

The meeting of the Committee of the Whole was held on Monday, January 13, 2014 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor (1:30 to 6:48 p.m.)
Councillor Di Muccio
Councillor Emanuel (1:30 to 6:57 p.m.)
Councillor Hempen
Councillor Kerwin
Councillor Sponga
Councillor Twinney
Councillor Vegh

Staff Present: R. N. Shelton, Chief Administrative Officer
R. Prentice, Commissioner of Development & Infrastructure Services
A. Moore, Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
E. Armchuk, Director of Legal Services/Municipal Solicitor
C. Kalimootoo, Director of Public Works Services
R. Nethery, Director of Planning and Building Services
A. Brouwer, Director of Legislative Services/Town Clerk
L. Lyons, Deputy Clerk
L. Moor, Council/Committee Coordinator
J. Patel, Project Support & Business Analyst

Mayor Van Bynen in the Chair.

The meeting was called to order at 1:30 p.m.

Additions & Corrections to the Agenda

Moved by: Councillor Di Muccio
Seconded by: Councillor Kerwin

THAT the items listed on the agenda as addendum items and the request by Mr. Craig Nelson, District Manager – Green For Life for deputation status be approved.

Carried

Declarations of Pecuniary Interest

None.

Presentations & Recognitions

1. Mr. Dave Gordon and Ms. Laura McDowell, Regional Municipality of York Environmental Services addressed the Committee regarding the SM4RT Living Master Plan.

Moved by: Councillor Kerwin
Seconded by: Councillor Twinney

a) THAT Mr. Gordon and Ms. McDowell be allotted an additional five minutes timeframe for their presentation.

Carried

Moved by: Councillor Sponga
Seconded by: Councillor Vegh

a) THAT the PowerPoint presentation by Mr. Dave Gordon and Ms. Laura McDowell, Regional Municipality of York Environmental Services regarding the SM4RT Living Master Plan be received.

Carried

2. Ms. Caroline Grech, Government Relations Specialist, CAA addressed the Committee regarding a Distracted Driving Campaign.

Moved by: Councillor Emanuel

Seconded by: Councillor Sponga

- a) THAT the deputation by Ms. Caroline Grech, Government Relations Specialist, CAA regarding a Distracted Driving Campaign be received and supported.

Carried

Consent Items

Moved by: Councillor Emanuel

Seconded by: Councillor Sponga

THAT the following items be adopted on consent:

3. Site Plan Review Committee Minutes of November 12, 2013.

- a) THAT the Site Plan Review Committee Minutes of November 12, 2013 be received.

4. Item 1 of Site Plan Review Committee Minutes of November 12, 2013 - Application for Amendment to Site Plan Approval - 87 Mulock Drive with attached Site Plan Map.

- a) THAT the application for Site Plan Approval to permit two additions on the north and west sides of the existing building having a total gross floor area of 576 square metres be approved in principle and referred to staff for processing subject to the following:

- i) THAT the preliminary review comments provided to the applicant be addressed to the satisfaction of Town staff;

- ii) AND THAT Richard Wengle of Richard Wengle Architect Inc., 102 Avenue Road, Toronto, ON M5R 2H3 be notified of this decision;

- iii) AND THAT Frank Serpa of Serpa Investments Corporation, 10414 Yonge Street, Richmond Hill, ON L3C 3C3 be notified of this decision.

5. Item 1 of the Site Plan Review Committee Minutes of December 2, 2013 - Application for Site Plan Approval - 487 Queen Street - Brixton Commercial Realty Advisors Ltd with attached Site Plan Map.
 - a) THAT the application for Site Plan Approval to permit 16 stacked townhouse units together with a 21 space parking lot on the subject lands, be approved in principle and referred to staff for processing, subject to the following:
 - i) THAT the preliminary review comments provided to the applicant be addressed to the satisfaction of Town staff;
 - ii) AND THAT Brent Fleming of Brixton Commercial Realty Advisors Ltd., 10 Kingsborough Crescent, Toronto, ON M9R 2T9 be notified of this decision.
6. Item 2 of Site Plan Review Committee Minutes of December 2, 2013 - 497 Timothy Street - 1805619 Ontario Inc. with attached Site Plan Map.
 - a) THAT the application for Site Plan Approval to permit a new restaurant having a gross floor area of 693.58 square metres on the subject lands, be approved in principle and referred to staff for processing, subject to the following:
 - i) THAT the preliminary review comments to the applicant be addressed to the satisfaction of Town staff;
 - ii) AND THAT the applicant work with the Building Division to add fenestration to the north (rear) and west (Cedar Street) elevations of the building;
 - iii) AND THAT Angela Sciberras of Macaulay Shiomi Howson Ltd., 471 Timothy Street, Newmarket, ON L3Y 1P9 be notified of this decision.
7. Special Central York Fire Services - Joint Council Committee Minutes of November 5, 2013.
 - a) THAT the Special Central York Fire Services - Joint Council Committee Minutes of November 5, 2013 be received.
8. Central York Fire Services - Joint Council Committee Minutes of November 5, 2013.
 - a) THAT the Central York Fire Services - Joint Council Committee Minutes of November 5, 2013 be received.

9. Central York Fire Services - Joint Council Committee (Closed Session) Minutes of November 5, 2013. (Circulated in separate envelope)
 - a) THAT the Central York Fire Services - Joint Council Committee (Closed Session) Minutes of November 5, 2013 be received.
10. Newmarket Public Library Board Minutes of October 23, 2013.
 - a) THAT the Newmarket Public Library Board Minutes of October 23, 2013 be received.
11. Newmarket Environmental Advisory Committee Minutes of September 4, October 2 and November 6, 2013.
 - a) THAT the Newmarket Environmental Advisory Committee Minutes of September 4, October 2 and November 6, 2013 be received.
12. Newmarket Downtown Development Subcommittee Minutes of November 29, 2013.
 - a) The Newmarket Downtown Development Subcommittee Minutes of November 29, 2013 be received.
13. Inclusivity Advisory Committee Minutes of November 27, 2013.
 - a) THAT the Inclusivity Advisory Committee Minutes of November 27, 2013 be received.
14. Item 3 of the Inclusivity Advisory Committee Minutes of November 27, 2013 regarding Amended Terms of Reference.
 - a) THAT the revised Inclusivity Advisory Committee Terms of Reference as attached be considered as the Terms of Reference for the 2014-2018 Inclusivity Advisory Committee.
15. (Withdrawn) Corporate Services Report - Financial Services 2014-03 dated December 16, 2013 regarding Investment Activities and Returns - 4th Quarter Report.

16. Development and Infrastructure Services Report - Engineering Services 2013-58 dated October 20, 2013 regarding Main Street - Prohibiting the Use of skateboards, roller blades and bicycles on the sidewalk.

a) THAT Development and Infrastructure Services Report - Engineering Services 2013-58 dated October 20, 2013 regarding Main Street - Prohibiting the Use of skateboards, roller blades and bicycles on the sidewalk be received and the following recommendation be adopted:

i) THAT this report be forwarded to the Main Street District Business Improvement Area Board of Management for their consideration and recommendations.

17. List of Outstanding Matters.

THAT the list of Outstanding Matters be received.

Carried

Closed Session

Moved by: Councillor Sponga

Seconded by: Councillor Vegh

a) THAT the Committee of the Whole resolve into a Closed Session for the purpose of advice subject to solicitor/client privilege. (Waste Collection Contract).

Carried

Discussion ensued regarding the Waste Collection Contract being a matter of public record; however any legal aspects of the contract performance would be discussed in Closed Session.

The Committee resolved into Closed Session at 2:35 p.m. in the Cane Room.

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

The Committee resumed into Public Session at 3:45 p.m.

The Committee recessed at 3:46 p.m.

The Committee reconvened at 3:55 p.m.

Moved by: Councillor Di Muccio
Seconded by: Councillor Hempen

THAT the deputation request by Mr. Craig Nelson, District Manager – Green for Life be heard and that a 10 minute time frame be allotted.

Carried

Deputations

Mr. Craig Nelson, District Manager – Green for Life and Mr. Brian Kent - Green for Life addressed the Committee regarding various aspects of the waste collection and recycling service levels.

Mr. Nelson and Mr. Kent were queried by Members of Council regarding statements made in the deputation.

Moved by: Councillor Emanuel
Seconded by: Councillor Twinney

THAT the deputation by Mr. Craig Nelson, District Manager - Green For Life and Mr. Brian Kent regarding waste collection issues be received.

Carried

18. Development and Infrastructure Services Report – Public Works Services – ES 2014-05 dated January 13, 2014 regarding Garbage and Recycling Service Level Update.

An additional recommendation was added as follows:

“AND THAT GFL be required to provide a remediation plan and a signed commitment for Council and the residents of Newmarket within 14 days addressing levels of service, quality and quantity of trucks, staffing issues and preventative maintenance.”

Moved by: Councillor Emanuel
Seconded by: Councillor Hempen

- a) THAT Development and Infrastructure Services Report - Public Works Services - ES 2014-05 dated January 13, 2014 regarding Garbage and Recycling Service Level Update be received and the following recommendations be adopted:

i) THAT staff continue to work with the Contractor (GFL) and the other municipal partners in good faith to resolve all issues and improve the Level of Service for collectible waste and;

ii) THAT staff review any costs, losses and remedies of the municipality as a result of the issues encountered with the Contractor, and that staff be authorized to pursue any appropriate legal remedies provided for in the GFL Contract to recover these losses;

iii) AND THAT GFL be required to provide a remediation plan and a signed commitment for Council and the residents of Newmarket within 14 days addressing levels of service, quality and quantity of trucks, staffing issues and preventative maintenance.

Carried

Closed Session

Moved by: Councillor Sponga
Seconded by: Councillor Di Muccio

a) THAT the Committee of the Whole resolve into a Closed Session for the litigation including matters before administrative tribunals affecting the municipality or local board.(Glenway – Ontario Municipal Board)

Carried

The Committee resolved into Closed Session at 5:21 p.m. in the Cane Room.

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

The Committee resumed into Public Session at 6:15 p.m. in Council Chambers.

Action Items

19. Corporate Services (Legal) Report 2013-14 dated December 12, 2013 regarding Update following the OMB Pre-Hearing with respect to Marianneville Developments Ltd. (Glenway)

The recommendations were replaced with the following:

“THAT the Town of Newmarket direct its legal and planning representation to focus its efforts on the OMB approved two-phase hearing it sought on the unanimous direction of Council;

AND THAT Council consider mediation/settlement on technical matters related to the proposed development of the Glenway lands once the principle of development has been dealt with by the OMB if necessary;

AND THAT Council direct staff to continue with internal preparations related to technical issues should mediation/settlement discussions occur.”

Moved by: Councillor Emanuel

Seconded by: Councillor Twinney

a) THAT Corporate Services (Legal) Report 2013-14 dated December 12, 2013 regarding Update following the OMB Pre-Hearing with respect to Marianneville Developments Ltd. (Glenway) be received for information and the following recommendations be adopted:

i) THAT the Town of Newmarket direct its legal and planning representation to focus its efforts on the OMB approved two-phase hearing it sought on the unanimous direction of Council;

ii) AND THAT Council consider mediation/settlement on technical matters related to the proposed development of the Glenway lands once the principle of development has been dealt with by the OMB if necessary;

iii) AND THAT Council direct staff to continue with internal preparations related to technical issues should mediation/settlement discussions occur.

Carried

Consideration of Items Requiring Separate Discussion

20. Item 2 of Site Plan Review Committee Minutes of November 12, 2013 - Request for Exemption from Site Plan Approval - 380 Bayview Parkway.

Discussion ensued regarding the Hydrogen Sulfide component quoted in the application for Site Plan Approval.

Moved by: Councillor Di Muccio

Seconded by: Regional Councillor Taylor

a) THAT Item 2 of Site Plan Review Committee Minutes of November 12, 2013 - Request for Exemption from Site Plan Approval - 380 Bayview Parkway be received and the following recommendations be adopted:

i) THAT the request for an exemption from Site Plan Approval for the proposed Hydrogen Sulfide (H₂S) Reduction System at the Newmarket Pumping Station located on the subject lands be granted;

ii) AND THAT Davy Chan, Project Coordinator of the Regional Municipality of York, 17250 Yonge Street, Newmarket, ON L3Y 6Z1 be notified of this decision.

Carried

21. Corporate Services Report - Financial Services 2014-02 dated December 5, 2013 regarding the 2014 Interim Tax Billing and By-law.

Moved by: Regional Councillor Taylor
Seconded by: Councillor Sponga

a) THAT Corporate Services Report - Financial Services 2014-02 dated December 5, 2013 regarding the 2014 Interim Tax Billing and By-law be received and the following recommendation be adopted:

i) THAT Council enact a by-law for the levy and collection of the 2014 Interim Tax Levy.

Carried

22. Development and Infrastructure Services Report - Planning and Building Services - Planning Report 2014-02 dated January 13, 2014.

Moved by: Councillor Di Muccio
Seconded by: Councillor Twinney

a) THAT Development and Infrastructure Services Report - Planning and Building Services - Planning Report 2014-02 dated January 13, 2014 be received and the following recommendations be adopted:

i) THAT the planning recommendations and comments with respect to the Review of Land Use Planning and Appeal System as set out in Attachment 1 be endorsed;

ii) AND THAT staff be directed to provide the planning recommendations and comments contained in Attachment 1 to the Ministry of Municipal Affairs and Housing, with a copy to the Regional Municipality of York.

Carried

23.

Moved by: Councillor Sponga
Seconded by: Councillor Di Muccio

i) THAT the Presentation by the Director of Legislative Services – Voting Method Options & Summary of Public Input and Corporate Services - Joint Legislative Services & Information Technology Services Report 2013-43 dated November 29, 2013 regarding "Voting Method Options, 2014 Municipal Election" and the Memorandum dated January 10, 2014 regarding Voting Method Options, 2014 Municipal Election be referred to a Special Committee of the Whole meeting scheduled for January 20, 2014 beginning at 1:30 p.m.;

ii) AND THAT Development and Infrastructure Services Report – Engineering Services 2013-49 dated January 13, 2014 regarding the Checking Consultant Professional Consulting Services Contract Extension be referred to a Special Committee of the Whole meeting scheduled for January 20, 2014 beginning at 1:30 p.m.;

iii) AND THAT Item 1 of the Committee of the Whole (Closed Session) agenda being a proposed or pending acquisition of land by the municipality be referred to a Special Committee of the Whole (Closed Session) meeting scheduled for January 20, 2014 immediately following the Special Committee of the Whole meeting at 1:30 p.m.

Carried

Reports by Regional Representatives

None.

Notices of Motion

None.

Motions

Moved by: Councillor Kerwin
Seconded by: Councillor Twinney

24. Whereas in September 2012 the provincial government cancelled the 70 year old Ontario Ranger Program (ORP), formerly known as the Ontario Junior Ranger Program;

AND WHEREAS when the government cancelled the Ontario Ranger Program it claimed the Stewardship Youth Ranger Program (SYP), an existing day program would deliver the same experience and would offer more jobs;

AND WHEREAS this day program does not offer the same quality of experience youth gained under the previous ORP in respect to knowledge of resource management and without the distractions of daily life;

AND WHEREAS since 2012, 278 Ontario Ranger jobs have been eliminated;

AND WHEREAS in previous years more than half of the Ontario Rangers were students from large urban centres. By contrast this year, the current day program is just not accessible to those students in those urban centres;

AND WHEREAS when the government cancelled the ORP, many youths lost an opportunity for a once-in-a-lifetime experience because the ORP only required enrolment in an Ontario high school and acceptance into the program was based on a postal code lottery system;

AND WHEREAS cancellation of the 70 year old ORP does a disservice to public services in Ontario to those who have come to admire and respect the natural beauty of our province;

AND WHEREAS Conservation Authorities encourage students to learn about the importance of conserving our shared natural environment and what they can do to make a positive impact;

AND WHEREAS the provincial government committed \$295 million dollars in the 2013 provincial budget for youth employment;

THEREFORE be it resolved that the Town of Newmarket supports the Friends of the Ontario Ranger Program campaign to restore the Ontario Ranger Program in the 2014 provincial budget;

AND be it further resolved that the Town of Newmarket shall send a letter to Premier Kathleen Wynne and the Minister of Natural Resources, David Orazietti, urging their government to restore the Ontario Ranger Program for future generations of young people;

AND be it finally resolved that the Town of Newmarket forward this resolution for support to the other 35 Conservation Authorities.

Carried

Mayor Van Bynen confirmed that the last three paragraphs contained within the resolution related to the Ontario Ranger Program should reference the Town of Newmarket.

New Business

25. a) Councillor Twinney requested an update from the Commissioner of Development and Infrastructure Services regarding the icy conditions on sidewalks. The Commissioner of Development and Infrastructure Services provided a verbal update that staff have been diligently working at removing the ice however due to the weather conditions the feasibility exists that sidewalk access could be closed if public safety is at risk.

Councillor Emanuel left the meeting at 6:57 p.m.

Regional Councillor Taylor left the meeting at 6:58 p.m.

- b) Councillor Kerwin queried the Commissioner of Development and Infrastructure Services regarding sidewalks along streets that are not maintained by the Town. The Commissioner of Development and Infrastructure Services advised that the Town does have a sidewalk policy and if an expansion of services is required to maintain extra sidewalks, other resources may have to be retained. He advised he would investigate and report back.
- c) Councilor Kerwin advised of regularly scheduled Ward meetings as well as informal meetings with residents in his home.
- d) Councillor Vegh queried the Commissioner of Development and Infrastructure Services regarding the extreme buildup of ice on the steep grades on Nellie Little Crescent and Kingdale Drive. The Commissioner of Development and Infrastructure Services advised he will investigate potential options to address the concerns.
- e) Councillor Sponga expressed his gratitude to the Public Works employee who maintains the sidewalk on Millard Avenue who was forthcoming and honest about rectifying damages to a fence.
- f) Councillor Sponga queried the Commissioner of Development and Infrastructure Services regarding the feasibility of reconfiguring plowing designations and routes for optimum efficiency. The Commissioner of Development and Infrastructure Services advised he would investigate the feasibility and report back.
- g) Councillor Vegh advised of damages to a fence on Silken Laumann Drive and queried the Commissioner of Development and Infrastructure Services about informing the resident those repairs would be conducted once the weather is more favourable.

Adjournment

Moved by: Councillor Sponga
Seconded by: Councillor Di Muccio

THAT the meeting adjourn.

Carried

The meeting adjourned at 7:07 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk