

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. Romano, Commissioner of Community Services
R. Saunders, Commissioner of Planning and Development
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
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

Regrets: None noted

Call to Order

Call of the Roll: The Clerk

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Planning and Development

Councillor Yamada assumed the Chair.

1. Presentations

1.1 There were no presentations.

2. Delegations

2.1 There were no delegations.

3. Correspondence

3.1 There was no correspondence.

4. Staff Reports

4.1 Planning and Development Department Report, PL 61-21
Re: Heritage Permit Application, Request for Demolition of 20 Cassels Road East, Designated Under Part V of the Ontario Heritage Act; HP-20-21

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

- the possibility of capturing the essence of the heritage and historical value of the property within a new development;
- whether there were any provisions for heritage protection for this property;
- whether any discussion has taken place about opportunities to incorporate a portion of the front of the structure into the proposed development and/or including a recognition plaque, and whether any features have been recognized for retention;
- confirmation that the owner of the property could demolish the dwelling notwithstanding any heritage concerns;
- clarification about the right to demolish the existing dwelling should direction by Council not be provided within 90 days;
- whether denying the application for demolition would permanently prevent the demolition of the existing dwelling;
- whether approving that the application be held in abeyance until a redevelopment application was submitted would delay the ability of the applicant to demolish the existing dwelling within 90 days;
- clarification on the outcome of either holding the application in abeyance or denying the approval of the application to demolish the existing dwelling should a complete redevelopment application be submitted following Council's decision;
- confirmation that agreement by the proponent would be required to have the application for demolition held in abeyance, and whether there was an opportunity to demolish the existing dwelling in advance of the submission of a redevelopment

application should the proponent not agree to the application being held in abeyance;

- whether the proponent would be requested to move forward with a proposal; and,
- whether the existing dwelling could be demolished eventually regardless of denying the application or the application being held in abeyance.

Recommendation:

Moved By Councillor Newman

That the application to demolish the existing dwelling at 20 Cassels Road East, designated under Part V of the Ontario Heritage Act (HP-20-21), be denied in accordance with Section 42 of the Ontario Heritage Act.

Carried

5. New and Unfinished Business - Planning and Development

5.1 New and Unfinished Business - Planning and Development

There was no new and unfinished business.

General Government

Councillor Roy assumed the Chair.

6. Presentations

6.1 Paul Bumstead, Senior Project Engineer
Re: Overview of Public Works (Engineering) Department Report, PW 34-21
Highway 7/12 Alternate Route Environmental Assessment Status Update

Paul Bumstead, Senior Project Engineer, provided a verbal presentation on the Highway 7/12 Alternate Route Environmental Assessment.

Highlights of the presentation included:

- community engagement in July 2021 for the public, Indigenous people, business owners, and interested parties to provide feedback and to assist in finalizing the preferred Highway 7/12 Alternative Route in north Whitby;

- common themes and concerns identified including the need for the project, the cost of the project, the impact on the natural environment specifically the Oak Ridges Moraine (ORM), and the alternatives considered;
- the consideration of new and more detailed information for the top ranked alternatives from the evaluation in response to feedback, and the development of refined alternatives that address the technical issues that were identified;
- the result of the enhanced assessment in the identification of a new technically preferred refined Alternative B which uses an improved Lake Ridge Road and a new east west linkage between Lake Ridge Road and Baldwin Street that was south of and generally parallel to the CP Rail corridor;
- the recommendation of and request for approval for additional consultation on the updated evaluation and findings related to the highest ranking alternative corridors in response to the concerns and issues expressed by stakeholders and the public;
- the critical step of the EA Study to provide further consultation to ensure stakeholders and the public have the opportunity to engage and provide feedback on the technical findings prior to developing the recommended plan;
- the enhanced consultation being in line with the principles of the Provincial Class EA process which include considering all reasonable alternatives, providing comprehensive assessments of various technical environments, using a systematic traceable evaluation for each shortlisted alternative, undertaking a comprehensive public consultation program to provide clear and concise documentation of the decision making process, and further engaging and describing the EA process; and,
- placing the EA process at risk in terms of the ultimate Ministry of Environment, Conservation and Parks (MECP) Acceptance and Approval by failing to meet the principles of the Provincial Class EA process.

7. Delegations

- 7.1** Ron Stevens representing Ashburn Community
Re: Public Works (Engineering) Department Report, PW 34-21
Highway 7/12 Alternate Route Environmental Assessment Status
Update

Refer to Item 9.1, PW 34-21

Ron Stevens, 39 Wilson House Drive, advised that he has been a resident of Ashburn for 20 years and that he was representing the

community of Ashburn and surrounding area. Highlights of the delegation included:

- pausing the current Highway 7/12 Alternate Route Environmental Assessment to further evaluate more realistic, environmentally sensitive, and lower cost alternatives;
- support and understanding by the community for the need to make improvements to Downtown Brooklin without it becoming a ghost town;
- the unacceptability of Alternatives A, A-R, and B-R to the community and the acceptability of Alternative F, or Aecon 4 (Highway 7 to Cochrane Road, to Mid-Block Arterial and Thickson Road North) by the community;
- naming the Mid-Block Arterial Road Highway 7 to Highway 12 and Thickson Road north to Highway 12 or naming the Mid-Block portion Vipond or Medland Parkway;
- the rationale for using Alternative F including the current use of Thickson Road north as a truck route, the existing extended setbacks on Thickson Road north of Winchester, the plans by the Region of Durham for Thickson Road to become four lanes, and solving existing traffic issues that currently exist during the Winchester Road morning and evening rush hour; and,
- correspondence submitted by residents in the community opposed to the technically preferred alternate route.

A brief question and answer period ensued between Members of Committee and Mr. Stevens regarding whether an analysis of the Mid-Block and Thickson Road route would be perceived by the community as a step forward.

7.2 Kyle Douglas

Re: Public Works (Engineering) Department Report, PW 34-21
Highway 7/12 Alternate Route Environmental Assessment Status
Update

Refer to Item 9.1, PW 34-21

Kyle Douglas, 165 Townline Road West, stated that he was a resident of Ashburn and a business owner in Durham Region. Highlights of his delegation included:

- the cost of project, the lack of economic drive in moving the highway, and the negative impact of the technically preferred alternative route on the community;
- the location of his property on the route for the preferred alternative route, the crafting of memories over time and the

inconceivability of having to abandon his property due to its destruction;

- the overwhelming stress and emotional impact that such decisions have on individuals and families in the Ashburn community including disappointment, the inability to focus on careers, family or the community, and whether there was a measuring tool to measure the level of stress for the families in the community for choosing the technically preferred alternative route;
- whether any Member of Council has received correspondence indicating that their home would be destroyed for the construction of an unneeded and unwanted highway; and,
- support for the Mid-Block and Thicksen Road alternate route.

- 7.3** Alex MacCulloch representing Oak Ridges Moraine Community/Brooklin Downtown Business Owners
Re: Public Works (Engineering) Department Report, PW 34-21
Highway 7/12 Alternate Route Environmental Assessment Status Update

Refer to Item 9.1, PW 34-21

Alex MacCulloch, 445 Towline Road West, stated that he was the owner of the Sports Injury Centre in Downtown Brooklin, a 20-year resident of Towline Road, a supporter of the Oak Ridges Moraine, and a member of the Brooklin Downtown Development Steering Committee. Highlights of the delegation included:

- opposition to the current proposal;
- the necessity for the alternate route, the lack of consultation with Downtown Brooklin business owners, the unanswered questions, and the lack of empirical data to support many claims;
- the Town's proposal to own Baldwin Street in the downtown core in order to ensure a viable downtown, plan for future development, reduce truck traffic through the downtown, and improve pedestrian safety;
- Downtown Brooklin being unique and unarguably service based;
- models applied to retail based towns, such as Port Perry and Unionville do not apply to Brooklin;
- the Town's vision for Downtown Brooklin not being not based on the current or future reality of the downtown core;
- the knowledge of the proposal based on the location of residency and not the location of the businesses;
- the lack of information received by downtown businesses to date;

- a sampling of a dozen businesses indicated that 10 of 12 business owners were not aware of the Highway 7/12 Alternate Route;
- the lack of support from businesses due to the cost of the project and the Highway 7/12 Alternate Route running through the ORM;
- becoming a Member of the Brooklin Downtown Development Steering Committee (BDDSC), in part, to represent Downtown Brooklin businesses;
- informing all businesses and valuing their input;
- not meeting the requirement of consulting with affected businesses by consulting with the BDDSC;
- the rationale for the alternate route was not striking a chord with downtown businesses including Baldwin Street ownership resulting in more road closures for parades and street festivals resulting in the inability of clients to access buildings and forcing businesses to close operations for the day;
- relocating events to take place at Grass Park, Luther Vipond Arena, the Community Centre or one of the municipal parking lots;
- unfulfilled requests for recent studies about reducing truck traffic congestion in the downtown core;
- the dramatic reduction of truck traffic upon the completion of Highways 407 and 412;
- the real traffic issue in Brooklin occurs east/west along Winchester Road and not north/south on Highway 12;
- truck drivers bypass Brooklin using the existing network of roads and truck traffic would ebb and flow with further development in the area;
- the degree of the diversion of consumer traffic away from Downtown Brooklin should an alternate route be constructed and promoted, and how the diversion of traffic would be measured;
- paying high rent for businesses to have Baldwin Street exposure and rationale for businesses wanting to pay such rents with an inevitable decrease in the number of potential customers driving by the businesses;
- the unfilled request for statistics to support the pedestrian safety issue;
- the light pedestrian traffic in Brooklin's service based downtown;
- the Town's contemplation for an expenditure of quarter of a billion dollars commanding the need for better dissemination of all relevant information to downtown businesses and taxpayers in general, a clear demonstration to downtown businesses about the benefits of the project which should be followed with approval from local business, and the need for studies with empirical data

to surface or be initiated to validate many of the existing claims;
and,

- respecting the environment and the Oak Ridges Moraine Conservation Act and removing all potential routes contained within the ORM and the Greenbelt.

A brief question and answer period between Members of Committee and Mr. MacCulloch regarding clarification on the studies requested and whether the request for the recent Baldwin Street truck traffic studies was sent to the consulting team.

7.4 Andrea Sorensen

Re: Public Works (Engineering) Department Report, PW 34-21
Highway 7/12 Alternate Route Environmental Assessment Status
Update

Refer to Item 9.1, PW 34-21

Andrea Sorenson, 9560 Mud Lake Road, provided a PowerPoint presentation regarding the Highway 7/12 Alternate Routes. Highlights of the presentation included:

- the impact of the alternative route B-R on her property and the 350-year old tree located in the rear of the property;
- the proposals were not optimized by focusing only on Whitby and did not address a broader Durham Region growth strategy;
- Ajax, Oshawa, Pickering, Scugog all directly adjoin and were also responsible for traffic in the Region;
- traffic issues that exist for neighbouring communities were not considered;
- the significant impact on the environment including the wildlife, the protected wetlands, the farm animals, the ground water for rural north Whitby residents on wells, and the historical woods and trees;
- the sub-optimal solutions that impact the ORM;
- the impact of using development charges for the project instead of on other projects;
- the significant impact on the protected ORM, and other alternate routes that could be considered without destroying the ORM; and,
- the diminishment of already dwindling farm land.

Recommendation:

Moved By Councillor Lee

That the rules of procedure be suspended to allow the delegation to exceed the five minute speaking limit.

Carried

Ms. Sorenson continued her presentation regarding:

- the heavy focus on Brooklin while other surrounding areas of Whitby are deprioritized.

- 7.5** Andrea Ferguson Jones
Re: Public Works (Engineering) Department Report, PW 34-21
Highway 7/12 Alternate Route Environmental Assessment Status
Update

Refer to Item 9.1, PW 34-21

Andrea Ferguson Jones, 585 Towline Road West, provided a PowerPoint presentation. Highlights of the presentation included:

- the value of the Oak Ridges Moraine for its ecological importance and as a critical source of clean drinking water;
- all alternative routes except Alternative A and Alternative B including a stretch of Highway 7/12 which should terminate when they rejoin Highway 7/12, and any improvements beyond the point of an alternate route rejoining Highway 7/12 should not be scored, and the rationale for Whitby to pay for upgrading existing sections of Highway 7/12;
- Alternative A and Alternative B and any others that utilize Towline Road should have been removed from consideration in accordance with a Scugog Council Resolution;
- Alternative D and Alternative F totals approximately four kilometers of extra costs and impacts considered during scoring which artificially inflates the impacts these alternate routes would have;
- the rationale for the consultant to continue with alternate routes that cannot be implemented, and the waste of time and effort in a project which has already exceeded its budget;
- concerns about scoring irregularities in the assessment of alternatives including that two of the scoring factors related to natural environment were for Protected Countryside outside of the Oak Ridges Moraine which should have been scored together as a single impact to the Greenbelt sub-factor, any scores for the Oak Ridges Moraine were nullified by the score for Protected Countryside;

- scoring related to active transportation was incorrect for Townline Road, Brawley Road and Myrtle Road as these roads were all used by pedestrians and cyclists, however, the alternatives that intersected or used these roads all had scores that suggested little or no conflict with active transportation;
- the figures for scoring related to the properties impacted for the Townline Road Alignment Alternatives indicate a significant undercount of the number of properties impacted;
- requests for the scoring for Alternative A-R and Alternative B-R without an acknowledgement of the requests several months ago and now Alternative B-R without an acknowledgement of the requests, and given the comparative nature of the scoring process, the addition of two new alternatives should require the re-scoring of all alternatives;
- the reference to the submission during the Open House 3 commenting period outlining other issues with scoring which combined raise doubt about the validity of the results of the scoring process;
- scoring to favour northern rural routes over southern more urban routes when alternate route F, with an already approved Mid-Block arterial road appeared to be the obvious alternative, but scored poorly; and,
- Council's consideration that the preferred alternatives may have been selected through a flawed process.

A question and answer period between Members of Committee and Ms. Ferguson Jones regarding:

- whether scoring for Alternative A-R and Alternative B-R have been received, and when the requests were made;
- details about the scoring factors that were not reasonable or did not make sense; and,
- confirmation that the scoring flaws were related to the number of properties and active transportation.

7.6 Steve Kee representing Brooklin Downtown Development Steering Committee

Re: Public Works (Engineering) Department Report, PW 34-21
Highway 7/12 Alternate Route Environmental Assessment Status Update

Refer to Item 9.1, PW 34-21

Steve Kee, 16 Tunney Place, stated that he was a resident of Brooklin and the Chair of the Brooklin Downtown Development Steering Committee. Highlights of the delegation included:

- the future accelerated residential and commercial development with a focus of the Committee on the vibrancy of Downtown Whitby and Downtown Brooklin and making the downtowns destinations, and gaining control of Downtown Brooklin to create larger gatherings areas and better community events;
- the strategic objective of the Committee to make Brooklin more livable by gaining control of Highway 12 north of Winchester Road;
- the importance of considering all of the best possible route options and undertaking further consultation, and gaining control of the downtown;
- the role of the Committee to review, provide balanced input and communicate information and results of decisions to the community;
- the recommendation of the Committee to continue work on the Environmental Assessment and to seek further options for the project; and,
- supporting livability, fun, and community engagement in Brooklin.

A question and answer period ensued between Members of Committee and Mr. Kee regarding;

- whether the community was opposed to the Highway 7/12 Alternate Route Environmental Assessment or whether there was a lack of information;
- whether the community was aware of the purpose of the Environmental Assessment;
- whether the community was engaged enough to know about the alternate routes;
- whether dialogue and documents sent out to the businesses was highlighted to the businesses; and,
- whether the delegate was in agreement that the Downtown Brooklin community was aware of the Environmental Assessment; and,
- whether the alternative route preference was the Mid-Block and Thickson Road.

7.7 Stephen Jones
Re: Public Works (Engineering) Department Report, PW 34-21
Highway 7/12 Alternate Route Environmental Assessment Status
Update

Refer to Item 9.1, PW 34-21

Stephen Jones, 585 Townline Road West, stated that he was a resident of Townline Road and signatory of the July 30, 2021 submission to the Town. Highlights of the delegation included:

- the lack of opportunity for members of the public to speak about the project in an official capacity due to the COVID-19 pandemic;
- communication following the Community Open House # 2 about the selection of Townline Road as the preferred alternative option was via word of mouth and Facebook and not through the Town of Whitby;
- that only after contacting/meeting with Members of Council residents of Scugog and Whitby in the affected corridor received notice via mail, and that the notice only showed the study area and not the properties that would face expropriation;
- the exhibits, particularly the maps, provided at the Community Open House # 3 were poor quality and missing information, and the same map was included with the study on Connect Whitby;
- residents registered with email addresses were not notified when documents were added during Community Open House # 3 and the Interim Analysis and Evaluation Report which provides details about the route scoring was only made available mid to end of June 2021;
- the Interim Analysis and Evaluation Report on Connect Whitby was only 69 pages of the original document containing 274 pages;
- details and concerns about the survey questions which appeared to be designed to yield a desired result for the study group and skews the results of the survey;
- the resolution passed by Scugog Council rejecting Alternative A and Alternatives A-R, but the study group proceeded to present Alternative A and Alternative A-R as the route alternatives at the Community Open House # 3,
- the residents most impacted by the selection of “A”, “A-R”, and “B” were predominantly on rural internet systems and have difficulty participating in virtual meetings;
- the Community Open House summary released on Connect Whitby had to be withdrawn due to inadequate redactions and inaccurate information; and,
- justification for additional funding when the scope of the EA and the extensive public consultation has not changed.

A brief question and answer period ensued between Members of Committee and Mr. Jones regarding whether extended funding to further to review the Mid-Block and Thicksen Road alternate route was something the delegate would support.

7.8 Joseph Wyger

Re: Public Works (Engineering) Department Report, PW 34-21
Highway 7/12 Alternate Route Environmental Assessment Status
Update

Refer to Item 9.1, PW 34-21

Joseph Wyger, 546 Townline Road West, Scugog, stated that he was a resident of Scugog and was speaking for his wife, himself and his neighbours. Highlights of the delegation included:

- the lack of Whitby's jurisdiction to build a highway on a Scugog road allowance without the consent of Scugog;
- the reasons for the enactment of the Oak Ridges Moraine Act;
- the inability to lawfully build a highway by-pass on the Natural Linkage Area where the most newly preferred rail corridor route was located, the requirements that would need to be satisfied, and the misinterpretation of the Oak Ridges Moraine legislation within the Staff report;
- the burden of the proponent to demonstrate that there was no reasonable alternative other than to build a highway on a Natural Linkage Area;
- the rationale for other alternate routes being so unreasonable that the only solution would be to construct the east west portion of the highway almost entirely on the Natural Linkage Area;
- the rationale for opposition to the preferred rail corridor route including the project team ignoring the number one principle of the Ministry of Transportation requirements to avoid Natural Core Areas and Natural Linkage Areas, the societal need to preserve the ORM exceeding the need for a Brooklin bypass, and the numerous reasonable alternatives to the preferred ORM route;
- the Town's debate between the developers that do not want Mid-Block and Thickson Road alternate route and the residents that reside between Columbus Road and the south edge of the ORM; and,
- suggesting that Council direct Staff to remove of the ORM routes from consideration, come up with a new preferred alternative from the seven other alternatives and report back Council.

A question and answer period ensued between Members of Committee and Mr. Wyger regarding:

- clarification on reasonable or unreasonable alternative routes;
- other analyses that would be considered more reasonable than the interim analysis and evaluation report; and,

- confirmation that applying high priority to environmental issues over any other issues affects the reasonable alternative routes.

7.9 David Neligan

Re: Public Works (Engineering) Department Report, PW 34-21
Highway 7/12 Alternate Route Environmental Assessment Status
Update

Refer to Item 9.1, PW 34-21

David Neligan, Aird & Berlis LLP, 181 Bay Street, Toronto, advised that he was representing concerned citizens who have participated in the Highway 7/12 Alternate Route Environmental Assessment and have raised concerns and questions, but have been dissatisfied with responses received. Highlights of the delegation included:

- the submission of a letter to the Town from 160 citizens dated July 30, 2021 outlining concerns about the ongoing Environmental Assessment;
- residents not necessarily opposing an alternative route for Highway 7/12, but some would be directly impacted by the route alternatives;
- the prime objective to ensure that the proposed alternative route steers clear of the ORM because that was what the law requires;
- the EA process and the preferred alternative do not satisfy the legal requirements of the Oak Ridges Moraine Conservation Plan (ORMCP);
- the ORMCP dictates that the development of infrastructure in or on land in a Natural Linkage Area shall not be approved unless both the need for the project has been demonstrated and there were no reasonable alternatives;
- new infrastructure in the ORM may only be approved as a last resort and not for a location that may be more convenient, higher scoring or the most preferred alternative;
- the requirements of the ORMCP through the Provincial Class EA process can be satisfied, but undertaking an EA does not absolve the requirements of the municipality to adhere to the law;
- the necessity to strictly adhere to the EA process in order to rely on the EA process as proof that all statutory requirements have been fulfilled;
- the guidelines published by MTO on how to conduct and an EA in the ORM set a high threshold for a proponent dealing with those lands and identify an expectation that extra effort go into data gathering, understanding the environment, the potential impacts and avoidance of impacts of the project, and actions to mitigate residual impacts;

- the lack of evidence that any extra effort has gone into avoiding the ORM with the preferred alternative or for identifying, understanding or communicating the impacts;
- a review of all documents on the Connect Whitby site and presentation materials at the Open House indicated that there were no maps available to the public showing the proposed alternate routes overlaid on the Greenbelt for the ORM land designations, the final study design report did not mention of the ORMCP or the legal requirements for building infrastructure on the ORM, nor was it communicated in the Open House material;
- the only mention of statutory requirements came in response to residents, and legal requirements surrounding the ORM were not a priority in designing the study or in advancing a preferred alternative which was contrary to class EA protocols and the guidelines published by MTO;
- the work to fulfill the requirements does not appear to be undertaken and/or it has not been communicated or made transparent which was a failing of the process;
- the review of the process and materials indicates that the EA and the preferred alternative route being advanced do not satisfy the legal requirements, and if advanced, Council would be susceptible to legal challenges in the courts or to refusal; and,
- the reconsideration of the preferred alternative, direction to the project team to review its work and prioritize the protection of the ORM and the Greenbelt.

A question and answer period ensued between Members of Committee and Mr. Neligan regarding:

- clarification on the legal requirements of the ORMCP for building infrastructure on the ORM;
- whether there were reasonable alternatives presented and included in the study and whether the preferred alternative was not a last resort;
- whether some of the alternative options would fall within the reasonable category; and,
- whether the delegate's position was that the EA process and preferred alternative options did not meet the requirements of the ORMCP or the MTO guidelines.

7.10 Wendy Evans representing Supporter of the Oak Ridges Moraine and Greenbelt Community
Re: Public Works (Engineering) Department Report, PW 34-21
Highway 7/12 Alternate Route Environmental Assessment Status Update

Refer to Item 9.1, PW 34-21

Wendy Evans, 8195 Lake Ridge Road, advised that she has lived on Lake Ridge Road for over 50 years, that she was one of the signatories to the July 30, 2021 submission, and a strong supporter of the Oak Ridges Moraine and Greenbelt. The highlights of the delegation included:

- reference to a previous delegation regarding the rationale for the opposition to the alternative route by Downtown Brooklin business owners and the impact of road closures for parades and street festivals on the businesses and clients;
- the rationale for the current proposed alternative endangering the health of Downtown Brooklin businesses including directing traffic, particularly out of Toronto, north on Lake Ridge Road and through the ORM effectively moving potential customers outside of the Brooklin primary and secondary trading area;
- the preferred alternate route proposes a bucolic ghost town versus a thriving downtown;
- the growth of Brooklin over the past 10 years, the number of businesses located on Baldwin Street, the percentage of services, restaurants, and retail that thrive on the traffic and the exposure from Baldwin Street, and the percentages of potential business loss due to dependency on high traffic levels;
- a bypass typically results in big box stores locating at a junction of two major roads, forming a strong retail node, and drawing more traffic out of the downtown core accelerating the decline of downtown;
- the existence of viable alternatives within an area that would serve downtown businesses well and would be a far better choice for the Downtown Brooklin business community and from an environmental perspective;
- Alternative F, Mid-Block and Thickson Road would be located approximately one kilometre east of Baldwin Street and in the primary trading area;
- directing traffic out of the trading area would not solve a problem that has little foundation, and redirecting traffic through the ORM contravenes the existing ORMCP; and,
- the proposed route would jeopardize the clean water supply for 6 million Southern Ontario residents and the 250,000 people who obtain their water supply directly from the ORM.

A brief question and answer period ensued between Members of Committee and Staff regarding whether Thickson Road would be considered too far outside of the primary trading area.

7.11 Derrick Gleed

Re: Public Works (Engineering) Department Report, PW 34-21
Highway 7/12 Alternate Route Environmental Assessment Status
Update

Refer to Item 9.1, PW 34-21

Derrick Gleed, 19 Monterey Court, advised he was not speaking on current proposed alternate routes running through the ORM as the previous delegates had conveyed their feelings about the current recommended routes. Highlights of the delegation included;

- the support for an alternate route to bypass Downtown Brooklin, but not a spend of \$200,000,000.00 to route a highway through the ORM;
- the budgeted amount of \$87,000,000.00 in the current approved Development Charges Study toward the new route representing development over a 10-year period to 2031 leaving a shortfall of \$113,000,000.00 for the project, and the shortfall of funds included in the subsequent DC Study to the year 2041;
- whether the road would not be built until 2041 or whether the intention was to build it in less time with a need to debenture the cost;
- developers not entering into a front end agreement for infrastructure that was not within their build boundary and not impactful on their projects;
- the cost for financing a debenture and whether the debenture would impact the tax base should a debenture be the chosen route;
- the potential assumption of debt that would also hamper the borrowing capacity for other necessary projects such as the Whitby Sports Complex;
- the assumption of revenue figures through development charges studies based on projected market growth without a guarantee that the budgeted amounts would be achieved in the time frame allocated;
- the inability of the consultants to provide vital information and a definitive response to residents about what constitutes the route selection criteria; and,
- residents have repeatedly been informed that Alternative F which would utilize the new Mid-Block and Thickson Road was unacceptable;
- the merits of alternate route F (Mid-Block and Thickson Road) including that Thickson Road was an Arterial Road A in the Brooklin Transportation Master Plan and was designed to be a major north south arterial thoroughfare with four lanes of traffic;

- the design of Thickson Road as a Type A regional road was reflective of provincial highway standards, i.e., minimal points of entry all of which were signalized;
- the approved Brooklin Secondary Plan includes a provincially approved interchange at its northern boundary so that traffic flow would go straight through on Thickson Road the entire way with a new turn off to Baldwin Street meaning that to access Downtown Brooklin, trucks and all vehicles would have to turn onto Baldwin Street instead of its current flow through;
- the reversal of the current Baldwin Street interchange would resolve truck and traffic issues;
- the capital cost to upgrade Thickson Road to four lanes would be covered by the Region of Durham and easily upgradable to provincial standards through a Class EA; and,
- Highway 12 currently terminates 500 metres south of Highway 407 on Baldwin Street without any impediment to having Highway 12 terminate 500 metres south of Highway 407 on Thickson Road which would put it in line with the Mid-Block which can assume the Highway 7 role from Thickson Road to the intersection at Winchester Road.

Recommendation:

Moved By Councillor Mulcahy

That the rules of procedure be suspended to allow the delegation to exceed the five minute speaking limit.

Carried

Mr. Gleed continued his delegation regarding:

- the cost of the Mid-Block and Thickson Road route with the financial responsibility of the Region of Durham to upgrade Thickson Road to four lanes, and the budgeting of the Mid-Block separately within the Development Charges Study on a front end agreement with developers;
- any additional cost to upgrade the Mid-Block to provincial standards could be assumed by the \$87,000,000.00 budgeted for the new route at no potential financial cost which would advance the assumption of Baldwin Street;
- the notion that Thickson Road becoming the designated highway would change the cultural make up of the community and the reality that the growth of 85,000 people would alter the community culture;

- the lack of opposition to solving the current problem of Downtown Brooklin and everyone supports the vision of ownership and control of Baldwin Street; and,
- the request to take a step back, reassess the reality of a solution that already exists, and move forward to make it work.

A brief question and answer period ensued between Members of Committee and Mr. Gleed regarding whether the Mid-Block and Thicksen Road route would be the best option should it cost 30 to 40 percent more than other options.

7.12 Wayne Kluczynski

Re: Public Works (Engineering) Department Report, PW 34-21
Highway 7/12 Alternate Route Environmental Assessment Status Update

Refer to Item 9.1, PW 34-21

Wayne Kluczynski, 9650 Heron Road, advised that he was a resident of Whitby and a restaurateur for 35 years. Highlights of the delegation included:

- the inability to construct a house on the ORM;
- the location of 9650 Heron Road on one of the largest aquifers in Ontario;
- concerns about the pond located in the rear of the property that the preferred route would go through;
- how the preferred alternate route would impact the property;
- the disturbing lack of notification and being informed through a neighbour;
- the potential expropriation of property warrants notification/information, and contacting any/all residents that such a project would impact; and,
- the suggestion to alleviate traffic in Whitby by removing the tolls from Highway 407.

A brief question and answer period ensued between Members of Committee and Mr. Kluczynski regarding confirmation that the delegate did not receive any notification about the EA.

7.13 Suzan Demaio

Re: Public Works (Engineering) Department Report, PW 34-21
Highway 7/12 Alternate Route Environmental Assessment Status Update

Refer to Item 9.1, PW 34-21

Suzan Demaio, 9205 Ashburn Road, stated that she has lived in Ashburn for over 40 years. Highlights of the delegation included;

- the enormous amount of growth and development in Whitby over the years, but none having such destructive and irresponsible consequences as this project;
- the construction of a seven kilometre provincial highway through the ORM for the sake for 500 metres in Brooklin;
- the ORM has an Environmental Protection Designation under the Conservation Act, the ORM was a rain barrel for Southern Ontario's water, and it was one of Ontario's most important ecological areas with hydrologically sensitive features, important groundwater recharge areas, woodlands, habitat for wildlife, fish and other aquatic animals, and an area of prime farmland;
- the ORM was an important source of well water for north Whitby and Scugog;
- the impact of the heavy construction of a provincial highway through the ORM on the underlying water tables, aquifers and streams and whether residents would be compensated for any impact on their water supply;
- the difficulty for existing property owners to obtain a permit to build as much as a new garage on the ORM;
- the impact on the ORM's water tables, Lynde Creek and natural wildlife should hazardous loads be spilled, the amount of salt required to maintain the road in winter washing into the water tables, the potential delays in cutting through the ORM, and the cost of expropriating properties and damage to existing communities;
- concerns about heavy truck traffic, noise and air quality during construction;
- the previous EA, at a cost of \$2,000,000.00, undertaken by Aecon Group Inc., a reputable Canadian company that has been around for 150 years and has done work world wide, eliminated the routes through the ORM due to its ecological significance;
- the better suited existing and/or proposed alternate routes that are less costly, would not damage the ORM, and were currently used by truck traffic around Brooklin, i.e., Lake Ridge Road to Goodwood Drive and Thickson Road;
- the current truck traffic moving goods via Goodwood Drive which connects to Hwy 7/12 and continues to Port Perry;
- the failure to plan and missed opportunities to create an area other than on the highway to create a walking area where suitable businesses that would benefit from it could establish themselves;

- keeping the solution to the problem in Brooklin within Brooklin;
- Alternative F would solve the traffic congestion on Winchester Road;
- Thickson Road was purposed for a truck route, it was already scheduled to be widened, and should be utilized which would minimize the cost of the project without any destruction to protected conservation lands;
- all three of the north alternate routes cut through the ORM and cross entirely through the Natural Linkage Area and should be completely eliminated as possible alternate routes; and,
- the request to Council to reconsider any decision to continue with the current Highway 7/12 alternate route through the ORM.

It was the consensus of the Committee to hear Item 7.15, Delegation by Michael Williams at this time.

7.14 Catherine Maugeri-Schuck
Re: Public Works (Engineering) Department Report, PW 34-21
Highway 7/12 Alternate Route Environmental Assessment Status
Update

Refer to Item 9.1, PW 34-21

When called upon, Ms. Maugeri-Schuck was not in attendance to make a delegation to the Committee.

It was the consensus of the Committee to hear Item 9.1, Highway 7/12 Alternate Route Environmental Assessment Status Update, at this time.

7.15 Michael Williams
Re: Public Works (Engineering) Department Report, PW 34-21
Highway 7/12 Alternate Route Environmental Assessment Status
Update

Refer to Item 9.1, PW 34-21

Michael Williams, 16 Leithridge Crescent, stated that he has been a resident of Brooklin for over 20 years. Highlights of the delegation included:

- the agreement with a recent opinion column regarding Downtown Brooklin and taking ownership of Baldwin Street;
- the 20-year old vision of Brooklin developing into a desirable community to live in and to visit, but the current reality of Brooklin being a sea of housing with limited options for dining or shopping;

- the unnecessary presence of commercial motor vehicles and heavy truck traffic significantly detracts from the quality and safety of Downtown Brooklin;
- the need for the core of the community to be safely accessible by pedestrians and cyclists;
- heavy trucks not having a place in a small community that caters to pedestrians and cyclists who support local establishments;
- whether the desire was for Downtown Brooklin to be a highway or a vibrant community that residents and visitors feel drawn to;
- the Durham Region's Vision Zero, Road Safety Action Plan Emphasis Area 8 speaks to truck designated routes as a way to reduce commercial motor vehicle collisions;
- a highway running through the core of the community places residents at risk;
- children should not be walking or riding bicycles anywhere near Baldwin Street;
- the steady stream of massive trucks passing by only metres away while dining on patios in Downtown Brooklin;
- the type of environment people want to share with friends was not the noisy, smelly, and unappealing atmosphere created by the transport trucks sharing the same space;
- the solution to the problem in Brooklin was ownership of Baldwin Street and continued efforts to divert heavy truck traffic from the downtown area of Brooklin; and,
- improving the downtown area by making it safer and more attractive to both residents and visitors while avoiding the possibility of a ghost downtown.

A brief question and answer period ensued between Members of Committee and Mr. Williams regarding whether the delegate would support an alternate route such as Mid-Block and Thicksen Road that could potentially be more expensive and would have an impact the tax base.

It was the consensus of the Committee to hear Item 7.14, Delegation by Catherine Maugeri-Schuck, at this time.

8. Correspondence

8.1 Memorandum from C. Harris, Town Clerk, dated October 12, 2021 regarding a Motion to Extend the Term of the Existing Whitby 55+ Recreation Advisory Committee Members

Recommendation:

Moved By Councillor Shahid

That the Whitby 55+ Recreation Advisory Committee member elections for 2022 be delayed and that the term of the existing Committee be extended for one (1) year.

Carried

9. Staff Reports

9.1 Public Works (Engineering) Department Report, PW 34-21
Re: Highway 7/12 Alternate Route Environmental Assessment Status Update

A question and answer period ensued between Members of Committee, Mr. Taylor, BT Engineering, and Staff regarding:

- detailed information about the viability and cost for the recommended preferred alternate route versus the Mid-Block and Thickson Road alternate route option;
- detailed information about the environmental assessment criteria resulting in the recommended Oak Ridges Moraine alternate route;
- the defensibility of the Oak Ridges Moraine alternate route as a last resort;
- whether the recommended alternate route would encroach on Townline Road in Scugog, addressing concerns from surrounding municipalities with respect to the ORM alternate route, and details related to the defensibility of the EA process;
- whether the Town would be responsible to fund the widening of Thickson Road to six lanes;
- details associated with having to debenture or carry debt to complete the project;
- whether the operating costs associated with the ownership of Baldwin Street would be funded through the tax base;
- whether there was a percentage of growth related costs that would not be funded through development charges;
- details about how development charges work, the use of development charges to fund this project, whether development charges used for this project would result in other projects not being funded through development charges, and whether the development charges funding the project were guaranteed funds;
- whether the anticipated timeline for completion of the road would be 2041;
- additional costs related to including the Mid-Block and Thickson Road alternative in the public consultation and whether the

associated costs could be provided at the Council meeting on November 1, 2021;

- the challenges related to planning development on Baldwin Street north to Columbus Road without the control of Baldwin Street by the Town;
- whether the set backs for previous development in Brooklin were approved by the Ministry of Transportation;
- whether other municipalities have used development charges to fund the construction of a highway and whether other municipalities have funded/built highways for the same number of kilometres as in this project;
- the rationale for alternate routes being acceptable to Aecon versus BT Engineering;
- whether there were any potential legal implications related to the recommended alternate Oak Ridges Moraine route not meeting the requirements of the ORMCP and the MTO, and whether an early decision through the Ministry of the Environment, Conservation and Parks (MECP) was part of this EA;
- whether the MECP has approved the EA process to date;
- clarification about whether the evaluation process was flawed and whether data was missed;
- assurances that a complete report would be placed on Connect Whitby;
- the possibility of removing the ORM alternate route and including previous options without prejudicing the integrity of the EA;
- the scoring on the other alternate routes that were identified within the ORM;
- whether the MTO would accept a gradual implementation of the construction of a highway on any alternative and a gradual impact of the cost on the Town;
- the opportunity for broader individual notice to residents in northern Brooklin through the EA process;
- whether the concerns from the delegates regarding the lack of consultation with homeowners and downtown businesses would be addressed;
- whether future public consultation would be in person, and whether consultation with Downtown Brooklin businesses would take place through the consultant;
- whether consultation has taken place with the Region of Durham regarding the Thickson Road option; and,
- whether the MTO approves the best route through the EA, and whether consultation would take place with the MTO prior to undertaking any funding for an EA on the Thickson Road option prior to including it as an alternative.

Recommendation:

Moved By Councillor Mulcahy

That in accordance with the Town's Procedure By-law, the Committee of the Whole meeting continue to go past 11:00 p.m.

Carried

The question and answer period between Members of Committee, Mr. Taylor and Staff continued regarding:

- the possibility of obtaining an independent interpretation of the ORMCP and/or a peer review on the Townline Road alternate route;
- confirmation that the cost of funding for the review of the Mid-Block and Thickson Road option would be provided to Members of Council prior to the Council meeting on November 1, 2021; and,
- the timeline for the inclusion of the Mid-Block and Thickson Road option as part of the review going forward.

Recommendation:

Moved By Councillor Yamada

1. That Report 34-21, providing a status update on the Highway 7/12 Alternate Route Environmental Assessment (EA) Study, be received for information;
2. That Council direct the EA Study Team to provide enhanced consultation to Agency, Indigenous Peoples, and Stakeholders on the updated technical preferred corridor alignment, Alternative B-R, prior to proceeding to Community Open House 4 to present the recommended alignment in early 2022; and,
3. That Council approve the additional expenditure of \$80,000, bringing the project to a total of \$1,269,305, to BT Engineering to accommodate the recommended additional consultation and reporting.

Carried later in the meeting (see following motions)

Recommendation:

Moved By Mayor Mitchell

That the main motion be amended by including Item 4 as follows:

4. That Staff and the EA Study Team be directed to review the Thickson Road option based on the planned future 4/5 lane Regional design against the weighting of the preferred option, and following consultation with the Region of Durham, MTO, and MECP and a review of defensibility, report to Council with respect to next steps and the financial impact of pursuing the Mid-Block and Thickson Road as an alternative for the Highway 7/12 route.

Carried

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

Recommendation:

Moved By Councillor Yamada

1. That Report 34-21, providing a status update on the Highway 7/12 Alternate Route Environmental Assessment (EA) Study, be received for information;
2. That Council direct the EA Study Team to provide enhanced consultation to Agency, Indigenous Peoples, and Stakeholders on the updated technical preferred corridor alignment, Alternative B-R, prior to proceeding to Community Open House 4 to present the recommended alignment in early 2022;
3. That Council approve the additional expenditure of \$80,000, bringing the project to a total of \$1,269,305, to BT Engineering to accommodate the recommended additional consultation and reporting; and,
4. That Staff and the EA Study Team be directed to review the Thickson Road option based on the planned future 4/5 lane Regional design against the weighting of the preferred option, and following consultation with the Region of Durham, MTO, and MECP and a review of defensibility, report to Council with respect to next steps and the financial impact of pursuing the Mid-Block and Thickson Road as an alternative for the Highway 7/12 route.

Carried

- 9.2** Public Works (Engineering) Department Report, PW 30-21
Re: Update Traffic By-law # 1862-85, Joy Thompson Avenue and Willowbrook Drive

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

- whether the implementation of parking restrictions for Joy Thompson Avenue and Willowbrook Drive would be on a seasonal basis and whether complaints about on-street parking were received during the winter months; and,
- the timeline for implementing the parking restrictions on Joy Thompson Avenue and Willowbrook Drive.

Recommendation:

Moved By Councillor Yamada

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 Number 2; and
2. That a by-law to amend By-law # 1862-85 be brought forward for the consideration of Council.

Carried

It was the consensus of the Committee to hear Item 8.1, Memorandum from C. Harris, Town Clerk, dated October 12, 2021 regarding a Motion to Extend the Term of the Existing Whitby 55+ Recreation Advisory Committee Members, at this time.

**9.3 Public Works (Engineering) Department Report, PW 31-21
Re: Final Downtown Parking Master Plan**

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

- the timeline for undertaking a further review of residential parking programs across the Town and for a report back to Council; and,
- clarification on the timeline for reporting to Council about permit parking options.

Recommendation:

Moved By Councillor Newman

1. That the Final Parking Master Plan (PMP) be adopted by Council; and,

2. That MD-4984 be removed from the New and Unfinished Business list.

Carried

- 9.4** Community Services Department and Financial Services Department Joint Report, FS 58-21
Re: T-52-2021 – Supply and Installation of One (1) Air Conditioning Unit at Iroquois Park Sports Centre

A brief question and answer period between Members of Committee and Staff regarding the rationale for engaging a consultant for the installation of air conditioning units.

Recommendation:

Moved By Councillor Mulcahy

1. That Tender T-52-2021 be awarded to Comfort Care Inc. in the amount of \$564,000.00 (plus applicable taxes), funded from the capital project 71201016 IPSC – Air Conditioning Pad 1, for the supply and installation of an Air Conditioning Unit at Iroquois Park Sports Centre;
2. That the revised cost estimates totaling \$658,063 as outlined in Table 1 of report FS 58-21, for the capital project 71201016 be approved;
3. That the budget shortfall in the amount of \$58,063 be funded: a. \$31,934.65 from the Growth Capital Reserve Fund; and b. \$26,128.35 from the Development Charges Parks & Recreation Reserve Fund; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

Recommendation:

Moved By Councillor Mulcahy

That in accordance with the Town's Procedure By-law, the Committee of the Whole meeting continue to go past 11:30 p.m.

Carried on a Two Thirds Vote

9.5 Office of the Chief Administrative Officer Report, CAO 25-21
Re: Economic Development Strategy Update – Presentation of Findings

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

- details about the alternate mission and vision statements;
- the annual cost of hiring the Economic Development Officer, and whether existing Staff could undertake the development and execution of both the concierge service and the business retention and expansion program;
- whether the funding to hire the Economic Development Officer was included in the 2022 budget;
- whether a job description for the position was ready/available; and,
- confirmation that the position would not have an impact on the tax base until 2023, and that the position would be a contract position for the first year.

Recommendation:

Moved By Councillor Newman

1. That Report CAO 25-21 be received for information;
2. That Council endorse the Mission, Vision and Proposed Pillars/Strategic Goals of the 2022 Economic Development Strategy as presented in Report CAO 25-21;
3. That Council endorse the action plan as presented in Report CAO 25-21; and,
4. That Staff be directed to prepare a final 2022 Economic Development Strategy to be presented in November 2021.

Carried later in the meeting (See following motions)

Recommendation:

Moved By Councillor Newman

That Item 2 of the main motion be amended to read as follows:

2. That Council endorse the Proposed Pillars/Strategic Goals of the 2022 Economic Development Strategy as presented in Report CAO 25-21, and the following more general version of the Mission and Vision as presented as an alternative in the Staff Report:

- a. Mission: To inspire a strong local economy and economic growth which is vibrant, sustainable, diverse and inclusive; and,
- b. Vision: The Town of Whitby will create a strong local economy through collaboration to facilitate innovation, productivity, inclusion and balanced economic growth.

Carried

Recommendation:

Moved By Councillor Newman

That the main motion be amended by including Item 5 as follows:

- 5. That a contract Economic Development Officer be hired in 2022 using one-time (2022) funding from the Long Term Reserve Fund, with ongoing funding for a permanent position to be presented to Council for consideration and approval as part of the 2023 Operating Budget.

Carried

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

Recommendation:

Moved By Councillor Newman

- 1. That Report CAO 25-21 be received for information;
- 2. That Council endorse the Proposed Pillars/Strategic Goals of the 2022 Economic Development Strategy as presented in Report CAO 25-21, and the following more general version of the Mission and Vision as presented as an alternative in the Staff Report:
 - a. Mission: To inspire a strong local economy and economic growth which is vibrant, sustainable, diverse and inclusive.
 - b. Vision: The Town of Whitby will create a strong local economy through collaboration to facilitate innovation, productivity, inclusion and balanced economic growth.
- 3. That Council endorse the action plan as presented in Report CAO 25-21;
- 4. That Staff be directed to prepare a final 2022 Economic Development Strategy to be presented in November 2021; and,

5. That a contract Economic Development Officer be hired in 2022 using one-time (2022) funding from the Long Term Reserve Fund, with ongoing funding for a permanent position to be presented to Council for consideration and approval as part of the 2023 Operating Budget.

Carried

10. New and Unfinished Business - General Government

10.1 New and Unfinished Business - General Government

There was no new and unfinished business.

Adjournment

Motion to adjourn

Recommendation:

Moved By Councillor Drumm

That the meeting adjourn.

Carried

The meeting adjourned at 11:42 p.m.