



Special Council Minutes

January 9, 2023, 6:15 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski
Councillor Cardwell
Councillor Leahy
Councillor Lee
Councillor Lundquist
Councillor Mulcahy
Councillor Shahid
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
J. Romano, Commissioner of Community Services
F. Santaguida, Commissioner of Legal and Enforcement
Services/Town Solicitor
F. Wong, Commissioner of Financial Services/Treasurer
C. Harris, Town Clerk
K. Douglas, Legislative Specialist (Recording Secretary)

1. Call To Order: The Mayor
2. Call of the Roll: The Clerk
3. Declarations of Pecuniary Interest

During the closed portion of the meeting, Councillor Cardwell declared a conflict of interest regarding Item 4.1, Staff Report CMS 02-23, noting that he owns a restaurant business in close proximity to Iroquois Park Sports Complex. Councillor Cardwell did not take part in voting on any matters related to Staff Report CMS 02-23.

4. Closed Session

In accordance with Procedural By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board, (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and (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, parts of this meeting may be closed to the public.

Moved by Councillor Shahid
Seconded by Councillor Yamada

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)(c) a proposed or pending acquisition or disposition of land by the municipality or local board, (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and (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.

Carried

This portion of the minutes are closed to the public. [Refer to the Closed Minutes - Town Clerk has control and custody.]

4.1 CMS 02-23, Confidential Community Services Department Report

Re: Food and Beverage Operations at the Town's Arenas and Community Centres – Lease Agreement Update

4.2 LS 01-23, Confidential Legal and Enforcement Services Department Report

Re: Litigation Update re Town of Whitby v. Liza Homes et al.

5. Rising and Reporting

Motion to Rise

Moved by Councillor Mulcahy

Seconded by Councillor Yamada

That Council rise from the closed portion of the meeting.

Carried

5.1 Reporting Out

Mayor Roy advised that during the closed portion of the meeting, Council received advice subject to solicitor-client privilege and discussed the pending disposition of land by the municipality, confidential commercial and financial information, and litigation. Council provided direction to staff regarding Item 4.2, Staff Report LS 01-23.

5.1.1 CMS 02-23, Confidential Community Services Department Report

Re: Food and Beverage Operations at the Town's Arenas and Community Centres – Lease Agreement Update

Resolution # 2-23

Moved by Councillor Leahy

Seconded by Councillor Shahid

1. That staff be directed to explore competitive procurement options to maintain food and beverage services at the Iroquois Park Sports Centre given the termination of the existing restaurant lease effective March 4, 2023;
2. That staff be authorized to negotiate and execute a short-term agreement of up-to one year for the operation of the concessions and vending at Iroquois Park Sports Centre, McKinney Centre and Luther Vipond Memorial Arena to ensure the continuity of food services at these locations;
3. That staff be authorized to explore options with a service provider to help contribute to a culture of inclusion for people with intellectual and developmental disabilities through the delivery of food and beverage services at Iroquois Park Sports Centre and McKinney Centre.

Carried

6. Confirmatory By-law

Resolution # 3-23

Moved by Councillor Bozinovski

Seconded by Councillor Lee

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 January 9, 2023 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

7. Adjournment

Motion to Adjourn

Moved by Councillor Bozinovski

Seconded by Councillor Lee

That the meeting adjourn.

Carried

The meeting adjourned at 6:22 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor