

The meeting of the Council was held on Monday, September 14, 2015 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Deputy Mayor & Regional Councillor Taylor
Councillor Vegh (7:01 to 7:48, 7:53 to 8:58 p.m.)
Councillor Kerwin
Councillor Hempen
Councillor Sponga (7:01 to 7:48, 8:23 to 8:58 p.m.)
Councillor Broome-Plumley
Councillor Bisanz

Absent: Councillor Twinney

Staff Present: R.N. Shelton, Chief Administrative Officer
M. Mayes, Acting Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
P. Noehammer, Commissioner of Development and Infrastructure Services
E. Armchuk, Director of Legal Services/Town Solicitor
A. Brouwer, Director of Legislative Services/Town Clerk
A. Mollicone, Senior Solicitor
J. Patel, Business Support Analyst
C. Finnerty, Council/Committee Coordinator

The meeting was called to order at 7:01 p.m.

Mayor Van Bynen in the Chair.

Additions & Corrections to the Agenda

1. Additions & Corrections to the Agenda

The Chief Administrative Officer advised of the addendum items, being By-law 2015-41 to appoint individuals to Boards and Committees, By-law 2015-42, being a By-law to amend By-law 1993-62, By-law 2015-43, being a By-law to amend By-law 1993-62 and By-law 2015-44, being a By-law to set remuneration for fence-viewings, Development and Infrastructure Services - Planning and Building Services Report 2015-36 regarding Appeals to the Ontario Municipal Board of Applications for Official Plan and Zoning By-

law Amendments, Draft Plans of Condominium and Subdivision - 292145 Ontario Limited - St. Andrew's of Bayview Phase 5, a deputation by Mr. Gordon Prentice regarding Item 18 of the agenda, a deputation by Mr. Glenn Wilson regarding P1 Parking and correspondence from Mr. Jonathan Rosenstein, Rosenstein Law regarding P1 Parking.

Moved by: Councillor Hempen
Seconded by: Councillor Broome-Plumley

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

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(8 in favour, 0 opposed)

Carried

Public Notices

None.

Declarations of Pecuniary Interest

- a) Councillor Sponga declared an interest in items 27, 28 and 29 of the Committee of the Whole Minutes of August 31, 2015 related to P1 Parking as he has been advised that legal action may be commenced against him related to this matter. He advised that he would not take part in the discussion or voting of the matters.
- b) Councillor Bisanz declared an interest in items 36 and 37 of the Committee of the Whole Minutes of August 31, 2015 being the Appointment Committee Minutes of July 6, 2015 and August 27, 2015 and the Appointment Committee (Closed Session) Minutes of July 6, 2015 and August 27, 2015 as a member of her family had applied for a Committee position. She advised that she would not take part in the discussion or voting of the matters.

Presentations & Recognitions

None.

Approval of Minutes

2. [Council Minutes of June 22, 2015.](#)

Moved by: Councillor Sponga

Seconded by: Councillor Kerwin

THAT the Council Minutes of June 22, 2015 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)

(8 in favour, 0 opposed)

Carried

3. [Council \(Closed Session\) Minutes of June 22, 2015](#), Special Committee of the Whole Minutes of August 10, 2015 and Special Committee of the Whole (Closed Session) Minutes of August 10, 2015.

Moved by: Councillor Kerwin

Seconded by: Councillor Vegh

THAT the Council (Closed Session) Minutes of June 22, 2015, Special Committee of the Whole Minutes of August 10, 2015 and Special Committee of the Whole (Closed Session) Minutes of August 10, 2015 be confirmed.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)

(8 in favour, 0 opposed)

Carried

4. [Special Council Minutes of August 10, 2015.](#)

Moved by: Councillor Vegh

Seconded by: Councillor Hempen

THAT the Special Council Minutes of August 10, 2015 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz
Opposed: (None)
(8 in favour, 0 opposed)

Carried

Reports of Committees and Staff

5. [Committee of the Whole Minutes of August 31, 2015.](#)

Moved by: Councillor Sponga
Seconded by: Councillor Bisanz

THAT the Committee of the Whole Minutes of August 31, 2015 be approved and the following recommendations be adopted:

6. THAT the presentation by Mr. Gary Ryan, Chief Innovation Officer, Southlake Regional Health Centre regarding CreateITNow be received.
7. Correspondence received July 29, 2015 from Ms. Dawn Mucci, CEO, Lice Squad Canada Inc. requesting proclamation of September 17, 2015 as 'Head Lice Awareness Day'.
 - a) THAT the correspondence from Ms. Dawn Mucci, CEO, Lice Squad Canada Inc. be received and the following recommendations be adopted:
 - i) THAT the Town of Newmarket proclaim September 17, 2015 as 'Head Lice Awareness Day';
 - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
8. Correspondence dated July 22, 2015 from Ms. Christie Brenchley, Executive Director, Ontario Society of Occupational Therapists requesting that October, 2015 be proclaimed as 'National Occupational Therapy Month'.
 - a) THAT the correspondence from Ms. Christie Brenchley, Executive Director, Ontario Society of Occupational Therapists be received and the following recommendations be adopted:
 - i) THAT the Town of Newmarket proclaim October, 2015 as 'National Occupational Therapy Month';

- ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
9. Correspondence dated June 8, 2015 from Mr. Alain Beaudoin, President, L'Association des francophones de la region de York Inc. requesting September 25, 2015 be proclaimed 'Franco-Ontarian Day'.
- a) THAT the correspondence from Mr. Alain Beaudoin, President, L'Association des francophones de la region de York Inc. be received and the following recommendations be adopted:
- i) THAT the Town of Newmarket proclaim September 25, 2015 as 'Franco-Ontarian Day';
- ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
10. Correspondence dated August 1, 2015 from Mr. Fred Hahn, President, CUPE Ontario Division requesting October 8, 2015 be proclaimed as 'Child Care Worker & Early Childhood Educator Appreciation Day'.
- a) THAT the correspondence from Mr. Fred Hahn, President, CUPE Ontario Division be received and the following recommendations be adopted:
- i) THAT the Town of Newmarket proclaim October 8, 2015 as 'Child Care Worker & Early Childhood Educator Appreciation Day';
- ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
11. Correspondence dated June 24, 2015 from Ms. Andrea McKechnie, Support Committee - Tagging Coordinator, Queen's York Rangers, 2799 Army Cadet Corp requesting permission to conduct tagging fundraising on Saturday, September 19 and Sunday, September 20, 2015.
- a) THAT the correspondence dated June 24, 2015 from Ms. Andrea McKechnie, Support Committee - Tagging Coordinator be received and the following recommendations be adopted:
- i) THAT permission be granted to conduct tag days in the Town of Newmarket on Saturday, September 19 and Sunday, September 20, 2015;
- ii) AND THAT Ms. McKechnie be notified in this regard.

12. Newmarket Downtown Development Sub-Committee Minutes of March 27, 2015.

The Newmarket Downtown Development Sub-Committee recommends:

a) THAT the Newmarket Downtown Development Sub-Committee Minutes of March 27, 2015 be received.

13. Main Street District Business Improvement Area Board of Management Minutes of April 21, 2015, May 19, 2015, June 16, 2015 and June 23, 2015.

a) THAT the Main Street District Business Improvement Area Board of Management Minutes of April 21, 2015, May 19, 2015, June 16, 2015 and June 23, 2015 be received.

14. Corporate Services Report - Financial Services 2015-19 dated August 20, 2015 regarding the Delegation of Authority with Respect to Property Assessment and Collection of Taxes.

a) THAT Corporate Services Report - Financial Services 2015-19 dated August 20, 2015 regarding the Delegation of Authority with Respect to Property Assessment the Collection of Taxes be received and the following recommendations be adopted:

i) THAT Council delegate authority to initiate and file notices of assessment appeal, for any property in the Town of Newmarket, with the Assessment Review Board from time to time, to the Treasurer or his designate;

ii) AND THAT Council delegate authority to withdraw any appeal filed by the Town of Newmarket, should it be determined that it is not in the Town's best interest to proceed, to the Treasurer or his designate;

iii) AND THAT Council delegate authority to attend before the Assessment Review Board on property tax or assessment matters as a party to all appeals whether filed by the Town of Newmarket or another person, entity or agent, to the Treasurer or his designate;

iv) AND THAT Council delegate authority to execute settlement agreements, on behalf of the Town of Newmarket, reached in the course of a taxation or property assessment appeal, to the Treasurer or his designate;

v) AND THAT the delegation by-law be updated to reflect these items of delegated authority.

15. Joint Corporate Services Report - Legislative Services and Financial Services 2015-43 dated August 18, 2015 regarding 2016 User Fees and Charges - Licensing Fees.
- a) THAT Joint Corporate Services Report - Legislative Services and Financial Services 2015-43 dated August 18, 2015 regarding 2016 User Fees and Charges - Licensing Fees be received and the following recommendations be adopted:
- i) THAT the attached Schedule 'A' marked as the '2016 Legislative Services (Licensing) Fees and Charges' be approved and forwarded to Council for final adoption by by-law;
- ii) AND THAT the fee adjustments come into full force and effect as of January 1, 2016.
16. Development and Infrastructure Services - Planning and Building Services Report 2015-34 dated August 20, 2015 regarding Application for Draft Plan of Condominium - 804 Shadrach Drive.
- a) THAT Development and Infrastructure Services /Planning and Building Services Report 2015-34 dated August 20, 2015 regarding application for Draft Plan of Condominium be received and the following recommendations be adopted:
- i) THAT approval be given to Draft Plan of Condominium 19CDMN-2015 001 subject to the Schedule of Conditions attached and forming part of Development and Infrastructure Services/Planning and Building Services Report 2015-34;
- ii) AND THAT Daniels LR Corporation, (c/o Mr. Remo Agostino), 20 Queen Street West, Suite 3400, Toronto ON M5H 3R3 be notified of this action by the Clerk.
17. Development and Infrastructure Services - Planning and Building Services Report 2015-35 dated August 20, 2015 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision - 16920 and 16860 Leslie Street.
- a) THAT Development and Infrastructure Services - Planning and Building Services Report 2015-35 dated August 20, 2015 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

- i) THAT the Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, as submitted by The Newmarket Cemetery Corporation on behalf of 2394237 Ontario Inc. for lands being composed of Pt Lt 31, Con 2; Pt E1/2 Lt 32, Con 2, EYS be referred to a public meeting;
 - ii) AND THAT following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;
 - iii) AND THAT Groundswell Urban Planners, 30 West Beaver Creek Road, Unit 109, Richmond Hill, ON L4B 3K1 be notified of this action by the Clerk.
- 18. Development and Infrastructure Services - Planning and Building Services Report 2015-37 dated August 20, 2015 regarding a Proposed Zoning By-law Technical Amendment to the Town's comprehensive Zoning By-law.
 - a) THAT Development and Infrastructure Services/Planning and Building Services Report 2015-37 dated August 20, 2015 regarding a technical amendment to the Town's comprehensive Zoning By-Law 2010-40 be received and the following recommendations be adopted:
 - i) THAT the proposed technical amendment to comprehensive Zoning By-Law 2010-40 be referred to a public meeting;
 - ii) AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.
- 19. Development and Infrastructure Services Report - Engineering Services 2015-45 dated August 5, 2015 regarding Main Street South - Accessible Parking Space.
 - a) THAT Development and Infrastructure Services Report - Engineering Services 2015-45 dated August 5, 2015 regarding 'Main Street South - Accessible Parking Space' be received and the following recommendations be adopted:
 - i) THAT Section 11 (Loading Zones) of the Parking By-law 1993-62, as amended, be further amended by deleting the following:
 - 11.e. Main Street South the southerly two on-street parking spaces between Botsford Street and Timothy Street;

ii) AND THAT Section 11 (Loading Zones) of the Parking By-law 1993-62, as amended, be further amended by adding the following:

11.e. Main Street South the second space north of Timothy Street between Botsford Street and Timothy Street;

iii) AND THAT one (1) accessible parking space be installed in the southerly most parking space between Botsford Street and Timothy Street;

iv) AND THAT the necessary By-law be prepared and submitted to Council for its approval.

20. Development and Infrastructure Services Report - Engineering Services 2015-46 dated August 5, 2015 regarding Pearson Street - Parking Restrictions.

a) THAT Development and Infrastructure Services Report – ES 2015-46 dated August 5, 2015 regarding “Pearson Street – Parking Restrictions” be received and the following recommendation be adopted:

i) THAT no additional parking restrictions be implemented on Pearson Street.

21. Development and Infrastructure Services Report - Public Works Services 2015-49 dated August 12, 2015 regarding Main Street - Waste Management Solutions.

a) THAT Development and Infrastructure Services Report - Public Works Services - PWS 2015-49 dated August 12, 2015 regarding Main Street - Waste Management Solutions be received and the following recommendations be adopted:

i) THAT staff bring forward the purchase of new lids for the existing containers that have a larger opening to accept larger items during the 2016 draft capital budget requests;

ii) AND THAT staff send letters to property owners and tenants advising that waste should only be placed out for collection on Tuesdays and Fridays by 6:00 a.m.;

iii) AND THAT staff bring forward the purchase of a mobile surveillance camera in the 2016 draft capital budget requests to provide evidence on the source of waste being left at the containers;

- iv) AND THAT staff bring forward a proposal for weekend service for collection of waste in containers on Main Street from Water Street to Millard Avenue in the 2016 draft operating budget requests;
 - v) AND THAT staff continue to explore options for waste collection improvements in the downtown core.
22. Chief Administrative Officer Report/Human Resources Report 2015-06 dated August 19, 2015 regarding NTAG Deputation - June 22, 2015.
- a) THAT CAO/Human Resources Report 2015-06 dated August 19, 2015 regarding NTAG Deputation on June 22, 2015 re: Budget, Performance Objectives and other Corporate Matters be received and the following recommendation be adopted:
 - i) THAT in accordance with Council's Strategic Priority of Community Engagement, an open house and Public Information Centre be scheduled prior to the end of 2015 as an opportunity to inform and engage all interested residents and stakeholders on matters of general public interest.
23. Correspondence dated June 26, 2015 from Mr. Denis Kelly, Regional Clerk regarding Resolution on Extended Producer Responsibility in Ontario.
- a) THAT the report from the Regional Municipality of York regarding Pending Waste Reduction and Resource Recovery Framework Legislation Update be received;
 - i) AND THAT Council endorse the Regional Municipality of York's resolution regarding extended Producer Responsibility in Ontario.
24. Development and Infrastructure Services Report - Engineering Services 2015-52 dated August 26, 2015 regarding Criterion (Summerhill Woods) Final Acceptance and Assumption of Stormwater Management Pond.
- a) THAT Development and Infrastructure Services Report – ES 2015-52 dated August 26, 2015 regarding the Final Acceptance and Assumption of the Stormwater Management Pond for Criterion Development (Summerhill Woods) be received and the following recommendations be adopted:
 - i) THAT the request for final acceptance and assumption of the Stormwater Management Pond for Criterion Development (Summerhill Woods) as shown on the attached map be finally accepted and assumed by the Town;

- ii) AND THAT the Clerk's office notify Mr. Paul Minz of Criterion Development Corporation and Mr. John Kaczor, A.Sc.T., of MMM Group Limited of these recommendations.
25. Correspondence dated July 16, 2015 from Mayor Fred Eisenberger, City of Hamilton regarding Canada Post/Equipment Installation.
- THAT the correspondence dated July 16, 2015 from Mayor Fred Eisenberger, City of Hamilton regarding Canada Post/Equipment Installation be received.
26. Item 4 of the Appointment Committee Minutes of August 27, 2015 regarding Terms of Reference Review.
- a) THAT the Terms of Reference for the Appeal Committee, Audit Committee, Committee of Adjustment, Elman W. Campbell Museum Board, Heritage Newmarket Advisory Committee, Property Standards Committee and Newmarket Environmental Advisory Committee be approved and forwarded to Council for consideration.
27. Item 4a) of the Appointment Committee Minutes of August 27, 2015 regarding Accessibility Advisory Committee Terms of Reference - Committee Composition.
- a) THAT the Accessibility Advisory Committee Terms of Reference - Committee Composition be amended as follows:
- i) 'A minimum of six (6) residents, a majority of who must have a disability and consideration of the appointment of additional members with disabilities not represented";
- ii) AND THAT the amended Terms of Reference be forwarded to Council for consideration.
28. Item 4g) of the Appointment Committee Minutes of August 27, 2015 regarding the Newmarket Downtown Financial Investment Committee (formerly NDDS).
- a) THAT the Newmarket Downtown Development Subcommittee be renamed Newmarket Downtown Development Committee;
- i) AND THAT the words 'citizens' be replaced with 'residents' in the Committee Composition;
- ii) AND THAT the amended Terms of Reference be forwarded to Council for consideration.

29. Item 4h) of the Appointment Committee Minutes of August 27, 2015 regarding Newmarket Economic Development Advisory Committee.
- a) THAT the Newmarket Economic Development Advisory Committee Terms of Reference - Term of Office be replaced as follows:
- i) "Each Committee member shall sit for a two year term coinciding with the beginning of a new term of Council. At the expiration of the first two year term, each member is eligible to continue for an additional two year period, to the end of the term of Council. In accordance with the Appointment Policy, each member may only sit for four consecutive two year terms;"
- ii) AND THAT the amended Terms of Reference be forwarded to Council for consideration.
30. Outstanding Matters List.
- a) THAT the Outstanding Matters List be received.
31. THAT the deputation by Mr. Gary Worters regarding 'Acts of Kindness – Kindness Meters' fundraising initiatives be received and referred to staff.
32. Joint Corporate Services/Development and Infrastructure Services Report - Financial Services 2015-42 dated August 20, 2015 regarding Stormwater Management Rate.
- a) THAT Joint Corporate Services/Development and Infrastructure Services Report - Financial Services 2015-42 dated August 20, 2015 regarding the Stormwater Management Rate be received and the following recommendations be adopted:
- i) THAT staff be directed to inform and consult with the public regarding the potential of establishing a stormwater management rate;
- ii) AND THAT staff report back on the feedback received in January, 2016.
33. Development and Infrastructure Services - Planning and Building Services Report 2015-36 dated August 20, 2015 regarding Appeals to the Ontario Municipal Board of Applications for Official Plan and Zoning By-law Amendments, Draft Plans of Condominium and Subdivision - 292145 Ontario Limited - St. Andrew's of Bayview Phase 5.
- a) THAT Development and Infrastructure Services - Planning and Building Services Report 2015-36 dated August 20, 2015 regarding Appeals to the Ontario Municipal Board of Applications for Official Plan and Zoning By-law

Amendments, Draft Plans of Condominium and Subdivision - 292145 Ontario Limited - St. Andrew's of Bayview Phase 5 be deferred until the Council meeting scheduled for September 14, 2015 to allow for obtaining legal advice.

34. Development and Infrastructure Services Report - Engineering Services 2015-47 dated August 6, 2015 regarding Patti McCulloch Way - Parking Restrictions.

THAT Development and Infrastructure Services Report - Engineering Services 2015-47 dated August 6, 2015 regarding Patti McCulloch Way - Parking Restrictions be deferred to the September 28, 2015 Committee of the Whole meeting.

35. Development and Infrastructure Services Report - Engineering Services 2015-48 dated August 11, 2015 regarding the Final Acceptance and Assumption of the Stormwater Management Pond for Criterion Development (Summerhill South).

a) THAT Development and Infrastructure Services Report – ES 2015-48 dated August 11, 2015 regarding the Final Acceptance and Assumption of the Stormwater Management Pond for Criterion Development (Summerhill South) be received and the following recommendations be adopted:

i) THAT the request for final Acceptance and Assumption of Stormwater Management Pond for Criterion Development (Summerhill South) as shown on the attached map be finally accepted and assumed by the Town;

ii) AND THAT the Clerk's office notify Mr. Paul Minz of Criterion Development Corporation, and Mr. John Kaczor, A.Sc.T., of MMM Group Limited of these recommendations.

36. Corporate Services Information Report - Legislative Services 2015-11 regarding Status Report, Review of Draft Council Code of Conduct.

THAT the Corporate Services Information Report - Legislative Services 2015-11 regarding Status Report, Review of Draft Council Code of Conduct be received for information;

AND THAT the verbal update by the Director of Legislative Services/Town Clerk be received.

37. Information Report 2015-33 dated July 24, 2015 regarding Glenway Lessons Learned - Facilitator's Report.

THAT the Information Report 2015-33 dated July 24, 2015 regarding Glenway Lessons Learned - Facilitator's Report be received;

AND THAT staff be directed to report back with an action plan regarding priorities and objectives identified at the Glenway Lessons Learned Workshop within the next 90 days.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(8 in favour, 0 opposed)

Carried

38. Appointment Committee Minutes of July 6, 2015 and August 27, 2015 and Appointment Committee (Closed Session) Minutes of July 6, 2015 and August 27, 2015.

Moved by: Councillor Kerwin
Seconded by: Councillor Vegh

THAT the Appointment Committee Minutes of July 6, 2015 and August 27, 2015 and Appointment Committee (Closed Session) Minutes of July 6, 2015 and August 27, 2015.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor Sponga, Councillor Broome-Plumley

Opposed: (None)
(7 in favour, 0 opposed)

Carried

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

Deputations

39. Mr. Gordon Prentice addressed Council with his concerns related to proposed development on Silken Laumann Drive. He expressed his opinion that the proposal is an example of bad planning as the development is between a hydro corridor and GO rail line on meadowlands with protected avian species. He also advised of his frustration attempting to acquire information related to the development and his concerns related to the developer's request to use town owned lands for site access and future noise and vibration concerns related to the railway and its future expansion.

Moved by: Councillor Kerwin
Seconded by: Councillor Bisanz

THAT the deputation by Mr. Gordon Prentice be provided an additional five minutes.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,
Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor
Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(8 in favour, 0 opposed)

Carried

Moved by: Councillor Kerwin
Seconded by: Councillor Broome-Plumley

THAT the deputation by Mr. Gordon Prentice regarding Development and Infrastructure Services - Planning and Building Services Report 2015-36 dated August 20, 2015 regarding Appeals to the Ontario Municipal Board of Applications for Official Plan and Zoning By-law Amendments, Draft Plans of Condominium and Subdivision - 292145 Ontario Limited - St. Andrew's of Bayview Phase 5 be received.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,
Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor
Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(8 in favour, 0 opposed)

Carried

40. Development and Infrastructure Services - Planning and Building Services Report 2015-36 dated August 20, 2015 regarding Appeals to the Ontario Municipal Board of Applications for Official Plan and Zoning By-law Amendments, Draft Plans of Condominium and Subdivision - 292145 Ontario Limited - St. Andrew's of Bayview Phase 5.

Mayor Van Bynen advised that Members of Council met with staff to obtain legal advice related to an appeal before the Ontario Municipal Board at a Special Council meeting held at 6:00 p.m.

An alternate motion was presented and discussion ensued.

Moved by: Councillor Vegh
Seconded by: Councillor Hempen

a) THAT Development and Infrastructure Services/Planning and Building Services Report 2015-36 dated August 20, 2015 regarding Appeals to the Ontario Municipal Board of Applications for Official Plan and Zoning By-law Amendments, Draft Plans of Condominium and Subdivision be received and the following recommendations be adopted:

i) THAT Development and Infrastructure Services/Planning and Building Services Report 2015-36 regarding Appeals to the Ontario Municipal Board of Applications for Official Plan and Zoning By-law Amendments, Draft Plans of Condominium and Subdivision by 292145 Ontario Limited for lands described as Part of Lot 89, Concession 1 E.Y.S. (“the lands”) be received;

ii) AND THAT Council direct staff and legal counsel to continue to work with the applicant toward the settlement of all remaining issues including a condition that Council does not agree to permit the use of town owned lands by the developer unless a significant community benefit is achieved and subject to Council approval;

iii) AND THAT staff and legal counsel be authorized to enter into Minutes of Settlement with the applicant reflecting Draft Plan Conditions and/or conditions to be included in the Development Agreement to address all issues to the Town’s satisfaction;

iv) AND THAT Mr. Gary Templeton, Templeton Planning Ltd, 71 Tyler Street, Aurora ON L4G 2N1 be notified of this action by the Clerk.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(8 in favour, 0 opposed)

Carried

41. Mr. Glenn Wilson addressed Council in support of keeping the locked gate open in the P1 Parking Lot.

Moved by: Councillor Kerwin

Seconded by: Deputy Mayor & Regional Councillor Taylor

THAT the deputation by Mr. Glenn Wilson regarding the P1 Parking Lot be received.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(7 in favour, 0 opposed)

Carried

Councillor Sponga did not take part in the discussion or voting of the foregoing matter.

42. Ms. Anne Martin addressed Council in support of keeping the locked gate open in the P1 Parking Lot.

Moved by: Councillor Kerwin
Seconded by: Councillor Hempen

THAT the deputation by Ms. Anne Martin regarding the P1 Parking Lot be received.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor Broome-Plumley, Councillor Bisanz
Opposed: (None)
(7 in favour, 0 opposed)

Carried

Councillor Sponga did not take part in the discussion or voting of the foregoing matter.

43. Joint Development and Infrastructure Services Report - Engineering Services and Community Services, Economic Development and Corporate Services, Legislative Services Report 2015-51 dated August 17, 2015 regarding P1 Parking Lot Review.

Moved by: Councillor Kerwin
Seconded by: Councillor Bisanz

THAT Joint Development and Infrastructure Services, Community Services and Corporate Services Report - ES2015-51 dated August 17, 2015 regarding P1 Parking Lot Review be deferred.

Motion Withdrawn

An alternate motion was presented and discussion ensued.

A request was made to vote on item vi) separately.

Moved by: Deputy Mayor & Regional Councillor Taylor
Seconded by: Councillor Hempen

THAT Joint Development and Infrastructure Services, Community Services and Corporate Services Report - ES2015-51 dated August 17, 2015 regarding P1 Parking Lot Review be received and the following recommendations be adopted:

a) THAT Schedule II (Municipal Parking Lots) - Parking Lot P1 of the Parking By-law 1993-62, as amended, be further amended by adding the following:

i) No Parking between Friday 9:00 p.m. to Saturday 2:00 p.m. from May 1 to October 31;

ii) AND THAT the necessary By-laws be prepared and submitted to Council for their approval;

iii) AND THAT weekend loading operations at the P1 Parking Lot be restricted from May 1 to October 31;

iv) AND THAT reasonable access to the properties at 352 Doug Duncan Drive be maintained during the closure of Timothy Street for events;

v) AND THAT all stakeholders involved be forwarded a copy of this report and Council extract by the Clerk.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(7 in favour, 0 opposed)

Carried

Councillor Sponga did not take part in the discussion or voting of the foregoing matter.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Hempen

vi) AND THAT one (1) southwestern-most located parking space directly adjacent to the patio of the property known as # 2 – 352 Doug Duncan Drive be removed from public parking between May 1 and October 31 to allow for maintenance access and that all other parking spots remain as public parking if they are within public ownership.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Hempen, Councillor Broome-Plumley, Councillor Bisanz

Opposed: Councillor Kerwin

(6 in favour, 1 opposed)

Carried

Councillor Sponga did not take part in the discussion or voting of the foregoing matter.

44. Items 27 and 28 of the Committee of the Whole Minutes of August 31, 2015 being a Deputation by Mr. Glenn Wilson and Ms. Anne Martin regarding P1 Parking Lot Closure.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Vegh

THAT the deputation by Mr. Glenn Wilson regarding Joint Development and Infrastructure Services Report - Engineering Services and Community Services, Economic Development and Corporate Services, Legislative Services Report 2015-51 dated August 17, 2015 with respect to P1 Parking Lot Review be received;

AND THAT the slide presentation of parking areas in the Main Street vicinity by Ms. Anne Martin be received;

AND THAT THE correspondence from Jonathan Rosenstein, Rosenstein Law, dated September 14, 2015 regarding Vote on Joint Development & Infrastructure Services, Engineering Services and Community Services, Economic Development and Corporate Services, Legislative Services Report 2015-51 be received.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)

(7 in favour, 0 opposed)

Carried

Councillor Sponga did not take part in the discussion or voting of the foregoing matter.

45. [Community Services - Recreation and Culture Council Report 2015-27 dated September 9, 2015 regarding 2016 Recreation and Culture Rates and Fees Follow Up Recommendations.](#)

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Kerwin

a) THAT Community Services - Recreation and Culture Report 2015-27 dated September 9, 2015 regarding 2016 User Fees and Charges - Recreation & Culture be received and the following recommendations be adopted:

i) THAT the Schedules "A (1)" to "A (20)" marked as the Town of Newmarket Recreation & Culture Services Fees and Charges Schedules, found in Report 2015-24, be approved and adopted by By-law, with the exception of all fees related to outdoor field permits;

ii) AND THAT all fees and charges related to outdoor field permits remain status quo for 2016;

iii) AND THAT the fee adjustments moving forward, come into full force and effect as of January 1, 2016.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)

(8 in favour, 0 opposed)

Carried

Correspondence & Petitions

None.

Reports by Regional Representatives

a) Deputy Mayor & Regional Councillor Taylor advised that Regional Council received a presentation and report last week regarding the Regional Express Railway. He further advised that service to Aurora is currently proposed for every fifteen minutes with service to Newmarket being thirty minutes or less and summarized some of the challenges associated with the implementation of the railway, including parking, at grade crossings, funding and whistle implications. Further information, including the report, can be found on the York Region website.

By-laws

46. By-laws 2015-34, 2015-35, 2015-36, 2015-37, 2015-40, 2015-41, 2015-42, 2015-43 and 2015-44.

A request was made to vote on By-law 2015-34 separately.

- 2015-35 [A By-law to adopt fees and charges for services or activities provided by the Town of Newmarket. \(Fees and Charges – Recreation Services\)](#)
- 2015-36 [A By-law to amend By-law 2003-121, as amended, being a restricted area \(Zoning\) By-law. \(711371 Ontario Corp.\)](#)
- 2015-37 [A By-law to exempt certain lands from the Part Lot Control Provisions of the Planning Act. \(Mosaik Homes\)](#)
- 2015-40 [A By-law to adopt fees and charges for services or activities provided by the Town of Newmarket. \(Fees and Charges - Legislative Services - Licensing Fees\)](#)
- 2015-41 A By-law to appoint individuals to Town of Newmarket Boards and Committees for the 2014-2018 term of Council or until successors are appointed.
- 2015-42 [A By-law to amend By-law 1993-62, as amended, being a by-law to regulate parking within the Town of Newmarket. \(Schedule XI - Loading Zones\)](#)
- 2015-43 [A By-law to amend By-law 1993-62, as amended, being a by-law to regulate parking within the Town of Newmarket. \(Schedule II - Municipal Parking Lots\) Parking Lot P1](#)
- 2015-44 [A By-law to set remuneration for fence-viewings.](#)

Moved by: Councillor Vegh
 Seconded by: Councillor Sponga

THAT By-laws 2015-35, 2015-36, 2015-37, 2015-40, 2015-41, 2015-42, 2015-43 and 2015-44 be enacted.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
 (8 in favour, 0 opposed)

Carried

47. 2015-34 [A By-law to permanently close and sell part of highway - Lydia Street.](#)

Moved by: Councillor Vegh
Seconded by: Councillor Sponga

THAT By-law 2015-34 be enacted.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(8 in favour, 0 opposed)

Carried

Notices of Motions

None.

Motions

None.

Announcements & Community Events

- a) Councillor Bisanz encouraged residents to help celebrate the 35th anniversary of The Terry Fox Run on Sunday, September 20, 2015. Registration begins at 8:30 a.m. followed by a run start of 9:00 a.m. at the Ray Twinney Complex. All are welcome to collect pledges and participate in the 5 kilometre and 10 kilometre routes through the Glenway neighbourhood. There will be a free BBQ afterwards for participants. Check out www.terryfoxrun.org for further details.
- b) Councillor Broome-Plumley invited residents to come out to Urban Alley on Sunday, September 27, 2015 from noon until 6:00 p.m. at Newmarket Riverwalk Commons. Celebrate Culture Days and be amazed by professional and local outdoor buskers, street art and food. Don't forget to check out the interactive public art and all things knitted and crocheted at the 2nd annual yarn bombing!
- c) Councillor Sponga thanked all those who attended the Newmarket Food Pantry Open House.

- d) Councillor Sponga thanked the Newmarket Soccer Club administration and volunteers for their banquet event.
- e) Councillor Hempen invited residents to participate in the 7th Annual Newmarket Studio Tour and Art Show on Saturday October 3, 2015 from 10:00 a.m. to 5:00 p.m. and Sunday October 4, 2015 from 11:00 a.m. to 5:00 p.m. Showcasing the work of 35 artists and 1 collective, the 2015 show should prove to be the biggest and best yet! The tour is a walkable event centered on historic downtown Newmarket, with artists exhibiting their work in their own home, in a fellow artist's home, in businesses on Main Street or in the Community Centre. Visitors will have the opportunity to chat with artists. Admission is FREE. For further information and locations of displays please visit www.newmarketgroupofartists.org
- f) Deputy Mayor & Regional Councillor Taylor invited residents to join him at the Electronic Waste Recycling Event on Saturday, September 26, 2015 from 9:00 a.m. to 3:00 p.m. Bring your unwanted or obsolete electronic devices to the south west parking lot of the Upper Canada Mall at Eagle Street and Davis Drive. This event is being hosted in partnership with the Town of Newmarket, the Newmarket Environmental Advisory Committee (NEAC), Artex Environmental and Upper Canada Mall. There is no cost, no data risk and best practices environmental handling is guaranteed. For more information call 905-895-5193.
- g) Deputy Mayor & Regional Councillor Taylor advised that the Bereaved Families of York Region will be hosting their 8th Annual Memorial Butterfly Release and 3rd Annual Walk to Remember on Saturday, September 19, 2015 at Fairy Lake Park. Further details can be found at www.bfoyr.com
- h) Deputy Mayor & Regional Councillor Taylor advised that the 4TMiler Race along the Tom Taylor Trail will be take place on September 27, 2015 with proceeds to INN From The Cold. For further information, visit www.4tmiler.com
- i) Councillor Kerwin advised that new programs have been added for the fall at the Newmarket Seniors' Meeting Place. These include Balance Training, Walking Club, Gentle Fit, Gentle Stretching, Strong Bones and Zumba Toning. To sign up for these and other exciting programs for seniors age 55 years and over, call 905-953-5325 or visit the Newmarket Seniors' Meeting Place at 474 Davis Drive.
- j) Councillor Vegh advised that Sk8 for a Stomach takes place at the Recreation Youth Centre and Sk8 Park on Sunday, September 27, 2015. Bring a non-perishable food donation and receive a complimentary Sk8 Park pass for a future visit. Donations will go to the Newmarket Food Pantry which provides food to our community's less fortunate.

- k) Mayor Van Bynen advised that the public is invited to participate in meeting to solicit feedback on the Council Code of Conduct on Wednesday, September 16, 2015 at 7:00 p.m. at the Operations Centre located at 1275 Maple Hill Court. The Council Code of Conduct governs ethical standards of behaviour for Members of Newmarket Council. The meeting will be facilitated by the Town's consultant EthicScan. For more information, please contact Andrew Brouwer, Director of Legislative Services/ Town Clerk at 905-953-5300, ext. 2211.
- l) Mayor Van Bynen advised that the next Council meeting is Monday, October 5, 2015 at 7:00 p.m.

New Business

- a) Councillor Kerwin inquired whether Members of Council will have input into the phasing of sidewalk snow removal in 2015 and 2016. The Commissioner of Development & Infrastructure Services advised that a report identifying the criteria for sidewalk snow clearing will be provided at an upcoming Committee of the Whole meeting.
- b) Councillor Kerwin queried whether Members of Council were invited to participate in the Code of Conduct Consultation Session being held on Wednesday, September 16, 2015. The Director of Legislative Services/Town Clerk provided details on the consultation process and advised that the session is open to everyone.
- c) Councillor Bisanz questioned when a site visit between herself and Staff would take place on McCaffrey Road to address the traffic concerns. The Commissioner of Development & Infrastructure Services advised that he would consult with staff and follow up with Councillor Bisanz.
- d) Councillor Broome-Plumley thanked Tom Ungar, Gord MacMillan and Rachel Prudhomme for their work to have the sidewalk installed on Yonge Street between Savage Road and the Tom Taylor Trail. She further inquired when the sidewalk along Mulock Drive between Yonge Street and Doubletree Lane would commence. The Commissioner of Development and Infrastructure Services advised that the Town is collaborating with the Region to replace the sidewalk with an anticipated start date in the third week of September. He further clarified that lighting along the sidewalk will be reviewed.
- e) Mr. John Patterson requested that he be permitted to address Council with his concerns related to By-law 2015-34.

Moved by: Councillor Kerwin
Seconded by: Councillor Hempen

THAT the deputation by Mr. John Patterson be included in the agenda.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz
Opposed: (None)
(8 in favour, 0 opposed)

Carried

f) Mr. John Patterson addressed Council with his concerns related to By-law 2015-34. He advised that he has provided written concerns to the Town Solicitor and requested that provisions are implemented to ensure that all issues related to drainage, flooding and easements are resolved prior to the sale of the land.

Moved by: Councillor Kerwin
Seconded by: Deputy Mayor & Regional Councillor Taylor

THAT the deputation by Mr. John Patterson related to By-law 2015-34 be received and referred to staff.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz
Opposed: (None)
(8 in favour, 0 opposed)

Carried

g) Mayor Van Bynen advised that Council Member appointments to the Elman W. Campbell Museum Board and Newmarket Environmental Advisory Committee are currently outstanding. He further advised that this matter would be dealt within the next Council cycle.

Closed Session

Mayor Van Bynen advised that there was no requirement for a Closed Session.

Confirmatory By-law

48. Confirmatory By-law.

2015-39 [A By-law to confirm the proceedings of a meeting of Council - September 14, 2015.](#)

Moved by: Councillor Sponga
Seconded by: Councillor Bisanz

THAT By-law 2015-39 be enacted.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,
Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor
Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(8 in favour, 0 opposed)

Carried

Adjournment

Moved by: Deputy Mayor & Regional Councillor Taylor
Seconded by: Councillor Bisanz

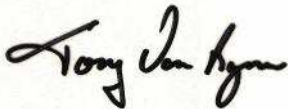
THAT the meeting adjourn.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,
Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor
Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(8 in favour, 0 opposed)

Carried

There being no further business, the meeting adjourned at 8:58 p.m.



Tony Van Bynen, Mayor



Andrew Brouwer, Town Clerk