

Council Minutes

Meeting Number: 20
November 26, 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 Andrew Keyes Councillor Amanda Collucci Councillor Khalid Usman Councillor Isa Lee
Regrets	Councillor Karen Rea	
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 Alida Tari, Manager, Access & Privacy John Wong, Technology Support Specialist II Tanya Lewinberg, Public Realm Coordinator Emma Girard, Communications Advisor

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1. CALL TO ORDER

The meeting of Council convened at 6:08 PM on November 26, 2019 in the Council Chamber. Mayor Frank Scarpitti presided.

INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging that we walk upon the traditional territories of Indigenous Peoples and we recognize their history, spirituality, culture, and stewardship of the land. We are grateful to all Indigenous groups for their commitment to protect the land and its resources and we are committed to reconciliation, partnership and enhanced understanding.

Councillor Alan Ho left the meeting at 7:57 PM.

2. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - NOVEMBER 13, 2019 (10.0)

Moved by Councillor Isa Lee

Seconded by Councillor Alan Ho

1. That the Minutes of the Council Meeting held on November 13, 2019, be adopted.

Carried

4. PRESENTATIONS

4.1 PRESENTATION - RECOGNITION OF MARKHAM ENVIRONMENTAL ADVISORY COMMITTEE MEMBERS (12.2.6)

Council recognized Carrie Sally, a member of the Markham Environmental Advisory Committee, for her contributions.

5. DEPUTATIONS

5.1 DEPUTATIONS - 8 JOHN LYONS ROAD REQUEST FOR TREE REMOVAL PERMIT (2.0)

Karl Koehn, appeared before Council requesting approval to remove a Black Walnut Tree from his backyard because of safety concerns.

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

6. COMMUNICATIONS

There were no communications.

7. PROCLAMATIONS

7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Khalid Usman

Seconded by Regional Councillor Jim Jones

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. Human Rights Day - December 10, 2019
2. That the following request for a 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:
 - a. Human Rights Day - December 10, 2019; (Organized by the Markham Race Relations Committee).

Carried

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 42 - DEVELOPMENT SERVICES COMMITTEE (NOVEMBER 12, 2019)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

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

Carried

8.1.1 RECOMMENDATION REPORT INTENTION TO DESIGNATE A PROPERTY UNDER PART IV OF THE ONTARIO HERITAGE ACT &

HERITAGE EASEMENT AGREEMENT - BISHOP-REESOR HOUSE
7739 NINTH LINE, WARD 7 (16.11.3)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the staff report entitled “Intention to Designate a Property Under Part IV of the Ontario Heritage Act & Heritage Easement Agreement, Bishop-Reesor House, 7739 Ninth Line,” dated November 12, 2019, be received; and,
2. That as recommended by Heritage Markham, the Bishop-Reesor House at 7739 Ninth Line be approved for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest; and,
3. That the Clerk’s Department be authorized to publish and serve Council’s Notice of Intention to Designate as per the requirements of the Ontario Heritage Act; and,
4. That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk be authorized to place a designation by-law before Council for adoption; and,
5. That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the Clerk be directed to refer the proposed designation to the Ontario Conservation Review Board; and,
6. That a by-law be passed to authorize the Mayor and Clerk to execute a Heritage Easement Agreement with the property owner of 7739 Ninth Line, and any other documents required to give effect thereto, in a form satisfactory to the City Solicitor; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-124)

Carried

8.1.2 INTERSECTION IMPROVEMENT AT GEORGE ST. / WASHINGTON ST. / ROBINSON ST. / JOSEPH ST. (WARD 4) (5.12)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report entitled “Intersection Improvement at George St. / Washington St. / Robinson St. / Joseph St. (Ward 4)” be received; and
2. That a Stop Control for southbound traffic on George Street be endorsed; and
3. That Schedule 12 of Traffic By-law 106-71, pertaining to compulsory stops, be amended to include the north approach of the subject intersection; and
4. That the Operations Department be directed to install the appropriate signs and pavement markings at the subject location; and
5. That the cost of materials and installation for the traffic signs and pavement markings in the amount of \$500, be funded from capital project # 083-5350-19050-005 ‘Traffic Operational Improvements’; and
6. That York Region Police be requested to enforce the all-way stop control upon installation of the stop signs and passing of the By-law amendment; and further
7. That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-127)

Carried

8.2 REPORT NO. 43 - GENERAL COMMITTEE (NOVEMBER 18, 2019)

Moved by Regional Councillor Jack Heath

Seconded by Deputy Mayor Don Hamilton

That the report of the General Committee be received & adopted, save and except for Item No. 8.2.1.

See Council's decision on Item No. 8.2.1

Carried

8.2.1 WINTER MAINTENANCE UPDATE (5.10)

Discussion on the service levels for plowing local roads ensued.

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

1. That the presentation entitled “Winter Maintenance Update,” be received; and,
2. That Staff will follow up on Council direction and report back in Q1 2020, and,
3. That the existing Council approved service levels for plowing local roads be maintained, and,
4. That staff be directed to investigate and report back on the impact of shortening existing response times for windrow removal assistance program from eight hours to four hours after the plowing of local roads; and,
5. That a survey of participants of the current windrow removal assistance program be conducted at the end of the 2019-2020 winter season to identify areas of satisfaction and areas of potential improvement, and,
6. That staff be directed to investigate and report back on the feasibility and impacts of expanding Winter Maintenance Services to include pathways, and further,
7. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.2 TAX WRITE-OFFS IN ACCORDANCE WITH SECTION 354 OF THE MUNICIPAL ACT, 2001 (7.3)

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

1. That the report entitled Tax Write-offs in Accordance with Section 354 of the *Municipal Act, 2001* be received; and,
2. That the amounts totalling \$130,747 as set out in this report, be written-off pursuant to Section 354 of the *Municipal Act, 2001*; and,

3. That the City of Markham's portion of the write-off of \$32,687, be charged to Account 820-820-7040; and,
4. That the Treasurer be directed to remove these amounts from the Collector's Roll; and,
5. That the associated interest be cancelled in proportion to the tax adjustments; and further,
6. That staff be authorized to and directed to do all things necessary to give effect to this resolutions.

Carried

8.2.3 2019 SEPTEMBER YEAR-TO-DATE REVIEW OF OPERATIONS AND YEAR-END PROJECTION (7.0)

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

1. That the report titled "2019 September Year-To-Date Review of Operations and Year-end Projection" be received; and,
2. That the year-end surplus, if any, be transferred to reserves, as per policy, in the order outlined below:
 - a. Corporate Rate Stabilization Reserve at a level equivalent to 15% of local tax levies;
 - b. Remaining surplus, if any, to the Life Cycle Replacement and Capital Reserve Fund; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.4 QUALITY MANAGEMENT SYSTEM MANAGEMENT REVIEW (5.3)

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

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.

Carried

8.2.5 TRANSFER OF PETER ST. WATERMAIN FROM REGION OF YORK
(5.3)

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

1. That Staff be authorized to assume the ownership of the Peter Street regional watermain from the Regional Municipality of York; and,
2. That Staff be authorized to accept payment of \$1,364,000.00, excluding HST, from the Regional Municipality of York for assuming the ownership of the Peter Street regional watermain; and,
3. That Staff be authorized to deposit the payment of \$1,364,000.00 to the Waterworks Stabilization/Capital Reserve; and,
4. That the Director of Environmental Services be authorized to execute any documents in a form satisfactory to the City Solicitor related to the transfer of Peter Street watermain; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.6 MASTER FIRE PLAN, SECOND CREW AT STATION 99 (CORNELL)
(7.15)

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

1. That the report entitled “Master Fire Plan, Second Crew at Station 99 (Cornell)” be received; and,
2. That Council approve the attached Terms of Reference in order to proceed with further analysis and consideration for the establishment

of a second crew at Station 99 (Cornell) to improve fire response times for that area; and,

3. That Mayor Frank Scarpitti, Councillor Karen Rea, Councillor Andrew Keyes, Councillor Keith Irish, and Councillor Khalid Usman be appointed as the members of the Fire Response Task Force; and further,
4. That Staff be authorized and directed to schedule meetings as directed in the attached Terms of Reference.

Carried

8.3 REPORT NO. 44 - DEVELOPMENT SERVICES COMMITTEE (NOVEMBER 25, 2019)

Moved by Councillor Alan Ho

Seconded by Councillor Khalid Usman

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

Carried

8.3.1 MARKHAM INNOVATION EXCHANGE (MiX) (8.0)

Moved by Councillor Alan Ho

Seconded by Councillor Khalid Usman

1. That the presentation entitled "Markham Innovation Exchange" be received; and,
2. That staff be authorized to engage in an RFP process for the advisory/consulting work necessary to prepare the call for investor interest; and,
3. That Capital funds not exceeding \$510,000 (inclusive of HST) be pre-approved as part of the 2020 Capital Budget for advisory/consulting work to prepare the call for investor interest, and to be funded from the Land Acquisition Reserve; and,
4. **That staff prepare a proposed RFP for consideration by the Development Services Committee as soon as possible that includes**

real estate advisory services that address land values, including advice regarding lease, purchase and length of land holdings for the purpose of strategic property investments by the City, and further,

5. That staff be directed to do all things necessary to give effect to the recommendations in the staff presentation.

Carried as Amended

Council consented to amend the Recommendation by adding the following
:

"4. That staff prepare a proposed RFP for consideration by the Development Services Committee as soon as possible that includes real estate advisory services that address land values, including advice regarding lease, purchase and length of land holdings for the purpose of strategic property investments by the City."

9. MOTIONS

There were no motions.

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motions.

11. NEW/OTHER BUSINESS

11.1 8 JOHN LYONS ROAD TREE REMOVAL PERMIT (2.0)

Note: This matter was referred from the October 29, 2019 Council meeting.

Following the deputation of Mr. Karl Koehn, appellant, discussion ensued on the matter. Council consented to defer the matter to the December 10, 2019 Council meeting. Tanya Lewinberg, Public Realm Coordinator, addressed Council and responded to concerns raised by the applicant.

Moved by Regional Councillor Jack Heath
 Seconded by Councillor Reid McAlpine

Council had before it the following original recommendation which was referred from the October 29, 2019 Council meeting for consideration:

1. That the report entitled "8 John Lyons Road Tree Removal Permit" be received for information; and,
2. That the application to remove one (1) Black Walnut at 8 John Lyons Road, Markham, Ontario, be denied; and,
3. 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, and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Lost by Recorded Vote (6:6)
See below Recorded Vote

Recorded Vote (6:6)

YEAS:

Councillor Keith Irish, Councillor Reid McAlpine, Regional Councillor Jack Heath, Councillor Amanda Collucci, Councillor Khalid Usman, Councillor Isa Lee (6)

NAYS:

Councillor Alan Ho, Regional Councillor Jim Jones, Deputy Mayor Don Hamilton, Mayor Frank Scarpitti, Regional Councillor Joe Li, Councillor Andrew Keyes (6)

ABSENT:

Councillor Karen Rea (1)

Moved by Councillor Keith Irish
 Seconded by Regional Councillor Jack Heath

1. That the matter on "Recommendation from the September 13, 2019 Licensing Committee Hearing (8 John Lyons)" be deferred to the December 10, 2019 Council meeting.

Carried

11.2 NEW/ OTHER BUSINESS - RECISSION OF BY-LAW 2019-114 – ZONING BY-LAW FOR 5440 16TH AVENUE, MARKHAM, (ANDRIN INVESTMENTS LIMITED)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the memorandum dated November 26, 2019 from the City Solicitor and Director of Human Resources be received, and,
2. That Council rescind By-law 2019-114, and further,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried by a Two Thirds Vote

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Councillor Amanda Collucci

Seconded by Councillor Reid McAlpine

That By-laws 2019-118 to 2019-127 and 2019-129 be given three readings and enacted.

Carried

Three Readings

- 13.1 BY-LAW 2019-118 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71 (65R-28526 PART 5)

Carried

- 13.2 BY-LAW 2019-119 A BY-LAW TO AMEND PARKING BY-LAW 2005-188 (65R-28526 PART 5)

Carried

- 13.3 BY-LAW 2019-120 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71
(65M-4526)
Carried
- 13.4 BY-LAW 2019-121 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71
(65M-4354)
Carried
- 13.5 BY-LAW 2019-122 A BY-LAW TO AMEND PARKING BY-LAW 2005-188
(65M-4354)
Carried
- 13.6 BY-LAW 2019-123 A BY-LAW TO AMEND PARKING BY-LAW 2005-188
(65M-4526)
Carried
- 13.7 BY-LAW 2019-124 A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK
TO EXECUTE A HERITAGE EASEMENT AGREEMENT WITH THE
PROPERTY OWNERS OF 7739 NINTH LINE
Carried
- 13.8 BY-LAW 2019-125 CORNELL ROUGE DEVELOPMENT CORP. PART LOT
CONTROL EXEMPTION BY-LAW
Carried
- 13.9 BY-LAW 2019-126 A BY-LAW TO AMEND BY-LAW 2015-93 BEING A
BY-LAW TO IMPLEMENT AN ADMINISTRATIVE MONETARY PENALTY
SYSTEM IN MARKHAM
Carried
- 13.10 BY-LAW 2019-127 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71
Carried

13.11 BY-LAW 2019-129 A BY-LAW TO AMEND BY-LAW 2005-188 BEING A BY-LAW TO GOVERN AND CONTROL PARKING OF VEHICLES IN THE CITY OF MARKHAM

Carried

14. CONFIDENTIAL ITEMS

Moved by Deputy Mayor Don Hamilton
Seconded by Regional Councillor Joe Li

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into a private session to discuss the following confidential matters 7:04 pm:

14.1. APPROVAL OF CONFIDENTIAL COUNCIL MINUTES -
NOVEMBER 13, 2019 (10.0)

14.2. COUNCIL

14.2.1. PERSONAL MATTERS ABOUT AN IDENTIFIABLE
INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD
EMPLOYEES (BOARD/COMMITTEE APPOINTMENT)
[Section 239 (2) b) (16.24)]

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

Carried

Moved by Deputy Mayor Don Hamilton
Seconded by Councillor Amanda Collucci

That Council rise from Confidential session at 8:27 pm.

Carried

The Confidential items were approved by Council as follows:

14.1 APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - NOVEMBER 13,
2019 (10.0)

Moved by Regional Councillor Joe Li
Seconded by Councillor Khalid Usman

1. That the confidential meeting minutes of the November 13, 2019 Council meeting be adopted.

Carried

14.2 COUNCIL

14.2.1 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/COMMITTEE APPOINTMENT) [Section 239 (2) b) (16.24)]

Moved by Councillor Reid McAlpine
Seconded by Regional Councillor Jim Jones

1. That Council re-appoint the following persons to the Heritage Markham Committee:

<u>NAME</u>	<u>TERM ENDING</u>
○ David Nesbitt	November 30, 2020
○ Evelin Ellison	November 30, 2020

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

Carried

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

Moved by Councillor Andrew Keyes
Seconded by Regional Councillor Joe Li

1. That staff be authorized to proceed as directed by Council on November 26, 2019.

Carried

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Khalid Usman
Seconded by Regional Councillor Joe Li

That By-law 2019-128 be given three readings and enacted.

Three Readings

BY-LAW 2019-128 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF NOVEMBER 26, 2019.

Carried

16. ADJOURNMENT

Moved by Regional Councillor Joe Li

Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 8:28 p.m.

Carried

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor