

The meeting of the Committee of the Whole was held on Monday, May 4, 2015 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin
Councillor Twinney
Councillor Hempen
Councillor Sponga
Councillor Broome-Plumley
Councillor Bisanz

Staff Present: A. Moore, Acting Chief Administrative Officer
I. McDougall, Commissioner of Community Services
P. Noehammer, Commissioner of Development and Infrastructure Services
A. Brouwer, Director of Legislative Services/Town Clerk
L. Lyons, Deputy Clerk
R. Nethery, Director of Planning and Building Services
D. Ruggle, Senior Planner, Community Planning
C. Service, Director of Recreation and Culture
C. Kallio, Economic Development Officer
T. Horton, AMCTO Intern
L. Moor, Council/Committee Coordinator
C. Finnerty, Council/Committee Coordinator

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

Mayor Van Bynen in the Chair.

Additions & Corrections to the Agenda

The Acting Chief Administrative Officer advised of the addendum items and correspondence documents related to the public planning session with respect to an Application for Zoning By-law Amendment for the property known as 17844 Leslie Street.

Moved by: Councillor Bisanz
Seconded by: Councillor Broome-Plumley

THAT the items listed on the agenda as addendum items and the correspondence documents related to the public planning session for the property known as 17844 Leslie Street be included.

Carried

Declarations of Pecuniary Interest

None.

Presentations & Recognitions

1. Ms. Amber Chard, Senior Communications Officer, Mr. Jamie Boyle, Customer Service Coordinator and Mr. Will Wray, Website Administrator addressed the Committee with a sneak peek of the revamped Town of Newmarket website with an anticipated launch within the next few weeks.

Moved by: Councillor Kerwin
Seconded by: Councillor Vegh

THAT the PowerPoint presentation by Ms. Amber Chard, Senior Communications Officer, Mr. Jamie Boyle, Customer Service Coordinator and Mr. Will Wray, Website Administrator regarding the revamped Town of Newmarket website be received.

Carried

Deputations

2. Mr. Ian Proudfoot, Chair, Transition Committee - Newmarket Celebrates the Arts addressed the Committee with a PowerPoint presentation highlighting the vision, process and branding of the Newmarket Celebrates the Arts Board.

Moved by: Councillor Kerwin
Seconded by: Councillor Vegh

a) THAT the PowerPoint presentation by Mr. Ian Proudfoot, Chair, Transition Committee - Newmarket Celebrates the Arts with respect to the vision, process and branding of the Board be received;

b) AND THAT the recommendations provided in the presentation related to the vision, appointment policy, branding and use of staff resources be approved in principle;

c) AND THAT the recommendations be referred to staff for development of the mandate and workplan and to endorse the principles of the group.

Carried

3. Ms. Charlene Myke addressed the Committee regarding the run in support of Easter Seals scheduled for May 24, 2015 at Riverwalk Commons.

Moved by: Councillor Kerwin

Seconded by: Councillor Broome-Plumley

THAT the deputation by Ms. Charlene Myke regarding the run in support of Easter Seals scheduled for May 24, 2015 at Riverwalk Commons be received.

Carried

Consent Items

Moved by: Councillor Kerwin

Seconded by: Councillor Broome-Plumley

THAT the following items be adopted on consent:

4. Correspondence from Mr. Denis Kelly, Regional Clerk dated March 27, 2015 regarding National Access Awareness Week - May 31 to June 6, 2015.

a) THAT the correspondence dated March 27, 2015 regarding National Access Awareness Week be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim May 31 to June 6, 2015 as 'National Access Awareness Week';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

5. Correspondence dated April 12, 2015 from the York Region Kairos Group requesting June, 2015 be declared 'Aboriginal Month' in the Town of Newmarket.

a) THAT the correspondence from the York Region Kairos Group be received and the following recommendations be adopted:

i) THAT the month of June, 2015 be proclaimed 'Aboriginal Month' in the Town of Newmarket;

- ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
6. Newmarket Public Library Board Minutes of February 18, 2015.
- a) THAT the Newmarket Public Library Board Minutes of February 18, 2015 be received.
7. Site Plan Review Committee Minutes of April 20, 2015.
- a) THAT the Site Plan Review Committee Minutes of April 20, 2015 be received.
8. Item 1 of the Site Plan Review Committee Minutes of April 20, 2015 regarding Application for Site Plan Approval - 470 Crossland Gate.
- a) THAT application for Site Plan Approval to permit 74 townhouse units within 13 buildings 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;
- b) AND THAT Joanne Barnett of Marianneville Developments Limited, 3-26 Lesmill Road, Toronto, ON M3B 2T5 be notified of this decision;
- c) AND THAT Kerrigan Kelly of Groundwell Urban Planners, 30 West Beaver Creek Road, Unit 109, Richmond Hill, ON L4B 3K1 be notified of this decision.
9. Main Street District Business Improvement Area Board of Management Minutes of March 17, 2015.
- a) THAT the Main Street District Business Improvement Area Board of Management Minutes of March 17, 2015 be received.
10. Item 5b) of the Main Street District Business Improvement Area Board of Management Minutes of March 17, 2015 regarding prepaid credit card.
- a) THAT the following recommendation be referred to staff:
- i) THAT the Town provide the Main Street District Business Improvement Area Board of Management with a prepaid credit card in the amount of \$500.00.
11. Development and Infrastructure Services - Planning and Building Services Report 2015-17 dated April 23, 2015 regarding 351 Timothy Street - Request to demolish a portion of a structure.

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2015-17 dated April 23, 2015 regarding 351 Timothy Street and the owners request to demolish a portion of the structure listed on the Municipal Register of Non-Designated Heritage Properties be received and the following recommendations be adopted:

i) THAT Council permit the demolition of the rear portion of 351 Timothy Street, a property listed on the Municipal Register of Non-Designated Heritage Properties of Interest;

ii) AND THAT Ms. Montana Harrington, 351 Timothy Street, Newmarket, ON L3Y 1P4 be notified of this action.

12. Outstanding Matters List.

THAT the Outstanding Matters List be received.

Carried

13. Mr. John Blommestein addressed the Committee with a PowerPoint presentation with respect to the correspondence from Amberley Gavel Ltd. regarding Closed Meetings of Council Report.

Moved by: Councillor Twinney
Seconded by: Councillor Bisanz

THAT the deputation and PowerPoint presentation by Mr. John Blommestein regarding the correspondence from Amberley Gavel Ltd. with respect to Closed Meetings of Council Report be received.

Carried

14. Correspondence dated April 2, 2015 from Mr. Nigel Bellchamber, Amberley Gavel Ltd. regarding Closed Meetings of Council Report.

Moved by: Councillor Twinney
Seconded by: Councillor Vegh

a) THAT the correspondence dated April 2, 2015 from Mr. Nigel Bellchamber, Amberley Gavel Ltd. regarding Closed Meetings of Council Report be received for information;

b) AND THAT the best practice recommendations outlined in Amberley Gavel Ltd.'s Closed Meetings of Council Report be adopted.

Carried

15. Ms. Laurie Smith addressed the Committee regarding parking and storage of recreational vehicles in residential zones.

Moved by: Councillor Twinney
Seconded by: Councillor Hempen

THAT the deputation by Ms. Laurie Smith regarding parking and storage of recreational vehicles in residential zones be received.

Carried

16. Development and Infrastructure Services - Planning and Building Services Report 2015-16 dated April 23, 2015 regarding parking and storage of recreational vehicles in residential zones.

Discussion ensued and an alternate motion was presented.

Moved by: Councillor Twinney
Seconded by: Councillor Broome-Plumley

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2015-16 dated April 23, 2015 regarding parking and storage of recreational vehicles in residential zones be received and the following recommendations be adopted:

i) THAT Council authorize a Zoning By-law Amendment process to amend the zoning provisions for the parking and storing of recreational vehicles in residential zones;

ii) AND THAT all options listed in the report be presented to the public at the statutory public meeting;

iii) AND THAT following the public meeting, comments from the public, Committee and those received through agency and departmental circulation of the amendment, be addressed by staff in a comprehensive report to the Committee of the Whole;

iv) AND THAT Ms. Laurie Smith of 371 Burford Street, Newmarket, ON L3Y 6P9 be notified of this action;

v) AND THAT Ms. Laura and Mr. Mike Kyte of 367 Burford Street, Newmarket, ON L3Y 6P9 be notified of this action.

Carried

17. Ms. Anne Martin addressed the Committee with a slide show presentation with respect to the downtown patios pilot project.

Moved by: Councillor Kerwin
Seconded by: Councillor Sponga

THAT the deputation by Ms. Anne Martin be provided an additional five minutes.

Carried

Moved by: Councillor Kerwin
Seconded by: Councillor Sponga

THAT the deputation and slide show presentation by Ms. Anne Martin with respect to the downtown patios pilot project be received.

Carried

18. Mr. Glenn Wilson addressed the Committee and confirmed the Main Street District Business Improvement Area Board of Management's position with respect to patio hours of operation and a 10:00 p.m. restriction.

Moved by: Councillor Sponga
Seconded by: Councillor Broome-Plumley

THAT the deputation by Mr. Glenn Wilson regarding the Main Street District Business Improvement Area Board of Management's position with respect to patio hours be received.

Carried

Discussion ensued and additional and alternate motions were presented.

19. Community Services Report - Economic Development 2015-16 dated May 4, 2015 regarding Downtown Patios Pilot Project.

Moved by: Councillor Sponga
Seconded by: Councillor Vegh

THAT Community Services Report – Economic Development 2015-16 dated May 4, 2015 regarding Downtown Patios Pilot Project be received and the following recommendations be adopted:

A request was made to vote on each recommendation separately.

- i) THAT Council endorse a 2015 pilot project of outdoor patios in downtown Newmarket between Millard Avenue and Water Street.

Carried

- ii) THAT no more than two (2) patios requiring the occupation of on-street parking be included in the pilot.

Carried

- iii) THAT staff work with applicants to permit patios on the sidewalk and boulevard where possible.

Motion Lost

- iv) THAT applicants be required to complete an application form and other documents deemed necessary by staff.

Carried

- v) THAT restrictions of the Licensing By-law, Road Occupancy Permit By-law and other regulations be waived where applicable to the satisfaction of staff.

Carried

- vi) THAT the Main Street District Business Improvement Association be notified of this action.

Carried

- vii) THAT the applications be limited to two (2) only, with the occupation of two (2) only, on-street parking spaces.

Carried

Moved by: Regional Councillor Taylor
Seconded by: Councillor Councillor Twinney

THAT a cut-off application deadline date be established.

Carried

Moved by: Councillor Twinney
Seconded by: Councillor Sponga

THAT the application submissions where all criteria has been met, be referred to a lottery system to determine success.

Motion Lost

The Committee of the Whole recessed at 4:17 p.m.

The Committee of the Whole reconvened at 4:34 p.m.

20. Development and Infrastructure Services Report - Engineering Services 2015-24 dated April 13, 2015 regarding Inflow and Infiltration Reduction Pilot Project.

Moved by: Councillor Bisanz
Seconded by: Councillor Sponga

a) THAT Development and Infrastructure Services Report - ES 2015-24 dated April 13, 2015 regarding 'Inflow and Infiltration Reduction Pilot Project' be received and the following recommendations be adopted:

i) THAT the Mayor and Clerk be authorized to execute a Tri-Party Agreement to the satisfaction of the Chief Administrative Officer, the Commissioner of Development and Infrastructure Services, the Director of Engineering and the Town Solicitor, with York Region and with Marianneville Developments Limited/Kerbel Group Inc. for an Inflow and Infiltration Reduction Pilot Project based on the principles identified in this report;

ii) AND THAT staff report back as to the outcome of the Inflow and Infiltration Reduction Pilot Project;

iii) AND THAT a copy of this report and Council extract be forwarded to representatives of Marianneville Developments Limited/Kerbel Group Inc. and York Region.

Carried

21. Development and Infrastructure Services Report - Engineering Services 2015-28 dated April 1, 2015 regarding School Crossing Locations Request - Alexander Muir Public School.

Moved by: Councillor Bisanz
Seconded by: Regional Councillor Taylor

a) THAT Development and Infrastructure Services Report – ES2015-28, dated April 1, 2015 regarding School Crossing Locations Request – Alexander Muir Public School be received and the following recommendations be adopted:

i) THAT Schedule IX (School Crossing Locations) of the Traffic By-law 2011-42, as amended, be further amended by adding:

Ford Wilson Boulevard, south of Dowson Loop – Mid-Block

ii) AND THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be further amended by deleting the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Ford Wilson Boulevard	East	Davis Drive to Woodspring Avenue	Monday to Friday 7:00 a.m. to 6:00 p.m.

iii) AND THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be further amended by adding the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Ford Wilson Boulevard	East	Woodspring to Dowson Loop	Monday to Friday 7:00 a.m. to 6:00 p.m.
Ford Wilson Boulevard	East	Cheryl Mews Boulevard to Davis Drive	Monday to Friday 7:00 a.m. to 6:00 p.m.

iv) AND THAT Schedule XI (No Stopping) of the Parking By-law 1993-62, as amended, be further amended by deleting the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Ford Wilson Boulevard	West	Dowson Loop to Woodspring Avenue	Monday to Friday 7:00 a.m. to 6:00 p.m.

v) AND THAT Schedule XI (No Stopping) of the Parking By-law 1993-62, as amended, be further amended by adding the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Ford Wilson Boulevard	West	Woodspring Avenue to Cheryl Mews Boulevard	Monday to Friday 7:00 a.m. to 6:00 p.m.
Ford Wilson Boulevard	East	Cheryl Mews Boulevard to Dowson Loop	Monday to Friday 7:00 a.m. to 6:00 p.m.

Carried

Action Items

None.

Correspondence & Petitions

None.

Reports by Regional Representatives

None.

Notices of Motion

- a) Councillor Sponga advised that he will be bringing a motion to the next scheduled Committee of the Whole meeting regarding weekend waste management on Main Street.
- b) Councillor Sponga advised that he will be bringing a motion to the next scheduled Committee of the Whole meeting regarding amending the current film permit process by requesting detailed mapping of designated production crew parking to be included in each application.

Motions

None.

New Business

- a) Councillor Sponga requested an update regarding mitigation methods of train whistle blowing. The Commissioner of Development and Infrastructure Services advised that a status update report will be forthcoming to the June, 2015 Committee of the Whole meeting.
- b) Councillor Sponga requested that staff explore the feasibility of moving the Old Town Hall construction trailer to a commercial location nearby until such time as the renovations are complete in order to open the Market Square parking lot and mitigate general disruptions in the area. He further advised that he would be bringing this matter up at the next scheduled Old Town Hall Budget Task Force meeting.
- c) Councillor Broome-Plumley requested a status update of the construction of the Tom Taylor Trail at Savage Road. The Commissioner of Development and Infrastructure Services advised that the construction for the sidewalk portion of the trail will commence in approximately two weeks and should be completed within an eight week time frame. Councillor Broome-Plumley requested that the surrounding residents be made aware of the construction schedule.
- d) Councillor Bisanz requested an update regarding the anticipated timing and possible identified outcomes of the Glenway Lessons Learned facilitated meeting scheduled for June, 2015 as referenced in Development and Infrastructure Services – Information Report 2015-19 dated May 1, 2015. The Commissioner of Development and Infrastructure Services advised that the facilitator will conduct interviews with stakeholders beforehand in order to gain a broad perspective.
- e) Mayor Van Bynen advised that Planning staff will be preparing a position paper for submission to the Province with respect to Ontario Municipal Board reform. The Commissioner of Development and Infrastructure Services advised that staff are currently working on a report for the May 25, 2015 Committee of the Whole meeting regarding the Provincial Plan review.
- f) Councillor Kerwin requested that the Clerk provide confirmation of the meetings scheduled in July, 2015. The Clerk advised that he will investigate options with members of the Strategic Leadership Team and report back.
- g) Councillor Kerwin requested that the parking lot adjacent to the tennis courts and the lot at the Curling Club be swept of the winter sand/salt build-up.

Closed Session

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

The Committee recessed at 5:00 p.m.

Public Hearing Matters

The continuation of the Committee of the Whole was called to order at 7:01 p.m.

The Deputy 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 Zoning By-law Amendment Application.

The Deputy Clerk advised that the purpose of the meeting was to hear from anyone who has an interest in the Application for a Zoning By-law Amendment for the lands located at the southwest corner of Leslie Street and Janette Street, municipally known as 17844 Leslie Street to permit a gas station with 4 pumps and associated convenience/take out restaurant store.

She further advised that the Committee of the Whole would not be making a decision regarding the proposed Application, but would refer all written and verbal comments to Planning Staff to consider in a report that will be brought forward to a future Committee of the Whole or Council meeting.

The Deputy Clerk advised that if anyone present wished to be notified of subsequent meetings, or if making a presentation, to please complete a form with your name and address and submit it to the Clerk's staff.

The Deputy Clerk noted that in accordance with the *Planning Act*, the Ontario Municipal Board may dismiss an appeal 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.

She thanked everyone for their participation and interest in the meeting.

22. Public Meeting Notice and Related Council Extract - Development and Infrastructure Services Report - Planning and Building Services 2015-07 dated March 12, 2015 regarding Application for Zoning By-law Amendment - 17844 Leslie Street.
23. Correspondence from Ms. Lisa Barrett, Ms. Lucia Benedict, Ms. Kay Chan and Mr. Mike Squires regarding Application for Zoning By-law Amendment - 17844 Leslie Street.
24. Correspondence from Ms. Lee Ann Crilley regarding Application for Zoning By-law Amendment - 17844 Leslie Street.
25. Correspondence from Mr. Kevin Clare regarding Application for Zoning By-law Amendment - 17844 Leslie Street.

26. Correspondence from Ms. Ruth Routledge regarding Application for Zoning By-law Amendment - 17844 Leslie Street.
27. Three additional resident's correspondence documents regarding Application for Zoning By-law Amendment - 17844 Leslie Street. (Mr. Magnifico, Mr. Schmidt and Ms. Corless)
28. Mr. Murray Evans, Evans Planning, on behalf of the applicant, summarized the intent of the application, existing site conditions, Official Plan designation, existing site Zoning and proposed landscape plan. He provided clarification on concerns related to gas tank leaks associated with the operation of a fuel station, spills and odours related to refilling of gasoline tanks on the proposed site. Through the Site Plan process, the applicant plans to avoid lighting at the rear of the facility to avoid interference with neighbouring residential development, garbage storage is internal to avoid waste/litter issues and addressed safety concerns related to the site design based on regional comments.

Mayor Van Bynen inquired if anyone in attendance wished to make a deputation.

29. Mr. Tim Whitfield, resident, expressed concerns related to a gasoline leak from the former gas station on the site, risks associated with the operation of gas stations, operation of lighting 24/7 and questioned the need for an additional gas station location in Newmarket. Additionally, he expressed concern related to traffic, speed and road safety.
30. Mr. Anthony Benedict, resident, expressed concern related to the use, including the interface between commercial and residential development and indicated that although aesthetically favourable to the current use, is concerned by the increased traffic in the area, hours of operation and the impact to residents in the area. He advised that there are approximately thirteen gas stations in Newmarket, four of which are on Leslie Street, within an estimated one kilometre radius of Janette Street and questioned how new revenue is being generated given the competition, and expressed concern about hazardous conditions that can result from gas stations.
31. Mr. Ian Brown, resident, echoed the comments expressed before him and advised of concerns regarding increased traffic on Janette Street by people circumventing the Leslie Street exit. He remarked that down lighting would be a nice option in the area.
32. Mr. Mike Squires, resident, advised that he believes that there is a right of way between the gas station and the abutting residential area. He advised that he thought that the site was an intended water tower location and the convenience

store would be encroaching onto Town property as a right of way that was approved through the annexation from East Gwillimbury. The Senior Planner – Community Planning advised that he has been conducting research related to Mr. Squires concerns with respect to the right-of way.

Moved by: Councillor Twinney
Seconded by: Regional Councillor Taylor

THAT the PowerPoint presentation, deputations and all correspondence related to the Application for Zoning By-law Amendment - 17844 Leslie Street be received.

Carried

Councillor Twinney queried the requirement for environmental studies to remediate the previous use of the site. The Senior Planner – Community Planning advised that a Phase 1 Environmental Assessment has been completed and a recommended Phase 2 should be completed. He further advised that a Zoning By-law can be enacted with a Holding Provision related to any required environmental remediation. Councillor Twinney requested confirmation that any details would be sorted out through the Site Plan Review process, including down lighting, structure heights and retaining walls.

Councillor Sponga inquired about existing access onto Janette Street. The applicant confirmed that there is an existing entrance onto Janette Street that is currently blocked by vehicles. Councillor Sponga further inquired whether the owner was also the operator for the existing use; the applicant confirmed that he is not and is bound by the existing lease.

Regional Councillor Taylor asked for clarification related to lighting on the site and confirmed that any recommendations for down lighting would be made during the Site Plan Review process. The Senior Planner – Community Planning confirmed the Site Plan Review process details. Regional Councillor Taylor inquired whether it would be conceivable to have a right out only access onto Janette Street to limit traffic onto that route.

Councillor Sponga inquired whether there was any ability to have a mutual access point with the abutting convenience store. The applicant advised that the grade differential would limit opportunities to have mutual access. Councillor Sponga inquired whether it would be possible to have a rolled curb at the front abutting on Leslie Street to close the Janette Street intersection. The applicant advised that closure of the Janette Street entrance would limit or hinder any ability for a fuel truck to refill on site.

A suggestion was made for staff to liaise with the Regional Municipality of York Traffic staff related to concerns of access and egress to the site.

The Senior Planner – Community Planning advised of the next steps associated with the planning process being a report back to a future Committee of the Whole meeting. He advised that with the number of outstanding technical issues, staff time to review public comments and correspondence that the earliest the matter may return to a future meeting is June, 2015 and he requested that those in attendance complete a sign-in sheet to ensure that they can receive notification when the report is before Council.

Mayor Van Bynen recommended that any concerned residents work with staff and the proponent to resolve any concerns.

Adjournment

Moved by: Councillor Kerwin
Seconded by: Councillor Vegh

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 7:39 p.m.

Tony Van Bynen, Mayor

Lisa Lyons, Deputy Clerk