

Regular Council Minutes

November 27, 2023, 3:30 p.m. Council Chambers Whitby Town Hall

Present: Mayor Roy

Councillor Bozinovski (Virtual Attendance at 3:30 p.m., In-person

Attendance at 6:00 p.m.)

Councillor Cardwell (Virtual Attendance)

Councillor Leahy

Councillor Lee (In-person Attendance at 3:30 p.m., Virtual

Attendance at 6:00 p.m.)

Councillor Lundquist (In-person Attendance at 3:30 p.m., Virtual

Attendance at 6:00 p.m.)

Councillor Mulcahy (In-person Attendance at 3:30 p.m., Virtual

Attendance at 6:00 p.m.)

Councillor Shahid

Councillor Yamada (Arrived at 3:36 p.m.)

Also Present: M. Gaskell, Chief Administrative Officer

M. Hickey, Fire Chief

S. Klein, Director of Strategic Initiatives

J. Long, Head of Organizational Effectiveness

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)

1. Call To Order: The Mayor

2. Call of the Roll: The Clerk

Declarations of Conflict of Interest

There were no declarations of conflict of interest.

4. Adoption of Minutes

Regular Council - October 2, 2023

Special Council - October 3, 2023

Special Council - October 30, 2023

Special Council - November 6, 2023 (Confidential Minutes Under Separate Cover)

Special Council - November 15, 2023 (Confidential Minutes Under Separate Cover)

Resolution # 204-23

Moved by Councillor Lee Seconded by Councillor Bozinovski

That the Regular Council Minutes of October 2, 2023, and the Special Council Minutes of October 3, October 30, November 6, and November 15, 2023 be approved.

Carried

5. Presentations

5.1 Gregory Pereira, Manager, Transportation Planning and Chris Leitch, Principal Planner, Region of Durham (In-Person Attendance)

Re: Durham Meadoway Visioning Study

Refer to Item 7.2, Memorandum from T. Painchaud, Sr. Manager, Transportation Services, dated November 23, 2023 regarding Durham Meadoway Visioning Study

Gregory Pereira, Manager, Transportation Planning and Chris Leitch, Principal Planner, Region of Durham provided a PowerPoint presentation regarding the Durham Meadoway Visioning Study. Highlights of the presentation included:

 an overview of the completed Stage 1 of the Durham Meadoway Visioning Study;

- the Stage 2 Environmental Assessment (EA) implementation strategy;
- a summary of the study process and engagement strategy;
- an overview of the vision statement and guiding principles;
- the concept trail alignment, location of amenities, and implementation considerations;
- details of the preferred route for the multi-use path (MUP);
- the placemaking toolkit and four placemaking opportunity typologies;
- the MUP route evaluation overview, including interim connections;
- details of Segments 8-10 of the preferred route;
- visual renderings of the Road Crossing, Active Play, and Nature Space typologies;
- next steps in implementing Stage 2, Class EA Study and Stage 3, Construction;
- the strategic advantages of implementing both Stages 1 and 2 of the project;
- the estimated cost for implementing the preferred route with an interim route, including area municipal funding contributions; and,
- requested support from the Town and potential funding opportunities.

A question and answer period ensued between Members of Council, Staff, Gregory Pereira, and Chris Leitch regarding:

- clarification regarding the funding sought by the Region of Durham as part of their 2025 budget planning process, and details about the Town's funding share;
- · support from area municipalities;
- provincial and federal funding opportunities;
- strategies to reduce the project timeline;

- clarification regarding the estimated project costs and area municipality funding, including the estimated cost to implement Whitby's portion of the route;
- strategies and funding opportunities to offset area municipality funding during the Stage 2 EA phase of the study;
- whether the Region of Durham has consulted on this project with the Town and other area municipalities;
- whether the high estimated cost of \$1.2 million to complete the class EA study considers additional funding needs beyond Stage 2 of the study;
- clarification regarding the proposed cost sharing agreement between the Region of Durham and area municipalities to fund future implementation phases of the project; and,
- opportunities for modifying the proposed route should Council decide in the future that the implemented route does not meet the Town's needs.

It was the consensus of Council to hear Item 7.2, Memorandum from T. Painchaud, Sr. Manager, Transportation Services, dated November 23, 2023 regarding Durham Meadoway Visioning Study, at this time.

5.2 Jon Franke, Senior Vice President, Pickering Nuclear, Ontario Power Generation (In-Person Attendance)

Re: Ontario Power Generation Annual Update

Jon Franke, Senior Vice President, Pickering Nuclear, Ontario Power Generation provided a PowerPoint presentation regarding the Ontario Power Generation Annual Update. Highlights of the presentation included:

- an overview of performance and accomplishments of Pickering Nuclear;
- plans for refurbishing and/or decommissioning Ontario Power Generation (OPG) units;
- next steps for Pickering Nuclear, including public consultation;
- justification for refurbishing OPG units to meet the forecasted decarbonizing energy demand;
- OPG's role in producing lifesaving isotopes; and,

 OPG's community involvement and initiatives, including Kids Safety Village, festivals, and school programs.

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

- the number of units that have been or will be decommissioned;
- the opportunity for Members of Council to tour the Pickering Nuclear facility; and,
- potential future uses of refurbished units.

6. Delegations

6.1 Ben Earle, Chief Executive Officer, Feed the Need in Durham (Virtual Attendance)

Re: CAO 28-23, Office of the Chief Administrative Officer Report

Feed the Need Partnership for Market Model Food Bank

Refer to Item 12.1, CAO 28-23

Ben Earle, Chief Executive Officer, Feed the Need in Durham provided an overview of Feed the Need Durham's operations and initiates. Highlights of the overview included:

- the number of individuals using Feed the Need Durham's services;
- increased demand for food banks in Whitby creating strain on existing programs;
- the prevalence of employed individuals experiencing food insecurity;
- the goal of providing a food bank service in partnership with the Town; and,
- the proposed market based food bank model.

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

- the number of employed individuals living in Durham Region using food bank services;
- the historical increase in individuals using food bank services;

- ensuring operating hours meet the demand for food bank services;
- data sources used to estimate the number of food bank users in Whitby;
- whether Feed the Need Durham advocates for policy change to address food insecurity;
- the importance of choosing an accessible location for a food bank; and,
- clarification regarding Feed the Need Durham's best practices to address food insecurity and meet demand.

It was the consensus of Council to hear Item 12.1, CAO 28-23, at this time.

7. Correspondence

7.1 Correspondence

That the following requests be endorsed:

- Giving Tuesday November 28, 2023
- Giving Tuesday Flag Raising November 28, 2023
- Salvation Army Week December 18 to 24, 2023; and,
- Salvation Army Week Flag Raising December 18 to 22, 2023

Resolution # 205-23

Moved by Councillor Lundquist Seconded by Councillor Cardwell

That the proclamations for Giving Tuesday and Salvation Army Week and the flag raisings for Giving Tuesday and Salvation Army Week be endorsed.

Carried

7.2 Memorandum from T. Painchaud, Sr. Manager, Transportation Services, dated November 23, 2023 regarding Durham Meadoway Visioning Study

A question and answer period ensued between Members of Council and T. Painchaud, Sr. Manager of Transportation Services, regarding:

- concerns regarding the future financial implications of the Durham Meadoway Visioning Study Environmental Assessment (EA) on the Town;
- financial commitments identified for this project in past or future Town budgets;
- the estimated cost of constructing new infrastructure to support the project; and,
- using existing infrastructure in the preliminary Meadoway design.

Resolution # 206-23

Moved by Councillor Shahid Seconded by Councillor Mulcahy

Whereas the Durham Meadoway project, currently led by the Region of Durham, proposes a 35-kilometre active transportation corridor and linear park from Rouge National Urban Park at the Durham/Toronto Boundary to Harmony Road in Oshawa, located partially within the Gatineau transmission corridor and includes lands in the Town of Whitby; and,

Whereas the Durham Meadoway Visioning Study sets the overall vision and framework for this new active transportation corridor, identifying connections to the surrounding communities and types of experiences, amenities and gateways that can be achieved along the proposed multiuse path; and,

Whereas the Visioning Study sets the first stage of planning for the Durham Meadoway project, which is an important yet initial step in the process; and,

Whereas the Region of Durham supports a coordinated approach to advance the Durham Meadoway multi-use path component of the project to construction in the next five to seven years, allowing for the Durham Meadoway to connect end-to-end; and,

Whereas advancing the design of the Durham Meadoway project has the potential to open up future funding opportunities from federal and provincial levels of government, as well as private or non-profit sources; and.

Whereas the next stage of planning involves further design work to set a preliminary alignment for the multi-use path and defined locations for nearby amenities and gateways along the route, both within transmission

corridor lands as well as other publicly owned lands and rights-of-way; and,

Whereas the Region of Durham will be seeking funding from local municipalities to pay for their share of the Durham Meadoway Environmental Assessment:

Now Therefore be it Resolved:

- 1. That Whitby Council confirm, in principle, its support for the Durham Meadoway Visioning Study as an initial step in planning for the Durham Meadoway project;
- 2. That Whitby Council support the preparation of a Memorandum of Understanding (MOU) between the Town of Whitby and the Region, City of Pickering, Town of Ajax, and City of Oshawa to set the administration, collection of fees and technical guidance for a Municipal Class EA Study to advance planning for the Durham Meadoway by undertaking preliminary design work for the multi-use path, gateways and related amenities; and,
- That the final draft MOU and cost sharing agreement for the Municipal Class EA Study be presented to Whitby Council prior to September 1, 2024 for consideration as part of the Town's 2025 budget.

Carried

It was the consensus of Council to hear Item 5.2, Presentation from Jon Franke, Senior Vice President, Pickering Nuclear, Ontario Power Generation, at this time.

8. Committee of the Whole Report - Planning and Development

Planning and Development - November 13, 2023

8.1 PDP 39-23, Planning and Development (Planning Services) Department Report

Re: DEV-20-23: Zoning By-law Amendment Application (Z-05-23), Whitby Taunton Holdings Limited., 4330 Coronation Road

Resolution # 207-23

Moved by Councillor Lee Seconded by Councillor Leahy

- 1. That Council approve the amendment to Zoning By-law # 1784, (File No. Z-05-23), as outlined in Planning Report No. PDP 39-23;
- 2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council; and,
- 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.

Carried

8.2 PDE 13-23, Planning and Development (Engineering Services)
Department Report

Re: Update Traffic By-law 1862-85, Watson Street

Resolution # 208-23

Moved by Councillor Lee Seconded by Councillor Leahy

- 1. That Council approve the proposed amendment to Traffic By-law 1862-85, to incorporate the changes to Schedule "B" and Schedule "W" of the By-law, as identified in Attachment No. 2;
- 2. That a By-law to amend the Traffic By-law 1862-85 be brought forward for the consideration of Council; and,
- 3. That Council direct the Clerk to provide a copy of Report PDE 13-23 to the Durham Regional Police Service (DRPS).

Carried

8.3 PDP 42-23, Planning and Development (Planning Services) Department Report

Re: 780 Garden Street – Notice of Intention to Designate a Property under Part IV, Section 29 of the Ontario Heritage Act

Resolution # 209-23

Moved by Councillor Lee Seconded by Councillor Leahy

- That a Notice of Intention to Designate the property identified as the Mayfield House, located at 780 Garden Street in Whitby, be published per section 29 (1.1) of the Ontario Heritage Act, R.S.O. 1990 c. O.18, as amended;
- That, after the 30-day Objection period has passed per Section 29
 (6) of the Ontario Heritage Act, Council consider passing a by-law designating the property under Part IV, Section 29 of the Ontario Heritage Act; and,
- 3. That, after the passing of the by-law, if no appeals to the Tribunal are received during the 30-day appeal period per Section 29 (12) of the Ontario Heritage Act, and the designation by-law comes into full force and effect under Part IV of the Ontario Heritage Act, that a commemorative plaque be installed in a form and location to the satisfaction of the Senior Manager, Policy & Heritage Planning, or designate.

Carried

9. Committee of the Whole Report - General Government

General Government - November 13, 2023

9.1 FS 28-23, Financial Services Department Report

Re: Q3, 2023 Procurement Awards \$250,000 and above

A brief question and answer period ensued between Members of Council and Staff regarding whether procurement awards typically align with the Town's proposed or approved annual budget.

Resolution # 210-23

Moved by Councillor Yamada Seconded by Councillor Shahid

That Report FS 28-23, which outlines procurement awards \$250,000.00 and above for second quarter of 2023, be received as information.

Carried

9.2 CLK 07-23, Office of the Town Clerk Department Report

Re: 2026 Municipal Election Voting Method

Resolution # 211-23

Moved by Councillor Yamada Seconded by Councillor Shahid

- That further to By-law #7241-17 authorizing the use of optical scan vote tabulators for municipal elections in the Town of Whitby, Council hereby reaffirms the use of vote tabulators for the 2026 Municipal Election;
- That Council hereby authorizes an alternative voting option of Special Mail-in Ballots for the 2026 Municipal Election and directs the Clerk to bring forward the necessary by-law; and
- 3. That the revised cost estimate for the 2026 Municipal Election, in the amount of \$710,000, be approved with annual operating budget funding increasing from \$160,000 per year to \$195,000 starting in 2025.

Carried

9.3 Funding for West Whitby Schools

Resolution # 212-23

Moved by Councillor Yamada Seconded by Councillor Shahid

Whereas West Whitby is rapidly growing and is projected to be home to an additional 26,000 residents. Currently, the West Whitby area that borders Highway 412 has no elementary or secondary school; and,

Whereas students from West Whitby are currently attending nine (9) "holding schools" and 41 portables are being used to accommodate the growth in students from West Whitby; and,

Whereas student enrollment in Whitby exceeds the capacity to offer quality education in an appropriate learning environment; and,

Whereas there is currently no capital funding approval for construction of a school in West Whitby, with the Durham District School Board (DDSB) being unsuccessful in securing the funds needed to begin construction over the last two funding cycles despite the Board naming this a priority project; and,

Whereas this remains a priority project for the DDSB and for the residents who want their children to be able to attend schools that support their children's academic success and their sense of connection to the community.

Now Therefore be it Resolved:

- That the Town of Whitby Council supports the Durham District School Board in its priority request for funding to build schools in West Whitby in order to accommodate the growth in that community and subsequent increase in student enrolments; and,
- 2. That a copy of this resolution be shared with the Minister and Deputy Minister of Education and all Durham MPPs to express the urgent need for an elementary school in West Whitby and urging them to provide the capital funding required to begin construction.

	For	Against	Conflict
Mayor Roy	X		
Councillor Bozinovski	X		
Councillor Cardwell	X		
Councillor Leahy	X		
Councillor Lee	Χ		
Councillor Lundquist	X		
Councillor Mulcahy	Χ		
Councillor Shahid	X		
Councillor Yamada	X		
Results	9	0	0

Carried Unanimously on a Recorded Vote (9 to 0)

- 10. For information only Committee of the Whole Minutes of November 13, 2023
- 11. Notice of Motion

There were no notices of motion.

- 12. New and Unfinished Business (3:30 p.m.)
 - 12.1 CAO 28-23, Office of the Chief Administrative Officer Report

Re: Feed the Need Partnership for Market Model Food Bank

A brief discussion ensued between Members of Council regarding support for Feed the Need Durham and the proposed partnership with the Town for opening a market model food bank at Iroquois Park Sports Centre.

Resolution # 213-23

Moved by Councillor Lundquist Seconded by Councillor Cardwell

- 1. That Report CAO 28-23 be received for information; and,
- 2. That, pursuant to section 107(2) of the Municipal Act, 2001, Council authorize staff to enter into a lease agreement with Feed the Need to deliver a market model food bank at Iroquois Park Sports Centre upon terms satisfactory to the Director, Strategic Initiatives, and the Commissioners of Financial Services/Treasurer, Community Services and Legal and Enforcement Services/Town Solicitor.

Carried

It was the consensus of Council to hear Item 7.1, Correspondence, at this time.

12.2 CMS 09-23, Community Services Department Report

Re: James Rowe House - Food and Beverage RFP

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

- whether Staff have explored the possibility of selling the building on the subject property;
- addressing the impact of operating a business at the James Rowe House on traffic in Port Whitby;
- whether the proposed capital project in the amount of \$400,000 will address leasehold improvements; and,
- the opportunity to expand the request for proposal (RFP) to include other potential building uses to support the marina, such as retail space.

Moved by Councillor Bozinovski Seconded by Councillor Mulcahy

- That staff be directed to issue a Request for Proposal (RFP) that would lead to the leasing of the Rowe House as a food and beverage space;
- That staff enter negotiations with the respondents to the RFP and report back to Council with the results of those negotiations for approval by Council; and,
- That a 2023 capital project for "Rowe House Repairs" be established, in the amount of \$400,000, funded from the Asset Management Reserve Fund to complete works outlined in Staff Report CMS 09-23.

Note: See following motions

Moved by Councillor Yamada Seconded by Councillor Leahy

That Item 1 of the motion be amended as follows:

 That staff be directed to issue a Request for Proposal (RFP) that would lead to the leasing of the Rowe House in a manner that supports boaters and marina users;

Note: The disposition of Items 1 and 2 of the main motion were determined through the referral motion below.

Moved by Councillor Yamada Seconded by Councillor Leahy

That the motion be divided to consider Items 1 and 2 as a separate motion from Item 3.

Carried

Resolution # 214-23

Moved by Councillor Bozinovski Seconded by Councillor Mulcahy

That a 2023 capital project for "Rowe House Repairs" be established, in the amount of \$400,000, funded from the Asset Management Reserve Fund to complete works outlined in Staff Report CMS 09-23.

Carried

Resolution # 215-23

Moved by Councillor Yamada Seconded by Councillor Leahy

That Items 1 and 2 of the main motion be referred to Staff for a report back to Council in the New Year.

Carried

13. Closed Session

This portion of the minutes are closed to the public. [Refer to the Closed Minutes - Town Clerk has control and custody.]

Moved by Councillor Leahy Seconded by Councillor Lee

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)(b) personal matters about an identifiable individual, including municipal or local board employees, and (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried

- 13.1 Confidential Memorandum from C. Harris, Director of Legislative Services/Town Clerk, dated November 13, 2023 regarding Recommendation for Appointments to the Accessibility Advisory Committee
- 13.2 Confidential Memorandum from C. Harris, Director of Legislative Services/Town Clerk dated November 16, 2023 regarding Recommendation for Appointments to the Sustainability Advisory Committee
- 13.3 Confidential Memorandum from F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor and B. Harasym, Associate Solicitor, dated September 15, 2023 regarding Research and Advice related to an Interim Control By-law

14. Rising and Reporting

Motion to Rise

Moved by Councillor Cardwell Seconded by Councillor Shahid

That Council rise from the closed portion of the meeting.

Carried

14.1 Reporting Out

Mayor Roy advised that during the closed portion of the meeting, Council discussed personal matters about identifiable individuals for the purpose of considering appointments to advisory committees, and received advice that is subject to solicitor-client privilege, related to consideration of an Interim Control By-law.

Item 13.1, Confidential Memorandum from C. Harris, Director of Legislative Services/Town Clerk, dated November 13, 2023 regarding Recommendation for Appointments to the Accessibility Advisory Committee

Resolution # 216-23

Moved by Councillor Lundquist Seconded by Councillor Yamada

That Council appoint the following individuals to the Accessibility Advisory Committee for the term ending December 31, 2024:

- 1. Larry Brual
- Anisa Capener
- Colleen Haley
- 4. Adam Lamplugh

Carried

Item 13.2, Confidential Memorandum from C. Harris, Director of Legislative Services/Town Clerk dated November 16, 2023 regarding Recommendation for Appointments to the Sustainability Advisory Committee

Resolution # 217-23

Moved by Councillor Mulcahy Seconded by Councillor Lee

That Council appoint the following individuals to the Sustainability Advisory Committee for the remainder of the 2022-2026 term:

- 1. Bob Willard
- 2. Zartasha Zainab

Carried

Item 13.3, Confidential Memorandum from F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor and B. Harasym, Associate Solicitor, dated September 15, 2023 regarding Research and Advice related to an Interim Control By-law

Resolution # 218-23

Moved by Councillor Mulcahy Seconded by Councillor Lee

That the Confidential Memorandum from F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor and B. Harasym, Associate Solicitor, dated September 15, 2023 regarding Research and Advice related to an Interim Control By-law be received for information.

Carried

It was the consensus of Council to recess for 30 minutes. Council recessed at 5:45 p.m. and reconvened at 6:15 p.m.

Deputy Mayor Shahid rose and expressed her desire for peace for everyone and called for a permanent cease fire and release of all hostages for the ongoing Israeli and Palestinian conflict. She denounced terrorism, antisemitism, islamophobia, and hate in all forms and expressed sympathy for all innocent lives lost. Deputy Mayor Shahid committed to fostering an inclusive, safe, and welcoming Town for all Whitby residents.

15. Delegations Re: Correspondence # 2023-593 from E. Baxter-Trahair, CAO, Region of Durham regarding 1635 Dundas Street - Final Agreement (6:00 p.m.)

Sarah Klein, Director of Strategic Initiatives, provided an overview of homelessness in Whitby, the proposed 1635 Dundas Street Shelter, and the final proposed agreement between the Town of Whitby and Region of Durham. Highlights of the overview included:

- the increased prevalence of homelessness in Whitby;
- the role of the Region of Durham in planning and coordinating the Homelessness Support System across Durham Region;
- the Region of Durham's decision to purchase 1635 Dundas Street East as part of their mandate to provide shelter and support for vulnerable populations;
- consultation between the Town, Region of Durham, Members of Council, and the community;
- community interests and needs considered when negotiating the final agreement; and,
- a summary of changes to the draft agreement that have been captured in the revised final agreement, including administrative changes, additional services, a commitment reviewing Town by-laws, clarity around a Supervised Consumption Site, and additional safety measures.

Matt Gaskell, CAO, advised that the Region of Durham has presented a final agreement and that no further negotiations will occur with the Town. Mr. Gaskell explained that the Region of Durham may proceed with opening the proposed 1635 Dundas Street shelter regardless of whether Whitby Council ratifies the final agreement. He noted the implications of Whitby Council passing an Interim Control By-law (ICBL) to prohibit the use of lands in the Town for the purpose of sheltering people experiencing homelessness.

15.1 Gary Dunsmuir and Russell Leffler, Residents (In-Person Attendance)

Gary Dunsmuir and Russell Leffler, Residents, expressed their concerns with the 1635 Dundas Street shelter and the final agreement. Mr. Dunsmuir and Mr. Leffler expressed a desire for clarity regarding the number of permitted shelter occupants, community safety, financial implications, limited facility parking, and strategic planning for the future. They questioned the effectiveness of the proposed shelter and its services in addressing addiction and homelessness in Whitby.

A question and answer period ensued between Members of Council, Gary Dunsmuir, and Russell Leffler regarding:

 clarification regarding the delegates' concerns with the proposed security measures for property owners in the surrounding community; and, the financial cost incurred by the Region of Durham for construction and operation of the 1635 Dundas Street shelter.

15.2 Paul Stekel, Resident (In-Person Attendance)

Paul Stekel, Resident, expressed his concerns with the proposed 1635 Dundas Street shelter and the final agreement. Mr. Stekel noted nearby streets that have been excluded from the radius of 1635 Dundas Street East where Whitby agrees to provide additional resources to address the concerns with the shelter, despite their close distance to the proposed shelter.

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

- ensuring additional streets beyond the proposed radius of 1635
 Dundas Street East receive resources to address issues caused by the shelter;
- the experience of community members throughout the community engagement process; and,
- the delegate's preferred improvements to the final agreement.

15.3 Mike Leufkens, Resident (In-Person Attendance)

Mike Leufkens, Resident, expressed his concerns with the financial implications of the proposed 1635 Dundas Street shelter and the long-term funding for service delivery.

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

- desirable funding sources and the Regional budget planning processes for a low barrier shelter and applicable social services;
- clarification regarding the permitted number of shelter occupants; and,
- limited federal and provincial funding to mitigate the financial impacts of the shelter on the community.

15.4 Vanessa Snape, Resident (In-Person Attendance)

Vanessa Snape, Resident, expressed concerns with the 1635 Dundas Street shelter and final agreement, including:

- the Region of Durham's decision to purchasing the subject property, and concerns regarding the community engagement process;
- a request for clarification regarding the permitted number of shelter occupants;
- concerns about community safety;
- terminology and the source of information used in the final agreement; and,
- ensuring the use of 1635 Dundas Street East is compatible with residential development.

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

- the impact of a low barrier shelter on the value of residential homes in the surrounding neighbourhood; and,
- the delegate's preferred improvements to the final agreement.
- 15.5 Wayne Huska, Resident (In-Person Attendance)

Wayne Huska, Resident, expressed concerns with the 1635 Dundas Street shelter and final agreement, including:

- the permitted number of shelter occupants;
- the impact of a low barrier shelter on the value of residential homes in the surrounding neighbourhood; and,
- the safety and ethical concerns of community members.

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

- the impact of the proposed shelter on the sale of the delegate's property, which is currently listed on the market; and,
- the delegate's preferred improvements to the final agreement.
- 15.6 Ema Rosa, Resident (In-Person Attendance)

Ema Rosa, Resident, expressed concerns with the 1635 Dundas Street shelter and final agreement, including:

- language used by Town and Regional Staff and Councillors when referring to community engagement and negotiation of the final agreement;
- concerns about community safety; and,
- accountability of the Region of Durham, Town of Whitby, and residents pertaining to the outcome of the 1635 Dundas Street shelter.

A question and answer period ensued between Members of Council and Ema Rosa regarding the delegate's preferred improvements to the final agreement, including improvements to the terminology and language used.

15.7 Travis Tiedge, Resident (In-Person Attendance)

Travis Tiedge, Resident, expressed concerns with the 1635 Dundas Street shelter and final agreement, including:

- terminology and language used in the final agreement, including intentions for future project phases;
- the permitted number of shelter occupants; and,
- a desire to exclude a supervised consumption site as a future use at the 1635 Dundas Street property.

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

- assurances regarding the exclusion of a supervised consumption site as a future use at the 1635 Dundas Street property;
- a preference to incorporate lighting in nearby parks and trails in the 2024 budget;
- the delegate's preferred improvements to the final agreement; and,
- matters pertaining to lighting and parks improvements in the area surrounding the 1635 Dundas Street shelter that will be addressed at an upcoming Council meeting.
- 15.8 Teri Cathcart, Resident (In-Person Attendance)

Teri Cathcart, Resident, expressed concerns with the proposed 1635 Dundas Street shelter and final agreement, including:

- safety concerns of community members;
- terminology used throughout the final agreement;
- a request for clarification regarding security measures and resources that will be employed in and around the subject property;
- preventing the unauthorized occupation by shelter occupants in properties within the surrounding area;
- proposed future uses of the 1635 Dundas Street property, including office space; and,
- the efficacy of the proposed wrap around services.

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

- clarification regarding the delegate's requested security measures;
- a desire for office space as a future use of the 1635 Dundas Street property; and,
- the delegate's preferred changes to the final agreement.
- 15.9 Jemma Lambert, Oshawa Resident (Virtual Attendance)

Jemma Lambert, Oshawa Resident, expressed support for the proposed 1635 Dundas Street shelter and noted the following:

- addressing long term financial implications of the proposed low barrier shelter;
- support for a supervised consumption site as a potential future use of the 1635 Dundas Street property;
- the financial implications of the proposed security measures in and around the 1635 Dundas Street shelter;
- support for publicly owned 'housing first' programs; and,
- suggested future uses of the 1635 Dundas Street property, including broadening the groups of people who are permitted to occupy the shelter.

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

the delegate's experience with housing insecurity and shelters;

- individuals experiencing homelessness who should be permitted to occupy the shelter, including children;
- the role of politicians in implementing tools and strategies to address homelessness; and,
- the delegate's preferred improvements to the proposed low barrier shelter.

It was the consensus of Council to hear Item 15.13, Delegation from Janet Stephenson and Reverend Diane Lee, St. John's Anglican Church - Whitby, at this time.

15.10 Peter Cohen, Resident (In-Person Attendance)

Peter Cohen, Resident, provided insight into the lives of those experiencing housing insecurity, including those who identify as LGBTQ. Mr. Cohen encouraged empathy and support from the community for those experiencing homelessness. He noted the benefits of harm reduction and wrap around services, such as supervised consumption sites and a 'housing first' approach.

15.11 Janet Stephenson, Reverend Diane Lee, and Sivana Namasivayam, St. John's Anglican Church - Whitby (In-Person Attendance)

Janet Stephenson and Reverend Diane Lee, St. John's Anglican Church - Whitby, expressed their support for the proposed 1635 Dundas Street shelter. Janet Stephenson noted her experience as a mother who feared her child would become homeless. She commended community members for their feedback on the draft agreement. Ms. Stephenson also commended the safety measures proposed in the final agreement, including proposed lighting in nearby parks. Reverend Diane Lee noted the importance of supporting those experiencing homelessness.

A question and answer period ensued between Members of Council, Janet Stephenson, and Reverend Diane Lee regarding the delegates' suggestions for ensuring the 1635 Dundas Street shelter may operate as a model for future shelters.

It was the consensus of Council to hear Item 15.12, Delegation from Peter Cohen, Resident, at this time.

15.12 Deborah Schroeder, Resident (In-Person Attendance)

Deborah Schroeder, Resident, expressed concerns with the proposed 1635 Dundas Street shelter and final agreement, including:

- the role and responsibility of municipal government;
- support for the passing of an Interim Control By-law (ICBL) to prohibit the use of lands in the Town for the purpose of sheltering people experiencing homelessness;
- the effectiveness of proposed street lighting in nearby parks in improving safety for community residents;
- clarification regarding examples of existing successful low barrier shelters; and,
- concerns regarding those experiencing mental health and addiction who may occupy properties in the surrounding community.

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

- clarification regarding data collected from the Netherlands concerning the country's political ideology;
- the delegate's preferred improvements to the final agreement; and,
- whether the Region of Durham's portion of the shared costs, being a proposed limit of \$500,000, may sufficiently address incremental costs associated with the shelter.

15.13 Tracey Kelly, Resident (In-Person Attendance)

Tracey Kelly, Resident, expressed concerns with the 1635 Dundas Street shelter final agreement and permissive drug use in Canada, including:

- safety of community members;
- the provision of transitional housing coordinated by the Region of Durham;
- concerns regarding crime generated by shelter visitors; and,
- the delegate's personal experience with a loved one who experienced addiction.

A question and answer period ensued between Members of Council and Tracey Kelly regarding the delegate's preferred improvements to the final agreement to improve safety and support those recovering from drug addiction.

15.14 Ken Wilson, Resident (In-Person Attendance)

Ken Wilson, Resident, expressed concerns with the 1635 Dundas Street shelter and final agreement, including:

- the impact on local residents and businesses;
- the role of politicians in implementing changes to address homelessness;
- the efficacy of the proposed surveillance systems;
- the exclusion of certain parks from the proposed areas surrounding 1635 Dundas Street East that will receive resources to address issues caused by the shelter, despite the historical impact of homelessness on these parks; and,
- support for the passing of an Interim Control By-law (ICBL) to prohibit the use of lands in the Town for the purpose of sheltering people experiencing homelessness.

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

- the delegate's preferred improvements to the final agreement;
- concerns regarding the enactment of an ICBL; and,
- negotiating additional changes to the final agreement.

15.15 Denise Boudreau, Oshawa Resident (In-Person Attendance)

Denise Boudreau, Oshawa Resident, expressed concerns with the proposed 1635 Dundas Street shelter and the final agreement, including:

- the lack of authentic public consultation;
- the transparency of the final agreement and oversight of shelter program providers;
- examples of violence in existing shelters in other municipalities;
- the ability for shelter services to offer needs based care; and,
- community safety.

A question and answer period ensued between Members of Council and Denise Boudreau regarding the delegate's preferred improvements to the final agreement.

15.16 Pratik Sagar, Resident (In-Person Attendance)

Pratik Sagar, Resident, expressed concerns with the proposed 1635 Dundas Street shelter and the final agreement, including:

- safety and security of community residents, particularly relating to those experiencing untreated mental health and addiction issues who may seek shelter at 1635 Dundas Street;
- engaging the Durham Regional Police Service (DRPS) to enhance community safety;
- crime data relating to existing shelters in other communities such as Timmins; and,
- ensuring accountability of all parties, including the Town of Whitby and Region of Durham.

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

- the delegate's preferred improvements to the final agreement;
- the impact of passing an Interim Control By-law (ICBL) to prohibit the use of lands in the Town for the purpose of sheltering people experiencing homelessness;
- clarification regarding the requested role of DRPS; and,
- the safety concerns of residents living near an existing shelter in Timmins.

15.17 Saad Ashraf, Resident (Virtual Attendance)

Saad Ashraf, Resident, expressed concerns with the proposed 1635 Dundas Street shelter and final agreement, including:

- consultation with the indigenous community;
- harm reduction measures to address substance abuse issues;
- the role of politicians in addressing homelessness and ensuring the safety of community and shelter residents;
- the financial implications of the proposed shelter; and,
- the impact of a low barrier shelter on the value of residential homes in the surrounding neighbourhood.

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

- the delegate's preferred improvements to the final agreement to improve security provisions;
- a request for clarity regarding the number of permitted shelter occupants;
- recommended training for security staff to support the proposed shelter and surrounding communities; and,
- assessing crime statistics relating to existing shelters in other communities.

15.18 Sandy Hodder, Resident (In-Person Attendance)

Sandy Hodder, Resident, expressed concerns with the proposed 1635 Dundas Street shelter and final agreement, including:

- ensuring the safety of children;
- concerns expressed by individuals experiencing homelessness regarding the shelter system;
- support for passing an Interim Control By-law (ICBL) to prohibit the use of lands in the Town for the purpose of sheltering people experiencing homelessness; and,
- nearby streets and parks excluded from the proposed radius of 1635 Dundas Street East that will receive resources to address issues caused by the shelter.

A question and answer period ensued between Members of Council and Sandy Hodder regarding the delegate's preferred improvements to the final agreement.

15.19 Windhy Susanto, Resident (In-Person Attendance)

Windhy Susanto, Resident, expressed concerns with the proposed 1635 Dundas Street shelter and final agreement, including:

- the number of shelter beds;
- the financial implications for the Town of Whitby; and,

 the limited streets included in the proposed radius of 1635 Dundas Street East that will receive resources to address issues caused by the shelter.

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

- the delegate's preference for Council to adopt an ICBL rather than the final agreement; and,
- strategies for improving transparency regarding the financial implications.
- 15.20 April Alexander, Resident (In-Person Attendance)

April Alexander, Resident, expressed concerns with the proposed 1635 Dundas Street shelter and final agreement, including:

- the health and safety of community residents, including children;
- the impact of the shelter on the value of residential homes in the surrounding neighbourhood;
- crime statistics relating to existing shelters in other communities;
- the potential future use of the subject property as office space; and,
- a request to operate no more than the proposed 45 shelter spaces at the subject property.

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

- support for Regional office space as a future use of the facility; and,
- reporting on the number of shelter residents and other occupants, such as occupants of office space.

It was the consensus of Council to recess for ten minutes. Council recessed at 9:41 p.m. and reconvened at 9:52 p.m.

- 16. New and Unfinished Business (6:00 p.m.)
 - 16.1 Correspondence # 2023-593 from E. Baxter-Trahair, CAO, Region of Durham regarding 1635 Dundas Street - Final Agreement

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

- a desire for the Region of Durham's (the "Region") final Dundas Street Shelter agreement (the "agreement") to identify improved security measures, future uses of the property, provision of wraparound services, and assurances regarding shelter space capacity limits;
- implementing an Interim Control By-law (ICBL) to prohibit the use of lands in the Town for the purpose of sheltering people experiencing homelessness;
- a desire for policies to mitigate the impact of homelessness and shelters on the surrounding communities;
- concerns regarding the legal implications of passing an ICBL;
- mechanisms to ensure the Region will abide by the agreement if ratified;
- the permitted number of shelter occupants in future phases of the project;
- addressing concerns expressed by residents regarding the proposed 1635 Dundas Street shelter;
- the implications and risks of rejecting the final agreement;
- clarification regarding the purpose and potential use of an ICBL as it pertains to the proposed shelter;
- legal challenges that may arise as a result of an ICBL and the anticipated timeline for addressing a potential appeal to the Ontario Land Tribunal (OLT) or the Superior Court of Justice;
- the limited ability for staff to address items outlined in the ICBLs while appeals are underway;
- the legalities encompassed in the final agreement;
- differences between the ICBLs proposed by the Town and the ICBL passed by the Township of Brock;
- the timeline through which the Region may file an appeal against an ICBL;
- negotiations between the Town and the Region in consideration of public feedback;

- the growing homelessness crisis in Whitby and surrounding municipalities;
- consultation between the Region, Town, and Members of Council to develop the final agreement;
- ensuring the safety concerns raised by community members are addressed in the final agreement;
- clarification regarding the requirement for the Region to meet with Whitby Council up to three times in the first year of the shelter's operation;
- the timeline through which Whitby shall undertake a review of its by-laws to determine whether additional by-laws are required or existing by-laws need to be amended to address public nuisances that may arise as a result of the Dundas Street Shelter;
- the cost of implementing services as outlined in Section 12.b. of the final agreement;
- negotiations regarding cost sharing with the Region;
- the financial impact of the Dundas Street Shelter on Whitby taxpayers;
- clarification regarding proposed mobile security services and onsite 24/7 security for the shelter;
- the methods employed by the Region to engage directly with adjacent neighbouring property owners prior to the construction of a fence on the subject property;
- selection of third-party services to conduct day-to-day operations of the shelter services;
- strategies to mitigate the impact of the shelter on community residents, including continued negotiations with the Region;
- a desire for Town and Regional projects to address affordable housing concerns;
- the anticipated timeline for implementing future phases of the project; and,
- clarification regarding discussions that may ensue at the Regional Council meeting of November 29, 2023.

Moved by Councillor Leahy Seconded by Councillor Yamada

Whereas Council wishes to ensure that the Town's Zoning Bylaw and Official Plan contain appropriate policies and standards to ensure that new low barrier shelters and/or transitional housing located within the Town are appropriately located, planned, and that it is understood what polices and measures need to be in place to mitigate impacts on surrounding communities; and,

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 new low barrier shelters and/or transitional housing to identify their ideal locations within the Town and any policies to mitigate impacts on surrounding communities, excluding the lands identified on Schedule "A" to By-law # 7699-20 and on Schedule "A" to By-law # 7700-20. The said study shall provide advice with respect to:
 - changes to the Town's Official Plan policies to identify the ideal locations for new low barrier shelters and/or transitional housing within the Town and any policies to mitigate impacts on surrounding communities;
 - changes to the Town's Zoning By-law to identify the ideal locations for new low barrier shelters and/or transitional housing within the Town and any policies to mitigate impacts on surrounding communities;
 - appropriate strategies to reduce the impacts of new low barrier shelters and/or transitional housing on neighbouring communities; and.
 - such other recommendations as may be appropriate to implement Council's desire to identify ideal locations for new low barrier shelters and/or transitional housing within the Town and any policies to mitigate impacts on surrounding communities.
- 2. Report back to Council within two months' time with a work plan to give effect to the foregoing.

3. That the necessary Interim Control By-laws under Section 38 of the *Planning Act,* RSO 1990 c P-13, as amended, be presented to Council for adoption and approved in this meeting.

That the Commissioner of Financial Services and Treasurer be directed to:

- 4. Establish a 2023 capital project for the retainer of any consultants deemed necessary by the Commissioner of Planning and Development for Official Plan and Zoning By-law amendments related to new low barrier shelters and/or transitional housing, in the amount of \$50,000, funded from the Town's Long Term Finance Reserve Fund;
- 5. Establish a 2023 capital project for the retainer of any Legal Services deemed necessary by the Commissioner of Legal and Enforcement Services/Town Solicitor related the Town's defence of the Interim Control By-laws on new low barrier shelters and/or transitional housing, in the amount of \$500,000, funded from the Town's Long Term Finance Reserve Fund.

That the Commissioner of Legal and Enforcement Services be directed to:

6. Retain external legal services and any other consultants necessary to defend any claims brought forward against Council's passage of the Interim Control By-laws to a value not exceeding \$500,000.

	For	Against	Conflict
Mayor Roy		Χ	
Councillor Bozinovski	X		
Councillor Cardwell		X	
Councillor Leahy	Χ		
Councillor Lee		Χ	
Councillor Lundquist		Χ	
Councillor Mulcahy		Χ	
Councillor Shahid	Χ		
Councillor Yamada	Χ		

Results 4 5 0

Motion Lost on a Recorded Vote (4 to 5)

It was the consensus of Council to recess for five minutes. Council recessed at 10:44 p.m. and reconvened at 10:50 p.m.

Moved by Councillor Lee Seconded by Councillor Lundquist

That the motion for the previous question be called.

	For	Against	Conflict
Mayor Roy	X		
Councillor Bozinovski	X		
Councillor Cardwell	X		
Councillor Leahy		X	
Councillor Lee	X		
Councillor Lundquist	X		
Councillor Mulcahy	X		
Councillor Shahid		Χ	
Councillor Yamada		Χ	
Results	6	3	0

Carried on a Recorded Vote (6 to 3)

Resolution # 219-23

Moved by Councillor Lundquist Seconded by Mayor Roy

Whereas the Regional Municipality of Durham (the "**Region**") has purchased the former Sunnycrest Nursing Home property at the municipal

address 1635 Dundas Street East in the Town of Whitby ("**1635 Dundas Street**"); and,

Whereas the Region has proposed that a low-barrier shelter with a maximum of 45 spaces for persons experiencing homelessness be constructed at 1635 Dundas Street; and,

Whereas members of the surrounding neighbourhood and community have expressed concerns about the potential for a low-barrier shelter located at 1635 Dundas Street; and,

Whereas a motion was submitted to the Town of Whitby's (the "**Town**") Committee of the Whole for its meeting on September 25, 2023 as Agenda Item 5.5.2 to consider a Town-wide interim control by-law to determine appropriate policies, measures and locations for potential low barrier shelters and/or transitional housing within the Town; and,

Whereas the Region submitted Correspondence # 2023-438 from E. Baxter-Trahair, Chief Administrative Officer for the Region, proposing an agreement between the Town and the Region with respect to the use of the proposed low-barrier shelter and future housing and other uses at 1635 Dundas Street; and,

Whereas at its meeting on September 25, 2023, the Town's Committee of the Whole deferred consideration of the motion to consider a Town-wide interim control by-law to determine appropriate policies, measures and locations for potential low barrier shelters and/or transitional housing within the Town until October 30, 2023 to allow for the negotiation of an agreement with the Region in order to address the concerns raised by the community; and,

Whereas Town staff, in consideration of concerns raised by the community and having received feedback from Members of Council have negotiated a draft agreement related to the proposed low-barrier shelter and future uses for 1635 Dundas Street East with Region Staff attached to Correspondence #2023-533 in accordance with the instruction from the September 25, 2023 Town Committee of the Whole resolution (the "**Draft Agreement**"); and,

Whereas at its meeting on October 30, 2023, Council instructed staff to collect comments regarding the Draft Agreement, undertake further negotiations with the Region, and provide Council with an update regarding any changes to the Draft Agreement; and,

Whereas at its meeting on October 30, 2023, Council deferred the consideration of a motion related to an Interim Control By-law to investigate the most appropriate location for low-barrier shelter uses within the Town in anticipation of further negotiations related to the Draft Agreement; and,

Whereas the Region submitted Correspondence #2023-593 dated November 23, 2023 providing a revised Final Agreement (the "Final Agreement"), and requesting Whitby Council's consideration in advance of the Region's consideration of the Final Agreement the Regional Council meeting on November 29, 2023;

Now therefore, be it resolved that:

- Correspondence #2023-593 dated November 23, 2023 from E. Baxter-Trahair, Chief Administrative Officer for the Region, be received;
- 2. The terms of the Final Agreement attached to Correspondence #2023-593 are accepted by the Town;
- 3. The Mayor and Clerk be authorized to execute an Agreement with the Region upon terms substantially in accordance with the Final Agreement and in a form satisfactory to the Chief Administrative Officer:
- Further to Section 33 of the Final Agreement, Council for the Town does not support nor endorse the placement or operation of a Supervised Consumption Site (as defined in the Revised Final Agreement) at 1635 Dundas Street;
- The Clerk circulate this resolution to Health Canada, Ontario Ministry of Health and Long-Term Care, and the Regional Municipality of Durham; and,
- 6. Should the proposed Community Liaison Committee request to change or amend its Terms of Reference as shown in Attachment B to the Final Agreement, Town staff will provide a memorandum to Council on the Community Information Index regarding the changes, and if that memorandum is not referred to following Committee of the Whole meeting for discussion, the Mayor and Clerk shall be authorized to execute an amendment to the agreement to formalize the requested changes to the Community Liaison Committee Terms of Reference.

	For	Against	Conflict
Mayor Roy	X		
Councillor Bozinovski		Χ	
Councillor Cardwell	X		
Councillor Leahy		Χ	
Councillor Lee	X		
Councillor Lundquist	X		
Councillor Mulcahy	Χ		
Councillor Shahid	X		
Councillor Yamada		X	
Results	6	3	0

Carried on a Recorded Vote (6 to 3)

17. By-laws

Resolution # 220-23

Moved by Councillor Bozinovski Seconded by Councillor Leahy

That leave be granted to introduce By-laws # 8029-23 to # 8030-23 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

17.1 By-law # 8029-23

Being a By-law to Amend By-law # 1862-85, being a By-law to Regulate Traffic on the Highways and on Certain Private Roadways in the Town of Whitby.

Refer to PDE 13-23, Update Traffic By-law 1862-85, Watson Street

17.2 By-law # 8030-23

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

Refer to PDP 39-23, DEV-20-23: Zoning By-law Amendment Application (Z-05-23), Whitby Taunton Holdings Limited., 4330 Coronation Road

18. Confirmatory By-law

Resolution # 221-23

Moved by Councillor Cardwell Seconded by Councillor Lee

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 November 27, 2023 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

19. Adjournment

Moved by Councillor Shahid Seconded by Councillor Lundquist

That the meeting adjourn.

Carried

The meeting adjourned at 11:23 p.m.

Christopher Harris, Town Clerk	Elizabeth Roy, Mayor