



Council Minutes

February 11, 2014, 7:00 PM

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 5

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
Andrea Tang, Manager of Financial Planning
Dennis Flaherty, Director of Communications and Community Relations
John Wong, Technology Support Specialist
Kimberley Kitteringham, City Clerk
Martha Pettit, Deputy City Clerk

The regular meeting of Council convened at 7:05 PM on February 11, 2014 in the Council Chamber. Mayor Frank Scarpitti presided.

1. DISCLOSURE OF PECUNIARY INTEREST

(1) None declared.

2. MINUTES

- (1) COUNCIL MINUTES
– JANUARY 28, 2014, JANUARY 29, 2014, FEBRUARY 4, 2014
[Jan28](#) [Jan29](#) [Feb4](#)

Moved by Councillor Alex Chiu
Seconded by Councillor Valerie Burke

- 1) That the minutes of the Council meetings held on January 28, 2014, January 29, 2014 and February 4, 2014, be adopted.

Carried

3. PRESENTATIONS

- (1) 2014 OPERATING BUDGET PRESENTATION (7.4)
[Presentation](#)

Regional Councillor Gord Landon, Budget Sub-Committee Chair, provided introductory remarks and thanked Members of the Budget Sub-Committee and City staff for their hard work and input into the creation of the budget document.

Andrea Tang, Manager of Financial Planning, provided a PowerPoint presentation outlining the highlights of the 2014 budget.
(See Item No. 1, Report No. 5 for Council's decision on this matter)

4. DELEGATIONS

- (1) DELEGATIONS REGARDING THE ITEM
TITLED "2014 OPERATING BUDGET" (7.4)

Moved by Deputy Mayor Jack Heath
Seconded by Councillor Alan Ho

That the following delegations providing comments regarding the item titled "2014 Operating Budget" be received:

- Karen Rea, Markham Village City Ratepayers Association.
- Jim Kwan.

(See Item No. 1, Report No. 5 for Council's decision on this matter)

5. PETITIONS

There were no petitions.

6(a) REPORT NO. 5 - GENERAL COMMITTEE (February 3, 2014)

Moved by Councillor Carolina Moretti
Seconded by Councillor Don Hamilton

That Report No. 5 – General Committee comprised of 8 items be received and adopted, except Item Nos. 1 and 7. (See following Item Nos. 1 and 7)

(1) 2014 OPERATING BUDGET (7.4) [Report](#) [Attachments](#)

Discussion on the matter ensued.
(See Presentation Item No. 1 for staff's presentation on this matter)

Moved by Regional Councillor Gord Landon
Seconded by Councillor Logan Kanapathi

- 1) That the report dated February 3, 2014 entitled, “2014 Operating Budget” be received; and,
- 2) That Council approve a 2.33% tax rate increase to the City’s tax levy to support the City’s day-to-day operations; and,
- 3) That Council approve an additional 0.16% tax rate increase to replenish the Corporate Rate Stabilization Reserve Fund to partially offset the costs associated with the December 2013 ice storm in the City of Markham; and,
- 4) That Council approve the 2014 Operating Budget for City services totalling \$187,466,019 (excluding the 2013 surplus/deficit) which includes a 2.49% tax rate increase over 2013 (\$180,795,409), of which the principal components are detailed in Appendix 1; and,

- 5) That the gross operating expenditures of \$187,466,019, (excluding the 2013 surplus/deficit), be funded from the following sources:

<u>Revenue</u>	<u>2014 Budget \$</u>
Taxation Levies	130,499,439
Grants-in-lieu of Taxes	1,209,007
Grant & Subsidy Revenues	1,554,994
General Revenues (Investment Income, Fines, Permits, Interest & Penalties)	26,498,941
User Fees & Service Charges (User Fees, Rentals, Sales)	23,158,473
Other Income / Recoveries	4,545,165
Total Revenues	187,466,019

; and,

- 6) That Council approve the 2014 Planning & Design Operating Budget totalling \$7,829,268, (excluding the 2013 surplus/deficit), the principal components of which are detailed in Appendix 2; and,
- 7) That Council approve the 2014 Engineering Operating Budget totalling \$6,527,807, (excluding the 2013 surplus/deficit), the principal components of which are detailed in Appendix 3; and,
- 8) That Council approve the 2014 Building Standards Operating Budget totalling \$8,386,048, (excluding the 2013 surplus/deficit), the principal components of which are detailed in Appendix 4; and,
- 9) That upon finalization of the 2013 audited financial statements, the 2014 Operating, Planning & Design, Engineering and Building Standards Operating Budgets be adjusted to reflect the 2013 operating results; and,
- 10) That a copy of the Budgets be made available to the public through the Clerk's Department, the City website and each of the Markham Public Libraries; and,
- 11) That the "Additional Financial Disclosure Requirements Pursuant to Ontario Regulation 284/09" be received for information purposes; and further,
- 12) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried by a recorded vote (12:1)
 (See following to consider the matter)
 (See following amendments)
 (See following recorded vote)
 (See following motion which was lost)

Motion to consider the matter:

Moved by Regional Councillor Gord Landon

Seconded by Councillor Logan Kanapathi

That Council consider the item titled "2014 Operating Budget" immediately following the delegations with respect thereto.

Carried

Amendments consented by Council:

Council consented to delete the following Resolution No. 3 in its entirety:

- "3) That Council approve an additional 0.16% tax rate increase to fund the response and recovery costs associated with the December 2013 ice storm;"

and replace with the following revised Resolution No. 3:

- "3) That Council approve an additional 0.16% tax rate increase to replenish the Corporate Rate Stabilization Reserve Fund to partially offset the costs associated with the December 2013 ice storm in the City of Markham;"

Recorded vote for the approval of the proposed recommendation, as amended (12:1):

YEAS: Councillor Valerie Burke, 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. (12)

NAYS: Regional Councillor Joe Li. (1)

Motion which was lost by a recorded vote (10:3):

Moved by Regional Councillor Joe Li

Seconded by Councillor Colin Campbell

That the 2014 Operating Budget be reduced by \$40,000 by removing the after-hours contract position at the Civic Centre.

Motion lost by a recorded vote (10:3)
(See following recorded vote)

NAYS: Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Regional Councillor Gord Landon, Councillor Alan Ho, Councillor Logan Kanapathi, Councillor Alex Chiu. (10)

YEAS: Regional Councillor Joe Li, Deputy Mayor Jack Heath, Councillor Colin Campbell. (3)

(2) MINUTES OF THE NOVEMBER 20, 2013
AND JANUARY 15, 2014 ADVISORY
COMMITTEE ON ACCESSIBILITY (16.0)
[Nov. 20](#) [Jan. 15](#) [Communications](#)

- 1) That the minutes of the November 20, 2013 and January 15, 2014 Advisory Committee on Accessibility meetings be received for information purposes; and,
- 2) That based on the information presented by the Concerned Citizens for Accessibility and Mobility Group at the January 15, 2014 Advisory Committee on Accessibility meeting, the Advisory Committee on Accessibility expressed its concerns regarding York Region's proposal to outsource the Mobility Plus Eligibility Appeal Panel; and,
- 3) That Markham Council recommend to York Region that it maintain the current structure of the Mobility Plus Eligibility Appeal Panel until a more comprehensive review is conducted; and,
- 4) That Markham Council recommend to York Region that a Member of the Markham's Advisory Committee on Accessibility be included in this review; and,
- 5) That Markham Council recommend to York Region that all York Region Advisory Committees on Accessibility be consulted on any future changes to the structure of Mobility Plus; and,
- 6) That the deputation from Kim McKinnon, Community Legal Worker be received; and,
- 7) That the correspondence dated January 30, 2014 from Arlene Juanillo, Member of the Advisory Committee on Accessibility, providing comments on the Advisory Committee on Accessibility's resolution on the Mobility Plus Eligibility Appeal Panel be received; and,
- 8) That the correspondence dated January 31, 2014 from Sidney Polak, Chair of the Advisory Committee on Accessibility, providing comments on the Advisory Committee on Accessibility's resolution on the Mobility Plus Eligibility Appeal Panel be received; and,
- 9) That the correspondence dated February 3, 2014 from Joan Jenkyn, member of the Advisory Committee on Accessibility be received; and further,
- 10) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(3) PROPOSED ALL-WAY STOP CONTROL AT
BUR OAK AVENUE AND SWAN PARK ROAD (5.12)

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

- 1) That the report entitled “Proposed All-way Stop Control at Bur Oak Avenue & Swan Park Road”, be received; and,
- 2) That, to improve pedestrian safety within the school zone, Schedule 12 of Traffic By-law 106-71, pertaining to compulsory stops, be amended to include all approaches to the intersection of Bur Oak Avenue & Swan Park Road; and,
- 3) That the existing school crossing guard service be relocated from its current location to the subject intersection upon installation of the all-way stop control; and,
- 4) That the Operations Department be directed to install and remove the appropriate signs and pavement markings at the subject locations; and,
- 5) That the cost of materials for the installation and removal of applicable traffic signs, pavement markings and boulevard restoration be funded from capital project # 14228 (Traffic Operational Improvements) in the amount of \$2,000; and,
- 6) That York Region Police be requested to enforce the all-way stop control upon installation of these stop signs and passing of the By-law; and further,
- 7) That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2014-15)

Carried

(4) REQUEST FOR TRAFFIC SIGNALS -
DONALD COUSENS PARKWAY AND
DELRAY DRIVE (5.12)

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

- 1) That the report entitled “Request for Traffic Signals – Donald Cousens Parkway & Delray Drive” be received; and,
- 2) That York Region staff be requested to evaluate the intersection to determine if traffic signals are justified, based on York Region’s Traffic Signal Warrant policy and recognizing the needs of pedestrians; and,

- 3) That York Region staff be requested to report back to City Council regarding the results and recommendations; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(5) REQUEST FOR TRAFFIC SIGNALS -
BOX GROVE BYPASS AND
RIVERWALK DRIVE (5.12)

[Report](#) [Attachments](#) [A. Mohamed Letter](#)

- 1) That the report entitled “Request for Traffic Signals – Box Grove Bypass & Riverwalk Drive” be received; and,
- 2) That York Region staff be requested to evaluate the intersection to determine if traffic signals are justified, based on York Region’s Traffic Signal Warrant policy and recognizing the needs of pedestrians; and,
- 3) That York Region staff be requested to report back to City Council by April 2, 2014 regarding the results and recommendations; and,
- 4) That the letter dated November 18, 2013 from Ashma Mohamed, be received; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(6) ANNUAL WATER QUALITY REPORT
(JANUARY – DECEMBER 2013) (5.3)

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

- 1) That the report titled “Annual Water Quality Report (January-December 2013)” as required by Schedule 22 of Ontario Regulation 170/03, under the Safe Drinking Water Act, 2002, enclosed herein be received; and,
- 2) That the Annual 2013 Regulatory Water Quality Report (Attachment “A”), containing information for the Ministry of the Environment (MOE) on water supply and quality as required by Section 11 of Ontario Regulation 170/03, under the Safe Drinking Water Act, 2002, be received; and,

- 3) That Council directs staff to post the Annual 2013 Detailed Regulatory Water Quality Report on the City's website and that it be made available and provided to residents upon request in hard copy version by February 28, 2014; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(7) YORK REGION SM4RT LIVING LONG
TERM WASTE MASTER PLAN -
STAFF COMMENTS (5.1)
[Report](#)

- 1) That the report entitled "York Region SM4RT Living Long Term Waste Master Plan – Staff Comments" be received; and,
- 2) That a copy of this report is forwarded to York Region and the Local Municipalities for their information; and,
- 3) That York Region be requested to support and promote the implementation of Clear bags for garbage residue, Zero Waste for Schools and enhanced strategies to recycle electronic waste and batteries with its municipal partners; and,
- 4) That York Region request Waste Diversion Ontario (WDO) to accept and report out Markham's 2013 diversion results as part of the WDO's 2013 Municipal Datacall release; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

Council consented to add the following as Resolution Nos. 3 and 4:

- 3) That York Region be requested to support and promote the implementation of Clear bags for garbage residue, Zero Waste for Schools and enhanced strategies to recycle electronic waste and batteries with its municipal partners; and,
- 4) That York Region request Waste Diversion Ontario (WDO) to accept and report out Markham's 2013 diversion results as part of the WDO's 2013 Municipal Datacall release; and further,

(8) MARKHAM EARTH HOUR 2014 (12.2.6)
[Presentation](#)

- 1) That the presentation provided by Colin Campbell, Ward 5 Councillor, and Graham Seaman, Senior Manager Sustainability, entitled “Markham Earth Hour 2014” be received; and,
- 2) That Markham City Council endorse the “Markham Earth Hour 2014” event; and,
- 3) That the City of Markham provide the following to the “Markham Earth Hour 2014” event:
 - a) Promotional and event management resources from Corporate Communications.
 - b) Potential Staging and audio visual equipment.
 - c) Use of the Cornell Community Centre and grounds; and further,
- 4) That the City of Markham make a financial contribution to the “Markham Earth Hour 2014” event to cover incidental costs not covered by private sponsorship; and,
- 5) That \$265.00 from the Irish Heritage Fund and \$600.00 from the Tony Roman Hockey Tournament Fund be transferred to support this proposal; and further,
- 6) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6(b) REPORT NO. 6 - DEVELOPMENT SERVICES COMMITTEE (February 4, 2014)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

That Report No. 6 – Development Services Committee comprised of 2 items be received and adopted, except Item No. 1. (See following Item No. 1)

(1) UNIONVILLE SUB-COMMITTEE MINUTES
(MARKHAM CENTRE MOBILITY HUB STUDY
REVISED SCOPE OF WORK)

- January 21, 2014 (10.0)

[Minutes](#) [ARUP Presentation](#)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

- 1) That the minutes of the Unionville Sub-Committee meeting held January 21, 2014, be received for information purposes; and,
- 2) That the following recommendation from the January 21, 2014 minutes be endorsed:

"That Purchase Order PD 11314 issued to Arup Canada Inc. for contract 167-T-11 (Markham Centre Mobility Hub/Station – Consulting Services) be increased by \$290,765.00, inclusive of HST, (from \$369,197 to \$659,962) to cover the proposed expanded scope of work as detailed in this report, and be funded from Capital Account 640-101-5699-10577 (Markham Centre Mobility Hub) be approved, subject to the approval of subcontractors by the Commissioner of Development Services; and,

That the Unionville Subcommittee be appointed as the Mobility Hub Steering Committee and provide regular updates to the Development Services Committee".

Carried

(See following motion which was lost)

Council consented to add the words "...subject to the approval of subcontractors by the Commissioner of Development Services" at the end of the words "... (Markham Centre Mobility Hub) be approved..." in Resolution No. 2, Paragraph 1.

Motion which was lost:

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Gord Landon

That Item No. 1 related to the Purchase Order PD 11314 issued to Arup Canada Inc. for contract 167-T-11 (Markham Centre Mobility Hub/Station – Consulting Services) be referred back to the Unionville Subcommittee.

Motion lost

(2) BIRD FRIENDLY GUIDELINES
RECOMMENDATION REPORT (10.0)

[Report](#) [AppB](#) [AppC](#)

[Appendix A](#)

- 1) That the staff report entitled “Bird Friendly Guidelines Recommendation Report” dated February 4, 2014, be received; and,
- 2) That the report entitled “Bird Friendly Guidelines (January 2014)” prepared by North-South Environmental Inc. be endorsed and used in the City’s site plan approval process; and,
- 3) That Staff be directed to implement the Bird Friendly Guidelines in the following manner:
 - i. ensure access and availability of Bird Friendly Guidelines to all parties involved in the development approval processes;
 - ii. incorporate bird friendly treatments into the City’s Site Plan Approval process through use of a Bird Friendly Specification Checklist that identifies requirements;
 - iii. continue to be proactive in both the retrofit of existing municipal buildings and the design of new municipal buildings with bird friendly treatments; where needed and appropriate; and where budgets permit; while taking into consideration the function and design of building;
 - iv. prepare an education and outreach program to encourage bird friendly treatments of existing private buildings and residential properties; and,
 - v. review and update the Bird Friendly Guidelines periodically (eg. every five years) to address any new best management practices; and,

- 4) That a copy of the Guidelines be sent to Prime Minister Stephen Harper, Premier of Ontario Kathleen Wynne, Minister of Municipal Affairs and Housing, all York Region MPs and MPPs, all York Region Municipalities, the Association of Municipalities of Ontario (AMO), and the Federation of Canadian Municipalities (FCM), to heighten awareness; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

7. MOTIONS

There were no motions.

8. NOTICES OF MOTIONS

There were no notices of motions.

9. COMMUNICATIONS

Council consented to separate Communication Nos. 4-2014 and 5-2014.
(See following Communication Nos. Nos. 4-2014 and 5-2014).

Moved by Councillor Alex Chiu
Seconded by Councillor Logan Kanapathi

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

Referred to all Members of Council

- 3-2014 LIQUOR LICENCE APPLICATION FOR INSPIRE RESTAURANT LTD., 144 MAIN STREET NORTH MARKHAM (WARD 4) (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

Referred to Commissioner of Development Services and City Solicitor

4-2014 ONTARIO MUNICIPAL BOARD (OMB) DISMISSAL, CHRISTOS PAVLAKIS, 39 CAROLWOOD CRESCENT AND PETER CASAGRANDE AND CORINNE MARTON, 65 AND 69 CHATELAINE DRIVE, OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT APPLICATIONS (13.13)

[Letter](#)Summary from the City Solicitor:

On January 19, 2014, the Ontario Municipal Board issued a decision regarding an appeal by James Jagtoo and Stephen Emmanuel respecting the City's approval of official plan amendments, zoning by-law amendments and consents to sever respecting 3 lots located in the Rouge River Estates. The applications respecting 69 and 65 Chatelaine Drive and 39 Carolwood Crescent were made to permit each proponent to divide its lot into two lots. Each of the six lots would contain one single family dwelling.

The Board heard expert land use planning evidence on behalf of the City, the applicants and the appellant. In addition, Mr. Emmanuel and Hedley Thomas, a former resident, provided non-expert evidence in support of the appeal, and the Board also qualified a computer imaging expert on behalf of the appellants.

In its decision, the Board reviewed the history of the Official Plan and Secondary Plan policies for the Rouge River Estates, and analyzed the existing development in the surrounding area. The applicable official plan policies identify three Special Policy Development Areas ("SPDA"), two of which are relevant for the subject applications. 39 Carolwood Court is subject to SPDA 1, which contains a minimum lot size of 0.4 ha. 65 and 69 Chatelaine Drive are subject to SPDA 2, which contains a minimum lot area of 0.3 ha. The official plan amendments requested by the applicants were necessary as the proposed new lots would not meet this requirement. The Board found:

"... that the minimum lot area of SPDA 1 is the provision '...to protect the Chatelaine Drive area as a distinct residential enclave...' and the minimum lot area of SPDA 2 is '...to ensure that new residential development adjoining this [SPDA 1] area is compatible in character...'"

The appellants argued that SPDA 2 was intended as a buffer between the SPDA 1 area and the newer development to the west and south of the Rouge River Estates. The Board stated that:

"SPDA 2 is not a buffer between the enclave in SPDA 1 and the newer development further to the west and south. Buffers separate incompatible uses, for example a wetland and the excavation zone of a quarry. There is nothing incompatible between two areas of low density single family residential development that happen to be on vastly differently sized lots. The more appropriate descriptor for SPDA 2 is that of a transition area between SPDA 1 and the new development on much smaller lots to the west and south."

The Board went on to conclude that:

“The evidence before the Board has been thorough and complete in its review of the matters before the Board. Having considered the evidence from the Proponents, the City and the Appellants, the Board finds that the official plan amendments, the zoning by-law amendments and the applications for consent to convey, subject to conditions set out by the Committee of Adjustment, are reasonable, appropriate, represent the principles of good community planning and are in the public interest.”

Therefore the Board dismissed the appeals and approved the applications.
(By-laws 2012-113 to 2012-116)

Carried

Received and referred to staff

5-2014 YORK REGION - RETAIL BUSINESS HOLIDAYS ACT (13.4)
[Letter](#)

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

That the letter dated November 22, 2013 from Denis Kelly, Regional Clerk, York Region, advising of the option available to local municipalities to file an application for exemption from the Retail Business Holidays Act to allow retail businesses in all or part of a local municipality to be opened on statutory holidays, be received and referred to staff for a report.

Carried

10. PROCLAMATIONS

(1) PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Carolina Moretti

Seconded by Councillor Colin Campbell

- 1) That the following proclamations issued by the City Clerk in accordance with the City of Markham Proclamation Policy be received for information purposes:
 - Pakistan National Day (March 23, 2014)
 - Red Cross Month (March 2014)
 - Epilepsy Awareness Month (March 2014)
 - B-Strong Day (April 22, 2014)
 - Intergenerational Day Canada (June 1, 2014)
 - Philippine Week (June 8 to 15, 2014); and,

- 2) That the following requests for flag to be raised at the Anthony Roman Markham Civic Centre flagpole approved by the City Clerk in accordance with the City of Markham Community Flag Raisings & Flag Protocol Policy be received for information purposes:
 - Flag of Pakistan (March 23, 2014)
 - Flag of Red Cross (March 2014)
 - Flag of Philippine (June 8 to 15, 2014).

Carried

11. NEW/OTHER BUSINESS

(1) JOINT AND SEVERAL LIABILITIES INSURANCE REFORM FOR MUNICIPALITIES (13.0)

[Letter](#)

Catherine Conrad, City Solicitor, provided an overview of the purpose of the proposed recommendation.

Moved by Councillor Colin Campbell

Seconded by Councillor Don Hamilton

Whereas the *Negligence Act* provides that “where damages have been caused or contributed to by the fault or neglect of two or more persons...and where, two or more persons are found at fault or negligent, they are jointly and severally liable to the person suffering the loss or damage”; and,

Whereas while fault may be apportioned among parties to litigation, a defendant who is only 1% responsible for damages may be required to satisfy the entire judgment, regardless of the size of the judgment or apportionment of responsibility; and,

Whereas municipalities are frequently the targets of litigation due, in part, to a perception that they have more resources, in fact “deep pockets”, to satisfy judgments that other defendants do not; and,

Whereas recent case law suggests that courts are frequently assigning significant liability to municipalities in circumstances where the plaintiff has been clearly at fault (excessive speeds, driver negligence, drinking while driving, failure to obey stop signs); and,

Whereas the Association of Municipalities of Ontario (AMO) has determined through a survey done two years ago that premiums for municipality liability insurance had risen 22 percent over five years; and,

Whereas Randy Pettapiece, MPP Perth-Wellington, has proposed a private member’s resolution in the Ontario Legislature, to be debated on February 27, 2014, as follows:

"That, in the opinion of this House, the government should protect taxpayers from higher property taxes by implementing a comprehensive, long-term solution to reform joint and several liability insurance for municipalities by no later than June 2014, addressing the alarming rise in insurance premiums due to rising litigation and claim costs."; and,

Whereas the Attorney General is consulting on reforms to joint and several liability, which would limit the amount payable by a municipality where the municipality has been found to be contributorily negligent, which should have a corresponding impact on liability insurance premiums;

Now therefore be it resolved:

- 1) That the City of Markham supports the private member’s resolution proposed by Randy Pettapiece, MPP Perth-Wellington, to the Government of Ontario as set out below:

"That, in the opinion of this House, the government should protect taxpayers from higher property taxes by implementing a comprehensive, long-term solution to reform joint and several liability insurance for municipalities by no later than June 2014, addressing the alarming rise in insurance premiums due to rising litigation and claim costs."; and,
- 2) That the City of Markham supports the proposals to limit joint and several liability for municipalities currently under consideration by the Attorney General of Ontario; and further,
- 3) That this resolution be forwarded to the Premier of Ontario, Association of Municipalities of Ontario (AMO), Area Members of Provincial Parliament, Randy Pettapiece MPP Perth-Wellington, York Region municipalities and the Insurance Bureau of Canada.

Carried

12. BY-LAWS

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

That By-laws 2014-15 to 2014-18 be given three readings and enacted.

Three Readings

BY-LAW 2014-15 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71 (ALL-WAY STOP CONTROL AT BUR OAK AVENUE AND SWAN PARK ROAD
[By-law](#)

Carried

BY-LAW 2014-16 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST (ARTHUR WEGG HOUSE, 10537 KENNEDY ROAD)
[By-law](#)

Carried

BY-LAW 2014-17 A BY-LAW TO DECLARE CERTAIN LANDS LEGALLY DESCRIBED AS A PORTION OF CORNELL CENTRE BOULEVARD DESCRIBED AS PART OF THE ROAD ALLOWANCE BETWEEN LOTS 15 AND 16, CONCESSION 9, MORE PARTICULARLY DESCRIBED AS PARTS 2 AND 4, 65R- CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK, SURPLUS TO MUNICIPAL PURPOSES
(New/Other Business Item No. 1 – January 28, 2014 Council Meeting)
[By-law](#)

Carried

BY-LAW 2014-18 A BY-LAW TO STOP-UP AND CLOSE A PORTION OF CORNELL CENTRE BOULEVARD DESCRIBED AS PART OF THE ROAD ALLOWANCE BETWEEN LOTS 15 AND 16, CONCESSION 9, MORE PARTICULARLY DESCRIBED AS PARTS 2 AND 4, PLAN 65R- CITY OF MARKHAM
(In-Camera Item No. 2 – December 10, 2013)
[By-law](#)

Carried

13. IN-CAMERA ITEMS

Council consented to not resolve into in-camera session and to report out the following items, as proposed, at open Council session:

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
-JANUARY 28, 2014 (16.0)
[Section 239 (2) (b) (c) (f)]

General Committee – February 3, 2014

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

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

Carried

The in-camera items were reported out as follows:

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
-JANUARY 28, 2014 (16.0)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Alan Ho

- 1) That the Council In-camera Minutes dated January 28, 2014 be confirmed.

Carried

(2) BOARD/COMMITTEE RESIGNATION (16.24)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Alan Ho

- 1) That the resignation of Alex Karlovski from the Markham Environmental Advisory Committee 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 Patricia Loveland 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.

Carried

(3) BOARD/COMMITTEE APPOINTMENTS (16.24)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Alan Ho

- 1) That the following appointments to the Seniors Advisory Committee be confirmed:

<u>Name</u>	<u>Term</u>
Faiz Mohyuddin	November 30, 2017
Christine Wong	November 30, 2017
Ramma Chabra	November 30, 2016
Manickampillai Velauthapillai	November 30, 2016; and,
- 2) That the following appointments to the Doors Open Markham Committee be confirmed:

<u>Name</u>	<u>Term</u>
Kenny Wang	November 30, 2016
Loretta Lam	November 30, 2017
Nita Shastri	November 30, 2017
Leikha Bisera	November 30, 2016
Leanna Fong	November 30, 2017

Carried

14. CONFIRMATORY BY-LAW

Moved by Councillor Alex Chiu
Seconded by Councillor Carolina Moretti

That By-law 2014-19 be given three readings and enacted.

Three Readings

BY-LAW 2014-19 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL
MEETING OF FEBRUARY 11, 2014.

[By-law](#)

Carried

15. ADJOURNMENT

Moved by Councillor Alex Chiu
Seconded by Councillor Howard Shore

That the Council Meeting be adjourned at 9:58 PM.

CARRIED

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

(Signed)