



Special Council Minutes

March 6, 2023, 5:30 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski
Councillor Cardwell
Councillor Leahy
Councillor Lee
Councillor Lundquist (Virtual Attendance)
Councillor Mulcahy
Councillor Shahid
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
M. Hickey, Fire Chief
S. Klein, Director of Strategic Initiatives
J. Romano, Commissioner of Community Services
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor
R. Saunders, Commissioner of Planning and Development
F. Wong, Commissioner of Financial Services/Treasurer
M. Dodge, Executive Advisor to the Mayor
C. Harris, Town Clerk
K. Douglas, Legislative Specialist (Recording Secretary)

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

There were no declarations of conflict of interest.

4. Delegations
 - 4.1 Moe Pringle, Resident (In-Person Attendance)
Re: FS 08-23, Financial Services Department Report

Public Input and Next Steps in Declaration of Surplus: Part of Pt Lot 24, Conc. 1, being Part of PIN 26488-0153 (LT) – South-East Corner of Garden Street and Burns Street East for the Purpose of Conveyance to Town Brewery Inc.

Refer to Item 5.1, FS 08-23

Moe Pringle, Resident, expressed his concerns regarding the proposed conveyance of land to Town Brewery Inc. Mr. Pringle noted the potential impact on traffic and noise, as well as community safety. He requested additional information concerning the floodplain study.

A question and answer period ensued between Members of Council, Mr. Pringle, and Staff regarding:

- clarification regarding preferred noise barriers to mitigate the impact on neighbouring residents;
- whether Mr. Pringle has visited the current Town Brewery location to observe their operations;
- the year the floodplain study was conducted; and,
- opportunities for public consultation.

5. Items for Consideration

5.1 FS 08-23, Financial Services Department Report

Re: Public Input and Next Steps in Declaration of Surplus: Part of Pt Lot 24, Conc. 1, being Part of PIN 26488-0153 (LT) – South-East Corner of Garden Street and Burns Street East for the Purpose of Conveyance to Town Brewery Inc.

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

- the year the floodplain study was conducted;
- whether setback requirements may impact the preliminary development design;
- clarification regarding community safety concerns expressed by residents;
- mitigating traffic concerns during the site plan approval process;
- whether there are complaints from residents regarding the current Town Brewery location;

- addressing concerns regarding potential noise pollution and visual impact on the community;
- participation rates in public consultation;
- whether interested parties were notified of the meeting;
- whether Town Brewery has submitted a site plan application;
- the proposed use of additional surplus lands not being conveyed to Town Brewery;
- public consultation regarding noise mitigation measures and design elements; and,
- support for the proposed conveyance of land to Town Brewery to re-locate and expand their current Whitby business.

Resolution # 55-23

Moved by Councillor Mulcahy

Seconded by Councillor Leahy

1. That public feedback received as part of the public notice requirements of Town Policy F 190 regarding the Acquisition, Sale or Other Disposition of Land Policy be received;
2. That a by-law be brought forward to authorize the sale/conveyance of approximately two (2) acres and not less than one (1) acre of land located at the south-east corner of Garden Street and Burns Street East, being a portion of Part of Lot 24, Concession 1, being part of PIN 26488-0153 (LT) (the "Sale Parcel") to Town Brewery Inc., or its associated company, subject to the concurrence of the Commissioners of Financial Services/Treasurer and Legal and Enforcement Services/Town Solicitor;
3. That the Mayor and Clerk be authorized to execute the necessary documents to complete the sale/conveyance of the Sale Parcel to Town Brewery Inc., or its associated company; and
4. That following the completion of the sale/conveyance of the Sale Parcel to Town Brewery Inc., or its associated company, the remainder of the Property shall automatically be deemed *not* to be surplus to the needs of the Town.

Carried

6. Closed Session

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

Moved by Councillor Bozinovski
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)(b) personal matters about an identifiable individual, including municipal or local board employees, (c) a proposed or pending acquisition or disposition of land by the municipality or local board, 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

- 6.1 CAO 09-23, Confidential Office of the Chief Administrative Officer Report
Re: Vacant Town Property - 580 Water Street Update
- 6.2 FS 07-23, Confidential Financial Services Department Report
Re: 16 and 18 Durham Street
- 6.3 Confidential Memorandum from C. Harris, Town Clerk, dated February 6, 2023 regarding Recommendation for Appointment to the Ashburn Community Centre Board of Directors

7. Rising and Reporting

Motion to Rise

Moved by Councillor Shahid
Seconded by Councillor Lee

That Council Rise from the closed portion of the meeting.

Carried

7.1 Reporting Out

Mayor Roy advised that during the closed portion of the meeting, Council discussed personal matters about an identifiable individual for the purpose of considering their appointment to a local board. Council also discussed the acquisition and disposition of land by the municipality, and negotiations to be carried on by the municipality.

Item 6.1, CAO 09-23, Confidential Office of the Chief Administrative Officer Report

Re: Vacant Town Property - 580 Water Street Update

Resolution # 56-23

Moved by Councillor Leahy

Seconded by Councillor Yamada

1. That Report CAO 09-23 be received for information;
2. That Council authorize staff to engage a land appraiser to determine the fair market value of 580 Water Street;
3. That Council authorize staff to proceed with negotiations relating to the disposition of 580 Water Street with Taggar Family Trust for the development of a convention centre, hotel, and office tower; and,
4. That Staff report back to Council to finalize the potential disposition of 580 Water Street.

Carried

Item 6.2, FS 07-23, Confidential Financial Services Department Report

Re: 16 and 18 Durham Street

Resolution # 57-23

Moved by Councillor Bozinovski

Seconded by Councillor Shahid

That the Town not proceed with the acquisition of 16 and 18 Durham Street.

Carried

Item 6.3, Confidential Memorandum from C. Harris, Town Clerk, dated February 6, 2023 regarding Recommendation for Appointment to the Ashburn Community Centre Board of Directors

Resolution # 58-23

Moved by Councillor Leahy

Seconded by Councillor Shahid

That Council appoint Nicole Emanuel to the Ashburn Community Centre Board of Directors a term ending November 14, 2026 or until a successor is appointed.

Carried

8. Confirmatory By-law

Resolution # 59-23

Moved by Councillor Cardwell

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 March 6, 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

9. Adjournment

Motion to Adjourn

Moved by Councillor Cardwell

Seconded by Councillor Lee

That the meeting adjourn.

Carried

The meeting adjourned at 6:55 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor