



## **Council Minutes**

March 5, 2014, 7:00 PM

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 6

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### **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.

### **REGRETS**

Mayor Frank Scarpitti  
Councillor Carolina Moretti

### **STAFF**

Andy Taylor, Chief Administrative Officer  
Catherine Conrad, City Solicitor  
Jim Baird, Commissioner of Development Services  
Trinela Cane, Commissioner of Corporate Services  
Brenda Librecz, Commissioner of Community and Fire Services  
Joel Lustig, Treasurer  
Dennis Flaherty, Director of Communications and Community Relations  
John Wong, Technology Support Specialist  
Kimberley Kitteringham, City Clerk  
Stephen Huycke, Public Services and Records Coordinator

The regular meeting of Council convened at 7:06 PM on March 5, 2014 in the Council Chamber. Deputy Mayor Jack Heath presided.

### **1. DISCLOSURE OF PECUNIARY INTEREST**

(1) None declared.

**2. MINUTES****(1) COUNCIL MINUTES - FEBRUARY 11, 2014**[Minutes](#)

Moved by Councillor Don Hamilton

Seconded by Councillor Alex Chiu

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

**Carried**

**3. PRESENTATIONS**

There were no presentations.

**4. DELEGATIONS**

- (1) DELEGATIONS REGARDING  
PLAN B HOMES INC.  
AND 2381423 ONTARIO INC., ZONING AMENDMENT  
AND DRAFT PLAN OF SUBDIVISION APPLICATIONS  
TO PERMIT 15 SINGLE DETACHED DWELLINGS AT  
6827 14<sup>TH</sup> AVENUE AND 6805 14<sup>TH</sup> AVENUE  
FILE NOS. ZA 12 127915 & SU 12 127915 (10.5, 10.7)

Moved by Councillor Logan Kanapathi

Seconded by Regional Councillor Jim Jones

That the following delegations regarding the proposed motion for Plan B Homes Inc. and 2381423 Ontario Inc., Zoning Amendment and Draft Plan of Subdivision Applications to permit 15 single detached dwellings at 6827 14<sup>th</sup> Avenue and 6805 14<sup>th</sup> Avenue, be received:

1. Amber Burke, on behalf of herself and Aaron Burke, spoke in opposition to the proposed motion.
2. Nadia Zuccaro, on behalf of Plan B. Homes Inc., provided information on the applications and indicated her client is willing to work with the area residents to address some of their concerns.

3. Angelica Gutierrez, on behalf of Box Grove Community Association, spoke in opposition to the proposed motion.
  4. Karen Rea, on behalf of Markham Village City Ratepayers Association, spoke in opposition to the proposed motion.
  5. Ricky Tsui, spoke in opposition to the proposed motion.
- (See Item No. 1, Report No. 8 for Council's decision on this matter)

**Carried**

(2) **DELEGATION REGARDING THE REVIEW OF PARKLAND  
DEDICATION BY-LAW, POLICIES AND PRACTICES (10.0)**

Karen Rea, on behalf of Markham Village City Ratepayers Association, spoke in opposition to the proposed motion on the parkland dedication by-law, policies and practices.

(See Item No. 3, Report No. 8 for Council's decision on this matter)

(3) **DELEGATION REGARDING THE RESTAURANT  
FLOOR SPACE WITHIN THE COMMERCIAL CORE AREA  
OF HISTORIC UNIONVILLE - UNIONVILLE BUSINESS  
IMPROVEMENT AREA (10.4, 10.5)**

Sharon Taylor Woods spoke in support of the proposed motion regarding the restaurant floor space within the Commercial Core Area of Historical Unionville.

(See Item No. 4, Report No. 8 for Council's decision on this matter)

**5. PETITIONS**

There were no petitions.

**6(a) REPORT NO. 7 - GENERAL COMMITTEE (February 24, 2014)**

Council consented to separate Item No. 4.

Moved by Regional Councillor Gord Landon

Seconded by Councillor Colin Campbell

That Report No. 7 – General Committee comprised of 6 items be received and adopted, except Item No. 4. (See following Item No. 4)

(1) TREE CUTTING SERVICES  
- PURCHASE ORDER ADJUSTMENT (5.7 & 7.0)  
[Report](#)

- 1) That the report “Tree Cutting Services – Purchase Order Adjustment” be received; and,
- 2) That the purchase orders for Tree Cutting Services be extended for a further period of eight (8) weeks effective March 1, 2014 for the purpose of cleaning up ice storm damages in city parks under the same terms and conditions; (refer to financial considerations section of this report for the list of contractors and the value of awards); and,
- 3) That the purchase orders be increased by \$ 1,463,309 for eight (8) weeks effective March 1, 2014; and,
- 4) That the Senior Manager of Purchasing and Accounts Payable and Director of Operations be authorized to reallocate funds between the Tree Cutting Services contractors for the duration of the contract; to a combined total not to exceed the amount of \$1,463,309; and,
- 5) That the additional costs be coded to account 330-330-5403 “Parks Ice Storm Cleanup” and be funded from the Corporate Rate Stabilization Reserve Account 086-2700114; and,
- 6) That Staff be authorized to proceed with an invitation to tender for removal of trees and debris from watercourses; and,
- 7) That Council authorize the Chief Administrative Officer (CAO) to award the tender for removal of trees and debris from watercourses; and,

- 8) That Council authorize the CAO to extend the tender award for further periods as required; and further,
- 9) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

(2) MANAGEMENT OF PUBLICATION  
DISPENSING BOXES WITHIN  
MARKHAM ROAD ALLOWANCES (5.0)  
[Report](#) [Attachments](#)

- 1) That the report entitled 'Management of Publication Dispensing Boxes within Markham Road Allowances' be received; and,
- 2) That By-law 2013-136, Road Occupancy, be amended to provide for the regulation of Publication Dispensing Boxes within City of Markham rights of way including revised Road Occupancy Fees for associated services; and,
- 3) That Policy 2013-136-02 Publication Dispensing Box Policy be approved by Council; and,
- 4) That the Director of Operations be authorized to amend the Publication Dispensing Box Policy as he/she may deem necessary to enhance the regulation of publication dispensing boxes; and,
- 5) That the Operations Department work with the Public Realm Advisory Committee to develop a standard for publication dispensing infrastructure that complements other street furniture initiatives; and,
- 6) That publication dispensing box permit fees be increased from \$25 to \$50 for the first 50 boxes placed by an applicant and \$100 for each additional box thereafter; and,
- 7) That the 2014 Operating Budget be amended to include the projected incremental revenues for the increased publication dispensing boxes permit fees; and,
- 8) That staff work with The Regional Municipality of York to develop an agreement outlining each parties' obligations with respect to the management of publication dispensing boxes within the Regional rights-of-way within the boundaries of the City of Markham; and,

- 9) That the Mayor and Clerk be authorized to execute an Agreement with The Regional Municipality of York outlining each parties' obligations with respect to management of publication dispensing boxes within the regional rights-of-way within the boundaries of the City of Markham, in a form and content satisfactory to the Chief Administrative Officer and the City Solicitor; and,
  - 10) That staff be directed to report back to General Committee in September 2014 regarding the amended Publication Dispensing Box Policy; and further,
  - 11) That staff be authorized and directed to do all things necessary to give effect to this resolution.
- (By-law 2014-23)

**Carried**

- (3) AWARD OF TENDER #276-T-13 -  
WATERPLAY REHABILITATION  
FOR ASHTON MEADOWS PARK AND  
JAMES EDWARD PARK (7.12)  
[Report](#)

- 1) That the report entitled "Award of Tender # 276-T-13 – Waterplay Rehabilitation for Ashton Meadows Park and James Edward Park" be received; and,
- 2) That the contract for the Waterplay Rehabilitation be awarded to the lowest priced bidder Hawkins Contracting Services Limited, in the total amount of \$349,187.40 inclusive of HST; and,
- 3) That a contingency in the amount of \$34,918.74 (10%), 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 the award be funded from the Operations Capital Account 059-6150-13424-005 "Waterplay Rehabilitation and Replacement Program"; and,
- 5) That the funding shortfall in the amount of \$147,217.37 be funded from the Life Cycle Replacement and Capital Reserve; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

(4) MAYOR'S YOUTH TASK FORCE NAME CHANGE (5.0)  
[Report](#)

Moved by Regional Councillor Gord Landon  
Seconded by Councillor Colin Campbell

- 1) That the Mayor's Youth Task Force Name Change Report be received; and,
- 2) That Council approve the name change of the Mayor's Youth Task Force (MYTF) to the Markham Mayor's Youth Council (MMYC); and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

(5) MARKHAM ARTS COUNCIL (7.6)

- 1) That the City of Markham provide the 2014 Celebrate Markham grant in the amount of \$19,000.00 to the Markham Arts Council.

**Carried**

(6) ENTRANCE/EXIT TO THE PLAZA AT  
MCCOWAN ROAD AND HIGHWAY 7 (5.12)

- 1) That York Region traffic staff be requested to review the McCowan Road entrance/exit to the plaza at the south west corner of McCowan Road south of Highway 7 and report back to the City of Markham by the end of May 2014.

**Carried**

**6(b) REPORT NO. 8 - DEVELOPMENT SERVICES COMMITTEE  
(February 25, 2014)**

Council consented to separate Item Nos. 1 and 3.

Moved by Councillor Alex Chiu

Seconded by Councillor Alan Ho

That Report No. 9 – Development Services Committee comprised of 5 items be received and adopted, except Item Nos. 1 and 3. (See following Item Nos. 1 and 3)

- (1) RECOMMENDATION REPORT, PLAN B HOMES INC.  
AND 2381423 ONTARIO INC., ZONING AMENDMENT  
AND DRAFT PLAN OF SUBDIVISION APPLICATIONS  
TO PERMIT 15 SINGLE DETACHED DWELLINGS AT  
6827 14<sup>TH</sup> AVENUE AND 6805 14<sup>TH</sup> AVENUE  
FILE NOS. ZA 12 127915 & SU 12 127915 (10.5, 10.7)  
[Memo](#) [Report](#)

Moved by Councillor Logan Kanapathi

Seconded by Regional Councillor Jim Jones

- 1) That the depositions by Angelica Gutierrez, Box Grove Community Association, Amber Burke, Trish Vrotsos, on behalf of Vangy and Paul Vrotsos, and Nadia Vaccaro, representing Plan B Homes, regarding Plan B Homes Inc., and 2381423 Ontario Inc., be received; and,
- 2) That the written submissions by Angelica Gutierrez, Box Grove Community Association, Amber Burke, Trish Vrotsos, on behalf of Vangy and Paul Vrotsos regarding Plan B Homes Inc., and 2381423 Ontario Inc., be received; and,
- 3) That the report titled “RECOMMENDATION REPORT, Plan B Homes Inc., and 2381423 Ontario Inc., Zoning Amendment and Draft Plan of Subdivision Applications to permit 15 single detached dwellings at 6827 14<sup>th</sup> Avenue and 6805 14<sup>th</sup> Avenue, File Nos. ZA 12 127915 & SU 12 127915,” dated February 4, 2014, and the Memorandum dated February 25, 2014 from the Director of Engineering be received; and,
- 4) That the record of the Public Meetings held on April 9, 2013 and September 23, 2013, regarding the applications for approval of a Draft Plan of Subdivision and Zoning By-law Amendment be received; and,
- 5) That Draft Plan of Subdivision 19TM-12007 submitted by Plan B Homes Inc., and 2381423 Ontario Inc., be draft approved subject to the conditions outlined in Appendix ‘A’; and,



- 6) That the Director of Planning and Urban Design, or his designate be delegated authority to issue draft approval, subject to the conditions set out in Appendix 'A' as may be amended by the Director of Planning and Urban Design; and,
- 7) That the application submitted by Plan B Homes Inc. and 2381423 Ontario Inc., to remove the properties from the Rural Residential Zoning categories of By-laws 304-87 and 194-82, as amended, and incorporate them into a Residential Two (R2) zone category under By-law 177-96, as amended, be approved and the draft by-law attached as Appendix 'B' be finalized and enacted without further notice; and,
- 8) That Council authorize servicing allocation for 15 single detached units (55.5 population) from the current servicing allocation reserve; and,
- 9) That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner; and,
- 10) That the Region of York be advised of the servicing allocation for this development; and,
- 11) That the draft plan approval for Plan of Subdivision 19TM-12007 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period; and,
- 12) That staff report back to June 10, 2014 Development Services Committee with the final cost of the sanitary sewer installation along 14<sup>th</sup> Avenue including residents funding commitment to this project; and further,
- 13) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Deferred**

(See following motion to defer)

(See following motion to consider the matter)

Motion to defer the matter:

Moved by Councillor Logan Kanapathi

Seconded by Regional Councillor Jim Jones

That the recommendation from the February 25, 2014 Development Services Committee meeting regarding the applications submitted by Plan B Homes Inc., and 2381423 Ontario Inc. be referred to the March 18, 2014 Development Services Committee meeting to allow the Ward Councillor to organize a meeting between interested Members of Council, the applicant for Plan B Homes Inc. and 2381423 Ontario Inc., and representatives of the area residents.

Carried

Motion to consider the matter:

Moved by Councillor Logan Kanapathi

Seconded by Regional Councillor Jim Jones

That Council consider the matter regarding the applications submitted by Plan B Homes Inc. and 2381423 Ontario Inc. immediately following the delegations with respect thereto.

Carried

- (2) RECOMMENDATION REPORT  
ANGUS GLEN VILLAGE LTD.  
4071 MAJOR MACKENZIE DRIVE  
APPLICATIONS FOR REVISIONS TO DRAFT APPROVED  
PLAN OF SUBDIVISION 19TM - 03004 (PHASE 2D) AND  
AN IMPLEMENTING ZONING BY-LAW AMENDMENT  
SOUTHEAST CORNER OF MAJOR MACKENZIE DRIVE  
AND ANGUS GLEN BOULEVARD  
FILE NO.: SU/ZA 12 130341 (10.7, 10.5)  
[Report](#)

- 1) That the report dated February 25, 2014 and entitled "RECOMMENDATION REPORT, Angus Glen Village Ltd., 4071 Major Mackenzie Drive, Applications for Revisions to Draft Approved Plan of Subdivision 19TM – 03004 (Phase 2D) and an implementing zoning by-law amendment, Southeast corner of Major Mackenzie Drive and Angus Glen Boulevard, File No.: SU/ZA 12 130341", be received; and,
- 2) That revised draft plan of subdivision 19TM- 03004 (Phase 2D) submitted by Angus Glen Village Ltd., be draft approved subject to the conditions outlined in Appendix 'A'; and,

- 3) That the application submitted by Angus Glen Village Ltd. to amend Zoning By-177-96, as amended, be approved and the draft Zoning By-law amendment attached as Appendix “B”, be finalized and enacted without further notice; and,
- 4) That servicing allocation for a population of 99.9 persons (27 single detached units) be granted to plan of subdivision 19TM-03004 (Phase 2D) from the City of Markham 2011/2012 Servicing Allocation distribution; and,
- 5) That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner; and,
- 6) That the Region of York be advised of the servicing allocation for this development; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

(3) RECOMMENDATION REPORT  
UPDATE ON THE REVIEW OF PARKLAND  
DEDICATION BY-LAW, POLICIES AND PRACTICES  
– FINAL RECOMMENDATIONS  
PR 11 126647 (10.0)  
[Report](#)

Moved by Councillor Valerie Burke  
Seconded by Councillor Howard Shore

- 1) That the Report entitled “Update on the Review of Parkland Dedication By-law, Policies and Practices – Final Recommendations – PR 11 126647”, be received; and,
- 2) That the Final Report from The Planning Partnership entitled ‘City of Markham Review of Parkland Dedication By-law, Policies and Practices, May 2013’ (previously received by Development Services Committee), as further modified by the consultants’ memorandum of December 11, 2013 (attached as Appendix 1), be received, and that it be utilized to provide guidance to Staff and Council in matters involving parkland dedication; and,
- 3) That the draft Parkland Dedication By-law attached as Appendix 2 to this Report, including the recommended Adjusted Parkland Dedication Option for higher density development in intensification areas, be endorsed; and,

- 4) That the presentation by The Planning Partnership dated February 25, 2014 respecting the City of Markham Parkland Dedication Review, attached as Appendix 3, be received; and,
- 5) That Staff be directed to bring a final Parkland Dedication By-law forward for Council approval; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Deferred by a recorded vote (6:5)**  
(See following motion to defer)

Moved by Councillor Valerie Burke  
Seconded by Councillor Howard Shore

That the recommendation from the February 25, 2014 Development Services Committee meeting regarding the review of parkland dedication by-law, policies and practices, be deferred until the Province of Ontario has completed its review of the Land Use Planning and Appeal System in Ontario.

Carried by a recorded vote (6:5)  
(See following recorded vote)

YEAS: Councillor Valerie Burke, Councillor Howard Shore, Regional Councillor Joe Li, Deputy Mayor Jack Heath, Councillor Alan Ho, Councillor Logan Kanapathi. (6)

NAYS: Regional Councillor Jim Jones, Regional Councillor Gord Landon, Councillor Colin Campbell, Councillor Alex Chiu. (4)

ABSTAINED: Councillor Don Hamilton. (1)

ABSENT: Councillor Carolina Moretti, Mayor Frank Scarpitti. (2)

- (4) REQUEST TO REMOVE RESTRICTIONS  
ON THE APPROVAL OF ADDITIONAL RESTAURANT  
FLOOR SPACE WITHIN THE COMMERCIAL CORE AREA  
OF HISTORIC UNIONVILLE- UNIONVILLE BUSINESS  
IMPROVEMENT AREA (AMENDMENTS TO UNIONVILLE  
CORE AREA SECONDARY PLAN AND ZONING BY-LAW)  
FILE 14 107181 (10.4, 10.5)

[Report](#)

- 1) That the deputation by Sharon Taylor Woods in support of the proposal regarding Restaurant Floor Space within the Commercial Core Area of Historical Unionville be received; and,
  - 2) That the report entitled “Request to Remove Restrictions on the Approval of Additional Restaurant Floor Space within the Commercial Core Area of Historic Unionville – Unionville Business Improvement Area, (Amendment to Unionville Core Area Secondary Plan and Zoning By-law)”, dated February 25, 2014, be received; and,
  - 3) That the Record of the Public Meeting held on February 4, 2014 with respect to the proposed amendments to the Official Plan (Unionville Core Area Secondary Plan) and Zoning By-law 122-72, as amended, be received; and,
  - 4) That the proposed Official Plan Amendment (OP14 107181) and Zoning By-law Amendment (ZA 14 107181) initiated by the City of Markham, be approved, and the draft Official Plan and Zoning By-law amendments be finalized and enacted; and,
  - 5) That the amendment to the Official Plan (Revised 1987) be forwarded to the Region of York as modifications to the new Official Plan adopted by Council on December 10, 2013; and further,
  - 6) That staff be authorized and directed to do all things necessary to give effect to this resolution.
- (By-laws 2014-24 and 2014-25)

**Carried**

(5) RECOMMENDATION REPORT  
CITY-INITIATED AMENDMENT TO THE SIGN BY-LAW  
(BOUNDARY OF SPECIAL SIGN DISTRICT FOR  
BUTTONVILLE HERITAGE CONSERVATION DISTRICT) (2.16, 16.11)  
[Report](#)

- 1) That the staff report dated February 25, 2014, titled “Recommendation Report, City-Initiated Amendment to the Sign By-law (Boundary of Special Sign District for Buttonville Heritage Conservation District)”, be received; and,
- 2) That the proposed amendment to the Sign By-law 2002-94, attached as Appendix ‘A’, be approved and enacted without further notice; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.  
(By-law 2014-26)

**Carried**

**6(c) REPORT NO. 9 - GENERAL COMMITTEE (March 3, 2014)**

Council consented to separate Item No. 6.

Moved by Councillor Colin Campbell  
Seconded by Councillor Don Hamilton

That Report No. 9 - General Committee comprised of 6 items be received and adopted, except Item No. 6. (See following Item No. 6)

(1) AWARD OF CONTRACT 186-R-13  
REAL ESTATE BROKERAGE SERVICES (7.12 & 8.0)  
[Report](#)

- 1) That the report entitled “Award of Contract 186-R-13 Real Estate Brokerage Services” be received; and,
- 2) That the contract for Real Estate Brokerage Services be awarded to the highest ranked/lowest priced bidder, Cushman & Wakefield Ltd.; and,

- 3) That Contract 186-R-13 for Real Estate Brokerage Services be awarded to the highest ranked bidder, Cushman & Wakefield Ltd., for a one (1) year term with the City having an option to renew for four (4) additional years, with the following commission rates payable to them upon closing of the sales transaction for five years (exclusive of HST):

<b>Year</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Sale of property	2.00%	2.00%	1.75%	1.75%	1.75%
Purchase of property*	1.50%	1.50%	1.50%	1.50%	1.50%
Lease of property					
a) Residential (% of 1-month rent)	50.00%	50.00%	50.00%	50.00%	50.00%
b) Industrial (% of 1-month net rent)	2.00%	2.00%	2.00%	2.00%	2.00%
c) Office (\$ per square foot)	\$0.20	\$0.30	\$0.40	\$0.50	\$0.60

\*If the property is not actively listed for sale and the seller refuses to pay a commission to the broker, the City, as purchaser, would be responsible to pay commission at the rate as outlined on the above chart.

; and,

- 4) That bidder Cushman & Wakefield Ltd. be designated as the preferred vendor of the City's Real Estate Brokerage Services needs for a one year term with the City Solicitor having the authority to renew successive one year terms to a maximum of five years; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

- (2) BILL 69 – PROMPT PAYMENT ACT, 2013 (7.0)  
[Report](#) [Attachment](#)

- 1) That the Report titled “Bill 69 – Prompt Payment Act, 2013” be received; and,
- 2) That Council endorse the Association of Municipalities of Ontario's (AMO) request that municipal governments be exempt from the requirements of the Prompt Payment Act as set out in Attachment 1 to this report; and,

- 3) That the Mayor, on behalf of Council, forward a letter to the members of the Standing Committee, the party leaders and the local MPPs requesting Bill 69 - Prompt Payment Act be amended to:
  - reflect more realistic timelines for payments in infrastructure projects;
  - allow time for due diligence before accepting work and certifying payments; and
  - allow payments to continue to be tied to project milestones; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

(3) 2013 YEAR END REVIEW OF OPERATIONS (7.4)

[Report](#) [Appendices](#)

- 1) That the report dated entitled “2013 Year End Review of Operations” be received; and,
- 2) That the City’s 2013 total net unfavourable variance of (\$3.181M) be funded from the following sources:
  - a) LTD Reserve in the amount of \$0.281M for the City’s day-to-day operating surplus of \$1.614M net of year end accounting adjustments of (\$1.895M); and
  - b) Corporate Stabilization Reserve in the amount of \$2.900M for winter maintenance unfavourable variance of (\$1.810M) and ice storm related costs of (\$1.090M) incurred in 2013; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

(4) QUALITY MANAGEMENT SYSTEM -  
QMS POLICY ENDORSEMENT AND  
MANAGEMENT REVIEW OUTCOMES (5.3)

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

- 1) That the report “Quality Management System – 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) Policy; and,
- 3) That the Quality Management System 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 2013 Management Review #2; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

(5) AUTOMATED VACUUM COLLECTION (AVAC)  
FEASIBILITY WORKING GROUP -  
TERMS OF REFERENCE (5.0)  
[Report](#) [Attachment](#)

- 1) That the report entitled "AVAC Feasibility Working Group – Terms of Reference" be received; and,
- 2) That the attached AVAC Terms of Reference be approved and Regional Councillor Li be appointed Chair of the AVAC Feasibility Working Group with the following membership: Mayor Frank Scarpitti, Deputy Mayor Jack Heath and Councillor Alan Ho; and,
- 3) That the AVAC Feasibility Working Group provide a status update at the June 6<sup>th</sup>, 2014 General Committee meeting and table the completed study and recommendations in October 2014; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

- (6) THE PUBLIC SECTOR SALARY DISCLOSURE ACT (1996)  
- SUNSHINE LIST (13.2)

Moved by Councillor Colin Campbell  
Seconded by Councillor Don Hamilton

- 1) That the Ministry of Finance be requested to amend the *Public Sector Salary Disclosure Act (1996)* to include full disclosure of salaries over \$100,000 for all Ontario public sector salaries for all Boards, Agencies and Hydro Local Distribution Companies.

**Carried**

## **7. MOTIONS**

There were no motions.

## **8. NOTICES OF MOTIONS**

There were no notices of motions.

## 9. COMMUNICATIONS

Moved by Councillor Alex Chiu

Seconded by Councillor Alan Ho

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

### Referred to all Members of Council

6-2014 ROAD CLOSURE REQUEST – UNIONVILLE FESTIVAL FUNKY 5 K (3.5)

[Info](#)

The following roads/sidewalks will be closed on June 8, 2014 from 8:30 am to 10:30 am to facilitate the event:

- Carlton Rd just west of Main Street Unionville to Pomander Rd (road closure)
- West on Carlton Rd into Toogood Pond paths (sidewalk)
- Toogood Pond paths up to 16<sup>th</sup> Avenue (sidewalk)
- Along 16<sup>th</sup> Ave to Normandale Rd (sidewalk)
- Run alongside of road (coned in) on Normandale Rd (sidewalk)
- Back out to 16<sup>th</sup> Avenue sidewalks to Toogood Pond path entry (sidewalk)
- Back along Toogood Pond path to Carlton Rd.

**Carried**

7-2014 ROAD CLOSURE REQUEST – CANADA DAY CELEBRATIONS (3.5)

[Info](#)

The following roads will be closed on July 1, 2014 to facilitate the Canada Day Celebrations:

3:00 pm to 4:30 pm

- McCowan Road from Bullock Drive to South Unionville Avenue
- McCowan Road and Heritage Road
- Hwy. 7 – east and west of McCowan Road

8:30 pm to 11:30 pm

- McCowan Road north of South Unionville Avenue –rolling closures

**Carried**

- 8-2014 LIQUOR LICENCE APPLICATION FOR MADE IN CHINA HOT POT RESTAURANT, 505 HIGHWAY 7 EAST, UNITS 68 AND 69 (WARD 2) (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 areas).

**Carried**

- 9-2014 LIQUOR LICENCE APPLICATION FOR I DARTS TORONTO, 7850 WOODBINE AVENUE, UNIT 228 (WARD 8) (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**

## **10. PROCLAMATIONS**

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

Moved by Regional Councillor Gord Landon

Seconded by Councillor Logan Kanapathi

- 1) That the following proclamation issued by the City Clerk in accordance with the City of Markham Proclamation Policy be received for information purposes:
  - Girls Rights Week (April 28 to May 2, 2014)
  - Nowruz (Persian New Year) (March 20, 2014); and,
- 2) That the following new request for proclamation approved by the City Clerk in accordance with the City of Markham Proclamation Policy be received and added to the Five-Year Proclamations List approved by Council:
  - World Plumbing Day (March 11, 2014); and,

- 3) That the following new request for proclamation be approved and added to the Five-Year Proclamations List approved by Council:
- Greek Independence Day (March 25, 2014); 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:
- Flag of Greece (March 31, 2014)

**Carried**

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

There was no new/other business.

## **12. BY-LAWS**

Moved by Councillor Alex Chiu  
Seconded by Regional Councillor Joe Li

That By-laws 2014-20 to 2014-30 be given three readings and enacted.

### **Three Readings**

BY-LAW 2014-20 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST (MUNSHAW HOMESTEAD, 10 RUGGLES AVENUE)

[By-law](#)

**Carried**

BY-LAW 2014-21 ROAD DEDICATION BY-LAW (PLAN 65M-4333)  
A by-law to dedicate certain lands as part of the highways of the City of Markham,  
(Block 54, Plan 65M-4333 - Fimco Crescent)

[By-law](#)

**Carried**

BY-LAW 2014-22 ROAD DEDICATION BY-LAW (PLANS 65M-3759 AND 65M-4345)  
A by-law to dedicate certain lands as part of the highways of the City of Markham.  
(Block 378, Plan 65M-3759 - Saddlebrook Drive;  
Block 379, Plan 65M-3759 - Lane AA;  
Block 78, Plan 65M-4345 - Toulouse Court;  
Block 79, Plan 65M-4345 - Vinod Road;  
Block 80, Plan 65M-4345 - Toulouse Court;  
Block 81, Plan 65M-4345 - Lane)

[By-law](#)

**Carried**

BY-LAW 2014-23 A BY-LAW TO AMEND ROAD OCCUPANCY BY-LAW 2013-136  
(TO PROVIDE FOR THE REGULATION OF PUBLICATION  
DISPENSING BOXES WITHIN CITY OF MARKHAM RIGHTS OF  
WAY INCLUDING REVISED ROAD OCCUPANCY FEES FOR  
ASSOCIATED SERVICES)  
(Item No. 2, Report No. 7)

[By-law](#)

**Carried**

BY-LAW 2014-24 COMMERCIAL CORE AREA OF HISTORIC UNIONVILLE -  
UNIONVILLE BUSINESS IMPROVEMENT AREA, OFFICIAL PLAN  
AMENDMENT  
A by-law to adopt Official Plan Amendment No. 215 (Restaurant Policy  
Modifications).  
(Item No. 4, Report No. 8)

[OPA](#)

**Carried**

BY-LAW 2014-25 COMMERCIAL CORE AREA OF HISTORIC UNIONVILLE -  
UNIONVILLE BUSINESS IMPROVEMENT AREA, ZONING BY-  
LAW AMENDMENT  
A by-law to amend By-law 122-72, as amended, to modify and add  
specific definitions, add specific restaurant type uses as permitted uses and  
expand the permitted uses.  
(Item No. 4, Report No. 8)

[By-law](#)

**Carried**

- BY-LAW 2014-26 A BY-LAW TO AMEND SIGN BY-LAW 2002-94 (BOUNDARY OF SPECIAL SIGN DISTRICT FOR BUTTONVILLE HERITAGE CONSERVATION DISTRICT)  
(Item No. 5, Report No. 8)

[By-law](#)

**Carried**

- BY-LAW 2014-27 ROAD DEDICATION BY-LAW (PLANS 65M-4096, 65M-4376, 65M-3767)

A by-law to dedicate certain lands as part of the highways of the City of Markham.

(Block 20, Plan 65M-4096 - Gas Lamp Lane;  
Block 21, Plan 65M-4096 - Lane C2;  
Blocks 55, 56 and 60, Plan 65M-4376 – Lane;  
Block 57, Plan 65M-4376 - Cornwall Drive;  
Block 58, Plan 65M-4376 - Almira Avenue;  
Block 59, Plan 65M-4376 - Lawrence Pilkington Avenue;  
Block 61, Plan 65M-4376 - Diamond Jubilee Drive;  
Block 62, Plan 65M-4376 - Cornell Centre Boulevard;  
Block 357, Plan 65M-3767 - Cornell Centre Boulevard;  
Block 365, Plan 65M-3767 - Lane C2;  
Block 366, Plan 65M-3767 - Morning Dove Drive;  
Block 367, Plan 65M-3767 - Lane C1;  
Blocks 371 and 372, Plan 65M-3767 - White's Hill Avenue)

[By-law](#)

**Carried**

- BY-LAW 2014-28 ROAD DEDICATION BY-LAW (65M-3767, 65M-4054, 65M-4375, 65M-4306)

A by-law to dedicate certain lands as part of the highways of the City of Markham.

(Block 375, Plan 65M-3767 - Cornwall Drive;  
Block 377, Plan 65M-3767 - Lane K;  
Block 43, Plan 65M-4054 - Lane 3;  
Block 44, Plan 65M-4054 - Bittersweet Street;  
Block 45, Plan 65M-4054 - Murray Wilson Drive;  
Block 46, Plan 65M-4054 - Lane 2;  
Part of Lot 14, Concession 9, designated as Parts 1 to 6 inclusive and Part 17, Plan 65R-20360 - Almira Avenue;  
Block 131, Plan 65M-4375 - Cornwall Drive;  
Block 132, Plan 65M-4375 - Stone Jug Avenue;  
Block 133, Plan 65M-4375 - Lane;  
Block 134, Plan 65M-4375, Almira Avenue;  
Block 135, Plan 65M-4375 - Demott Avenue;  
Blocks 136, 137 and 140, Plan 65M-4375 - Cornell Centre Boulevard;

Block 138, Plan 65M-4375 - Church Street;  
Block 139, Plan 65M-4375 - Cinemark Avenue;  
Block 141, Plan 65M-4375 - The Meadows Avenue;  
Block 227, Plan 65M-4306 - Donald Sim Avenue;  
Block 229, Plan 65M-4306 - Demott Avenue;  
Block 230, Plan 65M-4306 - Disk Drive;  
Block 231, Plan 65M-4306 - Cornell Park Avenue;  
Blocks 232, 234, 238, 239, 241, 245 and 246, Plan 65M-4306 - Lane;  
Block 233, Plan 65M-4306 - Raven Cross Avenue;  
Block 235, Plan 65M-4306 - The Meadows Avenue;  
Block 237, Plan 65M-4306 - Cinemark Avenue;  
Block 240, Plan 65M-4306 - Frank Davis Street;  
Block 243, Plan 65M-4306 - Church Street)

[By-law](#)

**Carried**

BY-LAW 2014-29 ROAD DEDICATION BY-LAW (65M-4333)  
A by-law to dedicate certain lands as part of the highways of the City of Markham  
(Part of Block 31, Plan 65M-4333, designated as Part 1, Plan 65R-34798 - Fimco Crescent)

[By-law](#)

**Carried**

BY-LAW 2014-30 CORNELL ROUGE DEVELOPMENT CORP., PART LOT CONTROL EXEMPTION BY-LAW (PLAN 65M-4364)  
A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Lots 29 to 32 inclusive, 45 to 48 inclusive, 104, 105, 119 to 122 inclusive, 154 and 155, Plan 65M-4364, west of Donald Cousens Parkway and east of Cornell Rouge Boulevard.

[By-law](#)

**Carried**



**13. IN-CAMERA ITEMS**

Moved by Regional Councillor Jim Jones

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 (8:39 PM):

**General Committee - February 24, 2014**

- (1) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/COMMITTEE APPOINTMENTS) (16.24)  
[Section 239 (2) (b)]
- (2) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (CITY WIDE) (6.3)  
[Section 239 (2) (b)]

**Development Services Committee - February 25, 2014**

- (3) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (5.0, 8.0)  
[Section 239 (2) (e)]

**General Committee – March 3, 2014**

- (4) ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE (CLOSED MEETING INVESTIGATOR REPORT) (13.2)  
[Section 239 (2) (f)]
- (5) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 3) (8.6)  
[Section 239 (2) (c)]

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

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

That Council rise from the in-camera session. (8:46 PM)

**Carried**

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

- (1) BOARD/COMMITTEE APPOINTMENTS (16.24)

Moved by Regional Councillor Jim Jones  
Seconded by Regional Councillor Gord Landon

- 1) That the following persons be appointed to the Canada Day Committee:
- | <u>Name</u>       | <u>Term</u>       |
|-------------------|-------------------|
| Clarence Li       | November 30, 2014 |
| Viki Metaxas      | November 30, 2014 |
| Rocky Chen        | November 30, 2014 |
| Catherine Johnson | November 30, 2014 |

**Carried**

(2) NAMING OF CITY OF MARKHAM PARKS (6.3)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Gord Landon

- 1) That the confidential report entitled "Naming of City of Markham Parks" be received; and,
- 2) That staff be authorized to proceed as directed by Council on March 5, 2014; and further,
- 3) That the City Clerk be authorized to release the in-camera resolution approved by Council and Appendix A attached to the "Naming of City of Markham Parks" confidential staff report as a public document after April 30, 2014.

**Carried**

(3) ENBRIDGE GAS DISTRIBUTION INC. ("ENBRIDGE")  
- NOTICE OF APPLICATION (8.0)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Gord Landon

- 1) That the confidential report dated February 25, 2014 regarding the Notice of Application from Enbridge Gas Distribution Inc. ("Enbridge") be received; and,
- 2) That staff be authorized to proceed as directed by Council on March 5, 2014.

**Carried**

(4) CLOSED MEETING INVESTIGATOR REPORT – MARKHAM SPORTS ENTERTAINMENT AND CULTURAL SUB-COMMITTEE MEETING OF FEBRUARY 11, 2013 (13.2)

[Report](#)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Gord Landon

- 1) That the Confidential Staff Report entitled “Closed Meeting Investigator Report – Markham Sports, Entertainment and Cultural Sub-Committee meeting of February 11, 2013” dated February 14, 2014, be received; and,
- 2) That the Confidential Staff Report entitled “Closed Meeting Investigator Report – Markham Sports, Entertainment and Cultural Sub-Committee meeting of February 11, 2013” dated February 14, 2013, be released in its entirety, excluding Appendix A; and,
- 3) That the Amberley Gavel Report be redacted to remove personal information about an identifiable individual in accordance with the requirements of the Municipal Freedom of Information and Privacy Act and then released in its redacted form; and,
- 4) That Amberley Gavel be advised that the City of Markham does not agree with the conclusions of their Closed Meeting Investigator Report for the following reasons:
  - a) The Information and Privacy Commissioner of Ontario is not a subject matter expert on the Municipal Act as found by the Ontario Divisional Court in St. Catharines (City) v. Ontario (Information and Privacy Commissioner);
  - b) Notwithstanding 4(a), the Investigator relied on an outdated, narrow interpretation of “security of the property” contained in Order MO-2468-F by the Information and Privacy Commissioner of Ontario;
  - c) The Investigator failed to take into consideration more recent Information and Privacy Commissioner Orders, including Order MO-2683-I dated December 30, 2011 and Order MO-2700 dated March 20, 2012, which determined that:
    1. Security of property, for the purposes of permitting in camera meetings, includes both corporeal (tangible) and incorporeal (rights in property) properties.
    2. Discussions related to particular risks to property, and the methods to be taken to secure the property from potential adverse impacts, may be the subject of in camera meetings.

- d) Had the Investigator relied on more recent case law they should have upheld the City's decision to go in-camera on the basis of the "security of the property" provision of the Municipal Act; and,
- 5) That the Ministry of Municipal Affairs and Housing be requested to amend or clarify the scope and meaning of the "security of the property" and "acquisition and disposition" provisions within Section 239 of the Municipal Act to ensure that Municipalities are able to conduct negotiations for long term leases of municipal assets in a confidential setting to protect the municipal interest in those assets, without compromising their bargaining power; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

(5) PROPOSED PARKLAND AT THE REAR OF 93 AND 103 HELEN AVENUE  
(SUNRISE ACQUISITIONS (UNIONVILLE) INC.) (8.6)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Gord Landon

- 1) That the confidential report entitled "Proposed Parkland at the rear of 93 and 103 Helen Avenue (Sunrise Acquisitions (Unionville) Inc.)" be received; and,
- 2) That the conditions of draft approval for Draft Approved Plans 19TM-12003 and 19TM-05020 be amended and the subdivision agreement to be entered into in respect of those plans, to implement the following:
  - i) That the Owner convey to the City the parkland dedication requirement generated by the (combined) subdivision being approximately 0.067 acres, free and clear of all encumbrances, on registration of the plan of subdivision;
  - ii) That the Owner grant to the City in the Subdivision Agreement an Option to Purchase the balance of the lands identified for park purposes on the draft plan, being 0.253 acres for the fixed price of \$263,541, being the 2014 fair market value, which option to purchase may be exercised by the City after the lands are no longer encumbered by a temporary turning circle and stormwater management facilities; and,
- 3) That the future parkland price of \$263,541 be funded from the Parks Cash-in-Lieu Account 087-2800-148; and,

- 4) That Staff be authorized and directed to exercise the above described Option to Purchase when the Director of Engineering has confirmed that the lands to be subject to the Option to Purchase are no longer encumbered by the temporary turning circle and storm water management facilities; and,
- 5) That the Mayor and Clerk be authorized to execute an Option Agreement and any other documents related to the creation and exercise of the above described Option to Purchase, in a form and content satisfactory to the Chief Administrative Officer and the City Solicitor; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

(6) BOARD/COMMITTEE APPOINTMENT AND RESIGNATION (16.24)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Gord Landon

- 1) That the resignation of Jim Dornan from the Seniors Hall of Fame Awards Committee be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti; and,
- 2) That Angela Morris, Chair of the Seniors Advisory Committee, be appointed to the Seniors Hall of Fame Awards Committee with a term ending November 30, 2015.

**Carried**

#### **14. CONFIRMATORY BY-LAW**

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

That By-law 2014-31 be given three readings and enacted.

#### **Three Readings**

BY-LAW 2014-31 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF MARCH 5, 2014.

[By-law](#)

**Carried**

**15. ADJOURNMENT**

Moved by Councillor Alex Chiu

Seconded by Councillor Colin Campbell

That the Council Meeting be adjourned 8:49 PM.

**Carried**

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Kimberley Kitteringham  
City Clerk

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Jack Heath  
Deputy Mayor

(Signed)