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Council Minutes

Date: March 22, 2021
Time: 7:00 p.m.
Location: Council Members (in Chambers or MS Teams) | Members of the Public (MS Teams)

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

Staff Present: A. Allison, S. Brake, F. Langmaid, R. Maciver, T. Pinn, R. Windle, J. Gallagher, M. Chambers

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 recited the Land Acknowledgement Statement.

4. Declaration of Interest

Councillor Jones declared a direct interest in the Memo from Ryan Windle, Director of Planning and Development Services, Regarding an Update on Lakeridge Health Bowmanville Helipad. (Item 1a of the Planning and Development Committee Report)

Councillor Anderson declared an indirect interest in Agenda Item 9.1, ADR Chambers, Ombudsman Office - 2020 Annual Report.

5. Announcements

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

Resolution # C-098-21
Moved by Councillor Neal
Seconded by Councillor Jones

That Ian Soutter be permitted to speak as a delegation, despite having been a delegation at the General Government Committee meeting of March 8, 2021 in accordance with subsection 9.2.1 of the Procedural By-law.

Carried

6. Adoption of Minutes of Previous Meeting(s)

6.1 Minutes of a regular meeting of Council dated March 1, 2021

Resolution # C-099-21

Moved by Councillor Anderson

Seconded by Councillor Traill

That the minutes of the regular meeting of the Council held on March 1, 2021 be approved.

Carried

7. Presentations

8. Delegations

8.1 Chris and Melanie Barry regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update (Unfinished Business Item 14.1)

Chris and Melanie Barry advised that they would not be going forward with their delegation as Ian Soutter would be speaking on their behalf.

8.2 Mary Ann Muizelaar regarding Report LGS-012-21, Regulation of On-farm Special Events (Item 2 of the General Government Committee Report)

Mary Ann Muizelaar was present by electronic means regarding Report LGS-012-21, regulation of On-farm Special Events (Item 2 of the General Government Committee Report). She explained that she was going to address on-farm uses and, more specifically, wedding events. Ms. Muizelaar noted she will be referring to a Local Planning Appeal Tribunal (LPAT) Report dated July 25, 2018 and Staff Report LGS-012-21. She stated that it is the responsibility of the Municipality of Clarington to ensure that a Staff Recommended Zoning By-law (SRZBL) is implemented and enforceable. Ms. Muizelaar added that the SRZBL should have clear language and scope with respect to on-farm special events which protect the interests of the farmers and the local residents. She expressed her concern that the recommendation for a draft zoning by-law to regulate on-farm special events was not approved and believes there needs to be enforceable regulations in place to ensure compliance and that the rural residents do not become responsible to regulate these events by way of a by-law complaint. Ms. Muizelaar feels that the staff report requires more clarification as it identifies two interests including the property owners wanting diversified uses and the residents who oppose these uses. She explained that the LPAT Report stated there was a concern with the regulation of these event and at no time did any of the participant object to occasional events on site or the proposed meat processing use. Ms. Muizelaar explained that the Morgan's Road application, which was

recommended by Staff to be approved, did not consider the concerns of the rural residents or align with Provincial Policy. She thanked the Members of Council for denying this application as it allowed for a more thorough evaluation and an opportunity to learn. Ms. Muizelaar highlighted sections of the LPAT Report findings which resulted in LPAT not supporting the SRZBL. She expressed her concern that the applicant, as noted in the LPAT Report was given considerable leniency throughout the process which has many inconsistencies as noted in the report. Ms. Muizelaar added that this application did not comply with the regulatory framework or guidelines from other governing bodies.

Resolution # C-100-21

Moved by Councillor Anderson

Seconded by Councillor Hooper

That the delegation of Mary Ann Muizelaar be extended for an additional two minutes.

Carried

She stated that the draft on-farm special events by-law was moving towards an inclusive effective, regulatory framework which would protect both the farmers and residents. Ms. Muizelaar asked why the process is being stopped, and no changes are being proposed to the current site specific zoning by-law amendment and site plan approval process. She stated the views of the residents have been compiled within the draft by-law and in the LPAT Report. Ms. Muizelaar concluded by asking the Members of Council to allow the process to continue as recommended by LPAT and that new regulations be put in place for on-farm special events. Ms. Muizelaar answered questions from the Members of Council.

8.3 Robert Clark, Clark Consulting, regarding Report LGS-012-21, Regulation of On-farm Special Events (Item 2 of the General Government Committee Report)

After registration it was determined that Mr. Clark previously spoke at the March 8, 2021 General Government Committee meeting on the same matter and he withdrew his delegation.

8.4 Ian Soutter regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update (Unfinished Business Item 14.1)

Ian Soutter was present by electronic means regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update (Unfinished Business Item 14.1). He made a verbal and an electronic presentation. Mr. Soutter noted that he was speaking on behalf of the six families on Pinedale Crescent and that they are united on one recommendation. He noted they do not believe Phase 2B, as outlined in the Staff Report, should be approved and they support 2B-3 as noted in his PowerPoint as it meets the prime objectives of the trail which includes being a nature path, less ecological damage, and the best for the residents. Mr. Soutter highlighted the options for the trail in the Staff Report. He also suggested another option which he identified as 2B-4 in his presentation which would be an alternate

route to the staff report option. Mr. Soutter explained that Option 2B-3 follows a level grade along the creek, is the least complicated, least expensive, most accessible, does not go directly behind the properties and it addresses CLOCA's concerns. He referred to photos from Grandview Street to the Phase 2A terminus to illustrate where the proposed trail would be. Mr. Soutter also provided photos of the Valley's 2000 trail to show the potential for access points that could be added at a future date.

Resolution # C-101-21

Moved by Councillor Jones

Seconded by Councillor Neal

That the delegation of Ian Soutter be extended for an additional two minutes.

Carried

Mr. Soutter continued by raising the concern of security which he feels will be increased by having a paved trail directly behind the properties on Pinedale Crescent. He concluded by requesting that the option 2B-3 be pursued as it is the safest and effective option. Mr. Soutter answered questions from the Members of Council.

Alter the Agenda

Resolution # C-102-21

Moved by Councillor Neal

Seconded by Councillor Jones

That the Agenda be altered to consider Correspondence Items 10.2, 10.3, 10.5 and 10.6 at this time; and

That they be approved on consent as follows:

10.2 Ronald Marshall regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update (Unfinished Business Item 14.1)

Resolution # C-103-21

That Correspondence Item 10.2 from Ronald Marshall regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update, be referred to the consideration of Unfinished Business Item 14.1.

10.3 Glen Pleasance regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update (Unfinished Business Item 14.1)

Resolution # C-104-21

That Correspondence Item 10.3 from Glen Pleasance regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update, be referred to the consideration of Unfinished Business Item 14.1.

10.5 Memo from Stephen Brake, Director of Public Works, regarding Farewell Creek Trail Phase 2 – Ontario Municipal Commuter Cycling Funding Status

Resolution # C-105-21

That Correspondence Item 10.5, Memo from Stephen Brake, Director of Public Works, regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update, be referred to the consideration of Unfinished Business Item 14.1.

10.6 Ian Soutter regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update (Unfinished Business Item 14.1)

Resolution # C-106-21

That Correspondence Item 10.6, Ian Soutter regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update, be referred to the consideration of Unfinished Business Item 14.1.

Carried

Alter the Agenda

Resolution # C-107-21

Moved by Councillor Neal

Seconded by Councillor Jones

That the Agenda be altered to consider Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update (Unfinished Business Item 14.1), at this time.

Carried

14.1 PWD-017-21 Farewell Creek Trail Phase 2B Status Update (Referred from the March 8, 2021 General Government Committee Meeting)

Resolution # C-108-21

Moved by Councillor Neal

Seconded by Councillor Jones

That Report PWD-017-21 be received;

That staff be directed to complete the path as per the proposed Farewell Creek Phase 2B-3 as included in the Staff Report; and

That all interested parties listed in Report PWD-017-21 and any delegations be advised of Council's decision.

Carried as Amended, See following Motions

Amendment:

Resolution # C-109-21

Moved by Councillor Neal

Seconded by Councillor Jones

That Staff be directed to make minor improvements to the existing trail as needed.

Carried

Alter the Agenda

Resolution # C-110-21

Moved by Councillor Zwart

Seconded by Councillor Anderson

That the Agenda be altered to consider Item 2 of the General Government Committee Report, at this time.

Item 2 - Regulation of On-farm Special Events

Resolution # C-111-21

Moved by Councillor Traill

Seconded by Councillor Anderson

That Report LGS-012-21 be received;

That Attachment 2 to Report LGS-012-21, to proceed with a licensing regime for on-farm special events, be endorsed.

That all interested parties listed in Report LGS-012-21 and any delegations be advised of Council's decision.

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

No (2): Councillor Hooper, and Councillor Zwart

Carried on a Recorded Vote Later in the Meeting, See following Motions (5 to 2)

Resolution # C-112-21

Moved by Councillor Neal

Seconded by Councillor Traill

That Report LGS-012-21 be referred to the March 29, 2021 General Government Committee meeting.

Motion Lost

The foregoing Resolution #C-111-21 was then carried on a recorded vote.

9. Communications – Receive for Information

9.1 ADR Chambers, Ombudsman Office - 2020 Annual Report

Councillor Anderson declared an indirect interest in Agenda Item 9.1, ADR Chambers, Ombudsman Office - 2020 Annual Report as he is a form employee of ADR Chambers. Councillor Anderson muted his audio and video and refrained from discussion and voting on this matter.

Resolution # C-113-21

Moved by Councillor Neal

Seconded by Councillor Hooper

That Communication Item 9.1 be received for information.

Carried

Councillor Anderson returned to the meeting.

10. Communications – Direction

Resolution # C-114-21

Moved by Councillor Neal

Seconded by Councillor Jones

That Communications Items 10.1 to 10.7, be approved on consent as follows, with the exception of Items 10.2, 10.3, 10.5, and 10.6 as they were considered earlier in the meeting and Item 10.4.

10.1 Memo from Trevor Pinn, Director of Financial Services / Treasurer regarding 2020 Region of Durham Council Remuneration Report

Resolution # C-115-21

That Correspondence Item 10.1, Memo from Trevor Pinn, Director of Financial Services / Treasurer regarding 2020 Region of Durham Council Remuneration Report be referred to the consideration of Item 1f of the General Government Committee Report.

10.7 Memo from Trevor Pinn, Director of Financial Services / Treasurer regarding West Beach Cottages Taxes

Resolution # C-116-21

That Correspondence Item 10.7, Memo from Trevor Pinn, Director of Financial Services / Treasurer regarding West Beach Cottages Taxes, be referred to the consideration of Item 1c of the Planning and Development Committee Report.

Carried

10.4 Dave Bouma, Chair, Newcastle Memorial Arena Board, regarding 2020 Budget Shortfall Request

Resolution # C-116B-21

Moved by Councillor Zwart

Seconded by Councillor Anderson

That the Newcastle Memorial Arena 2020 budget shortfall of \$41,000, be covered by the municipality with funds to be taken from the Rate Stabilization Reserve fund.

Carried

11. Committee Reports

11.1 Advisory Committee Reports

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

11.1.3 Minutes of the Clarington Heritage Committee dated February 16, 2021

11.1.4 Minutes of the Clarington Tourism Advisory Committee dated February 12, 2021

11.1.5 Minutes of the Clarington Diversity Advisory Committee dated February 25, 2021

11.1.6 Minutes of the Bowmanville Santa Claus Parade Committee dated March 9, 2021

11.1.7 Minutes of the Newcastle Arena Board dated March 9, 2021

11.1.8 Minutes of the Accessibility Advisory Committee dated March 3, 2021

Resolution # C-117-21

Moved by Councillor Jones

Seconded by Councillor Neal

That Advisory Committee Reports Items 11.1.1 to 11.1.8, be approved with exception of Item 11.1.1.

Carried

11.1.1 Minutes of the Agricultural Advisory Committee dated February 11 and March 11, 2021

Resolution # C-118-21

Moved by Councillor Neal

Seconded by Councillor Anderson

That the minutes of the Agricultural Advisory Committee dated February 11 and March 11, 2021, be approved.

Carried

11.2 General Government Committee Report dated March 8, 2021

Resolution # C-119-21
Moved by Councillor Zwart
Seconded by Councillor Hooper

That the recommendations contained in the General Government Committee Report of March 8, 2021 be approved on consent, with the exception of Item 2 which was considered earlier in the meeting.

Carried

11.3 Planning & Development Committee Report of March 15, 2021

Resolution # C-120-21
Moved by Councillor Anderson
Seconded by Councillor Hooper

That the recommendations contained in the Planning and Development Committee Report of March 15, 2021 be approved on consent, with the exception of Items 1a and 1c.

Carried

Item 1a - Memo from Ryan Windle, Director of Planning and Development Services, Regarding an Update on Lakeridge Health Bowmanville Helipad

Councillor Jones declared a direct interest in Item 1a, 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-121-21
Moved by Councillor Anderson
Seconded by Councillor Hooper

That the Memo from Ryan Windle, Director of Planning and Development Services, Regarding an Update on Lakeridge Health Bowmanville Helipad, be received for information.

Carried

Councillor Jones returned to the meeting.

11.3.1 Item 1c - Confidential Verbal Update from Faye Langmaid, Manager of Special Projects, Regarding a Property Matter

Resolution # C-122-21
Moved by Councillor Zwart
Seconded by Councillor Hooper

That the Municipality agrees to waive the termination related to the death of a tenant, of all current West Beach cottage leases, until December 31, 2023, to coincide with the natural expiry date of the leases.

Yes (4): Councillor Anderson, Councillor Hooper, Councillor Traill, and Councillor Zwart

No (3): Mayor Foster, Councillor Jones, and Councillor Neal

Carried on a Recorded Vote Later in the Meeting, See following Motions (4 to 3)

Resolution # C-123-21

Moved by Councillor Neal

Seconded by Councillor Jones

That the Rules of Procedure be suspended to allow Members of Committee to speak to the foregoing Resolution #C-122-21 for a second time.

Carried

The foregoing Resolution #C-122-21 was then carried on a recorded vote.

12. Staff Reports

12.1 Confidential Report PDS-020-21 - Potential Acquisition, Future Works Yard

Closed Session

Resolution # C-124-21

Moved by Councillor Neal

Seconded by Councillor Jones

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 a proposed or pending acquisition or disposition of land by the municipality or local board.

Carried

Rise and Report

The meeting resumed in open session at 9:54 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 one resolution was passed to provide direction to staff.

13. Business Arising from Procedural Notice of Motion

15. By-laws

15.1 2021-041 - Being a By-law to exempt a certain portion of Registered Plan 40M-2578 and 40M-2609 from Part Lot Control

15.2 2021-042 - Being a By-law to establish layout & dedicate certain lands as public highways in the Municipality of Clarington to assume certain streets within the Municipality of Clarington as public highways, and to name them

15.3 2021-043 - Being a by-law to authorize the closure and conveyance of a road allowance

Resolution # C-125-21

Moved by Councillor Hooper

Seconded by Councillor Traill

That leave be granted to introduce By-laws 2021-041 to 2021-043; and

That the said by-laws be approved.

Carried

16. Procedural Notices of Motion

17. Other Business

Councillor Traill enquired about the status of the resolution from the December 14, 2021 Council minutes directing Staff to draft an interim control by-law.

Councillor Neal enquired how much has been spent on acquiring the land to date at West Beach in Bowmanville.

18. Confirming By-Law

Resolution # C-126-21

Moved by Councillor Hooper

Seconded by Councillor Anderson

That leave be granted to introduce By-law 2021-044, being a by-law to confirm the proceedings of the Council of the Municipality of Clarington at a regular meeting held on the 22nd day of March, 2021; and

That the said by-law be approved.

Carried

19. Adjournment

Resolution # C-127-21

Moved by Councillor Hooper

Seconded by Councillor Anderson

That the meeting adjourn at 10:13 p.m.

Carried