



Town of Newmarket

Minutes

Committee of the Whole

Date: Tuesday, May 21, 2019
Time: 10:00 AM
Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor
Deputy Mayor & Regional Councillor Vegh
Councillor Simon
Councillor Woodhouse
Councillor Twinney
Councillor Morrison
Councillor Kwapis
Councillor Broome
Councillor Bisanz

Staff Present: J. Sharma, Chief Administrative Officer
P. Noehammer, Commissioner of Development & Infrastructure Services
I. McDougall, Commissioner of Community Services
L. Lyons, Director of Legislative Services/Town Clerk
K. Saini, Deputy Town Clerk
M. Mayes, Director of Financial Services/Town Treasurer
J. Unger, Acting Director of Planning & Building Services
R. Prudhomme, Director of Engineering Services
A. Cammaert, Senior Planner, Policy
A. Walkom, Legislative Coordinator

For consideration by Council on May 27, 2019.
The meeting was called to order at 10:02 AM.
The Committee of the Whole recessed at 12:11 PM and reconvened at 12:42 PM.
Mayor Taylor in the Chair.

1. Additions & Corrections to the Agenda

The Clerk advised of the following additions to the agenda:

- Item 3.1: Presentation - Regulations for Smoking By-law
- Item 3.2: Presentation - Development Charges
- Item 4.1: Deputation by Nagwa Mounir - Regulations for Smoking By-law
- Item 4.2: Deputation by Jim Arlow - Application for Zoning By-Law Amendment - 247 and 251 Kathryn Crescent
- Item 4.3: Deputation by Joanna Fast - 2019 Annual Servicing Allocation Review
- Item 4.4: Deputation by Nick Pileggi - 2019 Annual Servicing Allocation Review
- Item 4.5 Paul Bailey - 2019 Annual Servicing Allocation Review
- Item 5.4: Updated Exemption Process for Interim Control Bylaw 2019-04
- Item 5.10: Property Tax Rates and By-law for 2019

The Clerk advised of the following correction to the agenda:

- Item 5.5: By-Law to Regulate Backflow Prevention

Moved by: Councillor Broome

Seconded by: Councillor Morrison

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

Carried

2. Declarations of Pecuniary Interest

None.

3. Presentations & Recognitions

3.1 Regulations for Smoking By-law

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

The Deputy Clerk provided a presentation on the proposed regulations for a smoking by-law which included the results of a survey of Newmarket residents by phone as well as an online survey. The presentation also included an overview of the draft smoking by-law.

3.2 Development Charges - Statutory Public Meeting

Nataliya Kelbas, Hemson Consulting Ltd. provided a presentation regarding the Development Charges study. The presentation included an overview of the study process, the possible effects of Bill 108, and the calculated development charge rates.

Mayor Taylor invited anyone in attendance to speak on the matter.

No one in attendance came forward to speak on the matter.

Moved by: Councillor Simon

Seconded by: Councillor Twinney

1. That the presentation by Nataliya Kelbas regarding Development Charges be received.

Carried

4. Deputations

4.1 Regulations for Smoking By-law

Nagwa Mounir provided a deputation which outlined her concerns related to the health effects of public smoking.

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Councillor Woodhouse

1. That the deputation by Nagwa Mounir regarding Regulations for Smoking By-law be received.

Carried

4.2 Application for Zoning By-Law Amendment - 247 and 251 Kathryn Crescent

Jim Arlow provided a deputation regarding the Zoning By-law Amendment application for 247 and 251 Kathryn Crescent and advised of residents' concerns with the application.

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That the deputation by Jim Arlow regarding Application for Zoning By-Law Amendment - 247 and 251 Kathryn Crescent be received.

Carried

4.3 2019 Annual Servicing Allocation Review

Joanna Fast, Evans Planning Inc. provided a brief update for the project at 281 Main Street North and expressed appreciation for the inclusion of the project in the staff report recommendations for servicing allocation.

Moved by: Councillor Woodhouse

Seconded by: Deputy Mayor & Regional
Councillor Vegh

1. That the deputation by Joanna Fast regarding 2019 Annual Servicing Allocation Review be received.

Carried

4.4 2019 Annual Servicing Allocation Review

Nick Pileggi provided a deputation on behalf of Azure Homes regarding 172-178 Old Main Street. He requested that Council grant servicing allocation for 12 semi-detached units.

Moved by: Councillor Morrison

Seconded by: Councillor Simon

1. That the deputation by Nick Pileggi regarding 2019 Annual Servicing Allocation Review be received.

Carried

4.5 2019 Annual Servicing Allocation Review

Paul Bailey provided a deputation regarding the townhouse project by Shining Hill Estates and requested that Council allow the borrowing of servicing allocation for the project. Edward Graham, President, Civica Infrastructure provided Council with an overview of the process to identify and repair inflow and infiltration in the sewage infrastructure, which results in a gain in servicing allocation.

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the deputation by Paul Bailey regarding 2019 Annual Servicing Allocation Review be received.

Carried

5. Consent Items

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That sub-items 5.3, 5.5, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14 and 5.15 be adopted on consent. See following sub-items 5.1, 5.2, 5.4, 5.6, 5.7, and 5.8 for motions.

Carried

5.1 Regulations for Smoking By-law

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

Moved by: Councillor Twinney

Seconded by: Councillor Woodhouse

1. **That the presentation entitled Regulations for Smoking By-law be received; and,**
2. That the report entitled Regulations for Smoking By-law dated May 21, 2019 be received; and,
3. That Smoking By-law be enacted; and,
4. That Delegation By-law 2016-17 be amended; and,
5. That Parks By-law 2013-14 be amended; and,
6. **That permanent Designated Smoking Areas only for tobacco consumption be established at Town facilities, if required; and,**
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.2 Potential Redevelopment – 693 & 713 Davis Drive and 35 Patterson Street (Hollingsworth Arena Site)

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

Moved by: Councillor Twinney

Seconded by: Councillor Broome

1. That the report entitled “Potential Redevelopment - 693 & 713 Davis Drive and 35 Patterson Street (Hollingsworth Arena Site)”, dated April 29, 2019 be received;
2. **That Council endorse in principle the notion of redeveloping the properties municipally known as 693 Davis Drive, 713 Davis Drive and a portion of 35 Patterson Street, in a manner generally consistent with the conceptual drawings entitled “Scenario 1 – Site Plan” and “Scenario 1 – Aerial View”, attached to this Report, prepared by the Briarwood Development Group, dated December 7, 2018; and,**

3. That a public session be held for the purposes of obtaining public input into the potential future uses within the community park; and,
4. That Staff be directed to prepare options for the development of the community park and how they would be financed, which will include some or all of net proceeds from any future sale of a portion of the Hollingsworth Arena property; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.3 Site Specific Exemptions to Interim Control By-Law 2019-04

1. That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 dated April 29, 2019 be received.

5.4 Updated Exemption Process for Interim Control Bylaw 2019-04

Moved by: Councillor Twinney

Seconded by: Councillor Simon

1. That the report entitled Updated Exemption Process for Interim Control By-law 2019-04 dated May 21, 2019 be received; and,
2. That Council approve the updated process for exemption from Interim Control By-law 2019-04, as outlined in this report.

Carried

5.5 By-Law to Regulate Backflow Prevention

1. That the report entitled By-Law to Regulate Backflow Prevention dated March 13, 2019 be received; and,
2. That Council adopt a New Backflow Prevention Bylaw to regulate the installation and testing of backflow preventers, as described in this report and set out in Attachment 1; and,

3. That a copy of The Town of Newmarket's Backflow Prevention Bylaw be placed on the Town of Newmarket Website; and,
4. That new administration fees for surveys and testing of Backflow Preventers be added to the 2019 Fees and Charges as set out in Attachment 2, and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

5.6 Application for Zoning By-Law Amendment - 247 and 251 Kathryn Crescent

Moved by: Councillor Kwapis

Seconded by: Councillor Twinney

1. That the report entitled Application for Zoning By-Law Amendment 247 and 251 Kathryn Crescent dated May 21, 2019 be received; and,
2. That application for Zoning By-Law amendment, as submitted by Kariminejad Nobari, for lands on the north side of Kathryn Crescent, be referred to a statutory public meeting; and,
3. 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; and,
4. That Reza Hayati, Sunrise Constrade Corp., 7368 Yonge Street, Unit 210, Thornhill, L4J 8H9 be notified of this action.

Carried

5.7 2019 Annual Servicing Allocation Review

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

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Councillor Kwapis

1. That the report entitled 2019 Annual Servicing Allocation Review dated May 21, 2019 be received; and,
2. That Council rescind servicing allocation from the following developments:
 - a. 345-351 Davis Drive; and,
3. That Council reinstate servicing allocation to the following developments:
 - a. The Davis (175 Deerfield Rd);
 - b. Redwood Properties Phase 1 (17645 Yonge St);
 - c. Sundial Phase 2 (Davis Drive W);
 - d. Landmark Estates Phase 5 (Yonge St and Clearmeadow Blvd);
 - e. Maple Lane Homes (680 Gorham St); and,
4. That Council grant servicing allocation to the following developments:
 - a. Goldstein (16333 Leslie St);
 - b. Marianneville / Kerbel Phase 2 (I & I Program);
 - c. 281 Main St N;
 - d. **Azure Homes; and,**
5. **That Council grant servicing allocation to Shining Hill in the amount of 485 persons of capacity (179 units), subject to satisfying the following prior conditions:**
 - a. **An executed agreement and/or Memorandum of Understanding be entered into between the Town and Shining Hill, establishing a timeframe and any other associated conditions / securities for the servicing allocation repayment of 647 persons of capacity (to account for the capacity that was up-fronted, plus the Town's 25% allocation for its own use and reserve, as per the Inflow and Infiltration Agreement dated November 2, 2018); and, if necessary,**
 - b. **An amended Inflow and Infiltration Agreement, or other form of agreement to the satisfaction of the Town and York Region; and,**

6. **That Staff work with the owner of the Shining Hill development to establish a servicing allocation repayment timeframe and conditions associated with the granting of this allocation including but not limited to any required amendments to the inflow and infiltration agreement; and,**
7. **That the Town's resulting remaining servicing capacity (the Town Reserve) of 2797 persons of allocation (of which 20 persons of allocation is to be held in a Severance Reserve) be maintained; and,**
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.8 Regulatory Review for 2018-2022 Term of Council

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

Moved by: Councillor Simon

Seconded by: Councillor Kwapis

1. That the report entitled Regulatory Review for 2018-2022 Term of Council dated May 21, 2019 be received; and,
2. That Council repeal schedules 3, 5, 6, 8, 13 and 14 of Licensing By-law 2002-151; and,
3. That Staff be directed to implement the timelines for the review or development of by-laws and frameworks as set out within this report; and,
4. **That the matter of Short Term Accommodations and Rentals be scheduled to be presented to Council for consideration in Q1 2020; and,**
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.9 Council Appointments to the Newmarket Historical Society Board

1. That the report entitled Council Appointments to the Newmarket Historical Society Board dated May 21, 2019 be received; and,
2. That Council make no further appointment to the Newmarket Historical Society Board until the review of the Board structure is complete; and,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

5.10 Property Tax Rates and By-law for 2019

1. That the report entitled Property Tax Rates and By-law for 2019 dated May 22, 2019 be received; and,
2. That the property tax rates for 2019, as applied to the assessment roll returned in 2018 for 2019 taxation, be set for Town purposes as follows:
 - a. Residential 0.322917%;
 - b. Multi-Residential 0.322917%;
 - c. Commercial 0.413140%;
 - d. Industrial 0.507109%;
 - e. Pipeline 0.296761%;
 - f. Farm 0.080729%; and,
3. That the applicable Tax Rate By-law, attached as Appendix 'A' be forwarded to Council for approval; and,
4. That the Treasurer be authorized and directed to do all things necessary to give effect to this resolution.

5.11 Resolution from Brantford City Council regarding Single Use-Plastic Straws

Moved by: Councillor Simon

Seconded by: Councillor Morrison

1. That the Resolution from Brantford City Council regarding Single-Use Plastic Straws be received for information.

Carried

5.12 Accessibility Advisory Committee Meeting Minutes of June 21, 2018

1. That the Accessibility Advisory Committee Meeting Minutes of June 21, 2018 be received.

5.13 Heritage Newmarket Advisory Committee Meeting Minutes of July 3, 2018 and April 16, 2019

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of June 3, 2018 and April 16, 2019 be received.

5.14 Newmarket Public Library Board Meeting Minutes of January 16, 2019 and March 20, 2019

1. That the Newmarket Public Library Board Meeting Minutes of January 17, 2019 and March 20, 2019 be received.

5.15 Outstanding Matters List

1. That the list of outstanding matters be received.

6. Action Items

None.

7. Reports by Regional Representatives

None.

8. Notices of Motions

8.1 Single-Use Plastics

Councillor Simon provided notice for a motion regarding Single-Use Plastics.

9. Motions

9.1 Bill 108 Ontario Municipal Board Changes (Councillor Bisanz)

Moved by: Councillor Bisanz

Seconded by: Councillor Kwapis

Whereas the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support; and,

Whereas All parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and,

Whereas Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow; and,

Whereas On August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario and entered into “...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government.”; and,

Whereas This MOU is “enshrined in law as part of the Municipal Act”. And recognizes that as “...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest”; and,

Whereas By signing this agreement, the Province made “...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact”; and,

Whereas Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

Now Therefore Be it Hereby Resolved:

1. That the Town of Newmarket oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and,

2. That the Town of Newmarket call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and,
3. That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier and MPP Newmarket-Aurora, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and,
4. That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Carried

10. New Business

10.1 Newspaper Delivery

Councillor Broome advised she had received complaints from residents in her Ward regarding unwanted newspaper delivery and requested that staff investigate ways to deal with the issue.

10.2 Main Street District Business Improvement Area Board Update

Councillor Kwapis advised that the Main Street District Business Improvement Area Board had made two recommendations at its recent meeting regarding downtown parking and garbage collection.

10.3 Sacred Heart High School Parking

Councillor Woodhouse advised of concerns with parking related to Sacred Heart High School and requested that staff investigate the issues.

11. Closed Session

Moved by: Councillor Woodhouse

Seconded by: Deputy Mayor & Regional
Councillor Vegh

1. That the Committee of the Whole resolve into Closed Session to discuss the following matters:

- a. Hollingsworth Arena - A proposed or pending acquisition or disposition of land by the municipality or local board as per Section 239(2)(c) of the Municipal Act, 2001.

Carried

The Committee of the Whole resolved into Closed Session at 1:14 PM.

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

The Committee of the Whole resumed into Open Session at 2:08 PM.

11.1 Hollingsworth Arena

12. Public Hearing Matter

None.

13. Adjournment

Moved by: Councillor Twinney

Seconded by: Councillor Morrison

- 1. That the meeting be adjourned at 3:24 PM

Carried

John Taylor, Mayor

Lisa Lyons, Town Clerk