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Council Minutes

Date: March 25, 2024
Time: 6:30 p.m.
Location: Council Chambers or Microsoft Teams
Municipal Administrative Centre
40 Temperance Street, 2nd Floor
Bowmanville, Ontario

Members Present: Councillor G. Anderson, Councillor S. Elhajjeh, Councillor L. Rang, Councillor C. Traill, Councillor W. Woo, Councillor M. Zwart

Regrets: Mayor A. Foster

Staff Present: M. Dempster, R. Maciver, T. Pinn, C. Salazar, D. Speed, J. Gallagher, M. Chambers

Other Staff Present: M. Machacek, J. MacLean, J. O'Meara

1. Call to Order

Councillor Anderson called the meeting to order at 6:32 p.m.

2. Moment of Reflection

Councillor Traill led the meeting in a moment of reflection.

3. Land Acknowledgement Statement

Councillor Traill recited the Land Acknowledgement Statement.

4. Declaration of Interest

There were no disclosures stated at this meeting.

5. Announcements

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

6. Presentations / Delegations

6.1 Jeffrey Abrams, Principles Integrity, regarding the Integrity Commissioner's Annual Report from November 2022 to January 2024

Jeffrey Abrams, Principles Integrity, was present via electronic means regarding the Integrity Commissioner's Annual Report from November 2022 to January 2024. Jeffrey provided an overview of the Principles Integrity and explained they are the Integrity Commissioner for approximately 60+ Ontario municipalities and other public bodies. J. Abrams explained the role of the Integrity Commissioner, which includes consulting, education, advisory, code of conduct complaints, and general governance advice. Jeffrey explained that Clarington's engagement with the Integrity Commissioner can be roughly divided into three areas including policy development and education, advice and complaint investigation and resolution. J. Adams highlighted ethical themes around the province, the rules against disparagement, and concerns with members of Council overstepping their role. Jeffrey concluded by thanking the Members of Council and that they look forward to continuing to work with the Municipality of Clarington. J. Abrams answered questions from the Members of Council.

Resolution # C-013-24

Moved by Councillor Elhajjeh
Seconded by Councillor Woo

That the Integrity Commissioner's Annual Report from November 2022 to January 2024, be received for information; and

That the presentation of Jeffrey Abrams, Principles Integrity, regarding the Integrity Commissioner's Annual Report from November 2022 to January 2024, be received with thanks.

Carried

6.2 Ron Hooper regarding the Discontinuation of Clarington's Task Force on Affordable Housing (Report LGS-011-24 - Advisory Board and Committee's Terms of Reference Update)

Ron Hooper was present regarding the discontinuation of Clarington's Task Force on Affordable Housing (Report LGS-011-24 - Advisory Board and Committee's Terms of Reference Update). Ron provided some history on the Task Force and reviewed their mandate. R. Hooper explained that a Policy and a Tool Kit were being developed by working with surrounding Municipalities to assist with setting goals towards affordable housing options. Ron explained that were trying to provide housing initiatives and potential tax rebates and some of the projects including Parkview in Newcastle and the Habitat for Humanity project on Spry Avenue in Bowmanville. R. Hooper noted that, unfortunately, the Task Force struggled to obtain quorum at several meetings which slowed down the progress. Ron requested that the dissolution of the Task Force be reconsidered and is disappointed that there was no consultation prior to this resolution. R. Hooper asked if the Task Force is dissolved, then perhaps sub-committees of the CIP's can

be created. Ron concluded by asking the Members of Council to reconsider this decision and answered questions from the Members of Council.

6.3 Joanne France regarding report LGS-008-24 - Municipal Regulation of Encampments

Joanne France was not present at the meeting.

7. Consent Agenda

7.1 Council and Standing Committee Minutes

Resolution # C-014-24

Moved by Councillor Rang

Seconded by Councillor Elhajjeh

That all items listed in Sections 7.11 and 7.1.3, be approved on consent.

Carried

7.1.1 Minutes of a Regular Meeting of Council dated February 26, 2024

7.1.3 Minutes of the Special General Government Committee meeting dated March 5, 2024

7.1.2 Minutes of the General Government Committee Meeting dated March 4, 2024

Resolution # C-015-24

Moved by Councillor Elhajjeh

Seconded by Councillor Rang

That all the Items in 7.1.2. Minutes of the General Government Committee Meeting dated March 4, 2024, be approved with the exception of Items 6.5, 6.12 and 9.2.

Carried

Item 6.5 - PUB-005-24 - Bowmanville Dog Park Lighting Update

Resolution # C-016-24

Moved by Councillor Traill

Seconded by Councillor Rang

That Report PUB-005-24, and any related delegations or communication items, be received; and

That Council direct Staff in the Infrastructure division to include a project for the installation of a hardwired lighting system for the Bowmanville Leash Free Park in the 2025 Budget, with funds to be provided from the Parks Reserve or Municipal Capital Works Reserve Fund.

Yes (5): Councillor Anderson, Councillor Elhajjeh, Councillor Rang, Councillor Traill, and Councillor Zwart

No (1): Councillor Woo

Absent (1): Mayor Foster

Carried on a recorded vote (5 to 1)

Item 6.12 - LGS-011-24 - Advisory Board and Committee's Terms of Reference Update

Resolution # C-017-24

Moved by Councillor Traill
Seconded by Councillor Rang

That Report LGS-011-24, and any related delegations or communication items, be received;

That Resolution #GPA-008-04, regarding the Protocol for Council – Appointed Advisory Committees, approved in 2004, be rescinded;

That the matter of Clarington's Task Force on Affordable Housing be referred to Staff to prepare a new Terms of Reference taking into consideration the proposals made in Mr. Hooper's delegation regarding Clarington's Task Force on Affordable Housing;

That the Tourism Advisory Committee be discontinued;

That the proposed new Terms of References for Clarington's Advisory Committees, as Attachments 1 through 7 to Report LGS-011-23, be approved;

That Staff be directed to advertise for the vacancies on the Accessibility Advisory Committee and Samuel Wilmot Nature Area Management Advisory Committee; and

That all interested parties listed in Report LGS-011-24, and any delegations be advised of Council's decision.

Carried Later in the Meeting, see following motion

Recess

Resolution # C-018-24

Moved by Councillor Traill

Seconded by Councillor Zwart

That the Council recess for 5 minutes.

Carried

The meeting reconvened at 7:46 p.m. with Councillor Anderson in the Chair.

The foregoing Resolution #C-018-24 was then put to a vote and carried.

7.1.2.1 Councillor Zwart - Procedural By-law Amendment

Resolution # C-019-24

Moved by Councillor Zwart

Seconded by Councillor Woo

That the Municipal Clerk be directed to prepare a report for possible wording changes to the Procedural By-law, as follows:

1. Require all requests for delegations to outline their subject, their address, their reason for delegating, their desired action requested of Council, and any supporting documentation.
2. For matters which are more properly within the responsibility of staff, the Clerk shall notify the proposed delegate that the delegation shall not be listed on the agenda and shall direct the proposed delegate to the appropriate department. The delegation shall not be listed on an agenda until staff has had the opportunity to address the matter.
3. Not allow delegations who are there for the sole purpose of generating publicity for an event.
4. Not allow candidates, or nominees, for a political party.
5. Regarding decorum, add the following clause as follows:
 - a. "No person shall make detrimental comments, or speak ill of, or malign the integrity of staff, the public or Council and Committee."
 - b. Members of the public shall be respectful of Council, staff, delegations, and all attendees at the meeting by refraining from public outbursts, heckling, shouting, making comments, or behaviour intended to disrupt the debate, discussion and/or general proceedings.
 - c. Attendees shall not engage in conversations, display placards or props.
6. Change the time limit for delegations from ten minutes to seven minutes, with a single extension of up to three minutes by majority vote. Should there

be more than one individual that registers to speak as a group, the group shall be allotted up to ten minutes to delegate.

7. That the time limit for Members of the Public to speak at Public Meetings be changed from ten minutes to five minutes.
8. That the time limit for Staff and Consultant presentations at Public Meetings be added to the Procedural By-law as 20 minutes.

That all interested parties be advised of Council's decision.

Carried as Amended, see following motions

Resolution # C-020-024

Moved by Councillor Traill

Seconded by Councillor Zwart

The foregoing Resolution #C-019-24 be divided to consider Paragraph 6 and 7 separately.

Carried

Resolution # C-021-024

Moved by Councillor Traill

Seconded by Councillor Zwart

That the foregoing Resolution #C-019-24 be amended by replacing the following sentence, in Paragraph 6:

“Change the time limit for delegations from ten minutes to five minutes, with a single extension of up to five minutes by majority vote.”

With the following sentence:

“Change the time limit for delegations remain at ten minutes.” and

That the following be added as Paragraph 7:

“That the time limit for Members of the Public to speak at Public Meetings remain at ten minutes.”

Motion Withdrawn

Resolution # C-022-24

Moved by Councillor Zwart

Seconded by Councillor Traill

That the foregoing Resolution #C-019-24 be amended by replacing the following sentence, in Paragraph 6:

That the time limit for delegations from ten minutes to five minutes, with a single extension of up to five minutes by majority vote.”

With the following sentence:

“Change the time limit for delegations remain at ten minutes.” and

That the following be added as Paragraph 7:

“That the time limit for Members of the Public to speak at Public Meetings be changed from 10 minutes to five.”

Motion Divided, see following motion

Resolution # C-023-24

Moved by Councillor Traill

Seconded by Councillor Zwart

The foregoing Resolution #C-022-24 be divided to consider Paragraph 6 and 7 separately.

Carried

Resolution # C-024-24

Moved by Councillor Traill

Seconded by Councillor Zwart

That the foregoing Resolution #C-022-24 be amended by replacing the following sentence, in Paragraph 6:

“Change the time limit for delegations from ten minutes to five minutes, with a single extension of up to five minutes by majority vote.”

With the following sentence:

“That the time limit for delegations remain at ten minutes.”

Yes (2): Councillor Traill, and Councillor Zwart

No (4): Councillor Anderson, Councillor Elhajjeh, Councillor Rang, and Councillor Woo

Absent (1): Mayor Foster

Motion Lost on a recorded vote (2 to 4)

Resolution # C-025-24

Moved by Councillor Zwart

Seconded by Councillor Woo

That the following be added as Paragraph 7:

“That the time limit for Members of the Public to speak at Public Meetings be changed from 10 minutes to five minutes.”

Carried

Resolution # C-026-24

Moved by Councillor Rang
Seconded by Councillor Traill

The foregoing Resolution #C-019-24 be divided to consider Paragraph 1 and 8 separately.

Carried

Resolution # C-027-24

Moved by Councillor Rang
Seconded by Councillor Elhajjeh

That the foregoing Resolution #C-019-24 be amended by replacing the following sentence, in Paragraph 1:

"Require all requests for delegations to outline their subject, their address, their reason for delegating, their desired action requested of Council, and any supporting documentation."

With the sentence:

"Require all requests for delegations to be accompanied by a written summary, to be included in the Agenda, outlining their subject, their address, their reason for delegating, their desired action requested of Council, and any supporting documentation."

Carried

Resolution # C-028-24

Moved by Councillor Zwart
Seconded by Councillor Elhajjeh

That the time limit for Staff and Consultant presentations at Public Meetings be added to the Procedural By-law as 20 minutes.

Carried

The remainder of Resolution #C-019-24 was then put to a vote and carried as amended.

Main Motion as Amended

Resolution # C-029-24

Moved by Councillor Zwart
Seconded by Councillor Woo

That the Municipal Clerk be directed to prepare a report for possible wording changes to the Procedural By-law, as follows:

1. Require all requests for delegations to be accompanied by a written summary, to be included in the Agenda, outlining their subject, their address, their reason for delegating, their desired action requested of Council, and any supporting documentation.
2. For matters which are more properly within the responsibility of staff, the Clerk shall notify the proposed delegate that the delegation shall not be listed on the agenda and shall direct the proposed delegate to the appropriate department. The delegation shall not be listed on an agenda until staff has had the opportunity to address the matter.
3. Not allow delegations who are there for the sole purpose of generating publicity for an event.
4. Not allow candidates, or nominees, for a political party.
5. Regarding decorum, add the following clause as follows:
 - a. "No person shall make detrimental comments, or speak ill of, or malign the integrity of staff, the public or Council and Committee."
 - b. Members of the public shall be respectful of Council, staff, delegations, and all attendees at the meeting by refraining from public outbursts, heckling, shouting, making comments, or behaviour intended to disrupt the debate, discussion and/or general proceedings.
 - c. Attendees shall not engage in conversations, display placards or props.
6. Change the time limit for delegations from ten minutes to seven minutes, with a single extension of up to three minutes by majority vote. Should there be more than one individual that registers to speak as a group, the group shall be allotted up to ten minutes to delegate.
7. That the time limit for Members of the Public to speak at Public Meetings be changed from ten minutes to five minutes.
8. That the time limit for Staff and Consultant presentations at Public Meetings be added to the Procedural By-law as 20 minutes.

That all interested parties be advised of Council's decision.

Carried

7.1.2.2 Correspondence from Rege Harren, Regarding Item 9.2 of the General Government Committee Minutes dated March 4, 2024

Correspondence from Rege Harren, regarding Item 9.2 of the General Government Committee Minutes dated March 4, 2024, was considered during Item 7.1.2.

7.1.2.3 Correspondence from Brian O'Connor and Morgan Jarvis O'Connor of K9 Central, regarding Item 5.1 of the General Government Committee Minutes dated March 4, 2024

Correspondence from Brian O'Connor and Morgan Jarvis O'Connor of K9 Central, regarding Item 5.1 of the General Government Committee Minutes dated March 4, 2024, was considered during Item 7.1.2.

7.1.4 Minutes from the Planning and Development Committee meeting dated March 18, 2024

Resolution # C-030-24

Moved by Councillor Rang

Seconded by Councillor Elhajjeh

That the Items in 7.1.4, Minutes of the Planning and Development Committee dated March 18, 2024, be approved on consent, with the exception of Items 6.7 and 9.1.

Carried

Item 6.7 - PDS-013-24 - Removal of Holding – 499 Port Darlington Road, Bowmanville (Aquaview)

Resolution # C-031-24

Moved by Councillor Traill

Seconded by Councillor Rang

That Report PDS-013-24, and any related delegations or communication items, be received;

That the rezoning application, submitted by Bowmanville Lakebreeze East Village Ltd., for the removal of the Holding symbol at 499 Port Darlington Road, Bowmanville, be approved;

That Staff be directed to meet with the developer and Clarington Emergency & Fire Services to discuss alternatives that address issues of public safety, costs, and timing for inclusion in the site plan agreement, to the satisfaction of the Deputy CAO Planning & Infrastructure; and

That all interested parties listed in Report PDS-013-24, and any delegations be advised of Council's decision.

Yes (1): Councillor Traill

No (5): Councillor Anderson, Councillor Elhajjeh, Councillor Rang, Councillor Woo, and Councillor Zwart

Absent (1): Mayor Foster

Motion Lost on a recorded vote (1 to 5)

Resolution # C-032-24

Moved by Councillor Woo

Seconded by Councillor Elhajjeh

That Report PDS-013-24, and any related delegations or communication items, be received;

That the rezoning application submitted by Bowmanville Lakebreeze East Village Ltd. for the removal of the Holding symbol at 499 Port Darlington Road, Bowmanville, be refused by Council, as conditions related to the removal of the Hold have not been completed; and

That all interested parties listed in Report PDS-013-24, and any delegations be advised of Council's decision.

Yes (5): Councillor Anderson, Councillor Elhajjeh, Councillor Rang, Councillor Woo, and Councillor Zwart

No (1): Councillor Traill

Absent (1): Mayor Foster

Carried (5 to 1)

Item 9.1- Parking on Clarington Streets

Resolution # C-033-24

Moved by Councillor Rang

Seconded by Councillor Elhajjeh

Whereas existing and new neighborhoods are experiencing a transition to higher densities through additional dwelling units, increasing rates of car ownership, and changing demographics to multigenerational living;

And whereas new neighborhood designs in particular townhouse developments, are being proposed with narrower frontages and shallow lots reducing the possibility of accommodating more than one parking space forcing residents to park on the street, take over visitor parking, and convert front yards to parking;

And whereas these new dense neighborhood designs increase the safety risk for children, pedestrians, and create operational constraints for municipal operations like emergency response and snow removal;

Now therefore be it resolved that Staff report back on the following:

- a. additional measures to design standards and zoning that could improve on-street parking and visitor parking plans for new neighbourhoods;
- b. review of parking opportunities within existing neighbourhoods and implement methods to improve parking conflicts through additional signage and enforcement;
- c. include amendments to the Boulevard By-law.

Yes (6): Councillor Anderson, Councillor Elhajjeh, Councillor Rang, Councillor Traill, Councillor Woo, and Councillor Zwart

Absent (1): Mayor Foster

Carried on a recorded vote (6 to 0)

7.2 Advisory Committee and Local Board Minutes

Resolution # C-034-24

Moved by Councillor Elhajjeh

Seconded by Councillor Rang

That all Items listed in 7.2, be approved on consent.

Carried

7.2.1 Minutes of the Clarington Agricultural Advisory Committee meeting dated January 11 and February 8, 2024

7.2.2 Minutes of the Clarington Accessibility Advisory Committee meeting dated January 30 and February 13, 2024

7.2.3 Minutes of the Clarington Heritage Committee meeting dated February 20, 2024

7.2.4 Minutes of the Bowmanville Santa Claus Parade Committee meeting dated February 21, 2024

7.2.5 Minutes of the Tyrone Community Hall Board meeting dated February 21, 2024

7.2.6 Minutes of the Tyrone Community Hall Board AGM meeting dated February 21, 2024

7.2.7 Minutes of the Clarington Diversity Advisory Committee meeting dated March 14, 2024

7.2.8 Minutes of the Newcastle Arena Board meeting dated February 13, 2024

7.3 Communications

7.4 Staff Reports and Staff Memos

7.4.1 PUB-006-24 - Communications and Interoperability Radio System Use Adhesion Agreement

Resolution # C-035-24

Moved by Councillor Zwart

Seconded by Councillor Traill

That Report PUB-006-24, and any related delegations or communication items, be received; and

That Council approves the signing by the Mayor of the revised , adding Elexicon as a partner.

Carried

7.5 By-laws

Resolution # C-036-24

Moved by Councillor Zwart

Seconded by Councillor Woo

That leave be granted to introduce By-laws 2024-009 to 2024-013; and

That the said by-laws be approved.

Carried

7.5.1 2024-009 - Being a by-law to promote the safe and orderly use of public spaces, to protect infrastructure

7.5.2 2024-010 - Being a by-law to provide for the establishment and adoption of an Emergency Management Program for the Municipality of Clarington

7.5.3 2024-011 - Being a by-law to establish certain lands as public highways

7.5.4 2024-012 - Being a By-law to establish, lay out and dedicate certain lands as public highways in the Municipality of Clarington,

7.5.5 2024-013 - Being a By-law to establish, lay out and dedicate certain lands as public highways in the Municipality of Clarington

8. Items for Separate Discussion

9. Business Arising from Procedural Notice of Motion

10. Unfinished Business

11. Confidential Items

12. Confirming By-Law

Resolution # C-037-24

Moved by Councillor Traill

Seconded by Councillor Zwart

That leave be granted to introduce By-law 2024-014, being a by-law to confirm the proceedings of the Council of the Municipality of Clarington at a regular meeting held on the 25th day of March 2024; and

That the said by-law be approved.

Carried

13. Adjournment

Resolution # C-038-24

Moved by Councillor Traill

Seconded by Councillor Woo

That the meeting adjourn at 8:48 p.m.

Carried