



# **Town of Newmarket**

## **Minutes**

### **Committee of the Whole**

Date: Monday, February 4, 2019

Time: 1:30 PM

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

Members Present: Mayor Taylor  
Councillor Simon  
Councillor Woodhouse (1:33 PM - 3:24 PM)  
Councillor Twinney (7:04 PM - 9:05 PM)  
Councillor Morrison  
Councillor Kwapis  
Councillor Broome  
Councillor Bisanz

Members Absent: Deputy Mayor & Regional Councillor Vegh

Staff Present: E. Armchuk, Acting Chief Administrative Officer  
P. Noehammer, Commissioner of Development & Infrastructure Services  
I. McDougall, Commissioner of Community Services  
L. Lyons, Acting Commissioner of Corporate Services  
K. Saini, Acting Director of Legislative Services/Town Clerk  
T. Horton, Planner  
R. Nethery, Director of Planning & Building Services  
J. Unger, Assistant Director of Planning  
M. White, Planner  
A. Walkom, Legislative Coordinator  
J. Grossi, Legislative Coordinator

Guests: Blair Scorgie, SvN

For consideration by Council on February 11, 2019.

The meeting was called to order at 1:33 PM.

The Committee of the Whole recessed at 3:24 PM and reconvened at 7:04 PM.  
Mayor Taylor in the Chair.

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

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

1. Item 4.5 Deputation - Newmarket African Caribbean Canadian Association - Jerisha Grant-Hall
2. Under item 5.1 Newmarket Hydro Holdings Inc. 2017 Annual General Meeting:
  - 5.1.1 2019 President Report
  - 5.1.2 2019 President Report – Shareholders Agreement
  - 5.1.3 2019 President Report – ENVI Directors
3. Item 5.7 Amendments to Council Code of Conduct

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

1. Item 4.4 Deputation – Johanna Powell will not be in attendance to provide a deputation.

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

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

**Carried**

**2. Declarations of Pecuniary Interest**

There were no declarations of pecuniary interest.

**3. Presentations & Recognitions**

**3.1 Newmarket Hydro Holdings Inc. 2017 Annual General Meeting**

Paul Ferguson, President of Newmarket-Tay Power Distribution Ltd. addressed the Committee regarding item 5.1, the Newmarket Hydro Holdings Inc. 2017 Annual General Meeting.

Moved by: Councillor Woodhouse

Seconded by: Councillor Bisanz

1. That the presentation regarding the 2017 Annual General Meeting of Newmarket Hydro Holdings Inc. be received.

**Carried**

#### **4. Deputations**

##### **4.1 Central Counties Tourism**

Chuck Thibeault, Executive Director of Central Counties Tourism and Samantha Wainberg, Executive Director of York Region Arts Council provided a deputation regarding tourism in York Region, local business support for tourism and the use of Municipal resources towards tourism. They advised how their organizations can assist Newmarket in attracting tourism.

Moved by: Councillor Bisanz

Seconded by: Councillor Woodhouse

1. That the deputation be permitted an additional five minutes.

**Carried**

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

1. 1. That the deputation provided by Chuck Thibeault, Executive Director of Central Counties Tourism and Samantha Wainberg, Executive Director of York Region Arts Council be received.

**Carried**

##### **4.2 Bill 66, Restoring Ontario's Competitiveness Act, 2018**

Rashin Alizadeh provided a deputation regarding Bill 66, Restoring Ontario's Competitiveness Act, 2018. She addressed the issues and restrictions with Schedule 10 of Bill 66.

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

1. That the deputation provided by Rashin Alizadeh regarding Bill 66, Restoring Ontario's Competitiveness Act, 2018 be received.

**Carried**

#### **4.3 Bill 66, Restoring Ontario's Competitiveness Act, 2018**

Paul Jolie provided a deputation regarding Bill 66, Restoring Ontario's Competitiveness Act, 2018. He addressed his concerns with this Bill and asked Council to send letters to Christine Elliott, MPP, the Premier of Ontario and the Economic Development Minister.

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the deputation provided by Paul Jolie regarding Bill 66, Restoring Ontario's Competitiveness Act, 2018 be received.

**Carried**

#### **4.4 Bill 66, Restoring Ontario's Competitiveness Act, 2018**

**Note:** Johanna Powell was not in attendance to provide a deputation on this matter.

#### **4.5 Newmarket African Caribbean Canadian Association (NACCA) - "Space and Belonging"**

Jerisha Grant-Hall provided a deputation introducing the newly founded Newmarket African Caribbean Canadian Association (NACCA). She

provided information on their initiatives and invited Council to the 'Still I Rise' event on Saturday February 9, 2019 at 10:30 AM at Old Town Hall.

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

1. That the deputation provided by Jerisha Grant-Hall regarding Newmarket African Caribbean Canadian Association (NACCA) - "Space and Belonging" be received.

**Carried**

## **5. Consent Items**

Moved by: Councillor Morrison

Seconded by: Councillor Broome

1. That sub-items 5.3, 5.7, 5.8 and 5.9 be adopted on consent. See following sub-items 5.1, 5.2, 5.4, 5.5, 5.6 and 5.10 for motions.

**Carried**

### **5.1 Newmarket Hydro Holdings Inc. 2017 Annual General Meeting**

#### **5.1.1 2019 President Report**

Moved by: Councillor Woodhouse

Seconded by: Councillor Morrison

That the Newmarket Hydro Holdings Inc. Report of the President dated January 25, 2019 regarding the financial statements of Newmarket Hydro Holdings Inc. (the "Corporation"), the written resolutions of Newmarket – Tay Power Distribution Ltd. ("NT Power") and appointment of the sole director and auditors be received and the following recommendations be adopted:

Whereas the Corporation of the Town of Newmarket (the "Sole Shareholder") is the sole shareholder of the Corporation;

And Whereas the Sole Shareholder by a Shareholder Declaration dated November 1, 2000 appointed the Mayor as its legal representative for the purpose of communicating any shareholder consent or approval required by either the terms of the Shareholder Declaration or the Business Corporations Act (Ontario) (the "OBCA");

And Whereas the Corporation owns a majority of the common shares of NT Power;

And Whereas pursuant to s.102(2) of the OBCA where a body corporate is the shareholder of a corporation the corporation shall recognize any individual properly authorized by the body corporate to represent it at meetings of shareholders of the corporation;

And Whereas pursuant to s.104 of the OBCA a written resolution dealing with all the matters required to be dealt with at a shareholders meeting and signed by the shareholders entitled to vote at that meeting satisfies all requirements of the OBCA relating to that meeting of shareholders; Newmarket Hydro Holdings Inc. January 25, 2019 Report of the President Page 2 of 4 Newmarket Hydro Holdings Inc. 2017 Annual General Meeting

Now therefore be it resolved by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. That the Mayor, as the Sole Shareholder's legal representative, is directed to sign the following Corporation Shareholder resolutions:
  - a. That the Corporation's financial statements for the financial year ended December 31, 2017 together with the report of the Corporation's auditors, Collins Barrow, thereon dated April 12, 2018 be approved and adopted.
  - b. That Collins Barrow, Chartered Accountants, be appointed auditors of the Corporation to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the sole director and the sole director is authorized to fix such remuneration.
  - c. That Esther Armchuk be appointed as the sole director of the Corporation to hold office until the next annual meeting of shareholders or until his or her successor is elected or appointed.

- d. That Esther Armchuk, so long as he or she is the sole director of the Corporation, shall represent the Corporation at meetings of shareholders of NT Power;
  - e. And that all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the sole director and sole officer of the Corporation to December 31, 2017, as the same are set out or referred to in the resolutions of the sole director, or in the financial statements of the corporation, are approved, sanctioned and confirmed.
2. And That the Mayor, as the Sole Shareholder's legal representative, direct Esther Armchuk, the sole director and legal representative of the Corporation, to sign the following NT Power shareholder resolutions in lieu of an annual meeting:
- a. That the financial statements of NT Power for the financial year ended December 31, 2017 together with the report of NT Power's auditors, Collins Barrow, thereon dated March 28, 2018 be approved and adopted.
  - b. That Collins Barrow, Chartered Accountants, be appointed auditors of NT Power to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the directors and the directors are authorized to fix such remuneration. Newmarket Hydro Holdings Inc. January 25, 2019 Report of the President Page 3 of 4 Newmarket Hydro Holdings Inc. 2017 Annual General Meeting
  - c. That J. Taylor, T. Walker, B. Gabel, R. Betts, D. Charleson, C. Prattas and P. Ferguson are elected directors of NT Power to hold office until the next annual meeting of shareholders or until their successors are elected or appointed.
  - d. And That all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the directors and officers of NT Power to December 31, 2017, as the same are set out or referred to in the resolutions of the board of directors, the minutes of the meetings of the board of directors or in the financial statements of NT Power, are approved, sanctioned and confirmed.

5.1.2 2019 President Report - Shareholders Agreement Amendment

Moved by: Councillor Simon

Seconded by: Councillor Morrison

That the Newmarket – Tay Power Distribution Ltd. Report of the President dated January 25, 2019 regarding an amendment to the Shareholders Agreement between Tay Hydro Inc., Newmarket Hydro Holdings Inc., Newmarket – Tay Power Distribution Ltd., the Corporation of the Town of Newmarket and the Corporation of the Township of Tay be received and the following recommendation be adopted:

Whereas Article 3.03(1) of the Shareholders Agreement between Tay Hydro Inc., Newmarket Hydro Holdings Inc., Newmarket – Tay Power Distribution Ltd. (the “Corporation”), the Corporation of the Town of Newmarket and the Corporation of the Township of Tay (the “Agreement”) states:

“The board of directors of the Corporation shall consist of (7) directors, four (4) of whom shall be Non-Municipal Appointees, one (1) of whom shall be the Mayor of Tay, one (1) of whom shall be the Mayor of Newmarket, and one (1) of whom shall be the chief executive officer of the Corporation. The chair of the board of directors shall be a Non-Municipal Appointee designated by the other six (6) directors.”

And Whereas the Township of Tay has requested that Article 3.03(1) be amended to allow for a designated sitting member of Council to be appointed to the board of directors in the Mayor’s place;

And Whereas the Council of the Town of Newmarket is agreeable to this amendment;

Now Therefore it be resolved by the Municipal Council of the Town of Newmarket that Article 3.03(1) of the Agreement be amended to state:

“The board of directors of the Corporation shall consist of seven (7) directors, four (4) of whom shall be Non-Municipal Appointees, one



(1) of whom shall be the Mayor of Tay or a designated sitting member of the Council of the Township of Tay, one (1) of whom shall be the Mayor of Newmarket or a designated sitting member of the Council of the Town of Newmarket, and one (1) of whom shall be the chief executive officer of the Corporation. The chair of the board of directors shall be a Non-Municipal Appointee designated by the other six (6) directors.”

**Carried**

### 5.1.3 2019 President Report - Envi Directors

Moved by: Councillor Broome

Seconded by: Councillor Morrison

That the Newmarket Hydro Holdings Inc. (the “Corporation”) Report of the President dated January 11, 2019 regarding the inaugural board of directors of Envi Networks Ltd. (“Envi”) be received and the following recommendations be adopted:

Whereas the Corporation of the Town of Newmarket (the “Sole Shareholder”) is the sole shareholder of the Corporation;

And Whereas the Sole Shareholder by a Shareholder Declaration dated

November 1, 2000 appointed the Mayor as its legal representative for the purpose of communicating any shareholder consent or approval required by either the terms of the Shareholder Declaration or the Business Corporations Act (Ontario) (the “OBCA”);

And Whereas the Corporation owns a majority of the common shares of Envi;

And Whereas pursuant to s.102(2) of the OBCA where a body corporate is the shareholder of a corporation the corporation shall recognize any individual properly authorized by the body corporate to represent it at meetings of shareholders of the corporation;

And Whereas pursuant to s.104 of the OBCA a written resolution dealing with all the matters required to be dealt with at a shareholders meeting and signed by the shareholders entitled to

vote at that meeting satisfies all requirements of the OBCA relating to that meeting of shareholders;

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

1. That the Mayor, as the Sole Shareholder's legal representative, direct Esther Armchuk, the sole director and legal representative of the Corporation, to sign the following Envi shareholder resolution:
2. That Ian Collins, Bob Kwapis, Jill Schatz and Tony Van Bynen are elected directors of Envi to hold office until the next annual meeting of shareholders or until their successors are elected or appointed.

**Carried**

## **5.2 Bill 66, Restoring Ontario's Competitiveness Act, 2018**

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

Moved by: Councillor Bisanz

Seconded by: Councillor Kwapis

1. That the report entitled Open-for-Business By-law (Bill 66) dated February 4, 2019 be received; and,
2. That the report entitled Open-for-Business By-law (Bill 66) dated February 4, 2019 be submitted to the province as feedback; and,
3. **That Newmarket Town Council opposes planned changes to the Planning Act in the proposed Bill 66 that may allow for an "open for business" planning by-law; and,**
4. **That the Government of Ontario be requested to reconsider the proposed changes to the Planning Act included in Bill 66 which speak to the creation of the open-for- business planning by-law; and,**
5. **That a copy of this motion be sent to the Honourable Doug Ford, Premier of Ontario, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Honourable Andrea Horwath, Leader of the New Democratic Party, The Honourable Christine Elliott, and all Members of Provincial Parliament in the Province of Ontario; and,**

6. **That a copy of this motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration; and,**
7. **That in the case of a future adoption of Bill 66, the Town of Newmarket will not exercise the powers granted to it in Schedule 10 to pass open-for-business planning by-laws; and,**
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

**5.3 Correspondence - Town of Georgina re: Bill 66**

1. That the Correspondence from the Town of Georgina regarding Bill 66 be received for information.

**5.4 175 Deerfield Road - Incentives for Affordable and Rental Housing**

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That the report entitled 175 Deerfield Road – Incentives for Affordable and Rental Housing dated February 4, 2019 be received; and,
2. That Council approve the recommendations previously endorsed in Report 2018-61 to comply with the requirements of Section 275 of the Municipal Act; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

**5.5 Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017**

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

Moved by: Councillor Kwapis

Seconded by: Councillor Morrison

1. That the report entitled Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017, dated February 4, 2019 be received; and,
2. That the report entitled Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017, dated February 4, 2019 be submitted to the province as feedback; and,
3. **That in relation to section 2 of this report - Settlement Boundary Adjustments and Expansions, That Council direct Staff to only seek clarification as to the definition of a Settlement Area and whether it is so defined in the upper tier official plan, the lower tier official plan, both or either; and,**
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

#### **5.6 Servicing Allocation Policy - Update**

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That the report entitled Servicing Allocation Policy - Update dated February 4, 2019, be received; and,
2. That Council adopt the Servicing Allocation Policy, updated February 2019, included as Attachment 1 to this Report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

#### **5.7 Amendments to Council Code of Conduct**

1. That the report entitled Amendments to Council Code of Conduct dated February 4, 2019 be received; and,
2. That Council adopt the amendments to the Council Code of Conduct attached as Attachment A with an effective date of March 1, 2019; and,
3. That Council adopt amendments to the Indemnification By-law attached as Attachment B; and,

4. That Staff be directed to investigate further amendments or revisions to the Code of Conduct as required; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**5.8 Accessibility Plan 2018 Status Update**

1. That the report entitled “2018 Accessibility Status Update” dated February 4, 2019 be received; and,
2. That Council approve the 2018 Accessibility Status Update, attached as Attachment A; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**5.9 Central York Fire Services Joint Council Committee Meeting Minutes of September 4, 2018**

1. That the Central York Fire Services Joint Council Committee Meeting Minutes of September 4, 2018 be received.

**5.10 Outstanding Matters List**

Moved by: Councillor Kwapis

Seconded by: Councillor Broome

1. That the list of outstanding matters be received.

**Carried**

**6. Action Items**

None.

**7. Reports by Regional Representatives**

None.

**8. Notices of Motions**

None.

**9. Motions**

None.

**10. New Business**

None.

**11. Closed Session**

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

**12. Public Hearing Matter (7:00 PM)**

The Acting Clerk welcomed the public to the Committee of the Whole meeting. She advised that the Planning Act requires the Town to hold at least one public meeting on any proposed Official Plan Amendment or Zoning By-law Amendment.

The Acting Clerk advised that the purpose of today's public meeting is to hear from anyone who has an interest in the Official Plan Amendment for the Old Main Street Tertiary Plan.

She advised that the purpose and effect of this amendment is to create new residential policies for the Tertiary Plan area and to alter some of the designations along Old Main Street.

She further advised that the Committee of the Whole will not be making a decision regarding the proposed application tonight, but will refer all written and verbal comments to Planning Staff to consider and return with a report to a future Committee of the Whole or Council meeting.

The Acting Clerk advised that if anyone present wished to be notified of any subsequent meetings regarding this matter, please complete the further request form using the iPad located on the front table near the entrance of the Council Chambers.

The Acting Clerk noted that in accordance with the Planning Act, the Local Planning Appeal Tribunal may dismiss an appeal to the Tribunal, without holding a hearing, if the appellant failed to make either oral submissions at the public meeting or provide written submissions to Council prior to adoption of the application.

The Acting Clerk thanked residents for their participation and interest in the meeting.

**12.1 Old Main Street Tertiary Plan**

The Planner and Blair Scorgie, SvN provided a presentation regarding the Old Main Street Tertiary Plan and process to date. The presentation included the vision and guiding principles, a draft land use policy and preferred streetscape cross-section plans.

#### 12.1.1 Deputation - Chris Baur

Chris Baur addressed the Committee and provided additional considerations for the draft tertiary plan and stated he believes that it is too restrictive and improvements can be made.

#### 12.1.2 Deputation - Lloyd McKee

Lloyd McKee addressed the Committee and advocated for the allowance of greater density in the area of Old Main Street.

#### 12.1.3 Deputation - Trudy Baker

Trudy Baker addressed the Committee and expressed her concerns with the natural heritage designation in this area.

#### 12.1.4 Deputation - Sonya Reiter

Sonya Reiter addressed the Committee and stated that it was essential for the Old Main Street tertiary plan to allow for higher density housing on private roads, and affordable housing.

#### 12.1.5 Deputation - Everett Baker

Everett Baker addressed the Committee and stated that he is supportive of the development but not supportive of the natural heritage designation of land.

#### 12.1.6 Deputation - Craig Baker

Craig Baker addressed the Committee and spoke in favour of higher density properties. He also expressed concern with the natural heritage designation of some of the land.

#### 12.1.7 Deputation - David Evans

David Evans addressed the Committee and expressed concerns with the timeline of this project and the draft tertiary plan.

#### 12.1.8 Deputation - Joachim Baur

Joachim Baur addressed the Committee and expressed interest in allowing higher density housing developments. He also stated his disagreement with the natural heritage designation.

12.1.9 Deputation - Sandra Pettifer

Sandra Pettifer addressed the Committee and advised that she is a local realtor who represents multiple land owners on Old Main Street, as well as developers looking for property in Newmarket. She advised that her clients have concerns with higher density housing not being allowed in the tertiary plan.

12.1.10 Deputation - Robert Walters

Robert Walters addressed the Committee and advised that on behalf of Larkin + Land Use Planners Inc., he represents Larry Li, Lok Lee, and ProPlus Construction Inc., who own land on Old Main Street. He advised that the owners are concerned with policies in the plan supporting new development in the rear of these parcels of land, not facing Old Main Street.

12.1.11 Deputation - Peter Stott

Peter Stott addressed the Committee and expressed concerns with the lack of design standards for development on adjacent properties and those not front facing onto Old Main Street. He also addressed concern with the current water and wastewater strategy in this community.

12.1.12 Deputation - Greg Rusnell

Greg Rusnell addressed the Committee and expressed concerns with higher density residents being allowed on Old Main Street.

12.1.13 Deputation - Matt Evans

Matt Evans addressed the Committee and expressed concerns with the designation of natural heritage lands.

12.1.14 Deputation - Christina Herancourt-Brooks

Christina Herancourt-Brooks addressed Committee and expressed her concern with disturbing the stable community of Old Main Street by allowing higher density homes. She also had concerns with the stormwater management and drainage plan.

12.1.15 Deputation - Kerigan Kelly



Kerigan Kelly, partner with Groundswell Urban Planners, addressed Committee and advised that she represents a land owner on Old Main Street North. She advised that the owners are generally supportive of the plan, but they would like to see townhouses permitted to allow better land use.

12.1.16 Deputation - Patrick Monks

Patrick Monks addressed Committee and stated his concerns with setting development precedents for other areas in Newmarket. He also expressed concerns with stormwater and wastewater management in the area.

12.1.17 Correspondence - Larkin Land Use Planners Inc.

12.1.18 Correspondence - Craig Baker

12.1.19 Correspondence - Sharon & Ian Gillespie

12.1.20 Correspondence - Peter Stott

12.1.21 Correspondence - Trudy Baker

12.1.22 Correspondence - Chris Baur

12.1.23 Correspondence - Joachim Baur

12.1.24 Correspondence - Groundswell Urban Planners Inc.

Moved by: Councillor Morrison

Seconded by: Councillor Simon

1. That all deputations and correspondence relating to the Public Planning Session - Old Main Street Tertiary Plan be received.

**Carried**

### 13. Adjournment

Moved by: Councillor Twinney

Seconded by: Councillor Broome

1. That the meeting be adjourned at 9:05 PM.

**Carried**

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John Taylor, Mayor

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Kiran Saini, Acting Town Clerk