



Town of Newmarket

Minutes

Committee of the Whole - Electronic

Date: Monday, August 23, 2021
Time: 1:00 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 Morrison
Councillor Kwapis
Councillor Broome
Councillor Bisanz

Members Absent: Councillor Woodhouse
Councillor Twinney

Staff Present: I. McDougall, Chief Administrative Officer
E. Armchuk, Commissioner of Corporate Services
P. Noehammer, Commissioner of Development & Infrastructure Services
L. Lyons, Director of Legislative Services/Town Clerk
M. Agnoletto, Director of Public Works Services
W. Bennett, Director of Corporate Communications
A. Cammaert, Acting Director of Planning and Building Services
M. White, Senior Planner - Community Planning
A. Walkom, Legislative Coordinator
J. Grossi, Legislative Coordinator

Guests: Ysni Semsedini, President & CEO, Newmarket-Tay Power
Gianni Creta, President, Envi Networks Ltd.

For consideration by Council on August 30, 2021.

The meeting was called to order at 1:00 PM.

Mayor Taylor in the Chair.

Committee of the Whole recessed at 2:42 PM and reconvened at 2:50 PM.

1. Notice

Mayor Taylor 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 addition to the agenda:

- Closed Session Item 11.3: Vaccination Requirements/Policies - 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.

Moved by: Councillor Morrison

Seconded by: Councillor Bisanz

1. That the addition to the agenda be approved.

Carried

3. Conflict of Interest Declarations

None.

4. Presentations & Recognitions

4.1 Newmarket Hydro Holdings Inc. 2020 Annual General Meeting

Ysni Semsedini, President, Newmarket-Tay Power Distribution Ltd. provided a brief 2020 year in review and an overview of the motions that were required by the Town of Newmarket Council. He also reviewed the

COVID-19 impacts including the flexible work arrangements for staff, decrease in gross income, and increase in bad debt. He further provided an overview of the distribution system plan and next steps.

Gianni Creta, President, ENVI Network provided a business review of ENVI Network, outlined the impacts of COVID-19 on the customer installs, employees, and financials.

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

1. That the presentation provided by Ysni Semsedini, President, Newmarket-Tay Power Distribution Ltd. and Gianni Creta, President, Envi Network regarding the Newmarket Hydro Holdings Inc. 2020 Annual General Meeting be received.

Carried

4.2 Urban Design Guidelines

The Acting, Director of Planning and Building Services provided an introduction to Matt Reid, Fotenn Planning + Design, and provided background information related to the Urban Design Guidelines and the various methods of consultation provided.

Matt Reid provided an overview of the project timeline, guideline application, design objectives, and the intent-driven approach. He further summarized the engagement opportunities through Public Information Sessions (PICs), a Council Workshop and a BILD Review. The presentation concluded with a review of the three demonstration sites and the specific application of guidelines in these scenarios.

Members of Council queried the presenter and Staff regarding how the Urban Design Guidelines fit into the current planning application process, height related to adjacent residential neighborhoods, and the Official Plan policy.

5. Deputations

None.

6. Consent Items

Moved by: Councillor Morrison

Seconded by: Councillor Kwapis

1. That sub-items 6.4, 6.5, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12, 6.13 and 6.14 be adopted on consent. See following sub-items 6.1, 6.2, 6.3, and 6.6 for motions.

Carried

6.1 Newmarket Hydro Holdings Inc. 2020 Annual General Meeting

Moved by: Councillor Morrison

Seconded by: Councillor Broome

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, 2020 together with the report of the Corporation's auditors, Baker Tilly KDN LLP ("Baker Tilly"), Chartered Accountants, thereon dated May 19, 2021 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 Ian McDougall, 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 Ian McDougall, 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, 2020, 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 Ian McDougall, 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, 2020 together with the report of NT Power's auditors, Baker Tilly, thereon dated April 28, 2021 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, D. Priore, 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, 2020, 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 Ian McDougall, 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, 2020 together with the report of Envi's auditors, Baker Tilly, thereon dated April 8, 2021 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, 2020, 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.

Carried

6.2 Urban Design Guidelines

An alternate motion was presented and noted below in bold.

Moved by: Councillor Morrison

Seconded by: Councillor Broome

1. **That the presentation provided by Matt Reid, Fotenn Planning + Design regarding Urban Design Guidelines be received; and,**
2. That the report entitled Urban Design Guidelines dated August 23, 2021 be received; and,
3. That Council approve Attachment 1 to this report titled “Town of Newmarket Urban Design Guidelines” prepared by Fotenn Planning + Design, **as amended**; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6.3 Ontario Ministry of the Environment, Conservation and Parks NPC-300 Guideline 17645 Yonge Street

Moved by: Councillor Morrison

Seconded by: Councillor Kwapis

1. That the report entitled Ontario Ministry of the Environment, Conservation and Parks NPC-300 Guideline – 17645 Yonge St dated August 23 2021 be received; and,
2. That the designation of 17645 Yonge St to a Class 4 Noise Area be approved; and,
3. That Council approve the By-law, substantially in accordance with Attachment 1, authorizing the designation; and,
4. That Redwood Properties, 330 New Huntington Rd, Suite 201, Vaughan ON L4H 4C9, be notified of this action; and,

5. That Groundswell Urban Planners Inc. 30 West Beaver Creek Rd Unit 109, Richmond Hill ON L4B 3K1, be notified of this action; and,
6. That the owners of 17725 Yonge Street and their tenant, Food Basics, be notified of this action; and
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6.4 Q2 of 2021 Financial Update

1. That the report entitled Q2 of 2021 Financial Update be received; and,
2. That \$120,000 be added to 2021 capital project “Stormwater Management Clean Outs/Retrofits Cleaning Program to be funded from the Stormwater reserve, revising the approved budget from \$450,000 to \$570,000; and
3. That Council approve reallocation of 2021 capital programs totaling \$1,724,000 based on revised project delivery timelines as outlined in the report, of which \$1,614,000 will be reallocated as part of the 2022 capital program; and,
4. That staff be authorized and directed to do all things necessary to give effect to this resolution.

6.5 2022 Meeting Schedules and Restricted Acts in a Municipal Election Year

1. That the report entitled 2022 Meeting Schedules and Restricted Acts in a Municipal Election Year dated August 23, 2021 be received; and,
2. That the 2022 Committee of the Whole and Council Meeting Schedule (Attachment A) be adopted; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

6.6 Hybrid Meeting Policy

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

Moved by: Councillor Broome

Seconded by: Councillor Kwapis

1. That the report entitled Hybrid Meeting Policy dated August 23, 2021 be received; and,
2. That Council approve the **Pilot** Hybrid Meeting Policy attached as Attachment 1 and rescind the Electronic Participation in Meetings Policy; and,
3. That the proposed amendment to the Town of Newmarket's Procedure By-law 2020-12 to permit electronic participation after December 31, 2021 as outlined in Attachment 2 of this report be approved; and,
4. That the Town Clerk be authorized to administer the **Pilot** Hybrid Meeting Policy and develop the necessary Procedures to implement the Policy, as required; and,
5. That staff be directed to report back to Council in **Q1 2023** with a review of the **Pilot** Hybrid Meeting Policy, as part of the Procedure By-law Review; and,
6. That beginning with the Committee of the Whole meeting of October 25, 2021 or as determined by the Mayor and Chief Administrative Officer, staff be directed to facilitate meetings in a hybrid manner with in-person and remote Members of Council, Staff and the public; and,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6.7 Second Quarterly Update to the Outstanding Matters List for 2021

1. That the report entitled Second Quarterly Update to the Outstanding Matters List for 2021 dated August 23, 2021 be received; and,
2. That Council adopt the Outstanding Matters List (Attachment A); and,

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

6.8 Item 6.2 from Newmarket Public Library Board Meeting Minutes of May 19, 2021

The Strategic Leadership Team/Operational Leadership Team recommend:

Whereas public libraries are vibrant community hubs where residents of all ages and backgrounds can learn, work, train, innovate, explore and connect; and,

Whereas the Newmarket Public Library provides community members with equitable, reliable access to broadband internet; and,

Whereas the Newmarket Public Library uses technology to make resources more accessible and responsive to people's changing needs; and,

Whereas the Newmarket Public Library supports local economic development through the provision of important business development and job skills programming for adults and youth; and,

Whereas the Newmarket Public Library works closely with local residents to deliver valued programs and services and shares knowledge and resources; and,

Whereas the Newmarket Public Library continues to responsibly manage public resources with the utmost care and is committed to the sustainability of its services; and,

Whereas the Newmarket Public Library recognizes the opportunity that targeted provincial investment can provide to secure more equitable access to increasingly significant digital resources and library-based services across Ontario;

Now therefore be it resolved:

1. That the Town of Newmarket encourages the Province of Ontario to continue to recognize and support the contribution of local libraries within their communities; and,
2. That the Town of Newmarket encourages the Province of Ontario to maintain existing funding for Ontario's public libraries; and,

3. That the Town of Newmarket encourages the Province of Ontario to make a new, ongoing, targeted annual investment to strengthen access to modern, cost-effective digital resources and services for all Ontarians through local public libraries; and,
4. That a copy of this resolution be sent to the Ontario Minister of Heritage, Sport, Tourism, and Culture Industries, to the Ontario Minister of Municipal Affairs, to the local MPPs, to the Association of Municipalities Ontario, to the Ontario Library Association, to the Federation of Ontario Public Libraries, and to York Region and local area municipalities for endorsement.

6.9 Newmarket Public Library Board Meeting Minutes of May 19, 2021

1. That the Newmarket Public Library Board Meeting Minutes of May 19, 2021 be received.

6.10 Item 6.1 from June 1, 2021 Heritage Newmarket Advisory Committee Meeting Minutes

The Strategic Leadership Team/Operational Leadership Team recommend that the following be referred to staff:

1. That the Heritage Newmarket Advisory Committee recommend heritage designation of the property located at 415 Davis Drive.

6.11 Heritage Newmarket Advisory Committee Meeting Minutes of June 1, 2021

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of June 1, 2021 be received.

6.12 Newmarket Economic Development Advisory Committee Meeting Minutes of October 7, 2020

1. That the Newmarket Economic Development Advisory Committee Meeting Minutes of October 7, 2020 be received.

6.13 Main Street District Business Improvement Area Board of Management Meeting Minutes of May 7, 2021

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of May 7, 2021 be received.

6.14 Newmarket Anti-Black Racism Task Force Meeting Minutes of May 4, 2021 and June 1, 2021

1. That the Newmarket Anti-Black Racism Task Force Meeting Minutes of May 4, 2021 and June 1, 2021 be received.

7. Action Items

None.

8. Notices of Motion

None.

9. Motions Where Notice has Already been Provided

None.

10. New Business

10.1 Main Street Garbage Pilot Program

Councillor Kwapis asked for an update on the Main Street in-ground garbage pilot program and the opportunity to expand it to the west side of Main Street near Old Town Hall. The Commissioner of Development and Infrastructure Services advised that the downtown waste management strategy study has been suspended due to the pandemic and that an update would be provided in 2022 when available.

10.2 LED Lighting at Ray Twinney Complex

Councillor Bisanz advised of resident concerns regarding the new LED lighting at the Ray Twinney Complex. The Director of Public Works Services advised that Staff were working with the appropriate contractor and would provide the Councillor with an update.

10.3 Garbage Issue at Town of Newmarket Parks

Councillor Broome advised of resident concerns regarding garbage issues at various parks around Town, specifically Dr. Margaret Arkinstall. The Director of Public Works Services advised that Staff were aware of the issue and that a strategy had been developed to address and monitor the garbage.

10.4 Dr. Margaret Arkinstall Splashpad

Councillor Broome advised that the splashpad would be closed ahead of the others in Town to allow for updates and construction to occur, and asked Staff to ensure that the dates are communicated to the residents appropriately. The Commissioner of Development and Infrastructure Services provided an update on the timeline and advised that a later closure would be investigated.

11. Closed Session

11.1 Newmarket-Tay Power and ENVI Financial Statements

Moved by: Councillor Kwapis

Seconded by: Deputy Mayor & Regional
Councillor Vegh

1. That the Committee of the Whole resolve into Closed Session to discuss the following matter:
 - a. 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.

Carried

The Committee of the Whole resolved into Closed Session at 1:07 PM.
The Committee of the Whole (Closed Session) Minutes are recorded under separate cover.

The Committee of the Whole resumed into Open Session at 1:18 PM.

11.2 Proposed Acquisition and Disposition of Land – Property in Ward 6

11.3 Vaccination Requirements/Policies

Moved by: Councillor Broome

Seconded by: Councillor Simon

1. That the Committee of the Whole resolve into Closed Session to discuss the following matters:
 - a. Proposed Acquisition and Disposition of Land – Property in Ward 6 - 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.
 - b. Vaccination Requirements/Policies - 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.

Carried

The Committee of the Whole resolved into Closed Session at 3:57 PM.
The Committee of the Whole (Closed Session) Minutes are recorded under separate cover.

The Committee of the Whole resumed into Open Session at 4:37 PM.

12. Adjournment

Mayor Taylor advised that there was no requirement for the Special Council - Electronic meeting immediately following.

Moved by: Councillor Morrison

Seconded by: Councillor Kwapis

1. That the meeting be adjourned 4:38 PM.

Carried

John Taylor, Mayor

Lisa Lyons, Town Clerk