



Town of Newmarket MINUTES

COUNCIL

Monday, January 21, 2013 at 7:00 p.m.
Council Chambers

For consideration by Council on February 11, 2013

There were no requests to address Council during the open forum session.

The regular meeting of the Council was held on Monday, January 21, 2013 at 7:00 p.m. in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor
Councillor Di Muccio
Councillor Emanuel
Councillor Hempen
Councillor Kerwin
Councillor Sponga
Councillor Twinney
Councillor Vegh

Staff: R. Shelton, Chief Administrative Officer
I. McDougall, Commissioner of Community Services
A. Moore, Commissioner of Corporate Services
A. Brouwer, Director of Legislative Services/Town Clerk
J. Bondi, Council/Committee Coordinator

The meeting was called to order at 7:00 p.m.

Mayor Van Bynen in the Chair.

PUBLIC NOTICES

None.

ADDITIONS TO THE AGENDA

None.

Mayor Van Bynen advised that the Presentation listed on the Council agenda with respect to the Huron Heights Warriors has been withdrawn and may be accommodated at a future Council meeting.

DECLARATIONS OF INTEREST

None.

The Chief Administrative Officer congratulated and introduced Mr. Ian McDougall as the new Commissioner of Community Services. Mr. McDougall heads the newly formed Community Services Commission.

Mayor Van Bynen and Council presented Mr. Bob Shelton, the Town's Chief Administrative Officer, with the Queen Elizabeth II Diamond Jubilee Medal. Mr. Shelton has been recognized by the Federation of Canadian Municipalities for a lifetime of public service. As a senior level Town employee for 35 years and as the Town's CAO for the past 10 years, Mr. Shelton has provided excellence in leadership to make Newmarket one of the best places to live in Canada.

1. DEPUTATION – MS SOCIETY

Ms. Nicole McAllister, on behalf of the MS Society, addressed Council regarding the MS Walk Kick-off at the Magna Centre on February 18, 2013. Ms. McAllister invited the Mayor and Council as well as Newmarket residents to the event where there will be free skating from 4:00 to 5:00 p.m. She also advised that the Walk is scheduled for May 5, 2013 and will take place at Newmarket High School.

**Moved by Councillor Sponga
Seconded by Councillor Di Muccio**

THAT the deputation by Ms. Nicole McAllister, on behalf of the MS Society regarding the MS Walk Kick-off at the Magna Centre on February 18, 2013, be received.

CARRIED

2. ANNOUNCEMENTS – COMMUNITY EVENTS

- a. Councillor Emanuel thanked the many residents who attended the recent public meeting held at the Newmarket Theatre regarding the Glenway development application where concerns with the proposed development were expressed to Council and staff.
- b. Councillor Emanuel also advised that registration is now open for age divisions from 3 to adult for the "Try the Tri" event scheduled for June 8, 2013 at the Ray Twinney Recreation Complex. "Try the Tri" offers an opportunity for participants to experience the sport of Triathlon. If you've never been in a triathlon, the Town of Newmarket's adult program 'Intro to Triathlon' will guarantee you are prepared and covers the cost of admission for 'Try the Tri'. Visit www.newmarket.ca or call 905-895-5193 for further details.
- c. Councillor Di Muccio invited residents to enter the 2013 Winterfest Photography Contest. Photographs, in colour or black and white, must be related to winter or the great outdoors and be ready to hang. Photos (to a maximum of three photos per person) must be submitted in person at the Town of Newmarket Municipal Offices, 395 Mulock Drive, by 4:30 p.m. January 31, 2013. Winners will be announced at Winterfest on February 2, 2013 at 1:00 p.m. or contacted by phone and prizes will be awarded the following week. Please visit www.newmarket.ca for registration forms and further information.

- d. Councillor Di Muccio also invited residents to attend the public information centre being held in the Council Chambers at the Municipal Offices, 395 Mulock Drive on January 29, 2013 starting at 6:00 p.m. with respect to Belinda's Place.
- e. Councillor Sponga advised residents that the Town is holding a public meeting open house on January 30, 2013 in the Council Chambers at the Municipal Offices, 395 Mulock Drive between 6:00 and 8:00 p.m. to discuss plans for the proposed road rehabilitation on portions of Lloyd Avenue, Robinson Drive and Currey Crescent. The proposed works include reconstruction of the road (including new curb, gutters, subdrains under curbs, pavement, catch basin and manhole repairs where required) and consideration of sidewalk installation on Lloyd Avenue, Robinson Drive and Currey Crescent. Should you be unable to attend the public meeting and have questions regarding this project, contact Tom Ungar at 905-953-5300, extension 2504 or e-mail tungar@newmarket.ca or Councillor Sponga at 905-895-5193 extension 2025. Councillor Sponga also advised that project drawings are not yet available.
- f. Councillor Hempen advised residents that the Town is holding a public meeting open house on January 30, 2013 in the Council Chambers at the Municipal Offices, 395 Mulock Drive between 6:00 and 8:00 p.m. to discuss plans for the proposed road rehabilitation for portions of Kingston Road and Harrison Drive. The proposed works include reconstruction of the road (including new curb, gutters, subdrains under curbs, pavement, catch basin and manhole repairs where required and replacement of the existing watermain on Kingston Road). Should you be unable to attend the public meeting and have questions regarding this project, contact Tom Ungar at 905-953-5300, extension 2504 or e-mail tungar@newmarket.ca Councillor Hempen also advised that project drawings are not yet available.
- g. Councillor Hempen also advised that he has received many calls with respect to Slessor Square Development. He advised that a staff report will be coming forward to the Committee of the Whole on February 4, 2013 with respect to the applications by Dwight Slessor Holdings Limited at 17645 Yonge Street. The report will also be available for viewing on the Town's website with the Committee of the Whole agenda.
- h. Regional Councillor Taylor advised that Newmarket Celebrates the Arts awards grants yearly to Newmarket residents and groups pursuing the arts. Grant categories include: Youth (17 years and under); Post Secondary Education (18-25 years); and Projects/Events. The application deadline is 4 p.m. on February 8, 2013. For more information, visit www.newmarket.ca click on 'Lifestyle' and then 'Arts & Culture'; or e-mail artsgrants@newmarket.ca
- i. Regional Councillor Taylor also expressed, on behalf of Council, recognition of the recent passing of Mr. Ernie Crossland. Mr. Crossland was very involved in the community and with many Town initiatives. He will be greatly missed.

- j. Councillor Twinney advised that the Town of Newmarket would like to hear from residents and business owners regarding on-demand taxi service in the community. As a requirement of the Integrated Accessibility Standards, the Town will be consulting with the Newmarket Accessibility Advisory Committee, the public and persons with disabilities to determine the need for on-demand accessible taxis. The survey is available at Town facilities or online at www.newmarket.ca under the 'Headline' section at the top of the web page. For more information, call 905-895-5193.
- k. Councillor Twinney advised that she will be holding a Ward 3 meeting on February 12, 2013 beginning at 7:00 p.m. at the Community Centre. She indicated that she will be providing an overview of what's happening in the Town.
- l. Councillor Kerwin indicated that he will be seeking an update from the Commissioner of Development and Infrastructure Services with respect to the status of the Sparrow Road, Thornwillow Court and Peterwood Court roads project. A public meeting was held last year, but drawings were not completed which delayed the project for another year.
- m. Councillor Kerwin also indicated that he will be following up with staff with respect to the status of the stop lights to be installed at Carlson Drive and Drew Doak Court.
- n. Councillor Kerwin advised that Mr. Bob Buchan has been elected President of the Newmarket Historical Society.
- o. Councillor Kerwin invited residents to join in the fun at Newmarket's annual Winterfest event. Beginning February 2, 2013 at 8:00 a.m. at Newmarket Riverwalk Commons on Doug Duncan Drive, enjoy a \$1 pancake breakfast, family bingo, children's activities and more. The fun continues at Fairy Lake Park, Water Street from 10:00 a.m. to 3:00 p.m. with wagon rides, pony rides, children's games, dog sled rides, train rides and hot food. Admission is free (with a nominal fee for select activities). Winterfest continues on February 3 at the Ray Twinney Complex, 100 Eagle Street West with free public skating from noon to 2:00 p.m. and free public swimming from 1:00 to 4:00 p.m. For more information, visit www.newmarket.ca or call 905-895-5193.
- p. Councillor Vegh advised that the Town of Newmarket is excited to announce the launch of Newmarket's 'my-waste'TM App. The 'my-waste'TM App puts garbage, recycling, special waste collection details and more at the touch of a button on your smartphone. Special features include a search function that lets residents find information about specific garbage items, tips for reducing, reusing and recycling, and a 'report a problem' feature. Download the FREE Newmarket 'my-waste'TM from the iTunes App Store or the Android App store depending on your smart phone device, or scan the online QR code with your smart phone. For more information visit www.newmarket.ca or call 905-895-5193.
- q. Councillor Vegh also advised of his community drop-in meeting on February 5, 2013 at 7:00 p.m. at the Magna Centre (Main Floor). For more information visit www.tomvegh.com

- r. Mayor Van Bynen advised that he will be making his annual address at the Newmarket Chamber of Commerce Mayor's Luncheon on February 8, 2013 from 11:30 a.m. to 2:30 p.m. at the Cardinal Golf Club. This year's guest speaker is Regional Chair, Bill Fisch. Receive a glimpse into the future of Newmarket's residents and businesses. For advance registration and ticket information, contact the Newmarket Chamber of Commerce at 905-898-5900 or visit www.newmarketchamber.ca
- s. Mayor Van Bynen advised that the next Council meeting is scheduled for February 11, 2013 at 7:00 p.m.

3. APPROVAL OF COUNCIL MINUTES

Council Minutes of December 17, 2012.

**Moved by Councillor Emanuel
Seconded by Councillor Twinney**

THAT the Council Minutes of December 17, 2012 be approved.

CARRIED

4. APPROVAL OF COUNCIL (CLOSED SESSION) MINUTES

Council (Closed Session) Minutes of December 17, 2012.

**Moved by Councillor Vegh
Seconded by Councillor Hempen**

THAT the Council (Closed Session) Minutes of December 17, 2012 be approved.

CARRIED

With respect to the Council (Closed Session) Minutes of December 17, 2012, Mayor Van Bynen advised:

- a) Solicitor's advice was provided regarding Dwight Slessor Holdings Limited appeal to the Ontario Municipal Board;
- b) Discussion took place regarding a personal matter about an identifiable individual and related to the appointment of a Commissioner.

5. APPROVAL OF SPECIAL COUNCIL MINUTES

Special Council Minutes of January 14, 2013.

**Moved by Councillor Emanuel
Seconded by Councillor Sponga**

THAT the Special Council Minutes of January 14, 2013 be approved.

CARRIED

CORRESPONDENCE

None.

6. REPORTS BY REGIONAL REPRESENTATIVES

- a. Regional Councillor Taylor advised that the Region of York has released its 2011 Waste Diversion report and the Region was recognized for ranking second among larger municipalities in waste diversion with a rate of 54.26% as confirmed by Waste Diversion Ontario. He also advised that the Region had a 78% diversion from land fill, including energy from waste management. He indicated that the Region has an ambitious energy from waste program.
- b. Regional Councillor Taylor advised that the Region of York has developed a partnership with the Chamber of Commerce and others in delivering a Conference Series. He advised the 'Building Partnerships and Collaborations for Competitive Advantage' event takes place on January 22, 2013 from 8:30 a.m. to 3:30 p.m. at the Newmarket Community Centre and Lions Hall, 200 Doug Duncan Drive and that there is still space available for those interested in attending. For more information visit www.n6bizseries.ca
- c. Regional Councillor Taylor advised he attended a recent Metrolinx public roundtable meeting where future transportation issues in the Region were discussed. He indicated that another roundtable meeting will be held on February 19, 2013 from 6:00 to 8:00 p.m. at the Richmond Hill Centre for the Performing Arts for anyone who is interested in learning about current and future transportation projects in York Region and the Greater Toronto Area.
- d. Mayor Van Bynen advised that the Regional budget has been approved with a 1.94% tax increase.

7. SPECIAL COMMITTEE OF THE WHOLE MINUTES

Special Committee of the Whole Minutes of January 7, 2013.

**Moved by Councillor Emanuel
Seconded by Councillor Vegh**

THAT the Special Committee of the Whole Minutes of January 7, 2013 be approved and the following recommendation be adopted:

**8. SPECIAL COMMITTEE OF THE WHOLE MINUTES – JANUARY 7, 2013 – ITEM 1
COMMUNITY SERVICES REPORT – PLANNING AND BUILDING SERVICES 2012-51**

THAT the presentations by Ms. Joanne Barnett, Vice-President, Marianneville Developments Limited, Mr. Richard Zelinka, Subdivision Design and Planning Consultant – Marianneville Developments Limited, Mr. Ron Kassies, Glenway Preservation Association and Ms. Anne Leroux, resident, and all the deputations and written correspondence related to the Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision – Marianneville Developments Limited (Glenway) for the property located on the south side of Davis Drive between Bathurst Street and Yonge Street be received.

CARRIED

9. COMMITTEE OF THE WHOLE MINUTES

Committee of the Whole Minutes of January 14, 2013.

Mayor Van Bynen advised that with respect to the New Business Items contained within the Committee of the Whole Minutes regarding the proposed Glenway Development (see *Item 17 of the Committee of the Whole Minutes*) that the Chief Administrative Officer is to provide an information report.

**Moved by Councillor Sponga
Seconded by Councillor Kerwin**

THAT the Committee of the Whole Minutes of January 14, 2013 be approved and the following recommendations be adopted:

(Note: Items 7, 8, 9, 10 and 14 of the Minutes were ratified at the Special Council meeting of January 14, 2013)

**10. COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 1
NEWMARKET PUBLIC LIBRARY BOARD MINUTES**

THAT the Newmarket Public Library Board Minutes of September 25 and October 24, 2012 be received.

**11. COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 2
NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES**

THAT the Newmarket Downtown Development Subcommittee Minutes of November 30, 2012 be received.

**12. COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 3
NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES**

THAT the Newmarket Economic Development Advisory Committee Minutes of November 15, 2012 be received.

**13. COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 4
HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES**

THAT the Heritage Newmarket Advisory Committee Minutes of December 11, 2012 be received.

**14. COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 5
CORPORATE SERVICES COMMISSION – LEGAL SERVICES AND CORPORATE
POLICY COMMITTEE JOINT REPORT 2012-09
SALE OF LAND POLICY LEGAL 1-01**

THAT Corporate Services Commission – Legal Services and Corporate Policy Committee Joint Report 2012-09 dated October 29, 2012 regarding the New Corporate Policy – Sale of Land Policy LEGAL. 1-01 be received and the following recommendations be adopted:

1. THAT By-law 1995-43 be repealed;
2. AND THAT Council approve the attached Sale of Land Policy LEGAL.1-01.

**15. COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 6
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PUBLIC WORKS
SERVICES 2013-01 – EMERALD ASH BORER LONG TERM MANAGEMENT PLAN**

THAT Development and Infrastructure Services Report – Public Works Services 2013-01 dated January 7, 2013 regarding 2013 Emerald Ash Borer Long Term Management Plan be received and the following recommendations be adopted:

1. THAT the proposed recommendations in the 2013 Town of Newmarket Emerald Ash Borer Long Term Management Plan be adopted in principal and staff proceed with its implementation for 2013;
2. AND THAT staff report back to Council in the fall of 2013 with an annual update on the Emerald Ash Borer Long Term Management Plan;

3. **AND THAT staff develop a program that will allow private property owners the ability to fund the injection of a Town owned tree, not covered by the Town's TreeAzin® injection program, at full cost recovery;**
 4. **AND THAT staff work with Newmarket Environmental Advisory Committee for public education and possible fund raising assistance.**
16. **COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 11
LIST OF OUTSTANDING MATTERS**

THAT the list of outstanding matters be received.

17. **COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 12
NEWMARKET TAY POWER PRESENTATION – PAYMENTS IN LIEU**

THAT the PowerPoint presentation by Mr. Paul Ferguson of Newmarket-Tay Power regarding Payments in Lieu (PILS) be received.

18. **COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 13
COMMUNITY SERVICES/PLANNING AND BUILDING SERVICES REPORT 2013-01
APPLICATION FOR ZONING BY-LAW AMENDMENT AND
DRAFT PLAN OF SUBDIVISION S/E CORNER OF DAVIS DRIVE AND BATHURST
MOSAİK GLENWAY HOMES INC. (McGREGOR FARM)**

THAT Community Services/Planning and Building Services Report 2013-01 dated January 3, 2013 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

1. **THAT approval be given to Draft Plan of Subdivision 19TN-2012 002, subject to the schedule of conditions set out in Appendix "A" attached to and forming part of this Report;**
2. **AND THAT staff be directed to prepare the necessary Zoning By-law Amendment;**
3. **AND THAT the approval for Draft Plan of Subdivision 19TN-2012-002 shall only be issued upon the execution of a "No Pre-Sales Agreement" by the Owner of the said Draft Plan with the Town of Newmarket;**
4. **AND THAT Nick Pileggi, Malone Given Parsons Ltd., 140 Renfrew Drive, Suite 201 Markham L3R 6B3 be notified of this action.**

**19. COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 15
CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-01
REGULATION OF CLOTHING DONATION BINS**

THAT Corporate Services Report – Legislative Services 2013-01 dated January 3, 2013 regarding Regulation of Clothing Donation Bins be received and the following recommendation be adopted:

THAT staff bring forward a by-law for the licensing of clothing donation bins with the following scope:

- **Applies to donation bins operated by registered charities, non-profit and private organizations;**
- **Permitted on commercially zoned private property in the Town of Newmarket**
- **Requires written agreement of the property owner;**
- **Not permitted on Town property (with delegated authority approval in special circumstances); and**
- **An appropriate fee structure**

**20. COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 16
REPORTS BY REGIONAL REPRESENTATIVES**

Mayor Van Bynen advised that the Regional budget has been approved with a 1.94% tax increase.

**21. COMMITTEE OF THE WHOLE MINUTES – JANUARY 14, 2013 – ITEM 17
NEW BUSINESS**

- a) Councillor Kerwin advised that the Historical Society meeting scheduled for January 16, 2013 beginning at 7:00 p.m. at the Community Centre will feature Mr. Tom Taylor as a special guest who will address historical questions from the Committee.
- b) Councillor Twinney requested a placeholder on the February 4, 2013 Committee of the Whole agenda for discussion related to the Glenway lands.
- c) Regional Councillor Taylor suggested that if a placeholder for discussion takes place at the February 4, 2013 Committee of the Whole meeting related to Glenway lands, that also a Closed Session placeholder be added.
- d) Councillor Vegh requested more information related to the financial aspects of the Glenway development proposal be brought to the February 4, 2013 Committee of the Whole meeting.
- e) Councillor Emanuel advised that with respect to the Glenway lands proposal, a financial analysis should be considered as part of the planning report and base decisions on the merits of such.

- f) Councillor Sponga requested that staff continue to investigate available opportunities for affordable housing and rentals throughout the corridors. The Director of Planning and Building Services advised that he will re-familiarize himself with this initiative. Mayor Van Bynen advised that this is part of the Region's existing work plan.
- g) Councillor Sponga requested that staff investigate the feasibility of using rubberized materials on sidewalks and trails and report back on the findings.
- h) Councillor Sponga requested staff investigate the need for an accessible parking space on Main Street between Ontario Street and Davis Drive and report back by April 2013.
- i) Councillor Di Muccio requested that the Economic Development Officer provide her with information as soon as possible regarding the Financial Incentives Program Application process.
- j) Councillor Di Muccio provided a notice of motion for the next scheduled Committee of the Whole meeting regarding a request to the Province of Ontario to cover all the appeal costs associated with the Town's growth plan exercises.
- k) Mayor Van Bynen advised of two upcoming meetings with members of the Newmarket Economic Development Advisory Committee; January 22, 2013 and February 21, 2013. He advised that at the next formal meeting of NEDAC, the election of a new Vice-Chair will be an item on the agenda.

CARRIED

22. COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES

Committee of the Whole (Closed Session) Minutes of January 14, 2013.

**Moved by Councillor Kerwin
Seconded by Councillor Vegh**

THAT the Committee of the Whole (Closed Session) Minutes of January 14, 2013 be approved.

CARRIED

**23. COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES – JANUARY 14, 2013 –
ITEM 1 – CORPORATE SERVICES (LEGAL) (CLOSED SESSION) REPORT 2013-01
CONVEYANCE OF LAND – WARD 6
(PROPERTY MATTER)**

Corporate Services (Legal) (Closed Session) Report 2013-01 dated January 9, 2013 regarding a property matter in Ward 6.

Moved by Councillor Emanuel
Seconded by Councillor Vegh

THAT Corporate Services (Legal) (Closed Session) Report 2013-01 dated January 9, 2013 regarding the proposed conveyance of land to The Regional Municipality of York (the "Region"), be received;

AND THAT the recommendations in Corporate Services (Legal) Closed Session Report 2013-01 be adopted.

CARRIED

RESOLUTIONS

None.

24. BY-LAWS

By-laws 2013-02.

Moved by Councillor Kerwin
Seconded by Councillor Sponga

THAT By-law 2013-02 be enacted.

2013-02 A BY-LAW TO PROVIDE FOR THE IMPOSITION OF LATE PAYMENT CHARGES FOR NON-PAYMENT OF TAXES.

To impose late payment charges for the non-payment of taxes.

(Council of December 17, 2012 – Item 34)

CARRIED

NOTICE OF MOTION

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

25. **CONFIRMATORY BY-LAW**

By-law 2013-03.

Moved by Councillor Sponga
Seconded by Councillor Di Muccio

THAT By-law 2013-03 be enacted.

2013-03 A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS
MEETING HELD ON JANUARY 21, 2013.

CARRIED

Moved by Councillor Emanuel
Seconded by Councillor Kerwin

THAT the meeting adjourn.


CARRIED

There being no further business, the meeting adjourned at 7:37 p.m.



Andrew Brouwer, Town Clerk

Minutes approved at the meeting of Town Council held on February 11, 2013.



Tony Van Bynen, Mayor