



Special Council Minutes

August 12, 2024, 4:30 p.m.
Council Chambers
Whitby Town Hall

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

Regrets: Councillor Bozinovski

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
C. Harris, Town Clerk
K. Douglas, Sr. 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

Councillor Mulcahy declared a conflict of interest regarding Item 5.2, FS 35-24, advising that she owns the Brooklin Town Crier, which the report identifies as the newspaper through which the notice of the declaration of lands as surplus will be circulated.

4. Delegations

There were no delegations.

5. Items for Consideration

5.1 FS 30-24, Financial Services Department Report

Re: 2023 Year End Communication and Audited Financial Statements

Stephen Stewart, Deloitte LLP, provided an overview of the process involved in the preparation of the audited consolidated financial statements for the year ending December 31, 2023 and a review of outstanding matters and next steps. Mr. Stewart noted that the audit was conducted in accordance with Canadian generally accepting auditing standards, including new standards relating to asset retirement obligations. He advised that there were no uncorrected misstatements or uncorrected disclosure misstatements.

Resolution # 159-24

Moved by Councillor Shahid

Seconded by Councillor Lundquist

1. That Report FS 30-24 be received for information;
2. That the Corporation of the Town of Whitby's Audited Consolidated Financial Statements for the year ended December 31, 2023, Attachment 2 to Report FS 30-24, be approved; and,
3. That Deloitte LLP be engaged to perform the audit of the Town of Whitby's financial statements for the year ending December 31, 2024.

Carried

5.2 FS 35-24, Financial Services Department Report

Re: Declare Surplus – A portion of Town-owned Lands at 150 Winchester Road West for a Conveyance to Elexicon

Having previously declared a conflict of interest, Councillor Mulcahy did not take part in the discussion or voting regarding this item.

Matthew Gaskell, Chief Administrative Officer, explained the purpose of conveying the subject property to Elexicon for the purpose of an electrical

substation project that will enable the construction of undeveloped lands within the Brooklin Community Secondary Plan.

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

- the number of new homes supported by the proposed electrical substation and future plans to advance current Federal and Provincial housing priorities; and,
- the proposed project timeline and the Town's ability to meet the Building Faster Fund targets.

Resolution # 160-24

Moved by Councillor Shahid

Seconded by Councillor Lee

1. That a portion of Block 232, Plan 40M-1966, subject to an easement over Part 10, Plan 40R-19041, as in LT902785; Town of Whitby, being a portion of PIN 26572-0369 (LT), (the "Property") be declared surplus for the purpose of a conveyance to Elexicon Energy Incorporated ("Elexicon");
2. That the Town provide public notice of its intention to declare the Property surplus and report back to Council on any written objections received, in accordance with Town Policy F-190; and,
3. That Council direct staff to negotiate an agreement with Elexicon on the Property disposition and report back to Council.

Carried

6. Closed Session

6.1 LS 12-24, Confidential Legal and Enforcement Services Department Report

Re: Expropriation of Land for the Des Newman Boulevard Environmental Compensation Capital Project

It was the consensus of Council to consider Report LS 12-24 regarding the Expropriation of Land for the Des Newman Boulevard Environmental Compensation Capital Project in open session.

Resolution # 161-24

Moved by Councillor Shahid
Seconded by Councillor Yamada

1. That Council authorize the Town Solicitor, or their designate, to negotiate to acquire the Property, as outlined below, and authorize that expropriation proceedings be initiated and the Application for Approval to Expropriate Land be made for the Des Newman Boulevard Environmental Compensation capital project, for the following property:
 - a. a portion of the property legally described as a part of Part Lot 34, Concession 3, being Parts 1, 3, 5 and 6 on Plan 40R-32053, being a portion of PIN 26548-5128 (LT), Town of Whitby, Regional Municipality of Durham, (the "Property"), and as outlined on Plan 40R-32053, attached hereto as Attachment 1;
2. That the Mayor and Town Clerk be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land (the "Notice") and that staff be authorized to serve and publish the Notice, as required under the *Expropriations Act* (the "Act");
3. That any valid request from the owner for an inquiry that is received be forwarded to the Ontario Land Tribunal, and that the Town be represented at any Hearing of Necessity, as necessary under the Act;
4. That in the event that there are inquiries (Hearing of Necessity) conducted at the request of the owner, the recommendation(s) of the Ontario Land Tribunal be reported to Town Council for its consideration and decision as the approving authority under the Act;
5. That staff be authorized to engage such appraisal, business valuation, survey or other professional services in connection with the expropriation as are necessary and advisable; and,
6. That staff be directed to retain the services of external counsel (Thomson Rogers) to represent the Town in the negotiation to acquire the Property and the expropriation process.

Carried

- 6.2 Confidential Memorandum from H. Ellis, Council and Committee Coordinator dated July 31, 2024 regarding Appointment to the Whitby Diversity and Inclusion Advisory Committee

It was the consensus of Council to consider the Memorandum regarding the Appointment to the Whitby Diversity and Inclusion Advisory Committee in open session.

Resolution # 162-24

Moved by Councillor Yamada
Seconded by Councillor Lundquist

That Vanessa Dreckmann be appointed as a member of the Whitby Diversity and Inclusion Advisory Committee for the remainder of the 2022-2026 term.

Carried

7. By-laws

Resolution # 163-24

Moved by Councillor Shahid
Seconded by Councillor Lee

That leave be granted to introduce By-law # 8106-24 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

- 7.1 By-law # 8106-24

Being a By-law to designate certain portions of a registered Plan of Subdivision (SW-2017-06) as not being subject of Part Lot Control.

8. Confirmatory By-law

Resolution # 164-24

Moved by Councillor Lee
Seconded by Councillor Lundquist

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 August 12, 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 Shahid
Seconded by Councillor Lundquist

That the meeting adjourn.

Carried

The meeting adjourned at 4:45 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor