

Council Meeting Minutes

Meeting Number: 16
May 17, 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 Morgan Jones, Commissioner, Community Services Claudia Storto, City Solicitor and Director of Human Resources Adam Grant, Fire Chief Kimberley Kitteringham, City Clerk Martha Pettit, Deputy City Clerk Mary Creighton, Director, Recreation Services Frank Clarizio, Director, Engineering	Giulio Cescato, Director of Planning & Urban Design Mark Visser, Acting Treasurer John Wong, Technology Support Specialist II Hristina Giantsopoulos, Election/Council & Committee Coordinator Sumon Acharjee, Chief Information Officer Chris Rickett, Director, Economic Development, Culture and Entrepreneurship Darryl Lyons, Deputy Director, Planning & Urban Design Alice Lam, Director, Operations Rob Tadmire, Coordinator, Geomatics/GIS Advocate, Planning & Urban Design

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1. CALL TO ORDER

The meeting of Council convened at 1:09 PM on May 17, 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.

Council observed a moment of silence in recognition of the tragic death of OPP officer Eric Mueller who was killed in the line of duty and the recent passing of current staff member, Bill Third from Operations. Flags at all facilities are flying at half-mast in their honour.

2. DISCLOSURE OF PECUNIARY INTEREST

Regional Councillor Joe Li made a declaration on Item 8.3.1 Request for Approval of Street Names for Site Plan Application – Green City Development Group Inc. at South-West Corner of Woodbine Avenue and Russell Dawson Road, as his daughter is employed by Green City.

Regional Councillor Jim Jones made a declaration on Item 8.3.3 Sidewalk Network Completion Program Status, as he lived for 41 years on Hemingway Crescent.

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - MAY 3, 2023

Moved by Councillor Reid McAlpine

Seconded by Councillor Karen Rea

1. That the Minutes of the Council Meeting held on May 3, 2023, be adopted.

Carried

4. PRESENTATIONS

There were no presentations.

5. DEPUTATIONS

5.1 DEPUTATION - SIDEWALK NETWORK COMPLETION PROGRAM STATUS (CITY-WIDE)

Moved by Councillor Reid McAlpine

Seconded by Deputy Mayor Michael Chan

1. That the deputation of James Marjeram be received.

Carried

(See Item 8.3.3, Report No. 21 for Council's decision on this matter.)

6. COMMUNICATIONS

6.1 11-2023 LIQUOR LICENCE APPLICATION - POSEIDON RESTAURANT (WARD 8) (3.21)

Moved by Councillor Isa Lee

Seconded by Councillor Andrew Keyes

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 Regional Councillor Joe Li

Seconded by Deputy Mayor Michael Chan

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. King Charles III Coronation Day, May 6, 2023
2. That the following new request 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 and added to the Five-Year List of Request to Raise Flag approved by Council:
 - a. Vietnam's National Day, August 31, 2023 to September 2, 2023

Carried

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 19 DEVELOPMENT SERVICES COMMITTEE PUBLIC MEETING (APRIL 25, 2023)

Moved by Regional Councillor Joe Li

Seconded by Regional Councillor Jim Jones

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

Carried

8.1.1 PUBLIC MEETING INFORMATION REPORT, GEN QUAN C/O LEI ZHANG, ARCHIZONING DESIGN INC., APPLICATION FOR ZONING BY-LAW AMENDMENT TO PERMIT FUTURE SEVERANCE AND CREATION OF ONE NEW RESIDENTIAL LOT FACILITATING THE

Moved by Regional Councillor Joe Li

Seconded by Regional Councillor Jim Jones

1. That the deputation by Garth Juul regarding, Zoning By-law Amendment application, Gen Quan Lin c/o Lei Zhang, Archizoning Design Inc., File No. PLAN 22 257558", be received; and,
2. That the Development Services Commission report dated April 14, 2023 titled "Public Meeting Information Report, Zoning By-law Amendment application, Gen Quan Lin c/o Lei Zhang, Archizoning Design Inc., File No. PLAN 22 257558", be received; and,
3. That the record of the Public Meeting held on April 25, 2023, with respect to the proposed Zoning By-law Amendment application for 25 Springdale Avenue, by Gen Quan Lin c/o Lei Zhang, Archizoning Design Inc., File No. PLAN 22 257588, be received; and,
4. That the Zoning By-law Amendment application (File No. PLAN 22 257588) by Gen Quan Lin c/o Lei Zhang, Archizoning Design Inc., to amend Zoning By-law 153-80, as amended, and rezone the

subject lands from Residential Development (RD) Zone to Fourth Density Single Family Residential (R4) Zone, be approved; and,

5. That the Applicant continue to work with staff on the design of the houses to ensure that each house has a unique design; and,
6. That the proposed amendment to Zoning By-law 153-80, as amended, be enacted without further notice at a future Council meeting, and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2 REPORT NO. 20 GENERAL COMMITTEE (MAY 9, 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

8.2.1 2023 FIRST QUARTER INVESTMENT PERFORMANCE REVIEW (7.0)

Moved by Councillor Keith Irish

Seconded by Deputy Mayor Michael Chan

1. That the report dated May 9, 2023 entitled “2023 First Quarter Investment Performance Review” be received.

Carried

8.2.2 032-T-08 SIDEWALK WINTER MAINTENANCE CONTRACT EXTENSION (5.0)

Moved by Councillor Keith Irish

Seconded by Deputy Mayor Michael Chan

1. That the report entitled “032-T-08 Sidewalk Winter Maintenance Contract Extension” be received; and,

2. That the following sidewalk winter maintenance contracts be extended for an additional three (3) winter seasons (December 1, 2023 – March 31, 2026) to De Ferrari Construction Ltd (\$1,755,106.00) and VTA Construction Limited (\$1,684,901.00) in the estimated annual value of \$3,440,007.00 subject to a maximum annual price adjustment that is to be capped based on the percentage change in the posted All-Items CPI (Consumer Price Index) for Ontario; and,
3. That the Director of Operations and the Senior Manager of Procurement & Accounts Payable be authorized to extend the contract for two (2) additional, separate winter seasons (December 1, 2026 to March 31, 2028) subject to a maximum annual price adjustment that is to be capped based on the percentage change in the posted All-Items CPI (Consumer Price Index) for Ontario; and,
4. That the tendering process be waived in accordance with Procurement By-Law 2017-8, Part II, Section 11. Non-Competitive Procurement, items 11.1 (c) and (g), which state: (c) 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,
5. That the 2024-2028 operating budgets and purchase orders be adjusted for growth (increase in kilometres of roadway) and a price adjustment based on the Consumer Price Index (CPI) for All-Items Ontario for the twelve (12) month period ending March 31 in the applicable year, subject to Council approval; and,
6. That the 2024 operating budget be increased for the 2024 financial impact of CPI in the estimated amount of \$372,037 subject to future growth requirements and Council approval; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3 REPORT NO. 21 DEVELOPMENT SERVICES COMMITTEE (MAY 16, 2023)

Moved by Regional Councillor Jim Jones
Seconded by Deputy Mayor Michael Chan

That the report of the Development Services Committee be received & adopted, save and except Items 8.3.1 and 8.3.3.

Carried

8.3.1 RECOMMENDATION REPORT – REQUEST FOR APPROVAL OF STREET NAMES FOR SITE PLAN APPLICATION – GREEN CITY DEVELOPMENT GROUP INC. AT SOUTH-WEST CORNER OF WOODBINE AVENUE AND RUSSELL DAWSON ROAD (10.14)

Regional Councillor Joe Li declared an interest in Item 8.3.1 and did not participate in the discussion or vote on this matter.

Moved by Regional Councillor Jim Jones

Seconded by Deputy Mayor Michael Chan

1. That Development Services Committee approve the proposed street names “Green City Circle” and “Kensington Lane” for a site plan located at the south-west corner of Woodbine Avenue and Russell Dawson Road; and,
2. That Staff be directed to add the street names listed above to the City’s Street and Park Name Reserve List.

Carried

8.3.2 MEMORANDUM OF UNDERSTANDING WITH THE TORONTO AND REGION CONSERVATION AUTHORITY REGARDING MUNICIPALLY REQUESTED PROGRAMS AND SERVICES (10.0, 13.13.2)

Moved by Regional Councillor Jim Jones

Seconded by Deputy Mayor Michael Chan

1. That the report entitled “Memorandum of Understanding with the Toronto and Region Conservation Authority regarding municipally requested programs and services” dated May 16, 2023 be received; and,
2. That staff be authorized to negotiate the Memorandum of Understanding with the Toronto and Region Conservation Authority (TRCA), and that the Chief Administrative Officer be authorized to execute the Memorandum of Understanding on terms

satisfactory to the City Solicitor in consultation with the Commissioner of Development Services; and,

3. That staff be authorized to negotiate an update to the existing plan review agreement with the TRCA as per the changes identified in Appendix 'A' and that the Chief Administrative Officer be authorized to execute the plan review agreement on terms satisfactory to the City Solicitor in consultation with the Commissioner of Development Services; and further,
4. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3.3 SIDEWALK NETWORK COMPLETION PROGRAM STATUS (CITY-WIDE) (5.10)

Regional Councillor Jim Jones declared an interest in Item 8.3.3 and did not participate in the discussion or vote on this matter.

Moved by Regional Councillor Joe Li

Seconded by Deputy Mayor Michael Chan

1. That the report entitled "Sidewalk Network Completion Program Status (City-Wide)" be received; and,
2. That the deputations from Mike Creta, Nicolas To, Tom Gunovski, and Doug Denby, made to Development Services Committee on May 16, 2023, be received; and,
3. That the communication submitted by John Zhang and Susan Xu providing comments received on May 8, 2023, regarding the above subject matter be received; and,
4. That the petition submitted by residents of Lee Avenue be received; and,
5. That Council endorse the revised Sidewalk Network Completion Program as described in this report and Attachment 'A', with its implementation subject to the annual budget request and approval process; and,

6. That staff provide an annual update on the status of the Sidewalk Network Completion Program including any adjustments made to the program; and,
7. That all requests for major changes to the Sidewalk Network Completion Program, as defined in the report, be subject to Council approval; and,
8. That an average annual incremental amount of \$69,040 for sidewalk maintenance be added to the operating budget, subject to Council approval through the annual budget approval process; and further,
9. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

Council had before it the following amendment:

Moved by Councillor Andrew Keyes

Seconded by Councillor Isa Lee

That the sidewalk installation planned for the North side of Carleton Road be deleted from the Sidewalk Completion Program.

Lost on a Recorded Vote (7:5)

(See following for Recorded Vote)

Recorded Vote (7:5):

NAYS: Deputy Mayor Michael Chan, Mayor Frank Scarpitti, Councillor Reid McAlpine, Regional Councillor Alan Ho, Councillor Ritch Lau, Regional Councillor Joe Li, Councillor Amanda Collucci **(7)**

YEAS: Councillor Karen Rea, Councillor Juanita Nathan, Councillor Keith Irish, Councillor Isa Lee, Councillor Andrew Keyes, **(5)**

CONFLICT: Regional Councillor Jim Jones **(1)**

8.3.4 OPEN STREET PROGRAM UPDATE (CITY-WIDE) (5.12)

Moved by Regional Councillor Jim Jones

Seconded by Deputy Mayor Michael Chan

1. That the staff report titled “Open Street Program Update (City-wide)” be received; and,

2. That the Open Street Program be re-imagined as a special City event beginning in 2024; 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

11.1 MEMORANDUM - LIFETIME PANDA MRKM LP (LIFETIME DEVELOPMENTS) APPLICATIONS FOR OFFICIAL PLAN AMENDMENT, ZONING BY-LAW AMENDMENT, AND DRAFT PLAN OF SUBDIVISION TO PERMIT A HIGH RISE RESIDENTIAL MIXED-USE DEVELOPMENT AT THE SOUTHWEST CORNER OF

Arvin Prasad, Commissioner of Development Services outlined the highlights of the memorandum and the requirement to pass an OPA and ZBA at this time. There was discussion on the implications of the reduction of parking requirements and the increase in the number of units.

Moved by Councillor Isa Lee

Seconded by Councillor Karen Rea

1. That the May 17, 2023, Memorandum titled, “Lifetime Panda MRKM LP (Lifetime Developments), Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision to permit a high rise residential mixed-use development at the southwest corner of Warden Avenue and Cedarland Drive, Markham Centre (Ward 8), File No. PLAN 20 123292”, be received; and,
2. That the parking requirements be reduced from .8 to .6 spaces per unit.
3. That the City Solicitor be authorized to execute a Section 37 Community Benefit Charge Agreement with the Owner; and further,

4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2023-85 and 2023-86)

Carried as Amended

Council had before it the following amendment.

Council consented to split the motion and vote on each clause separately.

Moved by Councillor Isa Lee

Seconded by Regional Councillor Joe Li

1. That the parking requirements be reduced from .8 to .6 spaces per unit.

Carried

2. That the number of units in Area 1 be increased to 1,221 and the number of units in Area 2 be increased to 1,385.

Lost

11.2 MEMORANDUM - 2023-2024 USER FEE BY-LAW

Morgan Jones, Commissioner of Community Services, Mary Creighton, Director of Recreation Services and Alice Lam, Director of Operations, outlined the highlights of the memorandum. There was discussion on the rationale for the increase in overall Recreation and Culture fees and the drastic increase for fees related to the picnic tables.

Moved by Councillor Andrew Keyes

Seconded by Councillor Isa Lee

1. That the memorandum entitled Amendment to Annual User Fees & Service Charges – Recreation, Culture and Operations be received.
2. That the fees for supply and delivery of picnic tables for resident and non-resident be deferred in order for staff to gather more information and report back at a future General Committee meeting.
(By-Law 2023-88)

Carried as Amended

Council had before it the following amendment:

Moved by Councillor Reid McAlpine

Seconded by Councillor Karen Rea

1. That the fees for supply and delivery of picnic tables for resident and non-resident be deferred in order for staff to gather more information and report back at a future General Committee meeting.

Carried

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Deputy Mayor Michael Chan

Seconded by Councillor Reid McAlpine

That By-laws 2023-84 to 2023-88 be given three readings and enacted, save and except By-law 2023-85 to be voted on separately by recorded vote.

Carried

Three Readings

13.1 BY-LAW 2023-84, A BY-LAW TO DESIGNATE PART OF A CERTAIN PLAN OF SUBDIVISION NOT SUBJECT TO PART LOT CONTROL

A By-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Blocks 167, 168, 171 and 172 on Registered Plan 65M-4693 located on the west side of Kennedy Road, north of 16th Avenue.

Carried

13.2 BY-LAW 2023-85, A BY-LAW TO AMEND BY-LAW 165-80, AS AMENDED AND TO AMEND BY-LAW 2004-196, AS AMENDED

A By-law to amend By-law 165-80, as amended to delete lands from the designated area of By-law 165-80 and to amend By-law 2004-196, as amended to incorporate lands into the designated area of By-law 2004-196.

Moved by Deputy Mayor Michael Chan

Seconded by Councillor Reid McAlpine

That By-Law 2023-85 be given three readings and enacted

Carried as Amended by Recorded Vote (7:4)

(See following Recorded Vote)

Recorded Vote (7:4):

YEAS: Councillor Andrew Keyes, Councillor Reid McAlpine, Regional Councillor Alan Ho, Councillor Isa Lee, Councillor Karen Rea, Deputy Mayor Michael Chan, Regional Councillor Jim Jones **(7)**

NAYS: Mayor Frank Scarpitti, Councillor Ritch Lau, Councillor Amanda Collucci, Councillor Keith Irish **(4)**

ABSENT: Regional Councillor Joe Li, Councillor Juanita Nathan **(2)**

That By-Law 2023-85 be given three readings and enacted.

13.3 BY-LAW 2023-86, LIFETIME DEVELOPMENTS, WARDEN AVENUE AND CEDARLAND DRIVE, MARKHAM CENTRE (WARD 8) OFFICIAL PLAN AMENDMENT

A By-Law to adopt an Official Plan Amendment (Revised 1987), as amended to incorporate site specific height and density provisions to accommodate the proposed development as shown in Schedules “A” and “B”.

Carried

13.4 BY-LAW 2023-87, A BY-LAW TO AMEND THE COMPOSITION OF THE BOARD OF MANAGEMENT FOR THE UNIONVILLE BUSINESS IMPROVEMENT AREA

A By-law to amend the composition of the Board of Management for the Unionville Business Improvement Area.

Carried

13.5 BY-LAW 2023-88, A BY-LAW TO AMEND BY-LAW 2002-276 BEING A BY-LAW TO IMPOSE FEES OR CHARGES FOR SERVICES OR ACTIVITIES PROVIDED OR DONE BY THE CITY OF MARKHAM

Carried

14. CONFIDENTIAL ITEMS

Council consented to not resolve into closed session to consider the following items and voted on all matters during open session.

14.1 COUNCIL

14.1.1 CONFIDENTIAL COUNCIL MINUTES - MAY 3, 2023 [MUNICIPAL ACT, 2001, Section 239 (2) (b)]

Moved by Regional Councillor Jim Jones

Seconded by Deputy Mayor Michael Chan

1. That the confidential Council minutes of the Council Meeting held on May 3, 2023, be adopted.

Carried

14.1.2 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR BOARD EMPLOYEES (BOARD/ COMMITTEE APPOINTMENTS) (16.24) [MUNICIPAL ACT, 2001, Section 239 (2) (b)]

Moved by Councillor Keith Irish

Seconded by Councillor Ritch Lau

1. Cycling & Pedestrian Advisory Committee (CPAC)

- (i). That the following individuals be appointed to the Cycling & Pedestrian Advisory Committee (CPAC) with a term expiry as noted below:

Brenda Kazan	November 30, 2026
Cliff Chan	November 30, 2026
Andrew Dang	November 30, 2026
David Mok	November 30, 2026

- (ii). That the following individuals be re-appointed to the Cycling & Pedestrian Advisory Committee (CPAC) for an additional term with the expiry dates noted below:

Steve Glassman	November 30, 2025
Daniel Yeung	November 30, 2025
Anthony Ko	November 30, 2024
Peter Miasek	November 30, 2024

Carried

Moved by Councillor Keith Irish
Seconded by Councillor Ritch Lau

2. German Mills Community Centre Board

That the following individual be appointed to the German Mills
Community Centre Board:

Jennifer Wall June 30, 2026

Carried

Moved by Councillor Keith Irish
Seconded by Councillor Ritch Lau

3. Appointment of Board of Management Directors for the Unionville
Business Improvement Area (UBIA)

- i. That Section 4 of By-law 2015-18 be amended to expand the composition of the UBIA from “7-11 directors” to “7-12 directors”; and, further,
- ii. That Council appoint the following individuals as Directors of the Board of Management for the Unionville Business Improvement Area (UBIA) with a term expiry of November 14, 2026:

Niina Felushko
Sylvia Morris
Shibani Sahney
Juyoun Hong
Tony Lamanna
Kimberley Wake
Liam O’dette
Alan Mizarchi
Yan Liu
Cesario Ginjo

Carried

Moved by Councillor Keith Irish
 Seconded by Councillor Ritch Lau

4. Heintzman House Community Centre Board

(i). That the following individuals be appointed to the Heintzman House Community Centre Board:

Robert Willatts	November 30, 2026
Ronen Ben-Shlomo	November 30, 2026
Kevin Lin	November 30, 2026

(ii). That the following individuals be re-appointed to the Heintzman House Community Centre Board:

Troy Merrick	November 30, 2026
Julia Hamilton	November 30, 2026
Renata Richardson	November 30, 2026
Grace Leung	November 30, 2024

Carried

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Amanda Collucci
 Seconded by Regional Councillor Jim Jones

That By-law 2023-83 be given three readings and enacted.

Three Readings

BY-LAW 2023-83 - A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF MAY 17, 2023.

Carried

16. ADJOURNMENT

Moved by Councillor Isa Lee
 Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 3:58 PM.

Carried

Kimberley Kitteringham

City Clerk

Frank Scarpitti

Mayor