

COUNCIL MINUTES

November 12, 2013, 7:00 p.m.

Council Chamber, Anthony Roman Markham Civic Centre Meeting No. 25

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ROLL CALL

Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Jim Jones, 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

Regional Councillor Gord Landon

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
Kimberley Kitteringham, City Clerk
Martha Pettit, Deputy Clerk

The regular meeting of Council convened at 7:09 p.m. on November 12, 2013 in the Council Chamber. Mayor Frank Scarpitti presided.

Council observed a moment of silence for the victims of Typhoon Haiyan in the Philippines. Mayor Scarpitti and Members of Council advised of various fundraising efforts going on throughout the City and York Region to support victims of the disaster.

1. DISCLOSURE OF PECUNIARY INTEREST

(1) None declared.

2. MINUTES

(1) COUNCIL MINUTES – OCTOBER 29, 2013 Minutes

Moved by Councillor Alex Chiu Seconded by Councillor Valerie Burke

1) That the Minutes of the Council Meeting held on October 29, 2013, be adopted.

CARRIED

3. PRESENTATIONS

There were no presentations.

4. **DELEGATIONS**

There were no delegations.

5. PETITIONS

There were no petitions.

6(a) REPORT NO. 45 - GENERAL COMMITTEE (November 4, 2013)

Moved by Councillor Carolina Moretti Seconded by Regional Councillor Joe Li

That Report No. 45 – General Committee comprised of 8 items be received and adopted.

(1) STATUS OF CAPITAL PROJECTS AS OF AUGUST 31, 2013 Report Exhibit A Exhibit B Exhibit C

- 1) That the report entitled "Status of Capital Projects as of August 31, 2013" be received; and,
- 2) That the amount of \$4,150,470 from the closure of capital projects be transferred to the sources of funding as listed on Exhibit A; and,
- 3) That the closure of projects as outlined in Exhibit B and C be approved; and,
- 4) That the Non-DC Capital Contingency Project be topped up to the approved amount of \$250,000; and,
- 5) That a new Waterworks Capital Contingency Project be established and be initially funded from the Waterworks Stabilization/Capital Reserve in the amount of \$100,000; and,
- 6) That a new Engineering Capital Contingency Project be established and be initially funded from the Development Charge Reserves in the amount of \$100,000; and,
- 7) That the Capital Budget Control Policy be amended to reflect the administrative changes authorized by the Chief Administrative Officer ("CAO"); and,
- 8) That \$127,808 be transferred from the Waterworks Stabilization/Capital Reserve to the Corporate Operating budget to reimburse the total amount borrowed to temporarily fund budget shortfalls in Waterworks projects; and,
- 9) That the acquisition of land at 14th Avenue and Middlefield Road for the construction of South East Community Centre & Library be funded ninety (90) percent from Development Charge Reserves and ten (10) percent from the Non-DC Growth Reserve Fund; and,
- 10) That a new reserve entitled "Train Anti-Whistling Reserve" be established, and the amount of \$317,900 be transferred from the Lifecycle Reserve Fund to the Train Anti-Whistling Reserve; and,

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

CARRIED

(2) AWARD OF CONTRACT EXTENSION # 247-S-13 LABORATORY SAMPLING ANALYSIS (7.12) Report

- 1) That the report entitled "Award of Contract Extension #247-S-13 Laboratory Sampling Analysis" be received"; and,
- 2) That the contract for # 247-S-13 Laboratory Sampling Analysis be awarded to York-Durham Regional Environmental Laboratory in the estimated contract value of \$298,488.00, inclusive of HST for a period of 2 years (2014 2015) at the same firm fixed unit prices per the original contract, subject to Council approval of the respective year's budgets:
 - 2014 \$149,244.00
 - 2015 \$149,244.00; and,
- That the Director of Environmental Services and Senior Manager of Purchasing and Accounts Payable be authorized to extend the renewal for Laboratory Sampling Analysis for an additional 3 years (2016-2018) with prices adjusted based on the annual increase in Consumer Price Index-Ontario All Items (CPI); and,
- 4) That the award be funded from the Operating Budget accounts as identified within the Financial Considerations Section; and,
- 5) That Staff be authorized to amend the award amounts in years 2014-2018 to reflect changes to the Operating Budget accounts as approved by Council during the annual budget process; and,
- That the tender process be waived in accordance with Purchasing Bylaw 2004-341, Part 11, Section 7(1) h which states "where it is necessary or in the best interest of the City to acquire non-standard items or Professional Services from a preferred supplier"; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(3) AWARD OF PROPOSAL 134-R-13 TELEPHONE SERVICES (7.12) Report

- 1) That the report entitled "Award of Proposal 134-R-13 Telephone Services" be received; and,
- That the contract for Telephone Services (134-R-13) be awarded to the sole bidder, Bell Canada for a three (3) year term with an option to renew for an additional two years for the total amount of \$1,063,631.00 over five years (inclusive of HST) (fixed price of \$212,726.20 per year from 2014 to 2018);
 - 2014 \$212,726.20 (inclusive of HST)
 - 2015 \$212,726.20 (inclusive of HST)
 - 2016 \$212,726.20 (inclusive of HST)
 - 2017 \$212,726.20 (inclusive of HST)
 - 2018 \$212,726.20 (inclusive of HST)
 - Total: \$1,063,631.00 (inclusive of HST); and,
- That the fees for telephone services in the amount of \$1,010,268 (inclusive of HST impact, \$202,053.60 per year) and \$53,363 (inclusive of HST impact, \$10,672.60 per year) be funded from operating budget account # 400-404-5105 and account # 400-404-5107, respectively, over a five year term subject to Council approval of the 2014, 2015, 2016, 2017, and 2018 Operating Budgets; and,
- 4) That Bell Canada be designated as the preferred vendor for City's telephone service needs for the five year term of this contract; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(4) 2014 INTERIM TAX LEVY BY-LAW (7.3) Report

- 1) That Council authorize an interim tax levy for 2014; and,
- 2) That the attached by-law be passed to authorize the 2014 interim tax levy; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2013-171)

(5) SLAUGHTER OF HORSES FOR HUMAN CONSUMPTION (16.0) Letter

1) That the letter addressed to Dr. Bruce Archibald, President, Canadian Food Inspection Agency, be endorsed by Council.

CARRIED

- (6) TRAFFIC CONTROL SIGNALS
 PROPOSED BY-LAW AMENDMENTS (5.12)
 Report
 - 1) That the report entitled "Traffic Control Signals Proposed By-Law Amendments", be received; and,
 - 2) That Schedule 19 of Traffic By-law 106-71, pertaining to "Traffic Control Signals", be amended by including the following intersections:
 - Bur Oak Avenue and Dogwood Street;
 - Markham Road and Edward Jeffreys Avenue;
 - Markham Road at 9350 Markham Road (Markham Museum);
 - Bur Oak Avenue and Mingay Avenue;
 - Meadowview Avenue at 7171 Yonge Street; and,
 - 3) That Schedule 12 of Traffic By-law 106-71, pertaining to "Compulsory Stops", be amended by rescinding the stop controls at the following intersections:
 - Bur Oak Avenue and Mingay Avenue;
 - Markham Road and Edward Jeffreys Avenue; and,
 - 4) That the amended by-laws shall come into force and effect when the authorized traffic control signals have been energized; and further,
 - 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2013-172)

(7) MIRAMAR DRIVE AND PARK PLACE DRIVE PROPOSED PARKING PROHIBITION (2.17) Report

- 1) That the staff report entitled "Miramar Drive and Park Place Drive Proposed Parking Prohibition", be received; and,
- 2) That Schedule "C" of Parking By-law 2005-188, be amended by including the east and north side of Miramar Drive, between Park Place Drive and Williamson Road; and,
- 3) That Schedule "C" of Parking By-law 2005-188, be amended by including the east and north side of Park Place Drive, between Sunburst Crescent and Williamson Road; and,
- 4) That the Operations Department be directed to install and maintain the appropriate regulatory signs at the subject locations; and,
- 5) That the cost of materials and installation for the traffic signs and pavement markings be funded from capital project # 11305 (Traffic Operational Improvements) in the amount of approximately \$1,000; and,
- 6) That the Parking Control Department be directed to enforce the parking prohibition upon approval of the By-law amendment and installation of the regulatory signs; and further,
- 7) That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2013-173)

CARRIED

(8) MARY ELIZABETH CRESCENT PROPOSED PARKING PROHIBITION (2.17) Report

GC page 86

- 1) That the staff report entitled "Mary Elizabeth Crescent Proposed Parking Prohibition", be received; and,
- 2) That Schedule "C" of Parking By-law 2005-188, be amended by prohibiting parking at any time, on the west side of Mary Elizabeth Crescent, between Morrison Crescent and the property line of #20/22 Mary Elizabeth Crescent; and,
- 3) That the Operations Department be directed to install and maintain the appropriate regulatory signs at the subject locations; and,

- 4) That the cost of materials and installation for the regulatory signs be funded from capital project # 11305 (Traffic Operational Improvements) in the amount of approximately \$500; and,
- 5) That the Parking Control Department be directed to enforce the parking prohibition upon approval of the By-law amendment and installation of the regulatory signs; and further,
- 6) That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2013-174)

CARRIED

6(b) REPORT NO. 46 - DEVELOPMENT SERVICES COMMITTEE (November 5, 2013)

Moved by Regional Councillor Jim Jones Seconded by Councillor Don Hamilton

That Report No. 46 – Development Services Committee comprised of 2 items be received and adopted save and except Item #2.

- (1) REQUEST BY STAFF FOR A STREET NAME CHANGE FROM CARDREW STREET TO PAPER BIRCH DRIVE (10.14)

 Memo
 - 1) That the request by Staff to rename Cardrew Street to Paper Birch Drive be approved; and,
 - 2) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(2) DONALD COUSENS PARKWAY (MARKHAM BY-PASS) (13.4)

Moved by Regional Councillor Jim Jones Seconded by Councillor Don Hamilton

Whereas the Regional Municipality of York has constructed Donald Cousens Parkway to by-pass Main Street Markham from north of Steeles Avenue to Major Mackenzie Drive East; and,

Whereas the Regional Municipality of York is to complete the Donald Cousens Parkway from Major Mackenzie Drive East to Highway 48 in 2016/2017; and,

Whereas the City of Markham is undertaking the reconstruction of Main Street Markham from Highway 407 to Major Mackenzie Drive East; and,

Whereas the City of Markham is designating Main Street Markham as a local street for access and not for through traffic; and,

Whereas through traffic are continuing to utilize Main Street Markham, and should be discouraged; and,

Now therefore be it resolved that:

- That the Regional Municipality of York be requested to add the name "Markham By-Pass" on all signage for the Donald Cousens Parkway including signage on Highway 407 to encourage residents and commuters to use the Donald Cousens Parkway (Markham By-Pass) route when they are not destined to Main Street Markham; and,
- 2) That staff be directed to request permission from the City of Toronto to permit directional signage to be erected on Markham Road south of Steeles Avenue, advising motorists of the Donald Cousens Parkway (Markham By-Pass) and that the Region of York be requested to provide the appropriate signage.

CARRIED

Council consented to amend Item No. 2, Report No. 46 contained in the November 5, 2013 Development Services Committee Report as follows:

Delete the following motion:

"That signage also be provided south of Steeles Avenue, and that the Region consider renaming the road south of Steeles Avenue "Donald Cousens Parkway".

and replace with the following revised motion:

"That staff be directed to request permission from the City of Toronto to permit directional signage on Markham Road south of Steeles Avenue, advising motorists of the Donald Cousens Parkway (Markham By-Pass) and that the Region of York be requested to provide the appropriate signage."

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 Valerie Burke

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

Received

66-2013

MEMO REGARDING THE HOLD REMOVAL BY-LAW FOR JEFF PECHENKOV AND CHRIS PECHENKOVSKI, 18 LEE AVENUE (10.0) Memo

Commissioner Baird of Development Services provided information and clarification regarding the application submitted by Jeff Pechenkov and Chris Pechenkovski, 18 Lee Avenue, and outlined the reasons for recommending that the Hold (H) provision be lifted with respect thereto. (By-law 2013-181)

10. PROCLAMATIONS

(1) PROCLAMATION REQUESTS (3.4)

Moved by Councillor Logan Kanapathi Seconded by Councillor Howard Shore

- 1) That the following proclamations issued by the City Clerk in accordance with the City of Markham Proclamation Policy be received for information purposes:
 - Holocaust Education Week (November 3 to 9, 2013)
 - YMCA World Peace Week (November 16 to 23, 2013)
 - World Aids Day (December 1, 2013).

CARRIED

11. NEW/OTHER BUSINESS

(1) NOTICES OF PROPOSED SALE
HUBNER AVENUE, DEDICATED BY PLAN OF SUBDIVISION 65M-4325
MORE PARTICULARLY DESCRIBED AS PART 1, 65R-3441 (8.7)

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

Moved by Councillor Carolina Moretti Seconded by Regional Councillor Jim Jones

That the notice of proposed sale for the City of Markham owned lands legally described as Hubner Avenue, dedicated by Plan of Subdivision 65M-4325 more particularly described as Part 1, 65R-3441, be confirmed.

(By-law 2013-177)

12. BY-LAWS

Moved by Councillor Alex Chiu Seconded by Councillor Alan Ho

That By-laws 2013-168 to 2013-179 and 2013-181 be given three readings and enacted.

Three Readings

BY-LAW 2013-168 ROAD DEDICATION BY-LAW – CASTAN AVENUE

- A by-law to dedicate certain lands as part of the highways of the City of Markham (Part of Lot 6, Plan 2196, designated as Part 7, Plan 65R-33679) By-law

CARRIED

BY-LAW 2013-169 ROAD DEDICATION BY-LAW – ANTHONY ROMAN AVENUE

- A by-law to dedicate certain lands as part of the highways of the City of Markham (Block 60, Plan 65M-4196, designated as Parts 1 and 2, Plan 65R-34560)

By-law

CARRIED

BY-LAW 2013-170 MATTAMY (WYKLAND) LIMITED, PART LOT CONTROL EXEMPTION BY-LAW

- A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, west of Cornell Centre Boulevard and north of Highway 7, Blocks 106, 107 and 117, Plan 65M-4375.

By-law

CARRIED

BY-LAW 2013-171 A BY-LAW TO PROVIDE FOR AN INTERIM TAX LEVY IN 2014

(Item No. 4, Report No. 45)

By-law

BY-LAW 2013-172 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71

- Include "Traffic Control Signals" at the following intersections:

Bur Oak Avenue and Dogwood Street

Markham Road and Edward Jeffreys Avenue

Markham Road at 9350 Markham Road (Markham Museum)

Bur Oak Avenue and Mingay Avenue

Meadowview Avenue at 7171 Yonge Street

- Rescinding stop controls at the following intersections:

Bur Oak Avenue and Mingay Avenue

Markham Road and Edward Jeffreys Avenue.

(Item No. 6, Report No. 45)

By-law

CARRIED

BY-LAW 2013-173 A BY-LAW TO AMEND PARKING BY-LAW 2005-188

- Miramar Drive and Park Place Drive Parking Prohibition. (Item No. 7, Report No. 45)

By-law

CARRIED

BY-LAW 2013-174 A BY-LAW TO AMEND PARKING BY-LAW 2005-188

- Mary Elizabeth Crescent parking prohibition.

(Item No. 8, Report No. 45)

By-law

CARRIED

BY-LAW 2013-175 A BY-LAW TO DECLARE THE LANDS LEGALLY DESCRIBED AS I) BLOCK 92, PLAN 65M-3593, AND II) PART OF THE UNNAMED ROAD, PLAN 2196, CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK, SURPLUS TO MUNICIPAL PURPOSES (Item No. 5, Report No. 42 – October 29, 2013 Council Meeting) By-law

CARRIED

BY-LAW 2013-176 A BY-LAW TO STOP-UP AND CLOSE A PORTION OF THE HUBNER AVENUE DEDICATED BY PLAN OF SUBDIVISION 65M-4325 MORE PARTICULARLY DESCRIBED AS PART 1, 65R-34451 CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK. (In-camera Item No. 2 – October 29, 2013 Council Meeting) By-law

BY-LAW 2013-177 A BY-LAW TO DECLARE CERTAIN LANDS LEGALLY DESCRIBED AS HUBNER AVENUE DEDICATED BY PLAN OF SUBDIVISION 65M-4325 MORE PARTICULARLY DESCRIBED AS PART 1, 65R-34451 CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK, SURPLUS TO MUNICIPAL PURPOSES. (New/Other Business Item No. 1)

By-law

CARRIED

BY-LAW 2013-178 UPPER UNIONVILLE INC., NORTHEAST CORNER OF 16TH AVENUE AND KENNEDY ROAD, PART OF LOT 16, CONCESSION 6 – OFFICIAL PLAN AMENDMENT

- A by-law to adopt an Official Plan Amendment, to accommodate a mixed commercial and residential development. (Item No. 1, Report No. 40 – October 8, 2013 Council Meeting)

CARRIED

BY-LAW 2013-179 UPPER UNIONVILLE INC., NORTHEAST CORNER OF 16TH AVENUE AND KENNEDY ROAD, PART OF LOT 16, CONCESSION 6 – ZONING BY-LAW AMENDMENT

- A by-law to amend By-law 304-87, as amended and By-law 177-96, as amended, to accommodate a proposed mixed commercial and residential development.

(Item No. 1, Report No. 40 – October 8, 2013 Council Meeting) By-law

CARRIED

BY-LAW 2013-181 JEFF PECHENKOV AND CHRIS PECHENKOVSKI, HOLD REMOVAL BY-LAW, 18 LEE AVENUE

- A by-law to amend By-law 193-81, as amended, to allow for the use of the two new residential building lots for the purpose of two new detached dwellings.

(Communication No. 66-2013)

By-law

OP

13. IN-CAMERA ITEMS

Moved by Regional Councillor Jim Jones Seconded by Councillor Alan Ho

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
- OCTOBER 29, 2013 (16.0)
[Section 239 (2) (a) (b) (c) (d) (e) (f) (g)]

GENERAL COMMITTEE – November 4, 2013

- (2) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES
 (Property Tax Matter Under Section 357 (1) (d.1) of the *Municipal Act*, 2001) (7.0)
 [Section 239 (2) (b)]
- (3) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES

 (Property Tax Matter Under Section 357 (1) (d.1) of the *Municipal Act*, 2001) (7.0)

 [Section 239 (2) (b)]
- (4) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES
 (Property Tax Matter Under Section 373 of the *Municipal Act*, 2001) (7.3)
 [Section 239 (2) (b)]

CARRIED

Moved by Councillor Carolina Moretti Seconded by Councillor Colin Campbell

That the rules of procedure be suspended in order to reopen the in-camera session, specifically to discuss Item No. 2 of the In-camera agenda.

CARRIED

(2/3 Vote was requested & obtained)

Moved by Councillor Howard Shore Seconded by Councillor Valerie Burke

That, in accordance with Section 239 (2) (b) of the <u>Municipal Act</u>, Council resolve into an incamera session to discuss personal matters about an identifiable individual, including municipal or local board employees (Item No. 2 - Property Tax Matter Under Section 357 (1) (d.1) of the *Municipal Act*, 2001) (7:27 p.m.)

CARRIED

Moved by Regional Councillor Jim Jones Seconded by Councillor Carolina Moretti

That Council rise from in-camera session and report. (7:35 p.m.)

CARRIED

Council reported out the items as follows:

(1) MINUTES OF IN-CAMERA COUNCIL MEETING - OCTOBER 29, 2013 (16.0)

Moved by Regional Councillor Jim Jones Seconded by Councillor Alan Ho

1) That the Council In-camera Minutes dated October 29, 2013 be confirmed.

CARRIED

(2) APPLICATION 4186 UNDER SECTION 357 (1) (D.1) OF THE *MUNICIPAL ACT*, 2001 (7.0)

Moved by Regional Councillor Jim Jones Seconded by Councillor Alan Ho

- 1) That the confidential report entitled "Application 4186 under Section 357 (1) (d.1) of the *Municipal Act*, 2001" be received; and,
- 2) That the application for property tax assistance be denied; and further,
- 3) That staff be authorized to proceed as directed by Council on November 12, 2013.

(3) APPLICATION 4194 UNDER SECTION 357 (1) (D.1) OF THE MUNICIPAL ACT, 2001 (7.0)

Moved by Regional Councillor Jim Jones Seconded by Councillor Alan Ho

- 1) That the confidential report entitled "Application 4194 under Section 357 (1) (d.1) of the *Municipal Act*, 2001" be received; and,
- 2) That the application for property tax assistance be denied; and further,
- 3) That staff be authorized to proceed as directed by Council on November 12, 2013.

CARRIED

(4) PROPERTIES READY FOR TAX SALE REGISTRATION (7.3)

Moved by Regional Councillor Jim Jones Seconded by Councillor Alan Ho

- 1) That the confidential report entitled "Properties Ready for Tax Sale Registration" be received; and,
- 2) That staff be authorized to proceed as directed by Council on November 12, 2013.

CARRIED

14. CONFIRMATORY BY-LAW

Moved by Councillor Alex Chiu Seconded by Councillor Valerie Burke

That By-law 2013-180 be given three readings and enacted.

Three Readings

BY-LAW 2013-180 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF NOVEMBER 12, 2013.

By-law

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Moved by Councillor Alex Chiu Seconded by Councillor Valerie Burke

That the Council Meeting be adjourned at 7:36 p.m.

CARRIED

KIMBERLEY KITTERINGHAM FRANK SCARPITTI

CITY CLERK

MAYOR

(Signed)