

MINUTES OF THE SPECIAL MEETING OF THE COUNCIL OF THE CORPORATION
OF THE TOWN OF WHITBY HELD ON MONDAY, SEPTEMBER 10, 2012 AT THE
HOUR OF 5:00 P.M. IN THE MEETING HALL OF THE WHITBY MUNICIPAL
BUILDING

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
S. Beale, Commissioner of Public Works
P. LeBel, Commissioner of Community & Marketing Services
K.R. Nix, Commissioner of Corporate Services/Treasurer
S. Pohjola, Town Solicitor
D. Wilcox, Town Clerk
S. Cassel, Licencing Clerk

1. DISCLOSURES OF INTEREST

There were no disclosures noted.

2. MINUTES

The draft minutes of the Special meeting of Council held on July 13, 2012 were received by Council for information.

3. DELEGATIONS

3.1 Stacey Leadbetter
Re: Response to Ontario Lottery and Gaming Corporation – Gaming
Facility within the Town of Whitby

Ms. Leadbetter appeared before Council and thanked Councillors for their efforts in exploring and discussing the matter regarding a gaming facility. Ms. Leadbetter stated that she is opposed to a casino in the Town of Whitby. She was pleased to hear of Ajax's offer and encouraged Council to accept the offer as presented. She further stated that accepting the offer would provide the financial benefit without having to contend with the hardship in the community that may come from a gambling facility. Ms. Leadbetter also commented that even though the Town may not choose to be a host to a gaming facility that there were other ways to look at cost

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savings and generating revenue that could be explored such as through solar energy. Ms. Leadbetter implored to Council as a resident of the community to accept the offer made by the Town of Ajax and to explore other ways to generate revenue in the Town aside from revenues that would come from a casino.

3.2 Linda Gasser
Re: Response to Ontario Lottery and Gaming Corporation – Gaming
Facility within the Town of Whitby

Ms. Gasser appeared before Council and stated that she is in opposition to a casino in the Town of Whitby because of social impacts it will have in the community. Ms. Gasser stated that in her opinion, the offer from the Town of Ajax was generous and that she felt that Whitby should accept it. She further commented that if the casino remained in Ajax, next to Picov Downs Racetrack, that this would help keep the race-track facility in business preserving the many jobs that it creates. If the Town of Whitby accepts the offer from Ajax, Ms. Gasser suggested that the Town should be willing to work with Ajax and the Region to decide what the revenues will be used for and that public consultation should be considered in deciding how the revenues are used.

A brief question and answer period ensued with respect to the horse-racing industry and the removal of funds by the Province. It was discussed that it would be a tragedy if the racing industry could not continue however, this matter was one that was being addressed by the Province.

3.3 Victoria Kehoe and Stacey Leadbetter, on behalf of Distress Centre
Durham
Re: Response to Ontario Lottery and Gaming Corporation – Gaming
Facility within the Town of Whitby

Ms. Kehoe and Ms. Leadbetter appeared before Council to speak about the social impacts a gaming facility would have on the Distress Centre. Ms. Kehoe specifically addressed the suicide rates that are associated with gambling and informed Council of the staffing impacts that would be a result of increased gambling in the community. The Distress Centre offers 24 hour call support to individuals and their families that are affected by suicide and they receive approximately 9000 calls a year on the hot-lines. Ms. Kehoe and Ms. Leadbetter made a request to Whitby Council to commit funding to the Distress Centre to help offset the costs associated with the extra strain that a casino would bring and the increased demands in staffing needed to handle the volume of calls that would be received. They requested funding in the amount of \$50, 000.00 – \$75, 000.00 to pay for staffing and a phone line that would be devoted to gambling issues.

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3.4 Chris Butryn
Re: Response to Ontario Lottery and Gaming Corporation – Gaming
Facility within the Town of Whitby

Chris Butryn, resident and business owner in the Town of Whitby appeared before Council and stated that he is involved with the Whitby Chamber of Commerce and has also been involved in land development and is currently in real estate. Mr. Butryn stated that while a casino is a departure from the norm and that the revenues that may come from it are not worth having, he has given a great deal of thought to what a casino would mean for Whitby if it was located along the 400 series of highway. He stated that having a casino in the Highway 401 corridor could put the Town in a more visible position to visitors who could experience what the Town has to offer. He further stated that he believes a casino would lead to organic growth and demand for Whitby and that it would be the kick-start to something bigger for the Town. Mr. Butryn further suggested to Council that should they become a host community, that Council should ensure that they are involved in the design of the building so that it will be appealing and will draw people in.

3.5 Dan Miles, Vice President, Whitby Chamber of Commerce
Re: Response to Ontario Lottery and Gaming Corporation – Gaming
Facility within the Town of Whitby

Mr. Miles appeared before Council on behalf of the President, CEO and Board of the Whitby Chamber of Commerce. Mr. Miles stated that the Chamber supports the idea of Whitby becoming a host municipality and that the Board is in support of foregoing the Ajax offer and continuing on to explore being a host to a casino in Whitby. He further stated that the millions of additional dollars generated from a gaming facility could be used to enhance the community, which would attract tourism, bring more amenities and investors to the Town. History has shown that gaming revenues have been used to expand many important services in the province and to support local charities and although there are risks associated with having a casino in the Town there are also many benefits. In taking a responsible position in the community, Mr. Miles suggested to Council that up to 20% of all gaming revenues received by the Town should be set aside for police and social services cost to help with any negative impact a gaming facility might have. He further recommended that the casino be located along a 400 series of highway and away from residential areas.

A question and answer period ensued regarding the benefits and effects of a casino in the Town.

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4. CORRESPONDENCE

4.1 Summary of correspondence received after July 13, 2012

RESOLUTION NO. 212-12

MOVED by Councillor Coe
Seconded by Councillor Emm

That the summary of correspondence received after the July 13, 2012
Special Meeting of Council regarding the Town of Whitby becoming a host
municipality for a gaming facility be received for information.

CARRIED

4.2 Additional correspondence received since publication of Agenda

RESOLUTION NO. 213-12

MOVED by Councillor Drumm
Seconded by Councillor Montague

That additional correspondence with respect to the Town of Whitby
becoming a host municipality for a gaming facility received after the
publication of the agenda for the Special Meeting of Council held on
September 10, 2012 be received for information.

CARRIED

5. ITEMS FOR CONSIDERATION

5.1 Verbal Update from the Chief Administrative Officer with respect to a
meeting held with the Mayor and Chief Administrative Officer of the Town
of Ajax based on Resolution No. 209-12, of the July 13, 2012 meeting of
Council, noted as follows:

1. That the Mayor and the Chief Administrative Officer meet with the
Mayor and Chief Administrative Officer of the Town of Ajax to
determine if the Town of Ajax is prepared to pass a Council
Resolution agreeing to share revenue with the City of Pickering and
the Town of Whitby should a gaming facility be hosted by the Town
of Ajax; and
 2. That the Mayor and the Chief Administrative Officer report back to
Council with the additional information as soon as possible at a
Special Meeting of Council to be called by the Mayor.
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R. Petrie, Chief Administrative Officer, provided a verbal update of the meeting that took place between the Town of Ajax and the Town of Whitby. During the meeting Ajax was informed that although there was no specific percentage mentioned in Resolution 209-12, Whitby Town Council had informally discussed possible percentages of 15, 20 or 25% during the meeting.

After the meeting a letter was received from the Town of Ajax asking that Whitby defer their decision on the matter and the scheduled August 14, 2012 meeting in order to allow Ajax Council to meet and discuss the matter.

The Town of Ajax held a meeting on August 24, 2012 and the Ajax council provided an offer of revenue sharing of 15%. There were some items in the original offer that required clarification and Mr. Petrie drew attention to the letter of offer and the email from Brian Skinner, Chief Administrative Officer for the Town of Ajax where clarification was given to some of the points in the offer. Specifically the clarifications were that revenues would come from all gaming sources and not just slot revenue, that no matter where the casino was located in Ajax that Whitby would still receive shares of the revenue and that Whitby would not be able to notify the OLG until the day after the Special Council Meeting on September 10, 2012.

Mr. Petrie further stated that Whitby Council has tried to bring this matter back to the table as soon as possible, however, in waiting for Ajax Council to meet and report back to Whitby, this was the earliest opportunity where all members of Whitby Council were available.

- 5.2 Correspondence dated August 24, 2012, from Mayor Steve Parish, Town of Ajax, advising that Ajax Council unanimously endorsed the slots revenue sharing resolution at its August 24, 2012 Special Council Meeting, along with email correspondence from Brian Skinner, Chief Administrative Officer, providing further clarification on the Ajax resolution.
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RESOLUTION NO. 214-12

MOVED by Councillor Mitchell
Seconded by Councillor Drumm

WHEREAS the Province of Ontario and the Ontario Lottery and Gaming Corporation (OLG) have declared that only one private sector gaming (casino) facility can be built and operated in the Pickering-Ajax-Whitby C3 gaming zone;

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WHEREAS the Council of the Town of Whitby at its meeting on July 13, 2012 passed a resolution directing "That the Mayor and Chief Administrative Officer meet with the Mayor and Chief Administrative Officer of the Town of Ajax to determine if the Town of Ajax is prepared to share revenue with the City of Pickering and the Town of Whitby should a gaming facility be hosted by the Town of Ajax" and report back to Council with the additional information as soon as possible at a Special Meeting of Council to be called by the Mayor;

WHEREAS the Chief Administrative Officer has provided a verbal update on the results of the meeting and discussions with the Town of Ajax regarding the above;

WHEREAS the Town of Ajax at its meeting on August 24, 2012 unanimously endorsed a resolution to share 15% of their slots revenue with the Town of Whitby;

NOW THEREFORE BE IT RESOLVED THAT the Town of Whitby hereby accepts the proposed offer from the Town of Ajax subject to the signing of an agreement based generally on the following terms and conditions:

1. That the Town of Whitby shall receive 15% of all revenues received by the Town of Ajax from OLG related to the operation of a slots/gaming/casino facility.
2. That this revenue will be received by the Town of Whitby regardless of where a gaming facility is located within the Town of Ajax.
3. That payment to the Town of Whitby from the Town of Ajax will commence 30 days after the Town of Ajax receives its first quarterly payment from OLG once a new operator is in place.
4. That any percentage revenue sharing will be reciprocal if this agreement has not been terminated and at any time in the future an OLG approved gaming facility is located in the Town of Whitby.
5. That the agreement will terminate if either of the following situations occur:
 - a. The OLG approved gaming facility in the Town of Ajax ceases operation.
 - b. The Town of Whitby provides any support for an OLG approved gaming facility in the Town of Whitby.

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AND, THEREFORE BE IT ALSO RESOLVED THAT staff be directed to prepare an agreement between the Town of Whitby and the Town of Ajax based on the above terms and conditions;

THAT the Mayor and Clerk be authorized to sign and execute the agreement;

THAT staff be directed to report back to Council if this agreement is not executed within 30 days;

THAT OLG be advised that the Town of Whitby is not a willing host community for an OLG gaming facility immediately following execution of the agreement; and,

THAT a copy of this resolution be circulated to the Ontario Lottery and Gaming Corporation, the Honourable Premier of Ontario Dalton McGuinty, the Honourable Minister of Finance Dwight Duncan, Christine Elliott MPP Whitby-Oshawa, the Regional Municipality of Durham, the City of Pickering and the Town of Ajax.

MOTION LOST
LATER IN THE MEETING
[See Following Motions]

RESOLUTION NO. 215-12

MOVED by Councillor Drumm
Seconded by Councillor Roy

That the main motion be amended by including the following clause;

That should the Town of Whitby accept the offer from the Town of Ajax, that 20% of the revenues received by the Town of Whitby from the Town of Ajax from the sharing of gaming revenues be set aside for the Region of Durham Social Services to rehabilitate problem gambling.

MOTION LOST

A detailed discussion period ensued with regard to the future revenues that will be received by host communities of gaming facilities and questions were raised regarding the fact that there is no guarantee of specific amounts of revenues that municipalities will receive nor a guarantee of an inflation of revenues that will be received in the future.

The main motion was then before Council and the MOTION WAS LOST ON A RECORDED VOTE AS FOLLOWS:

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YES

Councillor Drumm
Councillor Mitchell
Councillor Roy

NO

Councillor Coe
Councillor Emm
Councillor Hanson
Councillor Montague
Mayor Perkins

RESOLUTION NO. 216-12

MOVED by Councillor Montague
Seconded by Councillor Coe

WHEREAS the Province of Ontario and the Ontario Lottery and Gaming Corporation (OLG) have declared that only one private sector gaming (casino) facility can be built and operated in the Pickering-Ajax-Whitby C3 gaming zone;

WHEREAS the Council of the Town of Whitby at its meeting on July 13, 2012 passed a resolution directing "That the Mayor and Chief Administrative Officer meet with the Mayor and Chief Administrative Officer of the Town of Ajax to determine if the Town of Ajax is prepared to share revenue with the City of Pickering and the Town of Whitby should a gaming facility be hosted by the Town of Ajax" and report back to Council with the additional information as soon as possible at a Special Meeting of Council to be called by the Mayor;

WHEREAS the Chief Administrative Officer has provided a verbal update on the results of the meeting and discussions with the Town of Ajax regarding the above;

WHEREAS the Town of Ajax at its meeting on August 24, 2012 unanimously endorsed a resolution to share 15% of their slots revenue with the Town of Whitby;

WHEREAS the Town of Whitby at its meeting on September 10, 2012 has rejected the offer of August 24, 2012 from the Town of Ajax to revenue share;

NOW THEREFORE BE IT RESOLVED THAT the Town of Whitby confirms its intention to be a willing host municipality for a gaming facility as required by the Province of Ontario and the Ontario Lottery and Gaming Corporation (OLG) as stated in the OLG Act 1999, Ontario Regulation 81/12 Requirements For Establishing A Gaming Site;

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THAT Council authorizes staff to receive enquiries from private sector gaming facility operators and review with potential operators possible sites and the municipal planning process associated with those sites; and

THAT a copy of this resolution be circulated to the Ontario Lottery and Gaming Corporation, the Honourable Premier of Ontario Dalton McGuinty, the Honourable Minister of Finance Dwight Duncan, Christine Elliott MPP Whitby-Oshawa, the Regional Municipality of Durham, the City of Pickering and the Town of Ajax.

CARRIED AS AMENDED
LATER IN THE MEETING
[See Following Motions]

RESOLUTION NO. 217-12

MOVED by Councillor Montague
Seconded by Councillor Emm

That the main motion be amended by adding the following as Clause #7:

THAT should the Town of Whitby become a host municipality for a gaming facility, that up to 20% allocation be set aside to support community social services agencies, following consultation with the Region of Durham and community social services providers;

CARRIED ON A RECORDED
VOTE AS FOLLOWS

Yes

Councillor Coe
Councillor Emm
Councillor Hanson
Councillor Mitchell
Councillor Montague
Councillor Roy
Mayor Perkins

No

Councillor Drumm

The main motion, as amended was then CARRIED ON A RECORDED
VOTE AS FOLLOWS:

Yes

Councillor Coe
Councillor Emm
Councillor Hanson
Councillor Mitchell
Councillor Montague
Mayor Perkins

No

Councillor Drumm
Councillor Roy

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- 5.3 Response to Ontario Lottery and Gaming Corporation – Gaming Facility within
the Town of Whitby
-

RESOLUTION NO. 218-12

MOVED by Councillor Coe
Seconded by Councillor Montague

That Item 5.3, Response to Ontario Lottery and Gaming Corporation –
Gaming Facility within the Town of Whitby be removed as the matter was
dealt with under Item 5.2.

CARRIED

6. CONFIRMATORY BY-LAW NO. 6643-12

RESOLUTION NO. 219-12

MOVED by Councillor Coe 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 September 10th, 2012 at 5:00 p.m. and that the same be
considered read a first, second and third time and finally passed and that the
Mayor and the Clerk sign the same and the Seal of the Corporation be thereto
affixed.

CARRIED

7. ADJOURNMENT

RESOLUTION NO. 220-12

MOVED by Councillor Coe
Seconded by Councillor Emm

That the meeting be adjourned.

CARRIED

The meeting adjourned at 7:12 p.m.

Debi A. Wilcox, Town Clerk

Patricia Perkins, Mayor