

The meeting of the Committee of the Whole was held on Tuesday, October 18, 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 Broome
Councillor Bisanz
NOTE – Vacant Ward 5 Council seat

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
K. Reynar, Director of Legal Services/Town Solicitor
R. Nethery, Director of Planning and Building Services
J. Unger, Assistant Director of Planning
D. Ruggle, Senior Planner, Community Planning
H. Leznoff, Elections Assistant, Legislative Services
C. Finnerty, Council/Committee Coordinator
L. Moor, Council/Committee Coordinator

The meeting was called to order at 1:30 p.m.

Mayor Van Bynen in the Chair.

Mayor Van Bynen welcomed Mr. Bob Kwapis, Ward 5 Councillor Elect in the gallery.

Additions & Corrections to the Agenda

The Chief Administrative Officer advised of the addendum items, being a PowerPoint Presentation regarding the Urban Centres Zoning By-law Project and Parking Standard Background Study, a PowerPoint Presentation by Ms. Sher St. Kitts regarding the Newmarket Jazz Festival Update, the withdrawal of Item 4 being Joint Development

and Infrastructure Services, Corporate Services and Community Services Report 2016-36 dated October 18, 2016 regarding San Michael Homes/Hollingsworth Properties, correspondence from the Association of Municipalities of Ontario requesting support of the resolution entitled 'What's Next Ontario?' and correspondence and a report from the Regional Clerk entitled 'Review of Regional Council Governance'.

Declarations of Pecuniary Interest

None.

Carried

Deputations

1. Ms. Sher St. Kitts addressed the Committee with an update of the 2016 Newmarket Jazz Festival and a request for sponsorship assistance for the 2017 event.

Moved by: Councillor Twinney
Seconded by: Councillor Hempen

THAT the PowerPoint presentation by Ms. Sher St. Kitts regarding the Newmarket Jazz Festival update and a request for sponsorship assistance for the 2017 event be received and referred to staff for consideration within the 2017 budget process.

Carried

Presentations & Recognitions

2. The Senior Planner, Policy introduced Mr. Ian Graham of R.E. Millward and Associates and Mr. Carl Wong of HDR Inc. who provided a PowerPoint Presentation regarding the Urban Centres Zoning By-law Project and Parking Standard Background Study.

Moved by: Councillor Bisanz
Seconded by: Councillor Hempen

THAT Mr. Wong be provided an additional five minutes.

Carried

Moved by: Councillor Vegh
Seconded by: Councillor Twinney

THAT the PowerPoint Presentation by Mr. Ian Graham of R.E. Millward and Associates and Mr. Carl Wong of HDR Inc. regarding the Urban Centres Zoning By-law Project and Parking Standard Background Study be received.

Carried

3. Development and Infrastructure Services Report - Planning and Building Services 2016-31 dated October 18, 2016 regarding the Urban Centres Zoning By-law Project and Parking Standard Background Study.

An alternate motion was presented and discussion ensued.

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

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2016-31 dated October 18, 2016 regarding the Urban Centres Zoning By-law Project and Parking Standard Background Study be received and the following recommendations be adopted:

- i) THAT the proposed amendment to comprehensive Zoning By-law 2010-40, the recommended approach for the Urban Centres, specifically including the draft parking rates as described in this report and presented by HDR Inc., be referred to a public meeting;
- ii) AND THAT more detailed information be provided related to minimum and maximum parking standards associated with larger scale dwelling units as well as inclusion of an analysis of minimum and maximum figures for medical facilities;
- iii) ii) AND THAT following the public meeting, any issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation, along with more detailed information related to the inclusion of maximum parking requirements in general, and minimum parking standards associated with larger scale dwelling units and medical office facilities be addressed by staff in a comprehensive report to Committee of the Whole.

Carried

Consent Items

Moved by: Councillor Vegh
Seconded by: Councillor Broome

THAT the following items be adopted by consent:

4. Development and Infrastructure Services Report - Engineering Services 2016-39 dated October 4, 2016 regarding Crossland Gate - Parking Review.
 - a) THAT Development and Infrastructure Services Report - Engineering Services 2016-39 dated October 4, 2016 regarding Crossland Gate - Parking Review be received and the following recommendation be adopted:
 - i) THAT the existing parking restrictions remain as they are.
5. Development and Infrastructure Services - Planning and Building Services Report 2016-42 dated October 18, 2016 regarding Application for Official Plan Amendment and Zoning By-law Amendment - 751 -757 Gorham Street.
 - a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-41 dated October 18, 2016 regarding Application for Official Plan Amendment and Zoning By-law Amendment - 751 - 757 Gorham Street be received and the following recommendations be adopted:
 - i) THAT the Application for Official Plan Amendment and Zoning By-law Amendment as submitted by 2439107 Ontario Inc. for lands being composed of Part of Lydia Street (Not Open) and Part of Lots 7, 8, and 9 (North side of Gorham Street) and Part of Lot 10, and all of Lots 11, 12, 13, and 14 (south side of Lydia Street) Registered Plan 23, Municipally known as 751 and 757 Gorham Street, Newmarket be referred to a public meeting;
 - 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 Mr. Howard Friedman, of HBR Planning Inc., 66 Prospect Street, Unit A, Newmarket, ON L3Y 3S9 be notified of this action.
6. Development and Infrastructure Services Report - Planning and Building Services 2016-43 dated October 18, 2016 regarding Application for Official Plan and Zoning By-law Amendment - 711371 Ontario Corp. (Oxford Homes - 260 Eagle Street)

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2016-43 dated October 18, 2016 regarding Application for Official Plan Amendment and Zoning By-law Amendment be received and the following recommendations be adopted:

i) THAT the Application for Official Plan Amendment and Zoning By-law Amendment as submitted by 711371 Ontario Corp. for lands being composed of Lots 13 through 19 inclusive on Plan 371, municipally known as 260 Eagle Street be referred to a public meeting;

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 Ms. Kerrigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Road, Suite 19, Vaughan, ON L4K 5K8 be notified of this action.

7. Joint Office of the CAO, Commissioners, Corporate Services Report - Financial Services 2016-43 dated October 6, 2016 regarding the 2017 Budget - Revised Schedule.

a) THAT Joint Office of the CAO, Commissioners, Corporate Services Report - Financial Services 2016-43 dated October 6, 2016 regarding the 2017 Budget - Revised Schedule be received and the following recommendation be adopted:

i) THAT the revised budget schedule with a budget adoption date of February 13, 2017 be approved.

8. Main Street District Business Improvement Area Board of Management Minutes of July 19, 2016.

a) THAT the Main Street District Business Improvement Area Board of Management Minutes of July 19, 2016 be received.

9. Correspondence dated September 13, 2016 from Ms. Colette Prévost, Chief Executive Officer, York Region Children's Aid Society regarding participation in 'Go Purple Day' on October 19, 2016 for Child Abuse Awareness Month.

a) THAT the correspondence from Ms. Colette Prévost, Chief Executive Officer, York Region Children's Aid Society be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim October, 2016 as Child Abuse Awareness Month;

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

10. Correspondence dated October 6, 2016 from Association of Municipalities Ontario requesting support of resolution - 'What's Next Ontario?'

WHEREAS recent polling, conducted on behalf of the Association of Municipalities of Ontario indicates 76% of Ontarians are concerned or somewhat concerned property taxes will not cover the cost of infrastructure while maintaining municipal services, and 90% agree maintaining safe infrastructure is an important priority for their communities;

AND WHEREAS infrastructure and transit are identified by Ontarians as the biggest problems facing their municipal government;

AND WHEREAS a ten-year projection (2016-2025) of municipal expenditures against inflationary property tax and user fee increases, shows there to be an unfunded average annual need of \$3.6 billion to fix local infrastructure and provide for municipal operating needs;

AND WHEREAS the \$3.6 billion average annual need would equate to annual increases of 4.6% (including inflation) to province-wide property tax revenue for the next ten years;

AND WHEREAS this gap calculation also presumes all existing and multi-year planned federal and provincial transfers to municipal governments are fulfilled;

AND WHEREAS if future federal and provincial transfers are unfulfilled beyond 2015 levels, it would require annual province-wide property tax revenue increases of up to 8.35% for ten years;

AND WHEREAS Ontarians already pay the highest property taxes in the country;

AND WHEREAS each municipal government in Ontario faces unique issues, the fiscal health and needs are a challenge which unites all municipal governments, regardless of size;

NOW THEREFORE BE IT RESOLVED that this Council supports the Association of Municipalities of Ontario in its work to close the fiscal gap; so that all municipalities can benefit from predictable and sustainable revenue, to finance the pressing infrastructure and municipal service needs faced by all municipal governments.

11. List of Outstanding Matters.

a) THAT the list of Outstanding Matters be received.

The Committee of the Whole recessed at 3:02 p.m.

The Committee of the Whole reconvened at 3:18 p.m.

Carried

12. Development and Infrastructure Services Report - Engineering Services 2016-40 dated September 29, 2016 regarding McCaffrey Road - Traffic Review # 2.

An alternate motion was presented and discussion ensued.

Moved by: Councillor Bisanz

Seconded by: Councillor Broome

a) THAT Development and Infrastructure Services Report - Engineering Services 2016-40 dated September 29, 2016 regarding McCaffrey Road - Traffic Review # 2 be received and the following recommendations be adopted:

i) THAT a 3-way stop sign be installed at the intersection of McCaffrey and Rannie Road;

ii) AND THAT Traffic By-law 2011-24 Schedule 3 - Stop Signs, as amended, be further amended by deleting: Rannie Road at McCaffrey Road 1 way northbound on Rannie Road;

iii) AND THAT Traffic By-law 2011-24 Schedule 3 - Stop Signs, as amended, be further amended by adding: Rannie Road at McCaffrey Road 3 way northbound on Rannie Road, McCaffrey Road at Rannie Road 3 way eastbound on McCaffrey Road, McCaffrey Road at Rannie Road 3 way westbound on McCaffrey Road;

iv) AND THAT other traffic mitigation measures, as identified in the report, be considered for future implementation, if required;

v) AND THAT the necessary By-law be prepared and submitted to Council for their approval.

Carried

13. Development and Infrastructure Services - Planning and Building Services Report 2016-37 dated October 18, 2016 regarding the Mulock GO Station - Metrolinx Resolution.

An alternate motion was presented and discussion ensued.

Moved by: Councillor Hempen

Seconded by: Deputy Mayor & Regional Councillor Taylor

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-37 dated October 18, 2016 regarding the future Mulock GO Station - Metrolinx Resolution be received and the following recommendations be adopted:

i) THAT Council approve the resolution included as Attachment 2 to this Report regarding the Mulock GO Station, as requested by Metrolinx in their correspondence dated August 4, 2016;

ii) AND THAT Council request the Ministry of Transportation and Metrolinx fully fund construction costs for the new GO station at Mulock as part of the Regional Express Rail 10-Year Program;

iii) AND THAT notification be provided to area residents about the future uses of the site for adjacent property owners to understand that there may be changes to the land use provisions.

Carried

14. Corporate Services (Legal Services) Report 2016-10 dated October 6, 2016 regarding Appeal to the Ontario Municipal Board from a Decision of the Committee of Adjustment.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Twinney

a) THAT Corporate Services (Legal Services) Report 2016-10 dated October 6, 2016 regarding the appeal to the Ontario Municipal Board by the owner of 84 and 90 Howard Road ('the lands') from a decision of the Committee of Adjustment to deny an application for Minor Variance be received and the following recommendations be adopted:

i) THAT staff be directed to advise the Ontario Municipal Board that Council is in support of the Committee of Adjustment's decision to deny an application for Consent and an application for Minor Variance in connection with the lands;

ii) AND THAT the Town will not be appearing as Party at the OMB hearing in this matter;

iii) AND THAT staff advise the Ontario Municipal Board and the appellant that in the event the OMB grants the appeal, it is requesting conditions as set out on pages 2 and 3 of this report as part of any Order approving the Minor Variance.

Carried

15. Corporate Services Commission Report - Legislative Services 2016-19 dated October 6, 2016 regarding 'Housekeeping Amendments: Refreshment and Catering Vehicles and Animal Control By-laws'.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Bisanz

a) THAT Corporate Services Commission Report - Legislative Services 2016-19 dated October 6, 2016 regarding 'Housekeeping Amendments: Refreshment and Catering Vehicles and Animal Control By-laws' be received and the following recommendations be adopted:

i) THAT Council adopt the recommended housekeeping amendments to the Refreshment Vehicle By-law (2009-55), identified in red text and attached as Appendix 'A' and Animal Control By-law (2008-61), identified in red text and attached as Appendix 'B';

ii) AND THAT consolidated by-laws to regulate refreshment vehicles and animals be brought forward to Council, as amended.

Carried

Action Items

16. Correspondence dated October 13, 2016 from Mr. Denis Kelly, Regional Clerk and attached report entitled 'Review of Regional Council Governance'.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Vegh

a) THAT the correspondence from Mr. Denis Kelly, Regional Clerk, Regional Municipality of York regarding 'Review of Regional Council Governance' be referred to the October 24, 2016 Council meeting.

Carried

Reports by Regional Representatives

None.

Notices of Motion

None.

Motions

None.

New Business

- a) Deputy Mayor & Regional Councillor Taylor thanked staff, Rogers and the residents for the success of the Rogers Hometown Hockey event this past weekend.
- b) Councillor Hempen thanked staff for their work on the Ward 5 By-election.
- c) Mayor Van Bynen requested confirmation of who will be attending the public hearing in the evening to ensure quorum as some Members may be attending the OMB Reform Information Session.

Closed Session

Moved by: Councillor Twinney

Seconded by: Councillor Broome

THAT Committee of the Whole enter into a Closed Session for the purpose of discussing personal matters about identifiable individuals, including municipal or local board employees as per Section 239 (2) (b) of the Municipal Act, 2001 and a proposed or pending acquisition or disposition of land by the municipality in Ward 7 as per Section 239 (2) (c) of the Municipal Act, 2001.

Carried

The Committee of the Whole resolved into Closed Session at 3:54 p.m.

The Committee of the Whole (Closed Session) Minutes are recorded under separate cover.

The Committee of the Whole resumed into public session at 4:25 p.m.

Moved by: Councillor Hempen
Seconded by: Councillor Kerwin

THAT Mayor Van Bynen be appointed as the Town's FCM Community Leader.

Carried

The Committee of the Whole recessed at 4:26 p.m.

The Committee of the Whole reconvened at 7:00 p.m. with Deputy Mayor & Regional Councillor Taylor in the Chair.

The Public Hearing was called to order at 7:08 p.m.

Public Hearing Matters

The Council/Committee Coordinator 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 Official Plan Amendment or Zoning By-law Amendment.

The Council/Committee Coordinator advised that the purpose of the meeting was to hear from anyone who has an interest in the the Application for Zoning By-law Amendment related to: the lands located on the north side of Mulock Drive, west of Bayview Avenue, municipally known as 507 Mulock Drive to permit a 2 storey mixed use medical office including medical offices, laboratories, medical clinic and retail uses. Specifically, the applicant proposes to amend the existing Mixed Employment zone to permit the medical clinic, laboratory and retail uses on the subject lands.

She further advised that the Committee of the Whole would not be making a decision regarding the proposed amendments, 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 Council/Committee Coordinator 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 Council/Committee Coordinator 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.

17. Development and Infrastructure Services Report - Planning and Building Services Report 2016-30 dated August 29, 2016 and related Council Extract, Public Meeting Notice regarding Application for Official Plan Amendment and Zoning By-law Amendment - 507 Mulock Drive.

Mr. Ryan Guetter and Mr. Michael Vani, Weston Consulting provided introductory remarks and an overview of the application, proposed uses, location of the subject lands and current land use provisions.

Members of Council queried Mr. Guetter regarding barrier free parking stalls, parking fees, setbacks from Mulock Drive, lot coverage and floor space index calculations.

Moved by: Councillor Twinney
Seconded by: Councillor Vegh

THAT Development and Infrastructure Services Report - Planning and Building Services Report 2016-30 dated August 29, 2016 and related Council Extract, Public Meeting Notice regarding Application for Official Plan Amendment and Zoning By-law Amendment - 507 Mulock Drive and the presentation by Mr. Ryan Guetter, Weston Consulting be received.

Carried

18. Mr. John Richardson, resident, expressed his concerns over inconsistencies in the notice advising of the total square footage of the proposed application, potential impact on the surrounding properties and removal of existing trees. The Director of Planning and Building Services advised that, with respect to the removal of trees, that the municipality requires an arborist's report outlining compensation calculations should the necessity to remove trees be pursued.

Moved by: Councillor Twinney
Seconded by: Councillor Vegh

THAT the deputation by Mr. John Richardson be received.

Carried

19. Ms. Barb Brunson, resident, on behalf of Ms. Eileen Brunson and queried the possible drainage issues that could arise from the proposed development, storm sewer adequacy and tree protection.

Moved by: Councillor Twinney
Seconded by: Councillor Vegh

THAT the deputation by Ms. Barb Brunson be received.

Carried

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

THAT the deputation by Ms. Barb Runsen be received.

Carried

20. Mr. Mark Huxley, resident, expressed his concerns with respect to an error in the notification letter regarding the proposed square footage associated with the application. He further expressed his opinion that perhaps a condominium development might be better suited for the property given the proximity to the future GO station along with development of surrounding properties.

Moved by: Councillor Twinney
Seconded by: Councillor Vegh

THAT the deputation by Mr. Mark Huxley be received.

Carried

A suggestion was made to recirculate notification with correct information and advising when the final report would be coming back for consideration.

The Director of Planning and Building Services advised of the next steps associated with the application.

Adjournment

Moved by: Councillor Twinney
Seconded by: Councillor Vegh

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 7:53 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk