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Council Minutes

Date: October 7, 2019
Time: 7:00 PM
Location: Council Chambers, 2nd Floor
Municipal Administrative Centre
40 Temperance Street
Bowmanville, Ontario

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

Staff Present: A. Allison, G. Acorn, T. Cannella, A. Greentree, F. Horvath,
F. Langmaid, M. Marano, T. Pinn, G. Weir, M. Chambers

1. Call to Order

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

2. Moment of Reflection

Councillor Jones led the meeting in a moment of reflection.

3. Declaration of Interest

There were no declarations of interest stated at this meeting.

4. Announcements

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

Mayor Foster thanked Tony Cannella, Director of Engineering for his work and dedication to the Municipality of Clarington and congratulated him on his retirement.

Suspend the Rules

Resolution #C-322-19
Moved by Councillor Hooper
Seconded by Councillor Anderson

That the Rules of Procedure be suspended to add Bev Oda as a delegation regarding Report PSD-040-19, New Steps on Zone Clarington for a second time.

Carried

Suspend the Rules

Resolution #C-322-19
Moved by Councillor Neal
Seconded by Councillor Zwart

That the Rules of Procedure be suspended to add Brian Lang as a delegation, regarding Report PSD-040-19, Next Steps on Zone Clarington.

Carried

5. Adoption of Minutes of Previous Meeting(s)

5.1 Council Minutes - Minutes of a regular meeting of Council dated September 16, 2019

Resolution #C-324-19
Moved by Councillor Traill
Seconded by Councillor Neal

That the minutes of the regular meeting of the Council held on September 16, 2019, be approved.

Carried

6. Presentations

None

7. Delegations

7.1 Carion Fenn, Carion Fenn Foundation, regarding Recognizing Durham Mental Health Day through the Together We Are Stronger Campaign

Carion Fenn, Carion Fenn Foundation, was present regarding Recognizing Durham Mental Health Day through the Together We Are Stronger Campaign. She made a verbal presentation to accompany an electronic presentation. Ms. Fenn noted that Bianca Albanese, Executive Vice President and Billie Jane Bolton-Rojo, Financial Professional were also in attendance with her. She provided an overview of Durham Mental Health Day and noted the goal is to increase awareness, address the stigma and facilitate conversation around mental health in the Region of Durham. Ms. Fenn explained that the Durham Mental Health Day Campaign includes Proclamations from Municipalities in the Region of Durham and the Mental Health Forum on October 10, 2019. She noted that they have addressed many Councils within the Region of Durham and declared Mental Health Week in May 2020. Ms. Fenn added that on May 7, 2019 they are having a luncheon at Queens Park sponsored by Rod Phillips, Ajax MPP to increase awareness.

Billy Jane Bolton-Rojo provided a detailed overview of the services and vision of the Carion Fenn Foundation which includes raising awareness and providing information. She explained the definition of mental health and explained the difference between good and poor mental health and the definition of a mental illness. Ms. Bolton-Rojo concluded by reviewing child and youth mental health and how this can be supported.

Bianca Albanese provided an overview of the Carion Fenn Foundation programs and highlighted the Mental Health Forum being held on October 10, 2019. She added they have t-shirts available to support mental health and are available through the Carion Fenn Foundation. Ms. Albanese concluded by thanking the Members of Council for their support and looking forward to working with the Municipality of Clarington.

Resolution #C-325-19
Moved by Councillor Neal
Seconded by Councillor Traill

That the Delegation of Carion Fenn, Carion Fenn Foundation, regarding Recognizing Durham Mental Health Day through the We Are Strong Together Campaign, be received with thanks; and

That Staff in the Community Services Department be directed to reach out to the Carion Fenn Foundation to advise them of the Municipality of Clarington's Community Grant Program.

Carried

7.2 Dan Zegers regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report to Council)

Dan Zegers was present regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report to Council). Mr. Zegers stated that Zone Clarington has been all consuming for many Staff and residents. He noted that the residents do not have unlimited time, funds or the ability to access information. Mr. Zegers is concerned with the amount of time this matter is taking up for himself and many property owners. He stated that the rural community has come together to support each other and acknowledged that some Members of Council have made serious efforts to listen to what the residents have to say. Mr. Zegers thanked the Members of Council for supporting the resolution brought forward by Councillor Neal and Councillor Traill. He concluded by asking the Members of Council to take the time to correct the decisions that have been previously made by Council.

7.3 Scott Stevens regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report to Council)

Scott Stevens was present regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report to Council). He explained that when he asked Staff why the Zoning By-law was being reviewed he was advised it needed to be completed within three years of the approval of the Official Plan. Mr. Stevens was under the impression that the Official Plan was meant to protect the land. He asked for an explanation with clear language to explain how these changes will affect these properties. Mr. Stevens has asked questions about the mapping and did not receive the answers he was looking for. He added that he believes there are errors in the mapping. Mr. Stevens noted that the steps outlined in the Report appear to require a lot of Staff time and is concerned whether or not they are capable of executing these steps. He stated that Section 2 of the Provincial Policy Statement states that natural features should be protected long term. Mr. Stevens added that he feels Section 2.1.9 is being omitted and nothing should limit agricultural uses from continuing. He asked what the implications would be for not complying with the Official Plan. Mr. Stevens concluded by advising the Members of Council he is concerned with how the rural farming industry will be affected if these restrictions are put in place.

7.4 Mathew Stephenson regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report to Council)

Mathew Stephenson was present regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report to Council). He reviewed the steps that would be required under the *Planning Act* if he was to rezone his property. Mr. Stephenson stated that if he is required to follow these steps, then the Municipality should also be required to do the same. Mr. Stephenson believes that plain language is important when sending out notification to the property owners. He feels that this is not been done with the mapping or with the proposed zoning changes. Mr. Stephenson added that he sent in a request for a site visit by letter and was advised that it was accepted but has not heard anything further. He asked for the agricultural land to be protected and not devalued. Mr. Stephenson continued by asking for the property owners to be compensated for the reduced value of their lands. He noted that the majority of residents of the Municipality live in large city centers and most of the land to be protected is in the rural areas, therefore the rural land owners should be assisted and reimbursed for taking care of the land.

7.5 Harry Schillings regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report to Council)

Harry Schillings was present regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report to Council). He thanked the Members of Council and Staff for suspending the work on the Zoning By-law and for supporting the Resolution passed of the Planning and Development Committee meeting.

7.6 Jennifer Ford regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report to Council)

Jennifer Ford was present regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report to Council). She noted that she is a local property and business owner in the Municipality of Clarington. Ms. Ford believes that the Resolution passed at the Planning Meeting is moving in the right direction. She explained that she is concerned with the lack of communication and that the property owners need to be advised of the impact these changes will have on their property values. Ms. Ford expressed her disappointment with the potential restrictions and although she is not a farmer, these changes may impact any future plans she may have for her family business. She added that she has previously challenged an Environmental Assessment and noted that it was a very challenging and expensive process. Ms. Ford concluded by thanking the Members of Council and encourages the site visits to correct any errors.

7.7 Larry Poirier regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report to Council)

Larry Poirier was present regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report to Council). He noted that he owns a managed woodlot property east of Kendal. Mr. Poirier feels there has been a great deal of discussion on agricultural properties but he has not heard much about woodlots. He explained that he owns a managed forest property and has been aware of the changes as he has attended the meetings. Mr. Poirier added that these changes would hinder his forest program operations. He explained that these changes would not allow him to add any structures to his property. Mr. Poirier asked if any of the Woodlot Associations were consulted about these proposed changes and added that he did write to the Ontario Woodlot Association. He feels that the Environmental Protection designation brings many restrictions and stigmas. Mr. Poirier advised the Members of Council that he went through a similar situation with a property he owned in Quebec and there were several zoning changes done without his knowledge. He added that he was unable to sell the property for many years and when he did, it was at a loss to him. Mr. Poirier is concerned with lowered property values, issues with renewing mortgages and added

expenses. He asked why the Municipality needs to add the Environmentally Protected designation and that in so doing will result in lowered assessment values.

Resolution #C-326-19
Moved by Councillor Neal
Seconded by Councillor Traill

That the delegation of Larry Poirier be extended for an additional two minutes.

Carried

Mr. Poirier asked about the financial implications of changes. He feels that the Municipality must be open and transparent about the process.

Resolution #C-327-19
Moved by Councillor Neal
Seconded by Councillor Traill

That the delegation of Larry Poirier be extended for an additional minute.

Carried

Mr. Poirier concluded by noting that these zoning changes could have many financial impacts and could potentially discourage people from purchasing in the Clarington. Mr. Poirier concluded by noting that these zoning changes could have many financial impacts and could potentially discourage people from purchasing in the Clarington. He reminded Staff to be mindful that some property owners have mailing addresses outside of the municipality and should not be overlooked in the mailings.

7.8 Peter Vogel regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report to Council)

Peter Vogel was present regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report to Council). He advised the Members of Council that he understands the importance of environmental protection but believes there needs to be a balance when reviewing these types of protected lands. Mr. Vogel owns property in Orono and has the space to expand in the future. Mr. Vogel feels that if he was looking into building, and the zoning of the property changed at a later date, that advance notice should be required. He concluded by stating that he supports the resolution passed at Committee and asked for the residents to continue to be informed.

7.9 Bev Oda regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report to Council)

Bev Oda was present regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report). She

noted that the resolution directed staff to not include the minimum vegetation zone in the mapping. Ms. Oda feels that the public should have the ability to see and view these documents. She is concerned that a volunteer group is looking at policies and that the Municipality needs to stop advising the residents that they are working under Provincial direction. Ms. Oda asked if the Regional Official Plan is complying with Provincial Policy or legislation. She noted that all woodlots have not been evaluated and the responsibility falls to the planning authority and not the property owners. She does not feel that three months is enough time to review everything that is required. Ms. Oda added that the Region of Durham is reviewing their Official Plan which could affect Clarington's Official Plan. She is asking for the Members of Council to strongly consider all of the options before moving forward. Ms. Oda added that she feels there are serious errors in the mapping and believes they should be verified by ground truth, and there should be a request from the Ministry to start over from step one and to be open and transparent. Ms. Oda does not feel that the proposed notice is adequate or will properly inform the homeowners. She believes that the notices should be specific to the property owners and note that the site visits will be at no additional costs. Ms. Oda asked for the Members of Council to support a process to ensure the Municipality will not have to re-do the Official Plan.

7.10 Brian Lang regarding PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report)

Brian Lang was present regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report). He explained that he is a farmer, real estate agent, and property owner in the affected area. Mr. Lang stated that he supports the Resolution that was passed at the Planning and Development Committee meeting. He asked about a motion that was approved in June that would provide all property owners in the affected area with an update on the changes to their property. Mr. Lang concluded by asking for the site visits not to be held in the spring due to the condition of the land after the winter.

Recess

Resolution #C-328-19
Moved by Councillor Neal
Seconded by Councillor Traill

That the Council recess for 10 minutes.

Carried

The meeting reconvened at 8:49 PM with Mayor Foster in the Chair.

8. Communications – Receive for Information

8.1 Memo from the Director of Engineering regarding Prestonvale Road and Robert Adams Drive 3-way Stop

Item 8.1, Memo from the Director of Engineering, regarding Prestonvale Road and Robert Adams Drive 3-way Stop was considered later in the meeting.

8.2 Memo from the Acting Director of Planning regarding Resolution #PD-130-19

Resolution #C-329-19
Moved by Councillor Neal
Seconded by Councillor Traill

That Correspondence Item 8.2, Memo from the Acting Director of Planning regarding Resolution #PD-130-19 be referred to the consideration of Item 3 of the Planning and Development Committee Report.

Carried

9. Communications – Direction

9.1 Gord Robinson regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report)

Resolution #C-330-19
Moved by Councillor Neal
Seconded by Councillor Traill

That Correspondence Item 9.1 from Gord Robinson, regarding PSD-040-19 Next Steps on Zone Clarington, be referred to the consideration of Item 3 of the Planning and Development Committee Report.

Carried

9.2 Memo from Acting Director of Planning regarding Zone Clarington Rural Notice

9.3 Bruce Trim regarding Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report)

Resolution #C-331-19

Moved by Councillor Neal

Seconded by Councillor Traill

That Correspondence Item 9.2 from the Acting Director of Planning, regarding PSD-040-19 Next Steps on Zone Clarington, be referred to the consideration of Item 3 of the Planning and Development Committee Report; and

That Correspondence Item 9.3 from Bruce Trim, regarding PSD-040-19 Next Steps on Zone Clarington, be referred to the consideration of Item 3 of the Planning and Development Committee Report.

Carried

Alter the Agenda

Resolution #C-332-19

Moved by Councillor Neal

Seconded by Councillor Traill

That the Agenda be altered to consider Report PSD-040-19, Next Steps on Zone Clarington (Item 3 of the Planning and Development Committee Report), at this time.

Carried

Item 3 - Report PSD-040-19 - Next Steps on Zone Clarington

Resolution #C-333-19

Moved by Councillor Neal

Seconded by Councillor Zwart

That the Zone Clarington amendments to the Clarington Zoning By-laws be abandoned;

That Staff shall take all steps necessary to amend Clarington's Official Plan by way of a Municipal Comprehensive Review, and with the Natural Heritage designation in Map D and Environmental Protection Area in Map A of the Official Plan for rural lands being limited to:

- a. Provincially Significant Wetland;
- b. Areas designated by CLOCA as being within a floodplain (red line on CLOCA maps);

- c. Areas designated by the GRCA as being within a floodplain;
- d. Land designated on the current Region of Durham Official Plan, Schedule B Map B-1 as containing Key Natural Heritage and Hydrologic Features;
- e. Land which is Significant Woodland; and
- f. Such other key natural heritage and key hydrologic features, natural hazards, and 30 metre minimum vegetation zone not included in (a) to (e) which are (i) mandated by provincial legislation or the Regional Official Plan; and (ii) which have specifically been approved by Council; prior to the submission of the Official Plan Amendment to the Region of Durham;

That Planning notify rural property owners and residents regarding the Official Plan changes that were approved by the Region of Durham in 2017, by Canada Post mail personally addressed to each of the landowners registered on the title for each property affected for those (i) living in Clarington; and (ii) to owners outside the Municipality;

That any amendments to the Official Plan in furtherance of this Resolution shall be at no cost to the landowners for application fees;

That, in accordance with the Budget Policy, Staff are authorized to re-allocate budget allocations to fund the communication in paragraph 3;

Prior to commencing a comprehensive amendment to the Clarington Zoning By-laws, staff report to Planning Committee on the proposed EP Zoning changes, including mapping; and that if necessary an extension be requested from the Minister;

That Report PSD 040-19 be received, and that all interested parties listed in Report PSD-040-19 and any delegations be advised of Council's decision; and

That Council's decision and a copy of Report PSD-040-19 be forwarded to the Region of Durham, CLOCA, the GRCA, and the Ministry of Municipal Affairs and Housing.

Councillor Neal relied on a Power Point Presentation to assist him in conveying his comments regarding his proposed motion on Report PSD-040-19.

**Referred as Amended
Later in the meeting
(See following Motions)**

Resolution #C-334-19
Moved by Councillor Traill
Seconded by Councillor Zwart

That the Rules of Procedure be suspended to allow Councillor Neal to speak to the motion for an additional three minutes.

Carried

Resolution #C-335-19
Moved by Councillor Traill
Seconded by Councillor Neal

That the Rules of Procedure be suspended to allow Members of Council to speak to the foregoing Resolution #C-333-19 for a second time.

Carried

Resolution #C-336-19
Moved by Councillor Traill
Seconded by Councillor Neal

That the foregoing Resolution #C-333-19 be amended with the following changes to paragraph three:

"that the word "only" be inserted before the word "notify"; and

That the following be added to the end:

"and that the notice include what cannot be done on the Environmental Protected portion of their land as a result of the proposed Environmental Protection and that the notification clearly state what is happening on their property as a result of the zoning changes."

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

No (1): Mayor Foster

Carried on a recorded vote (6 to 1)

Resolution #C-337-19
Moved by Councillor Zwart
Seconded by Councillor Hooper

That that foregoing Resolution #C-333-19 be referred to the next Planning and Development Committee Meeting dated October 22, 2019.

**Carried on a Recorded vote (4 to 3)
Later in the Meeting
(See following motions)**

Resolution #C-338-19
Moved by Councillor Neal
Seconded by Councillor Traill

That the Rules of Procedure be suspended to allow Members of Council to speak to the foregoing Resolution #C-333-19, a third time.

Carried

The foregoing Resolution #C-337-19 was then carried on the following recorded vote:

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

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

Recess

Resolution #C-339-19
Moved by Councillor Zwart
Seconded by Councillor Traill

That the Council recess for 5 minutes.

Carried

The meeting reconvened at 10:11 PM with Mayor Foster in the Chair.

8. Communications – Receive for Information (Continued)

Item 8.1 - Memo from the Director of Engineering regarding Prestonvale Road and Robert Adams Drive 3-Way Stop

Resolution #C-340-19
Moved by Councillor Neal
Seconded by Councillor Jones

That Correspondence Item 8.1, Regarding Prestonvale Road and Robert Adams Drive 3-Way Stop, be referred to the consideration of Item 5 of the Planning and Development Committee Report.

Carried

10. Committee Reports

10.1 Advisory Committee Reports

10.1.1 Minutes of the Clarington Museum and Archives Board dated September 11, 2019

10.1.2 Minutes of the Clarington Heritage Committee dated September 17, 2019

Resolution #C-341-19
Moved by Councillor Anderson
Seconded by Councillor Hooper

That Advisory Committee Report Items 10.1.1 and 10.1.2, be approved.

Carried

10.2 General Government Committee Report of September 23, 2019

Resolution #C-342-19
Moved by Councillor Jones
Seconded by Councillor Hooper

That the recommendations contained in the General Government Committee Report of September 23, 2019 be approved on consent, with the exception of Item 8.

Carried

**Later in the Meeting
(See following motions)**

Item 8 - Report CSD-008-19 - Single Use Plastics in Municipal Buildings

Resolution #C-343-19

Moved by Councillor Neal

Seconded by Councillor Traill

That Report CSD-008-19 be received;

That Council direct Staff to develop and implement a program for the elimination of single use plastics in municipal facilities and buildings, where there exists an environmentally responsible alternative;

That staff report back to Council after six months on the highlights of the program and the results achieved;

That all single use plastics be banned from the Municipal Administrative Centre as of November 30, 2019; and

That the Clarington Public Library, Clarington Museums & Archives and Municipality owned/Board operated Community Halls and Arenas be advised of the decisions of Council.

Carried

Later in the Meeting

(See following motions

Resolution #C-344-19

Moved by Councillor Neal

Seconded by Councillor Traill

That the Rules of Procedure be suspended to allow Members of Committee to speak to the foregoing resolution for a second time.

Carried

That foregoing Resolution #C-343-19 was then put to a vote and carried.

10.3 Planning and Development Committee Report of September 30, 2019

Resolution #C-345-19

Moved by Councillor Neal

Seconded by Councillor Traill

That the recommendations contained in the Planning and Development Committee Report of September 30, 2019 be approved on consent, with the exception of Items 4, 5 and 3 (which considered earlier in the meeting).

Carried

Item 4 - Next Steps Zone Clarington – Report Regarding Resources for Site Visits

Resolution #C-346-19
Moved by Councillor Neal
Seconded by Councillor Traill

That Item 4, Next Steps on Zone Clarington be referred to the October 22, 2019 Planning and Development Committee meeting.

Motion Withdrawn

Resolution #C-347-19
Moved by Councillor Neal
Seconded by Councillor Zwart

That the verbal update from the Acting Director of Planning during which she stated that CLOCA has confirmed they will participate in the property site visits, and she further confirmed that no site visits will be conducted until the matter is considered at the October 22, 2019 Planning and Development Committee meeting, be received for information.

Carried

Item 5 - Report PSD-036-19, Application by National Homes (Prestonvale) Inc. to permit a 112 unit townhouse development at the northeast corner of Prestonvale Road and Bloor Street, Courtice

Resolution #C-348-19
Moved by Councillor Neal
Seconded by Councillor Jones

That Report PSD-036-19 be received;

That the application for Draft Plan of Subdivision (S-C-2017-0010) submitted by National Homes (Prestonvale) Inc. be supported subject to conditions as generally contained in Attachment 1 to Report PSD-036-19;

That the applicant be directed to pay the costs to erect a stop sign at Robert Adams Drive and Prestonvale Road, or other traffic control measure, as recommended by the Director of Engineering on or after the November 4, 2019 General Government Committee meeting.

That no further public meeting is required for future application for Common Elements Condominium;

That the Durham Regional Planning and Economic Development Department and Municipal Property Assessment Corporation be forwarded a copy of Report PSD-036-19 and Council's decision; and

That all interested parties listed in Report PSD-036-19 and any delegations be advised of Council's decision.

Carried

11. Staff Reports

None

12. Business Arising from Procedural Notice of Motion

13. Unfinished Business

13.1 Christine McSorley, Newcastle's of the World, Municipality of Clarington Representative at the Newcastle of the World Conference 2020 (Referred from the September 23, 2019 General Government Committee Meeting)

Resolution #C-349-19

Moved by Councillor Neal

Seconded by Councillor Zwart

That Item 13.1 regarding Newcastle's of the World requesting Municipality of Clarington Representative at the Newcastle of the World Conference 2020, be referred to the October 15, 2019 General Government Committee meeting.

Carried

14. By-laws

None

15. Procedural Notices of Motion

None

16. Other Business

Councillor Hooper attended the Round-a-bout PIC in Haydon held by the Region of Durham, and expressed his disappointment with how it was organized.

Councillor Hooper thanked the Director to Engineering for all of his work with the Municipality and congratulated him on his retirement.

17. Confirming By-Law

Resolution #C-350-19
Moved by Councillor Hooper
Seconded by Councillor Jones

That leave be granted to introduce By-law 2019-056, being a by-law to confirm the proceedings of the Council of the Municipality of Clarington at a regular meeting held on the 7th day of October, 2019; and

That the said by-law be approved.

Carried

18. Adjournment

Resolution #C-351-19
Moved by Councillor Neal
Seconded by Councillor Traill

That the meeting adjourn at 10:41 PM.

Carried

Mayor

Municipal Clerk