



Committee of the Whole Minutes

December 4, 2023, 6:00 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski
Councillor Cardwell (Virtual Attendance)
Councillor Leahy
Councillor Lee
Councillor Mulcahy
Councillor Shahid
Councillor Yamada

Regrets: Councillor Lundquist

Also Present: M. Gaskell, Chief Administrative Officer
M. Hickey, Fire Chief
S. Klein, Director of Strategic Initiatives
J. Romano, Commissioner of Community Services
F. Santaguida, Commissioner of Legal and Enforcement
Services/Town Solicitor
R. Saunders, Commissioner of Planning and Development
F. Wong, Commissioner of Financial Services/Treasurer
M. Dodge, Executive Advisor to the Mayor
C. Harris, Town Clerk
K. Douglas, Sr. Legislative Specialist (Recording Secretary)

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1. Call To Order: The Mayor
 2. Call of the Roll: The Clerk
 3. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

4. Consent Agenda
5. General Government

Councillor Yamada assumed the Chair.

5.1 Presentations

5.1.1 Eleri Davies, Consultant, Sustainability Solutions Group (Virtual Attendance)

Re: CAO 26-23, Office of the Chief Administrative Officer Report
Climate Emergency Response Plan Phase 2: Mitigation

Refer to Item 5.4.1, CAO 26-23

Eleri Davies, Consultant, Sustainability Solutions Group, provided a PowerPoint presentation regarding the Climate Emergency Response Plan Phase 2: Mitigation. Highlights of the presentation included:

- an overview of Phase 1 - Climate Adaptation and Phase 2 - Climate Mitigation of the Town's Climate Emergency Response Plan (the "Plan");
- a summary of how Whitby plans to reach net-zero emissions by 2045 through Phase 2 of the Plan;
- alignment with Strategic Pillar 2 of the Community Strategic Plan, being Whitby's Natural and Build Environment;
- the timeline for developing the Climate Mitigation Plan;
- a summary of the Phases A, B, and C of the engagement strategy undertaken to date;
- modelling the Whitby's baseline Business as Usual (BAU), forecasted emissions Business as Planned (BAP), and Low Carbon Scenario;
- a depiction of the anatomy of a decarbonization pathway to achieve net zero;
- an overview of the 15 actions across five Big Moves identified in the Climate Mitigation Plan;
- a wedge diagram depicting Whitby's low-carbon scenario;

- the financial implications of the project, including the required financial investments, revenue and savings, net benefit, and return on investment;
- the financial and other benefits to the community resulting from the Plan;
- a summary of the financial impact of the Plan on the Town; and,
- the Town's role in ensuring the success of the Plan.

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

- the impact of population growth on the level of greenhouse gas emissions;
- strategies to encourage residents to invest in decarbonizing their homes;
- concerns regarding engagement with marginalized communities and the cost of retrofitting a residential home;
- collaborating with other levels of government to achieve the Plan's goals;
- strategies to mitigate the environmental impact of agricultural omissions;
- collaborating with the industrial sectors; and,
- concerns regarding the financial implications of the Plan on residents in consideration of inflation rates.

It was the consensus of Committee to hear Item 5.4.1, CAO 26-23, at this time.

5.1.2 Fuwing Wong, Commissioner of Financial Services/Treasurer (In-Person Attendance)

Re: FS 23-23, Financial Services Department Report
2024 Budget Schedule, Engagement, Outlook, and Budget Target

Refer to Item 5.4.2, FS 23-23

Mayor Roy acknowledged the efforts of Staff in preparing the 2024 Budget Target. She noted the Strong Mayor Powers that came into effect for Whitby in 2023. Mayor Roy advised of her decision for Council as a whole to prepare and adopt of the 2024 Budget rather than exercising her applicable strong mayor powers and duties.

Councillor Shahid, Budget Chair, advised that no budget decisions will be made tonight aside from the establishment of a 2024 Budget Target. She provided an overview of the 2024 Budget timeline, including preparation of the budget books.

Fuwing Wong, Commissioner of Financial Services/Treasurer, provided a PowerPoint presentation regarding the 2024 Budget Outlook and Target. Highlights on the presentation included:

- and overview of the 2024 Budget process timeline, including the launch of the Citizen Budget Tool and other engagement strategies and Council budget deliberations to occur in February 2024;
- a summary of the 2024 Budget engagement rates;
- top budget priorities according to Citizen Budget Tool participants;
- feedback from the Participatory Budget question included in the Citizen Budget Tool;
- demographics of Citizen Budget Tool participants;
- building a budget that balances community priorities while maintaining Town services;
- the impact of inflation, estimated using the forecasted Municipal Price Index (MPI) and Consumer Price Index (CPI);
- factors impacting the cost to maintain services, including the negotiated wage settlement following the 2023 labour disruption, as well as a decline in Elexicon dividend revenues;
- the proposed 2024 infrastructure investments to maintain services;

- Whitby's Municipal Housing Pledge to facilitate the development of 18,000 new homes by 2031;
- 2024 budget decision items including family physician recruitment, new programs/investments for the Community Strategic Plan, and work force planning;
- assessment growth revenue and user fee increases that help offset budget pressures;
- calculation of the proposed 6.5% budget target increase;
- programs to support residents, including tax rebate programs, the Access Program for recreation services, the tax deferral program for seniors, seniors/accessibility snow and windrow program, and support for family physician recruitment;
- the projected combined 2024 property tax bill increase and its financial impact on the average residential Whitby homeowner;
- the proposed property tax increases of comparator municipalities; and,
- next steps in the 2024 Budget process.

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

- future grant opportunities available through the Municipal Housing Pledge;
- whether comparator municipalities have incorporated the financial impact of Bill 23 in their 2024 budget target calculations;
- the financial implications of Bill 23 on park land development;
- whether budgetary decision items primarily support growth and the Community Strategic Plan action items;
- the total financial impact of the proposed 6.5% budget target increase on Whitby taxpayers;

- whether grant funding may help offset the financial implications of Bill 23;
- the potential draw from contingency reserves to fund the 2024 Capital Budget;
- the anticipated number of capital projects deferred from 2023 to 2024;
- insight into the Citizen Budget Survey demographic data that indicates an increase in respondents who work in Whitby;
- budgetary pressures offset by assessment growth and Elexicon dividend revenue;
- clarification regarding allocation of the Elexicon dividend revenue and the 3-year phase-out of dividend revenues;
- the financial implications of reducing the proposed budget target increase to 5%;
- the financial impact of decision items pertaining to work force planning on the 2024 Budget;
- the time allotted for Council to review the budget books;
- clarification regarding the increased engagement rates in the 2024 Budget compared to previous years;
- the number of survey participants in favour of allocating funds to the family physician recruitment strategy;
- allocation of grant funding to support housing development;
- calculating the impact of the proposed budget target increase using the Municipal Property Assessment Corporation (MPAC) assessed value for individual homes;
- the impact of MPAC's reassessment update on property taxes;
- clarification regarding how projects were selected for inclusion in the Participatory Budget pilot exercise incorporated into the 2024 Budget community engagement; and,

- identification of how \$100,000 was set as a target expenditure for the Participatory Budgeting exercise.

It was the consensus of Committee to hear Item 5.4.2, FS 23-23, at this time.

5.2 Delegations

There were no delegations.

5.3 Correspondence

There was no correspondence.

5.4 Staff Reports

5.4.1 CAO 26-23, Office of the Chief Administrative Officer Report

Re: Climate Emergency Response Plan Phase 2: Mitigation

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

- reviewing the Town's decision to remove garbage bins from parks and other public spaces;
- clarification regarding the forecasted capital and operating budgetary needs to support the Climate Emergency Response Plan, including the proposed incremental annual funding of \$70,000 between 2025 and 2033;
- grant funding opportunities to support residents with retrofitting their homes;
- clarification regarding community engagement rates;
- the mandate of each level of government concerning climate change initiatives, including the provision of grant funding;
- whether the ongoing cost of educating residents on the benefits of energy retrofits is included in the project's forecasted budget; and,
- monitoring the impact of the Climate Emergency Response Plan and community participation in the Plan.

Moved by Councillor Mulcahy

1. That Council endorse in principle the Whitby Climate Emergency Response Plan - Phase 2: Mitigation;
2. That the Whitby Climate Emergency Response Plan - Phase 2: Mitigation Implementation Plan be integrated into departmental work plans;
3. That Council direct staff to update the Whitby Climate Emergency Response Plan - Phase 2: Mitigation every five years; and,
4. That Council be advised that as a part of Implementation of Whitby Climate Emergency Response Plan - Phase 1: Resilience, the Town has entered into a formal agreement with Central Lake Ontario Conservation Area (CLOCA) for the delivery of a pilot Sustainable Neighbourhood Action Program (SNAP).

Carried

It was the consensus of Committee to hear Item 5.1.2, Presentation from Fuwing Wong, Commissioner of Financial Services/Treasurer, at this time.

5.4.2 FS 23-23, Financial Services Department Report

Re: 2024 Budget Schedule, Engagement, Outlook, and Budget Target

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

- the impact of reducing the proposed budget target increase to 5%;
- decisions items that may be removed or deferred from the 2024 Budget in order to lower the proposed budget target increase;
- work force planning projects that were deferred from the 2023 Budget that may be impacted by reducing the budget target increase to 5%;
- the projected combined 2024 property tax bill increase and its financial impact on the average residential Whitby

homeowner, should the proposed budget target increase be reduced to 5%;

- communicating the Town's portion of the 2024 property tax increase as opposed to the combined 2024 property tax increase;
- addressing the concerns of residents regarding inflation; and,
- the financial impact of the 2023 labour disruption involving CUPE Local 53 - Full Time.

Moved by Mayor Roy

1. That the 2024 Budget Process, Communication and Public Engagement Plan and Budget Calendar outlined in Report FS 23-23 be approved;
2. That the Budget Target for the Town's preliminary 2024 operating budget be 6.5% to provide staff guidance on finalizing details of a proposed 2024 budget for Council consideration in early 2024; and
3. That Item Number GG-0009 be removed from the New and Unfinished Business List.

Carried later in the meeting (See following motion)

Moved by Councillor Leahy

That Item 2 of the main motion be amended as follows:

2. That the Budget Target for the Town's preliminary 2024 operating budget be 5% to provide staff guidance on finalizing details of a proposed 2024 budget for Council consideration in early 2024; and

Carried

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

Moved by Mayor Roy

1. That the 2024 Budget Process, Communication and Public Engagement Plan and Budget Calendar outlined in Report FS 23-23 be approved;

2. That the Budget Target for the Town's preliminary 2024 operating budget be 5% to provide staff guidance on finalizing details of a proposed 2024 budget for Council consideration in early 2024; and
3. That Item Number GG-0009 be removed from the New and Unfinished Business List.

Carried

5.4.3 CAO 27-23, Office of the Chief Administrative Officer Report

Re: Culture Plan Update - December 2023

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

- collaboration with key stakeholders within the community and community organizations where partnerships have formed;
- clarification regarding the capital budget allocated toward the Thickson Road placemaking project;
- grant applications and sponsorship opportunities to help offset the cost of delivering the Culture Plan; and,
- acknowledgement of Staff efforts in delivering the Culture Plan.

Moved by Mayor Roy

That Report CAO 27-23, Culture Plan Update - December 2023, be received as information.

Carried

It was the consensus of Committee to recess for 5 minutes. Committee recessed at 7:57 p.m. and resumed at 8:06 p.m.

It was the consensus of Committee to hear Item 6.2.1, Delegation from Andy Barrington, Resident, at this time.

5.5 New and Unfinished Business - General Government

5.5.1 New and Unfinished Business - General Government

A question and answer period ensued between Members of Committee and Staff regarding the status of New and Unfinished Business item GG-0020, School Zone Parking Enforcement Staff.

5.5.2 Installing lighting at Town parks within a 1-kilometre radius of 1635 Dundas Street East

Councillor Bozinovski introduced a motion regarding Installing lighting at Town parks within a 1-kilometre radius of 1635 Dundas Street East.

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

- a desire to install lighting at Town parks within a 1-kilometre radius of 1635 Dundas Street East, in accordance with resources that indicate this radius will be impacted by the shelter;
- conducting a security audit of park and trail facilities to determine the impact of existing foliage and structures on street lighting;
- a timeline for conducting a safety and security audit of park and trail facilities and whether it may be completed prior to the end of the second quarter of 2024 in conjunction with the Town's by-law review as noted in the final 1635 Dundas Street agreement between the Town and Region of Durham;
- strategies to mitigate the potential negative implications of installing additional park lighting, such as installing directional lighting;
- funding allocated to park lighting included in the proposed 2024 Budget;
- the Whitby Hospice proposed lighting design; and,
- Community Liaison Committee's role in providing feedback regarding the lighting plan for streetscapes.

Moved by Councillor Bozinovski

That Staff be directed to report to Council on the cost and timelines to install lighting at Town parks within a 1-kilometre radius of 1635 Dundas Street East.

Carried

5.5.3 Replacing Town park playground surfaces within a 1-kilometre radius of 1635 Dundas Street East

Councillor Bozinovski introduced a motion regarding Replacing Town park playground surfaces within a 1-kilometre radius of 1635 Dundas Street East.

A question and answer period ensued between Members of Committee and Staff regarding the safety of sand, rubber and other alternative surfacing in playgrounds.

Moved by Councillor Bozinovski

That Staff be directed to report to Council on the cost and timelines to replace Town park playground surfaces with rubber surfaces within 1-kilometre radius of 1635 Dundas Street East.

Carried later in the meeting (See following motion)

Moved by Councillor Lee

That the main motion be amended to replace the word "rubber" with "alternative".

Carried

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

Moved by Councillor Bozinovski

That Staff be directed to report to Council on the cost and timelines to replace Town park playground surfaces with alternative surfaces within 1-kilometre radius of 1635 Dundas Street East.

Carried

5.5.4 Enacting a "no tent, no encampment" by-law

Councillor Bozinovski introduced a motion regarding Enacting a "no tent, no encampment" by-law.

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

- the Town's authority to enact a “no tent, no encampment” by-law;
- addressing issues relating to encampments in a manner that does not violate the Ontario Human Rights Code;
- the Town's authority to remove encampments from parks and other public lands and the application of the Town's Public Nuisance By-law;
- addressing concerns regarding encampments that may be established on crown land and private property; and,
- investigating the experience of the City of Orillia and other municipalities that attempted to address issues relating to encampments through enacting a by-law or other strategies.

Moved by Councillor Bozinovski

That Staff be directed to report to Council on the merits and feasibility of enacting an encampment by-law in the Town.

Carried

5.5.5 Prohibiting loitering, obstruction, panhandling, and resting/sleeping outdoors

Councillor Bozinovski introduced a motion regarding Prohibiting loitering, obstruction, panhandling, and resting/sleeping outdoors.

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

- the limited ability of current by-laws to address issues of loitering, obstruction, panhandling, and resting/sleeping outdoors;
- a timeline for investigating the merits and feasibility of enacting the requested by-law and whether the review may be completed prior to the end of the second quarter of 2024 in conjunction with the Town's by-law review as noted in the final 1635 Dundas Street agreement between the Town and Region of Durham; and,
- implications of including the word "prohibit" in the requested by-law.

Moved by Councillor Bozinovski

That Staff be directed to report to Council on the merits and feasibility of enacting a by-law to prohibit loitering, obstruction, panhandling, and resting/sleeping outdoors in the Town.

Carried

6. Planning and Development (7:00 p.m.)

Councillor Lee assumed the Chair.

6.1 Presentations

There were no presentations.

6.2 Delegations

6.2.1 Andy Barrington, Resident (In-Person Attendance)

Re: PDP 40-23, Planning and Development (Planning Services)
Department Report
Zoning By-law Amendment Application, Inuka Developer Inc., 1
Ferguson Avenue, File Number: DEV-25-22 (Z-17-22)

Refer to Item 6.4.1, PDP 40-23

Andy Barrington, Resident, provided a PowerPoint presentation regarding the Zoning By-law Amendment Application pertaining to 1 Ferguson Avenue, DEV-25-22 (Z-17-22). Highlights of the presentation included:

- general support for the proposed application, noting concerns with the proposed commercial component, the impact on neighbourhood traffic, and the safety of pedestrians and cyclists;
- concerns about reduced sightlines for vehicles entering onto Winchester Road due to the residential/commercial building;
- suggested modifications to the proposed application to eliminate the impact of future traffic volume in the Meadowcrest neighbourhood from the commercial district currently under construction south of Winchester Road/Highway 7; and,

- an excerpt from the 2016 Ferguson Avenue Class Environmental Assessment Study which presented an option to close Ferguson Avenue just south of Heber Down Crescent.

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

- whether consultation between Staff and the delegate occurred following the Public Meeting held on February 13, 2023;
- the safety concerns of residents regarding vehicle access from the subject property onto Winchester Road; and,
- clarification regarding the delegate's proposed modifications to eliminate the impact of future traffic volume in the Meadowcrest neighbourhood.

6.2.2 Dave Meredith representing Inuka Developer Inc.

Re: PDP 40-23, Planning and Development (Planning Services)
Department Report
Zoning By-law Amendment Application, Inuka Developer Inc., 1
Ferguson Avenue, File Number: DEV-25-22 (Z-17-22)

Refer to Item 6.4.1, PDP 40-23

Dave Meredith, representing Inuka Developer Inc., advised he was in support of the Staff recommendations noted in PDP 40-23.

A question and answer period ensued between Members of Committee and Dave Meredith regarding consultation between Inuka Developer Inc., the community, and Staff.

It was the consensus of Committee to hear Item 6.4.1, PDP 40-23, at this time.

6.2.3 Max Lysyk, Resident (In-Person Attendance)

Re: PDP 41-23, Planning and Development (Planning Services)
Department Report
Draft Plan of Subdivision and Zoning By-law Amendment
Applications, Frontdoor Developments (Garrard) Inc., Garrard Road
and Eric Clarke Drive, File Number: DEV-22-23 (SW-2023-01, Z-
06-23)

Refer to Item 6.4.2, PDP 41-23

Max Lysyk, Resident, raised concerns regarding grading and drainage impacts to their property that abuts the development. Mr. Lysyk noted his review of the Catchbasin Capture Memorandum (CCM) prepared by GHD regarding the rear yard catchbasin capture capacity of major drainage from the rear yards of lots within the proposed development. He advised that he does not oppose the proposed development provided that all minor and major storm drainage is contained within the storm drainage area limits as shown within the CCM and the Functional Servicing and Stormwater Management (FSSM). Mr. Lysyk advised that the intent is to remove the existing ditch inlet catchbasin and associated 600mm storm sewer within their property at 0 Eric Clare Drive to facilitate the redevelopment of that property.

A question and answer period ensued between Members of Committee and Max Lysyk regarding the delegate's request that drainage from the subject site be contained within the future storm sewer infrastructure as shown within the CCM and the FSSM.

6.2.4 Arthur Gravanis, Resident (Virtual Attendance)

Re: PDP 41-23, Planning and Development (Planning Services)
Department Report
Draft Plan of Subdivision and Zoning By-law Amendment
Applications, Frontdoor Developments (Garrard) Inc., Garrard Road
and Eric Clarke Drive, File Number: DEV-22-23 (SW-2023-01, Z-06-23)

Refer to Item 6.4.2, PDP 41-23

Arthur Gravanis, Resident, raised concerns regarding the impact of the proposed development on residents in the surrounding neighbourhood. Mr. Gravanis expressed a desire for dust mitigation measures during construction and improved privacy for surrounding properties, such as installation of a six-foot privacy fence on the north side of the subject property. He raised concerns regarding the existing traffic issues on Garrard Road and the closure of the park to the local residents and families.

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

- clarification regarding the delegate's request for a privacy fence;
- the primary concerns of residents, including significant traffic concerns on Garrard Road; and,
- the delegate's request for a controlled intersection at Donald Wilson Street and Garrard Road to mitigate existing traffic issues.

6.2.5 Steve Edwards and Mark McConville representing Frontdoor Developments (Garrard) Inc. (In-Person Attendance)

Re: PDP 41-23, Planning and Development (Planning Services) Department Report

Draft Plan of Subdivision and Zoning By-law Amendment Applications, Frontdoor Developments (Garrard) Inc., Garrard Road and Eric Clarke Drive, File Number: DEV-22-23 (SW-2023-01, Z-06-23)

Refer to Item 6.4.2, PDP 41-23

Steve Edwards and Mark McConville, representing Frontdoor Developments (Garrard) Inc., advised they were in agreement with the recommendations presented in Report PDP 41-23. Steve Edwards provided an estimated construction timeline and detailed the construction management plan to address concerns with parking and dust mitigation. Mr. Edwards explained that closures of the park during construction will be limited. Mark McConville provided an overview of the consultation between the applicant and the owners of 0 Eric Clarke Drive, wherein they confirmed their commitment to contain the storm drainage with the area limits of the subject property. Mr. McConville noted the proposed servicing and strategies to limit disruption to the park and existing tree inventory. He communicated the applicant's commitment to conducting pre-construction surveys, rectifying any damage to surrounding properties, undertaking dust mitigation measures and other measures to mitigate the impact of construction on the surrounding neighbourhood.

A question and answer period ensued between Members of Committee, Steve Edwards, and Mark McConville regarding:

- impacts to the park including duration of the park's closure during construction;
- the applicant's willingness to install a six-foot privacy fence on the north side of the subject property;
- repairing damage to adjacent properties during construction;
- the lack of rear yard amenities and the applicant's willingness to invest in parkland beyond the required cash-in-lieu of parkland;
- whether a Traffic Impact Study was completed;
- details of the private property and on-street parking plan;
- community consultation conducted by the applicant; and,
- mitigating the impact of parking in surrounding neighbourhoods during construction.

6.3 Correspondence

There was no correspondence.

6.4 Staff Reports

6.4.1 PDP 40-23, Planning and Development (Planning Services) Department Report

Re: Zoning By-law Amendment Application, Inuka Developer Inc., 1 Ferguson Avenue, File Number: DEV-25-22 (Z-17-22)

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

- strategies to address increased traffic volume on Heber Down Crescent that would result from the option to close Ferguson Avenue just south of Heber Down Crescent;
- the challenges of approving an application without the completion of an Environmental Assessment (EA) for the Ferguson/Winchester intersection;

- the impact of the proposed option to close Ferguson Avenue just south of Heber Down Crescent on the Town's ability to approve the application;
- the impact of revising the planned design of the intersection of Winchester Road West and Ferguson Avenue on the construction timeline and completion of the EA;
- whether a separate EA is required to review the option of closing Ferguson Avenue just south of Heber Down Crescent as this is a local road, or whether there is still considered to be an impact to MTO and Highway 7;
- next steps in reviewing the application;
- the requirement for secondary access routes to the development, such as an emergency exit route;
- whether the application includes rent-geared-to-income units and other forms of affordable housing;
- a desire for staff to investigate strategies to address traffic calming issues in Whitby, including in the areas surrounding the proposed development;
- confirmation from Staff that traffic calming measures on Ferguson Avenue will be investigated during the site plan approval process;
- clarification regarding matters that will be addressed during the Town's upcoming meeting with the Ministry of Transportation (MTO) to advance the EA, including a clarification on timelines to complete the EA; and,
- the MTO's potential response should Council approve a site plan application that does not align the preferred option identified in the EA.

Moved by Councillor Mulcahy

1. That Council approve an amendment to Zoning By-law # 1784, (File Number: Z-17-22), as outlined in Report PDP 40-23; and,

2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council at such time as the Site Plan Application has been approved.

Carried

It was the consensus of Committee to hear Item 6.2.3, Delegation from Max Lysyk, Resident, at this time.

6.4.2 PDP 41-23, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, Frontdoor Developments (Garrard) Inc., Garrard Road and Eric Clarke Drive, File Number: DEV-22-23 (SW-2023-01, Z-06-23)

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

- a timeline for implementing traffic calming measures on Garrard Road;
- automated speed enforcement in the surrounding neighbourhood and on Garrard Road;
- restricting parking for construction vehicles during the initial construction phase of the development as part of the construction management plan;
- the anticipated timeline for a third-party consultant to develop and implement a traffic calming plan;
- installing a six-foot fence to replace the existing chain-link fence;
- clarification regarding the dust mitigation and other measures included in the construction management plan; and,
- whether the requested six-foot fence would be approved as part of the draft plan of subdivision application.

Moved by Councillor Mulcahy

1. That Council approve the Draft Plan of Subdivision (File Number: SW-2023-01), subject to the comments included in

Report PDP 41-23 and the conditions of draft plan approval included in Attachment #9;

2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development;
4. That Council approve the amendment to Zoning By-law # 1784, (File Number: Z-06-23), as outlined in Report PDP 41-23;
5. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council at such time as the subdivision receives Draft Approval; and,
6. That John G. Williams Architect be approved as the control architect for the subdivision.

Carried

6.5 New and Unfinished Business - Planning and Development

6.5.1 New and Unfinished Business - Planning and Development

6.5.2 Requiring mandatory consultation with the Town and Region of Durham on development matters

Councillor Bozinovski introduced a motion regarding Requiring mandatory consultation with the Town and Region of Durham on development matters.

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

- the legislated authority of Staff and Council to prescribe mandatory consultation between the Town and other levels of government beyond the Planning Act regulations;
- a request for Staff to prepare a memorandum detailing the legal feasibility of enacting the requested by-law;

- a future request from Council to the Provincial government for amendments to the Planning Act to require mandatory consultation between upper and lower tier municipalities; and,
- potential zoning by-law provisions that may govern the operation of shelter spaces in the Town.

Moved by Councillor Bozinovski

That Staff report to Council through a memorandum on the Council Information Index on the legal feasibility of enacting a planning by-law, which the Durham Region shall comply with the Town of Whitby building codes, laws, rules, regulations, or requirements of any and all authorities having jurisdiction, irrespective of the Town of Whitby Zoning By-law 1784, Section 4 General Provisions, A (i) and (ii), B (i) and (ii) and C. With an emphasis on ensuring the Region must obtain building permits (if required), occupancy permits directly from the Town of Whitby (especially if the building is 70,000+ square feet). Which the purpose is to include a request for mandatory consultation with the Town and the Region.

Carried

6.5.3 Requiring the Region of Durham to consult with the Town of Whitby prior to proposed expropriation requests or orders

Councillor Bozinovski introduced a motion regarding Requiring the Region of Durham to consult with the Town of Whitby prior to proposed expropriation requests or orders.

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

- the legislated authority of Staff and Council to prescribe mandatory consultation between the Town and Region regarding the expropriation of private lands; and,
- a request for Staff to prepare a non-confidential memorandum available to the public detailing the legal feasibility of requiring the Region of Durham to consult with the Town to proposing an expropriation request on private lands, or orders (for any buildings or lands) not being used for the purpose of providing utilities.

Moved by Councillor Bozinovski

That Staff report to Council through a memorandum on the Council Information Index on the legal feasibility of requiring Durham Region to consult with Town of Whitby Planning & Development Staff, CAO, and Council prior to a proposal of expropriation requests on private lands, or orders (for any buildings or lands) not being used for the purpose of providing utilities, (especially if the building is 70,000+ square feet). Which the purpose is to include a request for mandatory consultation with the Town and the Region.

Carried

It was the consensus of Committee to hear Item 5.5.2, Installing lighting at Town parks within a 1-kilometre radius of 1635 Dundas Street East, at this time.

7. Adjournment

Prior to hearing the Motion to Adjourn, Councillor Mulcahy rose and indicated her desire to endorse Correspondence #2023-618 received from Durham Region regarding the Durham Region's Response to the Proposed Affordable Homes and Good Jobs Act (Bill 134). She requested that the correspondence be considered at the December 18, 2023 Regular Council meeting.

Motion to Adjourn

Moved by Councillor Lee

That the meeting adjourn.

Carried

The meeting adjourned at 10:52 p.m.