

Council Minutes

Meeting Number: 16
September 24, 2019, 6:00 PM
Council Chamber

Roll Call	Mayor Frank Scarpitti	Councillor Alan Ho
	Deputy Mayor Don Hamilton	Councillor Reid McAlpine
	Regional Councillor Jack Heath	Councillor Karen Rea
	Regional Councillor Joe Li	Councillor Andrew Keyes
	Regional Councillor Jim Jones	Councillor Amanda Collucci
	Councillor Keith Irish	Councillor Isa Lee
Regrets	Councillor Khalid Usman	
Staff	Andy Taylor, Chief Administrative Officer	Martha Pettit, Deputy City Clerk
	Trinela Cane, Commissioner, Corporate Services	John Wong, Technology Support Specialist II
	Arvin Prasad, Commissioner, Development Services	Claudia Storto, City Solicitor and Director of Human Resources
	Joel Lustig, Treasurer	Morgan Jones, Director, Operations
	Bryan Frois, Chief of Staff	Mike Killingsworth, Deputy City Clerk, By-law Enforcement, Licensing and Regulatory Services
	Andrea Berry, Sr. Manager, Corp Comm & Community Engagement	Rob Muir, Manager, Stormwater, Environmental Services
	Kimberley Kitteringham, City Clerk	

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1. CALL TO ORDER

The meeting of Council convened at 6:08 PM on September 24, 2019 in the Council Chamber. Mayor Frank Scarpitti presided.

INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging that we walk upon the traditional territories of Indigenous Peoples and we recognize their history, spirituality, culture, and stewardship of the land. We are grateful to all Indigenous groups for their commitment to protect the land and its resources and we are committed to reconciliation, partnership and enhanced understanding.

2. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - SEPTEMBER 10, 2019 (10.0)

Moved by Deputy Mayor Don Hamilton

Seconded by Councillor Alan Ho

1. That the Minutes of the Council Meeting held on September 10, 2019, be adopted.

Carried

4. PRESENTATIONS

There were no announcements.

5. DEPUTATIONS

There were no deputations.

6. COMMUNICATIONS

6.1 31-2019 - LIQUOR LICENCE APPLICATION - BELLAFORNIA INC. (WARD 1) (3.21)

Moved by Councillor Amanda Collucci

Seconded by Regional Councillor Jack Heath

1. That the request for the City of Markham to complete the Municipal Information Form be received for information.

Carried

7. PROCLAMATIONS

7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Karen Rea

Seconded by Councillor Reid McAlpine

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. National Day of the People's Republic of China - October 1, 2019
 - b. *World Polio Awareness Day - October 24, 2019*
2. That the following new request for proclamation be approved and added to the Five-year Proclamations List approved by Council:

RETT Syndrome Awareness Month - October

3. That the following request for a 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 & Flag Protocol Policy, be received for information purposes:
 - a. National Day of the People's Republic of China - October 5, 2019;
(Organized by Federation of Chinese Canadians in Markham)
 - b. *World Polio Awareness Day - October 24, 2019; (Organized by Markham-Unionville Rotary Club)*

Carried

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 32 - GENERAL COMMITTEE (SEPTEMBER 3, 2019)

Moved by Councillor Andrew Keyes

Seconded by Councillor Amanda Collucci

That the report of the General Committee be received and adopted. (1 item).

Carried as Amended

8.1.1 FLOOD CONTROL PROGRAM AND STORMWATER FEE UPDATE (5.3)

Moved by Councillor Andrew Keyes

Seconded by Councillor Amanda Collucci

1. That the presentation entitled "Alectra Rear Lot Conversion Initiative & Stormwater Fee Update" be received; and,
2. That the report "Stormwater Fee Update" be received; and,
3. That an annual stormwater fee continue to be imposed on all property within the municipal boundaries of the City of Markham, save and except those noted in the Stormwater Fee By-law 2019-100 as outlined in Appendix "A" to this staff report; and,
4. That the annual stormwater fee for Residential properties be increased in year 2020 from \$47 to \$50 per property; and further be increased by \$1 per year, each year thereafter; and,
5. That the annual stormwater fee rate for Non-Residential properties be increased in year 2020 by \$2 per \$100,000 of current value assessment (CVA); and further be increased by 2% per year, each year thereafter; and,
6. That the annual stormwater fee rate for Vacant Land properties be increased in year 2020 by \$2 per \$100,000 of current value assessment (CVA) and further be increased by 2% per year, each year thereafter; and,
7. That the Treasurer continue to be authorized to adjust the annual stormwater fee rate for both Non-Residential and Vacant Land properties to compensate for the average annual change in City-wide CVA; and,
8. That the annual stormwater fee levied continue to be included as a separate line item on the final tax bill of the property; and,
9. That the City continue to allocate \$2,000,000 per year of Federal Gas Tax funding to the Flood Control Program;
10. **That, to promote resiliency during emergencies and extreme weather events, the City supports partial undergrounding of rear lot electrical services by Alectra and the OEB. If rate-based funding is approved by the OEB in the future, staff are requested to report back to Council on Alectra's plans. and,**
11. That By-law 2015-130 be repealed in its entirety and replaced with the Stormwater Fee By-law 2019-100 as outlined in Appendix "A" to this staff report; and,

12. That staff report back to Council in 2024 with any required update to the annual Stormwater Fees, for implementation in 2025, to ensure that the Flood Control Program is adequately funded; and further,
13. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-100)

Carried as Amended

Council consented to amend the recommendation by adding the following clause:

10. That, to promote resiliency during emergencies and extreme weather events, the City supports partial undergrounding of rear lot electrical services by Alectra and the OEB. If rate-based funding is approved by the OEB in the future, staff are requested to report back to Council on Alectra's plans, and,

Council consented to refer the proposed amendment below to staff for further consideration:

That staff advise Council annually on possible smaller additional projects to add to the Flood Control Program (e.g., similar to the Private Plumbing Protection Rebate Program), with their recommendations including Stormwater Fee impacts, and,

8.2 REPORT NO. 33 - DEVELOPMENT SERVICES COMMITTEE (SEPTEMBER 9, 2019)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Keith Irish

That the report of the Development Services Committee be received & adopted, save an except for Item No. 8.2.1 (See following Item No. 8.2.1):

Carried

8.2.1 DELEGATED AUTHORITY FOR SIGNING CONSERVATION
AUTHORITY, PROVINCIAL AND FEDERAL PERMIT
APPLICATIONS FOR ENGINEERING CAPITAL PROJECTS (5.0)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report titled “Delegated Authority for Signing Conservation Authority, Provincial and Federal Permit Applications for Engineering Capital Projects” be received; and,
2. That Council authorize the Director of Engineering to execute application forms and other documents required to obtain permits from various government agencies and levels of government for City capital projects; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.2 RECOMMENDATION REPORT: RENAME THE SECTION OF
MEADOWVIEW AVENUE BETWEEN YONGE STREET AND
DONCASTER AVENUE TO DONCASTER AVENUE (WARD 1)
(10.14)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report entitled “Rename the section of Meadowview Avenue between Yonge Street and Doncaster Avenue to Doncaster Avenue”, dated September 9, 2019, be received; and,
2. That the by-law attached to this report to rename the section of Meadowview Avenue between Yonge Street and Doncaster Avenue to Doncaster Avenue be approved; and,
3. That Staff be directed to request permission from the Region of York to rename their portion of Meadowview Avenue to Doncaster Avenue; and,

4. That Staff provide notification of the municipal address change to each affected property owner; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-102)

Carried

8.2.3 THE ASSOCIATION OF CHINESE CANADIAN ENTREPRENEURS BUSINESS DELEGATION TO CHINA, 2019 (10.16)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the Report dated September 9, 2019 entitled “The Association of Chinese Canadian Entrepreneurs Business Delegation to China, 2019” be received; and,
2. That the City of Markham be represented by Sandra Tam, Senior Business Development Officer; and,
3. That the total cost of the participation not exceed \$6,250.00 and be expensed from within the 2019 International Investment and Attraction account 610-998-5811; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3 REPORT NO. 34 - GENERAL COMMITTEE (SEPTEMBER 16, 2019)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Amanda Collucci

That the report of the General Committee be received & adopted, save and except for Item No. 8.3.2 (See following Item No. 8.3.2):

Carried

8.3.1 CANCELLATION, REDUCTION OR REFUND OF TAXES UNDER SECTIONS 357 AND 358 OF THE MUNICIPAL ACT, 2001 (7.3)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Amanda Collucci

1. That the Report for the Cancellation, Reduction or Refund of Taxes under Sections 357 and 358 of the *Municipal Act, 2001* be received; and,
2. That taxes totalling approximately \$184,932 be adjusted under Sections 357 and 358 of the *Municipal Act, 2001* of which the City's portion is estimated to be \$26,036; and,
3. That the associated interest be cancelled in proportion to the tax adjustments; and,
4. That the Treasurer be directed to adjust the Collector's Roll accordingly; and further,
5. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3.2 2020 CAPITAL BUDGET PRE-APPROVAL (7.0)

Council consented to consider the following revised motion:

Moved by Regional Councillor Jack Heath

Seconded by Councillor Amanda Collucci

1. That the report dated September 16, 2019 titled, "2020 Capital Budget Pre-Approval", be received; and,
2. That Council approve the 2020 Capital Budget Pre-Approval, save and except for project 20023, which totals \$24,361,600 as outlined in Appendices 1, 2 and 3; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried as Amended**8.3.3 DEVELOPMENT CHARGES REDEVELOPMENT CREDIT – 8330 WOODBINE AVENUE (7.11)**

Moved by Regional Councillor Jack Heath

Seconded by Councillor Amanda Collucci

1. That the report entitled, “Development Charges Redevelopment Credit – 8330 Woodbine Avenue” be received; and,
2. That Council authorize staff to provide a redevelopment credit estimated at \$519,371.56 to Hanisha Incorporated and Lodson Investment Corp. at 8330 Woodbine Avenue in advance of the full demolition of the existing site; and,
3. That Council authorize the Mayor and City Clerk to execute an agreement pursuant to section 27 of the Development Charges Act, 1997, as amended, to secure the advance of the redevelopment credit based on the provision of a letter of credit in the amount of the redevelopment credit and the further principles set out in this report, all to the satisfaction of the Treasurer and the City Solicitor, or their delegates; and further,
4. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried**8.3.4 2019 JULY YEAR-TO-DATE REVIEW OF OPERATIONS AND YEAR-END PROJECTION (7.0)**

Moved by Regional Councillor Jack Heath

Seconded by Councillor Amanda Collucci

1. That the report titled “2019 July Year-To-Date Review of Operations and Year-end Projection” be received; and,
2. That the year-end surplus, if any, will be transferred to reserves as per policy in the order outlined below:
 - a. Corporate Rate Stabilization Reserve to top up to a level equivalent to 15% of local tax levies

- b. Remaining, if any, to the Life Cycle Replacement and Capital Reserve Fund, and further,
- 3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3.5 PROPOSED AMENDMENTS TO CANNABIS BY-LAW (2.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Amanda Collucci

- 1. That the report entitled “Proposed Amendments to Cannabis By-law” and dated September 16, 2019 be received; and,
- 2. That staff bring forward a revised by-law to the September 24, 2019 Council meeting to amend Cannabis By-law 2018-135 by: a) adding a definition of “Smoke or Smoking” to assist in the enforcement of the By-law and prosecution; and b) delete the word “recreational” from the title of By-law; and,
- 3. That, in keeping with the commitment made by the Province of Ontario to allow municipalities the authority to regulate or prohibit the smoking or vaporizing of cannabis, the City of Markham request the Province of Ontario amend Section 115(3) of the Municipal Act to permit municipalities to regulate smoking on highways (including sidewalks and boulevards); and further,
- 4. That a copy of this resolution be provided to the Premier of Ontario, Minister of Municipal Affairs and Housing, Solicitor General, local MPs and MPPs, Chief of the York Regional Police, and York Region municipalities.

(By-law 2019-103)

Carried

8.4 REPORT NO. 35 - DEVELOPMENT SERVICES COMMITTEE (SEPTEMBER 23, 2019)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

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

Carried

8.4.1 CITY OF MARKHAM COMMENTS ON YORK REGION'S DRAFT EMPLOYMENT FRAMEWORK – 2041 REGIONAL MUNICIPAL COMPREHENSIVE REVIEW (10.0)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report and presentation entitled “City of Markham Comments on York Region’s Draft Employment Framework – 2041 Regional Municipal Comprehensive Review” dated September 23, 2019, be received; and,
2. That the deputations of Christine Cote, Sandra Wiles, Don Given, Louis Tinker, Patrick Kerney, and Peter Smith be received; and,
3. That the communications submitted by Sandra Wiles and Rosemarie L. Humphries be received; and,

That Council's consideration of the requests for the conversion of the employment lands identified in the staff report be deferred; and,

That a sub-committee of Development Services Committee be appointed to review the staff recommendations and report back to Development Services Committee in a timely fashion; and further,

That the following be appointed to the sub-committee to review the York Region's Draft Employment Framework :

- a. **Chair, Development Services Committee - Regional Councillor Jim Jones**
- b. **Vice Chair, Development Services Committee - Councillor Keith Irish**
- c. **Chair, Culture and Economic Development Committee - Councillor Alan Ho**
- d. **Vice-Chair, Culture and Economic Development Committee - Councillor Khalid Usman**
- e. **Regional Councillor Jack Heath**

f. **Councillor Andrew Keyes**

g. **Councillor Isa Lee**

Carried as Amended

9. MOTIONS

There were no motions.

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motions.

11. NEW/OTHER BUSINESS

11.1 COMMUNITY INFORMATION MEETING (16.23)

Deputy Mayor Don Hamilton inquired whether a Ward Councillor is required to notify Council when they are hosting a Community Information Meeting. The City Clerk advised that there is no requirement in the City of Markham's Council Procedural By-law or Council Code of Conduct for Ward Councillors to notify Council of such meetings. Such notification is a courtesy only.

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Councillor Isa Lee

Seconded by Regional Councillor Joe Li

That By-laws 2019-100, 2019-102, 2019-103 and 2019-105 be given three readings and enacted.

Carried

Three Readings

13.1 BY-LAW 2019-100 STORMWATER FEE BY-LAW

Carried

13.2 BY-LAW 2019-102 A BY-LAW TO CHANGE A CERTAIN STREET NAME
IN THE CITY OF MARKHAM

Carried

13.3 BY-LAW 2019-103 AMENDMENTS TO CANNABIS BY-LAW

Carried

13.4 BY-LAW 2019-105 2599519 ONTARIO INC., MARKLAND STREET, HOLD
REMOVAL BY-LAW

Carried

14. CONFIDENTIAL ITEMS

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

14.2.3 SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR
LOCAL BOARD (8.7)[Section 239 (2) (a)]

Moved by Deputy Mayor Don Hamilton

Seconded by Councillor Alan Ho

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into a private session to discuss the following confidential matters (7:09 pm):

14.1 APPROVAL OF CONFIDENTIAL COUNCIL MEETING MINUTES
- SEPTEMBER 10, 2019 (10.0)

14.2 COUNCIL

14.2.1 PERSONAL MATTERS ABOUT AN IDENTIFIABLE
INDIVIDUAL, INCLUDING MUNICIPAL OR BOARD
EMPLOYEES (12.0) [Section 239 (2) (b)]

14.2.2 PERSONAL MATTERS ABOUT AN IDENTIFIABLE
INDIVIDUAL, INCLUDING MUNICIPAL OR BOARD

EMPLOYEES (BOARD/ COMMITTEE APPOINTMENTS)
(16.24) [Section 239 (2) (b)]

14.2.3 SECURITY OF THE PROPERTY OF THE MUNICIPALITY
OR LOCAL BOARD (8.7) [Section 239 (2) (a)]

Carried

Moved by Deputy Mayor Don Hamilton
Seconded by Regional Councillor Jim Jones

That Council rise from Confidential session at 8:11 pm.

Carried

The Confidential items were approved by Council as follows:

14.1 APPROVAL OF CONFIDENTIAL COUNCIL MEETING MINUTES -
SEPTEMBER 10, 2019 (10.0)

Moved by Councillor Isa Lee
Seconded by Regional Councillor Jack Heath

1. That the September 10, 2019 confidential Council meeting minutes be adopted.

Carried

14.2 COUNCIL

14.2.1 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL,
INCLUDING MUNICIPAL OR BOARD EMPLOYEES (12.0) [Section
239 (2) (b)]

Moved by Regional Councillor Jack Heath
Seconded by Councillor Karen Rea

WHEREAS, in the province of Ontario, the first Monday in the
month of August is a provincial holiday known simply as
“Civic Holiday”; and

WHEREAS, certain municipalities in Ontario have chosen to
retitle the day, as it is celebrated within their respective

jurisdiction, in honour of historical personage (e.g., in the City of Toronto, the date is observed as “Simcoe Day” to commemorate the first lieutenant-governor of Upper Canada); and

WHEREAS, such action adds historical importance to the day and a point of reference to celebrations held in the community; and

WHEREAS, the City of Markham has an opportunity to pay tribute to a person of historical significance by dedicating an annual civic holiday in his or her name; and

WHEREAS, the Federal Government designated William Berczy a person of National Historical Importance, who helped John Graves Simcoe establish a settlement in what is now considered the City of Markham; and

WHEREAS, William Berczy helped build houses and roads in Markham township and cleared the way for navigation on the Rouge River; and

WHEREAS, the City of Markham has erected a statue of William Berczy in a municipal square and dedicated a subdivision and park in his name;

NOW THEREFORE BE IT RESOLVED, that in celebration of Markham’s 225th Anniversary, the City of Markham, within the jurisdictional boundaries of the City, rename the provincial holiday known presently as “Civic Holiday” as “William Berczy Day;’ and,

That the history of William Berczy and the early settlers be continually celebrated in the City of Markham through public events, communications and dedications; and,

That communications within the City pay tribute to William Berczy for helping John Graves Simcoe establish a settlement in what is now considered the City of Markham; and,

That the City of Markham continue and build upon its historical partnership with Nordlingen Germany to carry on the legacy of William Berczy and the early settlers; and further,

That September 28, 2019 and every Civic Holiday thereafter be designated as "William Berczy Day".

Carried

14.2.2 PERSONAL MATTERS ABOUT AN IDENTIFIABLE
INDIVIDUAL, INCLUDING MUNICIPAL OR BOARD EMPLOYEES
(BOARD/ COMMITTEE APPOINTMENTS) (16.24) [Section 239 (2)
(b)]

Moved by Councillor Keith Irish

Seconded by Councillor Karen Rea

1. That the following persons be appointed to the Environmental Advisory Committee:

Morgan Davies	November 30, 2023
Caryn Bergmann	November 30, 2023
Frank Vignando	November 30, 2023
Victoria Genge	November 30, 2022
Stuart Summer	November 30, 2022
Paddy Wong	November 30, 2022
Kevin Boon	November 30, 2021
Philip Ling	November 30, 2021
Martin Bush	November 30, 2021

Carried

Moved by Councillor Keith Irish

Seconded by Councillor Karen Rea

1. That additional matters related to personal matters about an identifiable individual, including municipal or board employees be referred back to staff; and,
2. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

14.2.3 SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR
LOCAL BOARD (8.7) [Section 239 (2) (a)]

1. Council consented to not report out on this matter at this time.

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Isa Lee

Seconded by Councillor Alan Ho

That By-law 2019-104 be given three readings and enacted.

Three Readings

BY-LAW 2019- 104 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE
COUNCIL MEETING OF SEPTEMBER 24, 2019.

Carried

16. ADJOURNMENT

Moved by Councillor Isa Lee

Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 8:15 p.m.

Carried

Kimberley Kitteringham

City Clerk

Frank Scarpitti

Mayor