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## Council Minutes

**Date:** September 20, 2021  
**Time:** 6:30 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, R. Maciver, T. Pinn, Perini, R. Windle, J. Gallagher, M. Chambers

**Other Staff Present:** F. Langmaid, C. Salazar

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### 1. Call to Order

Mayor Foster called the meeting to order at 6:30 pm.

### 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.

### 4. Declaration of Interest

Councillor Hooper declared a direct interest in Item 13.5, Report FSD-039-21 - Heritage Tax Incentive.

Mayor Foster declared a direct interest in Item 14.1 – Confidential Report CAO-007-21, Spry Avenue Property Disposition.

### 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 July 5, 2021**

Resolution # C-271-21

Moved by Councillor Hooper  
Seconded by Councillor Jones

That the Minutes of a regular meeting of Council dated July 5, 2021, be approved.

**Carried**

**Recess**

Resolution # C-272-21

Moved by Councillor Neal  
Seconded by Councillor Hooper

That the Council recess for five minutes.

**Carried**

The meeting reconvened at 6:48 pm with Mayor Foster in the Chair.

Councillor Zwart joined the meeting.

## **7. Presentations / Delegations**

**Suspend the Rules**

Resolution # C-273-21

Moved by Councillor Zwart  
Seconded by Councillor Anderson

That the Rules of Procedure be suspended to add Darryl Kerswell as a delegation to the agenda regarding Report PDS-043-21.

**Carried**

### **7.1 Liza Maw, regarding Report PDS-040-21 Request to Repeal Designation By-law 97-17;4478 Highway 35/115**

Liza Maw was present regarding Report PDS-040-21, Request to Repeal Designation By-law 97-17;4478 Highway 35/115. She made a verbal presentation to accompany an electronic presentation. Ms. Maw provided an overview of the property and some of the history of the heritage designation. She highlighted some of the upgrades and maintenance that has been done on the house to date. Ms. Maw provided the yearly house insurance rates illustrating the increases since 2017 and she noted there have been no claims in 18 years. She reviewed some of the recent insurance quotes and explained that several of the insurance companies in the area will not insure a home with a heritage designation and some of the concerns with the insurance quotes she has received. Ms. Maw explained that, as

per the Information Bureau of Canada, there are challenges to obtaining home insurance on a home with a Heritage Designation. She noted that, on the Government of Ontario website, Heritage Tool Kit, it states that home insurance rates should not increase as a result of a Heritage Designation. Ms. Maw concluded by asking the Members of Council to support the repeal of the heritage designation on 4478 Hwy 35//115. She answered questions from the Members of Council.

### **Alter the Agenda**

Resolution # C-274-21

Moved by Councillor Jones  
Seconded by Councillor Zwart

That the Agenda be altered to consider Item 13.4, Report PDS-040-21 - Request to Repeal Designation By-law 97-17; 4478 Highway 35/115, at this time.

### **Carried**

#### **13.4 PDS-040-21 Request to Repeal Designation By-law 97-17; 4478 Highway 35/115**

Resolution # C-275-21

Moved by Councillor Jones  
Seconded by Councillor Anderson

That Report PDS-040-21 be received;

That Council approve the application to repeal the heritage designation By-law 97-17 for the property located at 4478 Highway 35/115 and place the property on the Clarington municipal heritage registry;

That a copy of Council's resolution be sent to the Ministry of Heritage, Sport, Tourism, and Culture Industries, the Association of Municipalities of Ontario, the Insurance Bureau of Canada, and Ontario Heritage Trust; and

That all interested parties listed in Report PDS-040-21 and any delegations be advised of Council's decision.

### **Motion Lost**

Resolution # C-276-21

Moved by Councillor Hooper  
Seconded by Councillor Zwart

That Report PDS-040-21 be received;

That Council refuse the application to repeal the heritage designation By-law 97-17 for the property located at 4478 Highway 35/115;

That a copy of Council's resolution be sent to the Ministry of Heritage, Sport, Tourism, and Culture Industries, the Association of Municipalities of Ontario, the Insurance Bureau of Canada, and Ontario Heritage Trust; and

That all interested parties listed in Report PDS-040-21 and any delegations be advised of Council's decision.

**Carried**

**7. Presentations / Delegations**

**7.2 Tracy Hallman and Trudy Visentin, regarding Report PDS-043-21 An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville**

Tracy Hallman and Trudy Visentin were present regarding Report PDS-043-21, An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville. Mr. Hallman thanked the Members of Council for the opportunity to speak, noting that he is a long-time resident of Newtonville who has used the store for many years. He added that he is concerned that a member of the community is being not able operate his business. Mr. Hallman noted that he is in full support of Mr. Kerswell as are many members of the community.

Ms. Visentin noted that she is also local resident and fully supports Mr. Kerswell's application as it supports traffic flow and increases safety in that area due to the placement of the store and sidewalk. She noted this will bring a sense of community back to Newtonville and increase accessibility to the business. Ms. Visentin believes that the that the original store building does not have the appropriate permits for renovations currently underway and are not following COVID protocols. She inquired about the petition which was submitted and asked if it had been overlooked. Ms. Visentin believes that only residents of Clarington should be able to provide input. She concluded by asking for support of Mr. Kerswell's application. Ms. Visentin and Mr. Hallman answered questions from the Members of Council.

**7.3 Kelly Maika, regarding Report PDS-043-21 An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville**

Kelly Maika was present regarding Report PDS-043-21, An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville. Ms. Maika noted that she is in full support of the application submitted by Mr. Kerswell. She explained that Mr. Kerswell goes out of his way to support and accommodate individuals with special needs and that this will be a fully accessible store. Ms. Maika does not feel that parking will be a concern and is confident that Mr. Kerswell will work to ensure all the parking needs are met. She explained that Newtonville is in need of this establishment and that the previous store, operated by Mr. Kerswell, provided a safe environment for the residents to attend during the pandemic. Ms. Maika concluded by asking the Members of Council to support Mr. Kerswell's application.

**7.4 Mike Gimblett, regarding Report PDS-043-21 An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville**

Mike Gimblett was present regarding Report PDS-043-21, An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville. Mr. Gimblett stated that he is in support of the application and has spoken to several staff and Members of Council on the matter. He explained that he supports two stores side by side as Newtonville is a growing community and is confident this will not be an issue. Mr. Gimblett expressed his concerns with the old store as he feels that it may not re open to serve the community. He added that Mr. Kerswell is ready to go and will open as soon as he receives his approvals. Mr. Gimblett feels the original store is run down and does not believe it has any historic significance. He does not feel parking has been an issue and the applicant has approvals for the required amount of parking. Ms. Gimblett does not feel traffic is a concern but noted that a four-way stop could assist. He added that the mailboxes on Highway 2 are a huge safety issue as well as the posted speed limit on Highway 2. Mr. Gimblett stated that there is a great deal of support for the applicant and noted that Mr. Kerswell was very supportive of the community. He believes that, if this is not approved, the community would not support the existing store owner. Mr. Gimblett concluded by asking for the application to be reconsidered and approved by the Members of Council. He answered questions from the Members of Council.

**7.5 Jessica Ennis, regarding Report PDS-043-21 An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville**

Jessica Ennis was present regarding Report PDS-043-21, An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville. Ms. Ennis noted that she fully supports the application and explained that her property backs onto the proposed location. She explained that Mr. Kerswell's store has safely operated during the pandemic to provide the necessities to the community. Ms. Ennis noted that they offered curbside pick up and an accessible location for children of all abilities to visit and have something to look forward to during the pandemic. She added that the proposed parking is much safer than the current parking lot and the accessibility proposal provides access to everyone. Ms. Ennis noted that Mr. Kerswell's store is a positive and important part of the community. She added that she welcomes any improvements to the increase the sense of community in Newtonville. Ms. Ennis thanked the Members of Council and asked for their support of the application.

**7.6 Frank Stapleton, regarding Report PDS-043-21 An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville**

Frank Stapleton was present regarding Report PDS-043-21, An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville. Mr. Stapleton asked Members of Council to support the application as Newtonville is due to have some expansion of local businesses. He noted there were previously two corner stores which operated at the same time and he feels this would add to the diversity of Newtonville. Mr. Stapleton added that, with the growth of Newtonville, two businesses could be supported. He noted that all of the public agencies and the staff report supported the application. Mr. Stapleton noted that petitions were submitted from the residents to support the application. He explained that the current store is not operating, Mr. Kerswell was evicted in May 2021, and there has been no indication that this store will reopen or provide services to meet the needs of the community. Mr. Stapleton has done a great deal to meet the needs of the community and has done all that has been asked of him for this application. He concluded by asking that this application be supported by the Members of Council. Mr. Stapleton answered questions from the Members of Council.

**7.7 Angie Holliday, regarding Report PDS-043-21 An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville**

Angie Holliday was present regarding Report PDS-043-21, An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville. Ms. Holliday noted that she supports the application. She explained that her children would visit the store on a regular basis, and it provided a sense of community. Ms. Holliday added that Mr. Kerswell employed several teens from the community. She added that the store has been a positive addition to the community and provided services, including the LCBO and a Canada Post Office. Ms. Holliday concluded by asking the Members of Council to support the application.

**7.8 Krista McCardle, regarding Report PDS-043-21 An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville**

Krista McCardle was present regarding Report PDS-043-21, An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville. Ms. McCardle explained that she is a local resident, and fully supports Mr. Kerswell's application, along with the staff of the Municipality of Clarington and the Newtonville Community. She feels that if the Members of Council have concerns with the application, that they should be working with the applicant, rather than



denying the application. Ms. McCardle added that denying the application is, in fact, going against Provincial Policy. She believes that there is no issue with two businesses being side by side. Ms. McCardle concluded by stating that many of the concerns were addressed in the staff report and requested the application be approved by the Members of Council.

**7.10 Geri Chung, regarding Report PDS-043-21 An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville**

Geri Chung was present regarding Report PDS-043-21, An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville. Ms. Chung explained that she is in support of Council's decision to deny the application and does not support the application for the rezoning. She does not believe that the proposed site is appropriate and feels there are safety concerns due to proposed parking and traffic in the area. Ms. Chung concluded by stating that she believes that people are supporting the application based on emotions and not the planning of the application.

**Recess**

Resolution # C-277-21

Moved by Councillor Jones

Seconded by Councillor Hooper

That the Council recess for 10 minutes.

**Carried**

The meeting reconvened at 9:08 p.m. with Mayor Foster in the Chair.

**7.11 Sara Thomas, regarding Report PDS-043-21 An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville**

Sara Thomas was present regarding Report PDS-043-21 An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville. Ms. Thomas stated that she supports the denial of the application. She noted that the application meets the minimum requirements for accessibility, parking, and traffic, which is why she supports Council's decision to deny the application.

**7.12 Cheryl Harding, regarding Report PDS-043-21 An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville**

Cheryl Harding was present regarding Report PDS-043-21, An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville. Ms. Harding noted that she is a local resident and fully supports the application. She explained that Newtonville is in need of a general store and it is an important part of the community. She expressed concerns with people who are not Clarington residents speaking to the application. Ms. Harding concluded by stating that Mr. Kerswell's store supported the community during the pandemic and is asking the Members of Council to approve the application.

**7.9 Cassandra Sheppard, regarding Report PDS-043-21 An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville**

Cassandra Sheppard was present, regarding Report PDS-043-21, An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville. Ms. Sheppard noted that she is not in support of the application and has concerns with the accessibility, parking and increased traffic in the area.

**7.13 Darryl Kerswell, regarding Report PDS-043-21 An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville**

Darryl Kerswell was present, regarding Report PDS-043-21, An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property at 4504 Highway 2, Newtonville. Mr. Kerswell thanked the Members of Council for the opportunity to speak and for the members of the community who spoke in support of the application. He explained that his application is in line with Provincial Policy and both the Region of Durham and Clarington's Official Plans. Mr. Kerswell worked with the Planning Department to submit a complete application for approval. He asked what the motives were for denying the application. Mr. Kerswell noted that he wants to reopen his business and would encourage the landowner of the previous store to do the same. Mr. Kerswell feels that any businesses in Newtonville is positive for the community and employment opportunities. He noted that he operated for five years with no complaints but once his lease ended there were suddenly several complaints to the AGCO, LCBO, Clarington By-law and the Durham Regional Police. Mr. Kerswell provided the details of the proposed new store and stated that he is confident it will meet the accessibility and parking requirements. He concluded by stating that there is the community support for this application and asked the Members of Council to



approve this application. Mr. Kerswell answered questions from the Members of Council.

## **8. Reports/Correspondence Related to Presentations/Delegations**

### **8.1 Correspondence regarding Report PDS-043-21, An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property Known at 4504 Highway 2, Newtonville**

Resolution # C-278-21

Moved by Councillor Zwart  
Seconded by Councillor Hooper

That Correspondence Items contained in 8.1, including the 11 pieces of correspondence received after the agenda update deadline, be referred to the consideration of Item 7.1 of the September 13, 2021 Joint General Government and Planning and Development Committee minutes, be referred to the consideration of Report PDS-043-21, An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property Known at 4504 Highway 2, Newtonville.

**Carried**

### **Alter the Agenda**

Resolution # C-279-21

Moved by Councillor Zwart  
Seconded by Councillor Anderson

That the Agenda be altered to consider Item 7.1 of Joint General Government and Planning and Development Committee meeting minutes of September 13, 2021, at this time.

**Carried**

### **Report PDS-043-21 - An Application by Darryl Kerswell to Permit the Establishment of Commercial Uses, Including a General Store and Eating Establishment on the Property Known at 4504 Highway 2, Newtonville**

Resolution # C-280-21

Moved by Councillor Zwart  
Seconded by Councillor Hooper

That Report PDS-043-21 and any related communication items, be received;

That the application to amend the Zoning By-law submitted by Darryl Kerswell be approved and the Zoning By-law in Attachment 1 to Report PDS-043-21 be passed;

That a By-law lifting the Holding (H) Symbol be forwarded to Council once Site Plan approval has been granted;

That the Durham Regional Planning and Economic Development Department and Municipal Property Assessment Corporation be forwarded a copy of Report PSD-043-21 and Council's decision; and

That all interested parties listed in Report PDS-043-21 and any delegations be advised of Council's decision.

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

No (2): Councillor Jones, and Councillor Neal

Absent (1): Councillor Traill

**Carried on a recorded vote, later in the meeting, see following motions (4 to 2)**

Resolution # C-281-21

Moved by Councillor Neal

Seconded by Councillor Jones

That the Rules of Procedure be suspended to allow Members of Council to speak to the foregoing Resolution #C-280-21 for a second time.

**Carried**

The foregoing Resolution #C-280-21 was then put to a recorded vote and carried.

## **9. Consideration of Minutes**

### **9.1 Advisory Committee Minutes**

#### **9.1.1 Minutes of the Newcastle Arena Board dated June 22 and August 17, 2021**

#### **9.1.2 Minutes of the Samuel Wilmot Nature Area Management Advisory Committee dated June 14, 2021**

#### **9.1.3 Minutes of the Clarington Diversity Committee dated June 24 and September 2, 2021**

#### **9.1.4 Minutes of the Agricultural Advisory Committee dated July 8 and August 26, 2021**

#### **9.1.6 Minutes of the Heritage Committee dated July 20, 2021**

#### **9.1.7 Minutes of the Accessibility Advisory Committee dated May 5 and June 2, 2021**

Resolution # C-282-21

Moved by Councillor Hooper

Seconded by Councillor Zwart

That Advisory Committee Report Items 9.1.1 to 9.1.7, be approved with the exception of Item 9.1.5.

**Carried**

## **9.1.5 Minutes of the Active Transportation and Safe Roads Advisory Committee dated July 8, 2021**

Resolution # C-283-21

Moved by Councillor Neal  
Seconded by Councillor Jones

That the minutes of the Active Transportation and Safe Roads Advisory Committee dated July 8, 2021, be approved.

**Carried**

## **9.2 Standing Committee Minutes**

### **9.2.1 Minutes of the Audit and Accountability Committee dated August 4, 2021**

Resolution # C-284-21

Moved by Councillor Hooper  
Seconded by Councillor Neal

That the minutes of the Audit and Accountability Committee dated August 4, 2021, be approved on consent.

**Carried as Amended**

Resolution # C-285-21

Moved by Councillor Neal  
Seconded by Councillor Jones

That the foregoing Resolution #C-284-21 be amended to add the following to the end:

“That a letter be written to our former audit firm to request and explanation on why the Municipality had to restate our 2020 Balance Sheet.”

**Carried**

The foregoing Resolution #C-284-21 was put to a vote and carried as amended.

### **Alter the Agenda**

Resolution # C-286-21

Moved by Councillor Zwart  
Seconded by Councillor Neal

That the Agenda be altered to consider Item 11.1, at this time.

**Carried**

**11.1 Memo from Trevor Pinn, Director of Financial Services/Treasurer regarding Approval of Reserve Funds for Use at Highway 2 and Bowmanville Ave**

Resolution # C-287-21

Moved by Councillor Neal  
Seconded by Councillor Zwart

That the use of up to \$148,000 from the appropriate development charges reserve fund at the discretion of the Treasurer, for the Regional Rd 57 Streetlighting (Highway 2 to 150m north of Stevens Rd) project, be approved.

**Carried**

**Alter the Agenda**

Resolution # C-288-21

Moved by Councillor Hooper  
Seconded by Councillor Zwart

That the Agenda be altered to consider Item 13.1, at this time.

**Carried**

**13.1 Memo from Erica Mittag, Staff Liaison to the Diversity Advisory Committee, Regarding National Day for Truth and Reconciliation**

Resolution # C-289-21

Moved by Councillor Hooper  
Seconded by Councillor Zwart

Whereas the Truth and Reconciliation Commission (TRC) released its final report on June 2, 2015, which included 94 Calls to Action to redress the legacy of residential schools and advance the process of Canadian reconciliation; and

Whereas the recent discoveries of remains and unmarked graves across Canada have led to increased calls for all levels of government to address the recommendations in the TRC's Calls to Action; and

Whereas all Canadians and all orders of government have a role to play in reconciliation; and

Whereas Recommendation #80 of the Truth and Reconciliation Commission called upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process; and

Whereas the Federal Government has announced September 30th, 2021, as the first National Day for Truth and Reconciliation (National Orange Shirt Day) and a statutory holiday;

Therefore be it resolved that the Council of the Municipality of Clarington does hereby commit to recognizing September 30th, 2021, as the National Day for Truth and Reconciliation (National Orange Shirt Day) by sharing the stories of residential school survivors, their families, and communities.

**Carried**

### **Suspend the Rules**

Resolution # C-290-21

Moved by Councillor Zwart  
Seconded by Councillor Jones

That the Rules of Procedure be suspended to extend the meeting to 11:00 pm.

**Carried**

### **9.2.2 Minutes of the Joint General Government and Planning and Development Committees meeting dated September 13, 2021**

Resolution # C-291-21

Moved by Councillor Hooper  
Seconded by Councillor Zwart

That the Minutes of the Joint General Government and Planning and Development Committees meeting dated September 13, 2021, be approved on consent, with the exception of Item 7.1 as it was considered earlier in the meeting.

**Carried**

### **9.2.3 Minutes of the Special General Government Committee meeting dated September 16, 2021**

Resolution # C-292-21

Moved by Councillor Zwart  
Seconded by Councillor Hooper

That the Minutes of the Special General Government Committee meeting dated September 16, 2021, be approved on consent.

**Carried**

**10. Communications**

**11. Staff Reports and Staff Memos**

Item 11.1 was considered earlier in the meeting.

**12. Business Arising from Procedural Notice of Motion (For Consideration at Subsequent Meeting)**

**13. Unfinished Business**

**13.2 Jaaneen Calder, Newcastle Business Improvement Area, Regarding Request to Fund New Lighting at the Newcastle Community Hall**

Resolution # C-293-21

Moved by Councillor Zwart

Seconded by Councillor Anderson

Whereas the Newcastle BIA Town Hall Lighting Committee has been planning to install exterior lights on the Newcastle Community Hall for the past couple of years and they will not have sufficient funds again this year;

And whereas this project remains a priority for the Newcastle BIA and it would provide benefit to the residents;

And whereas the timing is such that it will not meet the timelines of the Clarington Community Grant Program;

And whereas it is more prudent to purchase the lighting at a one-time cost of \$6500 rather than a yearly cost of \$5000 for lighting rentals;

Now therefore be it resolved that the Municipality of Clarington purchase, and be responsible for the ongoing maintenance of, the lighting system for the Newcastle Town Hall for an amount of \$6500 with funds to come from Tax Rate Stabilization Account.

Yes (3): Mayor Foster, Councillor Anderson, and Councillor Zwart

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

Absent (1): Councillor Traill

**Motion Lost on a recorded vote (3 to 3)**



### **13.3 Ontario Eye Exam Fees**

Resolution # C-294-21

Moved by Councillor Anderson

Seconded by Councillor Zwart

That Item 13.3, Ontario Eye Exam Fees, be endorsed by the Municipality of Clarington; and

That the Provincial Government be asked to commit to reforms so that optometrists are compensated fairly compared to their colleagues all across Canada.

**Carried**

### **13.5 FSD-039-21 Heritage Tax Incentive**

Councillor Hooper declared a direct interest in Report FSD-039-21, Heritage Tax Incentive, as his commercial property is heritage designated within Historic Downtown Bowmanville. Councillor Hooper muted his audio and video and refrained from discussion and voting on the matter.

Resolution # C-295-21

Moved by Councillor Neal

Seconded by Councillor Jones

That Report FSD-039-21 be received;

That the status quo and the current Heritage Incentive Grant Program policies be maintained as this time with no consideration of rebates either now or in the 2022 budget deliberations; and

That all interested parties listed in Report FSD-039-21 and any delegations be advised of Council's decision.

**Carried**

Councillor Hooper returned to the meeting.

### **14. Confidential Items**

#### **14.1 Confidential Report CAO-007-21 - Spry Avenue Property Disposition**

Mayor Foster declared a direct interest in Confidential Report CAO-007-21, Spry Avenue Disposition, as he is the Secretary-Treasurer with Durham Region Non-Profit Housing Corporation and has a conflict under the OBCA.

Councillor Neal assumed the chair and Mayor Foster muted his audio and video and refrained from discussion and voting on the matter.

Resolution # C-296-21

Moved by Councillor Zwart  
Seconded by Councillor Hooper

That recommendation 2 (a) as outlined in Confidential Report CAO-007-21, be approved.

### **Motion Withdrawn**

Resolution # C-297-21

Moved by Councillor Zwart  
Seconded by Councillor Anderson

That Confidential Report CAO-007-21 - Spry Avenue Property Disposition, be referred to the September 27, 2021 General Government Committee meeting.

### **Carried**

Mayor Foster returned to the meeting.

## **14.2 Confidential Memo from Rob Maciver, Director of Legislative Services/Municipal Solicitor regarding 4504 Hwy 2, Newtonville**

Resolution # C-298-21

Moved by Councillor Zwart  
Seconded by Councillor Hooper

That the Confidential Memo from Rob Maciver, Director of Legislative Services/Municipal Solicitor regarding 4504 Hwy 2, Newtonville, be received for information.

### **Carried**

## **15. By-laws**

**15.1 2021-065 - 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 2021-066 - Being a By-law to amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington**

**15.3 2021-067 - Being a By-law to amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington**

**15.4 2021-068 - Being a by-law to appoint a Director of Emergency and Fire Services/Fire Chief for the Municipality of Clarington**

Resolution # C-299-21

Moved by Councillor Zwart  
Seconded by Councillor Hooper

That leave be granted to introduce By-laws 2021-065 to 2021-068; and

That the said by-laws be approved.

**Carried**

**15.5 2021-069 - Being a By-law to Amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington**

Resolution # C-300-21

Moved by Councillor Zwart

Seconded by Councillor Hooper

That leave be granted to introduce By-law 2021-069; and

That the said by-law be approved.

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

No (2): Councillor Jones, and Councillor Neal

Absent (1): Councillor Traill

**Carried on a recorded vote (4 to 2)**

**16. Procedural Notices of Motion (For Consideration at Subsequent Meeting)**

**17. Questions to Department Heads / Request for Staff Report(s)**

**18. Confirming By-Law**

Resolution # C-301-21

Moved by Councillor Hooper

Seconded by Councillor Zwart

That leave be granted to introduce By-law 2021-070, being a by-law to confirm the proceedings of the Council of the Municipality of Clarington at a regular meeting held on the 20th day of September, 2021; and

That the said by-law be approved.

**Carried**

**19. Adjournment**

Resolution # C-302-21

Moved by Councillor Zwart

Seconded by Councillor Neal

That the meeting adjourn at 10:54 p.m.

**Carried**