



# **Town of Newmarket**

## **Minutes**

### **Council - Electronic**

Date: Monday, August 30, 2021

Time: 1:00 PM

Location: Streamed live from the Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

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

Members Absent: Councillor Simon

Staff Present: I. McDougall, Chief Administrative Officer  
E. Armchuk, Commissioner of Corporate Services  
R. Prudhomme, Acting Commissioner of Development & Infrastructure Services  
L. Lyons, Director of Legislative Services/Town Clerk  
M. Agnoletto, Director of Public Works Services  
A. Cammaert, Acting Director of Planning and Building Services  
P. Chow, Senior Planner - Policy  
C. Service, Director of Recreation & Culture  
A. Walkom, Legislative Coordinator  
J. Grossi, Legislative Coordinator

The meeting was called to order at 1:01 PM.  
Mayor Taylor in the Chair.

**1. Public Notice**

Mayor Taylor acknowledged that the Town of Newmarket is located on the traditional territories of the Wendat, Haudeno-saunee, and the Anishinaabe peoples and the treaty land of the Williams Treaties First Nations and other Indigenous peoples whose presence here continues to this day. He thanked them for sharing this land with us. Mayor Taylor also acknowledged the Chippewas of Georgina Island First Nation as our close neighbours and friends, and that we work to ensure a cooperative and respectful relationship.

Mayor Taylor advised that the Municipal Offices were closed to the public and that this meeting was streamed live at [Newmarket.ca/meetings](http://Newmarket.ca/meetings). Residents who would like to provide comment on an item on this agenda were encouraged to provide their feedback in writing through email to Legislative Services at [clerks@newmarket.ca](mailto:clerks@newmarket.ca) or by joining the meeting electronically through video or telephone. He advised residents that their comments would form part of the public record.

**2. Additions & Corrections to the Agenda**

None.

**3. Conflict of Interest Declarations**

None.

**4. Public Hearing Matter**

The Clerk welcomed the public to the Virtual Public Planning and Council meeting. She advised that the Planning Act requires the Town to hold at least one public meeting on any proposed Zoning By-law Amendment, Official Plan Amendment or Draft Plan of Subdivision or Condominium.

The Clerk advised that the purpose of the public meeting is to hear from anyone who has an interest in the Zoning By-law Amendment to amend By-laws 2010-40, as amended, and 2019-06, as amended, to define and permit personal wellness establishments in all mixed use zones, urban centre zones, and certain commercial and employment zones in the Town of Newmarket.

The Clerk encouraged anyone who was interested in providing verbal feedback to Council regarding the application to join the meeting electronically by emailing [clerks@newmarket.ca](mailto:clerks@newmarket.ca).

The Clerk advised that if anyone wished to be notified of any subsequent meetings regarding this matter, they may email [planning@newmarket.ca](mailto:planning@newmarket.ca).

The Clerk noted that in accordance with the Planning Act, the Ontario Land Tribunal may dismiss an appeal to the Tribunal, 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 of the application.

The Clerk thanked residents for their participation and interest in the meeting.

#### **4.1 Zoning By-law Amendment - Personal Wellness Establishments**

The Acting Director, Planning & Building Services provided a presentation to Council which provided a background of the previous body rub parlour zoning in Newmarket and the licensing for personal wellness establishments. The Senior Planner provided an overview of the proposed zoning by-law amendment including the definitions for Personal Wellness Establishment and Alternative Massage. The presentation concluded with the zones in which personal wellness establishments would be permitted and where these are located in Newmarket.

The Acting Director, Planning & Building Services provided Council with the next steps regarding the application process and advised that Staff would bring a report back to a future Committee of the Whole meeting.

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the presentation provided by Adrian Cammaert, Acting Director, Planning & Building Services and Phoebe Chow, Senior Planner - Policy regarding Zoning By-law Amendment - Personal Wellness Establishments be received.

**Carried**

#### **5. Presentations & Recognitions**

None.

#### **6. Deputations**

None.

#### **7. Minutes**

**7.1 Council - Electronic Meeting Minutes of June 21, 2021**

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

1. That the Council - Electronic Meeting Minutes of June 21, 2021 be approved.

**Carried**

**7.2 Special Council - Electronic Meeting Minutes of July 19, 2021**

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the Special Council - Electronic Meeting Minutes of July 19, 2021 be approved.

**Carried**

**8. Reports by Regional Representatives**

Deputy Mayor & Regional Councillor Vegh advised that Regional Council had received regular updates on COVID-19 public health measures at recent meetings.

**9. Consent Items and Recommendations from Committees**

**9.1 Council Workshop - Electronic Meeting Minutes of June 28, 2021**

Moved by: Councillor Kwapis

Seconded by: Councillor Morrison

1. That the Council Workshop - Electronic Meeting Minutes of June 28, 2021 be received.

**Carried**

## **9.2 Committee of the Whole - Electronic Meeting Minutes of August 23, 2021**

Moved by: Deputy Mayor & Regional  
Councillor Vegh

Seconded by: Councillor Morrison

1. That the Committee of the Whole - Electronic Meeting Minutes of August 23, 2021 be received and the recommendations noted within be adopted.

**Carried**

### **9.2.1 Presentation - Newmarket Hydro Holdings Inc. 2020 Annual General Meeting**

1. That the presentation provided by Ysni Semsedini, President, Newmarket-Tay Power Distribution Ltd. and Gianni Creta, President, Envi Network regarding the Newmarket Hydro Holdings Inc. 2020 Annual General Meeting be received.

### **9.2.2 Presentation - Urban Design Guidelines**

**Note:** This item was dealt with under sub-item 9.2.4. Please see sub-item 9.2.4 for motion.

### **9.2.3 Newmarket Hydro Holdings Inc. 2020 Annual General Meeting**

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 Newmarket-Tay Power Distribution Ltd. (“NT Power”) and Envi Networks Ltd. (“Envi”); and 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, is directed to sign the following Corporation Shareholder resolutions:
  - a. That the Corporation's financial statements for the financial year ended December 31, 2020 together with the report of the Corporation's auditors, Baker Tilly KDN LLP ("Baker Tilly"), Chartered Accountants, thereon dated May 19, 2021 be approved and adopted; and,
  - b. That Baker Tilly, 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; and,
  - c. That Ian McDougall, be appointed as the sole director of the Corporation to hold office until the next annual meeting of shareholders or until his successor is elected or appointed; and
  - d. That Ian McDougall, so long as he is the sole director of the Corporation, shall represent the Corporation at meetings of shareholders of NT Power and Envi; and,
  - e. 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, 2020, 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; and,

2. That the Mayor, as the Sole Shareholder's legal representative, direct Ian McDougall, 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, 2020 together with the report of NT Power's auditors, Baker Tilly, thereon dated April 28, 2021 be approved and adopted; and,
  - b. That Baker Tilly, 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; and,
  - c. That J. Taylor, T. Walker, D. Charleson, B. Gabel, C. Prattas, D. Priore, and, D. Wattling are elected directors of NT Power to hold office until the next annual meeting of shareholders or until their successors are elected or appointed; and,
  - d. 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, 2020, 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; and,
3. That the Mayor, as the Sole Shareholder's legal representative, direct Ian McDougall, the sole director and legal representative of the Corporation, to sign the following Envi shareholder resolutions in lieu of an annual meeting:
  - a. That the financial statements of Envi for the financial year ended December 31, 2020 together with the report of Envi's auditors, Baker Tilly, thereon dated April 8, 2021 be approved and adopted; and,
  - b. That Baker Tilly, Chartered Accountants, be appointed auditors of Envi 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; and,

- c. That I. Collins, J. Piercy, and B. Kwapis are elected directors of Envi to hold office until the next annual meeting of shareholders or until their successors are elected or appointed; and,
- d. That all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the directors and officers of Envi to December 31, 2020, 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 Envi, are approved, sanctioned and confirmed.

#### **9.2.4 Urban Design Guidelines**

1. That the presentation provided by Matt Reid, Fotenn Planning + Design regarding Urban Design Guidelines be received; and,
2. That the report entitled Urban Design Guidelines dated August 23, 2021 be received; and,
3. That Council approve Attachment 1 to this report titled “Town of Newmarket Urban Design Guidelines” prepared by Fotenn Planning + Design, as amended; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **9.2.5 Ontario Ministry of the Environment, Conservation and Parks NPC-300 Guideline 17645 Yonge Street**

1. That the report entitled Ontario Ministry of the Environment, Conservation and Parks NPC-300 Guideline – 17645 Yonge St dated August 23 2021 be received; and,
2. That the designation of 17645 Yonge St to a Class 4 Noise Area be approved; and,
3. That Council approve the By-law, substantially in accordance with Attachment 1, authorizing the designation; and,
4. That Redwood Properties, 330 New Huntington Rd, Suite 201, Vaughan ON L4H 4C9, be notified of this action; and,

5. That Groundswell Urban Planners Inc. 30 West Beaver Creek Rd Unit 109, Richmond Hill ON L4B 3K1, be notified of this action; and,
6. That the owners of 17725 Yonge Street and their tenant, Food Basics, be notified of this action; and
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **9.2.6 Q2 of 2021 Financial Update**

1. That the report entitled Q2 of 2021 Financial Update be received; and,
2. That \$120,000 be added to 2021 capital project “Stormwater Management Clean Outs/Retrofits Cleaning Program to be funded from the Stormwater reserve, revising the approved budget from \$450,000 to \$570,000; and
3. That Council approve reallocation of 2021 capital programs totaling \$1,724,000 based on revised project delivery timelines as outlined in the report, of which \$1,614,000 will be reallocated as part of the 2022 capital program; and,
4. That staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **9.2.7 2022 Meeting Schedules and Restricted Acts in a Municipal Election Year**

1. That the report entitled 2022 Meeting Schedules and Restricted Acts in a Municipal Election Year dated August 23, 2021 be received; and,
2. That the 2022 Committee of the Whole and Council Meeting Schedule (Attachment A) be adopted; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **9.2.8 Hybrid Meeting Policy**

1. That the report entitled Hybrid Meeting Policy dated August 23, 2021 be received; and,

2. That Council approve the Pilot Hybrid Meeting Policy attached as Attachment 1 and rescind the Electronic Participation in Meetings Policy; and,
3. That the proposed amendment to the Town of Newmarket's Procedure By-law 2020-12 to permit electronic participation after December 31, 2021 as outlined in Attachment 2 of this report be approved; and,
4. That the Town Clerk be authorized to administer the Pilot Hybrid Meeting Policy and develop the necessary Procedures to implement the Policy, as required; and,
5. That staff be directed to report back to Council in Q1 2023 with a review of the Pilot Hybrid Meeting Policy, as part of the Procedure By-law Review; and,
6. That beginning with the Committee of the Whole meeting of October 25, 2021 or as determined by the Mayor and Chief Administrative Officer, staff be directed to facilitate meetings in a hybrid manner with in-person and remote Members of Council, Staff and the public; and,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**9.2.9 Second Quarterly Update to the Outstanding Matters List for 2021**

1. That the report entitled Second Quarterly Update to the Outstanding Matters List for 2021 dated August 23, 2021 be received; and,
2. That Council adopt the Outstanding Matters List (Attachment A); and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution

**9.2.10 Item 6.2 from Newmarket Public Library Board Meeting Minutes of May 19, 2021**

Whereas public libraries are vibrant community hubs where residents of all ages and backgrounds can learn, work, train, innovate, explore and connect; and,

Whereas the Newmarket Public Library provides community members with equitable, reliable access to broadband internet; and,

Whereas the Newmarket Public Library uses technology to make resources more accessible and responsive to people's changing needs; and,

Whereas the Newmarket Public Library supports local economic development through the provision of important business development and job skills programming for adults and youth; and,

Whereas the Newmarket Public Library works closely with local residents to deliver valued programs and services and shares knowledge and resources; and,

Whereas the Newmarket Public Library continues to responsibly manage public resources with the utmost care and is committed to the sustainability of its services; and,

Whereas the Newmarket Public Library recognizes the opportunity that targeted provincial investment can provide to secure more equitable access to increasingly significant digital resources and library-based services across Ontario;

Now therefore be it resolved:

1. That the Town of Newmarket encourages the Province of Ontario to continue to recognize and support the contribution of local libraries within their communities; and,
2. That the Town of Newmarket encourages the Province of Ontario to maintain existing funding for Ontario's public libraries; and,
3. That the Town of Newmarket encourages the Province of Ontario to make a new, ongoing, targeted annual investment to strengthen access to modern, cost-effective digital resources and services for all Ontarians through local public libraries; and,
4. That a copy of this resolution be sent to the Ontario Minister of Heritage, Sport, Tourism, and Culture Industries, to the Ontario Minister of Municipal Affairs, to the local MPPs, to the Association of Municipalities Ontario, to the Ontario Library

Association, to the Federation of Ontario Public Libraries, and to York Region and local area municipalities for endorsement.

**9.2.11 Newmarket Public Library Board Meeting Minutes of May 19, 2021**

1. That the Newmarket Public Library Board Meeting Minutes of May 19, 2021 be received.

**9.2.12 Item 6.1 from June 1, 2021 Heritage Newmarket Advisory Committee Meeting Minutes**

1. That Council refer the following to staff for review and report:
  - a. That the Heritage Newmarket Advisory Committee recommend heritage designation of the property located at 415 Davis Drive.

**9.2.13 Heritage Newmarket Advisory Committee Meeting Minutes of June 1, 2021**

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of June 1, 2021 be received.

**9.2.14 Newmarket Economic Development Advisory Committee Meeting Minutes of October 7, 2020**

1. That the Newmarket Economic Development Advisory Committee Meeting Minutes of October 7, 2020 be received.

**9.2.15 Main Street District Business Improvement Area Board of Management Meeting Minutes of May 7, 2021**

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of May 7, 2021 be received.

**9.2.16 Newmarket Anti-Black Racism Task Force Meeting Minutes of May 4, 2021 and June 1, 2021**

1. That the Newmarket Anti-Black Racism Task Force Meeting Minutes of May 4, 2021 and June 1, 2021 be received.

**9.3 Council Workshop - Electronic Meeting Minutes of August 24, 2021**

Moved by: Councillor Kwapis

Seconded by: Councillor Broome

1. That the Council Workshop - Electronic Meeting Minutes of August 24, 2021 be received.

**Carried**

**10. By-laws**

Moved by: Councillor Woodhouse

Seconded by: Councillor Twinney

1. That By-laws 2021-38, 2021-39, and 2021-40 be enacted.

**Carried**

**11. Notices of Motions**

None.

**12. Motions Where Notice has Already been Provided**

None.

**13. New Business**

**13.1 Seniors Meeting Place Programming**

Councillor Twinney inquired to staff when programming at the Seniors Meeting Place would be resuming. The Director of Recreation & Culture advised that the Southlake Regional Health Centre will have the new COVID-19 assessment centre operational in October 2021. He advised that seniors programming will resume in September 2021 through the Recreation Youth Centre during the transition.

**13.2 Dr. Margaret Arkinstall Splashpad**

Councillor Broome inquired as to the closing date for the Dr. Margaret Arkinstall Splashpad. The Acting Commissioner of Development and Infrastructure Services advised that due to contractual obligations related to the construction of the splashpad, it will need to close around September 13, 2021 to complete construction.

**13.3 Missed Garbage Pickup**

Councillor Bisanz advised that a number of residents had complained that their garbage was not picked up and inquired to staff what residents should do if the garbage is not picked up. The Director of Public Works advised that sometimes the schedule for pickup changes and that residents should ensure to have their garbage at the curb by 7:00 AM on collection day.

#### **13.4 Stop Sign at Cane Parkway and William Roe Boulevard**

Councillor Kwapis inquired regarding the installation of an all-way stop sign at the intersection of Cane Parkway and William Roe Boulevard which temporarily had an all-way stop sign in place due to construction. The Acting Commissioner of Development & Infrastructure Services advised that staff were in favour of the installation of an all-way stop sign as it had previously been effective during the construction period. She advised that some work would need to be done to make the intersection compliant with all regulations related to the all-way stop sign.

Moved by: Councillor Kwapis

Seconded by: Councillor Broome

1. That staff be directed to proceed with the works required to install a permanent all way stop that conforms to existing safety standards and provincial regulations at the intersection of Cane Parkway and William Roe Boulevard; and,
2. That the sign be installed as soon as possible.

**Carried**

#### **14. Closed Session**

Moved by: Councillor Woodhouse

Seconded by: Councillor Morrison

1. That Council resolve into Closed Session to discuss the following matters:
  - a. Newmarket-Tay Power and ENVI Financial Statements – A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if

disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, as per Section 239 (2)(i) of the Municipal Act, 2001.

- b. Proposed Acquisition and Disposition of Land – Property in Ward 6 – A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, as per Section 239 (2)(i) of the Municipal Act, 2001.
- c. Vaccination Requirements/Policies – Advice that is subject to solicitor-client privilege, including communications necessary for that purpose, as per Section 239 (2)(f) of the Municipal Act, 2001.

**Carried**

Council resolved into Closed Session at 1:55 PM.

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

Council resumed into Open Session at 2:48 PM

**14.1 Council - Electronic Meeting (Closed Session) Minutes of June 21, 2021**

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the Council - Electronic Meeting (Closed Session) Minutes of June 21, 2021 be approved.

**Carried**

**14.2 Special Council - Electronic Meeting (Closed Session) Minutes of July 19, 2021**

Moved by: Deputy Mayor & Regional  
Councillor Vegh

Seconded by: Councillor Woodhouse

1. That the Special Council - Electronic Meeting (Closed Session) Minutes of July 19, 2021 be approved.

**Carried**

**14.3 Committee of the Whole - Electronic Meeting (Closed Session)  
Minutes of August 23, 2021**

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

1. That the Committee of the Whole - Electronic Meeting (Closed Session) Minutes of August 23, 2021 be approved.

**Carried**

**14.3.1 Newmarket-Tay Power and ENVI Financial Statements**

Mayor Taylor advised that Members of Council were given the opportunity to ask questions of Ysni Semsedini, President and CEO, Newmarket-Tay Power and Gianni Creta, President, ENVI Network Ltd. regarding the financial statements related to both companies.

**14.3.2 Proposed Acquisition and Disposition of Land – Property in Ward 6**

Moved by: Councillor Broome

Seconded by: Councillor Woodhouse

1. That Closed Session Report CL-2021-09 dated August 23, 2021 entitled Inn From The Cold – Potential Declaration of Surplus Land be received; and,
2. That the recommendations in Closed Session Report CL-2021-09 dated August 23, 2021 be adopted, and,
3. That the Town land abutting immediately north of 17046 Yonge Street be declared surplus and that staff be directed to proceed with the donation of the Town land to Inn From The Cold.

**Carried**

### **14.3.3 Vaccination Requirements/Policies**

Moved by: Councillor Bisanz

Seconded by: Councillor Woodhouse

1. That the presentation provided by the Director, Legal and Procurement Services and the Director, Human Resources regarding the Vaccination Policy be received; and,
2. That Staff be directed to create a staff vaccination policy requiring staff to be vaccinated, that be brought to the September 13, 2021 Committee of the Whole meeting, outlining that all staff will be required to provide proof of a first COVID-19 vaccination dose no later than October 1, 2021 and confirmation of both first and second doses required no later than November 1, 2021. Individuals with valid medical or other human rights-based exemptions will be considered for appropriate accommodation within the policy; and,
3. That Staff be directed to bring a report to Committee of the Whole on September 13, 2021 regarding COVID-19 vaccination policies related to public attendance at Town facilities.

**Carried**

### **15. Confirmatory By-law**

Moved by: Councillor Morrison

Seconded by: Councillor Woodhouse

1. That By-law 2021-41 be enacted.

**Carried**

### **16. Adjournment**

Moved by: Councillor Bisanz

Seconded by: Councillor Kwapis

1. That the meeting be adjourned at 2:57 PM.

**Carried**

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John Taylor, Mayor

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Lisa Lyons, Town Clerk