

Present: Mayor Mitchell
Councillor Drumm (Participating Electronically)
Councillor Leahy
Councillor Lee (Participating Electronically)
Councillor Newman
Councillor Shahid (Participating Electronically)
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor
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
H. Ellis, Executive Advisor to the Mayor
C. Harris, Town Clerk
K. Narraway, Manager of Legislative Services/Deputy Clerk
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

Regrets: Councillor Mulcahy
Councillor Roy

Call to Order

Call of the Roll: The Clerk

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Planning and Development

Councillor Newman assumed the Chair.

1. Presentations

- 1.1** John Presta, Director, Environmental Services, and Mike Hubble, Manager, Environmental Services Design, Region of Durham
Re: Planning and Development (Engineering Services) Department Report, PDE 08-22
Memorandum of Understanding with the Region of Durham for Development at 270 Water Street

Refer to Item 4.1, PDE 08-22

John Presta, Director, Environmental Services, and Mike Hubble, Manager, Environmental Services Design, Region of Durham, provided a PowerPoint presentation regarding an update on the Whitby Water Supply Plant. Highlights of the presentation included:

- an aerial image of and details about the existing Whitby Water Supply Plant including when it was originally constructed, the plant capacity, and the length, depth, and diameter of the intake from Lake Ontario that draws water into the plant for treatment and distribution to customers; in Whitby, Oshawa, and the Courtice urban area in Clarington;
- an aerial image of the waterfront where the plant currently exists and details about the location of the main water supply plant, the original water supply plant currently used for the Region's facility management staff, the open space, the old Pump House, and the Rotary Park;
- the project team including the Region of Durham, Town of Whitby, Elexicon, the Central Lake Conservation Ontario Authority, the Ministry of Environment, Conservation and Parks, the Ministry of Natural Resources and Forestry, and the consulting team consisting of AECOM, RDHA, Beacon Environmental, and Shore Plan;
- the proposed concept of the 2018 Environmental Assessment resulting in the utilization of all Region-owned property south of Water Street, the location of the Plant Operations Building, the plant upgrades at the existing water plant, and the proposed process treatment expansion work;
- details about the proposed treatment process, the re-use or re-purposing of the existing building where possible, and relocating the Industrial Raw Water Pumping Station;
- detailed information about the 2018 Design Charrette Workshop including its various objectives and participants;

- the proposed concept for the Whitby Water Supply Plant Expansion Project on Town-owned land located 270 Water Street;
- detailed information about the proposed overall concept for the Whitby Water Supply Plant including the new Elexicon substation, the Energy Centre, the reserved space for future Town purposes, a shared secured parking area for the Region and Town employees and fleet vehicles, a public parking area, the electric vehicle charging stations, stormwater management, street lighting and landscaping, and the interim contractor laydown area;
- details about the proposed Memorandum of Understanding between the Town and the Region including its purpose, the particulars of the permissions required by the Region during Phases 1 and 2, and the lease agreement outlining cost sharing arrangements between the Region and the Town;
- the considerations for the public realm including the waterfront trail, landscaping, public art, open space, all season pathways, education, and interaction and recreation;
- an image of and details about the current working design;
- details about the proposed project schedule between 2022 and 2028; and,
- the next steps in the project.

A question and answer period ensued between Members of Committee, Mr. Presta, and Mr. Hubble regarding:

- whether the public component of the project including the boardwalk would be completed by 2028;
- whether the Town-owned land located at 270 Water Street would be available following the completion of the project in 2028;
- the timeline for the commencement of construction;
- whether the Whitby/Oshawa water distribution system would still be interconnected with the Ajax/Pickering system;
- the potential future use of the site proposed for the back-up power facility, and the life cycle of the diesel generators;
- whether the additional seasonal UV Advanced Oxidation Process would address the odour and taste of the water during the summer, and whether this treatment was being used at other water supply systems;
- whether there would be a safe pedestrian crossing to access/exit the parking lot on the north side of Water Street;
- confirmation that the amount of public walking space on the boardwalk would be maintained and whether the boardwalk would be open during construction;
- whether environmentally sensitive features were considered as part of the architectural design;

- whether a sound impact study on the environment would be undertaken due to the expansion work;
- the total estimated budget for the project; and,
- whether the proposed cost sharing would be based on the ownership of the asset.

2. Delegations

2.1 There were no delegations.

3. Correspondence

3.1 There was no correspondence

4. Staff Reports

4.1 Planning and Development (Engineering Services) Department Report, PDE 08-22

Re: Memorandum of Understanding with the Region of Durham for Development at 270 Water Street

A brief question and answer period ensued between Members of Committee and Staff regarding the proposed future use of the Town-owned land located at 270 Water Street.

Recommendation:

Moved By Councillor Shahid

1. That Council approve in principle, the Memorandum of Understanding (MOU) between the Region of Durham and the Town of Whitby related to proposed development at 270 Water Street, as provided in Attachment 2 to Report PDE 08-22; and,
2. That the Mayor and the Clerk be authorized to sign any necessary documents.

Carried

4.2 Planning and Development (Planning Services) Department Report, PDP 23-22

Re: Envision Durham - Growth Management Study - Alternative Land Needs Scenarios Assessment Summary Report

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

- whether there would be a significant impact on the existing planning and/or approved development in West Whitby and Brooklin resulting from the Envision Durham - Growth Management Study;
- the timeline associated with the Town requiring more land for the development of West Whitby and Brooklin;
- the rationale for long-range development projections versus consecutive five-year projections in relation to the Official Plan theory;
- mandating higher densities not resulting in permits and creating the false impression of achieving an outcome;
- adjusting the limits of the development boundary to accommodate the development in the designated Greenfield Area in order to limit density growth in existing older neighbourhoods;
- preparing an additional recommendation prior to the Council meeting on April 11, 2022 to address the need to rationalize and gradually expand the development boundaries to ensure realistic density outcomes, including fair densities in existing neighbourhoods;
- whether the scenarios in the Community Area Land Need Assessment adjusts the density in the Intensification/Corridor Areas and/or whether the Growth Management Study would determine a new or existing development boundary; and,
- confirmation that the Growth Management Study was based on the development boundary from 2006.

Recommendation:

Moved By Councillor Shahid

1. That Report PDP 23-22 be endorsed as the Town's comments on the Envision Durham – Growth Management Study – Release of Alternative Land Need Scenarios Assessment Summary Report # 2022-INFO-19 [Region of Durham File D12-01]; and,
2. That the Clerk forward a copy of Report PDP 23-22 to the Durham Region Planning and Economic Development Department and the Durham area municipalities.

Carried

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 Lee assumed the Chair.

6. Presentations

- 6.1** Madeleine Riley, Executive Director and Bobby McBride, Treasurer, and Alison Galvin, Chair, Downtown Whitby Business Improvement Area
Re: Downtown Whitby Business Improvement Area 2021 Annual Report and Proposed 2022 Budget

Refer to Item 8.1, Memorandum from J. Battersby, Manager, Revenue, dated March 15, 2022 regarding Downtown Whitby Business Improvement Area (BIA) 2022 Budget

Madeleine Riley, Executive Director, and Bobby McBride, Treasurer, Downtown Whitby Business Improvement Area (BIA), provided a PowerPoint presentation regarding the Downtown Whitby Business Improvement Area's 2021 Annual Report and 2022 Budget. Highlights of the presentation included:

- detailed information about the BIA's 2021 and 2022 beautification efforts, programs and events, and grants;
- advocating for businesses in Downtown Whitby; and,
- detailed information about the 2022 proposed budget.

A question and answer period ensued between Members of Committee, Ms. Riley, and Mr. McBride regarding:

- clarification on whether there would be a surplus or deficit of funds in 2022;
- the rationale for the increase to the budget;
- the rationale for maintaining the budget of \$5,000.00 for murals in 2022 given that the actual cost was \$7,475.00 in 2021, and whether any murals were anticipated in 2022;
- details about events taking place in 2022;
- confirmation that the retail vacancy rate was low in Downtown Whitby;
- whether there were any specific initiatives in response to the recovery of businesses in Downtown Whitby due to the COVID-19 pandemic;

- whether the proposed increase to the levy was shared with all Members of the BIA and whether they had an opportunity to provide feedback on the proposed increase in the levy;
- the rationale for the expenditure versus the revenue for the Beer Festival and Christmas Market in 2021;
- whether the amount of \$40,000.00 from donations and sponsorships would be utilized solely to offset the costs for the Beer Festival in 2022;
- the rationale for the disbursement of revenue from donations and sponsorships for events; and,
- confirmation of the amount of the funds used from the My Main Street Grant to offset the cost of the Christmas Market.

It was the consensus of the Committee to hear Item 8.1, Memorandum from J. Battersby, Manager, Revenue, dated March 15, 2022 regarding Downtown Whitby Business Improvement Area (BIA) 2022 Budget, at this time.

- 6.2** Craig Ballard, President and Chief Executive Officer, Elexicon Group and Aaron McCartie, Manager, Energy & Mechanical, Associated Engineering
Re: Office of the Chief Administrative Officer, Community Services Department, and Planning and Development (Engineering Services) Department Joint Report, CAO 07-22
Zero Carbon Geo-Exchange District Energy Feasibility Study

Refer to Item 9.1, CAO 07-22

Craig Ballard, President and Chief Executive Officer, Elexicon Group, Aaron McCartie, Manager, Energy & Mechanical, Associated Engineering, and Sarah Klein, Director of Strategic Initiatives, provided a PowerPoint presentation regarding the North Whitby Zero Carbon District Energy System. Highlights of the presentation included:

- the completion and presentation of the pre-feasibility study for District Energy in May 2021, engaging the Elexicon Group as a partner to consider investment in the development of a District Energy System in North Whitby, and engaging Associated Engineering (Ont.) to complete the feasibility study;
- an image of and details about the site development plans, and the proposed locations for the Energy Centre and Ground Heat Exchanger;
- the development of the District Energy System including the connection of the Whitby Sports Complex in Stage 1, and consideration of the future development lands in Stage 2;

- detailed information about the District Energy System (DES) including the Energy Centre, the District Piping System, and the Energy Transfer Stations;
- similar district energy systems using the geoexchange District Energy service within the Region;
- the environmental benefits of the District Energy System including a net greenhouse gas emissions reduction of up to 96 percent, the contribution to sustainability and net-zero carbon goals, improved air quality, and minimizing the impact of climate change mitigation policy measures;
- additional benefits of the District Energy System including a reliable, local source of thermal energy distribution and delivery, improved equipment life cycle and decreased equipment maintenance, local job creation, thermal energy security and price stability, attracting tenants and businesses seeking ESG leadership, and a competitive life cycle cost compared to natural gas heating;
- detailed information about the Elexicon Group including its purpose as an energy services company with three main areas of focus consisting of utility management as a service, electric vehicle charging infrastructure, and operating a number of complex types of distributed generation projects across Canada;
- the collaboration between the Town and the Elexicon Group on the development of the North Whitby District Energy System since May 2021;
- the engagement, feedback and support of the project from stakeholders and developers; and,
- the next steps.

A question and answer period ensued between Members of Committee, Mr. Ballard, Mr. McCartie, and Staff regarding:

- the amount of the total cost of the project that would be offset by grants and whether the funds would be received in time to launch Stage 1;
- whether the technology used to operate the District Energy System would be more expensive than natural gas; and,
- whether the District Piping System via the mid arterial roadway was proposed to be owned and maintained by the Elexicon Group.

7. Delegations

7.1 There were no delegations.

8. Correspondence

8.1 Memorandum from J. Battersby, Manager, Revenue, dated March 15, 2022 regarding Downtown Whitby Business Improvement Area (BIA) 2022 Budget

Recommendation:

Moved By Councillor Newman

1. That the 2022 budget for the Downtown Whitby Business Improvement Area (BIA), in the amount of \$381,040, be approved;
2. That the Commissioner of Financial Services/Treasurer be directed bring forward a tax levy by-law to collect a Special Tax Levy, in the amount of \$200,000, from applicable businesses within the Downtown Whitby Business Improvement Area to fund the BIA's 2022 budget; and,
3. That the Commissioner of Financial Services/Treasurer be directed develop a payment schedule with the BIA for the 2022 Special Tax Levy for the BIA.

Carried

It was the consensus of the Committee to hear Item 6.2, Presentation by Craig Ballard, President and Chief Executive Officer, Elexicon Group and Aaron McCartie, Manager, Energy & Mechanical, Associated Engineering, at this time.

9. Staff Reports

9.1 Office of the Chief Administrative Officer, Community Services Department, and Planning and Development (Engineering Services) Department Joint Report, CAO 07-22
Re: Zero Carbon Geo-Exchange District Energy Feasibility Study

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

- clarification on whether the increase carbon pricing, the grants, or the assumptions of the energy cost informed the projected payback model over 50 years; and,
- confirmation that the budget for Stage 1 of the project was manageable.

Recommendation:

Moved By Councillor Leahy

1. That Council endorse the connection of the proposed Zero Carbon Geo-Exchange District Energy System to the Whitby Sports Complex;
2. That Council authorize an Agreement for the use of the Whitby Sports Complex lands for the development of the District Energy System and road allowance for the DES piping system via the mid arterial roadway on terms satisfactory to the Commissioners of Financial Services and Treasurer and Legal and Enforcement Services/Town Solicitor;
3. That Council direct staff to continue to support funding opportunities for the proposed District Energy System;
4. That staff be directed to develop a District Energy Connection By-Law to support the operation and connectivity of district energy systems;
5. That the Town partner with Elexicon and contribute a total of \$200,000, being half of the projected \$400,000 District Energy System initial design costs, via a payment to Elexicon, funded from the remaining budget in the original District Energy Feasibility Study Capital Budget (in the amount of \$94,625) and from the Whitby Sports Complex Construction project (in the amount of \$105,375); and,
6. That staff be authorized to enter into an agreement with Elexicon regarding the reimbursement of the \$200,000 and the Town's right to utilize the detailed designs as outlined in Report CAO 07-22 to the satisfaction of the Commissioners of Financial Services and Treasurer and Legal and Enforcement Services/Town Solicitor.

Carried

9.2 Financial Services Department and Planning and Development
(Engineering Services) Department Joint Report, FS 22-22
Re: T-501-2022 – Urban Road Resurfacing

Recommendation:

Moved By Councillor Drumm

1. That Tender T-501-2022 be awarded to Four Seasons Site Development Ltd., for the 2022 urban road resurfacing works, in the amount of \$4,132,237.20 (plus applicable taxes) to be funded from the capital projects listed in Table 2 of Report FS 22-22;

2. That the revised cost estimates totaling \$5,036,852.41 for the fourteen (14) capital projects noted in Table 2 of Report FS 22-22 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

9.3 Office of the Chief Administrative Officer Report, CAO 08-22
Re: 2021 Annual Sustainability and Climate Change Report

Recommendation:

Moved By Councillor Newman

1. That Report CAO 08-22 be received as information; and,
2. That the Clerk forward a copy of Staff Report CAO 08-22 to the Region of Durham's Sustainability Department.

Carried

9.4 Financial Services Department Report, FS 25-22
Re: New Financial Reserve Policies and Update of the Disposition of Operating Surplus Policy

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

- confirmation that funds would be segregated from the general reserves and transferred into the two specific reserves noted in the report;
- whether further reserves would be created in the near future; and,
- the rationale for creating the two new reserves and whether it would be a more accountable way of tracking those funds.

Recommendation:

Moved By Councillor Drumm

1. That Council approve the creation of the Engineering Development Fee Reserve and the affiliated reserve policy included in Attachment 1 of Report FS 25-22;

2. That Council approve the creation of the Planning Development Fee Reserve and the affiliated reserve policy included in Attachment 2 of Report FS 25-22; and,
3. That Council approve the updated Disposition of Operating Surplus Policy F 010 included in attachment 3 of Report FS 25-22.

Carried

9.5 Financial Services Department Report, FS 28-22
Re: 2022 Property Tax Rates and Final Billing Due Dates

Recommendation:

Moved By Councillor Drumm

1. That the property tax rates for the year 2022, General Municipal Town Levies be approved as indicated in Schedule "A", attached to Report FS 28-22;
2. That staff be authorized to calculate the special tax levy and tax rates for the properties located within the Downtown Whitby Business Improvement Area (BIA) for the purposes of a Special Tax Levy by-law for the BIA following Council receipt and approval of the BIA's 2022 Budget;
3. That the final tax bill due dates for the Residential, Farmland, Pipeline and Managed Forest tax classes be June 24, 2022 and September 26, 2022;
4. That the final tax bill due dates for the capped tax classes (Commercial, Industrial and Multi-Residential) also be established for June 24, 2022 and September 26, 2022;
5. That prior to the issuance of the final tax bills, the Treasurer be authorized to adjust the due dates for the capped tax classes only and notify Council at the earliest opportunity; and,
6. That a by-law for the General Municipal Town Levies and a separate by-law for the Special Tax Levy in support of the BIA, to set the due dates and levy rates for 2022 in accordance with the approved budgets and regulations, be brought forward at a future Council meeting.

Carried

9.6 Legal and Enforcement Services Department Report, LS 05-22
Re: Noise By-law Review and Proposed Amendments

Recommendation:

Moved By Councillor Newman

1. That the Noise By-law amendments appended to this report as Attachment # 1 be brought forward to Council for consideration;
2. That Council approve the proposed pilot project outlined in Option # 2 of Report LS 05-22;
3. That staff be directed to implement operational changes to reduce the requirement for residents to attend court to give evidence; and,
4. That Staff report back to Committee on the success/outcome of the pilot project by Q2 of 2023.

Carried later in the meeting.

Recommendation:

Moved By Councillor Newman

That Committee move in-camera in accordance with Procedure By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2) (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried

This portion of the meeting was closed to the public. [Refer to the closed session minutes of the meeting - Town Clerk has control and custody.]

Rising and Reporting

Recommendation:

Moved By Councillor Newman

That Committee rise from the closed portion of the meeting.

Carried

Councillor Lee advised that during the closed portion of the meeting, Committee received advice subject to solicitor-client privilege.

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

- an explanation of the challenges associated with a transition to By-law Enforcement Officer observations versus resident observations for prosecutions which may be better addressed through an Administrative Monetary Penalty system versus the court system;
- whether By-law Enforcement Officers would undertake enforcement based on complaints or by personal observation;
- how a situation related to noise outside of normal business hours would be managed by a By-law Enforcement Officer;
- whether other municipalities were utilizing a similar observation system for after-hours concerns;
- the timeline for the recruitment process for the part-time By-law Enforcement Officer and the implementation of the proposed by-law amendment;
- the possibility of including wording within the preamble or within the by-law indicating that residents have the right to reasonable peace and quiet;
- whether including a definition of noise or unreasonable noise to establish an objective standard and clarity within the by-law would be considered in the future;
- the objective criteria that would be developed to be used by By-law Enforcement Officers in considering how to assess a noise issue;
- opportunities to provide additional Staff support to address noise concerns as the community grows;
- whether residents would still need to maintain noise logs and be required to attend court to give evidence; and,
- the management of attendance at court for noise infraction prosecutions undertaken by the seasonal By-law Enforcement Officer during the off-season.

The main motion was then carried.

10. New and Unfinished Business - General Government

10.1 New and Unfinished Business - General Government

There was no new and unfinished business.

Adjournment

Motion to Adjourn

Recommendation:

Moved By Councillor Shahid

That the meeting adjourn.

Carried

The meeting adjourned at 9:48 p.m.