

Council Minutes

Meeting Number: 11
May 28, 2019, 6:00 PM
Council Chamber

Roll Call	Mayor Frank Scarpitti	Councillor Alan Ho
	Deputy Mayor Don Hamilton	Councillor Karen Rea
	Regional Councillor Jack Heath	Councillor Andrew Keyes
	Regional Councillor Joe Li	Councillor Amanda Collucci
	Regional Councillor Jim Jones	Councillor Khalid Usman
	Councillor Keith Irish	Councillor Isa Lee
Regrets	Councillor Reid McAlpine	
Staff	Andy Taylor, Chief Administrative Officer	Joel Lustig, Treasurer
	Trinela Cane, Commissioner, Corporate Services	Bryan Frois, Chief of Staff
	Brenda Librecz, Commissioner, Community & Fire Services	Andrea Berry, Sr. Manager, Corp Comm & Community Engagement
	Arvin Prasad, Commissioner, Development Services	John Wong, Technology Support Specialist II
	Catherine Conrad, City Solicitor & Acting Director, Human Resources	Kimberley Kitteringham, City Clerk
	Biju Karumanchery, Director, Planning & Urban Design	Martha Pettit, Deputy City Clerk

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1. CALL TO ORDER

The meeting of Council convened at 6:01 PM on May 28, 2019 in the Council Chamber. Mayor Frank Scarpitti presided.

2. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - MAY 14, 2019

Moved by Councillor Khalid Usman

Seconded by Councillor Keith Irish

1. That the Minutes of the Council Meeting held on May 14, 2019, be adopted.

Carried

4. PRESENTATIONS

There were no presentations.

5. DEPUTATIONS

There were no deputations.

6. COMMUNICATIONS

There were no communications.

7. PROCLAMATIONS

7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Andrew Keyes

Seconded by Regional Councillor Jim Jones

1. That the following proclamations, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
 - a. Pride Week, June 7-16, 2019
 - b. National Seniors Day, October 1, 2019
2. That the following new requests for proclamation be approved and added to the Five-Year Proclamations List approved by Council:
 - a. National Injury Prevention Day, July 5, 2019
 - b. International Trigeminal Neuralgia Day, October 7, 2019

3. That the following requests for flag to be raised at the Anthony Roman Markham Civic Centre flagpole, approved by the City Clerk in accordance with the City of Markham Community Flag Raisings and Flag Protocol Policy, be received for information purposes:
 - a. Pride Week, June 7-16, 2019 (Organized by York Pride Fest)
 - b. National Seniors Day, October 1, 2019 (Organized by the City of Markham)

Carried

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 24 DEVELOPMENT SERVICES COMMITTEE (MAY 13, 2019)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

That the report of the Development Services Committee be received & adopted.
(Items 1 to 3):

Carried

8.1.1 INFORMATION REPORT 2019 FIRST QUARTER UPDATE OF THE STREET AND PARK NAME RESERVE LIST (10.14, 6.3)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report titled 'Information Report 2019 First Quarter Update of the Street and Park Name Reserve List', be received; and,
2. That Council approve the revised Street and Park Name Reserve List set out in Appendix 'A' attached to this report, as amended at the May 13, 2019 Development Services Committee Meeting", and further,
3. That the proposed recommendation of Imran Khan Niazi Road in the Street and Park Name Reserve List be deferred to a future Development Services Committee meeting for further consideration.

Carried

8.1.2 AMENDMENT TO ENTERPRISE BOULEVARD CONSTRUCTION AGREEMENT AND ASSUMPTION OF ENTERPRISE BOULEVARD (WARD 3) (5.0)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report entitled “Amendment to Enterprise Boulevard Construction Agreement and Assumption of Enterprise Boulevard (Ward 3)” be received; and,
2. That Council revise the obligation for Ruland Properties Inc. to install the streetscape improvements along Enterprise Boulevard (“Enterprise”) as part of the Enterprise Boulevard Construction Agreement between Ruland Properties Inc. and the Corporation of the City of Markham (2005) (“Agreement”) to include that obligation as a part of future site plan applications, and return any existing letters of credit for streetscape improvements to Ruland Properties Inc.; and,
3. That the Mayor and Clerk be authorized to execute an Amendment to the Agreement (“Amendment Agreement”) based on the terms and conditions described in this report, and to the satisfaction of the Director of Engineering and the City Solicitor; and,
4. That Council, upon Ruland Properties Inc. executing the Amendment Agreement, assume Enterprise Boulevard as outlined in this report, and pass any necessary bylaws for traffic control, parking restrictions and speed limits; and further,
5. That staff be directed to do all things necessary to give effect to this resolution.

Carried

8.1.3 FLATO MARKHAM THEATRE BRAND STRATEGY – A NEW AND FRESH IDENTITY (6.2)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report “Flato Markham Theatre Brand Strategy – A New and Fresh Identity” be received; and,

2. That Council approve the new logo and brand strategy; and further,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2 REPORT NO 25 GENERAL COMMITTEE (MAY 21, 2019)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

That the report of the General Committee be received & adopted. (Items 1 to 3):

Carried

8.2.1 2019 UNIONVILLE BUSINESS IMPROVEMENT AREA AND MARKHAM VILLAGE BUSINESS IMPROVEMENT AREA OPERATING BUDGETS (7.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report titled “2019 Unionville Business Improvement Area and Markham Village Business Improvement Area Operating Budgets” dated May 21, 2019 be received; and,
2. That the 2019 Operating Budget in the amount of \$210,999 for the Unionville Business Improvement Area (UBIA) be approved; and,
3. That the 2019 Operating Budget in the amount of \$331,417 for the Markham Village Business Improvement Area (MBIA) be approved; and,
4. That the Special Tax Rate levy, in the amount of \$214,221 for the UBIA members and \$239,322 for the MBIA members be included in the 2019 Tax Levy By-law; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.2 AWARD OF CONSTRUCTION TENDER 023-T-19 CAST IRON WATERMAIN AND SANITARY SEWER REPLACEMENT (7.12)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report entitled “Award of Construction Tender 023-T-19 Cast Iron Watermain and Sanitary Sewer Replacement” be received; and,
2. That the contract for Tender 023-T-19 Cast Iron Watermain and Sanitary Sewer Replacement be awarded to the lowest priced Bidder, Clearway Construction Inc. in the amount of \$12,387,460.53, inclusive of HST; and,
3. That a 7% contingency in the amount of \$867,122.24 inclusive of HST, be established to cover any additional construction costs and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
4. That the construction award in the amount of \$13,254,582.77 (\$12,387,460.53 + \$867,122.24) be funded from the capital project 053-6150-19243-005 “CI Watermain and Sanitary Sewer Replacement” with budget available of \$13,287,150.00; and,
5. That the remaining balance of \$32,567.23 (\$13,287,150.00 - \$13,254,582.77) be returned to original funding source; and,
6. That a 5-year moratorium be placed on any major servicing and utility installation along restored areas including Valloncliffe Road (Bayview Glen Park to Steeles Avenue East), and Viburnum Place (Daffodil Avenue to Bayview Glenn Park); and further;
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.3 2019 TAX RATES AND LEVY BY-LAW (7.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report “2019 Tax Rates and Levy By-law” be received; and,

2. That a by-law to provide for the levy and collection of property taxes totalling \$732,240,135 required by the City of Markham, the Regional Municipality of York, Province of Ontario (Education) and Business Improvement Areas, in a form substantially similar to Appendix A (attached), satisfactory to the City Solicitor and provides for the mailing of notices and requesting payment of taxes for the year 2019, as set out as follows, be approved;

Taxation Category	2019 Levy Amount
City of Markham	\$157,927,379
Region of York	\$327,536,871
Province of Ontario (Education)	\$246,322,343
Markham Village BIA	\$239,322
Unionville BIA	\$214,221
Total	\$732,240,135; and,

3. That staff be authorized to levy against Markham Stouffville Hospital and Seneca College the annual levy pursuant to Section 323 of the Municipal Act, 2001, as outlined in Section 9 of the attached by-law once the required information is received from the Ministry of Training, Colleges and Universities; and,
4. That the attached by-law be passed to authorize the 2019 Tax Rates and Levy By-law; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3 REPORT NO. 26 DEVELOPMENT SERVICES COMMITTEE (MAY 27, 2019)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Andrew Keyes

That the report of the Development Services Committee be received & adopted.
(1 Item):

Carried

8.3.1 CITY OF MARKHAM COMMENTS ON PROPOSED BILL 108,
MORE HOMES, MORE CHOICE ACT 2019 (10.0)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Andrew Keyes

1. That the report entitled, “City of Markham Comments on Proposed Bill 108, *More Homes, More Choice Act 2019*” dated May 27, 2019, be received; and,
2. That this report, including the 39 recommendations from the City of Markham on Proposed Bill 108, *More Homes, More Choice Act 2019*, as summarized in the Revised Appendix ‘A’ as amended at the May 27, 2019 Development Services Committee meeting, be forwarded to the Assistant Deputy Minister of Municipal Affairs and Housing and to York Region as the City of Markham’s comments on Bill 108; and,
3. That the City of Markham supports the Province of Ontario’s proposed measures to streamline the planning process while retaining appropriate public consultation during the planning process as long as these measures can be reasonably implemented and avoid negative impacts such as potential delays; and,
4. That, in the event that the Province proceeds with the community benefits charge as proposed, the cap on the community benefits charge should be set to include the full recovery for soft infrastructure costs and parkland dedication as now collected under the current statutes, and that the cap be tied to land values only for the parkland dedication and current section 37 portions of the community benefits charge. To ensure that growth pays for growth, a municipality should be allowed to levy both the community benefits charge and receive parkland in a development; and,
5. That the City of Markham does not support any proposed legislative changes that would in effect reduce a municipality’s ability to collect funds to ensure that growth pays for growth; and,
6. That the City of Markham supports the Province of Ontario’s proposed changes to increase resourcing for the Local Planning Appeal Tribunal but does not support the re-introduction of “de novo” hearings as part of the Local Planning Appeal Tribunal process; and,

7. That the City of Markham supports the Province of Ontario's efforts to clarify the role and accountability of Conservation Authorities and urges the Province to support the Ministry of Natural Resources and Forestry, Ministry of Environment, Conservation and Parks, and municipalities with enhanced natural heritage protection and watershed planning tools to fill the potential gap in natural resource, climate change and watershed planning services resulting from the proposed modified mandate of the TRCA; and further,
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution

Carried

9. MOTIONS

9.1 YONGE STREET SUBWAY (LANGSTAFF/ RICHMOND HILL GROWTH AREA HIGHWAY 407/ YONGE STREET SUBWAY EXTENSION) (5.14)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

Whereas the Province of Ontario designated Langstaff/Richmond Hill Centre as an urban growth centre in 2006; and,

Whereas the City of Markham approved the Langstaff Gateway Secondary Plan in 2009; and,

Whereas the City of Markham supports the Province of Ontario's decision to upload the responsibility for subway construction and urges the Province to proceed as expeditiously as possible to construct the Yonge Street Subway Extension; and,

Whereas the Provincial Government will be responsible for the planning, design and building for all new subway construction projects; and,

Whereas on April 10, 2019, the Provincial Government announced that the Yonge Street Subway Extension will be 1 of the 4 projects benefitting from Provincial investment in higher order transit; and,

Whereas the Provincial Government has accelerated the target completion date for the Yonge Subway to be shortly after 2027; and further,

Whereas geotechnical and design work for the Yonge Subway Extension has already commenced;

Now therefore be it resolved:

1. That the Province of Ontario be requested to work in conjunction with the local municipalities and transit authorities to review and assess the following:
 - a. Existing and proposed infrastructure, including the feasibility of relocating storm water ponds, reconfiguring the Highway 407 interchange ramps for an urban and pedestrian friendly environment; and,
 - b. The land value uplift arising from greater intensification and to maximize the return on investment for public lands and infrastructure; and,
 - c. Opportunities for a public-private partnership including an unsolicited bid proposal for the integrated transit destination hub; and,
 - d. The potential re-designation of the lands west of Yonge Street, south of Highway 407, for Transit Oriented Development (TOD) versus the proposed 2,000-car parking lot; and,
 - e. The benefits of a world class integrated development, engaging a "best-in-class" architectural, engineering, planning and urban design firm; and,
 - f. Participating in a steering committee to coordinate development and infrastructure; and,
2. That the City of Markham requests that the Provincial Government, as part of the environmental assessment updates for both the 407 Transitway (to rail) and the Yonge Subway Extension, including the design and construction, consider the following:
 - a. An environmental assessment to bury the high-voltage hydro transmission lines from east of Bayview Avenue - west of Yonge Street - south of Highway 407 - to create greater flexibility in urban planning and release additional development opportunities to benefit the Province of Ontario; and,
 - b. The feasibility of optimizing the Yonge Subway Extension alignment in its own established transportation corridor which is Yonge Street; and,
 - c. Confirming the location of the Yonge Street subway stations to best serve the planned and future communities; and,
 - d. The feasibility of optimizing the Highway 407 rail transitway alignment in its own established transportation corridor; and,

3. That the Province of Ontario be requested to maximize the return on investment of public sector infrastructure and land in the Langstaff/Richmond Hill area; and,
4. That the Province of Ontario undertake these considerations without any delay to the planning, construction and delivery of the Yonge Subway Extension; and,
5. That a copy of this resolution be forwarded to the Councils of the City of Richmond Hill and the City of Vaughan for their endorsement; and further,
6. That a copy of this resolution be forwarded to the Honourable Doug Ford, Premier of Ontario; the Honourable Christine Elliott, Deputy Premier; the Honourable Victor Fedeli, Minister of Finance; the Honourable Jeff Yurek, Minister of Transportation; the Honourable Greg Rickford, Minister of Energy, Northern Development and Mines; the Honourable Todd Smith, Minister of Economic Development, Job Creation and Trade; the Honourable Steve Clark, Minister of Municipal Affairs and Housing; the Honourable Monte McNaughton, Minister of Infrastructure Ontario; the Honourable Rod Phillips, Minister of the Environment, Conservation and Parks; all Members of Provincial Parliament in the Regional Municipality of York; and the Regional Municipality of York.

Carried by Recorded Vote

(See following Recorded Vote)

Recorded Vote (10:2)

YEAS: Councillor Keith Irish, Councillor Alan Ho, Councillor Karen Rea, Regional Councillor Jim Jones, Deputy Mayor Don Hamilton, Regional Councillor Jack Heath, Regional Councillor Joe Li, Councillor Andrew Keyes, Councillor Amanda Collucci, Councillor Isa Lee (10)

NAYS: Mayor Frank Scarpitti, Councillor Khalid Usman (2)

ABSENT: Councillor Reid McAlpine (1)

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motions to reconsider.

11. NEW/OTHER BUSINESS

11.1 NEW/ OTHER BUSINESS - DECLARATION OF SURPLUS LANDS WITHIN LINDVEST PROPERTIES (CORNELL) LIMITED'S PHASE 4A RESIDENTIAL SUBDIVISION DEVELOPMENT (BLOCKS 7 AND 8)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Karen Rea

1. That the notice of proposed sale for the City owned lands legally described as Block 7 and 8; Plan 65M-4458, City of Markham, Regional Municipality of York, be confirmed.

(In-Camera Item No. 14.3.1 – May 14, 2019 Council Meeting)

Carried

11.2 NEW/ OTHER BUSINESS: RECOMMENDATION REPORT - MARKHAM'S REGISTER OF PROPERTY OF CULTURAL HERITAGE VALUE OR INTEREST, CONSIDERATION OF REVISED NOTIFICATION PROCEDURES FOR A LISTED PROPERTY (16.11)

This matter was deferred to September 2019.

Moved by Councillor Karen Rea

Seconded by Councillor Andrew Keyes

1. That the report entitled "Recommendation Report, Markham's Register of Property of Cultural Heritage Value or Interest, Consideration of Revised Notification Procedures for a Listed Property", dated May 13, 2019, be deferred to September 2019.

Carried

1. That the report entitled "Recommendation Report, Markham's Register of Property of Cultural Heritage Value or Interest, Consideration of Revised Notification Procedures for a Listed Property", dated May 13, 2019, be received; and,
2. Where a new property is added to the Markham Register of Property of Cultural Heritage Value or Interest by Council in the future, the property owner be notified in writing, and that such notification will include an educational package explaining the purpose and implications of being on the Register as a listed property; and further,

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

Postponed

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Councillor Amanda Collucci

Seconded by Regional Councillor Joe Li

That By-laws 2019-62 to 2019-64 be given three readings and enacted.

Carried

Three Readings

13.1 BY-LAW 2019-62 ROAD DEDICATION BY-LAW

A by-law to dedicate certain lands as part of the highways of the City of Markham:

1. Blocks 34 and 41, Plan 65M-4612 and Block 9, Plan 65M-4620 - Delft Drive;
2. Block 39, Plan 65M-4612 - Mannar Drive;
3. Blocks 35, 36, 37 and 38, Plan 65M-4612 and Blocks 7, 8 and 12, Plan 65M-4620 - Lane.

Carried

13.2 BY-LAW 2019-63 2019 TAX RATES AND LEVY BY-LAW

Being a By-Law to Provide for the Levy and Collection of Sums Required by the Corporation of The City of Markham for the Year 2019 and to Provide for the Mailing of Notices Requiring Payment of Taxes for the Year 2019.

Carried

13.3 BY-LAW 2019-64 HEBRIDES STRUCTURE DESIGN BT (LTD.) PART LOT CONTROL EXEMPTION BY-LAW

A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Blocks 1 and 2, 65M-4618, located north of 16th Avenue, on the east side of McCowan Road.

Carried

14. CONFIDENTIAL ITEMS

Council consented to add the following item to the Confidential agenda:

14.1.3 LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS (11.0) [Section 239 (2) (d)]

Moved by Deputy Mayor Don Hamilton
Seconded by Regional Councillor Joe Li

That, in accordance with Section 239 (2) of the Municipal Act, Council resolve into a private session to discuss the following confidential matters, including an additional matter on labour relations, at 6:13 pm:

14.1 NEW/ OTHER BUSINESS

14.1.1 DEVELOPMENT SERVICES COMMITTEE CONFIDENTIAL MINUTES – MARCH 18, 2019 (10.0) [Section 239 (2) (e)]

14.1.2 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD – MINOR VARIANCE APPLICATION - 57 HAWKRIDGE AVENUE (WARD 4) (8.0) [Section 239 (2) (e)]

14.1.3 LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS (11.0) [Section 239 (2) (d)]

Carried

Moved by Deputy Mayor Don Hamilton
Seconded by Councillor Isa Lee

That Council rise from confidential session at 8:01 pm.

Carried

The confidential items were approved by Council as follows:

14.1 NEW/ OTHER BUSINESS

14.1.1 DEVELOPMENT SERVICES COMMITTEE CONFIDENTIAL
MINUTES – MARCH 18, 2019 (10.0) [Section 239 (2) (e)]

Moved by Regional Councillor Jack Heath

Seconded by Regional Councillor Joe Li

1. That the minutes of the Development Services Committee confidential meeting held March 18, 2019, be confirmed.

Carried

14.1.2 LITIGATION OR POTENTIAL LITIGATION, INCLUDING
MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING
THE MUNICIPALITY OR LOCAL BOARD – MINOR VARIANCE
APPLICATION - 57 HAWKRIDGE AVENUE (WARD 4) (8.0) [Section
239 (2) (e)]

Moved by Councillor Karen Rea

Seconded by Deputy Mayor Don Hamilton

1. That the matter on "Litigation or Potential Litigation, including Matters before Administrative Tribunals, Affecting the Municipality or Local Board – Minor Variance Application - 57 HawkrIDGE Avenue (Ward 4)", be received and that staff be directed to attend the LPAT meeting and defend the recommendation of the Committee of Adjustment; and,
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried by Recorded Vote

(See following recorded vote)

Recorded Vote (7:5)

YEAS: Councillor Keith Irish, Councillor Karen Rea, Regional Councillor Jim Jones, Deputy Mayor Don Hamilton, Regional Councillor Jack Heath, Councillor Andrew Keyes,, Councillor Isa Lee (7)

NAYS: Councillor Alan Ho, Mayor Frank Scarpitti, Regional Councillor Joe Li, Councillor Amanda Collucci, Councillor Khalid Usman (5)

ABSENT: Councillor Reid McAlpine (1)

14.1.3 LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS (11.0)

[Section 239 (2) (d)]

Moved by Regional Councillor Jack Heath

Seconded by Regional Councillor Jim Jones

1. That the criteria in clause 3(b) of the motion adopted by Council on April 30, 2019 on the confidential report on labour relations or employee negotiations be amended to include only a minimum of twelve years.

Carried by Recorded Vote

(See following Recorded Vote)

Recorded Vote (10:2)

YEAS: Councillor Karen Rea, Regional Councillor Jim Jones, Deputy Mayor Don Hamilton, Mayor Frank Scarpitti, Regional Councillor Jack Heath, Regional Councillor Joe Li, Councillor Andrew Keyes, Councillor Amanda Collucci, Councillor Khalid Usman, Councillor Isa Lee (10)

NAYS: Councillor Keith Irish, Councillor Alan Ho (2)

ABSENT: Councillor Reid McAlpine (1)

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Karen Rea

Seconded by Councillor Khalid Usman

That By-law 2019-65 be given three readings and enacted.

Three Readings

BY-LAW 2019-65 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF MAY 28, 2019.

Carried

16. ADJOURNMENT

Moved by Councillor Isa Lee

Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 8:13 p.m.

Carried

Kimberley Kitteringham

City Clerk

Frank Scarpitti

Mayor