

The meeting of the Special Committee of the Whole (Closed Session) was held on Monday, May 7, 2012 at +/- 9:00 p.m. in the Mulock Room, 395 Mulock Drive, Newmarket.

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

Absent: Councillor Di Muccio

Staff: R. N. Shelton, Chief Administrative Officer
R. Prentice, Commissioner of Community Services
A. Moore, Commissioner of Corporate Services
A. Brouwer, Director of Legislative Services/Town Clerk
C. Lee, Council/Committee Co-ordinator

The meeting was called to order at 9:55 p.m. following a brief recess.

Mayor Van Bynen in the Chair.

This Special Committee of the Whole (Closed Session) was convened for discussion of the property matters discussed at the Committee of the Whole (Closed Session) of April 30, 2012.

- SPECIAL COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES – MAY 7, 2012
ITEM 1 – JOINT REPORT – COMMUNITY SERVICES (PLANNING AND BUILDING SERVICES) AND CORPORATE SERVICES (LEGAL) (CLOSED SESSION) 2012-06
CLOCK TOWER INN AND PROPOSED LAND EXCHANGE
(PROPERTY MATTER – WARD 5)**

Presentation:

THAT the PowerPoint presentation by Mr. Chris Bobyk of The Forrest Group regarding the Clock Tower Inn be received.

(Note: Mr. Bobyk's presentation was made at Committee of the Whole (Closed Session) on April 30, 2012)

Report:

Joint Report – Community Services (Planning and Building Services) and Corporate Services (Legal) (Closed Session) 2012-06 dated April 24, 2012 regarding the Clock Tower Inn and Proposed Land Exchange.

The Commissioner of Community Services provided a verbal report to Committee regarding Recommendation 1 a). Amendments were made to the recommendation by replacing the words “nominal consideration in the amount of \$1.00” with “for a value to be negotiated”.

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

THAT Joint Report – Community Services (Planning and Building Services) and Corporate Services (Legal) (Closed Session) 2012-06 dated April 24, 2012 regarding the Clock Tower Inn and Proposed Land Exchange be received and the following recommendations, as amended, be adopted:

1. **THAT staff advise The Forrest Group that Council does not take a position on the proposed development at this time and directs staff if and as necessary to rectify ownership in the Market Square parking lot, and authorize staff to take all steps necessary to implement the following actions, including but not limited to:**
 - a) **declaring surplus a portion of the parking lands abutting the rear of 184-194 Main Street generally in the area shaded in orange and green on Schedule “C” and conveying the lands generally in the area shaded in green to the owner of 184-194 Main Street for a value to be negotiated;**
 - b) **provide public notice of the foregoing in accordance with By-laws 1995-43;**
 - c) **accept a conveyance of a portion of the parking lands abutting the rear of 184-194 Main Street generally in the area shaded in red on Schedule “C” from the owner of 184-194 Main Street and grant a permanent easement over same to the owner of 184-194 Main Street for underground parking, for which easement the owner of 184-194 Main Street would be required to pay to the Town a value to be negotiated;**
 - d) **negotiate a value with respect to the lands generally in area shaded in orange to be exchanged and the permanent easement to be granted to the owner of 184-194 Main Street over the lands that generally in the area shaded in red on Schedule “C”, to be followed by a further report to Council for approval;**
 - e) **execute all agreements and documents necessary to give effect to the foregoing by the Chief Administrative Officer and the authorization for the Associate Solicitor to electronically sign and register all transfer deeds of land and any easements required for municipal services or utilities.**

CARRIED

**2. SPECIAL COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES – MAY 7, 2012
ITEM 2 – CLOSED SESSION OFFICE OF THE CAO AND COMMUNITY SERVICES
(PLANNING AND BUILDING SERVICES) REPORT 2012-19
415 DAVIS DRIVE (PROPERTY MATTER – WARD 4)**

Closed Session Office of the CAO and Community Services (Planning and Building Services) Report 2012-19 dated April 30, 2012.

Discussion ensued. The Committee made no changes to the recommendations moved at Committee of the Whole (Closed Session) of April 30, 2012.

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

THAT Closed Session Office of the CAO and Community Services (Planning and Building Services) Report 2012-19 dated April 30, 2012 regarding a Davis Drive property matter be received and the following recommendations be adopted:

- 1. THAT staff be authorized to submit a conditional offer to purchase the property consisting of a combination of cash to a maximum of \$1,000,000 and other considerations with the offer being subject to a satisfactory due diligence review and the final approval of Council;**
- 2. AND THAT the other considerations of the Town's offer include such items as a tax receipt for the portion of the flood plain lands intended to be used for future public open space purposes and the Town's intention to recognize the property and family name (Denne) through a plaque appropriately placed on the property;**
- 3. AND THAT staff report back to Council with respect to staff's success on the offer including financing options.**

CARRIED

**3. SPECIAL COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES – MAY 7, 2012
ITEM 3 – CORPORATE SERVICES (CLOSED SESSION) REPORT – LEGAL SERVICES
2012-07 – REQUEST TO PURCHASE TOWN-OWNED LAND AT
BOGARTOWN CURVE AND LESLIE STREET (PROPERTY MATTER – WARD 2)**

Corporate Services (Closed Session) Report – Legal Services 2012-07 dated April 25, 2012 regarding a Request to Purchase Town Owned Land at Bogartown Curve and Leslie Street.

Discussion ensued. The Committee made no changes made to the recommendations moved at Committee of the Whole (Closed Session) of April 30, 2012.

**Moved by Councillor Kerwin
Seconded by Councillor Vegh**

THAT Corporate Services (Closed Session) Report – Legal Services 2012-07 dated April 25, 2012 regarding the status of the negotiations with the owners of land at the intersection of the Bogartown Curve and Leslie Street for the purchase of a portion of Town-owned land adjacent to 415 Bogartown Curve be received and the following recommendation be adopted:

THAT Council authorize the Chief Administrative Officer and/or the Municipal Solicitor to negotiate a purchase price of not less than \$200,000 and conclude and execute an Agreement of Purchase and Sale on terms acceptable to the CAO and the Municipal Solicitor to transfer and convey the lands to the owners of the adjacent land, and authorize the Associate Solicitor or her designate to electronically sign and register all transfer deeds of land and any easements for municipal services and public utilities.

CARRIED

**4. SPECIAL COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES – MAY 7, 2012
ITEM 4 – COMMUNITY SERVICES CONFIDENTIAL REPORT – COMMISSIONER 2012-31 – OLD FIRE HALL – 140 MAIN STREET SOUTH
(PROPERTY MATTER – WARD 5)**

Community Services Confidential Report – Commissioner 2012-31 dated April 26, 2012 regarding the Old Fire Hall – 140 Main Street South.

Discussion on the matter ensued and the Committee amended the recommendations of Community Services Report – Commissioner 2012-31 dated April 26, 2012, as follows:

1. THAT subject to direction from Council with respect to other municipal priorities and the future use of the building at 140 Main Street South, that the property be declared surplus and marketed for sale in accordance with the Town policy on sale of lands;
2. AND THAT staff be directed to meet with the user groups and outline the proposed actions going forward and alternative arrangements for their programs pending the completion of the Old Town Hall.

Committee further directed that staff, in the development of the RFP, consult with the Newmarket Economic Development Advisory Committee regarding usages for the site which would be in keeping with the economic and cultural goals for the Main Street District.

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

THAT Community Services Confidential Report – Commissioner 2012-31 dated April 26, 2012 regarding the Old Fire Hall building at 140 Main Street South be received and the following recommendations, as amended, be adopted:

1. **THAT subject to direction from Council with respect to other municipal priorities and the future use of the building at 140 Main Street South, that the property be declared surplus and marketed for sale in accordance with the Town policy on sale of lands;**
2. **AND THAT staff be directed to meet with the user groups and outline the proposed actions going forward and alternative arrangements for their programs pending the completion of the Old Town Hall.**

CARRIED

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

THAT the Committee resume into public session in Council Chambers.

CARRIED

The Committee resumed into public session into at 10:45 p.m.

Mayor Van Bynen, Chair

Andrew Brouwer, Town Clerk