



Town of Newmarket

Agenda

Special Council Meeting - Electronic

Date: July 19, 2021
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.

Public Input

Individuals who wish to submit input to Council in relation to an item on this agenda have the following options available.

1. Email your correspondence to clerks@newmarket.ca by end of day on Sunday, July 18, 2021. Written correspondence received by this date will form part of the public record; or,
2. Make a live remote deputation by joining the virtual meeting using the Town's videoconferencing software and verbally provide your comments over video or telephone. To select this option, you are strongly encouraged to pre-register by emailing your request and contact information to clerks@newmarket.ca.

2. Additions & Corrections to the Agenda

3. Conflict of Interest Declarations

4. Items

4.1. Heritage Permit Application - 214 to 218 Main Street South

1. That the report entitled Heritage Permit Application – 214 to 218 Main Street South dated July 19, 2021 be received; and,
2. That Staff be authorized and directed to take one of the following actions:

- a. Grant the applicant the permit applied for;
- b. Grant the applicant the permit applied for with terms and conditions attached;
- c. Provide the applicant notice that the application for the permit is refused;
- d. Take no action.

4.2. INFO-2021-23: 55 Eagle Street

Note: INFO-2021-23 was placed on the agenda at the request of Councillor Kwapis. Submission maps have been attached for information purposes.

The Strategic Leadership Team/Operational Leadership Team recommend:

1. That the Information Report entitled 55 Eagle Street, dated July 13, 2020 be received.

*4.3. Chief Administrative Officer (CAO) Appointment By-law

2021-36 A By-law to appoint a Chief Administrative Officer for the Corporation of the Town of Newmarket (Ian McDougall).

1. That By-law 2021-36 be enacted.

5. Closed Session

5.1. 55 Eagle Street (if required)

Advice that is subject to solicitor-client privilege, including communications necessary for that purpose, as per Section 239 (2)(f) of the Municipal Act, 2001.

5.2. ENVI Networks Update

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.

6. Confirmatory By-law

2021-37 A By-law to Confirm the Proceedings of the July 19, 2021 Special Council - Electronic meeting.

1. That By-law 2021-37 be enacted.

7. Adjournment



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

Heritage Permit Application – 214 to 218 Main Street South Staff Report to Council

Report Number: 2021-52

Department(s): Planning and Building Services

Author(s): Devon Morton, Planner, Committee of Adjustment and Cultural Heritage

Meeting Date: July 19, 2021

Recommendations

1. That the report entitled Heritage Permit Application – 214 to 218 Main Street South dated July 19, 2021 be received; and,
2. That Staff be authorized and directed to take one of the following actions:
 - a) Grant the applicant the permit applied for;
 - b) Grant the applicant the permit applied for with terms and conditions attached;
 - c) Provide the applicant notice that the application for the permit is refused;
 - d) Take no action.

Purpose

The purpose of this Staff Report is to advise Council of their statutory obligations, under the Ontario Heritage Act, pertaining to the timelines provided to issue Heritage Permits within the Lower Main Street South Heritage Conservation District (HCD).

This Staff Report further advises Council that a deferral in excess of ninety (90) days is not deemed a 'decision' under the Ontario Heritage Act, and that a non-decision results in granting of the Heritage Permit as applied for.

Furthermore, this Staff Report highlights four (4) options available to Council in making their decision.

Background

As per the regular Heritage Permit process, the applicant's Heritage Permit Application was deemed complete and formally circulated to the Lower Main Street South Advisory Group (LMSSAG) for review and comment on April 26, 2021. Positive feedback and supportive comments were received through the formal circulation process.

The formal circulation process was completed a second time on June 1st, 2021 to ensure the LMSSAG understood the full extent of the proposal and the effect of approval. At this time, the proposal was also updated to include the repainting of the front facade. Positive feedback and supportive comments were received through the second and final formal circulation process.

The matter was subsequently discussed at the June 14th, 2021 Committee of the Whole meeting. At this meeting, staff were directed to defer any decision on the Heritage Permit pending the outcome of a comprehensive policy analysis of elevated street-fronting terraces in the HCD.

To date, the requested Heritage Permit has not been granted.

Discussion

Based on the below, municipal Councils are provided 90 days to render a decision once an application for a Heritage Permit within the HCD has been deemed complete and notice has been served to the applicant. At the expiry of 90 days, if no decision is made, the Heritage Permit is granted as applied for.

Subsection 42(5) of the Ontario Heritage Act states,

"If the council fails to do any of the things mentioned in subsection (4) within the time period mentioned in subsection (4), the council shall be deemed to have given the applicant the permit applied for. 2002, c. 18, Sched. F, s. 2 (26)."

Subsection 42(4) of the Ontario Heritage Act states,

"Within 90 days after the notice of receipt is served on the applicant under subsection (3) or within such longer period as is agreed upon by the applicant and the council, the council may give the applicant,

- (a) the permit applied for;*
- (b) notice that the council is refusing the application for the permit; or*
- (c) the permit applied for, with terms and conditions attached."*

The applicant's application for a Heritage Permit was deemed complete and notice was served on Monday, April 26, 2021. **As such, if no decision is made by Friday, July 23rd, 2021, the Heritage Permit would be granted as applied for.**

Council has four (4) options available in making a decision. These options are outlined below:

1. Grant the applicant the permit applied for;
2. Grant the applicant the permit applied for with terms and conditions attached;
3. Provide the applicant notice that the application for the permit is refused;
4. Take no action

The implications of the options identified above are as follows respectively:

1. The applicant may proceed with the proposal in accordance with the approved plans.
2. The applicant may proceed with the proposal in accordance with the approved plans and conditions or the applicant may appeal the conditions to the Ontario Land Tribunal.
3. The applicant may accept the decision or appeal the decision to the Ontario Land Tribunal.
4. The Heritage Permit is granted as applied for

Conclusion

Pursuant to the Ontario Heritage Act, municipal Councils are provided 90 days to render a decision once an application for a Heritage Permit within a HCD has been deemed complete and notice has been served.

If a decision is not made by Friday, July 23rd, 2021, the Heritage Permit requested for 214 to 218 Main Street South would be granted as applied for.

Business Plan and Strategic Plan Linkages

Extraordinary Places and Spaces: Creating the environment for an engaged, accessible, inclusive community.

Consultation

Heritage Permit application was circulated to the Lower Main Street South Advisory Group for review and comment.

Human Resource Considerations

None.

Budget Impact

Should the decision of Council be appealed to the Ontario Land Tribunal, there may be associated costs.

Attachments

Location Diagram

Approval

Adrian Cammaert, Manager of Planning Services

Jason Unger, Director of Planning and Building Services

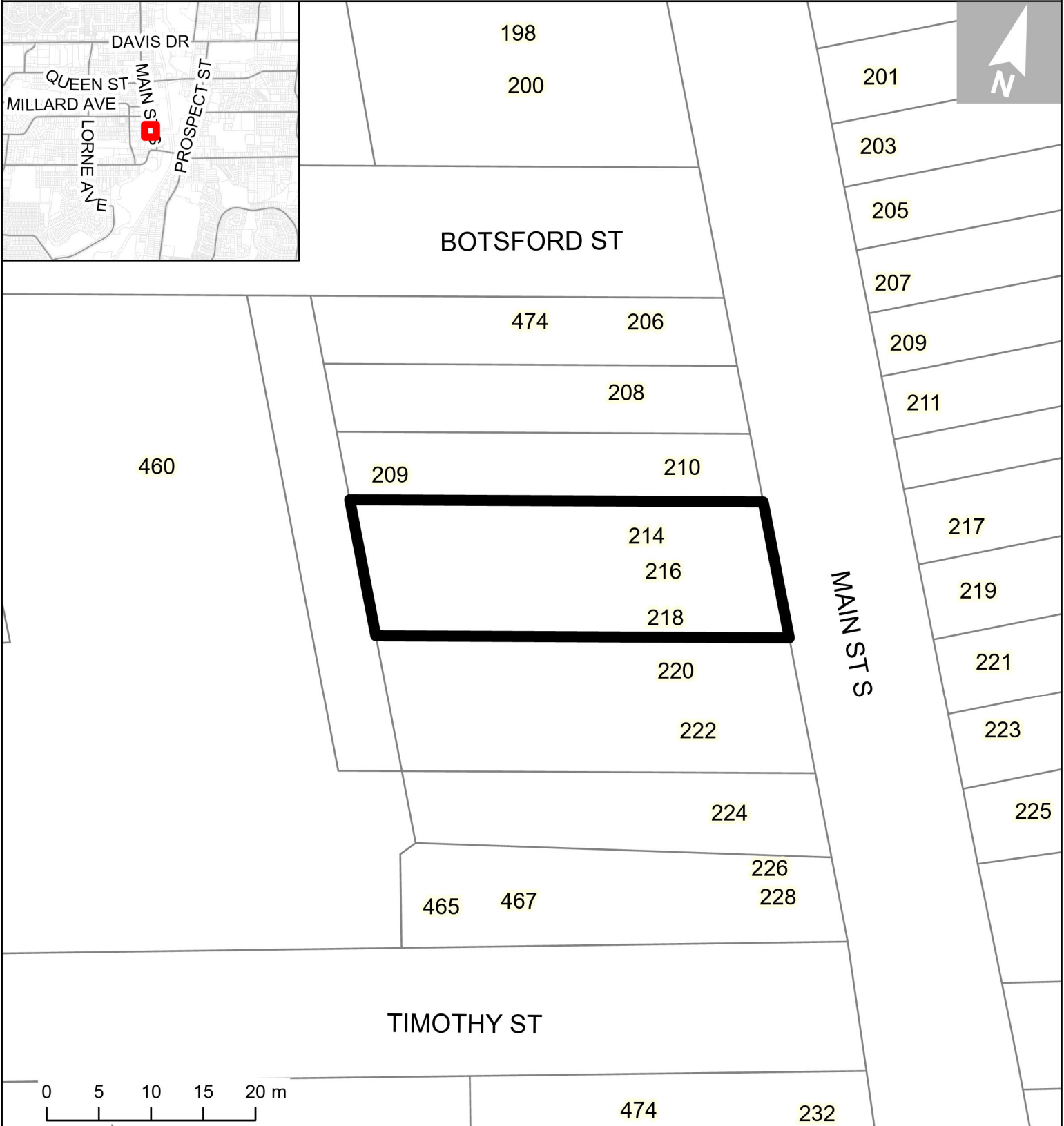
Peter Noehammer, Commissioner of Development Infrastructure Services

Contact

Devon Morton, Planner, Committee of Adjustment and Cultural Heritage

Location Map

214-218 Main Street South



 Subject Lands

Designed & produced by
Information Technology - GIS
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Town of Newmarket
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55 Eagle Street

Information Report to Council

Report Number: INFO-2021-23

Department(s): Planning Services

Author(s): Casey Blakely, Senior Development Planner

Distribution Date: July 13, 2021

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

To update Council on the 55 Eagle Street, Ontario Land Tribunal (OLT) appeal.

Background

In April 2011, the applicant (Millford Development Ltd.), submitted Official Plan Amendment and Zoning By-law Amendment applications for a residential development on lands municipally known as 55 Eagle Street, located on the north side of Eagle Street, east of Yonge Street. The lands are currently vacant, and are approximately 5.09 ha (12.58 ac) in size.

The northern portion of the subject property is traversed by Western Creek, a tributary of the Holland River and contains valley lands, a top of bank and floodplain associated with the creek. A woodlot feature encompasses a large portion of the property.

The natural heritage features are integral to the development of this site with respect to the determination and agreement on the limits of development. This remained unresolved and the applicant appealed the applications to the Ontario Land Tribunal (OLT), formerly Local Planning Appeal Tribunal (LPAT) in 2020, and as such, these applications are currently before the OLT.

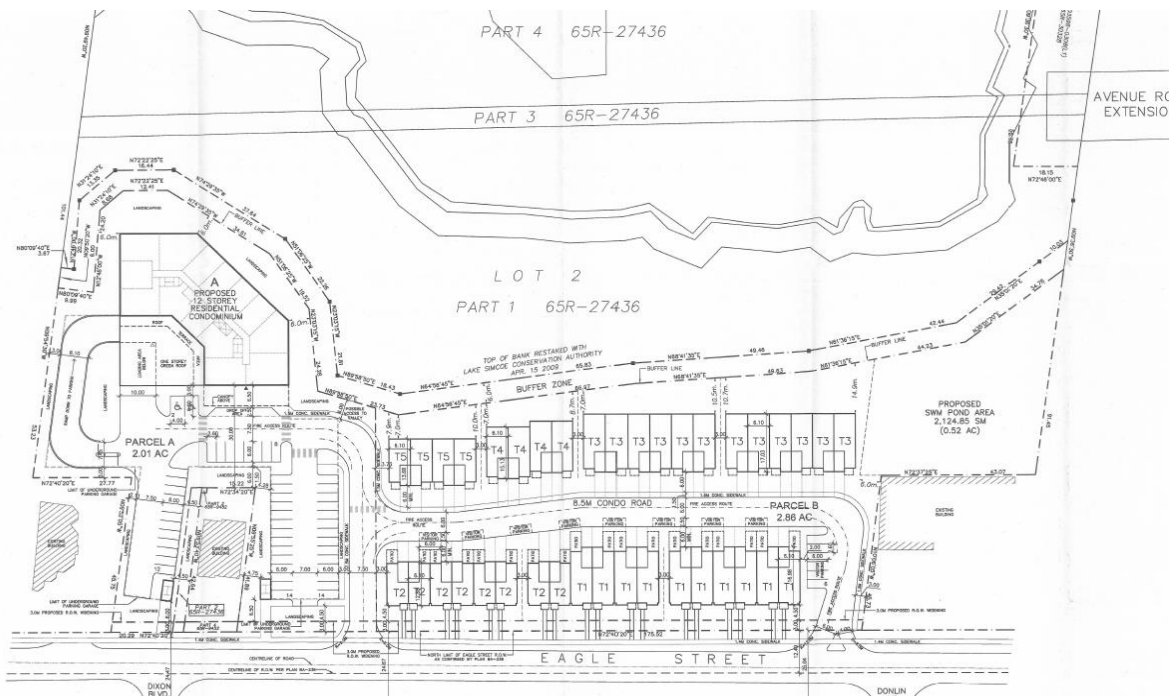
The site is also the subject of an outstanding appeal of the Town's Official Plan with respect to the existing Natural Heritage System designation above the defined top of bank. The appeal was adjourned in 2009 to allow the applicant and the Town to attempt to reach a settlement. The applicant's site specific Official Plan Amendment and Re-zoning applications submitted in 2011 were an attempt to resolve the outstanding appeal.

Discussion

April 2011 Submission

The original submission proposed 154 apartment units within a twelve story apartment building in the western portion of the site, and 38 townhouse units, for a total of 192 units. On November 21, 2011, planning staff brought forward report 2011-46 to the Committee of the Whole, providing preliminary comments on the proposal and recommending the applications go to a public meeting. The public meeting was held on February 27, 2012. Given outstanding questions largely related to re-designation of the Natural Heritage System, storm water management, traffic and requirement for an Environmental Site Assessment, staff were unable to bring forward a recommendation report to Council.

2011 Concept Plan



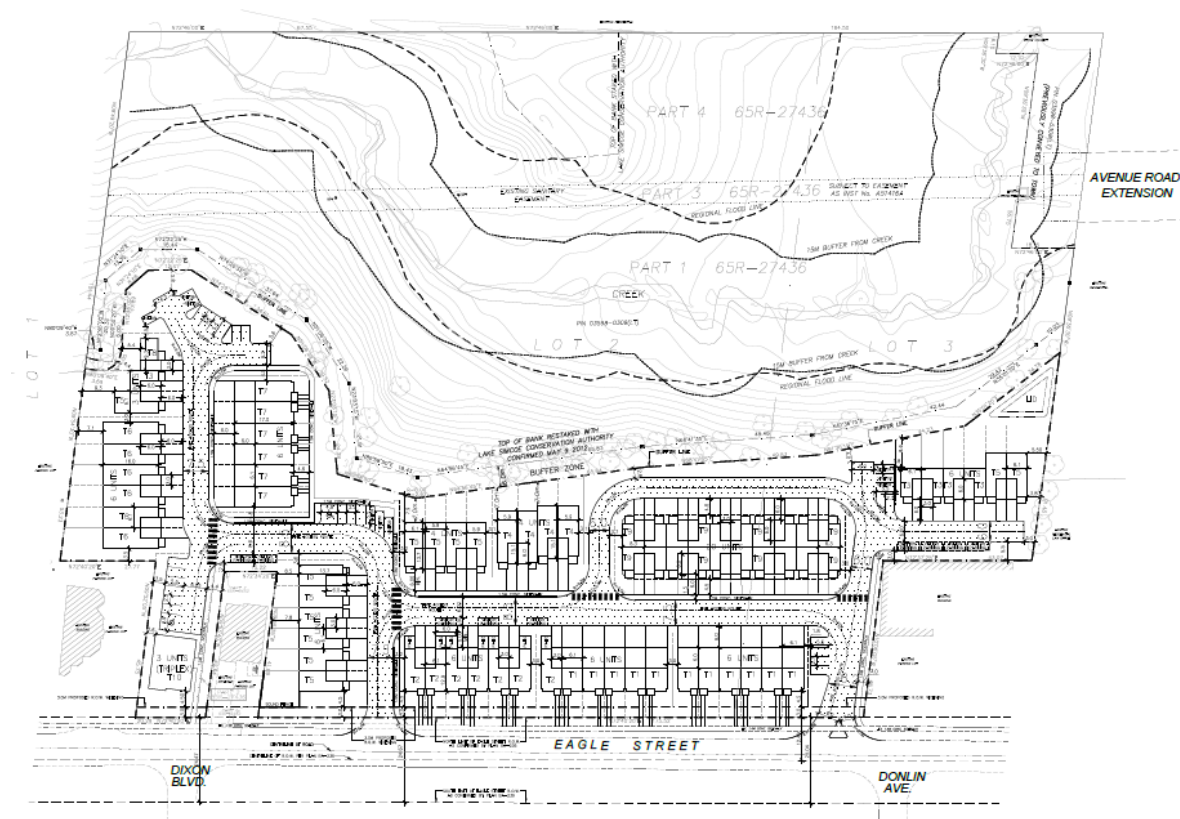
April 2021 Resubmission

The applicant appealed their applications to the OLT on March 5, 2020. Given Covid-19 and the number of matters before the OLT, it took almost a year for the appeal to move forward. The OLT held a virtual Case Management Conference (CMC) on April 8, 2021. The applicant, Town and Regional staff and a number of residents were in attendance. The applicant submitted a revised proposal prior to the CMC which was presented at the CMC, and the revised material has been circulated to internal departments and external agencies for their review and comment. The new submission material consists of revised plans and a number of technical studies. The OLT made an order at the CMC consolidating the applicant's appeal of its applications and its appeal of the Town's Official Plan.

The applicant's revised plan eliminates the proposed apartment building and now proposes a condominium development consisting of 53 standard townhomes and, 20 back-to-back townhomes, for a total of 73 townhomes and 1 triplex building. The total number of proposed units has been reduced from 192 to 76. An internal street network is proposed with two accesses onto Eagle Street, incorporating a full movements access east of Dixon Boulevard and a right-in/right-out secondary access west of Donlin Avenue. It is proposed that the internal street network will be private roads maintained by the proposed condominium corporation.

The top of bank was staked by the Lake Simcoe Region Conservation Authority (LSRCA) in 2009 and the woodlot boundary was staked by LSRCA on June 21, 2021.

2021 Concept Plan



Next Steps

On July 13, 2021 from 7:00pm to 8:00pm the applicant is holding a virtual developer-led Public Information Centre (PIC) to inform the public of the proposed changes to their application. This will provide the members of the public who did not attend the first CMC an opportunity to see the revised submission and allow members of the public to ask questions of the applicant. Since this is a developer-led PIC, the Town will not be playing an active role, but will monitor the meeting.

The next virtual CMC is scheduled for Monday July 26, 2021 at 10:00am. It is anticipated that the Participants and Parties will be finalized at that time and a Hearing date may be scheduled by the OLT.

Staff will be providing comments to the applicant and will also be preparing a draft Issues List for the hearing which will be submitted to the OLT, as part of the appeal process.

High Level Discussion Items

Staff and agency review of the revised material has identified items that require further discussion with the applicant. The key areas include, but are not limited to:

- Natural Heritage System and conformity with the Provincial Policy Statement (PPS) - A large portion of the site, currently proposed for development, contains a woodlot feature. The boundary of the woodlot was staked by the LSRCA on June 21, 2021. Staff are waiting to receive the surveyed line of the woodlot superimposed over the proposed development, from the applicant, in order to determine whether the proposed development encroaches on the woodlot boundary or development setback
- Technical Requirements—Further discussion is required with the applicant’s technical team on stormwater management and grading
- Future ownership of the valleylands – Further discussion is required regarding future ownership the northern portion of the site, containing the lands within the floodplain and below the top of bank of the Western Creek
- Site Design – Staff would like to have further discussions with the applicant regarding site design, including street pattern, densities and land uses
- Traffic and parking – Further discussion is required on parking rates used and potential traffic impacts to the surrounding area/mitigation measures

The Town has a [webpage](#) for this site, containing the 2011 and 2021 submission material and OLT information. Staff will continue to update the webpage and provide any new material and information received from the applicant and the OLT.

Conclusion

Staff will continue to review the resubmission provided by the applicant, attend the July 26th CMC and continue to keep Council informed as this appeal continues through the OLT.

Business Plan and Strategic Plan Linkages

Providing for the efficient management of litigation involving the Town.

Consultation

Senior staff from Planning and Legal Services were consulted in the drafting of this report.

Human Resource Considerations

None

Budget Impact

The fees for external legal counsel are being processed through the Legal Services department.

Attachments

None

Contact

Casey Blakely, MCIP, RPP

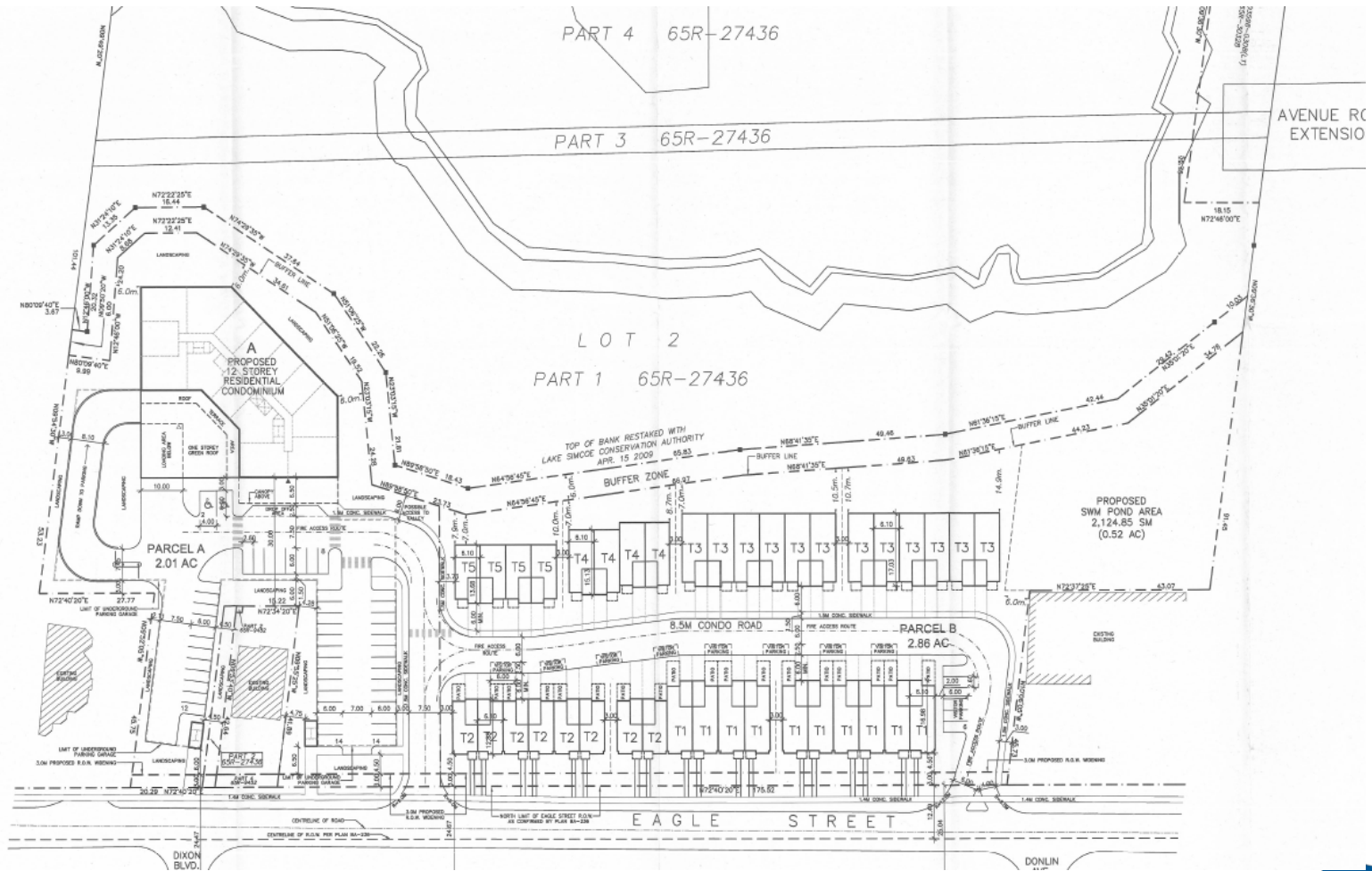
Approval

Adrian Cammaert, Manager, Planning Services

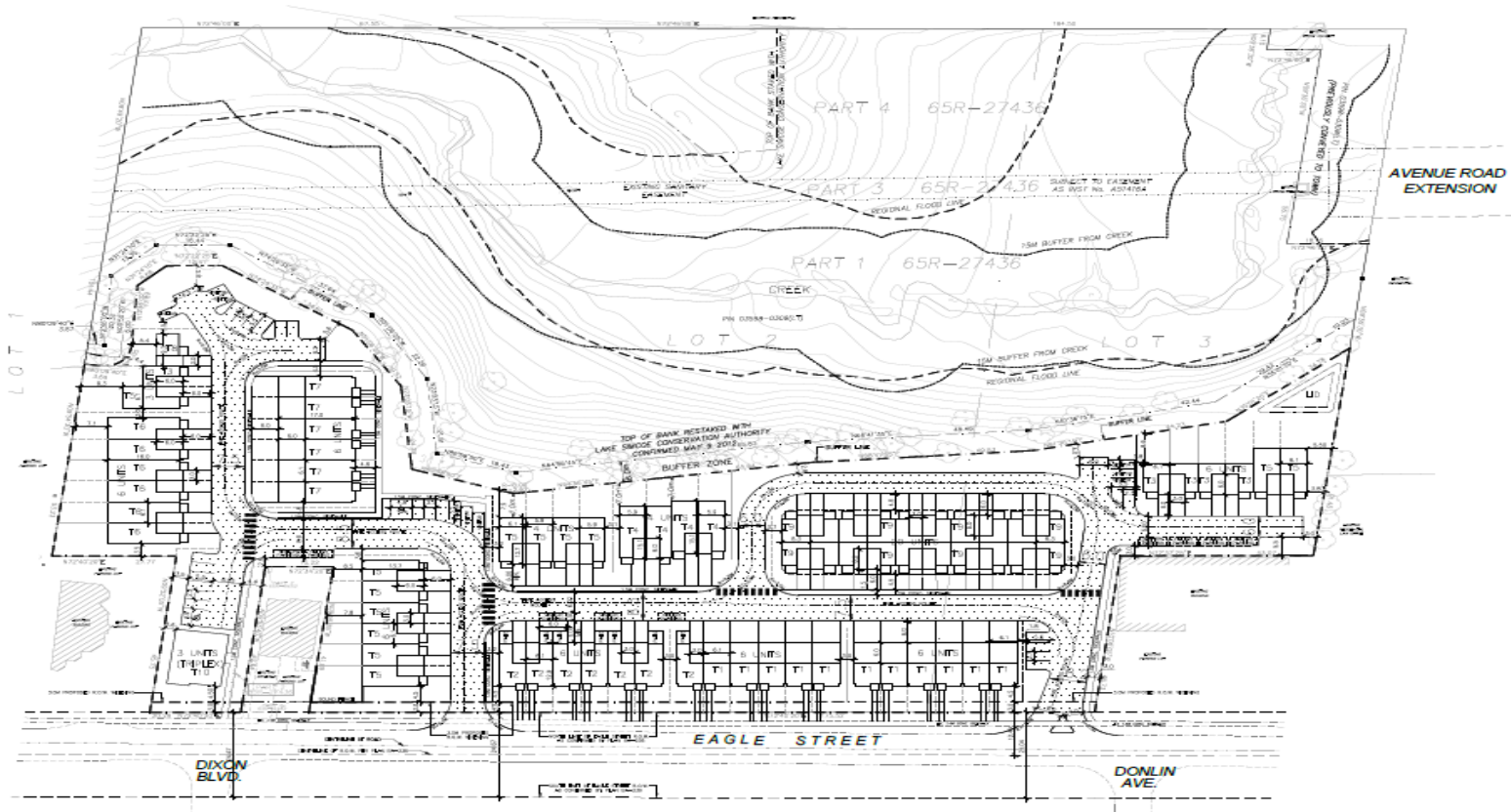
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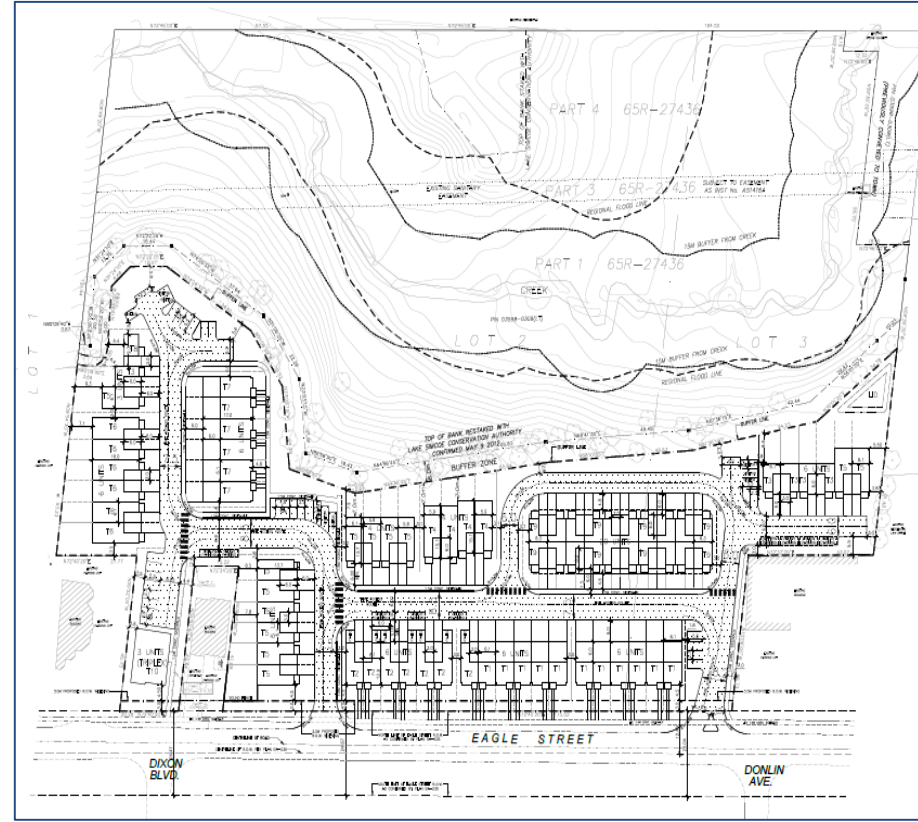
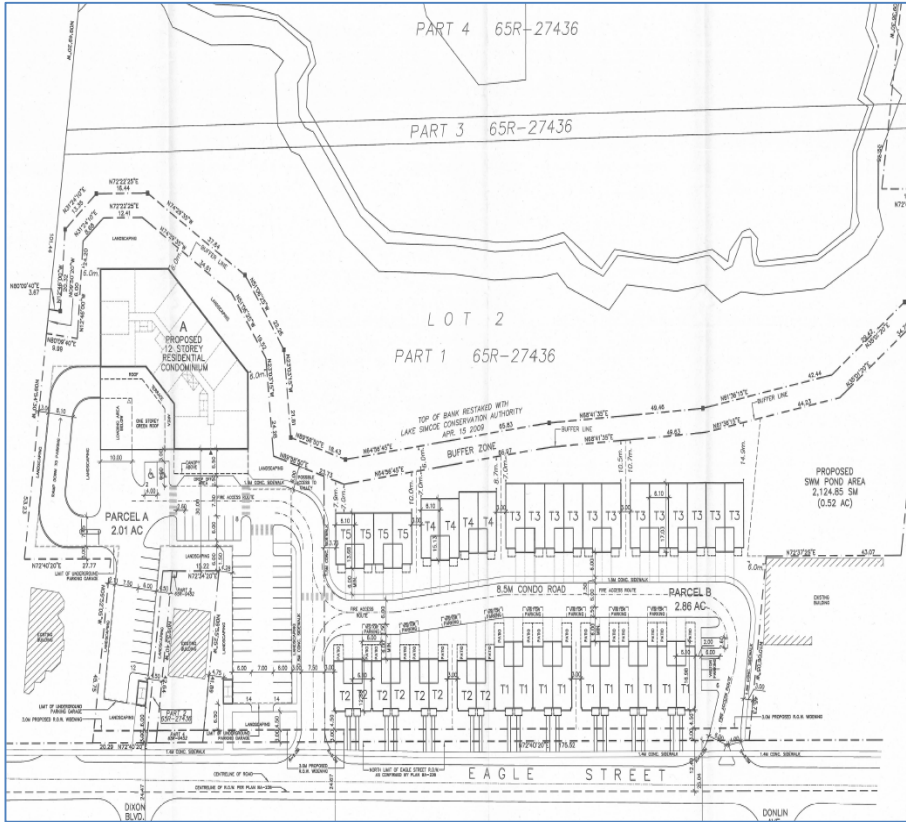
2011 Submission



2021 Submission



Comparison





Corporation of the Town of Newmarket

By-law 2021-36

A By-law to appoint a Chief Administrative Officer for the Corporation of the Town of Newmarket (Ian McDougall).

Whereas section 72 of the Municipal Act RSO 1990, c.M45 as amended authorizes Council to appoint a Chief Administrative Officer;

And whereas Council has approved the appointment of Ian McDougall as the Chief Administrative Officer for the Town of Newmarket;

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

1. That Ian McDougall be hereby appointed as the Chief Administrative Officer for the Town of Newmarket effective July 19, 2021.
2. That the execution of an employment contract with the Mayor and Director, Human Resources be ratified.
3. That the Chief Administrative Officer shall perform the duties and responsibilities outlined in the job profile attached hereto as Schedule "A" and such other duties as may be assigned by resolution or by-law from time to time.
4. That this bylaw shall come into force and effect on July 19, 2021 provided the employment contract has been executed.
5. That By-Law 2019-15 be repealed.

Enacted this 19th day of July, 2021.

John Taylor, Mayor

Lisa Lyons, Town Clerk

Chief Administrator Officer

Location: **Town of Newmarket, Ontario**

The Organization:

Strategically positioned north of Toronto, within the GTA, the Town of Newmarket, a municipality of over 85,000, boasts a diverse socio economic base, focused on the industrial, commercial, cultural, and tourism sectors. The location of the original settlement in 1801 at the convergence of the Holland River and Fairy Lake continues to be a central feature of Newmarket's downtown core. Described as a community of cooperation because of its long and proud history of people working together to improve the lives of all citizens, Newmarket's focus on the preservation and enhancement of the historical and environmental features of the community is highly evident. Community outreach and partnerships between the private sector, government, labour, community and business leaders and their constituencies continue to be important factors in The Town of Newmarket's approach to growth and development. Newmarket stands as a lower tier municipality within the Region of York, represented by 7 Councilors, a Regional Councilor and the Mayor.

The Position:

Accountable to Council through the Office of the Mayor of the Town of Newmarket, the Chief Administrative Officer leads, directs, manages and administers all organizational and operational services for the Town. Delivering on the strategic vision of Council, the C.A.O. provides principled and accountable leadership to the Strategic Leadership Team thereby influencing ten Department Directors in the innovative, efficient and cost effective delivery of sound municipal services within the Town. Responsible for the direction and implementation of all approved policies, budgets and appropriations, the CAO will have overall accountability to manage the effectiveness of the Town's administration, including financial planning and management, intergovernmental relations, corporate strategic planning, corporate redesign and restructuring, government/ community integration and the coordination of interdepartmental initiatives.

The successful candidate will be an accomplished municipal leader with a proven executive, administrative, and business practice record. A sophisticated strategic thinker, with a high level of personal and professional confidence and political savvy, you will apply your well honed strategic and change management skills for the most efficient and cost effective delivery of sound municipal services within the Town of Newmarket. A people leader with a commitment to innovation as well as a respect for the past will serve to enhance a corporate culture that embodies a set of core values that embraces a commitment to extraordinary customer service.

The successful candidate will have a collaborative mindset that nurtures collaboration with other municipal partners and a leadership style that affords meaningful results for all parties.

General Description

- *Leadership/Management:* Lead, coordinate, manage and oversee the work of all municipal departments, ensuring delivery on Council's policy direction, effective and efficient service delivery and sound administrative interaction with various operating agencies and the Region of York. Act as the sole representative of the Town on Newmarket Hydro Holdings Inc., leads a Fire Service serving 2 communities and plays a significant role with the Northern 6 municipalities.
- *Policies:* Assume full responsibility for the implementation of the policies, directions and programs approved by Council.
- *Budget:* Direct the preparation of the Town's budget, providing recommendations with respect to both current and capital budgets, and exercise financial control over approved appropriations for all Town departments.
- *Council Support:* Support Council in reviewing and advising on Council's agenda, both open and in camera, and making appropriate presentations to Council on all requisite matters.
- *Human Resources:* Responsible for personnel matters for all staff including the hiring and discharge of staff. The hiring and discharging of Commissioners would be based on a CAO recommendation to Council.
- *Culture:* Responsible for creating the opportunity for an environment of inclusivity and collaboration to flourish.

Detailed Description

- To administer/have authority over:
 - the business affairs of the Town in accordance with the policies and plans approved and established by Council.
 - the financial control of all departments of the Town relative to approved appropriations.
 - all Town purchasing.
 - Collective bargaining agreements and all wage and salary administration.
 - the appointment, employment, suspension or dismissal of all Town employees not covered by collective bargaining agreements, or not appointed under Statute, subject to their right of appeal to Council in respect to any suspension or dismissal.
 - the appointment and employment of all other employees of the Town in accordance with procedures laid down in collective bargaining agreements and to dismiss or suspend such employees for cause, subsequent to which the grievance procedures laid down in collective bargaining agreements shall apply.

- To lead, co-ordinate and broadly manage:
 - the preparation of plans and programs to be submitted to the Council related to development, improvement, construction, and maintenance of all Town services, property and facilities.
 - the implementation of all programs, services, initiatives, and projects approved by the Council including Official Plan Review, Community Strategic Plan, Recreation Master Plans, Natural Heritage Studies, Strategic Property Acquisitions, etc.
 - the preparation and compilation of the annual estimates of revenues and expenditures.
 - collective bargaining for Town employees concerning overall mandate, wages, salaries and working conditions.
 - duties and powers which from time to time may lawfully be assigned to, or vesting in him/her by the Council.

- To report/present to Council:
 - all recommendations/reports arising from departmental operations for Council's information/approval as appropriate.
 - all requests and appeals from citizens directed to the Council.
 - the annual estimates of revenues and expenditures and monthly account statements.
 - recommendations respecting collective bargaining agreements with Town employees concerning wages, salaries and working conditions.
 - recommendations respecting the appointment, employment, suspension or dismissal of Commissioners.
 - reports and information regarding progress and accomplishments in programs and projects and his/her exercise of financial and administrative control as requested by Council.
 - reports and information relative to the leadership of a Fire Service serving two municipalities through a Joint Council Committee

- To represent the interests of The Town Of Newmarket:
 - during regularly scheduled strategic and operational planning meetings with Department Directors.
 - during meetings with the staff of Newmarket on an ongoing basis
 - with local municipalities
 - with the Region of York.
 - with the Province of Ontario.
 - with Newmarket-Tay Power through participation at Board meetings on strategic matters
 - with other government jurisdictions.
 - with existing and potential business and community interest in Newmarket.
 - with the community at large.

Qualifications

- *Municipal Leadership:* Extensive experience at the senior administrative level with municipal related experience and a proven record of accomplishment. Ability to create and communicate a vision and engage others in its achievement. Demonstrate behaviours that model and support the organizations aspirations and values and ensures it success.
- *Initiative:* Enthusiastic and hardworking with demonstrated initiative and motivation in taking charge of their responsibilities.
- *Political Acuity:* Experience in working with elected officials and councils. Navigating the formal and informal channels and networking with Council, the Strategic Leadership Team, management groups, the media and private sector.
- *Communication:* High degree of interpersonal skill, tact and diplomacy. Ongoing contact with members of Council, various stakeholders at all levels, provincial and federal governments, the media and related organizations to provide and exchange information.
- *Partnering:* Create an organizational environment that is open to alliances and attracting partnerships. Negotiating and managing the strategic nature of alliances and determining when adjustments, fine tuning or termination or partnerships is required.
- *Adaptability:* Comfortable with shifting priorities and proven ability to manage change in a complex environment.
- *Interpersonal Skills:* Strong interpersonal and communication skills and a record of building profitable relationships with external services and internal support systems.
- *Financial:* Sound financial management skills.
- *Strategic/Conceptual Skills:* Ability to conceptualize new ideas and apply them.
- *Strategic Orientation:* *links long range vision and concepts to daily work; sophisticated awareness of the impact of the external environment on strategies and how external factors affect choices*
- *Integrity:* Forthright, honest and reliable
- *Education:* A university education, at the Honours Baccalaureate level in a related area of study such as Business, Arts, Applied Sciences, Public Administration. Preference would be for a Master's Degree in Public Administration or equivalent.

Corporation of the Town of Newmarket

By-law 2021-37

A By-law to confirm the proceedings of a Special meeting of Council -
Electronic – July 19, 2021

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 19th day of July, 2021.

John Taylor, Mayor

Lisa Lyons, Town Clerk