

For consideration by Council on  
March 5, 2018

The meeting of the Committee of the Whole was held on Monday, February 26, 2018 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 Kwapis  
Councillor Broome  
Councillor Bisanz

Members Absent: Councillor Hempen

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  
L. Lyons, Director of Legislative Services/Town Clerk  
R. Prudhomme, Director of Engineering Services  
C. Kallio, Economic Development Officer  
M. Mayes, Director of Financial Services/Treasurer  
E. Bryan, Business Development Specialist  
A. Cammaert, Senior Planner  
M. White, Planner  
H. Leznoff, Council/Committee Coordinator

Guest: Blair Scorgie, SvN Planning

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

The Committee of the Whole recessed at 4:15 PM and reconvened at 4:30 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) Mulock Estate Planning Vision Presentation.
- (2) Alternative Fees & Charges for Charitable and Not-for-Profit Agencies Report.
- (3) Deputation by Mr. Mitch Sauder, Stamp and Hammer and/or Dario Teofilo related to Item 3 of the Heritage Meeting Minutes of January 23, 2018 regarding 172-174 Victoria Street.
- (4) Development Charges Rebate Program Resolution.
- (5) Fire Medic Resolution.

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

- (1) The Ontario Good Roads Association Resolution was recommended by the Operational Leadership Team.

Moved by: Councillor Twinney  
Seconded by: Councillor Kwapis

1. That the additions and corrections to the February 26, 2018 Committee of the Whole agenda be approved.

**Carried**

## **Declarations of Pecuniary Interest**

None.

## **Presentation & Recognitions**

### **1. 2017 Economic Development Year in Review**

The Economic Development Officer and Business Development Specialist addressed Council with a presentation highlighting areas such as Newmarket Economic Development Advisory Committee, the Community Economic Development Congress,

the “Smart City” initiative, statistics related to job growth, Newmarket’s demographics and census data, employment in the downtown area, the marketing the corridors campaign implementation, major developments including 212 Davis Drive, innovation team projects such as the Soofa Bench and smart parking initiatives, site visits to Newmarket businesses, and Newmarket’s participation in the Economic Development Council of Ontario and Intelligent Community Forum.

Moved by: Councillor Kerwin  
Seconded by: Councillor Vegh

1. That the presentation by the Economic Development Officer and Business Development Specialist regarding the 2017 Economic Development Year in Review be received.

**Carried**

## **2. Mulock Estate Planning Vision Presentation**

The Senior Planner provided an overview of the proposed vision for the property, including a centralized public green space and outdoor trail skating. He advised that the next steps would be to receive public feedback on the vision and develop a staff task force.

Moved by: Councillor Broome  
Seconded by: Councillor Twinney

1. That the presentation by the Senior Planner regarding the Mulock Estate Planning Vision be received; and,
2. That the report entitled Mulock Estate Planning Vision dated February 26, 2018 be received; and,
3. That the vision outlined in this Report be endorsed; and,
4. That staff be directed to share the vision for the property with the public and commence a public consultation process with regard to potential uses of the Mulock residence; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

### 3. Old Main Street Tertiary Plan – Background Report Presentation

The Planner provided an overview of the project including the purpose, background, findings, constraints, opportunities and next steps. She advised that experts were acquired to conduct a review and two comprehensive reports were included as part of the staff report. Mr. Blair Scorgie, SvN Planning further outlined the opportunities including natural heritage; transportation and stormwater management systems; and street and building design opportunities and potential development interest. The Planner outlined the next steps as being a draft vision and guiding principles, public consultation with residents and key stakeholders, a draft tertiary plan and open house, followed by a statutory meeting and Council approval.

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

1. That the presentation by the Planner and Mr. Blair Scorgie, SvN Planning regarding the Old Main Street Tertiary Plan – Background Report be received.

**Carried**

### 4. Old Main Street Tertiary Plan Background Report

An alternate motion was presented and is noted below in bold:

Moved by: Councillor Vegh  
Seconded by: Councillor Kerwin

1. That Planning & Building Services Report 2018-14 entitled Old Main Street Tertiary Plan Background Report dated February 26, 2018 be received; and,
2. **That the next report consider the effect and impact of the potential conversion of Main Street North to a Regional Road, noting that Council has not taken a position on this issue at this time.**

**Carried**

## Deputations

### 5. **Mr. Mitch Sauder, Stamp and Hammer and Mr. Dario Teofilo regarding 172-174 Victoria Street**

The deputation was addressed with the associated item from the Heritage Newmarket Advisory Committee Meeting Minutes. See Items 12 and 13.

## Consent Items

Moved by: Councillor Vegh  
Seconded by: Councillor Broome

That the following items (6-10) be adopted on consent:

6. **285 Harry Walker Parkway South Rezoning Application: Referral to Statutory Public Meeting (File No. D14-NP1725)**
  1. That the report entitled 285 Harry Walker Parkway South Rezoning Application: Referral to Statutory Public Meeting, dated February 15, 2018, be received; and,
  2. That the application for a Zoning By-law Amendment, as submitted by Diron Developments Limited for lands located at 285 Harry Walker Parkway South, be referred to a Statutory Public Meeting on March 19, 2018; and,
  3. 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, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
  4. That Weston Consulting Inc., c/o Sandra Patano, 201 Millway Avenue, Suite 19, Vaughan, ON L4K 5K8, be notified of this action; and,
  5. That Diron Developments Limited, c/o Diego Toneguzzo, 221 Hanlan Road, Unit 9, Woodbridge, ON L4L 3R7, be notified of this action.

**7. Newmarket Downtown Development Committee Meeting Minutes of November 3, 2017**

1. That the Newmarket Downtown Development Committee meeting minutes of November 3, 2017 be received.

**8. Ontario Good Roads Association Resolution**

Whereas a coalition of the Municipal Engineers Association (MEA) and the Residential and Civil Construction Alliance of Ontario have successfully applied to have a review of the Municipal Class Environmental Assessment (MCEA) process conducted under Part IV (Section 61) of the *Environmental Bill of Rights Act, 1993* (EBR Act);

And whereas impact studies and public meetings required by the MCEA process often take two years or more to complete before construction can commence;

And whereas the MCEA requirements to evaluate alternatives are often not well aligned with prior or municipal land use planning decisions;

And whereas analysis by the Residential and Civil Construction Alliance of Ontario (RCCAO) has demonstrated that the time to complete an EA rose from 19 months to 26.7 months and costs went from an average of \$113,300 to \$386,500;

And whereas the Auditor General of Ontario has tabled recommendations for modernizing the MCEA process;

And whereas in spite of written commitments made by the Ministry of the Environment between 2013-2015, no action has been taken;

And whereas local projects that do not have the necessary approvals could lose out on the next intake of Build Canada funding;

The Operational Leadership Team recommends:

Therefore be it resolved:

1. That the Town of Newmarket requests that the Minister of the Environment and Climate Change take immediate steps to expedite the response process for Part II Orders or Bump-Up requests, as part of the s.61 review to improve MCEA process times and reduce study costs; and,

2. That the Minister of the Environment and Climate Change support changes to better integrate and harmonize the MCEA process with processes defined under the *Planning Act*; and,
3. That the Minister of the Environment and Climate Change amend the scope of MCEA reports and studies to reduce duplication with existing public processes and decisions made under municipal Official Plans and provincial legislation.

**9. Proclamation Request – March 21, 2018 – International Day for the Elimination of Racial Discrimination**

1. That the proclamation request be received; and,
2. That the Town of Newmarket proclaims March 21, 2018 as “International Day for the Elimination of Racial Discrimination”; and,
3. That the proclamation be advertised on the Town Page and on the Town’s website.

**10. Outstanding Matters List**

1. That the list of Outstanding Matters be received.

**Carried**

**11. Licensing of Driving Schools and Driving Instructors**

Moved by: Councillor Kerwin  
Seconded by: Councillor Twinney

1. That the report entitled Licensing Driving Schools and Driving Instructors dated February 26, 2018 be received; and,
2. That Council direct staff to establish a licensing program to regulate Driving Schools and Driving Instructors; and,
3. That Staff be directed to hold a Public Information Centre for the Driving School Industry to provide their comments; and,
4. That Staff be directed to bring back a report with information from the Public Information Centre and a proposed Licensing By-law.

**Carried**

**12. Deputation by Mr. Mitch Sauder, Stamp and Hammer and Mr. Dario Teofilo related to Item 3 of the Heritage Newmarket Advisory Committee Meeting Minutes of January 23, 2018 regarding 172-174 Victoria Street**

Mr. Mitch Sauder, Stamp and Hammer and Mr. Dario Tefofilio address the Committee regarding Item 3 of the Newmarket Heritage Advisory Committee meeting of January 23, 2018. They stated that the property at 172-174 Victoria Street should not be designated as a heritage property and circulated copies of their consultant's report and evaluation of the property. They further advised that there are many other properties in Newmarket with similar characteristics to those at 172-174 Victoria Street, and as such, the building is not architecturally unique.

Moved by: Councillor Kwapis  
Seconded by: Councillor Kerwin

1. That the deputation by Mr. Mitch Sauder and Mr. Dario Teofilo be received and referred to staff.

**Carried**

**13. Item 3 of the Heritage Newmarket Advisory Committee Meeting Minutes of January 23, 2018**

Moved by: Councillor Kwapis  
Seconded by: Councillor Vegh

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 recommends heritage designation of the property located at 172-174 Victoria Street due to its unique heritage character and as it is the only example of its architectural style in the Town of Newmarket.

**Carried**

**14. Alternative Fees & Charges for Charitable and Non-Profit Organizations**

An alternate motion was presented and is noted below in bold:

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



1. That Planning & Building Services Report 2018-15 entitled Alternative Fees & Charges for Charitable for Non-Profit Organizations dated February 26, 2018 be received; and,
2. That requests to defer or waive fees related to development for registered charities and non-profit organizations will be evaluated according to the Alternative Fees & Charges for Registered Charities and Non-Profit Organizations Policy; and,
3. That the Directors of Planning and Finance, or their designates, be delegated the authority to waive or defer fees related to development for charities and non-profits according to the attached policy; and,
4. That Council approve the attached policy, **as amended, to be presented at the Council meeting of March 5, 2018**, implementing Option 4 described within this Report; and,
5. That staff provide Council with yearly reports presenting the amounts waived and deferred under this policy.

**Carried**

**15. Proposed Methodology for Land Needs Assessment for the Greater Golden Horseshoe**

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

1. That the report entitled Proposed Methodology for Land Needs Assessment for the Greater Golden Horseshoe dated February 26, 2018 be received; and,
2. That this Report be submitted to the Ministry of Municipal Affairs and Housing as the Town of Newmarket's comments on the Proposed Methodology for Land Needs Assessment; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

**16. Inflow and Infiltration Reduction Program (Program #2 in the Town of Newmarket)**

An alternate motion was presented and is noted below in bold:

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

1. That the report entitled Inflow & Infiltration Reduction Program (Program #2 in the Town of Newmarket) dated February 26, 2018 be received;
2. And,
  - a. Whereas the Developer of Shining Hill on Yonge Street has approached the Town requesting permission to enter into a tri-party agreement with the Town and York Region for a second Inflow and Infiltration (I&I) Reduction Program in Newmarket; and,
  - b. Whereas, in consulting with York Region, in reviewing the Town's priorities for allocation, and identifying active development applications which are nearing Planning approval, it was determined that there are only two developments of a significant or large enough nature within the Town to qualify for a second developer-funded I&I program, those being Shining Hill on Yonge Street and Forest Green Homes on Leslie Street,

That Council authorize a 2<sup>nd</sup> Inflow and Infiltration Reduction Program in the Town, to be spearheaded by either Shining Hill, or a Landowners Group consisting of Shining Hill and Forest Green Homes, should Forest Green wish to participate; and,

3. **That final approval of I&I program participants be subject to Council approval of their development application under the Planning Act; and,**
4. That unlike the current I&I program, the Town **may** not grant allocation from its strategic reserve (i.e. up-front allocation) for Program #2, but shall monitor the Inflow and Infiltration investigation results and report back to Council should the Developer or Landowners' Group have difficulty in finding a sufficient initial amount of I&I sources to allow them to proceed with their development(s); and,
5. That Program #2 cannot impact the current I&I project's ability to achieve the required allocation; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## **17. Newmarket Public Library Study Implementation**

Moved by: Councillor Twinney

Seconded by: Councillor Broome

1. That staff, in conjunction with the Newmarket Public Library CEO, be authorized to implement the recommendations in accordance with the presentations made at the January 30, 2018 Joint Council and Newmarket Library Board Workshop provided implementation is in line with current and future approved operating budgets; and,
2. That Council refer the further consideration and direction with respect to library facility needs study to the 2018 – 2022 Council Strategic Priority setting process.

**Carried**

## **18. Heritage Newmarket Advisory Committee Meeting Minutes of December 5, 2017 and January 23, 2018**

Moved by: Deputy Mayor & Regional Councillor Twinney

Seconded by: Councillor Kerwin

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of December 5, 2017 and January 23, 2018 be received.

**Carried**

## **19. Development Charges Rebate Program Resolution**

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Vegh

Whereas in April 2017, the Provincial Government through the Ontario Ministry of Housing announced its Fair Housing Plan, to improve housing affordability, address demand, protect renters and buyers, increase the supply of housing, and improve information sharing; and,

Whereas, the Development Charges Rebate Program (the “Program”) is one of the measures to increase supply of housing, specifically purpose-built market rental development by providing rebates for development charges, thereby reducing the construction costs of building market rental housing; and,

Whereas, under the Program, Provincial funds will be available as rebates for development charges, for fiscal years 2018-19, 2019-2020 and 2020-2021; and,

Whereas the Corporation of the Town of Newmarket (the “Town”) has been invited to participate in the Program by submitting an Expression of Interest in participating in the program, through an EOI process; and,

Whereas the Town has prepared and will be submitting an Expression of Interest in participating in the Program through the Town’s Delegation Authority By-law 2007-114; and,

Therefore be it resolved by the Municipal Council of the Corporation of the Town of Newmarket:

1. That Council approve and endorse the Town’s submission of an EOI to participate in the Program, and, that if the Government of Ontario approves the Town’s EOI submission, that Robert N. (Bob) Shelton, Chief Administrative Officer and Esther Armchuk, Commissioner, Corporate Services be authorized to enter into any subsequent Transfer Payment Agreement and/or other implementing documents or agreements required by the Province in order to implement and administer the Program; and,
2. That Council further approve and direct the Mayor and Clerk to sign this Resolution and to forward it to the Province of Ontario immediately following the Committee of the Whole meeting of February 26, 2018.

**Carried**

## **20. Fire Medic Resolution**

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

Whereas Bill 160, the Strengthening Quality and Accountability for Patients Act amended the Ambulance Act to permit the Ministry of Health and Long Term Care to enable two pilot projects hosted by willing municipal governments to allow fire fighters, certified as paramedics, to treat patients while on duty with a fire department; and,

Whereas the Government of Ontario is committed to proceeding with the pilots and enabling the fire-medic model despite the absence of objective evidence to show that it would improve patient outcomes or response times; and

Whereas the current interest arbitration model, particularly in the fire services sector, allows arbitrators to impose awards on unwilling employers that directly impact the employer’s ability to determine how it will deploy its workforce, as evidenced by the experience of many municipalities in regards to the 24-hour shift; and,

Whereas in the absence of legislative protection, unwilling municipalities may be forced to enter into a pilot or adopt a fire-medical model as a result of interest arbitration; and,

Whereas the Association of Municipalities of Ontario and its municipal members have called on the Government of Ontario to introduce legislative amendments to the Fire Protection and Prevention Act, 1997 and the Ambulance Services Collective Bargaining Act to preclude arbitrators from expanding the scope of work for fire fighters and paramedics respectively through interest arbitration awards; and,

Whereas there is precedent for a restriction on the scope of jurisdiction of arbitrators in section 126 of the Police Services Act which precludes arbitrators from amending the core duties of police officers; and,

Whereas the Government of Ontario has committed that no unwilling municipal government will have a fire-medical pilot or program imposed upon them.

R. N Shelton, Chief Administrative Officer, Town of Newmarket; Doug Nadorozny, Chief Administrative Officer, Town of Aurora; and Ian Laing, Fire Chief, Central York Fire Services recommend:

Now therefore be it resolved:

1. That the Town of Newmarket calls on the Government of Ontario to act immediately so that legislative amendments, that will protect unwilling municipalities from being forced by arbitrators to have a fire medical pilot or program, are placed within the upcoming Budget Bill before the Ontario Legislature rises for the provincial election; and,
2. That a copy of this resolution be forwarded to Premier Kathleen Wynne, Office of the Premier; Hon. Dr. Eric Hoskins, Minister of Health and Long Term Care; Hon. Marie-France Lalonde, Minister of Community Safety and Correctional Services; Hon. Kevin Flynn, Minister of Labour, Hon. Bill Mauro, Minister of Municipal Affairs; Hon. Chris Ballard, MPP Newmarket/Aurora; and the Association of Municipalities of Ontario, following approval at Committee of the Whole on February 26, 2018.

## Action Items

### 21. Supplementary Budget Report

An alternate motion was presented and is noted below in bold:

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

1. That Joint Office of the CAO/Commissioners/Financial Services Report 2018-04 entitled "Supplementary Budget" dated February 26, 2018 be received; and,
2. That the 2018 Capital Budget be amended to include an additional \$28,850,000 in expenditures with funding as detailed in this report, for a revised total of \$54,783,120; and,
3. **That Council direct staff to use an additional \$1,810,000 in expenditures as the financing option, and amend the 2018 Operating budget accordingly.**

**Carried**

### 22. Borrowing By-law

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

1. That Financial Services Report 2018-06 entitled "Borrowing By-law" dated February 26, 2018 be received; and,
2. That authorization be given to obtain a \$26 million debenture with repayment terms of 30 years to finance the additional expenditures of the 2018 Supplementary Capital Budget; and,
3. That the Chief Administrative Officer and the Treasurer of the Corporation of the Town of Newmarket be delegated the authority to sign any necessary and related documents; and,
4. That a Borrowing By-law be prepared.

**Carried**

## Reports by Regional Representatives

None.

## Notices of Motions

None.

## Motions

### 23. Participation in Earth Hour – March 24, 2018

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

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

Whereas at exactly 8:30 PM on Saturday, March 24, 2018, 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 PM on Saturday, March 24, 2018, 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; and,
2. 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 PM on Saturday, March 24, 2018; and,
3. That a copy of this Resolution will be forwarded to every municipality in the Greater Toronto Area, encouraging them to participate in Earth Hour.

**Carried**

## **New Business**

None.

## **Closed Session**

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

## **Public Hearing Matters**

None.



## Adjournment

Moved by: Councillor Kerwin  
Seconded by: Councillor Kwapis

1. That the meeting of Committee of the Whole adjourn at 6:01 PM.

**Carried**

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk