

The meeting of the Committee of the Whole was held on Monday, April 29, 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

Absent: Councillor Vegh

Staff: A. Moore, Acting Chief Administrative Officer
I. McDougall, Commissioner of Community Services
R. Prentice Commissioner of Development and Infrastructure Services
R. Nethery, Director of Planning and Building Services
M. Mayes, Director of Financial Services/Treasurer
A. Brouwer, Director of Legislative Services/Town Clerk
L. Moor, Council/Committee Coordinator

The meeting was called to order at 1:30 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:

WITHDRAWN

- Item 13 **Development and Infrastructure Services Report – ES 2013-20 regarding Proposed Sidewalk – Lloyd Avenue, Robinson Drive and Currey Crescent has been withdrawn and will come forward to a future Committee of the Whole meeting.**
- Item 23 **Ms. Mary Ann Slattery, Vice Chair, Director of Fundraising, MS Society of Canada York North Chapter will not be in attendance.**

ADDITIONS

CONSENT ITEMS

- Item 23 Correspondence dated April 25, 2013 from Ms. Mary Ann Slattery, Vice Chair, Director of Fundraising, MS Society of Canada – York North Chapter regarding an invitation.
- Item 24 Corporate Services Report – Legislative Services 2013-11 dated April 25, 2013 regarding an Appointment – Public Library Board Vacancy.
- Item 25 Correspondence received April 22, 2013 from Mr. Gordon Searles, President, Canadian Dermatology Association requesting May 6, 2013 be proclaimed “Melanoma Monday” in the Town of Newmarket.
(Unable to accommodate the request for orange lighting at the Municipal Offices)
- Item 26 Excerpt from Minutes – Item 8 of the Heritage Newmarket Advisory Committee Minutes of April 2, 2013 – New Business A) & B) – Ice House (465 Davis Drive) and 27 Main Street North.

DEPUTATIONS

- Item 26 Mr. Ken Kirsch, a representative of Stirling Silver Development Corporation to address the Committee with respect to Item 8 of the Heritage Newmarket Advisory Committee Minutes of April 2, 2013 being the Ice House (465 Davis Drive) and the Robert Murray House (27 Main Street North) and related to Item 26 of the regular agenda.

CARRIED

DECLARATIONS OF INTEREST

None.

Moved by Councillor Twinney
Seconded by Councillor Emanuel

THAT the following items be adopted on consent:

1. **COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 1
EXCERPT FROM MINUTES – ACCESSIBILITY ADVISORY COMMITTEE
OF APRIL 16, 2013 – ITEM 3 – REQUEST FOR PROCLAMATION**
 1. THAT the Town of Newmarket proclaim June 2 – 8, 2013 as “National Access Awareness Week”;
 2. 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 – APRIL 29, 2013 – ITEM 2**
REQUEST FOR PROCLAMATION
“MELANOMA MONDAY”

THAT the correspondence received April 22, 2013 from Mr. Gordon Searles, President, Canadian Dermatology Association be received and the following recommendations be adopted:

1. THAT the Town of Newmarket proclaim May 6, 2013 as “Melanoma Monday” in the Town of Newmarket;
2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca

3. **COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 3**
ACCESSIBILITY ADVISORY COMMITTEE MINUTES

THAT the Accessibility Advisory Committee Minutes of February 19, 2013 be received.

4. **COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 4**
NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES

THAT the Newmarket Downtown Development Subcommittee Minutes of April 5, 2013 be received.

5. **COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 5**
ENVIRONMENTAL ADVISORY COMMITTEE MINUTES

THAT the Environmental Advisory Committee Minutes of March 6, 2013 be received.

6. **COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 6**
HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES

THAT the Heritage Newmarket Advisory Committee Minutes of March 5, 2013 be received.

7. **COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 7**
MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA
BOARD OF MANAGEMENT MINUTES

THAT the Main Street District Business Improvement Area Board of Management Minutes of March 19, 2013 be received.

8. **COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 8**
NEWMARKET PUBLIC LIBRARY BOARD MINUTES

THAT the Newmarket Public Library Board Minutes of February 27, 2013 be received.

9. COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 9
MS WALK

THAT the correspondence from Ms. Mary Ann Slattery, Vice-Chair, Director of Fundraising, MS Society of Canada – York North Chapter dated April 25, 2013 regarding an invitation to participate in the MS Walk at Newmarket High School on May 5, 2013 beginning at 9:30 a.m. be received.

10. COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 10
CAO/HUMAN RESOURCES REPORT 2013-03
SICK LEAVE AND WSIA POLICIES

THAT Item 8:06, the Sick Leave Plan, be rescinded from the Administrative By-law, updated to ensure clarity, aligned with the calendar year and included in the Corporate Policy Manual;

AND THAT Item 8:07, Workers' Compensation, be rescinded from the Administrative By-law, updated in accordance with the legislation and included in the Corporate Policy Manual.

11. COMMITTEE OF THE WHOLE MINUTES MINUTES – APRIL 29, 2013 – ITEM 11
JOINT CAO, COMMISSIONER AND CORPORATE SERVICES REPORT – FINANCIAL SERVICES 2013-14
ASSET REPLACEMENT FUND STUDY – FOLLOW UP REPORT

THAT Joint CAO, Commissioner and Corporate Services Report – Financial Services 2013-14 dated April 18, 2013 regarding the Asset Replacement Fund Study – Follow Up Report be received.

12. COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 12
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING & BUILDING SERVICES 2013-19
APPLICATION FOR ZONING BY-LAW AMENDMENT
2239798 ONTARIO INC. – 400 HARRY WALKER PARKWAY SOUTH

THAT Development and Infrastructure Services/Planning & Building Services Report 2013-19 dated April 18, 2013 regarding an Application for a Zoning By-law Amendment be received and the following recommendations be adopted:

1. THAT the Application for a Zoning By-law Amendment as submitted by 2239798 Ontario Inc. for lands located at 400 Harry Walker Parkway South be referred to a public meeting;
2. 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 of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;
3. AND THAT 2239798 Ontario Inc., 6931 Steeles Avenue West, Etobicoke, ON M9W 6K7 be notified of this action;

4. AND THAT Wes Surdyka Architect Inc, Attention: Wes Surdyka, 3645 Keele Street Unit 108, Toronto, ON M3J 1M8 be notified of this action.

13. **COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 13
CORRESPONDENCE – NOISE EXEMPTION – 2013 RELAY FOR LIFE**

THAT the correspondence dated March 19, 2013 from Ms. Karen Beaulieu, Fundraising Coordinator, Canadian Cancer Society, Holland River Unit requesting an exemption from the Noise By-law for the 2013 Relay for Life event at Pickering College from June 21, 2013 at 7:00 p.m. to June 22, 2013 at 7:00 a.m. be received and approved subject to notification being provided to area residents;

AND THAT Ms. Beaulieu be notified in this regard.

14. **COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 14
LIST OF OUTSTANDING MATTERS**

THAT the list of outstanding matters be received.

15. **COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 15
CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-11
APPOINTMENT – PUBLIC LIBRARY BOARD VACANCY**

THAT following the mandatory advertisement period, an interview and/or selection panel consisting of Council appointees to the Newmarket Public Library Board (Regional Councillor Taylor, Councillor Hempen and Councillor Vegh) be formed to review applications, develop selection criteria, undertake candidate interviews and recommend candidate(s) for appointment by Council.

CARRIED

This concludes the consent portion of the minutes.

16. **COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 16
FAIR ACCESS PRESENTATION**

Ms. Adelina Urbanski, Commissioner of Community and Health Services, Regional Municipality of York addressed the Committee with a PowerPoint presentation regarding the Fair Access Project (Human Services Planning Board of York Region – Making Ends Meet – Collective Action).

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

THAT Ms. Urbanski be allotted an additional five minute time frame for the Fair Access Project PowerPoint presentation.

CARRIED

**Moved by Councillor Twinney
Seconded by Regional Councillor Taylor**

THAT the PowerPoint presentation by Ms. Adelina Urbanski, Commissioner of Community and Health Services, Regional Municipality of York regarding the Fair Access Project be received.

CARRIED

**17. COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 17
HOSPITAL PARKING CHARGES**

Mr. John Hazlewood introduced Mr. Alan Powell, a representative of the Fair Hospital Parking Charges organization who addressed the Committee with a PowerPoint presentation regarding hospital parking charges. Mr. Powell requested that the following resolution be endorsed:

The Town of Newmarket hereby requests that the Province of Ontario reduce and cap at a fair rate the parking charges at Ontario hospitals.

**Moved by Councillor Hempen
Seconded by Councillor Di Muccio**

THAT Mr. Powell be allotted an additional five minute time frame for the hospital parking charges PowerPoint presentation.

CARRIED

**Moved by Councillor Emanuel
Seconded by Councillor Hempen**

THAT the PowerPoint presentation by Mr. Alan Powell regarding hospital parking charges be received;

AND THAT the request to endorse the resolution regarding reduction and capping of parking charges be referred to staff to obtain feedback and input from Southlake Regional Health Centre and report back.

CARRIED

**18. COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 18
EXCERPT FROM MINUTES – ITEM 8 OF THE HERITAGE NEWMARKET ADVISORY
COMMITTEE MINUTES OF APRIL 2, 2013 – NEW BUSINESS A) & B) – ICE HOUSE
(465 DAVIS DRIVE) AND ROBERT MURRAY HOUSE (27 MAIN STREET NORTH)**

Excerpt from Minutes – Item 8 of the Heritage Newmarket Advisory Committee Minutes of April 2, 2013 – New Business A) & B) – Ice House (465 Davis Drive) and Robert Murray House (27 Main Street North).

Deputations:

Mr. Ken Kirsch, a representative of Sterling Silver Development Corporation was not in attendance to make his deputation as listed on the addendum 2 agenda.

Mr. Athol Hart

Mr. Athol Hart, Chair of the Heritage Newmarket Advisory Committee addressed the Committee in support of retention of the properties listed in the Excerpt from Minutes of April 2, 2013 being the Ice House located at 465 Davis Drive and the Robert Murray House located at 27 Main Street North.

Mr. Marvin Sadowski, Executive V.P. – Sterling Silver Development Corporation

Mr. Marvin Sadowski addressed the Committee on behalf of the Sterling Silver Development Corporation (Tannery Mall) in opposition to the Heritage Newmarket Advisory Committee's position regarding retention of the Ice House located at 465 Davis Drive.

Ms. Sandra Fuller

Ms. Sandra Fuller addressed the Committee in support of the Heritage Newmarket Advisory Committee's position in retention of the Robert Murray House located at 27 Main Street North.

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

THAT the deputations by Mr. Athol Hart, Mr. Marvin Sadowski and Ms. Sandra Fuller regarding the recommendations contained within the addendum agenda with respect to the Excerpt from the Minutes of the Heritage Newmarket Advisory Committee of April 2, 2013 being New Business A) & B) – Ice House (465 Davis Drive) and Robert Murray House (27 Main Street North) be received.

CARRIED

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

THAT the Operational Leadership Team recommendations with respect to the Heritage Newmarket Advisory Committee Minutes of April 2, 2013 dealing with the Ice House at 465 Davis Drive and the Robert Murray House at 27 Main Street North be received and referred to staff for a report.

CARRIED

**19. COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 19
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING &
BUILDING SERVICES 2013-17
REQUEST TO WAIVE MINOR VARIANCE APPLICATION FEES
1209104 ONTARIO LIMITED – RITA’S AVENUE, RANNIE ROAD**

Deputation:

Mr. Frank Orsi on behalf of 1209104 Ontario Limited addressed the Committee regarding Development and Infrastructure Services Report – Planning & Building Services 2013-17 with respect to the request to waive minor variance application fees for properties on Rita’s Avenue and Rannie Road.

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

THAT the deputation by Mr. Frank Orsi on behalf of 1209104 Ontario Limited regarding Development and Infrastructure Services Report – Planning & Building Services 2013-17 with respect to the request to waive minor variance application fees for properties on Rita’s Avenue and Rannie Road be received.

CARRIED

Report:

Development and Infrastructure Services Report – Planning & Building Services 2013-17 dated April 18, 2013 regarding a Request to Waive Minor Variance Application Fees.

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

THAT Development and Infrastructure Services Report – Planning & Building Services 2013-17 dated April 18, 2013 regarding the Request to Waive Minor Variance Application Fees by 1209104 Ontario Limited be received and the following recommendations be adopted:

- 1. THAT the request to waive \$2,540.56, plus applicable taxes, for minor variance application fees for Application Nos. D13-A03-13, D13-A04-13, D13-A05-13 and D13-A06-13 submitted by 1209104 Ontario Limited be denied;**
- 2. AND THAT the request to waive \$4,445.98, plus applicable taxes, for minor variance application fees for Application Nos. D13-A08-13 through D13-A14-13 inclusive submitted by 1209104 Ontario Limited be denied;**
- 3. AND THAT Frank Orsi of 1209104 Ontario Limited, P. O. Box 215, Newmarket ON L3Y 4X1 be advised of this decision.**

CARRIED

20. **COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 20
CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-09
CLOTHING DONATION BINS IMPLEMENTING BY-LAWS**

Corporate Services Report – Legislative Services 2013-09 dated April 9, 2013 regarding Clothing Donation Bins Implementing By-laws.

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

THAT Corporate Services Report – Legislative Services 2013-09 dated April 9, 2013 regarding Clothing Donation Bins Implementing By-laws be received and the following recommendations, as amended, be adopted:

1. **THAT a draft By-law Clothing Donation Bins (attached as Appendix A) be enacted;**
2. **AND THAT By-law 2012-47 Schedule A, 2013 Legislative Services (Licensing) Fees & Charges be amended to include the fees for Clothing Donation Bins (attached as Appendix B) as follows:**

Clothing Donation Bin	\$200.00 annual fee per bin
Registered Charities	\$ 75.00 annual fee per bin
Clothing Donation Bin-change location	\$ 50.00 per bin
Clothing Donation Bin-impound fee	\$100.00 per bin
Clothing Donation Bin-daily storage fee	\$ 20.00 per bin

CARRIED

21. **COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 21
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING &
BUILDING SERVICES 2013-20
INTENSIFICATION IN STABLE RESIDENTIAL AREAS**

Development and Infrastructure Services Report – Planning & Building Services 2013-20 dated April 18, 2013 regarding Intensification in Stable Residential Areas.

An amendment was made by including the area R1-B zone in the recommendation.

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

THAT Development and Infrastructure Services/Planning and Building Services Report 2013-20 dated April 18, 2013 regarding Intensification in Stable Residential Areas be received and the following recommendation, as amended, be adopted:

THAT the Town initiated amendment to Comprehensive Zoning By-law 2010-40 as it relates to the R1-B, R1-C and R1-D zones substantially in accordance with the attached by-law be approved and that staff be directed to prepare the necessary Zoning By-Law Amendment.

CARRIED

The Committee recessed at 3:12 p.m.

The Committee reconvened at 3:33 p.m.

**22. COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 22
JOINT CAO, COMMISSIONER AND CORPORATE SERVICES REPORT
FINANCIAL SERVICES 2013-03 – ASSET REPLACEMENT FUND STUDY**

Joint CAO, Commissioners, Corporate Services Report - Financial Services Report 2013-03 dated April 3, 2013 regarding the Asset Replacement Fund Study.

Recommendation 2 was deleted and additional recommendations were added as follows:

THAT staff create a 2013 supplementary budget to include a 0.8% infrastructure levy to be restricted to the replacement of tangible capital assets;

AND THAT a communication plan be implemented to inform the public about the 2013 supplementary budget”.

The Commissioner of Corporate and Financial Services advised of the notice requirements associated with the supplementary budget reporting and, should the above referenced recommendations be adopted, a supplemental report will come to the next scheduled Committee of the Whole meeting.

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

THAT Joint CAO, Commissioners, Corporate Services – Financial Services Report 2013-03 dated April 3, 2013 regarding the Asset Replacement Fund Study be received and the following recommendations, as amended, be adopted:

- 1. THAT Council consider the options contained herein as part of the setting of the annual tax rate;**
- 2. AND THAT staff create a 2013 supplementary budget to include a 0.8% infrastructure levy to be restricted to the replacement of tangible capital assets;**
- 3. AND THAT a communication plan be implemented to inform the public about the 2013 supplementary budget.**

CARRIED

**23. COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 23
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – ES 2013-17
HURON HEIGHTS DRIVE SAFETY REVIEW - UPDATE #2**

Development and Infrastructure Services Report – Engineering Services 2013-17 dated March 11, 2013 regarding Huron Heights Drive Safety Review – Beman Drive to Elgin Street – Update #2.

**Moved by Councillor Twinney
Seconded by Regional Councillor Taylor**

THAT Community Services Report – ES 2013-17 dated March 11, 2013 regarding Huron Heights Drive Safety Review – Beman Drive to Elgin Street – Update #2 be received and the following recommendations be adopted:

1. **THAT Schedule III (Stop Signs) of the Traffic By-law 2011-24, as amended, be amended by adding the following sections:**

INTERSECTION	TYPE	FACING TRAFFIC
Huron Heights Drive at Wayne Drive	3 way	northbound on Huron Heights Drive
Huron Heights Drive at Wayne Drive	3 way	southbound on Huron Heights Drive
Wayne Drive at Huron Heights Drive	3 way	westbound on Wayne Drive

2. **AND THAT the proper pedestrian crossings (pavement markings and boulevard sidewalk connections) be implemented on both the north and south legs of the Waratah/Columbia and Huron Heights/Wayne intersections;**
3. **AND THAT the necessary By-law be prepared and submitted to Council for their approval.**

CARRIED

**24. COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 24
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING &
BUILDING SERVICES 2013-18
2013 ANNUAL SERVICING ALLOCATION REVIEW**

Development and Infrastructure Services Report – Planning & Building Services 2013-18 dated April 29, 2013 regarding the 2013 Annual Servicing Allocation Review.

Moved by Regional Councillor Taylor
Seconded by Councillor Sponga

THAT Development and Infrastructure Services Report – Planning & Building Services 2013-18 dated April 29, 2013 regarding the 2013 Annual Servicing Allocation Review be received and the following recommendations be adopted:

1. THAT all previously distributed servicing capacity be re-instated with the existing allocation for the Landmark Estates (Orsi Phase 4) plan to be formally re-evaluated in 6 months;
2. AND THAT the Town continue to hold its unassigned capacity (1461 people) in a strategic reserve for redevelopment projects in the urban centres in support of the Official Plan, the Regional Centres and Corridors program and the significant investment that has been made at the various levels of government in the VivaNext bus rapid transit system;
3. AND THAT at such time as the Region releases its next servicing assignment to the local municipalities, staff report back to Committee with recommendations for the distribution of the Town's available servicing capacity.

CARRIED

**25. COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 25
NOTICE OF MOTION – COUNCILLOR EMANUEL FCM CANDIDACY**

Notice of Motion from April 8, 2013 - Federation of Canadian Municipalities Candidacy Draft Resolution.

Moved by Councillor Hempen
Seconded by Councillor Sponga

THAT the draft resolution regarding the Federation of Canadian Municipalities Candidacy be received and forwarded to Council for approval.

CARRIED

**26. COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 26
REPORTS BY REGIONAL REPRESENTATIVES**

None.

**27. COMMITTEE OF THE WHOLE MINUTES – APRIL 29, 2013 – ITEM 27
NEW BUSINESS**

- a) Councillor Sponga requested that Members of Council participate in the MS Walk scheduled for Sunday, May 5, 2013 beginning at 9:30 a.m. at Newmarket High School.

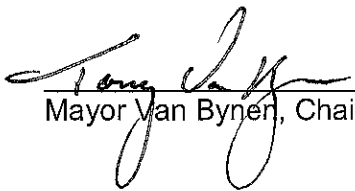
- b) Councillor Kerwin suggested that a letter be sent by the Mayor's Office to Ms. Wendy Van Straten thanking her for her years of service on the Newmarket Public Library Board.
- c) Councillor Kerwin expressed concerns related to the graffiti on Canada Post mailboxes and other utility company enclosures. He requested that an advertisement be placed on the Town Page regarding graffiti and the responsibility of removal. Councillor Hempen queried the feasibility of utilizing the same punitive method for utility companies who do not adhere to requests for graffiti removal. Councillor Sponga advised that the Town of East Gwillimbury removes graffiti and invoices the utility agencies.
- d) Mayor Van Bynen advised of a great turnout for the Nature's Emporium Run for Southlake on Sunday, April 28, 2013 with approximately \$2700.00 raised.

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


THAT the meeting adjourn.

CARRIED

There being no further business, the meeting adjourned at 5:00 p.m.



Mayor Van Bynen, Chair



Andrew Brouwer, Town Clerk