

The meeting of the Committee of the Whole was held on Monday, August 28, 2017 in the Council Chambers, 395 Mulock Drive, Newmarket.

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

Staff Present: R. N. Shelton, Chief Administrative Officer
E. Armchuk, Commissioner of Corporate Services
P. Noehammer, Commissioner of Development and Infrastructure Services
I. McDougall, Commissioner of Community Services
R. Nethery, Director of Planning and Building Services
L. Lyons, Director of Legislative Services/Town Clerk
K. Saini, Deputy Clerk
A. Cammaert, Senior Planner, Policy
H. Leznoff, Council/Committee Coordinator
J. Patel, Applications Support Analyst

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 following additional items:

- (1) Correspondence circulated by e-mail dated August 25, 2017 from the Building Industry and Land Development Association with respect to an item listed on the agenda regarding Height and Density Bonusing Implementation Guidelines.
- (2) Correspondence circulated by e-mail dated August 28, 2017 from MHBC Planning and Urban Design and Landscape Architecture with respect to

an item listed on the agenda regarding Height and Density Bonusing Implementation Guidelines.

- (3) A request for the Committee of the Whole to convene into a Closed Session for the purpose of receiving advice subject to solicitor/client privilege as per Section 239 (2) (f) of the Municipal Act, an item listed on the agenda regarding the Ontario Municipal Board and 770 Gorham Street.

Moved by: Councillor Kwapis
Seconded by: Councillor Broome

1. That the additions to the August 28, 2017 Committee of the Whole agenda be approved.

Carried by 2/3 majority

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Presentations & Recognitions

There were no presentations and recognitions.

Deputations

1. Ms. Patricia Hildreth - 770 Gorham

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

1. That the deputation by Ms. Patricia Hildreth regarding the Appeal to the Ontario Municipal Board from a decision of the Committee of Adjustment denying an application for Consent to Sever and Minor Variances re: 770-Gorham Street be received.

Carried

Consent Items

Moved by: Councillor Kerwin
Seconded by: Councillor Bisanz

That the following items (2 to 25) be adopted on consent:

2. Application for Zoning By-law Amendment – 514 Davis Drive

1. That Development and Infrastructure Services - Planning and Building Services Report 2017-31 dated August 28, 2017 regarding Application for a Zoning By-law Amendment be received and the following recommendations be adopted:
 - a. That the application for a Zoning By-law Amendment, as submitted by 1548373 Ontario Inc. (Oskar Group) for lands located at 514 Davis Drive, be referred to a public meeting; and,
 - b. 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; and,
 - c. That 1548373 Ontario Inc. (Oskar Group), c/o Adam Lennie, 3660 Midland Avenue, Suite 200, Toronto, ON M1V 0B8 be notified of this action.

3. 2018 Schedule of Council and Committee of the Whole Meetings

1. That Corporate Services Report – Legislative Services – 2017-14 dated August 14, 2017 entitled “2018 Schedule of Council and Committee of the Whole Meetings” be received; and,
2. That the 2018 Council and Committee of the Whole meeting schedule be adopted.

4. Canada 150 Community Infrastructure Contribution Agreement

1. That Office of the CAO/Strategic Initiatives and Development and Infrastructure Services Commission Report 2017-06 dated July 28, 2017 regarding the Canada 150 Community Infrastructure Program Contribution

Agreement be received and the following recommendation be adopted:

- a. That Council approve and authorize Robert N. (Bob) Shelton, Chief Administrative Officer and Peter Noehammer, Commissioner, Development and Infrastructure Services to enter into a Contribution Agreement with Her Majesty the Queen in Right of Canada to receive funds through the Federal Economic Development Agency for Southern Ontario under the Canada 150 Community Infrastructure Program for the following projects and funding amounts approved under the Canada 150 Community Infrastructure Program:
 - i. 809957 Replacement of Clare Salisbury Park Playground Equipment - \$63,954;
 - ii. 809958 Replacement of Ken Sturgeon Park Playground Equipment - \$75,922;
 - iii. 809960 Replacement of Paul Semple Park Playground Equipment - \$45,254;
 - iv. 809962 Replacement of Audrie Sanderson Park Playground Equipment - \$36,091; and,
 - v. 810139 Renovation of Newmarket Recreation Youth Centre - \$70,890

5. Parking Amendments – Marianneville, Sundial homes and National Homes Subdivisions

1. That Development and Infrastructure Services Report ES 2017-26 dated July 20, 2017 entitled “Parking Amendments – Marianneville, Sundial Homes and National Homes Subdivisions” be received and the following recommendations be adopted:
 - a. That Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be further amended by adding the following: and,

Road	Side	Between	Prohibited Times
Alf Neely Way	East/South	Millard Avenue West to Eagle Street West	Anytime
Mitchell Place	East	Davis Drive West to terminus	Anytime
Mitchell Place	West	Davis Drive West to a	Anytime

		point approximately 100 metres south	
Brown Court	North	Mitchell Place to terminus	Anytime
Reg Harrison Trail	West	Alex Doner Drive to #282 Reg Harrison Trail	Anytime
Reg Harrison Trail	East	#287 Reg Harrison Trail to Crossland Gate	Anytime
Vantage Loop	North	William Booth Avenue to Woodland Hills Park	Anytime
Vantage Loop	West	Woodland Hills Park to 50 metres west of Allure Street	Anytime
Vantage Loop	North/West	50 metres west of Allure Street to Delano Way	Anytime
Vivant Street	North	William Booth Avenue to Allure Street	Anytime
Delano Way	North	William Booth Avenue to Allure Street	Anytime
Delano Way	Both	William Booth Avenue to east limit	Anytime
Bravo Lane	North	Vantage Loop to Allure Street	Anytime
Allure Street	West	Vantage Loop to Vantage Loop	Anytime
Tango Crescent	North/East/South	William Booth Avenue to William Booth Avenue	Anytime
Capella Street	West	Solstice Circle to Solstice Circle	Anytime
Urbana Lane	West	Delano Way to Solstice Circle	Anytime
Solstice Circle (north)	East/West/North	Delano Way to Delano Way (outer side)	Anytime
Solstice Circle (south west)	West/North	Delano Way to Capella Street	Anytime
Solstice Circle	East/North	Delano Way to	Anytime

(south and east)		Capella Street	
William Booth Avenue	Both	Knapton Drive to Davis Drive	Anytime
Carm Shier Court	North	Harry Douglas Street to terminus	Anytime
Helena Court	North	Somerville Drive to Harry Douglas Street	Anytime
Mickleburgh Drive	North	Somerville Drive to Harry Douglas Street	Anytime
Somerville Drive	West	Dillman Avenue to terminus	Anytime
Harry Douglas Street	South/East	Dillman Avenue to Somerville Drive	Anytime

- b. That the necessary By-law be prepared and submitted to Council for approval.

6. Water Meter By-law – New By-law to regulate water meter use within the serviced area of the Town of Newmarket

- 1. That Development and Infrastructure Services Report 2017-25 dated July 28, 2017 entitled Water Meter By-law – New By-law to regulate water meter use within the serviced area of The Corporation of the Town of Newmarket be received and the following recommendations be adopted:
 - a. That Council adopt a New Water Meter By-law to regulate the use of residential and commercial water meters, as described in this report and set out in By-Law 2017-49 (Attachment 1); and,
 - b. That a copy of The Town of Newmarket’s Water Meter By-law 2017- 49 be placed on the Town of Newmarket website.

7. Sewer Use By-law Update – Discharge of Sewage, Storm Water and Land Drainage By-law within the serviced area of the Town of Newmarket

- 1. That Development and Infrastructure Services Report - PWS 2017-24 dated August 28, 2017, entitled "Sewer Use By-law Update - Discharge of Sewage, Storm Water and Land Drainage By-law within the serviced area of The Corporation of the Town of Newmarket" be received and the following recommendations be adopted:

- a. That Council adopt an updated Sewer Use By-law to protect the environment, public health and the Town's infrastructure, as described in this report and set out in By-law 2017-50 (Attachment 1); and,
- b. That Council repeal the current Sewer Use By-law No. 2006-111, as amended; and,
- c. That a copy of The Town of Newmarket's Sewer Use By-law No. 2017-50 be forwarded to the Clerk of York Region for information.

8. Ontario Regulation 366-09 Display Screens and Hand-Held Devices

1. That Development and Infrastructure Services Report - Public Works Services 2017-27 dated July 20, 2017 regarding Ontario Regulation 366/09 - Display Screens and Hand-Held Devices be received and the following recommendations be adopted:
 - a. That the Town of Newmarket supports the permanent exemption from Ontario Regulation 366/09 for the use of two way radios for public function drivers; and,
 - b. That this resolution be submitted to the Ministry of Transportation, Road Safety Policy Office, and that it be distributed to the Regional Municipality of York, Ontario Good Roads Association (OGRA), Association of Municipalities of Ontario (AMO) and the Local Municipalities of York Region.

9. Correspondence from Mayor Rob Burton, Chair of Auto Mayors, dated June 2017 regarding a resolution with respect to Protecting the Automotive Sector in Newmarket

Whereas, the auto sector directly employs over 101,000 people in Ontario, and indirectly supports the creation of more than 300,000 good jobs in communities nationwide; and,

Whereas, the automotive industry represents Canada's largest manufacturing sector, Ontario's chief export and the economic lifeblood of hundreds of Canadian communities; and,

Whereas, a thriving auto sector is an essential part of Newmarket's local economy, stimulating growth, innovation, and good, high-paying jobs; and,

Whereas, Canada's auto sector has been deeply integrated with that of the

United States since the early-20th century, as indicated by the 1965 Canada-US Auto Pact; and,

Whereas, the North American Free Trade Agreement governs nearly every aspect of Canada and the United States' economic relationship, including the import and export of auto parts and vehicles; and,

Whereas, even minor changes to the established trade relationship between Canada and the United States could have enormous consequences for workers and consumers on both sides of the border; and,

Whereas, in 2016 the government of Ontario and Michigan signed a Memorandum of Understanding calling for increased cooperation and partnership between their two automotive sectors; and,

Whereas, the United States has announced its intent to renegotiate NAFTA; and,

Whereas, Canada's economic future and the continued wellbeing of Newmarket's local economy depend on a thriving automotive sector.

Therefore be it resolved, Council:

1. Join with Councils across Ontario in calling on the federal government to make the protection and growth of Canada's automotive sector a key priority in the upcoming NAFTA negotiations; and,
2. Request the Mayor write a letter to Prime Minister Justin Trudeau and Newmarket's local member of Parliament reinforcing these concerns; and,
3. Urge those local members of Parliament who have not yet done so to join the parliamentary auto caucus, advocating for the wellbeing of Canada's automotive sector in Ottawa.

10. Newmarket Economic Development Advisory Committee Meeting Minutes of November 1, 2016

1. That the Newmarket Economic Development Advisory Committee Meeting Minutes of November 1, 2016 be received.

11. Accessibility Advisory Committee Meeting Minutes of March 23, 2017

1. That the Accessibility Advisory Committee Meeting Minutes of March 23, 2017 be received.
- 12. Item 3 of the Accessibility Advisory Committee Meeting Minutes of March 23, 2017**
1. That the Operational Leadership Team recommends that the following recommendation be referred to staff for review and report:
 - a. The Accessibility Advisory Committee recommends to Council that the Committee request that Council consider ways to make as many entrances to Main Street buildings as accessible as possible.
- 13. Newmarket Public Library Board Meeting Minutes of May 17, 2017**
1. That the Newmarket Public Library Board Meeting Minutes of May 17, 2017 be received.
- 14. Joint Council and Newmarket Economic Development Advisory Committee Workshop Minutes of May 1, 2017**
1. That the Joint Council and Newmarket Economic Development Advisory Committee Workshop Minutes of May 1, 2017 be received.
- 15. Heritage Newmarket Advisory Committee Meeting Minutes of May 2, June 13 and draft minutes of July 11, 2017**
1. That the Heritage Newmarket Advisory Committee Meeting Minutes of May 2, June 13, and draft minutes of July 11, 2017 be received.
- 16. Item 5 of the draft Heritage Newmarket Advisory Committee Meeting Minutes of July 11, 2017 regarding Removal of 770 Gorham Street from Municipal Register of Non-Designated Heritage Properties**
1. The Operational Leadership Team recommends to Council that the following be referred to staff for review and report:
 - a. That the Heritage Newmarket Advisory Committee recommend to Council that the request to remove the property known as 770 Gorham Street from the Municipal Register of Non-Designated Heritage Properties be denied; and,

- b. That the Heritage Newmarket Advisory Committee recommend to Council that the property known as 770 Gorham Street be designated a heritage property due to its cultural and architectural importance.

17. Items 6 and Item 9 of the draft Heritage Newmarket Advisory Committee Meeting Minutes of July 11, 2017 regarding Workplan & Operating Budget Discussion and Ontario Heritage Conference

- 1. The Operational Leadership Team recommends to Council that the following be referred to staff for consideration as part of the 2018 budget process:
 - a. That Heritage Newmarket Advisory Committee recommend to Council that \$5,000 be allocated for designation reports; and,
 - b. That Heritage Newmarket Advisory Committee recommend to Council that \$500 be allocated towards a workshop for Real Estate Professionals and Property Appraisers; and,
 - c. That Heritage Newmarket Advisory Committee recommend to Council that \$1,600 be allocated towards purchasing 4 Heritage Conservation District plaques; and,
 - d. That the Heritage Newmarket Advisory Committee recommend to Council that \$3,000 be allocated towards attendance for two members to attend the annual Heritage Conference.

18. Main Street District Business Improvement Area Board of Management Meeting Minutes of May 16 and June 20, 2017

- 1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of May 16 and June 20, 2017 be received.

19. Newmarket Downtown Development Committee Meeting Minutes of March 31, 2017

- 1. That the Newmarket Downtown Development Committee Meeting Minutes of March 31, 2017 be received.

20. Proclamation Request - October 7, 2017 - International Trigeminal Neuralgia Day and Request to Light Up Riverwalk Commons

1. That the proclamation request be received; and,
2. That the Town of Newmarket proclaim October 7, 2017 as "International Trigeminal Neuralgia Day"; and,
3. That the proclamation be advertised in the Town Page advertisement and on the Town's website; and,
4. That Riverwalk Commons be lit in teal on October 7, 2017.

21. Proclamation Request- September 2017- Prostate Cancer Awareness Month

1. That the proclamation request be received; and,
2. That the Town of Newmarket proclaim the month of September 2017 as "Prostate Cancer Awareness Month"; and,
3. That the proclamation be advertised in the Town Page advertisement and on the Town's website.

22. Proclamation Request - September 2017 - Childhood Cancer Awareness Month

1. That the proclamation request be received; and,
2. That the Town of Newmarket proclaim September 2017 as "Childhood Cancer Awareness Month"; and,
3. That the proclamation be advertised in the Town Page advertisement and on the Town's website.

23. Proclamation Request - September 22, 2017 - Recovery Day 2017

1. That the proclamation request be received; and,
2. That the Town of Newmarket proclaim September 22, 2017 as "Recovery Day"; and,
3. That the proclamation be advertised in the Town Page advertisement and on the Town's website.

24. Proclamation Request - September 4, 2017 - National PKD (Polycystic Kidney Disease) Awareness Day in the Town of Newmarket

1. That the proclamation request be received; and,
2. That the Town of Newmarket proclaim September 4, 2017 as "National PKD Awareness Day"; and,
3. That the proclamation be advertised in the Town Page advertisement and on the Town's website.

25. List of Outstanding Matters

1. That the list of outstanding matters be received.

Carried

26. Zoning By-laws 2010-40, 1981-96 and 1979-50 Review

Moved by: Councillor Bisanz
Seconded By: Counsellor Twinney

1. That Development and Infrastructure Services Report - Planning and Building Services 2017-25 dated August 28, 2017 regarding Zoning By-laws 2010-40, 1981-96 and 1979-50 Review be received and the following recommendations be adopted:
 - a. That staff be directed to prepare amendments to Zoning By-law 2010-40, 1981-96 and 1979-50 and to the Official Plan as discussed in this report; and,
 - b. That the proposed amendments be presented to Committee before being referred to a public meeting; and,
 - c. That following the public meeting, any issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.

Carried

27. Servicing Allocation Policy, Updated July 2017

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

1. That Development and Infrastructure Services/Planning and Building Services Report 2017-27 dated August 28, 2017 regarding the Town of Newmarket's Servicing Allocation Policy, updated July 2017 be received and that the following recommendation be adopted:
 - a. That Council adopt the Servicing Allocation Policy, updated July 2017, included as Attachment 1 to Report 2017-27.

Carried

28. Height and Density Bonusing Implementation Guide

Moved by: Deputy Mayor and Regional Councillor Taylor
Seconded by: Councillor Vegh

1. That Development and Infrastructure Services/Planning and Building Services Report 2017-28 dated August 28, 2017 regarding the Town of Newmarket's Height and Density Bonusing Implementation Guidelines be received and that the following recommendations be adopted, as amended:
 - a. That Council adopt the Height and Density Bonusing Implementation Guidelines, dated August 2017, included as attachment 1 to Report 2017-28; and,
 - b. **That the policy be reviewed in two years.**

Carried

29. Administrative Monetary Penalty System for Automated Speed Enforcement in York Region

Moved by: Councillor Vegh
Seconded by: Councillor Broome

1. That Legislative Services Information Report 2017-11 entitled “Administrative Monetary Penalty System for Automated Speed Enforcement in York Region” be received.

Carried

The Committee of the Whole recessed at 2:45 PM and reconvened at 3:00 PM.

30. Appeal to the Ontario Municipal Board from a decision of the Committee of Adjustment denying an application for Consent to Sever and Minor Variances re: 770 Gorham Street

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

1. That Corporate Services (Legal Services) Report 2017-15 dated August 28, 2017 regarding the appeal to the Ontario Municipal Board (“OMB”) by the Owner of 770 Gorham Street (“the Lands”) from a decision of the Committee of Adjustment to deny an application for Consent to Sever and for Minor Variances be received, and the following recommendations be adopted, as amended:

- a. That staff be directed to advise the OMB that:
 - i. Council supports the Committee of Adjustment’s decision to deny the applications for a Consent to Sever and Minor Variances in connection with the Lands; and,
 - ii. The Town **will appear** as Party at the OMB hearing in this matter; and,
 - iii. In the event that the OMB decides to allow the appeal, the Town will request the following conditions as part of any Order approving the Consent to Sever and Minor Variances:

“That Consent to Sever Application D10-B03-16 and Minor Variance Applications D13-A18-16 and D13-A19-16 be approved, subject to the following conditions:

- (a) That the variances pertain only to the requests as submitted with the application; and,

- (b) That the owner enter into a Site Plan Agreement with the Town for the future development of the lands; and,
- (c) That the applicant be advised that compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy; and,
- (d) That the development be substantially in accordance with the Site Plan and Elevations submitted with the application."

Carried

Action Items

None.

Reports by Regional Representatives

None.

Notices of Motion

None.

Motions

None.

New Business

- (1) Councillor Hempen indicated that he would provide staff with a report relating to cost sharing or subsidy programs for home owners in high hazard flood areas and requested that staff report back with further information and options.
- (2) Councillor Vegh requested that staff investigate issues associated with vacant properties and absentee landlords, specifically regarding grass cutting. The Clerk

advised that a “Clean Yards By-law” addressing this topic is scheduled to be brought to Committee of the Whole in November 2017.

- (3) Councillor Twinney requested an update regarding parkland improvements at Glen Cedar Park.
- (4) Councillor Kerwin thanked staff for their work at various Town events and reminded the public about Moonlight Movies that feature chocolate treats from Effem Foods.
- (5) Councillor Kwapis:
 - (a) Presented a petition regarding traffic on Botsford Street and asked that the petition be received and referred to staff, and circulated to Council.
 - (b) Asked staff to look into trail etiquette and additional signage using the green light, yellow light, and red light sign system.
 - (c) Requested that Riverwalk Commons be lit in the appropriate colour as per each proclamation request. Mayor Van Bynen suggested that this be referred to staff to review.

Closed Session

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

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

- (1) Advice that is subject to solicitor-client privilege, as per Section 239 (2) (f) of the Municipal Act, 2001 related to Item 9 - Appeal to the Ontario Municipal Board from a decision of the Committee of Adjustment denying an application for Consent to Sever and Minor Variances re: 770 Gorham Street.

Carried

The Committee of the Whole resolved into Closed Session at 3:03 PM.

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

The Committee of the Whole resumed into public session at 3:42 PM.

Public Hearing Matters (7:00 PM)

None.

Adjournment

Moved by: Councillor Kerwin
Seconded by: Councillor Broome

1. That the Committee of the Whole meeting adjourn at 4:00 PM.

Carried

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk