



Special Council Minutes

October 9, 2024, 4:00 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski (Virtual Attendance)
Councillor Cardwell (Virtual Attendance, In-Person Attendance at 4:25 p.m.)
Councillor Leahy
Councillor Lee
Councillor Lundquist
Councillor Mulcahy
Councillor Shahid
Councillor Yamada (Virtual Attendance, In-Person Attendance at 4:02 p.m.)

Also Present: M. Gaskell, Chief Administrative Officer
M. Hickey, Fire Chief
S. Klein, Director of Strategic Initiatives
J. Long, Head of Organizational Effectiveness
C. Bridgeman, Director of Facilities
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)

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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. Committee of the Whole Report – Planning and Development

Planning and Development - September 16 and 23, 2024

4.1 PDP 42-24, Planning and Development (Planning Services) Department Report

Re: Town Initiated Official Plan Review – Background Summary and Preliminary Engagement Results

A brief question and answer period ensued between Members of Council and Staff regarding planned further engagement with the public for the remainder of 2024 and into 2025.

Resolution # 174-24

Moved by Councillor Mulcahy
Seconded by Councillor Cardwell

That Report PDP 42-24 be received for information.

Carried

4.2 PDP 43-24, Planning and Development (Planning Services) Department Report

Re: DEV-21-24: Draft Plan of Condominium Application CW-2024-04, 10447889 Canada Inc., 400 and 414 Mary Street East

Resolution # 175-24

Moved by Councillor Mulcahy
Seconded by Councillor Cardwell

1. That Council approve the Draft Plan of Condominium (File No. CW-2024- 04) subject to 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

- 4.3 PDP 44-24, Planning and Development (Planning Services) Department Report

Re: Sign By-law Variance to Permanent Sign By-law for 100 Rossland Road West (Whitby Christian Assembly) – SB-01-24

Resolution # 176-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

That Council approve the request for a variance to the Town of Whitby Permanent Sign By-law #7379-18 for the Whitby Christian Assembly, located at 100 Rossland Road West.

Carried

- 4.4 PDP 45-24, Planning and Development (Planning Services) Department Report

Re: Sign By-law Variance to Permanent Sign By-law for 75 Consumers Drive (Beertown) – SB-02-24

Resolution # 177-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

That Council approve the request for a variance to the Town of Whitby Permanent Sign By-law #7379-18 for Beertown, located at 75 Consumers Drive.

Carried

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

Resolution # 178-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

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

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

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

Resolution # 179-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

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. Committee of the Whole Report – General Government

General Government - September 16 and 23, 2024

5.1 FS 32-24, Financial Services Department Report

Re: Municipal Accommodation Tax Reserve Fund Policy

Resolution # 180-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

That Council approve the creation of the Municipal Accommodation Tax Reserve Fund and the affiliated reserve fund policy included in Attachment 1 of Report FS 32-24.

Carried

5.2 FS 39-24, Financial Services Department Report

Re: Public Engagement Feedback for Pioneer Baptist Cemetery Name Change

Resolution # 181-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

1. That public engagement feedback received for the proposed Pioneer Cemetery Name Change to the Dryden Cemetery be received; and,
2. That the Groveside Cemetery Board and staff be authorized to initiate the name change with the Bereavement Authority of Ontario and execute all documents to implement the cemetery name change.

Carried

5.3 CAO 18-24, Office of the Chief Administrative Officer Report

Re: Downtown Whitby Action Plan September 2024 Update

Resolution # 182-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

1. That Report CAO 18-24 – Downtown Whitby Action Plan September 2024 Update, be received as information; and,
2. That staff be directed to undertake an update to the Downtown Whitby Action Plan in 2025 and bring forward a new plan for Council's consideration and approval.

Carried

5.4 Solve the Crisis Campaign

Resolution # 183-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

Whereas there is a humanitarian crisis unfolding on streets in our cities, large and small, urban and rural, across Ontario. The time for words is over, we need immediate action at all levels of government, starting with the Province; and,

Whereas the homelessness, mental health and addictions crisis continues to grow with 3432 drug related deaths in Ontario in 2023 as well as with an estimated 234,000 Ontarians experiencing homelessness and over 1400 homeless encampments across Ontario communities in 2023; and,

Whereas the province has provided additional funding for mental health, addictions and homelessness programs, it does not adequately address the growing crisis and the financial and social impact on municipalities and regions across the province; and,

Whereas municipalities and regions are stepping up and working with community partners to put in place community-specific solutions to address this crisis, but municipalities and regions lack the expertise, capacity, or resources to address these increasingly complex health care and housing issues alone; and,

Whereas this is primarily a health issue that falls under provincial jurisdiction and municipalities and regions should not be using the property tax base to fund these programs; and,

Whereas there is no provincial lead focused on this crisis leading to unanswered questions that span over a dozen ministries, and a lack of support to manage the increasing needs of those who are unhoused.

Now Therefore be it Resolved that the Town of Whitby supports the Solve the Crisis Campaign;

AND calls on provincial and federal governments to commit to immediate action to solve the Humanitarian Crisis that Ontario is facing as the numbers of unhoused individuals and those suffering with mental health & addictions grows exponentially;

AND that the province officially makes Homelessness a Health Priority;

AND appoints a responsible Minister and Ministry with the appropriate funding and powers as a single point of contact to address the full spectrum of housing needs as well as mental health, addictions and wrap around supports;

AND request that the provincial government strike a task force with broad sector representatives including municipalities, regions, healthcare, first responders, community services, the business community and the tourism industry to develop a Made in Ontario Action Plan;

AND that this provincial task force reviews current programs developed by municipalities, regions and community partners that have proven successful in our communities, to ensure that solutions can be implemented quickly and effectively to tackle this crisis.

AND provides the adequate, sufficient and sustainable funding to ensure that municipalities have the tools and resources to support individuals suffering with mental health and addictions, including unhoused people and those from vulnerable populations that may be disproportionately impacted;

AND that this Council calls on the residents of the Town of Whitby to join us in appealing to the provincial and federal governments for support by visiting [SolveTheCrisis.ca](https://www.solve-thecrisis.ca) and showing your support;

AND that the Clerk be directed to send a copy of this motion to:

- The Right Honourable Justin Trudeau, Prime Minister of Canada
- The Honourable Sean Fraser, Minister of Housing, Infrastructure and Communities of Canada
- The Honourable Doug Ford, Premier of Ontario
- The Honourable Sylvia Jones, Deputy Premier and Minister of Health
- The Honourable Paul Calandra, Minister of Municipal Affairs and Housing
- The Honourable Michael Parsa, Minister of Children, Community and Social Services
- The Honourable Michael Tibollo, Associate Minister of Mental Health and Addictions
- Local MPs

- Local MPPs, and,
- Ontario's Big City Mayors.

Carried

5.5 Condemn Antisemitic Vandalism

Resolution # 184-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

1. The Town of Whitby Council condemns in the strongest terms possible the recent acts of Antisemitism and hate. It restates its commitment to an inclusive and welcoming town for all Whitby residents.
2. Whitby Council express its support for the past National Action Summit on Antisemitism which had the participation of the Federal, Provincial and local governments.
3. Whitby Council commits to looking for ways to educate residents about Antisemitism and ways to combat antisemitism, including a possible Antisemitism campaign.
4. Town Council directs the CAO, in partnership with relevant divisions, to support Jewish community members in reporting hate crimes.

Carried

5.6 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

Note: This item was referred at Committee.

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

Discussion ensued between Members of Council regarding:

- providing the property owner with an exemption from the maximum height provisions in the Fence By-law due to the owner's health concerns and the cost that the owner has invested to construct the fence;
- allowing Staff the opportunity to review the Fence By-law exemption process and report to Council on a revised process; and,
- concerns about providing the exemption considering that the fence was built in contravention of the Fence By-law prior to the request for an exemption being submitted.

A brief question and answer period ensued between Members of Council and Staff regarding the history associated with the property and confirmation that there was a hedge on the property in the location where the fence had been constructed.

Resolution # 185-24

Moved by Councillor Leahy

Seconded by Councillor Yamada

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.

	For	Against	Conflict
Mayor Roy		X	
Councillor Bozinovski	X		
Councillor Cardwell	X		

Councillor Leahy	X		
Councillor Lee		X	
Councillor Lundquist		X	
Councillor Mulcahy		X	
Councillor Shahid	X		
Councillor Yamada	X		
Results	5	4	0

Carried on a Recorded Vote (5 to 4)

- 5.8 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

Note: This item was deferred at the Committee of the Whole meeting on September 23, 2024 to the Committee of the Whole meeting on October 28, 2024.

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

Re: Proposed Amendments to the Noise By-law

Resolution # 186-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

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

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

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

Resolution # 187-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

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

5.11 CMS 10-24, Community Services Department Report

Re: Gateway Maintenance Program

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

- concerns about gateway features, decorative fencing, and columns that are falling into disrepair;
- the additional costs and potential liability associated with maintaining gateway features, decorative fencing, and columns on Regional and private property;
- confirmation that gateway features, decorative fencing, and columns on private property are currently the responsibility of the private property owner to repair and maintain;
- the status of discussions between the Town and the Region regarding the Region repairing gateway features, decorative fencing, and columns on Regional property that are in a state of disrepair;
- enforcing Town by-laws to require private property owners to repair and maintain gateway features, decorative fencing, and columns on private property;
- budgetary pressures facing the Town and the community;

- maintaining the aesthetic quality of the Town and the benefits of repairing and maintaining gateway features, decorative fencing, and columns before they fail;
- confirmation from Staff that gateway features, decorative fencing, and columns are still being approved in developments, however they are being located on private property so the Town is not responsible for maintenance; and,
- the potential to expand the Community Improvement Plan to provide a matching grant for property owners to remove failing gateway features, decorative fencing, and columns on private property.

Moved by Councillor Lundquist

Seconded by Councillor Lee

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 later in the meeting (See following motions)

Moved by Councillor Bozinovski

Seconded by Councillor Leahy

That the main motion be amended to strike Item 2 and add the following as Items 2 and 3, with the remaining Item being renumbered accordingly:

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;

	For	Against	Conflict
Mayor Roy		X	
Councillor Bozinovski	X		
Councillor Cardwell		X	
Councillor Leahy	X		
Councillor Lee		X	
Councillor Lundquist		X	
Councillor Mulcahy		X	
Councillor Shahid	X		
Councillor Yamada	X		
Results	4	5	0

Motion Lost on a Recorded Vote (4 to 5)

The main motion was then carried, as follows:

Resolution # 188-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

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

5.12 CMS 11-24, Community Services Department Report

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

Resolution # 189-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

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

Carried

5.13 CLK 07-24, Office of the Town Clerk

Re: 2025 Council, Committee, and Public Meetings Schedule

A discussion ensued between Members of Council regarding rescheduling the March 17, 2025 Council meeting date.

Moved by Councillor Lundquist

Seconded by Councillor Lee

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

Carried later in the meeting (See following motions)

Moved by Councillor Cardwell

Seconded by Councillor Shahid

That the main motion be amended as follows:

That Council approve the 2025 Council, Committee, and Public Meetings schedule appended as Attachment 1 to this Report, save and except that the March 17, 2025 Council Meeting be moved to March 24, 2025 and the March 24, 2025 Public Meetings be moved to March 31, 2025.

Motion Withdrawn

The main motion was then carried, as follows:

Resolution # 190-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

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

Carried

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

Re: Whitby Fire and Emergency Services - Equipment Standardization

Resolution # 191-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

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. For information only - Committee of the Whole Minutes of September 16 and 23, 2024

7. By-laws

Resolution # 192-24

Moved by Councillor Shahid
Seconded by Councillor Yamada

That leave be granted to introduce By-laws # 8110-24 to # 8115-24 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

7.1 By-law # 8110-24

Being a By-law to amend the Permanent Sign By-law # 7379-18, as amended.

Refer to PDP 04-24, Van Horne Outdoors / AllVision Proposal

7.2 By-law # 8111-24

Being a By-law to amend Noise By-law # 6917-14, as amended.

Refer LS 13-24, Proposed Amendments to the Noise By-law

7.3 By-law # 8112-24

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

Refer to PDE 09-24, Update to Traffic By-law 8059-24, Pedestrian Crossovers

7.4 By-law # 8113-24

Being a By-law to amend By-law # 1784, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PDP 22-22, Draft Plan of Subdivision and Zoning By-law Amendment Applications, Abacus Equity Infusion Limited, 7400 Thickson Road North, File Numbers: DEV-03-20 (SW-2020-01, Z-02-20)

7.5 By-law # 8114-24

Being a By-law to adopt Amendment Number 135 to the Official Plan of the Town of Whitby.

Refer to PDP 15-24, DEV-21-18: Official Plan Amendment Application OPA-2018-W/06, Zoning By-law Amendment Application Z-33-18, Devon Downs Developments Ltd., 2002 Rossland Road East

7.6 By-law # 8115-24

Being a By-law to amend By-law #1784, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PDP 15-24, DEV-21-18: Official Plan Amendment Application
OPA-2018-W/06, Zoning By-law Amendment Application Z-33-18, Devon
Downs Developments Ltd., 2002 Rossland Road East

8. New and Unfinished Business

- 8.1 Correspondence # 2024-571 received from Mayor Roy, dated September 20, 2024, regarding the Appointment of Deputy Mayor for 2024

Councillor Yamada rose on a question of privilege and made a statement regarding his tenure as Deputy Mayor and how he felt that Members of Council had treated him differently in terms of how he was recognized during that time.

Moved by Councillor Cardwell

Seconded by Mayor Roy

1. That Council receive Correspondence #2024-571 from Mayor Roy, dated September 20, 2024, regarding the Appointment of a Deputy Mayor for 2024 for information; and,
2. That Council confirm the appointment of Councillor Lundquist as Deputy Mayor through December 31, 2024.

Carried later in the meeting (See following motions)

Moved by Councillor Cardwell

Seconded by Councillor Shahid

That the motion for the previous question be called.

	For	Against	Conflict
Mayor Roy	X		
Councillor Bozinovski		X	
Councillor Cardwell	X		
Councillor Leahy		X	
Councillor Lee	X		
Councillor Lundquist	X		
Councillor Mulcahy	X		

Councillor Shahid	X		
Councillor Yamada		X	
Results	6	3	0

Carried on a Recorded Vote (6 to 3)

The main motion was then carried, as follows:

Resolution # 193-24

Moved by Councillor Cardwell

Seconded by Mayor Roy

1. That Council receive Correspondence #2024-571 from Mayor Roy, dated September 20, 2024, regarding the Appointment of a Deputy Mayor for 2024 for information; and,
2. That Council confirm the appointment of Councillor Lundquist as Deputy Mayor through December 31, 2024.

	For	Against	Conflict
Mayor Roy	X		
Councillor Bozinovski		X	
Councillor Cardwell	X		
Councillor Leahy	X		
Councillor Lee	X		
Councillor Lundquist	X		
Councillor Mulcahy	X		
Councillor Shahid	X		
Councillor Yamada	X		
Results	8	1	0

Carried (8 to 1)

Mayor Roy spoke to Members of Council about the need to be leaders in the community and work together in a respectful manner while abiding by the Council Code of Conduct.

9. Confirmatory By-law

Resolution # 194-24

Moved by Councillor Shahid

Seconded by Councillor Leahy

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 October 7, 2024 and at its special meeting held on October 9, 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

10. Adjournment

Moved by Councillor Mulcahy

Seconded by Councillor Leahy

That the meeting adjourn.

Carried

The meeting adjourned at 4:58 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor