



Committee of the Whole Minutes

September 18, 2023, 7:00 p.m.
Council Chambers
Whitby Town Hall

Present: Councillor Bozinovski
Councillor Leahy
Councillor Lee
Councillor Lundquist
Councillor Mulcahy
Councillor Shahid, Deputy Mayor
Councillor Yamada

Regrets: Mayor Roy
Councillor Cardwell

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

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1. Call To Order: Deputy Mayor
 2. Call of the Roll: The Clerk

3. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

4. Consent Agenda

5. Planning and Development

Councillor Lee assumed the Chair.

5.1 Presentations

There were no presentations.

5.2 Delegations

5.2.1 Zach Roher representing Sixfive (VICDEV) Inc. (Virtual Attendance)

Re: PDP 36-23, Planning and Development (Planning Services)

Department Report

Draft Plan of Condominium Application, Sixfive (VICDEV) Inc., 1450 Victoria Street East, File Number: DEV-11-23 (CW-2023-04)

Refer to Item 5.4.1, PDP 36-23

Zach Roher was in attendance, however, he was not called upon to provide a delegation due to Item 5.4.1, Report PDP 36-23, being approved during the consent agenda portion of the meeting.

5.2.2 David Milano representing Bousfields Inc., and Colin McLachlan representing Mansouri Group (In-Person Attendance)

Re: PDP 37-23, Planning and Development (Planning Services)

Department Report

Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, 1351637 Ontario Limited (Mansouri Group), 4400 & 4440 Garden Street, File Number: DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

Refer to Item 5.4.2, PDP 37-23

David Milano, representing Bousfields Inc., and Colin McLachlan representing Mansouri Group, stated that they were in support of the Staff recommendation and that they were available to answer questions.

5.3 Correspondence

There was no correspondence.

5.4 Staff Reports

5.4.1 PDP 36-23, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Condominium Application, Sixfive (VICDEV) Inc.,
1450 Victoria Street East, File Number: DEV-11-23 (CW-2023-04)

Recommendation:

Moved by Councillor Lee

1. That Council approve the Draft Plan of Condominium (File Number: CW-2023- 04) subject to the comments included in Planning Report PDP 36-23 and the Conditions of Approval, included in Attachment #4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

Carried

5.4.2 PDP 37-23, Planning and Development (Planning Services) Department Report

Re: Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, 1351637 Ontario Limited (Mansouri Group), 4400 & 4440 Garden Street, File Number: DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

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

- details about the standard procedures for managing open spaces for environmental purposes in similar developments;
- information pertaining to the planned construction phasing for unit types within the development;

- details about traffic calming measures and reviewing the findings of the traffic calming study within this area;
- addressing pedestrian safety concerns; and,
- whether a 4-way stop could be installed at the Seven Oaks Street and Robert Attersley Drive East intersection as part of the development plan.

Recommendation:

Moved by Councillor Shahid

1. That Council approve Official Plan Amendment Number 132 to the Whitby Official Plan (OPA-2022-W/02), as shown on Attachment #7, and that a By-law to adopt Official Plan Amendment Number 132 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Planning Report PDP 37-23, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 132 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 No. SW-2022-03), subject to the comments included in Planning Report PDP 37-23 and the conditions of draft plan approval included in Attachment #10;
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 # 1784, (File No. Z-13-22), as outlined in Planning Report No. PDP 37-23; and,
7. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

Carried

5.4.3 PDP 38-23, Planning and Development (Planning Services) Department Report

Re: Town-Initiated Official Plan Review: Terms of Reference

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

- details about the process and timelines for the Official Plan Review;
- influencing factors from Provincial and Federal legislation and housing plans and how they impact considerations of the Official Plan Review and policies;
- whether the costs for the Official Plan Review was allocated in the current budget as a planned expenditure;
- how long the Official Plan Review and updates would be in effect;
- whether the Official Plan Review would impact current Zoning By-law permissions; and,
- whether affordable housing policies would be addressed during the review.

Recommendation:

Moved by Councillor Shahid

1. That staff be authorized to commence the review and update of the Town of Whitby Official Plan, in accordance with the requirements of the Ontario Planning Act;
2. That staff be authorized to finalize the draft Terms of Reference and issue a Request for Proposal to retain the necessary consultant(s) to undertake the review and update of the Town of Whitby Official Plan, in accordance with the Town of Whitby Procurement Policy; and,
3. That staff be authorized to initiate the project once consultants are retained and report back to Council on key project milestones.

Carried

5.5 New and Unfinished Business - Planning and Development

5.5.1 New and Unfinished Business - Planning and Development

There was no new and unfinished business.

6. General Government

Councillor Yamada assumed the Chair.

6.1 Presentations

6.1.1 Francesco Santaguida, Commissioner of Legal & Enforcement Services/Town Solicitor, and Andre Gratton, Manager of Enforcement Services

Re: LS 04-23, Legal and Enforcement Services Department and Community Services Department Joint Report
Review of Animal Sheltering Options for the Town of Whitby

Refer to Item 6.4.1, LS 04-23

Francesco Santaguida, Commissioner of Legal & Enforcement Services/Town Solicitor, and Andre Gratton, Manager of Enforcement Services, provided a PowerPoint presentation about the Review of Animal Sheltering Options for the Town of Whitby. Highlights of the presentation included:

- animal sheltering and servicing options provided to date including, maintaining the current facility to comply with Provincial standards, investigating partnerships with external agencies including the Humane Society of Durham Region (HSDR), conducting a feasibility study for a new Animal Shelter located at Broadleaf Avenue and McKinney Drive, and, sharing services with neighbouring municipalities;
- a detailed review about Option 1A – Construct a New Dedicated Animal Services Shelter, which would allow for a new net-zero, one-storey dedicated Animal Services Shelter with potential for future 2nd storey expansion;
- a detailed review about Option 1B – New Enforcement Services Centre, which would provide a new two-storey

structure and allow Animal Services and Enforcement Services to operate under one central location;

- a detailed review about Option 2 – Contract Sheltering Services with the HSDR, which would alleviate the Town of responsibility for costs, risks, and expenses of sheltering animals;
- a detailed review about Option 3 – Partnering with Neighbouring Municipalities;
- a detailed review about Option 4 – Maintain and Update Existing Whitby Animal Services Centre (WASC), which would provide the lowest cost option, however, the current facility is dated and may not be able to accommodate future Provincial animal welfare requirements;
- Staff's recommendation of Option 1B – New Two-Storey Combined Animal Shelter and Enforcement Services Facility, and details about the benefits of this option; and,
- next steps including a report back to Council with a detailed design, and final budget approval.

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

- the amount of cost savings per year for the space currently leased at 3050 Garden Street for Enforcement Services Staff;
- whether Option 2 would be a viable option for providing sheltering needs;
- whether Staff establishes the policies and procedures regarding the surrender and destruction of animals within the Town of Whitby;
- whether Option 1B would accommodate all Staff currently located at 3050 Garden Street, or offer an option for future expansion to accommodate additional Staff;
- opportunities for recovering costs for Option 1B through reduced lease fees and the sale of the current Animal Services Facility;

- whether the new modular system for animal kennels would accommodate future needs of animal sheltering services in the Town;
- including an estimate for cost savings on each option in the capital budget approval process;
- information about whether the request for \$1.3 million for design, contract management, and project management was already allocated in the budget, what services were covered in the request, and where the funds would be drawn from;
- a timeline for the completion of Option 1B;
- the opportunity to include costs associated with construction of a new combined Animal Shelter and Enforcement Services Facility in the next development charges study;
- details about the animal services currently provided by the Town of Whitby, the capacity of the Animal Services Facilities, and where animals would be placed should current capacity be reached;
- the number of Staff working at the shelter;
- current trends in animal intake numbers;
- whether HSDR would accommodate additional animals above the cap number proposed in their draft agreement and how that number was determined;
- whether the Town of Ajax's agreement with HSDR was meeting their animal sheltering needs, cost associated with services, and conditions of the services; and,
- the Town's legal responsibility for court ordered containment of dogs in accordance with Provincial legislation.

6.2 Delegations

6.2.1 Jennifer Bluhm, Humane Society of Durham Region (Virtual Attendance)

Re: Legal and Enforcement Services Department and Community Services Department Joint Report
Review of Animal Sheltering Options for the Town of Whitby

Refer to Item 6.4.1, LS 04-23

Jennifer Bluhm, Humane Society of Durham Region (HSDR), stated that the animal capacity outlined in Option 2 and in the proposed agreement with HSDR was based on the historical information provided by the Town. Ms. Bluhm advised that the animal capacity was capped to ensure the number of animals did not exceed the amount without providing financial provisions for sheltering additional animals. She stated that there were twelve Humane Society facilities in operation across the province. She advised that the proposal included the disposal of deceased cats, dogs, and wildlife under 50 pounds and would therefore not accommodate disposal of large wildlife such as deer. She stated that HSDR operates with ten to twelve staff as well as veterinarians and technicians. Ms. Bluhm further stated that the standard terms of agreement were usually limited to two years with an annual extension option. She advised that HSDR receives approximately 1000 intakes per year with 62 percent of those being public surrenders. She stated that policies of animal care were set by internally under the direction of the Chief Veterinarian and standard operating procedures are reviewed in consultation with municipal partners. Ms. Bluhm advised that facilities are being expanded and foster homes are utilized for long term holds to provide additional rehabilitation for animals. She stated that HSDR services also include adopting of animals.

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

- where animals were sheltered when the HSDR Wentworth Street location reaches capacity;
- whether sheltering was the only service provided by the HSDR;
- whether the Town of Ajax experienced challenges with capacity based on their contract of services; and,
- the partnership between the OSPCA and HSDR and the impact that would have on the agreement.

6.3 Correspondence

There was no correspondence.

6.4 Staff Reports

6.4.1 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

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

- the estimated annual cost of the lease agreement for Garden Street;
- whether a new facility would have capacity for all staff located at Garden Street;
- whether the forecasted capital budgetary and operational budgetary projections for a new animal shelter provide a realistic estimate of costs when construction takes place;
- whether other municipalities have a similarly sized animal shelter; and,
- information about the cost estimates for a single floor versus a two floor building.

Recommendation:

Moved by Councillor Leahy

1. That Report LS 04-23 be received for information;
2. That staff be directed to proceed with the detailed design for Option 1B for the new Animal Services Centre and Enforcement Services Facility at McKinney Road and Broadleaf Avenue;
3. That a new capital project, in the amount of \$1,300,000, be established for the Design, Contract Management, and Project Management of the joint Animal Shelter/Enforcement Services facility (Option 1B) funded from the Asset Management Reserve;
4. That staff be authorized to negotiate with McCallum Sather Associates and award a single source contract, subject to budget, for the detailed design and contract management work for this project;

5. That staff be directed to report to Council for capital budget approval, following finalization of design, prior to tendering the work;
6. That staff investigate the sale of 4680 Thickson Road North to offset the cost of a new Animal Services Centre in accordance with Confidential Memorandum LS 04-23; and,
7. That staff will continue to make improvements to the operations of the Animal Services section to improve efficiencies, improve animal care and conditions, increase revenue, and reduce operational impacts.

Carried

6.4.2 CAO 25-23, Office of the Chief Administrative Officer Report

Re: Canadian Tire Whitby Naming Rights Sponsorship of Arena 1 at McKinney Centre

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

- details about the three year sponsorship term and whether there was an opportunity to extend the term; and,
- the amount of available advertising space within the Town's facilities.

Recommendation;

Moved by Councillor Shahid

That Council approve entering into a three (3) year sponsorship agreement effective November 1, 2023, with Canadian Tire for a Naming Rights Sponsorship at McKinney Centre, including renaming Arena 1 to "Canadian Tire Whitby Arena 1", based on the sponsorship package and other terms and conditions identified in Report CAO 25-23.

Carried

6.5 New and Unfinished Business - General Government

6.5.1 New and Unfinished Business - General Government

There was no discussion regarding the new and unfinished business list.

6.5.2 Members of Council - Attendance at Business Openings

Councillor Bozinovski introduced a motion regarding Members of Council's attendance at business openings.

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

- whether the development of a Standard Operating Procedure (SOP) was an internal process or whether stakeholders such as the Whitby Chamber of Commerce and Whitby Business Improvement Area (BIA) would be consulted;
- whether Whitby Chamber of Commerce events and openings would be included in the SOP;
- incorporating etiquette standards in the SOP such as speaking roles and arrival times;
- the practicality of all Members of Council attending every business opening;
- clarification about number of requests received from businesses and whether all Members of Council were invited to attend the openings;
- deferring the matter until the Mayor and all Members of Council are in attendance; and,
- Staff to report back on a draft SOP or a draft policy to Council.

Recommendation:

Moved by Councillor Bozinovski

That the Clerk be directed to report back with a draft policy that would create a process to have the Mayor and Councillors' Office invite all Members of Council to every business opening where the presence of Members of Council is requested.

Carried later in the meeting (See following motion)

Recommendation:

Moved by Councillor Mulcahy

That the motion be deferred until the Regular Council meeting on October 2, 2023.

Motion Lost

The main motion was then carried.

6.5.3 Council Education and Training Program

Councillor Leahy introduced a motion regarding Council Education and Training Program.

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

- clarification about the type of education and training that would be included;
- establishing a process for requesting and selecting vendors for education and training sessions;
- stipulating how expenses would be tracked;
- establishing a procedure to ensure that the distribution of funding is equitable;
- concerns about Members of Council's personal privacy by disclosing the types of education and training sessions;
- the method for tracking, recording, and reporting on education and training sessions;
- information about the current process for retaining the service provider and identifying services for Council training; and,
- reviewing best practices from other municipalities.

Recommendation:

Moved by Councillor Leahy

Whereas the Council Education and Training Program should become a permanent program for all Members of Council wishing to avail themselves to such services, advice, and training;

Now Therefore be it Resolved:

1. That Staff be authorized to draw up-to \$40,000 from the Town's contingency reserve fund, if required, to fund the program for fiscal year 2023;
2. That \$40,000 be incorporated in the Town's base 2024 operating budget as a "prior year [Council] decision" item for ongoing funding of the Council Education and Training Program; and,
3. That Members of Council may access resources as part of this program provided the vendor's services are made available to all Members of Council, Staff have completed the administrative processes to retain their services, and there is remaining budget in the program.

Carried later in the meeting (See following motion)

Recommendation:

Moved by Councillor Mulcahy

That the main motion be amended by including Item 4 as follows:

4. That the costs incurred by individual Members be reported on Mayor and Councillor expenses.

Carried

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

Recommendation:

Moved by Councillor Leahy

Whereas the Council Education and Training Program should become a permanent program for all Members of Council wishing to avail themselves to such services, advice, and training;

Now Therefore be it Resolved:

1. That Staff be authorized to draw up-to \$40,000 from the Town's contingency reserve fund, if required, to fund the program for fiscal year 2023;

2. That \$40,000 be incorporated in the Town's base 2024 operating budget as a "prior year [Council] decision" item for ongoing funding of the Council Education and Training Program;
3. That Members of Council may access resources as part of this program provided the vendor's services are made available to all Members of Council, Staff have completed the administrative processes to retain their services, and there is remaining budget in the program; and,
4. That the costs incurred by individual Members be reported on Mayor and Councillor expenses.

Carried

7. Closed Session

in accordance with Procedure By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(b) personal matters about an identifiable individual, including municipal or local board employees, and (c) a proposed or pending acquisition or disposition of land by the municipality or local board, parts of this meeting may be closed to the public.

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

Moved by Councillor Shahid

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)(b) personal matters about an identifiable individual, including municipal or local board employees, and (c) a proposed or pending acquisition or disposition of land by the municipality or local board.

Carried

- 7.1 CAO 22-23, Confidential Office of the Chief Administrative Officer Report
Re: 580 Water Street Update
- 7.2 Confidential Memorandum to Council from C. Harris, Town Clerk, dated September 5, 2023 regarding Recommendation for Appointments to the Active Transportation and Safe Roads Advisory Committee

8. Rising and Reporting

Motion to Rise

Moved by Councillor Bozinovski

That Committee rise from the closed portion of the meeting.

Carried

8.1 Reporting Out

Chair Yamada advised that during the closed portion of the meeting, Council discussed personal matters about an identifiable individual, including municipal or local board employees, and a proposed or pending acquisition or disposition of land by the municipality or local board.

Item 7.1, CAO 22-23, Confidential Office of the Chief Administrative Officer Report

Re: 580 Water Street Update

Recommendation:

Moved by Councillor Leahy

That Report CAO 22-23 be received for information.

Carried

Item 7.2, Confidential Memorandum to Council from C. Harris, Town Clerk, dated September 5, 2023 regarding Recommendation for Appointments to the Active Transportation and Safe Roads Advisory Committee

Recommendation:

Moved by Councillor Mulcahy

That Swathilakshmi Miriyala and Dario Pranckevicius be appointed as Members of the Active Transportation and Safe Roads Advisory Committee for the remainder of the 2022-2026 term.

Carried

9. Adjournment

Recommendation:

Moved by Councillor Shahid

That the meeting adjourn.

Carried

The meeting adjourned at 10:23 p.m.