



## **COUNCIL MINUTES**

**October 29, 2013, 7:00 p.m.**

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 23

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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 Logan Kanapathi, Councillor Alex Chiu. (11)

### **REGRETS**

Regional Councillor Gord Landon, Councillor Alan Ho. (2)

### **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  
Graham Seaman, Senior Manager, Sustainability Office  
Alan Brown, Director of Engineering  
Kimberley Kitteringham, City Clerk  
Martha Pettit, Deputy Clerk

The regular meeting of Council convened at 7:05 p.m. on October 29, 2013 in the Council Chamber. Mayor Frank Scarpitti presided.

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

(1) None declared.

**2. MINUTES**

- (1) COUNCIL MINUTES  
– OCTOBER 8, 2013  
[Minutes](#)

Moved by Councillor Alex Chiu  
Seconded by Councillor Valerie Burke

- 1) That the Minutes of the Council Meeting held on October 8, 2013, be adopted.

**CARRIED**

Council consented to amend Item No. 3, Report No. 41 contained in the October 8, 2013 Council minutes as follows:

Delete the following motion:

"That the Special Council meeting scheduled for October 15 and 16, 2013 to consider a Motion regarding the Markham Sports, Entertainment and Cultural Centre, be deferred to a date to be determined at the end of November, 2013, to allow continued negotiations."

and replace with the following revised motion:

"That the Special Council meeting scheduled for October 15 and 16, 2013 to consider a Motion regarding the Markham Sports, Entertainment and Cultural Centre, be deferred to a date towards the end of November 2013 to allow continued negotiations."

**3. PRESENTATIONS**

- (1) UNITED WAY OF YORK REGION PRESENTATION (12.2.6)

Mr. Daniele Zanotti, CEO, United Way of York Region, provided an update on key activities and celebrate the strong partnership with the City of Markham.

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

- 1) That the presentation of Mr. Daniele Zanotti, CEO, United Way of York Region, be received.

**CARRIED**

**4. DELEGATIONS**

- (1) HASHEM GHADAKI  
- DELEGATION REGARDING HIGHWAY 7 SANITARY  
SEWER CONSTRUCTION AGREEMENT (8.2)

Moved by Regional Councillor Jim Jones  
Seconded by Councillor Don Hamilton

- 1) That Council allow Hashem Ghadaki, President, Times Group Corporation, the opportunity to make an in-camera delegation to Council on this matter.

**CARRIED**

**5. PETITIONS**

- (1) PETITION REGARDING THE  
PROPOSAL BY BELL CANADA TO INSTALL A  
TELECOMMUNICATION TOWER AT 100 CARLTON ROAD (10.0)  
[Petition](#)

Moved by Councillor Don Hamilton  
Seconded by Councillor Carolina Moretti

- 1) That the petition signed by over 600 area residents expressing their objection to the proposal by Bell Canada to install a telecommunication tower at 100 Carlton Road be received and referred to the Commissioner of Development Services.

**CARRIED**

**6(a) REPORT NO. 42 - GENERAL COMMITTEE (October 21, 2013)**

Moved by Councillor Carolina Moretti

Seconded by Councillor Logan Kanapathi

That Report No. 42 General Committee comprised of 7 items be received and adopted.

(1) OCTOBER 21ST, 2013 - CANCELLATION,  
REDUCTION OR REFUND OF TAXES UNDER  
SECTIONS 357 AND 358 OF THE MUNICIPAL ACT, 2001 (7.1)

[Report](#)

- 1) That taxes totalling approximately \$106,580.29 be adjusted under Section 357 (in the amount of \$39,910.32) and Section 358 (in the amount of \$66,669.97) of the *Municipal Act, 2001* of which the City's portion is estimated to be \$17,522.70; and,
- 2) That the associated interest be cancelled in proportion to the tax adjustments; and,
- 3) That the Treasurer be directed to adjust the Collector's Roll accordingly; and further,
- 4) That staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(2) TAX WRITE-OFFS IN ACCORDANCE  
WITH SECTION 354 OF THE MUNICIPAL ACT, 2001 (7.1)

[Report](#)

- 1) That taxes totalling \$48,325 (excluding penalty and interest) as set out in this report, of which the City's portion is \$8,516, be written off pursuant to the provisions of Section 354 of the *Municipal Act, 2001*; and,
- 2) That the applicable penalty and/or interest charges (estimated at \$20,025) be adjusted accordingly; and,
- 3) That the Treasurer be authorized to write-off taxes levied annually for property five (0 Edgecombe Crt.) on Appendix A; and,

- 4) That the Treasurer be directed to remove the taxes from the Collector's Roll; and further,
- 5) That staff be authorized to and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(3) AWARD OF CONTRACT 124-R-13  
SANITARY SEWER REHABILITATION  
– SPOT REPAIRS AND LINING (7.12)  
[Report](#) [Attachment 1](#)

- 1) That the report entitled “Award of Contract 124-R-13 Sanitary Sewer Rehabilitation – Spot Repairs and Lining” be received; and,
- 2) That the Contract 124-R-13 for the Sanitary Sewer Rehabilitation – Spot Repairs and Lining be awarded to the highest ranked/ lowest priced Bidder, LiquiForce Services (Ontario) Inc., in the total amount of \$849,678.51 inclusive of HST impact; and,
- 3) That a contingency in the amount of \$67,974.28 (8%), inclusive of HST impact, be established to cover any additional contingency 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 Waterworks project for Sanitary Sewer System Upgrade/ Rehabilitation Program (account 053 6150 13708 005) in the amount of \$917,652.79, inclusive of HST impact; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(4) BUSINESS LICENSING AND SERVICE  
FEE REVIEW REPORT (2.0, 7.0)

[Report](#) [Map](#) [By-law](#)

- 1) That the Business Licensing and Service Fee Review Report be received; and,
- 2) That the Staff be authorized to implement Property Service Fees for property-related inspections as outlined in this report; and,
- 3) That Staff educate residents and property owners about the proposed Property Service Fees for the balance of 2013 and implement the Property Service Fees in January of 2014; and,
- 4) That the Mobile Sign Impound Retrieval Fee identified in this report be amended; and,
- 5) That the additional revenues of \$54,000 from the proposed New Property Service Fees and amended Mobile Sign Impound Fees be considered as part of the 2014 Budget Process; and,
- 6) That the by-law attached as Appendix “B” to amend the Licensing, Permit and Service Fee By-law 2012-137 be adopted; and,
- 7) That the By-law be reviewed after one year of its implementation date; and further,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2013-163)

**CARRIED**

(5) DECLARATION OF SURPLUS LANDS  
ON THE SOUTH SIDE OF CABOTO TRAIL (8.5)

[Report](#) [Attachment 1](#) [Attachment 2](#)

- 1) That the report entitled “Declaration of Surplus Lands on the South Side of Caboto Trail.” dated September 25, 2013 be received; and,
- 2) That in accordance with By-law 178-96 the City declare certain lands 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; and,

- 3) That a by-law be enacted 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; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(6) DIVERSION STRATEGY  
- STATUS UPDATE (5.10)  
[Presentation Report](#)

- 1) That the report entitled “Diversion Strategy – Status Update” be received; and,
- 2) That Council continue to implement the recommendations outlined in “The Best of the Best – A Road Map to 80% Diversion”; and,
- 3) That staff conduct an internal review of the Community Recycling Depots and report back to Council in 2014; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(7) CELEBRATE MARKHAM GRANT (7.6)

- 1) That \$5,000 from the 2013 Celebrate Markham Grants Program that was allocated to the Markham BIA, Unity Festival be re-allocated to the Festival of Lights.

**CARRIED**

**6(b) REPORT NO. 43 - DEVELOPMENT SERVICES COMMITTEE  
(October 22, 2013)**

Moved by Councillor Don Hamilton  
Seconded by Councillor Valerie Burke

That Report No. 43 – Development Services Committee comprised of 5 items be received and adopted.

(1) SOUTH UNIONVILLE SQUARE  
CHANGE OF ROAD NAME AND TRAFFIC BY-LAWS  
(SC 10 131056) (10.14, 5.12)  
[Report](#)

- 1) That the staff report dated October 22, 2013 titled “South Unionville Square, Change of road name and traffic by-laws,” be received; and,
- 2) That north-south section of Ian Baron Avenue (Parts 3 and 4, Plan 65R-33608 and Part 2, Plan 65R-18880) be renamed “Unity Gardens Drive”; and,
- 3) That the by-law attached as Appendix ‘B’ to prohibit through movements across Unity Gardens Drive into Ian Baron Avenue, be approved; and,
- 4) That the by-law attached as Appendix ‘C’ to prohibit trucks on Castan Avenue between Unity Gardens Drive and Piera Gardens, be approved; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.  
(By-laws 2013-164 and 2013-165)

**CARRIED**

(2) AWARD OF TENDER 204-T-13  
MULTI-USE PATHWAY PHASE 1  
CONSTRUCTION IN AREAS 2, 3, AND PART OF AREA 4 (6.0, 7.12)  
[Report](#) [Attachments](#)

- 1) That the deputation by Peter Miasek on behalf of the Cycling and Pedestrian Advisory Committee (CPAC) be received; and,
- 2) That the report entitled “Award of Tender 204-T-13, Multi-use Pathway Phase 1 Construction in Areas 2, 3 and Part of Area 4” be received; and,



- 3) That the contract for Tender 204-T-13, Multi-use Pathway Phase 1 Construction in Areas 2, 3 and Part of Area 4 be awarded to the lowest priced qualified Bidder, Speedside Construction Limited in the amount of \$2,491,993.51 inclusive of HST; and,
- 4) That a separate purchase order in the amount of \$249,199.35 (10%) inclusive of HST be established as a contingency to cover any additional construction costs and that staff be authorized to approve the expenditure of this contingency amount in accordance with the City of Markham's Expenditure Control Policy; and,
- 5) That the Engineering Department Capital Administration Fee in the amount of \$205,589.46 be funded from Capital Budget account # 083-5350-8502-005 Major Mackenzie Path Construction"; and,
- 6) That the award amounts listed in Recommendations 2) and 3) be funded from account # 640-101-5699-8264 Pathways Master Plan Implementation in the amount of \$400,000.00; account # 083-5350-8502-005 Multi Use Path Construction in the amount of \$1,714,499.54 and account # 080-5350-9355-005 Cycling Pathways and Trails Implementation in the amount of \$626,693.32; and,
- 7) That additional compensation for property acquisitions, permit fees and related expenses arising out of contract matters in the amount of \$160,000.00 be funded from account # 080-5350-9355-005; and,
- 8) That the remaining funds of \$138,084.68 be returned to the original funding source after agency approvals & properties are acquired; and further,
- 9) That staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(3) HIGHWAY 404 RAMP EXTENSIONS  
(HIGHWAY 7, MAJOR MACKENZIE AND ELGIN MILLS)  
PROJECT UPDATE (5.10)  
[Report](#) [Att A](#) [Att B](#) [Att C](#)

- 1) That correspondence from Ornella Richichi representing Markham Woodmills Developments Inc., and Vania Ottoborgo representing Holborn Property Investments Inc., regarding the Highway 404 Ramp Extension, be received; and,
- 2) That the report entitled "Highway 404 Ramp Extensions (Highway 7, Major Mackenzie and Elgin Mills) Project Update" be received; and,

- 3) That the detailed design of the Highway 404 Ramp extensions at Highway 7 and Major Mackenzie Drive be deferred; and,
- 4) That the Class EA for the Highway 404 Ramp extension on Elgin Mills Road be deferred; and,
- 5) That upon payment of all engineering consultant invoices and administration fees to date for the above-noted projects, the following capital accounts be closed and all remaining funds be returned to original funding source:
  - i. Hwy 404 Ramp Extension, North of Hwy 7
    - a. 083-5350-9317-005 (Hwy 404 Ramp Extension at Hwy 7).  
Remaining funds to be returned to original funding source (\$440,681.61)
    - b. 083-5350-12047-005 (Hwy 404 Ramp Extension – Hwy 7)  
Remaining funds to be returned to original funding source (\$8,132,900.00)
  - ii. Hwy 404 Ramp Extension, North of Major Mackenzie Drive
    - a. 083-5350-7272-005 (Hwy 404 Ramp Extension at Major Mackenzie)  
Remaining funds to be returned to original funding source (\$120,721.83)
    - b. 083-5350-9316-005 (Hwy 404 Ramp Extension at Major Mackenzie)  
Remaining funds to be returned to original funding source (\$133,158.01)
  - iii. Hwy 404 Ramp Extension, North of Elgin Mills Road
    - a. 083-5350-9315-005 (Hwy 404 Ramp Extension at Elgin Mills)  
Remaining funds to be returned to original funding source (\$550,000.00); and,
- 6) That the implementation of the Hwy 404 ramp extensions be deferred until such time as the projects warrant the capital expenditure by Markham; and,
- 7) That the property requirements for the Hwy 404 ramp extensions at the three (3) locations be protected through future planning applications and conditions of approval; and,
- 8) That the benefiting landowners in the vicinity of the three (3) ramp extensions be permitted to proceed with the implementation of the Hwy 404 ramp extensions subject to the conditions outlined in this report; and further,
- 9) That staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(4) AWARD OF TENDER #203-T-13  
DENISON STREET AND 14TH AVENUE  
ILLUMINATION PROGRAM (7.12, 5.10)

[Report](#)

- 1) That the report entitled “Award of Tender # 203-T-13 Denison Street and 14<sup>th</sup> Avenue Illumination Program” dated October 22, 2013 be received; and,
- 2) That the contract for Tender # 203-T-13 Denison Street and 14<sup>th</sup> Avenue Illumination Program be awarded to the lowest priced compliant bidder, Fellmore Electrical Contractors in the amount of \$583,080.17 inclusive of HST; and,
- 3) That a contingency in the amount of \$52,477.22 inclusive of HST, be established to cover additional construction costs, and staff be authorized to approve the expenditure of this contingency in accordance with the City of Markham’s Expenditure Control Policy; and,
- 4) That the Engineering Department Capital Administration Fee in the amount of \$47,666.80, inclusive of HST, be transferred to account # 640-998-8871 “Capital Administration Fess”; and,
- 5) That the project be funded from Account # 83-5350-12052-005 (Illumination Program) in the amount of \$683,224.19; and further,
- 6) That the remaining funds in account # 83-5350-12052-005 “Illumination Program” in the amount of \$83,905.81 be maintained in the account to complete other streetlight systems as identified in the five (5) year illumination plan; and further,
- 7) That Staff be authorized and directed to take all steps necessary to give effect to this resolution.

**CARRIED**

(5) MAIN STREET MARKHAM  
– PROJECT UPDATE (5.10)

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

- 1) That the memorandum dated October 29, 2013 from the Director of Engineering providing an update on the Main Street Markham – Project Update, be received; and,
- 2) That the report entitled “Main Street Markham – Project Update” be received; and,

- 3) That Purchase Order PD 13180 issued to Municipal Engineering Solutions for the Contract Administration and Inspection Service be increased by \$94,990.16, inclusive of HST, (from \$176,009.18 to \$270,999.34) to cover the additional contract administration work required for the additional work, and be funded from the following Capital Accounts:
  - a) 083-5350-11079-005 (Main Street Markham Reconstruction);
  - b) 058-6150-12328-005 (Watermain Construction & Replacement Program);and,
- 4) That an allowance of \$854,449.76, inclusive of HST, (from \$3,104,887.38 to \$3,959,337.14), be authorized for a Purchase Order increase (PD 13174) to Four Seasons for Contract 081-T-13 (Road Reconstruction of Main Street Markham from Highway 7 to Bullock Drive) to cover the additional construction costs associated with the watermain works, utility conflicts, and delay claims for the project, and that the Director of Engineering be authorized to finalize the Purchase Order increase request, and the increase be funded from the following Capital Accounts:
  - a) 083-5350-11079-005 (Main Street Markham Reconstruction);
  - b) 058-6150-12328-005 (Watermain Construction & Replacement Program);and,
- 5) That the 2012 Waterworks Department Capital account 12328 (Watermain Construction & Replacement Program) be increased in the amount of \$247,843.40, inclusive of HST, for the additional construction costs associated with the watermain construction, and to be funded from the Waterworks Stabilization / Capital Reserve; and,
- 6) That the 2011 Engineering Department Capital account 11079 (Main Street Markham Reconstruction) be increased in the amount of \$701,596.52, inclusive of HST, for the additional construction costs associated with the road reconstruction and streetscaping works and to be funded from the following accounts / reserves:
  - a) Transfer funds (\$473,983.52) from Engineering Capital Account 13034 (Main Street Markham Storm Sewer Upgrade, from Bullock Drive to 16<sup>th</sup> Avenue)
  - b) Transfer funds (\$157,613.00) from Urban Design Project 1443
  - c) Life Cycle Replacement and Capital reserve (\$70,000.00); and,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

**6(c) REPORT NO. 44 - GENERAL COMMITTEE (October 28, 2013)**

Moved by Councillor Carolina Moretti

Seconded by Councillor Howard Shore

That Report No. 44 – General Committee comprised of 4 items be received and adopted.

(1) MINUTES OF THE SEPTEMBER 19, 2013  
ENVIRONMENTAL ADVISORY COMMITTEE (16.0)

[Minutes](#)

- 1) That the Minutes of the September 19, 2013 Environmental Advisory Committee be received for information purposes; and,
- 2) That Council endorse the following resolution passed at the September 19, 2013 Environmental Advisory Committee:

“That the Markham Environmental Advisory Committee recommend to Markham Council that Carrie Sally be selected to serve another term on the Committee”.

**CARRIED**

(2) CONTRACT EXTENSIONS FOR WATER METER READING  
& BILLING SERVICE AND CASHIERING SERVICES (7.12)

[Report](#)

- 1) That the report entitled “Contract Extensions for Water Meter Reading & Billing Service and Cashiering Services” be received; and,
- 2) That the contract for Water Meter Reading & Billing Services be extended for an additional two (2) years (January 1, 2014 to December 31, 2015) with PowerStream in the amount of \$1,241,435 for 2013, with 3% annual escalation per year; and,
- 3) That subject to Council approval of the City’s 2014 Operating Budget, funds be provided from account #760-998-5390 Water Billing/Administration; and,
- 4) That the contract for the Hydro Cashiering Services reimbursement to the City be extended for an additional two (2) years (January 1, 2014 to December 31, 2014) with PowerStream in the amount of \$94,979 for 2014, with 3% annual escalation per year; and,

- 5) That subject to Council approval of the City's 2014 Operating Budget, the Hydro Cashiering Services reimbursement be allocated to accounts #890-890-8399 and #410-440-3621; and,
- 6) That the tender process be waived in accordance with Purchasing By-Law 2004-341 Part II, Section 7(1) C which states "when the extension of an existing contract would prove more cost effective or beneficial"; and,
- 7) That the Mayor and City Clerk be authorized to execute the extension of the agreement with PowerStream in a form satisfactory to the City Solicitor; and,
- 8) That the CAO be authorized to extend the contract, with the same terms and conditions, for up to three (3) additional years at any point during the term of the contract; and further,
- 9) That staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(3) ALLOCATION OF GAS TAX REVENUE (7.0)

Presentation

- 1) That the presentation titled "Allocation of Gas Tax Revenue" dated October 28, 2013 be received.
- 2) That Council approve the allocation of \$1.51M per year of the Gas Tax revenues to address the shortfall in the Lifecycle reserve in order to meet the 25 year funding level starting in 2015; and,
- 3) That Council approve the allocation of 50% of the Gas Tax revenues, up to a maximum of \$4.0 million per year, for the years 2014-2017, to MDE; and,
- 4) That Council approve the allocation of Gas Tax revenues to fund the unfunded portion of growth related projects approved in the 2013 Development Charges Background Study, estimated to be approximately \$4.0 million annually beginning in 2018; and,
- 5) That \$2M annually in Gas Tax revenues beginning in 2014 be approved for stormwater management funding; and further,
- 6) That the remaining annual balance of \$0.5M to \$1.5M be considered as a potential funding source for the unfunded proposed initiatives from 2015 to 2018.

**CARRIED**

(4) SOUTHEAST COMMUNITY CENTRE & LIBRARY  
PROJECT – CONSTRUCTION CONTRACT AWARD (6.6)  
[Report](#)

- 1) THAT the report entitled “Southeast Community Centre & Library Project – Construction Contract Award” be received; and,
- 2) THAT Staff be authorized to award Contract 180-T-13 to the lowest priced qualified Bidder, Bondfield Construction Company Ltd, for the construction of the Southeast Community Centre & Library, in the amount of \$47,767,225 (excluding HST); and,
- 3) THAT a contingency amount of \$2,388,361 (excluding HST), representing 5% of the Contract Award, be established to cover any unforeseen additional construction costs that may be incurred during construction, and that Staff be authorized to approve the expenditure of this contingency amount up to the specified limits in accordance with the City’s Expenditure Control Policy; and,
- 4) THAT the Contract Award be funded from the Southeast Community Centre & Library project budget account 070-5350-13500-005 in the amount of \$50,155,586 (excluding HST); and,
- 5) THAT the Solar Photovoltaic System cost be funded from the Life Cycle Replacement and Capital Reserve Fund in the amount of \$1,035,000 (excluding HST) with the associated revenues to be repaid to the Reserve; and,
- 6) THAT the funds remaining in the approved budgets which total \$4,337,855 be returned to the original funding sources; and,
- 7) THAT the contingency purchase order for Architectural/Engineering Services fee by Perkins and Will be increased by \$146,040 (excluding HST) to account for additional project scope to be funded from the “Southeast Community Centre Architect Consulting Services” capital account 070-5350-11318-005; and,
- 8) THAT Council express its intention to recover any future excess capacity that may be created from the addition of this facility from future Development Charges; and,
- 9) THAT this report be brought forward to the October 29, 2013 Council Meeting; and further,
- 10) 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

Moved by Councillor Alex Chiu

Seconded by Councillor Colin Campbell

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

### Referred to all Members of Council

64-2013 LIQUOR LICENCE APPLICATION FOR HAKKA WOK RESTAURANT,  
9418 MARKHAM ROAD (WARD 4) (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**

65-2013 LIQUOR LICENCE APPLICATION FOR MARCA TRATTORIA ON MAIN,  
96 MAIN STREET MARKHAM NORTH, 2<sup>ND</sup> FLOOR (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**



**10. PROCLAMATIONS****(1) PROCLAMATION REQUESTS (3.4)**

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Joe Li

- 1) That the following proclamation issued by the City Clerk in accordance with the City of Markham Proclamation Policy be received for information purposes:  
- Character Community Week (October 21 to 26, 2013); and,
- 2) That the following new request for proclamation be approved and added to the Five-Year Proclamations List approved by Council:  
- Lung Month (November 2013).

**CARRIED**

**11. NEW/OTHER BUSINESS**

Council consented to add New/Other Business Item No. 10.

Moved by Councillor Don Hamilton

Seconded by Councillor Logan Kanapathi

That New/Other Business Item No. 1 be received and adopted.

**CARRIED**

Moved by Councillor Valerie Burke

Seconded by Councillor Howard Shore

That New/Other Business Item Nos. 2 to 9 be received and adopted.

**CARRIED**

Moved by Councillor Colin Campbell

Seconded by Councillor Don Hamilton

That New/Other Business Item No. 10 be received and adopted.

**CARRIED**

- (1) NOTICES OF PROPOSED SALE FOR LANDS  
ON THE SOUTH SIDE OF CABOTO TRAIL  
I) BLOCK 92, PLAN 65M-3593, AND  
II) PART OF THE UNNAMED ROAD, PLAN 2196 (8.5)  
[Report](#) [Attachment 1](#) [Attachment 2](#)

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

- 1) That the notice of proposed sale for the City of Markham owned 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, be confirmed.  
(Item No. 5, Report No. 42)

**CARRIED**

- (2) 2387276 ONTARIO INC., 385 JOHN STREET  
- SUPPORT FOR FIT PROGRAM (5.7)

Whereas Council at its meeting held on October 3, 2012 directed staff to forward the completed "Prescribed Form/Template: Municipal Council Resolution" and any other documentation for renewable energy projects that meet the approved criteria as determined by City staff for a motion to support specific projects as per the Feed-In-Tariff Program, as required by the Ontario Power Authority to Council; and,

Whereas 2387276 Ontario Inc. (the "Applicant") proposes to construct and operate a 130 KW rooftop solar PV array (the Project) on 385 John Street (the "Lands") in the City of Markham under the Province's FIT Program; and,

Whereas the Applicant has requested that Council of the City of Markham indicate by resolution Council's support for the construction and operation of the Project on the Property; and,

Whereas pursuant to the rules governing the FIT Program (the "FIT Rules"), Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other persons applying for FIT Contracts; and,

Now therefore be it resolved:

- 1) That Council of the City of Markham supports the construction and operation of the Project on the Lands; and,

- 2) That this resolution's sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be use for the purpose of any other form of municipal approval in relation to the Application or Project or any other purpose.

**CARRIED**

- (3) 2387276 ONTARIO INC., 2600 JOHN STREET  
- SUPPORT FOR FIT PROGRAM (5.7)

Whereas Council at its meeting held on October 3, 2012 directed staff to forward the completed "Prescribed Form/Template: Municipal Council Resolution" and any other documentation for renewable energy projects that meet the approved criteria as determined by City staff for a motion to support specific projects as per the Feed-In-Tariff Program, as required by the Ontario Power Authority to Council; and,

Whereas 2387276 Ontario Inc. (the "Applicant") proposes to construct and operate a 500 KW rooftop solar PV array (the Project) on 2600 John Street (the "Lands") in the City of Markham under the Province's FIT Program; and,

Whereas the Applicant has requested that Council of the City of Markham indicate by resolution Council's support for the construction and operation of the Project on the Property; and,

Whereas pursuant to the rules governing the FIT Program (the "FIT Rules"), Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other persons applying for FIT Contracts; and,

Now therefore be it resolved:

- 1) That Council of the City of Markham supports the construction and operation of the Project on the Lands; and,
- 2) That this resolution's sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be use for the purpose of any other form of municipal approval in relation to the Application or Project or any other purpose.

**CARRIED**

(4) SPN LP 5, 54 PARKWAY AVENUE  
- SUPPORT FOR FIT PROGRAM (5.7)

Whereas Council at its meeting held on October 3, 2012 directed staff to forward the completed "Prescribed Form/Template: Municipal Council Resolution" and any other documentation for renewable energy projects that meet the approved criteria as determined by City staff for a motion to support specific projects as per the Feed-In-Tariff Program, as required by the Ontario Power Authority to Council; and,

Whereas SPN LP 5 (the "Applicant") proposes to construct and operate a 175 KW rooftop solar array (the Project) on 54 Parkway Avenue (the "Lands") in the City of Markham under the Province's FIT Program; and,

Whereas the Applicant has requested that Council of the City of Markham indicate by resolution Council's support for the construction and operation of the Project on the Property; and,

Whereas pursuant to the rules governing the FIT Program (the "FIT Rules"), Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other persons applying for FIT Contracts; and,

Now therefore be it resolved:

- 1) That Council of the City of Markham supports the construction and operation of the Project on the Lands; and,
- 2) That this resolution's sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be use for the purpose of any other form of municipal approval in relation to the Application or Project or any other purpose.

**CARRIED**

(5) SPN LP 5, 80 WHITEHALL DRIVE  
- SUPPORT FOR FIT PROGRAM (5.7)

Whereas Council at its meeting held on October 3, 2012 directed staff to forward the completed "Prescribed Form/Template: Municipal Council Resolution" and any other documentation for renewable energy projects that meet the approved criteria as determined by City staff for a motion to support specific projects as per the Feed-In-Tariff Program, as required by the Ontario Power Authority to Council; and,

Whereas SPN LP 5 (the "Applicant") proposes to construct and operate a 250 KW rooftop solar array (the Project) on 80 Whitehall Drive (the "Lands") in the City of Markham under the Province's FIT Program; and,

Whereas the Applicant has requested that Council of the City of Markham indicate by resolution Council's support for the construction and operation of the Project on the Property; and,

Whereas pursuant to the rules governing the FIT Program (the "FIT Rules"), Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other persons applying for FIT Contracts; and,

Now therefore be it resolved:

- 1) That Council of the City of Markham supports the construction and operation of the Project on the Lands; and,
- 2) That this resolution's sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be use for the purpose of any other form of municipal approval in relation to the Application or Project or any other purpose.

**CARRIED**

(6) SPN LP 5, 120 TRAVAIL ROAD  
- SUPPORT FOR FIT PROGRAM (5.7)

Whereas Council at its meeting held on October 3, 2012 directed staff to forward the completed "Prescribed Form/Template: Municipal Council Resolution" and any other documentation for renewable energy projects that meet the approved criteria as determined by City staff for a motion to support specific projects as per the Feed-In-Tariff Program, as required by the Ontario Power Authority to Council; and,

Whereas SPN LP 5 (the "Applicant") proposes to construct and operate a 450 KW rooftop solar array (the Project) on 120 Travail Road (the "Lands") in the City of Markham under the Province's FIT Program; and,

Whereas the Applicant has requested that Council of the City of Markham indicate by resolution Council's support for the construction and operation of the Project on the Property; and,

Whereas pursuant to the rules governing the FIT Program (the "FIT Rules"), Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other persons applying for FIT Contracts; and,

Now therefore be it resolved:

- 1) That Council of the City of Markham supports the construction and operation of the Project on the Lands; and,
- 2) That this resolution's sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be use for the purpose of any other form of municipal approval in relation to the Application or Project or any other purpose.

**CARRIED**

- (7) SPN LP 5, 140 DUFFIELD DRIVE  
- SUPPORT FOR FIT PROGRAM (5.7)

Whereas Council at its meeting held on October 3, 2012 directed staff to forward the completed "Prescribed Form/Template: Municipal Council Resolution" and any other documentation for renewable energy projects that meet the approved criteria as determined by City staff for a motion to support specific projects as per the Feed-In-Tariff Program, as required by the Ontario Power Authority to Council; and,

Whereas SPN LP 5 (the "Applicant") proposes to construct and operate a 175 KW rooftop solar array (the Project) on 140 Duffield Drive (the "Lands") in the City of Markham under the Province's FIT Program; and,

Whereas the Applicant has requested that Council of the City of Markham indicate by resolution Council's support for the construction and operation of the Project on the Property; and,

Whereas pursuant to the rules governing the FIT Program (the "FIT Rules"), Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other persons applying for FIT Contracts; and,

Now therefore be it resolved:

- 1) That Council of the City of Markham supports the construction and operation of the Project on the Lands; and,
- 2) That this resolution's sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be use for the purpose of any other form of municipal approval in relation to the Application or Project or any other purpose.

**CARRIED**

(8) SPN LP 5, 200 KONRAD CRESCENT  
- SUPPORT FOR FIT PROGRAM (5.7)

Whereas Council at its meeting held on October 3, 2012 directed staff to forward the completed "Prescribed Form/Template: Municipal Council Resolution" and any other documentation for renewable energy projects that meet the approved criteria as determined by City staff for a motion to support specific projects as per the Feed-In-Tariff Program, as required by the Ontario Power Authority to Council; and,

Whereas SPN LP 5 (the "Applicant") proposes to construct and operate a 200 KW rooftop solar array (the Project) on 200 Konrad Crescent (the "Lands") in the City of Markham under the Province's FIT Program; and,

Whereas the Applicant has requested that Council of the City of Markham indicate by resolution Council's support for the construction and operation of the Project on the Property; and,

Whereas pursuant to the rules governing the FIT Program (the "FIT Rules"), Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other persons applying for FIT Contracts; and,

Now therefore be it resolved:

- 1) That Council of the City of Markham supports the construction and operation of the Project on the Lands; and,
- 2) That this resolution's sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be use for the purpose of any other form of municipal approval in relation to the Application or Project or any other purpose.

**CARRIED**

(9) SPN LP 5, 2650 JOHN STREET  
- SUPPORT FOR FIT PROGRAM (5.7)

Whereas Council at its meeting held on October 3, 2012 directed staff to forward the completed "Prescribed Form/Template: Municipal Council Resolution" and any other documentation for renewable energy projects that meet the approved criteria as determined by City staff for a motion to support specific projects as per the Feed-In-Tariff Program, as required by the Ontario Power Authority to Council; and,

Whereas SPN LP 5 (the "Applicant") proposes to construct and operate a 400 KW rooftop solar array (the Project) on 2650 John Street (the "Lands") in the City of Markham under the Province's FIT Program; and,

Whereas the Applicant has requested that Council of the City of Markham indicate by resolution Council's support for the construction and operation of the Project on the Property; and,

Whereas pursuant to the rules governing the FIT Program (the "FIT Rules"), Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other persons applying for FIT Contracts; and,

Now therefore be it resolved:

- 1) That Council of the City of Markham supports the construction and operation of the Project on the Lands; and,
- 2) That this resolution's sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be use for the purpose of any other form of municipal approval in relation to the Application or Project or any other purpose.

**CARRIED**

- (10) FLATO DEVELOPMENTS INC.  
- EMPLOYMENT LAND CONVERSION,  
NORTHWEST CORNER OF DONALD COUSENS PARKWAY  
AND HIGHWAY 7 IN CORNELL (10.0)

- 1) That the applicant for Flato Developments Inc. be given an opportunity to present additional information to Members of Council at a Development Services Committee meeting or Development Services Sub-Committee for Official Plan Employment Land Conversion meeting to be determined by staff.

**CARRIED**



**12. BY-LAWS**

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Jim Jones

That By-laws 2013-162 to 2013-165 be given three readings and enacted.

**Three Readings****BY-LAW 2013-162 ROAD DEDICATION BY-LAW**

- A by-law to dedicate certain lands as part of the highways of the City of Markham (Blocks 601, 602 and 615, Plan 65M-4325-William Berczy Boulevard; Block 603, Plan 65M-4325-Charles Vogel Drive; Block 604, Plan 65M-4325-Manila Avenue; Block 605, Plan 65M-4325-Busch Avenue; Block 606, Plan 65M-4325-Beckett Avenue; Block 607, Plan 65M-4325-Brock Avenue; Block 608, Plan 65M-4325-Hua Du Avenue; Block 609, Plan 65M-4325-Henry Bauer Avenue; Block 610, Plan 65M-4325-Wilfred Murison Avenue; Block 611, Plan 65M-4325-Hubner Avenue; Block 612, Plan 65M-4325-Holst Avenue; Block 613, Plan 65M-4325-Brunswick Avenue; Block 211, Plan 65M-3245-Harbord Street).

[By-law](#)

**CARRIED**

**BY-LAW 2013-163 A BY-LAW TO AMEND BY-LAW 2012-137, BEING A BY-LAW TO IMPOSE FEES OR CHARGES FOR LICENCES AND PERMITS ISSUED BY THE CITY OF MARKHAM (BUSINESS LICENSING AND SERVICES FEE REVIEW)**

(Item No. 4, Report No. 42)

[By-law](#)

**CARRIED**

**BY-LAW 2013-164 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71 (TO PROHIBIT THROUGH MOVEMENTS ACROSS UNITY GARDENS AVENUE INTO IAN BARON AVENUE)**

(Item No. 1, Report No. 43)

[By-law](#)

**CARRIED**

BY-LAW 2013-165 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71 (TO PROHIBIT TRUCKS ON CASTAN AVENUE BETWEEN UNITY GARDENS DRIVE AND PIERA GARDENS)

(Item No. 1, Report No. 43)

[By-law](#)

**CARRIED**

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

Moved by Councillor Don Hamilton

Seconded by Councillor Carolina Moretti

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into an in-camera session to discuss the following matters (7:37 p.m.):

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING  
- OCTOBER 8, 2013 (16.0)  
[Section 239 (2) (a) (b) (c) (d) (e) (f) (g)]

#### **GENERAL COMMITTEE – October 21, 2013**

- (2) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD. (WARD 4) (8.7)  
[Section 239 (2) (c)]

#### **GENERAL COMMITTEE – October 28, 2013**

- (3) THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR LOCAL BOARD (PROPOSED LEASE) (8.7)  
[Section 239 (2) (a)]

#### **COUNCIL – October 29, 2013**

- (4) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (Ward 3) (8.2)  
[Section 239 (2) (e)]

**CARRIED**

Regional Councillor Joe Li left the meeting at 9:20 p.m.

Moved by Councillor Alex Chiu

Seconded by Councillor Carolina Moretti

That Council rise from in-camera session and report. (9:39 p.m.)

**CARRIED**

Council reported out the items as follows:

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING  
- OCTOBER 8, 2013 (16.0)

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

- 1) That the Council In-camera Minutes dated October 8, 2013 be confirmed.

**CARRIED**

- (2) STOP UP AND CLOSURE OF A PORTION OF HUBNER AVENUE (8.7)

Moved by Councillor Carolina Moretti

Seconded by Councillor Valerie Burke

- 1) That a By-law be enacted to stop up and close a portion of Hubner Avenue legally described as Part of Hubner Avenue, Plan 65R-4325, designated as Part 1, 65R-34451, City of Markham, Regional Municipality of York; and,
- 2) That staff be authorized to proceed as directed by Council on October 29, 2013.

**CARRIED**

- (3) 1. PROPOSED LEASE EXTENSION WITH  
CDI COMPUTERS INC. AT 75 CLEGG ROAD, AND  
2. PROPOSED LEASE WITH NEAMSBY INVESTMENTS LTD.  
FOR 7271 WARDEN AVENUE (MARKHAM CONVERGENCE CENTRE) (8.7)

Moved by Councillor Carolina Moretti

Seconded by Councillor Colin Campbell

- 1) That the confidential report entitled “1. Proposed Lease Extension with CDI Computers Inc. at 75 Clegg Road, and 2. Proposed Lease with Neamsby Investments Ltd. for 7271 Warden Avenue (Markham Convergence Centre)” be received; and,
- 2) That staff be authorized to proceed as directed by Council on October 29, 2013.

**CARRIED BY A RECORDED VOTE (8:2)**

(See following recorded vote)

YEAS: Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Mayor Frank Scarpitti, Councillor Colin Campbell, Councillor Logan Kanapathi, Councillor Alex Chiu. (8)

NAYS: Deputy Mayor Jack Heath, Regional Councillor Jim Jones (abstained). (2)

ABSENT: Regional Councillor Gord Landon, Regional Councillor Joe Li, Councillor Alan Ho. (3)

- (4) LITIGATION OR POTENTIAL LITIGATION, INCLUDING  
MATTERS BEFORE ADMINISTRATIVE TRIBUNALS,  
AFFECTING THE MUNICIPALITY OR LOCAL BOARD (Ward 3) (8.2)

Council consented to not report out on this matter.

**14. CONFIRMATORY BY-LAW**

Moved by Councillor Alex Chiu

Seconded by Councillor Colin Campbell

That By-law 2013-166 be given three readings and enacted.

**Three Readings**

BY-LAW 2013-166 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF OCTOBER 29, 2013.

[By-law](#)

**CARRIED**

**15. ADJOURNMENT**

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

That the Council Meeting be adjourned at 9:41 p.m.

**CARRIED**

---

KIMBERLEY KITTERINGHAM  
CITY CLERK

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FRANK SCARPITTI  
MAYOR

(Signed)