



Town of Newmarket  
**Minutes**

## Committee of the Whole

Monday, November 27, 2017 at 9:00 AM  
Council Chambers

For consideration by Council  
December 4, 2017

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The meeting of the Committee of the Whole was held on Monday, November 27, 2017 in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen  
Deputy Mayor & Regional Councillor Taylor  
Councillor Vegh  
Councillor Kerwin  
Councillor Twinney (9:13 AM – 3:05 PM)  
Councillor Hempen  
Councillor Kwapis  
Councillor Broome  
Councillor Bisanz

Staff Present R. N. Shelton, Chief Administrative Officer  
E. Armchuk, Commissioner of Corporate Services  
P. Noehammer, Commissioner of Development and Infrastructure Services  
I. McDougall, Commissioner of Community Services  
M. Mayes, Director of Financial Services/Treasurer  
L. Lyons, Director of Legislative Services/Town Clerk  
K. Reynar, Director of Legal Services  
R. Nethery, Director of Planning and Building Services  
K. Saini, Deputy Clerk  
L. Long, Supervisor, Municipal By-law Enforcement  
A. Walkom, Council/Committee Coordinator  
H. Leznoff, Council/Committee Coordinator

The meeting was called to order at 9:04 AM.

Mayor Van Bynen in the Chair.

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

The Chief Administrative Officer advised of the following additions and corrections:

- (1) Deputation regarding Servicing Allocation (281 Main Street North).
- (2) Revisions to the Approval of 2018 Operating and Capital Budget Presentation and Report.
- (3) Proclamation Request- December 1, 2018 – World AIDS Day – Correction: December 1, 2017.

Moved by: Councillor Kerwin  
Seconded by: Councillor Vegh

1. That the additions and corrections to the November 27, 2017 Committee of the Whole agenda be approved.

**Carried**

## **Declarations of Pecuniary Interest**

Deputy Mayor & Regional Councillor Taylor declared a conflict of interest in relation to Development and Infrastructure Services/Planning & Building Services Report 2017-51, as he owns property in close proximity to 260 Eagle Street. He requested the item be dealt with separately and advised he would take no part in the discussion or vote on the matter.

Councillor Hempen declared a conflict of interest in relation to the Closed Session item regarding 178-194 Main Street South as he has a business in close proximity. He advised that he would take no part in the discussion or vote on the matter.

## **Presentations & Recognitions**

### **1. Central York Fire Services Fire Station 4-5 Presentation**

Moved by: Councillor Twinney  
Seconded by: Councillor Bisanz

1. That the presentation by Paul McIntosh and Chris Kubbinga, Thomas Brown Architects regarding the Central York Fire Services Fire Station 4-5 be received.

**Carried**

## **2. Central York Fire Services Headquarters Station 4-5 (Extract and Report)**

Moved by: Councillor Hempen  
Seconded by: Councillor Twinney

1. That the Town of Aurora report entitled “Central York Fire Services Headquarters Station 4-5” and related extract be received **and the recommendations therein be adopted.**

**Carried**

## **3. Update: Rapid Transit Projects**

Moved by: Councillor Kerwin  
Seconded by: Councillor Vegh

1. That the presentation by Liza Sheppard, Christopher Scott and Sophia Bittar, York Region Rapid Transit Corporation regarding the Update: Rapid Transit Projects be received.

**Carried**

## **4. Newmarket Public Library Annual Report Presentation and Newmarket Public Library Report to the Community: 2016-2017**

Moved by: Councillor Broome  
Seconded by: Councillor Bisanz

1. That the presentation by Todd Kyle, CEO Newmarket Public Library regarding the Newmarket Public Library Annual Report and the Newmarket Public Library Report to the Community: 2016-2017 be received.

**Carried**

## 5. Approval of the 2018 Operating and Capital Budgets Presentation

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Kerwin

1. That the presentation by the Director of Financial Services/Treasurer regarding the Approval of the 2018 Operating and Capital Budgets be received.
2. That Joint CAO/Commissioners and Corporate Services Report - Financial Services 2017-61 dated November 21, 2017 regarding Approval of the 2018 Operating and Capital Budgets be received and the following recommendations be adopted:
  - a. That the proposed 2018 Operating Budget with expenditures of \$127,927,654 be approved, which is comprised of the following components:
    - i. \$63,446,921 for the Town portion, which includes an additional \$331,892 for asset replacement funding;
    - ii. \$30,000 for the Newmarket Business Improvement Area (BIA);
    - iii. \$4,050,823 for the Library portion;
    - iv. \$16,762,672 for Central York Fire Services (Newmarket's share) which includes an additional \$249,600 for asset replacement funding;
    - v. \$39,248,453 for the Water and Wastewater Rate Groups which includes an additional \$680,557 for asset replacement funding;
    - vi. \$1,852,084 for the Stormwater Management Rate Group which includes a reduction of \$642,488 for asset replacement funding;
    - vii. \$2,536,701 for the Building Permit Rate Group; and,
  - b. That the proposed 2018 Capital Budget with new expenditures of \$25,933,120 be approved subject to the following conditions:

That Council provides separate approval for expenditures on the following projects after consideration of additional reports:

    - i. Heritage Conservation District update (project #26)

- ii. Fernbank Farmhouse maintenance (project #47)
- iii. Outdoor Train (project #56); and,
- c. **That Council decrease the Asset Replacement Fund commitment by \$100,000 and reallocate the funds to the Waste Management Contract Increase; and,**
- d. That the proposed 2018 Operating and Capital Budgets be forwarded to the Council meeting of December 4, 2017 for final approval.

**Carried**

The Committee of the Whole recessed at 11:09 AM.

The Committee of the Whole reconvened at 11:25 AM.

The Closed Session portion of the agenda was addressed at this time. Please see Closed Session section for further information.

## **Deputations**

### **6. Deputation by Mr. Edmund Daniels, Maple Lane Lands & Development Co. Ltd regarding Servicing Allocation Update (680 Gorham Street)**

Moved by: Councillor Kerwin  
Seconded by: Councillor Twinney

- 1. That the deputation by Mr. Edmund Daniels, Maple Lane Lands & Development Co. Ltd regarding Servicing Allocation Update, related to the property known as 680 Gorham Street, be received.

**Carried**

**7. Deputation by Mr. Brad Rogers, Groundswell Urban Planners Inc. regarding Servicing Allocation Update (260 Eagle Street)**

Moved by: Councillor Kwapis  
Seconded by: Councillor Hempen

1. That the Deputation by Mr. Brad Rogers, Groundswell Urban Planners Inc. regarding Servicing Allocation Update Report, related to the property known as 260 Eagle Street, be received.

Deputy Mayor & Regional Councillor Taylor took no part in the discussion or vote on this matter.

**Carried**

**8. Deputation by Mr. Brad Rogers, Groundswell Urban Planners Inc. regarding Servicing Allocation Update (King George School)**

Moved by: Councillor Twinney  
Seconded by: Councillor Kwapis

1. That the deputation by Mr. Brad Rogers, Groundswell Urban Planners Inc. regarding Servicing Allocation Update Report, related to the King George School property, be received.

**Carried**

**9. Deputation by Mr. Chris Matson, Matson McConnell Ltd. Regarding Servicing Allocation Update (Sundial Homes)**

Moved by: Councillor Bisanz  
Seconded by: Councillor Broome

1. That the deputation by Mr. Chris Matson, Matson McConnell Ltd. regarding Servicing Allocation Update Report, related to Sundial Homes, be received.

**Carried**

**10. Deputation by Mr. Russel Mailloux, Aplin Martin Consultants on behalf of Options Group regarding Servicing Allocation Update (281 Main Street North)**

Moved by: Councillor Vegh  
Seconded by: Councillor Hempen

1. That the deputation by Mr. Russel Mailloux, Aplin Martin Consultants on behalf of Options Group regarding Servicing Allocation Update Report, related to the property known as 281 Main Street North, be received.

**Carried**

**11. Servicing Allocation Update**

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

Moved by: Councillor Hempen  
Seconded by: Councillor Twinney

1. That Development & Infrastructure Services/Planning and Building Services Report 2017-49 dated November 27, 2017 regarding the servicing allocation update be received; and,
2. **That Council grant the requested servicing allocation to the following properties:**
  - a. **King George School**
  - b. **680 Gorham; and,**
3. **That the staff report back on servicing allocation in May 2018 and that this report be brought to a Special Committee of the Whole relating to the topic.**

**Carried**

Moved by: Councillor Kerwin  
Seconded by: Councillor Hempen

4. **That Council grant the requested servicing allocation to the property known as 260 Eagle Street.**

Deputy Mayor & Regional Councillor Taylor took no part in the discussion or vote on the matter.

**Carried**

## **Consent Items**

Moved by: Councillor Broome  
Seconded by: Councillor Kwapis

### **That the following items (12 - 29) be adopted on consent:**

#### **12. Stormwater Rates**

1. That Corporate Services Report-Financial Services – 2017-40 dated September 1, 2017 regarding 2018 Stormwater Rates be received and the following recommendations be adopted:
  - a. That the attached Schedule “A”, being the Town of Newmarket 2018 Stormwater Rates, be approved and adopted by By-law; and,
  - b. That the Stormwater Rates adjustments come into full force and effect as of January 1, 2018.

#### **13. 2018 Water and Wastewater Rates**

1. That Corporate Services Report-Financial Services 2017-41 dated September 1, 2017 regarding 2018 Water and Wastewater Rates be received and the following recommendations be adopted:
  - a. That the attached Schedule “A”, being the Town of Newmarket Water and Wastewater Rates, be approved and adopted by By-law; and.
  - b. That the Water and Wastewater Rates adjustments come into full force and effect as of January 1, 2018.

#### **14. User Fees and Charges – Planning Act Fees**

1. That Joint Development & Infrastructure Services – Planning & Building Services and Corporate Services Report – Financial Services 2017-54 dated November 8, 2017 regarding 2018 User Fees and Charges – Planning Act Fees be received and the following recommendations be adopted:



- a. That the attached Schedule “A”, being the Town of Newmarket 2018 Planning Application Fees Schedule, be approved and adopted by by-law;
- b. And that the fee adjustments come into full force and effect as of January 1, 2018.

**15. 2018 User Fees and Charges – Fire Services**

1. That Joint Central York Fire Services and Corporate Services Report – Financial Services 2017-55 dated November 8, 2017 regarding 2018 User Fees and Charges – Fire Services be received and the following recommendations be adopted:
  - a. That the attached Schedule “A”, being the Town of Newmarket 2018 Fire Services Fees Schedule, be approved and adopted by by-law;
  - b. And that the fee adjustments come into full force and effect January 1, 2018.

**16. 2018 User Fees and Charges - Licensing Fees**

1. That Joint Corporate Services Report – Legislative Services and Financial Services – 2017-52 dated November 8, 2017 regarding 2018 User Fees and Charges-Licensing Fees be received and the following recommendations be adopted:
  - a. That the attached Schedule “A” marked as the “2018 Legislative Services (Licensing) Fees & Charges” be approved and forwarded to Council for final adoption by by-law; and,
  - b. That the fee adjustments come into full force and effect as of January 1, 2018.

**17. 2018 User Fees and Charges – General**

1. That Corporate Services Report – Financial Services 2017-53 dated November 8, 2017 regarding 2018 User Fees and Charges – General be received and the following recommendations be adopted:
  - a. That the attached Schedules “A”, “B”, “C”, “D”, “E” and “F” marked as the Town of Newmarket 2018 All Departments, Corporate Services – Finance & Procurement & IT, Legal

Services, Public Works Services, Engineering Services and Legislative Services - General Fees and Charges Schedules respectively, be approved and adopted by by-law; and,

- b. That the fee adjustments come into full force and effect as of January 1, 2018.

**18. 2018 User Fees and Charges – Overview**

1. That Joint CAO, Commissioners and Corporate Services Report - Financial Services – 2017-51 dated November 8, 2017 regarding 2018 User Fees and Charges - Overview be received for information purposes.

**19. Use of Corporate Resources During an Election Period Policy and Changes to the Election Process**

1. That Corporate Services – Legislative Services Report 2017-19 dated October 16, 2107 entitled “Use of Corporate Resources During an Election Year and Updates to the Election Process” be received; and,
2. That the Memorandum dated November 6, 2017 regarding revisions to the “Use of Corporate Resources in an Election Year Policy” be received; and,
3. That the Memorandum #2 dated November 27, 2017 regarding revisions to the “Use of Corporate Resources & Election Campaign Activities Policy” be received; and,
4. That Council adopt the enclosed Use of Corporate Resources & Election Campaign Activities Policy.

**20. Revisions to Sign By-law and Standalone Election Sign By-law**

1. That the Corporate Services - Legislative Services Report - 2017-25 entitled “Revisions to Sign By-law and standalone Election Sign By-law” be received; and,
2. That the memorandum dated November 27, 2017 entitled “External Legal Review of the standalone Election Sign By-law” be received; and,
3. That Council repeal By-law 2016-28; and,
4. That Council enact the draft Sign By-law attached as Appendix A; and,

5. That Council enact the revised draft Election Sign By-law attached as revised Appendix B.

**21. VivaNext Bus Rapid Transit Y3.2 Yonge Street (Noise By-law Exemption)**

1. That Corporate Services – Legislative Services Report 2017-24 dated November 6, 2017, regarding vivaNext Bus Rapid Transit Y3.2 Yonge Street Project Request for Exemption from the Noise By-law be received and the following recommendations be adopted:

- a. That the request from RapidLINK for a noise exemption to perform necessary works for the vivaNext Bus Rapid Transit Y3.2 project between the hours of 9:00 pm to 7:00 am from December 5, 2017 until December 31, 2018, be approved; excluding the following:

Year 2017	Year 2018
December 25, 2017 (Christmas Day)	January 1, 2018 (New Year's Day)
December 26, 2017 (Boxing Day)	December 25, 2018 (Christmas Day)
	December 26, 2018 (Boxing Day)

- b. 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.

**22. Amendment to Procurement By-law 2014-27**

1. That Corporate Services – Procurement Services report dated November 27, 2017 entitled “Amendment to Procurement By-law 2014-27” be received; and,
2. That the Sole or Single Source threshold amount in Table 5 Schedule “D” Thresholds of the Procurement By-law 2014-27 for the C.A.O. be increased from a range of \$25,000.01 to \$49,999.99, to a range of \$25,000.01 to \$99,999.99; and,
3. That the Sole or Single Source threshold amount in Table 5 Schedule “D” Thresholds of the Procurement By-law 2014-27 for Council be increased from \$50,000 and over, to \$100,000 and over; and,
4. That Council adopt the amendments to the Procurement By-law 2014-27 attached to this report as Appendix B.

**23. Central York Fire Services – Joint Council Committee meeting Minutes of September 26, 2017 and October 25, 2017**

1. That the Central York Fire Services- Joint Council Committee meeting minutes of September 26, 2017 and October 25, 2017 be received.

**24. Newmarket Downtown Development Committee Meeting Minutes of June 30, 2017**

1. That the Newmarket Downtown Development Committee meeting minutes of June 30, 2017 be received.

**25. Heritage Newmarket Advisory Committee Meeting Minutes of October 17, 2017**

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of October 17, 2017 be received.

**26. Proclamation Request – December 1, 2017 – World AIDS Day**

1. That the proclamation request be received; and,
2. That the Town of Newmarket proclaim December 1, 2017 as World AIDS Day; and,
3. That the proclamation be advertised on the Town Page and on the Town's website.

**27. Outstanding Matters List**

1. That the list of outstanding matters be received.

**28. Water Digitization Project**

1. That Joint Corporate Services - Information Technology/ Development & Infrastructure Services - Public Works Services Report 2017-57 dated November 27, 2017 entitled " Water Digitization Project" be received and the following recommendations be adopted:
  - a. That Infomax Technologies be awarded the contract for the Water Digitization Project in the amount of \$64,300 plus annual operating costs of \$14,880 for a term of up to four years (to 2021), in

accordance with the single source provisions of the Town's Procurement By-law 2014-27; and,

- b. That the Director, Public Works Services and the Manager, Procurement Services be authorized to execute the agreement.

**29. Proclamation Request – February 1 to February 8, 2018 – Eating Disorder Awareness Week (EDAW)**

1. That the Proclamation request be received; and,
2. That the Town of Newmarket proclaim February 1 to February 8, 2018 as Eating Disorder Awareness Week; and,
3. That the proclamation be advertised on the Town Page and on the Town's website.

**Carried**

**30. Permission to Submit a Minor Variance Application – 260 Eagle Street**

Moved by: Councillor Kwapis

Seconded by: Councillor Twinney

1. That Development and Infrastructure Services/Planning & Building Services Report 2017-51 dated November 10, 2017 regarding 260 Eagle Street (File Number NP-A-17-13) submitted by 711371 Ontario Corp., be received and that the following recommendation be adopted:
  - a. That whereas the Planning Act limits the ability to apply for a minor variance for a 2 year period following approval of a Zoning By-law Amendment, the owner shall, through a declaration of resolution by Council be permitted to submit an application for minor variance to seek an increased maximum building height from 11.0m (3 storeys) to 12.0 metres (3 storeys).

Deputy Mayor & Regional Councillor Taylor took no part in the discussion or vote on this matter.

**Carried**

**31. Request to be removed from the Heritage Registry of Non-designated Heritage Properties - 770 Gorham Street and 171 Church Street**

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

1. That Development and Infrastructure Services/Planning and Building Services Report 2017-52 dated November 27, 2017 regarding two requests from Property owners to have their properties be removed from the Town's listing of Non-designated Heritage Properties be received and the following recommendations be adopted:
  - a. That Council direct staff to:
    - i. **Maintain** 770 Gorham Street on the Municipal Register of Non-Designated Properties; and,
    - ii. Begin a process of Heritage Designation under the Ontario Heritage Act for the property Municipally known as 171 Church Street, Newmarket for its cultural heritage value and interest; and,
  - b. That Emily Lamont, 171 Church Street and Ehsan Velayati, 770 Gorham Street be notified of this action.

**Carried**

**32. Proposed Noise By-law**

Moved by: Councillor Bisanz  
Seconded by: Councillor Twinney

1. That Corporate Services – Legislative Services Report 2017-27 dated November 27, 2017 regarding Proposed Noise By-law be received; and,
2. That Council repeal current Noise By-law 2004-94, as amended; and,
3. That Council enact the new draft Noise By-law attached as Appendix A; and,
4. That Council approve the amendments to the 2018 Fees and Charges By-law to reflect revised fees related to the Noise By-law, attached as Appendix B.

**Carried**

### **33. Procedure By-Law Update and Draft Electronic Participation in Meetings Policy**

Moved by: Councillor Bisanz  
Seconded by: Councillor Kwapis

1. That the Corporate Services – Legislative Services Report - 2017-26 entitled “Procedure By-Law Update and Draft Electronic Participation in Meetings Policy” be received; and,
2. That Council adopt the amendments to the Procedure By-law attached as Appendix A with an effective date of January 1, 2018; and,
3. That Council approve the Electronic Participation in Meetings Policy attached as Appendix B, with an effective date of January 1, 2018; and,
4. That the Town Clerk be authorized to administer the Electronic Participation in Meetings Policy and develop the necessary Procedures to implement the Policy, as required; and,
5. That Council permit the Accessibility Advisory Committee to participate using the Electronic Participation in Meetings Policy effective January 1, 2018 for a trial period of one year; and,
6. That staff be directed to report back in 2019 with a review of the Electronic Participation in Meetings Policy.

**Carried**

### **Action Items**

None.

### **Reports By Regional Representatives**

None.

## Notices of Motions

Councillor Twinney provided a notice of motion regarding property standard concerns and maintenance of the property on the corner of Davis Drive and Patterson Street and advised that she will be bringing the motion forward at the Council meeting of December 4, 2017.

## Motions

None.

## New Business

None.

## Closed Session

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

1. That the Committee of the Whole identify the property to be discussed related to Development and Infrastructure Services -Planning and Building Services Closed Session Report 2017-50.

**Carried**

Moved by: Councillor Vegh  
Seconded by: Councillor Kwapis

1. That the Committee of the Whole resolve into Closed Session to discuss the following matters:
  - (1) Proposed acquisition or disposition of land by the Municipality as per Section 239 (2) (c) of the Municipal Act, 2001 related to Development and Infrastructure Services -Planning and Building Services Closed Session Report 2017-50 regarding **Hollingsworth Arena.**
  - (2) Litigation or potential litigation including matters before administrative tribunals affecting the municipality as per Section 239



(2) (e) of the Municipal Act, 2001 related to Verbal Update regarding a property in Ward 5 (178-194 Main Street South).

- (3) Labour relations or employee negotiations as per Section 239 (2) (d) of the Municipal Act, 2001 related to Market Review Update.

**Carried**

The Committee of the Whole resolved into Closed Session at 11:30 AM.

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

The Committee of the Whole resumed into Open Session at 1:30 PM.

The Committee of the Whole recessed at 1:30 PM.

The Committee of the Whole resumed at 1:50 PM.

## **Public Hearing Matters**

None.

## **Adjournment**

Moved by: Councillor Kerwin  
Seconded by: Councillor Vegh

1. That the meeting of Committee of the Whole adjourn at 3:05 PM.

**Carried**

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Tony Van Bynen, Mayor

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Lisa Lyons, Town Clerk