



Town of Newmarket
MINUTES

COMMITTEE OF THE WHOLE

Monday, August 25, 2014 at 1:30 PM
Council Chambers

For consideration by Council
on September 8, 2014

The meeting of the Committee of the Whole was held on Monday, August 25, 2014 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin
Councillor Twinney
Councillor Sponga
Councillor Di Muccio (1:30 to 3:27; 4:04 to 5:28;
7:00 to 8:17 p.m.)
Councillor Emanuel

Absent: Councillor Hempen

Staff Present: R.N. Shelton, Chief Administrative Officer
A. Moore, Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
P. Noehammer, Commissioner of Development
and Infrastructure Services
E. Armchuk, Director of Legal Services/Municipal Solicitor
R. Nethery, Director of Planning and Building Services
M. Plaunt, Senior Planner – Policy
D. Schellenberg, Acting Director of Financial Services
R. Prudhomme, Director of Engineering Services
C. Service, Director of Recreation and Culture
A. Brouwer, Director of Legislative Services/Town Clerk
L. Lyons, Deputy Clerk
L. Moor, Council/Committee Coordinator
J. Patel, Project Support Business Analyst
C. Finnerty, Council/Committee Coordinator

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

Mayor Van Bynen in the Chair.

The Chief Administrative Officer advised of Addendum # 1 and Addendum # 2 items.

Additions & Corrections to the Agenda

Moved by: Councillor Kerwin
Seconded by: Councillor Emanuel

THAT the items listed on the agenda as addendum items be included.

Carried

Declarations of Pecuniary Interest

- a) Councillor Vegh declared a pecuniary interest in Item 4 of the Committee of the Whole (Closed Session) agenda being Office of the CAO and Corporate Services (Legal Services) Joint (Closed Session) Report 2014-20 regarding a proposed acquisition of land by the municipality in Ward 5 which references his employer. He advised that he would take no part in the discussion or voting of the foregoing matter.
- b) Councillor Sponga declared a pecuniary interest in Item 10 and 10a) with respect to Heritage Newmarket Advisory Committee Minutes of June 3, 2014 and Item 6 of the Heritage Newmarket Advisory Committee Minutes of June 3, 2014 regarding Designated Maintenance Property and Concerns as his home is designated under the Heritage Act. He advised that he would take no part in the discussion or voting of the foregoing matter.

Consent Items

Moved by: Councillor Sponga
Seconded by: Councillor Emanuel

THAT the following items be adopted on consent.

1. Newmarket Economic Development Advisory Committee Minutes of March 20, 2014 and July 21, 2014.
 - a) THAT the Newmarket Economic Development Advisory Committee Minutes of March 20, 2014 and July 21, 2014 be received.
2. Correspondence dated July 15, 2014 from Ms. Donna Pelrine, Support Committee, Queen's York Rangers Army Cadet Corps. 2799 requesting permission to conduct tag days on September 13 and 14, 2014 at various retail outlets in Town.

a) THAT the correspondence dated July 15, 2014 from Ms. Donna Pelrine, Support Committee, Queen's York Rangers Army Cadet Corps, 2799, be received and the following recommendations be adopted:

i) THAT permission be granted to permit the Queen's York Rangers Army Cadet Corps (#2799) to conduct tag days in the Town of Newmarket on September 13 and 14, 2014;

ii) AND THAT the announcement be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

3. Correspondence dated July 30, 2014 from Mr. Geoff Morgan, Vice-President, Public Relations, The Court of Blarney Toastmasters requesting proclamation of October, 2014 as 'Toastmasters Month'.

a) THAT the correspondence dated July 30, 2014 from Mr. Geoff Morgan, Vice-President, Public Relations, The Court of Blarney, Toastmasters be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim October 2014 as "Toastmasters Month" in the Town of Newmarket;

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

4. Correspondence dated July 31, 2014 from Ms. Stephanie Blum, Administrative Assistant, Prostate Cancer Canada requesting proclamation of September, 2014 as 'Prostate Cancer Awareness Month'.

a) THAT the correspondence dated July 31, 2014 from Ms. Stephanie Blum, Administrative Assistant, Prostate Cancer Canada be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim September, 2014 as 'Prostate Cancer Awareness Month';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

5. Newmarket Public Library Board Minutes of May 21, 2014.

a) THAT the Newmarket Public Library Board Minutes of May 21, 2014 be received.

6. Central York Fire Services - Joint Council Committee Minutes of May 13, 2014.

THAT the Central York Fire Services - Joint Council Committee Minutes of May 13, 2014 be received.

7. Development and Infrastructure Services - Engineering Services Report 2014-52 dated August 25, 2014 regarding Foxtail Ridge - Parking Review Update.

a) THAT Development and Infrastructure Services Report 2014-52, dated August 25, 2014 entitled "Foxtail Ridge – Parking Review Update" be received and the following recommendation be adopted:

i) THAT the parking restrictions remain as they currently exist.

8. Development and Infrastructure Services Report - ES 2014-38 dated June 3, 2014 regarding Final Acceptance and Assumption of Underground and Aboveground Works - Mattamy-Toth Residential Subdivision - Phase 2.

a) THAT Development and Infrastructure Services Report - ES 2014-38 dated June 3, 2014 regarding the Final Acceptance and Assumption of Underground and Aboveground Works be received and the following recommendations be adopted:

i) THAT the request for Final Acceptance and Assumption of Underground and Aboveground Works of the Mattamy Toth Farm Phase 2 Residential Subdivision as shown on the attached map be finally accepted and assumed by the Town;

ii) AND THAT Mr. Gary Gregoris of Mattamy (Newmarket) Ltd., and Mr. Dragan Zec, P. Eng., of Urbantech Consulting Ltd. be notified of these recommendations.

9. Corporate Services (Legal Services) Report 2014-22 dated August 20, 2014 regarding Tools to Support Rental Housing (Pilot Project)

a) THAT Corporate Services (Legal Services) Report 2014-22 dated August 20, 2014 being the tools, terms and conditions related to a Pilot Project for a proposed rental housing development at 212 Davis Drive be received and the following recommendations be adopted:

i) THAT staff be directed to finalize the Development Charges Deferral Agreement for the Pilot rental housing Project at 212 Davis Drive on the basis that the applicable Town of Newmarket Development Charges fees to be deferred are those in effect as at August 25, 2014 (including applicable indexing) under By-law 2009-73 and set out in Schedule "A";

ii) AND THAT the deferral of the Development Charges for the Pilot Project is conditional on the issuance of a building permit within 18 months from the date of Site Plan approval of the development application;

iii) AND THAT Staff be authorized to do all things necessary to finalize the Development Charges Deferral Agreement together with any related mortgage, collateral security or other required agreements and documents with Malter Holdings Ltd. and its affiliated entities;

iv) AND THAT Staff be authorized to execute and electronically register all agreements and documents necessary to give effect to the foregoing and that the Associate Solicitor or her staff be authorized to electronically sign and register all Agreements;

v) AND THAT all other tools, terms and conditions of the Pilot Project previously approved by Council are conditional on issuance of a building permit within 18 months of the date of Site Plan approval of the development application.;

vi) AND THAT the applicable Planning Application fees to be deferred are those fees in effect on the date the Planning Application was submitted;

vii) AND THAT the applicable Building Permit fees to be deferred are those fees in effect on the date the Building permit(s) is/are issued.

10. Community Services - Recreation and Culture Report 2014-24 dated August 25, 2014 regarding Municipal Asset Naming Program - Penn Avenue Parkette.

a) THAT Community Services Report - Recreation and Culture Report 2014-24 dated August 25, 2014 regarding Municipal Asset Naming Program - Penn Avenue Parkette be received and the following recommendations be adopted:

i) THAT the Penn Avenue Parkette in Ward 4 be named as outlined in Community Services - Recreation and Culture (Closed Session) Report 2014-22;

ii) AND THAT staff prepare an official ceremony in Spring, 2015.

11. List of Outstanding Matters.

a) THAT the list of Outstanding Matters be received.

Carried

Presentations & Recognitions

12. Mr. Jim Gragtmans, Chair, Newmarket Economic Development Advisory Committee addressed the Committee with a presentation regarding the Gigabit Corridor Pilot Project.

Moved by: Councillor Emanuel
Seconded by: Councillor Kerwin

THAT the presentation by Mr. Jim Gragtmans, Chair, Newmarket Economic Development Advisory Committee regarding the Gigabit Corridor Pilot Project be received.

Carried

13. Community Services Report - Economic Development 2014-20 dated August 11, 2014 regarding Implementation Strategy for Gigabit Corridor Pilot Project.

Moved by: Councillor Emanuel
Seconded by: Regional Councillor Taylor

THAT Community Services Report - Economic Development 2014-20 dated August 11, 2014 regarding the Implementation Strategy for Gigabit Corridor Pilot Project be received and the following recommendations be adopted:

- a) THAT Council receive the 'Initial Stakeholder Meeting and Economic Development Impact Statement' report prepared by Sandel and Associates (Attachment A);
- b) AND THAT staff be directed to issue a Request for Proposals (RFP) seeking interested Internet Services providers (ISP's) willing to provide specified service levels and cost structure;
- c) AND THAT staff provide a further report to Council with the RFP results, including alternate options if necessary, implementation recommendations and budget impact.

Carried

14. Item 2 of the Newmarket Economic Development Advisory Committee Minutes of July 21, 2014 regarding Gigabit Corridor Draft Report.

Moved by: Regional Councillor Taylor
Seconded by: Councillor Emanuel

THAT Item 2 of the Newmarket Economic Development Advisory Committee Minutes of July 21, 2014 regarding Gigabit Corridor Draft Report be received and the following recommendations be received:

- i) WHEREAS the Newmarket Economic Development Advisory Committee reaffirms that broadband is a key economic driver;
- ii) AND WHEREAS the Newmarket Economic Development Advisory Committee endorses the Sandel & Associates report in principle;
- iii) THEREFORE BE IT RESOLVED THAT Council implement a gigabit corridor pilot project in early 2015.

Carried

Deputations

15. Ms. Melanie Bell and Mr. Paul Harrison addressed the Committee regarding the Tom Taylor Crescent Proposed Walkway.
- 15a) Photographic Images related to deputation by Ms. Melanie Bell and Mr. Paul Harrison with respect to Tom Taylor Crescent Proposed Walkway.

Moved by: Councillor Emanuel
Seconded by: Councillor Di Muccio

THAT the deputation by Ms. Melanie Bell and Mr. Paul Harrison regarding the Tom Taylor Crescent Proposed Walkway be received.

Carried

16. Mr. George Ivanhoff addressed the Committee regarding the Tom Taylor Crescent Proposed Walkway.

Moved by: Councillor Emanuel
Seconded by: Councillor Kerwin

THAT the deputation by Mr. George Ivanhoff regarding the Tom Taylor Crescent proposed Walkway be received.

Carried

Moved by: Regional Councillor Taylor
Seconded by: Councillor Sponga

THAT any construction plans and future work on the proposed walkway on Tom Taylor Crescent be immediately halted;

AND THAT staff explore all options associated with alternate treatments for that area and report back to Committee of the Whole.

Carried

17. Ms. Phyllis Brady addressed the Committee regarding a petition to have No Parking signs installed on Queen's Crescent.

Moved by: Councillor Kerwin
Seconded by: Councillor Twinney

THAT the deputation by Ms. Phyllis Brady regarding a petition to have No Parking signs installed on Queen's Crescent be received.

Carried

Moved by: Councillor Kerwin
Seconded by: Councillor Twinney

THAT staff review parking issues and explore the possibility of permit parking on streets surrounding the hospital corridor.

Carried

The Committee recessed at 3:40 p.m.

The Committee reconvened at 4:04 p.m.

18. Heritage Newmarket Advisory Committee Minutes of June 3, 2014.

Moved by: Regional Councillor Taylor
Seconded by: Councillor Twinney

THAT the Heritage Newmarket Advisory Committee Minutes of June 3, 2014 be received.

Carried

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

19. Item 6 of the Heritage Newmarket Advisory Committee Minutes of June 3, 2014 - Designated Maintenance Property and Concerns.

Moved by: Regional Councillor Taylor
Seconded by: Councillor Twinney

THAT Item 6 of the Heritage Newmarket Advisory Committee Minutes of June 3, 2014 – Designated Maintenance Property and Concerns be received and the following recommendation of the Heritage Newmarket Advisory Committee be referred to staff.

Whereas some Newmarket historic buildings are deteriorating due to lack of proper maintenance;

And whereas such inaction leads to demolition by neglect;

And whereas the loss of our built heritage weakens the distinctiveness of our community and our cultural identity;

And whereas other municipal jurisdictions have by-laws that would prevent demolition of heritage buildings by neglect;

Therefore be it resolved that the Heritage Newmarket Advisory Committee recommends that a by-law to prevent demolition of heritage properties by neglect be considered for the Town of Newmarket and that Council direct staff to conduct the necessary research and analysis to said by-law.

Carried

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

20. Correspondence dated July 2, 2014 from Ms. Dora Boylen-Pabst, Vice President, Philanthropy and Engagement, Southlake Regional Health Centre Foundation requesting waiving of fees for billboard permit and stamping.

Moved by: Councillor Emanuel
Seconded by: Councillor Kerwin

THAT the correspondence dated July 2, 2014 from Ms. Dora Boylen-Pabst, Vice-President, Philanthropy and Engagement, Southlake Regional Health Centre Foundation be received.

Carried

21. Joint Corporate Services - Legislative Services and Development and Infrastructure Services - Planning and Building Services Report 2014-38 dated August 14, 2014 regarding a Development Charges Exemption and Request to Waive and Refund Fees for the Proposed Hospice.

Discussion ensued and an alternate motion was presented.

Moved by: Councillor Emanuel
Seconded by: Councillor Kerwin

THAT Joint Planning and Building Services, Financial Services, and Legislative Services Report 2014-38 dated August 14, 2014 regarding a Development Charges Exemption and a request to waive Building Permit and Sign Permit fees and refund planning application fees be received and the following recommendations be adopted:

- i) THAT staff be provided with confirmation that the Hospice qualifies for the new Development Charges exemptions by By-law 2014-42, once it is in full force and effect;
- ii) AND THAT Southlake Regional Health Centre Foundation be refunded the requested fees to be funded from the Rate Stabilization Fund;
- iii) AND THAT staff be directed to undertake a review of the impacts of creating a policy to reduce fees for charitable foundations, community organizations, public agencies and other similar uses;

iv) AND THAT Dora Boylen-Pabst, Vice President, Philanthropy and Engagement, Southlake Regional Health Centre Foundation 102-581 Davis Drive Newmarket, L3Y 2P6 be notified of this action.

Carried

22. Corporate Services Report - Legislative Services 2014-17 dated August 13, 2014 regarding Relief from Fees and Charges related to Signs on Davis Drive.

Committee discussed the recommendations and an alternate motion was presented.

Moved by: Regional Councillor Taylor
Seconded by: Councillor Sponga

a) THAT Corporate Services Report – Legislative Services 2014-17 dated August 13, 2014 regarding Relief from the fees and charges related to signs on Davis Drive be received;

i) AND THAT sign permit fees for businesses located on Davis Drive and Yonge Street and streets immediately abutting Davis Drive and Yonge Street impacted by the VivaNext rapid transit expansion project be waived and where applicable, refunded;

ii) AND THAT a staff report be brought back outlining a recommended implementation procedure and other considerations.

Carried

23. Development and Infrastructure Services - Engineering Services Report 2014-51 dated August 25, 2014 regarding Kingsmere Avenue/Ataire Road – All-way Stop Review.

Committee discussed the recommendations and an alternate motion was presented:

Moved by: Councillor Vegh
Seconded by: Councillor Sponga

THAT Development and Infrastructure Services Report – ES2014-51 dated August 25, 2014 regarding Kingsmere Avenue/Ataire Road – All-way Stop Review be received and the following recommendations be adopted:

a) THAT the matter of Kingsmere Avenue/Ataire Road – All-Way Stop Review be deferred in order for another traffic study to be conducted in that area.

Carried

24. Joint Procurement Corporate Services - Financial Services and Development and Infrastructure Services - Public Works Services Report 2014-45 dated August 11, 2014 regarding RJT and Magna Solar Photovoltaic FIT Project Updates.

Moved by: Regional Councillor Taylor
Seconded by: Councillor Emanuel

THAT Joint Procurement Corporate Services - Financial Services and Development and Infrastructure Services - Public Works Services Report 2014-45 dated August 11, 2014 regarding RJT and Magna Solar Photovoltaic FIT Project Updates be received and the following recommendations be adopted:

- i) THAT the RFP 2012-27 Solar Photovoltaic FIT contract be extended to include an estimated value of \$1,493,321.00 for the Magna Centre (excluding bonding fees, maintenance, LDC connection fees and applicable taxes);
- ii) AND THAT the Director, Public Works Services and the Manager, Procurement Services be authorized to execute the contract and all agreements and documents necessary to give effect to the Magna Solar project on Council's behalf;
- iii) AND THAT staff be authorized and directed to do all things necessary to give effect to the foregoing recommendations;
- iv) AND THAT staff be directed to fund the Magna FIT project through implementation of an internal loan with an amortization period not to exceed ten (10) years, and that this loan be provided for in conjunction with the 2015 budget and align with the investment strategy;
- v) AND THAT staff be directed to include the revenue surplus as outlined in the Loan Repayment Schedule contained in the Budget Impact section of this report in the 2015 and subsequent years Operating Budgets.

Carried

Action Items

None.

Correspondence & Petitions

None.

Reports by Regional Representatives

None.

Notices of Motion

Councillor Sponga provided notice that he would be bringing forward a motion to the next scheduled Committee of the Whole meeting requesting a report on GO Train operations as it relates to east/west road connections, grade separations, speed within the downtown core, frequency of train whistles at Water Street and Doug Duncan Drive as well as Fairy Lake.

Motions

None.

New Business

- a) Councillor Di Muccio requested an update report be brought back regarding the standards associated with replacement of playground equipment.
- b) Councillor Kerwin also expressed concerns relating to feedback he has received from area residents related to new playground equipment.

Closed Session

Moved by: Councillor Sponga
Seconded by: Councillor Emanuel

THAT the Committee of the Whole resolve into a Closed Session for the purpose of discussing potential litigation, including a matter before the Ontario Municipal Board related to a Committee of Adjustment decision affecting the municipality and two matters related to proposed acquisitions of land by the municipality, both in Ward 5.

Carried

The Committee resolved into Closed Session at 4:41 p.m.

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

The Committee of the Whole resumed into Public Session at 5:27 p.m.

The Committee recessed at 5:28 p.m.

The Committee reconvened at 7:00 p.m.

The continuation of the Committee of the Whole meeting was called to order at 7:00 p.m.

Public Hearing Matter

Mayor Van Bynen welcomed the public to the Committee of the Whole meeting.

The Deputy Clerk advised that the Planning Act requires that the Town hold at least one Public Meeting on any proposed Zoning By-law Amendment. She advised that the Zoning By-law Amendment application was submitted to permit a 15 storey apartment building containing 225 units on the property municipally known as 212 Davis Drive.

The Deputy Clerk further advised that the purpose of the meeting was to receive comments on the proposed Zoning By-law Amendment. The Committee of the Whole would not be making any decisions regarding the proposal at this meeting. All written and verbal comments will be provided to Planning staff for consideration.

It was stated that any individual or party that wishes to be notified of a subsequent meeting, or any individual who makes a presentation at the public meeting must complete a notification form.

In accordance with the Planning Act, the Ontario Municipal Board may dismiss an appeal without holding a hearing, if the appellant failed to make either oral submission at the Public Meeting or provide written submissions to Council prior to adoption.

The Deputy Clerk thanked everyone for their participation and interest in the meeting.

25. Public Meeting Notice and Related Council Extract - Development and Infrastructure Services Report - Planning and Building Services 2014-32 dated July 21, 2014 regarding Application for Zoning By-law Amendment - Green and Rose Developments Inc., 212 Davis Drive.
26. Public Comments received regarding Application for Zoning By-law Amendment - Green and Rose Developments Inc. - 212 Davis Drive.

Mr. Brad Rogers, Groundswell Urban Planners and Mr. Daniel Berholz of Green and Rose Developments Inc. provided a PowerPoint presentation regarding the proposed Zoning By-law Amendment Application for 212 Davis Drive.

Mayor Van Bynen invited members of the public to come forward.

- a) Mr. Wayne Pilkey, 107 Forest Glen Road commented that the building footprint appears small and questioned whether there were opportunities to increase the building footprint, decrease the overall height and provide for underground parking.
- b) Ms. Evelyn Stocks, 270 Davis Drive expressed concern regarding the height of the building and commented that the proposed building should not be greater in height than other rental buildings along the Davis Drive corridor. She also questioned the height of the parking garage, concerns regarding excessive noise and the possibility of having the view from her building blocked.
- c) Mr. Ian Hutchinson, 235 Queen Street expressed concerns regarding building and parking garage height and traffic ingress and egress, including traffic spillover onto adjacent side streets, and where children who live in the building would attend school.
- d) Mr. Glen Lutton, 71 Forest Glen Road expressed concerns regarding road connections, including the proposed minor collector road adjacent to the property, grading and setback concerns that may increase the platform of the building and the interface between existing residential and the proposed building.
- e) Mr. Heinz Dickfeld, 250 Davis Drive advised that he has observed the traffic pattern onto Davis Drive from the proposed shared access driveway with the Church and concluded that people along the sidewalk are often inconvenienced by cars blocking the driveway, particularly on Sunday after the Church service concludes. Future residents in the proposed building will be poorly served as there will be no permitted left hand turns across the Viva lanes. Mr. Dickfeld suggested that the proposal be delayed until the site can be provided access through the intersection of Parkside Drive and Longford Drive.
- f) Mr. Rogers and Mr. Berholz responded to concerns raised by the public and advised that building heights are consistent with the permitted heights with bonusing contained within the Secondary Plan. A noise study and traffic study have been completed and circulated to Town staff. The School Board was circulated with the application and no concerns have been brought forward to date. The applicant is working with staff regarding the elevation of the parking structure and other site plan details. Underground parking was deemed to be unaffordable and therefore was not pursued.
- g) Mr. Kim Nystron, Cole Engineering addressed the Committee regarding the Traffic Impact Study and Parking Review. The traffic study looked at peak morning and afternoon hours and concluded that approximately 70 – 75 vehicles will move through the site during a one hour peak period. The building traffic is not expected to conflict with Church traffic on Sunday after Church service.

The Committee considered and discussed various aspects of the application including parking structure height, impacts on adjacent single family dwellings on Queen Street to the south, shadow studies/impacts, setbacks between parking structure and proposed road allowance, rental cost estimates, ingress and egress points, number of subsidized units and wait list statistics.

Moved by: Councillor Sponga
Seconded by: Regional Councillor Taylor

THAT the presentations, deputations and correspondence related to the Application for Zoning By-law Amendment - Green and Rose Developments Inc., 212 Davis Drive be received.

Carried

The Senior Planner – Policy provided the next steps associated with the application. Comments in writing will continue to be received to mplaut@newmarket.ca

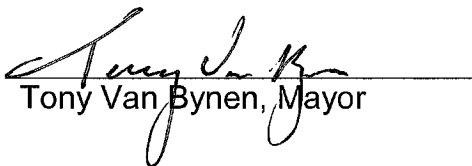
Adjournment

Moved by: Councillor Emanuel
Seconded by: Councillor Sponga

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 8:17 p.m.


Tony Van Bynen, Mayor


Lisa Lyons, Deputy Clerk