

A 15 minute recess is scheduled at 3:00 p.m. with the Committee of the Whole (Closed Session) agenda items being dealt with after the break at 3:15 p.m.

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

DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION

CONSENT ITEMS

**1. COMMITTEE OF THE WHOLE – OCTOBER 15, 2013 – ITEM
REQUESTS FOR PROCLAMATIONS**

- a) Correspondence received September 19, 2013 from Mr. Don Head, Commissioner, Correctional Service Canada requesting that November 17 to 24, 2013 be proclaimed “Restorative Justice Week” in the Town of Newmarket.

Recommendations:

THAT the correspondence dated September 19, 2013 from Mr. Don Head, Commissioner, Correctional Services Canada be received and the following recommendations be adopted:

- 1. THAT the Town of Newmarket proclaim November 17 to 24, 2013 as “Restorative Justice Week”;**
- 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca**

- b) Correspondence from Ms. Lynn Ziraldo, Executive Director, Learning Disabilities of York Region requesting that October 2013 be proclaimed “Learning Disabilities Awareness Month” in the Town of Newmarket.

Recommendations:

THAT the correspondence from Ms. Lynn Ziraldo, Executive Director, Learning Disabilities of York Region be received and the following recommendations be adopted:

1. **THAT the Town of Newmarket proclaim October 2013 as “Learning Disabilities Awareness Month”;**
 2. **AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca**
2. **COMMITTEE OF THE WHOLE – OCTOBER 15, 2013 – ITEM
NEWMARKET ENVIRONMENTAL ADVISORY COMMITTEE MINUTES**

Newmarket Environmental Advisory Committee Minutes of September 4, 2013.

The Newmarket Environmental Advisory Committee recommends:

THAT the Newmarket Environmental Advisory Committee Minutes of September 4, 2013 be received.

3. **COMMITTEE OF THE WHOLE – OCTOBER 15, 2013 – ITEM
HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES**

Heritage Newmarket Advisory Committee Minutes of September 3, 2013.

The Heritage Newmarket Advisory Committee recommends:

THAT the Heritage Newmarket Advisory Committee Minutes of September 3, 2013 be received.

4. **COMMITTEE OF THE WHOLE – OCTOBER 15, 2013 – ITEM
ITEM 1C) OF THE HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES OF
SEPTEMBER 3, 2013 – HERITAGE CONSERVATION DISTRICT**

Proposed Heritage Conservation District by-law.

The Operational Leadership Team recommends:

THAT this matter be referred to staff to be addressed when the Heritage Conservation District By-law comes forward for consideration.

The Heritage Newmarket Advisory Committee recommends to Council:

Moved by Ross Caister
Seconded by Sandra Fuller

THAT Council supports the Heritage Newmarket Advisory Committee to administer the Heritage Conservation District and that a member of the Main Street District Business Improvement Area Board of Management and the Historical Society form part of that administration Committee.

**5. COMMITTEE OF THE WHOLE – OCTOBER 15, 2013 – ITEM
ITEM 9 OF THE HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES OF
SEPTEMBER 3, 2013 – NEW BUSINESS**

Treasurer position on the Heritage Newmarket Advisory Committee.

The Operational Leadership Team recommends:

THAT the requirement for a Treasurer position on the Heritage Newmarket Advisory Committee be reviewed within the Boards and Committees review process in the new term of Council;

AND THAT in the interim, the Treasurer position on the Heritage Newmarket Advisory Committee remain.

The Heritage Newmarket Advisory Committee recommends to Council:

Moved by Ross Caister
Seconded by Billie Locke

THAT the Heritage Newmarket Advisory Committee maintains the Treasurer position.

**6. COMMITTEE OF THE WHOLE – OCTOBER 15, 2013 – ITEM
NEWMARKET PUBLIC LIBRARY BOARD MINUTES**

Newmarket Public Library Board Minutes of June 19, 2013.

The Newmarket Public Library Board recommends:

THAT the Newmarket Public Library Board Minutes of June 19, 2013 be received.

**7. COMMITTEE OF THE WHOLE – OCTOBER 15, 2013 – ITEM
CYFS – JOINT COUNCIL COMMITTEE**

Central York Fire Services – Joint Council Committee Minutes of April 2, 2013.

The Joint Council Committee recommends:

THAT the CYFS – Joint Council Committee Minutes of April 2, 2013 be received.

**8. COMMITTEE OF THE WHOLE – OCTOBER 15, 2013 – ITEM
CORRESPONDENCE – KIEWIT-ELLISDON
2014 VIVANEXT NOISE BY-LAW EXEMPTION REQUEST**

Correspondence dated September 23, 2013 from Mr. Anthony Fanelli, Civil Field Engineer, Kiewit-EllisDon regarding a request for an exemption from the Town's Noise By-law between from December 23, 2013 and December 26, 2014 from 10:00 p.m. to 7:00 a.m. to perform necessary work during irregular working hours for the vivaNext D1 project.

Recommendation:

THAT the correspondence dated September 23, 2013 from Mr. Anthony Fanelli, Civil Field Engineer, Kiewit-EllisDon requesting an exemption from the Noise By-law between December 23, 2013 and December 26, 2014 from 10:00 p.m. to 7:00 a.m. to perform necessary work for the vivaNext D1 project be approved.

**9. COMMITTEE OF THE WHOLE – OCTOBER 15, 2013 – ITEM
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT
PLANNING AND BUILDING SERVICES 2013-42
NON-COMPLIANCE AS A RESULT OF PUBLIC LAND ACQUISITION**

Development and Infrastructure Services Report – Planning and Building Services dated October 3, 2013 regarding Non-compliance as a Result of Public Land Acquisition.

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

THAT Development and Infrastructure Services Report – Planning and Building Services 2013-42 dated October 3, 2013 regarding Non-compliance as a Result of Public Land Acquisition be received and the following recommendations be adopted:

- 1. THAT the proposed technical amendment to Zoning By-law Number 2010-40 to recognize parking spaces, driveway widths and landscape buffers made non-complying by public land acquisitions be referred to a public meeting;**
- 2. AND THAT following the public meeting, staff be directed to prepare the necessary Zoning By-law Amendment.**

**10. COMMITTEE OF THE WHOLE – OCTOBER 15, 2013 – ITEM
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT
PLANNING AND BUILDING SERVICES 2013-43
SERVICING ALLOCATION – SIX-MONTH ADMINISTRATIVE REVIEW**

Development and Infrastructure Services Report – Planning and Building Services 2013-43 dated October 15, 2013 regarding the Servicing Allocation Six-Month Administrative Review.

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

THAT Development and Infrastructure Services Report – Planning and Building Services 2013-43 dated October 15, 2013 regarding the Servicing Allocation Six-Month Administrative Review be received and the following recommendations be adopted:

1. **THAT servicing allocation for the Landmark Estates Phase 4 (Orsi) subdivision be reinstated subject to the following condition:**
 - a) **The Owner be required to submit a Minor Variance application to the Committee of Adjustment reflecting the proposed revised built form prior to December 31, 2013;**
2. **AND THAT the following people be notified of this action:**
 - b) **Frank Orsi, 1209104 Ontario Limited, P.O. Box 215, Newmarket, ON L3Y 4X1**

**11. COMMITTEE OF THE WHOLE – OCTOBER 15, 2013 – ITEM
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES REPORT 2013-48 – HERITAGE CONSERVATION DISTRICT
LOWER MAIN STREET SOUTH ADVISORY COMMITTEE**

Development and Infrastructure Services Report – Planning and Building Services Report 2013-48 dated October 3, 2013 regarding the proposed Advisory Committee for the Lower Main Street South Heritage Conservation District.

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

THAT Development and Infrastructure Services – Planning and Building Services Report 2013-48 dated October 3, 2013 regarding the proposed Advisory Committee for the Lower Main Street South Heritage Conservation District be received and the following recommendation be adopted:

THAT Council support the proposed advisory group as outlined in the Council endorsed October 5, 2011 Lower Main Street South Heritage Conservation District Plan.

**12. COMMITTEE OF THE WHOLE – OCTOBER 15, 2013 – ITEM
CORPORATE SERVICES REPORT – FINANCIAL SERVICES 2013-37
TAX WRITE-OFFS**

Corporate Services Report – Financial Services 2013-37 dated October 3, 2013 regarding Tax Write-Offs.

The Commissioner of Corporate Services and the Director of Financial Services/Treasurer recommend:

THAT Corporate Services Report – Financial Services 2013-37 dated October 3, 2013 regarding Tax Write-Offs pursuant to the *Municipal Act, 2001* be received and the following recommendation be adopted:

THAT the tax adjustments outlined in Appendix 1 for application for the cancellation or refund of taxes, pursuant to Sections 357 and 358 of the *Municipal Act, 2001*, be approved.

**13. COMMITTEE OF THE WHOLE – OCTOBER 15, 2013 – ITEM
MOTION**

Notice of Motion was provided for the following at the Council meeting held on September 30, 2013.

Motion by Mayor Van Bynen

THAT Council direct staff to request the Integrity Commissioner investigate statements directed at me as the Mayor by Councillor Di Muccio at the Committee of the Whole meeting on Monday, September 23, 2013 to determine if there was a breach of the Council Code of Conduct and /or the Town of Newmarket's Procedural By-law.

In the event Councillor Di Muccio provides a written apology to Council prior to the motion being adopted by Council – the motion will be withdrawn.

**14. COMMITTEE OF THE WHOLE – OCTOBER 15, 2013 – ITEM
MOTION**

Notice of Motion was provided for the following at the Council meeting held on September 30, 2013.

Motion by Councillor Di Muccio

Whereas the attached communication was sent by:

-a member of the following Town of Newmarket Committees:

- 1) Main Street District Business Improvement Area Board of Management
- 2) Newmarket Economic Development Advisory Committee (NEDAC)
- 3) Newmarket Downtown Development Sub-Committee (a Sub-Committee of NEDAC)

-a recipient from the Lieutenant-Governor's Ontario Medal for Good Citizenship nominated by Mayor Tony Van Bynen in 2010, and the Queen's Jubilee Medal (awarded by Town of Newmarket Council in 2013);

-a member of Mayor Tony Van Bynen's campaign team member and who currently claims to be supporting the mayor with his 2014 re-election campaign;

Whereas the attached email was sent out to members of the public, businesses, members of Town of Newmarket staff, and members of Town of Newmarket Council that contained unsubstantiated, spurious comments and invited those addressed to join a social media page that was dedicated to impugning the character of a Councillor of the Town of Newmarket in March 2011, after serving only 8 weeks of term into office, with the intent of influence;

Whereas the attached communication was written with the intention to interfere and/or obstruct the duties of the elected member of Newmarket Council by influencing staff, council, several businesses, organizations, Town of Newmarket committees, and members of the public within the town of Newmarket by knowingly and willfully impugning my character.

Whereas the attached communication positions the Town of Newmarket and its elected representative to be viewed negatively by the public at large as it was sent by an individual who as a member of certain Town of Newmarket committees represents interests for the Town of Newmarket,

Whereas as a member of Council who has officially announced his re-election bid, the Mayor of the Town of Newmarket is accountable for the activity and behaviour of his campaign team;

It is requested that Mayor Tony Van Bynen issue a public apology to residents published in the Newmarket Era funded as a personal expense, and that Ms. Jackie Playter be removed from all Town of Newmarket committees from which she currently serves.

**15. COMMITTEE OF THE WHOLE – OCTOBER 15, 2013 – ITEM
LIST OF OUTSTANDING MATTERS**

List of outstanding matters.

Recommendation:

THAT the list of outstanding matters be received.

PRESENTATIONS

DEPUTATIONS

CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

ACTION ITEMS

16. **COMMITTEE OF THE WHOLE – OCTOBER 15, 2013 – ITEM BANCROFT & HASTINGS HIGHLANDS DISASTER RELIEF COMMITTEE**

Correspondence dated September 2013 from Mr. Dennis Purcell, DRC Chair, requesting financial support for April 2013 flood damage.

For the consideration of the Committee.

REPORTS BY REGIONAL REPRESENTATIVES

NEW BUSINESS

RESOLUTION TO CONVENE INTO A CLOSED SESSION:

THAT Committee of the Whole resolve into a closed session for the purpose of discussing:

- a) The security of property of the municipality or local board;
- b) Personal matters about an identifiable individual, including municipal employees or local board employees;
- c) A proposed or pending acquisition or disposition of land by the municipality or 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; and
- g) A matter in respect of a council, board committee or other body may hold a closed meeting under another *Act*.

CLOSED SESSION

The Closed Session Agenda and Reports will be circulated under separate cover (Goldenrod) on Thursday, October 10, 2013.

17. **COMMITTEE OF THE WHOLE – OCTOBER 15, 2013 – ITEM
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-46
CONSULTANT REPORT REGARDING MARIANNEVILLE DEVELOPMENTS LIMITED
(GLENWAY)
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-47 – APPLICATION FOR OFFICIAL PLAN AMENDMENT,
ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION**

Development and Infrastructure Services Report – Planning and Building Services 2013-46 dated October 1, 2013 regarding Consultant Report with respect to Marianneville Developments Limited (Glenway).

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

THAT Development and Infrastructure Services Report – Planning and Building Services 2013-46 dated October 1, 2013 regarding the attached consultant report be received and the following recommendation be adopted:

THAT the attached report (Development and Infrastructure Services – Planning and Building Services Report 2013-47) prepared by Ruth Victor & Associates and iPlancorp regarding the applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision – Marianneville Developments Limited (Glenway) be referred to the November 25, 2013 Committee of the Whole (evening session) meeting.

ADJOURNMENT