

The meeting of the Committee of the Whole was held on Tuesday, October 20, 2015 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Deputy Mayor & Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin
Councillor Twinney (1:30 to 6:17 p.m.)
Councillor Hempen
Councillor Sponga
Councillor Broome-Plumley (1:30 to 6:17 p.m.)
Councillor Bisanz

Staff Present: R.N. Shelton, Chief Administrative Officer
A. Moore, Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
P. Noehammer, Commissioner of Development and Infrastructure Services
A. Brouwer, Director of Legislative Services/Town Clerk
M. Mayes, Director of Financial Services/Treasurer
R. Nethery, Director of Planning and Building Services
D. Ruggle, Senior Planner, Community Planning
J. Unger, Assistant Director of Planning
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 Chief Administrative Officer advised of the addendum items, being the inclusion of presentation materials related to items 1 and 2 of the agenda, Joint CAO, Commissioners and Financial Services Report 2015-48 dated October 15, 2015 regarding Preliminary Draft Budgets for 2016, Heritage Newmarket Advisory Committee Minutes of June 9, 2015, and Corporate Services Report - Finance, Legal and Legislative Services Report 2015-17 dated October 15, 2015 regarding Municipal Legislation Review. He further advised that Item 3 of the agenda, being a PowerPoint presentation from the Director of Financial Services/Treasurer has been withdrawn.

Moved by: Councillor Hempen
Seconded by: Councillor Bisanz

THAT the items listed on the agenda as addendum items be included for consideration.

Carried

Declarations of Pecuniary Interest

- a) Councillor Broome-Plumley declared an interested in Item 22, being Corporate Services Report – Finance, Legal and Legislative Services 2015-17 regarding Municipal Legislation Review, specifically Item 1 as noted under Theme 2: Financial Sustainability as she is employed in the automotive industry.

Presentations & Recognitions

1. Ms. Mary-Frances Turner, President, Ms. Liza Sheppard, Senior Project Manager and Ms. Andrea Witty, Senior Project Manager (Yonge Street), York Region Rapid Transit addressed the Committee with a PowerPoint presentation which provided a summary of the project to date, including project timelines and outstanding items, public awareness and viva driver training initiatives and a status update on the Yonge Street project. Discussion ensued regarding notice of road closures, signage, boulevard tree planting and the business support program.

Moved by: Councillor Vegh
Seconded by: Councillor Kerwin

THAT the PowerPoint presentation by Ms. Mary-Frances Turner, President, Ms. Liza Sheppard, Senior Project Manager and Ms. Andrea Witty, Senior Project Manager (Yonge Street), York Region Rapid Transit regarding VivaNext Project Update and Commissioning be received.

Carried

2. Mr. Sandro Sementelli, San Michael Developments and Mr. Harry Kohn of Kohn Partnership Architects Inc. addressed the Committee with a PowerPoint presentation regarding a potential residential development that includes the current Hollingsworth Arena site.

Moved by: Councillor Kerwin
Seconded by: Councillor Hempen

THAT the presentation by Mr. Sandro Sementelli, San Michael Developments and Mr. Harry Kohn of Kohn Partnership Architects Inc. be provided an additional five minutes.

Carried

Moved by: Councillor Hempen
Seconded by: Councillor Kerwin

THAT the PowerPoint presentation by Mr. Sandro Sementelli, San Michael Developments and Mr. Harry Kohn of Kohn Partnership Architects Inc. regarding a potential development that includes the current Hollingsworth Arena site be received.

Carried

Deputations

None.

Consent Items

Moved by: Councillor Sponga
Seconded by: Councillor Vegh

THAT the following items be adopted on consent:

3. Corporate Services Report - Financial Services 2015-44 dated October 19, 2015 regarding cancellation, reduction or refund of Property Taxes pursuant to the Municipal Act, 2001.
 - a) THAT Corporate Services Report - Financial Services 2015-44 dated October 19, 2015 regarding Property Tax Adjustments pursuant to the Municipal Act, 2001 be received and the property tax adjustments outlined in Appendix 1 (attached) be approved.
4. Newmarket Public Library Board Minutes of June 17, 2015 and July 15, 2015.
 - a) THAT the Newmarket Public Library Board Minutes of June 17, 2015 and July 15, 2015 be received.

5. Heritage Newmarket Advisory Committee Minutes of June 9, 2015.
 - a) THAT the Heritage Newmarket Advisory Committee Minutes of June 9, 2015 be received.
6. New Business Item b) of Heritage Newmarket Advisory Committee Minutes of June 9, 2015 regarding Community Mailbox Placement.
 - a) THAT the Heritage Newmarket Advisory Committee recommendation related to consultation on community mailbox placement be referred to staff.
7. New Business Item c) of the Heritage Newmarket Advisory Committee Minutes of June 9, 2015.
 - a) THAT the Heritage Newmarket Advisory Committee recommendation related to delegation of authority be referred to staff.
8. List of Outstanding Matters.

Recommendation:

 - a) THAT the list of Outstanding Matters List be received.
9. Memorandum dated October 8, 2015 from the Director of Planning and Building Services regarding Feed-In Tariff (FIT) Program and Resolution:

WHEREAS capitalized terms not defined herein have the meanings ascribed to them in the FIT Contract, Version 3.1;

AND WHEREAS the Province's FIT Program encourages the construction and operation of rooftop solar PV generation projects (the "Projects");

AND WHEREAS one or more Projects may be subject to FIT Contracts and may be constructed and operated in the Town of Newmarket ("Local Municipality");

AND WHEREAS in accordance with the FIT Rules, Version 3.0, the Council of the Local Municipality ("Council") had previously indicated, by a resolution, its support for Projects in the Local Municipality (the "Prior Resolution");

AND WHEREAS Council now indicates, by a resolution dated no earlier than June 10, 2015, Council's continued support for the construction and operation of the Projects anywhere in the Local Municipality (the "New Resolution");

AND WHEREAS, pursuant to the FIT Contract, where a New Resolution is received in respect of the Projects in the Local Municipality, Suppliers will be recognized as fulfilling the requirements under Section 2.4(d)(vii) of the FIT Contract, which may result in Suppliers being offered Notice to Proceed in accordance with the terms of their respective FIT Contract(s);

NOW THEREFORE BE IT RESOLVED THAT:

Council of the Town of Newmarket supports the construction and operation of the Projects anywhere in the Town of Newmarket.

This resolution's sole purpose is to enable Suppliers to achieve Notice to Proceed under their FIT Contracts and may not be used for the purpose of any other form of municipal approval in relation to a FIT Contract or Project or for any other purpose.

This resolution shall expire twelve (12) months after its adoption by Council.

Carried

The Committee of the Whole recessed at 2:58 p.m.

The Committee of the Whole reconvened at 3:10 p.m.

10. Corporate Services Report - Finance, Legal and Legislative Services Report 2015-17 dated October 15, 2015 regarding Municipal Legislation Review.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor
Seconded by: Councillor Bisanz

a) THAT Corporate Services Report - Finance, Legal and Legislative Services 2015-17 dated October 15, 2015 regarding Municipal Legislation Review be received and the following recommendation be adopted;

i) THAT the recommendations, excluding Items 1 and 3 under Theme 2: Financial Sustainability be endorsed and forwarded to the Province of Ontario as the Town of Newmarket's comments with respect to the municipal legislation review.

Carried

Moved by: Councillor Twinney
Seconded by: Councillor Kerwin

a) THAT the recommendations contained in Item 1 of Theme 2: Financial Sustainability be endorsed and forwarded to the Province of Ontario as the Town of Newmarket's comments with respect to the municipal legislation review.

Carried

Councillor Broome-Plumley did not take part in the discussion or voting of the foregoing matter.

Closed Session

Moved by: Deputy Mayor & Regional Councillor Taylor
Seconded by: Councillor Sponga

THAT the meeting convene into Closed Session for the purpose of discussing proposed or pending acquisition or disposition of land by the municipality or local board and labour relations as per Sections 239 (2) (c) (d) of the Municipal Act.

Carried

The Committee resolved into Closed Session at 3:30 p.m.

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

The Committee of the Whole resumed into Public Session at 5:15 p.m.

11. Community Services - Recreation and Culture Report 2015-28 dated September 16, 2015 regarding Hollingsworth Arena Replacement Follow-Up.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor
Seconded by: Councillor Kerwin

a) THAT Community Services - Recreation and Culture Report 2015-28 dated September 16, 2015 regarding Hollingsworth Arena Replacement Follow-Up be received and the following recommendations be adopted:

1. THAT staff work with Pickering College to:

- i) Finalize an agreement subject to Council approval with respect to capital and operating costs regarding a replacement arena at Pickering College;
- ii) Bring back a professionally prepared project estimate and recommended capital and operating agreement to Council for review within the next 45 days;

2. AND THAT staff initiate a public process addressing a replacement arena and proposed disposition of land at Hollingsworth Arena.

Carried

- 12. Joint Chief Administrative Officer, Commissioner of Development and Infrastructure Services, Commissioner of Community Services and Commissioner of Corporate Services Report 2015-57 dated October 6, 2015 regarding Hollingsworth Arena Corridor Development and Community Benefit Opportunity.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Kerwin

a) THAT Joint Chief Administrative Officer and Commissioners of Development and Infrastructure Services, Community Services and Corporate Services Report 2015-57 dated October 6, 2015 regarding Hollingsworth Arena Corridor Development and Community Benefit Opportunity be received and the following recommendations be adopted:

i) THAT Staff continue negotiations with San Michael Homes Developments according to conditions set out by Council and execute a conditional Letter of Intent with the proponent to the satisfaction of Legal Services, with respect to the development of the Hollingsworth Arena site at 35 Patterson Street in conjunction with the properties at 693 Davis Drive and 713 Davis Drive on the basis of a sale of the Town property;

ii) AND THAT staff be directed to proceed with public consultation on a detailed concept plan provided by the developer and that finalization of the Letter of Intent be subject to this process;

iii) AND THAT the sale of the Hollingsworth Arena site be subject to Council's satisfaction with the financial terms presented in Closed Session Report 2015-54 on this meeting's agenda;

iv) AND THAT the next steps associated with the replacement of Hollingsworth Arena be determined through consideration of Community Services – Recreation and Culture Report 2015-28;

v) AND THAT the sale of the Hollingsworth Arena site be conditional on Council's declaration of the property as surplus to municipal needs and staff being directed to follow the Town's land disposition process as summarized in this report;

vi) AND THAT Mr. Sandro Sementilli of San Michael Developments and Pickering College be notified of this action by the Clerk.

Carried

13. Joint CAO, Commissioners and Financial Services Report 2015-48 dated October 15, 2015 regarding Preliminary Draft Budgets for 2016.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Sponga

a) THAT Joint CAO, Commissioners and Financial Services Report 2015-48 dated October 15, 2015 regarding Preliminary Draft Budgets for 2016 be received for information purposes;

b) AND THAT that any tax increase (Town portion), not including the Asset Replacement Fund allocation, not exceed 2.5%.

Carried

14. Joint Office of the CAO - Strategic Initiatives and Corporate Services Commission - Legislative Services Report 2015-10 dated September 3, 2015 regarding Corporate Policy Approval Authority Framework.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Vegh

a) THAT Joint Office of the CAO - Strategic Initiatives and Corporate Services Commission - Legislative Services Report 2015-10 dated September 3, 2015 regarding Corporate Policy Approval Authority Framework be received and the following recommendations, be adopted:

i) THAT Council adopt Corporate Policy CAO.1-06 'Corporate Policy Approval Authority Framework' attached as Appendix 'A,' as amended to reflect:

a) That new policies within the jurisdiction of the CAO be forwarded to Council for delegation;

ii) AND THAT amendments to the Economic Adjustment Policy be considered by Council;

iii) AND THAT the Delegation By-law be updated to reflect these items of delegated authority.

Carried

Action Items

15. Corporate Services Commission Report - Legislative Services 2015-11 dated September 3, 2015 regarding 'Housekeeping Matters: Regular Meeting Schedule, Procedure By-law and Municipal Flag Policy'.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Kerwin

a) THAT Corporate Services Commission Report - Legislative Services 2015-11 dated September 3, 2015 regarding the 'Housekeeping Matters: Regular Meeting Schedule, Procedure By-law and Municipal Flag Policy' be received and the following recommendations be adopted:

i) THAT Council adopt the recommended housekeeping amendments to the Procedure By-law (By-law 2013-46) outlined in Appendix A;

ii) AND THAT the deputation section be amended to provide that:

a) An individual may make a deputation at a Meeting of Council or Committee of the Whole related to any matter of municipal business or community interest within sixty (60) days of submitting a Deputation and Further Notice Request Form to the Clerk;

b) That the Clerk be granted the authority to determine appropriate scheduling of such deputations within the prescribed time frame;

c) Deputations will not be heard on a matter decided upon by Council until ninety (90)

days have passed from the date of the matter's disposition by Council, except upon a vote in the affirmative of two thirds majority of Council;

iii) AND THAT Council adopt the recommended housekeeping amendments to the Municipal Flag Policy outlined in Appendix C in highlight.

Carried

Correspondence & Petitions

None.

Reports by Regional Representatives

None.

Notices of Motion

None.

Motions

16. Motion - Regional Councillor & Deputy Mayor Taylor

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Sponga

In keeping with recommendations in the Recreation Playbook, staff be directed to investigate the potential for an outdoor arena in the Town of Newmarket. The analysis should examine options for the rink, including amenities, costs, location criteria and potential funding sources. The report is to be brought back to Committee of the Whole within 120 days.

Carried

New Business

- a) Councillor Vegh advised that he has received inquiries regarding the outstanding traffic management study and requested an update to advise when the study would be before Council. The Commissioner of Development and Infrastructure Services advised that he will look into the matter and provide an update by e-mail.

- b) Councillor Sponga advised that he has been contacted regarding a safety concerns associated with the installation of residential propane tanks for heating purposes. He further advised that, in communication with staff, that the Town has no by-law or planning provisions associated with this type of residential home heating installation.

Moved by: Councillor Sponga
Seconded by: Councillor Hempen

THAT staff research and advise Council regarding potential municipal regulation of propane tank installation for home heating purpose.

Carried

- c) Councillor Kerwin inquired when the west side of the Tom Taylor Trail will reopen. The Commissioner of Development and Infrastructure Services advised that the trail has recently reopened to the public; however there are some final works to be completed.
- d) Councillor Kerwin requested an update on the construction of the sidewalk on the east side of Leslie Street. The Commissioner of Development and Infrastructure Services advised that the project has been delayed and is anticipated to be completed in 2016.
- e) Councillor Kerwin inquired on the status of construction on Arnold Street. The Commissioner of Development and Infrastructure advised that he would look into the matter and provide a response by e-mail.
- f) Councillor Kerwin inquired on the status of construction on Srigley Street. The Commissioner of Development and Infrastructure advised that he would look into the matter and provide a response by e-mail.
- g) Councillor Sponga inquired where the bench from the west side of the Tom Taylor Trail will be located. The Commissioner of Development and Infrastructure advised that he would look into the matter and provide a response.

Public Hearing Matter

- 17. Development and Infrastructure Services Report - Planning and Building Services Report 2015-37 and related Council Extract, Public Meeting Notice regarding a Proposed Technical Amendment to the Town's comprehensive Zoning By-law.

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.

The Deputy Clerk advised that the purpose of the Public Meeting was to hear from anyone who has an interest in the proposed technical amendment to the comprehensive Zoning By-law. This zoning by-law amendment is to correct a transcription error specifically as it relates to the rear yard minimum building setback for lands located within the Copper Hills subdivision, on the east side of Leslie Street, south of Mulock Drive. Specifically the lots affected are 105, 106, 107, 188, 119, 120, 140, 141, 142, 157 and 158 on Registered Plan 65M-4378.

She further advised that the Committee of the Whole would not be making a decision regarding the proposed amendments, 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 submission at the Public Meeting or provide written submissions to Council prior to adoption.

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

18. The Senior Planner – Community Planning provided a PowerPoint presentation regarding the Town initiated Zoning amendment. He provided an overview of the proposal which included background information related to a previous Ontario Municipal Board decision on the subject lands. He further advised that the site specific amendment for the subject lots was inadvertently omitted and the purpose of the technical amendment is to reestablish a 45 metre setback for the subject lands.
19. Mr. Michael Larkin, resident, advised that he was involved in the previous Ontario Municipal Board process related to the subject lands and provided background information and history on the how the 45 metre setback was determined and potential compatibility conflicts should the setbacks be reduced.
20. Mr. Robert Forhan, resident, commented that there should be no change to the previously established and agreed upon 45 metre setback.
21. Mr. Perry, resident, advised that substantial modifications will be required to the

subject lands in order to permit development and emphasized the importance of retaining a 45 metre setback.

Moved by: Councillor Vegh
Seconded by: Councillor Kerwin

THAT Development and Infrastructure Services Report - Planning and Building Services Report 2015-37 and related Council Extract, Public Meeting Notice regarding a Proposed Technical Amendment to the Town's comprehensive Zoning By-law and all deputations be received.

Carried

The Director of Planning and Building Services advised of the next steps associated with the application.

Adjournment

Moved by: Councillor Sponga
Seconded by: Councillor Kerwin

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 7:22 p.m.

Tony Van Bynen, Mayor

Lisa Lyons, Deputy Clerk