



# **Town of Newmarket**

## **Minutes**

### **Council - Electronic**

Date: Monday, February 7, 2022  
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 (1:00 PM - 3:05 PM, 3:06 PM - 3:35PM)  
Councillor Morrison  
Councillor Kwapis  
Councillor Broome  
Councillor Bisanz

Members Absent: Councillor Twinney

Staff Present: I. McDougall, Chief Administrative Officer  
E. Armchuk, Commissioner of Corporate Services  
P. Noehammer, Commissioner of Development & Infrastructure Services  
L. Lyons, Director of Legislative Services/Town Clerk  
J. Grossi, Acting Deputy Clerk  
F. Scott, Manager of Regulatory Services  
J. Unger, Director of Planning & Building Services  
M. White, Senior Planner - Development  
S. Majdi, Acting Director of Engineering Services  
J. Hettmann, Supervisor of Forestry

Guests: Greg Stanisci, A. Manager Business Intelligence and Data Analytics, York Regional Police  
Deputy Chief Paulo Da Silva, York Regional Police  
Inspector Jim Killby, 1 District, York Regional Police

The meeting was called to order at 1:00 PM.  
Mayor Taylor in the Chair.  
Council recessed at 2:14 PM and reconvened at 2:22 PM.

**1. 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**

None.

**5. Presentations & Recognitions**

**5.1 York Regional Police Community Safety Data Portal**

Greg Stanisci, A. Manager Business Intelligence and Data Analytics, York Regional Police provided a live demonstration of the York Regional Police

Community Safety Data Portal which outlined the crime trend and road safety trend dashboards, the detailed community safety and road safety maps, and education options for residents including crime prevention information and access to videos.

Members of Council asked questions of clarification regarding opportunities for additional data sets to be included in the portal, patrol and proactive policing data availability to residents and Members of Council, and data validation processes.

Moved by: Councillor Bisanz

Seconded by: Councillor Broome

1. That the presentation provided by Greg Stanisci, A. Manager Business Intelligence and Data Analytics, York Regional Police regarding the Community Safety Data Portal be received.

**Carried**

## **6. Deputations**

None.

## **7. Minutes**

### **7.1 Council - Electronic Meeting Minutes of January 17, 2022**

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the Council - Electronic Meeting Minutes of January 17, 2022 be approved.

**Carried**

## **8. Reports by Regional Representatives**

Deputy Mayor & Regional Councillor Vegh provided Council with an update regarding the Yonge North Subway Extension Alignment which was discussed at a Special Council Meeting on February 3, 2022. He advised that Regional

Council discussed the proposed route, the partnerships with Metrolinx and York Region Rapid Transit Corporation (YRRTC), and concerns raised by residents.

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

**9.1 Council Workshop - Electronic Meeting Minutes of January 18, 2022**

Moved by: Councillor Morrison

Seconded by: Councillor Woodhouse

1. That the Council Workshop - Electronic Meeting Minutes of January 18, 2022 be received.

**Carried**

**9.2 Memorandum regarding Protection of Trees on Private Property**

Moved by: Councillor Kwapis

Seconded by: Deputy Mayor & Regional  
Councillor Vegh

1. That the memorandum dated February 7, 2022 regarding Protection of Trees on Private Property be received.

**Carried**

**9.3 Special Committee of the Whole - Electronic Meeting Minutes of January 24, 2022**

**Note:** This item was dealt with under sub-item 9.4. See sub-item 9.4 for motion.

**9.3.1 Presentation - Council Strategic Priority Pillar Update - Environmental Stewardship**

1. That the presentation provided by the Senior Climate Change Specialist regarding a Council Strategic Priority Pillar Update - Environmental Stewardship be received.

**9.3.2 Presentation - Protection of Trees on Private Property**

**Note:** This item was dealt with under sub-item 9.3.3. See sub-item 9.3.3 for motion.

### **9.3.3 Protection of Trees on Private Property**

Moved by: Councillor Broome

Seconded by: Councillor Kwapis

1. That the presentation provided by the Senior Planner - Development, Supervisor of Forestry, Planner - Committee of Adjustment & Cultural Heritage, and Manager of Regulatory Services regarding the Protection of Trees on Private Property be received; and,
2. That the report entitled Protection of Trees on Private Property dated January 24, 2022 be received; and,
3. That the Private Tree Protection By-law (Private Tree By-law) be adopted, as amended; and,
4. That the application fees be directed to resource and administer the By-law; and,
5. That the applicable fees be set as follows:
  - a. administration fee based on number of trees removed:
    - i. 1 tree removed \$100
    - ii. 2-4 trees removed \$300
    - iii. 5-10 trees removed \$1000
    - iv. 11+ trees removed \$5000
  - b. review fee of \$100/tree for cost recovery;
  - c. No fee for dead, dying, or hazardous trees, or trees causing property damage;
  - d. appeal to the Director of a refused permit: \$50;
  - e. appeal to the Appeals Committee of a refused permit: \$650;and,
6. That a cash-in-lieu amount of \$300 for non-construction applications, and \$450 per 6cm of tree for construction

applications, be collected if replanting cannot cover all of the prescribed compensation amount, and this amount be reviewed annually; and,

7. That staff bring forward a separate By-law defining and protecting Socially Significant Trees, targeting Q1 of 2023; and,
8. That a reserve be established for the compensation collected and to be used for planting new trees and/or other programs related to improving the Town's canopy and meeting canopy targets (over and above scheduled yearly tree planting operations); and,
9. That Staff bring forward amendments to the AMPS and Fees & Charges By-laws at the same time as the Private Tree Protection By-law, as amended; and,
10. That staff bring forward options to Council regarding incentives for tree planting and increasing the Town's tree canopy; and,
11. That all associated fees be waived until July 1, 2022, with education and enforcement effective immediately; and,
12. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

Moved by: Councillor Morrison

Seconded by: Councillor Kwapis

1. That By-law 2022-10 be enacted with the following amendment:
  - o Section 5.7 states that The Director may refuse to issue a Private Tree Permit where:
    - a. The Tree is healthy, as determined by an Arborist; and one of the following conditions have been met:
      - i. Environmentally sensitive areas, ecological systems, natural landforms or contours will not be adequately protected and preserved;
      - ii. Erosion or flood control will be negatively impacted;

- iii. An application for rezoning, consent to sever, a minor variance, a plan of subdivision or a site plan for the land on which the Tree is located has been submitted to the Town, but has not received final approval;
- iv. Approval is inconsistent with an approved Site Plan Agreement, Tree Protection Plan or an approved Arborist Report; or
- v. Any other criteria as identified in the Guidelines.

**Carried**

**9.4 Committee of the Whole - Electronic Meeting Minutes of January 31, 2022**

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Woodhouse

Seconded by: Councillor Morrison

1. **That the Special Committee of the Whole - Electronic Meeting Minutes of January 24, 2022 be received and the recommendations noted within be adopted with the exception of sub-item 9.3.3. See sub-item 9.3.3 for motion; and,**
2. That the Committee of the Whole - Electronic Meeting Minutes of January 31, 2022 be received and the recommendations noted within be adopted with the exception of sub-items 9.4.8 and 9.4.11. See sub-item 9.4.8 and 9.4.11 for motions.

**Carried**

**9.4.1 Presentation - Draft York Region Official Plan**

1. That the presentation provided by the Senior Planner - Policy regarding the Draft York Region Official Plan be received.

**9.4.2 Deputation - Municipal Capital Facilities and Municipal Benefits Agreement - Shining Hill**

1. That the deputation provided by Dave Kempton and Peggy Stevens, Drawdown Newmarket-Aurora regarding the

Recommendation Report – Shining Hill Official Plan Amendment be received.

**9.4.3 Deputation - Recommendation Report – Shining Hill Official Plan Amendment and Municipal Capital Facilities and Municipal Benefits Agreement - Shining Hill**

1. That the deputation provided by Kathryn Morton regarding the Recommendation Report – Shining Hill Official Plan Amendment be received.

**9.4.4 Deputation - Church Street Parking Review - Park Avenue to Botsford Street**

**Note:** This item was dealt with under sub-item 9.4.10. See sub-item 9.4.10 for motion.

**9.4.5 Regional Council Decision - Draft York Region Official Plan**

1. That the correspondence provided by York Region regarding the Draft York Region Official Plan be received.

**9.4.6 Draft York Region Official Plan**

1. That the report entitled Draft York Region Official Plan dated January 31, 2022 be received; and,
2. That this report be forwarded to the Regional Municipality of York as Council's comments on the draft York Region Official Plan; and,
3. That the Council resolution regarding the Town of Newmarket's intensification rate be forwarded to the Regional Municipality of York and all lower tier municipalities; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**9.4.6.1 Resolution regarding Draft York Region Official Plan**

Whereas York Region has averaged a 50 percent intensification rate since 2016; and,

Whereas Newmarket's current intensification rate is approximately 85 percent; and,



Whereas a recent report by Hemson Consulting Ltd. for the City of Ottawa found that sprawl costs the municipality more than \$460 per capita and intensifications can save the municipality more than \$600 per capita, illustrating that sprawl is not sustainable; and,

Whereas a 60 percent intensification rate to 2051 in York Region would direct the majority of the Region's growth to Centres and Corridors and Major Transit Station Areas which is well supported by Regional and Provincial infrastructure; and,

Whereas a 60 percent intensification rate to 2051 in York Region would result in the protection of the majority of the "whitebelt" for continued agricultural use; and,

Whereas the following groups do not support the Region of York's proposed phased 50 – 55% intensification rate (50% until 2041, 55% from 2041 to 2051) and seek at a minimum a 60 percent rate of intensification:

- Oak Ridges Moraine Land Trust
- Rescue Lake Simcoe Coalition
- Concerned Citizens of King Township
- York Region Federation of Agriculture; and,

Whereas the Town of Newmarket has declared a climate emergency; and,

Therefore be it resolved,

1. That the Council of the Town of Newmarket calls on York Region to target a minimum 55%-60% intensification rate when it revises its Official Plan in 2022.

#### **9.4.7 Recommendation Report – Shining Hill Official Plan Amendment**

1. That the report entitled Recommendation Report – Shining Hill OPA dated November 15, 2021 be received; and,

2. That Council adopt Official Plan Amendment Number 32, substantially in accordance with Appendix 2 of this report; and,
3. That the land use change request submitted by Shining Hill Estates Collection Inc., for the lands shown on Appendix 1, currently designated as Rural in the Region's Official Plan, be supported in principle subject to the completion of York Region's Municipal Comprehensive Review; and,
4. That staff be directed to bring back a further official plan amendment by-law for the lands shown on Appendix 1, currently designated as Rural in the Region's Official Plan, for Council's consideration after the Region's new Official Plan is in force and effect, if it changes the lands on Appendix 1 from Rural to Urban; and,
5. That Karen Whitney, Director, Community Planning and Development Services, York Region, be notified of this action; and,
6. That Paul Bailey of Shining Hill Estates Collection Inc. be notified of this action; and,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**9.4.8 Stonehaven Avenue and Best Circle (West) All-Way Stop Review**

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Simon

Seconded by: Councillor Bisanz

- 1. That the report entitled Stonehaven Avenue and Best Circle (West) All-Way Stop Review dated January 31, 2022 be referred to staff; and,**
- 2. That staff be directed to report back to Council with alternate mitigation measures within the next 60 days**

**Carried**

**9.4.9 Art West Avenue and Frederick Curran Lane Intersection All-Way Stop Request**

1. That the report entitled Art West Avenue and Frederick Curran Lane Intersection All-Way Stop Request dated January 31, 2022 be deferred to a Committee of the Whole - Electronic meeting within the next 60 days; and,
2. That staff be directed to report back to Council with alternative safety options related to pedestrianization within the next 60 days.

**9.4.10 Church Street Parking Review Park Avenue to Botsford Street**

1. That the deputation provided by Sandy Sheridan regarding the Church Street Parking Review - Park Avenue to Botsford Street be received; and,
2. That the report entitled Church Street Parking Review Park Avenue to Botsford Street dated January 31, 2022 be received; and,
3. That parking amendments noted in Appendix B be approved; and,
4. That the standard 2-year moratorium of additional parking reviews be lifted; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**9.4.10.1 Correspondence - Rick and Sandy Brown**

1. That the correspondence provided by Rick and Sandy Brown regarding the Church Street Parking Review Park Avenue to Botsford Street be received.

**9.4.11 Municipal Capital Facilities and Municipal Benefits Agreement - Shining Hill**

Moved by: Councillor Broome

Seconded by: Councillor Woodhouse

1. That the report entitled Municipal Capital Facilities and Municipal Agreement – Shining Hill dated January 31, 2022 be received; and,
2. That the Mayor and the Chief Administrative Officer be directed to execute the Municipal Capital Facilities and Municipal Benefits Agreement between the Developer (as defined in the Background Section of this report) and the Corporation of the Town of Newmarket (the “Agreement”) on the substantial terms outlined in this report; and,
3. That, in the event that Council directs the Town to execute the Agreement with the Developer, staff be directed to post a fully executed copy of the Agreement on the Town’s website; and,
4. That Staff be directed to report back on a by-law to establish a Green Environmental Fund for the purposes identified in this report and for broader environmental purposes as identified by Council from time to time; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution, including without limitation, registration by the Senior Solicitor or her designate of all land registry documents to give effect to the terms and intent of the Agreement; and,
6. That Council endorse the plan to protect the conveyed land in perpetuity; and,
7. That Council direct staff to report back on options regarding the protection of the conveyed land.

**Carried**

#### **9.4.12 Asset Management Plan – Core Assets**

1. That the report entitled Asset Management Plan – Core Assets dated January 31, 2022 be received; and,
2. That the Corporate Asset Management Plan – Core Assets be endorsed by Council subject to the annual budget review; and,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **9.4.13 Central York Fire Services 2022 User Fees**

1. That Fire Services Report 2022 User Fees be received; and,
2. That Council approve this report and authorize staff to implement the updates in the Fire Services User Fees Schedule G, as amended; and,
3. That Council approve staff to invoice at the second occurrence for a property owner who fails to comply with By-law 2009-64 A Bylaw to Regulate Outdoor Burning; and,
4. That Council approve the implementation of a Smoke/Carbon Monoxide Alarm cost recovery program, in conjunction with the Stay Fire Smart Campaign.

#### **9.4.14 Fourth Quarterly Update to the Outstanding Matters List for 2021**

1. That the report entitled Fourth Quarterly Update to the Outstanding Matters List for 2021 dated January 31, 2022 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

#### **9.4.15 Heritage Newmarket Advisory Committee Meeting Minutes of August 10, 2021**

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of August 10, 2021 be received.

#### **9.4.16 Central York Fire Services – Joint Council Committee Meeting Minutes of November 2, 2021**

1. That the Central York Fire Services – Joint Council Committee Meeting Minutes of November 2, 2021 be received.

### **10. By-laws**

Moved by: Councillor Simon

Seconded by: Councillor Woodhouse

1. That By-laws 2022-02, 2022-04, 2022-05, 2022-06, 2022-07, 2022-08, 2022-09, 2022-11, 2022-12, and 2022-13 be enacted.

**Carried**

**11. Notices of Motions**

None.

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

None.

**13. New Business**

**13.1 Traffic Mitigation at Harry Walker Parkway and Davis Drive**

Councillor Woodhouse raised concerns regarding traffic at the Harry Walker Parkway and Davis Drive intersection which included the prospect of additional traffic after the large retail development in that area is complete, the opportunity for northbound access to the 404 at Mulock, and updates to the line paintings and traffic signals following lane improvements.

**13.2 Snow Clearing**

Councillor Bisanz thanked staff for assisting a resident after the snow event last week with windrow snow clearing. Councillor Bisanz queried staff regarding options for snow clearing at Canada Post mailboxes, and the protocols they have put in place.

**14. Closed Session**

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

**14.1 Municipal Capital Facilities and Municipal Benefits Agreement - Shining Hill (if required)**

**15. Confirmatory By-law**

Moved by: Councillor Bisanz

Seconded by: Councillor Morrison

1. That By-law 2022-14 be enacted.

**Carried**

**16. Adjournment**

Moved by: Councillor Morrison

Seconded by: Councillor Woodhouse

1. That the meeting be adjourned at 3:35 PM.

**Carried**

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John Taylor, Mayor

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Lisa Lyons, Town Clerk