



Town of Newmarket
MINUTES

SPECIAL COUNCIL

Tuesday, September 3, 2013 at +/- 3:00 p.m.
Council Chambers, 395 Mulock Drive

For consideration by Council on September 9, 2013

The special meeting of the Council was held on Tuesday, September 3 2013 at +/- 4:00 p.m. in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor (6:06 – 6:12 p.m.)
Councillor Di Muccio
Councillor Emanuel
Councillor Hempen
Councillor Kerwin
Councillor Sponga
Councillor Twinney

Absent: Councillor Vegh

Staff: R. Shelton, Chief Administrative Officer
I. McDougall, Commissioner of Community Services
A. Moore, Commissioner of Corporate Services
R. Prentice, Commissioner of Infrastructure and Development Services
E. Armchuk-Ball, Director of Legal Services/ Municipal Solicitor
M. Mayes, Director of Financial Services/Treasurer
A. Brouwer, Director of Legislative Services/Town Clerk
L. Moor, Council/Committee Coordinator

The meeting was called to order at 6:06 p.m.

Mayor Van Bynen in the Chair.

DECLARATIONS OF INTEREST

None.

SPECIAL COMMITTEE OF THE WHOLE AND SPECIAL COMMITTEE OF THE WHOLE (CLOSED SESSION) MEETING

Items from the Special Committee of the Whole Meeting and Special Committee of the Whole (Closed Session) Meeting of September 3, 2013 were dealt with as follows:

1. **SPECIAL COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES
SEPTEMBER 3, 2013 – ITEM 1
JOINT DEVELOPMENT AND INFRASTRUCTURE SERVICES AND CHIEF
ADMINISTRATIVE OFFICER (CLOSED SESSION) REPORT 2013-33
(PROPOSED ACQUISITION OF LAND BY THE MUNICIPALITY – WARD 5**

Joint Development and Infrastructure Services and Chief Administrative Officer (Closed Session) Report 2013-33 dated August 26, 2013 regarding an acquisition of land matter in Ward 5.

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

THAT Joint Development and Infrastructure Services and Chief Administrative Officer (Closed Session) Report 2013-33 dated August 26, 2013 regarding a proposed acquisition of land in Ward 5 be deferred to the Special Committee of the Whole (Budget) meeting scheduled for September 16, 2013.

CARRIED

Mayor Van Bynen advised that Item 4 of the Special Committee of the Whole (Closed Session) agenda, being Community Services (Closed Session) Report – Recreation and Culture 2013-36 dated August 28, 2013 and Community Services – Recreation and Culture (Confidential) Information Report 2013-34 dated August 26, 2013, regarding an acquisition of land matter in Ward 1, would be dealt with at this time.

2. **SPECIAL COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES –
SEPTEMBER 3, 2013 – ITEM 2
COMMUNITY SERVICES (CLOSED SESSION) REPORT – RECREATION AND
CULTURE 2013-36 AND COMMUNITY SERVICES – RECREATION AND CULTURE
(CONFIDENTIAL) INFORMATION REPORT 2013-34 – NEWMARKET SOCCER CLUB
(PENDING ACQUISITION OF LAND BY THE MUNICIPALITY AND SECURITY OF
THE PROPERTY OF THE MUNICIPALITY – WARD 1)**

Community Services (Closed Session) Report – Recreation and Culture 2013-36 dated August 28, 2013 and Community Services – Recreation and Culture (Confidential) Information Report 2013-34 dated August 26, 2013 regarding Newmarket Soccer Club.

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

THAT Community Services – Recreation and Culture (Closed Session) Report 2013-36 dated August 28, 2013 and Community Services – Recreation and Culture Confidential Information Report 2013-34 dated August 26, 2013 with respect to Newmarket Soccer Club be received and the following recommendations be adopted:

1. **THAT the Town of Newmarket offer to pay out the existing \$2.5 million dollar loan between the Newmarket Soccer Club and Garont Investments Ltd. and enter into a loan agreement with the Newmarket Soccer Club for \$2.8 million at an interest rate of Prime +2%;**
2. **AND THAT the loan provide that interest payments only be made until the sale of the lands located at 17217 Woodbine Avenue (“Woodbine lands”) is complete;**
3. **AND THAT the loan set out in Recommendation 1 be secured by a mortgage representing a first charge on both the Woodbine lands and lands located at 621 Newpark Boulevard (“Newpark lands”);**
4. **AND THAT the Newmarket Soccer Club proceed expeditiously with the sale of the Woodbine lands while maximizing value; and that 80% of the proceeds of the sale of the Woodbine lands be directly applied to the loan in Recommendation 1;**
5. **AND THAT the Town of Newmarket negotiate a suitable access agreement for other community recreation users at Newmarket Soccer Club established rental rates;**
6. **AND THAT the Town of Newmarket negotiate a suitable access agreement for Town programming at specific times of day/year for other Town recreation and field users at no cost to the Town;**
7. **AND THAT the loan agreement contain provisions for a periodic review of payment terms in the event the Newmarket Soccer Club can secure a replacement lender once the operation has been in place to reflect actuals versus forecasts;**
8. **AND THAT any remaining issues, terms and conditions be delegated to staff to negotiate and finalize with the Newmarket Soccer Club as contained within Scenario 2 of the Closed Session report.**

A recorded vote was requested.

	YEA	NAY
COUNCILLOR VEGH	-----	-----
COUNCILLOR KERWIN		X
COUNCILLOR TWINNEY	X	
REGIONAL COUNCILLOR TAYLOR	X	
COUNCILLOR HEMPEN	X	
COUNCILLOR SPONGA		X
COUNCILLOR DI MUCCIO		X
COUNCILLOR EMANUEL	X	
MAYOR VAN BYNEN	X	
TOTAL	5	3

CARRIED

**Moved by Councillor Hempen
Seconded by Councillor Emanuel**

THAT the meeting of Special Council recess.

CARRIED

The meeting of Special Council recessed at 6:12 p.m.

Regional Councillor Taylor left the meeting.

The meeting of Special Council reconvened at 6:34 p.m.

**3. SPECIAL COMMITTEE OF THE WHOLE MINUTES – SEPTEMBER 3, 2013 – ITEM 3
DAVIS DRIVE AND PATTERSON STREET PROPERTY MATTER
(PENDING DISPOSITION OF LAND BY THE MUNICIPALITY – WARD 3)**

Property Matter in Ward 3.

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

THAT staff be directed to prepare a comprehensive report in response to the Davis Drive and Patterson Street property matter.

CARRIED

4. **SPECIAL COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES
SEPTEMBER 3, 2013 – ITEM 4
DEVELOPMENT AND INFRASTRUCTURE SERVICES (CLOSED SESSION) REPORT
PUBLIC WORKS SERVICES 2013-39
(PENDING DISPOSITION OF LAND BY THE MUNICIPALITY – WARD 5)**

Development and Infrastructure Services (Closed Session) Report – Public Works Services 2013-39 dated August 27, 2013 regarding a disposition of land matter in Ward 5.

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

1. **THAT Development and Infrastructure Services (Closed Session) Report – Public Works Services 2013-39 dated August 27, 2013 regarding a disposition of land matter in Ward 5 be received;**
2. **AND THAT the direction provided to staff at the September 3, 2013 Special Committee of the Whole (Closed Session) meeting regarding a disposition of land matter in Ward 5 be approved.**

CARRIED

5. **CONFIRMATORY BY-LAW**

By-law 2013-38.

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

THAT By-law 2013-38 be enacted.

**2013-38 A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS
MEETING HELD ON SEPTEMBER 3, 2013.**

CARRIED

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

THAT the meeting adjourn.

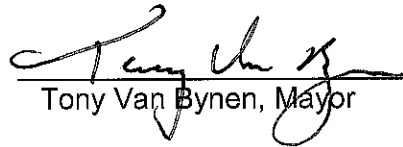
CARRIED

There being no further business the meeting adjourned at 6:35 p.m.



Andrew Brouwer, Town Clerk

Minutes approved at the meeting of Town Council held on September 9, 2013.



Tony Van Bynen, Mayor