



Town of Newmarket

Agenda

Special Council Meeting - Electronic

Date: Monday, June 8, 2020
Time: 1:00 PM
Location: Streamed live from the Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

1. Notice

At this time, the Municipal Offices remain closed to the public. This meeting will be streamed live at newmarket.ca/meetings.

Deputations

Individuals who wish to address Council in relation to an item on this agenda have 2 options available.

1. Provide comments in writing to clerks@newmarket.ca no later than 11:00 AM on Monday June 8, 2020. These comments will be read aloud by the Mayor during the live meeting, considered with the related item, and will form part of the public record; or,
2. Join the live meeting using the Town's videoconferencing software and verbally provide your comments over video or telephone. To select this option, you must notify clerks@newmarket.ca no later than end of day Sunday, June 7, 2020 and be available to test your connection on Monday, June 8, 2020.

2. Additions & Corrections to the Agenda

***3. Conflict of Interest Declarations**

- Councillor Kwapis has declared a conflict related to items 5.3.1 & 5.3.2 - Site Specific Exemption to Interim Control By-law 2019-04 for 176 Parkview Crescent Staff Report and accompanying By-law. He advised that the property was located in close proximity to his house.
- Councillor Morrison has declared a conflict related to items 5.3.1 & 5.3.2 - Site Specific Exemption to Interim Control By-law 2019-04 for 176 Parkview Crescent

Staff Report and accompanying By-law. He advised that his parents reside on the same street as the request.

4. Closed Session

4.1 Approval of Closed Session Minutes

Note: Public reporting out of closed session matters was done at the Special Council - Electronic meeting on May 19, 2020.

4.1.1 Special Council - Electronic Meeting (Closed Session) Minutes of May 19, 2020

1. That the Special Council - Electronic Meeting (Closed Session) Minutes of May 19, 2020 be approved.

4.2 Newmarket-Tay Power and ENVI Financial Statements

A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization as per Section 239 (2) (i) of the Municipal Act, 2001.

5. Items

5.1 Newmarket Hydro Holdings Inc. 2019 Annual General Meeting

5.1.1 Presentation

Note: Ysni Semsedini, President, Newmarket-Tay Power Distribution Ltd. and Gianni Creta, President, Envi Network will be in attendance to address Council on this matter.

1. That the presentation by Ysni Semsedini, President, Newmarket-Tay Power Distribution Ltd. and Gianni Creta, President, Envi Network regarding the Newmarket Hydro Holdings Inc. 2019 Annual General Meeting be received.

5.1.2 Resolutions of the Sole Shareholder of Newmarket Hydro Holdings Inc.

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 Newmarket-Tay Power Distribution Ltd. (“NT Power”) and Envi Networks Ltd. (“Envi”); and 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, 2019 together with the report of the Corporation’s auditors, Baker Tilly KDN LLP (“Baker Tilly”), Chartered Accountants, formerly Collins Barrow, thereon dated May 20, 2020 be approved and adopted; and,
 - b. That Baker Tilly, 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; and,
 - c. That Jag Sharma, 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; and,
 - d. That Jag Sharma, so long as he is the sole director of the Corporation, shall represent the Corporation at meetings of shareholders of NT Power and Envi; and,
 - e. 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, 2019, 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; and,

2. That the Mayor, as the Sole Shareholder's legal representative, direct Jag Sharma, 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, 2019 together with the report of NT Power's auditors, Baker Tilly, thereon dated April 29, 2020 be approved and adopted; and,
 - b. That Baker Tilly, 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; and,
 - c. That J. Taylor, T. Walker, D. Charleson, B. Gabel, C. Prattas, P. Sardana, and D. Wattling are elected directors of NT Power to hold office until the next annual meeting of shareholders or until their successors are elected or appointed; and,
 - d. 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, 2019, 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; and,
3. That the Mayor, as the Sole Shareholder's legal representative, direct Jag Sharma, the sole director and legal representative of the Corporation, to sign the following Envi shareholder resolutions in lieu of an annual meeting:
 - a. That the financial statements of Envi for the financial year ended December 31, 2019 together with the report of Envi's auditors, Baker Tilly, thereon dated April 7, 2020 be approved and adopted; and,
 - b. That Baker Tilly, Chartered Accountants, be appointed auditors of Envi 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; and,

- c. That I. Collins, J. Piercy, and B. Kwapis are elected directors of Envi to hold office until the next annual meeting of shareholders or until their successors are elected or appointed; and,
- d. That all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the directors and officers of Envi to December 31, 2019, 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 Envi, are approved, sanctioned and confirmed.

5.2 Community Efficiency Financing (CEF) Program

5.2.1 Presentation

Note: Adir Glikson, Community Energy Plan Administrator and Brett Morrow, Grant Coordinator, will be in attendance to provide a presentation on this matter.

- 1. That the presentation by Adir Glikson, Community Energy Plan Administrator and Brett Morrow, Grant Coordinator, regarding the Community Efficiency Financing (CEF) Program be received.

5.2.2 Staff Report - Community Efficiency Financing (CEF) Program

- 1. That the report entitled Community Efficiency Financing (CEF) Program dated June 8, 2020 be received; and,
- 2. That the Newmarket Energy Efficiency Retrofit (NEER) Business Case, as presented during the September 30th, 2019 workshop, be approved in principle; and,
- 3. That the Resolution, included as Attachment 2 to this Report, be approved; and,
- 4. That staff be directed to apply to the Community Efficiency Financing program issued by the Federation of Canadian Municipalities (FCM); and,
- 5. That staff be authorized and directed to do all things necessary to give effect to this resolution

5.3 Site Specific Exemption to Interim Control By-law 2019-04 for 176 Parkview Crescent

5.3.1 Staff Report - Site Specific Exemption to Interim Control By-law 2019-04 for 176 Parkview Crescent

1. That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 for subject property 176 Parkview Crescent dated June 8, 2020 be received; and,
2. That Council approve the requested site-specific exemption to Interim Control by-law 2019-04 for 176 Parkview Crescent and adopt the attached exemption by-law.

5.3.2 By-law (Attachment 3 to staff report)

2020-28 A By-law to grant a site specific exemption for the property with the Municipal address of 176 Parkview Crescent, Newmarket, from Interim Control By-law 2019-04.

1. That By-law 2020-28 be enacted.

5.4 COVID-19 Recovery - Main Street Pedestrian Zones and Town-Wide Patio Expansion

1. That the report entitled COVID-19 Recovery - Main Street Pedestrian Zones and Town-Wide Patio Expansion dated June 8, 2020 be received; and,
2. That Council direct staff to put Town-wide plans in place to respond to future Provincial announcements with respect to restaurant and retail expanded openings through working in collaboration with the BIA, the Chamber of Commerce and local restaurant operators and retailers; and,
3. That for 2020, Council direct staff to waive patio licensing fees for 2020; and,
4. That for the 2020 patio season, Council delegates its authority to staff to amend the current Outdoor Serving Patio Program with respect to hours of operation, encroachment on Town lands, and any other relevant provisions to facilitate outdoor patios on a temporary basis; and,
5. That infrastructure/material/set up/tear-down costs associated with the downtown pedestrian zones in 2020 that directly involve the use of Town property be funded by the Town through the operating budget and/or applicable reserves as required; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

*5.4.1 Written Deputation - Leonard Martens

1. That the written deputation from Leonard Martens regarding COVID-19 Recovery - Main Street Pedestrian Zones and Town-Wide Patio Expansion be received.

*5.5 30 minute parking restriction along Main Street to facilitate curb side pick-up

Note: Emergency Order No. 1 attached for information purposes only.

The Strategic Leadership Team/Operational Leadership Team recommend:

1. That Council provide direction on whether to continue to restrict parking on Main Street to 30 minutes; and,
2. That, should Council approve 30 minute parking restrictions along Main Street, an expiration date of these parking restrictions be defined and approved.

***5.6 Community Support**

1. That Council approve up to an additional \$25,000 to be allocated towards community support such as enhanced food bank operations, meal programs or other community needs; and,
2. That Council direct the Director, Recreation & Culture to coordinate with the appropriate community partners to provide assistance; and,
3. That the Treasurer be directed to provide funding from the appropriate sources for this program.

5.7 Information Report - Traffic Calming: 2019 and 2020 Flexible Bollard Programs

Note: This report was placed on the agenda at the request of Councillor Bisanz.

The Strategic Leadership Team/Operational Leadership Team recommend:

1. That the Information Report entitled Traffic Calming: 2019 and 2020 Flexible Bollard Programs, dated March 13, 2020, be received for information purposes.

5.8 Information Report - Discouraging the Unauthorized Demolition of Designated Heritage Buildings

Note: This report was placed on the agenda at the request of Councillor Kwapis.

The Strategic Leadership Team/Operational Leadership Team recommend:

1. That the Information Report entitled Discouraging the Unauthorized Demolition of Designated Heritage Buildings, dated May 14, 2020, be received for information purposes.

5.9 Approval of Minutes

5.9.1 Special Council - Electronic Meeting Minutes of May 19, 2020

1. That the Special Council - Electronic Meeting Minutes of May 19,

2020 be approved.

5.9.2 Special Council - Electronic Meeting Minutes of May 25, 2020

1. That the Special Council - Electronic Meeting Minutes of May 25, 2020 be approved.

6. Confirmatory By-law

1. That By-law 2020-29 be enacted.

7. Adjournment



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Statement to Disclose Conflict of Interest or Pecuniary Interest

This form is used to file a written statement of conflict of interest or pecuniary interest and its general nature with the Town Clerk as required by Section 5.1 of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50.

Member's Name:	Bob Kwapis
Position:	Councillor Ward 5
Council / Committee / Board:	Council
Date of Meeting:	Special Council Meeting, June 8, 2020
Agenda Item Number:	5.3.1 and 5.3.2
Agenda Item Title:	ICB by-law 2019-04 for 176 Parkview Cr.

General nature of the conflict of interest or pecuniary interest:

Please note that on Monday June 8th Special Council meeting, I will be declaring a conflict of interest for agenda items 5.3.1 and 5.3.2. The property forementioned is a few doors up, on the same street as where I reside.

This form will become part of the Town of Newmarket's registry of disclosures and will be made publically available in accordance with subsection 6.1(1) and 6.1(2) of the Municipal Conflict of Interest Act.



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Statement to Disclose Conflict of Interest or Pecuniary Interest

This form is used to file a written statement of conflict of interest or pecuniary interest and its general nature with the Town Clerk as required by Section 5.1 of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50.

Member's Name:	Trevor Morrison
Position:	Ward 4 Councillor
Council / Committee / Board:	
Date of Meeting:	June 8, 2020
Agenda Item Number:	5.3.1 & 5.3.2
Agenda Item Title:	ICB by-law 2019-04 for 176 Parkview Cres

General nature of the conflict of interest or pecuniary interest:

My parents reside a few houses down on the same street as the exemption request.

This form will become part of the Town of Newmarket's registry of disclosures and will be made publically available in accordance with subsection 6.1(1) and 6.1(2) of the Municipal Conflict of Interest Act.



Annual General Meeting

NEWMARKET HYDRO HOLDINGS INC.





Consolidated Financial Statements



Required Motions

- Approval of Financial Statements
- Approval of Auditors
- Approval of Directors
- Approval of Past Acts



COVID-19 Impacts

- Closed to the Public.
- Extension of Moratorium on Disconnects
- Global Adjustment- \$115 Mw/h Deferral
- Time of Use Rates
- Working From Home



COVID-19 Impacts

IMPACT ON FINANCIALS

- Top Line
- Bad Debt
- Dividends



COVID-19 Impacts

MITIGATION STRATEGY

- Variance Accounts
- Working With Customers
 - Mitigate Interest
 - Apply Deposits
 - Finding Programs
 - Payment Arrangements



Looking Ahead

- COVID-19
- Midland Integration
- “One Company”

Business Review

- 2019 – first year of revenue
- 100+ Customers Contracted to date
- Approximately 18 KM of fibre built to date
- Product Offering includes ONNET fibre, OFFNET fibre, and Voice services

COVID-19 Impacts

- Employees moved to working remote
- Customer Installs
- Impact on Financials
 - Revenue
 - Costs
 - Accounts Receivable
- Government Programs

Looking Ahead

- Further Covid-19 Impacts
- Revised Business Plan
- Sales restart
- Expanded target / product offering

Questions



FINANCIAL STATEMENTS OF

**NEWMARKET HYDRO HOLDINGS
INC**

**December 31, 2019
(Unaudited - see Notice to Reader)**

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Baker Tilly KDN LLP
272 Charlotte Street
Peterborough, ON
Canada K9J 2V4

D: 705.742.3418
F: 705.742.9775

www.bakertilly.ca

NOTICE TO READER

On the basis of information provided by the company, we have compiled the balance sheet of Newmarket Hydro Holdings Inc as at December 31, 2019 and the statement of income and retained earnings for the year then ended.

We have not performed an audit or a review engagement in respect of these financial statements and, accordingly, we express no assurance thereon.

Readers are cautioned that these statements may not be appropriate for their purposes.

Baker Tilly KDN LLP

Chartered Professional Accountants
Licensed Public Accountants

Peterborough, Ontario
May 20, 2020

ASSURANCE • TAX • ADVISORY

Baker Tilly KDN LLP is a member of Baker Tilly Canada Cooperative, which is a member of the global network of Baker Tilly International Limited. All members of Baker Tilly Canada Cooperative and Baker Tilly International Limited are separate and independent legal entities.

Peterborough

Courtice

Lindsay

Cobourg

NEWMARKET HYDRO HOLDINGS INC

BALANCE SHEET

(Unaudited - see Notice to Reader)

As at December 31, 2019

	2019	2018
	\$	\$
ASSETS		
Current assets		
Cash	477,399	340,760
Accounts receivable	236,654	593
Income taxes receivable	4,442	-
Due from related party	2,415,360	2,450,663
	3,133,855	2,792,016
Property, plant and equipment		
Land	2,779	2,779
Other assets		
Investment in Ecobility Inc.	172,547	-
Investment in Newmarket-Tay Power Distribution Ltd.	25,240,392	25,240,392
Investment in Envi Networks Ltd.	1,879,906	1,785,600
	27,292,845	27,025,992
	30,429,479	29,820,787
LIABILITIES AND SHAREHOLDERS' EQUITY		
Current liabilities		
Accounts payable and accrued liabilities	11,000	11,000
Income taxes payable	-	6,233
	11,000	17,233
Shareholders' equity		
Share capital	29,609,342	29,609,342
Retained earnings	809,137	194,212
	30,418,479	29,803,554
	30,429,479	29,820,787

NEWMARKET HYDRO HOLDINGS INC
STATEMENT OF INCOME AND RETAINED EARNINGS
(Unaudited - see Notice to Reader)
For the year ended December 31, 2019

	2019 \$	2018 \$
Revenue		
Dividend income	1,336,000	2,842,600
Equity income from Ecobility	520,947	-
Interest income	126,468	123,637
Miscellaneous income	8,483	97,151
	1,991,898	3,063,388
Expenses		
Administration	17,415	11,018
Income before income taxes	1,974,483	3,052,370
Income taxes	23,558	31,433
Net income for the year	1,950,925	3,020,937
Retained earnings (deficit) - beginning of year	194,212	(1,490,725)
	2,145,137	1,530,212
Dividends paid	(1,336,000)	(1,336,000)
Refundable dividend tax	(33,443)	(49,433)
Refundable dividend tax recovered	33,443	49,433
Retained earnings - end of year	809,137	194,212

RESOLUTIONS OF THE SOLE SHAREHOLDER OF NEWMARKET HYDRO HOLDINGS INC.

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 Newmarket-Tay Power Distribution Ltd. (“NT Power”) and Envi Networks Ltd. (“Envi”); and 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, 2019 together with the report of the Corporation’s auditors, Baker Tilly KDN LLP (“Baker Tilly”), Chartered Accountants, formerly Collins Barrow, thereon dated May 20, 2020 be approved and adopted; and
- b. THAT Baker Tilly, 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; and
- c. THAT Jag Sharma, 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; and
- d. THAT Jag Sharma, so long as he is the sole director of the Corporation, shall represent the Corporation at meetings of shareholders of NT Power and Envi; and

**RESOLUTIONS OF THE SOLE SHAREHOLDER
OF NEWMARKET HYDRO HOLDINGS INC.**

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, 2019, 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 Jag Sharma, 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, 2019 together with the report of NT Power's auditors, Baker Tilly, thereon dated April 29, 2020 be approved and adopted.

b. THAT Baker Tilly, 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.

c. THAT J. Taylor, T. Walker, D. Charleson, B. Gabel, C. Prattas, P. Sardana, and D. Watling are elected directors of NT Power to hold office until the next annual meeting of shareholders or until their successors are elected or appointed.

d. 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, 2019, 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.

3. AND THAT the Mayor, as the Sole Shareholder's legal representative, direct Jag Sharma, the sole director and legal representative of the Corporation, to sign the following Envi shareholder resolutions in lieu of an annual meeting:

a. THAT the financial statements of Envi for the financial year ended December 31, 2019 together with the report of Envi's auditors, Baker Tilly, thereon dated April 7, 2020 be approved and adopted; and

b. THAT Baker Tilly, Chartered Accountants, be appointed auditors of Envi 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; and

c. THAT I. Collins, J. Piercy, and B. Kwapis are elected directors of Envi to hold office until the next annual meeting of shareholders or until their successors are elected or appointed; and

June 8, 2020

**RESOLUTIONS OF THE SOLE SHAREHOLDER
OF NEWMARKET HYDRO HOLDINGS INC.**

d. AND THAT all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the directors and officers of Envi to December 31, 2019, 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 Envi, are approved, sanctioned and confirmed.

Dated as of the 8th day of June, 2020.

John Taylor, Mayor



Community Efficiency Financing Program

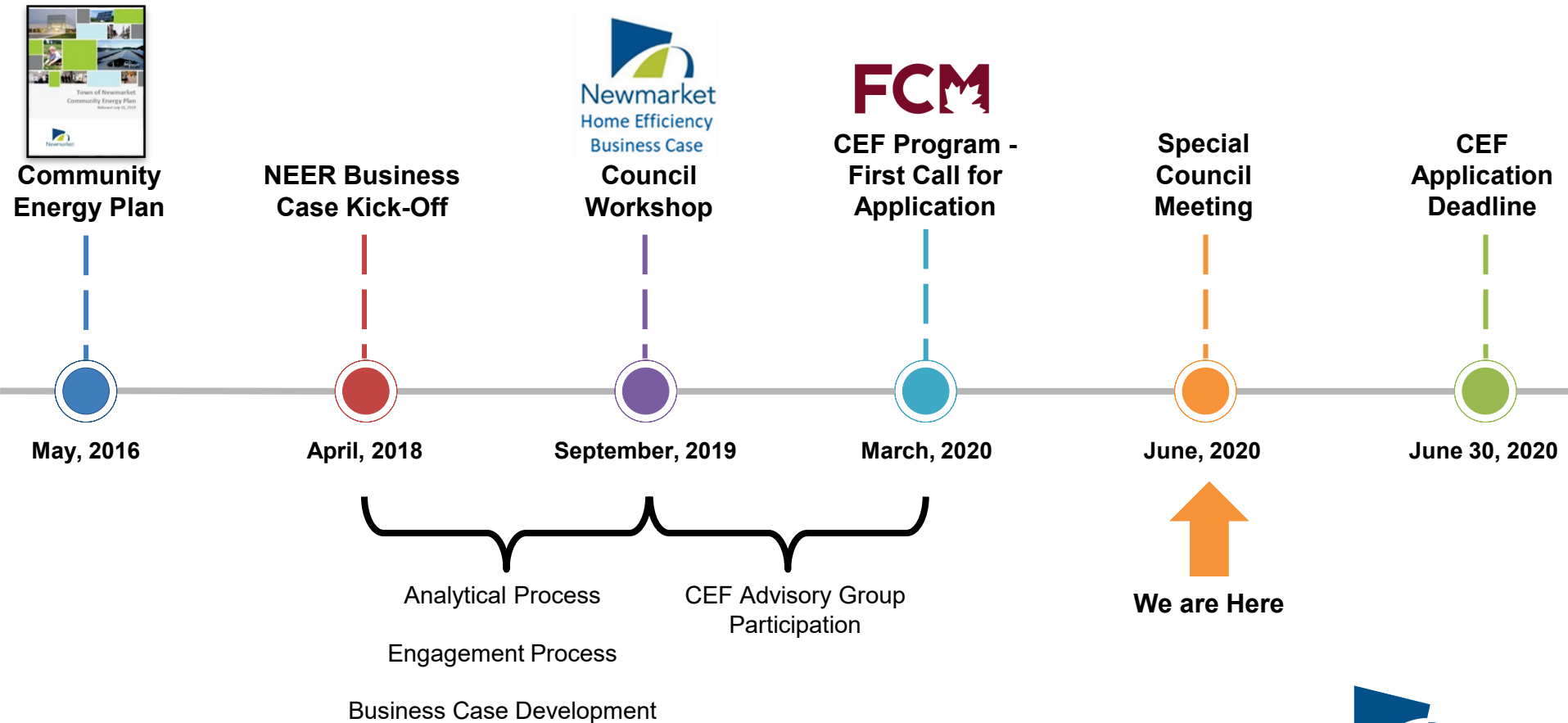
Prepared by: Adir Glikson & Brett Morrow

Date: June 8, 2020

Agenda

1. Newmarket Energy Efficiency Retrofit (NEER) Project Timeline
2. Community Efficiency Financing (CEF) Program
3. Funding Opportunity: Why is this being advanced now?
4. Benefits for Applying to First Round
5. Proposed Funding Request
6. Three Possible Future Scenarios
7. CEF Funding Requirements: What is required from Council?
8. Milestone (Decision Points)

Newmarket Energy Efficiency Retrofit (NEER) Project Timeline



Community Efficiency Financing Program

\$300M allocated to support the financing of municipally-led residential energy retrofit programs across Canada

- Provide support for municipalities to create and implement innovative financing mechanisms:
 - Investments in energy efficiency and renewable energy generation
- Funding studies/plans and capitalize existing/new programs
- Accelerate the NEER initiative and address several risks:
 - Secure start-up capital for Business Plan,
 - Provide resource to enact & administer an LIC By-law
 - Finance both the launch & initial 3 years of the program

Funding Opportunity:

Why this is being advanced now?

First Call for Application (*March 31st, 2020 – June 30th, 2020*)
For existing programs looking to recapitalize or capitalize new programs

Initiatives	Description	Funding Type & Maximum Amount
Program Development & Capitalization (Loan/Grant Hybrid)	<p>Capital and grant funding to support the development and launch of local initiatives</p> <p>FCM will fund up to 80% of program costs. The municipality must fund the remaining 20%</p>	A loan of up to \$10M, with an accompanying grant of up to 50% of the loan amount

Benefits for Applying First Round



Funding to complete detailed business plan and beyond



National profile and Canada-wide recognition for ambitious leadership and invitations to present their work at conferences and other learning events



Access to technical advice to help ensure their program is successfully launched or scaled up and achieves the expected results



Participation in a peer learning network of early adopters of residential energy financing programs

Proposed Funding Request

Proposed Funding Request	Funding Use
Grant (seek full \$5M)	<ul style="list-style-type: none">• First use of grant funds would be to create a detailed Business Plan, as per direction from Council<ul style="list-style-type: none">○ ~\$150K cost funded by FCM at 80%• Only after Council is comfortable with the Business Plan and approves it, would the NEER Program be launched and additional capital resources used
Low Interest Loan (seek full \$10M)	<ul style="list-style-type: none">• Used for implementing NEER only subject to approval of the above Business Plan

- FCM will fund 80% of program costs with the municipality committing to fund the remaining 20%

Three Possible Future Scenarios

Scenarios	Financial Impact	Next Steps
1. CEF application submitted but funding not approved	<ul style="list-style-type: none"> Internal cost to prepare CEF application 	If first round unsuccessful, staff will submit an application to FCM's Second Call For Applications (i.e. up to \$175K in funding towards studies/plans)
2. Funding approved & business plan created	<ul style="list-style-type: none"> Business plan is created (~\$150K) Internal cost to prepare Business Plan 	Grant funds would be used to develop the Business Plan which would be 80% funded by FCM
3. Full funding received & business plan created, Council approves NEER launch & remaining CEF funding accessed	<ul style="list-style-type: none"> FCM to provide up to \$15M (80% of project costs) to launch NEER (\$5m forgivable grant; \$10m loan) Newmarket (i.e. NEER Entity) will need to commit 20% of project costs <ul style="list-style-type: none"> ~\$3.75M over 4-years 	<p>Dependent on advice of FCM-funded business plan</p> <p>Note: Should less than the full amount be approved, the 20% would be lower as well</p>

CEF Funding Requirements:

What is required from Council?



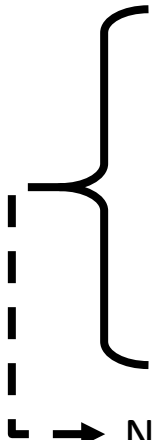
A community energy plan that identifies energy efficiency in the residential sector as a priority area for action



A feasibility study or business case for launching the program



Proof of legal authority to pursue the proposed initiative



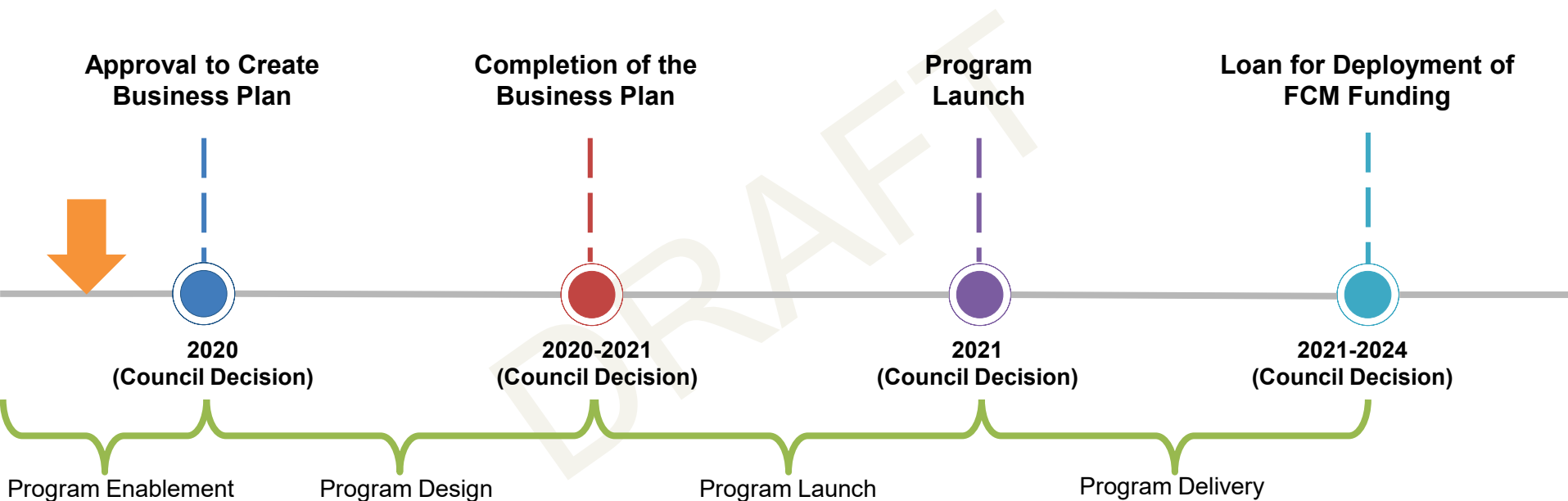
A resolution which authorizes the use of the specified financing mechanism in accordance with relevant provincial/territorial legislation

A municipal council resolution committing to capitalize or recapitalize the program

→ Note: Requirements will be fulfilled upon approval of the Resolution

Milestones (Decision Points)

Note: Each milestone accompanies a decision point from Council to proceed to the next phase



Thank you



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Community Efficiency Financing (CEF) Program Staff Report to Council

Report Number: 2020-38

Department(s): Planning and Financial Services

Author(s): Adir Glikson and Brett Morrow

Meeting Date: June 8, 2020

Recommendations

1. That the report entitled Community Efficiency Financing (CEF) Program dated June 8, 2020 be received; and,
2. That the Newmarket Energy Efficiency Retrofit (NEER) Business Case, as presented during the September 30th, 2019 workshop, be approved in principle; and,
3. That the Resolution, included as Attachment 2 to this Report, be approved; and,
4. That staff be directed to apply to the Community Efficiency Financing program issued by the Federation of Canadian Municipalities (FCM); and,
5. That staff be authorized and directed to do all things necessary to give effect to this resolution

Executive Summary

The Federation of Canadian Municipalities (FCM) has recently made available a funding opportunity for municipalities looking to launch a home energy efficiency retrofit financing program. Through the Town's past efforts with the approval of its Community Energy Plan (CEP) and the Newmarket Energy Efficiency Retrofit (NEER) initiative, the Town is in a unique position to apply to this funding. This funding (if secured) is proposed to be used to fund the development of a detailed NEER business plan, secure start-up capital for the NEER program, provide the Town with the resources to enact & administer a Local Improvement Charge (LIC) By-law, and provide low-interest loans for homeowners to finance residential energy efficiency retrofits.

Purpose

The purpose of this report is to seek Council approval of the attached Resolution (Attachment 2) in order to satisfy the requirements to apply to the Community Efficiency Financing Program funding.

Background

Since the Council approval of the Community Energy Plan (CEP) in May 2016, staff have been investigating effective and economical means for implementing the strategies outlined within the plan. The CEP recommends that the Town investigate the creation of a program that will deliver high-quality and standardized residential energy efficiency retrofit packages.

Following approval of the CEP, the Town completed a Business Case examining the potential of such a program and the findings were then presented to Council during a workshop on September 30th, 2019. A summary of the NEER initiative is included as Attachment 1 to this Report and for the full document please contact planning@newmarket.ca. At that time, staff indicated that a further report would be forthcoming with recommendations regarding the Business Case.

With the Business Case now prepared and the recent release of a funding opportunity, the time is ideal to proceed with the next steps of this project.

Discussion

Community Efficiency Financing (CEF) Program

Through the 2019 Federal Budget, FCM's Green Municipal Fund was granted \$950 million to create three new programs all focusing on increasing energy efficiency in residential, commercial and multi-unit buildings. \$300 million of this \$950 million has been earmarked for the delivery of the Community Efficiency Financing (CEF) program. The focus of the \$300 million is to provide support for municipalities to create and implement innovative financing mechanisms geared towards accelerating investments in energy efficiency and renewable energy generation.

Funding is available for municipalities looking to both complete studies/plans and capitalize on existing/new programs. With the NEER Business Case complete, this funding opportunity can significantly accelerate the implementation of the NEER initiative and address several risks/assumptions identified in the NEER Business Case. Specifically, the CEF program provides municipalities with the opportunity to develop detailed business plans, secure start-up capital for program implementation, and finance homeowner retrofits in the community. Each of these three points were identified as challenges in the Business Case.

Funding Breakdown

The CEF program will offer municipalities the following financial support:

Table 1: Funding Opportunity

Initiatives	Description	Funding Type & Maximum Amount
Program Capitalization (Loan)	Capital to support the launch or growth of local initiatives	A loan of up to \$10M, with an accompanying grant of up to 50% of the loan amount. The GMF contribution (i.e. combination of the loan grant) can cover up to 80% of total eligible costs
Studies (grant)	Support municipalities to develop or refine a concept up to the point that it may be ready to apply for capitalization	Up to 80% of the eligible costs to a maximum of \$175k
Credit Enhancement (Loan Guarantee)	A partial loan guarantee to be used to help leverage third party capital	A partial loan guarantee of up to \$2M

Funding Timeline

The development and launch of the CEF Program will proceed in three phases:

Table 2: CEF Application Timeline

Phase	Description	Available Funding Type	Timeline
First Call for Application	This is for municipalities with existing programs looking to recapitalize or capitalize new programs.	<ul style="list-style-type: none"> Program Capitalization Credit Enhancement 	March 31 st , 2020 – June 30 th , 2020
Second Call for Application	This will be for municipalities who are ready to explore financing programs or undertake program design.	<ul style="list-style-type: none"> Studies (grants) 	June 30 th , 2020 – October 31 st , 2020

Standing Offer	Municipalities new to energy efficiency financing, or municipalities looking for additional capital and research will be eligible to apply.	<ul style="list-style-type: none"> • Studies (grants) • Program Capitalization • Credit Enhancement 	<i>Winter 2021</i>
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Why Apply Now?

During the Fall 2019 Workshop, Council addressed several challenges to the NEER Business Case including scalability, program education, capacity building and third-party federal support. Applying for the “First Call for Application” will allow Newmarket to unlock start-up capital to complete a detailed Business Plan which would complete a greater investigation into the market potential of the NEER Program and review the assumptions made in the Business Case. The current funding opportunity offered by FCM is particularly attractive as it goes beyond the creation of the detailed Business Plan and could provide the Town with access to enough resources to enact & administer an LIC By-law and finance the launch as well as the initial years of program operation.

Successful applicants during the first round will also benefit from the following capacity building support:

1. Participation in a peer learning network of early adopters of residential energy financing programs, including in-person and virtual meetings to exchange best practices and lessons learned with each other and with the Green Municipal Fund (GMF).
2. Access to technical advice to help ensure their program is successfully launched or scaled up and achieves the expected results.
3. National profile and recognition for their funded programs and invitations to present their work at conferences and other learning events.

Through the Town’s past efforts with the approval of its CEP and the NEER Business Case, the Town is in a unique position to apply to the first round.

Funding Eligibility

The CEF program will be open to projects/programs that meet the following requirements:

1. The project must utilize at least one financing approach (i.e. Local Improvement Charges, on-bill financing, etc.).
2. The project must have the potential to generate quantifiable energy savings, greenhouse gas reductions and environmental benefits.

With the approval of the Recommendations of this Report, Newmarket's NEER Program will satisfy both of these requirements.

To apply for the first call for application a municipality must have the following prerequisites:

1. A community energy plan that identifies energy efficiency in the residential sector as a priority area for action
2. A feasibility study or business case similar for the launching program
3. A resolution which authorizes the use of the specified financing mechanism in accordance with relevant provincial/territorial legislation
4. A municipal council resolution committing to capitalize or recapitalize the program
5. Proof you have legal authority to pursue the proposed initiative (e.g., a letter from your Province/Territory or Legal Counsel)

As will be discussed in the next section of this Report, Newmarket currently satisfies 3 of the 5 prerequisites. With the approval of the Recommendations for this Report, all 5 of these prerequisites will be satisfied.

Town Commitment

At its current state, the Town satisfies several of the prerequisites mentioned above including the implementation of a Community Energy Plan, a Business Case supporting the creation of a home energy efficiency retrofit program and provincial regulations permitting the use of the LICs as a financing mechanism for energy efficiency retrofitting (Ontario Regulation 586/06: Local Improvement Charge - Lien Status). To satisfy the remaining prerequisites and submit a competitive application, approval of the Resolution attached to this Report is required. This will demonstrate the following commitment:

1. To authorize the use of LICs as Newmarket's financing mechanism for the NEER Program; and,
2. That the Town commits to capitalizing 20% of total eligible costs only if Newmarket is successful in securing funds and Council approves the detailed Business Plan.

It is anticipated that at this time Newmarket will apply for the current funding round to take advantage of the capitalization opportunity to help finance the preparation of the detailed Business Plan as per Council comments during the Council Workshop on September 30, 2019. Only after Council is comfortable with the Business Plan and approves it, would the Town then proceed to setting up the Entity and launching the Program using the additional capital resources.

Next Steps

This Report enables Newmarket to apply for CEF funding and position the Town to champion an effective residential energy efficiency retrofitting program. There will still be

decision points to make before Council commits to the launch of the program including the approval of the Business Plan and enacting an LIC By-law.

If the recommendations of this Report are approved, municipal staff will submit an application to the CEF Program under the authority of the Mayor and CAO. This funding (if secured) is proposed to be used to fund the development of a detailed NEER business plan and, subject to its approval by Council, secure start-up capital for the NEER program, provide the Town

Conclusion

A funding opportunity now exists that could help accelerate the next phase of the NEER project, being the preparation of a full Business Plan and securing start-up capital that would mitigate financial risks. The recommendations of this report will provide staff with an approved Business Case and a Resolution supporting, in principle, the creation of an effective home energy efficiency retrofit program and makes use of a creative financing mechanism which are both requirements to apply for funding. An approved Business Case and an adopted Council Resolution will put the Town in a strong position to apply to this current funding opportunity.

Business Plan and Strategic Plan Linkages

1. Long-term Financial Sustainability:
 - a. Through establishing a self-sustaining entity which collaborates with the community while retaining financial stability, and;
By providing an affordable finance method for homeowners to better integrate smart and energy-efficient solutions.
2. Economic Leadership and Job Creation:
 - a. With long-term, predictable work for local retrofit contractors.
3. Environmental Stewardship:
 - a. With the continuing implementation of the Community Energy Plan (CEP)
 - b. Aligns with Council's recent Climate Emergency declaration
 - c. Support highly effective partnership with LSRCA, MECP, York Region, NTPower

Consultation

Regular consultation with a multi-departmental internal working group was held. Departments included Building & Planning, Financial Services and Strategic Initiative. The creation of the Report and Resolution was also supported by Brent Kopperson, Founder and Executive Director of Windfall Ecology Centre.

Human Resource Considerations

None.

Budget Impact

The Community Efficiency Financing program will fund up to 80% of program costs which are inclusive of a hybrid of low-interest loans used to finance residential retrofits (up to \$10 million) and grant funding to fund the development of a business plan and the start-up operating costs associated with the implementation of the business plan (up to \$5 million).

It is proposed that Newmarket will apply for the maximum loan and grant amounts which equate to a total funding request of \$15 million from the Community Efficiency Financing program. This request will require Newmarket to fund 20% of the total program costs. Initially, this would include the creation of the detailed NEER Business Plan which the Business Case estimated approximately \$150,000. Only after Council is comfortable with the detailed Business Plan and approves it, would the Town then proceed to setting up the Entity and launching the Program using the additional capital resources. This would equate to a maximum of \$3.75 million (i.e. if FCM will provide \$15 million to fund 80% of total program costs the maximum program cost is \$18.75 million. This makes Newmarket's maximum funding \$3.75 million/20% of total program costs). Should the Town not accept the detailed Business Plan, our risk exposure is potentially \$150,000 and termination of our agreement with FCM.

The Town's commitment would most likely come from an internal loan to be repaid as quickly as possible however this would need to be determined through further work as part of the Business Plan. The internal loan from reserves will be repaid from the NEER entity employing as quick a payback period as possible. This funding approach would minimize any impacts to Newmarket's ratepayers and taxpayers as the principal plus interest will be repaid to the Town's reserves.

Attachments

Attachment 1: *Newmarket Energy Efficiency Retrofit (NEER) Business Case Summary.pdf*

Attachment 2: *Community Efficiency Financing Resolution.pdf*

Attachment 3: *Community Efficiency Financing - FAQ.pdf*

Submitted by

Adir Glikson, Community Energy Plan Administrator, Planning Services

Approved for Submission

Adrian Cammaert, Acting Manager, Planning Services
Community Efficiency Financing (CEF) Program

Jason Unger, Acting Director, Planning & Building Services

Mike Mayes, Director, Financial Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

Contact

For more information on this report, contact: Adir Glikson, Community Energy Plan Administrator, at (905)-953-5300, ext. 2419, aglikson@newmarket.ca.

Newmarket Energy Efficiency Retrofit (NEER) Initiative Summary

The Community Energy Plan (CEP) was approved by Newmarket Council in May 2016 and provides a framework for achieving a community-wide reduction in annual energy usage as well as greenhouse gas (GHG) emissions production by 50% per capita by 2041. To address challenges in the residential sector, it was recommended that the Town investigate the creation of an organization that will deliver high-quality, standardized residential energy efficiency retrofit packages to homeowners.

The Business Case has found that the current energy efficiency retrofit market across the country is unattractive for homeowners and contractors. As a contractor, the cost of preparing customized retrofit proposals is high and project uptake is low. Low project uptake and the fact that every project is specific to each household means that material costs are expensive and performance guarantees are risky and difficult to validate. From the perspective of homeowners, gathering understandable bids from contractors is burdensome. As well, homeowners are typically responsible for finding their own sources of upfront financing. Finally, low project uptake results in retrofit costs that normally exceed the value of energy saving.

The NEER initiative looks to solve this market challenge by offering standardized energy retrofits to homeowners at high volumes. Contractors would benefit from increased project predictability, improved margins and higher project volumes. Homeowners would benefit from a more streamlined retrofit process, guaranteed pricing, lower-cost retrofits and a simple payment mechanism. Homeowners also benefit instantly with a more energy-efficient household, greater resilience against rising energy costs, enhanced comfort/thermal control and increased durability from fluctuating weather changes.

The standardized retrofit packages would be designed to deliver annual energy savings between 30 to 50%, and 20% water saving to homeowners. Modelling for the NEER Business Case confirms that these savings could be achieved with existing technologies. The package cost would be priced at a fixed cost per square footage of the home (e.g. \$/m²) and be dependent on home size, age & type. This minimizes transaction costs and complexity. The benefit of this approach is that the retrofit will be easy to buy and easy to sell. Additionally, this will avoid the cost and inconvenience of site evaluation, energy auditing, and other activities before pricing and concluding the sale. The package would include most if not more of the following retrofits:

- **Windows**
 - Replace windows to target efficiency level
- **Weatherization**
 - Weather-strip all doors, windows and other openings
- **Attic insulation**
 - Upgrade to target R-Value with “batts” or “snow”
- **Other insulation wherever feasible**
 - Allocation for high-impact measures
- **HVAC upgrades**
 - Replace AC / Furnace / Water Heater to target efficiency levels
 - Limited pipe and duct insulation
- **Lighting / Other Electricity**
 - 100% LED re-lamping
 - Allocation for Smart Strips

- Occupancy sensors
- **Water / Hot Water**
 - Low-Flow faucet regulators & shower heads
 - Toilet flow regulators
- **Comfort Controls**
 - Install Smart Thermostat assuming utility rebate

Although the business case currently only assumes the installation of these standardized retrofits, the Entity could include additional energy-related add-ons. Initially, these will include solar power, solar thermal, and vehicle charging stations. Future options could include air/ground source heat pumps, energy management services and more.

The delivery of standardized retrofits at high volume is the focus of the Business Case and has been designed to drive market transformation. This is achieved through efficiencies in:

- Reduced selling costs of the retrofit package through standardized offerings and pricing.
- Reduction of contractors' costs to promote and prepare customized proposals.
- Increased contractor labour productivity.
- Volume pricing for key material categories.
- Lower cost financing through consolidation.

To finance NEER, the Business Case suggests that the Town pass a Local Improvement Charge (LICs) By-law to include energy efficiency retrofitting. LICs are a fixed annual charge applied to a property, which amortizes the cost of projects over an agreed period of time. Historically, LICs were used to finance projects such as water/waste infrastructure, street light repairs, roadwork, etc. However, in 2012, the provincial government amended its regulation allowing property owners to leverage LICs for financing energy-efficiency retrofit projects. The benefits of LICs are that:

1. Homeowners pay little to no upfront costs.
2. Homeowners have access to low-interest rates that are typically only available to municipalities, and;
3. The LIC charge remains with the property and will not follow homeowners if they move.

To conclude, the business case confirms the feasibility of establishing a high-functioning, professional Entity that challenges traditional retrofit market methods. The program will be transformational and could deliver excellent economic, environmental, and other benefits to the Town and its residents.



Date: May 19, 2020

Moved by: _____

Seconded by: _____

RESOLUTION

WHEREAS The Federation of Canadian Municipalities requires formal documentation in the form of a Municipal Council Resolution indicating that said Council has authorized staff to submit a funding application under the Community Efficiency Financing (CEF) Program, to attest to cost sharing the funding activities, capitalizing 20% of total eligible project costs and to authorize the use of Local Improvement Charges (LICs) for the Newmarket Energy Efficiency Retrofit (NEER) Program in accordance with Ontario Regulation 586/06 (Local Improvement Charge – Lien Status); and,

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

1. **THAT, the Town of Newmarket delegates authority to the Treasurer to authorize, at the appropriate time, the undertaking of energy efficiency work on private residential property as local improvement under the Newmarket Energy Efficiency Retrofit Program in accordance with Ontario Regulation 586/06 (Local Improvement Charge – Lien Status); and,**
2. **THAT, subject to CEF Funding and Council approval of the NEER Business Plan, because FCM's contribution only covers 80% of the total annual project costs associated with the NEER Program, the Town of Newmarket commits to capitalizing the remaining 20%; and,**
3. **THAT the Town of Newmarket delegates authority to the Mayor and CAO to authorize the submission of the Community Efficiency Financing funding application to the Federation of Canadian Municipalities; and,**
4. **THAT the Town of Newmarket commits to undertaking the activities in its proposed project application submitted to the Federation of Canadian Municipalities' Community Efficiency Financing Program if the application is successful.**

John Taylor, Mayor

Lisa Lyons, Town Clerk

Community Efficiency Financing – FAQ

Questions #1: What is the Community Efficiency Financing (CEF) Program?

Answer: \$300M has been earmarked for the delivery of the Community Efficiency Financing (CEF) program. The focus of the \$300M is to provide support for municipalities to create and implement innovative financing mechanisms geared towards accelerating investments in energy efficiency and renewable energy generation.

Funding is available for municipalities looking to both complete studies/plans and capitalize on existing/new programs. With the NEER Business Case complete, this funding opportunity can significantly accelerate the implementation of the NEER initiative and address several risks/assumptions identified in the NEER Business Case. Specifically, the CEF program provides municipalities with the opportunity to develop detailed business plans, secure start-up capital for program implementation, and finance homeowner retrofits in the community.

The CEF program will offer municipalities the following financial support:

Initiatives	Description	Funding Type & Maximum Amount
Program Capitalization (Loan)	Capital to support the launch or growth of local initiatives	A loan of up to \$10M, with an accompanying grant of up to 50% of the loan amount. The GMF contribution (i.e. combination of the loan grant) can cover up to 80% of total eligible costs
Studies (grant)	Support municipalities to develop or refine a concept up to the point that it may be ready to apply for capitalization	Up to 80% of the eligible costs to a maximum of \$175k
Credit Enhancement (Loan Guarantee)	A partial loan guarantees to be used to help leverage third party capital	A partial loan guarantee of up to \$2M

Questions #2: Why are we applying for funding now?

Answer: FCM recently made available an early expression of interest for municipal leaders in the residential energy efficiency retrofitting sector looking to capitalize on new or recapitalize on existing energy efficiency financing programs. With Newmarket's Community Energy Plan and the recent completion of its Residential Energy Efficiency Retrofit (RN-NEER) Business Case, the Town is uniquely positioned to apply for funding now. If successful, Newmarket will have access to enough financial support to complete a detailed NEER Business Plan, enact an LIC By-law, set-up the NEER Program and deliver retrofits for at least 2 years.

Successful applicants during the first expression of interest will also benefit from the following capacity building support:

1. Participation in a peer learning network of early adopters of residential energy financing programs, including in-person and virtual meetings to exchange best practices and lessons learned with each other and with the Green Municipal Fund (GMF).
2. Access to technical advice to help ensure their program is successfully launched or scaled up and achieves the expected results.
3. National profile and recognition for their funded programs and invitations to present their work at conferences and other learning events.

Question #3: What costs can the loan/grant amount cover?

Answer: In addition to capitalizing the financing mechanism of the NEER Program, Newmarket will have the flexibility to use the grant/loan amount for other program expenditures including administration costs, advertising costs, financial auditing costs, program capital, equipment rental, meeting & public gatherings, consulting services, staff remuneration, supplies & materials, transportation/shipping & courier charges, travel & accommodation, taxes, training and loan loss provision.

Question #4: What requirements does the Town need to fulfill before applying?

Answer: To apply for current funding, Newmarket must have the following prerequisites:

1. A community energy plan that identifies energy efficiency in the residential sector as a priority area for action
2. A feasibility study or business case similar for the launching program
3. Proof you have legal authority to pursue the proposed initiative (e.g., a letter from your Province/Territory or Legal Counsel)
4. A resolution which authorizes the use of the specified financing mechanism in accordance with relevant provincial/territorial legislation
5. A municipal council resolution committing to capitalize or recapitalize the program

Newmarket currently satisfies the top 3 prerequisites. With the approval of the Recommendations attached to the Report, all 5 of these prerequisites will be satisfied.

Question #5: How will funding be disbursed?

Answer: Grant disbursements are intended to cover a portion of operating costs. At the discretion of FCM, up to 50% in an initial disbursement at the time of contract to support costs related to pre-launch and start-up costs. The remaining balance will be disbursed annually for operating expenses over the implementation term of the program. Loans to municipalities will disburse on a semi-annual (i.e. twice a year), or on a less frequent basis. The loan guarantee is reserved on GMF's balance sheet, and the funds may be periodically released to be accessed in the event of an individual loan defaults. Funds will be disbursed on an agreed upon schedule with the applicant.

Question #6: How long are the loan terms?

Answer: Upon signing an agreement with FCM, the Town has 4 years to distribute the loan and grant amount. Loan terms will be between 10 and 30 years. Successful applicant will indicate their preferred term length and FCM will either accept this proposal or negotiate an alternative arrangement.

Question #7: What is the Town's 20% share of the total estimated project costs and how is it determined? When will it be required? How can it be provided (e.g., in-kind/in-house costs)?

Answer: The most immediate next step would be to create a detailed Business Plan. The Business Plan would conduct additional market study, identify additional risks and validate assumptions made in the NEER Business Case. At a minimum, the Town can expect to finance 20% of the Business Plan. Once the NEER Business Plan is complete, Council would then decide whether or not to proceed to the creation of the NEER Program.

If Council is comfortable with the Business Plan and Newmarket is awarded the full grant/loan amount, then the Town would proceed to launch the NEER Program. The Town would then be responsible for 20% of total project costs spent over 4 years. Staff concluded the maximum financial commitment that the Town would require to provide is \$3.75M; assuming that the NEER Program disburses the full \$15M.

Note that Newmarket's 20% commitment does not have to be upfront capital and can be creatively accumulated over 4 years. The financing approach that staff are proposing to take will be to seek an internal loan from the Town's reserves. This internal loan will then be repaid in full to the Town's reserves through NEER's revenues. It will be the responsibility of the NEER Entity to pay back Newmarket's contribution as quick a payback period as possible.

Question #8: Are there any risks to the Town for proceeding with the application for financing arrangements through FCM if the Business Plan determines an alternate approach? What would be the impact on the Town/FCM?

Answer: As long as Newmarket remains under the agreed upon arrangements with FCM then there would be no risk to the Town if the Business Plan determines an alternate approach. Newmarket staff will work closely with FCM to negotiate the scope of work.

If the alternate approach is beyond the scope of work and a renegotiation of the agreement cannot be satisfied, then this may result in the termination of the contract.

Question #9: What is the proposed approach to develop the Business Plan should CEF funding become available? Or if the application is denied?

Answer: If CEF funding is secure and an agreement can be made between Newmarket and FCM, then municipal staff will use a portion of the grant funds to submit an RFP and seek hire expert consultants to help develop the detailed Business Plan. If Newmarket's application is denied, then municipal staff will submit a separate CEF application through there other funding streams where we can apply for a grant of up to \$175K to complete studies.

Question #10: Does this impact Newmarket taxpayers?

Answer: The funding approach mentioned above will offset any impacts to Newmarket's ratepayers and taxpayers as the principal plus interest will be repaid to the Town's reserves. The internal loan from reserves will be repaid from the NEER entity employing as quick a payback period as possible.

Questions #11: When can Newmarket expect a decision by?

Answer: Independent peer reviewers will assess Newmarket's application and then the Green Municipal Fund Council will review the results and make funding recommendations to FCM's Board of Directors based on the strength of the proposals received and the available funding.

Newmarket can expect to receive a funding decision within five months of the application deadline (June 30th, 2020).

Questions #12: What will happen to the NEER Program after CEF funding has been distributed?

Answer: The NEER Program will be closely monitored and adapted to meet the needs of the community. After CEF funding has been distributed, the NEER Entity should have the necessary resources and credibility to seek additional private/public investor funding that would ensure the continuation of the program.



Town of Newmarket
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Site Specific Exemption to Interim Control By-law 2019-04 for 176 Parkview Crescent

Staff Report to Council

Report Number: 2020-37

Department(s): Planning Services

Author(s): Alannah Slattery

Meeting Date: June 8, 2020

Recommendations

1. That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 for subject property 176 Parkview Crescent dated June 8, 2020 be received; and,
2. That Council approve the requested site-specific exemption to Interim Control by-law 2019-04 for 176 Parkview Crescent and adopt the attached exemption by-law.

Purpose

The purpose of this report is to recommend to Council the approval of a site specific amendment to Interim Control By-law 2019-04 for subject property 176 Parkview Crescent.

Background

Council passed Interim Control By-law 2019-04 on January 21, 2019. On May 27, 2019 Council approved a Site Specific Exemption Process for Interim Control By-law 2019-04. The exemption process consists of the review of proposed residential dwellings or additions within the subject area of the Interim Control By-law on a case-by-case basis, to determine their compatibility with existing neighbourhood character. Council approval is required to grant a site-specific exception from the Interim Control By-law.

Discussion

Planning Services have received a request for exemption from Interim Control By-law 2019-04, for subject property 176 Parkview Crescent. The applicant is proposing to add Site Specific Exemption to Interim Control By-law 2019-04 for 176 Parkview Crescent

a single-storey addition to the side and rear of the existing dwelling. This addition will also include an attached single-car garage, and will replace an existing detached garage, as shown in the photo below.



The proposed single-storey addition would increase the gross floor area from approximately 107 square metres to approximately 199 square metres, not including the attached garage. The proposed addition would not be greater in height than the existing dwelling.

Interim Control By-law 2019-04 prohibits the expansion of gross floor area of residential dwellings by 25% or more, and prohibits the increase in height of residential dwellings. The proposed addition would expand the gross floor area of the existing dwelling by approximately 86%, as such an exemption from Interim Control By-law 2019-04 is being requested.

A map of the subject property and drawings of the proposed dwelling can be found attached to this report.

Staff have reviewed the proposal and provide the following comments based on the exemption process as approved by Council.

Physical Character

- The subject property is zoned Residential Exception (R1-D-119) Zone which permits a maximum lot coverage of 35% for a single storey dwelling. The proposed addition will increase the lot coverage to approximately 26%.

- The proposed addition will not increase the height of the dwelling, and the proposed roofline is consistent with existing slopes, ridges and rooflines of the neighbouring properties.
- The proposed addition will be constructed using similar building materials for a consistent design.
- The proposed addition will meet all zoning requirements of the R1-D-119 Zone, including yard setbacks, height and coverage requirements.
- It is staff's opinion that the proposed addition will not result in over-development of the lot, as the lot still maintains adequate amenity space and appropriate setbacks.

Streetscape Character

- The existing neighbourhood is comprised of older (1970's) single-storey dwellings, with some new additions and new builds. The aerial image below shows the current neighbourhood.



- The proposed addition will result in a dwelling that is not out of character for the neighbourhood, which is comprised of small to medium sized dwellings, with one significantly larger outlier dwelling.
- The proposed addition will be constructed to the side and rear of the existing dwelling, maintaining existing street lines and a uniform built form.
- The proposed addition will not be closer to the side lot line than the existing detached garage.

- The northern side of the subject property, bordering Queen Street, is fenced and contains significant vegetation, as such, visual impacts from Queen Street are minimal. The image below depicts the view of the subject property from Queen Street.



- The proposed dwelling will not significantly change the character of the streetscape, as it will be built primarily to the side and rear of the existing dwelling and will be minimally visible from street view.

Town staff are of the opinion that the proposed dwelling will not compromise the character of the neighbourhood. As such, staff recommend that the request for exemption of 176 Parkview Crescent from Interim Control By-law 2019-04 be approved by Council, and that the attached by-law be adopted.

Conclusion

It is recommended that Council grant a site-specific exception for 176 Parkview Crescent, Newmarket, from Interim Control By-law 2019-04 by adopting the attached exemption by-law.

Business Plan and Strategic Plan Linkages

The proposed development supports Council's 2018-2022 Strategic Priorities which aim to ensure a thriving community that is supportive of community engagement.

Consultation

Planning staff have circulated the exemption request to residents within 50
Site Specific Exemption to Interim Control By-law 2019-04 for 176 Parkview Crescent

metres of the subject property, as per the Council-approved exemption process for Interim Control By-law 2019-04. Staff have received comments from the adjacent owner, the owner of 178 Parkview Crescent, who has stated their support of the proposed exemption request.

Human Resource Considerations

N/A

Budget Impact

There is no budget impact associated with this report.

Attachments

- Location Map
- Proposal
- Proposed By-law

Submitted by

Alannah Slattery, Planner, Planning Service

Approved for Submission

Adrian Cammaert, Acting Manager, Planning Services

Jason Unger, Acting Director, Planning and Building Services

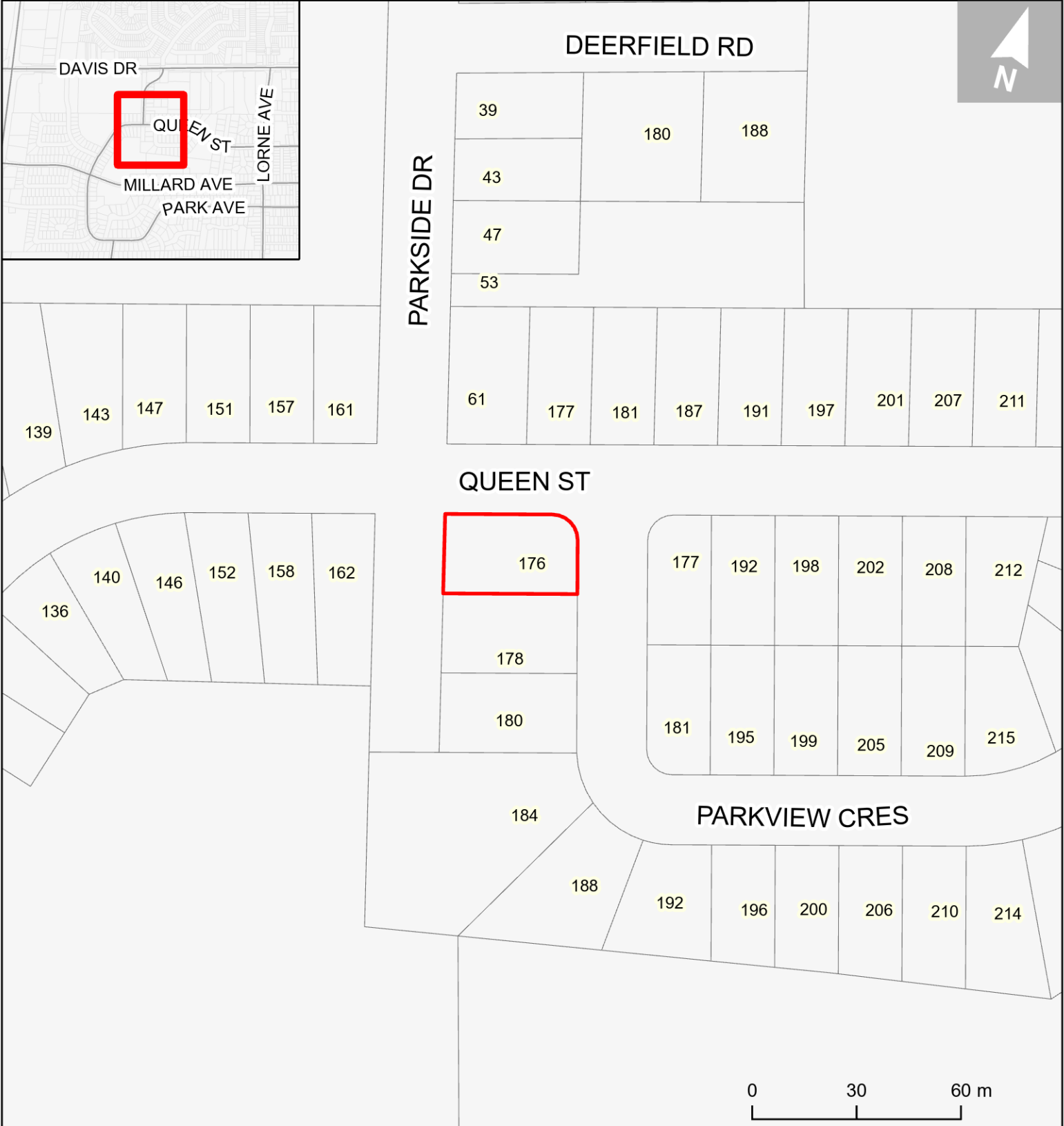
Peter Noehammer, Commissioner, Development and Infrastructure Services

Contact

Alannah Slattery, Planner, aslattery@newmarket.ca

Location Map

176 Parkview Crescent



 Subject Lands

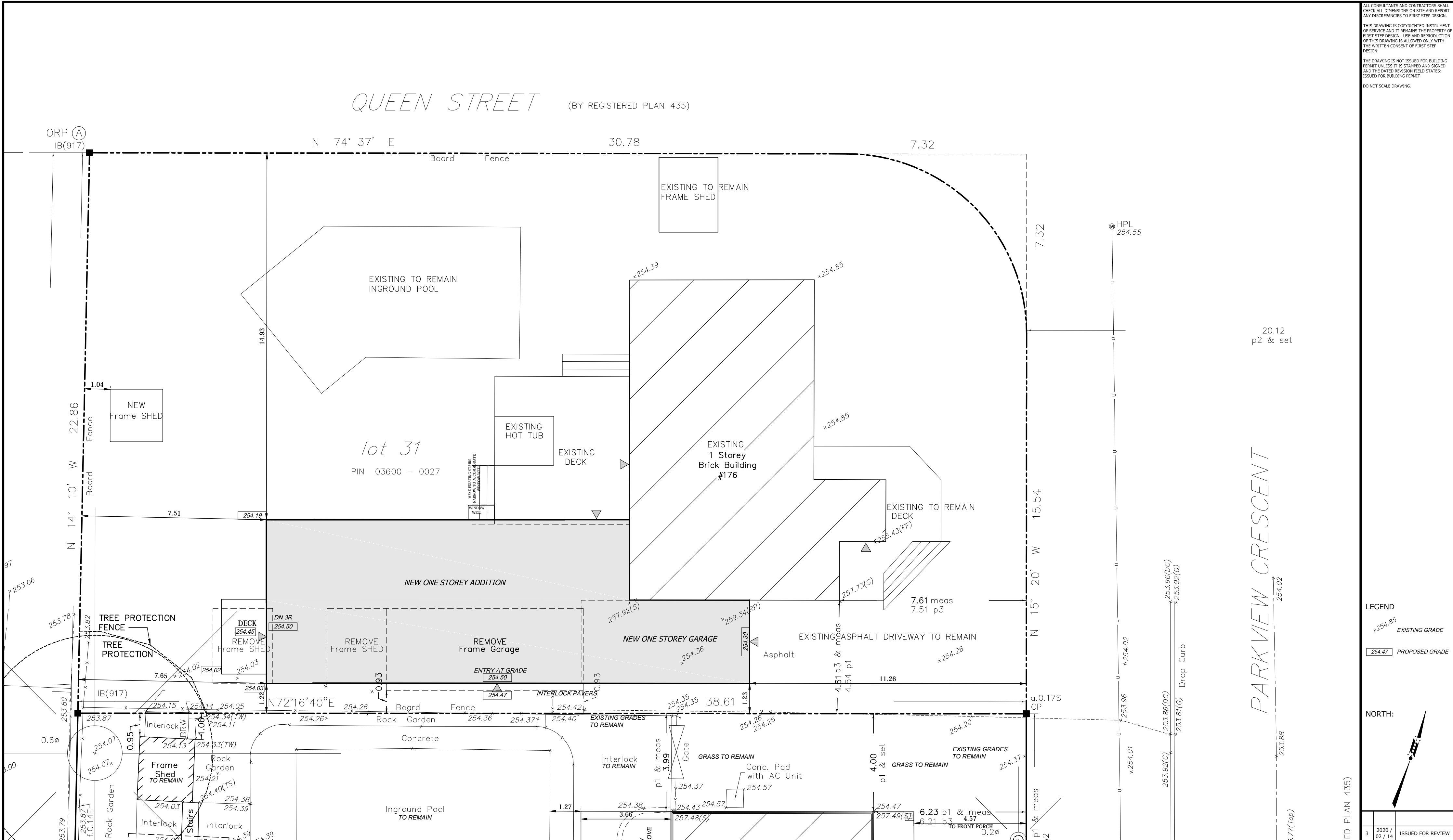
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ALL CONSULTANTS AND CONTRACTORS SHALL CHECK ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO FIRST STEP DESIGN.

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1 SITE PLAN

Scale: 1:100

This Site Plan is based on a SURVEYORS REAL PROPERTY REPORT Plan prepared by R.A. GARDEN ONTARIO LAND SURVEYORS dated FEBRUARY 10, 1984

2 SITE STATISTICS

Town of Newmarket Zoning By-law 2010-40 Consolidated Dec. 2013
R1-D - 119

LOT AREA:	863.35 m ²	
	PERMITTED	PROPOSED
MAXIMUM LOT COVERAGE	1 storey 35%	EXISTING DWELLING 107.79 m ²
	302.17 m ²	PROPOSED ADDITION 91.78 m ²
		PROPOSED GARAGE 23.23 m ²
		NEW FRAME SHED 4.55 m ²
		TOTAL LOT COVERAGE 227.35 m ² = 26.3%
SETBACKS	PERMITTED	PROPOSED
FRONT (EAST) YARD	6.23 m south neighbour	11.26 m TO NEW FRONT WALL
NORTH SIDE YARD	1.2 m	14.93 m
SOUTH SIDE YARD	1.2 m	1.22 m
REAR (WEST) YARD	7.5 m	7.5 m

CALCULATION OF FRONT AVERAGE GRADE		1	254.30
		2	254.28
		3	254.85
		4	254.85
FRONT AVERAGE GRADE			254.57
MAX. HEIGHT FROM FRONT GRADE	PERMITTED	8.5 m	
	PROPOSED	4.77 m	
		TOP OF ROOF 259.34	
		TOP OF EXISTING ROOF	259.34
CALCULATION OF FINISHED OVERALL AVERAGE GRADE		1	254.30
		2	254.28
		3	254.85
		4	254.85
		5	254.39
		6	254.19
		7	254.03
		8	254.47
FINISHED OVERALL AVERAGE GRADE			254.42
MAX. HEIGHT FROM OVERALL GRADE	PERMITTED	8.5 m	
	PROPOSED	4.92 m	
		TOP OF ROOF 259.34	
		TOP OF EXISTING ROOF	259.34

3	2020 / 02 / 14	ISSUED FOR REVIEW
2	2020 / 01 / 23	ISSUED FOR REVIEW
1	2019 / 11 / 28	ISSUED FOR REVIEW
NO.	DATE	DESCRIPTION

REVISIONS



PROJECT ADDRESS:
176 PARKVIEW CRES.
NEWMARKET, ON

DRAWING TITLE:
SITE PLAN

PROJECT NUMBER: 1962
DRAWN BY: CM
DATE: NOV 2019
SCALE: 1:100
DRAWING NUMBER:

A-1.0



Corporation of the Town of Newmarket

By-law 2020-

A By-law to grant a site specific exemption for the property with the Municipal address of 176 Parkview Crescent, Newmarket, from Interim Control By-law 2019-04.

WHEREAS on January 21, 2019. Council for the Town of Newmarket enacted Interim Control By-law No. 2019-04 to control the erection of, or additions resulting in, any large scale dwellings within defined areas of the Town of Newmarket.

AND WHEREAS on June 8, 2020 Newmarket Council considered a request for an exemption to Interim Control by-law 2019-04 for the property with the Municipal Address of 176 Parkview Crescent.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF NEWMARKET ENACTS AS FOLLOWS:

1. Interim Control By-law 2019-04 is hereby amended by adding the following section:

9b. Notwithstanding Section 1 of this By-law, on the lands described as 176 Parkview Crescent, Newmarket, there shall be permitted the construction of a rear addition to the existing dwelling, resulting in a total Gross Floor Area not exceeding 200 square metres.

Enacted this 8th day of June, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk



Corporation of the Town of Newmarket

By-law 2020-28

A By-law to grant a site specific exemption for the property with the Municipal address of 176 Parkview Crescent, Newmarket, from Interim Control By-law 2019-04.

WHEREAS on January 21, 2019. Council for the Town of Newmarket enacted Interim Control By-law No. 2019-04 to control the erection of, or additions resulting in, any large scale dwellings within defined areas of the Town of Newmarket.

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Enacted this 8th day of June, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

COVID-19 Recovery - Main Street Pedestrian Zones and Town-Wide Patio Expansion Staff Report to Council

Report Number: 2020-39

Department(s): Economic Development; Legislative Services; Public Works Services

Author(s): Ian McDougall; Lisa Lyons; Mark Agnoletto

Meeting Date: June 8, 2020

Recommendations

1. That the report entitled COVID-19 Recovery - Main Street Pedestrian Zones and Town-Wide Patio Expansion dated June 8, 2020 be received; and,
2. That Council direct staff to put Town-wide plans in place to respond to future Provincial announcements with respect to restaurant and retail expanded openings through working in collaboration with the BIA, the Chamber of Commerce and local restaurant operators and retailers; and,
3. That for 2020, Council direct staff to waive patio licensing fees for 2020; and,
4. That for the 2020 patio season, Council delegates its authority to staff to amend the current Outdoor Serving Patio Program with respect to hours of operation, encroachment on Town lands, and any other relevant provisions to facilitate outdoor patios on a temporary basis; and,
5. That infrastructure/material/set up/tear-down costs associated with the downtown pedestrian zones in 2020 that directly involve the use of Town property be funded by the Town through the operating budget and/or applicable reserves as required; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

To seek Council direction with respect to ongoing business recovery support efforts specifically as it relates to patio expansions town-wide, with particular nuanced direction being sought to define support for Main Street retailers and restaurants given said expansion directly involves Town property.

Background

As Provincial announcements with respect to increased business recovery are anticipated in the near future, planning efforts are underway to ensure as proactive and timely response as possible can follow from the Town. To that end, the Town has engaged the BIA through a Special Meeting held on June 2, 2020 to explore initial options with the Board. In addition, considerable research has been ongoing based on other municipal responses being considered and planning in other communities.

Discussion

The Town's focus remains consistent in that it is committed to help support business recovery efforts, as evidenced through a multitude of new, unique business support initiatives launched in the midst of the COVID -19 pandemic. All of which are designed specifically to help local businesses. The recommendations in this report are intended to add another layer of support to help businesses through an incredibly difficult and unprecedented time.

Throughout considering options and recommendations it is bears mention that the Town remains steadfast on the first principle of public safety through respecting medical professionals' directives around social distancing and mass congregation.

Risk review is ongoing and requires additional work leading up to any implementation. This work would include a legal/liability review around potential installation options, as well as, traffic management considerations being explored in more detail between now and implementation.

Conclusion

The Town continues to pivot quickly to proactively respond to challenges and opportunities. These recommendations enable an added level of certainty and support to the local restaurant and retail community as they too are embarking on initial planning in anticipation of future Provincial announcements that are expected to influence their operating model.

Business Plan and Strategic Plan Linkages

Well-planned and connected. This report also links to Council's 2018 – 2022 Strategic Pillars and Priorities.

Consultation

In addition to the Joint BIA/Town Task Force meetings, many inter-departmental consultations and research has been ongoing for the past few weeks. The BIA is also doing a survey of their membership gauging support of a unique approach for 2020 with respect to pedestrian zones along Main Street. Those results will be considered closely by the Town once tabulated. The Newmarket Chamber of Commerce and a cross section of restaurants town-wide is also being consulted on June 5th via a Zoom meeting with more details can be shared at the Committee of the Whole meeting.

Human Resource Considerations

Implementation of these recommendations will involve additional Town human resource considerations beyond what is already within the approved operating budget.

Budget Impact

The projected cost of COVID-19 was presented to Council on May 19 (report 2020-34, Financial Update). Included in this was a provision for recovery costs, which could include the lost revenues and expenses incurred to support the execution of the recommendations contained in the report. As noted in the Financial Update, these costs will be funded by a combination of mitigating measures in the operating budget (staffing, expense reductions, and service levels) and financial tools (2019 surplus, reserves and investments).

As a point to reference, patio licensing fee revenues were approximately \$5,500 in 2019. Staff would anticipate 2020 impacts would be targeting a range of a \$10,000 budget impact related to patio licensing fee revenues.

The upset high level estimates for the Main Street support infrastructure (barriers, fencing, accessibility measures, etc) are subject to extensive additional research and considerable fine tuning specific to the number of jersey barriers, rent vs purchase of barriers, extent currently owned fencing can be utilized, extent retail is to participate in pedestrian zones, options/costs for accessibility ramp at curbside, etc. Financial order of magnitude is still to be determined, however staff would be targeting to complete this within a \$50,000 range. The cost estimates associated linked with Recommendation # 5 are based on utilizing up to 20 downtown parking spaces, with remaining spaces being a continued support for curb-side pick-ups. Actual number of parking spaces to be temporarily re-purposed is still to be determined and will be influenced by ongoing research, costing and the tabulation of the BIA survey.

COVID-19 Recovery - Main Street Pedestrian Zones and Town-Wide Patio Expansion

Any decision to purchase support infrastructure would take into account any longer term potential for re-use to help support future large community events (safety measures) and possibly help support the advancement of Council's Strategic Priority around potential pedestrianizing of Main Street at various times in the future.

Attachments

None.

Approval

Esther Armchuk, Commissioner, Corporate Services

Ian McDougall, Commissioner, Community Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

Jag Sharma, Chief Administrative Officer

Contact

For more information please contact Ian McDougall at imcdougall@newmarket.ca or at 905-953-5300 x 2441.

Written Deputation Request Form – June 8, 2020 Special Council Meeting - Electronic

Please complete this form to provide a written deputation at the June 8, 2020 Special Electronic Council Meeting. Please return the form to clerks@newmarket.ca – completed forms must be received by **11:00 AM Monday, June 8, 2020**. These comments will be read aloud by the Mayor during the live meeting, considered with the related item, and will form part of the public record.

Name: Leonard Martens	
Organization/Group/Business represented (if applicable):	
Address: [REDACTED]	Postal Code: [REDACTED]
Phone Number: [REDACTED]	Email: [REDACTED]
Agenda Item Number and Title (your deputation must be in relation to an item on the Agenda): 5.4 Covid-19 Recovery Main Street Pedestrian Zones and Town-Wide Patio Expansion	
<p>Please use the space below to provide your written comments:</p> <p>I understand from the June 6th YorkRegion.com article that there is concern over potential social distancing challenges if we were to temporarily close sections of Main Street to car traffic and allow restaurants the opportunity to expand their patios for the summer months. While I completely understand the concern, I do hope prior to making a final decision that we are reaching out to other communities to see how they may be planning to manage. Sparks Street in Ottawa comes to mind where it has been pedestrian only for many years and attracts large numbers of visitors to businesses and restaurants on the street. It would be interesting to see how Ottawa is planning to manage social distancing in this area.</p>	

Be advised that all Council and Committee of the Whole meetings (including this meeting) are audio-video recorded and live streamed online. If you make a presentation to Council or Committee of the Whole, your presentation becomes part of the public record and you will be listed as a presenter in the minutes of the meeting. We post our minutes online, so the listing of your name in connection with the agenda item may be indexed by search engines like Google.

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905-895-5193 Ext. 2211 Fax 905-953-5100

Corporation of the Town of Newmarket

Emergency Order No. 1 – To impose temporary amendments to parking restrictions by imposing a thirty (30) minute maximum parking requirement along Main Street in an effort to facilitate curb side pick-up or delivery for retail services for the purpose of engaging in retail sales to the public.

Whereas the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus 19 (“COVID-19 pandemic”);

Whereas on March 17, 2020 a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9 (“EMCPA”) related to COVID-19;

Whereas Section 4 of the EMCPA provides that the head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area;

Whereas on March 18, 2020 the Corporation of the Town of Newmarket declared an emergency pursuant to section 4 of the EMCPA;

Whereas the Province of Ontario has issued Orders under the EMCPA to prohibit and regulate certain activities in the interest of public health, safety and wellbeing during the COVID-19 declared emergency;

Whereas Section 11(2) of the Municipal Act provides that a municipality may pass bylaws respecting: Economic, social and environmental well-being of the municipality; Health, safety and well-being of persons; and Protection of persons and property, including consumer protection;

Whereas Section 425 of the Municipal Act provides that any person who contravenes any by-law of the municipality is guilty of an offence;

Whereas Section 429 of the Municipal Act provides for a municipality to establish a system of fines for offences under a by-law of the municipality passed under the Act;

Whereas the Corporation of the Town of Newmarket considers it desirable to enact regulations to support the intent and purpose of the Provincial orders made under the EMCPA in order to protect the health, safety and wellbeing of all persons within the jurisdictional boundaries of the Town of Newmarket, by prohibiting or regulating certain activities of individuals and businesses during the COVID-19 Emergency;

Whereas this Order is based on the advice of the Government for the Province of Ontario, who has required alternative methods of business operations for retail service establishments through curb-side pickup and delivery options for the purpose of retail sales to the public;

Whereas in accordance with Section 4(2)(a) of the Town of Newmarket Emergency Measures By-law 2020-20, the Mayor of the Town of Newmarket

believes that it is necessary to utilize the delegated authority to address a situation in a timely manner;

Whereas in accordance with Section 4(2)(c) of the Town of Newmarket Emergency Measures By-law 2020-20, the Mayor of the Town of Newmarket believes that the actions authorized under the delegated authority are exercised in a manner, which, consistent with the objectives, reasonably limits their intrusiveness;

Whereas in accordance with Section 4(2)(d) and 4(2)(e) of the Town of Newmarket Emergency Measures By-law 2020-20, the Mayor of the Town of Newmarket believes the exercise of the delegated authority only applies to the areas of the Town where it is necessary and the Order is effective only for as long as is reasonably necessary;

Therefore, I, John Taylor, Mayor of the Town of Newmarket, enact by the issuance of this Order, the following regulations with respect to the Town of Newmarket:

1. Parking By-law 2019-63, Schedule VI: Parking for Restricted Periods

The following parking restrictions will be replaced commencing on the date of this Order on a temporary basis to reflect thirty (30) minute maximum parking restrictions and the appropriate signage will be posted to reflect such changes:

- (a) Main Street West Side – from a point 26 metres north of Water Street to a point 52 metres north of Water Street (currently 2 hours);
- (b) Main Street West Side – from a point 14 metres north of Simcoe Street to a point 55 metres south of Davis Drive (currently 2 hours);
- (c) Main Street East Side – from a point 45 metres south of Queen Street to a point of 92 metres south of Queen Street (currently 2 hours);
- (d) Main Street East Side – from a point 29 metres south of Davis Drive to a point 58 metres south of Davis Drive (currently 2 hours);
- (e) Main Street East Side – from a point 45 metres north of Queen Street to a point 30 metres south of Ontario Street (currently 2 hours); and
- (f) Main Street East Side – from a point 58 metres north of Ontario Street to a point 18 metres south of Simcoe Street (currently 2 hours).

2. The above amendment to Parking By-law 2019-63 is revoked thirty (30) days from the date of this Order unless Council of the Town of Newmarket authorizes an extension of the amendments.

Enacted this 9th day of May, 2020.



John Taylor, Mayor

A handwritten signature in black ink, appearing to read 'Jag Sharma', with a stylized, cursive script.

Jag Sharma, Chief Administrative Officer



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Traffic Calming: 2019 and 2020 Flexible Bollard Programs Information Report to Council

Report Number: INFO-2020-08

Department(s): Engineering Services

Author(s): Bill Gould, C.E.T., Senior Transportation Co-ordinator

Distribution Date: March 13, 2020

In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

Purpose

The purpose of this report is to provide a summary of the 2019 Flexible Bollard traffic calming program and its effectiveness, and to identify the next steps.

Background

In the spring of 2016, Transportation Services invited a company that manufactures innovative flexible bollards (patented by the company) to come to Newmarket to provide a demonstration of its product on one of our local roads. During the demonstration, it was immediately evident that vehicle speeds were significantly reduced using this technology. Since speeding on local roads has always been of great concern to Newmarket residents, as it is in all municipalities throughout North America and beyond, staff considered initiating an innovative pilot project for traffic calming using these flexible bollards.

Discussion

Following a successful demonstration by the manufacturer of the flexible bollards, Newmarket's traffic calming pilot project was initiated in August, 2016. During the first year of the pilot program, a standard installation method was established, wherein one single set of flexible bollards (one in the centre and one adjacent to each curb) was installed at two separate locations on Savage Road.

Traffic studies were undertaken during the 2016, 2017 and 2018 bollard trial period. In 2016, staff confirmed that vehicle operating speeds at bollard sites were reduced by a minimum of 2 km/h. It was concluded that the bollard trial program was effective at reducing speeds near the bollard locations, but operating speeds were not reduced at locations further away from the bollards.

In 2017, staff confirmed that two sets of bollards at each site would be more effective at speed reduction than a single set. In addition, during the flexible bollard program in 2018, staff confirmed that sets of 3 bollards (placed on Sawmill Valley Drive) were quite effective at reducing speeds for a longer length of roadway.

In 2019, 3 sets of bollards were installed at most of the bollard trial sites, and since it was anticipated that traffic speeds could be reduced over a much longer portion of roadway, 3 sites were selected for multiple bollard installations. Therefore, 4 double sets of bollards were installed on Clearmeadow Boulevard, 5 triple sets were installed on Bayview Parkway, and 6 triple sets were installed on Stonehaven Avenue (as per Attachment 1). Vehicle speeds recorded before and after the bollard installations confirmed that an average reduction of 4.7 km/h was observed.

Conclusion

As described in Attachment 1, speed studies performed at all bollard locations in 2019 confirmed that vehicle operating speeds were significantly reduced. Specifically, at the Bristol Road and the Lorne Avenue sites, speeds were reduced by 7.8 km/h and 6.8 km/h respectively. The average speed at all locations was 4.7 km/h less than the operating speeds measured before the bollards were deployed. Staff confirmed that locations with 4 or more sets of bollards were effective at calming traffic along the full segment of road between bollards, and not only at each single bollard site.

The proposed locations for the Traffic Calming Flexible Bollards in 2020 are presented in Attachment 2.

Business Plan and Strategic Plan Linkages

This report links to Newmarket's Strategic Plan direction, Well Planned & Connected, by protecting vulnerable road users and improving travel within Newmarket.

This report also aligns with Council's 2014-2018 Strategic Priority - Traffic Safety & Mitigation, by ensuring safe streets, improving traffic congestion, and supporting major transit service enhancements.

Consultation

Staff will continue to ensure that households that will be impacted by the traffic calming bollards will be notified, by mail, prior to the installation of bollards.

Human Resource Considerations

Not applicable to this report.

Budget Impact

Operating budget: The spring reinstallation and autumn removal of all traffic calming bollards is estimated at less than \$8,000.00 in 2020. There are sufficient funds in the Transportation Services Operating Budget to cover the cost.

Capital budget: not applicable to this report.

Attachments

1. Summary of Pilot Project Speed Reduction Results, 2019
2. Proposed locations of Traffic Calming Flexible Bollard installations for 2020

Contact

For more information of this report, please contact Bill Gould, Senior Transportation Coordinator, Transportation Services, at 905-953-5300, press “2”, then extension 2512 or bgould@newmarket.ca

Approval

Rachel Prudhomme, M.Sc., P.Eng.
Director, Engineering Services

Peter Noehammer, P.Eng.
Commissioner, Development and Infrastructure Services

ATTACHMENT 1

Summary of Pilot Project Speed Reduction Results

Flexible Bollard Traffic Calming Pilot Project	
Stonehaven Avenue Site (6 sets):	Operating Speed
Operating speed, average, before bollards	52.0
Operating speed, average, with bollards, 2019	50.3
Queen Street Site (3 sets):	
Operating speed, average, before bollards	54.4
Operating speed, average, with bollards, 2018	48.5
Bayview Parkway Site (5 sets):	
Operating speed, average, before bollards	53.5
Operating speed, average, with bollards, 2019	51.9
Bristol Road Site (3 sets):	
Operating speed, average, before bollards	53.5
Operating speed, average, with bollards, 2019	45.7
Lorne Avenue Site (3 sets):	
Operating speed, average, before bollards	56.9
Operating speed, average, with bollards, 2019	50.1
Clearmeadow Boulevard Site (4 sets):	
Operating speed, average, before bollards	52.3
Operating speed, average, with bollards, 2019	48.6
Bonshaw Avenue Site (3 sets):	
Operating speed, average, before bollards	53.4
Operating speed, average, with bollards, 2019	48.1
TOTAL AVERAGE SPEED REDUCTION	4.7 km/h

ATTACHMENT 2

Proposed 2020 Flexible Bollard Locations

Flexible Bollard	Pilot Project	2020 Locations	No. of Bollard sets, each Location
Ward 1	Kingsmere Avenue, Lockwood Circle	150m each side of Stonehaven Ave.	4 triple sets
	Foxcroft Boulevard	Far North Circle (S) to Bob Scott Cresc.	3 triple sets
Ward 2	Carlson Drive	Sparrow Rd. to Srigley St.	3 triple sets
	Queen Street	Pleasantview Ave. to Prospect St.	3 triple sets
Ward 3	Leslie Valley Drive	Grover Ln. to Traviss Dr.	3 triple sets
	Elgin Street	Waratah Ave. to Magnolia Ave.	6 double sets
Ward 4	Penn Avenue	Vincent St. to Hillview Dr.	4 double sets
	Bristol Road	Jack Rettie Ct. to Vanden Bergh Blvd.	4 double sets
Ward 5	Wilstead Avenue	Queen St. to Monkswood Cresc. (N)	4 triple sets
	Queen Street	Lorne Ave. to Forest Glen Rd.	2 triple sets
Ward 6	Doubletree Lane	Jordanray Blvd. to Clearmeadow Blvd.	3 double sets
	Joe Persechini Drive	Colter St. to Sawmill Valley Dr.	3 double sets
Ward 7	McCaffery Road	Between Brimson Dr. and Petheram Pl.	3 double sets
	Woodspring Avenue	Between Aspenwood and Bonshaw	3 triple sets



Town of Newmarket
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Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Discouraging the Unauthorized Demolition of Designated Heritage Buildings Information Report to Council

Report Number: 2020-14

Department(s): Planning and Building Services

Author(s): Patricia Cho

Distribution Date: May 14, 2020

In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

Purpose

The unauthorized demolition of 184/186 Main Street South in October 2019 ("Simpson Building") has prompted a review of options to discourage such occurrences from happening in the future.

The purpose of this Report is to inform Council of options to discourage the unauthorized demolition of designated heritage buildings and structures in the Heritage Register (individual properties and those within the Heritage Conservation District (HCD)) and to advise of a change in practice regarding the enforcement of the Property Standards By-law to better ensure compliance with its heritage provisions.

Background

At Committee of the Whole on February 3, 2020, Planning staff were directed to provide an update in the form of an information report on options to discourage unauthorized demolition of designated heritage buildings and indicate any that are advisable to be actioned.

Newmarket is a historic community with post-European contact settlement occurring over 200 years ago. The Town enjoys a significant stock of heritage properties, with

approximately 115 being included in the Town's list of designated properties. The importance of cultural heritage is reflected in the Town's Official Plan; one of the primary goals of which is to protect and enhance the Town's cultural heritage resources. Cultural heritage preservation is important to the Town as it provides insight to the Town's unique history, provides a sense of identity, and contributes to the Town's cultural and economic well-being.

The *Provincial Policy Statement* (PPS) states, "significant built heritage resources and significant cultural heritage landscapes shall be conserved". Under the *Ontario Heritage Act*, for properties designated under Part IV – Individual Property Designation and Part V – District Designation, no owner of a designated property shall demolish or remove a building or structure on the property unless the owner applies to Council and receives consent in writing to the demolition or removal. It is also important to protect heritage buildings against demolition by neglect. Demolition by neglect is the process by which the property owner, either intentionally or unintentionally, allows the buildings and/or structures on the designated property to deteriorate to the point that it is beyond reasonable repair and poses concerns of public safety.

Discussion

A review of options to discourage the unauthorized demolition of designated heritage buildings has been completed. The following provides a summary of each option followed by a statement on whether the practice would be advisable to be actioned or not.

Inclusion of Penalty Component within the HCD Plan

One possible option is to set out a penalty component within the Heritage Conservation District (HCD) Plan and to publicize such a penalty in order to discourage property owners from demolishing their buildings and/or structures without following the proper processes. This will underline the severity of such an action. The Town presently has one HCD – Lower Main Street South. The Town's HCD Plan for Lower Main Street South sets out policies regarding additions and new construction, and addresses the types of work that either require a heritage permit or are minor in nature and are exempt from heritage review. A penalty section is currently not present in the Town's HCD Plan nor in the HCD Plans of surrounding municipalities such as Markham and Aurora. Of interest, the general idea of a fine is mentioned within the City of Toronto's document, *Heritage Conservation Districts in Toronto: Procedures, Policies and Terms of Reference*, which states, "changes undertaken without a permit may be subject to fines and requirements to restore the property to its previous state", however this is a general reference and does not state a specific monetary amount. Under the Ontario Heritage Act (OHA), the maximum penalty for demolition of a designated property without approval is \$1,000,000, with the amount for the penalty determined at the discretion of the courts after litigation.

This option also introduces an element of risk. Revisions to the HCD Plan would require repealing the existing HCD By-law and adopting a new one. This is a public process that includes the opportunity for the entire HCD Plan to be appealed. It is the opinion of staff that any advantage gained by having a penalty stated in the HCD Plan is outweighed by the possibility of having the HCD Plan appealed. In addition, the potential maximum fines that are subject in the OHA are deemed sufficient.

Discouraging Demolition and Encouraging Adaptive Reuse

Another possible option that staff examined is to discourage property owners and developers from producing high volumes of waste by charging a fee for construction waste disposal within the building permit process, and implementing minimum reuse and recycling requirements with development proposals.

The Town does not currently charge a fee for construction waste disposal or have minimum reuse and recycling requirements. Other area municipalities such as Vaughan, Aurora, and East Gwillimbury also do not include waste disposal fee within their building permit process.

In the City of Vancouver, minimum reuse and recycling requirements apply to demolition waste when a homeowner wishes to demolish a house built before 1950. The minimum reuse and recycling rates are measured by weight as follows:

- Houses built before 1950: 75% of materials by weight, excluding hazardous waste
- Houses built before 1950 and deemed character houses by the City: 90% of materials weight, excluding hazardous materials

A Green demolition deposit of \$14,654 is also enacted when applying for a demolition permit with minimum recycling requirements. If requirements are met the deposit will be fully refunded, but if requirements are not met the deposit will not be returned.

With no construction waste disposal fee within the building permit process and minimal reuse and recycling requirements, demolition becomes a feasible option. If the disincentives were strong enough, the developer/property owner may consider adaptive reuse as it would be a more cost-efficient alternative, indirectly benefiting the cause of heritage conservation.

When done correctly, adapting older buildings for new uses can preserve its historic features and values while minimizing demolition waste. Adaptive reuse is an innovative method for breathing new life into old buildings. The Town already encourages the adaptive reuse of historic properties as demonstrated through recent RFP's: Old Fire Hall on Main Street, Denison Child Care at the Stickwood-Walker site, and the Mulock Preventing the Unauthorized Demolition of Designated Heritage Buildings

Estate. This is an option that should be further encouraged. However, the Town does not discourage demolition through financial means, as described. Staff do not intend to move forward with this approach at this time because it would require changes to the building permit application and a determination as to whether a building permit could be withheld; however, it has merit from both heritage and environmental perspectives and could be considered in the future as a sustainability initiative.

Property Standards By-law

The Town's Property Standards By-law (By-law No. 2017-62) sets out the minimum standards for the maintenance and occupancy of all properties within the Town of Newmarket, including regulating residential properties, non-residential properties, and designated heritage properties. The section that addresses Heritage Buildings is included as Attachment 1.

The existing property standards system is generally "complaint driven". Most enforcement action is taken as a result of information being provided through the by-law complaint process. In such cases, municipal enforcement officers inspect the site and may issue Orders to Comply with the property standards by-law, including a deadline and fines for all properties within the Town.

Staff intend to move forward with a change in practice regarding enforcement of the Property Standards By-law. This involves Planning Services (cultural heritage) staff accompanying the enforcement officer on inspections related to heritage buildings to help advise on the specific heritage attributes of each building. In addition, staff may use the Administrative Monetary Penalty System (AMPS) introduced by the Town's Regulatory Services staff (report and by-law amendment was approved by Council on April 27, 2020), to more directly encourage compliance by issuing fines. Implementing these changes would result in shorter timelines for action (30-60 days) rather than court charges that can take up to one year to resolve. Non-compliance to the heritage section of the property standards by-law will result in a fine of \$600 per occurrence, with fines eligible to be issued per day. More severe charges such as the unauthorized demolition of heritage buildings will be determined through the Provincial Offences Act (POA) system (fined under the OHA), if necessary. Enforcement officers and Planning Services (cultural heritage) staff would need to exercise judgement as to whether charging a property owner through AMPS and/or the OHA.

Pass a Heritage Property Standards of Maintenance By-law

For more detailed provisions and regulations with the sole intent to protect the condition of heritage properties, developing a Heritage Property Standards of Maintenance By-law could help to prevent demolition by neglect and provide high standards for the

maintenance of designated properties and their features. This would be separate, but complementary to the Property Standards By-law.

The City of Vancouver employs the use of a dedicated Heritage Property Standards of Maintenance By-law (By-law 11351 – Attachment 2) which has proven effective. Unlike a Property Standards By-law which deals with a range of property standards, the sole focus of the by-law would be designated heritage properties and their attributes. Such by-laws provide specific standards for the maintenance of the heritage attributes of heritage properties designated under Parts IV and V of the Ontario Heritage Act and address repair/maintenance, notices and orders, and offences and penalties. These minimum standards will provide a more focused standard of property maintenance for heritage properties and help to prevent demolition by neglect.

At this time, because of the overlap and duplication that this may have with the current provisions under the Town's Property Standards By-law, which would also need to be reviewed, staff are not intending to advance this separate bylaw. Again, it has merit; however, staff feel it best to move forward with the change in practice regarding the enforcement of the current Property Standards By-law, as the minimum standards for the maintenance and occupancy of heritage properties is already available.

Monitoring and Reporting

Implementation of a tool similar to Neighbourhood Watch to prevent or reduce suspicious activity through active participation of local residents may be useful. This method involves an "eyes on the street" approach, wherein members of the Lower Main Street Heritage Advisory Committee (LMSHAC) and Main Street District Business Improvement Area (BIA) to be vigilant, and to encourage others in the community to report any unusual activity within the HCD and other designated heritage properties.

This practice would promote community involvement in preventative activities and will create a greater sense of security on the street. Resources would be required associated with developing and publicizing a public monitoring program, creating a platform for staff to respond to any reports of unusual activity (e-mail or phone) and tools for enforcement and penalty. It would need to be considered during future program improvements and/or annual budget cycles.

Public Education

Public education regarding the value of heritage buildings can provide property owners and developers reliable information to better understand the importance of cultural heritage preservation and may clear up common myths about heritage designation (e.g. that heritage designation precludes alterations / expansions to a building or heritage designation adversely affects property values). Public education may be in the form of

workshops and/or creating material such as brochures and newsletters, which profile designated properties and focuses on their inherent cultural and economic value.

Certain education tools already exist, including the Town's heritage plaque program that helps increase the visibility of the Town's significant historical sites and increase public awareness of the built heritage and history. However, this practice could be expanded through educational tools that are provided through the Town's website such as information brochures and useful links. The City of Markham's Heritage Services website provides detailed information on heritage protection, brochure and publications, walking tours, historical cemeteries, and FAQ's. Other mediums for public education can be provided from time to time, such as workshops and presentations. Planning staff recently hosted a Planning & Heritage Conservation Session presented by Community Heritage Ontario, which was well received by staff and the public. Additional sessions could be held in the future to build public awareness and appreciation of heritage buildings. Workshops and guest speaker presentations would require additional funding to successfully implement.

Staff intend to move forward with this approach to the extent that the annual Cultural Heritage budget will allow. Development of a full public education campaign on the value of heritage resources would involve significant resources that would exceed the current budget. Nonetheless, staff will continue to plan free events (i.e. Planning & Heritage Conservation Sessions) and take every opportunity to increase awareness of the Town's cultural heritage resources.

Financial Assistance

It may be beneficial to expand the option of incentive programs to support the maintenance of heritage buildings. Specifically regarding heritage, the Town administers a Property Tax Rebate Program for designated properties subject to a heritage easement agreement. The rebate program provides an annual property tax refund to help offset the maintenance and restoration costs of the identified heritage attributes associated with the property. Properties eligible for the rebate include those designated under Part IV and Part V of the Ontario Heritage Act.

Other programs used by other municipalities include a Heritage Grant Program; the program provides funds of up to 50% of the estimated cost of eligible work (some maximum limits apply) or Heritage Loan Program; the intent of the program is to help property owners restore, upgrade or maintain designated heritage properties. Both the Heritage Grant Program and the Heritage Loan Program will require Council approval and will be administered by Town staff and members of the Heritage Newmarket Advisory Committee.

This approach will also require additional funding to be successfully implemented.

Preventing the Unauthorized Demolition of Designated Heritage Buildings

Conclusion

With the unauthorized demolition of 184/186 Main Street South ("Simpson Building"), it is crucial to explore the options to discourage a similar occurrence from happening in the future. This report described a number of options and identifies steps that staff will take to further protect the Town's cultural heritage resources.

Business Plan and Strategic Plan Linkages

Cultural heritage preservation is important to the Town as it provides insight to the Town's unique history and provides a sense of identity. Such policies are contained in the Town's Official Plan.

Consultation

Legislative Services (By-law Enforcement) was consulted in the preparation of this report.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

Attachment 1: Excerpt from Town of Newmarket Property Standards By-law regarding Heritage Properties.

Attachment 2: City of Vancouver's Heritage Property Standards of Maintenance By-law No. 11351.

Submitted by

Patricia Cho, HBA, MSc (Planning)
Planner/Secretary-Treasurer, Planning Services

Approved for Submission

Adrian Cammaeart, MCIP, RPP, CNU-A
Acting Manager, Planning Services

Jason Unger, MCIP, RPP
Acting Director, Planning & Building Services

Peter Neohammer, P. Eng.
Commissioner, Development & Infrastructure Services

Contact

For more information, please contact Patricia Cho, Planner/Secretary-Treasurer, Planning Services, at pcho@newmarket.ca.

46.3 Ventilation shall be provided for every room in which **Plumbing Fixtures** are installed, every locker room and clothes drying room either by means of natural ventilation through openings directly to the outside air or by means of mechanical ventilation, which will ensure a complete change of air within the room at least once per hour.

46.4 Where a system of mechanical ventilation exhausting noxious fumes, gases, dust or sawdust from a building is installed, the discharge from such a system shall terminate above the roof line of the building and not less than 3.05 metres (10 feet) clear of any skylight, window, ventilation or other opening into a building and shall be operated in such a way as not to constitute a **Nuisance**.

47.0 **MEANS OF EGRESS**

47.1 All **Means of Egress** within a non-residential building shall be:

- 1) maintained free from all obstructions or impediments;
- 2) provided with adequate lighting.
- 3) provided with clean, clear, unobstructed and readily visible exit **Signs**, for every required exit.

47.2 In a **Mixed-use Building**, no **Means of Egress** from the non-residential portion of the building shall pass through any part of any **Dwelling Unit** unless the **Occupant** thereof is also the **Occupant** of the non-residential portion.

48.0 **WINDOW GUARDS**

48.1 Every window in a non-residential building located above the first **Storey** in corridors, stairways and other public areas that extends to less than 1070 mm (42") above the floor or landing shall be protected by a **Guard** at least 1070 mm (42") in height and having no openings large enough to permit the passage of a spherical object with a diameter of 200 mm (8") and be non-climbable.

49.0 **ELEVATING DEVICES**

49.1 Elevating devices in a non-residential building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good **repair** and operational.

HERRITAGE BUILDINGS

50.0 **HERITAGE ATTRIBUTES**

50.1 In addition to the minimum **Standards** for the **Maintenance** and occupancy of **Property** set out elsewhere in this by-law, the **Owner** or **Occupant** of a Part IV or Part V **Heritage Property** shall:

- 1) maintain, preserve and protect the **Heritage Attributes** of the Part IV or Part V **Heritage Property** so as to maintain its **heritage** character as well as its visual and structural **heritage** integrity;
- 2) maintain the Part IV or Part V **Heritage Property** in a manner that will ensure the protection and preservation of its **heritage** values and attributes; and,
- 3) obtain a **Heritage Permit** from Council prior to performing work or causing any work to be performed under this section of this by-law.

51.0 **REPAIR OF HERITAGE ATTRIBUTES**

51.1 Despite any other provision of this By-law, where a **Heritage Attribute** of a Part IV or Part V **Heritage Property** can be repaired the **Heritage Attribute** shall not be replaced and shall be **repaired**:

- 1) in a manner that minimizes damage to the **heritage** values and attributes;
- 2) in a manner that maintains the design, colour, texture, grain or distinctive features of the **Heritage Attributes**; and
- 3) Using the same types of materials as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original.

51.2 Where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original materials.

52.0 REPLACEMENT OF HERITAGE ATTRIBUTES

52.1 Despite any other provision of this By-law, where a **Heritage Attribute** of a Part IV or Part V **Heritage Property** cannot be repaired, the **heritage Attribute** shall be replaced:

- 1) using the same types of materials as the original;
- 2) Where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original materials.
- 3) in such a manner as to replicate the design, colour, texture, grain and other distinctive features and appearance of the **Heritage Attribute**; and
- 4) in a manner that minimizes damage to the **Heritage Attributes** of the **Property**.

53.0 ALTERATION OF HERITAGE ATTRIBUTES

53.1 Despite any other provision of this By-law or the **Building Code Act, 1992**, as amended, or as substituted from time to time, no building or structure of a Part IV and Part V **Heritage Property** may be altered or cleared, including but not limited to removed, demolished or relocated except in accordance with the Ontario **Heritage Act**.

54.0 VACANT AND DAMAGED DESIGNATED HERITAGE PROPERTIES

54.1 Where a Part IV or Part V **Heritage Property** remains vacant for a period of 90 days or more, the **Owner** shall ensure that appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the **Heritage Attributes** caused by environmental conditions.

54.2 The **Owner** of the vacant Part IV or Part V **Heritage Property** shall protect the building and **Property** against the risk of fire, storm, neglect, intentional damage and damage by other causes by effectively preventing the entrance to it all animals and unauthorized **Persons** and by closing and securing openings to the building with boarding:

- 1) that completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding;
- 2) that is fastened securely in a manner that minimizes damage to the **Heritage Attributes** and the historic fabric and is reversible, and
- 3) in a manner that minimizes visual impact.

54.3 Despite any of the provisions above, no window, door or other opening on a Part IV or Part V **Heritage Property** shall be secured by brick or masonry units held in place by mortar unless required.

54.4 Where utilities are available for the safety and security of the building, an exterior lighting fixture shall be installed and maintained in front porch, veranda or an area adjacent to the front entrance of the building or structure and must be left on a timer.

54.5 The **Owner** of vacant Part IV or Part V **Heritage Property** shall post **Signs** prohibiting trespassing onto the **Property** and prohibiting removal of materials.

55.0 UNSAFE HERITAGE PROPERTY

55.1 Where a building or structure on a Part IV or Part V **Heritage Property** has been deemed unsafe and the necessary remedial measures to address the unsafe condition of the building or structure are being undertaken, the **Owner** shall ensure that all necessary measures are taken to protect **Heritage Attributes** and prevent damage or further damage to the Part IV or Part V **Heritage Property**.

55.2 If, in the opinion of the **Property Standards Officer**, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the **Officer** may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and a member of the Canadian Association of **Heritage** Professionals and employed by the **Owner** or authorized agent, and that a written report be submitted to the **Officer**, which report will include drawings for any recommended remedial work designed by an engineer, and details of the findings of such examination.

56.0 DEMOLITION OF HERITAGE PROPERTY

56.1 Despite any other provision of this By-law or the **Building Code Act**, 1992, no building or structure located on Part IV and Part V **Heritage Property** that has been designated under Section 29, 34.5 or 41. of the Ontario **Heritage Act** may be altered or cleared including but not limited to remove, demolition or relocation except in accordance with the Ontario **Heritage Act**,

56.2 Upon completion of demolitions and removals of structures, the affected site shall be cleared and cleaned of **Debris**, graded, left free from holes or excavations and provided and maintained with suitable **Ground Cover**.

57.0 CONFLICT

57.1 If there is a conflict between the **Heritage Act** and the **Building Code** the Act which has the highest standards shall prevail.

57.2 If there is a conflict between this section and any other provision in this By-law or any other **Town** By-law, the provision that establishes the highest standard for the protection of **Heritage Attributes** shall prevail.

ENFORCEMENT

58.0 POWER OF ENTRY

58.1 A **Officer** may, upon producing proper identification, enter upon any **Property**, at any reasonable time without a warrant for the purpose of inspecting the **Property** to determine:

1) whether the **Property** conforms with the **Standards** prescribed in this by-law, or

2) whether an Order made under the **Act** has been complied with.

58.2 In accordance with section 16 of the Building Code, an Officer requires the permission of the Occupant to enter inside a Dwelling.

Heritage Property Standards of Maintenance By-law No. 11351

[Consolidated for convenience only]

A By-law prescribing minimum standards and regulations for the repair and maintenance of heritage property.

WHEREAS Section 596 of the *Vancouver Charter* authorizes the Council of the City of Vancouver (hereinafter “the Council”) to establish minimum standards for the maintenance of protected heritage property and property that is within a heritage conservation area;

AND WHEREAS the Council wishes to ensure that protected heritage property and property that is within a heritage conservation area is preserved for future generations and does not deteriorate due to lack of repair, maintenance and conservation;

AND WHEREAS protected heritage property and property that is within a heritage conservation area requires reasonable repair and maintenance by owners or occupiers in order to be protected and conserved;

AND WHEREAS Council wishes to supplement the general maintenance standards that are already in effect in the City of Vancouver, with specific maintenance standards intended to apply to protected heritage property and property that is within a heritage conservation area;

NOW THEREFORE, THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1 Application and Interpretation

1.1 Name of By-law

The name of this by-law, for citation, is the “Heritage Property Standards of Maintenance By-law”.

1.2 Application

This by-law applies to protected heritage property and property that is within a heritage conservation area.

1.3 Definitions

In this By-law:

“**Accessory Building**” means an improvement on a site where the use or intended use is ancillary to that of the principal building located on the same site;

“**Architectural Features**” means siding, wall facings, corner boards, brackets, columns, pilasters, windows, doors, window and door surrounds or architraves, projections, cornices, pediments and balustrades and their paints, finishes and colours, architectural hardware and all other similar exterior or interior features;

“**Chief Building Official**” means the city official appointed as such by Council and includes the authorized representatives of the Chief Building Official;

“Director of Planning” means the city official appointed as such by Council and includes the authorized representatives of the Director of Planning;

“Features” includes architectural and landscape features;

“Heritage Alteration Permit” means a permit authorized under Part XXVIII, Division (5) of the *Vancouver Charter*, the Heritage By-law, or the Heritage Procedure By-law;

“Heritage Conservation Area” means an area designated as a heritage conservation area under sections 561(2)(c) (iv) and 596A of the *Vancouver Charter* by an official development plan;

“Landscape Features” means any fence, retaining wall, fountain, patio, terrace, statuary or similar feature that is located on a site and outside the exterior walls of a building;

“Occupier” means the person who occupies or lives in a building or premises and includes a tenant;

“ODP” means an official development plan that designates a heritage conservation area;

“Owner” means a registered owner of real property or a person in possession of real property and includes the agent or representative of a person owning or in possession of real property or in receipt of the rents or profits therefrom whether on his own account or as agent or trustee for any other person.

“Protected Heritage Property” means, for the purposes of this by-law, buildings, structures, land and features that are specifically listed as protected heritage property in a schedule included in an ODP;

“Routine Building Maintenance” means ordinary maintenance or repair and does not include removal or replacement, or a change in design, materials, or appearance; and

“Routine Garden Maintenance” means ordinary maintenance and includes weeding, mowing lawns, planting, and pruning shrubs and trees in compliance with the Protection of Trees By-law.

1.4 Severability

A decision by a court that any part of this by-law is illegal, void, or unenforceable severs that part from this by-law, and is not to affect the balance of this by-law.

2 Standards of Maintenance for Protected Heritage Property and Property within a Heritage Conservation Area

2.1 Maintaining Property

An owner or occupier of protected heritage property or property within a heritage conservation area must:

- (a) maintain all buildings, structures, architectural features and landscape features in good repair; and
- (b) maintain all buildings, structures, architectural features and landscape features in accordance with this by-law and all other applicable by-laws.

2.2 Heritage Alteration Permits

An owner or occupier of a protected heritage property or property within a heritage conservation area must not cause, permit or allow work on the property for which a Heritage Alteration Permit is required without having first obtained a Heritage Alteration Permit.

2.3 Repair and Maintenance Standards

An owner or occupier of protected heritage property or property within a heritage conservation area must carry out all repairs and maintenance in accordance with an ODP.

2.4 Routine maintenance

An owner or occupier of protected heritage property or property within a heritage conservation area may carry out routine garden maintenance and routine building maintenance without a Heritage Alteration Permit.

2.5 Weather and Infestation

An owner or occupier of protected heritage property or property within a heritage conservation area must repair and maintain all buildings, structures and features so as to reasonably prevent or retard damage caused by weather, wind, sun, moisture, infestation, rot, decay or similar causes, including but not limited to:

- (a) preventing water penetration;
- (b) preventing or repairing damage resulting from such causes; and
- (c) preventing entry or infestation of lands or buildings by rodents, pests or vermin.

2.6 Exterior Finishes and Painting

An owner or occupier of protected heritage property or property within a heritage conservation area must:

- (a) protect exterior finishes from damage caused by weather, wind, sun, moisture, infestation, rot, decay or similar causes; and
- (b) paint, clean, maintain and repair buildings and landscape features as necessary to protect exterior finishings and architectural features.

2.7 Structural Integrity

An owner or occupier of protected heritage property or property within a heritage conservation area must maintain the structure and all structural supports of all buildings and structures in good repair and condition.

2.8 Storm Water Drainage

An owner or occupier of protected heritage property or property within a heritage conservation area must drain storm water from land by an approved method so as to prevent ponding or the entry of water into buildings.

2.9 Fences, Retaining Walls, and Approved Enclosures

An owner or occupier of protected heritage property or property within a heritage conservation area must keep fences, retaining walls, and enclosures:

- (a) in good repair;
- (b) free from accident hazards including hazards posed by glass, razor wire, barbed wire, or nails; and

- (c) free from posters, signs, advertising materials, words, pictures, drawings, graffiti, except that this does not apply to notices or orders posted in accordance with municipal, provincial or federal legislation.

2.10 Accessory Buildings and Landscape Features

An owner or occupier of protected heritage property or property within a heritage conservation area must keep accessory buildings and landscape features in good repair.

2.11 Foundation Walls

An owner or occupier of protected heritage property or property within a heritage conservation area must maintain the foundation walls of a building:

- (a) in good condition and repair;
- (b) weather tight;
- (c) free from cracks, leaks and decay; and
- (d) in a state of maintenance and repair sufficient to prevent the entry of moisture into the building.

2.12 Exterior and Parapet Walls

An owner or occupier of protected heritage property or property within a heritage conservation area must maintain the exterior walls and parapet walls of a building and their components:

- (a) in good condition and repair;
- (b) weather tight;
- (c) free from cracks, leaks or decay;
- (d) free from loose or unsecured objects and materials;
- (e) in a state of maintenance and repair sufficient to prevent or retard deterioration due to weather or infestation;
- (f) clean and free from soot, grime, mildew, mould, and peeling paint; and
- (g) free from posters, signs, notices, advertising materials, words, pictures, drawings, or graffiti.

2.13 Attachments

An owner or occupier of protected heritage property or property within a heritage conservation area must maintain fixtures and attachments to a building including but not limited to signs, lighting, canopies, marquees, awnings, screens, grills, pipes, ducts, air conditioners, and all other similar equipment, attachments, and extensions, and their supporting members:

- (a) in good condition and repair;
- (b) properly and safely anchored; and
- (c) protected against deterioration and decay by periodic application of a weather coating material such as paint or other protective treatment, unless constructed of materials inherently resistant to deterioration.

2.14 Architectural Features

An owner or occupier of protected heritage property or property within a heritage conservation area must maintain the exterior architectural features of a building in good condition and properly and safely secured or anchored.

2.15 Exterior Doors and Windows

An owner or occupier of protected heritage property or property within a heritage conservation area must maintain exterior doors, windows, skylights, and hatchways of a building, and their components, in good condition and repair.

2.16 Roofs

An owner or occupier of protected heritage property or property within a heritage conservation area must keep the roof of a building, including the flashing:

- (a) in good repair;
- (b) weather-tight and free from leaks; and
- (c) free from loose or unsecured objects and materials.

2.17 Eavestroughs and Downpipes

An owner or occupier of protected heritage property or property within a heritage conservation area must maintain eavestroughs and downpipes that are attached to a building or accessory building:

- (a) in good condition and repair;
- (b) in good working order;
- (c) water-tight and free from leaks; and
- (d) in such a manner that rainwater does not penetrate the building or spill in an uncontrolled manner upon sidewalks, driveways, stairways or landings.

2.18 Fire Escapes, Stairs, Balconies, Porches, and Landings

An owner or occupier of protected heritage property or property within a heritage conservation area must maintain fire escapes, stairways, balconies, porches and landings, and all components in, on or attached to a building:

- (a) in good condition and repair;
- (b) properly and safely anchored; and
- (c) free from rust, holes, cracks, excessive wear and warping, and hazardous obstructions.

2.19 Protected Interior Fixtures and Architectural Features

An owner or occupier of protected heritage property or property within a heritage conservation area must maintain all interior architectural features and fixtures that have been designated as protected by a heritage designation by-law or are protected heritage property, in good repair.

2.20 Pests, Rodents, and Vermin

An owner or occupier of protected heritage property or property within a heritage conservation area must keep lands and buildings free of pests, rodents and vermin.

2.21 Protection of Vacant Property

An owner or occupier of protected heritage property or property within a heritage conservation area that is left unoccupied during construction or redevelopment must:

- (a) in the case of a building left unoccupied for 15 days or longer:
 - (i) secure all entries, and
 - (ii) post signage that reads “Protected Heritage or Heritage Conservation Area Site – No Vandalism or Removal of Materials; and
- (b) in the case of a building left unoccupied for 45 days or longer:
 - (i) secure all entries,
 - (ii) post signage that states “Protected Heritage or Heritage Conservation Area Site – No Vandalism or Removal of Materials”, and
 - (iii) board up all windows securely, to a standard that minimizes the potential for unauthorized entry.

3 Notices and Orders

3.1 Notices and Orders

The City Building Official or the Director of Planning may give notice or order a person:

- (a) to discontinue or refrain from proceeding with any work or using or occupying any land or building or doing anything that contravenes this by-law; or
- (b) to carry out any work or do anything to bring any land or building into conformity with this by-law,

within the time specified in such notice or order.

3.2 Service Of Notice Or Order

A notice or order shall be sufficiently served under this by-law:

- (a) on an owner, by mailing it by registered mail or by another method that provides proof of delivery, to the owner at the address of the owner as shown on the records of the Assessment Authority of British Columbia;
- (b) on an owner or occupier, by personal service to the owner and to each occupier; or
- (c) on an owner or occupier, by posting a notice or order in accordance with section 3.3.

3.3 Posting Of Notice Or Order

Subject to the provisions of section 3.4, a notice or order issued under this by-law shall be sufficiently served on an owner or occupier by posting of the order or notice on or near:

- (a) protected heritage property or property within a heritage conservation area; or
- (b) heritage conservation area property subject to temporary heritage protection under sections 583, 586, 589 or 590 of the *Vancouver Charter*.

3.4 Power Of Entry Of The Director Of Planning

The City Building Official or the Director of Planning is authorized to enter on to land or premises at any reasonable time for the purpose of posting an order or notice issued under this by-law, except that the City Building Official or the Director of Planning must:

- (a) make a reasonable attempt to notify the owner or occupier prior to or upon entering the land or premises; and
- (b) present a copy of the order to the owner or occupier upon request.

3.5 Prohibition Against Interference

A person must not:

- (a) interfere with the posting of an order or notice under this by-law; or
- (b) remove, alter, deface or destroy an order or notice posted under this by-law.

4 Offences and Penalties

4.1 Offences

A person who:

- (a) violates any provision of this by-law, or does any act or thing which violates any provision of this by-law, or suffers or allows any other person to do any act or thing which violates this by-law;

- (b) neglects to do or refrains from doing anything required to be done by this by-law; or
- (c) fails to comply, or suffers or allows any other person to fail to comply, with an order or notice given under this by-law,

is guilty of an offence against this by-law, and liable to the penalties imposed under this by-law.

4.2 Fine For Offence

Every person who commits an offence against this by-law is punishable on conviction by a fine of not less than \$1,000.00 and not more than \$10,000.00 for each offence.

4.3 Fine For Continuing Offence

Every person who commits an offence of a continuing nature against this by-law is liable to a fine not less than \$1,000.00 and not more than \$10,000.00 for each day such offence continues.

5 Enactment

5.1 Force and Effect

This by-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 29th day of September, 2015



Town of Newmarket

Minutes

Special Council Meeting - Electronic

Date: Tuesday, May 19, 2020
Time: 2:00 PM
Location: Streamed live from the 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
E. Armchuk, Commissioner of Corporate Services
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
A. Walkom, Legislative Coordinator
J. Grossi, Legislative Coordinator

The meeting was called to order at 2:00 PM.
Council recessed at 3:42 PM and reconvened at 3:51 PM.
Mayor Taylor in the Chair.

1. Notice

Mayor Taylor provided an update on the Town of Newmarket's response to COVID-19 and the progress towards reopening businesses and Town facilities.

He advised that the Municipal Offices were closed to the public and that this meeting was streamed live at [Newmarket.ca/meetings](https://www.newmarket.ca/meetings). Residents who would like to provide comment on an item on this agenda were encouraged to provide their feedback in writing through email to Legislative Services at clerks@newmarket.ca or by joining the meeting electronically through video or telephone. He advised residents that their comments would form part of the public record.

2. Additions & Corrections to the Agenda

The Clerk advised of the following addition to the agenda:

- Item 4.1: Written deputation from Kathy (Toth) Kumpula, President, Newmarket Taxpayers Advocacy Group regarding the Financial Update

Moved by: Councillor Kwapis

Seconded by: Councillor Broome

1. That the addition to the agenda be approved.

Carried

3. Conflict of Interest Declarations

None.

4. Deputations

4.1 Written Deputation - Kathy (Toth) Kumpula, President, Newmarket Taxpayers Advocacy Group regarding Financial Update

Mayor Taylor read aloud the written deputation provided by Kathy (Toth) Kumpula, President, Newmarket Taxpayers Advocacy Group Item 5.1: Financial Update. Her comments addressed the mitigating measures discussed in the staff report regarding staffing and suggested a number of cost saving measures.

Moved by: Councillor Woodhouse

Seconded by: Councillor Broome

1. That the Written Deputation from Kathy (Toth) Kumpula, President, Newmarket Taxpayers Advocacy Group regarding the Financial Update be received.

Carried

5. Items

5.1 Revised Work Plan for 2020 and Q1 2020 Update to the Outstanding Matters List

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

Moved by: Councillor Simon

Seconded by: Councillor Morrison

1. That the report entitled Revised Work Plan for 2020 and Q1 2020 Update to the Outstanding Matters List dated May 19, 2020 be received; and,
2. That Council adopt the revised work plan and updated Outstanding Matters List, included as Attachment 1 to this report **as amended**; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.2 Financial Update

Moved by: Councillor Kwapis

Seconded by: Deputy Mayor & Regional
Councillor Vegh

1. That the report entitled Financial Update Staff Report to Council be received; and,

2. That staff be directed to further investigate mitigating measures to lessen the financial impact of the pandemic on the Town, and to report back on the results; and,
3. That changes to the 2020 capital program, and additions to the 2021 capital spending authority be made as detailed in this report; and,
4. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.3 2021 Budget Process and Target

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

Moved by: Councillor Broome

Seconded by: Councillor Woodhouse

1. That the report entitled 2021 Budget Process and Target, dated May 19, 2020, be received; and,
2. That the proposed budget schedule with a target budget adoption date of December 14, 2020 be approved; and,
3. That endorsement be given to staff to proceed with preparation of the 2021 budgets employing the structure and targets as amended, with options for reductions around Asset Replacement Fund contributions and Consumer Price Index as decision points for Council and a tax levy increase target of 2.99% consisting of:
 - a. **0.99% base rate;**
 - b. **1.00% COVID-19 related contingencies;**
 - c. **1.00% Asset Replacement Fund contributions; and,**
4. That the form and timing of budget submissions for all entities accountable to Council be subject to the process outlined in this report; and,
5. That the proposed community engagement plan for the budget be adopted; and,

6. That the Treasurer be authorized and directed to do all things necessary to give effect to these recommendations.

Carried

5.4 Preferred Timing for Blue Box Transition to Full Producer Responsibility

Moved by: Councillor Kwapis

Seconded by: Councillor Morrison

1. That the report titled “Preferred Timing for Blue Box Transition to Full Producer Responsibility” dated May 19, 2020 be received; and,
2. That as requested by the Association of Municipalities of Ontario (AMO), that Council confirm that the preferred date to transition to full producer responsibility for collection of Blue Box material is December 31, 2025, coinciding with the end of the current Northern Six (N6) waste collection contract; and,
3. That the Town of Newmarket, in cooperation with the Northern Six (N6) municipalities, be willing to provide Blue Box collection services on behalf of producers, through future long-term collection contracts, subject to mutually agreeable financial and operational terms; and,
4. That the resolution be forwarded to the Association of Municipalities of Ontario and to Jeff Yurek, Minister of the Environment, Conservation and Parks, Christine Elliott, MPP for Newmarket-Aurora, and to the Regional Municipality of York Region.

Carried

5.5 Regional Council Decision regarding Regional Fire Services

5.5.1 Staff Report - Regional Fire Services Study

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

Moved by: Councillor Broome

Seconded by: Councillor Bisanz

1. **That the correspondence from York Region regarding Regional Fire Services be received for information; and,**
2. That the report entitled Regional Fire Services Study dated May 19, 2020 be received; and,
3. **That the Town of Newmarket support participation in a Regional Fire study, if all nine York Region Municipalities endorse the undertaking of the study; and,**
4. That Council's decision be forwarded to York Region; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.6 Ontario Small Urban Municipalities Executive Committee Nomination for 2020-2022 Term

Moved by: Councillor Bisanz

Seconded by: Councillor Broome

Whereas the Town of Newmarket is a member of the Associations of Municipalities of Ontario (AMO); and,

Whereas the Town of Newmarket supports the work of AMO and wishes to support it further by approving a resolution with respect to appointment for the term of 2020 to 2022; and,

Whereas AMO is instrumental in assuring that the needs of the municipalities are considered by the Ontario Government; and,

Whereas AMO plays a pivotal role in developing policy framework that has benefits communities throughout Ontario; and,

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

1. That the Town of Newmarket Council supports Councillor Bob Kwapis to continue as a candidate for election at the AMO elections and on the

Ontario Board of Directors for the Ontario Small Urban Caucus (OSUM) with previously approved terms.

Carried

5.7 Approval of Minutes

5.7.1 Special Council - Electronic Meeting Minutes of April 27, 2020

Moved by: Councillor Morrison

Seconded by: Councillor Woodhouse

1. That the Special Council - Electronic Meeting Minutes of April 27, 2020 be approved.

Carried

6. Closed Session

Moved by: Councillor Twinney

Seconded by: Councillor Simon

1. That Council resolve into Closed Session to discuss the following matters:
 - a. 2020 Honorary Citizen Nomination - Personal matters about an identifiable individual, including municipal or local board employees as per Section 239 (2) (b) of the Municipal Act, 2001.

Carried

Council resolved into Closed Session at 4:09 PM.

Special Council - Electronic (Closed Session) Minutes are recorded under separate cover.

Council resumed into Open Session at 4:28 PM

6.1 2020 Honorary Citizen Nomination

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That the verbal discussion regarding the Honourary Citizen Nomination be received; and,
2. That the confidential direction to staff be approved.

Carried

7. Confirmatory By-law

Moved by: Councillor Broome

Seconded by: Councillor Twinney

1. That By-law 2020-26 be enacted.

Carried

8. Adjournment

Moved by: Councillor Simon

Seconded by: Councillor Morrison

1. That the meeting be adjourned at 4:30 PM.

Carried

John Taylor, Mayor

Lisa Lyons, Town Clerk



Town of Newmarket

Minutes

Special Council Meeting - Electronic

Date: Monday, May 25, 2020
Time: 2:00 PM
Location: Streamed live from the Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor
Deputy Mayor & Regional Councillor Vegh (2:00 PM - 4:20 PM & 4:25 PM - 6:19 PM)
Councillor Simon (2:00 PM - 6:03 PM)
Councillor Woodhouse
Councillor Twinney
Councillor Morrison
Councillor Kwapis
Councillor Broome
Councillor Bisanz

Staff Present: J. Sharma, Chief Administrative Officer
E. Armchuk, Commissioner of Corporate Services
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
A. Walkom, Legislative Coordinator
J. Grossi, Legislative Coordinator

The meeting was called to order at 2:00 PM.
The Special Council - Electronic recessed at 4:00 PM and reconvened at 4:10 PM.
Mayor Taylor in the Chair.

1. Notice

Mayor Taylor provided opening remarks on the Mulock Property project.

He advised that the Municipal Offices were closed to the public and that this meeting was streamed live at Newmarket.ca/meetings. Residents who would like to provide comment on an item on this agenda were encouraged to provide their feedback in writing through email to Legislative Services at clerks@newmarket.ca or by joining the meeting electronically through video or telephone. He advised residents that their comments would form part of the public record.

2. Additions & Corrections to the Agenda

The Clerk advised of the following additions to the agenda:

- Items 4.1 to 4.6 - Written deputations from the following individuals:
 - Tara Talbot
 - Steven Dobson
 - Edie Andrews
 - Karen Adamson
 - Phil Parsons
 - Patricia Marlatt

Moved by: Councillor Broome

Seconded by: Councillor Kwapis

1. That the additions to the agenda be approved.

Carried

3. Conflict of Interest Declarations

None.

4. Deputations

4.1 Written Deputation - Tara Talbot

Mayor Taylor read aloud the written deputation provided by Tara Talbot which expressed concern with the linkage of Jim Bond Park to the new

Mulock Property development, and with the addition of parking in close proximity to residential areas. She asked that the immediate neighbours be consulted on this project through a focus group.

4.2 Written Deputation - Steven Dobson

Mayor Taylor read aloud the written deputation provided by Steven Dobson which expressed his concern with Jim Bond Park being incorporated into the Mulock Property design, and the traffic issues in the neighbouring streets.

4.3 Written Deputation - Edie Andrews

Mayor Taylor read aloud the written deputation provided by Edie Andrews regarding the design options presented for the skating trail and art hub, and expressed concern with remote parking included in the Mulock Property design options.

4.4 Written Deputation - Karen Adamson

Mayor Taylor read aloud the written deputation provided by Karen Adamson which expressed concern over the potential linkage of Jim Bond Park to the Mulock Property, the pressure on residential parking, and the amount of consultation with the adjacent neighbours.

4.5 Written Deputation - Phil Parsons

Mayor Taylor read aloud the written deputation provided by Phil Parsons regarding the inclusion of a skate park in the Mulock Property design. He expressed support for the current skate park project at Magna instead.

4.6 Written Deputation - Patricia Marlatt

Mayor Taylor read aloud the written deputation provided by Patricia Marlatt regarding a fundraising idea for the Mulock Property to assist with the payment of repairs on the grounds and the house.

Moved by: Councillor Broome

Seconded by: Councillor Woodhouse

1. That sub-items 4.1, 4.2, 4.3, 4.4, 4.5 and 4.6, being written deputations provided by Tara Talbot, Steven Dobson, Edie Andrews, Karen Adamson, Phil Parsons and Patricia Marlatt regarding the Mulock Property, be received.

5. Items

5.1 Mulock Property - Public Engagement Summary and Design Themes

5.1.1 Presentation - Mulock Property

The Commissioner of Development & Infrastructure provided an introduction to the presentation regarding the Mulock Property and advised that the objective of this presentation was to provide Council with a summary of the work to date related to phase one of the project and community engagement, as well as to receive Council feedback and direction, and develop design options as part of launching into phase two. He advised that over 3,000 people were consulted thus far in the project and reminded Council that all of the engagement was complete prior to the COVID-19 pandemic.

The presenters introduced themselves as Lisa Rapoport, PLANT Architect Inc., and Sara Udow, Process. Lisa Rapoport provided an introduction to the presentation and reviewed the archaeology of the site to address the project constraints with Council.

Sara Udow provided an overview of the public consultation objectives and process, and outlined who had been included thus far in the public engagement opportunities. She provided Council with a video that summarized the visions and design elements expressed throughout the public consultation opportunities. The presentation continued with the identification of the five priorities/guiding principles of a destination, rooted in history & forward looking, connected, natural, and inclusive & accessible.

The presentation provided an overview of the destination design themes which included art hub opportunities, summer and winter destination themes, and skate path design options. Members of Council had the opportunity to comment on each of these ideas and provided feedback to the presenters regarding permanent and temporary art pieces, active uses of nature and the skating trail placement.

The presentation continued with a focus on the rooted in history and forward looking guiding principle. The presenters provided an overview of the site and surrounding areas, and showed options to

bring the past and present together through art and built spaces. The presentation also reviewed the natural guiding principle by addressing the landscape and ecology of the site, and options for natural enhancement. Members of Council had the opportunity to comment on these design items and provided feedback to the presenters regarding the history of the site and house, addition of art pieces, and the landscape elements.

The presentation continued by providing an overview of the connected, and inclusive & accessible guiding principles, along with the accompanying design options for the site including food options, pavilions, performance spaces, and active spaces. Members of Council had the opportunity to comment on these design items and provided feedback to the presenters regarding the inclusion of trails on the site, parking placement options, and natural gathering hubs.

The presentation concluded with an overview of the options available for the interior of the house, with inclusion of an elevator, possible event space, meeting and food spaces. Members of Council had the opportunity to comment on these design items and provided feedback to the presenters regarding use of space, potential for events, and the elevator placement. The presenters advised that the next steps for the Mulock Property project include developing three master plan options and continuing public consultation.

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the presentation provided by Lisa Rapoport, PLANT Architects and Sara Udow, Process regarding the Mulock Property Public Engagement Summary and Design Themes be received.

Carried

5.1.2 Staff Report - Mulock Property Master Plan Phase 1 Reporting - Public Engagement Summary and Design Themes

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

Moved by: Councillor Broome

Seconded by: Councillor Woodhouse

1. That the staff report entitled Mulock Property Master Plan Phase 1 Reporting – Public Engagement Summary and Design Themes dated May 25, 2020 be received, along with the Mulock Property Master Plan Phase 1A – Technical Memo Draft prepared by PLANT Architect Inc. dated May 15, 2020, the Mulock Property Master Plan Engagement Summary Report – Phase 1B prepared by PROCESS dated May 15, 2020, and their respective appendices; and,
2. That Staff and the Consultants be directed to proceed with Phase 2 of the Mulock Property Master Plan to prepare three (3) design options based on combinations of the five (5) design principles described herein; and,
3. That the Mulock Property no longer be considered as a potential location for a full-size outdoor ice rink; and
4. That Jim Bond Park be included in the design options for the Mulock Property, **subject to consultation with the immediate neighbours; and,**
5. That the proposed re-use for the house consider a range of options as described herein to allow the design of the property to move forward; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6. Closed Session

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

7. Confirmatory By-law

Moved by: Councillor Twinney

Seconded by: Councillor Kwapis

1. That By-law 2020-27 be enacted.

Carried

8. Adjournment

Moved by: Councillor Bisanz

Seconded by: Councillor Morrison

1. That the meeting be adjourned at 6:19 PM.

Carried

John Taylor, Mayor

Lisa Lyons, Town Clerk

Corporation of the Town of Newmarket

By-law 2020-29

A By-law to confirm the proceedings of a Special meeting of Council -
Electronic – June 8, 2020

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 8th day of June, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk