

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
A. McCullough, Director, Finance and Deputy Treasurer
J. Romano, Commissioner of Community Services
D. Speed, Fire Chief
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 hybrid meeting format, with a limited number of people attending in person and others attending virtually. He provided Members of Council 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

Mayor Mitchell declared a pecuniary interest under the Municipal Conflict of Interest Act regarding Item 4.1, Community Services Department and Corporate Services Department Joint Report, CS 45-20, RFP-71-2020 Prime Consultant (Architect) for the North Whitby Sports Complex (NWSC), as Mayor Mitchell and his family have an interest in the property at 5455 Ashburn Road, which will be bisected by the mid-block arterial road and abuts the location of the proposed North Whitby Sports Complex. Mayor Mitchell did not take part in the discussion and voting on this matter.

General Government

1. Presentations

1.1 There were no presentations.

2. Delegations

2.1 There were no delegations.

3. Correspondence

3.1 Memorandum from C. Harris, Town Clerk, dated October 13, 2020 regarding a Motion to Extend the Term of the Existing Whitby 55+ Recreation Advisory Committee Members

A brief discussion ensued between Members of Committee regarding the rationale for the request to delay the Whitby 55+ Recreation Advisory Committee member elections and to extend the term of the existing Committee members.

Recommendation:

Moved By Councillor Mulcahy

That the Whitby 55+ Recreation Advisory Committee member elections for 2021 be delayed and that the term of the existing Committee be extended for one (1) year.

Carried

4. Staff Reports

4.1 Community Services Department and Corporate Services Department
Joint Report, CS 45-20
Re: RFP-71-2020 Prime Consultant (Architect) for the North Whitby
Sports Complex (NWSC)

Having previously declared a pecuniary interest, Mayor Mitchell did not take part in the discussion or vote on this matter.

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

- whether the difference between the 2020 Capital Budget amount of \$5,200,000.00 and the actual cost of \$3,021,342.51 for the planning and design of the North Whitby Sports Complex would be applied to construction costs;
- opportunities for Council to provide feedback on all three design concepts of the building early in the process;
- the rationale for not including the ranking of the all bidders within the Staff report;
- whether the reduction of the tax base for this project was due to the changes and timing of the Development Charges Act; and,
- whether the development charges recuperated for this type of project due to the removal of the 10 percent soft services exemption would offset the loss for not having the number of parks in high density areas.

Recommendation:

Moved By Councillor Mulcahy

1. That the Town of Whitby accept the highest ranked proposal submitted by Perkins & Will Architecture in the amount of \$2,746,675.01 (plus applicable taxes) for the Prime Consultant (Architect) for the North Whitby Sports Complex (NWSC);
2. That the Total Project Cost of \$3,021,342.51 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

4.2 Corporate Services Department Report, CS 41-20
Re: 2020 Uncommitted Reserve and Reserve Fund Projection

A question and answer period ensued between Members of Committee

and Staff regarding:

- how grants from the Federal and Provincial Governments made available to municipalities as a result of the COVID-19 pandemic would be used to address anticipated reductions in reserve funds;
- whether the subdivision agreement with the developer provides a mechanism for Staff to monitor/approve construction of the roads and the additional costs incurred during construction with the Town's written direction and consent;
- whether the additional costs for the urbanization of Country Lane and Cochrane Street was anticipated by Staff;
- whether the amendment to the Development Charges Act to include the removal of the 10 percent of soft services exemption would impact the tax base in 2021, and whether the reduction was included in these projects;
- whether the 15 percent of the Country Lane project and the 10 percent of the Cochrane Street project funded by the tax base was included in the 2020 or 2021 budget; and,
- the Town's control over additional costs related to these projects, the ability to review the legitimacy of the costs, and whether the Town would be responsible for the total cost of the projects.

Recommendation:

Moved By Councillor Newman

1. That the Reserve and Reserve Fund uncommitted balance projection in Attachment 1 of this report be received for information;
2. That the additional budget request of \$2,700,000 for the Country Lane urbanization project be approved; and,
3. That the additional budget request of \$1,227,500 for the Cochrane Street urbanization project be approved.

Carried

4.3 Legal and Enforcement Services Department Report, LS 10-20
Re: Proposed Frivolous or Vexatious Complaint Policy

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

- whether any consultation took place with Staff from the City of Mississauga related to Staff responsibilities and permitted actions under their policy;
- the percentage of the number of complaints per year that would

- be considered vexatious complaints;
- how a complaint related to discrimination would be addressed;
- the remedy for a resident to submit a complaint to the Ombudsman should the resident feel that a complaint was not frivolous or vexatious; and,
- whether there has been an increase in the number of frivolous or vexatious complaints during the COVID-19 pandemic.

Recommendation:

Moved By Councillor Roy

That Council approve the Frivolous or Vexatious Complaint Policy attached to Report LS 10-20.

Carried

4.4 Legal and Enforcement Services Department and Planning and Development Department Joint Report, LS 12-20
Re: 7045 Country Lane – Garden Suite – Site Plan Amending Agreement - Revised

A brief question and answer period ensued between Members of Committee and Staff regarding whether a zoning by-law amendment would be required for the period of December 12, 2021 to June 12, 2022 due to the lapse in time between the current zoning by-law amendment expiring and the proposed extension of the Site Plan Agreement.

Recommendation:

Moved By Councillor Newman

1. That Council approve the Site Plan Amending Agreement subject to the comments and conditions set out in Report LS 12-20; and,
2. That Council authorize the Mayor and Clerk to execute the Site Plan Amending Agreement.

Carried

4.5 Public Works Department Report, PW 26-20
Re: Region of Durham 2021 Capital Budget and Nine Year Forecast

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

- the consideration and prioritization of a signalized intersection at Almond Avenue and Lake Ridge Road; and,
- whether projects within the Region of Durham's Capital Road Program Budget may be delayed due to the COVID-19 pandemic.

Recommendation:

Moved By Councillor Shahid

1. That Public Works Report PW 26-20 regarding the Region of Durham 2021 Capital Budget and Nine Year Forecast be received for information;
2. That Staff continue to coordinate road infrastructure programs with the Region of Durham to maximize efficiencies; and,
3. That Public Works Report PW 26-20 be forwarded to the Region of Durham.

Carried

5. New and Unfinished Business - General Government

5.1 New and Unfinished Business - General Government - Item MD-4914 and Item MD-4915

Councillor Newman inquired about the status of item MD-4914 regarding the three-way stop at Whitby Shores Greenway and Scadding Avenue and item MD-4915 regarding traffic calming measures at McQuay Boulevard (Colonel Farewell Public School).

S. Beale, Commissioner of Public Works advised that a report back regarding item MD-4914 would be presented in January 2021 and a report back regarding item MD-4915 would be presented in the new year.

Adjournment

Motion to Adjourn

Recommendation:

Moved By Councillor Shahid

That the meeting adjourn.

Carried

The meeting adjourned at 7:50 p.m.