



Committee of the Whole Minutes

September 23, 2024, 7:00 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski (Virtual Attendance)
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. Long, Head of Organizational Effectiveness
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor
R. Saunders, Commissioner of Planning and Development
P. Thistle, Director of Operational Services
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

There were no declarations of conflict of interest.

4. Consent Agenda

It was the consensus of Committee to hear the General Government portion of the meeting prior to the Planning and Development portion.

5. Planning and Development

Councillor Mulcahy assumed the Chair.

5.1 Presentations

There were no presentations.

5.2 Delegations

There were no delegations.

5.3 Correspondence

5.3.1 Memorandum from T. Painchaud, Sr. Manager, Transportation Services, dated September 6, 2024 regarding Whitburn Street, Speed Hump Engagement Results

Discussion ensued between Members of Committee regarding:

- the results of the survey about permanently removing, reducing the number of speed humps or maintaining the speed humps on Whitburn Street; and,
- speed humps being the most effective way to reduce speed.

Recommendation:

Moved by Mayor Roy

1. That the memorandum from T. Painchaud, Sr. Manager, Transportation Services, dated September 6, 2024 regarding Whitburn Street, Speed Hump Engagement Results be received for information; and,
2. That Staff be directed to report to Council with information about the cost and other implications associated with removing the speed humps, reducing the number of speed humps, and maintaining the speed humps in their current configuration.

Carried

5.4 Staff Reports

5.4.1 PDE 09-24, Planning and Development (Engineering Services)
Department Report

Re: Update to Traffic By-law 8059-24, Pedestrian Crossovers

A brief question and answer period ensued between Members of Committee and Staff regarding the timeline for the installation of the pedestrian crossover at Watson Street at Victoria Fields.

Recommendation:

Moved by Councillor Lundquist

1. That Council approve the proposed amendment to Traffic By-law 8059-24, to incorporate the changes to Schedule "Q" of the By-law, as identified in Attachment 3; and,
2. That a By-law to amend By-law 8059-24 be brought forward for the consideration of Council.

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

6.1.1 John Henry, Regional Chair and Elaine Baxter-Trahair, Chief Administrative Officer, Regional Municipality of Durham (In-Person Attendance)

Re: Region of Durham Annual Update

John Henry, Regional Chair and Elaine Baxter-Trahair, Chief Administrative Officer, Regional Municipality of Durham, provided a PowerPoint presentation about the Region of Durham Annual Update. Highlights of the presentation included:

- various initiatives including an interactive guest book, community place making and art installations, and the Doors Open event in celebration of the Region of Durham's 50th anniversary;
- details about the extensive growth within the Region of Durham including the number of businesses and post-secondary institutions, and the increase in population;
- the financial investment in watermains, sanitary sewer projects, road rehabilitation, and intersection improvements in Whitby to increase capacity and enable future growth;
- detailed information about financial support for the development of affordable housing in Whitby through the Region's At Home Incentive Program;
- detailed information about the Region's investment in critical services including policing, paramedics and homelessness support to ensure the safety and well-being of residents;
- information about the Region's focus on transit and transportation to ensure residents and goods can arrive at their destinations including transit ridership growth, scheduled and on-demand response transit, electric buses, and the potential to develop four new GO Train Stations as part of the Lakeshore East line expansion; and,
- details about innovation in the Region including the 2023-2027 Durham Region Economic Development Strategy and Action Plan, Ready Set Future: A PLACE Blueprint for Durham, the partnership between the Region and the Town supporting investment from companies such as Global First Power, and Ontario Tech's Project Arrow.

A question and answer period ensued between Members of Committee, Mr. Henry and Ms. Baxter-Trahair regarding:

- details about the plans to celebrate Region's 50th anniversary;
- whether concerns about garbage and incidents in bus shelters in the area around the shelter at 1635 Dundas Street East would be addressed prior to the expansion, how

the Region addresses concerns received by the Town, and whether there would be additional security in the neighbourhood prior to or following the expansion;

- the rationale for not having in-person community consultation for Phase 2 of the 1635 Dundas project;
- challenges associated with mental health and addiction and the lack of solutions from upper levels of government;
- the Region's 2025 budget restrictions and the impact it would have on Whitby;
- confirmation that concerns about homelessness, mental health, and addiction were shared throughout municipalities in Ontario;
- details about programs in conjunction with the province related to the needs and supports for mental health;
- the number of names on the By-Name List and the number of homeless individuals on the By-Name list that were from Whitby; and,
- the percentage of renters at risk of losing rental accommodation and whether there were programs to assist at-risk renters from losing their housing.

6.2 Delegations

6.2.1 Mark Masri, Resident (Virtual Attendance)

Re: Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated June 14, 2024 regarding a Fence By-law Exemption request for 101 Carnwith Drive West

Refer to Item 6.3.1, Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated June 14, 2024 regarding a Fence By-law Exemption request for 101 Carnwith Drive West

Mark Masri, Resident, provided a PowerPoint presentation regarding the fence exemption request for 101 Carnwith Drive West. Highlights of the presentation included:

- the request for approval of an exemption beyond the maximum fence height of 7 feet 2 inches through the delegated authority of Staff;
- the enjoyment, privacy, peace, and tranquility of the delegate's backyard being compromised due to an unconventional lot severance, the abutting property's front door, windows, and driveway overlooking his back yard, and the noise and disturbances created by vehicles driving up and down the driveway on the abutting east side and around the back of his property; and,
- granting an exemption to accommodate the current fence height of 9 feet 4 inches at the rear of the property and the fence height of 7 feet 4 inches on the east side of the property.

A question and answer period ensued between Members of Committee and Mr. Masri regarding:

- whether the delegate was aware of the fence height restriction of 6 feet 6 inches when the fence was constructed;
- whether the height of the fence remained at 9 feet 4 inches; and,
- whether there were concerns about emergency services not being able to locate the property behind Mr. Masri's home due to the height of the delegate's fence.

It was the consensus of the Committee to hear Item 6.3.1, Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated June 14, 2024 regarding a Fence By-law Exemption request for 101 Carnwith Drive West, at this time.

6.2.2 Mark Challenger, Resident (In-Person Attendance)

Re: Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated August 23, 2024 regarding a Fence By-law Exemption request for 1 Glencedar Crescent

Refer to Item 6.3.2, Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated August 23, 2024 regarding a

Fence By-law Exemption request for 1 Glencedar Crescent

Mark Challenger, Resident, appeared before the Committee and advised that he lives on a corner lot on Glencedar Crescent. He provided the dimensions of his property, noting the incline of his property from north to south and east to west. He stated that there was a cedar hedge around his property that was 10 feet high and 9 feet wide which had to be removed because it was encroaching on the sidewalk. Mr. Challenger indicated that a fence 8 feet high was constructed to replace the cedar hedge and that it was stepped up and down to accommodate the grading of the property. He noted that he had the consent of his neighbours for the fence. Mr. Challenger requested that the Fence By-law exemption request be approved.

A question and answer period ensued between Members of Committee and Mr. Challenger regarding:

- confirmation that the height of the fence was stepped up and down to accommodate the grading of the property;
- whether the delegate was aware of the fence height restrictions when the 8 feet high fence was constructed, and confirmation that fence was constructed in the summer;
- whether the notice that the delegate received noted a deadline for when the trimming of the hedge had to be completed;
- whether Mr. Challenger's neighbours would provide consent to Town Staff for the existing fence; and,
- the cost to remove the hedge and construct the fence, and the cost to modify the fence to comply with the height restrictions should the exemption request not be approved.

6.3 Correspondence

6.3.1 Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated June 14, 2024 regarding a Fence By-law Exemption request for 101 Carnwith Drive West

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

- whether the Staff report to update the Fence By-law being presented to Council would include a height adjustment to a maximum fence height of 8 feet;
- whether there were concerns related to emergency services response time to the neighbour's property due to the height of the height of the fence located at 101 Carnwith Drive West;
- whether Staff had any concerns with granting the exemption;
- confirmation that Staff only act on Fence By-law violations on a complaint basis;
- the frequency of Fence By-law exemption requests, the number of current and upcoming Fence By-law exemption requests, and whether Staff anticipated an increase in requests due to future development;
- referring the Fence By-law exemption request to Staff to review the policy and procedures related to the scope of delegated authority and exemption requests that exceed the maximum height for approval of the delegated authority as part of the update to the Fence By-law, and the timeline for a report back to Council;
- reviewing current practices of other municipalities in terms adjudicating these types of requests;
- whether enforcement action against the delegate would be postponed until a decision was made by Council, and if consideration of existing or upcoming requests for Fence By-law exemptions could not take place until a new process was in place; and,
- whether granting the Fence By-law exemption request for 101 Carnwith Drive West would set a precedence for future recurring non-compliance of the Fence By-law.

Recommendation:

Moved by Councillor Leahy

1. That the Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated June 14, 2024 regarding a

Fence By-law Exemption request for 101 Carnwith Drive West be received for information; and,

2. That Council grant an exemption from the provisions of Fence By-law # 4394-99, as amended, to permit a fence measuring up to a maximum height of 2.85 metres (approximately 9 feet, 4 inches) in the rear yard at 101 Carnwith Drive West.

Note: The disposition of this matter, Item 6.3.1, was determined through the referral motion below.

Recommendation:

Moved by Councillor Lee

Whereas Council approved amendments to the Fence By-law on March 7, 2022 to create a defined process for minor height exemptions and delegated authority to the Commissioner of Legal and Enforcement Services/Town Solicitor to approve minor exemption requests; and,

Whereas the Commissioner has authority where the height exemption being sought is no more than a maximum 10% variance from the Fence By-law, the applicant provides the required information with their application, and the applicant pays an application fee as set out in the Town's Fees and Charges By-law; and;

Whereas the intent of delegating authority to the Commissioner was to remove Fence By-law exemption requests from Council consideration given the difficulties with Council acting as an adjudicating body for licensing and standards matters;

Now Therefore be it Resolved:

That the Fence By-law exemption request be referred to the Town Clerk and Commissioner of Legal and Enforcement Services to review and report back in Q4 2024 to Council on the existing scope of delegated authority, expanding the percentage variance for delegated authority over existing fence heights, associated fees, and process to handle requests beyond the scope of authority delegated to Staff.

Carried

It was the consensus of the Committee to hear Item 6.2.2, Delegation by Mark Challenger, Resident, at this time.

6.3.2 Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated August 23, 2024 regarding a Fence By-law Exemption request for 1 Glencedar Crescent

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

- whether a Fence By-law exemption request for a fence measuring 7 feet 2 inches in height could have been approved through the delegated authority of Staff and confirmation that the delegate never submitted a request for a Fence By-law exemption to Staff;
- whether there were any current enforcement proceedings with respect to 1 Glencedar Crescent, and confirmation that Staff would not undertake enforcement pending a decision by Council;
- whether Staff were considering increasing the maximum fence height from 6 feet 6 inches to 8 feet;
- consideration for the percentage beyond the maximum fence height for approval through the delegated authority of Staff; and,
- whether Staff have any objection to the Fence By-law exemption request.

Recommendation:

Moved by Councillor Leahy

1. That the Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated August 23, 2024 regarding a Fence By-law Exemption request for 1 Glencedar Crescent be received for information; and,
2. That Council grant an exemption from the provisions of Fence By-law # 4394-99, as amended, to permit a fence measuring up to a maximum height of 2.44 metres (approximately 8 feet) for the northern portion of the rear yard at 1 Glencedar Crescent, noting that any fencing along the eastern or southern portions of the rear yard will be

required to comply with the 2 metre (approximately 6 feet, 6 inches) rear yard fence height maximum included in Fence By-law # 4394-99, as amended.

Note: The disposition of this matter, Item 6.3.2, was determined through the referral motion below.

Recommendation:

Moved by Councillor Lee

Whereas Council approved amendments to the Fence By-law on March 7, 2022 to create a defined process for minor height exemptions and delegated authority to the Commissioner of Legal and Enforcement Services/Town Solicitor to approve minor exemption requests; and,

Whereas the Commissioner has authority where the height exemption being sought is no more than a maximum 10% variance from the Fence By-law, the applicant provides the required information with their application, and the applicant pays an application fee as set out in the Town's Fees and Charges By-law; and;

Whereas the intent of delegating authority to the Commissioner was to remove Fence By-law exemption requests from Council consideration given the difficulties with Council acting as an adjudicating body for licensing and standards matters;

Now Therefore be it Resolved:

That the Fence By-law exemption request be referred to the Town Clerk and Commissioner of Legal and Enforcement Services to review and report back in Q4 2024 to Council on the existing scope of delegated authority, expanding the percentage variance for delegated authority over existing fence heights, associated fees, and process to handle requests beyond the scope of authority delegated to Staff.

Carried

It was the consensus of the Committee to hear Item 6.4.2, CAO 17-24, at this time.

6.3.3 Memorandum from F. Santaguida, Commissioner, Legal and Enforcement Services/Town Solicitor, dated September 3, 2024

regarding a Request of Exception from Fee By-law # 7220-17 - Driveway Encroachment for 89 Garden Street

A brief discussion ensued between Members of Committee regarding the homeowner not being available to delegate at this meeting and postponing consideration of the matter until the next Council meeting.

Recommendation:

Moved by Councillor Leahy

That consideration of Item 6.3.3, Memorandum from F. Santaguida, Commissioner, Legal and Enforcement Services/Town Solicitor, dated September 3, 2024 regarding a Request of Exception from Fee By-law # 7220-17 - Driveway Encroachment for 89 Garden Street, be deferred to the Committee of the Whole meeting on October 28, 2024.

Carried

6.4 Staff Reports

6.4.1 LS 13-24, Legal and Enforcement Services Department Report

Re: Proposed Amendments to the Noise By-law

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

- the impact of the proposed amendments to the Noise By-law;
- whether neighbours would be required to continue to log their observations of noise and/or appear in court to give testimony and whether evidence would be gathered without relying on neighbours;
- confirmation that noise from construction was prohibited after 7:00 p.m., and whether prohibiting music from musical instruments after 9:00 p.m. applies to weekends;
- whether the Town's enforcement officers issue fines for noise violations;

- clarification about whether municipal enforcement officers or the Durham Region Police Service enforce noise complaints after 11:00 p.m.; and,
- providing the dedicated telephone number for noise complaints to the public through social media.

Recommendation:

Moved by Councillor Leahy

1. That Report LS 13-24 be received for information; and,
2. That the proposed amendments to the Town's Noise By-law #6917-14 as appended to Report LS 13-24 as Attachment # 1 be brought forward to Council for consideration.

Carried

6.4.2 CAO 17-24, Office of the Chief Administrative Officer Report

Re: Sustainable Neighbourhood Action Program Pilot Project - Neighbourhood Selection Report

A question and answer period ensued between Members of Committee, Patricia Lowe, Sustainable Neighbourhood Action Program Coordinator, Central Lake Ontario Conservation Authority, and Junaid Khan, Project Manager, Sustainability and Climate Change regarding:

- the rationale for the selection of the West Lynde neighbourhood for the Sustainable Neighbourhood Action Program Pilot Project (SNAP);
- estimated budget costs for the implementation of infrastructure and other SNAP projects based on Toronto's model; and,
- initiatives to inform the public about the project.

Recommendation:

Moved by Councillor Leahy

1. That Report CAO 17-24 be received for information; and,

2. That Council endorse the delivery of a SNAP Pilot Project in the preferred neighbourhood of West Lynde, as outlined in Report CAO 17-24.

Carried

It was the consensus of the Committee to hear Item 6.3.3, Memorandum from F. Santaguida, Commissioner, Legal and Enforcement Services/Town Solicitor, dated September 3, 2024 regarding a Request of Exception from Fee By-law # 7220-17 - Driveway Encroachment for 89 Garden Street, at this time.

6.4.3 CMS 10-24, Community Services Department Report

Re: Gateway Maintenance Program

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

- the percentage increase on the property tax-base should Option 2 noted in the report be approved;
- the impact of the cost of Option 2 on 2025 property taxes;
- confirmation that Option 2 would require additional one-time funding of approximately \$580,000 or the deferral of additional asset and infrastructure maintenance projects due to the annual funding gap for asset and infrastructure maintenance of \$10.8 million;
- confirmation that the amount of \$579,000 was only to remove gateway features deemed to be a safety risk or that have significant cosmetic damage;
- confirmation that Option 2 would expand the Town's current standards to include gateway features on Regional and private property;
- the number of complaints received about gateway features and whether the number of complaints would justify deferring other high priority projects;
- whether Town by-laws would apply to the maintenance of gateway features on private property;
- whether the Region has ever removed a gateway feature located on a Regional property;

- the liability for injury caused by a structurally failing gateway feature located on a Regional right-of-way;
- whether property owners that have fences or gateway features on their property were aware of their responsibility to maintain such fence or gateway feature;
- whether the Town assumed costs for any other Regional repairs/maintenance; and,
- the Region being advised of safety concerns about the condition of some of the gateway features on Regional property.

Recommendation:

Moved by Councillor Bozinovski

1. That Report CMS 10-24 be received for information;
2. That the Town's level of service be expanded to include the removal of failing/unsafe iron fences, masonry columns, and gateway features on Regional and private property, as identified as Option 2 in Staff Report CMS 10-24;
3. That Council recommends that the Mayor consider including the one-time costs associated with Option 2 in Staff Report CMS 10-24 of approximately \$579,000 in the 2025 budget and including ongoing operating budget funding of \$106,000 per year in the 2025 operating budget through a property tax increase; and,
4. That NUB Item GG-0022 "That Staff be directed to report to Council on the implementation of a gateway maintenance program, including additional resources required, to address the repair and rehabilitation of deteriorating gateway signage in subdivisions throughout the Town of Whitby" be removed from the New and Unfinished Business Listing.

See following motions

Recommendation:

Moved by Councillor Shahid

That Report CMS 10-24 be referred to the Council meeting on October 7, 2024 to allow Staff an opportunity to consult with the

Region regarding maintenance of gateway features on Regional property.

Motion Lost

The main motion was then before Committee as follows:

Recommendation:

Moved by Councillor Bozinovski

1. That Report CMS 10-24 be received for information;
2. That the Town's level of service be expanded to include the removal of failing/unsafe iron fences, masonry columns, and gateway features on Regional and private property, as identified as Option 2 in Staff Report CMS 10-24;
3. That Council recommends that the Mayor consider including the one-time costs associated with Option 2 in Staff Report CMS 10-24 of approximately \$579,000 in the 2025 budget and including ongoing operating budget funding of \$106,000 per year in the 2025 operating budget through a property tax increase; and,
4. That NUB Item GG-0022 "That Staff be directed to report to Council on the implementation of a gateway maintenance program, including additional resources required, to address the repair and rehabilitation of deteriorating gateway signage in subdivisions throughout the Town of Whitby" be removed from the New and Unfinished Business Listing.

Motion Lost

Recommendation:

Moved by Mayor Roy

1. That Report CMS 10-24 be received for information;
2. That the Town's current level of service as identified as Option 1 in Staff Report CMS 10-24 for the maintenance of fencing, gateway features, decorative fencing and columns be continued; and,

3. That NUB Item GG-0022 “That Staff be directed to report to Council on the implementation of a gateway maintenance program, including additional resources required, to address the repair and rehabilitation of deteriorating gateway signage in subdivisions throughout the Town of Whitby” be removed from the New and Unfinished Business Listing.

Carried

6.4.4 CMS 11-24, Community Services Department Report

Re: 55+ Recreation Advisory Committee Terms of Reference - Revisions

Recommendation:

Moved by Mayor Roy

That Council approve the revised Terms of Reference for the 55+ Recreation Advisory Committee (Attachment 1).

Carried

6.4.5 CLK 07-24, Office of the Town Clerk

Re: 2025 Council, Committee, and Public Meetings Schedule

Recommendation:

Moved by Councillor Lundquist

That Council approve the 2025 Council, Committee, and Public Meetings schedule appended as Attachment 1 to this Report.

Carried

6.4.6 FES 04-24, Fire and Emergency Services Department Report

Re: Whitby Fire and Emergency Services - Equipment Standardization

Recommendation:

Moved by Councillor Lundquist

1. That Council approves the standardization of emergency response equipment and fire apparatus, as outlined in Table 1 of Staff Report FES 04-24; for a period of five (5) years, ending September 30, 2029; and,
2. That staff procure standardized equipment outlined in Table 1 of Staff Report FES 04-24 in accordance with the Procurement Policy, and staff be authorized to single source award contracts for items where there is only one authorized supplier/distributor for the Whitby geographical area.

Carried

6.5 New and Unfinished Business - General Government

There was no new and unfinished business.

7. Adjournment

Motion to Adjourn

Recommendation:

Moved by Councillor Shahid

That the meeting adjourn.

Carried

The meeting adjourned at 10:35 p.m.