



COUNCIL MINUTES

September 24, 2013, 7:00 p.m.

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 19

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ROLL CALL

Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Gord Landon, Regional Councillor Joe Li, Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Colin Campbell, Councillor Alan Ho, Councillor Logan Kanapathi, Councillor Alex Chiu.

REGRETS

Councillor Carolina Moretti.

STAFF

Andy Taylor, Chief Administrative Officer
Jim Baird, Commissioner of Development Services
Catherine Conrad, City Solicitor
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
Sharon Laing, Director of Human Resources
Kimberley Kitteringham, City Clerk
Martha Pettit, Deputy Clerk

The regular meeting of Council convened at 7:05 p.m. on September 24, 2013 in the Council Chamber. Mayor Frank Scarpitti presided.

1. DISCLOSURE OF PECUNIARY INTEREST

(1) None declared.

2. MINUTES**(1) COUNCIL MINUTES – SEPTEMBER 17, 2013**

[Minutes](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

- 1) That the Minutes of the Council Meeting held on September 17, 2013, be adopted.

CARRIED

3. PRESENTATIONS**(1) DIVERSITY IN GOVERNANCE AWARD
- LOCAL GOVERNMENT SECTOR (12.2.6)**

Council recognized the City of Markham for winning the Diversity in Governance Award - Local Government Sector. The award commends the City's leadership, commitment and practical initiatives in embracing diversity at all levels.

Mayor Frank Scarpitti, on behalf of Council and the City of Markham, expressed thanks to City staff in attendance including:

- Sharon Laing, Director of Human Resources
- Kimberley Kitteringham, City Clerk
- Laura Gold, Council/Committee Coordinator
- Mona Nazif, Manager, Client Services
- Cheryl McConney-Wilson, Diversity Specialist

4. DELEGATIONS

There were no delegations.

5. PETITIONS

There were no petitions.

6(a) REPORT NO. 37 - GENERAL COMMITTEE (September 23, 2013)

Moved by Councillor Howard Shore

Seconded by Councillor Colin Campbell

That Report No. 37 – General Committee comprised of 5 items be received and adopted, except Item No. 3. (See following Item No. 3)

(1) **AWARD OF PROPOSAL 151-R-13 ELECTRICAL SERVICES FOR CITY FACILITIES (7.12)**

[Report](#)

- 1) That the report entitled “Award of Proposal 151-R-13 Electrical Services for City Facilities” be received; and,
- 2) That the contract for Electrical Services for City Facilities be awarded to the highest ranked and lowest priced bidder, Kudlak-Baird (1982) Ltd., beginning October 1, 2013 in the estimated annual amount of \$271,750.08 inclusive of HST with prices fixed for a period of four (4) years totaling \$1,087,000.32 inclusive of HST; and,
- 3) That the award be funded from the various City Departments Operating and Capital budget accounts on an as required basis; and,
- 4) That this report be tabled at the September 24th, 2013 Council Meeting; and,
- 5) That the award amounts in 2014 to 2017 be subject to Council approval of the respective year’s operating budgets and that the award amounts be amended to reflect changes (e.g. growth from new facilities) to the various user budget accounts as approved by Council during the annual budget process; and,
- 6) That the 2014 operating budget be adjusted accordingly to reflect the 2% rate reduction in comparison to the previous contract; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(2) CONTRACT EXTENSION (303-R-09) FOR
GENERAL INSURANCE AND RISK
MANAGEMENT PROGRAM (7.12)

[Report](#)

- 1) That the report “Contract Extension (303-R-09) for General Insurance and Risk Management Program” be received; and,
- 2) That contract 303-R-09 for General Insurance and Risk Management Program be extended for a further one-year term from January 1, 2014 to January 1, 2015 to Jardine Lloyd Thompson for a maximum amount of \$1,225,000 (inclusive of PST, premium changes, asset growth, and inflation in property values); and,
- 3) That the Treasurer be authorized to extend the contract for General Insurance and Risk Management Program for three further one year periods (2015 to 2017) provided that it is in the best interest of the City and the premium increase per year does not exceed 5% of the cost of the previous years' insurance program, exclusive of annual coverage changes and asset growth related changes to the property and automotive portfolios; and,
- 4) That the Treasurer be further authorized to approve all annual coverage changes, asset growth related changes to the property and automotive portfolios (2015 to 2017); and,
- 5) That in accordance with Purchasing By-Law 2004-341, Part II, Section 7 (1)(c), Non-Competitive Procurement, whereby “When the extension of an existing contract would prove more cost-effective and beneficial”, the tendering process be waived; and,
- 6) That this award be funded from 2014 Operating Account 840-8465555 Insurance Premium as shown in the financial consideration section, subject to Council approval of the 2014 operating budget; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(3) APPOINTMENT OF MEMBERS TO THE
MAYOR'S YOUTH TASK FORCE FOR THE
PERIOD OF SEPTEMBER 1, 2013 TO JUNE 30, 2014 (16.24)
[Report](#)

Moved by Councillor Howard Shore

Seconded by Councillor Colin Campbell

- 1) That the Report Appointment of Members to the Mayor's Youth Task Force for the period of September 1, 2013 to June 30, 2014 be received; and,
- 2) That the following Appointments of Members to the Mayor's Youth Task Force be confirmed for the term September 1, 2013 to June 30, 2014;

Name	Ward	School	Grade
Tiffany Chan, Co – Chair	5	Unionville H.S.	12
Amanda Whyte, Co-Chair	5	Unionville H.S.	12
Joefre Braga	5	St. Brother Andre	11
Nirushi Mohan	7	Markham District H.S.	11
Ronaz Remtulla	3	Unionville H.S.	12
Tina Zhong	5	Thornhill Secondary School	11
Crystal Chen	2	Thornhill Secondary School	10
Annie Sun	4	Pierre Elliott Trudeau	12
Jeffrey Li	3	Markville Secondary School	11
Sean Pereira	1	St. Roberts Catholic H.S.	10
Jennifer Cheng	7	Markham District H.S.	11
Michelle Lu	4	Markham District H.S.	11
Nandini Shah	4	Bur Oak Secondary School	11
Ashley Lam	6	Markham District H.S.	12
Loreta Chan	3	Markville Secondary School	10
Pai Liu	4	Bur Oak Secondary School	12
Yu Xin Shi	8	Milliken Mills H.S.	11
Henry He	3	Marc Garneau CI	11
Justin Jen	4	St. Augustine	9
Clive Ngan	4	Pierre Elliot Trudeau	12
Arjun Bali	6	Bayview Secondary School	12
Joyce Chan	5	Unionville High School	9
Scott Zhang	6	Unionville High School	10
Gary Li	4	Pierre Elliot Trudeau	11
Monica Xu	4	Bayview Secondary School	10

; and further,

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

CARRIED

(4) DARREN HILL TRAIL PROPOSED
PARKING PROHIBITION (2.17)

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

- 1) That the staff report entitled “Darren Hill Trail Proposed Parking Prohibition”, be received; and,
- 2) That Schedule “C” of Parking By-law 2005-188, be amended by prohibiting parking anytime on the east & north sides of Darren Hill Trail, between the property line of #37 and #35 Darren Hill Trail and the property line between #35 and #21 Darren Hill Trail; and,
- 3) That Schedule “C” of Parking By-law 2005-188, be amended by prohibiting parking anytime on the south & west sides of Darren Hill Trail between the property line of #22 and #24 Darren Hill Trail and the property line between #18 Darren Hill Trail and the rear property line of #1396 Castlemore Avenue; 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 regulatory signs be funded from capital project # 11305 (Traffic Operational Improvements) in the amount of approximately \$500; 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 2013-156)

CARRIED

(5) ACQUISITION OF AN ARTICULATED
AERIAL LADDER DEVICE (7.16)

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

- 1) That the report entitled “Acquisition of an Articulated Aerial Ladder Device” be received; and,
- 2) That the approved funding for the Capital Project - 13403 New Fleet Vehicles Fire be increased by \$305,300, inclusive of HST, to reflect current market price for an articulated aerial ladder device; and,

- 3) That the increase in the budget in the amount of \$305,300 be 100% funded from Development Charges in accordance with the original budget request; and further,
- 4) 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

(1) MARKHAM SPORTS, ENTERTAINMENT AND CULTURAL CENTRE (6.0)

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Logan Kanapathi

Whereas Markham and its taxpayers are financial guarantors of the Markham Sports, Entertainment and Cultural Centre, which would pose a significant and unnecessary risk for a financially responsible municipality of a limited size like Markham; and,

Whereas the Proposed Financial Framework (PFF) includes a special levy of approximately \$5,000 on new housing units, which is unfair to new homeowners and may also be challenged in court; and,

Whereas the PFF recommends the use of Section 37 money – usually used to enhance neighbourhood parks, trails and other local amenities – for arena construction; and,

Now therefore be it resolved:

- 1) That Markham Council rescind its previous approval of the PFF and all other matters contained in the April 26, 2012 report titled “Markham Sports, Entertainment and Cultural Centre”; and,
- 2) That Markham Council direct staff to terminate all work and negotiations on operating and cost-sharing agreements within the parameters of the PFF; and further,

- 3) That Markham Council encourage the proponents and others to explore private funding opportunities for the construction of the building along the lines of the Site Plan already approved.

Note: Council directed that the City Clerk arrange a suitable venue for a two-day Special Council Meeting to consider this motion regarding the Markham Sports, Entertainment and Cultural Centre.

9. COMMUNICATIONS

Moved by Councillor Alex Chiu
Seconded by Councillor Alan Ho

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

Referred to Commissioner of Development Services and City Solicitor

62-2013 ONTARIO MUNICIPAL BOARD (OMB) ORDER
- 1820266 ONTARIO INC. (TIMES GROUP INC.), 4002/4022 HIGHWAY 7;
UNIONVILLE DEVELOPMENT CORPORATION (LEE DEVELOPMENTS),
3972 HIGHWAY 7 EAST; 2124123 ONTARIO LTD. (PEAK GARDEN
DEVELOPMENTS), 3940 HIGHWAY 7 EAST (13.13)

[Decision](#)

Summary from the City Solicitor:

On August 28, 2013 the OMB issued a decision regarding the settlement of appeals by three developers located along Highway 7, of Council's refusal to approve various Official Plan amendments, plans of subdivision applications, and zoning by-law amendments. The particulars of each application and settlement are described below.

Times Group Corporation ("Times") at 4002 and 4022 Highway 7 E

Times applied for Official Plan and zoning by-law amendments to permit two, eight-storey condominium apartment buildings containing a total of 444 apartment dwelling units and 342 square metres of commercial space, and 96 "back-to-back" condominium townhouses with underground parking in the centre of the lands. Prior to the commencement of the hearing, Times and the City entered into Minutes of Settlement providing for a maximum of three apartment buildings with a maximum height of eight storeys containing a maximum of 393 apartment units, and a maximum of 72 three-storey townhouse units. A public park use was approved on the north block of the parcel, and a section 37 payment of \$560,000 will be required.

Unionville Development Corporation ("Lee") at the northwest corner of Highway 7 E and Village Parkway

Lee applied for Official Plan and zoning by-law amendments to permit an eight-storey apartment block containing a total of 430 apartment dwelling units and a townhouse block containing 96 units. Prior to the commencement of the hearing, Lee and the City entered into Minutes of Settlement providing for a maximum of three apartment buildings with a maximum height of eight storeys, containing a maximum of 379 apartment units, and a maximum of 72 three-storey townhouse units. A section 37 payment of \$560,000 will be required.

2124123 Ontario Limited ("Peak") at 3940 Highway 7 E

Peak applied for Official Plan and zoning by-law amendments, and approval of a plan of subdivision, to permit the development of an eight-storey, 254 unit apartment building, 36 townhouse dwelling units, and an open space block. Shortly before the conclusion of the hearing, Peak and the City entered into Minutes of Settlement providing for a maximum of 262 units on the Peak lands. The first block will contain 228 units, nineteen of which may be townhouse units, and the second block will contain a maximum of 36 townhouse units with a maximum height of 12 metres. The maximum height of the apartment building was set at the lesser of 8 storeys or 30 metres. A section 37 payment of \$250,000 will be required. Peak and the York Region District School Board ("YRDSB") were not able to agree on whether the northern block of the Peak lands should be reserved for a school site, or dedicated to the City as parkland. A Board decision was required on that issue.

School versus Park

This matter related to a 1.15 acre portion of the Peak lands, known as Block 3. YRDSB took the position that Block 3 should be designated and zoned for a partial school site. YRDSB's evidence was that Block 3, together with a parcel on the Lee lands, will accommodate an elementary school with an anticipated capacity of 400 students from the OPA 15 and 21 planning areas. Peak sought the Board's approval to dedicate Block 3 to the City as parkland, and to receive a credit for parkland dedication. Peak argued that only students from the OPA 15 area should be considered, yielding only 165 students and making a 400 student school unnecessary. The City took no position on the issue.

After hearing the evidence of two land use planners on behalf of YRDSB and one land use planner on behalf of Peak, the Board preferred the evidence of YRDSB and approved the designation of Block 3 as a partial school site. The City and the Region were ordered to revise Peak's conditions of Draft Plan approval, and to amend the planning instruments where necessary, to implement this ruling. Peak's obligation to pay cash-in-lieu of parkland dedication to the City will be secured through the amended conditions, and the total payment will also be determined as part of that process.

The Hearing and Decision

In addition to the City, YRDSB and the developers, the other parties to the hearing were the Region, the Village Parkway Residents Association ("VPRA"), and the Unionville Ratepayers Association ("URA"). Prior to the execution of the Minutes of Settlement between Peak and the City, the parties provided evidence regarding traffic; school site vs. park on Peak's land; cost sharing; and planning. However, ultimately all the parties but the VPRA and URA supported the proposed settlements, subject to the continued disagreement over the school site on Peak's lands. VPRA and URA opposed the settlements on the basis of density, housing form, scale, incompatibility with surrounding built forms, and traffic concerns.

After hearing evidence presented on behalf of all the parties, the Board ruled that the school permissions on the north portion of the Peak lands were appropriate, and approved the settlements, including the Official Plan and zoning by-law amendments as well as the Peak draft Plan of Subdivision, as presented by the City and the appellants.

(See By-laws 2013-147 to 2013-152 approved by OMB)

CARRIED

10. PROCLAMATIONS

There were no proclamations.

11. NEW/OTHER BUSINESS

There was no new/other business.

12. BY-LAWS

Moved by Regional Councillor Jim Jones

Seconded by Councillor Alex Chiu

That By-laws 2013-153, 2013-155 and 2013-156 be given three readings and enacted.

CARRIED

Ontario Municipal Board (OMB) Approved By-laws

BY-LAW 2013-147 A BY-LAW TO ASSIGN OFFICIAL PLAN AMENDMENT NO. 210 APPROVED BY ONTARIO MUNICIPAL BOARD (OMB) - 1820266 ONTARIO INC. (TIMES GROUP INC.), 4002/4022 HIGHWAY 7. (Communication No. 62-2013)

[OPA](#)

(By-law 2013-147 approved by OMB - For information only to facilitate the assignment of a by-law number)

BY-LAW 2013-148 A BY-LAW TO AMEND BY-LAW 118-79, AS AMENDED, APPROVED BY ONTARIO MUNICIPAL BOARD (OMB) - 1820266 ONTARIO INC. (TIMES GROUP INC.), 4002/4022 HIGHWAY 7. (Communication No. 62-2013)

[By-law](#)

(By-law 2013-148 approved by OMB - For information only to facilitate the assignment of a by-law number)

BY-LAW 2013-149 A BY-LAW TO ASSIGN OFFICIAL PLAN AMENDMENT NO. 211 APPROVED BY ONTARIO MUNICIPAL BOARD (OMB) - UNIONVILLE DEVELOPMENT CORPORATION (LEE DEVELOPMENTS), 3972 HIGHWAY 7 EAST. (Communication No. 62-2013)

[OPA](#)

(By-law 2013-149 approved by OMB - For information only to facilitate the assignment of a by-law number)

BY-LAW 2013-150 A BY-LAW TO AMEND BY-LAW 118-79, AS AMENDED, APPROVED BY ONTARIO MUNICIPAL BOARD - UNIONVILLE DEVELOPMENT CORPORATION (LEE DEVELOPMENTS), 3972 HIGHWAY 7 EAST.

(Communication No. 62-2013)

[By-law](#)

(By-law 2013-150 approved by OMB - For information only to facilitate the assignment of a by-law number)

BY-LAW 2013-151 A BY-LAW TO ASSIGN OFFICIAL PLAN AMENDMENT NO. 212 APPROVED BY ONTARIO MUNICIPAL BOARD (OMB) - 2124123 ONTARIO LTD. (PEAK GARDEN DEVELOPMENT), 3940 HIGHWAY 7 EAST.

(Communication No. 62-2013)

[OPA](#)

(By-law 2013-151 approved by OMB - For information only to facilitate the assignment of a by-law number)

BY-LAW 2013-152 A BY-LAW TO AMEND BY-LAW 118-79, AS AMENDED, APPROVED BY ONTARIO MUNICIPAL BOARD (OMB) - 2124123 ONTARIO LTD. (PEAK GARDEN DEVELOPMENT), 3940 HIGHWAY 7 EAST.

(Communication No. 62-2013)

[By-law](#)

(By-law 2013-152 approved by OMB - For information only to facilitate the assignment of a by-law number)

Three Readings

BY-LAW 2013-153 UPPER UNIONVILLE INC. - PART LOT CONTROL EXEMPTION BY-LAW

- A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, north of 16th Avenue and east of Kennedy Road, Lots 82, 102, 362, 363, 364, 365, 366, 422, 423, 424, 430, 431, 472, 485, 489, 490, 491, 502, 503, 504 and 518 and Blocks 565, 566, 569 and 570, Plan 65M-4325.

[By-law](#)

CARRIED

BY-LAW 2013-155 2271850 ONTARIO LIMITED - PART LOT CONTROL EXEMPTION
BY-LAW
By-law
- A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Blocks 87, 88, 89, 90, 91, 92, Plan 65M-4328, west of Woodbine Avenue and north of Elgin Mills Road.

CARRIED

BY-LAW 2013-156 A BY-LAW TO AMEND PARKING BY-LAW 2005-188 – DARREN HILL TRAIL PARKING PROHIBITION
(Item No. 4, Report No. 37)
By-law

CARRIED

13. IN-CAMERA ITEMS

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

- (1) LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS
(CUPE INSIDE & OUTSIDE COLLECTIVE BARGAINING) (11.0)
[Section 239 (2) (d)]

Council reported out the items as follows:

GENERAL COMMITTEE – September 23, 2013

- (1) CUPE INSIDE & OUTSIDE
COLLECTIVE BARGAINING (11.0)

Moved by Regional Councillor Joe Li
Seconded by Councillor Don Hamilton

- 1) That the Corporation of the City of Markham work to negotiate 2013 renewal collective agreements with the Canadian Union of Public Employees (CUPE) Local 905, Inside and Outside Units, as presented at the Restricted General Committee meeting held on September 23, 2013.

CARRIED

14. CONFIRMATORY BY-LAW

Moved by Councillor Alex Chiu
Seconded by Councillor Howard Shore

That By-law 2013-154 be given three readings and enacted.

Three Readings

BY-LAW 2013-154 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF SEPTEMBER 24, 2013.

By-law

CARRIED

15. ADJOURNMENT

Moved by Councillor Alex Chiu
Seconded by Councillor Colin Campbell

That the Council Meeting be adjourned at 7:35 p.m.

CARRIED

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

(Signed)