

The meeting of Council was held on Monday, May 28, 2018 in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present:	Mayor Van Bynen Deputy Mayor & Regional Councillor Taylor Councillor Vegh Councillor Kerwin Councillor Kwapis Councillor Broome Councillor Bisanz
Members Absent	Councillor Twinney Councillor Hempen
Staff Present:	R.N. Shelton, Chief Administrative Officer P. Noehammer, Commissioner of Development and Infrastructure Services E. Armchuk, Commissioner of Corporate Services C. Service, Director, Recreation and Culture (Acting Commissioner of Community Services) L. Lyons, Director of Legislative Services/Town Clerk H. Leznoff, Council/Committee Coordinator

## **Open Forum**

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

The meeting was called to order at 7:00 PM.

Mayor Van Bynen in the Chair.

## **Public Notices**

There were no public notices.

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

There were no additions or corrections to the agenda.

## **Declarations of Pecuniary Interest**

There were no declarations of pecuniary interest.

## **Presentation & Recognitions**

### **1. Presentation of Heritage Art Contest Winners**

Beth Hart, Curator, Elman W. Campbell Museum, along with the Mayor and Members of Council presented awards to the Heritage Art Contest Winners.

## **Deputations**

### **2. York Pride Fest 2018**

Moved by: Councillor Kerwin  
Seconded by: Councillor Broome

1. That the deputation by Jacob Gal, Development & Communications, York Pride regarding York Pride Fest 2018 be received.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Kwapis, Councillor Broome, Councillor Bisanz

Opposed: None  
(7 in favour, 0 opposed)

**Carried**

### **3. Zoning By-law Amendment Application – 285 Harry Walker Parkway South**

Moved by: Councillor Kerwin

Seconded by: Councillor Vegh

1. That the deputation by Sandra Patano, Weston Consulting and Louise Sirisko, Director, York Region District School Board regarding Zoning By-law Amendment Application regarding 285 Harry Walker Parkway South be received.

**Carried**

### **4. Zoning By-law Amendment Application – 285 Harry Walker Parkway South**

Note: This item is related to sub-item 10 of Committee of the Whole Meeting Minutes of May 22, 2018.

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Kerwin

Seconded by: Deputy Mayor & Regional Councillor Taylor

1. **That the report entitled Zoning By-law Amendment Application – 285 Harry Walker Parkway South, dated May 7, 2018 be deferred to an upcoming Committee of the Whole or Council meeting.**

**Carried**

## **Approval of Minutes**

### **5. Council Meeting Minutes of May 7, 2018**

Moved by: Councillor Broome

Seconded by: Councillor Kwapis

1. That the Council Meeting Minutes of May 7, 2018 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Kwapis, Councillor Broome, Councillor Bisanz

Opposed: None  
(7 in favour, 0 opposed)

**Carried**

## Reports by Regional Representatives

### (1) York Region Accomplishments

Deputy Mayor & Regional Councillor Taylor advised various achievements in York Region including drinking water standards, water conservation, tree planting, and community health services.

## Reports of Committee and Staff

### 6. Committee of the Whole Meeting Minutes of May 22, 2018

Moved by: Councillor Bisanz  
Seconded by: Councillor Kwapis

1. That the Committee of the Whole Meeting Minutes of May 22, 2018 be received and the recommendations noted within be adopted, except sub-items 10 and 13. See the following sub-items 10 and 13 for motions and recorded votes.
  - (1) vivaNext regarding update on the Newmarket construction project
    1. That the presentation regarding vivaNext regarding update on the Newmarket construction project be received.
  - (2) Oleg Karpenko regarding property maintenance concerns on neighbouring Town property
    1. That the deputation by Oleg Karpenko regarding property maintenance concerns on neighbouring Town property be received and referred to staff.
  - (3) Property Tax Rates and By-law for 2018
    1. That the report entitled Property Tax Rates and By-law for 2018 dated May 22, 2018 be received; and,
    2. That the property tax rates for 2018, as applied to the assessment roll returned be set for Town purposes as follows:

<b>Property Class</b>	<b>Tax Rate</b>
Residential	0.341343%
Multi-Residential	0.341343%
Commercial	0.420637%
Industrial	0.511093%
Pipeline	0.313694%
Farm	0.085336%

3. That the applicable tax rate By-law, attached as Appendix 'A' be forwarded to Council for approval; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(4) Restricted Acts after Nomination Day in an Election Year

1. That the report entitled "Restricted Acts after Nomination Day in a Municipal Election Year" dated May 22, 2018 be received; and,
2. That Council approve the amendment to the Delegation By-law, as provided in Attachment A to this report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(5) Newmarket Economic Development Advisory Committee Meeting Minutes of November 23, 2017

1. That the Newmarket Economic Development Advisory Committee Meeting Minutes of November 23, 2017 be received.

(6) Main Street District Business Improvement Area Board of Management Meeting Minutes of March 20, 2018

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of March 20, 2018 be received.

(7) Heritage Newmarket Advisory Committee Meeting Minutes of April 3, 2018

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of April 3, 2018 be received.

(8) Newmarket Environmental Advisory Committee Meeting Minutes of April 4, 2018

1. That the Newmarket Environmental Advisory Committee Meeting Minutes of April 4, 2018 be received.

(9) Outstanding Matters List

1. That the list of outstanding matters be received.

(10) Zoning By-law Amendment Application – 285 Harry Walker Parkway South Staff Report

This item was addressed under Deputations. See Item 4 for motion and recorded vote.

(11) Servicing Allocation Policy Update

1. That the report entitled Servicing Allocation Policy Update dated May 22, 2018 be received; and,
2. That Council adopt the Servicing Allocation Policy, updated May, 2018, included as Attachment 1 to this Report.

(12) Road Occupancy By-law

1. That the Staff Report entitled Road Occupancy By-law dated May 7, 2018 be received; and,
2. That the Road Occupancy By-law be adopted; and,

3. That the current Road Occupancy By-law 2015-16 be hereby repealed; and,
4. That the Fees and Charges By-law be updated to reflect the Road Occupancy Fees included herewith; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(13) Delegated Authority for Fees/Charges

An alternate motion was presented and is noted below in bold.

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

1. That the report entitled Delegated Authority for Fees/Charges dated May 22, 2018 be received; and,
2. That Council delegate limited authority to execute increases to the Fees and Charges By-law; and,
3. That the delegated authority be limited to Recreation & Culture and Licensing Fees and Charges and that any increase not exceed the rate of inflation and be in compliance with the Service Pricing Policy; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution; and,
5. **That Council direct staff to prepare an information report on the 2019 major fees and charges, at which point Council may direct the report to be “bumped up” to the next scheduled Committee of the Whole meeting; and,**
6. **That if the information report is not “bumped up”, staff are deemed to have delegated authority to execute the increases to the fees and charges.**

(14) Proposed Corporate Restructuring of Newmarket Tay Group of Companies

1. That the Newmarket-Tay Power Distribution Ltd. Report of the President dated May 16, 2018 regarding the restructuring

of Newmarket Hydro Holdings Inc. and Tay Hydro Inc. be received and the following resolutions be adopted, subject to the confidential governance direction provided in Closed Session:

- a. That the Restructuring is authorized and approved; and,
- b. That the take up by the Corporation of 700 Common Shares in the capital of NT Power and 7 Common Shares in the capital of any affiliate companies from THI as required for the Restructuring is authorized and approved; and,
- c. That the issuance of Common Shares in the capital of the Corporation to the Township of Tay to establish a 7% interest in the Corporation is authorized and approved; and,
- d. That the entering into a Shareholders Agreement with the Corporation and the Township of Tay is authorized and approved; and,
- e. That Paul Ferguson, the Mayor of Newmarket and the Mayor of Tay are elected directors of the Corporation upon the Corporation's issuance of Common Shares to the Township of Tay to hold office until the next annual meeting of shareholders or until their successors are elected or appointed; and,
- f. That Paul Ferguson, the Chief Administrative Officer and the Clerk are authorized for and on behalf of Municipal Council to execute and deliver a Revised Agreement in the form they agree upon with the Chief Administrative Officer of the Township of Tay. Their approval of the Revised Agreement to be conclusively evidenced by their execution and delivery of the Revised Agreement and the Revised Agreement so executed and delivered shall be deemed to be the Shareholders Agreement approved by these resolutions; and,
- g. That Paul Ferguson, acting alone, is authorized for and on behalf of Municipal Council and the Corporation to approve the forms of all other documents contemplated or required to be executed by the Corporation in connection with the



Restructuring or the Shareholders Agreement (collectively, the “Additional Documents”) and to execute (whether under the corporate seal of the Corporation or otherwise) and deliver the Additional Documents each in the form so approved, Paul Ferguson’s approval to be conclusively evidenced by Paul Ferguson’s execution and delivery of the Additional Documents and the Additional Documents so executed and delivered shall be deemed to be the Additional Documents approved by these resolutions.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Kwapis, Councillor Broome, Councillor Bisanz

Opposed: None  
(7 in favour, 0 opposed)

**Carried**

## **7. Committee of the Whole (Closed Session) Meeting Minutes of May 22, 2018**

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

1. That the Committee of the Whole (Closed Session) Meeting Minutes of May 22, 2018 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Kwapis, Councillor Broome, Councillor Bisanz

Opposed: None  
(7 in favour, 0 opposed)

**Carried**

- (1) Proposed Corporate Restructuring of Newmarket and Tay Group of Companies regarding a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of

persons or organization, as per Section 239 (2) (i) of the Municipal Act, 2001

Mayor Van Bynen advised that a presentation regarding Corporate Restructuring of Newmarket and Tay Group of Companies was received.

- (2) Consideration of Expanded Newmarket-Tay Power Business Opportunity regarding a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization, as per Section 239 (2) (i) of the Municipal Act, 2001

Mayor Van Bynen advised that a presentation regarding Consideration of an Expanded Business Opportunity was received.

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

1. That Council approve further discussion of an expanded Newmarket-Tay Power Business Opportunity.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Kwapis, Councillor Broome, Councillor Bisanz

Opposed: None  
(7 in favour, 0 opposed)

**Carried**

- (3) Closed Session Report 2018-04 regarding litigation advice relating to a property matter in Ward 5 related to Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality as per Section 239 (2) (e) of the Municipal Act, 2001.

Moved by: Councillor Kwapis  
Seconded by: Councillor Bisanz

1. That Closed Session Report 2018-04 dated May 22, 2018 regarding litigation or potential litigation be received and that the recommendations set out therein be adopted.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Kwapis, Councillor Broome, Councillor Bisanz

Opposed: None  
(7 in favour, 0 opposed)

**Carried**

**8. Item 1 and Item 2 of the draft Appointment Committee (Closed Session)  
Meeting Minutes of May 22, 2018**

Moved by: Councillor Kerwin  
Seconded by: Councillor Bisanz

1. That David Hingsburger be appointed to the Newmarket Accessibility Advisory Committee; and,
2. That Robert Bull be appointed to the Newmarket Economic Development Advisory Committee.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Kwapis, Councillor Broome, Councillor Bisanz

Opposed: None  
(7 in favour, 0 opposed)

**Carried**

**By-laws**

- |         |   |
|---------|---|
| 2018-25 | A By-Law to Amend By-Law Number 2014-25, being a Restricted Area (Zoning) By-Law (Marianneville Developments Limited).  |
| 2018-26 | A By-law to Amend By-law Number 2012-20, being a Restricted Area (Zoning) By-law (Rice Commercial Group) (1250 Davis Drive & 124 Twinney Drive).  |
| 2018-27 | A By-law to Authorize the Issuance of a Long-term Loan through the Regional Municipality of York for the Purchase of the Property Known as 16780 Yonge Street.  |
| 2018-28 | A By-Law to Authorize Certain New Capital Works of the Corporation of the Town of Newmarket (the "Lower-Tier Municipality") to Authorize the Submission of an Application to Ontario Infrastructure and Lands |

Corporation (“OILC”) for Financing Such Capital Works; to Authorize Temporary Borrowing from OILC to Meet Expenditures in Connection With Such Works; and to Authorize Long Term Borrowing for Such Works through the Issue of Debentures by the Regional Municipality of York (the “Upper-Tier Municipality” to OILC).

- 2018-29      A By-Law To Amend By-Law Number 2010-40, as amended by By-Law 2015-28 (2578909 Ontario Inc.) (17844 Leslie Street).
- 2018-30      A By-law to Amend By-law 2016-17 being a By-law to Delegate Administrative Matters to Staff (Restricted Acts after Nomination Day).
- 2018-31      A By-law to Regulate the Use, Alteration, and Occupancy of Highways Under the Jurisdiction of the Municipality.
- 2018-32      A By-Law to Provide For the Levy and Collection of the Sums Required by the Corporation of the Town Of Newmarket for 2018 and to Provide For The Mailing Of Notices Requisitioning The Payment Of Taxes For 2018.
- 2018-33      A By-law to amend By-law 1984-114 to Correct Title regarding the Legal Description for Dedicating Alexander Road as a Public Highway (Ward 2 – Housekeeping).

Moved by:              Councillor Vegh  
Seconded by:          Councillor Kerwin

1.      That by-laws 2018-25, 2018-26, 2018-27, 2018-28, 2018-29, 2018-30, 201-31, 2018-32 and 2018-33 be enacted.

In Favour:      Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Kwapis, Councillor Broome, Councillor Bisanz

Opposed:      None  
(7 in favour, 0 opposed)

**Carried**

## **Notices of Motions**

None.

## **Motions**

None.

## **Announcements and Community Events**

### **9. Achievements by Schools in Ward 7**

Councillor Bisanz acknowledged notable activities and achievements by three schools in Ward 7. She acknowledged the students of Alexander Muir Public School for creating and hosting a Diversity Fair, which included interactive activities and display booths that raised awareness of diversity and inclusion issues. She further acknowledged Poplar Banks Public School Senior Band for receiving Gold Status at Musicfest Nationals in Toronto under the leadership of Madame Smith. Finally, she advised that Crossland Public School just celebrated its 25<sup>th</sup> anniversary in the Glennway neighbourhood by opening a time capsule that was buried when the school opened 25 years ago.

### **10. National Access Awareness Week Celebration – June 2, 2018**

Councillor Bisanz invited residents to celebrate Accessibility and Abilities during National Access Awareness Week by attending an event held at the Newmarket Community Centre and Lions Hall on Saturday, June 2 from 9:00 AM to 12:00 PM. She invited residents to come learn, experience and enjoy this free interactive event. Residents are invited to create their own sensory exploration art, follow their pathway to awareness, view the magic talents of The Amazing Andrew and enjoy music by Taylor McKinnon.

### **11. Public Works Challenge**

Councillor Broome thanked staff for their participation and support during the Public Works Challenge.

### **12. Street Sweeping**

Councillor Broome advised that street sweeping is currently underway to remove the build-up of sand and debris on streets from the winter months. She advised that the street sweeper begins at the south end of Town and progresses north and that it will take approximately 3 to 4 weeks to complete this work. The Town asks that residents refrain from parking on streets between 7:00 AM and 5:00PM to ensure a clear path is available for the sweeper.

### **13. PIC – Proposed Reconstruction Works for Niagara Street and Simcoe Street**

Councillor Kwapis advised that notices will be delivered this week to residents of Niagara Street and Simcoe Streets regarding a Public Consultation Centre scheduled for Tuesday, June 12 in Cane A and B meeting rooms in the Municipal Offices at 395 Mulock Drive. He advised that the purpose is to discuss the proposed full reconstruction works for Niagara and Simcoe Streets, and obtain feedback from area residents. He

further advised that the public meeting will begin at 6:00 PM, with a presentation at 6:30 PM followed by a question and answer period. Representatives from our Engineering Services Department and the Town's consultant will be available to answer any questions. Lastly, he advised that the work is expected to start in May, 2020.

#### **14. Public information Centre – Soccer Field Improvements at George Richardson Park**

Deputy Mayor & Regional Councillor Taylor advised that a Public Information Centre is being held on Wednesday, June 6 at 6:00 PM in Cane A and B Meeting Rooms at the Municipal Offices. He invited residents to learn about the soccer field improvements at George Richardson Park. Residents will have the opportunity to speak with staff and ask questions about the project. He advised residents to call 905-895-5193 for more information.

#### **15. Easter Seals Run/Walk**

Councillor Kerwin thanked the Easter Seals for a successful run/walk, held this year on May 27, 2018.

#### **16. Live Pub Night – Seniors' Meeting Place**

Councillor Kerwin invited residents to come to Live Pub Night on Saturday, June 16 at 5:30 PM at the Newmarket Seniors' Meeting Place at 474 Davis Drive. He advised that this fun filled evening features entertainment by Wreckroom Elvis and that the cost is \$20 for members and \$25 for non-members (which includes a meal, coffee, tea and evening treats). He further advised that tickets can be purchased in advance online at [play.newmarket.ca](http://play.newmarket.ca) using code 113500. For more information call 905-953-5325.

#### **18. E-Waste Recycling Event**

Councillor Vegh advised residents that the Newmarket Environmental Advisory Committee held a successful an Electronic Waste Recycling Event at Upper Canada Mall on Saturday, May 26, 2018. He advised that a large amount of e-waste was collected.

#### **19. Traffic and Transportation Survey**

Councillor Vegh advised that the Town of Newmarket is looking for residents' feedback on Traffic and Transportation. He encouraged residents to learn about the Town's Traffic Mitigation Strategy and take our survey at [newmarket.ca/trafficstrategy](http://newmarket.ca/trafficstrategy) today. He further advised that through the survey, residents will have the chance to provide comments on the Town's traffic calming measures, pedestrian safety measures, cyclist safety measures and pilot projects.

## **20. Battery Recycling Program**

Mayor Van Bynen announced that Town of Newmarket is proud to launch its new battery recycling program. He advised that residents can now stop by a Town of Newmarket facility to drop off their used single use batteries for recycling. He invited residents to visit [newmarket.ca/wasteandrecycling](http://newmarket.ca/wasteandrecycling) for more information.

## **21. Next Council Meeting – June 18, 2018**

Mayor Van Bynen advised that the next Council meeting will be held on Monday, June 18, 2018 at 7:00 PM.

## **New Business**

Councillor Broome requested an update regarding licensing of pet stores. The Clerk advised that an information report would be brought forward regarding a future licensing review. She further advised that staff are proposing that a Council Workshop be held in 2019 to discuss new licensing areas with the new term of Council.

## **Closed Session (if required)**

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

## **Confirmatory By-law**

2018-34      A By-law to Confirm the proceedings of the May 28, 2018 Council meeting.

Moved by:            Councillor Vegh  
Seconded by:        Councillor Kerwin

1.      That Confirmatory by-law 2018-34 be enacted.

**Carried**

## **Adjournment**

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

1. That the Council Meeting adjourn at 8:15PM.

**Carried**

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk