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Council Minutes

Date: November 2-3, 2020
Time: 7:00 p.m.
Location: Council Members (in Chambers or MS Teams) | Members of the Public (MS Teams)

Present Were: Mayor A. Foster

Present Via Electronic Means: Councillor G. Anderson, Councillor R. Hooper, Councillor J. Jones, Councillor J. Neal, Councillor M. Zwart

Regrets: Councillor C. Traill

Staff Present: J. Gallagher, M. Chambers

Present Via Electronic Means: A. Allison, G. Acorn until 11:05 p.m., R. Albright until 11:05 p.m., S. Brake until 11:05 p.m, F. Langmaid, R. Maciver, M. Marano until 11:05 p.m, T. Pinn until 11:05 p.m,

1. Call to Order

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

2. Moment of Reflection

Councillor Anderson led the meeting in a moment of reflection.

3. Land Acknowledgement Statement

Councillor Anderson led the meeting in the Land Acknowledgement Statement.

4. Declaration of Interest

Councillor Jones declared an indirect interest on Item 1c of the General Government Committee Report regarding Ambulatory Services at Ajax Pickering Hospital.

Councillor Neal declared an indirect interest on Item 1g of the General Government Committee Report - Section 18.1 of Report CAO-020-20 - Clarington Response to COVID-19.

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 October 13, 2020**

6.2 **Minutes of a special meeting of Council dated October 26, 2020**

Resolution # C-421-20

Moved by Councillor Anderson

Seconded by Councillor Hooper

That the minutes of the regular meeting of the Council held on October 13, 2020, be approved; and

That the minutes of the special meeting of the Council held on October 27, 2020, be approved.

Carried

7. **Presentations**

7.1 **Susan Siopis, Commissioner, Works, and Gioseph Anello, Director, Waste Management Services, Region of Durham, regarding Waste Diversion and the Organics Management Project**

Susan Siopis, Commissioner, Works, and Gioseph Anello, Director, Waste Management Services, Region of Durham, were present via electronic means regarding Waste Diversion and the Organics Management Project. They made a verbal presentation to accompany an electronic presentation. Ms. Siopis thanked the Members of Council for the opportunity to address Council. She noted that there have been several updates to Regional Council since the last update to Clarington and they are looking to provide some of that information. Mr. Anello explained that a review was done in 2018 of the composition of Durham Region's residential waste, and he noted the cost of processing waste at the Durham York Energy Centre (DYEC). He reviewed the drivers for managing organic waste which includes both the Durham Region and the market drivers. Mr. Anello added that the Region of Durham has recently declared a climate change emergency. He explained what is included in the mixed waste, pre-sort and anaerobic and reviewed the objectives of this process. Mr. Anello continued by providing an overview of the Anaerobic Digestion process and the various steps involved. He reviewed the digestate management and noted it can be used as liquid fertilizer. He added that the Ministry of the Environment has guidelines for fertilizers but noted they do not have guidelines for facility separated organics. Mr. Anello stated that no digestate will go to the DYEC. He continued by providing an overview on renewable natural gas and it's uses. Mr. Anello addressed some of the concerns and issues with the mixed waste pre-sort AD project. He concluded by reviewing the impacts on the DYEC and noted that this will not increase the amount of garbage going to the

DYEC. Mr. Anello and Ms. Siopis answered questions from the members of Council.

Resolution # C-422-20
Moved by Councillor Hooper
Seconded by Councillor Neal

That the presentation of Susan Siopis, Commissioner, Works, and Gioseph Anello, Director, Waste Management Services, Region of Durham, regarding Waste Diversion and the Organics Management Project, be received with thanks; and

That the Region of Durham be requested to respond to Linda Gasser's questions.

Carried

7.2 Carlyle Khan, Deputy General Manager (Acting), Solid Waste Management Services, City of Toronto, regarding the City of Toronto's experience with Anaerobic Digestion

Carlyle Khan, Deputy General Manager (Acting), Solid Waste Management Services, City of Toronto, was present via electronic means regarding the City of Toronto's experience with Anaerobic Digestion. He made a verbal presentation to accompany an electronic presentation. Mr. Khan reviewed the City of Toronto's organics processing facilities and noted that they have a third facility on the way. He provided an overview of the organic waste process. Mr. Khan highlighted the estimated green house gas reductions with the additional facility. He reviewed how they compare with the Durham Region with respect to waste composition. Mr. Khan explained that there continues to be a global climate crisis and noted the City of Toronto has declared a Climate Emergency. He explained that there is a convergence of three global issues and reviewed these issues. Mr. Khan answered questions from the Members of Council.

Resolution # C-423-20
Moved by Councillor Anderson
Seconded by Councillor Zwart

That the presentation of Carlyle Khan, Deputy General Manager (Acting), Solid Waste Management Services, City of Toronto, regarding the City of Toronto's experience with Anaerobic Digestion, be received with thanks.

Carried

7.3 Ruben Plaza, Corporate Environmental Manager, St Marys Cement & Bridget Mills, Senior Environmental Engineer, BCX Environmental Consulting, regarding St. Marys Cement, Alternative Low Carbon Fuels Environmental Compliance Approval Amendment

Ruben Plaza, Corporate Environmental Manager, St Marys Cement (SMC) and Bridget Mills, Senior Environmental Engineer, BCX Environmental Consulting, were present via electronic means regarding St. Marys Cement, Alternative Low Carbon Fuels Environmental Compliance Approval Amendment. They made a verbal presentation to accompany and electronic presentation. Mr. Plaza reviewed the

definition of an alternative low carbon fuel (ALCF). He provided some background information on ALCF and explained how they are used in cement production. Mr. Plaza summarized the environmental benefits and noted Clarington and SMC share the same common objectives. Ms. Mills noted that their objective is to address the questions and comments from the October 26, 2020, Planning and Development Committee meeting. She provided an overview of the 2023 SO₂ POI Standards and how that SMC will meet the 2023 SO₂ standards. Ms. Mills explained why SO₂ emissions are not prorated in the ESDM report and why the SO₂ emission rate was highest during the use of alternative fuels. She continued by reviewing the kiln emissions while using ALCF and why the emissions of PM, NO_x, NH₃ and CO are not prorated in the ESDM Report. Ms. Mills reviewed the nitrogen oxides and air quality standards and explained why the Ministry POI limits were used instead of CAAQS. She continued by reviewing the particulate matter source testing results and noted why the PM emissions were higher when ALCF was used. Ms. Mills answered the question of why the dioxins and furans emissions are higher when ALCF is used. She concluded by answering why SMC isn't conducting more ambient air monitoring or using carbon injections. Mr. Plaza and Ms. Mills answered question from the Members of Council.

Resolution # C-424-20
Moved by Councillor Zwart
Seconded by Councillor Anderson

That the presentation of Ruben Plaza, Corporate Environmental Manager, St Marys Cement & Bridget Mills, Senior Environmental Engineer, BCX Environmental Consulting, regarding St. Marys Cement, Alternative Low Carbon Fuels Environmental Compliance Approval Amendment, be received with thanks; and

That St Marys Cement be requested to provide a written response to the Wendy Bracken's questions asked at the October 26, 2020 Planning and Development Committee meeting.

Carried as Amended, see following motion

Resolution # C-425-20
Moved by Councillor Anderson
Seconded by Councillor Neal

That the foregoing Resolution be amended by adding the following at the end:

"That St Marys Cement be requested to advise, in writing, on the discrepancy on the PM 25 reporting."

Carried

7.4 Hamish Corbett-Hains, Associate, Dillon Consulting Limited, regarding St. Marys Cement, Alternative Low Carbon Fuels Environmental Compliance Approval Amendment – Air Quality Advisor Comments

Hamish Corbett-Hains, Associate, Dillon Consulting Limited, was present via electronic means regarding St. Marys Cement, Alternative Low Carbon Fuels Environmental Compliance Approval Amendment – Air Quality Advisor Comments. He made a verbal presentation to accompany and electronic presentation. Mr. Corbett-Hains provided an overview of Dillon Consulting Limited's role, which included supporting the Municipality. He reviewed the qualifications of the project team, and the overall review methodology and highlighted the studies reviewed. Mr. Corbett-Hains continued explaining the variables affecting cement kiln emissions and emissions estimation best practices. He reviewed the SMC conclusions on ALCF, impacts on emissions, and the other available testing on ALCF impacts on emissions. Mr. Corbett-Hains reviewed two other areas that were of a concern including the air quality criteria and dioxins and furans. He concluded by advising they have reviewed the recommendations from Municipality of Clarington and noted that they agree with the recommendations and added that the Municipality consider a real time ambient air monitoring network. Mr. Corbett-Hains answered questions from the Members of Council.

Resolution # C-426-20
Moved by Councillor Zwart
Seconded by Councillor Hooper

That the presentation of Hamish Corbett-Hains, Associate, Dillon Consulting Limited, regarding St. Marys Cement, Alternative Low Carbon Fuels Environmental Compliance Approval Amendment – Air Quality Advisor Comments, be received with thanks.

Carried

Recess

Resolution # C-427-20
Moved by Councillor Anderson
Seconded by Councillor Hooper

That the Council recess for 10 minutes.

Carried

The meeting reconvened at 9:57 p.m. with Mayor Foster in the Chair.

8. Delegations

None

9. Communications – Receive for Information

9.1 Confidential Memo from Ron Albright, Manager of Infrastructure, regarding Port Granby Low Level Waste Facility – Disposal of Wastewater Treatment Plant Residual Waste

Resolution # C-428-20

Moved by Councillor Zwart

Seconded by Councillor Anderson

That Correspondence Item 9.1, Confidential Memo from Ron Albright, Manager of Infrastructure, regarding Port Granby Low Level Waste Facility – Disposal of Wastewater Treatment Plant Residual Waste, be received for information.

Carried

10. Communications – Direction

10.1 Susan Siopis, P.Eng., Commissioner, Works, and Gioseph Anello, M.Eng., P.Eng., PMP, Director, Waste Management Services, regarding Mixed Waste Pre-Sort and Anaerobic Digestion (AD) Facility in the Municipality of Clarington

Resolution # C-429-20

Moved by Councillor Anderson

Seconded by Councillor Jones

That Correspondence Item 10.1 from Susan Siopis, P.Eng., Commissioner, Works, and Gioseph Anello, M.Eng., P.Eng., PMP, Director, Waste Management Services, regarding Mixed Waste Pre-Sort and Anaerobic Digestion (AD) Facility in the Municipality of Clarington, be received; and

That the Region of Durham be requested to provide a written response to Ms. Gasser's concerns and any further written submissions received, with the responses being copied to the Members of Clarington Council.

Carried

10.2 Linda Gasser regarding Mixed Waste Pre-Sort and Anaerobic Digestion (AD) Facility in the Municipality of Clarington (Agenda Item 10.1)

Resolution # C-430-20

Moved by Councillor Hooper

Seconded by Councillor Zwart

That correspondence Item 10.2 from Linda Gasser regarding Mixed Waste Pre-Sort and Anaerobic Digestion (AD) Facility in the Municipality of Clarington, be received; and

That Ms. Gasser be thanked for her submission and advised of the action's taken on Agenda Item 10.1.

Carried

11. Committee Reports

11.1 Advisory Committee Reports

11.1.1 Minutes of the Agricultural Advisory Committee dated October 8, 2020

11.1.2 Minutes of the Accessibility Advisory Committee dated October 7, 2020

11.1.3 Minutes of the Newcastle Arena Board dated October 13, 2020

11.1.4 Minutes of the Active Transportation and Safe Roads Advisory Committee dated September 9, 2020

11.1.5 Minutes of the Clarington Heritage Committee dated October 20, 2020

Resolution # C-431-20

Moved by Councillor Jones

Seconded by Councillor Anderson

That Advisory Committee Report Items 11.1.1 to 11.1.5, be approved.

Carried

11.2 General Government Committee

11.2.1 General Government Committee Report of October 19, 2020

Resolution # C-432-20

Moved by Councillor Neal

Seconded by Councillor Jones

That the recommendations contained in the General Government Committee Report of October 19, 2020 be approved on consent, with the exception of items 1c, 1g, 1h, 6, 8 and 11.

Carried

Item 1c - Sarah Moore, Acting Manager of Legislative Services/Deputy Clerk, Town of Ajax, Regarding Support of Ambulatory Services at Ajax Pickering Hospital

Councillor Jones declared an indirect interest in Item 1c of the General Government Committee Report, as she is an employee of Lakeridge Health. Councillor Jones muted her audio and video and refrained from discussion and voting on this matter.

Resolution # C-433-20

Moved by Councillor Neal

Seconded by Councillor Zwart

That Correspondence from Sarah Moore, Acting Manager of Legislative Services/Deputy Clerk, Town of Ajax, Regarding Support of Ambulatory Services at Ajax Pickering Hospital, be received for information.

Carried

Councillor Jones returned to the meeting.

Item 1g - Clarington Response to COVID-19

Councillor Neal declared an indirect interest on Item 1g of the General Government Committee Report (Section 18.1 of Report CAO-020-20) as he is a member of Autism Home Base Durham. Councillor Neal muted his audio and video and refrained from discussion and voting on this matter.

Resolution # C-434-20
Moved by Councillor Hooper
Seconded by Councillor Anderson

That Report CAO-020-20 be received for information.

Carried

Councillor Neal returned to the meeting.

1h - Organization Structure Review Update

Resolution # C-435-20
Moved by Councillor Neal
Seconded by Councillor Jones

That Report CAO-021-20 be received for information.

Carried

Item 6 - Community Funding Program

Resolution # C-436-20
Moved by Councillor Neal
Seconded by Councillor Jones

That Report CSD-009-20 be received;

That the Community Funding Program, as outlined in Attachment 1 of Report CSD-009-20, be approved;

That Council direct staff to review applications and recommend funding to the CAO for approval following the recommendations made by the Funding Review Committee;

That staff report annually to Council with the details on the funding provided to the community agencies; and

That all interested parties listed in Report CSD-009-20 and any delegations be advised of Council's decision.

Carried

Item 8 - Health Benefit Program 2020 Renewal of ASO and Non-ASO

Resolution # C-437-20

Moved by Councillor Neal

Seconded by Councillor Jones

That Report COD-019-20 be received;

That the Health Benefit Programs be renewed with Sun Life, to November 1, 2021 at an overall net decrease of 4.4 per cent, with the realized surplus from the current year to remain in the Municipal reserve fund; and

That the Library be advised of the renewal program, and that they continue to be invoiced for their portion of the benefit program as applicable.

Carried

Item 11 - Off-Leash Dog Park

Resolution # C-438-20

Moved by Councillor Neal

Seconded by Councillor Jones

Whereas 57% of Canadian households own pets;

And whereas the Dave Boyd Memorial Off Leash Dog Park in South Bowmanville has been well-used since its inception in 2012;

And whereas due to COVID-19 more Bowmanville residents are working from home and using local parks more on a daily, rather than weekend-only basis, including the off-leash dog park;

And whereas it is expected that many residents will continue to work from home or work reduced office hours for the foreseeable future as a result of COVID-19;

And whereas the existing off leash facility in Bowmanville is not sufficient to address the influx of residents and their dogs from the five new residential developments in Bowmanville (Modo, Lakebreeze East, Lakebreeze West, Brookhill, Camp 30 and Soper Springs).

Now therefore be it resolved that Staff report back, at the General Government Committee meeting of November 9, 2020 on:

1. Including the cost of an off-leash dog park in North Bowmanville in the 2021 budget;
2. Possible park locations, including preference to the following:
 - a. The north end of the former Bowmanville Zoo lands
 - b. Adjacent to Camp 30
 - c. In the vicinity of Concession Road 3 and Liberty Street; and

3. Including, as a Schedule B option, LED lighting for the new off leash dog park to be operated via user-activated timer buttons.

Yes (2): Councillor Jones, and Councillor Neal

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

Absent (1): Councillor Traill

Motion Lost on a recorded vote (2 to 4), see following motions

Resolution # C-439-20

Moved by Councillor Jones

Seconded by Councillor Zwart

That the foregoing Resolution #C-438-20 be amended by adding as number 4:

"4. Including, as a Schedule B option, LED Lighting for the existing Courtice and Bowmanville off leash dog parks."

Carried

The foregoing Resolution #C-438-20 was then put to a recorded vote and lost.

Resolution # C-440-20

Moved by Councillor Neal

Seconded by Councillor Jones

That the costing of a new off leash dog park in North Bowmanville and LED Lighting, be referred to the 2021 Budget.

Carried as Amended, see following motions

Resolution # C-441-20

Moved by Councillor Jones

Seconded by Councillor Neal

That the foregoing Resolution #C-440-20 be amended by adding the following at the end:

"That the LED lighting for the existing off leash dog parks be included as a Schedule B option; and

That the LED lighting for the new proposed off leash dog park, be costed."

Carried

The foregoing Resolution #C-440-20 was then put a vote and carried as amended.

11.3 Planning & Development Committee

11.3.1 Planning and Development Committee Meeting of October 26-27, 2020

Resolution # C-442-20
Moved by Councillor Anderson
Seconded by Councillor Hooper

That the recommendations contained in the Planning and Development Committee Report of October 26-27, 2020 be approved on consent,

Carried

12. Staff Reports

12.1 Report LGS-002-20 - Appointment of Municipal Clerk

Resolution # C-443-20
Moved by Councillor Anderson
Seconded by Councillor Hooper

That Report LGS-002-20 be received;

That June Gallagher be appointed as Municipal Clerk; and

That the draft By-law, appointing June Gallagher as Municipal Clerk and repealing previous appointment by-laws (Attachment 1 to Report LGS-002-20), be approved.

Carried

13. Business Arising from Procedural Notice of Motion

None

14. Unfinished Business

14.1 Report EGD-006-20 - Cedar Crest Beach Rd and West Beach Rd Berm Review and Estimates (Tabled from the May 25, 2020 Council Meeting)

Resolution # C-444-20
Moved by Councillor Hooper
Seconded by Councillor Anderson

That Resolution #GG-113-20 regarding EGD-006-20, regarding Cedar Crest Beach Rd and West Beach Rd Berm Review and Estimates, be lifted from the table.

Carried

The following Resolution was now before Council:

That Report EGD-006-20 be received;

That no further flood mitigation work be undertaken on West Beach Rd at this time;
and

That all interested parties listed in Report EGD-006-20 and any delegations be advised of Council's decision.

Resolution # C-445-20

Moved by Councillor Anderson

Seconded by Councillor Hooper

That Resolution #GG-113-20 regarding Report EGD-006-20, Cedar Crest Beach and West Beach Road Berm, be referred to the November 30, 2020 General Government Committee meeting.

Carried

14.2 Resolution #GG-379-20 - Anaerobic Digester (Referred from the October 19, 2020 General Government Committee Meeting)

Resolution # C-446-20

Moved by Councillor Neal

Seconded by Councillor Jones

That Clarington proceed with the Arbitration phase with the Durham Region on the Anaerobic Digester dispute.

Carried as Amended, later in the meeting, following closed session

Resolution # C-447-20

Moved by Councillor Zwart

Seconded by Councillor Anderson

That the foregoing Resolution #C-446-20 be referred to the end of the Agenda to be considered during Closed Session.

Carried

Suspend the Rules

Resolution # C-448-20

Moved by Councillor Hooper

Seconded by Councillor Anderson

That the Rules of Procedure be suspended to extend the meeting to 12:00 a.m.

Carried

14.3 Memo from Amy Burke, Acting Manager – Special Projects, Planning & Development Services, regarding St. Mary's Cement, Alternative Low Carbon Fuels Environmental Compliance Approval Amendment - Comments from Dillon Consulting Limited, Air Quality Advisor

Resolution # C-449-20
Moved by Councillor Neal
Seconded by Councillor Hooper

That the briefing prepared by Dillon Consulting Limited, dated October 23, 2020 be submitted to the Ministry of Environment, Conservation and Parks as additional comments from the Municipality of Clarington on St. Marys Cement's Alternative Low Carbon Fuel Environmental Compliance Approval Amendment application; and

That Municipal Staff be requested to work with MECP and industry (e.g. SMC, DYEC) to set up a real-time air quality monitoring network within the Municipality.

Carried

14.4 Memo from Andy Allison, Chief Administrative Officer, regarding Non-Affiliated Staffing Levels

Resolution # C-450-20
Moved by Councillor Anderson
Seconded by Councillor Zwart

That that Memo from Andy Allison, Chief Administrative Officer, regarding Non-Affiliated Staffing Levels, be received for information.

Carried

14.5 Memo from Andy Allison, Chief Administrative Officer, regarding Spry Avenue Property Disposition

Resolution # C-451-20
Moved by Councillor Zwart
Seconded by Councillor Hooper

That the Memo from Andy Allison, Chief Administrative Officer, regarding Spry Avenue Property Disposition, be received for information.

Carried

14.2 Resolution #GG-379-20 - Anaerobic Digester

Closed Session

Resolution # C-452-20
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 litigation or potential litigation, including matters before administrative tribunals affecting the municipality of local board.

Carried

Rise and Report

The meeting resumed in open session at 12:18 a.m.

Mayor Foster advised that one item was discussed in “closed” session in accordance with Section 239(2) of the *Municipal Act, 2001*, three resolutions were passed on a procedural matter and one resolution was passed to provide direction to staff.

Resolution # C-453-20
Moved by Councillor Neal
Seconded by Councillor Jones

That foregoing resolution #C-446-20 be amended by adding the following before the word "Clarington":

"subject to the confidential instructions provided to staff,"

Carried

The foregoing Resolution C-446-20 was then put to a vote and carried as amended.

Suspend the Rules

Resolution # C-454-20
Moved by Councillor Anderson
Seconded by Councillor Zwart

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

Carried

15. By-laws

- 15.1 2020-070 - Being a By-law to Amend Property Standards By-law 2007-070 (Item 7 of the General Government Committee Report)**
- 15.2 2020-071 - Being a By-law to Amend By-law 2010-142, to Require the Payment of Fees for Information and Services (Item 1 of the Planning and Development Committee Report)**
- 15.3 2020-072 - Being a By-law to Amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington (Item 3 of the Planning and Development Committee Report)**
- 15.4 2020-073 - Being a By-law to Amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington (Item 4 of the Planning and Development Committee Report)**
- 15.5 2020-074 - Being a By-law to Appoint a Municipal Clerk and Repeal By-law 2014-043 and By-law 2019-019**
- 15.6 2020-075 - Being a By-law to Amend By-law 2010-139, to Require the Approval of Plans and Drawings Prior to Any Development on the Lands Identified as 302 Given Road, in the Site Plan Control Area (Item 2 of the Planning and Development Committee Report)**

Resolution # C-455-20
Moved by Councillor Hooper
Seconded by Councillor Anderson

That leave be granted to introduce By-laws 2020-70 to 2020-75; and

That the said by-laws be approved.

Carried

16. Procedural Notices of Motion

None

17. Other Business

None

18. Confirming By-Law

Resolution # C-456-20
Moved by Councillor Hooper
Seconded by Councillor Anderson

That leave be granted to introduce By-law 2020-076, being a by-law to confirm the proceedings of the Council of the Municipality of Clarington at a regular meeting held on the 2nd – 3rd day of November, 2020; and

That the said by-law be approved.

Carried

19. Adjournment

Resolution # C-457-20
Moved by Councillor Anderson
Seconded by Councillor Neal

That the meeting adjourn at 12:26 a.m.

Carried

Mayor

Municipal Clerk