



## **Council Minutes**

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

Council Chamber, Anthony Roman Markham Civic Centre

**Meeting No. 11**

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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  
Alan Brown, Director of Engineering  
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  
Kimberley Kitteringham, City Clerk  
Martha Pettit, Deputy City Clerk  
Sally Campbell, Manager, Development – East  
Raj Raman, Mayor's Chief of Staff

The regular meeting of Council convened at 7:08 PM on April 28, 2015 in the Council Chamber. Mayor Frank Scarpitti presided.

Mayor Frank Scarpitti advised that he attended the 2015 Summit – Better City Bootcamp organized by CivicAction this date. He also noted that the flags are flying at half mast at the Markham Civic Centre in recognition of the "Day of Mourning for Workers Killed or Injured on the Job". Members of Council observed a moment of silence.

**1. DISCLOSURE OF PECUNIARY INTEREST**

- (1) None declared.

**2. MINUTES**

- (1) COUNCIL MINUTES – APRIL 15, 2015  
[Minutes](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

- 1) That the Minutes of the Council Meeting held on April 15, 2015, be adopted.

**Carried**

**3. PRESENTATIONS**

There were no presentations.

**4. DELEGATIONS**

- (1) DELEGATIONS  
- PROPOSED MOTION TITLED "MARKHAM PUBLIC LIBRARY) (5.0)

Moved by Councillor Alan Ho

Seconded by Regional Councillor Jim Jones

That the following delegations providing comments regarding the proposed motion titled "Markham Public Library" be received:

- Ted McDermott, Chair, on behalf of the Markham Public Library Board.
  - Michelle Tidball, Past Chair of Markham Public Library Board.
- (See Motion Item No. 1 for Council's decision on this matter)

**Carried**

- (2) DELEGATIONS  
- PROPOSED RECOMMENDATION TITLED  
"MARKHAM MULTI-USE PATHWAY (MUP)  
(16<sup>TH</sup> AVENUE TO BOB HUNTER MEMORIAL PARK)  
DESIGN AND PHASING PLAN UPDATE (6.0)

Moved by Councillor Alan Ho  
Seconded by Regional Councillor Jim Jones

That the following delegations regarding the proposed recommendation titled "Markham Multi-Use Pathway (MUP) (16<sup>th</sup> Avenue to Bob Hunter Memorial Park) Design and Phasing Plan Update" be received;

- Elizabeth Tan, representing the Cycling and Pedestrian Advisory Committee (CPAC), in support of the proposed recommendation.
- Carol Wilson, in opposition to the proposed recommendation.
- Tupper Wheatley, representing the Milne Park Conservation Association, in opposition to the proposed recommendation.

(See Item No. 2, Report No. 20 for Council's decision on this matter)

**Carried**

- (3) DELEGATION  
- PROPOSED RECOMMENDATION TITLED  
"MARKHAM GREEN ROAD PILOT PROJECT  
(14<sup>TH</sup> AVENUE AND MIDDLEFIELD ROAD)" (5.10)

Moved by Councillor Alex Chiu  
Seconded by Councillor Amanda Collucci

That the delegation of Tupper Wheatley, representing the Milne Park Conservation Association, in opposition to the proposed recommendation titled "Markham Green Road Pilot Project, 14<sup>th</sup> Avenue and Middlefield Road" be received.

(See Item No. 1, Report No. 20 for Council's decision on this matter)

**Carried**

## 5. PETITIONS

There were no petitions.

### 6(a) REPORT NO. 20 - DEVELOPMENT SERVICES COMMITTEE (April 21, 2015)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

That Report No. 3 – Development Services Committee comprised of 5 items be received and adopted, except Item Nos. 2 and 5. (See following Item Nos. 2 and 5)

#### (1) MARKHAM GREEN ROAD PILOT PROJECT (14<sup>TH</sup> AVENUE AND MIDDLEFIELD ROAD) (5.10) [Presentation](#)

- 1) That the presentation provided by Soran Sito, Manager, Environmental Assets entitled "*Markham Green Road Pilot Project, 14<sup>th</sup> Avenue and Middlefield Road*" be received; and,
- 2) That the "*Markham Green Road Pilot, 14<sup>th</sup> Avenue and Middlefield Road*" design concepts be endorsed in principle; and,
- 3) That Staff report back to Council on monitoring results, cost implications and Life cycle and operation impacts prior to consideration for implementation with future development applications; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

- (2) MARKHAM MULTI-USE PATHWAY (MUP)  
(16<sup>TH</sup> AVENUE TO BOB HUNTER MEMORIAL PARK) (6.0)  
[Presentation](#)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

- 1) That the deputation by Peter Miasek, representing the Markham Cycling and Pedestrian Advisory Committee regarding Markham Multi-Use Pathway, be received; and,
- 2) That the presentation provided by Mark Schollen, Schollen & Company Inc. entitled "Markham Multi-Use Pathway (MUP) (16<sup>th</sup> Avenue to Bob Hunter Memorial Park) Design and Phasing Plan Update" be received; and,
- 3) That the revised Phasing plan be approved; and,
- 4) That the MUP cross-sections and surface treatment be reaffirmed; and,
- 5) That staff be authorized to enter into negotiation and an agreement with Dagmar Construction for the construction of a section of MUP within their Main Street Markham South construction zone on a sole source basis so that the tender process can be waived in accordance with Purchasing By-law 2004-341 Part II, Section 7 item 1 (c) which states "when the extension of an existing contract would prove more cost effective or beneficial"; and
- 6) That any informal walking paths in the vicinity of the MUP that require restoration as part of the construction process be restored as part of the Contract; and,
- 7) That the Mayor and Clerk be authorized to execute agreements with MTO/407 ETR for construction and maintenance of the multi-use pathway within the MTO/407 ETR corridor to the satisfaction of the CAO and the City Solicitor; and,
- 8) That staff report back to the June 16, 2015 Development Services Committee meeting regarding the 2015 tender award and Operation and Maintenance costs; and,
- 9) That staff be requested to report back on a naming contest for the MUP; and further,

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

**Carried by a unanimous recorded vote (13:0)**

(See following recorded vote)

(See following proposed amendment to the recommendation which was lost)

(See following amendments to the recommendation)

Recorded vote (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.

Proposed amendment to the recommendation which was lost (12:3)

Moved by Councillor Karen Rea

Seconded by Deputy Mayor Jack Heath

That the section of the path east of the bridge to Highway 48 be reduced from 3 to 2.4 meters.

Lost by a recorded vote (10:3)

(See following recorded vote)

NAYS: Councillor Alan Ho, Councillor Don Hamilton, Regional Councillor Nirmala Armstrong, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Logan Kanapathi, Councillor Alex Chiu. (10)

YEAS: Councillor Valerie Burke, Councillor Karen Rea, Deputy Mayor Jack Heath. (3)

Amendments to the recommendation

- Council consented to add the following as Resolution No. 6:  
"That any informal walking paths in the vicinity of the MUP that require restoration as part of the construction process be restored as part of the Contract; and,"
- Council consented to delete the following proposed Resolution No. 7:  
"That staff report back on June 16, 2015 regarding the 2015 tender award, MUP naming, and Operation and Maintenance costs; and,"
- Council consented to add the following as Resolution Nos. 8 and 9:  
"That staff report back to the June 16, 2015 Development Services Committee meeting regarding the 2015 tender award and Operation and Maintenance costs; and,  
  
That staff be requested to report back on a naming contest for the MUP; and further,"

(3) AUTHORIZATION TO ENTER INTO A  
DEVELOPMENT AGREEMENT WITH  
FORNAX CONSTRUCTION LTD. TO FACILITATE  
THE DEVELOPMENT OF LANDS AT  
WILLIAMSON ROAD AND MAPLE RIDGE CRESCENT (10.0)  
[Report](#)

- 1) That the report titled "Authorization to enter into a Development Agreement with Fornax Construction Ltd. to facilitate the development of lands at Williamson Road and Maple Ridge Crescent" be received; and,
- 2) That the Mayor and Clerk be authorized to execute any documentation required to secure matters relating to the development of lands at Williamson Road and Maple Ridge Crescent, including but not limited to servicing, grading, noise attenuation, pavement marking, tree replacement, fencing, architectural control and public art contribution; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

(4) COST RECOVERY REQUEST RELATED TO  
LAND AND CONSTRUCTION COSTS ASSOCIATED  
WITH A PORTION OF BATTISTA PERRI DRIVE  
ADJACENT TO A PUBLIC PARK IN THE  
WISMER COMMONS COMMUNITY (10.0)

[Report](#)

- 1) That the report entitled “Cost recovery request related to land and construction costs associated with a portion of Battista Perri Drive adjacent to a public park in the Wismer Commons” be received; and,
- 2) That the City compensate 2163280 Ontario Inc. the sum of \$324,000.00, representing land and construction costs associated with that portion of Battista Perri Drive adjacent to a public park on the west side of Markham Road, south of Bur Oak Avenue, in the Wismer Community, as described in this report; and,
- 3) That funding for the land and construction costs outlined in No.2, above, be made available from the 5% Parks Cash-in-Lieu Account 087-2800-148; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**



- (5) NEW BUSINESS  
ADVANCE BUSINESS MISSION  
TO CHINA MAY 8 – MAY 20, 2015 (10.16)  
[Report](#)

Moved by Regional Councillor Jim Jones  
Seconded by Councillor Don Hamilton

- 1) That the report titled “Advance Business Mission o China May 8 – May 20, 2015” dated March 10, be received; and,
- 2) That the Advance Business Mission to China May 8 – May 20, 2015 as described in the staff report dated March 10, 2015, be approved for the Senior Business Development Officer (S. Tam) at a total cost not to exceed \$3,000, expensed from within the 2015 International Investment Attraction account 610-998-5811.

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

YEAS: Councillor Alan Ho, Councillor Don Hamilton, Regional Councillor Nirmala Armstrong, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Joe Li, Councillor Amanda Collucci, Councillor Logan Kanapathi, Councillor Alex Chiu. (10)

NAYS: Councillor Valerie Burke, Councillor Karen Rea, Councillor Colin Campbell. (3)

Council consented to receive the report titled “Advance Business Mission to China May 8 – May 20, 2015”.

**6(b) REPORT NO. 21 - DEVELOPMENT SERVICES PUBLIC MEETING  
(April 21, 2015)**

Moved by Regional Councillor Jim Jones  
Seconded by Councillor Don Hamilton

That Report No. 21 – Development Services Public Meeting comprised of 1 item be received and adopted.

- (1) PRELIMINARY REPORT  
CORNELL ROUGE DEVELOPMENT CORPORATION  
PROPOSED ZONING BY-LAW AMENDMENT AND  
REDLINE REVISION TO DRAFT APPROVED PLAN OF SUBDIVISION  
19TM-08002 (PHASE 4D), NORTH OF HIGHWAY 7 EAST & WEST OF  
DONALD COUSENS PARKWAY  
(FILES ZA 14 111705 & SU 14 111705) (10.5, 10.7)  
[Report](#)

- 1) That the record of the Public Meeting held on April 21, 2015, with respect to the proposed Zoning By-law Amendment and Redline Revision to Draft Approved Plan of Subdivision 19TM-08002 (Phase 4D) submitted by Cornell Rouge Development Corporation to facilitate the development of 51 single detached dwellings on a realigned section of William Forester Road, Files, ZA 14 111705 and SU 14 111705, be received; and,
- 2) That the Zoning By-law Amendment (File ZA 14 111705) submitted by Cornell Rouge Development Corporation to amend Zoning By-laws 304-87, as amended and 177-96, as amended to, be approved; and further,
- 3) That the proposed amendments to Zoning By-law 304-87, as amended and Zoning By-law 177-96, as amended, be enacted without further notice.

**Carried**

**6(c) REPORT NO. 22 - GENERAL COMMITTEE (April 27, 2015)**

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Colin Campbell

That Report No. 22 – General Committee comprised of 7 items be received and adopted, except Item No. 1. (See following Item No. 1)

(1) 2014 CONSOLIDATED FINANCIAL STATEMENTS (7.2)

[Presentation](#) [Report](#) [Appendix A](#) [Appendix B](#)

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Colin Campbell

- 1) That the presentations by Ms. Sandra Skelcher, Acting Manager, Financial Reporting and Payroll entitled “2014 Draft Consolidated Financial Statements,” and by Kevin M. Travers, Partner, KPMG regarding Audit Findings Report, be received; and,
- 2) That the report entitled “2014 Consolidated Financial Statements” be received; and,
- 3) That Council approve the draft City Consolidated Financial Statements of The Corporation of the City of Markham (the City), the City of Markham Public Library (the Library), Community Boards, Business Improvement Areas (BIAs) , and Investment in Markham Enterprises Corporation (MEC), for the fiscal year ended December 31, 2014; and,
- 4) That Council authorize Staff to issue the final audited Consolidated Financial Statements for the fiscal year ended December 31, 2014 upon receiving the Independent Auditors’ Report; and,
- 5) That the KPMG LLP Audit Finding Report for the year ended December 31, 2014 be received; and,
- 6) That this matter be forward to Council for adoption on April 28, 2015; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

(2) TRANSFER OF UNCLAIMED  
HOLDBACK PAYMENTS (7.0)  
[Report](#)

- 1) That the report dated March 26, 2015 entitled “Transfer of Unclaimed Holdback Payments” be received; and,
- 2) That Council approve the placement of an advertisement in a construction trade newspaper and on the City website, in order to provide reasonable notice to contractors that may be eligible to apply for the release of holdback payments related to construction projects completed prior to January 1, 2010, and the forfeiture of said payments to the City’s reserve should they remain unclaimed; and,
- 3) That the cost incurred in placing the advertisement, estimated at \$1,000.00, be offset against the unclaimed holdback payments to be placed in the City’s revenue; and,
- 4) That the Treasurer be authorized to transfer unclaimed holdback payments up to the amount of \$212,799.89 to the Corporate Rate Stabilization Reserve, comprised of unclaimed holdback payments for projects closed prior to January 1, 2010 (\$218,227.61) less deferred refundable taxes paid (\$5,427.72); and,
- 5) That Council authorize Staff to charge an administration fee equivalent to 10% of the amount to be refunded to claimants, and to utilize the administration fee to recover staff cost associated with refunding these unclaimed holdback amounts with the amount being deposited into account 410 998-9399 (Revenue – Finance Department support); and,
- 6) That the Treasurer be authorized to release any of these holdback payments from the Corporate Rate Stabilization Reserve in the event of a future verifiable claim; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

(3) TAX WRITE-OFFS IN ACCORDANCE WITH  
SECTION 354 OF THE MUNICIPAL ACT, 2001 (7.1)  
[Report](#)

- 1) That taxes totalling \$107,123 as set out in this report, of which the City's portion is \$27,410 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**

(4) CANCELLATION, REDUCTION OR REFUND  
OF TAXES UNDER SECTION 357 AND 358  
OF THE MUNICIPAL ACT, 2001 (7.1)  
[Report](#)

- 1) That the Report for the Cancellation, Reduction or Refund of Taxes under Sections 357 and 358 of the *Municipal Act, 2001* be received; and,
- 2) That taxes totalling approximately \$289,231.74 be adjusted under Section 357 (in the amount of \$283,938.17) and Section 358 (in the amount of \$5,293.57) of the *Municipal Act, 2001* of which the City's portion is estimated to be \$60,168.21; 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**

(5) CONTRACT EXTENSION FOR STREETLIGHT  
MAINTENANCE AND UNDERGROUND  
STREETLIGHT CABLE LOCATES PROGRAM (7.12)

[Report](#)

- 1) That the report entitled “Contract Extension for Streetlight Maintenance and Underground Streetlight Cable Locates Program” be received; and,
- 2) That the Contract for the 2015 Streetlight Maintenance and Underground Streetlight Cable Locates be awarded to Langley Utilities Contracting Ltd. in the estimated amount of \$868,694.59 inclusive of HST for the period of June 1 to December 31, 2015; and,
- 3) That a Purchase Order in the amount of \$10,000.00 inclusive of HST be issued to PowerStream for works associated with the disconnection and re-connection of power from PowerStream-owned transformers when required, for the period of June 1 to December 31, 2015; and,
- 4) That the tender process be waived in accordance with Purchasing By-Law 2004-341 Part II, Section 7 item 1 (c) which states “when the extension of an existing contract would prove more cost-effective or beneficial;” and,
- 5) That the award from June 1, 2015 to December 31, 2015 for streetlight maintenance and underground cable locates be funded from the 2015 operating accounts #720-720-5497 Streetlight Maintenance & Repair in the amount of \$471,775.58; #720-720-5499 Other Maintenance & Repair in the amount of \$86,786.50 and from account # 720-720-5436 Utility Locates in the amount of \$320,132.51; and,
- 6) That the CAO be authorized to extend the contract for three (3) additional one (1) year terms at the same pricing for 2016 and on mutually agreed Unit prices for the period 2017 and 2018, subject to satisfactory performance and approval of the Operating budgets; and,
- 7) That the purchase order be adjusted in future years up to the approved operating budget as approved by the Council; and further,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

(6) QUALITY MANAGEMENT SYSTEM  
- QMS OPERATIONAL PLAN AND  
QMS POLICY ENDORSEMENT AND  
MANAGEMENT REVIEW OUTCOMES (5.3)

[Report](#) [Attachment A](#) [Attachment B](#) [Attachment C](#) [Attachment D](#)

- 1) That the report “Quality Management System – QMS Operational Plan and QMS Policy Endorsement and Management Review Outcomes” be received; and,
- 2) That Council, as the Owner of the City’s drinking water system, acknowledges and endorses the revisions made to the City’s Quality Management System (QMS) Operational Plan and Policy; and,
- 3) That the QMS Management Review Outcomes be received; and,
- 4) That Council, as the Owner of the City’s drinking water system, acknowledge and support the outcomes and action items identified from the 2015 Management Review; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

(7) ANNUAL FAMILY STRENGTHENING  
PROGRAM FUNDING AGREEMENT  
-PLAY AND SUMMER CAMP  
-YORK REGION COMMUNITY AND  
HEALTH SERVICES (6.4)

[Report](#)

- 1) That the report titled Annual Family Strengthening Program Funding Agreement – PLAY and Summer Camp- York Region Community and Health Services be received; and,
- 2) That the Commissioner of Community and Fire Services be delegated to execute the Annual Family Strengthening Program Funding Agreement –PLAY and Summer Camp- York Region Community and Health Services, on an annual basis; and further,
- 3) That staff be directed to do all things necessary to give effect to this resolution.

**Carried**

## 7. MOTIONS

### (1) MARKHAM PUBLIC LIBRARY (5.0)

Moved by Councillor Don Hamilton

Seconded by Councillor Colin Campbell

That a report be provided to Council on the current and future role of the library system in the City of Markham with a view to providing quality service at the lowest possible cost to taxpayers before the commencement of the next budget process.

#### **MOTION WAS LOST BY A RECORDED VOTE (7:6)**

(See following recorded vote)

(See following to consider the matter)

**NAYS:** Councillor Valerie Burke, Councillor Alan Ho, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Joe Li, Councillor Alex Chiu. (7)

**YEAS:** Councillor Don Hamilton, Councillor Karen Rea, Regional Councillor Nirmala Armstrong, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Logan Kanapathi. (6)

Moved by Councillor Logan Kanapathi

Seconded by Councillor Alex Chiu

That Council consider the proposed motion titled "Markham Public Library" immediately following the delegations with respect thereto.

Carried

(The notice of this motion was given to Council at its meeting held on March 31, 2015)

## 8. NOTICES OF MOTIONS

There were no notices of motions.



## 9. COMMUNICATIONS

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

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

### Received

26-2015 LIQUOR LICENCE APPLICATION FOR THE INDIAN KITCHEN, 7335 YONGE STREET, UNIT 2 (WARD 1) (3.21)

#### [Info](#)

Forwarding a request for the City of Markham to complete the Municipal Information Form.

(Change of ownership and application of a liquor licence for indoor areas previously licenced).

**Carried**

27-2015 LINCOLN M. ALEXANDER AWARD 2015 (13.2)

#### [Letter](#)

Minister of Citizenship, Immigration and International Trade, calling nominations for the Lincoln M. Alexander Award 2015 to honour young Ontarians who have demonstrated exemplary leadership in contributing to the elimination of racial discrimination. The deadline for nominations is May 31, 2015.

**Carried**

**10. PROCLAMATIONS****(1) PROCLAMATION AND FLAG RAISING REQUESTS (3.4)**

Moved by Councillor Alan Ho

Seconded by Regional Councillor Joe Li

- 1) That the following proclamations, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
  - Girls Rights Week (May 4 to 8, 2015)
  - National Access Awareness Week (May 31 to June 6, 2015)
  - Pride Week (June 13 to 21, 2015); and,
- 2) That the following 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 for information purposes:
  - Rainbow Flag (Pride Week - June 13 to 21, 2015); and,
- 3) That the following new request for proclamation be approved and added to the Five-Year Proclamations List approved by Council:
  - Multiple Sclerosis Awareness Day (May 11, 2015); and further,
- 4) That the following new request for flag to be raised at the Anthony Roman Markham Civic Centre flagpole be approved and added to the Five-Year List of Request to Raise Flag approved by Council:
  - Multiple Sclerosis Flag (May 11, 2015).

**Carried**

**11. NEW/OTHER BUSINESS**

- (1) 2015 LARGE URBAN MAYOR'S CAUCUS OF  
ONTARIO CONFERENCE (LUMCO) (11.12)

Moved by Councillor Colin Campbell

Seconded by Councillor Amanda Collucci

- 1) That approval be granted to Mayor Frank Scarpitti for one overnight stay in Ottawa while attending the Large Urban Mayor's Caucus of Ontario (LUMCO) conference in May 2015.

**Carried**

(See following to consider the matter)

Moved by Councillor Colin Campbell

Seconded by Councillor Logan Kanapathi

That Council suspend the rules of procedure to introduce a matter for consideration regarding the Mayor attending the Large Urban Mayor's Caucus of Ontario (LUMCO) conference in May 2015.

Carried

**12. BY-LAWS**

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Nirmala Armstrong

That By-laws 2015-62 and 2015-63 be given three readings and enacted.

**Three Readings**

BY-LAW 2015-62 A BY-LAW TO REPEAL AND REPLACE MUNICIPAL LAW  
ENFORCEMENT OFFICERS APPOINTMENT BY-LAW 2002-178  
(ADMINISTRATIVE AMENDMENTS TO UPDATE THE LIST FOR  
ENFORCEMENT OFFICERS, PARKING ENFORCEMENT  
AGENCIES AND TAGGING LOCATIONS)

[By-law](#)

**Carried**

BY-LAW 2015-63 CASTAN AVENUE (AURELIO FILICE), PARTS OF LOT 6, REGISTERED PLAN 2196, HOLD REMOVAL BY-LAW

A by-law to amend By-law 177-96, as amended, to facilitate the construction of sixteen townhouse units, south of Castan Avenue and east of Harry Cook Drive, within the South Unionville Planning District.

[By-law](#)

**Carried**

### **13. IN-CAMERA ITEMS**

Council consented to add the following in-camera item as No. 7:

PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING  
MUNICIPAL OR LOCAL BOARD EMPLOYEES

(STREET NAMING)

[Section 239 (2) (b)]

Moved by Councillor Don Hamilton

Seconded by Councillor Alan Ho

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into an in-camera session to discuss the following matters (10:00 PM):

#### **Council – April 28, 2015**

(1) MINUTES OF IN-CAMERA COUNCIL MEETING

- APRIL 15, 2015 (16.0)

[Section 239 (2) (a) (b) (c) (e) (f)]

(2) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE  
ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL  
BOARD (OMB - WARD 4) (8.0)

[Section 239 (2) (e)]

**Development Services Committee – April 21, 2015**

- (3) DEVELOPMENT SERVICES COMMITTEE IN-CAMERA MINUTES  
- APRIL 7, 2015 (10.0)  
[Section 239 (2) (e)]
- (4) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE  
MUNICIPALITY OR LOCAL BOARD (WARD 4) (8.0)  
[Section 239 (2) (c)]

**General Committee – April 27, 2015**

- (5) THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR LOCAL  
BOARD (WARD 4) (7.0)  
[Section 239 (2) (a)]
- (6) THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR LOCAL  
BOARD (TLC DAYCARE) (8.2)  
[Section 239 (2) (a)]
- (7) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING  
MUNICIPAL OR LOCAL BOARD EMPLOYEES  
(STREET NAMING)  
[Section 239 (2) (b)]

Moved by Councillor Don Hamilton  
Seconded by Regional Councillor Nirmala Armstrong

That Council rise from the in-camera session. (10:41 PM)

**Carried**

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

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING  
- APRIL 15, 2015 (16.0)

Moved by Councillor Amanda Collucci  
Seconded by Regional Councillor Joe Li

- 1) That the Council In-camera Minutes dated April 15, 2015 be confirmed.

**Carried**

- (2) CONFIDENTIAL REPORT  
MINOR VARIANCE APPEAL  
47 PETER STREET, PITIPANAGE AND GEETHA FERNANDO  
FILE A/170/14 (8.0)

Moved by Councillor Karen Rea  
Seconded by Councillor Alan Ho

- 1) That the report titled “Minor Variance Appeal, 47 Peter Street, Pitipanage and Geetha Fernando, File A/170/14”, dated April 7, 2015, be received; and,
- 2) That Council direct 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 impose the staff recommended conditions of approval to mitigate the potential impact associated with the use of a second driveway in the rear yard, as follows:
- i) That the variance apply only to the proposed development as long as it remains;
  - ii) That the variance apply 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;
  - iii) That the second driveway on the subject lands only be used for the purpose of vehicular access to and from the tandem depth garage; and that the parking or storage of vehicles on the second driveway in the rear yard be prohibited; and further,
- 3) That Staff be authorized and directed to do all things nessasary to give effect to this resolution.

**Carried**

- (3) DEVELOPMENT SERVICES COMMITTEE  
IN-CAMERA MINUTES  
- APRIL 7, 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 April 7, 2015, be confirmed.

**Carried**

- (4) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 4) (8.0)

Moved by Councillor Karen Rea

Seconded by Deputy Mayor Jack Heath

- 1) That the confidential report regarding a matter in Ward 4 on the proposed or pending acquisition or disposition of land by the municipality or local board be received; and,
- 2) That staff be authorized to proceed as directed by Council on April 28, 2015.

**Carried**

- (5) PROPERTY MATTER RELOCATION OF THE JOSEPH WIDEMAN HOUSE TO MARKHAM HERITAGE ESTATES BRUCE AND RENEE ENGLAND, APPLICANTS FINANCIAL CAPABILITY OF APPLICANT/LOT SELECTION (7.0)

Moved by Councillor Karen Rea

Seconded by Councillor Colin Campbell

- 1) That the report titled “Confidential Report – Property Matter, Relocation of the Joseph Wideman House to Markham Heritage Estates, Bruce and Renee England, Applicants, Financial Capability of Applicant/Lot Selection”, be received; and,
- 2) That Part 5, Plan 65R-24463, City of Markham, Regional Municipality of York (5 Heritage Corners Lane, Markham Heritage Estates) be declared surplus to the City’s needs; and,

- 3) That notice of the proposed sale of the above lands be placed on the next Council agenda, or subsequent date; and,
- 4) That the Mayor and Clerk be authorized to execute an Agreement of Purchase and Sale between Bruce and Renee England and the City of Markham including any other documentation required to give effect to these recommendations in a form satisfactory to the City Solicitor; and further,
- 5) That Staff be authorized and directed to take the actions set out in this report.

**Carried**

(6) THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY  
OR LOCAL BOARD (TLC DAYCARE) (8.2)

Moved by Councillor Colin Campbell  
Seconded by Councillor Valerie Burke

- 1) That the confidential presentation by Don Taylor, Manager Executive Operations regarding the TLC Daycare matter on the security of the property of the municipality or local board, be received; and,
- 2) That staff be authorized to proceed as directed by Council on April 28, 2015.

**Carried**

(7) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING  
MUNICIPAL OR LOCAL BOARD EMPLOYEES  
(STREET NAMING) (6.0)  
[Section 239 (2) (b)]

Council consented to not report out on this matter.



**14. CONFIRMATORY BY-LAW**

Moved by Regional Councillor Nirmala Armstrong

Seconded by Councillor Alex Chiu

That By-law 2015-64 be given three readings and enacted.

**Three Readings**

BY-LAW 2015-64     A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL  
MEETING OF APRIL 28, 2015.

[By-law](#)

**Carried**

**15. ADJOURNMENT**

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

That the Council Meeting be adjourned at 10:43 PM.

**Carried**

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Kimberley Kitteringham  
City Clerk

(Signed)

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Frank Scarpitti  
Mayor