



Committee of the Whole Minutes

February 27, 2023, 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
F. Wong, Commissioner of Financial Services/Treasurer
R. Saunders, Commissioner of Planning and Development
M. Dodge, Executive Advisor to the Mayor
C. Harris, Town Clerk
K. Narraway, Manager of Legislative Services/Deputy Clerk
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

The meeting commenced at 7:04 p.m. due to the Special Council Meeting held prior to the Committee of the Whole meeting.

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 Lee assumed the Chair.

5.1 Presentations

There were no presentations.

5.2 Delegations

5.2.1 Davina Jones, Resident (In-Person Attendance)

Re: 2022-625 - Correspondence received by C. Harris, Town Clerk from D. Jones and W. Abel, residents, dated November 15, 2022 regarding Port Whitby Traffic Petition

Refer to Item 5.3.1, Correspondence # 2022-625

Davina Jones and Wenda Abel, Residents, stated that they were speaking on behalf of residents in the Port Whitby area. Ms. Abel advised that over 200 residents signed the Port Whitby Community Traffic Petition, noting that it was included in the meeting agenda. She advised that there was an urgent need for action in the Port Whitby and waterfront areas to address longstanding risks to the community's peace, safety, health, and well-being. Ms. Abel noted that Whitby's waterfront has become the busiest attraction in Whitby, and that this has resulted in an increase of traffic volume during all hours of the day and evening year round. She noted that there has been an increase in people not adhering to traffic signage, speeding, aggressive and dangerous driving, transport trucks cutting through the community, and noise from vehicles with illegal modified mufflers. Ms. Abel stated that traffic concerns would only increase as existing development projects in the area were completed and as the Province mandated intensification. She advised that her property faces Victoria Street, noting that every day and night vehicles with illegal modified mufflers pass by and that she was not able to enjoy her balcony. She raised further concerns about residents in the community not being able to enjoy their properties, disruption of sleep, being anxious about walking on and crossing streets, and difficulty entering and exiting driveways.

Ms. Abel stated that the traffic concerns have been increasing since 2014 when Watson Street, Charles Street, and Front Street were widened and that they have become much worse since the waterfront was discovered during the COVID-19 pandemic. She advised that several actions were taken to raise awareness and to assist Members of Council and the Durham Region Police Service (DRPS) to understand and respond to the scope and severity of the situation. Ms. Abel stated that the addendum to the petition documented the correspondence to Council, Staff, and DRPS to affect change, noting that there has not been any constructive action to date and that the problem continues to grow. Ms. Abel requested that Whitby Council, Durham Region Council and DRPS take immediate measures to stop the illegal activities in the community. She requested that a meeting take place with the residents of Port Whitby to listen and to work with them to prepare and share a plan to enforce the laws and implement necessary traffic routing, calming, and control measures on the streets of Port Whitby as soon as possible. Ms. Abel asked that the tools, resources, and mandates to Staff and DRPS be provided to successfully implement the plan. Further, Ms. Abel requested that the Town work with other municipalities in the Region and DRPS to begin a region-wide campaign against dangerous and aggressive driving, to pressure the Province for stricter laws, harsher penalties, and to provide the resources to the Region, police services, and all municipalities in Ontario to enforce speeding and aggressive driving laws and to stop the use of illegal modified mufflers on vehicles. Ms. Abel stated that the enjoyment of residents' properties, their safety, peace of mind, and well being were all at stake.

A question and answer period ensued between Members of Committee, Ms. Jones and Ms. Abel regarding:

- whether there was a specific area of concern in Port Whitby or whether it was the entirety of Port Whitby that was impacted by traffic and noise;
- the timeline associated with the illegal activities experienced by Port Whitby residents; and,
- whether narrower streets and traffic calming measures would alleviate traffic concerns.

It was the consensus of the Committee to hear Item 5.3.1, 2022-625 - Correspondence received by C. Harris, Town Clerk from D. Jones and W. Abel, residents, dated November 15, 2022 regarding Port Whitby Traffic Petition, at this time

5.2.2 Max Lysyk, Resident (In-Person Attendance)

Re: PDP 61-22, Planning and Development (Planning Services) Department Report
Final Recommended Official Plan Amendment, Downtown Whitby Community Secondary Plan, File Number: DEV-21-20 (OPA-2020-W/03)

Refer to Item 5.4.1, PDP 61-22

Max Lysyk stated that his family owns property located at 700 Dunlop Street, and that they have received notifications about the Downtown Whitby Community Secondary Plan throughout the entire process. Mr. Lysyk stated that his family participated in the process, that they have had numerous conversations with Town Staff, and many opportunities to review and provide comments throughout the process. He advised that he was in support of the Staff recommendation.

5.3 Correspondence

5.3.1 2022-625 - Correspondence received by C. Harris, Town Clerk from D. Jones and W. Abel, residents, dated November 15, 2022 regarding Port Whitby Traffic Petition

Discussion ensued between Members of Committee regarding:

- the persistent frustration of the residents in Port Whitby and long-term concerns about traffic issues in Port Whitby;
- the importance of using data for good decision making with respect to the management of these traffic issues; and,
- the need for traffic calming measures and speed enforcement on Victoria Street.

At the request of the Chair, Inspector Martin, Central West Division, Durham Region Police Service appeared before the Committee to provide statistics related to the traffic concerns on Victoria Street. Inspector Martin stated that he was aware of the traffic complaints

on Victoria Street, and that he had retrieved statistics on Victoria Street for the past 6 months. Inspector Martin advised that there was approximately 9.75 hours of enforcement on the Victoria Street corridor from Brock Street westerly to the Lynde Shores Conservation Area during that timeframe. He stated that 107 tickets were issued for various offences, that the number of tickets issued over the 9.75 hours was expected and unremarkable, and that it was similar to other high traffic areas within the Town. Inspector Martin advised that patrol was set up based on intelligence led policing. He further advised that patrol was based on statistics about collisions at intersections and complaints from the public received from partners such as the Region and the Town, and that the police provide enforcement in those areas. He noted that Victoria Street receives about the same amount of enforcement as other areas in the Town that also have complaints about traffic volume.

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

- whether there were areas in Whitby that were of greater concern than Victoria Street;
- confirmation that Victoria Street was a Regional road and that enforcement matters should be considered/discussed at the Region;
- the criteria for the placement of automated speed cameras;
- whether the traffic volumes and speed on Victoria Street, an arterial throughfare road, were normal for that type of road;
- the willingness of Inspector Martin to attend/participate in a community meeting;
- the concerns about noisy mufflers in different areas of Whitby;
- sharing the proposed legislation with respect to modified mufflers with Members of Council;
- whether tickets have been issued for noisy modified mufflers in Whitby in the past 12 months, and the enforceability of the noise from the modified mufflers;

- how often vehicles were impounded in Whitby;
- the necessity for advocacy from Members of Council to assist with the noisy muffler issue; and,
- providing a presentation to Whitby Council with respect to traffic issues in Whitby.

Recommendation:

Moved by Councillor Lundquist

1. That Correspondence 2022-625 received by C. Harris, Town Clerk from D. Jones and W. Abel, residents, dated November 16, 2022 regarding a Port Whitby traffic petition be received for information; and,
2. That Staff be directed to review the need for traffic calming in the Port Whitby neighbourhood using data driven decision making as part of the development of a Town-wide traffic calming strategy.

Carried

5.4 Staff Reports

5.4.1 PDP 61-22, Planning and Development (Planning Services) Department Report

Re: Final Recommended Official Plan Amendment, Downtown Whitby Community Secondary Plan, File Number: DEV-21-20 (OPA-2020-W/03)

Recommendation:

Moved by Councillor Lee

1. That Council adopt Amendment 126 to the Whitby Official Plan, regarding the updated Downtown Whitby Community Secondary Plan, as outlined in Report PDP 61-22;
2. That the Clerk forward the necessary documentation for the Official Plan Amendment to the appropriate approval authority, within fifteen days of adoption of Amendment 126 to the Whitby Official Plan; and,

3. That the Clerk send a Notice of Council's adoption of Amendment 126 to those persons and agencies who have requested further notification regarding the Downtown Whitby Secondary Plan Update.

Carried

5.4.2 PDP 07-23, Planning and Development (Planning Services)
Department Report

Re: Zoning By-law Amendment Application to Remove the Holding (H) Symbol, NF Hopkins Ltd., 901 Hopkins Street, File Number: DEV-29-22 (Z-20-22)

A brief question and answer period ensued between Members of Committee and Staff regarding opportunities to protect the existing residential area from the noise that would be generated from the industrial development as it becomes occupied.

Recommendation:

Moved by Councillor Yamada

1. That Council approve an Amendment to Zoning By-law # 2585 (File No. Z-20-22) for the removal of the Holding (H) Symbol, as outlined in Planning Report PDP 07-23; and,
2. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council.

Carried

5.4.3 PDP 08-23, Planning and Development (Planning Services)
Department and Office of the Chief Administrative Officer Joint
Report

Re: Affordable Housing Initiative – Hickory Street South and Dunlop Street East

A brief question and answer period ensued between Members of Committee and Staff regarding whether conversations were taking place with Habitat for Humanity about their previous interest in a portion of Town-owned lands on Dunlop Street

Recommendation:

Moved by Mayor Roy

1. That Council direct staff to list the municipally owned property located at the northeast corner of Hickory Street and Dunlop Street East and a portion of the municipally owned property located on the south side of Dunlop Street East, as identified on Attachment #1 to Report No. PDP 08-23, on the Region of Durham's surplus land website for the potential creation of affordable housing; and,
2. That staff report back to Council on the interest received for affordable housing opportunities on the subject properties.

Carried

5.5 New and Unfinished Business - Planning and Development

5.5.1 Municipal Housing Pledge

Councillor Lee vacated the Chair for this portion of the meeting.

Councillor Leahy assumed the Chair.

Councillor Lee introduced a motion regarding the Town of Whitby's Municipal Housing Pledge.

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

- details about the Town's Municipal Housing Pledge to the Province and the necessary initiatives/activities to facilitate the development of 18,000 new homes in Whitby by 2031;
- whether implementing/updating the Town of Whitby Official Plan could be achieved given the amount of time required for the completion of the Downtown Whitby Secondary Plan;
- clarification on the allocation of greenfield and intensification areas to provide proportionate shares for each area municipality;
- circulating the resolution to all municipalities in Durham Region; and,
- the impact of pausing the approval of the Regional Official Plan on Whitby and other area municipalities.

Recommendation:

Moved by Councillor Lee

Whereas on October 25, 2022 the Minister of Municipal Affairs and Housing issued a letter to the Town of Whitby recognizing the Province's commitment to build 1.5 million homes by 2031 and assigning a Municipal Housing Target of 18,000 new homes in Whitby to assist with achieving this target.

And whereas, the Minister also requested the Town to demonstrate its commitment to accelerating housing supply by developing a Municipal Housing Pledge and take the necessary steps to facilitate the construction of 18,000 new homes in Whitby by 2031, and delivering that pledge to the Minister by March 22, 2023.

And whereas, the Town has a considerable inventory of housing units approved or in the approval process (i.e. 18,118 units), including 4,123 low density, 4,925 medium density and 9,070 high density units.

And whereas, the Town has additional greenfield land inventory within the West Whitby and Brooklin Community Secondary Plan areas to accommodate draft plan of subdivision applications, and considerable infill/intensification opportunities, which will further increase the potential housing yield.

And whereas, the Town has experienced a considerable increase in the number of building permits for residential units in the recent past, including 2,360 permits in 2021 and 1,777 permits in 2022, with an expectation to continue such volume of permits into the future.

Now therefore, the Town of Whitby Council pledges its commitment to facilitate the development of 18,000 new homes by 2031 through the following initiatives/activities:

- Implement and/or update Official Plan Policies, including the following:
 - Continue to implement recent Official Plan policy adjustments to increase the proportionate share of medium and high density residential units in strategic areas of the Town, such as designated Centers,

Corridors and the Whitby GO Station and Port Whitby areas;

- Initiate an update to the Town of Whitby Official Plan to comply with recent changes to the Growth Plan for the Greater Golden Horseshoe and pending new Official Plan for the Region of Durham;
- Initiate an update to strengthen the policy basis for medium and high density residential units within the Whitby GO Major Transit Station Area (MTSA).
- Complete the on-going Comprehensive Review and Update of the Town's Zoning By-laws, including the following:
 - Including permissive policies to support accessory units in ground related housing forms;
 - Including contemporary regulations to accommodate a wide range of housing types as-of-right.
- Develop a Housing Acceleration Strategy and Implementation Plan, including such matters as the following:
 - Confirmation and/or expansion of strategic development areas designated in the Whitby Official Plan;
 - Recognition of updated/contemporary zoning regulations through the Comprehensive Zoning By-law Review and Update;
 - Development of municipal fiscal resources to support the cost of new housing and related infrastructure;
 - Co-ordinate with the Region of Durham to develop a servicing plan to accommodate new growth in Whitby;
 - Identification of public lands with development or redevelopment potential.
- Capitalize on funding sources, such as the Streamline Development Fund to further advance on-line portal development for Planning Act and Ontario Building Code Act related applications, recognizing the on-line application

resources have been established and will continue to be expanded upon.

- Continue to collaborate with the Region of Durham to ensure major servicing infrastructure (water, sewer, roads) is available when needed.

Notwithstanding the Town of Whitby's Municipal Housing Pledge herein, it is recognized that there are many influences outside the control of the Town, which should not reflect upon the Town's performance to achieve the Municipal Housing Target of 18,000 homes by 2031, including but not limited to the following:

- Interest rates;
- Inflation;
- Supply chain issues;
- Availability of labour force/skilled trades in housing construction;
- Housing market;
- Developer's desire to proceed with construction;
- Provision of Regional infrastructure;
- Planning approvals shifting to the Provincial level from the Region of Durham;
- Additional, unforeseen legislative changes to planning and building approvals processes;
- Shortage of talent pool for Planning, Engineering and Building professionals required to review and process development applications.

The Council of the Town of Whitby makes this pledge recognizing that there is a shared responsibility with the development community to deliver on the creation of desirable communities where residents can live, work and play, not just live. Also recognizing that they Town's responsibility to support new and existing residents will remain long after the new housing is constructed.

The Council of the Town of Whitby requests further dialogue with the Province regarding definitions related to Bill 23 and regulations thereto, and looks forward to further discussions with the Minister of Municipal Affairs and Housing in April 2023 regarding the impacts of Bill 23, and related Development Charge shortfalls, what legislative provisions will be directed at the development community to pass along, dollar for dollar, any savings achieved through Bill 23, and legislative amendments to incent developers to “use it or lose it” with respect to approved development applications or permits.

That the Clerk be directed to circulate a copy of this resolution to the Minister of Municipal Affairs and Housing, the Regional Municipality of Durham, Durham Area Municipalities, and all Durham Region MPPs.

Carried

6. General Government

Councillor Yamada 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 04-23, Office of the Chief Administrative Officer Report

Re: Memorandum of Understanding between the Town of Whitby and the Canadian Musicians Co-operative

A brief discussion ensued between Members of Committee regarding continuing the program and providing the opportunity for more musicians to perform.

Recommendation:

Moved by Mayor Roy

1. That Report CAO 04-23 be received for information;
2. That the Town enter into a three-year Memorandum of Understanding with the Ontario Musicians Co-operative Inc. (operating as the Canadian Musicians Co-operative) effective January 1, 2023 to January 1, 2026;
3. That the CAO and Commissioner Financial Services/Treasurer be authorized to execute the Memorandum of Understanding, and be delegated the authority to make amendments thereto subject to such amendments being mutually agreed upon by the Canadian Musicians Co-operative and the Town; and,
4. That Council provide an exemption to the Public Nuisance By-law \$ 6714-13 for the duration of the Memorandum of Understanding with respect to the ability of Canadian Musicians Co-operative Performers to be able to receive a voluntary gratuity as part of the program.

Carried

6.4.2 CAO 05-23, Office of the Chief Administrative Officer Report

Re: Roebuck Street Placemaking Project

A brief question and answer period ensued between Members of Committee and Staff regarding the possibility of expanding placemaking opportunities in Downtown Whitby.

Recommendation:

Moved by Councillor Lee

That Council approve the semi-permanent closure of Roebuck Street in Downtown Brooklin (June to mid-September) to support placemaking opportunities and create an outdoor community gathering space.

Carried

6.4.3 CAO 06-23, Office of the Chief Administrative Officer and Financial Services Department Joint Report

Re: Community Development Funds - 2022 Annual Report

Discussion ensued between Members of Committee regarding:

- administrative changes to the Mayor's Community Development Fund and Performing Arts Community Development Fund Policy including renaming of the Mayor's Golf Tournament to the Mayor and Council's Golf Tournament, and including two recurring grants being the Mayor's Medal scholarship recipients and the Lakeridge Health Capital Campaign;
- encouraging more participation and applications, and recognizing that there were limitations related to the approval of the fund recipients; and,
- the importance of the transparency of the allocation of the funds.

A brief question and answer period ensued between Members of Committee and Staff regarding the period that decisions on grant applications are not made during a municipal election year and the possibility of shortening that time period.

Recommendation:

Moved by Mayor Roy

1. That Report CAO 06-23 regarding the 2022 Annual Report for the Mayor's Community Development Fund and the Performing Arts Community Development Fund be received for information; and,
2. That Council approve the updated Mayor's Community Development Fund and Performing Arts Community Development Fund Policy as shown in Attachment 4.

Carried

6.4.4 CAO 03-23, Office of the Chief Administrative Officer

Re: Public Art Policy Framework

A brief question and answer period ensued between Members of Committee and Staff regarding whether Staff would utilize attributes of the Region's Public Art Policy in the Town's policy.

Recommendation:

Moved by Mayor Roy

1. That Report CAO 03-23 be received for information;
2. That Council endorse the Public Art Policy Framework as presented in Report CAO 03-23; and,
3. That Staff be directed to prepare a final Public Art Policy to be presented to Council in Q4 2023.

Carried

6.5 New and Unfinished Business - General Government

6.5.1 Durham Meadoway – Green Energy Projects

Councillor Lundquist introduced a motion regarding exploring the possibility of green energy projects on the Gatineau Hydro Corridor.

Recommendation:

Moved by Councillor Lundquist

1. That Whitby Town Council urge the Region of Durham to broaden the scope of the Durham Meadoway Visioning Study to include the possibility of green energy projects on the Gatineau Hydro Corridor through Durham in addition to the proposed multi-use path for active transportation; and,
2. That the Clerk be directed to forward a copy of this motion to the Region of Durham and Whitby Sustainability Advisory Committee.

Carried

6.5.2 Protecting Whitby's Urban Forest Canopy

Councillor Lundquist introduced a motion regarding protecting Whitby's urban forest canopy.

Recommendation:

Moved by Councillor Lundquist

That staff report back on the opportunity to protect trees of significance on private lands in order to preserve Whitby's urban forest canopy.

Carried

7. Adjournment

Motion to Adjourn

Moved by Councillor Lee

That the meeting adjourn.

Carried

The meeting adjourned at 8:34 p.m.