



Committee of the Whole Minutes

May 13, 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

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)

-
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. Consent Agenda
5. Planning and Development

Councillor Mulcahy assumed the Chair.

5.1 Presentations

There were no presentations.

5.2 Delegations

- 5.2.1 Nizar Walji representing HarbourTen10 Residences Inc. C/O Castle Group Developments (In-Person Attendance)

Re: PDP 27-24, Planning and Development (Planning Services)
Department Report

Draft Plan Condominium Application, HarbourTen10 Residences Inc., 1010 Dundas Street, File Number: DEV-11-24 (CW-2024-02)

Refer to Item 5.4.1, PDP 27-24

Nizar Walji was in attendance however, he did not provide a delegation due to Item 5.4.1, Report PDP 27-24, being approved during the consent agenda portion of the meeting.

5.3 Correspondence

There was no correspondence.

5.4 Staff Reports

- 5.4.1 PDP 27-24, Planning and Development (Planning Services)
Department Report

Re: Draft Plan Condominium Application, HarbourTen10 Residences Inc., 1010 Dundas Street, File Number: DEV-11-24 (CW-2024-02)

Recommendation:

Moved by Councillor Mulcahy

1. That Council approve the Draft Plan of Condominium (File No. CW-2024-02) subject to the comments included in the Planning Report PDP 27-24 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

5.5 New and Unfinished Business - Planning and Development

There was no new and unfinished business.

6. General Government

Councillor Lundquist assumed the Chair.

6.1 Presentations

There were no presentations.

6.2 Delegations

There were no delegations.

6.3 Correspondence

There was no correspondence.

6.4 Staff Reports

6.4.1 CAO 13-24, Office of the Chief Administrative Officer, Legal and Enforcement Services Department, and Financial Services Department Joint Report

Re: Municipal Accommodation Tax

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

- the benefits of the Municipal Accommodation Tax (MAT) to the community and how the MAT funds would be utilized toward tourism in Whitby;
- whether the percentage of the net MAT revenue retained by the Town was a standard rate, and whether the percentage

of the funds transferred into a reserve fund would be a fixed or variable rate;

- whether there was a maximum rate for the MAT and the possibility of increasing the percentage from four to five percent;
- whether HST would be applied to the MAT for hotel and motel accommodations;
- whether there were any disadvantages associated with the MAT;
- the rationale for creating the Municipal Services Corporation to manage the MAT funds versus partnering with an existing organization; and,
- whether the implementation of the MAT was common among municipalities in Ontario.

Recommendation:

Moved by Mayor Roy

1. That Report CAO 13-24 regarding Municipal Accommodation Tax (MAT) be received;
2. That the Clerk be directed to bring forward a Municipal Accommodation Tax (MAT) By-law, establishing a MAT rate of 4%, effective July 1, 2024, as appended to Report CAO 13-24 as Attachment 1;
3. That Staff be directed to formalize an agreement, and the Commissioner of Finance & Treasurer or designate be authorized to execute an agreement between the Town of Whitby and Ontario Restaurant Hotel & Motel Association (ORHMA) to collect the Municipal Accommodation Tax from Whitby accommodations in a form satisfactory to the Commissioner of Legal & Enforcement Services/Town Solicitor;
4. That Staff are authorized to incorporate a Tourism Municipal Services Corporation (MSC), named Whitby Tourism Development Corporation (WTDC), if available and as outlined in the Business Case Study (Attachment 2) and that

the Commissioner of Finance & Treasurer be authorized to execute any supporting documents confirming consent;

5. That the following list be appointed as the interim Board Members to the Whitby Tourism Development Corporation:
 - a. One (1) Member of Council, as appointed by the Mayor; and
 - b. Four (4) Staff Members.
6. That Staff bring forward in the fourth quarter of 2024, five (5) members to be appointed to the Whitby Tourism Development Corporation (WTDC) Board of Directors, and any required corporate by-laws, Operating Agreement, Asset Transfer Policy, budget, and other operational particulars to allow WTDC to conduct its affairs and transactions per its mandate, and applicable laws and regulations;
7. That the Program Manager, Events, Culture & Tourism and Senior Manager, Economic Development be authorized to request and obtain the consent of the Regional Municipality of Durham to create the Whitby Tourism Development Corporation pursuant to Section 11(4) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;
8. That the Mayor and Clerk be granted the authority to enter into agreements with the MSC on behalf of the Town, including all necessary documents ancillary thereto, with Eligible Tourism Entity(ies) that receive(s) an amount of the Municipal Accommodation Tax respecting reasonable financial accountability matters in order to ensure that amounts paid to the entity are used for the exclusive purpose of promoting tourism, and the agreements may provide for other matters, all in a form satisfactory to the Commissioner of Legal & Enforcement Services/Town Solicitor; and,
9. That a reserve fund, for the portion of the Municipal Accommodation Tax revenue that is retained by the Town, be established and that Staff bring forward a Municipal Accommodation Tax Reserve Fund Policy by the fourth quarter of 2024 for Council approval; and,

10. That Staff report back to Council in the fourth quarter of 2024 on the progress of the new Municipal Accommodation Tax and implementation plan.

Carried

6.4.2 CLK 04-24, Office of the Town Clerk Report

Re: Procedure By-law Review

A detailed discussion ensued between Members of Committee regarding:

- the opportunity for time-limited announcements by Members of Council prior to the adjournment of Regular Council meetings;
- concerns about Committee of the Whole meetings commencing at 5:30 p.m. and the potential impact on the attendance at meetings by members of the public;
- the opportunity for Special Council meetings to take place at any time throughout the day;
- adapting meeting agendas to accommodate attendance by members of the public should meetings begin earlier than 7:00 p.m.;
- ensuring that the adjournment of the meetings remains at 11:00 p.m.;
- confirming the Mayor's designates to represent Council on a Committee or Local Board by majority vote at Council for the purpose of transparency to the community;
- an annual rotation of the Mayor's designates to ensure that Members of Council were not on the same committee or board for the entire term of Council; and,
- details about the current process for the Mayor to appoint designates and the availability of the Mayor's designates on the Town's website and the Council Information Index.

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

- whether meetings adjourning late at night have an impact on the recruitment of Staff;
- clarification on the process when a meeting adjourns at 11:00 p.m. and delegations have not been heard or items on the agenda have not been considered; and,
- clarification on the Mayor's authority related to the appointment of designates on a Committee or Local Board under the Municipal Act and the Town's Procedure By-law.

Recommendation:

Moved by Mayor Roy

1. That the Clerk be directed to bring forward a revised Procedure By-law, as appended to Report CLK 04-24 as Attachment 1, which provides improved formatting, structure, and ease of reference;
2. That the revised Procedure By-law contain the following substantive revisions versus the current rules of procedure, based on feedback from the consultation sessions held with Members of Council:
 - a. an increased submission deadline for notices of motion, requiring Members to provide the Clerk with the topics of proposed motions 10 days in advance of meetings to allow the topics to be shared with all Members of Council prior to agenda publication;
 - b. revised meeting start times of 5:30 p.m. for Committee of the Whole, 6:30 p.m. for Planning Public Meetings, and 7:00 p.m. for Regular Council to be effective following the 2024 Council Summer Recess, noting that between 5:30 and 7:00 p.m. prior to Regular Council meetings will be reserved for Special Council meetings;
 - c. defined meeting adjournment times, requiring Chair review at 10:30 p.m., with all meetings ending at 11:00 p.m. with no further ability to debate or extend the adjournment time, noting that matters not considered prior to the adjournment will be deferred to the next applicable meeting instance;

- d. hearing of delegates only at Committee of the Whole meetings, unless a matter is being considered at a Regular Council meeting that was not previously considered at a Committee of the Whole meeting, or in instances where the effect of the Staff recommendation is altered by Council at Committee of the Whole;
- e. a registration deadline for delegates of 8:00 a.m. on the day of a meeting, allowing members of the public to review agendas over the weekend prior to a meeting and to accommodate the revised Rules of Procedure that only allow delegations at Council for new matters or where the Staff recommendation was altered;
- f. clarification regarding the role of the Chair, noting that the Chair has the responsibility to summarize discussion points raised by delegates, refer questions from delegates to Staff at the appropriate point of a meeting, and has overall responsibility to manage questions from Members to delegates;
- g. clarification regarding the types of questions Members may pose to delegates, noting that questions may only seek to clarify discussion points raised by delegates that are unclear, and not expand the scope of a delegate's remarks or to summarize their comments;
- h. food shall continue to be prohibited in Council Chambers, however Members of Council shall be permitted to consume water and other drinks (e.g., coffee, tea, pop, etc.) noting that beverages consumed on the dais shall be in the provided drinkware;
- i. a general seating plan for Members of Council for Committee of the Whole and Council meetings, as detailed in Attachment 2 to Staff Report CLK 04-24; and,
- j. that the past practice of requiring Members to Stand while speaking at Council meetings be eliminated.

Carried later in the meeting (See following motions)

Recommendation:

Moved by Councillor Cardwell

That the main motion be amended by including the following under Item 2:

Prior to adjournment of Regular Council Meetings, each Member be provided up to one minute to make announcements regarding important achievements and/or milestones within the Town and/or inform the public of upcoming events to promote community awareness.

Carried

Recommendation:

Moved by Councillor Leahy

That the main motion be amended by deleting the following under Item 2:

Revised meeting start times of 5:30 p.m. for Committee of the Whole, 6:30 p.m. for Planning Public Meetings, and 7:00 p.m. for Regular Council to be effective following the 2024 Council Summer Recess, noting that between 5:30 and 7:00 p.m. prior to Regular Council meetings will be reserved for Special Council meetings.

Carried

Recommendation:

Moved by Councillor Leahy

That the main motion be amended by including the following under Item 2:

Where Council representation is required on a Committee or a Local Board, the Mayor shall designate the Member or Members to represent Council on such Committee or Local Board, and the Mayor's designates shall be confirmed by a majority vote of Council.

See following motion

Moved by Councillor Leahy

That the amendment be further amended by deleting the words “confirmed by a majority vote of Council” and replacing the words with “brought forward as a report to receive for information”.

Carried

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

Recommendation:

Moved by Councillor Leahy

That the main motion be amended by including the following under Item 2:

Where Council representation is required on a Committee of a Local Board, the Mayor shall designate the Member or Members to represent Council on such Committee or Local Board, and the Mayor’s designates shall be brought forward as a report to receive for information.

Carried

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

Recommendation:

Moved by Mayor Roy

1. That the Clerk be directed to bring forward a revised Procedure By-law, as appended to Report CLK 04-24 as Attachment 1, which provides improved formatting, structure, and ease of reference;
2. That the revised Procedure By-law contain the following substantive revisions versus the current rules of procedure, based on feedback from the consultation sessions held with Members of Council:
 - a. an increased submission deadline for notices of motion, requiring Members to provide the Clerk with the topics of proposed motions 10 days in advance of meetings to allow the topics to be shared with all Members of Council prior to agenda publication;

- b. defined meeting adjournment times, requiring Chair review at 10:30 p.m., with all meetings ending at 11:00 p.m. with no further ability to debate or extend the adjournment time, noting that matters not considered prior to the adjournment will be deferred to the next applicable meeting instance;
- c. hearing of delegates only at Committee of the Whole meetings, unless a matter is being considered at a Regular Council meeting that was not previously considered at a Committee of the Whole meeting, or in instances where the effect of the Staff recommendation is altered by Council at Committee of the Whole;
- d. a registration deadline for delegates of 8:00 a.m. on the day of a meeting, allowing members of the public to review agendas over the weekend prior to a meeting and to accommodate the revised Rules of Procedure that only allow delegations at Council for new matters or where the Staff recommendation was altered;
- e. clarification regarding the role of the Chair, noting that the Chair has the responsibility to summarize discussion points raised by delegates, refer questions from delegates to Staff at the appropriate point of a meeting, and has overall responsibility to manage questions from Members to delegates;
- f. clarification regarding the types of questions Members may pose to delegates, noting that questions may only seek to clarify discussion points raised by delegates that are unclear, and not expand the scope of a delegate's remarks or to summarize their comments;
- g. food shall continue to be prohibited in Council Chambers, however Members of Council shall be permitted to consume water and other drinks (e.g., coffee, tea, pop, etc.) noting that beverages consumed on the dais shall be in the provided drinkware;
- h. a general seating plan for Members of Council for Committee of the Whole and Council meetings, as detailed in Attachment 2 to Staff Report CLK 04-24;

- i. that the past practice of requiring Members to Stand while speaking at Council meetings be eliminated;
- j. prior to adjournment of Regular Council Meetings, each Member be provided up to one minute to make announcements regarding important achievements and/or milestones within the Town and/or inform the public of upcoming events to promote community awareness; and,
- k. where Council representation is required on a Committee or a Local Board, the Mayor shall designate the Member or Members to represent Council on such Committee or Local Board, and the Mayor's designates shall be brought forward as a report to receive for information.

Carried

6.4.3 LS 07-24, Office of the Chief Administrative Officer and Legal and Enforcement Services Department Joint Report

Re: Review of the Role of Mayor and Deputy Mayor under the Municipal Act, 2001

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

- Staff preparing/presenting a draft policy on the appointment and responsibilities of the Deputy Mayor to Council, that the policy include the eligibility of all Local and Regional Councillors to serve as Deputy Mayor, the selection of the Deputy Clerk by the Mayor on an annual basis, and that appointment of the Deputy Mayor be confirmed by a majority vote of Council;
- the appropriateness of altering the process for appointing a Deputy Mayor at the mid-term of Council;
- continuing the current process for the appointment of Deputy Mayor for the remainder of the 2022 to 2026 term of Council and that any changes to the process be effective for the 2026 to 2030 term of Council;

- legislative changes to the role of the Head of Council and the Strong Mayor powers giving authority that did not previously exist;
- confirmation that there is no requirement to have a Deputy Mayor in the Municipal Act;
- the existing Procedure By-law not capturing the role and responsibilities of a Deputy Mayor and formalizing the responsibilities of a Deputy Mayor;
- the authority of the Mayor with respect to the appointment of a Deputy Mayor under the Municipal Act;
- confirmation that determining the role of the Deputy Mayor was Council's decision;
- whether two weeks would be sufficient time for Staff to present a draft policy to Council; and,
- moving the date for consideration of the draft policy from the May 27, 2024 Council meeting to the June 3, 2024 Committee of the Whole meeting.

Recommendation:

Moved by Mayor Roy

That this Report LS 07-24 be received for information.

Carried later in the meeting (See following motions)

Recommendation:

Moved by Mayor Roy

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

2. That Staff be directed to bring forward a draft policy on the appointment and responsibilities of the Deputy Mayor to the May 27 Council meeting that will include:
 - a. All Local and Regional Councillors shall be eligible to serve as Deputy Mayor; and,
 - b. The Deputy Mayor shall be selected by the Mayor annually and confirmed by a majority vote of Council.

See following motion

Recommendation:

Moved by Councillor Yamada

That the amendment be further amended to delete Items 2.a. and 2.b. and that Item 2 be revised to delete the word “appointment” and read as follows:

2. That Staff be directed to bring forward a draft policy on the responsibilities of the Deputy Mayor to the May 27 Council meeting.

Motion Lost

Recommendation:

Moved by Councillor Yamada

That the amendment be further amended by replacing the words “May 27 Council meeting” with “June 3 Committee of the Whole meeting”.

Carried

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

Recommendation:

Moved by Mayor Roy

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

2. That Staff be directed to bring forward a draft policy on the appointment and responsibilities of the Deputy Mayor to the June 3 Committee of the Whole meeting that will include:
 - a. All Local and Regional Councillors shall be eligible to serve as Deputy Mayor; and,
 - b. The Deputy Mayor shall be selected by the Mayor annually and confirmed by a majority vote of Council.

Carried

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

Recommendation:

Moved by Mayor Roy

1. That this Report LS 07-24 be received for information; and,
2. That Staff be directed to bring forward a draft policy on the appointment and responsibilities of the Deputy Mayor to the June 3 Committee of the Whole meeting that will include:
 - a. All Local and Regional Councillors shall be eligible to serve as Deputy Mayor; and,
 - b. The Deputy Mayor shall be selected by the Mayor annually and confirmed by a majority vote of Council.

Carried

6.4.4 LS 06-24, Legal and Enforcement Services Department and Financial Services Department Joint Report

Re: Correcting Transfer to Acquire Parts 2, 3, 4, 5, 9 & 10 on Plan 40R-32247, being all of PIN 26487-0201(LT) from Metrolinx, and Dispose and Transfer Parts 2, 3, 4, 5, 9 & 10 on Plan 40R-32247, being all of PIN 26487-0201 (LT) to The Regional Municipality of Durham

Recommendation:

Moved by Councillor Lundquist

1. That Part Lot 22, Broken Front Concession, and part of the Road Allowance between Lots 22 and 23, Broken Front Concession, designated as Parts 2, 3, 4, 5, 9 and 10 on Plan 40R-32247, Town of Whitby (being all of PIN 26487-0201 (LT)), as shown in Attachment 2 outlined in green (the "Subject Property") be acquired from Metrolinx and the Subject Property be declared surplus and conveyed to the Regional Municipality of Durham (the "Region") subject to the conditions set forth in Legal Services Report 06-24;
2. That the Clerk bring forward by-laws authorizing the acquisition of the Subject Property from Metrolinx and the

disposition of the Subject Property to the Region to the Council Meeting scheduled for May 27, 2024;

3. That the requirement to obtain an appraisal and give public notice in accordance with Town of Whitby Policy F-190 regarding the Acquisition, Sale or other Disposition of Land Policy be waived for the acquisition and disposition of the Subject Property herein; and,
4. That the Mayor and Clerk be authorized to execute any and all agreements and documents necessary to complete the acquisition of the Subject Property from Metrolinx and the disposition of the Subject Property to the Region.

Carried

6.4.5 FS 19-24, Financial Services Department Report

Re: Revision to Council Expense Policy (G050)

Discussion ensued between Members of Committee regarding:

- eliminating the expense eligibility for tickets to Town organized and community events for a Member of Council's spouse or guest;
- the rationale for the cost of a spouse or guest attending events at the expense of taxpayers;
- the ability of Members of Council to choose how to allocate their expenses within the limit established;
- the transparency of Members of Council's expense accounts to the public; and,
- the amount of time Members of Council spend away from their families and the opportunity for Members of Council to include the attendance of their spouse or guest at events.

Recommendation:

Moved by Councillor Bozinovski

That the revised Council Expense Policy (Policy # G050), Attachments 1 and 2 to Report FS 19-24, be approved.

Carried later in the meeting (See following motion)

Recommendation:

Moved by Councillor Bozinovski

That the main motion be amended to read as follows:

1. That the Council Expense Policy be amended to remove eligibility for a Members's spouse or guest for tickets to Town organized events and community event; and,
2. That the revised Council Expense Policy (Policy # G050), Attachments 1 and 2 to Report FS 19-24, and as amended by Item 1 of this recommendation, be approved.

Motion Lost

The main motion was then carried.

6.4.6 FS 17-24, Financial Services Department Report

Re: Enhanced Property Tax Payment Options

Recommendation:

Moved by Councillor Lundquist

1. That the Town implement two new property tax pre-authorized payment plans as outlined in Report FS 17-24;
2. That staff be authorized to adjust the terms & conditions of the Pre-authorized Payment plans as required;
3. That, despite the two (2) years provided for in the Municipal Act, the Town of Whitby only proceeds to Tax Registration with accounts that are three (3) years in arrears plus the current year;
4. That the Town initiate a process to search title on a tax roll prior to Tax Registration in the year the account is two (2) years in arrears plus current and notify interested parties of the impending Tax Registration; and,
5. That the Town's Fees and Charges By-law be amended to include a "Tax roll sub-search of Title" in the amount of \$150.00.

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 8:51 p.m.