



Special Council Minutes

September 16, 2024, 6:15 p.m.
Council Chambers
Whitby Town Hall

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

Also Present: M. Gaskell, Chief Administrative Officer
M. Hickey, Fire Chief
S. Klein, Director of Strategic Initiatives
J. Long, Head of Organizational Effectiveness
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, Sr. Legislative Specialist (Recording Secretary)

-
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. Correspondence

- 4.1 Correspondence #2024-490 received from Next Plumbing & Hydronics Supplies Inc. regarding Development Charges Complaint - Unit 1, 1450 Victoria Street East

Refer to Item 5.1, FS 25-24

It was the consensus of Council to move into closed session to hear Item 5.1, FS 25-24, at this time.

5. 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 Shahid
Seconded by Councillor Lundquist

That Council move in-camera in accordance with Procedure By-law # 8081-24, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(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 (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

- 5.1 FS 25-24, Confidential Financial Services Department and Legal and Enforcement Services Department Joint Report

Re: Development Charge Complaint - Unit 1, 1450 Victoria Street East - Settlement Offer

6. Rising and Reporting

Motion to Rise

Moved by Councillor Mulcahy
Seconded by Councillor Cardwell

That Council rise from the closed portion of the meeting.

Carried

- 6.1 Reporting Out

Mayor Roy advised that during the closed portion of the meeting, Council received advice that is subject to solicitor-client privilege regarding a matter of potential litigation and discussed a position to be applied to negotiations to be carried on by the municipality.

FS 25-24, Confidential Financial Services Department and Legal and Enforcement Services Department Joint Report
Re: Development Charge Complaint - Unit 1, 1450 Victoria Street East - Settlement Offer

Resolution # 165-24

Moved by Councillor Mulcahy
Seconded by Councillor Shahid

1. That Council authorize the Mayor and Clerk to execute Minutes of Settlement between the Town and the Next Plumbing & Hydronics Supplies Inc., as outlined in Staff Report FS 25-24, all in a form satisfactory to the Commissioners of Financial Services and Treasurer, and Legal and Enforcement Services/Town Solicitor; and,
2. That Council direct Staff to develop a procedural framework for consistently determining the appropriate non-residential rate in support of Development Charges By-law #7748-21.

Carried

7. Delegations

7.1 Matthew Rutledge, Fogler, Rubinoff LLP representing Next Plumbing and Hydronics Supplies Inc. (In-Person Attendance)

Re: Correspondence #2024-490 received from Next Plumbing & Hydronics Supplies Inc. regarding Development Charges Complaint - Unit 1, 1450 Victoria Street East

Refer to Item 4.1, Correspondence #2024-490

Matthew Rutledge, Fogler, Rubinoff LLP, withdrew their delegation request.

8. Confirmatory By-law

Resolution # 166-24

Moved by Councillor Mulcahy
Seconded by Councillor Cardwell

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 16, 2024 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

Moved by Councillor Lee
Seconded by Councillor Mulcahy

That the meeting adjourn.

Carried

The meeting adjourned at 6:28 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor