



Town of Newmarket MINUTES

COUNCIL

Monday, April 15, 2013 at 7:00 p.m.
Council Chambers

For consideration by Council on May 6, 2013

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

The regular meeting of the Council was held on Monday, April 15, 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 Twinney
Councillor Vegh

Absent: Councillor Sponga

Staff: R. Shelton, Chief Administrative Officer
I. McDougall, Commissioner of Community Services
A. Moore, Commissioner of Corporate Services
R. Prentice, Commissioner of Development and Infrastructure Services
A. Brouwer, Director of Legislative Services/Town Clerk
L. Long, Supervisor, By-law Enforcement
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 Kerwin
Seconded by Councillor Emanuel

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

RESOLUTIONS

R10-2013 A Resolution to support Private Members Bill 41, *Preserving Existing Communities Act.*

CARRIED

DECLARATIONS OF INTEREST

Regional Councillor Taylor declared a conflict in Item 10 of the Committee of the Whole Minutes of April 8, 2013 (See Item 28 of these Minutes), being Community Services – Recreation & Culture; Corporate Services – Legislative Services and Legal Services; Development and Infrastructure Services – Planning & Building Services and Public Works Services Joint Report 2013-08 – Proposed Parks By-law, with respect to e-bikes specifically mentioned in the report as well as By-law 2013-14 listed on the Council agenda (see Item 36 of these Minutes) as he has conducted consulting work for an e-bike company. He advised he would take no part in the discussion or voting of the foregoing matter.

A point of personal privilege was raised by Regional Councillor Taylor in response to comments made by Councillor Di Muccio. Mayor Van Bynen ruled that a breach of privilege had taken place and Councillor Di Muccio provided an apology.

Mayor Van Bynen declared a conflict in Item 11 of the Committee of the Whole Minutes of April 8, 2013 (See Item 27 of these Minutes), being Corporate Services Report (Legal) 2013-09 – Delegation By-law – 2012 Report – Summarizing Delegated Matters to Staff, as his property is listed on page 11.7 of the document (Summary of Building Department Delegated Matters). He advised he would take no part in the discussion or voting of the foregoing matter and he would relinquish the Chair to Regional Councillor Taylor for consideration of that item.

1. PRESENTATION – CALEB MACDONALD

Mayor and Members of Council presented Mr. Caleb MacDonald with the 'Making a Difference' award recognizing his heroic rescue of a man from his burning vehicle.

2. PRESENTATION – INCLUSIVITY ADVISORY COMMITTEE

Ms. Farrah Bacchus, Chair and Mr. Evert Akkerman, Vice-Chair of the Inclusivity Advisory Committee addressed Council with respect to the Statement of Newmarket Ideals and administered same to Council and Members of the Inclusivity Advisory Committee.

3. DEPUTATION – NEIGHBOURHOOD NETWORK

Mr. Tim Jones, on behalf of Neighbourhood Network, addressed Council with respect to National Volunteer Week including a request in correspondence received from Mr. Steve Hinder, Manager, Neighbourhood Network for a proclamation of April 21 to 27, 2013 as "National Volunteer Week".

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

THAT the deputation by Mr. Tim Jones, on behalf of Neighbourhood Network, with respect to National Volunteer Week, and the correspondence from Mr. Steve Hinder dated March 7, 2013 regarding a request to proclaim April 21 to 27, 2013 as “National Volunteer Week” be received and the following recommendations be adopted:

- 1. THAT the Town of Newmarket proclaim April 21 to 27, 2013 as “National Volunteer Week”;**
- 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca**

CARRIED

4. ANNOUNCEMENTS – COMMUNITY EVENTS

- a. Councillor Emanuel advised that Glenway and Newmarket residents have inquired regarding Bill 41, *Preserving Existing Communities Act*. He provided that the second reading of the Bill will be on April 18, 2013 at 1:00 p.m. at Queen’s Park and that for further information contact Frank Klees, MPP, Newmarket-Aurora at 905-750-0019.
- b. Councillor Emanuel advised that the Town of Newmarket’s street sweeping contractor will begin the winter sand clean-up throughout the Town on April 15, 2013, weather permitting. The sweep will remove the build-up of winter sand and debris on the streets from the winter months and a second sweep will be performed by the Town’s sweeper during the summer months or as required. Residents are asked to refrain from parking on the street between 7 a.m. and 5 p.m. to ensure that the sweeper has a clear path to perform this work. The sweeping is expected to take approximately 3 to 4 weeks to complete. For more information, call 905-895-5193.
- c. Councillor Di Muccio advised that Newmarket Yard Waste Collection Days began last week and will continue to be collected bi-weekly until November. Please remember to bundle branches separately and place weeds, plant trimmings and leaves in paper yard bags or any rigid open top container that has handles. For more information, check your 2013 Recycling and Waste Collection Calendar, download Newmarket’s ‘my-waste’ App, visit www.newmarket.ca or call 905-895-5193.
- d. Councillor Hempfen advised that the Newmarket Hurricanes had a divisional win over Kingston. They will be playing April 19 at 7:30 p.m. at the Ray Twinney Recreation Complex.

- e. Councillor Hempen invited the public to the Newmarket Riverwalk Commons at 200 Doug Duncan Drive for live music during "Rhythm @ Riverwalk:" on May 1, 8, 15, 22, 29 and June 5, 12, 19 and 26. Performances being at 7 p.m. and admission is free.
- f. Councillor Hempen invited the public to bring your mother to a Victorian Mother's Day Tea at the Elman W. Campbell Museum, 134 Main Street South on May 11, 2013. The event is hosted by the Friends of the Museum and there are two sittings: 1:30 – 2:30 p.m. and 3 – 4 p.m. The price includes a variety of teas, old fashioned sandwiches and sweets served on vintage china. Tickets are \$10 and must be purchased in advance at the Museum. For more information, call 905-953-5314.
- g. Regional Councillor Taylor offered condolences to those affected by this afternoon's bombing at the Boston Marathon.
- h. Regional Councillor Taylor advised that the Town is seeking names to replenish its database of submitted names of individuals, original land owners, pioneers and service clubs that have contributed significantly to the quality of life in Newmarket. The database is used for the naming of Municipal Assets such as parkland, outdoor competitive playing surfaces, park amenities and other outdoor spaces. The Town also has a number of exciting opportunities for corporate naming rights and/or sponsorships of certain municipal assets and events. Interested businesses can contact Jennifer McIntyre at 905-953-5300, ext. 2608 or at jmcintyre@newmarket.ca Terms of the Municipal Asset Naming Program and submission forms are available online at www.newmarket.ca under Town Hall, Public Notice & Input Opportunities. Call 905-895-5193 for more information. The submission deadline is April 30, 2013.
- i. Councillor Twinney advised that KC's Cancer Cushion Fund Pub Night takes place on April 20, 2013 at DiNardo's at The Mansion in Aurora. Beginning at 7:30 p.m. the evening features live entertainment, a late buffet lunch, door prizes and more. Tickets are \$30. Funds raised will help provide financial support to families in need going through cancer treatment. For tickets, call Eileen at 905-853-0166 or e-mail cushionfund@gmail.com
- j. Councillor Twinney also advised that April 21 to 28, 2013 is National Organ and Tissue Donation Awareness Week. She also advised that the month of April has been designated as 'BeADonor.ca Month' by the Trillium Gift of Life Network. For more information check www.beadonor.ca or www.giftoflife.on.ca
- k. Councillor Kerwin invited the public to join the 35th Annual Holland River and Community Clean-Up on May 4, 2013. Registration begins at 8:30 a.m. at the Municipal Offices, 395 Mulock Drive. Free coffee will be available for participants and a free lunch provided following the clean-up. For further information call 905-895-5193.
- l. Councillor Kerwin advised that the Dave Kerwin Trail in the Town's northwest quadrant is reaching completion. He outlined details about the trail alignment.

- m. Councillor Kerwin thanked Town staff for their prompt action on April 12, 2013 in closing off Gorham Street where trees had fallen onto hydro lines creating a safety hazard. He also thanked Hydro and Police personnel for their assistance in this regard. The area was soon cleared and accidents were avoided.
- n. Councillor Vegh invited the public to an Outdoor Discovery and Adventure Night at the Newmarket Riverwalk Commons at 200 Doug Duncan Drive on April 23, 2013 from 6 to 7 p.m. In case of inclement weather, the event will be held indoors at the Newmarket Community Centre and Lions Hall. Admission is free.
- o. Councillor Hempen advised that on May 5, 2013 Ward 4 is having their annual clean-up. Those interested in participating please meet at 11:00 a.m. at Dr. John M. Denison Secondary School.
- p. Mayor Van Bynen advised that the annual Newmarket Celebrates the Arts Gala is on May 3, 2013 at Pickering College. The funds raised will be used to enhance arts and culture in Newmarket and support the Arts Grants program. There is a reception at 6:30 p.m. followed by dinner at 7:30 and performances at 9. Black tie is optional. Tickets are \$250. For more information, please call 905-895-5193.
- q. Mayor Van Bynen also advised that he will be at 'Mayor in the Square' at the Newmarket Public Library on April 19, 2013 from 11 a.m. until noon.
- r. Mayor Van Bynen also advised that the next Council meeting is scheduled for May 6, 2013 at 7 p.m.

5. APPROVAL OF COUNCIL MINUTES

Council Minutes of March 26, 2013.

**Moved by Councillor Di Muccio
Seconded by Councillor Emanuel**

THAT the Council Minutes of March 26, 2013 be approved.

CARRIED

6. CORRESPONDENCE

Correspondence dated April 4, 2013 from Ms. Noreen Lee, Chairperson, The York Centre for Children, Youth & Families requesting that May 5 to 11, 2013 be proclaimed "Children's Mental Health Week" in the Town of Newmarket.

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

THAT the correspondence dated April 4, 2013 from Ms. Noreen Lee, Chairperson, The York Centre for Children, Youth & Families be received and the following recommendations be adopted:

1. **THAT the Town of Newmarket proclaim May 5 to 11, 2013 as “Children’s Mental Health Week”;**
2. **AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca**

CARRIED

7. REPORTS BY REGIONAL REPRESENTATIVES

- a. Regional Councillor Taylor advised that he has been invited as Co-Chair of the Human Services Planning Board of York Region to the cities of Tianjin and Beijing, China to be part of a five person delegation to look at educational opportunities. Also involved is York Region District School Board and Immigration and Information Services Ontario. The goal is to sign a Memorandum of Understanding to put in place cultural and educational opportunities in a secondary school student exchange program.
- b. Regional Councillor Taylor provided an update with respect to the Durham/York Energy Centre Project. This is a state-of-the-art infrastructure project which takes waste from Durham and York and powers between 10,000 and 15,000 homes while using a modern incineration process. It is anticipated the project will be completed and operating by late 2014.

8. COMMITTEE OF THE WHOLE MINUTES

Committee of the Whole Minutes of April 8, 2013.

**Moved by Councillor Vegh
Seconded by Councillor Twinney**

THAT the Committee of the Whole Minutes of April 8, 2013 be approved and the following recommendations, with the exception of Items 9, 10, 11, 14, 18 and 20b) be adopted:

**9. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 1
REQUESTS FOR PROCLAMATION**

- a) **THAT the correspondence dated March 6, 2013 from Mr. Clinton Shane Ekdahl be received and the following recommendations be adopted:**
 1. **THAT the Town of Newmarket proclaim May 29, 2013 as ‘Day of the Honey Bee’;**
 2. **AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca**
- b) **THAT the correspondence dated February 2013 from Ms. Amber McLellan, Program Administrator, Girls Incorporated of York Region be received and the following recommendations be adopted:**

1. THAT the Town of Newmarket proclaim April 29 to May 3, 2013 as “Girl’s Rights Week”;
 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca
- c) THAT the correspondence dated March 27, 2013 from Mr. John Cartwright, President, Labour Council, Toronto and York Region be received and the following recommendations be adopted:
1. THAT the Town of Newmarket proclaim April 28, 2013 as “Day of Mourning for Workers Killed or Injured on the Job”;
 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca
10. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 2**
NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES
- THAT the Newmarket Downtown Development Subcommittee Minutes of February 22, 2013 be received.
11. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 3**
INCLUSIVITY ADVISORY COMMITTEE MINUTES
- THAT the Inclusivity Advisory Committee Minutes of March 13, 2013 be received.
12. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 4**
ACCESSIBILITY ADVISORY COMMITTEE MINUTES
- THAT the Accessibility Advisory Committee Minutes of September 11 and December 4, 2012 be received.
13. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 5**
ENVIRONMENTAL ADVISORY COMMITTEE MINUTES
- THAT the Environmental Advisory Committee Minutes of February 6, 2013 be received.
14. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 6**
MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA
BOARD OF MANAGEMENT MINUTES
- THAT the Main Street District Business Improvement Area Board of Management Minutes of January 15 and February 19, 2013 be received.

15. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 7
CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-08
CARNIVAL – D.A. CAMPBELL AMUSEMENT LTD. – UPPER CANADA MALL**

THAT Corporate Services Report – Legislative Services 2013-08 dated April 2, 2013 regarding Carnival – D.A. Campbell Amusement Ltd. Upper Canada Mall be received and the application be approved subject to the following terms:

1. THAT the license be issued for a period of seven consecutive days from May 7 to May 13, 2013 to permit the setting up and dismantling of amusement devices;
2. AND THAT the actual operation of the carnival not exceed five consecutive days within that permitted time period.

16. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 8
LIST OF OUTSTANDING MATTERS**

THAT the list of outstanding matters be received.

17. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 10
COMMUNITY SERVICES – RECREATION & CULTURE; CORPORATE SERVICES
LEGISLATIVE SERVICES AND LEGAL SERVICES; DEVELOPMENT AND
INFRASTRUCTURE SERVICES – PLANNING & BUILDING SERVICES AND PUBLIC
WORKS SERVICES JOINT REPORT 2013-08 – PROPOSED PARKS BY-LAW**

Deputation:

THAT Mr. Paul Gingl be allotted an additional five minute time frame for his presentation.

THAT the PowerPoint presentation by Mr. Paul Gingl on behalf of BionX detailing best practices related to electric bikes and electric bike regulations be received.

18. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 12
JOINT CAO, COMMISSIONER AND CORPORATE SERVICES REPORT – FINANCIAL
SERVICES 2013-03
ASSET REPLACEMENT FUND STUDY**

THAT Joint CAO, Commissioner – Financial Services Report 2013-03 dated April 3, 2013 regarding the Asset Replacement Fund Study be received and the report referred to the Committee of the Whole meeting scheduled for April 29, 2013.

**19. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 13
COMMUNITY SERVICES – RECREATION AND CULTURE
DEVELOPMENT AND INFRASTRUCTURE SERVICES – PWS/ES
PLANNING & BUILDING SERVICES JOINT REPORT 2013-05
FUTURE USE OF FERNBANK FARMHOUSE**

THAT Recreation & Culture, Public Works Services, Engineering Services, Planning and Building Services Joint Report 2013-05 dated March 5, 2013 regarding the Future Use of the Fernbank Farmhouse be received and the following recommendations be adopted:

1. THAT staff be authorized to issue a request for proposals with the intent of securing a suitable charitable and/or not for profit organization dedicated to serving Newmarket for use of the Fernbank Farmhouse;
2. AND THAT staff report back recommending a tenant along with operating and capital projections.

**20. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 15
COMMUNITY SERVICES – ECONOMIC DEVELOPMENT AND CHIEF
ADMINISTRATIVE OFFICER JOINT REPORT 2013-10
MEMORANDUM OF UNDERSTANDING, POST-SECONDARY INSTITUTION**

Community Services – Economic Development and Chief Administrative Officer Joint Report 2013-10 dated March 27, 2013 regarding a Memorandum of Understanding.

Mayor Van Bynen advised that this item would be stood down until after the Closed Session portion of the meeting. For further disposition of this item refer to Item 17 of these Minutes.

**21. COMMITTEE OF THE WHOLE MINIUTES – APRIL 8, 2013 – ITEM 16
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – ES 2013-18
MAIN STREET – ON-STREET ACCESSIBLE PARKING SPACES**

THAT Community Services Report – ES2013-18 dated March 14, 2013 regarding Main Street – On-street Accessible Parking Spaces be received and the following recommendations, as amended, be adopted:

1. THAT up to six accessible parking spaces on Main Street be approved in principle at the following on-street locations with the option of phasing their implementation:
 - a. 127 Main Street
 - b. 99 Main Street
 - c. 71 Main Street
 - d. 35 Main Street
 - e. 48 Main Street
 - f. 22 Main Street

2. AND THAT a copy of this report and recommendations be forwarded to the Downtown BIA and the Accessibility Advisory Committee for their comments;
3. AND THAT a final report with the accessible parking space locations be brought back to Town Council for approval.

THAT Committee of the Whole resolve into a closed session for the purpose of discussing: advice that is subject to solicitor/client privilege including communications necessary for that purpose.

**22. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 17
COMMUNITY SERVICES – ECONOMIC DEVELOPMENT AND CHIEF
ADMINISTRATIVE OFFICER JOINT REPORT 2013-10
MEMORANDUM OF UNDERSTANDING, POST-SECONDARY INSTITUTION**

THAT Joint Report Community Services/Economic Development and Chief Administrative Officer 2013-10 dated March 27, 2013 regarding a Memorandum of Understanding between the Town of Newmarket and a post-secondary institution be received and the following recommendations be adopted:

1. THAT the CAO be authorized to sign a Memorandum of Understanding (MOU) with a post-secondary institution to collaborate on establishing a post-secondary Learning Centre site in Newmarket that is substantially in accordance with the MOU included within the confidential information report circulated separately;
2. AND THAT Council request NEDAC to review and provide comments on the business case and financial model as developed by a joint post-secondary institution/Town of Newmarket planning team;
3. AND THAT staff report back to Council with respect to the business case.

**23. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 18
CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-07
ADDITIONAL INFORMATION – ACCESSORY DWELLING UNIT BY-LAW**

Correspondence:

Correspondence dated February 26, 2013 from Ms. Teena Bogner regarding Accessory Dwelling Units.

**24. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 19
REPORTS BY REGIONAL REPRESENTATIVES**

None.

**25. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 20
NEW BUSINESS**

- a) Councillor Emanuel provided Notice of Motion for the April 29, 2013 Committee of the Whole meeting regarding a Federation of Canadian Municipalities candidacy resolution.

**26. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 21
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 deputations and additional correspondence related to Development and Infrastructure Services Report – Planning and Building Services 2013-13 – Application for Draft Plan of Subdivision and Zoning By-law Amendment – National Homes be received.

CARRIED

Mayor Van Bynen vacated the Chair.

Regional Councillor Taylor assumed the Chair.

**27. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 11
CORPORATE SERVICES REPORT (LEGAL) 2013-09
DELEGATION BY-LAW – 2012 REPORT
SUMMARIZING DELEGATED MATTERS TO STAFF**

Corporate Services Report (Legal) 2013-09 dated March 26, 2013 regarding Delegation By-law – 2012 Report – Summarizing Delegated Matters to Staff.

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

THAT Corporate Services (Legal) Report 2013-09 dated March 26, 2013 regarding Delegation By-law 2007-114 and a summary of the matters delegated to staff from October 1, 2011 to September 30, 2012 be received.

CARRIED

Mayor Van Bynen took no part in the discussion or voting of the foregoing matter.

Regional Councillor Taylor vacated the Chair.

Mayor Van Bynen assumed the Chair.

**28. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 10
 COMMUNITY SERVICES – RECREATION & CULTURE; CORPORATE SERVICES
 LEGISLATIVE SERVICES AND LEGAL SERVICES; DEVELOPMENT AND
 INFRASTRUCTURE SERVICES – PLANNING & BUILDING SERVICES AND PUBLIC
 WORKS SERVICES JOINT REPORT 2013-08 – PROPOSED PARKS BY-LAW**

Report:

Community Services – Recreation & Culture; Corporate Services – Legislative and Legal Services, Development and Infrastructure Services - Planning & Building Services and Public Works Services Joint Report 2013-08 dated March 28, 2013 regarding a Proposed Municipal Parks By-law.

A friendly amendment was made with the addition of the following recommendation:

“5. AND THAT the new by-law be effective as of June 1, 2013.”

It was requested that Recommendation 1 be dealt with separately.

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

THAT Community Services – Recreation & Culture, Corporate Services – Legislative and Legal Services, Development and Infrastructure Services – Planning and Building Services and Public Works Services Joint Report 2013-08 dated March 28, 2013 regarding a Proposed Municipal Parks By-law be received and the following recommendations, as amended, be adopted:

- 1. THAT the proposed Municipal Parks By-law be amended to allow traditional e-bikes on the trails system.**

A recorded vote was requested.

	YEA	NAY
COUNCILLOR VEGH	X	
COUNCILLOR KERWIN	X	
COUNCILLOR TWINNEY	X	
REGIONAL COUNCILLOR TAYLOR	-----	-----
COUNCILLOR HEMPEN	X	
COUNCILLOR SPONGA	-----	-----
COUNCILLOR DI MUCCIO		X
COUNCILLOR EMANUEL	X	
MAYOR VAN BYNEN	X	
TOTAL	6	1

CARRIED

Regional Councillor Taylor took no part in the discussion or voting of the foregoing matter.

Moved by Councillor Emanuel
 Seconded by Councillor Twinney

2. AND THAT the attached by-law "Municipal Parks By-law being A By-law to Regulate the Use and Enjoyment of Municipal Parks in the Town of Newmarket" (Attachment A) be forwarded to Council for adoption;
3. AND THAT the existing Parks Use By-law 1994-41 (A By-law to Regulate the Use of Public Parks in the Town of Newmarket) and By-law 2012-27 (A By-law to Amend By-law 1994-41 additions to Section 5 of 1994-41) be repealed;
4. AND THAT the matter be revisited after two years;
5. AND THAT the new by-law be effective as of June 1, 2013.

A recorded vote was requested

	YEA	NAY
COUNCILLOR VEGH	X	
COUNCILLOR KERWIN	X	
COUNCILLOR TWINNEY	X	
REGIONAL COUNCILLOR TAYLOR	-----	-----
COUNCILLOR HEMPEN	X	
COUNCILLOR SPONGA	-----	-----
COUNCILLOR DI MUCCIO	X	
COUNCILLOR EMANUEL	X	
MAYOR VAN BYNEN	X	
TOTAL	7	0

CARRIED

Regional Councillor Taylor took no part in the discussion or voting of the foregoing matter.

29. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 9
 CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-07
ADDITIONAL INFORMATION – ACCESSORY DWELLING UNIT BY-LAW**

Deputation:

Mr. John Dowson on behalf of the Newmarket Heights Community Association addressed the Committee of the Whole on April 8, 2013 regarding Accessory Dwelling Units.

Moved by Councillor Kerwin
 Seconded by Regional Councillor Taylor

THAT the deputation by Mr. John Dowson regarding Accessory Dwelling Units be received.

CARRIED

30. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 18
 CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-07
ADDITIONAL INFORMATION – ACCESSORY DWELLING UNIT BY-LAW**

Report:

Corporate Services Report – Legislative Services 2013-07 dated March 25, 2013 regarding Additional Information – Accessory Dwelling Unit By-law.

The motion made in amendment at the Committee of the Whole meeting of April 8, 2013 was voted on separately.

Moved by Regional Councillor Taylor
 Seconded by Councillor Twinney

THAT the draft Accessory Dwelling Units By-law include a revocation provision that in the event a registered unit has three convictions related to either the Property Standards By-law 1999-34, as amended, Zoning By-law 2010-40, as amended, Garbage By-law 2007-77, as amended or Noise By-law 2004-94, as amended, over a period of five consecutive years the Town may revoke the registration.

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	-----	-----
COUNCILLOR DI MUCCIO		X
COUNCILLOR EMANUEL	X	
MAYOR VAN BYNEN		X
TOTAL	3	5

MOTION LOST

Moved by Councillor Kerwin
 Seconded by Councillor Di Muccio

THAT Corporate Services Report – Legislative Services 2013-07 dated March 25, 2013 regarding “Additional Information, Accessory Dwelling Unit By-law” be received and the following recommendations be adopted:

1. THAT Corporate Services Report – Legislative Services 2012-05 regarding “Accessory Dwelling Unit By-law” be received (Attached as “Appendix A to Legislative Services Report 2013-07”);
2. AND THAT the revised draft Accessory Dwelling Unit By-law (Attached as Appendix “B”) be adopted;
3. AND THAT By-law 2003-106 be repealed;
4. AND THAT Schedule F of By-law 2012-81 with regard to Accessory Dwelling Unit fees be repealed and replaced with the following:

One-time Accessory Dwelling Unit Fee:	\$ 250.00 (HST excluded)
Replacement “N” Plate Fee”:	\$ 10.00 (HST excluded)
Refusal & Revocation Appeal Fee:	\$ 100.00 (HST excluded)
5. AND THAT By-law 2011-10, as amended, being a by-law to appoint a Property Standards/Fence Viewing/Appeals Committee be the appeals committee for the purposes of the Accessory Dwelling Unit By-law;
6. AND THAT Mr. John Dowson be notified of these recommendations and provided a copy of Corporate Services Report – Legislative Services 2013-05 and Corporate Services Report – Legislative Services 2013-07.

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	-----	-----
COUNCILLOR DI MUCCIO	X	
COUNCILLOR EMANUEL	X	
MAYOR VAN BYNEN	X	
TOTAL	8	0

CARRIED

**31. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 14
 COMMUNITY SERVICES COMMISSION REPORT 2013-07
MUNICIPAL ASSET NAMING FOR THREE LOCATIONS**

Community Services Commission Report 2013-07 dated March 20, 2013 regarding Municipal Asset Naming for Three Locations.

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

THAT Community Services Commission Report 2013-07 dated March 20, 2013 regarding Municipal Asset Naming for Three Locations be received and the following recommendations be adopted:

- 1. THAT Council adopt the names recommended in Community Services Confidential Information Report 2013-11 (circulated separately) in order that the formal naming of the identified assets in Wards 1, 2 and 5, can be publicly revealed in official ceremonies;**
- 2. AND THAT, at a later date, staff bring back a report recommending a location and proposed name for a park in each of Ward 6 and Ward 7, with an official ceremony to occur in the fall of 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	-----	-----
COUNCILLOR DI MUCCIO		X
COUNCILLOR EMANUEL	X	
MAYOR VAN BYNEN	X	
TOTAL	7	1

CARRIED

**32. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 20B)
NEW BUSINESS (CONTINUED) – MAPLE LEAF PUBLIC SCHOOL PLAYGROUND**

Regional Councillor Taylor provided a verbal update regarding the Maple Leaf Public School Playground construction project.

**Moved by Regional Councillor Taylor
 Seconded by Councillor Hempen**

THAT the Town of Newmarket Council waives the Site Plan Development Application Fees, if necessary, as well as the Cut and Fill Permit Fees associated with the Maple Leaf Public School Playground construction project.

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	-----	-----
COUNCILLOR DI MUCCIO		X
COUNCILLOR EMANUEL	X	
MAYOR VAN BYNEN	X	
TOTAL	7	1

CARRIED

33. COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES

Committee of the Whole (Closed Session) Minutes of April 8, 2013.

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

THAT the Committee of the Whole (Closed Session) Minutes of April 8, 2013 be approved.

CARRIED

With respect to Items contained within the Committee of the Whole (Closed Session) Minutes of April 8, 2013, Mayor Van Bynen advised as follows:

- Item 1, being Community Services Commissioner Report 2013-07 regarding Municipal Asset Naming for Three Locations – This item was listed on the agenda (if required) and it was not required as it was dealt with entirely in Open Session.

- Item 2, being Community Services – Economic Development & Chief Administrative Officer Joint Report 2013-10 regarding a Memorandum of Understanding – There was discussion related to the Report and legal advice was sought from the Director of Legal Services/Municipal Solicitor.
- Item 3, being Corporate Services Report – Legislative Services 2013-07 regarding Additional Information – Accessory Dwelling Unit By-law – There was discussion related to the Report and legal advice was sought from the Director of Legal Services/Municipal Solicitor.

With respect to Item 1 of the Committee of the Whole (Closed Session) Minutes of April 8, 2013, Councillor Kerwin announced the following three new park names and their locations:

1. Frank Stronach Park in Ward 1
2. Bruce Lindsay Storm Water Management Pond in Ward 2
3. Sandford Parkette in Ward 5

34. **RESOLUTION R10-2013**

A Resolution to Support Private Members Bill 41, *Preserving Existing Communities Act*.

Moved by Councillor Twinney
Seconded by Councillor Emanuel

WHEREAS the Town of Newmarket's Official Plan was developed through extensive community consultation and commits the Town Council to manage growth based on specific principles;

AND WHEREAS the Town of Newmarket's Official Plan has been approved by the Province of Ontario and has demonstrated that it will be able to achieve all of their targets for densities as outlined in the Provincial Growth Plan;

AND WHEREAS Section 1.3.3 of the Official Plan states that growth should occur in a way that not only increases the quality of life for existing residents but also provides a functional environment for the future by protecting and enhancing existing natural features and systems;

AND WHEREAS a key principle set out in Section 2.1 of the Official Plan is a commitment to protect and strengthen existing neighbourhoods;

AND WHEREAS Section 3.2.1 states that the objective of the Stable Residential Area policies of the Official Plan is to sustain and enhance the character and identity of existing residential communities;

AND WHEREAS the Private Members Bill tabled by Newmarket-Aurora MPP Frank Klees, entitled the *Preserving Existing Communities Act, 2013*, supports the planning principles set out in the Town of Newmarket's Official Plan and recognizes the principle that municipalities should be able to determine local solutions to address growth mandates;

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

THAT Newmarket Council endorses the intent of the *Preserving Existing Communities Act*;

AND THAT a copy of this Resolution be forwarded to Hon. Linda Jeffrey, Minister of Municipal Affairs and Housing; Frank Klees, MPP, Newmarket-Aurora; and Bill Fisch, Chair, York Region.

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	-----	-----
COUNCILLOR DI MUCCIO		X
COUNCILLOR EMANUEL	X	
MAYOR VAN BYNEN		X
TOTAL	6	2

CARRIED

35. BY-LAW 2013-13

By-law 2013-13.

Moved by Councillor Kerwin
 Seconded by Councillor Hempen

THAT By-law 2013-13 be enacted.

2013-13 A BY-LAW FOR THE REGISTRATION OF ACCESSORY DWELLING UNITS.

(Committee of the Whole of April 8, 2013 – Item 18)

CARRIED

36. BY-LAW 2013-14

By-law 2013-14.

**Moved by Councillor Kerwin
Seconded by Councillor Twinney**

THAT By-law 2013-14 be enacted.

**2013-14 A BY-LAW TO REGULATE THE USE AND ENJOYMENT OF MUNICIPAL
 PARKS IN THE TOWN OF NEWMARKET.**

(Committee of the Whole of April 8, 2013 – Item 10)

CARRIED

Regional Councillor Taylor took no part in the discussion or voting of the foregoing matter.

UNFINISHED BUSINESS

None.

37. NEW BUSINESS

- a. Councillor Twinney advised that she spoke to staff requesting they look at the intersection of Patterson Street and Meadowbank Road for creating greater safety in the area.
- b. Councillor Hempen requested staff to investigate making a by-law amendment that would prohibit vehicles from parking on front lawns, and creating the ability to ticket the vehicles.
- c. Councillor Kerwin advised that on May 18, 2013 there will be a clean-up in the area of the Bruce Lindsay Storm Water Management Pond by the Bogart Creek Restoration Committee. He also advised that the official dedication of the Bruce Lindsay Storm Water Management Pond would be on May 25.
- d. Councillor Kerwin reminded the public that on April 28, 2013 at 2 p.m., the Grand Philharmonic Choir and TorQ Percussion Quartet will be performing at the Newmarket Theatre. Tickets are \$26 for adults, \$20 for seniors and \$10 for students. To order tickets, call the Newmarket Theatre Box Office at 905-953-5122.

38. NOTICES OF MOTION

Councillor Di Muccio advised that she would be bringing forward a motion with respect to exploring best practices for open/closed meetings.

39. **CONFIRMATORY BY-LAW**

By-law 2013-15.

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

THAT By-law 2013-15 be enacted.

**2013-15 A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS
MEETING HELD ON APRIL 15, 2013.**

CARRIED

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

THAT the meeting adjourn.

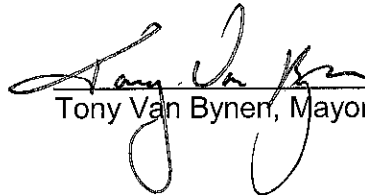
CARRIED

There being no further business, the meeting adjourned at 9:41 p.m.



Andrew Brouwer, Town Clerk

Minutes approved at the meeting of Town Council held on May 6, 2013.



Tony Van Bynen, Mayor