

Regular Council Minutes  
June 21, 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  
J. Long, Head of Organizational Effectiveness  
W. Mar, Commissioner of Legal and Enforcement Services/Town Solicitor  
M. Perini, Acting Fire Chief  
J. Romano, Commissioner of Community Services  
R. Saunders, Commissioner of Planning and Development  
D. Speed, Head of Operations  
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

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The meeting commenced at 8:12 p.m. due to the Special Council Meeting held prior to the Regular Council Meeting.

1. Declarations of Pecuniary Interest

- 1.1 Mayor Mitchell declared a pecuniary interest under the Municipal Conflict of Interest Act regarding Item 2.1, Presentation, Doug Allingham and Leo Plue, Members, Hospital Task Force, Re: Hospital Task Force 2021 Update, and Item 4.1, Office of the Chief Administrative Officer and Planning and Development Department Joint Report, CAO 14-21,

Re: Hospital Task Force Update June 2021 on the June 7, 2021 (6:00 p.m.) Special Council Meeting Agenda as the lands under discussion in relation to these matters abut or sit upon a portion of 5455 Ashburn Road, a property that Mayor Mitchell and his family have an interest in. Mayor Mitchell did not attend the June 7, 2021 (6:00 p.m.) Special Council Meeting and as such, declared the pecuniary interest at the next meeting of Council, in accordance with the Municipal Conflict of Interest Act.

2. Adoption of Minutes

- 2.1** Special Council - May 17, 2021 (Confidential Minutes Under Separate Cover)  
Regular Council - May 17, 2021  
Special Council - May 31, 2021 (Confidential Minutes Under Separate Cover)  
Special Council - June 7, 2021 (5:30 p.m.) (Confidential Minutes Under Separate Cover)  
Special Council - June 7, 2021 (6:00 p.m.)  
Special Council - June 14, 2021 (Confidential Minutes Under Separate Cover)

**Resolution # 168-21**

Moved By Councillor Drumm  
Seconded By Councillor Leahy

That the Regular Council minutes of May 17, 2021 and the Special Council minutes of May 17, May 31, June 7 (5:30 p.m.), June 7 (6:00 p.m.), and June 14, 2021 be adopted.

**Carried**

3. Presentations

- 3.1** There were no presentations.

4. Delegations

- 4.1** Steve Edwards, Beth Halpenny and Steven Silverberg representing Cedar City Seaboard Gate Inc.  
Re: Planning and Development Department Report, PL 39-21

Draft Plan of Subdivision and Zoning By-law Amendment Applications,  
Seaboard Gate and Vista Beach Court, Cedar City Seaboard Gate Inc.,  
File Numbers: DEV-02-21 (SW-2021-01, Z-02-21)

**Refer to Item 6.7, PL 39-21**

Steve Edwards, Beth Halpenny and Steven Silverberg representing Cedar City Seaboard Gate Inc. provided a PowerPoint presentation regarding Planning and Development Department Report, PL 39-21. Highlights of the presentation included:

- the impact of adding a walkway from the proposed development that would lead into Portage Park;
- the walkway length of 42 metres and the impact of assuming maintenance of the walkway on the Town's capital and operating budgets;
- walking distances to Portage Park and Whitby Shores Public School from Vista Beach Court with and without the walkway;
- grading challenges associated with locating an extension of the walkway into Portage Park towards the playground due to an existing swale and catch basin;
- resident concerns with traffic on Seaboard Gate and on-street parking during sporting events at Portage Park;
- details about relocating the sidewalk within the proposed development to the homes on the outside of the proposed street as opposed to those on the inside of the street to accommodate the walkway;
- construction delays associated with incorporating the walkway noting that servicing would not occur until 2022; and,
- correspondence submitted by the Durham District School Board (DDSB) objecting to the proposed walkway noting concerns about the area becoming an unsupervised drop-off and pick-up location and indicating that DDSB would consider installing a fence around Whitby Shores Public School to prevent access to the school via the walkway.

A question and answer period ensued between Members of Council, Mr. Edwards, Ms. Halpenny, and Mr. Silverberg regarding:

- relocating the sidewalk from the inside of the street to the outside of the street, resulting in approximately 50 metres of additional sidewalk;
- additional operating costs incurred by relocating the sidewalk as moving the sidewalk to the outside of the street would require Town Staff to clear snow from the length adjacent to Whitby Shores Public School;

- timing of construction for the project and the importance of a condensed construction schedule to allow for earthworks, servicing, and road paving to be completed this year;
- residents in the neighbourhood expressing an interest in a potential walkway from the proposed development;
- the potential for an extension of the walkway through Portage Park to be flooded during storm events as it would be located near a drainage swale;
- confirmation of the walking distances to Portage Park from the proposed development and for residents outside of the development should the walkway not be constructed;
- the potential risks of on-street parking complaints with motorists parking within the development for access to the park and school versus the benefits of installing the walkway for pedestrian access; and,
- the viability of installing a gate to the park from the development instead of a walkway and potential locations for a gate.

- 4.2** Stacey Leadbetter representing Otter Creek Co-operative Homes Inc.  
Re: Financial Services Department and Legal and Enforcement  
Services Joint Report, FS 38-21  
Declare Surplus Block I, Plan M1067, PIN 26544-0215(LT) and Block B,  
Plan M1067, PIN 26544-0214 (LT), Lands Between 835 and 855  
McQuay Boulevard, for the Purpose of a Land Donation to Otter Creek  
Co-operative Homes Inc.

**Refer to Item 7.17, FS 38-21**

When called upon, Ms. Leadbetter was not in attendance to make a delegation to Council.

**5. Correspondence**

- 5.1** That the following requests be endorsed:
- August 1 to 7, 2021 - Brooklin-Whitby Garden Club Week
  - September 20 to 26, 2021 - Rail Safety Week

**Resolution # 169-21**

Moved By Councillor Shahid  
Seconded By Councillor Lee

That the proclamations for Brooklin-Whitby Garden Club Week and Rail Safety Week be endorsed.

**Carried**

6. Committee of the Whole Report  
Planning and Development - June 7, 2021

- 6.1** Planning and Development Department Report, PL 32-21  
Re: Zoning By-law Amendment Application, Manorville Homes, 917  
Dundas St. W., File Number: DEV-01-21 (Z-01-21)

**Resolution # 170-21**

Moved By Councillor Yamada  
Seconded By Councillor Mulcahy

1. That Council approve an amendment to Zoning By-law 2585 (File: Z-01-21) to permit a semi-detached dwelling with accessory apartments; and,
2. That a By-law to amend Zoning By-law 2585 be brought forward for consideration by Council.

**Carried**

- 6.2** Planning and Development Department Report, PL 33-21  
Re: Sign By-law Variance and Amendment to Permanent Sign By-law for 1301 Brock Street South (McDonald's), File Number: SB-02-21

**Resolution # 171-21**

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 McDonald's, located at 1301 Brock Street South, 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**

- 6.3** Planning and Development Department Report, PL 34-21  
Re: Draft Plan of Condominium Application, Minto (Rossland) Inc. (Block 151 - Plan 40M-2636), File Number: CW-2021-01

**Resolution # 172-21**

Moved By Councillor Yamada

Seconded By Councillor Mulcahy

1. That Council approve the application for a Draft Plan of Condominium (CW-2021-01) subject to the comments included in Planning Report PL 34-21 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**

- 6.4** Planning and Development Department Report, PL 35-21  
Re: Zoning By-law Amendment Application, Castlevale Development Corporation, Hanover Court, File Number: Z-08-14

**Resolution # 173-21**

Moved By Councillor Yamada

Seconded By Councillor Mulcahy

1. That Council approve an amendment to Zoning By-law 1784, (File Z-08-14) as outlined in Planning Report No. PL 35-21; and,
2. That a By-law to amend Zoning By-law 1784 be brought forward for consideration by Council.

**Carried**

- 6.5** Planning and Development Department Report, PL 36-21  
Re: Site Plan Application, Stacey Whittington and Keith Bryan, 108 & 110 Craydon Road, File Number: DEV-29-20 SP-17-20

Councillor Drumm stated that she was not in support of the development, noting that she had concerns regarding drainage of storm water from the property.

**Resolution # 174-21**

Moved By Councillor Yamada  
Seconded By Councillor Mulcahy

1. That Council approve Site Plan Application (File No. SP-17-20) subject to the comments and conditions included in Planning Report PL 36-21;and,
2. That the proponent enter into a Site Plan Agreement with the Town and be responsible for the related fee.

**Carried**

- 6.6** Planning and Development Department Report, PL 37-21  
Re: Envision Durham – Proposed Policy Directions Report

**Resolution # 175-21**

Moved By Councillor Yamada  
Seconded By Councillor Mulcahy

1. That Report PL 37-21 be endorsed as the Town's comments on the Envision Durham – Proposed Policy Directions Report, as part of the Region of Durham Municipal Comprehensive Review; and,
2. That the Clerk forward a copy of Report PL 37-21 to the Durham Region Planning and Economic Development Department and the Durham area municipalities.

**Carried**

- 6.7** Planning and Development Department Report, PL 39-21  
Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, Seaboard Gate and Vista Beach Court, Cedar City Seaboard Gate Inc., File Numbers: DEV-02-21 (SW-2021-01, Z-02-21)

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

- the concerns expressed by the DDSB about having the street within the development become an unsupervised drop-off and pick-up area;
- whether there is a requirement from the Ministry of Education to install fencing around school yards;

- if the location of the swale in Portage Park would prevent the Town from building a path to connect to a walkway in the proposed development;
- the initial cost estimate of \$50,000 to construct a path through Portage Park plus an additional \$15,000 to \$20,000 in costs should screening be required near the baseball diamond in Portage Park;
- confirmation that locating the sidewalk on the outside of the street within the development would be of minimal impact to the Town's operating budget for snow removal;
- examples of other schools in the Town where school yards have been fully fenced for security purposes or to prevent unsanctioned access onto school properties;
- the Council goal of building walkable neighbourhoods and the importance of providing opportunities for children to walk to school;
- concerns from residents about having walkways adjacent to their homes;
- examples of schools that have established no-parking and/or no-stopping zones to address parking concerns in neighbourhoods with walkways;
- impacts to the baseball diamond within Portage Park due to the installation of the potential path and screening along the edge of the diamond;
- confirmation that the DDSB has previously rejected allowing a gate from the development to allow access to their property;
- pro-actively installing parking restrictions on the street within the development to prevent parking concerns in advance of any potential issues;
- inconsistencies regarding the installation of gates and walkways by the DDSB;
- confirmation that Staff attempt to advance walkable solutions when meeting with commenting agencies and developers; and,
- the need for clarification from the DDSB about their policy surrounding promotion of walkable schools and whether or not they prefer that children are driven to school.

Moved By Councillor Yamada

Seconded By Councillor Mulcahy

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021- 01) subject to the comments included in Planning Report PL 39-21 and the Conditions of Draft Approval included in Attachment #9;



2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Region of Durham Commissioner of Planning and Economic 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 2585 (File Z-02- 21), as outlined in Planning Report PL 39-21; and,
7. That a By-law to amend Zoning By-law 2585 be brought forward for consideration by Council.

**Carried later in the meeting [See following motion]**

Moved By Councillor Leahy  
Seconded By Councillor Yamada

That Item 1 be amended by including the words 'subject to an appropriate pedestrian access being provided between Street A and DDSB school property or Portage Park', following the words 'included in Attachment #9'.

**Motion lost on a recorded vote as follows:**

|                    | <b>For</b> | <b>Against</b> | <b>Abstained</b> |
|--------------------|------------|----------------|------------------|
| 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              |                  |
|                    | 4          | 5              | 0                |

The main motion was then carried as follows:

**Resolution # 176-21**

Moved By Councillor Yamada  
Seconded By Councillor Mulcahy

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021- 01) subject to the comments included in Planning Report PL 39-21 and the Conditions of Draft Approval included in Attachment #9;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Region of Durham Commissioner of Planning and Economic 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 2585 (File Z-02- 21), as outlined in Planning Report PL 39-21; and,
7. That a By-law to amend Zoning By-law 2585 be brought forward for consideration by Council.

**Carried**

7. Committee of the Whole Report  
General Government - June 7, 2021 and June 14, 2021

It was the consensus of Council to move to Item 7.31 at this time.

- 7.1 Public Works (Operations) Department Report, PW 17-21  
Re: Vimy Memorial Park

**Resolution # 177-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That Report PW 17-21 be received as information;
2. That Council approve, in principle, for the Town to accept the maintenance responsibilities of the Highway of Heroes Tribute Park and authorize staff to negotiate a collaborative partnership agreement with the necessary parties needed to maintain the future Highway of Heroes Tribute Park;
3. That staff report back to Council on the progress of the park agreement along with refined budget implications prior to assumption; and,
4. That Report PW 17-21 be circulated to the Region of Durham and the Ontario Horticultural Trades Foundation.

**Carried**

- 7.2** Fire and Emergency Services Department Report, FR 03-21  
Re: Proposed Repeal and Replacement of the By-law to Regulate the  
Setting of Fires

**Resolution # 178-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That report FR 03-21 of the Fire and Emergency Services Department be received for information;
2. That Council direct the Clerk to bring forward a by-law to repeal and replace By-law # 6991-15 being a By-law to Regulate the Setting of Fires, substantially in the form of the draft Regulate the Setting of Fires By-law appended as Attachment #1 to this report.

**Carried**

- 7.3** Fire and Emergency Services Department Report, FR 04-21  
Re: Sole Source Award to Vector Solutions for Target Solutions  
Software

**Resolution # 179-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That Council approve the sole source award to Vector Solutions for the Target Solutions software in the annual amount of \$20,000 (plus applicable taxes) for the internal communications and training software platform within the Whitby Fire and Emergency Services Department;
2. That approval be granted to extend this contract for up to two (2) additional one (1) year term(s) subject to budget approval and the successful performance in the previous term including product quality and pricing; and,
3. That the Treasurer and Fire Chief be authorized to execute the contract documents subject to the satisfaction of the Town Solicitor.

**Carried**

- 7.4** Financial Services Department and Legal and Enforcement Services  
Joint Report, FS 25-21  
Re: Declare Surplus Part Lot 28, Concession 4, being Parts 1, 2 and 3, Plan 40R-31365 for the Purpose of Transfer to Nordik Immobiliers – Whitby Inc. and Acquisition of Part Lot 28, Concession 4, being Parts 4 and 5, Plan 40R-31365 from Nordik Immobiliers – Whitby Inc.

**Resolution # 180-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That Part Lot 28, Concession 4, being Parts 1, 2 and 3, Plan 40R-31365, be declared surplus for the purpose of transfer to Nordik Immobiliers – Whitby Inc. (“Nordik”) or their subsidiary or holding company;
2. That the Town of Whitby acquire Part Lot 28, Concession 4, being Parts 4 and 5, Plan 40R-31365 from Nordik Immobiliers – Whitby Inc.; and,
3. That the Clerk be directed to bring forward the necessary by-laws for the conveyance and acquisition of the properties.

**Carried**

- 7.5** Indigenous Land Recognition in the Town of Whitby

**Resolution # 181-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That Staff be directed to undertake consultations with the Mississaugas of Scugog Island First Nation (MSIFN) for the purpose of determining a suitable location and wording for a plaque on Town land that will acknowledge the traditional treaty territory of the Mississaugas of Scugog Island First Nation of the Mississauga Nation; and,
2. That the Clerk be directed to circulate this resolution to the Diversity and Inclusion Advisory Committee.

**Carried**

- 7.6** Memorandum from T. Painchaud, Senior Manager, Transportation Services, dated May 31, 2021 regarding the Active Transportation and Safe Roads Advisory Committee's (ATSRAC) Annual Report and Committee Work Plan

**Resolution # 182-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

That the Active Transportation and Safe Roads Advisory Committee's 2020 Annual Report be received for information.

**Carried**

- 7.7** Memorandum from C. Harris, Town Clerk, dated June 9, 2021 regarding Re-use and Rehabilitation of the Pump House

**Resolution # 183-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That the Memorandum from C. Harris, Town Clerk, dated June 9, 2021 regarding Re-use and Rehabilitation of the Pump House be received for information;
2. That staff be directed to prepare a memo updating Council on the status of the work being undertaken to protect and stabilize the Pump House;
3. That staff be directed to consult with the Heritage Whitby Advisory Committee on the recommended future use of the Pump House;
4. That Staff provide a report to Council on the recommended future use of the Pump House including the timing and budget implications by the end of Q4 2021.

**Carried**

- 7.8** Memorandum from C. Harris, Town Clerk, dated June 10, 2021 regarding Centre Line Markings and User Symbols approach on Multi-Use Paths, In-Boulevard Networks, and Trail Core Spine Networks including Intersections, as identified in the Active Transportation Plan

**Resolution # 184-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That the Memorandum from C. Harris, Town Clerk, dated June 10, 2021 regarding Centre line markings and user symbols approach on multi-use paths, in-boulevard networks, and trail core spine networks, including intersections, as identified in the Active Transportation Plan be received for information;
2. That Staff be directed to adopt a "marked and marketed" centre line and user symbol approach on multi-use paths, in-boulevard networks, and trail core spine networks, including intersections, as identified in the new Active Transportation Plan using Ontario Traffic Manual Book 18 Guidelines; and,
3. That staff report back on the cost implications in the 2022 budget to retroactively address existing applicable MUPs to update them with these new specifications accordingly.

**Carried**

- 7.9** Office of the Town Clerk Report, CLK 08-21  
Re: Customer Service Strategy – Final Report

**Resolution # 185-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

That the Customer Service Strategy appended to Report CLK 08-21 as Attachment 1 be endorsed, and the recommendations within referred to the 2022 budget for Council consideration as part of the Town's budget process.

**Carried**

- 7.10** Office of the Town Clerk Report, CLK 06-21  
Re: 2022 Council, Committee, and Public Meetings Schedule

**Resolution # 186-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

That Council approve the 2022 Council, Committee, and Public Meeting Schedule appended as Attachment 1 to this report.

**Carried**

- 7.11** Office of the Town Clerk Report, CLK 07-21  
Re: Banter & Co. Brewing Ltd. – “By the Glass” Manufacturer’s Limited Liquor Sales Licence Application to the AGCO

**Resolution # 187-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That the Council of the Town of Whitby supports the application made by Banter & Co. Brewing Ltd., located at 66 Baldwin Street, Whitby, for a “By the Glass” Manufacturer’s Limited Liquor Sales Licence; and,
2. That the Clerk provide written notice to the Alcohol and Gaming Commission of Ontario (AGCO) and to Banter & Co. Brewing Ltd. notifying them of Council’s resolution confirming its support.

**Carried**

- 7.12** Financial Services Department Report, FS 29-21  
Re: 2020 Capital Budget Year End and 2021 Reserve/Reserve Fund Projection

**Resolution # 188-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That FS 29-21 be received for information;
2. That the budget request of \$230,000 for repairs to the Brooklin Pond funded from the Asset Management Reserve Fund be approved; and,
3. That, in accordance with the arrangement with the Ministry of Transportation Ontario, funds in the amount up to \$230,000 be transferred from the Development Charge Roads and Related Town-wide Infrastructure Reserve Fund to the Asset

Management Reserve Fund related to the Brooklin Pond work in lieu of payment for the sidewalk on Baldwin Street.

**Carried**

- 7.13** Public Works Department and Financial Services Department Joint Report, FS 30-21  
Re: T-40-2021 – Superstructure Widening of Rossland Road Overpass at CP Rail

**Resolution # 189-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That Tender T-40-2021 be awarded to Marbridge Construction Ltd., in the amount of \$513,720.00 (plus applicable taxes), funded from the capital project 40201701 Rossland – CP Bridge;
2. That the cost estimate of \$860,000.00 for the Rossland – CP Bridge project (capital project 40201701) be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

**Carried**

- 7.14** Public Works Department and Financial Services Department Joint Report, FS 31-21  
Re: T-576-2021 – Storm Sewer Inspection and Assessment

**Resolution # 190-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That Tender T-576-2021 be awarded to Infrastructure Intelligence Services Inc., in the annual amount of \$89,053.70 (plus applicable taxes) for the inspection and assessment of the Town's storm sewer, to be funded from the capital project 40196501 Storm Sewer Inspection and Flushing;
2. That the revised cost estimate, totaling \$110,000.00, for capital project 40196501 be approved;
3. That approval be granted to extend this contract for three (3) additional one (1) year terms subject to budget approval and the



- Contractor's successful performance of the previous term including product quality and timely delivery; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

**Carried**

- 7.15** Financial Services Department Report, FS 34-21  
Re: Consulting Services for the Replacement of White Bridge on Columbus Road

**Resolution # 191-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That the Town of Whitby accept the highest ranking proposal submitted by GHD Limited in the amount of \$347,407.00 (plus applicable taxes) for Phase 1, consulting services for the detailed design and tender preparation, funded from the capital project 40206111 BR A08 02 - White Bridge;
2. That the Total Project Cost (Phase 1) of \$597,304.61 be approved with the budget shortfall of \$197,304.61 to be funded by \$159,816.73 from the Growth Capital Reserve Fund and \$37,487.88 from the Roads and Related Development Charge Reserve Fund;
3. That approval be granted to award Phase 2, contract administration and construction inspection to GHD Limited, in the amount of \$245,900.00 (plus applicable taxes, contingency), subject to satisfactory performance and budget approval; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

**Carried**

- 7.16** Financial Services Department Report, FS 35-21  
Re: Annual Statement of Development Charge and Parkland Reserve Funds as at December 31, 2020

**Resolution # 192-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

That Report CS 35-21 - the Annual Statement of Development Charge and Parkland Reserve Funds as of December 31, 2021 be received as information.

**Carried**

- 7.17** Financial Services Department Report, FS 38-21  
Re: Declare Surplus Block I, Plan M1067, PIN 26544-0215(LT) and Block B, Plan M1067, PIN 26544-0214 (LT), Lands Between 835 and 855 McQuay Boulevard, for the Purpose of a Land Donation to Otter Creek Co-operative Homes Inc.

**Resolution # 193-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That Block I, Plan M1067, PIN 26544-0215 (LT) and Block B, Plan 1067, PIN 26544-0214 (LT) (collectively, the "Properties") as shown on Attachment #1 be declared surplus for the purpose of a land donation to Otter Creek Co-operative Homes Inc. ("Otter Creek Co-op") or their affiliated company, subject to the conditions set out in report FS 38-21;
2. That the Mayor and Clerk be authorized to execute an agreement between the Town and Otter Creek Co-op as outlined in report F 38-21;
3. That the Town give public notice of its intention to convey the Properties pursuant to Policy F 190, by posting a sign on the Properties for not less than ten (10) days, placing an advertisement in a newspaper having general circulation in the Town and posting notice on the Town's website;
4. That a by-law be brought forward to Council authorizing the conveyance of the Properties; and,
5. That Item MD-5654 be removed from the New and Unfinished Business list.

**Carried**

- 7.18** Financial Services Department Report, FS 39-21  
Re: Annual Insured Claims

**Resolution # 194-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

That report FS 39-21 on Annual Insured Claims be received as information.

**Carried**

**7.19** Financial Services Department Report, FS 40-21  
Re: 2022 Budget Process and Calendar

**Resolution # 195-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. The 2022 Budget Process, Communication and Public Engagement Plan and Calendar outlined in this report be approved by Council and that the Town Clerk establish the meeting dates; and,
2. That the Commissioner of Financial Services and Treasurer be authorized to initiate any changes to the 2022 Budget format that may enhance and ensure that the information supports the guiding financial principles of:
  - a. Incorporating a long term perspective;
  - b. Establishing linkages to broad organizational goals;
  - c. Focus decisions on results and outcomes;
  - d. Involve and promote effective communication with stakeholders; and,
  - e. Promoting program efficiency and effectiveness.

**Carried**

**7.20** Financial Services Department and Legal and Enforcement Services  
Joint Report, FS 41-21  
Re: Declare Surplus Part of the Road Allowance Between Lots 22 and 23, Concession 6 for the Purpose of Conveyance to Yucca Whitby Land Ltd. – Baldwin Street North

**Resolution # 196-21**

Moved By Councillor Roy

Seconded By Councillor Drumm

1. That the following Town-owned lands be declared surplus and that they be stopped up and closed as a public highway:
  - a. Part of the Road Allowance between Lots 22 and 23, Concession 6, being Part 4 on Plan 40R-1812, (PIN 16434-0015 (LT)) ("Property #1");
  - b. Part of the Road Allowance between Lots 22 and 23, Concession 6 being Part 2 on Plan 40R-1812, (PIN 16434-0016 (LT)) ("Property #2");
  - c. Part of the Road Allowance between Lots 22 and 23, Concession 6, being Part 3 on Plan 40R-1778, (PIN 16434-0014 (R)) ("Property #3");

(collectively, the "Properties");

2. That the Properties be conveyed to the adjoining land owner, Yucca Whitby Land Ltd., or its associated company on such terms and conditions as contained in Report FS 41-21;
3. That Council waive the Town's requirement of giving public notice of its intention to convey the Properties and its intention to stop up and close the Properties as a public highway; and,
4. That by-laws be brought forward to Council authorizing the conveyance of the Properties and authorizing the stopping up and closing of the Properties as a public highway.

**Carried**

- 7.21** Office of the Chief Administrative Officer Report, CAO 16-21  
Re: Paid Advertising and Sponsorship Policy

**Resolution # 197-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That Report CAO 16-21 be received for information; and,
2. That Council approve the Paid Advertising and Sponsorship Policy (Attachment 1).

**Carried**

- 7.22** Office of the Chief Administrative Officer Report, CAO 17-21

Re: 2020 Sustainability Annual Report

**Resolution # 198-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That Report CAO 17-21 be received as information; and,
2. That the Clerk forward a copy of Staff Report CAO 17-21 to the Region of Durham's Sustainability Department.

**Carried**

**7.23** Office of the Chief Administrative Officer Report, CAO 18-21  
Re: LEAF Backyard Tree Planting Program Expansion 2021-2025

**Resolution # 199-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That Council receive the LEAF Backyard Tree Planting Program Interim Report - Dec 2020 (Attachment 1) as information;
2. That Council approve a new program/service level, a Backyard Tree Planting Program at the Town of Whitby;
3. That contract for the delivery of the Backyard Tree Planting Program be awarded to LEAF as a sole source contract for five years, in the amount of \$75,000 (or \$15,000 per year), subject to annual performance reviews;
4. That Council direct Town Staff to enter into a five-year program agreement with the Region of Durham, LEAF and participating local area municipalities to continue to deliver the backyard tree planting program between 2021-2025, with terms and conditions satisfactory to the Chief Administrative Officer, the Commissioner of Financial Services, and the Commissioner of Legal Services;
5. That the 2021 cost, in the amount of \$15,000, be funded from sponsorships and other operating budget savings in the 2021 Operating Budget for Strategic Initiatives; and,
6. That the on-going annual cost of this new program/service level, in the amount of \$15,000, be included in the 2022 Operating Budget.

**Carried**

- 7.24** Office of the Chief Administrative Officer Report, CAO 19-21  
Re: Memorandum of Understanding between the Town of Whitby and the Ontarian Musicians Co-operative Inc. [Revised]

**Resolution # 200-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That Report CAO 19-21 be received for information;
2. That the Town enter into a one year Memorandum of Understanding with the Ontario Musicians Co-operative Inc. (OMCI) effective June 22, 2021 to June 22, 2022;
3. That Council provide an exemption to the Public Nuisance By-law # 6714-13 for the duration of the year Memorandum of Understanding with respect to the ability for OMCI Performers to be able to receive a voluntary gratuity as part of the pilot program; and,
4. That staff report back to Council on the outcomes of the pilot program.

**Carried**

- 7.25** Office of the Chief Administrative Officer Report, CAO 21-21  
Re: Corporate Media Relations Policy

**Resolution # 201-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That Report CAO 21-21 be received for information;
2. That the Corporate Media Relations Policy (CA 100) be repealed and replaced with the new Corporate Media Relations Policy (Attachment 1) attached to Report CAO 21-21; and,
3. That Item MD-4208 be removed from the New and Unfinished Business List

**Carried**

- 7.26** Office of the Chief Administrative Officer Report, CAO 22-21  
Re: Corporate Social Media Policy

**Resolution # 202-21**

Moved By Councillor Roy

Seconded By Councillor Drumm

1. That Report CAO 22-21 be received for information;
2. That the Social Media Policy (CA 020) be repealed and replaced with the new Social Media Policy appended to the memorandum from the Sr. Manager of Communications and Creative Services dated June 15, 2021 (Attachment 1); and,
3. That Items MD 4789 be removed from the New and Unfinished Business List.

**Carried**

- 7.27** Community Services Department Report, CMS 11-21  
Re: Community Services Department - 2022 Programs and Services Fees [Revised]

**Resolution # 203-21**

Moved By Councillor Roy

Seconded By Councillor Drumm

1. That Council approve extending the existing Community Services Department fees as outlined in the Fees and Charges By-law #7220-17 until the following expiry dates:
  - Sports Fields, Lacrosse Box, Courts, Lighting and Arena Floors to October 31, 2022 (Schedule “F” of the Fees and Charges By-law);
  - Halls and Facility Rental Fees to August 31, 2023 (Schedule “G” of the Fees and Charges By-law);
  - Camp, Membership and Admission Fees to August 31, 2022 (Schedule “J” of the Fees and Charges By-law);
  - Recreation Program Fees to August 31, 2022 (Schedule “O” of the Fees and Charges By-law);
  - Arena Ice and Aquatic Pool Fees to August 31, 2022 (Schedule “Q” of the Fees and Charges By-law);
  - Parks Features to August 31, 2022 (Schedule “L” of the Fees and Charges By-law);
2. That Council refer to the By-laws portion of the agenda regarding the applicable amendment to the Fees and Charges By-law #7220-17.

**Carried**

- 7.28** Community Services Department Report, CMS 12-21  
Re: Parks Name for West Whitby District Park in Mattamy Development

This item was deferred at Committee of the Whole to a Committee of the Whole meeting in Q4 of 2021.

- 7.29** Community Services Department Report, CMS 13-21  
Re: Cullen Central Park Master Plan

**Resolution # 204-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That Council endorse the proposed Cullen Central Park Master Plan Guiding Principles, Community Engagement Strategy and work plan timelines as outlined in Report CMS 13-21;
2. That Council authorize Staff to issue a Request for Proposal (RFP) to select a qualified consultant to undertake the Cullen Central Park Master Plan; and,
3. That Staff report back to Council with the results of the community engagement input, proposed park concept including estimated capital and operating costs.

**Carried**

- 7.30** Legal and Enforcement Services Report, LS 08-21  
Re: Future of the Whitby Animal Services Centre

**Resolution # 205-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That Report LS 08-21 be received for information;
2. That Animal Services continue to operate as an in-house service of the Town, including sheltering and enforcement;
3. That Council endorse the implementation of operational changes at the Whitby Animal Services Centre to improve efficiency and cost savings as outlined in Report LS 08-21; and,



4. That staff engage the Town of Ajax to negotiate a possible extension of the existing sheltering agreement.

**Carried**

- 7.31** Legal and Enforcement Services Report, LS 09-21  
Re: Regulating Short-Term Rental Accommodations – Public and Stakeholder Consultations Update

A brief question and answer period ensued between Members of Council and Staff regarding how issues of non-compliance are being addressed and how COVID-19 regulations are being enforced.

**Resolution # 206-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

That Report LS 09-21 be received for information.

**Carried**

- 7.32** Public Works (Operations) Department Report, PW 01-21  
Re: Urban Forest Management Plan – Terms of Reference

**Resolution # 207-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That Council approve the Terms of Reference for the development of an Urban Forest Management Plan (UFMP) appended as Attachment 1 to this report;
2. That Council authorize staff to issue a Request for Proposal (RFP) in accordance with the Terms of Reference;
3. That Council authorize staff to award the project to the highest ranking compliant bidder provided such proposals are within or do not exceed more than 10 percent of the budget of \$300,000; and,
4. That staff report back to Council at key milestones in accordance with the timeline developed as part of the project's work plan.

**Carried**

**7.33** Public Works (Operations) Department Report, PW 02-21  
Re: Urban Forestry Update - Spring 2021

**Resolution # 208-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

That Report PW 02-21 be received as information.

**Carried**

**7.34** Public Works (Engineering) Department Report, PW 14-21  
Re: Update to Traffic By-law 1862-85

A brief question and answer period ensued between Members of Council and Staff regarding whether utility locates would be required to install no-parking signage and the timing for the signs to be installed.

**Resolution # 209-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That Council approve the proposed update to Traffic By-law # 1862-85 to incorporate the following changes to Schedule "B" of the By-law:
  - a. No Parking (anytime) on the east side of Halls Road South from the south terminus to the Waterfront Trail entrance and on the west side from the south terminus to 10m north;
  - b. No Parking (anytime) within 15 metres of the Waterfront Trail access on the west side of Halls Road South;
  - c. No Parking (anytime) on the north and south sides of Lyndebrook Road between 80 metres west of Country Lane and the east terminus of Lyndebrook Road;
  - d. No Parking (anytime) on the west side of Cochrane Street between the Heber Down Conservation Area Parking Lot (south terminus of Cochrane Street) and 100m north; and,
  - e. No Parking (anytime) on the east and west sides of Annes Street from the south terminus to 10m north;
2. That a By-law to amend By-law # 1862-85 be brought forward for the consideration of Council;

3. That No Parking signage be installed in accordance with the directions of Report PW 14-21; and,
4. That Report PW 14-21 be forwarded to the Durham Regional Police Service (DRPS) and the Central Lake Ontario Conservation Authority (CLOCA).

**Carried**

**7.35** Public Works (Engineering) Department Report, PW 19-21  
Re: McQuay Boulevard Traffic Calming and By-law Update, No Stopping

A brief question and answer period ensued between Members of Council and Staff regarding whether the no-stopping signage would be installed prior to the beginning of the school year.

**Resolution # 210-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That flexible in-street signage and bollards and No Stopping signage, be installed on McQuay Boulevard, within the school zone adjacent to Colonel Farewell Elementary Public School;
2. That Council approve the proposed update to Traffic By-law 1862-85 to incorporate the following changes to Schedule "A" of the By-law:
  - a. No Stopping (Anytime) on the east and west sides of McQuay Boulevard between 10m south of Brookdale Crescent (south leg) and 10m north of Renfield Crescent (south leg);
  - b. No Stopping (September to June, Monday through Friday, 8:30am to 9:30am, 11:00 am to 1:00 pm and 2:45pm to 3:45pm) on the north side of Brookdale Crescent (north leg) between McQuay Boulevard and 20m east of McQuay Boulevard;
  - c. No Stopping (September to June, Monday through Friday, 8:30am to 9:30am, 11:00 am to 1:00 pm and 2:45pm to 3:45pm) on the south side of Brookdale Crescent (north leg) between McQuay Boulevard and 55m east of McQuay Boulevard;
  - d. No Stopping (September to June, Monday through Friday, 8:30am to 9:30am, 11:00 am to 1:00 pm and 2:45pm to 3:45pm) on the north side of Brookdale Crescent (south

- leg) between McQuay Boulevard and 75m east of McQuay Boulevard; and,
- e. No Stopping (September to June, Monday through Friday, 8:30am to 9:30am, 11:00 am to 1:00 pm and 2:45pm to 3:45pm) on the south side of Brookdale Crescent (south leg) between McQuay Boulevard and 45m east of McQuay Boulevard.
- 3. That a By-law to amend Traffic By-law 1862-85 be brought forward for consideration of Council;
  - 4. That flexible bollards and signage be installed in accordance with the directions of Report No. PW 19-21; and,
  - 5. That the Clerk remove the MD – 4915 from the New and Unfinished Business listing; and,
  - 6. That Report No. PW 19-21 be forwarded to the Durham Region Police Service, Durham District School Board, and Durham Student Transportation Service.

**Carried**

- 7.36** Public Works (Engineering) Department Report, PW 21-21  
Re: Final Active Transportation Plan (ATP)

**Resolution # 211-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

- 1. That the Final Active Transportation Plan (ATP) be adopted by Council;
- 2. That Item MD-5191 be removed from New and Unfinished Business;
- 3. That Item MD-4486 be removed from New and Unfinished Business; and,
- 4. That Item MD-4890 be removed from New and Unfinished Business.

**Carried**

- 7.37** Public Works (Engineering) Department Report, PW 22-21  
Re: Town of Whitby Support for New Unnamed Elementary School

**Resolution # 212-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That Council approve, in principle, a No Stopping restriction on Samandria Avenue and on Lazio Street;
2. That the Traffic By-law # 1862-85, Schedule A, be amended to incorporate a No Stopping restriction on Samandria Avenue and on Lazio Street reflective of the school bell times, when available;
3. That Traffic By-law # 1862-85, Schedule P, be amended to incorporate the following reduced speed limit:
  - a. 40 km/h on Lazio Street between Solmar Avenue and Juneau Crescent; and,
  - b. 40 km/h on Samandria Avenue.
4. That the No Stopping and 40 km/h signage be installed, in accordance with the directions of Report PW 22-21;
5. That up to three temporary Crossing Guards to service the new Unnamed Public School located at 51 Lazio Street be approved, funded by other operating budget savings in 2021 and the 2022, 2023, and 2024 Operating Budgets as outlined in Report PW 22-21; and,
6. That Report PW 22-21 be forwarded to the Durham District School Board, Durham Student Transportation Services, and Durham Regional Police Service.

**Carried**

**7.38** Public Works (Engineering) Department Report, PW 26-21  
Re: Update Traffic By-law 1862-85, No Parking for Durham Student Transportation Services

**Resolution # 213-21**

Moved By Councillor Roy  
Seconded By Councillor Drumm

1. That Council approve the proposed amendment to the Traffic By-law # 1862-85 to incorporate the changes to Schedule "B" of the By-law, as identified in Attachment 1;
2. That a By-law to amend By-law # 1862-85 be brought forward for the consideration of Council; and,
3. That Report PW 26-21 be forwarded to the Durham Student Transportation Services.

**Carried**

**7.39** Condemnation of London Terrorism and Support for the Muslim Community

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

- hiring dedicated Staff for diversity and inclusion initiatives;
- support from the Diversity and Inclusion Advisory Committee and the Congress of Black Women of Canada for dedicated diversity and inclusion Staff resources;
- the benefits for the Town's workforce and the Diversity and Inclusion Advisory Committee from having dedicated Staff resources;
- diversity and inclusion initiatives that would form part of the Town's 2022-2024 Business Plan and initiatives that would involve and support Muslim people;
- the impact of the COVID-19 pandemic on the Town's timing for launching diversity and inclusion initiatives;
- the importance of having a robust response to inclusion, diversity, equity, and anti-racism initiatives;
- confirmation that Council would receive more details about the Staff resources required through the Business Plan approval process and approval of the 2022 budget;
- if a motion is required to advance diversity and inclusion initiatives or if Staff intend to advance these initiatives in the absence of Council direction;
- requesting the Diversity and Inclusion Advisory Committee to establish an anti-racism subcommittee to bring forward recommendations to Council;
- the ongoing work of the Diversity and Inclusion Advisory Committee to develop anti-racism initiatives; and,
- allowing the Diversity and Inclusion Advisory Committee the flexibility to develop their own recommendations rather than providing Council direction.

Moved By Councillor Roy  
Seconded By Councillor Drumm

Whereas on June 6, 2021, an attack ended the lives of Salman Afzaal, 46, his 44-year-old wife Madiha, their 15-year-old daughter Yumna, and the children's 74-year-old grandmother and seriously injured the 9 year old son Fayez;

Whereas hatred rooted in Islamophobia is becoming a regular occurrence in Canada with attacks on Muslim women in Alberta, the IMO mosque killing, and the Quebec City mosque massacre;

Whereas community members in London, Ontario and those across Canadian mourn the loss of life of the Afzaal family and send their prayers and well wishes for the 9 year old's recovery; and,

Whereas Federal, Provincial and Municipal leaders are condemning this incident as a terrorist attack and pledging their support to the Muslim community.

Therefore Be It Resolved:

1. That the Town of Whitby condemn the June 6, 2021 act of terrorism in London, Ontario and pledge its support to the Muslim community here in Whitby, Durham and across Canada;
2. That the Whitby Diversity and Inclusion Advisory Committee examine ways to strengthen our ties with our growing Muslim population; and,
3. That a copy of this motion be sent to Prime Minister Justin Trudeau, Minister Bardish Chagger, Minister of Diversity, Inclusion and Youth, Premier Doug Ford, all Durham Region MPs and MPPs, The Region of Durham, and all Durham local area municipalities.

**Carried later in the meeting [See following motions]**

Moved By Councillor Roy

Seconded By Councillor Shahid

That the main motion be amended to include a new Item 3 and that the remaining item be renumbered accordingly.

3. That Staff bring forward a decision item as part of the 2022 budget process identifying the staff and other resources necessary to undertake the Diversity and Inclusion initiatives that will be identified in the Town's 2022-2024 Business Plan; and,

**Carried unanimously on a recorded vote as follows:**

|                  | <b>For</b> | <b>Against</b> | <b>Abstained</b> |
|------------------|------------|----------------|------------------|
| 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 |

Moved By Councillor Yamada

That the main motion be amended to include the following as Item 5.

That the Diversity and Inclusion Advisory Committee create an anti-racism subcommittee to bring forward recommendations to Council.

**Motion withdrawn**

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

**Resolution # 214-21**

Moved By Councillor Roy

Seconded By Councillor Drumm

Whereas on June 6, 2021, an attack ended the lives of Salman Afzaal, 46, his 44-year-old wife Madiha, their 15-year-old daughter Yumna, and the children's 74-year-old grandmother and seriously injured the 9 year old son Fayez;

Whereas hatred rooted in Islamophobia is becoming a regular occurrence in Canada with attacks on Muslim women in Alberta, the IMO mosque killing, and the Quebec City mosque massacre;

Whereas community members in London, Ontario and those across Canadian mourn the loss of life of the Afzaal family and send their prayers and well wishes for the 9 year old's recovery; and,

Whereas Federal, Provincial and Municipal leaders are condemning this incident as a terrorist attack and pledging their support to the Muslim community.



Therefore Be It Resolved:

1. That the Town of Whitby condemn the June 6, 2021 act of terrorism in London, Ontario and pledge its support to the Muslim community here in Whitby, Durham and across Canada;
2. That the Whitby Diversity and Inclusion Advisory Committee examine ways to strengthen our ties with our growing Muslim population;
3. That Staff bring forward a decision item as part of the 2022 budget process identifying the staff and other resources necessary to undertake the Diversity and Inclusion initiatives that will be identified in the Town's 2022-2024 Business Plan; and,
4. That a copy of this motion be sent to Prime Minister Justin Trudeau, Minister Bardish Chagger, Minister of Diversity, Inclusion and Youth, Premier Doug Ford, all Durham Region MPs and MPPs, the Region of Durham, and all Durham local area municipalities.

**Carried**

**7.40** Impact of Noise and Dust on Residents in West Whitby

**Resolution # 215-21**

Moved By Councillor Roy

Seconded By Councillor Drumm

Whereas residents in West Whitby have experienced impact from significant noise and dust as a result of protracted construction from development over a number of successive years; and,

Whereas the significant noise and dust impact has affected, in varying degrees, the health and well-being of Whitby residents and the quiet enjoyment of their properties; and,

Whereas children have often been unable to play in the backyards of their homes during 2020 and 2021 because of the significant noise and dust impacts; and,

Whereas these impacts have escalated as a result of the restrictions and stay at home orders issued by the Province of Ontario in the management of the COVID-19 pandemic; and,

Whereas on April 7, 2020 the Province of Ontario adopted O. Reg. 131/20 which stated that a municipality does not have the power to prohibit and regulate noise made in connection with any type of construction activity between 6:00 am and 10:00 pm seven days a week; and,

Whereas O.Reg. 131/20 is effective until October 7, 2021, at which time, unless the regulation is extended by the province, normal municipal by-law construction noise restrictions will take effect.

Now therefore be it resolved:

1. That the Province be requested to amend O. Reg. 131/20 to require a pause of all construction activity from development on Sundays;
2. That Staff be directed to update the "Building Whitby Together" information sheet for residents related to dust and noise impacts from development, for broad distribution to Whitby residents via the Town of Whitby communication channels and designated distribution to impacted residents;
3. That Staff arrange a meeting with the West Whitby developers to discuss the significant noise and dust impacts for existing residents and to seek their cooperation and support for additional measures to reduce those impacts including a voluntary suspension of construction activity on Sundays;
4. That Staff review the opportunity to strengthen the standard conditions related to noise and dust suppression for Site Alteration Permits and report to Council on this and any other remedies to address the noise and dust impacts, including revisions to the Noise Bylaw, by the end of Q4 of 2021; and,
5. That the Clerk be directed to circulate a copy of this resolution to Premier Doug Ford, Minister of Municipal Affairs and Housing, Ontario Attorney General, and Lorne Coe, MPP Whitby.

**Carried**

It was the consensus of Council to move to Item 7.1 at this time.

8. Notice of Motion

**8.1** There were no notices of motion.

9. New and Unfinished Business

- 9.1** Legal and Enforcement Services, Financial Services, and Public Works (Engineering) Department Joint Report, LS 14-21  
Re: Award of Sole Source Contract for Drainage Works at 122 Way St.

**Resolution # 216-21**

Moved By Councillor Leahy  
Seconded By Councillor Shahid

1. That Council approve the sole source contract to Nick Carchidi Excavating Limited in the amount of \$88,082.27 (plus applicable taxes) for the construction of storm sewer drainage works at 122 Way Street, funded from capital project 40206502 Storm Sewer Rehabilitation - Way Street; and,
2. That the Commissioner of Planning and Development and the Treasurer be authorized to execute the contract documents required to give effect to the sole source award, subject to the satisfaction of the Town Solicitor.

**Carried**

10. By-Laws  
That the following by-laws be passed:

- 10.1** By-law # 7762-21, being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2016-02) as not being subject of Part Lot Control.
- 10.2** By-law # 7763-21, being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2013-02) as not being subject of Part Lot Control.
- 10.3** By-law # 7764-21, being a by-law to authorize the conveyance of Part of the Road Allowance between Lots 22 and 23, Concession 6, designated as Part 4 on Plan 40R-1812, being all of PIN 16434-0015 (LT); and, Part of the Road Allowance between Lots 22 and 23, Concession 6, designated as Part 2 on Plan 40R-1812, being all of PIN 16434-0016 (LT); and, Part of the Road Allowance between Lots 22 and 23, Concession 6, designated as Part 3 on Plan 40R-1778, being all of PIN 16434-0014 (R), Whitby.

Refer to FS 41-21, Declare Surplus Part of the Road Allowance between Lots 22 and 23, Concession 6 for the Purpose of Conveyance to Yucca Whitby Land Ltd. – Baldwin Street North

- 10.4** By-law # 7765-21, being a by-law to authorize the conveyance of Part Lot 28, Concession 4, being Parts 1, 2 and 3, Plan 40R-31365, being a portion of PIN 26570-1167 (LT), Whitby (“the Lands”).

Refer to FS 25-21, Declare Surplus Part Lot 28, Concession 4, being Parts 1, 2 and 3, Plan 40R-31365 for the purpose of transfer to Nordik Immobiliers – Whitby Inc. and Acquisition of Part Lot 28, Concession 4, being Parts 4 and 5, Plan 40R-31365 from Nordik Immobiliers – Whitby Inc.

- 10.5** By-law # 7766-21, being a by-law to to amend the Fees and Charges By-law # 7220-17, as amended.

Refer to Memorandum from J. Romano, Commissioner of Community Services, dated June 16, 2021 regarding Community Services Department – 2021/2022 Programs and Services Fees

- 10.6** By-law # 7767-21, 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 Report PW 14-21, Update to Traffic By-law 1862-85

- 10.7** By-law # 7768-21, 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 Report PW 19-21, McQuay Boulevard Traffic Calming and By-Law Update, No Stopping

- 10.8** By-law # 7769-21, 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 PW 22-21, Town of Whitby Support for New Unnamed Elementary School

- 10.9** By-law # 7770-21, 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 PW 26-21, Update Traffic By-law 1862-85, No Parking for Durham Student Transportation Services

- 10.10** By-law # 7771-21, being a by-law to acquire ownership of lands described as Part Lot 28, Concession 4, being Parts 4 and 5, Plan 40R-31365, being a portion of PIN 26570-1148 (LT), Whitby ("the Lands") from Nordik Immobiliers – Whitby Inc.

Refer to FS 25-21, Declare Surplus Part Lot 28, Concession 4, being Parts 1, 2 and 3, Plan 40R-31365 for the purpose of transfer to Nordik Immobiliers – Whitby Inc. and Acquisition of Part Lot 28, Concession 4, being Parts 4 and 5, Plan 40R-31365 from Nordik Immobiliers – Whitby Inc.

- 10.11** By-law # 7772-21, being a by-law to stop up and close part of a Public Highway.

Refer to FS 41-21, Declare Surplus Part of the Road Allowance between Lots 22 and 23, Concession 6 for the Purpose of Conveyance to Yucca Whitby Land Ltd. – Baldwin Street North

- 10.12** By-law # 7773-21, being a by-law to stop up and close part of a Public Highway.

Refer to FS 41-21, Declare Surplus Part of the Road Allowance between Lots 22 and 23, Concession 6 for the Purpose of Conveyance to Yucca Whitby Land Ltd. – Baldwin Street North

- 10.13** By-law # 7774-21, being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2013-04) as not being subject of Part Lot Control.

- 10.14** By-law # 7775-21, being a by-law to amend By-law #1784, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PL 91-19, DEV-04-17: Draft Plan of Subdivision Application SW-2017-08 and Zoning By-law Amendment Application Z-19-17, Winash Developments Limited, 5550 Baldwin Street South and a portion of 145 Winchester Road West

- 10.15** By-law # 7776-21, being a by-law to regulate the setting of fires in the Town of Whitby.

Refer to FR 03-21, Proposed Repeal and Replacement of the By-law to Regulate the Setting of Fires

**Resolution # 217-21**

Moved By Councillor Lee  
Seconded By Councillor Shahid

That leave be granted to introduce By-laws # 7762-21 to # 7776-21 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**

11. Confirmatory By-Law

11.1 Confirmatory By-law

**Resolution # 218-21**

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 June 21, 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**

12. Adjournment

12.1 Motion to Adjourn

Moved By Councillor Newman  
Seconded By Councillor Leahy

That the meeting adjourn.

**Carried**

The meeting adjourned at 9:54 p.m.

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Christopher Harris, Town Clerk

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Don Mitchell, Mayor