



Electronic Council Meeting

Revised Agenda

Meeting No. 20
November 24, 2020, 1:00 PM
Live streamed

Note: Members of Council will be participating in the meeting remotely.

Due to COVID-19, our facilities are closed to the public.
Access is not permitted to the Markham Civic Centre and Council Chamber.

Members of the public may submit written deputations by email
to clerkspublic@markham.ca

Members of the public who wish to make virtual deputations must register by completing an online [***Request to Speak Form***](#) or e-mail clerkspublic@markham.ca providing full name, contact information and item they wish to speak to. Alternatively, you may connect via telephone by contacting the Clerk's office at 905-479-7760 on the day of the meeting.

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Electronic Revised Council Meeting Agenda

Revised Items are Italicized.

Meeting No. 20
November 24, 2020, 1:00 PM
Live streamed

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Note: As per Section 7.1(h) of the Council Procedural By-Law, Council will take a ten minute recess after two hours have passed since the last break.

Pages

1. CALL TO ORDER

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

3. APPROVAL OF PREVIOUS MINUTES

3.1. *COUNCIL MINUTES - NOVEMBER 10, 2020* 12

1. That the Minutes of the Council Meeting held on November 10, 2020, be adopted.

4. PRESENTATIONS

4.1. PRESENTATION - POLICING IN A CHANGING ENVIRONMENT (13.4) 38

Note: Presentation attached.

Chief Jim MacSween, York Regional Police will deliver a presentation.

5. DEPUTATIONS

6. COMMUNICATIONS

6.1. 36-2020 - MEMORANDUM - DEEMING BY-LAW 37 & 41 ELM STREET (10.0)

65

Memorandum dated November 16, 2020 from Commissioner of Development Services and Director of Planning and Urban Design, regarding Deeming By-law for 37 & 41 Elm Street.

1. That the memorandum titled “Deeming By-Law, Patrick O’Hanlon & David Hicks, 37 & 41 Elm Street, File No: 2020 107378 DEEM”, be received;and,
2. That the Deeming By-Law attached as Appendix A to this memorandum be approved and enacted without further notice; and,
3. That Staff be authorized to do all things necessary to give effect to the resolution.

(By-law 2020-134)

7. PROCLAMATIONS

7.1. PROCLAMATIONS (3.4)

No Attachment

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 Remembrance and Action On Violence Against Women – December 6, 2020
 - b. Human Rights Day – December 10, 2020
 - c. Nanjing Massacre Day – December 13, 2020
2. That the following new request for proclamation, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received and added to the Five-Year Proclamations List approved by Council:
 - a. International Day of Persons with Disabilities – December 3, 2020

8. REPORT OF STANDING COMMITTEE

8.1. REPORT NO. 35 - DEVELOPMENT SERVICES COMMITTEE (NOVEMBER 9, 2020)

Please refer to your November 9, 2020 Development Services Committee

Agenda for reports.

Mayor and Members of Council:

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

8.1.1. TRAFFIC OPERATIONS PROJECTS UPDATE (5.10)

70

1. That the memorandum entitled, “Traffic Operations Projects Update” be received; and,
2. That staff work with key stakeholders including the Cycling and Pedestrian Advisory Committee **and in consultation with the local Ward Councillor** to develop an annual Open Streets program and to report back to Council prior to implementation; and,
3. That the temporary parking prohibition on the west side of Main Street Unionville, between Station Lane and Carlton Road, be maintained on a permanent basis; and,
4. That the temporary 30 km/h speed limit on Main Street Unionville, between Station Lane and Carlton Road, be made permanent as described in the attached by-law amendment; and,
5. That the speed limit on Main Street Markham North between Bullock Drive/Parkway Avenue and Highway 7 be reduced from 50 km/h to 40 km/h, as described in the attached bylaw amendment; **and,**
6. **That the posted speed limit on Markham Main Street North between 16th Avenue and Bullock Drive be referred back to staff for review; and further,**
7. That staff be directed to do all things necessary to give effect to this resolution.

(By-law 2020-132)

8.1.2. HIGHWAY 404 MID-BLOCK CROSSING, NORTH OF 16TH AVENUE AND CACHET WOODS COURT EXTENSION – PROJECT UPDATE AND PROPERTY ACQUISITION FOR LANDS ON CACHET WOODS COURT, MARKLAND STREET AND ORLANDO AVENUE (WARD 2) (5.10)

80

1. That the report titled “Highway 404 Mid-block Crossing, North of 16th Avenue and Cachet Woods Court Extension – Project Update and Property Acquisition for lands on Cachet Woods Court, Markland Street and Orlando Avenue (Ward 2)”, be received; and
2. That staff be authorized to issue a purchase order to the Regional Municipality of York (“York Region”) in the

amount of \$4,578,870.88, inclusive of HST impact, for Markham's share of the cost for properties required for the project; and

3. That the Engineering Department Capital Administration fee in the amount of \$91,577.42, be transferred to revenue account 640-998-8871 (Capital Administration Fee); and
4. That the purchase order and capital administration fees be funded from Capital Project #19035 (Hwy. 404 Midblock Crossing, North of 16th Avenue & Cachet Woods), which currently has an available funding of \$4,718,716.00; and
5. That the remaining funds of \$48,267.70 be kept in the account to cover any additional cost for the project; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.1.3. AWARD OF RFP 037-R-20 CONSULTING ENGINEERING SERVICES FOR THE DETAILED DESIGN OF THE 2020 SIDEWALK PROGRAM (WARDS 1, 2, 7 AND 8) (5.0, 7.0)

87

1. That the report entitled "Award of RFP 037-R-20 Consulting Engineering Services for the Detailed Design of the 2020 Sidewalk Program (Wards 1, 2, 7 and 8)" be received; and,
2. That the contract for RFP 037-R-20 Consulting Engineering Services for the 2020 Sidewalk Design be awarded to the highest ranked, second lowest priced bidder, Accardi Schaeffers & Associates Ltd. in the amount of \$516,833.96, inclusive of HST; and,
3. That a 10% contingency in the amount of \$51,683.40, inclusive of HST, be established to cover any additional costs to deliver the design 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 an allowance in the amount of \$4,070.40, inclusive of HST, be established for permits and additional fees (i.e. TRCA review fees) that may be required as part of the work, and,
5. That the Engineering Department Capital Administration and Contract Admin Fee in the amount of \$103,277.60, inclusive of HST, be transferred to Revenue Account 640-998-8871 (Capital Admin Fees); and,
6. That the project cost of \$675,865.36 (\$516,833.96 + \$51,683.40 + \$4,070.04 + \$103,277.60), inclusive of HST, be funded from capital accounts 083-5350-20045-005 (Sidewalk Program (Design)) and 083-5350-20049-005

(Streetlighting Program (Design)) with available budget of \$675,900.00; and,

7. That the remaining budget in the amount of \$34.64 be returned to the original funding source;
8. **That Staff be directed to investigate the feasibility of expanding the scope of work to include the missing section of Swan Lake Boulevard sidewalk in the 2020 Sidewalk Program; and further,**
9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2. REPORT NO. 36 - GENERAL COMMITTEE (NOVEMBER 16, 2020)

Please refer to your November 16, 2020 General Committee Agenda for reports.

Mayor and Members of Council:

That the report of the General Committee be received & adopted. (Items 1 to 5):

8.2.1. 2021 INTERIM TAX LEVY BY-LAW (7.3)

91

1. That the report “2021 Interim Tax Levy By-law” be received; and,
2. That Council authorize an interim tax levy for 2021; and,
3. That the attached by-law be passed to authorize the 2021 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 2020-133)

8.2.2. PROPERTY TAX PAYMENT DEFERRAL PROGRAM (7.3)

96

1. That the report entitled Property Tax Payment Deferral Program be received; and,
2. That Council authorize a Property Tax Payment Deferral Program for the 2021 taxation year for eligible taxpayers; and,
3. That the 2021 Interim Tax Levy By-law include the necessary clauses to permit the waiving of late payment charges for the 2021 taxation year for eligible property owners of the Property Tax Payment Deferral Program, and,
4. **That staff request a report from the Region on the impact of a**

new optional property subclass for small business by end of January 2021; and,

5. **That staff provide a report on the financial impact to the City resulting from the Property Tax Payment Deferral Program to General Committee in June 2021 and further;**
6. That staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.3. STATUS OF CAPITAL PROJECTS AS OF SEPTEMBER 30, 2020
(7.5)

103

1. That the report dated November 16, 2020 titled “Status of Capital Projects as of September 30, 2020” be received; and,
2. That the Projects Completed within Scope with Surplus Funds and the Projects Completed within Scope without Surplus Funds, as identified on Exhibit B, be approved for closure and funds in the amount of \$3,891,898 be transferred to the original sources of funding as identified on Exhibit B; and
3. That the Projects Closed and Deferred to a Future Year and the Projects Closed and Not or Partially Initiated, as identified on Exhibit C, be approved for closure and funds in the amount of \$2,099,287 be transferred to the original sources of funding as identified in Exhibit C; and
4. That the Non-Development Charge Capital Contingency Project be topped up from the Life Cycle Replacement and Capital Reserve Fund by \$431,780 to the approved amount of \$250,000; and,
5. That the following new capital projects, initiated subsequent to the approval of the 2020 capital budget, be approved:
 - 20302 – Royal Orchard/Bayview Transportation Improvements – Budget of \$175,000 funded from Developer Fees.
 - 20303 – Residential Water Service Connections – Budget of \$401,105 funded from External Revenues (home owners).
 - 20306 – Seasonal Tennis Bubble - Lighting Upgrade (South Court) – Budget of \$111,936 funded from the Non-Development Charge Capital Contingency; and further,

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

8.2.4. AWARD OF TENDER 065-T-20 SUPPLY AND DELIVERY OF WATERWORKS AND SANITARY SEWER MATERIALS (7.12)

117

1. That the report entitled “Award of Tender 065-T-20 Supply and Delivery of Waterworks and Sanitary Sewer Materials” be received; and,
2. That the contract for the supply and delivery of waterworks and sanitary sewer materials be awarded to the lowest priced Bidder, Wamco, for one (1) year with an option to renew the contract for two (2) additional one year terms at the same itemized pricing in the total amount of \$573,514.30 inclusive of HST, broken down as follows;
 - Year 1 (2021) \$191,171.43
 - Year 2 (2022) \$191,171.43
 - Year 3 (2023) \$191,171.43 Total (3 years) \$573,514.29
3. That the 2021 award in the amount of \$191,171.43 (Inclusive of HST) be funded from the operating accounts identified in the Financial Considerations section of this report with total available budget of \$177,188.00; and
4. That the budget shortfall in the amount of \$13,983.43 (\$191,171.43 - \$177,188.00) be included as part of the 2021 Waterworks operating budget; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.5. QUALITY MANAGEMENT SYSTEM - MANAGEMENT REVIEW (3.0)

120

1. That the report titled “Quality Management System Management Review” be received; and
2. That Council, as the Owner of the City’s drinking water system, acknowledge and support the outcome and action items identified from the Management Review; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.3. *REPORT NO. 37 - DEVELOPMENT SERVICES COMMITTEE (NOVEMBER 23, 2020)*

Please refer to your November 23, 2020 Development Services Committee Agenda for reports.

Mayor and Members of Council:

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

8.3.1. *FURTHER AMENDMENTS TO THE CONSERVATION AUTHORITIES ACT IN BILL 229: PROTECT, SUPPORT AND RECOVER FROM COVID-19 ACT (BUDGET MEASURES), 2020 (10.0)* 123

1. That the report entitled “Further Amendments to the Conservation Authorities Act in Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020” be received; and,
2. That the City of Markham request that the Province withhold the enactment of Schedule 6 of Bill 229, the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* related to changes to the Conservation Authorities Act to allow for further review and consultation with municipalities, conservation authorities and the public; and,
3. That the staff report and resolution be forwarded to the Province of Ontario and Toronto and Region Conservation Authority; **the Regional Municipality of York; the Premier of the Province of Ontario; the Ministry of the Environment, Conservation, and Parks; the Ministry of Municipal Affairs and Housing; the Ministry of Natural Resources and Forestry; and all Members of Provincial Parliament representing constituencies within the Regional Municipality of York;** and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.3.2. *AUTHORITY TO PROVIDE DEVELOPMENT CHARGE CREDITS AND/OR REIMBURSEMENTS TO LINDWIDE DEVELOPMENTS (CORNELL) LIMITED FOR THE CONSTRUCTION OF INFRASTRUCTURE ON THE CITY’S BEHALF (WARD 5) (7.11, 5.0)* 137

1. That the report entitled “Authority to provide Development Charge Credits and/or Reimbursements to Lindwide Developments (Cornell) Limited for the Construction of Infrastructure on the City’s Behalf (Ward 5)” be received; and,
2. That Council authorize a City Wide Hard Development Charge credit and/or reimbursement not exceeding \$331,740, to Lindwide Developments (Cornell) Limited relating to its portion of the construction costs associated with a pressure

reducing valve ("PRV") and a Chamber at the intersection of Cornell Rouge Blvd. and Highway 7 and a watermain on Highway 7 from Cornell Rouge Blvd. to Donald Cousens Parkway; and,

3. That Council authorize a City Wide Hard Development Charge credit and/or reimbursement not exceeding \$713,837, to Lindwide Developments (Cornell) Limited relating to its portion of the property and construction costs associated with the right-of-way, exceeding 23 metres and asphalt exceeding 11.0 metres, on Bur Oak Avenue from Highway 7 to 260 metres South; and,
4. That Council authorize a City Wide Hard Development Charge credit and/or reimbursement not exceeding \$550,717, to Lindwide Developments (Cornell) Limited relating to its portion of the property and construction costs associated with the right-of-way, exceeding 23 metres and asphalt exceeding 11.0 metres, on William Forster Road from Highway 7 to 200 metres South; and,
5. That all of the above credits or reimbursements shall be the absolute value of the credits and reimbursements, and that HST, interest and/or indexing shall not be credited or reimbursed; and,
6. That the Mayor and Clerk be authorized to execute a Development Charge Credit and/or Reimbursement Agreement(s), if required, in accordance with the City's Development Charge Credit and Reimbursement Policy, with Lindwide Developments (Cornell) Limited, or its successors in title to the satisfaction of the Treasurer and the City Solicitor; and further;
7. That staff be directed to do all things necessary to give effect to this report.

9. MOTIONS

10. NOTICE OF MOTION TO RECONSIDER

11. NEW/OTHER BUSINESS

*As per Section 2 of the Council Procedural By-Law, "New/Other Business would generally apply to an item that is to be added to the **Agenda** due to an urgent statutory time requirement, or an emergency, or time sensitivity".*

11.1. JOHN STREET WATERMAIN EMERGENCY REPAIR OPTIONS

Note: Materials will be distributed separately.

12. ANNOUNCEMENTS

13. BY-LAWS - THREE READINGS

That By-laws 2020-132 to 2020-134 be given three readings and enacted.

Three Readings

13.1. BY-LAW 2020-132 A BY-LAW TO AMEND SPEED BY-LAW 2017-104 144

To establish a maximum speed limit of 50 kilometres per hour on specific streets within the City of Markham.

(Item 8.1.1, Report 36)

13.2. BY-LAW 2020-133 A BY-LAW TO PROVIDE FOR AN INTERIM TAX LEVY IN 2021 146

(Item 8.2.1, Report 36)

13.3. BY-LAW 2020-134 A BY-LAW TO DEEM CERTAIN LANDS NOT TO BE A REGISTERED PLAN OF SUBDIVISION FOR THE PURPOSES OF SUBSECTION 50(3) OF THE PLANNING ACT 149

PATRICK O'HANLON & DAVID HICKS, 37 & 41 ELM STREET

(Item 6.1, Communications)

14. CONFIDENTIAL ITEMS

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

14.1. APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - NOVEMBER 10, 2020 (16.0) [Section 239 (2) (a) (b) (c) (e) (f)]

14.2. GENERAL COMMITTEE

14.2.1. LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; DEVELOPMENT CHARGE COMPLAINTS (8.7) [SECTION 239 (2) (e)]

14.3. NEW/ OTHER BUSINESS

14.3.1. LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; LPAT APPEAL - 73 MAIN STREET MAIN STREET SOUTH [SECTION 239 (2) (e)]

15. CONFIRMATORY BY-LAW - THREE READINGS

That By-law 2020-135 be given three readings and enacted.

Three Readings

BY-LAW 2020-135 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF NOVEMBER 24, 2020.

No attachment

16. ADJOURNMENT



Electronic Council Meeting Minutes

Meeting No. 19

November 10, 2020, 1:00 PM

Live streamed

| | | |
|-----------|--|--|
| Roll Call | <p>Mayor Frank Scarpitti</p> <p>Deputy Mayor Don Hamilton</p> <p>Regional Councillor Jack Heath</p> <p>Regional Councillor Joe Li</p> <p>Regional Councillor Jim Jones</p> <p>Councillor Keith Irish</p> <p>Councillor Alan Ho</p> | <p>Councillor Reid McAlpine</p> <p>Councillor Karen Rea</p> <p>Councillor Andrew Keyes</p> <p>Councillor Amanda Collucci</p> <p>Councillor Khalid Usman</p> <p>Councillor Isa Lee</p> |
| Staff | <p>Andy Taylor, Chief Administrative Officer</p> <p>Trinela Cane, Commissioner, Corporate Services</p> <p>Arvin Prasad, Commissioner, Development Services</p> <p>Claudia Storto, City Solicitor and Director of Human Resources</p> <p>Biju Karumanchery, Director, Planning & Urban Design</p> <p>Joel Lustig, Treasurer</p> <p>Bryan Frois, Chief of Staff</p> <p>Kimberley Kitteringham, City Clerk</p> <p>Martha Pettit, Deputy City Clerk</p> <p>Hristina Giantsopoulos, Elections & Council/Committee Coordinator</p> | <p>Regan Hutcheson, Manager, Heritage</p> <p>Ronald Blake, Senior Development Manager, Planning & Urban Design</p> <p>Morgan Jones, Director, Operations</p> <p>Meg West, Manager of Business Planning and Projects</p> <p>Lisa Chen, Sr. Manager, Financial Planning & Reporting</p> <p>Asif Aziz, Senior Financial Analyst</p> <p>Francesco Santaguida, Assistant City Solicitor</p> <p>Shane Manson, Senior Manager, Revenue & Property Taxation</p> <p>Victoria Chai, Assistant City Solicitor</p> <p>Adam Grant, Fire Chief</p> <p>Terence Tang, Technology Support Specialist II</p> |

Alternate formats for this document are available upon request

1. CALL TO ORDER

The meeting of Council convened at 1:07 PM on November 10, 2020 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.

Mayor Frank Scarpitti and Members of Council observed a moment of silence in recognition of Remembrance Day to honour all those who sacrificed their lives to ensure that we could enjoy the freedom we do today.

Council recessed at 3:55 pm and reconvened at 4:12 pm.

2. DISCLOSURE OF PECUNIARY INTEREST

Councillor Reid McAlpine disclosed an interest with respect to Item No. 11.1 - "Appeal of Heritage Fence Application for a Fence 3 Victoria Lane, Unionville" and did not take part in the discussion or vote on this matter. Councillor McAlpine advised that the two parties involved are his neighbors.

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - OCTOBER 27, 2020

Moved by Councillor Andrew Keyes

Seconded by Regional Councillor Jim Jones

1. That the Minutes of the Council Meeting held on October 27, 2020, be adopted.

Carried

4. PRESENTATIONS

There were no presentations.

5. DEPUTATIONS

5.1 DEPUTATIONS - APPEAL OF HERITAGE PERMIT FOR A FENCE AT 3 VICTORIA LANE, UNIONVILLE (16.11)

Masood Mohajer addressed Council on this matter.

6. COMMUNICATIONS

6.1 33-2020 - LIQUOR LICENCE APPLICATION - NEW CENTURY RESTAURANT (WARD 8) (3.21)

Moved by Regional Councillor Joe Li

Seconded by Councillor Alan Ho

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

Carried

6.2 34-2020 COMMUNICATIONS - APPEAL OF HERITAGE PERMIT FOR A FENCE AT 3 VICTORIA LANE, UNIONVILLE (16.11)

Moved by Regional Councillor Joe Li

Seconded by Councillor Alan Ho

1. That the email dated November 9, 2020 from Christine Costa providing comments regarding Appeal of Heritage Permit for a Fence at 3 Victoria lane, Unionville, be received.

(See Item 11.1, New Other Business for Council's decision on this matter.)

Carried

6.3 35-2020 COMMUNICATIONS - CLERA HOLDINGS INC. ZONING BY-LAW AMENDMENT AND SITE PLAN APPLICATIONS (10.5, 10.6)

Moved by Regional Councillor Joe Li

Seconded by Councillor Alan Ho

1. That the email dated November 10, 2020 from Bob Forhan regarding "Clera Holdings Inc., Zoning By-law Amendment and Site Plan Applications", be received.

(See Item 8.1.2, Report 32 for Council's decision on this matter.)

Carried

7. PROCLAMATIONS

None.

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 32 - DEVELOPMENT SERVICES COMMITTEE (OCTOBER 26, 2020)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

That the report of the Development Services Committee be received & adopted, save and except for Item No. 8.1.2.

Carried

- 8.1.1 RECOMMENDATION REPORT, CORBETT LAND STRATEGIES INC., ON BEHALF OF EMIX LTD., APPLICATIONS TO AMEND THE OFFICIAL PLAN AND ZONING BY-LAW TO ADD COMMERCIAL USES INCLUDING A COMMERCIAL SELF-STORAGE FACILITY AT 8400 WOODBINE AVENUE, WEST SIDE OF WOODBINE AVENUE, NORTH OF PERTH AVENUE (WARD 8) FILE NOS. PLAN 19 132742 AND PLAN 20 110587 (10.3, 10.5)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report dated October 26, 2020, entitled
“RECOMMENDATION REPORT, Corbett Land Strategies Inc., on behalf of Emix Ltd., Applications to amend the Official Plan and Zoning By-law to add commercial uses including a Commercial self-storage Facility at 8400 Woodbine Avenue, west side of Woodbine Avenue, north of Perth Avenue (Ward 8) File Nos. PLAN 19 132742 and PLAN 20 110587”, be received; and,
2. That the Official Plan Amendment application submitted by Corbett Land Strategies Inc., on behalf of Emix Ltd., to amend the 2014 Official Plan, be approved by Council, and that the draft Official Plan Amendment attached as Appendix ‘A’ be finalized and adopted by Council; and,
3. That the amendment to Zoning By-law 165-80, as amended, be approved and the draft implementing Zoning By-law, attached as Appendix ‘B’, be finalized and enacted, without further notice; and,
4. That in accordance with the provisions of subsection 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the owner shall, through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the zoning by-law attached as Appendix ‘B’ to this report, before the second anniversary of the day on which the by-law was approved by Council; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2020-100 and 2020-101)

Carried

- 8.1.2 APPLICATIONS FOR ZONING BY-LAW AMENDMENT AND SITE PLAN APPROVAL SUBMITTED BY CLERA HOLDINGS INC. ON BLOCK 81, REGISTERED PLAN 65M-4033 (WEST SIDE OF WOODBINE AVENUE, SOUTH OF ELGIN MILLS ROAD EAST) TO FACILITATE A COMMERCIAL DEVELOPMENT

(WARD 2) (10.5, 10.6)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report titled “Applications for Zoning By-law Amendment and Site Plan Approval submitted by Clera Holdings Inc. on Block 81, Registered Plan 65M-4033 (west side of Woodbine Avenue, south of Elgin Mills Road East) to facilitate a commercial development(Ward 2)” be received; and,
2. That the deputation of Stephen Hunt and Sandra Wiles, consultant to the applicant, be received;
3. That Zoning By-law Amendment application (PLAN 19 123509) submitted by Clera Holdings Inc. be approved and the implementing by-law attached as Appendix ‘B’ be finalized and enacted without further notice; and,
4. That in accordance with the provisions of subsections 45 (1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the Owners shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the accompanying Zoning By-law, before the second anniversary of the day on which the by-law was approved by Council; and,
5. That the Site Plan application (SPC 19 123509) submitted by Clera Holdings Inc., to facilitate the development of two one-storey buildings and two two-storey commercial buildings with a GFA of 3,697 m² (Ward 2) be endorsed in principle, subject to the conditions in Appendix ‘A’; and,
6. That this endorsement shall lapse and site plan approval will not be issued, after a period of three (3) years commencing on October 14, 2020 in the event that the site plan agreement is not executed within that time period; and,
7. That Site Plan Approval be delegated to the Director of Planning and Urban Design or designate, to be issued following execution of a site plan agreement. The Site Plan is only approved when the Director or designate has signed the site plan; and further,
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2020-102)

Carried

8.2 REPORT NO. 33 GENERAL COMMITTEE (NOVEMBER 2, 2020)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

That the report of the General Committee be received & adopted. (Items 1 to 5):

Carried

8.2.1 TENDER 049-T-20 GRASS CUTTING AND MAINTENANCE SERVICES (RENEWAL YEARS 2021-2023) (6.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report entitled “Tender 049-T-20 Grass Cutting and Maintenance Services (Renewal Years 2021- 2023)” be received; and,
2. That the contract for Tender 049-T-20 Grass Cutting and Maintenance Services be awarded to the lowest priced bidder, Markham Property Services Ltd., for an additional three (3) years (2021– 2023), with a CPI increase in 2022 and 2023 as follows;
 - 2021 - \$218,574.98 (inclusive of HST)
 - 2022 - \$218,574.98 (inclusive of HST)*
 - 2023 - \$218,574.98 (inclusive of HST)*

* 2022 and 2023 are subject to an annual price increase based on the Consumer Price Index for All Items - Canada for the twelve (12) month period ending December 31 in the applicable year; and,

3. That the estimated 2021 costs of \$218,574.98 be funded from account 730-730-5399 (Contracted Services), subject to Council approval of the 2021 operating budget; and,

4. That the purchase orders for years 2022 and 2023 be adjusted for growth and/or price escalation, subject to Council approval of the respective year's budgets; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.2 2021 COUNCIL AND STANDING COMMITTEE MEETING CALENDAR (16.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the 2021 Council and Standing Committee Meeting Calendar be approved; and,
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.3 2021 WATER / WASTEWATER RATE (5.1, 5.3)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the presentation entitled "2021 Water/Wastewater Rate Public Consultation Meeting" be received and approved for presentation at the November 12th Public Consultation meeting; and,
2. That the report entitled "2021 Water/Wastewater Rate" be received; and,
3. That Staff be authorized to hold an electronic public meeting on November 12th, 2020 at 6:30 p.m. to gather resident feedback on the principle of, increasing the 2021 water/wastewater rate by the same percentage as the Region of York's wholesale rate and present two scenarios:
 - a. Scenario 1: Increase of 0%

- b. Scenario 2: Increase of 2.9%, which is consistent with the Region of York's **proposed** wholesale rate increase for 2021, as tabled at Regional Council in the Region's Water and Wastewater Financial Sustainability Plan from October 2015; and,
- 4. That feedback received at the public meeting along with the proposed 2021 water/wastewater rate tentatively scheduled to be put forward for consideration of Council on December 9th, 2020; and further,
- 5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried as Amended

Council consented to amend clause 3 (b) from:

3 (b) Scenario 2: Increase of 2.9%, which is consistent with the Region of York's wholesale rate increase for 2021, as tabled at Regional Council in the Region's Water and Wastewater Financial Sustainability Plan from October 2015; and,

to:

3 (b) Scenario 2: Increase of 2.9%, which is consistent with the Region of York's **proposed** wholesale rate increase for 2021, as tabled at Regional Council in the Region's Water and Wastewater Financial Sustainability Plan from October 2015; and,

8.2.4 SWAN LAKE PARK – PARKS OPERATIONS AND PARKS
REFRESH DRAFT PLAN (6.3)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

- 1. That the presentation entitled "Swan Lake Park – Parks Operations and Parks Refresh Draft Plan" dated November 2, 2020 be received; and,
- 2. That the recommended funding outlined in the presentation be committed to the park refresh subject to Council approval and further,

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

Carried

8.2.5 MAINTENANCE OF REGIONAL ROADS AND BOULEVARDS (5.10)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the memorandum entitled “Maintenance of Regional Roads and Boulevards” dated November 2, 2020 be received; and,
2. That staff recommend winter maintenance service provision remain as is at this time; and,
3. That staff recommend improved coordination in the operating field amongst front line supervisors to enhance winter maintenance service provision; and,
4. That staff recommend City residents and Council continue to utilize the City’s Contact Centre to generate work orders for both the City and the Region for the following issues:
 - a. Dead animal removal
 - b. Pot hole repair
 - c. Fallen tree removal
 - d. Debris removal
 - e. Grass cutting; and,
5. That staff recommend further investigation of the City’s and the Region’s contracts to explore possible options in grass cutting download or upload; and,
6. That staff recommend requesting the Region to consider increasing their cutting cycles to align to the City’s; and,
7. That staff review the grass cutting contract with the Region when the existing one expires; and,

8. That staff further discuss grass cutting with the City's existing service provider to explore their ability to undertake this increase in work should they be requested to do so; and,
9. That staff initiate consultations with the City of Toronto with respect to grass cutting service levels along Steeles Avenue where it borders with the City of Markham; and further;
10. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3 REPORT NO. 34 - DEVELOPMENT SERVICES PUBLIC MEETING (NOVEMBER 3, 2020)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

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

Carried

8.3.1 PRELIMINARY REPORT APPLICATION FOR ZONING BY-LAW AMENDMENT TO PERMIT A COMMERCIAL SELF-STORAGE FACILITY AT 30 HERITAGE ROAD (WARD 4). FILE NO. PLAN 20 106216 (10.5)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the Development Services Commission report dated October 13th, 2020, entitled "PRELIMINARY REPORT Application for Zoning By-Law Amendment to permit a commercial self-storage facility as an additional use with site-specific development standards at 30 Heritage Road, on the east side of McCowan Road, (Ward 4). File No. PLAN 20 106216", be received; and,
2. That the Record of the Public Meeting held on November 3rd, 2020 with respect to the proposed application for Zoning By-law Amendment submitted by 30 Heritage Development Limited

Partnership Inc., to permit a commercial self-storage facility at 30 Heritage Road, be received; and,

3. That the application to amend Zoning By-law 1229 be approved 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

8.3.2 PRELIMINARY REPORT, 254632 ONTARIO INC., APPLICATION FOR A ZONING BY-LAW AMENDMENT, TO PERMIT MOTOR VEHICLE AND AUTO PARTS SALES AS WELL AS OUTDOOR STORAGE OF VEHICLES AT 120 DONCASTER AVENUE (WARD 1) FILE NO. PLAN 20 115420 (10.5)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report dated October 13, 2020, entitled “PRELIMINARY REPORT, 254632 Ontario Inc., Application for a Zoning By-law Amendment, to permit motor vehicle sales and auto parts sales as well as outdoor storage of vehicles at 120 Doncaster Avenue (Ward 1) File No. PLAN 20 115420”, be received; and,
2. That the written communications submitted by Armand Scaini be received; and,
3. That the Record of the Public Meeting held on November 3, 2020, with respect to the proposed Zoning By-law to add motor vehicle sales and auto parts sales as well as outdoor storage of vehicles at 120 Doncaster Avenue (Ward 1) File No. PLAN 20 115420”, be received; and,
4. That the application by 254632 Ontario Inc., to amend Zoning By-law 2053, as amended, be approved and enacted without further notice; and further,
5. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.4 REPORT NO. 35 - DEVELOPMENT SERVICES COMMITTEE (NOVEMBER 9, 2020)

Moved by Councillor Alan Ho

Seconded by Councillor Khalid Usman

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

Carried

8.4.1 CITY INITIATED EXTENSION OF TEMPORARY USE ZONING BY-LAW TO PERMIT OUTDOOR PATIOS AND ASSOCIATED STRUCTURES FILE NO.: PR-20-115253 (CITY-WIDE) (10.5)

Moved by Councillor Alan Ho

Seconded by Councillor Khalid Usman

1. That the report titled “City Initiated Extension of Temporary Use Zoning By-law to permit outdoor patios and associated structures” be received; and,
2. That the City wide temporary zoning by-law to permit new or expansions to existing outdoor patios and associated structures be approved; and,
3. That authority to act on behalf of Council to grant municipal authorizations required by the Alcohol and Gaming Commission of Ontario (“AGCO”) for temporary extension of a liquor license be delegated to the City Clerk; and,
4. That the fee for the processing of requests to the City for the temporary extension of liquor licenses be waived in 2021; and,
5. That existing approved temporary new, or temporary expansions to existing patios located on private property are granted temporary expansions until December 31, 2021; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2020-130)

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 APPEAL OF HERITAGE PERMIT APPLICATION FOR A FENCE 3 VICTORIA LANE, UNIONVILLE, HE 20 125034 (WARD 3) (16.11)**

Councillor Reid McAlpine disclosed an interest and advised that the two parties involved are his neighbours. Councillor McAlpine did not take part in the discussion or vote on this matter.

Discussion on the matter ensued. Christine Costa and Vagn Lauritsen, the applicants, were in attendance and responded to questions from Members of Council.

1. That the Report titled “Appeal of a Heritage Permit Application for a Fence, 3 Victoria Lane, Unionville, File: HE 20 125034 (Ward 3)” dated November 9, 2020 be received; and,
2. That the Heritage Markham Committee resolution of September 9, 2020 recommending denial of the Heritage Permit for the unauthorized chain link fence from a heritage perspective, be received as information; and,
3. **That the Heritage Permit application HE 20 125034 in support of a chain link fence at 3 Victoria Lane be approved subject to the following conditions:**
 - a. **The submission of the Heritage Permit application fee for unauthorized work;**
 - b. **The removal of the portion of chain link fence installed on 3 Victoria Lane adjacent to the eastern property boundary of 31 Victoria Avenue, acknowledging that an application for a heritage picket fence from the owner of 31 Victoria Ave has been approved.**

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

(Carried by Recorded Vote (8:4))

(See following Recorded Vote)

Recorded Vote (8:4)

YEAS: Councillor Keith Irish, Councillor Karen Rea, Deputy Mayor Don Hamilton, Regional Councillor Jack Heath, Councillor Andrew Keyes, Councillor Amanda Collucci, Councillor Khalid Usman, Councillor Isa Lee (8)

NAYS: Councillor Alan Ho, Mayor Frank Scarpitti, Regional Councillor Joe Li, Regional Councillor Jim Jones (4)

CONFLICT: Councillor Reid McAlpine (1)

Council had before it the following original recommendation for consideration:

1. That the Report titled “Appeal of a Heritage Permit Application for a Fence, 3 Victoria Lane, Unionville, File: HE 20 125034 (Ward 3)” dated November 9, 2020 be received; and,
2. That the Heritage Markham Committee resolution of September 9, 2020 recommending denial of the Heritage Permit for the unauthorized chain link fence from a heritage perspective, be received as information; and,
3. That the Heritage Permit application HE 20 125034 in support of a chain link fence at 3 Victoria Lane be approved subject to the submission of the Heritage Permit application fee for unauthorized work; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

11.2 PROPERTY TAX RELIEF OPTIONS FOR 2021

Council consented to add an item regarding update on Property Tax Relief for 2021. Staff was directed to prepare a report on Property Tax Relief options for 2021, taking into consideration the recent changes to the education portion of the property tax bill.

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Councillor Andrew Keyes
 Seconded by Councillor Khalid Usman

That By-law 2020-131 regarding the Appointment of Fire Chief be added to the agenda.

Carried by Two Thirds Vote

Moved by Councillor Karen Rea
 Seconded by Councillor Keith Irish

That By-law 2020-131 to appoint Adam Grant to the position of Fire Chief for The Corporation of the City of Markham effective November 10, 2020, be given three readings and enacted.

Carried Unanimously

Moved by Councillor Reid McAlpine
 Seconded by Councillor Andrew Keyes

That By-laws 2020-100 to 2020-128 and 2020-130 be given three readings and enacted.

Carried

Three Readings

- 13.1 BY-LAW 2020-100 EMIX LTD., 8400 WOODBINE AVENUE, AMENDMENT TO THE IN FORCE OFFICIAL PLAN (REVISED 2014), AS AMENDED

A by-law to adopt an Official Plan Amendment to the in force Official Plan (Revised 2014), as amended, to provide for a commercial storage facility use on the subject property.

(Item 8.1.1, Report 32)

Carried

13.2 BY-LAW 2020-101 EMIX LTD., 8400 WOODBINE AVENUE, ZONING BY-LAW AMENDMENT

A By-law to amend By-law 165-80, as amended, to to add more uses on the property.

(Item 8.1.1, Report 32)

Carried

13.3 BY-LAW 2020-102 CLERA HOLDINGS, INC., SOUTH OF ELGIN MILLS ROAD AND WEST OF WOODBINE AVENUE, ZONING BY-LAW AMENDMENT

A By-law to amend By-law 177-96, as amended to permit a commercial development on the lands.

(Item 8.1.2, Report 32)

Carried

13.4 BY-LAW 2020-103 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71 (65M-4498)

To add compulsory stops at specific intersections within the City of Markham.

Carried

13.5 BY-LAW 2020-104 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71 (65M-4613)

Carried

13.6 BY-LAW 2020-105 ROAD DEDICATION BY-LAW (BOUSFIELD GATE AND KIRKHAM DRIVE)

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

1. Block 161, Plan 65M-4619 - Bousfield Gate
2. Reserve Block 168, Plan 65M-4619 - Kirkham Drive

Carried

- 13.7 BY-LAW 2020-106 A BY-LAW TO AMEND PARKING BY-LAW 2005-188
(65M-4429)

To amend Schedule C of the Parking By-law pertaining to “Prohibited Parking”.

Carried

- 13.8 BY-LAW 2020-107 A BY-LAW TO AMEND PARKING BY-LAW 2005-188
(65M-4085 AND 65M-4086)

To amend Schedule C of the Parking By-law pertaining to “Prohibited Parking”.

Carried

- 13.9 BY-LAW 2020-108 A BY-LAW TO AMEND PARKING BY-LAW 2005-188
(65M-4241)

To amend Schedule C of the Parking By-law pertaining to “Prohibited Parking”.

Carried

- 13.10 BY-LAW 2020-109 A BY-LAW TO AMEND PARKING BY-LAW 2005-188
(65M-4357)

To amend Schedule C of the Parking By-law pertaining to “Prohibited Parking”.

Carried

- 13.11 BY-LAW 2020-110 A BY-LAW TO AMEND PARKING BY-LAW 2005-188
(65M-4496)

To amend Schedule C of the Parking By-law pertaining to “Prohibited Parking”.

Carried

- 13.12 BY-LAW 2020-111 A BY-LAW TO AMEND PARKING BY-LAW 2005-188
(65M-4498)

To amend Schedule C of the Parking By-law pertaining to “Prohibited Parking”.

Carried

- 13.13 BY-LAW 2020-112 A BY-LAW TO AMEND PARKING BY-LAW 2005-188
(65M-4613)

To amend Schedule C of the Parking By-law pertaining to “Prohibited Parking”.

Carried

- 13.14 BY-LAW 2020-113 A BY-LAW TO AMEND SPEED BY-LAW 2017-104
(65M-4613)

To establish a maximum speed limit of 40 kilometres per hour on specific streets within the City of Markham.

Carried

- 13.15 BY-LAW 2020-114 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71
(65M-4085 and 65M-4086)

To add compulsory stops at specific intersections within the City of Markham.

Carried

- 13.16 BY-LAW 2020-115 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71
(65M-4204)

To add compulsory stops at specific intersections within the City of Markham.

Carried

- 13.17 BY-LAW 2020-116 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71
(65M-4241)

To add compulsory stops at specific intersections within the City of Markham.

Carried

- 13.18 BY-LAW 2020-117 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71
(65M-4357)

To add compulsory stops at specific intersections within the City of Markham.

Carried

13.19 BY-LAW 2020-118 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71
(65M-4429)

To add compulsory stops at specific intersections within the City of Markham.

Carried

13.20 BY-LAW 2020-119 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71
(65M-4496)

To add compulsory stops at specific intersections within the City of Markham.

Carried

13.21 BY-LAW 2020-120 A BY-LAW TO ESTABLISH STREETS LAID OUT
ACCORDING TO PLAN OF SUBDIVISION 65M-4085 AS A PUBLIC
HIGHWAY LOT 24 AND BLOCKS B AND C, REGISTERED PLAN 6037
AND PART OF LOTS 19 AND 20, CONCESSION 5 (ANGUS GLEN
VILLAGE LTD., TRUSTEE)

(Angus Glen Boulevard, Ernie Amsler Court, Dungannon Drive, Glengordon
Crescent, Berkshire Crescent and Royal County Down Crescent, and the Lanes
(Blocks B and C) and the Walkway (Block 143), inclusive)

Carried

13.22 BY-LAW 2020-121 A BY-LAW TO ESTABLISH STREETS LAID OUT
ACCORDING TO PLAN OF SUBDIVISION 65M-4086 AS A PUBLIC
HIGHWAY PART OF LOTS 19 AND 20, CONCESSION 5 (ANGUS GLEN
VILLAGE LTD. TRUSTEE)

(Glengordon Crescent, Dungannon Drive and Stollery Pond Crescent, and the
Lanes namely Lane A, Lane B, Lane C and Lane D, inclusive)

Carried

13.23 BY-LAW 2020-122 A BY-LAW TO ESTABLISH STREETS LAID OUT
ACCORDING TO PLAN OF SUBDIVISION 65M-4204 AS A PUBLIC
HIGHWAY PART OF LOT 20, CONCESSION 5 (ANGUS GLEN VILLAGE
LTD.)

(Royal West Road, inclusive)

Carried

- 13.24 BY-LAW 2020-123 A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4241 AS A PUBLIC HIGHWAY PART OF LOT 20, CONCESSION 5 (ANGUS GLEN VILLAGE LTD.)

(Royal West Road, inclusive)

Carried

- 13.25 BY-LAW 2020-124 A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4357 AS A PUBLIC HIGHWAY PART OF LOTS 19 AND 20, CONCESSION 5 (ANGUS GLEN VILLAGE LTD.)

(Berkshire Crescent (both sections) and Stollery Pond Crescent, and the Lanes (Blocks 79, 80, and 81), inclusive)

Carried

- 13.26 BY-LAW 2020-125 A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4429 AS A PUBLIC HIGHWAY PART OF WEST HALF OF LOT 16, CONCESSION 6 (UPPER UNIONVILLE INC.)

(Cherna Avenue, Nipigon Avenue, Ivanhoe Drive and London Plane Drive, and the Lanes (Blocks 49, 50, 51, 52 and 53), inclusive)

Carried

- 13.27 BY-LAW 2020-126 A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4496 AS A PUBLIC HIGHWAY BLOCK 62, REGISTERED PLAN 65M-3908 AND BLOCK 292, REGISTERED PLAN 65M-4008 (BOX GOVE NORTH INC. AND BOX GROVE HILL DEVELOPMENTS INC.)

(Agatha Gamble Street, Decast Crescent, Luzon Avenue and Villa Ada Drive, and the Lanes (Blocks 42 and 43), inclusive)

Carried

- 13.28 BY-LAW 2020-127 A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4498 AS A PUBLIC HIGHWAY PART OF LOT 20, CONCESSION 5 (ANGUS GLEN VILLAGE LTD.)

(Tralee Court, and the Lane (Block 31), inclusive)

Carried

- 13.29 BY-LAW 2020-128 A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4613 AS A PUBLIC HIGHWAY PART OF LOT 1, REGISTERED PLAN 3555,

LOTS 6 AND 7, REGISTERED PLAN 4113, PART OF BLOCK 53, REGISTERED PLAN 65M-4065 AND PART OF THE EAST HALF OF LOT 16 AND PART OF LOT 17, CONCESSION 5 (KYLEMORE COMMUNITIES (YORKTON) LTD.)

(Yorkton Boulevard and New Yorkton Avenue, inclusive)

Carried

- 13.30 BY-LAW 2020-130 - A BY-LAW TO AMEND BY-LAWS 1229, 1442, 1507, 1767, 1912, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78,

72-29, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-80, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 177-96, 28-97, and 2004-196, as amended.

To add additional special zone standards for outdoor patios within the geographic boundaries to allow the continued operation of existing temporary patios, and patio expansions.

(Item 8.4.1, Report 8.4)

Carried

13.31 BY-LAW 2020-131 A BY-LAW TO APPOINT ADAM J. GRANT AS FIRE CHIEF FOR THE CORPORATION OF THE CITY OF MARKHAM

Carried

14. CONFIDENTIAL ITEMS

Moved by Councillor Andrew Keyes

Seconded by Councillor Keith Irish

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into a private session at 1:16 PM to discuss the following confidential matter:

14.1.3 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING CITY OR LOCAL BOARD EMPLOYEES (8.0) [Section 239 (2) (b)]

Carried

Moved by Councillor Amanda Collucci

Seconded by Regional Councillor Jim Jones

1. That Council rise from Confidential session at 1:32 pm.

Carried

Mayor Frank Scarpitti announced the appointment of Adam Grant to the position of Fire Chief for The Corporation of the City of Markham and introduced a By-law affirming his appointment.

Andy Taylor, Chief Administrative Officer, congratulated Fire Chief Grant on his appointment and thanked former Fire Chief Dave Decker and Deputy Fire Chief Chris Nearing for their support.

Moved by Councillor Karen Rea

Seconded by Councillor Keith Irish

1. That a by-law be passed to appoint Adam Grant to the position of Fire Chief for The Corporation of the City of Markham effective November 10, 2020.

Carried

Moved by Councillor Alan Ho

Seconded by Councillor Khalid Usman

That, in accordance with Section 239 (2) of the Municipal Act, Council resolve into a private session at 4:38 PM to discuss the remaining confidential matters:

14.1.1. APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - OCTOBER 27, 2020 (16.0) [Section 239 (2) (a) (b) (c) (e) (f)]

14.1.2. APPROVAL OF RESTRICTED AND CONFIDENTIAL COUNCIL MINUTES - NOVEMBER 26, 2019 AND MARCH 27, 2020 (16.0) [Section 239 (2) (a) (b) (c) (e) (f)]

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

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

Carried

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

That Council rise from Confidential session at 5:42 PM

Carried

The following Confidential items were approved by Council:

14.1 COUNCIL

14.1.1 APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - OCTOBER 27, 2020 (16.0) [Section 239 (2) (a) (b) (c) (e) (f)]

Moved by Regional Councillor Jack Heath

Seconded by Councillor Reid McAlpine

1. That the confidential Council minutes of October 27, 2020 be adopted.

Carried

14.1.2 APPROVAL OF RESTRICTED AND CONFIDENTIAL COUNCIL
MINUTES - NOVEMBER 26, 2019 AND MARCH 27, 2020
(16.0) [Section 239 (2) (a) (b) (c) (e) (f)]

Moved by Councillor Keith Irish

Seconded by Councillor Amanda Collucci

1. That the restricted and confidential Council minutes of November 26, 2019 and March 27, 2020 be adopted.

Carried

14.1.3 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL,
INCLUDING CITY OR LOCAL BOARD EMPLOYEES (8.0) [Section
239 (2) (b)]

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

Moved by Councillor Karen Rea

Seconded by Councillor Keith Irish

1. That staff be authorized to proceed as directed by Council on November 10, 2020.

Carried

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

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That staff be authorized to proceed as directed by Council on November 10, 2020.

Carried

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Isa Lee

Seconded by Councillor Keith Irish

That By-law 2020-129 be given three readings and enacted.

Three Readings

BY-LAW 2020-129- A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF NOVEMBER 10, 2020.

Carried

16. ADJOURNMENT

Moved by Councillor Isa Lee

Seconded by Councillor Amanda Collucci

That the Council meeting be adjourned at 5:59 pm.

Carried

Kimberley Kitteringham

City Clerk

Frank Scarpitti

Mayor



Policing in a Changing Environment



Jim MacSween
Chief of Police

Chris Bullen
Superintendent, #5 District

November 24, 2020



York Regional Police Executive Command Team



Jim MacSween
Chief of Police



Brian Bigras
Deputy Chief
Investigations



Paulo Da Silva
Deputy Chief
Administration



Cecile Hammond
Deputy Chief
Support



Robertson Rouse
Deputy Chief
Operations



Presentation Overview

- 2020 Milestones and Plans
- COVID-19 and Crime Trends
- Maintaining Public Trust
- Technology and Innovation
- Mental Health Response
- Wellness Initiatives
- Community specific Initiatives
- Major Communities Comparators
- Questions





2020 Milestones



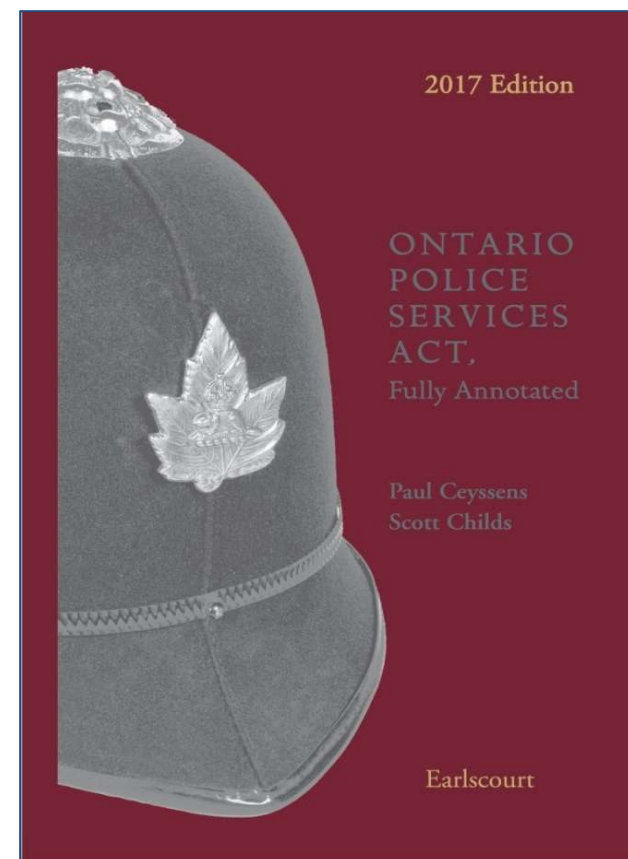


Police Services Act

Core Police Functions

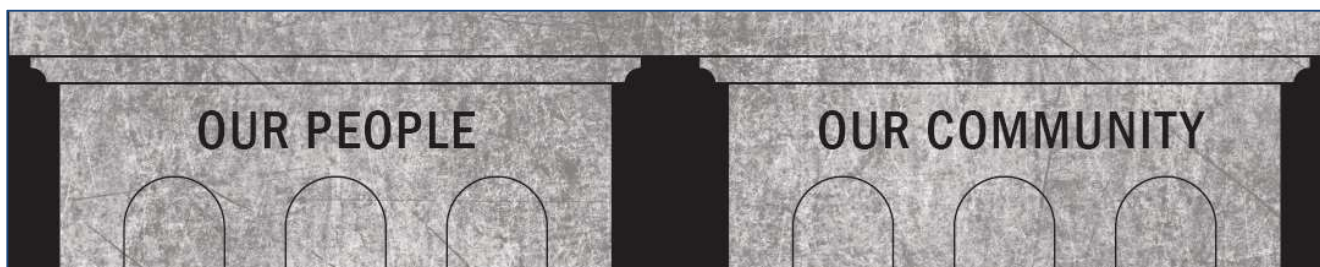
Adequate and effective police services must include, at a minimum, all of the following police services:

1. Crime prevention
2. Law enforcement
3. Assistance to victims of crime
4. Public order maintenance
5. Emergency response





2020-2022 Business Plan





COVID-19 Impacts

- Collaboration with York Region Emergency Operations Centre
- Procurement challenge and evolution of Personal Protective Equipment (PPE)
- Stepped-up facilities and vehicle cleaning
- Social distancing & mandatory masks in the workplace
- E-meetings and use of technologies
- Providing essential services to our communities

WHEN IT COMES TO PPE: THINK FIRST

AT YRP, PPE ALWAYS INCLUDES GLOVES, EYE PROTECTION AND HAND HYGIENE, IN ADDITION TO A MASK:

SURGICAL MASK

Required if a member is:

- Interacting with others when physical distancing cannot be maintained
- Responding to a call for service during which physical distancing cannot be maintained or during which someone is suspected to be or has been identified as COVID-19 positive



N95 RESPIRATOR MASK/ AIR PURIFYING RESPIRATOR (APR)

Required if a member is:

- Participating in tactical investigations, including the administration of Narcan
- Administering or assisting paramedics with CPR
- Other situations where a respirator is required



CLOTH FACE COVERING

Should only be worn if a member is:

- Entering or working in enclosed public spaces in compliance with mandatory public health regulations, without the need for PPE such as a YRP lobby or restaurant

Cloth face coverings shall not be worn by frontline members where PPE is required, for example, calls for service or any interaction where physical distancing cannot be maintained.



Direction for use of PPE for York Regional Police members has been developed with guidance and COVID-19 research provided by [Public Health Ontario](#) and [Partners for Disease Control and Prevention \(CDC\)](#). Questions or concerns? Email COVID19support@yrp.ca.





COVID-19 Impacts

Crimes Against Persons (6.2%)

- Sexual Violations (27.9%)
- Assault (5.3%)

Crimes Against Property (13.1%)

- Break and Enter (25.2%)
- Theft \$5,000 or Under (18.6%)
- Mischief (9.1%)

Breach of Probation (9.5%)

Traffic Violations (23.1%)

- Impaired Operation (15.3%)

Crimes Against Property

- Theft Over \$5,000 (9.4%)
- Fraud (4.1%)

Bail Violations (26.3%)

Weapons Violations (0.1%)

Drug Violations (47.3%)

- **Drug Possession (46.2%)**
- **Drug Trafficking (54.9%)**

Traffic Violations

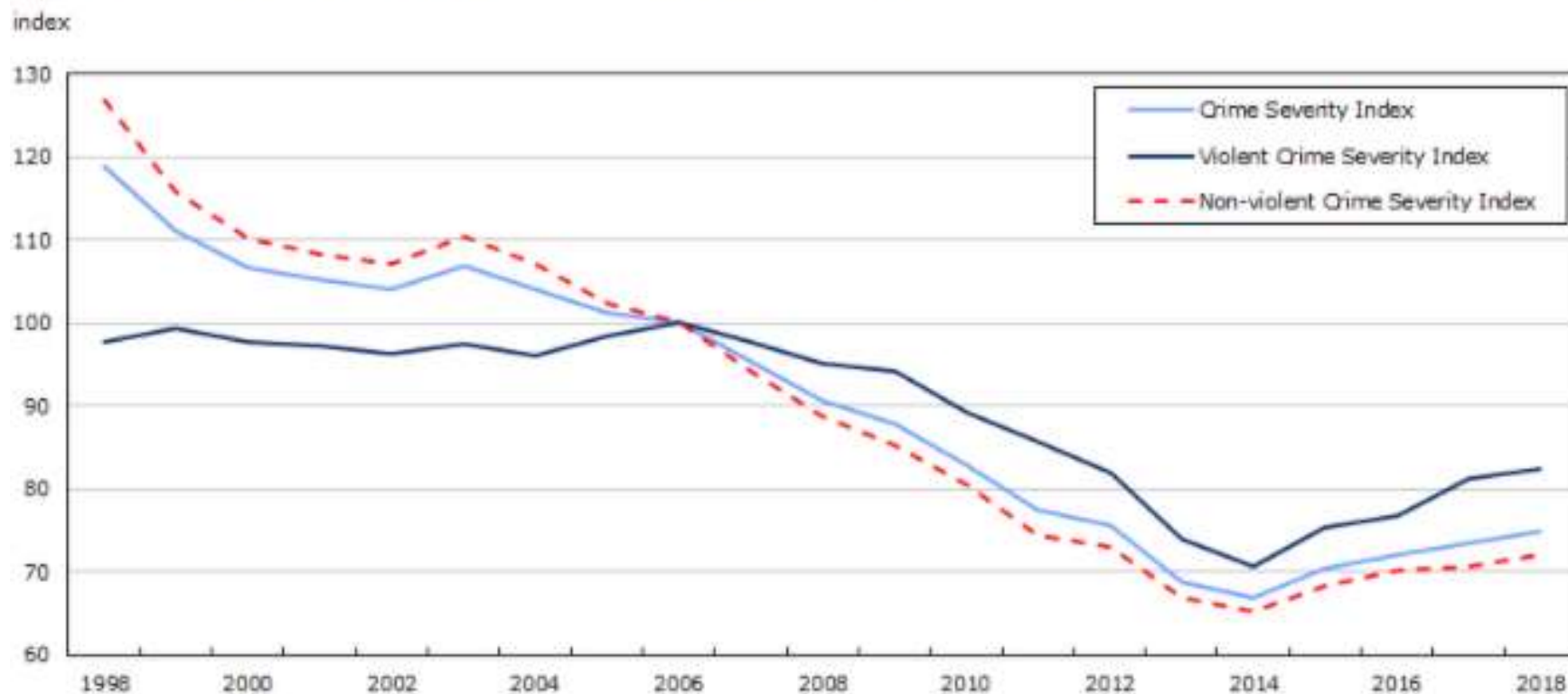
- Dangerous Operation (17.5%)





Crime Trends in Canada

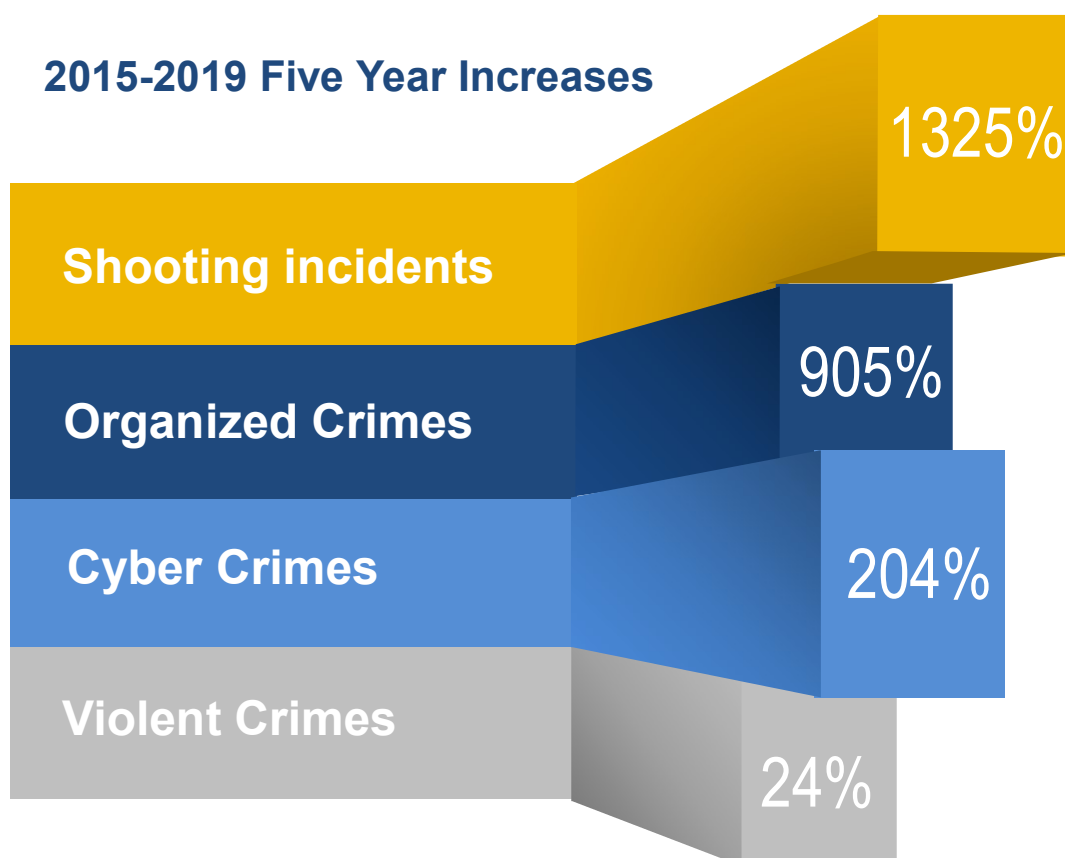
Police-reported Crime Severity Indexes, Canada, 1998 to 2018





Violent and Organized Crime Increases

2015-2019 Five Year Increases



123%

Increase in Investigations
Branch overtime hours
from 2015 to 2019

175%

Increase in wire room
interception hours
from 2015 to 2019



PROJECT SINDACATO



Sophistication and Complexities of Crime

**PROJECT
ENDGAME**

29
People charged

70+
Total charges

Approximately
\$10 MILLION
in assets seized

11
Firearms seized

Approximately
\$1.5 MILLION
in top-shelf
liquor seized

For more information: yrp.ca/Endgame

**PROJECT
Platinum**

30
Search warrants
executed

11
Tow trucks
seized

40+
Illegal firearms
seized

For more information: yrp.ca/Platinum

JOINT-FORCES OPERATION

**Project
SINDACATO**

Project Cost:
\$8 MILLION

| | |
|---------------------------------------|---------------------------------------|
| 9 Arrests 41 Charges | 9 Arrests 41 Charges |
|---------------------------------------|---------------------------------------|

Seizures totaled
an estimated
\$35 million.

Seizures tota
an estimated
\$35 million.

JOINT-FORCES OPERATION

**Project
KRAKEN**

Project Cost:
\$162,946

73 Arrests
683 Charges

\$92,000 in cash
was seized.

**Project
Stanley**

17 arrested
183 charges including gun and
drug trafficking

**Project
Villa**

12 arrested
75 charges laid so far



Maintaining Public Trust

Proactive Initiatives

- Inclusivity Charter
- Human Rights Classroom at Community Safety Village
- Eradicating Racism and Strengthening Public Trust
- Community Safety and Wellbeing Plan
- Character Community





Youth Engagement

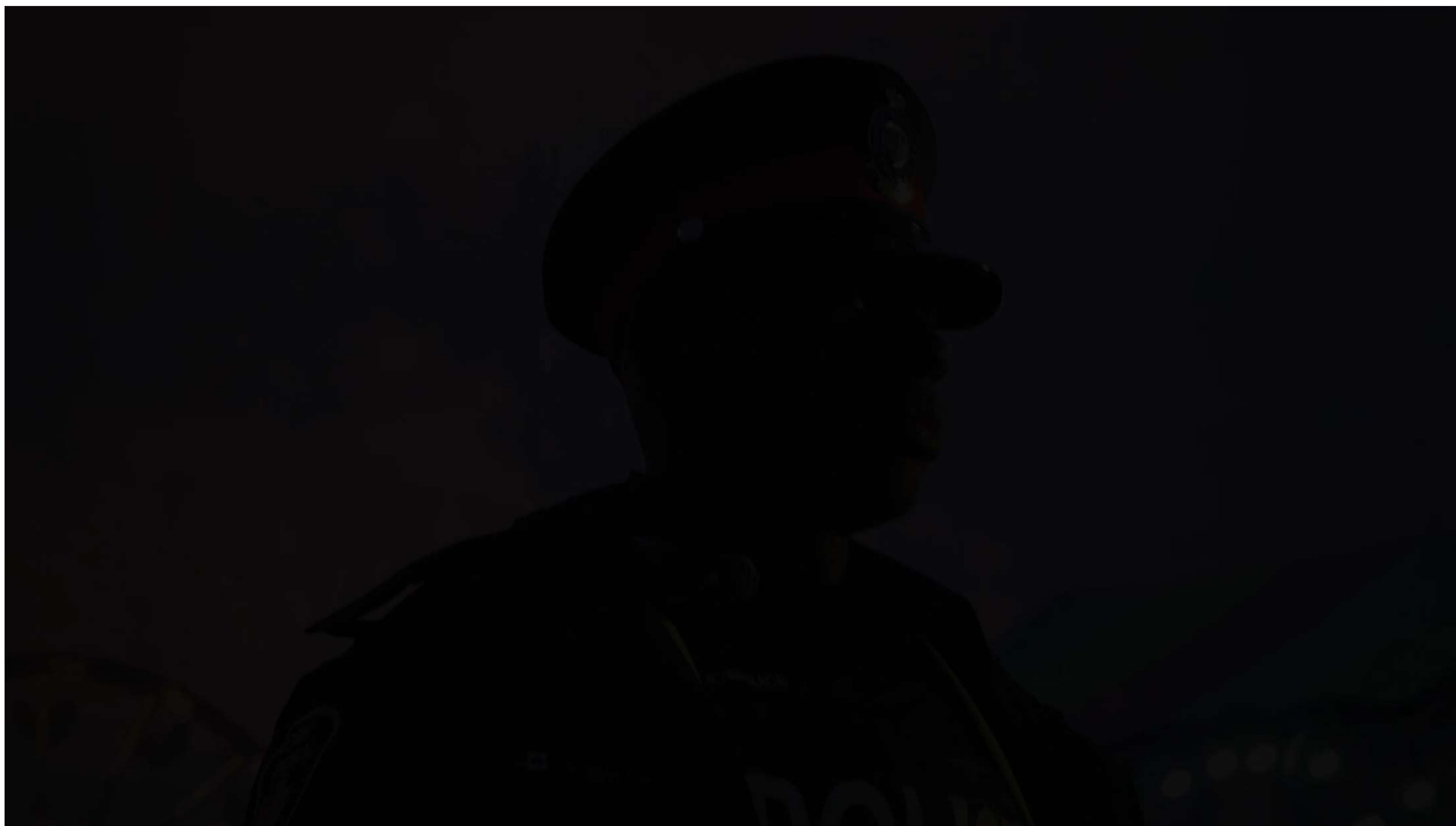


WHOLE SCHOOLS APPROACH

- Engagement versus Enforcement
- Community Safety Village
- Values, Influences and Peers (VIP Program)
- Positive Strides Camp, Photography Club, Running Club, Youth-in-Policing (YIPI) Program
- Human Rights Classroom



“We don’t believe the time to engage youth is after they have graduated.”





Transforming Policing With Technology

Policing Smarter

- Business Intelligence
- SPIDR Customer Service
- Digital Evidence Management System
- Remote Video Testimony
- Project Street View

Upcoming Technologies

- Connected Officer
- Next Generation 9-1-1
- Automated License Plate Reader
- Member Wellness Dashboard
- Connected Communities





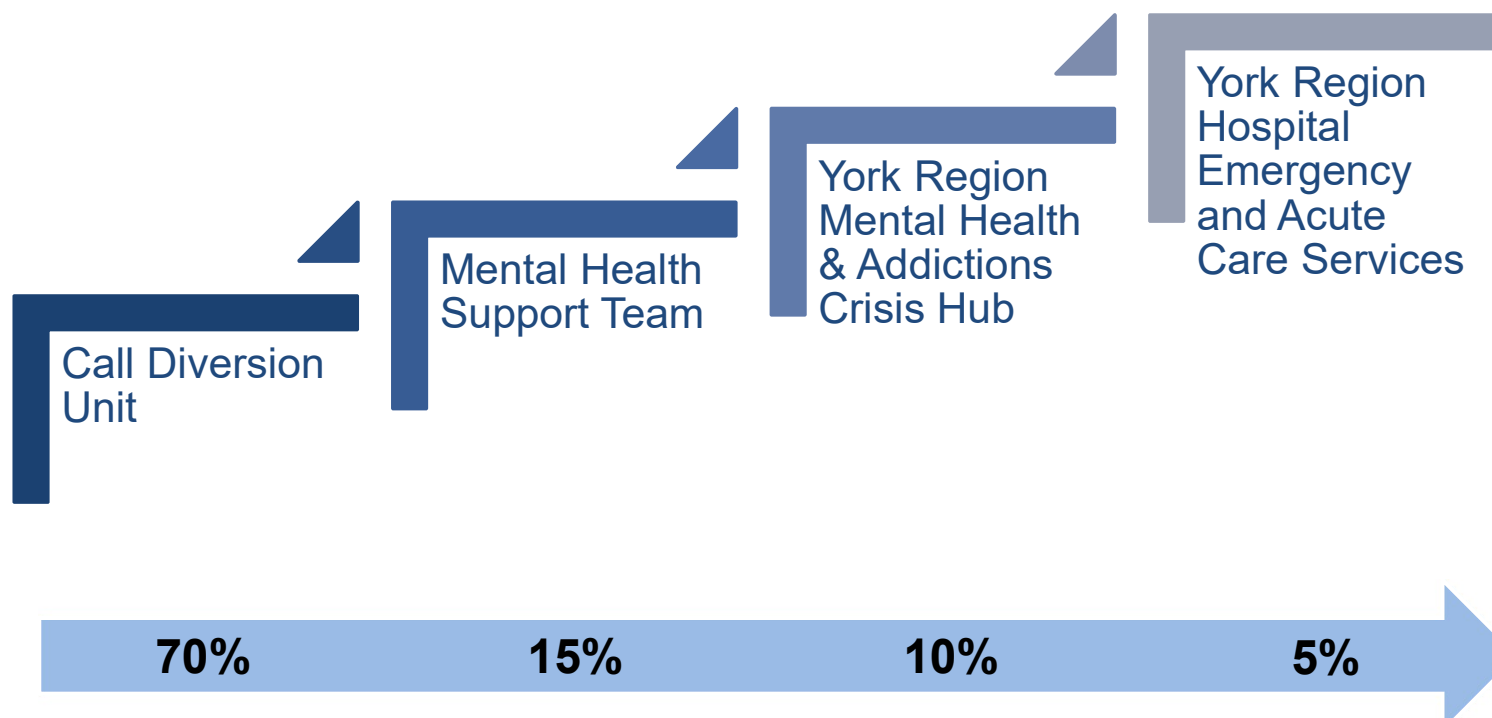
Mental Health Current Response





Mental Health Future State

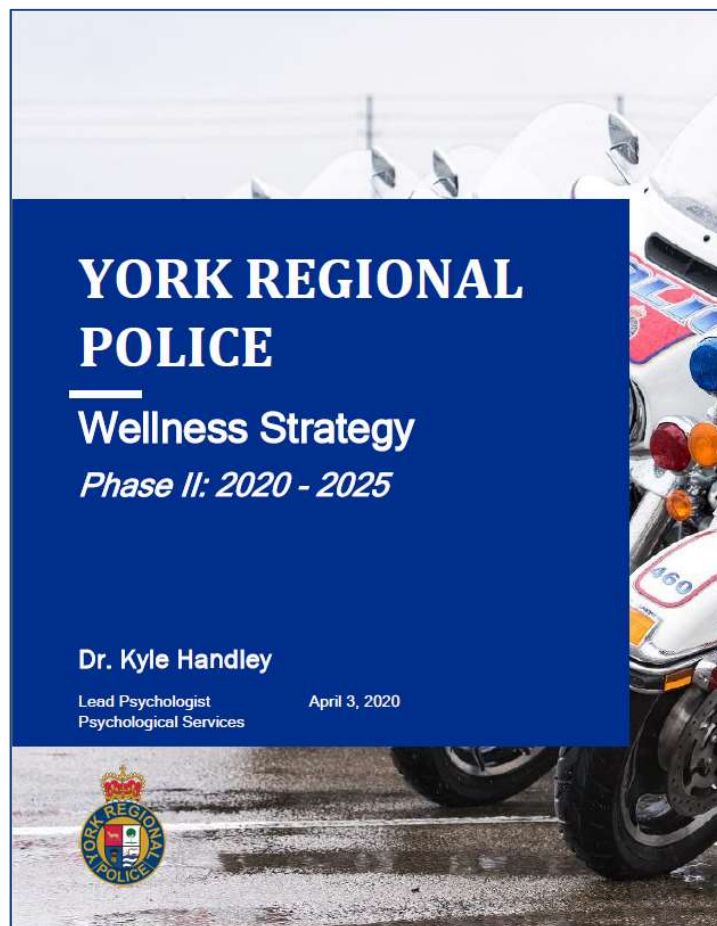
Consultation with the Associate Minister of Mental Health



Opportunity cost of mental health response \$4 million annually



Wellness Initiatives





Breakthrough



Opportunity cost of lost productivity \$20 million annually



Snapshot of Our People

2020 Authorized Strength

| | |
|-----------------|-------|
| Police Officers | 1,681 |
| Civilian | 683 |
| Male | 79% |
| Female | 21% |
| Diversity | 23% |

- More than 65 different languages spoken by our members
- Close to 600 members speak more than one language

5 District Staffing

| | |
|-------------|-----|
| Uniform | 166 |
| CIB | 39 |
| COR | 11 |
| Civilian | 7 |
| Total Staff | 223 |

Patrol Units

| | |
|------------|-------------|
| Day | 20 |
| Afternoons | +10 overlap |
| Night | 20 |



Surveys of our Communities

- **Top Community Priorities (2019)**
 1. Crimes Against Property
 2. Guns and Gangs
 3. Violent Crimes
 4. Traffic Safety/ Enforcement
 5. Drug Control/ Enforcement
- **Top Business Concerns (2018)**
 - Break-ins
 - Property damage/graffiti
 - Fraud/Cyber fraud
- **Top Youth Priorities (2019)**
 - Bullying at school
 - Drug selling
 - Gang activity



PROJECT Double Down

- Project launched into underground casinos scattered across the City of Markham
- To date, #5 District officers, partnering with Guns, Gangs & Drug Enforcement, have:



Executed 13 warrants

Made 150 arrests

Laid 170 criminal charges

Laid 554 provincial charges

Seized almost \$1.4 million in cash and property





Video Camera Registry (VCR Program)

- Gives community the option to let YRP know they have installed residential or commercial security camera which may assist police in investigations
- Does not grant police direct access to cameras – officers must still seek permission to view and use footage
- Sign up for the Security Camera Registry through our website at yrp.ca/RegisterMyCam



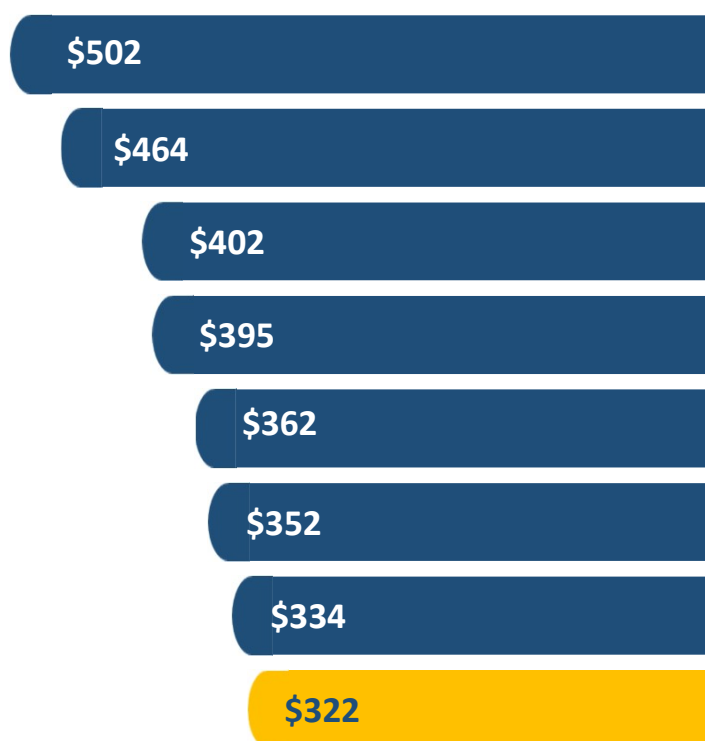
*There are currently
167 cameras on the registry
in Markham*



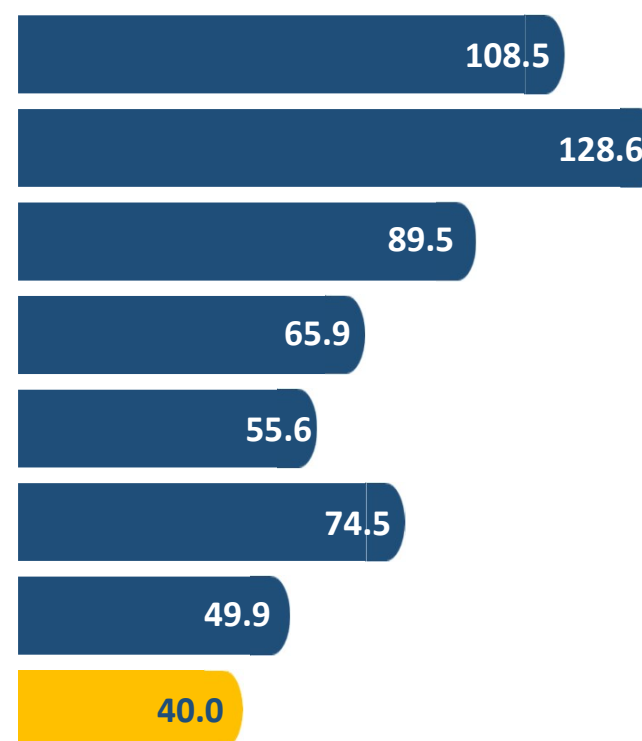


Major Communities Comparators

Gross Cost Per Capita



Crime Severity Index



Crime severity index based on 2018 data, 2019 publication deferred by Statistics Canada

*Toronto & Ottawa 2019 gross cost per capita not available.



Evolution in Policing



**Complexity
Of Crime**



**Innovation
& Technology**



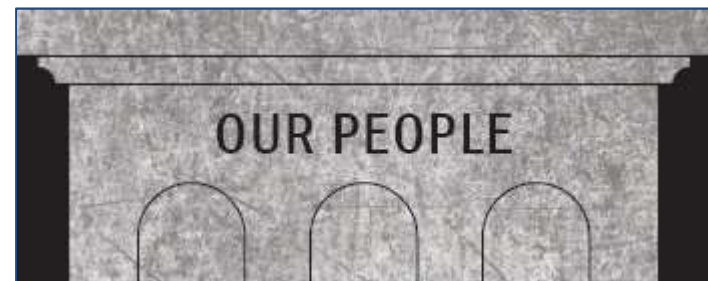
**Mental Health
Response**



**Member
Wellness**



Breakthrough





Thank you

Questions?



yrp.ca

Deeds Speak



MEMORANDUM

To: Mayor and Members of Council

From: Arvin Prasad, Commissioner of Development Services and Biju Karumachery,
Director of Planning and Urban Design

Prepared by: Aqsa Malik, Planner I, East District

Date: November 16, 2020

Re: **Deeming By-Law
Patrick O’Hanlon & David Hicks
37 & 41 Elm Street
File: 2020 107378 DEEM**

RECOMMENDATION:

1. That the memorandum titled “Deeming By-Law, Patrick O’Hanlon & David Hicks, 37 & 41 Elm Street, File No: 2020 107378 DEEM”, be received;
2. That the Deeming By-Law attached as Appendix A to this memorandum be approved and enacted without further notice; and
3. That Staff be authorized to do all things necessary to give effect to the resolution.

PURPOSE:

The purpose of this memorandum is to provide a brief description of the proposed Deeming By-Law and Staff’s recommendation that the Deeming By-law (attached as Appendix A) should be approved.

PROPOSAL:

37 and 41 Elm Street (the “subject properties”) are separately owned by David Hicks (37 Elm Street) and Patrick O’Hanlon (41 Elm Street) (See Figure 1 – Registered Plan). There are existing single detached dwellings on both properties that are constructed over two lots. Their legal descriptions on registered plan 4292 are:

- 37 Elm Street legally described as Part Lot 15 and Lot 16; and
- 41 Elm Street legally described as Lot 17 and Lot 18.

To facilitate the sale of a portion of 41 Elm Street (Lot 17) to 37 Elm Street, the landowners were required to follow a two-step process (Figure 2 – Proposal). First, a part lot control by-law to

permit the division of Lot 17 into two parcels and facilitate the conveyance of a portion of 41 Elm Street (Lot 17) to 37 Elm Street. Then a deeming by-law to merge the legal parcels, which establish the municipal properties.

The applicant has completed the first part of the process. The Part Lot Control By-Law was approved by Council on July 16, 2020. The landowners have also demonstrated that the part lots have been conveyed appropriately to the satisfaction of the City Solicitor. The updated legal descriptions of each respective property on Registered Plan 4292 are now:

- 41 Elm Street legally described as Part Lot 17 and Lot 18; and
- 37 Elm Street legally described as Part Lot 15, Lot 16 and Part Lot 17.

The landowners can now proceed with the second part of the process (deeming by-law) to merge the parcels to reflect the desired boundaries of the new properties.

As per Section 50(4) of the Planning Act, in order to implement a Deeming By-law, the plan of subdivision must have been registered not less than 8 years prior to the application for a Deeming By-law. This Plan of Subdivision (Plan 4292) was registered 67 years ago. Deeming by-laws also require Council approval. Once the by-law is approved and registered, the lots may be developed as one parcel of land.

Staff note that while the owner of 41 Elm Street has applied for minor variances, the variances will not come into effect until the Deeming By-Law has been approved and appeal period has passed. A condition has been added to the Staff Report of 41 Elm Street indicating the same. Should the owner of 37 Elm Street apply for variances, the same condition will apply.

CONCLUSION:

Staff recommend that the Deeming By-Law attached as “Appendix A” to this memo be approved.

ATTACHMENTS:

Appendix A – Deeming By-Law

Figure 1 – Registered Plan

Figure 2 – Proposal



2020-XXX

A by-law to deem certain lands not to
be a registered plan of subdivision for
the purposes of subsection 50(3) of the

Planning Act

Patrick O'Hanlon & David Hicks

37 & 41 Elm Street

WHEREAS subsection 50(4) of the Planning Act permits a local municipality to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, and deem it not to be a registered plan of subdivision for the purpose of subsection 50(3) of the Planning Act;

AND WHEREAS Part Lot 15, Lots 16, 17, and 18 on Registered Plan 4292, City of Markham, Regional Municipality of York are within a plan of subdivision registered for more than eight years;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

That the following lands are designated and deemed not to be a registered plan of subdivision for the purpose of Subsection 50(3) of the Planning Act:

Part Lot 15, Lot 16 and Part Lot 17 on Registered Plan 4292, City of Markham, Regional Municipality of York; and

Part Lot 17 and Lot 18 Registered Plan 4292, City of Markham, Regional Municipality of York.

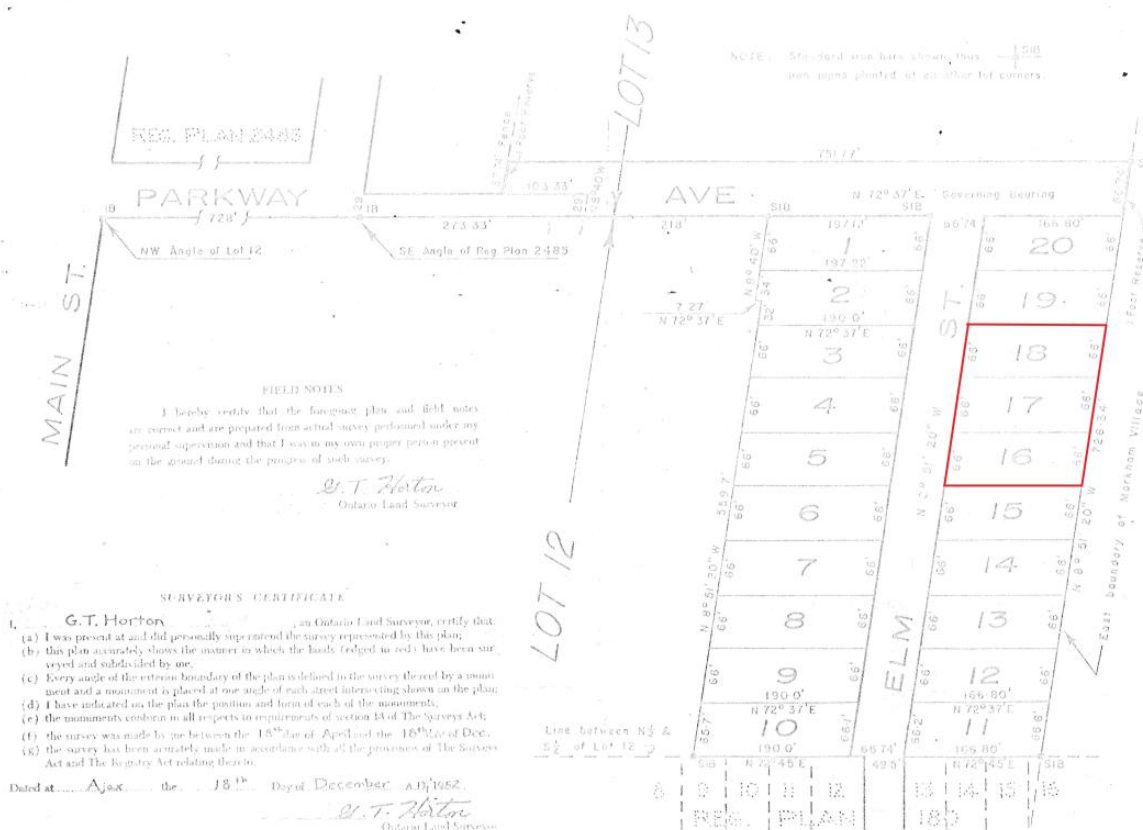
READ A FIRST, SECOND, AND THRID TIME AND PASSED THIS
__TH DAY OF _____, 2017.

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

PLAN OF SUBDIVISION PART OF LOTS 12 & 13 CONCESSION 8 MARKHAM TOWNSHIP NOW IN MARKHAM VILLAGE

SCALE: 1 IN. = 100 FT.



OWNER'S CERTIFICATE

Lots 12 to 20 inclusive have been laid out in accordance with my instructions and the streets shown herein are hereby designated as public highways.

John Horton
Witness

Margaret Horton
Owner

APPROVED FOR REGISTRATION

County of York
Lewis Peter Vissman
of the City of Toronto County of York
make oath and say:

- That I was personally present and did see this plan and duplicate duly signed by *Carroll Lewis and Margaret Lewis*
- That the said plan and duplicate were signed by the said parties at *Village of Markham*
- That I know the said parties
- That I am a subscribing witness to the said signing.

Sworn before me at *City of Toronto*

In the County of *York*

this 6th day of *January* 1953

W. J. Brown
Commissioner

Approved under Section 23 of
THE PLANNING ACT

This 19th day of *Jan* 1953

W. J. Brown
SICR DEPARTMENT OF DEVELOPMENT

4292

I hereby certify that this is a duplicate of the original plan filed in the Registry Office for the East and West Ridings of the County of York on *29* January 1953
John Horton

Figure 2: Registered Plan

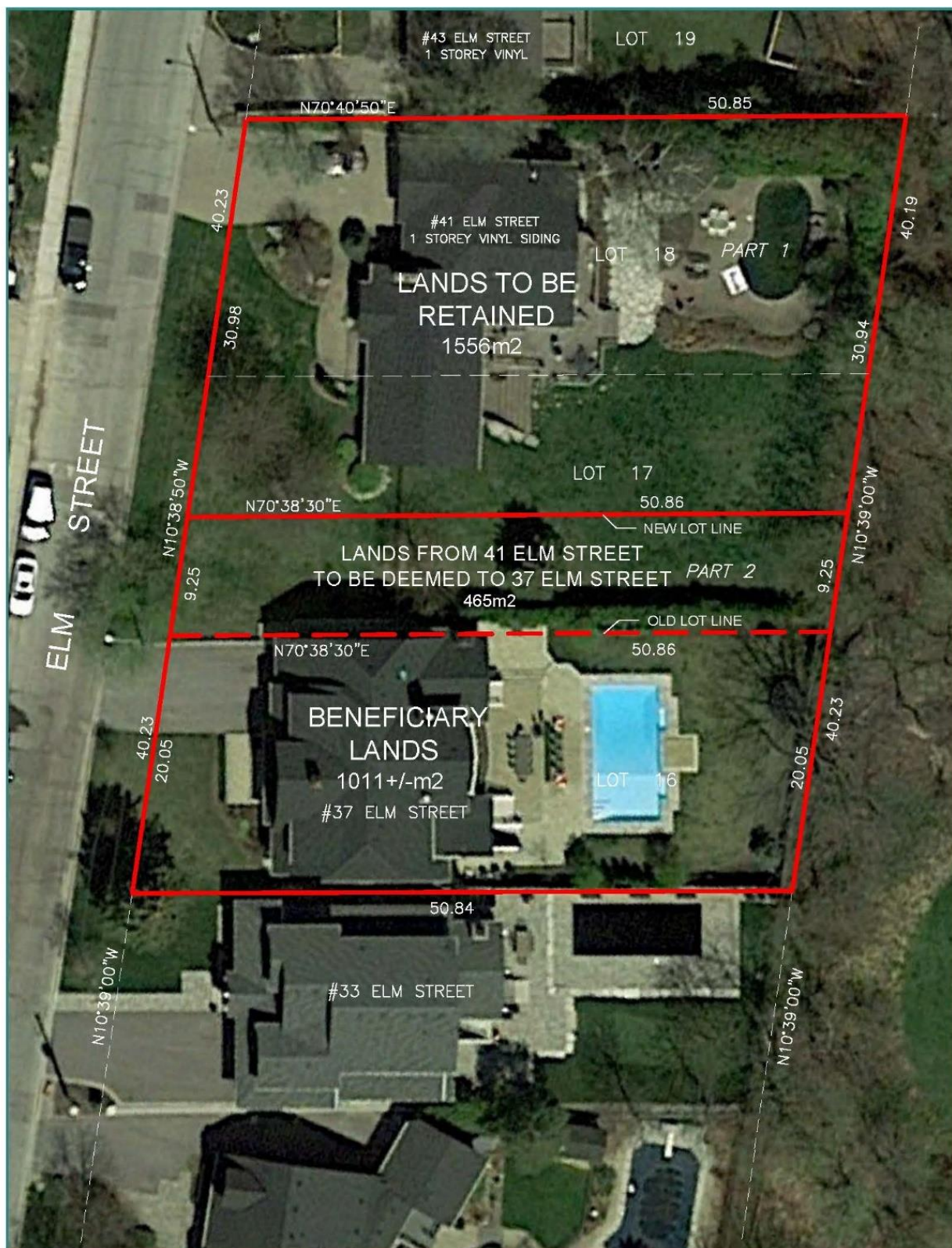


Figure 3. Proposal



MEMORANDUM

To: Mayor and Members of Council

From: Brian Lee, Director, Engineering, Ext. 7507

Prepared by: Loy Cheah, Senior Manager, Transportation, Ext. 4838
David Porretta, Manager, Traffic Engineering, Ext. 2040

Date: November 9, 2020

Re: Traffic Operations Projects Update

RECOMMENDATIONS:

1. That the memorandum entitled, "Traffic Operations Projects Update" be received; and
2. That staff work with key stakeholders including the Cycling and Pedestrian Advisory Committee to develop an annual Open Streets program and to report back to Council prior to implementation; and
3. That the temporary parking prohibition on the west side of Main Street Unionville, between Station Lane and Carlton Road, be maintained on a permanent basis; and
4. That the temporary 30 km/h speed limit on Main Street Unionville, between Station Lane and Carlton Road, be made permanent as described in the attached by-law amendment; and
5. That the speed limit on Markham Main Street North between Bullock Drive/Parkway Avenue and Highway 7 be reduced from 50 km/h to 40 km/h, as described in the attached bylaw amendment; and further,
6. That staff be directed to do all things necessary to give effect to this resolution.

PURPOSE:

This memorandum provides Development Services Committee with an update on the City-wide traffic operations improvements that were implemented as directed by Council at its June 9, 2020 meeting. A number of next steps are recommended by staff.

BACKGROUND:

The COVID-19 pandemic has resulted in the closure of many businesses, schools and other public institutions. While operations at some sectors of the economy continue to be suspended, others were able to operate at a significantly reduced capacity, or have allowed their staff to work remotely. These changes have resulted in significant impacts on traffic and travel patterns.

In late April and early May 2020, as part of the City's annual traffic data collection program, data were collected on 57 individual road segments of the City's collector and arterial road system. When compared to data collected prior to the pandemic on the same road segments, traffic volumes saw a significant reduction between 22% and 93% depending on the location, or a 56% average reduction overall. Operating speeds were more highly variable and inconsistent, but with an average increase of 4% (or +2.2 km/h).

At the June 9, 2020 Council meeting, staff was directed to implement a series of traffic operations measures to support local businesses and encourage active modes of travel, while maintaining physical distancing guidelines during the COVID-19 pandemic. Initiatives were funded from account #640-101-5699-20032 (Active Transportation Awareness Program) to a maximum of \$65,000. This report provides an update on the following measures implemented:

- Close Enterprise Boulevard from Andre de Grasse Street to Main Street Unionville on Sundays and statutory holidays to provide additional space for active transportation, in consultation with Downtown Markham business owners
- Restrict access to local traffic only on Main Street Unionville between Fred Varley Drive and Carlton Road until October 31, 2020 in consultation with the Unionville Business Improvement Area (UBIA);
- Implement the Villages and Valley Walking and Cycling Loop proposal, in consultation with the relevant Ward Councillors;
- Explore additional opportunities for similar walking and cycling loop routes and potential weekend street closures for cycling activity in Thornhill and Milliken Mills.

DISCUSSION:

Attachment 'A' shows pictures of the aforementioned initiatives that have been implemented.

Enterprise Boulevard Closure attracted relatively high numbers of users

Enterprise Boulevard is a 4-lane major collector roadway. Due to the COVID-19 Pandemic, traffic volumes on Enterprise Boulevard decreased by approximately 70%. This afforded the City with an opportunity to promote active modes of travel along the corridor that currently has no dedicated cycling facility. This was accomplished through a full road closure of Enterprise Boulevard, between Andre de Grasse Street and Main Street Unionville, on every Sunday and statutory holiday between July 1st (Canada Day) and September 7th (Labour Day), a total of 13 closure days. Information about this initiative was made available on the City's web portal (www.markham.ca/getactive).

With limited opportunities due to public health guidelines, the Sunday and statutory holiday closures of Enterprise Boulevard were animated only by a bike tune-up booth and an active transportation information booth near the Andre de Grasse Street intersection. Markham Cycles staff and volunteers, supported by City staff, operated both booths. Statistics related to the bike tune-up booth between July 1 and September 7, 2020 inclusive are as follows:

| No. of sessions* | No. of visits to the booth | No. of bikes turned up | No. of volunteer hours contributed |
|------------------|----------------------------|------------------------|------------------------------------|
| 11 | 360 | 203 | 132 |

*13 planned, two cancelled due to inclement weather or Metrolinx construction

Following the end of the Enterprise Boulevard closures and due to demand for the service, staff worked with Markham Cycles to continue the bike tune-up program by operating the booth at various City parks on Saturdays from September 12 to October 17 inclusive.

Pedestrian and cyclist volumes were collected for a sampling of the closure dates and are summarized below.

Table 1: Enterprise Blvd, east of Andre de Grasse Street

| TIME | Eastbound | | Westbound | |
|---------------------|------------|-------------|------------|-------------|
| | Bicycles | Pedestrians | Bicycles | Pedestrians |
| Wednesday, July 1 | 115 | 77 | 124 | 77 |
| Sunday, July 5 | 127 | 74 | 167 | 81 |
| Sunday, August 2* | 54 | 34 | 49 | 35 |
| Monday, August 3 | 102 | 65 | 168 | 58 |
| Sunday, August 23 | 253 | 108 | 282 | 95 |
| Sunday, September 6 | 231 | 101 | 300 | 117 |
| Monday, September 7 | 52 | 84 | 54 | 65 |
| AVERAGE | 133 | 78 | 163 | 75 |

*Lower volumes due to inclement weather

Table 2: Enterprise Blvd, west of Main St Unionville

| TIME | Eastbound | | Westbound | |
|---------------------|-----------|-------------|------------|-------------|
| | Bicycles | Pedestrians | Bicycles | Pedestrians |
| Wednesday, July 1 | 95 | 55 | 92 | 58 |
| Sunday, July 5 | 75 | 49 | 121 | 65 |
| Sunday, August 2* | 33 | 24 | 20 | 20 |
| Monday, August 3 | 80 | 64 | 147 | 64 |
| Sunday, August 23 | 131 | 36 | 185 | 50 |
| Sunday, September 6 | 137 | 59 | 206 | 70 |
| Monday, September 7 | 34 | 56 | 34 | 59 |
| AVERAGE | 84 | 49 | 115 | 55 |

*Lower volumes due to inclement weather

Enterprise Boulevard closures are effective demonstrations of an “Open Streets” event

Such a road closure to promote and encourage active transportation and active lifestyle is commonly called “Open Streets” and is implemented in major cities around the world. For example, City of Toronto has an annual Open Streets event on Yonge Street (<https://www.openstreetsto.org>) and the City of Mississauga has implemented Open Streets during the pandemic.

In spite of the limited promotion and special attractions provided at the Enterprise Boulevard closures, the turnout was relatively high. Staff anticipates higher levels of public participation in an Open Streets event if it is planned with supportive agencies, local businesses and local community groups and promoted accordingly.

Given the direction from Council for staff to explore other opportunities for street closures for cycling in Thornhill and Milliken, staff recommends working with key stakeholders including the Cycling and Pedestrian Advisory Committee to develop an annual Open Streets program and to report back to Council prior to implementation.

Traffic and parking restrictions on Main Street Unionville were effective

In an effort to reduce traffic volumes on Main Street Unionville (Fred Varley Drive to Carlton Road) and to create a more pedestrian friendly environment, staff developed a traffic management plan in consultation with the Ward Councillor and Unionville BIA. This plan incorporated a number of measures to discourage non-local (or through traffic) from using this section of Main Street Unionville. Measures included the following:

- Restricted parking on both sides of Main Street Unionville, allowing more space for pedestrians to maintain physical distancing;
- Implemented temporary road narrowings (or bump-outs) and “Road Closed – Local Traffic Only” signs at Fred Varley Drive and Carlton Road to discourage through traffic and reduce speeds entering the village core;
- Temporarily reduced the posted speed limit to 30 km/h;
- Implemented a detour plan to direct non-local traffic to use the parallel laneway to the east of Main Street Unionville; and further,
- Implemented road narrowings (or bump-outs) adjacent to the Unionville Arms and Starbucks establishments to facilitate patio extensions into the municipal boulevard and to act as additional traffic calming measures.

Information about this initiative was made available on the City’s web portal (www.markham.ca/getactive).

Prior to the implementation of these measures, the average daily traffic (ADT) volume and operating speed were 5,500 vehicles and 37 km/h, respectively. Since the implementation of these measures, average daily traffic (ADT) volume has decreased by 31% to 3,800 vehicles while the average operating speed has also decreased by 5% to 35 km/h.

Recognizing that it is not practical to fully prohibit or enforce the non-local traffic restriction, not all motorists complied with the restriction or utilized the detour. However, the data does indicate that the measures implemented were effective in reducing traffic volumes and vehicle speeds, thereby creating a more conducive environment for pedestrians.

Staff will work with key stakeholders to define the traffic restriction measures on Main Street Unionville going forward

Engineering and Operations staff will work with the Ward Councillor, UBIA and local businesses employing the patio extension bylaw (if it is still applicable) to develop a new traffic management plan for Main Street Unionville for the 2021 Summer season.

Maintaining the parking prohibition and 30 km/h speed limit on a permanent basis is recommended on Main Street Unionville

This section of Main Street Unionville has several unique characteristics. Namely, a narrow road width, a boulevard that has competing uses, high pedestrian volumes and numerous private entrances that create the risk of conflicts among all road users. As such, staff recommend that the parking prohibition on the west side of Main Street and the temporary 30 km/h speed limit be made permanent, in order to enhance safety for all road users. The proposed speed limit by-law amendment is appended as Attachment 'B'.

Staff recommend a 40 km/h speed limit on Main Street Markham, between Bullock Drive & Highway 7

Main Street Markham, between Bullock Drive and Highway 7, has somewhat similar operating characteristics as Main Street Unionville. No temporary traffic calming measures were deployed here as part of the City's pandemic response. This section of Main Street Markham was redesigned and reconstructed to its current configuration in 2014. The current speed limit is 50 km/h, with an operating speed of 49 km/h near Highway 7 and 53 km/h near Bullock Drive. Due to the high pedestrian volume, active street-parking activity and numerous private entrances through this corridor, staff are recommending that the speed limit along this portion of Main Street Markham be reduced to 40 km/h. The proposed speed limit by-law amendment is appended as Attachment 'B'.

Development & Implementation of Walking & Cycling Loops

In September 2020, staff implemented a new 12 km active transportation loop, named the Villages & Valley Loop (see Attachment "B"). This loop connects Main Street Unionville to Main Street Markham, making it easier and safer for cyclists and pedestrians to travel in between these two village hubs by using portions of the Rouge Valley Trail system, Carlton Road and Raymerville Drive. Both Main Streets are also connected to the trails of the Rouge Valley Trail System, effectively allowing users to travel between the old villages of Markham and Unionville while enjoying natural areas and neighbourhoods in the City. Information about this initiative is available on the City's web portal (www.markham.ca/getactive)

Cycling Loops in the Milliken and Thornhill communities are currently in development. Subject to 2021 budget approval, branding, pavement markings and signage of these loops will be implemented in 2021.

FINANCIAL IMPLICATIONS:

The different initiatives summarized within this memorandum cost a total of \$61,350, inclusive of HST, which came under the approved \$65,000 budget, and is described below:

- Main Street Unionville initiatives - \$9,200
- Enterprise Road Closure - \$38,600
- Villages & Valley Walking & Cycling Loop - \$9,400
- Traffic Counts & Monitoring - \$3,100
- Mobile Sign Advertisements - \$1,050

Financial impacts associated with changing the posted speed limits on Main Street Unionville and Main Street Markham will not exceed \$1,000, can be absorbed through existing capital budgets and has no operational impacts.

ATTACHMENTS:

- A – Pictures of Initiatives
- B – Speed Limit By-law Amendment

C – Villages & Valley Walking & Cycling Loop

Attachment 'A' – Pictures of Initiatives

Main Street Unionville Traffic Restriction



Enterprise Boulevard Closure



Villages & Valley Loop



Markham Cycles' Saturdays in the Park program





BY-LAW NUMBER _____

TO AMEND BY-LAW 2017-104

BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM THAT SPEED LIMIT BY-LAW 2017-104 BE AND THE SAME IS HEREBY AMENDED AS FOLLOWS:

1. That Schedule “B” of Speed Limit By-law 2017-104, pertaining to a 50 km/h maximum rate of speed, be amended to rescind the following:

| <u>COLUMN 1</u> | <u>COLUMN 2</u> | <u>COLUMN 3</u> |
|------------------|-------------------------|-----------------|
| <u>HIGHWAY</u> | <u>FROM</u> | <u>TO</u> |
| Main St. Markham | 16 th Avenue | Highway 7 |

2. That Schedule “A” of Speed Limit By-law 2017-104, pertaining to a 40 km/h maximum rate of speed, be amended to rescind the following:

| <u>COLUMN 1</u> | <u>COLUMN 2</u> | <u>COLUMN 3</u> |
|---------------------|-----------------|-----------------|
| <u>HIGHWAY</u> | <u>FROM</u> | <u>TO</u> |
| Main St. Unionville | Rosemead Close | Highway 7 |

3. That a new Schedule “D” of Speed Limit By-law 2017-104, pertaining to a 30 km/h maximum rate of speed, be created and amended to include the following:

| <u>COLUMN 1</u> | <u>COLUMN 2</u> | <u>COLUMN 3</u> |
|---------------------|-----------------|-----------------|
| <u>HIGHWAY</u> | <u>FROM</u> | <u>TO</u> |
| Main St. Unionville | Carlton Road | Station Lane |

4. That Schedule “A” of Speed Limit By-law 2017-104, pertaining to a 40 km/h maximum rate of speed, be amended to include the following:

| <u>COLUMN 1</u> | <u>COLUMN 2</u> | <u>COLUMN 3</u> |
|---------------------|-----------------|-----------------|
| <u>HIGHWAY</u> | <u>FROM</u> | <u>TO</u> |
| Main St. Markham | Bullock Drive | Highway 7 |
| Main St. Unionville | Rosemead Close | Carlton Road |
| Main St. Unionville | Station Lane | Highway 7 |

ATTACHMENT ‘B’

5. That Schedule “B” of Speed Limit By-law 2017-104, pertaining to a 50 km/h maximum rate of speed, be amended to include the following:

| <u>COLUMN 1</u> | <u>COLUMN 2</u> | <u>COLUMN 3</u> |
|------------------|-------------------------|-----------------|
| <u>HIGHWAY</u> | <u>FROM</u> | <u>TO</u> |
| Main St. Markham | 16 th Avenue | Bullock Drive |

The By-Law shall come into force and effect upon receiving the third reading by the Council of the City of Markham and also when authorized signs have been erected.

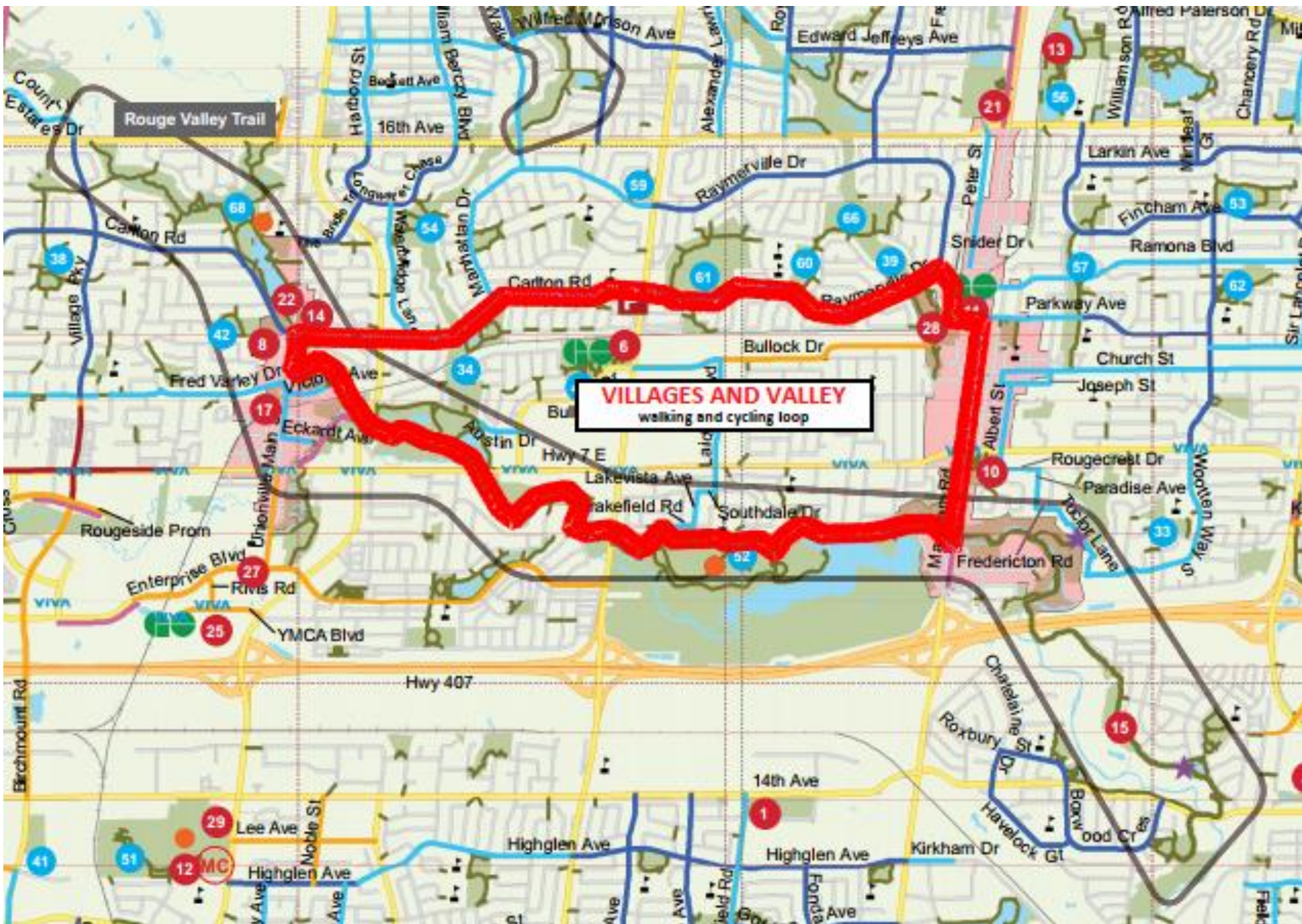
READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS_____

DAY OF _____, 2020.

KIMBERLY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

VILLAGES & VALLEY



Villages & Valley
Walking & Cycling
Loop
Route Map



Report to: Development Services Committee

Meeting Date: November 9, 2020

SUBJECT: Highway 404 Mid-block Crossing, North of 16th Avenue and Cachet Woods Court Extension – Project Update and Property Acquisition for lands on Cachet Woods Court, Markland Street and Orlando Avenue (Ward 2)

PREPARED BY: Andrew Crickmay, Senior Capital Works Engineer, Ext. 2065
Marija Ilic, Manager, Infrastructure and Capital Works, Ext. 2136

REVIEWED BY: Alain Cachola, Senior Manager, Infrastructure and Capital Projects, Ext. 2711

RECOMMENDATION:

1. That the report titled “Highway 404 Mid-block Crossing, North of 16th Avenue and Cachet Woods Court Extension – Project Update and Property Acquisition for lands on Cachet Woods Court, Markland Street and Orlando Avenue (Ward 2)”, be received; and
2. That staff be authorized to issue a purchase order to the Regional Municipality of York (“York Region”) in the amount of \$4,578,870.88, inclusive of HST impact, for Markham’s share of the cost for properties required for the project; and
3. That the Engineering Department Capital Administration fee in the amount of \$91,577.42, be transferred to revenue account 640-998-8871 (Capital Administration Fee); and
4. That the purchase order and capital administration fees be funded from Capital Project #19035 (Hwy. 404 Midblock Crossing, North of 16th Avenue & Cachet Woods), which currently has an available funding of \$4,718,716.00; and
5. That the remaining funds of \$48,267.70 be kept in the account to cover any additional cost for the project; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to obtain Council approval to:

- Issue as Purchase Order to the Regional Municipality of York (“York Region”) for Markham’s share of the cost of the properties to be acquired by York Region (\$4,578,870.88) from Capital Project #19035;
- Transfer the Capital Administration Fee (\$91,577.42) to the Department’s revenue account 640-998-8871;

BACKGROUND:

In 2012, City of Markham Council endorsed a study prepared for York Region, City of Markham (“Markham”) and City of Richmond Hill (“Richmond Hill”) that confirmed the need for crossings of Highway 404 to support future growth. These new east-west collector roads over Highway 404 are identified in the Markham’s and York Region’s Official Plans and will be owned by the respective local municipalities. The roads serve to connect communities and street networks across Highway 404, and allow local trips to be alleviated from Regional east-west arterial roads. These collector roads over Highway 404 are funded from development charges and are included in Markham, Richmond Hill and Region of York Development Charges Background Studies.

The first of the crossings (north of Highway 7) was constructed and opened to the public in 2018 (Norman Bethune Avenue). York Region completed Environmental Assessment (“EA”) Studies for the remaining Highway 404 mid-block crossings (north of 16th Avenue, north of Major Mackenzie Drive E., and north of Elgin Mills Road), and is currently undertaking detailed design for the crossing north of 16th Avenue.

The EA study for the mid-block crossing north of 16th Avenue was undertaken by York Region in consultation with Markham and Richmond Hill. The EA recommended preferred alignment (Attachment “A”) of the east-west road from Woodbine Avenue in Markham to Leslie Street in Richmond Hill, with an overpass at Highway 404. York Region presented the EA to DSC on February 17, 2015. York Region started the road design in 2016, which is currently scheduled to be completed in Q2 2021. Construction of this mid-block crossing is identified in York Region’s Infrastructure Acceleration Reserve to be expedited in 2022.

OPTIONS/ DISCUSSION:

The EA Study identified property requirements and further refined the areas needed for the project through detailed design. York Region has commence the acquisition process, and is consulting with the affected property owners, both within the City of Markham and City of Richmond Hill. York Region staff has been in consultation with Markham staff on the property transactions for the project as Markham is a funding partner.

York Region Policy for Cost Sharing

In accordance with York Region’s Policy for funding Collector Road Crossings of 400-Series Highways, York Region, Markham, and Richmond Hill will equally share the cost of required property between Vogell Road in Richmond Hill and Cachet Woods Court in Markham (“Equal Shared Portion”). The balance of the property required east of Cachet Woods Court is to be funded 100% by Markham (“100% Markham Portion”). Similarly, the property required west of Vogell Road in Richmond Hill will be funded 100% by Richmond Hill.

Markham’s share for the Equal Shared Portion is further discussed in the “*Highway 404 Mid-block Crossing, North of 16th Avenue and Cachet Woods Court Extension – Project Update and Property Acquisition (Ward 2)*”, DSC report dated October 15, 2019.

Markham's share for the EAs and detailed design is further discussed in the "*Hwy 404 Mid-Block Crossing Cost Sharing with York Region (North of 16th Avenue, North of Major Mackenzie Drive and North of Elgin Mills Road (Ward 2)*", DSC report dated October 15, 2019.

Property Acquisition

In 2018, York Region purchased lands owned by the DG Group immediately east of Highway 404 (Attachment "B"). The total area of land that York Region acquired from the developer was 10.58 acres.

York Region is currently in the process of acquiring the lands on Cachet Woods Court (100% Markham Portion), Markland Avenue, east of Cachet Woods Court (100% Markham) and Orlando Avenue, east of Vogell Road (33% Markham). The location of the lands are identified in Attachment 'B'. The property purchase prices have been reviewed by Real Estate staff and are found to be reasonable. Staff recommend that Markham issue a Purchase Order to York Region to cover the cost of the lands to be funded 100% by Markham, in accordance with the City of Markham Purchasing By-law.

Construction Timetable

In 2015, the recommended road alignment was presented by York Region to Markham's Council prior to filing the EA. Council recommended that "staff report back on advancing the design and construction of the section of road and the bridge over the Rouge River, west of Markland Street to Cachet Woods Court".

York Region's current Infrastructure Acceleration Reserve recommends that the project be constructed starting in 2022. Due to the ongoing road widening work by the Ministry of Transportation ("MTO") on Highway 404, York Region may not be able to commence construction over Highway 404 until MTO has completed its contract in 2024. York Region is working closely with MTO to review the current MTO work, and how the proposed Highway 404 Mid-block Crossing work will be scheduled.

Staff will continue to work with York Region on finalizing the detailed design, and identifying any delays in starting construction. Staff will report back and seek Council's authority if the construction of the extension of Cachet Woods Court and the municipal road crossing over Rouge River to Woodbine Avenue is to be advanced.

Tri-Party Agreement

York Region, Richmond Hill and Markham will enter into an agreement to govern the design of the Highway 404 Mid-block Crossing, North of 16th Avenue and Cachet Woods Court Extension and property acquisition required for this project. This agreement will also set out the cost sharing obligations for the property acquisition costs relating to the project. Staff has received authority from Council to enter into the tri-party agreement as noted in the "*Highway 404 Mid-block Crossing, North of 16th Avenue and Cachet Woods Court Extension – Project Update and Property Acquisition (Ward 2)*", DSC report dated October 15, 2019.

FINANCIAL CONSIDERATIONS

The Following table outlines the property cost and fees for the acquired lands:

| Description | Cost | Cost Share | | |
|--|------------------------|------------------------|-----------------------|-----------------------|
| | | Markham | York | Richmond Hill |
| Lands on Cachet Woods Crescent | \$ 348,403.81 | \$ 348,403.81 | | |
| Lands on Markland Street (east of Cachet Woods Crescent) | \$ 1,684,190.44 | \$ 1,684,190.44 | | |
| Lands on Orlando Avenue (east of Vogell Road) | \$ 7,047,301.10 | \$ 2,349,100.37 | \$2,349,100.37 | \$2,349,100.37 |
| Total Cost: | \$ 9,079,895.36 | \$ 4,381,694.63 | \$2,349,100.37 | \$2,349,100.37 |
| York Region Fees: | \$ 408,595.29 | \$ 197,176.26 | \$105,709.52 | \$105,709.52 |
| Sub-Total: | \$ 9,488,490.65 | \$ 4,578,870.88 | \$2,454,809.88 | \$2,454,809.88 |
| Markham's Fee: | \$ 91,577.42 | \$ 91,577.42 | \$0.00 | \$0.00 |
| Cost of Current Acquisition: | \$ 9,580,068.07 | \$ 4,670,448.30 | \$2,454,809.88 | \$2,454,809.88 |

Capital Account #19035 (Hwy 404 Midblock Crossing, N of 16th Ave & Cachet Woods) currently has an available funding of \$4,718,716.00. Staff recommend that a Purchase Order in the amount of \$4,578,870.88' inclusive of York Region's fees, land transfer tax, due diligence costs, legal fees, disbursements and HST impact. Staff also recommend that the remaining funds of \$ 48,267.70, be kept in the account to cover any remaining cost for this project.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed work for the mid-block crossings are required to continue to accommodate development in the City of Markham and southern York Region. As such, the recommendations align with the City's Strategic Plan goals of "Safe & Sustainable Community" and "Stewardship of Money & Resources".

BUSINESS UNITS CONSULTED AND AFFECTED:

The Legal Department and Finance Department were consulted and their comments have been addressed in this report.

RECOMMENDED BY:

Brian Lee, P. Eng.
Director of Engineering

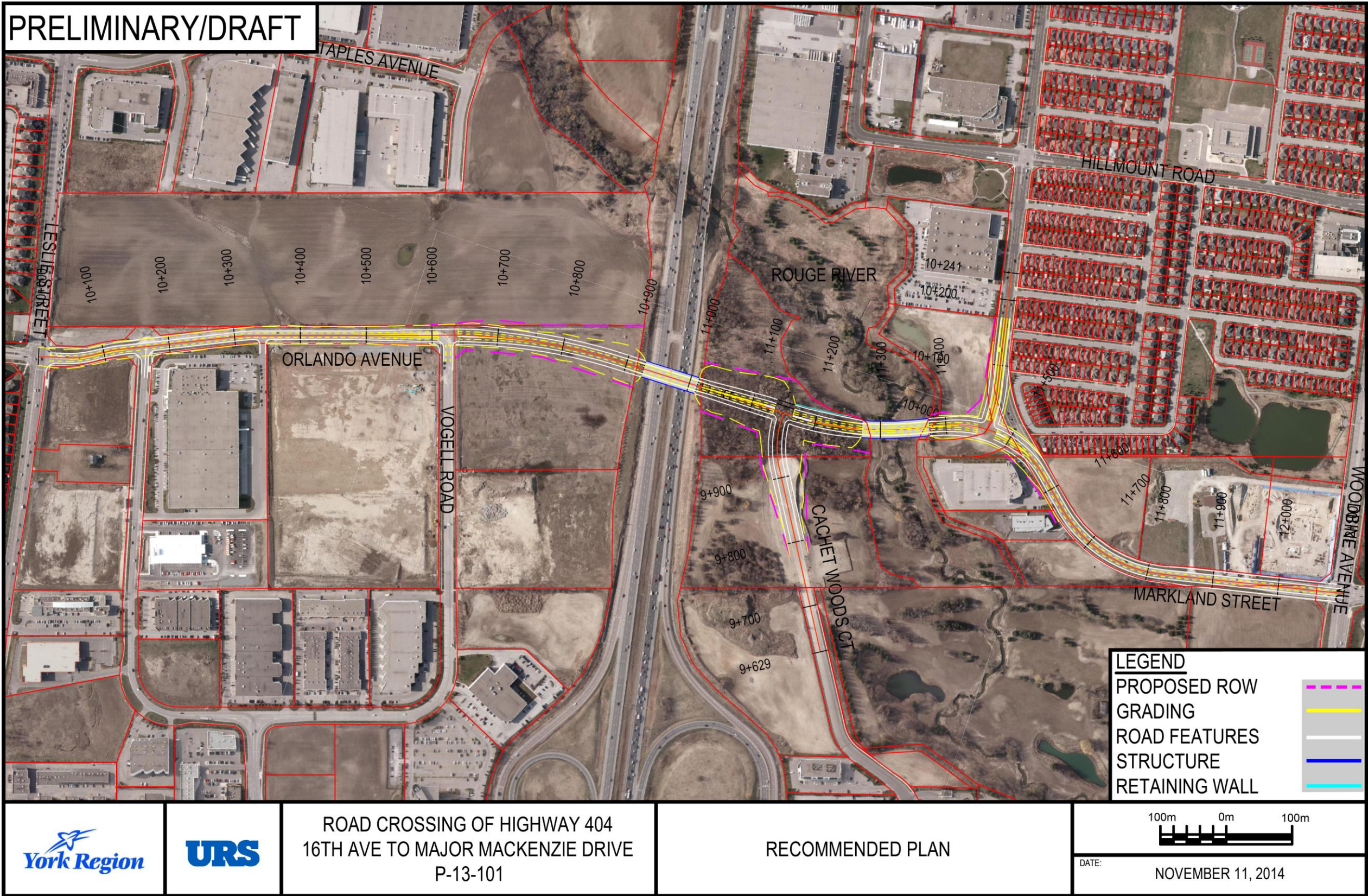
Arvin Prasad, MCIP, RPP
Commissioner, Development Services

ATTACHMENTS:

Attachment 'A' – Mid-block Crossing Preferred Alignment

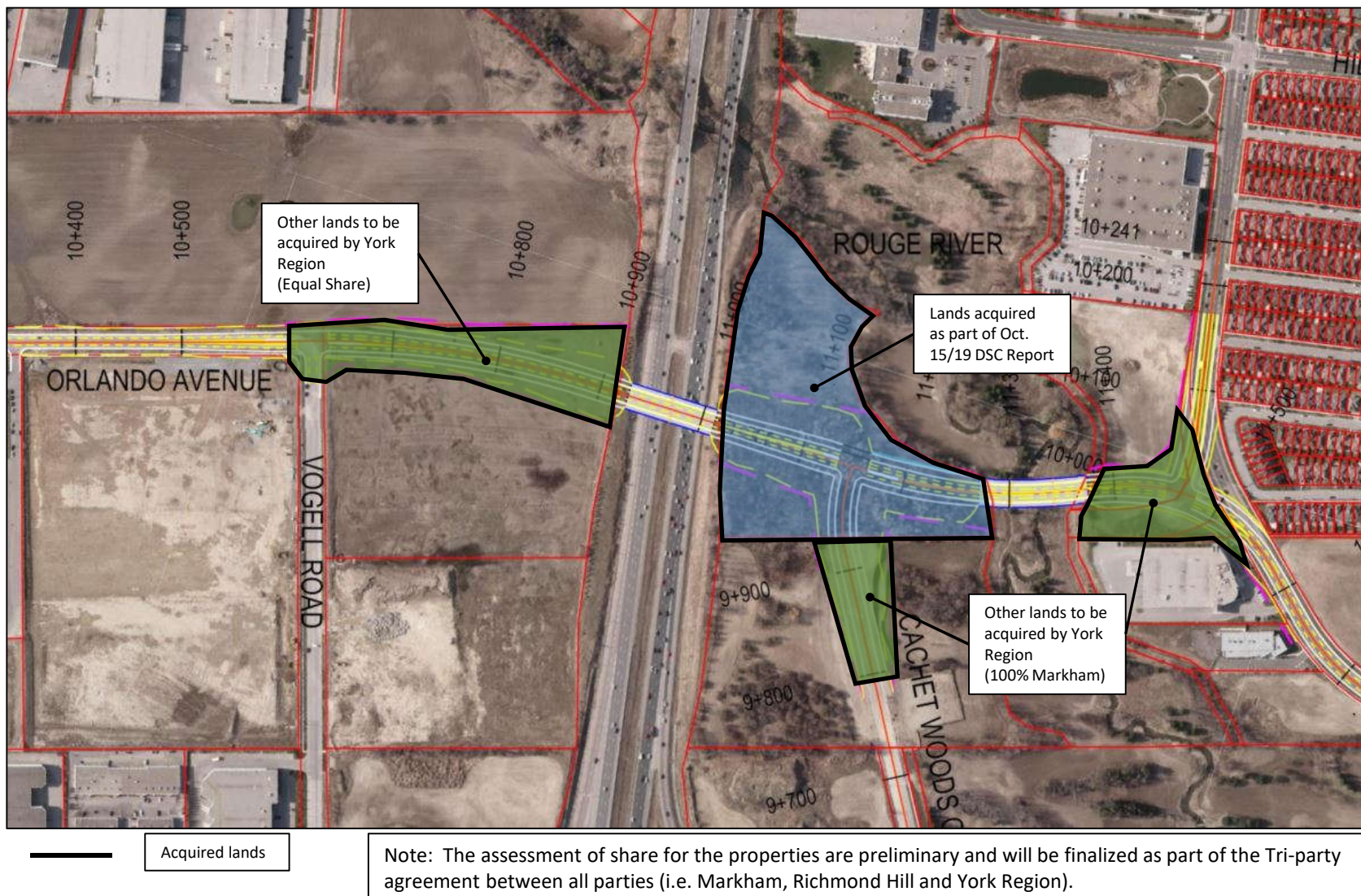
Attachment 'B' – Property acquired by York Region

Figure 7-9: Preferred Alternative Design



ATTACHMENT B – Property Acquired by York Region

(Excerpt from York Region Mid-block crossing north of 16th Avenue Recommended Plan)





Report to: Development Services Committee

Meeting Date: November 9, 2020

SUBJECT: Award of RFP 037-R-20 Consulting Engineering Services for the Detailed Design of the 2020 Sidewalk Program (Wards 1, 2, 7 and 8)

PREPARED BY: Mark Siu, Senior Capital Works Engineer, Ext. 2625
Marija Ilic, Manager, Infrastructure and Capital Works, Ext. 2136

REVIEWED BY: Alain Cachola, Senior Manager, Infrastructure and Capital Works, Ext. 2711

RECOMMENDATION:

1. That the report entitled "Award of RFP 037-R-20 Consulting Engineering Services for the Detailed Design of the 2020 Sidewalk Program (Wards 1, 2, 7 and 8) be received; and,
2. That the contract for RFP 037-R-20 Consulting Engineering Services for the 2020 Sidewalk Design be awarded to the highest ranked, second lowest priced bidder, Accardi Schaeffers & Associates Ltd. in the amount of \$516,833.96, inclusive of HST; and,
3. That a 10% contingency in the amount of \$51,683.40, inclusive of HST, be established to cover any additional costs to deliver the design 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 an allowance in the amount of \$4,070.40, inclusive of HST, be established for permits and additional fees (i.e. TRCA review fees) that may be required as part of the work, and,
5. That the Engineering Department Capital Administration and Contract Admin Fee in the amount of \$103,277.60, inclusive of HST, be transferred to Revenue Account 640-998-8871 (Capital Admin Fees); and,
6. That the project cost of \$675,865.36 (\$516,833.96 + \$51,683.40 + \$4,070.04 + \$103,277.60), inclusive of HST, be funded from capital accounts 083-5350-20045-005 (Sidewalk Program (Design)) and 083-5350-20049-005 (Streetlighting Program (Design)) with available budget of \$675,900.00; and,
7. That the remaining budget in the amount of \$34.64 be returned to the original funding source; and further,
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to obtain Council approval to award contract 037-R-20 for Consulting Engineering Services for the Detailed Design of the 2020 Sidewalk Program (“2020 Sidewalk Program”).

BACKGROUND:

On December 12, 2018, Council approved [Arterial and Collector Road Sidewalk Completion Programs, All Wards](#), report to carry out the annual sidewalk capital program (“The Program”) to close sidewalk network gaps on arterial and collector roads over the period of 2019 to 2028. In 2019, staff awarded the contract for detailed design for 5.6 km of sidewalk network gaps within Wards 1, 3, 4, 5, and 8, with construction commencing spring of 2021.

To provide for a safe and illuminated environment for pedestrians, the Program also reviews the existing street lighting to ensure illumination levels meet the current City’s design criteria.

The 2020 Sidewalk Program (Design) is the second annual sidewalk detailed design award under the Program.

OPTIONS/ DISCUSSION:

The 2020 Sidewalk Program summarized in **Table 1** includes the detailed design of sidewalks for approximately 5.5 km of sidewalk network gaps within Wards 1, 2, 7, and 8.

Table 1: 2020 Sidewalk Program

| Road Section | Sidewalk Information | | |
|---|----------------------|-------------|---------|
| | Ward | Length (m) | Side |
| Aileen Road - John Street to Green Lane | 1 | 370 | W |
| Elgin Street Henderson Avenue to 360 metre west of Henderson Avenue | 1 | 360 | N |
| Henderson Avenue - Steeles Avenue to Grandview Avenue | 1 | 320 | E |
| Willowdale Boulevard -Steeles Avenue to Grandview Avenue | 1 | 350 | W |
| Allstate Parkway - Centurian Drive to Tiverton Court | 2 | 375 | E |
| Frontenac Drive - Highway 7 to Centurian Drive | 2 | 480 | W & E |
| Valleywood Drive - Allstate Boulevard Renfrew Drive | 2 | 650 | N |
| 14th Avenue - 100 m west of Markham Road to Markham Road | 7 | 100 | S |
| Cochrane Drive - Perth Avenue to Cochrane Drive | 8 | 1650 | Outside |
| Commerce Valley Drive West - Leslie Avenue to Highway 7 | 8 | 650 | N & E |
| Lanark Road - Cochrane Drive to Woodbine Avenue | 8 | 160 | N |
| Woodbine Avenue - Steeles Avenue to 68 meters north of Steeles Avenue | 8 | 70 | W |
| Total | | 5535 | |

A review of the City's database of existing street lighting deficiencies were undertaken prior to the release of the 2020 Sidewalk Program. The review identified that all segments with sidewalk gaps (except Woodbine Avenue) require illumination upgrades to conform with the City's design criteria. Streetlighting design will also be completed along the road sections in Table 3, except for Henderson Avenue where the limit is extended to Doncaster Avenue, and for Elgin Street, where limit is extended to Albion Close. The Consultant will confirm the deficiency in the existing lighting levels at the beginning of the project.

Bid Information (037-R-20)

| | |
|--------------------------------|--------------------|
| Bid closed on | September 30, 2020 |
| Number picking up bid document | 7 |
| Number responding to bid | 5 |

Proposal Evaluation

The Evaluation Team was comprised of staff from the Engineering Department and facilitated by staff from the Finance Department. The technical evaluation was based on pre-established evaluation criteria as outlined in the Request for Proposal: 10% qualifications and experience of the consulting firm, 15% qualifications and experience of the project manager and team, 20% demonstrated understanding of the project, 25% project methodology, schedule and work plan, and 30% price, totaling 100%.

| Bidder | Total Score (out of 100) | Rank Results |
|--------------------------------------|-------------------------------------|---------------------|
| Accardi Schaeffers & Associates Ltd. | 84.87 | 1 |

Note: Bid prices ranged from \$415,445 to \$704,515 (Incl. of HST).

Staff is recommending the highest ranked / 2nd lowest priced bidder as their proposal demonstrated their experience and capability to undertake projects of similar size and scope. They have a comprehensive understanding of the project requirements and provided a thorough methodology and work plan.

FINANCIAL CONSIDERATIONS:

| | | |
|--------------------|----------------------|--|
| Budget available | \$ 485,500.00 | 083-5350-20045-005 Sidewalk Program (Design) |
| | \$ 190,400.00 | 083-5350-20049-005 Streetlighting Program (Design) |
| | \$ 675,900.00 | Total |
| Less cost of award | \$ 471,041.96 | Consulting Services (Incl. of HST) |
| | \$ 45,792.00 | Allowances* |
| | \$ 516,833.96 | Bid Price (Incl. of HST) |
| | \$ 51,683.40 | Contingency @ 10% |
| | \$ 568,517.36 | Cost of Award (Incl. of HST) |

| | | |
|------------------------------|----------------------|---|
| | \$ 4,070.40 | Permits / Additional Fees ** |
| | \$ 103,277.60 | Engineering Fees |
| | \$ 675,865.36 | Total Project Cost |
| Budget remaining after award | \$ 34.64 | To be returned to original funding source |

* The allowances will cover the requirement for Level 'A' subsurface utility engineering (SUE) and contract administration assistance.

** Permits and additional fees include TRCA review fees

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The recommendations contained in this report align with the strategic focus for a Safe & Sustainable Community, through the ongoing management of the City's transportation network. This recommendation is also consistent with the policies of the City Official Plan.

BUSINESS UNITS CONSULTED AND AFFECTED:

Finance department was consulted and their comments have been addressed in this report.

RECOMMENDED BY:

Brian Lee, P.Eng.
Director of Engineering

Arvin Prasad, MCIP, RPP
Commissioner, Development
Services

Report to: General Committee

Meeting Date: November 16th, 2020

SUBJECT: 2021 Interim Tax Levy By-law
PREPARED BY: Shane Manson, Senior Manager, Revenue & Property Tax

RECOMMENDATION:

- 1) That the report “2021 Interim Tax Levy By-law” be received; and,
- 2) That Council authorize an interim tax levy for 2021; and,
- 3) That the attached by-law be passed to authorize the 2021 interim tax levy; and,
- 4) That staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to seek authority from Council for the City of Markham to levy an interim property tax levy for the 2021 taxation year. The purpose of an interim property tax levy is to provide the necessary cash flow to meet the City’s own needs and its financial obligations to the Region of York and the Province of Ontario for education purposes.

BACKGROUND:

Section 317 of the *Municipal Act, 2001 (The Act)*, allows a local municipality to levy on all taxable properties, an interim tax levy prior to the adoption of the final budget for each tax year. The maximum allowable interim levy is fifty (50) per cent of the prior year’s annualized taxes. Annualized taxes reflect taxes levied against the property at final billing, including all tax adjustments due to supplementary assessment and resulting from assessment appeals. For properties that are new to the assessment roll for the current year, and were not assessed in prior year, fifty per cent of the previous year’s tax rate for the properties applicable tax class will be applied to the property’s assessed value to generate an interim levy.

The Act requires that an interim tax levy by-law be passed in the year to which it applies or in November or December of the previous year, provided that the by-law does not come into effect until a specified day in the applicable year

OPTIONS/ DISCUSSION:

The interim tax levy by-law provides for the levy of interim taxes for the 2021 taxation year as authorized under the authority of Section 317 of the *The Act*. Consistent with the City’s practice in previous years, the 2021 interim tax levy will be payable in equal installments, based on the billing plan applicable to each property. These instalment dates have been included in the attached by-law. The 2021 final tax rates will be established

following the approval of the budgets of the City of Markham, York Region and of the Province. The interim levy will be deducted from the final levy.

FINANCIAL CONSIDERATIONS

The interim levy by-law is required to provide for the revenue requirements of the City of Markham prior to the final tax by-law that will incorporate the budgets of the Region of York and of the Province.

The interim levy will generate approximately \$378 million, plus the revenue generated from all new properties added to the assessment roll. Properties that are new to the assessment roll will have fifty per cent of the previous year's tax rate applied to the property's assessed value, based on the properties applicable tax class, to generate an interim levy.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable.

RECOMMENDED BY:**X**

Joel Lustig
Treasurer

X

Trinela Cane
Commissioner, Corporate Services

ATTACHMENTS:

Appendix A: By-Law to Provide for an Interim Tax Levy in 2021

Appendix A: By-Law to Provide for an Interim Tax Levy in 2021

**THE CORPORATION OF THE CITY OF MARKHAM
BY-LAW NO. 2020-XXX**

BEING A BY-LAW TO PROVIDE FOR AN INTERIM TAX LEVY IN 2021

WHEREAS Section 317(1) of the *Municipal Act, 2001*, S.O. 2001, C.25, provides that the Council of a local municipality may, before the adoption of the annual estimates for 2020, pass a by-law to levy on the whole of the assessment for taxable property for local municipal purposes;

AND WHEREAS the Council of The Corporation of the City of Markham wishes to impose an interim tax levy, as authorized by *Municipal Act, 2001*, S. O. 2001, c. 25, as amended;

AND WHEREAS section 342 of the *Municipal Act, 2001* authorizes a Council to pass by-laws for the payment of taxes by instalments and the date or dates in the year for which the taxes are imposed on which the taxes or instalments are due;

AND WHEREAS section 345 of the *Municipal Act, 2001* authorizes a local municipality to pass by-laws to impose late payment charges for the non-payment of taxes or any instalment by the due date;

AND WHEREAS the Council of The Corporation of the City of Markham, considers it necessary to implement a Property Tax Payment Deferral Program to assist taxpayers with the economic and financial recovery from the COVID-19 pandemic by providing a tax deferral program to provide time extensions without late payment charges to taxpayers;

AND WHEREAS the Treasurer has established criteria for Property Tax Payment Deferral Program to assist financially impacted taxpayers as soon as possible and without an undue administrative burden in accordance with Council's authority under Section 342 of the *Municipal Act, 2001*.

NOW THEREFORE the Council of the Corporation of the City of Markham enacts as follows:

1. **THAT** the Council of The Corporation of The City of Markham hereby imposes an interim levy in 2021 in an amount of fifty (50) per cent of the prior year's annualized taxes;
2. **THAT** the taxes may be levied by this by-law on a property that is taxable for local municipal purposes for the current tax year, even if the property was not taxable for local municipal purposes for the prior tax year, including assessment of property that is added to the assessment roll after the by-law is passed at a rate not to exceed fifty (50) per cent of the previous year tax rate for the property class in which the property is assessed;

-
3. **THAT** the interim taxes levied by this by-law shall be due and payable in equal instalments as per the following schedules:
- I. **MONTHLY RESIDENTIAL PRE-AUTHORIZED PAYMENT BILLS**
 - a. Due in five (5) equal instalments on the 1st day in each of the months of February, March, April, May and June of 2021.
 - II. **INSTALMENT PRE-AUTHORIZED PAYMENT BILLS**
 - a. Due in three (3) equal instalments on the 5th day of February 2021, 5th day of March 2021, and the 6th day of April 2021; or
 - b. Due in two (2) equal instalments on the 5th day of February 2021, and 5th day of March 2021.
 - III. **NON PRE-AUTHORIZED RESIDENTIAL, FARMLAND, AND PIPELINE BILLS**
 - a. Due in two (2) equal instalments on the 5th day of February 2021, and the 5th day of March 2021.
 - IV. **NON PRE-AUTHORIZED MULTI-RESIDENTIAL BILLS, AND ALL COMMERCIAL AND ALL INDUSTRIAL BILLS**
 - a. Due in two (2) equal instalments on the 5th day of February 2021, and 5th day of March 2021.
4. **THAT** as provided in Subsections 345(1) and (2) of the *Municipal Act 2001*, if the taxes or any class or instalment thereof so levied in accordance with this By-law remain unpaid following the due date, a penalty of one per cent (1.00%) on the fourth day default one point quarter per cent (1.25%) per month (15% per annum), on the first day each calendar month thereafter in which the default continues;
5. **THAT** for taxpayers who apply for and are approved before November 30, 2021 will be eligible to have late payment charges (*penalty and interest*) waived starting from the following month of application approval through December 31st, 2021; the Treasurer shall
- i. Establish an interest charge of zero percent (0%) on all property tax arrears for the period starting January 1, 2021 or application approval date to December 31, 2021;
 - ii. Establish a penalty charge of zero percent (0%) on all property tax arrears for the period starting January 1, 2021 or application approval date to December 31, 2021.
6. **THAT** the Treasurer of The Corporation of The City of Markham is hereby authorized and directed to serve personally or to mail or cause to be mailed notices of the taxes hereby levied to the person or persons taxed at the person's residence or place of business or upon the premises in respect of which the taxes are payable

by such person, or the ratepayer's mortgage company or third party designated by the property owner;

7. **THAT** payment of the taxes shall be paid to the Treasurer at the Municipal Offices, 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3;
8. **AND THAT** this By-law shall not take effect until January 1, 2021.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS XX^h DAY OF NOVEMBER, 2020.

X _____
KIMBERLEY KITTERINGHAM
CITY CLERK

X _____
FRANK SCARPITTI
MAYOR



Report to: General Committee

Meeting Date: November 16th, 2020**SUBJECT:** Property Tax Payment Deferral Program**PREPARED BY:** Shane Manson, Senior Manager, Revenue & Property Tax**RECOMMENDATION:**

- 1) That the report entitled Property Tax Payment Deferral Program be received; and,
- 2) That Council authorize a Property Tax Payment Deferral Program for the 2021 taxation year for eligible taxpayers; and,
- 3) That the 2021 Interim Tax Levy By-law include the necessary clauses to permit the waiving of late payment charges for the 2021 taxation year for eligible property owners of the Property Tax Payment Deferral Program, and further;
- 4) That staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to provide Council with information on;

1. The current status of property tax arrears for the 2020 taxation year, along with;
2. The recently announced relief measures for property owners included within the 2020 Provincial Budget; and,
3. A proposed temporary Property Tax Payment Deferral Program for property owners that have been financially impacted by the COVID-19 pandemic for the 2021 taxation year.

BACKGROUND:

On March 27th, Council approved a number of property tax and fee relief measures to help residents and businesses experiencing financial hardship due to the COVID-19 pandemic which included:

Residents

- Waived late payment charges for residential taxpayers to Dec 31st, 2020
- Eliminated of the 2020 Stormwater fee
- Maintained the April 1st, 2019 water rate

Businesses

- Waived late payment charges for non-residential taxpayers to Dec 31st, 2020
- Eliminated the 2020 Stormwater Fee, (\$560 for a property valued at \$2M)
- Maintained the April 1st, 2019 water rate
- Suspended the Municipal Accommodation Tax (MAT) to Dec 31st, 2020.

In addition to providing the property tax fee relief measures in March 2020, the City also paused its property tax collection processes, which included the issuance of arrears notices, along with suspension of the registration of properties for the tax sale process. The intent of this decision was to provide further time and relief to taxpayers that have been facing financial difficulties resulting from the pandemic. As with the other property tax fee relief measures that will recommence on January 1st, 2021, staff will be reinstating the City's tax collection and tax sale processes in the first quarter of 2021.

2020 Property Tax Collection

Each year, Markham issues two property tax bills to all property owners within the City. The interim tax bill, issued annually in January, is for the first half of the year's taxes. The final tax bill, issued annually at the end of May for residential properties and end of August non-residential properties, is for the second half of the year and is predicated on the annual tax rate approved by Council for that year.

Figure 1 below illustrates the overall collection results of the total taxes billed for the period 2016 through 2019. The four year average property tax collection rate is 96.5%.

| Figure 1: Summary of Total Taxes in Arrears (\$M) | | | | |
|--|--------------|--------------|--------------|--------------|
| Year | 2016 | 2017 | 2018 | 2019 |
| Total Taxes Levied | \$651.4 | \$680.8 | \$708.3 | \$740.1 |
| Total Taxes Arrears | \$25.2 | \$23.9 | \$23.8 | \$25.5 |
| % of Taxes Paid | 96.1% | 96.5% | 96.6% | 96.6% |

Figure 2 below illustrates the total number of properties with an outstanding property tax balance during the same period of 2016 through 2019.

| Figure 2: Summary of the Number of Properties with Tax Arrears | | | | |
|---|-------------|-------------|-------------|-------------|
| Year | 2016 | 2017 | 2018 | 2019 |
| Total # of Accounts | 108,210 | 110,055 | 112,713 | 114,238 |
| Total # Accounts with Arrears | 6,812 | 6,316 | 6,587 | 6,791 |
| % of Properties with Arrears | 6.3% | 5.7% | 5.8% | 5.9% |

For 2020, the City's property tax receivables have increased as a result of the impact of COVID-19 and the financial pressures faced by some residents and business owners. As of October 2020, the overall YTD collection result is 93.4%, leaving approximately \$44.8M of current year taxes outstanding from 12,124 properties. Staff are forecasting the overall year-end collection rate to be in the range of 92% - 95%. While this result would be lower than the 96.5% average collection received in previous years, the current results and year-end projection are significantly better than originally forecasted.

Property Tax Arrears

Given that property taxes form a first priority lien on the property, the City's tax receivables are secure with little or no risk of loss. The City has a detailed collection procedure to manage property tax accounts in arrears. Each year Staff actively engage with property owners that have unpaid amounts through a series of both automated and personal touchpoints, which ensure tax revenues are monitored and collected in a timely and effective manner.

The City issues property tax arrears notices to all taxpayers with an overdue amount in the spring and fall of each year. Although tax arrears notices were suspended on March 27th of this year, the final 2020 property tax bills distributed to all property owners in June and August 2020, included and noted any amounts that remained outstanding, along with the current year taxes levied for the final bill (for second half of the year).

In an effort to ensure property owners with an outstanding property tax balance are aware of the status of their account, staff mailed a reminder notice to each property owner on November 13th, 2020. As past experiences have shown, staff anticipate the City will receive payments toward the outstanding amounts, which will improve the overall collection results for the 2020 taxation year.

OPTIONS/ DISCUSSION:

The COVID-19 pandemic has created an unprecedented environment of economic uncertainty which has directly impacted many residents and business owners throughout the City and Province. While it is impossible to know what the financial effects will be on the community as we move into the 2021 taxation year, it is clear that the situation is very fluid and continuously changing.

This was even more apparent with the most recent Provincial announcement on October 16, 2020, that directed York Region (along with Peel, Toronto and Ottawa) to be placed back into a modified Stage 2 position. Further, on November 3, the Province announced that the Region of York would move from modified Stage 2 position to the new category of "Restrict (orange)" position which was implemented as part of the Provinces new COVID19 response framework.

Provincial Relief Measures for Property Owners

On November 10th, the Province released the 2020 Provincial Budget (Ontario's Action Plan: Protect, Support, Recover) in response to COVID-19 pandemic; notable highlights included:

1. Business Education Tax (BET) Reduction
2. New optional property subclass for "Small Business"
3. Seniors Home Safety Tax Credit

Further information of these relief measures is included below along with staff's initial response to the recent announcement.

1. Business Education Tax (BET) Reduction

Starting January 1, 2021, the Province stated that they will level the playing field by lowering high Business Education Tax (BET) rates for over 200,000 employers, or 94 per cent of all business properties in Ontario. This will create \$450 million in immediate annual savings and represents a reduction of 30 per cent for many businesses currently subject to the highest BET rate in the province.

Staff comments:

- There is currently a wide range of Business Education Tax (BET) rates across the province, reflecting historical assessment and tax inequities. Previous plans to reduce BET rates were to be phased in over a number of years but were never fully implemented, leaving a number of key regions of the province with high BET rates. As an example, the commercial Business Education rate in York Region is 0.89%, whereas in Toronto it is 0.98% and in London it is 1.25%.
 - Example (before): A commercial property with a \$1M CVA in York Region would pay \$8,900 ($\$1\text{M} \times 0.89\%$) in education taxes levies, whereas a commercial property in London would pay \$12,500 ($\$1\text{M} \times 1.25\%$) in education tax levies.
 - After reducing the BET rate to 0.88%, the same valued property would pay \$8,800 throughout the province. This would translate into a savings of \$100 for the York example and \$3,700 in London example noted above.
- It is anticipated that the Provincial announcement will provide York Region businesses owners a savings of approximately \$12,413,000. This translates into BET Tax Cut Percentage of 2% or \$5,105,000 for commercial property owners and 10% or \$7,308,000 for industrial property owners throughout the Region of York.

2. New Optional Property Subclass For “Small Business”

Beginning in 2021, municipalities will be able to adopt a new optional property subclass for small business properties. “Small Business” would be defined locally by the municipality. The small business property subclass will allow municipalities to target tax relief by reducing property taxes to eligible small business properties. The Province also indicated that they will consider matching these municipal property tax reductions to support small businesses.

Staff comments:

- In Ontario, tax policies are established annually by the upper-tier municipality, meaning that York Region Council would have to approve the adoption of this initiative based on input received from the lower-tier municipalities.
- While the new optional property class could allow for a reduction in property taxes for eligible small business properties, it would result in a shift in property tax burden to others. This means that a property tax reduction for the eligible small businesses would have to be offset by an increase to others within the broad class.
- City Staff, in consultation with both the Region of York and its lower tier municipalities, will review the new authority of the optional tax subclass, to determine its feasibility and impact, and will report back to Regional Council within their annual Tax Policy Report in the spring of 2021.

3. Seniors Home Safety Tax Credit

The Province is also proposing a new Seniors Home Safety Tax Credit for the 2021 taxation year to help seniors, and intergenerational families who have seniors living with them, “make their homes safer and more accessible.” The proposed new personal income tax credit would support seniors regardless of their incomes and whether they owe income tax for 2021.

Staff comments:

- City staff support this Provincial initiative.

City of Markham: Relief Measures for Property Owners

In addition, on October 27, 2020 Council authorized the continued suspension of the Municipal Accommodation Tax from January 1, 2021 to December 31, 2021, to further support the accommodation sector during this unprecedented time.

As a result of the economic uncertainty many property owners are facing, Staff is recommending Council consider authorizing a temporary Property Tax Payment Deferral Program to assist property owners that have been financially impacted by the COVID-19 pandemic to apply for further tax relief into the 2021 taxation year.

Unlike the property tax fee relief measures made available to all Markham taxpayers in 2020, staff are recommending an application-based deferral program be implemented for 2021 to better focus on those experiencing financial hardship, while encouraging those taxpayers that have the means, to continue to pay by the scheduled installment due dates in 2021.

Property Tax Payment Deferral Program

This deferral program is designed to assist both property owners who currently have an outstanding property tax balance, along with others who may require additional payment flexibility throughout 2021 taxation year. While the City has no legal authority to require eligible property owners (landlords) to pass along the deferral benefit to their respective tenants (if applicable), the City is encouraging all eligible applicants to extend the property tax relief from this program to their tenants (if applicable) during these unprecedented times.

Property owners would be required to complete an application and, if eligible, will have late payment charges (penalty and interest) waived for a period of up to twelve months, effective January 1 to December 31, 2021. Applications received and approved prior November 30, 2021 will be eligible to have late payment charges (penalty and interest) waived starting from the following month of application approval through December 31st, 2021. The reinstatement of late payment charges will commence January 1, 2022.

Although this program will provide an additional year of immediate financial relief to property owners who are in need, it must be highlighted that some property owners may be in the situation of owing up to three years of property taxes, come 2022. While the additional time will ensure qualifying property owners have payment flexibility, along with

not incurring additional late payment charges, this may compound the financial difficulties for some. However, the additional time provided by this program will also enable these property owners to seek out professional advice on how to navigate the financial pressures imposed upon them by the COVID-19 pandemic.

Program Eligibility

As indicated above, the taxpayer would complete an application and, if eligible, will have late payment fees (i.e. penalty and interest) waived for 2021 property taxes. Staff are recommending that the program be available to all property classes which include; residential, commercial, industrial and multi-residential property classes.

Applicants of the Property Tax Payment Deferral Program will be required to demonstrate and provide supporting documentation evidencing the financial hardship incurred which has resulted from the COVID-19 pandemic in one or more of the following categories: prolonged suspension of pay, loss of employment, extreme business revenue loss, business closure, insolvency, and/or bankruptcy. In addition, the property must not have tax arrears prior to January 1, 2020 to be eligible for the program.

Property owners that have their property taxes paid with their mortgage payment by their financial institutions are not eligible for the Property Tax Payment Deferral Program. As these accounts have no amounts outstanding, the property owner is encouraged to speak with their financial institution to obtain any payment flexibility which they may require.

As indicated in resolution 3 of this report, staff have included the necessary clauses within the 2021 Interim Tax Levy By-law which is on the same report agenda, to permit the waiving of late payment charges for the 2021 taxation year for eligible property owners of the Property Tax Payment Deferral Program.

FINANCIAL CONSIDERATIONS

The cost of providing this program and the impact on the 2021 late payment charges (penalty and interest) revenues will depend on the volume of applications received and approved. Staff will monitor and report back to Council in Q3 2021 with further information related to the uptake on the program along with the financial impact.

Staff will administer the program with existing resources and will report back to Council should a need for additional resources arise based on application volumes.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable.

RECOMMENDED BY:

X

Joel Lustig
Treasurer

X

Trinela Cane
Commissioner, Corporate Services

ATTACHMENTS:

Not applicable.



Report to: General Committee

Meeting Date: November 16, 2020

SUBJECT: Status of Capital Projects as of September 30, 2020
PREPARED BY: Lisa Chen – Senior Manager, Financial Planning & Reporting (Ext. 3880)
 Veronica Siu – Senior Financial Analyst (Ext. 2232)
 Asif Aziz – Senior Financial Analyst (Ext. 2432)

RECOMMENDATION:

- 1) That the report dated November 16, 2020 titled “Status of Capital Projects as of September 30, 2020” be received; and,
- 2) That the Projects Completed within Scope with Surplus Funds and the Projects Completed within Scope without Surplus Funds, as identified on Exhibit B, be approved for closure and funds in the amount of \$3,891,898 be transferred to the original sources of funding as identified on Exhibit B; and
- 3) That the Projects Closed and Deferred to a Future Year and the Projects Closed and Not or Partially Initiated, as identified on Exhibit C, be approved for closure and funds in the amount of \$2,099,287 be transferred to the original sources of funding as identified in Exhibit C; and
- 4) That the Non-Development Charge Capital Contingency Project be topped up from the Life Cycle Replacement and Capital Reserve Fund by \$431,780 to the approved amount of \$250,000; and,
- 5) That the following new capital projects, initiated subsequent to the approval of the 2020 capital budget, be received:
 - 20302 – Royal Orchard/Bayview Transportation Improvements – Budget of \$175,000 funded from Developer Fees.
 - 20303 – Residential Water Service Connections – Budget of \$401,105 funded from External Revenues (home owners).
 - 20306 – Seasonal Tennis Bubble - Lighting Upgrade (South Court) – Budget of \$111,936 funded from the Non-Development Charge Capital Contingency.
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

The Status of Capital Projects report is compiled based on a comprehensive analysis of all open capital projects and is split into the following four categories:

Section I: Projects Completed Within Scope With/Without Surplus Funds

Exhibit B provides details of these projects. Details are provided for projects with surplus funds of more than 50% of the approved budget or in excess of \$100,000.

Section II: Projects Closed and Deferred to a Future Year

The top section of Exhibit C provides details of these projects.

Section III: Projects Closed and Not or Partially Initiated

The bottom section of Exhibit C provides details of these projects.

Section IV: Capital Contingency Projects

This section details the projects and rationale for the draws from the capital contingency projects.

Section V: Status of Open Capital Projects

This section identifies that there are 566 open capital projects with a budget of \$573.0M (\$466.7M committed, \$106.3M uncommitted).

PURPOSE:

The purpose of this report is to provide an update on the status of capital projects as of September 30, 2020, and advise Council of the net transfer of funds to reserves.

OPTIONS/ DISCUSSION:

In an effort to promote timely closure of projects and the return of surplus funds, Staff conducted a status review of all open capital projects as of September 30, 2020.

A detailed listing of projects to be closed and the funding amounts to be transferred are included in the following exhibits:

Exhibit A – Summary of surplus funds from closed projects

Exhibit B – Projects completed within scope with/without surplus funds

Exhibit C – Projects closed and deferred/not or partially initiated

SECTION I: PROJECTS COMPLETED WITHIN SCOPE WITH/WITHOUT SURPLUS FUNDS

94 capital projects completed within scope are listed in Exhibit B with/without return of surplus funds. 56 of the 94 projects have surplus funds remaining in the amount of \$3,891,898 and the remaining 38 projects were fully spent. The following section provides

details of capital projects completed within scope with surplus funds of more than 50% of the approved budget or in excess of \$100,000 that will be returned to the applicable funding sources. The list is sorted by percentage of budget remaining.

a) Recreation

Project 20104 – Centennial C.C. Gas Monitors Replacement – Budget of \$10,000 with remaining funds of \$6,356 (64% of project budget). The project was completed at a lower cost than budget due to favourable market conditions.

b) Operations - Roads

Project 19183 – Storm Water Retention Pond Maintenance Program – Budget of \$27,000 with remaining funds of \$16,365 (61% of project budget). Based on the condition assessment performed by the consultant, fewer locations were serviced than budgeted.

c) Operations - Parks

Project 20205 – Goal Posts Replacement – Budget of \$20,200 with remaining funds of \$12,212 (60% of project budget). Based on the condition assessment two goal posts were replaced instead of the budgeted three. For improved safety and at a lower cost, permanent posts and nets were installed instead of the originally budgeted portable anchors and nets.

d) Recreation

Project 20134 – Milliken Mills C.C. Arena Heater Replacement – Budget of \$24,400 with remaining funds of \$14,257 (58% of project budget). The project was completed at a lower cost than budget due to favourable market conditions.

e) Sustainability Asset Management – Facility Assets

Project 19083 – Recycling Depot Improvements – Budget of \$20,600 with remaining funds of \$11,146 (54% of project budget). Based on the condition assessment, the Zamboni room beside Markham Recycling Depot was not painted.

f) Planning

Project 14006 – Future Urban Areas - Phase 2 of 5 – Budget of \$868,069 with remaining funds of \$225,296 (26% of project budget). This project is funded 52% through the Development Charge Reserve, 42% External/Developer Funded and 6% Development Fee. Original funds approved no longer required as unanticipated external funding was received.

g) Engineering

Project 13033 – Official Plan & Secondary Plan Engineering Studies – Budget of \$744,381 with remaining funds of \$131,786 (18% of project budget). The cost of the studies required were lower than anticipated.

h) ES – Waterworks

Project 18300 – Sanitary Sewers - Rehabilitation – Budget of \$1,040,600 with remaining funds of \$112,693 (11% of project budget). The use of contingency and provisional items was lower than anticipated.

i) Engineering - Hwy 404 Ramp Extension & Mid-Block Crossing, North of Hwy 7

Project 10050 – Budget of \$1,936,052 with remaining funds of \$332,209 (17% of project budget).

Project 12406 – Budget of \$2,552,543 with remaining funds of \$94,604 (4% of project budget).

Project 15049 – Budget of \$5,026,000 with remaining funds of \$222,762 (4% of project budget).

Project 16040 – Budget of \$929,800 with remaining funds of \$927,564 (99.8% of project budget).

Project 16041 – Budget of \$14,890,170 with remaining funds of \$976,665 (7% of project budget).

The five projects had a combined budget of \$25,334,565 with remaining funds of \$2,553,804 (10% of project budget). The budget was based on a tri-party agreement with York Region and Richmond Hill, and final costs based on reduced use of contingency funds were favourable to the budget.

SECTION II: PROJECTS CLOSED AND DEFERRED TO A FUTURE YEAR

The following section provides details of 7 capital projects that are closed and to be deferred to a future year with a return of surplus funds in the amount of \$1,700,602 as listed in the top section of Exhibit C.

a) Engineering

Project 18061 – Yorktech Drive Extension (Design) – Budget of \$931,800 with remaining funds of \$931,800 (100% of project budget). The project is postponed, pending the outcome of the Markham Centre Secondary Plan which is anticipated to be completed in 2021. Budget will be re-requested in a future year.

b) Recreation

Project 18180 – Thornhill C.C. Compressor Replacement – Budget of \$283,104 with remaining funds of \$254,845 (90% of project budget). Only the initial assessment was completed for this project. The compressor component of the refrigeration system was put on hold as it has been included in the department's larger review of converting all ice pad refrigeration systems from ammonia to opteon. Opteon provides greater safety for public and is deemed to be more energy efficient resulting in potential operating savings to the City.

c) Theatre

Project 18011 – New Theatre Complex Study – Budget of \$167,900 with remaining funds of \$167,900 (100% of project budget). The project was not initiated. The project was initially postponed due to the provincially led Regional Government Review. It is now being closed in light of the COVID-19 pandemic and may be re-requested in the future once the situation has stabilized.

d) Operations - Fleet

Project 18247 – Corporate Fleet Replacement - Non-Fire – Budget of \$1,099,612 with remaining funds of \$122,957 (11% of project budget). This project is 97.3% funded through the Life Cycle Replacement & Capital Reserve Fund and 2.7% funded through the Development Charges Reserve. Based on the shift to working from home, the replacement of three pool vehicles was not required in 2020. The requirement for these vehicles will be re-evaluated in the future.

e) Operations - Fleet

Project 19208 – Green Fleet Study – Budget of \$101,800 with remaining funds of \$101,800 (100% of project budget). The project was not initiated. The project was initially postponed due to the provincially led Regional Government Review. It is now being closed in light of the COVID-19 pandemic and may be re-requested in the future once the situation has stabilized.

f) Operations - Parks

Project 20204 – Decorative Fountain Replacement at Swan Lake Park – Budget of \$84,300 with remaining funds of \$84,300 (100% of project budget). The project was not initiated. The decorative fountain cannot be installed until the water quality study of Swan Lake is complete.

g) Recreation

Project 20108 – Centennial C.C. Surge Drum Replacement – Budget of \$37,000 with remaining funds of \$37,000 (100% of project budget). The project was not initiated. The surge drum component of the refrigeration system was put on hold as it has been included in the department's larger review of converting all ice pad refrigeration systems from ammonia to opteon. Opteon provides greater safety for public and is deemed to be more energy efficient resulting in potential operating savings to the City.

SECTION III: PROJECTS CLOSED AND NOT OR PARTIALLY INITIATED

The following section provides details of 5 capital projects that are closed and not initiated with a return of surplus funds in the amount of \$398,685 as listed in the bottom section of Exhibit C.

a) Engineering

Project 15055 – Markham Centre - Parking Business Plan – Budget of \$185,867 with remaining funds of \$150,968 (81% of project budget). The project is being

closed due to parking demand and parking rates assessment as part of the separate project for Markham Centre Secondary Plan.

b) Museum

Project 20003 – Museum - Strickler Barn Phase 2 of 2 – Budget of \$91,800 with remaining funds of \$91,800 (100% of project budget). The project was not initiated. The project was to renovate the facility to allow for weddings and other special events. Upon inspection by the Building department it was determined that the space was not sufficient to allow for such events.

c) Operations - Roads

Project 18203 – City Owned Fence Replacement Program – Budget of \$105,500 with remaining funds of \$74,916 (71% of project budget). The fence on Bullock Drive was delayed due to York Region's watermain project on the street and will be replaced as part of the 2020 project.

d) Recreation

Project 20148 – Pan Am Centre Lighting Automation – Budget of \$60,600 with remaining funds of \$60,600 (100% of project budget). The project was completed at a much reduced cost through the operating budget.

e) Planning

Project 20020 – Ontario Heritage Conference Host May 2020 – Budget of \$20,400 with remaining funds of \$20,400 (100% of project budget). The project was not initiated. The conference was cancelled due to the COVID-19 pandemic.

Return of Funds to the Life Cycle Replacement & Capital Reserve Fund

In addition to the above list, contract awards greater than \$25,000 with surplus funds are returned to the original funding source(s) at time of award.

Since the last Status of Capital Projects report tabled at General Committee in July 2020, \$997,473 has been returned to the Life Cycle Replacement & Capital Reserve Fund from contract awards.

SECTION IV. CAPITAL CONTINGENCY PROJECTS

In accordance with the Capital Budget Control Policy, the five capital contingency projects are topped up to the maximum approved funding amount through the semi-annual Status of Capital Projects Report to Council.

Non-DC Capital Contingency

The Non-DC Capital Contingency Project was approved to a maximum of \$250,000. Currently, the account has a negative balance of (\$181,780). Thereby a top-up of \$431,780 is required from the Life Cycle Replacement & Capital Reserve Fund.

Of the \$431,780 drawn from the Non-DC Capital Contingency Project 100% was related to the following non-emergency projects:

- a) Sustainability Asset Management – Facility Assets
Project 20306 – Seasonal Tennis Bubble - Lighting Upgrade (South Court) - \$111,936 – The light fixtures in the South court are due for replacement in year 2033, however, replacing them at the same time as the North court (anticipated to occur in Q1 of 2021) will ensure similar appearance, lighting levels and savings resulting from energy, consulting fees, mobilization and demobilization costs.
- b) Sustainability Asset Management – Facility Assets
Project 20069 – Civic Centre Repair and/or Replacement Projects – \$41,835 – Additional funds required mainly due to accelerated deterioration of the ramp, as well as some specialized products required for repairs based on condition assessment.
- c) Operations – Roads
Project 20186 – Guide Rail - Install/Repair – \$32,256 – Vehicular accidents occurred resulting in additional guide rail repairs. Repairs are required in order to meet Ontario Provincial Standards.
- d) Operations – Fleet
Project 19207 – Corporate Fleet Replacement - Non-Fire – \$32,621 – Additional funds required primarily due to an unfavourable change in the CAD/USD exchange rate. The City procured this purchase in Canadian dollars, however, the pricing from the vendor was impacted by an unfavourable CAD/USD exchange rate as the chassis is procured from the U.S. and accounts for approximately 70% of the cost of this unit. In 2018, the CAD/USD exchange rate was at \$1.29 whereas at the time of purchase it was \$1.36.
- e) Sustainability Asset Management – Facility Assets
Project 19072 – Civic Centre Improvements - Concrete paving at Markham Civic Centre – \$31,598 – Additional funds were required to install tactile plates along with staircase railings in order to meet changes in health and safety code requirements.
- f) Operations – Roads
Project 20185 – Emergency Repairs - \$11,961 – Additional funds required due to an increased number of road and storm sewer repairs.

Of the remaining draws of \$169,573, \$105,207 were for draws under \$11,000 and \$64,366 was for a land acquisition.

No additional top up is required on the Engineering, Planning, Urban Design and Waterworks Capital Contingency projects.

SECTION V: STATUS OF OPEN CAPITAL PROJECTS

After the closure of 106 projects, there are 566 open capital projects with a total budget of \$573.0M as of September 30, 2020. The term “open” refers to approved projects that have not started, or are at various stages of project completion.

In comparison, the December 2019 status update, reported 546 open projects with a total budget of \$743.4M.

Of the 566 open capital projects as at September 30, 2020, 79% of the projects were approved in 2018 to 2020. (Refer to TABLE A).

TABLE A

| Project approval year | # of open projects | % of open projects | Unencumbered \$ in M | % of Unencumbered \$ |
|------------------------------|---------------------------|---------------------------|-----------------------------|-----------------------------|
| 2020 | 259 | 46% | \$38.0 | 36% |
| 2019 | 122 | 22% | \$38.9 | 37% |
| 2018 | 64 | 11% | \$9.2 | 9% |
| 2017 | 41 | 7% | \$5.1 | 5% |
| 2016 and prior | 80 | 13% | \$15.1 | 14% |
| | 566 | 100% | \$106.3 | 100% |

The following summarizes the status of open capital projects:

TABLE B

| (in millions) | Q3 2020 | | Q3 2019 | |
|--------------------------|----------------|-----|----------------|-----|
| Encumbered/Committed | \$ 466.7 | 81% | \$ 580.3 | 78% |
| Unencumbered/Uncommitted | \$ 106.3 | 19% | \$ 163.1 | 22% |
| Total Open Capital | \$ 573.0 | | \$ 743.4 | |

Encumbered/Committed

The total 2020 encumbered amount of \$466.7M includes expenditures of \$363.8M (78%) and commitments of \$102.9M (22%). (Expenditures refer to payments issued for goods/services received and commitments refer to purchase orders on file with the Procurement Department).

Unencumbered/Uncommitted

Major projects, defined as multi-year, one-time projects account for \$84.2M (79% of \$106.3M) of the total unencumbered amount which includes the following projects:

-
- Miller Pond Site Preparation and Property
 - Miller Avenue - CN to Kennedy Road - Phase 4 PA
 - Streetlights and Illumination
 - Hwy 404 Midblock Crossing, N of 16th Ave & Cachet Woods
 - Box Grove Community, Kirkham Drive, Cornell Community, Park Improvements, and Wismer Community park construction
 - Official Plan and Secondary Plan engineering studies
 - Sidewalk program, multi-use pathways and intersection improvements
 - Enterprise Asset Management and Digital Markham Strategic implementation

FINANCIAL CONSIDERATIONS

The net amount of \$5,559,405, as summarized in the following table, will be transferred to Reserves and Reserve Funds as a result of closing capital projects, return of surplus funds from open projects and top-up of capital contingency projects.

| | Funding Returns from Closed Projects (A) | Contingency Projects Top up from Reserves (B) | Net Change to Reserves (C)=(A)+(B) |
|---|---|--|---|
| Life Cycle Replacement & Capital Reserve | \$1,473,681 | (\$431,780) | \$1,041,901 |
| Development Charge Reserves | \$4,265,751 | - | \$4,265,751 |
| Waterworks Stabilization / Capital Reserve | \$154,367 | - | \$154,367 |
| Other Reserves | \$97,386 | - | \$97,386 |
| Net Change to Reserves & Reserve Funds | \$5,991,185 | (\$431,780) | \$5,559,405 |

Since the last report on Status of Capital Projects tabled at General Committee in July 2020, \$997,473 has been returned to the Life Cycle Replacement & Capital Reserve Fund from contract awards.

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable

BUSINESS UNITS CONSULTED AND AFFECTED:

All business units managing capital projects have been consulted in the development of this report.

RECOMMENDED BY:

Joel Lustig
Treasurer

Trinela Cane
Commissioner, Corporate Services

ATTACHMENTS:

Exhibit A – Summary of funding from closed capital projects to be returned to original funding sources as of September 30, 2020

Exhibit B – Details of capital projects to be closed and completed within scope with/without surplus funds as of September 30, 2020

Exhibit C – Summary of capital projects to be closed and deferred / not or partially initiated as of September 30, 2020

Exhibit A

SUMMARY OF FUNDING FROM CLOSED CAPITAL PROJECTS TO BE RETURNED TO ORIGINAL FUNDING SOURCES AS OF September 30, 2020

| | Amount to be Transferred |
|--|---------------------------------|
| 1. LIFE CYCLE REPLACEMENT AND CAPITAL RESERVE | 1,473,681 |
| 2. DEVELOPMENT CHARGES | 4,265,751 |
| 3. WATERWORKS STABILIZATION/CAPITAL RESERVE | 154,367 |
| 4. OTHER RESERVES & RESERVE FUNDS | |
| Non-DC Growth | 71,174 |
| Development Fees Reserve | 22,792 |
| Enviro Sustainability Reserve | 3,420 |
| | 97,386 |
| TOTAL TO BE TRANSFERRED | 5,991,185 |

Exhibit B

**PROJECTS COMPLETED WITHIN SCOPE WITH/WITHOUT SURPLUS FUNDS
AS OF September 30, 2020**

| | Commission | Department | Project # | Project Name/Group | Budget | Actual | Remaining Budget | Life Cycle | Development Charges | Waterworks Reserve Fund | Other Reserves & Reserve Funds |
|--|---------------------------|-----------------------------|-----------|--|-------------------|-------------------|------------------|----------------|---------------------|-------------------------|--------------------------------|
| Completed Within Scope With Surplus Funds | Community & Fire Services | ES - Infrastructure | 19225 | Storm and Sanitary Sewers CCTV Inspection Program | 259,356 | 256,735 | 2,621 | 1,211 | 0 | 1,411 | 0 |
| | | | 18300 | Sanitary Sewers - Rehabilitation | 1,040,600 | 927,907 | 112,693 | 0 | 0 | 112,693 | 0 |
| | | ES - Waterworks | 18301 | Sanitary Sewers - Syphons Structural Lining | 2,130,343 | 2,128,989 | 1,354 | 0 | 0 | 1,354 | 0 |
| | | | 18304 | Water System Model Calibration | 105,366 | 104,324 | 1,042 | 0 | 0 | 1,042 | 0 |
| | | Fire | 19255 | Watermain Leak Detection Program | 40,300 | 25,718 | 14,582 | 0 | 0 | 14,582 | 0 |
| | | | 20267 | Waterworks Equipment | 73,200 | 50,026 | 23,174 | 0 | 0 | 23,174 | 0 |
| | | | 20088 | Defibrillator & Accessories Replacement | 75,300 | 46,450 | 28,850 | 28,850 | 0 | 0 | 0 |
| | | | 19204 | Corporate Fleet Growth - Non-Fleet | 10,200 | 9,171 | 1,029 | 0 | 1,029 | 0 | 0 |
| | | | 18231 | Parks Signage Implementation- Phase 3 of 3 | 158,200 | 148,381 | 9,819 | 9,819 | 0 | 0 | 0 |
| | | | 19192 | Pathways Resurfacing | 70,832 | 67,148 | 3,684 | 3,684 | 0 | 0 | 0 |
| | | | 20196 | Bleachers (Metal) Replacement - Grandview Bleachers | 11,200 | 5,994 | 5,206 | 5,206 | 0 | 0 | 0 |
| | | | 20205 | Goal Posts Replacement | 20,200 | 7,988 | 12,212 | 12,212 | 0 | 0 | 0 |
| | | | 20214 | Shade Structure Refurbishment | 20,366 | 15,366 | 5,000 | 5,000 | 0 | 0 | 0 |
| | | | 17145 | Bill Crothers Turf Replacement - Design | 25,423 | 22,965 | 2,458 | 2,458 | 0 | 0 | 0 |
| | | Operations - Roads | 19179 | Localized Repairs - Curb and Sidewalk | 886,600 | 802,716 | 83,884 | 83,884 | 0 | 0 | 0 |
| | | | 19183 | Storm Water Retention Pond Maintenance Program | 27,000 | 10,635 | 16,365 | 16,365 | 0 | 0 | 0 |
| | | Recreation Services | 18326 | Thornhill Front Counter Replacement | 25,000 | 14,491 | 10,509 | 10,509 | 0 | 0 | 0 |
| | | | 19130 | Milliken Mills C.C. Exhaust Fan Replacement | 78,900 | 51,989 | 26,911 | 26,911 | 0 | 0 | 0 |
| | | | 19132 | Milliken Mills C.C. Pool Pressure Washer Replacement | 10,200 | 8,726 | 1,474 | 1,474 | 0 | 0 | 0 |
| | | | 20104 | Centennial C.C. Gas Monitors Replacement | 10,000 | 3,644 | 6,356 | 6,356 | 0 | 0 | 0 |
| | | | 20112 | Cornell C.C. CO2 Controller Replacement | 9,300 | 6,913 | 2,387 | 2,387 | 0 | 0 | 0 |
| | | | 20127 | Heintzman House Floor Refinishing | 18,100 | 16,018 | 2,082 | 2,082 | 0 | 0 | 0 |
| | | | 20134 | Milliken Mills C.C. Arena Heater Replacement | 24,400 | 10,143 | 14,257 | 14,257 | 0 | 0 | 0 |
| | | | 20172 | Unionville Train Station Wood Floor Refurbishment | 11,000 | 8,538 | 2,462 | 2,462 | 0 | 0 | 0 |
| | | | | Community & Fire Services Total | 5,141,386 | 4,750,975 | 390,411 | 235,127 | 1,029 | 154,255 | 0 |
| Completed Within Scope With Surplus Funds | Corporate Services | ITS | 17306 | Core IT Infrastructure - Smartphone Replacement | 30,924 | 29,051 | 1,873 | 1,499 | 0 | 112 | 262 |
| | | | 15261 | Operations Facilities - Fuel Facilities Improvements | 1,229,642 | 1,212,610 | 17,032 | 17,032 | 0 | 0 | 0 |
| | | SAM - Facility Assets | 18097 | Facility Improvements | 323,195 | 305,266 | 17,929 | 17,929 | 0 | 0 | 0 |
| | | | 19083 | Recycling Depot Improvements | 20,600 | 9,454 | 11,146 | 11,146 | 0 | 0 | 0 |
| | | | 19084 | Roofing Maintenance and Repair | 91,800 | 65,699 | 26,101 | 26,101 | 0 | 0 | 0 |
| | | | 15069 | Bayview Glen SNAP - Pilot Implementation Phase | 441,668 | 417,610 | 24,058 | 14,481 | 6,157 | 0 | 3,420 |
| | | SAM - Sustainability Office | | Corporate Services Total | 2,137,829 | 2,039,689 | 98,140 | 88,188 | 6,157 | 112 | 3,683 |
| | | | | Development Services | | | | | | | |
| | | | | Design | | | | | | | |
| | | | | Engineering | | | | | | | |
| Completed Within Scope With Surplus Funds | Community & Fire Services | ES - Infrastructure | 16019 | Box Grove Hill S. E. Park - Construction | 728,407 | 727,084 | 1,323 | 0 | 1,191 | 0 | 132 |
| | | | 16024 | Cornell Madison Rouge Blvd. Park North - Construction | 318,592 | 295,841 | 22,751 | 2,275 | 20,476 | 0 | 0 |
| | | ES - Stormwater | 16025 | Cornell Madison Rouge Blvd. Park North - Design | 30,964 | 28,605 | 2,359 | 236 | 2,123 | 0 | 0 |
| | | | 16029 | Greensborough Williamson Rd Neighborhood Park - Design | 93,580 | 87,791 | 5,789 | 0 | 5,210 | 0 | 579 |
| | | Fire | 17007 | Cornell Centre Parkettes(2) - Design & Construction | 546,558 | 506,218 | 40,341 | 4,034 | 36,306 | 0 | 0 |
| | | | 17011 | Greensborough Williamson N. P. - Construction | 1,269,378 | 1,240,738 | 28,640 | 2,864 | 25,776 | 0 | 0 |
| | | | 10050 | Hwy 404 Mid-Block Crossing, North of Hwy 7 | 1,936,052 | 1,603,843 | 332,209 | 0 | 332,209 | 0 | 0 |
| | | | 10577 | Markham Centre Mobility Hub | 494,943 | 450,432 | 44,511 | 0 | 44,511 | 0 | 0 |
| | | | 12046 | Hwy 404 Mid-Block Crossing, North of Hwy 7 | 2,552,543 | 2,457,939 | 94,604 | 0 | 94,604 | 0 | 0 |
| | | | 12054 | Downstream Improvement Work Program | 1,049,768 | 1,016,190 | 33,578 | 4,999 | 17,555 | 0 | 10,723 |
| | | | 13033 | Official Plan & Secondary Plan Engineering Studies | 744,381 | 612,595 | 131,786 | 0 | 131,786 | 0 | 0 |
| | | | 13875 | Future Urban Area Water Servicing Study | 125,958 | 90,103 | 35,855 | 35,855 | 0 | 0 | 0 |
| | | | 14030 | Sidewalk Program | 2,487,512 | 2,410,748 | 76,764 | 0 | 28,866 | 0 | 47,897 |
| | | | 15047 | Existing Woodbine Ave (By-pass to By-pass) EA | 342,788 | 339,683 | 3,105 | 30 | 2,794 | 0 | 281 |
| | | Operations - Parks | 15049 | Hwy 404 Mid-block Crossing, N of Hwy 7 Overall: \$38.4M | 5,026,000 | 4,803,238 | 222,762 | 0 | 222,762 | 0 | 0 |
| | | | 15056 | Markham Centre MESP Consolidation | 576,560 | 546,227 | 30,333 | 0 | 30,333 | 0 | 0 |
| | | | 15062 | Multi-Use Pathways 2015 - Phase 2 of 4 | 3,884,210 | 3,846,883 | 37,327 | 24,263 | 13,065 | 0 | 0 |
| | | | 16040 | Hwy 404 Mid-block Crossing, N of Hwy 7 Overall: \$38.4M | 929,800 | 2,236 | 927,564 | 0 | 927,564 | 0 | 0 |
| | | | 16041 | Highway 404 Ramp Extension, North of Hwy 7 | 14,890,170 | 13,913,505 | 976,665 | 0 | 976,665 | 0 | 0 |
| | | | 17047 | MUP - Lake to Lake Cycling Route and Walking Trail | 1,823,225 | 1,813,061 | 10,164 | 0 | 6,283 | 0 | 3,882 |
| | | | 18045 | John Street MUP Design | 297,391 | 251,102 | 46,289 | 13,462 | 32,827 | 0 | 0 |
| | | | 18331 | Houghton Boulevard | 387,250 | 385,325 | 1,925 | 1,925 | 0 | 0 | 0 |
| | | | 19038 | Markham Road Multi-Use Pathway Cross-rides (Design) | 52,534 | 30,592 | 21,942 | 0 | 14,262 | 0 | 7,680 |
| | | | 19050 | Traffic Operational Improvements | 97,800 | 66,566 | 31,234 | 31,234 | 0 | 0 | 0 |
| | | Museum | 18002 | Museum - Strickler Barn Phase 1 of 2 | 119,800 | 101,569 | 18,231 | 18,231 | 0 | 0 | 0 |
| | | | 14006 | Future Urban Areas - Phase 2 of 5 | 868,069 | 642,773 | 225,296 | 0 | 202,766 | 0 | 22,530 |
| | | Planning | | Development Services Total | 41,674,233 | 38,270,886 | 3,403,347 | 139,408 | 3,170,236 | 0 | 93,703 |
| | | | | Completed Within Scope With Surplus Funds Total | 48,953,448 | 45,061,550 | 3,891,898 | 462,723 | 3,177,422 | 154,367 | 97,386 |
| Completed Within Scope Without Surplus Funds | Community & Fire Services | ES - Infrastructure | 16247 | Watermain Construction Design for 2017 | 739,149 | 739,149 | 0 | 0 | 0 | 0 | 0 |
| | | | 16211 | West Thornhill Phase 3 - Flood Control Design | 382,194 | 382,194 | 0 | 0 | 0 | 0 | 0 |
| | | Fire | 19098 | Safety Equipment - Medical Simulator | 14,019 | 14,019 | 0 | 0 | 0 | 0 | 0 |
| | | | 20090 | Hazardous Materials - Decontamination Tent | 24,438 | 24,438 | 0 | 0 | 0 | 0 | 0 |
| | | Library | 20174 | Customer Service Improvement (E-Resources) | 55,000 | 55,000 | 0 | 0 | 0 | 0 | 0 |
| | | | 18333 | Main Street Unionville Streetscape | 140,305 | 140,305 | 0 | 0 | 0 | 0 | 0 |
| | | Operations - Parks | 18334 | Main Street Markham Streetscape | 140,305 | 140,305 | 0 | 0 | 0 | 0 | 0 |
| | | | 18335 | Yonge Street Heritage District Streetscape | 40,000 | 40,000 | 0 | 0 | 0 | 0 | 0 |
| | | | 19187 | City Park Furniture / Amenities | 135,296 | 135,296 | 0 | 0 | 0 | 0 | 0 |
| | | | 19196 | Rejuvenation of Community Centres Landscapes-Year 2 of 3 | 67,123 | 67,123 | 0 | 0 | 0 | 0 | 0 |

| | Commission | Department | Project # | Project Name/Group | Budget | Actual | Remaining Budget | Life Cycle | Development Charges | Waterworks Reserve Fund | Other Reserves & Reserve Funds |
|--|---------------------------|---|----------------------------|--|-----------------------------------|------------|------------------|------------|---------------------|-------------------------|--------------------------------|
| Completed Within Scope Without Surplus Funds | Community & Fire Services | Operations - Parks | 19197 | Relamping & Fixtures Refurbishment | 24,479 | 24,479 | 0 | 0 | 0 | 0 | 0 |
| | | | 20211 | Recycling Containers Replacement (Yr 3 of 10) | 16,600 | 16,600 | 0 | 0 | 0 | 0 | 0 |
| | | Operations - Roads | 19182 | Retaining Walls Program | 47,318 | 47,318 | 0 | 0 | 0 | 0 | 0 |
| | | | 19265 | 2019 Asphalt Inspection Survey | 82,800 | 82,800 | 0 | 0 | 0 | 0 | 0 |
| | | Operations - Utility Inspection & Survey Recreation Services | 20180 | Boulevard Repairs | 39,895 | 39,895 | 0 | 0 | 0 | 0 | 0 |
| | | | 20272 | 2020 Route & Seal | 155,000 | 155,000 | 0 | 0 | 0 | 0 | 0 |
| | | | 20275 | 2020 Pavement Preservation | 423,458 | 423,458 | 0 | 0 | 0 | 0 | 0 |
| | | | 20229 | Survey Instrument Upgrade/Replacement | 18,900 | 18,900 | 0 | 0 | 0 | 0 | 0 |
| | | | 19106 | Angus Glen C.C. Vestibule Heaters | 13,300 | 13,300 | 0 | 0 | 0 | 0 | 0 |
| | | | 19111 | Armadale C.C. Flooring | 58,003 | 58,003 | 0 | 0 | 0 | 0 | 0 |
| | | | 19131 | Milliken Mills C.C. Pool Mechanical Replacement | 336,514 | 336,514 | 0 | 0 | 0 | 0 | 0 |
| | | | 19133 | Milliken Mills C.C. Pool Ramp Tile Conversion | 18,317 | 18,317 | 0 | 0 | 0 | 0 | 0 |
| | | | 19135 | Milliken Mills C.C. Vinyl Tile Replacement | 40,704 | 40,704 | 0 | 0 | 0 | 0 | 0 |
| | | | 20106 | Centennial C.C. Pool Equipment Replacement | 21,500 | 21,500 | 0 | 0 | 0 | 0 | 0 |
| | | | 20107 | Centennial C.C. Saunas Replacement | 22,292 | 22,292 | 0 | 0 | 0 | 0 | 0 |
| | | | 20109 | Centennial C.C. Washroom Heater Replacement | 6,400 | 6,400 | 0 | 0 | 0 | 0 | 0 |
| | | | 20113 | Cornell C.C. Drinking Fountains Replacement | 11,321 | 11,321 | 0 | 0 | 0 | 0 | 0 |
| | | | 20115 | Cornell C.C. Glass Grommets Replacement | 21,400 | 21,400 | 0 | 0 | 0 | 0 | 0 |
| | | | 20120 | Cornell C.C. Shower Valves Replacement | 17,200 | 17,200 | 0 | 0 | 0 | 0 | 0 |
| | | | 20133 | Milliken Mills C.C. Arena Heat Exchanger Replacement | 14,800 | 14,800 | 0 | 0 | 0 | 0 | 0 |
| | | Community & Fire Services Total | | | | 3,128,030 | 3,128,030 | 0 | 0 | 0 | 0 |
| | Corporate Services | ITS | 19278 | ITS - Internal Charges - 1 Staff | 101,761 | 101,761 | 0 | 0 | 0 | 0 | |
| | Corporate Services Total | | | | 101,761 | 101,761 | 0 | 0 | 0 | 0 | |
| | Development Services | Engineering | 10049 | Hagerman Diamond - Municipal Services Relocation | 61,693 | 61,693 | 0 | 0 | 0 | 0 | |
| | | | 13874 | Future Urban Area Subwatershed Studies | 2,479,052 | 2,479,052 | 0 | 0 | 0 | 0 | |
| | | | 14477 | Class EA Study-Pumping Station Improvements | 378,335 | 378,335 | 0 | 0 | 0 | 0 | |
| | | | 18327 | SWM Temperature Monitoring | 0 | 0 | 0 | 0 | 0 | 0 | |
| | | Planning Theatre | 18339 | Construction of Pan Am overflow parking lot | 600,408 | 600,408 | 0 | 0 | 0 | 0 | |
| | | | 18025 | Langstaff Master Plan | 152,600 | 152,600 | 0 | 0 | 0 | 0 | |
| | | | Development Services Total | 19009 | Highway 7 Theatre Electronic Sign | 134,363 | 134,363 | 0 | 0 | 0 | 0 |
| | | | | | | | | 3,806,451 | 3,806,451 | 0 | 0 |
| Completed Within Scope Without Surplus Funds Total | | | | 7,036,242 | 7,036,242 | 0 | 0 | 0 | 0 | | |
| Total | | | | 94 Projects | 55,989,690 | 52,097,792 | 3,891,898 | 462,723 | 3,177,422 | 154,367 | 97,386 |

Exhibit C

**PROJECTS CLOSED DEFERRED / NOT OR PARTIALLY INITIATED
AS OF September 30, 2020**

| | Commission | Department | Project # | Project Name/Group | Budget | Actual | Remaining Budget | Life Cycle | Development Charges | Waterworks Reserve Fund | Other Reserves & Reserve Funds | |
|--------------------------------------|--|---------------------------------|-----------|---|-----------|-------------|------------------|------------|---------------------|-------------------------|--------------------------------|---|
| Closed and Deferred | Community & Fire Services | Operations - Fleet | 18247 | Corporate Fleet Replacement - Non-Fire | 1,099,612 | 976,655 | 122,957 | 117,397 | 5,560 | 0 | 0 | |
| | | | 19208 | Green Fleet Study | 101,800 | 0 | 101,800 | 101,800 | 0 | 0 | 0 | |
| | | Operations - Parks | 20204 | Decorative Fountain Replacement at Swan Lake Pk | 84,300 | 0 | 84,300 | 84,300 | 0 | 0 | 0 | |
| | | Recreation Services | 18180 | Thornhill C.C. Compressor Replacement | 283,104 | 28,259 | 254,845 | 254,845 | 0 | 0 | 0 | |
| | | | 20108 | Centennial C.C. Surge Drum Replacement | 37,000 | 0 | 37,000 | 37,000 | 0 | 0 | 0 | |
| | Community & Fire Services Total | | | | 1,605,816 | 1,004,914 | 600,902 | 595,342 | 5,560 | 0 | 0 | |
| | Development Services | Engineering | 18061 | Yorktech Drive Extension (Design) | 931,800 | 0 | 931,800 | 0 | 931,800 | 0 | 0 | |
| | | Theatre | 18011 | New Theatre Complex Study | 167,900 | 0 | 167,900 | 167,900 | 0 | 0 | 0 | |
| | Development Services Total | | | | 1,099,700 | 0 | 1,099,700 | 167,900 | 931,800 | 0 | 0 | |
| | Closed and Deferred Total | | | | | 2,705,516 | 1,004,914 | 1,700,602 | 763,242 | 937,360 | 0 | 0 |
| Closed and Not / Partially Initiated | Community & Fire Services | Operations - Roads | 18203 | City Owned Fence Replacement Program | 105,500 | 30,584 | 74,916 | 74,916 | 0 | 0 | 0 | |
| | | Recreation Services | 20148 | Pan Am Centre Lighting Automation | 60,600 | 0 | 60,600 | 60,600 | 0 | 0 | 0 | |
| | | Community & Fire Services Total | | | | 166,100 | 30,584 | 135,516 | 0 | 0 | 0 | |
| | Development Services | Engineering | 15055 | Markham Centre - Parking Business Plan | 185,867 | 34,899 | 150,968 | 0 | 150,968 | 0 | 0 | |
| | | Museum | 20003 | Museum - Strickler Barn Phase 2 of 2 | 91,800 | 0 | 91,800 | 91,800 | 0 | 0 | 0 | |
| | | Planning | 20020 | Ontario Heritage Conference Host May 2020 | 20,400 | 0 | 20,400 | 20,400 | 0 | 0 | 0 | |
| | Development Services Total | | | | 298,067 | 34,899 | 263,168 | 112,200 | 150,968 | 0 | 0 | |
| | Closed and Not / Partially Initiated Total | | | | | 464,167 | 65,482 | 398,685 | 247,716 | 150,968 | 0 | 0 |
| | Total | | | | | 12 Projects | 3,169,683 | 1,070,396 | 2,099,287 | 1,010,958 | 1,088,329 | 0 |



Report to: General Committee

Meeting Date: November 16, 2020

SUBJECT: Award of Tender 065-T-20 Supply and Delivery of
Waterworks and Sanitary Sewer Materials

PREPARED BY: Mario Puopolo, Supervisor, Waterworks, Ext. 2495
Tony Casale, Senior Construction Buyer, Ext. 3190

RECOMMENDATION:

1. THAT the report entitled “Award of Tender 065-T-20 Supply and Delivery of Waterworks and Sanitary Sewer Materials” be received;
2. THAT the contract for the supply and delivery of waterworks and sanitary sewer materials be awarded to the lowest priced Bidder, Wamco, for one (1) year with an option to renew the contract for two (2) additional one year terms at the same itemized pricing in the total amount of \$573,514.30 inclusive of HST, broken down as follows;
 - Year 1 (2021) \$191,171.43
 - Year 2 (2022) \$191,171.43
 - Year 3 (2023) \$191,171.43
 - Total (3 years) \$573,514.29
3. THAT the 2021 award in the amount of \$191,171.43 (Inclusive of HST) be funded from the operating accounts identified in the Financial Considerations section of this report with total available budget of \$177,188.00;
4. THAT the budget shortfall in the amount of \$13,983.43 (\$191,171.43 - \$177,188.00) be included as part of the 2021 Waterworks operating budget;
5. THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to obtain Council approval to award the contract for the supply and delivery of waterworks and sanitary materials for one (1) year with an option to renew the contract for two (2) additional one-year terms at the same itemized prices.

BACKGROUND:

This contract is for the supply and delivery of various watermain, water service, sewer and hydrant supply items on an as required basis. There are 416 parts under this contract, such as:

- Watermain (clamps, couplings, pipe, bolts, valves, fire hydrant)
- Water (curb stops, main stops, and copper pipe)
- Sewer (sewer Pipe, cast iron and manhole frame)
- Hydrant (couplings, hydrant gates, barrel gaskets, hose nozzle caps)

OPTIONS/ DISCUSSION:**Tender Information (065-T-20)**

| | |
|--------------------------------|-----------------|
| Bid closed on | October 8, 2020 |
| Number picking up bid document | 5 |
| Number responding to bid | 3 |

Price Summary

| Bidder | Bid Price (Inclusive of HST) |
|----------------------|-------------------------------------|
| Wamco | \$ 191,171.43 |
| Wolseley Canada Inc. | \$ 197,466.61 |
| Emco Corporation | \$ 197,385.94 |

FINANCIAL CONSIDERATIONS

| Account Name | Account # | Budget Amount | Cost of Award | Budget Remaining / (Shortfall) |
|--------------------------|------------------|----------------------|----------------------|---------------------------------------|
| Water Main Breaks | 760-100-4530 | \$17,500 | \$18,900 | (\$1,400) |
| T&D Main Line | 760-110-4530 | \$1,000 | \$1,080 | (\$80) |
| T&D Residential Services | 760-111-4530 | \$20,000 | \$21,600 | (\$1,600) |
| T&D ICI Services | 760-112-4530 | \$5,000 | \$5,400 | (\$400) |
| T&D Valves | 760-113-4530 | \$21,721 | \$23,459 | (\$1,738) |
| T&D Chambers | 760-114-4530 | \$8,000 | \$8,640 | (\$640) |
| T&D Hydrants | 760-115-4530 | \$95,967 | \$103,452 | (\$7,485) |
| Sewer Line Breaks | 760-500-4530 | \$2,000 | \$2,160 | (\$160) |
| T&D Main Line | 760-510-4530 | \$1,000 | \$1,080 | (\$80) |
| T&D Residential Services | 760-511-4530 | \$4,000 | \$4,320 | (\$320) |
| T&D ICI Services | 760-512-4530 | \$1,000 | \$1,080 | (\$80) |
| Totals: | | \$177,188 | \$191,171 | (\$13,983) |

* The budget shortfall of \$13,983 will be included as part of the 2021 Waterworks operating budget subject to Council approval.

OPERATING BUDGET AND LIFE CYCLE IMPACT

The 2021 Waterworks operating budget will increase by an incremental \$13,983, from \$177,188 to \$191,171 in 2021 subject to Council approval. This contract represents a 5.5% increase as compared to 2018 pricing received under RFT 147-T-17 however pricing will remain firm fixed for three years (2021 – 2023). When you consider that pricing under this contract is fixed until 2023, the increase in cost since 2018 will be 1.1% annually over the same period.

There is no incremental life cycle impact.

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not Applicable

BUSINESS UNITS CONSULTED AND AFFECTED:

Finance department has been consulted and their comments have been incorporated in the report.

RECOMMENDED BY:

Eddy Wu
Manager, Operations &
Maintenance

Phoebe Fu
Director, Environmental Services



Report to: General Committee

Meeting Date: November 16, 2020

SUBJECT: Quality Management System - Management Review
PREPARED BY: Andrea Tang, Manager, Business Compliance - ext. 3360
 Vincent Feng, QMS Coordinator – ext. 2737

RECOMMENDATION:

- 1) That the report titled “Quality Management System – Management Review” be received; and
- 2) That Council, as the Owner of the City’s drinking water system, acknowledge and support the outcome and action items identified from the Management Review; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

To provide information outlining the results of the Management Review process. This report updates Council on the status of the drinking water Quality Management System (QMS). This report is required by the Ministry of the Environment, Conservation and Parks’ (MECP) Drinking Water Quality Management Standard (DWQMS).

BACKGROUND:

As per Element 20 of the DWQMS, under the Safe Drinking Water Act (SDWA), 2002, Top Management of the Operating Authority is required to report the results of the Management Review to the Owner on an annual basis. Top Management is defined as the highest level of management within the Operating Authority that makes decisions and recommendations regarding the QMS, and is comprised of the Chief Administrative Officer, the Commissioner of Community & Fire Services and the Director of Environmental Services.

OPTIONS/ DISCUSSION:

An annual management review is required by the DWQMS. Top Management uses this management review as an opportunity to assess the QMS. The review focuses on a set of specific components identified in the DWQMS. This review process helps identify opportunities for continuous improvement of the QMS. Top Management met on October

1, 2020 to review system performance for the time period of January 1 to June 30, 2020, and to confirm the adequacy, suitability and effectiveness of the QMS. The Commissioner of Community & Fire Services role was vacant as of June 27, 2020 and the management review meeting was conducted with the other Top Management members present.

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Municipal Services – The QMS allows for the continual improvement of municipal service levels provided to City residents and businesses with regards to safe drinking water.

Excellence Markham – The continuous review and improvement of the QMS ensures that policies, documentation and practices remain current and reflect best management practices where applicable.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable.

The undersigned represent the Top Management of the City of Markham's Drinking Water System and by signing below; the Top Management of the Operating Authority has reviewed and approved the outcome of the Management Review meeting held on October 1, 2020.

RECOMMENDED BY:

Phoebe Fu, P. Eng.
Director, Environmental Services

Andy Taylor
Chief Administrative Officer

ATTACHMENTS:

Attachment "A" – Report on Quality Management System to Council Management Review Outcome (October 1, 2020)

Report on Quality Management System to Council Management Review Outcome

Meeting Date: October 1, 2020

Attendees: Andy Taylor, Phoebe Fu, Andrea Tang, Eddy Wu, Shumin Gao, Prathapan Kumar, Irene Weiss, Vince Feng

| RESULTS OF MANAGEMENT REVIEW | REPORT |
|--|--|
| Summary of Management Review | <ul style="list-style-type: none">• Presentation provided to Top Management covered all required items identified in the Operational Plan and Drinking Water Quality Management Standard.• Top Management reviewed information from January 1 to June 30, 2020.• QMS performance was reviewed to confirm that the system continues to be suitable, adequate and effective. |
| Deficiencies Identified | <ul style="list-style-type: none">• No deficiencies were identified at this meeting. |
| Decisions Made | <ol style="list-style-type: none">1. It is inconvenient for customers to mail in survey cards and this method may discourage customers from providing feedback. Another option should be explored for customers to conveniently provide feedback. |
| Action Items | <ol style="list-style-type: none">1. Explore digital or other effective methods for collecting customer feedback. |
| Other QMS Issues Identified (including summary of corrective actions) | <ul style="list-style-type: none">• During the COVID-19 pandemic, Environmental Services was able to maintain key services and operational activities to meet drinking water requirements. Waterworks prioritized workplace safety and key activities as part of its response to COVID-19. Waterworks will continue to monitor for any change that may affect the QMS as a result of the pandemic. |

Management Review Meeting Minutes are available upon request from the QMS Coordinator.



Report to: Development Services Committee

Meeting Date: November 23, 2020

SUBJECT: Further Amendments to the Conservation Authorities Act in Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

PREPARED BY: Lilli Duoba, MCIP, RPP, Manager, Natural Heritage, ext. 7925

REVIEWED BY: Marg Wouters, MCIP, RPP, Senior Manager, Policy & Research, ext. 2909

RECOMMENDATION:

1. That the report entitled “Further Amendments to the Conservation Authorities Act in Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020” be received;
2. That the City of Markham request that the Province withhold the enactment of Schedule 6 of Bill 229, the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* related to changes to the Conservation Authorities Act to allow for further review and consultation with municipalities, conservation authorities and the public;
3. That the staff report and resolution be forwarded to the Province of Ontario and Toronto and Region Conservation Authority; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to inform Committee about proposed changes to the *Conservation Authorities Act*. Although the Province is not seeking public input regarding the changes, this report provides staff comments on the implications of these changes to the City.

BACKGROUND:

In June 2019, the Province passed Bill 108, *More Homes, More Choices Act*, which, in part, amended the *Conservation Authorities Act*. The amendments defined the core mandate of the conservation authorities to include programs and services related to the risk of natural hazards, the conservation and management of conservation authority lands, source water protection, and any other programs prescribed by regulations. The amendments further identified that any programs or services that did not fall under the core mandate may be provided by a conservation authority through a memorandum of understanding or agreement with the benefitting municipality. Regulations implementing the *Conservation Authorities Act* changes have not been released by the Province. City staff are currently in preliminary discussions with the Toronto and Region Conservation

Authority (TRCA) to identify services that are already being provided to the City and to explore a framework for a memorandum of understanding.

On November 5, 2020, the Province released Bill 229 (*Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*). Within Bill 229 are a number of additional amendments to the Conservation Authorities Act aimed at improving transparency and consistency in conservation authority operations, strengthening municipal and provincial oversight and streamlining conservation authority roles in permitting and land use planning.

DISCUSSION

Bill 229 proposes to further define the core mandate of conservation authorities and to streamline conservation authority permitting and land use planning review. The TRCA would retain their mandate for flood plain protection and mitigation.

Proposed Ministerial powers to intervene in permit applications

Conservation authority permits are required for development or site alteration in or near hazardous lands (flood plains or valley slopes) and wetlands. The proposed changes introduce new powers for the Minister to take over decision making for a permit application before the decision of the conservation authority. While the ability of landowners to circumvent the issuance of a permit by a conservation authority by requesting Ministerial approval may result in a faster decision, there are no criteria or safeguards provided to ensure that decisions will support provincial and local environmental policy. A serious risk would be that one-off site-specific permits approved outside of the context of a local flood plan management program could pose a greater flood risk to downstream properties without an appropriate mitigation plan. The ability for the Minister to issue conservation authority permits mirrors the Ministerial Zoning Order powers of the province to make land use and zoning decisions without a Council decision and without due public process.

Implications to TRCA's participation in Local Planning Appeal Tribunal (LPAT) appeals and hearings

A second concern is related to proposed amendments to the *Planning Act* that limit a conservation authority's ability to participate at LPAT hearings. Markham relies on the TRCA to provide scientific and technical input into complex environmental planning matters. The City does not employ or retain expertise in terrestrial and aquatic ecology and other science-based disciplines. The amendments leave the City at greater risk to defend environmental issues without the TRCA's support. The result could be unforeseen costs to Markham and landowners to retain needed expertise and cause unnecessary delays in the approval process.

The City has had a long and positive relationship with TRCA and it provides critical value to our City's good planning through securing, protecting and managing Markham's Greenway System, flood plains, wetlands and watershed planning.

Staff have summarized the proposed changes to the *Conservation Authorities Act*, and their implications for the City in Table 1 below.

Table 1: Changes to the Conservation Authorities Act

| # | Proposed Change | Markham Staff Comments |
|--|--|--|
| Changes to permits under Section 28 of the Conservation Authorities Act (Permits for development or site alterations in or near watercourses, flood plains, wetlands, valley slopes and other hazardous lands) | | |
| 1 | Allows the Minister to take over the decision making for a permit application – either to deny or to approve a permit – before a conservation authority has made a decision. | Ministerial intervention, in the absence of a clear decision-making framework, risks creating confusion and inconsistency in permit administration. It appears this change seeks to address the consistency and the time delay of conservation authority decisions. Staff suggest that these concerns be addressed by improving regulations and policies that govern the conservation authority permitting process. |
| 2 | Allows permit applicants to request that the Minister review a permit decision within 15 days of a decision. The Minister may confirm or change the authority's decision. A decision made by the Minister is final and without appeal. | Where applicants disagree with the decision of a conservation authority, the proper recourse should be through an appeals process to a conservation authority board or to the Local Planning Appeals Tribunal (LPAT). This is already provided for in the current iteration of the Act. There is significant risk to flood protection and the protection of health and safety where decisions are made in an isolated context and contrary to a conservation authority's decision. |
| 3 | Sets a 120-day timeframe for a decision on permit applications, after which an applicant may appeal to the LPAT. | The TRCA has identified that a 120-day timeframe should begin upon a complete application supported by appropriate technical studies. Without complete application requirements, a 120-day timeframe may lead to a greater amount of appeals to LPAT which, in turn, could also lead to delays to parallel planning processes. |
| 4 | Remove the un-proclaimed provisions of Bill 139 (2017) that allow conservation authorities to issue stop work orders where they contravene Section 28 regulations. | Staff support enforcement tools such as stop work orders for conservation authorities to protect wetlands and to stop interference and modifications in hazard lands for public health and safety. |
| 5 | Allows permit applicants to appeal fees to the LPAT. | No implications to Markham. |
| 6 | Amends the warrantless entry provisions as they relate to | The changes will limit the ability of technical staff (e.g., engineers, planners, ecologists) to |

| | | |
|--|--|---|
| | permit review and enforcement of Section 28 violations. | review violations. The entry powers are retained for regulations officers under certain criteria. The TRCA has raised concerns that this would reduce the conservation authority's abilities to investigate violations where damage is being done to hazard lands and wetlands. |
| Land Use Planning (changes to Planning Act) | | |
| 7 | Prohibits conservation authorities from independently appealing <i>Planning Act</i> applications to LPAT. | <p>The TRCA provides planning services to the City on natural heritage and natural hazard policies (i.e., protection of natural features, development in flood plains or valley slopes). Conservation authorities will still be permitted to attend LPAT in support of the City's position on an appeal.</p> <p>This change could shift responsibility for enforcing natural hazard/heritage requirements to City Council, where Council could previously rely on the conservation authority to protect its own interests.</p> |
| Governance and Program Delivery of a Conservation Authority | | |
| 8 | Re-defines the conservation authority's purpose as the delivery of mandatory programs and services (natural hazards; conservation land management; source water protection) and any other programs delivered on behalf of a municipality. | The Province has not identified 'watershed planning and management' as a mandatory program of a conservation authority. Managing environmental and water problems based on watersheds and across municipal boundaries is a key benefit of forming conservation authorities. The proposed changes would require municipalities to opt in to and separately fund watershed planning programs. Should municipalities not opt in, there is risk that conservation authorities' ability to manage watersheds become diminished or ineffective. |
| 9 | Require municipal councillors on conservation authority boards to generally act on behalf of municipal interests and repeals the previous proposal that all board members act with a view of furthering the objectives of the conservation authority | There may be situations where one municipality's actions have down-stream impacts on another municipality(ies) within the jurisdiction of a conservation authority. Requiring councillors to consider a narrow interest could undermine the public's faith in an institution whose mandate is to protect the public from extreme flooding events without being limited by geo-political boundaries. |
| 10 | Allows the Province to appoint a member of the agricultural sector to the board of a conservation authority. | No implications to Markham. This change is supported. |

| | | |
|----|--|--|
| 11 | Allows the Minister to make binding orders to conservation authorities where in its opinion a conservation authority is not operating in compliance with the Act. | No implications to Markham. |
| 12 | Allows the Minister to appoint an administrator to take over control and operations of a conservation authority where in its opinion a conservation authority is not operating in compliance with the Act. | No implications to Markham. |
| 13 | Remove the ability of conservation authorities to expropriate lands. | The expropriation of lands may have once served a greater purpose when conservation authorities were constructing dams and other flood control infrastructure. The construction of these types of infrastructure projects are increasingly rare in Ontario. Conservation authorities may ask municipalities or the Province to expropriate lands on their behalf. If a conservation authority sought a municipality to expropriate lands on its behalf, it is not clear how such an expropriation would be funded. |

No Consultation regarding Amendments to Conservation Authorities Act

The Province has identified that, in accordance with the Environmental Bill of Rights, public consultation is not required as the proposed changes form part of the Province's 2020 budget. City staff are concerned that these significant procedural changes warrant public consultation and the opportunity for stakeholder feedback. It is recommended that the City request the Province defer approval of these amendments until feedback from stakeholders can be provided and considered. Any proposal should be posted on the Environmental Registry of Ontario (ERO) with a sufficient commenting period (90 days) and include workshops with the public and the conservation authorities so that the rationale for the changes may be fully understood.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Conservation authorities directly support the management of hazardous lands and the protection of the natural environment which is aligned with the "Safe, Sustainable and Complete Community" goal of Markham's Strategic Plan.

BUSINESS UNITS CONSULTED AND AFFECTED:

Legal Services has been consulted in the preparation of this report.

RECOMMENDED BY:

Arvin Prasad, MCIP, RPP
Commissioner, Development Services

ATTACHMENTS:

Appendix 'A': Provincial Bulletin: Updating the Conservation Authorities Act
<https://ero.ontario.ca/notice/019-2646>

Updating the Conservation Authorities Act

| | |
|--|---|
| ERO (Environmental Registry of Ontario) number | 019-2646 |
| Notice type | Bulletin |
| Act | Conservation Authorities Act, R.S.O. 1990 |
| Posted by | Ministry of the Environment, Conservation and Parks |
| Bulletin posted | November 5, 2020 |
| Last updated | November 5, 2020 |

This notice is for informational purposes only. There is no requirement to consult on this initiative on the Environmental Registry of Ontario. Learn more about the [types of notices \(/page/glossary#section-4\)](/page/glossary#section-4) on the registry.

Bulletin summary

We are amending the *Conservation Authorities Act* to improve transparency and consistency in conservation authority operations, strengthen municipal and provincial oversight and streamline conservation authority roles in permitting and land use planning.

Why consultation isn't required

Section 33 of the *Environmental Bill of Rights, 1993* (EBR) exempts proposals from the public consultation requirements under the EBR (Environmental Bill of Rights) if the proposal forms part of or gives effect to a budget or economic statement presented to the Legislative Assembly.

This includes:

1. a policy that forms part of a budget or economic statement presented to the Legislative Assembly; or
2. a bill, Act, regulation or instrument that gives effect to a budget or economic statement presented to the Legislative Assembly.

Bulletin details

Background - conservation authorities

Conservation authorities are local public sector organizations established by the province through the *Conservation Authorities Act* on the petition of two or more municipalities. Conservation authority jurisdictions are based on a watershed scale and cross multiple municipal boundaries to address common resource management objectives, principally for the provincial and municipal governments as well as for the conservation authority itself.

The *Conservation Authorities Act* was established in 1946 to improve poor land, water and forestry practices that had led to drought, flooding, erosion, and deforestation as well as to create jobs following the war. Over time, conservation authority programs and services have expanded into many aspects of natural resource management including science and research, environmental education, protection of water quality, land use planning, and protection and conservation of natural heritage.

A conservation authority is comprised of a membership of municipal representatives appointed by the municipalities that formed or later joined the conservation authority.

There are currently 36 conservation authorities established in Ontario (31 in Southern Ontario and 5 in urbanized areas in the north) serving an area where 95% of Ontario's population live.

Background - 2019 amendments to the *Conservation Authorities Act*

Ontario made a commitment in its [Made-in-Ontario Environment Plan](https://www.ontario.ca/page/made-in-ontario-environment-plan) (<https://www.ontario.ca/page/made-in-ontario-environment-plan>) to ensure that conservation authorities focus and deliver on their core mandate.

In June 2019, the *More Homes, More Choice Act, 2019* (Bill 108) amended the *Conservation Authorities Act* to:

- Define the four areas of core mandatory programs and services offered by conservation authorities and allowing for the programs and services that make up each area to be further defined by regulation. The four areas include:
 1. Programs and services related to the risk of natural hazards
 2. Programs and services related to the conservation and management of lands owned or controlled by the conservation authority
 3. Programs and services related to the conservation authority's duties, functions and responsibilities as a source protection authority under

4. Programs and services related to the conservation authority's duties, functions and responsibilities under an Act prescribed by the regulations

- Allow other programs and services outside of the four core areas to be prescribed as mandatory programs and services.
- Require, after a specified date, that municipal financing of a non-mandatory program and service can only continue, where the conservation authority has entered into a financing agreement with its participating municipalities.
- Establish a transition period and process for conservation authorities and municipalities to identify, through an inventory, which of their programs and services are mandatory and then to enter into agreements for the non-mandatory programs or services that are financed in whole or in part at the municipal level.
- Enable the minister to appoint an investigator to investigate or undertake an audit and report on a conservation authority.
- Clarify that the duty of conservation authority "board" members is to act with a view to furthering the objects of the conservation authority (i.e. (that is), the range of activities the conservation authority is allowed to undertake) .

These sections of the *Conservation Authorities Act* are currently un-proclaimed. We posted [a notice \(https://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTM3NjY5&statusId=MjA5ODI0&language=en\)](https://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTM3NjY5&statusId=MjA5ODI0&language=en) on the Environmental Registry of Ontario regarding these amendments on April 5, 2019 for 45 days.

Conservation Authorities Act Review

Over the past year and a half, we have further consulted on the core role of conservation authorities in preparing and protecting against the impacts of natural hazards, maintaining and managing conservation lands, and roles in drinking water source protection. We received feedback from conservation authorities and a diverse group of stakeholders, including municipalities, the agricultural and development sectors, environmental and conservation organizations, and landowners, on the appropriate role for conservation authorities.

Through these consultations we heard concerns that some conservation authorities have expanded their programs and services beyond their core mandate.

We recognize that conservation authorities play an important role in local resource management, including protecting and preserving significant conservation land. With the scope of conservation authorities' activities expanding over time, some participating municipalities of a conservation authority have expressed concern about the increases to their municipal levies that they are required to pay under the *Conservation Authorities Act* to finance their respective conservation authorities and the lack of direct control that participating municipalities may have over conservation authority budgets. Participating municipalities on average contribute over half of the conservation authority revenue through municipal levies. Most of the remainder comes from conservation authorities' self-generated revenue, with provincial funding averaging less than ten per cent.

Based on the feedback we received, the province is moving forward with a proposal to further define the core mandate of conservation authorities. These changes would improve the governance, oversight and accountability of conservation authorities, while respecting taxpayer dollars by giving municipalities more say over the conservation authority services they pay for.

We are proposing to streamline conservation authorities' permitting and land use planning review which is expected to increase accountability, consistency and transparency, which in turn will support growth, competitiveness, and job creation as communities plan for future growth.

We know that many conservation authorities provide valuable recreational and educational programs and services that are important to the local community, such as camping and outdoor education. These programs would continue, so long as they are funded through self-generated revenue or have support from the local municipality that funds them.

Improving the governance of conservation authorities and ensuring they are focused on their core mandate is also in line with Protecting People and Property: Ontario's Flooding Strategy, Ontario's first comprehensive plan to strengthening flood preparedness, response and recovery.

Summary of proposed changes

Improving transparency, consistency in operations and municipal/provincial oversight of conservation authorities

We are proposing amendments to the *Conservation Authorities Act* to improve consistency, transparency and municipal/provincial oversight of conservation authorities and their operations.

If passed, the amendments would:

- Revise the objects of conservation authorities (i.e., (that is), the range of activities conservation authorities are allowed to undertake) to reflect the three categories of programs and services that the conservation authority is currently authorized to deliver under the *Conservation Authorities Act* over the area over which it has jurisdiction:
 1. Core mandatory programs and services described above
 2. The programs and services which conservation authorities deliver on behalf of a municipality pursuant to a memorandum of understanding or agreement, and
 3. The programs and services that a conservation authority delivers to further the purposes of the *Conservation Authorities Act*
- Enable the minister to, by regulation, establish standards and requirements for the delivery of non-mandatory programs and services.
- Integrate the current power of a conservation authority to “cause research to be done” with the conservation authority’s current power to study and investigate the watershed in order to support the programs and services the conservation authority delivers.
- Remove the authority for conservation authorities to expropriate lands. Conservation authorities would have the ability to request either the Province or a municipality expropriate land.
- Require conservation authorities to follow generally accepted accounting principles.
- Require conservation authorities to make key documents publicly available online (e.g., (example), meeting agendas, meeting minutes, municipal member agreements, annual audits).
- Require conservation authorities to submit to the minister a copy of any agreement its participating municipalities have entered into on the number of members each participating municipality is entitled to appoint to a conservation authority.
- Remove the transition provision for conservation authorities to develop administrative by-laws.
- Following an investigation, if after reviewing the investigator’s report the minister is of the opinion that the conservation authority has failed or is likely to fail to comply with any provincial law, authorize the minister to issue a binding directive to the conservation authority, and/or, with the approval of the LGIC (Lieutenant Governor in Council), to appoint a temporary administrator to assume control of all of the conservation authority’s operations. Further, the minister would be authorized to issue binding directives to the administrator.
- Have all municipal levy appeals be heard by the Local Planning Appeal Tribunal (LPAT) – the *Conservation Authorities Act* currently provides

- Require participating municipalities to appoint municipal councillors as conservation authority members and that municipally appointed members generally act on behalf of their municipalities. This proposal would repeal the un-proclaimed provision made in Bill 108 that members were to act with a view to furthering the objects of the conservation authority, and instead provide clarity for conservation authority member governance and enhanced municipal oversight over taxpayer dollars.
- Enable the minister to appoint a member to the conservation authority from the agricultural sector.
- Require that conservation authority chairs and vice-chairs rotate every two years between different participating municipalities.
- Enable the minister to delegate some of their duties and powers under the *Conservation Authorities Act*, for example to a ministry official.
- Add a legal provision to the *Conservation Authorities Act* related to aboriginal and treaty rights under the Constitution. Such a non-derogation provision would recognize that nothing in the Act would abrogate or derogate from the existing aboriginal and treaty rights recognized and affirmed by section 35 of the Constitution.

Streamlining conservation authority roles and responsibilities in permitting and land use planning

We have also heard concerns from some stakeholders about the role of conservation authorities in issuing permits under the *Conservation Authorities Act* and as a public body with the power to comment on and challenge decisions under the Planning Act. Stakeholders have questioned whether conservation authorities' current roles are consistent and supportive of timely decisions that are necessary in the land use planning and approval process, and some stakeholders consider these roles need to be streamlined as they impose unnecessary costs and/or delays for businesses and property owners.

We are therefore proposing changes to the *Conservation Authorities Act* to streamline the role of conservation authorities in permitting and land use planning as well to ensure timely decisions are made in relation to permits required under section 28 of the Act.

If passed, the proposed amendments would:

- Authorize the Minister of Natural Resources and Forestry to issue an order to take over and decide an application for a permit under section 28 of the *Conservation Authorities Act* in place of the conservation

- Allow an applicant, within 30 days of a conservation authority issuing a permit, with or without conditions, or denying a permit, to request the minister to review the conservation authority's decision.
- Where the minister has taken over a permit application or is reviewing a permit decision by a conservation authority, allow an applicant to appeal directly to LPAT (Local Planning Appeal Tribunal) where the minister fails to make a decision within 90 days.
- In addition to the provision to seek a minister's review, provide the applicant with the ability to appeal a permit decision to LPAT (Local Planning Appeal Tribunal) within 90 days after the conservation authority has made a decision.
- Where a permit is cancelled, allow the permit holder to appeal the cancellation to LPAT (Local Planning Appeal Tribunal) within 90 days.
- Allow applicants to appeal directly to LPAT (Local Planning Appeal Tribunal) where a conservation authority fails to make a decision on section 28 permit applications within 120 days.
- Provide permit applicants with the ability to appeal permit fees charged by a conservation authority to LPAT (Local Planning Appeal Tribunal).
- Amend the un-proclaimed warrantless entry provisions to change the circumstances when an entry to land may be exercised by a conservation authority officer so that such circumstances are similar to entry powers now in effect in section 28 of the Act.
- Remove the un-proclaimed provisions for conservation authorities to be able to issue stop work orders and retain the current enforcement tools, such as laying charges and potential court injunctions.

The Schedule also proposes an amendment to the *Planning Act* to add conservation authorities to subsection 1 (2) of the *Planning Act*. This amendment, if passed, would make conservation authorities part of the Province's one window planning approach. This would mean that a conservation authority could not, as a public body under that Act, appeal a decision to LPAT (Local Planning Appeal Tribunal) or become a party to an appeal before LPAT (Local Planning Appeal Tribunal). Municipalities and the Province can continue to work with conservation authorities and rely on their advice and support where they want it during an LPAT (Local Planning Appeal Tribunal) appeal.

Later this fall, we intend to further consult on regulatory proposals (mandatory programs and services, section 28 natural hazards, section 29 conservation authority lands, agreements and transition) under the *Conservation Authorities*

Supporting materials

Related links

Conservation Authorities Act

(<https://www.ontario.ca/laws/statute/90c27>)

More Homes, More Choice Act, 2019 (Bill 108)

(<https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-108>)

Made-in-Ontario Environment (<https://www.ontario.ca/page/made-in-ontario-environment-plan>)

Online consultation with stakeholders.

(<https://www.ontario.ca/page/consultation-ontario-conservation-authorities>)

View materials in person


Important notice: Due to the ongoing COVID-19 pandemic, viewing supporting materials in person is not available at this time.

Please reach out to the Contact listed in this notice to see if alternate arrangements can be made.

Connect with us

Contact

Sam Lyon

 [416-327-3787](tel:416-327-3787)

 sam.lyon@ontario.ca

LINVEST

November 22, 2020

Mayor and Members Development Services Committee
c/o City Clerk
City of Markham
Markham Civic Centre
101 Town Centre Boulevard
L3R 9W3

Dear Mayor and Member of Development Services Committee,

**Re: November 23, 2020 Development Services Committee, Agenda Item NO. 10.2
Authority to Provide Development Charge Credits and/or Reimbursements to
Lindwide Developments (Cornell) Limited for Construction of Infrastructure on the
City's Behalf (Ward 5) (7.11, 5.0)**

This letter relates to the Staff recommendation report submitted to the November 23, 2020 Development Services Committee (Agenda Item No. 10.2) in respect of Development Charge Credits. Lindwide generally supports the staff recommendations made in this report, but disputes the underlying land value used to value the property component identified in the current DC background study.

Although the report recommends approval of Development Charge Credits equal to the amounts carried and remaining available as listed in the 2017 DC Background Study, it also confirms that the amount remaining for property acquisition in respect of roads with a Right-of-Way width exceeding 23m is not adequate to fund the current estimated cost of the Lindwide property. This inadequacy relates to the value of land and not to the area of land. Land values have increased since the time when the 2017 background study was completed and today's land values are considerably higher.

To address the shortfall, Lindwide is seeking a Development Services Committee resolution that amends the Staff report to permit Lindwide and Staff to negotiate a mutually satisfactory land value which can then be included in the next DC background study. This would allow Lindwide to recover the balance of the DC credit (i.e. the shortfall) when the new DC bylaw is enacted.

Thank you Mayor and Committee Members for your consideration of our request. We hope you'll agree and adopt the resolution that amends the Staff report to address the shortfall mentioned hereinabove.

Yours Truly,

Lindwide Developments (Cornell) limited

Per:



Frank Palombi, P. Eng.

Cc: Mr. Arvin Prasad, Commissioner, Development
Mr. Brian Lee, P. Eng., Director of Engineering



Report to: Development Services Committee

Meeting Date: November 23, 2020

SUBJECT: Authority to provide Development Charge Credits and/or Reimbursements to Lindwide Developments (Cornell) Limited for the Construction of Infrastructure on the City's Behalf (Ward 5)

PREPARED BY: Syed Sultan, Development Engineer, ext. 2629

REVIEWED BY: Reza Fani, Manager, Development Engineering, ext. 2414

RECOMMENDATION:

1. That the report entitled "Authority to provide Development Charge Credits and/or Reimbursements to Lindwide Developments (Cornell) Limited for the Construction of Infrastructure on the City's Behalf (Ward 5)" be received; and,
2. That Council authorize a City Wide Hard Development Charge credit and/or reimbursement not exceeding \$331,740, to Lindwide Developments (Cornell) Limited relating to its portion of the construction costs associated with a pressure reducing valve ("PRV") and a Chamber at the intersection of Cornell Rouge Blvd. and Highway 7 and a watermain on Highway 7 from Cornell Rouge Blvd. to Donald Cousens Parkway; and,
3. That Council authorize a City Wide Hard Development Charge credit and/or reimbursement not exceeding \$713,837, to Lindwide Developments (Cornell) Limited relating to its portion of the property and construction costs associated with the right-of-way, exceeding 23 metres and asphalt exceeding 11.0 metres, on Bur Oak Avenue from Highway 7 to 260 metres South; and,
4. That Council authorize a City Wide Hard Development Charge credit and/or reimbursement not exceeding \$550,717, to Lindwide Developments (Cornell) Limited relating to its portion of the property and construction costs associated with the right-of-way, exceeding 23 metres and asphalt exceeding 11.0 metres, on William Forster Road from Highway 7 to 200 metres South; and,
5. That all of the above credits or reimbursements shall be the absolute value of the credits and reimbursements, and that HST, interest and/or indexing shall not be credited or reimbursed; and,
6. That the Mayor and Clerk be authorized to execute a Development Charge Credit and/or Reimbursement Agreement(s), if required, in accordance with the City's Development Charge Credit and Reimbursement Policy, with Lindwide Developments (Cornell) Limited, or its successors in title to the satisfaction of the Treasurer and the City Solicitor; and further;
7. That staff be directed to do all things necessary to give effect to this report.

PURPOSE:

The purpose of this report is to obtain Council authorization:

- a) to grant City Wide Hard Development Charge credit and/or reimbursement, not exceeding \$1,596,294, to Lindwide Developments (Cornell) Limited, in accordance with the City's Development Charge Credit and Reimbursement Policy. The requested credit and/or reimbursement is for the construction of the following infrastructure:
 - A pressure reducing valve ("PRV") and a Chamber at the intersection of Cornell Rouge Blvd. and Highway 7 and a watermain on Highway 7 from Cornell Rouge Blvd. to Donald Cousens Parkway;
 - Property and construction costs associated with the right-of-way, exceeding 23 metres and asphalt exceeding 11.0 metres, on Bur Oak Avenue from Highway 7 to 260 metres South;
 - Property and construction costs associated with the right-of-way, exceeding 23 metres and asphalt exceeding 11.0 metres, on William Forster Road from Highway 7 to 200 metres South; and,
- b) for the Mayor and Clerk to enter into the necessary Development Charge Credit and/or Reimbursement Agreement(s).

The Development Charge (DC) eligible infrastructure includes the design, contract administration and construction costs.

These works were necessary for the developer to complete and service its plan of subdivision located on the south side of Highway 7 and west side of Donald Cousens Parkway, and therefore, could not be constructed by the City at a later date. Council's authorization is required in accordance with the Development Charge Credit and Reimbursement Policy, as the credit and/or reimbursement request exceeds the Treasurer's approval authority of up to \$500,000.

BACKGROUND:

On July 14, 2020, Council adopted a report entitled, "*RECOMMENDATION REPORT Lindwide Developments (Cornell) Limited Proposed Draft Plan of Subdivision and Zoning By-law Amendment applications to permit 79 single detached dwellings, 270 townhouse dwellings, 162 stacked townhouse dwellings, high rise residential and employment uses, on the south side of Highway 7 and west side of Donald Cousens Parkway, (Ward 5)*". That report did not include draft plan conditions to acknowledge that Lindwide Developments (Cornell) Limited ("Lindwide") would be reimbursed for constructing DC eligible infrastructure, as the detailed cost estimates for the infrastructure had not yet been submitted to the City for review and acceptance.

Lindwide's consultant has now identified the DC eligible infrastructure that is to be constructed, and provided detailed cost estimate of the infrastructure. Staff in the Engineering and Finance Departments have reviewed the infrastructure and the detailed cost estimate, and concurred with the estimate.

The DC eligible infrastructure are shown in Attachment 'A'.

OPTIONS/DISCUSSION:

City Wide Hard Development Charge Credits and/or Reimbursements

In accordance with the City's Development Charge Credit and Reimbursement Policy, development charge credit and/or reimbursement will be limited to the lesser of the amount in the Development Charges Background Study and the actual cost of the infrastructure. In this instance, the 2017 Development Charges Background Study establishes the estimated cost of the infrastructure, at \$1,596,294.

The total estimated cost of the DC eligible infrastructure, as submitted by the developer is

\$2,626,000 as seen in the table below, which is more than the amount in the DC Background Study. Therefore, Lindwide will be eligible for reimbursement to a maximum of \$1,596,294 exclusive of HST, based on the lesser of the amount in the Development Charges Background Study and the actual cost for each individual component of the works shown below. It should be noted that the City does not give credit for, or reimburse, HST costs, and no interest or indexing shall be payable on the maximum credit/reimbursement.

| Infrastructure | Project Location | | Developer's Submitted (Estimated) Cost | Cost in the 2017 DC Background Study |
|----------------|----------------------|--|--|--------------------------------------|
| Watermain | South of Highway 7 | Cornell Rouge Blvd. to Don Cousens Blvd. | \$ 390,000 | \$ 331,740 |
| Roads | Bur Oak Avenue | Hwy 7 to Michelina Terrace | \$ 139,000 | \$ 214,344 |
| Property | Bur Oak Avenue | Hwy 7 to Michelina Terrace | \$ 979,000 | \$ 499,493 |
| Roads | William Forster Road | Hwy 7 to 200m South (Street D) | \$ 139,000 | \$ 165,799 |
| Property | William Forster Road | Hwy 7 to 200m South (Street D) | \$ 979,000 | \$ 384,918 |
| | | | \$ 2,626,000 | \$ 1,596,294 |

Timing of Recommended Credits and/or Reimbursements

DC Credits and/or Reimbursements Components

The final DC credits and/or reimbursements amounts are to be issued to Lindwide once the Director of Engineering has confirmed that the DC eligible works have been completed, the certified costs are provided and reviewed by the Engineering Department,

and the DC credit and/or reimbursement agreement, if necessary, is executed.

The City may enter into DC credits/reimbursements agreements as permitted by Section 38(1) of the *Development Charges Act, 1997* which provides as follows:

“If a municipality agrees to allow a person to perform work that relates to a service to which a development charge by-law relates, the municipality shall give the person a credit towards the development charge in accordance with the agreement.”

Development Charge credits and/or reimbursements have been used in a number of development applications, to facilitate the construction of infrastructure in advance of the City’s capital programs in order for development to proceed.

FINANCIAL CONSIDERATIONS:

There is no net financial impact to the City as DC credits/reimbursements are provided to developers in exchange for the construction of works included in the City’s Development Charges Background Study, in compliance with the Development Charge Credit and Reimbursement Policy. The payment of \$1,596,294 exclusive of HST for the DC eligible infrastructure will be funded from DCs as it is required due to growth, as such there is no negative financial impact to the City. It should be noted that the City does not give credit for, or reimburse HST costs, and no interest or indexing shall be payable on the maximum credit/reimbursement.

Consistent with the City’s Development Charge Credit and Reimbursement Policy, Lindwide will be required to pay an administration fee for the Engineering, Legal and Finance Department’s costs incurred relating to the review, preparation and administration of the Development Charge credit and/or reimbursement. The fee is structured in the following manner:

- An application fee of \$1,628.50 plus HST to review the development charge credit and/or reimbursement request; plus
- A fee equivalent to 1.0% of the value of the credit and/or reimbursement request or a maximum of \$10,856. For this application, the fee is \$10,856 plus HST and is payable upon credit and/or reimbursement of the approved amounts.

Other legal fees may be applicable upon execution of an agreement by the City and Lindwide.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The recommendations of this report are consistent with the City’s goal of efficient service delivery and financial stewardship.

BUSINESS UNITS CONSULTED AND AFFECTED:

Finance and Legal Services Departments have reviewed this report and their comments are incorporated.

RECOMMENDED BY:

Joel Lustig
Treasurer

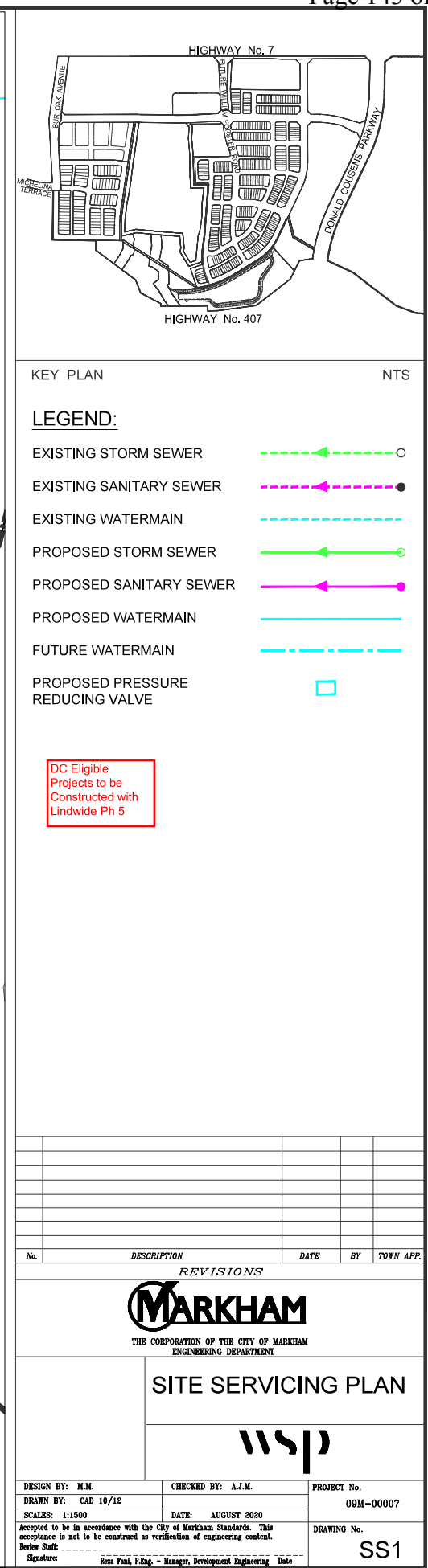
Brian Lee, P. Eng.
Director of Engineering

Trinela Cane
Commissioner, Corporate Services
Services

Arvin Prasad, MCIP, RPP
Commissioner, Development

ATTACHMENTS:

Attachment 'A' – DC Eligible Infrastructure





BY-LAW NUMBER _____

TO AMEND BY-LAW 2017-104

BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM THAT SPEED LIMIT BY-LAW 2017-104 BE AND THE SAME IS HEREBY AMENDED AS FOLLOWS:

1. That Schedule “B” of Speed Limit By-law 2017-104, pertaining to a 50 km/h maximum rate of speed, be amended to rescind the following:

| <u>COLUMN 1</u> | <u>COLUMN 2</u> | <u>COLUMN 3</u> |
|---------------------------|-------------------------|-----------------|
| <u>HIGHWAY</u> | <u>FROM</u> | <u>TO</u> |
| Main St. Markham North | 16 th Avenue | Highway 7 |

2. That Schedule “A” of Speed Limit By-law 2017-104, pertaining to a 40 km/h maximum rate of speed, be amended to rescind the following:

| <u>COLUMN 1</u> | <u>COLUMN 2</u> | <u>COLUMN 3</u> |
|---------------------|-----------------|-----------------|
| <u>HIGHWAY</u> | <u>FROM</u> | <u>TO</u> |
| Main St. Unionville | Rosemead Close | Highway 7 |

3. That a new Schedule “D” of Speed Limit By-law 2017-104, pertaining to a 30 km/h maximum rate of speed, be created and amended to include the following:

| <u>COLUMN 1</u> | <u>COLUMN 2</u> | <u>COLUMN 3</u> |
|---------------------|-----------------|-----------------|
| <u>HIGHWAY</u> | <u>FROM</u> | <u>TO</u> |
| Main St. Unionville | Carlton Road | Station Lane |

4. That Schedule “A” of Speed Limit By-law 2017-104, pertaining to a 40 km/h maximum rate of speed, be amended to include the following:

| <u>COLUMN 1</u> | <u>COLUMN 2</u> | <u>COLUMN 3</u> |
|---------------------------|--------------------------------|-----------------|
| <u>HIGHWAY</u> | <u>FROM</u> | <u>TO</u> |
| Main St. Markham North | Bullock Drive / Parkway Avenue | Highway 7 |
| Main St. Unionville | Rosemead Close | Carlton Road |
| Main St. Unionville | Station Lane | Highway 7 |

ATTACHMENT ‘B’

5. That Schedule “B” of Speed Limit By-law 2017-104, pertaining to a 50 km/h maximum rate of speed, be amended to include the following:

| <u>COLUMN 1</u> | <u>COLUMN 2</u> | <u>COLUMN 3</u> |
|---------------------------|-------------------------|--------------------------------|
| <u>HIGHWAY</u> | <u>FROM</u> | <u>TO</u> |
| Main St. Markham North | 16 th Avenue | Bullock Drive / Parkway Avenue |

The By-Law shall come into force and effect upon receiving the third reading by the Council of the City of Markham and also when authorized signs have been erected.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS_____

DAY OF _____, 2020.

KIMBERLY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

**THE CORPORATION OF THE CITY OF MARKHAM
BY-LAW NO. 2020-XXX**

BEING A BY-LAW TO PROVIDE FOR AN INTERIM TAX LEVY IN 2021

WHEREAS Section 317(1) of the *Municipal Act, 2001*, S.O. 2001, C.25, provides that the Council of a local municipality may, before the adoption of the annual estimates for 2020, pass a by-law to levy on the whole of the assessment for taxable property for local municipal purposes;

AND WHEREAS the Council of The Corporation of the City of Markham wishes to impose an interim tax levy, as authorized by *Municipal Act, 2001*, S. O. 2001, c. 25, as amended;

AND WHEREAS section 342 of the *Municipal Act, 2001* authorizes a Council to pass by-laws for the payment of taxes by instalments and the date or dates in the year for which the taxes are imposed on which the taxes or instalments are due;

AND WHEREAS section 345 of the *Municipal Act, 2001* authorizes a local municipality to pass by-laws to impose late payment charges for the non-payment of taxes or any instalment by the due date;

AND WHEREAS the Council of The Corporation of the City of Markham, considers it necessary to implement a Property Tax Payment Deferral Program to assist taxpayers with the economic and financial recovery from the COVID-19 pandemic by providing a tax deferral program to provide time extensions without late payment charges to taxpayers;

AND WHEREAS the Treasurer has established criteria for Property Tax Payment Deferral Program to assist financially impacted taxpayers as soon as possible and without an undue administrative burden in accordance with Council's authority under Section 342 of the *Municipal Act, 2001*.

NOW THEREFORE the Council of the Corporation of the City of Markham enacts as follows:

1. **THAT** the Council of The Corporation of The City of Markham hereby imposes an interim levy in 2021 in an amount of fifty (50) per cent of the prior year's annualized taxes;
2. **THAT** the taxes may be levied by this by-law on a property that is taxable for local municipal purposes for the current tax year, even if the property was not taxable for local municipal purposes for the prior tax year, including assessment of property that is added to the assessment roll after the by-law is passed at a rate not to exceed fifty (50) per cent of the previous year tax rate for the property class in which the property is assessed;
3. **THAT** the interim taxes levied by this by-law shall be due and payable in equal instalments as per the following schedules:

I. MONTHLY RESIDENTIAL PRE-AUTHORIZED PAYMENT BILLS

- a. Due in five (5) equal instalments on the 1st day in each of the months of February, March, April, May and June of 2021.

II. INSTALMENT PRE-AUTHORIZED PAYMENT BILLS

- a. Due in three (3) equal instalments on the 5th day of February 2021, 5th day of March 2021, and the 6th day of April 2021; or
- b. Due in two (2) equal instalments on the 5th day of February 2021, and 5th day of March 2021.

III. NON PRE-AUTHORIZED RESIDENTIAL, FARMLAND, AND PIPELINE BILLS

- a. Due in two (2) equal instalments on the 5th day of February 2021, and the 5th day of March 2021.

IV. NON PRE-AUTHORIZED MULTI-RESIDENTIAL BILLS, AND ALL COMMERCIAL AND ALL INDUSTRIAL BILLS

- a. Due in two (2) equal instalments on the 5th day of February 2021, and 5th day of March 2021.

4. **THAT** as provided in Subsections 345(1) and (2) of the *Municipal Act 2001*, if the taxes or any class or instalment thereof so levied in accordance with this By-law remain unpaid following the due date, a penalty of one per cent (1.00%) on the fourth day default one point quarter per cent (1.25%) per month (15% per annum), on the first day each calendar month thereafter in which the default continues;
5. **THAT** for taxpayers who apply for and are approved before November 30, 2021 will be eligible to have late payment charges (*penalty and interest*) waived starting from the following month of application approval through December 31st, 2021; the Treasurer shall
 - i. Establish an interest charge of zero percent (0%) on all property tax arrears for the period starting January 1, 2021 or application approval date to December 31, 2021;
 - ii. Establish a penalty charge of zero percent (0%) on all property tax arrears for the period starting January 1, 2021 or application approval date to December 31, 2021.
6. **THAT** the Treasurer of The Corporation of The City of Markham is hereby authorized and directed to serve personally or to mail or cause to be mailed notices of the taxes hereby levied to the person or persons taxed at the person's residence or place of business or upon the premises in respect of which the taxes

are payable by such person, or the ratepayer's mortgage company or third party designated by the property owner;

7. **THAT** payment of the taxes shall be paid to the Treasurer at the Municipal Offices, 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3;
8. **AND THAT** this By-law shall not take effect until January 1, 2021.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS XX^h DAY OF NOVEMBER, 2020.

X_____
KIMBERLEY KITTERINGHAM
CITY CLERK

X_____
FRANK SCARPITTI
MAYOR



2020-XXX

A by-law to deem certain lands not to
be a registered plan of subdivision for
the purposes of subsection 50(3) of the
Planning Act

Patrick O'Hanlon & David Hicks
37 & 41 Elm Street

WHEREAS subsection 50(4) of the Planning Act permits a local municipality to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, and deem it not to be a registered plan of subdivision for the purpose of subsection 50(3) of the Planning Act;

AND WHEREAS Part Lot 15, Lots 16, 17, and 18 on Registered Plan 4292, City of Markham, Regional Municipality of York are within a plan of subdivision registered for more than eight years;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

That the following lands are designated and deemed not to be a registered plan of subdivision for the purpose of Subsection 50(3) of the Planning Act:

Part Lot 15, Lot 16 and Part Lot 17 on Registered Plan 4292, City of Markham, Regional Municipality of York; and

Part Lot 17 and Lot 18 Registered Plan 4292, City of Markham, Regional Municipality of York.

READ A FIRST, SECOND, AND THRID TIME AND PASSED THIS
__TH DAY OF ____, 2017.

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR