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Council Minutes

Date: September 16, 2019
Time: 7:00 PM
Location: Council Chambers, 2nd Floor
Municipal Administrative Centre
40 Temperance Street
Bowmanville, Ontario

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

Staff Present: A. Allison, G. Acorn, T. Cannella, A. Greentree, S. Brake until
9:40 PM, R. Maciver, M. Marano until 9:40 PM, T. Pinn until 9:40
PM, B. Hesson until 9:40 PM, M. Chambers

1. Call to Order

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

2. Moment of Reflection

Councillor Traill led the meeting in a moment of reflection.

3. Declaration of Interest

Councillor Neal declared a direct interest in Report PSD-038-19, Residential Neighbourhood Character Study Update and Extension of Interim Control By-law 2018-083. (Item 9 of the Joint Committees Report)

Councillor Zwart declared a direct interest in Report PSD-038-19, Residential Neighbourhood Character Study Update and Extension of Interim Control By-law 2018-083. (Item 9 of the Joint Committees Report)

4. Announcements

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

Suspend the Rules

Resolution # C-296-19
Moved by Councillor Hooper
Seconded by Councillor Anderson

That the Rules of Procedure be suspended withdraw Report PSD-036-19, Application by National Homes (Prestonvale) Inc. to permit a 112 Unit Townhouse Development at the Northeast Corner of Prestonvale Road and Bloor Street, Courtice, from the Planning and Development Committee and add it to the Agenda.

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

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

Motion Lost on a recorded vote (4 to 3) as 3/4 vote is required

Suspend the Rules

Resolution # C-297-19
Moved by Councillor Traill
Seconded by Councillor Neal

That the Rules of Procedure be suspended to add Steve Shine as a delegation regarding Items 17 and 18 of the Joint Committees Report to Council.

Carried

5. Adoption of Minutes of Previous Meeting(s)

5.1 Council Minutes - Minutes of a regular meeting of Council July 2, 2019

Resolution # C-298-19
Moved by Councillor Traill
Seconded by Councillor Zwart

That the minutes of the regular meeting of the Council held on July 2, 2019, be approved.

Carried

6. Presentations

None

7. Delegations

7.1 **Petra Schwartz, Vice-Chair, Clarington Tourism Advisory Committee, regarding the Clarington Tourism Strategy and the Minutes of the June 27, 2019 Clarington Tourism Advisory Committee (Agenda Item 10.1.5)**

Petra Schwartz, Vice-Chair, Clarington Tourism Advisory Committee, was present regarding the Clarington Tourism Strategy and the Recommendations in the minutes of the June 27, 2019 Clarington Tourism Advisory Committee. She explained to the Members of Council that the Tourism Committee has three main points they are looking to address with the Tourism Strategy. Ms. Schwartz outlined the three main points as follows:

1. In partnership with the Municipality, develop a comprehensive tourism branding strategy, which is consistent with Clarington's overall brand.
2. Create a marketing and educational plan for tourism.
3. To quantify the economic impact of tourism, Clarington will pursue different channels to measure its success.

She concluded by asking the Members of Council to adopt the recommendations made by the Tourism Committee related to the Tourism Strategy. Ms. Schwartz answered questions from the Members of Council.

7.2 **Ruben Plaza, Corporate Environmental Manager, St. Marys Cement and Denis Corr, Manager of Audit and Research, Rotek, regarding ambient air monitoring of St. Marys Cement (Item 19 of the General Government Committee Report)**

Ruben Plaza, Corporate Environmental Manager, St. Marys Cement, was present regarding St. Marys Cement (Item 19 of the Joint Committees Report to Council). He made a verbal presentation to accompany an electronic presentation. Mr. Plaza provided an overview of the Bowmanville Cement Plant PM Monitoring Program including details of particulate matter (PM).

Denis Corr, Manager of Audit and Research, Rotek, reviewed the various types of and sizes of particulate matter. He explained how St. Marys measures various types of particulate matter and reviewed the monitoring network overview. Mr. Corr provided an overview of the PM10 continuous monitoring and the equipment used which included a BAM1020 Continuous monitor, non-continuous high volume air sampler, and the non-continuous total dust fall sampler. He provided an overview of respirable particulate PM2.5 and referred to 2 graphs to illustrate the differences between PM10 and PM2.5 particulate matter.

Suspend the Rules

Resolution # C-299-19

Moved by Councillor Neal

Seconded by Councillor Anderson

That the Rules of Procedure be suspended to extend the delegation of Ruben Plaza and Denis Corr, for an additional two minutes.

Carried

Mr. Corr highlighted various regional PM2.5 events and provided some background information on these events. He noted there are MECP PM2.5 Standards in place which includes audits of the St. Marys PM. Mr. Corr and Mr. Plaza answered questions from the Members of Council.

7.3 Steve Shine regarding Zone Clarington (Items 17 and 18 of the Joint Committees Report to Council)

Steve Shine was present on behalf the of Re-Zone Clarington group, regarding Zone Clarington (Items 17 and 18 of the Joint Committees Report to Council). Mr. Shine noted that there have been three meetings held by the Municipality with the most recent meeting having approximately 250 people in attendance. Mr. Shine noted the residents are aware that two resolutions were passed on the matter. He encouraged the Members of Council to continue with the process. Mr. Shine explained that he is making this request on behalf of the landowners as they are concerned with the lack of communication. He added that there are still issues with the mapping. Mr. Shine concluded by asking the Members of Council to remain engaged in this matter.

8. Communications – Receive for Information

There are no Communications to be received for information.

9. Communications – Direction

There are no Communications for Direction.

10. Committee Reports

10.1 Advisory Committee Reports

10.1.1 Minutes of the Newcastle Arena Board dated July 9 and August 13, 2019

10.1.2 Minutes of the Agricultural Advisory Committee dated July 11 and August 22, 2019

10.1.3 Minutes of the Samuel Wilmot Nature Area Management Advisory Committee dated August 13, 2019

10.1.4 Minutes of the Accessibility Advisory Committee dated June 19, 2019

10.1.5 Minutes of Clarington Tourism Advisory Committee dated June 27, 2019

Resolution # C-300-19
Moved by Councillor Zwart
Seconded by Councillor Traill

That Advisory Committee Reports Items 10.1.1 to 10.1.5, be approved on consent, with the exception of Items 10.1.2 and 10.1.5.

Carried

Resolution # C-301-19
Moved by Councillor Zwart
Seconded by Councillor Traill

That the minutes of the Agricultural Advisory Committee dated July 11 and August 22, 2019, be approved.

Carried

Resolution # C-302-19
Moved by Councillor Hooper
Seconded by Councillor Anderson

Whereas the Tourism Advisory Committee has been tasked with the development of a Tourism-specific Strategic Plan, as outlined in the Committee's Terms of Reference;

And whereas, the Tourism Advisory Committee has developed the following three key strategic initiatives:

- A. In partnership with the Municipality, develop a comprehensive tourism branding strategy, which is consistent with Clarington's overall brand.
- B. Create a marketing and educational plan for tourism.
- C. To quantify the economic impact of tourism, pursue different channels to measure its success.

And whereas, these initiatives have corresponding actions and make up a proposed Tourism Strategy;

Now, therefore be it resolved that:

1. The recommended Tourism Strategy and initiatives and the minutes of the June 27, 2019 Tourism Committee, be approved; and;
2. That Staff be directed to work through the Tourism Strategy and initiatives and report annually on progress and accomplishments.

Carried

10.2 Joint General Government and Planning and Development Committees Report of September 9, 2019

Resolution # C-303-19
Moved by Councillor Jones
Seconded by Councillor Hooper

That the recommendations contained in the Joint General Government and the Planning and Development Committee Report of September 9, 2019 be approved on consent, with the exception of items 17, 18, 7, 19, 20, 13, and 9.

Carried

Item 17 - Zone Clarington – Environmental Review Area & Minimum Vegetation Protections Zone

Resolution # C-304-19
Moved by Councillor Neal
Seconded by Councillor Zwart

That staff be directed to delete the Environmental Review Area (90 metres) and Minimum Vegetation Protections Zone (30 metres) from the draft zoning by-law amendment.

Yes (7): Mayor Foster, Councillor Anderson, Councillor Hooper, Councillor Jones, Councillor Neal, Councillor Traill, and Councillor Zwart

Carried on a recorded vote (7 to 0)

Item 18 - Zone Clarington – Environmental Protection Areas

Resolution # C-305-19
Moved by Councillor Neal
Seconded by Councillor Zwart

Whereas a draft zoning by-law for the rural portions of the Municipality of Clarington was released in November 2018 for comment; and

Whereas there has been much concern with respect to the zoning of Environmental Protection (EP) Areas in the draft zoning by-law; and

Whereas the Provincial Policy Statement (PPS) has been issued for review and comment; and

Whereas the proposed East Gwillimbury Zoning By-law has been appealed to the Local Planning Appeal Tribunal (LPAT); and

Whereas Bill 108 proposes to amend the *Conservation Authorities Act* and regulations, and the Conservation Authorities (CAs) have been advised to restrict their services to core functions.

Whereas MPP Piccini, at a recent public meeting regarding Zone Clarington, advised members of the public and municipal Councillors present, that as a

Provincial Policy Statement is being reviewed by the Minister of Municipal Affairs, and movement to move forward on EP zoning would be irresponsible;

Now therefore be it resolved that:

1. Planning Services Staff be instructed to pause their work on the rural portion of Zone Clarington for a period of three months, until (a) a decision has been rendered for the East Gwillimbury LPAT case; (b) there is greater clarity on the PPS revisions; and (c) it is confirmed that the CAs will have capacity to assist with review of natural heritage features;
2. Staff report back within 3 months on any changes that have taken place with respect to paragraph (1);
3. Staff report back on September 30, 2019 on the process for municipal led Official Plan amendments to the Clarington Official Plan, for correcting errors in EP designations at no cost to the landowners;
4. Staff report back to the September 30, 2019 on notifying landowners of the EP changes which took place in the recent Official Plan amendments, as well as EP changes for Zone Clarington; and
5. The inspection of properties by municipal staff continue where requested by landowners.

Yes (7): Mayor Foster, Councillor Anderson, Councillor Hooper, Councillor Jones, Councillor Neal, Councillor Traill, and Councillor Zwart

Carried on a recorded vote (7 to 0)

Recess

Resolution # C-306-19

Moved by Councillor Neal

Seconded by Councillor Traill

That the Council recess for five minutes.

Carried

The meeting reconvened at 8:46 PM with Mayor Foster in the Chair.

Item 7 - Expansion of Clarington Energy Business Park Secondary Plan Study Area to Include the Courtice Waterfront

Resolution # C-307-19

Moved by Councillor Neal

Seconded by Councillor Jones

That Report PSD-033-19 be received;

That staff be authorized to include the Courtice Waterfront as part of the Clarington Energy Business Park Secondary Plan Update;

That staff be authorized to engage Urban Strategies Inc. for the additional work provided that all costs are funded by the Courtice Waterfront landowners;

That the Acting Director of Planning Services be authorized to execute the necessary cost-recovery agreements;

That the cost recovery agreements with the landowners require payment of 100% of the costs of the preparation of the Secondary Plan, including consultants and municipal resources such as review time from various departments, project management and administration costs; and

That all interested parties for Report PSD-033-19, any delegations and the Region of Durham Planning and Economic Development Department be notified of Council's Decision.

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

Resolution # C-308-19
Moved by Councillor Neal
Seconded by Councillor Jones

That the foregoing Resolution #C-307-19 be amended by adding the following to the end:

That the Terms of Reference of the Clarington Energy Business Park Secondary Study, not include residential uses.

Yes (3): Councillor Jones, Councillor Neal, and Councillor Traill

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

Motion Lost on a recorded vote (3 to 4)

Councillor Neal rose on a point of order claiming comments made by Mayor Foster were mis-characterizing Councillor Neal's position and requested the Mayor to withdraw his comments.

Mayor Foster stated it was a point of privilege and also refused to withdraw his comment.

Councillor Neal appealed the ruling of the Chair.

Mayor Foster posed the following question "Will the ruling be sustained?" The ruling of the Chair was sustained on the following recorded vote:

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

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

Carried (4 to 3)

The foregoing Resolution #C-307-19 was then put to a vote and carried.

Item 19 - St. Marys Cement - Ambient Air Monitoring

Resolution # C-309-19

Moved by Councillor Neal

Seconded by Councillor Traill

That Item 19 regarding St. Marys Cement ambient air monitoring, be referred back to Staff to consider retaining an expert to assist Council and to report back in mid to late October to provide options for Council to consider.

Carried

Item 20- Acquisition of Lands

Resolution # C-310-19

Moved by Councillor Traill

Seconded by Councillor Anderson

That the recommendations, contained in Confidential Report PSD-037-19, be approved.

Yes (5): Mayor Foster, Councillor Anderson, Councillor Hooper, Councillor Traill, and Councillor Zwart

No (2): Councillor Jones, and Councillor Neal

Carried on a recorded vote (5 to 2)

Item 13 - 2020 Budget Guidelines

Resolution # C-311-19

Moved by Councillor Neal

Seconded by Councillor Traill

That Report FND-023-19 be received;

That Staff prepare a draft budget with a target Municipal increase of 2%;

That Staff include within the draft budget requests for funding from external agencies up to a maximum limit of 2%;

That the 2020 Budget Schedule as outlined within the report be approved and that the Clerk establish the meeting dates;

That the Budget Policy (G14) be amended to include that the budget ratification shall be targeted for the second Council meeting of any given year; and

That all interested parties listed in Report FND-023-19, and any delegations be advised of Council's decision.

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

No (1): Mayor Foster

Carried on a recorded vote (6 to 1)

Item 9 - Residential Neighbourhood Character Study Update and Extension of Interim Control By-law 2018-083

Councillor Neal declared a direct interest in Report PSD-038-19 as it relates to his law practice. Councillor Neal left the room and refrained from discussion and voting on this matter.

Councillor Zwart declared a direct interest in Report PSD-038-19 as a member of her family owns property in the Interim Control By-law area. Councillor Zwart left the room and refrained from discussion and voting on this matter.

Resolution # C-312-19

Moved by Councillor Hooper

Seconded by Councillor Anderson

That Report PSD-038-19 be received;

That the Interim Control By-law Amendment attached to Report PSD-038-19, as Attachment 1, be approved;

That notice of the passing of the Interim Control By-law Amendment be given in accordance with Subsection 38(3) of the *Planning Act, R.S.O. 1990, C.P. 13*, as amended; and

That all interested parties listed in Report PSD-038-19 and any delegations be advised of Council's decision.

Carried

Councillor Neal and Councillor Zwart returned to the meeting.

11. Staff Reports

Recess

Resolution # C-313-19

Moved by Councillor Neal

Seconded by Councillor Traill

That the Council recess for five minutes.

Carried

The meeting reconvened at 9:21 PM with Mayor Foster in the Chair.

11.1 Confidential Report LGL-011-19 - Status of LPAT Appeals of OPA 107

Resolution # C-314-19
Moved by Councillor Neal
Seconded by Councillor Jones

That Confidential Report LGL-011-19 be received for information.

Carried

12. Business Arising from Procedural Notice of Motion

None

13. Unfinished Business

13.1 Paragraph Three of Resolution #C-247-19 - Recommendation to Add Two (2) Properties to the Municipal Register [Referred from the July 2, 2019 Council Meeting]

Resolution # C-315-19
Moved by Councillor Hooper
Seconded by Councillor Traill

That 816 Regional Road 17, Newcastle be added to the Municipal Register.

Tabled

(See following motion)

Resolution # C-316-19
Moved by Councillor Zwart
Seconded by Councillor Anderson

That the foregoing Resolution #C-315-19 be tabled to the September 30, 2019 Planning and Development Committee meeting.

Carried

13.2 Environment Protection of Trees on Tooley Road [Referred from the September 9, 2019 Joint General Government and Planning and Development Committee Meeting]

Resolution # C-317-19
Moved by Councillor Neal
Seconded by Councillor Traill

That that Memo from Carlo Pellarin, Manager of Development Review, regarding the Environmental Protection of Trees on Tooley Road, be received for information.

Carried

13.3 Report PSD-034-19 - Declaration of Surplus Property at the Bowmanville Avenue Westbound Exit from Highway 401 [Referred from the September 9, 2019 Joint General Government and Planning and Development Committee Meeting]

Closed Session

Resolution # C-318-19

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 a matter that deals with a proposed or pending acquisition of land by the municipality of local board.

Carried

Rise and Report

The meeting resumed in open session at 9:56 PM.

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.

14. By-laws

14.1 2019-051 - Being a By-law to amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington

14.2 2019-052 - Being a By-law to Amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington

14.3 2019-053 - Being a By-law to amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington

14.4 2019-054 - Being a By-law to Amend Interim Control By-law 2018-083

Resolution # C-319-19

Moved by Councillor Hooper

Seconded by Councillor Anderson

That leave be granted to introduce By-laws 2019-051 to 2019-054; and

That the said by-laws be approved.

Carried

15. Procedural Notices of Motion

None

16. Other Business

Councillor Neal enquired about the deferral of Municipal Park Designation.

Councillor Neal questioned the location of the trailer at Tooley's Mill Park and asked for a map or survey to determine the boundary of the Municipal Property.

17. Confirming By-Law

Resolution # C-320-19

Moved by Councillor Hooper

Seconded by Councillor Anderson

That leave be granted to introduce By-law 2019-055, being a by-law to confirm the proceedings of the Council of the Municipality of Clarington at a regular meeting held on the 16th day of September, 2019; and

That the said by-law be approved.

Carried

18. Adjournment

Resolution # C-321-19

Moved by Councillor Anderson

Seconded by Councillor Zwart

That the meeting adjourn at 10:03 PM.

Carried

Mayor

Municipal Clerk