

The meeting of the Committee of the Whole was held on Monday, February 27, 2017 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Councillor Vegh
Councillor Kerwin
Councillor Twinney
Councillor Hempen (1:30 to 4:50 p.m)
Councillor Kwapis
Councillor Broome
Councillor Bisanz

Absent: Deputy Mayor & Regional Councillor Taylor

Staff Present: R.N. Shelton, Chief Administrative Officer
P. Noehammer, Commissioner of Development and Infrastructure
E. Armchuk, Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
L. Lyons, Director of Legislative Services/Town Clerk
R. Nethery, Director of Planning and Building Services
R. Prudhomme, Director of Engineering Services
M. White, Planner
T. Horton, Planner
H. Leznoff, Council/Committee Coordinator
L. Moor, Council/Committee Coordinator

The meeting was called to order at 1:32 p.m.

Mayor Van Bynen in the Chair.

Additions & Corrections to the Agenda

The Chief Administrative Officer advised of the addendum items, being Item 19 – Report by Newmarket-Tay Power Distribution Ltd. regarding Approval of Bid for the Acquisition of Another Utility, Item 20 – Deputation by Ms. Pauline Latour regarding Engineering Services Report 2017-10 with respect to Oak Street Parking Restrictions. (Related to Item 5) , Item 21 – Deputation- Ms. Christina Herancourt to address the Committee with respect to Development and Infrastructure Services- Planning and Building Services Report 2017-06 regarding an application for Zoning By-law Amendment and Draft Plan of Subdivision- Azure Homes Inc. (172-178 Old Main

Street), Item 22 – Deputation by Ms. Joan Stonehocker – PowerPoint Presentation Update regarding the Community Garden at London Road and Main Street, Item 23 a deputation by Ms. Barbara Brunson regarding Planning Report 2017-02 with respect to an Application for Zoning By-law Amendment – 507 Mulock Drive, Item 24 - Deputation by Mr. Chris Howie regarding Planning Report 2017-05 regarding Tree Removal and Protection Policies and Regulations, and Item 25 – deputation by Mr. Ken Wright regarding Planning Report 2017-06 with respect to Zoning By-law Amendment and Draft Plan of Subdivision – 172-178 Old Main Street).

Moved by: Councillor Kerwin
Seconded by: Councillor Twinney

THAT the addendum items be included in the agenda.

Carried

Declarations of Pecuniary Interest

- a) Councillor Hempen declared an interest in Item 18 being Legal Services (Closed Session) Report 2017-04 dated February 23, 2017 with respect to an appeal to the Ontario Municipal Board re: 178-194 Main Street South regarding litigation or potential litigation, including matters before administrative tribunals affecting the municipality as per Section 239 (2) (e) of the Municipal Act, 2001 as his business is in close proximity to the subject lands referenced in the report. He advised that he would take no part in the discussion.

Deputations

1. Mr. Derek Bunn addressed the Committee with a PowerPoint Presentation regarding an Accessible Washroom Trailer. The presentation highlighted the trailers' interior features, benefits to the community, how the trailer could be rented for use at various Town events, and associated maintenance costs. Mr. Bunn requested a donation of \$5000.00 to fund the project.

Moved by: Councillor Bisanz
Seconded by: Councillor Vegh

THAT the presentation by Mr. Derek Bunn regarding an Accessible Washroom Trailer be received and referred to staff for consideration of the funding request and potential use at Town events.

Carried

2. Ms. Joan Stonehocker addressed the Committee with a PowerPoint Presentation providing an update on the London and Main Community Garden and extended an invitation to "Seedy Saturday" on March 4, 2017.

Moved by: Councillor Hempen
Seconded by: Councillor Bisanz

THAT the PowerPoint Presentation by Ms. Joan Stonehocker regarding the London and Main Community Garden and invitation to Seedy Saturday be received and be referred to staff to provide a date for water installation including a water faucet and supply of municipal water.

Carried

Consent Items

Moved by: Councillor Kwapis
Seconded by: Councillor Twinney

THAT the following items be adopted on consent.

3. Corporate Services Report - Legislative Services 2017-02 dated February 2, 2017 regarding Carnival - D.A. Campbell Amusement Ltd. - Upper Canada Mall.
 - i) THAT the application be approved subject to the following terms:
 - ii) THAT the license be issued for a period of seven consecutive days from May 9, 2017 to May 15, 2017 to permit the setting up and dismantling amusement devices;
 - iii) AND THAT the actual operation of the carnival not exceed five consecutive days within that permitted time period.
4. Report by Newmarket-Tay Power Distribution Ltd. regarding Approval of Bid for the Acquisition of Another Utility.

WHEREAS NT Power received a request for proposals and confidential information memorandum for a sale transaction involving another electric distribution utility (the "Target") on December 9, 2016 (the "RFP");

AND WHEREAS confidential briefing memoranda from Paul Ferguson, President of NT Power regarding the RFP dated January 18, 2017, February 10, 2017 and February 23, 2017 (the “Confidential Briefing Memos”) have been provided to the directors of NT Power, the municipal council of the Town of Newmarket and the municipal council of the Township of Tay;

AND WHEREAS Article 3.05 of a Shareholders Agreement between Newmarket Hydro Holdings Inc. (“Newmarket Holdco”), Tay Hydro Inc. (and together with Newmarket Holdco, the “Shareholders”), NT Power, The Corporation of the Township of Tay and The Corporation of the Town of Newmarket dated April 30, 2007 (the “Shareholders Agreement”) requires approval by all of the Shareholders (i) for the purchase of any assets or business by NT Power or any Subsidiary (as defined in the Shareholders Agreement), other than the ordinary course of Business (as defined in the Shareholders Agreement), having a value in excess of 20 percent of the Asset Value (as defined in the Shareholders Agreement), (ii) for the borrowing of any money or the giving of any security in excess of 15 percent of the Asset Value, and (iii) for the entering into of an amalgamation, merger or consolidation with any other body corporate by NT Power or any Subsidiary;

AND WHEREAS NT Power proposes to submit a binding offer in response to the RFP and to enter into a share purchase agreement (the “Share Purchase Agreement”) with the vendor pursuant to which NT Power will purchase all of the issued and outstanding shares of the Target, on and subject to the terms of the Share Purchase Agreement (the “Purchase and Sale Transaction”);

AND WHEREAS NT Power wishes to enter into certain financing arrangements, including the borrowing of money and the giving of security, in connection with the Purchase and Sale Transaction;

AND WHEREAS NT Power wishes to enter into an amalgamation with the Target following the completion of the Purchase and Sale Transaction;

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Corporation of the Town of Newmarket (“the Municipal Council”) as follows:

1. THAT the Municipal Council authorizes and approves the Purchase and Sale Transaction and the entering into of the Share Purchase Agreement by NT Power.
2. THAT the Municipal Council authorizes and approves the entering into of financing arrangements, including the borrowing of money and the giving of security, by NT Power in connection with the Purchase and Sale Transaction (the “Financing”).

3. THAT the Municipal Council authorizes and approves the entering into of an amalgamation between NT Power and the Target following the completion of the Purchase and Sale Transaction (the “Amalgamation” and, together with the Financing and the Purchase and Sale Transaction, the “Transactions”).

4. THAT the Chief Administrative Officer of the Corporation of the Town of Newmarket is authorized to approve the forms of all other documents contemplated or required to be executed by the Corporation of the Town of Newmarket to give effect to the foregoing resolutions or necessary in connection with the Transactions (collectively, the “Additional Documents”) and to execute and deliver the Additional Documents each in the form so approved.

5. Central York Fire Services - Joint Council Committee Minutes of October 4, 2016.

a) THAT the Central York Fire Services - Joint Council Committee Minutes of October 4, 2016 be received.

6. Newmarket Downtown Development Committee Minutes of June 24, 2016.

a) THAT the Newmarket Downtown Development Committee Minutes of June 24, 2016 be received.

7. Correspondence from Mr. Tal Barak, March Awareness Coordinator, Epilepsy York Region.

i) THAT the Town of Newmarket proclaim March, 2017 as 'Epilepsy Awareness Month' and March 26, 2017 as 'Purple Day';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

8. Participation in Earth Hour on March 25, 2017.

WHEREAS climate change is the biggest environmental threat to our planet and a major concern for all Canadians;

AND WHEREAS at exactly 8:30 p.m. on Saturday, March 25, 2017, major cities around the world will turn off their lights and electrical power for one hour to raise awareness about climate change and to symbolize that, working together, the people of the world can make a difference in the fight against global warming;

AND WHEREAS the event, called “Earth Hour”, began in Sydney, Australia in 2007 as 2.2 million people turned off their lights to take a stand against climate change;

AND WHEREAS since then, it has become an annual, globally-observed event;

AND WHEREAS participating in Earth Hour sends a powerful message to every citizen and business around the world that it’s possible to take action on climate change and that switching off our lights and electrical power is just one simple action we can take to help make a difference;

AND WHEREAS in the last several years, Newmarket has continued to be a leader in this effort, with one of the highest rates of reduction in electricity consumption in the GTA;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. THAT at 8:30 p.m. on Saturday, March 25, 2017, the Corporation of the Town of Newmarket will join other cities around the world in literally “turning out the lights” by shutting off all non-essential lighting and power in all of its facilities, where feasible, and without jeopardizing safety, for one full hour;

2. AND THAT the Corporation of the Town of Newmarket’s participation in Earth Hour will be widely promoted and publicized in order to raise awareness about this important issue and in order to encourage every individual, household and business in town to join in by turning off their lights and electrical power for one hour at 8:30 p.m. on Saturday, March 25, 2017;

3. AND THAT a copy of this will be forwarded to every municipality in the GTA, encouraging them to participate in Earth Hour.

9. Proclamation of International Day for the Elimination of Racial Discrimination.

a) THAT March 21, 2017 be proclaimed "International Day for the Elimination of Racial Discrimination";

i) AND THAT this proclamation be advertised on the Town Page advertisement and on the Town's website www.newmarket.ca

Carried

10. Ms. Christina Herancourt addressed the Committee with a PowerPoint Presentation regarding Development and Infrastructure Services - Planning and Building Services Report 2017-06 with respect to Application for Zoning By-law Amendment and Draft Plan of Subdivision- Azure Homes Inc. (172-178 Old Main Street). Ms. Herancourt expressed concern about safety in the area and requested access to all reports related to the application prior to the statutory public meeting.

Moved by: Councillor Hempen

Seconded by: Councillor Kwapis

THAT Ms. Christina Herancourt be given an additional five minutes for her deputation.

Carried

Moved by: Councillor Bisanz

Seconded by: Councillor Hempen

THAT the deputation and PowerPoint presentation by Ms. Christina Herencourt regarding the Development and Infrastructure Services- Planning and Building Services Report 2017-06 with respect to 172-178 Old Main Street be received.

Carried

11. Mr. Ken Wright, resident, addressed the Committee with respect to Development and Infrastructure Services - Planning and Building Services Report 2017-06 regarding an Application for Zoning By-law Amendment and Draft Plan of Subdivision - Azure Homes Inc. (172-178 Old Main Street). Mr. Wright expressed concern about infrastructure in the rural area, repairing foundations, risk of flooding and the costs associated with repairs. Councillor Hempen acknowledged that Mr. Wright had previously met with him and brought forward concerns regarding the new stormwater management charge. Councillor Hempen noted that he will discuss with staff the possibility of providing information related to stormwater and transportation plans to Mr. Wright and the group of concerned residents prior to the public meeting for their review.

Moved by: Councillor Hempen

Seconded by: Councillor Kwapis

THAT the deputation by Mr. Ken Wright regarding Development and Infrastructure Services - Planning and Building Services Report 2017-06 with respect to 172-178 Old Main Street be received.

Carried

12. Development and Infrastructure Services - Planning and Building Services Report 2017-06 dated February 27, 2017 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision - Azure Homes Inc. - 172-178 Old Main Street.

Moved by: Councillor Hempen
Seconded by: Councillor Vegh

THAT Development and Infrastructure Services - Planning and Building Services Report 2017-06 dated February 27, 2017 regarding Application for a Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

- i) THAT the application for a Zoning By-law Amendment and a Draft Plan of Subdivision, as submitted by Azure Homes Inc. for lands located at 172-178 Old Main Street be referred to a public meeting;
- ii) AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation of the application be addressed by staff in a comprehensive report to the Committee of the Whole, if required;
- iii) AND THAT Azure Homes, 82 Boothbay Crescent, Newmarket, ON L3Y 1Y5 be notified of this action;
- iv) AND THAT Macauley Shiomi Howson Ltd., Attention: Ms. A. Sciberras, 471 Timothy Street, Newmarket, ON L3Y 1P9 be notified of this action.

Carried

13. Ms. Pauline Latour addressed the Committee with respect to Development and Infrastructure Services Report- Engineering Services 2017-10 regarding Oak Street Parking. Ms. Latour expressed her support for the staff recommendation within the report.

Moved by: Councillor Kwapis
Seconded by: Councillor Hempen

THAT deputation by Ms. Pauline Latour regarding Development and Infrastructure Services Report - Engineering Services 2017-10 dated February 8, 2017 regarding Oak Street - Parking Restrictions be received.

Carried

14. Development and Infrastructure Services Report - Engineering Services 2017-10 dated February 8, 2017 regarding Oak Street - Parking Restrictions.

Moved by: Councillor Kwapis
Seconded by: Councillor Broome

a) THAT Development and Infrastructure Services Report - Engineering Services 2017-10 dated February 8, 2017 regarding Oak Street - Parking Restrictions be received and the following recommendation be adopted:

i) THAT the existing parking restrictions on Oak Street remain as they are.

Carried

15. Ms. Barbara Brunson addressed the Committee regarding Development and Infrastructure Services - Planning and Building Services Report 2017-02 with respect to Application for Zoning By-law Amendment - 507 Mulock Drive. Ms. Brunson raised concerns about safety and increased traffic on the residential streets in the area due to the right in and right out access point of the proposed plans and asked for a traffic study to be conducted.

Moved by: Councillor Kwapis
Seconded by: Councillor Bisanz

THAT the deputation by Ms. Barbara Brunson regarding Development and Infrastructure Services - Planning and Building Services Report 2017-02 with respect to Application for Zoning By-law Amendment - 507 Mulock Drive be received.

Carried

16. Development and Infrastructure Services- Planning and Building Services Report 2017-02 dated February 6, 2017 regarding Application for Zoning By-law Amendment - 507 Mulock Drive

An alternate motion was presented and discussion ensued.

Moved by: Councillor Kwapis
Seconded by: Councillor Broome

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2017-02 dated February 6, 2017 regarding Application for Zoning By-law Amendment be received and the following recommendations be adopted:

- i) THAT the Application for Zoning By-law Amendment as submitted by Ganni Kinno Developments Inc. for lands municipally known as 507 Mulock Drive be approved and that staff be directed to prepare the necessary Zoning By-law Amendment;
- ii) AND THAT Mr. Ryan Guetter, Weston Consulting, 201 Millway Avenue, Suite 19, Vaughan, ON L4K 5K8 be notified of this action;
- iii) AND THAT staff be directed to monitor the impact of traffic and consider mitigation strategies.

Carried

- 17. PowerPoint Presentation by Planning Staff regarding Tree Removal and Protection Policies and Regulations.

Moved by: Councillor Kwapis
Seconded by: Councillor Broome

THAT the presentation by Planning Staff regarding Tree Removal and Protection Policies and Regulations be received.

Carried

- 18. Mr. Chris Howie addressed the Committee regarding the PowerPoint Presentation by Planning Staff with respect to Tree Removal, Protection Policies and Regulations. Mr. Howie expressed specific concern regarding the property known as 181 Beechwood Crescent. He indicated that developers are clear cutting land before submitting applications and asked that the woodlot by-law be amended to include the north side of Beechwood Crescent.

Moved by: Councillor Hempen
Seconded by: Councillor Broome

THAT the deputation by Chris Howie regarding the PowerPoint Presentation by Planning Staff with respect to Tree Removal and Protection Policies and Regulations be received.

Carried

- 19. Development and Infrastructure Service - Planning and Building Services and Public Works Services Report 2017-05 dated February 27, 2017 regarding Tree Removal, Protection Policies and Regulations.

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

a) THAT Development and Infrastructure Services - Planning and Building Services and Public Works Services Report 2017-05 dated February 27, 2017 regarding Tree Removal and Protection Policies and Regulations and the Urban Forestry Management Plan be received and the following recommendations be adopted:

i) THAT Council direct staff to update the existing Tree Preservation, Protection, Replacement and Enhancement Policy;

ii) AND THAT Council direct staff to prepare and bring to a future meeting a by-law regulating and protecting significant trees on private property;

iii) AND THAT Council direct staff to prepare and bring to a future Council meeting a by-law protecting trees on municipal property.

Carried

The Committee of the Whole recessed at 3:32 p.m.

The Committee of the Whole reconvened at 3:50 p.m.

20. Development and Infrastructure Services- Engineering Services Information Report 2017-03 dated February 8, 2017 regarding the Pole Mounted Display Sign Program – Town of Aurora.

Moved by: Councillor Kwapis

Seconded by: Councillor Vegh

a) THAT the Development and Infrastructure Services- Engineering Services Information Report 2017-03 dated February 8, 2017 regarding the Pole Mounted Display Sign Program – Town of Aurora be received;

i) AND that staff be directed to look into allowing a process for signs in dedicated locations in the absence of maintenance costs to the Town.

Motion Lost

Moved by: Councillor Kwapis
Seconded by: Councillor Broome

THAT the Development and Infrastructure Services- Engineering Services Information Report 2017-03 dated February 8, 2017 regarding the Pole Mounted Display Sign Program – Town of Aurora be received.

Carried

21. Item 3 of Central York Fire Services - Joint Council Committee Minutes of October 4, 2016 regarding Burning By-laws Discussion.

Moved by: Councillor Twinney
Seconded by: Councillor Broome

a) THAT Item 3 of Central York Fire Services - Joint Council Committee Minutes of October 4, 2016 regarding Burning By-laws Discussion be received;

i) THAT the Central York Fire Services - Joint Council Committee recommendation be approved and that staff be directed to review the current burning by-law in conjunction with Aurora staff (specifically, By-law and Fire Services).

Carried

22. Outstanding Matters List.

Councillor Kerwin requested an update from staff regarding Item 6, being Legislative Services report on potential driving school regulation. The Commissioner of Corporate Services advised that the report was on target for the end of March, and that staff are awaiting updates from the Ministry of Transportation on this issue.

Carried

Moved by: Councillor Kerwin
Seconded by: Councillor Hempen

THAT the Outstanding Matters list be received.

Carried

Motions

Moved by: Councillor Bisanz
Seconded by: Councillor Broome

23. THAT staff prepare a report on options and opportunities to address residential on street and off street parking challenges. Specifically, the report should consider the impact that changing economics and demographics have on housing occupancy and ways in which the Town of Newmarket can better balance reasonable parking needs with streetscape aesthetics, active transportation objectives and effective by-laws enforcement.

Carried

Reports by Regional Representatives

None.

Notices of Motion

None.

New Business

Councillor Twinney requested a status update report regarding the Hollingsworth property proposal. The Commissioner of Development and Infrastructure Services advised that the intent is to bring forth a report at the March 20, 2017 Committee of the Whole meeting.

Action Items

None.

Councillor Hempen left the meeting at 4:50 p.m.

Closed Session

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

24. Legal Services (Closed Session) Report 2017-04 dated February 23, 2017 with respect to an appeal to the Ontario Municipal Board re: 178-194 Main Street South regarding litigation or potential litigation, including matters before administrative tribunals affecting the municipality as per Section 239 (2) (e) of the Municipal Act, 2001.

Moved by: Councillor Kwapis
Seconded by: Councillor Kerwin

THAT Legal Services (Closed Session) Report 2017-04 dated February 23, 2017 with respect to an appeal to the Ontario Municipal Board re: 178-194 Main Street South regarding litigation or potential litigation, including matters before administrative tribunals affecting the municipality as per Section 239 (2) (e) of the Municipal Act, 2001 be received and the recommendations contained within be adopted.

Carried

Adjournment

Moved by: Councillor Kerwin
Seconded by: Councillor Bisanz

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 4:54 p.m.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk