

Special Council Minutes
December 7, 2020 - 6:00 PM
Council Chambers/Virtual Meeting
Whitby Town Hall

Present: Mayor Mitchell
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: W. Mar, Commissioner of Legal and Enforcement Services/Town Solicitor
R. Saunders, Commissioner of Planning and Development
K. Narraway, Manager of Legislative Services/Deputy Clerk
C. Harris, Town Clerk (Recording Secretary)

Regrets: None noted

1. Declarations of Pecuniary Interest

1.1 There were no declarations of pecuniary interest.

Moved By Councillor Newman
Seconded By Councillor Drumm

That Council move in-camera in accordance with Procedure By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2) (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried

2. Closed Session

2.1 Toronto-Guild Investments Limited v. Town of Whitby – Local Planning Appeal Tribunal (LPAT) Appeal

This portion of the meeting was closed to the public. [Refer to the In Camera minutes of the meeting - Town Clerk has control and custody.]

3. Rising and Reporting

3.1 Motion to Rise

Moved By Councillor Leahy
Seconded By Councillor Newman

That Council rise from the closed portion of the meeting.

Carried

3.2 Reporting Out

During the closed portion of the meeting, Council discussed matters related to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and received advice that is subject to solicitor-client privilege.

3.3 Toronto-Guild Investments Limited v. Town of Whitby – Local Planning Appeal Tribunal (LPAT) Appeal

A question and answer period ensued between Members of Council, Mr. D'Agostino, and Staff regarding:

- amendments that may be made to the Interim Control By-laws (ICBL) to allow property owners to submit an application that meets Council's approval;
- the timeline to complete a study regarding residential intensification, and the retaining of external consultants to complete such a study;
- the ability to address residential intensification with a policy review;
- the process allowing for modifications to the Whitby Official Plan to prohibit inappropriate residential intensification;
- the number of active applications that will be affected by the ICBLs;
- the ability to amend ICBLs to exclude certain properties;

- the possibility of a future planning policy review for West Whitby to ensure the appropriate regulations are in place;
- whether the application for Minor Variance process may be exempt from the ICBLs;
- applications north of Taunton Road not being impacted by the ICBLs;
- whether the ICBLs may be repealed in the future with a two-thirds majority vote through a motion to reconsider; and,
- amendments to the proposed ICBLs regarding Gross Floor Area limitations as defined in the By-laws.

Resolution # 258-20

Moved By Councillor Leahy

Seconded By Councillor Newman

Whereas the Town of Whitby is made up of many mature residential neighbourhoods with established characters worthy of protection; and,

Whereas the character of these mature residential neighbourhoods may be at risk as a result of development pressures associated with infill intensification; and,

Whereas the Town of Whitby commenced an infill intensification study in May 2009 which resulted in the adoption of Official Plan Amendment 90; and,

Whereas since that time, the Growth Plan's intensification policies have changed adding to the development pressure on Whitby's mature residential neighbourhoods; and,

Whereas Council wishes to ensure that the Town's Zoning Bylaw and Official Plan contain appropriate policies and standards to ensure that the existing character of mature neighbourhoods are appropriately protected.

Now Therefore be it Resolved that the Commissioner of Planning and Development be directed to:

1. Retain any consultants deemed to be necessary to undertake, on an expedited basis, a study to examine the land use policies in the Town's Official Plan and Town's Zoning Bylaw, related to residential infill intensification projects located within or adjacent to mature residential neighbourhoods within the lands identified on Schedule "A" to the proposed By-law # 7699-20 and on

Schedule "A" to the proposed By-law # 7700-20 and shown on Schedule "A" attached hereto. The said study shall provide advice with respect to:

- a. changes to the Town's Official Plan policies to ensure that the character of mature residential neighbourhoods are properly protected;
 - b. changes to the Town's Zoning Bylaw to ensure that the character of mature residential neighbourhoods are properly protected;
 - c. appropriate traffic strategies to reduce the impact of infill intensification projects on mature residential neighbourhoods; and,
 - d. such other recommendations as may be appropriate to implement Council's desire that the character of mature residential neighbourhoods be protected.
2. Report back to Council within two months' time with a work plan to give effect to the foregoing including, and if deemed advisable, coordination with the ongoing Downtown Whitby Secondary Plan and/or Comprehensive Zoning By-law Review.

Carried unanimously on a recorded vote as follows:

	For	Against	Abstained
Councillor Drumm	x		
Councillor Leahy	x		
Councillor Lee	x		
Councillor Mulcahy	x		
Councillor Newman	x		
Councillor Roy	x		
Councillor Shahid	x		
Councillor Yamada	x		
Mayor Mitchell	x		
	9	0	0

4. By-Laws

- 4.1 By-law # 7699-20, being a by-law to adopt an Interim Control By-law pursuant to Section 38 of the Planning Act, R.S.O. 1990 (Intensified Residential Use - Zoning By-law 1784).
- 4.2 By-law # 7700-20, being a by-law to adopt an Interim Control By-law pursuant to Section 38 of the Planning Act, R.S.O. 1990 (Intensified Residential Use - Zoning By-law 2585).

Resolution # 259-20

Moved By Councillor Newman
Seconded By Councillor Leahy

That leave be granted to introduce By-laws # 7699-20 and # 7700-20, as amended to change the gross floor area from 25% to 35%, and to dispense with the reading of the by-laws by the Clerk and that the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried unanimously on a recorded vote as follows:

	For	Against	Abstained
Councillor Drumm	x		
Councillor Leahy	x		
Councillor Lee	x		
Councillor Mulcahy	x		
Councillor Newman	x		
Councillor Roy	x		
Councillor Shahid	x		
Councillor Yamada	x		
Mayor Mitchell	x		
	9	0	0

Moved By Councillor Yamada
Seconded By Councillor Mulcahy

That Council move in-camera in accordance with Procedure By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(f) to receive advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried

5. Closed Session

Advice subject to solicitor-client privilege related to the Toronto-Guild Investments Limited v. Town of Whitby Local Planning Appeal Tribunal (LPAT) Appeal

This portion of the meeting was closed to the public. [Refer to the In Camera minutes of the meeting - Town Clerk has control and custody.]

6. Rising and Reporting

6.1 Motion to Rise

Moved By Councillor Shahid
Seconded By Councillor Mulcahy

That Council rise from the closed portion of the meeting.

Carried

6.2 Reporting Out

Mayor Mitchell advised that during the closed portion of the meeting, Council discussed matters subject to solicitor-client privilege.

7. Confirmatory By-law

7.1 Confirmatory By-law

Resolution # 260-20

Moved By Councillor Shahid
Seconded By Councillor Mulcahy

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its special meeting held on December 7, 2020 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

8. Adjournment

8.1 Motion to Adjourn

Moved By Councillor Shahid
Seconded By Councillor Mulcahy

That the meeting adjourn.

Carried

The meeting adjourned at 7:21 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor