

The meeting of the Committee of the Whole was held on Monday, May 9, 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 Sponga (2:20 to 9:21 p.m.)
Councillor Broome-Plumley
Councillor Bisanz

Absent: Councillor Hempen

Staff Present: R. N. Shelton, Chief Administrative Officer
E. Armchuk, 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
R. Nethery, Director of Planning and Building Services
L. Lyons, Deputy Clerk
J. Unger, Assistant Director of Planning
D. Ruggle, Senior Planner – Community Planning
A. Cammaert, Senior Planner – Policy
L. Moor, Council/Committee Coordinator
C. Finnerty, Council/Committee Coordinator
J. Patel, Applications Support Analyst

The meeting was called to order at 1:31 p.m.

Mayor Van Bynen in the Chair.

Additions & Corrections to the Agenda

The Chief Administrative Officer advised of the addendum items, being a PowerPoint presentation by Mr. Stephen Fung regarding the Regional Water and Wastewater Master Plan Update. He further advised of additional deputations related to the Public Hearing at 7:00 p.m. with respect to the Main Street Clock Inc. development proposal and provided additional details related to the structure of the Public Hearing.

Moved by: Councillor Vegh
Seconded by: Councillor Kerwin

THAT the addendum items be included in the agenda.

Carried

Declarations of Pecuniary Interest

None.

Presentations & Recognitions

1. Mr. Mark Ortiz, Manager of Infrastructure Asset Planning and Management and Mr. Stephen Fung, Director, Infrastructure Asset Management, Regional Municipality of York addressed the Committee with a PowerPoint presentation regarding the Regional Water and Wastewater Master Plan Update along with various percentage figures associated with Lake Ontario and Lake Simcoe statistics.

Moved by: Councillor Twinney
Seconded by: Councillor Kerwin

THAT the presentation by Mr. Ortiz and Mr. Fung be provided an additional five minutes.

Carried

Moved by: Councillor Kerwin
Seconded by: Councillor Vegh

THAT the PowerPoint presentation by Mr. Mark Ortiz, Manager of Infrastructure Asset Planning and Management and Mr. Stephen Fung, Director, Infrastructure Asset Management, Regional Municipality of York regarding the Regional Water and Wastewater Master Plan Update be received.

Carried

2. Mr. Paul Ferguson, President, Newmarket-Tay Power addressed the Committee with a PowerPoint presentation regarding a conservation demand management initiative entitled CustomerFirst Shareholding.

Moved by: Councillor Kerwin

Seconded by: Deputy Mayor & Regional Councillor Taylor

THAT the presentation by Mr. Ferguson be provided an additional five minutes.

Carried

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Broome-Plumley

THAT the PowerPoint presentation by Mr. Paul Ferguson, President, Newmarket-Tay Power regarding CustomerFirst Shareholding be received;

THAT the Newmarket Hydro Holdings Inc. PowerPoint presentation of the President together with the Report of the President dated April 22, 2016 regarding CustomerFirst Inc. be received and the following recommendations be adopted:

WHEREAS the Corporation of the Town of Newmarket (the “Sole Shareholder”) is the sole shareholder of Newmarket Hydro Holdings Inc. (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 is seeking shareholder approval to enter into a partnership, strategic alliance, joint venture, union of interests or reciprocal concession with any party or any other arrangement with any party for the sharing of profits, specifically CustomerFirst Inc.;

AND WHEREAS the Board of Directors of Newmarket – Tay Power Distribution Ltd. has recommended that the Corporation subscribe to shares in CustomerFirst Inc.;

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, direct R.N. Shelton, the sole director and legal representative of the Corporation, to subscribe for certain Class A and Class B shares in the capital of CustomerFirst Inc. described below:

Subscriber	Class and Number of Shares	Aggregate Consideration	NHHI Portion	Price per Share
Newmarket Hydro Holdings Inc.	1 Class A Share	\$5,000.00	\$4,650.00	\$5,000.00
Newmarket Hydro Holdings Inc.	33,883 Class B Shares	\$338.83	\$315.11	\$0.01

2. AND THAT the Mayor, as the Sole Shareholder's legal representative, direct R.N. Shelton, the sole director and legal representative of the Corporation, to execute the Declaration of Bare Trust and Nominee Agreement with Tay Hydro Inc.

Consent Items

Moved by: Councillor Vegh
Seconded by: Councillor Kerwin

THAT the following items be adopted on consent:

3. Development and Infrastructure Services - Planning and Building Services Report 2016-13 dated April 20, 2016 regarding an Application for Zoning By-law Amendment - 345 and 351 Davis Drive.
 - a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-13 dated April 20, 2016 regarding an Application for Zoning By-law Amendment - 345 and 351 Davis Drive be received and the following recommendations be adopted:
 - i) THAT the Application for Zoning By-law Amendment, as submitted by 1738357 Ontario Ltd., for lands being located at 345 and 351 Davis Drive, be approved and that staff be directed to prepare the necessary Zoning By-law Amendment including a Holding Provision, as necessary;
 - ii) AND THAT Mr. Andrew Fernacik, Walker, Nott, Dragicevic Associates Limited, 90 Eglinton Avenue East, Suite 970, Toronto, ON M4P 2Y3 be notified of this action.

4. Development and Infrastructure Services - Planning and Building Services Report 2016-18 dated May 9, 2016 regarding the Street Naming Policy.
 - a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-18 dated May 9, 2016 regarding the Street Naming Policy be received and the following recommendations be adopted:
 - i) THAT Council adopt the attached Street Naming Policy;
 - ii) AND THAT Council delegate to staff such authority as is required to administer the Street Naming Policy.
5. Corporate Services Report - Financial Services 2016-20 dated April 27, 2016 regarding Deferred Implementation of Tiered Water Rates.
 - a) THAT Corporate Services Report - Financial Services 2016-20 dated April 27, 2016 regarding Deferred Implementation of Tiered Water Rates be received and the following recommendation be adopted:
 - i) THAT staff be directed to report back to Council on the implementation of the phase-in of the tiered fixed rate structure in 2017.
6. Corporate Services Report - Legislative Services 2016-09 dated April 28, 2016 regarding N6 Contract with BFL Canada Risk and Insurance Services Inc.
 - a) THAT Corporate Services Report – Legislative Services – 2016-09 dated April 28, 2016 regarding 'N6 Contract with BFL Canada Risk and Insurance Services Inc.' be received and the following recommendation be adopted:
 - i) THAT Council authorizes a three (3) year contract from January 1, 2017 to December 31, 2019 with BFL Canada Risk and Insurance Services Inc. for the provision of Town Insurance and Risk Management Services.
7. Main Street District Business Improvement Area Board of Management Minutes of March 15, 2016.
 - a) THAT the Main Street District Business Improvement Area Board of Management Minutes of March 15, 2016 be received.
8. Heritage Newmarket Advisory Committee Minutes of April 5, 2016.
 - a) THAT the Heritage Newmarket Advisory Committee Minutes of April 5, 2016 be received.

9. Item - New Business a) of the Heritage Newmarket Advisory Committee Minutes of April 5, 2016 regarding the Clock Tower development.

a) THAT the following motion be received and forwarded to staff to coordinate as part of the Planning Report.

The Heritage Newmarket Advisory Committee recommends to Council:

WHEREAS the proposed building does not comply with the Town of Newmarket's Official Plan for Main Street which limits building heights to three stories;

AND WHEREAS the proposed building does not comply with the Development Plan for the Heritage Conservation District;

AND WHEREAS the proposed underground parking consists of three levels and there is an underground watercourse beneath or adjacent to the proposed development and surrounding buildings resulting in the need for the installation of waterproofing and structural pylons and therefore the construction of the proposed development may cause a change in the natural underground watercourse and may cause damage to other buildings in the Heritage Conservation District;

AND WHEREAS many of the buildings in the surrounding area are built on rubble stone foundations, extensive excavation and construction may result in ancillary damage to other parts of those buildings;

AND WHEREAS currently Park Avenue is a narrow street which is frequently blocked by vehicular traffic, and the proposed main entrance and exit for the underground parking garage, together with the loading dock will add to an already stressed situation on Park Avenue considering that the Trinity United Church which is across the street also has handicapped parking/access onto Park Avenue opposite or in close vicinity to the underground garage entrance/exit and the loading dock and therefore, concerns arise regarding adequate turning radius and potential risks for moving vans and delivery trucks;

AND WHEREAS the proposed construction requires a land swap between the owner and the Town of Newmarket in order that it has the required number of parking spaces;

AND WHEREAS according to the building proposal submission, the facades of the buildings at 184, 188, 190 and 194 Main Street south of the former Post Office have not been preserved in accordance with the Ontario Heritage Act;

AND WHEREAS the streetscape and shadow study provided do not realistically show the potential impact on surrounding buildings such as the Trinity United Church, where the stained glass windows are worthy of protection, and businesses on the east side of Main Street where front windows may also be impacted;

AND WHEREAS the construction of this development may have a long term effect on public parking which may negatively impact the local merchants' ability to carry on business for an extended period of time;

AND WHEREAS the likelihood of precedent setting examples exist with this proposed rezoning application;

THEREFORE we, the members of the Heritage Newmarket Advisory Committee adamantly recommend that the Council of the Town of Newmarket reject this proposal.

10. Correspondence received April 26, 2016 from Mr. Bernie Smith, Principal, Sacred Heart Catholic High School requesting an exemption from the Noise By-law (2004-94) for the 2016 Relay for Life event from 12:00 p.m. to 11:59 p.m. on May 27, 2016.

a) THAT the correspondence from Mr. Bernie Smith, Principal, Sacred Heart Catholic High School regarding an exemption from the Noise By-law 2004-94, as amended, be received;

i) AND THAT the Canadian Cancer Society, Relay for Life event be exempted from the Noise By-law 2004-94, as amended, from 12:00 p.m. to 11:59 p.m. on May 27, 2016 at Sacred Heart Catholic High School, subject to notification being provided to area residents.

11. Correspondence dated April 28, 2016 from Mr. Steve Foglia, Chair, Accessibility Advisory Committee requesting proclamation of May 29 to June 4, 2016 as 'National Access Awareness Week'.

a) THAT the correspondence from Mr. Steve Foglia, Chair, Accessibility Advisory Committee be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim May 29 to June 4, 2016 as 'National Access Awareness Week';

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

12. List of Outstanding Matters.

- a) THAT the list of Outstanding Matters be received.

Carried

13. Correspondence dated April 2, 2016 from Ms. Amanda Knegje, President, PFLAG Canada York Region requesting proclamation of June 11 to 19, 2016 as 'Pride Week'.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Sponga

- a) THAT the correspondence from Ms. Amanda Knegje, President, PFLAG Canada York Region be received and the following recommendations be adopted:

- i) THAT the Town of Newmarket proclaim June 11 to 19, 2016 as 'Pride Week';

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

- iii) AND THAT staff be directed to liaise with PFLAG for any opportunity to celebrate a Pride related event during that week.

Carried

Councillor Sponga arrived at 2:20 p.m.

Action Items

14. Correspondence dated April 7, 2016 from Ms. Laurie Scott, MPP - Haliburton-Kawartha Lakes-Brock requesting support of Bill 158, Saving the Girl Next Door Act, 2016.

Moved by: Councillor Twinney

Seconded by: Councillor Broome-Plumley

THAT the correspondence dated April 7, 2016 from Ms. Laurie Scott, MPP - Haliburton-Kawartha Lakes-Brock requesting support of Bill 158, Saving the Girl Next Door Act, 2016 be received and endorsed.

Carried

Reports by Regional Representatives

None.

Notices of Motion

- a) Councillor Twinney advised she would be bringing forward a motion to the next scheduled Committee of the Whole meeting regarding the feasibility of enacting a by-law to ban driving school vehicles on residential streets.

Motions

- 15. Motion by Deputy Mayor & Regional Councillor Taylor regarding Municipal Elections.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Sponga

THAT Council direct staff to bring back a report within 180 days that examines the process and issues related to a ban on corporate and union donations in Newmarket Municipal Elections.

Carried

New Business

- a) Mayor Van Bynen congratulated staff regarding a recently distributed Information Report 2016-06 which dealt with Enhanced Municipal Enforcement initiatives and he thanked those involved in bringing the processes up to date.
- b) Deputy Mayor & Regional Councillor Taylor requested an update from staff regarding the possibility of staggering Town events in an effort to more evenly distribute opportunities for participation by residents and Members of Council alike. The Chief Administrative Officer advised that Recreation staff could provide an update in this regard.

Closed Session

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

The Committee of the Whole recessed at 2:33 p.m.

Public Hearing Matters

The continuation of the Committee of the Whole was called to order at 7:01 p.m.

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 Application.

The Deputy Clerk advised that the purpose of the meeting is to hear from anyone who has an interest in the Application submitted for a Zoning By-law Amendment to amend the existing Historic Downtown Urban Centre Zone to permit a mixed use building of seven storeys on the subject lands being 178, 180, 184, 188, 190 and 194 Main Street South, specifically to accommodate one hundred sixty-five residential apartment units and five commercial units fronting on Main Street South.

She further advised that the Committee of the Whole would not be making a decision regarding the proposed application, 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.

Mayor Van Bynen advised of the rules of decorum for this portion of the meeting.

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

THAT the Procedural By-law be upheld and no extension of deputation times be allotted.

Carried

16. Development and Infrastructure Services Report - Planning and Building Services Report 2016-14 dated April 7, 2016 and related Council Extract, Public Meeting Notice regarding Application for Zoning By-law Amendment - 180-194 Main Street.

Moved by: Councillor Sponga
Seconded by: Councillor Bisanz

THAT the list of names as addendum items be included.

Carried

17. Mr. Bob Forrest addressed those present with a PowerPoint presentation regarding the Main Street Clock Inc. development proposal and provided a high level summary of the proposal, including preservation of the existing historic characteristics of the building, overview of the development proposal, parking considerations and allocations, project goals, collaborations with neighbouring property owners to mitigate concerns and Trinity United Church stained glass preservation efforts due to construction vibration. Mr. Forrest concluded by addressing some concerns related to the proposed development height and compliance with existing height provisions as well as parking impacts on Main Street.
18. Mr. Art Weis addressed those present with a PowerPoint presentation providing details of various aspects of the development proposal and offered his support of the project.
19. Mr. Siegfried Wall addressed those present in opposition to the Main Street Clock Inc. development proposal.
20. Mr. David Kempton addressed those present in support of the Main Street Clock Inc. development proposal and the public consultation process
21. Ms. Peggy Stevens addressed those present in support of the Main Street Clock Inc. development proposal and offered her opinion that a walkable community with a greater variety of businesses should draw people to the area.
22. Mr. Greg King addressed those present in support of the Main Street Clock Inc. development proposal and advised of his full submission in writing provided electronically.
23. Ms. Ann Campbell addressed those present in opposition to the Main Street Clock Inc. development proposal and requested that the height restriction be adhered to and by-laws be enforced.

24. Ms. Heather Burling on behalf of Newmarket Citizens for Heritage Conservation addressed those present in opposition to the Main Street Clock Inc. development proposal.
25. Ms. Margaret Davis on behalf of Newmarket Citizens for Heritage Conservation addressed those present in opposition to the Main Street Clock Inc. development proposal. She expressed her opinion that people may avoid Main Street during construction of the proposed development and traffic and parking issues at Park Avenue and Main Street will be challenging.
26. Ms. Anne Martin addressed those present in opposition to the Main Street Clock Inc. development proposal and provided her comments related to density, parking inventory and the demolition of the development area.
27. Ms. Lisa Heckbert, on behalf of Mr. Ron Eibel addressed those present with a PowerPoint presentation expressing opposition to the Main Street Clock Inc. development proposal.
28. Mr. Glenn Wilson, on behalf of the Main Street District Business Improvement Area Board of Management addressed those present in opposition to the Main Street Clock Inc. development proposal and reminded Members of Council of a recent motion by the Board with respect to the development proposal. Mr. Wilson further requested an independent report summarizing the short and long term impacts.
29. Ms. Olga Paiva, Architectural Conservancy of Ontario (Newmarket Branch) addressed those present in opposition to the Main Street Clock Inc. development proposal and provided her opinion that the character of the street could be lost and requested consideration of refusal of the proposal.
30. Ms. Mollie Coles Tonn addressed the Committee in support of the Main Street Clock Inc. development proposal as long as the existing heritage merits are retained as they were with the construction of the Specialtylofts building.
31. Ms. Jackie Playter addressed those present in support of the Main Street Clock Inc. development proposal, the revitalization of Main Street, intensification as the next step and the proven success of the Specialtylofts as a preferred area for downsizing and staying in Newmarket.
32. Mr. Gordon Prentice, Architectural Conservancy of Ontario (Newmarket Branch) addressed those present in opposition to the Main Street Clock Inc. development proposal and provided his opinion that the scenic views and panoramas of Lower Main Street may be lost, that the mass and scale of the project is not appropriate for the area and that the construction period could be lengthy and disruptive.

33. Mr. John Heckbert addressed those present in opposition to the Main Street Clock Inc. development proposal and queried the rental versus purchase aspect, the financial impacts and the demographic attraction.
34. Ms. Jude Lauzon addressed those present in opposition to the Main Street Clock Inc. development proposal and summarized, in her opinion that some businesses have failed as a result of planning decisions, that parking needs should be remedied and that an economic impact assessment should be realized before development can proceed.
35. Ms. Elaine Adam addressed those present in opposition to the Main Street Clock Inc. development proposal and provided her opinion that this development will set a precedent and questioned what are Council and the Economic Development Office doing to protect the currently thriving businesses.
36. Mr. Dave Partington addressed those present in support of the Main Street Clock Inc. development proposal and provided his opinion that any construction project can be hampered by delays, the Davis Drive completion is now well received and consideration should be given to the upcoming generation for affordable housing options.
37. Mr. Ted Heald addressed those present in opposition to the Main Street Clock Inc. development proposal and advised that in his opinion, the Main Street merchants are divided over this matter by the specific actions of a certain Member of Council at a recent Main Street District Business Improvement Area Board of Management meeting. Mayor Van Bynen called Mr. Heald out of order; Mr. Heald continued with disparaging comments and Mayor Van Bynen requested Mr. Heald leave the Council Chambers. Mr. Heald left the Council Chambers.
38. Mr. Ted Bomers addressed those present not in favour, nor opposed to the Main Street Clock Inc. development proposal and queried if any downtown merchants experience economic viability by the inhabitants surrounding Main Street. He further queried if the proposed development, should it occur and disrupt businesses, will there be a compensation plan and will area merchants be part of the revitalization efforts?
39. Ms. Jone Wright addressed those present in opposition to the Main Street Clock Inc. development proposal and asked if the proposal could be scaled back to three storeys, four at a maximum. She concluded by querying why, in her opinion, business owners are less important than developers.

40. Mr. Athol Hart, on behalf of Heritage Newmarket Advisory Committee addressed those present and read aloud the motion of the Heritage Newmarket Advisory Committee, listed as Item 12 of the Committee of the Whole Agenda of May 9, 2016 into the record.
41. Mr. Malcolm Watts addressed those present in opposition to the Main Street Clock Inc. development proposal and advised that, in his opinion, the area known as Market Square has its own unique characteristics and one can see heritage buildings from any corner of that square, if the development were to proceed the heritage sightlines may no longer exist.
42. Mr. Terry Alderson addressed those present in support of the Main Street Clock Inc. development proposal and recommended an increase in storey height.
43. Mr. Ness Daniel addressed those present regarding the Main Street Clock Inc. development proposal and queried if any compensation would be provided to small business owners.
44. Mr. Douglas Howie addressed those present in opposition to the Main Street Clock Inc. development proposal and suggested that, in his opinion would be better suited to the City of Mississauga.
45. Correspondence dated May 3, 2016 from Mr. Michael Croxon, President, New Roads Automotive Group regarding the Main Street Clock Inc. development proposal.
46. Correspondence dated May 4, 2016 from Ms. Pat Champagne regarding the Main Street Clock Inc. development proposal.
47. Correspondence dated May 4, 2016 from Ms. Jill Kellie regarding the Main Street Clock Inc. development proposal.
48. Correspondence received May 5, 2016 from Mr. Steve Hinder regarding the Main Street Clock Inc. development proposal.
49. Correspondence dated April 26, 2016 from Ms. Karen Stiege regarding the Main Street Clock Inc. development proposal.
50. Correspondence dated May 6, 2016 from Ms. Erin Cerenzia regarding the Main Street Clock Inc. development proposal.
51. Correspondence dated May 8, 2016 from Mr. Michael Croxon rescinding correspondence sent May 3, 2016 (Item 26) regarding the Main Street Clock Inc. development proposal.

52. Correspondence dated May 6, 2016 from Mr. Ken Hill, Hill Hunter Losell Law Firm on behalf of Trinity United Church regarding Main Street Clock Inc. development proposal.
53. Correspondence dated May 8, 2016 from Mr. Jason and Ms. Suzanne Nagels regarding the Main Street Clock Inc. development proposal.
54. Ms. Leslie Bertin – Deputation Withdrawal – Item 23 on agenda regarding the Main Street Clock Inc. development proposal.
55. Correspondence dated May 8, 2016 from Ms. M. McArthur regarding the Main Street Clock Inc. development proposal.

Mayor Van Bynen thanked everyone for their participation and summarized questions that have been received along with next steps in the process.

Deputy Mayor & Regional Councillor Taylor expressed that he is proud to be part of the community and how he was impressed by the passionate and respectful concerns on both sides many of which had not been fully contemplated before.

The Director of Planning and Building Services summarized the next steps being final examination of the peer review documents, appeal mechanisms and timelines associated with the development proposal.

Moved by: Councillor Sponga

Seconded by: Councillor Bisanz

THAT all deputations and correspondence be received.

Carried

Adjournment

Moved by: Councillor Sponga

Seconded by: Councillor Broome-Plumley

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 9:21 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk