



Regular Council Minutes

May 15, 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
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, Sr. Manager of Legislative Services/Deputy Clerk (Recording Secretary)
M. Hickey, Fire Chief

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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. Adoption of Minutes

Regular Council - April 24, 2023

Special Council - April 24, 2023

Resolution # 116-23

Moved by Councillor Lee

Seconded by Councillor Mulcahy

That the Regular Council Minutes of April 24, 2023, and the Special Council Minutes of April 24, 2023 be approved.

Carried

5. Presentations

5.1 Ian McVey, Manager of Sustainability, Region of Durham (In-Person Attendance)

Re: Durham Greener Homes Program and Regional Climate Projects

Ian McVey, Manager of Sustainability, Region of Durham, appeared before Council and provided a PowerPoint presentation regarding the Durham Greener Homes Program and Regional Climate Projects. Highlights of the presentation included:

- an overview and background information about the Durham Greener Homes Program;
- financing sources for the program;
- leading sources of carbon emissions in Durham Region;
- key strategies to achieve low carbon emissions in Durham Region, including the importance of focusing on retrofitting existing buildings in order to achieve greenhouse gas reduction targets by 2050;
- the launch date of the program and the partnership with Windfall Energy Centre as a delivery agent for the program;
- the benefits of engaging Windfall Energy Centre, including providing access to a home energy coach for residents and businesses to guide them through the program;
- details about incentives available for participants through the Durham Greener Homes Program, and the ability to stack

incentives with programs operated by Enbridge and the Canada Greener Homes grant program;

- total enrollment in the program by local area municipality;
- a summary of retrofits completed in year one of the program, including an analysis of the pre-retrofit and post-retrofit greenhouse gas emissions;
- sources of information that help residents and businesses find the Durham Greener Homes Program;
- next steps for the program including supporting the expansion of the Clean Home Heating Initiative incentive to Pickering, Ajax, and Whitby; and,
- continuing with industry outreach to help inform and educate home builders and contractors about green home initiatives and available technology.

A question and answer period ensued between Members of Council and Mr. McVey regarding:

- clarification about which green energy incentive programs are geared to income;
- whether there would be higher uptake of green energy programs if incentives were available to all residents, regardless of household income;
- the need to provide specific incentives and rebates to lower-income households;
- information about which types of heat pumps are eligible for incentives under the various incentive programs;
- opportunities to receive information from the Region of Durham for Members of Council to share with residents;
- sharing details about the program with the Durham Environment and Climate Advisory Committee;
- the importance of educating the residential heating, ventilation, and air conditioning industry about the benefits of heat pumps and ensuring that contractors are trained on installation best practices;

- challenges associated with the upfront costs of heat pumps for lower-income homes and available incentive programs geared towards lower-income homes; and,
- information about the average costs of a home retrofit and the payback period from savings on utility bills.

6. Delegations

There were no delegations.

7. Correspondence

7.1 Correspondence

That the following request be endorsed:

- British Home Child Day - September 28, 2023

Resolution # 117-23

Moved by Councillor Lundquist

Seconded by Councillor Bozinovski

That the proclamation for British Home Child Day be endorsed.

Carried

7.2 Memorandum from K. Palilionis, Climate Change Coordinator dated May 15, 2023 regarding 2023 Days of Environmental Significance for Proclamations (June – December)

Resolution # 118-23

Moved by Councillor Lundquist

Seconded by Councillor Cardwell

That the proclamations from June to December 2023 outlined in the Memorandum from K. Palilionis, Climate Change Coordinator, dated May 15, 2023, be endorsed.

Carried

7.3 Memorandum from J. Romano, Commissioner of Community Services, dated May 12, 2023 regarding Iroquois Park Sports Centre Pro Shop Update

A brief question and answer period ensued between Members of Council and Staff regarding the status of the request for proposal for the restaurant at the Iroquois Park Sports Centre and a future lease agreement for concessions at the centre.

Resolution # 119-23

Moved by Councillor Mulcahy

Seconded by Councillor Lee

1. That the Mayor and the Clerk be authorized to execute a lease with Hemy Hockey Pro Shop for the operation of the Pro Shop at Iroquois Park Sports Centre (IPSC);
2. That the Chief Administrative Officer be delegated authority to negotiate and execute future leases for the Pro Shop at IPSC with similar terms; and,
3. That the Clerk be directed to update Section 5 of the Acquisition, Sale or Other Disposition of Land Policy (F 190) to reflect this delegated authority.

Carried

8. Committee of the Whole Report - Planning and Development

Planning and Development - May 1 and May 8, 2023

8.1 PDP 22-23, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Condominium Application, Block Andrin (Whitby) Developments Ltd., 1601-1605 Dufferin Street, File Number: DEV-02-23 (CW-2023-01)

Resolution # 120-23

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That Council approve the Draft Plan of Condominium (File No. CW-2023- 01) subject to the comments included in Planning Report PDP 22-23 and 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

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

Re: Draft Plan of Condominium Application, The Inverlynn Estate Ltd., 1300 Giffard Street, File Number: DEV-04-23 (CW-2023-02)

Resolution # 121-23

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That Council approve the Draft Plan of Condominium (File No. CW-2023-02) subject to the comments included in Planning Report PDP 23-23 and 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

8.3 PDP 24-23, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Subdivision Application, Stylux Whitby Ventures Inc., 201 Hopkins Street, File Number: DEV-38-21 (SW-2021-13)

Resolution # 122-23

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021- 13), subject to the comments included in Planning Report PDP 24-23 and the Conditions of Draft Approval included in Attachment #11;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Region of Durham Commissioner of Planning and Economic Development be advised of Council's decision;
4. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision; and,
5. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision.

Carried

8.4 PDP 25-23, Planning and Development (Planning Services) Department Report

Re: Removal of 305 Mary Street East from the Municipal Heritage Register

Resolution # 123-23

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That the property municipally known as 305 Mary Street East be removed from the Town's Municipal Heritage Register; and,
2. That a full Heritage Documentation Report be prepared by the applicant at their expense prior to demolition and submitted to the Planning and Development Department, to be deposited at the Archives.

Carried

8.5 PDE 01-23, Planning and Development (Engineering Services) Department Report

Re: Trans Canada Pipelines Facility Upgrades at Roadway Crossings in North Brooklin - Engineering and Construction

Resolution # 124-23

Moved by Councillor Lee
Seconded by Councillor Leahy

1. That Council authorizes the Commissioner of Planning and Development to enter into an agreement with Trans Canada Pipelines (TCPL), substantially upon the terms and conditions set out in Attachment 1 of Report PDE 01-23, to include Engineering and Construction of pipeline upgrades associated with roadway crossings at Columbus Road and Cedarbrook Trail, as part of TCPL's larger project to upgrade pipelines through the Brooklin community; and,
2. That Council authorizes the Commissioner of Planning and Development to enter into a future agreement with TCPL to include Engineering and Construction of pipeline upgrades associated with roadway crossings at Ashburn Road and Brawley Road, as part of TCPL's larger project to upgrade pipelines through the Brooklin community, subject to cost estimates being within the approved budget for capital project #40236055.

Carried

8.6 PDE 06-23, Planning and Development (Engineering Services)
Department Report

Re: Updates to Traffic By-law # 1862-85, No Parking

Resolution # 125-23

Moved by Councillor Lee
Seconded by Councillor Leahy

1. That Council approve the proposed amendments to Traffic By-law # 1862-85, to incorporate changes to Schedule "A" and Schedule "B", as identified in Attachment # 4; and,
2. That a by-law to amend By-law # 1862-85 be brought forward for the consideration of Council.

Carried

8.7 PDE 07-23, Planning and Development (Engineering Services)
Department Report

Re: Update to Traffic By-law # 1862-85, Dryden Boulevard Speed Limit

Resolution # 126-23

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That Council approve the proposed amendments to Traffic By-law # 1862-85, to incorporate the changes to Schedule "P" of the By-law, as identified in Attachment # 2;
2. That a by-law to amend By-law # 1862-85 be brought forward for the consideration of Council; and,
3. That Council direct the Clerk to provide a copy of Report PDE 07-23 to Durham Regional Police Service.

Carried

9. Committee of the Whole Report - General Government

General Government - May 1 and May 8, 2023

9.1 CAO 14-23, Office of the Chief Administrative Officer Report

Re: Streamline Development Approval Fund – Final Report

Resolution # 127-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

That Report CAO 14-23 regarding the Streamline Development Approval Fund be received for information.

Carried

9.2 CAO 11-23, Office of the Chief Administrative Officer Report

Re: 2022 Annual Sustainability and Climate Change Report

Resolution # 128-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

1. That Report CAO 11-23 be received as information; and,

2. That the Clerk forward a copy of Staff Report CAO 11-23 to the Region of Durham's Sustainability Department.

Carried

9.3 CAO 13-23, Office of the Chief Administrative Officer Report

Re: Booster Juice Inc. Naming Rights Sponsorship of McKinney Centre Youth Rooms

Resolution # 129-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

That Council approve entering into another three (3) year sponsorship agreement, effective May 16, 2023, with Booster Juice Inc. for the Youth Room Naming Rights at McKinney Centre, named "McKinney Centre Youth Room Fueled by Booster Juice" based on the sponsorship package and other terms and conditions identified in Report CAO 13-23.

Carried

9.4 CMS 04-23, Community Services Department Report

Re: Parks and Recreation Master Plan - Background and Community Engagement Summary Report

Resolution # 130-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

1. That Council receive the Parks and Recreation Master Plan - Background and Community Engagement Summary Report for information; and,
2. That Staff report back to Council with a draft Master Plan of Recommendations in the fall of 2023.

Carried

9.5 CMS 05-23, Community Services Department Report

Re: June is Recreation and Parks Month, Seniors Month and Pride Month

Resolution # 131-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

That report CMS 05-23 be received for information.

Carried

9.6 CLK 04-23, Office of the Town Clerk Report

Re: Review of the 2022 Municipal Election

Resolution # 132-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

That Report CLK 04-23 be received for information.

Carried

9.7 FS 03-23, Community Services Department and Financial Services
Department Joint Report

Re: T-9-2023 Supply and Delivery of Dump Trucks

Resolution # 133-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

1. That the Town proceed with an award to the low bid as received from Premier Truck Group for the Supply and Delivery of Dump Trucks, in the amount of \$3,696,000 (plus applicable taxes) funded from the capital projects as outlined in Table 4 of Report FS 03-23;
2. That the revised cost estimate for the supply and delivery of eight dump trucks in the amount of \$3,767,049.60, (inclusive of the proposed award) as outlined in Table 4 of Report FS 03-23, be approved; and,
3. That the budget shortfall in the amount of \$1,281,969.60 be funded from the asset management reserve, in the amount of \$1,105,503.60, and Development Charges reserve funds, in the amount of \$176,466, as outlined in Table 5 of Report FS 03-23.

Carried

9.8 FS 15-23, Financial Services Department Report

Re: Update on Property Tax Assessment Appeals and Adjustments

Resolution # 134-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

That Report FS 15-23 be received as information.

Carried

9.9 FS 20-23, Financial Services Department and Community Services
Department Joint Report

Re: Proposed Five-Year License Agreement with Town Brewery for a
Portion of 269 Water Street (the Town-Owned Pump House Property)

Resolution # 135-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

1. That the Mayor and Clerk be authorized to execute a License Agreement between the Town of Whitby and Town Brewery Inc. (substantially upon the terms and conditions set out in Attachment 2 of Report FS 20-23 and the satisfaction of the Commissioners of Financial Services/Treasurer and Legal and Enforcement Services/Town Solicitor), for the purposes of a pilot program of up to five (5) years for a pop-up food and beverage operation in a 750 square metre area of the Town-owned property at 269 Water Street;
2. That Council hereby declares the pop-ups at 269 Water Street to be Events of Municipal Significance as required by the Alcohol and Gaming Commission of Ontario (AGCO) for the purpose of applying for a Special Occasion Permit; and,
3. That Council supports Town Brewery Inc. applying to the AGCO for an extension of its Liquor Sales Licence, or to obtain a separate licence, to cover the pop-up operation at 269 Water Street.

Carried

10. For information only - Committee of the Whole Minutes of May 1 and May 8, 2023

11. Notice of Motion

There were no notices of motion.

12. New and Unfinished Business

There was no new and unfinished business.

13. By-laws

Resolution # 136-23

Moved by Councillor Leahy

Seconded by Councillor Bozinovski

That leave be granted to introduce By-laws # 7991-23 to # 7998-23 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

- 13.1 By-law # 7991-23

Being a By-law to repeal By-law # 1998-86, being a by-law to Designate the Structure Municipally known as 7143 Ashburn Road as being of Historic and Architectural Value and Interest.

Refer to PDP 01-23, Draft Plan of Subdivision and Zoning By-law Amendment Applications, 2068681 Ontario Inc. (Lakeview Homes Inc.), Northeast Corner of Ashburn Road and Columbus Road West, File Numbers: DEV-27-20 (SW-2020-06, Z-14-20)

- 13.2 By-law # 7992-23

Being a By-law to amend By-law # 1862-85, being a By-law to Regulate Traffic on the Highways and on Certain Private Roadways in the Town of Whitby.

Refer to PDE 06-23, Updates to Traffic By-law # 1862-85 No Parking

- 13.3 By-law # 7993-23

Being a By-law to amend By-law # 1862-85, being a By-law to Regulate Traffic on the Highways and on Certain Private Roadways in the Town of Whitby.

Refer to PDE 07-23, Update Traffic By-law # 1862-85, Speed Limit on Dryden Boulevard

13.4 By-law # 7994-23

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

Refer to PDP 13-23, Zoning By-law Amendment Application to Remove the Holding (H) Symbol, Menkes Champlain Inc., Champlain Avenue, File Number: DEV-33-21 (Z-23-21)

13.5 By-law # 7995-23

Being a By-law to designate certain portions of a registered Plan of Subdivision (SW-2018-03) as not being subject of Part Lot Control.

13.6 By-law # 7996-23

Being a By-law to adopt Amendment Number 130 to the Official Plan of the Town of Whitby.

Refer to PDP 16-23, Final Recommended Official Plan Amendment – Whitby Mature Neighbourhoods Study, File Number: OPA-2021-W/02

13.7 By-law # 7997-23

Being a By-law to adopt Amendment Number 131 to the Official Plan of the Town of Whitby.

PDP 20-23, Official Plan and Zoning By-law Amendment Applications, 3 Cassels Road East, Brooklin, File Numbers: DEV-36-22 (OPA-2022-W/05, Z-23-22)

13.8 By-law # 7998-23

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

PDP 20-23, Official Plan and Zoning By-law Amendment Applications, 3 Cassels Road East, Brooklin, File Numbers: DEV-36-22 (OPA-2022-W/05, Z-23-22)

14. Confirmatory By-law

Resolution # 137-23

Moved by Councillor Bozinovski

Seconded by Councillor Lundquist

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 May 15, 2023 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

15. Adjournment

Moved by Councillor Cardwell

Seconded by Councillor Shahid

That the meeting adjourn.

Carried

The meeting adjourned at 7:33 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor