



Committee of the Whole Minutes

December 2, 2024, 7:00 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski
Councillor Cardwell (Virtual Attendance)
Councillor Leahy (Arrived at 7:01 p.m.)
Councillor Lee
Councillor Lundquist
Councillor Mulcahy
Councillor Shahid
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
M. Hickey, Fire Chief
S. Klein, Deputy Chief Administrative Officer
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.

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 Evan Sugden, Biglieri Group (Virtual Attendance)

Re: PDP 56-24, Planning and Development (Planning Services)
Department Report

Heritage Permit Application – Request for Demolition of 114 Keith Street, Designated under Part V of the Ontario Heritage Act; HP-17-24

Refer to Item 5.4.2, PDP 56-24

Evan Sugden, Biglieri Group, stated that he had read and was in support the Staff recommendation, and that he was available to answer questions.

It was the consensus of the Committee to hear Item 5.4.2, PDP 56-24, at this time.

5.3 Correspondence

There was no correspondence.

5.4 Staff Reports

5.4.1 PDE 11-24, Planning and Development (Engineering Services)
Department Report

Re: Traffic Calming Guide and Policy Status Update

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

- the status of the list of streets identified and approved for the implementation of traffic calming measures in 2024 and the rationale for pausing the implementation of traffic calming measures on those streets;

- whether surplus funds from the Traffic Calming Guide and Policy project would be allocated to the original source of funding and whether the surplus funds would be allocated to increase the budgeted amount of funds once the policy was implemented;
- whether any traffic calming measures could be implemented during the development of the Traffic Calming Guide and Policy and whether automated speed cameras would be installed;
- the concerns raised by residents about traffic calming, and the methods of communication with residents about the development and implementation of the Traffic Calming Guide and Policy;
- whether the Staff report and presentation were on target for April 2025, and the tasks that have taken place and/or been completed since November 2024;
- municipalities that have successfully implemented a traffic calming guide/policy;
- consultation with the Region about its Vision Zero Strategic Road Safety Action Plan processes in relation to the proposed Traffic Calming Guide and Policy;
- whether consultation with residents in North Ward (1) would take place regarding the two streets that were approved for the implementation of traffic calming measures in 2024 and expediting the consultation with residents for the streets previously identified;
- whether the Traffic Calming Guide and Policy would address driver behaviour;
- whether the consideration of crossing guard locations would be included in the Traffic Calming Guide and Policy;
- the number of streets selected for implementing traffic calming measures in 2024 that were data driven;
- whether there have been complaints about the streets where traffic calming measures have been implemented;

- utilizing the Whitburn Street Speed Hump Survey for consultation on further traffic calming measures;
- the methods used for obtaining traffic data on streets and the timeline for and cost to obtain traffic data on the 150 streets requested for traffic calming measures;
- how success would be measured and/or the threshold that would be acceptable to implement traffic calming measures;
- confirmation that the data collected for shorter streets and courts would affirm that traffic calming measures were not needed and that traffic calming measures would not be installed on courts and dead end streets;
- whether the Traffic Calming Guide and Policy would provide a clear and easy to understand system whereby streets would be easily prioritized; and,
- confirmation that best practices from other municipalities for data collection would be used and incorporated into the Traffic Calming Guide and Policy.

Recommendation:

Moved by Councillor Bozinovski

That Report PDE 11-24 be received for information.

Carried

5.4.2 PDP 56-24, Planning and Development (Planning Services) Department Report

Re: Heritage Permit Application – Request for Demolition of 114 Keith Street, Designated under Part V of the Ontario Heritage Act; HP-17-24

A question and answer period ensued between Members of Committee and Staff regarding clarification about the policies that would apply should a merger and development take place on a property located within the Werden’s Plan Neighbourhood Heritage Conservation District, a designated Mature Neighbourhood.

Recommendation:

Moved by Councillor Bozinovski

That Council approve the Heritage Permit Application requesting demolition of the existing dwelling at 114 Keith Street (HP-17-24), as supported by the Heritage Whitby Advisory Committee, and in accordance with Section 42 of the Ontario Heritage Act.

Carried

It was the consensus of the Committee to hear Item 5.4.1, PDE 11-24, at this time.

5.4.3 PDP 57-24, Planning and Development (Planning Services)
Department Report

Re: 780 Garden Street – Designation of a Property under Part IV, Section 29 of the Ontario Heritage Act – Update #2

Recommendation:

Moved by Councillor Mulcahy

1. That Council mutually agree to the owner's request for further extension of the 90-day deadline under Section 29(8) of the Ontario Heritage Act and Section 1(2) 1. of Ontario Regulation 385/21, for passing the Part IV Heritage Designation By-law for the portion of the property containing the Mayfield House, located at 780 Garden Street in Whitby; and,
2. That the extension be in effect until May 31, 2025.

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

6.3.1 Memorandum from J. Romano, Commissioner, Community Services dated November 22, 2024 regarding 2025 Days of Significance for Proclamations

Recommendation:

Moved by Councillor Lundquist

That the proclamations for 2025 outlined in the Memorandum from J. Romano, Commissioner, Community Services dated November 22, 2024, be endorsed.

Carried

6.3.2 Memorandum from J. Romano, Commissioner, Community Services dated December 2, 2024 regarding Community Connection Terms of Reference Update

A brief question and answer period ensued between Members of the Committee and Staff regarding the challenges associated with meeting quorum requirements with nine members on the Committee, and whether the Committee comprised of five members would be helpful to meet quorum requirements.

Recommendation:

Moved by Councillor Leahy

1. That the memorandum from J. Romano, Commissioner of Community Services, dated December 2, 2024 regarding Community Connection Terms of Reference updates be received for information; and,
2. That Council approve the revised Community Connection Terms of Reference appended to the memorandum.

Carried

6.4 Staff Reports

6.4.1 CLK 08-24, Office of the Town Clerk and Legal and Enforcement Services Department Joint Report

Re: Adjudication of Fence By-law Exemption Requests

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

- addressing the fees and how simple exemption requests would be addressed;
- the number of Fence By-law Exemption requests received in the past five years, the status and number of current Fence By-law Exemption requests that were referred back to Staff and the timeline for those requests to be addressed;
- the rationale for the application fee of \$750 versus the fee of \$1500, concerns about the cost of the fee for a resident whose exemption request may not be approved and lowering the fees;
- the opportunity for a resident to appeal the decision of the Municipal Licensing and Standards Committee to Council under the proposed system; and,
- delegating authority to the Commissioner of Legal and Enforcement Services/Town Solicitor to address the existing Fence By-law Exemption requests previously referred back to Staff.

Recommendation:

Moved by Mayor Roy

1. That Council delegate the authority for consideration of exemptions from Fence By-law # 4394-99, as amended, as well as exemptions from the forthcoming update to the Fence By-law, to the Municipal Licensing and Standards Committee in accordance with the Fence By-law Exemption Process appended to this Report as Attachment 1, and the Clerk be directed to amend the Terms of Reference for the Municipal Licensing and Standards Committee to include consideration of Fence By-law Exemptions;
2. That the Clerk be directed to bring forward a by-law to amend Fence By-law # 4394-99, as amended, to include the Fence By-law Exemption Process and repeal By-law # 7863-22 delegating authority for minor fence height exemption

requests to the Commissioner of Legal and Enforcement Services/Town Solicitor;

3. That the Clerk be directed to bring forward a by-law to amend Fees and Charges By-law # 7220-17, as amended, to delete the fee for Minor Fence Height Exemptions and replace it with a new two-tier fee for Fence By-law Exemptions as noted in Section 5 of Report CLK 08-24;
4. That the fees for Fence By-law Exemptions be effective as of the date of enactment of the by-law noted in Recommendation 3, save and except that the fees will not apply on a one-time basis to those properties that currently have Fence By-law exemption requests pending before Council; and,
5. That Fence By-law exemption requests pending before Council be referred to the new Fence By-law Exemption Process through the Municipal Licensing and Standards Committee.

Note: The disposition of this matter, Item 6.4.1, CLK 08-24, was determined through the referral motion below.

Recommendation:

Moved by Mayor Roy

That Report CLK 08-24 be referred to Staff to receive and incorporate feedback from Members of Council regarding the Adjudication of Fence By-law Exemption Requests.

Carried

6.4.2 CAO 23-24, Office of the Chief Administrative Officer Report

Re: Creative Communities Update

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

- the methods of communication to the public about the events and the continuation of the events in future years;

- whether the installation of an outdoor piano would be for the entire summer and whether the piano would be located at the Whitby waterfront;
- expanding the Roebuck Street placemaking project in other areas in Whitby;
- whether revenue from the Municipal Accommodation Tax would be allocated to Creative Communities for events, culture and tourism in Whitby;
- whether revenue from the Municipal Accommodation Tax could be used to address graffiti in Downtown Whitby as part of improvements to the tourism area; and,
- confirmation that the events highlighted in the Report were funded through the Municipal Accommodation Tax and/or grants and not property taxes.

Recommendation:

Moved by Councillor Bozinovski

That Report CAO 23-24, Creative Communities Update, be received for information.

Carried

6.4.3 CMS 17-24, Community Services Department Report

Re: Appointment of Members to the Whitby 55+ Recreation Advisory Committee

Recommendation:

Moved by Councillor Lundquist

That Council approve and appoint the following members to the Whitby 55+ Recreation Advisory Committee effective January 1, 2025:

- Sharon Bagatto (term ending December 31, 2026);
- Jane Hilton (term ending December 31, 2026);
- Carol James (term ending December 31, 2025);

- Deborah Nanton (term ending December 31, 2025);
- Mary Poirier (term ending December 31, 2026);
- Joanne Smith (term ending December 31, 2026); and,
- Lise Watt (term ending December 31, 2026).

Carried

6.4.4 FS 24-24, Financial Services Department Report

Re: 2025 Interim Property Tax Billing

Recommendation:

Moved by Councillor Lundquist

That a by-law be brought forward to allow for the Interim Tax Billing for the 2025 taxation year as outlined in Report FS 24-24.

Carried

6.4.5 FS 26-24, Financial Services Department Report

Re: Temporary Borrowing By-law

A brief question and answer period ensued between Members of Committee and Staff regarding whether the Town borrowed funds in 2024 and whether Staff anticipated the need to borrow funds in 2025.

Recommendation:

Moved by Councillor Leahy

That a by-law be brought forward to authorize external temporary borrowing of up to \$68,925,000 from January 1, 2025, to September 30, 2025, and up to \$34,463,000 between October 1, 2025, and December 31, 2025, if required for cash flow purposes.

Carried

6.4.6 FS 47-24, Financial Services Department Report

Re: Proposed Amendment to Policy F 190 – Acquisition, Sale, or Other Disposition of Land Policy to Expedite Housing Projects

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

- detailed information about the current process to declare surplus land versus the proposed process;
- whether notification to residents in the immediate vicinity of a proposal to declare surplus lands currently takes place and whether notification to residents other than posting signage on the property would take place through the proposed process;
- the possibility of permitting delegations regarding a Staff Report to declare surplus land at Committee of the Whole and Council meetings;
- including posting a notice of the proposal to declare surplus lands on the Town's website and a sign on the subject property for a minimum of 20 days in the proposed policy;
- confirmation that notification of declaration of surplus lands was already posted on the Town's website; and,
- including notifying residents via mail within 120 metres of the subject property in the proposed policy.

Recommendation:

Moved by Councillor Leahy

That the amendment to Town Policy F 190 related to the sale or other disposition of land, as outlined in Staff Report FS 47-24, be approved.

Note: The disposition of this matter Item 6.4.6, FS 47-24, was determined through the referral motion below.

Recommendation:

Moved by Councillor Bozinovski

That Report FS 47-24 be referred to the December 16, 2024 Council meeting in order for Staff to review the opportunity to amend the Acquisition, Sale, or Other Disposition of Land Policy to require that residents be notified of a proposal to declare land surplus by posting notice on the website, circulating notice by mail to residents within 120 metres, and a sign on the subject property

for a minimum of 20 days prior to consideration by Council and to require information on the sign such as the meeting date at which the report will be considered and contact information for Staff to obtain further information.

Carried

6.4.7 LS 16-24, Legal and Enforcement Services Department Report

Re: Proposed Amendments to the Traffic By-law 8059-24, as Amended

A brief question and answer period ensued between Members of Committee and Staff regarding the rationale for the various proposed amendments to Traffic By-law 8059-24.

Recommendation:

Moved by Councillor Leahy

1. That Report LS 16-24 be received for information; and,
2. That a by-law be brought forward to Council on December 16, 2024 to authorize the proposed Traffic By-law amendments substantively as shown in Attachment 1 to this Report LS 16-24.

Carried

6.5 New and Unfinished Business - General Government

There was no discussion regarding the new and unfinished business list.

Moved by Mayor Roy

That a motion to introduce a matter regarding temporarily delegating authority to approve Fence By-law Exemption requests be allowed due to its timely and urgent nature.

Carried on a Two Thirds Vote

6.5.1 Temporarily Delegating Authority to Approve Fence By-law Exemption Requests

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

- confirmation of the number of outstanding Fence By-law Exemption requests;
- the fee for the existing outstanding Fence By-law Exemption requests; and,
- whether the delegated authority to the Commissioner of Legal and Enforcement Services/Town Solicitor would apply should a new Fence By-law Exemption request be submitted prior the approval of the proposed Adjudication of Fence By-law Exemption Requests process.

Recommendation:

Moved by Councillor Bozinovski

1. That Council delegate authority on a temporary basis to the Commissioner of Legal and Enforcement Services/Town Solicitor to approve exemption requests to the Fence By-law beyond a 10% variance; and,
2. That this delegated authority remain in place until such time as Staff can report back to Council to address questions on allowable exemptions, fees, and the process for considering Fence By-law exemption requests further to the referral at the December 2, 2024 Committee of the Whole meeting.

Carried

7. Adjournment

Recommendation:

Moved by Councillor Shahid

That the meeting adjourn.

Carried

The meeting adjourned at 8:39 p.m.