

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

The regular meeting of the Council was held on Monday, March 4, 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 (7:11 – 8:57 p.m.)
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
J. Koutroubis, Acting Commissioner of Development and Infrastructure 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 NOTICE

None.

ADDITIONS TO THE AGENDA

Moved by Councillor Emanuel
Seconded by Councillor Kerwin

THAT the order of the agenda be altered by including the following item for consideration:

REPORTS OF COMMITTEES AND STAFF

3. Replacement page 9/10 of the Committee of the Whole Minutes of February 25, 2013.

CARRIED

1. PRESENTATION – QUEEN ELIZABETH II DIAMOND JUBILEE MEDAL

Mayor and Members of Council presented the Queen Elizabeth II Diamond Jubilee Medal to Ms. Alice Sheridan. Ms. Sheridan has been recognized for her many contributions to the community.

Mayor and Members of Council presented the Queen Elizabeth II Diamond Jubilee Medal to Mr. Rob Clark. Mr. Clark has been recognized for his extensive community involvement.

Councillor Di Muccio joined the meeting.

2. PRESENTATION – HIGH SCHOOL ART AWARDS

Mayor Van Bynen and Council along with Ms. Stephanie Dyriw, Recreation Programmer – Community and Special Events, presented the High School Art Awards as follows:

<u>Photography & Print</u>		
Alexandra Bello	First	Dr. Denison SS
Georgia Morris	Honourable Mention	Huron Heights SS
<u>Watercolour</u>		
Marianne Irish	First	Newmarket High
Natsuki Iijma	Honourable Mention	Dr. Denison SS
<u>Acrylic</u>		
Mairead Mulroy	First	Pickering College
Matthew Marchese	Honourable Mention	Pickering College
Amy Westland	Honourable Mention	Dr. Denison SS
Christie Shen	Honourable Mention	Huron Heights SS
<u>Acrylic & Multimedia</u>		
Leah Rew	First	Newmarket High
Heidi Pattersdorfer	Honourable Mention	Newmarket High
<u>Dry Medium</u>		
Zakir Hauza	First	Dr. Denison SS
Brandon Bour	Honourable Mention	Dr. Denison SS

DECLARATIONS OF INTEREST

Councillor Di Muccio declared a conflict of interest in Resolution R7-2013 being A Resolution regarding a Breach of the Council Code of Conduct and listed as an item on the March 4, 2013 Council agenda.

3. PRESENTATION – INTEGRITY COMMISSIONER

Ms. Suzanne Craig, Integrity Commissioner, addressed Council with the findings as stated in her Memorandum and Report dated February 21, 2013 regarding Code of Conduct Complaint Investigation.

**Moved by Councillor Emanuel
Seconded by Councillor Kerwin**

THAT the presentation by Ms. Suzanne Craig, Integrity Commissioner, with respect to her Memorandum and Report dated February 21, 2013 regarding Code of Conduct Complaint Investigation be received.

CARRIED

**Moved by Regional Councillor Taylor
Seconded by Councillor Vegh**

THAT Item 14 of the Committee of the Whole Minutes of February 25, 2013, being the Integrity Commissioner Presentation – Code of Conduct Complaint Investigation, be brought forward at this time.

CARRIED

**4. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 14
INTEGRITY COMMISSIONER – CODE OF CONDUCT COMPLAINT INVESTIGATION**

Memorandum and Report of Integrity Commissioner dated February 21, 2013 regarding Code of Conduct Complaint Investigation.

**Moved by Councillor Twinney
Seconded by Councillor Hempen**

THAT the Memorandum and Report of Integrity Commissioner dated February 21, 2013 regarding Code of Conduct Complaint Investigation be received and the following recommendations be adopted:

- 1. THAT a formal reprimand to Councillor Di Muccio in relation to violation of the confidentiality provisions of the Code of Conduct be issued;**
- 2. AND THAT Council consider effective ways to ensure that Council Members receive education on in camera meeting rules. These rules should be applied consistently to all Members of Council;**
- 3. AND THAT a request be made of the Integrity Commissioner to draft wording for a resolution of reprimand related to the Code of Conduct Complaint Investigation to the Council meeting scheduled for March 4, 2013.**

A recorded vote was requested.

	YEA	NAY
COUNCILLOR VEGH	X	
COUNCILLOR KERWIN	X	
COUNCILLOR TWINNEY	X	
REGIONAL COUNCILLOR TAYLOR	X	
COUNCILLOR HEMPEN	X	
COUNCILLOR SPONGA	X	
COUNCILLOR DI MUCCIO		X
COUNCILLOR EMANUEL	X	
MAYOR VAN BYNEN	X	
TOTAL	8	1

CARRIED

**Moved by Councillor Emanuel
Seconded by Councillor Kerwin**

THAT Resolution R7-2013, being A Resolution regarding a Breach of the Council Code of Conduct, be brought forward at this time.

CARRIED

5. RESOLUTION R7-2013

A Resolution regarding a Breach of the Council Code of Conduct.

**Moved by Councillor Emanuel
Seconded by Councillor Kerwin**

WHEREAS the Report of the Integrity Commissioner dated February 21, 2013 has found that Councillor Maddie Di Muccio did breach Part II.2 of the Council Code of Conduct through her disclosure in a September 2012 Guest Columnist newspaper article, of some of the substance of the deliberations of the August 27, 2012 *in camera* meeting;

AND WHEREAS Part II.2 of the Code contains an imperative directed to all Members of Council which prohibits public office holders from disclosing or releasing by any means all information, documentation or deliberation received, reviewed or taken during an *in camera* meeting and that such information is confidential until the matter ceases to be confidential, as determined by Council;

AND WHEREAS it has been observed by the Integrity Commissioner that upon entering elected office after the 2010 Ontario municipal election, all elected officials of the Town of Newmarket Council received a Council Orientation Package which contained documents regarding the lawful policies and procedures of the Town, which included the Town Council Members' Reference Manual Section -13. Confidentiality;

AND WHEREAS the Town Council Members' Reference Manual Section – 13. Confidentiality states that respect for confidentiality cannot be over emphasized and that each and every member of Council and Staff must abide by a majority decision of Council to deliberate a matter *in camera*;

AND WHEREAS the Town Council Members' Reference Manual Section – 13. Confidentiality also states that where an elected official of Newmarket Town Council has serious difficulty with considering a matter confidentially, and they are not able to convince the majority of Council to consider the matter publicly, then the remedy for such Councillor or staff is to withdraw from consideration of that particular matter on the basis that they cannot, in good conscience consider the matter confidentially despite the majority will of Council;

AND WHEREAS the Report of the Integrity Commissioner dated February 21, 2013 has found that Councillor Maddie Di Muccio chose to disregard the observance of the Code rules in force around confidentiality;

AND WHEREAS the Integrity Commissioner has found that it is improper for Councillor Maddie Di Muccio, to have disclosed information that was discussed at an *in camera* meeting of the Town of Newmarket and this action has undermined the public trust of Newmarket Town Council;

AND WHEREAS contained in the Report of the Integrity Commissioner is the ruling that whether a Member of Council agrees or disagrees with the decision to convene a meeting into closed session, a decision by Committee or Council to hold an *in camera* meeting deems the matter confidential until such time as determined by Council. Disagreement with the majority decision to hold an *in camera* meeting does not justify a Member of Council's decision to disclose information discussed at an *in camera* meeting.

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

THAT Councillor Maddie Di Muccio be formally reprimanded for breaching Part II.2 of the Council Code of Conduct and therefore in accordance with the Council Code of Conduct refrain from the disclosure by any means of any information that is discussed in a duly convened *in camera* meeting of a Committee or Council of the Town of Newmarket.

A recorded vote was requested.

	YEA	NAY
COUNCILLOR VEGH	X	
COUNCILLOR KERWIN	X	
COUNCILLOR TWINNEY	X	
REGIONAL COUNCILLOR TAYLOR	X	
COUNCILLOR HEMPEN	X	
COUNCILLOR SPONGA	X	
COUNCILLOR DI MUCCIO	-	-
COUNCILLOR EMANUEL	X	
MAYOR VAN BYNEN	X	
TOTAL	8	0

CARRIED

Councillor Di Muccio took no part in the discussion or voting of the foregoing matter.

6. DEPUTATION – COMMUNITY LIVING NEWMARKET/AURORA DISTRICT

Mr. John Dowson and Ms. Colleen Zakoor, on behalf of Community Living Newmarket/Aurora District, addressed Council with a PowerPoint presentation regarding the organization's 11th Annual Tribute Dinner honouring Mr. Jim Alexander on March 30, 2013.

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

THAT the deputation by Mr. John Dowson and Ms. Colleen Zakoor, on behalf of Community Living Newmarket/Aurora District regarding the 11th Annual Tribute Dinner be received.

CARRIED

7. ANNOUNCEMENTS – COMMUNITY EVENTS

- a. Councillor Emanuel advised that the Newmarket Sports Hall of Fame is accepting nominations for the Class of 2013. If you know an athlete, team or builder who should be recognized, we want to hear about them. Please act fast as the deadline is March 31, 2013. To obtain a nomination form and further details visit www.newmarket.ca or any Town of Newmarket recreation facility kiosk.
- b. Councillor Di Muccio invited the public to have their say about newmarket.ca. The Town of Newmarket would like your feedback on the design, navigation and functionality of our website. Please fill out a brief survey available online at www.newmarket.ca Hard copies are available at Newmarket facilities. Your feedback will help shape the new Town website.

- c. Councillor Di Muccio also advised that she is organizing her next series of community empowering events with a focus on inclusive communities and welcoming new residents to Newmarket. Contact maddie.dimuccio@rogers.com for further information.
- d. Councillor Di Muccio advised that she will be in Ottawa speaking at the Manning Networking Conference on Women in Politics and will be meeting with Prime Minister Stephen Harper. She will be sharing information on her website www.maddiedimuccio.com
- e. Councillor Sponga invited residents to drop in from 10 a.m. to 3 p.m. March 12 to 16, 2013 for a variety of March Break activities at the Elman Campbell Museum, 134 Main Street. On March 12 take part in Creative Crafts, and on March 13 enjoy Farm Fun; the cost is \$5.50 per participant each day. From March 14 to 16, admission is free for Museum Mayhem where there are plenty of games and activities to enjoy. Children under 12 must be accompanied by a caregiver 18 years of age or over. Call 905-953-5314 for further information.
- f. Councillor Sponga thanked residents of Monkswood Crescent, Boothbay Crescent, Millard Avenue and Wilstead Drive for working with the developer in reaching a compromise with respect to the proposed two-tower building on Yonge Street. The development has been reduced by approximately 100 units. He also thanked Council and staff for their support in this regard.
- g. Councillor Hempen advised that registration is now open for March Break Programs at the Newmarket Public Library (438 Park Avenue) running March 12 to 14, 2013. Meet Thomas Cormier and friends; enjoy animal shows by ZooTek and productions by Spotlight Theatre; create a ceramic Easter Bunny; participate in a multimedia art workshop; or bring your friends for a night of Board Game Mania. Call 905-953-5110 for further information.
- h. Regional Councillor Taylor advised that the Town of Newmarket is committed to powering down in support of Earth Hour 2013. He invited residents to join us on March 23, 2013 at 8:30 p.m. and power off your lights, electronics, or anything you can.
- i. Regional Councillor Taylor advised that this week the Newmarket Minor Hockey Association has their annual appreciation for sponsors and volunteers and he would like to recognize the Association for their efforts in coaching and assisting with running the games and practices over the years.
- j. Councillor Twinney advised that the Town of Newmarket is hosting a St. Patrick's Day and Easter Eggstravaganza event. Celebrate the 'green' and come out to the Magna Centre, 800 Mulock Drive, on March 15, 2013 from 9 a.m. until noon. Enjoy crafts, live entertainment, face painting, jumping castles, fun games, loot bags and activities. Bring your camera for a photo opportunity with the Easter Bunny and Lucy the Ladybug. The cost is \$4 per child – parents and guardians are free. For more information, call 905-895-5193 or visit www.newmarket.ca

- k. Councillor Twinney also advised that the NewRoads Automotive Group at 18100 Yonge Street is hosting their 3rd Annual Girls Night Out on March 7, 2013 in celebration of International Women's Day. There is no charge, however there is a list of requested donations – see www.newroads.ca for further information and to register.
- l. Councillor Kerwin recognized and thanked Mr. Mike Dukart and his committee for running the Newmarket House League Hockey Tournament. It is the longest continually running house league hockey tournament in Ontario. The Tournament takes place March 13 to 16, 2013.
- m. Councillor Kerwin advised that registration for Town of Newmarket Leisure and Aquatic Spring Programs begins March 6, 2013 at 6:30 a.m. for residents and March 13, 2013 at 8:30 a.m. for non-residents. Registration can be done online at www.newmarket.ca or by fax or mail. Registration can also be done in person at the Municipal Offices at 395 Mulock Drive, the Magna Centre at 800 Mulock Drive or at the Ray Twinney Recreation Complex at 100 Eagle Street West. Call 905-895-5193 for further information.
- n. Councillor Vegh advised that Ward 1 residents are invited to drop in to his Ward Meeting on March 5, 2013 from 7 to 9 p.m. at the Magna Centre (800 Mulock Drive) in the Multi-Purpose Room. Come and find out what's happening in Town and in your Ward. For more information, contact Councillor Vegh at 905-895-7095 or go to www.tomvegh.com
- o. Mayor Van Bynen advised that if anyone has anything they wish to discuss, he will be at "Mayor in the Square" at the Newmarket Public Library on March 22, 2013 from 11 a.m. until noon.
- p. Mayor Van Bynen also advised that the next Council meeting is scheduled for March 26, 2013 at 7 p.m.

8. **APPROVAL OF COUNCIL MINUTES**

Council Minutes of February 11, 2013.

**Moved by Councillor Kerwin
Seconded by Councillor Emanuel**

THAT the Council Minutes of February 11, 2013 be approved.

CARRIED

CORRESPONDENCE

None.

9. **REPORTS BY REGIONAL REPRESENTATIVES**

Regional Councillor Taylor advised of two reports received at the Region:

- a. Employment and Industry Report – Shows the Region’s estimated employment to be about 527,000 jobs, with a growth of 2.3 per cent between 2011 and 2012.
- b. Job Hiring Trends Report – Shows that in 2012, approximately 46,000 job postings were identified across York Region representing a 3 per cent increase from 2011.

Regional Councillor Taylor advised there is much information contained within both of these reports that is particularly useful to professionals and businesses in the community. He encouraged the public to view the reports which can be accessed at www.york.ca

10. **SPECIAL COMMITTEE OF THE WHOLE**

Special Committee of the Whole of February 11, 2013.

**Moved by Councillor Sponga
Seconded by Councillor Twinney**

THAT the actions of the Special Committee of the Whole of February 11, 2013 be confirmed.

CARRIED

11. **SPECIAL COMMITTEE OF THE WHOLE (CLOSED SESSION)**

Special Committee of the Whole (Closed Session) of February 11, 2013.

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

THAT the actions of the Special Committee of the Whole (Closed Session) of February 11, 2013 be confirmed.

CARRIED

12. **COMMITTEE OF THE WHOLE MINUTES**

Committee of the Whole Minutes of February 25, 2013.

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

THAT the Committee of the Whole Minutes of February 25, 2013 be approved and the following recommendations, with the exception of Items 3, 8 and 22a be adopted:

13. **COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 1**
REQUEST FOR PROCLAMATION

- a) THAT the Town of Newmarket proclaim March 4 – 10, 2013 as ‘Social Work Week’;

AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca

- b) THAT the Town of Newmarket proclaim May 16, 2013 as ‘Special Olympics Day’;

AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca

- c) THAT the Town of Newmarket proclaim March 2013 as “Multiple System Atrophy Awareness Month”;

AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca

- d) THAT the Town of Newmarket proclaim March 13 – 16, 2013 as “House League Hockey Week”;

AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca

14. **COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 2**
SITE PLAN REVIEW COMMITTEE MINUTES

THAT the Site Plan Review Committee Minutes of January 21, 2013 be received.

15. **COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 4**
HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES

THAT the Heritage Newmarket Advisory Committee Minutes of February 5, 2013 be received.

16. **COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 5**
ENVIRONMENTAL ADVISORY COMMITTEE MINUTES

THAT the Environmental Advisory Committee Minutes of February 6, 2013 be received.

17. **COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 6**
NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES

THAT the Newmarket Downtown Development Subcommittee Minutes of January 25, 2013 be received.

**18. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 7
INCLUSIVITY ADVISORY COMMITTEE MINUTES**

The Inclusivity Advisory Committee Minutes of January 9, 2013 be received.

**19. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 9
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-11
APPLICATION FOR DRAFT PLAN OF CONDOMINIUM
1250 JOURNEY'S END CIRCLE**

THAT Development and Infrastructure Services/Planning & Building Services Report 2013-11 dated February 14, 2013 regarding Application for Draft Plan of Condominium be received and the following recommendations be adopted:

1. THAT approval be given to the draft plan of condominium, prepared by E.R. Garden Limited dated December 3, 2012 subject to the Schedule of Conditions attached and forming part of Development and Infrastructure Services/ Planning & Building Services Report 2013-11;
2. AND THAT 1576679 Ontario Inc., c/o Kim Collard, 1260 Journey's End Circle, Newmarket, ON L3Y 8Z7 be notified of this action.

**20. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 10
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-13
APPLICATION FOR DRAFT PLAN OF SUBDIVISION AND ZONING BY-LAW
AMENDMENT – NATIONAL HOMES**

THAT Development and Infrastructure Services/Planning and Building Services Report 2013-13 dated February 14, 2013 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

1. THAT the Application for Zoning By-law Amendment and Draft Plan of Subdivision, as submitted by National Homes Inc. for lands being composed of Blocks 1 and 2 Registered Plan 65M-2559 be referred to a public meeting;
2. AND THAT following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;
3. AND THAT Mark Pavkovic, National Homes, 291 Edgeley Boulevard Suite # 1, Concord, ON L4K 3Z4.

**21. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 11
EXCERPT – INCLUSIVITY ADVISORY COMMITTEE MINUTES – CITIZENSHIP
RECEPTION AND OATH OF RESIDENCY – VERBAL REPORT**

Excerpt from Inclusivity Advisory Committee Minutes of January 9, 2013 – Item 4 – Work Plan – Newmarket Citizenship Reception and Oath of Residency – Councillor Vegh to provide verbal report.

**22. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 12
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-08
HERITAGE RESOURCES EVALUATION CRITERIA**

THAT the deputation by Mr. Athol Hart regarding the Heritage Resources Evaluation Criteria document be received.

THAT Development and Infrastructure Services Report – Planning and Building Services 2013-08 dated January 24, 2013 regarding Heritage Resources Evaluation Criteria be received and the following recommendation be adopted:

THAT the attached heritage resources evaluation criteria form be endorsed by Council for the determination of the historic value or interest of properties in Newmarket.

**23. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 13
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-12
115 MAIN STREET SOUTH – ROBERTSON HOUSE SHUTTERS**

THAT the deputation by Mr. Athol Hart on behalf of the Heritage Newmarket Advisory Committee regarding specific concerns related to the replacement of the shutters on the property known as the Robertson House located at 115 Main Street South be received.

THAT Development and Infrastructure Services Report – Planning and Building Services 2013-12 dated January 24, 2013 regarding 115 Main Street South (Robertson House) be received and the following recommendations, as amended, be adopted:

- 1. THAT Council request the Owner(s) of 115 Main Street South, known as the Robertson House, to replace the existing vinyl shutters with custom made wood shutters replicating the original shutters of the Robertson House;**
- 2. AND THAT the applicant be advised that the Council of the Town of Newmarket requests that the shutters be replaced at the first opportunity that their budget permits;**
- 3. AND THAT York Region Condo Corporation No. 828 be notified of this action.**

**24. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 14
INTEGRITY COMMISSIONER PRESENTATION
CODE OF CONDUCT COMPLAINT INVESTIGATION**

Presentation:

THAT the presentation by Ms. Suzanne Craig, Integrity Commissioner, regarding report findings of the Code of Conduct complaint investigation be received.

**25. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 15
INTEGRITY COMMISSIONER PRESENTATION
APPENDIX 'A' – MEMORANDUM – ADDENDUM TO INVESTIGATION
COMMENTS ON GOVERNANCE**

THAT Appendix 'A' Memorandum from Integrity Commissioner dated February 21, 2013 regarding Addendum to Investigation: Comments on Governance be received and referred to staff for a report back on updating the Code of Conduct document.

**26. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 16
CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-05
ACCESSORY DWELLING UNITS BY-LAW**

THAT Corporate Services Report – Legislative Services 2013-05 dated February 8, 2013 regarding the Accessory Dwelling Units By-law be received and referred to the next cycle of Committee of the Whole schedule of meetings.

**27. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 16
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PUBLIC WORKS
SERVICES 2013-09
GRAFFITI REMOVAL SERVICES – UPDATE**

THAT Development and Infrastructure Services Report – Public Works Services 2013-09 dated February 14, 2013 regarding Graffiti Removal Services – Update be received and the following recommendations, as amended, be adopted:

1. THAT staff continue to contract Graffiti removal services, in the amount of \$15,000 for 2013;
2. AND THAT staff continue to evaluate the program's impact for 2013 and report back to Council on the effectiveness of the program in one year;
3. AND THAT further options be investigated and reported back to a Committee of the Whole meeting scheduled in April, 2013.

**28. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 18
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – ES 2013-08
ROGERS PARK SPRAY PAD**

THAT Development and Infrastructure Services Report - ES 2013-08 dated January 22, 2013 regarding the rehabilitation of the Rogers Park wading pool into a modern Spray Pad be received and the following recommendations be adopted:

1. THAT an amount of \$116,750 be allocated from the Parkland Reserve for this project for a total estimated project budget of \$350,000;
2. AND THAT staff be directed to prepare a design, conduct public meetings and proceed with construction of the facility in the fall of 2013 with a projected opening in June of 2014.

**29. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 19
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-03
SERVICING ALLOCATION CAPACITY MONITORING TABLE**

THAT Development and Infrastructure Services/Planning and Building Services Report 2013-03 dated January 8, 2013 regarding the Servicing Allocation Capacity Monitoring Table be received and the following recommendations be adopted:

1. THAT the Servicing Allocation Capacity Monitoring Table attached as Appendix "A" be adopted:
2. AND THAT Gabrielle Hurst, Planning and Infrastructure Integration, Transportation and Community Planning, York Region, 17250 Yonge Street, Newmarket ON L3Y 6Z1 be notified of this action.

**30. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 20
LIST OF OUTSTANDING MATTERS**

THAT the list of outstanding matters be received.

**31. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 21
REPORTS BY REGIONAL REPRESENTATIVES**

None.

**32. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 22
NEW BUSINESS – ITEMS B - E**

- b) Councillor Di Muccio inquired about a status update regarding the web streaming of meetings. The Director of Legislative Services advised he will provide an information report to Members of Council with the proposed timelines associated with the implementation of the Meeting Management Suite.

- c) Councillor Twinney provided Notice of Motion for the next Committee of the Whole meeting regarding provincial planning policy.
- d) Councillor Kerwin expressed his concerns relating to the inferior quality of materials and workmanship associated with low bid tender awards and construction projects.
- e) Councillor Kerwin expressed his concerns related to the number of lawsuits that the Town is being held accountable for. The Chief Administrative Officer advised that a status update report could be provided outlining claims amounts and trends as well as analysis of what other municipalities are encountering with respect to indemnification. The Commissioner of Development and Infrastructure Services advised that the procurement process and the quality of goods associated with contract tendering is currently being reviewed.

**33. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 23
COMMUNITY SERVICES REPORT – PLANNING AND BUILDING SERVICES 2012-50
INTENSIFICATION IN STABLE RESIDENTIAL AREAS**

THAT the deputation by Mr. Chris Howie, resident be received.

THAT the deputation by Mr. Kevin McRoberts, resident, be received.

THAT the deputation by Mr. Athol Hart, resident, be received.

THAT the deputation by Mr. Brian Smith, resident, be received.

THAT the deputation by Ms. Sarah Baldwin, resident, be received.

THAT the deputation by Ms. Elaine Adam, resident, be received.

THAT Community Services Report – Planning and Building Services 2012-50 dated October 18, 2012 regarding Intensification in Stable Residential Areas be received;

AND THAT the presentation by the Senior Planner – Policy regarding the Proposed Amendments to the Comprehensive Town-Wide Zoning By-law be received.

CARRIED

**34. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 3
ITEM 1 OF SITE PLAN REVIEW COMMITTEE MINUTES OF JANUARY 21, 2013
APPLICATION FOR SITE PLAN APPROVAL
50 EAGLE STREET WEST - WARD 7
(SW CORNER OF YONGE AND EAGLE STREETS)
HER MAJESTY THE QUEEN AS REPRESENTED
BY INFRASTRUCTURE ONTARIO (NEWMARKET COURTHOUSE)**

Item 1 of the Site Plan Review Committee Minutes of January 21, 2013 being Application for Site Plan Approval for 50 Eagle Street West – Ward 7. (Newmarket Courthouse)

Moved by Regional Councillor Taylor
Seconded by Councillor Emanuel

1. THAT the Application for Site Plan Approval to permit the development of a modular expansion having a gross floor area of 1,490 m² adjacent to the eastern façade of the existing Newmarket Courthouse building on the subject lands be approved in principle and referred to staff for processing, subject to the following:
 - a. THAT the preliminary review comments provided to the applicant be addressed to the satisfaction of Town Staff; and
 - b. THAT the application be referred to a Public Information Centre;
2. AND THAT John Lohmus, Senior Associate of IBI Group, 230 Richmond Street West, 5th Floor, TORONTO, ON M5V 1V6 be notified of this decision;
3. AND THAT Michael Cole, Infrastructure Ontario, 1 Dundas Street West, Suite 2000, TORONTO, ON M5G 2L5 be notified of this decision.

CARRIED

35. **COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 8
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – ES 2012-87
TRAFFIC OPERATIONS REVIEW – SAWMILL VALLEY DRIVE AND SAVAGE ROAD**

Development and Infrastructure Services Report – ES 2012-87 dated January 15, 2013 regarding Traffic Operations Review – Sawmill Valley Drive and Savage Road.

Moved by Councillor Di Muccio
Seconded by Councillor Emanuel

THAT Development and Infrastructure Services Report – ES 2012-87 dated January 15, 2013 regarding Traffic Operations Review – Sawmill Valley Drive and Savage Road be received and the following recommendations be adopted:

1. THAT York Region be forwarded a copy of this report and requested to review the Yonge Street/Savage Road/Sawmill Valley Drive intersection for improved east/west signal timings;
2. AND THAT VIVANext be forwarded a copy of this report to ensure that the planned signal timings for the rapid transit corridor take into account the east/west traffic operations at the above intersection;
3. AND THAT York Region be requested to implement the recommendations noted in the IBI Group traffic safety report, dated November 2012.

CARRIED

**36. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 25, 2013 – ITEM 22A
NEW BUSINESS**

Councillor Di Muccio inquired with respect to timelines regarding the implementation of the web streaming of meetings. The Director of Legislative Services/Town Clerk responded that staff is currently working with the preferred vendor and will provide timeframes to Council in his memorandum next week.

**Moved by Councillor Sponga
Seconded by Councillor Vegh**

THAT Item 22 a) of New Business from the Committee of the Whole Minutes of February 25, 2013, as follows, be received:

- a) Councillor Di Muccio inquired about a status update regarding the web streaming of meetings. The Director of Legislative Services advised he will provide an information report to Members of Council with the proposed timelines associated with the implementation of the Meeting Management Suite.**

CARRIED

With respect to Item 11 of the Committee of the Whole Minutes of February 25, 2013, (see Item 21 of these Minutes) being Excerpt – Inclusivity Advisory Committee Minutes – Citizenship Reception and Oath of Residency – Verbal Report, Mayor Van Bynen clarified that as this item was dealt with under Consent at the Committee of the Whole meeting of February 25, 2013, it should come forward as unfinished business to the next Committee of the Whole meeting.

37. COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES

Committee of the Whole (Closed Session) Minutes of February 25, 2013.

**Moved by Councillor Sponga
Seconded by Councillor Twinney**

THAT the Committee of the Whole (Closed Session) Minutes of February 25, 2013 be approved.

CARRIED

**38. COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES – FEBRUARY 25, 2013
– ITEM 1 – CORPORATE SERVICES (LEGAL SERVICES) (CLOSED SESSION)
REPORT 2013-04 – APPEAL TO THE OMB BY 724903 ONTARIO INC. (GOLDSTEIN)**

Item 1 of Committee of the Whole (Closed Session) Minutes of February 25, 2013 regarding Corporate Services (Legal Services) (Closed Session) Report 2013-04 dated February 13, 2013 regarding the Appeal to the Ontario Municipal Board by 724903 Ontario Inc. (Goldstein).

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

THAT Corporate Services (Legal Services) (Closed Session) Report 2013-04 dated February 13, 2013 regarding the appeal to the Ontario Municipal Board by 724903 Ontario Inc. (Goldstein) from a decision of the Committee of Adjustment to deny an application for Minor Variance be received and the following recommendations be adopted:

- 1. THAT staff be directed to advise the Ontario Municipal Board that Council does not take a position either in support of or against the above-noted appeal of a Committee of Adjustment decision to deny an application for Minor Variance in connection with the land located at the North East Corner of Leslie Street and Veteran's Way;**
- 2. AND THAT the Town will not be appearing as Party or Participant at the OMB hearing in this matter.**

CARRIED

With respect to the Council (Closed Session) Minutes of February 25, 2013, Mayor Van Bynen advised:

- a) that the Inclusivity Advisory Committee (Closed Session) Minutes of January 9, 2013 were received;
- b) that within the Inclusivity Advisory Committee (Closed Session) Minutes of January 9, 2013, there was an item regarding discussion on a Committee appointment matter with no further action to be taken by Council.

39. RESOLUTION R8-2013

A Resolution regarding the Declaration and Sale of Surplus Land, being a portion of Sawmill Valley Drive.

**Moved by Councillor Hепен
Seconded by Councillor Di Muccio**

WHEREAS the sale of municipal land is governed by the Town's Sale of Land Policy enacted under the *Municipal Act*, 2001, as amended;

AND WHEREAS the recommendations in Corporate Services (Legal) (Closed Session) Report 2013-01 (Property Matter) dated January 9, 2013 to Committee of the Whole regarding a Conveyance of Land to the Regional Municipality of York were received and adopted by Council on January 21, 2013;

AND WHEREAS a portion of Sawmill Valley Drive, being Part of Lot 90, Concession 1, further described as Part 11 on Plan 65R-23699, Newmarket, Regional Municipality of

York, being the lands comprising of part of PIN 03626-0214 (the "Land") is deemed to be surplus;

AND WHEREAS the Town intends to convey the Land to the Regional Municipality of York.

THEREFORE BE IT RESOLVED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. **THAT** the Land is hereby declared surplus as to the needs of the Town of Newmarket;
2. **AND THAT** the Land be conveyed to the Regional Municipality of York;
3. **AND THAT** public notice of the foregoing be given in accordance with the Town's Sale of Land Policy LEGAL. 1-01 and By-law 2002-168;
4. **AND THAT** Council enact the necessary by-laws and resolutions to give effect to the foregoing;
5. **AND THAT** the Chief Administrative Officer and/or Municipal Solicitor be authorized to execute all agreements and documents necessary to give effect to the foregoing and that the Associate Solicitor be authorized to electronically register all transfer deeds of land.

CARRIED

40. **BY-LAWS**

By-law 2013-08.

Moved by Councillor Sponga
Seconded by Councillor Vegh

THAT By-law 2013-08 be enacted.

2013-08 **A BY-LAW TO PERMANENTLY CLOSE PART OF A HIGHWAY.
(SAWMILL VALLEY DRIVE)**

CARRIED

NOTICE OF MOTION

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

41. CONFIRMATORY BY-LAW

By-law 2013-09.

**Moved by Councillor Sponga
Seconded by Regional Councillor Taylor**

THAT By-law 2013-09 be enacted.

**2013-09 A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS
MEETING HELD ON MARCH 4, 2013.**

CARRIED

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

THAT the meeting adjourn.

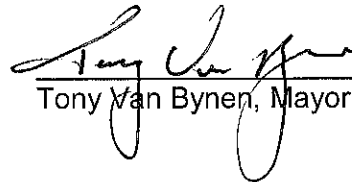
CARRIED

There being no further business, the meeting adjourned at 8:57 p.m.



Andrew Brouwer, Town Clerk

Minutes approved at the meeting of Town Council held on March 26, 2013.



Tony Van Bynen, Mayor