

MINUTES OF A SPECIAL MEETING OF THE COUNCIL OF THE CORPORATION OF  
THE TOWN OF WHITBY HELD ON MONDAY, JANUARY 24, 2011 AT THE HOUR OF  
5:30 P.M. IN COMMITTEE ROOM ONE OF THE WHITBY MUNICIPAL BUILDING

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PRESENT: Mayor Perkins

Mayor Perkins in the Chair

Councillor Coe  
Councillor Drumm  
Councillor Emm  
Councillor Hanson  
Councillor Mitchell  
Councillor Montague  
Councillor Roy

STAFF PRESENT: R. Petrie, Chief Administrative Officer  
E. Belsey, Manager, Long Range Planning & Strategic Design  
S. Pohjola, Town Solicitor  
R. B. Short, Director of Planning  
M. McDonnell, Manager, Downtown Development  
D. Wilcox, Town Clerk

In accordance with Procedural By-law 6125-08, the provisions of the *Municipal Act*, an In Camera meeting of Council is being held for the purpose of receiving advice that is subject to solicitor-client privilege, including communications necessary for that purpose and matters that relate to litigation or potential litigation, including matters before administrative tribunals, affecting the Town.

1. DISCLOSURES OF INTEREST

Councillor Coe made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Item 2) delegation of Joel D. Farber, Fogler, Rubinoff and Item 3) Correspondence relating to Winchester Plaza Limited, the developer of 445 Winchester Road East, Brooklin as a family member is employed by Metro Foods. Councillor Coe left the meeting during the discussion of this matter.

RESOLUTION NO. 25-11

MOVED by Councillor Drumm  
Seconded by Councillor Mitchell

That Council go In Camera in accordance with the provisions of the *Municipal Act* for the purpose of dealing with matters relating to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that

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purpose and matters that relate to litigation or potential litigation, including matters before administrative tribunals.

CARRIED

2. DELEGATION (CONFIDENTIAL)

Prior to the delegation being heard, Members of Council were provided with an overview of the matter by the S. Pohjola, Town Solicitor and A. Biggart, Ritchie Ketcheson Hart & Biggart, LLP, the Town's Solicitor for this matter.

[Refer to the In Camera minutes. Town Clerk has custody and control of these minutes.]

- a) Joel D. Farber, Fogler, Rubinoff  
On behalf of Winchester Plaza Limited, the developer of  
445 Winchester Road East, Brooklin

Joel D. Farber, Fogler, Rubinoff; along with representatives for Winchester Developments; Michael Foley, Trinity Developments; Sarah Hickey, Solicitor, Fogler, Rubinoff; Doug Annand, Market Consultant and Dave McKay, Planner, appeared before Council during the In Camera portion of the meeting.

[Refer to the In Camera minutes. Town Clerk has custody and control of these minutes.]

3. CORRESPONDENCE

- a) Correspondence from R. Andrew Biggart, Ritchie Ketcheson Hart & Biggart, LLP to Joel D. Farber, Fogler, Rubinoff, LLP, dated January 14, 2011, with respect to the Town of Whitby re Winchester Plaza – Trinity Brooklin
- b) Correspondence from Joel D. Farber, Fogler, Rubinoff, LLP on behalf of Winchester Plaza Limited, the developer of 445 Winchester Road East, Brooklin, dated:
- i) January 3, 2011
  - ii) January 10, 2011
  - iii) January 11, 2011
  - iv) January 17, 2011 (PowerPoint presentation)
- c) Correspondence from Bob Carey, Stockworth Developments, dated January 14, 2011, with respect to Winchester Developments

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- d) Correspondence from Don Uren, President, Brooklin Downtown Business Association dated January 18, 2011, with respect to Winchester Developments
  - e) Correspondence from William J. Windrem, Pressprint Inc. dated January 22, 2011, with respect to Winchester Developments
  - f) Correspondence from Robin Mason, Mason Bennett Johncox dated January 22, 2011, with respect to Winchester Developments
  - g) Correspondence from Peggy Frankovich, owner of Brooklin IDA Pharmacy, dated January 23, 2011, with respect to Winchester Developments
  - h) Correspondence from Bob Carey, Stockworth Developments, dated January 23, 2011, with respect to Winchester Developments
  - i) Correspondence from Marissa and Roger Graham, Endless Ideas, dated January 23, 2011, with respect to Winchester Developments
  - j) Correspondence from Steve and Lynn Bell, Orchid Salon & Medi Spa, dated January 24, 2011, with respect to Winchester Developments
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As part of the agenda, Council was provided with copies of Correspondence a) through j) as reference during discussion of this matter.

RESOLUTION NO. 26-11

MOVED by Councillor Roy  
Seconded by Councillor Montague

That Council rise out of the In Camera session of Council.

CARRIED

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4. CONFIRMATORY BY-LAW NO. 6440-11

RESOLUTION NO. 27-11

MOVED by Councillor Drumm, seconded by Councillor Mitchell, that leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Town Clerk to confirm the proceedings of the Council of the Town of Whitby at its special meeting held on January 24, 2011 and that the same be considered read a first, second and third time and finally passed and that the Mayor and the Town Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

5. ADJOURNMENT

RESOLUTION NO. 28-11

MOVED by Councillor Roy  
Seconded by Councillor Hanson

That the meeting be adjourned.

CARRIED

The meeting adjourned 6:32 p.m.

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Debi A. Wilcox, Town Clerk

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Patricia Perkins, Mayor