

**Present:** Mayor Mitchell  
Councillor Alexander (arrived at 6:01 p.m.)  
Councillor Leahy (arrived at 6:01 p.m.)  
Councillor Lee  
Councillor Mulcahy (arrived at 6:03 p.m.)  
Councillor Newman  
Councillor Roy  
Councillor Shahid  
Councillor Yamada

**Also Present:** M. Gaskell, Chief Administrative Officer  
S. Beale, Commissioner of Public Works  
W. Mar, Commissioner of Legal and Enforcement Services/Town Solicitor  
K. Nix, Commissioner of Corporate Services/Treasurer  
R. Saunders, Commissioner of Planning and Development  
J. Austin, Manager, Development Control, Design and Technical Services  
C. Harris, Town Clerk  
S. Dave, Legislative Coordinator (Recording Secretary)

**Regrets:** None noted

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1. Declarations of Pecuniary Interest

1.1 There were no declarations of pecuniary interest.

Moved By Councillor Newman  
Seconded By Councillor Lee

That Council move in-camera in accordance with Procedure By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2) (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**Carried**

2. Closed Session

- 2.1** Confidential Legal and Enforcement Services Department and Planning and Development Department Joint Report, LS 23-19  
Re: Bara Group (Whitby) Inc. v. Town of Whitby - LPAT Appeal

This portion of the meeting was closed to the public. [Refer to the In Camera minutes of the meeting - Town Clerk has control and custody.]

3. Rising and Reporting

**3.1** Motion to Rise

Moved By Councillor Leahy  
Seconded By Councillor Lee

That Council rise from the closed portion of the Special Council meeting.

**Carried**

**3.2** Reporting Out

Mayor Mitchell advised that during the closed portion of the meeting, Council discussed matters before an administrative tribunal affecting the municipality and received advice subject to solicitor-client privilege.

**Resolution # 342-19**

Moved By Councillor Alexander  
Seconded By Councillor Leahy

1. That Staff be directed to hire external legal counsel and expert consultants to vigorously defend at LPAT Council's decisions with respect to the Site Plan Application and Zoning By-law Amendment Application DEV-19-18 from Bara Group (Whitby) Inc. for the properties municipally known as 1201 & 1207 Brock Street South and 1200 & 1201 Green Street, Whitby; and
2. That the retained external legal counsel and expert consultants work with area residents to ensure the residents' involvement and participation at LPAT.

**Carried**

4. Confirmatory By-law

4.1 Confirmatory By-law

**Resolution # 343-19**

Moved By Councillor Newman  
Seconded By Councillor Leahy

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its special meeting held on December 2, 2019 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

**Carried**

5. Adjournment

5.1 Motion to Adjourn

Moved By Councillor Leahy  
Seconded By Councillor Alexander

That the meeting adjourn.

**Carried**

The meeting adjourned at 6:34 p.m.

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Christopher Harris, Town Clerk

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Don Mitchell, Mayor