

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2097.

The Regional Municipality of Durham

MINUTES

REGIONAL COUNCIL

Wednesday, September 28, 2022

The Council of The Regional Municipality of Durham met in the Lower Level Boardroom, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM. Electronic participation was offered for this meeting.

Regional Chair Henry assumed the Chair.

Chair Henry asked members of Council to join in a moment of silence and to keep the people in Eastern Canada and the Southern United States in their thoughts as they deal with extreme weather events.

1. Traditional Territory Acknowledgment

Regional Chair Henry read the following land acknowledgement:

We are currently located on land which has long served as a site of meeting and exchange among the Mississaugas Peoples and is the traditional and treaty territory of the Mississaugas of Scugog Island First Nation. We honour, recognize and respect this nation and Indigenous Peoples as the traditional stewards of the lands and waters on which we meet today.

Chair Henry advised that on September 24th there was a Remembering the Children Ceremony held at Durham Region Headquarters, ahead of the second National Day for Truth and Reconciliation. The Region unveiled a new crosswalk and plaque at Regional Headquarters in honour of the children taken away, the families left behind and the survivors of Canada's residential school systems. Chair Henry thanked the Mississaugas of Scugog Island First Nations community members and organizations for their guidance and advice, and John Coldwell who created the design. Chair Henry also thanked the Diversity, Equity and Inclusion Division, the Indigenous Advisory Subcommittee, the Facilities and Corporate Services – IT divisions, and municipal partners for making the crosswalk a reality.

Chair Henry acknowledged all current members of Council and thanked them for providing guidance and leadership, and helping to shape Durham Region into a welcoming, inclusive and diverse community.

Chair Henry acknowledged the following members of Council who are retiring and noted:

- Mayor Dave Ryan is the longest serving Mayor in Pickering's history, having been first elected to Pickering Council in 1994 and elected Mayor in 2003. Mayor Ryan's tenacity, willingness to advocate for the needs of the community, and love for the city, has helped to revitalize and transform Pickering into a smart, sustainable community for everyone to proudly call their home.
- Mayor Bobbie Drew was first elected to Scugog Council in 2003 and has represented the residents of Scugog on Regional Council for 12 years and has served as Scugog's Mayor for the last four years. Mayor Drew cultivated a community that is wholesome, energetic and bound for great success. Mayor Drew has aided in enhancing local businesses, supported environmental projects, served as Chair of the Police Services Board, and has helped to create a healthy community for everyone in Scugog.
- Mayor John Grant has shown commitment to the Township of Brock through leadership, teamwork, and perseverance to create change. Having been first elected to Brock Council in 1994, Mayor Grant has spent almost ten years on Regional Council, and has gained the trust and respect of residents through volunteer efforts within the community and listening closely to their needs.
- Mayor Don Mitchell's involvement in the communities of the Town of Whitby is unmatched. Mayor Mitchell has committed to building a safe town for all residents of Whitby and has been actively involved in championing community services and has been dedicated in efforts to bring climate change to the forefront. Mayor Mitchell was first elected to Whitby Council in 1991 and has served as Mayor for the last eight years and has been a member and chair of many various boards and committees, as well as participating in and coaching local sports.
- Regional Councillor Bill McLean has been a member of Pickering Council since 2000 and has represented the City of Pickering for over 18 years on Regional Council. Councillor McLean is also a long serving member of the Police Services Board. As a long-time resident of Pickering, Councillor McLean is actively involved in the community as a member of various committees and boards and has even served as a local sports coach.
- Regional Councillor Gord Highet has represented the Township of Uxbridge on Regional Council for the last four years and has supported the community tremendously. Councillor Highet has helped to revitalize and renew the downtown core of Uxbridge, creating a sustainable area. Residents of Uxbridge have put their faith and trust in Councillor Highet since 2006 and are thankful for his dedication to helping the community.

Chair Henry acknowledged Don Beaton, Commissioner of Corporate Services who is retiring and advised that with more than 31 years of service in the municipal sector—including 29 years with the Region—Don has been a mentor, a trusted advisor, and a friend.

Don has worked as a Director in the Finance Department; served as IT's Director and Chief Information Officer; and was then appointed, by council, to the role of Commissioner of Corporate Services. Don's career includes overseeing negotiations for all bargaining units; being the driving force behind the redevelopment of the Region's website; and launching a highly successful—and now award-winning—Open Data initiative. Most recently, Don was responsible for the Region's employees during a global pandemic. Chair Henry wished Don all the best in retirement.

Chair Henry suggested a brief recess in order for photographs to be taken of the retiring members.

Moved by Councillor Marimpietri, Seconded by Councillor Mitchell,
(148) That Council recess for 10 minutes.

CARRIED

Council recessed at 9:41 AM and reconvened at 9:51 AM

2. Roll Call

A roll call was taken by the Regional Clerk and the following members were present:

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Carter* left the meeting at 2:33 PM on municipal business
Councillor Chapman*
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew*
Councillor Foster*
Councillor Grant*
Councillor Highet*
Councillor Kerr
Councillor Leahy
Councillor Lee left the meeting at 2:55 PM on municipal business
Councillor Marimpietri*
Councillor McLean*
Councillor Mitchell*
Councillor Mulcahy

Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan*
Councillor Smith*
Councillor Wotten
Councillor Yamada
Regional Chair Henry*

*** indicates members who participated in-person, all other members participated electronically**

All members of Council were present.

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(149) That the rules of procedure be suspended in order to introduce consideration of the correspondence dated September 21, 2022 from the Municipality of Clarington re: Resolution passed at their Council meeting held on September 19, 2022, regarding Region of Durham's Pilot Project Using Recycled Waste Materials in a Section of Newtonville Road, for consideration under Other Business.

CARRIED ON THE FOLLOWING RECORDED
VOTE (A 2/3rds VOTE WAS ATTAINED):

Yes

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Grant
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Pickles
Councillor Roy

No

Councillor Carter
Councillor Chapman
Councillor McLean
Councillor Mitchell
Councillor Ryan

Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: None

Declarations of Interest: None

3. Declarations of Interest

There were no declarations of interest made.

4. Adoption of Minutes

Moved by Councillor Smith, Seconded by Councillor Highet,
(150) That the minutes of the following meetings be adopted:

- Regular Regional Council meeting held on June 29, 2022;
- Regular Committee of the Whole meeting held on September 14, 2022;
- Closed Committee of the Whole meeting held on September 14, 2022.

CARRIED

5. Presentations

5.1 Bobbie Drew, Chair, Durham Regional Police Services Board and Todd Rollauer, Chief, Durham Regional Police Services, re: Quarterly Update to Regional Council

Councillor Drew, Chair of the Durham Regional Police Services Board (DRPSB), provided introductory remarks and outlined priorities for the Board from a governance perspective including the retirement of Chief Rollauer, Chief of Police Selection Process and the next Strategic Plan. Chair Drew thanked Chief Rollauer for dedicated service and commitment to ethical behaviour.

Chief Todd Rollauer, Durham Regional Police Services (DRPS) appeared before Council to provide an operational update on the DRPS. Chief Rollauer noted that Chair Drew is retiring and thanked Chair Drew for work on the Board. A copy of the presentation was provided to members prior to the meeting. Highlights of the presentation included:

- Heroes in Life, Not Death
- Courtice Court Timeline
- Calls for Service
 - Urgent and Emergency Calls are on the rise
- Median Response Time
 - Domestic calls being dispatched as emergency calls

- Roadway Safety
- Mental Health
- 2023 Proposed Budget
- Violent Crime – Year to Date August 31st
- Homicide Victims – as of August 31st
- Shootings and Firearms Discharges
- Gun Crime

Chief Rollauer responded to questions from members of Council.

Chair Henry thanked Chief Rollauer for being committed to the Region and wished Chief Rollauer well in retirement.

6. Delegations

6.1 Robert Horgan, Durham Resident, re: Lack of Regional and Community Supports for Men being Abused and their Children and Homelessness

Robert Horgan was not in attendance at this point in the meeting. The delegation from R. Horgan was heard later in the meeting. [See Item 6.1 on pages 7 and 8]

6.2 Imtiaz Mohammed, Ajax Resident, re: Interim Suspension of Service Line Warranties of Canada Inc. Program (2022-COW-27) [Item #3 of Report #7 of the Committee of the Whole]

Imtiaz Mohammed, Ajax Resident, appeared before the Committee regarding Report #2022-COW-27: Interim Suspension of Service Line Warranties of Canada Inc. Program.

I. Mohammed expressed concerns regarding the letter that they and their neighbours received from Service Line Warranties Canada Inc. (SLWC) and the lack of communication from the Region to homeowners prior to the letter being sent out. I. Mohammed also expressed concerns that SLWC is a U.S. based company, and concerns with respect to certain wording in the SLWC's terms and conditions documents.

I. Mohammed raised several questions including the following:

- What is the cost to terminate the contract with SLWC?
- What legal registration or governing body is SLWC registered with?
- Who are the directors and majority shareholders of the company?
- Has there been any lawsuits or arbitration or legal action against the company?
- Who warrants the work done by SLWC or the local subcontractors?
- What are the benefits financially or otherwise to the Region?

I. Mohammed referenced an article by CBC dated October 4, 2019 titled, "Insurance Bureau of Canada says private company's sewer, water line warranty might not be worth it", the SLWC letter that was distributed to homeowners, the SLWC Exterior Water Service Line Terms and Conditions, the SLWC Exterior Sewer/Septic Line Terms and Conditions, and an article by The Telegraph dated May 19, 2022 titled, "Plumbing Business Founder and Wife to Land £500m fortune".

I. Mohammed concluded that the amendment to By-law #90-2003 holds homeowners responsible for repairs to the sewer line located in the new property boundary and this is a clear reduction in services. I. Mohammed added that major decisions require research and recommendations.

I. Mohammed responded to questions from members of Council.

Moved by Councillor Marimpietri, Seconded by Councillor Mitchell,
(151) That the delegation from Mike Van Horne be heard.

CARRIED ON A 2/3rds VOTE

6.3 Mike Van Horne, Service Line Warranties of Canada, re: the Service Line Warranty Program

Mike Van Horne, Service Line Warranties of Canada (SLWC), appeared before Council with respect to the Service Line Warranty Program. M. Van Horne advised that:

- SLWC partnered with the Region to provide optional water and sewer service line protection to homeowners consistent with the agreement signed in May 2022.
- They have received 856 enrollments to-date, split between water and sewer line plans, signaling homeowners see value in protecting themselves against the potentially high cost of emergency repairs
- SLWC would be pleased to continue to provide homeowners optional coverage to protect their water line or in-home plumbing systems

M. Van Horne outlined the background of SLWC and details of their program and noted that their service plans are not considered insurance in Ontario or in Manitoba, and that they are licensed in five provinces consistent with local requirements.

M. Van Horne noted that the key feature of their plan is to provide financial coverage and arrange for the quick repair of critical home infrastructure; and that they have saved Canadian homeowners over \$6 million in emergency repair bills that would have otherwise required an unplanned out of pocket expense.

M. Van Horne responded to questions from members of Council.

6.1 Robert Horgan, Durham Resident, re: Lack of Regional and Community Supports for Men being Abused and their Children and Homelessness

Robert Horgan, Durham Resident, provided a delegation with regards to the lack of regional and community supports for men being abused, their children, and homelessness.

R. Horgan advised of a previous delegation to the Region of Durham in 2016 with regards to concerns about the lack of resources for men experiencing domestic violence and support for their children. R. Horgan stated there were questions raised on the need for support as well as whether men really do get abused in relationships. R. Horgan stated that men can be in relationships and suffer abuse; that there are patterns of abuse against men that are well established in research; that abuse of disabled men is significantly higher; and that there is also elder abuse. R. Horgan stated that personal experience from 6 years ago was that there were very few resources available or accessible and that is still the case today.

R. Horgan asked Council to recognize that domestic violence happens on both sides and that there are no organizations with mandates to support children (unless they are with their mothers) or fathers.

R. Horgan stated that based on the severity of domestic violence, there needs to be a more urgent response and concluded by stating that children and their dads need to have the same access to the many resources available to women and their children.

Moved by Councillor Marimpietri, Seconded by Councillor McLean,
(152) That Council recess for one hour for lunch.

CARRIED

Council recessed at 11:41 AM and reconvened at 12:45 PM

The Regional Clerk conducted a roll call following the recess and all members of Council were present with the exception of Councillor Roy who attended later in the meeting.

Moved by Councillor Anderson, Seconded by Councillor Barton,
(153) That the order of the Agenda be altered to consider Items CC 115, CC 116 and CC 118 at this time and that they be referred to consideration of Item 3 of Report #7 of the Committee of the Whole.

CARRIED

7. Reports related to Delegations/Presentations

1. Item #3 of Report #7 of the Committee of the Whole, re: Interim Suspension of Service Line Warranties of Canada Inc. Program (2022-COW-27) (See Pages 109 and 110 of Agenda)
-

[CARRIED ON A RECORDED VOTE]

- A) That to the extent possible, the recommendations approved in Report #2021-W-31 of the Commissioner of Works be **repealed**;
- B) That Regional staff are directed to continue to carry out repairs to sanitary sewer service connections on private property in accordance with By-law #90-2003;
- C) That Regional staff are directed to reimburse residential customers for repairs carried out pursuant to Council's direction in Recommendation B) of Report #2022-COW-27 with appropriate documentation with funding from user rate financing at the discretion of the Commissioner of Finance; and
- D) That a copy of Report #2022-COW-27 be forwarded to the Durham Local Area Municipalities for information.

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(154) That the recommendations contained in Item 3 of Report #7 of the Committee of the Whole be adopted.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Grant
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri

No

Councillor Mitchell
Councillor Smith

Councillor McLean
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: None

Declarations of Interest: None

8. Communications

CC 108 Information Report #2022-INFO-55 from the Chief Administrative Officer, re:
Assessing the Feasibility of a Potential Future District Energy System

Moved by Councillor Chapman, Seconded by Councillor Foster,
(155) That Council Correspondence CC 108 regarding Information Report
#2022-INFO-55 from the Chief Administrative Officer, re: Assessing the
Feasibility of a Potential Future District Energy System be received for
information.

CARRIED

CC 109 Correspondence from the Municipality of Clarington, re: Resolution passed at
their Council meeting held on June 20, 2022, regarding Community Warning
Program similar to Amber Alert

Moved by Councillor Chapman, Seconded by Councillor Foster,
(156) That Council Correspondence CC 109 from the Municipality of
Clarington, re: Resolution passed at their Council meeting held on June
20, 2022, regarding Community Warning Program similar to Amber Alert
be received for information.

CARRIED

CC 110 Correspondence from the City of Oshawa, re: Resolution passed at their Council
meeting held on June 20, 2022, requesting the Provincial Government for a
Community Warning Program for Persons of Special Needs or Circumstances

Moved by Councillor Chapman, Seconded by Councillor Foster,
(157) That Council Correspondence CC 110 from the City of Oshawa, re: Resolution passed at their Council meeting held on June 20, 2022, requesting the Provincial Government for a Community Warning Program for Persons of Special Needs or Circumstances be received for information.

CARRIED

CC 111 Correspondence from the Town of Ajax, re: Resolution passed at their Council meeting held on June 20, 2022, regarding an Emergency Alert for Vulnerable Persons Who Go Missing

Moved by Councillor Chapman, Seconded by Councillor Foster,
(158) That Council Correspondence CC 111 from the Town of Ajax, re: Resolution passed at their Council meeting held on June 20, 2022, regarding an Emergency Alert for Vulnerable Persons Who Go Missing be received for information.

CARRIED

CC 112 Information Report #2022-INFO-68 from the Commissioner of Finance, re: 2021 Annual Investment Report

Moved by Councillor Chapman, Seconded by Councillor Foster,
(159) That Council Correspondence CC 112 Information Report #2022-INFO-68 from the Commissioner of Finance, re: 2021 Annual Investment Report be received for information.

CARRIED

CC 113 Correspondence from Debbie Leroux, Director of Legislative Services/Clerk, Township of Uxbridge, re: Oland Holdings (Uxbridge) Inc. Zoning By-law Amendment Application – 102 Prouse Road, Part Lots 16 & 17, Concession 1, Township of Uxbridge

Moved by Councillor Lee, Seconded by Councillor Barton,
(160) That Council Correspondence CC 113 from Debbie Leroux, Director of Legislative Services/Clerk, Township of Uxbridge, re: Oland Holdings (Uxbridge) Inc. Zoning By-law Amendment Application – 102 Prouse Road, Part Lots 16 & 17, Concession 1, Township of Uxbridge be referred to the consideration of Item #1 of the 7th Report of the Planning & Economic Development Committee.

CARRIED

CC 114 Memorandum from Alexander Harras, Regional Clerk/Director of Legislative Services, Corporate Services – Legislative Services re: requesting Regional Council to repeal By-law 49-2017

Moved by Councillor Kerr, Seconded by Councillor Anderson,
(161) That Council Correspondence CC 114 Memorandum from Alexander Harras, Regional Clerk/Director of Legislative Services, Corporate Services – Legislative re: requesting Regional Council to repeal By-law 49-2017 be referred to the consideration of By-law 46-2022.

CARRIED

CC 115 Correspondence from Marlene Boetto, Whitby resident, re: consideration of the
Water and Sewer Line repairs and charges by the Region of Durham

This matter was considered earlier in the meeting. See Motion (153) on Page 8.

CC 116 Correspondence from Don White, Whitby resident, re: SLWC Insurance Inc. and the issues related to the Water and Sewer Lines which were previously
controlled by The Region of Durham

This matter was considered earlier in the meeting. See Motion (153) on Page 8.

CC 117 Memorandum from Alexander McPherson, Solicitor, Corporate Services - Legal Services, dated September 20, 2022 re: Expropriation of Lands Required for
Regional Road 3 Rehabilitation Project

Moved by Councillor Ryan, Seconded by Councillor McLean,
(162) That the following recommendations in Council Correspondence CC 117 Memorandum from Alexander McPherson, Solicitor, Corporate Services - Legal Services, dated September 20, 2022 re: Expropriation of Lands Required for Regional Road 3 Rehabilitation Project, be adopted:

- A) That Regional Council, as approving authority under the Expropriations Act, approve the property requirements for the expropriation of the property as described in the registered reference plan as Parts 3, 5, 6 and 7 on Plan 40R-31092, deposited in the Land Registry Office on October 20, 2020.
- B) That Regional Council, as expropriating authority under the Expropriations Act, authorize all steps necessary to comply with the Expropriations Act, including, but not limited to, the preparation and registration of expropriation plans and the service of notices of expropriation, notice of election as to a date for compensation and notices of possession.

- C) That Regional Council grant authority to the Regional Chair and Clerk to execute any notices and forms as may be statutorily mandated by the Expropriations Act, R.S.O. 1990, c. E.26, to give effect to recommendation B), including the notices of expropriation, notices of election as to a date for compensation and notices of possession, including the certificate of approval to be affixed to the expropriation plan.
- D) That the necessary expropriation by-law be presented to Regional Council for adoption.

CARRIED AS AMENDED
(See Following Motion)

Moved by Councillor Chapman, Seconded by Councillor Ryan,

- (163) That the main motion (162) of Councillors Ryan and McLean to adopt the recommendations in Council Correspondence CC 117 Memorandum from Alexander McPherson, Solicitor, Corporate Services - Legal Services, dated September 20, 2022 re: Expropriation of Lands Required for Regional Road 3 Rehabilitation Project, be amended by adding the following to the end of part A):

“for reasons being that Council agrees with the findings and decision of the hearing of necessity report”.

CARRIED

The main motion (162) of Councillors Ryan and McLean to adopt the recommendations contained in Council Correspondence CC 117 was then put to a vote and CARRIED AS AMENDED.

CC 118 Correspondence from Sally Mullen, Whitby resident re: Sewer Bylaw Amendment, SLWC, and the associated issues

This matter was considered earlier in the meeting. See Motion (153) on Page 8.

CC 119 Memorandum from John Presta, Commissioner of Works, re: Project Status Information related to the Road Reconstruction of Thornton Road North from Conlin Road to Winchester Road East (Regional Road 3) – Item #4 of Report #7 of the Works Committee (2022-W-40)

Moved by Councillor Marimpietri, Seconded by Councillor Smith,

- (164) That Council Correspondence CC 119 Memorandum from John Presta, Commissioner of Works, re: Project Status Information related to the Road Reconstruction of Thornton Road North from Conlin Road to Winchester Road East (Regional Road 3) (2022-W-40) be referred to the consideration of Item #4 of Report #7 of the Works Committee.

CARRIED

9. Committee Reports and any related Notice of Motions

9.1 Report of the Planning and Economic Development Committee

1. Application to Amend the Durham Regional Official Plan, submitted by Malone Given Parsons on behalf of Oland Holdings (Uxbridge) Inc., in association with TACC Developments to permit soil remediation and processing uses in the Township of Uxbridge, File: OPA 2022-001 (2022-P-18)
-

[CARRIED]

- A) That Amendment #189 to the Durham Regional Official Plan, to permit soil remediation and processing uses, as contained in Attachment #2 to Report #2022-P-18 of the Commissioner of Planning and Economic Development be forwarded to Regional Council for adoption upon receipt of correspondence from the Township of Uxbridge that it is in support of the proposal; and
- B) That "Notice of Adoption" be sent to the applicant, the applicant's agent, the Township of Uxbridge, the Ministry of Municipal Affairs and Housing, and all other persons or public bodies who requested notification of this decision.

Moved by Councillor Ryan, Seconded by Councillor Joe Neal,

- (165) That the recommendations contained in Item1 of Report #7 of the Planning and Economic Development Committee be adopted.

CARRIED

9.2 Report of the Works Committee

1. Sole Source of Ultraviolet Disinfection Units at the Newcastle Water Pollution Control Plant, in the Municipality of Clarington (2022-W-37)
-

[CARRIED]

- A) That staff be authorized to enter into a sole source agreement with Trojan Technologies for the provision of ultraviolet disinfection units at the Newcastle Water Pollution Control Plant for the Rerating and Upgrades Project (D1117) in the amount of \$422,000*; to be financed within the approved project from the Sanitary Sewage System Capital Budget; and
- B) That the Commissioner of Finance or designate be authorized to execute the required agreements.
(*) before applicable taxes.

2. Sole Source Approval for the Supply of Replacement Primary Treatment Scum Collectors and Equipment Required to Refurbish Existing Travelling Bridges at the Duffin Creek Water Pollution Control Plant, in the City of Pickering (2022-W-38)

[CARRIED]

- A) That staff be authorized to negotiate and award a sole source agreement with OVIVO Water Technologies at an upset limit of \$12,500,000* for the supply of replacement primary treatment scum collectors and equipment to refurbish the existing travelling bridges;
- B) That financing be provided from within the approved project budget in accordance with the approved cost sharing with the Region of York as follows:

	Cost Split (%)	Cost Allocation*
Durham Region	20	\$2,500,000
York Region	80	\$10,000,000
Total	100	\$12,500,000

- C) That the Commissioner of Finance be authorized to execute the necessary documents related to this sole source agreement.
(*) before applicable taxes

3. Sole Source Engineering Services Agreement for the Detailed Design of Bloor Street East (Regional Road 22), from East of Harmony Road South (Regional Road 33) to Grandview Street South, in the City of Oshawa (2022-W-39)

[CARRIED ON A RECORDED VOTE LATER IN THE MEETING] [SEE MOTION (167) ON PAGE 17 AND RECORDED VOTE ON PAGE 22]

- A) That staff be authorized to negotiate a sole source engineering services agreement with AECOM Canada Limited to undertake the detailed design of Bloor Street East (Regional Road 22) from east of Harmony Road South (Regional Road 33) to Grandview Street South, in the City of Oshawa, at an amount not to exceed \$1,737,140*; to be financed through the approved project budget; and
- B) That the Commissioner of Finance be authorized to execute the necessary documents related to the sole source agreement.
(*) before applicable taxes.

4. Update on Servicing Options for Property Owners on Bickle Drive and Roselawn Avenue, including the Sun Valley Heights Homebuilders Co-op, in the City of Oshawa (2022-W-40)
[CARRIED]
- A) That Report #2022-W-40 of the Commissioner of Works be received for information; and
- B) That a copy of Report #2022-W-40 be provided to the residents on Bickle Drive and Roselawn Avenue; Sun Valley Homebuilders Co-op; the City of Oshawa; and The Ministry of the Environment, Conservation and Parks York-Durham office.
5. Approval of Capital Works and Financing to be Incorporated into a Servicing Agreement with Universal City Developments Inc., Including Cost Sharing in Accordance with the Region Share Policy, for the Extension and Oversizing of a Sanitary Sewer and the Extension of a Watermain in the City of Pickering (2022-W-41)
[CARRIED]
- A) That capital works and financing estimated at \$167,200 for the Region's share of the Universal City Developments Inc. sanitary sewer and watermain project in the City of Pickering with a total cost of \$657,500 be approved;
- B) That the Regional Municipality of Durham be authorized to enter into a Servicing Agreement with a Region Share payment to Universal City Developments Inc. estimated at \$167,200 for the Region share of the oversizing of a sanitary sewer, and watermain on Celebration Drive, located north of Bayly Street (Regional Road 22) and west of Sandy Beach Road in the City of Pickering, at an estimated total project cost of \$657,500; and
- C) That financing for the sanitary capital works, estimated at \$345,000, be provided from the following sources:

Sanitary Sewer

Developer's Share – Sanitary Sewer

Universal City Developments Inc.	<u>\$277,500</u>
----------------------------------	------------------

Total Developer's Sanitary Sewer Share	<u>\$277,500</u>
---	-------------------------

Regional Costs – Sanitary Sewer

2022 Sanitary Sewerage System Capital Budget

Item 154: Allowance for Regional share for works in conjunction with residential subdivision development:

Residential Development Charges (Project ID: M2210)	\$49,815
Commercial Development Charges (Project ID: M2210)	3,105
User Rate (Project ID: M2210)	<u>14,580</u>
	<u>\$67,500</u>

Total Regional Share – Sanitary Sewer **\$67,500**

Total Sanitary Sewer **\$345,000**

Watermain:

Developer's Share – Watermain

Universal City Developments Inc. \$212,800

Total Developer's Watermain Share **\$212,800**

Regional Costs – Watermain

2022 Water Supply System Capital Budget

Item 249 Allowance for Regional share for works in conjunction with residential subdivision development:

Residential Development Charges (Project ID: M2210)	\$87,337
Commercial Development Charges (Project ID: M2210)	2,194
User Rate (Project ID: M2210)	<u>10,169</u>
	<u>\$99,700</u>

Total Regional Share – Watermain **\$99,700**

Total Watermain **\$312,500**

Total Developer's Share **\$490,300**

Total Regional Share **\$167,200**

Total Project Financing **\$657,500**

Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,
(166) That the recommendations contained in Items 1, 2, 4 and 5 of Report #7
of the Works Committee be adopted.

CARRIED

Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,
(167) That the recommendations contained in Item 3 of Report #7 of the Works Committee be adopted.

CARRIED ON A RECORDED VOTE
LATER IN THE MEETING
(See Following Motions)

Moved by Councillor Marimpietri, Seconded by Councillor Kerr,
(168) That the meeting be closed to the public in order to receive advice that is subject to solicitor-client privilege on the initial contract related to the land acquisition for the realignment and widening of Bloor Street from east of Harmony Road to Grandview Street.

MOTION DEFERRED
(See Following Motion)

Moved by Councillor Drew, Seconded by Councillor Kerr,
(169) That consideration of Item 3 of Report #7 in a closed session be deferred until the Other Business portion of the Agenda.

CARRIED

9.3 Report of the Committee of the Whole

1. Agreement to Allow the Commencement of the Seaton Phase 2 Landowner Constructed Project Designs by the Seaton Landowners Group (2022-COW-25)

[CARRIED]

A) That the Regional Municipality of Durham enter into an agreement with the Seaton Landowners Group to allow the detailed design of specific Landowner Constructed Projects to proceed in exchange for future Development Charge credits, with the specifics of how and when these credits will be acquired and used, to be addressed in a future Seaton Phase 2 Front-Ending Agreement;

B) That the Regional Chair and Clerk be authorized to execute the above noted agreement, in a form satisfactory to the Regional Solicitor; and

C) That a copy of Report #2022-COW-25 be sent to the City of Pickering.

2. Additional Allocation of Canada Community-Building Fund Program Funds to the Durham Regional Local Housing Corporation Energy Efficiency Retrofits (2022-COW-26)

[CARRIED]

- A) That \$2.4 million of the 2021 Canada Community-Building Fund financing previously allocated to the Anaerobic Digestion (AD) facility project be redirected to the Durham Regional Local Housing Corporation (DRLHC) Energy Efficiency Retrofit project at 155 King St, City of Oshawa, for total Canada Community-Building Fund financing of \$6.9 million for the project;
- B) That the Commissioner of Finance be authorized to adjust the Canada Community-Building Fund as required based on total project costs to be updated on the award of the tender and to report back on the final costs and financing for this project; and
- C) That the Commissioner of Finance be authorized to execute any required documents.

3. Interim Suspension of Service Line Warranties of Canada Inc. Program (2022-COW-27)

[CARRIED ON A RECORDED VOTE]

This matter was considered earlier in the meeting. See Item 7.1 on Pages 8 and 9.

Moved by Councillor Chapman, Seconded by Councillor Highet,
(170) That the recommendations contained in Items 1 and 2 inclusive of Report #7 of the Committee of the Whole be adopted.

CARRIED

10. Notice of Motions

There were no notice of motions.

11. Unfinished Business

There was no unfinished business to be considered.

12. Other Business

- 12.1 Correspondence from the Municipality of Clarington – re: Resolution passed at their Council meeting held on September 19, 2022, regarding Region of Durham's Pilot Project Using Recycled Waste Materials in a Section of Newtonville Road
-

[MOTION DEFEATED] [SEE MOTION (173) ON PAGE 21]

Moved by Councillor Joe Neal, Seconded by Councillor Anderson,
(171) That the following recommendations contained in the correspondence from the Municipality of Clarington – re: Resolution passed at their Council meeting held on September 19, 2022, regarding Region of Durham’s Pilot Project Using Recycled Waste Materials in a Section of Newtonville Road, be endorsed:

Now therefore be it resolved that the Municipality of Clarington request that Durham Region:

Advise the Municipality of Clarington, in writing, what steps Durham has taken to investigate/verify the contents of the pictures and the information sent by the resident;

Provide a prompt, and full, accounting, in writing, to the Municipality of Clarington of the total quantity (tonnage) and materials composition by waste category as well as the sources of all waste materials used in the Pilot;

Promptly provide all documents to the Municipality of Clarington that the Region has submitted to the MECP describing the materials and quantities to be used in the Pilot project;

Provide, in writing, a description to the Municipality of Clarington of the potential adverse impacts of the use of the waste materials depicted in the pictures and what potential remedies exist to address the potential adverse impacts;

Provide all of the above information to the Municipality of Clarington at the earliest possible opportunity;

That no further work continue until a full report has been provided;

That, if materials described above are found to be part of the road, the road construction section and materials be removed immediately.

MOTION DEFEATED
ON A RECORDED VOTE
LATER IN THE MEETING
(See Following Motions)

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(172) That the forgoing motion (171) of Councillors Joe Neal and Anderson to endorse the recommendations from the Municipality of Clarington be amended by adding the words, “and further, that the road base be cleared”.

MOTION RULED OUT OF ORDER

Regional Chair Henry ruled the amending motion (172) of Councillors Joe Neal and John Neal out of order as it was contrary to the original motion. Councillor Joe Neal challenged the ruling of the Chair. The ruling of the Chair was UPHELD ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Grant
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor Mitchell
Councillor Mulcahy
Councillor Nicholson
Councillor Roy
Councillor Ryan
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor Anderson
Councillor Joe Neal
Councillor John Neal

Members Absent: Councillor Collier
Councillor McLean
Councillor Pickles
Councillor Yamada

Declarations of Interest: None

The main motion (171) of Councillors Joe Neal and John Neal was then put to a vote and DEFEATED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson
Councillor Foster
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Wotten
Regional Chair Henry

No

Councillor Ashe
Councillor Barton
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Grant
Councillor Highet
Councillor Kerr

Councillor Leahy
Councillor Lee
Councillor Mitchell
Councillor Mulcahy
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Smith

Members Absent: Councillor Carter
Councillor Marimpietri
Councillor McLean
Councillor Yamada

Declarations of Interest: None

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(173) That the Correspondence from the Municipality of Clarington – re:
Resolution passed at their Council meeting held on September
19, 2022, regarding Region of Durham's Pilot Project Using
Recycled Waste Materials in a Section of Newtonville Road, be
received for information.

CARRIED

Moved by Councillor Chapman, Seconded by Councillor Drew,
(174) That Council recess until 3:15 PM.

CARRIED

Council recessed at 2:55 PM and reconvened at 3:15 PM.

The Regional Clerk conducted a roll call following the recess and all
members of Council were present with the exception of Councillors
Carter, Lee and McLean.

At this point in the meeting, Council met in closed session in order to
receive advice that is subject to solicitor-client privilege on the initial
contract related to the land acquisition for the realignment and widening of
Bloor Street from east of Harmony Road to Grandview Street. [See
previous Motions (168) and (169) on Page 22]

Moved by Councillor Kerr, Seconded by Councillor Smith
(175) That the meeting be closed to the public in order to receive advice
that is subject to solicitor-client privilege on the initial contract
related to the land acquisition for the realignment and widening of
Bloor Street from east of Harmony Road to Grandview Street.

CARRIED

[Refer to the Closed Council Meeting Minutes of September 28, 2022]

Upon rising from the closed session, Regional Chair Henry advised that there were no motions made or directions given during the closed session.

3. Sole Source Engineering Services Agreement for the Detailed Design of Bloor Street East (Regional Road 22), from East of Harmony Road South (Regional Road 33) to Grandview Street South, in the City of Oshawa (2022-W-39)

[CARRIED]

- A) That staff be authorized to negotiate a sole source engineering services agreement with AECOM Canada Limited to undertake the detailed design of Bloor Street East (Regional Road 22) from east of Harmony Road South (Regional Road 33) to Grandview Street South, in the City of Oshawa, at an amount not to exceed \$1,737,140*; to be financed through the approved project budget; and
- B) That the Commissioner of Finance be authorized to execute the necessary documents related to the sole source agreement.
(*) before applicable taxes.

Moved by Councillor Nicholson, Seconded by Councillor Kerr,
(177) That Item 3 of Works Committee Report #7 be referred back to staff for the preparation of a full update report to the next Works Committee meeting.

DEFEATED ON THE FOLLOWING
RECORDED VOTE (TIE VOTE DEEMS
QUESTION DECIDED IN THE
NEGATIVE):

Yes

Councillor Anderson
Councillor Ashe
Councillor Crawford
Councillor Dies
Councillor Kerr
Councillor Leahy
Councillor Mulcahy
Councillor Nicholson
Councillor Roy
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor Barton
Councillor Chapman
Councillor Drew
Councillor Foster
Councillor Grant
Councillor Highet
Councillor Marimpietri
Councillor Mitchell
Councillor Joe Neal
Councillor Pickles
Councillor Ryan
Councillor Smith

Members Absent: Councillor Carter
Councillor Collier
Councillor Lee

Councillor McLean
Councillor John Neal

Declarations of Interest: None

The main motion (167) of Councillors Mitchell and Marimpietri to adopt the recommendations contained in Item 3 of Report #7 of the Works Committee was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE:

<u>Yes</u>	<u>No</u>
Councillor Anderson	None
Councillor Ashe	
Councillor Barton	
Councillor Chapman	
Councillor Crawford	
Councillor Dies	
Councillor Drew	
Councillor Foster	
Councillor Grant	
Councillor Highet	
Councillor Kerr	
Councillor Leahy	
Councillor Marimpietri	
Councillor Mitchell	
Councillor Mulcahy	
Councillor Joe Neal	
Councillor Nicholson	
Councillor Pickles	
Councillor Roy	
Councillor Ryan	
Councillor Smith	
Councillor Wotten	
Regional Chair Henry	

Members Absent: Councillor Carter
Councillor Collier
Councillor Lee
Councillor McLean
Councillor John Neal
Councillor Yamada

Declarations of Interest: None

13. Announcements

Various announcements were made relating to activities and events within the Region and area municipalities.

14. By-laws

46-2022 Being a by-law to Repeal By-law 49-2017

This by-law implements the recommendations contained in CC #114 of the Memorandum presented to Regional Council on September 28, 2022

47-2022 Being a by-law to adopt Amendment #189 to the Durham Regional Official Plan

This by-law implements the recommendations contained in Item #1 of the 7th Report of the Planning & Economic Development Committee presented to Regional Council on September 28, 2022

48-2022 Being a by-law to stop up, close as a public highway, subject to any easements required by any utility, that portion of Stellar Drive (Regional Road 25) located in Part of Lot 20, Concession 1, designated as Part 15, Plan 40R-20137 and Part 2, Plan 40R-25848, in the Town of Whitby (the "Lands")

This by-law implements the recommendations contained in Item #7 of the 7th Report of the Works Committee presented to Regional Council on June 3, 2009

49-2022 Being a by-law to appoint the firm of Deloitte LLP as the Municipal Auditor for the 2021 to 2022 fiscal years inclusive

This by-law implements the recommendations contained in Item #8 of the 6th Report of the Finance & Administration Committee presented to Regional Council on June 23, 2021

50-2022 Being a by-law to expropriate all estate, right, title and interest in Part of Lots 33 and 34, Concession 7, designated as Part 3 and 5, 6 subject to DN19324, and 7 on Reference Plan 40R-31092, Darlington; in the Municipality of Clarington, in the Regional Municipality of Durham

This by-law implements the recommendations contained in CC #117 of the Memorandum presented to Regional Council on September 28, 2022

51-2022 Being a by-law to amend By-law No. 90-2003

This by-law implements the recommendations contained in Item #3 of the 7th Report of the Committee of the Whole presented to Regional Council on September 28, 2022

Moved by Councillor Ashe, Seconded by Councillor Mitchell,
(178) That By-law Numbers 46-2022 to 51-2022 inclusive be passed.
CARRIED

15. Confirming By-law

52-2022 Being a by-law to confirm the proceedings of Regional Council at
their meeting held on September 28, 2022

Moved by Councillor Ashe, Seconded by Councillor Ryan,
(179) That By-law Number 52-2022 being a by-law to confirm the proceedings
of the Council of the Regional Municipality of Durham at their meeting
held on September 28, 2022 be passed.
CARRIED

16. Adjournment

Moved by Councillor Ryan, Seconded by Councillor Drew,
(180) That the meeting be adjourned.
CARRIED

The meeting adjourned at 4:09 PM

Respectfully submitted,

John Henry, Regional Chair & CEO

Alexander Harras, Regional Clerk