

Present: Mayor Mitchell (Participating Electronically)
Councillor Drumm (Participating Electronically)
Councillor Leahy (Participating Electronically)
Councillor Lee (Participating Electronically)
Councillor Mulcahy (Participating Electronically)
Councillor Newman (Participating Electronically)
Councillor Roy (Participating Electronically)
Councillor Shahid (Participating Electronically)
Councillor Yamada (Participating Electronically)

Also Present: M. Gaskell, Chief Administrative Officer
S. Klein, Director of Strategic Initiatives
M. Powers, Senior Manager, Parks, Parks Planning & Culture
R. Saunders, Commissioner of Planning and Development
D. Speed, Head of Operations & Fire Chief
F. Wong, Commissioner of Financial Services/Treasurer
H. Ellis, Executive Advisor to the Mayor
C. Harris, Town Clerk
K. Narraway, Manager of Legislative Services/Deputy Clerk
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

Regrets: None noted

Call to Order

Call of the Roll: The Clerk

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Councillor Leahy rose on a point of order, noting his improper use of language at the October 4, 2021 Council meeting. He extended an apology to Councillor Mulcahy for his comments made at the meeting. Councillor Leahy advised that he had filed a complaint with the Integrity Commissioner to investigate the matter.

The Chair opened the floor for comments by Members of Council.

Councillor Mulcahy accepted Councillor Leahy's apology. She then indicated that there is a systemic and ingrained form of abuse in the Town.

Councillor Shahid, Councillor Roy, Councillor Drumm, and Councillor Newman made comments in response to the matter.

Mayor Mitchell indicated that the comments heard were concerning and that he would investigate the matter further.

Planning and Development

Councillor Yamada assumed the Chair.

1. Presentations

1.1 There were no presentations.

2. Delegations

2.1 Adam Fineman, Michael Mestyan, Joe Nanos, Kara Green, Paul Icke, Kate Cooper, and Stephen Bahadoor representing Delmanor Whitby Inc. and Tridel

Re: Planning and Development Department Report, PL 57-21
Zoning By-law Amendment Application, Delmanor Whitby Inc., 1180 Dundas Street West, File Number: DEV-08-21 (Z-05-21)

Refer to Item 4.3, PL 57-21

Adam Fineman, Michael Mestyan, Joe Nanos, Kara Green, Paul Icke, Kate Cooper, and Stephen Bahadoor representing Delmanor Whitby Inc. and Tridel provided a PowerPoint presentation. Highlights of the presentation included:

- detailed information about the site including its size and location, and the types of development in areas surrounding the subject property;
- a photograph of the view of the site from Dundas Street West and Des Newman Boulevard looking northeast, and an aerial view of the site looking southwest;
- details of the proposed development including the height and size of the building, the total number of units, a break down of the number of units for independent supported living, assisted living,

- memory care, independent living, the commercial retail uses on the ground floor, and the total number of on-site parking spaces;
- detailed information about the proposed concept plan including vehicle and pedestrian access, and on-site retail parking;
- key milestones which included a community open house in July 2021, a site visit with five local residents in October 2021, and the shadow study results; and,
- the proposed project benefits including the demand for seniors housing in Whitby, an accessible site on a major intensification corridor where the Bus Rapid Transit would be located, a gateway to West Whitby, updated street and landscaping along Des Newman Boulevard and Dundas Street, providing commercial retail to local residents, and opportunities for employment on the site.

Mr. Nanos advised that he had reviewed the Staff report and was in support of the Staff recommendation. He requested approval of the Staff recommendation in order to move forward with the Site Plan Application process.

A question and answer period ensued between Members of Committee, Mr. Fineman, Mr. Mestyan, Mr. Nanos, Ms. Green, Mr. Icke, Ms. Cooper, and Mr. Bahadoor regarding:

- details about the sustainable green features within the development;
- the types of proposed retail businesses within the development and whether the local community could access said businesses/services; and,
- whether there would be a construction management plan to address truck traffic and access into the development.

It was the consensus of the Committee to hear Item 4.3, PL 57-21, at this time.

2.2 There were no delegations.

3. Correspondence

3.1 There was no correspondence.

4. Staff Reports

4.1 Planning and Development Department Report, PL 55-21
Re: Sign By-law Variance to Permanent Sign By-law for 1208 Dundas Street East (Tim Hortons) File Number: SB-08-21

Recommendation:

Moved By Councillor Drumm

That Council approve the request for a variance to the Town of Whitby Permanent Sign By-law # 7379-18 for Tim Hortons located at 1208 Dundas Street East.

Carried

4.2 Planning and Development Department Report, PL 56-21
Re: Housing Monitoring Report

A question and answer period ensued between Members of Committee and Staff regarding:

- details about the structure of the Housing Working Group;
- an overview of the suggestions and issues raised by stakeholders;
- the projection for the number of semis, singles, and links versus townhouses and apartment units in 2021;
- the dialogue taking place with current and new developers in Whitby about options to provide affordable housing;
- whether the Town of Whitby was bound to the Region of Durham's Official Plan requirement of 25 percent of all new residential units produced being affordable to low and moderate income households.

Recommendation:

Moved By Councillor Newman

1. That Planning Report PL 56-21 be received as information; and,
2. That the Clerk forward a copy of Planning and Development Report PL 56-21 to the Region of Durham, Planning and Economic Development Department.

Carried

4.3 Planning and Development Department Report, PL 57-21
Re: Zoning By-law Amendment Application, Delmanor Whitby Inc., 1180 Dundas Street West, File Number: DEV-08-21 (Z-05-21)

A brief question and answer period ensued between Members of Committee and Staff about whether the proposed development would be subject to the requirements of the Whitby Green Standard.

Recommendation:

Moved By Councillor Newman

That Council approve an amendment to Zoning By-law # 1784 (File Number: Z-05-21) for the subject land, and that a by-law to amend Zoning By-law # 1784, as amended, be brought forward for Council's consideration

Carried

It was the consensus of the Committee to hear Item 4.1, PL 55-21, at this time.

4.4 Planning and Development Department Report, PL 58-21
Re: Envision Durham: Proposed Regional Official Plan Amendment - Protected Major Transit Station Areas

A question and answer period ensued between Members of Committee and Staff regarding:

- clarification on Staff recommending increased clarity from the Region of Durham for area municipalities to implement Protected Major Transit Station Areas (PMTSA) policies that reflect unique local characteristics;
- the possibility of providing a summary of the position of staff following the release of all information related to the Envision Durham exercise and draft Regional Official Plan Amendment;
- details about Staff recommending modifications to the PMTSA boundary for land in Whitby surrounding the Whitby GO Station;
- assurances that the balance established for reduced heights and low density neighbourhoods in Port Whitby would not be jeopardized by the PMTSA boundary surrounding the Whitby GO Station; and,
- whether concerns about including Victoria Fields within the PMTSA boundary has been raised with Durham Region staff.

Recommendation:

Moved By Councillor Mulcahy

1. That Report PL 58-21 be endorsed as the Town's comments on the Region of Durham's Proposed Regional Official Plan Amendment - Policies and Delineations for Protected Major Transit Station Areas (Region of Durham File: OPA 2021 - 003) ; and,
2. That the Clerk forward a copy of Report PL 58-21 to the Durham Region Planning and Economic Development Department and the Durham area municipalities.

Carried

- 4.5** Planning and Development Department Report, PL 59-21
Re: Proposed Official Plan Amendment - Transportation Amendments,
File Number: DEV-06-21 (OPA-2021-W/01)

Recommendation:

Moved By Councillor Leahy

1. That Council approve Official Plan Amendment Number 123 to the Whitby Official Plan (OPA-2021-W/02), as shown on Attachment #1, and that a By-law to adopt Official Plan Amendment Number 123 be brought forward for consideration by Council;
2. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision; and,
3. That the Clerk forward a copy of the Planning Report PL 59-21, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 123 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development.

Carried

- 4.6** Planning and Development Department Report, PL 60-21
Re: Requests for Exemption from Interim Control By-law # 7699-20 and # 7700-21

A question and answer period between Members of Committee and Staff regarding:

- whether the approval of the request for an exemption from the Interim Control By-law for the proposed development located at the northwest corner of Garden Street and Manning Road would

prejudice or undermine the purpose of the residential intensification study due to the creation of significant increased density in the single family neighbourhood;

- whether the proponent for the proposed development located at the northwest corner of Garden Street and Manning Road could appeal a decision to deny the approval of the request for exemption from the Interim Control By-law;
- how the proposed development at the northwest corner of Garden Street and Manning Road was materially different from other areas in Whitby where the Town was attempting to minimize the impact of development on neighbourhoods;
- whether the proponent could commence any aspect of the development should the request for an exemption from the Interim Control By-law be denied;
- confirmation on the expiration date of the Interim Control By-law and the option to extend the by-law;
- whether the request for exemption to the Interim Control By-law for the northwest corner of Garden Street and Manning Road would be subject to reconsideration by Council should the Interim Control By-law be extended;
- whether Garden Street was an intensification corridor;
- whether the proposed development would back onto to a residential subdivision;
- whether there has been any pre-consultation with Staff;
- confirmation that the proposed density at the northwest corner of Manning Road and Garden Street was similar to existing development on the south side of Manning Road and that there were existing townhouses west of the proposal;
- confirmation on the entry/access to the proposed development at the northwest corner of Manning Road and Garden Street;
- potential legal implications and deferring consideration of the request for exemption from the Interim Control By-law for the proposed development in order to seek legal advice; and,
- the timeline for the receipt of legal advice.

Recommendation:

Moved By Councillor Newman

1. That Council approve the request for an exemption from Town of Whitby Interim Control By-law # 7699-20 for the property at 40 Jeanne Court; and,
2. That Council deny the request for an exemption from Town of Whitby Interim Control By-law # 7700-20 for the proposed

development referenced in Report PL 60-21 at the northwest corner of Garden Street and Manning Road.

Carried later in the meeting (See following motions)

Recommendation:

Moved By Councillor Mulcahy

That the main motion be divided to consider Item 2 as a separate motion.

Carried

Recommendation:

Moved By Councillor Newman

1. That Council approve the request for an exemption from Town of Whitby Interim Control Bylaw # 7699-20 for the property at 40 Jeanne Court.

Carried

Recommendation:

Moved By Councillor Newman

2. That Council deny the request for an exemption from Town of Whitby Interim Control By-law # 7700-20 for the proposed development referenced in Report PL 60-21 at the northwest corner of Garden Street and Manning Road.

The disposition of Item 2 was determined through the deferral motion below.

Recommendation:

Moved By Councillor Newman

That consideration of the request for an exemption from Town of Whitby Interim Control By-law # 7700-20 for the proposed development referenced in Report PL 60-21 at the northwest corner of Garden Street

and Manning Road be postponed to the Council meeting on November 1, 2021.

Carried

5. New and Unfinished Business - Planning and Development

5.1 New and Unfinished Business - Planning and Development

There was no new and unfinished business.

General Government

Councillor Roy assumed the Chair.

6. Presentations

6.1 There were no presentations.

7. Delegations

7.1 There were no delegations.

8. Correspondence

8.1 There was no correspondence.

9. Staff Reports

9.1 Community Services Department Report, CMS 14-21
Re: Outdoor Recreational Ice Skating – Natural Ice Surface Pilot Project

A question and answer period ensued between Members of Committee and Staff regarding:

- whether the construction/installation of the ice rinks would be permanent;
- whether Staff would be present to monitor the ice rinks during the hours of operation and whether there would be signage indicating the rules for using the ice; and,
- whether there were concerns about ice surfaces being overcrowded.

Recommendation:

Moved By Councillor Mulcahy

1. That Council approve the proposed locations of Peel Park and Brooklin Memorial Park to construct outdoor natural ice skating areas;
2. That Community Services and Public Works Operations staff be authorized to proceed with the construction of the outdoor natural ice skating surfaces as a pilot program for 2021/2022;
3. That the cost of the pilot project be funded from sponsorship revenues, if available, and a draw of up-to \$52,500 from the Long Term Finance reserve;
4. That staff report back on the pilot program with recommendations and budget implications of establishing outdoor natural skating as a new service level for the Town following the pilot program;
5. That staff be directed to explore Whitby Sports Complex, Cullen Central Park, Victoria Waterfront Park and Brooklin Memorial Park as locations for a future outdoor artificial ice facility and report back to Council with a recommended location, costs and timing for the development of the artificial outdoor ice facility; and,
6. That Council Resolution MD-5671 be removed from the new and unfinished business list.

Carried

10. New and Unfinished Business - General Government

10.1 Proof of Vaccination for all Participants in Organized Sports

Mayor Mitchell introduced a motion regarding requiring proof of vaccination for all participants in organized sports ages 12 and older including players, coaches, officials and volunteers.

Recommendation:

Moved By Mayor Mitchell

Whereas activities related to organized sports such as close contact, forceful exhalation, prolonged exposure, crowded indoor spaces and removal of masks/face coverings during physical activity enhance the likelihood of COVID-19 transmission; and,

Whereas the current Provincial Regulations do not require participants in organized sports ages 12 to 17 to provide proof of vaccination or proof of medical exemption, despite this age group being eligible for COVID-19 vaccinations; and,

Whereas the current Provincial Regulations do not require proof of vaccination or proof of medical exemption for any participant in organized sports serving in the capacity of a volunteer, coach, or official, including adults over the age of 18; and,

Whereas the Provincial Chief Medical Officer of Health has encouraged individual sports organizations, such as minor hockey associations, to develop their own policies requiring proof of vaccination of players, coaches, trainers, referees, and other participants; and,

Whereas the Regional Medical Officer of Health has recommend that sports and recreational fitness facilities consider developing their own policies requiring proof of vaccination for all participants in organized sports ages 12 and older including players, coaches, officials, and volunteers; and,

Whereas requiring proof of vaccination for all individuals ages 12 and older in sports and recreational fitness facilities will strengthen protections in the community by helping to curb the spread of COVID-19; and,

Whereas a Provincial or Regional requirement for proof of vaccination for all participants ages 12 and older at all sports and recreational fitness facilities in Ontario or Durham Region would provide residents with clarity and consistency.

Now therefore be it resolved:

1. That the Town of Whitby requests the Province of Ontario and Region of Durham to enact regulations requiring proof of vaccination at all sports and recreational fitness facilities for all participants in organized sports ages 12 and older including players coaches, officials, and volunteers at these events; and,
2. That the Clerk be directed to send a copy of this resolution to Dr. Kieran Moore, Provincial Chief Medical Officer of Health, Dr. Robert Kyle, Regional Medical Officer of Health, M.P.P. Lorne Coe, and all Durham municipalities.

Carried

10.2 Providing Free Menstrual Products in all Public Town facilities

Councillor Leahy introduced a motion regarding the provision of free menstrual products in all public Town facilities.

A question and answer period ensued between Members of Committee and Staff regarding:

- the scope and cost of the product;
- exploring partnerships with organizations;
- whether there have been requests at Town facilities for free access to menstrual products;
- whether attendees at the libraries would benefit from this service; and,
- consultation with the Commissioner of Social Services at the Region of Durham regarding facilities in need of this service.

Recommendation:

Moved By Councillor Leahy

Whereas according to the most recent Canada census data 52% of the population of Whitby are women; and,

Whereas the government of Ontario has taken a leadership position and recently announced a province-wide initiative to provide free menstrual products to every secondary school in Ontario; and,

Whereas “Period Poverty” where girls do not have access or the resources for menstrual products exists in our community, and this can interfere with their ability to take part in sports and or activities; and,

Whereas menstrual products are a necessity, not a luxury; and,

Whereas access to free high-quality products is fundamentally a human rights issue and crucial to the health, well being and success of women who don’t have access to these products; and,

Whereas women’s menstrual products are not currently freely available in all public Town operated facilities, and,

Whereas the lack of feminine hygiene products has been identified as a barrier to access for some women and girls.

Therefore be it resolved:

1. That staff investigate the possibility and cost of adding free menstrual products to all public Town facilities and add this as a decision item for the 2022 Town budget; and,
2. That the Clerk be directed to send a copy of this resolution to Durham Region M.P.P.s and all Durham municipalities.

Carried later in the meeting (See following motions)

Recommendation:

Moved By Councillor Mulcahy

That the main motion be amended by including Item 3 as follows:

3. That Staff be directed to investigate options to support vulnerable populations by donating free menstrual products to local food banks.

Carried

The main motion, as amended, was then carried as follows.

Recommendation:

Moved By Councillor Leahy

1. That staff investigate the possibility and cost of adding free menstrual products to all public Town facilities and add this as a decision item for the 2022 Town budget;
2. That the Clerk be directed to send a copy of this resolution to Durham Region M.P.P.s and all Durham municipalities; and,
3. That staff be directed to investigate options to support vulnerable populations by donating free menstrual products to local food banks.

Carried

10.3 Noise Abatement at Oshawa Executive Airport

Councillor Shahid introduced a motion regarding noise abatement at the Oshawa Executive Airport.

A brief discussion ensued between Members of Committee regarding noise concerns and the impact on the quality of life for Whitby residents.

Recommendation:

Moved By Councillor Shahid

Whereas noise complaints from Whitby residents relating to aircraft traffic activity at the Oshawa Executive Airport are frequently received by the Mayor and Members of Council; and,

Whereas aircraft traffic at the airport has increased from a 10-year average of 61,469 aircraft movements (for the 2006-2015 period) to 80,500 aircraft movements in 2020; and,

Whereas the acquisition and movement of the Toronto Airways flight training school from Buttonville Airport to the airport by Canadian Flight Academy has resulted in additional aircraft movements and circuit training; and,

Whereas, further to Mayor Dan Carter's letter to the Honourable Omar Alghabra, Federal Minister of Transport, dated June 23, 2021, the two flight schools operating from the airport have declined to provide any further reductions in aircraft activity or hours of operation; and,

Whereas residential areas surrounding the airport have grown significantly since the City of Oshawa took control of the facility in 1947; and,

Whereas intensification of residential areas near the airport will continue as a result of Provincial legislation including Provincial Policy Statement (2020) and the Provincial Growth Plan for the Greater Golden Horseshoe; and,

Whereas the approach/departure flight paths for both runways at the airport result in air traffic flying over homes in Whitby with runway 05/23 resulting in air traffic over a densely populated residential community; and,

Whereas the airport and noise abatement procedures are Federally regulated by Transport Canada; and,

Whereas it is important that there be better balance between Whitby and Oshawa residents quality of life and the economic benefits of the Oshawa Executive Airport;

Now therefore be it resolved:

1. That the Council of the Town of Whitby hereby endorse Mayor Dan Carter's letter to the Honourable Omar Alghabra, Federal Minister of Transport, dated June 23, 2021 and requests that Transport Canada implement Federal noise abatement procedures and restrictions for the Oshawa Executive Airport; and,
2. That the Clerk be directed to send a copy of this resolution to the City of Oshawa, Regional Municipality of Durham, and Federal Minister of Transport, as well as Oshawa and Whitby MPs asking for their support to address residents concerns regarding noise and air traffic at the Oshawa Executive Airport.

Carried

Adjournment

Motion to Adjourn

Recommendation:

Moved By Councillor Leahy

That the meeting adjourn.

Carried

The meeting adjourned at 9:20 p.m.