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Council Minutes

Date: May 3, 2021
Time: 7:00 p.m.
Location: Council Members (in Chambers or MS Teams) | Members of the Public (MS Teams)

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

Absent: Councillor C. Traill

Staff Present: A. Allison, G. Acorn, 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 Hooper led the meeting in a moment of reflection.

3. Land Acknowledgement Statement

Councillor Hooper recited the Land Acknowledgement Statement.

Suspend the Rules

Resolution # C-156-21

Moved by Councillor Zwart

Seconded by Councillor Hooper

That the Rules of Procedure be suspended to add an item, as Item 10.1 – Communications for Direction, correspondence from Wendy Bracken regarding the City of Toronto seeking authority to negotiate with other landfill and EFW facilities to negotiate taking waste.

Carried

4. Declaration of Interest

Mayor Foster declared a direct interest in Unfinished Business Item 14.1, CAO-002-21 Potential Land Disposition, as he is the Secretary-Treasurer with Durham Region Non-Profit Housing Corporation and has a conflict under the *Ontario Business Corporations Act*.

Councillor Jones declared an indirect interest in Item 4 of the Planning and Development Committee Report - PDS-026-21 Lease with Lakeridge Health for a Temporary Air Ambulance Heliport.

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 April 12, 2021

Resolution # C-157-21
Moved by Councillor Hooper
Seconded by Councillor Anderson

That the minutes of the regular meeting of the Council held on April 12, 2021 be approved.

Carried

7. Presentations

7.1 MPP David Piccini - Update on the 2021 Provincial Budget

MPP David Piccini was present to provide an update on the 2021 Provincial Budget. He recited a Land Acknowledgement Statement and commended the Municipality of Clarington and CAO Allison on the mental health initiatives for staff. MPP Piccini explained that his presentation would focus on a few key points which will affect the Region of Durham. He noted that the key factors of the 2021 Provincial Budget are protecting people's health and protecting the economy. MPP Piccini continued by providing an overview of the key initiatives including the temporary jobs training tax credit, enhancing the childcare tax credit, a focus on tourism, hospitality and business support grants, and the community building fund. He continued by highlighting items relating to healthcare including support for Lakeridge Health, local hospices, long term care homes, and investing in the health care workforce. MPP Piccini added that there are also several local initiatives including the Community Rural Infrastructure Fund, Social Service Relief Fund, Fire Grants, and supporting local agriculture. He concluded by stating that, in response to the pandemic, it is important for "everyone to link arms" and work together to support the residents. MPP Piccini answered questions from the Member of Council.

Resolution # C-158-21
Moved by Councillor Zwart
Seconded by Councillor Hooper

That the Presentation of MPP Piccini, regarding 2021 Provincial Budget, be received with thanks.

Carried

8. Delegations

8.1 Rick McEachern regarding the Red Oak Tree at 21 Beech Avenue (Item 6.1 of the Heritage Committee Minutes of April 20, 2021)

Rick McEachern was present regarding the Red Oak Tree at 21 Beech Avenue (Item 6.1 of the Heritage Committee Minutes of April 20, 2021). He explained to the Members of Council that this tree is significant to Bowmanville's past, present, and future. Mr. McEachern added that the future of the tree is rumored to be in jeopardy. He explained that, based on his measurements, he has determined the tree is approximately 288 years old, which means it sprouted in 1733. Mr. McEachern added that it makes the tree older than our country and it has been around prior to the first pioneers settling in Bowmanville. He continued by highlighting many significant historical events that have occurred since the tree has been alive. Mr. McEachern stated that this tree was alive prior to the construction of Beech Avenue and the homes being built on that street. He explained that he has started a petition on change.org, containing over 5000 signatures. Mr. McEachern reviewed the criteria for designating a tree with heritage significance and he feels this tree meets that criteria. He feels the tree's life should be extended with support, including trimming. Mr. McEachern concluded by urging the Members of Council to take the necessary steps to protect this heritage tree.

Alter the Agenda

Resolution # C-159-21
Moved by Councillor Hooper
Seconded by Councillor Anderson

That the Agenda be altered to consider Clarington Heritage Committee minutes dated April 20, 2021, at this time.

Carried

11.1.4 Minutes of the Heritage Committee dated April 20, 2021

Resolution # C-160-21
Moved by Councillor Hooper
Seconded by Councillor Anderson

That the minutes of the Heritage Committee dated April 20, 2021, be approved; and

That Staff report back on a cost estimate on preserving, trimming and supporting the Red Oak Tree.

Carried

9. Communications – Receive for Information

9.1 Memo from Lisa Wheller, Human Resources Manager, regarding Retiree Health Benefit Information, Report Number LGS-015-21

Resolution # C-161-21

Moved by Councillor Jones

Seconded by Councillor Anderson

That Correspondence Item 9.1 be received for information.

Carried

10. Communications – Direction

10.1 Wendy Bracken regarding City of Toronto request to use Energy-from-Waste (EFW) Facilities in Ontario

Resolution # C-162-21

Moved by Councillor Zwart

Seconded by Councillor Hooper

Whereas the City of Toronto's Infrastructure and Environment Committee passed a recommendation, at their April 28, 2021 meeting, seeking authority for the General Manager, Solid Waste Management Services to negotiate sending the City of Toronto waste to Energy-from-Waste (EFW) facilities in Ontario;

And whereas the City of Toronto Council will be considering the Committee's recommendation at their Wednesday, May 5, 2021 Council meeting;

And whereas the Municipality of Clarington is concerned about waste being imported into Clarington from other municipalities;

And whereas the Durham York Energy Centre (DYEC) Environmental Compliance Approval (ECA) only permits waste from Durham and York Regions;

And whereas the Host Community Agreement (HCA) between Durham Region and the Municipality of Clarington for the DYEC restricts the waste source to those identified in the EA Terms of Reference, which the ECA reflects; and

And whereas, the HCA outlines that, in the event that at any subsequent time City of Toronto waste would be processed at the DYEC, then Clarington shall be paid the sum of Ten Dollars (\$10.00) per tonne;

Now therefore be it resolved:

That the correspondence from Wendy Bracken, regarding the City of Toronto's plan for their waste, be received;

That the Municipality of Clarington notify the City of Toronto that its waste is not welcome in Clarington;

That the Region of Durham be requested to notify the City of Toronto and the Province of Ontario that City of Toronto waste in not welcome in Clarington or anywhere in Durham Region;

That the Province of Ontario, and Clarington's MPPs, be asked to formally acknowledge and provide a response to the Municipality of Clarington's concerns; and

That a copy of Council's decision be forwarded to the Premier of Ontario, Clarington's MPPs, the Region of Durham, the DYEC, the City of Toronto, and Wendy Bracken.

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

Carried (6 to 0)

11. Committee Reports

11.1 Advisory Committee Reports

11.1.2 Minutes of the Active Transportation and Safe Roads Advisory Committee dated April 7, 2021

Resolution # C-163-21
Moved by Councillor Zwart
Seconded by Councillor Neal

That Advisory Committee Report Items 11.1.1 to 11.1.4, be approved with the exception of 11.1.1, 11.1.3 and 11.1.4 as it was considered earlier in the meeting.

Carried

11.1.1 Minutes of the Agricultural Advisory Committee dated April 8, 2021

Resolution # C-164-21
Moved by Councillor Zwart
Seconded by Councillor Hooper

That the minutes of the Agricultural Advisory Committee dated April 8, 2021, be approved.

Carried

11.1.3 Minutes of the Newcastle Arena Board dated April 13, 2021

Resolution # C-165-21
Moved by Councillor Zwart
Seconded by Councillor Anderson

That the minutes of the Newcastle Arena Board dated April 13, 2021, be approved.

Carried

11.2 General Government Committee Report of April 19, 2021

Resolution # C-166-21
Moved by Councillor Neal
Seconded by Councillor Anderson

That the recommendations contained in the General Government Committee Report of April 19, 2021, be approved on consent, with the exception of item 5.

Carried

Item 5 - Human Resources Matter – Closed Session Resolution

Resolution # C-167-21
Moved by Councillor Neal
Seconded by Councillor Hooper

That Item 5 of the General Government Committee Report be referred to the end of the Agenda to be considered during Closed Session.

Carried

11.3 Planning & Development Committee Report of April 26, 2021

Resolution # C-168-21
Moved by Councillor Anderson
Seconded by Councillor Hooper

That the recommendations contained in the Planning and Development Committee Report of April 26, 2021, be approved on consent, with the exception of items 3 and 4.

Carried

Item 4 - Lease with Lakeridge Health for a Temporary Air Ambulance Heliport

Councillor Jones declared a direct interest in Report PDS-026-21, 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-169-21
Moved by Councillor Hooper
Seconded by Councillor Zwart

That PDS-026-21 be received;

That the Mayor and Municipal Clerk be authorized to execute a Lease Agreement between the Municipality of Clarington and Lakeridge Health substantially on the terms set out in Attachment 2 of Report PDS-026-21; and

That all interested parties listed in Report PDS-026-21 and any delegations be advised of Council's decision.

Carried

Councillor Jones returned to the meeting.

Item 3 - Darlington New Nuclear Build, License Renewal Hearing

Resolution # C-170-21
Moved by Councillor Zwart
Seconded by Councillor Anderson

That Report PDS-025-21 be received; and

That Council adopt the following resolution:

That the Darlington Nuclear Generating Station has been a significant part of the Municipality of Clarington since the 1980s, and has provided many positive benefits to the community with minimal adverse effects on the natural environment;

That the Municipality of Clarington Council and Staff have attended numerous meetings and information sessions with respect to the Darlington New Nuclear Power Plant Project and are therefore very knowledgeable with respect to the Project; and

That the Municipality of Clarington retained a qualified team of professionals to undertake a detailed peer review of the draft Environmental Impact Statement for the Darlington New Nuclear Power Plant Project and, on the basis of this peer review, can state with confidence that the Environmental Impact Statement meets the requirements of the Guidelines for the preparation of the document and that it satisfactorily addresses the Municipality's issues and concerns with respect to the Project;

That the Municipality of Clarington's peer review of the Environmental Impact Statement for the Darlington New Nuclear Power Plant Project agreed with the study's conclusions;

That Council and the residents of the Municipality of Clarington have been steadfast in their support for the proposed Darlington New Nuclear Power Plant Project and are eager to have nuclear power generation continue as a positive presence in our community;

That Council and the community of Clarington are very supportive of the use of Small Modular Reactors (SMR) as it would avoid the use of cooling towers, thus minimizing any associated socio-economic impacts for Clarington and Durham Region, for the Darlington New Nuclear Power Plant Project;

That Clarington Staff has worked with representatives of the Canadian Nuclear Safety Commission (CNSC), Ministry of Municipal Affairs and Housing, Durham Region and Ontario Power Generation to ensure that sensitive land uses are addressed within the three-kilometer buffer zone;

That many traffic and transportation network improvements have been implemented over the past decade to address potential deficiencies within the network and Clarington Staff have reviewed the findings of the updated Traffic Assessment Report, September 2019; and

That the Council of the Municipality of Clarington hereby advises the CNSC that it supports the Darlington New Nuclear Power Plant Project and strongly supports the use of SMR technology;

That the Mayor and Senior Staff accept the invitation of the CNSC to appear at the hearing in June to outline the Municipality's support for the project, our involvement and comments as set out in Report PSD-010-11 and reaffirmed in this Report PDS-025-21; and

That the Canadian Nuclear Safety Commission and Ontario Power Generation and all interested parties be notified of Council's decision.

Carried Later in the Meeting, see following motion

Resolution # C-171-21
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-170-21 for a second time.

Motion Withdrawn

The foregoing Resolution #C-170-21 was then put to a vote and carried.

11.4 Audit Committee Minutes dated April 7, 2021

Resolution # C-172-21
Moved by Councillor Jones
Seconded by Councillor Anderson

That the minutes of the Audit Committee dated April 7, 2021, be approved.

Carried

12. **Staff Reports**
13. **Business Arising from Procedural Notice of Motion**
14. **Unfinished Business**

Closed Session

Resolution # C-173-21
Moved by Councillor Hooper
Seconded by Councillor Anderson

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

- a matter that deals with personal matters about an identifiable individual, including municipal or local board employees;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- a matter that deals with labour relations or employee negotiations.

Carried

Rise and Report

The meeting resumed in open session at 9:01 p.m.

Mayor Foster advised that three items were 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.

Item 5 - Human Resources Matter – Closed Session Resolution

Resolution # C-174-21
Moved by Councillor Neal
Seconded by Councillor Jones

That the closed session Resolution #CGG-010-21, be approved.

Carried

14.1 Confidential Report - CAO-002-21 Potential Land Disposition

Mayor Foster declared a direct interest in Report CAO-002-21 Potential Land Disposition, as he is the Secretary-Treasurer with Durham Region Non-Profit Housing Corporation and has a conflict under the *Ontario Business Corporations Act*. Mayor Foster muted his audio and video and refrained from discussion and voting on this matter.

Councillor Anderson assumed the chair.

Resolution # C-175-21
Moved by Councillor Neal
Seconded by Councillor Zwart

That Report CAO-002-21 be received; and

(a) That all proponents who responded to the Spry Avenue RFP be informed that there will be no award;

(b) That the Spry Avenue property be listed for sale on Multiple Listing Service (MLS), with a condition that any purchaser have a pre-consultation meeting with Planning staff; and

(c) That Staff meet with the Affordable Housing Taskforce to discuss strategies going forward to offer surplus Municipal land for sale.

Carried

Mayor Foster returned to the meeting and assumed the chair.

15. By-laws

15.1 2021-047 - Being a by-law to amend By-law 2014-059 entitled “a By-law to Regulate Traffic and Parking on Highways, Private Property and Municipal Property”

Resolution # C-176-21
Moved by Councillor Hooper
Seconded by Councillor Neal

That leave be granted to introduce By-law 2021-047; and

That the said by-law be approved.

Carried

16. Procedural Notices of Motion

17. Other Business

Councillor Neal enquired what percentages of the students hired are the children of current, or former, employees.

Councillor Neal enquired if Community Services does their own lawn maintenance and how many pieces of equipment they own.

Councillor Neal enquired about what the full-time staff are doing in Community Services, with the facilities being closed for most of 2021.

Councillor Neal enquired about the CAO Committee and that it was his understanding the Committee was to report back to the General Government Committee.

Councillor Zwart thanked staff for quickly working on, and assisting with, the preparation of the resolution to be sent to the City of Toronto.

18. Confirming By-Law

Resolution # C-177-21
Moved by Councillor Hooper
Seconded by Councillor Anderson

That leave be granted to introduce By-law 2021-048, being a by-law to confirm the proceedings of the Council of the Municipality of Clarington at a regular meeting held on the 3rd day of May, 2021; and

That the said by-law be approved.

Carried

19. Adjournment

Resolution # C-178-21
Moved by Councillor Anderson
Seconded by Councillor Hooper

That the meeting adjourn at 9:25 p.m.

Carried