

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: M. Gaskell, Chief Administrative Officer
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
S. Klein, Director of Strategic Initiatives
J. Long, Head of Organizational Effectiveness
H. Ellis, Executive Advisor to the Mayor
C. Harris, Town Clerk
K. Narraway, Manager of Legislative Services/Deputy Clerk
(Recording Secretary)

Regrets: None noted

1. Declarations of Pecuniary Interest

- 1.1** Councillor Newman declared a conflict of interest under the Municipal Conflict of Interest Act regarding Item 7.9, Community Services Report, CMS 19-21, West Whitby Unnamed District Park – Park Name Survey Results specifically related to naming the West Whitby District Park as a family member is referenced as part of the proposed name for the District Park. Councillor Newman did not take part in the discussion or voting on any matters related to the naming of the park.

2. Adoption of Minutes

- 2.1** Special Council - November 1, 2021
Regular Council - November 1, 2021

Special Council - November 3, 2021
Special Council - November 8, 2021
Special Council - November 15, 2021
Special Council - November 22, 2021

Resolution # 302-21

Moved By Councillor Drumm
Seconded By Councillor Lee

That the Regular Council minutes of November 1, 2021 and the Special Council minutes of November 1, November 3, November 8, November 15, and November 22, 2021 be adopted.

Carried

3. Presentations

3.1 Gerry Moote, Inspector, Durham Regional Police Service (DRPS)
Re: DRPS Update to Council

Gerry Moote, Inspector, Durham Regional Police Service (DRPS) appeared before Council and provided a PowerPoint presentation regarding the Durham Regional Police Service, Central West Division year in review. Highlights of the presentation included:

- an overview of the geographical boundaries and staffing levels of Central West Division;
- annual divisional priorities including traffic enforcement, safety in Downtown Whitby, crime prevention in the Consumers Drive motel/hotel area, reducing impaired driving, and safety in north Oshawa near Durham College and Ontario Tech University;
- the impacts of loosening pandemic restrictions, including an increase in traffic enforcement and calls for service in Downtown Whitby;
- a reduction in the number of break and enters in Brooklin;
- increasing vehicle thefts in the community, with Lexus and Toyota makes being particularly targeted; and,
- the 2022 rollout of body worn cameras to all front-line officers in Central West Division.

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

- assessing the mental health of police officers in the context of the pandemic and how the pandemic has affected members of the Durham Regional Police Service;
- initiatives underway to remind residents about the importance of locking their vehicles to prevent crimes of opportunity;
- calls for service in the division remaining steady over the past five years;
- undertaking traffic enforcement in areas with a high number of collisions;
- challenges associated with short-term rentals including noise complaints, and how the police can assist the Town with these issues;
- a potential divisional boundary realignment and if the realignment will realize staffing efficiencies;
- how the police can assist the Town in responding to concerns from residents about coyotes, particularly around schools;
- concerns about impaired driving, including impairment by drugs or alcohol; and,
- details about how the police are resourced to respond to human trafficking issues.

3.2 Anthony Caruso, Senior Planner, Danielle Culp, Planning Analyst, and Greg Pereira, Manager, Transportation Planning, Region of Durham
Re: Regional Cycling Plan 2021

Anthony Caruso, Senior Planner, Danielle Culp, Planning Analyst, and Greg Pereira, Manager, Transportation Planning, Region of Durham appeared before Council and provided a PowerPoint presentation regarding the Durham Region Cycling Plan 2021. Highlights of the presentation included:

- the four phases of the cycling plan, timelines, and the purposes of the plan;
- developing new cycling routes, creating a high quality network design, and connecting gaps in cycling infrastructure;
- milestones achieved throughout the project and the overall vision of the plan;
- details about 49 kilometres of local cycling routes and 33 kilometres of Regional cycling routes proposed within Whitby;
- an overview of the different types of cycling infrastructure including paved shoulders, signed routes, buffered paved shoulders, and cycling paths;
- the proposed funding approach for the cycling plan including maintenance of current funding streams, enhancing funding streams, and increasing capital budgets to support the plan;

- development of an active transportation financing strategy and dedicating staff resources at the Region to active transportation;
- strategies which support the cycling plan including a bicycle parking strategy, signage and wayfinding strategy, education and encouragement strategy, and a bicycle route maintenance strategy; and,
- next steps in the project, including promotion of the cycling plan and advancing the signage and wayfinding strategy.

A question and answer period ensued between Members of Council, Mr. Caruso, Ms. Culp, and Mr. Pereira regarding:

- advancing winter cycling through improving route safety in cold weather months;
- harmonization of wayfinding signage across the Region and how replacement signage will be financed;
- identifying cycling routes through the use of distinct features such as colour coding or route numbering;
- consultation that has occurred with Town staff and municipal advisory committees, specifically active transportation committees; and,
- the increasing commitment from local governments to provide cycling infrastructure over the past two decades.

4. Delegations

- 4.1** Michael Bissett representing Nordeagle Developments Limited
Re: Planning and Development Department Report, PL 71-21
Envision Durham: Land Needs Assessment Technical Reports

Refer to Item 6.1, PL 71-21

Michael Bissett, representing Nordeagle Developments Limited, appeared before Council and provided a PowerPoint presentation regarding lands held by his client in south Whitby. Highlights of the presentation included:

- a request for a conversion of his client's lands west of Montecourt Street, noting that the lands east of Montecourt Street have already been converted;
- developing the area to include residential, mixed-use, retail, and office uses;
- providing employment in the area through mixed-use, retail, and office uses;
- the proximity of the lands to the Whitby GO Station;
- conditional support from the nearby Sobey's distribution centre for the development; and,

- clarification about the density proposed for the lands noting that the density has been reduced from the 2007 "Ecoplace" development proposal.

A question and answer period ensued between Members of Council and Mr. Bissett regarding:

- the school proposed to be included with the development and if the location has been discussed with the school boards;
- opportunities for the proponent to consult with the community;
- constructing a complete community with a mix of housing types, employment, and parks;
- the experience of the proponent with respect to conducting community consultation;
- confirmation that the lands are not within the Major Transit Station Area boundaries;
- timing for community consultation and confirmation that consultation would begin after the conversion of the lands is approved; and,
- the overall timing for the project, noting that development would not occur for a number of years due to the number of planning applications required.

Moved By Councillor Leahy

Seconded By Councillor Yamada

That the rules of procedure be suspended to hear the delegations from Michael Dominguez, Wenda D. Abel, and Laura Volpe regarding Item 6.1, Planning and Development Department Report, PL 71-21.

Carried on a Two Thirds Vote

- 4.2** Michael Dominguez, Resident
Re: Planning and Development Department Report, PL 71-21
Envision Durham: Land Needs Assessment Technical Reports

Refer to Item 6.1, PL 71-21

Michael Dominguez appeared before Council and indicated that the Region's population would continue to grow due to proximity to Toronto. He indicated his support for the proposed conversion to allow for mixed-use development west of Montecourt Street. He advised that rising home prices in the Region may reduce growth and that a lack of housing supply was influencing prices. He noted that many zoning by-laws were developed fifty or more years ago and do not allow for a sufficient

balance of housing types, which is now a necessity to address housing affordability. He concluded by stating that the Town needs to be intelligent about allowing for growth, noting that the lands west of Montecourt Street are ideal for increased density due to their proximity to Highway 401 and the Whitby GO Station.

A brief question and answer period ensued between Members of Council and Mr. Dominguez regarding the increase in rental prices during the pandemic and the importance of increasing density to respond to the demand for housing supply.

- 4.3** Wenda D. Abel, Resident
Re: Planning and Development Department Report, PL 71-21
Envision Durham: Land Needs Assessment Technical Reports

Refer to Item 6.1, PL 71-21

Wenda D. Abel appeared before Council and indicated that the proposal for the development of the lands west of Montecourt Street is vague. She noted that it is difficult to fully understand what the developer is proposing for the lands. She stated that there has been rapid growth in the Port Whitby area which has led to concerns about traffic and vehicle emissions. She concluded by expressing concern about the potential impact of development on the nearby Lynde Shores Conservation Area.

A brief question and answer period ensued between Members of Council and Ms. Abel regarding the benefits to living in the Port Whitby area, access to natural spaces, and balancing the environmental sensitivity of the area with ongoing development in the Major Transit Station Area.

- 4.4** Laura Volpe, Resident
Re: Planning and Development Department Report, PL 71-21
Envision Durham: Land Needs Assessment Technical Reports

Refer to Item 6.1, PL 71-21

Laura Volpe appeared before Council and indicated that she has lived in Whitby since 1990 and welcomes the proposed development for the lands west of Montecourt Street. She noted that she would like the opportunity to downsize from her current home in the area to a condominium adjacent to mixed-use development and nearby amenities.

A brief question and answer period ensued between Members of Council and Ms. Volpe about the importance of providing affordable housing in the Town.

5. Correspondence

5.1 That the following request be endorsed:

- Durham Region Hospice Awareness Day - January 29, 2022

Resolution # 303-21

Moved By Councillor Shahid
Seconded By Councillor Leahy

That the proclamation for Durham Region Hospice Awareness Day be endorsed.

Carried

6. Committee of the Whole Report
Planning and Development - November 15 and 22, 2021

6.1 Planning and Development Department Report, PL 71-21
Re: Envision Durham: Land Needs Assessment Technical Reports

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

- the accuracy of the diagram presented by the proponent for lands west of Montecourt Street, noting that it included Town lands and potential Central Lake Ontario Conservation Authority lands;
- confirmation about the potential timing for development of the lands west of Montecourt Street;
- the Region's plan to comprehensively amend their Official Plan and how that process could lead to appeals before the Ontario Land Tribunal;
- confirmation that should the Region amend their Official Plan that the Town would have to amend its Official Plan and potentially the Secondary Plan for the Whitby Shores area;
- details about public consultation that would take place associated with any amendments to the Town's Official Plan;
- comprehensively analyzing the amount of employment lands in the Town to ensure there is adequate supply;
- confirmation that the Town holds a considerable amount of vacant employment lands around Highway 412 and Highway 407;

- the amount of warehouse and logistics development occurring in the Town and opportunities to advance higher quality employment;
- details about potential employment opportunities on the lands east of Montecorte Street;
- confirmation that should the Region decide to amend the designation of the lands west of Montecourt Street to "living area", that this would allow the Town to dictate the types of uses and density through the local Official Plan, noting that residential uses would be permitted as of right;
- the need for the surrounding community to have a better understanding of the impacts of converting the lands west of Montecourt Street in advance of making a decision;
- details about the number of opportunities there will be for community consultation prior to any development being approved; and,
- confirmation that converting the lands west of Montecourt Street would not provide the developer with any as of right density and that density could be dictated by Council through the Town's Official Plan in the future.

Resolution # 304-21

Moved By Councillor Yamada

Seconded By Councillor Mulcahy

1. That Report PL 71-21 be endorsed as the Town's comments on the Region of Durham's Land Needs Assessment Technical Reports (Region of Durham File: D12-01) save and except that CNR-06, as identified in the Employment Strategy Technical Report by Watson and Associates and Urban Strategies Inc., be recommended for land conversion;
2. That the Town of Whitby recommends that the overall housing mix for new development in Durham Region be based on the projections developed by Hemson Consulting as the basis of the growth plan projections to 2051; and,
3. That the Clerk forward a copy of Report PL 71-21 to the Durham Region Planning and Economic Development Department and the Durham area municipalities.

Carried 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		
	5	4	0

- 6.2** Planning and Development Department Report, PL 68-21
Re: Draft Plan of Condominium Application – Manorgate Homes (Whitby) Inc. (Block 1, Plan 40M-2695 and Block 110 and 111, Plan 40M-2653) 1010 Dundas Street West, File Number: CW-2021-04

Resolution # 305-21

Moved By Councillor Yamada
Seconded By Councillor Mulcahy

1. That Council approve the application for a Draft Plan of Condominium (CW-2021-04), subject to the comments included in Planning Report PL 68-21 and the conditions of draft plan approval included in Attachment # 4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement for the subject land; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development, at the Region of Durham, of Council's decision.

Carried

- 6.3** Planning and Development Department Report, PL 69-21
Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, Winash Developments Limited, 5380, 5505 and 5605 Baldwin Street South and Other Unaddressed Baldwin Street South Properties, File Numbers: DEV-12-20 (SW-2020-05, Z-10-20)

Resolution # 306-21

Moved By Councillor Yamada
Seconded By Councillor Mulcahy

1. That Council approve the Draft Plan of Subdivision (File Number: SW-2020-05), subject to the comments included in Planning Report PL 69-21 and the conditions of draft plan approval included in Attachment # 10;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Region of Durham Commissioner of Planning and Economic Development be advised of Council's decision;
4. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision;
5. That Council approve an amendment to Zoning By-law # 1784, (File Number: Z-10-20) as outlined in Planning Report PL 69-21; and,
6. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

Carried

- 6.4** Planning and Development Department Report, PL 70-21
Re: Site Plan Application, Rogers Communications Inc., 3500 Brock Street North, File Number: DEV-35-19 (SP-21-19)

Resolution # 307-21

Moved By Councillor Yamada
Seconded By Councillor Mulcahy

1. That Council approve the Site Plan for a Rogers telecommunication tower at 3500 Brock Street North (Application SP-21-19), subject to the conditions of approval set out in Attachment #10 of Planning Report PL 70-21; and,
2. That the proponent and property owner enter into a Letter of Undertaking with the Town.

Carried

- 6.5** Planning and Development Department Report, PL 73-21
Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, 7150 Thickson Road North, 7150 Thickson Developments Limited, File Numbers: DEV-11-20 (SW-2020-04 and Z-09-20)

Resolution # 308-21

Moved By Councillor Yamada
Seconded By Councillor Mulcahy

1. That Council approve the Draft Plan of Subdivision (File Number: SW-2020-04) subject to the comments included in Planning Report PL 73-21 and the Conditions of Draft Approval included in Attachment # 10;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Region of Durham Commissioner of Planning and Development be advised of Council's decision;
4. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision;
5. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision;
6. That Council approve an amendment to Zoning By-law 1784 (File Number: Z-09-20), as outlined in Planning Report PL 73-21; and,
7. That a by-law to amend Zoning By-law 1784 be brought forward for consideration by Council.

Carried

6.6 Planning and Development Department, PL 74-21
Re: Whitby Mature Neighbourhoods Study Update - Interim Control By-laws # 7699-20 and # 7700-20

A discussion ensued between Members of Council regarding:

- the importance of providing affordable housing options and how denying infill intensification is harming that effort;
- escalating costs for Ontario Land Tribunal appeals associated with challenging intensified development applications;
- delaying quality development projects as a result of the Interim Control By-laws;
- continuing to study opportunities to enhance mature neighbourhoods while balancing intensification proposals; and,
- preserving the purpose and intent of the Interim Control By-laws by extending them in order to provide time to complete the mature neighbourhoods study.

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

- the small number of applications that have been delayed by the Interim Control By-laws;
- the consultant's report about the mature neighbourhoods study being expected in February 2022;

- confirmation that the Town's current planning policies will govern development applications until such time as new policies are enacted should the Interim Control By-laws not be extended;
- best case timing for the implementation of new planning policies being towards the summer of 2022 and that timing could be significantly delayed should appeals be filed with the Ontario Land Tribunal; and,
- confirmation that should Council adopt the recommendations of the mature neighbourhoods study that staff will consider those recommendations as direction when interpreting future applications.

Moved By Councillor Newman

That the main motion be amended by adding the following as Item 3.

3. That Interim Control By-laws # 7699-20 and # 7700-20 be amended to be in effect for a period of one year and six months until June 6, 2022, and that Council consider amendment by-laws to implement this change under the by-laws portion of the agenda.

Note: This motion was not seconded and as such, it was not considered by Council.

Moved By Councillor Roy

Seconded By Councillor Mulcahy

That the main motion be amended by adding the following as Item 3.

3. That Interim Control By-laws # 7699-20 and # 7700-20 not be extended beyond the December 7, 2021 expiry date.

Carried 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		
	5	4	0

Moved By Councillor Newman
Seconded By Councillor Leahy

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

Carried

Resolution # 309-21

Moved By Councillor Yamada
Seconded By Councillor Mulcahy

1. That the "Whitby Mature Neighbourhoods Options Report" (September 2021)" be received for information; and,
2. That Staff be directed to proceed with Phase 3 of the Mature Neighbourhoods Study to provide Council with recommendations on the options to amend the relevant planning regulations and guidelines through the Planning and Design Recommendations Report.

Carried

Resolution # 310-21

Moved By Councillor Roy
Seconded By Councillor Mulcahy

3. That Interim Control By-laws # 7699-20 and # 7700-20 not be extended beyond the December 7, 2021 expiry date.

Carried 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		
	5	4	0

7. Committee of the Whole Report
General Government - November 15 and 22, 2021

7.1 Office of the Chief Administrative Officer Report, CAO 27-21
Re: Memorandum of Understanding between the Town of Whitby and
the Canadian Musicians Co-operative

Resolution # 311-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Report CAO 27-21 be received for information;
2. That the Town enter into a one year Memorandum of Understanding with the Ontario Musician's Co-Operative Inc. (operating as the Canadian Musicians Co-operative) effective January 1, 2022 to January 1, 2023; and,
3. That Council provide an exemption to the Public Nuisance By-law # 6714-13 for the duration of the Memorandum of Understanding with respect to the ability for Canadian Musicians Co-operative Performers to be able to receive a voluntary gratuity as part of the program.

Carried

7.2 Community Services Department, Legal and Enforcement Services, and
Financial Services Department Joint Report, CMS 18-21
Re: Okanagan Hockey Group Lease Agreement

Resolution # 312-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Council approve the Lease Renewal Agreement between the Town of Whitby and the Okanagan Hockey Group for the meeting space in the upper mezzanine of Iroquois Park Sports

Centre and the addition of the exclusive use of Suite A on Pad 1 from August 2021 to July 31, 2024, (the "Lease Agreement"); and,

2. That the Mayor and Clerk be authorized to execute the Lease Agreement and Sign any other related and necessary documents to the Lease Agreement.

Carried

- 7.3** Office of the Town Clerk Report, CLK 11-21
Re: Electronic Participation at Committee and Council Meetings by Members of the Public

Resolution # 313-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Staff Report CLK 11-21 be received for information; and,
2. That the Clerk be directed to bring forward the draft by-law appended to this Staff Report as Attachment 1 to amend Procedure By-law # 7462-18 in order to permit ongoing electronic participation at Committee and Council meetings by Members of the Public.

Carried

- 7.4** Request for Provincial Legislation Related To Excessive Vehicle Noise

Resolution # 314-21

Moved By Councillor Roy
Seconded By Councillor Drumm

Whereas according to section 75 of the Highway Traffic Act (HTA), every motor vehicle shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, and no person shall use a muffler cut-out, straight exhaust, gutted muffler, Hollywood muffler, by-pass or similar device upon a motor vehicle; and,

Whereas the act of modifying the exhaust system of a motor vehicle is not currently an offence under the HTA, and as a result muffler and

auto-body shops continue to provide such services to individuals who choose to modify their vehicles which could negatively impact the safety of the vehicle; and,

Whereas Durham Regional Police Service has been actively laying charges pursuant to section 75 of the HTA against motor vehicle operators whose vehicles make excessive or unusual noise or produce excessive smoke from muffler systems that have been modified; and,

Whereas Council continues to receive negative feedback about an increase in noise due to modified vehicles on Regional and local roads; and,

Whereas on October 28, 2019, the Province of Ontario introduced Bill 132, Better for People, Smarter for Business Act, 2019 which in part sought to amend the HTA to include a new section 75.1 that will make it an offence to tamper with motor vehicles by (a) removing, bypassing, defeating or rendering inoperative all or part of a motor vehicle's emission control system or (b) modifying a motor or motor vehicle in any way that results in increased emissions from the level to which it was originally designed or certified by the manufacturer of the motor or motor vehicle, as well as prohibit the sale of tampering devices that can create excessive noise or smoke on our streets and in our neighbourhoods; and,

Whereas Bill 132 received Royal Assent on December 10, 2019, however, the Lieutenant Governor has not yet proclaimed section 75.1 of the HTA; and,

Whereas the City of Mississauga, Region of Peel, City of Oshawa and Town of Ajax have already passed motions calling on the Province of Ontario to immediately proclaim and bring into force section 75.1 of the HTA.

Now therefore be it resolved that:

1. That Council urge the Province of Ontario to work with the Lieutenant Governor to expedite the proclamation of section 75.1 of the Highway Traffic Act (Better for People, Smarter for Business Act, 2019, S.O. 2019, c. 14, Sched. 16, s. 11);
2. That the Ministry of Transportation be requested to set a maximum decibel count for exhaust systems to ensure that exhaust systems with the capability of exceeding 80 decibels will not be available for sale and will not be permitted in the Province

- of Ontario, and consider reviewing and increasing associated penalties for noncompliance;
3. The Province of Ontario be requested to provide funding for police services in Ontario to be equipped with approved decibel monitor devices to aid in effective enforcement efforts; and,
 4. That a copy of this motion be sent to the Hon. Caroline Mulroney, Minister of Transportation, Lorne Coe, MPP Whitby, all Durham Region Members of Provincial Parliament, the Region of Durham, all Durham Region municipalities, Durham Regional Police Service, and the Ontario Provincial Police.

Carried

7.5 Automated Speed Cameras on Town Roads

Resolution # 315-21

Moved By Councillor Roy
Seconded By Councillor Drumm

Whereas Automated Speed Enforcement (ASE) is an automated system that uses cameras and speed measurement devices to help improve safety, enforce speed limits and reduce collisions; and,

Whereas on December 2, 2019, the Province of Ontario passed regulations to allow municipalities to operate an ASE program; and,

Whereas the Region of Durham currently operates an ASE program on Regional Roads in designated School Safety Zones and Community Safety Zones within the Town of Whitby in support of Durham Vision Zero; and,

Whereas Council has a stated goal of making streets and neighbourhoods safer through innovative and best-practice design standards and traffic calming measures that reduce traffic speeds.

Now therefore be it resolved:

That staff report to Council on the feasibility and cost of adopting an Automated Speed Enforcement program on Town Roads in School Safety Zones and Community Safety Zones.

Carried

- 7.6** Correspondence # 2021-950 received by C. Harris, Town Clerk, from A. Redick and J. Barton on October 14, 2021 regarding a request for an exemption to Fence By-law # 4394-99 at 37 Headlands Crescent

Resolution # 316-21

Moved By Councillor Roy

Seconded By Councillor Drumm

1. That the Memorandum from A. Gratton, Manager of Enforcement Services, dated October 29, 2021 regarding a request for an exemption to Fence By-law # 4394-99 at 37 Headlands Crescent be received for information; and,
2. That the Commissioner of Legal and Enforcement Services be delegated the authority to approve the Fence By-law exemption request subject to no objections being received from the adjacent property owners.

Carried

- 7.7** Memorandum from K. Evans, Staff Liaison, Whitby Diversity and Inclusion Advisory Committee (DIAC), dated November 4, 2021 regarding 2022 Dates of Significance for Proclamations.

Resolution # 317-21

Moved By Councillor Roy

Seconded By Councillor Drumm

That the proclamations for 2022 as outlined in the Memorandum from K. Evans, Staff Liaison, Whitby Diversity and Inclusion Advisory Committee (DIAC), dated November 4, 2021, be endorsed.

Carried

- 7.8** Memorandum from C. Harris, Town Clerk, dated November 8, 2021 on behalf of the Accessibility Advisory Committee regarding Corporate Statement of Commitment regarding Accessibility

Resolution # 318-21

Moved By Councillor Roy

Seconded By Councillor Drumm

1. That the Memorandum from C. Harris, Town Clerk dated November 8, 2021 on behalf of the Accessibility Advisory Committee regarding the Corporate Statement of Commitment regarding Accessibility be received for information; and,
2. That in accordance with subsection 3.(2) of Ontario Regulation 191/11 and the Accessibility for Ontarians with Disabilities Act, 2005, the Town's statement of organizational commitment related to meeting the accessibility needs of persons with disabilities be revised to read as follows:

The Town of Whitby is committed to:

- a. Ensuring that decisions, actions and planning for the community apply the principles of dignity, equal opportunity, independence and integration;
- b. Identifying, removing and preventing barriers to our programs, services and facilities; and,
- c. Providing an inclusive community in which employees, residents and visitors have equitable access for all ages, abilities and circumstances.

The Town strives to deliver an inclusive and welcoming environment for all community members and visitors; and,

3. That the Clerk be delegated the authority to revise Town policies and procedures which reference the statement of organizational commitment.

Carried

7.9 Community Services Department Report, CMS 19-21
Re: Unnamed West Whitby Park – Park Name Survey Results

Having previously declared a conflict of interest, Councillor Newman did not take part in the discussion or voting specifically related to the naming of the District Park.

Resolution # 319-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Community Services Department Report CMS 19-21 be received as information;
2. That the Unnamed West Whitby Park be named the Des Newman Whit-BEE District Park in response to suggestions from the 520 participants who completed the community engagement survey on a park name;
3. That staff be directed to review the Municipal Property and Facility Naming Policy (MS 250) and report back with any recommended revisions to update the policy; and,
4. That MD 5672 and MD 5899 be removed from the General Government New and Unfinished Business Listing.

Carried

- 7.10** Community Services Department Report, CMS 21-21
Re: Whitby Sports Complex - Temporary Capital Projects Supervisor

Resolution # 320-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Community Services Department Report CMS 21-21 be received as information; and,
2. That one (1) temporary Capital Projects Supervisor (Asset Management) be hired, on a three (3) year contract at a cost of \$435,000, funded from the Whitby Sports Complex (WSC) construction capital project, capital project #71201033.

Carried

- 7.11** Public Works (Engineering) Department Report, PW 33-21
Re: Signalization of Regional Intersections and HEPC Trail Crossings

Resolution # 321-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Council approve the following temporary signalization and permanent traffic signal projects to be included in the 2022 budget and 10-year capital forecast, considering the Region's

requirements for unwarranted traffic control signals, funded by the Growth Reserve Fund:

- a. Baldwin Street at Canary Street in the amount of \$200,000 in 2022 (temporary signal) and \$175,000 in 2025 (permanent signal);
 - b. Thickson Road at Glengowan Street in the amount of \$200,000 in 2022 (temporary) and \$175,000 between 2026 and 2030 (permanent); and,
 - c. Rossland Road at Overlord Street/Doulton Gate or the Hydro Electric Power Corridor (HEPC) in the amount of \$175,000 in 2022 (permanent).
2. That Council approve a pedestrian crossing, considering the Region's requirements for unwarranted traffic control signals funded by the Growth Reserve Fund for Manning Road in the vicinity of the Hydro Electric Power Corridor (HEPC) Trail for \$205,500 in 2022;
 3. That the on-going operating and maintenance costs related to the temporary signals that do not meet the warrant threshold, in the annual amount of \$32,000 be included in the 2022 operating budget as a program change;
 4. That Council approve a pedestrian crossing, funded by the Development Charges Roads & Related – Town-wide Reserve Fund for Dryden Boulevard at the HEPC Trail for \$275,000 in 2022; and,
 5. That Council direct staff to develop a process to consider additional intersections of concern on an annual basis, to be considered through the annual Business Plan and Budget Process.

Carried

7.12 Public Works (Operations) Department Report, PW 35-21
Re: Proposed New Waste Collection By-law

Resolution # 322-21

Moved By Councillor Roy

Seconded By Councillor Drumm

1. That report PW 35-21 OPS be received for information;
2. That Council direct the Clerk to bring forward a by-law to repeal and replace By-law # 5795-06 being the Solid Waste Management By-law, substantially in the form of the draft Waste Collection By-law appended as Attachment # 1 to this report; and,

3. That Staff report to Council on townhouses, multi-residential and other properties that are not currently serviced for waste collection by the Town of Whitby and report on the feasibility and cost implications of including these properties in the Town's waste collection service to ensure that there are no gaps with respect to the implementation of upcoming extended producer responsibility legislation from the Province of Ontario.

Carried

- 7.13** Public Works (Engineering) Department Report, PW 36-21
Re: Update Traffic By-law 1862-85, Stop Control

Resolution # 323-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Council approve the proposed amendment to Traffic By-law 1862-85, to incorporate changes to Schedule "N" of the By-law, as identified in Attachment # 3; and,
2. That a by-law to amend By-law # 1862-85 be brought forward for the consideration of Council.

Carried

- 7.14** Legal and Enforcement Services Department Report, LS 18-21
Re: Proposed Unauthorized Area Parking By-law

Resolution # 324-21

Moved By Councillor Roy
Seconded By Councillor Drumm

That the draft Unauthorized Area Parking By-law, appended to this Report as Attachment 1, be brought forward for Council consideration.

Carried

- 7.15** Legal and Enforcement Services Department Report, LS 19-21
Re: Proposed Amendments to the Public Nuisance By-law # 6714-13 to Regulate the Nuisance Feeding of Wildlife

Resolution # 325-21

Moved By Councillor Roy
Seconded By Councillor Drumm

That the Clerk be directed to bring forward a by-law to amend the Public Nuisance By-law to include provisions to regulate the nuisance feeding of wildlife as identified in Section 4 of Report LS 19-21.

Carried

- 7.16** Office of the Chief Administrative Officer Report, CAO 29-21
Re: Economic Recovery Plan – 2021 Update

Resolution # 326-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Report CAO 29-21 be received as information; and,
2. That the Clerk forward a copy of Staff Report CAO 29-21 to the Region of Durham's Planning and Economic Development Department, the Whitby Chamber of Commerce, 1855 Whitby, and the Downtown Whitby Business Improvement Area.

Carried

- 7.17** Office of the Chief Administrative Officer Report, CAO 30-21
Re: 2022 to 2026 Economic Development Strategy

Resolution # 327-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Report CAO 30-21 be received for information; and,
2. That the 2022 to 2026 Economic Development Strategy be endorsed by Council.

Carried

- 7.18** Office of the Chief Administrative Officer Report, CAO 31-21
Re: CUPE 53 Whitby Naming Rights Sponsorship of Arena 5 at Iroquois Park Sports Centre

Resolution # 328-21

Moved By Councillor Roy
Seconded By Councillor Drumm

That Council approve entering into a one (1) year sponsorship agreement effective January 1, 2022 with CUPE 53 Whitby for a Naming Rights Sponsorship at Iroquois Park Sports Centre (IPSC), including renaming Arena 5 to “CUPE 53 Whitby Arena 5”, based on the sponsorship package and other terms and conditions identified in Report CAO 31-21.

Carried

- 7.19** Office of the Chief Administrative Officer, Organizational Effectiveness Department, and Technology and Innovation Services Department Joint Report, CAO 32-21
Re: Corporate Information and Digital Strategic Plan (CITDSP)

Resolution # 329-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Council receive CAO 32-21 Corporate Information and Digital Strategic Plan (CITDSP) for information;
2. That Council endorse the Corporate Information Technology and Digital Strategic Plan (CITDSP);
3. That, notwithstanding the Purchasing Policy, to achieve the timely transformation of digital services through the redesign of business processes and the consolidation and standardization of the technology platform, the CAO and Commissioner of Finance be authorized to enter into ancillary agreements to expedite the completion of the CITDSP initiatives for the purchase of goods, services, and solutions that normally would require Council approval to award, as long as these initiatives are within the approved budget; and,
4. That technology standardization and strategic external partnerships be reported annually to Council.

Carried

- 7.20** Financial Services Department Report, FS 49-21
Re: 2021 Year End Projection as at June 30, 2021

Resolution # 330-21

Moved By Councillor Roy
Seconded By Councillor Drumm

That report FS 49-21 regarding the 2021 Year End Projection as at June 30th be received as information.

Carried

- 7.21** Hedge Height Restrictions in the Property Standards By-law

Resolution # 331-21

Moved By Councillor Roy
Seconded By Councillor Drumm

That Staff review the provisions regulating hedges in the Property Standards By-law and report to Council by the end of Q1 2022 including considering the merit of amendments to eliminate hedge height maximums, except in instances where there are sightline concerns.

Carried

- 7.22** Vermin and Pest Control in the Property Standards By-law

Resolution # 332-21

Moved By Councillor Roy
Seconded By Councillor Drumm

That Staff review the provisions regulating the control of pests and vermin on properties in the Property Standards By-law and report to Council by the end of Q1 2022 with suggested amendments that incorporate best practices of Durham area municipalities for management of pests and vermin.

Carried

7.23 Participatory Budgeting

Resolution # 333-21

Moved By Councillor Roy
Seconded By Councillor Drumm

Whereas participatory budgeting is a method of democratic decision-making whereby participants engage in deliberation regarding how public resources ought to be allocated and distributed; and

Whereas participatory budgeting has been viewed as a progressive urban practice that engages citizens and fosters democracy, equity and community; and

Whereas the City of Toronto conducted a participatory budgeting pilot from 2015-2017 and found most that residents and City staff felt that the participatory budget process was a good way to hear about local priorities and make decisions about certain types of projects; and

Whereas Canadian cities are developing approaches through the use of participatory budgeting that can influence other government bodies, shift the discourse on public spending, and build solidarity within and between cities.

Now therefore be it resolved:

That the Town of Whitby staff report back on a participatory budget pilot project in 2022 to be implemented in the 2023 budget process.

Carried

7.24 Virtual Participation by Members of Council in Council and Committee Meetings in Case of Illness

Resolution # 334-21

Moved By Councillor Roy
Seconded By Councillor Drumm

That the Clerk be directed to bring forward a by-law to amend the Procedure By-law to allow Members of Council to participate virtually in Council and Committee of the Whole meetings on a permanent basis if they are unwell in consideration of public health best practices or are physically unable to attend in-person due to injury or other health consideration.

Carried

8. Notice of Motion

There were no notices of motion.

9. New and Unfinished Business

9.1 Office of the Chief Administrative Officer Report, CAO 26-21
Re: Downtown Whitby Community Improvement Plan Grant Program
Uptake and Recommended Amendments

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

- the ability to use surplus funds to enhance the Community Improvement Plan Grant Program;
- challenges associated with allocating additional funds to the Community Improvement Plan Grant Program in consideration of the 2022 budget target set by Council;
- promoting residential development in Downtown Whitby and the importance of pedestrian traffic to encourage business growth; and,
- confirmation that Council has the option to add funds to existing Grant Programs at any time.

Resolution # 335-21

Moved By Councillor Mulcahy

Seconded By Councillor Leahy

1. That Report CAO 26-21, be received as information;
2. That the remaining balance of the Downtown Whitby CIP - Façade Improvement Grant, in the amount of \$113,838 be transferred to a new capital project for the same purpose, (capital project 55227405 - Downtown Whitby Maintenance and Improvement Grant Programs);
3. That Council approve the recommended amendments to deactivate the following programs of the Downtown Whitby

- Community Improvement Plan (CIP) – Development Charge Full Exemption for Retail Commercial and Office Expansion Development; Development Charge Partial Exemption for New Office Development; and Cash-in-Lieu of Parking Program and transfer the remaining funds of \$98,010 to the Development Charge Partial Exemption for High-Density Residential and Residential Mixed-Use Development;
4. That Council continue offering the Development Charge Partial Exemption for High Density Residential and Residential Mixed Use Development; Tax Increment Equivalent Grant Program; and Maintenance and Improvement Grant Programs (Façade Improvement Grant Program; Interior Heritage Building Grant Program; Sign Grant Program; and Design Grant Program) of the Downtown Whitby Community Improvement Plan;
 5. That the existing annual Façade Grant Reserve contribution of \$75,000 be re-allocated - \$45,000 to the Downtown Whitby Maintenance and Improvement Grant Programs (capital project 55227405) and \$30,000 to the Downtown Brooklin Community Improvement Plan (capital project 55217402) starting in the 2022 budget; and
 6. That Council back-date and extend the Downtown Whitby Community Improvement Plan (CIP) By-law to March 1, 2021 and extend it for another four (4) years, as outlined in Attachment #2.

Carried

9.2 Office of the Chief Administrative Officer, Organizational Effectiveness Division, and Human Resource Division Joint Report, CAO 28-21
Re: Organizational Culture at the Town of Whitby

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

- how the Town assesses and measures if the actions being taken with respect to organizational culture are working;
- metrics that may be used to indirectly measure culture including attendance and sick time utilization, benefit claims, and grievances;
- the challenges associated with effectively measuring culture and the importance of working on organizational culture on an ongoing basis;
- developing and launching an employee attitude survey in 2023 or 2024;
- using the employee attitude survey as a benchmark document to measure the effectiveness of organizational culture initiatives which have largely be implemented over the past few years; and,

- details about the cost and process to setup and then analyze a comprehensive workplace assessment, noting that a significant portion of the process involves preparing for the assessment, communicating results, and implementing recommendations.

Resolution # 336-21

Moved By Councillor Yamada

Seconded By Councillor Newman

That report CAO-28-21 Organizational Culture at the Town of Whitby be received for information.

Carried

10. By-Laws

That the following by-laws be passed:

- 10.1** By-law # 7809-21, being a by-law to acquire ownership of lands described as part of Part Lot 26, Concession 5, Part 1 on Plan 40R-11537, being a portion of PIN 26569-0006 (LT), Whitby ("the Lands") from NF ASHBURN BROOK LTD.

Refer to CMS 20-21, Whitby Sports Complex – Adjacent Land Acquisition Costs and Next Steps

- 10.2** By-law # 7810-21, being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2013-02) as not being subject of Part Lot Control.

- 10.3** By-law # 7811-21, being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2011-01) as not being subject of Part Lot Control.

- 10.4** By-law # 7812-21, being a by-law to regulate waste collection in the Town of Whitby.

Refer to PW 35-21, Proposed New Waste Collection By-Law

- 10.5** By-law # 7813-21, being a by-law to amend the Fees and Charges By-law # 7220-17, as amended.

Refer to FS 55-21, 2022 Business Planning and Budget Target Report

- 10.6** By-law # 7814-21, being a by-law to amend Procedure By-law # 7462-18 to permit members of the public to participate electronically at Council and Committee meetings.

Refer to CLK 11-21, Electronic Participation at Committee and Council Meetings by Members of the Public

- 10.7** By-law # 7815-21, being a by-law to amend By-law #2585, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PL 50-21, Green Life Retirement, 106, 118 & 126 Mary St. E., Zoning By-law Amendment Application, File No. DEV03-21 (Z-03-21)

- 10.8** By-law # 7816-21, 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 PW 36-21, Update Traffic By-law 1862-85, Stop Control

- 10.9** By-law # 7817-21, being a by-law to prohibit Front, Side, and Rear Yard Parking on Private Residential Property within the Town of Whitby.

Refer to LS 18-21, Proposed Unauthorized Area Parking By-law

- 10.10** By-law # 7818-21, being a by-law to amend the Public Nuisance By-law # 6714-13.

Refer to LS 19-21, Proposed amendments to the Public Nuisance By-law # 6714-13 to regulate the nuisance feeding of wildlife

Resolution # 337-21

Moved By Councillor Newman
Seconded By Councillor Leahy

That leave be granted to introduce By-laws # 7809-21 to # 7818-21 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

11. Confirmatory By-Law

11.1 Confirmatory By-law

Resolution # 338-21

Moved By Councillor Mulcahy
Seconded by Councillor Shahid

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 29, 2021 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

12. Adjournment

12.1 Motion to Adjourn

Moved By Councillor Lee
Seconded By Councillor Yamada

That the meeting adjourn.

Carried

The meeting adjourned at 10:13 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor