



Regular Council Minutes

December 12, 2022, 7:00 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski
Councillor Cardwell
Councillor Leahy
Councillor Lee
Councillor Lundquist
Councillor Mulcahy
Councillor Shahid
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
S. Klein, Director of Strategic Initiatives
J. Romano, Commissioner of Community Services
R. Saunders, Commissioner of Planning and Development
D. Speed, Head of Operations & Fire Chief
F. Wong, Commissioner of Financial Services/Treasurer
F. Santaguida, Commissioner of Legal and Enforcement
Services/Town Solicitor
C. Harris, Town Clerk
L. MacDougall, Temporary Legislative Specialist (Recording
Secretary)

-
1. Call To Order: The Mayor
 2. Call of the Roll: The Clerk
 3. Declarations of Pecuniary Interest
There were no declarations of pecuniary interest.
 4. Adoption of Minutes

Special Council - September 26, 2022

Regular Council - September 26, 2022

Special Council - November 18, 2022

Special Council - November 24, 2022 (Confidential Minutes Under Separate Cover)

Special Council - December 1, 2022

Resolution # 225-22

Moved by Councillor Lee

Seconded by Councillor Cardwell

That the Regular Council Minutes of September 26, 2022, and the Special Council Minutes of September 26, November 18, November 24, and December 1, 2022 be approved.

Carried

5. Presentations

5.1 Adrian Foster-Freeman

Recognition: 2022 Whitby Junior Fire Chief

Mayor Roy attended the dais and was joined by Councillor Mulcahy, Chief Dave Speed, Deputy Chief Glenn Green, and Fire Prevention Officer Joe Morelli. Adrian Foster-Freeman was welcomed onto the dais and recognized as the 2022 Whitby Junior Fire Chief.

6. Delegations

There were no delegations.

7. Correspondence

7.1 Correspondence

That the following requests be endorsed:

- Durham Region Hospice Awareness Day - January 29, 2023
- World Behaviour Analysis Day - March 20, 2023

Resolution # 226-22

Moved by Councillor Lundquist
Seconded by Councillor Bozinovski

That the proclamations for Durham Region Hospice Awareness Day and World Behaviour Analysis Day be endorsed.

Carried

8. Committee of the Whole Report

Planning and Development - November 28, 2022 and December 5, 2022

8.1 2022-654 - C. Jones, Director of Planning and Regulation, Central Lake Ontario Conservation Authority Resolution

Re: Provincial Consultation on Replacing Provincial Policy Statement and Growth Plan Environmental Registry of Ontario Notice Number 019-6177, CLOCA File # PGDP27

Resolution # 227-22

Moved by Councillor Lee
Seconded by Councillor Leahy

1. That Correspondence # 2022-654 received by C. Harris, Town Clerk from C. Jones, Director of Planning and Regulation, Central Lake Ontario Conservation Authority, dated November 24, 2022 regarding Central Lake Ontario Conservation Authority Resolution regarding Provincial Consultation on Replacing Provincial Policy Statement and Growth Plan, Environmental Registry of Ontario Notice Number 019-6177, CLOCA File # PGDP27 be received for information; and,
2. That Council endorse the Central Lake Ontario Conservation Authority Board of Director's Resolution #65 and the commentary in CLOCA Staff Report #5804-22.

Carried

8.2 PDP 61-22, Planning and Development (Planning Services) Department Report

Re: Final Recommended Official Plan Amendment, Downtown Whitby Community Secondary Plan, File Number: DEV-21-20 (OPA-2020-W/03)

Note: This item was referred at Committee.

8.3 PDP 59-22, Planning and Development (Planning Services) Department Report

Re: Zoning By-law Amendment Application, EJB Holdings Inc., 513 Brock Street North, File Number: DEV-14-22 (Z-10-22)

Resolution # 228-22

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That Council approve an amendment to Zoning By-law # 2585, (File No. Z-10-22), as outlined in Planning Report PDP 59-22;
2. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council; and,
3. That the proponent enter into a Letter of Undertaking with the Town and be responsible for the related fee.

Carried

8.4 PDP 60-22, Planning and Development (Planning Services) Department Report

Re: Brooklin Urban Expansion Area Zoning By-law, File Number: Z-05-22

Resolution # 229-22

Moved by Councillor Lee

Seconded by Councillor Leahy

That Council approve an amendment to Zoning By-law # 1784, as outlined in Attachment #4.

Carried

8.5 PDP 62-22, Planning and Development (Planning Services) Department Report

Re: Zoning By-law Amendment Application to Remove the Holding (H) Symbol, Three Gems Developments Inc., 120 Colston Avenue, File Number: DEV-16-22 (Z-12-22)

Resolution # 230-22

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That Council approve an Amendment to Zoning By-law # 1784, (File Number: Z-12-22) for the removal of the Holding (H) symbol, as outlined in Report No. PDP 62-22; and,
2. That a by-law to amend Zoning By-law # 1784 be brought forward for Council's consideration.

Carried

- 8.6 PDP 63-22, Planning and Development (Planning Services) Department Report

Re: Zoning By-law Amendment Application, Brooknorth Holdings Inc. Lot 21, Concession 5 (Northwest Corner of Thickson Road North and Highway 407), File Number: DEV-05-22 (Z-03-22)

Resolution # 231-22

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That Council approve an amendment to Zoning By-law # 1784, (File No. Z-03-22), as outlined in Planning Report PDP 63-22;
2. That a By-law to amend Zoning By-law # 1784 be brought forward for consideration by Council; and,
3. That the proponent enter into a Site Plan Agreement and be responsible for its preparation and registration.

Carried

- 8.7 PDP 64-22, Planning and Development (Planning Services) Department Report

Re: Extension to Draft Approved Plan of Subdivision, Yucca Whitby Land Inc., 6545 Baldwin Street North, Brooklin, File Number: SW-2016-04

Resolution # 232-22

Moved by Councillor Lee
Seconded by Councillor Leahy

That Council approve the extension of the Draft Approved Plan of Subdivision SW-2016-04 for an additional 3 years, to January 31, 2026.

Carried

- 8.8 Memorandum from T. Painchaud, Senior Manager, Transportation Services, dated November 21, 2022 regarding Active Transportation and Safe Roads Advisory Committee's (ATSRAC) Annual Report

Resolution # 233-22

Moved by Councillor Lee
Seconded by Councillor Leahy

That the Active Transportation and Safe Roads Advisory Committee's Annual Report be received for information.

Carried

- 8.9 PDP 66-22, Planning and Development (Planning Services) Department, Financial Services Department, and Legal and Enforcement Services Department Joint Report

Re: Ontario Bill 109, More Homes for Everyone Act, 2022

Resolution # 234-22

Moved by Councillor Lee
Seconded by Councillor Leahy

1. That Council endorse the proposed 2-Stage Pre-consultation process regarding mandatory pre-consultation for development applications, and associated Pre-consultation fee increase, as outlined in Report PDP 66-22;
2. That staff be directed to bring forward an amendment to the Fees and Charges By-law (By-law # 7220-17) to include a revised Pre-Consultation Fee, as outlined in Report PDP 66-22; and,
3. That staff report back to Council following completion of the Development Application Approval Process and Fee Review study

regarding any further proposed process and fee changes required to adequately address the impacts of Bill 109.

Carried

9. Committee of the Whole Report

General Government - November 28, 2022 and December 5, 2022

9.1 CMS 09-22, Community Services Department Report

Re: Free Menstrual Products at Town Facilities Update on the Pilot Project

Resolution # 235-22

Moved by Councillor Yamada

Seconded by Councillor Shahid

1. That Community Services Department Report CMS 09-22 be received as information; and,
2. That the annual ongoing costs of \$3,164.70 associated with implementing the new service level program for Menstrual Products as outlined in the report be brought forward as a decision item for Council's consideration in the 2023 budget.

Carried

9.2 CMS 10-22, Community Services Department Report

Re: Outdoor Recreational Ice Skating – Update Natural Ice Surface Pilot Project

See also attached Memorandum from J. Romano, Commissioner of Community Services, dated December 9, 2022 regarding Proposed Outdoor Natural Ice Rink – Willow Park

Resolution # 236-22

Moved by Councillor Yamada

Seconded by Councillor Shahid

1. That the Community Service Department Report CMS 10-22 be received as information;
2. That the annual ongoing incremental costs of \$47,453 associated with implementing the new service of Outdoor Natural Ice Rinks as

outlined in Report CMS 10-22 be brought forward as a decision item for Council's consideration in the 2023 budget;

3. That the Outdoor Natural Ice Rink pilot program be extended to March 2023 with funding from the Long-Term Finance Reserve, if required;
4. That Staff be directed to report back as part of the budget process on the opportunity to expand the outdoor recreational ice-skating pilot project to include an East Ward location, preferably at Willow Park; and,
5. That the report on an East Ward location include any budgetary costs, additional staff resources, and project timelines.

Carried

9.3 FS 65-22, Legal and Enforcement Services Department, Planning and Development (Engineering Services) Department, and Financial Services Department Joint Report

Re: Parking Services Modernization

Resolution # 237-22

Moved by Councillor Yamada

Seconded by Councillor Shahid

1. That the Town proceed with an award for the modernization of Parking Services to the highest ranking proposal as submitted by Groupe Techna Inc. for a total contract amount of \$308,330.28, including HST, over five years funded from the capital projects outlined in Table 1 for year one (1) costs and from the Parking division operating budget accounts outlined in Report FS 65-22 for on-going maintenance costs in years two (2) to five (5);
2. That a budget pressure, in the amount of \$16,587, for incremental on-going maintenance costs related to this award for year two (2) be included in the 2024 Operating Budget to be funded from parking revenues; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

9.4 FS 61-22, Financial Services Department Report

Re: 2023 Interim Property Tax Billing

Resolution # 238-22

Moved by Councillor Yamada

Seconded by Councillor Shahid

That a by-law be brought forward to allow for the Interim Tax Billing for the 2023 taxation year as outlined in this report FS 61-22.

Carried

9.5 FS 62-22, Financial Services Department Report

Re: Temporary Borrowing By-law

Resolution # 239-22

Moved by Councillor Yamada

Seconded by Councillor Shahid

That a by-law be brought forward to authorize external temporary borrowing of up to \$59,638,000 from January 1, 2023 to September 30, 2023, and up to \$29,819,000 between October 1, 2023 and December 31, 2023, if required for cash flow purposes.

Carried

9.6 FS 63-22, Financial Services Department Report

Re: 2022 Capital Budget & Reserve and Reserve Fund Projection as of November 14, 2022

Resolution # 240-22

Moved by Councillor Yamada

Seconded by Councillor Shahid

That Report FS 63-22 be received as information.

Carried

9.7 FOS 03-22, Fire and Emergency Services (Operational Services)
Department Report

Re: Debrief Report - Winter Snowstorm 2022 Follow-up

A brief question and answer period ensued between Members of Council and Staff regarding the recent snowfall event and the protocol and timeline for snowplowing services by the Region of Durham on regional roads.

Resolution # 241-22

Moved by Councillor Yamada

Seconded by Councillor Shahid

That Report FOS 03-22, Debrief Report – Winter Snowstorm 2022 Follow-up from Operational Services, be received as information.

Carried

9.8 CAO 27-22, Office of the Chief Administrative Officer and Planning and
Development (Planning Services) Department Joint Report

Re: Concierge Program Process

Discussion ensued between Members of Council and Staff regarding:

- the Region connecting with Economic Development Departments of other Durham municipalities, working with stakeholders, not working in silos, and having direct contact on an ongoing basis with the Business Advisory Centre Durham (BACD), the Chambers of Commerce and Boards of Trade, and the BIAs to follow through on the goals of the 5-year action plan; and,
- the Region's merging of tourism and economic development, and the growing film industry.

Resolution # 242-22

Moved by Councillor Yamada

Seconded by Councillor Shahid

1. That Report CAO 27-22 be received for information;
2. That Council endorse the Concierge Program Process as presented in Report CAO 27-22; and,

3. That Staff implement the Concierge Program outlined in Report CAO 27-22 in 2023 subject to Council approval of a second permanent Economic Development Officer position in the 2023 budget.

Carried

9.9 CLK 06-22, Office of the Town Clerk Report

Re: Central Lake Ontario Conservation Authority (CLOCA) Appointments

Resolution # 243-22

Moved by Councillor Yamada

Seconded by Councillor Shahid

1. That the Office of the Town Clerk Report, CLK 06-22 be received; and,
2. That the Mayor be appointed for the full Term of Council and Regional Councillors be appointed on a rotating basis to the Central Lake Ontario Conservation Authority (CLOCA) Board of Directors as follows:

Term	CLOCA Appointments
January 1, 2023 to December 31, 2023	Mayor RoyCouncillor LeahyCouncillor YamadaCouncillor Mulcahy
January 1, 2024 to December 31, 2024	Mayor RoyCouncillor MulcahyCouncillor LeahyCouncillor Shahid
January 1, 2025 to December 31, 2025	Mayor RoyCouncillor MulcahyCouncillor ShahidCouncillor Yamada
January 1, 2026 – November 14, 2026	Mayor RoyCouncillor LeahyCouncillor ShahidCouncillor Yamada

3. That a copy of this report and resolution be forwarded to the Regional Clerk for submission to Durham Regional Council for its consideration.

Carried

10. Notice of Motion

There were no notices of motion.

11. New and Unfinished Business

There was no new and unfinished business.

12. By-laws

That the following by-laws be passed:

12.1 By-law # 7941-22

Being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2003-06) as not being subject of Part Lot Control

12.2 By-law # 7942-22

Being a by-law to designate certain portions of a registered Plan of Subdivision (S-216-92) as not being subject of Part Lot Control

12.3 By-law # 7943-22

Being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2013-03) as not being subject of Part Lot Control

12.4 By-law # 7944-22

Being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2002-01) as not being subject of Part Lot Control

12.5 By-law # 7945-22

Being a by-law to provide for an interim tax levy for the year 2023

Refer to FS 61-22, 2023 Interim Property Tax Billing

12.6 By-law # 7946-22

Being a by-law to Authorize the temporary borrowing of an amount not to exceed \$59,638,000 from January 1 to September 30, 2023, and \$29,819,000 from October 1 to December 31, 2023, to meet current expenditures of The Corporation of the Town of Whitby (the Town) for the year, until taxes are collected, and other revenues received

Refer to FS 62-22, Temporary Borrowing By-law

12.7 By-law # 7947-22

Being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2013-05) as not being subject of Part Lot Control.

12.8 By-law # 7948-22

Being a by-law to authorize The Corporation of the Town of Whitby to enter into a Contribution Agreement with Infrastructure Canada related to the Permanent Public Transit Program - Active Transportation Fund Grant

See also attached Memorandum from T. Painchaud, Senior Manager, Transportation Services re: Authorization to Enter into Federal Government Contribution Agreement for an Active Transportation Engagement Grant

12.9 By-law # 7949-22

Being a by-law to amend By-law # 1784, as amended, being the Zoning By-law for the Town of Whitby

Refer to PDP 63-22, Zoning By-law Amendment Application, Brooknorth Holdings Inc. Lot 21, Concession 5 (Northwest Corner of Thickson Road North and Highway 407) – File No. DEV-05-22 (Z-03-22)

12.10 By-law # 7950-22

Being a by-law to amend By-law # 1784, as amended, being the Zoning By-law for the Town of Whitby

Refer to PDP 62-22, Zoning By-law Amendment Application to Remove the Holding (H) Symbol, Three Gems Developments Inc., 120 Colston Avenue – File No. DEV-16-22 (Z-12-22)

Resolution # 244-22

Moved by Councillor Mulcahy
Seconded by Councillor Cardwell

That leave be granted to introduce By-laws # 7941-22 to # 7950-22 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

13. Confirmatory By-law

Resolution # 245-22

Moved by Councillor Bozinovski

Seconded by Councillor Leahy

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 regular meeting held on December 12, 2022 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

14. Adjournment

Motion to Adjourn

Moved by Councillor Leahy

Seconded by Councillor Lundquist

That the meeting adjourn.

Carried

The meeting adjourned at 7:21 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor