

Electronic Council Meeting Minutes

Meeting No. 15
September 15, 2020, 1:00 PM
Live streamed

Roll Call	Mayor Frank Scarpitti	Councillor Reid McAlpine
	Deputy Mayor Don Hamilton	Councillor Karen Rea
	Regional Councillor Jack Heath	Councillor Andrew Keyes
	Regional Councillor Joe Li	Councillor Amanda Collucci
	Regional Councillor Jim Jones	Councillor Khalid Usman
	Councillor Keith Irish	Councillor Isa Lee
	Councillor Alan Ho	
Staff	Andy Taylor, Chief Administrative Officer	Hristina Giantsopoulos, Elections & Council/Committee Coordinator
	Trinela Cane, Commissioner, Corporate Services	Ronald Blake, Senior Manager, Development, Planning & Urban Design
	Arvin Prasad, Commissioner, Development Services	Victoria Chai, Assistant City Solicitor
	Claudia Storto, City Solicitor and Director of Human Resources	Meg West, Manager of Business Planning and Projects
	Joel Lustig, Treasurer	Morgan Jones, Director, Operations
	Bryan Frois, Chief of Staff	Shane Manson, Senior Manager, Revenue & Property Taxation
	Mary Creighton, Director, Recreation Services	Tanya Lewinberg, Public Realm Coordinator
	Kimberley Kitteringham, City Clerk	Darryl Lyons, Manager, Policy
	Martha Pettit, Deputy City Clerk	Terence Tang, Technology Support Specialist II
	John Wong, Technology Support Specialist II	

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1. CALL TO ORDER

The meeting of Council convened at 1:08 PM on September 15, 2020. 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.

On behalf of Council, Mayor Frank Scarpitti acknowledged the 40th Anniversary of the Marathon of Hope in honour of Terry Fox's lasting legacy.

Deputy Mayor Don Hamilton left the meeting at 3:27 pm.

2. DISCLOSURE OF PECUNIARY INTEREST

Mayor Frank Scarpitti disclosed an interest with respect to Item No. 8.1.2 - "Feasibility of Piloting Microsoft 365 Cloud Service" and did not take part in the discussion or vote on this matter. The Mayor advised that his brother is connected with Compugen, one of the proponents to the request for proposal.

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - AUGUST 25, 2020

Moved by Councillor Keith Irish

Seconded by Councillor Isa Lee

1. That the Minutes of the Council Meeting held on August 25, 2020, be adopted.

Carried

4. PRESENTATIONS

4.1 PRESENTATION - UPDATE ON YORK UNIVERSITY MARKHAM CENTRE CAMPUS (8.0)

Dr. Rhonda Lenton, President and Vice-Chair, York University delivered a presentation on the York University Markham Centre campus and provided a

timeline for the completion of the campus. Together with York University colleagues present at the meeting, Dr. Lenton responded to questions from members of Council.

Moved by Councillor Alan Ho
Seconded by Councillor Khalid Usman

That the presentation on the York University Markham Centre campus by Dr. Rhonda Lenton, President and Vice-Chair, York University be received.

Carried

5. DEPUTATIONS

5.1 DEPUTATION - RECOMMENDATION FROM THE SEPTEMBER 4, 2020 LICENSING COMMITTEE HEARING (46 BRYANT ROAD) (2.0)

Nicki Lawrence advised that she was available for any questions Council may have on the matter.

(See Item No. 11. 1, New/ Other Business for Council's decision on this matter.)

6. COMMUNICATIONS

6.1 27-2020 - LIQUOR LICENCE APPLICATION - SWISS CHALET (WARD 3) (3.21)

Moved by Councillor Andrew Keyes
Seconded by Councillor Karen Rea

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 28-2020 - LOCAL PLANNING APPEAL TRIBUNAL (LPAT) DECISION - ANDRIN WISMER MARKHAM LIMITED, 5440 16TH AVENUE (13.13)

Summary from Victoria Chai, Assistant City Solicitor:

On November 13, 2019, City Council approved a settlement between Andrin Wismer Markham Ltd. (“Andrin”) and the City of Markham regarding appeals by

Andrin from the City's failure to make a decision regarding applications for a zoning by-law amendment, draft plan of subdivision, and site plan approval for the lands located on the north side of 16th Avenue on the east side of Alexander Lawrie Avenue, legally described as Part of Lot 16, Concession 7, being Part 1 on Reference Plan 65R-37416, City of Markham, with the municipal address of 5440 16th Avenue.

The settlement permits the development of a common element condominium with 10 semi-detached and 68 townhouse units, an amenity area, and parking.

On September 11, 2020, the LPAT approved the draft plan of subdivision and zoning by-law amendment to incorporate lands into the designated area of By-law 177-96 to permit the development outlined above. The wording of the zoning by-law amendment has been finalized and the zoning-by-law amendment requires assignment of a number for municipal tracking purposes.

The site plan referral to the LPAT remains outstanding; however, the City and Andrin Wismer have been working on finalizing the site plan approval.

(By-law 2020-89)

Moved by Councillor Andrew Keyes

Seconded by Councillor Karen Rea

1. That the Local Planning Appeal Tribunal (LPAT) Decision - Andrin Wismer Markham Limited, 5440 16th Avenue, be received.

Carried

7. PROCLAMATIONS

7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Reid McAlpine

Seconded by Councillor Alan Ho

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. International Literacy Day - September 8, 2020

Carried

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 24 - GENERAL COMMITTEE (SEPTEMBER 8, 2020)

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 8.1.2:

Carried

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

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the Report for the Cancellation, Reduction or Refund of Taxes under Sections 357 and 358 of the *Municipal Act, 2001* be received; and,
2. That taxes totalling approximately \$1,165,931 be adjusted under Section 357 and 358 of the Municipal Act, 2001 of which the City's portion is estimated to be \$182,589; and,
3. That the associated interest be cancelled in proportion to the tax adjustments; and,
4. That the Treasurer be directed to adjust the Collector's Roll accordingly; and further,
5. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.1.2 FEASIBILITY OF PILOTING MICROSOFT 365 CLOUD SERVICE (7.13)

Mayor Frank Scarpitti declared a conflict and did not vote on this matter.

Deputy Mayor Don Hamilton assumed the Chair for this item.

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report dated September 8, 2020 entitled “Feasibility of Piloting Microsoft 365 Cloud Service” be received; and,
2. That staff, participate in a free pilot of the Microsoft online productivity solution for up to 50 users for a six month period; and,
3. That an evaluation user-group comprised of Members of Council and staff be established; and,
4. That implementation support costs of \$25,000 (excluding HST) to execute the pilot be approved; and,
5. That staff report back on the results of the pilot in Q1 2021; and further,
6. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

Mayor Frank Scarpiiti resumed the Chair of the meeting.

8.1.3 APPOINTMENT OF MEMBERS TO THE MARKHAM MAYOR’S YOUTH COUNCIL FOR THE PERIOD OF SEPTEMBER 15, 2020 TO JUNE 30, 2021 (16.24)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the Report Appointment of Members to the Markham Mayor’s Youth Council for the period of September 15, 2020 to June 30, 2021 be received;

2. And that the following Appointments of Members to the Markham Mayor's Youth Council be confirmed for the term September 15, 2020 to June 30, 2021;

Name	School	Grade	Ward
Jin Zhou	Henderson Avenue Public School	8	1
Karina Florea	Thornhill Secondary School	10	1
Elyssa Qi	St. Augustine Catholic High School	9	2
Stephanie Sheng	Bayview Secondary School	10	2
Marissa Wang	Bayview Secondary School	11	2
Eric Gao	Unionville High School	10	3
Justine Lin	Unionville High School	11	3
Patrick Ang	St. Brother Andre Catholic High School	12	3
Selina Qiu	Markville Secondary School	12	3
Ivan Yu	Unionville High School	12	3
Manny Pahwa	Unionville High School	11	4
Olivia Chan	Unionville High School	11	4

Maxine Bisera	St. Brother Andre Catholic High School	12	4
Jorden Robinson	Milliken Mills High School	12	4
Jiabei He	Bill Hogarth Secondary School	9	5
Gloria Huang	Bill Hogarth Secondary School	10	5
Bryant Zheng	Markville Secondary School	11	6
Kara Yang	Markville Secondary School	11	6
Jonathan Feng	Markville Secondary School	11	6
Ernest Wong	St Robert Catholic High School	12	6
Seethaa Manoharan	Bayview Secondary School	12	6
Ashwin Suganthan	Markham District High School	11	7
Chloe Vanderlugt	Town Centre Private High School	12	7
Sara Mohammed	Markham District High School	12	7
Ulain Umar	Father Michael McGivney Catholic High School	11	8

3) And that Staff be authorized and directed to do all things necessary to give effect.

Carried

9. MOTIONS

There were no motions.

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motions.

11. NEW/OTHER BUSINESS

Council consented to add the following items under New/ Other Business (1) Review of the Tree By-Law Appeal Process; and (2) Redevelopment of Buttonville Airport Lands.

11.1 NEW/ OTHER BUSINESS - RECOMMENDATION FROM THE SEPTEMBER 4, 2020 LICENSING COMMITTEE HEARING (46 BRYANT ROAD) (2.0)

Discussion on this matter ensued.

Moved by Regional Councillor Jack Heath
Seconded by Councillor Isa Lee

That the following recommendation of the Licensing Committee from the Hearing held on September 4, 2020, be approved and adopted:

1. That the application to remove one (1) Silver Maple at 46 Bryant Road, Markham be approved; and,
2. That the applicant provide for six (6) replacement trees on the property of 46 Bryant Road, Markham, or on any other private property in Markham in a size and native species deemed appropriate by staff, by December 31, 2021, or provide a cash-in-lieu payment of \$300.00 per tree; and further,
3. That the recommendations are based on the unique characteristics of this case only and are not intended to be precedent setting nor to be used as a basis for future cases.

Carried by Recorded Vote (12:1)

(See Following Recorded Vote)

Recorded Vote:

YEAS: Councillor Keith Irish, Councillor Alan Ho, Councillor Karen Rea, Regional Councillor Jim Jones, Deputy Mayor Don Hamilton, Mayor Frank Scarpitti, Regional Councillor Jack Heath, Regional

Councillor Joe Li, Councillor Andrew Keyes, Councillor Amanda Collucci, Councillor Khalid Usman, Councillor Isa Lee **(12)**

NAYS: Councillor Reid McAlpine **(1)**

Moved by Councillor Keith Irish

Seconded by Councillor Isa Lee

1. That a call on the question be made once the speakers list is exhausted.

Carried by Two Thirds Vote

Moved by Regional Councillor Jack Heath

Seconded by Councillor Keith Irish

1. That Council consider the matter of "Recommendation from the September 4, 2020 Licensing Committee Hearing " immediately following the Deputations with respect thereto.

Carried

11.2 REVIEW OF TREE BY-LAW APPEAL PROCESS

Moved by Councillor Reid McAlpine

Seconded by Deputy Mayor Don Hamilton

1. That staff be directed to review the Tree By-law appeal process and report back.

Carried

11.3 REDEVELOPMENT OF BUTTONVILLE AIRPORTS LANDS

Arvin Prasad, Commissioner, Development Services provided an update on the matter. Discussion on this matter ensued. Staff were requested to provide an update at the next Development Services Committee meeting.

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Jack Heath

Whereas York Region is undertaking an Official Plan Review through a municipal comprehensive review process for a 2051 planning horizon; and,

Whereas the Growth Plan for the Greater Golden Horseshoe, 2019 requires upper-tier municipalities, in consultation with lower-tier municipalities, to designate all employment areas in official plans and protect them for appropriate employment uses over the long term; and,

Whereas the York Region Official Plan, 2010 does not identify or map employment areas, but contemplates inclusion of some non-employment uses in the Toronto Buttonville Airport lands in policy 7.2.92 which states: “That the Toronto Buttonville Municipal Airport lands are designated for business park use, in the City of Markham Official Plan, including permission to operate an airport. When airport operations at the Buttonville Airport cease, the significant majority of the subject lands shall be retained for business park use, and the balance for a mix of urban uses. The City of Markham, in consultation with the Region, will determine the details of the future use of these lands through an implementing secondary plan process. The re-use of the Airport site is intended to generate a range of quality employment opportunities and expand upon the number of jobs planned for the site; and,

Whereas an official plan amendment (secondary plan) application for the Buttonville Municipal Airport lands was submitted by the landowner to identify specific land use designations for the lands, and appealed to the Ontario Municipal Board (OMB); and

Whereas a settlement was reached between York Region, the City of Markham and the landowner in 2017 resulting in a draft secondary plan being presented to the OMB for approval; and

Whereas the OMB approved the secondary plan subject to conditions, and

Whereas the appeal was withdrawn by the landowner in 2020 prior to the conditions being satisfied and a final decision being issued, resulting in the secondary plan not coming into force;

Whereas a Special Meeting of Regional Council is scheduled for September 17, 2020 regarding ‘Planning for Employment and Employment Conversions’ that contains draft mapping that identifies the Toronto Buttonville Municipal Airport lands as an employment area to be included in the Regional Official Plan;

Therefore now be it resolved:

1. That Council supports the intent of Regional Official Plan 2010 policy 7.2.92 being maintained in the Regional Official Plan update through the current municipal comprehensive review process; and,
2. That Markham staff work with Regional staff and the landowner to maintain the intent of policy 7.2.92 in the updated Regional Official Plan.

Carried

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Councillor Reid McAlpine

Seconded by Councillor Alan Ho

That By-law number 2020-89 be assigned for municipal tracking purposes for the following:

13.1 BY-LAW 2020-89 ANDRIN WISMER MARKHAM LIMITED, 5440 16TH AVENUE, ZONING BY-LAW AMENDMENT

Carried

14. CONFIDENTIAL ITEMS

Council consented to not resolve into confidential session. The following Confidential items were approved by Council in open session:

14.1 COUNCIL

14.1.1 APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - JULY 14 & 16, 2020 AND AUGUST 25, 2020 (16.0) [Section 239 (2) (a) (b) (c) (e) (f)]

Moved by Councillor Keith Irish

Seconded by Councillor Alan Ho

1. That the confidential Council minutes of July 14 & 16, 2020 and August 25, 2020 be adopted.

Carried

14.2 GENERAL COMMITTEE - SEPTEMBER 8, 2020

14.2.1 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (11.0) [Section 239 (2) (b)]

Moved by Regional Councillor Jack Heath
Seconded by Councillor Andrew Keyes

1. That staff be authorized to proceed as directed by Council on September 15, 2020 with respect to the Labour Relations or Employee Negotiations (Collective Bargaining) matter.

Carried

14.3 DEVELOPMENT SERVICES COMMITTEE - SEPTEMBER 14, 2020

14.3.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; [SECTION 239 (2) (e)] – LPAT APPEAL – 20 PERSONNA BOULEVARD (8.0)

Moved by Councillor Alan Ho
Seconded by Regional Councillor Jim Jones

1. That the confidential report on litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; – LPAT Appeal – 20 Personna Boulevard be received; and,
2. That Council direct the City Solicitor and Staff not to attend the Local Planning Appeal Tribunal (“LPAT”) hearing regarding the appeal of the decision of the Committee of Adjustment (the “Committee”) denying the minor variances as they relate to a minimum rear yard setback for an accessory building, a maximum deck projection, and a minimum rear yard setback for a deck, subject to imposing the

following conditions of approval as set out below in the event that the LPAT allows the variances:

- a. The variances apply only to the existing deck and accessory building for as long as they remain.
 - b. That the variances apply only to the subject development, in substantial conformity with the plans attached as Appendix “B” to the City of Markham’s Staff Report, dated June 6, 2020, and received by the City of Markham on March 27, 2020, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
 - c. That the Secretary-Treasurer receives written confirmation from the Toronto and Region Conservation Authority (TRCA) that the requirements indicated in their letter dated March 20, 2020 and attached as Appendix “C” to the City of Markham’s Staff Report, dated June 6, 2020, have been fulfilled to the satisfaction of the TRCA.
 - d. That a Landscape Plan be submitted by the applicant to ensure that adequate vegetative buffering/screening is planted along the north, east, and west property lines in accordance with the Landscape Plan to the satisfaction of the Director of Planning and Urban Design or designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate; and,
3. That Staff do all things necessary to give effect to these resolutions.

Carried

14.3.2 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; [SECTION 239 (2) (e)] – LPAT APPEAL – 105-107 MAIN STREET UNIONVILLE (8.0)

Moved by Councillor Reid McAlpine
Seconded by Councillor Keith Irish

1. That the confidential report on litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; LPAT Appeal – 105-107 Main Street Unionville, be received; and,
2. That Council direct the City Solicitor, or designate, and Staff to attend the Local Planning Appeal Tribunal (“LPAT”) hearing to oppose the proposed minor variances at the appeal of the decision of the Committee of Adjustment; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Keith Irish

Seconded by Councillor Isa Lee

That By-law 2020-88 be given three readings and enacted.

Three Readings

BY-LAW 2020-88 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF SEPTEMBER 15, 2020.

Carried

16. ADJOURNMENT

Moved by Councillor Isa Lee

Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 4:22 p.m.

Carried

Kimberley Kitteringham

City Clerk

Frank Scarpitti

Mayor