



Council Minutes

June 24 and 25, 2014, 7:00 PM

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 14

Alternate formats for this document are available upon request

Roll Call

Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Gord Landon, Regional Councillor Joe Li, Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Councillor Colin Campbell, Councillor Alan Ho, 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
John Wong, Technology Support Specialist
Dennis Flaherty, Director of Communications and Community Relations
Raj Raman, Mayor's Chief of Staff
Bill Wiles, Manager of Enforcement and Regulatory Services
Graham Seaman, Senior Manager, Sustainability Office
Kimberley Kitteringham, City Clerk
Kitty Bavington, Council/Committee Coordinator

The regular meeting of Council convened at 7:10 PM on June 24, 2014 in the Council Chamber. Mayor Frank Scarpitti presided.

At 11:56 p.m. on June 24, 2014, 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 June 25, 2014. The motion was moved by Councillor Alex Chiu and seconded by Councillor Valerie Burke, and was carried by two-thirds vote of the Members present.

1. DISCLOSURE OF PECUNIARY INTEREST

- (1) Councillor Valerie Burke disclosed an interest with respect to the Official Plan Amendment and Zoning By-law Amendment Applications for Shining Hill Homes Inc., 360 John Street (Item No. 1, Report No. 28, Communication No. 39-2014 and By-laws 2014-108 to 2014-110), as she has a family owned business in the Thornhill area and did not take part in the discussion or vote on this matter.

2. MINUTES

- (1) COUNCIL MINUTES –JUNE 11, 2014
[Minutes](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

- 1) That the Minutes of the Council Meeting held on June 11, 2014, be adopted.

Carried

3. PRESENTATIONS

There were no presentations.

4. DELEGATIONS**(1) DELEGATIONS**

- KING DAVID INC., 10340, 10350
AND 10370 WOODBINE AVENUE (10.3, 10.4, 10.5, 10.7, 10.6)

Moved by Councillor Alan Ho

Seconded by Councillor Colin Campbell

That the following delegations in opposition to the proposed recommendation regarding the applications for King David Inc., 10340, 10350 and 10370 Woodbine Avenue be received:

1. Karen Rea.
2. Marilyn Ginsburg
3. Eira Keay
4. Stella Ho
5. Tammy Armes
6. Wing Liu
7. Kagan Mustafa
8. Mayrose Gregorios
9. Patrick Chan
10. Shant Kouyoumdjian
11. Zeitoon Vaezzadeh

(See Item No. 1, Report No. 27 for Council's decision on this matter)

Carried

5. PETITIONS

There were no petitions.

6(A) REPORT NO. 26 - GENERAL COMMITTEE (June 16, 2014)

Moved by Councillor Carolina Moretti

Seconded by Regional Councillor Gord Landon

That Report No. 26 – General Committee comprised of 14 items be received and adopted, except Item Nos. 11 and 13. (See following Item Nos. 11 and 13)

(1) TRUCK SIDE GUARDS AND OTHER SAFETY
MEASURES FOR CYCLISTS (5.10)

[Presentation](#)

- 1) That the presentation provided by Laurie Canning, Manager of Fleet and Supplies, entitled “Truck side guards and other safety measures for cyclists” be received; and,
- 2) That the City of Markham request that the Federation of Canadian Municipalities and the Associations of Municipalities in Ontario support Bill C-344 for mandatory side guards on large trucks.

Carried

(2) MINUTES OF THE JUNE 13, 2014
ENVIRONMENTAL ISSUES COMMITTEE (16.0)

[Minutes](#) [MESF Funding Report](#) [Trees for Tomorrow Report](#)

- 1) That the minutes of the June 13, 2014 Environmental Issues Committee meeting be received for information purposes; and,
- 2) That the below recommendations from the report entitled “Markham Environmental Sustainability Fund, Funding Applications, Spring 2014” adopted at the June 13, 2014 Environmental Issues Committee be endorsed:
 - (a) That the report dated April 30, 2014 entitled Markham Environmental Sustainability Fund, Funding Applications, Spring 2014, be received; and,
 - (b) That the funding application from Ontario Streams for \$5,000.00, for a stream rehabilitation initiative at Little Rouge Creek and Robinson Creek, be approved; and,

- (c) That the funding application from James Robinson Public School for \$5,000.00, for another phase of an accessible schoolyard, be approved; and,
 - (d) That the funding application from Pomona Mills Park Conservationists, Inc., for \$580.54, for a community planting initiative of native tree and shrub species, be approved; and,
 - (e) That a new Waste Management project be established for the approved applications in the amount of \$10, 580.54, to be funded from the Markham Environmental Sustainability Fund (MESF), account #87 2800168; and,
 - (f) That staff be authorized to do all things necessary to give effect to the above; and,
- 3) That the below recommendations from the report entitled “Markham Trees for Tomorrow Fund, Funding Recommendations – Spring 2014” adopted at the June 13, 2014 Environmental Issues Committee be endorsed:
- (a) That the report dated April 18, 2014 entitled "Markham Trees for Tomorrow Fund, Funding Recommendations – Spring 2014" be received; and,
 - (b) That the funding application from LEAF (Local Enhancement and Appreciation of Forests) for \$30,000 to support LEAF’s Backyard Tree Planting Program be approved; (Appendix 1 A, B & C); and,
 - (c) That the funding application from Evergreen for \$30,000, for their ‘Get Dirty’: Community Greening Initiative, be approved (Appendix 2); and,
 - (d) That the funding application from 10,000 Trees for the Rouge for \$30,000, for their 25th Annual Wildlife Habitat Restoration Project, be approved (Appendix 3); and,
 - (e) That the total amount of \$90,000 be funded from the 2014 Markham Trees for Tomorrow Capital Project account #700-101-5399-14214; and,
 - (f) That funding from the Trees for Tomorrow program for the next 7 years (2015 to 2021) at \$0.12M/year totalling \$0.84M be committed as a funding source to partially offset the December 2013 ice storm response and recovery costs; and further,
 - (g) That staff be authorized and directed to do all things necessary to give effect to these recommendations.

Carried

(3) 053-S-14 SUPPLY AND DELIVERY OF
FIRE APPARATUS (7.12)

[Report](#)

- 1) That the report entitled “053-S-14 Supply and Delivery of three (3) Fire Apparatus” be received; and,
- 2) That the supply of one (1) Pumper apparatus be awarded to Safetek Emergency Vehicles in the total amount of \$597,211.12 in US dollars (\$649,885.14 in CAD dollars), inclusive of HST; and,
- 3) That authority to approve the expenditure to equip the one (1) Pumper apparatus in the amount of \$50,000.00 CAD be provided to the Director of Operations (or his designate) or the Fire Chief (or his designate) as per the limits in accordance to the Expenditure Control Policy; and,
- 4) That the funds for the Pumper apparatus award and associated equipment be provided from account 057-6150-14231-005 “Corporate Fleet Replacement-Fire” in the amount of \$699,885.14 CAD dollars; and,
- 5) That the supply of one (1) Tanker apparatus be awarded to Safetek Emergency Vehicles in the total amount of \$247,465.06 in US dollars (\$269,291.48 in CAD dollars), inclusive of HST; and,
- 6) That the funds for the Tanker apparatus award be provided from account 057-6150-14231-005 “Corporate Fleet Replacement-Fire” in the amount of \$269,921.48 CAD dollars; and,
- 7) That the net shortfall in account 057-6150-14231-005 “Corporate Fleet Replacement-Fire” in the amount of (\$18,741.22) be funded from the Non-DC Capital Contingency account; and,
- 8) That the supply of one (1) Aerial Platform apparatus be awarded to Safetek Emergency Vehicles in the total amount of \$1,048,457.70 in US dollars (\$1,140,931.67 in CAD dollars), inclusive of HST; and,
- 9) That authority to approve the expenditure to equip the one (1) Aerial Platform apparatus in the amount of \$200,000.00 CAD be provided to the Director of Operations (or his designate) or the Fire Chief (or his designate) as per the limits in accordance to the Expenditure Control Policy; and,
- 10) That the funds for the Aerial Platform apparatus and associated equipment be provided from account 057-5350-13403-005 “Two New Fleet Vehicles-Fire” in the amount of \$1,340,931.67 CAD dollars; and,

- 11) That the balance remaining in account 057-5350-13403-005 “Two New Fleet Vehicles-Fire” in the amount of \$185,173.98 be returned to original funding source (Development Charges Reserve); and,
- 12) That the tender process be waived in accordance with purchasing By-Law 2004-341, Part II, Section 7 Non Competitive Procurement, item 1 (e) which states “Where the City is acquiring specialized equipment, in which case the sources of supply may be identified based on technical specifications prepared by the User Department staff, the Manager of Purchasing may negotiate purchases based on such specifications in consultation with the User Department”; and,
- 13) That the Pumper apparatus 9981 (2005 model year) be reassigned to the spare fleet and one existing spare pumper apparatus (2003 model year) and the Tanker apparatus 9954 (1991 model year) be disposed of in accordance with Purchasing By-Law 2004-341, Part V, Disposal of Personal Property and the proceeds be posted to account 890-890-9305 “Proceeds of Sale-Other F/A” upon placing the new apparatus into service; and further,
- 14) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(4) AWARD OF RFP 037-R-14 BUILDING OPERATIONS
AND MAINTENANCE (MECHANICAL AND
ELECTRICAL SYSTEMS) AT SEVEN LOCATIONS
THROUGHOUT THE CITY (7.12)

[Report](#)

- 1) That the report entitled “Award of RFP 037-R-14 Building Operation and Maintenance at Seven Locations throughout the City” be received; and,
- 2) That the contract (037-R-14) for Building Operations and Maintenance at seven (7) locations throughout the City be awarded to the highest ranked and only successful proponent “Angus Consulting Management Limited”; and,
- 3) That the term of the contract be for two (2) years with an option to renew for two (2) additional years commencing on July 1, 2014 in the total amount of \$1,256,482.96 inclusive of HST; and,
- 4) That the contract be funded from various City Department’s Operating budgets as identified within the Financial Consideration Section; and,

- 5) That the Director of Asset Management and Senior Manager of Purchasing and Accounts Payable be authorized to exercise the option to renew the contract in year 3 and 4 subject to a price escalation, performance and budget approval; and,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(5) MARKHAM PAN AM CENTRE -
ENERGY SERVICES AGREEMENT WITH
MARKHAM DISTRICT ENERGY INC. (5.0)
[Report](#)

- 1) That the report titled “Markham Pan Am Centre - Energy Services Agreement with Markham District Energy Inc.”, dated June 3, 2014 be received; and,
- 2) That a monthly Fixed Capacity Charge payable to Markham District Energy Inc (MDEI) of \$10,278.63 (to be indexed annually) be approved; and,
- 3) That a one-time Capital Contribution be made to MDEI of \$2,760,000; and,
- 4) That Capital Project #13318 “Pan Am Centre Construction” be increased by \$1,260,000 with \$1,134,000 to be funded from the Receptions Development Charges Reserve and \$126,000 to be funded from the Non-DC Growth Reserve Fund, bringing the Markham portion of the total construction costs from \$39,842,526 to \$41,102,526; and,
- 5) That any surplus funds remaining in Capital Project #13318 “Pan Am Construction” following completion of the project, will be allocated to offset the Capital Contribution of \$1,276,000, and returned proportionately to the Receptions Development Charges Reserve and the Non-DC Growth Reserve Fund; and,
- 6) That variable Energy Charges based on actual metered hot and chilled water energy use, be approved, and payable to MDEI on a monthly basis; and further,
- 7) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(6) 059-S-14 PURCHASE OF DISK STORAGE SYSTEM,
IMPLEMENTATION AND MAINTENANCE SERVICES (7.12)
[Report](#)

- 1) That the report entitled “059-S-14 Purchase of Disk Storage System, Implementation and Maintenance Services.” Be received; and,
- 2) That the City’s Tender process be waived in accordance with Purchasing By-Law 2004-341, Part II, Section 7, item 1 (g) which states “Where it is in the City’s best interest not to solicit a competitive bid”; and,
- 3) That the contract for Purchase of Disk Storage System, Implementation and Maintenance Services be awarded to a preferred supplier “Scaler Decisions Inc.” in the amount of \$728,771 inclusive of HST; and,
- 4) That the total award of \$728,771 inclusive of HST, be funded from the Primary Data Centre Server Replacement project (Account #49-5350-14409-005) in the amount of \$244,394 and from the IT Disaster Recovery project (Account #49-6900-14083-005) in the amount of \$484,377; and,
- 5) That Scaler Decisions Inc. be the preferred supplier for a period of six (6) years, the life cycle of the product, effective September 1, 2014 (2014 – 2020) at the same itemized prices with an option for an additional two (2) year extension; and,
- 6) That the Chief Information Officer and Senior Manager of Purchasing and Accounts Payable be authorized to extend the contract for a further two (2) years (2021 - 2022); and,
- 7) That Staff be authorized to amend the purchase order amounts in years 2015 – 2022 to accommodate business needs for the purchase of the identified Disk Storage System products through Capital and Operating Budgets as approved by Council during the annual budget process; and,
- 8) That this report be brought forward to the June 17th, 2014 Council meeting; and further,
- 9) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(7) NATIONAL BRAND FOOD AND BEVERAGE
FRANCHISE SERVICE FOR
CORNELL COMMUNITY CENTRE AND LIBRARY
AND PAN AM CENTRE (6.0)

[Report](#)

- 1) That the report “National Brand Food & Beverage Franchise Service for Cornell Community Centre & Library and Pan Am Centre” be received; and,
- 2) That Chief Administrative Officer and Treasurer be authorized to negotiate and finalize an agreement with Presse Café to operate and manage the concession areas at the Cornell Community Centre and Library and the Pan Am Centre in a form satisfactory to the City Solicitor; and,
- 3) That the tendering process be waived in accordance with Purchasing By-Law 2004-341, Part II, Section 7.1 (f) where, for any reason, a call for tender does not result in the award of a contract; and,
- 4) That Staff report back to General Committee on the results of the negotiations; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(8) 022-R-14 SUPPLY, INSTALLATION AND
MAINTENANCE OF WATER METERS (7.12)

[Report](#)

- 1) That the report “022-R-14 Supply, Installation and Maintenance of Water Meters” be received; and,
- 2) That the contract for the supply, installation and maintenance of water meters be awarded to the highest ranked/ second lowest priced Bidder, Neptune Technology Group (Canada) Limited for a 5 year term from February 1, 2015 to January 31, 2020 with a renewal option for an additional 2 years at the same terms, condition and pricing, for an estimated annual contract amount of \$1,038,716 inclusive of HST and a total award of \$5,193,580 inclusive of HST over 5 years; and,
- 3) That the Pricing for the first three years be fixed, and the next two years be adjusted based on the Consumer Price Index (Ontario-All Items); and,

- 4) That Staff be authorized to amend the award amounts in years 2015-2022 to reflect changes to the Capital and Operating Budget accounts as approved by Council during the annual budget process; and,
- 5) That the Director of Environmental Services and Senior Manager of Purchasing be authorized to extend the contract for a further two (2) years (February 1, 2020 to January 31, 2022) with unit price escalation based on CPI (Consumers Price Index) for Ontario-All Items; and further,
- 6) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(9) SELF CONTAINED BREATHING APPARATUS,
FACE PIECE AND BREATHING VALVE
REPLACEMENT (7.12)

[Report](#)

- 1) That the report entitled “108-S-14 Self Contained Breathing Apparatus, Face Piece and Breathing Valve Replacement” be received; and,
- 2) That the 2014 contract requirement be awarded to ResQtech Systems Inc. in the amount of \$577,844.16 inclusive of HST; and,
- 3) That the Fire Chief (or his designate) and the Senior Manager of Purchasing be authorized to exercise the option to renew Contract 108-S-14 for an additional year (2015) for \$60,257.18 inclusive of HST at the 2014 itemized prices subject to performance and budget approval; and,
- 4) That in accordance with Purchasing By-Law 2004-341, Part II, Section 7 (1e), Non-Competitive Procurement, whereby “the City is acquiring specialized equipment, such as fire fighting equipment, in which case the sources of supply may be identified based on technical specifications prepared by the User Department staff; and,
- 5) That the funds for the award be provided from account 067-6150-14124-005 “Self Containing Breathing Apparatus” in the amount of \$577,844.16 dollars (inclusive of HST); and,

- 6) That the remaining balance of \$18,356 in account 067-6150-14124-005 “Self Containing Breathing Apparatus” be returned to the original funding source; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(10) REVISED COUNCIL CODE OF CONDUCT (16.23)

[Report](#) [Attachments](#)

- 1) That the report entitled “Revised Council Code of Conduct” be received for information purposes; and,
- 2) That Council adopt the revised Council Code of Conduct included with this report as Attachment “A”; and,
- 3) That Council adopt the revised Investigation Protocol included with this report as Attachment “B”; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(11) METROLINX DIGITAL SIGN PROGRAM (5.0)

[Report](#) [Attachments](#)

Moved by Councillor Carolina Moretti
Seconded by Regional Councillor Gord Landon

- 1) That the report entitled “Metrolinx Digital Sign Program” dated June 10, 2014 be received; and,
- 2) That Staff be directed to amend By-law 2002-94 to permit two digital billboards along the Highway 407 corridor; and,
- 3) That Staff be authorized to enter into a Memorandum of Agreement with All Vision in a form satisfactory to the Chief Administrative Officer and City Solicitor; and,

- 4) That staff be directed to work with All Vision to finalize the location of the sign in the Langstaff Gateway (Highway 407 east of Yonge Street area); and,
 - 5) That All Vision pay an annual sign administration payment of \$25,000 per sign structure, subject to an annual increase based on the greater of 2% or the Consumer Price Index (CPI) (Toronto All Items September – September) effective January 1st every year; and,
 - 6) That revenues generated from the Metrolinx Digital Sign Program in Markham be deposited to Account 890-890-9399 “Other Corporate Revenues”; and,
 - 7) That Staff report back within one year of program implementation with a status report; and further,
 - 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
- (By-law 2014-99)

Carried by a recorded vote (9:3)
(See following recorded vote)

YEAS: Councillor Don Hamilton, Councillor Carolina Moretti, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Gord Landon, Councillor Colin Campbell, Councillor Alan Ho, Councillor Alex Chiu. (9)

NAYS: Councillor Valerie Burke, Councillor Howard Shore, Councillor Logan Kanapathi. (3)

ABSENT: Regional Councillor Joe Li. (1)

(12) AVAC (AUTOMATED VACUUM COLLECTION)
FEASIBILITY WORKING GROUP STATUS UPDATE (5.0)
[Report](#) [Attachments](#)

- 1) That the report entitled “AVAC Feasibility Working Group – Status Update” be received; and,
- 2) That the AVAC Working Group Mission Statement and Guiding Principals be endorsed; and,

- 3) That the development of a Feasibility Analysis study be approved with input from all key stakeholders and the AVAC Working Group to determine AVAC system costs, benefits, funding and ownership options and report back to General Committee in Q1 2015; and,
- 4) That a new Capital Project for the Feasibility Analysis be approved to a maximum amount of \$50,000 to be funded from the Markham Environmental Sustainability Reserve Fund and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(13) AWARD OF TENDER FOR WEST THORNHILL
FLOOD REMEDIATION PHASE 1 STAGE 1 (7.12)
[Report](#) [Attachments](#)

Moved by Councillor Carolina Moretti
Seconded by Regional Councillor Gord Landon

- 1) That the report entitled “Award of Tender 072-T-14 West Thornhill – Phase 1A Storm Sewer and Watermain Replacement” be received; and,
- 2) That the contract for Tender 072-T-14 West Thornhill – Phase 1A Storm Sewer and Watermain Replacement be awarded to the sole Bidder, Lancorp Construction Co. Ltd., in the amount of \$10,479,269.09, inclusive of HST; and,
- 3) That a 10% contingency in the amount of \$1,047,926.91, inclusive of HST, be established to cover any additional construction costs and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
- 4) That purchase order PD 12134 issued to R.V. Anderson Associates Limited for engineering consulting services be increased by \$272,817.03 (from \$789,614.86 to \$1,062,431.89) inclusive of HST to cover the additional contract administration and construction inspection services, geotechnical inspection, material testing and environmental inspections; and,
- 5) That contingency purchase order PD 12135 issued to R.V. Anderson Associates Limited be increased by \$27,281.70 inclusive of HST, (from \$118,442.23 to \$145,723.93) to cover any additional contract administration and construction inspection services, geotechnical inspections, material testing and environmental inspections and that authorization to approve expenditures of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy; and,

- 6) That the contract award be funded from “Thornhill Storm Sewer Upgrades” 058-6150-9330-005 in the amount of \$3,102,592.00 and “Flood Control Implementation – West Thornhill (Phase 2)” 058-6150-14271-005 in the amount of \$2,571,373.58; (the available budget for Phase 1A construction is \$5,673,965.58 and based on the revised Bid Price and contract administration cost, Phase 1A construction has a shortfall in the amount of \$6,153,329.16) and,
- 7) That the revised cost estimate for the overall Flood Control Program from \$186M to \$234M (in 2014 dollars) be addressed through an increase of stormwater fee rates to \$47 per unit/year from \$36 per unit/year for residential and multi-residential properties and \$29/\$100,000 current value assessment (CVA)/year from \$21/\$100,000 CVA/year for non-residential properties; and,
- 8) That a new Stormwater Fee Reserve fund be established for the Flood Control Implementation Program; and,
- 9) That a 5-year moratorium be placed on any major servicing and utility installation along Doncrest Drive, Poinsetta Drive (between Doncrest Drive and Daffodil Avenue) and Daffodil Avenue; and further,
- 10) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(14) TO2015 PAN AM/PARAPAN AM GAMES -
JUNE 2014 STATUS UPDATE (6.0)
[Report](#) [Attachments](#) [Presentation](#)

- 1) That the report TO2015 Pan Am/Parapan Am Games – June 2014 Status Update be received; and,
- 2) That Council approve the revised Terms of Reference for the Markham Pan Am Host Advisory Committee (Attachment A); and,
- 3) That Council approve the vision, mission and key outcomes for the City of Markham as discussed in the Markham Activation Strategy section of this report; and,

- 4) That the Mayor and Clerk be authorized to execute the Municipal Service Agreement in a form satisfactory to the Chief Administrative Officer, Commissioner of Community and Fire Services, and City Solicitor; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

**6(B) REPORT NO. 27 - DEVELOPMENT SERVICES COMMITTEE
(June 16, 2014)**

Moved by Regional Councillor Jim Jones
Seconded by Deputy Mayor Jack Heath

That Report No. 27 – Development Services Committee comprised of 1 item be received and adopted.

- (1) RECOMMENDATION REPORT
KING DAVID INC.
10340, 10350 AND 10370 WOODBINE AVENUE
CATHEDRAL COMMUNITY
NORTH OF MAJOR MACKENZIE DRIVE
WEST OF WOODBINE AVENUE
APPLICATIONS FOR OFFICIAL PLAN/SECONDARY PLAN
AND ZONING BY-LAW AMENDMENTS, DRAFT PLAN OF SUBDIVISION
AND SITE PLAN APPROVAL
FILE NO.: OP/ZA/SU 13 109102 AND SC 13 138564 (10.3, 10.4, 10.5, 10.7, 10.6)
[Report](#)

Moved by Regional Councillor Jim Jones
Seconded by Deputy Mayor Jack Heath

- 1) That the report dated June 16, 2014 and entitled “RECOMMENDATION REPORT, King David Inc., 10340, 10350 and 10370 Woodbine Avenue, Cathedral Community, North of Major Mackenzie Drive, west of Woodbine Avenue, Applications for Official Plan/Secondary Plan and Zoning By-law amendments, Draft Plan of Subdivision and Site Plan Approval, File No.: OP/ZA/SU 13 109102 and SC 13 138564”, be received; and,
- 2) That the revised application submitted by King David Inc. to amend the in force Official Plan (Revised 1987), as amended, and the Cathedral Community Secondary Plan, as amended, and to amend the new Council adopted Official Plan (2013) for Phase 1 of draft plan of subdivision 19TM-13001, be approved; and,

- 3) That the proposed amendments to the in force Official Plan (Revised 1987), as amended, and the Cathedral Community Secondary Plan, as amended, attached as Appendix “A”, and a corresponding amendment to the new Council adopted Official Plan (2013) for Phase 1 of draft plan of subdivision 19TM-13001, be finalized by staff and forwarded to Council for adoption; and,
- 4) That the revised application submitted by King David Inc. to amend Zoning By-laws 304-87, as amended, and 177-96, as amended, for Phase 1 of draft plan of subdivision 19TM-13001, be approved; and,
- 5) That the proposed amendments to Zoning By-laws 304-87, as amended, and 177-96, as amended, attached as Appendix “B”, for Phase 1 of draft plan of subdivision 19TM-13001, be finalized by staff and enacted without further notice after either the proposed amendment to the in force Official Plan (Revised 187), as amended, or the new Council adopted Official Plan (2013) comes into effect; and,
- 6) That draft plan of subdivision 19TM-13001 submitted by King David Inc., be draft approved subject to the conditions outlined in Appendix “C” with the following additional conditions included: that construction of the proposed lake with a fountain feature (subject to approvals from the City of Markham, the Toronto and Region Conservation Authority (TRCA) and other applicable agencies having jurisdiction) be completed prior to the registration of Phase 2 of the plan of subdivision; or, if approval of a lake cannot be secured, that construction of an enhanced landscaping design around the stormwater management pond be completed prior to the registration of Phase 2 of the plan of subdivision; and,
- 7) That the applicant post a Letter of Credit to secure the construction of the lake (if approved by the TRCA and applicable authorities having jurisdiction) or enhanced landscape for the stormwater management pond, prior to registration of Phase 1 of the plan of subdivision; and,
- 8) That the zoning by-law for Phase 1 of draft plan of subdivision 19TM-13001 establish a minimum residential parking ratio of 1.5 spaces per unit; and,

- 9) That servicing allocation for a population of 467.62 persons (206 apartment units) be granted to Phase 1 of draft plan of subdivision 19TM-13001 from the City of Markham 2015 Servicing Allocation; and,
- 10) That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner; and,
- 11) That the Region of York be advised of the servicing allocation for this development; and,
- 12) That the notice of adoption of the Official Plan/Secondary Plan Amendments be forwarded to the Region of York; and,
- 13) That the application submitted by King David Inc. for site plan approval for Phase 1 of the draft plan of subdivision be endorsed in principle; and,
- 14) That site plan approval for Phase 1 be delegated to the Director of Planning and Urban Design or designate, to be issued following execution of a site plan agreement. Site Plan Approval is issued only when the Director or designate has signed the plans; and,
- 15) That the site plan endorsement shall lapse after a period of three (3) years from the date of endorsement in the event that a site plan agreement is not executed within that period; and,
- 16) That Staff be authorized and directed to do all things necessary to give effect to this resolution; and further,
- 17) That future Public Meetings will be held for any development applications for Phases 2 and 3 of draft plan of subdivision 19TM-13001.

Deferred by a recorded vote (9:4)
(See following for deferral of the matter)
(See following recorded vote)
(See following to consider the matter)

Deferral of the matter:

The recommendation from the June 16, 2014 Development Services Committee meeting regarding the applications for King David Inc., 10340, 10350 and 10370 Woodbine Avenue was deferred to a Special Council Meeting to be held in mid-July by a recorded vote.

Recorded vote:

YEAS: Councillor Howard Shore, Councillor Don Hamilton, Regional Councillor Joe Li, Regional Councillor Jim Jones, Deputy Mayor Jack Heath, Regional Councillor Gord Landon, Councillor Alan Ho, Councillor Logan Kanapathi, Councillor Alex Chiu. (9)

NAYS: Councillor Valerie Burke, Councillor Carolina Moretti, Mayor Frank Scarpitti, Councillor Colin Campbell. (4)

Motion to consider the matter:

Moved by Regional Councillor Joe Li

Seconded by Councillor Carolina Moretti

That Council consider the matter regarding the applications for King David Inc., 10340, 10350 and 10370 Woodbine Avenue immediately following the delegations with respect thereto.

Carried

**6(C) REPORT NO. 28 - DEVELOPMENT SERVICES COMMITTEE
(June 17, 2014)**

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 28 – Development Services committee comprised of 4 items be received and adopted, except Item No. 1. (See following Item No. 1)

- (1) SHINING HILL HOMES INC.
OFFICIAL PLAN & ZONING BY-LAW AMENDMENT APPLICATIONS
TO PERMIT A TOWNHOUSE DEVELOPMENT
AT 360 JOHN STREET
FILE NOS. OP 13 108797 & ZA 13 108797 (10.3, 10.5)
[Report](#)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

- 1) That the depositions by Susan Eaton, Robert Mintzberg, Willem Tiemersma, and Brian Magee regarding applications by Shining Hill Homes Inc., be received; and,
- 2) That the report titled “Shining Hill Homes Inc., Official Plan & Zoning By-law Amendment applications to permit a townhouse development at 360 John Street, File Nos. OP 13 108797 & ZA 13 108797,” dated June 17, 2014 be received; and,
- 3) That the applications submitted by Shining Hill Homes Inc., to amend the in force Official Plan (Revised 1987), as amended, the Council adopted Official Plan (2013) and Zoning By-law 177-96, as amended, to permit a townhouse development at 360 John Street be approved; and,
- 4) That the proposed amendment to the Official Plan (Revised 1987), as amended, attached as Appendix ‘A’ , and a corresponding amendment to the Council adopted Official Plan (2013) be finalized by Staff and forwarded to Council for adoption and to York Region for approval; and,
- 5) That the proposed amendment to Zoning By-law 177-96, as amended, attached as Appendix ‘B’, be enacted without further notice after either the proposed amendment to the Official Plan (Revised 1987), as amended, or the Council adopted Official Plan (2013) is approved by York Region and comes into effect; and,

- 6) That the zoning by-law include:
 - a) Hold provisions addressing the conveyance of buffer lands to the abutting property owners, to be removed when the City Solicitor is satisfied that the conveyance has been completed;
 - b) A condition that the applicant will include a warning clause in agreements of Purchase and Sale advising purchasers of nearby industrial uses and noise; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-laws 2014-108 to 2014-110)

Carried by a recorded vote (11:0)

(See following recorded vote)

(Councillor Valerie Burke abstained due to conflict of interest noted below)

YEAS: Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Gord Landon, Councillor Colin Campbell, Councillor Alan Ho, Councillor Logan Kanapathi, Councillor Alex Chiu. (11)

ABSENT: Regional Councillor Joe Li. (1)

CONFLICT: Councillor Valerie Burke (1)

Councillor Valerie Burke disclosed an interest with respect to the Official Plan Amendment and Zoning By-law Amendment Applications for Shining Hill Homes Inc., 360 John Street, as she has a family owned business in the Thornhill area and did not take part in the discussion or vote on this matter.

(2) ALTERATIONS TO PROPERTY
7703 KENNEDY ROAD
VIOLETTA FITZSIMMONS AND VERA BELCHEVSKI (16.11)
[Report](#)

- 1) That the report titled “Alterations to Property, 7703 Kennedy Road, Violetta Fitzsimmons and Vera Belchevski”, dated June 17, 2014 be received; and,
- 2) That the recommendation from the Heritage Markham Committee be received; and,
- 3) That the Mayor and Clerk be authorized to enter into an agreement with the property owners, to the satisfaction of the City Solicitor, based on the owners’ proposal and any additional conditions required by City staff; and further,

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

Carried

(3) MULTI-USE PATHWAY (“MUP”) UPDATE (6.0)

[Report](#)

- 1) That the report entitled “Multi-use Pathway (“MUP”) Update” be received; and,
- 2) That a design and construction administration contingency Purchase Order (PD 12264) originally approved in the staff award for the project be increased by \$490,170.91, inclusive of HST impact, (from \$93,267.77 to \$583,438.68) to cover the following;
 - Additional geotechnical investigation in the amount of \$159,884.29, inclusive of HST, (from \$71,232 to \$231,116.29);
 - Additional archaeological investigation in the amount of \$168,343.10 inclusive of HST, (from \$20,352 to \$188,695.10);
 - Detailed design for the crossing at McCowan Road in the amount of \$81,408.00 inclusive of HST;
 - Detailed investigation and analysis of Milne Dam bridge crossing in the amount of \$50,880.00 inclusive HST,
 - Permit fees in the amount of \$62,923.29, inclusive of HST.
 - A maximum allowance of \$60,000.00, inclusive of HST for additional time for design, contract administration, meetings, coordination and other investigations; and,
- 3) That the Purchase Order increase be funded from Capital Account 083-5350-14403-005 (Cycling and Trails – Toogood Pond to Bob Hunter Park); and,
- 4) That staff report back to Development Services Committee with proposed entry features and signage plan for the multi-use pathway network; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(4) BOX GROVE COMMUNITY

– 14TH AVENUE SANITARY SEWER SERVICING (5.5)

[Report](#)

- 1) That the deputation and written submission by Amber Burke, Director of the Box Grove Community Association, regarding the Box Grove Community 14th Avenue Sanitary Sewer Services, be received;
- 2) That the “Box Grove Community – 14th Avenue Sanitary Sewer Servicing” report be received; and,
- 3) That the property owners of 6814, 6828 and 6832, 14th Avenue be allowed to extend the service connection to the property line as part of the Plan B Homes Inc. development subject to the benefiting property owners submitting the required funds and executing a funding agreement to the satisfaction of the CAO, City Solicitor and the Director of Engineering, and;
- 4) That the Finance Department be authorized to collect from the three property owners the assessed costs currently estimated at a total of \$42,739.20 (Approx. \$14,246.40 per lot) (including 15% Administration Fees and HST), for the sanitary sewer, and;
- 5) That Council enact a Fees By-Law pursuant to Section 391 of the *Municipal Act 2001* for costs associated with the sanitary sewer installation substantially in the form attached as per Attachment ‘A’ – Fees By-law, upon completion of all work and final determination of costs, and;
- 6) That the costs per lot be paid either as a one-time payment or annual payment up to a maximum of 10 years accruing interest at the same rate as the Region of York 10 Year Debenture Rate, 3.60% starting in 2015 and ending in 2024, and;
- 7) That interest not be applied if the servicing costs are paid in full by March 30, 2015, and;
- 8) That the property owners of 6814, 6828 and 6832, 14th Avenue be eligible to receive future credit (amount to be determined by Council), if Council agrees to utilize the Box Grove Community Fund for the sanitary sewer improvements within this area, and;
- 9) That a new Engineering Department 2014 capital project be created in the currently estimated amount of \$42,739.20 for the 14th Avenue sanitary sewer extension (from B to C, as per attached Figure 1) to be funded by the property owners (6814, 6828 and 6832, 14th Avenue) to be finalized upon completion of the work, and further;

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

Carried

**6(D) REPORT NO. 29 - DEVELOPMENT SERVICES PUBLIC MEETING
(June 17, 2014)**

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 29 – Development Services Public Meeting comprised of 5 items be received and adopted, except Item Nos. 4 and 5. (See following Item Nos. 4 and 5)

- (1) PRELIMINARY REPORT
BELFIELD INVESTMENTS INC.
OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS
TO EXPAND THE RANGE OF PERMITTED USES AT
8050 WOODBINE AVENUE
FILE NOS. OP 13 130529 & ZA 13 130529 (10.3, 10.5)
[Report](#)

- 1) That the report titled “Preliminary Report, Belfield Investments Inc., Official Plan and Zoning By-law Amendments to expand the range of permitted uses at 8050 Woodbine Avenue, File Nos. OP 13 130529 and ZA 13 130529,” dated April 29, 2014 be received; and,
- 2) That the Record of the Public Meeting held on June 17, 2014, with respect to the proposed Official Plan Amendment & Zoning Amendment to expand the range of permitted uses at 8050 Woodbine Avenue, File Nos. OP 13 130529 & ZA 13 130529 , be received; and,
- 3) That the applications by Belfield Investments Inc., to amend the current Official Plan (Revised 1987), as amended, the new Official Plan 2014 and City By-law 2284-68, as amended, be approved; and,
- 4) That the proposed amendments to the current Official Plan (Revised 1987), as amended, the new Official Plan 2014 be adopted and forwarded to the Region of York for approval; and,
- 5) That the proposed amendment to Zoning By-law 2284-68 be enacted after the proposed Official Plan Amendment is approved by the Region of York; and further,

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

Carried

- (2) PRELIMINARY REPORT
QUADROM PROPERTIES INC.
APPLICATION FOR ZONING BY-LAW AMENDMENT
TO PERMIT ADDITIONAL COMMERCIAL USES
AT 592 COUNTRY GLEN ROAD, CORNELL COMMUNITY
(FILE NO. ZA 14 108766) (10.5)
[Report](#)

- 1) That the correspondence and deputation by Ahmed Khan (Hensey), regarding the application by Quadrom Properties Inc., be received; and,
- 2) That the Development Services Commission report dated June 17, 2014, entitled "PRELIMINARY REPORT, Application by Quadrom Properties Inc., Application for Zoning By-law Amendment to permit additional commercial uses at 592 Country Glen Road, Cornell Community. File Number: ZA 14 108766." be received; and,
- 3) That the record of the Public Meeting held on June 17, 2014 with respect to the proposed Zoning By-law Amendment by Quadrom Properties Inc., to permit additional commercial uses at 592 Country Glen Road, Cornell Community. File Number: ZA 14 108766." be received; and,
- 3) That the Zoning By-law Amendment application (ZA 14 108766) by Quadrom Properties Inc. to amend Zoning By-law 177-96, as amended, **excluding daycare use**, be approved; and further,
- 4) That the proposed amendment to Zoning By-law 177-96, as amended, be enacted without further notice.
(By-law 2014-101)

Carried

- (3) LINDVEST PROPERTIES (CORNELL) LIMITED
OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT
APPLICATIONS TO PERMIT A BROADER RANGE
OF RETAIL AND OFFICE USES
NORTH PORTION OF BLOCK 4, 19TM-06012
SOUTHEAST CORNER OF BUR OAK AVENUE AND HIGHWAY 7
(ZA/OP 13 126638) (10.3, 10.5)

[Memo](#) [Report](#)

- 1) That the Development Services Commission report dated June 17, 2014 entitled “INFORMATION REPORT. Application by Lindvest Properties (Cornell) Limited to permit a retail commercial centre at the southeast corner of Highway 7 and Bur Oak Avenue in Cornell Centre. File Numbers: OP/ZA/SC 13 126638” be received; and,
- 2) That the record of the Public Meeting held on June 17, 2014 with respect to the proposed Official Plan Amendment and Zoning By-law Amendment by Lindvest Properties (Cornell) Limited to permit a retail commercial centre at the southeast corner of Highway 7 and Bur Oak Avenue in Cornell Centre (OP/ZA/SC 13 126638)” be received; and,
- 3) That the Official Plan Amendment and Zoning By-law Amendment applications (OP/ZA 13 126638) by Lindvest Properties (Cornell) Limited to amend the Official Plan and Zoning By-law 177-96, as amended, be approved; and,
- 4) That the Official plan Amendment include policies and provisions to require a public east/west road within the property boundary at the time the lands (Block 4, 19TM-06012) are redeveloped in the long term; and further,
- 5) That the proposed amendment to the Official Plan and Zoning By-law 177-96, as amended, be enacted without further notice.

Carried

- (4) PRELIMINARY REPORT
NEAMSBY INVESTMENTS INC., ROSINA MAURO
AND FULTON HOMES LIMITED
OFFICIAL PLAN AMENDMENT APPLICATION TO REDESIGNATE
EMPLOYMENT LANDS TO ALLOW RESIDENTIAL
USES AT 5659 TO 5933 14TH AVENUE
FILE NO: OP 13 108448 (10.3)
[Report](#)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

- 1) That correspondence and deputation by Sam Orrico regarding the application by Neamsby Investments Inc., be received; and,
- 1) That the Development Services Commission report dated May 6th, 2014 titled “PRELIMINARY REPORT, Neamsby Investments Inc., Rosina Mauro and Fulton Homes Limited, Official Plan amendment application to redesignate employment lands to allow residential uses at 5659 to 5933 14th Avenue, File No: OP 13 108448,” be received; and,
- 2) That the record of the Public Meeting held on June 17th, 2014, with respect to the Official Plan amendment application submitted by Neamsby Investments Inc., Rosina Mauro and Fulton Homes Limited to redesignate employment lands to allow residential uses at 5659 to 5933 14th Avenue (OP 13 108448) be received; and,
- 3) That the Official Plan amendment application (OP 13 108448) submitted by Neamsby Investments Inc., Rosina Mauro and Fulton Homes Limited to amend the in force Official Plan (Revised 1987), as amended, and the new Council adopted Official Plan (2013), to redesignate employment lands to permit residential uses at 5659 to 5933 14th Avenue, be approved; and,
- 4) That the proposed amendment to the Official Plan (Revised 1987), as amended, be adopted and forwarded to York Region for approval; and,
- 5) That the proposed amendment to the Council adopted Official Plan (2013), be adopted and forwarded to York Region for approval; and further,
- 6) That Staff be authorized and directed to give effect to this resolution.

Carried

- (5) PRELIMINARY REPORT
BOX GROVE HILL DEVELOPMENTS INC.
NORTH SIDE OF COPPER CREEK DRIVE, BETWEEN NINTH LINE
AND DONALD COUSENS PARKWAY
APPLICATION TO AMEND THE OFFICIAL PLAN TO
REDESIGNATE EMPLOYMENT LAND TO ALLOW
TOWNHOUSES, LIVE-WORK UNITS, A SENIORS RESIDENCE,
AND RESTAURANT USES WITHIN A CONVENTION CENTRE
AND BANQUET HALL FACILITY AND APPLICATIONS TO
AMEND THE ZONING BY-LAW AND FOR DRAFT PLAN OF
SUBDIVISION TO PERMIT THE PROPOSED TOWNHOUSES
FILE NOS: OP 13 108173, ZA/SU 14 109086 (10.3, 10.5 and 10.7)
[Report](#)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

- 1) That the written submissions from Rama Koneru and William To, regarding the applications by Box Grove Hill Developments Inc., be received; and,
- 2) That the deputations by Yanna Song, Ricky Tsui, and Michael Ben, regarding the applications by Box Grove Hill Developments Inc., be received; and,
- 3) That the Development Services Commission report dated May 6th, 2014 titled "PRELIMINARY REPORT, Box Grove Hill Developments Inc., North side of Copper Creek Drive, between Ninth Line and Donald Cousens Parkway, Application to amend the Official Plan to redesignate employment land to allow townhouses, live-work units, a seniors residence, and restaurant uses within a convention centre and banquet hall facility and applications to amend the Zoning By-law and for Draft Plan of Subdivision to permit the proposed townhouses, File Nos: OP 13 108173, SU/ZA 14 109086 be received; and,
- 4) That the record of the Public Meeting held on June 17th, 2014, with respect to the Official Plan amendment application (OP 13 108173) to redesignate employment land to allow residential uses including townhouses, live-work units and a seniors residence, as well as a stand alone trade and convention centre with banquet hall facilities and restaurants and Zoning By-law amendment and Draft Plan of Subdivision (ZA/SU 14 109086) applications to permit the proposed townhouses and live-work units, be received; and,
- 5) That the Official Plan amendment application (OP 13 108173) submitted by Box Grove Hill Developments Inc., to amend the in force Official Plan (Revised 1987), as amended, and the Council adopted Official Plan (2013), to redesignate employment land to allow residential uses comprised of townhouses, live-work units and a seniors residence, and a stand-alone trade and convention centre with banquet hall facilities and restaurants, on the north side of Copper Creek Drive, between Ninth Line and Donald Cousens Parkway, be approved; and,

- 6) That the Official Plan amendment to the Official Plan (Revised 1987), as amended, be adopted and forwarded to York Region for approval; and,
- 7) That the Official Plan amendment to the Council adopted Official Plan (2013), be adopted and forwarded to York Region for approval; and,
- 8) That the Zoning By-law amendment and Draft Plan of Subdivision applications (ZA/SU 14 109086) submitted by Box Grove Hill Developments Inc., be referred back to staff for a report and recommendation; and further,
- 9) That Staff be authorized and directed to give effect to this resolution.

Carried

6(E) REPORT NO. 30 - GENERAL COMMITTEE (June 24, 2014)

Moved by Councillor Carolina Moretti
Seconded by Councillor Howard Shore

That Report No. 30 – General Committee comprised of 3 items be received and adopted.

(1) MARKHAM ARTS COUNCIL (5.0)

- 1) That the verbal report from staff be received; and,
- 2) That the Markham Arts Council be advanced their 2015 Celebrate Markham fund of \$19,000; and,
- 3) That an additional grant of \$5,000 be extended to the Markham Arts Council and the operating account be at the discretion of the Treasurer; and,
- 4) That if Council determines in September that Markham should extend further funds to the Markham Arts Council, new operating arrangement or not, the above interim amount of \$24,000 be included in such funding, not over and above; and,
- 5) That the Director of Culture be the City's liaison for the Markham Art Council's Board of Directors and that the Director of Culture be directed to report back in September on how the interim funds were utilized; and,
- 6) That Markham Arts Council work with City staff over the summer to ensure that the September report to General Committee has the information required and that it be prepared by September 2014; and further,

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

Carried

(2) RIGHT OF MAINTENANCE ACCESS BY-LAW (2.0)

[Report](#) [Attachment](#)

- 1) That the report entitled “Right of Maintenance Access By-law” be received; and,
- 2) That Appendix ‘A’ - Right of Maintenance Access By-law be enacted; and,
- 3) That staff prepare and publish information on the Right of Maintenance Access By-law and By-law processes for dissemination on the Portal and for distribution by field staff; and,
- 4) That staff report back within 1 year of Right of Maintenance Access By-law implementation; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2014-116)

Carried

(3) FAIR ACCESS PROJECT -
MEMORANDUM OF UNDERSTANDING (3.5)

[Report](#)

- 1) That the Fair Access Project – Memorandum of Understanding report be received; and,
- 2) That the Mayor and Clerk be authorized to execute the Memorandum of Understanding (MOU) between the York Region Catholic School Board, York Region District School Board, Region of York and City of Markham, upon satisfactory review by the City Solicitor and the Commissioner of Community and Fire Services; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6(F) REPORT NO. 31 – DEVELOPMENT SERVICES COMMITTEE (June 24, 2014)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

That Report No. 31 – Development Services Committee comprised of 1 item be received and adopted.

- (1) AURIGA DEVELOPMENTS INC.
PLAN OF SUBDIVISION (19TM-14003)
OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT APPLICATIONS
TO PERMIT A RESIDENTIAL DEVELOPMENT
AT THE NORTHWEST CORNER OF HIGHWAY 7
AND DONALD COUSENS PARKWAY, CORNELL COMMUNITY
FILE NOS. OP/ZA/SU 14 109647 (10.7, 10.3 & 10.5)

- 1) That the Official Plan Amendment for Auriga Development Inc. be endorsed in principle subject to the applicant joining the Cornell Developers Group and the development being lane based with density, lot frontages and built form satisfactory to staff.

Carried

7. MOTIONS

There were no motions.

8. NOTICES OF MOTIONS

(1) CITY BUILDING AND CREATING A COMPETITIVE ECONOMY (10.0)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Gord Landon

Whereas the newly elected Liberal Provincial government included 29 Billion Dollars in their budget for new Transit Projects, including the extension of the Yonge Street Subway to Highway 7 and the electrification and improved service levels of both the Richmond Hill and Stouffville GO Train lines; and,

Whereas this is the first time in decades that the Province of Ontario has shown leadership in public transit through the budget process; and,

Whereas it is unlikely that the private sector will take the lead on identifying potential transit station sites on the Richmond Hill and Stouffville GO train lines and related development study areas, as that is a planning responsibility of the City; and,

Whereas these studies should be a proactive, comprehensive initiative of the City rather than of small, individual, isolated landowners; and,

Whereas there are significant costs associated with these studies that local landowners may not be able to fund, as many operate small business; and,

Whereas the expertise for these studies lies within City Departments and not with small business owners; and,

Whereas the City has the financial ability to front-end the funding of these studies and collect back the costs through any means available; and,

Whereas Council passed a motion on June 11, 2014, attached, regarding the potential John and Green Lane study area; and,

Whereas this initiative will benefit Markham residents immensely through better service and the opportunity to create modern development adjacent to rapid transit;

Now therefore be it resolved:

- 1) That Staff be directed to bring back a list of proposed sites that could benefit from the expansion of GO Transit Service and a method of financing these studies.

Note: This motion will be consider by Council on September 10, 2014.

9. COMMUNICATIONS

Moved by Councillor Carolina Moretti

Seconded by Councillor Alex Chiu

That Council receive and consent to the disposition of Communication Nos. 37-2014, 38-2014, 40-2014 to 45-201 as recommended.

Carried

Moved by Councillor Carolina Moretti

Seconded by Councillor Alex Chiu

That Council receive and consent to the disposition of Communication No. 39-2014 as recommended.

Carried

(Councillor Valerie Burke abstained due to conflict of interest noted below)

Councillor Valerie Burke disclosed an interest with respect to the Official Plan Amendment and Zoning By-law Amendment Applications for Shining Hill Homes Inc., 360 John Street, as she has a family owned business in the Thornhill area and did not take part in the discussion or vote on this matter.

Received

37-2014 MEMORANDUM - HOLD REMOVAL BY-LAW FOR MON SHEONG FOUNDATION, 1, 2, 20 AND 21 SUN YAT SEN AVENUE (10.0)

[Memo](#)

Memorandum dated June 24, 2014 from the Commission of Development Services providing information regarding the application for Mon Sheong Foundation, 1, 2, 20 and 21 Sun Yat Sen Avenue, and recommending the enactment of the proposed Hold Removal By-law with respect thereto.
(By-law 2014-90)

Carried

- 38-2014 MEMORANDUM - HOLD REMOVAL BY-LAW FOR RULAND PROPERTIES INC., 162 ENTERPRISE BOULEVARD AND 8080 BIRCHMOUNT ROAD (10.0)

[Memo](#)

Memorandum dated June 24, 2014 from the Commission of Development Services providing information regarding the application for Ruland Properties Inc., 162 Enterprise Boulevard and 8080 Birchmount Road, and recommending the enactment of the proposed Hold Removal By-law with respect thereto.
(By-law 2014-91)

Carried

- 39-2014 COMMUNICATION - SHINING HILL HOMES INC., 360 JOHN STREET (10.3 AND 10.5)

[Communication](#)

Bob Lanthier, Chemline Plastics, providing comments and requesting deferral for the application submitted by Shining Hill Homes Inc., 360 John Street.
(Item No. 1, Report No. 28)

Carried

(Councillor Valerie Burke abstained due to conflict of interest)

Referred to all Members of Council

- 40-2014 LIQUOR LICENCE APPLICATION FOR INITIUM CO, 8241 WOODBINE AVENUE, UNITS 6 AND 7 (WARD 6) (3.21)

[Info](#)

Forwarding a request for the City of Markham to complete the Municipal Information Form.
(New premises and application of a new liquor licence for indoor area).

Carried

- 41-2014 LIQUOR LICENCE APPLICATION FOR WILD WING, 4465 MAJOR MACKENZIE DRIVE EAST, UNIT B, (WARDS 4 AND 6) (3.21)

[Info](#)

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

(New premises and application of a new liquor licence for indoor and outdoor areas).

Carried

- 42-2014 SPECIAL OCCASION LIQUOR PERMIT FOR ST. DIMITRIJA SOLUNSKI, MACEDONIAN ORTHODOX CHURCH (WARD 5) (3.21)

[Letter](#)

Requesting an approval from the City of Markham to designate their Annual Cultural Food, Dance and Music Festival being held on September 12, 13 and 14, 2014 at 201 Main Street Markham as an event of Municipal Significance. The City's designation is a requirement of the Alcohol and Gaming Commission of Ontario (AGCO) to support the application of a Special Occasion Liquor Permit.

Carried

- 43-2014 ROAD CLOSURE REQUEST – PAN AM/PARAPAN AM GAMES 1 YEAR COUNTDOWN CELEBRATION (3.5)

[Info](#)

The following roads will be closed on July 13, 2014 from 7:00 AM to 10:00 PM to facilitate the event:

- Along Enterprise Blvd from Main Street Unionville & Ravis Road.

Carried

Received

- 44-2014 COMMUNICATION - KING DAVID INC., 10340, 10350 AND 10370 WOODBINE AVENUE (10.3, 10.4, 10.5 10.7, 10.6)

(Item No. 1, Report No. 27)

[Letter](#)

Letter dated June 24, 2014 from Marc Kemerer, Blaney McMurtry Barristers and Solicitors, providing comments on behalf of the Cathedral Town Community Ratepayers Association.

Carried

- 45-2014 NEAMSBY INVESTMENTS INC., ROSINA MAURO AND FULTON HOMES LIMITED, 5659 TO 5933 14TH AVENUE
AND
BOX GROVE HILL DEVELOPMENTS INC., NORTH SIDE OF COPPER CREEK DRIVE, BETWEEN NINTH LINE AND DONALD COUSENS PARKWAY(10.3, 10.5 AND 10.7)
(ITEM NOS. 4 AND 5, REPORT NO. 29)

[Letter](#)

Letter dated June 24, 2014 from Patricia A. Foran, Aird & Berlis Barristers and Solicitors, providing comments on behalf of Lindvest Properties (Cornell) Limited.

Carried

10. PROCLAMATIONS

There were no proclamations.

11. NEW/OTHER BUSINESS

- (1) NOTICES OF PROPOSED SALE
LOT 34, PLAN 65M-2761
(2 ALEXANDER HUNTER PLACE, MARKHAM HERITAGE ESTATES)
(JAMES BRANDER HOUSE) (7.0 & 16.11)

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

Moved by Deputy Mayor Jack Heath
Seconded by Regional Councillor Jim Jones

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

"Lot 34, Plan 65M-2761, City of Markham, Regional Municipality of York (2 Alexander Hunter Place, Markham Heritage Estates)."
(In-Camera Item No. 3 – June 11, 2014 Council Meeting)

Carried

12. BY-LAWS

The following by-laws were considered and enacted/deferred by Council on June 24, 2014 before mid-night as outlined below:

Moved by Regional Councillor Jim Jones
Seconded by Deputy Mayor Jack Heath

That By-laws 2014-105 to 2014-107 regarding the applications for King David Inc., 10340, 10350 and 10370 Woodbine Avenue be deferred to a Special Council Meeting to be held in mid-July.

Carried

Moved by Councillor Carolina Moretti
Seconded by Councillor Alex Chiu

That By-laws 2014-84 to 2014-104 and By-laws 2014-112 to 2014-116 be given three readings and enacted.

Carried

Moved by Councillor Carolina Moretti
Seconded by Councillor Alex Chiu

That By-laws 2014-108 to 2014-110 regarding the applications for Shining Hill Homes Inc., 360 John Street, be given three readings and enacted.

Carried

(Councillor Valerie Burke abstained due to conflict of interest noted below)

Councillor Valerie Burke disclosed an interest with respect to the Official Plan Amendment and Zoning By-law Amendment Applications for Shining Hill Homes Inc., 360 John Street, as she has a family owned business in the Thornhill area and did not take part in the discussion or vote on this matter.

Three Readings

BY-LAW 2014-84 A BY-LAW TO AMEND BY-LAW 2002-311, A BY-LAW TO APPOINTMENT DEPUTY CLERKS FOR THE CITY OF MARKHAM (APPOINT CARLIE TURPIN AND DELETE STEPHEN M.A HUYCKE AND BLAIR LABELLE)

[By-law](#)

Carried

BY-LAW 2014-85 A BY-LAW TO AMEND PARKING BY-LAW 2005-188 (ADMINISTRATIVE AMENDMENTS PERTAINING TO PARKING PERMIT PROGRAM AREAS)

[By-law](#)

Carried

BY-LAW 2014-86 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST (CARL REESOR JAMES HOUSE, 8127 BAYVIEW AVENUE)

[By-law](#)

Carried

BY-LAW 2014-87 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST (ARCHIBALD FENWICK HOUSE, 7 HERITAGE CORNERS LANE)

[By-law](#)

Carried

BY-LAW 2014-88 ARROWDALE DEVELOPMENTS LTD. AND BONNYDON LTD., DRAFT PLAN 19TM-03001, HOLD REMOVAL BY-LAW

[By-law](#)

A by-law to amend By-law 177-96, as amended, to permit the construction of single detached and semi-detached houses, south of Major Mackenzie Drive and east of Greenspire Avenue in the Wismer Community.

Carried

BY-LAW 2014-89 1473092 ONTARIO LTD., METRUS DEVELOPMENT, CONCESSION 9, PART OF LOTS 16 AND 17, DRAFT PLAN 19TM-01015 (PHASE 6), HOLD REMOVAL BY-LAW

[By-law](#)

A by-law to amend By-law 177-96, as amended, to permit the construction of single and townhouses.

Carried

BY-LAW 2014-90 MON SHEONG FOUNDATION, 1, 2, 20 AND 21 SUN YAT SEN AVENUE, HOLD REMOVAL BY-LAW

[By-law](#)

A by-law to amend By-law 177-96, as amended, to permit the construction of seniors' buildings.

(Communication No. 37-2014)

Carried

BY-LAW 2014-91 RULAND PROPERTIES INC., 162 ENTERPRISE BOULEVARD & 8080 BIRCHMOUNT ROAD, HOLD REMOVAL BY-LAW

[By-law](#)

A by-law to amend By-law 2004-196, as amended, to permit the construction of a carousel and accessory uses and addition to an existing presentation centre that will function as a service room for the carousel.

(Communication No. 38-2014)

Carried

BY-LAW 2014-92 1406262 ONTARIO INC., 8375 WOODBINE AVENUE, ZONING BY-LAW AMENDMENTS

[By-law](#)

A By-law to amend By-law 127-76 and By-law 165-80, as amended, to permit for a broader range of commercial uses.

(Item No. 1, Report No. 3 – January 28, 2014 Council Meeting)

Carried

BY-LAW 2014-93 16TH MCCOWAN HOLDINGS LTD., PART LOT CONTROL EXEMPTION BY-LAW
[By-law](#)

A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Lots 3, 26, 27 and 44, Plan 65M-4317, north of 16th Avenue and south of Barnstone Drive.

Carried

BY-LAW 2014-94 A BY-LAW TO AMEND BY-LAW 4-2000, AS AMENDED, BEING A BY-LAW TO APPOINT A CHIEF ADMINISTRATIVE OFFICER FOR THE CITY OF MARKHAM (SECTION 6.2)
[By-law](#)

Carried

BY-LAW 2014-95 ARISTA HOMES (UPPER UNIONVILLE) INC. PART LOT CONTROL EXEMPTION BY-LAW
[By-law](#)

A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Lots 77, 80, 119, 120 and 122, Plan 65M-4398, east of Harbord Street and north of Wilfred Murison Avenue.

Carried

BY-LAW 2014-96 ROAD DEDICATION BY-LAW (BOX GROVE COLLECTOR ROAD AND MARKHAM BY-PASS)
[By-law](#)

A by-law to dedicate certain lands as part of the highways of the City of Markham (Blocks 11 and 18, Plan 65M-4141- Box Grove Collector Road; Part of Lots 4 and 5, Concession 9, designated as Parts 1, 2 and 3, Plan 65R-30962, save and except Part of Lot 5, Concession 9, designated as Parts 1, 2 and 3, Plan 65R-32401 - Box Grove Collector Road; Block 61, Plan 65M-3970 - Box Grove Collector Road)

Carried

- BY-LAW 2014-97 A BY-LAW TO AMEND SPEED BY-LAW 105-71 (BOX GROVE COLLECTOR ROAD FROM HIGHWAY 407 TO BOX GROVE BY-PASS - TO DEFINE A MAXIMUM SPEED OF 60 KILOMETERS PER HOUR)
[By-law](#)
Carried
- BY-LAW 2014-98 A BY-LAW TO RENAME MARKHAM BY-PASS TO BOX GROVE COLLECTOR ROAD
[By-law](#)
Carried
- BY-LAW 2014-99 A BY-LAW TO AMEND SIGN BY-LAW 2002-94 (DIGITAL BILLBOARDS ALONG HIGHWAY 407 CORRIDOR)
(Item No. 11, Report No. 26)
[By-law](#)
Carried
- BY-LAW 2014-100 GLOBAL UNIONVILLE DEVELOPMENT INC., 28 MAIN STREET UNIONVILLE, AMENDMENT TO THE IN FORCE OFFICIAL PLAN (REVISED 1987), AS AMENDED
[OPA](#)

A by-law to adopt Official Plan Amendment No. 219 to the in force Official Plan (Revised 1987), as amended, to permit residential development.
Carried
- BY-LAW 2014-101 QUADROM PROPERTIES INC., 592 COUNTRY GLEN ROAD, ZONING BY-LAW AMENDMENTS
[By-law](#)

A by-law to amend By-law 177-96, as amended, to permit additional commercial uses on the ground floor of the mixed used building.
(Item No. 2, Report No. 28)
Carried

BY-LAW 2014-102 MARKHAM CENTRE DEVELOPMENT CORPORATION, SOUTH OF ENTERPRISE BOULEVARD BETWEEN RIVIS ROAD AND THE GO RAIL LINE, AMENDMENT TO THE IN FORCE OFFICIAL PLAN (REVISED 1987), AS AMENDED

[OPA](#)

A by-law to adopt Official Plan Amendment No. 220 to the in force Official Plan (Revised 1987), as amended, to permit a mixed-use development.

(Item No. 2, Report No. 21 – May 15, 2014 Council Meeting)

Carried

BY-LAW 2014-103 MARKHAM CENTRE DEVELOPMENT CORPORATION, SOUTH OF ENTERPRISE BOULEVARD BETWEEN RIVIS ROAD AND THE GO RAIL LINE, DELETING BY-LAW

[By-law](#)

A by-law to amend By-law 122-72, as amended, to delete the subject lands from the designated area of By-law 122-72, as amended, so that the lands could be incorporated into By-law 2004-196, as amended, to permit a mixed-use development.

(Item No. 2, Report No. 21 – May 15, 2014 Council Meeting)

Carried

BY-LAW 2014-104 MARKHAM CENTRE DEVELOPMENT CORPORATION, SOUTH OF ENTERPRISE BOULEVARD BETWEEN RIVIS ROAD AND THE GO RAIL LINE, IMPLEMENTING BY-LAW

[By-law](#)

A by-law to amend By-law 2004-196, as amended, to permit a mixed-use development.

(Item No. 2, Report No. 21 – May 15, 2014 Council Meeting)

Carried

BY-LAW 2014-105 KING DAVID INC., 10340, 10350 AND 10370 WOODBINE AVENUE, AMENDMENT TO THE IN FORCE OFFICIAL PLAN (REVISED 1987), AS AMENDED

A by-law to adopt an Official Plan Amendment to the in force Official Plan (Revised 1987), as amended, to allow the construction of commercial and residential buildings.

(Item No. 1, Report No. 27)

Deferred

BY-LAW 2014-106 KING DAVID INC., 10340, 10350 AND 10370 WOODBINE AVENUE, AMENDMENT TO THE NEW COUNCIL ADOPTED OFFICIAL PLAN (2014)

A by-law to adopt an Official Plan Amendment to the new Council adopted Official Plan (2014) to allow the construction of commercial and residential buildings.

(Item No. 1, Report No. 27)

Deferred

BY-LAW 2014-107 KING DAVID INC., 10340, 10350 AND 10370 WOODBINE AVENUE, ZONING BY-LAW AMENDMENTS

A by-law to amend By-laws 304-87 and 177-96, as amended, to allow the construction of commercial and residential buildings.

(Item No. 1, Report No. 27)

Deferred

BY-LAW 2014-108 SHINING HILL HOMES INC., 360 JOHN STREET, AMENDMENT TO THE IN FORCE OFFICIAL PLAN (REVISED 1987), AS AMENDED
[OPA](#)

A by-law to adopt Official Plan Amendment No. 221 to the in force Official Plan (Revised 1987), as amended, to permit a townhouse development.

(Item No. 1, Report No. 28)

Carried

(Councillor Valerie Burke abstained due to conflict of interest)

BY-LAW 2014-109 SHINING HILL HOMES INC., 360 JOHN STREET, AMENDMENT TO THE NEW COUNCIL ADOPTED OFFICIAL PLAN (2014)
[OPA](#)

A by-law to adopt Official Plan Amendment No. 1 to the new Council adopted Official Plan (2014) to permit a townhouse development.

(Item No. 1, Report No. 28)

Carried

(Councillor Valerie Burke abstained due to conflict of interest)

BY-LAW 2014-110 SHINING HILL HOMES INC., 360 JOHN STREET, ZONING BY-LAW AMENDMENT

[By-law](#)

A by-law to amend By-law 77-73, 177-96 and 151-75, as amended, to permit a townhouse development.

(Item No. 1, Report No. 28)

Carried

(Councillor Valerie Burke abstained due to conflict of interest)

BY-LAW 2014-112 NEAMSBY INVESTMENTS INC., ROSINA MAURO AND FULTON HOMES LIMITED, 5659 TO 5933 14TH AVENUE, AMENDMENT TO THE IN FORCE OFFICIAL PLAN (REVISED 1987), AS AMENDED

[OPA](#)

A by-law to adopt Official Plan Amendment No. 222 to the in force Official Plan (Revised 1987), as amended, to allow for residential uses.

(Item No. 4, Report No. 28)

Carried

BY-LAW 2014-113 NEAMSBY INVESTMENTS INC., ROSINA MAURO AND FULTON HOMES LIMITED, 5659 TO 5933 14TH AVENUE, AMENDMENT TO THE NEW COUNCIL ADOPTED OFFICIAL PLAN (2014)

[OPA](#)

A by-law to adopt Official Plan Amendment No. 2 to the new Council adopted Official Plan (2014) to allow for residential uses.

(Item No. 4, Report No. 28)

Carried

BY-LAW 2014-114 BOX GROVE HILL DEVELOPMENTS INC., NORTH SIDE OF COPPER CREEK DRIVE, BETWEEN NINTH LINE AND DONALD COUSENS PARKWAY, AMENDMENT TO THE IN FORCE OFFICIAL PLAN (REVISED 1987), AS AMENDED

[OPA](#)

A by-law to adopt Official Plan Amendment No. 223 to the in force Official Plan (Revised 1987), as amended, to allow for a mixed-use development.

(Item No. 4, Report No. 28)

Carried

BY-LAW 2014-115 BOX GROVE HILL DEVELOPMENTS INC., NORTH SIDE OF COPPER CREEK DRIVE, BETWEEN NINTH LINE AND DONALD COUSENS PARKWAY, AMENDMENT TO THE NEW COUNCIL ADOPTED OFFICIAL PLAN (2014)

[OPA](#)

A by-law to adopt Official Plan Amendment No. 3 to the new Council adopted Official Plan (2014) to allow for a mixed-use development.
(Item No. 4, Report No. 28)

Carried

BY-LAW 2014-116 A BY-LAW TO PERMIT ONTO ADJOINING LANDS FOR MAINTENANCE (RIGHT OF ACCESS FOR MAINTENANCE BY-LAW)

[By-law](#)

Carried

13. IN-CAMERA ITEMS

Moved by Councillor Carolina Moretti
Seconded by Councillor Colin Campbell

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into an in-camera session to discuss the following matters (10:38 PM on June 24, 2014):

Council – June 24, 2014

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
- JUNE 11, 2014 (16.0)
[Section 239 (2) (b) (c) (d) (e) (f)]

General Committee – June 16, 2014

- (2) GENERAL COMMITTEE IN-CAMERA MINUTES - JUNE 9, 2014 (16.0)
[Section 239 (2) (b) (a), (b) (c) (b) (f)]
- (3) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 4) (8.6)
[Section 239 (2) (c)]
- (4) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 5) (8.6)
[Section 239 (2) (c)]
- (5) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARDS 5 AND 7) (8.6)
[Section 239 (2) (c)]
- (6) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/COMMITTEE RESIGNATIONS) (16.24)
[Section 239 (2) (b)]

Development Services Committee – June 17, 2014

- (7) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (WARD 8) (8.0)
[Section 239 (2) (e)]
- (8) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (WARD 8) (8.0)
[Section 239 (2) (e)]

- (9) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD - WARD 8 (8.0)
[Section 239 (2) (e)]

General Committee – June 24, 2014

- (10) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 5) (8.6)
[Section 239 (2) (c)]
- (11) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 5) (8.6)
[Section 239 (2) (c)]
- (12) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/COMMITTEE RESIGNATION) (16.24)
[Section 239 (2) (b)]

Development Services Committee – June 24, 2014

- (13) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (WARD 8) (8.0)
[Section 239 (2) (e)]

Council – June 24, 2014

- (14) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD AND ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE (YORK UNIVERSITY PROPOSAL) (8.0)
[Section 239 (2) (c) (f)]

Moved by Councillor Carolina Moretti
Seconded by Councillor Colin Campbell

That Council rise from the in-camera session. (12:01 AM on June 25, 2014)

Carried

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

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
- JUNE 11, 2014 (16.0)

Moved by Councillor Alex Chiu
Seconded by Councillor Valerie Burke

- 1) That the Council In-camera Minutes dated June 11, 2014 be confirmed.

Carried

- (2) GENERAL COMMITTEE IN-CAMERA MINUTES - JUNE 9, 2014 (16.0)

Moved by Councillor Colin Campbell
Seconded by Regional Councillor Gord Landon

- 1) That the General Committee in-camera minutes dated June 9, 2014 be confirmed.

Carried

- (3) REPORTING OUT ACQUISITION OF
54 ACRE PARCEL ON MCCOWAN ROAD,
NORTH OF ELGIN MILLS ROAD EAST (8.6)
[Report](#)

Moved by Councillor Carolina Moretti
Seconded by Councillor Howard Shore

- 1) That the report entitled “Reporting out Acquisition of 54 Acre Parcel on McCowan Road, north of Elgin Mills Road”, be received; and,
- 2) That the funding for the land purchase be changed from Development Charge Reserves to Land Acquisition Reserve Fund; and,
- 3) That Staff be authorized and directed to take the actions set out in this report.

Carried

- (4) DECLARATION OF SURPLUS LANDS IN
CORNELL ROUGE DEVELOPMENT CORPORATION’S
PHASE 4C RESIDENTIAL SUBDIVISION
(65M-4364) AND PROPOSED LAND EXCHANGE (8.6)

Moved by Councillor Colin Campbell
Seconded by Deputy Mayor Jack Heath

- 1) That the report entitled “Declaration of Surplus Lands in Cornell Rouge Development Corporation’s Phase 4C Residential Subdivision (Registered Plan 65M-4364) and Proposed Land Exchange” be received; and,
- 2) That in accordance with By-law 178-96 the City declare lands described as Part of Blocks 175, 177, 180, 181, 182 and 183 (Lanes) on Registered Plan 65M-4364, City of Markham, Regional Municipality of York, as surplus, being lands originally set out for small hydro notches as set out on Attachment No.2 to this report; and,
- 3) That subject to No. 2, above, the Mayor and Clerk execute a land exchange agreement with Cornell Rouge Development Corporation for the nominal sum (\$1.00) conveyance by the City of lands described in No. 2, above, in exchange for lands to be conveyed to the City for a nominal sum (\$1.00) described as Part of Lots 25, 26, 58, 59, 96, 97, 105, 106, 119, 121, 144, 145, and Part of Block 182 (Lane), Registered Plan 65M-4364, City of Markham, Regional Municipality of York, all being lands for small hydro notches, as set out on Attachment No. 1 to this report; and,

- 4) That subject to No. 2 above, the City enact a By-law to Stop Up, Close and convey lands described as Part of Blocks 175, 177, 180, 181, 182 and 183 (Lanes) on Registered Plan 65M-4364, City of Markham, Regional Municipality of York, as set out on Attachment No. 2 to this report; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to the forgoing.

Carried

(5) ROUGE NATIONAL URBAN PARK LAND
ASSEMBLY AGREEMENT AUTHORITY (8.6)

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Logan Kanapathi

- 1) That the report “Rouge National Urban Park Land Assembly Agreement Authority” be received; and,
- 2) That the Mayor and Clerk be authorized to execute a Memorandum of Agreement (“MOA”) with Parks Canada and other municipal landowners, in a form and content satisfactory to the Chief Administrative Officer and the City Solicitor, for the conditional transfer to Parks Canada at nominal consideration of the lands owned by the City set out in Attachment “A” (“City Owned Lands”) for inclusion in the Rouge National Urban Park (“RNUP”), subject to the satisfaction of certain conditions outlined in this report, including without limitation, the City and Parks Canada entering into the Supplementary Agreement (s) (hereinafter defined); and,
- 3) That prior to the final transfer of the City Owned Lands or any parts thereof, to Parks Canada, staff negotiate a written agreement (s) with Parks Canada and other parties as necessary (“Supplementary Agreement (s)”) as directed by Council on June 24, 2014; and,
- 4) That subject to the satisfaction of conditions for the final transfer of City Owned Lands to Parks Canada as outlined in the report, including without limitation, the City and Parks Canada entering into a Supplementary Agreement (s) pertaining to the matters set out in Recommendation #3, that staff report back to Council for authority to enter into the Supplemental Agreement (s) and to recommend that the City- Owned Lands be declared surplus to municipal purposes and conveyed to Parks Canada pursuant to the MOA; and further,
- 5) That Staff be authorized and directed to take the actions set out in this report.

Carried

(6) BOARD/COMMITTEE RESIGNATIONS (16.24)

Moved by Councillor Howard Shore

Seconded by Councillor Don Hamilton

- 1) That the resignation of Anthony Smith from the Varley-McKay Art Foundation of Markham be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti; and,
- 2) That the resignation of Glen Harrington from the Public Art Advisory Committee be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti.

Carried

(7) CONSENT AND MINOR VARIANCE APPEALS
68 NOBLE STREET
2080552 ONTARIO INC. (ALAWN LAI)
B/18/13, A/157/13 & A/158/13 (8.0)

Moved by Councillor Alex Chiu

Seconded by Councillor Alan Ho

- 1) That the report titled “Consent and Minor Variance Appeals, 68 Noble Street, 2080552 Ontario Inc. (Alawn Lai), B/18/13, A/157/13 & A/158/13”, be received; and,
- 2) That Council direct the City Solicitor and Staff not to attend the Ontario Municipal Board hearing respecting the consent and minor variance appeals for 68 Noble Street (B/18/13, A/157/13 & A/158/13), provided that the Applicant requests the OMB to impose the conditions of approval as imposed by the Committee of Adjustment should the OMB approve the applications; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (8) ONTARIO MUNICIPAL BOARD
APPEAL OF APPROVAL OF OFFICIAL PLAN
AND ZONING BY-LAW AMENDMENTS TO
PERMIT A MIXED USE COMMERCIAL/OFFICE DEVELOPMENT
- 1 STEELCASE ROAD WEST
FILE NOS.: OPA AND ZA 12 115839 (8.0)

Moved by Councillor Alex Chiu

Seconded by Councillor Carolina Moretti

- 1) That the confidential report entitled “Ontario Municipal Board Appeal of Approval of Official Plan and Zoning By-law Amendments to permit a mixed use commercial/office development - 1 Steelcase Road West, File Nos.: OPA and ZA 12 115839” be received; and,
- 2) That Council direct and authorize the City Solicitor or her designate to attend the OMB to indicate the City’s support of the approval of the Official Plan and Zoning By-law Amendments subject to an amendment to the Zoning By-law Amendment to impose restrictions regarding minimum retail unit size on the proposed retail development and to incorporate modifications required by the Region, as described in this report; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to the foregoing resolution.

Carried

- (9) APPEAL OF APPLICATIONS FOR
SECONDARY PLAN AMENDMENT
DRAFT PLAN OF SUBDIVISION APPROVAL
AND ZONING BY-LAW AMENDMENT
FOREST BAY HOMES LTD. – EAST VILLAGE
6350 STEELES AVENUE EAST
FILE NOS.: OP.98-224937, SU.98-224944 AND ZO.98-224946 (8.0)

Moved by Councillor Logan Kanapathi

Seconded by Councillor Alex Chiu

- 1) That the report dated June 17, 2014, entitled “Appeal of Applications for Secondary Plan Amendment, Draft Plan of Subdivision Approval and Zoning By-law Amendment, Forest Bay Homes Ltd. – East Village, 6350 Steeles Avenue East, File Nos.: OP.98-224937, SU.98-224944 and ZO.98-224946”, be received; and,

- 2) That the record of the Public Meeting held on February 21, 2012, regarding the applications for approval of the Secondary Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment (the “Applications”) be received; and,
- 3) That the City supports the Official Plan Amendment, Zoning By-law Amendment and draft plan of subdivision at the OMB, subject to the conditions set out in this report, the City’s standard conditions of approval and the Minutes of Settlement to be entered in to, including any additional conditions of approval; and,
- 4) That staff be authorized to finalize the Official Plan Amendment Zoning By-law Amendment and Conditions of Draft Plan of Subdivision Approval in consultation with the Applicant, with the applicable public agencies and in accordance with this Report, to the satisfaction of the Commissioner of Development Services; and,
- 5) That Council authorize the City Solicitor or her designate to execute Minutes of Settlement with the Applicant and any other party to the appeal, satisfactory to the City Solicitor, to incorporate all the conditions of approval for the applications; and,
- 6) That the Mayor and Clerk be authorized to enter into a No-Presale Agreement with Forest Bay Homes Ltd (the “Applicant”) respecting Plan 19TM-98019 (Forest Bay Homes Ltd.) which agreement shall be registered on title, committing the Owner:
 - (1) Not to enter into any agreements of purchase and sale with end users for the subject lands until such time as:
 - a. The City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure; or,
 - b.
 - i) the Council of the City of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development;
 - ii) York Region has advised in writing that it is no earlier than twelve (12) months prior to the expected completion of the Southeast Collector Sewer, Duffin Creek Water Pollution Control Plant (WPCP) Outfall and Duffin Creek WPCP Stage 1 and Stage 2 Upgrade; or,
 - c. The Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the City of Markham allocates the capacity to this development; AND

- (2) Not to enter into any agreements of purchase and sale with non end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the City of Markham, which agreement shall be registered on title, committing the Owner to the same terms as set out in item a, b and c above; and,
- 7) That Council direct and authorize the City Solicitor or designate and all necessary staff to attend the OMB to support approval of the Applications and the settlement, subject to the conditions described in this Report and the City's standard conditions of approval and minutes of settlement; and,
- 8) That staff be authorized to amend the draft plan of subdivision as may be required in the discretion of the Director of Planning and Urban Design, to implement or integrate: any recommendations from studies submitted in support of the Applications; the final confirmed alignment of roads; and as required by any comments and conditions received from municipal departments and external agencies; and,
- 9) That the Owner pay all outstanding processing fees in accordance with the City's applicable Fee By-law; and,
- 10) That should the OMB approve the development, Council authorize pre 2011/2012 servicing allocation for 1.8 single detached units (6.6 population) and 2011/2012 servicing allocation for 34.8 single detached units (128.7 population) respecting plan of subdivision 19TM-98019, from the total pre-servicing allocation in the Armadale Planning District; and,
- 11) That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner; and,
- 12) That the Region of York be advised of the servicing allocation for the development proposed by the Applications; and further,
- 13) That staff be authorized and directed to do all things necessary to give effect to this Resolution.

Carried

(10) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF
LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 5) (8.6)

Moved by Councillor Colin Campbell

Seconded by Councillor Alan Ho

- 1) That staff be authorized to proceed as directed by Council on June 24, 2014 regarding a proposed or pending acquisition or disposition of land by the municipality or local board in Ward 5.

Carried

(11) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF
LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 5) (8.6)

Moved by Regional Councillor Gord Landon

Seconded by Regional Councillor Jim Jones

- 1) That staff be authorized to proceed as directed by Council on June 24, 2014 regarding a proposed or pending acquisition or disposition of land by the municipality or local board in Ward 5.

Carried by a recorded vote (8:5)
(See following recorded vote)

YEAS: Councillor Don Hamilton, Regional Councillor Joe Li, Regional Councillor Jim Jones, Deputy Mayor Jack Heath, Regional Councillor Gord Landon, Councillor Colin Campbell, Councillor Alan Ho, Councillor Alex Chiu. (8)

NAYS: Councillor Valerie Burke, Councillor Howard Shore, Councillor Carolina Moretti, Mayor Frank Scarpitti, Councillor Logan Kanapathi. (5)

(12) BOARD/COMMITTEE RESIGNATIONS (16.24)

Moved by Regional Councillor Joe Li

Seconded by Councillor Don Hamilton

- 1) That the resignation of Cindy Jones-Shrek 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.

Carried

(13) MINOR VARIANCE APPEAL
ST. CECILIA INVESTMENTS LIMITED
365 HOOD ROAD, A/188/13 (8.0)

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

- 1) That the report titled “Minor Variance Appeal, St. Cecilia Investments Limited, 365 Hood Road, A/188/13”, be received; and,
- 2) That Council direct the City Solicitor and Staff with respect to the Ontario Municipal Board appeal of the Committee of Adjustment’s decision to deny the requested minor variances with Option 1 to support the application and direct staff to negotiate Minutes of Settlement with the Applicant, to the of the Chief Administrative Officer, including the following:
 - Appropriate financial contribution in lieu of the official plan amendment and zoning amendment application fees avoided through the minor variance process; and,
 - Applicant's commitment to non-operable windows in the school and dormitories, if necessary to comply with noise guidelines for the uses; and
 - Agreement to implement, through the future site plan approval process, a contribution of public art from the Applicant in accordance with the City's Public Art Policy; and,
- 3) That the lands be classified as Class 4 lands pursuant to NPC-300 (Ministry of Environment Noise Guidelines); and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(14) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD AND ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE (YORK UNIVERSITY PROPOSAL) (8.0)
[Section 239 (2) (c) (f)]

Moved by Deputy Mayor Jack Heath

Seconded by Regional Councillor Jim Jones

- 1) That the verbal update by staff on York University Proposal be received.

Carried

14. CONFIRMATORY BY-LAW

The Confirmatory By-law 2014-111 was enacted by Council on June 25, 2014.

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

That By-law 2014-111 be given three readings and enacted.

Three Readings

BY-LAW 2014-111 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF JUNE 24, 2014.

[By-law](#)

Carried

15. ADJOURNMENT

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

That the Council Meeting be adjourned at 12:12 AM on June 25, 2014.

Carried

Kimberley Kitteringham
City Clerk

(Signed)

Frank Scarpitti
Mayor