



Town of Newmarket

Minutes

Committee of the Whole

Date: Monday, September 17, 2018

Time: 1:30 PM

Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Mayor Van Bynen
Deputy Mayor & Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin
Councillor Twinney
Councillor Hempen
Councillor Kwapis
Councillor Broome (1:30 PM - 5:46 PM)
Councillor Bisanz

Staff Present: R. N Shelton, Chief Administrative Officer
E. Armchuk, Commissioner of Corporate Services
P. Noehammer, Commissioner of Development & Infrastructure Services
I. McDougall, Commissioner of Community Services
L. Lyons, Director of Legislative Services/Town Clerk
R. Prudhomme, Director of Engineering Services
M. White, Planner
T. Horton, Planner
A. Walkom, Council/Committee Coordinator

For consideration by Council on September 24, 2018

The meeting was called to order at 1:30 PM.

The Committee of the Whole recessed at 3:30 PM and reconvened at 3:50 PM.

The Committee of the Whole recessed at 5.46 PM and reconvened at 7:00 PM.

Mayor Van Bynen in the Chair.

1. Additions & Corrections to the Agenda

The Chief Administrative Officer advised of the following additions to the agenda:

1. Correspondence from Aaron Gillard, Larkin Land Use Planners regarding Item 5.5: Zoning By-law Review
2. Correspondence from Jonathan Rodger, Zelinka Priamo Ltd. regarding Item 5.6: Urban Centres Zoning By-law on behalf of Loblaw Properties Limited
3. Correspondence from Jonathan Rodger, Zelinka Priamo Ltd. regarding Item 5.6: Urban Centres Zoning By-law on behalf of Canadian Tire Real Estate Limited
4. Correspondence from Emma West, Bousfields Inc. regarding Item 5.6: Urban Centres Zoning By-law
5. Correspondence from Mark Flowers, Davies Howe regarding Item 5.6: Urban Centres Zoning By-law
6. Daniel Satoor, CBRE Limited regarding Item 5.6: Urban Centres Zoning By-law

The Chief Administrative Officer advised of the following corrections to the agenda:

1. Item 5.1 – Draft Plan of Condominium Approval Marianneville Block 119: Attachment 1: Schedule of Conditions was revised.
2. Item 5.6 – Urban Centres Zoning By-law: Approval: Pages 88-90 were substituted with revised versions.

Moved by: Councillor Kerwin

Seconded by: Councillor Broome

1. That the additions and corrections to the agenda be approved

Carried

2. Declarations of Pecuniary Interest

None.

3. Presentations & Recognitions

3.1 York University Presentation

Dr. Rhonda Lenton provided a presentation regarding the Markham Centre Campus of York University. The presentation included an overview of the programs for the campus, partnerships between the University and other organizations, and the design of the campus. She advised that the campus will open in Fall 2021.

Moved by: Councillor Bisanz

Seconded by: Councillor Kwapis

1. That the presentation by Dr. Rhonda Lenton regarding York University be received.

Carried

4. Deputations

4.1 Queen Street Safety Concerns

Colleen Keats provided a deputation regarding her concerns on the safety of Queen Street between Parkside Drive and Forest Glen Road. She advised that she believes drivers exceed the speed limit in the area often, causing dangerous conditions.

Moved by: Councillor Kerwin

Seconded by: Councillor Twinney

1. That Colleen Keats be permitted an additional five minutes for her deputation.

Carried

Moved by: Councillor Kwapis

Seconded by: Councillor Vegh

1. That the deputation by Colleen Keats regarding Queen Street Safety Concerns be received.

Carried

4.2 Polycystic Kidney Disease (PKD) Awareness Day

Jeffrey Robertson provided a deputation on Polycystic Kidney Disease. The presentation included an overview of the symptoms of the disease and the mission and vision of the Polycystic Kidney Disease Foundation.

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

1. That the deputation by Jeffrey Robertson regarding Polycystic Kidney Disease (PKD) Awareness Day be received.

Carried

4.3 Zoning Bylaw Review

Daniel Satoor provided a deputation regarding the Zoning By-law Review on behalf of CBRE Limited. He advised that his organization is in favour of the by-law amendments and that they will lead to sustainable growth in Newmarket.

Moved by: Deputy Mayor & Regional
Councillor Taylor

Seconded by: Councillor Kwapis

1. That the deputation by Daniel Satoor regarding Zoning By-law Review be received.

Carried

5. Consent Items

Moved by: Councillor Vegh

Seconded by: Councillor Kwapis

1. That the following items be adopted on consent, except sub-items 5.2, 5.3, 5.4, 5.5, 5.8, 5.9, 5.10, and 5.11. See following sub-items 5.2, 5.3, 5.4, 5.5, 5.8, 5.9, 5.10, and 5.11 for motions.

Carried

5.1 Draft Plan of Condominium Approval Marianneville Block 119

1. That the report entitled Application for Draft Plan of Condominium (19CDMN-2018-002) dated September 17, 2018 be received; and,
2. That approval be given to draft plan of condominium 19CDMN-2018 002 subject to the Schedule of Conditions attached and forming part of this report; and,
3. That Kerigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Rd., Unit 109, Richmond Hill, ON, L4B 3K1 be notified of this action.

5.2 Tertiary Plan Public Meeting Request

Moved by: Councillor Hempen

Seconded by: Deputy Mayor & Regional
Councillor Taylor

1. That the report entitled Tertiary Plan Public Meeting Request dated September 17, 2018 be received; and,
2. That the Old Main Street Tertiary Plan be referred to a public meeting; and,
3. That following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
4. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.3 175 Deerfield Road - Incentives for Affordable and Rental Housing

Moved by: Deputy Mayor & Regional
Councillor Taylor

Seconded by: Councillor Kwapis

1. That the report entitled Incentives for Affordable and Rental Housing dated September 17, 2018 be received; and,
2. That staff be directed to amend the Official Plan to authorize the Town to participate in Community Improvement Plans implemented by the Regional Municipality of York and to bring such an amendment to an open house and statutory public meeting as required by the Planning Act; and,
3. That servicing allocation be provided as laid out in Attachment 1;
4. That the incentives presented in Attachment 1 be approved in principle, subject to the ratification by Council in 2019 where required and to the conditions presented for each; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.4 175 Deerfield Road - Zoning By-law Amendment Application

Moved by: Deputy Mayor & Regional
Councillor Taylor

Seconded by: Councillor Kwapis

1. That the application for Zoning By-law amendment for lands municipally known as 175 Deerfield Road be approved and staff be directed present a By-law to Council for approval generally in accordance with Attachment 1; and,
2. That staff be authorized and directed to do all things necessary to give effect to this report; and,
3. That Daniel Berholz, of The Rose Corporation, 156 Duncan Mill Road, Unit 12, Toronto, ON, M3B 3N2 be notified of this action; and
4. That David McKay, MHBC Planning Limited, of 7050 Weston Road, Suite 230, Vaughan, ON L4L 8G7 be notified of this action.

Carried

5.5 Zoning By-law Review

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

Moved by: Councillor Twinney

Seconded by: Councillor Kwapis

1. That the report entitled Zoning By-law Review dated September 17, 2018 be received; and,
2. **That the correspondence from Aaron Gillard, Larkin Land Use Planners be received; and,**
3. That the proposed amendments to Zoning By-Law 2010-40 be adopted; and,
4. That Council determine that based on the information in this report and in accordance with Section 34(17) of the Planning Act, adequate public notice has been provided; and
5. That staff be directed to do all things necessary to give effect to the recommendations in this report.

Carried

5.6 Urban Centres Zoning By-law: Approval

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

1. That the report entitled Urban Centres Zoning By-law: Approval, dated September 17, 2018, be received; and,
2. **That the correspondence from Jonathan Rodger, Zelinka Priamo Ltd. on behalf of Loblaw Properties Limited be received; and,**
3. **That the correspondence from Jonathan Rodger, Zelinka Priamo Ltd. on behalf of Canadian Tire Real Estate Limited be received; and,**
4. **That the correspondence from Emma West, Bousfields Inc. be received; and,**
5. **That the correspondence from Mark Flowers, Davies Howe be received; and,**
6. That the Draft Urban Centres Zoning By-law, dated September 17, 2018, generally as attached to this Report, be approved; and,
7. That Council determine that based on the information in this report and in accordance with Section 34(17) of the Planning Act, adequate public notice has been provided; and,
8. That the required notice of passing be issued in accordance with the requirements of the Planning Act; and

9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

5.7 FCM Municipal Asset Management Program - Grant Submission

1. That the report entitled “FCM Municipal Asset Management Program – Grant Submission” dated September 17, 2018 be received; and,
2. That Council directs staff to apply for grant funding through the Federation of Canadian Municipalities’ Municipal Asset Management Program toward the implementation of the Town’s Integrated Asset Management Strategy; and,
3. That the Town of Newmarket commits to conducting the activities in its proposed project application submitted to the Federation of Canadian Municipalities’ Municipal Asset Management Program; and,
4. That the Town of Newmarket commits to funding up to 20% of the eligible project costs to a maximum of \$12,500 of which the remaining 80% is to be funded by FCM, if successful; and,
5. That Council endorse the attached Council Resolution for the Mayor and Town Clerk’s signature; and,
6. That Staff be authorized and directed to do all things necessary to give effect to the attached Council Resolution.

5.8 Advisory Committee Scheduling and Recruitment for 2018-2022 Term of Council

Moved by: Deputy Mayor & Regional
Councillor Taylor

Seconded by: Councillor Kwapis

1. That the report entitled “Advisory Committee Scheduling and Recruitment for 2018-2022 Term of Council” be received; and,
2. That, in accordance with the Committee Administration Policy, all regularly scheduled Advisory Committee meetings between October 1, 2018 and December 31, 2018 be cancelled; and,
3. That should a time sensitive or legislated matter requiring the consideration by an Advisory Committee between October 1, 2018 and December 31, 2018, a meeting be scheduled; and,
4. That any Advisory Committee vacancies remain vacant until the new term of Council, or until the Advisory Committee review is complete; and,

5. That staff be directed and authorized to do all things necessary to give effect to this resolution.

Carried

5.9 November 2018 to December 2019 Council and Committee of the Whole Meeting Schedule

Moved by: Councillor Twinney

Seconded by: Councillor Kerwin

1. That the report entitled “November 2018 to December 2019 Council and Committee of the Whole Meeting Schedule” dated September 17, 2018 be received; and,
2. That the Council and Committee of the Whole Meeting Schedule (Attachment A) be adopted; and,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.10 York Durham Sewage System Forcemain Twinning Project Noise Exemption Request

Moved by: Councillor Kwapis

Seconded by: Councillor Twinney

1. That the report titled York Durham Sewage System Forcemain Twinning Project Noise Exemption Request dated September 17, 2018 be received and,
2. That the Noise Exemption Request to allow for 24 hours per day for 7 days a week be adopted; and,
3. That the request from Regional Municipality of York for a noise exemption to perform necessary works for the York Durham Sewage System Forcemain Twinning project from January 2, 2019 until December 31, 2021, be approved; and,
4. That this approval is subject to ongoing staff supervision and community impact assessment and revocation if community impact is deemed excessive by staff or Council; and

5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.11 Outstanding Matters List

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

1. That the list of outstanding matters be received.

Carried

6. Action Items

None.

7. Reports by Regional Representatives

None.

8. Notices of Motions

8.1 School Bus Safety

Councillor Bisanz presented a notice of motion regarding school bus safety.

9. Motions

None.

10. New Business

10.1 Election Open House

Mayor Van Bynen advised of the Election Open House being held on September 19, 2018 from 7:00 PM to 9:00 PM at the Municipal Offices, 395 Mulock Drive.

10.2 Sidewalks in Construction Zones and Queen Street Safety

Councillor Kwapis advised that a number of sidewalks are not clearly defined in construction zones downtown. He further advised this could be a potential hazard as students use the sidewalks while walking to school.

Councillor Kwapis also requested that staff look into traffic statistics on Queen Street in the area referenced by the earlier deputation and compare traffic data after the construction has completed. The Director of Engineering Services advised that staff will be performing this comparison once the work has completed.

11. Closed Session

Moved by: Councillor Twinney

Seconded by: Councillor Kwapis

1. That the Committee of the Whole resolve into Closed Session to discuss the following matters:
 - a. Property in Ward 4 - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality as per Section 239 (2) (e) of the Municipal Act, 2001.
 - b. Property in Ward 5 - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality as per Section 239 (2) (e) of the Municipal Act, 2001.
 - c. Personal matters about an identifiable individual, including municipal or local board employees, as per Section 239 (2) (b) of the Municipal Act, 2001.

Carried

The Committee of the Whole resolved into Closed Session at 4:35 PM.

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

The Committee of the Whole resumed into Open Session at 5:45 PM.

12. Public Hearing Matter (7:00 PM)

The Clerk welcomed the public to the Committee of the Whole meeting. She advised that the Planning Act requires the Town to hold at least one public

meeting on any proposed Official Plan Amendment or Zoning By-law Amendment.

The Clerk advised that the purpose of the public meeting is to hear from anyone who has an interest in the Application for a Zoning By-law Amendment related to lands located at 18095 – 18099 Leslie Street.

She advised that the purpose and effect of this application is to rezone the subject lands from the existing Single Detached Residential 30 Meter Zone (R1-B) zone to a Service Commercial Exception Zone (CS-X) zone to permit a motor vehicle service shop and motor vehicle storage.

She further advised that the Committee of the Whole would not be making a decision regarding the proposed application, but will refer all written and verbal comments to Planning Staff to consider and return with a report to a future Committee of the Whole or Council meeting.

The Clerk advised that if anyone present wished to be notified of any subsequent meetings regarding this matter, they should complete the further request form using the iPad set up for this purpose.

The Clerk noted that in accordance with the Planning Act, the Local Planning Appeal Tribunal may dismiss an appeal to the Tribunal, without holding a hearing, if the appellant failed to make either oral submissions at the public meeting or provide written submissions to Council prior to adoption of the application.

The Clerk thanked residents for their participation and interest in the meeting.

12.1 Zoning By-law Amendment Application - 18095 - 18099 Leslie Street

Michael Smith of Michael Smith Planning Consultants provided a presentation regarding the Zoning By-law Amendment Application for 18095 - 18099 Leslie Street. The presentation included an overview of the by-law amendment and the plans for the property.

12.1.1 Deputation by Medeiros Benivaldo

Medeiros Benivaldo, resident, addressed the Committee and stated that while he is supportive of the development, he also has concerns with recent police visits to the property.

12.1.2 Deputation by Herbert Lozano

Herbert Lozano addressed the Committee and advised that he represents SORA Group which owns the vacant lot adjacent to the property. He advised that the owners have concerns about risk of fire on the property, noise created by the proposed use, and the empty gravel space to be located at the rear of the property.

Moved by: Councillor Kerwin

Seconded by: Councillor Twinney

1. That the presentation regarding the Zoning By-law Amendment Application - 18095 - 18099 Leslie Street be received; and,
2. That the Deputation by Medeiros Benivaldo be received; and,
3. That the Deputation by Herbert Lozano be received.

Carried

13. Adjournment

Moved by: Councillor Kerwin

Seconded by: Councillor Vegh

1. That the Committee of the Whole meeting adjourn at 7:18 PM.

Carried

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk