

Present: Mayor Mitchell
Councillor Alexander
Councillor Leahy
Councillor Lee
Councillor Mulcahy
Councillor Newman
Councillor Roy
Councillor Shahid
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
S. Beale, Commissioner of Public Works
P. LeBel, Commissioner of Community & Marketing Services
W. Mar, Commissioner of Legal and By-law Services/Town Solicitor
K. Nix, Commissioner of Corporate Services/Treasurer
R. Saunders, Commissioner of Planning and Development
C. Siopis, Manager of Corporate Communications
D. Speed, Fire Chief
C. Harris, Town Clerk
S. Mulekar, Council and Committee Coordinator (Recording Secretary)

Regrets: None noted

1. Call to Order
2. Call of the Roll: The Clerk
3. Declarations of Pecuniary Interest

3.1 Councillor Mulcahy declared a pecuniary interest under the Municipal Conflict of Interest Act regarding Item 10.1, under New and Unfinished Business, regarding the matter of allocating funds to re-establish advertising the Town Page in community newspapers, as she owns a newspaper in the Town of Whitby.

It was the consensus of the Committee to hear Item 6.1, Delegation by Debra Delmotta, at this time.

Planning and Development

4. Staff Reports - Planning and Development

4.1 There were no Planning and Development Staff Reports.

5. New and Unfinished Business - Planning and Development

5.1 New and Unfinished Business - Planning and Development

There was no New and Unfinished business.

General Government

Councillor Yamada assumed the Chair.

6. Delegations - General Government

6.1 Debra Delmotta

Re: Legal and By-law Services Department Report, LS 02-19,
Privately-Run Cannabis Retail Stores and the Ontario Cannabis Licence
Act, 2018 – Update

Debra Delmotta appeared before Committee regarding the need for safe distribution of cannabis. The highlights of the delegation were:

- the importance of safe distribution of cannabis and the need for education about cannabis to ensure it is used safely;
- that she is partnered with a large company that establishes cannabis retail stores across Canada;
- the need to establish a reputable and safe environment to buy cannabis;
- establishing retail stores will help to curtail the black market;
- that the company she is partnered with would like to establish cannabis retail stores in general commercial areas, while respecting setbacks from sensitive uses such as schools and childcare centres;
- that the Alcohol and Gaming Commission of Ontario has established very strict regulations that cannabis retail store operators must follow; and,
- Cannabis retail stores will reduce the amount of harmful products in the market and will allow consumers to know the strength of

the cannabis they are purchasing.

Recommendation:

Moved By Councillor Leahy

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

Carried

A question and answer period ensued between Ms. Delmotta and the Members of Committee regarding:

- if the company had identified methods to prevent the youth from buying cannabis;
- how cannabis products sold at a retail store would be displayed;
- how the design of retail storefronts would look;
- if there would be security in the stores, and how products would be secured;
- that the stores would feature scent stations for customers to smell the products, but that customers would not have direct access to cannabis; and,
- if there would be procedures to identify customers to ensure they are of legal age.

It was the consensus of the Committee to hear Item 9.1, Report LS 02-19, at this time.

6.2 Jennifer Shannon and Aqib Shah, representing the Whitby Tennis Club Re: Community and Marketing Services Department Report, CMS 03-19, Community and Marketing Services Department - 2019 Programs and Services Fees - Revised

Jennifer Shannon and Aqib Shah appeared before Committee. The highlights of the delegation were:

- that the Whitby Tennis Club is one of the oldest clubs in the Province of Ontario, having been founded in 1927;
- that the Whitby Tennis Club has approximately 300 members who would be impacted by the proposed fee increase;
- that the Club is a not-for-profit organization and breaks even with its annual financials;
- the proposed increase to tennis court fees would be unsustainable for the Tennis Club and that the Club would like to see an increase closer to the rate of inflation;

- that the proposed increase is not in keeping with municipal comparators and the Club circulated a document to Council showing what comparator clubs pay for outdoor tennis court use; and,
- that the impact of the proposed fee increase would be particularly difficult for the Club's student and senior members.

Recommendation:

Moved By Councillor Roy

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

Carried

A brief question and answer period ensued between Ms. Shannon, Mr. Shah and Members of Committee regarding if the Tennis Club could meet with Town Staff to discuss the fee increases to determine if a compromise could be found.

It was the consensus to move to Item 7.1, Presentation by William Schatten, Vice-President Research and Analytics and Gary Milakovic, Research Analyst, Forum Research, at this time.

7. Presentations - General Government

7.1 William Schatten, Vice-President Research and Analytics and Gary Milakovic, Research Analyst, Forum Research
Re: Office of the Chief Administrative Officer Report, CAO 02-19, 2018 Community Survey Results

William Schatten and Gary Milakovic, Forum Research, appeared before the Committee and provided a PowerPoint Presentation regarding the results of the 2018 Community Survey. Highlights of the presentation included:

- goals and methodology of Whitby's second community survey following the first survey conducted in 2016;
- respondents indicating a good or excellent quality of life, belief that there is value for their tax dollars and being very satisfied or somewhat satisfied with the Town's level of customer service;
- 401 Whitby residents were surveyed by telephone;
- 1,215 people participated in the Town's online website survey;
- three-quarters of residents rate the quality of services provided by

the Town as 7 or better out of ten, with about half saying they were very satisfied with the quality of services provided;

- Town communication channels that are most often relied upon by residents to obtain information;
- slight increase in customer satisfaction compared to the 2016 survey; and,
- top priorities identified by residents through the survey.

A question and answer period ensued between Mr. Schatten, Mr. Milakovic, and Members of Committee regarding:

- how Whitby compared to other municipalities in the Forum Municipal Benchmark in terms of resident satisfaction;
- if there are methods that could be used to increase the number of participants in the survey going forward; and,
- the reliability of the telephone versus the online open link survey results.

It was the consensus of the Committee to hear Item 9.2, Report CAO 02-19, at this time.

8. Correspondence - General Government

8.1 There was no correspondence.

9. Staff Reports - General Government

9.1 Legal and By-law Services Department Report, LS 02-19
Re: Privately-Run Cannabis Retail Stores and the Ontario Cannabis Licence Act, 2018 – Update

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

- whether all Mayors and Regional Chairs in the Province had met to discuss the cost impact of cannabis retail stores;
- if the funding provided by the Provincial government would offset municipal costs associated with cannabis legalization;
- whether Town Staff had received complaints related to cannabis use since legalization;
- the need for education about responsible cannabis use;
- whether there would be a staffing impact should the Town choose to opt-in;
- the efforts to promote Downtown Whitby and Downtown Brooklin as enjoyable spaces for all residents and the difficulties associated with retail cannabis stores in the downtowns;
- that cannabis can be purchased online at the present time; and,

- the need to respect the results of the telephone and internet survey results.

Recommendation:

Moved By Councillor Leahy

1. In accordance with the Cannabis Licence Act, 2018, cannabis retail stores are hereby prohibited from being located within the municipality of The Corporation of the Town of Whitby;
2. That a copy of this resolution and Report LS 02-19, including the results of the two public surveys and a summary of the reasons why the community is opposed to opting in, be sent to the Minister of Finance, the Alcohol and Gaming Commission of Ontario, Local MP and MPP, Durham Region Police Service, Regional Municipality of Durham, and Local Area Municipalities prior to the province's deadline to opt out of cannabis retail store sales;
3. That the Mayor be authorized to send a letter to the AGCO, Ontario Minister of Finance, Premier of Ontario, federal Minister of Finance, federal Minister of Justice, and our local MP and MPP indicating that Whitby and the Region of Durham should receive a guaranteed, meaningful share of cannabis revenues from the province and federal government, through a revenue sharing formula that provides a fair fixed percentage of annual net revenues, regardless of whether cannabis retail stores are located in the municipality;
4. That the Durham Regional Police Service be requested to take appropriate action regarding any illegal cannabis retail stores in Whitby; and,
5. That further to the resolution adopted by Council on December 11, 2018, that the Province be requested to amend Section 115(3) of the Municipal Act to allow municipalities to prohibit cannabis in all public places, including highways, sidewalks, and boulevards so that municipalities have local control over public consumption of cannabis and the ability to restrict its public use in the same manner as alcohol.

Carried

It was the consensus of Committee to hear Item 6.2, Delegation by Jennifer Shannon and Aqib Shah, at this time.

9.2 Office of the Chief Administrative Officer Report, CAO 02-19

Re: 2018 Community Survey Results

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

- whether there are plans to use other channels to communicate with residents;
- whether the number of responses increased compared to the last Community Survey;
- the high level of concern regarding traffic congestion expressed by respondents being as a result of the Rossland Road closure;
- if the survey used a random sample; and,
- if Town Staff had considered conducting an annual survey rather than a bi-annual survey.

Recommendation:

Moved By Councillor Roy

1. That Report CAO 02-19 be received for information;
2. That staff utilize the Community Survey results to develop the goals and/or action plans that will arise out of the proposed Corporate Strategic Plan; and,
3. That staff continue to undertake a public opinion poll every two years in order to benchmark resident satisfaction with Town programs and services.

Carried

9.3 Community and Marketing Services Department Report, CMS 03-19
Re: Community and Marketing Services Department - 2019 Programs and Services Fees - **Revised**

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

- what the budget impact would be if the fee increase was delayed by a year; and,
- if there are plans on how to use funds raised from the proposed revenue increase.

Recommendation:

Moved By Councillor Leahy

1. That Council approve the proposed fees as outlined in

Attachments 1, 2 and 3, with the effective dates as follows:

- a. Recreation program fees adjustments effective September 1, 2019 to March 24, 2020 (Attachment 1);
 - b. Camp fees, Membership fees and Admission fees adjustments effective April 1, 2019 to March 24, 2020 (Attachment 1);
 - c. Port Whitby Marina fees adjustments effective February 15, 2019 to February 14, 2020 (Attachment 1);
 - d. Halls and Facility Rental fees adjustments effective April 1, 2020 to March 31, 2021 (Attachment 2); and,
 - e. Ice fees adjustments effective April 1, 2019 to August 31, 2020 (Attachment 3);
 - f. Floor, Sports Fields and Parks fees adjustments effective April 1, 2019 to October 30, 2020 (Attachment 3).
2. That the Clerk be authorized to amend the Consolidated Fees and Charges By-law # 7220-17 to include the new Community and Marketing Services Fees Schedules.

Carried later in the meeting [see following motion]

Recommendation:

Moved By Councillor Leahy

That Item 1 f. of the main motion be amended to read as follows:

- f. Floor, Sports Fields and Parks fees adjustments effective April 1, 2019 to October 30, 2020 (Attachment 3) save and except tennis court fees which be referred to the Commissioner of Community and Marketing Services for further consultation with the Whitby Tennis Club in order to report to the Council meeting of January 21, 2019.

Carried

The main motion, as amended, was then carried.

9.4 Community and Marketing Services Report, CMS 04-19
Re: Recreation Subsidization Program

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

- if there is a means to provide specific data related to the attendance of participants in the subsidization program; and,
- whether there would be maximum number of subsidies available

per program.

Recommendation:

Moved By Councillor Roy

1. That Council receive CMS Report 04-19 on the Recreation Subsidization Program as information; and,
2. That Council approve the updated Recreation Subsidization Policy to reduce the subsidy amount from 100% to 75% for individuals receiving social assistance or living below the Low Income Cut-off (LICO) and removing the 50% subsidy level for individuals living within 25% of LICO.

Carried later in the meeting [see following motion]

Recommendation:

Moved By Councillor Leahy

That Item 2 of the main motion be amended by deleting and replacing it with the following:

That the Recreation Subsidization Policy remain status quo, with the subsidy amount being 100% for individuals receiving social assistance or living below the Low Income Cut-off (LICO) and a 50% subsidy level for individuals living within 25% of LICO.

Carried

The main motion, as amended, was then carried.

9.5 Public Works Department Report, PW 02-19
Re: Fees for Services and Activities Provided and Performed by the
Town of Whitby Public Works Department

Recommendation:

Moved By Councillor Leahy

1. That Council approve the proposed Fees for Services and Activities provided and performed by the Public Works Department as outlined within Public Works Report PW-02-19; and,

2. That the Town Clerk be directed to bring forward a by-law to amend the Fees and Charges By-law to give effect to the recommendations contained in Report PW-02-19.

Carried

9.6 Public Works Department Report, PW 3-19
Re: Climate Change Staff Grant

Recommendation:

Moved By Councillor Alexander

1. That Council endorse the Climate Change Staff Grant of \$125,000 being approved by the Federation of Canadian Municipalities (FCM) under the FCM's Municipalities for Climate Change Innovation Program (MCIP) to fund a new temporary staff position over 24 months to implement the Town's climate change specific initiatives focused on the Town's storm water infrastructures;
2. That Council approve a total budget of \$174,000, funded by the FCM grant and existing Capital program, over a 24 month period for the new temporary staff position as outlined in Section 5 - Financial Considerations; and,
3. That the Public Works Department, in consultation with Human Resource Services, implement the recruitment of the temporary Climate Change Specialist (storm water) for a 24 month period.

Carried

9.7 Corporate Services Department Report, CS 03-19
Re: 2018 Reserve and Reserve Funds Projected Uncommitted Balances

A brief question and answer period ensued between Members of Committee and Town Staff regarding when the 2018 year end finances would be available for review.

Recommendation:

Moved By Councillor Leahy

That the uncommitted 2018 year end reserve and reserve fund projections included in Attachment 1 of this report be received for

information.

Carried

9.8 Corporate Services Department Report, CS 04-19
Re: 2018 Operating Projection Report as at November 30, 2018

A brief question and answer period ensued between Members of Committee and Town Staff about whether or not the fourth quarter review of 2018 results to identify potential ongoing revenue and expenditure opportunities would be reported prior to the 2019 budget.

Recommendation:

Moved By Councillor

1. That report No. CS 04-19 of the Commissioner of Corporate Services/Treasurer is received as information;
2. That the Treasurer be authorized to transfer to/from reserves/reserve funds as required for the purposes of addressing the actual year-end position; and,
3. That based on year end results staff conduct a fourth quarter review of 2018 results to identify potential ongoing revenue and/or expenditure opportunities.

Carried

10. New and Unfinished Business - General Government

10.1 Advertising the Town Page in Community Newspapers

Having previously declared a conflict of interest, Councillor Mulcahy left the Council Chambers and did not take part in the discussion or vote on this matter.

A brief question and answer period ensued between Members of Committee wherein Town Staff were requested to share information on how the elimination of the Town page in certain community newspapers fits within the broader communication strategy.

Recommendation:

Moved By Councillor Leahy

That the matter of allocating funds to re-establish advertising the Town Page in community newspapers be referred to the 2019 Budget Meetings scheduled on February 11 and February 19, 2019.

Carried

Councillor Mulcahy returned to the meeting at 9.13 p.m.

10.2 Bill 66, Restoring Ontario's Competitiveness Act, 2018

A brief question and answer period ensued between Members of Committee and Town Staff regarding whether Bill 66 could be discussed in further detail. Town Staff indicated that the Bill was at 1st reading and that a report back to Council will be prepared prior to the final version of the Bill.

Recommendation:

Moved By Councillor Newman

1. That Council endorse the letter from Commissioner Warren Mar to the Minister of Economic Development, Job Creation and Trade and the Minister of Municipal Affairs and Housing dated January 18, 2019 regarding Bill 66 - Restoring Ontario's Competitiveness Act, 2018; and,
2. That the letter to the Ministers regarding Bill 66 also include a recommendation that a provincial/municipal liaison committee be formed, through AMO if it is agreeable, to jointly review, consider all municipal comments and amendments and make recommendations to the Province prior to the passage of Bill 66.

Carried

11. Adjournment

11.1 Motion to Adjourn

Recommendation:

Moved By Councillor Leahy

That the meeting adjourn

Carried

The meeting adjourned at 9.17 p.m.

12. Advisory Committee Minutes – For Information Only

12.1 There were no Advisory Committee minutes.