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Council Minutes

Date: April 12, 2021
Time: 7:00 p.m.
Location: Council Members (in Chambers or MS Teams) | Members of the Public (MS Teams)

Members Present: Mayor A. Foster, Councillor G. Anderson, Councillor R. Hooper, Councillor J. Jones, Councillor J. Neal, Councillor M. Zwart

Regrets: Councillor C. Traill

Staff Present: A. Allison, G. Acorn, S. Brake, A. Burke, F. Langmaid, R. Maciver, M. Pick, G. Weir, R. Windle, J. Gallagher, M. Chambers

1. Call to Order

Mayor Foster called the meeting to order at 7:00 p.m.

Suspend the Rules

Resolution # C-128-21
Moved by Councillor Zwart
Seconded by Councillor Anderson

That the Rules of Procedure be suspended to add an item, under Other Business, regarding the support of hair service establishments to the agenda.

Carried

Suspend the Rules

Resolution # C-129-21
Moved by Councillor Neal
Seconded by Councillor Jones

That the Rules of Procedure be suspended to add Wendy Bracken as a delegation to the Agenda regarding Unfinished Business Item 14.1.

Carried

Suspend the Rules

Resolution # C-130-21

Moved by Councillor Neal

Seconded by Councillor Anderson

That the Rules of Procedure be suspended to add Wendy Bracken as a delegation to the Agenda regarding Unfinished Business Item 14.2.

Carried

2. Moment of Reflection

Councillor Neal led the meeting in a moment of reflection.

3. Land Acknowledgement Statement

Councillor Neal recited the Land Acknowledgement Statement.

4. Declaration of Interest

Councillor Neal declared an indirect interest in Item 4 of the General Government Committee Report (Memo from Andy Allison, CAO, Regarding Community Funding Program).

Councillor Hooper declared a direct interest in Item 17 of the General Government Committee Report (BIA Social Media).

5. Announcements

Members of Council announced upcoming community events and matters of community interest.

6. Adoption of Minutes of Previous Meeting(s)

6.1 Minutes of a regular meeting of Council dated March 22, 2021

Resolution # C-131-21

Moved by Councillor Hooper

Seconded by Councillor Zwart

That the minutes of the regular meeting of the Council held on March 22, 2021, be approved.

Carried

7. Presentations

7.1 MPP David Piccini - Update on the 2021 Provincial Budget

MPP David Piccini advised the Clerk's Division prior to the meeting that he would be unable to attend for his presentation.

8. Delegations

8.1 Linda Gasser regarding St. Marys Cement Alternative Low Carbon Fuels Approval (Unfinished Business Item 14.1)

Linda Gasser was present by electronic means regarding St. Marys Cement Alternative Low Carbon Fuels Approval (ALCF) (Unfinished Business Item 14.1). She made a verbal presentation to accompany an electronic presentation. Ms. Gasser explained why it is essential for Council to seek Leave to Appeal the April 1, 2021, Environmental Compliance Approval (ECA) decision. She stated that it is Council's duty to protect the public. Ms. Gasser proposed two questions when seeking Leave to Appeal which the Environmental Review Tribunal (ERT) will consider when deciding if the Leave to Appeal will be granted. She continued by providing a response to these two proposed questions as outlined in her presentation. Ms. Gasser noted the burning of waste or ALCF's exchanges one set of problems for another and that it is a potentially dangerous trade off with additional potential for environmental harm. She noted that improvements to monitoring should have required by a reviewer and provided details of these requirements. Ms. Gasser provided an overview of an outdated Ministry of the Environments Conversation and Parks (MECP) standards.

Suspend the Rules

Resolution # C-132-21
Moved by Councillor Neal
Seconded by Councillor Jones

That the Rules of Procedure be suspended to extend the delegation of Mr. Gasser for an additional two minutes.

Carried

Ms. Gasser stated that there is a significant reduction coming from SO₂, and later the NO_x, and asked Members of Council to review the information she had previously forwarded to them. She reviewed Durham's submission and believes that there is evidence of potential adverse impacts to the community from burning a wide range of waste and that there should be more safeguards in place. Ms. Gasser concluded by asking the Members of Council to seek Leave to Appeal for the Environmental Compliance Approval. She answered questions from the Members of Council.

8.2 Ruben Plaza, St. Marys Cement, regarding St. Marys Cement Alternative Low Carbon Fuels Approval (Unfinished Business Item 14.1)

Ruben Plaza, St. Marys Cement was present by electronic means regarding St. Marys Cement Alternative Low Carbon Fuels Approval (Unfinished Business Item 14.1). He made a verbal presentation to accompany an electronic presentation. Mr. Plaza noted that Sean Capstick, Golder Associates and Bridget Mills, BCX Environmental Consulting, were also present to answer any questions from the Members of Council. He continued by providing a project overview for the Alternative Low Carbon Fuels (ALCF) application and explained the ALCF sourcing. Mr. Plaza reviewed the point of impingement (POI) concentrations and explained the environmental monitoring. He continued by highlighting the environmental benefits and how SMC is considering the environment. Mr. Plaza concluded by highlighting the environmental leadership of St. Marys Cement Bowmanville Plant. Mr. Plaza answered questions from the Members of Council.

8.3 Wendy Bracken regarding St. Marys Cement Alternative Low Carbon Fuels Approval (Unfinished Business Item 14.1)

Wendy Bracken was present by electronic means regarding St. Marys Cement Alternative Low Carbon Fuels Approval (Unfinished Business Item 14.1). She made a verbal presentation to accompany an electronic presentation. Ms. Bracken stated that Clarington is in a unique situation and must take action on behalf of the residents. She reviewed a series of items which she believes a reasonable person would have considered and highlighted various points that she feels should be reviewed. Ms. Bracken noted her concern with the dioxin and furan ambient air exceedance on May 26, 2018 and noted that this remains a concern.

Suspend the Rules

Resolution # C-134-21
Moved by Councillor Neal
Seconded by Councillor Jones

That the Rules of Procedure be suspended to extend the delegation of Wendy Bracken for an additional two minutes.

Carried

Ms. Bracken continued by stating that Dillon Consulting had a limited scope on their review of the air quality and emissions. She concluded by asking the Members of Council to stand up for Clarington and seek a Leave to Appeal.

8.4 Wendy Bracken regarding DYEC Operations Long-Term Sampling Systems Update (Unfinished Business Item 14.2)

Wendy Bracken was present by electronic means regarding DYEC Operations Long-Term Sampling Systems Update (Unfinished Business Item 14.2). She noted that she wanted to address the draft demand letter and has some suggestions to be considered by the Members of Council. Ms. Bracken highlighted her suggested changes to Page 2 of the Draft Letter provided in the Memo from Ryan Windle, Director of Planning and Development Services dated April 12, 2021 as follows (changes noted in bold):

This would include, at no cost to the requestor, release of:

- all AMESA data from installation to present **and including the** underlying reports (**if requested**); and
- in future, **all** AMESA results **and underlying reports** as they become available (typically on a 28-day basis) **and post them on the DYEC website;**
- the “**validation checklist**” referred to in Durham Report #2021-WR-5;
- **data recovery rates and rationale for any invalidated data**

Ms. Bracken concluded by urging the Members of Council to send this letter requesting this information from the installation of the DYEC to present and that this information be posted for public viewing.

9. Communications – Receive for Information

10. Communications – Direction

11. Committee Reports

11.1 Advisory Committee Reports

11.1.2 Minutes of the Samuel Wilmot Nature Area Management Advisory Committee dated March 9, 2021

11.1.3 Minutes of the Clarington Diversity Committee dated March 25, 2021

Resolution # C-135-21

Moved by Councillor Neal

Seconded by Councillor Hooper

That Advisory Committee Report Items 11.1.1 to 11.1.3, be approved with the exception of Item 11.1.1.

Carried

11.1.1 Minutes of the Clarington Heritage Committee dated March 16, 2021

Resolution # C-136-21
Moved by Councillor Jones
Seconded by Councillor Zwart

That the minutes of the Clarington Heritage Committee dated March 16, 2021 be approved.

Carried

11.2 General Government Committee Report of April 12, 2021

Resolution # C-137-21
Moved by Councillor Jones
Seconded by Councillor Anderson

That the recommendations contained in the General Government Committee Report of March 29, 2021 be approved on consent, with the exception of items 4, 9, 15, 17, and 18.

Carried

Item 4 - Memo from Andy Allison, CAO, Regarding Community Funding Program

Councillor Neal declared an indirect interest in Item 4 of the General Government Committee Report (Community Funding Program) as he is a director on Autism Home Base Durham. Councillor Neal muted his audio and video and refrained from discussion and voting on this matter.

Resolution # C-138-21
Moved by Councillor Hooper
Seconded by Councillor Jones

That Staff be directed to advertise and promote a second intake under the Program with an application deadline of August 31, 2021.

Carried

Councillor Neal returned to the meeting.

Item 9 -North Village External Servicing and Cost Sharing Agreement

Resolution # C-139-21
Moved by Councillor Zwart
Seconded by Councillor Hooper

That Report PWD-020-21 be received;

That the Municipality of Clarington be authorized to enter into a Road Construction Agreement with Smooth Run Developments Inc., Brookfield Residential (ON) LP, and Go Home Investments Inc. for roadworks on North Street, Grady Drive, and Regional Road 17;

That the estimated funds for the Municipality's share of the costs in the amount of \$1,139,057 (Net HST Rebate) be funded from the following accounts:

Description	Account Number	Amount
North St Sidewalk (2017)	110-32-331-83273-7401	\$85,000
North St Reconstruction (2019, 2020)	110-32-330-83273-7401	\$400,000
Structures Rehabilitation (2020)	110-32-330-83275-7401	\$410,173
Reg. Rd. 17 Sidewalk (2020)	110-32-331-83428-7401	\$160,819
Pavement Rehabilitation (2020)	110-32-330-83456-7401	\$83,065

That all interested parties listed in Report PWD-020-21 and any delegations be advised of Council's decision.

Carried

Item 15 - Grass Cutting and Median Maintenance Services

Resolution # C-140-21

Moved by Councillor Anderson

Seconded by Councillor Zwart

That Report FSD-018-21 be received;

That Howe's Your Yard with an estimated annual bid amount of \$537,700 (Net HST Rebate) being the lowest compliant bidder meeting all terms, conditions and specifications of tender CL2021-5 be awarded the contract for an initial three-year term for Grass Cutting and Median Maintenance Services, as required by the Public Works Department;

That pending satisfactory performance, the Purchasing Manager, in consultation with the Director of Public Works be given the authority to extend the contract for this service for up to two additional one-year terms;

That the estimated funds required for the first-year term in the amount of \$537,700 (Net HST Rebate) be funded by the Municipality as provided. The funds required for the second-year term and the third-year term in the estimated amount of \$1,075,400 (Net HST Rebate) will be included in future budget accounts. The funding required for the initial one-year term will be funded from the following accounts:

Description	Account Number	Amount
Parks Maintenance – Contract – Grass Cutting	100-36-325-10115-7155	\$537,700

That all interested parties listed in Report FSD-018-21 and any delegations be advised of Council's decision.

Yes (5): Mayor Foster, Councillor Anderson, Councillor Hooper, Councillor Jones, and Councillor Zwart

No (1): Councillor Neal

Absent (1): Councillor Traill

Carried on a recorded vote (5 to 1)

Item 17 - BIA Social Media

Councillor Hooper declared a direct interest in Item 17 of the General Government Committee Report regarding BIA Social Media as he is a member of the Bowmanville BIA. Councillor Hooper muted his audio and video and refrained from discussion and voting on this matter.

Resolution # C-141-21

Moved by Councillor Zwart

Seconded by Councillor Anderson

That the Municipality of Clarington remit to the Bowmanville BIA a sum not to exceed \$30,000 funded from the Municipality's Safe Restart Program funding received from the Province of Ontario, to cover 50% of the cost to perform social media engagement for the Bowmanville BIA, the Newcastle BIA and the Orono BIA and that the unfunded costs be negotiated between the Bowmanville BIA, the Newcastle BIA and the Orono BIA.

Yes (3): Mayor Foster, Councillor Anderson, and Councillor Zwart

No (2): Councillor Jones, and Councillor Neal

Declared (1): Councillor Hooper

Absent (1): Councillor Traill

Carried on a recorded vote (3 to 2)

Councillor Hooper returned to the meeting.

Item 18 - Hall Board Funding during COVID-19

Resolution # C-142-21

Moved by Councillor Neal

Seconded by Councillor Jones

Whereas many hall boards have little to no bookings due to COVID-19 and are struggling to cover the costs of utilities and PPE; and

Whereas even before COVID-19 many boards struggled to cover their utilities, maintenance and snow removal costs, significantly deterring volunteerism and contributing to low morale.

Now therefore be it resolved that Staff report back on eligibility criteria for hall boards to apply for one-time funding from the Tax Rate Stabilization Reserve Fund (which

would be supported by the Safe Restart funds we got from the Province) to each hall in addition to the \$3000.00 grant they have already received for an amount to be determined per hall board on the basis of need to cover utilities, PPE and other expenses for the 2021 year;

That Staff report back on long-term funding options for hall boards with respect to ongoing snow removal, utilities and maintenance where the hall boards may be struggling financially in order to ensure the long-term viability of the local boards; and

That Staff report back on minimum community support for continuation of a hall board as an independent operation.

Carried

Recess

Resolution # C-143-21
Moved by Councillor Hooper
Seconded by Councillor Jones

That the Council recess for 10 minutes.

Carried

The meeting reconvened at 9:32 p.m. with Mayor Foster in the Chair.

11.3 Planning & Development Committee Report of April 6, 2021

Resolution # C-144-21
Moved by Councillor Anderson
Seconded by Councillor Hooper

That the recommendations contained in the Planning and Development Committee Report of April 6, 2021 be approved on consent, with the exception of item 2.

Carried

Item 2 - Graham and Wilmot Creek Flood Plain Mapping Update Study

Resolution # C-145-21
Moved by Councillor Neal
Seconded by Councillor Jones

That Report PDS-022-21 be received;

That Council approve the Municipal contribution of \$30,000 from the Tax Rate Stabilization Reserve Fund to undertake the Graham and Wilmot Creek Flood Plain Mapping Update Study, in partnership with the Ganaraska Region Conservation Authority, the Region of Durham, and the National Disaster Mitigation Program;

That, as a condition of Clarington's funding, any landowner be notified in writing of any change in their EP mapping as a result of the mapping update study;

That the Mayor and Clerk be authorized to execute the necessary agreements; and

That all interested parties listed in Report PDS-022-21 and any delegations be advised of Council's decision.

Yes (5): Mayor Foster, Councillor Anderson, Councillor Hooper, Councillor Jones, and Councillor Neal

No (1): Councillor Zwart

Absent (1): Councillor Traill

Carried on a recorded vote (5 to 1)

12. Staff Reports

13. Business Arising from Procedural Notice of Motion

14. Unfinished Business

14.1 Delegation of Wendy Bracken, Regarding St. Marys Cement Alternative Low Carbon Fuels Approval

Resolution # C-146-21

Moved by Councillor Neal

Seconded by Councillor Zwart

That Staff be directed to seek leave to appeal the application, by St. Marys Cement to seek Alternative Low Carbon Fuels Approval.

Carried

14.2 Delegations of Kerry Maydem, Linda Gasser & Wendy Bracken, & the presentation of Gioseph Anello, Director, Waste Management Services & Susan Siopis, Commissioner of Works, Region of Durham, regarding DYEC Operations Long-Term Sampling System Update

Resolution # C-147-21

Moved by Councillor Neal

Seconded by Councillor Hooper

That the letter of demand to the Region of Durham, as included in the Memo from Ryan Windle, Director of Planning and Development Services dated April 12, 2021, be adopted and forwarded to the Region of Durham.

Yes (6): Mayor Foster, Councillor Anderson, Councillor Hooper, Councillor Jones, Councillor Neal, and Councillor Zwart

Absent (1): Councillor Traill

Carried on a Recorded Vote Later in the Meeting, See following Motions (6 to 0)

Recess

Resolution # C-148-21

Moved by Councillor Anderson

Seconded by Councillor Hooper

That the Council recess for 10 minutes.

Carried

The meeting reconvened at 10:10 p.m. with Mayor Foster in the Chair.

Resolution # C-149-21

Moved by Councillor Neal

Seconded by Councillor Anderson

That the foregoing Resolution #C-147-21 be amended with the following changes to the first paragraph of page two of demand letter to the Region of Durham:

That the following replace the remainder of the paragraph after the word “public”:

“and sent to Clarington Planning staff. This would include, at no cost to the requestor or Clarington, release of:

- all AMESA data from installation to present and include underlying lab reports including all documentation regarding the calibration of the Amesa and stack test results;
- In future, all AMESA results and underlying report, as they become available (typically on a 28-day basis);
- The validation checklist referred to in #2021-WR-5; and
- In future, data recovery rates and reason for any data that has been invalidated.
- And further that all of the above be posted on the DYEC website”

Carried

Resolution # C-150-21

Moved by Councillor Neal

Seconded by Councillor Jones

That the Rules of Procedure be suspended to allow Members of Committee to speak to the foregoing Resolution #C-149-21 for a second time.

Carried

Resolution # C-151-21
Moved by Councillor Neal
Seconded by Councillor Zwart

That the foregoing Resolution #C-147-21 be amended by deleting the paragraph “requesting the minutes of the EFW-WMAC be sent to Regional Council” from the demand letter.

The foregoing Resolution #C-147-21 was then put to a recorded vote and carried as amended.

15. By-laws

15.1 2021-045 - Being a by-law to adopt the estimates of all sums required during the year, to strike rates and levy taxes for municipal purposes for the year 2021 and to provide for the collection thereof

Resolution # C-152-21
Moved by Councillor Hooper
Seconded by Councillor Anderson

That leave be granted to introduce By-law 2021-045; and

That the said by-law be approved.

Carried

16. Procedural Notices of Motion

17. Other Business

17.1 Motion Supporting Hair Service Establishments Remaining Open During COVID Shutdown

Resolution # C-153-21
Moved by Councillor Zwart
Seconded by Councillor Anderson

Whereas Clarington Council remains a strong supporter of our local and small businesses;

And whereas hair service establishments are important businesses in our community;

And whereas hair service establishments in Ontario are mandated to be closed during the COVID-19 Province Wide Shutdown in effect from April 8, 2021 for 28 days;

And whereas most hair service establishments in Clarington are small, and unable to support their businesses and families during this shutdown;

And whereas hair service establishment owners across the Province have implemented new protocols to keep clients and staff safe, adhering to current COVID-19 measures, when allowed to be open;

And whereas the Region of Durham Health unit inspects salons and spas, and posts inspection results publicly;

Now therefore be it resolved that the Municipality of Clarington:

1. Supports the reopening of the hair service establishments as soon as possible.
2. Supports removing hair service establishments from being included in any further COVID-19 Province Wide Shutdowns and be permitted to open.
3. That this motion be distributed to Premier Ford, MPP Lindsey Park, MPP David Piccini, and all Durham Region Municipalities.

Carried

Councillor Neal asked for an update at the next Planning and Development Committee meeting regarding the Official Plan Amendments.

18. Confirming By-Law

Resolution # C-154-21

Moved by Councillor Hooper

Seconded by Councillor Neal

That leave be granted to introduce By-law 2021-046, being a by-law to confirm the proceedings of the Council of the Municipality of Clarington at a regular meeting held on the 12th day of April, 2021; and

That the said by-law be approved.

Carried

19. Adjournment

Resolution # C-155-21

Moved by Councillor Neal

Seconded by Councillor Anderson

That the meeting adjourn at 10:34 p.m.

Carried