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Council Minutes

Date: July 6-7, 2020
Time: 7:00 p.m.
Location: Microsoft Teams

Present Were: Mayor A. Foster
Present Via Electronic Means: Councillor G. Anderson, Councillor R. Hooper, Councillor J. Jones, Councillor J. Neal, Councillor C. Traill, Councillor M. Zwart

Staff Present: A. Greentree, L. Patenaude
Present Via Electronic Means: A. Allison, G. Acorn, R. Albright, S. Brake, F. Langmaid, R. Maciver, M. Marano, T. Pinn, G. Weir

1. Call to Order

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

2. Moment of Reflection

Councillor Jones led the meeting in a moment of reflection.

3. Land Acknowledgement Statement

Councillor Jones recited the land acknowledgement statement.

4. Declaration of Interest

Councillor Neal declared an indirect interest in Report CSD-005-20 regarding the 2020 Community Sponsorship Requests for Autism Home Base Durham (Item 39 of the General Government Committee Report).

Councillor Neal declared an indirect interest in Item 14.1 regarding Addendum to Report PSD-015-20 - Bowmanville Neighbourhood Character Study.

Later in the meeting, Councillor Neal declared a direct interest in By-laws 2020-050 and 2020-051.

5. Announcements

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

Alter the Agenda

Resolution # C-306-20

Moved by Councillor Anderson

Seconded by Councillor Jones

That the Agenda be altered to consider Item 7.1, regarding 2020 Awards of Excellence, at this time.

Carried

7. Presentations

7.1 2020 Awards of Academic Excellence

Mayor Foster advised that the 19th Annual “Awards for Academic Excellence” program was developed in 2001 to recognize students from Clarington’s local elementary and secondary schools. Mayor Foster indicated that local elementary and secondary schools were asked to submit the name of a graduating student who, in their opinion, has demonstrated academic excellence combined with a commitment to leadership and community service.

Each student will be provided with a personal framed certificate and, as a further commitment to Council’s recognition of local students, secondary students who were being recognized will receive a cheque for \$100.00 as a bursary to further their educational pursuits.

Mayor Foster recognized the following elementary students:

Amy John, Knox Christian School

Treyson Stewart, Good Shepherd Elementary School

Elizabeth McFarland, Monsignor Leo Cleary Elementary School

John Walchuck, St. Mother Theresa Elementary School

Amber Franke, St. Elizabeth Elementary School

Caelyn Smith, St. Francis of Assisi Elementary School

Olivia Therrien, St. Joseph Catholic Elementary School

Annie Mills, Courtice Intermediate School

Owen Baker, Courtice North Public School

Ella Mastin, Dr. Emily Stowe Public School

Natalya Walker, Dr. Ross Tilley Public School

Nevaia Whyte and Alyson Murray, Harold Longworth Public School

Prisha Fields, John M. James Public School

Mae Nelson, Lydia Trull Public School

Asmitha Kiritharan, M.J. Hobbs Senior Public School

Ethan Benight, S.T. Worden Public School

Gavin Savage, The Pines Senior Public School

Rylynn Hannah Lee, Waverly Public School

Brooklyn Crandles, Vincent Massey Public School

Andrew Gaulton, Holy Family Elementary School

Thirn Bhavan, Duke of Cambridge Public School

Mayor Foster recognized the following secondary students:

Rosa Parentesis, Courtice Secondary School

Luke Cheshire, Clarke High School

Elizabeth Arbour, St. Stephen Secondary School

Isabel Smith, Holy Trinity Secondary School

Charlotte Stapley, Durham Christian High School

6. Adoption of Minutes of Previous Meeting(s)

6.1 Minutes of a regular meeting of Council dated June 15, 2020

6.2 Minutes of a special meeting of Council dated June 22, 2020

Resolution # C-307-20

Moved by Councillor Zwart

Seconded by Councillor Anderson

That the minutes of the regular meeting of the Council held on June 15, 2020 be approved; and

That the minutes of the special meeting of the Council held on June 22, 2020 be approved.

Carried

Recess

Resolution # C-308-20

Moved by Councillor Jones

Seconded by Councillor Hooper

That the Council recess for 15 minutes.

Carried

The meeting reconvened at 7:35 p.m. with Mayor Foster in the Chair.

8. Delegations

8.1 Victor Suppan regarding Addendum to Report PSD-015-20, Proposed Official Plan Amendment and Rezoning to Implement the Bowmanville Neighbourhood Character Study

Victor Suppan withdrew his request to address Council.

8.2 Andrew Rice regarding Addendum to Report PSD-015-20, Proposed Official Plan Amendment and Rezoning to Implement the Bowmanville Neighbourhood Character Study

Andrew Rice was present via electronic means regarding Addendum to Report PSD-015-20, Proposed Official Plan Amendment and Rezoning to Implement the Bowmanville Neighbourhood Character Study. Mr. Rice requested that Council approve recommendation 2b in Report PSD-015-20 and that an extra half meter be approved for 64 Prospect Street to allow flexibility for the high-water table. He concluded by stating that they are willing to help with engaging community support.

8.3 John McDermott, McDermott and Associates Limited, regarding Addendum to Report PSD-015-20, Proposed Official Plan Amendment and Rezoning to Implement the Bowmanville Neighbourhood Character Study

John McDermott, McDermott and Associates Limited, was present via electronic means regarding Addendum to Report PSD-015-20, Proposed Official Plan Amendment and Rezoning to Implement the Bowmanville Neighbourhood Character Study. Mr. McDermott noted that he is the representative for both the Rice and McGregor family. He requested that Council approve recommendation 2b in Report PSD-015-20. Mr. McDermott expressed his concerns regarding the water table and design of the development. He explained that the 8.5m height is a serious restriction for the property of 64 Prospect Street. Mr. McDermott concluded by suggesting “that the maximum lot coverage on any lot be set to 35% up to a maximum of be 228 m² to ensure the caricature of the community as a whole”.

Suspend the Rules

Resolution # C-309-20

Moved by Councillor Hooper

Seconded by Councillor Traill

That the Rules of Procedure be suspended to add Jim Grimley and Mike Campbell as delegations.

Carried

Alter the Agenda

Resolution # C-310-20

Moved by Councillor Hooper

Seconded by Councillor Jones

That the Agenda be altered to consider Item 14.1, Addendum to Report PSD-015-20 - Bowmanville Neighbourhood Character Study, at this time.

Carried

14.1 Addendum to Report PSD-015-20 - Bowmanville Neighbourhood Character Study, Addendum to Report PSD-015-20

Councillor Neal declared an indirect interest in Addendum to Report PSD-015-20 - Bowmanville Neighbourhood Character Study, as it relates to his law practice. Councillor Neal muted his audio and video and refrained from discussion on this matter.

Resolution # C-311-20

Moved by Councillor Hooper

Seconded by Councillor Anderson

That Report PSD-015-20 be received;

That Addendum Report PSD-015-20 be received;

That the Official Plan Amendment contained in Attachment 1 of Report PSD-015-20 be approved;

That the revised Zoning By-law Amendment that also repeals Interim Control By-law 2018-083 contained in Attachment 2b of Addendum Report PSD-015-20 be approved;

That in accordance with Section 45(1.4) of the *Planning Act*, Council permit minor variance applications to be submitted for the lands subject to the Zoning By-law Amendment contained in Addendum Report PSD-015-20, provided the application is accompanied by a character analysis as determined by the Director of Planning;

That the Durham Regional Planning and Economic Development Department, the Ministry of Municipal Affairs and Housing and the Municipal Property Assessment Corporation be forwarded a copy of Report PSD-015-20, Addendum Report PSD-015-20 and Council's decision; and

That all interested parties listed in Addendum Report PSD-015-20 and any delegations be advised of Council's decision.

Carried

Councillor Neal returned to the meeting.

8.4 Jim Grimley, Vice President, Wilmot Creek Homeowners' Association, regarding Report EGD-013-20 Whistle Cessation Update - Cobbledick Rd and Bennett Rd

Jim Grimley, 1st Vice President, Wilmot Creek Homeowners' Association, was present via electronic means regarding Report EGD-013-20 Whistle Cessation Update - Cobbledick Rd and Bennett Rd. Mr. Grimley stated that, before COVID-19, there was an average of 28 VIA trains and 10 freight trains per day. He added that, each train whistles four times per day at the Bennett Road and Cobbledick Road crossings. Mr. Grimley reviewed the various decibel readings at Wilmot Creek including time, distance, volume and sound levels. He noted that, there will be an increase in the number of trains per day and stated his concern for increased noise pollution. Mr. Grimley explained the importance of whistles and rail crossing safety and noted the number of accidents are less than before whistle bans were enacted. He stated that the crossings at Wilmot Creek are not high risk and do not appear on the top 500 crossings risk list. Mr. Grimley reviewed the areas that will be affected by the whistle blast. He added that, whistle noise pollution affects the quality of life and concluded by stating the 19th century origins of train whistle procedures. Mr. Grimley answered questions from Members of Council.

Suspend the Rules

Resolution # C-312-20

Moved by Councillor Traill

Seconded by Councillor Anderson

That the Rules of Procedure be suspended to extend the delegation for an additional 2 minutes.

Carried

8.5 Mike Campbell, regarding Darlington Boulevard - Courtice - Potential Traffic Calming Measures

Staff attempted to contact Mr. Campbell via phone and electronic means but he did not join the meeting.

9. Communications – Receive for Information

There were no Communications to be received for information.

10. Communications – Direction

10.1 Confidential Memo from Ron Albright, Acting Director of Engineering regarding Land Appraisal Value for Portions of Given Road to be Closed and Conveyed as Part of Adjacent Development Proposals

10.4 Stuart McReynolds, regarding Addendum to Report PSD-019-20, 415 Mill Street

10.8 Willie & Donna Woo, regarding Support of Government's Commission on Long-Term Care

Resolution # C-313-20

Moved by Councillor Zwart

Seconded by Councillor Neal

That Correspondence Items 10.1, 10.4, and 10.8, be approved as per the agenda.

Carried

10.5 Patricia and Andrew Rice and Don McGregor, regarding Addendum to Report PSD-015-20, Proposed Official Plan Amendment and Rezoning to Implement the Bowmanville Neighbourhood Character Study

Communication Item 10.5 was considered earlier in the meeting during the deliberations of Item 14.1.

10.2 Memo from Trevor Pinn, Director of Finance/Treasurer regarding Newcastle Skateboard Park RFP

Resolution # C-314-20

Moved by Councillor Zwart

Seconded by Councillor Hooper

That Staff proceed to issue an RFP for the design/build of the Newcastle Skateboard Park utilizing a weighted scoring method.

Yes (7): Mayor Foster, Councillor Anderson, Councillor Hooper, Councillor Jones, Councillor Neal, Councillor Traill, and Councillor Zwart

Carried on a recorded vote (7 to 0)

10.3 Dave Wilkes, President and CEO, BILD, Joe Vaccaro, CEO, OHBA, and Kevin Lee, CEO, CHBA, regarding CHBA Construction to Kick Start Ontario's Economy: CHBA, OHBA, and BILD - Submission on Jobs & Recovery

Resolution # C-315-20

Moved by Councillor Neal

Seconded by Councillor Traill

That Communication Item 10.3 from Dave Wilkes, President and CEO, BILD, Joe Vaccaro, CEO, OHBA, and Kevin Lee, CEO, CHBA, regarding CHBA Construction to Kick Start Ontario's Economy: CHBA, OHBA, and BILD - Submission on Jobs & Recovery, be endorsed by the Municipality of Clarington.

Motion Withdrawn

Resolution # C-316-20

Moved by Councillor Neal

Seconded by Councillor Hooper

That Communication Item 10.3 be referred to staff to report back at the September 14, 2020 Joint General Government and Planning and Development Committee meeting.

Carried

10.6 Susan Cassel, City Clerk, City of Pickering, regarding Official Opposition Statement on Municipal Financial Support

Resolution # C-317-20

Moved by Councillor Zwart

Seconded by Councillor Hooper

That the following resolution from Susan Cassel, City Clerk, City of Pickering, regarding Official Opposition Statement on Municipal Financial Support, be endorsed by the Municipality of Clarington:

That Council endorse the NDP motion calling on the provincial government to work with the federal government to address the systemic financial challenges facing municipalities that have been exacerbated by COVID-19, and to implement the recommendations brought forward by the Federation of Canadian Municipalities and the Association of Municipalities of Ontario; and

That Council's endorsement be forwarded to the Premier of Ontario, Durham MP's and MPPs, AMO, FCM and Durham Region municipalities.

Carried

10.7 Jennifer Astrologo, Director of Corporate Services/Clerk, Corporate Services Department, Town of Kingsville, regarding Request that the Rent Assistance Program Includes all Businesses in a Lease Agreement Without a Cap on Commercial/Residential Ratio

Resolution # C-318-20

Moved by Councillor Hooper

Seconded by Councillor Zwart

That the following resolution from Jennifer Astrologo, Director of Corporate Services/Clerk, Corporate Services Department, Town of Kingsville, regarding Request that the Rent Assistance Program Includes all Businesses in a Lease Agreement within all "Residential-Above-Commercial" Properties without a Cap on Commercial/Residential Ratio, be endorsed by the Municipality of Clarington:

Whereas the COVID-19 Pandemic has greatly impacted the business community in the Town of Kingsville;

Whereas the Province of Ontario has provided financial assistance including a multi-level Rent Assistance program to the business community impacted by the COVID-19 Pandemic;

Whereas the Rent Assistance program offered by the Province of Ontario established an arbitrary cap on multi-use properties where it is common for "residential-above-commercial" developments, especially in downtown and Main Street corridors;

Whereas Kingsville, particularly in our downtown business centres, has several properties with residential-above-commercial where the ratio of commercial storefront businesses represents less than 30 per cent of the entire building, thus leaving a gap where local business owners cannot qualify for rent relief with their willing landlords; and

Whereas the Town of Kingsville's newly adopted Business Retention and Expansion Project Report identified that Kingsville businesses would benefit from the Province expanding the Rent Assistance program to include all commercial lease properties regardless of overall footprint.

Now Therefore Be It Resolved that, the Town of Kingsville requests that the Province of Ontario expand their Rent Assistance program to include all businesses in a lease agreement within all "residential-above-commercial" properties without a cap on commercial/residential ratio;

And Finally, that this Resolution be circulated to the Premier, Doug Ford, the Minister of Finance, Rod Phillips, our local MPP Taras Natyshak, and all Ontario municipalities requesting their support.

Carried

11. Committee Reports

11.1 Advisory Committee Reports

11.1.1 Minutes of the Agricultural Advisory Committee dated June 11, 2020

11.1.2 Minutes of the Samuel Wilmot Nature Area Management Advisory Committee dated June 16, 2020

11.1.3 Minutes of the Clarington Heritage Committee dated June 16, 2020

11.1.4 Minutes of the Clarington Diversity Committee dated June 4, and June 25, 2020

Resolution # C-319-20

Moved by Councillor Anderson

Seconded by Councillor Hooper

That Advisory Committee Report Items 11.1.1 to 11.1.4, be approved.

Carried

11.2 General Government Committee Report of June 22, 2020

Resolution # C-320-20

Moved by Councillor Jones

Seconded by Councillor Neal

That the recommendations contained in the General Government Committee Report of June 22, 2020 be approved on consent, with the exception of items 33, 1f, 1m, 13, 23, 39.

Carried

Item 33 - Clarington Ravens Grant Application

Resolution # C-321-20

Moved by Councillor Jones

Seconded by Councillor Neal

That Grant Application #20-32, from the Clarington Ravens, be received for information.

Yes (3): Councillor Jones, Councillor Neal, and Councillor Traill

No (4): Mayor Foster, Councillor Anderson, Councillor Hooper, and Councillor Zwart

Motion Lost on a recorded vote, Later in the meeting, See following motion (3 to 4)

Resolution # C-322-20

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-321-20 for a second time.

Carried

The foregoing Resolution #C-321-20 was then put to a recorded vote and lost.

Resolution # C-323-20

Moved by Councillor Zwart

Seconded by Councillor Hooper

That the Grant Application #20-32, from the Clarington Ravens, be approved in the amount of \$2,500.00.

Motion Withdrawn

Resolution # C-324-20

Moved by Councillor Hooper

Seconded by Councillor Zwart

That the Grant Application #20-32, from the Clarington Ravens, be approved in the amount of \$1,000.00.

Yes (4): Mayor Foster, Councillor Anderson, Councillor Hooper, and Councillor Zwart

No (3): Councillor Jones, Councillor Neal, and Councillor Traill

Carried on a recorded vote (4 to 3)

Item 39 - Autism Home Base Durham

Councillor Neal declared an indirect interest in Report CSD-004-20 regarding the 2020 Community Grant Requests for Autism Home Base Durham (Application #20-19) as he is a member of the Board. Councillor Neal muted his audio and video and refrained from discussion on this matter.

Resolution # C-325-20

Moved by Councillor Zwart

Seconded by Councillor Jones

That the Grant Application #20-19, from Autism Home Base Durham, be approved in the amount of \$3000.00.

Carried

Councillor Neal returned to the meeting.

Item 1f - Memo from Ron Albright, Acting Director, Engineering Services, Regarding Flooding on Nash Road

Resolution # C-326-20

Moved by Councillor Neal

Seconded by Councillor Jones

That the memo from Ron Albright, Acting Director, Engineering Services, regarding Flooding on Nash Road, be received for information.

Carried

Item 1m - Strategic Plan Update

Resolution # C-327-20

Moved by Councillor Neal

Seconded by Councillor Jones

That Report CAO-016-20, Strategic Plan Update, be received for information.

Carried

Item 13 - Operations Needs Assessment

Resolution # C-328-20

Moved by Councillor Neal

Seconded by Councillor Jones

That Report OPD-006-20, Operations Needs Assessment, be received for information.

Motion Withdrawn

Resolution # C-329-20

Moved by Councillor Neal

Seconded by Councillor Jones

That Report OPD-006-20 be referred to the September 14, 2020 Joint General Government and Planning and Development Committee meeting.

Carried

Item 23 - Single Source Award to Grant Thornton for the Development of Key Performance Indicators and Management by Objectives

Resolution # C-330-20

Moved by Councillor Zwart

Seconded by Councillor Hooper

That Report FND-025-20 be received;

That, under the single source provision of the Municipality's Purchasing By-Law and based on the proposal received, Council grant the Purchasing Manager the authority to negotiate an agreement with Grant Thornton for the development of Key Performance Indicators (KPIs) and Management by Objectives (MBOs) for the Municipality;

That the Purchasing Manager be authorized to execute the necessary agreement with Grant Thornton for the services, outlined in Recommendation 2, in a form acceptable to the Municipal Solicitor;

That funds required for the services be funded from the Continuous Improvement Reserve Fund; and

That all interested parties listed in Report FND-025-20 and any delegations be advised of Council's decision.

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

No (1): Councillor Neal

Carried on a recorded vote, Later in the meeting, See following motions (6 to 1)

Recess

Resolution # C-331-20

Moved by Councillor Neal

Seconded by Councillor Jones

That the Council recess for 10 minutes.

Carried

The meeting reconvened at 9:47 p.m. with Mayor Foster in the Chair.

Resolution # C-332-20
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-330-20 for a second time.

Carried

The foregoing Resolution #C-330-20 was then put to a recorded vote and carried.

11.3 Special Planning and Development Committee Report of June 23, 2020

Resolution # C-333-20
Moved by Councillor Neal
Seconded by Councillor Hooper

That the recommendations contained in the Special Planning and Development Committee Report of June, 23, 2020 be approved on consent.

Carried

11.4 Planning and Development Committee Report of June 29, 2020

Resolution # C-334-20
Moved by Councillor Neal
Seconded by Councillor Zwart

That the recommendations contained in the Planning and Development Committee Report of June, 29, 2020 be approved on consent, with the exception of Item 1a.

Carried

Item 1a – Confidential Report LGL-005-20 Camp 30 Option Agreement

Resolution # C-335-20
Moved by Councillor Neal
Seconded by Councillor Jones

That legal action be initiated to enforce the 2016 agreement which required the transfer of \$500,000 to Clarington which was to be utilized to preserve the buildings at Camp 30, and the transfer of the land for Camp 30.

Yes (3): Councillor Jones, Councillor Neal, and Councillor Traill

No (4): Mayor Foster, Councillor Anderson, Councillor Hooper, and Councillor Zwart

Motion Lost on a recorded vote, Later in the meeting, See following motions (3 to 4)

Closed Session

Resolution # C-336-20

Moved by Councillor Neal

Seconded by Councillor Zwart

That, in accordance with Section 239 (2) of the *Municipal Act, 2001*, as amended, the meeting be closed for the purpose of discussing a matter that deals with advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried

Rise and Report

The meeting resumed in open session at 10:48 p.m.

Mayor Foster advised that one item was discussed in “closed” session in accordance with Section 239(2) of the *Municipal Act, 2001* and no resolutions were passed.

Suspend the Rules

Resolution # C-337-20

Moved by Councillor Hooper

Seconded by Councillor Zwart

That the Rules of Procedure be suspended to extend the meeting for an hour until 12:00 AM.

Carried

The foregoing Resolution #C-335-20 was then put to a recorded vote and lost.

Resolution # C-338-20

Moved by Councillor Hooper

Seconded by Councillor Zwart

That Confidential Report LGL-005-20, be received for information.

Yes (4): Mayor Foster, Councillor Anderson, Councillor Hooper, and Councillor Zwart

No (3): Councillor Jones, Councillor Neal, and Councillor Traill

Carried, as amended, on a recorded vote, See following motions (4 to 3)

Resolution # C-339-20

Moved by Councillor Hooper

Seconded by Councillor Anderson

That the foregoing Resolution #C-338-20 be amended by adding the following at the end:

That the Solicitor be directed to share, by way of a confidential memorandum, a description of the path forward on this matter.

Yes (4): Mayor Foster, Councillor Anderson, Councillor Hooper, and Councillor Zwart

No (3): Councillor Jones, Councillor Neal, and Councillor Traill

Carried on a recorded vote (4 to 3)

Resolution # C-340-20

Moved by Councillor Hooper

Seconded by Councillor Anderson

That the Rules of Procedure be suspended to allow Members of Committee to speak to the foregoing Resolution #C-338-20 for a second time.

Carried

That the foregoing Resolution #C-338-20 was then put to a recorded vote and carried as amended.

12. Staff Reports

12.1 Confidential Report FND-026-20 - Appointment of Municipal Officer

Closed Session

Resolution # C-341-20

Moved by Councillor Neal

Seconded by Councillor Zwart

That, in accordance with Section 239 (2) of the *Municipal Act, 2001*, as amended, the meeting be closed for the purpose of discussing a matter that deals with personal matters about an identifiable individual, including municipal or local board employees.

Withdrawn

Resolution # C-342-20

Moved by Councillor Neal

Seconded by Councillor Zwart

That Report FND-026-20, Appointment of Municipal Officer, be considered in Closed Session later in the meeting, immediately before Item 15.

Carried

12.2 Confidential Report LGL-006-20 - Anaerobic Digestion Facility Dispute Resolution Process - Update #1

Resolution # C-343-20

Moved by Councillor Neal

Seconded by Councillor Jones

That Confidential Report LGL-006-20, be received for information.

Carried, Later in the meeting

Resolution # C-344-20
Moved by Councillor Neal
Seconded by Councillor Jones

That Item 12.2, regarding Anaerobic Digestion Facility Dispute Resolution Process - Update #1, be referred to be considered in Closed Session, later in the meeting immediately before Item 15.

Carried

12.3 Report PSD-027-20 - An Application by Lanarose Homes Ltd. for a Removal of Holding to Permit an Apartment Building Containing 116 Residential Units in the Port of Newcastle

Resolution # C-345-20
Moved by Councillor Neal
Seconded by Councillor Anderson

That Report PSD-027-20 be received;

That the application submitted by Lanarose Homes Ltd. to remove the Holding (H) symbol be conditionally approved as contained in Attachment 1 to Report PSD-027-20;

That the Mayor and the Municipal Clerk be authorized to enact the By-law included as Attachment 1 of Report PSD-027-20 upon receipt by the Municipality of an executed Site Plan Agreement and the appropriate securities;

That Council's decision and a copy of Report PSD-027-20 be forwarded to the Region of Durham and the Municipal Property Assessment Corporation; and

That all interested parties listed in Report PSD-027-20 and any delegations be advised of Council's decision.

Carried

13. Business Arising from Procedural Notice of Motion

None

14. Unfinished Business

14.1 Addendum to Report PSD-015-20 - Bowmanville Neighbourhood Character Study, Addendum to Report PSD-015-20

Addendum to Report PSD-015-20 – Bowmanville Neighbourhood Character Study was considered earlier in the meeting.

14.2 Addendum to Report EGD-011-20 - Proposal to Close and Convey a Portion of a Road Allowance (Given Road) Situated in Lot 30, Concession 2, Former Township of Clarke, Addendum to EGD-011-20

Resolution # C-346-20

Moved by Councillor Neal

Seconded by Councillor Anderson

That Report EGD-011-20 and Addendum to Report EGD-011-20 be received;

That Part 1 on Plan 40R-30883 be declared surplus, closed and conveyed to Tornat Newcastle Limited for the appraised value;

That Parts 2, 3, 4, 6, 10 and 12 on Plan 40R-30883 be declared surplus, closed and conveyed to Lindvest Property (Clarington South) Limited for the appraised value;

That paragraph 3 be conditional on the gratuitous dedication of Part 11 on Plan 40R-30883 to the Municipality;

That paragraphs 2 and 3 be conditional on payment by the applicants of all applicable costs and fees for the preparation and registration of the transfers, including HST;

That the Mayor and the Municipal Clerk be authorized to enact the by-law included as Attachment 2 to Addendum to Report EGD-011-20 upon confirmation to the Municipality that the electrical power lines situated within the Given Road allowance have been successfully relocated to the satisfaction of Elexicon Energy Inc.; and

That all interested parties listed in Addendum to Report EGD-011-20 and any delegations be advised of Council's decision.

Carried

14.3 Darrin Canniff, Mayor/CEO, Municipality of Chatham-Kent, Regarding Support of Government's Commission on Long-Term Care

Resolution # C-347-20

Moved by Councillor Hooper

Seconded by Councillor Anderson

That the Correspondence from Darrin Canniff, Mayor/CEO, Municipality of Chatham-Kent, Regarding Support of Government's Commission on Long-Term Care, be endorsed by the Municipality of Clarington.

Carried

Suspend the Rules

Resolution # C-348-20

Moved by Councillor Traill

Seconded by Councillor Anderson

That the Rules of Procedure be suspended to extend the meeting until 12:30 AM.

Carried

14.4 EGD-013-20 Whistle Cessation Update - Cobbledick Rd and Bennett Rd

Resolution # C-349-20

Moved by Councillor Traill

Seconded by Councillor Anderson

Whereas Wilmot Creek residents presented Clarington Council with a petition containing over nine hundred signatures asking for Clarington to follow the lead of Markham, Cobourg and Nepean in banning the train horn at two level crossings located in the vicinity of Wilmot Creek Adult Lifestyle Community;

Whereas Clarington residents deserve affordable and healthy living space;

Whereas Wilmot Creek residents have cited the blaring of the train horn during the day and night as being intrusive and negatively affecting their quality of life and health;

Whereas there are currently thousands of miles of noise barriers along Highway 401 because the Province recognizes the importance of noise attenuation; and

Whereas Clarington Council gave direction to Staff at the Special General Government Committee meeting on February 19, 2019 to move forward with the request to seek the elimination of the train whistles at the Cobbledick Road (CN Mileage 287.26) and Bennett Road (CN Mileage 289.08) grade level crossings;

Now Therefore Be It Resolved:

That Staff apply immediately to the Rail Safety Improvement Program – Infrastructure, Technology and Research (RSIP-ITR) for funding through Transport Canada to cover the cost of the level crossing improvements referenced in Report EGD-013-20 for the Bennett Road and Cobbledick Road level crossings in advance of the August 1, 2020 deadline;

That Staff report back to Committee at the September 14, 2020 Joint General Government and Planning and Development Committee meeting, on including the cost of the level crossing improvements or a portion thereof referenced in Report EGD-013-20 at the Bennett Road and Cobbledick Road grade level crossings as a chargeable item under Clarington's Development Charges By-Law under the *Development Charges Act* as being related to growth for all new developments occurring within a 10 kilometre radius of both level crossings (see paragraphs 4 and 5 herein), thereby securing future funding for future train whistle cessation requests;

That in addition, or as an alternative to paragraph #2 if level crossing improvements are ineligible under the Development Charges By-Law and are consequently eligible under the new Community Benefits Charge, Staff report back to Committee at the September 14, 2020 Joint Committee on how to adopt a Community Benefits Charge By-Law and on including the cost of level crossing improvements or a portion thereof referenced in Report EGD-013-20 at Bennett Road and Cobble Dick Road as a Community Benefit Charge under the *Planning Act*.

That Staff contact the Canadian Transportation Agency to obtain the following information with respect to the Bennett Road and Cobble Dick Road level crossings:

1. The number of trains per day on the corridor;
2. How many cars cross the level crossing in one day;
3. The daily cross product calculation which is used to determine what level crossing protection is required at these two crossings; and
4. If either or both of the two crossings meet the daily cross product calculation, depending on whether the rail corridor or the roads were there first, can the burden of the cost of the level crossing improvements be shared by the Municipality and the rail company?

That Staff report back to Committee at the September 14, 2020 Joint General Government and Planning and Development Committee meeting as to whether any new plans of subdivision within a ten kilometre radius of both rail crossings will result in more vehicles crossing the rail corridor and if so, how many more vehicles per day/week/month are estimated to be crossing the rail corridor;

That Staff report back to Committee at the September 14, 2020 Joint General Government and Planning and Development Committee meeting on how to include the cost or a portion thereof of the level crossing improvements recommended in Report EGD-013-20 at Cobble Dick Road as a condition of any as yet unapproved plans of subdivision for developments taking place within a ten kilometre radius of both crossings because the crossing improvements are reasonably required for the developments;

That the Director of Finance report back on any other potential funding sources to cover the cost of the level crossing improvements or a portion thereof referenced in Report EGD-013-20 at Bennett Road and Cobble Dick Road (i.e. imposition of an area-specific tax levy with the levy offset from Rate Stabilization), or from Roads Reserve amortized over several years and, or adding the cost of the level crossing improvements to the five-year capital budget for the Municipality's roads;

That Staff identify and report back to Committee at the September 14, 2020 Joint Committee, in consultation with WSP, the “influence area” (i.e. where the train whistle is audible), when sounded at the Bennett Road and Cobbledick Road level crossings. Staff, in consultation with WSP, shall also provide an estimate of the number of properties in that influence area that will benefit from stopping the train horn with specific reference to both existing and planned (new) developments within a ten kilometer radius of both crossings;

That all interested parties be updated throughout the summer break on a triweekly-basis by email, including: the Mayor and Council, the Wilmot Creek Homeowners' Association, and any other interested parties; and

That this Motion be circulated to the office of MP Erin O'Toole, MP Philip Lawrence, and the Wilmot Creek Homeowners' Association and any other interested parties.

Yes (7): Mayor Foster, Councillor Anderson, Councillor Hooper, Councillor Jones, Councillor Neal, Councillor Traill, and Councillor Zwart

Carried on a recorded vote (7 to 0)

14.5 Memo from Ron Albright, Acting Director of Engineering, regarding Darlington Boulevard – Courtice – Potential Traffic Calming Measures

Resolution # C-350-20

Moved by Councillor Jones

Seconded by Councillor Neal

That the Memo from Ron Albright, Acting Director of Engineering, regarding Darlington Boulevard - Courtice - Potential Traffic Calming Measures, be received;

That Speed Limit on Darlington Blvd. in Courtice be decreased to 40 km/hr immediately;

That, temporary traffic calming approaches of centreline flexible bollards and shoulder treatments as recommended by the Engineering Department, be put into place as soon as possible; and

That the necessary amending By-law, to the Traffic By-law, to implement the speed reduction, be approved.

Carried

Suspend the Rules

Resolution # C-351-20

Moved by Councillor Traill

Seconded by Councillor Hooper

That the Rules of Procedure be suspended to extend the meeting until 1:15 a.m.

Carried

Recess

Resolution # C-352-20

Moved by Councillor Traill

Seconded by Councillor Hooper

That the Council recess for 10 minutes.

Carried

The meeting reconvened at 12:38 AM with Mayor Foster in the Chair.

Alter the Agenda

Resolution # C-353-20

Moved by Councillor Zwart

Seconded by Councillor Traill

That the Agenda be altered to consider New Business, at this time.

Carried

17. Other Business

Suspend the Rules

Resolution # C-354-20

Moved by Councillor Zwart

Seconded by Councillor Traill

That the Rules of Procedure be suspended to allow New Business items to be added to the Agenda.

Carried

17.1 Mandatory Masks Indoors for Clarington Businesses

Councillor Zwart indicated that in light of the Dr. Robert Kyle's, Medical Officer of Health, Region of Durham announcement earlier today, Councillor Zwart stated that she would not bring this matter forward.

17.2 Condition of Region Roads

Resolution # C-355-20

Moved by Councillor Zwart

Seconded by Councillor Anderson

Whereas the Region of Durham has been systematically repaving regional roads for the last few years;

Whereas they have been painting lines on the road surface to mark the centre line and to delineate a narrow bike lane on the shoulder side;

Whereas the pavement being used is too thin to withstand the heavier weight of large vehicles, including farm machinery, and they usually take the whole width from the centre of the road to the shoulder;

Whereas the edges of the pavement on recently repaved regional roads are crumbling and breaking away thereby effectively removing the small narrow bike lane;

Whereas this crumbling edge makes it difficult to grade any shoulder that may be there causing them to become eroded and too rough to travel on;

Whereas the crumbling roadway shoulders are forcing cyclists to ride on the main portion of the road causing automobiles and farm equipment to cross over the centre line to avoid the cyclists thereby creating a hazardous situation especially if oncoming traffic is heavy; and

Whereas the best examples of the above situation are the Newtonville Rd and Durham 42;

Now Therefore Be It Resolved,

That the Municipality of Clarington Staff be directed to bring this dangerous situation to the attention of the Region of Durham Works Department to upgrade the quality of any future paving projects and repair any deterioration of current roads to allow for the safe transit of cyclists and motorists and operation of large vehicles and farm equipment as they share the roads; and

That a copy of this resolution be forwarded to the Region of Durham.

Carried

17.3 Temporary Beach Closures

Resolution # C-356-20

Moved by Councillor Traill

Seconded by Councillor Anderson

That staff prepare and place pictorial signage at both East Beach and West Beach advising of the By-laws applicable (namely beach access to resident only, no fires, no dogs, no using the washroom on the beach; no littering, etc.);

That Clarington implement a registration system for residents to purchase a \$5.00 season-long pass to access Clarington beaches (Newcastle, Bowmanville and Courtice) and for the registration system to be administered by the Community Services Department;

That to qualify for a beach access pass, the registrant must prove residency with a valid Driver's License or lease agreement;

That an additional By-law Officer be hired on a Temporary/Contractual basis to assist with enforcement of the beach user registration system at all four public beach locations (largely evenings and weekends until the end of September);

That Staff explore accessing COVID-19 relief funds to offset the additional By-law hire on a Temporary/Contractual basis to assist with enforcement of the beach user registration system; and

That signage be prepared and placed at the Liberty St/401 exits, Bowmanville Boulevard and 401 exits, the Bennett Road exits, at both ends of Lake Road, at the Courtice Road 401 exits, and at Courtice Shore Road and any other locations as deemed appropriate by Staff, advising that the beaches are closed to non-residents.

Motion Withdrawn, Later in the meeting, See following motions

Resolution # C-357-20

Moved by Councillor Jones

Seconded by Councillor Traill

That the Rules of Procedure be suspended to allow Members of Committee to speak to the foregoing Resolution #C-356-20 for a second time.

Carried

Suspend the Rules

Resolution # C-358-20

Moved by Councillor Hooper

Seconded by Councillor Traill

That the Rules of Procedure be suspended to extend the meeting for an additional 15 minutes.

Carried

Recess

Resolution # C-359-20

Moved by Councillor Neal

Seconded by Councillor Traill

That the Council recess for 5 minutes.

Carried

The meeting reconvened at 1:20 a.m. with Mayor Foster in the Chair.

Recess

Resolution # C-360-20

Moved by Councillor Traill

Seconded by Councillor Hooper

That the Council recess until Tuesday July 7, 2020 at 3:00 p.m.

Carried

The meeting reconvened on Tuesday July 7, 2020 at 3:00 p.m. with Mayor Foster in the Chair.

The foregoing Resolution #C-356-20 was then withdrawn.

Resolution # C-361-20

Moved by Councillor Traill

Seconded by Councillor Anderson

That Staff be directed to proceed with implementing the necessary safety measures in an attempt to keep Clarington beaches open to the public;

That any associated signage, including pictograms be installed; and

That the Port Darlington Community Association be advised of Council's decision.

Carried

Closed Session

Resolution # C-362-20

Moved by Councillor Anderson

Seconded by Councillor Hooper

That, in accordance with Section 239 (2) of the *Municipal Act, 2001*, as amended, the meeting be closed for the purpose of discussing:

- a matter that deals with personal matters about an identifiable individual, including municipal or local board employees; and
- a matter that deals with advice that is subject to solicitor-client privilege, including communications necessary for that purpose

Carried

Rise and Report

The meeting resumed in open session at 4:39 p.m.

Mayor Foster advised that two items were discussed in "closed" session in accordance with Section 239(2) of the *Municipal Act, 2001* as amended and one resolution was passed to provide direction to staff.

12.2 Confidential Report LGL-006-20 - Anaerobic Digestion Facility Dispute Resolution Process - Update #1

Earlier in the meeting, Resolution #C-343-20 was properly moved and seconded, and therefore the following motion was before Council,

“That Confidential Report LGL-006-20 be received for information”

Mayor Foster called the vote and the motion was Carried.

12.1 Confidential Report FND-026-20 - Appointment of Municipal Officer

Resolution # C-363-20

Moved by Councillor Hooper

Seconded by Councillor Anderson

That Confidential Report FND-026-20 be received;

That Council pass the attached draft by-law (Attachment 1), repealing By-law 2019-018; and

That Michelle Pick, Manager of Accounting Services, be appointed as Deputy Treasurer and as the alternate Clarington member on the Durham Municipal Insurance Pool.

Carried

Councillor Neal enquired about the following matters:

- The number of Firefighter applicants and how many have relatives working for the Municipality
- Requested the Acting Director of Engineering Services to review the Bloor Street median designs
- The anticipated timing of the tax relief advertisement on the Municipal Website
- Timing of the Elexicon update
- Sought direction from the Municipal Clerk regarding a By-law matter
- Questioned if it was appropriate to include a Zoning By-law notice in the recent tax invoice

15. By-laws

15.1 2020-043 - Being a By-law to amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington

15.2 2020-044 - Being a By-law to amend By-law 2012-061, Being a By-law to Provide for the Maintenance, Management, Regulation and Control of the Cemeteries in the Municipality of Clarington

- 15.3 2020-045 - Being a By-law to Delegate the authority For Establishing or Amending Retention Periods to the Municipal Clerk and Repeal By-law 2015-057 Being a By-law to Establish Schedules of Retention Periods for Records of the Municipality of Clarington**
- 15.4 2020-046 - Being a by-law to amend the Procedural By-law 2015-029**
- 15.5 2020-047 - Being a By-law to Appoint a Deputy Treasurer and to Amend By-law 2019-018**
- 15.6 2020-048 - Being a By-law to amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington**
- 15.7 2020-049 - Being a By-law for Closure and Conveyance of Road Allowances**
- 15.8 2020-050 - Being a By-law to Amend By-law 84-63, Being a By-law to Amend the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington and to Repeal Interim Control By-law 2018-083**
- 15.9 2020-051 - Being a By-law to amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington**
- 15.10 2020-052 - Being a By-law to amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington**
- 15.11 2020-053 - Being a By-law to amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington**
- 15.12 2020-054 - Being a By-law to Exempt a Certain Portion of Registered Plan 40M-2614 from Part Lot Control**
- 15.13 2020-055 Being a By-law to amend the Clarington Traffic By-law 2014-059**

Resolution # C-364-20

Moved by Councillor Hooper

Seconded by Councillor Anderson

That leave be granted to introduce By-laws 2020-043 to 2020-049 and 2020-052 to 2020-055; and

That the said by-laws be approved.

Carried

Councillor Neal declared an indirect interest in by-law 2020-050 and 2020-051 as it relates to his law practice. Councillor Neal muted his audio and video and refrained from discussion on this matter.

Resolution # C-365-20

Moved by Councillor Hooper

Seconded by Councillor Anderson

That leave be granted to introduce By-laws 2020-050 and 2020-051; and

That the said by-laws be approved.

Carried

16. Procedural Notices of Motion

None

18. Confirming By-Law

Resolution # C-366-20

Moved by Councillor Hooper

Seconded by Councillor Anderson

That leave be granted to introduce By-law 2020-056, being a by-law to confirm the proceedings of the Council of the Municipality of Clarington at a regular meeting held on the 6-7th day of July 2020; and

That the said by-law be approved.

Carried

19. Adjournment

Resolution # C-367-20

Moved by Councillor Neal

Seconded by Councillor Zwart

That the meeting adjourn at 5:02 p.m.

Carried

Mayor

Municipal Clerk