

The meeting of the Committee of the Whole was held on Monday, March 20, 2017 in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Deputy Mayor & Regional Councillor Taylor
Councillor Kerwin
Councillor Twinney
Councillor Kwapis
Councillor Broome
Councillor Bisanz

Absent: Councillor Hempen
Councillor Vegh

Staff Present: R.N. Shelton, Chief Administrative Officer
P. Noehammer, Commissioner of Development and Infrastructure Services
E. Armchuk, Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
L. Lyons, Director of Legislative Services/Town Clerk
K. Saini, Deputy Clerk
L. Moor, Council/Committee Coordinator

The meeting was called to order at 1:30 PM.

Mayor Van Bynen in the Chair.

Additions & Corrections to the Agenda

The Chief Administrative Officer advised of the addendum items:

- 1) A deputation request by Mr. Sandro Sementilli regarding Development and Infrastructure Services – Planning and Building Services Report 2017-07 with respect to San Michael Homes/Hollingsworth Arena Properties.
- 2) Mr. Don Given of Malone, Given Parsons Ltd. available to answer questions regarding Development and Infrastructure Services Report – Planning and Building Services 2017-08 for the property known as 16200 and 16250 Yonge Street.

- 3) Water/Wastewater Operator to address the Committee with a PowerPoint presentation regarding the Newmarket Water Distribution System Annual Water Quality Summary Report.
- 4) Ms. Nancy Fish to address the Committee regarding correspondence from the the Regional Municipality of York related to Bill 65 – Safer School Zones Act, 2016.
- 5) Corporate Services– Financial Services Report 2017-12 with respect to the Approach for the Upcoming Budget.

Item 3 of the agenda being Development and Infrastructure Services Report – Engineering Services 2017-09 regarding Parking By-law Update – Name Changes for Downtown Parking Lots – withdrawn from consideration.

He also advised of the items contained in the Closed Session agenda:

- 1) Legal Services (Closed Session) Report 2017-06 regarding an appeal – litigation or potential litigation including matters before administrative tribunals affecting the municipality in Ward; and,
- 2) a proposed disposition of land by the Town of Newmarket as per Section 239 (2) (c) of the Municipal Act, 2001 (Ward 3) – Verbal update if required and that external legal counsel will be present at 3:00 PM.

Moved by: Councillor Bisanz
Seconded by: Councillor Kwapis

That the agenda be revised to include the addendum and corrections to the agenda.

Carried

Declarations of Pecuniary Interest

None.

Deputations

1. The Manager of Water and Wastewater introduced Mr. Blair Saunders, Water/Wastewater Operator who addressed the Committee with a PowerPoint presentation regarding the Town of Newmarket's Drinking Water System Update.

Queries were made regarding obtaining multi-year data statistics and year to year challenges associated with safe drinking water.

Moved by: Councillor Kerwin
Seconded by: Councillor Broome

That the PowerPoint presentation by the Manager of Water and Wastewater and the Water/Wastewater Operator regarding the Town of Newmarket's Drinking Water System Update be received.

Carried

Consent Items

Moved by: Councillor Twinney
Seconded by: Councillor Bisanz

That the following items be adopted on consent:

2. Community Services – Economic Development Report 2017-02 dated March 1, 2017 regarding Downtown Patios Pilot Project.

a) That Community Services – Economic Development Report 2017-02 dated March 1, 2017 regarding Downtown Patios Pilot Project be received and the following recommendation be adopted:

- i) That patios participating in the Downtown Patios program be permitted to remain open until 11:00 p.m. throughout the patio season.

3. Development and Infrastructure Services Report- Planning and Building Services 2017-08 dated March 20, 2017 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision - 16200 and 16250 Yonge Street.

a) That Development and Infrastructure Services/Planning and Building Services Report 2017-08 dated March 20, 2017 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

- i) That the Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, as submitted by Shining Hill Estates Collection Inc. for lands being composed of Part of Lot 87, Concession 1, WYS be referred to a public meeting;

- ii) And that following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the 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 Mr. Lincoln Lo, Malone Given Parsons Ltd., 140 Renfrew Drive, Suite 201, Markham, ON L3R 6B3 be notified of this action.

4. Development and Infrastructure Services Report - Planning and Building Services 2017-09 dated March 20, 2017 regarding Demolition of a Structure on a property designated under the Ontario Heritage Act (16860 Leslie Street - John Bogart House).

a) That Development & Infrastructure Services - Planning & Building Services Report 2017-09 dated March 20, 2017 regarding the demolition of the garage structure at 16860 Leslie Street, being located on a property designated under the Ontario Heritage Act, be received and the following recommendations be adopted:

i) That Council consent to the submitted demolition permit request subject to the following recommendation:

ii) That the owner be required to prepare and submit a Heritage Conservation Plan for the John Bogart house at 16860 Leslie Street, addressing the existing condition, immediate remedial work necessary, long term restoration work necessary, preliminary building relocation plan along with a work schedule within 90 days of this recommendation;

iii) And that Mr. Gilles Bisnaire, Leslie Street (FGN) Inc., 5332 Hwy. 7, Vaughan, ON be notified of this action.

5. Corporate Services Report – Financial Services 2017-03 dated March 3, 2017 regarding 2016 Preliminary Fourth Quarter Report – Operating and Investment Summary.

a) That Corporate Services Report- Financial Services 2017-13 dated March 3, 2017 regarding 2016 Preliminary Fourth Quarter Report – Operating and Investment Summary be received and the following recommendation be adopted:

i) That the reserve transfers totaling \$235,000 listed in the report be approved.

6. Central York Fire Services – Joint Council Committee Minutes of January 10, 2017.

- a) That the Central York Fire Services – Joint Council Committee Minutes of January 10, 2017 be received.
7. Newmarket Public Library Board Minutes of January 18, 2017.
 - a) That the Newmarket Public Library Board Minutes of January 18, 2017 be received.
8. Heritage Newmarket Advisory Committee Minutes of December 6, 2016.
 - a) That the Heritage Newmarket Advisory Committee Minutes of December 6, 2016 be received.
9. Main Street District Business Improvement Area Board of Management Minutes of January 17, 2017.
 - a) That the Main Street District Business Improvement Area Board of Management Minutes of January 17, 2017 be received.
10. Site Plan Review Committee Minutes of March 6, 2017.
 - a) That the Site Plan Review Committee Minutes of March 6, 2017 be received.
11. Item 1 of the Site Plan Review Committee Minutes of March 6, 2017 regarding Application for Site Plan Approval - 470 Crossland Gate - Ward 7.
 - a) That the Application for Site Plan Approval to permit the construction of 140 townhouse dwelling units within 22 buildings be approved in principle and referred to staff for processing, subject to the following:
 - i) That the preliminary review comments be addressed to the satisfaction of Town staff;
 - ii) And that Ms. Joanne Barnett, Marianneville Developments Limited, 3-26 Lesmill Road, Toronto, ON M3B 2T5 be notified of this decision;
 - iii) And that Ms. Kerigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Road, Unit 109, Richmond Hill, ON L4B 3K1 be notified of this decision.
12. Correspondence dated February 15, 2017 from Ms. Andrea McKechnie, Support Committee, Queen's York Rangers 2799 Army Cadet Corps. requesting permission for Tagging Fundraising - September 14 to September 17, 2017.

a) That the correspondence dated February 15, 2017 from Ms. Andrea McKechnie be received and the following recommendation be adopted:

i) That permission be granted for Tagging Fundraising from Thursday September 14 to Sunday September 17, 2017.

13. Correspondence dated March 2, 2017 from Ms. Kalyani Vimalasan, Walk for Values Steering Committee requesting proclamation of April 24, 2017 as 'Human Values Day'.

a) That the correspondence from Ms. Kalyani Vimalasan, Walk for Values Steering Committee be received and the following recommendations be adopted:

i) That the Town of Newmarket proclaim April 24, 2017 as 'Human Values Day';

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

Carried

Deputations

14. Mr. Sandro Sementilli on behalf of San Michael Homes addressed the Committee requesting a two month extension of a re-development plan for the for combined properties of San Michael Homes and the Hollingsworth Arena.

Moved by: Councillor Twinney

Seconded by: Councillor Bisanz

a) That the deputation by Mr. Sandro Sementilli on behalf of San Michael Homes regarding an extension request of a re-development plan for the combined properties of San Michael Homes and the Hollingsworth Arena be received.

Carried

15. Ms. Nancy Fish addressed the Committee regarding the correspondence dated February 17, 2017 from the Regional Clerk with respect to Bill 65, Safer School Zones Act, 2016. She expressed her concerns with driver speed in school zones and expressed her support for Bill 65.

Moved by: Councillor Kwapis
Seconded by: Councillor Broome

a) That the deputation by Ms. Nancy Fish regarding the correspondence dated February 17, 2017 from the Regional Clerk with respect to Bill 65, Safer School Zones Act, 2016 be received.

Carried

16. Correspondence dated February 17, 2017 from Mr. Christopher Raynor, Regional Clerk, Regional Municipality of York regarding Bill 65 - Safer School Zones Act, 2016.

Whereas the Legislature introduced Bill 65 - Safer School Zones Act, 2016 (Bill 65) on November 15, 2016 to repeal the existing photo radar provisions of the Highway Traffic Act (HTA) and replace them with provision for automated speed enforcement;

And whereas Bill 65 would allow municipalities, by by-law, to implement and operate automated speed enforcement in community safety zones and school zones on roads under their jurisdiction;

And whereas municipalities would be responsible for the implementation and operational costs of automated speed enforcement on roads under their jurisdiction;

And whereas the by-laws designating community safety zones and school zones or implementing the automated speed enforcement would be enacted under the HTA and would create HTA offences;

And whereas HTA offences are administered through the Provincial Offences Act (POA) courts and any HTA fine revenue collected through the POA courts would be retained by the POA court program not the local municipality;

And whereas the Municipal Act, 2001 authorizes municipalities to implement an administrative monetary penalty system for parking and licensing by-laws, and Bill 68 Modernizing Ontario's Municipal Legislation Act, 2016 proposes to expand authority for administrative monetary penalties to other municipal by-laws;

And whereas penalties for offences arising out of enforcement through technology such as automated speed enforcement and red light cameras can be administered effectively and efficiently through an administrative monetary penalty system;

And whereas POA Court administration have been calling on the government to allow other technology-based offences including red light cameras to be administered through administrative penalties;

And whereas s. 21.1 of the HTA if proclaimed would allow for a regulation to be made authorizing enforcement of prescribed offences through administrative monetary penalties rather than the POA courts;

Be it resolved that Council requests the Minister of Transportation in conjunction with the Lieutenant Governor in Council to make a regulation pursuant to s. 21.1 of the Highway Traffic Act, that would allow for offences created by automated speed enforcement and red light cameras to be administered through the administrative monetary penalties and for the Attorney General to support the necessary changes to allow technology based enforcement of offences to be administered through administrative monetary penalties.

Recommendation b) was added:

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

a) That the correspondence from Mr. Christopher Raynor, Regional Clerk regarding Bill 65, Safer School Zones Act, 2016 be received and endorsed;

b) And that the Town of Newmarket Council supports the passing of Bill 65, Safer School Zones Act, 2016.

Carried

17. Corporate Services Report – Legislative Services 2017-05 dated March 8, 2017 regarding Power of Entry By-law.

Moved by: Councillor Twinney

Seconded by: Deputy Mayor & Regional Councillor Taylor

a) That Corporate Services Report – Legislative Services 2017-05 dated March 8, 2017 regarding Power of Entry By-law be received and the following recommendation be adopted:

i) That the Power of Entry By-law be brought forward to the March 27, 2017 Council meeting for approval.

Carried

18. Outstanding Matters List.

Councillor Twinney requested an update from staff regarding an outdoor burning by-law review. The Director of Legislative Services advised that this matter is currently being reviewed and will be added to the Outstanding Matters list.

Carried

Moved by: Councillor Twinney
Seconded by: Councillor Kerwin

That the Outstanding Matters list be received.

Carried

Action Items

19. CAO/Finance/Human Resources Report 2017-03 dated March 6, 2017 regarding Council Remuneration and Tax Status.

Moved by: Deputy Mayor & Regional Councillor Taylor
Seconded by: Councillor Kerwin

a) That CAO/Finance/Human Resources Report 2017-03 dated March 6, 2017 regarding Council Remuneration and Tax Status be received;

i) And that Council maintain the 1/3 tax free status relative to Council remuneration;

ii) And that the matter of Council Remuneration and Tax Status be brought forward within the first twelve months of a new term of Council beginning in 2018.

Carried

20. Corporate Services Report – Financial Services 2017-12 dated March 20, 2017 regarding the 2016 Budget Process and Target.

Moved by: Deputy Mayor & Regional Councillor Taylor
Seconded by: Councillor Kerwin

a) That Corporate Services Report – Financial Services 2017-12 dated March 20, 2017 regarding the Approach for the 2018 Budget Schedule and Target be received and the following recommendations be adopted:

i) That the proposed budget schedule with a budget adoption date of December 4, 2017 be approved;

ii) And that Council provide feedback and comments on the proposed budget target setting methodology for consideration at Committee of the Whole on May 8, 2017;

b) And that staff be directed to:

i) Finalize a Public Engagement Plan for the 2018 budget; and,

ii) Create a Budget Policy which includes target setting.

Carried

Reports by Regional Representatives

Deputy Mayor and Regional Councillor Taylor advised that Regional Council has recently been discussing the feasibility of increasing development charges to incorporate many large capital road projects. He advised there is a report before Regional Council which leaves the development charges system in place with some projects reduced in cost but not in scope.

Notices of Motion

Councillor Twinney requested staff bring forward an update to the provisions of By-law 2010-40 and 2013-30 and applied on a Town wide basis.

Motions

None.

New Business

Mayor Van Bynen advised that endorsement of Item 17 of the agenda being the Regional resolution related to Bill 65, Safer School Zones Act, 2016 be noted as staff direction and the correspondence be addressed to the Minister of Transportation, Lieutenant Governor, the Attorney General, the Regional Clerk and the GTA municipalities.

The Committee of the Whole recessed at 2:44 PM.

The Committee of the Whole reconvened at 2:54 PM.

Closed Session

Moved by: Councillor Kwapis
Seconded by: Councillor Twinney

- 1) That Committee of the Whole enter into a Closed Session for the purpose of discussing litigation or potential litigation including matters before administrative tribunals affecting the municipality as per Section 239 (2) (e) of the Municipal Act, 2001 (Ward 5); and,
- 2) A proposed disposition of land by the municipality as per Section 239 (2) (c) of the Municipal Act, 2001 (Ward 3) (Verbal update from CAO and Solicitor, if required).

Carried

The Committee of the Whole resolved into Closed Session at 2:54 PM.

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

The Committee of the Whole resumed into public session at 4:01 PM.

21. Development and Infrastructure Services (Planning) Report 2017-07 dated March 20, 2017 regarding the San Michael Homes/Hollingsworth Arena Properties.

Moved by: Councillor Twinney
Seconded by: Deputy Mayor & Regional Councillor Taylor

a) That Development and Infrastructure Services Report – Planning and Building Services 2017-07 dated March 20, 2017 regarding the San Michael Homes/Hollingsworth Arena properties be received and the following recommendations be adopted:

- i) That the Town of Newmarket not enter into a Letter of Intent with San Michael Homes regarding the purchase and development of the Hollingsworth Arena property;
- ii) And that staff be directed to take no further action on this matter at this time.

Carried

Adjournment

Moved by: Councillor Broome
Seconded by: Councillor Twinney

That the meeting adjourn at 4:02 PM.

Carried

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk