

Committee of the Whole

Tuesday, May 22, 2018 at 1:30 PM
Council Chambers

For consideration by Council on
May 28, 2018

The meeting of the Committee of the Whole was held on Tuesday, May 22, 2018 in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen (1:30 PM – 4:35 PM)
Deputy Mayor & Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin
Councillor Hempen (1:30 PM - 5:14 PM)
Councillor Kwapis
Councillor Broome
Councillor Bisanz

Members Absent: Councillor Twinney

Staff Present: R. N. Shelton, Chief Administrative Officer
E. Armchuk, Commissioner of Corporate Services
P. Noehammer, Commissioner, Development & Infrastructure Services
I. McDougall, Commissioner of Community Services
L. Lyons, Director of Legislative Services/ Town Clerk
M. Mayes, Director of Financial Services/ Town Treasurer
J. Unger, Assistant Director, Planning
A. Walkom, Council/Committee Coordinator

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

Mayor Van Bynen in the Chair until 4:35 PM; Deputy Mayor & Regional Councillor Taylor in the Chair between 4:35 PM and 5:19 PM.

Additions & Corrections to the Agenda

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

- (1) Presentation by vivaNext regarding update on the Newmarket construction project.

- (2) Deputation by Oleg Karpenko regarding Property maintenance concerns on neighbouring Town property.
- (3) Delegated Authority for Fees and Charges. This report is related to Item 4.
- (4) Newmarket – Tay Power Distribution Ltd. Report of the President regarding Proposed Corporate Restructuring of Newmarket and Tay Group of Companies.

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

- (1) A presentation regarding Proposed Corporate Restructuring of Newmarket and Tay Group of Companies was withdrawn.

Moved by: Councillor Vegh
Seconded by: Councillor Kwapis

1. That the additions and deletion to the May 22, 2018 Committee of the Whole agenda be approved.

Carried

Declarations of Pecuniary Interest

None.

Presentations & Recognitions

1. vivaNext regarding update on the Newmarket construction project

Mary-Frances Turner, President, York Region Rapid Transit Corporation provided an introduction to the presentation, as well as an update on the status of the Union Hotel property. Chris Scott, Manager of Infrastructure, Bus Rapid Transit provided an update on the status and timelines of the Yonge Street reconstruction project. Sophia Bittar, Community Liaison provided an update on the communications campaign which has provided information on the construction project to residents and businesses in the area.

Moved by: Councillor Kerwin
Seconded by: Councillor Bisanz

1. That the presentation regarding vivaNext re: update on the Newmarket construction project be received.

Carried

Deputations

2. Oleg Karpenko regarding property maintenance concerns on neighbouring Town property

Oleg Karpenko addressed Committee and expressed concerns regarding the maintenance of the undeveloped Town-owned property next to his home.

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

1. That the deputation by Oleg Karpenko regarding property maintenance concerns on neighbouring Town property be received and referred to staff.

Carried

Consent Items

Moved by: Councillor Vegh
Seconded by: Councillor Kerwin

That the following items (3-9) be adopted on consent:

3. Property Tax Rates and By-law for 2018

1. That the report entitled Property Tax Rates and By-law for 2018 dated May 22, 2018 be received; and,
2. That the property tax rates for 2018, as applied to the assessment roll returned be set for Town purposes as follows:

Property Class	Tax Rate
Residential	0.341343%
Multi-Residential	0.341343%
Commercial	0.420637%
Industrial	0.511093%
Pipeline	0.313694%
Farm	0.085336%

3. That the applicable tax rate By-law, attached as Appendix 'A' be forwarded to Council for approval; and,

4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

4. Restricted Acts after Nomination Day in an Election Year

1. That the report entitled "Restricted Acts after Nomination Day in a Municipal Election Year" dated May 22, 2018 be received; and,
2. That Council approve the amendment to the Delegation By-law, as provided in Attachment A to this report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

5. Newmarket Economic Development Advisory Committee Meeting Minutes of November 23, 2017

1. That the Newmarket Economic Development Advisory Committee Meeting Minutes of November 23, 2017 be received.

6. Main Street District Business Improvement Area Board of Management Meeting Minutes of March 20, 2018

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of March 20, 2018 be received.

7. Heritage Newmarket Advisory Committee Meeting Minutes of April 3, 2018

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of April 3, 2018 be received.

8. Newmarket Environmental Advisory Committee Meeting Minutes of April 4, 2018

1. That the Newmarket Environmental Advisory Committee Meeting Minutes of April 4, 2018 be received.

9. Outstanding Matters List

1. That the list of outstanding matters be received.

Carried

10. Zoning By-law Amendment Application – 285 Harry Walker Parkway South Staff Report

Moved by: Councillor Kwapis
Seconded by: Councillor Broome

1. That the report entitled Zoning By-law Amendment Application – 285 Harry Walker Parkway South, dated May 7, 2018 be received;
2. That Council amend Zoning By-law 2010-40 for the lands at 285 Harry Walker Parkway South to be substantially in accordance with the draft Zoning By-law Amendment appended as Attachment 3 to this report;
3. That Diron Developments Limited, c/o Diego Toneguzzo, 221 Hanlan Road, Unit 9, Woodbridge, ON L4L 3R7, be notified of this action; and
4. That Weston Consulting Inc., c/o Sandra Patano, 201 Millway Avenue, Suite 19, Vaughan, ON L4K 5K8, be notified of this action.

Defeated

11. Servicing Allocation Policy Update

Moved by: Councillor Kerwin
Seconded by: Councillor Vegh

1. That the report entitled Servicing Allocation Policy Update dated May 22, 2018 be received; and,
2. That Council adopt the Servicing Allocation Policy, updated May, 2018, included as Attachment 1 to this Report.

Carried

12. Road Occupancy By-law

Moved by: Councillor Broome
Seconded by: Councillor Kwapis

1. That the Staff Report entitled Road Occupancy By-law dated May 7, 2018 be received; and,
2. That the Road Occupancy By-law be adopted; and,

3. That the current Road Occupancy By-law 2015-16 be hereby repealed; and,
4. That the Fees and Charges By-law be updated to reflect the Road Occupancy Fees included herewith; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

13. Delegated Authority for Fees/Charges

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

Moved by: Councillor Kerwin
Seconded by: Councillor Kwapis

1. That the report entitled Delegated Authority for Fees/Charges dated May 22, 2018 be received; and,
2. That Council delegate limited authority to execute increases to the Fees and Charges By-law; and,
3. That the delegated authority be limited to Recreation & Culture and Licensing Fees and Charges and that any increase not exceed the rate of inflation and be in compliance with the Service Pricing Policy; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution; and,
5. **That Council direct staff to prepare an information report on the 2019 Major fees and charges, at which point Council may decide whether or not to override the delegated authority.**

Carried

Action Items

None.

Reports by Regional Representatives

None.

Notices of Motions

None.

Motions

None.

New Business

(1) Rannie Road and Ritas Avenue

Councillor Broome inquired about the status of the assumption by the Town of Rannie Road and Ritas Avenue. The Commissioner, Development & Infrastructure Services advised he would inquire and inform the Councillor as to the status.

(2) Heritage Designation of Union Hotel

Deputy Mayor & Regional Councillor Taylor inquired about the status of the Heritage Designation for the Union Hotel. The Assistant Director, Planning advised that a consultant has been hired to prepare the designation documents and that a report to Council will be presented at the September 17, 2018 Committee of the Whole meeting.

Closed Session

Moved by: Councillor Hempen
Seconded by: Councillor Kwapis

1. That the Committee of the Whole resolve into Closed Session to discuss the following matters:

- (1) Proposed Corporate Restructuring of Newmarket and Tay Group of Companies related to 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.
- (2) Consideration of Expanded Newmarket-Tay Power Business Opportunity related to 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.
- (3) Closed Session Report 2018-04 regarding litigation advice regarding a property matter in Ward 5 related to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality as per Section 239 (2) (e) of the Municipal Act, 2001.

Carried

The Committee of the Whole resolved into Closed Session at 2:02 PM.

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

The Committee of the Whole resumed into Open Session at 4:34 PM.

14. Proposed Corporate Restructuring of Newmarket and Tay Group of Companies

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

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

1. That the Newmarket-Tay Power Distribution Ltd. Report of the President dated May 16, 2018 regarding the restructuring of Newmarket Hydro Holdings Inc. and Tay Hydro Inc. be received and the following resolutions be adopted, **subject to the confidential governance direction provided in Closed Session:**

- a. That the Restructuring is authorized and approved; and,
- b. That the take up by the Corporation of 700 Common Shares in the capital of NT Power and 7 Common Shares in the capital of any affiliate companies from THI as required for the Restructuring is authorized and approved; and,
- c. That the issuance of Common Shares in the capital of the Corporation to the Township of Tay to establish a 7% interest in the Corporation is authorized and approved; and,
- d. That the entering into a Shareholders Agreement with the Corporation and the Township of Tay is authorized and approved; and,
- e. That Paul Ferguson, the Mayor of Newmarket and the Mayor of Tay are elected directors of the Corporation upon the Corporation's issuance of Common Shares to the Township of Tay to hold office until the next annual meeting of shareholders or until their successors are elected or appointed; and,
- f. That Paul Ferguson, the Chief Administrative Officer and the Clerk are authorized for and on behalf of Municipal Council to execute and deliver a Revised Agreement in the form they agree upon with the Chief Administrative Officer of the Township of Tay. Their approval of the Revised Agreement to be conclusively evidenced by their execution and delivery of the Revised Agreement and the Revised Agreement so executed and delivered shall be deemed to be the Shareholders Agreement approved by these resolutions; and,
- g. That Paul Ferguson, acting alone, is authorized for and on behalf of Municipal Council and the Corporation to approve the forms of all other documents contemplated or required to be executed by the Corporation in connection with the Restructuring or the Shareholders Agreement (collectively, the "Additional Documents") and to execute (whether under the corporate seal of the Corporation 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 Matter

None.

Adjournment

Moved by: Councillor Broome
Seconded by: Councilor Kwapis

1. That the meeting of Committee of the Whole adjourn at 5:19 PM.

Carried



Tony Van Bynen, Mayor



Lisa Lyons, Town Clerk