



## **Council Minutes**

**September 28, 2015, 7:00 PM**

Council Chamber, Anthony Roman Markham Civic Centre

**Meeting No. 18**

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**Alternate formats for this document are available upon request**

### **Roll Call**

Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Joe Li, Regional Councillor Nirmala Armstrong, Councillor Valerie Burke, Councillor Alan Ho, Councillor Don Hamilton, Councillor Karen Rea, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Logan Kanapathi, Councillor Alex Chiu.

### **Staff**

Andy Taylor, Chief Administrative Officer  
Catherine Conrad, City Solicitor  
Jim Baird, Commissioner of Development Services  
Trinela Cane, Commissioner of Corporate Services  
Brenda Librecz, Commissioner of Community and Fire Services  
Joel Lustig, Treasurer  
Dennis Flaherty, Director of Communications and Community Relations  
John Wong, Technology Support Specialist  
Raj Raman, Mayor's Chief of Staff  
Kimberley Kitteringham, City Clerk  
Martha Pettit, Deputy City Clerk  
Phoebe Fu, Director of Asset Management  
Mary Creighton, Director of Recreation Services  
Robert Muir, Manager, Stormwater  
Mark Visser, Senior Manager, Financial Strategy & Investments  
Shane Manson, Senior Manager, Revenue & Property Tax  
Maria Cardozo, Community Program Coordinator  
Brian Bailey, Community Program Supervisor

The regular meeting of Council convened at 7:05 PM on September 28, 2015 in the Council Chamber. Mayor Frank Scarpitti presided.

At 11:38 PM on September 28, 2015, Council passed a motion to waive Section 3.28 of Procedural By-law 2001-1 allowing the meeting to continue further than 12:01 a.m. on September 29, 2015. The motion moved by Councillor Don Hamilton and seconded by Councillor Logan Kanapathi was carried by a two-thirds vote of the Members present.

**1. DISCLOSURE OF PECUNIARY INTEREST**

- (1) None declared.

**2. MINUTES**

- (1) COUNCIL MINUTES – JUNE 23 AND SEPTEMBER 8, 2015  
[June 23](#) [Sept 8](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

- 1) That the Minutes of the Council Meetings held on June 23 and September 8, 2015, be adopted.

**Carried**

**3. PRESENTATIONS**

Council consented to consider the presentation of cheques from Markham Seniors Activity Centre and Thornhill Seniors Centre prior to the item for the Markham Mayor's Youth Awards.

- (1) MARKHAM SENIORS ACTIVITY CENTRE AND  
THORNHILL SENIORS CENTRE CHEQUE PRESENTATIONS (12.2.6)

Peter Cannon, President, Older Adults in Action (OAIA), presented a cheque in the amount of \$28,260.00 to Council to be applied against the operating costs of the Markham Seniors Activity Centre.

Wilf Shub, Past President, Thornhill Seniors Club, presented a cheque in the amount \$41,670.00 to Council to be applied against the operating costs of the Thornhill Seniors Centre.

Mayor and Members of Council acknowledged Maria Cardozo, Community Program Coordinator and Brian Bailey, Community Program Supervisor for their hard work and support of the seniors programs in Markham.

Moved by Councillor Karen Rea  
Seconded by Councillor Valerie Burke

That the presentation of cheques in the amount of \$28,260.00 from Peter Cannon, President, Older Adults in Action (OAIA) and \$41,670.00 from Wilf Shub, Past President, Thornhill Seniors Club, to the City of Markham, be received with appreciation.

**Carried**

(2) MARKHAM MAYOR'S YOUTH AWARD (12.2.6)

Council presented the Markham Mayor's Youth Award to the following recipients:

- Aaron Guo
- Joelle Lintag
- Max Robson

**4. DELEGATIONS**

Council consented to hear the delegations related to the anti-whistling matter prior to the delegations related to the non-residential stormwater fee matter.

(1) DELEGATIONS REGARDING THE ANTI-WHISTLING MATTER (5.12)

The following individuals addressed Council regarding the anti-whistling matter:

1. Shanta Sundarason, in support of the proposed recommendation.
  2. Robert Vallee, in support of the proposed recommendation.
  3. Harry Eaglesham, in support of the proposed recommendation.
  4. Winnie & Peter Wales, in support of the proposed recommendation.
  5. Christine Bergauer-Free, in support of train whistling.
- (See Item No. 1, Report No. 41 for Council's decision on this matter)

(2) **DELEGATIONS REGARDING THE ITEM  
TITLED "STORMWATER FEE NON-RESIDENTIAL  
CONSULTATION AND CITY – WIDE IMPLEMENTATION" (5.5)**

The following individuals addressed Council regarding the item titled "Stormwater Fee Non-Residential Consultation and City – Wide Implementation":

1. Richard Cunningham, Markham Board of Trade, in opposition to the proposed recommendation.
2. Marilyn Ginsburg, Grandview Area Residents Association, in support of the proposed recommendation.
3. Evelin Ellison, Ward I (South) Thornhill Residents, in support of the proposed recommendation.
4. Dagmar Teubner, provided comments with respect to vacant lands.  
(See New/Other Business Item No. 2 for Council's decision on this matter)

**5. PETITIONS**

There were no petitions.

**6(a) REPORT NO. 38 - DEVELOPMENT SERVICES COMMITTEE  
(September 8, 2015)**

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

That Report No. 38 – Development Services Committee comprised of 3 items be received and adopted.

(1) **MARKHAM CENTRE SUB-COMMITTEE MINUTES  
(MOBILITY HUB AND COMMUNITY PLAN STUDY)  
- July 7, 2015 (10.0)**  
[Minutes](#)

- 1) That the minutes of the Markham Centre Sub-Committee (Mobility Hub and Community Plan Study) meeting held July 7, 2015, be received for information purposes; and;

- 2) That the following recommendation from the July 7, 2015 Markham Centre Sub-Committee (Mobility Hub and Community Plan Study) meeting be endorsed:

"That the Staff presentation up-dating the Sub-committee on the status of the Markham Centre Mobility Hub and Community Plan Study and Metrolinx initiatives, be received; and,

That the presentation by VIVA regarding potential changes to their approved EA alignment through Markham Centre be received; and,

That the Markham Centre Mobility Hub and Community Plan Study and consultants be put on hold pending completion of the VIVA study to review their alignment through Markham Centre; and,

That Planning, Engineering and Urban Design staff be authorized and directed to provide the necessary support to the VIVA study; and,

That staff report back on the VIVA study and sustainable infrastructure requirements; and,

That staff report back on the scope of work and appropriate consulting team for completion of the Markham Centre Mobility Hub Study following completion of the Viva EA update by the Region; and further,

That staff be authorized and directed to do all things necessary to give effect to this resolution."

**Carried**

- (2) REQUEST FOR DEMOLITION AND  
INTENTION TO DESIGNATE A PROPERTY UNDER  
PART IV OF THE ONTARIO HERITAGE ACT  
NAME: JOHN EBY REESOR HOUSE  
ADDRESS: 8402 STEELES AVENUE  
OWNER: INFRASTRUCTURE ONTARIO (10.13 & 16.11.3)  
[Report](#)

- 1) That the information update regarding the withdrawal of the "Request for Demolition" of the John Eby Reesor House and its associated accessory buildings at 8402 Steeles Avenue, be received; and
- 2) That Infrastructure Ontario be advised that the City of Markham appreciates the withdrawal of the "Request for Demolition"; and,

- 3) That as recommended by Heritage Markham, the John Eby Reesor House at 8402 Steeles Avenue be approved for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest; and,
- 4) That the Clerk's Department be authorized to publish and serve Council's Notice of Intention to Designate as per the requirements of the Ontario Heritage Act; and,
- 5) That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk be authorized to place a designation by-law before Council for adoption; and,
- 6) That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the Clerk be directed to refer the proposed designation to the Ontario Conservation Review Board; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

(3) INFORMATION REPORT  
MARKHAM'S PARTICIPATION IN THE  
CONFEDERATION OF GREATER TORONTO  
CHINESE BUSINESS ASSOCIATION (CGTCBA)  
2015 CHINA TRADE MISSION (10.16)  
[Report](#)

- 1) That the Information Report dated July 7, 2015 entitled "Markham's Participation in the Confederation of Greater Toronto Chinese Business Association (CGTCBA) 2015 China Trade Mission" be received; and,
- 2) That the City of Markham be represented by a four-person delegation composed of the Mayor, Vice Chair of the Economic Development Committee, Director of the Economic Development Department, and one Senior Business Development Officer; and,
- 3) That the total cost of the mission not exceed \$42,520.00 and be expensed from within the 2015 International Investment Attraction account 610-998-5811; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

**6(b) REPORT NO. 39 - GENERAL COMMITTEE (September 9, 2015)**

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Colin Campbell

That Report No. 39 – General Committee comprised of 4 items be received and adopted.

(1) TAX WRITE-OFFS UNDER SECTION 354  
OF THE MUNICIPAL ACT, 2001  
AND REPORTING (7.1)

[Report](#)

- 1) That taxes totalling \$145,343 as set out in this report, of which the City's portion is \$45,315 be written off pursuant to the provisions of Section 354 of the *Municipal Act, 2001*; and,
- 2) That the Treasurer be directed to remove the taxes from the Collector's Roll; and,
- 3) That the Treasurer be directed to authorized to write-off the municipal tax portion account 820-820-7040; and further,
- 4) That staff be authorized to and directed to do all things necessary to give effect to this resolution.

**Carried**

(2) CANCELLATION, REDUCTION OR REFUND OF  
TAXES UNDER SECTIONS 357 AND 358 OF THE  
MUNICIPAL ACT, 2001 (7.1)

[Report](#)

- 1) That the report titled "Cancellation, Reduction or Refund of Taxes under Sections 357 and 358 of the *Municipal Act, 2001*" be received; and,
- 2) That taxes totalling approximately \$151,610.54 be adjusted under Section 357 of the *Municipal Act, 2001* of which the City's portion is estimated to be \$37,371.59; and,
- 3) That the associated interest be cancelled in proportion to the tax adjustments; and,

- 4) That the Treasurer be directed to adjust the Collector's Roll accordingly; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

(3) 14<sup>TH</sup> AVENUE & HOBBS GATE  
- PROPOSED ALL-WAY STOP CONTROL (5.10)  
[Report](#) [Attachment A](#) [Attachment B](#)

- 1) That the report entitled "14<sup>th</sup> Avenue & Hobbs Gate – Proposed All-way Stop Control", 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 14<sup>th</sup> Avenue & Hobbs Gate; and,
- 3) That the Operations Department be directed to install the appropriate signs and pavement markings at the subject locations; and,
- 4) That the cost of materials and installation for the traffic signs and pavement markings be funded from capital project # 14228 (Traffic Operational Improvements) in the amount of \$500; and,
- 5) That York Regional Police be requested to enforce the all-way stop controls 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 2015-127)

**Carried**

- (4) **DECLARATION OF SURPLUS AND STOP UP AND CLOSE LANDS IN 1473092 ONTARIO LIMITED'S PHASE 1 RESIDENTIAL SUBDIVISION (PLAN 65M-3759) (8.7)**
- 1) That the confidential report entitled "Declaration of Surplus and Stop Up and Close Lands in 1473092 Ontario Limited's Phase 1 Residential Subdivision (Plan 65M-3759)" be received; and,
  - 2) That in accordance with By-law 178-96 the City declare certain lands described as Part of Lane W and Block 371 on Registered Plan 65M-3759 designated as Parts 1 and 2 on Reference Plan 65R-35808, City of Markham, Regional Municipality of York, as surplus, being lands originally set out for a small hydro notch shown on Attachments No. 1 and 2 to this report; and,
  - 3) That subject to No. 2, above, the Mayor and Clerk be authorized to execute an Agreement of Purchase and Sale with 1473092 Ontario Limited to effect the reconveyance of the surplus hydro notch, set out on Attachments No. 1 and 2 to this report; and,
  - 4) That subject to No. 2 above, the City enact a By-law to stop up and close the lands described as Part of Lane W on Registered Plan 65M-3759, and designated as Part 1 on Reference Plan 65R-35808, City of Markham, Regional Municipality of York, as set out in Attachment No. 5; and further,
  - 5) That staff be authorized and directed to do all things necessary to give effect to the foregoing.
- (New/Other Business Item No. 1) (By-laws 2015-128 and 2015-129)

**Carried**

**6(c) REPORT NO. 40 - GENERAL COMMITTEE (September 21, 2015)**

Moved by Deputy Mayor Jack Heath  
Seconded by Councillor Colin Campbell

That Report No. 40 – General Committee comprised of 5 items be received and adopted.

- (1) **MINUTES OF THE JUNE 17, 2015 ADVISORY COMMITTEE ON ACCESSIBILITY (16.0)**  
[Minutes](#)
- 1) That the minutes of the June 17, 2015 Advisory Committee on Accessibility meeting be received for information purposes; and,

- 2) That the following recommendation from the June 17, 2015 Advisory Committee on Accessibility meeting be endorsed:

"That the Advisory Committee on Accessibility recommend that Council direct staff to inspect if accessible parking spots in new developments, and in developments built after 2005, meet the following criteria:

- (1) Are in compliance with the *Accessibility for Ontarians with Disabilities Act*, and with *Markham's Accessibility Design Guidelines*; and,
- (2) Are located closest to the main entrance of developments."

**Carried**

- (2) DEVELOPMENT CHARGE CREDIT/REIMBURSEMENT  
APPLICATION - 1826918 ONTARIO LTD.  
(TIMES GROUP CORPORATION) (7.11)  
[Report](#) [Appendix A & B](#)

- 1) That the report entitled "Development Charge Credit/Reimbursement Application – 1826918 Ontario Ltd. (Times Group Corporation)" be received; and,
- 2) That Council authorize City Wide Hard Development Charge credits and reimbursements not exceeding \$1,566,764 to 1826918 Ontario Ltd. (Times Group Corporation) for the construction of intersections, enhanced streetscape, 4<sup>th</sup> lanes, as well as road property costs related to lands located to the southeast of Warden Avenue and Highway 7, as set out in this report; and,
- 3) That the Mayor and Clerk be authorized to execute a Development Charge Credit and Reimbursement Agreement, if required, in accordance with the City's Development Charge Credit and Reimbursement Policy, with 1826918 Ontario Ltd. (Times Group Corporation), or their successors in title, to the satisfaction of the Treasurer and City Solicitor; and further,
- 4) That staff be directed to do all things necessary to give effect to this report.

**Carried**

## (3) 2016 CAPITAL BUDGET PRE-APPROVAL (7.5)

[Report](#) [Appendix 1](#) [Appendix 2](#)

- 1) That the report dated September 21, 2015 entitled, “2016 Capital Budget Pre-Approval” be received; and
- 2) That Council approve the 2016 Capital Budget pre-approval which totals \$16,835,000 as outlined in Appendices 1 and 2; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

(4) APPOINTMENT OF MEMBERS TO THE  
MARKHAM MAYOR’S YOUTH COUNCIL  
FOR THE PERIOD OF SEPTEMBER 3, 2015  
TO JUNE 30, 2016 (16.24)

[Report](#)

- 1) That the Report Appointment of Members to the Markham Mayor’s Youth Council for the period of September 3, 2015 to June 30, 2016 be received; and,
- 2) That the following Appointments of Members to the Markham Mayor’s Youth Council be confirmed for the term September 3, 2015 to June 30, 2016;

Name	Ward	School	Grade
Loreta Chan, Co-Chair	3	Markville S.S.	11
Monica Xu, Co-Chair	4	Bayview S.S.	11
Donna Xue	1	University of Toronto Schools	10
Vanessa Chan	2	Bayview S.S	11
Jaemin Han	2	Unionville H.S	9
June Xu	2	St. Roberts C.H.S.	11
Jeffrey Zhang	3	Bayview S.S	11
Julia Ip	3	Markham District H.S	10
Kaitlin Mak	4	Bur Oak H.S.	11
Jasmyne Eastmond	4	Markham District H.S.	11
Vruksha Vakeeswaran	4	Markville S.S.	11
Sohnia Sansanwal	4	Markville S.S	10
Megan Niu	4	Marc Garneau C.I.	10
Justin Jen	4	St. Augustine C.H.S.	11
Jessica Duncan	5	Markham District H.S.	10
Joyce Chan	5	Unionville H.S.	10
Eason Gao	6	Unionville H.S.	11
Scott Zhang	6	Unionville H.S.	11
Victor Wang	6	Pierre Elliott Trudeau H.S.	9

Karthik Ganapathiraju	6	Pierre Elliott Trudeau H.S.	9
Ethan Wong	7	St. Brother Andre C.H.S.	11
Aman Mathur	7	Markville S.S.	10
Jennifer Chen	7	Markham District H.S.	10
Nicholas Vadivelu	8	Marc Garneau C.I.	10
Johnny Lum	8	Milliken Mills H.S.	12

; and further,

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

**Carried**

(5) BAYVIEW GLEN SUSTAINABLE NEIGHBOURHOOD  
RETROFIT ACTION PLAN (“SNAP”)

– GLENCREST PARK CONCEPT APPROVAL (10.0)

[Report](#) [Attachment A](#) [Attachment B](#) [Attachment C](#)  
[Attachment D](#) [Attachment E](#) [Attachment F](#) [Attachment G](#)

- 1) That the report “Bayview Glen Sustainable Neighbourhood retrofit Action Plan (“SNAP”) – Glencrest Park Concept Approval” be received; and,
- 2) That the proposed Glencrest Park concept (shown in Appendix A) be endorsed for implementation in the fall of 2015 and with completion in the summer of 2016; and,
- 3) That the project be funded from capital projects 15069 (“Bayview Glen SNAP – Pilot Implementation Phase”) and 15624 (“Bayview Glen SNAP”) to a maximum of \$222,300.00; and,
- 4) That \$100,000.00, inclusive of HST impact, be awarded to the TRCA for project management from capital budget 15069 (“Bayview Glen SNAP – Pilot Implementation Phase”); and,
- 5) That the tendering process be waived in accordance with Purchasing By-Law #2004-341, Part II, Section 7 Non Competitive Procurement, item 2(e) which states “Tenders, Requests for Proposal and Requests for Quotation may not be required for goods and services to be provided by Toronto and Region Conservation Authority (“TRCA”); and,

- 6) That the Director, Sustainability and Senior Manager, Purchasing be authorized to negotiate and award the contract to R.V. Anderson Associates Limited for additional engineering and contract administration work to implement the Glencrest Park Concept and Lancorp Construction Co Ltd. for construction work related to the Glencrest Park Concept, if good value is achieved for the City and the amounts are within the approved budget; and,
- 7) That the tendering process be waived for R.V. Anderson Associates Limited and Lancorp Construction Co Ltd. in accordance with Purchasing By-Law 2004-341, Part I, Section (7) Non Competitive Procurement, item 1(c) “when the extension of an existing contract would prove more cost-effective or beneficial”: and,
- 8) That staff report back in early 2016 on the larger Bayview Glen SNAP program with recommendations for its future and a summary of final program outcomes; and further,
- 9) That Staff be authorized and directed to do all things necessary to give effect to this resolution

**Carried**

**6(d) REPORT NO. 41 - DEVELOPMENT SERVICES COMMITTEE  
(September 22, 2015)**

Moved by Regional Councillor Jim Jones  
Seconded by Councillor Don Hamilton

That Report No. 41 – Development Services Committee comprised of 2 items be received and adopted, except Item No. 1. (See following Item No. 1)

- (1) ANTI-WHISTLING ON STOUFFVILLE GO LINE  
AND  
ANTI-WHISTLING BY-LAWS & ASSOCIATED LIABILITY (5.12)  
[Presentation](#)

Moved by Regional Councillor Joe Li  
Seconded by Regional Councillor Nirmala Armstrong

- 1) That the written submission and petition with 2,300 signatures from Shanta Sundarason and Margaret Wilson regarding anti-whistling be received; and.

- 2) That the depositions by Shanta Sundarason and Margaret Wilson, Philip Blachier, Bryan Allen, Michelle Sukul-Chan, Masood Mohajer, Peter Miasek representing the Unionville Ratepayers Association, Mira Jug, Lene Ergir, and Doug Denby regarding anti-whistling be received; and,
- 3) That the September 22, 2015 presentations from staff and Jardine Lloyd Thompson be received; and,
- 4) That staff finalize the safety audit, cost estimates, cost assessment and Regional Express Rail (RER) requirements for the road/rail crossings in consultation with the Regional Municipality of York and Metrolinx; and,
- 5) That staff undertake a safety audit on the Green Lane and Langstaff Road crossings on the CN Bala Subdivision (Richmond Hill Line) and report back to Council as to required safety improvements and cost to continue anti-whistling; and,
- 6) That the City of Markham reaffirms its commitment to safety measures for at-grade rail crossings in collaboration with Metrolinx and the Regional Municipality of York to achieve whistle cessation at those crossings and to improve the quality of life for residents adjacent to those crossings; and,
- 7) That staff be directed to hire a rail safety expert to determine if safety measures beyond the Grade Crossing Regulations are required, and provide a report by January, 2016; and,
- 8) That the Budget Sub-committee be requested to include an additional \$500,000 in the Capital Budget to begin a grade crossing safety program; and,
- 9) That the Regional Municipality of York be requested to confirm 100% funding and liability for grade rail safety on regional road crossings; and,
- 10) That the Mayor's Office arrange a meeting with Metrolinx to confirm the timing of implementation for safety measures in the RER initiative; and,
- 11) That staff confirm with Metrolinx their approved funding to implement such measures; and,
- 12) That staff collaborate with Metrolinx to advance, where feasible, the implementation of the safety measures in the City of Markham; and,
- 13) That the City of Markham strongly request Metrolinx to implement the safety measures that achieve whistle cessation prior to the implementation of all day train service; and,

- 14) That staff provide an update to Development Services Committee by November 30, 2015 on progress related to all of the issues; and
- 15) That the City of Markham, in conjunction with the Anti-Whistling Working Group, hold public information meetings to keep the public apprised of the progress; and,
- 16) That staff develop a work plan and implementation plan for the grade crossing safety program and report back to Council on that plan no later than January 30, 2016; and,
- 17) That staff report back on the above issues for Council's direction; and further,
- 18) That staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried by recorded votes**

(See following recorded votes)

(See following to move the matter forward)

Council consented to the following amendments to the proposed recommendation:

Resolution No. 6

Add the following words to the end of the paragraph:

"...to achieve whistle cessation at those crossings and to improve the quality of life for residents adjacent to those crossings;"

Resolution Nos. 13 and 14

Add the following paragraphs as Resolution Nos. 13 and 14:

"13) That the City of Markham strongly request Metrolinx to implement the safety measures that achieve whistle cessation prior to the implementation of all day train service; and,

14) That staff provide an update to Development Services Committee by November 30, 2015 on progress related to all of the issues; and"

Resolution No. 16

Add the following words to the end of the paragraph:

"...and report back to Council on that plan no later than January 30, 2016;"

Recorded vote for Resolution No. 13 (12:1)

YEAS: Councillor Valerie Burke, Councillor Alan Ho, Councillor Don Hamilton, Councillor Karen Rea, Regional Councillor Nirmala Armstrong, Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Logan Kanapathi, Councillor Alex Chiu.

NAYS: Regional Councillor Jim Jones. (1)

Recorded vote for Resolution Nos. 1 to 12 and 14 to 18 (13:0)

YEAS: Councillor Valerie Burke, Councillor Alan Ho, Councillor Don Hamilton, Councillor Karen Rea, Regional Councillor Nirmala Armstrong, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Logan Kanapathi, Councillor Alex Chiu.

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

That Council consider the matter related to anti-whistling immediately following the delegations with respect thereto.

Carried

(2) LAND USE POLICIES AND ZONING REGULATIONS  
IN THE PASSMORE AVENUE INDUSTRIAL AREA (10.0)

Whereas a number of residents and landowners in the Milliken Mills community of Markham have expressed concern to Members of Markham Council regarding existing and proposed asphalt/concrete batching and recycling facilities on Passmore Avenue in the City of Toronto; and,

Whereas both the City of Toronto and the City of Markham are undertaking land use studies and review of development applications to encourage mixed use redevelopment including residential intensification in this vicinity, including along the Steeles Avenue Corridor between Kennedy Road and Midland Avenue, in proximity to the Milliken GO Station; and,

Whereas asphalt and concrete batching and recycling facilities with outdoor storage and processing are considered not to be compatible with residential intensification and other higher order land uses being planned for the surrounding area;

Now Therefore Be It Resolved:

- 1) That the City of Toronto be requested to review its land use policies and zoning regulations pertaining to such asphalt and concrete batching and recycling facilities, and other heavy industrial uses involving outdoor storage and processing, in the Passmore Avenue industrial area; and,
- 2) That in the event that the City does receive formal applications to permit such uses in this vicinity, that every effort be made to re-direct such uses to more appropriate locations removed from residential uses and re-development areas, and to apply conditions to properly mitigate the impact of such uses including such matters as days and hours of operation, buffering and screening, surface treatments to prevent the raising of dust, on site dust controls, street sweeping, control of stockpile heights and machinery heights, noise controls, truck traffic circulations routes, storm water management, and other environmental protection measures and monitoring programs.

**Carried**

Council consented to delete the following paragraph from the proposed recommendation:  
"That this resolution be forwarded to the Association of Municipalities Ontario (AMO)."

**6(e) REPORT NO. 42 - DEVELOPMENT SERVICES PUBLIC MEETING  
(September 24, 2015)**

Moved by Regional Councillor Jim Jones  
Seconded by Councillor Don Hamilton

That Report No. 42 – Development Services Public Meeting comprised of 2 items be received and adopted.

**(1) CAN-AM EXPRESS  
ZONING BY-LAW AMENDMENT APPLICATION TO PERMIT  
OUTSIDE PARKING AND STORAGE OF LICENSED BUSES  
ON A TEMPORARY BASIS AT 332 JOHN STREET  
FILE NO: ZA 15 131193 (10.5)**

[Memo](#)

- 1) That the report titled “Preliminary Report, Can-Am Express, Zoning Amendment Application to permit the parking of licensed charter buses on a temporary basis at 332 John Street, File No. ZA 15 131193” dated September 22, 2015, be received; and,
- 2) That the Record of the Public Meeting held on September 24, 2015, with respect to the proposed Zoning By-law Amendment application to permit the parking of licensed charter buses on a temporary basis at 332 John Street, File No. ZA 15 131193”, be received; and,
- 3) That the application by Can-Am Express, to amend Zoning By-law 77-73, as amended, be approved; and,
- 4) That the proposed amendment to Zoning By-law 77-73, as amended, 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**

- (2) PRELIMINARY REPORT  
APPLICATION BY 2444664 ONTARIO INC.  
FOR ZONING BY-LAW AMENDMENT TO  
FACILITATE SEVERANCE OF 22 OAKCREST AVENUE  
TO CREATE ONE ADDITIONAL BUILDING LOT  
FILE NO: ZA 15 146854 (10.5)

[Report](#)

- 1) That the written submission from Helena Cheung, regarding the application by 2444664 Ontario Inc. for 22 Oakcrest Avenue, be received; and,
- 2) That the report dated June 16, 2015 titled “PRELIMINARY REPORT, Application by 2444664 Ontario Inc. for Zoning By-law Amendment to facilitate severance of 22 Oakcrest Avenue to create one additional building lot (File No. ZA 15 146854)”, be received; and,
- 3) That the Record of the Public Meeting held on September 24, 2015, with respect to the proposed Zoning By-law Amendment to facilitate severance of 22 Oakcrest Avenue to create one additional building lot (File No. ZA 15 146854), be received; and,
- 4) That the application by 2444664 Ontario Inc. to amend the zoning by-law to facilitate severance of 22 Oakcrest Avenue to create one additional building lot (File No. ZA 15 146854), be approved; and,
- 5) That the proposed amendment to the Zoning By-laws 304-87 and 122-72, as amended, be enacted without further notice; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## 7. MOTIONS

There were no motions.

## 8. NOTICES OF MOTIONS

### (1) PROPOSED RE-DEVELOPMENT OF THE UNIONVILLE HOME SOCIETY AREA (10.0)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

Whereas due to the new "provincial growth plan" has mandated that the Region of York will provide for additional growth from its 2014 population of 1,133,000 to a 2041 population of 1,790,000; and,

Whereas the Region of York has indicated that Markham will grow to a population of between 536,500 (no urban expansion) and 541,500; and,

Whereas this is an increased population of over 190,000 new residents over the next 25 years; and,

Whereas Markham is the leader in York Region in Transit Supported and Transit Dependent Development (TDD); and,

Whereas the ever growing number of baby boomer retirees, here are some important facts that need to be considered to accommodate these needs (first); and,

Whereas the Unionville Site is served by YRT transit today and Provincial and Regional initiatives will improve the service in the future if the densities exist to support additional transit; and,

Whereas these lands have always functioned as a seniors style campus, adjacent to walk-able Main Street Unionville, with low auto usage and "Aging in Place Planning" so that residents of this special area who desire to downsize can remain within the community and stay close to their village; and,

Whereas there is a community park dedicated by former resident Annie Russell that should continue to be an important place in the community; and,

Whereas there is a tremendous opportunity to study lands bounded by Highway 7, Main Street Unionville, Fred Farley Drive, and the western boundary of Unionville Homes Society lands, Highway 7 to Scriberras Drive, south to Rouge Valleyland and then east to Stouffville GO railway tracks; and,

Whereas knowing that we are faced with unprecedented growth in actual numbers, including growth in the number of elderly residents, it is our duty to ensure that future development is transit supportive and also supportive of this growing segment of the population;

Now therefore be it resolved:

- 1) That staff prepare a report for Council to consider how the Unionville lands in the study area can be developed as an Elder Friendly Community, fully integrated with Main Street Unionville, Highway 7, with an increase in density so it can help to support a Smart Track enhanced transit station stop at Highway 7 to serve this new community and the larger area, and further that staff investigate the title of the park property to determine how the park lands can become a City Park.

Note: This motion will be placed on the October 13, 2015 Council Agenda for consideration.

(2) **PROPERTY TAXATION CLASS FOR  
RESIDENTIAL CONDOMINIUM TOWNHOMES AND  
RESIDENTIAL CONDOMINIUM APARTMENTS (7.1)**

Moved by Regional Councillor Nirmala Armstrong  
Seconded by Councillor Karen Rea

Whereas on October 9, 2007 Markham Council endorsed the creation of a Condominium Working Group to identify issues/options with respect to services received and taxes paid by residential condominium owners and resolved to advocate for legislative change at the Provincial level; and,

Whereas on March 9, 2010 the Condominium Working Group recommended that Council support the creation of new property classes for residential condominium townhomes and for residential condominium apartments in Ontario; and,

Whereas the resolution of the March 9, 2010 Markham Council resolution contained a clause requesting the Province of Ontario to amend legislation and any necessary regulation(s) to create a new property class for residential townhome condominiums and a new property assessment class for residential apartment condominiums; and,

Whereas a letter incorporating the March 9, 2010 Markham Council resolution was sent to the Premier of Ontario, the Minister of Finance, the Minister of Municipal Affairs, the Minister of Public Infrastructure Renewal, and the Canadian Condominium Institute (CCI); and,

Whereas on March 22nd, 2010 Markham received a letter from the Premier of Ontario acknowledging the Council resolution regarding condominiums and welcome Council's input on this or any other issue of provincial concern; and,

Whereas to date, the Province of Ontario has provided no amending legislation that would permit two new property classes for both residential condominium townhomes and residential condominium apartments in Ontario; and,

Whereas to date, the Province of Ontario has provided no amending legislation that would enable or permit municipalities to levy a tax rate, which is less than the residential tax rate, for both residential condominium townhomes and residential condominium apartments in Ontario;

Now therefore be it resolved:

- 1) That Markham City Council request that the Province of Ontario investigate the feasibility of establishing a separate property taxation class for both residential condominium townhomes and residential condominium apartments in Ontario.

Note: This motion will be placed on the October 13, 2015 Council Agenda for consideration.

## 9. COMMUNICATIONS

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Nirmala Armstrong

That Council receive and consent to the disposition of communications in the following manner:

### **Received**

52-2015

ONTARIO MUNICIPAL BOARD (OMB) DECISION – LITCHFIELD DEVELOPMENTS LIMITED, 4116, 4128 AND 4142 HIGHWAY NO. 7 (13.13)  
[OMB Decision](#)

#### Summary from the City Solicitor:

On April 16, 2015, the OMB issued its final order approving the settlement of an appeal by Litchfield Developments Limited (the “appellant”) respecting the City’s failure to make a decision regarding applications for Official Plan and Zoning By-law Amendments and draft plan of subdivision (the “Applications”) at 4116, 4128 and 4142 Highway 7, east of Village Parkway and west of Sciberras Road. The Applications permit a residential development consisting of 17 freehold and 35 condominium townhouses. The proposal also includes a new L-shaped public road that will cut through the subject property and the adjacent commercial property to the west, joining two unconnected parts of Lichfield Road, in accordance with the Secondary Plan for the area.

Following settlement discussions, the appellant and the City reached a resolution of the appeal, which was supported by Council. A zoning by-law amendment, official plan amendment and conditions of draft plan of subdivision approval were agreed to by the City and the appellant.

The Board member considered evidence from the appellant’s planner in support of the settlement supported by Council, and approved the Applications.  
(By-laws 2015-125 and 2015-126)

**Carried**

53-2015 ROAD CLOSURE REQUEST – ANGUS GLEN HALF MARATHON (3.5)  
[Info](#)

The following roads will be closed on November 8, 2015 from 7:30 AM to 12:30 PM to facilitate the event:

- Kennedy Rd from Bur Oak to Elgin Mills Rd
- Major MacKenzie Dr from Kennedy Rd to Ridgecrest Dr
- Schoolhouse Rd from Kennedy Rd to Prospectors Dr
- Prospectors Dr from Schoolhouse Rd to Angus Glen Blvd
- The Fairways from Prospectors Dr to Angus Glen Blvd
- Royal Troon Cres – all of it
- Angus Glen Blvd from The Fairways to Kennedy Rd
- Elgin Mills Rd from Kennedy Rd to McCowan Rd
- McCowan Rd from Elgin Mills Rd to 19<sup>th</sup> Ave

**Carried**

54-2015 COMMUNICATION REGARDING THE ITEM TITLED "STORMWATER FEE NON-RESIDENTIAL CONSULTATION AND CITY – WIDE IMPLEMENTATION" (5.5)

[Email](#)

Rob Kadlovski, email dated September 28, 2015 providing comments.  
(See New/Other Business Item No. 2 for Council's decision on this matter)

## 10. PROCLAMATIONS

### (1) PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

- 1) That the following proclamations, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
  - Syringomyelia & Chiari Malformation Day (July 17, 2015)
  - India Independence Day (August 15, 2015)
  - Trinidad and Tobago Independence Day (August 27, 2015)
  - Andre De Grasse Days (July 22 and 24, 2015)
  - Sarah Wells Days (July 22 and 25, 2015)
  - Franco-Ontarian Day (September 25, 2015)
  - Syringomyelia & Chiari Malformation Month (September 2015)
  - Prostate Cancer Month (September 2015)
  - Markham Fair Week (September 28 to October 4, 2015)
  - National Day of the People's Republic of China (October 1, 2015)
  - Child Care Worker & Early Childhood Educator Appreciation Day (October 8, 2015)
  - World Mental Health Day (October 10, 2015)
  - German Pioneers Day (October 13, 2015)
  - Blue Shirt Day – Ontario Stop Workplace Bullying & Harassment Day (October 16, 2015)
  - Waste Reduction Week (October 19 to 25, 2015)
  - National Seniors Day (October 1, 2015)
  - English as a Second Language Week (November 8 to 14, 2015); and,
- 2) That the following requests for flag to be raised at the Anthony Roman Markham Civic Centre flagpole, approved by the City Clerk in accordance with the City of Markham Community Flag Raisings & Flag Protocol Policy, be received for information purposes:
  - Flag of Syringomyelia & Chiari Malformation (July 17, 2015)
  - Flag of India (August 16, 2015)
  - Flag of Trinidad and Tobago (August 27, 2015)
  - Flag of Franco-Ontarian (September 25, 2015)
  - Flag of China (September 26, 2015)
  - Flag of Germany (October 13, 2015)
  - Blue Flag (October 16, 2015)
  - Seniors Flag (October 1, 2015); and further,

- 3) That the following new requests for proclamation, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received and added to the Five-Year Proclamations List approved by Council:
- Wrongful Conviction Day (October 2, 2015)
  - Occupational Therapy Month (October 2015).

**Carried**

## **11. NEW/OTHER BUSINESS**

- (1) NOTICE OF PROPOSED SALE  
(PART OF LANE W AND BLOCK 371 ON REGISTERED PLAN 65M-3759  
DESIGNATED AS PARTS 1 AND 2 ON REFERENCE PLAN 65R-35808) (8.7)  
[Map](#)

*Notice of Proposed Sale  
City of Markham  
Proposed Sale of Surplus Real Property  
(Pursuant to By-law 178-96)*

Moved by Councillor Karen Rea  
Seconded by Councillor Alan Ho

- 1) That the notice of proposed sale for the City of Markham owned lands legally described as follows be confirmed:

"Part of Lane W and Block 371 on Registered Plan 65M-3759 designated as Parts 1 and 2 on Reference Plan 65R-35808, City of Markham, Regional Municipality of York."  
(Item No. 4, Report No. 39) (By-laws 2015-128 and 2015-129)

**Carried**

(2) STORMWATER FEE NON-RESIDENTIAL  
CONSULTATION AND CITY  
–WIDE IMPLEMENTATION (5.5)  
[Update Memo](#) [Report](#)

Moved by Councillor Valerie Burke

Seconded by Councillor Alan Ho

- 1) That the delegations provided by Richard Cunningham, Markham Board of Trade, Marilyn Ginsburg, Grandview Area Residents Association, Evelin Ellison, Ward I (South) Thornhill Residents and Dagmar Teubner at the September 28, 2015 Council meeting be received; and,
- 2) That the memorandum dated September 9, 2015 titled "Stormwater Fee Non-Residential Consultant and City-wide Implementation" be received; and,
- 3) That the presentation by Mr. Joel Lustig, Treasurer, entitled "Stormwater Fee Non-Residential Consultation and City-wide Implementation" at the May 26, 2015 General Committee meeting be received; and,
- 4) That the report "Stormwater Fee Non-Residential Consultation and City-wide Implementation" be received; and,
- 5) That billing of the annual stormwater fee for Non-Residential property classes commence in 2016 at a rate of \$29 per \$100,000 of current value assessment (CVA); and,
- 6) That billing of the annual stormwater fee for vacant land properties commence in 2016 at an rate of \$29 per \$100,000 of CVA; and,
- 7) That the Treasurer be authorized to adjust the annual stormwater rate for Non-Residential and vacant land properties to compensate for the average change in City CVA; and,
- 8) That any property with a CVA of less than \$100,000 shall not have a stormwater fee imposed upon it; and,
- 9) That billing of the stormwater fee be included as a separate line item on the tax bill of the property; and,
- 10) That Staff identify and integrate short term flood risk reduction measures into the flood control program, predominantly in the Don Mills Channel area, to an upset limit of \$100,000 annually inclusive of HST; and,

- 11) That By-law 2014-168 be repealed in its entirety and replaced with the Stormwater Fee By-law as outlined in Appendix “A” to this staff report; and,
- 12) That staff be directed to develop and report back on a non-monetary recognition program for companies that make significant efforts in stormwater management; and,
- 13) That the correspondence from Daryl Clemance, General Manager, Cadillac Fairview submitted at the May 26, 2015 General Committee meeting be received; and further,
- 14) That Staff be authorized and directed to do all things necessary to give effect to this resolution.  
(By-law 2015-130)

**Carried by a recorded vote (10:3)**

(See following recorded vote)

(See following to move the matter forward)

Council consented to receive the delegations from Richard Cunningham, Markham Board of Trade, Marilyn Ginsburg, Grandview Area Residents Association, Evelin Ellison, Ward I (South) Thornhill Residents and Dagmar Teubner.

YEAS: Councillor Valerie Burke, Councillor Alan Ho, Councillor Don Hamilton, Councillor Karen Rea, Regional Councillor Jim Jones, Deputy Mayor Jack Heath, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Logan Kanapathi, Councillor Alex Chiu. (10)

NAYS: Regional Councillor Nirmala Armstrong, Mayor Frank Scarpitti, Councillor Amanda Collucci. (3)

Moved by Councillor Valerie Burke

Seconded by Councillor Alan Ho

That Council consider the matter related to non-residential stormwater fee immediately following the delegations with respect thereto.

Carried

Note: This item was deferred from the June 15, 2015 Council meeting.

- (3) PLAQUES RECEIVED FROM  
THE SOCIETY FOR THE PRESERVATION  
OF HISTORIC THORNHILL (SPOHT) (12.2.6)

Councillor Valerie Burke advised the Society for the Preservation of Historic Thornhill (SPOHT) has presented plaques to the City of Markham and Region of York for sponsoring the 2015 Thornhill Village Festival.

## 12. BY-LAWS

**(By-laws 2015-125 and 2015-126 approved by OMB)**

**(For information only to facilitate the assignment of a by-law number)**

BY-LAW 2015-125 LITCHFIELD DEVELOPMENTS LIMITED, 4116, 4128 AND 4142 HIGHWAY NO. 7, AMENDMENT TO THE IN FORCE OFFICIAL PLAN (REVISED 1987), AS AMENDED, OFFICIAL PLAN AMENDMENT APPROVED BY ONTARIO MUNICIPAL BOARD (OMB)

A by-law to assign Official Plan Amendment 231 to the in force Official Plan (Revised 1987), as amended, to permit residential development.

(Communication No. 52-2015)

[OPA](#)

BY-LAW 2015-126 LITCHFIELD DEVELOPMENTS LIMITED, 4116, 4128 AND 4142 HIGHWAY NO. 7, ZONING BY-LAW AMENDMENT, ZONING BY-LAW AMENDMENT APPROVED BY ONTARIO MUNICIPAL BOARD (OMB)

A by-law to amend By-law 122-72, as amended and 177-96, as amended, to permit residential development.

(Communication No. 52-2015)

[By-law](#)

Moved by Councillor Alex Chiu  
Seconded by Councillor Logan Kanapathi

That By-laws 2015-127 to 2015-133 be given three readings and enacted.

### **Three Readings**

BY-LAW 2015-127 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71 (ALL-WAY STOP CONTROL AT 14<sup>TH</sup> AVENUE AND HOBBS GATE)  
(Item No. 3, Report No. 39)

[By-law](#)

**Carried**

BY-LAW 2015-128 A BY-LAW TO DECLARE CERTAIN LANDS LEGALLY DESCRIBED AS A PORTION OF A RESERVE AND LANE W DEDICATED BY PLAN OF SUBDIVISION 65M-3759, DESCRIBED AS PART OF BLOCK 371 AND PART OF LANE W, PLAN 65M-3759 MORE PARTICULARLY DESCRIBED AS PARTS 1 AND 2 ON REFERENCE PLAN 65R-35808, CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK, SURPLUS TO MUNICIPAL PURPOSES  
(Item No. 4, Report No. 39) (New/Other Business Item No. 1)

[By-law](#)

**Carried**

BY-LAW 2015-129 A BY-LAW TO STOP-UP AND CLOSE A PORTION OF ROAD ALLOWANCE LANE W, DEDICATED BY PLAN OF SUBDIVISION 65M-3579, MORE PARTICULARLY DESCRIBED AS PART 1 ON REFERENCE PLAN 65R-35808

(Item No. 4, Report No. 39) (New/Other Business Item No. 1)

[By-law](#)

**Carried**

BY-LAW 2015-130 A BY-LAW TO LEVY STORMWATER FEES  
(Repeals By-law 2014-168)

(New/Other Business Item No. 2)

[By-law](#)

**Carried**

**BY-LAW 2015-131 ROAD DEDICATION BY-LAW (PAGNELLO COURT)**

A by-law to dedicate certain lands as part of the highways of the City of Markham (Part of Lot 7, Concession 9, designated as Parts 20, 21 and 22, Plan 65R-29109 - Pagnello Court)

[By-law](#)

**Carried**

**BY-LAW 2015-132 VISPANIA HOME INC., PART LOT CONTROL EXEMPTION BY-LAW**

A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, east of Kennedy Road and north of 16<sup>th</sup> Avenue, Lots 7 and 8 and Blocks 18, 23, 25, 29, 32 and 39, Plan 65M-4429.

[By-law](#)

**Carried**

**BY-LAW 2015-133 A BY-LAW TO CLOSE A PORTION OF ENTERPRISE BOULEVARD DESCRIBED AS PART OF LOT 9, CONCESSION 5 DESIGNATED AS PARTS 2, 3, 5, 7, 8, 9 AND 11, PLAN 65R-35612**

(Clause 2, Report No. 22 – May 27, 2014)

[By-law](#)

**Carried**

**13. IN-CAMERA ITEMS**

Moved by Councillor Don Hamilton

Seconded by Regional Councillor Jim Jones

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into an in-camera session to discuss the following matters (11:19 PM):

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING  
- JUNE 23, 2015 (16.0)  
[Section 239 (2) (a) (b) (c) (e) (f)]

**Development Services Committee – September 8, 2015**

- (2) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (ONTARIO MUNICIPAL BOARD - 27 VALLONCLIFFE ROAD - WARD 1)  
(8.0)  
[Section 239 (2) (e)]

**General Committee – September 9, 2015**

- (3) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (PROPERTY TAX MATTER UNDER SECTION 373 OF THE MUNICIPAL ACT, 2001) (7.3)  
[Section 239 (2) (b)]
- (4) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (REPORT OF THE INTEGRITY COMMISSIONER REGARDING CONTRAVENTION OF THE CODE OF CONDUCT BY FORMER WARD COUNCILLOR HOWARD SHORE) (16.23)  
[Section 239 (2) (b)]

**General Committee – September 21, 2015**

- (5) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES  
(BOARD/COMMITTEE APPOINTMENTS & RESIGNATIONS) (16.24)  
[Section 239 (2) (b)]
- (6) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES  
(PROPERTY TAX MATTER UNDER SECTION 357 (1) (D.1) OF THE *MUNICIPAL ACT, 2001*) (7.0)  
[Section 239 (2) (b)]

**Development Services Committee – September 22, 2015**

- (7) DEVELOPMENT SERVICES COMMITTEE IN-CAMERA MINUTES  
- SEPTEMBER 8, 2015 (10.0)  
[Section 239 (2) (c) (e)]
- (8) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (ONTARIO MUNICIPAL BOARD - 13 ST. ANDRES COURT - WARD 1)  
(8.0)  
[Section 239 (2) (e)]

**Council – September 28, 2015**

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

Moved by Councillor Don Hamilton  
Seconded by Councillor Amanda Collucci

That Council rise from the in-camera session. (11:55 PM)

**Carried**

The in-camera items were approved by Council as follows:

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING  
- JUNE 23, 2015 (16.0)

Moved by Councillor Don Hamilton  
Seconded by Councillor Colin Campbell

- 1) That the Council In-camera Minutes dated June 23, 2015 be confirmed.

**Carried**

- (2) MINOR VARIANCE APPLICATION APPEAL  
VAHLID ESTIAGH  
27 VALLONCLIFFE ROAD  
A/44/15 (8.0)

Moved by Councillor Valerie Burke  
Seconded by Councillor Alan Ho

- 1) That the confidential report titled “Minor Variance Application Appeal, Vahlid Estiagh, 27 Valloncliffe Road, A/44/15” be received; and,

- 2) That Council direct the City Solicitor and Staff not to attend the Ontario Municipal Board (OMB) hearing regarding the decision of the Committee of Adjustment to deny the requested minor variance, providing the appellant agrees to request the OMB to implement the staff recommended conditions of approval set out below:
  - a) That the variance applies only to the proposed development as long as it remains; and,
  - b) That the variance applies to the subject development, in substantial conformity with the plans submitted with the application, to the satisfaction of the Director of Planning and Urban Design, or designate; and,
  - c) That a development agreement be entered between the owner and the City of Markham to secure landscape mitigation along the northerly property line, if required by and to the satisfaction of the Director of Planning and Urban Design, or designate; and,
  - d) That the Owner submit a Tree Assessment and Preservation Plan, prepared by a qualified arborist, in accordance with the City's Streetscape Manual (2009) as amended, to the satisfaction of the Director of Planning and Urban Design, or designate; and,
  - e) That tree protection fencing shall be erected by the owner and confirmed by inspection by the City to be in accordance with the City's Streetscape Manual (2009) as amended and the approved Tree Assessment and Preservation Plan referred to in condition (d), to the satisfaction of the Director of Planning and Urban Design, or designate; and,
  - f) That in accordance with the approved Tree Assessment and Preservation Plan referred to in condition (d), tree replacements are provided and/ or tree replacement fees are paid to the City, if required by the Director of Planning and Urban Design, or designate; and,
  - g) That the owner incorporates the requirements of Markham's Bird Friendly Guidelines 2014 into the proposed new construction, to the satisfaction of the Director of Planning and Urban Design, or designate; and,
  - h) That the owner be required to submit a siting / grading plan of the property prepared by a qualified professional, all to the satisfaction of the Director of Engineering, or designate; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

- (3) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (PROPERTY TAX MATTER UNDER SECTION 373 OF THE MUNICIPAL ACT, 2001) (7.3)

Moved by Councillor Amanda Collucci

Seconded by Deputy Mayor Jack Heath

- 1) That the confidential report entitled “Properties for Tax Sale - Update” be received; and,
- 2) That staff be authorized to proceed as directed by Council on September 28, 2015.

**Carried**

- (4) REPORT FROM INTEGRITY COMMISSIONER  
CODE OF CONDUCT COMPLAINT ABOUT  
FORMER COUNCILLOR HOWARD SHORE (16.23)  
[Report](#)

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Joe Li

- 1) That the report from Ben Drory, J.D., of ADR Chambers, Integrity Commissioner for the City of Markham, dated July 29, 2015 be received; and,
- 2) That, in consideration of the Integrity Commissioner’s finding that former Councillor Howard Shore contravened section 17 of the Council Code of Conduct as outlined in his report, former Councillor Howard Shore be hereby reprimanded; and,
- 3) That, as required by subsection 223.6(3) of the Municipal Act, the Integrity Commissioner’s report be made available to the public via the City’s website; and further,
- 4) That staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## (5) BOARD/COMMITTEE APPOINTMENTS &amp; RESIGNATIONS (16.24)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Nirmala Armstrong

- 1) That the following persons be appointed to the Flato Markham Theatre Advisory Board:

<b>Name</b>	<b>Term</b>
John Tidball	November 30, 2017
Stephen Timms	November 30, 2017
Arun Mathur	November 30, 2017
Deborah Jestin	November 30, 2019
Shaun Sauve	November 30, 2018
Justin Reid	November 30, 2018
Heather Reading	November 30, 2018; and,
- 2) That Flato Markham Theatre Advisory Board Terms of Reference be amended to increase the number of citizen members from eleven (11) to fourteen (14); and,
- 3) That the resignation of Sidney Polak from the Advisory Committee on Accessibility be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti; and,
- 4) That the resignation of Barry Martin from the Heritage Markham Committee be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti; and,
- 5) That the resignation of Lolita Bruneau from the Committee of Adjustment be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti; and further,
- 6) That the resignation of Susanna Lee, Oscar Tran, Jeevan Treehan, and Hera Wan from the RBC Markham-Milliken Children's Festival Committee be received with regret for information purposes and that letters of appreciation be forwarded by Mayor Frank Scarpitti.

**Carried**

- (6) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES  
(PROPERTY TAX MATTER UNDER SECTION 357 (1) (D.1) OF THE *MUNICIPAL ACT, 2001*) (7.0)

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

- 1) That the confidential report entitled “Application under Section 357 (1) (d.1) of the *Municipal Act, 2001*” be received; and,
- 2) That application #4343 request for property tax assistance be denied; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

- (7) DEVELOPMENT SERVICES COMMITTEE  
IN-CAMERA MINUTES  
- SEPTEMBER 8, 2015 (10.0)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

- 1) That the minutes of the Development Services Committee in-camera meeting, held September 8, 2015, be confirmed.

**Carried**

- (8) MINOR VARIANCE APPLICATION APPEAL  
DONYA SABERY GHOMY  
13 ST. ANDRES COURT  
A/72/15 (8.0)

Moved by Councillor Karen Rea

Seconded by Regional Councillor Joe Li

- 1) That the confidential report titled “Minor Variance Application Appeal, Donya Sabery Ghomy, 13 St. Andres Court, A/72/15” be received; and,

- 2) That Council direct the City Solicitor and Staff not to attend the Ontario Municipal Board (OMB) hearing regarding the decision of the Committee of Adjustment to deny the minor variance related to Floor Area Ratio, providing the appellant agrees to request the OMB to implement the staff recommended conditions of approval set out below:
  - a) That the variance applies only to the proposed development as long as it remains;
  - b) That the variance applies to the subject development, in substantial conformity with the plans submitted with the application, to the satisfaction of the Director of Planning and Urban Design, or designate;
  - c) That the Owner submit a Tree Assessment and Preservation Plan, prepared by a qualified arborist, in accordance with the City's Streetscape Manual (2009) as amended, to the satisfaction of the Director of Planning and Urban Design, or designate;
  - d) That tree protection fencing shall be erected by the owner and confirmed by inspection by the City to be in accordance with the City's Streetscape Manual (2009) as amended and the approved Tree Assessment and Preservation Plan referred to in condition (c), to the satisfaction of the Director of Planning and Urban Design, or designate;
  - e) That in accordance with the approved Tree Assessment and Preservation Plan referred to in condition (c), tree replacements are provided and/ or tree replacement fees are paid to the City, if required by the Director of Planning and Urban Design, or designate;
  - f) That the owner be required to submit a siting / grading plan of the property prepared by a qualified professional, all to the satisfaction of the Director of Engineering, or designate; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## (9) BOARD/COMMITTEE APPOINTMENTS (16.24)

Moved by Regional Councillor Joe Li

Seconded by Deputy Mayor Jack Heath

- 1) That the following persons be appointed to the Committee of Adjustment with a term start date of November 1, 2015:

<b>Name</b>	<b>Term</b>
Gary Muller	November 30, 2018
Tom Gutfreund	November 30, 2018
Arun Prasad	November 30, 2018
Jeamie Crispi Reingold	November 30, 2018
Philip Gunn	November 30, 2018
Gregory Knight	November 30, 2018
Michael Visconti	November 30, 2018; and,

- 2) That the following persons be appointed to the German Mills Meadow and Natural Habitat Liaison Committee with a term start date of September 29, 2015:

<b>Name</b>	<b>Term</b>
Kimberley Seymour	November 30, 2017
Gail Lavery	November 30, 2018
Bernard Sze	November 30, 2017
John Saul	November 30, 2018

**Carried**

**14. CONFIRMATORY BY-LAW**

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Nirmala Armstrong

That By-law 2015-134 be given three readings and enacted.

**Three Readings**

BY-LAW 2015-134 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF SEPTEMBER 28, 2015.

[By-law](#)

**Carried**

**15. ADJOURNMENT**

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Jim Jones

That the Council Meeting be adjourned at 11:59 PM.

**Carried**

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Kimberley Kitteringham  
City Clerk

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Frank Scarpitti  
Mayor

(Signed)