

Council Minutes

Meeting Number: 19
November 13, 2019, 1:00 PM
Council Chamber

Roll Call	Mayor Frank Scarpitti	Councillor Reid McAlpine
	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
	Councillor Alan Ho	
Staff	Andy Taylor, Chief Administrative Officer	Martha Pettit, Deputy City Clerk
	Trinela Cane, Commissioner, Corporate Services	John Wong, Technology Support Specialist II
	Brenda Librecz, Commissioner, Community & Fire Services	Michael Toshakovski, Deputy City Solicitor
	Arvin Prasad, Commissioner, Development Services	Brad Roberts, Manager, Zoning & Special Projects
	Claudia Storto, City Solicitor and Director of Human Resources	Stephen Lue, Manager, Development - North
	Biju Karumanchery, Director, Planning & Urban Design	Parvathi Nampoothiri, Manager, Urban Design
	Joel Lustig, Treasurer	Stacia Muradali, Senior Planner, Planning & Urban Design
	Bryan Frois, Chief of Staff	Amanda Crompton, Planner II, Planning & Urban Design
	Andrea Berry, Sr. Manager, Corp Comm & Community Engagement	Francesco Santaguida, Assistant City Solicitor
	Kimberley Kitteringham, City Clerk	

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1. CALL TO ORDER

The meeting of Council convened at 1:04 PM on November 13, 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.

Council recessed at 4:04 pm and reconvened at 4:24 pm.

Councillor Alan Ho left the meeting at 4:50 pm.

Councillor Isa Lee left the meeting at 5:40 pm.

2. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - OCTOBER 29, 2019

Moved by Councillor Khalid Usman

Seconded by Councillor Andrew Keyes

1. That the Minutes of the Council Meeting held on October 29, 2019, be adopted.

Carried

4. PRESENTATIONS

4.1 PRESENTATION OF GIFT FROM NORDLINGEN, GERMANY (12.2.6)

Regional Councillor Jack Heath presented a granite sculpture to the Mayor and Members of Council on behalf of Nordlingen, Germany. The gift was sent to the City by the Friends of Markham in Germany.

Moved by Regional Councillor Jack Heath

Seconded by Councillor Karen Rea

1. That the gift from the Friends of Markham in Germany be received.

Carried

5. DEPUTATIONS

5.1 DEPUTATION - 2019 INTEGRATED LEISURE MASTER PLAN UPDATE (6.0)

Darron Hill, from the Canadian Friends of Beit Issie Shapiro, appeared before Council in support of Markham City Council's ongoing efforts to create integrated and accessible parks and encourage the City of Markham to become a leader in providing accessible playgrounds for special needs children.

Moved by Councillor Karen Rea

Seconded by Regional Councillor Jim Jones

That the deputation from Darron Hill be received.

Carried

6. COMMUNICATIONS

There were no communications.

7. PROCLAMATIONS

There were no proclamations.

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 40 - DEVELOPMENT SERVICES COMMITTEE (OCTOBER 28, 2019)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

That the report of the Development Services Committee, save and except for item 8.1.1 be received & adopted.

See item 8.1.1 for Council's decision. on this matter.

Carried

8.1.1 AUSTIN DRIVE PROPOSED PARKING PROHIBITION (WARD 3)
(5.12)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report entitled “Austin Drive Proposed Parking Prohibition (Ward 3),” be received; and,
2. That Schedule “C” of Parking By-law 2005-188 be amended to prohibit parking on the north side of Austin Drive, between Bullock Drive and Couperthwaite Crescent (east intersection); and,
3. That Schedule “C” of Parking By-law 2005-188 be amended to prohibit parking on the south side of Austin Drive, between Bullock Drive and a point 15 metres west of Karma Road; and,
4. That Schedule “C” of Parking By-law 2005-188 be amended to rescind the existing parking prohibition on the north side of Austin Drive, between Bullock Drive and the east property limit of block no. 81 (Austin Drive Rugby Club); and,
5. That the cost of materials and installation for the traffic signs and pavement markings in the amount of \$500 be funded from capital project # 083-5350-19050-005 ‘Traffic Operational Improvements’; and,
6. That the By-law Enforcement, Licensing & Regulatory Services be directed to enforce the parking prohibition upon installation of the signs and passing of the by-law; and further,
7. That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-112)

Carried

8.1.2 MAKING OUR MARKHAM: MARKHAM'S PUBLIC ART MASTER
PLAN 2020 TO 2024 (6.0)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report entitled Making Our Markham: Markham’s Public Art Master Plan 2020-24 be received; and,

2. That the Making Our Markham: Markham's Public Art Master Plan 2020-24 be approved; and,
3. That the five-year Public Art Implementation Plan be approved in principle, and that Council direct the Commissioner of Development Services to incorporate the Implementation Plan into annual Business Planning, Capital and Operating Budget processes and to report progress annually to Council; and,
4. That the title of Public Art Coordinator be changed to Public Art Curator to reflect the requirements of the role; and,
5. That staff be directed to report back on a revised governance model for the approval of public art in Markham for consideration at a future Development Services Committee meeting; and further,
6. That staff be directed to do all things necessary to give effect to this resolution.

Carried

8.2 REPORT NO. 41 - GENERAL COMMITTEE (NOVEMBER 4, 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 2):

Carried

8.2.1 2020 INTERIM TAX LEVY BY-LAW (7.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report "2020 Interim Tax Levy By-law" be received; and,
2. That Council authorize an interim tax levy for 2020; and,
3. That the attached by-law be passed to authorize the 2020 interim tax levy; and further,
4. That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-113)

Carried

8.2.2 2019 INTEGRATED LEISURE MASTER PLAN UPDATE (2019-2031)
(6.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report entitled, “Approval of the 2019 Integrated Leisure Master Plan Update”, as presented at the October 7, 2019 General Committee meeting and the October 25, 2019, memo, Approval of the 2019 Integrated Leisure Master Plan Update be received; and,
2. That Council approve the 2019 Integrated Leisure Master Plan (ILMP) Update, as set out in the Attachment 1 of the October 7, 2019 General Committee report, along with the following amendments:
 - a. Section 6.1 - Parkland Policy and Provision – add a new recommendation on Hydro Corridors as follows: Explore and capture opportunities within Hydro Corridors for sport fields and to serve as linear parks, including multi-use trails for walking, cycling and other non-motorized uses, and off-leash dog parks and trails, thereby connecting neighbourhoods, parks connections (including the Rouge National Park), public access points and other trail systems;
 - b. Section 6.1 - Parkland Policy and Provision: Revise ILMP Recommendation #9 as outlined in this memorandum;
 - c. Section 6.8 - Playgrounds & Outdoor Fitness: Revise ILMP Recommendation #34 as outlined in this memorandum;
 - d. Section 6.11 – Outdoor Ice Rinks : Revise ILMP Recommendation #42 as outlined in this memorandum;
 - e. Section 6.12 - Off Leash Dog Areas: Revise ILMP Recommendation #43 as outlined in this memorandum;
 - f. Section 7.3 - Community Centres: Revise ILMP Recommendation #64 as outlined in this memorandum;
 - g. Section 9 - Public Library Services & Facilities: Revise Recommendation #86 as outlined in this memorandum;

- h. Section 11.1 - Implementation Tools: Revise Recommendation #123 as outlined in this memorandum;
 - i. Section 11.1 - Implementation Tools: Revise Recommendation #127 as outlined in this memorandum; and,
3. That Council direct the Commissioner of Community & Fire Services to incorporate the ILMP into annual Business Planning, Capital and Operating Budget processes and to report progress annually to Council; 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. 42 - DEVELOPMENT SERVICES COMMITTEE (NOVEMBER 12, 2019)

Moved by Deputy Mayor Don Hamilton

Seconded by Councillor Reid McAlpine

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

Carried

8.3.1 FUNDING AND AUTHORIZATION TO ATTEND THE 27TH ANNUAL CANADIAN COUNCIL ON PUBLIC-PRIVATE PARTNERSHIPS NATIONAL CONFERENCE IN TORONTO, NOVEMBER 18, 2019 – NOVEMBER 19, 2019 (10.16)

Councillor Reid McAlpine advised Council that he is unable to attend the Conference and recommended that the Deputy Mayor attend instead.

Moved by Deputy Mayor Don Hamilton

Seconded by Councillor Reid McAlpine

1. That funding be provided for Regional Councillor Jim Jones and **Deputy Mayor Don Hamilton** to participate in the 27th Annual Canadian Council for Public-Private Partnerships (CCPPP) National Conference in Toronto from November 18, 2019 to November 19, 2019; and,

2. That the estimated cost of **\$1,007.42** be funded from the Council Conferences Budget (account 840-841-5200), and further,
3. That Regional Councillor Jim Jones and **Deputy Mayor Don Hamilton** be requested to provide Council with a verbal update on the 27th Annual Canadian Council for Public-Private Partnerships (CCPPP) National Conference prior to the end of December 2019.

Carried as Amended

Council had before it the following original recommendation for consideration:

1. That funding be provided for Regional Councillor Jim Jones and Councillor Reid McAlpine to participate in the 27th Annual Canadian Council for Public-Private Partnerships (CCPPP) National Conference in Toronto from November 18, 2019 to November 19, 2019; and,
2. That the estimated cost of \$1,363.58 be funded from the Council Conferences Budget (account 840-841-5200), and further,
3. That Regional Councillor Jim Jones and Councillor Reid McAlpine be requested to provide Council with a verbal update on the 27th Annual Canadian Council for Public-Private Partnerships (CCPPP) National Conference prior to the end of December 2019.

9. MOTIONS

There were no motions.

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motions to consider.

11. NEW/OTHER BUSINESS

11.1 NEW/ OTHER BUSINESS: 555 MILLER AVENUE, PVC SALT DOME DEMOLITION, PROJECT NO. 20080 (7.0)

Trinela Cane, Commissioner, Corporate Services, provided background on the project request.

Moved by Councillor Karen Rea

Seconded by Councillor Khalid Usman

1. That the memorandum dated November 6, 2019 from the Director, Sustainability and Asset Management on “555 Miller Avenue, PVC Dome Demolition, Project # 20080” be received, and,
2. That Council approve the project budget for the demolition of the white PVC dome at 555 Miller Avenue Works Yard (Project # 20080), in the amount of \$212,400, as outlined in Attachment 1, and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

11.2 NEW/OTHER BUSINESS: WATER & WASTEWATER RATE PUBLIC CONSULTATION MEETING (16.0)

Discussion on this matter ensued. Members of Council questioned the regional rate increases over the years, to which Joel Lustig, City Treasurer responded.

Brenda Librecz, Commissioner, Community and Fire Services, provided further clarification on the division of roles and responsibilities between the City and York Region regarding water and waste water services. Joel Lustig, Treasurer, provided clarification on the City's portion of the water and wastewater increase.

Moved by Councillor Amanda Collucci

Seconded by Councillor Andrew Keyes

1. That the Minutes from the November 5, 2019 Water/Wastewater Rate Public Consultation meeting be received; and,
2. That the 2020 City of Markham's ("City") water/wastewater rate be increased by \$0.3500/m³ from \$4.4680 to \$4.8180/m³ effective April 1, 2020; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-115)

Carried by Recorded Vote

(See following for recorded vote (10:2))

Recorded Vote (10:2)**YEAS:**

Councillor Alan Ho, Councillor Reid McAlpine, Councillor Karen Rea, Regional Councillor Jim Jones, Deputy Mayor Don Hamilton, Mayor Frank Scarpitti, Councillor Andrew Keyes, Councillor Amanda Collucci, Councillor Khalid Usman, Councillor Isa Lee (10)

NAYS:

Councillor Keith Irish, Regional Councillor Jack Heath (2)

ABSENT:

Regional Councillor Joe Li (1)

11.3 NEW/ OTHER BUSINESS: AMENDMENT FOR FEES ASSOCIATED WITH RESPITE DAY CARE FACILITIES

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report titled “Amendment for Fees associated with Respite Day Care Facilities” be received; and,
2. That fee by-law 211-83 be amended to define and apply an alternate fee rate for applications for minor variance to permit Respite Day Care facility uses, and variances to the required parking standards for Respite Day Care facilities, and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-117)

Carried

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Councillor Alan Ho

Seconded by Councillor Khalid Usman

That By-laws 2019-112, 2019-113, 2015-115 and 2019-117 be given three readings and enacted.

Carried

Council considered By-law 2019-114 upon approval of the recommendation contained in Confidential Item 14.2.1.

Moved by Councillor Khalid Usman

Seconded by Regional Councillor Jim Jones

That By-law 2019-114 be given three readings and enacted.

Carried

Three Readings

13.1 BY-LAW 2019-112 AMENDMENT TO PARKING BY-LAW 2005-188

(Item 8.1.1, Report 40)

Carried

13.2 BY-LAW 2019-113 2020 INTERIM TAX LEVY BY-LAW

Being a By-law to Provide for an Interim Tax Levy in 2020.

(Item 8.2.1, Report 41)

Carried

13.3 BY-LAW 2019-114 ANDRIN WISMER MARKHAM LIMITED, NORTH-EAST CORNER 16TH AVENUE AND ALEXANDER LAWRIE AVENUE, ZONING BY-LAW AMENDMENT

A By-law to amend By-law 177-96, as amended, to facilitate the development of common element condominium development.

(Item 14.2.1, Confidential Item)

Carried

13.4 BY-LAW 2019-115 2020 WATER/ WASTEWATER RATES (EFFECTIVE APRIL 1, 2020)

A by-law to amend By-law No. 2002-276, being a by-law to impose fees or charges for services or activities provided or done by the City of Markham.
(Item 11.2, New/Other Business)

Carried

13.5 BY-LAW 2019-117 A BY-LAW TO AMEND BY-LAW 211-83, AS AMENDED.

(Item 11.3, New/ Other Business)

Carried

14. CONFIDENTIAL ITEMS

Moved by Councillor Reid McAlpine

Seconded by Councillor Isa Lee

That, in accordance with Section 239 (2) of the Municipal Act, Council resolve into a private session to discuss the following confidential matters at 2:12 pm:

1. APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - JULY 26 SPECIAL COUNCIL MEETING AND SEPTEMBER 24 2019 (10.0)

LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD - ANDRIN INVESTMENTS LIMITED, 5440 16TH AVENUE (WARD 4)
(8.0) [Section 239 (2) (e)]

2. LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD – LPAT APPEAL, 1771107 ONTARIO INC. (TIMES GROUP) WARD 3 (8.0) [Section 239 (2) (e)]

Carried

Moved by Deputy Mayor Don Hamilton

Seconded by Councillor Khalid Usman

That Council rise from Confidential session at 5:50 pm.

Carried

The Confidential items were approved by Council as follows:

14.1 APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - JULY 26 SPECIAL COUNCIL MEETING AND SEPTEMBER 24 2019 (10.0)

Moved by Regional Councillor Joe Li
Seconded by Councillor Andrew Keyes

1. That the confidential meeting minutes of the July 26 Special Council meeting and the September 24, 2019 Council meeting be adopted.

Carried

14.2 DEVELOPMENT SERVICES COMMITTEE (OCTOBER 15, 2019)

14.2.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD - ANDRIN INVESTMENTS LIMITED, 5440 16TH AVENUE (WARD 4) (8.0)
[Section 239 (2) (e)]

Moved by Regional Councillor Jim Jones
Seconded by Councillor Keith Irish

1. That the confidential report on Litigation or Potential Litigation, including matters before Administrative Tribunals, affecting the Municipality or Local Board – Andrin Investments Limited, 5440 16TH AVENUE (WARD 4) (8.0), be received; and,
2. That the record of the Public Meeting held on April 10th, 2018, regarding the applications for Zoning By-law Amendment and Draft Plan of Subdivision 19TM-17002, be received; and,
3. That the City Solicitor, or her delegate, and Staff be directed to attend the Local Planning Appeal Tribunal (LPAT) hearing to support the settlement of the appeals made by Andrin Wismer Markham Limited, as described in this report; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

14.3 DEVELOPMENT SERVICES COMMITTEE (NOVEMBER 12, 2019)

14.3.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING

THE MUNICIPALITY OR LOCAL BOARD – LPAT APPEAL, 1771107
ONTARIO INC. (TIMES GROUP) WARD 3 (8.0) [Section 239 (2) (e)]

Moved by Regional Councillor Jack Heath

Seconded by Councillor Reid McAlpine

1. That the confidential report on Litigation or Potential Litigation, including matters before Administrative Tribunals, affecting the Municipality or Local Board –LPAT Appeal, 1771107 Ontario Inc. (Times Group) Ward 3, be received; and,
2. That the City Solicitor, or designate, and any necessary Staff appear before the Local Planning Appeal Tribunal to defend the outstanding issues; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Khalid Usman

Seconded by Councillor Keith Irish

That By-law 2019-116 be given three readings and enacted.

Three Readings

BY-LAW 2019-116 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE
COUNCIL MEETING OF NOVEMBER 13, 2019.

Carried

16. ADJOURNMENT

Moved by Councillor Reid McAlpine

Seconded by Councillor Khalid Usman

That the Council meeting be adjourned at 5:55 pm.

Carried

Kimberley Kitteringham

City Clerk

Frank Scarpitti

Mayor