



Town of Newmarket

Minutes

Council - Electronic

Date: Monday, December 13, 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 Simon
Councillor Woodhouse
Councillor Morrison (1:13 PM - 1:47 PM)
Councillor Kwapis
Councillor Broome
Councillor Bisanz

Members Absent: Councillor Twinney

Staff Present: P. Noehammer, Acting Chief Administrative Officer
E. Armchuk, Commissioner of Corporate Services
L. Lyons, Director of Legislative Services/Town Clerk
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 this meeting was streamed live at 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 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

Councillor Woodhouse declared a conflict regarding Item 14.1: Ontario Land Tribunal Matter - Property in Ward 3. He advised that his daughter lives near the property.

4. Public Hearing Matter

None.

5. Presentations & Recognitions

None.

6. Deputations

None.

7. Minutes

7.1 Council - Electronic Meeting Minutes of November 22, 2021

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

1. That the Council - Electronic Meeting Minutes of November 22, 2021 be approved.

Carried

8. Reports by Regional Representatives

Deputy Mayor & Regional Councillor Vegh advised that York Region Council would soon be voting to approve the 2022 budget. Mayor Taylor advised he would be seeking further information related to providing year-round funding for Inn from the Cold.

9. Consent Items and Recommendations from Committees

9.1 Council Workshop - Electronic Meeting Minutes of November 29, 2021

Moved by: Councillor Broome

Seconded by: Councillor Woodhouse

1. That the Council Workshop - Electronic Meeting Minutes of November 29, 2021 be received.

Carried

9.2 Committee of the Whole - Electronic Meeting Minutes of December 6, 2021

Moved by: Councillor Bisanz

Seconded by: Councillor Simon

1. That the Committee of the Whole - Electronic Meeting Minutes of December 6, 2021 be received and the recommendations noted within be adopted with the exception of sub-items 9.2.7 and 9.2.9. See following sub-items 9.2.7 and 9.2.9 for motions.

Carried

9.2.1 Presentation - Newmarket Dismantling Anti-Black Racism Task Force Final Report

1. That the presentation provided by Jerisha Grant-Hall, Chair, Newmarket Dismantling Anti-Black Racism Task Force regarding the Newmarket Dismantling Anti-Black Racism Task Force Final Report be received.

9.2.2 Presentation - Asset Management Plan Executive Summary – Core Assets

Note: This item was dealt with under sub-item 9.2.8. See sub-item 9.2.8 for motion.

9.2.3 Presentation - 2022 Draft Operating and Capital Budgets

Note: This item was dealt with under sub-item 9.2.9. See sub-item 9.2.9 for motion.

9.2.4 Presentation - Hydro Revenue Review

Note: This item was dealt with under sub-item 9.2.21. See sub-item 9.2.21 for motion.

9.2.5 Deputation - Bradford Bypass

1. That the deputation provided by Claire Malcolmson, Executive Director, Rescue Lake Simcoe Coalition regarding the Bradford Bypass be received.

9.2.6 Deputation - Bradford Bypass

1. That the deputation provided by Bill Foster of Forbid Roads Over Green Spaces regarding the Bradford Bypass be received.

9.2.7 Newmarket Dismantling Anti-Black Racism Task Force Final Report

Moved by: Councillor Broome

Seconded by: Councillor Bisanz

1. That the Newmarket Dismantling Anti-Black Racism Task Force Final Report be received; and,
2. That Council direct staff to develop an implementation plan for Council consideration no later than Q2 of 2022; and,
3. That Council Request that the Dismantling Anti Black Racism Task Force extend its mandate in order to provide input and comments on the implementation plan; and,
4. That staff be directed to report on the progress of the actions in the implementation plan annually including Key Performance Indicators (KPIs); and,

5. That staff be directed to hold a workshop with Council and senior staff to understand the potential application of a Racial Equity Tool in the Town of Newmarket that will facilitate the integration of racial equity into routine decision making; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

9.2.8 Asset Management Plan Executive Summary – Core Assets

1. That the presentation provided by Lisa Ellis, Manager of Asset Management and Erik Wright, Asset Management Specialist regarding Asset Management Plan Executive Summary – Core Assets be received; and,
2. That the report entitled Asset Management Plan Executive Summary – Core Assets dated November 24, 2021 be received; and,
3. That the Asset Management Plan Executive Summary – Core Assets report be endorsed; and,
4. That Council approves the 15 recommendations included in the report, and,
5. That the Corporate Asset Management Office be authorized and directed to do all things necessary to give effect to this resolution.

9.2.9 2022 Draft Operating and Capital Budgets

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Councillor Kwapis

1. That the memorandum regarding the Supplementary Information - 2022 Capital Program be received; and,
2. That the presentation provided by Andrea Tang, Manager of Finance & Accounting/Deputy Treasurer regarding the 2022 Draft Operating and Capital Budgets be received; and,

3. That the report entitled 2022 Draft Operating and Capital Budgets dated December 6, 2021 be received; and,
4. That the Draft 2022 Operating Budget with expenditures of \$141,586,665 be approved, which is comprised of the following components:
 - a) \$70,751,406 for Town purposes;
 - b) \$17,629,261 for Central York Fire Services (Newmarket's share);
 - c) \$3,757,953 for the Newmarket Public Library;
 - d) \$30,000 for the Main Street District Business Improvement Area (BIA);
 - e) \$20,291,000 for the Water Rate Group;
 - f) \$23,684,000 for the Wastewater Rate Group;
 - g) \$2,644,000 for the Stormwater Rate Group;
 - h) \$2,799,045 for the Building Permit Rate Group; and,
5. That a Capital Spending Authority of \$89,704,000 be established, being \$32,765,000 for 2022 and \$33,039,000 for 2023 and \$23,900,000 for 2024 & beyond; and,
6. That the draft 2022 Operating and Capital Budgets be forwarded to the Council meeting of December 13, 2021 for final approval; and,
7. That Council authorize the Director of Financial Services/Treasurer to:
 - a) Make any necessary adjustments within the total approved budget to reflect organizational changes and any other reallocation of costs;
 - b) Accept and adjust the budget for new provincial and/or federal funding provided there is no tax levy impact; and,
8. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

9.2.10 2022 Fees and Charges – General

1. That the report entitled 2022 Fees and Charges – General dated December 6, 2021 be received; and,
2. That the attached Schedule “F” Legislative Services – General Fees and Charges, and Schedule “I” - General Fees be approved; and,
3. That the fee adjustments for all come into full force and effect as of January 1, 2022; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.2.11 2022 Water and Wastewater Rates

1. That the report entitled 2022 Water and Wastewater Rates dated December 6, 2021 be received; and,
2. That the attached Appendix A being the Town of Newmarket Water and Wastewater Rates be approved and adopted by by-law; and,
3. That the rates come into full force and effect on January 1, 2022; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.2.12 2022 Stormwater Rates

1. That the report entitled 2022 Stormwater Rates dated December 6, 2021 be received; and,
2. That Appendix A being the Town of Newmarket 2022 Stormwater Rates be approved; and,
3. That the rates come into full force and effect on January 1, 2022; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.2.13 2022 Building Permit Fees and Charges

1. That the report entitled 2022 Building Permit Fees and Charges dated December 6, 2021 be received; and,

2. That the Appendix A - 2022 Building Permit Fees be approved; and,
3. That the rates come into full force and effect on January 1, 2022; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.2.14 2022 User Fees and Charges – Development & Infrastructure

1. That the report entitled 2022 User Fees and Charges – Development & Infrastructure dated December 6, 2021 be received; and,
2. That Schedule D, E, and H be approved; and,
3. That the fee adjustments come into full force and effect as of January 1, 2022; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.2.15 Purchase Card (P-Card) Policy

1. That the report entitled Purchase Card (P-Card) Policy dated December 6, 2021 be received; and,
2. That Schedule G “P-Card Procedures” and the corresponding appendices within Procurement By-law 2014-27 be repealed from the by-law, and that the updated Financial Services P-Card Policy be adopted; and
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.2.16 2021 Year-End Servicing Allocation Review and Servicing Allocation Policy Update

1. That the report entitled 2021 Year-End Servicing Allocation Review and Servicing Allocation Policy Update dated December 6, 2021 be received; and,
2. That the Town’s remaining servicing capacity (the Town Reserve) of 2966 persons of allocation be maintained for future development, of which, 16 persons is to be held in the Severance Reserve; and,

3. That Council authorize the Commissioner of Development and Infrastructure Services to amend the agreement made between the Town of Newmarket and 16250 Yonge Street Inc. and Shining Hill (St. John's) Inc. by extending the servicing allocation repayment deadline from December 1, 2021 to December 1, 2022; and,
4. That Council approve amendments to the Servicing Allocation Policy as outlined in this report; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.2.17 Zoning By-law Amendment - 281 Main Street North

1. That the report entitled Zoning By-law Amendment – 281 Main Street North dated December 6, 2021 be received; and,
2. That the application for Zoning By-law Amendment, as submitted by 281 Main Street North Inc., for lands known municipally as 281 Main Street North, be approved; and,
3. That the Draft Plan of Subdivision approval be extended for three years after the approval of the rezoning; and,
4. That Marianna Karamyan, of Options Development, 31 Scarsdale Road, Unit 2, North York, ON, M3B 2R2, be notified of this action; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.2.18 Sole Source Environmental Systems Research Institute (ESRI) Software Renewal

1. That the report entitled Sole Source Environmental Systems Research Institute (ESRI) Software Renewal dated December 6, 2021 be received; and,
2. That the renewal of a three year agreement for the sole source ESRI software be approved; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.2.19 Single Source – Solar Pole Mounted Radar Speed Boards and Related Technology

1. That the report entitled Single Source – Solar Pole Mounted Radar Speed Boards and Related Technology dated December 6, 2021 be received; and,
2. That a contract with All Traffic Solutions be approved for a term of up to three years; and,
3. That the acquisition of seven (7) solar, pole mounted, radar speed boards be approved in the amount of \$36,190.00 USD, plus applicable taxes; and,
4. That additional pole mounted, radar speed boards be acquired as needed over the term of the agreement as long as the purchase remains within budget; and,
5. That a competitive process be started prior to the expiry of the term of this contract, unless it is not possible for reasons which will be explained to Council in a report prior to making additional purchases beyond the end of this term; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.2.20 Central York Fire Services - Cost Recovery Program – Final Pilot Project Update

1. That Fire Services Report JCC-2021-13 Cost Recovery Program – Final Pilot Project Update dated 2021-10-25 be received; and,
2. That Council approve this report and authorize staff to implement the Cost Recovery Program on a permanent basis effective January 1, 2022; and,
3. That Council approve an increase from 28 hours (FTE 0.8) to 35 hours (FTE 1.0) per week for the Accounts Administrator and change the job classification from permanent part time to a permanent full time position; and,
4. That Council approve adding Elevator Rescues, Smoke and Carbon Monoxide Alarms to the Cost Recovery Program.

9.2.21 Hydro Revenue Review Report

1. That the presentation provided by the Director of Financial Services/Treasurer regarding the Hydro Revenue Review be received; and,
2. That the report entitled Hydro Revenue Review dated December 6, 2021 be received; and,
3. That investment income received from Newmarket-Tay Power Distribution Lt. be transferred from the tax-supported operating budget to the Asset Replacement Fund effective January 1, 2022; and,
4. That the tax-supported contributions to the Asset Replacement Fund be reduced by the budgeted amount as an asset; and,
5. That the Town of Newmarket demand payment of its \$22 million promissory note with Newmarket-Tay Hydro Inc.; and,
6. That the Treasurer be authorized and directed to do all things necessary to give effect to these recommendations.

9.2.22 Bradford Bypass

Whereas the existing Environmental Assessment for the Bradford Bypass was completed in 1997 and is more than 23 years old and was completed prior to the existence of the Greenbelt and the Lake Simcoe Protection Act;

Now therefore be it resolved:

1. That the Council of the Town of Newmarket request the Province of Ontario conduct an updated Class Environmental Assessment for the Bradford Bypass; and,
2. That in the absence of a new Provincial Class Environmental Assessment, that the Town of Newmarket requests the Impact Assessment Agency of Canada complete a Federal Impact Assessment for the Bradford Bypass Project; and,
3. That a copy of this motion be forwarded to the Provincial Minister of Transportation, Provincial Minister of the Environment, Conservation and Parks, MPs and MPPs, municipalities in the Lake Simcoe watershed, Association of Municipalities of Ontario and the Lake Simcoe Region Conservation Authority.

9.2.22.1 Correspondence - Claire Malcolmson, Executive Director, Rescue Lake Simcoe Coalition

1. That sub-items 9.2.22.1 through 9.2.22.23 being correspondence regarding the Bradford Bypass be received.

9.2.22.2 Correspondence - Debbie Fletcher-Queen

9.2.22.3 Correspondence - Catherine Wellesley

9.2.22.4 Correspondence - Greg Grammaticis

9.2.22.5 Correspondence - Suzanne Kishonti

9.2.22.6 Correspondence - Teresa Porter

9.2.22.7 Correspondence - Donna Deneault

9.2.22.8 Correspondence - Sandy Mackenzie

9.2.22.9 Correspondence - Franves Lynn

9.2.22.10 Correspondence - Elaine Adam

9.2.22.11 Correspondence - Eveline Pos Malkin

9.2.22.12 Correspondence - Michelle Davies

9.2.22.13 Correspondence - Pamela Vega

9.2.22.14 Correspondence - Cindy Boughen

9.2.22.15 Correspondence - Helen Doner

9.2.22.16 Correspondence - James Hunter

9.2.22.17 Correspondence - Anne Gentleman

9.2.22.18 Correspondence - Fran Bazos

9.2.22.19 Correspondence - Susan Dowell

9.2.22.20 Correspondence - Tim Greenwood

9.2.22.21 Correspondence - Sylvia Bowman

9.2.22.22 Correspondence - Brent Kopperson, Windfall Ecology Centre

9.2.22.23 Correspondence - Chris Fuerth

9.2.23 Elman W. Campbell Museum Board Meeting Minutes of October 21, 2021

1. That the Elman W. Campbell Museum Board Meeting Minutes of October 21, 2021 be received.

9.2.24 Newmarket Public Library Meeting Minutes of October 20, 2021

1. That the Newmarket Public Library Meeting Minutes of October 20, 2021 be received.

10. By-laws

Moved by: Councillor Broome

Seconded by: Councillor Woodhouse

1. That By-laws 2021-63, 2021-64, 2021-65, 2021-66, 2021-67, 2021-68, 2021-69, 2021-70, and 2021-71 be enacted.

Carried

11. Notices of Motions

None.

12. Motions Where Notice has Already been Provided

None.

13. New Business

13.1 Holiday Parking Enforcement

Mayor Taylor inquired regarding options to refrain from ticketing for parking infractions during the holiday season, particularly on Christmas Eve and New Year's Eve. The Acting Chief Administrative Officer advised that there is no difficulty around leniency for these dates and that communications would be given regarding alternate parking arrangements in the case of a snow event that required snow removal on the roads.

Moved by: Councillor Bisanz

Seconded by: Councillor Kwapis

1. That Council direct staff not to issue parking tickets on Christmas Eve and New Year's Eve and to develop public communications related to parking on these dates and the potential for the impact of a snow event.

Carried

14. Closed Session

Moved by: Councillor Morrison

Seconded by: Councillor Simon

1. That Council resolve into Closed Session to discuss the following matters:
 - a) Ontario Land Tribunal Matter - Property in Ward 3 - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board as per Section 239(2)(e) of the Municipal Act, 2001.
 - b) Appeal to the Ontario Land Tribunal (OLT) - 214-218 Main Street Heritage Balcony - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board as per Section 239(2)(e) of the Municipal Act, 2001.
 - c) Appeal to the Ontario Land Tribunal (OLT) - 55 Eagle Street - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board as per Section 239(2)(e) of the Municipal Act, 2001.

Carried

Council resolved into Closed Session at 1:32 PM.

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

Council resumed into Open Session at 1:44 PM.

14.1 Ontario Land Tribunal Matter - Property in Ward 3

Moved by: Councillor Kwapis

Seconded by: Councillor Broome

1. That the confidential direction to staff be approved.

Carried

14.2 Council - Electronic Meeting (Closed Session) Minutes of November 22, 2021

Moved by: Councillor Bisanz

Seconded by: Councillor Morrison

1. That the Council - Electronic Meeting (Closed Session) Minutes of November 22, 2021 be approved.

Carried

14.3 Committee of the Whole - Electronic Meeting (Closed Session) Minutes of December 6, 2021

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Councillor Kwapis

1. That the Committee of the Whole - Electronic Meeting (Closed Session) Minutes of December 6, 2021 be approved.

Carried

14.3.1 Appeal to the Ontario Land Tribunal (OLT) - 214-218 Main Street Heritage Balcony

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

1. That Closed Session Report CL-2021-18 dated December 6, 2021 entitled "Appeal to the Ontario Land Tribunal re 214-218 Main Street (Ward 5)" be received; and,
2. That the recommendations in Closed Session Report CL-2021-18 dated December 6, 2021 be adopted.

Carried

14.3.2 Appeal to the Ontario Land Tribunal (OLT) - 55 Eagle Street

Moved by: Councillor Kwapis

Seconded by: Councillor Broome

1. That Closed Session Report CL-2021-17 dated December 6, 2021 entitled "Appeal to the Ontario Land Tribunal (OLT) re 55 Eagle Street (Millford Development)" be received; and,
2. That the recommendations in Closed Session Report CL-2021-17 dated December 6, 2021 be adopted as amended.

Carried

15. Confirmatory By-law

Moved by: Councillor Simon

Seconded by: Councillor Morrison

1. That By-law 2021-72 be enacted.

Carried

16. Adjournment

Moved by: Councillor Broome

Seconded by: Councillor Bisanz

1. That the meeting be adjourned at 1:47 PM.

Carried

John Taylor, Mayor

Lisa Lyons, Town Clerk