

Regular Council Minutes
October 4, 2021 - 7:00 PM
Virtual Meeting/Council Chambers
Whitby Town Hall

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
S. Klein, Director of Strategic Initiatives
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, Head of Operations & Fire Chief
F. Wong, Commissioner of Financial Services/Treasurer
H. Ellis, Executive Advisor to the Mayor
C. Harris, Town Clerk
K. Narraway, Manager of Legislative Services/Deputy Clerk (Recording Secretary)

Regrets: None noted

Prior to Declarations of Pecuniary Interest, Mayor Mitchell recognized the passing of Jeffrey Beaton, noting his significant contributions to the Accessibility Advisory Committee and his involvement in the community over the course of his life.

1. Declarations of Pecuniary Interest

- 1.1 Mayor Mitchell declared a pecuniary interest under the Municipal Conflict of Interest Act regarding Item 7.7, Financial Services Department Report, FS 37-21, Town-Owned Land Strategy as the property identified as 14 Church Street is located directly across the

street from his residence. Mayor Mitchell did not take part in the discussion and voting on the recommendation related to the properties at 14 Church Street, 16 Church Street, and 45 Cassels Road East.

2. Adoption of Minutes

- 2.1 Special Council - June 21, 2021
Regular Council - June 21, 2021
Special Council - August 23, 2021
Special Council - September 13, 2021

Resolution # 233-21

Moved By Councillor Drumm
Seconded By Councillor Leahy

That the Regular Council minutes June 21, 2021 and the Special Council minutes of June 21, 2021, August 23, 2021 and September 13, 2021 be adopted.

Carried

3. Presentations

- 3.1 There were no presentations.

4. Delegations

- 4.1 Matthew Helfand representing Toronto-Guild Investments Ltd.
Re: Planning and Development Department Report, PL 38-21
Requests for exemption from Interim Control By-law # 7699-20 and # 7700-20

Refer to Item 6.1, PL 38-21

Matthew Helfand, representing Toronto-Guild Investments Ltd., stated that he is a lawyer for Aird & Berlis LLP and counsel to the owners of the land at 143 Garrard Road. He requested that an exemption to the Interim Control By-law for the property be approved. Mr. Helfand provided an overview of the application indicating that the development has been approved by the Ontario Land Tribunal. He indicated that providing an exemption would not affect the Town's ongoing intensification study and that the development represented good land-use planning and is compatible with the surrounding community. Mr.

Helfand noted that the development had previously received two positive recommendations from Town Staff and advised that concerns regarding traffic and access to the site had been resolved. He concluded by noting that the development would provide new housing options in the community without impacting the surrounding road network.

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

- if the proponent had spoken with area residents about the proposed development;
- negative feedback received from the surrounding community about the proposed development; and,
- comments received from area residents at the Statutory Public Planning Meeting and whether or not additional community consultation had taken place.

4.2 Ryan Turnbull, MP, Whitby
Re: Temporary Cricket Field and Future Cricket Amenities

Refer to Item 7.4, Temporary Cricket Field and Future Cricket Amenities

Ryan Turnbull, MP, Whitby appeared before Council and stated that he met with members of the community during the Federal election campaign who were playing cricket at Baycliffe Park. He indicated his support for the recommendation and noted the importance of permanent cricket pitches in the future. MP Turnbull stated that the Town is known as an inclusive community and that opportunities for sport should reflect that inclusivity. He advised that there are over 250 players in the Whitby Cricket Club and suggested forming a reference group from their membership to give advice to the Town on the development of cricket pitches and growing the sport in the community. He noted that funding for cricket pitches may be available through the Investing in Canada Infrastructure Program.

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

- the Investing in Canada Infrastructure Program and if the program could fund initiatives to grow youth participation in cricket;
- details of the funding formula between the Federal and Provincial governments for the Investing in Canada Infrastructure Program;
- the purpose of the Investing in Canada Infrastructure Program - Community, Culture and Recreation Infrastructure stream to support upgrades and development of recreational infrastructure;

- additional funding potentially being available through Cricket Canada; and,
- timing for making an application for the Investing in Canada Infrastructure Program and how applications are evaluated.

5. Correspondence

5.1 That the following requests be endorsed:

- October 2021 - Dyslexia Awareness Month
- October 2021 - Islamic History Month
- October 2021 - National Disability Employment Awareness Month
- October 6, 2021 - Energy Efficiency Day
- October 21, 2021 - Child Care Worker and Early Childhood Educator Appreciation Day
- October 18 to 24, 2021 - Waste Reduction Week
- October 18 to 24, 2021 - Flag Raising - World Polio Day
- October 24, 2021 - World Polio Day
- November 25, 2021 - International Day for the Elimination of Violence Against Women
- November 25, 2021 - Flag Raising - International Day for the Elimination of Violence Against Women
- May 2022 - Bullying Elimination Month
- May 23 to 29, 2022 - Bullying Elimination Week
- May 25 to 29, 2022 - Flag Raising - Bullying Elimination Week

Resolution # 234-21

Moved By Councillor Shahid
Seconded By Councillor Lee

That the proclamations for Dyslexia Awareness Month, Islamic History Month, National Disability Employment Awareness Month, Energy Efficiency Day, Child Care Worker and Early Childhood Educator Appreciation Day, Waste Reduction Week, World Polio Day, International Day for the Elimination of Violence Against Women, Bullying Elimination Month, and Bullying Elimination Week, and the flag raising for World Polio Day, International Day for the Elimination of Violence Against Women, and Bullying Elimination Week be endorsed.

Carried

6. Committee of the Whole Report
Planning and Development - September 20, 2021

6.1 Planning and Development Department Report, PL 38-21
Re: Requests for exemption from Interim Control By-law # 7699-20 and # 7700-20

A brief discussion ensued between Members of Council regarding community opposition to the proposed development at 143 Garrard Road including concerns about traffic safety.

Resolution # 235-21

Moved By Councillor Drumm
Seconded By Councillor Shahid

1. That Council approve the requests for exemptions from Town of Whitby Interim Control By-laws # 7699-20 and # 7700-20 for 10 Habitant Crescent, 188 Elizabeth Crescent N., 87 Scott Street, 39 Elizabeth Crescent S., Otter Creek Co-op, and 515 Palace Street.
2. That Council not approve the request for an exemption from Town of Whitby Interim Control By-law #7699-20 for 143 Garrard Road.

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		
	9	0	0

6.2 Planning and Development Department Report, PL 45-21
Re: Sign By-law Variance to Permanent Sign By-law for 520 Winchester Road East (Tim Hortons), File Number: SB-03-21

Resolution # 236-21

Moved By Councillor Yamada

Seconded By Councillor Mulcahy

That Council approve the request for a variance to the Town of Whitby Permanent Sign By-law #7379-18 for Tim Hortons, located at 520 Winchester Road East, as the proposed digital menu board sign is smaller than the existing non-digital sign and as the signs will be screened from view to those external to the site through the planting of three cedar trees.

Carried

- 6.3** Planning and Development Department Report, PL 46-21
Re: Sign By-law Variance to Permanent Sign By-law for 700 Victoria Street West (Tim Hortons), File Number: SB-04-21

Resolution # 237-21

Moved By Councillor Yamada
Seconded By Councillor Mulcahy

That Council approve the request for a variance to the Town of Whitby Permanent Sign By-law #7379-18 for Tim Hortons, located at 700 Victoria Street West as the proposed digital menu board sign is smaller than the existing non-digital sign and is located internal to the site and visible only to vehicles in the drive through.

Carried

- 6.4** Planning and Development Department Report, PL 47-21
Re: Draft Plan of Condominium Application – Heathwood Homes (Country Lane) Limited (Block 62, Plan 40M-2689), File Number: CW-2021-02

Resolution # 238-21

Moved By Councillor Yamada
Seconded By Councillor Mulcahy

1. That Council approve the application for a Draft Plan of Condominium (CW-2021-02) subject to the comments included in Planning Report PL 47-21 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

- 6.5** Planning and Development Department Report, PL 48-21
Re: Draft Plan of Condominium Application, Minthollow Estates Inc., Southeast Corner of Promenade Drive and Garden Street, File Number: CW-2021-03

Resolution # 239-21

Moved By Councillor Yamada
Seconded By Councillor Mulcahy

1. That Council approve the Draft Plan of Condominium (File No. CW-2021-03) subject to the comments included in Planning Report PL 48-21 and the Conditions of Approval, included in Attachment #4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

Carried

- 6.6** Planning and Development Department Report, PL 49-21
Re: Official Plan Amendment Application, Baldwin Street South, Winash Developments Limited, File Number: DEV-11-21 (OPA-2021-W/05)

Resolution # 240-21

Moved By Councillor Yamada
Seconded By Councillor Mulcahy

1. That Council approve Official Plan Amendment Number 122 to Whitby Official Plan (OPA-2021-W/02), as shown on Attachment

- #6, and that a By-law to adopt Official Plan Amendment Number 122 be brought forward for consideration by Council;
2. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision; and,
 3. That the Clerk forward a copy of the Planning Report PL 49-21, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 122 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development.

Carried

- 6.7** Planning and Development Department Report, PL 50-21
Re: Green Life Retirement, 106, 118 & 126 Mary St. E., Zoning By-law Amendment Application, File Number: DEV-03-21 (Z-03-21)

Resolution # 241-21

Moved By Councillor Yamada
Seconded By Councillor Mulcahy

That Council approve an amendment to Zoning By-law 2585 (File: Z-03-21), and that a By-law to amend Zoning By-law 2585 be brought forward for consideration by Council.

Carried

- 6.8** Planning and Development Department Report, 51-21
Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, 625 Columbus Road West, File Numbers: DEV-10-20 (SW-2020-03, Z-08-20)

Resolution # 242-21

Moved By Councillor Yamada
Seconded By Councillor Mulcahy

1. That Council approve the proposed Draft Plan of Subdivision (File SW-2020-03), subject to the comments included in Planning Report PL 51- 21 and the Conditions of Draft Approval included in Attachment #11;

2. That the draft plan be amended to accommodate a larger High Density Residential Block (Block 134) in accordance with the Brooklin Community Secondary Plan;
3. That Staff be authorized to prepare a Subdivision Agreement;
4. That Council remove 625 Columbus Road West from the Municipal Heritage Register in accordance with the recommendations from the Heritage Whitby Advisory Committee (HWAC);
5. That the Region of Durham Commissioner of Planning and Development be advised of Council's decision;
6. That Williams and Stewart Associates be appointed as the Control Architect for the Draft Plan of Subdivision;
7. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision;
8. That Council approve an amendment to Zoning By-law 1784 (File No. Z-08-20), as outlined in Planning Report PL 51-21; and,
9. That a By-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

Carried

7. Committee of the Whole Report
General Government - September 20 and 27, 2021

- 7.1 Office of the Chief Administrative Officer Report, CAO 23-21
Re: Downtown Whitby Action Plan September 2021 Update

A brief question and answer period ensued between Members of Council and Staff regarding engaging the Town's Advisory Committees in the Downtown Whitby Action Plan and collaboration between Town Staff and the Downtown Whitby Development Steering Committee and the Whitby Public Library Board.

Resolution # 243-21

Moved By Councillor Roy
Seconded By Councillor Drumm

That Report CAO 23-21, Downtown Whitby Action Plan September 2021 Update, be received as information.

Carried

- 7.2 Office of the Chief Administrative Officer Report, CAO 24-21

Re: Town of Whitby Partnership with the Barrett Centre of Innovation in Sustainable Urban Agriculture

A brief question and answer period ensued between Members of Council and Staff regarding if parcels of land have been identified for the Barrett Centre and when Staff would report to Council about potential sites.

Resolution # 244-21

Moved By Councillor Roy

Seconded By Councillor Drumm

1. That report CAO 24-21 be received for information;
2. That staff be authorized to investigate suitable municipal sites to partner on the development of a sustainable urban agricultural centre in partnership with the Barrett Centre; and,
3. That staff present a list of suitable properties at an upcoming closed session meeting.

Carried

- 7.3** Public Works (Operations) Department and Technology & Innovation Services Joint Report, PW 27-21
Re: Sole Source - Street Light and Fibre Optic Pole Transfers

Resolution # 245-21

Moved By Councillor Roy

Seconded By Councillor Drumm

1. That Council approve the sole source award, in the amount of \$103,342.50 to Elexicon's vendor of record, Westmore Poleline & Electric Inc., funded \$85,342.50 from capital project 30156801 Street Light Maintenance for the relocation of street lights to new poles and \$18,000 from capital project 10060401 Special Project – Fibre Optic;
2. The approval be granted for a contract for up to three (3) years subject to the Contractor's successful performance; and
3. That the Mayor and Clerk be authorized to execute the contract documents subject to the satisfaction of the Town Solicitor.

Carried

7.4 Temporary Cricket Field and Future Cricket Amenities

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

- constructing a storage building for the Whitby Cricket Club in the short-term;
- the temporary cricket pitch and how the wicket area would be built;
- making the temporary cricket pitch being available for the 2022 season;
- future expansion plans for the Whitby Cricket Club, including growing youth and senior membership;
- exploring opportunities for funding of permanent cricket pitches through the Investing in Canada Infrastructure Program; and,
- whether or not funding would be available through the Investing in Canada Infrastructure Program since the Town had recently received a grant through the program for renovations at the Civic Recreation Complex.

Resolution # 246-21

Moved By Councillor Roy

Seconded By Councillor Drumm

Whereas the Town of Whitby is in a period of significant growth; and,

Whereas that growth is changing the community interest and desire for new recreational amenities and opportunities; and,

Whereas a number of community members continue to express interest in the opportunity to play cricket; and

Whereas the Town of Whitby does not currently have cricket facilities;

Now Therefore be it Resolved:

1. That Staff explore opportunities to create a temporary cricket field within existing Town owned facilities, and update Council by year end on next steps; and,
2. That the Parks and Recreation Master Plan, to begin in late 2021 and be completed in 2022, be informed in part by the use of the temporary cricket field in order to determine future needs for cricket fields in the Town; and,

3. That, in conjunction with the development of the Parks and Recreation Master Plan, Staff be directed to explore opportunities to add cricket amenities at the Whitby Sports Complex.

Carried

- 7.5 Correspondence # 2021-811 received from Elaine Baxter-Trahair, Chief Administrative Officer, Region of Durham, dated August 11, 2021 regarding a Request for Resolution related to 311 calls using the Town of Whitby Telephone Exchange

Resolution # 247-21

Moved By Councillor Roy
Seconded By Councillor Drumm

That the Council of the Town of Whitby agree that there shall be no objection to the routing of 311 dialed calls originating from the overlap that exists between the Town of Whitby and the geographical area of the Regional Municipality of Durham, on an understanding that where callers (customers, residents, and businesses) of the Region of Durham dial 311 erroneously from within these exchanges, they will be given an option of being transferred to the contact centre of the municipality, town or county in which they reside.

Carried

- 7.6 Memorandum from A. Gratton, Manager of Enforcement Services, Legal and Enforcement Services Department, dated September 3, 2021 regarding Request from Circle Taxi and Bell Taxi to Increase Taxicab Fares

Discussion ensued between Members of Council regarding:

- supporting the taxicab industry, noting that Circle Taxi has operated in Whitby for more than 30 years; and,
- the justification for a fare increase due to increased insurance costs and in consideration of the amount of time that has passed since the last fare increase.

A brief question and answer period ensued between Members of Council and Staff clarifying that taxicab companies are permitted to charge less than the established taxicab fares should the choose.

Resolution # 248-21

Moved By Councillor Drumm
Seconded By Councillor Roy

1. That the Memorandum from A. Gratton, Manager of Enforcement Services, Legal and Enforcement Services Department, dated September 3, 2021 regarding Request from Circle Taxi and Bell Taxi to Increase Taxicab Fares be received for information; and,
2. That Staff be directed to bring forward a by-law to increase taxicab fares to a \$4.00 start rate and a per kilometre rate of \$0.25 per 1/10th of a kilometre.

Carried

7.7 Financial Services Department Report, FS 37-21
Re: Town-Owned Land Strategy

Resolution # 249-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That the following properties be declared surplus for the purpose of sale:
 - a. Part of Leslie Street, Plan 431, as Closed by By-law D248077, being Parts 6 and 7, Plan 40R-10177, PIN 26521-0253 (LT), Frederick and Leslie Streets, as shown on Attachment #1;
 - b. The road allowance between Henry Street and King Street, as shown on Attachment #2; and
2. That staff be authorized to conduct further studies to identify the developable portions and to sever the following properties for the purposes of a future property surplus declaration report:
 - a. Part of Lot 24, Conc. 1, PIN 26488-0153 (LT), Garden and Burns, as shown on Attachment #4;
 - b. Part of Lots 16, 26 and 32, now 40R-878, Parts 5 and 6, 40R-668, Part 3, and 40R-4690, Part 6, PIN: 265003-0117 (LT), as shown on Attachment #5;
 - c. Part of Lot 21, Con. 4, 40R-22941, Part 3, PIN: 16265 1248 (LT), known municipally as 695 Conlin Road, as shown on Attachment #6;
 - d. Part of Lot 20, Con BF, and RP 40R-505, Parts 1 to 4, RP 40R-1385, Parts 4, 6 to 7, Pt Parts 3 and 5, RP 40R-

- 12737, Part 1, PIN 16435 0072, Thickson Road South and Wentworth Street, as shown on Attachment #7;
3. That a capital project, in the amount of \$100,000 funded from the Town Property Reserve Fund, be established for the studies required to determine the developable area and sever properties 4, 5, 6, and 7 as listed on Table 1 of Report FS 37-21;
 4. That the following properties be retained for future Town purposes:
 - a. Part of Lots 16 and 32, Plan H-50031, being Parts 6 and 7, Plan 40R-5160, Hickory and Colborne Streets, as shown on Attachment #8;
 - b. Part Lots 29 and 30, First Double Range, Ann's Plan, Plan H-50046, PIN 26490 0061 (LT), known municipally as 508 Colborne Street West, as shown on Attachment #9;
 - c. Part Lot 21 and 22, Plan H-50032, Part of PIN 36502-0012 (LT), known municipally as 312 Colborne Street West and 117 King Street, as shown on Attachment #10;
 - d. Part Lot 25, 26, BF, 40R-19743, Part 2, PIN 26486-0196 (LT), north side of Water Street, as shown on Attachment #11;
 - e. Part of Lot 27, Con. 1, 40R-5363, Part 1, PIN 164920 0080 (LT), corner of Henry Street and Victoria Street West, as shown on Attachment #12;
 - f. Part Lot 29, Con. 2, PIN 26546 0109 (LT), known municipally as 700 Dundas Street West, as shown on Attachment #13;
 - g. Part Lot 19, Con. 9, now 40R-2728, Part 1, PIN 16405-0063 (LT), known municipally as 190 Myrtle Road East, as shown on Attachment #16;
 - h. Part of Lot 25, Conc. BF, being Part 1, Plan 40R-14708, known municipally as 580 Water Street, as shown on Attachment #17;
 5. That a capital project in the amount of \$425,000, funded from the Town Property Reserve, be established for the demolition of the building at 128 Brock Street South;
 6. That public notice and the disposition of each of the properties identified as surplus in report FS 37-21 be provided and completed in accordance with the Town's Acquisition, Sale or Other Disposition of Land Policy F 190;
 7. That MD-4775 related to 128 Brock Street South be removed from the New and Unfinished Business list;
 8. That By-laws be brought forward authorizing the disposition of the properties identified in Report FS 37-21, as appropriate.

Carried

Having previously declared a conflict of interest, Mayor Mitchell did not take part in the discussion and voting on the recommendation related to the properties at 14 Church Street, 16 Church Street, and 45 Cassels Road East. Deputy Mayor Leahy assumed the Chair for this portion of the meeting.

Resolution # 250-21

Moved By Councillor Roy
Seconded By Councillor Drumm

That the following properties be retained for future Town purposes:
Part of Block A, Part of Lot 148, Plan H-50052, known municipally as 14 Church Street, 16 Church Street and 45 Cassels Road East, as shown on Attachment #14.

Carried

Mayor Mitchell resumed the Chair.

- 7.8** Financial Services Department Report, FS 50-21
Re: 2021 Summer Recess Procurement Awards

Resolution # 251-21

Moved By Councillor Roy
Seconded By Councillor Drumm

That Report No. FS 50-21 on Summer Recess Procurement Awards be received as information.

Carried

- 7.9** Financial Services Department and Public Works (Operations)
Department Joint Report, FS 52-21
Re: T-58-2021 Supply and Delivery of Pick-Up Trucks with Accessories

Resolution # 252-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Tender T-58-2021 be awarded to Finch Auto Group in the amount of \$529,310.00 (plus applicable taxes), funded from the capital projects listed in Table 2 of Report FS 52-21, for the following:
 - Supply and Delivery of Four (4) Extended Cab, 4x4, Half Ton Pick-up trucks with Accessories;
 - Supply and Delivery of Five(5) Extended Cab, 4x4, Three Quarter Ton Pick-up trucks with Attachments; and
 - Supply and Delivery of One (1) Extended Cab, 4x4, One Ton Pick-up trucks with Lift tailgate
2. That the revised cost estimates totaling \$543,125.85, for the capital project noted in Table 2 of Report FS 52-21 be approved;
3. That the budget shortfall in the amount of \$34,375.85 be funded \$17,891.37 from the Asset Management Reserve Fund and \$16,484.48 from the Development Charge - Operations Reserve Fund; and
4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 7.10** Financial Services Department and Community Services Department
Joint Report, FS 53-21
Re: T-74-2021 – Micklefield Park Development

Resolution # 253-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Tender T-74-2021 be awarded to Quality Property Services in the amount of \$869,152.24 (plus applicable taxes), funded from the capital project 70200223, for the development of Micklefield Park;
2. That the revised cost estimate totaling \$1,164,133.02, as outlined in Table 1 of report FS 53-21, for the capital project 70200223 be approved;
3. That the budget shortfall in the amount of \$209,133.02 be funded:
 - a. \$146,841.02 from the Development Charge Parks & Recreation Reserve Fund,
 - b. \$16,315.67 from the Parks Cash In Lieu Reserve Fund; and
 - c. \$45,976.33 from External Recoveries;

4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 7.11** Community Services Department Report, CMS 15-21
Re: Parks and Recreation Master Plan – Terms of Reference

Resolution # 254-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Council approve the Parks and Recreation Master Plan Terms of Reference, Attachment 1, as the foundation for updating 2006 Culture, Parks, Recreation and Open Space Plan (CPROS);
2. That Council authorize Staff to issue a Request for Proposal (RFP) based on the Terms of Reference, to select a qualified consultant for the development of the Parks and Recreation Master Plan;
3. That the project budget of \$257,500 allocated within the 2021 Capital Budget be used to fund the project; and,
4. That Staff report back to Council at key milestones in accordance with the work plan proposed in the Terms of Reference.

Carried

- 7.12** Legal and Enforcement Services Report, LS 12-21
Re: Parking Lease and License Agreements with Metrolinx and Transfer of Land to Metrolinx

Resolution # 255-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Council authorize the Commissioner of Financial Services/Treasurer and the Commissioner of Legal and Enforcement Services/Town Solicitor to execute a Lease Extension Agreement with Metrolinx for Town-owned land located at the north-east corner of Henry Street and Victoria Street for the purposes of additional parking for the Whitby GO Station for a

- period of two (2) years, on terms that are substantially as set out in Attachment 2 of Report LS 12-21;
2. That Council authorize the Commissioner of Financial Services/Treasurer and the Commissioner of Legal and Enforcement Services/Town Solicitor to execute a License Extension Agreement with Metrolinx to utilize 300 parking spaces for a period of three (3) years at Iroquois Park Sports Centre ("IPSC"), on terms that are substantially as set out in Attachment 3 of Report LS 12-21;
 3. That Council authorize the Commissioner of Financial Services/Treasurer and the Commissioner of Legal and Enforcement Services/Town Solicitor to execute a License Agreement with Metrolinx to utilize 25 parking spaces for a period of three (3) years at Luther Vipond Memorial Arena ("Vipond"), on terms that are substantially as set out in Attachment 4 of Report LS 12-21;
 4. That First Street, Plan H50047, Whitby (as closed by By-law 1759-84), Part 3, Plan 40R-8178, Whitby (PIN 26492-0111 (LT)), and William Street, Plan H50047, Whitby (aka Byron Street) (as closed by By-law 1758-84), Part 4, Plan 40R-10043, Whitby (PIN 26492-0113 (LT)) (the "Lands") be declared surplus for the purpose of conveyance to Metrolinx and that the notice requirements of the Town's Sale of Land Policy be waived; and,
 5. That a By-law be brought forward authorizing the sale of the Lands to Metrolinx.

Carried

- 7.13** Legal and Enforcement Services Report, LS 16-21
Re: Prohibited & Regulated Animals By-law Exemption Request for Nova's Ark – 7505 Cedarbrook Trail

Resolution # 256-21

Moved By Councillor Roy
Seconded By Councillor Drumm

That staff send correspondence to the Ministry of Northern Development, Mines, Natural Resources and Forestry ("MND") and to the Attorney General requesting that the Town be notified for any future requests made in Whitby for animals which contravene the Town's Prohibited and Regulated Animals By-law and to request a review and amendment of Ontario's Fish and Wildlife Conservation Act, 1997 to ensure advance notification to the municipality when permits

under s. 40 for the keeping of specified wildlife in captivity are to be issued by MND within the municipality to ensure compliance with municipal by-laws, particularly where the facility is not an accredited zoo, and that a copy of this correspondence be circulated to the Association of Animal Shelter Administrators' of Ontario.

Carried

8. Audit Committee Report
Report of the Audit Committee - September 8, 2021

- 8.1** Financial Services Department Report, FS 51-21
Re: 2020 Year End Communication and Financial Statements

Resolution # 257-21

Moved By Councillor Leahy
Seconded By Councillor Lee

1. That Report FS 51-21 of the Commissioner of Financial Services be received for information.
2. That the Corporation of the Town of Whitby's Audited Consolidated Financial Statements for the year ended December 31, 2020 be approved.
3. That Deloitte LLP be engaged to perform the audit of the Town of Whitby's financial statements for the years ending December 31, 2021.

Carried

9. Notice of Motion

- 9.1** Provincial Funding for Municipal By-law Enforcement Costs related to Proof of Vaccination Policy

Councillor Yamada introduced the motion noting the costs associated with By-law Officers enforcing Provincial COVID-19 restrictions including ensuring compliance with the recently enacted proof of vaccination program.

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

- COVID-19 relief funding received in 2020 and 2021 in the amount of approximately \$6.1 million which will be exhausted by the end of 2021;

- clarification that there have been no further commitments from the Provincial or Federal governments regarding COVID-19 relief funding; and,
- how the Town will address future COVID-19 funding requirements in the absence of additional Provincial or Federal funding.

Resolution # 258-21

Moved By Councillor Yamada
Seconded By Councillor Leahy

Whereas the Province enacted a proof of vaccination policy which took effect on September 22, 2021; and,

Whereas on September 1, 2021 Premier Ford stated that By-law Officers may be responsible for enforcing issues of non-compliance for regulated businesses that fail or refuse to require proof of vaccination for their patrons; and,

Whereas municipal By-law Officers have dedicated significant time and resources enforcing Provincial mandates and guidelines throughout the course of the COVID-19 pandemic, including enforcement of stay-at-home orders, all of which is outside of core municipal by-law enforcement responsibilities; and,

Whereas costs for municipal By-law Officers are borne by residents and businesses in Whitby and not the Province;

Now therefore, be it resolved:

1. That Council requests that the Province provide funding to local municipalities for municipal by-law enforcement costs related to issues of non-compliance as a result of the Province's proof of vaccination policy; and,
2. That the Clerk be directed to send a copy of this resolution to Premier Ford, M.P.P. Lorne Coe, and all Durham municipalities.

Carried

10. New and Unfinished Business

10.1 Financial Services Department Report, FS 60-21

Re: Update on Land Conveyance to Otter Creek Co-op Homes – Town-owned Land between 835 and 855 McQuay Boulevard

A brief discussion ensued between Members of Council regarding the efforts of Town Staff and Otter Creek Co-op Homes to ensure a smooth transition of the lands, noting that there were no objections filed by area residents regarding the Town providing the land to Otter Creek Co-op for the provision of affordable homes.

Resolution # 259-21

Moved By Councillor Newman

Seconded By Councillor Drumm

1. That revised conditions included in report FS 60-21 be approved and incorporated into the Agreement of Purchase and Sale between the Town and Otter Creek Co-operative Homes Inc. ("Otter Creek Co-op"); and
2. That the Mayor and Clerk be authorized to execute the Agreement of Purchase and Sale between the Town and Otter Creek Co-op as outlined in report FS 60-21.

Carried

Moved By Councillor Mulcahy

Seconded By Councillor Lee

That Council suspend the rules of procedure to allow the introduction of a motion regarding a COVID-19 Vaccination Mandate for Members of Council.

Carried on a Two-Thirds Vote

10.2 COVID-19 Vaccination Mandate for Members of Council

A brief discussion ensued between Members of Council regarding a similar motion at Regional Council requiring Council Members to provide proof of vaccination and the importance of showing leadership to Staff by requiring proof of vaccination for all Members.

A brief question and answer period ensued between Members of Council and Staff regarding how proof of vaccination would be administered by the Town and the possibility of returning to in-person Council meetings in the future.

Resolution # 260-21

Moved By Councillor Mulcahy
Seconded By Councillor Lee

Whereas the Town of Whitby implemented a mandatory COVID-19 Vaccine Policy effective September 13th, 2021 requiring all Town employees to be fully vaccinated against COVID-19;

Now Therefore be it Resolved:

That all members of Whitby Council be required to comply with the Town's COVID-19 Vaccine Policy and submit the necessary proof that they are fully vaccinated against COVID-19 to Human Resources by Friday, October 15th.

Carried

11. By-Laws

That the following by-laws be passed:

- 11.1 By-law # 7784-21, being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2013-03) as not being subject of Part Lot Control.
- 11.2 By-law # 7785-21, being a by-law to to designate certain portions of a registered Plan of Subdivision (SW-2013-04) as not being subject of Part Lot Control.
- 11.3 By-law # 7786-21, being a by-law to amend By-law #1784, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PL 35-21, Zoning By-law Amendment Application Z-08-14, Castlevale Development Corporation, Hanover Court
- 11.4 By-law # 7787-21, being a by-law to amend By-law #2585, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PL 32-21, Zoning By-law Amendment Application, Manorville Homes, 917 Dundas St. W., File No. DEV-01-21 (Z-01- 21)
- 11.5 By-law # 7788-21, being a by-law to amend By-law #2585, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PL 39-21, Draft Plan of Subdivision Application and Zoning Bylaw Amendment Application for Seaboard Gate and Vista Beach Court, by Cedar City Seaboard Gate Inc. File No. DEV-02-21 (SW-2021-01, Z-02-21)

- 11.6** By-law # 7789-21, being a by-law to adopt Amendment Number 122 to the Official Plan of the Town of Whitby.

Refer to PL 49-21, Official Plan Amendment Application, Baldwin Street South, Winash Developments Limited, File No. DEV11-21 (OPA-2021-W/05)

- 11.7** By-law # 7790-21, 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 PL 22-21, Town of Whitby Support for New Unnamed Elementary School

- 11.8** By-law # 7791-21, being a by-law to assume Cathedral Drive as shown on Plan 40M-2570 as a public highway [Criterion 2B Subdivision, Luvian Homes (Taunton and Thickson) Limited].

- 11.9** By-law # 7792-21, being a by-law to dedicate Parts 1, 7, 8 and 9 on Plan 40R-31179 as a Public Highway (Townline Road West).

- 11.10** By-law # 7793-21, being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2013-03) as not being subject of Part Lot Control.

- 11.11** By-law # 7794-21, being a by-law to designate certain portions of a registered Plan of Subdivision (S-168-88) as not being subject of Part Lot Control.

- 11.12** By-law # 7795-21, being a by-law to authorize the conveyance of First Street, Plan H50047 (as Closed by By-law D188011), Part 3, Plan 40R-8178, being all of PIN 26492-0111 (LT), and William Street, Plan H50047 (aka Byron St) (as Closed by By-law D188012), Part 4, Plan 40R-10043, being all of PIN 26492-0113 (LT) (the "Lands") to Metrolinx.

Resolution # 261-21

Moved By Councillor Newman
Seconded By Councillor Shahid

That leave be granted to introduce By-laws # 7784-21 to # 7795-21 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

12. Closed Session

Council did not move into closed session to consider the appointments to the Active Transportation and Safe Roads Advisory Committee, Brooklin Downtown Development Steering Committee, Downtown Whitby Development Steering Committee, Accessibility Advisory Committee, Whitby Sustainability Advisory Committee, and Whitby Public Library Board.

- 12.1** Confidential Memorandum from C. Harris, Town Clerk, dated September 22, 2021 regarding Recommendation for Appointment to the Active Transportation and Safe Roads Advisory Committee
- 12.2** Confidential Memorandum from C. Harris, Town Clerk, dated September 22, 2021 regarding Recommendation for Appointments to the Brooklin Downtown Development Steering Committee
- 12.3** Confidential Memorandum from C. Harris, Town Clerk, dated September 22, 2021 regarding Recommendation for Appointment to the Downtown Whitby Development Steering Committee
- 12.4** Confidential Memorandum from C. Harris, Town Clerk, dated September 22, 2021 regarding Recommendation for Appointment to the Accessibility Advisory Committee and Request to Extend Existing Members' Terms
- 12.5** Confidential Memorandum from C. Harris, Town Clerk, dated September 22, 2021 regarding Recommendation for Appointments to the Whitby Sustainability Advisory Committee
- 12.6** Confidential Memorandum from C. Harris, Town Clerk, dated September 30, 2021 regarding Recommendation for Appointment to the Whitby Public Library Board

Resolution # 262-21

Moved By Councillor Drumm

Seconded By Councillor Mulcahy

1. That Council appoint Michelle Thornley to the Active Transportation and Safe Roads Advisory Committee for a term ending November 14, 2022 or until a successor is appointed;
2. That Council appoint Alex MacCulloch and Adam Walker to the Brooklin Downtown Development Steering Committee for the term ending November 14, 2022 or until a successor is appointed;
3. That Council appoint Aryel Maharaj to the Downtown Whitby Development Steering Committee for the term ending November 14, 2022 or until a successor is appointed;
4. That the following Accessibility Advisory Committee Members' term be extended until November 14, 2022 or such time as a successor is appointed:
 - Ayse Yuksel;
 - Paul Scott; and,
 - Liam Lacy;
5. That Poonam Dewan be appointed as a member of the Accessibility Advisory Committee until November 14, 2022 or such time as a successor is appointed;
6. That Council appoint Mahroz Hussain, Michelle Thornley, David Budd, and Poonam Dewan to the Whitby Sustainability Advisory Committee for the term ending November 14, 2022 or until a successor is appointed; and,
7. That Council appoint Fannie Mann to the Whitby Public Library Board for the term ending November 14, 2022 or until a successor is appointed.

Carried

Mayor Mitchell and Members of Council recognized Warren Mar, Commissioner of Legal and Enforcement Services/Town Solicitor, thanking him for his six years of service to the Town and wishing him well in his future endeavours.

Commissioner Mar thanked Members of Council and the residents of Whitby for the opportunity to work on their behalf.

13. Rising and Reporting

There were no matters considered in closed session. Therefore, Council did not rise and report.

14. Confirmatory By-Law

14.1 Confirmatory By-law

Resolution # 263-21

Moved By Councillor Mulcahy
Seconded By Councillor Yamada

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 October 4, 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

15. Adjournment

15.1 Motion to Adjourn

Moved By Councillor Newman
Seconded By Councillor Leahy

That the meeting adjourn.

Carried

The meeting adjourned at 8:36 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor