

Open Forum

Public Notices (if required)

Additions & Corrections to the Agenda

Additional items to this Agenda are shown as (Added).

Declarations of Pecuniary Interest

Presentations & Recognitions

Deputations

Approval of Minutes

1. Council Minutes of December 2, 2013. p. 4

Correspondence & Petitions

Reports by Regional Representatives

Reports of Committees and Staff

2. Council Workshop Record of December 2, 2013. p. 28
3. Special Committee of the Whole Minutes of December 9, 2013. p. 30
4. Committee of the Whole (Closed Session) Minutes of December 9, 2013.
5. Special Committee of the Whole Meeting of December 16, 2013.
(Ratification of Actions)
6. Special Committee of the Whole (Closed Session) of December 16, 2013.
(Ratification of Actions)
7. Joint CAO/Corporate Services Report 2013-05 regarding Suspension of

Remuneration - Code of Conduct - Follow Up Report.

(Report to be distributed at or prior to the Council Meeting of December 16, 2013)

Notices of Motions

Announcements & Community Events

New Business

Closed Session (if required)

The Closed Session Agenda and Reports will be circulated under separate cover (Goldenrod).

Confirmatory By-law

2013-67 A By-law to confirm the proceedings of a meeting of Council on p. 39
December 16, 2013.

Note: The Confirmatory By-law Number has changed to accommodate the addition of By-law 2013-66 (A By-law to Appoint Provincial Offences Officers for the Town of Newmarket Animal Control).

Addendum

9. A By-law to Appoint Provincial Offences Officers for the Town of Newmarket p. 40
Animal Control.

10. Joint CAO/Corporate Services Report 2013-05 regarding Suspension of p. 41
Remuneration - Code of Conduct - Follow-Up Report.

(Listed as Item 7 on Council agenda for December 16, 2013 for distribution prior to meeting)

11. Addendum to Complaint Investigation Integrity Commissioner Report. p. 44

Related to Item 4 of the Special Committee of the Whole Minutes of December 9, 2013.

12. Special Committee of the Whole Minutes of December 16, 2013 (2:30 p.m.) p. 49

Adjournment

Monday, December 2, 2013 at 7:00 PM
Council Chambers

For consideration by Council
on December 16, 2013

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

The meeting of the Council was held on Monday, December 2, 2013 in the Council Chambers, 395 Mulock Drive, Newmarket.

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

Staff Present: R. Shelton, Chief Administrative Officer
R. Prentice, Commissioner of Development and Infrastructure Services
I. McDougall, Commissioner of Community Services
A. Moore, Commissioner of Corporate Services
A. Brouwer, Director of Legislative Services/Town Clerk
M. Mayes, Director of Financial Services/Treasurer
J. Bondi, Council/Committee Coordinator
J. Patel, Project Support Business Analyst

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

Mayor Van Bynen in the Chair.

Public Notices

None.

Additions & Corrections to the Agenda

Moved by: Councillor Emanuel

Seconded by: Councillor Kerwin

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

Corrections

Reports of Committees and Staff

7. Committee of the Whole Minutes of November 25, 2013.

- An administrative correction has been made to the Regional Councillor's attendance at the meeting during consideration of Item 2, recommendation 2.d) related to Newmarket-Tay Power Report of the President. Regional Councillor Taylor did not participate in the discussion on this recommendation.
- The vote related to Item 2, recommendation 2.d) was dealt with in closed session.
- An administrative correction has been made to the recommendations contained within Item 18 regarding Development and Infrastructure Services Report – ES 2013-52 on page 10 regarding Queen Street/ Parkview Crescent (East Leg) – All Way Stop Review by removing the following recommendations:

“ii) AND THAT a capital budget line item be implemented for traffic calming measures on all high risk streets within Town;

iii) AND THAT staff look at a traffic mitigation plan within the first quarter of 2014 and investigate prioritizing capital road projects.”

23. Notices of Motion

- An administrative correction has been made to replace the words “across Newmarket” with the words “in Ward 5”.

8. Committee of the Whole (Closed Session) Minutes of November 25, 2013.

- An administrative correction has been made to the Regional Councillor's attendance at the meeting during consideration of the first item related to Newmarket-Tay Power Report of the President. Regional Councillor Taylor was not in attendance for this item.

Carried

Declarations of Pecuniary Interest

Regional Councillor Taylor declared a conflict in Item 1 of the Committee of the Whole (Closed Session) Minutes of November 25, 2013 regarding Newmarket-Tay Power Distribution Ltd. Confidential Report of the President and with Item 2.2.c) of the Committee of the Whole Minutes of November 25, 2013 with respect to the Newmarket-Tay Power Distribution Ltd. Report of the President as his father is a director on the Board of Newmarket-Tay Power Distribution Ltd. He advised he would not be taking part in the discussion or voting on these matters.

Presentations & Recognitions

None.

Deputations

None.

Approval of Minutes

1. Council Minutes of November 12, 2013.

Moved by: Councillor Emanuel

Seconded by: Councillor Twinney

THAT the Council Minutes of November 12, 2013 be approved.

Carried

2. Special Council Minutes of November 25, 2013.

Moved by: Councillor Emanuel
 Seconded by: Councillor Sponga

THAT the Special Council Minutes of November 25, 2013 be approved.

Carried

Correspondence & Petitions

None.

Reports by Regional Representatives

3. Regional Councillor Taylor advised that during the last meeting of York Regional Council, Mr. John Tory, Chair of the Greater Toronto Civic Action Alliance, spoke regarding sustained public transit infrastructure funding. He further advised that the GTA loses about \$6 billion annually in loss of productivity due to congestion and there is a need for dedicated funding for greater amounts of transit in the Greater Toronto Area (GTA).

Regional Councillor Taylor also advised that York Region Council, in conjunction with the Town of Newmarket, is moving forward with a site-specific rental pilot project. In 2012, York Region, with a population of 1.1 million people, increased by 25,000, however, the number of rental housing increased by only 33 units. The proposed project is to add 180 rental units contained within a private rental building on Davis Drive in Newmarket.

Mayor Van Bynen reviewed the highlights of the proposed 2014 Region of York's budget. He advised that the operating budget is \$891.9 million which represents a reduced tax levy of 1.54%. The budget also provides for selected improvements to service levels, major investments in growth-related capital, savings for future capital asset replacement, and strategy to reduce future debt levels.

Reports of Committees and Staff

4. Council Workshop Notes of November 12, 2013.

Corrections were made to Council Workshop Notes of November 12, 2013 to indicate that Councillor Emanuel was absent and that Council Kerwin was present.

Moved by: Councillor Twinney
Seconded by: Councillor Kerwin

THAT the Council Workshop Notes of November 12, 2013, as corrected, be received.

Carried

5. Council Workshop Notes of November 18, 2013.

Moved by: Councillor Kerwin
Seconded by: Councillor Twinney

THAT Council Workshop Notes of November 18, 2013 be received.

Carried

6. Special Committee of the Whole Minutes of November 18, 2013.

Moved by: Councillor Sponga
Seconded by: Councillor Emanuel

THAT the Special Committee of the Whole Minutes of November 18, 2013 be approved and the following recommendations be adopted:

7. Joint CAO/Corporate Services and Development and Infrastructure Services Report 2013-05 dated November 14, 2013 regarding the Capital Financing Sustainability Strategy - Part 2 - Draft for Discussion.
- a) THAT Joint CAO/Corporate Services and Development and Infrastructure Services Report 2013-05 dated November 14, 2013 regarding the Capital Financing Sustainability Strategy - Part 2 Report - Draft for Discussion be received and the following recommendation be adopted:

- i) THAT the PowerPoint presentation and the Capital Financing Sustainability Strategy - Part 2 Report - Draft for Discussion as presented by Hemson Consulting Ltd. be received.

Carried

- 8. Special Committee of the Whole (Closed Session) Minutes of November 18, 2013.

Moved by: Councillor Emanuel
Seconded by: Regional Councillor Taylor

THAT the Special Committee of the Whole (Closed Session) Minutes of November 18, 2013 be approved.

Carried

The Mayor advised that with respect to Item 1 of the Special Committee of the Whole (Closed Session) Minutes of November 18, 2013 regarding Marianneville Developments Ltd. (Glenway) (Ward 7) (Litigation including matters before administrative tribunals – OMB Hearing) that Ms. Ruth Victor, Ruth Victor and Associates and Ms. Mary Bull, Wood Bull, LLP, addressed the Committee with a verbal status update regarding items contained within the two separate confidential memorandums dated November 15, 2013 related to the Marianneville Developments Ltd. (Glenway) application. The memorandums were received for information purposes.

The Mayor also advised that with respect to Item 2 of the Special Committee of the Whole (Closed Session) Minutes of November 18, 2013 regarding Joint CAO and Development and Infrastructure Services Report – Planning 2013-56 dated November 11, 2013 regarding a Strategic Property Acquisition was deferred to a future Committee of the Whole (Closed Session) meeting.

- 9. Committee of the Whole Minutes of November 25, 2013.

Moved by: Councillor Sponga
Seconded by: Councillor Di Muccio

THAT the Committee of the Whole Minutes of November 25, 2013, with the exception of items 2.2.c), 17, 18, 19, 25.b) and 27-55, be approved, and the following recommendations be adopted:
(Note: Items 27 – 55 were ratified at the Special Council meeting of November 25, 2013)

10. Presentation – Mr. Daniele Zanotti, CEO, United Way of York Region regarding the 2013 campaign, highlights of United Way activities and celebration of a strong partnership with the Town of Newmarket.

a) THAT the presentation by Mr. Daniele Zanotti, CEO, United Way of York Region regarding the 2013 campaign, highlights of United Way activities and celebration of a strong partnership with the Town of Newmarket be received.

11. Presentation – Mr. Paul Ferguson, President - Newmarket Hydro Holdings Inc. regarding the 2012 Annual General Meeting.

THAT the PowerPoint presentation by Mr. Paul Ferguson, President – Newmarket Hydro Holdings Inc. regarding the 2012 Annual General Meeting be received;

AND THAT the Report of the President dated November 5, 2013 regarding the financial statements of Newmarket Hydro Holdings Inc. be received and the following recommendations with the exception 2.d) be adopted:

THAT the Newmarket Hydro Holdings Inc. Report of the President dated November 5, 2013 regarding the financial statements of Newmarket Hydro Holdings Inc. (the “Corporation”), the written resolutions of Newmarket – Tay Power Distribution Ltd. (“NT Power”) and appointment of the sole director and auditors be received and the following recommendations be adopted:

WHEREAS the Corporation of the Town of Newmarket (the “Sole Shareholder”) is the sole shareholder of the Corporation;

AND WHEREAS the Sole Shareholder by a Shareholder Declaration dated November 1, 2000 appointed the Mayor as its legal representative for the purpose of communicating any shareholder consent or approval required by either the terms of the Shareholder Declaration or the *Business Corporations Act* (Ontario) (the “*OBCA*”);

AND WHEREAS the Corporation owns a majority of the common shares of NT Power;

AND WHEREAS pursuant to s.102(2) of the *OBCA* where a body corporate is the shareholder of a corporation the corporation shall recognize any individual properly authorized by the body corporate to represent it at meetings of shareholders of the corporation;

AND WHEREAS pursuant to s.104 of the *OBCA* a written resolution dealing with all the matters required to be dealt with at a shareholders meeting and signed by the shareholders entitled to vote at that meeting satisfies all requirements of the *OBCA* relating to that meeting of shareholders;

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

1. THAT the Mayor, as the Sole Shareholder's legal representative, is directed to sign the following Corporation Shareholder resolutions:
 - a) THAT the Corporation's financial statements for the financial year ended December 31, 2012 together with the report of the Corporation's auditors, Collins Barrow, thereon dated April 24, 2013 be approved and adopted.
 - b) THAT Collins Barrow, Chartered Accountants, be appointed auditors of the Corporation to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the sole director and the sole director is authorized to fix such remuneration.
 - c) THAT R.N. Shelton be appointed as the sole director of the Corporation to hold office until the next annual meeting of shareholders or until his successor is elected or appointed.
 - d) THAT R.N. Shelton, so long as he is the sole director of the Corporation, shall represent the Corporation at meetings of shareholders of NT Power;
 - e) AND THAT all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the sole director and sole officer of the Corporation to December 31, 2012, as the same are set out or referred to in the resolutions of the sole director, or in the financial statements of the corporation, are approved, sanctioned and confirmed.
2. AND THAT the Mayor, as the Sole Shareholder's legal representative, direct R.N. Shelton, the sole director and legal representative of the Corporation, to sign the following NT Power shareholder resolutions in lieu of an annual meeting:
 - a) THAT the financial statements of NT Power for the financial year ended December 31, 2012 together with the report of NT Power's auditors, Collins Barrow, thereon dated April 24, 2013 be approved and adopted.
 - b) THAT Collins Barrow, Chartered Accountants, be appointed auditors of NT Power to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the directors and the directors are authorized to fix such remuneration.

- e) AND THAT all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the directors and officers of NT Power to December 31, 2012, as the same are set out or referred to in the resolutions of the board of directors, the minutes of the meetings of the board of directors or in the financial statements of NT Power, are approved, sanctioned and confirmed.
- 12. Deputation – Mr. Malcolm Watts, on behalf of the Heritage Newmarket Advisory Committee regarding preliminary comments submission from Heritage Newmarket related to Development and Infrastructure Services Report – Planning and Building Services 2013-55 dated November 14, 2013 regarding Application for Zoning By-law Amendment – Main Street Clock Inc.
 - a) THAT the deputation by Mr. Malcolm Watts regarding preliminary comments submission from Heritage Newmarket related to Development and Infrastructure Services Report – Planning and Building Services 2013-55 dated November 14, 2013 regarding Application for Zoning By-law Amendment – Main Street Clock Inc. be received.
- 13. Correspondence from Radha Bhardwaj, Executive Director, AIDS Committee of York Region requesting proclamation of December 1, 2013 as "World AIDS Day" in the Town of Newmarket.
 - a) THAT the correspondence dated October 23, 2013 from Radha Bhardwaj, Executive Director, AIDS Committee of York Region be received and the following recommendations be adopted:
 - i) THAT the Town of Newmarket proclaim December 1, 2013 as "World AIDS Day";
 - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
- 14. Heritage Newmarket Advisory Committee Minutes of October 1, 2013.
 - a) THAT the Heritage Newmarket Advisory Committee Minutes of October 1, 2013 be received.
- 15. Newmarket Economic Development Advisory Committee Minutes of October 17, 2013.
 - a) THAT the Newmarket Economic Development Advisory Committee Minutes of October 17, 2013 be received.

16. Item 1 of the Newmarket Economic Development Advisory Committee Minutes of October 17, 2013 regarding Intelligent Community Broadband Strategy.
 - a) THAT the following recommendations be referred to staff for further review and to report back, as appropriate.
 - b) THAT the Town of Newmarket consider a number of options to at least begin the process to build a high speed connection service within Newmarket along with business plans and implementation cases;
 - c) AND THAT with the assistance of the Shared Digital Infrastructure organization that the Regional Municipality of York be requested to supply information on what the Town of Newmarket can expect in terms of support in moving forward with high speed connectivity services.
17. Newmarket Public Library Board Minutes of September 18, 2013.
 - a) THAT the Newmarket Public Library Board Minutes of September 18, 2013 be received.
18. Central York Fire Services - Joint Council Committee Minutes of October 1, 2013 and September 3, 2013 (including Closed Session Minutes).
 - a) THAT Central York Fire Services - Joint Council Committee Minutes of October 1, 2013 and September 3, 2013 be received;
 - b) AND THAT Central York Fire Services Joint Council Committee (Closed Session) Minutes of September 3, 2013 be received.
19. Development and Infrastructure Services Report - Engineering Services 2013-51 dated November 1, 2013 regarding Request for Final Acceptance and Assumption - Oxford Homes Residential Subdivision, Phase 1A.
 - a) THAT Development and Infrastructure Services Report - Engineering Services 2013-51 dated November 1, 2013 regarding Request for Final Acceptance and Assumption - Oxford Homes Residential Subdivision, Phase 1A be received and the following recommendations be adopted:
 - i) THAT the request for final acceptance and assumption of the Oxford Homes Residential Subdivision - Phase 1A as shown on the attached map be finally accepted and assumed by the Town;
 - ii) AND THAT the securities be released as recommended by our Checking Consultant;

iii) AND THAT Ms. Angela Meyer of Oxford Homes (711371 Ontario Corp.) and Mr. Angelo A. Maurizio, P. Eng., of Schaeffer & Associates Ltd. be notified of these recommendations.

20. Development and Infrastructure Services Report - Engineering Services 2013-53 dated October 25, 2013 regarding GO Railway Pedestrian Crossing Anti-Whistling, Mile 34.89.

a) THAT Development and Infrastructure Services Report - Engineering Services 2013-53 dated October 25, 2013 regarding GO Railway Pedestrian Crossing Anti-Whistling, Mile 34.89 be received and the following recommendation be adopted:

i) THAT the Town not proceed with a whistle ban proposal at the GO pedestrian crossing (mile 34.89) located at Deviation Road.

21. Development and Infrastructure Services Report - Engineering Services 2013-54 dated October 28, 2013 regarding the Traffic By-law (By-law 2011-24) - Housekeeping Amendments.

a) THAT Development and Infrastructure Services Report – ES2013-54 dated October 28, 2013 regarding Traffic By-law (By-law 2011-24) be received and the following recommendations be adopted:

i) THAT the definition of Personal Mobility Device be deleted, and the new definition be added;

“Personal mobility device is a compact motorized transportation device used to allow greater freedom of movement. Personal mobility devices include forms like motorized wheel chairs, motorized mobility scooters, and Segways.”

ii) AND THAT the errors noted in Appendix A of this report be amended with the recommended wording;

iii) AND THAT Gorham Street at Harry Walker Parkway, 1 way eastbound on Gorham Street in Schedule III (Stops Signs) be deleted, and that Harry Walker Parkway at Gorham Street be added to Schedule VIII (Signaled Intersections);

iv) AND THAT Schedule IX be amended by removing ‘Lockwood Circle – North East’ and removing ‘Stonehaven Avenue & Kingsmere Avenue – South East’, and adding ‘Stonehaven Avenue & Kingsmere Avenue/Lockwood Circle – North East’;

v) AND THAT the additional stop sign location in Appendix B be added to Schedule III (Stop Signs);

vi) AND THAT the necessary By-laws be prepared and submitted to Council for their approval.

22. Development and Infrastructure Services Report - Engineering Services 2013-55 dated October 29, 2013 regarding School Crossing Locations Request - Maple Leaf Public School.

a) THAT Development and Infrastructure Services Report - Engineering Services 2013-55 dated October 29, 2013 regarding School Crossing Locations Request - Maple Leaf Public School be received and the following recommendation be adopted:

i) THAT the Maple Leaf Public School administration be forwarded a copy of this report and Council extract and be encouraged to pursue school bus options with the parents on the east side of Main Street North.

23. Development and Infrastructure Services Report - Engineering Services 2013-56 dated November 7, 2013 regarding a Request for Final Acceptance and Assumption of Aboveground Works - Landmark Estates Residential Subdivision, Phase 1 -Clearmeadow Boulevard between Yonge Street and Jordanray Boulevard/Rannie Road.

a) THAT Development and Infrastructure Services Report - Engineering Services 2013-56 dated November 7, 2013 regarding a Request for Final Acceptance and Assumption of Aboveground Works - Landmark Estates Residential Subdivision, Phase 1, Clearmeadow Boulevard between Yonge Street and Jordanray Boulevard/Rannie Road be received and the following recommendations be adopted:

i) THAT the request for final acceptance and assumption of above ground works on Clearmeadow Boulevard between Yonge Street and Jordanray Boulevard/Rannie Road within the Landmark Estates Residential Subdivision - Phase 1 as shown on the attached map be finally accepted and assumed by the Town;

ii) AND THAT Mr. Tony Orsi of Landmark Estates (1209104 Ontario Ltd.) and Mr. Andrew Ip, P.Eng., of Masongsong Associates Engineering Ltd. be notified of these recommendations.

24. Development and Infrastructure Services Report - Planning and Building Services 2013-58 dated November 14, 2013 regarding Heritage Designation - 27 Main Street North.
- a) THAT Development and Infrastructure Services Report - Planning and Building Services 2013-58 dated November 14, 2013 regarding Heritage Designation - 27 Main Street North be received and the following recommendations be adopted:
- i) THAT Council not proceed with the Heritage designation of the Murray House at 27 Main Street North;
 - ii) AND THAT Council withdraw the notice of intention to designate the property known as the Murray House at 27 Main Street North;
 - iii) AND THAT Bonseph (Tannery) Ltd., and 2213305 Ontario Inc., c/o Sterling Silver Development Corporation, Attention: Ken Kirsch, 53 The Links Road, Toronto, ON M2P 1T7 be advised of this decision;
 - iv) AND THAT Mr. Brian Feherty and Associates Ltd., 411 Queen Street, Newmarket, ON L3Y 2G9 be advised of this decision.
25. List of Outstanding Matters.
- a) THAT the list of Outstanding Matters be received.
26. Development and Infrastructure Services Report - Planning and Building Services 2013-59 dated November 14, 2013 regarding Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision - 292145 Ontario Limited.
- a) THAT Development and Infrastructure Services Report - Planning and Building Services 2013-59 dated November 14, 2013 regarding Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision - 292145 Ontario Limited be received and the following recommendations be adopted:
- i) THAT the Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision, as submitted by 292145 Ontario Limited for lands being composed of Part of Lot 89, Concession 1, E.Y.S. be referred to a public meeting;

- ii) AND THAT following the public meeting, issues identified in this report, together with comments of the public, Committee and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;
 - iii) AND THAT Mr. Gary Templeton, Templeton Planning Ltd., 71 Tyler Street, Aurora, ON L4G 2N1 be notified of this action;
 - iv) AND THAT Development and Infrastructure Services Report – Planning and Building Services 2013-59 dated November 14, 2013 regarding Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision - 292145 Ontario Limited be forwarded to the Newmarket Environmental Advisory Committee.
- 27. Joint CAO/Corporate Services Report - Financial Services 2013-50 dated November 11, 2013 regarding the 2013 Audit.
 - a) THAT Joint CAO/Corporate Services Report - Financial Services 2013-50 dated November 11, 2013 regarding the 2013 Audit be received and the following recommendations be adopted:
 - i) THAT BDO Canada be appointed as the Town's auditors for 2013;
 - ii) AND THAT the audit plan presented by BDO be received.
- 28. Councillor Kerwin provided notice that he would be bringing forward a motion to the next scheduled Committee of the Whole meeting to appeal to the Provincial Government by way of a resolution to reinstate the eliminated Junior Ranger program.
- 29. Councillor Sponga provided notice that he would be bringing forward a motion to the next scheduled Committee of the Whole meeting that staff provide an update on the present road projects in Ward 5.
- 30. Regional Councillor Taylor motion with respect to changes in the Town's procurement process:
 - a) THAT staff bring back a report to Committee of the Whole within 120 days exploring a change to our procurement process to include recognition/points in our tendering process recognizing the environmental benefit of the bidders' proximity to Newmarket. The report should include any examples in Canada of municipalities currently engaged in recognizing the benefit of local procurement as well as an analysis of all relevant issues;

- b) AND THAT information be provided to all Members of Council on an overall point system on various factors in regards to procurement;
- c) AND THAT the memorandum dated January 2012 be referred back to staff to incorporate into the report back exploring a change to the procurement process;
- d) AND THAT the report be circulated to the Chamber of Commerce, the Economic Development Advisory Committee and the Environmental Advisory Committee for input.

31. New Business Items

- a) Councillor Sponga requested an update from the Director of Engineering Services with respect to the progress of capital construction road projects; specifically Andrew Street, Catherine Crescent, Lloyd Avenue, Robinson Drive and Curry Crescent rehabilitation.
- b) Councillor Di Muccio requested a status update with respect to the waste and recycling service and the recent lack of pick-up on various streets in her Ward. The Commissioner of Development and Infrastructure Services advised that Operations staff are investigating the recent service issues.

32. Development and Infrastructure Services Commissioner Report 2013-61 dated November 25, 2013 regarding Recommendations of Development and Infrastructure Services – Planning and Building Services Report 2013-47 with respect to Marianneville Developments Limited (Glenway).

- a) THAT Development and Infrastructure Services Commissioner Report 2013-61 dated November 25, 2013 regarding Recommendations of Development and Infrastructure Services – Planning and Building Services Report 2013-47 with respect to Marianneville Developments Limited (Glenway) be received and the following recommendations be adopted:
 - i) THAT recommendation Number 3 of Development and Infrastructure Services/Planning and Building Services Report 2013-47 be replaced with the following recommendation:

“THAT the revised settlement offer prepared by Ira Kagan dated November 20, 2013 be referred to staff for a comprehensive review and report back to a closed session Committee of the Whole”.

Carried

33. Development and Infrastructure Services Report - Engineering Services 2013-50 dated October 17, 2013 regarding Foxtail Ridge - Parking Review.

Moved by: Councillor Di Muccio
Seconded by: Councillor Emanuel

- a) THAT Development and Infrastructure Services Report – Engineering Services 2013-50 dated October 17, 2013 regarding Foxtail Ridge – Parking Review be received and the following recommendations be adopted:

- i) THAT the parking restrictions remain as existing;
- ii) AND THAT staff undertake a new parking review of the street known as Foxtail Ridge in the spring of 2014.

Carried

34. Development and Infrastructure Services Report - Engineering Services 2013-52 dated November 13, 2013 regarding Queen Street/Parkview Crescent (East Leg) - All Way Stop Review.

Moved by: Councillor Sponga
Seconded by: Regional Councillor Taylor

- a) THAT Development and Infrastructure Services Report - Engineering Services 2013-52 dated November 13, 2013 regarding Queen Street/Parkview Crescent (East Leg) - All Way Stop Review be received and the following recommendations, as amended, be adopted:

- i) THAT the existing stop control at the Queen Street and Parkview Crescent (east leg) remain as existing due to not meeting the warrants outlined in the Transportation Management Policy as approved by Town Council, and also due to safety concerns noted in Community Services Report - ES 2013-52, based on the Ministry of Transportation requirements;
- ii) AND THAT a further report be brought back on the items for consideration within the capital budget for 2014 or 2015 listed on Page 4 of Development and Infrastructure Services Report ES2013-52 dated November 13, 2013 under the heading “Other Methods”.

Carried

35. Development and Infrastructure Services Report - Planning and Building Services 2013-55 dated November 14, 2013 regarding Application for Zoning By-law Amendment - Main Street Clock Inc.

Moved by: Councillor Sponga

Seconded by: Regional Councillor Taylor

An amendment was made by removing recommendation a) vii) of item 19 of the Committee of the Whole Minutes of November 25, 2013.

- a) THAT Development and Infrastructure Services Report - Planning and Building Services 2013-55 dated November 14, 2013 regarding Application for Zoning By-law Amendment - Main Street Clock Inc. be received and the following recommendations, as amended, be adopted:

- i) THAT the Application for Zoning By-law Amendment, as submitted by Main Street Clock Inc., for lands being located at the southwest corner of Main Street South and Park Avenue, municipally known as 178, 180, 184, 188, 190 and 194 Main Street be referred to a public meeting;
- ii) AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through the agency and departmental circulation of the application be addressed by staff in a comprehensive report to the Committee of the Whole, if required;
- iii) AND THAT Mr. Chris Bobyk, The Forrest Group, 590 Alden Road, Suite 211, Markham, ON LR 8N2 be notified of this action;
- iv) AND THAT the Memorandum from Director of Planning dated November 22, 2013 regarding Development and Infrastructure/Planning and Building Services Report 2013-55, Application for Zoning By-law Amendment 178, 180, 184, 188, 190 and 194 Main Street listed as an (ADDED) item on the agenda (Item 25) regarding the Main Street Clock application be received;
- v) AND THAT the Sub-Committee Report listed as an (ADDED -2) item on the agenda (Item 26) from the Heritage Newmarket Advisory Committee regarding Clock Tower Development Re-zoning Request be received;
- vi) AND THAT with respect to the heritage designation on Main Street, that a peer review of the application be conducted.

Carried

36. New Business Item 25.b) of the Committee of the Whole Minutes of November 25, 2013 with respect to waste and recycling pickup in ward 6.

Councillor Di Muccio provided clarification with respect to this Item. She advised she often receives e-mail from residents with respect to waste and recycling services. Residents can contact her if their waste or recycling has not been picked up. The Director of Development and Infrastructure Services advised that if residents contact the Town's Customer Service Centre during business hours they can be put through to our contractor. The number to call will also be posted on the Town's website.

Moved by: Councillor Di Muccio
Seconded by: Councillor Sponga

- a) THAT New Business Item 25.b) of the Committee of the Whole Minutes of November 25, 2013 with respect to waste and recycling pickup in Ward 6 be approved.

Carried

37. Item 2.2.c) of the Committee of the Whole Minutes of November 25, 2013 with respect to Newmarket Hydro Holding in 2012 Annual General Meeting.

Moved by: Councillor Kerwin
Seconded by: Councillor Vegh

- a) THAT T. Van Bynen, S. Warnock, P. Daniels, R. Betts, A. Ott, T. Taylor and P. Ferguson are elected directors of NT Power to hold office until the next annual meeting of shareholders or until their successors are elected or appointed.

Carried

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

38. Committee of the Whole (Closed Session) Minutes of November 25, 2013.

Moved by: Councillor Emanuel
Seconded by: Councillor Sponga

THAT Committee of the Whole (Closed Session) Minutes of November 25, 2013 be approved.

Carried

39. Item 1 of the Committee of the Whole (Closed Session) Minutes of November 25, 2013, regarding Newmarket-Tay Power Distribution Ltd. Confidential Report of the President – Director Search.
(Personal matters about an identifiable individual, including municipal employees or local board employees)

Moved by: Councillor Twinney

Seconded by: Councillor Kerwin

- a) THAT Council endorse the recommendation of the Newmarket-Tay Power Distribution Ltd. Confidential Report of the President dated November 1, 2013 regarding Director Search;
- b) AND THAT Cristine Prattas be appointed to fill the director vacancy commencing December 2014 for a three year period.

Carried

40. Item 2 of the Committee of the Whole (Closed Session) Minutes of November 25, 2013, regarding Marianneville Developments Ltd. (Glenway) (Ward 7)
(Litigation including matters before administrative tribunals – Ward 7 – OMB Hearing)

The Mayor advised that the Director of Legal Services/Municipal Solicitor provided legal advice with respect to the Town's position regarding the Marianneville Developments Ltd. (Glenway) application.

Moved by: Councillor Emanuel

Seconded by: Councillor Sponga

- a) THAT the direction provided to staff at the November 25, 2013 Committee of the Whole (Closed Session) meeting regarding the Marianneville Developments Ltd. (Glenway) application be approved.

Carried

41. Corporate Services Report - Financial Services 2013-49 dated October 30, 2013 regarding Approval of the 2014 Operating and Capital Budgets.

Moved by: Regional Councillor Taylor
Seconded by: Councillor Sponga

THAT Corporate Services Report - Financial Services 2013-49 dated October 30, 2013 regarding Approval of the 2014 Operating and Capital Budgets, be received and the following recommendations, as amended, be adopted:

- a) THAT the proposed 2014 Operating Budget with expenditures of \$106,327,009 be approved, which is comprised of the following components:
 - i) \$56,975,206 for the Town portion, which includes an additional \$208,000 for asset replacement funding;
 - ii) \$30,000 for the Newmarket Downtown Business Development Area (BIA);
 - iii) \$3,668,618 for the Library portion;
 - iv) \$14,560,013 for Central York Fire Services (Newmarket share) which includes an additional \$150,125 (Newmarket share) for asset replacement funding;
 - v) \$31,093,172 for the Water and Wastewater Rate Groups;
- b) AND THAT the proposed 2014 Capital Budget with expenditures of \$23,730,863 be approved;
- c) AND THAT the proposed 2014 Operating and Capital Budgets be forwarded to the Council meeting of December 2, 2013 for final approval.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Emanuel, Councillor Hempen, Councillor Kerwin, Councillor Sponga, Councillor Twinney, Councillor Vegh

Opposed: Councillor Di Muccio
(8 in favour, 1 opposed)

Carried

By-laws

42. By-Law 2013-64

Moved by: Councillor Sponga

Seconded by: Councillor Kerwin

THAT By-law 2013-64 be enacted.

2013-64 A By-law to Amend By-law 2011-24, as amended, being a By-law to Regulate Traffic within the Town of Newmarket. (Housekeeping Amendments)

Carried

Notices of Motion

None.

Announcements & Community Events

43. a) Councillor Emanuel advised that volunteers are needed for Tim Hortons First Night from 2-9:30 p.m. on New Year's Eve, December 31, 2013 at the Magna Centre, 800 Mulock Drive. To volunteer, please register online at www.newmarket.ca – under the 'Lifestyle' tab select 'Register to Volunteer'.

b) Councillor Di Muccio invited seniors 55 years and over to attend the following upcoming events at the Town of Newmarket's Seniors' Meeting Place located at 474 Davis Drive:

- Happy Valley "Old Tyme" Square & Couples Dance on December 6, 2013 from 8-11 p.m. Admission is \$6.
- The Annual Seniors' Turkey Luncheon with all the trimmings on December 10, 2013 from noon to 3 p.m. Tickets are \$15 per person.

For more information call 905-953-5325.

c) Councillor Sponga updated residents on the status of road rehabilitation on several roads in Ward 5 namely: Lloyd Avenue/Robinson Drive/Currey Crescent; Andrew Street, Edward Street, Victoria Street and Kathryn Crescent. Construction is underway and basecoats to be applied in December with completion of contracts to take place in the new year.

- d) Councillor Sponga invited Newmarket residents, the arts community and all other stakeholders to participate in a forum on the potential for public art in Newmarket and to give feedback on the Town's Public Art Plan. The forum takes place at Newmarket High School, 505 Pickering Crescent, on December 4, 2013 from 7-9 p.m. The draft Public Art Plan Executive Summary can be viewed at www.newmarket.ca. Further comments on the draft plan and the Public Art Program can be e-mailed to Colin Service, Director of Recreation & Culture at cservice@newmarket.ca or delivered to the Recreation & Culture Department at 395 Mulock Drive by December 18, 2013.
- e) Councillor Hempen advised that volunteers are needed to perform in the 2013 Live Nativity Pageant at Fairy Lake Park at Water Street on December 21 to 24, 2013 from 6-8:30 p.m. This event is presented by the Church of Jesus Christ of Latter-Day Saints and the Town of Newmarket. To volunteer, register online at www.newmarket.ca – under the 'Lifestyle' tab select 'Register to Volunteer'.
- f) Regional Councillor Taylor advised that Newmarket residents and groups pursuing the arts are invited to apply for a grant through the Newmarket Celebrates the Arts Grant Program. Grant categories include Youth (ages 17 and under), Post-Secondary Education (ages 18 to 25) and Projects/Events. The application deadline is 4 p.m. on February 21, 2014. For more information, visit www.newmarket.ca or e-mail artsgrants@newmarket.ca."
- g) Regional Councillor Taylor recognized Ms. Amanda Dexter and Ms. Megan Sydorenko from Newmarket High School who raised money from a bake sale for the Newmarket Children's Dream Foundation.
- h) Councillor Twinney congratulated the Huron Heights Warriors' Football Team on their second consecutive win at the annual OFSAA bowl game. The Huron Heights Warriors are ranked #3 out of all the National High Schools across Canada! Come and enjoy the parade on December 3, 2013 at 1:30 p.m. The parade route begins at Fairy Lake heading north on Main Street, east on Queen north on Roxborough Road, and culminating at Huron Heights Secondary School. Come out and help celebrate! Non-perishable food items are being accepted along the parade route in support of the Newmarket Food Pantry.
- i) Councillor Kerwin invited the public to join us for "Winter Wonderland" a spectacular light display at Newmarket Riverwalk Commons, 200 Doug Duncan Drive on December 5 through to December 31, 2013 from 6-9 p.m. Enjoy an evening skate or a train ride on the Tim Hortons Express (owned and operated by the Town of Newmarket). The train will operate December 5-23, December 27-30 and January 2-5 weather permitting. Admission is free.

- j) Councillor Kerwin advised that on December 5, 2013 the ice lounge opens at the Newmarket Riverwalk Commons at 6 p.m.
- k) Councillor Kerwin advised thanked the Engineering Services staff for providing letters to residents of Sparrow Road/Thornwillow Court/Peterwood Court with respect to the status of the construction on these roads.
- l) Councillor Vegh invited Ward 1 residents to attend a drop-in meeting December 3, 2013 from 7-9 p.m. at the Magna Centre Board Room 1, 800 Mulock Drive. Join him and find out what's happening in Town and in your Ward. You can reach Councillor Vegh at 905-895-7095 for more information.
- m) Councillor Vegh advised that he has been working with residents, a planner and the Region of York to get traffic lights installed at the intersection of Willowick and Mulock Drive to enable a safer left turn from Willowick onto Mulock.
- n) Mayor Van Bynen advised that the Salvation Army needs volunteers for their Christmas Kettle and Toy Drive. Kettles are located throughout our community until December 24, 2013. Help to make a family's Christmas a little brighter. Please contact the Salvation Army at 905-895-6276.
- o) Mayor Van Bynen advised that Community Blood Services is holding a blood donor clinic at the Community Centre, 200 Doug Duncan Drive on December 20, 2013 and encouraged the public to donate.
- p) Mayor Van Bynen also advised that the next Council meeting is Monday, December 16, 2013 at 7 p.m.

New Business

- 44.a) Councillor Di Muccio inquired about items coming forward to the next Committee of the Whole meeting scheduled for December 9, 2013. The Director of Legislative Services/Town Clerk indicated that the meeting was required to deal with time sensitive matters.
- b) Councillor Di Muccio also inquired with respect to the public notification process for Site Plan Review Committee meetings. The Commissioner of Development and Infrastructure Services responded and also advised that Minutes of Site Plan Review Committee meetings do come forward to Council.

Closed Session (if required)

None.

Confirmatory By-law

46. By-law 2013-65.

Moved by: Councillor Sponga
Seconded by: Councillor Emanuel

THAT By-law 2013-65 be enacted.

2013-65 A By-law to Confirm the Proceedings of Council at its Meeting held on
December 2, 2013.

Carried

Adjournment

Moved by: Councillor Sponga
Seconded by: Councillor Emanuel

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 8:31 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

**Council Workshop
Record**

Monday, December 2, 2013 at 10:00 a.m.
Council Chambers, 395 Mulock Drive

For consideration by Council
December 16, 2013

The Council Workshop was held on Monday, December 2, 2013, at 10:00 a.m. in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor
Councillor Di Muccio
Councillor Emanuel
Councillor Kerwin
Councillor Sponga
Councillor Twinney

Absent: Councillor Hempen
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
C. Service, Director of Recreation and Culture
J. Bondi, Council/Committee Coordinator

Mayor Van Bynen convened the workshop at 10:09 a.m.

Mayor Van Bynen in the Chair.

Notice

In accordance with the Town's Procedure By-law, no decisions are to be made but rather this meeting is an opportunity for Council to have informal discussion regarding various matters.

Declarations of Pecuniary Interest

None.

Items

1. The Commissioner of Community Services provided a brief overview of the proposed project.

The Director of Recreation and Culture addressed Council with the 'Recreation Playbook' PowerPoint, including various aspects to the development of the Plan such as process, expectations, timelines, budget and cost recovery. He advised that the Plan would be a 'living' document that was staff lead as opposed to consultant lead, and would be community driven.

He presented and explained to Council the three approaches to developing the Plan being: a Compressed Approach, a Preferred Approach and a Delayed Approach, each one with varying timelines. He asked Council to indicate their preference.

A question and answer/comment period followed the presentation.

There was consensus by Council to pursue the Preferred Approach for development of the Plan.

Next steps include letting key organizations know through a formal process.

Adjournment

There being no further business the meeting adjourned at 11:26 a.m.

Date

Tony Van Bynen, Mayor

Monday, December 9, 2013 at 1:30 PM
Council Chambers

For consideration by Council
on December 16, 2013

The meeting of the Special Committee of the Whole was held on Monday, December 9, 2013 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor (1:30 to 5:42 p.m.)
Councillor Emanuel (1:30 to 5:52 p.m.)
Councillor Hempen
Councillor Kerwin
Councillor Sponga
Councillor Twinney
Councillor Vegh (1:30 to 3:05 p.m.)

Absent: Councillor Di Muccio

Staff Present: R. N. Shelton, Chief Administrative Officer
R. Nethery, Acting Commissioner of Development & Infrastructure Services
A. Moore, Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
E. Armchuk, Director of Legal Services/Municipal Solicitor
A. Brouwer, Director of Legislative Services/Town Clerk
L. Lyons, Deputy Clerk
S. Chase, Director of Information Technology
L. Moor, Council/Committee Coordinator
J. Patel, Project Support Business Analyst

Mayor Van Bynen in the Chair.

The meeting was called to order at 1:30 p.m.

Declarations of Interest

Mayor Van Bynen declared a pecuniary interest in Item 1 with respect to the Integrity Commissioner's Report as he is a named individual within the report. He advised he would take no part in the discussion or voting of the foregoing matter and vacated the Chair.

Regional Councillor Taylor assumed the Chair.

Moved by: Councillor Kerwin
 Seconded by: Councillor Twinney

a) THAT the Procedural By-law be waived to accommodate additional time requested for the deputations.

Carried

Deputations:

1. Jack Blommestein addressed the Committee with a PowerPoint presentation in opposition to the Integrity Commissioner's Report.

Moved by: Councillor Twinney
 Seconded by: Councillor Kerwin

a) THAT the deputation and PowerPoint presentation by Jack Blommestein in opposition to the Integrity Commissioner's Report be received.

Carried

2. Alexander Blommestein and Nicholas Blommestein addressed the Committee with a PowerPoint presentation in opposition to the Integrity Commissioner's Report.

Moved by: Councillor Sponga
 Seconded by: Councillor Emanuel

a) THAT the deputations and PowerPoint presentations by Alexander and Nicholas Blommestein in opposition to the Integrity Commissioner's Report be received.

Carried

3. John Blommestein addressed the Committee in opposition to the Integrity Commissioner's Report.

Moved by: Councillor Sponga
 Seconded by: Councillor Emanuel

a) THAT the deputation by John Blommestein in opposition to the Integrity Commissioner's Report be received.

Carried

Presentations

4. Ms. Suzanne Craig, Integrity Commissioner addressed the Committee and provided details of her report dated December 3, 2013 with respect to a breach of Code of Conduct.

Moved by: Councillor Emanuel

Seconded by: Councillor Sponga

- a) THAT the presentation by Ms. Suzanne Craig, Integrity Commissioner with respect to the report findings of a breach of Code of Conduct be received.

Carried

Moved by: Councillor Sponga

Seconded by: Councillor Hempen

- a) THAT the report of the Integrity Commissioner dated December 3, 2013 be received and the following recommendations be adopted:

- i) THAT Council support the report findings;

- ii) AND THAT penalties provided for in the report be waived should the Respondent provide a written apology to the Mayor on or before December 13, 2013;

- iii) AND THAT the Integrity Commissioner remain seized of this matter and reserve the option to vary her recommendation on or before December 16, 2013;

- iv) AND THAT staff bring back options to the December 16, 2013 Council meeting of details associated with the feasibility of an incremental means of suspending remuneration.

Carried

Recommendation v) was voted on separately.

Moved by: Councillor Sponga

Seconded by: Councillor Hempen

- v) THAT Council suspends the remuneration paid to the Respondent for a period of thirty days.

Carried

Regional Councillor Taylor vacated the Chair.

Mayor Van Bynen assumed the Chair.

The Committee of the Whole recessed at 3:05 p.m.

The Committee of the Whole reconvened at 3:21 p.m. with Councillor Vegh absent.

5. The Director of Legislative Services addressed the Committee and introduced the Supervisor of By-law Enforcement and the By-law Enforcement/Property Standards Officer who provided a PowerPoint presentation with respect to the Comprehensive Review of the Sign By-law.

Moved by: Councillor Twinney
Seconded by: Councillor Kerwin

a) THAT the PowerPoint presentation by the Supervisor of By-law Enforcement and the By-law Enforcement/Property Standards Officer with respect to the Comprehensive Review of the Sign By-law be received.

Carried

Mr. Roy Dzucko on behalf of CBS Outdoor addressed the Committee in support of the comprehensive review of the sign by-law through a deputation.

Mr. Sid Catalano on behalf of Pattison Signs addressed the Committee in support of the comprehensive review of the sign by-law through a deputation.

Moved by: Councillor Emanuel
Seconded by: Councillor Sponga

b) THAT the deputations by Mr. Roy Dzucko of CBS Outdoor and Mr. Sid Catalano of Pattison Signs with respect to the Comprehensive Review of the Sign By-law be received.

Carried

Corporate Services - Legislative Services Report 2013-47 dated November 12, 2013 regarding "Comprehensive Review of Sign By-law".

Discussion ensued and points of clarification regarding certain details contained within the draft by-law will be addressed by staff.

Moved by: Councillor Emanuel
Seconded by: Councillor Sponga

c) THAT Corporate Services - Legislative Services Report 2013-47 dated November 12, 2013 regarding "Comprehensive Review of Sign By-law" be received and the following recommendations be adopted:

- i) THAT Council adopt the Final Draft Sign By-law attached as Appendix "A";
- ii) AND THAT the following fees be included in the Fees and Charges By-law for the 2014 Budget:

| Service Provided | Fee (Excludes HST) |
|----------------------------------|--------------------|
| Ground Sign | \$400.00 |
| Fascia Sign | \$400.00 |
| Mural Sign | \$400.00 |
| Projecting Sign | \$400.00 |
| Construction Information Sign | \$400.00 |
| Hoarding Sign | \$400.00 |
| New Home Development Sign | \$100.00 |
| Portable / Mobile Sign | \$100.00 |
| Inflatable Sign | \$400.00 |
| Banner | \$100.00 |
| Election Sign Deposit | \$250.00 |
| Billboard Sign | \$1,500.00 |
| Billboard Sign Renewal | \$500.00 |
| Variance Fee – Staff Review | \$250.00 |
| Variance Fee – Committee | \$500.00 |
| Sign Removal | \$150.00 |
| Election Sign Removal (per sign) | \$25.00 |

- iii) AND THAT Council repeal By-law 2009-79.

Carried

6. The Director of Legislative Services addressed the Committee with a PowerPoint presentation with respect to the 2014 Election.

Moved by: Councillor Emanuel

Seconded by: Councillor Sponga

THAT the PowerPoint presentation by the Director of Legislative Services regarding the Voting Method Options, 2014 Municipal Election be received.

a) THAT Corporate Services – Joint Legislative Services & Information Technology Services Report 2013-43 dated November 29, 2013 regarding “Voting Method Options, 2014 Municipal Election” be received and the following recommendations be considered at the January 13, 2014 Committee of the Whole meeting:

i) THAT Council endorse Option 2, “Use of Internet Voting” as outlined in this report for use in the 2014 municipal election;

ii) AND THAT a by-law be brought forward for consideration by Council to authorize the use of alternative voting equipment and an alternative voting method in the 2014 municipal election accordance with Section 42 1 (a) and (b) of the Municipal Elections Act, 1996;

iii) AND THAT the public be invited to comment on Joint Legislative Services & Information Technology Services Report 2013-43 in advance of the January 13, 2014 Committee of the Whole meeting and subsequent Council meeting where the report and authorizing by-law is considered.

Carried

Items

7. Corporate Services Report – Legislative Services 2013-48 dated December 4, 2013 regarding the 2013-2017 Multi-Year Accessibility Plan.

Moved by: Councillor Twinney

Seconded by: Councillor Emanuel

THAT Corporate Services Report - Legislative Services 2013-48 dated December 4, 2013 regarding the 2013-2017 Multi-Year Accessibility Plan be received and the following recommendation be adopted:

a) THAT Corporate Services Report - Legislative Services 2013-48 dated December 4, 2013 regarding the Town of Newmarket 2013-2017 Multi-Year Accessibility Plan be received and that Council approve the Town of Newmarket 2013-2017 Multi-Year Accessibility Plan.

Carried

Action Items

8. Correspondence dated October 24, 2013 from Mr. Bruce Macgregor, Chief Administrative Officer, Regional Municipality of York regarding Regional Council Representation.

Memorandum from Director of Legislative Services/Town Clerk regarding current disposition of this matter by York Region municipalities.

Moved by: Councillor Emanuel
Seconded by: Councillor Sponga

a) THAT the Correspondence dated October 24, 2013 from Mr. Bruce Macgregor, Chief Administrative Officer, Regional Municipality of York regarding Regional Council Representation and the Memorandum from Director of Legislative Services/Town Clerk regarding current disposition of this matter by York Region municipalities be received.

Carried

Moved by: Councillor Emanuel
Seconded by: Councillor Sponga

b) THAT the Special Committee of the Whole resolve into a closed session for the purpose of discussing litigation before the Ontario Municipal Board (Marianneveille Developments Ltd. – Glenway) and a proposed or pending acquisition or disposition of land by the municipality or local board.

Carried

The Special Committee of the Whole resolved into Closed Session at 5:11 p.m.

The Special Committee of the Whole (Closed Session) Minutes are recorded under separate cover.

Regional Councillor Taylor left the meeting at 5:42 p.m.

Councillor Emanuel left the meeting at 5:52 p.m.

The Special Committee of the Whole resumed into Public Session at 5:55 p.m.

9. Accessibility Advisory Committee Minutes of December 5, 2013.

Moved by: Councillor Twinney

Seconded by: Councillor Kerwin

a) THAT the Accessibility Advisory Committee Minutes of December 5, 2013 be received.

Carried

10. Excerpt of the Accessibility Advisory Committee Minutes of December 5, 2013 - Town of Newmarket 2013-2017 Multi-Year Accessibility Plan as referenced in Corporate Services Report - Legislative Services 2013-48 dated December 4, 2013.

Moved by: Councillor Twinney

Seconded by: Councillor Kerwin

a) THAT the excerpt including the recommendation that the Accessibility Advisory Committee endorses the draft 2013-2017 Multi-Year Accessibility Plan as presented, with the minor terminology modifications suggested and request that it be forwarded to Council for approval be received.

Carried

11. Appendix "C" to Corporate Services - Legislative Services Report 2013-47 dated November 12, 2013 with respect to "Comprehensive Review of Sign By-law".

Moved by: Councillor Sponga

Seconded by: Councillor Hempen

a) THAT Appendix "C" to Corporate Services – Legislative Services Report 2013-47 dated November 12, 2013 with respect to "Comprehensive Review of Sign By-law" be received.

Carried

Adjournment

12. Motion to adjourn Special Committee of the Whole on December 9, 2013 at 5:56 p.m.

Moved by: Councillor Twinney
Seconded by: Councillor Sponga

a) THAT the meeting adjourn.

Carried

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET
BY-LAW NUMBER 2013-67

A BY-LAW TO CONFIRM THE PROCEEDINGS OF A MEETING OF COUNCIL –
DECEMBER 16, 2013.

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

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

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

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

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

ENACTED THIS 16TH DAY OF DECEMBER, 2013.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET
BY-LAW NUMBER 2013-66

A BY-LAW TO APPOINT PROVINCIAL OFFENCES OFFICERS FOR THE TOWN OF NEWMARKET ANIIMAL CONTROL

WHEREAS it is deemed necessary to appoint a Provincial Offences Officer for the Town of Newmarket.

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

- 1. THAT Sherri Hall, Brad Heppell, Adam Love, Donna Ballantyne, Lisa Miceli, Denise Stephenson be and are hereby appointed as Provincial Offences Officers for the Town of Newmarket Animal Control.

ENACTED THIS 16TH DAY OF December, 2013.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
info@newmarket.ca
905.895.5193

December 13, 2013

JOINT CAO/CORPORATE SERVICES REPORT – # 2013-05

TO: Mayor Van Bynen
Members of Council

SUBJECT: Suspension of Remuneration – Code of Conduct – Follow up Report
Additional Information to Item 4, Special Committee of the Whole Minutes of
December 9, 2013

ORIGIN: Commissioner, Corporate Services

RECOMMENDATION

THAT Joint CAO/Corporate Services Report - #2013-05 dated December 13, 2013 regarding the Suspension of Remuneration – Code of Conduct – Follow Up Report be received for information.

COMMENTS

Purpose

The purpose of this report is to provide information with respect to Committee of the Whole's request that staff investigate deduction options for suspension of a Council Member's remuneration.

Background

Staff is advised that in the labour field a suspension of remuneration is generally effective immediately as it is meant to have an impact and is supportive of the request for immediate change. The *Municipal Act* provides that a municipality can impose (if an Integrity Commissioner reports that in his or her opinion, the member has contravened the code of conduct) as one of the penalties a suspension of remuneration paid to the member for a period of up to 90 days.

Should Council proceed with the suspension of remuneration for a period of thirty days, staff would request that it be reflected as a four week period. This is purely from an administrative point of view as it would be the most efficient to administer given the municipality's bi-weekly pay structure. It is also in keeping with the Integrity Commissioner's recommendation to suspend remuneration "for a period of thirty (30) days" given that within a thirty day period there are at least twenty paid days. It is staff's opinion that the wording of the *Municipal Act* would permit flexibility in this application of the penalty as it still meets the spirit of the legislation whether applied in one period or over incremental time periods while reflecting the municipality's pay structure.

If Council concurs with this approach, the following calculations would apply based on a Councillor's annual gross salary (2013) of \$46,188.47* which over twenty six pay periods equates to \$1776.48 per pay period; or \$177.65 per paid day based on the assumption of ten paid days per pay period. For 2013 purposes, a four week suspension would equate to \$3552.96. Commencing January 1' 2014 an economic adjustment of 1.1% will apply. (*1/3 tax free.)

Should Council adopt Committee of the Whole's recommendation to suspend remuneration for a period of thirty days (suggested by staff to be a four week period) it could be handled in one of the following ways:

- an immediate suspension of remuneration (effective over the next two pay periods)
- a suspension of remuneration that commences in January (effective over the first two pay periods in January 2014), or
- a suspension of remuneration that occurs over a defined time period. If Council prefers this option, staff would suggest that it be tied to pay periods and that it be completed no later than the end of June 2014 given that 2014 is an election year. One option would be to deduct two paid days for ten pay periods which would end by the last pay period in May 2014. There could be other variations such as one week (out of one pay period per month) over four months beginning in January and ending in April 2014.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Being well equipped and managed by implementing policy and processes that reflect sound and accountable governance.

CONSULTATION

Consultation took place with the Directors of Human Resources, Legal Services and Financial Services.

HUMAN RESOURCE CONSIDERATIONS

There are no human resource considerations.

BUDGET IMPACT

As noted above in relation to a Member of Council's remuneration.

CONTACT

For more information on this report, contact Anita Moore, Commissioner, Corporate Services at amoore@newmarket.ca or by phone 905 953-5300, ext. 2202.


Anita Moore, Commissioner, Corporate Services


Bob Shelton, Chief Administrative Officer

REPORT OF THE INTEGRITY COMMISSIONER ON A COMPLAINT UNDER THE TOWN OF NEWMARKET COUNCIL CODE OF CONDUCT

Addendum to Report

[1] On December 9, 2013 Council of the Town of Newmarket considered a report that concluded the investigation into a complaint against Councillor Maddie Di Muccio. The complaint alleged that the comments made by Councillor Di Muccio (the “Respondent”) direct at Mayor Van Bynen (the “Mayor”) at the September 23, 2013 Committee of the Whole meeting were a breach of the Code. In particular, the complaint alleges that the Respondent states that the Mayor was a “misogynist”.

[2] In the report, I made the following recommendations:

1. That Council suspend the remuneration paid to the Respondent for a period of thirty (30) days;
2. That the above noted penalty be waived should the Respondent provide a written apology to the Mayor on or before December 13, 2013;
3. That I remain seized of this matter and reserve the option to vary my recommendation on or before December 16, 2013.

Information Received after December 9, 2013

[3] On December 11, 2013 Councillor Di Muccio contacted me via email correspondence and stated that :

- a) she attempted to contact me on November 15, 2013 to discuss the investigation;
- b) she was advised by the Commissioner of Corporate Services at the Town of Newmarket in response to her request for contact information for the Integrity Commissioner that she could have the Integrity Commissioner’s gmail account (which the Councillor claimed is not secure) and that she could contact the Integrity Commissioner via the Commissioner of Corporate Services or the Town Clerk (which the Councillor claimed is also not secure).
- c) Due to her expectation that her confidentiality would have been in jeopardy if she “shared personal details in either fashion”, she believed that she was prevented from participating in the Code complaint investigation.

[4] On December 12, 2013, Councillor Di Muccio sent an email correspondence to me at icnewmarket@gmail.com that stated:

Mayor Van Bynen and Integrity Commissioner Craig:

Ms. Craig was provided with more details that should have her re-considering the validity of her report and recommendations.

I want to give her as much time as she needs prior to the Friday's deadline to re-submit this report to Council.

I have an engagement that will keep me in [a City] on Friday and I am not certain when I will be returning. Should I decide to provide both of you with something in writing as demanded in Ms. Craig's original report, please make plans to be available between 8:30 and 11:59 pm at the Municipal Offices at 395 Mulock to receive it. I'm sorry but I cannot give you a more definite time because I do not know when my business in [a City] will wrap up.

Please do not think that this is indication that I will in fact show up tomorrow night. I expect that presented with the overwhelming facts of the case, that Ms. Craig will do the appropriate thing and outright reject Mr. Van Bynen's complaint as her legal training has no doubt led her to this irrefutable conclusion.

[5] On December 13, 2013 at 9:07 p.m., an email correspondence was sent to me at icnewmarket@gmail.com from a personal wireless device, with copy to the Mayor, Members of Council, the Town Clerk and Mr. Singer, Barrister, that stated:

Ms Craig,

Yesterday I advised you when I would be available to you and Mayor Van Bynen at the municipal office in order to comply with the deadline you wrote about in your report.

Attached is a photo that provides evidence that I attended, although you or Mr Van Bynen did not.

You will notice that I am now represented. On Monday, someone from my solicitors office will be attending council and require 30 minutes to speak in council chambers.

Thank you,
Councillor Di Muccio

[6] On December 11, 2013, I also received an email correspondence sent to me at icnewmarket@gmail.com from a member of the public who had made a deputation at the December 9, 2013 special meeting.

[7] On December 16, 2013, I sent an email to Mr. Singer in which I stated that:

I understand that Councillor Di Muccio is now represented by legal counsel. As you were copied on the email of December 13, 2013, I am making the assumption that you are acting as Councillor Di Muccio's legal counsel and this is why I am writing to you.

The email of December 13, 2013 had a photo attachment which shows Councillor Di Muccio in the municipal offices holding a document. In point 3 of my recommendation to Council, it was stated that I remain seized of this matter and reserve the option to vary my recommendation on or before December 16, 2013.

I am writing you this email to ask if you can advise what document Councillor Di Muccio is holding in the photo and what, if any expectation there is in relation to the complaint investigation report.

Sincerely,
Suzanne Craig

[8] Mr. Singer replied to me at icnewmarket@gmail.com and stated:

Dear Ms. Craig

You are correct in that I have been retained by the Councillor.

The document is a written apology as set out in Ms DiMuccio's emails to you and the Mayor last week advising that she would be delivering same to the Town offices after hours on Friday due to a commitment in Milton which prevented her from delivering it earlier in the day.

Yours very truly,

DARRYL SINGER
Barrister

Conclusion:

[9] In my report that was adopted by Council on December 9, 2013, I had found that the Respondent breached the General Conduct provision of the Council Code of Conduct by using insulting words or expressions towards another Member of Council.

[10] It is important that every member of Council respect the integrity of the Code of Conduct for Members of Council (the “Code”) and inquiries and investigations conducted under it. The effectiveness of the Code requires that each member of Council co-operate in every way possible in securing compliance with the Code’s application and enforcement.

[11] I acknowledge that the Respondent has indicated in her email of December 11, 2013 that “[d]ue to an expectation that [her] confidentiality would have been in jeopardy if[she] shared personal details [by sending information to the Integrity Commissioner by way of icnewmarket@gmail.com or in an envelope addressed to the Integrity Commissioner and given to either the Commissioner of Corporate Services or the Town Clerk], she may have had the perception that it was not secure to contacted me and respond to me by way of email or sealed envelope delivered to the Town Clerk or Commissioner of Corporate Services.

[12] While, I have not, to date, experienced any breach of confidentiality in communications with the public, staff of the Town or Council Members, through either the use of icnewmarket@gmail.com or through receipt of sealed correspondence from the Commissioner of Corporate Services of the Town Clerk, I acknowledge that the Respondent may have had the perception of a lack of security of her correspondence. A feeling that one’s confidentiality will be safeguarded is a cornerstone of the confidentiality provisions of the *Municipal Act* in relation to the duties of an Integrity Commissioner and a required element so that an Integrity Commissioner may receive all relevant information and that no obstruction occurs.

[13] While having a dedicated office at the Town for the Integrity Commissioner may be an unnecessary and costly undertaking, certainly other options which have been used in other jurisdictions (like a locked onsite mailbox) should be considered by the Town.

[13] I acknowledge that the Respondent demonstrates in her email comment, recognition of the importance of ensuring an expectation of confidentiality with personal information and other confidential information.

[14] According to the email correspondence from Mr. Singer dated December 16, 2013, the Respondent had brought “a written apology” to the Town offices on December 13, 2013. While, I am unable to discern from the photo attachment in the Respondent’s December 13th email, what the correspondence states, I accept Mr. Singer’s statement on behalf of his client that the

Respondent has provided this and it is my position that if or how the Respondent provides a written apology is entirely left up to her discretion.

[15] Recommendation 2 of the original report to Council discussed at the December 9, 2013 meeting states that:

...the above noted penalty be waived should the Respondent provide a written apology to the Mayor on or before December 13, 2013.

[16] While the Respondent could have sent her correspondence to the Mayor in the same way she sent notice of having attended the Town offices (by email and attachment), my report only stated the recommendation that *should* a written apology be provided *to the Mayor* the penalty be *waived*.

Respectfully submitted,

Suzanne Craig

Suzanne Craig

Monday, December 16, 2013 at 2:30 PM
Council Chambers

For consideration by Council
on December 16, 2013

The meeting of the Special Committee of the Whole was held on Monday, December 16, 2013 in Council Chambers, 395 Mulock Drive, Newmarket.

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

Absent: Councillor Sponga

Staff Present: R. N. Shelton, Chief Administrative Officer
R. Nethery, Acting Commissioner of Development &
Infrastructure Services
A. Moore, Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
E. Armchuk, Director of Legal Services/Municipal Solicitor
A. Brouwer, Director of Legislative Services/Town Clerk
S. Niezen, Records and Projects Coordinator

Mayor Van Bynen in the Chair.

The meeting was called to order at 2:30 p.m.

Declarations of Interests

None.

Items

1. Corporate Services (Legal) Report 2013-14 dated December 12, 2013 regarding Update - Marianneville Developments Ltd. (Glenway) appeals to the Ontario Municipal Board.

Moved by: Councillor Emanuel
Seconded by: Councillor Twinney

a) THAT Corporate Services (Legal) Report 2013-14 dated December 12, 2013 regarding an Update following the OMB Pre-hearing on Tuesday, December 10, 2013 re: Marianneville appeals to the OMB be received for information and that the matter be referred to a January Committee of the Whole meeting for discussion and a subsequent Special Council meeting for decision.

Carried

Adjournment

Motion to adjourn Special Committee of the Whole on December 16, 2013 at 3:04 p.m.

Moved by: Councillor Di Muccio
Seconded by: Councillor Twinney

THAT the meeting adjourn.

Carried

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk