

Electronic Council Meeting Minutes

Meeting No. 1
January 26, 2021, 1:00 PM
Live streamed

Roll Call	Mayor Frank Scarpitti Deputy Mayor Don Hamilton Regional Councillor Jack Heath Regional Councillor Joe Li Councillor Keith Irish Councillor Alan Ho	Councillor Reid McAlpine Councillor Karen Rea Councillor Andrew Keyes Councillor Khalid Usman Councillor Isa Lee
Regrets	Regional Councillor Jim Jones	Councillor Amanda Collucci
Staff	Andy Taylor, Chief Administrative Officer Trinela Cane, Commissioner, Corporate Services Arvin Prasad, Commissioner, Development Services Claudia Storto, City Solicitor and Director of Human Resources Michael Toshakovski, Deputy City Solicitor Joel Lustig, Treasurer Bryan Frois, Chief of Staff Meg West, Manager of Business Planning and Projects Kimberley Kitteringham, City Clerk	Alida Tari, Manager, Access and Privacy John Wong, Technology Support Specialist II Hristina Giantsopoulos, Elections & Council/Committee Coordinator Phoebe Fu, Director, Environmental Services Morgan Jones, Director, Operations Regan Hutcheson, Manager - Heritage, Planning & Urban Design Stephen Kitagawa, Manager, Development, Planning & Urban Design Victoria Chai, Assistant City Solicitor Jody Parsons, Court Administration Coordinator

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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.

The meeting of Council convened at 1:12 PM on January 26, 2021 in the Council Chamber. Mayor Frank Scarpitti presided.

The Mayor noted that it has been one year since COVID-19 was first identified in Canada and since then, Markham has unfortunately had almost 100 deaths to COVID-19. On behalf of all Members of Council, Mayor Scarpitti extended his deepest condolences to the families of all those who have passed away. The Mayor also noted the recent passing of Brian Lynch, a member of the Markham Advisory Committee on Accessibility; Jack MacQuarrie, a patron of the Varley Art Gallery; and Amar Erry; spiritual and community leader of the Vedic Cultural Centre, Arya Samaj Markham. A moment of silence was observed for all those who have passed away.

2. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - DECEMBER 9, 2020; DECEMBER 16, 2020 AND DECEMBER 14, 2020 SPECIAL COUNCIL TRAINING AND EDUCATION MINUTES (10.0)

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

1. That the Minutes of the Council Meeting held on December 9, 2020; December 16, 2020 and the December 14, 2020 Special Council Education Session, be adopted.

Carried

4. PRESENTATIONS

There were no presentations.

5. DEPUTATIONS

There were no deputations.

6. COMMUNICATIONS

6.1 1-2021 - LIQUOR LICENCE APPLICATION - ROADSIDE HOT POT (WARD 3) (3.21)

Moved by Councillor Reid McAlpine

Seconded by Councillor Isa Lee

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

Carried

7. PROCLAMATIONS

7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Alan Ho

Seconded by Councillor Keith Irish

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. Tamil Heritage Month - January 2021
 - b. Day of Mourning for Workers Killed or Injured on the Job - April 28, 2021
 - c. Firefighter's National Memorial Day - September 12, 2021
 - d. Police and Peace Officers' National Memorial Day - September 26, 2021
 - e. National Day of Remembrance and Action on Violence Against Women - December 6, 2021

- f. Nanjing Massacre Day - December 13, 2021
- g. *Republic Day of India - January 26, 2021*
- 2. That the following requests 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:
 - a. Day of Mourning for Workers Killed or Injured on the Job - April 28, 2021 (Organized by The City of Markham)
 - b. Firefighter's National Memorial Day - September 12, 2021 (Organized by The City of Markham)
 - c. Police and Peace Officers' National Memorial Day - September 26, 2021 (Organized by The City of Markham)
 - d. National Day of Remembrance and Action on Violence Against Women - December 6, 2021 (Organized by The City of Markham)

Carried

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 1 - GENERAL COMMITTEE (JANUARY 18, 2021)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Karen Rea

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

Carried

8.1.1 EMERALD ASH BORER NEXT STEPS PROGRAM - FINAL UPDATE (6.3)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Karen Rea

- 1. That the memorandum entitled “Emerald Ash Borer (EAB) Program Completion Summary” dated January 18, 2021 be received; and,

2. That at project completion, the remaining funds in project #16165 – Emerald Ash Borer, in the amount of \$111,682 be returned to the Life Cycle Replacement and Capital Reserve; and further,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2 REPORT NO. 2 - DEVELOPMENT SERVICES COMMITTEE (JANUARY 25, 2021)

Moved by Councillor Keith Irish

Seconded by Councillor Khalid Usman

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

Carried

8.2.1 REQUEST FOR DEMOLITION 12 IMPERIAL COLLEGE LANE (FORMERLY 9900 MARKHAM ROAD), WILLIAM CLARRY HOUSE, SUNNY COMMUNITIES, WARD 6 (16.11 & 10.13)

Moved by Councillor Keith Irish

Seconded by Councillor Khalid Usman

1. That the staff report titled “Request for Demolition, 12 Imperial College Lane (formerly 9900 Markham Road), William Clarry House, Sunny Communities, Ward 6”, dated January 25, 2021, be received; and,
2. That Council, with regret, support the demolition of the William Clarry House subject to the owner providing the following:
 - a. Compensation in the form of a \$200,000 contribution to the City’s Heritage Preservation Account (087 2800 115) so that the financial contribution can be used on other municipal heritage projects in the community;
 - b. Provision and installation of an historical interpretative plaque to celebrate the William Clarry House, to be placed in a publicly

visible location on the original property, and designed according to the specifications of the "Markham Remembered" program; and

- c. The lot intended for the heritage dwelling within the subdivision be designed and constructed as a parkette, at the owner's expense to the City's specifications, with a public easement over the site to the satisfaction of the City; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.2 CITY OF MARKHAM COMMENTS ON PLANNING ACT PROVISIONS REGARDING ENHANCED MINISTERIAL AUTHORITY TO ADDRESS AND IMPLEMENT SITE PLAN MATTERS AND INCLUSIONARY ZONING AS PART OF A ZONING ORDER (ENVIRONMENTAL REGISTRY OF ONTARIO POSTING #019-2811) (10.5)

Moved by Councillor Keith Irish

Seconded by Councillor Khalid Usman

1. That the report entitled, "City of Markham Comments on Planning Act Provisions Regarding Enhanced Ministerial Authority to Address and Implement Site Plan Matters and Inclusionary Zoning as Part of a Zoning Order (Environmental Registry of Ontario Posting #019-2811)", dated January 25, 2021, be received; and,
2. That this report be forwarded to the Ministry of Municipal Affairs and Housing as the City of Markham's comments on the Province's request for input on Planning Act provisions regarding enhanced ministerial authority to address and implement site plan matters and inclusionary zoning as part of a Zoning Order; and,
3. That the City of Markham not support the enhanced authority to address site plan matters in a Minister's Zoning Order and recommends that it be repealed; and,
4. That should the Minister maintain the enhanced authority to address site plan matters through a Minister's Zoning Order, the City of Markham recommends that it only apply to situations where the site plan is supported by the Council of that municipality; and,

5. That the City of Markham supports the minister's enhanced authority to require inclusionary zoning for affordable housing and recommends that the Minister only exercise this authority following consultation with the affected municipality to address local planning and implementation matters and where the Council of the municipality supports the issuance of the MZO; and,
6. That the Minister be requested to ensure appropriate public involvement opportunities are available relative to Minister's Zoning Order (MZO) matters and report back and advise all local municipalities including, the City of Markham on how this process will be **implemented**; and further,
7. That staff be authorized and directed to do all things necessary to give effect to the resolution.

Carried as Amended

Council consented to amend clause 6 from:

That the Minister be requested to ensure appropriate public involvement opportunities are available relative to Minister's Zoning Order (MZO) matters and report back and advise all local municipalities including, the City of Markham on how this process will be completed; and further

to:

That the Minister be requested to ensure appropriate public involvement opportunities are available relative to Minister's Zoning Order (MZO) matters and report back and advise all local municipalities including, the City of Markham on how this process will be **implemented**;

9. MOTIONS

There were no motions.

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motion to reconsider.

11. NEW/OTHER BUSINESS

There were no new/ other business.

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Regional Councillor Joe Li

Seconded by Councillor Andrew Keyes

That By-laws 2021-1 to 2021-9 and 2021-11 be given three readings and enacted.

Carried

Three Readings

- 13.1 BY-LAW 2021-1 A BY-LAW TO AMEND STOP BY-LAW 106-71 (65M-4562 and 65M-4595)

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

Carried

- 13.2 BY-LAW 2021-2 A BY-LAW TO AMEND SPEED BY-LAW 2017-104 (65M-4562 and 65M-4595)

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

Carried

- 13.3 BY-LAW 2021-3 A BY-LAW TO AMEND PARKING BY-LAW 2005-188

To amend Schedule E of the Parking By-law pertaining to “No Stopping Zone”.

Carried

13.4 BY-LAW 2021-4 A BY-LAW TO AMEND PARKING BY-LAW 2005-188

To amend Schedule D of the Parking By-law pertaining to "Parking for a Restricted Period".

Carried

13.5 BY-LAW 2021-5 A BY-LAW TO AMEND PARKING BY-LAW 2005-188 (65M-4562 and 65M-4595)

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

Carried

13.6 BY-LAW 2021-6 MONARCH BERCZY GLEN DEVELOPMENT LIMITED, MATTAMY WALMARK DEVELOPMENT LTD., MATTAMY (MONARCH) LTD., E.M.K. CONSTRUCTION LTD. AND TREELAWN CONSTRUCTION LTD., 3319 ELGIN MILLS ROAD EAST AND 10521 WOODBINE AVENUE, SOUTH OF ELGIN MILLS ROAD EAST, EAST OF THE ONTARIO HYDRO CORRIDOR, ZONING BY-LAW AMENDMENT

A By-law to amend By-law 304-87, as amended, and By-law 177-96, as amended, to facilitate the development of a residential plan of subdivision.

(Item 8.1.3, Report 3, February 11, 2020 Council Meeting)

Carried

13.7 BY-LAW 2021-7 ROAD DEDICATION BY-LAW

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

1. Block 4, Plan 65R-4562 - Frank Charlton Avenue
2. Block 5, Plan 65R-4562 - Buchanan Drive
3. Block 6, Plan 65R-4562 - William Saville Street

Carried

- 13.8 2021-8 A BY-LAW TO AMEND BY-LAW 211-79 BEING A BY-LAW TO DESIGNATE BRIARWOOD FARM-JAMES MCLEAN HOUSE, 4031 SIXTEENTH AVENUE

(Item 8.1.2, Report 14, April 2, 2019 Council Meeting)

Carried

- 13.9 BY-LAW 2021-9 A BY-LAW TO AMEND BY-LAW 4-78 BEING A BY-LAW TO DESIGNATE ECKARDT-STIVER HOUSE, 206 MAIN STREET, UNIONVILLE

(Item 8.1.1, Report 14, April 2, 2019 Council Meeting)

Carried

- 13.10 BY-LAW 2021-11 A BY-LAW TO AMEND BY-LAW 2005-188 BEING A BY-LAW TO GOVERN AND CONTROL THE PARKING OF VEHICLES IN THE CITY OF MARKHAM

Carried

14. CONFIDENTIAL ITEMS

Moved by Deputy Mayor Don Hamilton

Seconded by Councillor Khalid Usman

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into a private session to discuss the following confidential matters at 1:45 pm:

14.1 COUNCIL

14.1.1 CONFIDENTIAL COUNCIL MINUTES - DECEMBER 9, 2020 AND DECEMBER 14, 2020 SPECIAL COUNCIL EDUCATION AND TRAINING MINUTES (16.0)

14.1.2 APPOINTMENTS AND RESIGNATIONS TO BOARDS/COMMITTEES (16.11) [SECTION 239 (2)(b)]

14.1.3 APPOINTMENTS AND RESIGNATIONS TO BOARDS/COMMITTEES (16.11) [SECTION 239 (2)(b)]

14.2 GENERAL COMMITTEE

14.2.1 APPOINTMENTS AND RESIGNATIONS TO
BOARDS/COMMITTEES (16.11) [SECTION 239 (2)(b)]

14.2.2 A PROPOSED OR PENDING ACQUISITION OR
DISPOSITION OF LAND BY THE CITY OR LOCAL BOARD;
PROPOSED ACQUISITION OF REAL PROPERTY (8.6)
[SECTION 239 (2) (c)]

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

14.3 NEW/ OTHER BUSINESS

14.3.1 CONFIDENTIAL DEVELOPMENT SERVICES
COMMITTEE MINUTES – DECEMBER 8, 2020 (10.0)

14.3.2 LITIGATION OR POTENTIAL LITIGATION,
INCLUDING MATTERS BEFORE ADMINISTRATIVE
TRIBUNALS, AFFECTING THE MUNICIPALITY OR
LOCAL BOARD; LPAT APPEAL – 201 HELEN AVENUE
(8.0) [SECTION 239 (2) (e)]

14.3.3 LITIGATION OR POTENTIAL LITIGATION,
INCLUDING MATTERS BEFORE ADMINISTRATIVE
TRIBUNALS, AFFECTING THE MUNICIPALITY OR
LOCAL BOARD; LPAT APPEAL – YONGE AND STEELES
DEVELOPMENTS INC. (8.0) [SECTION 239 (2) (e)]

Carried

Moved by Regional Councillor Jack Heath

Seconded by Regional Councillor Joe Li

That Council rise from Confidential session at 2:19 pm.

Carried

The following Confidential items were approved by Council:

14.1 COUNCIL

14.1.1 CONFIDENTIAL COUNCIL MINUTES - DECEMBER 9, 2020 AND DECEMBER 14, 2020 SPECIAL COUNCIL EDUCATION AND TRAINING MINUTES (16.0)

Moved by Councillor Isa Lee

Seconded by Councillor Andrew Keyes

1. That the confidential minutes of the Council Meeting held on December 9, 2020 and the December 14, 2020 Special Council Education Session, be adopted.

Carried

14.1.2 APPOINTMENTS AND RESIGNATIONS TO BOARDS/COMMITTEES (16.11) [SECTION 239 (2)(b)]

Moved by Councillor Keith Irish

Seconded by Regional Councillor Jack Heath

1. That the following persons be appointed or re-appointed to the German Mills Meadow & Natural Habitat Liaison Committee with a term expiry as indicated:

<u>Name</u>	<u>Term</u>
Gail Lavery	November 30, 2023
Bernard Sze	November 30, 2022
Kimberly Seymour	November 30, 2022
Edith Kangas	November 30, 2024
Terrance (Ted) Kelly	November 30, 2024
Yang Jingli	November 30, 2023

Carried

14.1.3 APPOINTMENTS AND RESIGNATIONS TO
BOARDS/COMMITTEES (16.11) [SECTION 239 (2)(b)]

Moved by Councillor Isa Lee

Seconded by Councillor Khalid Usman

1. That the following persons be appointed to the Race Relations Committee with a term expiry as indicated:

<u>Name</u>	<u>Term</u>
Madge Logan	November 30, 2024
Danielle Russell	November 30, 2024
Tamarie Warner	November 30, 2023
Claudette Rutherford	November 30, 2023

Carried

14.2 GENERAL COMMITTEE

14.2.1 APPOINTMENTS AND RESIGNATIONS TO
BOARDS/COMMITTEES (16.11) [SECTION 239 (2)(b)]

Moved by Regional Councillor Joe Li

Seconded by Regional Councillor Jack Heath

1. That the following persons be appointed or re-appointed to the Environmental Advisory Committee with a term expiry as indicated:

<u>Name</u>	<u>Term</u>
Karl Lyew	November 30, 2023
Ashok Bangia	November 30, 2023
Karl Fernandes	November 30, 2021
Natasha Welch	November 30, 2021
Andrew Hazen	November 30, 2024

2. That the resignations of Anthony Lewis from the Markham Public Library Board be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti.

Carried

14.2.2 A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF
LAND BY THE CITY OR LOCAL BOARD; PROPOSED
ACQUISITION OF REAL PROPERTY (8.6) [SECTION 239 (2) (c)]

Moved by Regional Councillor Jack Heath

Seconded by Councillor Khalid Usman

Council referred this matter to the February 1, 2021 General Committee meeting.

Carried

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

Moved by Regional Councillor Jack Heath

Seconded by Councillor Karen Rea

That staff proceed as directed by Council at January 26, 2021 confidential session.

Carried

14.3 NEW/ OTHER BUSINESS

14.3.1 DEVELOPMENT SERVICES COMMITTEE CONFIDENTIAL
MINUTES – DECEMBER 8, 2020 (10.0) [Section 239 (2) (h)]

Moved by Councillor Keith Irish

Seconded by Deputy Mayor Don Hamilton

1. That the minutes of the Development Services Committee confidential meeting held December 8, 2020, be confirmed.

Carried

14.3.2 LITIGATION OR POTENTIAL LITIGATION, INCLUDING
MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING
THE MUNICIPALITY OR LOCAL BOARD; LPAT APPEAL – 201
HELEN AVENUE (8.0) [SECTION 239 (2) (e)]

Moved by Councillor Reid McAlpine

Seconded by Councillor Alan Ho

1. That the confidential report on litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board -LPAT Appeal, 201 Helen Avenue, 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”) in respect of 201 Helen Avenue, denying the requested minor variance application to permit an increase to the maximum Gross Floor Area of an accessory building, subject to imposing the following conditions of approval as set out below in the event that the LPAT allows the variance:
 - a. The variance applies only to the Subject Development for as long as it remains.
 - b. That the variance applies only to the Subject Development, in substantial conformity with the batch stamped plans attached as Appendix “B” to the Staff Report dated October 7, 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 Owner plant two trees along the west elevation and two trees along the south elevation of the Subject Development, ensuring that the trees selected are of Native Species as identified in the City of Markham’s Native Tree Species Selection List attached as Appendix “C” to the Staff Report dated October 7, 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; and,
3. That Staff do all things necessary to give effect to these resolutions.

Carried

14.3.3 LITIGATION OR POTENTIAL LITIGATION, INCLUDING
MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING
THE MUNICIPALITY OR LOCAL BOARD; LPAT APPEAL – YONGE
AND STEELES DEVELOPMENTS INC. (8.0) [SECTION 239 (2) (e)]

Moved by Councillor Keith Irish

Seconded by Councillor Khalid Usman

1. That the confidential report on litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board -LPAT Appeal, Yonge and Steeles Developments Inc., be received; and,
2. That Council direct the City Solicitor, or designate, and Staff to appear before the Local Planning Appeal Tribunal ("LPAT") as a party to the appeal; and further,
3. That Staff do all things necessary to give effect to these resolutions.

Carried

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Keith Irish

Seconded by Councillor Reid McAlpine

That By-law 2021-10 be given three readings and enacted.

Three Readings

BY-LAW 2021-10 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE
COUNCIL MEETING OF JANUARY 26, 2021.

Carried

16. ADJOURNMENT

Moved by Councillor Isa Lee

Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 2:23 pm.

Carried

Kimberley Kitteringham

City Clerk

Frank Scarpitti

Mayor