

Council Minutes

Meeting Number: 18
October 29, 2019, 6:00 PM
Council Chamber

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

Alternate formats for this document are available upon request

1. CALL TO ORDER

The meeting of Council convened at 6:02 PM on October 29, 2019 in the Council Chamber. Mayor Frank Scarpitti presided.

2. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - OCTOBER 16, 2019

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

1. That the Minutes of the Council Meeting held on October 16, 2019, be adopted.

Carried

4. PRESENTATIONS

There were no presentations.

5. DEPUTATIONS

5.1 DEPUTATIONS - RECOMMENDATION FROM THE SEPTEMBER 13, 2019 LICENSING COMMITTEE HEARING (8 JOHN LYONS ROAD) (2.0)

Karl Koehn, appellant, appeared before Council requesting approval to remove the Black Walnut Tree because of safety concerns and provided Council with sample walnuts from the Black Walnut tree.

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

5.2 DEPUTATIONS - DEMOLITION PERMIT APPLICATION 11 PRINCESS STREET MARKHAM VILLAGE WARD 4 (16.11, 10.13)

Sam Orrico provided comments on the matter.

(See Item 8.1.1, Report No. 38 for Council's decision on this matter.)

Moved by Councillor Karen Rea
Seconded by Councillor Andrew Keyes

That the above depositions be received.

Carried

6. COMMUNICATIONS

6.1 33-2019 LIQUOR LICENCE APPLICATION - ICHI DON JAPANESE CUISINE (WARD 8) (3.21)

(New Liquor Licence for indoor areas)

Moved by Councillor Andrew Keyes

Seconded by Councillor Alan Ho

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

Carried

6.2 34-2019 FUNDING PROGRAM - INVESTING IN CANADA INFRASTRUCTURE PROGRAM : ONTARIO COMMUNITY, CULTURE AND RECREATION (6.0)

Brenda Librecz, Commissioner, Community & Fire Services provided clarification on the memo.

Moved by Regional Councillor Jack Heath

Seconded by Regional Councillor Joe Li

1. That the memorandum dated October 25, 2019 from the Commissioner of Community & Fire Services regarding the Investing in Canada Infrastructure Program (ICIP): Ontario Community, Culture and Recreation (CCR) Funding Program be received for information.

Carried

7. PROCLAMATIONS

7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Council consented for the separation of the following items:

- Consider Proclamation and Flag Raising Item 1(a) and 2(a) separately; and,
- Consider Proclamation and Flag Raising Item 1(b) and 2(b) separately.

Moved by Councillor Keith Irish
Seconded by Councillor Andrew Keyes

1. That the following proclamation, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
 - a. Turkish Republic Day - November 4, 2019
2. That the following request for flags to be raised at the Anthony Roman Markham Civic Centre flagpole, approved by the City Clerk in accordance with the City of Markham Community Flag Raisings & Flag Protocol Policy, be received for information purposes:
 - a. Turkish Republic Day - November 4, 2019 (Organized by the Federation of Canadian Turkish Association)

Carried

Moved by Councillor Keith Irish
Seconded by Councillor Andrew Keyes

1. That the following proclamation, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
 - b. National Day of Remembrance and Action on Violence Against Women - December 6, 2019.
2. That the following request for flag to be raised at the Anthony Roman Markham Civic Centre flagpole, approved by the City Clerk in accordance with the City of Markham Community Flag Raisings & Flag Protocol Policy, be received for information purposes:
 - b. National Day of Remembrance and Action on Violence Against Women - December 6, 2019 (Organized by the Yellow Brick House).

Carried

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 38 - DEVELOPMENT SERVICES COMMITTEE (OCTOBER 15, 2019)

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. 8.1.3.

(See Council's decision on Item No. 8.1.3):

Carried

8.1.1 RECOMMENDATION REPORT DEMOLITION PERMIT APPLICATION 11 PRINCESS STREET MARKHAM VILLAGE HERITAGE CONSERVATION DISTRICT, WARD 4 (16.11, 10.13)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report titled "Recommendation Report, Demolition Permit Application, 11 Princess Street, Markham Village Heritage Conservation District, Ward 4, File No. 19 133557", dated October 15, 2019, be received;
2. That Council endorse the demolition of the existing 1950s dwelling;
3. And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.1.2 RECOMMENDATION REPORT AMENDMENT TO THE THORNHILL HERITAGE CONSERVATION DISTRICT PLAN – ROBERT JARROT HOUSE STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST 15 COLBORNE STREET THORNHILL HERITAGE CONSERVATION DISTRICT, WARD 1 (16.11)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report titled “Recommendation Report, Amendment to the Thornhill Heritage Conservation District Plan – Robert Jarrot House Statement of Cultural Heritage Value or Interest, 15 Colborne Street, Thornhill Heritage Conservation District, Ward 1”, dated October 15, 2019, be received; and,
2. That as recommended by Heritage Markham, the Statement of Cultural Heritage Value or Interest for 15 Colborne Street in the Building Inventory of the Thornhill Heritage Conservation District Plan (2007) be amended as per Appendix ‘C’ to include the exterior of the 1963/1975 addition designed by B Napier Simpson Jr. as a heritage attribute based on its design/physical value and its historical/associative value; and further,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.1.3 RECOMMENDATION REPORT HUMBOLD GREENSBOROUGH VALLEY HOLDINGS LIMITED APPLICATIONS TO AMEND THE OFFICIAL PLAN AND ZONING BY-LAW, AND FOR DRAFT PLAN OF SUBDIVISION AND SITE PLAN APPROVAL TO PERMIT A COMMON ELEMENT CONDOMINIUM TOWNHOUSE DEVELOPMENT COMPRISED

OF 147 TOWNHOUSES INCLUDING 121 BACK-TO-BACK TOWNHOUSES ON THE EAST SIDE OF DONALD COUSENS PARKWAY, SOUTH OF MAJOR MACKENZIE DRIVE, WEST OF NINTH LINE, NORTH OF CASTLEMORE AVENUE (CONCESSION 8, PART OF LOT 19) (WARD 5) FILE NOS: OP 18 129244, ZA 10 132122, SU 11 118324 & SC 10 132123 (10.3, 10.5, 10.7 & 10.6)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the staff report titled “RECOMMENDATION REPORT, Humbold Greensborough Valley Holdings Limited, Applications to amend the Official Plan and Zoning By-law, and for Draft Plan of Subdivision and Site Plan Approval to permit a common element condominium townhouse development comprised of 147 townhouses including 121 back-to-back townhouses on the east side of Donald Cousens Parkway, south of Major Mackenzie Drive, west of Ninth

Line, north of Castlemore Avenue (Concession 8, Part of Lot 19) (Ward 5), File Nos: OP 18 129244, ZA 10 132122, SU 11 118324 & SC 10 132123”, be received; and,

2. That the record of the Public Meeting held on June 11th, 2018 regarding the applications for Official Plan and Zoning By-law Amendments and Draft Plan of Subdivision 19TM-95082, be received; and,
3. That Council approve the Official Plan Amendment application (OP 18 129244) submitted by Humboldt Greensborough Valley Holdings Limited to redesignate the subject land from “Residential Low Rise” to “Residential Mid Rise” in the 2014 Official Plan (as partially approved on November 24th, 2017 and further updated on April 9th, 2018), as amended, attached in draft as Appendix ‘A’ be finalized and adopted without further notice; and,
4. That Council approve the Zoning By-law Amendment application (ZA 10 132122) submitted by Humboldt Greensborough Valley Holdings Limited to amend Zoning By-laws 304-87 and 177-96, as amended, attached in draft as Appendix ‘B’ be finalized and enacted without further notice; and,
5. That Council approve the application for Draft Plan of Subdivision 19TM- 95082 (SU 11 118324) submitted by Humboldt Greensborough Valley Holdings Limited subject to the condition attached in draft as Appendix ‘C’; and,
6. That Council endorse in principle the Site Plan application (SC 10 132123) submitted by Humboldt Greensborough Valley Holdings Limited for a common element condominium townhouse development comprised of 147 townhouses including 121 back-to-back townhouses, subject to the conditions attached as Appendix ‘D’; and,
7. That Site Plan Approval be delegated to the Director of Planning and Urban Design or his designate, not to be issued prior to execution of a site plan agreement; and,
8. **That the Site Plan be referred to the Markham Sub-Committee for review before it is finalized, and,**
9. That Council assign servicing allocation for a maximum of 147 townhouses; and,

10. That Council permit applications for minor variances within two (2) years of the proposed amending by-law coming into force, attached as Appendix 'B', in accordance with Section 45 (1.4) of the Planning Act; and further,
11. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-laws 2019-108 and 2019-109)

Carried as Amended

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

"That the Site Plan be referred to the Markham Sub-Committee for review before it is finalized".

8.1.4 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) (5.10)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report entitled "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); and,
2. That staff be authorized to issue a Purchase Order to the Regional Municipality of York, in the amount of \$1,223,540.22, inclusive of HST impact, for the City of Markham's share of the cost for the following projects:
 - a. Mid-block Crossing North of 16th Avenue (EA and detailed design)
 - b. Mid-block Crossing North of Major Mackenzie Drive (EA)
 - c. Mid-block Crossing North of Elgin Mills Road (EA); and,
3. That the amount of \$1,223,540.22, inclusive of HST impact, be funded from Capital Project #18048 (Regional Mid-block Crossing EA and Design) which currently has an available funding of \$1,366,900; and,

4. That the remaining funds of \$143,359.78 be returned to the original funding source upon the completion of the N of 16th Avenue detailed design; and,
5. That Staff be directed to prepare a Tri-Party Agreement for the construction of the Hwy 404 Mid-Block Crossing (North of 16th Avenue.); and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.1.5 HIGHWAY 404 MID-BLOCK CROSSING, NORTH OF 16TH AVENUE AND CACHET WOODS COURT EXTENSION – PROJECT UPDATE AND PROPERTY ACQUISITION (WARD 2) (5.10)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report titled “Highway 404 Mid-block Crossing, North of 16th Avenue and Cachet Woods Court Extension – Project Update and Property Acquisition (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 \$7,123,121.06 inclusive of HST impact, for Markham’s share of the cost for the property acquired to date; and,
3. That the Engineering Department Capital Administration fee in the amount of \$142,462.42, 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 \$11,984,300.00; and
5. That the remaining funds of \$4,718,716.52 be kept in the account to cover the cost of the remaining properties to be acquired for the project; and
6. That Staff continue to work with York Region to finalize the detailed design, and acquisition of additional lands by York Region, and report back on the possible accelerated schedule of the construction of the

section of road and the bridge over Rouge River, between Markland Street and Cachet Woods Court Extension in advance of the Mid-block Crossing over Highway 404; and

7. That the Mayor and Clerk be authorized to execute an agreement with the City of Richmond Hill and York Region for the design of the Highway 404 Mid-block Crossing, North of 16th Avenue and Cachet Woods Court Extension and property acquisition required for the project, provided the form of such agreement is satisfactory to the Director of Engineering and the City Solicitor; and further,
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2 REPORT NO. 39 - GENERAL COMMITTEE (OCTOBER 22, 2019)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

That the report of the General Committee be received & adopted, save and except for Item No. 8.2.6. (See Council's decision for Item No. 8.2.6):

Carried

8.2.1 2020 INTERIM SPENDING AUTHORITY PENDING APPROVAL OF BUDGET (7.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report titled “2020 Interim Spending Authority Pending Approval of Budget”, be received; and,
2. That Council approve 50% of the City’s 2019 Operating, Waterworks, Planning & Design, Building Standards and Engineering budgets equal to \$197,546,839 as a pre-budget approval for 2020 operating expenditures; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.2 2020 INTERIM SPENDING AUTHORITY PENDING 2020 INTERIM SPENDING AUTHORITY PENDING APPROVAL OF UNIONVILLE AND MARKHAM VILLAGE IMPROVEMENT AREA BUDGETS (7.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report titled “2020 Interim Spending Authority Pending Approval of Unionville and Markham Village Business Improvement Area Budgets”, be received; and,
2. That Council approve 50% of the 2019 Operating Budget equivalent to the amounts of \$105,500 for the Unionville BIA (UBIA) and \$165,709 for the Markham Village BIA (MBIA) as pre-budget approval for 2020 operating expenditures; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.3 2020 TEMPORARY BORROWING BY-LAW (7.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report titled “2020 Temporary Borrowing By-law” be received; and,
2. That a by-law be brought forward for Council approval to authorize the temporary borrowing, if required, of amounts not to exceed \$197,546,839 from January 1, 2020 to September 30, 2020 and \$98,773,419 from October 1, 2020 to December 31, 2020 to meet the expenditures of the municipality until taxes are collected and other revenues are received; and,
3. That the Treasurer report to Council in advance of borrowing, if temporary borrowing is required; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-110)

Carried

8.2.4 CONTRACT EXTENSION # 110-R-15 AUDITOR GENERAL SERVICES (7.12)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report “Contract Extension # 110-R-15 Auditor General Services” be received; and,
2. That the Contract for Auditor General Services be extended for an additional five (5) years (January 1, 2020 to December 31, 2024) with MNP LLP for a maximum annual amount of \$152,640 (\$150,000 + \$2,640) inclusive of HST;
 - \$152,640 – Year 1
 - \$152,640 – Year 2
 - \$152,640 – Year 3
 - \$152,640 – Year 4
 - \$152,640 – Year 5

\$763,200 – Total
3. That the annual amount of \$152,640.00 be funded from the Operating Account #110-110-5699 subject to Council approval of the annual budget; and,
4. That the tender process be waived in accordance with Purchasing By-Law 2017-8 Part II, Section 11.1 (c) which states “when the extension of an existing Contract would prove more cost effective or beneficial”; And (h) “where it is in the best interests of the City to acquire Consulting Services from a supplier who has a proven track record with the City in terms of pricing, quality and service”; and,
5. That the Chief Administrative Officer be authorized to execute an agreement with MNP LLP in a form satisfactorily to the City Solicitor; and further,

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

Carried

8.2.5 JOINT AND SEVERAL LIABILITY AND INSURANCE REFORM FOR MUNICIPALITIES

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report entitled “Joint and Several Liability and Insurance Reform for Municipalities” be received; and,
2. That Council support the Association of Municipalities of Ontario’s (AMO) position that the joint and several liability principle requires reform, along with the recommendations to the Attorney General of Ontario contained within the AMO report entitled “Towards a Reasonable Balance: Addressing Growing Municipal Liability and Insurance Costs” as set out in Attachment 1 to this report; and,
3. That this resolution be forwarded to the Attorney General of Ontario and the Association of Municipalities of Ontario; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.6 2020 COUNCIL AND STANDING COMMITTEE MEETING CALENDAR (16.0)

Moved by Regional Councillor Joe Li

Seconded by Councillor Karen Rea

1. **That the 2020 Council and Standing Committee Meeting calendar be adopted; and,**
2. **That Council conduct daytime Council meetings for 2020 with the option to hold an evening meeting as required, with requests for an evening meeting to be approved by majority of Council; and,**
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

Council had before it the following original motion for consideration:

1. That Option 4 "Alternate Every Other Council Meeting between Daytime and Nighttime Starts (*Status Quo - same process used in 2019) be adopted as the 2020 Council and Standing Committee Meeting Calendar; and,
2. That staff be authorized and directed to do all things necessary to give effect to this resolution.

9. MOTIONS

There were no motions.

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motions.

11. NEW/OTHER BUSINESS

11.1 RECOMMENDATION FROM THE SEPTEMBER 13, 2019 LICENSING COMMITTEE HEARING (8 JOHN LYONS ROAD) (2.0)

Discussion ensued following the appellant's deputation on the request to remove one (1) Black Walnut Tree. Mr. Karl Koehn, the appellant, advised Council that a neighbor across the street had a similar safety concern and submitted a request to remove a Black Walnut tree was granted in 2013.

Council requested staff for a report on the precedent and to provide alternative options. Council consented to defer the matter to the November 26 Council meeting.

Moved by Regional Councillor Jack Heath
Seconded by Deputy Mayor Don Hamilton

- 1. That the matter on "Recommendation from the September 13, 2019 Licensing Committee Hearing (8 John Lyons)" be referred to the November 26, 2019 Council meeting; and**

2. **That staff provide information on past precedence, and provide alternate viable options, such as injection treatment to inhibit the growth of walnuts; alternate replacement trees; and the number and location of replacement trees; and,**
3. **That the staff report be forwarded to the applicant prior to the November 26, 2019 Council meeting; and further,**
4. **That staff be authorized and directed to do all things necessary to give effect to this resolution.**

Carried

Council had before it the following original recommendation from the Licensing Committee for consideration:

1. That the application to remove one (1) Black Walnut at 8 John Lyons Road, Markham, Ontario, be denied; and,
2. That the recommendation is based on the unique characteristics of this case only and is not intended to be precedent setting nor to be used as a basis for future cases.

Moved by Councillor Keith Irish
 Seconded by Councillor Reid McAlpine

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

Carried

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Councillor Alan Ho

Seconded by Regional Councillor Joe Li

That By-laws 2019-108 to 2019-110 be given three readings and enacted.

Carried

Three Readings

13.1 BY-LAW 2019-108 HUMBOLD GREENSBOROUGH VALLEY HOLDINGS LIMITED, EAST OF DONALD COUSENS PARKWAY, SOUTH OF MAJOR MACKENZIE DRIVE, AMENDMENT TO THE IN FORCE OFFICIAL PLAN (REVISED 2014), AS AMENDED

Carried

13.2 BY-LAW 2019-109 HUMBOLD GREENSBOROUGH VALLEY HOLDINGS LIMITED, EAST OF DONALD COUSENS PARKWAY, SOUTH OF MAJOR MACKENZIE DRIVE, ZONING BY-LAW AMENDMENT

Carried

13.3 BY-LAW 2019-110 2020 TEMPORARY BORROWING BY-LAW

Carried

14. CONFIDENTIAL ITEMS

There were no confidential items to be considered.

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Keith Irish

Seconded by Councillor Reid McAlpine

That By-law 2019-111 be given three readings and enacted.

Three Readings

BY-LAW 2019-111 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE
COUNCIL MEETING OF October 29, 2019.

Carried

16. ADJOURNMENT

Moved by Councillor Amanda Collucci
Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 7:05 p.m.

Carried

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor