

For consideration by Council on
January 22, 2018

The meeting of the Committee of the Whole was held on Monday, January 15, 2018 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 Bisanz

Regrets: Councillor Vegh
Councillor Hempen
Councillor Broome

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
T. Horton, Planner
T. Traviss, Senior Planner
H. Leznoff, Council/Committee Coordinator

Guest: Mr. Matt Farrell, President, Ontario Building Officials Association

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 additions to the agenda:

- (1) Hydro Holdings Inc. Report of the President dated October 25, 2017 entitled "Establishment of a Subsidiary Company. This item was deferred from the November 6, 2017 Committee of the Whole meeting.
- (1) Presentation (Closed Session) by Mr. Paul Ferguson, Newmarket Tay-Power Distribution, regarding "Establishment of a Subsidiary Company".
- (2) Planning and Building Services (Closed Session) Report 2018-02 regarding the Hollingsworth Arena Property.
- (3) Joint Legal and Planning Services (Closed Session) Report 2018-01 regarding an Appeal to the Ontario Municipal Board related to 770 Gorham Street.
- (4) Verbal Update regarding Confidential Information Report 2017-53 entitled "Mulock Station Update".

The Chief Administrative Officer advised of the following corrections to the agenda:

- (1) Hydro Holdings Inc. Report of the President dated October 25, 2017 entitled "Establishment of a Subsidiary Company."
 - a. That recommendation 1 be corrected to include "**with 100 issued shares**" after the word "Subsidiary"; and,
 - b. That recommendation 2 be corrected to replace "9,300 common shares" with "**93** common shares"

Moved by: Councillor Twinney

Seconded by: Councillor Kwapis

1. That the additions and corrections to the January 15, 2018 Committee of the Whole agenda be approved.

Carried

Declarations & Pecuniary Interest

None.

Presentation & Recognitions

1. Presentation of 2017 Ontario Building Officials Association Life Membership Award to Mr. David Potter

Mr. Matt Farrell, President of the Ontario Buildings Officials Association presented the Life Membership Award to Mr. David Potter, Chief Building Official.

2. Site Plan Process Review Report and Presentation

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

1. That the Site Plan Process Review Report, be considered with the presentation.

Carried

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

1. That the Site Plan Process Review presentation be received; and,
2. That Development and Infrastructure Services/Planning and Building Services Report 2017-30 dated November 13, 2017 regarding the Site Plan Process Review be received and the following recommendations be adopted:
 - a. That Council endorse in principle the Site Plan Process Manual attached to this report; and,
 - b. That Council delegate to the Director of Planning and Building Services the authority to make such amendments to the Manual as reflect future changes to Town requirements; and,
 - c. That staff monitor the site plan process for improvements and report back accordingly; and,
 - d. That the Delegation of Authority By-law be updated accordingly.

Deputations

None.

Consent Items

Moved by: Councillor Kerwin
Seconded by: Councillor Kwapis

That the following items (3-10) be adopted on consent:

3. 2018 Interim Tax Billing and By-law

1. That report entitled 2018 Interim Tax Billing and By-law dated January 15, 2018 be received; and,
2. That Council enact a by-law (attached hereto as Appendix A) for the levy and collection of the 2018 Interim Tax Billing.

4. Newmarket Economic Development Meeting Minutes of June 21, 2017

1. That the Newmarket Economic Development Meeting Minutes of June 21, 2017 be received.

5. Accessibility Advisory Committee Meeting Minutes of September 21, 2017

1. That the Accessibility Advisory Committee Meeting Minutes of September 21, 2017 be received.

6. Main Street Business Improvement Area Meeting Minutes of October 17, 2017

1. That the Main Street Business Improvement Area Meeting Minutes of October 17, 2017 be received.

7. Heritage Newmarket Meeting Minutes of October 3, 2017 and November 7, 2017

1. That the Heritage Newmarket Meeting Minutes of October 3, 2017 and November 7, 2017 be received.

8. Audit Committee Meeting Minutes of October 26, 2017

1. That the Audit Committee Meeting Minutes of October 26, 2017 be received.

9. Newmarket Public Library Board Meeting Minutes of October 18, 2017 and November 15, 2017

1. That the Newmarket Public Library Board Meeting Minutes of October 18, 2017 and November 15, 2017 be received.

10. Proclamation Request – February 26, 2018 – National Cupcake Day for the Ontario Society for the Prevention of Cruelty to Animals (OSPCA)

1. That the proclamation request be received; and,
2. That the Town of Newmarket proclaims February 26, 2018 as “National Cupcake Day”; and,
3. That the proclamation be advertised on the Town Page and on the Town’s website.

Carried

11. 514 Davis Drive – Rezoning Application

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

1. That Planning and Building Services Report 2018-01 dated January 15, 2018 entitled “514 Davis Drive – Rezoning Application,” be received; and,
2. That the application for Zoning By-law amendment, as submitted by 1548373 Ontario Inc. (Oskar Group) for 514 Davis Drive, be approved and
3. That 1548373 Ontario Inc. (Oskar Group), c/o Pancy Pong, 3660 Midland Ave, Suite 200, Toronto Ontario, M1V 0B8, be notified of this action.

Carried

12. Newmarket Environmental Advisory Committee Meeting Minutes of September 13, 2017

Moved by: Councillor Twinney
Seconded by: Councillor Kwapis

1. That the Newmarket Environmental Advisory Committee meeting minutes of September 13, 2017 be received.

Carried

13. Outstanding Matters List

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

1. That the list of Outstanding Matters be received; and,
2. **That Item 6 of the Outstanding Matters List be removed.**

Carried

Action Items

None.

Reports by Regional Representatives

None.

Notices of Motions

None.

Motions

None.

New Business

- (1) Councillor Kwapis requested an update regarding the construction on Park Avenue between Lorne Avenue and Main Street, specifically regarding the bike lanes and what will happen to them during the construction process.
- (2) Councillor Kerwin discussed the International Making Cities Livable Conference and suggested that staff should put forward a proposal and attend the conference.
- (3) Councillor Kerwin requested an update regarding art at the Old Town Hall.
- (4) Councillor Kerwin advised that the Newmarket/East Gwillimbury Kinsmen Club has lost membership and therefore will be withdrawing from the bingo at Bingoworld. It was suggested that the Mayor will send a letter on behalf of Council to thank the Kingsmen Club for its contribution to the Town over the years.

Closed Session

Moved by: Councillor Kerwin
Seconded by: Councillor Kwapis

1. That the Committee of the Whole resolve into Closed Session to discuss the following matters:
 - (1) A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization, as per Section 239 (2) (i) of the Municipal Act, 2001 regarding a presentation by Mr. Paul Ferguson, Newmarket Tay-Power Distribution Ltd. regarding the Hydro Holdings Inc. Report of the President entitled "Establishment of a Subsidiary Company."; and,

- (2) Proposed acquisition or disposition of land by the municipality per Section 239 (2) (c) of the Municipal Act, 2001 regarding Planning and Building Services (Closed Session) Report 2018-02 regarding the Hollingsworth Arena Property; and,
- (3) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality as per Section 239 (2) (e) of the Municipal Act, 2001 regarding Joint Legal and Planning Services (Closed Session) Report 2018-01 regarding an Appeal to the Ontario Municipal Board related to 770 Gorham Street; and,
- (4) Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them, as per Section 239 (2) (h) of the Municipal Act, 2001 regarding the Verbal Update related to Confidential Information Report 2017-53 entitled "Mulock Station Status Update".

The Committee of the Whole resolved into Closed Session at 2:34 PM.

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

The Committee of the Whole resumed into Open Session at 5:22 PM.

14. Establishment of a Subsidiary Company

Moved by: Councillor Kwapis
Seconded by: Councillor Bisanz

1. That the Newmarket Hydro Holdings Inc. Report of the President dated October 25, 2017 regarding the establishment of a subsidiary company (the "Subsidiary") to Newmarket Hydro Holdings Inc. ("NHHI") and Tay Hydro Holdings Inc. ("THI") be received and the following resolutions be adopted:
 - a. The establishment of the Subsidiary with 100 issued shares as an Ontario corporation for the pursuit of the Business Case is authorized and approved; and,
 - b. The subscription of 93 common shares of the Subsidiary for the aggregate amount of \$93 by NHHI is authorized and approved; and,
 - c. The entering into of the Shareholders Agreement in the form of draft provided to Municipal Council is authorized and approved; and,

- d. Paul Ferguson, the Mayor and the Clerk are authorized for and on behalf of Municipal Council to execute and deliver the Shareholders Agreement in the form approved herein with such changes therein, if any, as Paul Ferguson, the Mayor and the Clerk executing the Shareholders Agreement in their discretion may approve, their approval of any such changes to be conclusively evidenced by their execution and delivery of the Shareholders Agreement and the Shareholders Agreement so executed and delivered shall be deemed to be the Shareholders Agreement approved by these resolutions; and,
- e. Paul Ferguson, acting alone, is authorized for and on behalf of Municipal Council and NHHI to establish the Subsidiary and approve the forms of all other documents contemplated or required to be executed by NHHI in connection with such formation or the Shareholders Agreement (collectively, the “Additional Documents”) and to execute (whether under the corporate seal of NHHI or otherwise) and deliver the Additional Documents each in the form so approved, Paul Ferguson’s approval to be conclusively evidenced by Paul Ferguson’s execution and delivery of the Additional Documents and the Additional Documents so executed and delivered shall be deemed to be the Additional Documents approved by these resolutions.

Carried

Public Hearing Matters

None.

Adjournment

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

1. That the meeting of Committee of the Whole adjourn at 5:31 PM.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk