

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

Also Present: M. Gaskell, Chief Administrative Officer
J. Romano, Commissioner of Community Services
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor
R. Saunders, Commissioner of Planning and Development
D. Speed, Head of Operations & Fire Chief
F. Wong, Commissioner of Financial Services/Treasurer
S. Klein, Director of Strategic Initiatives
C. Harris, Town Clerk
L. MacDougall, Council and Committee Coordinator
H. Ellis, 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 Newman assumed the Chair.

1. Presentations

1.1 There were no presentations.

2. Delegations

2.1 Bryce Jordan and Elaine Sui representing NF Ashburn Brook Limited
Re: Planning and Development (Planning Services) Department Report,
PDP 42-22
Zoning By-law Amendment Application, NF Ashburn Brook Ltd., 5355
and 5455 Ashburn Road, File Number: DEV-09-22 (Z-07-22)

Refer to Item 4.10, PDP 42-22

Bryce Jordan, representing NF Ashburn Brook Limited, stated that he had read and was in support of the Staff recommendation. Mr. Jordan advised that he was available to answer questions.

It was the consensus of the Committee to hear Item 4.10, PDP 42-22, at this time.

2.2 There were no delegations.

3. Correspondence

3.1 There was no correspondence.

4. Staff Reports

4.1 Planning and Development (Engineering Services) Department Report,
PDE 06-22
Re: Rowe Channel Upgrade Study – Class EA Project File

Recommendation:

Moved By Councillor Shahid

1. That Rowe Channel Upgrade Study Report PDE 06-22 be received as information;
2. That the Final Environmental Study Report be filed in accordance with the Municipal Class EA process and be made available for agency and stakeholder review;

3. That staff advise Council if there are any significant comments or concerns following the public consultation; and,
4. That based on the recommendations of the Rowe Channel Upgrade Study, staff continue to develop the implementation plan for the recommended channel upgrade works, including the update of asset management plans and capital budgets.

Carried

4.2 Planning and Development (Engineering Services) Department Report, PDE 11-22

Re: Mid-Block Arterial Road – Works and Reimbursement Agreement and Road Naming

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

- consulting the Indigenous Community with respect to naming the future Mid-Block Arterial Road; and,
- contacting the architects of the Whitby Sports Complex following consultations with the Indigenous Community for considerations to parking lot and wayfinding signage.

Recommendation:

Moved By Councillor Mulcahy

1. That Council authorize the Chief Administrative Officer to execute a Mid-Block Arterial Road Works and Reimbursement Agreement between the Town of Whitby, Winash Developments Limited and NF Ashburn Brook Limited , known collectively as the Brooklin Gate Landowners Group Inc., to permit the design and construction of the Mid-Block Arterial Road from Ashburn Road to the future Garden Street extension (Phase 1 - MBA) on behalf of the Town, subject to the principles noted herein and upon terms satisfactory to the Commissioners of Planning and Development, Financial Services/Treasury and Legal and Enforcement Services/Town Solicitor;
2. That GHD Limited be awarded a sole source contract as the Owner's Engineer for the construction of the Phase 1 - MBA work, in the amount of \$224,000 plus HST, funded from capital project 40226020 Mid Arterial Roadway;
3. That the revised cost estimate for capital project 40226020 Mid Arterial Roadway, in the amount of \$21,755,945, as shown in Table 1 of Report PDE 11-22, be approved;

4. That the budget shortfall in capital project 40226020 Mid Arterial Roadway, in the amount of \$3,969,945, be funded from the Roads & Related Townwide Infrastructure Development Charges Reserve Fund;
5. That the revised cost estimate for capital project 15211001 Land Acquisition – Whitby Sports Complex, in the amount of \$15,076,250, as shown in Table 2 of Report PDE 11-22 be approved;
6. That the budget shortfall in capital project 15211001 Land Acquisition – Whitby Sports Complex, in the amount of \$1,213,750, be funded from the Parks Reserve Fund; and,
7. That Council select either “Jim Flaherty” or “Kent Mills” to be the name of the future Mid-Block Arterial Road.

Carried later in the meeting (See following Motion)

Recommendation:

Moved By Councillor Mulcahy

That Item 7 of the main motion be struck and replaced with the following:

7. That Council select a name after consultation with the Mississaugas of Scugog Island First Nation for the future Mid-Block Arterial Road.

Carried

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

Recommendation:

Moved By Councillor Mulcahy

1. That Council authorize the Chief Administrative Officer to execute a Mid-Block Arterial Road Works and Reimbursement Agreement between the Town of Whitby, Winash Developments Limited and NF Ashburn Brook Limited , known collectively as the Brooklin Gate Landowners Group Inc., to permit the design and construction of the Mid-Block Arterial Road from Ashburn Road to the future Garden Street extension (Phase 1 - MBA) on behalf of the Town, subject to the principles noted herein and upon terms satisfactory to the Commissioners of Planning and Development, Financial Services/Treasury and Legal and Enforcement Services/Town Solicitor;

2. That GHD Limited be awarded a sole source contract as the Owner's Engineer for the construction of the Phase 1 - MBA work, in the amount of \$224,000 plus HST, funded from capital project 40226020 Mid Arterial Roadway;
3. That the revised cost estimate for capital project 40226020 Mid Arterial Roadway, in the amount of \$21,755,945, as shown in Table 1 of Report PDE 11-22, be approved;
4. That the budget shortfall in capital project 40226020 Mid Arterial Roadway, in the amount of \$3,969,945, be funded from the Roads & Related Townwide Infrastructure Development Charges Reserve Fund;
5. That the revised cost estimate for capital project 15211001 Land Acquisition – Whitby Sports Complex, in the amount of \$15,076,250, as shown in Table 2 of Report PDE 11-22 be approved;
6. That the budget shortfall in capital project 15211001 Land Acquisition – Whitby Sports Complex, in the amount of \$1,213,750, be funded from the Parks Reserve Fund; and,
7. That Council select a name after consultation with the Mississaugas of Scugog Island First Nation for the future Mid-Block Arterial Road.

Carried

It was the consensus of the Committee to hear Item 5.1, Renaming of Highway 412 in memory of The Honourable Jim Flaherty, at this time.

4.3 Planning and Development (Engineering Services) Department Report, PDE 16-22
Re: Agreement with Picov Farms Inc. for Land Conveyance for the Mid-Block Arterial

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

- the advantages of the 90 degree alignment of the property;
- whether the design would cause traffic congestion; and,
- designing the roundabout to accommodate farm vehicles and transport trucks.

Recommendation:

Moved By Councillor Shahid

That Council authorize the Chief Administrative Officer (CAO) to execute an Agreement between the Town of Whitby and Picov Farms Inc. for land conveyance for the Mid-Block Arterial, substantially in accordance with the draft Agreement provided in Attachment 1 to Report PDE 16-22, and upon such further terms and in a form satisfactory to the Commissioners of Planning and Development and Legal and Enforcement Services/Town Solicitor.

Carried

4.4 Planning and Development (Engineering Services) Department Report, PDE 03-22

Re: Update Traffic By-law #1862-85, Stop Control

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

- whether speed hump requirements would change with the addition of a stop sign;
- communicating and collecting feedback from the community regarding the traffic calming measures;
- the budgetary timelines for the project;
- understanding safety concerns pertaining to stop signs;
- the average number of residents who oppose stop signs once they have been installed;
- alternative safety options available such as traffic circles; and,
- the process for residents to identify and report intersections of concern to Town staff.

Recommendation:

Moved By Councillor Leahy

1. That Council approve the proposed amendment to the Traffic By-law #1862-85 to incorporate the changes to Schedule "N" of the By-law, as identified in Attachment 1; and,
2. That a by-law to amend By-law # 1862-85 be brought forward for the consideration of Council.

Carried

4.5 Planning and Development (Engineering Services) Department Report, PDE 13-22

Re: Update Traffic By-law # 1862-85, Road Rationalization

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

- urbanization of Cochrane Street and when the Town would assume responsibility; and,
- whether any other roads were under consideration.

Recommendation:

Moved By Councillor Shahid

1. That Council approve the proposed amendments to the Traffic By-law # 1862-85 to incorporate the changes, 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 PDE 13-22 be forwarded to the Region of Durham.

Carried

4.6 Planning and Development (Engineering Services) Department Report, PDE 14-22

Re: Update Traffic By-law # 1862-85, No Parking/Stopping

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

- the impacts to adjacent streets, such as on-street parking;
- closing off one side of Halls Road South for parking rather than both sides;
- the impacts to local residents' parking needs;
- opening up the Baycliffe Park parking lot throughout the winter; and,
- establishing no parking on a portion of Baycliffe Drive and Halls Road South.

Recommendation:

Moved By Councillor Mulcahy

1. That Council approve an amendment to Traffic By-law # 1862-85, as identified in Attachment 1 to Report PDE 14-22; and,
2. That a by-law to amend By-law # 1862 be brought forward for the consideration of Council.

Note: The disposition of this matter, Item 4.6, was determined through the referral motion below.

Recommendation:

Moved By Councillor Leahy

That consideration of Staff Report, PDE 14-22, Update Traffic By-law # 1862-85, No Parking/Stopping, be referred to the Council meeting on June 20, 2022.

Carried

4.7 Planning and Development (Engineering Services) Department Report, PDE 15-22

Re: Highway 7/12 Alternate Route Environmental Assessment Status Update

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

- whether Thickson Road was no longer a viable option based on new information;
- using the development charge reserves as the source of funding for the additional assessment work;
- concerns regarding spending an additional 25 percent of total costs without removing the alternate route through Oak Ridge Moraine from the project;
- whether the Ministry of Transportation requested the additional work;
- whether the consultant could narrow the scope of assessment to Whitby's jurisdiction;
- the timeline to provide a detailed breakdown of expenses from the consultant through a Memorandum to Council; and,
- deferring the report to the Council meeting on June 20, 2022 to allow for consideration after receiving the breakdown of expenses.

Recommendation:

Moved By Councillor Leahy

1. That Council approve the additional expenditure of \$417,000 for extending the sole source contracts to BT Engineering and \$168,000 for BIT Consulting plus applicable taxes to be funded

- from the Capital Project No. 40160502 Environmental Assessment (EA) Study – Highway 7/12 Alternate Route;
2. That the revised total project cost of \$2,008,130 detailed in PDE 15-22 to accommodate the recommended additional technical scope and reporting be approved;
 3. That the additional project costs in the amount of \$595,296 be funded from the Development Charges – Roads and Related Town-wide Infrastructure Reserve Fund; and,
 4. That Council authorize the additional technical scope, and to proceed to Community Open House No. 4 to present the recommended alignment in early 2023.

Note: The disposition of this matter, Item 4.7, was determined through the referral motion below.

Recommendation:

Moved By Councillor Shahid

That consideration of Staff Report, PDE 15-22, Highway 7/12 Alternate Route Environmental Assessment Status Update, be referred to the Council meeting on June 20, 2022.

Carried

4.8 Planning and Development (Engineering Services) Department Report, PDE 17-22

Re: Harbour Street Extension

A brief question and answer period ensued between Members of Committee and Staff regarding whether additional wayfinding signage would be required.

Recommendation:

Moved By Councillor Roy

1. That a new 2022 Capital Budget be established in the amount of \$700,000 for the Harbour Street Extension and Multi-use Path, funded \$112,547 from the Growth Reserve Fund and \$587,453 from the Development Charges Roads and Related – Town-wide Infrastructure Reserve Fund; and,
2. That due to the imminent closure of Brock Street South and the related Multi-Use Path between Front Street and Water Street,

Council authorize staff to work expeditiously and do all things reasonably necessary (including the execution of agreements by the Mayor and Town Clerk which contain terms satisfactory to the Commissioners of Planning and Development and Legal and Enforcement Services/Town Solicitor) to facilitate the construction of the Harbour Street Extension and Multi-Use Path.

Carried

4.9 Planning and Development (Engineering Services) Department and Financial Services Department Joint Report, PDE 18-22
Re: Columbus Road – Country Lane to East Town Limits – Design and Construction

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

- the timing of marking and signing the multi use paths; and,
- whether the financing would be subject to change due to future inflation.

Recommendation:

Moved By Councillor Mulcahy

1. That a new 2022 Capital Budget, in the amount of \$2,870,000 for Columbus Road – Detailed Design, be approved and funded \$430,500 from the Growth Capital Reserve Fund, and \$2,439,500 from the Development Charges Roads and Related Town-wide Infrastructure Reserve Fund;
2. That the Brooklin North Landowners Group (BNLG) be authorized to proceed with the Columbus Road Design work based on a commitment that the Town intends to negotiate a reimbursement agreement for the \$2,870,000 of detailed design works;
3. That Council authorize the Chief Administrative Officer and Commissioner of Planning and Development be provided delegated authority to enter into a reimbursement agreement with the BNLG for the Columbus Road Detailed Design works based on the principles outlined in Report PDE 18-22 and subject to terms satisfactory to the Commissioners of Financial Services/Treasurer and Legal and Enforcement Services/Town Solicitor;
4. That staff commence negotiations with BNLG for a future development charge credit and/or reimbursement agreement for the construction of Columbus Road based on the principles outlined in Report PDE 18-22; and,

5. That Bumstead Integrated Transportation Consulting be awarded a sole source contract, in the amount of \$220,000 funded from project 40256047, for a period of two (2) years to provide municipal-side project management of the detail design work.

Carried

4.10 Planning and Development (Planning Services) Department Report, PDP 42-22

Re: Zoning By-law Amendment Application, NF Ashburn Brook Ltd., 5355 and 5455 Ashburn Road, File Number: DEV-09-22 (Z-07-22)

Recommendation:

Moved By Councillor Yamada

1. That Council approve the amendment to Zoning By-law # 1784, (File Number: Z-07-22) as outlined in Report PDP 42-22; and,
2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

Carried

5. New and Unfinished Business - Planning and Development

Recommendation:

Moved By Councillor Yamada

That a motion to introduce a matter pertaining to the renaming of Highway 412 in memory of The Honourable Jim Flaherty be allowed due to its timely and urgent nature.

Carried on a Two Thirds Vote

5.1 Renaming of Highway 412 in memory of The Honourable Jim Flaherty

Discussion ensued regarding:

- contacting the Abilities Centre to discuss renaming Gordon Street after The Honourable Jim Flaherty; and,
- seeking feedback from the Flaherty family.

Recommendation:

Moved By Mayor Mitchell

Whereas highway dedications are intended to posthumously acknowledge individuals and groups who have contributed to the health, welfare and prosperity of Ontarians and to honour the sacrifice of those who have lost their lives serving the people of Ontario or the nation;

Whereas the Council of the Town of Whitby reiterates its desire to acknowledge a great Canadian, The Honourable Jim Flaherty, by requesting the dedication of Highway 412 to his memory (see also Council Resolution #87-15 requesting the renaming of Highway 412 in memory of The Honourable Jim Flaherty);

Whereas The Honourable Jim Flaherty, a Whitby resident, was a member of the Canadian Parliament for Whitby-Oshawa from January 23, 2006 to April 10, 2014; the 37th Minister of Finance in office from February 6, 2006 to March 18, 2014; served as Member of Provincial Parliament for Whitby-Ajax (1995-2005); Minister of Enterprise, Opportunity and Innovation (2002-2003) Provincial Minister of Finance and Deputy Premier for Ontario (2001-2002); Attorney General (1999-2000); Ontario Minister of Labour (1997-1999) and Interim Solicitor General and Minister of Correctional Services (1998); and,

Whereas the Honourable Jim Flaherty left a remarkable legacy of contribution to his country, province and Town and has earned the gratitude and recognition of our Council and community;

Now Therefore be it Resolved:

That the Clerk be directed to send correspondence to the Premier and Minister of Transportation advising that the Council of the Town of Whitby reiterates its support for the dedication of Highway 412 as the Jim Flaherty Parkway in order to honour this truly great Canadian.

Motion Withdrawn

It was the consensus of the Committee to hear Item 4.3, Planning and Development (Engineering Services) Department Report, PDE 16-22 Re: Agreement with Picov Farms Inc. for Land Conveyance for the Mid-Block Arterial, at this time.

5.2 New and Unfinished Business - Planning and Development

There was no discussion regarding the new and unfinished business list.

General Government

Councillor Lee assumed the Chair.

6. Presentations

6.1 There were no presentations.

7. Delegations

7.1 Stacey Leadbetter representing Otter Creek Co-operative Homes Inc.
Financial Services Department Report, FS 50-22
Re: Development Related Fees for the Otter Creek Co-operative Homes
Development on McQuay Boulevard, File Number: DEV-29-21

Refer to Item 9.11, FS 50-22

Stacey Leadbetter, representing Otter Creek Co-operative Homes Inc.,
withdrew her delegation and submitted correspondence to the Office of
the Town Clerk.

8. Correspondence

8.1 There was no correspondence.

9. Staff Reports

9.1 Fire and Operational Services Department (Operational Services) and
Financial Services Department Joint Report, FS 42-22
Re: T-583-2022 - Storm Sewer Calcite Removal and Maintenance

Recommendation:

Moved By Councillor Roy

1. That Tender T-583-2022 be awarded to Pipetek Infrastructure Services Inc. for the storm sewer calcite removal and maintenance works, in the amount of \$102,132.80 (plus applicable taxes) to be funded from the capital projects listed in Table 2 of Report FS 42-22;

2. That the revised cost estimates totaling \$113,930.33 for the storm sewer calcite removal and maintenance works as outlined in Table 1 of Report FS 42-22 be approved;
3. That approval be granted to extend this contract for two (2) additional one (1) year term(s) in the estimated annual amount of \$102,132.80 (plus applicable taxes, CPI) 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

- 9.2** Community Services Department and Financial Services Department
Joint Report, FS 43-22
Re: T-43-2022 - Roofing Replacements – Whitby Iroquois Park Sports
Centre and Whitby Station Gallery

Recommendation:

Moved By Councillor Mulcahy

1. That Tender T-43-2022 be awarded to Semple Gooder Roofing Corporation for the roofing replacement works, in the amount of \$1,119,876.00 (plus applicable taxes) to be funded from the capital projects listed in Table 2 of Report FS 43-22;
2. That the revised cost estimates totaling \$1,204,198.60 for the roofing replacement works as outlined in Table 1 of Report FS 43-22 be approved;
3. That the budget shortfall, in the amount of \$189,198.60, be funded from the Asset Management Reserve Fund; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 9.3** Community Services Department and Financial Services Department
Joint Report, FS 49-22
Re: T-34-2022 Pumphouse Rehabilitation

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

- vibrational impacts to the Pumphouse from other construction projects in the area;

- installing fencing to protect the Pumphouse and ensuring the fencing was aesthetically pleasing;
- requesting a general outline of the work that would be completed;
- the expected life-span of the rehabilitation work; and,
- consulting the Heritage Whitby Advisory Committee for feedback on future restoration and commemoration.

Recommendation:

Moved By Councillor Newman

1. That Tender T-34-2022 be awarded to Phoenix Restoration Inc. for the Pumphouse restoration work, in the amount of \$463,200.00 (plus applicable taxes) to be funded from the capital projects listed in Table 2 of Report FS 49-22;
2. That the revised cost estimates totaling \$576,595.63 for the restoration works as outlined in Table 1 of Report FS 49-22 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

9.4 Fire and Operational Services Department (Operational Services) and Financial Services Department Joint Report, FS 51-22
Re: T-28-2022 - Pick Up, Removal and Disposal of Road Street Sweeping Material and Storm Sewer Waste

Recommendation:

Moved By Councillor Mulcahy

1. That Tender T-28-2022 be awarded to GFL Environmental for the pickup, removal, transport, process and disposal of waste material, in the estimated annual amount of \$88,000.00 (plus applicable taxes), funded annually from the operating budget;
2. That approval be granted to extend this contract for two (2) additional one (1) year term(s) in the estimated annual amount of \$88,000.00 (plus applicable taxes and increases related to the Consumer Price Index) subject to budget approval and satisfactory vendor performance; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

- 9.5** Fire and Operational Services (Fire and Emergency Services)
Department Report, FES 03-22
Re: WFES 2021 Annual Report

Recommendation:

Moved By Councillor Drumm

That Council receive the Whitby Fire and Emergency Services' (WFES') 2021 Annual Report for information.

Carried

- 9.6** Financial Services Department Report, FS 31-22
Re: Town of Whitby Municipal Asset Management Plan

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

- how asset management impacts future budgets, and the assets included in the Report;
- how the funding gap would be addressed in future budgets;
- whether projects would be re-prioritized or not completed due to funding gaps; and,
- how the Town's ratings compared in relation to other lakeside municipalities.

Recommendation:

Moved By Councillor Shahid

1. That Council endorse the Town's 2022 Municipal Asset Management Plan which highlights the Community and Technical Levels of Service for the core assets (roads, bridges and structural culverts, and stormwater management assets) as attached to Report FS 31-22;
2. That Council endorse the following recommendations as highlighted in Section 6 the Town's 2022 Municipal Asset Management Plan:
 - a. Capture and refine existing levels of service for all other assets and propose sustainable levels of service for all service areas to be approved by Council by July 1, 2025;

- b. Assess and evaluate existing maintenance and repair activities and capture these in the Asset Management database in order to get a complete picture of future financial requirements;
 - c. Review consequence of failure ratings regularly;
 - d. Assess the costs of Climate Change adaptation and the associated risks to assets; and.
 - e. Propose Climate Change adaptation and mitigation measures for all Service Areas.
3. That Staff continuously refine lifecycle treatments to ensure assets are being maintained as cost efficiently as possible.

Carried

9.7 Financial Services Department Report, FS 40-22
Re: 2021 Capital Year End Carry Forward Budget and the 2022 Reserve and Reserve Fund Year End Projection

A brief question and answer period ensued between Members of Committee and Staff regarding the amount in reserves, what was projected, and when the Town would be required to borrow funds.

Recommendation:

Moved By Councillor Roy

1. That Report FS 40-22 be received for information;
2. That the accounting adjustments of \$216,600, funded by the sources detailed in Table 2 of Report FS 40-22 be approved;
3. That the capital budget and funding increases totaling \$8,252,695 for the White Bridge and Des Newman – Environmental projects outlined in Table 4 of Report FS 40-22 be approved; and,
4. That the Clerk be directed to update the Capital Budget Management and Control Policy, F 170, by adding a subsection 5.11 to the Policy as follows:

5.11 That the Treasurer be authorized to open previously closed capital projects for the purpose of necessary accounting adjustments and to fund the adjustments from the original funding source(s).

Carried

9.8 Financial Services Department Report, FS 44-22

Re: Annual Insured Claims Report

A brief question and answer period ensued between Members of Committee and Staff regarding the deductible and reimbursement amounts for insured claims.

Recommendation:

Moved By Councillor Shahid

That Report FS 44-22 regarding Annual Insured Claims be received as information.

Carried

9.9 Financial Services Department Report, FS 45-22
Re: 2023 Budget Process and Calendar

A brief question and answer period ensued between Members of Committee and Staff regarding an opportunity to provide budget education and training sessions for new Council members next term.

Recommendation:

Moved By Councillor Newman

That the 2023 Budget Process, Communication and Public Engagement Plan and Budget Calendar outlined in Report FS 45-22 be approved.

Carried

9.10 Financial Services Department Report, FS 46-22
Re: Delegation of Authority for Procurements and Land Transactions during Lane Duck Council Periods, Council Summer Recess, and Council Election Recess

Recommendation:

Moved By Councillor Roy

1. That the Treasurer and the Chief Administrative Officer ("CAO") be provided the following delegated authority during any Council Election Recess (period of time from the last Regular Council

meeting before Election Day in an election year until after the Inaugural Council meeting) or any Lame Duck Council period (the Restricted Acts period in accordance with Section 275 of the Municipal Act):

- a. Award of procurements that, in accordance with the Town's Purchasing Policy, normally require Council approval prior to award subject to the award not exceeding 10% of the budget; and,
 - b. Approve budget/funding and award of procurements related to unplanned initiatives/expenditures to an upset amount of \$350,000 per project;
2. That the Clerk be directed to update the Acquisition, Sale or Other Disposition of Land Policy, F 190, to include definitions for the Council Summer Recess, Council Election Recess, and Lame Duck Council period as outlined in Report FS 46-22;
 3. That the Clerk be directed to update the Acquisition, Sale or Other Disposition of Land Policy, F 190, to grant delegated authority to the CAO for land matters related to infrastructure projects during certain time periods by adding a subsection 5.1.8 to the Policy as follows:

5.1.8 During any Council Summer Recess, Council Election Recess, or Lame Duck Council Period, any Acquisition or Disposition of Land, or the granting or taking the benefit of an Easement over Land, that is related to a Town infrastructure project in a Council-approved budget.

4. That staff be directed to report back on contract awards and agreements executed resulting from the delegated authorities recommended in Report FS 46-22.

Carried

- 9.11** Financial Services Department Report, FS 50-22
Re: Development Related Fees for the Otter Creek Co-operative Homes Development on McQuay Boulevard, File Number: DEV-29-21

Recommendation:

Moved By Councillor Mulcahy

1. That Sub-section 4.2 of the Development Charge Interest Policy F 430 be replaced with the following to allow for a different interest rate for interest calculated under Section 26.1 and

Section 26.2 of the Development Charges Act, 1997, S.O. 1997, c.27:

4.2 Notwithstanding clause 4.1, on a case by case basis, Council could direct a different interest rate (if applicable) for applicable interest calculated under either Section 3.2 or 3.4, or both, for the following types of development:

- A non-profit housing development;
- A long-term care home owned by a charitable organization or a non-profit organization as approved under the Income Tax Act; or
- A hospice.

2. That, in support of Otter Creek Co-operative Homes' request for financial assistance, an interest rate of 0% be used for the Otter Creek Co-operative Homes proposed development on McQuay Boulevard (File Number: DEV-29-21) in the calculation of interest in accordance with the revised Subsection 4.2 of the Development Charge Interest Policy F 430.

Carried

- 9.12** Office of the Chief Administrative Officer Report, CAO 15-22
Re: McKinney Arena 2 Naming Rights

Recommendation:

Moved By Councillor Shahid

That Council approve entering into a three (3) year sponsorship agreement effective August 1, 2022 with Thermo Fisher Scientific for a Naming Rights Sponsorship at McKinney Centre, including renaming Arena 2 to "Thermo Fisher Scientific Arena 2", based on the sponsorship package and other terms and conditions identified in Report CAO 15-22.

Carried

- 9.13** Office of the Town Clerk Report, CLK 04-22
Re: Appointment of Integrity Commissioner

A brief question and answer period ensued between Members of Committee and Staff regarding whether the appointment of an Integrity Commissioner was due to process or expiration of term.

Recommendation:

Moved By Councillor Leahy

1. That Town of Whitby Council authorize that Principles Integrity be appointed as Integrity Commissioner for the Town of Whitby for the Term of Council commencing November 15, 2022, with the option to renew for an additional Council term, subject to the Council of the Regional Municipality of Durham approving and authorizing the appointment of Principles Integrity in accordance with Section 223.3 of the Municipal Act as the Regional Municipality of Durham's Integrity Commissioner; and,
2. That the Clerk be directed to bring forward a by-law confirming the appointment of Principles Integrity as Integrity Commissioner.

Carried

9.14 Community Services Department Report, CMS 06-22
Re: Accessible Signage and Wayfinding Implementation Report

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

- amending the implementation timelines for the pedestrian and sidewalk signs to be the second priority, and parks and trails signs the third priority;
- whether parks and trails, and pedestrian and sidewalk signs could be completed simultaneously; and,
- whether there were legislative requirements pertaining to the priority list.

Recommendation:

Moved By Councillor Newman

1. That Council receive for information the recommended Accessible Signage and Wayfinding Implementation Plan Report CMS 06-22;

2. That Council direct staff to execute the Accessible Signage and Wayfinding standard through the recommended implementation and implementation guidelines; and,
3. Item MD – 6219 be removed from the New and Unfinished Business - General Government report.

Carried

9.15 Community Services Department and Fire and Emergency Services Department (Operational Services) Joint Report, CMS 07-22
Re: Forest Heights Basketball Court Update

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

- re-installing the Forest Heights Basketball Court;
- installing additional by-law signage near the basketball net;
- enforcing concerns such as after hours use of the basketball court and noise;
- mitigating noise concerns by limiting hours of usage for the court;
- concerns related to current Town standards such as location and visibility; and,
- drafting a letter to the Durham District School Board requesting two feet of land in order to relocate the basketball court.

Recommendation:

Moved By Councillor Leahy

1. That Staff Report CMS 07-22 be received as information;
2. That based on the information contained in CMS 07-22, Council provide direction on the reinstallation, relocation or permanent removal of basketball net at Forest Heights Park; and,
3. That MD – 6212 Memorandum from J. Romano, Commissioner of Community Services, dated December 9, 2021 regarding Forest Heights Park Basketball Court Relocation – Update, be removed.

Note: The disposition of this matter, Item 9.15, was determined through the referral motion below.

Recommendation:

Moved By Mayor Mitchell

That consideration of Staff Report, CMS 07-22, Forest Heights Basketball Court Update, be referred to the Council meeting on June 20, 2022.

Carried

9.16 Legal and Enforcement Services Department Report, LS 08-22
Re: Whitby Animal Services Centre Update

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

- concerns with spending money on the animal services facilities until further information pertaining to the future costs and services was determined;
- considering a public/private partnership to address animal services needs;
- understanding the risks and concerns regarding the levels of services the Town of Whitby would continue to provide and services that would be outsourced; and,
- taking into account the two components related to animal services currently provided by the Town including the sheltering of animals, and the cost of service.

Recommendation:

Moved By Councillor Mulcahy

1. That Report LS 08-22 be received for information;
2. That Animal Services continue to operate as an in-house service of the Town, including sheltering and enforcement; and,
3. That staff continue to investigate opportunities to provide animal control services with other municipalities in the immediate vicinity of the Town.

Carried later in the meeting. (See following motion)

Recommendation:

Moved By Councillor Mulcahy

That Item 3 of the main motion be amended to read as follows:

3. That staff continue to investigate opportunities to provide animal control services with other municipalities in the immediate vicinity

of the Town and animal sheltering services with Humane Society of Durham Region (HSDR).

Carried

That the main motion, as amended, was then carried as follows:

Recommendation:

Moved By Councillor Mulcahy

1. That Report LS 08-22 be received for information;
2. That Animal Services continue to operate as an in-house service of the Town, including sheltering and enforcement; and,
3. That staff continue to investigate opportunities to provide animal control services with other municipalities in the immediate vicinity of the Town and animal sheltering services with Humane Society of Durham Region (HSDR).

Carried

10. New and Unfinished Business - General Government

10.1 Backyard Swimming Lessons

Councillor Mulcahy introduced a motion regarding Backyard Swimming Lessons.

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

- supporting learning to swim programs;
- ensuring consistency of safety between municipalities regarding governing the business, health and safety, and nuisance concerns; and,
- reporting back to Council on municipal regulation of backyard swimming lessons in the Town of Whitby should the province approve the request to eliminate or change such regulations.

Recommendation:

Moved By Councillor Mulcahy

Whereas swimming instructors are certified by the Canadian Red Cross;

Whereas all Canadian Red Cross courses meet strict guidelines for content and delivery and the Canadian Red Cross Lifeguard program meets all provincial/territorial legislation requirements;

Whereas R.R.O. 1990, Reg. 565: PUBLIC POOLS creates barriers for swimming lessons to be performed in residential pools;

Whereas the Town of Whitby is burdened with providing enough infrastructure, staffing and scheduling to accommodate thousands of new swimmers in public pool settings;

Whereas the regulation requirements are burdensome for homeowners to meet the inspection requirements of health officials;

Whereas swimming instruction is proven to prevent death by drowning and should be prioritized for every Canadian child; and,

Whereas lower tier municipalities can simplify and streamline the process to regulate backyard swimming lessons without the Provincial regulation in place.

Now therefore be it resolved:

1. That the Town of Whitby Council requests that the Province of Ontario eliminate any regulation regarding backyard swimming lessons;
2. That municipalities across Ontario be responsible for governing any business, nuisance or health requirements for the operation of backyard swim lessons; and,
3. That the Clerk circulate a copy of this resolution to Lorne Coe MPP, AMO, the Regional Municipality of Durham, and all Durham area municipalities.

Carried

10.2 New and Unfinished Business - General Government

There was no new and unfinished business.

Adjournment

Motion to Adjourn

Recommendation:

Moved By Councillor Yamada

That the meeting adjourn.

Carried

The meeting adjourned at 9:41 p.m.