security for both dog owners and other park users;
- Budget and resources constraints; and,

Therefore pursuant to Item CO-24-30 a pilot project for a neighbourhood off-leash dog park at Southmead Park not be implemented, and that consideration of off-leash dog parks be considered as part of future Parks Development and in accordance with City Guidelines.

**CO-24-31 - Trent University GTA Multi-Year Fitness Membership for Student Use, 2024-2027 (Ward 4)**

1. That pursuant to Report CO-24-31, dated May 8, 2024, the City renew a three year agreement with Trent University Durham GTA for eight-month, Level 2 Fitness Memberships for Trent University Durham GTA students at City-owned recreation facilities, for the academic years September 2024 to April 2027; subject to the terms and conditions as set out in the Agreement; and,
2. That the Commissioner, Community and Operations Services be authorized to execute a formal agreement with Trent University Durham GTA in a form and content satisfactory to the City Solicitor, Commissioner, Corporate and Finance Services Department and the Commissioner, Community and Operations Services Department.

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

**ED-24-52 - Update concerning an Application under Section 32 of the Ontario Heritage Act to Repeal Part of By-Law 148-2011 for the Property Municipally Known as 452 Simcoe Street North (Ward 4)**

1. That pursuant to Report ED-24-52 dated May 1, 2024, the application submitted by the owner of the designated property at 452 Simcoe Street North to repeal a portion of Bylaw 148-2011 under Section 32 of the Ontario Heritage Act, being an application to remove the wording “clad in cedar shingles” from the description of heritage attributes associated with subject property, be recommended for approval and that an appropriate by-law, which will repeal and replace By-law 148-2011, be passed in a form and content acceptable to the City Solicitor and the Commissioner, Economic and Development Services Department; and,
2. That pursuant to Report ED-24-52 dated May 1, 2024, City staff be directed to serve notice on the property owner and the Ontario Heritage Trust of Council’s decision, and publish notice of Council’s decision in accordance with Section 32(5) of the Ontario Heritage Act and the City’s Public Notice Policy.

**ED-24-60 - Francis and Marea Taylor submitting correspondence concerning a request for an exemption to the CIP requirements for 82-84 Simcoe Street South (Ward 4)**

That Correspondence ED-24-60 submitted by Francis and Marea Taylor concerning a request for an exemption to the CIP requirements for 82-84 Simcoe Street South, be referred to staff for a report.

**ED-24-53 - Application Under the City's Brownfields Renaissance Community Improvement Plan for Two (2) Brownfield Study Grants, 299 Dean Avenue, B.G.S. STOUFFVILLE LTD. (Ward 5)**

Whereas B.G.S. STOUFFVILLE LTD. has submitted an application for two (2) Brownfields Study Grants under the City's Brownfields Renaissance Community Improvement Plan, which consist of the following:

- A grant in the amount of \$10,000 in order to undertake a supplementary Phase Two Environmental Site Assessment ("E.S.A.") for soil and groundwater sampling at 299 Dean Avenue; and,
- A grant in the amount of \$10,000 in order to undertake a supplementary Phase Three E.S.A. for remedial work plans and risk assessments at 299 Dean Avenue; and,

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

Whereas B.G.S. STOUFFVILLE LTD. has advised staff that the total cost to complete the required supplementary Phase Two E.S.A. for 299 Dean Avenue is \$29,785, and the total cost to complete the required supplementary Phase Three E.S.A. for 299 Dean Avenue is \$90,000; and,

Whereas B.G.S. STOUFFVILLE LTD. has confirmed that upon completion of the work, the City will be provided copies of the Phase Two E.S.A. and Phase Three E.S.A. for the City's records and retention; and,

Whereas the application is consistent with the intent of the Brownfields Study Grant Program as it will stimulate the undertaking of private sector environmental studies of brownfield sites in the Brownfields Renaissance Community Improvement Area; and,

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

Therefore be it resolved that the application for two (2) Brownfields Study Grants submitted by B.G.S. STOUFFVILLE LTD., for 299 Dean Avenue, be approved as follows:

- 50% of the cost of a supplementary Phase Two Environmental Site Assessment for soil and groundwater sampling for 299 Dean Avenue to a maximum of \$10,000; and,
- 50% of the cost of a supplementary Phase Three Environmental Site Assessment for remedial work plans and risk assessments for 299 Dean Avenue to a maximum of \$10,000.

**ED-24-56 - Direction Respecting an Appeal to the Ontario Land Tribunal of a Council Decision Concerning the Issuance of a Notice of Passing of a By-law to Designate 149 Harmony Road South under the Ontario Heritage Act Part IV (Ward 3)**

Whereas the existing building located at 149 Harmony Road South and known as the former Harmony Public School (the "Subject Site") is a "listed, non-designated" property on the City's

Register of Properties of Cultural Heritage Value or Interest (the “Register”) under Section 27 of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 (the “Ontario Heritage Act”); and,

Whereas on April 3, 2023, City Council considered Report ED-23-55 dated March 1, 2023 and adopted the following as part of a multi-part recommendation:

- "2. Prepare a supplemental Heritage Research Report for 149 Harmony Road South, including a Statement of Cultural Heritage Value or Interest, a detailed listing of heritage attributes;
- a. Provide the Owner of 149 Harmony Road South with the supplemental Heritage Research Report, and request an updated position on heritage designation of the property; and,
- b. Report back to the Economic and Development Services Committee in Q4 2023 with a recommendation concerning designation of the property, including the supplemental Heritage Research Report and the updated stance from the Owner;" and,

Whereas staff subsequently procured a supplemental Heritage Research Report (the “Research Report”) dated September 19, 2023 prepared by Archaeological Research Associates Ltd. (“A.R.A. Ltd.”) for the Subject Site; and,

Whereas on September 20, 2023, Colony Real Estate Development Limited (the “Owner”) was sent a copy of the Research Report and was asked to provide a stance on designation; and,

Whereas on September 28, 2023, Heritage Oshawa considered Item HTG-23-57 dated September 21, 2023 concerning the Research Report and made a motion recommending that the Subject Site be designated under Section 29, Part IV of the Ontario Heritage Act; and,

Whereas through correspondence dated September 29, 2023 received from D.G. Biddle and Associates Ltd. on behalf of the Owner, it was made clear that the Owner did not support the designation; and,

Whereas on October 30, 2023, City Council considered Report ED-23-196 dated October 11, 2023 and adopted the following as part of a multi-part recommendation:

- “4. That, pursuant to Report ED-23-196 dated October 11, 2023, Economic and Development Services staff be authorized to undertake the process established in the Ontario Heritage Act to designate the property known as the former Harmony Public School, located at 149 Harmony Road South, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act by undertaking actions such as the following:
- a. Preparing a Notice of Intention to Designate the property known as the former Harmony Public School, located at 149 Harmony Road South, under the Ontario Heritage Act which will generally include the Designation Statement and Description as described in the Heritage Research Report affixed to Attachment 8 of said Report;

- b. Circulating the Notice in accordance with the requirements of the Ontario Heritage Act;
- c. Forwarding the Notice to the Ontario Heritage Trust and the owner in accordance with the Ontario Heritage Act; and,
- d. Preparing the necessary by-law which will generally include the Designation Statement and Description for subsequent consideration by Council.”; and,

Whereas on November 6, 2023, City staff issued Notice of Intention to Designate the Subject Site in accordance with the requirements of the Ontario Heritage Act; and,

Whereas on November 30, 2023, the City received one (1) Notice of Objection to the proposed designation of the Subject Site from Overland LLP, on behalf of the Owner; and,

Whereas on January 29, 2024, City Council considered the above noted Notice of Objection (Correspondence ED-24-05) and referred the matter to staff for a report; and,

Whereas on February 26, 2024, City Council considered Report ED-24-16 dated January 31, 2024 and adopted the following recommendation:

“That, pursuant to Report ED-24-16 dated January 31, 2024, City staff be directed to proceed with the designation of the property known as the former Harmony Public School, located at 149 Harmony Road South, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act and that the appropriate by-law, which will include a Designation Statement and Description for the subject property, be passed in a form and content acceptable to the City Solicitor and the Commissioner of Economic and Development Services.”; and,

Whereas on February 26, 2024, after considering Report ED-24-16 dated January 31, 2024, City Council passed By-law 27-2024, being a by-law to designate the Subject Site as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act; and,

Whereas on February 28, 2024, City staff issued Notice of the Passing of a By-law to designate the Subject Site in accordance with the requirements of the Ontario Heritage Act and the City’s Public Notice Policy; and,

Whereas on April 1, 2024, the City received one (1) appeal to the Notice of the Passing of a By-law to designate the Subject Site from Overland LLP, on behalf of the Owner, within the 30-day legislated appeal period under Section 29(11) of the Ontario Heritage Act, which period expired on April 2, 2024 (see Attachment 1); and,

Whereas Council policy requires that the Economic and Development Services Department prepare a report to the Economic and Development Services Committee when an appeal is lodged against a Council decision;

Therefore be it resolved:

1. That pursuant to Item ED-24-56 dated May 6, 2024, the Ontario Land Tribunal be advised that Oshawa City Council maintains their position that the former Harmony Public School at 149 Harmony Road South be designated under Part IV of the Ontario Heritage Act.



2. That pursuant to Item ED-24-56 dated May 6, 2024, the City of Oshawa seek party status at the Ontario Land Tribunal.
3. That pursuant to Item ED-24-56 dated May 6, 2024, City staff, with the assistance of a heritage consultant, be authorized to attend the Ontario Land Tribunal hearing in support of Council's decision and for these costs to be accommodated through the Corporate Litigation Account.
4. That pursuant to Item ED-24-56 dated May 6, 2024, upon the conclusion of the Ontario Land Tribunal hearing, City staff report back to the Economic and Development Services Committee with the Ontario Land Tribunal's decision with respect to the designation of the former Harmony Public School at 149 Harmony Road South.

**ED-24-61 - Remuneration for Public Art Jury Members for the permanent public art installation at the Downtown Urban Square (Ward 4)**

Whereas on October 2, 2023, Council approved that staff proceed with the process to install permanent public art at the Downtown Urban Square at the northeast corner of Bond Street East and Simcoe Street North (CNCL-23-95); and,

Whereas the City of Oshawa Public Art Policy allows for City staff, in collaboration with the Public Art Task Force, to identify public art projects on a case by case basis that require a separate jury with specialized skills to provide expertise and recommendations relating to the acquisition of public artworks; and,

Whereas the process outlined for the Downtown Urban Square project includes convening a specialized jury with responsibilities that include reviewing artist proposals and making selection recommendations; and,

Whereas municipal comparator research conducted by staff has demonstrated that other municipalities are compensating public art jury members for their time and services; and,

Whereas current examples of compensating members who provide expertise such as the members of the City of Oshawa's Committee of Adjustment who are compensated for their participation at a rate of \$125 per member per meeting attended; and,

Whereas relevant and professional members will be identified to provide expertise on matters relating to the future acquisition and installation of the Downtown Urban Square public art work who will form the membership of the Downtown Urban Square Public Art Jury; and,

Whereas the costs associated to the remuneration of jury members for the Downtown Urban Square Public Art Jury can be accommodated through the existing Economic Development Services operating budget;

Therefore be it resolved:

1. That based on Item ED-24-61, dated May 1, 2024, the remuneration rate of \$125 per member per meeting for the Downtown Urban Square Public Art Jury be approved,
2. That the remuneration rate of \$125 per member per meeting for the Downtown Urban Square Public Art Jury be applied to meetings taking place in May 2024; and,

3. That the remuneration rate of \$125 per member per meeting for all future Public Art Juries be approved.

**ED-24-51 - City-initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 (All Wards)**

That the proposed amendments to the Oshawa Official Plan and Zoning By-law 60-94 as generally set out in Attachment 1 to Report ED-24-51 dated May 1, 2024 be adopted, and that the appropriate amending by-laws be passed in a form and content acceptable to the City Solicitor and the Commissioner, Economic and Development Services Department.

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

**SF-24-21 - Signage for Public Washrooms at City Hall (Previously OAAC-24-20) (Ward 4)**

That since the doors to the washrooms located on the same level as the Committee Room are now locked and requiring the attendance of a Security Officer to unlock,

That signage be placed in an accessible location to alert the public.

**SF-24-22 - Community Park Program with Municipal Law Enforcement and Licensing Services (All Wards)**

That Report SF-24-22, dated May 8, 2024 concerning the Community Park Program with Municipal Law Enforcement and Licensing Services (M.L.E.LS) and other City Branches be received for information.

**SF-24-23 - Municipal Law Enforcement and Licensing Services 2023 Annual Report (All Wards)**

That Report SF-24-23, dated May 8, 2024 concerning the Municipal Law Enforcement and Licensing Services 2023 Annual Report be received for information.

**SF-24-24 - 2024 Oshawa Executive Airport Action Plan (Ward 2)**

That pursuant to Report SF-24-24, dated May 8, 2024, the 2024 Oshawa Executive Airport Action Plan be endorsed by Council.

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

**CF-24-35 - 2024 Exceptional Student Achievement Award (All Wards)**

1. That in accordance with Report CF-24-35 dated May 1, 2024, the 2024 Exceptional Student Achievement Award in the amount of \$1,000 be awarded to the student from G.L. Roberts Collegiate and Vocational Institute; and,
2. That the Award be presented to the recipient at the June 24, 2024 City Council meeting.

**CF-24-36 - Financial Position as of March 31, 2024 (All Wards)**

That Report CF-24-36, dated May 1, 2024 concerning the Financial Position as of March 31, 2024 be received for information.

**CF-24-37 - Additional Funding - C2024-016 Windfields Farm Drive Connection - Design Services (Ward 2)**

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

Whereas in 2021 Council approved project 73-0470 for Windfields Collector Road in the amount of \$232,000, inclusive of non-rebateable H.S.T.; and,

Whereas Procurement issued a Request for Proposal (R.F.P.) C2024-016 Windfields Farm Drive Connection – Design Services; and,

Whereas three (3) bids were received (publically posted on the City’s website at [Oshawa's Bids and Tenders](#)) and opened by Procurement on March 20, 2024; and,

Whereas proposals were evaluated on qualification, experience, proposal quality, project deliverables, technical response, and price; and,

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

Whereas the proposal received from BT Engineering Inc. in the amount of \$341,173, plus H.S.T. (\$347,177 including non-rebateable H.S.T.) for Windfields Farm Drive Connection – Design Services; and,

Whereas there is a funding shortfall of \$115,177, including non-rebateable H.S.T.; and,

Whereas the additional cost of \$115,177 can be funded from the Growth Related Non-D.C. Reserve and Transportation Roads Development Charge Reserve;

Therefore be it resolved that, pursuant to Item CF-24-37:

1. That additional funding of \$115,177 be funded from the Growth Related Non-D.C. Reserve and Transportation Roads Development Charge Reserve be approved; and,
2. That the Manager, Procurement be authorized to award a contract to BT Engineering Inc. in the amount of \$341,173 excluding H.S.T. for C2024-016 Windfields Farm Drive Connection – Design Services.

### **CF-24-38 - Naloxone Training for City Staff (All Wards)**

Whereas at its September 23, 2019 meeting, City Council provided the following direction:

“Investigate and if approved by Council, arrange for the training of all front line staff in the administering of naloxone during an opioid overdose; and,

Ensure the supply of and ready access to naloxone kits in all City of Oshawa facilities”; and,

Whereas in response to Report CORP-20-44, “Naloxone Training for City Staff and Naloxone Kits in City Facilities” dated November 20, 2020, which did not recommend training all front line staff in the administering of naloxone during opioid overdoses, the Corporate Services Committee provided the following direction at its November 30, 2020 meeting:

“That Report CORP-20-44 concerning Naloxone Training for City Staff and Naloxone Kits in City Facilities be referred back to staff for further investigation on optional training

programs that can be offered to City staff with the assistance of community partners”;  
and,

Whereas in response to Report CORP-21-15, “Naloxone Training for City Staff” dated March 3, 2021 where staff recommended that the City develop and implement an opioid awareness training program for employees which will include education about the role of Naloxone, Council provided the following direction at its March 29, 2021 meeting:

“That Item CORP-21-15 concerning Naloxone training for City staff be referred to Legal Services to investigate the liability to the City if the program is implemented”; and,

Whereas there is no current legislative requirement mandating naloxone kits in City facilities for the purpose of being administered to a member of the public in the event of an opioid overdose, which obviates the need to establish an opioid awareness training program or provide naloxone training for City staff; City staff will, however, deploy Fire Services staff or a member of its contracted security provider, or contact Durham Regional Police Service to respond to an opioid overdose; and,

Whereas the Provincial government approved Ontario Regulation 559/22, “Naloxone Kits” (“O. Reg. 559/22”) amending the Occupational Health and Safety Act, R.S.O. 1990, c. O.1 (“Occupational Health and Safety Act”) whereby commencing on June 1, 2023, employers were now required to provide naloxone in some workplaces in case an employee or staff has an opioid overdose; and,

Whereas in response to O. Reg. 559/22, the Regional Municipality of Durham approved and issued its “Naloxone Administration Directive” on May 25, 2023 which provides direction on the placement/replacement, storage and use of naloxone kits in the event of one of its own staff having an opioid overdose and to outline the training requirements for Regional staff trained in First Aid and recognized as First Aid responders in locations where naloxone has been provided, to be trained in being able to respond to a suspected opioid overdose in the workplace, and to administer naloxone; and,

Whereas in response to O. Reg. 559/22 and upon consultation with the City’s Manager, Health, Safety and Wellness, the City undertook a workplace risk assessment and determined that the City was not required to have naloxone kits at its facilities to be administered to its staff;

Therefore be it resolved staff be directed to contact the John Howard Society of Durham to arrange naloxone training sessions for staff as an optional offering through the suitable City channel.

#### **CF-24-39 - Additional Funding for Contract O23-05 Structural Rehabilitation (Ward 5)**

Whereas Project 23-71-0027, Simcoe St S Bridge Rehabilitation was approved in the 2023 Capital Budget for \$1,131,000; and,

Whereas Project 23-71-0051, Gibb St Bridge Rehabilitation was approved in the 2023 Capital Budget for \$281,000; and,

Whereas both structures were bundled for efficiencies and economies of scale in Oshawa Contract O23-05 Structure Rehabilitation; and,

Whereas additional funding of \$140,000 is needed due to unforeseen site conditions and unknown structural issues at the time of budgeting that require more extensive repairs than initially estimated; and,

Whereas the additional funds of \$140,000 is available in the Canada Community Building Fund Reserve;

Therefore be it resolved that Council approve the additional funding of \$140,000 for Contract O23-05 Structural Rehabilitation, to be funded from the Canada Community Building Fund Reserve.

#### **CF-24-40 - Electronic Charging Infrastructure - Fleet Vehicles (Wards 4 and 5)**

Whereas Project 13-0128, Electric Charging Infrastructure – Fleet Vehicles, with a total budget of \$500,000, was approved as part of the 2022 Capital Budget; and,

Whereas on October 27, 2023, the City entered into a Memorandum of Understanding as a Co-Applicant with the Regional Municipality of Durham to the Office of Energy Efficiency of Natural Resources Canada (NRCan), for funding under the Zero-Emission Vehicle Infrastructure Program; and,

Whereas as part of the successful funding application, the City is eligible for up to a maximum of \$400,000 for the purchase of electric vehicle charging stations for City Fleet vehicles; and,

Whereas twenty (20) charging stations will be located at the Consolidated Operations Depot, and ten (10) charging stations will be located in the McMillan Parking Garage; and,

Whereas the current construction estimate is \$750,000, including a 350kva transformer, electrical bunker, sub-surface civil work, and thirty (30) electric vehicle charging stations; and,

Whereas the project must be fully commissioned by November 2025 in order to comply with the obligations of the funding agreement,

Therefore be it resolved that an additional \$300,000 be approved for Project 13-0128 Electric Charging Infrastructure – Fleet Vehicles and be funded from the Energy Management Reserve Fund.

#### **Public Discussion Agenda**

##### **Matters Excluded from Consent Agenda**

#### **CO-24-27 - 2024 Update to the Parks, Recreation, Library and Culture Facility Needs Assessment (All Wards)**

Councillor Neal declared a conflict on this item. (Councillor Neal made a declaration of interest concerning Item CO-24-27 regarding 2024 Update of the Parks, Recreation, Library and Culture Facility Needs Assessment 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 in accordance with Report CO-24-27, dated May 2, 2024, the 2024 Update to the Parks, Recreation, Library and Culture Facility Needs Assessment be endorsed.

A request was made to vote on Section 7 of Attachment 1 separately from Sections 1 to 6 and Section 8 due to Councillor Neal's Declaration of Pecuniary Interest.

The vote to adopt Sections 1 to 6 and Section 8 as outlined in Attachment 1 to Report CO-24-27 concerning the 2024 Update to the Parks, Recreation, Library and Culture Facility Need Assessment.

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

Negative (2): Councillor McConkey, and Councillor Nicholson

Absent (1): Councillor Marks

Carried (8 to 2)

The vote to adopt Section 7 as outlined in Attachment 1 to Report CO-24-27 concerning the 2024 Update to the Parks, Recreation, Library and Culture Facility Need Assessment.

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

Negative (2): Councillor McConkey, and Councillor Nicholson

Conflict (1): Councillor Neal

Absent (1): Councillor Marks

Carried (7 to 2)

#### **CO-24-29 - Safe School Zone Pilot Program (All Wards)**

Councillor Neal declared a conflict on this item. (Councillor Neal made a declaration of interest concerning Item CO-24-29 regarding Safe School Zone Pilot Program as he has a family member who has a contract with the School Board and did not take part in discussion or voting on the matter.)

Consent Motion:

That based on Report CO-24-29 dated May 8, 2024, a Safe School Zone Pilot Program not be implemented.

Moved by Councillor McConkey

Seconded by Councillor Nicholson

That Report CO-28-29 be referred to the Safety and Facilities Committee to have Municipal Law Enforcement review the report for a review of the safety of the school zone parking issues.

Affirmative (1): Councillor McConkey

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

Conflict (1): Councillor Neal

Absent (1): Councillor Marks

Lost (1 to 8)

The vote to adopt the recommendation contained in Item CO-24-29.

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

Negative (1): Councillor McConkey

Conflict (1): Councillor Neal

Absent (1): Councillor Marks

Carried (8 to 1)

**CF-24-34 - Correspondence Submitted by Linda Power, Board President, Spay Neuter Initiatives Association Requesting On-going Financial Support for its Accessible, Low-Cost Spay/Neuter Veterinary Program (All Wards)**

Consent Motion:

That Correspondence CF-24-34 submitted by Linda Power, Board President, Spay Neuter Initiatives Association requesting on-going financial support for its Accessible, Low-cost Spay/Neuter Veterinary Program be referred to staff to follow up with the correspondent with respect to a cost estimation for the program and report back by the third quarter, 2024.

Moved by Councillor Chapman

Seconded by Councillor Lee

That Correspondence CF-24-34 be referred to the Mayor's 2025 Budget.

Carried

**ED-24-55 - Stevenson Road North Municipal Class Environmental Assessment Study 2nd Update (Ward 2)**

Consent Motion:

That pursuant to Report ED-24-55 dated May 1, 2024, concerning the Stevenson Road North Municipal Class Environmental Assessment Study, staff be authorized to hold a second Public Information Centre in June 2024 to present the alternative design concepts, and the next steps in the Study.

The vote to adopt the recommendation contained in Item ED-24-55.

Carried

**ED-24-57 - Update regarding Conlin Road East Front Ending Agreement Pilot (Ward 1)**

Consent Motion:

Whereas Council approved the recommendations in Report CNCL 23-03 dated January 13, 2023, regarding the request for Oshawa (Conlin) Developments (BT) Inc., a subsidiary of Treasure Hill

Homes ("Treasure Hill") to enter into a Front Ending Agreement for the design and construction of Conlin Road East from Grandview to Kurelo; and,

Whereas Council approved funding for Project 73-0455 Conlin Road East in the amount of \$4,285,000 (exclusive of H.S.T.), with \$3,424,000 being funded from the Transportation Roads Development Charge Reserve and \$861,000 from the Growth Related Non-Development Charges Reserve; and,

Whereas in lieu of a separate Front Ending Agreement as per Section 44 of the Development Charges Act, 1997, S.O. 1997, c. 27 and for sake of efficiency, staff incorporated the conditions of the Front Ending Agreement into the Subdivision Agreement, which was prepared and signed on June 6, 2023; and,

Whereas Treasure Hill tendered the work to be constructed in 2024 which did not result in the expected cost savings as the excess soils generated on Conlin Road were determined not to be suitable for re-use on Treasure Hill's lands, as originally contemplated; and,

Whereas the lowest bidder was \$1.98 Million over the approved budget, for the City's share of the project; and,

Whereas the opportunity to coordinate the reconstruction of Conlin Road with Treasure Hill's construction work for service connections along Conlin Road East has passed; and,

Whereas the 60 day irrevocable period with the tender document to commit to the need for an extra \$1.98 million, has passed; and,

Whereas at the time of the request to enter into a Front Ending agreement was received, access to Treasure Hill's lands was only possible via Conlin Road. However, residents will soon have the option to utilize Britannia Road East as an alternative route for access during the reconstruction of the Grandview Street roundabout; and,

Whereas staff are recommending to return the funds to source and re-submit the works as a capital project for consideration as part of the 2025 Mayor's Budget;

Therefore be it resolved that the City reimburse Oshawa (Conlin) Developments (BT) Inc., a subsidiary of Treasure Hill Homes, for the completion of the detailed design (and associated engineering studies) for Conlin Road East from Grandview Street North to Kurelo Drive and return the remaining funds estimated to be \$4,088,963.76 from approved Project 73-0455 to source and, authorize staff to enter into an amending Subdivision Agreement with Oshawa (Conlin) Developments (BT) Inc. to remove Section 2.1 a), the requirement to construct all the works as related to the reconstruction of Conlin Road East on behalf of the City.

**Amendment:**

Moved by Councillor McConkey

Seconded by Councillor Neal

That the motion be amended to add after the words "and return the funds to source to be specifically held for the Conlin Road East design and construction, original purpose".

Affirmative (2): Councillor McConkey, and Councillor Neal



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

Absent (1): Councillor Marks

Lost (2 to 8)

The vote to adopt the recommendation contained in Item ED-24-57.

Carried

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

**CNCL-24-61 - Linda Gasser Requesting to Delegate to City Council concerning the Durham York Energy Centre (Previously INFO-24-105) (All Wards)**

**CNCL-24-62 - Wendy Bracken Requesting to Delegate to City Council concerning the Durham York Energy Centre (Previously INFO-24-106) (All Wards)**

The Mayor ruled Items CNCL-24-61 and CNCL-24-62 Out of Order.

### **Closed Consent Agenda**

Moved by Councillor Chapman

Seconded by Councillor Giberson

That all items listed under the heading of Closed Consent Agenda for the City Council Meeting dated May 27, 2024 be adopted as recommended except the following:

Item ED-24-62 of the Twenty-eighth Report of the Economic and Development Services Committee; and,

Reports CNCL-24-64 and CNCL-24-65.

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-24-58 - Update on the Recommended Disposal of Certain City-owned Lands: City-owned Land Known Municipally as the Christine Crescent Right-of-Way (Ward 5)**

1. That pursuant to Closed Report ED-24-58 dated May 1, 2024, the Commissioner, Economic and Development Services Department, be authorized to enter into an agreement of purchase and sale for the City-owned lands known municipally as the Christine Crescent right-of-way, generally in accordance with Attachment 7 and the key terms as set out in Section 5.6 of said Report, together with such documents as are required to facilitate the transaction in the opinion of the City Solicitor, and further that the agreement and other required documents be in a form and content satisfactory to the City Solicitor and the Commissioner, Economic and Development Services Department; and,
2. That pursuant to Closed Report ED-24-58 dated May 1, 2024, the Commissioner, Economic and Development Services Department, be authorized, from time to time, to extend conditional, requisition and completion dates established by the respective agreement of purchase and sale in consultation with the City Solicitor; and,
3. That pursuant to Closed Report ED-24-58 dated May 1, 2024, staff be authorized to formally close by by-law the City-owned lands known municipally as the Christine Crescent right-of-way as a public highway, if deemed necessary as part of the transfer, to the satisfaction of the Commissioner, Economic and Development Services Department, and the City Solicitor and that the notice requirements of the City's Public Notice Policy GOV-23-02 be waived.

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

None

**Other Staff Reports and Motions**

See Matters Excluded from Consent Agenda

**Closed Discussion Agenda**

**Matters Excluded from Consent Agenda**

**ED-24-62 - Bond Street Property (Ward 4)**

Consent Motion:

That staff investigate the acquisition of the property on Bond Street including obtaining an opinion of value and report back to the Economic and Development Services Committee with an acquisition strategy.

The vote to adopt the recommendation contained in Item ED-24-62.

Affirmative (7): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Kerr, Councillor Lee, Councillor Marimpietri, and Councillor Neal

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

Absent (1): Councillor Marks

Carried (7 to 3)

Moved by Councillor Chapman  
Seconded by Councillor Giberson

That the meeting recess and reconvene in a session closed to the public pursuant to Sections 239(2)(d), (e) and (f) of the Municipal Act in order to consider Reports CNCL-24-64 and CNCL-24-65 which concerns labour relations or employee negotiations and litigation or potential litigation, including matters before administrative tribunals, affecting the City.

Carried

Moved by Councillor Chapman  
Seconded by Councillor Giberson

That the meeting recess for 10 minutes.

Carried

The meeting recessed at 12:45 p.m. and reconvened in Closed Session at 12:55 p.m. with all Members of the Council in attendance except for Councillor Neal who participated electronically and Councillor Marks who was absent.

Also in attendance were the Director, Legislative Services/City Clerk; the Chief Administrative Officer; the Commissioner, Economic and Development Services Department; the Commissioner, Safety and Facilities Services Department; the Commissioner, Community and Operations Services Department; the Commissioner, Corporate and Finance Services; the City Solicitor; the Chief People Officer; the Manager, Compensation, Benefits and HRIS; the Manager, Talent and Organizational Development; and R. McDonnell, HR Consultant; K. Christopher, Council-Committee Coordinator and J. Lane, Council-Committee Coordinator;.

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

Council entered closed session at 12:55 p.m.

Closed meeting discussions took place.

Moved by Councillor Chapman  
Seconded by Councillor Giberson

That Council rise and report.

Carried

Council rose from closed session at 1:37 p.m.

### **Closed Meeting Report**

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

Members of Council questioned the Chief People Officer concerning Report CNCL-24-64.

The Chief People Officer responded to questions from Council concerning Report CNCL-24-64.

The Chief People Officer; the Manager, Compensation, Benefits and HRIS; the Manager, Talent and Organizational Development; and R. McDonnell, HR Consultant left the meeting.

Albert Formosa and Phil Wallner, Weir Foulds LLP entered the meeting.

Members of Council questioned the City Solicitor concerning Report CNCL-24-65.

The City Solicitor responded to questions from Council concerning Report CNCL-24-65.

Albert Formosa and Phil Wallner, Weir Foulds LLP provided Members of Council an update concerning Report CNCL-24-65.

Albert Formosa and Phil Wallner responded to questions from Council concerning Report CNCL-24-65.

This concludes the closed meeting summary.

### **CNCL-24-64 - Update on C.U.P.E. Local 250 Labour Negotiations (All Wards)**

Consent Motion:

That in accordance with Closed Item CNCL-24-64 dated May 24, 2024 concerning an update on C.U.P.E. Local 250 Labour Negotiations, Council ratify the agreement as set out in Attachment 1 to Item CNCL-24-64.

The vote to adopt the recommendation contained in Report CNCL-24-64 was now before Council.

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

Absent (1): Councillor Marks

Carried (10 to 0)

### **CNCL-24-65 - Canadian Flight Academy Ltd. – Status Update #5 (Ward 2)**

Consent Motion:

That in accordance with Closed Item CNCL-24-65 dated May 24, 2024, concerning Canadian Flight Academy Ltd. - Status Update #5, staff proceed as directed.

The vote to adopt the recommendation contained in Report CNCL-24-65 was now before Council.

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

Absent (1): Councillor Marks

Carried (10 to 0)

### **Items Requiring Council Direction**

None

### **Matters Tabled**

None

### **Notices of Motion**

#### **CNCL-24-60 - Amendment to Fireworks By-law 59-2014 (All Wards)**

Moved by Councillor Chapman

Seconded by Councillor Lee

Whereas in accordance with Fireworks By-Law 59-2014 community members can only discharge Consumer Fireworks on their private property without a permit, between dusk and 11:00 p.m., on Victoria Day, Canada Day and the celebration known as Diwali Day; and,

Whereas there are other days when community members may wish to discharge fireworks to celebrate special events;

Therefore be it resolved that staff investigate amending the Fireworks Bylaw where, upon receiving a reasonable request, the Chief Fire Official may grant an exemption for consumer fireworks to be discharged for a special occasion; and,

That staff report back to the Safety and Facilities Services Committee meeting on June 10, 2024.

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

Negative (1): Councillor McConkey

Absent (2): Councillor Marks, and Councillor Neal

Carried (8 to 1)

### **Confirming By-Law**

Moved by Councillor Chapman

Seconded by Councillor Giberson

That the Confirming By-law be passed.

Carried

### **Adjournment**

Moved by Councillor Marimpietri

Seconded by Councillor Kerr

That the meeting adjourn at 1:43 p.m.

Carried

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Mayor

City Clerk