



Special Council Minutes

November 24, 2022, 9:30 a.m.
Committee Room 1 & Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski
Councillor Cardwell
Councillor Leahy (arrived at 10:00 a.m.)
Councillor Lee (left at 12:50 p.m.)
Councillor Mulcahy
Councillor Shahid
Councillor Yamada

Regrets: Councillor Lundquist

Also Present: M. Gaskell, Chief Administrative Officer
S. Klein, Director of Strategic Initiatives
J. Long, Head of Organizational Effectiveness
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor
F. Wong, Commissioner of Financial Services/Treasurer
R. Saunders, Commissioner of Planning and Development
C. Harris, Town Clerk
K. Narraway, Manager of Legislative Services/Deputy Clerk
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

1. Call To Order: The Mayor
2. Call of the Roll: The Clerk
3. Declarations of Pecuniary Interest
There were no declarations of pecuniary interest.
4. Closed Session

Council received the following portion of the presentation from Mr. Jeff Abrams, Integrity Commissioner, prior to moving into closed session.

4.1 Jeff Abrams, Principles Integrity

Re: Municipal Conflict of Interest Act and Statutory Responsibilities

Jeff Abrams provided an introduction of Principles Integrity and an overview of the key role and responsibility of an Integrity Commissioner. Highlights of the presentation included:

- Jeff Abrams introduced himself and Janice Atwood of Principles Integrity as the Town's recently appointed Integrity Commissioner;
- the Integrity Commissioner providing services related to Municipal Conflict of Interest Act complaints, education, code of conduct complaints, and as assigned duties;
- goal of partnership with Principles Integrity is to increase trust and respect between the community and the municipality; and,
- the opportunity for avoidance of Conflicts of Interest under the Municipal Conflict of Interest Act.

Moved by Councillor Yamada

Seconded by Councillor Lee

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 (3.1) and for the purpose of educating or training members as part of the 2022 to 2026 Council orientation.

Carried

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

5. Rising and Reporting Out

Motion to Rise

Moved by Councillor Lee

Seconded by Councillor Shahid

That Council rise from the closed portion of the meeting.

Carried

5.1 Reporting Out

Mayor Roy advised that during the closed portion of the meeting, Members of Council received education and training from the Town's Integrity Commissioner.

Moved by Councillor Cardwell
Seconded by Councillor Leahy

That Council take a short recess.

Carried

Council recessed at 11:00 a.m. and reconvened at 11:16 a.m.

6. Presentations

6.1 Roger Saunders, Commissioner of Planning & Development

Re: Municipal Planning in Ontario

Roger Saunders, Commissioner of Planning and Development, provided a PowerPoint presentation on Municipal Planning in Ontario. Highlights of the presentation included:

- the hierarchy of planning in Ontario including the Province of Ontario, the Region of Durham, and the Town of Whitby;
- the purpose of and details about the Planning Act, the Provincial Policy Statement, 2020, and the Provincial Plans;
- details about the Regional Official Plan including but not limited to guiding planning and related infrastructure decisions region-wide, establishing urban area boundaries, allocating population and employment as directed by the Growth Plan, and policy direction for growth derived from the Growth Plan;
- detailed information about the Town of Whitby's Official Plan which includes more detailed policies related to the Town, specifically reflects community needs, and must conform with the Regional Official Plan;
- the purpose of the Town's Zoning By-laws to provide regulatory controls at the property level;

- detailed information about the process for the review and approval of development applications;
- details about Council, Staff and Committee decision and approval responsibilities related to the Official Plan and Zoning By-law Amendments, Draft Plans of Subdivision/Condominium, Site Plans, Red-line revisions to Draft Plans of Subdivision, and minor variances to Zoning Regulations;
- detailed information about the current and expected growth in Brooklin, West Whitby, and along major intensification corridors throughout the Town; and,
- details about current approved proposals pending or under construction including the Longo's site, the Amazon distribution centre, the Dockside (Brookfield Homes) development, the Landing site, Downtown Whitby, Durham College, Lakeridge Heights, Amica (senior's apartment building), Wellings of Whitby, the Whitby Hospice, the new Whitby Sports Complex, and the new Lakeridge Health Hospital.

6.2 Lori Tesolin, Supervisor of Policy and Heritage and Principal Planner, and Jennifer Hess, Manager of Development Financing and Long Term Financial Planning

Re: Bill 23, More Homes Built Faster Act, 2022 - Overview of Proposed Changes

Refer to Item 7.1, PDP 65-22

Lori Tesolin, Supervisor, Policy & Heritage & Principal Planner, and Jennifer Hess, Manager Development Financing and Long Term Financial Planning, provided question and answer period ensued between Members of Council and Staff regarding:

- the current status of and purpose of Bill 23, More Homes Built Faster Act, 2022, and the timeline for the commenting period; and,
- a detailed overview of the proposals by the Province including but not limited to changes to the Planning Act, the Development Charges Act, the boundary of the Greenbelt Plan, the Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, and revoking other Acts and plans to streamline the approval process and address the housing supply.

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

- the Town's anticipated operational costs upon Bill 23 receiving Royal Assent;
- whether the reduction in the amount of development charges collected would have been revenue generated over the life of the Development Charges By-law;
- the annual tax revenue required to cover the reduction in development charges collected, the projected amount of the annual shortfall should Bill 23 pass through Royal Assent;
- the amount of one percent of Whitby's tax base and the projected percentage increase to the tax base;
- whether the current options to recover revenue loss through development charges include increasing tax rates, funding from the Province or other sources, constructing smaller parks, and/or delaying or not constructing infrastructure and parks;
- a report to Council about the amount of the tax rate increase required to compensate for the loss of development charges and the impact on new and existing Town facilities without the recovery of those funds;
- whether there were any tools at the Town's disposal that would slow down the development process long enough for the Town to afford the required infrastructure for new development, or whether the developer would be able to donate such infrastructure to the Town;
- confirmation that municipalities would request funding from the Province to assist with revenue losses related to parkland dedication;
- whether the Town would be restricted from requesting donations of resources such as land or funding;
- opportunities to recover revenue loss in the future with respect to the percentage reduction related to the five-year phase-in of the development charge rate increases;

- how Bill 23 would ensure the timely construction and completion of approved development applications;
- whether the existing plans of subdivision would continue under current legislation or would be subject to Bill 23 should Bill 23 be passed through Royal Assent;
- whether the Town would need to employ consultants and/or staff due to the limitations on the conservation authorities to provide services related to environmental and natural heritage concerns on development applications;
- clarification on the removal of third-party appeal rights to the Ontario Land Tribunal, and whether the public would be able to provide input on draft plans of subdivision;
- the methodology for adjusting the boundary of the Greenbelt Plan to remove land to permit housing and whether there would be an impact on Whitby;
- whether the targeted population increase in Whitby by 2031 would be attained through an increase in housing or an increase in density;
- clarification on Whitby's forecasted population of 245,000 in 2051 and whether the population forecast was a result of Bill 23;
- the impact of the anticipated increase in population on the Town's infrastructure and services without the funding resources to construct the infrastructure/services;
- confirmation on the change in inclusionary zoning from duplex to triplex and clarification on the requirements for the number of parking spaces required;
- the impact of Bill 23 on the Whitby Green Standard and infill development, and whether Staff anticipated an increase in the number of units in existing residential dwellings in future infill developments;
- the shifting of authority from the Central Lake Ontario Conservation Authority and the Region's Planning and Development Department to municipal government and the impact on the Town Staff responsibilities and Staff complement;

- whether any municipalities in Durham were in support of Bill 23;
- the number and types of dwellings that would need to be constructed based on Bill 23;
- the ability to review/adjust development applications fees, and expropriate land to construct parks;
- the rationale for the reduction in affordable units created through inclusionary zoning from 10 to 5 percent; and,
- the extension to the commenting period on Bill 23, and whether there was a willingness by Province to give consideration to comments from municipalities and agencies, etc.

7. Items for Consideration

7.1 PDP 65-22, Planning and Development Department (Planning Services) Report

Re: Bill 23, More Homes Built Faster Act, 2022

Resolution # 223-22

Moved by Councillor Yamada

Seconded by Councillor Shahid

1. That Report PDP 65-22 be endorsed as the Town's comments on keyelements of the Province of Ontario's Bill 23 – the More Homes Built FasterAct, 2022, and other associated proposed changes;
2. That the Clerk forward a copy of Report PDP 65-22 to the Honourable SteveClark, Minister of Municipal Affairs and Housing, the Premier of Ontario,Doug Ford, and MPP Lorne Coe; and,
3. That the Clerk forward a copy of Report PDP 65-22 to Durham RegionalCouncil and the area municipalities.

	For	Against	Conflict
Mayor Roy	X		
Councillor Bozinovski	X		
Councillor Cardwell	X		
Councillor Leahy	X		

Councillor Lee	X		
Councillor Mulcahy	X		
Councillor Shahid	X		
Councillor Yamada	X		
Results	8	0	0

Carried Unanimously on a Recorded Vote (8 to 0)

8. Confirmatory By-law

Resolution # 224

Moved by Councillor Bozinovski

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 special meeting held on November 24, 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

9. Adjournment

Motion to Adjourn

Moved by Councillor Bozinovski

Seconded by Councillor Shahid

That the meeting adjourn.

The meeting adjourned at 1:19 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor