

**Present:** Mayor Mitchell  
Councillor Drumm  
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  
D. Speed, Head of Operations & Fire Chief  
F. Wong, Commissioner of Financial Services/Treasurer  
E. Belsey, Senior Manager, Policy & Heritage Planning  
S. Klein, Director of Strategic Initiatives  
H. Ellis, Executive Advisor to the Mayor  
C. Harris, Town Clerk  
K. Douglas, Legislative Specialist (Recording Secretary)

**Regrets:** None noted

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1. Declarations of Pecuniary Interest

1.1 There were no declarations of pecuniary interest.

2. Adoption of Minutes

2.1 Regular Council - May 16, 2022  
Special Council - June 13, 2022

**Resolution # 141-22**

Moved By Councillor Drumm

Seconded By Councillor Yamada

That the Regular Council minutes of May16, 2022 and the Special Council minutes of June 13, 2022 be adopted.

**Carried**

3. Presentations

**3.1** Ryan Turnbull, Member of Parliament for Whitby (Virtual Attendance)  
Re: Federal Initiatives – Whitby Update

Ryan Turnbull, Member of Parliament for Whitby appeared before Council and provided a PowerPoint presentation regarding federal initiatives pertaining to the Town of Whitby. Highlights of the presentation included:

- federal initiatives that aim to address global inflation and supply chain interruptions, such as a dedicated task force responsible for developing the Supply Chain Strategy, the National Trade Corridor Fund, increasing skilled immigration, investments in early learning and childcare, and workforce development agreements;
- the impact of the pandemic on healthcare initiatives, including investments in PPE and vaccines, increases to the Canada Health Transfer, establishment of the new Mental Health Transfer, and investments for nurses and family doctors;
- federal initiatives that aim to address pressures relating to the cost of living, such as childcare agreements, the Climate Action Incentive, enhanced benefit programs that are indexed to inflation, dental care assistance, and increases to the Old Age Security Benefit;
- the National Housing Strategy and new measures included in the 2022 budget to address housing affordability, such as the Housing Accelerator Fund, the Rent to Own Financing Program, the Rapid Housing Initiative, co-operative housing, and support for first time home buyers;
- 2022 federal budget initiatives that support businesses, including the Canada Growth Fund, the Innovation and Investment Agency, and the My Main Street Program; and,
- local businesses that benefited from the Canada Summer Jobs program.

Moved By Councillor Roy  
Seconded By Councillor Newman

That the rules of procedure be suspended to allow the presentation to exceed the ten minute speaking limit.

**Carried**

MP Turnbull continued his presentation. Additional highlights of the presentation included:

- infrastructure investments including the Universal Broadband Fund, Whitby Civic Recreation Complex renovation, and Whitby's cricket pitch;
- the Bus Rapid Transit project and investments in Durham Region Transit for 100 electric busses; and,
- federal climate change investments such as the E-missions Show Room, Trees for Life at Lynde Shores Conservation Area, Durham Greener Homes program, investments in the GM Oshawa Plant, Zero Emission Vehicle Charging Infrastructure, and a feasibility study for the Geo-Thermal District Energy Grid.

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

- the process that Members of Council should follow to communicate with Members of Parliament regarding issues raised by residents concerning immigration issues;
- strategies to implement federal mental health initiatives;
- whether the federal government may provide additional financial support to Whitby Hospice;
- federal initiatives that may improve affordable housing for younger generations;
- strategies to combat increasing gas prices, including discussions regarding the Keystone XL pipeline project;
- support for truth and reconciliation initiatives; and,
- collaboration between all three levels of government on climate change initiatives.

4. Delegations

4.1 There were no delegations.

5. Correspondence

5.1 That the following requests be endorsed:

- National Tree Day - September 21, 2022
- National Forest Week - September 18 to 24, 2022
- Rail Safety Week - September 19 to 25, 2022

**Resolution # 142-22**

Moved By Councillor Shahid  
Seconded By Councillor Roy

That the proclamations for National Tree Day, National Forest Week, and Rail Safety Week be endorsed.

**Carried**

**5.2** Memorandum from F. Wong, Commissioner of Financial Services/Treasurer and D. Speed, Head of Operations and Fire Chief, dated June 20, 2022 regarding May 21st, 2022 Storm Update

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

- whether the Town's eligible municipal costs reached the 3% annual levy threshold to qualify for the Municipal Disaster Recovery Assistance (MDRA) program;
- whether residents may apply for reimbursement of eligible expenses under the Disaster Recovery Assistance for Ontarians (DRAO) program, regardless of whether the Town qualifies for the MDRA program;
- when the Ministry of Municipal Affairs and Housing (MMAH) may decide whether to activate the program for the Town of Whitby;
- whether staff may request information regarding Elexicon's response to resolve damage caused by the derecho storm;
- the approximate amount of damage that has been addressed to date;
- whether the Town will plant new trees to replace those damaged by the storm;
- strategies to remove large tree stumps and the timeline for completing debris removal;
- appreciation for ongoing cleanup efforts by staff; and,
- discussions with the provincial government concerning financial support to offset costs relating to the storm.

**Resolution # 143-22**

Moved By Councillor Leahy  
Seconded By Councillor Mulcahy

That the Memorandum from F. Wong, Commissioner of Financial Services/Treasurer and D. Speed, Head of Operations and Fire Chief, dated June 20, 2022 regarding May 21st, 2022 Storm Update be received for information.

**Carried**

6. Committee of the Whole Report  
Planning and Development - June 6 and 13, 2022

**6.1** Memorandum from P. Angelo, Director, Engineering and H. Moreno, Manager, Operations dated June 1, 2022 regarding the Williamsburg Storm Water Management Facility Feasibility Assessment

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

- whether \$90,000 is the ceiling amount required to conduct the feasibility assessment work, and confirmation that this amount excludes the cost to redesign the Williamsburg storm water management facility (SWMF);
- clarification regarding the estimated cost to redesign the SWMF;
- clarification regarding recent improvements made to the SWMF;
- whether the work will be completed by September 2022; and,
- the impact of redesigning the SWMF on fish and other wildlife.

**Resolution # 144-22**

Moved By Councillor Newman  
Seconded By Councillor Leahy

1. That the Memorandums from P. Angelo, Director, Engineering and H. Moreno, Manager, Operations dated June 1 and June 10, 2022 regarding the Williamsburg Storm Water Management Facility Feasibility Assessment be received for information;
2. That Staff be directed to engage a third party engineering firm to an upset cost limit of \$90,000 to provide an overview of the feasibility and options of redesigning the Stormwater Management Facility near Wythe Court and Redvers Street from a 'dry' to a 'wet' extended detention device to provide a greater permanent pool water depth than that of its original approved design condition in 1991; and,
3. That Staff report back to Council on the findings of the third party consultant engineering firm in September, 2022.

**Carried**

- 6.2** Planning and Development (Planning Services) Department Report, PDP 36-22  
Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, Brooklin Northeast Developments CR Inc., 400 Columbus Road East, File Numbers: DEV-30-20 (SW-2020-07, Z-15-20)

**Resolution # 145-22**

Moved By Councillor Newman  
Seconded By Councillor Leahy

1. That Council approve the Draft Plan of Subdivision (File Number: SW-2020-07), subject to the comments included in Report PDP 36-22 and the conditions of draft plan approval included in Attachment #11;
2. That Council approve the amendment to Zoning By-law # 1784 (File Number: Z-15-20), as outlined in Report PDP 36-22;
3. That Staff be authorized to prepare a Subdivision Agreement;
4. That the Region of Durham's Commissioner of Planning and Development be advised of Council's decision;
5. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision;
6. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision; and,
7. That a By-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

**Carried**

- 6.3** Planning and Development (Planning Services) Department Report, PDP 37-22  
Re: Zoning By-law Amendment Application, S & A Developments Limited, Southeast Corner of Taunton Road East and Sebastian Street, File Number: DEV-04-19 (Z-02-19)

A brief discussion ensued between Members of Council and Staff regarding the proposed storm water measures to contain runoff from the subject land on to neighbouring properties to the south.

**Resolution # 146-22**

Moved By Councillor Newman

Seconded By Councillor Leahy

1. That Council approve the amendment to Zoning By-law # 1784, (File Z-02-19); and,
2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

**Carried**

**6.4** Planning and Development (Planning Services) Department Report, PDP 38-22

Re: Whitby Mature Neighbourhoods Study – Recommendation Report

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

- whether the Whitby Mature Neighbourhood Study will set guidelines for developers that may help prevent future Ontario Land Tribunal appeals;
- whether the outcomes of the Whitby Mature Neighbourhood Study will be available to residents;
- consultation with other municipalities, such as the City of Brampton, regarding best practices for a mature neighbourhood study; and,
- the broad application of this study to ensure consistency in those areas not included in the study.

**Resolution # 147-22**

Moved By Councillor Newman

Seconded By Councillor Leahy

1. That the “Whitby Mature Neighbourhoods, Recommendation Report” (January 2022) be received for information; and,
2. That Council direct staff to proceed with hosting a Public Meeting in relation to the proposed Whitby Mature Neighbourhoods Official Plan and Zoning By-law Amendments outlined in the Recommendation Report.

**Carried**

**6.5** Planning and Development (Planning Services) Department Report, PDP 39-22

Re: Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Brookfield Residential, 100 Garden Street

and 604 Dundas Street East, File Numbers: DEV-26-21 (OPA-2021-W/08, SW-2021-09, Z-16-21)

**Resolution # 148-22**

Moved By Councillor Newman  
Seconded By Councillor Leahy

1. That Council approve Official Plan Amendment Number 127 to the Whitby Official Plan (OPA-2021-W/08), as shown on Attachment #10, and that a by-law to adopt Official Plan Amendment Number 127 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Report PDP 39-22, two (2) copies of the adopted Amendment, and a copy of the By-law to Adopt Amendment Number 127 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Council approve the Draft Plan of Subdivision (File Number: SW-2021-09), subject to the comments included in Report PDP 39-22 and the conditions of draft plan approval included in Attachment #14;
4. That Staff be authorized to prepare a Subdivision Agreement;
5. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development;
6. That Council approve the Amendment to Zoning By-law # 2585, (File Number: Z-16-21), as outlined in Report PDP 39-22; and,
7. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council.

**Carried**

**6.6** Planning and Development (Planning Services) Department Report, PDP 40-22

Re: Official Plan Amendment and Zoning By-law Amendment Applications, 67 Harbourside Drive, File Number: DEV 28-19 (OPA-2019-W/04, Z-18-19)

It was the consensus of the Committee to consider Item 6.6, PDP 40-22 following a closed session (Item 11.1) later in the meeting in order to receive advice subject to solicitor client privilege.



Prior to moving in-camera, discussion ensued between Members of Council regarding consultation with the Heritage Whitby Advisory Committee concerning the heritage designation of 67 Harbourside Drive.

A brief question and answer period ensued between Members of Council and Staff regarding confirmation that Mr. Ecker's comments were acknowledged by Staff.

- 6.7** Planning and Development (Planning Services) Department Report, PDP 41-22  
Re: DEV-29-21: Zoning By-law Amendment Application Z19-21, Otter Creek Co-Operative Homes Inc., Land between 835 McQuay Boulevard and 855 McQuay Boulevard

Members of Council expressed their appreciation for Staff efforts on the proposed affordable housing development.

**Resolution # 149-22**

Moved By Councillor Newman  
Seconded By Councillor Leahy

1. That Council approve an Amendment to Zoning By-law # 1784 (File DEV-29-21; Z-19-21) to permit the proposed affordable housing development on the subject land; and,
2. That the Zoning By-law Amendment be brought forward for consideration by Council.

**Carried**

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

**Resolution # 150-22**

Moved By Councillor Newman  
Seconded By Councillor Leahy

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**

- 6.9** Planning and Development (Engineering Services) Department Report, PDE 11-22  
Re: Mid-Block Arterial Road – Works and Reimbursement Agreement and Road Naming

**Resolution # 151-22**

Moved By Councillor Newman  
Seconded By Councillor Leahy

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**

**6.10** Planning and Development (Engineering Services) Department Report, PDE 16-22

Re: Agreement with Picov Farms Inc. for Land Conveyance for the Mid-Block Arterial

**Resolution # 152-22**

Moved By Councillor Newman  
Seconded By Councillor Leahy

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**

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

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

**Resolution # 153-22**

Moved By Councillor Newman  
Seconded 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**

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

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

**Resolution # 154-22**

Moved By Councillor Newman

Seconded By Councillor Leahy

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**

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

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

A brief question and answer period ensued between Members of Council and Staff to seek clarification regarding the proposed parking restrictions on Halls Road South.

**Resolution # 155-22**

Moved By Councillor Newman

Seconded By Councillor Leahy

1. That Council approve an amendment to Traffic By-law # 1862-85, as identified in Attachment 1 to Report PDE 14-22 and per the Memorandum from the Director of Engineering dated June 15, 2022 for no parking restrictions on Halls Road South; and,

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

**Carried**

- 6.14** Planning and Development (Engineering Services) Department Report, PDE 15-22  
Re: Highway 7/12 Alternate Route Environmental Assessment Status Update

**Resolution # 156-22**

Moved By Councillor Shahid  
Seconded By Councillor Drumm

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.

**Carried**

- 6.15** Planning and Development (Engineering Services) Department Report, PDE 17-22  
Re: Harbour Street Extension

**Resolution # 157-22**

Moved By Councillor Newman  
Seconded By Councillor Leahy

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**

- 6.16** 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

**Resolution # 158-22**

Moved By Councillor Newman  
Seconded By Councillor Leahy

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**

**6.17** 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)

**Resolution # 159-22**

Moved By Councillor Newman

Seconded By Councillor Leahy

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**

**7.** Committee of the Whole Report  
General Government - June 6 and 13, 2022

**7.1** Memorandum from C. Chrus, Manager, Creative Communities, dated June 6, 2022 regarding Brooklin Downtown Development Steering Committee's 2021 Annual Report

**Resolution # 160-22**

Moved By Councillor Lee

Seconded by Councillor Mulcahy

That the Brooklin Downtown Development Steering Committee's 2021 Annual report be received for information.

**Carried**

- 7.2** Memorandum from C. Chrus, Manager, Creative Communities, dated June 6, 2022 regarding Downtown Whitby Development Steering Committee's 2021 Annual Report

**Resolution # 161-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

That the Downtown Whitby Development Steering Committee's 2021 Annual Report be received for information.

**Carried**

- 7.3** Office of the Chief Administrative Officer Report, CAO 14-22  
Re: Economic Development Semi-Annual Report

**Resolution # 162-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

That Report CAO 14-22 be received for information.

**Carried**

- 7.4** Fire and Emergency Services (Operational Services) Department Report, FOS(OS) 02-22  
Re: Urban Forestry Update – Spring 2022

**Resolution # 163-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

That Report FOS(OS) 02-22 be received as information.

**Carried**

- 7.5** 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



**Resolution # 164-22**

Moved By Councillor Lee

Seconded by Councillor Mulcahy

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**

- 7.6** 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

**Resolution # 165-22**

Moved By Councillor Lee

Seconded 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**

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

Members of Council expressed their gratitude for Staff efforts to restore the Pump House.

**Resolution # 166-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

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**

- 7.8** 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

**Resolution # 167-22**

Moved By Councillor Lee  
Seconded 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**

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

**Resolution # 168-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

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

**Carried**

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

**Resolution # 169-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

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**

- 7.11** 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

**Resolution # 170-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

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**

- 7.12** Financial Services Department Report, FS 44-22  
Re: Annual Insured Claims Report

**Resolution # 171-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

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

**Carried**

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

**Resolution # 172-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

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

**Carried**

- 7.14** 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

**Resolution # 173-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

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 Lane 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**

- 7.15** 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

**Resolution # 174-22**

Moved By Councillor Lee  
Seconded 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**

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

**Resolution # 175-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

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**

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

**Resolution # 176-22**

Moved By Councillor Lee

Seconded by Councillor Mulcahy

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**

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

**Resolution # 177-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

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**

- 7.19** 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 Council and Staff regarding:

- the opportunity to relocate the Forest Heights Basketball Court and reinstall the net;
- ensuring the resident's concerns are addressed;



- whether reconfiguration of the basketball court may be completed prior to the 2023 budget approval;
- whether the reconfiguration will be conducted by Staff or an external contractor;
- increasing enforcement to respond to noise complaints;
- reducing the basketball court's operating hours to deter after hours use;
- the efficacy of installing operating hours signage and fencing with noise reducing windscreens to alleviate resident's concerns regarding noise emanating from the basketball court;
- whether the Town's Noise By-law governs operating hours for any other Town parks;
- clarification regarding the proposed by-law enforcement, including the installation of signage and issuance of tickets;
- whether the basketball net may be reinstalled until additional complaints are received;
- discussions with Durham District School Board (DDSB) regarding relocating the basketball court to their property;
- delaying the reinstallation of the basketball net by six months;
- the public use of DDSB basketball courts;
- the potential risks associated with reinstalling the basketball net;
- whether the basketball court will be reconstructed in the future, should the basketball pole be removed;
- the importance of supporting recreation and sports facilities for youth; and,
- opportunities to reconfigure the basketball court in 2023.

Moved By Councillor Leahy  
Seconded by Councillor Newman

1. That Staff Report CMS 07-22 and the Memorandum from John Romano, Commissioner of Community Services, regarding the Reconfiguration of Forest Heights Basketball Court be received as information;
2. That Staff be directed to include the costs associated with the reconfiguration of the Forest Heights Basketball Court in the Proposed 2023 Capital Budget, with a target completion in the spring of 2023, for Council consideration;
3. That item MD 6212 on the New and Unfinished Business List regarding the Forest Heights Park Basketball Court be removed; and,
4. That the Forest Heights Basketball Court net be reinstalled as soon as possible.

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**Motion Lost**

**Resolution # 178-22**

Moved By Councillor Roy

Seconded By Councillor Shahid

1. That Staff Report CMS 07-22 and the Memorandum from John Romano, Commissioner of Community Services, regarding the Reconfiguration of Forest Heights Basketball Court be received as information;
2. That item MD 6212 on the New and Unfinished Business List regarding the Forest Heights Park Basketball Court be removed;
3. That the Forest Heights Basketball Court net and pole be removed; and,
4. That Staff be directed to investigate an alternate use of the asphalt area for the youth of the community.

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

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Councillor Drumm	x		
Councillor Leahy		x	
Councillor Lee	x		
Councillor Mulcahy	x		
Councillor Newman		x	
Councillor Roy	x		
Councillor Shahid	x		
Councillor Yamada		x	
Mayor Mitchell	x		
	6	3	0

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

A brief discussion ensued between Members of Council and Staff regarding confirmation that Animal Services will continue to operate as an in-house service of the Town.

**Resolution # 179-22**

Moved By Councillor Lee

Seconded 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**

## **7.21 Backyard Swimming Lessons**

### **Resolution # 180-22**

Moved By Councillor Lee

Seconded 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**

8. Notice of Motion

**8.1 Traffic Calming Measures Pilot Project**

Discussion ensued between Members of Council regarding:

- the impact that installing speed humps on Whitburn Street have had on traffic on surrounding streets;
- the broad application of the pilot project across the Town of Whitby;
- appreciation for Staff efforts to implement this pilot project; and,
- the addition of ten streets to the project in each of the next five years.

**Resolution # 181-22**

Moved By Councillor Newman  
Seconded By Councillor Lee

Further to Resolution #149-21 wherein Ward Councillors together with Staff have identified two streets per ward for traffic calming measures in 2022 and will do so for each of the next five years, in order to assess impact to surrounding neighbourhoods close to where speed humps have been installed, staff are directed to conduct a pilot project with Maple Edge Lane and surrounding area (close to Whitburn where speed humps have been installed) to explore other complementary traffic calming measures including buttons, stop controls, signage, and speed limits etc. to achieve comprehensive, slower, safer neighbourhoods with the goal of subsequent town-wide consideration.

**Carried**

9. New and Unfinished Business

- 9.1** Community Services Department Report, CMS 08-22  
Re: Update on the Construction Cost Estimate for the Whitby Sports Complex (WSC) Project

**Resolution # 182-22**

Moved By Councillor Shahid  
Seconded By Councillor Drumm

1. That Community Services Report, CMS 08-22 be received as information;
2. That Staff be directed to complete the detailed design and contract documentation to be tender ready, based on the program approved by Council outlined in CMS 05-22; and,
3. That Staff report back to Council for direction, following completion of the detailed design and construction documentation, including final construction cost estimates, prior to issuing construction tender documents.

**Carried**

**10. By-Laws**

That the following by-laws be passed:

- 10.1** By-law # 7905-22, being a by-law to constitute and appoint a Compliance Audit Committee for The Corporation of the Town of Whitby pursuant to the requirements of section 88.37 of the Municipal Elections Act, 1996.

Refer to CLK 01-22, Compliance Audit Committee - 2022 Municipal Election

- 10.2** By-law # 7906-22, being a by-law to adopt Amendment Number 124 to the Official Plan of the Town of Whitby.

Refer to PDP 05-22, Official Plan Amendment Application, Madison Brooklin Developments Ltd., portion of the southeast corner of Roybrook Avenue and Chelmsford Drive (High Density Block 2), File Number: DEV-22-21 (OPA-2021- W/07)

- 10.3** By-law # 7907-22, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PL 10-20, Draft Plan of Subdivision Application and Zoning By-law Amendment Application, Madison Brooklin Developments Ltd., south of Roybrook Avenue, east of Baldwin Street South, File Number: DEV-19-19 (SW -2019-01, Z-11-19)

- 10.4** By-law # 7908-22, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PDP 42-22, Zoning By-law Amendment Application, NF Ashburn Brook Ltd., 5355 & 5455 Ashburn Road, File Number: DEV-09-22 (Z-07-22)

- 10.5** By-law # 7909-22, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law of the Town of Whitby

Refer to PDP 41-22, Zoning By-law Amendment Application, Otter Creek Co-Operative Homes Inc., land between 835 McQuay Boulevard and 855 McQuay Boulevard, File Number: DEV-29-21 (Z-19-21)

- 10.6** By-law # 7910-22, being a by-law to amend By-law # 1862-85, being a by-law to regulate traffic on the highways and on certain private roadways in the Town of Whitby.

Refer to PDE 03-22, Update Traffic By-law # 1862-85, Stop Control

- 10.7** By-law # 7911-22, being a by-law to amend By-law # 1862-85, being a by-law to regulate traffic on the highways and on certain private roadways in the Town of Whitby.

Refer to PDE 13-22, Update Traffic By-law 1862-85, Road Rationalization

- 10.8** By-law # 7912-22, being a by-law to amend By-law # 1862-85, being a by-law to regulate traffic on the highways and on certain private roadways in the Town of Whitby.

Refer to PDE 14-22, Update Traffic By-law # 1862-85, No Parking/Stopping

- 10.9** By-law # 7913-22, being a by-law to dedicate Part 1 on Plan 40R-31746, as a public highway (Bradley Drive).

Refer to PDP 25-22, Request from the Whitby Curling Club to Declare a Portion of the Town's Land as Part of the Bradley Drive Road Allowance to Facilitate a Proposed Development

- 10.10** By-law # 7914-22, being a by-law to lift and assume as part of the public highway, a 0.3 metre reserve known as part of Bradley Drive.

Refer to PDP 25-22, Request from the Whitby Curling Club to Declare a Portion of the Town's Land as Part of the Bradley Drive Road Allowance to Facilitate a Proposed Development

- 10.11** By-law # 7915-22, being a by-law to deem Block 44, Plan 40M-2350 (the "subject land") not to be a block on a registered plan of subdivision in accordance with subsection 50(4) of the Planning Act, R.S.O. 1990, c. P. 13, as amended (the "Act").

- 10.12** By-law # 7916-22, being a by-law to confirm the appointment of Principles Integrity as the Integrity Commissioner for the Town of Whitby.

Refer to CLK 04-22, Appointment of Integrity Commissioner

**Resolution # 183-22**

Moved By Councillor Roy  
Seconded By Councillor Drumm

That leave be granted to introduce By-laws # 7905-22 to # 7916-22 and to dispense with the reading of the by-laws by the Clerk and that the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

**Carried**

Moved By Councillor Shahid  
Seconded By Councillor Drumm

That Council move in-camera in accordance with Procedure By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**Carried**

11. Closed Session

**11.1** Advice that is subject to solicitor-client privilege pertaining to Planning and Development (Planning Services) Department Report, PDP 40-22

This portion of the meeting was closed to the public. [Refer to the In Camera minutes of the meeting - Town Clerk has control and custody.]

12. Rising and Reporting

**12.1** Motion to Rise

Moved By Councillor Mulcahy  
Seconded By Councillor Leahy

That Council rise from the closed portion of the meeting.

**Carried**

**12.2** Reporting Out

Mayor Mitchell advised that during the closed portion of the meeting, Council received advice that is subject to solicitor-client privilege.

Planning and Development (Planning Services) Department Report, PDP 40-22

Re: Official Plan Amendment and Zoning By-law Amendment Applications, 67 Harbourside Drive, File Number: DEV 28-19 (OPA-2019-W/04, Z-18-19)

Moved By Councillor Roy  
Seconded By Councillor Leahy

1. That the Request for Removal of a Non-Designated Heritage Property from the Municipal Heritage Register be refused;
2. That Council withdraw its previous 2002 Notice of Intention to Designate various buildings on the former Whitby Psychiatric Hospital Site;
3. That Council authorize the Commissioner of Planning and Development to issue a new Notice of Intention to Designate the property at 67 Harbourside Drive as having historical and



- associative value, as outlined in Section 4.1 of Report PDP 40-22;
4. That the owner/transferee be required to execute the necessary agreements as outlined in Report PDP 40-22 and Attachment #11 of Report PDP 40-22, at the owner's/transferee's expense;
  5. That the Municipal Heritage Register be updated accordingly as necessary to reflect Council's decision;
  6. That Council approve Official Plan Amendment Number 128 to Town of Whitby Official Plan (File Number: OPA-2019-W/04), with modifications as recommended by staff and as shown on Attachment #7;
  7. That a by-law to adopt Official Plan Amendment Number 128 be brought forward for consideration by Council at such time that the owner/transferee has executed the necessary agreements to implement the privately owned, publicly accessible open space commemorative garden, including the requirements as outlined in Report PDP 40-22 and Attachment #11 of Report PDP 40-22;
  8. That Council approve an amendment to Zoning By-law # 2585 as outlined in Report PDP 40-22 (File Number: Z-18-19);
  9. That a by-law to amend Zoning By-law # 2585 be brought forward for the consideration of Council at such time that the owner/transferee has executed the necessary agreements to implement the privately owned, publicly accessible open space commemorative garden, including the requirements as outlined in Report PDP 40-22 and Attachment #11 of Report PDP 40-22;
  10. That the Letter of Credit held by the Town for the heritage preservation of the "Doctor's House" in the amount of \$200,000 be withdrawn and used for contributions towards heritage resources elsewhere within the Town of Whitby;
  11. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision; and,
  12. That the Clerk forward a copy of Report PDP 40-22, two (2) copies of the adopted Official Plan Amendment, and a copy of the by-law to adopt Amendment Number 128 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development.

**Carried later in the meeting. (See following motion)**

Moved By Councillor Newman  
Seconded By Councillor Drumm

That the main motion be amended by including Items 13 and 14 as follows:

13. That the Heritage Whitby Advisory Committee be kept up to date on the status and future considerations of 67 Harbourside Drive and that the Committee be provided updates and have the opportunity to provide comment; and,

14. That the Heritage Whitby Advisory Committee recommends that Council direct staff to investigate the use of Heritage Easement Agreements, best practices from other municipalities, and other tools to protect the conservation of heritage properties.

**Carried**

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

**Resolution # 184-22**

Moved By Councillor Roy

Seconded By Councillor Leahy

1. That the Request for Removal of a Non-Designated Heritage Property from the Municipal Heritage Register be refused;
2. That Council withdraw its previous 2002 Notice of Intention to Designate various buildings on the former Whitby Psychiatric Hospital Site;
3. That Council authorize the Commissioner of Planning and Development to issue a new Notice of Intention to Designate the property at 67 Harbourside Drive as having historical and associative value, as outlined in Section 4.1 of Report PDP 40-22;
4. That the owner/transferee be required to execute the necessary agreements as outlined in Report PDP 40-22 and Attachment #11 of Report PDP 40-22, at the owner's/transferee's expense;
5. That the Municipal Heritage Register be updated accordingly as necessary to reflect Council's decision;
6. That Council approve Official Plan Amendment Number 128 to Town of Whitby Official Plan (File Number: OPA-2019-W/04), with modifications as recommended by staff and as shown on Attachment #7;
7. That a by-law to adopt Official Plan Amendment Number 128 be brought forward for consideration by Council at such time that the owner/transferee has executed the necessary agreements to implement the privately owned, publicly accessible open space commemorative garden, including the requirements as outlined in in Report PDP 40-22 and Attachment #11 of Report PDP 40-22;
8. That Council approve an amendment to Zoning By-law # 2585 as outlined in Report PDP 40-22 (File Number: Z-18-19);

9. That a by-law to amend Zoning By-law # 2585 be brought forward for the consideration of Council at such time that the owner/transferee has executed the necessary agreements to implement the privately owned, publicly accessible open space commemorative garden, including the requirements as outlined in Report PDP 40-22 and Attachment #11 of Report PDP 40-22;
10. That the Letter of Credit held by the Town for the heritage preservation of the "Doctor's House" in the amount of \$200,000 be withdrawn and used for contributions towards heritage resources elsewhere within the Town of Whitby;
11. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision;
12. That the Clerk forward a copy of Report PDP 40-22, two (2) copies of the adopted Official Plan Amendment, and a copy of the by-law to adopt Amendment Number 128 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
13. That the Heritage Whitby Advisory Committee be kept up to date on the status and future considerations of 67 Harbourside Drive and that the Committee be provided updates and have the opportunity to provide comment; and,
14. That the Heritage Whitby Advisory Committee recommends that Council direct staff to investigate the use of Heritage Easement Agreements, best practices from other municipalities, and other tools to protect the conservation of heritage properties.

**Carried**

13. Confirmatory By-Law

**13.1** Confirmatory By-law

**Resolution # 185-22**

Moved By Councillor Yamada  
Seconded by Councillor Shahid

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its regular meeting held on June 20, 2022 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

**Carried**

14. Adjournment

**14.1** Motion to Adjourn

Moved By Councillor Mulcahy  
Seconded By Councillor Leahy

That the meeting adjourn.

**Carried**

The meeting adjourned at 9:55 p.m.

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Christopher Harris, Town Clerk

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Don Mitchell, Mayor