

The meeting of the Committee of the Whole was held on Monday, February 22, 2016 in Council Chambers, 395 Mulock Drive, Newmarket.

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

Staff Present: R.N. Shelton, Chief Administrative Officer
M. Mayes, Acting 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
L. Lyons, Deputy Clerk
R. Nethery, Director of Planning and Building Services
C. Service, Director of Recreation and Culture
L. Moor, 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 BIA 'Year in Review' Information Script, a deputation request by Mr. John Heckbert regarding Code of Conduct, a deputation request by Ms. Lauren Capilongo of Malone Given Parsons Ltd. regarding Development and Infrastructure Services – Planning and Building Services Report 2016-08 being an Application for Official Plan and Zoning By-law Amendment for the properties known as 429/445 Harry Walker Parkway South, a deputation request by Mr. Vince Naccarato of Kindwin Markham Limited regarding Rita's Avenue/Yonge Street Walkway, Development and Infrastructure Services Report – Planning and Building Services 2016-05 regarding Development Charge Credits and

Tri-Party Agreements, a proclamation request of March 2016 as 'Epilepsy Awareness Month and March 26, 2016 as 'Purple Day', Central York Fire Services – Joint Council Committee Minutes of January 12, 2016, Item 2 of the Central York Fire Services – Joint Council Committee Minutes of January 12, 2016 regarding Fire Services Report 2015-08 and Central York Fire Services – Joint Council Committee (Closed Session) Minutes of January 12, 2016.

Mayor Van Bynen advised that the order of the agenda be altered to accommodate the deputation requests.

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

THAT the addendum items be included on the agenda.

Carried

Declarations of Pecuniary Interest

None

Deputations

1. Mr. Vince Naccarato of Kindwin Markham Limited addressed the Committee with his concerns related to construction timing associated with the proposed Rita's Avenue/Yonge Street Walkway.

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

THAT the deputation by Mr. Naccarato regarding construction timing associated with the proposed Rita's Avenue/Yonge Street Walkway be received and referred to staff.

Carried

2. Ms. Lauren Capilongo, Malone Given Parsons Ltd. addressed the Committee regarding the scheduling associated with a statutory public meeting and the importance of timing to coincide with an aggressive construction timetable with respect to an Application for Official Plan and Zoning By-law Amendment for the properties known as 429/445 Harry Walker Parkway South.

Moved by: Councillor Kerwin
Seconded by: Councillor Vegh

THAT the deputation by Ms. Lauren Capilongo, Malone Given Parsons Ltd. regarding the scheduling associated with a statutory public meeting and site plan review process with respect to an Application for Official Plan and Zoning By-law Amendment for the properties known as 429/445 Harry Walker Parkway South be received.

Carried

3. Development and Infrastructure Services - Planning and Building Services Report 2016-08 dated February 11, 2016 regarding Application for Official Plan and Zoning By-law Amendment - 429/445 Harry Walker Parkway South, Regional Municipality of York.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Kerwin

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-08 dated February 11, 2016 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

i) THAT the Application for Official Plan Amendment and Zoning By-law Amendment as submitted by the Regional Municipality of York for lands being municipally known as 429 and 445 Harry Walker Parkway South be referred to a public meeting to be scheduled at the earliest possible opportunity;

ii) AND THAT following the public meeting, issues identified in this report, together with comments of the public, Committee and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;

iii) AND THAT staff be authorized to proceed in tandem with the statutory public meeting and the Site Plan Review process;

iii) AND THAT Ms. Lauren Capilongo, Malone, Given Parsons Ltd., 140 Renfrew Drive, Suite 201, Markham, ON L3R 6B3 be notified of this action.

Carried

4. Mr. Glenn Wilson and Ms. Anne Martin, Chair and Co-Chair of the Main Street District Business Improvement Area Board of Management addressed the Committee with a slide show 'BIA Year in Review'.

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

THAT the deputation and photograph slide show by Mr. Glenn Wilson and Ms. Anne Martin, Chair and Co-Chair of Main Street District Business Improvement Area Board of Management regarding 'BIA Year in Review' be received.

Carried

Consent Items

Moved by: Councillor Vegh
Seconded by: Councillor Sponga

THAT the following items be adopted on consent:

5. Corporate Services Report - Legislative Services 2016-07 dated February 8, 2016 regarding Carnival - D.A. Campbell Amusement Ltd. - Upper Canada Mall.
 - a) THAT Corporate Services Report - Legislative Services 2016-07 dated February 8, 2016 regarding Carnival - D.A. Campbell Amusement Ltd. - Upper Canada Mall be received and the following recommendations be adopted:
 - i) THAT the application be approved subject to the following terms:
 - ii) THAT the license be issued for a period of seven consecutive days from May 10 to May 16, 2016 to permit the setting up and dismantling of amusement devices;
 - iii) AND THAT the actual operation of the carnival not exceed five consecutive days within that permitted time period.
6. Corporate Services Report - Financial Services 2016-07 dated February 22, 2016 regarding the delegation of authority for a tax relief application.
 - a) THAT Corporate Services Report - Financial Services 2016-07 dated February 22, 2016 regarding the delegation of authority to the Assessment Review Board (ARB) be received and the following recommendations be adopted:

- i) THAT the attached By-law be approved;
 - ii) AND THAT a certified copy of the By-law be forwarded to the Registrar of the Assessment Review Board.
7. Correspondence dated January 21, 2016 from Ms. Karen Beaulieu, Fundraising Specialist, Canadian Cancer Society requesting an exemption from the Noise By-law on June 24, 2016 from 6:00 p.m. to 12:00 a.m. for the 2016 Relay for Life event at Pickering College.
- a) THAT the correspondence dated January 21, 2016 from Ms. Karen Beaulieu, Fundraising Coordinator, Canadian Cancer Society requesting an exemption from the Noise By-law for the 2016 Relay for Live event at Pickering College on June 24, 2016 from 6:00 p.m. to 12:00 a.m. be received and approved subject to notification being provided to area residents:
 - i) AND THAT Ms. Beaulieu be notified in this regard.
8. Newmarket Public Library Board Minutes of December 16, 2015.
- a) THAT the Newmarket Public Library Board Minutes of December 16, 2015 be received.
9. Appointment Committee Minutes of February 8, 2016.
- a) THAT the Appointment Committee Minutes of February 8, 2016 be received.
10. Item 2 of the Appointment Committee Minutes of February 8, 2016 regarding Resignation from the Newmarket Environmental Advisory Committee.
- a) THAT staff be directed to advertise the vacancy on the Newmarket Environmental Advisory Committee in accordance with the Committee Public Appointment Policy.
11. Item 3 of the Appointment Committee Minutes of February 8, 2016 regarding Accessibility Advisory Committee.
- a) THAT staff be directed to advertise the vacancy on the Accessibility Advisory Committee in accordance with the Committee Public Appointment Policy.
12. Item 4 of the Appointment Committee Minutes of February 8, 2016 regarding Heritage Newmarket Advisory Committee.
- a) THAT the Council Extract regarding Item 7 of the Heritage Newmarket Advisory Committee Minutes of October 6, 2015 be received;

b) AND THAT the current composition of Heritage Newmarket be maintained and that community volunteers be engaged to assist with special projects, where possible, to educate those volunteers on the role of Heritage Newmarket and in an effort to build capacity for future years.

13. Correspondence dated January 25, 2016 from Mr. Michael Dukart, Tournament Chairman, Newmarket House League Hockey Committee requesting proclamation of March 16 to March 19, 2016 as 'House League Hockey Week'.

a) THAT the correspondence from Mr. Michael Dukart, Tournament Chairman be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim March 16 to 19, 2016 as 'House League Hockey Week';

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

14. Correspondence dated January 19, 2016 from Ms. Tracey Nesbitt, Manager, OASW Central Ontario Branch requesting proclamation of March 7 to 13, 2016 as 'Social Work Week' in the Town of Newmarket.

a) THAT the correspondence from Ms. Tracey Nesbitt, Manager, OASW Central Ontario Branch be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim March 7 to 13, 2016 as 'Social Work Week';

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

15. Development and Infrastructure Services - Planning and Building Services Report 2016-05 dated February 22, 2016 regarding Development Charge Credits and Tri-Party Agreements.

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-05 dated February 22, 2016 regarding development charge credits and tri-party agreements be received and the following recommendation be adopted:

i) THAT the position taken by staff relative to mutually-beneficial Tri-Party Agreements in the floodplain be approved as it relates to Development Charges.

16. Correspondence dated February 3, 2016 from Ms. Claudia Cozza, Executive Director, Epilepsy York Region requesting proclamation of March, 2016 as 'Epilepsy Awareness Month' and March 26, 2016 as 'Purple Day' in the Town of Newmarket.
 - a) THAT the correspondence from Ms. Claudia Cozza, Executive Director, Epilepsy York Region be received and the following recommendations be adopted:
 - i) THAT the Town of Newmarket proclaim March, 2016 as 'Epilepsy Awareness Month' and March 26, 2016 as 'Purple Day';
 - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
17. Central York Fire Services Joint Council Committee Minutes of January 12, 2016.

THAT the Central York Fire Services Joint Council Committee Minutes of January 12, 2016 be received.
18. Item 2 of the Central York Fire Services Joint Council Committee Minutes of January 12, 2016 regarding Fire Services Report 2015-09 dated December 14, 2015 regarding Fire Master Plan Staffing Strategy. (Fire Services Report 2015-09 and associated Memo are attached for reference purposes)
 - a) THAT the Central York Fire Services Joint Council Committee (JCC) recommend Option 4 as the preferred staffing strategy;
 - b) AND THAT JCC request the release of operating budget funds from a Town of Newmarket reserve account in order to initiate a multi-year hiring program which will enable Central York Fire Services to appropriately deal with emergency situations in Aurora and Newmarket.
19. Central York Fire Services Joint Council Committee (Closed Session) Minutes of January 12, 2016.

THAT the Central York Fire Services Joint Council Committee (Closed Session) Minutes of January 12, 2016 be received.
20. List of Outstanding Matters.
 - a) THAT the list of Outstanding Matters be received.

Carried

Presentations & Recognitions

21. The Director of Legislative Services/Town Clerk addressed the Committee with a PowerPoint Presentation regarding Joint Office of the CAO and Corporate Services - Legislative Services Report 2016-02 dated January 28, 2016 with respect to Appointment of Municipal Ombudsman. Discussion ensued regarding management of the costs associated with the appointment of a municipal ombudsman, complaint reporting structure, appeal mechanisms within the appointment agreement and possible re-examination of the matter within a certain timeframe.

Moved by: Councillor Hempen
Seconded by: Councillor Twinney

THAT the PowerPoint Presentation by the Director of Legislative Services/Town Clerk regarding Joint Office of the CAO and Corporate Services - Legislative Services Report 2016-02 dated January 28, 2016 with respect to Appointment of Municipal Ombudsman be received.

Carried

22. Joint Office of the CAO and Corporate Services - Legislative Services Report 2016-02 dated January 28, 2016 regarding Appointment of Municipal Ombudsman.

An alternate motion was presented and discussion ensued.

Moved by: Councillor Hempen
Seconded by: Councillor Twinney

a) THAT Corporate Services Report - Legislative Services 2016-02 dated January 28, 2016 regarding 'Appointment of Municipal Ombudsman' be received and the following recommendations be adopted:

i) THAT Council appoint ADR Chambers, Inc. as municipal ombudsman for the Town of Newmarket and applicable local boards and Newmarket-Tay Power Distribution Limited for the period of March 1, 2016 through December 31, 2020;

ii) AND THAT a by-law be brought forward to Council appointing ADR Chambers, Inc. as municipal ombudsman for the Town of Newmarket and applicable local boards and Newmarket-Tay Power Distribution Limited for the period of March 1, 2016 through December 31, 2020 in accordance with Section 223.13 (1) of the Municipal Act, 2001;

iii) AND THAT the Mayor and Clerk be authorized to execute an agreement with ADR Chambers Incorporated to provide Ombudsman Services on a fee for service basis for the period March 1, 2016 to December 31, 2021;

iv) AND THAT staff provide an information update report after a 6 month period once the agreement has been executed;

v) AND THAT the Clerk provide Ms. Barbara Finlay, Acting Provincial Ombudsman and Mr. Paul Ferguson, President, Newmarket-Tay Power Distribution Limited the York Region municipalities with a copy of Council's resolution on this matter for their information.

Carried

23. The Deputy Clerk addressed the Committee with a PowerPoint Presentation regarding Corporate Services Report - Legislative Services 2016-05 dated February 11, 2016 with respect to the Code of Conduct for Members of Council.

Discussion ensued regarding recommended options contained within the draft Code of Conduct for Members of Council. Further discussion ensued regarding word definitions and specifics.

Moved by: Councillor Vegh
Seconded by: Councillor Kerwin

THAT the PowerPoint Presentation by the Deputy Clerk regarding Corporate Services Report - Legislative Services 2016-05 dated February 11, 2016 with respect to the Code of Conduct for Members of Council be received.

Carried

24. Mr. John Heckbert addressed the Committee regarding the Code of Conduct and his concerns related to social media account privileges. Discussion ensued regarding methods of communication, the management and justifications of social media account privileges.

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

THAT the deputation by Mr. John Heckbert regarding the Code of Conduct be received.

Carried

25. Corporate Services Report - Legislative Services 2016-05 dated February 11, 2016 regarding Draft Code of Conduct for Members of Council.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor
Seconded by: Councillor Broome-Plumley

a) THAT Corporate Services Report - Legislative Services 2016-05 dated February 11, 2016 regarding Draft Code of Conduct for Members of Council be received and the following recommendations be adopted:

i) THAT Council approve the draft Code of Conduct for Members of Council, as presented in Appendix B of the report, amended to reflect further housekeeping/editorial revisions intended to clarify wording; and to initiate a Code of Conduct complaint the alleged violation shall have taken place within sixty (60) days of filing the complaint with the Integrity Commissioner;

ii) AND THAT a By-law establishing a Code of Conduct for Members of Council be considered at the February 29, 2016 Council meeting;

iii) AND THAT in addition to general public notice, individuals who previously provided input on the Code, and where contact information is available, be notified directly.

Carried

26. Correspondence dated February 2, 2016 from Mr. Stephen M.A. Huycke, Town Clerk, Town of Aurora regarding Council Resolution of January 26, 2016 - Motion - Ontario Municipal Board Jurisdiction.

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

a) THAT the correspondence dated February 2, 2016 from Mr. Stephen M.A. Huycke, Town Clerk, Town of Aurora regarding Council Resolution of January 26, 2016 - Motion - Ontario Municipal Board Jurisdiction be received.

Carried

Action Items

None.

Reports by Regional Representatives

None.

Notices of Motion

None.

Motions

27. Welcome Entrance Sign.

Moved by: Councillor Hempen

Seconded by: Deputy Mayor & Regional Councillor Taylor

THAT staff report back on the feasibility and suitable location for the installation of a community welcome entrance sign at the intersection of Longford Drive and Davis Drive;

AND THAT staff also provide a suitable design for the welcome sign. The cost of the sign will be covered by private fundraising.

Carried

New Business

Carried

- a) Councillor Twinney advised she has been made aware of increased coyote sightings in the neighborhood of St. Elizabeth Seton School as well as George Richardson Park area and she requested the public be informed.
- b) Regional Councillor Taylor introduced the following motion with respect to federal infrastructure funding.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Sponga

THAT staff report back within 90 days outlining directions and potential priorities for anticipated federal infrastructure funding applications.

Carried

Closed Session

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

Public Hearing Matters

None.

Adjournment

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

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 4:17 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk