Council Minutes

Meeting Number: 17
October 16, 2019, 1:00 PM
Council Chamber

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

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1. CALL TO ORDER

The meeting of Council convened at 1:04 PM on October 16, 2019 in the Council Chamber. Deputy Mayor Don Hamilton 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 24, 2019

Moved by Councillor Keith Irish
Seconded by Councillor Reid McAlpine

1. That the Minutes of the Council Meeting held on September 24, 2019, be adopted.

Carried

4. PRESENTATIONS

There were no presentations.

5. DEPUTATIONS

5.1 DEPUTATION - RECOMMENDATION FROM LICENSING COMMITTEE HEARING (8 LINCOLN GREEN DRIVE) (2.0)

Nancy Ling, appellant, appeared before Council with respect to the request to remove one (1) Silver Maple tree and to request that the number of replacement trees be reduced from eight (8) trees to three (3) trees.

(See New/Other Business Item No. 11.1 for Council's decision on this matter).

6. COMMUNICATIONS

6.1 32-2019 LIQUOR LICENCE APPLICATION - BIG BEEF BOWL (WARD 3) (3.21)

Moved by Councillor Reid McAlpine
Seconded by Councillor Keith Irish

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

Carried

7. PROCLAMATIONS

7.1 PROCLAMATIONS AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Amanda Collucci
Seconded by Councillor Khalid Usman

1. That the following proclamation, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:

    a. Waste Reduction Week 2019 - October 21 - 27, 2019

2. That the following new request for proclamation be approved and added to the Five-year Proclamation List approved by Council:

    a. Islamic Heritage Month - October

Carried

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 36 - GENERAL COMMITTEE (OCTOBER 7, 2019)

Moved by Regional Councillor Jack Heath
Seconded by Councillor Andrew Keyes

That the report of the General Committee be received & adopted, save and except for Item Nos. 8.1.4 and 8.1.5:

See Council's decision on Item Nos. 8.1.4 and 8.1.5.

Carried

8.1.1 ASSET MANAGEMENT AUDIT (7.0)

Moved by Regional Councillor Jack Heath
Seconded by Councillor Andrew Keyes

1. That the presentation provided by Geoff Rodrigues, CPA, CA, CIA, CRMA, ORMP, MNP LLP, Auditor General, City of Markham,

entitled “Report of the Auditor General – Asset Management Audit” be received; and,

2. That the report prepared by Geoff Rodrigues, CPA, CA, CIA, CRMA, ORMP, MNP LLP, Auditor General, City of Markham, entitled “City of Markham – Asset Management Audit” be received; and further,

3. That staff be authorized and directed to proceed with the implementation of the management response as outlined in the Auditor's presentation.

Carried

8.1.2 AWARD OF REQUEST FOR PROPOSAL 011-R-19 MARKHAM PUBLIC LIBRARY MATERIAL AND PROCESSING SERVICES (7.12)

Moved by Regional Councillor Jack Heath
Seconded by Councillor Andrew Keyes

1. That the report entitled “Award of Request for Proposal 011-R-19 Markham Public Library Material and Processing Services” be received; and,

2. That the contract for Markham Public Library Material and Processing Services be awarded to the highest ranked / lowest priced bidder, Library Services Centre (LSC); and

3. That the term of the contract is for three (3) years with an option to renew for an additional two (2) one year periods in the total annual award amount of $1,598,193.31 (inclusive of HST);2020 - $1,598,193.31*2021 - $1,598,193.31*2022 - $1,598,193.31*2023 - $1,598,193.31**2024 - $1,598,193.31**Total: $7,990,966.55*For the three (3) year contract term (January 1, 2020 – December 31, 2022), costs will be at the same itemized pricing.**The two (2) optional renewal years (January 1, 2023 – December 31, 2024), costs will be adjusted based on the Consumer Price Index for All Items Toronto for the twelve (12) month period ending December in the applicable year. 2021 - 2024 is subject to Council approval; and,

4. That the contract in 2020 be funded from the 2020 project for Library Collections, subject to Council approval of the 2020 Capital Budget. Any future years 2021 – 2024 will be subject to Council approval of the annual budget; and,

5. That the Director of Library Administration & Operational Support, and Senior Manager of Procurement & Accounts Payable be authorized to exercise the option to renew the contract in years 4 and 5 subject to performance and Council approval of the annual budget; and further,

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

Carried

8.1.3 MEMORANDUM OF UNDERSTANDING REGARDING ADMINISTRATIVE MONETARY PENALTY ("AMP") SYSTEM ON REGIONAL ROADS (2.17)

Moved by Regional Councillor Jack Heath
Seconded by Councillor Andrew Keyes

1. That the report entitled "Memorandum of Understanding regarding Administrative Monetary Penalties" be received; and,

2. That the Mayor and Clerk be authorized to execute a Memorandum of Understanding with the Region of York for the enforcement of parking infractions on Regional roads under the City's AMP system in a form satisfactory to the City Solicitor.

Carried

8.1.4 2020 RECREATION USER FEE - MARKET ANALYSIS (6.0)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Reid McAlpine

1. That the report entitled "2020 Recreation User Fee - Market Analysis" be received; and,

2. That the 2020 Recreation Services additional user fees and permit increases based on market analysis be approved; and,

3. That a $1.86 per hour increase, in addition to the Council approved increase, be applied to Adult Artificial Turf rentals be approved starting January 2020; and,

4. That the Non Prime Ice Arena fee be lowered to $165.00, so that the fee matches the average rate amongst municipal comparators, and be approved starting January 2020; and,

5. That a $6.00 per hour increase, in addition to the Council approved increase to the Aquatics Competitive Club community pool rental fee, be applied annually until the rental fee reaches the average rate amongst municipal comparators and be approved starting September 2020; and further,

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

Carried

8.1.5 REQUEST TO MOVE OCTOBER 21, 2019 GENERAL COMMITTEE MEETING TO OCTOBER 22, 2019 (16.0)

Moved by Councillor Khalid Usman
Seconded by Councillor Andrew Keyes

1. That the General Committee meeting of October 21, 2019 (from 9:30AM to 3:00 PM) be moved to October 22, 2019 (from 9:30 AM to 3:00 PM); and,

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

Carried

8.2 REPORT NO. 37 - DEVELOPMENT SERVICES PUBLIC MEETING (OCTOBER 7, 2019)

That the report of the Development Services Public Meeting be received & adopted. (Items 1 to 2):

8.2.1 PRELIMINARY REPORT 1938540 ONTARIO LTD., UNIONVILLE MONTESSORI SCHOOL, TEMPORARY USE ZONING BY-LAW AMENDMENT APPLICATION TO PERMIT A PRIVATE SCHOOL AND DAY NURSERY TO OPERATE WITHIN THE EXISTING PORTABLE

AT 9286 KENNEDY ROAD, FILE NO. PLAN 19 256209 (WARD 6) (10.5)

Moved by Councillor Karen Rea
Seconded by Councillor Reid McAlpine

1. That the report titled "PRELIMINARY REPORT, 1938540 Ontario Ltd., Unionville Montessori School, Temporary Use Zoning By-law Amendment Application to permit a private school and day nursery within the existing portable at 9286 Kennedy Road, File No. PLAN 19 256209 (Ward 6)" be referred back to staff.

Carried

Council had before it the following motion which was not considered at the meeting:

1. That the deputation by Zhi Xiang (Richard) Tang made at the October 7, 2019 Development Services Public Meeting regarding 1938540 Ontario Ltd. Unionville Montessori School, Temporary Use Zoning By-Law Amendment Application be received.
2. That the report titled "PRELIMINARY REPORT, 1938540 Ontario Ltd., Unionville Montessori School, Temporary Use Zoning By-law Amendment Application to permit a private school and day nursery within the existing portable at 9286 Kennedy Road, File No. PLAN 19 256209 (Ward 6)" be received; and,
3. That the Record of the Public Meeting held on October 7, 2019, with respect to the Temporary Use Zoning By-law Amendment Application to permit a private school and day nursery within the existing portable at 9286 Kennedy Road, File No. PLAN 19 256209 (Ward 6)" be received; and,
4. That the application by 1938540 Ontario Ltd., Unionville Montessori School, to amend Zoning By-law 304-87, as amended, be approved; and,
5. That the proposed amendment to Zoning By-law 304-87, as amended, be enacted without further notice; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.2 PRELIMINARY REPORT APPLICATION FOR ZONING BY-LAW AMENDMENT TO FACILITATE A FUTURE LAND SEVERANCE

AND PERMIT ONE SINGLE DETACHED DWELLING WITH SITE-SPECIFIC ZONE EXCEPTIONS AT 7739 9TH LINE, ON THE SOUTH SIDE OF 14TH AVENUE

(WARD 7) FILE NO. ZA 19 126535 (10.5)

Moved by Councillor Khalid Usman
Seconded by Councillor Amanda Collucci

1. That the Development Services Commission report dated September 23, 2018, entitled "Preliminary Report Application for Zoning By-law Amendment to facilitate a future land severance and permit one single detached dwelling with site-specific zone exceptions at 7739 9th Line, on the south side of 14th Avenue. (Ward 7). File No. ZA 19 126535", be received; and,

2. That the Record of the Public Meeting held on October 7th, 2019 with respect to the proposed application for Zoning By-law Amendment, be received; and,

3. That the applications by Memar Architects Inc., for a Zoning By-law Amendment (ZA 19 126535) be approved and the draft Zoning By-law Amendment be finalized and enacted without further notice; 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. 38 - DEVELOPMENT SERVICES COMMITTEE (OCTOBER 15, 2019)

That the report of the Development Services Committee be received & adopted. (Items 1 to 2):

8.3.1 CITY OF MARKHAM COMMENTS ON THE PROVINCIAL POLICY STATEMENT REVIEW (10.0)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Keith Irish

1. That the staff report entitled “City of Markham Comments on the Provincial Policy Statement Review, dated October 15, 2019, be received; and,

2. That this staff report and recommendations be forwarded to the Ministry of Municipal Affairs and Housing and York Region as the City of Markham’s comments on the proposed changes to the Provincial Policy Statement as part of the Provincial Policy Review; and,

3. That the Ministry of Municipal Affairs and Housing be advised that whereas Markham Council supports the Provincial Policy Statement as a tool to establish high level Province-wide standards in land use planning, Markham Council does not support inclusion of detailed policy language regarding matters that are best dealt with at the local municipal level having regard for local priorities (e.g., identifying priority development applications); and,

4. That the Ministry of Municipal Affairs and Housing be advised of the following specific recommendations:

    i. That current Provincial Policy Statement 2014 policy 4.9 which identifies that the PPS policies represent minimum standards, remain as policy in the Interpretation and Implementation section under Part V: Policies;

    ii. That the references to ‘market-based’ and ‘market demand’ in proposed policies 1.1.1, 1.1.3.8. 1.4.3 and 1.7 be clarified through definition and that a reference to both market-based and non market-based **may** be included to ensure planning authorities continue to plan for an inclusive, broad and responsive approach to addressing housing needs;

    iii. That the employment polices be revised as follows:

        a. That the proposed additional references to ‘mixed uses’ and ‘consideration of housing policy’ be deleted from proposed policy 1.3.1;

        b. That the prohibition of residential and institutional uses in proposed policy 1.3.2.3 apply to all employment areas, rather than only to those planned for industrial and manufacturing uses; and,

c. That the reference in proposed policy 1.3.2.3 to include appropriate transition within employment areas be revised to provide for appropriate transition between employment areas and non-employment areas, to be consistent with the Growth Plan;

iv. That the Province provide guidance and clarification for municipalities with respect to the required method and level of engagement with Indigenous communities;

v. That the Province provide municipalities with an opportunity to review any future modifications to 'Hazard Lands' policies resulting from the ongoing current review prior to incorporation in the Provincial Policy Statement;

vi. That proposed policy 4.7 regarding streamlining of development approvals be removed, and instead the Province be advised that the intent of proposed policy 4.7 regarding streamlining development approvals would be more appropriately directed to the review and update of regulations, guidelines, standards and internal and external staffing levels to achieve the outcome of fast tracking applications;

vii. That if proposed policy 4.7 regarding streamlining of development approvals remains, the Province provide criteria and guidance on identification of 'priority' applications for consideration of fast tracking;

viii. That the Province review the process for approval of private communal water and wastewater services to require that private operators establish fiscally responsible life cycle and financial reserve practices, to ensure that these systems are designed to meet municipal design standards and to allow municipalities to recover all costs of taking over these services in the event of a default;

ix. That the Province consider stronger policy wording in building strong healthy communities that requires land use planning to seek solutions to minimize and/or reduce climate change impacts; and,

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

Carried as Amended

Council consented to amend 4(ii) from:

> "That the references to ‘market-based’ and ‘market demand’ in proposed policies 1.1.1, 1.1.3.8. 1.4.3 and 1.7 be clarified through definition and that a reference to both market-based and non market-based be included to ensure planning authorities continue to plan for an inclusive, broad and responsive approach to addressing housing needs; which would include but not prioritize market-based approaches to housing;

by deleting the following:

> "which would include but not prioritize market-based approaches to housing;"

and adding the word:

> "may"

to read as follows:

> "That the references to ‘market-based’ and ‘market demand’ in proposed policies 1.1.1, 1.1.3.8. 1.4.3 and 1.7 be clarified through definition and that a reference to both market-based and non market-based **may** be included to ensure planning authorities continue to plan for an inclusive, broad and responsive approach to addressing housing needs;"

8.3.2 CANADA INDIA BUSINESS FORUM, NEW DELHI AND MUMBAI, NOVEMBER 19 AND 21, 2019 (10.16)

Moved by Councillor Khalid Usman
Seconded by Councillor Karen Rea

1. That the Report dated October 15, 2019 entitled “Canada India Business Forum, New Delhi and Mumbai, November 19 & 21, 2019 ” be received, and
2. That the City of Markham be represented at the Canada India Business Forum by Christina Kakaflikas, Manager, Economic Development, and

3. That the total cost of the City's participation in the Forum, not exceeding $6,500.00 will be expensed from within Economic Development's 2019 operating budget (acc. #610-9985811-International Investment Attraction Program), and

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

Carried

9. MOTIONS

There were no motions.

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motions.

11. NEW/OTHER BUSINESS

11.1 RECOMMENDATION FROM THE SEPTEMBER 13, 2019 LICENSING COMMITTEE HEARING (8 LINCOLN GREEN DRIVE) (2.0)

Following the appellant's deputation on the request to remove one (1) Silver Maple tree, Tanya Lewinberg, Public Realm Coordinator, provided Council with a synopsis of the rationale behind the recommendation for eight (8) replacement trees. Commissioner Brenda Librecz provided further clarification on the rationale for tree replacement.

Discussion on the matter ensued. Council Members sought further clarification from the owner on the rationale for removing the tree and her request for a reduction in the number of requested replacement trees from eight (8) trees to three (3) trees.

Moved by Councillor Karen Rea
Seconded by Regional Councillor Jim Jones

Council consented to separate the Recommendation and considered Recommendation No. 1:

1. That the application to remove one (1) Silver Maple tree at 8 Lincoln Green Drive, Markham, Ontario be approved.

LOST by Recorded Vote

(See following for recorded vote (5:4))

(See following to bring the matter forward)

Recorded Vote (5:4)

YEAS:
Councillor Karen Rea, Regional Councillor Jim Jones, Regional Councillor Jack Heath, Councillor Andrew Keyes (4)

NAYS:
Councillor Keith Irish, Councillor Reid McAlpine, Deputy Mayor Don Hamilton, Councillor Amanda Collucci, Councillor Khalid Usman (5)

ABSENT:

Councillor Alan Ho, Mayor Frank Scarpitti, Regional Councillor Joe Li, Councillor Isa Lee (4)

Council had before it the following original motion for consideration:

1. That the application to remove one (1) Silver Maple tree at 8 Lincoln Green Drive, Markham, Ontario be approved; and,
2. That the applicant provide for eight (8) replacement trees on the property of 8 Lincoln Green or any other private property in Markham, and in a size and native species deemed appropriate by staff, by September 30, 2020, or provide a cash-in-lieu payment of $300.00 per tree; and further,
3. That the recommendations are based on the unique characteristics of this case only and are not intended to be precedent setting nor to be used as a basis for future cases.

Moved by Councillor Karen Rea
Seconded by Regional Councillor Jim Jones

That Council consider the matter of "Recommendation from the September 13, 2019 Licensing Committee Hearing (8 Lincoln Green Drive" immediately following the Deputations with respect thereto.

Carried

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Councillor Khalid Usman
Seconded by Councillor Andrew Keyes

That By-law 2019-106 be given three readings and enacted.

Carried

Three Readings

13.1 BY-LAW 2019-106 ROAD DEDICATION BY-LAW

Carried

14. CONFIDENTIAL ITEMS

There we no confidential items to be considered.

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Regional Councillor Jim Jones
Seconded by Councillor Amanda Collucci

That By-law 2019-107 be given three readings and enacted.

Three Readings

BY-LAW 2019- 107 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF OCTOBER 16, 2019.

Carried

16. ADJOURNMENT

Moved by Regional Councillor Jack Heath
Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 2:03 p.m.

Carried

_____	_____
Kimberley Kitteringham	Don Hamilton
City Clerk	Deputy Mayor