

**Present:** Mayor Mitchell  
Councillor Drumm  
Councillor Emm  
Councillor Gleed  
Councillor Leahy (arrived at 6:01 p.m.)  
Councillor Mulcahy  
Councillor Roy  
Councillor Yamada

**Also Present:** M. Gaskell, Chief Administrative Officer  
S. Beale, Commissioner of Public Works  
S. Klein, Manager, Recreation  
K. Nix, Commissioner of Corporate Services/Treasurer  
R. Saunders, Commissioner of Planning and Development  
C. Harris, Town Clerk  
S. Dave, Legislative Coordinator (Recording Secretary)

**Regrets:** None noted

---

1. Declarations of Pecuniary Interest

- 1.1** Councillor Leahy made a declaration of pecuniary interest under the Municipal Conflict of Interest Act regarding Item 8.7, By-law # 7443-18, as he used to own property in that subdivision and the developer continues to hold a deposit related to the purchase of that property. Councillor Leahy did not take part in the discussion or vote on this matter.

2. Delegations

- 2.1** There were no delegations.

3. Correspondence

- 3.1** That the following request be endorsed:
- National Hunger Awareness Week - September 17 to 21, 2018

**Resolution # 267-18**

Moved By Councillor Yamada  
Seconded By Councillor Emm

1. That the proclamation for National Hunger Awareness Week - September 17 to 21, 2018, be endorsed;
2. That the Mayor be delegated the authority to approve proclamations in accordance with Policy CA 120, Issuance of Proclamations, during the Council summer and election recesses; and
3. That the Clerk be directed to update the Issuance of Proclamations and Delegation of Powers and Duties Policy to reflect the delegation to the Mayor.

**Carried**

4. Items for Consideration

**4.1** Corporate Services Department Report, CS 46-18  
Re: Groveside Cemetery - Discrepancies in Plots Sold to Royal Canadian Legion, Branch 112

A brief question and answer period ensued between Members of Council and Staff with respect to:

- Whether the Legion's plots could be replaced with publically available plots;
- The Legion not requiring additional plots; and
- Plots owned by the Legion being available to any Legion member and veteran, not just members of the Whitby Legion.

**Resolution # 268-18**

Moved By Councillor Drumm  
Seconded By Councillor Emm

That the Town of Whitby provide to the Groveside Cemetery Board ("the Board") a grant in the amount \$25,000 in exchange for a full and final release from the Royal Canadian Legion Branch 112 ("the Legion") as it relates to interment rights purchased by the Legion in 1948 and 1953.

**Carried**

**4.2** Planning and Development Department and Corporate Services

Department Joint Report, CS 45-18  
Re: Development Related Fee Study Update

A brief question and answer period ensued between Members of Council and Staff with respect to:

- Timelines for the issuance of permits in West Whitby following the hiring of new staff, and contingency if there are delays in permits being taken; and,
- Building capacity within the Planning and Development Department to handle the influx of growth.

**Resolution # 269-18**

Moved By Councillor Leahy  
Seconded By Councillor Drumm

1. That Report No CS 45-18 of the Commissioners of Planning and Development and Corporate Services/Treasurer be received as information; and
2. That Council approve the increase in staff complement for each of the following positions: 1 Building Permit Coordinator, 2 Building Inspectors and 1 Urban Designer and the associated capital and operating costs identified.

**Carried**

- 4.3** Office of the Town Clerk, Corporate Services Department and Legal and By-law Services Department Joint Report, CLK 09-18  
Re: Acquisition, Sale or Other Disposition of Land Policy

Discussion ensued with respect to:

- The public consultation and the possibility of Council holding a public meeting prior to the disposition of land;
- Reviewing the language in the notice provided to residents with respect to the sale of surplus lands, so that it is clear the public has an opportunity to provide input and/or object prior to the matter being finalized;
- Ensuring that the delegation of authority for the disposition or acquisition of land stays with the Chief Administrative Officer, and not with a designate; and
- Providing Council with a one-year outlook on what lands will be sold or declared surplus as well as a list of lands that are currently being leased or rented.

Moved By Councillor Emm  
Seconded By Councillor Leahy

1. That Council adopt the Acquisition, Sale or Other Disposition of Land Policy appended to Report CLK 09-18 as Attachment 1 for the purpose of complying with Section 270 of the Municipal Act that requires municipalities to adopt and maintain a policy with respect to its sale and other disposition of land;
2. That the delegation of authority to the CAO for the disposition and acquisition of land, as provided for in the Policy, be approved; and
3. That Policies 3-1-01 and 3-1-06 be repealed, and a by-law enacted to repeal By-law # 3650-95.

**Carried later in the meeting [see following motion]**

Moved By Councillor Emm  
Seconded By Councillor Leahy

That the main motion be amended to add the following as Items 3 and 4 and the remaining Item be renumbered accordingly:

3. That the Clerk be directed to revise the Acquisition, Sale or Other Disposition of Land Policy to remove the re-delegation of authority by the Chief Administrative Officer;
4. That Staff review and revise the notice template for declaring land surplus to highlight opportunity for public objections and/or input and circulate the revised template to Council.

**Carried**

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

**Resolution # 270-18**

Moved By Councillor Emm  
Seconded By Councillor Leahy

1. That Council adopt the Acquisition, Sale or Other Disposition of Land Policy appended to Report CLK 09-18 as Attachment 1 for the purpose of complying with Section 270 of the Municipal Act that requires municipalities to adopt and maintain a policy with respect to its sale and other disposition of land;
2. That the delegation of authority to the CAO for the disposition and acquisition of land, as provided for in the Policy, be approved;

3. That the Clerk be directed to revise the Acquisition, Sale or Other Disposition of Land Policy to remove the re-delegation of authority by the Chief Administrative Officer;
4. That Staff review and revise the notice template for declaring land surplus to highlight opportunity for public objections and/or input and circulate the revised template to Council; and
5. That Policies 3-1-01 and 3-1-06 be repealed, and a by-law enacted to repeal By-law # 3650-95.

**Carried**

- 4.4** Office of the Town Clerk Report, CLK 10-18  
Re: Integrity Commissioner Annual Report - 2017

**Resolution # 271-18**

Moved By Councillor Leahy  
Seconded By Councillor Emm

1. That the Integrity Commissioner's 2017 Annual Report be received for information; and
2. That Council refer to the by-laws portion of the agenda to amend the Council Code of Conduct By-law # 7245-17 and the Boards and Advisory Committees Code of Conduct By-law # 7246-17 in accordance with Section 5 of Report CLK 10-18.

**Carried**

- 4.5** Community and Marketing Services Department Report, CMS 41-18  
Re: Basketball Net at Darren Park

Brief discussion ensued about the need for additional consultation as there were mixed reactions from residents about potential noise and/or light pollution caused by the addition of a second basketball net in Darren Park.

**Resolution # 272-18**

Moved By Councillor Yamada  
Seconded By Councillor Mulcahy

That Report CMS 41-18 be referred to Staff to report back in January, 2019.

**Carried**

5. Closed Session

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)(d) labour relations or employee negotiations.

**Carried**

**5.1** Confidential Verbal Update from Matt Gaskell, Chief Administrative Officer, and Jacqueline Long, Lead, Human Resources  
Re: Update on Ongoing Collective Bargaining

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.]

6. Rising and Reporting

**6.1** Motion to Rise

Moved By Councillor Emm  
Seconded By Councillor Leahy

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

**Carried**

**6.2** Reporting Out

Mayor Mitchell advised that during the closed portion of the meeting, Council received information regarding labour relations or employee negotiations.

7. Other Items for Consideration

**7.1** Office of the Chief Administrative Officer Report, CAO 16-18  
Re: Collective Bargaining Contract Ratification

**Resolution # 273-18**

Moved By Councillor Roy  
Seconded By Councillor Glead

1. Notwithstanding the duties and responsibilities assigned to the CAO regarding the collective bargaining process set out in Schedule A to By-law # 7274-17, being a by-law to appoint a CAO and assign the duties, roles and responsibilities of the CAO, that Council hereby delegate the authority to the Chief Administrative Officer (CAO) and the Head of Human Resources to execute a ratified renewal collective agreement with C.U.P.E. Local 53, Full-time during the Lame Duck period of Council; and
2. That the Head of Human Resources report back to Council in January 2019 with a confidential information report as to the agreement that was finalized during the Lame Duck Council period.

**Carried**

8. By-Laws

That the following by-laws be passed:

- 8.1 By-law # 7439-18, being a by-law to repeal and replace By-law # 7431-18, to delegate to the Commissioner of Planning and Development the authority to approve red line revisions to approved draft plans of subdivision.
- 8.2 By-law # 7440-18, being a by-law to designate certain portions of a registered Plan of Subdivision (S-243-98) as not being subject of Part Lot Control.
- 8.3 By-law # 7441-18, being a by-law to amend By-law # 7245-17, to establish a code of conduct for Members of Council.  
Refer to Report CLK 10-18
- 8.4 By-law # 7442-18, being a by-law to amend By-law # 7246-17, to establish a code of conduct for Boards and Advisory Committees.  
Refer to Report CLK 10-18
- 8.5 By-law # 7444-18, being a by-law to amend By-law # 1862-85, to Regulate Traffic on Highways in the Town of Whitby (Schedule N – Stop Signs).

- 8.6** By-law # 7445-18, being a by-law to repeal By-law # 3650-95, being a by-law to establish procedures respecting the disposal of surplus real property.

Refer to Report CLK 09-18

**Resolution # 274-18**

Moved By Councillor Leahy

Seconded By Councillor Emm

That leave be granted to introduce By-laws # 7439-18 to # 7442-18, and # 7444-18 to # 7445-18, and to dispense with the reading of the by-laws by the Clerk and that 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**

- 8.7** By-law # 7443-18, being a by-law to assume Robert Attersley Drive East, McKinney Drive, Burwell Street, Seven Oaks Street and Donlevey Crescent as shown on Plan 40M-2295 as Public Highways (Casewood Holdings Inc. SW-2003-07).

Having previously declared a conflict of interest, Councillor Leahy did not take part in the discussion or vote on the matter.

**Resolution # 275-18**

Moved By Councillor Emm

Seconded By Councillor Mulcahy

That leave be granted to introduce By-laws # 7443-18, and to dispense with the reading of the by-law by the Clerk and that 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**

9. Confirmatory By-law

- 9.1** Confirmatory By-law



**Resolution # 276-18**

Moved By Councillor Leahy  
Seconded By Councillor Gleed

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 July 23, 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**

10. Adjournment

**10.1** Motion to Adjourn

Moved By Councillor Emm  
Seconded By Councillor Leahy

That the meeting adjourn.

**Carried**

The meeting adjourned at 6:40 p.m.

---

Christopher Harris, Town Clerk

---

Don Mitchell, Mayor