

OPEN FORUM 6:45 P.M.

PUBLIC NOTICE

ADDITIONS TO THE AGENDA

Please note there may be further items added to this agenda – contact the Legislative Services Department at (905) 895-5193 for the most up-to-date listing.

DECLARATIONS OF INTEREST

PRESENTATIONS

1. Mayor Van Bynen and Members of Council to formally acknowledge and congratulate the Gala for the Arts 2013 Grant Recipients.
2. Mayor Van Bynen and Members of Council along with Ms. Stephanie Dyriw, Recreation Programmer – Community and Special Events, to present the Heritage Art Awards.
3. Chief Eric Jolliffe and Inspector Henry deRuiter from 1 Division, York Regional Police, to address Council with an update on the York Regional Police and 2013 priorities.

DEPUTATIONS

ANNOUNCEMENTS – COMMUNITY EVENTS

APPROVAL OF MINUTES

1. Council Minutes of May 6, 2013.

CORRESPONDENCE

1. Report from Amberley Gavel Ltd., Closed Meeting Investigator, dated May 2013 regarding the Council meeting of March 26, 2012, as well as the Committee of the Whole meetings of August 27, 2012 and February 25, 2013.

The Director of Legislative Services/Town Clerk recommends:

1. **THAT the Report from Amberley Gavel Ltd., Closed Meeting Investigator, dated May 2013 regarding the Council meeting of March 26, 2012, as well as the Committee of the Whole meetings of August 27, 2012 and February 25, 2013 be received;**
2. **AND THAT the best practice recommendations contained within the Report be adopted.**

REPORTS BY REGIONAL REPRESENTATIVES

REPORTS OF COMMITTEES AND STAFF

1. Committee of the Whole Minutes of May 21, 2013.
2. Development and Infrastructure Services Report – ES 2013-24 dated May 2, 2013 regarding the Sidewalk Policy PWS 1.01 Review.
(Note: Report deferred at Committee of the Whole on May 21, 2013 – see Item 24)

The Commissioner of Development and Infrastructure Services and the Manager of Capital Projects recommend:

THAT Development and Infrastructure Services Report – ES 2013-24 dated May 2, 2013 regarding the Sidewalk Policy PWS.1-01 Review be received and the following recommendations be adopted:

1. **THAT staff be authorized to proceed with the following new, site specific mitigation measures in the sidewalk policy to reduce the impact on parking in a realistic and cost effective manner:**
 - i. Reduced road width
 - ii. Road Realignment
 - iii. Curb face sidewalk
 - iv. Tree Replacement
 - v. Landscape Alteration
 - vi. Accessory Dwelling Unit Accommodation
 - vii. Driveway Widening
2. **AND THAT staff prepare either an amendment to the Sidewalk Policy or draft a complementary policy, and report back to Town Council by the end of 2013.**
3. Development and Infrastructure Services Report – ES 2013-20 dated May 3, 2013 regarding Proposed Sidewalk – Lloyd Avenue, Robinson Drive and Currey Crescent - Road Rehabilitation Update.
(Note: Report deferred at Committee of the Whole on May 21, 2013 – see Item 25)
(Also Note: Information Report outlining the cost estimates associated with the installation of the proposed sidewalk to be distributed prior to the Council meeting)

The Commissioner of Development and Infrastructure Services, and the Manager of Capital Projects recommend:

THAT Development and Infrastructure Services Report – Engineering Services 2013-20 dated May 3, 2013 regarding Proposed Sidewalk installation on Lloyd Avenue, Robinson Drive and Currey Crescent be received and the following recommendations be adopted:

1. **THAT sidewalks be installed on Lloyd Avenue, Robinson Drive and Currey Crescent in conjunction with the rehabilitation of these streets during 2013;**

2. **AND THAT staff undertake measures to mitigate impacts on parking and boulevard plantings wherever possible in accordance with the strategies outlined in Development and Infrastructure Services Report – ES 2013-24.**

RESOLUTIONS

BY-LAWS

- 2013-25 A BY-LAW TO PROVIDE FOR THE LEVY AND COLLECTION OF THE SUMS REQUIRED BY THE CORPORATION OF THE TOWN OF NEWMARKET FOR 2013 AND TO PROVIDE FOR THE MAILING OF NOTICES REQUISITIONING THE PAYMENT OF TAXES FOR 2013.

To Levy a Separate Tax Rate on the Assessment in Each Property Class.

(Committee of the Whole of May 21, 2013 – Item 29)

- 2013-26 A BY-LAW TO APPOINT AN ACTING MAYOR.
(Councillor Sponga)

To Appoint an Acting Mayor.

(Committee of the Whole of May 21, 2013 – Item 31)

NOTICE OF MOTION

UNFINISHED BUSINESS

NEW BUSINESS

1. Mayor Van Bynen to address the matter of a request to waive the facility rental fee for the Special Olympics Ontario 2013 Summer Games event.
(Note: Commissioner of Community Services Information Report 2012-92 dated December 17, 2012, previously distributed, attached for reference purposes only)

CONFIRMATORY BY-LAW

- 2013-27 A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS MEETING HELD ON MAY 27, 2013.

ADJOURNMENT

**REPORT TO
THE CORPORATION OF THE TOWN OF NEWMARKET
REGARDING THE MEETINGS OF COUNCIL ON MARCH 26, 2012
AND OF COMMITTEE OF THE WHOLE ON AUGUST 27, 2012 AND
ON FEBRUARY 25, 2013**

I. COMPLAINT

The Corporation of the Town of Newmarket ("Town") received a detailed complaint about three meetings:

1. A meeting of Town Council ("Council") on March 26, 2012;
2. A meeting of Committee of the Whole on August 27, 2012; and
3. A meeting of Committee of the Whole on February 25, 2013.

The complainant requested an investigation into whether the Town breached the provisions of the *Municipal Act, 2001*¹ ("Municipal Act" or "Act"). The complaint alleges that matters discussed at both the March 26, 2012 meeting of Council and the February 25, 2013 meeting of Committee of the Whole ought to have been discussed in closed session. The complaint further alleges that the matter discussed in the closed meeting of Committee of the Whole on August 27, 2012 was not an issue that was properly the subject of a closed meeting under the Municipal Act.

The request was sent to the offices of Amberley Gavel Ltd. for investigation.

II. JURISDICTION

The Town appointed Local Authority Services (LAS) as its closed meeting Investigator pursuant to section 239.2 of the Municipal Act. LAS delegated its powers and duties to Amberley Gavel Ltd. to undertake the investigation and report to the Town.

¹ S.O. 2001, c. 25 (hereinafter "Municipal Act" or "Act").

III. LEGISLATIVE BACKGROUND

(a) The Municipal Act and Closed Meetings

Section 238(2) of the Municipal Act provides that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings. Section 239 of the Act provides that all meetings of a municipal council, local board or a committee of either of them shall be open to the public. This requirement is one of the elements of transparent local government.

The section sets forth exceptions to this open meeting rule. It lists the reasons for which a meeting, or a portion of a meeting, may be closed to the public ("open meeting exceptions").

Section 239 reads in part as follows:

Meetings open to public

239. (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act. 2001, c. 25, s. 239 (2).

(3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.
2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

...

Section 239 also requires that before a council, local board or committee move into a closed meeting, it shall pass a resolution at a public meeting indicating that there is to be a closed meeting. The resolution also must include the general nature of the matter(s) to be deliberated at the closed meeting.

Subsections 239 (5) & (6) limit the actions that may be taken by the council, local board or committee at the closed session. Votes may only be taken at a closed meeting for procedural matters, giving direction or instructions to staff or persons retained by the municipality such as a lawyer or planner. It provides as follows:

Open meeting

(5) Subject to subsection (6), a meeting shall not be closed to the public during the taking of a vote. 2001, c. 25, s. 239 (5).

Exception

(6) Despite section 244, a meeting may be closed to the public during a vote if,

- (a) subsection (2) or (3) permits or requires the meeting to be closed to the public; and
- (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board. 2001, c. 25, s. 239 (6).

(b) **Investigations under the Municipal Act**

Section 239.1 of the Municipal Act provides that a person may request that an investigation be undertaken on whether a municipality or local board has complied with section 239 or a procedure by-law under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public.

We note that this section of the Municipal Act was not, in our opinion, to be used to complain generally about whether or not a council, committee, or board *ought to have moved into closed session* to deal with a matter under consideration. Rather, the section is designed to provide openness, transparency, and accountability to ensure that those bodies are not inappropriately shrouding their discussions and deliberations “behind closed doors”.

Two of the three issues in the complaint deal with whether or not the Council or Committee of the Whole *ought to have dealt with matters in closed session rather than in open session*.

IV. **INVESTIGATION BACKGROUND**

The investigation into the complaint began on March 25, 2013.

The Town Clerk was consulted during the course of the investigation. Documents provided by the Town and reviewed for the investigation included Agendas and Minutes of Meetings of the Council and Committee of the Whole, documents related to the matters under consideration, the Procedure and Notice By-laws, and applicable legislation. The Town Clerk also provided additional documentation respecting an ongoing review of the Town's Procedure By-Law.

(a) **The Town's Procedure By-Law**

In accordance with section 238 of the Municipal Act, the Town has a Procedure By-Law that governs the calling, place and proceedings of meetings.

The Procedure By-Law² provides for closed sessions of Council or its

² A By-Law to Govern the Proceedings of the Council and Committee Meetings, The Corporation of the Town of Newmarket, By-Law No. 2008-54, dated September 29, 2008 (“Procedure By-Law”).

Committees if the subject matter being considered falls within those matters set out in Section 239(2) or Section 239(3) of the Act.³

The Town is currently undergoing a comprehensive review of its Procedure By-Law, including consultation with the public and the Town's boards and committees. The Town has also contracted with its Integrity Commissioner to provide input and advice into the draft revisions.⁴ The intent is to have the draft procedure by-law adopted by Council before its summer recess.

Moreover, the Town Clerk had planned a refresher training session for Members of Council on the provisions of the Municipal Act dealing with open and closed meetings.

(b) Meeting of Council on March 26, 2012

The complaint alleges that Council should have discussed an item considered at the meeting in open session in a closed session.

No motion was made by any member of Council to go into a closed session with respect to the matter that was the subject of the complaint. Nor could we determine that there was any legislative requirement for Council to consider the matter in a closed session under the *Municipal Act 2001*, or any other Provincial Act.

We do not have any jurisdiction to consider this part of the complaint any further.

(c) Agenda for the Meeting of Committee of the Whole on August 27, 2012

The complaint alleges that at the meeting of Committee of the Whole on August 27, 2012 Council went into closed session to discuss a personal matter involving an identifiable individual. The complainant indicates concern "with the manner in which the Corporation of the Town of

³ *Ibid*, s.12. The Procedure By-Law lists all of the exceptions from section 239 of the Municipal Act.

⁴ The Integrity Commissioner had made recommendations for changes to the Procedure By-Law as a result of a recent investigation into a Council Code of Conduct violation.

Newmarket posted the meeting agenda prior to the session”.

The complainant further questions “whether a deceased person can have ‘personal matters’”.⁵ In addition, the complainant indicates that the “family of the deceased individual was public in having no objections to an open session as well”.

The Agenda for the both the public session and the closed session of Committee of the Whole indicated that the Committee would be discussing, among other items, an item dealing with the “Ray Twinney Complex (Personal Matter)”. This is the subject matter under issue in this complaint.

(d) Notice of the Meeting of Committee of the Whole on August 15, 2012

The Town noted on its public meeting notices and on its public website that there would be a closed session of Committee of the Whole on August 15, 2012. Further the public agenda for the Committee of the Whole meeting released to the public website indicated that the Committee would resolve to convene into a closed session to discuss, among other items, a “Community Services Report – Recreation & Culture 2012-55 Ray Twinney Complex – (Personal Matter)”.

We cannot conclude that there was any error in the manner in which this item was posted prior to the closed session of Committee of the Whole.

(e) Minutes of the Meeting of Committee of the Whole on August 15, 2012

The Minutes of the Meeting of Committee of the Whole on August 15, 2012 indicate that the Commission resolved into closed session for the purpose of discussing:

“Personal matters about an identifiable individual, including municipal employees or local board employees (*Personal Matter – Audit Committee, Sports Hall of Fame, Honorary Citizen, Municipal Asset Naming*); A proposed or pending acquisition or disposition of land by

⁵ The complaint further alleges that the City of Toronto “discussed a similar motion involving the same identifiable individual in an open session”. It is beyond the scope of our role to determine why and whether or not the City of Toronto might have done so in open session.

the municipality or local board (*Property Matter – Ward 5*); Labour Relations or Employee Negotiations (*Labour Relations*).

The specific item dealing with the “Ray Twinney Complex – (*Personal Matter*)” appears to have been excluded from this resolution.

However, that is at most a procedural irregularity and does not affect our conclusion about whether or not the Committee of the Whole could have discussed this item in closed session.⁶

In fact, the municipality is required only to give notice of meetings, and only in limited circumstances with respect to Special Meetings pursuant to Section 240(b) is the subject matter of meetings required to be outlined in the notice by the Act.

(f) Minutes of the Meeting of Committee of the Whole in Closed Session on August 15, 2012

The Minutes of the Closed Session of the Meeting of Committee of the Whole on August 15, 2012 indicate that the Committee voted on a motion with respect to the matter under consideration. That motion was carried. The resolution was not reported out in the open session of Committee of the Whole.

(g) Meeting of Committee of the Whole on February 25, 2013

The complaint indicates that “During an open session of the Committee of the Whole, a report submitted by Newmarket’s Integrity Commissioner makes numerous references to the ‘President of the Redbirds Lacrosse Club’ whereas more appropriately, the term ‘an identifiable individual’ should have been used”.

A report dated February 21, 2013 from the Integrity Commissioner, entitled “Code of Conduct Complaint Investigation”, was considered by Committee of the Whole on February 25, 2013. The report’s content contains the title of

⁶ See *Farber v. Kingston (City)* (2007), 279 D.L.R. (4th) 409 (Ont. C.A.) (“*Farber*”), at para. 28 wherein the Ontario Court of Appeal held that procedural irregularities unconnected to the real decision at issue do not render the decision itself illegal.

the "President of the Redbirds Lacrosse Club"; however, the name of the individual holding this title has been identified in closed brackets as merely "[a named individual]".

V. ANALYSIS AND FINDINGS

(a) Notice for the Meeting of Committee of the Whole on August 15, 2012

As indicated above, the notice for the closed meeting of Committee of the Whole on August 15, 2012 was appropriately published and disseminated by the municipality.

(b) Meeting of Committee of the Whole on August 15, 2012

We have noted that the subject issue in the notice was not specifically included in the omnibus motion to resolve into closed session on August 15, 2012. However, that does not render the meeting or the discussion invalid as long as the matters discussed in the closed session were covered by the resolution authorizing the closed session. We note that the authorizing resolution did do considerably more than cite the Section(s) of the Act authorizing the closed session.

The more substantial concern raised by the complaint is whether a council, or a committee or board of Council, can invoke the open meetings exceptions of the *Municipal Act 2001* to discuss information about an individual who is deceased. In this case, Committee of the Whole moved into closed session to discuss a report that contained personal information about a deceased person. The matter under consideration may have engaged personal opinions from Members of Council about the recommendations contained within the report. Committee of the Whole determined that it was permitted to invoke the open meetings exemption under the Municipal Act respecting "personal matters" given that it would be disclosing personal information about an identifiable individual and, perhaps, the personal opinions of others.

The term "personal matters" is not defined under the Act. However, its purpose is to ensure that there is no inappropriate disclosure of personal information by Members of Council during debate. To do otherwise might breach the provisions of the *Municipal Freedom of Information and*

*Protection of Privacy Act*⁷ (MFIPPA) prohibiting disclosure of personal information.

Personal information is defined under MFIPPA as:

“personal information” means recorded information about an identifiable individual, including,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except if they relate to another individual,
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (g) the views or opinions of another individual about the individual, and
- (h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

Without divulging the substantive information in the Closed Session report,

⁷ R.S.O. 1990, c.F.31.

we are satisfied that the Community Services (Closed Session) Report, Recreation & Culture #2012 -55, Ray Twinney Complex Sports Field Naming, disclosed personal information about an identifiable individual. We are also satisfied that, given the nature of the report, discussion could have ensued in closed session with respect to the "view or opinions of another individual" about an identifiable individual. Hence, the matter was one which was properly the subject of a closed meeting under the Act.

The complainant queries whether or not the exemption respecting "personal matters" applies to matters about a deceased person. Worded differently, the question is: *Do individuals lose the right to privacy of their personal information as a result of their death?*

The Information and Privacy Commissioner has ruled that personal information is and remains the property of a deceased person and cannot be divulged unless that disclosure is to a legally-designated personal representative (such as an Estate Trustee). Hence, we are of the opinion that the Municipal Act provisions respecting closed meetings for "personal matters" covers personal information about a deceased person.

The Committee of the Whole might have sought and received permission from the deceased person's legal representative to divulge the deceased name and personal information. However, the Committee of the Whole could still be permitted to go into closed session if it wanted to discuss its members' "views or opinions" given that it was deliberating about a matter that engaged information about an identifiable individual.

We have, therefore, concluded that Committee of the Whole properly invoked the exemption to the open meetings provisions of the Municipal Act when it considered the subject report.

We note that Committee of the Whole formally voted in closed session on the substantive matter. Under the Municipal Act votes may only be taken at a closed meeting for procedural matters or for giving direction or instructions to staff or persons retained by the municipality. The vote on the substantive matter was clearly more than just procedural or directive in nature. Hence, it was improper to take the vote in closed session. Nevertheless, the Committee of the Whole recommendation on the matter was formally considered at a Special Council Meeting on September 10, 2012 with Council resolving to take no further action on the item at the request of the

family of the deceased individual. Therefore, the fact that the Committee of the Whole breached the voting provisions of the Municipal Act is moot.

(c) Meeting of Committee of the Whole on February 25, 2013

In her report to Town Council, the Town's Integrity Commissioner refers to the President of the Redbirds Lacrosse Club by title rather than by name. Indeed, she has deliberately refrained from using the individual's name by the identifier "[an identifiable individual]" in her report. Having done so, she is respecting the requirement to hold personal information (the name of the individual) in private, while appropriately referencing the source of the information that she is citing.

Ontario's Information and Privacy Commissioner has ruled on this very issue in a number of decisions, one of which is cited below:

To qualify as personal information, the information must be about the individual in a personal capacity. As a general rule, information associated with an individual in their professional, official or business capacity is not considered to be "about the individual." An individual's name, where it appears in his/her capacity as an official of an organization or company cannot qualify as that individual's personal information.⁸

Thus, even if the Integrity Commissioner had used the name of the President of the Redbirds Lacrosse Club she would not have been in breach of privacy laws.

Moreover, the Municipal Act contains the following provisions relating to disclosure of information by an Integrity Commissioner:

If the Commissioner reports to the municipality or to a local board his or her opinion about whether a member of council or of the local board has contravened the applicable code of conduct, the Commissioner may disclose in the report such matters as in the Commissioner's opinion are necessary for the purposes of the report.⁹

⁸ The Corporation of the City of Ottawa, IPC Order MC-040019-1/July 26, 2005.

⁹ *Municipal Act*, supra, note 1, at s.223.6(2).

The Information and Privacy Commissioner has ruled that the restrictions on disclosure of personal information contained in *MFIPPA* are superseded by the Integrity Commissioner's discretion to disclose information pursuant to the Municipal Act.¹⁰ Therefore, the use of the individual's title (and even their name) is warranted if the Integrity Commissioner feels that disclosure is necessary.

Recognizing that in this circumstance the discretion was entirely Council's, we have concluded that Committee of the Whole should not have moved into closed session on February 25, 2013 in order to receive the report of the Integrity Commissioner, had it chosen to do so, merely because the report included the title of the president of a named organization.

VI. RECOMMENDATIONS

Although we have found that the Town did not breach the provisions of the Municipal Act, we have several "best practice" procedural recommendations.

- (a) For greater clarity, when a council, a committee, or board is moving into closed session on various items, they should have a vote to move into closed session which clearly indicates the applicable exemption to the open meetings provision *for each item* and wherever possible the general nature of the matter to be discussed *for each item*. This clarity can be expressed in a single motion covering several topics.
- (b) Votes should only be taken at a closed meeting for procedural matters or for giving direction or instructions to staff or persons retained by the municipality, such as a lawyer or planner.
- (c) The best practice procedure after a closed session is that the chair of council, a committee, or board report out in a public session that the council, committee, or board met in closed session and that it dealt with an in-camera matter (e.g. "a matter dealing with personal matters about an identifiable individual, under s.239.2(c) of the Municipal Act"). To the extent that the chair can report out on what was decided in the closed session (e.g. "provided direction to staff on the matter") without divulging the substance of the in-

¹⁰ City of Vaughan, IPC Order MC09-56/June 9, 2010.

camera matter, he or she should do so to enhance transparency and public confidence.

VII. CONCLUSIONS

We have concluded that Council for the Town of Newmarket and its Committee of the Whole have appropriately complied with the provisions of the Municipal Act respecting open and closed meetings for the three meetings at issue in this complaint.

We have made recommendations with respect to certain matters that came to our attention in the course of the investigation. We note, however, that Council has already received certain recommendations from staff on changes to the Procedure By-Law. Those recommended changes would address our recommendations. We commend Council and staff for taking all actions to further ensure openness, transparency, and accountability in deliberations of Council and its committee and boards.

VIII. PUBLIC REPORT

We received full co-operation from all parties that we contacted and we thank them.

This report is forwarded to the Council of the Corporation of the Town of Newmarket. The Municipal Act provides that this report be made public. It is suggested that the report be included on the agenda of the next regular meeting of the Council or at a special meeting called for the purpose of receiving this report prior to the next regular meeting.

May 2013

Closed Meeting Investigator

AMBERLEY GAVEL LTD.

Nigel Bellchamber

Per:



May 2, 2013

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Reports of Committees and Staff

2.1

DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT ES 2013-24

TO: Committee of the Whole

SUBJECT: Sidewalk Policy PWS.1-01 Review
File No.: T.30

ORIGIN: Commissioner, Development and Infrastructure Services

RECOMMENDATIONS

THAT Development and Infrastructure Services Report – ES 2013-24, dated May 2, 2013 regarding the Sidewalk Policy PWS.1-01 Review be received and the following recommendation(s) be adopted:

1. THAT staff be authorized to proceed with the following new, site specific mitigation measures in the sidewalk policy to reduce the impact on parking in a realistic and cost effective manner:
 - i. Reduced road width.
 - ii. Road Realignment.
 - iii. Curb face sidewalk.
 - iv. Tree Replacement.
 - v. Landscape Alteration.
 - vi. Accessory Dwelling Unit Accommodation.
 - vii. Driveway Widening.
2. AND THAT staff prepare either an amendment to the Sidewalk Policy or draft a complementary policy, and report back to Town Council by the end of 2013.

BACKGROUND

At the regular meeting held on Monday, March 26, 2013 the Town Council adopted amended recommendations contained within Development and Infrastructure Services Report ES 2013-10 recommending proposed sidewalk installation on Lloyd Avenue, Currey Crescent and Robinson Drive as part of the approved 2013 Capital Road Rehabilitation Program. The amended recommendations are as follows:

THAT Development and Infrastructure Services Report – ES 2013-10 dated February 21, 2013 regarding a Proposed Sidewalk on Lloyd Avenue, Robinson Drive and Currey Crescent be received and the following recommendations be adopted:

1. **THAT the matter of a proposed sidewalk installation on Lloyd Avenue, Robinson Drive and Currey Crescent be deferred pending a review of the Town's sidewalk policy;**

2. AND THAT staff explore opportunities for other capital works to advance in the 2013 calendar year so that the costs remain within the current construction price index.

As well, a letter report dated March 21, 2013 was submitted to Town Council as supplementary information to be considered by Town Council at the March 26, 2013 Council meeting.

The purpose of this report is to provide a 'staff' review of the policy as noted in Recommendation #1, and provide next step recommendations.

COMMENTS

The Sidewalk Policy is divided into three main parts: new development areas, existing areas, and design elements. However, the importance of the Sidewalk Policy is within the Purpose and the reason why the Sidewalk Policy was adopted by Town Council on July 18, 2005.

The Purpose of the Sidewalk Policy states:

To establish a policy for the implementation of sidewalks within the Town in order to promote pedestrian safety, sidewalk links between sidewalks, and promote safe school pedestrian traffic on streets that feed local school sites.

In simple terms, the Sidewalk Policy was developed to promote a sense of community through interconnection and safety. As well, as part of the Secondary Plan project, Active Transportation policies and direction will become a part of the Town which envisions less reliance on the automobile and encourages more 'human-power' modes like walking and cycling.

The issue with the Sidewalk Policy is not directly related to new development areas or design. The Sidewalk Policy states the general principles for new developments with the Engineering Design Guidelines for Subdivisions as the parent document for sidewalk and roadway design and construction. The issue with the Sidewalk Policy is with Section 8 that states:

8. Sidewalks shall be constructed on one side of the street as part of a road reconstruction project.

Town Council has received deputations and petitions against sidewalks on local streets for most road construction projects where a new sidewalk is proposed, and most recently for the proposed road reconstruction projects on Lloyd, Avenue, Robinson Drive and Currey Crescent. The main complaints do not involve the actual sidewalk being installed but the impact of the sidewalk on existing property. In particular, the main concerns relate to:

- Snow clearing on sidewalks;
- Impact on trees, bushes and landscaping on the boulevards; and,
- Impact on parking in the driveway.

Many of these streets that are proposed for reconstruction were constructed several decades ago (between 1950 and 1980), and over time, the streetscape has matured and has been altered to suit the community by the residents. Many residents do not want to lose the amenities they created for their property. However, there are three important points that must be considered with the majority of these streets:

- The homeowner owns their property to the property line and not the curb.
There is sometimes a misconception that the boulevard belongs to the resident. Boulevards are an essential part of the road allowance which allows municipalities to maintain and improve infrastructure.
- Garages are considered a parking space. In the context of site parking, the garage is considered a parking space irrespective if the resident is using their garage for storage. The older areas of Town specifically had a parking requirement of two parking spaces per dwelling unit (the same as the current bylaw), and considered parking in the garage as one space.
- Older communities are different than newer communities. Most of the streets that do not have a sidewalk are 30 plus years old, and generally have more frontage that allows more on-street parking opportunities and the ability to widen their driveway over the new subdivision designs.

As for the specific main concerns, the Town has a policy to clear the snow for all newly constructed curb face sidewalks only. However, it still must be noted that it remains the responsibility of the homeowner to ensure that the sidewalk is free and clear of all ice and snow.

As for the impacts on the landscaping and driveways, the Town has several ways to mitigate concerns. It should be noted that the Town holds public information centres for each road project which affords the community the opportunity to voice their concerns, indicate problem areas/constraints, and suggest improvements. Keeping mind that the standard sidewalk is only 1.5 metres, the following are some typical standard mitigating improvements:

- Reduced road width.
Many of the local roads are constructed to a standard that required the pavement width (curb face to curb face) of 8.5 metres. The Town has been reducing this width to 8.0 metres over the last few years to mitigate impact. This would reduce the impact of driveway reductions to 1.0 metres (3 feet). As well, as a secondary benefit, the reduced width and sidewalks are traffic calming measures to reduce speeds.
- Road Realignment
In some cases where the roads still have a ditch, the Town can shift the alignment of the road so that the impact of the sidewalk can be shared between both sides of the road at a 0.5 metre (1.5 feet) on each side.
- Curb face sidewalk
The Town has been constructing curb face sidewalks to reduce the impact due to the reduced driveway length.
- Tree Replacement
The Town has a professional arborist to assist in the preservation and/or removal of trees, and the Town endeavours to replace trees that are removed.
- Landscape Alteration
While landscaping (rock gardens, bushes, planters, etc.) are hard to replace, through design, the Town attempts to reduce the impacts on these features which require on-site one-on-one collaboration between the Town and the homeowner.

- Accessory Dwelling Units

The Town endeavours to coordinate the parking requirements of registered accessory dwelling units. These specific types of properties require more parking than what was originally intended in the community design. The sidewalks can be curb face, or possibly be considered to be placed on the opposite side of the street.

- Driveway Widening

The Town prefers to have as much 'green' within the community, however, driveway widenings are a possible mitigation measure for some properties. The generally wider lots in the older areas allow the Town to provide a wider curb cut and boulevard restoration to allow the homeowner to widen the driveway to their requirements. The Town would cover the cost of the widened driveway to the property line.

The important point is that Town staff work closely with the community to reduce the impacts of the implementation of the sidewalk, and construction in general. Specifically, in the case of Lloyd Avenue, Robinson Drive and Currey Crescent, these streets are no different in age, infrastructure or cross-section than other local streets such as Irwin Crescent, Beman Drive and Handley Crescent where the road allowance was narrower than standard, and the community was well-established. These three streets had a sidewalk successfully implemented during reconstruction with some opposition and concerns, but these were mitigated as best as possible, and now these streets operate as if the sidewalk was always a part of the community.

Town Council should be aware that there are still several streets that need a sidewalk or have a partial sidewalk. The following list below outlines most of the remaining residential streets that need a sidewalk or require a partial sidewalk along its length subject to individual review on the policy (i.e. Impacts of slopes and availability of boulevard width). The list is divided into short term (generally within 5 years) reconstruction needs and longer term reconstruction, subject to budget and Town Council priorities.

Short Term	Longer Term
Borden Avenue	Wildwood Drive
Burling Place	Charlotte Street North
Cody Crescent	Clematis Road
Currey Crescent	Coventry Hill Trail
Edward Street	Hazelwood Drive
Grace Street	Highland Avenue
Hillview Drive	Talbot Crescent
James Avenue	Madeline Heights
Kathryn Crescent	Maple Street
Lloyd Avenue	Simpson Road
Robinson Drive	Norsan Court
Second Street	Richard Avenue
	Roywood Crescent

This list does not include any residential collector roads that would require sidewalks on both sides of the street. As noted by the number and timeframe of the road reconstruction and sidewalk needs, the issue of new sidewalks in existing areas will continue to be an issue before Town Council for many more years.

NEXT STEPS

There are three courses of action that Town Council can consider: maintain existing policy, undertake a short focused staff-review, and a full review.

Should Town Council consider maintaining the existing policy based on the above information, then staff and all projects would move forward with the mind to mitigate as much of the issues as possible. However, Town Council would still receive and deal with the same issues every construction season for the foreseeable future.

Should Town Council consider staff to undertake a short focused staff-review, then this would result in:

1. Staff would review the issue of perceived loss of parking and create additional mitigation measures as appropriate.
2. These mitigation measures might be items like relocation of services, funding of driveway widenings, and compensation. All instances will be documented as to issue, resolution and cost. In the case of driveway widening, the Town would consider the widening to accommodate two (2) parking spaces in the driveway.
3. Costs may increase on construction projects unforeseen at the time of tendering so Town Council should be cognizant that other Capital programs may be delayed to cover any cost overruns.
4. Staff would prepare either an amendment to the Sidewalk Policy or draft a complementary policy, and report back to Town Council by the end of 2013 so as 2014 and subsequent Capital programs can continue with the amended or complementary policy.
5. All current projects would proceed under the current Sidewalk Policy.

This is the recommended course of action.

Should Town Council consider staff to undertake a full review of the Sidewalk Policy, then:

1. The study would take approximately 6 months to complete with full consultation of the public and stakeholders groups.
2. All issues would be addressed including the impacts of 2 or 3 parking spaces per property, snow clearing, and boulevard impacts.
3. All current projects with new sidewalk installations would cease this year to allow the new policy to come into effect for 2014 and subsequent years.

CONSULTATION

There was no direct public consultation in the preparation of this report. However, through public consultation, stakeholder contact and Town Council, many elements of the issues and concerns were addressed in this report.

If Town Council chooses the recommended course of action, then consultation will occur with the community and specific homeowners within the community to deal with the site specific issues. If Town Council chooses a full review, then consultation will significantly increase to all stakeholders within the Town, and that additional costs would be required to secure the services of a consultant.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

- Well-planned & connected: Improved inter-connectivity and interaction amongst neighbours and neighbourhoods

HUMAN RESOURCE CONSIDERATIONS

No impact to current staffing levels.

IMPACT ON BUDGET

Operating Budget (Current and Future)

Annual sidewalk maintenance costs will be incurred if the sidewalks are installed. This is based on an approximate per kilometer cost of \$1,600.00 to \$1,800.00.

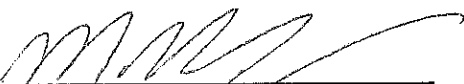
Capital Budget

If Town Council chooses the recommended course of action, the actual Capital budget increase for streets with new sidewalks will not be fully known until Town staff determine the specific issues and specific mitigating measures. Capital cost increases will be closely monitored by Town staff with the goal of providing a realistic and cost effective solution, and within the procurement and applicable bylaws and policies of the Town. All additional costs will be part of the follow-up report.

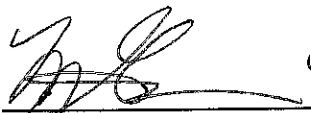
CONTACT

For more information on this report, please contact Meredith Goodwin at 905-953-5300 extension 2518; mgoodwin@newmarket.ca.

Prepared by:



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Senior Transportation Coordinator



M. Goodwin, C.E.T.
Manager, Capital Projects



R. Prentice, Commissioner,
Development & Infrastructure Services



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Reports of Committees and Staff

3.1

May 3, 2013

DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT ES 2013-20

TO: Committee of the Whole

SUBJECT: Proposed Sidewalk – Lloyd Avenue, Robinson Drive and Currey Crescent
File No.: P.50.10.2013 - Road Rehabilitation Update

ORIGIN: Commissioner, Development and Infrastructure Services

RECOMMENDATIONS

THAT Development and Infrastructure Services Report – ES 2013-20, dated May 3, 2013 regarding Proposed Sidewalk installation on Lloyd Avenue, Robinson Drive and Currey Crescent be received and the following recommendation(s) be adopted:

- 1. THAT sidewalks be installed on Lloyd Avenue, Robinson Drive and Currey Crescent in conjunction with the rehabilitation of these streets during 2013;**
- 2. AND THAT staff undertake measures to mitigate impacts on parking and boulevard plantings wherever possible in accordance with the strategies outlined in Development and Infrastructure Services Report ES 2013-24.**

BACKGROUND

At the regular meeting on Monday March 26, 2013 Town Council received Development and Infrastructure Services Report ES 2013-10 recommending proposed sidewalk installation on Lloyd Avenue, Currey Crescent and Robinson Drive as part of the approved 2013 Capital Road Rehabilitation Program. Town Council amended the recommendations, and adopted:

THAT Development and Infrastructure Services Report – ES 2013-10 dated February 21, 2013 regarding a Proposed Sidewalk on Lloyd Avenue, Robinson Drive and Currey Crescent be received and the following recommendations be adopted:

- 1. THAT the matter of a proposed sidewalk installation on Lloyd Avenue, Robinson Drive and Currey Crescent be deferred pending a review of the Town's sidewalk policy;*
- 2. AND THAT staff explore opportunities for other capital works to advance in the 2013 calendar year so that the costs remain within the current construction price index.*

This report has been provided in response to Town Council's adopted amended recommendations and in support of the original recommendations found in Report ES 2013-10.

COMMENTS

Town Council's adopted Recommendation #1 is addressed in Development and Infrastructure Report 2013-24 in detail. If Town Council adopts the recommendation of this report, the matter of sidewalks on these streets have been dealt with. In summary, Report 2013-24 recommends the existing Sidewalk Policy be maintained which would dictate that sidewalks would be required on all three streets. As well, the report recommends that the loss of parking issue be reviewed on an individual basis to examine all realistic and cost effective measures to improve parking, if necessary.

As for Recommendation #2, the typical Capital program follows a linear process of: needs determination, design, public information centre, tender(construction) and construct. Engineering Services attempts to begin the design a year prior to construction or at the very least, at the beginning of the year so that construction can occur in the fall. The Capital program has no 'substitutions' ready to replace the size of construction of these three streets. The process would have to begin again with other streets on the 2014 list and there is an issue with being this late in the year, which any construction program for replacement streets would occur next year. Essentially, there would be no cost or time savings, and replacing streets would effectively push back construction into 2014.

Staff have reviewed the proposed design for these three streets in terms of the standard of providing at least two parking spaces outside the garage. As for the specific potential loss of parking with the potential inability to park two (2) vehicles on the property in the driveway, the following list outlines the magnitude of the issue at the locations.

Street	Number of Households	Number Impacted	Percentage	Mitigation measures required to provide two (2) spaces
Currey Crescent	94	4	4%	tree removal on private property
Lloyd Avenue	41	4	10%	relocation of existing fire hydrant
Robinson Drive	30	3	10%	tree removal on private property

Therefore, it is recommended that sidewalk construction on Lloyd Avenue, Robinson Drive and Currey Crescent be undertaken as per the current Town of Newmarket Sidewalk Installation Policy, PWS.1-01, and as shown at the public information centre.

CONSULTATION

The creation of the Town's Sidewalk Policy back in July of 2005 involved a great deal of consultation with internal departments, the public, and the Accessibility Advisory Committee. A report similar to this one was endorsed in 2011 by the Town's Accessibility Advisory Committee. A Public Information Centre (P.I.C.) was held on January 30, 2013 with 58 residents in attendance. The Town has received a petition submitted collectively by residents of Lloyd Avenue, Robinson Drive and Currey Crescent, opposing the construction of the sidewalks. The petition was signed by 84 residents representing 66 of the total of 162 households on these three streets.

The petition organizer also provided a deputation at the March 18th Committee of the Whole meeting. As a follow up to the comments made at the March 18th deputation, staff prepared an information memorandum that was provided to all Members of Town Council. The memorandum was discussed at the regular March

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

- Well-planned & connected: Improved inter-connectivity and interaction amongst neighbours and neighbourhoods

HUMAN RESOURCE CONSIDERATIONS

No impact to current staffing levels.

IMPACT ON BUDGET**Operating Budget (Current and Future)**

Approximately \$2,300.00 in annual sidewalk maintenance costs will be incurred if the proposed sidewalks are installed. This is based on an approximate per kilometer cost of \$1,600.00 to \$1,800.00.


Capital Budget

The sidewalk installation costs for Lloyd Avenue, Robinson Drive and Currey Crescent are estimated to be approximately \$130,000.00 and are included in the approved Capital Budget. The 2013 fee for curb cuts is \$258.00 plus HST or \$291.54 which will be fully covered under the contract item for concrete curb replacement, therefore no budget impact. If these three (3) streets are not completed concurrently in 2013 the Town will incur an additional \$40,000.00 inspection fee impact if done in 2014. This inspection fee will further increase for subsequent calendar years.

CONTACT

For more information on this report, please contact Meredith Goodwin at 905-953-5300 extension 2518; mgoodwin@newmarket.ca.

Prepared by:


M. Goodwin, C.E.T.
Manager, Capital Projects
R. Prentice, Commissioner,
Development & Infrastructure Services



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2013-25

A BY-LAW TO PROVIDE FOR THE LEVY AND COLLECTION OF THE SUMS REQUIRED BY THE CORPORATION OF THE TOWN OF NEWMARKET FOR 2013 AND TO PROVIDE FOR THE MAILING OF NOTICES REQUISITIONING THE PAYMENT OF TAXES FOR 2013.

WHEREAS Section 312 (2) of the *Municipal Act* provides that the Council of a local municipality shall, after the adoption of estimates for the year, pass a by-law to levy a separate tax rate on the assessment in each property class;

AND WHEREAS Sections 307 and 308 of the said *Act* require tax rates to be established in the same proportion to tax ratios;

AND WHEREAS estimates have been prepared showing the sum of \$141,808,152 is required to be raised for the lawful purposes of the Corporation of the Town of Newmarket for the year 2013, which estimates are made up as follows:

1.	Town of Newmarket General Purposes	\$ 47,900,567
2.	Regional Municipality of York Purposes	\$ 51,824,092
3.	Ontario Education Purposes	\$ 42,083,493

\$141,808,152

AND WHEREAS any special levy in the Town of Newmarket is based upon the Current Value Assessment as returned on the last revised Assessment Roll as determined by the Ontario Ministry of Finance in accordance with the *Ontario Assessment Act* as amended, as summarized on Schedule "A" attached to this by-law;

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

1. THAT the following property tax class ratios are to be applied in determining tax rates for taxation in 2013:

Residential/Farm Property Class	1.0000
Multi-Residential Property Class	1.0000
New Multi-residential Property Class	1.0000
Commercial Property Class	1.1172
Industrial Property Class	1.3124
Pipelines Property Class	0.9190
Farmlands Property Class	0.2500
Managed Forest Property Class	0.2500

2. AND THAT for the year 2013, the Corporation of the Town of Newmarket shall levy upon the Residential Assessment, Multi-residential Assessment, New Multi-Residential Assessment, Commercial Assessment, Industrial Assessment, Pipeline Assessment, Farmland Assessment and Managed Forest Assessment the rates of taxation set out in this by-law. The optional property classes allowable which were not adopted by the Region of York have been included within Schedule "A" for clarity, shown with the tax rates established for the default Commercial and Industrial Assessment classes for the respective optional classes. This presentation was selected to coincide with the property tax class codes and qualifiers used by the Ministry of Finance in its communication with property owners concerning their property assessments;
3. AND THAT the sum of \$47,900,567 be levied and collected for the Town of Newmarket's General Purposes as provided by the Corporation's 2013 Operating Budget, such sum to be provided by applying the tax rates as summarized in Schedule "A" attached to the taxable assessments;

4. AND THAT the sum of \$51,824,092 be levied and collected for the Town of Newmarket's share of the 2013 Budget for The Regional Municipality of York, such sum to be provided by applying the tax rates as summarized in Schedule "A" attached to the taxable assessments;
5. AND THAT the sum of \$42,083,493 be levied and collected for the Town of Newmarket's share of the 2013 Ontario Education, such sum to be provided by applying to the taxable assessments the tax rates summarized in Schedule "A" which are the rates prescribed for use by Ontario Regulation O. Reg. 98/06;
6. AND THAT for properties so assessed, payments in lieu of taxes shall be calculated using the tax rates in Schedule, "A" which would be applicable to the property if it were subject to tax;
7. AND THAT for the railway rights-of-way assessments and for the Utility Transmission and Distribution Corridor, assessments shall have their taxes due to the Corporation of the Town of Newmarket calculated in accordance with the Regulations as established by the Minister of Finance and the returned assessment roll;
8. AND THAT for the purpose of the business improvement area projects, the sum of \$30,000 shall be levied and collected from the property owners within the business improvement area;
9. AND THAT the Treasurer shall add to the Collector's Roll, all or any arrears for cutting weeds or any charges to fence viewers awards or water arrears or any other charges which should be collected pursuant to any statute or by-law to the respective properties chargeable thereto and that the same shall be collected by the Treasurer in the same manner and at the same time as all other rates or levies;
10. AND THAT the Interim Tax Levy pursuant to By-law Number 2012-85 shall be shown as a reduction on the final tax levy;
11. AND THAT all taxes levied under the authority of this by-law shall become due and payable in three installments; the first installment due July 18, 2013, the second installment due August 22, 2013 and the third installment due September 19, 2013, and all installments shall be payable to the office of the Treasurer of the Town of Newmarket;

These due dates are subject to amendment by the Treasurer, if required, to meet the statutory timing required following the tax demand date;

12. AND THAT as provided by the *Municipal Act*, if the taxes or any class or installments thereof so levied in accordance with this by-law remain unpaid on the due date, a penalty of one and one-quarter per cent (1.25%) of the unpaid taxes shall be levied on the first day of the next calendar month following the due date, and a further one and one-quarter per cent (1.25%) of the taxes remaining unpaid shall be levied on the first day of each calendar month thereafter for so long as there are taxes remaining unpaid, until December 31, 2013. If any taxes levied pursuant to this by-law or any previous by-law remain unpaid as at December 31, 2013, interest at the rate of one and one-quarter per cent (1.25%) of the unpaid taxes shall be charged on January 1, 2014 and also on the first day of each calendar month thereafter for so long as the default continues;
13. AND THAT the Treasurer for the Corporation of the Town of Newmarket may mail or cause to be mailed, the notice specifying the amount of taxes payable by any person liable for taxes, addressed to that person's place of residence as indicated on the Collector's Roll;
14. AND THAT taxes are payable at the Municipal Offices, 395 Mulock Drive, Newmarket, and at such other places as may be designated by the Town from time to time;

15. AND THAT residents who qualify for the Low Income Seniors and Low Income Disabled Tax Deferral Program need to apply to the Tax Office in accordance with the program policies as established by the Regional Municipality of York. The amount of deferral for 2013 will be determined once the application has been approved;
16. AND THAT if any section or portion of this by-law or of Schedule "A" is found by a court of competent jurisdiction to be invalid, it is the intent of Council for the Corporation of the Town of Newmarket that all remaining sections and portions of this by-law continue in force and effect;
17. AND THAT Schedule "A" attached hereto shall be and form a part of this by-law.

ENACTED THIS 27TH DAY OF MAY, 2013.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

SCHEDULE "A"

Corporation of the Town of Newmarket

2013 Schedule of Tax Rates for Taxable Property

PropertyAssessment Class	Code/Q ual.	Town Rate	Region Rate	School Rate	Total Rate
Residential & Farm	RT	0.404259%	0.434762%	0.212000%	1.051021%
Multi-Residential	MT	0.404259%	0.434762%	0.212000%	1.051021%
Commercial (Occupied)	CT	0.451638%	0.485716%	1.094012%	2.031366%
Commercial Vacant Units/Excess Land	CU	0.316147%	0.340001%	0.765808%	1.421956%
Commercial Shared PIL	CH	0.451638%	0.485716%	1.094012%	2.031366%
Commercial Excess Land Shared PIL	CK	0.316147%	0.340001%	0.765808%	1.421956%
Commercial Parking Lot	GT	0.451638%	0.485716%	1.094012%	2.031366%
Commercial Parking Lot - Vacant	CX	0.316147%	0.340001%	0.765808%	1.421956%
Commercial Office Building	DT	0.451638%	0.485716%	1.094012%	2.031366%
Commercial Shopping Centres	ST	0.451638%	0.485716%	1.094012%	2.031366%
Comm. Shop Centres Vacant Units	SU	0.316147%	0.340001%	0.765808%	1.421956%
Commercial - New Construction	XT	0.451638%	0.485716%	1.094012%	2.031366%
Commercial Excess Land New Construction	XU	0.316147%	0.340001%	0.765808%	1.421956%
New Construction Office	YT	0.448226%	0.485716%	1.094012%	2.027954%
New Construction Excess Land	YU	0.313758%	0.340010%	0.765808%	1.419576%
Commercial Shopping Centres - New Construction	ZT	0.451638%	0.485716%	1.094012%	2.031366%
Commercial Shopping Centre Excess Land - New Construction	ZU	0.316147%	0.340001%	0.765808%	1.421956%
Industrial (Occupied)	IT	0.530550%	0.570582%	1.260000%	2.361132%
Industrial Shared PIL	IH	0.530550%	0.570582%	1.260000%	2.361132%
Industrial Vacant Units/Excess Land	IU	0.344857%	0.370878%	0.819000%	1.534735%
Industrial Vacant Land	IX	0.344857%	0.370878%	0.819000%	1.534735%
Industrial-Large	LT	0.530550%	0.570582%	1.260000%	2.361132%
Ind.-Large Vacant Units/Excess Land	LU	0.344857%	0.370878%	0.819000%	1.534735%
Industrial - New Construction	JT	0.530550%	0.570582%	1.260000%	2.361132%
Pipelines	PT	0.371514%	0.399546%	1.509578%	2.280638%
Farmland	FT	0.101065%	0.108690%	0.053000%	0.262755%



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2013-26

A BY-LAW TO APPOINT AN ACTING MAYOR.

WHEREAS Section 242 of the *Municipal Act, 2001* provides that a municipality may appoint a member of the council to act in the place of the head of council or other member of council designated to preside at meetings in the municipality's procedure by-law when the head of council or designated member is absent;

AND WHEREAS Section 54 of By-law Number 2008-54 (Procedure By-law) provides that in the event that both the Mayor and Regional Councillor are absent from the Municipality, Council shall enact a by-law appointing an Acting Mayor to act during such absence from among the Members of Council.

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

THAT, pursuant to Section 242 of the *Municipal Act, 2001* and Section 54 of By-law Number 2008-54, Councillor Sponga be hereby appointed Acting Mayor in the absence of the Mayor and the Regional Councillor from the Municipality from May 29 to June 3, 2013 inclusive;

AND THAT, during said absence, the Acting Mayor has and may exercise all the rights, powers and authority of the Mayor as Head of Council.

ENACTED THIS 27TH DAY OF MAY, 2013.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



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December 17, 2012

**COMMUNITY SERVICES – COMMISSIONER OF COMMUNITY SERVICES
INFORMATION REPORT # 2012-92**

TO: Members of Council

COPY: Bob Shelton, CAO
Rob Prentice, Commissioner of Community Services
Anita Moore, Commissioner of Corporate Services
Members of OLT

SUBJECT: 2013 Special Olympics Ontario Provincial Summer Games

ORIGIN: Commissioner of Community Services

COMMENTS

On November 5, 2012, Council received a presentation made by Karen Richards, Games Manager, Special Olympics Ontario 2013 Summer Games and Superintendent Paul Pedersen, York Regional Police advising that York Region will host the Summer Games. Superintendent Pedersen advised that the Ray Twinney Recreation Complex will be the site of both the opening and closing ceremonies and for the victory dance party. Superintendent Pedersen requested that the facility rental fee be waived.

Council moved that the presentation be received and that the request to waive the facility rental fee be referred to staff. As a result, the purpose of this report is to provide information regarding the rental fee and inform Council of action staff plans to take with respect to the request.

The Games organizers have requested funding assistance from all York Region municipalities to support the Summer Games and mitigate costs.

Games of this nature are the very example of the type of community building events which qualify under the principles of the Town of Newmarket's Community Grants Program. The Community Grant Program does have a limit of \$1,000 per grant; however, in this instance there would be an administrative exception to enable a larger grant amount.

The 2012 Community Grant Program budget line does have available funds remaining that could support the request given that as Resurgence Theatre did not run a season in 2012 so the funds normally available to Resurgence Theatre were not granted. Consequently, the balance of the 2012 Community Grants Program currently stands at \$17,172.32. As a result, there is sufficient funding available in the remaining 2012 Community Grants budget to offset the rental fee of \$5,628.12 and still leave an anticipated surplus

in this budget line of approximately \$11,000. By supporting the request through a community grant the rental permit can still be charged as it would normally so the revenues would be realized in the appropriate budget line.

Please note that with Council's recent commitment of funds to the new Newmarket Arts Council (\$15,000 in each of the next three years), the 2013 Community Grants budget would not be able to fund the offset of the rental fee of \$5,628.21 for the Games' planned events which is why staff are looking at the 2012 budget line.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Living Well

- Emphasis on active lifestyles and recreational opportunities

Well-balanced

- Meeting the needs of all life-cycle needs
- Events that help shape identity and contribute to community spirit
- Increased accessibility for persons with disabilities

Well-respected

- Establishing effective working relationship and joint planning initiatives with municipal neighbours
- Being an influential contributor to regional and provincial affairs
- Being a champion of co-operation and collaboration

BUDGET IMPACT

The request is to be funded through the 2012 Community Grants budget line. The cheque request will not be submitted until Monday, December 24, 2012 so if any Member of Council has any questions or concerns with the approach being taken, please contact the Commissioner of Community Services.

CONTACT

For more information on this report, please contact Rob Prentice, Commissioner of Community Services.



Rob Prentice, Commissioner of Community Services



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2013-27

A BY-LAW TO CONFIRM THE PROCEEDINGS OF A MEETING OF COUNCIL – MAY 27, 2013.

WHEREAS s. 5(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that the powers of a municipal corporation shall be exercised by its Council;

AND WHEREAS s. 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS the Council of the Town of Newmarket deems it advisable to pass such a by-law;

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

1. THAT subject to Section 3 of this by-law, every decision of Council, as evidenced by resolution or motion, taken at the meeting at which this by-law is passed, shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted;
2. AND THAT the execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized;
3. AND THAT nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied;
4. AND THAT any member of Council who disclosed a pecuniary interest at the meeting at which this by-law is passed shall be deemed to have disclosed that interest in this confirmatory by-law as it relates to the item in which the pecuniary interest was disclosed.

ENACTED THIS 27TH DAY OF MAY, 2013.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk