



## Committee of the Whole Minutes

April 8, 2024, 7:00 p.m.  
Council Chambers  
Whitby Town Hall

Present: Mayor Roy  
Councillor Cardwell  
Councillor Leahy  
Councillor Lee  
Councillor Lundquist  
Councillor Mulcahy  
Councillor Shahid  
Councillor Yamada

Regrets: Councillor Bozinovski

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  
R. Saunders, Commissioner of Planning and Development  
F. Wong, Commissioner of Financial Services/Treasurer  
M. Dodge, Executive Advisor to the Mayor  
C. Harris, Town Clerk  
K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk  
L. MacDougall, Council and Committee Coordinator (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

The were no declarations of conflict of interest.

4. Consent Agenda
5. Planning and Development

**Councillor Mulcahy assumed the Chair.**

5.1 Presentations

There were no presentations.

5.2 Delegations

5.2.1 Carolyn McNabney, Resident (In-Person Attendance)

Re: PDP 15-24, Planning and Development (Planning Services)  
Department Report  
Official Plan Amendment and Zoning By-law Amendment  
Applications, Devon Downs Developments Ltd., 2002 Rossland  
Road East, File Numbers: DEV-21-18 (OPA-2018-W/06, Z-33-18)

**Refer to Item 5.4.2, PDP 15-24**

Carolyn McNabney, Resident, appeared before the Committee and stated that the Public Meeting in March 2019 was well attended and that residents expressed various concerns and numerous inquiries about the proposed development. Ms. McNabney advised that she only became aware of the recommendation report being presented at this meeting a week ago. She stated that she understood that following the Public Meeting further meetings would take place between residents and the developer to discuss and respond to the various inquiries. She noted that there have not been any further discussions and the concerns and questions have not been answered. She stated that the proposed change to zoning to permit an increase in the building height from three to four storeys was not consistent with the Town's Official Plan or the existing neighbourhood. She inquired about the type of proposed housing, i.e., affordable, seniors or rental, where children from the proposed development would attend school, whether a civil infrastructure impact study was undertaken, and the sanitary sewer capacity for the proposed development. She noted that an environmental assessment should have been undertaken by a neutral third party assessor. Ms. McNabney raised concerns about shadowing, privacy, the increased traffic and traffic congestion,

providing adequate parking, the proposed chain-link fence, and the grading of the site and potential water drainage/flooding of existing properties. She expressed concerns about the proposed garbage and snow storage area and asked whether it would be enclosed and/or relocated to prevent snow melt and garbage from migrating onto the existing residential properties. Ms. McNabney inquired about the timeline for the commencement and completion of construction, noting the impact of the construction noise for existing residents and pets.

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

- whether there has been any communication between the existing residents and the proponent since the Public Meeting in 2019;
- whether there were any changes to the proposed development between 2019 and present; and,
- how the delegate was notified about the Committee of the Whole meeting and whether the notice indicated the rationale for the change in the height of the building from three to four storeys, and whether the delegate was aware of whether other neighbours were notified of the meeting.

#### 5.2.2 Carol Espie, Resident (In-Person Attendance)

Re: PDP 15-24, Planning and Development (Planning Services)  
Department Report  
Official Plan Amendment and Zoning By-law Amendment  
Applications, Devon Downs Developments Ltd., 2002 Rossland  
Road East, File Numbers: DEV-21-18 (OPA-2018-W/06, Z-33-18)

#### **Refer to Item 5.4.2, PDP 15-24**

Carol Espie, Resident, appeared before the Committee and advised that her property would be impacted by the proposed development. She stated that she has had several conversations with Town Staff who provided detailed information about the development plans. Ms. Espie advised that she now understood that at the time she purchased her home in 1989, the details of the plan presented to her for the proposed building was only a concept and not an approved development. Ms. Espie advised that she

agreed with all of the concerns raised by the previous delegate. She raised concerns about the six parking spaces that would be located directly behind her property and approximately 10 feet from her yard. She inquired about the grading of the development site, noting that higher or lower grading would have an impact on her property. Ms. Espie stated that the landscape plan currently indicates that the snow storage area would be located directly behind her property making it impossible for tree planting in that area. She advised that she understood that a 6-foot wood privacy fence as opposed to a chain link fence would be installed to prevent any light trespass from vehicles in the parking area. Ms. Espie expressed concerns about the responsibility of the maintenance of the privacy fence, noting that it should not be the responsibility of residents. She raised concerns about the size of the trees that would be planted and requested that a more mature tree planting take place.

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

- whether the delegate has had an opportunity to meet with the developer; and,
- whether the installation of the 6-foot fence and tree planting was communicated to the delegate directly by the developer.

5.2.3 Lisa Klets, representing Devon Downs Developments Ltd. (In-Person Attendance)

Re: PDP 15-24, Planning and Development (Planning Services)  
Department Report  
Official Plan Amendment and Zoning By-law Amendment  
Applications, Devon Downs Developments Ltd., 2002 Rossland  
Road East, File Numbers: DEV-21-18 (OPA-2018-W/06, Z-33-18)

**Refer to Item 5.4.2, PDP 15-24**

Lisa Klets, representing Devon Downs Developments Ltd., appeared before the Committee and provided detailed information about the rationale for the Official Plan and Zoning By-law Amendment applications, and the proposed development and public consultation. Ms. Klets stated that various revised and/or updated submissions were provided to the Town, noting that the

Central Lake Ontario Conservation Authority has no objection to the proposed development. She advised that submissions to the Town address concerns about lighting, noise, the proximity to the airport, increased traffic and traffic congestion, and watermain and sanitary sewer services. She advised that the density and height of the proposed development was in conformity with the Official Plan designation, the Provincial Policy Statements and Growth Plans. Ms. Klets stated that concerns related to privacy, noise, grading, water drainage, and landscaping would be addressed through the site plan review and approval process.

A detailed question and answer period ensued between Members of Committee and Ms. Klets regarding:

- whether any dialogue with the existing residents has taken place since 2019, and confirmation that D.G. Biddle & Associates and the developer would meet with the area residents prior to the matter being considered at Council;
- when the decision was made to increase the height of the building from 3 to 4 storeys;
- whether the developer has committed to the 6-foot wooden fence and whether the fence could be higher;
- the size of the tree plantings and whether more mature trees could be planted;
- confirmation that there would be a 3-metre buffer of landscaping between the parking spaces and the fence, and whether snow storage would be located within the 3-metre buffer;
- the lack of privacy for new and existing residents due to the height of the building and the balconies;
- whether the proposed development would have rental units, if there were any plans to include housing for seniors, and whether there was any intention to include affordable housing units; and,
- whether a shade study was undertaken.

### 5.3 Correspondence

There was no correspondence.

#### 5.4 Staff Reports

##### 5.4.1 PDP 14-24, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Condominium Application, 3425 Coronation Developments Limited, Northeast Corner of Coronation Road and Twin Streams Road, File Number: DEV-29-23 (CW-2023-05)

Recommendation:

Moved by Councillor Mulcahy

1. That Council approve the Draft Plan of Condominium (File No. CW-2023-05) subject to the comments included in Planning Report PDP 14-24 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 15-24, Planning and Development (Planning Services) Department Report

Re: Official Plan Amendment and Zoning By-law Amendment Applications, Devon Downs Developments Ltd., 2002 Rossland Road East, File Numbers: DEV-21-18 (OPA-2018-W/06, Z-33-18)

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

- clarification on the process and timeline for a decision by Council on the applications before application fees must be refunded, and whether the Town's Official Plan regarding Mature Neighbourhoods apply to the proposed development;

- confirmation that various concerns raised by the residents including but not limited to tree planning, lighting to illuminate parking areas, and the type and height of the privacy fence would be addressed through the site plan review and approval process;
- confirmation that Staff were recommending and seeking approval for the Official Plan and Zoning By-law Amendments, and not for the Site Plan Application at this time;
- confirmation that discussions and meetings related to the site plan review and approval process would continue beyond the approval of the Official Plan and Zoning By-law Amendments;
- the timeline to defer consideration of the Staff report to provide an opportunity for a meeting between the proponent and community, and clarification on Council providing feedback related to site plan review and approval process;
- the benefits of deferring the Staff report beyond the April 29, 2024 Regular Council meeting; and,
- confirmation that the proposed development has the same height and number of units as was presented at the Public Meeting in 2019.

Recommendation:

Moved by Councillor Shahid

1. That Council approve Official Plan Amendment Number #135 to the Whitby Official Plan (File No.: OPA- 2018-W/06), as shown on Attachment #6, and that a By-law to adopt Official Plan Amendment Number #135 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Planning Report PDP 15-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number # 135 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;

3. That Council approve the amendment to Zoning By-law # 1784, (File No.: Z-33-18), as outlined in Planning Report No. PDP 15-24 and that a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council; and,
4. 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.

**Note:** The disposition of this matter, Item 5.4.2, was determined through the deferral motion below.

Recommendation:

Moved by Councillor Leahy

That consideration of Staff Report PDP 15-24 be deferred to the April 29, 2024 Regular Council meeting.

**Carried later in the meeting (See following motion)**

Recommendation:

Moved by Councillor Yamada

That the deferral motion be amended by amending the deferral date from the April 29, 2024 Council meeting to the May 27, 2024 Council meeting.

**Carried**

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

Recommendation:

Moved by Councillor Leahy

That consideration of Staff Report PDP 15-24 be deferred to the May 27, 2024 Council meeting.

**Carried**

## 5.5 New and Unfinished Business - Planning and Development

There was no new and unfinished business.



Moved by Councillor Cardwell

That the Committee take a brief recess.

**Carried**

The Committee recessed at 8:13 pm. and reconvened at 8:21 p.m.

6. General Government

6.1 Presentations

6.1.1 Diandra Persaud, Chair, Downtown Whitby Business Improvement Area Board of Management, and Kim Copetti, Accountant, Downtown Whitby Business Improvement Area (In-Person Attendance)

Re: FS 13-24 , Financial Services Department and Office of the Chief Administrative Officer Joint Report  
Downtown Whitby Business Improvement Area (BIA) 2024 Budget and 2023 Reporting

**Refer to Item 6.4.1, FS 13-24**

Diandra Persaud, Chair, Downtown Whitby Business Improvement Area Board of Management, and Kim Copetti, Accountant, Downtown Whitby Business Improvement Area (BIA), appeared before the Committee and provided a PowerPoint presentation regarding the Downtown Whitby Business Improvement Area (BIA) 2023 Budget and Annual Report. Highlights of the presentation included:

- an introduction to the BIA including the Board of Management and BIA Staff Members;
- a detailed overview of the BIA's 2023 and 2024 beautification efforts, programs and events, and grants;
- information about the BIA's marketing and communications efforts; and,
- detailed information about the 2024 proposed budget.

A detailed question and answer period ensued between Members of Committee, Ms. Persaud, and Ms. Copetti regarding:

- the total amount of funds in the reserves and whether the reserves would be exhausted;
- whether reserve funds from grants may be used to offset the operating budget, considering the intended purpose of the grants;
- the loss of funds in 2023 related to the Christmas Market event, and the criteria used to determine the success of this event;
- the difference between the cost of the Christmas Market in 2023 and the budgeted amount in 2024 and how the loss would be covered, and opportunities to run the Christmas Market without a large deficit;
- the rationale for discontinuing the Beer Fest event versus the Christmas Market event, and whether consideration was given to outsourcing tasks, using an event planner, and changing the location of the event to continue the Beer Fest;
- whether assets for the Beer Fest event would be kept in storage;
- confirmation that the direction of the BIA budget related to events was in line with the wishes of the business owners;
- information on the partnership with STEPS Public Art;
- the process for filling the vacant Executive Director position; and,
- the historical vacancy rate in Downtown Whitby.

## 6.2 Delegations

There were no delegations.

## 6.3 Correspondence

There was no correspondence.

## 6.4 Staff Reports

### 6.4.1 FS 13-24, Financial Services Department and Office of the Chief Administrative Officer Joint Report

Re: Downtown Whitby Business Improvement Area (BIA) 2024  
Budget and 2023 Reporting

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

- the possibility of the Town or a community partner running the Beer Fest event in the future;
- requiring the dedication of 10% of the BIA's operating budget to reserves to use for unforeseen expenses, and confirmation that reserves were being used for operating costs;
- concerns about a 5% increase in the Special Tax Levy while using reserves to offset operating costs, and whether the Staff recommendation to approve the budget considered the sustainability of using reserves to offset operating costs;
- whether Downtown Whitby business owners provided feedback on the Community Strategic Plan, whether the business owners expressed a desire for more events, and whether the community at large indicated a need for more events; and,
- whether a Downtown Whitby signature event would attract foot traffic into the businesses and an engagement opportunity for community at large.

Recommendation:

Moved by Councillor Leahy

1. That the Downtown Whitby Business Improvement Area Board of Management's proposed 2024 Beautification Report and the 2023 Annual Report, (Attachments 2 and 3 of Report FS 13-24), be received; and,
2. That the Downtown Whitby Business Improvement Area Board of Management's proposed 2024 Budget, (as outlined in Attachment 1 of Report FS 13-24), inclusive of a \$220,500 special tax levy for businesses within the Downtown Whitby Business Improvement Area, be approved.

**Carried**

#### 6.4.2 FS 07-24, Financial Services Department Report

Re: Amendment to ONE JIB Agreement and Approval of ONE JIB Records Retention By-law

A brief question and answer period ensued between Members of Committee and Staff regarding clarification on the amendment to the ONE JIB Agreement.

Recommendation:

Moved by Councillor Leahy

1. That a by-law, (as shown in Attachment 1 to Report FS 07-24), in support of the Town of Whitby's involvement in the Prudent Investment offering of the ONE Joint Investment Board ("ONE JIB") be brought forward to a future Council meeting, which:
  - a. Approves an amended ONE JIB Agreement, including a revised Terms of Reference to increase the maximum number of ONE JIB members from 10 to 12;
  - b. Approves the ONE JIB Records Retention By-law and the delegation to ONE JIB's Secretary of the necessary powers and duties to deal with the records of ONE JIB; and,
  - c. Approves changes to the amendment provisions of the ONE JIB Agreement.

**Carried**

#### 6.4.3 FS 12-24, Financial Services Department Report

Re: 2024 Property Tax Rates and Final Billing Due Dates

Recommendation:

Moved by Councillor Lundquist

1. That the 2024 property tax rates for the General Municipal Town Levies, shown in Attachment A of Report FS 12-24, be approved;
2. That the special tax levy and tax rates for the year 2024 for the properties located within the Downtown Whitby Business

Improvement Area (BIA), shown in Attachment B of Report FS 12-24, be approved;

3. That the final property tax bill due dates all property tax classes be June 24, 2024 and September 24, 2024;
4. That prior to the issuance of the final tax bills, the Treasurer be authorized to adjust the due dates and notify Council at the earliest opportunity; and,
5. That a by-law for the General Municipal Town Levies and a separate by-law for the Special Tax Levy in support of the Downtown Whitby BIA, to set the due dates and levy rates for 2024 in accordance with the approved budgets and regulations, be brought forward at a future Council meeting.

### **Carried**

#### **6.4.4 CAO 08-24, Office of the Chief Administrative Officer Report**

Re: Durham Region Farmer's Market Association 2024 - 2027  
Lease Agreement

A brief question and answer period ensued between Members of Committee and Staff regarding whether discussion has taken place about relocating the Farmer's Market within the Downtown Whitby area.

Recommendation:

Moved by Mayor Roy

1. That Report CAO 08-24 be received for information;
2. That staff be authorized to prepare a Lease Agreement between the Durham Region Farmers' Market Association and the Town of Whitby, in accordance with the recommendations contained in Report CAO 08-24 for the use of Parking Lot 9 in Brooklin and Celebration Square at the Whitby Public Library effective May 1, 2024, to April 30, 2027; and,
3. That the Mayor and Clerk be authorized to execute the Lease Agreement upon terms substantially in accordance with Attachment 1 of the Report and in a form satisfactory to

the Commissioner of Legal and Enforcement Services/Town Solicitor or designate.

**Carried**

6.4.5 FES 01-24, Fire and Emergency Services Department Report

Re: Durham College Partnership – Whitby Fire and Emergency Services Inclusivity Excellence Scholarship Award

Recommendation:

Moved by Mayor Roy

1. That Whitby Fire & Emergency Services (WFES) partners with Durham College via the Inclusive Excellence Scholarship Award in exchange for fleet usage in the Fire Pre-service Program for a period of three (3) years, with Durham College's option to renew for an additional three (3) years;
2. That Durham College solely funds two (2) Inclusive Excellence Scholarships valued at approximately \$7,500 per recipient/student for a total cost of \$15,000 annually, for the term of the lease, as consideration for the annual lease payments to the Town;
3. Scholarship recipients will be comprised of racialized and/or economically challenged high school students from the Town of Whitby, who have been accepted into either the Fire Fighter Pre-Service Education and Training or the Fire Prevention and Technology programs;
4. WFES continues to provide Durham College access to a 2009 Seagrave Marauder II Pumper for use in the Pre-service Firefighter Education and Training program, as required throughout the curriculum;
5. That the Mayor and Clerk be authorized to execute the lease agreement upon terms substantially in accordance with Report FES 01-24, and in a form satisfactory to the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate;

6. WFES services and communicates the maintenance schedule for the 2009 Seagrave Marauder II Pumper, ensuring the apparatus is available and transported to the appropriate service destination; and,
7. Through newly created public education programming for high school students and signage at Fire Headquarters, WFES promotes the strategic alliance and scholarship with Durham College.

**Carried**

6.4.6 CMS 04-24, Community Services Department Report

Re: Commemorative Tree and Bench Policy Update

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

- the number of people on the waiting list for commemorative features, and opportunities to complete more than 15 tree and bench dedications per year to reduce the waiting list;
- the potential for public art installation along the waterfront that would accommodate dedications, and confirmation that installing plaques on artwork would be less expensive than a bench dedication;
- confirmation that the Town would not be responsible for replacing trees, benches, and plaques installed as part of the program on expiration of the 10 year warranty period, noting that the installations generally last longer than this timeframe; and,
- whether priority locations for tree and bench dedications would be predetermined by Staff.

Recommendation:

Moved by Mayor Roy

1. That Council approve the proposed amendments to the Commemorative Tree and Bench Policy, Policy Number MS 260, Attachment 2 of Report CMS 04-24;

2. That Council approve the proposed 2024 fee structure for the updated Tree and Bench Commemorative Program, as shown in Attachment 5 of Report CMS 04-24;
3. That the Fees and Charges By-law be updated to reflect the minimum donation amounts listed in Attachment 5 of Report CMS 04-24; and,
4. That Staff be directed to investigate the installation of a commemorative dedication feature at the waterfront and report back to Council in Q4 2024.

**Carried**

6.4.7 CMS 05-24, Community Services Department and Legal and Enforcement Services Department Joint Report

Re: Department of Fisheries and Oceans Canada (“DFO”) request to utilize Town lands to facilitate Harbour Remediation

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

- the risk associated with contaminated sediment remaining on the land used for containment and drying prior to removal; and,
- whether dredging Whitby Harbour would deepen and widen the harbour.

Recommendation:

Moved by Councillor Leahy

1. That Report CMS 05-24 be received as information;
2. That Council grant approval to The Department of Fisheries and Oceans Canada (“DFO”) for use of a portion of Gordon Fields adjacent to the Gordon Street Boat Ramp between July 15, 2024 and October 31, 2026 in exchange for in kind remediation (clean up) of Town owned water lots as identified in attachments #1 and #2;
3. That Council grant approval to DFO for use of a portion of the Gordon Street Boat Ramp parking lot between July 15,



2024 and October 31, 2026 in order to facilitate dredging contractor vehicle parking;

4. That Council grant approval for DFO to access Town lands adjacent to Promenade Lake Park to allow loading/unloading of barges from the Federally owned portions of the promenade and pier as identified in attachment #3; and,
5. That Staff be delegated authority to execute any agreement(s) which may be required to carry out the above recommendations in a form satisfactory to the Commissioner of Community Services and the Commissioner of Legal and Enforcement Service/Town Solicitor, or their designate.

**Carried**

6.5 New and Unfinished Business - General Government

There was no new and unfinished business.

7. Adjournment

Recommendation

Moved by Councillor Cardwell

That the meeting adjourn.

**Carried**

The meeting adjourned at 10:02 p.m.