



Town of Newmarket
MINUTES

COMMITTEE OF THE WHOLE

Monday, February 4, 2013 at 1:30 p.m.
Council Chambers
395 Mulock Drive

For consideration by Council
on February 11, 2013

The meeting of the Committee of the Whole was held on Monday, February 4, 2013 at 1:30 p.m. in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor
Councillor Di Muccio
Councillor Emanuel
Councillor Hempen
Councillor Kerwin
Councillor Sponga
Councillor Twinney
Councillor Vegh (7:00 to 10:18 p.m.)

Staff: R. N. Shelton, Chief Administrative Officer
I. McDougall, Commissioner of Community Services
A. Moore, Commissioner of Corporate Services
B. Jones, Acting Commissioner of Development and Infrastructure Services
E. Armchuk-Ball, Director of Legal Services/Municipal Solicitor
J. Unger, Assistant Director of Planning
M. Plaunt, Senior Planner – Policy
A. Brouwer, Director of Legislative Services/Town Clerk
L. Lyons, Deputy Clerk
L. Moor, Council/Committee Coordinator

The meeting was called to order at 1:31 p.m.

Mayor Van Bynen in the Chair.

Moved by Councillor Sponga
Seconded by Councillor Emanuel

THAT the order of the agenda be altered by including the following items for consideration:

CONSENT ITEMS

DISTRIBUTION

Item 8 **Development and Infrastructure Services Report – Engineering Services 2013-05 dated January 23, 2013 regarding the Proposed Lake to Lake Cycling Route and Walking Trail.**

ACTION ITEMS

DISTRIBUTION

- Item 5 Corporate Services Report – Legislative Services 2013-03 dated January 30, 2013 regarding Recruitment for Committee Vacancy – Newmarket Sports Hall of Fame.
- Item 6 Development and Infrastructure Services Report – ES 2013-03 dated January 16, 2013 regarding Old Town Hall Construction Budget Control Task Force – Terms of Reference.

CARRIED

DECLARATIONS

Councillor Hempen declared a pecuniary interest in Item 6 of the agenda being Development and Infrastructure Services Report – ES 2013-03 dated January 16, 2013 regarding Old Town Hall Construction Budget Control Task Force – Terms of Reference (Item 12 of the Committee of the Whole Minutes of February 4, 2013) as his mother owns property in the vicinity. He advised he would take no part in the discussion or voting of this matter.

Moved by Councillor Kerwin
Seconded by Councillor Emanuel

THAT the following items be adopted on consent:

1. **COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 4, 2013 – ITEM 1
REQUESTS FOR PROCLAMATION**
 - a) THAT the Town of Newmarket proclaim March 26, 2013 as ‘Purple Day’;

AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca
 - b) THAT the Town of Newmarket proclaim March 2013 as ‘Red Cross Month’;

AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca
2. **COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 4, 2013 – ITEM 2
NEWMARKET PUBLIC LIBRARY BOARD MINUTES**

THAT the Newmarket Public Library Board Minutes of November 28 and December 19, 2012 be received.
3. **COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 4, 2013 – ITEM 3
HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES**

THAT the Heritage Newmarket Advisory Committee Minutes of January 8, 2013 be received.

4. **COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 4, 2013 – ITEM 4
ENVIRONMENTAL ADVISORY COMMITTEE MINUTES**

THAT the Environmental Advisory Committee Minutes of January 9, 2013 be received.

5. **COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 4, 2013 – ITEM 5
LIST OF OUTSTANDING MATTERS**

THAT the list of outstanding matters be received.

CARRIED

This concludes the consent portion of the minutes.

6. **COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 4, 2013 – ITEM 6
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – ES 2012-87
TRAFFIC OPERATIONS REVIEW – SAWMILL VALLEY DRIVE & SAVAGE ROAD**

Development and Infrastructure Services Report – ES 2012-87 dated January 15, 2013 regarding Traffic Operations.

**Moved by Councillor Di Muccio
Seconded by Councillor Sponga**

THAT Development and Infrastructure Services Report – ES 2012-87 dated January 15, 2013 regarding Traffic Operations Review – Sawmill Valley Drive and Savage Road be referred to the next Committee of the Whole meeting scheduled for February 25, 2013.

CARRIED

7. **COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 4, 2013 – ITEM 7
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – ES 2013-05
PROPOSED LAKE TO LAKE CYCLING ROUTE AND WALKING TRAIL**

Development and Infrastructure Services Report – Engineering Services 2013-05 dated January 23, 2013 regarding the Proposed Lake to Lake Cycling Route and Walking Trail.

**Moved by Councillor Sponga
Seconded by Councillor Emanuel**

THAT a Public Information Centre be scheduled to deal with the Proposed Lake to Lake Cycling Route and Walking Trail.

MOTION WITHDRAWN

Moved by Regional Councillor Taylor
Seconded by Councillor Emanuel

THAT Development and Infrastructure Services Report – ES 2013-05 dated January 23, 2013 regarding the Proposed Lake to Lake Cycling Route and Walking Trail be received and the following recommendations be adopted:

1. THAT York Region be provided with a copy of the report recommending Option #2 – Modified as the Town’s preferred route option;
2. AND THAT Town staff coordinate with Region staff, the proposed improvements to the York Durham Sanitary Sewer Forcemain alignment and the proposed Lake to Lake Cycling and Walking Trail, as part of the proposed improvements to Cane Parkway and, enter into cost sharing arrangements with the Region of York for the Cane Parkway works;
3. AND THAT Town staff be directed to apply for funding under the Region of York’s “Pedestrian and Cycling Municipal Partnership Program” and further review the results of the application with Town Council prior to proceeding with the trail improvements on the west side of Fairy Lake.

MOTION WITHDRAWN

Moved by Regional Councillor Taylor
Seconded by Councillor Emanuel

THAT the matter of Development and Infrastructure Services Report – ES 2013-05 dated January 23, 2013 regarding the Proposed Lake to Lake Cycling Route and Walking Trail be referred to the Council meeting of February 11, 2013;

AND THAT staff seek clarification from the Region of York regarding the Water Street bridge component of the trail works as well as clarification on the origins of the concept of a lake to lake cycling route and walking trail.

CARRIED

8. **COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 4, 2013 – ITEM 8
CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-02
2012 ACCESSIBILITY PLAN/UPDATE ON MULTI-YEAR PLAN**

Corporate Services Report – Legislative Services 2013-02 dated January 24, 2013 regarding the 2012 Accessibility Plan and Update on Multi-Year Plan.

Moved by Councillor Twinney
Seconded by Councillor Kerwin

THAT Corporate Services Report – Legislative Services 2013-02 dated January 24, 2013 regarding the 2012 Accessibility Plan and Update on 2012-2017 Multi-Year Accessibility Plan be received and the following recommendation be adopted:

THAT Council adopt the Town of Newmarket 2012 Accessibility Plan, as recommended by the Newmarket Accessibility Advisory Committee.

CARRIED

**9. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 4, 2013 – ITEM 9
CORPORATE SERVICES REPORT – LEGAL SERVICES 2013-02
CORRESPONDENCE FROM RESIDENTS REQUESTING A GLENWAY RESIDENT
DEFENSE FUND**

Report:

Corporate Services Report – Legal Services 2013-02 dated January 24, 2013 regarding correspondence from residents requesting a defense fund.

**Moved by Councillor Di Muccio
Seconded by Councillor Kerwin**

THAT Corporate Services Report – Legal Services 2013-02 dated January 24, 2013 regarding correspondence from residents requesting a defense fund be received and the matter deferred until after Committee has considered a comprehensive planning report regarding development of the Glenway lands.

CARRIED

**10. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 4, 2013 – ITEM 10
RESOLUTION
OMB APPEAL COSTS – GROWTH PLAN CONFORMITY EXERCISES**

A resolution proposed by Councillor Di Muccio to endorse Appeal Costs – Growth Plan Conformity. .

Amendments were made to the draft resolution to include the Minister of Municipal Affairs and Housing in the circulation list and a further clause as follows:

“THAT as part of any defense to the Ontario Municipal Board funding be retroactive from the time of inception of the *Places to Grow Act*”.

**Moved by Councillor Di Muccio
Seconded by Regional Councillor Taylor**

WHEREAS the Regional Municipality of Halton formerly requested the Town of Newmarket to endorse the Resolution adopted by its council on July 14, 2010;

AND WHEREAS a copy of the Regional Municipality of Halton’s resolution is appended to this resolution;

BE IT RESOLVED THAT the Council of the Town of Newmarket endorses the Regional Municipality of Halton resolution entitled ‘Request to the Province to Cover All Appeal Costs to the Ontario Municipal Board for Growth Plan Conformity Exercises’;

An amendment was made to Item 10 – See Item 20 of the Council Minutes of February 11, 2013

AND THAT a copy of this resolution to be delivered to the Clerk of the Regional Municipality of Halton;

AND THAT a copy of this resolution to be delivered to the Clerk of the Regional Municipality of York;

AND THAT a copy of this resolution to be delivered to the Member of Parliament for Newmarket Aurora Frank Klees; and the Minister of Municipal Affairs and Housing Bob Chiarelli;

AND THAT as part of any defense to the Ontario Municipal Board funding be retroactive from the time of inception of the *Places to Grow Act*.

CARRIED

**11. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 4, 2013 – ITEM 11
CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-03
SPORTS HALL OF FAME RECRUITMENT FOR VACANCY**

Corporate Services Report – Legislative Services 2013-03 dated January 30, 2013 regarding the Sports Hall of Fame Recruitment for Committee Vacancy.

An amendment was made by removing the words “as recommended by the Newmarket Sports Hall of Fame Committee”.

**Moved by Councillor Sponga
Seconded by Councillor Kerwin**

THAT Corporate Services Report – Legislative Services 2013-03 dated January 30, 2013 regarding the Sports Hall of Fame Recruitment for Committee Vacancy be received and the following recommendation, as amended, be adopted:

THAT the individual identified in the confidential memorandum (circulated separately) be appointed to fill one (1) vacancy on the Newmarket Sports Hall of Fame Committee.

CARRIED

**12. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 4, 2013 – ITEM 12
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – ES 2013-03
OLD TOWN HALL CONSTRUCTION BUDGET CONTROL TASK FORCE – TERMS OF
REFERENCE**

Development and Infrastructure Services Report – ES 2013-03 dated January 16, 2013 regarding Old Town Hall Construction Budget Control Task Force – Terms of Reference.

**Moved by Councillor Sponga
Seconded by Councillor Emanuel**

THAT Development & Infrastructure Services Report – ES 2013-03 dated January 16, 2013 be received and the following recommendations be adopted:

- 1. THAT the Terms of Reference (Attachment A) for the Old Town Hall Construction Budget Control Task Force be approved;**
- 2. AND THAT Councillor Kerwin and Councillor Sponga be the Council appointees on the Task Force.**

CARRIED

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

**Moved by Councillor Sponga
Seconded by Councillor Hempen**

THAT Committee of the Whole resolve into a closed session for the purpose of discussing personal matters about an identifiable individual, including municipal employees or local board employees; advice that is subject to solicitor/client privilege including communications necessary for that purpose.

The Committee resolved into a Closed Session at 2:18 p.m.

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

The Committee resumed into public session at 2:49 p.m.

**Moved by Councillor Emanuel
Seconded by Councillor Sponga**

THAT the Committee of the Whole recess.

CARRIED

The Committee of the Whole recessed at 2:49 p.m.

The Committee of the Whole reconvened at 7:00 p.m.

**Moved by Councillor Kerwin
Seconded by Councillor Twinney**

THAT the order of the agenda be altered by including the following items for consideration:

DISTRIBUTION

- Item 13 PowerPoint Presentation by Mr. Bill Chadwick regarding Slessor Square Development.**

DEPUTATIONS:

Ms. Gail Cunningham to address the Committee regarding Slessor Square.

Dr. Robert Bahlieda to address the Committee regarding Slessor Square.

Mr. Gordon Prentice to address the Committee regarding Slessor Square.

Mr. Bob Luery to address the Committee regarding Slessor Square (telephone request)

CARRIED

- 13. COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 4, 2013 – ITEM 13
JOINT CORPORATE SERVICES (LEGAL) AND DEVELOPMENT AND
INFRASTRUCTURE SERVICES REPORT – PLANNING AND BUILDING SERVICES
2013-07 – APPLICATION FOR ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF
SUBDIVISION – 17645 YONGE STREET – DWIGHT SLESSOR HOLDINGS LIMITED
PART LOT 96, CONCESSION 1, EAST SIDE OF YONGE STREET**

Presentation:

The Senior Planner – Policy addressed the Committee with a PowerPoint presentation regarding the Proposed Zoning By-law and Plan of Subdivision for the property known as 17645 Yonge Street.

Discussion ensued regarding various aspects of the proposed development including ground level commercial use, dedicated parking allotment for the commercial aspect, proposed densities, traffic analysis, traffic impact studies, fine grain grid, holding provision criteria and simulation models of traffic management options.

The Senior Planner – Policy advised that the application as submitted is proposed in three to four phases over a period of approximately five to ten years. She further advised of other municipalities' examples of holding provision benchmarks.

Further discussion ensued regarding the potential traffic infiltration on neighbouring streets, the current major gridlock that exists within the proximity of the proposed development, dedication of funding for implementation of traffic mitigation measures and true relief of traffic congestion on Yonge Street.

Mr. Henry Centen, Senior Transportation Engineer, R.J. Burnside Associates Limited provided some input regarding the Cole and Associates traffic study which looked at various aspects of growth between the 2012 and 2026 time frame. The approach taken was to determine the existing traffic flow elements without the proposed development in place. Further discussion ensued regarding traffic engineering practices, parameters associated with holding provision by-laws and peer review of traffic implications.

Deputations:

Mr. Bill Chadwick

Mr. Bill Chadwick, on behalf of the Shrink Slessor Square Resident's Group, addressed the Committee with a PowerPoint presentation outlining specific concerns related to the proposed development of the property located at 17645 Yonge Street.

Ms. Gail Cunningham

Ms. Gail Cunningham, resident, addressed the Committee with concerns related to the process associated with Ontario Municipal Board action for the property known as 17645 Yonge Street.

Ms. Anna O'Rourke

Ms. Anna O'Rourke, resident, addressed the Committee regarding concerns of approval in principle, height and density of the proposed development and the timing of meetings to discuss an incomplete application. Ms. O'Rourke provided staff with a list of thirty-nine questions and concerns.

Dr. Robert Bahlleda

Dr. Robert Bahlleda, resident, addressed the Committee with specific concerns related to development of the property known as 17645 Yonge Street; the proposed persons plus jobs per hectare on the site and the requirements for future growth.

**Moved by Councillor Kerwin
Seconded by Councillor Vegh**

THAT Dr. Bahlleda be afforded an additional five minute time frame for his deputation.

CARRIED

Mr. Gordon Prentice

Mr. Gordon Prentice, resident, addressed the Committee with specific concerns associated with the decision making process regarding this specific application of proposed development on the property known as 17645 Yonge Street.

Mr. Bob Luery

Mr. Bob Luery, resident, addressed the Committee regarding specific traffic impact concerns related to the proposed development of the property known as 17645 Yonge Street. He queried if the holding provision by-law will contain detailed requirements of enforceable traffic management with no adverse impact on adjoining residential neighbourhoods. He also queried if the project is approved and moves forward, what measures will be taken to correct a further traffic gridlock problem.

Mr. Darryl Wolk

Mr. Darryl Wolk, resident, addressed the Committee in support of the development of the property known as 17645 Yonge Street. He advised that single detached homes are generally unaffordable and young, urban professionals as well as seniors who downsize will require places like the proposed development in order to remain in the community.

Ms. Brandi Bellevance

Ms. Brandi Bellevance, resident, addressed the Committee with concerns related to the proposed development of the property known as 17645 Yonge Street. She outlined specific potential impacts including traffic flow, population now and future, walkability of elderly residents to the mall or bus stop as well as missing data from the application.

Mr. Jordan Cohen

Mr. Jordan Cohen, resident, addressed the Committee with concerns regarding the proposed development of the property known as 17645 Yonge Street. He queried the potential long term consequences of average surrounding home prices if this development proceeds.

Ms. Linda Chadwick

Ms. Linda Chadwick, resident, addressed the Committee with concerns relating to the size of the proposed development on the property known as 17645 Yonge Street. She requested that Council re-think some conditions to be imposed on the developer before approval is considered.

Mr. Ira Kagan

Mr. Ira Kagan, Solicitor, addressed the Committee on behalf of his client, Dwight Slessor Holdings. He advised that his client's application is in compliance with the Town's Official Plan. He further advised that the property is located on a Regional road and Regional traffic staff have essentially signed off on the traffic capacity issue. He informed the Committee that the creation of "Street B" within the development was entirely a voluntary gratuity from his client to the community.

Discussion ensued regarding the quoted numerous incomplete technical issues contained within Joint Corporate Services (Legal) and Development and Infrastructure Services Report – Planning and Building Services 2013-07 and the absence of traffic analysis comments within said report. Mr. Kagan advised that the traffic analysis comments have been filed with staff as of January 29, 2013.

**Moved by Councillor Kerwin
Seconded by Councillor Emanuel**

THAT Mr. Bill Chadwick be afforded another opportunity to speak.

CARRIED

Mr. Bill Chadwick

Mr. Chadwick advised that he has been speaking with a representative from Cole Engineering who provided information that the area traffic study was conducted in 2008 and does not accurately reflect up-to-date information.

**Moved by Councillor Kerwin
Seconded by Councillor Vegh**

THAT Mr. Gordon Prentice be afforded another opportunity to speak.

CARRIED

Mr. Gordon Prentice

Mr. Prentice queried why the proponent has not formally responded to comments made by R.J. Burnside and Associates.

**Moved by Councillor Di Muccio
Seconded by Councillor Emanuel**

THAT the presentations by the Senior Planner – Policy and Mr. Bill Chadwick and the deputations by Ms. Gail Cunningham, Ms. Anna O'Rourke, Dr. Robert Bahlleda, Mr. Gordon Prentice, Mr. Bob Luery, Mr. Darryl Wolk, Ms. Brandi Bellevance, Mr. Jordan Cohen, Ms. Linda Chadwick and Mr. Ira Kagan be received.

CARRIED

Report:

Development and Infrastructure Services and Corporate Services/Planning and Building Services and Legal Services Joint Report 2013-07 dated February 4, 2013 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision – Dwight Slessor Holdings Limited.

**Moved by Regional Councillor Taylor
Seconded by Councillor Sponga**

THAT Development and Infrastructure Services and Corporate Services/Planning and Building Services and Legal Services Joint Report 2012-07 dated February 4, 2013 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision – Dwight Slessor Holdings Limited be referred to a Special Committee of the Whole meeting on February 11, 2013 beginning at 1:30 p.m.;

AND THAT staff provide information on options to include more specific language related to traffic mitigation measures and/or related criteria contained within the holding provision by-law.

CARRIED

14. **COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 4, 2013 – ITEM 14
REPORTS BY REGIONAL REPRESENTATIVES**

None.

15. **COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 4, 2013 – ITEM 15
NEW BUSINESS**

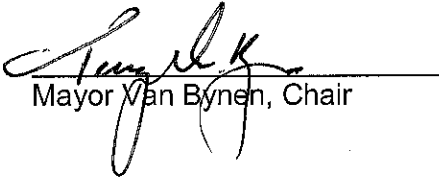
None.

**Moved by Councillor Emanuel
Seconded by Councillor Di Muccio**


THAT the meeting adjourn.

CARRIED

There being no further business, the meeting adjourned at 10:18 p.m.



Mayor Van Bynen, Chair



Andrew Brouwer, Town Clerk