

Electronic Council Meeting Minutes

Meeting No. 2
February 9, 2021, 1:00 PM
Live streamed

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 Councillor Khalid Usman Councillor Isa Lee
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 Brian Lee, Director, Engineering Biju Karumanchery, Director, Planning & Urban Design Joel Lustig, Treasurer Bryan Frois, Chief of Staff Mary Creighton, Director, Recreation Services Hersh Tencer, Senior Manager, Real Property, Legal Services Meg West, Manager of Business Planning and Projects Kimberley Kitteringham, City Clerk	Martha Pettit, Deputy City Clerk Terence Tang, Technology Support Specialist Hristina Giantsopoulos, Elections & Council/Committee Coordinator Victoria Chai, Assistant City Solicitor Graham Seaman, Director, Sustainability & Asset Management Rob Cole, Chief Information Officer Christina Kakaflikas, Director, Economic Growth, Culture & Entrepreneurship Ronald Blake, Senior Manager, Development, Planning & Urban Design Brad Roberts, Manager, Zoning & Special Projects Darryl Lyons, Manager, Policy, Development Services Marty Rokos, Senior Planner Aleks Todorovski, Planner I Richard Fournier, Manager, Parks & Open Space Development

Alternate formats for this document are available upon request

1. CALL TO ORDER

The meeting of Council convened at 1:13 PM on February 9, 2021. 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.

The Mayor advised that the City of Markham has earned an "A" rating in the C.D. Howe Institute's annual report card on municipal fiscal transparency. In addition, Forbes recognized the City of Markham as one of Canada's Best Employers in 2020 in recognition of its workplace culture and reputation.

The Mayor noted the passing of two prominent Markham residents, Karl Marcus, owner and founder Canac Kitchens in Thornhill and Saul Korman, of Korry's Clothiers. Council observed a moment of silence.

2. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - JANUARY 26, 2021

Moved by Regional Councillor Joe Li
Seconded by Councillor Andrew Keyes

1. That the Minutes of the Council Meeting held on January 26, 2021, be adopted.

Carried

4. PRESENTATIONS

None.

5. DEPUTATIONS

5.1 DEPUTATIONS - CITY OF MARKHAM COMMENTS TO THE PROVINCE ON A MINISTER'S ZONING ORDER REQUEST BY FLATO DEVELOPMENTS INC. TO PERMIT RESIDENTIAL DEVELOPMENT ON LANDS AT 5474 AND 5662 19TH AVENUE (WARD 6) (10.5)

The following addressed Council on this matter:

1. Dave Burkholder, in opposition of the Municipal Zoning Order
2. Ryan Drudge, in opposition of the Municipal Zoning Order
3. Johnny Wideman, in opposition of the Municipal Zoning Order
4. Nancy Taylor, in opposition of the Municipal Zoning Order

(See Item 8.3.2, Report 4 for Council's decision on this matter.)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the deputations on the "City of Markham comments to the Province on a Minister's Zoning Order request by Flato Developments Inc. to permit residential development on lands at 5474 and 5662 19th Avenue (Ward 6)", be received.

Carried

6. COMMUNICATIONS

6.1 COMMUNICATIONS - CITY OF MARKHAM COMMENTS TO THE PROVINCE ON A MINISTER'S ZONING ORDER REQUEST BY FLATO DEVELOPMENTS INC. TO PERMIT RESIDENTIAL DEVELOPMENT ON LANDS AT 5474 AND 5662 19TH AVENUE (WARD 6) (10.5)

1. Email dated February 8, 2021 from Louise Pogue
2. Email dated February 9, 2021 from Jordan Hedderwick
3. Email dated February 9, 2021 from Kevin Pogue
4. Email dated February 9, 2021 from Ryan Drudge
5. Email dated February 9, 2021 from Laurie Waterman
6. Email dated February 9, 2021 from Rachel Burkholder

7. Email dated February 9, 2021 from Kevin Hawkins
 8. Email dated February 9, 2021 from Madison Conley
 9. Email dated February 9, 2021 from Kayla Drudge
 10. Email dated February 9, 2021 from Annie
 11. Email dated February 9, 2021 from Elizabeth Mehak
 12. Email dated February 9, 2021 from Hannah Taylor
 13. Email dated February 9, 2021 from Flora MacDonald
- (See Item 8.3.2, Report 4, for Council's decision on this matter.)

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

1. That the communications on the "City of Markham comments to the Province on a Minister's Zoning Order request by Flato Developments Inc. to permit residential development on lands at 5474 and 5662 19th Avenue (Ward 6)", be received.

Carried

7. PROCLAMATIONS

7.1 PROCLAMATIONS (3.4)

Moved by Councillor Isa Lee
 Seconded by Councillor Reid McAlpine

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. Black History Month - February 2021
 - b. *Heritage Week - February 15 - 21, 2021*
 - c. *World Lymphedema Day - March 6, 2021*
 - d. *International Day for the Elimination of Racial Discrimination - March 21, 2021*

Carried

8. REPORT OF STANDING COMMITTEE

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

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 4):

Carried

8.1.1 SOUTH PARK ROAD & SADDLE CREEK DRIVE PROPOSED ALL-WAY STOP (WARD 8) (5.12)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report entitled “South Park Road & Saddle Creek Drive Proposed All-way Stop (Ward 8)” be received; and
2. That Schedule 12 of Traffic By-law 106-71, pertaining to compulsory stops, be amended to include all approaches to the intersection of South Park Road and Saddle Creek Drive; and
3. That the Operations Department be directed to install the appropriate signs and pavement markings at the subject location; and
4. That the cost of materials and installation for the traffic signs and pavement markings in the amount of \$1,000, be funded from capital project account #083-5350-21178-005 (Traffic Operational Improvements); and
5. That York Region Police be requested to enforce the all-way stop control upon installation of these stop signs and passing of the By-law; and further
6. That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2021-12)

Carried

8.1.2 RECOMMENDATION REPORT, LEPORIS CONSTRUCTION INC., APPLICATIONS FOR ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION, SUBMITTED BY LEPORIS CONSTRUCTION INC. AT 2705 AND 2755 ELGIN MILLS ROAD EAST TO FACILITATE THE DEVELOPMENT OF THE SUBJECT LANDS

FOR EMPLOYMENT USES (WARD 2) (10.5, 10.7)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report titled “RECOMMENDATION REPORT, Leporis Construction Inc., Applications for Zoning By-law Amendment and Draft Plan of Subdivision, submitted by Leporis Construction Inc. at 2705 and 2755 Elgin Mills Road East to facilitate the development of the subject lands for employment uses (Ward 2)” be received; and,
2. That Zoning By-law Amendment application (ZA 16 137567) submitted by Leporis Construction Inc. be approved and the implementing by-law attached as Appendix ‘B’ be finalized and enacted without further notice; and,
3. That Draft Plan of Subdivision application (SU 16 137567) submitted by Leporis Construction Inc. be approved subject to the conditions outlined as Appendix ‘A’; and,
4. That the Director of Planning and Urban Design, or his designate, be delegated authority to issue draft plan approval, subject to the conditions set out as Appendix ‘A’, as may be amended by the Director of Planning and Urban Design or designate; and,
5. That draft plan approval for Plan of Subdivision 19TM-18009 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period; and,
6. 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 further,

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

Carried

8.1.3 VICTORIA SQUARE BOULEVARD - DETAILED DESIGN UPDATE AND PURCHASE ORDER INCREASE REQUEST (WARD 2) (5.10)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report entitled “Victoria Square Boulevard – Detailed Design Update and Purchase Order Increase Request (Ward 2)” be received; and,
2. That Purchase Order PD 19403 issued to Ainley & Associates for the detailed design of Victoria Square Boulevard reconstruction be increased by \$371,943.33, inclusive of HST, to cover the additional design work required for the project; and,
3. That Purchase Order PD 19404 for the contingency of the detailed design of Victoria Square Boulevard reconstruction be increased by \$37,193.43, inclusive of HST, to cover any additional design work required for the project and that authorization be granted to approve expenditures of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy; and,
4. That the Engineering Department Capital Administration Fee in the amount of \$52,148.13, inclusive of HST, be transferred to revenue account 640-998-8871 (Capital Admin Fees); and,
5. That the 2018 Engineering Capital Account 18059 (Victoria Square Boulevard Design) be increased to cover the additional project estimates in the amount of \$461,275.89, inclusive of HST, and funded from City Wide Hard Development Charges Reserve, and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.1.4 PROPOSED AMENDMENTS TO BY-LAW 2011-232 - A BY-LAW TO REGULATE OR PROHIBIT REMOVAL OF TOPSOIL, PLACING OR DUMPING OF FILL, AND ALTERATION OF THE GRADE OF LAND WITHIN THE CITY OF MARKHAM AND RELATED AMENDMENTS TO BY-LAW 2016-84 - A BY-LAW TO IMPLEMENT AN ADMINISTRATIVE MONETARY PENALTY SYSTEM FOR NON-PARKING OFFENCES” (5.0)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report entitled “Proposed Amendments to By-law 2011-232 - *A By-law to Regulate or Prohibit Removal of Topsoil, Placing or Dumping of Fill, and Alteration of The Grade of Land within the City of Markham* and related amendments to By-law 2016-84 - *A By-law to Implement an Administrative Monetary Penalty System for Non-Parking Offences*”, be received; and
2. That the amendments to By-law 2011-232 - *A By-law to Regulate or Prohibit Removal of Topsoil, Placing or Dumping of Fill, and Alteration of the Grade of Land with the City of Markham* (“Site Alteration By-law”) described in this report and set out in Attachments A to C be approved and enacted; and
3. That the amendments to By-law 2016-84 - *A By-law to Implement an Administrative Monetary Penalty System for Non-Parking Offences* (“AMPS Non-Parking By-law”) described in this report and set out in Attachment D, be approved and enacted; and further
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-laws 2021-13 and 2021-14)

Carried

8.2 REPORT NO. 3 - GENERAL COMMITTEE (FEBRUARY 1, 2021)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Karen Rea

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

Carried

8.2.1 AWARD OF PROPOSAL 054-R-20 IMPLEMENTATION AND SUPPORT OF LUCITY ENTERPRISE ASSET MANAGEMENT (EAM) SOLUTION AND THE LUCITY EAM SOFTWARE (7.12)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Karen Rea

1. That the report entitled “Award of Proposal 054-R-20, Implementation and Support of Lucity Enterprise Asset Management (EAM) Solution and the Lucity EAM Software” be received; and,
2. That the contract 054-R-20 be awarded to the highest ranked/lowest priced bidder, CentralSquare Canada Software for \$992,083.68 (\$827,232.48 + \$164,851.20) inclusive of HST for the implementation and training, \$827,232.48 and software license, \$164,851.20; and,
3. That a contingency in the amount of \$24,707.52 inclusive of HST be established to cover any additional project costs be approved, and that authorization be granted to approve expenditures of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy; and,
4. That the capital costs of implementation, training, software licenses and contingency be funded from capital project account 400-101-5399-18077, with an available budget of \$1,016,791.20; and,
5. That the contract for ongoing support and software maintenance for 10 years be awarded to CentralSquare Canada Software in the amount of \$922,574.85 (\$406,622.80 + \$515,952.05) inclusive of HST, to be funded from 400-400-5361 with a current annual budget of \$57,760.00, and subject to Council approval of the 2023-2032 operating budgets in the amounts of:
 - Year 1 (2023) - \$ 38,261.76
 - Year 2 (2024) - \$ 89,141.76
 - Year 3 (2025) - \$ 90,668.16
 - Year 4 (2026) - \$ 92,194.56
 - Year 5 (2027) - \$ 93,720.96
 - Year 6 (2028) - \$ 100,185.78*
 - Year 7 (2029) - \$ 101,899.47*

- Year 8 (2030) - \$ 103,664.57*
- Year 9 (2031) - \$ 105,482.62*
- Year 10 (2032) - \$ 107,355.21*

Total - \$ 922,574.85

* Optional Year Renewal

6. That the Chief Administrative Officer and Commissioner, Corporate Services be authorized to approve the additional renewal years (Years 6 to 10) on behalf of the City (in its sole discretion), and execute any required documentation in a form satisfactory to the City Solicitor; and,
7. That CentralSquare Canada Software Inc. be designated as the preferred vendor for the City's Enterprise Asset Management (EAM) service needs at the sole discretion of the City and for CentralSquare Canada Software Inc. software products for the term of this contract; and,
8. That the Chief Administrative Officer and Commissioner, Corporate Services be authorized to approve any new purchases related to this contract needed due to growth and/or future EAM upgrades due to change in technology or system integration with other applications related to the project during the term of this contract, subject to the Expenditure Control Policy and budget approval, in a form satisfactory to the City Solicitor and at the sole discretion of the City; and further,
9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.2 AWARD OF CONTRACT # 195-R-20 ELECTRICAL SERVICES FOR VARIOUS CITY LOCATIONS ON AN AS-REQUIRED BASIS (7.12)

Moved by Regional Councillor Jack Heath
Seconded by Councillor Karen Rea

1. That the report "Award of Contract #195-R-20 Electrical Services for Various City Locations on an As-Required Basis" be received; and,

2. That the contract be awarded to the three (3) highest ranked bidders / lowest priced bidders - Aps Electric, Holley Electric Ltd., and Igman Electric Ltd., in the estimated annual amount of \$295,250.00 inclusive of HST impact; and,
3. That Staff be authorized to extend the contract for three (3) additional years. Years 1&2 will be at same itemized pricing, and prices for Years 3&4 will be adjusted at Year 3 in accordance with the consumer price index (CPI) Canada all-items not to exceed a 2% price increase, subject to supplier performance; and,
4. That the contract be funded from various City Departments' Operating Budgets on an as required basis; and,
5. That the award amounts in 2022 to 2024 be subject to Council approval of the respective year's operating budgets and that the award amounts be amended to reflect changes to the various departments' budget accounts as approved by Council during the annual budget process; and,
6. That Staff be authorized to issue three (3) purchase orders for each of the three (3) awarded bidders in an annual amount of \$98,470.00 and to reallocate purchase order fund commitments among the three (3) awarded bidders based on actual usage within each term of the contract; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.3 AWARD OF CONTRACT #221-T-20 FIRE AND LIFE SAFETY SYSTEM INSPECTION, TESTING AND REPAIRS (7.12, 7.15)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Karen Rea

1. That the report "Award of Contract #221-T-20 Fire and Life Safety System Inspection, Testing and Repairs" be received; and,
2. That the contract be awarded to the lowest priced bidder, Onyx-Fire Protection Services Inc. in the estimated annual amount of \$101,545.23 inclusive of HST; and,

3. That Staff be authorized to extend the contract for an additional 4 years (5 years in total). Year 1-3 will be at same itemized pricing, and prices will be adjusted at Year 4 in accordance with the consumer price index (CPI) Canada all-items not to exceed a 2% price increase, subject to supplier performance; and,
4. That the contract be funded from various City Departments' operating budgets; and,
5. That the award amounts in 2022 to 2025 be subject to Council approval of the respective annual operating budgets and that the award amounts be amended to reflect changes to the various departments' budget accounts as approved by Council during the annual budget process; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3 REPORT NO. 4 - DEVELOPMENT SERVICES COMMITTEE (FEBRUARY 8, 2021)

8.3.1 CITY OF MARKHAM COMMENTS TO THE PROVINCE ON A MINISTER'S ZONING ORDER REQUEST BY MON SHEONG FOUNDATION TO PERMIT A LONG-TERM CARE FACILITY WITHIN A LEARNING CENTRE AND ASSISTED LIVING COMMUNITY AT 36 APPLE CREEK BOULEVARD (WARD 2) FILE NO.: MZO 21 105377 (10.5)

Moved by Councillor Alan Ho

Seconded by Regional Councillor Jim Jones

1. That the report entitled, "City of Markham Comments to the Province on a Minister's Zoning Order request by Mon Sheong Foundation to permit a long-term care facility within a learning centre and assisted living community at 36 Apple Creek Boulevard (Ward 2), File No.: MZO 21 105377", be received; and,
2. That a future Site Plan Application by Mon Sheong Foundation be required for 36 Apple Creek Boulevard and be subject to approval by the City of Markham; and,

3. That Appendix “E” include the following additional condition:
 - “5. That in Building 1, no residential units shall be located on the east side of the portion of the building fronting on Apple Creek Boulevard.”; and,
4. That the City of Markham support the Minister’s Zoning Order request by Mon Sheong Foundation for the lands at 36 Apple Creek Boulevard, subject to the recommended zoning standards in Appendix “D”, attached to this staff report; and,
5. That this report be forwarded to the Minister of Municipal Affairs and Housing, York Region, and the Toronto and Region Conservation Authority as the City of Markham’s comments on the MZO request by Mon Sheong Foundation for 36 Apple Creek Boulevard; and further,
6. That staff be authorized and directed to all things necessary to give effect to this resolution.

Carried by Recorded Vote (12:1)

(See following Recorded Vote)

Recorded Vote: (12:1)

YEAS: Councillor Keith Irish, Councillor Alan Ho, Councillor Reid McAlpine, Councillor Karen Rea, Regional Councillor Jim Jones, Deputy Mayor Don Hamilton, Mayor Frank Scarpitti, Regional Councillor Joe Li, Councillor Andrew Keyes, Councillor Amanda Collucci, Councillor Khalid Usman, Councillor Isa Lee **(12)**

NAYS: Regional Councillor Jack Heath **(1)**

Moved by Councillor Isa Lee

Seconded by Councillor Khalid Usman

1. That Council consider the matter of "City of Markham Comments to the Province on a Minister’s Zoning Order request by Mon Sheong Foundation to permit a long-term care facility within a learning centre and assisted living community at 36 Apple Creek Boulevard (Ward 2), File No.: MZO 21 105377”, immediately following Communications, with respect thereto.

Carried

8.3.2 CITY OF MARKHAM COMMENTS TO THE PROVINCE ON A MINISTER'S ZONING ORDER REQUEST BY FLATO DEVELOPMENTS INC. TO PERMIT RESIDENTIAL DEVELOPMENT ON LANDS AT 5474 AND 5662 19TH AVENUE (WARD 6) (10.5)

Moved by Councillor Amanda Collucci

Seconded by Councillor Andrew Keyes

1. That the report entitled, "City of Markham Comments to the Province on a Minister's Zoning Order request by Flato Developments Inc. to permit residential development on lands at 5474 and 5662 19th Avenue (Ward 6)", dated February 8, 2021, be received;
2. That the deputations from Peter Miasek, Alexis Edghill Whalen, Ellen Reesor, Marilyn Ginsburg; Matthew Rock, Richard Reesor, Jay Reesor, Valerie Burke, be received; and,
3. That the City of Markham supports the revised Minister's Zoning Order request by Flato Developments Inc. as presented to Development Services Committee on February 8, 2021, for 5474 and 5662 19th Avenue, to permit 219 single-detached dwellings, 197 townhouses, 200 purpose built rental apartment units, and two parks each at 0.8 hectares, subject to the following conditions:
 - a. That an additional four acres of parkland above and beyond the parkland dedication required under the *Planning Act* be provided for a serviced park, and that Flato Developments Inc. agrees to provide up to 50 percent or \$1 million, whichever is greater, of the capital cost for construction of the park;
 - b. That an additional 100 affordable rental units be provided as defined under the York Region Official Plan, 2010, and include accessibility features to the satisfaction of the City of Markham;
 - c. Ensure that all technical studies normally required as part of a re-zoning application, including but not limited to, an Environmental Impact Study be submitted to the satisfaction of the Commissioner of Development Services;
 - d. Ensure that the requirements and conditions of approvals of York Region and the Toronto and Region Conservation Authority are addressed;

- e. That the applicant submit municipal servicing plans for approval by the City of Markham and York Region, and the Town of Whitchurch-Stouffville if applicable, and enter into any servicing agreements as necessary;
- f. That public art be provided in this development to the satisfaction of the City of Markham;
- g. That Flato Developments Inc. consider the provision of the following range of uses within the development: semi-detached, duplex, triplex, fourplex, bungalow (e.g. bungalow and bungatown);
- h. That Flato Developments Inc. be required to provide payment of all development application fees, including but not limited to, the Minister's Zoning Order application fee; and
- i. That site plan control applies to all blocks within this development and its approval authority remains with the City.
 - 4. That the recommended zoning standards as revised and shown in Attachment 1 to this resolution be received, and that should the Minister consider it appropriate to issue an MZO, that these zoning standards be applied;
 - 5. That this resolution, including Attachment 1, be forwarded to the Ministry of Municipal Affairs and Housing, York Region, and the Town of Whitchurch-Stouffville as the City of Markham's comments on the Minister's Zoning Order (MZO) request submitted by Flato Developments Inc. for 5474 and 5662 19th Avenue; and, further,
 - 6. That staff be authorized and directed to do all things necessary to give effect to this resolution.

(Carried by Recorded Vote (8:5))

(See following Recorded Vote)

(Recorded Vote (8:5))

YEAS: Councillor Alan Ho, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Regional Councillor Joe Li, Councillor Andrew Keyes, Councillor Amanda Collucci, Councillor Khalid Usman, Councillor Isa Lee **(8)**

NAYS: Councillor Keith Irish, Councillor Reid McAlpine, Councillor Karen Rea, Deputy Mayor Don Hamilton, Regional Councillor Jack Heath (5)

Moved by Councillor Reid McAlpine
Seconded by Councillor Karen Rea

1. That Council consider the matter of City of Markham Comments to the Province on a Minister's Zoning Order request by Flato Developments Inc. to permit residential development on lands at 5474 and 5662 19th Avenue (Ward 6)", immediately following Communications, with respect thereto.

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 NEW/ OTHER BUSINESS - EXTENSION OF DIGITAL MAIN STREET SHOPHERE (5.0)

Moved by: Councillor Alan Ho
Seconded by: Councillor Khalid Usman

Whereas the COVID-19 pandemic has presented significant and ongoing public health challenges to Canada which has resulted in a prolonged economic slowdown and created substantial financial pressures to most industry sectors; and,

Whereas this unprecedented environment of economic uncertainty has directly and disproportionately impacted small independent businesses, particularly those businesses in the service industry including hospitality and tourism related businesses; and,

Whereas small businesses make up 98% of all employers in Markham and are a key driver of local economies and are foundational to thriving communities; and,

Whereas the ongoing uncertainty of recovery timing and the expectation that a full recovery may take several years, for small business to survive the pandemic, it is essential for businesses to have an online presence to sell their goods and services; and,

Whereas Markham is a municipal leader in Canada's innovation corridor and was the first municipality to endorse the Digital Main Street ShopHERE program launched in May 2020 to assist small businesses with ecommerce and online sales; and,

Whereas the Digital Main Street Program has been a critical support to local businesses during COVID-19 and more than 440 Markham small businesses and artists have applied for support from ShopHERE since the program was launched; and,

Whereas existing Federal and Provincial funding support for ShopHERE is ending as of March 2021; and,

Now therefore be it resolved:

That City Council request the provincial and federal governments to:

- renew and expand funding to the Digital Main Street program as soon as possible to help Markham businesses remain resilient during the provincial lockdown measures implemented to mitigate the spread of the COVID-19 virus and its variants and to survive through the anticipated slow economic recovery; and,
- renew the \$2,500 Digital Transformation Grant and Digital Service Squad support; and,
- expand the Digital Main Street Transformation Grant to be available to main street businesses that are located outside of BIAs as the initial program restricted applicants to BIA member businesses only.

Be it further resolved, that a copy of this resolution be sent to:

Rt Hon. Justin Trudeau, Prime Minister of Canada;
 Hon. Chrystia Freeland, Deputy Prime Minister and Finance Minister;
 Hon. Francois-Phillipe Champagne, Minister of Innovation, Science
 and Industry;
 Hon. Mary Ng, MP, Markham-Thornhill, Minister of Small Business,
 Export Promotion and International Trade;
 Hon. Doug Ford, Premier of Ontario;
 Hon. Peter Bethenfalvy, Finance Minister and President of the
 Treasury Board;
 Hon. Vic Fedeli, Minister of Economic Development, Job Creation
 and Trade;
 Hon. Paul Calandra, MPP, Markham-Stouffville, Government House
 Leader;
 Hon. Prabmeet Sarkaria, Associate Minister of Small Business and
 Red Tape Reduction;
 All Members of Federal Parliament in the Regional Municipality of
 York;
 All Members of Provincial Parliament in the Regional Municipality of
 York;
 All Members of Regional Council in the Regional Municipality of
 York.

Carried

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Councillor Karen Rea
 Seconded by Councillor Amanda Collucci

That By-laws 2021-12 to 2021-15 be given three readings and enacted.

Carried

Three Readings

13.1 BY-LAW 2021-12 A BY-LAW TO AMEND STOP BY-LAW 106-71

To add compulsory stops at specific intersections within the City of Markham.
(Item No. 8.1.1, Report No. 2)

Carried

- 13.2 BY-LAW 2021-13 A BY-LAW TO AMEND BY-LAW 2011-232 BEING A BY-LAW TO REGULATE OR PROHIBIT REMOVAL OF TOPSOIL, PLACING OR DUMPING OF FILL, AND ALTERATION OF THE GRADE OF LAND WITHIN THE CITY OF MARKHAM ("SITE ALTERATION BY-LAW")

(Item No. 8.1.4, Report No. 2)

Carried

- 13.3 BY-LAW 2021-14 A BY-LAW TO AMEND BYLAW 2016-84 BEING A BY-LAW TO IMPLEMENT AN ADMINISTRATIVE MONETARY PENALTY SYSTEM FOR NON-PARKING OFFENCES

(AMENDMENTS TO AMPS FOR NON PARKING OFFENCES BY-LAW)

(Item No. 8.1.4, Report No. 2)

Carried

- 13.4 BY-LAW 2021-15 FLATO DEVELOPMENTS INC., 2695 ELGIN MILLS ROAD EAST, ZONING BY-LAW AMENDMENT

A By-law to amend By-laws 304-87 and 177-96, as amended, to permit the development of a convention centre, office building, and hotel.

(Item 4.2, June 11, 2020 Development Services Public meeting. Note: Staff are satisfied with the site plan for the purposes of enacting the Zoning By-law.)

Carried

14. CONFIDENTIAL ITEMS

Moved by Councillor Karen Rea

Seconded by Councillor Alan Ho

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into a private session to discuss the following confidential matters at 3:10 pm:

14.1 COUNCIL

14.1.1 APPROVAL OF CONFIDENTIAL COUNCIL MINUTES -
JANUARY 26, 2021 (10.0)

14.2 GENERAL COMMITTEE - JANUARY 18, 2021

14.2.1 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)]

14.3 NEW/ OTHER BUSINESS

14.3.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING
MATTERS BEFORE ADMINISTRATIVE TRIBUNALS,
AFFECTING THE MUNICIPALITY OR LOCAL BOARD; LPAT
APPEAL – 69 ROBINSON STREET (8.0) [SECTION 239 (2)
(e)]**Carried**

Moved by Councillor Khalid Usman

Seconded by Councillor Andrew Keyes

That Council rise from Confidential session at 3:15 PM.

Carried

The following Confidential items were approved by Council:

14.1 COUNCIL

14.1.1 APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - JANUARY
26, 2021 (10.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Isa Lee

1. That the confidential Council minutes of January 26, 2021, be adopted.

Carried

14.2 GENERAL COMMITTEE - JANUARY 18, 2021

14.2.1 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 Councillor Keith Irish

Seconded by Councillor Andrew Keyes

1. That the confidential presentation on a proposed or pending acquisition or disposition of land by the City or local board; be received; and,
2. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

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 – 69 ROBINSON STREET (8.0) [SECTION 239 (2) (e)]

Moved by Regional Councillor Jack Heath

Seconded by Councillor Karen Rea

1. That the confidential report on litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board -LPAT Appeal, 69 Robinson Street, 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 requested minor variance application to permit an increase to the maximum building height, floor area ratio, and building depth for a proposed two-storey detached dwelling, subject to imposing the following conditions of approval as set out below in the event that the LPAT allows the variance:

- a. The variances apply only to the proposed development as long as it remains;
 - b. That the variances apply only to the subject development, in substantial conformity with the plans attached as Appendix “B” to the Staff Report, 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. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City’s Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation Technician or Director of Planning & Urban Design that this condition has been fulfilled to his or her satisfaction;
 - d. That any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval is consistent with the Tree Assessment and Preservation Plan;
 - e. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site including street trees, in accordance with the City’s Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to his or her satisfaction; and
 - f. That tree replacements be provided or tree replacement fees be paid to the City, if required by the Tree Preservation Technician in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to his or her satisfaction; 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 Alan Ho
Seconded by Deputy Mayor Don Hamilton

That By-law 2021-16 be given three readings and enacted.

Three Readings

BY-LAW 2021-16 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE
COUNCIL MEETING OF FEBRUARY 9, 2021.

Carried

16. ADJOURNMENT

Moved by Councillor Isa Lee
Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 3:17 p.m.

Carried

Kimberley Kitteringham

City Clerk

Frank Scarpitti

Mayor