



Regular Council Minutes

April 29, 2024, 7:00 p.m.
Council Chambers
Whitby Town Hall

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

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 (Recording Secretary)

The meeting commenced at 7:06 p.m. due to the Special Council Meeting held prior to the Regular Council meeting.

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

There were no declarations of conflict of interest.

4. Adoption of Minutes

Regular Council - March 18, 2024

Special Council - March 18, 2024 (Confidential Minutes Under Separate Cover)

Special Council - April 8, 2024 (Confidential Minutes Under Separate Cover)

Resolution # 69-24

Moved by Councillor Cardwell

Seconded by Councillor Shahid

That the Regular Council Minutes of March 18, 2024 and the Special Council Minutes of March 18 and April 8, 2024 be approved.

Carried

5. Presentations

5.1 Whitby Public Library Staff

Recognition: Les Fowlie Intellectual Freedom Award & Ontario Library Boards' Association Joyce Cunningham Award

Mayor Roy attended the dais and was joined by Councillor Lundquist. Members of the Whitby Public Library Board and Library Staff were welcomed onto the dais and recognized for receiving the Les Fowlie Intellectual Freedom Award and Ontario Library Boards' Association Joyce Cunningham Award for their commitment to the annual Drag Queen Storytime Program at the Library.

5.2 Lorraine Gray, Chair, Whitby Public Library Board (In-Person Attendance)

Re: Whitby Public Library Strategic Plan 2024-2028

Lorraine Gray, Chair, Whitby Public Library Board provided a PowerPoint presentation regarding the Whitby Public Library Strategic Plan 2024-2028. Highlights of the presentation included:

- the importance of libraries to communities;
- information about the number of visitors to the Whitby Public Library branches and how often library services were accessed;
- an overview of the consultation process for the strategic plan including a customer satisfaction survey, an environmental scan, staff focus groups, and stakeholder outreach;

- the library's mission and vision and three strategic priorities, including striving for excellence, fostering resilience, and engaging with the community;
- action items included in the strategic plan including collaboration, customer service, and leadership and succession planning; and,
- an overview of the 'Battle of the Books' event which included participation by more than 300 Whitby students.

A brief question and answer period ensued between Members of Council and Lorraine Gray regarding future opportunities for the Whitby Public Library to host World Religion Day events.

5.3 Brenda Slomka and Audrey Andrews, Sloane's House Board of Directors (In-Person Attendance)

Re: Paediatric Respite and Hospice Care Centre for Durham Region

Brenda Slomka and Audrey Andrews, Sloane's House Board of Directors provided a PowerPoint presentation regarding the Paediatric Respite and Hospice Care Centre for Durham Region. Highlights of the presentation included:

- the vision and mission of Sloane's House;
- details about naming the proposed facility after Sloane, a young child who had Aicardi Syndrome;
- an overview of the need for respite and hospice service for families and children in Durham Region;
- the impacts that complex child illnesses have on families;
- information about the lands that have been secured at the northwest corner of Des Newman Drive and Dundas Street West for the facility;
- ongoing stakeholder outreach about the need for the facility and initial partnerships that have been established to support the facility; and,
- details about the planned capital campaign for the facility.

A question and answer period ensued between Members of Council, Brenda Slomka, and Audrey Andrews regarding:

- the estimated amount of capital fundraising required to construct the facility;
- the estimated number of paediatric respite and hospice beds for the facility;
- opportunities to begin delivery of some programming prior to construction of the facility; and,
- opportunities for Council to support the establishment of Sloane's House through advocacy at the appropriate time.

6. Delegations

There were no delegations.

7. Correspondence

7.1 Correspondence

That the following requests be endorsed:

- Mental Health Week - Flag Raising - May 6 to 10, 2024
- National Nursing Week - May 6 to 12, 2024 *
- National AccessAbility Week - Flag Raising - May 27 to 31, 2024
- Menstrual Health Day - May 28, 2024
- Bike Month - June 2024

Resolution # 70-24

Moved by Councillor Bozinovski

Seconded by Councillor Yamada

1. That the proclamations for National Nursing Week, Menstrual Health Day and Bike Month and the flag raising for Mental Health Week be endorsed; and,
2. That the flag raising for National AccessAbility Week be endorsed for 2024 and for the week following the last Sunday of May for all future years.

Carried

8. Committee of the Whole Report - Planning and Development

Planning and Development - April 8 and 15, 2024

8.1 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)

Resolution # 71-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

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

8.2 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)

Note: Consideration of this matter was deferred from the Committee of the Whole meeting on April 8, 2024 to the May 27, 2024 Council meeting.

8.3 PDE 02-24, Planning and Development (Engineering Services) Department Report

Re: Port Whitby Traffic Consideration

Resolution # 72-24

Moved by Councillor Mulcahy
Seconded by Councillor Cardwell

1. That Report PDE 02-24 be received for information;
2. That Council direct Staff to undertake the following traffic calming elements identified in Report PDE 02-24 in the Port Whitby area as soon as reasonably possible in 2024:
 - a. Implementation of a Community Safety Zone from Charles Street to Dufferin Street;
 - b. The addition of crosswalk pavement markings at stop signs to delineate pedestrian crossings;
 - c. An area specific speed limit of 40 km/h and installation of signage at entry points into the community and supplementary signage throughout Port Whitby to advise drivers of the speed limit;
 - d. Request additional enforcement from By-law Services and Durham Regional Police Service for parking and the Highway Traffic Act infractions, respectively; and,
3. That Item P&D-0017 be removed from the New and Unfinished Business list.

Carried

9. Committee of the Whole Report - General Government

General Government - April 8 and 15, 2024

9.1 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 brief question and answer period ensued between Members of Council and Staff about re-establishing the former Beer Fest event, ongoing efforts by a group of volunteers, a local restaurant, and a local brewery to re-establish the event, and opportunities to involve more businesses in the Beer Fest event.

Resolution # 73-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

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

9.2 FS 07-24, Financial Services Department Report

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

Resolution # 74-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

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

9.3 FS 12-24, Financial Services Department Report

Re: 2024 Property Tax Rates and Final Billing Due Dates

Resolution # 75-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

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

9.4 CAO 08-24, Office of the Chief Administrative Officer Report

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

Resolution # 76-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

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

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

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

Resolution # 77-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

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

9.6 CMS 04-24, Community Services Department Report

Re: Commemorative Tree and Bench Policy Update

Resolution # 78-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

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

9.7 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

Resolution # 79-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

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

- 9.8 Correspondence # 2024-235 from Janice Atwood and Jeff Abrams, Co-Principals, Principles Integrity regarding the Integrity Commissioners Annual Report - Town of Whitby

Resolution # 80-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

That Correspondence # 2024-235 from Janice Atwood and Jeff Abrams, Co-Principals, Principles Integrity regarding the Integrity Commissioners Annual Report - Town of Whitby be received for information.

Carried

9.9 CMS 06-24, Community Services Department Report

Re: Blue Box Transition to Full Extended Producer Responsibility – July 1, 2024

Resolution # 81-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

1. That Report CMS 06-24 be received for information;
2. That staff be directed to continue the collection of batteries through a pilot program utilizing the Town of Whitby's curbside waste and organics collection program; and,
3. That the Commissioner, Community Services and the Commissioner, Financial Services/Treasurer be authorized to execute an Agreement for promotional and education services with Circular Materials Ontario, in a form as approved by the Commissioner of Legal Services/Town Solicitor, or their designate.

Carried

9.10 CAO 07-24, Office of the Chief Administrative Officer Report

Re: 9-1-1 Telephone System Agreement with Durham Region

Resolution # 82-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

1. That Report CAO 07-24 be received;
2. That the Mayor and Clerk be authorized to sign the 9-1-1 Joint Powers Agreement; and,
3. That the Region of Durham be so advised.

Carried

10. For information only - Committee of the Whole Minutes of April 8 and 15, 2024

11. Notice of Motion

There were no notices of motion.

12. New and Unfinished Business

There was no new and unfinished business.

13. By-laws

Resolution # 83-24

Moved by Councillor Leahy

Seconded by Councillor Shahid

That leave be granted to introduce By-laws # 8066-24 to # 8076-24 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

- 13.1 By-law # 8066-24

Being a By-law to adopt Amendment Number 133 to the Official Plan of the Town of Whitby

Refer to PDP 09-24, Housekeeping and Technical Amendments to the Whitby Official Plan / Part 2 Secondary Plans

- 13.2 By-law # 8067-24

Being a By-law to prohibit or regulate any alteration to the grade (topography) and drainage of land within the Town of Whitby to limit interference and damage to watercourses, drainage systems and water supplies, to regulate unanticipated grading and drainage alterations as a result of Infill Developments, to limit the use of improper fill and potential environmental impacts, to limit erosion arising from such changes and to limit impacts on neighboring and surrounding properties.

Refer to PDE 01-24, Infill Development By-law

- 13.3 By-law # 8068-24

Being a By-law to amend the Fees and Charges By-law # 7220-17, as amended.

Refer to PDE 01-24, Infill Development By-law and CMS 04-24, Commemorative Tree and Bench Policy Update

13.4 By-law # 8069-24

Being a By-law to set and levy tax rates for the calendar year 2024 for the Town of Whitby and to set penalty and interest rates for unpaid taxes.

Refer to FS 12-24, 2024 Property Tax Rates and Final Billing Due Dates

13.5 By-law # 8070-24

Being a By-law to set and levy tax rates for the Business Improvement Area (BIA) and to set penalty and interest rates for unpaid taxes.

Refer to FS 12-24, 2024 Property Tax Rates and Final Billing Due Dates

13.6 By-law # 8071-24

Being a By-law to amend By-law #2585, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PDP 11-24, Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment Applications – Frontdoor Developments (Palmerston) Inc. – 400 Palmerston Avenue – File # DEV-25-23 (OPA-2023-W/03, SW-2023-03 & Z-09-23)

13.7 By-law # 8072-24

Being a By-law to Amend By-law # 8059-24, being a By-law to Regulate Traffic and Parking on the Highways, Private and Municipal property within the Town of Whitby.

13.8 By-law # 8073-24

Being a By-law to Amend By-law # 8059-24, being a By-law to Regulate Traffic and Parking on the Highways, Private and Municipal property within the Town of Whitby.

13.9 By-law # 8074-24

Being a By-law to authorize, as a Participating Municipality, the approval of amendments to the ONE Joint Investment Board Agreement and the draft Records Retention By-law of ONE Joint Investment Board (“ONE JIB”) in

addition to the delegation to the Secretary of ONE JIB of the powers and duties in respect of ONE JIB's records as set out in the draft by-law.

Refer to FS 07-24, Amendment to ONE JIB Agreement and Approval of ONE JIB Records Retention By-law

13.10 By-law # 8075-24

Being a By-law to adopt Amendment Number 134 to the Official Plan of the Town of Whitby.

Refer to PDP 10-24, DEV-33-22: Official Plan Amendment Application OPA-2022-W/04, Zoning By-law Amendment Application Z-22-22, Whitby 108 Victoria Inc., 106 & 110 Victoria Street West

13.11 By-law # 8076-24

Being a By-law to extend the effective date of Administrative Penalty By-law # 8056-24 and Traffic By-law # 8059-24.

Refer to LS 04-24, Implementation of Administrative Penalty System for parking infractions in Whitby & School Zone Parking Enforcement Update

14. Confirmatory By-law

Resolution # 84-24

Moved by Councillor Yamada

Seconded by Councillor Lee

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 regular meeting held on April 29, 2024 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

15. Adjournment

Moved by Councillor Shahid

Seconded by Councillor Bozinovski

That the meeting adjourn.

Carried

The meeting adjourned at 7:57 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor