



**Oshawa City Council
Minutes**

**February 26, 2024, 9:30 a.m.
Council Chamber**

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

Public Meeting

The Mayor called the meeting to order and stated that all members of Council were participating from the Chamber.

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.

Additional Agenda Items

Moved by Councillor Chapman
Seconded by Councillor Giberson

That the delegation of Adriana Lupton concerning Item CNCL-24-21 regarding Adriana Lupton, Owner of 452 Simcoe Street North Submitting an application to repeal a portion of Heritage Designation By-law 148-2011 be added to the agenda.

Carried

Moved by Councillor Nicholson
Seconded by Councillor Kerr

That the Rules of Procedure be waived to introduce a time sensitive motion regarding from the Council Representative appointment to Heritage Oshawa (**Requires 2/3 vote of members present**).

Carried

Moved by Councillor Nicholson
Seconded by Councillor Kerr

That upon the resignation of Councillor Nicholson, that Councillor Lee be appointed as the Council representative on Heritage Oshawa.

Carried

Declarations of Pecuniary Interest

Councillor Marimpietri - CNCL-24-15 - Kennisha Dyer, Director, Rotary Club of Oshawa Submitting Correspondence concerning an In-Kind Grant Request for Ribfest 2024 (Formerly INFO-24-26) (All Wards)

Councillor Marimpietri declared a conflict of interest concerning Item CNCL-24-15 as he is a member of the Board of the Oshawa Rotary Club.

Presentations

Certificate of Recognition - Durham College Rugby

Mayor Carter presented a Certificate of Recognition to Megan Bent and Maya Austin on behalf of the Durham College Women's Rugby athletes in recognition of their undefeated season and winning the 2023 Ontario Colleges Athletic Association Championship.

e-CAMP MENTORing - Black History Month

Dr. Leroy Clarke provided a presentation regarding Black History Month on behalf of e-CAMP MENTORing and Club Caribe Inc.

Members of Council questioned Dr. Clarke.

Principles Integrity - Annual Report of the Integrity Commissioner

Janice Attwood, Principles Integrity provided a presentation as the City's appointed Integrity Commissioner concerning the Annual Report from November 2022 to January 31, 2024.

Moved by Councillor Nicholson
Seconded by Councillor Marimpietri

That the presenter's time be extended by 3 minutes.

Carried

Janice Atwood, Principles Integrity continued to address City Council.

Members of Council questioned Janice Atwood.

Delegations

Moved by Councillor Chapman
Seconded by Councillor Giberson

That the delegation of Adriana Lupton be heard.

Carried

Adriana Lupton - Owner 452 Simcoe Street North

Adriana Lupton, owner 452 Simcoe Street North addressed Council concerning her application to repeal a portion of Heritage Designation By-law 148-2011 to remove "clad in cedar shingles" from the By-law.

Members of Council questioned Adriana Lupton.

Items requiring Council Direction

CNCL-24-13 - Durham Region Transit Requesting the City Nominate a Community Member Representative to the Durham Region Transit Advisory Committee (All Wards)

Moved by Councillor Chapman
Seconded by Councillor Lee

That based on Correspondence CNCL-24-13 from the Region of Durham, Jan Westerman be selected as the City of Oshawa's representative on the Durham Region Transit Advisory Committee.

Carried

CNCL-24-14 - Principles Integrity Annual Report from November 2022 to January 31, 2024 (All Wards)

Moved by Councillor Chapman
Seconded by Councillor Gray

That Report CNCL-24-14 being the Principles Integrity Annual Report from November 2022 to January 31, 2024 be received for information.

Carried

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 February 26, 2024 be adopted as recommended except:

Items CO-24-11, CO-24-08 and CO-24-07 from the Thirteenth Report of the Community and Operations Services Committee; and,

Items ED-24-21, ED-24-19 and By-laws 29-2024 and 30-2024 and ED-24-24 from the Fourteenth Report of the Corporate and Finance Services Committee; and,

Item JHOWG-2401 from the First Report of the Hamilton-Oshawa Port Authority Working Group.

Carried

Adoption of Council Minutes

That the minutes of the City Council meeting held on January 29, 2024 be adopted.

Correspondence with recommendations

CNCL-24-12 - Various Residents Submitting Comments concerning Item ED-24-21 (Ward 2)

That Correspondence CNCL-24-12 from various residents submitting comments concerning Item ED-24-21 regarding Windfields Farm/Northern Dancer Cemetery Participation in Doors Open be referred to Item ED-24-21.

CNCL-24-21 - Adriana Lupton, Owner of 452 Simcoe Street North Submitting an Application to Repeal a Portion of Heritage Designation By-law 148-2011

That in accordance with Correspondence CNCL-24-21 from Adriana Lupton, property owner of 452 Simcoe Street North submitting an application under Section 32 of the Ontario Heritage Act to repeal a portion of Heritage Designation By-law 148-2011 to remove 'clad in cedar shingles' from the heritage attributes:

1. That staff be directed to publish notice in accordance with Section 32(3) of the Ontario Heritage Act; and,
2. That staff report back to Council once the process set out in the Ontario Heritage Act is complete.

Standing Committee Reports

Report of the Community and Operations Services Committee

CO-24-09 - Review of Municipality of Clarington and Town of Whitby Use of Speed Cushions on Rural Roads (Ward 1)

That Report CO-24-09 be referred back to staff to investigate further speed calming measures along Columbus Road West.

Report of the Corporate and Finance Services Committee

CF-24-04 - Asset Retirement Obligation Policy (All Wards)

That pursuant to Report CF-24-04 dated January 31, 2024, the Asset Retirement Obligation Policy be approved.

CF-24-09 - C2024-003 Assessment & Appeal Management Services – Contract Award (All Wards)

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

Whereas Council has approved funding in the annual Taxes Written Off budget for assessment & appeal management services; and,

Whereas Procurement issued a Request for Proposal Assessment & Appeal Management Services for an initial three year term with the option to renew for additional three one-year terms; and,

Whereas one (1) bid was received (publicly posted on the City's website at Oshawa's Bids and Tenders) and opened by Procurement on January 23, 2024; and,

Whereas the evaluation team reviewed the bid received by MTAG Paralegal Professional Corp. as comprehensive, thorough, addressed all requirements of the R.F.P, and best satisfied the City's requirements; and,

Whereas the proposal received from MTAG Paralegal Professional Corp. in the amount of \$216,000 (before applicable taxes) for Assessment & Appeal Management Services for an initial three year term meets the requirements of the proposal;

Therefore be it resolved that pursuant to Item CF-24-09:

1. That in accordance with Item CF-24-09, dated February 5, 2024, that the Manager, Procurement, be authorized to award an initial three year contract to MTAG Paralegal Professional Corp. in the amount of \$216,000 (before applicable taxes) for Assessment & Appeal Management Services, being the highest ranked proponent received; and
2. That the Manager, Procurement, be authorized to extend this contract for an additional three one-year terms, subject to provision of satisfactory services and pricing.

CF-24-07 - 2023 External Audit Service Plan (All Wards)

That Report CF-24-07 concerning the 2023 External Audit Service Plan, dated January 31, 2024 be received for information.

Report of the Economic and Development Services Committee

ED-24-14 - Update concerning Council's Direction to Designate 117 King Street East under Part IV of the Ontario Heritage Act (Ward 4)

That pursuant to Report ED-24-14 dated January 31, 2024, Economic and Development Services staff be authorized to continue the designation process for 117 King Street East, as directed by Council on December 12, 2022, and incorporate the property owner's requested revisions into the draft Designation Statement and Description to be included in a Notice of Intention to Designate.

ED-24-16 - Update concerning Council's Direction to Designate 149 Harmony Road South under Part IV of the Ontario Heritage Act (Ward 3)

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.

ED-24-20 - Revised Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision, 1279 Simcoe Street North, Katanna Simcoe Ltd. (Ward 2)

1. That, pursuant to Report ED-24-20 dated January 31, 2024, the revised application submitted by Katanna Simcoe Ltd. to amend Zoning By-law 60-94 (File: Z-2022-12) to permit 170 block townhouse dwellings consisting of 11 live/work units, 69 traditional block townhouse units and 90 back-to-back block townhouse units, a road widening block and a private parkette, on lands municipally known as 1279 Simcoe Street North be approved, generally in accordance with the comments in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and the City Solicitor; and,
2. That, pursuant to Report ED-24-20 dated January 31, 2024, the revised application submitted by Katanna Simcoe Ltd. for approval of a draft plan of subdivision (File: S-O-2022-05) for 1279 Simcoe Street North featuring one development block and one road widening block to facilitate the development of a proposed common elements plan of condominium featuring 170 block townhouse dwellings be approved, and that the Commissioner of Economic and Development Services or Director of Planning Services be authorized to impose appropriate conditions in the draft plan of subdivision approval Planning Act decision; and,
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report ED-23-01 dated January 4, 2023 presented at the public meeting of January 9, 2023 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 1 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

Report of the Safety and Facilities Services Committee

None

Report of the Joint Hamilton-Oshawa Working Group

(See Matters Excluded from Consent Agenda)

Other Staff Reports and Motions

None

By-Laws

The following By-laws were passed:

27-2024 - A By-law to Designate the Property Municipally Known as 149 Harmony Road South

(Implements direction of February 26, 2024 through Item ED-24-16 of the Twenty-fifth Report of the Economic and Development Services Committee to designate the property municipally known as 149 Harmony Road South specifically PIN 16339-0429 (LT) PART LOTS 16, 19 SHEET 4B PLAN 357, LOT 18 SHEET 4B PLAN 357, EAST WHITBY, as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18.)

28-2024 - A By-law to Further Amend Traffic By-law 79-99, as amended

(Implements Council direction of December 11, 2023 through Item CO-23-67 of the Eleventh Report of the Community and Operations Services Committee to add a 2 hour maximum permissible parking area, at a rate of 1.25 dollar for 60 minutes, from 8:00 a.m. to 6:00 p.m. Monday to Friday inclusive, except holidays, on the south side of Bond Street West between a point 14 metres west of Centre Street North and a point 25 metres west of Centre Street North.)

29-2024 - A By-law to Adopt Amendment 74 to the Official Plan for the former Oshawa Planning Area – Secondary Plan for the Samac Community

(Implements direction of February 26, 2024 through Item ED-24-19 of the Twenty-fifth Report of the Economic and Development Services Committee to amend Schedule "A", Samac Land Use and Street Plan, by redesignating certain lands at the southeast corner of Ritson Road North and Luple Avenue from Medium Density I Residential to High Density I Residential to permit a 6 storey apartment building with 46 dwelling units and to apply a site specific policy to continue to permit Medium Density I Residential and Medium Density II Residential uses and densities and amend Schedule "A", Samac Land Use and Street Plan, by redesignating certain lands at the southeast corner of Ritson Road North and Luple Avenue associated with the tributary of the Oshawa Creek from Medium Density I Residential to Open Space and Recreation.)

30-2024 - A By-law to Amend Zoning By-law 60-94, as amended

(Implements direction of February 26, 2024 through Item ED-24-19 of the Twenty-fifth Report of the Economic and Development Services Committee to change the zoning for the lands generally located at the southeast corner of Ritson Road North and Luple Avenue from FD (Future Development) to R1-E(14) (Residential) in part, R6-C(15) "h-90" (Residential) in part and OSH (Hazard Lands Open Space) in part to permit the development of four single detached dwellings with a site specific regulation related to increased maximum lot coverage and a 6-storey, 46 unit apartment building with site specific regulations related to reduced minimum landscaped open space, lot frontage and front yard, exterior side yard and interior side yard depths. This By-law also has the effect of rezoning the balance of the subject lands associated with a tributary of the Oshawa Creek to an appropriate open space zone, to protect and conserve its ecological function as part of the City's Natural Heritage System.)

31-2024 - A By-law to Amend Zoning By-law 60-94, as amended

(Implements direction of February 26, 2024 through Item ED-24-20 of the Twenty-fifth Report of the Economic and Development Services Committee to change the zoning for the lands generally located at 1279 Simcoe Street North from PSC-A (Planned Strip Commercial) in part and R4-A/R6-C/EU (Residential/Existing Use) in part to PSC-A/R4-A(28) (Planned Strip Commercial/Residential) and R4-A(28)/R6-C/EU (Residential/Existing Use) to permit 170 block townhouse dwellings, eleven of which could operate as live/work units, subject to special zoning regulations related to reduced yard depths, landscaped open space, length of front lot line and driveway length and increased lot coverage and building height. Special regulations are proposed for the live-work units to permit the entire main floor of the unit to be used as a home occupation and to permit a retail store as a home occupation.)

Public Discussion Agenda

Matters Excluded from Consent Agenda

CO-24-11 - Road Salt Working Group Report (Previously OEAC-24-05) (All Wards)

Consent Motion:

That AJ Groen be appointed to make a delegation to Durham Environmental Advisory Committee on behalf of the Oshawa Environmental Advisory Committee with respect to the Road Salt Working Group.

Moved by Councillor Chapman
Seconded by Councillor Giberson

That Item CO-24-11 be referred back to the Oshawa Environmental Advisory Committee in order for the Road Salt Working Group to provide a report to the Safety and Facilities Management Services Committee and City Council on its respective project before presenting to the Durham Environmental Advisory Committee.

Carried

CO-24-08 - Funding Agreement for use of Campus Ice Centre (All Wards)

Councillor Chapman assumed the Chair.

Consent Motion:

That pursuant to Report CO-24-08 dated February 7, 2024 concerning the Campus Ice Agreement:

1. That Council advise Ontario Tech University that the Funding Agreement for the Shared Athletic Facility at Campus Ice Centre will not be renewed; and,
2. That staff be authorized to notify the City's minor affiliated clients as per Section 5.5 of this Report that the Funding Agreement for the Shared Athletic Facility at Campus Ice Centre expires on August 31, 2024, and will not be renewed; and,
3. That staff be authorized to begin the allocation of seasonal ice for the 2024/25 season at City-owned ice pads, including Tribute Communities Centre as per the Ice Allocation Policy; and,

4. That in accordance with the City's Ice Allocation Policy, affiliated clients will be required to assume their hours of entitlement at City-owned facilities; and,
5. That staff continue to work with Ontario Tech University to identify collaboration opportunities that will better serve the Oshawa community.

Moved by Councillor McConkey
Seconded by Councillor Neal

That Item CO-24-08 be referred back to staff.

Amendment:

Moved by Councillor Nicholson
Seconded by Councillor McConkey

That the motion be amended to include that staff report back to the next Council meeting.

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

Negative (5): Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, and Councillor Lee

Absent (1): Mayor Carter

Lost (5 to 5)

The vote to refer Item CO-24-08 back to staff as amended.

Affirmative (2): Councillor McConkey, and Councillor Neal

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

Absent (1): Mayor Carter

Lost (2 to 8)

The vote to adopt the recommendation contained in Item CO-24-08.

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

Negative (2): Councillor McConkey, and Councillor Neal

Absent (1): Mayor Carter

Carried (8 to 2)

CO-24-07 - Pilot Curbside Giveaway Event (INFO-24-02) (All Wards)

Mayor Carter resumed the Chair.

Consent Motion:

That Report CO-24-07 concerning the Pilot Curbside Giveaway Event be referred to staff for a report at the next meeting.

The vote to adopt the recommendation contained in Item CO-24-07.

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

Lost (0 to 11)

Moved by Councillor Gray
Seconded by Councillor Lee

Whereas on September 16, 2023 the "Curbside Giveaway Day" took place in all local area municipalities across the Region of Durham, with the exception of the City of Oshawa; and,

Whereas the program was well received from participating local municipalities with by-law enforcement reporting no increase in waste materials left at the curb after the event; and,

Whereas on December 20, 2023, Regional Council adopted the following resolution pursuant to Report 2023-WR-8 "Pilot Curbside Giveaway Event Summary and Recommendations", dated December 6, 2023:

- A. "That the Regional Municipality of Durham implements a Curbside Giveaway Event twice per year in the Spring and Fall; and
- B. That Regional staff work with the City of Oshawa and the Town of Whitby to include them in these events if approved by their respective Councils."; and

Whereas 2024 dates have been scheduled for May 4th and September 14th, and will be promoted by the Region; and,

Whereas staff received feedback from community members interested in participating in the event; and,

Whereas there is not expected to be any financial impact to the City; and,

Therefore be it resolved that the City of Oshawa participate in the annual "Curbside Giveaway Event" in conjunction with the Region of Durham and the Town of Whitby.

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

Carried (11 to 0)

ED-24-21 - Windfields Farm/Northern Dancer Cemetery Participation in Doors Open (Previously HTG-24-08) (Ward 2)

Consent Motion:

That the Doors Open Committee open the Windfields Farm/Northern Dancer cemetery to the public during Doors Open, 2024.

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

Carried

ED-24-19 - Revised Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, 1494339 Ontario Limited, for lands generally located at the southeast corner of Ritson Road North and Luple Avenue (Ward 1)

Consent Motion:

1. That, pursuant to Report ED-24-19 dated January 31, 2024, the revised application submitted by D.G. Biddle and Associates Limited on behalf of 1494339 Ontario Limited to amend the Secondary Plan for the Samac Community (File: OPA-2022-06) to permit an increased residential density of approximately 102 units per hectare (41 units/ac.) on lands generally located at the southeast corner of Ritson Road North and Luple Avenue and to redesignate that portion of the same lands associated with the tributary of the Oshawa Creek from Medium Density I Residential to Open Space and Recreation be approved, generally in accordance with the comments contained in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and the City Solicitor; and,
2. That, pursuant to Report ED-24-19 dated January 31, 2024, the revised application submitted by D.G. Biddle and Associates Limited on behalf of 1494339 Ontario Limited to amend Zoning By-law 60-94 (File: Z-2022-07), to rezone lands generally located at the southeast corner of Ritson Road North and Luple Avenue from FD (Future Development) to an appropriate R6-C (Residential) zone to permit a six (6) storey, 46 unit apartment building, and to an appropriate R1-E (Residential) Zone to permit four (4) single detached dwellings, and OSH (Hazard Lands Open Space) for that portion of the lands associated with the tributary of the Oshawa Creek, be approved, generally in accordance with the comments contained in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and the City Solicitor; and,
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report ED-23-157 dated September 6, 2023 presented at the public meeting of September 11, 2023 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 2 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

The vote to adopt the recommendation contained in Item ED-24-19 and pass By-laws 29-2024 and 30-2024.

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

Negative (2): Councillor McConkey, and Councillor Neal

Carried (9 to 2)

ED-24-24 - Interchange at Townline Road (Ward 5)

Consent Motion:

That staff investigate the feasibility of adding a 401 interchange at Townline Road.

Amendment:

Moved by Councillor Nicholson

Seconded by Councillor Gray

That the motion be amended to add the following: "and that copies of this resolution be sent to the Region of Durham, the Municipality of Clarington and local MPPs and they be requested to investigate this proposed intersection from their individual perspectives."

Carried

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

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

Carried (11 to 0)

Moved by Councillor Nicholson

Seconded by Councillor Giberson

That the meeting recess for eight minutes.

Carried

The meeting recessed at 11:22 a.m. and reconvened at 11:33 a.m. with all members of Council in attendance.

JHOWG-24-01 - Process and Options for Appointment (All Wards)

Consent Motion:

Whereas on February 9, 2019, the federal Ministry of Transport issued a Certificate of Intent to amalgamate the Hamilton and Oshawa Port Authorities;

Whereas on June 8, 2019, the federal Ministry of Transport issued the certificate of Amalgamation and Letters Patent creating the amalgamated Hamilton Oshawa Port Authority (H.O.P.A.);

Whereas the Hamilton Oshawa Port Authority Board of Directors is composed of seven directors;

Whereas the Letters Patent states that only one director be appointed by the City of Hamilton and the City of Oshawa, in consultation with the City of Burlington;

Whereas prior to the amalgamation of the Port Authorities, the City of Hamilton and the City of Oshawa each had municipally-appointed representatives on their respective Port Authorities;

Whereas both the City of Oshawa and the City of Hamilton have expressed to the federal government that a shared representative is not an effective means of governance, and that both municipalities should be allocated a municipally-appointed representative on the Hamilton Oshawa Port Authority Board of Directors;

Whereas the federal government, to date, has not indicated a willingness to amend the Letters Patent of the Hamilton Oshawa Port Authority to permit both municipalities to have a municipally-appointed representative on the Board, and therefore the municipalities are required to appoint a shared representative;

Whereas the City of Oshawa and the City of Hamilton established a working group to establish a process for appointing a shared municipal appointee to the Hamilton Oshawa Port Authority Board of Directors;

Therefore be it resolved:

- a. That the Mayors of the City of Oshawa and City of Hamilton provide a joint letter to the federal Ministry of Transport requesting the Letters Patent be immediately amended to allow for two municipal appointees, one from each municipality, on the H.O.P.A Board of Directors ("H.O.P.A Board"); and
- b. That the H.O.P.A. Board be requested to provide a letter to the federal Ministry of Transport requesting the Letters Patent be amended to allow for two municipal appointees, one from each municipality, on the H.O.P.A. Board; and,
- c. That the members of the Joint Hamilton-Oshawa Working Group recommend to their respective Councils the following:
 - i. That each municipality determine their own process for selecting the appointee when it is their municipality's term, but that the non-selecting municipality be offered the opportunity to participate as a non-voting member or observer of any selection committee;
 - ii. That each municipality ensure that notice of the opportunity to apply to be the municipal appointee be provided in both Hamilton and Oshawa;
 - iii. That the City Manager of Hamilton and the C.A.O of Oshawa be directed and authorized to develop a common set of core skills and requirements for the municipal appointee.

A request was made to vote on each part separately.

The vote on Part a) of the recommendation contained in Item JHWOG-24-01.

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

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

Lost (5 to 6)

The vote on Part b) of the recommendation contained in Item JHOWG-24-01.

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

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

Lost (5 to 6)

The vote on Part c) of the recommendation contained in Item JHOWG-24-01.

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

Lost (0 to 11)

Moved by Councillor Chapman

Seconded by Councillor Marimpietri

Whereas, in accordance with the Letters Patent of the Hamilton-Oshawa Port Authority, both the City of Hamilton and the City of Oshawa, in consultation with the City of Burlington, shall appoint one (1) individual to the Hamilton-Oshawa Port Authority Board of Directors; and,

Whereas, although jointly appointed by the City of Hamilton and the City of Oshawa, the municipally appointed director has a fiduciary duty to act solely in the best interest of the Hamilton-Oshawa Port Authority, and as such, has no role to advance the interests of one or both of the host municipalities who appointed said individual; and,

Whereas, the Letters Patent of the Hamilton-Oshawa Port Authority is silent on the process by which the City of Hamilton and the City of Oshawa are to jointly appoint one (1) individual to the Hamilton-Oshawa Port Authority Board of Directors,

Therefore be it resolved that the Council of the City of Oshawa recommend to the Council of the City of Hamilton, that the following process be adopted for jointly appointing a new director to the Hamilton-Oshawa Port Authority Board of Directors:

- a. Coinciding with the municipal election cycle and council term, the Hamilton-Oshawa Port Authority releases, on behalf of the City of Hamilton and the City of Oshawa, an open call for interested individuals who wish to serve on the Hamilton-Oshawa Port Authority Board of Directors as the municipally appointed director.

- b. The Hamilton-Oshawa Port Authority evaluates all applications received for the municipally appointed director, and provides a recommended candidate based on qualifications and eligibility criteria, for the City of Hamilton and City of Oshawa's consideration and endorsement.
- c. The municipally appointed director shall serve a four (4) year term, coinciding with the municipal election cycle and council term, understanding that the first director so appointed will serve a truncated term so as to synchronize with the current council term.
- d. City of Hamilton and City of Oshawa staff shall work with Hamilton-Oshawa Port Authority staff to develop a recruitment package to ensure consistency and fairness in the recruitment process, with such recruitment package to include, but not necessarily be limited to, a role description, eligibility criteria and minimum qualifications.

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

Carried (11 to 0)

Items Pulled from the Information Package

CNCL-24-15 - Kennisha Dyer, Director, Rotary Club of Oshawa Submitting Correspondence concerning an In-Kind Grant Request for Ribfest 2024 (Formerly INFO-24-26) (All Wards)

Councillor Marimpietri declared a conflict on this item. (Councillor Marimpietri declared a conflict of interest concerning Item CNCL-24-15 as he is a member of the Board of the Oshawa Rotary Club.)

Moved by Councillor Chapman
Seconded by Councillor Lee

That, based on Correspondence CNCL-24-15 from the Rotary Club of Oshawa, notwithstanding the current Grant Policy, the request from the Rotary Club of Oshawa for \$30,000 of in-kind services for the 2024 Oshawa Ribfest be approved **(Requires 2/3 vote of members present and voting)**.

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

Conflict (1): Councillor Marimpietri

Carried (10 to 0)

CNCL-24-16 - Correspondence submitted by Ara Saatjian concerning a Sign Variance Application for 33 Simcoe Street South (Formerly INFO-24-05) (Ward 4)

Moved by Councillor Kerr
Seconded by Councillor Lee

That the rules of procedure be waived in order to reconsider a decision that was reconsidered within the past 12 months. **(Requires 2/3 vote of members present)**

Carried

Moved by Councillor Kerr
Seconded by Councillor Nicholson

That vote to reconsider Council's previous decision of April 3, 2023. **(Requires 2/3 vote of members present)**

Carried

The following recommendation concerning an application for a variance to Sign By-Law No. 72-96, as amended, submitted by WJW Canada Inc. (File: SV-2020-10) to permit two (2) additional fascia signs (Read-o-graph Signs) on the southwest wall of the building at 27 to 33 Simcoe Street South was now before Council.

“That, pursuant to Report DS-21-16 dated February 3, 2021, the application for a variance to Sign By-Law No. 72-96, as amended, submitted by WJW Canada Inc. (File: SV-2020-10) to permit two (2) additional fascia signs (Read-o-graph Signs) on the southwest wall of the building at 27 to 33 Simcoe Street South be approved for a two year trial period, in accordance with Section 5.4.2 of said Report and subject to the following conditions:

- a. Static messages to have no animation, flashing, turning or full motion video;
- b. Each static message is to remain up for a minimum of 8 seconds;
- c. Transition time between two different static messages to be instantaneous; and,
- d. Applicant to enter into an appropriate encroachment agreement, if required.”

Moved by Councillor Kerr
Seconded by Councillor Nicholson

That the motion be amended to add:

That the dimension of the approved sign be amended from 2m wide by 2.5m high to 2.5m wide by 2.5m high and that the two year approved pilot project be extended to begin as of the date of the current approval.

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

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

Carried (8 to 3)

The vote to adopt the recommendation, as amended.

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

Negative (1): Councillor Giberson

Carried (10 to 1)

CNCL-24-22 - Various Residents Submitting Correspondence Regarding the Harmony Creek Trail Extension Project (Formerly INFO-24-52) (Ward 1)

Moved by Councillor McConkey
Seconded by Councillor Neal

That Council reconsider its previous decision of November 26, 2021 concerning the Harmony Creek Trail Extension Project **(Requires majority vote of members present)**.

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

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

Absent (1):

Lost (3 to 7)

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 February 26, 2024 be adopted as recommended except:

Item ED-24-18 from the Twenty-sixth Report of the Economic and Development Services Committee and Report CNCL-24-17.

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

CF-24-05 - 2023 Year End Taxation Services Position (All Wards)

That Report CF-24-05 concerning the 2023 Year End Taxation Services Position, dated January 31, 2024 be received for information.

Report of the Economic and Development Services Committee

ED-24-17 - Request to Acquire a Portion of City-owned Lands at 99 Thornton Road South (Wards 4 and 5)

That, pursuant to Report ED-24-17 dated January 31, 2024, the Director, Planning Services, be authorized to respond to Closed Correspondence ED-23-201 in accordance with Section 5.6 of said Report.

Report of the Safety and Facilities Services Committee

None

Other Staff Reports and Motions

(See Matters Excluded from Consent Agenda)

Closed Discussion Agenda

Matters Excluded from Consent Agenda

CNCL-24-17 - Proposed Lease Amendment: 100 Simcoe Street South, Oshawa PUC Networks Inc. (Ward 4)

1. That, pursuant to Closed Report CNCL-24-17 dated February 21, 2024, City Council reconsider its decision of May 1, 2023 made with respect to Closed Report ED-23-66 regarding an amendment to the lease agreement with Oshawa PUC Networks Inc. (operating as Oshawa Power) for 100 Simcoe Street South.
2. That, the Commissioner of Economic and Development Services be authorized to execute an amendment to the lease agreement with Oshawa PUC Networks Inc. (operating as Oshawa Power) for 100 Simcoe Street South generally consistent with the terms and conditions as set out in Section 5.5 of Closed Report CNCL-24-17 dated February 21, 2024 and in a form and content satisfactory to the Commissioner of Economic and Development Services and the City Solicitor.

A request was made to vote on each part separately.

The vote on Part 1 contained in Report CNCL-24-17 (Requires majority vote of members present).

Carried

The vote on Part 2 contained in Report CNCL-24-17.

Carried

ED-24-18 - Results of the Request for Expression of Interest Process for the Future Use of the City-owned Public Parking Lot (Lot 4) located on the North Side of Athol Street East, between Centre Street South and Simcoe Street South (Ward 4)

Consent Motion:

That pursuant to Closed Report ED-24-18 dated January 31, 2024, staff be authorized to proceed with Option 2 as outlined in Section 5.3 of said report, concerning next steps for the future use of the City-owned Parking Lot.

Carried as amended by later vote.

Moved by Councillor Chapman
Seconded by Councillor Giberson

That the meeting recess and reconvene in a session closed to the public pursuant to Section 239(2) (c), (i), (j) and (k) of the Municipal Act in order to consider Item ED-24-18 which concerns proposed litigation or potential litigation involving the Municipality, a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Carried

The meeting recessed at 12:54 p.m. and reconvened at 12:58 p.m. in a session closed to the public with all members of Council present in the chamber except Councillor Gray.

Also in attendance were the Director, Legislative Services/City Clerk; the Manager, Legislative Services/Deputy City Clerk; the Chief Administrative Officer; the Commissioner Corporate and Finance Services Department; the City Solicitor; the Commissioner, Safety and Facilities Services Department; the Commissioner, Community and Operations Services; the Commissioner, Economic and Development Services Department; the Director, Planning Services; the Manager, Policy; and, Jennifer Lane, Council-Committee Coordinator.

All other staff left the meeting.

Council entered closed session at 12:58 p.m.

Councillor Gray re-entered the meeting at 1:00 p.m.

Closed meeting discussions took place.

Moved by Councillor Chapman
Seconded by Councillor Giberson

That Council rise from closed session and report.

Carried

Council rose from closed session at 1:22 p.m.

Closed Meeting Report

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

All members of Council were present in the Chamber.

Members of Council questioned the Commissioner of Economic and Development Services Department.

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

A motion amending Item ED-24-18 providing direction to staff was moved and carried.

Council rose from closed session at 1:22 p.m.

This concludes the closed meeting summary.

Item ED-24-18 as amended was now before Council.

Moved by Councillor Giberson
Seconded by Councillor Marks

That ED-24-18 be deferred until the Urban Growth Centre Intensification Study and the Parking Lot 16 and 47 Bond Street West (Bus Terminal) matters are sufficiently advanced to inform deliberations on the future of this property in the determination of the Commissioners, Economic and Development Services and Community and Operations Services.

Amendment:

Moved by Councillor Nicholson
Seconded by Councillor Giberson

That the motion be amended to strike the words: "the Urban Growth Centre Intensification Study and downtown parking report and the Parking Lot 16 and 47 Bond Street West (Bus Terminal)."

Carried

The vote to adopt the motion to defer Item ED-24-18, as amended.

Affirmative (4): Mayor Carter, Councillor Giberson, Councillor Marks, and Councillor Neal

Negative (7): Councillor Chapman, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor McConkey and Councillor Nicholson

Lost (4 to 7)

The vote to adopt the recommendation contained in Item ED-24-18, as amended in Closed Session.

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

Negative (1): Councillor Giberson

Carried (10 to 1)

Items Requiring Council Direction

None

Matters Tabled

None

Notices of Motion

CNCL-24-18 - Notice of Motion - Traffic Controls at Verne Bowen/Riverton Streets and Conlin Road East (Ward 1)

Moved by Councillor McConkey
Seconded by Councillor Neal

Whereas there are serious safety concerns related to the condition of Conlin Road East infrastructure that especially involves new residents living north of Conlin Road East; and

Whereas new occupancies of the dwelling units fast being built for the Kedron Part II area north of Conlin Road East will continue to add to the concerns; and

Whereas many residents are needing to cross Conlin Road East to catch a school bus and a D.R.T bus at the Riverton Street, bus stop;

Whereas the intersection of the City's new street Verne Bowen Street, opposite Riverton Street at Conlin Road East is very busy with vehicle and pedestrians and in need of traffic signalization and school crossing guards;

Now therefore Oshawa Council direct an expedited process to ensure safety with traffic lights and school crossing guards at the intersection of Verne Bowen/Riverton Streets and Conlin Road East.

Amendment:

Moved by Councillor Chapman
Seconded by Councillor Lee

That the motion be amended to replace the word 'ensure' with the word 'improve' and delete the words 'with traffic lights and school crossing guards'.

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

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

Absent (1): Councillor Marks

Carried (7 to 3)

The vote to adopt Item CNCL-24-18, as amended.

Carried

CNCL-24-19 - Notice of Motion - Proposed Ontario Get it Done Act (All Wards)

Moved by Councillor McConkey
Seconded by Councillor Neal

Whereas on February 15, 2024 the Province announced it will be introducing new legislation in the Legislature's spring sitting beginning February 20, 2024 to be described as the Get It Done Act regarding the Province of Ontario Banning Road Tolls, Freezing Driver's Licence Fees to Keep Costs Down; and,

Whereas the ban on road tolls will only be on future road tolls; and,

Whereas the Highway 407 East from Brock Road, Pickering to Highway 33/115 is the only section of Highway 407 with tolls, which is not leased; and,

Whereas effective June 2023 the Province removed the tolls on Highway 412 and 418 when the Provincial government approved changes to the Highway 407 East Act, 2012, as part of the Fewer Fees, Better Services Act, passed in 2022; and,

Whereas now is the time to approve amendments to the Get It Done Act for the members elected to the Ontario Legislature to remove the tolls on the Highway 407 East extension from Brock Road to Highway 35/115 and relieve the burden on the economy of Oshawa and Durham Region municipalities, their households, businesses, associations and institutions;

Now therefore the City of Oshawa request the Province of Ontario to amend the Get It Done Act to include the banning of road tolls on the existing Highway 407 East from Brock Road, Pickering to Highway 35/115 and this motion be shared for support at the Councils of the Region of Durham, the Townships of Brock, Uxbridge and Scugog, the City of Pickering, Town of Ajax, Town of Whitby, Municipality of Clarington, the City of Peterborough, and the Premier of Ontario, the Minister of Transportation and all Durham Region M.P.P's.

Carried

CNCL-24-20 - Notice of Motion - Outdoor Ice Rink Portable Chillers (All Wards)

Moved by Councillor McConkey
Seconded by Councillor Neal

Whereas the current winter weather temperatures are proving difficult to continue skating times and other municipalities have successfully invested in portable outdoor ice rink chillers to increase the number of days an outdoor ice rink can remain open for skating,

Now therefore the City investigate and report back on the practice of other municipalities investing in portable ice rink chillers and the cost and feasibility of sites in the City appropriate for the installation of an outdoor portable ice rink and the potential to open next winter season.

Moved by Councillor Giberson
Seconded by Councillor McConkey

That CNCL-24-20 being a Notice of Motion concerning Outdoor Ice Rink Portable Chillers be referred to the Parks, Recreation and Culture Facility Needs Assessment.

Carried

Confirming By-Law

Moved by Councillor Chapman
Seconded by Councillor Giberson

That the confirming by-law be passed.

Carried

Adjournment

Moved by Councillor Kerr
Seconded by Councillor Marimpietri

That the meeting adjourn at 2:25 p.m.

Carried

Mayor

City Clerk