

Present: Mayor Mitchell (participating electronically)
Councillor Drumm (participating electronically)
Councillor Leahy (participating electronically)
Councillor Lee (participating electronically)
Councillor Mulcahy (participating electronically)
Councillor Newman (participating electronically)
Councillor Shahid (participating electronically)
Councillor Yamada (participating electronically)

Also Present: M. Gaskell, Chief Administrative Officer
S. Beale, Commissioner of Public Works
W. Mar, Commissioner of Legal and Enforcement Services/Town Solicitor
J. Romano, Commissioner of Community Services
R. Saunders, Commissioner of Planning and Development
D. Speed, Fire Chief
F. Wong, Commissioner of Financial Services/Treasurer
H. Ellis, Executive Advisor to the Mayor
S. Klein, Director of Strategic Initiatives
C. Harris, Town Clerk
K. Narraway, Manager of Legislative Services/Deputy Clerk
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

Regrets: Councillor Roy

C. Harris, Town Clerk, advised that due to the ongoing COVID-19 pandemic, the Committee of the Whole meeting is being held in a virtual meeting format.

Call to Order

Call of the Roll: The Clerk

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

General Government

Councillor Drumm assumed the Chair.

1. Presentations

1.1 There were no presentations.

2. Delegations

2.1 There were no delegations.

3. Correspondence

3.1 Memorandum from J. Romano, Commissioner of Community Services, dated April 9, 2021 regarding Forest Heights Park basketball court relocation

Discussion ensued between Members of Committee regarding:

- concerns raised by residents residing close to the basketball court about the use of the basketball court disrupting their peace and quiet;
- concerns raised by a resident whose son relies on the basketball court as an outlet during the COVID-19 pandemic;
- the possibility of relocating the basketball court within the park;
- the distance between the basketball court and the adjacent residential properties; and,
- the location of the basketball court not meeting current best practice or design standards.

Recommendation:

Moved By Councillor Leahy

That the Memorandum from J. Romano, Commissioner of Community Services, dated April 9, 2021 regarding Forest Heights Park basketball court relocation be received for information.

Carried later in the meeting [See following motion]

Recommendation:

Moved By Councillor Leahy

That the main motion be amended by including Item 2 as follows:

2. That Staff be directed to continue to explore relocating the basketball court along the north side of the north soccer field adjacent to the Durham District School Board property and report to Council at a future date.

Carried

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

Recommendation:

Moved By Councillor Leahy

1. That the Memorandum from J. Romano, Commissioner of Community Services, dated April 9, 2021 regarding Forest Heights Park basketball court relocation be received for information; and,
2. That Staff be directed to continue to explore relocating the basketball court along the north side of the north soccer field adjacent to the Durham District School Board property and report to Council at a future date.

Carried

- 3.2** Correspondence # 2021-401 from the Mary Medeiros, City Clerk, City of Oshawa, dated April 8, 2021 regarding the process to establish the City of Oshawa including the lands in Oshawa operated by Hamilton-Oshawa Port Authority as a Foreign Trade Zone

A brief discussion ensued between Members of Committee regarding an assurance that Staff would use best efforts to seek out opportunities at the Provincial and Federal Government levels through the Economic Development Strategy that would attract and support business in Whitby as well as broader international opportunities.

Recommendation:

Moved By Councillor Newman

That Correspondence # 2021-401 from the Mary Medeiros, City Clerk, City of Oshawa, dated April 8, 2021 regarding the process to establish the City of Oshawa including the lands in Oshawa operated by

Hamilton-Oshawa Port Authority as a Foreign Trade Zone be received for information.

Carried

4. Staff Reports

4.1 Financial Services Department Report, FS 10-21
Re: Remuneration and Expenses paid to Mayor and Members of Council and Council Appointees to Boards – 2020

Recommendation:

Moved By Councillor Shahid

That Report FS 10-21 of the Commissioner, Financial Services/Treasurer be received for information.

Carried

4.2 Public Works Department and Financial Services Department Joint Report, FS 15-21
Re: T-7-2021 – Garden Street Multi-Use Path and Tree Planting (from Dryden Boulevard to Taunton Road)

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

- whether the trees planted as part of this project would be permanent and whether the new plantings would be impacted by the Environmental Assessment Study and the widening of Garden Street; and,
- whether the additional tree plantings along Chiltern Place would be included within the total cost of the project.

Recommendation:

Moved By Councillor Newman

1. That Tender T-7-2021 be awarded to Wyndale Paving Co. Ltd, in the amount of \$431,382.75 (plus applicable taxes), funded from the capital project 40206009 – Garden Street Multi-Use Path and Tree Planting (from Dryden to Taunton);

2. That the revised cost estimate of \$670,396.00 for the Garden Street Multi-Use Path project (capital project 40206009) be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried later in the meeting [See following motion]

Recommendation:

Moved By Councillor Newman

That the main motion be amended by adding the following as Item 3 and that the remaining item be renumbered accordingly:

3. That Staff continue to review further opportunities to plant additional trees in the adjacent boulevards, including along Chiltern Place, as part of the Garden Street Multi-Use and Tree Planting project and as part of the future widening of Garden Street.

Carried

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

Recommendation:

Moved By Councillor Newman

1. That Tender T-7-2021 be awarded to Wyndale Paving Co. Ltd, in the amount of \$431,382.75 (plus applicable taxes), funded from the capital project 40206009 – Garden Street Multi-Use Path and Tree Planting (from Dryden to Taunton);
2. That the revised cost estimate of \$670,396.00 for the Garden Street Multi-Use Path project (capital project 40206009) be approved;
3. That Staff continue to review further opportunities to plant additional trees in the adjacent boulevards, including along Chiltern Place, as part of the Garden Street Multi-Use and Tree Planting project and as part of the future widening of Garden Street; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

4.3 Public Works Department and Financial Services Department Joint Report, FS 17-21
Re: T-513-2021 – Surface Treatment and Slurry Seal

Recommendation:

Moved By Councillor Mulcahy

1. That Tender T-513-2021 be awarded to Miller Paving Limited, in the amount of \$211,144.50 (plus applicable taxes), for 2021 surface treatment and slurry seal works, to be funded from the capital projects listed in Table 2 of Report FS 17-21;
2. That the revised cost estimates, totaling \$254,860.65, for the three capital projects noted in Table 2 of Report FS 17-21 be approved;
3. That approval be granted to extend this contract for one (1) additional term 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

4.4 Community Services Department and Financial Services Department Joint Report, FS 19-21
Re: T-11-2021 – Playground Improvements Davies, Ennisclare and Hannam Parks

A brief question and answer period ensued between Members of Committee and Staff regarding whether the playground improvements would include playground equipment improvements.

Recommendation:

Moved By Councillor Shahid

1. That Tender T-11-2021 be awarded to Gray's Landscaping & Snow Removal Inc. in the amount of \$260,493.45 (plus applicable taxes), for 2021 Playground Improvements for Davis, Ennisclare and Hannam Parks, to be funded from the capital projects listed in Table 2 of Report FS 19-21;

2. That the revised cost estimates totaling \$550,755.55, for the three capital projects noted in Table 2 of Report FS 19-21 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

Carried

4.5 Financial Services Department Report, FS 20-21
Re: 2021 Final Tax Billing

Recommendation:

Moved By Councillor Leahy

1. That the property tax rates for the year 2021, General Municipal Town Levies be approved as indicated in Schedule "A", attached to Report FS 20-21;
2. That staff be authorized to calculate the special tax levy and tax rates for the properties located within the Downtown Whitby Business Improvement Area (BIA) for the purposes of a Special Tax Levy by-law for the BIA following Council receipt and approval of the BIA's 2021 Budget;
3. That the final tax bill due dates for the Residential, Farmland, Pipeline and Managed Forest tax classes be June 24, 2021 and September 24, 2021;
4. That the final tax bill due dates for the capped tax classes (Commercial, Industrial and Multi-Residential) also be established for June 24, 2021 and September 24, 2021;
5. That prior to the issuance of the final tax bills, the Treasurer be authorized to adjust the due dates for the capped tax classes only and notify Council at the earliest opportunity; and,
6. That a By-Law for the General Municipal Town Levies and a separate bylaw for the Special Tax Levy in support of the BIA, to set the due dates and levy rates for 2021 in accordance with the approved budgets and regulations, be brought forward at a future Council meeting.

Carried

4.6 Financial Services Department Report, FS 21-21
Re: Delegated Authority for Grant Applications and Procurements

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

- whether the proposed delegated authority for the submission of grant applications, the execution of grant agreements, and procurements awarded would work in conjunction with the emergency delegated authority to the Mayor and the Chief Administrative Officer as a result of the State of Emergency Declaration;
- whether the delegated authority to Staff should be for time-sensitive grant applications as opposed to a blanket delegated authority for all Federal and Provincial grant applications; and,
- providing updates on grant applications by way of memorandums to Members of Council.

Recommendation:

Moved By Councillor Shahid

1. That staff be delegated the authority to submit all Federal or Provincial grants applications, normally requiring Council authorization beforehand, until April 1, 2023 subject to the agreement of the Chief Administrative Officer, Commissioner responsible for the project, and the Treasurer;
2. That the Treasurer, Commissioner, and Senior Manager of Procurement be delegated authority to award all contracts related to Federal or Provincial grant projects, that are within budget and normally require Council authorization beforehand, until April 1, 2023; and,
3. That staff report on grant applications submitted, grant agreements executed, and procurements awarded, that normally would require Council approval, at the earliest opportunity following the event.

Carried

4.7 Office of the Town Clerk Report, CLK 05-21
Re: Boards and Committees Code of Conduct Update

Recommendation:

Moved By Councillor Newman

1. That the Clerk be directed to bring forward a by-law to adopt the amendments to the Boards and Advisory Committees Code of Conduct as shown in Attachment 1 appended to Report CLK 05-21; and,
2. That the Clerk be directed to circulate a copy of Council's decision and Report CLK 05-21 to Mr. Guy Giorno, Integrity Commissioner.

Carried

4.8 Public Works Department Report, PW 01-21
Re: Urban Forest Management Plan - Terms of Reference

Note: This Report was withdrawn.

4.9 Public Works Department Report, PW 15-21
Re: Highway 7/12 Alternate Route Environmental Assessment Status Update and Short Term Project Management Strategy

A brief question and answer period ensued between Members of Committee and Staff regarding whether the approvals of development applications on Baldwin Street north of Columbus Road would be based on local improvement standards as opposed to standards imposed by the Ministry of Transportation.

Recommendation:

Moved By Councillor Leahy

1. That Council receive status update for Highway 7/12 Alternate Route Environmental Assessment (EA) Study;
2. That Council approve the additional expenditure of \$75,000, to a total of \$125,000, to Bumstead Integrated Transportation Consulting Ltd. as Senior Project Manager for the project, funded from capital project 40160502 - EA Study for Highway 7/12 Alternate Route; and,
3. That Council approve the continuation of the sole source of Bumstead Integrated Consulting Ltd. as the Senior Project Manager for the EA Study for Highway 7/12 Alternate Route, in accordance with the Purchasing Policy, as the consultant is already at work on the project.

Carried

4.10 Legal and Enforcement Services Report, LS 04-21
Re: Stop Up and Close Part of Way Street to Correct Title Issue (68 Way Street)

Recommendation:

Moved By Councillor Newman

1. That Council stop up and close a portion of Way Street as a public highway being Part Lot 24, Concession 6, designated as Part 9 on Plan 40R-27926, Town of Whitby (PIN 26572-2372 (LT)) (the "Subject Lands");
2. That Council waive the Town's requirement of giving public notice of its intention to stop up and close the Subject Lands as a public highway; and,
3. That a by-law be brought forward authorizing the stopping up and closing of the Subject Lands as a public highway.

Carried

4.11 Legal and Enforcement Services and Office of the Town Clerk Joint Report, LS 05-21
Re: Election Sign By-law Survey Results and proposed Election Sign By-law

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

- whether there was an opportunity for consultation on the proposed amendment;
- confirmation that the amendment would require a 250 metre distance separation for signs for provincial and federal elections on arterial and regional roads; and,
- clarification on election sign regulations on mixed ownership roads.

Recommendation:

Moved By Councillor Leahy

1. That Staff Report LS 05-21 be received for information;
2. That the Clerk be directed to bring forward a stand-alone Election Sign By-law to give effect to the recommendations contained in Section 4.3 of Report LS 05-21;

3. That the Clerk be directed to bring forward a by-law to amend Temporary Sign By-law # 5696-05 to remove provisions in the by-law regulating election signs; and,
4. That Item MD-4917 be removed from the General Government New and Unfinished Business List.

Carried later in the meeting [See following motion]

Recommendation:

Moved By Mayor Mitchell

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

2. That the Clerk be directed to bring forward a stand-alone Election Sign By-law to give effect to the recommendations contained in Section 4.3 of Report LS 05-21, except that signs for candidates in provincial and federal elections be required to be separated by a minimum distance of 250 metres instead of 500 metres on arterial and regional roads.

Carried

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

Recommendation:

Moved By Councillor Leahy

1. That Staff Report LS 05-21 be received for information;
2. That the Clerk be directed to bring forward a stand-alone Election Sign By-law to give effect to the recommendations contained in Section 4.3 of Report LS 05-21, except that signs for candidates in provincial and federal elections be required to be separated by a minimum distance of 250 metres instead of 500 metres on arterial and regional roads;
3. That the Clerk be directed to bring forward a by-law to amend Temporary Sign By-law # 5696-05 to remove provisions in the by-law regulating election signs; and,
4. That Item MD-4917 be removed from the General Government New and Unfinished Business List.

Carried

4.12 Fire and Emergency Services Department Report, FR 02-21

Re: Provincial Grant Opportunity for Whitby Fire and Emergency Services

Recommendation:

Moved By Councillor Shahid

1. That the Town of Whitby Council endorse the Town's application for the 2020/2021 Fire Safety Grant provided by the Office of the Ontario Fire Marshal and Emergency Management (OFMEM);
2. That a new capital project be established in the amount of \$36,200 funded from the Fire Safety Grant; and,
3. That staff be authorized execute all agreements related to the Fire Safety Grant.

Carried

5. New and Unfinished Business - General Government

5.1 Highway 412 and 418 Tolls

Councillor Mulcahy introduced a motion regarding Highway 412 and Highway 418 Tolls.

A detailed discussion ensued between Members of Committee regarding:

- the Ministry of Transportation's decision to toll the highways;
- the role of elected officials to address the issue of the inequities of the tolls on Highway 412 and Highway 418 versus other Greater Toronto Area (GTA) highways;
- suspension of the tolls on Highway 412 and Highway 418 until a tolling strategy was adopted that was fair, consistent, and equitable across the Greater Toronto and Hamilton Area;
- the costs associated with the construction, extension and widening of Highway 427 and that there are no tolls on that highway;
- the request for the elimination of the tolls on Highway 412 and Highway 418 through advocacy as opposed to an adversarial approach;
- opportunities to highlight the differences of unequal treatment of residents in the east versus the west;
- the number of requests previously submitted to eliminate the tolls on Highway 412 and Highway 418;
- building a strategy to address the issue more proactively to ensure the message of inequality was heard;

- the need to direct Staff to develop a strategy for a continued advocacy campaign for eliminating the tolls on Highway 412 and Highway 418;
- challenging the Minister of Transportation regarding eliminating the tolls on Highway 412 and Highway 418; and,
- the necessity for Staff to review and provide a summary of the Tolling Analysis Report to Council.

Recommendation:

Moved By Councillor Mulcahy

Whereas the Council of the Town of Whitby has on four previous occasions requested that the Province remove tolls on Highway 412 (see attached Resolutions 602-16, 391-17, 181-18, and 232-19);

Whereas all other Ontario link highways to and from Highway 401 except those in Durham Region are non-tolled highways; and,

Whereas the municipality of Whitby and Council at the time of the decision making was aware of the tolls to the 407 but not that of the 412; and

Whereas Highway 427 has recently seen improvements valued at more than 600 million dollars funded provincially and not from tolls; and

Whereas tolls on Highway 412 and 418 are a distinct disadvantage and disincentive to Durham Region to efficiently move goods, services and people and to attract and retain prestige industrial and office investments and value added jobs for the employment lands abutting the provincial highway; and,

Whereas Highways 412 and 418 are underutilized because of the tolls, resulting in increased traffic on local collector roads and Highway 401;

Whereas in 2018 election promises were made to remove the tolls from the 412 and 418,

Whereas in the last four years of tolling operations, the toll rates have increased by 2.27% (page 37 of Ministry of Transportation Tolling Analysis Report April 2021);

Now Therefore be it Resolved:

1. That the Council of the Town of Whitby requests that Lorne Coe, M.P.P. for Whitby, and all other Durham Area MPPs to challenge the Minister of Transportation to further address the inequalities between Durham 400 series highways and other GTA 400 series highways, to eliminate the tolls on Highways 412 and 418 as was promised in 2018;
2. That the Clerk circulate this to all other area municipalities and Durham Region for endorsement;
3. That the Clerk be directed circulate a copy of this resolution to Premier Doug Ford; the Honourable Caroline Mulroney, Minister of Transportation and Minister of Francophone Affairs; the Honourable Peter Bethenfalvy, Minister of Finance and President of the Treasury Board; Lorne Coe, MPP Whitby; all Durham Region MPPs; John Henry, Regional Chair; and Durham Area Municipalities; and,
4. That the responsibility of changes to tolling contracts for the 412 and 418 should be borne by the province as the Municipality of Whitby were not involved or aware of the tolling decisions.

Carried later in the meeting [See following motions]

Recommendation:

Moved By Councillor Leahy

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

That the Council of the Town of Whitby requests that Lorne Coe, M.P.P. for Whitby, and all other Durham Area MPPs work with the Minister of Transportation to further address the inequalities between Durham 400 series highways and other GTA 400 series highways, to eliminate the tolls on Highways 412 and 418 as was promised in 2018.

Carried

Recommendation:

Moved By Councillor Yamada

That the main motion be amended by adding the following as Item 1 and that the remaining items be renumbered accordingly:

1. That Staff develop a strategy for continued municipal advocacy surrounding the removal of the 412 and 418 tolls.

Carried later in the meeting [See following motions]

Recommendation:

Moved By Councillor Newman

That the Item 1 amendment moved by Councillor Yamada be further amended by renumbering it as Item 2 and revising to read:

That Council and Staff work to develop a strategy for continued municipal advocacy surrounding the removal of the 412 and 418 tolls.

Carried

The amendment, as amended, was then carried as follows:

Recommendation:

2. That Council and Staff develop a strategy for continued municipal advocacy surrounding the removal of the 412 and 418 tolls.

Carried

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

Recommendation:

Moved By Councillor Mulcahy

Whereas the Council of the Town of Whitby has on four previous occasions requested that the Province remove tolls on Highway 412 (see attached Resolutions 602-16, 391-17, 181-18, and 232-19);

Whereas all other Ontario link highways to and from Highway 401 except those in Durham Region are non-tolled highways; and,

Whereas the municipality of Whitby and Council at the time of the decision making was aware of the tolls to the 407 but not that of the 412; and

Whereas Highway 427 has recently seen improvements valued at more than 600 million dollars funded provincially and not from tolls; and

Whereas tolls on Highway 412 and 418 are a distinct disadvantage and disincentive to Durham Region to efficiently move goods, services and people and to attract and retain prestige industrial and office investments and value added jobs for the employment lands abutting the provincial highway; and,

Whereas Highways 412 and 418 are underutilized because of the tolls, resulting in increased traffic on local collector roads and Highway 401;

Whereas in 2018 election promises were made to remove the tolls from the 412 and 418,

Whereas in the last four years of tolling operations, the toll rates have increased by 2.27% (page 37 of Ministry of Transportation Tolling Analysis Report April 2021);

Now Therefore be it Resolved:

1. That the Council of the Town of Whitby requests that Lorne Coe, M.P.P. for Whitby, and all other Durham Area MPPs work with the Minister of Transportation to address the inequalities between Durham 400 series highways and other GTA 400 series highways, to eliminate the tolls on Highways 412 and 418 as was promised in 2018;
2. That Council and Staff work to develop a strategy for continued municipal advocacy surrounding the removal of the 412 and 418 tolls;
3. That the Clerk circulate this to all other area municipalities and Durham Region for endorsement;
4. That the Clerk be directed circulate a copy of this resolution to Premier Doug Ford; the Honourable Caroline Mulroney, Minister of Transportation and Minister of Francophone Affairs; the Honourable Peter Bethenfalvy, Minister of Finance and President of the Treasury Board; Lorne Coe, MPP Whitby; all Durham Region MPPs; John Henry, Regional Chair; and Durham Area Municipalities; and,
5. That the responsibility of changes to tolling contracts for the 412 and 418 should be borne by the province as the Municipality of Whitby were not involved or aware of the tolling decisions.

Carried

Adjournment

Motion to Adjourn

Recommendation:

Moved By Councillor Shahid

That the meeting adjourn.

Carried

The meeting adjourned at 8:28 p.m.