

**Present**  
**(electronically):** Mayor Mitchell  
Councillor Drumm  
Councillor Leahy  
Councillor Lee  
Councillor Mulcahy  
Councillor Newman  
Councillor Roy  
Councillor Shahid  
Councillor Yamada

**Also Present**  
**(electronically):** M. Gaskell, Chief Administrative Officer  
S. Beale, Commissioner of Public Works  
W. Mar, Commissioner of Legal and Enforcement Services/Town Solicitor  
K. Nix, Commissioner of Corporate Services/Treasurer  
J. Romano, Commissioner of Community Services  
R. Saunders, Commissioner of Planning and Development  
D. Speed, Fire Chief  
H. Ellis, Executive Advisor to the Mayor  
S. Klein, Director of Strategic Initiatives  
C. Harris, Town Clerk  
K. Narraway, Manager of Legislative Services/Deputy Clerk  
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

**Regrets:** None noted

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C. Harris, Town Clerk, advised that due to the ongoing COVID-19 State of Emergency, the Committee of the Whole meeting is being held electronically. He further advised that the audio for the meeting would be broadcasted through the Town's live stream and that individuals live-streaming the meeting would be able to view the agenda. He provided Members of Council with an overview of meeting etiquette and procedures with respect to conducting the meeting electronically.

Call to Order

Call of the Roll: The Clerk

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

## **Planning and Development**

### **Councillor Mulcahy assumed the Chair.**

1. Presentations

1.1 There were no presentations.

2. Delegations

2.1 There were no delegations.

3. Correspondence

3.1 There was no correspondence.

4. Staff Reports

4.1 Planning and Development Department Report, PL 11-20  
Re: Designation of the Spencer School at 7035 Country Lane, as being of Cultural Heritage Value or Interest under Part IV of the Ontario Heritage Act, R.S.O. 1990 c. O.18.

Recommendation:

Moved By Councillor Lee

That, in accordance with Section 29 (6) of the Ontario Heritage Act, the Clerk be authorized to introduce a By-law to designate the Spencer School property under Part IV, Section 29 of the Ontario Heritage Act, R.S.O 1990 c. O.18, as being of cultural heritage value or interest.

**Carried Unanimously**

4.2 Planning and Development Department Report, PL 12-20

Re: Site Plan Agreement/Heritage Permit/Building Permit, 28  
Winchester Road East, Brooklin

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

- whether the applicant was in agreement with the recommendations contained within the staff report and whether the applicant would comply with all conditions;
- legal measures that could be undertaken by the Town, in accordance with the Ontario Heritage Act, to ensure owners comply with the terms of a Heritage Permit;
- whether each case was determined on its own merits and whether this case would be precedent setting for future applicants;
- how staff would work with smaller developers that experience problems due to costs related to heritage work; and,
- ensuring communication takes place with future developers to work with Town Staff should costs related to heritage work become an obstacle, and to ensure compliance with conditions and permits.

Recommendation:

Moved By Councillor Newman

1. That, in order to resolve outstanding non-compliance with the registered Site Plan Agreement, approved Heritage Permit, and approved Building Permit, and as a condition of the Town's acceptance of the existing state of construction as outlined in Report PL 12-20, the owner be required to:
  - a. Construct a gateway/landscaping feature on the subject property or on the Region's right-of-way subject to meeting the Region's requirements, together with a commemorative heritage plaque visible to the general public, using original bricks that were removed from the existing building, or using reclaimed heritage bricks of equivalent style, colour and size; and,
  - b. Prepare a full set of matching, final redline-revised drawings for the Heritage Permit, Site Plan Agreement and Building Permit files, illustrating the full extent of all changes, for final approval; and,
2. That the Commissioner of Planning and Development be authorized to approve the final redline-revised drawings and the gateway/landscaping feature.

**Carried Unanimously**

- 4.3** Planning and Development Department Report, PL 13-20  
Re: TFP Whitby Developments Inc. – Zoning By-law Amendment  
Application – Part of Lots 31 & 32, Concession 3 – DEV-17-19, SW-  
2013-02 (MR-02-19) and Z-10-19

Recommendation:

Moved By Councillor Roy

1. That Council approve an amendment to Zoning By-law 1784, (File Z-10- 19), as outlined in Planning Report PL 13-20; and,
2. That a By-law to amend Zoning By-law 1784 be brought forward for consideration by Council.

**Carried Unanimously**

5. New and Unfinished Business - Planning and Development

- 5.1** New and Unfinished Business List - Item MD - 5292

Councillor Roy requested an update related to the next steps associated with MD - 5292 regarding the Region of Durham Community Improvement Plan - Affordable Housing due to a report being approved by Regional Council.

R Saunders, Commissioner of Planning and Development, advised that Regional Staff were currently in the process of engaging a consultant. He further advised he would continue to monitor the progression of this matter.

**General Government**

**Councillor Leahy 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 Office of the Chief Administrative Officer Report, CAO 08-20  
Re: Tree City of the World

Recommendation:

Moved By Councillor Shahid

That Report CAO 08-20 be received as information.

**Carried Unanimously**

9.2 Office of the Chief Administrative Officer Report, CAO 09-20  
Re: 2020 Earth Day & Provincial Day of Action on Litter Celebrations

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

- whether the Provincial Day of Action on Litter event would be delayed due to COVID-19;
- whether the celebration and promotion of Earth Day on April 22, 2020 would be delayed or take place online via social media on the event date, or whether the event would be rescheduled to take place on a future date; and,
- encouraging the public to celebrate and participate in cleaning up the community now and leading up to the event date while practicing physical distancing.

Recommendation:

Moved By Councillor Newman

1. That Report CAO 09-20 be received as information;
2. That Council recognize April 22, 2020 as Earth Day;
3. That Council support the planting of 50 trees before April 22, 2021 in recognition of the 50th Anniversary of Earth Day; and,
4. That Council recognize May 12, 2020 as the Provincial Day of Action on Litter.

**Carried Unanimously**

**9.3** Public Works Department Report, PW 11-20  
Re: Garden Street Widening Environmental Assessment Study and  
future Garden Street Extension

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

- the connectivity of Garden Street at the Mid Block Arterial Roadway and whether the full design of the intersection would be reviewed as part of this project;
- the timeline for traffic mitigation measures and public consultation pertaining to Cork Drive;
- the installation of patterned crosswalks at Cork Drive and Fallingbrook Street;
- the rationale for additional traffic data collection on Cork Drive;
- the next steps in order to assist residents on Cork Drive with traffic concerns;
- the number of trees that would be planted in advance of the Garden Street road widening and prior to public consultation;
- details regarding the acceleration of the Environmental Assessment, and the design and construction of the northerly extension of Garden Street from Robert Attersley Drive to the future Mid Block Arterial Roadway;
- concerns with the timeline for the widening of Garden Street, with construction currently anticipated to occur in 2029;
- whether the locations have been identified for noise assessment following the completion of construction of the project, and whether testing would occur prior to the road widening in order to have noise level comparisons following completion of the project; and,
- advancing the timeline for the installation of the Intersection Pedestrian Signal at the intersection of Garden Street and Meadowglen Drive prior to the widening of Garden Street, and whether the Intersection Pedestrian Signal would be part of the final plan as recommended.

Recommendation:

Moved By Councillor Mulcahy

1. That Report PW 11-20 regarding the status update on both the Garden Street Widening Environmental Assessment Study (MD-

- 1346) and the future Garden Street Extension (MD-4961) be received for information; and,
2. That the Clerk be directed to remove MD-1346 and MD-4961 from the New and Unfinished Business (NUB) list.

**Carried Unanimously**

- 9.4** Public Works Department and Corporate Services Department Joint Report, CS 14-20  
Re: T-11-2020 Two (2) Dual Stream Side Loader with Organics Buckets Refuse Trucks

A question and answer period ensued between Members of Council and Staff regarding;

- whether existing trucks would be replaced by the two new trucks; and,
- whether the loaders would be installed on the drivers side, or whether they could be installed on either side of the trucks.

Recommendation:

Moved By Councillor Newman

1. That the Town of Whitby accept the low tender bid of Shu-Pak Equipment Inc. in the amount of \$612,820.00 (plus applicable taxes) for the supply and delivery of two (2) replacement Dual Stream Side Loaders with Organics Buckets;
2. That the total estimated project cost of \$625,805.63 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

**Carried Unanimously**

- 10.** Closed Session

The Committee did not move into Closed Session to hear Confidential Report CS 13-20 and the recommendation was moved and carried in Open Session.

- 10.1** Confidential Corporate Services Department and Legal and Enforcement Services Joint Report, CS 13-20  
Re: Proposed or Pending Disposition of Land

Recommendation:

Moved By Councillor Roy

1. That Part Lot 29, Plan 63, being Parts 8 and 9, Plan 40R-512, (the "Property") be declared surplus;
2. That the Town waive the requirements of giving public notice of its intention to sell the Property; and,
3. That the confidential recommendations contained within the Confidential Corporate Services Department and Legal and Enforcement Services Joint Report, CS 13-20, be adopted.

**Carried Unanimously**

11. Rising and Reporting

**11.1 Motion to Rise**

There were no matters considered in closed session; therefore, the Committee did not rise and report.

12. New and Unfinished Business - General Government

**12.1 COVID - 19 - Closure of Park Amenities, Enforcement of Groups of More than Five People and Issuing Fines**

The Chair raised the matter COVID-19 in relation to the closing and management of Town park amenities such as playgrounds and issuing fines, and requested an update from Staff.

W. Mar, Commissioner of Legal and Enforcement Services, advised of recent consultation with the Region of Durham and local municipalities with respect to the closing and management of Town playgrounds and issuing fines. He provided an overview on how other municipalities have dealt with the closure of park amenities and the enforcement thereof. He advised that communication from Durham Regional Police Service (DRPS) would be forthcoming requesting assistance from the Town for the enforcement of provincial orders including the operation of non-essential businesses and the congregation of groups greater than five people other than families or members of the same household. Commissioner Mar stated that the Town has the authority under provincial directives to assist DRPS, and that the Region would triage complaints received regarding the use of playground structures in violation of local by-laws or Council directives. He noted that By-law Services Staff were not trained or equipped to deal with large groups of people that congregate in violation of provincial orders and that they would rely on DRPS for assistance. He further advised that By-law Services was prepared to assist DRPS commencing March 31, 2020



during regular business hours unless otherwise directed by Council. The police would respond to complaints after regular business hours and on weekends. Commissioner Mar indicated that staff would be focusing on education and persuasion so that the public understands the need for restrictions on the use of playground structures.

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

- the operational impact of installing barriers or using caution tape at all parks versus some parks;
- the actions that would be undertaken by staff and the type of enforcement that would commence on March 31, 2020;
- whether staff would patrol playground structures on a daily basis;
- whether staff have an opportunity to review best practices in other municipalities as well being guided by the direction of public health;
- the response from Members of Council to residents advising them of non-compliance with respect to groups of greater than five people and use of playground equipment; and,
- whether decisions could be made with respect to COVID-19 matters through the delegation of authority rather than bringing decisions back to Council for approval.

A detailed discussion ensued between Members of Council regarding:

- the importance of making timely decisions and taking prompt action;
- the potential for the use of caution tape to create problems in terms of injury or liability, a staff review of the operational aspects of using caution tape in parks, and monitoring and installing caution tape in every park;
- focusing on education and communication through signage and social media so that the community understands the risks associated with using playground equipment and park amenities;
- requests from residents for the Town to do more regarding the restriction on using playground structures;
- the removal of caution tape at parks by parents over the weekend;
- consistency, clarity and strong messaging on signage that the playgrounds are closed;
- various issues related to the closure of the playgrounds including policy, legal, and operational concerns;
- the consideration of staff impact in decision making due to limited staff resources;

- the announcement by Premier Doug Ford regarding the extension of Ontario's state of emergency for an additional two weeks;
- the potential for non-compliance as the weather improves and people become restless;
- ensuring that two staff members carry out inspections together for safety reasons;
- the need for parents to be responsible for their children;
- the long hours that staff are working, and the level of communication to the public through numerous avenues;
- keeping the public apprised of new information;
- the priority to stop the transmission of COVID-19 and providing a safe environment for the community;
- providing staff the opportunity to find solutions to keep people off the playground structures;
- the percentage of people not understanding the results of their actions;
- the need for an enforcement mechanism;
- reviewing the joint enforcement protocols in York Region with York Regional Police commencing March 31, 2020;
- a review of all options by the Senior Leadership Team, following Council's direction to work on an action plan, and action options to further restrict the use of playground structures and park amenities; and,
- reporting back to Council by way of a staff report or memorandum on the actions taken by staff.

## **Adjournment**

Motion to Adjourn

Recommendation:

Moved By Councillor Newman

That the meeting adjourn.

**Carried Unanimously**

The meeting adjourned at 8:49 p.m.

## **Advisory Committee Minutes – For Information Only**

Heritage Whitby Advisory Committee Minutes - February 11, 2020  
Accessibility Advisory Committee Minutes - March 3, 2020  
Whitby Sustainability Advisory Committee Minutes - March 4, 2020  
Whitby Diversity and Inclusion Advisory Committee Minutes - March 5, 2020  
Whitby in Bloom Committee Minutes - March 10, 2020  
Heritage Whitby Advisory Committee Minutes - March 10, 2020