



Town of Newmarket

Minutes

Council

Date: Monday, March 25, 2019
Time: 7:00 PM
Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor
Deputy Mayor & Regional Councillor Vegh
Councillor Simon
Councillor Woodhouse
Councillor Twinney
Councillor Morrison
Councillor Kwapis
Councillor Broome
Councillor Bisanz

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
A. Walkom, Legislative Coordinator

The meeting was called to order at 7:00 PM.
Mayor Taylor in the Chair.

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:

- Corrected versions of By-laws 2019-16 and 2019-17 were distributed

The Acting Chief Administrative Officer advised of the following Closed Session item:

- Item 15.1 Appointments to Accessibility Advisory Committee, Appeal Committee, Committee of Adjustment, Elman W. Campbell Museum Board and Property Standards Committee [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 Vegh

Seconded by: Councillor Woodhouse

1. That the corrections to the agenda be approved.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

4. Declarations of Pecuniary Interest

None.

5. Presentations & Recognitions

None.

6. Deputations

None.

7. Approval of Minutes

7.1 Council Meeting Minutes of March 4, 2019

Moved by: Councillor Morrison

Seconded by: Councillor Broome

1. That the Council Meeting Minutes of March 4, 2019 be approved.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

8. Reports by Regional Representatives

(1) Deputy Mayor & Regional Councillor Vegh advised that York Region has seen an increase in the number of jobs, with a 2.4% employment growth rate.

(2) Mayor Taylor advised that the recent Federal budget included \$2.5 billion for infrastructure and that Newmarket would receive \$2.5 million.

(3) Mayor Taylor advised that York Region will be lowering targets for intensification.

(4) Mayor Taylor advised he had met with Filomena Tassi, Minister of Seniors with representatives from the Town of Aurora for a discussion on Seniors issues.

(5) Mayor Taylor advised that York Region has formed a Regional Governance Task Force which will be preparing a paper on the province's Regional Governance Review.

(6) Mayor Taylor advised that a meeting had taken place to discuss the Upper York Sewage project.

9. Reports of Committees and Staff

9.1 Council Workshop Meeting Minutes of March 18, 2019

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That the Council Workshop meeting Minutes of March 18, 2019 be received.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

9.2 Committee of the Whole Meeting Minutes of March 18, 2019

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the Committee of the Whole Meeting Minutes of March 18, 2019 be received and the recommendations noted within be adopted with the exception of sub-items 9.2.3, 9.2.4, 9.2.9, and 9.2.11. See following sub-items 9.2.3, 9.2.4, 9.2.9, and 9.2.11 for motion and recorded vote.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

9.2.1 Presentation - 2018 Annual Water Quality Summary Report

Note: This presentation was attached for reference.

9.2.2 Presentation - Proposed Regulations for Smoking By-law

Note: This presentation was attached for reference.

9.2.3 Deputation - Amendment to Interim Control By-Law 2019-04

Moved by: Councillor Woodhouse

Seconded by: Councillor Bisanz

1. That the recommendations noted within sub-items 9.2.3 and 9.2.4 be adopted.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

1. That the deputation by Paulo Carvalho regarding an Amendment to Interim Control By-law 2019-04 be received; and,

Whereas Mr. Paulo Carvalho, owner of 257 Hodgson Drive in Newmarket, prepared to file an application for addition to his existing dwelling, just a few days after the interim bylaw was passed; and,

Whereas his proposal is for an addition and not a new structure; and,

Whereas Twenty four (24) signatures of property owners of neighbouring properties, signed a petition in support of the addition to 257 Hodgson Drive;

Therefore let it be resolved:

2. That Council exempt the application of 257 Hodgson Drive from the Interim Control bylaw 2019-04.

9.2.4 Deputation - Amendment to Interim Control By-Law 2019-04

Note: See sub-item 9.2.3 for motion.

1. That the deputation by Catherine Callaghan and Peter May regarding an Amendment to Interim Control By-law 2019-04 be received; and,
2. That the request for an exemption to Interim Control By-law 2019-04 be referred to staff; and,
3. That staff explore options for an Interim Control By-law exemption process and provide recommendations to Council.

9.2.5 Deputation - Construction Vibration Issues

1. That the deputation by Gordon Prentice regarding Construction Vibration Issues be received.

9.2.6 Deputation - Construction Vibration Issues

1. That the deputation by Robert Hansen regarding Construction Vibration Issues be received.

9.2.7 2018 Newmarket Water Distribution System Annual Water Quality Summary Report

1. That the presentation regarding the 2018 Annual Water Quality Summary Report be received; and,
2. That the report entitled Development & Infrastructure Services – Public Works Services Report dated March 18, 2019 be received; and,
3. That members of the public be directed to view any documents referenced herein as attached (where applicable), online at newmarket.ca, by request at the customer service counter, 395 Mulock Drive, as well as at the Newmarket Operations Centre, 1275 Maple Hill Court; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.2.8 Correspondence from the Town of Aurora re: Cannabis Public Use By-law

1. That the Correspondence from the Town of Aurora re: Cannabis Public Use By-law be received for information.

9.2.9 Construction Vibration Issues

Moved by: Councillor Bisanz

Seconded by: Councillor Kwapis

1. That the report entitled Construction Vibration issues dated March 18, 2019 be received; and,
2. That staff require vibration impact assessments as part of a complete application for development proposals; and,
3. That Council endorse the proposed notice and complaint process identified in this report; and,
4. That staff investigate options for existing sites where construction activity will cause significant vibrations; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

9.2.10 Community Improvement Plan Partnerships

1. That the report entitled Community Improvement Plan Partnerships dated March 18, 2019 be received; and,
2. That staff be directed to begin the process to amend the Official Plan substantially as presented in Attachment 1 to authorize the Town to participate in Community Improvement Plans implemented by the Regional Municipality of York and to bring such an amendment to a statutory public meeting as required by the Planning Act; and,
3. That following the public meeting, that comments from the public, Committee, and those received through the 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.

9.2.11 1015-1029 Davis Drive Application

Moved by: Councillor Twinney

Seconded by: Councillor Simon

1. That the report entitled 1015-1029 Davis Drive Application dated March 18, 2019 be received; and,
2. That the application be referred to a statutory public meeting as required by the *Planning Act*; and,
3. That following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the 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 Ryan Guetter, Weston Consulting, of 201 Millway Avenue, Suite 19, Vaughan, ON L4K 5K8 be notified of this action; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

9.2.12 Oracle Licensing – Non-Competitive Acquisition

1. That the report entitled Oracle Licenses – Non-Competitive Acquisition dated March 3, 2019 be received; and,
2. That a non-competitive acquisition for Oracle Licences and Annual Support and Maintenance to Oracle Canada, ULC for a period of five (5) years, commencing in 2019, for an estimated amount of \$1,200,000.00 be approved; and,
3. That the non-competitive provisions of the Procurement Bylaw, specifically Section 13.6, Subsection (iii), as well as the Limited Tendering provisions of the applicable trade treaties, as described below, be considered in support of this acquisition; and,
4. That the Director, Information Technology Services and the Manager, Procurement Services be authorized to execute all required documentation; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.2.13 Appointment Committee Meeting Minutes of January 17, 2019

1. That the Appointment Committee Meeting Minutes of January 17, 2019 be received.

9.2.14 Central York Fire Services Joint Council Committee Meeting Minutes of January 22, 2019

1. That the Central York Fire Services Joint Council Committee Meeting Minutes of January 22, 2019 be received.

9.2.15 Main Street District Business Improvement Area Board of Management Meeting Minutes of September 18, 2018

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of September 18, 2018 be received.

9.2.16 Newmarket Public Library Board Meeting Minutes of November 21, 2018 and December 19, 2018

1. That the Newmarket Public Library Board Meeting Minutes of November 21, 2018 and December 19, 2018 be received.

9.2.17 Site Plan Review Committee Meeting Minutes of March 4, 2019

1. That the Site Plan Review Committee Meeting Minutes of March 4, 2019 be received.

9.2.18 Item 5.2 of the Site Plan Review Committee Meeting Minutes of March 4, 2019 (Application for Site Plan Approval – Block 120, Plan 65M-4587)

1. That the presentation regarding application for Site Plan Approval for File Number D-11-NP-18-21 be received; and,
2. That staff be directed to continue the technical review of the application to ensure conformity with the Zoning By-law, Official Plan, and all other applicable policies; and,
3. That the staff comments as provided in the "Notes to Committee" dated March 4, 2019 be addressed to the satisfaction of staff; and,
4. That staff be directed to ensure full consideration is given to all comments provided by Committee, including exploration of all opportunities for visitor parking; and,
5. That Joanne Barnett, Marianneville Developments Limited, 3-26 Lesmill Road, Toronto ON M3B 2T5 be notified of this action; and,
6. That Kerigan Kelly, Groundswell Urban Planners Inc., 95 Mural Street, Suite 402, Richmond Hill ON L4B 3G2 be notified of this action.

9.2.19 Outstanding Matters List

1. That the list of outstanding matters be received.

9.2.20 Proposed Regulations for Smoking By-law

1. That the presentation regarding Proposed Regulations for Smoking By-law be received; and,
2. That the report entitled Proposed Regulations for Smoking By-law dated March 18, 2019 be received; and,
3. That Staff be directed to compile a list of key questions that relate to the options for public consultation; and,
4. That Staff be directed to conduct community consultation for a period of no less than 30 days on Council's proposed regulations for smoking in the Town of Newmarket; and,
5. That Staff be directed to report back with proposed amendments to the Town's Smoking By-law after the community consultation period has ended; and,

6. That Council repeal Odour By-law 2002-111; and,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.3 Appointments to Boards and Committees

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Councillor Woodhouse

1. That the Newmarket Accessibility Advisory Committee Terms of Reference be amended so that the Committee is composed of seven residents.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

Moved by: Councillor Twinney

Seconded by: Councillor Morrison

2. That items 1, 2, 3, 4 and 7 of the draft Appointment Committee (Closed Session) Minutes of March 1, 2019 be received; and,

3. That the following individuals be appointed to the Accessibility Advisory Committee:

- Jeffrey Fabian
- Steve Foglia
- Linda Jones
- Faye Longhurst
- Patricia Monteath
- Lawrence Raifman
- Richard Wilson; and,

4. That the following individuals be appointed to the Appeal Committee:

- Elechia Barry Sproule

- Andrew Cox
- Elizabeth Dykstra
- Kathleen Jackson
- Fred Stoneman; and,

5. That the following individuals be appointed to the Committee of Adjustment:

- Seyedmohsen Alavi
- Elizabeth Lew
- Peter Mertens
- Ken Smith
- Gino Vescio
- Michelle Starnes (alternate); and,

6. That the following individuals be appointed to the Elman W. Campbell Museum Board:

- Ron Atkins
- Michelle Clayton Wood
- Kathleen Jackson
- Ross Caister; and,

7. That the following individuals be appointed to the Property Standards Committee:

- James Georgeff
- Mitra Gopaul
- Rob Green
- Peter Jablonszky
- Keith Saunders; and,

8. That the applicants be notified of their appointments; and,

9. That staff be directed and authorized to do all things necessary to give effect to this resolution.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

9.4 Memorandum - Follow up to Staff report 2019-33 Proposed Regulations for Smoking By-law & Questions for Public Consultation

Moved by: Councillor Woodhouse

Seconded by: Councillor Kwapis

1. That the Memorandum regarding a Follow up to Staff report 2019-33 Proposed Regulations for Smoking By-law & Questions for Public Consultation be received.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

10. By-laws

Moved by: Deputy Mayor & Regional Councillor Vegh

Seconded by: Councillor Twinney

1. That By-law 2019-15 be enacted.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

Moved by: Councillor Kwapis

Seconded by: Councillor Morrison

2. That By-laws 2019-16, 2019-17 and 2019-18 be enacted.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

11. Notices of Motions

None.

12. Motions

12.1 Participation in Earth Hour – March 30, 2019

Moved by: Councillor Morrison

Seconded by: Councillor Simon

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

Whereas at exactly 8:30 p.m. on Saturday, March 30, 2019, 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; and,

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

1. That at 8:30 p.m. on Saturday, March 30, 2019, 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 participation in Earth Hour by the Corporation of the Town of Newmarket 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 p.m. on Saturday, March 30, 2019 wherever possible to safely to so; and,
3. That a copy of this Resolution will be forwarded to every municipality in the GTA.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

13. Announcements & Community Events

(1) Councillor Woodhouse advised that the Community Open House would be held at the Town Offices, 395 Mulock Drive on April 3, 2019 from 4:00 PM to 8:00 PM.

(2) Councillor Kwapis advised that the Community Open House would be held at the Town Offices, 395 Mulock Drive on April 3, 2019 from 4:00 PM to 8:00 PM.

(3) Councillor Morrison advised that Wee Fun Wednesdays would be held at the Elman W. Campbell Museum event every Wednesday from March 20, 2019 to June 19, 2019 from 10:00 AM to 12:00 PM.

(4) Councillor Morrison advised that Earth Hour would be observed on Saturday, March 30, 2019 from 8:30 PM to 9:30 PM.

(5) Councillor Broome advised that the Be a Hero Head Shave would take place from 11:00 AM to 1:00 PM on April 6, 2019 at Upper Canada Mall.

(6) Councillor Broome advised that she would hold her Ward 6 Community Drop-In at the Quaker Meeting House Lower Level, 17030 Yonge Street from 6:30 PM to 8:30 PM on April 9, 2019.

(7) Councillor Twinney advised that the Newmarket Chamber Home and Lifestyle Show would be held March 29, 2019 to March 31, 2019 at the Ray Twinney Complex.

(8) Councillor Twinney advised that Curling for the Food Pantry had raised over \$11,000 over the weekend of March 23, 2019 to March 24, 2019.

(9) Councillor Twinney advised that Councillors would be bowling for Big Brothers and Sisters on Saturday, March 30, 2019.

(10) Councillor Simon advised that a Community Clean-up would be taking place March 31, 2019 from 2:00 PM to 4:00 PM in Ward 1. She advised that the Town's Community Clean-up would be held from Tuesday, April 23, 2019 to Saturday May 4, 2019.

(11) Mayor Taylor advised that the Newmarket Hurricanes would be playing in the final game of the playoffs in Markham on Tuesday, March 26, 2019.

14. New Business

None.

15. Closed Session

15.1 Appointments to Accessibility Advisory Committee, Appeal Committee, Committee of Adjustment, Elman W. Campbell Museum Board and Property Standards Committee

Moved by: Councillor Twinney

Seconded by: Councillor Simon

1. That the Council resolve into Closed Session to discuss the following matters:
 - a. Appointments to Accessibility Advisory Committee, Appeal Committee, Committee of Adjustment, Elman W. Campbell Museum Board and Property Standards Committee - 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 (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

Council resolved into Closed Session at 7:40 PM.

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

Council resumed into Open Session at 7:53 PM.

16. Confirmatory By-law

Moved by: Councillor Simon

Seconded by: Councillor Morrison

1. That By-law 2019-19 be enacted.

Carried

17. Adjournment

Moved by: Councillor Woodhouse

Seconded by: Councillor Kwapis

1. That the meeting be adjourned at 7:55 PM.

Carried

John Taylor, Mayor

Kiran Saini, Acting Town Clerk