

Present: Mayor Mitchell (participating electronically)
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
S. Beale, Commissioner of Public Works
W. Mar, Commissioner of Legal and Enforcement Services/Town Solicitor
J. Romano, Commissioner of Community Services
R. Saunders, Commissioner of Planning and Development
D. Speed, Fire Chief
F. Wong, Commissioner of Financial Services/Treasurer
H. Ellis, Executive Advisor to the Mayor
S. Klein, Director of Strategic Initiatives
C. Harris, Town Clerk
K. Narraway, Manager of Legislative Services/Deputy Clerk
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

Regrets: None noted

C. Harris, Town Clerk, advised that due to the ongoing COVID-19 pandemic, the Committee of the Whole meeting is being held in a virtual meeting format. He provided Members of Council, presenters and delegates with an overview of meeting etiquette and procedures with respect to conducting the meeting electronically.

Call to Order

Call of the Roll: The Clerk

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Planning and Development

Councillor Yamada assumed the Chair.

1. Presentations

1.1 There were no presentations.

2. Delegations

- 2.1** Isabella Cerelli representing Pride Signs Ltd. on behalf of McDonald's Restaurants of Canada
Re: Planning and Development Department Report, PL 14-21
Sign By-law Variance to Permanent Sign By-law for 1615 Dundas Street East (McDonald's), File Number: SB-01-21

Refer to Item 4.1, PL 14-21

Isabella Cerelli, Pride Signs Ltd., representing McDonald's Restaurants of Canada, advised that her client was seeking a variance to the Permanent Sign By-law for the McDonald's located at 1615 Dundas Street East. Ms. Cerelli stated that she was in support of the Staff Report and that she was available to answer questions from the Committee.

It was the consensus of the Committee to hear Item 4.1, PL 14-21, at this time.

- 2.2** Alana Gormley representing Kwik Signs
Re: Planning and Development Department Report, PL 15-21
Sign By-law Variance to Permanent Sign By-law for 70 Thickson Road South (Taco Bell), File Number: SB-05-20

Refer to Item 4.2, PL 15-21

Alana Gormley, Kwik Signs, stated that she was representing Soul Foods Group who has a Taco Bell in Whitby. Ms. Gormley advised that her client was looking to update their menu board sign and requested that the Committee approve the request for a variance to the Permanent Sign By-law.

It was the consensus of the Committee to hear Item 4.2, PL 15-21, at this time.

- 2.3** Lisa-Beth Bulford representing Central Lake Ontario Conservation Authority
Re: Planning and Development Department Report, PL 21-21
Draft Plan of Subdivision and Zoning By-law Amendment Applications, East Valley and Brooklin Development General Partner Limited, 6605 Cochrane Street, File Number: DEV-05-20 (SW-2020-02, Z-04-20)

Refer to Item 4.7, PL 21-21

Lisa-Beth Bulford, representing Central Lake Ontario Conservation Authority (CLOCA), stated that she reviews all planning applications circulated to CLOCA by the Town of Whitby. She advised that CLOCA supports the Staff Report and the Conditions of Draft Plan Approval as presented in the Staff Report. Ms. Bulford advised that she was available to answer any questions on the proposed development that pertain to CLOCA.

- 2.4** Matthew Cory, Malone Given Parsons Ltd.
Re: Planning and Development Department Report, PL 21-21
Draft Plan of Subdivision and Zoning By-law Amendment Applications, East Valley and Brooklin Development General Partner Limited, 6605 Cochrane Street, File Number: DEV-05-20 (SW-2020-02, Z-04-20)

Refer to Item 4.7, PL 21-21

Matthew Cory, Malone Given Parsons Ltd., stated that he was representing East Valley and Brooklin Development General Partner Limited. He advised that he had read and was in support of the Staff Report, noting that the Conditions of Draft Plan Approval were appropriate. Mr. Cory further advised that the subject Draft Plan of Subdivision was the first of the draft plans in Brooklin being presented to the Committee. Mr. Cory advised that he was available to answer questions from the Committee.

It was the consensus of the Committee to hear Item 4.7, PL 21-21, at this time.

3. Correspondence

- 3.1** Memorandum from R. Saunders, Commissioner of Planning and Development, dated April 12, 2021 regarding the Heritage Whitby Advisory Committee's 2020 Annual Report

Recommendation:

Moved By Councillor Newman

That the Heritage Whitby Advisory Committee's 2020 Annual Report be received for information.

Carried

4. Staff Reports

- 4.1** Planning and Development Department Report, PL 14-21
Re: Sign By-law Variance to Permanent Sign By-law for 1615 Dundas Street East (McDonald's), File No. SB-01-21

Recommendation:

Moved By Councillor Shahid

That Council approve the request for a variance to the Town of Whitby Permanent Sign By-law #7379-18 for McDonald's, located at 1615 Dundas Street East, given that the proposed signs will only be visible to persons who enter the McDonald's property for the purpose of accessing the drive-through.

Carried

It was the consensus of the Committee to hear Item 2.2, Delegation by Alana Gormley representing Kwik Signs, at this time.

- 4.2** Planning and Development Department Report, PL 15-21
Re: Sign By-law Variance to Permanent Sign By-law for 70 Thickson Road South (Taco Bell), File Number: SB-05-20

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

- whether the menu board sign would only be visible to people using the drive-through; and,

- whether it was clear to the applicant upon making the variance request that menu board signs should only be visible to people using the drive-through.

Recommendation:

Moved By Councillor Shahid

That Council approve the request for a variance to the Town of Whitby Permanent Sign By-law # 7379-18 for Taco Bell, located at 70 Thickson Road South, given that the proposed signs will not be digital and will only be visible to persons who enter the Taco Bell property for the purpose of accessing the drive-through.

Carried

It was the consensus of the Committee to hear Item 2.3, Delegation by Lisa-Beth Bulford representing Central Lake Ontario Conservation Authority, at this time.

**4.3 Planning and Development Department Report, PL 16-21
Re: Interim Control By-law Study Work Plan**

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

- the target audience and areas for community input and whether previous applicants for exemptions from the Interim Control By-law would be targeted;
- whether the areas for the neighbourhood tours were predetermined;
- ramifications associated with not meeting the timeline of one year to complete the project;
- whether factors such as the environment, architecture, aesthetics, historical features and existing height and density would be considered when contemplating compatible development that enriches established neighbourhoods;
- whether the future vision for the Town and the cohesiveness of each neighbourhood would be considered through the Study;
- whether physically visiting the neighbourhoods would be the only way of considering the relationship between the neighbourhoods;
- whether the timeline for public engagement would be extended beyond the Public Meeting;
- the use of comments cards for residents in the neighbourhoods affected by the Interim Control By-laws; and,

- whether any development would be required to meet specific standards once policies were updated and upon approval of amendments to the Town's Official Plan and Zoning By-laws.

Recommendation:

Moved By Councillor Drumm

That Report PL 16-21 be received for information.

Carried

It was the consensus of the Committee to hear Item 3.1, Memorandum regarding the Heritage Whitby Advisory Committee's Annual Report, at this time.

- 4.4** Planning and Development Department Report, PL 17-21
Re: Designation of the Malcolm McTaggart House at 9455 Baldwin Street North, as being of Cultural Heritage Value or Interest under Part IV of the Ontario Heritage Act, R.S.O. 1990 c. O.18.

Recommendation:

Moved By Councillor Newman

1. That a Notice of Intention to Designate the property identified as the Malcolm McTaggart House at 9455 Baldwin Street North, be published as per Section 29 (1.1) of the Ontario Heritage Act, R.S.O. 1990 c. O.18, as amended;
2. That, if there are no objections to the designation in accordance with Section 29 (6) of the Ontario Heritage Act, the Clerk be authorized to introduce a by-law designating the property under Part IV, Section 29 of the Ontario Heritage Act; and,
3. That, if there are objections in accordance with Section 29 (7) of the Ontario Heritage Act, the Clerk be directed to refer the proposed designation to the Conservation Review Board.

Carried

- 4.5** Planning and Development Department Report, PL 18-21
Re: Requests for exemptions from Interim Control By-law # 7699-20 and # 7700-20

Recommendation:

Moved By Councillor Newman

That Council approve the requests for exemptions from Town of Whitby Interim Control By-laws # 7699-20 and # 7700-20 for 205 Starr Avenue, 500 Henry Street, 247 Garrard Road, 72 Garrard Road, 44 Garrard Road, and 56 Meadow Crescent.

Carried

- 4.6** Planning and Development Department Report, PL 19-21
Re: G & L Group Ltd., Devil's Den Golf Course, 745 Winchester Road West and 5515 Coronation Road

Recommendation:

Moved By Councillor Mulcahy

1. That a By-law to adopt Official Plan Amendment No. 99, and a By-law to amend Zoning By-law # 1784 be brought forward for consideration by Council to permit the development of the Devil's Den Golf Course; and,
2. That MD-1970 be removed from the New and Unfinished Business List.

Carried

- 4.7** Planning and Development Department Report, PL 21-21
Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, East Valley and Brooklin Development General Partner Limited, 6605 Cochrane Street, File Number: DEV-05-20 (SW-2020-02, Z-04-20)

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

- the future interchange for the Highway 407 connection and whether the Town would be responsible for the cost;
- the cost for the construction of the interchange and whether the cost would be fully covered through development charges;
- whether the French elementary school would back on to Ashburn Road;
- whether there would be a trail through the Natural Heritage System; and,

- the timeline for the Land Use Compatibility Analysis in relation to Environmental Site Assessments.

Recommendation:

Moved By Councillor Mulcahy

1. That Council approve the Draft Plan of Subdivision (File No. SW-2020-02) subject to the comments included in Planning Report PL 21-21 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 Z-04-20), as outlined in Planning Report PL 21-21; and,
7. That a By-law to amend Zoning By-law 1784 be brought forward for consideration by Council.

Carried

It was the consensus of the Committee to hear Item 4.3, PL 16-21, at this time.

5. New and Unfinished Business - Planning and Development

5.1 New and Unfinished Business - Planning and Development

There was no new and unfinished business.

General Government

Councillor Roy assumed the Chair.

6. Presentations

- 6.1** Joseph Mesmer, Manager, Partnership Development, DocuPet Services Ltd.
Re: Legal and Enforcement Services Report, LS 02-21

Award to DocuPet Services Ltd. for Whitby Pet Licensing Services

Refer to Item 9.1, LS 02-21

Joseph Mesmer, Manager, Partnership Development, DocuPet Services Ltd., provided a video presentation regarding DocuPet Services Ltd..

Highlights of the video included:

- the mission and goals of DocuPet Services Ltd.;
- the percentage of municipalities in North American that require pet licensing;
- the increased likelihood that licensed lost pets would be returned to their home;
- the use of funding from the sale of licences and tags for animal initiatives and animal control measures in local communities;
- the percentage of shelter funding that comes from licence sales and the percentage of pet owners that comply with mandatory licensing of their pets;
- partnerships with shelters and communities to provide full service management of pet licensing programs to increase pet licensing sales, decrease workload, and to ensure lost pets get home quickly at no cost;
- the ease of online registration with DocuPet Services Ltd. from any device;
- details about the program, pet tags, and the HomeSafe service;
- real time access to data and reporting, and the coordination of implementation and training when launching new programs; and,
- building awareness of and the importance of pet licensing through community events, marketing campaigns and community canvassing programs.

A question and answer period ensued between Members of Committee and Mr. Mesmer regarding:

- the length of time DocuPet Services Ltd. has been in business;
- the number of municipalities serviced by DocuPet Services Ltd.
- whether the identification code on the tag would be used to determine the pet owner;
- how the pet tag differs from micro-chipping;
- communication undertaken in Clarington and Ajax to increase enrollment;
- whether the information on the tag related to the pet would be dependent on the information provided by the pet owner and whether the information was entered into a database;
- whether the financial arrangement proposed within the Staff Report was consistent with the financial arrangements with Clarington and Ajax;

- how tags purchased through a third party would be synchronized with the system;
- whether the service would be marketed in concert with the Town; and,
- whether Mr. Mesmer was aware of Team Chelsea in the Region of Durham and undertaking consultation with Team Chelsea.

It was the consensus of the Committee to hear Item 9.1, LS 02-21, at this time.

6.2 Sara Demoe, Whitby Farmers' Market and Lara Scott, Program Manager, Events, Culture & Tourism
Re: Office of the Chief Administrative Officer Report, CAO 09-21
Farmers' Market – 2021 Update

Refer to Item 9.2, CAO 09-21

Sara Demoe, Whitby Farmers' Market and Lara Scott, Program Manager, Events, Culture & Tourism, provided a PowerPoint presentation regarding the Farmers' Market. Highlights of the presentation included:

- details about the history, location and funding for the Farmers' Market in Downtown Whitby;
- the types of items available at the Farmers' Market;
- details on the market season and the number of producers required in order to operate as a market;
- the various Farmers' Market vendors;
- the location and official opening day for the market in Brooklin;
- the benefits of buying local food; and,
- details about COVID-19 restrictions.

A question and answer period ensued between Members of Committee, Ms. Demoe, and Ms. Scott regarding:

- whether the three-year agreement would cover the Farmers' Market in Downtown Whitby and Brooklin;
- whether operating the Farmers' Market during the COVID-19 pandemic was successful; and,
- whether the vendors were interested in participating in the additional Farmers' Market in Brooklin.

It was the consensus of the Committee to hear Item 9.2, CAO 09-21, at this time.

7. Delegations

7.1 There were no delegations.

8. Correspondence

8.1 Memorandum from J. Schofield, Project Manager - Sustainability and Climate Change, dated March 24, 2021 regarding the Whitby Sustainability Advisory Committee's 2020 Annual Report

Recommendation:

Moved By Councillor Newman

That the Whitby Sustainability Advisory Committee's 2020 Annual Report be received for information.

Carried

8.2 Memorandum from Andre Gratton, Manager of Enforcement Services, dated April 7, 2021 regarding the Update on Request for Fence By-law Exemption, Correspondence # 2020-090 for 48 Flint Crescent, Whitby, ON

Recommendation:

Moved By Councillor Shahid

1. That the Memorandum from A. Gratton, Manager of Enforcement Services, dated April 7, 2021 regarding a request for an exemption to Fence By-law # 4394-99 at 48 Flint Crescent related to rear and side yard fences be received for information; and,
2. Notwithstanding any other provisions of Fence By-law # 4394-99 to the contrary, a privacy fence 2.3 metres high is permitted in the side yard between 46 and 48 Flint Crescent, and a privacy fence 2.4 metres high is permitted in the rear yard between 40 and 42 Sutcliffe Drive and 48 Flint Crescent.

Carried

9. Staff Reports

9.1 Legal and Enforcement Services Report, LS 02-21
Re: Award to DocuPet Services Ltd. for Whitby Pet Licensing Services

A brief question and answer period ensued between Members of Committee and Staff regarding the benefits of utilizing DocuPet Services Ltd. as opposed to the current internal pet licensing system.

Recommendation:

Moved By Councillor Drumm

1. That Council approve the sole source award to DocuPet Services Ltd. for animal licensing services based on the terms outlined in Report LS 02-21;
2. That the Mayor and Clerk be authorized to execute the agreement with DocuPet Services Ltd., together with any other documents necessary to give effect to the agreement, subject to the satisfaction of the Town Solicitor; and,
3. That staff bring forward an amendment to the Town's Fees and Charges By-law for animal licensing fees pursuant to Report LS 02-21.

Carried

It was the consensus of the Committee to hear Item 6.2, Presentation by Sara Demoe, and Lara Scott, at this time.

9.2 Office of the Chief Administrative Officer Report, CAO 09-21
Re: Farmers' Market – 2021 Update

Recommendation:

Moved By Councillor Mulcahy

1. That report CAO 09-21 be received for information; and,
2. That staff be authorized to prepare an agreement between the Durham Region Farmers' Market Association and the Town of Whitby, in accordance with the recommendations contained in Report CAO 09-21, for use of Municipal Parking Lot 9 in Brooklin and Celebration Square at the Whitby Public Library effective May 1, 2021 to October 31, 2024.

Carried

It was the consensus of the Committee to hear Item 8.1, Memorandum regarding the Whitby Sustainability Advisory Committee's 2020 Annual Report, at this time.

9.3 Office of the Chief Administrative Officer, Community Services Department, and Public Works Department Joint Report, CAO 11-21
Re: 2021 Earth Day and Provincial Day of Action on Litter Celebrations

Recommendation:

Moved By Councillor Newman

1. That Report CAO 11-21 be received as information;
2. That Council recognize May 11, 2021, as the Provincial Day of Action on Litter; and,
3. That this report be forwarded to Whitby Advisory Committees of Council as correspondence for information.

Carried

9.4 Public Works Department and Legal and Enforcement Services Joint Report, PW 9-21
Re: No Parking within the Municipal Boulevard

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

- the discretion that Town Staff would exercise during the current Stay-at-Home Order; and,
- the process that Town Staff follow with respect to warnings, and the recourse residents would have in the event tickets were issued during the period of the Stay-at-Home Order.

Recommendation:

Moved By Councillor Newman

1. That Report PW 9-21 be received for information; and,
2. That MD-5659 be removed from the New and Unfinished Business listing.

Carried

9.5 Public Works Department Report, PW 11-21

Re: Impact of COVID-19 on Curbside Waste Generation

A question and answer period ensued between Members of the Committee and Staff regarding

- opportunities to increase the garbage bag limit during the period of the Stay-at-Home Order;
- details about the dumping of garbage at Town parks;
- the ability to issue fines for dumping garbage and communications to the public about dumping garbage;
- whether waste receptacles would be re-installed at Town parks during the spring and summer seasons; and,
- whether more signage regarding fines could be installed in areas of concern.

Recommendation:

Moved By Councillor Leahy

That Public Works report PW 11-21 be received as information.

Carried

9.6 Public Works Department Report, PW 13-21
Re: Brooklin South Interim Resources Strategy [Revised]

Recommendation:

Moved By Councillor Leahy

1. That Council approve staff report PW 13-21 recommendation for an Interim Resources Strategy for the Brooklin South Draft Plans Review Stage which is to engage engineering consultants to be funded by the Brooklin South (C & A) Landowners Group (See Attachment 1).
2. That Council approve the list of consultants, as presented in staff report PW 13-21 to be retained by the Town as sole source consultants to provide Engineering Consultant services at the Draft Plan Application stage for the Brooklin South Developments as shown in Attachment 1; and,
3. That staff continue to provide status updates as required, to Council on the recommended resource strategy for the Brooklin expansion.

Carried

9.7 Community Services Department Report, CMS 06-21
Re: Appointment of Members to the 55+ Recreation Advisory Committee
and an Update on Current 55+ Recreation Activities

Recommendation:

Moved By Councillor Shahid

1. That Council approve and appoint the following individuals to the Whitby 55+ Recreation Advisory Committee for a period of one year ending December 31, 2021:
 - Mary Poirier
 - Maureen Licsi
 - Joanne Smith
 - Sharon Bagatto
2. That Council receive as information an update on current activities offered by 55+ Recreation during the pandemic.

Carried

10. New and Unfinished Business - General Government

10.1 Highway 412 and Highway 418 Tolls

Councillor Mulcahy introduced a motion regarding Highway 412 and Highway 418 Tolls.

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

- whether there has been any recent communications with M.P.P. Coe about the removal of tolls on Highways 412 and 418;
- the anticipated timeline for receipt of communication from the Provincial Government;
- opportunities to consider a strategy on the matter should communication from the Province not be received within several weeks;
- referring the matter to Staff for a report back in order to work on a strategy; and,
- withdrawing the motions at this time and providing information to Council after Staff and the Mayor follow up on the matter with M.P.P. Coe.

Recommendation:

Moved By Councillor Mulcahy

Whereas the Council of the Town of Whitby has on four previous occasions requested that the Province remove tolls on Highway 412 (see attached Resolutions 602-16, 391-17, 181-18, and 232-19);

Whereas all other Ontario link highways to and from Highway 401 except those in Durham Region are non-tolled highways; and,

Whereas tolls on Highway 412 and 418 are a distinct disadvantage and disincentive to Durham Region to efficiently move goods, services and people and to attract and retain prestige industrial and office investments and value added jobs for the employment lands abutting the provincial highway; and,

Whereas Highways 412 and 418 are underutilized because of the tolls, resulting in increased traffic on local collector roads and Highway 401;

Now Therefore be it Resolved:

1. That the Council of the Town of Whitby requests that Lorne Coe, M.P.P. for Whitby, respond to Council regarding the elimination of tolls on Highways 412 and 418; and,
2. That the Clerk be directed circulate a copy of this resolution to Premier Doug Ford; the Honourable Caroline Mulroney, Minister of Transportation and Minister of Francophone Affairs; the Honourable Peter Bethenfalvy, Minister of Finance and President of the Treasury Board; Lorne Coe, MPP Whitby; all Durham Region MPPs; John Henry, Regional Chair; and Durham Area Municipalities.

[See following motion]

Recommendation:

Moved By Councillor Leahy

That the motion regarding tolls on Highways 412 and 418 be referred to Staff to report to Council in Q4 2021 with the following:

1. A unified strategy for advocating for the removal of the 412 and 418 tolls with a messaging campaign; and,

2. That staff engage in ongoing communication with MPP Coe on the process with the Ministry of Transportation regarding the elimination of the 412 and 418 tolls.

Following discussion on this matter as captured above, Councillor Mulcahy agreed to withdraw the main motion and therefore the referral motion was no longer in order.

10.2 COVID-19 Case Numbers in Whitby

Councillor Roy advised that Dr. Kyle, Medical Officer of Health, Regional Municipality of Durham, provided an update about the increase in the number of COVID-19 cases by Health Neighbourhoods. Councillor Roy noted that the case numbers per 100,000 in the neighbourhood of Williamsburg and in northwest Whitby - Brooklin were somewhat comparable to hot spots in Pickering and Ajax. Councillor Roy suggested that the Town request that consideration be given to prioritize areas of Whitby as high priority areas as needed.

Discussion ensued between Members of Committee regarding:

- hot spots being identified by the Provincial Government; and,
- areas of Whitby being treated the same as other hot spot areas should specific areas of Whitby be identified as a hot spots.

11. Closed Session

The Committee did not move into Closed Session to hear Confidential Report LS 03-21 or the Confidential Memorandum regarding Recommendation for Appointment to the Property Standards Appeal Committee and the recommendations were moved and carried in Open Session.

11.1 Confidential Legal and Enforcement Services and Public Works Department Joint Report, LS 03-21

Re: Proposed Purchase of Storm Drain Easement at 122 Way Street, Whitby

Recommendation:

Moved By Councillor Newman

1. That staff be directed to proceed with Option 3 as set out in Report LS 03-21; and,
2. That the Mayor and Clerk are authorized to execute the easement agreement for 122 Way St. that is included as Attachment 1 to Report LS 03-21, together with any other documents necessary to give effect to the agreement.

Carried

- 11.2** Confidential Memorandum from C. Harris, Town Clerk dated March 29, 2021 regarding Recommendation for Appointment to the Property Standards Appeal Committee

Recommendation:

Moved By Councillor Newman

That Council appoint Ryan Peers to the Property Standards Appeal Committee for the term ending November 14, 2022 or until a successor is appointed.

Carried

12. Rising and Reporting

- 12.1** There were no matters considered in closed session; therefore, the Committee did not rise and report.

Adjournment

Motion to Adjourn

Recommendation:

Moved By Councillor Mulcahy

That the meeting adjourn.

Carried

The meeting adjourned at 9:04 p.m.