

The meeting of the Committee of the Whole was held on Monday, November 25, 2013 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen  
Regional Councillor Taylor  
Councillor Di Muccio (1:31 to 8:59 p.m.)  
Councillor Emanuel  
Councillor Hempen  
Councillor Kerwin  
Councillor Sponga  
Councillor Twinney  
Councillor Vegh

Staff Present: R.N. Shelton, Chief Administrative Officer  
R. Prentice, Commissioner of Development & Infrastructure Services  
A. Moore, Commissioner of Corporate Services  
I. McDougall, Commissioner of Community Services  
E. Armchuk, Director of Legal Services/Municipal Solicitor  
R. Nethery, Director of Planning and Building Services  
R. Prudhomme, Director of Engineering Services  
A. Brouwer, Director of Legislative Services/Town Clerk  
L. Moor, Council/Committee Coordinator  
S. Niezen, Records and Projects Coordinator  
J. Patel, Project Support Business Analyst

Guests: Ms. Ruth Victor, Ruth Victor & Associates (7:00 to 9:01 PM)  
Ms. Mary Bull, Wood Bull, LLP (7:00 to 9:01 PM)

### **Additions & Corrections to the Agenda**

Moved by: Councillor Emanuel  
Seconded by: Councillor Sponga

THAT the items listed on the agenda as (ADDED) along with the corrections as verbally presented by the CAO prior to the meeting, and the request by Mr. Malcolm Watts for deputation status prior to consideration of Development and Infrastructure Services Report – Planning and Building Services 2013-55 dated November 14, 2013 regarding Application for Zoning By-law Amendment, Main Street Clock Inc. be approved.

**Carried**

## **Declarations of Pecuniary Interest**

Regional Councillor Taylor declared a conflict in Item 32 of the Committee of the Whole agenda being the Newmarket –Tay Power Distribution Ltd. Report of the President dated November 1, 2013 regarding a Director Search as his father is named as an elected Director in that item and advised he would not be taking part in the discussion or voting on this matter.

## **Presentations & Recognitions**

1. Mr. Daniele Zanotti, CEO, United Way of York Region addressed the Committee regarding the 2013 campaign, highlights of United Way activities and celebration of a strong partnership with the Town of Newmarket.

Councillor Di Muccio arrived at 1:31 p.m.

Moved by: Councillor Vegh  
Seconded by: Councillor Kerwin

THAT the presentation by Mr. Daniele Zanotti, CEO, United Way of York Region regarding the 2013 campaign, highlights of United Way activities and celebration of a strong partnership with the Town of Newmarket be received.

**Carried**

2. Mr. Paul Ferguson, President - Newmarket Hydro Holdings Inc. addressed the Committee regarding the 2012 Annual General Meeting.

Moved by: Councillor Kerwin  
Seconded by: Councillor Emanuel

THAT the PowerPoint presentation by Mr. Paul Ferguson, President – Newmarket Hydro Holdings Inc. regarding the 2012 Annual General Meeting be received;

AND THAT the Report of the President dated November 5, 2013 regarding the financial statements of Newmarket Hydro Holdings Inc. be received and the following recommendations with the exception 2.d) be adopted:

THAT the Newmarket Hydro Holdings Inc. Report of the President dated November 5, 2013 regarding the financial statements of Newmarket Hydro Holdings Inc. (the “Corporation”), the written resolutions of Newmarket – Tay Power Distribution Ltd. (“NT Power”) and appointment of the sole director and auditors be received and the following recommendations be adopted:

WHEREAS the Corporation of the Town of Newmarket (the “Sole Shareholder”) is the sole shareholder of 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 owns a majority of the common shares of NT Power;

AND WHEREAS pursuant to s.102(2) of the *OBCA* where a body corporate is the shareholder of a corporation the corporation shall recognize any individual properly authorized by the body corporate to represent it at meetings of shareholders of the corporation;

AND WHEREAS pursuant to s.104 of the *OBCA* a written resolution dealing with all the matters required to be dealt with at a shareholders meeting and signed by the shareholders entitled to vote at that meeting satisfies all requirements of the *OBCA* relating to that meeting of shareholders;

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, is directed to sign the following Corporation Shareholder resolutions:

a) THAT the Corporation’s financial statements for the financial year ended December 31, 2012 together with the report of the Corporation’s auditors, Collins Barrow, thereon dated April 24, 2013 be approved and adopted.

b) THAT Collins Barrow, Chartered Accountants, be appointed auditors of the Corporation to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the sole director and the sole director is authorized to fix such remuneration.

c) THAT R.N. Shelton be appointed as the sole director of the Corporation to hold office until the next annual meeting of shareholders or until his successor is elected or appointed.

d) THAT R.N. Shelton, so long as he is the sole director of the Corporation, shall represent the Corporation at meetings of shareholders of NT Power;

e) AND THAT all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the sole director and sole officer of the Corporation to December 31, 2012, as the same are set out or referred to in the resolutions of the sole director, or in the financial statements of the corporation, are approved, sanctioned and confirmed.

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 sign the following NT Power shareholder resolutions in lieu of an annual meeting:

a) THAT the financial statements of NT Power for the financial year ended December 31, 2012 together with the report of NT Power's auditors, Collins Barrow, thereon dated April 24, 2013 be approved and adopted.

b) THAT Collins Barrow, Chartered Accountants, be appointed auditors of NT Power to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the directors and the directors are authorized to fix such remuneration.

c) THAT T. Van Bynen, S. Warnock, P. Daniels, R. Betts, A. Ott, T. Taylor and P. Ferguson are elected directors of NT Power to hold office until the next annual meeting of shareholders or until their successors are elected or appointed.

e) AND THAT all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the directors and officers of NT Power to December 31, 2012, as the same are set out or referred to in the resolutions of the board of directors, the minutes of the meetings of the board of directors or in the financial statements of NT Power, are approved, sanctioned and confirmed.

**Carried**

## Deputations

3. Mr. Malcolm Watts, on behalf of the Heritage Newmarket Advisory Committee addressed the Committee with preliminary comments submission from Heritage Newmarket related to Development and Infrastructure Services Report – Planning and Building Services 2013-55 dated November 14, 2013 regarding Application for Zoning By-law Amendment – Main Street Clock Inc.

Moved by: Councillor Kerwin  
Seconded by: Councillor Sponga

THAT the deputation by Mr. Malcolm Watts regarding preliminary comments submission from Heritage Newmarket related to Development and Infrastructure Services Report – Planning and Building Services 2013-55 dated November 14, 2013 regarding Application for Zoning By-law Amendment – Main Street Clock Inc. be received.

**Carried**

## Consent Items

Moved by: Councillor Twinney  
Seconded by: Councillor Emanuel

THAT the following items be adopted on consent:

4. Correspondence from Radha Bhardwaj, Executive Director, AIDS Committee of York Region requesting proclamation of December 1, 2013 as "World AIDS Day" in the Town of Newmarket.
  - a) THAT the correspondence dated October 23, 2013 from Radha Bhardwaj, Executive Director, AIDS Committee of York Region be received and the following recommendations be adopted:
    - i) THAT the Town of Newmarket proclaim December 1, 2013 as "World AIDS Day";
    - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)
5. Heritage Newmarket Advisory Committee Minutes of October 1, 2013.
  - a) THAT the Heritage Newmarket Advisory Committee Minutes of October 1, 2013 be received.

6. Newmarket Economic Development Advisory Committee Minutes of October 17, 2013.
  - a) THAT the Newmarket Economic Development Advisory Committee Minutes of October 17, 2013 be received.
7. Item 1 of the Newmarket Economic Development Advisory Committee Minutes of October 17, 2013 regarding Intelligent Community Broadband Strategy.
  - a) THAT the following recommendations be referred to staff for further review and to report back, as appropriate.
    - a) THAT the Town of Newmarket consider a number of options to at least begin the process to build a high speed connection service within Newmarket along with business plans and implementation cases;
    - b) AND THAT with the assistance of the Shared Digital Infrastructure organization that the Regional Municipality of York be requested to supply information on what the Town of Newmarket can expect in terms of support in moving forward with high speed connectivity services.
8. Newmarket Public Library Board Minutes of September 18, 2013.
  - a) THAT the Newmarket Public Library Board Minutes of September 18, 2013 be received.
9. a) Central York Fire Services - Joint Council Committee Minutes of October 1, 2013 and September 3, 2013 (including Closed Session Minutes).
  - i) THAT Central York Fire Services - Joint Council Committee Minutes of October 1, 2013 and September 3, 2013 be received;
  - ii) AND THAT Central York Fire Services Joint Council Committee (Closed Session) Minutes of September 3, 2013 be received.
10. Development and Infrastructure Services Report - Engineering Services 2013-51 dated November 1, 2013 regarding Request for Final Acceptance and Assumption - Oxford Homes Residential Subdivision, Phase 1A.
  - a) THAT Development and Infrastructure Services Report - Engineering Services 2013-51 dated November 1, 2013 regarding Request for Final Acceptance and Assumption - Oxford Homes Residential Subdivision, Phase 1A be received and the following recommendations be adopted:

i) THAT the request for final acceptance and assumption of the Oxford Homes Residential Subdivision - Phase 1A as shown on the attached map be finally accepted and assumed by the Town;

ii) AND THAT the securities be released as recommended by our Checking Consultant;

iii) AND THAT Ms. Angela Meyer of Oxford Homes (711371 Ontario Corp.) and Mr. Angelo A. Maurizio, P. Eng., of Schaeffer & Associates Ltd. be notified of these recommendations.

11. Development and Infrastructure Services Report - Engineering Services 2013-53 dated October 25, 2013 regarding GO Railway Pedestrian Crossing Anti-Whistling, Mile 34.89.

a) THAT Development and Infrastructure Services Report - Engineering Services 2013-53 dated October 25, 2013 regarding GO Railway Pedestrian Crossing Anti-Whistling, Mile 34.89 be received and the following recommendation be adopted:

i) THAT the Town not proceed with a whistle ban proposal at the GO pedestrian crossing (mile 34.89) located at Deviation Road.

12. Development and Infrastructure Services Report - Engineering Services 2013-54 dated October 28, 2013 regarding the Traffic By-law (By-law 2011-24) - Housekeeping Amendments.

a) THAT Development and Infrastructure Services Report – ES2013-54 dated October 28, 2013 regarding Traffic By-law (By-law 2011-24) be received and the following recommendations be adopted:

- i) THAT the definition of Personal Mobility Device be deleted, and the new definition be added;

Personal mobility device is a compact motorized transportation device used to allow greater freedom of movement. Personal mobility devices include forms like motorized wheel chairs, motorized mobility scooters, and Segways.

ii) AND THAT the errors noted in Appendix A of this report be amended with the recommended wording;

iii) AND THAT Gorham Street at Harry Walker Parkway, 1 way eastbound on Gorham Street in Schedule III (Stops Signs) be deleted, and that Harry Walker Parkway at Gorham Street be added to Schedule VIII (Signaled Intersections);

iv) AND THAT Schedule IX be amended by removing 'Lockwood Circle – North East' and removing 'Stonehaven Avenue & Kingsmere Avenue – South East', and adding 'Stonehaven Avenue & Kingsmere Avenue/Lockwood Circle – North East';

v) AND THAT the additional stop sign location in Appendix B be added to Schedule III (Stop Signs);

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

13. Development and Infrastructure Services Report - Engineering Services 2013-55 dated October 29, 2013 regarding School Crossing Locations Request - Maple Leaf Public School.

a) THAT Development and Infrastructure Services Report - Engineering Services 2013-55 dated October 29, 2013 regarding School Crossing Locations Request - Maple Leaf Public School be received and the following recommendation be adopted:

i) THAT the Maple Leaf Public School administration be forwarded a copy of this report and Council extract and be encouraged to pursue school bus options with the parents on the east side of Main Street North.

14. Development and Infrastructure Services Report - Engineering Services 2013-56 dated November 7, 2013 regarding a Request for Final Acceptance and Assumption of Aboveground Works - Landmark Estates Residential Subdivision, Phase 1 - Clearmeadow Boulevard between Yonge Street and Jordanray Boulevard/Rannie Road.

a) THAT Development and Infrastructure Services Report - Engineering Services 2013-56 dated November 7, 2013 regarding a Request for Final Acceptance and Assumption of Aboveground Works - Landmark Estates Residential Subdivision, Phase 1, Clearmeadow Boulevard between Yonge Street and Jordanray Boulevard/Rannie Road be received and the following recommendations be adopted:

i) THAT the request for final acceptance and assumption of above ground works on Clearmeadow Boulevard between Yonge Street and Jordanray Boulevard/Rannie Road within the Landmark Estates Residential Subdivision - Phase 1 as shown on the attached map be finally accepted and assumed by the Town;

ii) AND THAT Mr. Tony Orsi of Landmark Estates (1209104 Ontario Ltd.) and Mr. Andrew Ip, P.Eng., of Masongsong Associates Engineering Ltd. be notified of these recommendations.



15. Development and Infrastructure Services Report - Planning and Building Services 2013-58 dated November 14, 2013 regarding Heritage Designation - 27 Main Street North.
- a) THAT Development and Infrastructure Services Report - Planning and Building Services 2013-58 dated November 14, 2013 regarding Heritage Designation - 27 Main Street North be received and the following recommendations be adopted:
- i) THAT Council not proceed with the Heritage designation of the Murray House at 27 Main Street North;
- ii) AND THAT Council withdraw the notice of intention to designate the property known as the Murray House at 27 Main Street North;
- iii) AND THAT Bonseph (Tannery) Ltd., and 2213305 Ontario Inc., c/o Sterling Silver Development Corporation, Attention: Ken Kirsch, 53 The Links Road, Toronto, ON M2P 1T7 be advised of this decision;
- iv) AND THAT Mr. Brian Feherty and Associates Ltd., 411 Queen Street, Newmarket, ON L3Y 2G9 be advised of this decision.
16. List of Outstanding Matters.

THAT the list of Outstanding Matters be received.

**Carried**

### **Consideration of Items Requiring Separate Discussion**

17. Development and Infrastructure Services Report - Engineering Services 2013-50 dated October 17, 2013 regarding Foxtail Ridge - Parking Review.

An additional recommendation was added as follows:

“THAT staff undertake a new parking review of the street known as Foxtail Ridge in the spring of 2014”.

Moved by: Councillor Di Muccio

Seconded by: Councillor Emanuel

THAT Development and Infrastructure Services Report – Engineering Services 2013-50 dated October 17, 2013 regarding Foxtail Ridge – Parking Review be received and the following recommendations be adopted:

THAT the parking restrictions remain as existing;

AND THAT staff undertake a new parking review of the street known as Foxtail Ridge in the spring of 2014.

**Carried**

18. Development and Infrastructure Services Report - Engineering Services 2013-52 dated November 13, 2013 regarding Queen Street/Parkview Crescent (East Leg) - All Way Stop Review.

Additional recommendations were added as follows:

“THAT a capital budget line item be implemented for traffic calming measures on all high risk streets within Town;

AND THAT staff look at a traffic mitigation plan within the first quarter of 2014 and investigate prioritizing capital road projects;

AND THAT a further report be brought back on the items for consideration within the capital budget for 2014 or 2015 listed on Page 4 of Development and Infrastructure Services Report ES2013-52 dated November 13, 2013 under the heading “Other Methods”.

Moved by: Councillor Sponga

Seconded by: Regional Councillor Taylor

a) THAT Development and Infrastructure Services Report - Engineering Services 2013-52 dated November 13, 2013 regarding Queen Street/Parkview Crescent (East Leg) - All Way Stop Review be received and the following recommendations be adopted:

i) THAT the existing stop control at the Queen Street and Parkview Crescent (east leg) remain as existing due to not meeting the warrants outlined in the Transportation Management Policy as approved by Town Council, and also due to safety concerns noted in Community Services Report - ES 2013-52, based on the Ministry of Transportation requirements;

ii) AND THAT a capital budget line item be implemented for traffic calming measures on all high risk streets within Town;

iii) AND THAT staff look at a traffic mitigation plan within the first quarter of 2014 and investigate prioritizing capital road projects;

iv) AND THAT a further report be brought back on the items for consideration within the capital budget for 2014 or 2015 listed on Page 4 of Development and Infrastructure Services Report ES2013-52 dated November 13, 2013 under the heading "Other Methods".

**Carried**

19. Development and Infrastructure Services Report - Planning and Building Services 2013-55 dated November 14, 2013 regarding Application for Zoning By-law Amendment - Main Street Clock Inc.

Additional recommendations were added as follows:

"AND THAT the Memorandum from Director of Planning dated November 22, 2013 regarding Development and Infrastructure/Planning and Building Services Report 2013-55, Application for Zoning By-law Amendment 178, 180, 184, 188, 190 and 194 Main Street listed as an (ADDED) item on the agenda (Item 25) regarding the Main Street Clock application be received;

AND THAT the Sub-Committee Report listed as an (ADDED-2) item on the agenda (Item 26) from the Heritage Newmarket Advisory Committee regarding Clock Tower Development Re-zoning Request be received;

AND THAT with respect to the heritage designation on Main Street, that a peer review of the application be conducted;

AND THAT the proponent be asked to meet with the Ward Councillor, the Mayor and the Regional Councillor, the Chair of Main Street District Business Improvement Area Board of Management, the Chair of the Heritage Newmarket Advisory Committee and the three affected residents to discuss the possible reduction in the mass of the proposed development".

Moved by: Councillor Twinney  
Seconded by: Regional Councillor Taylor

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2013-55 dated November 14, 2013 regarding Application for Zoning By-law Amendment - Main Street Clock Inc. be received and the following recommendations, as amended, be adopted:

i) THAT the Application for Zoning By-law Amendment, as submitted by Main Street Clock Inc., for lands being located at the southwest corner of Main Street South and Park Avenue, municipally known as 178, 180, 184, 188, 190 and 194 Main Street be referred to a public meeting;

ii) AND THAT following the public meeting, issues identified in this report, together with comments from 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. Chris Bobyk, The Forrest Group, 590 Alden Road, Suite 211, Markham, ON LR 8N2 be notified of this action;

iv) AND THAT the Memorandum from Director of Planning dated November 22, 2013 regarding Development and Infrastructure/Planning and Building Services Report 2013-55, Application for Zoning By-law Amendment 178, 180, 184, 188, 190 and 194 Main Street listed as an (ADDED) item on the agenda (Item 25) regarding the Main Street Clock application be received;

v) AND THAT the Sub-Committee Report listed as an (ADDED -2) item on the agenda (Item 26) from the Heritage Newmarket Advisory Committee regarding Clock Tower Development Re-zoning Request be received;

vi) AND THAT with respect to the heritage designation on Main Street, that a peer review of the application be conducted;

vii) AND THAT the proponent be asked to meet with the Ward Councillor, the Mayor and the Regional Councillor, the Chair of Main Street District Business Improvement Area Board of Management, the Chair of the Heritage Newmarket Advisory Committee and the three affected residents to discuss the possible reduction in the mass of the proposed development.

### **Carried**

20. Development and Infrastructure Services Report - Planning and Building Services 2013-59 dated November 14, 2013 regarding Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision - 292145 Ontario Limited.

An additional recommendation was added as follows:

“AND THAT Development and Infrastructure Services Report – Planning and Building Services 2013-59 dated November 14, 2013 regarding Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision - 292145 Ontario Limited be forwarded to the Newmarket Environmental Advisory Committee”.

Moved by: Councillor Vegh  
Seconded by: Councillor Sponga

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2013-59 dated November 14, 2013 regarding Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision - 292145 Ontario Limited be received and the following recommendations be adopted:

i) THAT the Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision, as submitted by 292145 Ontario Limited for lands being composed of Part of Lot 89, Concession 1, E.Y.S. 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. Gary Templeton, Templeton Planning Ltd., 71 Tyler Street, Aurora, ON L4G 2N1 be notified of this action;

iv) AND THAT Development and Infrastructure Services Report – Planning and Building Services 2013-59 dated November 14, 2013 regarding Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision - 292145 Ontario Limited be forwarded to the Newmarket Environmental Advisory Committee.

### **Carried**

21. Joint CAO/Corporate Services Report - Financial Services 2013-50 dated November 11, 2013 regarding the 2013 Audit.

Moved by: Councillor Twinney  
Seconded by: Councillor Di Muccio

THAT Joint CAO/Corporate Services Report - Financial Services 2013-50 dated November 11, 2013 regarding the 2013 Audit be received and the following recommendations be adopted:

THAT BDO Canada be appointed as the Town's auditors for 2013;

AND THAT the audit plan presented by BDO be received.

**Carried**

## **Action Items**

None.

## **Reports by Regional Representatives**

None.

## **Notices of Motion**

22. Councillor Kerwin provided notice that he would be bringing forward a motion to the next scheduled Committee of the Whole meeting to appeal to the Provincial Government by way of a resolution to reinstate the eliminated Junior Ranger program.
23. Councillor Sponga provided notice that he would be bringing forward a motion to the next scheduled Committee of the Whole meeting that staff provide an update on the present road projects across Newmarket.

## **Motions**

24. Regional Councillor Taylor:

a) THAT staff bring back a report to Committee of the Whole within 120 days exploring a change to our procurement process to include recognition/points in our tendering process recognizing the environmental benefit of the bidders' proximity to Newmarket. The report should include any examples in Canada of municipalities currently engaged in recognizing the benefit of local procurement as well as an analysis of all relevant issues.

Additional recommendations were added as follows:

“AND THAT information be provided to all Members of Council on an overall point system on various factors in regards to procurement;

AND THAT the memorandum dated January 2012 be referred back to staff to incorporate into the report back exploring a change to the procurement process;

AND THAT the report be circulated to the Chamber of Commerce, the Economic Development Advisory Committee and the Environmental Advisory Committee for input”.

Moved by: Regional Councillor Taylor  
Seconded by: Councillor Emanuel

- a) THAT staff bring back a report to Committee of the Whole within 120 days exploring a change to our procurement process to include recognition/points in our tendering process recognizing the environmental benefit of the bidders' proximity to Newmarket. The report should include any examples in Canada of municipalities currently engaged in recognizing the benefit of local procurement as well as an analysis of all relevant issues;
- b) AND THAT information be provided to all Members of Council on an overall point system on various factors in regards to procurement;
- c) AND THAT the memorandum dated January 2012 be referred back to staff to incorporate into the report back exploring a change to the procurement process;
- d) AND THAT the motion report be circulated to the Chamber of Commerce, the Economic Development Advisory Committee and the Environmental Advisory Committee for input.

**Carried**

## **New Business**

- 25. a) Councillor Sponga requested an update from the Director of Engineering Services with respect to the progress of capital construction road projects; specifically Andrew Street, Catherine Crescent, Lloyd Avenue, Robinson Drive and Currey Crescent rehabilitation.
- b) Councillor Di Muccio requested a status update with respect to the waste and recycling service and the recent lack of pick-up on various streets in her Ward. The Commissioner of Development and Infrastructure Services advised that Operations staff are investigating the recent service issues.

## **Closed Session**

Moved by: Councillor Sponga  
Seconded by: Councillor Di Muccio

THAT Committee of the Whole resolve into a Closed Session for the purpose of discussing litigation before the Ontario Municipal Board (Marianneville Developments Ltd. – Glenway) and personal matters about an identifiable individual (Newmarket – Tay Power Distribution Ltd. – Director Search).

### **Carried**

The Committee resolved into Closed Session at 3:38 p.m.

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

The Committee recessed at 3:50 p.m.

The Committee resumed into Public Session at 4:03 p.m.

A copy of Development and Infrastructure Services Commissioner Report 2013-61 dated November 25, 2013 regarding Recommendations of Development and Infrastructure Services – Planning and Building Services Report 2013-47 with respect to Marianneville Developments Limited (Glenway) was distributed.

Moved by: Councillor Di Muccio

Seconded by: Councillor Sponga

THAT Development and Infrastructure Services Commissioner Report 2013-61 dated November 25, 2013 regarding Recommendations of Development and Infrastructure Services – Planning and Building Services Report 2013-47 with respect to Marianneville Developments Limited (Glenway) be added to the agenda.

### **Carried**

26. Development and Infrastructure Services Commissioner Report 2013-61 dated November 25, 2013 regarding Recommendations of Development and Infrastructure Services – Planning and Building Services Report 2013-47 with respect to Marianneville Developments Limited (Glenway).

Moved by: Councillor Emanuel

Seconded by: Councillor Sponga

a) THAT Development and Infrastructure Services Commissioner Report 2013-61 dated November 25, 2013 regarding Recommendations of Development and Infrastructure Services – Planning and Building Services Report 2013-47 with respect to Marianneville Developments Limited (Glenway) be received and the following recommendations be adopted:

i) THAT the recommendation Number 3 of Development and Infrastructure Services/Planning and Building Services Report 2013-47 be replaced with the following recommendation:



ii) "THAT the revised settlement offer prepared by Ira Kagan dated November 20, 2013 be referred to staff for a comprehensive review and report back to a closed session Committee of the Whole".

**Carried**

Moved by: Regional Councillor Taylor  
Seconded by: Councillor Sponga

THAT Committee of the Whole resolve into a Closed Session for the purpose of discussing litigation before the Ontario Municipal Board (Marianneville Developments Ltd. – Glenway).

**Carried**

The Committee resolved into Closed Session at 4:20 p.m.

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

The Committee resumed into Public Session at 5:30 p.m.

The Committee recessed at 5:30 p.m.

The Committee reconvened at 7:00 p.m. at the Newmarket Theatre, 505 Pickering Crescent, Newmarket.

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

27. Development and Infrastructure Services Report - Planning and Building Services 2013-47 dated October 15, 2013 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Approval - Marianneville Developments Ltd.(Glenway).

Ms. Ruth Victor, Ruth Victor and Associates presented Development and Infrastructure Services Report - Planning and Building Services 2013-47 dated October 15, 2013 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Approval - Marianneville Developments Ltd. (Glenway).

Ms. Mary Bull, Wood Bull, LLP addressed those present with a list of items that should be completed prior to the scheduled Ontario Municipal Board hearing. She advised that the pre-hearing conference is scheduled for December 10, 2013.

## Deputations

28. Mr. Dave Sovran on behalf of the Glenway Preservation Association addressed the Committee with specific concerns related to the outstanding technical issues contained within the application, defense of the application, principle of development and density issues.
29. Ms. Norita Tse, resident, addressed the Committee with specific concerns related to the second settlement offer provided by the applicant as well as stormwater management maintenance concerns. The Chief Administrative Officer advised that stormwater management is assumed by the municipality for proper control and operation.
30. Mr. Stewart Hoffman, resident, addressed the Committee and advised that the second settlement offer benefits him as the amended application showed removal of roads and condominiums neighbouring his property, he advised he would need to understand the ramifications of development of the lands.
31. Mr. Bruce Good, resident, addressed the Committee with concerns about how the developer has approached the matter which ultimately has made hostile relationships with neighbours.
32. Mr. Eli Nazar, resident, addressed the Committee with concerns related to defense of the application, not on technical issues, but on principle of development and principle of the plan put forth.
33. Mr. Dave Woodburn, resident, addressed the Committee with concerns related to the Official Plan document.
34. Ms. Kendalin Rutherford, resident, addressed the Committee and advised she had her children with her at this meeting to show these are the people the community is fighting for.
35. Ms. Anne Leroux, resident, addressed the Committee with concerns related to the impact of such a large scale development on every resident in Newmarket.
36. Mr. Will Stassi, resident, addressed the Committee and requested Members of Council leave the Official Plan document as is.
37. Mr. Marc Gannet, resident, addressed the Committee and stated that the number of people who are not even directly affected by the development proposal are standing up in support of the community.

38. Ms. Lee Barsiki, resident, addressed the Committee with concerns that if the development proceeds, children will not have access to nearby playground equipment, only more houses.
39. Mr. Bob Kwapis, resident, addressed the Committee with concerns related to traffic congestion that will affect everyone in Town.
40. Mr. Ian Brown, resident, addressed the Committee with concerns related to who, ultimately makes the decision to proceed.
41. Mr. Jim Parker, resident, addressed the Committee with concerns related to the technical issues within the original application and the principles of development argument carrying weight at the Ontario Municipal Board level.
42. Ms. Cherly Simmons, resident, addressed the Committee as a public health nurse and advised the importance of outdoor exercise and formative years spent near parks and pathways in promoting health and wellness.
43. Mr. Graham Price, resident, addressed the Committee with concerns related to the principle of democracy and the ruling majority.
44. Mr. John Hepburn, resident, addressed the Committee and queried how this proposed development aligns with water and sewer resource allocation. The Director of Planning and Building Services advised that the Regional Municipality of York is the “wholesaler” of water and sewer allocation and gives municipalities the required amount based on growth pressure.
45. Mr. Gordon Prentice, resident, addressed the Committee with specific concerns related to the development not required to meet the Province’s intensification targets as well as potential rejection of the application on the basis of technicalities.
46. Ms. Shannon Conroy, resident, addressed the Committee with specific concerns related to traffic congestion and aesthetics of the neighbourhood.
47. Mr. Stewart Hoffman, resident, queried the Committee about how many Official Plan Amendments involved seven hundred housing units.
48. Ms. Debbie Fletcher, resident, addressed the Committee as a frequent cyclist who experiences current traffic problems.

## **Correspondence & Petitions**

49. Correspondence dated October 19, 2013 from Mr. Jeff Brown, Glenway Community Group regarding the Glenway development application.
50. Memorandum from Ms. Ruth Victor, Ruth Victor and Associates dated November 15, 2013 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Approval Marianneville Developments Limited (Glenway) – Responses.
51. Correspondence dated November 24, 2013 from Mr. Gord Tozer regarding Marianneville Developments Ltd. (Glenway).
52. Correspondence dated November 25, 2013 from Mr. and Mrs. B. Gard regarding Marianneville Developments Ltd. (Glenway).
53. Correspondence dated November 24, 2013 from Mr. Brian Greiner regarding Marianneville Developments Ltd. (Glenway).
54. Correspondence dated November 25, 2013 from Ms. Karen Harvey, Bousfields Inc. regarding Marianneville Developments Ltd. (Glenway).

Moved by: Councillor Emanuel  
Seconded by: Councillor Sponga

THAT the deputations and correspondence related to the Marianneville Developments Limited (Glenway) matter be received.

### **Carried**

Moved by: Councillor Emanuel  
Seconded by: Regional Councillor Taylor

55. THAT Development and Infrastructure Services/Planning and Building Services Report 2013-47 dated October 15, 2013 regarding Application for Official Plan Amendment - D9NP1210; Zoning By-law Amendment - D14NP1210; and Draft Plan of Subdivision - D12NP1210 be received and the following recommendations be adopted:

i) THAT the applications for Official Plan Amendment - D9NP1210, Zoning By-law Amendment - D14NP1210 and Draft Plan of Subdivision - D12NP1210 submitted on April 20, 2012 be denied.

ii) THAT the Without Prejudice Offer in the form as submitted on August 23, 2013 not be accepted.

iii) AND THAT the Council direct staff to advise the Ontario Municipal Board that the Town will be seeking consideration for a two-staged hearing process that would first allow for discussion and ruling on the principle of development.

iv) AND THAT Council direct staff to engage outside legal/planning counsel who have Ontario Municipal Board expertise and experience in defending the principles of development.

**Carried**

Moved by: Councillor Sponga  
Seconded by: Councillor Emanuel

THAT the meeting adjourn.

**Carried**

**Adjournment**

The meeting adjourned at 8:59 p.m.

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Tony Van Bynen, Mayor

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Andrew Brouwer, Town Clerk