

**Present:** Mayor Mitchell  
Councillor Emm  
Councillor Gleed  
Councillor Leahy  
Councillor Mulcahy

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

**Regrets:** Councillor Drumm  
Councillor Roy  
Councillor Yamada

---

Upon quorum being achieved, the meeting began at 5:52 p.m.

1. Declarations of Pecuniary Interest

1.1 There were no declarations of pecuniary interest.

2. Items for Consideration

2.1 Office of the Town Clerk, CLK 04-18  
Re: Establishment of the 2018 Municipal Election Compliance Audit  
Committee

**Resolution # 54-18**

Moved By Councillor Leahy  
Seconded By Councillor Emm

1. That Report CLK 04-18 be received;
2. That the draft Terms of Reference as shown in Attachment 1 of Report CLK 04-18 be approved and the 2018 Municipal Election Compliance Audit Committee deemed to be established in accordance with the Municipal Elections Act;
3. That the Clerk be authorized to bring forward a by-law for the remuneration of the Compliance Audit Committee as outlined in the draft Terms of Reference; and,
4. That in accordance with the draft Terms, the Clerk be delegated the authority to recruit and appoint a roster of individuals, eligible to serve on the 2018 Compliance Audit Committee and the authority to appoint three (3) members from the roster to serve as the 2018 Compliance Audit Committee for the Town of Whitby at such time that an appeal application is received.

**Carried**

**2.2** Planning and Development Department and Corporate Services  
Department Joint Report, PL 14-18  
Re: Provincial Development Charges Rebate Program Expression of Interest

A brief question and answer period ensued between Members of Council and Staff regarding:

- The amount of funds available to municipalities;
- The process for applying for the program and criteria for success; and
- Whether any funds received through this program could be provided retroactively to ongoing projects.

**Resolution # 55-18**

Moved By Councillor Emm

Seconded By Councillor Leahy

1. That Council authorize Staff to submit an Expression of Interest (EOI) to the Ministry of Housing (MHO) for the Development Charges Rebate Program, on behalf of the Town;
2. That Council authorize Staff to enter into a Transfer Payment Agreement with the MHO on behalf of the Town if approved; and,
3. That the Clerk forward a copy of Council's resolution to the Region of Durham and the MHO before the EOI Deadline of March 2, 2018.

**Carried**

Moved By Councillor Emm  
Seconded By Councillor Leahy

That Council move in-camera in accordance with Procedure By-law # 7279-17, 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**

3. Closed Session

**3.1** Confidential Legal and By-law Services Department Report, LS 11-18  
Re: Matters Related to Litigation or Potential Litigation

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.]

**3.2** Confidential Legal and By-law Services Department and Planning and Development Department Joint Report, LS 03-18  
Re: Matters Related to Litigation or Potential Litigation

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.]

**3.3** Confidential Legal and By-law Services Department and Planning and Development Department Joint Report, LS 04-18  
Re: Matters Related to Litigation or Potential Litigation

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.]

**3.4** Confidential Legal and By-law Services Department and Planning and Development Department Joint Report, LS 09-18  
Re: Matters Related to Litigation or Potential Litigation

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.]

**3.5** Confidential Legal and By-law Services Department and Planning and Development Department Joint Report, LS 10-18  
Re: Matters Related to Litigation or Potential Litigation

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.]

**4.** Rising and Reporting

**4.1** Motion to Rise

Moved By Councillor Leahy  
Seconded By Councillor Emm

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

**Carried**

**4.2** Reporting Out

Mayor Mitchell advised that during the closed portion of the meeting, Council Council discussed matters related to litigation or potential litigation, received advice subject to solicitor-client privilege and provided direction to staff.

Confidential Legal and By-law Services Department and Planning and Development Department Joint Report, LS 09-18  
Re: Ontario Municipal Board Appeal – Brooklin Meadows  
(Baldwin/Carnwith)

**Resolution # 60-18**

Moved By Councillor Mulcahy  
Seconded By Councillor Leahy

1. That Council's position on the application is that commercial uses are required on some or all of the site, and the height of development that is immediately adjacent to existing residential be compatible; and,
2. That Staff be directed to defend Council's position at the Ontario Municipal Board, including retaining external legal and planning assistance as required.

**Carried**

5. Confirmatory By-law

5.1 Confirmatory By-law

**Resolution # 61-18**

Moved By Councillor Leahy  
Seconded By Councillor Emm

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 February 26, 2018 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**

6. Adjournment

6.1 Motion to Adjourn

Moved By Councillor Emm  
Seconded By Councillor Mulcahy

That the meeting adjourn.

**Carried**

The meeting adjourned at 8:29 p.m.

---

Christopher Harris, Town Clerk

---

Don Mitchell, Mayor