

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

The regular meeting of the Council was held on Monday, October 21, 2013 at 7:00 p.m. in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen  
Regional Councillor Taylor  
Councillor Emanuel  
Councillor Hempen  
Councillor Sponga  
Councillor Twinney  
Councillor Vegh  
Councillor Kerwin

Absent: Councillor Di Muccio

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  
R. Nethery, Director of Planning and Building 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**

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

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

## ADDITIONS

### DEPUTATIONS

1. Mr. Mark Pavkovic, Manager of Land Acquisition & Development, National Homes to address Council regarding a request for deferral of By-law 2013-50 until November 12, 2013. *(Note: Relates to Item 12 of the Committee of the Whole Minutes of October 15, 2013 and By-law 2013-50 of the Council agenda of October 21, 2013).* Also attached is e-mail correspondence from Mr. Pavkovic dated October 17, 2013 with respect to this matter.
2. Mr. Athol Hart, Chair, Heritage Newmarket Advisory Committee, to address Council with respect to the proposed Heritage Conservation District by-law.
3. Mr. Bob Buchan, President, Newmarket Historical Society, to address Council with respect to the proposed Heritage Conservation District by-law.
4. Mr. Greg King, resident, to address Council with respect to the proposed Heritage Conservation District by-law.

### CORRESPONDENCE

1. Correspondence from Mr. Robert Forrest, Secretary, Main Street Clock Inc. dated October 18, 2013 regarding a request that Council defer the Heritage Conservation District By-law. *(Note: Relates to By-law 2013-51 of the Council agenda of October 21, 2013)*

### REPORTS OF COMMITTEES AND STAFF

5. Corporate Services Report – Legislative Services 2013-44 dated October 17, 2013 regarding Regional Municipality of York - Catch Basin Cleaning (Noise By-law Exemption).

### BY-LAWS

2013-52      A BY-LAW TO PROVIDE AN EXEMPTION TO BY-LAW 2004-94, AS AMENDED, BEING A BY-LAW TO PROHIBIT AND REGULATE UNUSUAL NOISES OR NOISES LIKELY TO DISTURB THE INHABITANTS OF THE TOWN OF NEWMARKET.

### CARRIED

### DECLARATIONS OF INTEREST

Councillor Hempen declared a pecuniary interest with respect to Item 16 of the Committee of the Whole Minutes of October 15, 2013 (see Item 27 of these Minutes) as well as By-law 2013-51 and the deputations listed on the Council agenda and addendum 2, respectively, regarding the Heritage Conservation District as his mother owns property within the proposed area and could be eligible for the heritage tax rebate. He advised that he would take no part in the discussion or voting of this matter.

Mayor Van Bynen vacated the Chair.

Regional Councillor Taylor assumed the Chair.

Mayor Van Bynen requested that Items 17 a) and b) of the Committee of the Whole Minutes of October 15, 2013 (see Item 28 of these Minutes) would be dealt with separately and indicated he may have a pecuniary interest in Item 17 a) and that he would take no part in the discussion or voting of this matter.

Regional Councillor Taylor vacated the Chair.

Mayor Van Bynen assumed the Chair.

**1. PRESENTATION – NEWMARKET PUBLIC LIBRARY**

Mr. Todd Kyle, CEO, Newmarket Public Library addressed Council with a PowerPoint presentation regarding the Newmarket Public Library's new Strategic Plan. Ms. Joan Stonehocker, Chair of the Newmarket Public Library Board was also in attendance.

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

**THAT the presentation by Mr. Todd Kyle, CEO, Newmarket Public Library regarding the Newmarket Public Library's new Strategic Plan be received.**

**CARRIED**

Mayor Van Bynen requested that Item 12 of the Committee of the Whole Minutes of October 15, 2013 and By-law 2013-50 be brought forward at this time.

**Moved by Councillor Vegh  
Seconded by Councillor Sponga**

**THAT Item 12 of the Committee of the Whole Minutes of October 15, 2013 being Development and Infrastructure Services Report – Planning and Building Services 2013-49 regarding Application for Draft Plan of Subdivision and Zoning By-law Amendment – National Homes Inc., and By-law 2013-50 be brought forward at this time.**

**CARRIED**

**2. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 12  
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND  
BUILDING SERVICES 2013-49 – APPLICATION FOR DRAFT PLAN OF  
SUBDIVISION AND ZONING BY-LAW AMENDMENT - NATIONAL HOMES INC.**

Development and Infrastructure Services Report – Planning and Building Services 2013-49 regarding Application for Draft Plan of Subdivision and Zoning By-law Amendment – National Homes Inc.

*(Note: The deputation by Mr. Mark Pavkovic, Manager of Land Acquisition & Development, National Homes, listed on the addendum agenda, was not required)*  
E-mail correspondence from Mr. Mark Pavkovic, Manager of Land Acquisition & Development, National Homes regarding a request for deferral of By-law 2013-50 until November 12, 2013.

**Moved by Councillor Vegh  
Seconded by Councillor Sponga**

**THAT e-mail correspondence dated October 17, 2013 from Mr. Mark Pavkovic, Manager of Land Acquisition & Development, National Homes be received and that Development and Infrastructure Services Report – Planning and Building Services 2013-49 dated October 10, 2013 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision and By-law 2013-50 be deferred to the November 12, 2013 Council meeting.**

**CARRIED**

**3. DEPUTATIONS – HERITAGE CONSERVATION DISTRICT**

- a. Mr. Athol Hart, Chair, Heritage Newmarket Advisory Committee, addressed Council advising of his support and that of the Heritage Newmarket Advisory Committee with respect to the proposed Heritage Conservation District By-law.

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

**THAT the deputation by Mr. Athol Hart, Chair, Heritage Newmarket Advisory Committee with respect to the proposed Heritage Conservation District By-law be received.**

**CARRIED**

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

- b. Mr. Bob Buchan, President, Newmarket Historical Society, addressed Council advising of his support of the proposed Heritage Conservation District By-law.

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

**THAT the deputation by Mr. Bob Buchan, President, Newmarket Historical Society, with respect to the proposed Heritage Conservation District By-law be received.**

**CARRIED**

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

- c. Mr. Greg King, resident, addressed Council with respect to the Heritage Conservation District Plan and proposed By-law.

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

**THAT the deputation by Mr. Greg King, resident, with respect to the proposed Heritage Conservation District By-law be received.**

**CARRIED**

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

Mayor Van Bynen proposed that the Heritage Conservation District By-law 2013-51 and correspondence dated October 18, 2013 from Mr. Robert Forrest, Secretary, Main Street Clock Inc. be brought forward at this time.

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

**THAT the correspondence dated October 18, 2013 from Mr. Robert Forrest, Secretary, Main Street Clock Inc. and By-law 2013-51 be brought forward at this time.**

**CARRIED**

**4. BY-LAW 2013-51 – HERITAGE CONSERVATION DISTRICT AND CORRESPONDENCE FROM MAIN STREET CLOCK INC.**

By-law 2013-51 – Heritage Conservation District.

Correspondence dated October 18, 2013 from Mr. Robert Forrest, Secretary, Main Street Clock Inc. regarding a request that Council defer the Heritage Conservation District By-law.

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

**THAT By-law 2013-51 being A By-law to Designate the Lower Main Street South Heritage Conservation District under Section 41 of the *Ontario Heritage Act* be enacted and the correspondence from Mr. Robert Forrest of Main Street Clock Inc. be received and referred to staff.**

**CARRIED**

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

## 5. ANNOUNCEMENTS – COMMUNITY EVENTS

- a. Councillor Vegh advised that several non-profit agencies in our community will gather at the Newmarket Public Library at 438 Park Avenue for a Volunteer Fair on October 22, 2013 from 1 to 8 p.m. Get an opportunity to speak with representatives looking for volunteers. Learn how to get involved, meet new people, gain valuable skills and make a difference in our community. Call 905-953-5110 ext. 4860 for more information.
- b. Councillor Kerwin advised that the Royal Canadian Legion, Milton Wesley Branch 426 is holding a Remembrance Day Parade and Service on November 10, 2013 to honour the men and women who died in the military service of Canada during war and peace. The parade begins at 1:30 p.m. at Water Street and Doug Duncan Drive. The service will be held at 2 p.m. at Veterans' Memorial Park, located on the corner of D'Arcy and Church Street. Also, on November 9, 2013 from 8 p.m. to midnight, come out to the annual Poppy Dance and Remembrance Service. Dance to the "After Hours Big Band". Tickets are only \$2 per person.
- c. Councillor Kerwin also advised that the Dave Kerwin Trail in the northwest quadrant off Woodspring Avenue is almost complete. He encouraged the public to take a walk on the trail.
- d. Councillor Twinney advised that it is Waste Reduction Week and the Town of Newmarket wants to encourage residents to reduce waste in their homes. Until October 25, 2013 the Town will be offering the following items: blue boxes for \$6; green bins for \$15; kitchen waste catchers for \$3; and composters will remain at the reduced price of \$20 (Note: composters are limited to one per household and are only available at the Operations Centre at 1275 Maple Hill Court). Quantities and availability is limited. Call 905-895-5193 or visit [www.newmarket.ca](http://www.newmarket.ca) for further information.
- e. Regional Councillor Taylor advised that the Town of Newmarket is holding a Statutory Public Meeting on October 28, 2013 at 7 p.m. in the Council Chambers at the Municipal Offices, 395 Mulock Drive. The purpose of the meeting is to consider amendments to the Official Plan relating to the Newmarket Urban Centres Secondary Plan and a new Active Transportation Schedule. Please help form Newmarket's future vision by providing your thoughts and feedback. For more information visit [www.newmarket.ca](http://www.newmarket.ca) or call Marion Plaunt, Senior Planner at or 905-953-5300, ext. 2459.
- f. Regional Councillor Taylor encouraged the public to participate in the Tom Taylor Trail Ten Miler, a run/walkathon, on October 17, 2013 beginning at George Richardson Park at Bayview Avenue north of Davis Drive. This is a fundraising event for Inn From The Cold. For further information visit [www.4tmiler.ca](http://www.4tmiler.ca)
- g. Councillor Hempen advised that on October 22, 2013 he will be hosting a meeting for residents of Ward 4 at Denne Public School, 330 Burford Street. The event runs from 7 to 9 p.m. For more information, contact Councillor Hempen at 905-953-5323 or at [thempen@newmarket.ca](mailto:thempen@newmarket.ca).

- h. Councillor Sponga advised that the Town of Newmarket is seeking public feedback on downtown Newmarket. Fill out a brief survey online at [www.newmarket.ca](http://www.newmarket.ca), under the 'I'd like to' section and click on 'take the Downtown Action Plan Survey.' Your input will help shape the continuing revitalization of downtown Newmarket. For more information call 905-895-5193.
- i. Councillor Sponga also advised that Savour Downtown is a heritage walking tour and restaurant tour taking place on November 9, 2013 from 4 to 9 p.m. For more information contact Janis Luttrell at 905-953-5300 ext. 2605.
- j. Councillor Sponga advised that he will be hosting a Ward 5 meeting on November 7, 2013 at the Community Centre & Lions Hall, Hall 3 on Doug Duncan Drive and beginning at 7:00 p.m.
- k. Councillor Sponga further advised that for the first time the residents of the Town participated in the Great Canadian Food Fight, an event to collect as much food as possible for local food banks, which took place from October 17 to 19, 2013. Residents of Newmarket collected 14,584 pounds of food (6,615 kilograms).
- l. Councillor Emanuel reminded residents that beginning November 1, 2013 winter parking restrictions are in effect. It is strictly prohibited to park a vehicle on any roadway:
- that interferes with the clearing of snow between the hours of 2 a.m. and 6 a.m. from November 1, 2013 to April 15, 2014;
  - for more than 3 consecutive hours except between 7 p.m. and 11 p.m.;
  - in front of, or within 2 feet of a driveway or laneway.
- For more information call 905-895-5193 or visit [www.newmarket.ca](http://www.newmarket.ca)
- m. Councillor Emanuel advised that on November 25, 2013 the Committee of the Whole will be meeting at 7:00 p.m. at the Newmarket Theatre to consider the proposed Glenway Development.
- n. Councillor Vegh invited Ward 1 residents to attend a ward meeting being held on November 5, 2013 from 7 to 9 p.m. at the Magna Centre. He reminded Ward 1 residents that ward meetings take place on the first Tuesday of every month.
- o. Mayor Van Bynen advised that the recent Hope in Purple Heels fundraising event raised over \$50,000 bringing the total funds raised for Belinda's Place to \$840,000. He thanked the sponsors for their participation and support.
- p. Mayor Van Bynen advised that the next Public Meeting on the 2014 Budget is at a Special Committee of the Whole on October 28, 2013 at 1:30 p.m. in the Council Chambers of the Municipal Offices, 395 Mulock Drive.
- q. Mayor Van Bynen invited anyone wishing to discuss anything with him to join him at "Mayor in the Square" at the Newmarket Public Library on November 8, 2013 from 11 a.m. until noon.

- r. Mayor Van Bynen advised that the next Council meeting is Tuesday, November 12, 2013 at 7 p.m.

**6. APPROVAL OF COUNCIL MINUTES**

Council Minutes of September 30, 2013.

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

**THAT the Council Minutes of September 30, 2013 be approved.**

**CARRIED**

**7. REPORTS BY REGIONAL REPRESENTATIVES**

- a. Regional Councillor Taylor clarified the Region of York's role with respect to a recent article regarding a proposed casino in the City of Vaughan.
- b. Regional Councillor Taylor advised that the Region will be moving forward in the next month or so with public live streaming and archiving of Council meetings.
- c. Regional Councillor Taylor advised that this is Small Business Week. York Small Business Enterprise Centres provide support and advice to small businesses. He indicated that 84% of companies in York Region are small businesses. He advised that a Leadership through Innovation conference will be taking place on November 15, 2013 in Aurora. For further information visit the York Region website at [www.york.ca](http://www.york.ca) or contact him.
- d. Mayor Van Bynen advised that the York Region Administration Building will be expanded to consolidate numerous satellite facilities into one facility located adjacent to the Regional building, the project to begin by 2016. This option will realize savings over a number of years.
- e. Mayor Van Bynen advised that he has received a response from the Region to the Commissioner of Development and Infrastructure's concerns with respect to traffic congestion north from Davis Drive to Green Lane. They are now into the capital project and design stages and are looking at short term and long term options to alleviate traffic congestion.

**8. COMMITTEE OF THE WHOLE MINUTES**

Committee of the Whole Minutes of October 15, 2013.

*(Note: A correction was made to the minutes – see Item 21 of these Council Minutes)*



Moved by Councillor Sponga  
Seconded by Councillor Emanuel

THAT the Committee of the Whole Minutes of October 15, 2013 be approved and the following recommendations with the exception of Items 8, 16, 17 and 20, be adopted:

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

- a) 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](http://www.newmarket.ca)
- b) 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](http://www.newmarket.ca)
- c) THAT the correspondence dated October 9, 2013 on behalf of the Bully Free Community Alliance of York Region dated October 9, 2013 requesting proclamation of ‘Bullying Awareness Week’ be received and the following recommendations be adopted:
1. THAT the Town of Newmarket proclaim November 17 to 23, 2013 as ‘Bullying Awareness 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](http://www.newmarket.ca)
- d) THAT the correspondence dated October 4, 2013 from Mr. George Habib, President and CEO, Ontario Lung Association be received and the following recommendations be adopted:
1. THAT the Town of Newmarket proclaim November 2013 as ‘Lung Month’;
  2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website [www.newmarket.ca](http://www.newmarket.ca)

e) THAT the correspondence dated October 9, 2013 from Ms. Erin Hoyos, Administration, DEBRA Canada be received and the following recommendations be adopted:

1. THAT the Town of Newmarket proclaim October 25 to 31, 2013 as 'International Epidermolysis Bullosa Awareness Week';
2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)

10. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 2  
NEWMARKET ENVIRONMENTAL ADVISORY COMMITTEE MINUTES

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

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

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

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

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

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

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.

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

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

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

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

16. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 9  
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT  
PLANNING AND BUILDING SERVICES 2013-43  
SERVICING ALLOCATION – SIX-MONTH ADMINISTRATIVE REVIEW

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:
  - a) Frank Orsi, 1209104 Ontario Limited, P.O. Box 215, Newmarket, ON L3Y 4X1.

17. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 10  
CORPORATE SERVICES REPORT – FINANCIAL SERVICES 2013-37  
TAX WRITE-OFFS

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.

18. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 11  
LIST OF OUTSTANDING MATTERS

THAT the list of outstanding matters be received.

19. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 13  
MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF  
MANAGEMENT MINUTES OF SEPTEMBER 17, 2013

THAT the Main Street District Business Improvement Area Board of Management Minutes of September 17, 2013 be received.

20. **COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – IETM 14  
ITEM 7 OF THE MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD  
OF MANAGEMENT MINUTES OF SEPTEMBER 17, 2013 – MEMBERSHIP VACANCY**

THAT Mr. Adrian Cammaert be appointed to replace Melissa Bennett on the Main Street District Business Improvement Area Board of Management;

AND THAT the necessary by-law be prepared and submitted to Council.

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

THAT the correspondence dated September 23, 2013 from Mr. Anthony Fanelli, Civil Field Engineer, Kiewit-EllisDon requesting an exemption from the Noise By-law to perform necessary work for the vivaNext D1 project be received and the timelines, as amended be approved.

22. **COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 18  
BANCROFT & HASTINGS HIGHLANDS DISASTER RELIEF COMMITTEE**

THAT the correspondence dated September 2013 from Mr. Dennis Purcell, DRC Chair, requesting financial support for April 2013 flood damage be received.

23. **COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 19  
REPORTS BY REGIONAL REPRESENTATIVES**

None.

24. **COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 21  
CORPORATE SERVICES (LEGAL SERVICES) (CLOSED SESSION) REPORT 2013-12  
APPEAL TO THE ONTARIO MUNICIPAL BOARD – 390 ONTARIO STREET**

THAT Corporate Services (Legal Services) Closed Session Report 2013-12 dated October 9, 2013 regarding the appeal to the Ontario Municipal Board by the Owner of 390 Ontario Street (“the lands”) from a decision of the Committee of Adjustment to deny an application for Consent and Minor Variance be received, and the following recommendations, as amended, be adopted:

1. THAT staff be directed to advise the Ontario Municipal Board that Council does not take a position either in support of or against the above-noted appeal of a Committee of Adjustment’s decision to deny an application for Consent and Minor Variance in connection with the lands;
2. AND THAT the Town will not be appearing as Party or Participant at the OMB hearing in this matter; and

3. **AND THAT Staff advise the Ontario Municipal Board and the appellant that it is requesting the conditions as follows be included as part of any Order approving the Consent and Minor Variances.**
  - i. **That Consent Application D10-B03-13 be approved subject to the following conditions:**
    - a) **That the Owner enter into a leading site plan agreement with the Town for the future development of the subject lands dealing with all matters, financial and otherwise including the payment of a parkland contribution in accordance with the provisions of the *Planning Act, R.S.O. 1990*, to the satisfaction of the Town;**
    - b) **That the Owner obtain relief from the provision of the Zoning By-law for reduced lot frontage; and**
    - c) **That Minor Variance Applications D13-A20-13 and D13-A21-13 be approved to ensure that the created lots are in conformity with the Zoning By-law.**
  - ii. **AND THAT the applicant be advised that prior to the issuance of any building permit involving the subject and remaining lands, compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy.**
  - iii. **AND THAT Minor Variance Applications D13-A20-13 and D13-A21-13 be approved, subject to the following conditions:**
    - a) **That the variances pertain only to the requests as submitted with the application;**
    - b) **That the Owner entering into a leading site plan agreement with the Town for the future development of the subject lands dealing with all matters, financial and otherwise including the payment of a parkland contribution in accordance with the provisions of the *Planning Act, R.S.O. 1990*, to the satisfaction of the Town; and**
    - c) **That the developments be substantially in accordance with the Site Plans submitted with the applications.**
4. **AND THAT the full recommendations and conditions be made public.**

25. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 22  
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

Deputations:

THAT Mr. Nick McDonald, Meridian Planning Consultants, on behalf of the Glenway Preservation Association be allotted fifteen minutes for his deputation.

THAT the deputation by Mr. Nick McDonald, Meridian Planning Consultants regarding the Marianneville Developments (Glenway) application be received.

THAT the deputation by Ms. Christina Bisanz, on behalf of the Glenway community regarding the Marianneville Developments (Glenway) application be received.

THAT the Director of Planning and Building Services prepare an information report to Council that outlines the current growth mandates; status of approved developments with population counts; pending or anticipated applications; and population projections in the draft secondary plan;

AND THAT the report be provided in advance of the November 25, 2013 Committee of the Whole meeting.

THAT all deputations with respect to the Marianneville Developments (Glenway) development application be received.

Report:

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.

CARRIED

**26. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 8  
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 2013-42 regarding Non-Compliance as a Result of Public Land Acquisition.

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

**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, as amended 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;**
- 3. AND THAT the correspondence from Mr. Robert Miller, Rueter Scargall Bennett, LLP, on behalf of York Region Rapid Transit Corporation regarding Development and Infrastructure Services Report – Planning and Building Services 2013-42 with respect to Non-Compliance as a Result of Public Land Acquisition be received.**

**CARRIED**

**27. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 16  
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND  
BUILDING SERVICES 2013-48 – HERITAGE CONSERVATION DISTRICT  
LOWER MAIN STREET SOUTH ADVISORY COMMITTEE**

Development and Infrastructure Services Report – Planning and Building Services 2014-48 regarding the proposed Advisory Committee for the Lower Main Street South Heritage Conservation District.

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

**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 recommendations be adopted:**

1. **THAT Council support the proposed advisory group as outlined in the Council endorsed October 5, 2011 Lower Main Street South Heritage Conservation District Plan;**
2. **AND THAT the Main Street District Business Improvement Area Board of Management and the Heritage Newmarket Advisory Committee provide a recommendation to Council for a member of each to join the proposed advisory group.**

**CARRIED**

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

Mayor Van Bynen vacated the Chair.

Regional Councillor Taylor assumed the Chair.

**28. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 17  
NOTICE OF MOTION BY MAYOR VAN BYNEN – INTEGRITY COMMISSIONER  
INVESTIGATION AND CAO/CORPORATE SERVICES REPORT – LEGAL &  
LEGISLATIVE SERVICES 2013-04 – CODE OF CONDUCT COMPLAINTS – COST  
RECOVERY**

Notice of Motion – Integrity Commissioner Investigation.

Mayor Van Bynen requested that the recommendations be dealt with in three sections.

**Moved by Mayor Van Bynen  
Seconded by Councillor Sponga**

**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.**



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       | -----    | -----    |
| COUNCILLOR EMANUEL         | X        |          |
| MAYOR VAN BYNEN            | X        |          |
|                            |          |          |
| <b>TOTAL</b>               | <b>8</b> | <b>0</b> |

**CARRIED**

Mayor Van Bynen left the dais to sit in the gallery.

Council consented to bring forward CAO/Corporate Services Report – Legal and Legislative Services 2013-04 dated October 17, 2013 regarding Code of Conduct Complaints – Cost Recovery at this time.

**Report:**

CAO/Corporate Services Report – Legal and Legislative Services 2013-04 dated October 17, 2013 regarding Code of Conduct Complaints – Cost Recovery.

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

**THAT CAO/Corporate Services Report – Legal and Legislative Services 2013-04 dated October 17, 2013 regarding Code of Conduct Complaints – Cost Recovery be received for information.**

**CARRIED**

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

Recommendations 17 a) and b) of the Notice of Motion were brought forward at this time to be dealt with separately.

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

**THAT the following amendment be included in the Notice of Motion regarding the Integrity Commissioner:**

**THAT including this complaint and all future complaints:**

- a) **where a Councillor is not found to be in contravention of the Council Code of Conduct by the Integrity Commissioner, the Councillor who filed the notice of motion for consideration by Council on the matter be requested by Council to pay costs associated with the Integrity Commissioner's investigation.**

A recorded vote was requested.

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

**CARRIED**

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

Mayor Van Bynen returned to the dais.

Councillor Twinney provided clarification that if a Councillor is found to be in contravention of the Council Code of Conduct and is unable to pay costs associated with the Integrity Commissioner's investigation, then the costs would be covered by Council members.

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

**THAT the following amendment be included in the Notice of Motion regarding the Integrity Commissioner:**

**THAT including this complaint and all future complaints:**

- b) **where a Councillor is found to be in contravention of the Council Code of Conduct by the Integrity Commissioner, the contravening Councillor be requested by Council to pay the costs associated with the Integrity Commissioner's investigation from their salary.**

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       | -----    | -----    |
| COUNCILLOR EMANUEL         | X        |          |
| MAYOR VAN BYNEN            | X        |          |
|                            |          |          |
| <b>TOTAL</b>               | <b>8</b> | <b>0</b> |

**CARRIED**

Regional Councillor Taylor vacated the Chair.

Mayor Van Bynen assumed the Chair.

**FOR CLARIFICATION PURPOSES THE ADOPTED RECOMMENDATIONS WITH RESPECT TO MAYOR VAN BYNEN'S NOTICE OF MOTION ARE AS FOLLOWS:**

1. 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.

2. THAT CAO/Corporate Services Report – Legal and Legislative Services 2013-04 dated October 17, 2013 regarding Code of Conduct Complaints – Cost Recovery be received for information.
3. THAT including this complaint and all future complaints:
  - a) where a Councillor is not found to be in contravention of the Council Code of Conduct by the Integrity Commissioner, the Councillor who filed the notice of motion for consideration by Council on the matter be requested by Council to pay costs associated with the Integrity Commissioner's investigation; or
  - b) where a Councillor is found to be in contravention of the Council Code of Conduct by the Integrity Commissioner, the contravening Councillor be requested by Council to pay the costs associated with the Integrity Commissioner's investigation from their salary.

**29. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 20  
NEW BUSINESS**

Councillor Twinney made a correction to Item 20 of the Committee of the Whole Minutes of October 15, 2013 regarding the Seniors Meeting Place.

The Committee of the Whole Minutes have been corrected to read as follows:

“Councillor Twinney advised that she has received several e-mails and phone calls from residents requesting information about the status of repairs to the Seniors Meeting Place facility. She requested a meeting of the Seniors Meeting Place membership and Town staff to provide an update on the progress of the facility repairs and next steps. She also requested that an update on timelines of repairs be provided to all members of Council.”

**30. COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES**

Committee of the Whole (Closed Session) Minutes of October 15, 2013.

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

**THAT the Committee of the Whole (Closed Session) Minutes of October 15, 2013 be approved.**

**CARRIED**

Mayor Van Bynen advised with respect to Item 1 of the Committee of the Whole (Closed Session) Minutes of October 15, 2013 regarding Corporate Services (Legal Services) (Closed Session) Report 2013-12 – Appeal to the OMB -390 Ontario Street (*Advice that is subject to solicitor/client privilege*) that the recommendations were dealt with and voted on in public session. (See Item 16 of these Council Minutes)

**31. COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES – OCTOBER 15, 2013  
– ITEM 2 – CORPORATE SERVICES (LEGAL SERVICES) AND DEVELOPMENT AND  
INFRASTRUCTURE SERVICES (PLANNING) JOINT (CLOSED SESSION) REPORT  
2013-13 – PROPERTY MATTER – WARD 6  
(POTENTIAL ACQUISITION OR DISPOSITION OF LAND)**

Corporate Services (Legal Services) and Development and Infrastructure Services (Planning) Joint (Closed Session) Report 2013-13 regarding a property matter in Ward 6.

**Moved by Councillor Vegh  
Seconded by Regional Councillor Taylor**

**THAT this matter be deferred to the next possible Committee of the Whole meeting.**

**CARRIED**

Mayor Van Bynen advised with respect to Item 3 of the Committee of the Whole (Closed Session) Minutes of October 15, 2013 regarding Marianneville Developments Ltd. (Glenway) – Ward 7 (*Litigation or potential litigation, including matters before administrative tribunals*) that Ms. Ruth Victor, Ruth Victor & Associates and Mr. Bart Ryan iPLANcorp provided a presentation on the current status of the Marianneville Developments Ltd. (Glenway) Application as well as an overview of the staff and consultant reports relative to the Ontario Municipal Board hearings .

There was discussion and the presentation was received.

Mayor Van Bynen also advised that there had been a fourth item on the Closed Session agenda of October 15 – if required – dealing with the membership vacancy on the BIA Board of Management, however this item was dealt with in open session with the appointment of Mr. Adrian Cammaert as the replacement member of the BIA (see Item 12 of these Minutes) and no closed session discussion took place. There is an appointment by-law (2013-49) on today's Council agenda appointing Mr. Cammaert to the BIA Board of Management.

**32. DEVELOPMENT AND INFRASTRUCTURE REPORT – PLANNING AND BUILDING SERVICES 2013-50 – ONTARIO'S FEED-IN TARIFF PROGRAM – ROOFTOP SOLAR PROJECT – 800 MULOCK DRIVE**

Development & Infrastructure Services Report – Planning and Building Services 2013-50 dated October 16, 2013 regarding Ontario's Feed-in Tariff Program – Rooftop Solar Project – 800 Mulock Drive.

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

**THAT Development & Infrastructure Services/Planning & Building Services Report 2013-50 dated October 16, 2013 regarding a request for Council support for a rooftop solar project over 10 kilowatts up to 500 kilowatts located at 800 Mulock Drive be received and the following recommendations be adopted:**

- 1. THAT Council provide a resolution (in the form prescribed by the Ontario Power Authority) as requested by SunEdison Origination Health 2 LP for the following project:**

**186kW rooftop solar panels at 800 Mulock Drive**

- 2. AND THAT Council herein approves any future applications for rooftop solar projects up to 500 kW, subject to other municipal requirements, in accordance with the FIT Program;**
- 3. AND THAT Utilia Amaral, Director of Government Relations, SunEdison, 595 Adelaide Street East, Suite 400, TORONTO ON M5A 1N8 be advised of this decision.**

**CARRIED**

**33. CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-44  
REGION OF YORK NOISE BY-LAW EXEMPTION REQUEST**

Corporate Services Report – Legislative Services 2013-44 dated October 17, 2013 regarding Regional Municipality of York - Catch Basin Cleaning (Noise By-law Exemption).

**Moved by Councillor Sponga  
Seconded by Councillor Vegh**

**THAT Corporate Services Report – Legislative Services 2013-44 dated October 17, 2013 regarding “Regional Municipality of York – Catch Basin Cleaning Request for Exemption from the Noise By-law” be received and the following recommendations be adopted:**

- 1. THAT a by-law to exempt the Regional Municipality of York from the Noise By-law (By-law 2004-94) be enacted to facilitate catch basin cleaning on Yonge Street and Leslie Street in the Town of Newmarket for approximately five (5) days between the hours of 9:00 p.m. to 6:00 a.m., Monday through Saturday during the months of October and November 2013;**
- 2. AND THAT The Regional Municipality of York advise the Town when the work will be undertaken.**

**CARRIED**

**RESOLUTIONS**

None.

**34. BY-LAWS**

By-laws 2013-48, 2013-49 and 2013-52.

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

**THAT By-laws 2013-48, 2013-49 and 2013-52 be enacted.**

**2013-48 A BY-LAW TO PROVIDE AN EXEMPTION TO BY-LAW 2004-94, AS AMENDED, BEING A BY-LAW TO PROHIBIT AND REGULATE UNUSUAL NOISES OR NOISES LIKELY TO DISTURB THE INHABITANTS OF THE TOWN OF NEWMARKET**

**To provide an exemption to the Noise By-law for the performance of necessary work of the vivaNext D1 project.**

**2013-49      A BY-LAW TO APPOINT A REPLACEMENT MEMBER TO THE MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF MANAGEMENT. (Adrian Cammaert)**

**To appoint a replacement member to the Main Street District B.I.A. Board of Management.**

**2013-52      A BY-LAW TO PROVIDE AN EXEMPTION TO BY-LAW 2004-94, AS AMENDED, BEING A BY-LAW TO PROHIBIT AND REGULATE UNUSUAL NOISES OR NOISES LIKELY TO DISTURB THE INHABITANTS OF THE TOWN OF NEWMARKET.**

**To provide an exemption to the Noise By-law to the Regional Municipality of York to facilitate proposed work on Yonge Street and Leslie Street.**

**CARRIED**

**NOTICES OF MOTION**

None.

**UNFINISHED BUSINESS**

None.

**35. NEW BUSINESS**

- a. Councillor Kerwin queried the Commissioner of Development and Infrastructure Services with respect to the progress of improvements along Alexander Road and Srigley Street as well as Peterwood Court and Thornwillow Court. The Commissioner responded that contracts have been awarded, contractors are engaged and work is proceeding.
- b. Councillor Kerwin inquired with respect to the status of the proposed stoplights at Carlson Drive/Drew Doak Lane and Gorham Street. The Commissioner of Development and Infrastructure Services responded that hydro work would be completed in November and installation of the stoplights will be completed in December.

**36. CONFIRMATORY BY-LAW**

By-law 2013-53.

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

**THAT By-law 2013-53 be enacted.**

2013-53

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

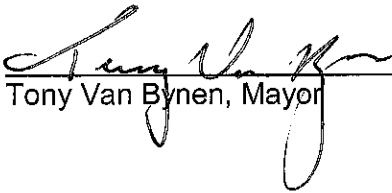
**CARRIED**

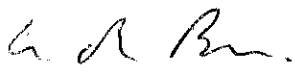
**Moved by Councillor Emanuel  
Seconded by Councillor**

**THAT the meeting adjourn.**

**CARRIED**

There being no further business, the meeting adjourned at 8:53 p.m.

  
\_\_\_\_\_  
Tony Van Bynen, Mayor

  
\_\_\_\_\_  
Andrew Brouwer, Town Clerk