



Town of Newmarket
MINUTES

COUNCIL

Monday, September 9, 2013 at 7:00 p.m.
Council Chambers

For consideration by Council on September 30, 2013

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

The regular meeting of the Council was held on Monday, September 9, 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 Hempten
Councillor Kerwin
Councillor Sponga
Councillor Twinney
Councillor Vegh

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

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

Mayor Van Bynen in the Chair.

PUBLIC NOTICE

None.

ADDITIONS TO THE AGENDA

None.

DECLARATIONS OF INTEREST

Councillor Vegh declared a conflict in correspondence Item 2 with respect to a proclamation request from Habitat for Humanity, York Region, as he is the Executive Director of the organization.

Councillor Hempen declared a conflict of interest in Items 21 and 23 of the Committee of the Whole Minutes of August 26, 2013 being Development and Infrastructure Services – Planning and Building Services and Community Services – Economic Development Joint Report 2013-34 – Heritage Conservation District – Lower Main Street South and Joint CAO Commissioners’ Report 2013-38 – Update – Old Town Hall Renovation Project as his mother owns property within the proposed Heritage Conservation District and could be eligible for the Heritage Tax Rebate Program and his mother owns property within 50 metres of the Old Town Hall. He advised he would take no part in the discussion or voting of these matters.

1. DEPUTATION – BULLY FREE COMMUNITY ALLIANCE OF YORK REGION

Ms. Gwyneth Anderson and Ms. Bessie Vlasis, founders of Bully Free Community Alliance of York Region, addressed Council regarding education and awareness on bullying within our communities.

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

THAT the deputation by Ms. Gwyneth Anderson and Ms. Bessie Vlasis, founders of Bully Free Community Alliance of York Region, be received and referred to staff.

CARRIED

2. DEPUTATION – DOCS ON ICE

Dr. Chris Gannage, on behalf of Docs on Ice 2014 Charity Hockey Tournament, addressed Council with a PowerPoint presentation regarding the event which will raise money for the Canadian Mental Health Association – York Branch and takes place in Newmarket from April 3 to 5, 2014.

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

THAT the deputation by Dr. Chris Gannage, on behalf of Docs on Ice 2014 Charity Hockey Tournament, be received and referred to staff.

CARRIED

3. ANNOUNCEMENTS – COMMUNITY EVENTS

- a. Councillor Vegh invited the public to come to Outdoor Discovery and Adventure Night on September 24, 2013 from 6 to 7 p.m. at Newmarket Riverwalk Commons, 200 Doug Duncan Drive. Please bring a chair or a blanket. In case of inclement weather, the event will be held inside Newmarket Community Centre & Lions Hall, 200 Doug Duncan Drive. Admission is free.

- b. Councillor Kerwin thanked the Ranji Singh Foundation for a successful Caribbean and South Asian Festival event at the Lions Hall last weekend. He also acknowledged the success of recent downtown area events such as the Pooch Plunge at the Gorman Pool, the Garlic is Great Festival, the Jazz Festival and Nin os kom tin.
- c. Councillor Kerwin advised that the Fall Moonlight Movie is back. He invited the public to enjoy an outdoor movie on a huge inflatable screen at dusk on September 21, 2013 at Newmarket Riverwalk Commons at 200 Doug Duncan Drive beginning at approximately 7:15 p.m. Please bring a chair or a blanket. Inclement weather location is inside Newmarket Community Centre & Lions Hall, 200 Doug Duncan Drive. Admission is free. For more information visit www.newmarket.ca
- d. Councillor Twinney advised that a new Adventure Club is available for adults with special needs. Be active outdoors with a weekly hiking adventure in the urban wilderness along the Tom Taylor Trail. Learn nature art and eco education, camping and survival skills and an appreciation of First Nation and pioneer skills. The program is held Tuesdays from 10 a.m. to 3 p.m. beginning September 10, 2013. Cost is \$55.64 per day rated on a 1:6 ratio. An overnight adventure is planned in late September. Contact Pat McIntosh at 905-895-5193 for more information.
- e. Regional Councillor Taylor invited residents to join him at the Electronic Waste Recycling Event on September 21, 2013 from 9 a.m. to 3 p.m. Bring your unwanted or obsolete electronic devices to the southwest parking lot of Upper Canada Mall at Eagle Street and Davis Drive. This event is being hosted in partnership with the Town of Newmarket, the Newmarket Environmental Advisory Committee, Artex Environmental and Upper Canada Mall. There is no cost, no data risk and best practices environmental handling is guaranteed. For more information call 905-895-5193.
- f. Regional Councillor Taylor advised of a recent golf tournament hosted by friends and business people for the Newmarket Children's Green Foundation. The event raised over \$50,000 for playground equipment to be installed at the Children's Aid Society and Maple Leaf Public School.
- g. Councillor Hempen advised that Newmarket will again participate in Doors Open Ontario, a programme of the Ontario Heritage Trust that celebrates the historic, cultural and architectural heritage of the Province. On September 28, 2013, Newmarket sites of local significance will be open for tours and displays from 10 a.m. to 4 p.m. Admission is free. For a complete list of sites, or for more information, contact the Elman W. Campbell Museum at 905-953-5314 or visit www.doorsopenontario.ca
- h. Councillor Hempen reminded Ward 4 residents of the Ward 4 meeting scheduled for October 22, 2013 at Denne Public School, 330 Burford Street beginning at 7 p.m.
- i. Councillor Sponga invited the public to Newmarket Buskerfest on September 21, 2013 from 10 a.m. to 7 p.m. at Newmarket Riverwalk Commons, 200 Doug Duncan Drive. Enjoy outdoor buskers and stage performers. Admission is free. For more information visit www.newmarket.ca

- j. Councillor Di Muccio advised that the Newmarket Seniors' Meeting Place at 474 Davis Drive is gearing up for Fabulous Fall Programs and drop-in activities. Register early to ensure you have a spot. Stop by and pick up your tickets for Sunday Social Tea on September 15, 2013 from 2 to 4 p.m. Enjoy entertainment by Jambalaya Dixieland Band. Tickets are \$5 for members and \$6 for non-members. Advance ticket sales only. For more information call 905-953-5325.
- k. Councillor Emanuel advised that the Glenway Preservation Association will be holding a fundraising golf tournament on September 28, 2013 at Carrying Place Golf and Country Club. See www.preserveglenway.ca for more information.
- l. Councillor Emanuel invited the public to participate in the second round of consultation for the Sign By-law Review. The consultation process includes an opportunity for stakeholders to submit their comments on the draft by-law and attend a public information session on September 25, 2013 at 7 p.m. in the Council Chambers, 395 Mulock Drive. The session includes a staff presentation outlining proposed changes to the by-law and a question and answer period for stakeholders. A copy of the draft by-law can be accessed online. Comments can be submitted to the Legislative Services Department until October 9, 2013.
- m. Mayor Van Bynen advised that planning is underway for the Town's 2014 Budget. Residents can get involved by using our online interactive budget tool at www.newmarket.ca to advise how you would like your tax dollars spent. Additional opportunities for feedback on the 2014 Budget are also available through public meetings. The next public meeting on the 2014 Budget is a presentation of the preliminary draft budget at a Special Committee of the Whole meeting on September 16, 2013 at 1:30 p.m. at the Municipal Offices, 395 Mulock Drive.
- n. Mayor Van Bynen also invited anyone who has anything they wish to discuss with him to join him at "Mayor in the Square" at the Community Centre & Lions Hall, 200 Doug Duncan Drive, on September 20, 2013 from 11 a.m. until noon.
- o. Mayor Van Bynen advised that the next Council meeting is September 30, 2013 at 7 p.m.

4. APPROVAL OF COUNCIL MINUTES

Council Minutes of June 17, 2013.

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

THAT the Council Minutes of June 17, 2013 be approved.

CARRIED

5. **APPROVAL OF SPECIAL COUNCIL MINUTES**

Special Council Minutes of June 24, 2013.

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

THAT the Special Council Minutes of June 24, 2013 be approved.

CARRIED

6. **APPROVAL OF SPECIAL COUNCIL MINUTES**

Special Council Minutes of August 1, 2013.

**Moved by Councillor Sponga
Seconded by Councillor Hempen**

THAT the Special Council Minutes of August 1, 2013 be approved.

CARRIED

7. **APPROVAL OF SPECIAL COUNCIL MINUTES**

Special Council Minutes of September 3, 2013.

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

THAT the Special Council Minutes of September 3, 2013, be approved.

CARRIED

8. **CORRESPONDENCE – BIG BROTHERS BIG SISTERS OF YORK**

Correspondence dated August 12, 2013 from Ms. Sarah Dame, President and CEO, Big Brothers Big Sisters of York, requesting that September 2013 be proclaimed “Big Brothers Big Sisters Month” in the Town of Newmarket.

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

1. **THAT the Town of Newmarket proclaim September 2013 as “Big Brothers Big Sisters Month”;**
2. **AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca**

CARRIED

9. CORRESPONDENCE – HABITAT FOR HUMANITY, YORK REGION

Correspondence dated August 28, 2013 from Mr. Tom Vegh, Executive Director, Habitat for Humanity, York Region requesting that October 7 to 13, 2013 be proclaimed “York Region Habitat for Humanity Week” in the Town of Newmarket.

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

- 1. THAT the Town of Newmarket proclaim October 7 to 13, 2013 as “York Region Habitat for Humanity Week” ;**
- 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca**

CARRIED

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

10. REPORTS BY REGIONAL REPRESENTATIVES

Regional Councillor Taylor advised that the Region of York has changed its procedure with respect to its five standing committees. They have initiated a one year pilot to replace their standing committees with a committee of the whole style meeting that takes place in two stages. The first committee of the whole session (consisting of three of the five standing committees) takes place on the first Thursday of the month and the second committee of the whole session (consisting of the remaining two standing committees) takes place on the second Thursday of the month. All members of all the five standing committees attend both meetings. Council meetings continue to be held on the third Thursday of each month, as in the past.

11. SPECIAL COMMITTEE OF THE WHOLE MINUTES AND SPECIAL COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES

Special Committee of the Whole Minutes of June 24, 2013 and Special Committee of the Whole (Closed Session) Minutes of June 24, 2013.

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

THAT the Special Committee of the Whole Minutes and the Special Committee of the Whole (Closed Session) Minutes of June 24, 2013 be approved.

CARRIED

12. SPECIAL COMMITTEE OF THE WHOLE MINUTES

Special Committee of the Whole Minutes of August 1, 2013.

Regional Councillor Taylor advised of a correction to the Special Committee of the Whole Minutes of August 1, 2013. He advised that in Item 2 of the Minutes with respect to Development and Infrastructure Services Report – Commissioner 2013-34 regarding Old Town Hall Renovations, in the first recommendation of the lost motion the word “scope” should be replaced with the word “budget” and the words “or other Town projects” should be added after the word “Hall”.

**Moved by Regional Councillor Taylor
Seconded by Councillor Twinney**

THAT the Special Committee of the Whole Minutes of August 1, 2013, as corrected, be approved.

CARRIED

13. SPECIAL COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES

Special Committee of the Whole (Closed Session) Minutes of August 1, 2013.

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

THAT the Special Committee of the Whole (Closed Session) Minutes of August 1, 2013 be approved.

CARRIED

14. COMMITTEE OF THE WHOLE MINUTES

Committee of the Whole Minutes of August 26, 2013.

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

THAT the Committee of the Whole Minutes of August 26, 2013 be approved and the following recommendations, with the exception of Items 17, 21 (Report) and 23 be adopted:

**15. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 1
REQUESTS FOR PROCLAMATIONS**

a) **THAT the correspondence dated November 13, 2012 from Ms. Tara Gaston, Communications Coordinator, York Region Children’s Aid Society be received and the following recommendations be adopted:**

1. **THAT the Town of Newmarket proclaim October 2013 as “Child Abuse Prevention Month”;**

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 July 8, 2013 from Mr. Daniele Zanotti, CEO, United Way of York Region, be received and the following recommendations be adopted:
1. THAT the Town of Newmarket proclaim October 21 to October 25, 2013 as "United Way 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 June 13, 2013 from Mr. James E. Nuttall, Apple Day Coordinator, Newmarket Beaver Scouts, Cub Scouts, Venture Scouts and Rover Scouts be received and the following recommendations be adopted:
1. THAT the Town of Newmarket proclaim October 18 and 19, 2013 as "Scouts Apple Day" in the Town of Newmarket;
 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
- d) THAT the correspondence dated August 2, 2013 from Mr. John Lott, Media and Public Relations, Law Enforcement Torch Run for Special Olympics be received and the following recommendations be adopted:
1. THAT the Town of Newmarket proclaim December 21, 2013 as "NHL Alumni, Law Enforcement Torch Run for Special Olympics Ontario Day" in the Town of Newmarket;
 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
- e) THAT the correspondence dated July 31, 2013 from Ms. Ashley Mogg, Marketing and Communications Assistant, Prostate Cancer Canada be received and the following recommendations be adopted:
1. THAT the Town of Newmarket proclaim September 2013 as "Prostate Cancer Awareness Month" in the Town of Newmarket;
 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

- f) THAT the correspondence dated July 25, 2013 from Ms. Laura Vaivada, Vice-President, Public Relations, The Court of Blarney, #5591, Toastmasters International, be received and the following recommendations be adopted:
1. THAT the Town of Newmarket proclaim October 2013 as "Toastmasters Month" in the Town of Newmarket;
 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
- g) THAT the correspondence dated August 7, 2013 from Chief Ian Laing, Central York Fire Services be received and the following recommendations be adopted:
1. THAT the Town of Newmarket proclaim October 6 to 12, 2013 as "Fire Prevention Week" in the Town of Newmarket;
 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
- h) THAT the proclamation request by the Recreation and Culture Department be received and the following recommendations be adopted:
1. THAT the Town of Newmarket proclaim September 28 to 30, 2013 as 'Culture Days and Doors Open';
 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

16. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 2
REQUEST FOR TAG DAYS

THAT the correspondence dated July 31, 2013 from Ms. Donna Pelrine, Support Committee, Queen's York Rangers Army Cadet Corps, 2799, be received and the following recommendations be adopted:

1. THAT permission be granted to permit the Queen's York Rangers Army Cadet Corps (#2799) to conduct tag days in the Town of Newmarket on September 14 and 15, 2013;
2. AND THAT the announcement be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

17. **COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 3
NEWMARKET PUBLIC LIBRARY BOARD MINUTES**

THAT the Newmarket Public Library Board Minutes of April 17 and May 15, 2013 be received.

18. **COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 4
MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA
BOARD OF MANAGEMENT MINUTES**

THAT the Main Street District Business Improvement Area Board of Management Minutes of June 18, 2013 be received.

19. **COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 5
ITEM 3 OF THE MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA
BOARD OF MANAGEMENT MINUTES OF JUNE 18, 2013 – PARKING**

THAT the recommendation regarding Parking Lot P3 be referred to the Downtown Parking Review Task Force.

20. **COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 6
ITEM 4 OF THE MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA
BOARD OF MANAGEMENT MINUTES OF JUNE 18, 2013 – WASTE DISPOSAL**

THAT the recommendation regarding Main Street curbside waste deposit be received as action has been taken.

21. **COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 7
ITEM 6 OF THE MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA
BOARD OF MANAGEMENT MINUTES OF JUNE 18, 2013 – NEW BUSINESS**

THAT the recommendation regarding a waste receptacle on the west side of Main and Timothy Street be referred to staff.

22. **COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 8
NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES**

THAT the Newmarket Downtown Development Subcommittee Minutes of May 31 and July 26, 2013 be received.

23. **COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 9
HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES**

THAT the Heritage Newmarket Advisory Committee Minutes of May 7, June 4, and July 2, 2013 be received.

24. **COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 10
SITE PLAN REVIEW COMMITTEE MINUTES**

THAT the Site Plan Review Committee Minutes of June 17, 2013 be received.

**25. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 11
COMMUNITY SERVICES REPORT – RECREATION AND CULTURE 2013-31
MUNICIPAL ASSET NAMING FOR WARD 7 PARK LOCATION**

THAT Community Services Report – Recreation and Culture 2013–31 dated August 13, 2013 regarding Municipal Asset Naming for the Ward 7 Park Location be received and the following recommendations be adopted:

1. THAT the park identified in Ward 7 (see Attachment B) be named Woodland Hills Labyrinth Park;
2. AND THAT the name is publicly revealed in official ceremony in the fall of 2013.

**26. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 12
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-38 – OFFICIAL PLAN AMENDMENT #11
ACTIVE TRANSPORTATION POLICIES AND SCHEDULES**

THAT Development and Infrastructure Services Report – Planning and Building Services 2013-38 dated August 26, 2013 regarding Official Plan Amendment #11 – Active Transportation Policies and Schedules to the Town of Newmarket Official Plan be received and that the following recommendations be adopted:

1. THAT the proposed Town of Newmarket Official Plan Amendment #11 identifying both on and off-road routes for active transportation along with the associated text and Schedule be initiated by the Town, circulated for comment in accordance with the *Planning Act* and referred to a public meeting, in conjunction with OPA #10 (Town of Newmarket Urban Centres Secondary Plan and Associated Amendments to the Official Plan);
2. AND THAT following the public meeting, that the comments from the public, and those received through agency and departmental circulation be addressed by staff in a comprehensive report to the Committee of the Whole.

**27. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 13
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT
ENGINEERING SERVICES 2013-36
DOWNTOWN MAIN STREET SOUTH – FIFTEEN MINUTE PARKING**

THAT Development and Infrastructure Services Report – ES 2013-36 dated August 12, 2013 regarding Downtown Main Street South – Fifteen Minute Parking be received and the following recommendations be adopted:

1. THAT Schedule XII (Parking for Restricted Periods) of the Parking By-law 1993-62, as amended, be amended by adding the following:

<u>ROAD</u>	<u>SIDE</u>	<u>BETWEEN</u>	<u>TIMES OR DAYS</u>	<u>MAXIMUM PERIOD PERMITTED</u>
Main Street	East	First parking space north of Timothy Street	Mon – Sun 6:00 a.m. to 2:00 a.m.	15 minutes
Main Street	East	Third parking space north of the lane opposite Botsford Street	Mon – Sun 6:00 a.m. to 2:00 a.m.	15 minutes

2. AND THAT the necessary By-law be prepared and submitted to Council for their approval.

28. **COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 14
NEWMARKET PUBLIC LIBRARY BOARD JOINT TASK FORCE MEMBERSHIP**

THAT Council endorse the recommendations of the Newmarket Public Library Board – Town of Newmarket Joint Task Force to amend its terms of reference with respect to membership to reflect two (2) community members currently appointed to the Newmarket Public Library Board;

AND THAT the Commissioner of Community Services be included as a staff resource in the Assignment Column of the Newmarket Public Library – Town of Newmarket Joint Task Force Governance Plan.

29. **COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 15
MOTION – FREEDOM OF THE CITY**

THAT, to commemorate the arrival of the Duke and Duchess of Cambridge's first child, Council confer the honour of the Freedom of the City to the Queen's York Rangers.

30. **COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 16
LIST OF OUTSTANDING MATTERS**

THAT the list of outstanding matters be received.

31. **COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 18
CORPORATE SERVICES JOINT LEGISLATIVE SERVICES AND LEGAL SERVICES
REPORT 2013-33 – REQUEST FOR EXEMPTION – *RETAIL BUSINESS HOLIDAYS
ACT***

THAT the deputation and PowerPoint presentation by Mr. Robert Horst, General Manager, Upper Canada Mall and Mr. Peter Thoma, Partner, urbanMetrics inc. regarding the Request for Exemption under the *Retail Business Holidays Act* for Upper Canada Mall be received.

THAT Corporate Services Joint Legislative Services and Legal Services Report 2013-33 dated August 15, 2013 regarding Request for Exemption from the *Retail Business Holidays Act*, Upper Canada Mall Limited be received and the following recommendations be adopted:

1. THAT the attached correspondence from York Region Legal Services dated August 6, 2013 be received;
2. AND THAT Council support the application by Upper Canada Mall Limited for exemption from the *Retail Business Holidays Act* to be open from 11 a.m. to 6:00 p.m. during the following statutory holidays:

New Year's Day
Family Day
Good Friday
Victoria Day
Canada Day
Labour Day
Thanksgiving Day

3. AND THAT the Town of Newmarket supports any future requests for exemption from the *Retail Business Holidays Act* as a fair and equitable approach for all business owners in Town.
32. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 19
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-35 AND
COMMUNITY SERVICES – ECONOMIC DEVELOPMENT AND RECREATION AND
CULTURE REPORT 2013-32
DAVIS DRIVE/PATTERSON STREET PROPERTY MATTER

Deputation:

THAT the PowerPoint presentation by Mr. Sandro Sementilli, Property Developer, regarding the property located at the northeast corner of Davis Drive and Patterson Street and adjacent property be received.

Reports:

- a. THAT Development and Infrastructure Services Report – Planning and Building Services 2013-35 dated August 26, 2013 regarding a Davis Drive and Patterson Street Property Matter be received.
- b. THAT Community Services – Economic Development and Recreation and Culture Report 2013-32 dated August 26, 2013 regarding the Davis Drive and Patterson Street Property Matter be received.

**33. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 20
NEWMARKET SOCCER CLUB DEPUTATION**

THAT the deputation by Mr. David Hanson, Vice-President, Newmarket Soccer Club regarding a general update on the Soccer Club's current status be received.

**34. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 21
DEVELOPMENT AND INFRASTRUCTURE SERVICES – PLANNING AND BUILDING
SERVICES AND COMMUNITY SERVICES – ECONOMIC DEVELOPMENT JOINT
REPORT 2013-34 – HERITAGE CONSERVATION DISTRICT
LOWER MAIN STREET SOUTH**

Deputation:

THAT the deputation by Mr. Bob Buchan on behalf of the Newmarket Historical Society regarding expressed support of the Heritage Conservation District Plan for Lower Main Street South be received.

**35. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 22
ITEM 1 OF SITE PLAN REVIEW COMMITTEE MINUTES OF JUNE 17, 2013
APPLICATION FOR SITE PLAN APPROVAL
649, 653 & 657 QUEEN STREET - WARD 2
SOUTHLAKE REGIONAL HEALTH CENTRE**

1. THAT the application for Site Plan Approval to permit the development of a 2-storey residential hospice having a gross floor area of 1,783 m² on the subject lands be approved in principle and referred to Staff for processing, subject to the following:

a. THAT a Public Information Centre (PIC) be held regarding the application the week of July 29, 2013;

2. AND THAT Angela Sciberras of Macaulay Shiomi Howson Ltd. 471 Timothy Street NEWMARKET, ON L3Y 1P9 be notified of this decision;

3. AND THAT Peter Green of Southlake Regional Health Centre, 596 Davis Drive NEWMARKET, ON L3Y 2P9 be notified of this decision.

**36. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 24
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-36
APPLICATION FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS
MULOCK CANADA MED INC. 536 AND 550 MULOCK COURT**

THAT Development and Infrastructure Services Report – Planning and Building Services 2013-36 dated August 15, 2013 regarding Applications for Official Plan and Zoning By-law Amendments be received and the following recommendations be adopted:

1. THAT the Application for Official Plan and Zoning By-law Amendments, as submitted by Mulock Canada Med Inc. for lands located at 536 and 550 Mulock Court be referred to a public meeting;
2. AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation of the Application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;
3. AND THAT Mulock Canada Med Inc., 11 Whitfield Court, Aurora ON L4G 5L8 be notified of this action;
4. AND THAT iPLANcorp, c/o Bart Ryan, 189 Beechwood Crescent Newmarket, ON L3Y 1W2 be notified of this action.

37. **COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 25
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-37
OFFICIAL PLAN AMENDMENT #10 – URBAN CENTRES SECONDARY PLAN**

THAT the statutory Public Meetings related to Official Plan Amendment #10 – Urban Centres Secondary Plan as well as Official Plan Amendment #11 – Active Transportation Policies and Schedules (Item 12 of these Minutes) be held in October 2013.

THAT Development and Infrastructure Services Report – Planning and Building Services – Report 2013-37 dated August 26, 2013 regarding Official Plan Amendment #10 – the Town of Newmarket Urban Centres Secondary Plan and Associated Amendments to the Official Plan be received and the following recommendations be adopted:

1. THAT the proposed Town of Newmarket Official Plan Amendment #10 incorporating the Newmarket Urban Centres Secondary Plan into the Official Plan and the necessary text changes and modifications to the Schedules of the Official Plan to incorporate the Secondary Plan, be initiated by the Town, circulated for comment in accordance with the *Planning Act* and referred to a public meeting;
2. AND THAT following the public meeting, that the comments from the public, and those received through agency and departmental circulation be addressed by staff in a comprehensive report to the Committee of the Whole.

38. **COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 26
JOINT CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES AND
FINANCIAL SERVICES 2013-31
2014 LEGISLATIVE SERVICES (LICENSING) FEES AND CHARGES**

THAT Joint Corporate Services Report – Legislative Services and Financial Services 2013-31 dated July 17, 2013 regarding “2014 Legislative Services (Licensing) Fees & Charges” be referred to the September 9, 2013 Council meeting.

**39. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 27
JOINT REPORT – COMMUNITY SERVICES – RECREATION AND CULTURE AND
CORPORATE SERVICES – FINANCIAL SERVICES 2013-26
2014 RECREATION AND CULTURE RATES AND FEES**

THAT Joint Report – Community Services – Recreation and Culture and Corporate Services – Financial Services 2013-26 dated August 26, 2013 regarding 2014 User Fees and Charges – Recreation and Culture be referred to the September 9, 2013 Council meeting.

**40. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 28
CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-32
APPOINTMENT – NEWMARKET PUBLIC LIBRARY BOARD VACANCY**

THAT Corporate Services Report – Legislative Services 2013-32 dated August 14, 2013 regarding Appointment – Newmarket Public Library Board Vacancy be received and the following recommendation be adopted:

THAT the individual identified in the confidential memorandum (circulated separately) be appointed to fill one (1) vacancy on the Newmarket Public Library Board, as recommended by the interview/selection panel.

**41. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 29
REPORTS BY REGIONAL REPRESENTATIVES**

None.

**42. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 30
NEW BUSINESS**

None.

**43. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 31
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-28 – APPLICATION FOR
ZONING BY-LAW AMENDMENT – 487 QUEEN STREET**

THAT the deputation by Mr. Eugene Preece, resident, be received.

THAT the deputation by Mr. Rudy Pries, resident, be received.

THAT the deputation by Ms. Wendi Williams-Gordon, resident, be received.

CARRIED

**44. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 17
THREE WAY STOP SIGN – PARKVIEW CRESCENT AND QUEEN STREET**

Motion by Councillor Sponga regarding a three-way stop sign at the intersection of Parkview Crescent and Queen Street.

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

THAT the matter of a three-way stop sign immediately included at the east intersection of Parkview Crescent and Queen Street be referred to staff for a report.

CARRIED

**45. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 21
DEVELOPMENT AND INFRASTRUCTURE SERVICES – PLANNING AND BUILDING
SERVICES AND COMMUNITY SERVICES – ECONOMIC DEVELOPMENT JOINT
REPORT 2013-34 – HERITAGE CONSERVATION DISTRICT
LOWER MAIN STREET SOUTH**

Report:

Development and Infrastructure Services – Planning and Building Services and Community Services – Economic Development Joint Report 2013-34 dated August 15, 2013 regarding the Heritage Conservation District – Lower Main Street South.

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

THAT Development and Infrastructure Services – Planning and Building Services – Economic Development Joint Report 2013-34 dated August 15, 2013 regarding a Heritage Conservation District be received and the following recommendations be adopted:

- 1. THAT Council designate by by-law the area shown on Attachment 1: District Boundaries as the Lower Main Street South Heritage Conservation District, in accordance with Section 41 of the *Ontario Heritage Act*;**
- 2. AND THAT Council adopt by by-law the Lower Main Street South Heritage Conservation District Plan dated October 5, 2011 as the District Plan for the Lower Main Street South Heritage Conservation District, in accordance with Section 41 of the *Ontario Heritage Act*;**
- 3. AND THAT 30 days notice be given to all property owners within the proposed district that the implementation by-law is intended to come forward for Council approval;**

4. **AND THAT** upon final approval of the By-law, Council appoint a member of Heritage Newmarket Advisory Committee and the Main Street District Business Improvement Area Board of Management to the Lower Main Street South Advisory Group;
5. **AND THAT** a further report be brought back to Committee of the Whole related to specific resources required to administer the Heritage Conservation District Plan for Lower Main Street South.

A recorded vote was requested.

	YEA	NAY
COUNCILLOR VEGH	X	
COUNCILLOR KERWIN	X	
COUNCILLOR TWINNEY		X
REGIONAL COUNCILLOR TAYLOR	X	
COUNCILLOR HEMPEN	-----	-----
COUNCILLOR SPONGA	X	
COUNCILLOR DI MUCCIO		X
COUNCILLOR EMANUEL	X	
MAYOR VAN BYNEN	X	
TOTAL	6	2

CARRIED

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

**46. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 23
JOINT CAO COMMISSIONERS REPORT 2013-38
OLD TOWN HALL RENOVATION PROJECT – UPDATE**

Joint Chief Administrative Officer and Commissioners Report 2013-38 dated August 21, 2013 regarding an update with respect to the Old Town Hall Renovation Project.

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

THAT Chief Administrative Officer and Commissioners of Development and Infrastructure and Community Services Report 2013-38 dated August 21, 2013 regarding the Old Town Hall Renovation Project be received for information.

CARRIED

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

47. COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES

Committee of the Whole (Closed Session) Minutes of August 26, 2013.

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

THAT the Committee of the Whole (Closed Session) Minutes of August 26, 2013 be approved.

CARRIED

**48. COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES – AUGUST 26, 2013
ITEM 1
COMMUNITY SERVICES – RECREATION AND CULTURE
CONFIDENTIAL INFORMATION REPORT 2013-34
(PENDING ACQUISITION OF LAND BY THE MUNICIPALITY) WARD 1**

Mayor Van Bynen advised that this item relates to financial matters of the Soccer Club and involves two Information Reports — Community Services – Recreation and Culture Confidential Information Report 2013-34; and Joint CAO/Community Services Information Report 2013-33. The reports were reviewed and discussed. A deputation was made by Mr. David Hanson, Vice-President of the Newmarket Soccer Club.

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

THAT the deputation by Mr. David Hanson, Vice-President, Newmarket Soccer Club, be received;

AND THAT Joint CAO/Community Services Information Report 2013-33 and Community Services – Recreation and Culture Confidential Information Report 2013-34 be received.

CARRIED

The Mayor further advised that there was another motion passed to further discuss this matter and the remainder of the items on the Closed Session Agenda of August 26, 2013 to the September 3, 2013 Special Committee of the Whole meeting.

Mayor Van Bynen announced that Ms. Tara Brown is the successful candidate to fill the vacancy in membership on the Newmarket Public Library Board.

Mayor Van Bynen advised that the Special Committee of the Whole Minutes of September 3, 2013 would be dealt with at this time.

Councillor Di Muccio requested that Item 1 of the Minutes regarding the Newmarket Soccer Club be reconsidered.

Mayor Van Bynen advised that, in accordance with the Procedure By-law, as the actions of the Special Committee of the Whole meeting were ratified by the Special Council meeting of September 3, 2013 and the Minutes of said Council meeting have already been adopted, that reconsideration of the Item requires a two-third majority vote by Council in favour of reconsideration.

**Moved by Councillor Di Muccio
Seconded by Regional Councillor Taylor**

THAT Item 1 of the Special Committee of the Whole Minutes of September 3, 2013 regarding Community Services – Recreation and Culture Confidential Information Report 2013-34 and Community Services – Recreation and Culture (Closed Session) Report 2013-36 regarding the Newmarket Soccer Club be reconsidered.

CARRIED BY A 2/3 MAJORITY

**49. COMMUNITY SERVICES – RECREATION AND CULTURE CONFIDENTIAL INFORMATION REPORT 2013-34 AND COMMUNITY SERVICES – RECREATION AND CULTURE (CLOSED SESSION) REPORT 2013-36 – SOCCER CLUB MATTER
*(PENDING ACQUISITION OF LAND BY THE MUNICIPALITY AND SECURITY OF THE PROPERTY OF THE MUNICIPALITY) WARD 1***

Community Services – Recreation and Culture Confidential Information Report 2013-34 and Community Services – Recreation and Culture (Closed Session) Report 2013-35 – Newmarket Soccer Club.

The Director of Legislative Services/Town Clerk read the recommendations aloud.

Discussion ensued.

In response to a point of personal privilege raised by Councillor Di Muccio related to a comment made by Councillor Hempen, Mayor Van Bynen ruled Councillor Hempen's comment to be inappropriate and requested Councillor Hempen to withdraw his comment. Councillor Hempen appealed the ruling stating that his comments were valid.

The Mayor called for a vote "THAT the ruling of the Chair be upheld."

CARRIED

Councillor Hempen withdrew his comment.

**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 and 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		X
COUNCILLOR KERWIN		X
COUNCILLOR TWINNEY	X	
REGIONAL COUNCILLOR TAYLOR	X	
COUNCILLOR HEMPEN	X	
COUNCILLOR SPONGA		X
COUNCILLOR DI MUCCIO		X
COUNCILLOR EMANUEL	X	
MAYOR VAN BYNEN	X	
TOTAL	5	4

CARRIED

50. SPECIAL COMMITTEE OF THE WHOLE MINUTES

Special Committee of the Whole Minutes of September 3, 2013.

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

THAT the Special Committee of the Whole Minutes of September 3, 2013 be approved.

CARRIED

51. SPECIAL COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES

Special Committee of the Whole (Closed Session) Minutes of September 3, 2013.

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

THAT the Special Committee of the Whole (Closed Session) Minutes of September 3, 2013 be approved.

CARRIED

**52. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 26
JOINT CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES AND
FINANCIAL SERVICES 2013-31
2014 LEGISLATIVE SERVICES (LICENSING) FEES AND CHARGES**

Joint Corporate Services Report – Legislative Services and Financial Services 2013-31 dated July 17, 2013 regarding 2014 Legislative Services (Licensing) Fees and Charges.

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

THAT Joint Corporate Services Report – Legislative Services and Financial Services 2013-31 dated July 17, 2013 regarding “2014 Legislative Services (Licensing) Fees & Charges” be received and the following recommendations be adopted:

- 1. THAT the attached Schedule “A” marked as the “2014 Legislative Services (Licensing) Fees & Charges” be approved and forwarded to Council for final adoption by by-law;**
- 2. AND THAT the fee adjustments come into force and effect as of January 1, 2014.**

CARRIED

**53. COMMITTEE OF THE WHOLE MINUTES – AUGUST 26, 2013 – ITEM 27
JOINT REPORT – COMMUNITY SERVICES – RECREATION AND CULTURE AND
CORPORATE SERVICES – FINANCIAL SERVICES 2013-26
2014 RECREATION AND CULTURE RATES AND FEES**

Joint Report – Community Services – Recreation and Culture and Corporate Services Report – Financial Services 2013-26 dated August 26, 2013 regarding the 2014 Recreation and Culture Rates and Fees.

**Moved by Councillor Emanuel
Seconded by Regional Councillor Taylor**

THAT Joint Report – Community Services – Recreation and Culture and Corporate Services – Financial Services 2013-26 dated August 26, 2013 regarding 2014 User Fees and Charges – Recreation and Culture be received and the following recommendations be adopted:

- 1. THAT the attached Schedules A(1) to A(20) marked as the Town of Newmarket Recreation and Culture Services Fees and Charges Schedules be approved and adopted by by-law;**
- 2. AND THAT the fee adjustments come into full force and effect as of January 1, 2014.**

A recorded vote was requested.

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

CARRIED

RESOLUTIONS

None.

54. BY-LAWS

By-laws 2013-39 to 2013-43, inclusive.

There was a request that By-laws 2013-39 and 2013-40 be dealt with separately.

**Moved by Councillor Kerwin
Seconded by Regional Councillor Taylor**

THAT By-laws 2013-41 to 2013-43, inclusive, be enacted.

2013-41 A BY-LAW TO AMEND BY-LAW 1993-62, AS AMENDED, BEING A BY-LAW TO REGULATE PARKING WITHIN THE TOWN OF NEWMARKET.

To provide two 15 minute parking spaces on Main Street.

2013-42 A BY-LAW TO APPOINT A REPLACEMENT MEMBER TO THE NEWMARKET PUBLIC LIBRARY BOARD.

To appoint a replacement member to the Newmarket Public Library Board.

2013-43

A BY-LAW TO EXEMPT CERTAIN LANDS FROM THE PART LOT CONTROL PROVISIONS OF THE *PLANNING ACT*.
(Ripi Homes Inc. 1120, 1122, 1126, 1128, 1132, 1134, 1138, 1140, 1143, 1145, 1149, 1151, 1154, 1155, 1156, 1157, 1160, 1162 Stuffles Crescent)

To exempt certain lands from Part Lot Control provisions of the *Planning Act*.

CARRIED

Moved by Councillor Vegh
Seconded by Councillor Twinney

THAT By-laws 2013-39 and 2013-40 be enacted.

2013-39

A BY-LAW TO ADOPT FEES AND CHARGES FOR SERVICES OR ACTIVITIES PROVIDED BY THE TOWN OF NEWMARKET.
(Legislative Services (Licensing) Fees & Charges)

To approve fees and charges for Legislative Services - Licensing.

2013-40

A BY-LAW TO ADOPT FEES AND CHARGES FOR SERVICES OR ACTIVITIES PROVIDED THE TOWN OF NEWMARKET.
(Fees and Charges – Recreation and Culture)

To approve fees and charges for Recreation and Culture.

CARRIED

55. NOTICES OF MOTION

Councillor Emanuel advised that he would be bringing a motion to the next Committee of the Whole meeting regarding the exploration of online voting.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

56. **CONFIRMATORY BY-LAW**

By-law 2013-44.

Moved by Councillor Sponga
Seconded by Councillor Emanuel

THAT By-law 2013-44 be enacted.

2013-44 A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS
MEETING HELD ON SEPTEMBER 9, 2013.

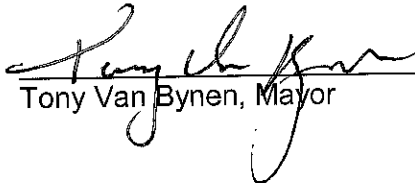
CARRIED

Moved by Councillor Kerwin
Seconded by Councillor Sponga


THAT the meeting adjourn.

CARRIED

There being no further business, the meeting adjourned at 9:37 p.m.



Tony Van Bynen, Mayor



Andrew Brouwer, Town Clerk