



Committee of the Whole Minutes

June 12, 2023, 7:00 p.m.
Council Chambers
Whitby Town Hall

Present:

Mayor Roy
Councillor Bozinovski
Councillor Cardwell
Councillor Leahy
Councillor Lee
Councillor Lundquist (Participating Virtually)
Councillor Mulcahy
Councillor Shahid
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
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
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 Lee assumed the Chair.

5.1 Presentations

There were no presentations.

5.2 Delegations

- 5.2.1 Samantha Chow representing Winash Developments Limited
(Virtual Attendance)

Re: PDP 31-23, Planning and Development (Planning Services)
Department Report

Zoning By-law Amendment Application, Winash Developments
Limited, 5380 Baldwin Street South, File Number: DEV-09-23 (Z-
04-23)

Refer to Item 5.4.3, PDP 31-23

Samantha Chow representing Winash Developments Limited
stated that she was available to answer questions.

- 5.2.2 Brian Moss representing 2844542 Ontario Inc. (Virtual Attendance)

Re: PDP 32-23, Planning and Development (Planning Services)
Department Report

Zoning By-law Amendment Application, 2844542 Ontario Inc., 918
Brock Street South, File Number: DEV-07-23 (Z-03-23)

Refer to Item 5.4.4, PDP 32-23

Brian Moss representing 2844542 Ontario Inc. stated that he was
available to answer questions.

5.3 Correspondence

5.4 Staff Reports

- 5.4.1 PDE 10-23, Planning and Development (Engineering Services)
Department Report

Re: Update Traffic By-law # 1862-85, No Stopping on Kirkland
Place

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

- whether residents were notified about the implementation of the proposed no stopping restrictions on Kirkland Place;
- the rationale for the proposed no stopping restrictions; and,
- whether the Kiss and Ride program at Williamsburg Public School would be eliminated and where buses would be parking.

Recommendation:

Moved by Councillor Shahid

1. That Council approve the proposed amendment to Traffic By-law # 1862-85, to incorporate the changes to Schedule “A” 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 10-23 to Durham Student Transportation Services (DSTS) and the Durham District School Board (DDSB).

Carried

5.4.2 PDE 11-23, Planning and Development (Engineering Services) Department Report

Re: Highway 7/12 Alternative Route EA – Addition of Columbus Road (Country Lane to Lake Ridge Road) EA to Scope of Work

Discussion ensued between Members of Committee regarding:

- the primary focus of the Highway 7/12 Alternative Route EA to reduce or eliminate truck traffic in Downtown Brooklin, to obtain care and control of Downtown Brooklin, and to protect the historic downtown;
- the identified technically preferred alternate route entails the construction of a six-lane highway on the Oak Ridges Moraine with the cost being borne by the Town;

- the proximity of the Technically Preferred Alternate (TPA) to environmentally sensitive land and the potential damage to the Oak Ridges Moraine;
- directing traffic around Brooklin that may not be advantageous for the businesses in Downtown Brooklin;
- the differences between a connecting link and obtaining care and control of a road from the MTO;
- considering a report without proper consultation or engagement with the residents, and delaying the consideration of the Staff report until the fall for public consultation;
- the extensive consultation that has taken place regarding the EA;
- finishing the EA process to show residents that the Town was seeking solutions to obtain care and control of Downtown Brooklin;
- consultation with the MTO to explore how the Town would have better control of Highway 7/12 through Downtown Brooklin;
- the impact of Bill 23 on development charges and funding of the EA; and,
- approving the Columbus Road EA would not give the Town care and control of Downtown Brooklin.

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

- the rationale for residents not being notified about Staff report being presented at this meeting;
- the rationale for not engaging the City of Pickering for the Highway 7/12 Alternative Route EA for a shared cost given that the scope of work has expanded to include an alignment of Whitby and Pickering roads;
- confirmation that the estimated cost to complete the alternate route project was \$155,000,000 and that

\$87,000,000 was included until 2031 in the current the Development Charge rates;

- confirmation that the funding of the project to date has been through development charges;
- whether the reserve funds in the amount \$255,000 for the EA Study for Columbus Road were funded through development charges or the tax base;
- the initial projected cost of the 7/12 Alternate Route EA versus the budgeted amount not including the \$255,000 for the Columbus Road EA;
- whether a value was given to the 2.5 km of Baldwin Street that the Town was seeking to assume care and control for;
- including new growth related projects in the Development Charges Background Study should the project not continue;
- the potential impact on setbacks and the MTO requirements around a road should the 7/12 alternate route not be pursued;
- the status of the development located at Winchester Road and Baldwin Street and whether the Town having care and control of Baldwin Street would have had an impact on the status of that development;
- the impact on the EA should consideration of the Staff report be delayed until the fall;
- opportunities for the Town to assume care of control of Baldwin Street;
- whether the Alternative F, Mid-Block and Thicksen Road was a viable preferred route option, and the rationale for Alternative F not being the TPA;
- confirmation that Alternative B-R (Lake Ridge Road and CPR rail corridor) was the TPA and whether this option would be presented for public consultation in the fall;
- the impact of Bill 23 on development charges;

- the lack of support for an alternate route through the Oak Ridges Moraine;
- the repercussions of terminating the project and the available options should the project be terminated; and,
- partnering with the Region to explore routes outside of Whitby's geographical boundaries, whether projects outside of Town boundaries would qualify for utilizing development charge funds, and the percentage of the TPA outside of Whitby's boundaries.

Recommendation:

Moved by Councillor Mulcahy

1. That Council approve a change order incorporating the Columbus Road (Country Lane to Lake Ridge Road) Environmental Assessment Study into the current Highway 7/12 Alternative Route EA contract with BT Engineering, in accordance with the estimate of scope and cost outlined in Report PDE 11-23; and,
2. That a new 2023 capital project be created for the Columbus Road (Country Lane to Lake Ridge Road) Environmental Assessment Study, in the amount of \$255,000 to be funded from the reserves outlined in Table 1 of Report PDE 11-23.

Motion Lost

Recommendation:

Moved by Councillor Mulcahy

1. That Staff terminate the Highway 7/12 Alternate Route Environmental Assessment; and,
2. That any consulting obligations be terminated in accordance with the contractual provisions; and,
3. That the relevant stakeholders and interested parties to the Highway 7/12 Alternate Route Environmental Assessment be notified.

Carried later in the meeting (See following motions)

Recommendation:

Moved by Councillor Leahy

That the motion on the future of the Highway 7/12 Alternate Route EA be deferred until the Fall 2023 to allow time for Staff to bring forward a report outlining the implications of continuing or terminating the EA.

Motion Lost

Recommendation:

Moved by Councillor Mulcahy

1. That Staff terminate the Highway 7/12 Alternate Route Environmental Assessment; and,
2. That any consulting obligations be terminated in accordance with the contractual provisions; and,
3. That the relevant stakeholders and interested parties to the Highway 7/12 Alternate Route Environmental Assessment be notified.

Carried

5.4.3 PDP 31-23, Planning and Development (Planning Services)
Department Report

Re: Zoning By-law Amendment Application, Winash Developments Limited, 5380 Baldwin Street South, File Number: DEV-09-23 (Z-04-23)

Recommendation:

Moved by Councillor Lee

1. That Council approve an amendment to Zoning By-law # 1784 (File No. Z-04-23) as outlined in Planning Report PDP 31-23; and,
2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

Carried

5.4.4 PDP 32-23, Planning and Development (Planning Services)
Department Report

Re: Zoning By-law Amendment Application, 2844542 Ontario Inc.,
918 Brock Street South, File Number: DEV-07-23 (Z-03-23)

Recommendation:

Moved by Councillor Lee

1. That Council approve an amendment to Zoning By-law # 2585 (File Number: Z-03-23) as outlined in Planning Report PDP 32-23; and,
2. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council.

Carried

5.5 New and Unfinished Business - Planning and Development

5.5.1 New and Unfinished Business - Planning and Development

There was no new and unfinished business.

Recommendation:

Moved by Councillor Leahy

That Committee take a five minute recess.

Carried

The Committee recessed at 9:06 p.m. and reconvened at 9:15 p.m.

6. General Government

Councillor Yamada assumed the Chair.

6.1 Presentations

There were no presentations.

6.2 Delegations

6.2.1 David Laturski, Resident (In-Person Attendance)

Re: Forest Heights Park Basketball Court

Refer to Item 6.5.2, Forest Heights Park Basketball Court

David Laturski, Resident, appeared before the Committee and stated that he has resided in Whitby for most of his life and lived approximately five minutes away from Forest Heights Park. Mr. Laturski advised that during his youth, he was able to take advantage of the amenities in the park, and that he spent a lot of quality time playing soccer and basketball at the park with friends and family. He stated that he was advocating for the same opportunities for the children in the area to take advantage of equipment and/or amenities that should be accessible to them. He stated that there was no reason for the removal of the basketball net and to deprive the children in the neighbourhood from participating in constructive recreation. Mr. Laturski stated that he would like to see the reinstalment of the basketball net as soon as possible.

A question and answer period ensued between Members of Committee and Mr. Laturski regarding whether the delegate had any previous concerns when the basketball net was in the court and where the delegate resides in relation to Forest Heights Park.

6.2.2 Bill Geraghty, Resident (In-Person Attendance)

Re: Forest Heights Park Basketball Court

Refer to Item 6.5.2, Forest Heights Park Basketball Court

Bill Geraghty, Resident, appeared before the Committee and stated that he has resided in Whitby for 16 years. He advised that, despite community consultation, the basketball net was removed due to complaints which resulted in an overwhelming response from the public for the basketball net to be reinstalled. He advised that, as an advocate for the physical, social, and emotional well-being of children, he was in favour of reinstalling the basketball net to allow the youth to enjoy the numerous benefits of outdoor play, team sports, social engagement, community building, and celebrating diversity and inclusivity. Mr. Geraghty stated that reinstalling the net would provide children the opportunity to engage in a physically demanding sport that promotes cardiovascular fitness, agility,

coordination, and overall physical well-being. He indicated that by participating in basketball, children would develop crucial motor skills, enhance their flexibility, and build strength necessary for a healthy lifestyle. Mr. Geraghty advised that playing basketball fosters the values of teamwork, cooperation, and communication, and that reinstalling the basketball net would create an environment where children learn to work together, trust their teammates, and understand the significance of collaboration. He noted that the bonds formed on the court extend beyond the game to build lifelong friendships, and valuable social skills. Mr. Geraghty stated that the sport of basketball embraces all who wish to participate regardless of race, gender, or socioeconomic background, and that reinstalling the net would also serve as a catalyst for community involvement and encourage community members to come together and support youth to create a safe and inclusive space for everyone.

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

- where the delegate resides in relation to the location of the basketball court/net;
- whether the delegate's daughter previously had access to the basketball net; and,
- whether there were any negative events experienced by the delegate prior to the basketball net being removed.

It was the consensus of the Committee to hear Item 6.5.2, Forest Hill Park Basketball Court, at this time.

6.2.3 Aleem Kanji, Chief Advocacy Officer, Canadian National Fireworks Association (Virtual Attendance)

Re: FES 04-23, Fire and Emergency Services Department Report Report and Recommendations of Changes to the By-law to Regulate the Sales and Discharge of Fireworks

Refer to Item 6.4.6, FES 04-23

Aleem Kanji, Chief Advocacy Officer, Canadian National Fireworks Association (CFNA), stated that the association was established in 2013, and that he advocates on behalf of 3000 members of the fireworks industry to promote fair access and safety in the sale and use of fireworks. He advised that he works with all levels of

government to create improvements within the fireworks industry through the association's Vendor Certification and Employee Training program which was used in municipalities across Canada. Mr. Kanji stated that both the industry and the government must accept responsibility to create education programs, vendor certification, and training advocacy for users. He noted that the Staff Report proposes prohibiting the possession, sale, and discharge of all consumer fireworks in Whitby. Mr. Kanji advised that there were extensive regulatory licensing and safety measures in place for all vendors who sell fireworks, noting that vendors who sell and display fireworks must be licensed by the Federal Government and must follow stringent rules. He stated that the measures protect residents, the public and vendors. Mr. Kanji stated that any municipality that bans fireworks was willingly removing themselves from the established federal regulations, the provincial fire code, municipal regulations, and the established framework that was meant to protect residents. He advised that consumers would continue to seek out ways to acquire fireworks given the significance that fireworks play in religious, cultural, and other significant events such as Canada Day and Diwali. Mr. Kanji requested that Staff work with the industry to prepare a fulsome report, and to bring forward a by-law that would have multi-stakeholder engagement including residents and the fireworks industry. He stated that he was willing to work with Staff to include the CNFA's education and training programs, at no cost to the municipality, into a revised by-law that would continue to protect the residents of Whitby. Mr. Kanji stated that in his experience a complete ban of consumer grade fireworks was unenforceable and would not be adhered to by the residents in Whitby.

A brief question and answer period ensued between Members of Committee and Mr. Kanji regarding how the CNFA works with other municipalities to address concerns about consumer grade fireworks.

6.2.4 Tom Jacobs representing Rocket Fireworks Inc. (Virtual Attendance)

Re: FES 04-23, Fire and Emergency Services Department Report Report and Recommendations of Changes to the By-law to Regulate the Sales and Discharge of Fireworks

Refer to Item 6.4.6, FES 04-23

Tom Jacobs, representing Rocket Fireworks Inc., stated that had he not been part of fireworks industry he likely would not have known about this meeting. Mr. Jacobs noted that sometimes things like fireworks that people enjoy get quietly taken away due to a few vocal complainants. He advised that the complaints about fireworks were exacerbated during the COVID-19 pandemic because people were starved for entertainment, noting that the sale of consumer grade fireworks has since declined. He requested that fireworks not be banned because of a few irresponsible residents when there was a silent majority that use them responsibly. Mr. Jacobs advised that his clients were mostly families, and that there were only a few occasions per year when neighbouring families and streets gather together to celebrate as a community. He stated that a ban in Whitby would not stop the sale or use of fireworks and that fireworks would be obtained and used illegally from vendors without licences, online shopping or from merchants in neighbouring municipalities. Mr. Jacobs stated that there would not be any chance of safety, education, or responsible use. Mr. Jacobs noted that the permanent vendors were long-term stakeholders who educate customers on safe and responsible use. He requested that Staff work with the industry and the CFNA's policies and regulations that would curb unwanted behaviour, promote the "Be a Good Neighbour" program, and allow the CFNA to certify temporary retailers so they would be educated and informed about fireworks and pass on the knowledge to consumers.

6.2.5 Abhi Singh, Resident (In-Person Attendance)

Re: FES 04-23, Fire and Emergency Services Department Report Report and Recommendations of Changes to the By-law to Regulate the Sales and Discharge of Fireworks

Refer to Item 6.4.6, FES 04-23

Abhi Singh, Resident, appeared before the Committee and stated that he was advocating for the continuance of fireworks in Whitby. He advised that fireworks have been a cherished tradition and important part of celebrations for Diwali, New Years, Chinese New Year, and Canada Day. Mr. Singh stated that many cultures look

forward to celebrating with fireworks because they symbolize good over evil, but that more importantly fireworks celebrations were an opportunity to make memories with family and bring communities together. He stated that he understood the risks and challenges for the Town, but that he would still like to have a legal way for people to abide by the rules and be able to celebrate with fireworks. He advised that he did not support discharging fireworks in the middle of the night or creating a nuisance. Mr. Singh requested that the Town provide a mechanism for the community to be able to continue to use fireworks to celebrate, and to strengthen the rules and procedures to address the concerns raised about noise and safety.

A brief question and answer period ensued between Members of Committee and Mr. Singh regarding the importance/significance of celebrating using fireworks to the delegate's culture, and the preference of the delegate with respect to implementing a fee to register to discharge fireworks versus not implementing a fee.

6.2.6 Dave Hodgson, Resident (In-Person Attendance)

Re: FES 04-23, Fire and Emergency Services Department Report Report and Recommendations of Changes to the By-law to Regulate the Sales and Discharge of Fireworks

Refer to Item 6.4.6, FES 04-23

Dave Hodgson, Resident, appeared before the Committee and stated that he was a long-term resident in Whitby and that he operates the Rocket Fireworks trailer on Thickson Road in Whitby. He advised that a ban on consumer fireworks would directly affect his and many families in the community. Mr. Hodgson stated that fireworks have been used for a long time to celebrate special occasions including Diwali, Victoria Day, Canada Day, and New Years Eve. He further stated that to many people fireworks were beloved traditions and that banning them would take away a big part of their celebration and heritage. He noted that families unable to attend the Town's events were able to participate in important cultural celebrations and bring neighbours together through the use of consumer fireworks. He requested that instead of banning the private sale and display of fireworks that the Town keep the industry safe with continued regulation and increased safety

awareness.

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

- the delegate's policy in educating the public when they purchase fireworks;
- willingness to work with the CFNA to ensure people purchasing fireworks received consistent information; and,
- whether the Town's regulations and policies were stricter than those in other municipalities.

6.2.7 George Xidos representing Skylight Fireworks Inc. (Virtual Attendance)

Re: FES 04-23, Fire and Emergency Services Department Report and Recommendations of Changes to the By-law to Regulate the Sales and Discharge of Fireworks

Refer to Item 6.4.6, FES 04-23

Mr. Xidos was not in attendance when called upon to provide a delegation.

6.2.8 Shevonne Chin representing Flick Fireworks Inc. (In-Person Attendance)

Re: FES 04-23, Fire and Emergency Services Department Report and Recommendations of Changes to the By-law to Regulate the Sales and Discharge of Fireworks

Refer to Item 6.4.6, FES 04-23

Shevonne Chin, representing Flick Fireworks Inc., suggested an alternative to banning fireworks by designating a space for fireworks which would have the potential to transform the multi-cultural Region of Durham and to be adapted into every city across the province. The zone would be a space where individuals celebrate themselves, friends and loved ones and/or significant events every day of year without disturbing neighbours. Ms. Chin advised that the zone would demonstrate inclusiveness, equality, and diversity and would promote public safety with trained officials on site to ensure responsible use, provide demonstrations, and to assist as needed. Ms. Chin advised that by taking a proactive

approach and creating a controlled environment that celebrates the diversity of the community there would be a reduction in the risk of accidents, space would be provided for people who do not own private property, and the use of illegal fireworks throughout the Town would be alleviated. She stated that the economical potential of designated fireworks zones was undeniable. Ms. Chin advised that there was an opportunity to create a major tourist attraction in Durham Region drawing visitors seeking the joy and excitement of fireworks. Ms. Chin stated that this initiative would alleviate noise disturbance complaints and reduce the burden on By-law Enforcement Officers.

6.2.9 Tom Zacharias (In-Person Attendance) and Victor Chapnik (Virtual Attendance) representing Kaboom Fireworks Inc.

Re: FES 04-23, Fire and Emergency Services Department Report Report and Recommendations of Changes to the By-law to Regulate the Sales and Discharge of Fireworks

Refer to Item 6.4.6, FES 04-23

Tom Zacharias, representing Kaboom Fireworks Inc., stated that for over 10 years the company has been retailing low hazard consumer fireworks in Whitby during the weeks preceding Victoria Day and Canada Day. He advised that Kaboom Fireworks Inc. distributes and oversees consumer fireworks programs during those weeks in major big box retailers with stores in Whitby. He noted that sales permits were obtained each season which includes an on-site inspection as part of the process. Mr. Zacharias stated that sales were conducted in accordance with by-laws and the Federal Explosive Regulations which provide comprehensive guidelines governing the display and sale of consumer fireworks. He noted that among many requirements, the Federal guidelines mandate a comprehensive and approved set of safety instructions outlining the safe handling and discharge of fireworks which is provided to every customer. Mr. Zacharias stated that Kaboom Fireworks Inc. has hundreds of loyal customers in Whitby who look forward to purchasing their consumer fireworks locally and who operate safe fireworks displays with their families and communities. He advised that Kaboom Fireworks Inc. in Ontario have fireworks programs in over 130 municipalities which all continue to allow the sale of consumer fireworks. He stated that the Staff report provided

a brief summary of 10 other municipal fireworks by-laws, noting that almost all municipalities in Ontario permit the safe sale and use of consumer fireworks. He advised that the Town of Caledon and City of Brampton were the only municipalities that have recently prohibited family fireworks which has not yet shown to decrease fireworks related complaints. Mr. Zacharias stated that the City of Mississauga undertook a comprehensive review of its fireworks by-law including engagement with the public and the fireworks industry via surveys and meetings, noting that the recommended changes would generally be restricted to an increase in education and enforcement and that both sales and use would continue to be permitted. Further, the City of Toronto conducted a similar review, engagement process, and the outcome was similar to that of Mississauga. Mr. Zacharias noted that the Town of Whitby's public engagement included two surveys in 2022, noting that he did not believe that the surveys were reflective of the broader Town sentiment and that it did not appear that there was sufficient awareness about the fireworks surveys among fireworks users or the fireworks industry representatives. He noted that the COVID-19 pandemic provided a unique situation resulting in an increase in sales and use including discharge on dates and in public locations which were not permitted under the current by-law. Mr. Zacharias stated that much of the use occurred at times when sales were prohibited indicating a need for greater education and enforcement as opposed to a prohibition. Mr. Zacharias stated that there would be an increased need for police enforcement, a significant risk of sales to minors, and an absence of safety instructions and education provided to consumers should the Town not permit the safe and regulated sale and use of consumer fireworks. He indicated that a ban on consumer fireworks would not only be disappointing, but that it would lead to diminished safety and greater nuisance. Mr. Zacharias encouraged Members of Council to consider further engagement with the fireworks industry and the public with a focus on increasing education and enforcement of the current by-law as opposed to a ban on consumer fireworks.

6.2.10 Lovedeep Grewal representing Phatboy Fireworks (Virtual Attendance)

Re: FES 04-23, Fire and Emergency Services Department Report and Recommendations of Changes to the By-law to

Regulate the Sales and Discharge of Fireworks

Refer to Item 6.4.6, FES 04-23

Lovedeep Grewal was not in attendance when called upon to provide a delegation.

It was the consensus of the Committee to hear Item 6.4.6, FES 04-23, at this time.

6.3 Correspondence

There was no correspondence.

6.4 Staff Reports

6.4.1 FS 13-23, Financial Services Department Report

Re: Annual Insured Claims Report

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

- whether the increase for the corporate insurance premium/levy and deductible costs would be higher than ten percent; and,
- the number of total claims for 2022 that were related to the May 21st derecho storm.

Recommendation:

Moved by Councillor Leahy

That Report FS 13-23 regarding Annual Insured Claims be received as information.

Carried

6.4.2 FS 17-23, Financial Services Department Report

Re: Building Permit Fees Annual Financial Report 2022

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

- whether the Building Permit Reserve Fund could be used for projects other than for building permit uses;

- opportunities during the fees study to lower the cost of the fees; and,
- whether the Building Permit Reserve Funds would continue to accrue until it would have funds available for a number of years of operating costs.

Recommendation:

Moved by Councillor Leahy

That Report FS 17-23 on Building Permit Fees Annual Financial Report 2022 be received as information.

Carried

6.4.3 FS 18-23, Financial Services Department Report

Re: 2022 Year End Operating Budget Variances and Reserve Funds

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

- whether supplemental revenue would be reflected in assessment growth;
- addressing concerns about the appearance of surplus funds in reserve funds; and,
- concerns about the amount of surplus funds for vacant positions and the potential for burnout of existing Staff.

Recommendation:

Moved by Councillor Leahy

That report FS 18-23 regarding 2022 Year End Operating Variances and Reserve Funds be received.

Carried

6.4.4 FS 19-23, Financial Services Department Report

Re: Annual Statement of Development Charge and Parkland Dedication Cash-in-Lieu Reserve Funds as of December 31, 2022

A brief question and answer period ensued between Members of Committee and Staff regarding the amount of Development Charge Reserve Funds required for the Town's 10-year capital budget forecast.

Recommendation:

Moved by Mayor Roy

That Report FS 19-23, the Annual Statement of Development Charge and Parkland Dedication Cash-in-Lieu Reserve Funds as of December 31, 2022 be received.

Carried

6.4.5 FES 03-23, Fire and Emergency Services Department Report

Re: Whitby Firefighters – Fallen Firefighters Memorial

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

- the timeline to complete the project;
- whether a memorial for fallen firefighters was previously presented to Council;
- ways that the Town may provide fundraising assistance;
- where donations from members of the public should be made and whether donation/tax receipts would be issued;
- methods of communication to the public; and,
- the timeline to raise the external funds in the amount of \$180,000.

Recommendation:

Moved by Councillor Leahy

1. That Council actively partners with the Whitby Professional Fire Fighters Association IAFF Local 2036 ("Local 2036") on the design and construction of a memorial to fallen fire fighters to be located at Whitby Civic Park adjacent to Town Hall;

2. That the Town of Whitby match Local 2036's contribution to a maximum of \$35,000, funded from Whitby Fire and Emergency Services Operating Budget account 12105-54030, for the design and construction of the memorial;
3. That a new capital project in the amount of \$250,000 be established for the Whitby Memorial to Fallen Fire Fighters, funded from Local 2036 (\$35,000), the Town of Whitby (\$35,000), and external fundraising (\$180,000);
4. That the Town of Whitby actively partners with Local 2036 to source additional public and/or private sources of funding and/or sponsorship opportunities towards the memorial;
5. That construction for the memorial only proceeds once the \$180,000 fund raising goal has been achieved; and,
6. That Staff follow the process outlined in report FES 03-23 for the issuance of Official Donation Receipts for income tax purposes related to the external fundraising efforts for this Town of Whitby project.

Carried

It was the consensus of the Committee to hear Item 6.2.3, Delegation by Mr. Kanji, at this time.

6.4.6 FES 04-23, Fire and Emergency Services Department Report

Re: Report and Recommendations of Changes to the By-law to Regulate the Sales and Discharge of Fireworks

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

- whether Staff have considered shortening the number of days that fireworks may be purchased;
- opportunities for by-law complaints via a hotline or online reporting;
- whether fireworks could be discharged on the day preceding Victoria Day versus on Victoria Day;
- opportunities for greater enforcement and education;
- the rationale for permitting backyard fireworks;

- the number of fires that were a direct result of consumer fireworks; and,
- the amount of property damage caused by consumer fireworks.

Recommendation:

Moved by Mayor Roy

That report FES 04-23 be received for information.

Carried

It was the consensus of the Committee to hear Item 6.4.1, FS 13-23, at this time.

6.4.7 CAO 15-23, Organization Effectiveness and Community Services Department Report

Re: The IDEA Project, Journey to Inclusivity Status Update

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

- the status of the Community IDEA Specialist position and the response from Staff about the impacts of not having the position; and,
- opportunities to investigate external resources to support the initiative without hiring further Staff.

Recommendation:

Moved by Councillor Shahid

That Council receive Report CAO 15-23, The IDEA Project, Journey to Inclusivity Status Update for information.

Carried

6.4.8 CAO 16-23, Office of the Chief Administrative Officer Report

Re: Town of Whitby Official Tree Campaign

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

- whether other municipalities have initiated the LEAF program and/or the Official Tree Campaign;
- whether the Official Tree Campaign would be promoted through social media; and,
- whether there was an abundance of the eight native tree species referenced in Report CAO 16-23 in Whitby.

Recommendation:

Moved by Councillor Leahy

That in accordance with the Town's Procedure By-law, the Committee of the Whole meeting continue to go past 11:00 p.m.

Carried

A question and answer period between Members of Committee and Staff continued regarding whether guidance would be provided about the species of tree selected such as where the tree should be planted, the required space for the tree, and how to maintain the tree.

Recommendation:

Moved by Councillor Leahy

1. That Report CAO 16-23 be received for information; and,
2. That Council endorse the Town of Whitby Official Tree Campaign and adopt the tree species to be selected by the community as an official symbol of the Town.

Carried

6.4.9 CAO 17-23, Office of the Chief Administrative Officer Report

Re: Family Physician Recruitment Update

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

- ensuring that the Regional 2023 Family Physician Recruitment Program would not negatively impact Whitby's future medical centre; and,

- the portion of the \$175,000 allocated to the Queen's-Lakeridge Health Family Medicine Program that would be used to hire staff.

Recommendation:

Moved by Mayor Roy

1. That Report CAO 17-23 be received for information; and,
2. That Council approve an initial expense of \$20,000 to support the Regional 2023 Family Physician Recruitment Program, funded from Strategic Initiatives operating budget account 799SIN-PS-3990.

Carried

6.4.10 CAO 19-23, Office of the Chief Administrative Officer Report

Re: Canada Mortgage and Housing Corporation – Housing Accelerator Fund

Recommendation:

Moved by Councillor Shahid

1. That Council approve in principle the Draft Proposed Action Plan outlined in Attachment # 1 to Report CAO 19-23 for the purpose of submitting an application for the Canada Mortgage and Housing Corporation – Housing Accelerator Fund (2023);
2. That Council authorize the Chief Administrative Officer to submit the application for the Canada Mortgage and Housing Corporation – Housing Accelerator Fund (2023);
3. That Council authorize the Chief Administrative Officer to approve any changes to the Draft Proposed Action Plan outlined in Attachment # 1 to Report CAO 19-23, prior to submission of the Town's application for the Canada Mortgage and Housing Corporation's Housing Accelerator Fund; and,
4. That Council authorize the Mayor and Clerk to execute any necessary agreements regarding the application.

Carried

6.4.11 LS 07-23, Legal and Enforcement Services Department Report

Re: Proposed Amendments to the Town of Whitby Towing By-law # 6887-14

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

- the rationale for the removal of geographical restrictions to where a vehicle would be towed;
- the reason for removing the requirement of towing a vehicle from private property following a minimum period of 12 hours following the issuance the parking infraction notice;
- delaying consideration of the Report LS 07-23 until Staff report back with a fulsome report in the fall of 2023,
- the impact of deferring the Staff report until the fall;
- confirmation that Staff were unable to operate under the existing by-law due to the current fees and the lack of towing companies that would work with the Town under the 2014 towing fees;
- average towing rates for 2023;
- implementing interim measures until the fall including geographical restrictions for towing within Durham Region, a reasonable amount for the parking infraction notice, and providing options through a memorandum to Council at the Council meeting on June 19, 2023; and,
- confirmation that vehicles would not be towed until 24 hours following the issuance of a parking infraction notice.

Recommendation:

Moved by Councillor Shahid

1. That By-law # 6887-14, the Towing By-law, be amended substantially in accordance with Attachment 1 to Report LS 07-23, and that staff bring forward the amendment to a future Council meeting; and,

2. That Council direct staff to review current municipal regulations regarding the licensing and governing of tow truck drivers and tow truck businesses, activities, and undertakings in the Town of Whitby.

Note: The disposition of this matter, Item 6.4.11, was determined through the referral motion below.

Recommendation:

Moved by Councillor Bozinovski

That consideration of Staff Report LS 07-23 be referred to the Council meeting on June 19, 2023 to allow time for Staff to prepare a memorandum to address the questions raised at Committee.

Carried

6.5 New and Unfinished Business - General Government

6.5.1 New and Unfinished Business - General Government

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

6.5.2 Forest Heights Park Basketball Court

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

- reinstalling the basketball net at Darren Park;
- whether there were budget implications associated with the reinstalment of the basketball nets; and,
- a proactive approach with respect to addressing any unwanted activity taking place at the park(s) that negatively impacted the surrounding community.

Recommendation:

Moved by Councillor Leahy

That the Forest Heights Park and Darren Park basketball court nets and poles be reinstalled as soon as possible.

Carried

It was the consensus of the Committee to hear Item 6.4.5, FES 03-23, at this time.

7. Adjournment

7.1 Motion to Adjourn

Recommendation:

Moved by Councillor Shahid

That the meeting adjourn.

Carried

The meeting adjourned at 11:27 p.m.