



Town of Newmarket

Minutes

Committee of the Whole

Date: Monday, March 18, 2019
Time: 12:30 PM
Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor
Councillor Simon
Councillor Woodhouse
Councillor Twinney
Councillor Kwapis
Councillor Broome
Councillor Bisanz

Members Absent: Deputy Mayor & Regional Councillor Vegh
Councillor Morrison

Staff Present: E. Armchuk, Acting Chief Administrative Officer
P. Noehammer, Commissioner of Development & Infrastructure Services
I. McDougall, Commissioner of Community Services
L. Lyons, Acting Commissioner of Corporate Services
K. Saini, Acting Director of Legislative Services/Town Clerk
L. Colangelo, Manager of Water and Wastewater
K. Reynar, Director of Legal Services
T. Assis, Manager of Procurement
M. Wigmore, Director of Information Technology
A. Walkom, Legislative Coordinator

For consideration by Council on March 25, 2019.

The meeting was called to order at 12:31 PM.

The Committee of the Whole recessed at 2:11 PM and reconvened at 2:21 PM.

Mayor Taylor in the Chair.

1. Additions & Corrections to the Agenda

The Acting Chief Administrative Officer advised of the following additions and corrections to the agenda:

Additions:

- Item 3.1: Presentation regarding the 2018 Annual Water Quality Summary Report
- Item 3.2: Presentation regarding Proposed Regulations for Smoking By-law
- Item 4.2: Deputation regarding Amendment to Interim Control By-Law 2019-04
- Item 4.3: Deputation regarding Construction Vibration Issues
- Item 4.4: Deputation regarding Construction Vibration Issues
- Item 6.1: Proposed Regulations for Smoking By-law Staff Report

Corrections:

- Item 4.1: Deputation regarding an Amendment to Interim Control By-Law 2019-04 - A revised presentation was distributed.
- Item 5.1: 2018 Newmarket Water Distribution System Annual Water Quality Summary Report - Revised versions of the 2018 Annual Water Quality Summary Report and 2018 Management Review Minutes were distributed.

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That the additions and corrections to the agenda be approved.

Carried

2. Declarations of Pecuniary Interest

None.

3. Presentations & Recognitions

3.1 2018 Annual Water Quality Summary Report

Note: This item was dealt with under sub-item 5.1. Please see sub-item 5.1 for motion.

The Commissioner, Development and Infrastructure Services provided an introduction to the presentation. The Manager, Water and Waste Water provided a presentation regarding the 2018 Annual Water Quality Summary Report. The presentation highlighted report requirements, water sampling results, and adverse test results and corrective actions.

3.2 Proposed Regulations for Smoking By-law

Note: This item was dealt with under item 6.1. Please see item 6.1 for motion.

The Acting Commissioner, Corporate Services provided an introduction to the presentation. The Acting Director, Legislative Services/Town Clerk provided a presentation on the Proposed Regulations for Smoking By-law. The presentation included an overview of the legislative framework and Town by-laws which are already in place. The presentation provided three proposed options for new smoking regulations for the Town of Newmarket.

4. Deputations

4.1 Amendment to Interim Control By-Law 2019-04

Paulo Carvalho provided a deputation which outlined his family's plans to renovate their home. He advised Council that the Interim Control By-law prevented the construction of the addition.

Moved by: Councillor Kwapis

Seconded by: Councillor Twinney

1. That the deputation by Paulo Carvalho regarding an Amendment to Interim Control By-law 2019-04 be received.

Carried

Moved by: Councillor Kwapis

Seconded by: Councillor Twinney

Whereas Mr. Paulo Carvalho, owner of 257 Hodgson Drive in Newmarket, prepared to file an application for addition to his existing dwelling, just a few days after the interim bylaw was passed; and,

Whereas his proposal is for an addition and not a new structure; and,
Whereas Twenty four (24) signatures of property owners of neighbouring properties, signed a petition in support of the addition to 257 Hodgson Drive;

Therefore let it be resolved:

2. That Council exempt the application of 257 Hodgson Drive from the Interim Control bylaw 2019-04.

Carried

4.2 Amendment to Interim Control By-Law 2019-04

Catherine Callaghan provided a presentation on behalf of the owners of 578 Lydia Street, Peter and Bernadette May. She advised that the owners intended to demolish the house and replace it with a new house, but could not due to the interim control by-law. Peter May advised that they are seeking a demolition permit for the house.

Moved by: Councillor Woodhouse

Seconded by: Councillor Simon

1. That the deputation by Catherine Callaghan and Peter May regarding an Amendment to Interim Control By-law 2019-04 be received.

Carried

Moved by: Councillor Woodhouse

Seconded by: Councillor Simon

2. That the request for an exemption to Interim Control By-law 2019-04 be referred to staff; and,
3. That staff explore options for an Interim Control By-law exemption process and provide recommendations to Council.

Carried

4.3 Construction Vibration Issues

Gordon Prentice provided a deputation regarding issues related to vibration caused by construction adjacent to his property on Harrison Drive.

Moved by: Councillor Kwapis

Seconded by: Councillor Twinney

1. That the deputation by Gordon Prentice regarding Construction Vibration Issues be received.

Carried

4.4 Construction Vibration Issues

Robert Hansen provided a deputation regarding issues related to vibration caused by construction related to the Glenway development. He provided an overview of the approach to construction vibration issues in other municipalities.

Moved by: Councillor Bisanz

Seconded by: Councillor Broome

1. That the deputation by Robert Hansen regarding Construction Vibration Issues be received.

Carried

5. Consent Items

Moved by: Councillor Woodhouse

Seconded by: Councillor Kwapis

1. That sub-items 5.2, 5.4, 5.7, 5.8, 5.9, 5.10, 5.11, 5.12 and 5.13 be adopted on consent. See following sub-items 5.1, 5.3, 5.5, and 5.6 for motions.

Carried

5.1 2018 Newmarket Water Distribution System Annual Water Quality Summary Report

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Woodhouse

Seconded by: Councillor Broome

1. **That the presentation regarding the 2018 Annual Water Quality Summary Report be received; and,**
2. That the report entitled Development & Infrastructure Services – Public Works Services Report dated March 18, 2019 be received; and,
3. That members of the public be directed to view any documents referenced herein as attached (where applicable), online at newmarket.ca, by request at the customer service counter, 395 Mulock Drive, as well as at the Newmarket Operations Centre, 1275 Maple Hill Court; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.2 Correspondence from the Town of Aurora re: Cannabis Public Use By-law

1. That the Correspondence from the Town of Aurora re: Cannabis Public Use By-law be received for information.

5.3 Construction Vibration Issues

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Bisanz

Seconded by: Councillor Kwapis

1. That the report entitled Construction Vibration issues dated March 18, 2019 be received; and,
2. That staff require vibration impact assessments as part of a complete application for development proposals ; and,
3. That Council endorse the proposed notice and complaint process identified in this report; and,

4. **That staff investigate options for existing sites where construction activity will cause significant vibrations; and,**
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.4 Community Improvement Plan Partnerships

1. That the report entitled Community Improvement Plan Partnerships dated March 18, 2019 be received; and,
2. That staff be directed to begin the process to amend the Official Plan substantially as presented in Attachment 1 to authorize the Town to participate in Community Improvement Plans implemented by the Regional Municipality of York and to bring such an amendment to a statutory public meeting as required by the Planning Act; and,
3. That following the public meeting, that 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; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

5.5 1015-1029 Davis Drive Application

Moved by: Councillor Twinney

Seconded by: Councillor Broome

1. That the report entitled 1015-1029 Davis Drive Application dated March 18, 2019 be received; and,
2. That the application be referred to a statutory public meeting as required by the *Planning Act*; and,
3. 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; and,
4. That Ryan Guetter, Weston Consulting, of 201 Millway Avenue, Suite 19, Vaughan, ON L4K 5K8 be notified of this action; and,

5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.6 Oracle Licensing – Non-Competitive Acquisition

Moved by: Councillor Simon

Seconded by: Councillor Woodhouse

1. That the report entitled Oracle Licenses – Non-Competitive Acquisition dated March 3, 2019 be received; and,
2. That a non-competitive acquisition for Oracle Licences and Annual Support and Maintenance to Oracle Canada, ULC for a period of five (5) years, commencing in 2019, for an estimated amount of \$1,200,000.00 be approved; and,
3. That the non-competitive provisions of the Procurement Bylaw, specifically Section 13.6, Subsection (iii), as well as the Limited Tendering provisions of the applicable trade treaties, as described below, be considered in support of this acquisition; and,
4. That the Director, Information Technology Services and the Manager, Procurement Services be authorized to execute all required documentation; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.7 Appointment Committee Meeting Minutes of January 17, 2019

1. That the Appointment Committee Meeting Minutes of January 17, 2019 be received.

5.8 Central York Fire Services Joint Council Committee Meeting Minutes of January 22, 2019

1. That the Central York Fire Services Joint Council Committee Meeting Minutes of January 22, 2019 be received.

5.9 Main Street District Business Improvement Area Board of Management Meeting Minutes of September 18, 2018

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of September 18, 2018 be received.

5.10 Newmarket Public Library Board Meeting Minutes of November 21, 2018 and December 19, 2018

1. That the Newmarket Public Library Board Meeting Minutes of November 21, 2018 and December 19, 2018 be received.

5.11 Site Plan Review Committee Meeting Minutes of March 4, 2019

1. That the Site Plan Review Committee Meeting Minutes of March 4, 2019 be received.

5.12 Item 5.2 of the Site Plan Review Committee Meeting Minutes of March 4, 2019 (Application for Site Plan Approval – Block 120, Plan 65M-4587)

1. That the presentation regarding application for Site Plan Approval for File Number D-11-NP-18-21 be received; and,
2. That staff be directed to continue the technical review of the application to ensure conformity with the Zoning By-law, Official Plan, and all other applicable policies; and,
3. That the staff comments as provided in the "Notes to Committee" dated March 4, 2019 be addressed to the satisfaction of staff; and,
4. That staff be directed to ensure full consideration is given to all comments provided by Committee, including exploration of all opportunities for visitor parking; and,
5. That Joanne Barnett, Marianneville Developments Limited, 3-26 Lesmill Road, Toronto ON M3B 2T5 be notified of this action; and,
6. That Kerigan Kelly, Groundswell Urban Planners Inc., 95 Mural Street, Suite 402, Richmond Hill ON L4B 3G2 be notified of this action.

5.13 Outstanding Matters List

1. That the list of outstanding matters be received.

6. Action Items

6.1 Proposed Regulations for Smoking By-law

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Twinney

Seconded by: Councillor Bisanz

1. **That the presentation regarding Proposed Regulations for Smoking By-law be received; and,**
2. That the report entitled Proposed Regulations for Smoking By-law dated March 18, 2019 be received; and,
3. **That Staff be directed to compile a list of key questions that relate to the options for public consultation; and,**
4. That Staff be directed to conduct community consultation for a period of no less than 30 days on Council's proposed regulations for smoking in the Town of Newmarket; and,
5. That Staff be directed to report back with proposed amendments to the Town's Smoking By-law after the community consultation period has ended; and,
6. That Council repeal Odour By-law 2002-111; and,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

7. Reports by Regional Representatives

None.

8. Notices of Motions

8.1 Participation in Earth Hour – March 30, 2019

Councillor Simon provided notice for the following motion:

Whereas climate change is the biggest environmental threat to our planet and a major concern for all Canadians; and,

Whereas at exactly 8:30 p.m. on Saturday, March 30, 2019, major cities around the world will turn off their lights and electrical power for one hour to raise awareness about climate change and to symbolize that, working

together, the people of the world can make a difference in the fight against global warming; and,

Whereas the event, called “Earth Hour”, began in Sydney, Australia in 2007 as 2.2 million people turned off their lights to take a stand against climate change; and,

Whereas since then, it has become an annual, globally-observed event; and,

Whereas participating in Earth Hour sends a powerful message to every citizen and business around the world that it’s possible to take action on climate change and that switching off our lights and electrical power is just one simple action we can take to help make a difference; and,

Whereas in the last several years, Newmarket has continued to be a leader in this effort, with one of the highest rates of reduction in electricity consumption in the GTA; and,

Therefore be it enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. That at 8:30 p.m. on Saturday, March 30, 2019, the Corporation of the Town of Newmarket will join other cities around the world in literally “turning out the lights” by shutting off all non-essential lighting and power in all of its facilities, where feasible, and without jeopardizing safety, for one full hour; and,
2. That participation in Earth Hour by the Corporation of the Town of Newmarket will be widely promoted and publicized in order to raise awareness about this important issue and in order to encourage every individual, household and business in town to join in by turning off their lights and electrical power for one hour at 8:30 p.m. on Saturday, March 30, 2019 wherever possible to safely to so; and,
3. That a copy of this Resolution will be forwarded to every municipality in the GTA.

9. Motions

None.

10. New Business

10.1 Old Bathurst Street

Councillor Broome advised that Old Bathurst Street has been restricted to local traffic only due to the conditions of the road. She inquired as to the long term plans for the road.

The Commissioner, Development and Infrastructure Services advised that the road is shared with King Township and would need to be resurfaced or reconstructed. He advised he would share updates with the Councillor on the plans for the road.

11. Closed Session (if required)

Mayor Taylor advised there was no requirement for a Closed Session.

12. Public Hearing Matter

None.

13. Adjournment

Moved by: Councillor Bisanz

Seconded by: Councillor Woodhouse

1. That the meeting be adjourned at 4:29 PM

Carried

John Taylor, Mayor

Kiran Saini, Acting Town Clerk