



Committee of the Whole Minutes

October 28, 2024, 7:00 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski (arrived at 7:04 p.m.)
Councillor Cardwell
Councillor Leahy (Virtual Attendance)
Councillor Lee
Councillor Lundquist
Councillor Mulcahy
Councillor Shahid (arrived at 7:04 p.m.)
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
J. Romano, Commissioner of Community Services
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor
R. Saunders, Commissioner of Planning and Development
F. Wong, Commissioner of Financial Services/Treasurer
M. Dodge, Executive Advisor to the Mayor
C. Harris, Town Clerk
K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

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

There were no declarations of conflict of interest.

Mayor Roy announced the first, second, and third place winners of the Town of Whitby's 2nd Annual Halloween Home Decorating Contest. She advised that the winners receive a Taste of Whitby gift basket filled with items donated from the local business community.

4. Consent Agenda

5. General Government

5.1 Presentations

5.1.1 Erika Watson, Sr. Manager, Financial Planning/Deputy Treasurer, and Michael Latimer, Supervisor, Asset Management

Re: FS 36-24, Financial Services Department Report
Town of Whitby Municipal Asset Management Plan (MAMP) Status Update

Refer to Item 5.4.1, FS 36-24

Erika Watson, Sr. Manager, Financial Planning/Deputy Treasurer, and Michael Latimer, Supervisor, Asset Management, appeared before the Committee and provided a PowerPoint presentation on the Town of Whitby Municipal Asset Management Plan (MAMP) Status Update. Highlights of the presentation included:

- details about the requirements for the update to the 2025 Asset Management Plan to comply with O. Reg. 588/17;
- the timeline and details about the progress of the MAMP until the end of the second quarter in 2025;
- the 2024 funding deficit of \$10.8 million per year and the possible adjustment to the deficit in 2025; and,
- details about the status of the Asset Management Reserve Fund including the average annual funding requirement, funding availability, and current average annual funding deficit.

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

- confirmation that funding from property taxes were allocated to the Asset Management Reserve Fund;
- the opportunity to reduce the funding deficit through an increase to development charges;
- how Whitby compares to lakeshore municipalities with respect to funding asset replacements and levels of service;
- opportunities for federal and provincial programs and grants to assist with asset replacement funds;
- whether the funding deficit increases as the Town grows and acquires new assets;
- the property tax rate increase should the Town recover the funding deficit through property taxes within one budget year and the number of years it would take to recover the funding deficit by phasing in the property tax increase; and,
- confirmation that the amount of funding allocated to the Asset Management Reserve has not increased since the COVID-19 pandemic in an effort to reduce property tax increases.

5.2 Delegations

5.2.1 Paul Mason, Resident (In-Person Attendance)

Re: 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

Refer to Item 5.3.1

Paul Mason, Resident, appeared before the Committee and stated that he has resided at 89 Garden Street since 2019. He advised that he received notification in 2020 about extending Dunlop Street to Garden Street, that traffic signalization would be installed north of his driveway, and that on-street parking would not be permitted. Mr. Mason stated that he requested a copy of the schematic drawing of the intersection to ascertain how far the traffic signalization would be from his driveway, noting that it showed that he would lose a portion of his driveway apron. Mr. Mason stated

that he inquired about widening the west side of Garden Street where there were no homes instead of taking parking space and driveway aprons away from residents on the east side of the road. Mr. Mason stated that it was suggested that he request permission to pave a small section of Town owned land on the north side of his property to replace the removal of a portion of his driveway apron, noting that he believed that there would not be any cost except for the paving. Mr. Mason advised that the Town indicated that the cost for minor variances and an encroachment agreement would be over \$4,000.00 and that there would be an ongoing annual cost for the encroachment. He stated that he would not have looked into an encroachment agreement if a portion of his driveway apron had not been removed. Mr. Mason noted that he explored this solution due to safety reasons, the difficulty in maneuvering his vehicle in and out of the driveway and because there was not enough space to allow for a vehicle to pull in behind his vehicle for deliveries. Mr. Mason referenced portions of a memorandum to Council which indicated why Staff were not recommending an exception from the Fees and Charges By-law. He noted that he was applying for the exception to the by-law out of necessity as a result of a portion of the driveway apron being removed and creating an unsafe situation. Mr. Mason noted that the memorandum indicated that the fees to facilitate the extension of his driveway onto Town land were to recover the Town's costs for evaluating and preparing applications and agreements. He stated that Garden Street was a unique and busy road, and that on other four-lane roads such as Thicksen Road the houses were set further back onto the property providing more vehicle parking space. Mr. Mason stated that the rationale for the road improvements were to construct 96 residential units and a future condominium in the area, noting that the 10-year plan was to extend Garden Street from Brooklin to Highway 401 which would result in an increase in traffic on Garden Street.

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

- details about the delegate's other concerns related to the traffic signalization and removal of a portion of the driveway apron;
- details about safely maneuvering vehicles due to the removal of a portion of the driveway apron; and,

- whether the delegate has the ability to park on the existing apron.

It was the consensus of the Committee to hear Item 5.3.1, 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.

5.2.2 Ronald King, Resident (In-Person Attendance)

Re: FS 41-24, Financial Services Department, Community Services Department and Legal and Enforcement Services Department Joint Report

Proposed Long-Term License of town-owned Property at 508 Colborne Street West

Refer to Item 5.4.3, FS 41-24

Ronald King, Resident, appeared before the Committee and stated that he was available to answer questions.

A brief question and answer period ensued between Members of Committee and Mr. King regarding whether the delegate had any concerns about the timelines related to the renovation of 508 Colborne Street West.

It was the consensus of the Committee to hear Item 5.4.3, FS 41-24, at this time.

5.3 Correspondence

5.3.1 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

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

- whether granting the proposed exception would set a precedence for future recurring requests for exception from the Fees and Charges By-law;
- whether this situation was related to the upcoming report to Council about consultation with residents on Garden Street with respect to parking options;
- whether Staff have any concerns about permitting the encroachment;
- the number of times that a portion of a driveway apron has been reduced or eliminated due to the installation of traffic signals; and,
- the rationale for waiving the annual encroachment fee.

Recommendation:

Moved by Councillor Yamada

1. That the Memorandum from F. Santaguida, Commissioner, Legal and Enforcement Services/Town Solicitor, dated September 3, 2024 regarding a Request of Exception from Fees and Charges By-law # 7220-17 - Driveway Encroachment for 89 Garden Street, be received for information; and,
2. That Council grant an exemption from the provisions of Fees and Charges By-law # 7220-17, as amended, by waiving fees for two minor variance applications for 89 Garden Street, one minor variance application for Town lands, the encroachment application fee, the encroachment agreement fee, and the annual encroachment fee for a future encroachment agreement onto Town-lands adjacent to 89 Garden Street for use by the owner of 89 Garden Street for vehicle parking.

Carried

It was the consensus of the Committee to hear Item 5.2.2, Delegation by Ronald King, Resident, at this time.

5.4 Staff Reports

5.4.1 FS 36-24, Financial Services Department Report

Re: Town of Whitby Municipal Asset Management Plan (MAMP)
Status Update

Recommendation:

Moved by Mayor Roy

That Report FS 36-24 regarding the Municipal Asset Management status be received.

Carried

5.4.2 FS 38-24, Financial Services Department Report

Re: Declaration of Surplus – Town-owned lands at Cochrane Street and Highway 407

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

- whether retaining versus selling the property would have a greater monetary value over a long-term period;
- the consequences of delaying the sale of this property for 1 to 2 years, and whether the cost per acre of land purchased in the last ten years had decreased or increased;
- whether the funds from the sale of the property would generate a profit through investments;
- confirmation that the property would be sold for the value of the future use of the property;
- the benefits of selling the property now given that the need for the hospital funding would be many years into the future;
- the potential uses of the property in the future;
- confirmation that the property would be sold should the Town receive an offer at or higher than the listed sale price;
- the timeline for the Town's local monetary contribution for the hospital;
- the current zoning on the lands, whether the lands could be used for constructing a sports field park, the size of the

parcel of land and the amount of land required for a sports field park;

- details about the size of the property and various constraints that would not accommodate projected Town facilities;
- whether Fire and Emergency Services has any other use for the land save and except the two (2) acres for the construction of a fire station;
- the previous identification of a number of parcels of property to declare surplus, the number of those properties identified that were sold, and the number of properties that the Town currently owns;
- confirmation that allocating funds to the Hospital Reserve Fund now and earning investment income over a period of ten years would reduce the impact on taxpayers at the time the Town would have to make its local monetary contribution;
- the direction given to the Senior Leadership Team with respect to reviewing the Town's assets;
- clarification about asset management and risks associated with the property being proposed to be declared surplus; and,
- whether Staff were reviewing properties in north Brooklin for a depot to better service snow clearing operations in the area.

Recommendation:

Moved by Mayor Roy

1. That a portion of Town-owned lands being approximately 34.8 acres and legally described as Part of Lot 29, Concession 6, Township of Whitby, Part 1, Plan 40R-30411, PIN 26571-0280 (LT), save and except the most suitable two (2) acres for construction of a fire station, (the "Property") be declared surplus and sold as outlined in Staff Report FS 38-24;
2. That the Town provide public notice of its intention to declare the Property surplus and report back to Council on any

written objections received, in accordance with Town Policy F 190;

3. That, should the Town proceed with the disposition of the Property, staff be directed to:
 - a. retain a third-party consultant to determine the optimal location on the land for a future two (2)-acre severance for a fire station;
 - b. retain an Ontario Land Surveyor to complete a new reference plan for the Property;
 - c. retain a registered real estate brokerage or agent to represent the Town and assist with the market sale of the Property;
 - d. negotiate an agreement and purchase and sale and that staff be authorized to conditionally accept the highest qualified bid received at or higher than the fair market value outlined in Staff Report FS 38-24, and subject to Council's approval of the terms of sale;
4. That the Chief Administrative Officer and the Commissioner, Financial Services and Treasurer be authorized to undertake the necessary actions to execute any real estate brokerage or agent documents, and execute the conditional agreement of purchase and sale with such documents and agreement in a form satisfactory to the Commissioner, Legal and Enforcement Services/Town Solicitor, or designate;
5. That a Hospital Reserve Fund be established and Staff bring forward a Hospital Reserve Fund Policy for Council approval; and,
6. That the Net Proceeds from the sale of the Property be allocated as follows:
 - a. \$1,812,511.33 to the Operations Development Charges Reserve Fund;
 - b. \$420,914.65 to the Fire Development Charges Reserve Fund; and,
 - c. The balance to the Hospital Reserve Fund.

Note: The disposition of the matter, Item 5.4.2, was determined by the motion to table below.

Recommendation:

Moved by Councillor Mulcahy

That FS 38-24, Financial Services Department Report re: Declaration of Surplus – Town-owned lands at Cochrane Street and Highway 407 be tabled.

Carried

It was the consensus of the Committee to hear Item 5.4.1, FS 36-24, at this time.

5.4.3 FS 41-24, Financial Services Department, Community Services Department and Legal and Enforcement Services Department Joint Report

Re: Proposed Long-Term License of town-owned Property at 508 Colborne Street West

A brief question and answer period ensued between Members of Committee and Staff regarding the cost of the renovation and details about the proposed repairs and replacements to take place at 508 Colborne Street West.

Recommendation:

Moved by Councillor Mulcahy

1. That staff be authorized to finalize negotiations with B'Nai Shalom v'Tikvah, Durham Region's Reform Jewish Synagogue or an alternate religious/non-profit organization for a long-term license of Town-owned property at 508 Colborne Street West in support of a Ukrainian refugee family;
2. That the Mayor and Clerk be authorized to sign a license agreement for 508 Colborne Street West between the Town and B'Nai Shalom v'Tikvah, Durham Region's Reform Jewish Synagogue (or an alternate religious/non-profit organization) and, if deemed necessary by the Town Solicitor, the occupant identified to receive support, substantially based on the principles outlined in Report FS

41-24 and subject to the satisfaction of the Commissioner of Legal and Enforcement Services/Town Solicitor, and Commissioner of Financial Services/Treasurer; and,

3. That a 2024 capital project for the renovation of 508 Colborne Street West be approved in the amount of \$120,000 and funded from the Asset Management Reserve Fund.

Carried

It was the consensus of the Committee to hear Item 5.4.2, FS 38-24, at this time.

5.4.4 FS 43-24, Financial Services Department Report

Re: Single Source Contract Award for Cell Phone Devices and Services

Recommendation:

Moved by Councillor Lundquist

That the Town's cellular phone contract be renewed and be awarded to Bell Canada, as a single source award contract, from August 1, 2024 to December 31, 2030 as outlined in Staff Report FS 43-24.

Carried

5.4.5 CMS 15-24, Community Services Department Report

Re: Final Artist Selection - Indigenous Public Art Piece for the Whitby Sport Complex

Recommendation:

Moved by Mayor Roy

That report CMS 15-24 be received for information.

Carried

5.4.6 CMS 16-24, Community Services Department Report

Re: Operations Centre Expansion Phase 2 - Design Update

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

- the estimated project timelines and whether the opening the facility in May 2027 would be achievable; and,
- the timeline for a report back to Council regarding the Whitby Enforcement Services Centre and whether the update would include timelines for construction.

Recommendation:

Moved by Mayor Roy

1. That Report CMS 16-24 be received for information;
2. That Council approve the proposed design concept for the new Parks Administration and Maintenance Facility, attached to this report as (Attachments 1-4); and,
3. That a single source contract be awarded to McCallum Sather Associates, for the detailed design and contract administration work, in the amount of \$926,300 (plus HST) funded from capital project # 30211305.

Carried

5.5 New and Unfinished Business - General Government

Councillor Bozinovski raised concerns about permitting the discharge of fireworks on October 31 and November 1, 2024 as part of Diwali celebrations. She inquired about whether the time for setting off fireworks would be restricted on October 31, 2024.

Mayor Roy inquired about lifting Item GG-0004 from the New and Unfinished Business List regarding the development of a policy to deal with grant and in-kind requests, including predetermined criteria and scoring to ensure grants were based on needs and targeted outcomes. Members of Committee indicated they were in agreement with the removal of Item GG-0004 from the list.

Mayor Roy inquired about the status of Item GG-0005 regarding Vimy Memorial Park and whether it could be removed from the New and Unfinished Business List. Sean Malby, Sr. Manager, Parks, Parks

Planning and Culture, advised that an update regarding the status of this matter would be provided through a memorandum to Council.

Mayor Roy inquired about the status of Item GG-0023 regarding the parkland dedication framework and whether this item could be removed from the New and Unfinished Business List. Members of Committee indicated they were in agreement with the removal of Item GG-0023 from the list.

Mayor Roy inquired about the status of Item GG-0026-0 regarding the James Rowe House – Food and Beverage RFP, noting the update through a memorandum on the Council Information Index in May 2024. J. Romano, Commissioner of Community Services advised that a report would be brought to Council at an upcoming meeting.

6. Adjournment

Recommendation:

Moved by Councillor Shahid

That the meeting adjourn.

Carried

The meeting adjourned at 8:44 p.m.