

Present: Mayor Mitchell
Councillor Drumm
Councillor Emm
Councillor Gleed
Councillor Leahy
Councillor Mulcahy
Councillor Roy
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
S. Beale, Commissioner of Public Works
P. LeBel, Commissioner of Community & Marketing Services
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
D. Speed, Fire Chief
C. Harris, Town Clerk
C. Bantock, Legislative Coordinator (Recording Secretary)

Regrets: None noted

1. Declarations of Pecuniary Interest

- 1.1** Councillor Emm made a declaration of pecuniary interest under the Municipal Conflict of Interest Act with respect to Item 3.2, Confidential Verbal Report Regarding the Potential Merger - Veridian Corporation and Whitby Hydro Energy Corporation, as a member of his family sits on the Board of Whitby Hydro Energy Corporation. Councillor Emm did not take part in the discussion on this matter.

2. Items for Consideration

- 2.1** Planning and Development Department Report, PL 32-18
Re: Site Plan Application, Nordik Immobilier Chelsea Inc., 4015
Cochrane Street, File SP-26-17

Resolution # 179-18

Moved By Councillor Roy
Seconded By Councillor Leahy

1. That Council approve the development plans for the subject land (Site Plan Application SP-26-17), subject to:
 - a. The completion of revisions to the proposed plans as outlined in Report PL 32-18;
 - b. The conditions of approval set out in Attachment #8 of Planning Report PL 32-18, with the parkland dedication condition being based on 'up to' 2% of the development area; and
2. That the Mayor and Clerk be authorized to execute the Site Plan Agreement and any related documents.

Carried

2.2 Community and Marketing Services Department Report, CMS 31-18
Re: Heydenshore Pavillion Closure

Discussion ensued regarding:

- accommodation of most programming currently held at Heydenshore Pavillion being redirected to other facilities;
- operating budget status of the facility;
- alternate locations available to utilize for program redirection, including the potential for partnerships with third party organizations, such as the Abilities Centre;
- communicating with all impacted stakeholders to advise of need to plan for separate spaces for their events;
- any relocation of the exterior washroom building being at the cost of the purchaser as per the purchase and sale agreement;
- closure of the facility coinciding with the issuance of a building permit and payment of fees by the purchaser in order to extend the duration for which the facility remains open; and,
- retaining use of the parking lot at 580 Water Street in order to keep the facility open until construction begins.

Moved By Councillor Leahy
Seconded By Councillor Emm

1. That Heydenshore Pavillion be closed to coincide with the sale of the Town of Whitby's industrial property located at 580 Water Street;

2. That Heydenshore Pavillion be demolished and the site remediated to open space parkland prior to the opening of the new Convention Centre (Phase One of Three Phases) planned for 580 Water Street (Q4 2019 opening);
3. That the cost of the demolition and site remediation be funded from the proceeds of the sale of the Town's property; and,
4. That item MD 3453 pertaining to Heydenshore Pavillion be lifted from the New and Unfinished Business list.

Carried later in the meeting.

Moved By Councillor Leahy
Seconded By Councillor Yamada

That Item 2.2, CMS 31-18, be tabled until later in the meeting.

Carried

It was the consensus of Council to hear Item 2.3 at this time

Moved By Councillor Leahy
Seconded By Councillor Emm

That the recommendation with respect to Item 2.2, CMS 31-18, be lifted from the table.

Carried

Moved By Councillor Leahy
Seconded By Councillor Emm

That Item 1 of the main motion be amended to read as follows:

1. That Heydenshore Pavillion be closed no earlier than the issuance of the building permit for the Town of Whitby's industrial property located at 580 Water Street.

Carried

The main motion, as amended, was then carried as follows:

Resolution # 180-18

Moved By Councillor Leahy

Seconded By Councillor Emm

1. That Heydenshore Pavillion be closed no earlier than the issuance of the building permit for the Town of Whitby's industrial property located at 580 Water Street;
2. That Heydenshore Pavillion be demolished and the site remediated to open space parkland prior to the opening of the new Convention Centre (Phase One of Three Phases) planned for 580 Water Street (Q4 2019 opening);
3. That the cost of the demolition and site remediation be funded from the proceeds of the sale of the Town's property; and,
4. That item MD 3453 pertaining to Heydenshore Pavillion be lifted from the New and Unfinished Business list.

Carried

It was the consensus of Council to dispose of item 5.1, Confirmatory By-law, at this time.

2.3 Highway 412 Tolls

Moved By Councillor Emm

Seconded By Councillor Leahy

That the Rules of Procedure be suspended and notice requirements dispensed with in order to introduce a motion requesting the removal of tolls on Highway 412.

Carried on a Two Thirds Vote

Discussion ensued regarding:

- the impact of tolls on the development of the industrial lands surrounding Highway 412;
- staff having requested further details on Highway 412 traffic numbers previously received from the Ministry of Transportation;
- toll rates being more reflective of a user volume formula;
- other Durham Region Municipalities moving motions at their Council to remove Highway 412 tolls;
- communication opportunities to draw attention to the request for removal of tolls on Highway 412;
- the existing online petition in support of removing tolls on Highway 412;
- requesting endorsement of the resolution; and,
- the inclusion of tolls for Highway 412 not being a part of the

original discussions when location of the highway was agreed upon in the 1990s.

Resolution # 181-18

Moved By Councillor Drumm
Seconded By Councillor Leahy

1. That Council hereby endorse the Media Statement dated May 25, 2018 calling on all provincial party leaders to commit to the removal of tolls on Highway 412; and,
2. That a copy of this resolution be forwarded to all provincial party leaders, all provincial candidates in Durham, and Durham Mayors for endorsement.

Carried unanimously on a recorded vote as follows:

	For	Against	Abstained
Councillor Joe Drumm	x		
Councillor Michael Emm	x		
Councillor Derrick Gleed	x		
Councillor Chris Leahy	x		
Councillor Rhonda Mulcahy	x		
Councillor Elizabeth Roy	x		
Councillor Steve Yamada	x		
Mayor Don Mitchell	x		
	8	0	0

Moved By Councillor Leahy
Seconded By Councillor Yamada

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(c) proposed or pending acquisition or disposition of land by the municipality or local board, (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and (k) a position, plan, procedure, criteria or instruction to

be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Carried

3. Closed Session

- 3.1** Confidential Community and Marketing Services Department and Legal and By-law Services Department Joint Report, CMS 33-18
Re: Vacant Town Property – 580 Water Street – Agreement of Purchase and Sale

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** M. Gaskell, Chief Administrative Officer and W. Mar, Commissioner of Legal and By-law Services/Town Solicitor
Re: Confidential Verbal Report Regarding the Potential Merger - Veridian Corporation and Whitby Hydro Energy Corporation

Having previously declared a conflict of interest, Councillor Emm left the meeting and did not take part in the discussion on the matter.

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 Gleed

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

Carried

Councillor Emm returned to the meeting.

- 4.2** Reporting Out

Mayor Mitchell advised that during the closed portion of the meeting, Council discussed confidential legal and financial matters and received advice subject to solicitor client privilege in relation to the proposed

merger of Whitby Hydro and Veridian Connections. Council also considered the pending disposition of land with respect to 580 Water Street and provided direction to staff.

It was the consensus of Council to consider a motion to lift from the table, Item 2.2, CMS 31-18, at this time.

5. Confirmatory By-law

5.1 Confirmatory By-law

Resolution # 183-18

Moved By Councillor Leahy
Seconded By Councillor Glead

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 May 28, 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 Leahy

That the meeting adjourn.

Carried

The meeting adjourned at 6:50 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor