

Present: Mayor Mitchell
Councillor Alexander
Councillor Leahy
Councillor Lee
Councillor Mulcahy
Councillor Newman
Councillor Roy
Councillor Shahid
Councillor Yamada

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

Regrets: None noted

Call to Order

Call of the Roll: The Clerk

Declarations of Pecuniary Interest

Mayor Mitchell declared a pecuniary interest under the Municipal Conflict of Interest Act regarding Item 4.2, Office of the Chief Administrative Officer Report, CAO 31-19, Hospital Task Force Update, as the lands under discussion in relation to the matter about or sit upon a

portion of 5455 Ashburn Road, a property that is owned by Mayor Mitchell and his family. Mayor Mitchell left the meeting during the discussion and voting of this matter.

General Government

Councillor Yamada assumed the Chair.

1. Presentations

1.1 Sara Udow and Nadia Galati, PROCESS

Re: Community Services Department and Office of the Chief Administrative Officer Joint Report, CMS 28-19

Culture Plan: Phase One - Background Report and Engagement Summary; and Phase Two - Draft Vision and Guiding Principles

Sara Udow and Nadia Galati, PROCESS, appeared before the Committee and provided a PowerPoint presentation regarding the Culture Plan. Highlights of the presentation included:

- details related to PROCESS' background and its purpose to assist in defining culture in the Town of Whitby;
- the personal, social, and economic benefits of culture;
- the cultural resources framework including tangible and intangible cultural assets such as cultural enterprises, community cultural organizations, cultural spaces and facilities, natural and cultural heritage, and festivals and events;
- detailed information on the three phases of the Culture Plan including getting to know the culture plan, goal setting, and launching the Culture Plan;
- cultural trends, case studies, and site specific examples which included integrated culture, cultural granting/investment programs and partnerships, and utilizing existing/underutilized public spaces for creative place making;
- cultural trends in local economy such as rural cultural economy, cultural tourism, and partnerships with post secondary institutions and the private sector;
- the consideration of trends and responses to demographic changes, climate change, housing affordability, and smart cities and digital technology;
- Whitby's current cultural resources inventory;
- the vision and guiding principles for culture in Whitby including being diverse and inclusive, accessible and equitable, sustainable and resilient, flexible and open, and collaborative; and,

- next steps including strategy development, pilot project planning, and launching the Culture Plan.

A question and answer period ensued between Members of Council, Ms. Udow and Ms. Galati regarding:

- the private sector driving the bricks and mortar as opposed to being funded and operated by the Town;
- the challenges associated with the Town's close proximity to Toronto;
- mobilizing support to strengthen local arts within the Town;
- how Whitby could engage the private sector to enhance and expand activities and attractions in Whitby's downtowns;
- details related to advisory groups to Council in other municipalities, staff cultural committees, and whether engagement of private partnerships through staff committees would allow for more flexibility and openness;
- how other municipalities attract private/public investment into arts and culture; and,
- how cultural diversity fits into the guiding principles.

It was the consensus of the Committee to hear Item 4.3 CMS 28-19, at this time.

2. Delegations

2.1 Matthew Wilson

Re: Legal and Enforcement Services Department Report, LS 19-19
Regulating Short-Term Rental Accommodations

Matthew Wilson, 79 Kennett Drive, appeared before the Committee and advised that he was in support of the staff recommendation, and requested that a specific timeline be set for the staff report back to Council. He noted that the staff report was starting the process to deal with the issue, and advised that the decision from the Local Planning Appeal Tribunal to uphold the City of Toronto's by-laws had been made. Mr. Wilson commented on the importance of having a deadline for staff to have a goal to work with, and suggested that the report be brought back in the spring of 2020. Mr. Wilson advised that he lives in an area where a short term rental exists in close proximity to his property, that the home was advertised as a five-bedroom house with a pool, and that it could accommodate 16 people. He raised various concerns regarding the associated noise, parking issues, pool parties, and fireworks. Mr. Wilson further advised that in June 2019 an unknown person entered his home presuming the residence was the Airbnb. He stated that this particular situation exemplifies the consequences of a transient

neighbourhood or a frat house style of living.

A brief question and answer period ensued between Members of Council and Mr. Wilson regarding whether his preference was not to have whole home rentals in areas zoned residential.

It was the consensus of the Committee to hear Item 4.5, LS 19-19, at this time.

2.2 Virender Lohchab representing the Whitby Tennis Club
Re: Community Services Department, CMS 29-19
Community Services Department - 2020 Programs and Services Fees

Virender Lohchab, representing the Whitby Tennis Club, appeared before the Committee and stated that he was the President of the Whitby Tennis Club. He raised concerns regarding the increase of tennis court permit fees over the past two years, and the impact the increases have had on the club's membership. He advised that the Whitby Tennis club has been operating in Whitby for 90 years, that it was one of the oldest clubs in Ontario, and that it was a not-for-profit organization. Mr. Lohchab stated that the club caters to all age groups ranging from junior to seniors and that the majority of its members were seniors ranging in age from 55 to 75. He further stated that he was seeking fairness in fees comparable to tennis clubs in other municipalities as well as other sports. He commented on residents choosing to play in Whitby to stay active and healthy, noting that their earnings and taxes were similar to those of other lake shore municipalities. He advised that tennis players in Whitby pay triple the membership fees of Pickering and double the membership fees of Ajax. He advised that the Club has numerous volunteer positions to assist in minimizing the cost to players. Mr. Lohchab noted the differences in the court fees and number of players in Pickering and Ajax in comparison to Whitby. He commented on the declining membership of the Whitby Tennis Club due to members moving to other clubs where it was less expensive, noting that the cost to play places a lot of pressure on families. He stated that he would like to see growth in the membership of the Whitby Tennis Club, and requested that there not be an increase in tennis court permit fees.

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

- the level of service and maintenance of the tennis courts;
- whether the proposed increase would have a negative impact on the Whitby Tennis Club, and whether a lower annual fee would assist the Club;
- whether a two to four percent increase would be acceptable;

- clarification on whether tennis was a seasonal sport;
- whether fundraising opportunities or grants have been explored to offset expenses; and,
- the rationale for the increase in the membership fee based on the proposed increase in court fees.

It was the consensus of the Committee to hear Item 4.4, CMS 29-19, at this time.

3. Correspondence

3.1 There was no correspondence.

4. Staff Reports

4.1 Office of the Town Clerk Report, CLK 12-19
Re: Contribution Rebate Program Review

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

- clarification on the time frame for a contribution to be made and qualify for a contribution rebate, and other municipalities that have extended the contribution timeline;
- whether the Municipal Elections Act permits the extension for contributions qualifying for rebates;
- requesting the Province to amend the date for raising funds not to exceed December 31 of the election year should the recommendation not be approved;
- whether contributions from those residing outside of Whitby would be eligible for a contribution rebate;
- the source of funding for the Contribution Rebate Program, and the financial strain that extending the rebate program to Ontario residents would have on the tax base; and,
- staff time required to process and manage the Contribution Rebate Program as well as the number of staff dedicated to elections.

Recommendation:

Moved By Councillor Leahy

1. That Option 2 contained within Staff Report CLK 12-19 be approved to amend the Town's Contribution Rebate Program;
2. That the Clerk be directed to bring forward an amendment to the Contribution Rebate By-law to give effect to the

- recommendations contained in this report; and,
3. That Item MD 4919 be removed from the General Government New and Unfinished Business List.

Carried later in the meeting [See following motions]

Recommendation:

Moved By Councillor Leahy

That the main motion be amended by including Item 4, as follows:

4. That the deadline for a contribution to be made and qualify for a contribution rebate align with the conclusion of the candidate's campaign period, including any supplementary period if applicable.

Carried

Recommendation:

Moved By Councillor Newman

That the main motion be amended by including Item 5 as follows:

5. That Staff report back to Council on the merit of extending the municipal election candidate contribution rebate program in Whitby to Ontario residents rather than just Whitby residents and report back to Council.

Motion Lost

The main motion, as amended, was then carried as follows:

Recommendation:

Moved By Councillor Mulcahy

1. That Option 2 contained within Staff Report CLK 12-19 be approved to amend the Town's Contribution Rebate Program;
2. That the Clerk be directed to bring forward an amendment to the Contribution Rebate By-law to give effect to the recommendations contained in this report;
3. That Item MD 4919 be removed from the General Government New and Unfinished Business List; and,
4. That the deadline for a contribution to be made and qualify for a

contribution rebate align with the conclusion of the candidate's campaign period, including any supplementary period if applicable.

Carried

It was the consensus of the Committee to hear Item 4.6, PW 32-19, at this time.

4.2 Office of the Chief Administrative Officer Report, CAO 31-19
Re: Hospital Task Force Update

Having previously declared a conflict of interest, Mayor Mitchell left the meeting and did not take part in the discussion or vote on the matter.

A brief question and answer period ensued between Members of Council regarding clarification on further funding if needed.

Recommendation:

Moved By Councillor Leahy

1. That Report CAO 31-19 regarding an update from the Hospital Task Force be received;
2. That funding for the 2020 Hospital Task Force initiative be referred to the 2020 Capital Budget as a decision item; and,
3. That the Town Clerk forward a copy of Report CAO 15-19 to the Premier of Ontario, all Durham Region MPP's, the Minister of Health and Long Term Care, the Regional Chair and the CEO of Lakeridge Health.

Carried

Recommendation:

Moved By Councillor Newman

That Item 2 of the main motion be amended by including the word 'initial' prior the word 'funding'.

Carried

The main motion, as amended was then carried as follows:

Recommendation:

Moved By Councillor Newman

1. That Report CAO 31-19 regarding an update from the Hospital Task Force be received;
2. That initial funding for the 2020 Hospital Task Force initiative be referred to the 2020 Capital Budget as a decision item; and,
3. That the Town Clerk forward a copy of Report CAO 15-19 to the Premier of Ontario, all Durham Region MPP's, the Minister of Health and Long Term Care, the Regional Chair and the CEO of Lakeridge Health.

Carried

It was the consensus of the Committee to consider adjournment at this time.

4.3 Community Services Department and Office of the Chief Administrative Officer Joint Report, CMS 28-19

Re: Culture Plan: Phase One - Background Report and Engagement Summary; and Phase Two - Draft Vision and Guiding Principles

Ms. Udow and Ms. Galati, PROCESS, appeared before the Committee to answer questions regarding:

- the importance of the vision statement providing a specific goal to bring diverse elements into the Culture Plan from a cultural perspective, and the opportunity to define and distinguish the Town within the world,
- a review of the proposed vision and guiding principles by advisory committees; and,
- the refinement and integration of the Committee's feedback into the development of the vision and guiding principles for the Culture Plan as well as the Committee's review of the revised vision statement.

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

- the opportunity for the implementation of a cultural advisory committee;
- presenting the refined vision statement in advance of the development of the Culture Plan;
- the objective of the Culture Plan not to be a forum for discussing and planning for cultural ethnic diversity or sport;
- clarification how celebrating Whitby's diversity and history would

take place through the Culture Plan.

Recommendation:

Moved By Councillor Newman

1. That Council receive Report CMS 28-19 as information; and,
2. That Council endorse in principle the draft Vision and Guiding Principles as outlined in Section 4 of this report in order to guide the development of the Culture Plan through Phase Three.

Carried later in the meeting [See following motion]

Recommendation:

Moved By Councillor Newman

That Item 2 of the main motion be amended to read as follows:

2. That Council endorse in principle the draft Vision and Guiding Principles as outlined in Section 4 of this report in order to guide the development of the Culture Plan through Phase Three, with the Vision amended to read as follows:

Rooted in history and forward looking, Whitby offers accessible, inclusive and equitable cultural experiences and spaces to its diverse communities, including both residents and visitors with the goal of uniquely identifying and distinguishing Whitby as a caring community in the world.

Motion Withdrawn

The main motion was then carried. It was the consensus of the committee to hear Item 2.1, Delegation by Matthew Wilson, at this time.

4.4 Community Services Department, CMS 29-19 Re: Community Services Department - 2020 Programs and Services Fees

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

- the impact of a three percent increase on cost recovery;
- the potential increase for next year based on the current proposed increase;
- the target fee for the field fees and whether the fee would be

- comparable to other municipalities in Durham Region;
- the rationale for Pickering's field fee versus the flat fee for tennis court fees;
- the impact on the tax base should the fees not be increased, and whether a reduction in the proposed fees would have an impact on resurfacing the tennis courts;
- clarification on the deduction from the permit fee based on the weather, and whether the deduction would assist to offset the cost of the increase;
- confirmation on the Club's number of hours of court use per season, whether the Club utilizes all six courts, and whether there were opportunities for other players to use the courts;
- the loss of members in 2018/2019, and projected loss of members due to fee increases;
- assisting the Whitby Tennis Club with opportunities to generate revenue to offset costs, and clarification on the assistance staff could provide in applying for the Trillium Grant; and,
- whether the current fee recovers costs associated with the courts.

Recommendation:

Moved By Councillor Leahy

1. That Council approve the proposed fees as outlined in Attachments 1, 2, 3, 4, 5, 6 and 7 with the effective dates as follows:
 - a. Sports Fields, Lacrosse Box, Courts, Lighting and Arena Floors adjustments effective November 1, 2020 to October 31, 2021 (Attachment 1);
 - b. Halls and Facility Rental Fees adjustments effective April 1, 2021 to August 31, 2022 (Attachment 2);
 - c. Camp, Membership and Admission Fees adjustments effective March 25, 2020 to August 31, 2021 (Attachment 3);
 - d. Port Whitby Marina Fees adjustments effective February 15, 2020 to February 14, 2021 (Attachment 4);
 - e. Park Features Fees adjustments effective September 1, 2020 to August 31, 2021 (Attachment 5);
 - f. Recreation Program Fees adjustments effective March 25, 2020 to August 31, 2021 (Attachment 6);
 - g. Arena Ice and Aquatic Pool Fees adjustments effective September 1, 2020 to August 31, 2022 (Attachment 7); and,
2. That the Clerk be authorized to amend the Consolidated Fees and Charges By-law # 7220-17 to include the new Community

Services Fees Schedules.

Carried later in the meeting [See following motion]

Recommendation:

Moved By Councillor Leahy

That Item 1(a) of the main motion be amended to read as follows:

1. Sports Fields, Lacrosse Box, Courts, Lighting and Arena Floors adjustments effective November 1, 2020 to October 31, 2021 (Attachment 1), save and except that Tennis Court fees increase at 4% in 2020.

Motion Lost

The main motion was then carried. It was the consensus of the Committee to hear Item 4.1, CLK 12-19, at this time.

4.5 Legal and Enforcement Services Department Report, LS 19-19
Re: Regulating Short-Term Rental Accommodations

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

- the timeline for the report back by Q2;
- consequences of restricting short-term rental accommodations to specified zones within the Town;
- the timeline for communication to the public associated with property purchased for the purpose of an Airbnb;
- the regulatory framework for Town of Whitby's being similar to the Town of Oakville, and whether the Town of Oakville's regulatory framework/by-law was effective;
- whether the concerns of the Town of Oakville and Whitby were similar, whether those concerns have been addressed through their by-law, and the possibility of expediting the Town of Whitby's by-law; and,
- clarification on the regulatory framework as it relates to whole home rentals, and whether an Airbnb owner would be required to reside in the home.

Recommendation:

Moved By Mayor Mitchell

1. That Council direct staff to proceed with Option 3 (create a regulatory framework and make Zoning By-law amendments to control short-term rental accommodations in Whitby), as set out in Section 4.4 of Report LS 19-19.

Carried later in the meeting [See following motion]

Recommendation:

Moved By Councillor Newman

That the main motion be amended to include Items 2 and 3 as follows:

2. That Staff report back to Council with an update by the end of Q2 2020 in order for the Town to be able to provide an effective response to the challenge of regulating short-term rental accommodation for the summer of 2020 (even on an interim basis) and for subsequent years; and,
3. That Staff include in the update a report to Council on the consequences of restricting short-term rental accommodations to specified zones within the Town of Whitby.

Carried

The main motion, as amended, was then carried as follows:

Recommendation:

Moved By Mayor Mitchell

1. That Council direct staff to proceed with Option 3 (create a regulatory framework and make Zoning By-law amendments to control short-term rental accommodations in Whitby), as set out in Section 4.4 of Report LS 19-19;
2. That Staff report back to Council with an update by the end of Q2 2020 in order for the Town to be able to provide an effective response to the challenge of regulating short-term rental accommodation for the summer of 2020 (even on an interim basis) and for subsequent years; and,
3. That Staff include in the update a report to Council on the consequences of restricting short-term rental accommodations to specified zones within the Town of Whitby.

Carried

It was the consensus of the Committee to hear Item 2.2, Delegation by Virender Lohchab, at this time.

4.6 Public Works Department Report, PW 32-19
Final Emerald Ash Borer Action Plan Update

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

- whether continued treatment of ash trees would be funded from the existing operating budget; and the possibility of removing further ash trees;
- whether the Emerald Ash Borer no longer exists, and whether ash trees could be reintroduced in the future.

Recommendation:

Moved By Councillor Mulcahy

1. That Public Works PW 32-19 is received as information; and,
2. That NUB - 4084 regarding Emerald Ash Borer Action Plan Update be removed from the New and Unfinished Business register.

Carried

4.7 Public Works Department Report, PW 33-19
Re: Follow-up on the Effectiveness of Scott Street Trial

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

- the request from the church for parking on one side of the street or at the nearby school during events;
- clarification on the road reconstruction, and the timeline for resurfacing Scott Street;
- whether the poly pipe on Scott Street was completed by the Region;
- the timeline associated with the budget for the installation of traffic calming measures at other schools and streets noted in the staff report;
- whether discussion had taken place with staff regarding the inclusion of McQuay Boulevard adjacent to Colonel J.E. Farewell Public School and on Michael Boulevard near West Lynde Public School and St. Marguerite d'Youville School for seasonal flexible bollards as well as public consultation;

- prioritizing locations for traffic calming measures;
- the timeline and process on how the Town would be prioritizing and addressing concerns in specific areas, and timeline for a report back;
- utilizing the CityWorks program for tracking and reporting resident action inquiries; and,
- whether vehicles were parking on Hazelwood Drive or on the north side of Manning Road as a result of the Scott Street trial.

Recommendation:

Moved By Councillor Shahid

1. That Report PW 33-19 be received as information;
2. That MD - 4185 be removed from the New and Unfinished Business listing;
3. That staff continue to install the seasonal flexible bollards and in-road signage on Scott Street adjacent to Dr. Robert Thornton Elementary Public School and review opportunities for other flexible solutions at such time the roadway is reconstructed;
4. That staff identify candidate sites for seasonal flexible bollards and undertake public consultation, as appropriate and budget requirements prior to any recommendations to Council; and,
5. That staff consider permanent traffic calming solutions as part of roadway reconstruction adjacent to schools where traffic conditions have been identified as a concern.

Carried later in the meeting [See following motion]

Recommendation:

Moved By Councillor Leahy

That the Committee take a short recess.

Carried

The Committee recessed at 10:03 p.m. and reconvened at 10:08 p.m.

Recommendation:

Moved By Councillor Newman

That the Item 4 of the main motion be amended to read as follows:

4. That staff identify candidate sites, including but not limited to McQuay Boulevard adjacent to Colonel J.E. Farewell Public School and on Michael Boulevard near West Lynde Public School and St. Marguerite d'Youville School for seasonal flexible bollards and undertake public consultation, as appropriate and budget requirements prior to any recommendations to Council.

Motion Lost

The main motion was then carried.

5. New and Unfinished Business - General Government

5.1 Multi-Use Path Winter Maintenance

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

- whether staff were consulted regarding the allocation of funds in the 2020 budget for multi-use path winter maintenance; and,
- items already on the New and Unfinished Business List related to the winter maintenance of trails.

Recommendation:

Moved By Councillor Newman

That Public Works Staff include as a 2020 budget item the cost of winter clearing of multi-use paths and paths in Town-owned parks near schools including Town-owned paths at the back of Colonel J.E. Farewell Public School to provide uninterrupted access to pedestrian students to Colonel J.E. Farewell School in the winter and other schools and report back to Council.

Note: The disposition of this matter, Items 5.1, was determined through the referral motion below.

Recommendation:

Moved By Councillor Roy

That the matter of multi-use path winter maintenance in Town-owned parks near schools including Town-owned paths at the back of Colonel J.E. Farewell Public School be referred to have consultation with staff.

Carried

Discussion between Members of Council ensued regarding the consideration of two motions pertaining to a 3-Way Stop request at the intersection of Kennett Avenue and McQuay Boulevard, and Brookdale Crescent calming measures. It was agreed that consultation with staff regarding these matters should take place prior to consideration at Committee of the Whole.

5.2 Procedure By-law Amendment

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

- consultation with staff prior to drafting motions for new and unfinished business;
- the status Item MD - 4938 regarding the proposed notice of motion deadline for Committee of the Whole for new and unfinished business at the Committee of the Whole meeting;
- the difference between motions under New and Unfinished Business and proposed amendments to staff recommendations; and,
- clarification on notices of motions and whether the deadlines and restrictions would be flexible should the matter be urgent.

Recommendation:

Moved By Councillor Mulcahy

That the Staff bring forward amendments to the Procedure By-law to require notice for motions under new and unfinished business at Committee of the Whole, with the deadline for such motions being noon on the Wednesday prior the meeting.

Carried

5.3 New and Unfinished Business List - Item MD -1346

Councillor Shahid inquired about the status of the Dryden bridge under construction to the west of Thicksen Road. S. Beale, Commissioner of Public Works, advised that construction was underway and that it should be opening in 2020.

It was the consensus of the Committee to hear Item 4.2, CAO 31-19, at

this time.

Adjournment

Motion to Adjourn

Recommendation:

Moved By Councillor Leahy

That the meeting adjourn.

Carried

The meeting adjourned at 10:33 p.m.

Advisory Committee Minutes – For Information Only

- Brooklin Downtown Development Steering Committee Minutes - October 28, 2019
- Accessibility Advisory Committee Minutes - November 5, 2019
- Whitby Sustainability Advisory Committee Minutes - November 6, 2019
- Whitby Diversity and Inclusion Advisory Committee Minutes - November 7, 2019