



Town of Newmarket MINUTES

COUNCIL

Monday, May 16, 2016 at 7:00 PM
Council Chambers

For consideration by Council
on June 7, 2016

The meeting of the Council was held on Monday, May 16, 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
Councillor Bisanz

Absent: Councillor Hempen
Councillor Broome-Plumley

Staff Present: R.N. Shelton, Chief Administrative Officer
E. Armchuk, Commissioner of Corporate Services
P. Noehammer, Commissioner of Development and Infrastructure Services
A. Brouwer, Director of Legislative Services/Town Clerk
C. Finnerty, Council/Committee Coordinator
J. Patel, Business Support Analyst

Open Forum

No one in attendance came forward to address Council during Open Forum.

The meeting was called to order at 7:00 p.m.

Mayor Van Bynen in the Chair.

Public Notices

None.

Additions & Corrections to the Agenda

1. Additions & Corrections to the Agenda.

The Chief Administrative Officer advised of the addendum item, being a deputation by Mr. Ted Heald regarding Item 5 of the Agenda, being the Committee of the Whole Minutes of May 9, 2016, more specifically related to the Public Hearing concerning the Main Street Clock Inc. development proposal.

Moved by: Councillor Sponga
Seconded by: Councillor Bisanz

THAT the addendum item be included in the agenda.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Bisanz

Opposed: (None)
(7 in favour, 0 opposed)

Carried

Declarations of Pecuniary Interest

None.

Deputations

2. Mr. Ted Heald addressed Council with respect to the draft Committee of the Whole Minutes of May 9, 2016 and perceived inaccuracies and omissions in recording deputations made during the Public Hearing related to the Main Street Clock Inc. development proposal. He suggested that the process of recording deputations be reviewed and requested deferral of the Minutes in order to provide an opportunity for each deputant to review their recorded comments.

Moved by: Councillor Vegh
Seconded by: Councillor Sponga

THAT the deputation by Mr. Ted Heald regarding the draft Committee of the Whole Minutes of May 9, 2016 be received.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Bisanz

Opposed: (None)
(7 in favour, 0 opposed)

Carried

Presentations & Recognitions

3. Ms. Beth Sinyard, Curator, Elman W. Campbell Museum, along with the Mayor and Members of Council presented the 2016 High School Civic Art Contest Awards to Max Warner, Newmarket High School in the acrylic and oil category, Leanne Hollingsworth, Huron Heights Secondary School in the dry medium category, Reece Wolff, Newmarket High School in the mixed media category, Camille Kiffin, Pickering College in the watercolour category with honourable mentions to Reegan Sargent, Huron Heights Secondary School in the acrylic and oil category, Nathan Whitefield, Huron Heights Secondary School in the dry medium category, Julie Siery, Huron Heights Secondary School in the mixed media category, Gabi Macias, Pickering College, in the photography category and Karen Ji, Pickering College in the watercolour category.

Approval of Minutes

4. Special Council Minutes of April 25, 2016.

Moved by: Councillor Sponga
Seconded by: Councillor Bisanz

THAT the Special Council Minutes of April 25, 2016 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Bisanz

Opposed: (None)
(7 in favour, 0 opposed)

Carried

5. Special Council (Closed Session) Minutes of April 25, 2016.

Moved by: Councillor Twinney
Seconded by: Councillor Kerwin

THAT the Special Council (Closed Session) Minutes of April 25, 2016 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,
Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor
Sponga, Councillor Bisanz

Opposed: (None)
(7 in favour, 0 opposed)

Carried

6. Council Minutes of April 25, 2016.

Moved by: Councillor Kerwin
Seconded by: Councillor Vegh

THAT the Council Minutes of April 25, 2016 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,
Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor
Sponga, Councillor Bisanz

Opposed: (None)
(7 in favour, 0 opposed)

Carried

Reports by Regional Representatives

- a) Deputy Mayor & Regional Councillor Taylor advised that Regional Council recently received an update on energy and conservation demands. This particular update was significant as it set emission reduction targets for achievement by 2051. Current emissions are greatly transit related; however technology advances are anticipated that will prompt emission reductions. The full strategy is available on the York Region website at www.york.ca Discussion ensued regarding bus idling, ridership statistics, coordination of the rapid line and bus line along Davis Drive and future studies and plans associated with transit integration.

- b) Deputy Mayor & Regional Councillor Taylor advised that the Province is undertaking a Co-Ordinated Land Use Planning Review and will be hosting Public Open Houses across the Province. The review includes recommendations related to intensification, to which the Region will be commenting on to ensure that sustainability measures are taken into consideration in order to recognize what residents want. Discussion ensued regarding input on plans for areas near and adjacent to Newmarket and opportunities for Newmarket Council to provide feedback on Regional comments.

Reports of Committees and Staff

7. Committee of the Whole Minutes of May 9, 2016.

Moved by: Councillor Sponga

Seconded by: Councillor Vegh

THAT the Committee of the Whole Minutes of May 9, 2016 be received, as amended and the following recommendations be adopted:

8. THAT the presentation by Mr. Ortiz and Mr. Fung be provided an additional five minutes.
9. 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.
10. THAT the presentation by Mr. Ferguson be provided an additional five minutes.
11. a) THAT the PowerPoint presentation by Mr. Paul Ferguson, President, Newmarket-Tay Power regarding CustomerFirst Shareholding be received;
- b) AND 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:
- i) WHEREAS the Corporation of the Town of Newmarket (the "Sole Shareholder") is the sole shareholder of Newmarket Hydro Holdings Inc. (the "Corporation");

ii) 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*”);

iii) 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.;

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

v) 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.

12. 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.
- 13. 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.
- 14. 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.
- 15. 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.
- 16. 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.

17. Heritage Newmarket Advisory Committee Minutes of April 5, 2016.

a) THAT the Heritage Newmarket Advisory Committee Minutes of April 5, 2016 be received.

18. 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.

19. 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.

20. 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

21. List of Outstanding Matters.

a) THAT the list of Outstanding Matters be received.

22. 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'.

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.

23. 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.

a) 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.

24. 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.

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

26. THAT all deputations and correspondence be received.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Bisanz
Opposed: (None)
(7 in favour, 0 opposed)

Carried

By-laws

27. By-laws 2016-22, 2016-23 and 2016-24.

2016-22 A By-law to exempt certain lands from the Part Lot Control provisions of the Planning Act. (Lowton - Phase 7, Country Wide Homes, Laker Court, Luck Court)

2016-23 A By-law to provide an exemption to By-law 2004-94, as amended, being a by-law to prohibit and regulate unusual noises or noises likely to disturb the inhabitants of the Town of Newmarket. (Sacred Heart Catholic High School Relay for Life event)

2016-24 A By-law to appoint Provincial Offences Officers/Property Standards Officer for the Town of Newmarket.

Moved by: Councillor Kerwin
Seconded by: Councillor Twinney

THAT By-laws 2016-22, 2016-23 and 2016-24 be enacted.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Bisanz
Opposed: (None)
(7 in favour, 0 opposed)

Carried

Notices of Motions

None.

Motions

None.

Announcements & Community Events

- a) Councillor Sponga advised that the Newmarket Environmental Advisory Committee has recently completed its review of the draft Community Energy Plan and provided comments to staff with respect to the draft plan. He further summarized the purpose of the plan and thanked the Mayor, Deputy Mayor & Regional Councillor and Town staff for their work to date.
- b) Councillor Sponga advised that the Newmarket Environmental Advisory Committee Community Garage Sale will take place on Saturday, May 28, 2016 from 8:00 a.m. until noon. The event will be held at the York Region parking lot located at the corner of Yonge and Eagle Street. For further information or to register, contact Petra Vollmerhausen at petra_v@rogers.com or 905-836-5932.
- c) Councillor Bisanz advised that the 'Touch-A-Truck' event will take place on Wednesday, May 25, 2016 from 5:30 to 8:30 p.m. at the Operations Centre, 1275 Maple Hill Court.
- d) Deputy Mayor and Regional Councillor invited residents to attend the Town of Newmarket's Community Open House on Wednesday, May 25, 2016 from 5:30 to 8:30 p.m. at the Operations Centre, 1275 Maple Hill Court. The Open House, which coincides with the 'Touch-A-Truck' event, will highlight Council's Strategic Priorities, operating policies and Town plans for the future.
- e) Councillor Twinney invited residents to participate in Smart Commute Central York's 10th Annual Bike to Work Day on Monday, May 30, 2016 at Riverwalk Commons, 200 Doug Duncan Drive. For further information, visit www.smartcommute.ca
- f) Councillor Twinney advised that the 2016 Newmarket Heritage Art Contest is currently underway. Artists are invited to submit original, two-dimensional work inspired by Newmarket's heritage. Submissions will be accepted by the Recreation and Culture Department from May 30 to June 3, 2016. Forms are available at the Municipal Offices, online at www.newmarket.ca or by contacting Beth Sinyard at 905-953-5314 ext. 2831.
- g) Councillor Kerwin invited residents to join him on Sunday, May 29, 2016 at the Riverwalk Commons, 200 Doug Duncan Drive for the Upper Canada Mall Easter Seals Run/Walk founded by Joe Persechini. Further details are available at www.persechinirun.org

- h) Councillor Vegh invited residents to the annual Ward 1 Waste Disposal and Recycling Event on Saturday, May 28, 2016 from 8:00 a.m. to noon at the Magna Centre, 800 Mulock Drive, in the south parking lot. For more information or to volunteer, call 905-895-7095 or email tomvegh@gmail.com
- i) Mayor Van Bynen advised that Councillor Broome-Plumley will be hosting a one-on-one meeting for Ward 6 residents on Wednesday, May 18, 2016 from 7:00 to 9:00 p.m. at the Newmarket Public Library, 438 Park Avenue. For more information, contact Councillor Broome-Plumley at 905-953-5323 or kbroome-plumley@newmarket.ca
- j) Mayor Van Bynen advised that the Municipal Offices will be closed on Monday, May 23, 2016 to observe Victoria Day.
- k) Mayor Van Bynen advised that he will be at 'Mayor in the Square' at the Farmer's Market in Riverwalk Commons on Saturday, May 28, 2016 from 10:00 a.m. until noon.
- l) Mayor Van Bynen advised that the next Council meeting is Tuesday, June 7, 2016 at 7:00 p.m.

New Business

None.

Closed Session

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

Confirmatory By-law

39. Confirmatory By-law.

2016-25 A By-law to confirm the proceedings of Council - May 16, 2016.

Moved by: Councillor Sponga

Seconded by: Councillor Bisanz

THAT By-law 2016-25 be enacted.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Bisanz

Opposed: (None)
(7 in favour, 0 opposed)

Carried

Adjournment

40. Adjournment

Moved by: Councillor Kerwin
Seconded by: Councillor Twinney

THAT the meeting adjourn.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Bisanz

Opposed: (None)
(7 in favour, 0 opposed)

Carried

There being no further business, the meeting adjourned at 7:45 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk