

Council Meeting Minutes

Meeting Number: 12
May 15, 2024, 1:00 PM
Live streamed

Roll Call	Mayor Frank Scarpitti 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 Amanda Collucci Councillor Juanita Nathan Councillor Isa Lee
Regrets	Deputy Mayor Michael Chan	Councillor Andrew Keyes
Staff	Andy Taylor, Chief Administrative Officer Trinela Cane, Commissioner, Corporate Services Arvin Prasad, Commissioner, Development Services Claudia Storto, City Solicitor and Director of People Services Morgan Jones, Commissioner, Community Services Bryan Frois, Manager, Executive Operations & Strategic Initiatives Joseph Silva, Treasurer	Kimberley Kitteringham, City Clerk Hristina Giantsopoulos, Election/Council & Committee Coordinator Frank Clarizio, Director, Engineering Giulio Cescato, Director of Planning & Urban Design Darryl Lyons, Deputy Director, Planning & Urban Design Evan Manning, Senior Planner, Heritage Alice Lam, Director, Operations Stafford Hughes, Technology Support Specialist II Tharsikaa Irajewaran, Assistant to Council/Committee

Alternate formats for this document are available upon request

1. CALL TO ORDER

The meeting of Council convened at 1:14 PM on May 15, 2024. 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

Councillor Reid McAlpine declared a pecuniary interest for Item 8.3.4 (Tree Preservation By-law Amendment)

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - MAY 1, 2024

Moved by Councillor Isa Lee

Seconded by Councillor Keith Irish

1. That the Minutes of the Council Meeting held on May 1, 2024, be adopted.

Carried

4. PRESENTATIONS

There were no presentations.

5. DEPUTATIONS

There were no deputations.

6. COMMUNICATIONS

- 6.1 ONTARIO LAND TRIBUNAL (OLT) DECISION - 36-48 STEELES AVENUE EAST & 37-49 HIGHLAND PARK BOULEVARD (ZONIX GROUP INC.) (WARD 1) (10.3) (10.5)

Moved by Councillor Keith Irish

Seconded by Regional Councillor Jim Jones

1. That the communication from the City Solicitor regarding the Ontario Land Tribunal (OLT) decision for 36-48 Steeles Avenue East & 37-49 Highland Park Boulevard (Ward 1) be received.

Carried

(See By-law 2024-84 and By-law 2024-85)

7. PROCLAMATIONS

There were no proclamations.

8. REPORT OF STANDING COMMITTEE

- 8.1 REPORT NO. 19 DEVELOPMENT SERVICES PUBLIC MEETING (APRIL 30, 2024)

Moved by Regional Councillor Joe Li
Seconded by Regional Councillor Jim Jones

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

Carried

- 8.1.1 PUBLIC MEETING INFORMATION REPORT, MYTERMS (ARASH FAZELIPUR AND SOMAYEH BADALI) AT 28-32 KIRK DRIVE, APPLICATION FOR A ZONING BY-LAW AMENDMENT, TO PERMIT FOUR (4) SINGLE DETACHED DWELLINGS AT 28-32 KIRK DRIVE, FILE NO. PLAN 24 161084 (WARD 1) (10.5)

1. **That the written submissions by Chris Chan, and the Royal Orchard Ratepayer Association regarding File No. Plan 24 161084 (Ward 1), be received; and,**
2. That the report dated April 30, 2024, titled “Public Meeting Information Report, MYterms (Arash Fazelipur and Somayeh Badali), for a Zoning By-law Amendment, to permit four (4) single detached dwellings at 28-32 Kirk Drive, File No. Plan 24 161084 (Ward 1)”, be received; and,
3. That the Record of the Public Meeting held on April 30, 2024, with respect to the proposed Zoning By-law Amendment to permit

four (4) single detached dwellings at 28-32 Kirk Drive, File No. PLAN 24 161084 (Ward 1), be received; and,

4. That the application by MYterms (Arash Fazelipur and Somayeh Badali), for a Zoning By-law Amendment, File No. Plan 24 161084, be approved and the draft Zoning By-law Amendment be enacted without further notice; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(See By-law 2024-85 and By-law 2024-86)

8.2 REPORT NO. 20 DEVELOPMENT SERVICES COMMITTEE (MAY 7, 2024)

Moved by Regional Councillor Joe Li

Seconded by Regional Councillor Jim Jones

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

8.2.1 RECOMMENDATION REPORT, REVISION TO A LEGAL DESCRIPTION OF A DESIGNATION BY-LAW FOR 4031 16TH AVENUE (“BRIARWOOD FARM-JAMES MCLEAN HOUSE”) (WARD 3) (16.11.3)

1. That the report, dated May 7, 2024, titled, “RECOMMENDATION REPORT, Revision to a Legal Description of a Designation By-law for 4031 16th Avenue (“Briarwood Farm-James McLean House”) (Ward 3)”, be received; and,
2. That the legal description as contained within Council-adopted By-law 2021-8 be amended to reflect the property’s current legal description, and that By-law 2021-8 be amended to ensure conformance with the Ontario Heritage Act, as amended; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.2 2024 SISTER CITIES INTERNATIONAL ALL AMERICANS SUMMIT
- MAY 29 TO MAY 31, 2024

1. That Council approve the attendance and funding for Mayor Frank Scarpitti to attend the 2024 Sister Cities International All Americans Summit in San Antonio, Texas, from Wednesday, May 29, 2024, to Friday, May 31, 2024; and,
2. That the estimated cost of \$1,800.00 be funded from the Mayor's Office operating budget; and further,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.3 COMMENTS ON THE CUTTING RED TAPE TO BUILD MORE
HOMES ACT (BILL 185) AND PROPOSED PROVINCIAL
PLANNING STATEMENT (10.0)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That the report dated May 7, 2024, titled "Comments on the Cutting Red Tape to Build More Homes Act (Bill 185) and Proposed Provincial Planning Statement" be received; and,
2. That this report be forwarded to the Minister of Municipal Affairs and Housing and York Region as the City of Markham's comments; and,
3. That Council support the proclaiming date of July 1, 2024, to remove upper-tier planning responsibilities and request that the Province pass an order exempting local municipalities from provincial approval for official plan amendments and secondary plans to support the goal of faster decision making; and,
4. That Council support the removal of the fee refund requirement for development applications; and,
5. That Council support limiting third party appeals on Council decisions to improve timelines for the delivery of development projects but consider scoping to matters of provincial interest (e.g.

housing) or those that do not conform to an official plan and that once a matter is appealed, that participant and party status be maintained for those with a third party interest; and,

6. That Council not support the exemption of Universities from the *Planning Act*; and,
7. That Council not support proposed changes that would allow applicants to appeal decisions made by Council to refuse official plan and zoning by-law amendments for settlement area boundary expansions; and,
8. That the Province provide further consultation on Additional Residential Units with the City's operations and environmental services departments, utility companies and emergency services to ensure appropriate standards are maintained and in place to provide appropriate levels of service for infrastructure, utilities, and life safety measures; and,
9. That Council support the removal of the Community Infrastructure and Housing tool from the *Planning Act* and replacement with a more transparent process for Ministers Zoning Orders and recommend that the Minister be provided the ability to impose conditions on the approval of MZO for community benefits and infrastructure; and,
10. That the Province clarify the scope of the proposed regulation making authority to streamline approvals for community service facilities including public schools, hospitals, and long-term care facilities and how priority project would be identified and expediated; and,
11. That any reduction in the parking minimums be evaluated by the municipality to determine the appropriateness of any reduction based on local transit service levels and area context; and,
12. That Council support the proposed changes to the *Development Charges Act* as they apply to the following matters:
 1. Repeal the 5-year phase-in of development charges for by-laws passed on or after January 1, 2022; and,
 2. Re-instating studies as an eligible capital cost for Development Charges; and,

3. Reduce the timeframe for the DC rate freeze from 2 years to 18 months; and,
4. Streamline the process for municipalities to extend existing Development Charges by-laws; and,
13. That Council support the re-introduction of a definition for Affordable Housing and Low to Moderate Income and Affordable Housing policies; and,
14. That the Province provide clarification on how the Ministry of Finance projections would inform population and employment forecasting for lower tier municipalities; and,
15. That the Province include policies requiring municipalities to meet minimum intensification targets and minimum density targets in designated greenfield areas to support the development of compact and complete communities and the efficient use of infrastructure; and,
16. That the Province include policies for the creation of new settlement areas or settlement area boundary expansions to only occur as part of a comprehensive process through a municipally initiated official plan amendment; and,
17. That the Province maintain the existing definition of employment area, including the discretionary consideration of institutional and commercial uses (retail and office) to support economic growth. Should the proposed definition be proclaimed, policies should be included permitting the protection and continuation of existing employment areas; and,
18. That the Province include policies to restrict employment conversions to those initiated by a municipality; and,
19. That the Province include policies that allow for the incorporation of development approved through a Minister's Zoning Order as a part of the current planning horizon, and not in excess; and,
20. That the Province provide additional policies that would allow for the protection of the commercial function of re-developing malls and commercial plazas while supporting more compact built forms, where appropriate; and,

21. That the Province develop clear guidelines to support policy directions for the delivery of urban form and vertical schools in a compact built form, including a process to advance the construction of schools to align with the phasing of growth and community needs; and,
22. That the Province revise the policies and definitions applying to ARUs and lot creation in prime agricultural areas to ensure that ARUs are considered accessory uses so that it does not lead to unintended severances that could negatively affect the protection of agricultural resources; and,
23. That the Province re-introduce policies on Strategic Growth Areas that would require planning authorities to identify and plan for Strategic Growth Areas as a focal point for growth and development based on the appropriate scale and built form; and,
24. That Council support the change to require watershed planning and recommend the Province finalize watershed planning guidance for municipalities to support the implementation of water resource policies in the PPS; and,
25. That the Province provide training to municipalities prior to the Proposed Provincial Planning Statement coming into effect as the changes represent a significant shift in the land use planning framework in Ontario; and,
26. That Council support in principle the proposed incentive tool that municipalities could leverage to attract specified manufacturing, industrial or commercial investments subject to further clarification of the financial impact to municipalities and the Province consult with municipalities to clarify the regulations and criteria that would govern the exemption process; and,
27. That Council support enhanced policies that will allow the municipality to ensure infrastructure is directed to developments to support housing; and,
28. That the Province consult with municipalities on the necessary resourcing and timelines to implement the new reporting requirements and provide clear instructions to guide municipalities for summary table data requirements to avoid misinterpretation and duplication of data; and,

29. That the Province recognize residential units in Official Plan and Zoning By-law Amendments may change at Site Plan and Plan of Subdivision and may need to be reconciled to avoid double counting units; and,
30. That Council support the proposal to allow for notices to be issued through a municipality's website and further, that the Province remove the requirements where this new measure is only limited to municipalities that do not have a local paper; and further,
31. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried as Amended

Council amended the resolution as follows:

Moved by Councillor Keith Irish
Seconded by Regional Councillor Jim Jones

That clause 11 be amended as follows:

That any reduction in the parking minimums be evaluated by the municipality to determine the appropriateness of any reduction based on local transit service levels and area context;

Carried

Moved by Councillor Reid McAlpine
Seconded by Councillor Karen Rea

That clause 5 be amended as follows:

That Council support limiting third party appeals on Council decisions to improve timelines for the delivery of development projects but consider scoping to matters of provincial interest (e.g., housing) or those that do not conform to an official plan and **that once a matter is appealed, that participant and party status be maintained for those with a third-party interests;**

Carried

Moved by Regional Councillor Jim Jones
Seconded by Councillor Juanita Nathan

That clause 26 be amended as follows:

That Council support in principle the proposed incentive tool that municipalities could leverage to attract specified manufacturing, industrial or commercial investments **subject to further clarification of the financial impact to municipalities** and the Province consult with municipalities to clarify the regulations and criteria that would govern the exemption process;

Carried

8.3 REPORT NO. 21 GENERAL COMMITTEE (MAY 14, 2024)

Moved by Councillor Keith Irish

Seconded by Councillor Reid McAlpine

That the report of the General Committee be received & adopted. (Items 1 to 4):

Carried

8.3.1 YORK REGION COMMUNICATIONS (13.4)

Moved by Councillor Keith Irish

Seconded by Councillor Reid McAlpine

1. That the correspondence dated February 28, 2024 from the Credit Valley – Toronto and Region – Central Lake Ontario (CTC) Source Water Protection Region (Appendix A) be received; and,
2. That Council of the City of Markham endorse the joint nomination of Tom Bradley as the municipal representative for York Region and its local municipalities on the CTC Source Protection Committee; and further,
3. That the Clerk be delegated authority to submit future nominations to Source Protection Committees on behalf of the City of Markham as requested or endorsed by York Region.

Carried

8.3.2 CITY WIDE JANITORIAL CONTRACT (7.0)

Moved by Councillor Keith Irish

Seconded by Councillor Reid McAlpine

1. That the report entitled “012-R-24 Janitorial and Carpet Cleaning Service GC Report” be received; and,
2. That the contract for City-Wide Cleaning Services be extended for seven months from June 1, 2024 – December 31, 2024 in the amount of \$322,866.16 (Incl. HST) at the same terms, conditions and pricing from 2022/2023; and,
3. That the contract extension in the amount of \$322,866.16 (Incl. HST) be awarded to National Cleaning Contractors; and,
4. That the seven-month contract extension be funded by available funding from various departments’ 2024 operating budget; and,
5. That the tendering process be waived in accordance with the City’s Purchasing By-law # 2017-8, Part II, Section 11.1(c), Non Competitive Procurement which states, “when the extension of an existing Contract would prove more cost-effective or beneficial”; and,
6. That the Director, Sustainability and Asset Management and Senior Manager, Procurement and Accounts Payable be authorized to add additional parks facilities opening in 2024 to the cleaning contract; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3.3 OFF-SITE RECORDS STORAGE AND RETRIEVAL SERVICES THROUGH THE ONTARIO PROVINCIAL GOVERNMENT VIA OPS VENDOR OF RECORD (7.0)

Moved by Councillor Keith Irish

Seconded by Councillor Reid McAlpine

1. That the report entitled “Off-Site Records Storage and Retrieval through the Ontario Provincial Government via OPS Vendor of Record” be received; and,
2. That the contract for Off-Site Records Storage and Retrieval Services for a period of ten years (2024 – 2033) be awarded to the Iron Mountain Canada in the annual estimated amount of

\$43,990.00 (Incl. of HST) or \$439,900.00 (Incl. of HST) over the ten-year term; and,

3. That the contract in years 2025 – 2033 be increased by an annual amount lower than 1% each year; and,
4. That the contract award in the amount of \$43,990.00 be funded from the operating account 400-402-5539 (Records Storage) with an annual budget of \$60,887.00, and that the estimated favourable variance in the amount of \$16,897.00 (\$60,887.00 - \$43,990.00) be reported as part of the 2024 year-end results of operations; and,
5. That funding for future terms of the contract be included in requested annual operating budgets; and,
6. That the City’s Tender process be waived as the Ontario Provincial Government has undergone their own competitive process and in accordance with Purchasing By-Law 2017-8, Part II, Section 11 Non Competitive Procurement, item 1 (c) which states “Where the extension of an existing Contract would prove more cost-effective or beneficial”; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3.4 TREE PRESERVATION BY-LAW AMENDMENT (2.0)

Councillor Reid McAlpine declared a conflict of interest for this item and did not participate in the discussion or vote on the matter.

Moved by Councillor Keith Irish

Seconded by Regional Councillor Jim Jones

1. That the memorandum titled “2024 Tree Preservation Fees, and City-wide Fee By-laws”, be received; and,
2. That the PowerPoint presentation titled “Tree Preservation 2024 Fees, Security & Benchmarking”, be received as Appendix ‘A’; and,
3. That By-law 2002-276, be amended by removing fees and charges for the Tree Preservation By-law in the form attached as Appendix ‘B’; and,

4. That the fees and charges for the Tree Preservation By-law be added to By-law 2012-137 for ease of reference and streamlining purposes, be received as Appendix 'C'; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(See By-law 2024-88 and By-law 2024-89)

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 / other business.

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Councillor Reid McAlpine declared a conflict of interest for By-laws 2024-88 and 2024-89 and did not participate in the discussion or vote on the matter.

Moved by Councillor Ritch Lau

Seconded by Regional Councillor Alan Ho

That By-laws 2024-81 to 2024-87 be given three readings and enacted.

Carried

Moved by Councillor Ritch Lau

Seconded by Regional Councillor Alan Ho

That By-laws 2024-88 and 2024-89 be given three readings and enacted.

Carried

Three Readings

- 13.1 BY-LAW 2024-81, A BY-LAW TO AMEND BY-LAW 122-72, AS AMENDED (REMOVAL OF HOLD PROVISION) [REGENCY PROPERTY INC. PLAN 3684 5 RIVER BEND ROAD]

Being a By-law to remove the Holding Symbol from the zoning of the subject lands to permit the development of three lots for single detached dwellings. (Regency Property Inc. Lot 19 Registered PLAN 3684 15 River Bend Road)

Carried

- 13.2 BY-LAW 2024-82, 4038 AND 4052 HIGHWAY 7 EAST- OFFICIAL PLAN AMENDMENT NO. 52 (WARD 3) (SCARDRED 7 COMPANY LIMITED)

Being a By-Law to adopt Amendment No. 52 to the City of Markham Official Plan 2014, as amended. (Scardred 7 Company Limited, 4038 And 4052 Highway 7 East)

(Item 4.1, Development Services Public Meeting, March 19, 2024)

Carried

- 13.3 BY-LAW 2024-83, 4038 AND 4052 HIGHWAY 7 EAST- ZONING BY-LAW AMENDMENT (WARD 3) (SCARDRED 7 COMPANY LIMITED)

Being a By-law to rezone the subject lands under By-law 177-96, as amended, from Residential Two*682 (R2*682) Zone to Residential Four*682 (Hold) (R4*682(H)) Zone and incorporate site-specific development standards to permit a residential townhouse development. (Scardred 7 Company Limited, CON 5 PT LOT 11, 4038 and 4052 Highway 7 East, PLAN 23 146079)

(Item 4.1, Development Services Public Meeting, March 19, 2024)

Carried

- 13.4 BY-LAW 2024-84, 36-48 STEELES AVENUE EAST & 37-49 HIGHLAND PARK BOULEVARD - OFFICIAL PLAN AMENDMENT NO. 266 (ZONIX GROUP INC.) (WARD 1) (10.3) (10.5)

Being a By-law to adopt OPA Amendment No. 266 to permit the Settlement Proposal having maximum tower heights of 44 and 40 storeys and a maximum density of 8.75 FSI.

For information only to facilitate the assignment of a By-law number and Amendment number.

(Item 6.1)

Carried

- 13.5 BY-LAW 2024-85, 36-48 STEELES AVENUE EAST & 37-49 HIGHLAND PARK BOULEVARD - ZONING BY-LAW AMENDMENT (ZONIX GROUP INC.) (WARD 1) (10.3) (10.5)

Being a By-law to zone the Subject Lands with site-specific development standards to permit the majority of the property to be developed with a high-density residential development.

For information only to facilitate the assignment of a By-law number and Amendment number.

(Item 6.1)

Carried

- 13.6 BY-LAW 2024-86, A BY-LAW TO AMEND BY-LAW 2024-19, AS AMENDED FOR 28 AND 32 KIRK DRIVE - ZONING BY-LAW AMENDMENT (ARASH FAZELIPUR AND SOMAYEH BADALI) (WARD 1) (10.3) (10.5)

Being a By-law to rezone subject lands in order to permit four (4) single detached dwellings on the lands.

(Item 8.1.1)

Carried

- 13.7 BY-LAW 2024-87, A BY-LAW TO AMEND BY-LAW 2150, AS AMENDED AND TO AMEND BY-LAW 177-96, AS AMENDED FOR 28 AND 32 KIRK DRIVE - ZONING BY-LAW AMENDMENT (ARASH FAZELIPUR AND SOMAYEH BADALI) (WARD 1) (10.3) (10.5)

Being a By-law to rezone the subject lands in order to permit four (4) single detached dwellings.

(Item 8.1.1)

Carried

- 13.8 BY-LAW 2024-88, A BY-LAW TO AMEND BYLAW 2002-276 BEING A BY-LAW TO IMPOSE FEES OR CHARGES FOR SERVICES OR ACTIVITIES PROVIDED OR DONE BY THE CITY OF MARKHAM

Councillor Reid McAlpine declared a conflict of interest for Item 8.3.4 (Tree Preservation By-law Amendment) and did not participate in any discussion on this matter.

Being a By-law to update and consolidate all fees and services for the Tree Preservation By-law into By-law 2012-137.

(Item 8.3.4)

Carried

- 13.9 BY-LAW 2024-89, A BY-LAW TO AMEND BYLAW 2012-137 BEING A BY-LAW TO IMPOSE LICENSING, PERMIT AND SERVICE FEES

Councillor Reid McAlpine declared a conflict of interest for Item 8.3.4 (Tree Preservation By-law Amendment) and did not participate in any discussion on this matter.

Being a By-law to update and consolidate all fees and services for the Tree Preservation By-law into By-law 2012-137.

(Item 8.3.4)

Carried

14. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Regional Councillor Joe Li

Seconded by Councillor Isa Lee

That By-law 2024-80 be given three readings and enacted.

Three Readings

BY-LAW 2024-80 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF MAY 15, 2024.

No attachment

Carried

15. ADJOURNMENT

Moved by Councillor Amanda Collucci

Seconded by Councillor Juanita Nathan

That the Council meeting of May 15, 2024 be adjourned at 1:50 PM.

Carried

Kimberley Kitteringham

City Clerk

Frank Scarpitti

Mayor