

The meeting of the Committee of the Whole was held on Monday, March 19, 2012 at 1:30 p.m. in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor
Councillor Di Muccio
Councillor Twinney
Councillor Vegh

Absent: Councillor Emanuel
Councillor Hempen
Councillor Kerwin
Councillor Sponga

Staff: R. Shelton, Chief Administrative Officer
R. Dixon, Commissioner of Corporate Services
R. Prentice, Commissioner of Community Services
M. Agnoletto, Manager of Parks and Property Services
A. Brouwer, Director of Legislative Services/Town Clerk
L. Moor, Council/Committee Co-ordinator

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

Mayor Van Bynen in the Chair.

ADDITIONS TO THE AGENDA

Moved by Councillor Vegh
Seconded by Councillor Twinney

THAT the order of the agenda be altered by including the following items for consideration:

CONSENT ITEMS

ADDITIONS

- Item 11a) Correspondence dated March 11, 2012 from Mr. Brian W. Darvell regarding the proposed Shark Fin Ban and related to Item 11 of the regular Committee of the Whole agenda for March 19, 2012.
- Item 11b) Correspondence dated March 13, 2012 from Toronto Ward 27 Councillor Kristyn Wong-Tam regarding the proposed Shark Fin Ban and related to Item 11 of the regular Committee of the Whole agenda for March 19, 2012.

- Item 11c) Correspondence dated March 13, 2012 from Mr. Andrew Holden regarding the proposed Shark Fin Ban and related to Item 11 of the regular Committee of the Whole agenda for March 19, 2012.
- Item 11d) Correspondence dated March 15, 2012 from Ms. Tara Lester regarding the proposed Shark Fin Ban.
- Item 21 Correspondence dated March 9, 2012 from Ms. Kelley Towsley, Volunteer Services Coordinator, Newmarket Public Library requesting that April 2012 be proclaimed "Ontario Youth Volunteer Challenge Month" in the Town of Newmarket.
- Item 22 Corporate Services Report – Legislative Services – Clerk's 2012-11 dated March 12, 2012 regarding Carnival – D.A. Campbell Amusement Ltd. – Upper Canada Mall.

DISTRIBUTION

- Item 19 Document related to the Deputation by Mr. Adrian Van Monsjou regarding Proposed Appeal of Recent OMB Decision – Daniels and related to Item 19 of the regular Committee of the Whole agenda for March 19, 2012.

CLOSED SESSION ITEMS

ADDITION

- Item 3 Confidential correspondence related to Item 3 of the Committee of the Whole Closed Session agenda for March 19, 2012 regarding a property matter.

CARRIED

DECLARATIONS OF INTEREST

None.

1. **COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 1
CORPORATE SERVICES REPORT – PLANNING & BUILDING SERVICES 2012-06
TREE PRESERVATION BY-LAW**

Deputation:

Mr. John Birchall, Chair, Newmarket Environmental Advisory Committee, to address the Committee with a PowerPoint Presentation regarding the Tree Preservation By-law.

Report:

Community Services Report – Planning and Building Services 2012-06 dated March 19, 2012 regarding the Tree Preservation By-law.

Moved by Councillor Twinney
Seconded by Councillor Vegh

THAT Item 18 of the Committee of the Whole agenda of March 19, 2012 being a deputation by Mr. John Birchall, Chair, Newmarket Environmental Advisory Committee and Corporate Services Report – Planning & Building Services 2012-06 regarding the Tree Preservation By-law be deferred to the April 10, 2012 Committee of the Whole meeting.

CARRIED

Moved by Regional Councillor Taylor
Seconded by Councillor Twinney

THAT the following items be adopted on consent:

2. **COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 2**
REQUESTS FOR PROCLAMATION

- a) THAT the correspondence dated February 6, 2012 from Ms. Lorrie Reynolds, Director, Deputy Chief Nursing Officer, Southlake Regional Health Centre be received and the following recommendations be adopted:
1. THAT the Town of Newmarket proclaim May 6 – 12, 2012 as “National Nursing Week”;
 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca
- b) THAT the correspondence dated February 24, 2012 from Ms. Cathy Murphy Pugliese be received and the following recommendations be adopted:
1. THAT the Town of Newmarket proclaim March 2012 as “Multiple System Atrophy Month”;
 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca
- c) THAT the correspondence received March 6, 2012 from Autism Ontario York Region be received and the following recommendations be adopted:
1. THAT the Town of Newmarket proclaim April 2, 2012 as “World Autism Awareness Day”;
 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca

d) THAT the correspondence dated March 9, 2012 from Ms. Kelly Towsley, Volunteer Services Coordinator, Newmarket Public Library be received and the following recommendations be adopted:

1. THAT the Town of Newmarket proclaim April 2012 as "Ontario Youth Volunteer Challenge Month";
2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

3. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 3
HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES

THAT the Heritage Newmarket Advisory Committee Minutes of February 14, 2012 be received.

4. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 4
MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF MANAGEMENT MINUTES

THAT the Main Street District Business Improvement Area Board of Management Minutes of January 17, 2012 and February 21, 2012 be received.

5. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 5
NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES

THAT the Newmarket Downtown Development Subcommittee Minutes of February 24, 2012 be received.

6. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 6
NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES

THAT the Newmarket Economic Development Advisory Committee Minutes of February 16, 2012 be received.

7. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 7
NEWMARKET PUBLIC LIBRARY BOARD MINUTES

THAT the Newmarket Public Library Board Minutes of January 18, 2012 be received.

8. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 8
COMMUNITY SERVICES REPORT – PLANNING AND BUILDING SERVICES 2012-12
APPLICATION FOR ZONING BY-LAW AMENDMENT – 55 AND 59 CHARLES STREET
NORTHEAST CORNER OF CHARLES STREET AND GRANBY PLACE
DR. DEBORAH VANVLIET (NEWMARKET MEDICAL PLACE)

THAT Building and Planning Services Report – Planning 2012-12 dated March 6, 2012 regarding Application for Zoning By-law Amendment be received and the following recommendations be adopted:

1. THAT the Application for Zoning By-law Amendment, as submitted by Dr. Deborah vanVliet for lands being located at the northeast corner of Charles Street and Granby Place, be approved and that staff be directed to prepare the necessary Zoning By-Law Amendment with the Holding (H) prefix as required;
 2. AND THAT Angela Sciberras, Macaulay Shiomi Howson Ltd., 471 Timothy Street, Newmarket, ON L3Y 1P9 be notified of this action.
9. **COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 9
COMMUNITY SERVICES REPORT – ES 2012-17
FINAL ACCEPTANCE AND ASSUMPTION OF ABOVEGROUND WORKS FOR THE
WOODLAND HILL RESIDENTIAL SUBDIVISION (PHASE 4) RP 65M-3816**

THAT Community Services Report – ES 2012-17 dated March 5, 2012 regarding the Woodland Hill Residential Subdivision (Phase 4) be received and the following recommendations be adopted:

1. THAT the request for final acceptance and assumption of aboveground works for (Phase 4) of Woodland Hill Residential Subdivision as shown on the attached map be finally accepted and assumed by the Town;
 2. AND THAT the Northwest Developers Group complete the Traffic Monitoring Study in spring 2012 and implement any recommendations resulting from the monitoring study as accepted by the Town;
 3. AND THAT Mr. A. Poulias C.E.T., of Metrus Development Corporation and Mr. A. Maurizio, P.Eng., of Schaeffers Consulting Engineers be notified of these recommendations.
10. **COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 10
CORPORATE SERVICES REPORT – FINANCIAL SERVICES 2012-09
PRELIMINARY 2011 CAPITAL BUDGET REPORT – FOURTH QUARTER**

THAT Corporate Services Report – Financial Services 2012-09 dated February 24, 2012 regarding the Preliminary Capital Budget Report for the fourth quarter of 2011 be received and the following recommendations be adopted:

1. THAT the Financial Services Department report to the Committee of the Whole in April 2012 with the final results of the Capital accounts for 2011;
2. AND THAT the Financial Services Department report to the Committee of the Whole in April 2012 with the details of ongoing capital projects that will have their budgets carried over into 2012.

**11. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 11
CORRESPONDENCE – NOISE EXEMPTION**

1. THAT the correspondence dated January 20, 2012 from Ms. Karen Beaulieu, Fundraising Coordinator, Canadian Cancer Society, Holland River Unit requesting exemption from the Noise By-law for the 2012 Relay for Life event at Pickering College from June 22, 2012 at 7 p.m. to June 23, 2012 at 7 a.m. be received and approved subject to notification being provided to area residents;

2. AND THAT Ms. Beaulieu be notified in this regard.

**12. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 12
CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES – CLERK'S 2012-11
CARNIVAL – D.A. CAMPBELL AMUSEMENT LTD. – UPPER CANADA MALL**

THAT Corporate Services Report – Legislative Services – Clerk's 2012-11 dated March 12, 2012 regarding Carnival – D.A. Campbell Amusement Ltd. – Upper Canada Mall be received and the application be approved subject to the following terms:

THAT the license be issued for a period of seven consecutive days from May 8 to May 14, 2012 to permit the setting up and dismantling of amusement devices;

AND THAT the actual operation of the carnival not exceed five consecutive days within that permitted time period.

**13. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 13
LIST OF OUTSTANDING MATTERS**

THAT the list of outstanding matters be received.

CARRIED

This concludes the consent portion of the agenda.

**14. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 14
CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES – CLERK'S 2012-09
BY-LAW BANNING THE SALE OF SHARK FINS AND SHARK FIN PRODUCTS IN
THE TOWN OF NEWMARKET**

Mayor Van Bynen advised that this matter is a public input opportunity and inquired if anyone in attendance wished to address the Committee to come forward at this time.

Correspondence items as listed on the agenda were received and distributed to Mayor and Members of Council related to the by-law banning the sale of shark fins and shark fin products.

Deputations:

a) Mr. Rob Sinclair, Wild Aid Canada

Mr. Rob Sinclair addressed the Committee regarding the worldwide action that has taken place related to the banning of the sale of shark fins and shark fin products.

**Moved by Regional Councillor Taylor
Seconded by Councillor Twinney**

THAT the deputation by Mr. Rob Sinclair, Wild Aid Canada regarding the banning of the sale of shark fins and shark fin products be received.

CARRIED

b) Mr. Phil Gillies, Wild Aid Canada

Mr. Phil Gillies addressed the Committee regarding the banning of the sale of shark fins and shark fin products.

**Moved by Councillor Twinney
Seconded by Councillor Vegh**

THAT the deputation by Mr. Phil Gillies, Wild Aid Canada regarding the banning of the sale of shark fins and shark fin products be received.

CARRIED

c) Ms. Sarah Samwel

Ms. Sarah Samwel, resident addressed the Committee regarding the banning of the sale of shark fins and shark fin products.

**Moved by Councillor Twinney
Seconded by Councillor Vegh**

THAT the deputation by Ms. Sarah Samwel regarding the banning of the sale of shark fins and shark fin products be received.

CARRIED

d) Ms. Wendy Perkins, Fin Free Organization

Ms. Wendy Perkins on behalf of the Fin Free Organization addressed the Committee regarding the banning of the sale of shark fins and shark fin products.

**Moved by Councillor Twinney
Seconded by Councillor Vegh**

THAT the deputation by Ms. Wendy Perkins on behalf of the Fin Free Organization regarding the banning of the sale of shark fins and shark fin products be received.

CARRIED

Report:

Corporate Services Report – Legislative Services – Clerk's 2012-09 dated March 7, 2012 regarding a by-law banning the sale of shark fins and shark fin products.

**Moved by Councillor Twinney
Seconded by Regional Councillor Taylor**

THAT all items of correspondence as listed on the agenda related to the by-law banning the sale of Shark Fins and Shark Fin Products be received;

AND THAT Corporate Services Report – Legislative Services – Clerk's 2012-09 dated March 07, 2012 regarding a by-law banning the sale of shark fins and shark fin products in the Town of Newmarket be received and that the attached draft by-law and resolution be forwarded to Council for adoption.

CARRIED

**15. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 15
PROPOSED APPEAL OF RECENT OMB DECISION - DANIELS**

Mr. Adrian van Monsjou on behalf of the Fairways of St. Andrew's Community Association addressed the Committee regarding a proposed appeal of the recent OMB decision as it relates to Daniels LR Corporation.

**Moved by Councillor Vegh
Seconded by Councillor Twinney**

THAT the deputation by Mr. Adrian van Monsjou on behalf of the Fairways of St. Andrew's Community Association and supporting documentation regarding a proposed appeal of the recent OMB decision as it relates to Daniels LR Corporation be received.

CARRIED

**16. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 16
COMMUNITY SERVICES REPORT – PWS 2012-14
RESOLUTION – EMERALD ASH BORER**

Report:

Community Services Report – PWS 2012-14 dated March 7, 2012 regarding Emerald Ash Borer Management Plan.

Correspondence:

Correspondence dated February 13, 2012 from Mr. Jack Radecki on behalf of The Ontario Urban Forest Council regarding a resolution with respect to the Emerald Ash Borer.

The Manager of Parks and Property Services provided a verbal update regarding the implications associated with the potential infestation of the Emerald Ash Borer.

**Moved by Regional Councillor Taylor
Seconded by Councillor Twinney**

THAT Community Services Report – PWS 2012-14, dated March 7, 2012 regarding Emerald Ash Borer Management Plan be received and the following recommendations be adopted:

- 1. THAT the proposed short term plan to manage the Emerald Ash Borer infestation for 2012 outlined in the report be approved;**
- 2. AND THAT staff proceed with developing a comprehensive Emerald Ash Borer Management Plan for the long term addressing operational and budgeting impacts for consideration in the 2013 budget discussions;**
- 3. AND THAT the correspondence dated February 13, 2012 from Mr. Jack Radecki on behalf of the Ontario Urban Forest Council regarding a resolution with respect to the Emerald Ash Borer be received.**

CARRIED

**17. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 17
COMMUNITY SERVICES REPORT – PLANNING AND BUILDING SERVICES 2012-13
URBAN CENTRES SECONDARY PLAN UPDATE REPORT**

Presentation:

Mr. Jason Thorne, Principal, planningAlliance, Ms. Elaine Chang, Senior Transit/Transportation Planner, GHD Inc. and Mr. Drew Sinclair, Principal, regionalArchitects addressed the Committee with a PowerPoint presentation regarding the Urban Centres Secondary Plan Update.

**Moved by Councillor Vegh
Seconded by Regional Councillor Taylor**

THAT the PowerPoint presentation by Mr. Jason Thorne, Ms. Elaine Chang and Mr. Drew Sinclair regarding the Urban Centres Secondary Plan Update be received.

CARRIED

Report:

Community Services Report – Planning and Building Services 2012-13 dated March 19, 2012 regarding Urban Centres Secondary Plan Update Report.

**Moved by Councillor Vegh
Seconded by Regional Councillor Taylor**

THAT Community Services/Planning & Building Services Report 2012-13 dated March 19, 2012 regarding the proposed Secondary Plan and Public Engagement process be received.

CARRIED

The Committee recessed at 3:12 p.m.

The Committee reconvened at 3:32 p.m.

**18. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 18
COMMUNITY SERVICES REPORT – PLANNING AND BUILDING SERVICES 2012-08
SERVICING ALLOCATION POLICY UPDATE**

Community Services Report – Planning and Building Services 2012-08 dated March 19, 2012 regarding the Servicing Allocation Policy Update.

**Moved by Councillor Di Muccio
Seconded by Councillor Vegh**

THAT Community Services/Planning & Building Services Report 2012-08 dated March 19, 2012 regarding the proposed changes to the Servicing Allocation Policy be received and the following recommendations be adopted:

- 1. THAT the proposed changes to the Servicing Allocation Policy as it relates to energy and water conservation requirements be circulated to the development community for comment for a period of 30 days;**
- 2. AND THAT following the consultation period staff report back with recommended changes to the Servicing Allocation Policy, particularly as it relates to the Town's minimum expectations for energy and water conservation requirements for new residential buildings.**

CARRIED

**19. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 19
COMMUNITY SERVICES REPORT – PLANNING AND BUILDING SERVICES 2012-09
INTENSIFICATION IN STABLE RESIDENTIAL AREAS**

Community Services Report – Planning and Building Services 2012-09 dated March 6, 2012 regarding Intensification in Stable Residential Areas.

**Moved by Regional Councillor Taylor
Seconded by Councillor Twinney**

THAT Community Services/Planning and Building Services Report 2012-09 dated March 6, 2012 regarding Intensification in Stable Residential Areas be received and the following recommendation be adopted:

THAT staff bring back a further report recommending specific amendments to the Town of Newmarket Zoning By-Law 2010-40 relating to zone standards in stable residential areas of Newmarket.

CARRIED

**20. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 20
CORPORATE SERVICES REPORT – FINANCIAL SERVICES 2012-13
STATEMENT OF REMUNERATION AND EXPENSES – 2011 PAYMENTS TO
ELECTED AND APPOINTED OFFICIALS**

Corporate Services Report – Financial Services 2012-13 dated March 8, 2012 regarding the Statement of Remuneration and Expenses – 2011 Payments to Elected and Appointed Officials.

**Moved by Regional Councillor Taylor
Seconded by Councillor Di Muccio**

THAT Corporate Services Report – Financial Services 2012-13 dated March 8, 2012 regarding the Statement of Remuneration and Expenses – 2011 Payments to Elected and Appointed Officials be referred directly to the Council meeting scheduled for March 26, 2012 with an information report of detailed expenses to be distributed to Mayor Van Bynen and Members of Council prior to the meeting.

CARRIED

**21. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 21
CHIEF ADMINISTRATIVE OFFICER REPORT 2012-04
COUNCIL STRATEGIC PRIORITIES – 2012 TO 2014**

Chief Administrative Officer Report 2012-04 dated March 8, 2012 regarding Council Strategic Priorities – 2012 to 2014.

Amendments were made to the recommendations as follows:

Removal of the word “their” after the word “areas” and inclusion of the word “general” after the word “ensuing” in Recommendation 1.

Amended
by Council
at its
meeting of
March 26,
2012 See
Item 39 of
Council
Minutes of
March 26,
2012

Recommendation 3 was replaced with the following:

“AND THAT the list of Strategic Priorities and the “new” Action Items be brought back for further consideration by Council”

**Moved by Regional Councillor Taylor
Seconded by Councillor Twinney**

THAT Chief Administrative Officer Report 2012 – 04 dated March 8, 2012 regarding Council’s Strategic Priorities 2012 to 2014 be received and the following recommendations, as amended, be adopted:

Corrected
at Council
See Item
12 of
Council
Minutes of
March 26,
2012

- 1. THAT Council adopt the list of Strategic Focus areas and ensuing general priorities for the period of 2012 to 2014;**
- 2. AND THAT staff immediately commence a review of each “new” Action Item for costing information, budget impacts, and suggested timelines;**
- 3. AND THAT the list of Strategic Priorities and the “new” Action Items be brought back for further consideration by Council;**
- 4. AND THAT staff commence the development of a “report” card for monitoring and communication purposes.**

CARRIED

**22. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 22
REPORTS BY REGIONAL REPRESENTATIVES**

None.

**Moved by Councillor Di Muccio
Seconded by Councillor Vegh**

THAT Committee of the Whole resolve into a closed session for the purpose of discussing:

A matter in respect of a council, board committee or other body may hold a closed meeting under another Act. (*Committee Matter – Newmarket Economic Development Advisory Committee and Newmarket Downtown Development Subcommittee*);

Advice that is subject to solicitor/client privilege including communications necessary for that purpose. (*Legal Advice – OMB Property Matter*);

Personal matters about an identifiable individual, including municipal employees or local board employees. (*Appointment – Personal Matter*)

CARRIED

The Committee resolved into a Committee of the Whole (Closed Session) at 4:34 p.m.

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

The Committee resumed into public session at 4:41 p.m.

**23. COMMITTEE OF THE WHOLE MINUTES – MARCH 19, 2012 – ITEM 23
NEW BUSINESS – ACTING MAYOR APPOINTMENT**

Corrected
at Council
See Item
35 of
Council
Minutes of
March 26,
2012

Councillor Twinney brought forth the matter that Mayor Van Bynen and Regional Councillor Taylor would be absent from the Municipal Offices on April 4 and 5, 2012 and suggested that an Acting Mayor appointment by-law be brought to the March 26, 2012 Council meeting and further that the Director of Legislative Services/Town Clerk prepare a report recommending a routine process for this matter.

**Moved by Councillor Twinney
Seconded by Regional Councillor Taylor**

THAT a by-law be brought forward to the March 26, 2012 Council meeting appointing Councillor Vegh as Acting Mayor in the absence of the Mayor and Regional Councillor from the Municipality for the period of April 4 and 5, 2012, inclusive.

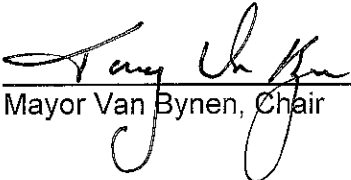
CARRIED

**Moved by Councillor Twinney
Seconded by Regional Councillor Taylor**

THAT the meeting adjourn.

CARRIED

There being no further business, the meeting adjourned at 4:42 p.m.



Mayor Van Bynen, Chair



Andrew Brouwer, Town Clerk