



Special Council Minutes

July 26, 2023, 9:30 a.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski (Virtual Attendance)
Councillor Cardwell (Virtual Attendance)
Councillor Leahy
Councillor Lee (Virtual Attendance)
Councillor Lundquist
Councillor Mulcahy
Councillor Shahid
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
M. Hickey, Fire Chief
J. Long, Head of Organizational Effectiveness
J. Romano, Commissioner of Community Services
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor
F. Wong, Commissioner of Financial Services/Treasurer
M. Dodge, Executive Advisor to the Mayor
C. Harris, Town Clerk
K. Douglas, Sr. Legislative Specialist (Recording Secretary)

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1. Call To Order: The Mayor
 2. Call of the Roll: The Clerk
 3. Declarations of Conflict of Interest

Councillor Leahy declared a conflict of interest regarding Item 6.1, Staff Report CAO 20-23, advising his wife is a partner in the Oshawa Clinic Group. Councillor Leahy did not take part in the discussion or vote on this matter.

4. Presentations

There were no presentations.

5. Delegations

5.1 Keith White, Chief Executive Officer, Oshawa Clinic Group (In-Person Attendance)

Re: Family Physician Recruitment Incentive Partnership Pilot Program

Refer to Item 6.1, CAO 20-23

Keith White, Chief Executive Officer of Oshawa Clinic Group, appeared before Council to express his support for Staff Report CAO 20-23 and answer questions.

It was the consensus of Council to hear Item 6.1, CAO 20-23, at this time.

5.2 Vanessa Hicks, Garrard Investments Inc. (Virtual Attendance)

Re: 5515 Garrard Road - Notice of Intent to Demolish under Ontario Heritage Act, Section 27(9)

Refer to Item 6.2, PDP 33-23

Vanessa Hicks, Garrard Investments Inc., provided an overview of the Notice of Intent to Demolish the structure located on 5515 Garrard Road under the Ontario Heritage Act, Section 27(9) and expressed her support for Staff Report PDP 33-23.

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

- the potential adaptive reuse of the historic buildings on the property;
- the intended use of the subject property following the demolition of the existing structures; and,
- the size of the property.

6. Items for Consideration

6.1 CAO 20-23, Office of the Chief Administrative Officer Report

Re: Family Physician Recruitment Incentive Partnership Pilot Program

Having previously declared a conflict of interest, Councillor Leahy did not take part in the discussion or voting on this matter.

P. Pirri, Senior Manager of Economic Development, provided a brief overview of the Family Physician Recruitment Incentive Partnership Pilot Program.

A question and answer period ensued between Members of Council, Staff, and Keith White, Chief Executive Officer of Oshawa Clinic Group regarding:

- the role of an Economic Development Officer in supporting the program;
- similar programs other municipalities have engaged in and the success of these programs;
- strategies to retain family physicians that participate in the program;
- collaborating with the College of Physicians and Surgeons of Ontario (CPSO) and Federal government to attract qualified physicians that are licensed outside of Ontario;
- strategies to attract internationally trained and licensed physicians to Whitby;
- the success of previous physician recruitment programs that Whitby has participated in; and,
- expansion of the partnership pilot program to include other clinics in the future.

Resolution # 168-23

Moved by Councillor Shahid

Seconded by Councillor Yamada

1. That Report CAO 20-23 be received for information;
2. That a new 2023 capital project for the Family Physician Recruitment Incentive Partnership Pilot Program, in the amount of \$300,000, be approved with funding from the Long Term Finance Reserve;
3. That to the extent necessary, the Pilot Program be considered a grant in the interests of the municipality under Section 107 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended; and,
4. That Council authorize staff to enter into a partnership agreement with the Oshawa Clinic Group to attract family physicians to the

Whitby Health Centre upon terms satisfactory to the Director, Strategic Initiatives, and the Commissioners of Financial Services/Treasurer and Legal and Enforcement Services/Town Solicitor.

	For	Against	Conflict
Mayor Roy	X		
Councillor Bozinovski	X		
Councillor Cardwell	X		
Councillor Leahy			X
Councillor Lee	X		
Councillor Lundquist	X		
Councillor Mulcahy	X		
Councillor Shahid	X		
Councillor Yamada	X		
Results	8	0	1

Carried (8 to 0)

It was the consensus of Council to hear Item 5.2, a delegation from Vanessa Hicks, at this time.

6.2 PDP 33-23, Planning and Development (Planning Services) Department Report

Re: 5515 Garrard Road - Notice of Intent to Demolish under Ontario Heritage Act, Section 27(9)

Discussion ensued between Members of Council and Staff regarding:

- discussion amongst the Heritage Whitby Advisory Committee members regarding removal of 5515 Garrard Road from the Heritage Register and the adaptive reuse of the structures;
- concerns regarding the removal properties from the Heritage Register;

- the evaluation process for determining whether properties are added to the Heritage Register;
- reporting on requests to add or remove properties from the Heritage Register;
- recommendations made by the Heritage Whitby Advisory Committee regarding the subject property;
- whether residential houses exist within a two acre radius of the subject property and whether these properties may be zoned for industrial use; and,
- whether residential structures located on other Town properties constructed around the same time period have been protected under the Ontario Heritage Act.

Resolution # 169-23

Moved by Councillor Leahy

Seconded by Councillor Mulcahy

1. That Council receive the Notice of Intention to Demolish a non-designated property listed on the Municipal Heritage Register municipally know as 5515 Garrard Road;
2. That Council approve the removal of 5515 Garrard Road from the Heritage Register and consent to the demolition of the existing structures, pursuant to Section 27 (9) of the Ontario Heritage Act; and,
3. That a documentation and salvage report be prepared and any identified salvage items of cultural heritage value be utilized as a commemorative feature.

Carried

6.3 FS 24-23, Financial Services Department and Community Services Department Joint Report

Re: Whitby Sports Complex – Construction Tender Results (T-1-2023) and Project Budget Approval

F. Wong, Commissioner of Financial Services/Treasurer, provided an overview of the Whitby Sports Complex (WSC) construction tender and project budget approval. Highlights of the overview included:

- the cost estimate of approximately \$154.9 million and funding sources for the construction of the WSC Community Centre Building and WSC Park Development;
- a \$43.4 budget shortfall to be funded by Development Charge Reserves; and,
- deferring all planned 2024 (and future) new Parks and Recreation growth-related design/construction capital projects by one year to fund the budget shortfall from development charge reserves and mitigate debt financing.

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

- the impact of deferring all planned 2024 capital projects involving the design and construction of parks and trails;
- the cost estimate of the Victoria Fields Urban Park design, included in the proposed list of 2024 deferred capital projects;
- the original WSC Community Centre Building and WSC Park Development project proposal and cost estimate compared to the current project scope;
- the multi-purpose use of the MUGA board structure around the multi-purpose court;
- clarification regarding the location of the West Whitby park included in the proposed list of 2024 deferred capital projects;
- benefits of the WSC Community Centre Building and WSC Park Development to the community;
- clarification regarding the debt servicing costs;
- the number of capital projects that have historically met their proposed budget;
- collaboration with the Federal government regarding grant funding applications submitted by the Town;
- weighing the implications of deferring the project due to estimated project costs against the benefits of proceeding with construction, including benefits to the community, economic growth, and tourism;

- clarification regarding the nature of the deferred 2024 capital projects;
- whether the Green and Inclusive Community Buildings (GICB) Program grant funding will help advance the deferred 2024 capital projects, in addition to servicing debt;
- support for the construction of the WSC Community Centre Building and WSC Park Development; and,
- the anticipated timeline for re-opening parks and facilities that have been closed for construction, including the Civic Recreation Centre, Des Newman WhitBEE Park, and Lynde Creek Park.

Resolution # 170-23

Moved by Councillor Shahid

Seconded by Councillor Leahy

1. That the Town proceed with an award to the low bid as received from Ledcor Construction Limited for the construction of the Whitby Sports Complex (WSC) Community Centre Building and WSC Park Development (Provisional) as specified, in the amount of \$125,655,001.00 (including Provisional and recommended Separate Prices plus applicable taxes) funded from capital projects as outlined in Table 3 and 4 of Report FS 24-23;
2. That the revised cost estimate for the construction of the WSC Community Centre Building and WSC Park Development in the amount of \$154,853,886 (inclusive of the construction tender award), as outlined in Table 3 of Report FS 24-23, be approved;
3. That the approved capital budgets be updated to reflect the Revised Cost Estimate, totaling \$154,853,886, as outlined in Table 4 and 5 of Report FS 24-23 (inclusive of the creation of a new 2023 capital project for WSC Park Development in the amount of \$11,818,870);
4. That the budget shortfall in the amount of \$43,397,500 for the Whitby Sports Complex (WSC) Community Centre Building and WSC Park Development Capital Project, as outlined in Table 4 of Report FS 24-23, be funded from Parks and Recreation Development Charge Reserve Fund;

5. That the Town defer all planned 2024 (and future) new Parks and Recreation growth-related design/construction capital projects by one year in order to fund the \$43,397,500 budget shortfall from development charge reserves and mitigate debt financing;
6. That Council award the fee adjustment for architectural design services to Perkins + Will Architecture in the amount of \$2,700,000.00 (inclusive of taxes) based on the new project value; and,
7. That the Mayor and Clerk be authorized to execute the contract documents.

	For	Against	Conflict
Mayor Roy	X		
Councillor Bozinovski	X		
Councillor Cardwell	X		
Councillor Leahy	X		
Councillor Lee	X		
Councillor Lundquist		X	
Councillor Mulcahy	X		
Councillor Shahid	X		
Councillor Yamada	X		
Results	8	1	0

Carried (8 to 1)

6.4 LS 04-23, Legal and Enforcement Services Department and Community Services Department Joint Report

Re: Review of Animal Sheltering Options for the Town of Whitby

Note: This item was withdrawn.

7. Closed Session

7.1 LS 10-23, Confidential Legal and Enforcement Services Department, Financial Services Department, and Planning and Development (Engineering Services) Department Joint Report

Re: Expropriation of Land to Construct, Use, and Maintain the Mid-Block Arterial Roadway (MBAR)

It was the consensus of Council to consider Staff Report LS 10-23 regarding the Expropriation of Land to Construct, Use, and Maintain the Mid-Block Arterial Roadway (MBAR) in open session.

Resolution # 171-23

Moved by Councillor Leahy

Seconded by Councillor Yamada

1. That Council authorize the Commissioner of Legal and Enforcement Services/Town Solicitor, or their designate, to negotiate to acquire the Property, as outlined below, and authorize that expropriation proceedings be initiated and the Application for Approval to Expropriate Land be made for the Mid-Block Arterial Roadway project for:
 - a. the property municipally known as 5345 THICKSON ROAD NORTH, WHITBY, ONTARIO and legally described as PART LOT 20, CONCESSION 5, TOWNSHIP OF WHITBY, PART ROAD ALLOWANCE BETWEEN LOTS 20 AND 21, CONCESSION 5, TOWNSHIP OF WHITBY AS IN D76143, SAVE AND EXCEPT PARTS 3 & 4 ON PLAN 40R26759, S/T INTERESTS OF THE TOWNSHIP OF WHITBY; TOWN OF WHITBY, REGIONAL MUNICIPALITY OF DURHAM (hereinafter referred to as the "Property");
2. That the Mayor and Town Clerk be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land (the "Notice") and that staff be authorized to serve and publish the Notice, as required under the *Expropriations Act* (the "Act");
3. That any valid request from the owner for an inquiry that is received be forwarded to the Ontario Land Tribunal, and that the Town be represented at any Hearing of Necessity, as necessary under the Act;

4. That in the event that there are inquiries (Hearing of Necessity) conducted at the request of the owner, the recommendation(s) of the Ontario Land Tribunal be reported to Town Council for its consideration and decision as the approving authority under the Act;
5. That staff be authorized to engage such appraisal, business valuation, survey or other professional services in connection with the expropriation as are necessary and advisable; and,
6. That staff be directed to retain the services of external counsel (Scargall Owen-King LLP) to represent the Town in the negotiation to acquire the Property and the expropriation process.

Carried

8. By-laws

Resolution # 172-23

Moved by Councillor Shahid

Seconded by Councillor Lundquist

That leave be granted to introduce By-laws # 8011-23 to # 8015-23 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

8.1 By-law # 8011-23

Being a By-law to designate certain portions of a registered Plan of Subdivision (SW-2013-02) as not being subject of Part Lot Control.

8.2 By-law # 8012-23

Being a By-law to designate certain portions of a registered Plan of Subdivision (S-168-88) as not being subject of Part Lot Control.

8.3 By-law # 8013-23

Being a By-law to designate certain portions of a registered Plan of Subdivision (S-212-90) as not being subject of Part Lot Control.

8.4 By-law # 8014-23

Being a By-law to designate certain portions of a registered Plan of Subdivision (SW-2018-02) as not being subject of Part Lot Control.

8.5 By-law # 8015-23

Being a By-law to designate certain portions of a registered Plan of Subdivision (SW-2021-01) as not being subject of Part Lot Control.

9. Confirmatory By-law

Resolution # 173-23

Moved by Councillor Yamada

Seconded by Councillor Mulcahy

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 July 26, 2023 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

10. Adjournment

Moved by Councillor Shahid

Seconded by Councillor Mulcahy

That the meeting adjourn.

Carried

The meeting adjourned at 10:39 a.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor