

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

Also Present: M. Gaskell, Chief Administrative Officer
S. 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 & 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

1. Declarations of Pecuniary Interest

- 1.1** Mayor Mitchell declared a pecuniary interest under the Municipal Conflict of Interest Act regarding Item 7.2, Office of the Chief Administrative Officer Report, CAO 13-21, Preliminary Review for a District Energy System in North Whitby as Mayor Mitchell and his family have an interest in 5455 Ashburn Road which has been identified to be included in the district energy project. Mayor Mitchell did not take part in the discussion and voting on this matter.

2. Adoption of Minutes

- 2.1** Special Council - April 22, 2021
Regular Council - April 26, 2021
Special Council - April 26, 2021
Special Council - May 10, 2021

Resolution # 133-21

Moved By Councillor Drumm
Seconded By Councillor Lee

That the Regular Council minutes of April 26, 2021 and the Special Council minutes of April 22, April 26, and May 10, 2021 be adopted.

Carried

3. Presentations

- 3.1** There were no presentations.

4. Delegations

- 4.1** There were no delegations.

5. Correspondence

- 5.1** That the following requests be endorsed:
- June 2021 - Bike Month
 - June 18 to 22, 2021 - Flag Raising - Indigenous History Month
 - June 19, 2021 - World Sickle Cell Day

Councillor Mulcahy, as the Mayor's Designate to the Active Transportation and Safe Roads Advisory Committee acknowledged June 2021 as Bike Month and reminded cyclists about the importance of wearing helmets.

Resolution # 134-21

Moved By Councillor Shahid
Seconded By Councillor Newman

That the proclamations for Bike Month, and World Sickle Cell Day, and the flag raising for Indigenous History Month be endorsed.

Carried

6. Committee of the Whole Report
Planning and Development - May 3 and 10, 2021

- 6.1** Planning and Development Department Report, PL 24-21
Re: Downtown Whitby Secondary Plan Update: Phase 2 - Land Use
Concept Options

Resolution # 135-21

Moved By Councillor Yamada
Seconded By Councillor Mulcahy

1. That Report PL 24-21 be received for information; and,
2. That the Land Use Concept Options presented in Attachment #1 of Report PL 24-21 be used for obtaining public and agency input.

Carried

- 6.2** Planning and Development Department Report, PL 22-21
Re: Site Plan Application, Shared Tower Canada Inc., 4075 Lake Ridge Road North, File Number: DEV-05-21 (SP-03-21)

Resolution # 136-21

Moved By Councillor Yamada
Seconded By Councillor Mulcahy

1. That Council approve the Site Plan (File No. SP-03-21) for a telecommunication tower at 4075 Lake Ridge Road North, subject to the comments included in Planning Report PL 22-21; and,
2. That the proponent enter into a Letter of Undertaking with the Town and be responsible for the related fee.

Carried

- 6.3** Planning and Development Department Report, PL 23-21
Re: Technical Amendment to By-law # 4843-01 which Designated 1300 Giffard Street as being of Cultural Heritage Value or Interest under Part

IV of the Ontario Heritage Act, R.S.O. 1990 c. O.18.

Resolution # 137-21

Moved By Councillor Yamada
Seconded By Councillor Mulcahy

1. That Council approve a proposed amendment to By-law # 4843-01, which designates 1300 Giffard Street (Inverlynn) under Part IV of the Ontario Heritage Act, R.S.O. 1990 c. O.18, as amended, to reflect the accurate legal description of the designated land;
2. That the Clerk provide written Notice of Intention to amend the designating By-law, to the property owner with an explanation of the proposed amendment as per Section 30.1(4) of the Ontario Heritage Act;
3. That, if the property owner objects to the proposed amendment in accordance with Section 30.1(6) of the Ontario Heritage Act, the Clerk be directed to refer the proposed designation to the Review Board;
4. That, if there is no objection to the proposed amendment, the Clerk be authorized to provide a copy of the amended By-law to the property owner and Ontario Heritage Trust, and register the By-law on title, as per Section 30.1(9) of the Ontario Heritage Act; and,
5. That, if there are no objections to the proposed amendment, then the draft By-law to amend By-law 4843-01, as shown on Attachment #4, be passed by Council.

Carried

- 6.4** Planning and Development Department Report, PL 25-21
Re: Requests for exemptions from Interim Control By-law # 7699-20 and # 7700-20

Moved By Councillor Yamada
Seconded By Councillor Mulcahy

That Council approve the requests for exemptions from Town of Whitby Interim Control By-laws # 7699-20 and # 7700-20 for 300 Lyndevue Drive and 221 Powell Road.

Carried later in the meeting [See following motions]

Moved By Councillor Newman

Seconded By Councillor Roy

That the main motion be amended to additionally provide an exemption from Town of Whitby Interim Control By-law #7699-20 for 7 Dymond Drive.

Carried

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

Resolution # 138-21

Moved By Councillor Yamada
Seconded By Councillor Mulcahy

That Council approve the requests for exemptions from Town of Whitby Interim Control By-laws # 7699-20 and # 7700-20 for 300 Lyndevue Drive, 221 Powell Road, and 7 Dymond Drive.

Carried

7. Committee of the Whole Report
General Government - May 3 and 10, 2021

7.1 Memorandum from F. Wong, Commissioner, Financial Services/Treasurer, dated April 27, 2021 regarding Downtown Whitby Business Improvement Area (BIA) 2021 Budget

Resolution # 139-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That the 2021 budget for the Downtown Whitby Business Improvement Area (BIA), in the amount of \$414,310.00, be approved;
2. That the Commissioner of Financial Services/Treasurer be directed to bring forward a BIA tax levy by-law of \$180,000.00; and.
3. That the Commissioner of Financial Services/Treasurer be directed to develop a payment schedule with the BIA for the 2021 BIA tax levy.

Carried

7.2 Office of the Chief Administrative Officer Report, CAO 13-21
Re: Preliminary Review for a District Energy System in North Whitby

Having previously declared a pecuniary interest, Mayor Mitchell did not take part in the discussion or vote on this matter. Deputy Mayor Leahy assumed the Chair for this portion of the meeting.

A brief question and answer period ensued between Members of Council and Staff regarding coordinating with M.P. Turnbull to help identify Federal funding opportunities for the project and whether Provincial funding is available.

Moved By Councillor Lee
Seconded By Councillor Drumm

1. That Council direct staff to further explore the development of a low carbon geo-exchange District Energy system for a quadrant of land located at the south intersection of Highway 12 and Highway 407 as identified in Attachment 1;
2. That Council direct staff to explore a public-private ownership model of a District Energy system as the preferred ownership model; and,
3. That Council direct staff to engage Elexicon Group as a partner to consider investment in the development of the District Energy system.

Carried later in the meeting [See following motions]

Moved By Councillor Lee
Seconded By Councillor Mulcahy

That the main motion be amended to add the following as Item 4:

4. That further to the correspondence submitted to Council from M.P. Ryan Turnbull on April 30, 2021 indicating that the Government of Canada has funding available through Natural Resources Canada, under the Smart Renewables and Electrification Pathways Program, that Staff be directed to explore funding through the Federal Government that can provide for some of the capital cost of this project.

Carried

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

Resolution # 140-21

Moved By Councillor Lee

Seconded By Councillor Drumm

1. That Council direct staff to further explore the development of a low carbon geo-exchange District Energy system for a quadrant of land located at the south intersection of Highway 12 and Highway 407 as identified in Attachment 1;
2. That Council direct staff to explore a public-private ownership model of a District Energy system as the preferred ownership model;
3. That Council direct staff to engage Elexicon Group as a partner to consider investment in the development of the District Energy system; and,
4. That further to the correspondence submitted to Council from M.P. Ryan Turnbull on April 30, 2021 indicating that the Government of Canada has funding available through Natural Resources Canada, under the Smart Renewables and Electrification Pathways Program, that Staff be directed to explore funding through the Federal Government that can provide for some of the capital cost of this project.

Carried unanimously 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		
	8	0	0

Mayor Mitchell resumed the Chair.

7.3 Financial Services Department Report, FS 32-21
Re: Building Permit Fees Annual Financial Report 2020

Resolution # 141-21

Moved By Councillor Roy
Seconded By Councillor Drumm

That Report No. FS 32-21 of the Commissioner, Financial Services and Treasurer be received as information.

Carried

7.4 Region of Durham Council Resolution Re: Anti-Asian Hate

Resolution # 142-21

Moved By Councillor Roy
Seconded By Councillor Drumm

That the Council of the Town of Whitby endorse the resolution adopted by the Council of the Region of Durham at its meeting held on April 28, 2021 regarding Anti-Asian Hate.

Carried

7.5 Financial Services Department and Legal and Enforcement Services
Joint Report, FS 14-21
Re: Abilities Centre Land Lease Agreement Amendment and Loan Agreement

Resolution # 143-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That the Town of Whitby provide a long-term loan to the Abilities Centre, to a maximum amount of \$6,500,000 funded from the Long-Term Finance Reserve;
2. That the Mayor and Clerk be authorized to sign a loan agreement with the Abilities Centre attached as Schedule 1 of report FS 14-21;
3. That the Mayor and Clerk be authorized to sign an amendment to the Ground Lease Agreement to extend the term to 2051 (from 2030) and to reflect the loan agreement;

4. That the Treasurer and Town Solicitor be authorized to negotiate and adjust conditions in the best interest of the Town of Whitby; and,
5. That item MD-5476 be removed from the New and Unfinished Business list.

Carried

- 7.6** Public Works Department and Financial Services Department Joint Report, FS 16-21
Re: T-504-2021 – Pavement Routing and Crack Sealing

Resolution # 144-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Tender T-504-2021 be awarded to Right Seal Inc., in the amount of \$78,764.00 (plus applicable taxes), for 2021 pavement routing and crack sealing works, to be funded from the capital projects listed in Table 2 of Report FS 16-21;
2. That the revised cost estimates, totaling \$110,150.24 for the two (2) capital projects noted in Table 2 of Report FS 16-21 be approved;
3. 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 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

- 7.7** Financial Services Department Report, FS 22-21
Re: 2020 Year End Operating Variances and 2021 Projection as at March 31

Resolution # 145-21

Moved By Councillor Roy
Seconded By Councillor Drumm

That report No. FS 22-21 regarding the 2020 Year End Operating

Variances and 2021 Projection as at March 31 be received as information.

Carried

- 7.8** Public Works Department and Financial Services Department Joint Report, FS 24-21
Re: T-501-2021 – Urban Road Resurfacing

Resolution # 146-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Tender T-501-2021 be awarded to Four Seasons Site Development Ltd., in the amount of \$2,176,154.50 (plus applicable taxes), for 2021 urban road resurfacing works, to be funded from the capital projects listed in Table 2 of Report FS 24-21;
2. That the revised cost estimates, totaling \$2,580,000.00 for the 13 capital projects noted in Table 2 of Report FS 24-21 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 7.9** Financial Services Department Report, FS 28-21
Re: Development Charge By-law Final Recommendations [Revised]

Resolution # 147-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That based on submissions received regarding the February 19, 2021 Development Charge Background Study, it is recommended that the revisions provided in Attachment 1, Attachment 2 and Attachment 3 of report FS 28-21 be included in the development charge calculations;
2. That Schedule B and Schedule C of the proposed by-law included in Attachment 4 be amended to reflect the calculated development charge rates outlined in Attachment 5 of report FS

28-21;

3. That the Town of Whitby Development Charge Background Study, dated February 19, 2021 completed in accordance with Section 10 of the Development Charges Act, 1997, and as modified by the above recommendations, be adopted, including the forecasts of development activity, the capital program and all calculations contained therein;
4. That approval of the capital program, included in the Background Study, as modified, indicates Council's intention that an increase in the need for service will be met as required under paragraph 3 of Section 5(1) of the Development Charges Act, 1997 and Section 3 of Ontario Regulation 82/98. This approval shall be subject to further annual review during the capital budget process;
5. That in accordance with s.s.5(1)5 of the Development Charges Act, 1997 and Section 5 of Ontario Regulation 82/98, it is Council's clear intention that any excess capacity identified in the Development Charge Background Study, as modified, shall be paid for by development charges contemplated in the said Development Charges Background Study, or other similar changes;
6. That having considered the submissions received on, before and during the public meeting held on March 8, 2021 in connection with the Development Charges Background Study, as modified, and the proposed Development Charge By-law, and taking into consideration any changes made to the proposed Development Charge By-law following the said public meeting, Council determines that no further public meeting under Section 12 of the Development Charges Act, 1997, S.O. 1997, c.27 is necessary with respect to the said Development Charges Background Study or the Development Charges By-law;
7. That having considered the use of more than one development charge by-law to reflect different needs for services in different areas, Council determines that for the services and associated infrastructure proposed to be funded by development charges under the Development Charge By-law, that it is fair and reasonable that the charges be calculated on a Town-wide uniform basis;
8. That Council approve the asset management plan outlined in the Development Charge Background Study, as modified (Attachment 6), and give consideration to incorporate the asset management plan outlined in the Development Charge Background Study within the Town's ongoing practices and corporate asset management strategy; and,
9. That the proposed Development Charge By-law included in

Attachment 4, originally included in the Development Charge Background Study, dated February 19, 2021, prepared by Hemson Consulting Ltd. and as modified by the recommendations approved by Council in Financial Services report FS 28-21 be brought forward effective June 1, 2021.

Carried

- 7.10** Community Services Department and Financial Services Department
Joint Report, FS 33-21
Re: T-3-2021 – Asphalt Trail and Parking Lot Construction

Resolution # 148-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Tender T-3-2021 be awarded to Dukon Construction Ltd. in the amount of \$230,674.70 (plus applicable taxes), funded from the capital projects listed in Table 2 of Report FS 33-21, for the following works:
 - Paving of the existing parking lot at the Cochrane Street Off-Leash Dog Park;
 - Constructing a new section of the Hydro Corridor Trail connecting Longwood Park to Thickson Road; and,
 - Constructing a new trail section connecting the Ash Creek Channel Trail to Brock Street through Bradley Park;
2. That the revised cost estimates totaling \$277,642.51, for the three capital projects noted in Table 2 of Report FS 33-21 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 7.11** Public Works Department Report, PW 18-21
Re: Robert Attersley Drive East Speed Hump Pilot Project Status Update

Discussion ensued between Members of Council about how the use of speed humps supports the Council Goal of making streets and neighbourhoods safer through traffic calming measures that reduce traffic speeds.

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

- the process regarding how streets will be identified for speed humps on a by ward basis in 2021;
- developing criteria to assist Members of Council and Staff in determining which streets are best suited for speed humps;
- timing for when speed humps will be installed in 2021; and,
- feedback received from members of the public about which streets could benefit from speed humps.

Resolution # 149-21

Moved By Councillor Roy

Seconded By Councillor Drumm

1. That permanent asphalt speed humps be installed on Robert Attersley Drive East, in accordance with the directions of Report No. PW 18-21;
2. That permanent asphalt speed humps be installed on Whitburn Street, in accordance with the directions of Report No. PW 18-21;
3. That two streets be identified per ward to have speed humps installed in 2021, with the streets being selected by Staff in consultation with the respective Ward Councillor, and that the funding source be determined by the Commissioner of Finance/Treasurer;
4. That the 2022 Budget include a decision item install speed humps on approximately 10 streets per year for the next 5 years, with the streets to be evaluated based on the development of a traffic calming policy that will identify traffic calming devices/opportunities and a warrant procedure; and,
5. That the Clerk forward a copy of Report No. PW 18-21 to emergency services, the Durham District School Board and Durham Student Transportation Services.

Carried

- 7.12** Office of the Chief Administrative Officer Report, CAO 12-21
Re: Award to Bang the Table for its EngagementHQ Platform - Connect Whitby

Resolution # 150-21

Moved By Councillor Roy

Seconded By Councillor Drumm

That Council approve the sole source award to EngagementHQ Platform by Bang the Table (branded as 'Connect Whitby') for a period of five years with an option to extend year-by-year after 2026, based on the terms as outlined in report CAO 12- 21.

Carried

- 7.13** Legal and Enforcement Services Report, LS 07-21
Re: Proposed Restrictions on Sales of Domestic Animals

Resolution # 151-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Report LS 07-21 be received for information; and,
2. That staff report back by the end of 2021 on a possible pet shop regulatory and licensing by-law for Whitby, including staffing and budget impacts, that integrates the appropriate best practices of neighbouring municipalities in Durham Region and takes into account the interested party feedback that was received at the Committee of the Whole meeting on May 10, 2021.

Carried

- 7.14** Community Services Department Report, CMS 07-21
Re: Accessibility Improvement Grant Program

Resolution # 152-21

Moved By Councillor Roy
Seconded By Councillor Drumm

1. That Council approve the Accessibility Improvement Grant Program Policy and Procedures and direct Staff to implement this program commencing in third quarter 2021; and,
2. That the Accessibility Advisory Committee report back to Council annually on the distribution of funds through the Accessibility Improvement Grant Program.

Carried

8. Notice of Motion

8.1 There were no notices of motion.

9. New and Unfinished Business

9.1 There was no new and unfinished business.

10. By-Laws

That the following by-laws be passed:

10.1 By-law # 7748-21, being a by-law to establish Development Charges for The Corporation of the Town of Whitby.

Refer to FS 28-21, Development Charge By-Law Final Recommendations [Revised]

A brief question and answer period ensued between Members of Council and Staff regarding the status of communications between Staff and the Brooklin North Landowners Group regarding development charges.

10.2 By-law # 7749-21, being a by-law to regulate the placement of election campaign signs in the Town of Whitby.

Refer to LS 05-21, Election Sign By-law Survey Results and Proposed Election Sign By-law

10.3 By-law # 7750-21, being a by-law to amend By-law # 5696-05, as amended (Temporary Sign By-law).

Refer to LS 05-21, Election Sign By-law Survey Results and Proposed Election Sign By-law

10.4 By-law # 7751-21, being a by-law to amend the Fees and Charges By-law # 7220-17, as amended.

Refer to LS 02-21, Award to DocuPet Services Ltd. for Whitby Pet Licensing Services

10.5 By-law # 7752-21, being a by-law to set and levy tax rates for the Business Improvement Area (BIA) and to set penalty and interest rates for unpaid taxes.

Refer to FS 20-21, 2021 Final Tax Billing

- 10.6** By-law # 7753-21, being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2003-09) as not being subject of Part Lot Control.
- 10.7** By-law # 7754-21, being a by-law to Dedicate and Assume as part of the Public Highway, a 0.3 metre reserve known as part of Waywell Street.
- 10.8** By-law # 7755-21, being a by-law to dedicate Part Lot 25, Concession 2, Part 6 on Plan 40R-30343 as a Public Highway (Waywell Street).

Resolution # 153-21

Moved By Councillor Lee
Seconded By Councillor Shahid

That leave be granted to introduce By-laws # 7748-21 to # 7755-21 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 # 154-21

Moved By Councillor Mulcahy
Seconded By Councillor Drumm

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 May 17, 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 Yamada

That the meeting adjourn.

Carried

The meeting adjourned at 7:21 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor