



Town of Newmarket

Minutes

Council

Date: Monday, February 11, 2019
Time: 7:00 PM
Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor
Councillor Simon
Councillor Woodhouse
Councillor Twinney
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, Community Services
I. McDougall, Commissioner of Community Services
L. Lyons, Acting Commissioner of Corporate Services
K. Saini, Acting Director of Legislative Services/Town Clerk
J. Grossi, Legislative Coordinator

1. Open Forum

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

2. Public Notices

None.

3. Additions & Corrections to the Agenda

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

- a) Item 5.1 - Deputation - Southlake Foundation would be provided by Michelle Wallar.

1. That the correction to the agenda be approved.

In Favour (8): Mayor Taylor, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

4. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

5. Presentations & Recognitions

5.1 Southlake Foundation - Annual Run for Southlake

Michelle Wallar provided a deputation regarding the Annual Run for Southlake on April 28, 2019 and updated Council on Southlake's strategic plan.

Moved by: Councillor Broome

Seconded by: Councillor Simon

1. That the presentation provided by Michelle Wallar regarding the Southlake Foundation - Annual Run for Southlake be received.

In Favour (8): Mayor Taylor, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

6. Deputations

None.

7. Approval of Minutes

7.1 Council Meeting Minutes of January 21, 2019

Moved by: Councillor Bisanz

Seconded by: Councillor Morrison

1. That the Council Meeting Minutes of January 21, 2019 be approved.

In Favour (8): Mayor Taylor, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

8. Reports by Regional Representatives

(1) Mayor Taylor advised that on Friday February 15, 2019 the nine Mayors from York Region are meeting with expert panelists regarding the Regional Governance Review.

(2) Mayor Taylor advised that the Regional budget is currently being reviewed at Regional Council. Specifically, Housing York Inc. which include both the Woodbridge Lane and Unionville Seniors buildings which are expected to open this year.

(3) Mayor Taylor advised that the Regional budget has a proposed tax increase of 3.37% this year.

9. Reports of Committees and Staff

9.1 Council Workshop Meeting Minutes of January 28, 2019

9.2 Council Workshop Meeting Minutes of January 29, 2019

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the Council Workshop meeting minutes of January 28, 2019 and January 29, 2019 be received.

In Favour (8): Mayor Taylor, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

9.3 Special Committee of the Whole Meeting Minutes of January 28, 2019

9.4 Special Committee of the Whole Meeting Minutes of February 4, 2019

Moved by: Councillor Woodhouse

Seconded by: Councillor Morrison

1. That the Special Committee of the Whole meeting minutes of January 28, 2019 and February 4, 2019 be approved.

In Favour (8): Mayor Taylor, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

9.5 Committee of the Whole Meeting Minutes of February 4, 2019

Moved by: Councillor Woodhouse

Seconded by: Councillor Kwapis

1. That sub-items 9.5.1 to 9.5.18 be approved.

In Favour (8): Mayor Taylor, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

9.5.1 Presentation - Newmarket Hydro Holdings Inc. 2017 Annual General Meeting

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

9.5.2 Deputation - Central Counties Tourism

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.

9.5.3 Deputation - Bill 66, Restoring Ontario's Competitiveness Act, 2018

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

9.5.4 Deputation - Bill 66, Restoring Ontario's Competitiveness Act, 2018

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

9.5.5 Deputation - Newmarket African Caribbean Canadian Association (NACCA) - "Space and Belonging"

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

9.5.6 2019 President Report

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.

9.5.7 2019 President Report - Shareholders Agreement Amendment

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.”

9.5.8 2019 President Report - Envi Directors

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.

9.5.9 Bill 66, Restoring Ontario's Competitiveness Act, 2018

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

and, speak to the creation of the open-for-business planning by-law;

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.

9.5.10 Correspondence - Town of Georgina re: Bill 66

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

9.5.11 175 Deerfield Road - Incentives for Affordable and Rental Housing

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.

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

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.

9.5.13 Servicing Allocation Policy - Update

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.

9.5.14 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.

9.5.15 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.

9.5.16 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.

9.5.17 Outstanding Matters List

1. That the list of outstanding matters be received.

9.5.18 Public Planning - Old Main Street Tertiary Plan

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

10. By-laws

2019-08 A By-law to Establish a Code Of Conduct for Members of Council, Local Boards and Adjudicative Boards.

2019-09 A By-law to provide for the indemnification and defence of employees, Members of Council and Integrity Commissioners against loss or liability in certain circumstances arising out of acts or omissions done while acting on behalf of the corporation.

2019-10 A By-law To Exempt Certain Lands From The Part Lot Control Provisions Of The Planning Act (Marianneville Developments Limited - Block 119 Registered Plan 65M-4587).

Moved by: Councillor Broome

Seconded by: Councillor Simon

1. That By-laws 2019-08, 2019-09 and 2019-10 be enacted.

In Favour (8): Mayor Taylor, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

11. Notices of Motions

None.

12. Motions

None.

13. Announcements & Community Events

- (1) Councillor Bisanz congratulated event organizers from the Newmarket American African Caribbean Association (NACCA) for their successful Black History Event this weekend called "Still I Rise".
- (2) Councillor Bisanz also congratulated the 108 Health Promotion Group on their Chinese New Year event held at Upper Canada Mall.
- (3) Councillor Woodhouse invited residents to the Town of Newmarket's WinterFest on Saturday February 16, 2019 from 9:00 AM to 3:00 PM at Riverwalk Commons and the Newmarket Community Centre and Lions Hall.
- (4) Councillor Kwapis invited residents to the Public Information Centre (PIC) regarding the Charles Street reconstruction and infrastructure improvements, being held at the Seniors Centre on Wednesday February 13, 2019 from 6:00 PM to 8:00 PM.
- (5) Councillor Kwapis invited residents to the Ward 5 meeting at Old Town Hall on Wednesday February 27, 2019 at 7:00 PM.
- (6) Councillor Morrison invited residents to the Scouts and Girl Guides Memorabilia event at the Elman W. Campbell Museum from February 2 to 28, 2019 daily from 10:00 AM to 12:00 PM and 1:00 PM to 4:00 PM.
- (7) Councillor Morrison invited residents to the The Art of Snowflakes event at the Elman W. Campbell Museum on Saturday February 23, 2019 from 1:00 PM to 3:00 PM.
- (8) Councillor Broome wished all residents a Happy Family Day weekend.
- (9) Councillor Twinney updated Council on the development proposal event led by Briarwood Homes. No formal proposal has been submitted to the Town yet, additional public consultation will be included in the future process.
- (10) Councillor Simon reminded residents of the Coldest Night of the Year event on Saturday February 23, 2019 from 4:00 PM to 8:00 PM.
- (11) Mayor Taylor congratulated staff on winning the Ontario Public Works Association (OPWA) Project of the Year Award in the Structures, less than \$2 Million category for the Gorham Street Watermain Replacement Project.

14. New Business

None.

15. Closed Session

Moved by: Councillor Woodhouse

Seconded by: Councillor Simon

1. That the Council resolve into Closed Session to discuss the following matters:
 - a. Personal matters about an identifiable individual, including municipal or local board employees, as per Section 239 (2) (b) of the Municipal Act, 2001.

In Favour (8): Mayor Taylor, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

Council resolved into Closed Session at 7:50 PM.

Council (Closed Session) Minutes are recorded under separate cover.

Council resumed into Open Session at 8:33 PM.

15.1 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: Councillor Kwapis

Seconded by: Councillor Morrison

1. That the closed session report 2019-04 dated February 11,2019 be received; and
2. That staff proceed with the proposed recommendations in the report; and,
3. That the recommendations in Closed Session Report 2019-04 dated February 11, 2019 be adopted.

In Favour (8): Mayor Taylor, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

16. Confirmatory By-law

Moved by: Councillor Broome

Seconded by: Councillor Kwapis

1. That By-law 2019-11 be enacted.

Carried

17. Adjournment

Moved by: Councillor Broome

Seconded by: Councillor Simon

1. That the meeting be adjourned at 8:34 PM.

Carried

John Taylor, Mayor

Kiran Saini, Acting Town Clerk