



Town of Newmarket Agenda

Special Council - Final Meeting of Council 2014-2018

Date: Monday, November 26, 2018
Time: 7:00 PM
Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

	Pages
1. Declarations of Pecuniary Interest	
2. Approval of Minutes	
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4. Presentations & Recognitions	
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2018-56 - A By-law to Confirm the Proceedings of the November 26, 2018 Council meeting	
6. Adjournment	



Town of Newmarket

Minutes

Council

Date: Monday, September 24, 2018

Time: 7:00 PM

Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

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, Corporate Services
P. Noehammer, Commissioner, Development & Infrastructure Services
I. McDougall, Commissioner, Community Services
L. Lyons, Director of Legislative Services/Town Clerk
A. Walkom, Council Committee Coordinator

1. **Open Forum**

No one in attendance came forward to address Council during Open Forum.

2. **Public Notices (if required)**

None.

3. **Additions & Corrections to the Agenda**

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

1. Correspondence from Ryan Guetter, Weston Consulting regarding Urban Centres Zoning By-law on behalf of the owner of 16655 Yonge St.
2. Correspondence from Ryan Guetter, Weston Consulting regarding Urban Centres Zoning By-law on behalf of the owner of 17565 Yonge St.
3. Correspondence from David McKay, MHBC regarding Urban Centres Zoning By-law on behalf of the owner of 17725 Yonge St.

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

1. Item 9.1 Committee of the Whole Meeting Minutes of September 17, 2018 - November 2018 to December 2019 Council and Committee of the Whole Meeting Schedule - A revised schedule was distributed.
2. Item 10.1 By-law 2018-48 - Town of Newmarket Urban Centres Zoning By-law - A revised by-law was distributed.

Moved by: Councillor Kerwin

Seconded by: Councillor Vegh

1. That the additions and corrections to the agenda be approved.

In Favour (9): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

4. Declarations of Pecuniary Interest

None.

5. Presentations & Recognitions

None.

6. Deputations

6.1 YRT Service to York University

Michelle Galloro was not in attendance.

7. Approval of Minutes

7.1 Council Meeting Minutes of September 10, 2018

Moved by: Deputy Mayor & Regional
Councillor Taylor

Seconded by: Councillor Kerwin

1. That the Council meeting minutes of September 10, 2018 be approved.

In Favour (9): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

8. Reports by Regional Representatives

(1) Deputy Mayor and Regional Councillor Taylor advised that the York Region Transit service to York University was discussed at Regional Council and that a motion was passed asking staff to continue to work with Metrolinx to find solutions.

(2) Deputy Mayor and Regional Councillor Taylor advised that the York Regional Police annual report was recently released, which outlines the cost of policing as well as an overview of recent initiatives.

9. Reports of Committees and Staff

9.1 Committee of the Whole Meeting Minutes of September 17, 2018

Moved by: Councillor Broome

Seconded by: Councillor Bisanz

1. That the Committee of the Whole Meeting Minutes of September 17, 2018 be received and the recommendations noted within be adopted with the exception of sub-item 9.1.13. See following sub-item 9.1.13 for motion and recorded vote.

In Favour (9): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

9.1.1 York University Presentation

1. That the presentation by Dr. Rhonda Lenton regarding York University be received.

9.1.2 Deputation - Queen Street Safety Concerns

1. That Colleen Keats be permitted an additional five minutes for her deputation.
1. That the deputation by Colleen Keats regarding Queen Street Safety Concerns be received.

9.1.3 Deputation - Polycystic Kidney Disease (PKD) Awareness Day

1. That the deputation by Jeffrey Robertson regarding Polycystic Kidney Disease (PKD) Awareness Day be received.

9.1.4 Deputation - Zoning Bylaw Review

1. That the deputation by Daniel Satoor regarding Zoning By-law Review be received.

9.1.5 Draft Plan of Condominium Approval Marianneville Block 119

1. That the report entitled Application for Draft Plan of Condominium (19CDMN-2018-002) dated September 17, 2018 be received; and,
2. That approval be given to draft plan of condominium 19CDMN-2018 002 subject to the Schedule of Conditions attached and forming part of this report; and,
3. That Kerigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Rd., Unit 109, Richmond Hill, ON, L4B 3K1 be notified of this action.

9.1.6 Tertiary Plan Public Meeting Request

1. That the report entitled Tertiary Plan Public Meeting Request dated September 17, 2018 be received; and,
2. That the Old Main Street Tertiary Plan be referred to a public meeting; 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 of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
4. That staff be authorized and directed to do all things necessary to give effect to this resolution.

9.1.7 175 Deerfield Road - Incentives for Affordable and Rental Housing

1. That the report entitled Incentives for Affordable and Rental Housing dated September 17, 2018 be received; and,
2. That staff be directed to amend the Official Plan to authorize the Town to participate in Community Improvement Plans implemented by the Regional Municipality of York and to bring such an amendment to an open house and statutory public meeting as required by the Planning Act; and,
3. That servicing allocation be provided as laid out in Attachment 1;
4. That the incentives presented in Attachment 1 be approved in principle, subject to the ratification by Council in 2019 where required and to the conditions presented for each; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.1.8 175 Deerfield Road - Zoning By-law Amendment Application

1. That the application for Zoning By-law amendment for lands municipally known as 175 Deerfield Road be approved and staff be directed present a By-law to Council for approval generally in accordance with Attachment 1; and,
2. That staff be authorized and directed to do all things necessary to give effect to this report; and,
3. That Daniel Berholz, of The Rose Corporation, 156 Duncan Mill Road, Unit 12, Toronto, ON, M3B 3N2 be notified of this action; and
4. That David McKay, MHBC Planning Limited, of 7050 Weston Road, Suite 230, Vaughan, ON L4L 8G7 be notified of this action.

9.1.9 Zoning By-law Review

1. That the report entitled Zoning By-law Review dated September 17, 2018 be received; and,
2. That the correspondence from Aaron Gillard, Larkin Land Use Planners be received; and,
3. That the proposed amendments to Zoning By-Law 2010-40 be adopted; and,
4. That Council determine that based on the information in this report and in accordance with Section 34(17) of the Planning Act, adequate public notice has been provided; and
5. That staff be directed to do all things necessary to give effect to the recommendations in this report.

9.1.10 Urban Centres Zoning By-law: Approval

1. That the report entitled Urban Centres Zoning By-law: Approval, dated September 17, 2018, be received; and,
2. That the correspondence from Jonathan Rodger, Zelinka Priamo Ltd. on behalf of Loblaw Properties Limited be received; and,
3. That the correspondence from Jonathan Rodger, Zelinka Priamo Ltd. on behalf of Canadian Tire Real Estate Limited be received; and,
4. That the correspondence from Emma West, Bousfields Inc. be received; and,
5. That the correspondence from Mark Flowers, Davies Howe be received; and,
6. That the Draft Urban Centres Zoning By-law, dated September 17, 2018, generally as attached to this Report, be approved; and,
7. That Council determine that based on the information in this report and in accordance with Section 34(17) of the Planning Act, adequate public notice has been provided; and,
8. That the required notice of passing be issued in accordance with the requirements of the Planning Act; and
9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.1.11 FCM Municipal Asset Management Program - Grant Submission

1. That the report entitled “FCM Municipal Asset Management Program – Grant Submission” dated September 17, 2018 be received; and,
2. That Council directs staff to apply for grant funding through the Federation of Canadian Municipalities’ Municipal Asset Management Program toward the implementation of the Town’s Integrated Asset Management Strategy; and,
3. That the Town of Newmarket commits to conducting the activities in its proposed project application submitted to the Federation of Canadian Municipalities’ Municipal Asset Management Program; and,
4. That the Town of Newmarket commits to funding up to 20% of the eligible project costs to a maximum of \$12,500 of which the remaining 80% is to be funded by FCM, if successful; and,
5. That Council endorse the attached Council Resolution for the Mayor and Town Clerk’s signature; and,
6. That Staff be authorized and directed to do all things necessary to give effect to the attached Council Resolution.

9.1.12 Advisory Committee Scheduling and Recruitment for 2018-2022 Term of Council

1. That the report entitled “Advisory Committee Scheduling and Recruitment for 2018-2022 Term of Council” be received; and,
2. That, in accordance with the Committee Administration Policy, all regularly scheduled Advisory Committee meetings between October 1, 2018 and December 31, 2018 be cancelled; and,
3. That should a time sensitive or legislated matter requiring the consideration by an Advisory Committee between October 1, 2018 and December 31, 2018, a meeting be scheduled; and,
4. That any Advisory Committee vacancies remain vacant until the new term of Council, or until the Advisory Committee review is complete; and,
5. That staff be directed and authorized to do all things necessary to give effect to this resolution.

9.1.13 November 2018 to December 2019 Council and Committee of the Whole Meeting Schedule

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

Moved by: Councillor Twinney

Seconded by: Councillor Broome

1. That the report entitled “November 2018 to December 2019 Council and Committee of the Whole Meeting Schedule” dated September 17, 2018 be received; and,
2. That the Council and Committee of the Whole Meeting Schedule (Attachment A) be adopted; and,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution; and,
4. **That this schedule be reconfirmed in the new term of Council.**

In Favour (9): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

9.1.14 York Durham Sewage System Forcemain Twinning Project Noise Exemption Request

1. That the report titled York Durham Sewage System Forcemain Twinning Project Noise Exemption Request dated September 17, 2018 be received and,
2. That the Noise Exemption Request to allow for 24 hours per day for 7 days a week be adopted; and,
3. That the request from Regional Municipality of York for a noise exemption to perform necessary works for the York Durham Sewage System Forcemain Twinning project from January 2, 2019 until December 31, 2021, be approved; and,
4. That this approval is subject to ongoing staff supervision and community impact assessment and revocation if community impact is deemed excessive by staff or Council; and
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.1.15 Outstanding Matters List

1. That the list of outstanding matters be received.

9.2 Committee of the Whole Meeting (Closed Session) Minutes of September 17, 2018

Moved by: Councillor Bisanz

Seconded by: Councillor Broome

1. That the Committee of the Whole (Closed Session) Minutes of September 17, 2018 be approved.

In Favour (9): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

9.2.1 A Property in Ward 4 - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality as per Section 239 (2) (e) of the Municipal Act, 2001.

Moved by: Councillor Hempen

Seconded by: Councillor Kwapis

1. That Closed Session Report 2018-11 dated September 17, 2018 regarding litigation or potential litigation for a property in Ward 4 be received and that the recommendations set out therein be adopted.

In Favour (9): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

9.2.2 A Property in Ward 5 - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality as per Section 239 (2) (e) of the Municipal Act, 2001.

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

1. That Closed Session Report 2018-12 dated September 17, 2018 regarding litigation or potential litigation for a property in Ward 5 be received and that the recommendations set out therein be adopted.

In Favour (9): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

9.2.3 Personal matters about an identifiable individual, including municipal or local board employees, as per Section 239 (2) (b) of the Municipal Act, 2001.

Moved by: Deputy Mayor & Regional
Councillor Taylor

Seconded by: Councillor Twinney

1. That Closed Session Report 2018-08 dated September 17, 2018 be received and that the confidential direction to staff be approved.

In Favour (9): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

10. By-laws

2018-48 - Town of Newmarket Urban Centres Zoning By-law

2018-49 - A By-law to Amend Zoning By-law 2010-40 (175 Deerfield Road)

2018-50 - A By-law to Amend By-law number 2010-40 being a Zoning By-law (Zoning By-law Review Phase One)

2018-51 - A By-law to Amend Zoning By-law 2010-40 (18905 & 18099 Leslie Street)

2018-52 - A By-Law To Designate a Property as Being of Cultural Heritage Value or Interest (171 Church Street)

2018-53 - A By-Law To Designate a Property as Being of Cultural Heritage Value or Interest (The Union Hotel - 425 Davis Drive)

2018-54 - A By-Law to Amend Various By-Laws to Reflect Offence Section and Escalating Fines as Authorized under the Municipal Act

Moved by: Councillor Vegh

Seconded by: Deputy Mayor & Regional
Councillor Taylor

1. That by-laws 2018-49, 2018-50, 2018-51, 2018-52, 2018-53 and 2018-54 be enacted.

In Favour (9): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

Moved by: Deputy Mayor & Regional
Councillor Taylor

Seconded by: Councillor Broome

1. That by-law 2018-48 be enacted; and,
2. That the correspondence from Ryan Guetter, Weston Consulting on behalf of the owner of 16655 Yonge St. be received and referred to staff; and,
3. That the correspondence from Ryan Guetter, Weston Consulting on behalf of the owner of 17565 Yonge St. be received and referred to staff; and,
4. That the correspondence from David McKay, MHBC on behalf of the owner of 17725 Yonge St. be received and referred to staff.

In Favour (9): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

11. Notices of Motions

None.

12. Motions

12.1 School Bus Safety (Councillor Bisanz)

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

Moved by: Councillor Bisanz

Seconded by: Councillor Kwapis

1. **That the Town of Newmarket send a letter to the Ontario Minister of Transportation, the Honourable John Yakabuski, to develop policy and regulations to enable cameras to enforce stop arm infractions and keep our children who use school buses, safe.**

In Favour (9): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

13. Announcements & Community Events

(1) Councillor Bisanz advised that the Newmarket Seniors Meeting Place has organized a bus trip to the Schwaben Club in Kitchener on Thursday, October 11, 2018 for an Oktoberfest lunch.

(2) Councillor Broome advised that the annual Thanksgiving toy and food drive would be accepting donations of unwrapped toys and non-perishable food items until Wednesday, October 3, 2018.

(3) Councillor Kwapis invited residents to attend a guided walking tour of Main Street and Old Town Hall on Wednesdays from October 3, 2018 to October 24, 2018.

(4) Councillor Hempen invited residents to Culture Days in Newmarket on Saturday, September 29, 2018 at Old Town Hall (460 Botsford Street) and the Newmarket Public Library (438 Park Avenue), from 10:00 AM - 3:00 PM, and the Elman W. Campbell Museum (134 Main Street South) from 10:00 AM - 12:00 PM and 1:00 PM - 4:00 PM.

(5) Councillor Vegh advised that the Newmarket Santa Claus Parade will take place on Saturday, November 17, 2018. The parade starts at 11:00 AM at the corner of Lorne Avenue and Eagle Street, and proceeds east on Eagle Street and north on Main Street, ending at Ontario Street.

(6) Councillor Kerwin advised that the Newmarket Historical Society will present an Interactive Trench Exhibit which will be open from November 3, 2018 to November 17, 2018 Mondays-Fridays from 4:00 PM - 8:00 PM and weekends from 12:00 PM - 8:00 PM at Old Town Hall, 460 Botsford Street.

(7) Councillor Twinney invited residents to an Open House at Fire Station 4-1, 984 Gorham Street on Saturday, September 29, 2018 from 10:00 AM - 3:00 PM.

(8) Mayor Van Bynen invited residents to a farewell event for Ward 2 Councillor Dave Kerwin who is officially retiring from Newmarket Council at the end of this term on Sunday, September 30, 2018 from 2:00 PM until 3:30 PM at the Environmental Park on Woodspring Avenue.

(9) Deputy Mayor & Regional Councillor Taylor invited residents to a farewell event for Mayor Van Bynen who is officially retiring from Newmarket Town Council at the end of this term. Residents can join Mayor Van Bynen on Saturday, September 29, 2018 from 10:00 AM - 2:00 PM at Riverwalk Commons adjacent to the Holliswealth Story Pod.

(10) Mayor Van Bynen announced that Councillor Kwapis was elected to the 2018-2020 AMO Board of Directors, Small Urban Caucus at the Annual Conference of the Association of Municipalities of Ontario (AMO).

(11) Mayor Van Bynen advised that all Newmarket facilities and buildings will be closed on Thanksgiving Day, Monday, October 8, 2018 and reopen Tuesday, October 9, 2018.

(12) Mayor Van Bynen advised that the last Council meeting for the 2014-2018 term is Monday, November 26, 2018 at 7:00 PM.

(13) Mayor Van Bynen advised that Newmarket voters will be voting online or by telephone this Municipal Election and can submit online or phone ballots at anytime, from anywhere, between 10:00 AM on Saturday, October 13, 2018 and 8:00 PM on Monday, October 22, 2018. He further advised that voters must check to see if they are registered on the Municipal Voters' List.

14. New Business

14.1 Rebel Heartland

Councillor Kerwin thanked the volunteers who participated in the Rebel Heartland event which was held September 22 to 23, 2018.

15. Closed Session (if required)

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

16. Confirmatory By-law

2018-55 - A By-law to Confirm the Proceedings of the September 24, 2018 Council meeting

Moved by: Councillor Twinney

Seconded by: Councillor Hempen

1. That By-law 2018-55 be enacted.

Carried

17. Adjournment

Moved by: Councillor Kerwin

Seconded by: Councillor Hempen

1. That the meeting adjourn at 7:39 PM.

Carried

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk



Corporation of the Town of Newmarket

By-law 2018-56

A By-law to confirm the proceedings of a meeting of Council – November 26, 2018

Whereas s. 5(1) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that the powers of a municipal corporation shall be exercised by its Council; and,

Whereas s. 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and,

Whereas the Council of the Town of Newmarket deems it advisable to pass such a by-law;

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That subject to Section 3 of this by-law, every decision of Council, as evidenced by resolution or motion, taken at the meeting at which this by-law is passed, shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted;
2. And that the execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized;
3. And that nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied;
4. And that any member of Council who disclosed a pecuniary interest at the meeting at which this by-law is passed shall be deemed to have disclosed that interest in this confirmatory by-law as it relates to the item in which the pecuniary interest was disclosed.

Enacted this 26th day of November, 2018.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk