

Council Meeting Minutes

Meeting Number: 12
April 19, 2023, 1:00 PM
Live streamed

Roll Call	Mayor Frank Scarpitti Deputy Mayor Michael Chan Regional Councillor Jim Jones Regional Councillor Joe Li Regional Councillor Alan Ho Councillor Keith Irish Councillor Ritch Lau	Councillor Reid McAlpine Councillor Karen Rea Councillor Andrew Keyes Councillor Amanda Collucci Councillor Juanita Nathan Councillor Isa Lee
Staff	Andy Taylor, Chief Administrative Officer Trinela Cane, Commissioner, Corporate Services Arvin Prasad, Commissioner, Development Services Bryan Frois, Manager, Executive Operations & Strategic Initiatives Kimberley Kitteringham, City Clerk Michael Toshakovski, Deputy City Solicitor Frank Clarizio, Director, Engineering Giulio Cescato, Director of Planning & Urban Design Mark Visser, Acting Treasurer Mary Creighton, Director, Recreation Services Eddy Wu, Acting Commissioner, Community Services	Hersh Tencer, Senior Manager, Real Property, Legal Services Martha Pettit, Deputy City Clerk John Wong, Technology Support Specialist II Hristina Giantsopoulos, Election/Council & Committee Coordinator Sumon Acharjee, Chief Information Officer Stephen Lue, Acting Senior Manager, Development, Planning & Urban Design Maggie Cheung-Madar, Assistant City Solicitor Darryl Lyons, Deputy Director, Planning & Urban Design Kishor Soneji, Manager, Financial Reporting, Financial Services Rob Tadmire, Coordinator, Geomatics/GIS Advocate, Planning & Urban Design Eric Lariviere, Manager, Flato Theatre
External	Piper Morley, External Counsel, Partner, Borden Ladner Gervais LLP	

Alternate formats for this document are available upon request

1. CALL TO ORDER

The meeting of Council convened at 1:11 PM on April 19, 2023. Mayor Frank Scarpitti presided.

INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging the traditional territories of Indigenous peoples and their commitment to stewardship of the land. We acknowledge the communities in circle. The North, West, South and Eastern directions, and Haudenosaunee, Huron- Wendat, Anishnabeg, Seneca, Chippewa, and the Mississaugas of the Credit peoples. We share the responsibility with the caretakers of this land to ensure the dish is never empty and to restore relationships that are based on peace, friendship, and trust. We are committed to reconciliation, partnership and enhanced understanding.

2. DISCLOSURE OF PECUNIARY INTEREST

There were no pecuniary interests disclosed.

3. APPROVAL OF PREVIOUS MINUTES**3.1 COUNCIL MINUTES - APRIL 5, 2023**

Moved by Councillor Juanita Nathan

Seconded by Councillor Reid McAlpine

1. That the Minutes of the Council Meeting held on April 5, 2023, be adopted.

Carried

4. PRESENTATIONS

There were no presentations.

5. DEPUTATIONS

There were no deputations.

6. COMMUNICATIONS**6.1 9-2023 SPECIAL OCCASION PERMIT - SIPS & SONGS: OUTDOOR SUMMER CONCERT SERIES (WARD 4) (3.21)**

Moved by Councillor Karen Rea

Seconded by Councillor Andrew Keyes

1. That the request for the City of Markham for a Special Occasion Permit be received and approved, subject to compliance with all applicable by-laws, regulations and City requirements for special occasion permits with respect to temporary facilities, and further;
2. That the City of Markham recognize the Sips & Songs: Outdoor Summer Concert Series as an event of "Municipal Significance".

Carried

7. PROCLAMATIONS

7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Regional Councillor Joe Li
Seconded by Regional 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. Earth Day - April 23, 2023
 - b. Earth Month - April, 2023
 - c. The Longest Day of Smiles - June 18, 2023.
2. That the following new request for proclamation be approved and added to the Five-Year Proclamations List approved by Council:
 - a. "Light it up Green" for May, Lyme Disease Awareness Month (Lyme Ontario) - May, 2023

Carried

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 15 GENERAL COMMITTEE (APRIL 11, 2023)

Moved by Councillor Keith Irish
Seconded by Deputy Mayor Michael Chan

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

Carried

8.1.1 THORNLEA POOL RESTORATION (3.0)

Moved by Councillor Keith Irish
 Seconded by Deputy Mayor Michael Chan

1. That the report entitled “Thornlea Pool - Tank Repair and Tile Replacement” be received; and,
2. That the existing Thornlea Pool Restoration project 070-6150-21208-005 be increased to allow for the pool tank repair and tile replacement in the amount of \$703,396 inclusive of contingency and HST impact, funded from the Lifecycle Replacement Reserve; and,
3. That the applicable Director and the Sr. Manager of Procurement & Accounts Payable be authorized to undertake negotiations with the current onsite contractor Canada Construction Ltd. to attain a fair cost and to expedite the procurement process; and,
4. That the applicable Director and the Sr. Manager of Procurement & Accounts Payable be authorized to award the contract once negotiations have been finalized and the award is in the best interest of the City; and,
5. That the tendering process be waived in accordance with Purchasing By-Law 2017-8, Part II, Section 11.1 (c) which states “when the extension of an existing Contract would prove more cost-effective or beneficial” and (g) where it is in the City’s best interest not to solicit a competitive Bid; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.1.2 DECEMBER 2022 YEAR-TO-DATE RESULTS OF OPERATIONS
 (7.0)

Moved by Councillor Keith Irish
 Seconded by Deputy Mayor Michael Chan

1. That the report titled “2022 Year-End Review of Operations” be received; and,
2. That the City’s 2022 net operations favourable variance of \$2.91M be transferred to the Life Cycle Capital Replacement and Capital Reserve Fund, as per the approved Financial Planning and Budgeting Policy; 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. 16 DEVELOPMENT SERVICES COMMITTEE MEETING
(APRIL 18, 2023)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

That the report of the Development Services Committee be received & adopted.
(Items 1 to 5):

Carried

8.2.1 2022 DRAFT CONSOLIDATED FINANCIAL STATEMENTS (7.0)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That the presentation titled “2022 Consolidated Financial Statements” be received; and,
2. That the report titled “2022 Consolidated Financial Statements” be received; and,
3. That Council approve the draft Consolidated Financial Statements of The Corporation of the City of Markham (the City), including Community Boards, Business Improvement Areas (BIAs), Destination Markham Corporation and Investment in Markham Enterprises Corporation (MEC), for the fiscal year ended December 31, 2022; and,
4. That Council authorize Staff to publish the final audited Statements for the fiscal year ended December 31, 2022 upon receiving the Independent Auditors’ Report; and,
5. That the KPMG LLP Audit Findings Report for the year ended December 31, 2022 be received; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.2 RECOMMENDATION REPORT - REQUEST TO APPROVE
PROPOSED STREET NAMES FOR 2 SITE PLAN APPLICATIONS,
7768 MCCOWAN ROAD, 9999 MARKHAM ROAD (10.14)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That Council approve the proposed street names “Tina Gate” for a site plan located at 7768 McCowan Road, and “Evelyn Rose Lane”, “LeBANC Lane” and “Azza Lane” for a site plan located at 9999 Markham Road; and; and further,
2. That Staff be directed to add the street names listed above to the City’s Street and Park Name Reserve List.

Carried

8.2.3 RECOMMENDATION REPORT - NOTICE OF INTENTION TO
DEMOLISH – SINGLE DETACHED DWELLING AND DETACHED
GARAGE, 33 WASHINGTON STREET, MARKHAM VILLAGE
HERITAGE CONSERVATION DISTRICT, WARD 4 (16.11)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That Council support the proposed demolition of the existing single-detached dwelling and detached garage at 33 Washington Street, as per Section 42 of the Ontario Heritage Act; and,
2. **That the deputation made by Doug Denby at the April 18th Development Services Committee be received; and,**
3. That the recommendation from the Heritage Markham Committee on December 14, 2022, in support of redevelopment of 33 Washington Street (in accordance with Appendix ‘C’ of this report), be received as information; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.4 MARKHAM FOUNDATION FOR PERFORMING ARTS -
INCORPORATION UPDATE (6.2)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That Council approve the following amendments to the Letters Patent of the Markham Foundation for the Performing Arts (the “Corporation”) in order to meet Canada Revenue Agency (CRA) requirements to register the Corporation as a charity (and in a form satisfactory to the City Solicitor):
 - A. Amend the purposes of the Corporation to provide as follows:
 - i. to support the development and sustainability of a vibrant performing arts community in the City of Markham, including the Flato Markham Theatre (or successor) and its facility and programs, in order to advance the public's appreciation of the arts by providing the residents of the City of Markham with access to arts in a variety of forms and forums; and,
 - ii. to receive and maintain a fund or funds and to apply all or part of the principal and income therefrom, from time to time, to charitable organizations that are also registered charities under the Income Tax Act (Canada); and,
 - iii. to do all such things as are ancillary and incidental to the attainment of the above charitable purposes; and,
 - B. Provide that the Corporation shall have a minimum of 3 and a maximum of 9 Directors; and,
2. That the City Solicitor be authorized to approve such further amendments to the Letters Patent necessary to comply with legal and/or administrative requirements to register the Corporation as a charity; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.5 2023 INTERIM DEVELOPMENT APPLICATION AND AGREEMENT FEE OPTION (7.0)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That the Report titled “2023 Interim Development Application and Agreement Payment Fee Option” dated April 18, 2023 be received; and,
2. That for the period between May 1, 2023 and December 31, 2023, for site plan and subdivision applications, Planning, Urban Design and Engineering submissions, and when agreements are executed:
 - a. The Applicant shall make a partial fee payment in the amount of 50% of the fees in By-law 211-83 “Tariff of Fees for the Processing of Planning Applications” (Development Fee By-law); and,
 - b. Where site plan or subdivision agreements are executed between May 1 and December 31, 2023, the Applicant shall pay 50% of any outstanding fees owing according to the by-law in effect, and the balance shall be secured by letter of credit which shall be drawn on or released once the fee has been recalculated in accordance with the 2024 Development Fee By-law; and,
 - c. Where site plan or subdivision agreements are executed between May 1 and December 31, 2023, the amounts payable will be recalculated in accordance with 2024 Development Fee By-law, provided that in no case shall an Applicant be required to pay more than the fees payable in accordance with the fee by-law in effect as of the date of this report and any overpayment shall be refunded to the Applicant; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

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 was no new or other business.

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

There were no By-laws.

14. CONFIDENTIAL ITEMS

Moved by Councillor Andrew Keyes

Seconded by Councillor Ritch Lau

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into a private session to discuss the following confidential matters at 1:11 PM.

Carried

Council reconvened in Open Session at 2:33 PM and passed the following resolutions

14.1 COUNCIL

14.1.1 CONFIDENTIAL COUNCIL MINUTES - APRIL 5, 2023

Moved by Councillor Ritch Lau

Seconded by Regional Councillor Alan Ho

1. That the confidential Council minutes of the Council Meeting held on April 5, 2023, be adopted.

Carried

14.1.2 LITIGATION / POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY; (WARD 3)[MUNICIPAL ACT, 2001, SECTION 239(2)(e)] (8.7,10.12)

Moved by Deputy Mayor Michael Chan

Seconded by Regional Councillor Jim Jones

1. That the confidential verbal update regarding Request for Direction on the Scardred 7 Company Limited Appeal of the Official Plan and Zoning By-Law Amendment be received; and,
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

14.2 REPORT FROM GENERAL COMMITTEE - APRIL 11, 2023

14.2.1 THE SECURITY OF THE PROPERTY OF THE CITY; LEASE IN WARD 1; (8.2) [MUNICIPAL ACT, 2001, SECTION 239 (2)(a)]

Moved by Councillor Keith Irish

Seconded by Councillor Andrew Keyes

That Staff be authorized and directed to do all things necessary to give effect to the actions set out in the confidential report.

Carried

14.2.2 REAL PROPERTY ACQUISITION– 7750 BAYVIEW AVENUE (8.6) [MUNICIPAL ACT, 2001, SECTION 239 (2)(c)]

Moved by Councillor Keith Irish

Seconded by Councillor Andrew Keyes

1. That the report entitled “Reporting Out of Real Property Acquisition – 7750 Bayview Avenue” be received; and,
2. That Staff be authorized and directed to take the actions set out in this report; and further,
3. That the confidential report entitled “Reporting Out of Real Property Acquisitions – 7750 Bayview Avenue” and the foregoing resolutions be reported out to the public as of this Council date.

Carried

15. REPORTING OUT OF CONFIDENTIAL REPORT

15.1 REAL PROPERTY ACQUISITION– 7750 BAYVIEW AVENUE (8.6)

Attached public report for:

REAL PROPERTY ACQUISITION– 7750 BAYVIEW AVENUE (8.6)
[MUNICIPAL ACT, 2001, SECTION 239 (2)(c)]

16. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Isa Lee

Seconded by Councillor Karen Rea

That By-law 2023-70 be given three readings and enacted.

Three Readings

BY-LAW 2023-70 - A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF APRIL 19, 2023.

No attachment

Carried

17. ADJOURNMENT

Moved by Councillor Isa Lee
Seconded by Councillor Keith Irish

Carried

That the Council meeting be adjourned at 2:36 p.m.

Kimberley Kitteringham

City Clerk

Frank Scarpitti

Mayor