



COUNCIL MINUTES

May 28, 2013, 7:00 p.m.

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 13

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

Brenda Librecz, Commissioner of Community and Fire Services
Catherine Conrad, City Solicitor
Jim Baird, Commissioner of Development Services
Trinela Cane, Commissioner of Corporate 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
Laurie Rose, Mayor's Chief of Staff
Mark Visser, Senior Manager, Financial Strategy & Investments
Kevin Ross, Manager, Development Finance
Meg West, Manager, Strategic Initiatives
Don Taylor, Manager, Executive Operations

The regular meeting of Council convened at 7:10 p.m. on May 28, 2013 in the Council Chamber. Mayor Frank Scarpitti presided.

1. DISCLOSURE OF PECUNIARY INTEREST

- (1) Councillor Logan Kanapathi disclosed an interest with respect to Item No. 1 Report No. 26 regarding the item titled "Preliminary Report Update and Consolidation of Zoning By-Law 177-96 PR 11 128536", by nature of his wife operating a medical clinic, and did not take part in the discussion of, or vote on the question of the approval of this matter.

2. MINUTES**(1) COUNCIL MINUTES – MAY 13, 2013**[Minutes](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

- 1) That the Minutes of the Council Meeting held on May 13, 2013, be adopted.

CARRIED

3. PRESENTATIONS

There were no presentations.

4. DELEGATIONS**(1) DELEGATIONS REGARDING THE MOTION TITLED
"WORLD CLASS CONVENTION, TRADE
AND ENTERTAINMENT CENTRE" (13.0)**

The following individuals addressed Council regarding the motion titled "World Class Convention, Trade and Entertainment Centre":

1. Robert Mok spoke in opposition to the proposed motion.
 2. Steven Yu was not in attendance when his name was called.
 3. Annette Cacorovski spoke in support of the proposed motion.
 4. Karen Rea, Markham Village City Ratepayers Association, spoke in support of the proposed motion.
 5. Donna Bush spoke in opposition to the proposed motion.
 6. Patrick Au, Chinese Family Services of Ontario, spoke in opposition to the proposed motion.
 7. Eileen Liasi, on behalf of German Mills Residents Association and Markham Citizens Coalition for Responsible Government and herself, provided comments and spoke in support of an online survey to gather public input.
 8. Jim Kwan, Director of Markham Citizens Coalition for Responsible Government, provided comments and spoke in support of an online survey to gather public input.
 9. Nuredin Bulle, on behalf of UNITE HERE, spoke in support of the proposed motion.
 10. Marg Ferguson provided comments.
 11. Don Whalen, spoke in opposition to the proposed motion.
- (See Motion Item No. 1 for Council's decision on this matter)

5. PETITIONS

There were no petitions.

6(A) REPORT NO. 25 - DEVELOPMENT SERVICES COMMITTEE (May 21, 2013)

Moved by Councillor Carolina Moretti

Seconded by Councillor Colin Campbell

That Report No. 25 – Development Services Committee comprised of 2 items be received and adopted.

(1) CITY INITIATED REVIEW OF
POTENTIAL REGULATIONS TO
PERMIT OUTDOOR PATIOS ON THE
PUBLIC RIGHT OF WAY ALONG MAIN STREET MARKHAM
AND ASSOCIATED DESIGN GUIDELINES (10.0)

[Report](#) [App A](#) [App B](#) [App C](#) [App D](#) [App E](#) [App F](#)

- 1) That the correspondence from Brian Rowsell, and the deputations by Peter Ross, Roger Clements, Paul Cicchini, Diane Kobelansky representing the Markham BIA, and Sonny Lavasani regarding outdoor patios, be received; and,
- 2) That the report dated May 21, 2013, entitled “PRELIMINARY REPORT. City Initiated Review of Potential Regulations to Permit Outdoor Patios on the Public Right of Way along Main Street Markham and Associated Design Guidelines”, be received; and,
- 3) That the presentation entitled “Outdoor Commercial Patios in the Public Right of Way”, be received; and,
- 4) That Council adopt the three patio types (A, B and C) as potential layouts, where appropriate, for outdoor patios in the public right of way; and,
- 5) That the chart attached as Appendix “F” to the report, as it relates to Main Street Markham that recommends which patio type is considered appropriate for each business that has requested a patio, be referred to the Markham Subcommittee for a review and recommendation to the Development Services Committee in June, 2013; and,

- 6) That Staff revise the Road Occupancy By-law to incorporate provisions to permit outdoor patios in the public right of way, where appropriate, across the City of Markham; and,
- 7) That Staff implement the necessary application process and administrative procedures, including the provision of information on the City's portal; and further,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

- (2) RECOMMENDATION REPORT
APPLICATION FOR VARIANCES TO THE
SIGN BY-LAW RULAND PROPERTIES INC.
(THE REMINGTON GROUP) MARKHAM CENTRE
(SP 2013 111744) (2.16, 10.0)

[Report](#)

- 1) That the report titled Application for Variances to the Sign By-law, Ruland Properties Inc. (the Remington Group), be received; and,
- 2) That the application for the proposed sign variances (SP 13 111744) be approved; and,
- 3) That staff be directed to report on possible amendments to the Sign By-law to delegate sign variances to the site plan approval stage for certain unique districts within the City; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**6(B) REPORT NO. 26 - DEVELOPMENT SERVICES PUBLIC MEETING
(May 21, 2013)**

Moved by Councillor Carolina Moretti
Seconded by Councillor Don Hamilton

That Report No. 26 – Development Services Public Meeting comprised of 1 item be received and adopted.

(1) PRELIMINARY REPORT
UPDATE AND CONSOLIDATION
OF ZONING BY-LAW 177-96
PR 11 128536 (10.5)

[Report \(Draft Zoning By-law 177-96 and Consolidation document\)](#)

- 1) That the deputation by Tanya Holme regarding By-law 177-96 be received; and,
- 2) That the written submissions by Doris Cheng, Toronto and Region Conservation Authority, and Adam McDonald, York Catholic District School Board, be received; and,
- 3) That the Development Services Commission report dated April 23, 2013 entitled “PRELIMINARY REPORT – Update and Consolidation of Zoning By-law 177-96, File Number: PR 11 128536” be received; and,
- 4) That the record of the Public Meeting held on May 21, 2013, with respect to the proposed Update and Consolidation of Zoning By-law 177-96 (PR 11 128536) be received; and,
- 5) That the Zoning By-law Amendment application (PR 11 128536) to amend Zoning By-law 177-96, as amended, be approved; and further,
- 6) That the proposed amendment to Zoning By-law 177-96, as amended, be enacted without further notice.

CARRIED

(Councillor Logan Kanapathi abstained due to conflict)

Councillor Logan Kanapathi, having previously disclosed an interest, did not participate in the discussion of or vote on this matter.

6(C) REPORT NO. 27 - GENERAL COMMITTEE (May 27, 2013)

Moved by Councillor Carolina Moretti

Seconded by Councillor Valerie Burke

That Report No. 27 – General Committee comprised of 9 items be received and adopted, except Item No. 7. (See following Item No. 7)

(1) MINUTES OF THE APRIL 17, 2013
ANIMAL CARE COMMITTEE (16.0)
[Minutes](#)

- 1) That the Minutes of the April 17, 2013 Animal Care Committee be received for information purposes; and,
- 2) That Council endorse the resolution passed at the April 17, 2013 Animal Care Committee Meeting:

“That the position of Ms. Jennie Kavanagh from the Animal Care Committee be declared vacant and a replacement member be appointed”.

CARRIED

(2) MINUTES OF THE APRIL 19, 2013
COMMUNICATIONS COMMITTEE & INFORMATION
TECHNOLOGY SUB-COMMITTEE (16.0)
[Minutes](#)

- 1) That the Minutes of the April 19, 2013 Communications Committee and Information Technology Sub-Committee be received for information purposes; and,
- 2) That Council endorse the resolution passed at the April 19, 2013 Communications & ITS Sub-Committee Meeting:

“That the Communications & Information Technology Sub-Committee recommend that Council discontinue paper copies of agendas for staff and Members of Council at Council, Standing Committee and Advisory Committee meetings effective September 1, 2013.”

CARRIED

(3) MINUTES OF THE MAY 14, 2013
ENVIRONMENTAL ISSUES COMMITTEE (16.0)
[Minutes](#)

- 1) That the Minutes of the May 14, 2013 Environmental Issues Committee be received for information purposes; and,
- 2) That Council endorse the following recommendations:

“That the project allocation (\$45,000) for the Dimma House under the Southeast Collector Enhancement Program be directed to stabilization of the building through roof replacement, downspout replacements, facia replacement, mold, asbestos and garbage removal, and the reinstatement of hydro services; and,

That the City of Markham continue to work with the Toronto & Region Conservation Authority (TRCA) and Parks Canada to reuse the Dimma House, including possible privatization, and that if the \$45,000.00 project allocation can be recovered that it be allocated to the Locust Hill Schoolhouse; and further,

That staff be authorized and directed to do all things necessary to give effect to this resolution.”

CARRIED

(4) AWARD OF REQUEST FOR PROPOSAL CFRP
2012-10 SUPPLY AND DELIVERY OF CURBSIDE
GREENBINS (YORK REGION BUYERS COOPERATIVE) (7.12)
[Report](#)

- 1) That the report “Award of Request for Proposal CFRP 2012-10 Supply and Delivery of Curbside Green Bins (York Region Buyers Cooperative) be received; and,
- 2) That Request for Proposal CFRP 2012-10 Supply and Delivery of Curbside Green Bins (York Region Buyers Cooperative) be awarded to the highest ranked and lowest priced Bidder, Orbis Canada Ltd. in their unit price of \$15.06 per bin (inclusive of HST) in the estimated annual amount of \$90,362.88; and,
- 3) That the award is for initial term of eight (8) months, from June 1, 2013 to February 1, 2014 in the amount of \$60,241.92 inclusive of HST; and,

- 4) That the Director of Environmental Services and Senior Manager of Purchasing & Accounts Payable be authorized to extend the contract for four (4) additional one (1) year terms at annual price increase to a maximum of five percent (5%) effective 2014 as outlined below, subject to Council approval of the annual budgets;
 - a) 2014 - \$90,362.88
 - b) 2015 - \$90,362.88
 - c) 2016 - \$90,362.88
 - d) 2017 - \$90,362.88; and,
- 5) That the award be funded from the Waste Management Operating account 770-773-4132; and,
- 6) That the 2014 to 2017 purchase orders be adjusted for growth, subject to Council approval of the respective years' budgets; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(5) **CONTRACT EXTENSION 051-R-07**
- EXTERNAL AUDIT SERVICES (7.4)
[Report](#) [Appendix A](#)

- 1) That the report entitled "Contract Extension 051-R-07 External Audit Services" ("the Contract") be received; and,
- 2) That the Contract be extended for a further five years with an option to renew after three years, for a period of an additional 2 years; and,
- 3) That the Contract for the three year fiscal period commencing with the 2013 audit and ending with the 2015 audit, be awarded for an annual amount of \$137,376, inclusive of HST, with no increase in each of the three years; and,
- 4) That the Contract include examination and review of the records and conduct an audit of the financial statements prepared in accordance with Canadian accounting standards for the public sector of The Corporation of the City of Markham, The Corporation of the City of Markham Trust Fund, the Old Markham Village Business Improvement Area ("MBIA"), and Unionville Business Improvement Area ("UBIA"); and,

- 5) That the Contract include the examination and review of the records and conduct an audit of the financial statements prepared in accordance with Canadian accounting standards for not-for-profit organizations (“ASNPO”) of the York Regional Innovation Centre (“VentureLab”), the Varley-McKay Art Foundation of Markham (“Varley”), and Museum Foundation (“Museum”); and,
- 6) That the Contract include examination and review of the records and financial statements prepared in accordance with International Financial Reporting Standards (“IFRS”) of Markham District Energy (“MDE”) and Markham Enterprises Corporation (“MEC”); and,
- 7) That the Contract include a compliance audit opinion related to the transfer of the Federal Gas Tax grant; and,
- 8) That the Contract include the preparation of income tax returns for MDE and MEC; and,
- 9) That the Treasurer and Senior Manager of Purchasing and Accounts Payable be authorized to extend the renewal for the audit of fiscal years 2016 and 2017 where the annual increase is limited to the lesser of 2% percent or the annual increase in CPI; and,
- 10) That the tendering process be waived in accordance with Purchasing By-Law 2004-341, Part II, Section 7 (1) (C) when the extension of an existing contract would prove more cost-effective or beneficial; and,
- 11) That the award for the audit for fiscal years 2013 to 2015 be funded from the respective annual operating budget; and further,
- 12) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(6) THORNLEA POOL AND GYMNASIUM
ROOF REPLACEMENT (7.0, 6.0 & 5.7)

[Report](#)

- 1) That the Staff report titled “Thornlea Pool and Gymnasium Roof Replacement” be received; and,
- 2) That the cost of the design and replacement of Thornlea Pool roof to an upset amount of \$293,000 be funded from the Life Cycle Replacement and Capital Reserve (#087-2800-200); and further,

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

CARRIED

(7) 2013 DEVELOPMENT CHARGES

BACKGROUND STUDY (7.11)

[Presentation](#) [Report](#) [Appendix A](#) [Appendix B](#)
[Development Charges Background Study](#)

Moved by Councillor Carolina Moretti

Seconded by Councillor Valerie Burke

- 1) That the presentation by Mr. Craig Binning, Partner, Hemson Consulting Ltd. and Mr. Mark Visser, Senior Manager, Financial Strategy and Investments entitled “Development Charges Update,” be received; and,
- 2) That the report on the “2013 Development Charges Background Study” be received; and,
- 3) That the summary responses to the comments from the public and the development community be received for information; and,
- 4) That no further public meeting is required under Section 12 of the Development Charges Act 1997; and,
- 5) That Council approve the development charge Background Study prepared by Hemson Consulting Ltd. dated April 2013; and,
- 6) That it is Council’s intent to ensure that the increase in the need for services to service anticipated development will be met; and,
- 7) That it is Council’s intent that development related to post 2018 mid year capacity identified in the Background Study shall be paid for by development charges or other similar charges; and,
- 8) That it is Council’s intent that infrastructure related to post 2031 development identified in the background study shall be paid for by development charges or similar charges; and,
- 9) That Council recognizes that there are operating costs associated with the implementation of the capital program; and,

- 10) That Council approve the policy/methodology changes as outlined in this report; and,
- 11) That Council approve the enactment of the City Wide Hard, City Wide Soft and Area Specific development charges by-laws effective on May 29th, 2013 with the exception for Area 9, 42B-6 and 42B-8 ; and,
- 12) That Council approve the policy whereby complete building permit applications, as determined in accordance with the *Building Code Act*, filed prior to the enactment of the new development charge by-laws be charged the existing (2008 and 2009) by-law rates so long as a building permit is issued by November 29, 2013; and,
- 13) That Council approve a new 2013 capital project in the amount of \$150,000 of which \$135,000 (90%) will be funded from the Development Charges reserve and \$15,000 (10%) will be funded from the Capital Contingency project, for the defence of the Soft Services calculation methodologies used in the 2009 and 2013 Development Charges Background Studies; and,
- 14) That Council intends that the future excess capacity identified in the Development Charges Background Study, dated April 2013, prepared by Hemson Consulting Ltd. shall be paid for by the development charges; and,
- 15) That these recommendations including the implementing by-laws be forwarded to the May 28, 2013 Council meeting for adoption; and,
- 16) That the correspondence from Julie Bottos, SCS Consulting Group Ltd., be received, and further,
- 17) That staff be directed to do all things necessary to give effect to this report.
(By-laws 2013-81 to 2013-100)

CARRIED

Council consented to delete the words "...September 30, 2013" and replace with the words (...November 29, 2013) contained in Paragraph No. 12.

(8) STATION LANE PARKING RESTRICTION (2.17)

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

- 1) That the staff report entitled “Station Lane Proposed Parking Prohibition”, be received; and,
- 2) That Schedule “C” of Parking By-law 2005-188, be amended by including the north side of Station Lane, between Main Street Unionville and Eureka Street; and,
- 3) That Schedule “C” of Parking By-law 2005-188, be amended by removing the north side of Station Lane, between 8D & 10 Station Lane and the property line between 12 & 14 Station Lane; 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 2013-80)

CARRIED

(9) INTEGRATED ACCESSIBILITY STANDARDS
REGULATION POLICY (5.7)

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

- 1) That the report dated May 27, 2013 “Integrated Accessibility Standard Regulation Policy, Ontario Regulation 191/11” be received; and,
- 2) That Council approve the “Integrated Accessibility Standards Regulation Policy” effective July 1, 2013 (Attachment 1); and further,
- 3) That staff be authorized and directed to do all things necessary to implement the actions set out in this report.

CARRIED

7. MOTIONS**(1) WORLD CLASS CONVENTION, TRADE AND ENTERTAINMENT CENTRE (13.0)**

Note: The notice of this motion was given to Council at its meeting held on April 30 and May 1, 2013.

Moved by Regional Councillor Jim Jones

Seconded by Councillor Colin Campbell

- 1) That the City of Markham would like to be considered as a host municipality for a world class integrated Convention, Trade Centre, Five Star Hotel and Entertainment Centre (including a casino) in the event that Toronto doesn't support a downtown casino; and,
- 2) That if and when Toronto publicly indicates that it doesn't support a downtown casino facility, then the City of Markham schedule a special Council meeting to discuss this motion.

MOTION LOST BY A RECORDED VOTE (9:4)

(See following recorded vote)

(See following to bring the matter forward for consideration)

(See following to call the question)

Recorded vote (9:4)

NAYS: Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Gord Landon, Councillor Alan Ho, Councillor Logan Kanapathi. (9)

YEAS: Regional Councillor Joe Li, Regional Councillor Jim Jones, Councillor Colin Campbell, Councillor Alex Chiu. (4)

Motion to bring the matter forward for consideration

Moved by Regional Councillor Jim Jones

Seconded by Deputy Mayor Jack Heath

That the motion be brought forward for consideration by Council immediately following the delegations with respect thereto.

CARRIED

Discussion on the matter ensued.

Call the question

Council consented to call the question on the matter with a 2/3 majority vote.

8. NOTICES OF MOTIONS

There were no notices of motions.

9. COMMUNICATIONS

Moved by Councillor Alex Chiu
Seconded by Councillor Howard Shore

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

Received

38-2013 ONTARIO MUNICIPAL BOARD (OMB) DECISION – GEMINI URBAN
DESIGN CORPORATION, 11 AND 15 HOUGHTON BOULEVARD AND 55
JOSEPH STREET (13.13)
[Decision](#)

Summary from the City Solicitor:

On May 6, 2013 the OMB issued a decision regarding the settlement for the Gemini Urban Development appeal at 11 and 15 Houghton Blvd and 55 Joseph St. The appellant appealed from Council's failure to approve a zoning by-law amendment and grant draft plan of subdivision and plan of condominium approval to permit 10 single detached dwelling units, a private condominium road, and environmental and hazard land blocks. Following settlement discussions, the City and the appellant sought the OMB's approval of a revised proposal with a maximum of nine lots. Environmental and hazard land blocks will be dedicated to the City, as required by the TRCA. There were no other participants or parties to the appeal.

The Board member considered the evidence from the appellant's planner in support of the development, and approved the zoning by-law amendment, draft plan of subdivision and condominium plan presented by the City and appellant. (By-law 2013-69)

CARRIED

39-2013 ONTARIO MEDAL FOR GOOD CITIZENSHIP NOMINATIONS (13.2)
[Letter](#)

- The Minister of Citizenship and Immigration calling nominations for the 2013 Ontario Medal for Good Citizenship. The deadline for nominations is July 17, 2013.

CARRIED

Referred to all Members of Council

40-2013 LIQUOR LICENCE APPLICATION FOR WILD WING, 9408 MARKHAM ROAD, UNIT B1 (WARD 4) (3.21)
[Info](#)

- Forwarding a request for the City of Markham to complete the Municipal Information Form.
(New application for outdoor areas as indoor areas are currently licenced).

CARRIED

41-2013 LIQUOR LICENCE APPLICATION FOR MIX BAR AND LOUNGE, 10 ESNA PARK DRIVE (WARD 8) (3.21)
[Info](#)

- Forwarding a request for the City of Markham to complete the Municipal Information Form.
(New restaurant and application of a new liquor licence for indoor areas).

CARRIED

42-2013 ROAD CLOSURE REQUEST – NIGHT IT UP (3.5)
[Info](#)

The following roads will be closed during the dates and times noted to facilitate the event:

Roads to be closed:

- North and south bound traffic will be closed on Town Centre Blvd north of Hwy 7 to Cox Blvd.
- Town Centre Blvd between Cox Blvd to south of Apple Creek Blvd.
- Wallis Way and Town Centre Blvd.

Dates and times:

- July 12, 2013 (6:30 p.m. to 12:00 midnight)
- July 13, 2013 (7:00 a.m. to 12:00 midnight)
- July 14, 2013 (7:00 a.m. to 8:00 p.m.)

CARRIED

43-2013 TEMPORARY EXTENSION APPLICATION FOR LIQUOR SALES LICENCE
– MARKHAM VILLAGE BIA (WARDS 4 AND 5) (3.21)

- Requesting an approval from the City of Markham to extend their existing liquor licence for the outdoor areas created by using the sidewalks located directly in front of the establishment while the street is closed to vehicular traffic. The proposed extension will be utilized in conjunction with the events as follows:

Markham Village Music Festival

(June 14, 4:00 pm to 11:00 pm) (June 15, 11:00 am to 7:00 pm)

- Liberty Burgers & Wings, 144 Main Street North, Markham
- Main's Mansion Restaurant and Bar, 144 Main St. N., Markham
- Al Dente Restaurant, 39 Main St. N., Markham
- Folco's Restaurant, 42 Main St. N., Markham
- Rawlicious Restaurant, 116 Main Street N. Markham
- The Duchess of Markham, 53 Main St. N. Markham

*** (June 14, 4:00 pm to June 15, 2:00 am) ***

***Note: The approval to extend the patio from June 14, 4:00 pm to June 15, 2:00 am is subject to the following conditions:

1. Over-night road closure has been approved by the City of Markham for Friday June 14, 2013, from 2:00 pm to Saturday June 15, 2013 8:00 pm to facilitate the Markham Village Music Festival.
2. Hiring (and confirmation) of a pay duty officer from 10:00 pm to 2:00 am for each establishment operating past 11:00 pm.
3. Provision of stable and secure fence enclosure, with a minimum 0.91 m height, for any licenced patio areas established on municipal property.
4. Inspection and approval of fence enclosure by City Staff.
5. No amplified music past 11:00 pm.

Unity Festival – July 21, 2013 (11:00 am to 6:00 pm)

- Liberty Burgers & Wings, 144 Main Street North, Markham
- The Duchess of Markham, 53 Main St. N. Markham, and
- Main's Mansion Restaurant and Bar, 144 Main St. N., Markham
- Al Dente Restaurant, 39 Main St. N., Markham
- Folco's Restaurant, 42 Main St. N., Markham
- Rawlicious Restaurant, 116 Main Street N. Markham

CARRIED

44-2013 ROAD CLOSURE REQUEST – MARKHAM JAZZ FESTIVAL (3.5)
[Info](#)

The following roads will be closed on August 16, 2013, 5:00 pm to 11:00 pm and August 17, 2013, 12:00 noon to 10:00 pm to facilitate the event:

- Main Street Unionville north of Station Lane to south of Carlton Rd
- Concession Road and Main Street Unionville
- Fred Varley Drive west of Main Street Unionville

CARRIED

45-2013 COMMUNICATIONS RECEIVED REGARDING THE MOTION TITLED
"2013 DEVELOPMENT CHARGES BACKGROUND STUDY" (7.11)
[Communication](#)

- Danielle Chin, BILD, providing comments.
 - Nick Pileggi, Malone Given Parsons Ltd., providing comments
- (See Item No. 7, Report No. 27 for Council's decision on this matter)
(By-laws 2013-81 to 2013-100)

CARRIED

46-2013 LIQUOR LICENCE APPLICATION FOR SWISS CHALET AND HARVEY'S
RESTAURANT, 7750 MARKHAM ROAD (WARD 7) (3.21)
[Info](#)

- Forwarding a request for the City of Markham to complete the Municipal Information Form.
- (Change of ownership and application for a new liquor licence for indoor areas).

CARRIED

47-2013 COMMUNICATIONS RECEIVED REGARDING THE MOTION TITLED
"WORLD CLASS CONVENTION, TRADE
AND ENTERTAINMENT CENTRE" (13.0)

[Communications](#)

1. Raymond Chan (In opposition)
2. Eardley Adams (In opposition)
3. Carlos Diaz (In opposition)
4. Diana Chan (In opposition)
5. Eileen Smith-Carter (In opposition)
6. Donna Bush (Providing comments)
7. Janis Corrigan (In opposition)
8. Eira Keay (Providing comments)
9. William A. Corrigan (In opposition)
10. Sup Lan Yi (In opposition)
11. Alan Diner (Providing comments)
12. Rabbi Cory Weiss (In opposition)
13. Rabbi Avrohom Plotkin, Chabad Lubavitch of Markham (Providing comments)
14. Jan Jones, Executive Vice President, Government & Public Relations, Caesars Entertainment Corporation and Steve Rosenthal, Principal, Rock Gaming LLC (Providing comments)

(See Motion Item No. 1 for Council's decision on this matter)

10. PROCLAMATIONS

(1) PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

[Info](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

- 1) That the following proclamations issued by the City Clerk in accordance with the City of Markham Proclamation Policy be received for information purposes:
 - National Access Awareness Week (June 2 to 8, 2013)
 - Franco-Ontarian Day (September 25, 2013); and,
- 2) That the following request 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:
 - Franco-Ontarian Flag; and further,

- 3) That the following new request for proclamation be approved and added to the Five-Year Proclamations List approved by Council:
- Intergenerational Day Canada (June 1, 2013).

CARRIED

11. NEW/OTHER BUSINESS

- (1) MACKENZIE BUILDERS AND DEVELOPERS LIMITED
(FLATO DEVELOPMENTS INC.)
SOUTH OF MAJOR MACKENZIE DRIVE EAST,
EAST OF ROY RAINEY AVENUE
AND WEST OF MINGAY AVENUE
WISMER COMMONS COMMUNITY
FILE NUMBER: ZA 13-113289 (10.5)

[Memo](#)

Moved by Councillor Carolina Moretti

Seconded by Councillor Colin Campbell

- 1) That the memorandum dated May 28, 2013 titled "Mackenzie Builders and Developers Limited, (Flato Developments Inc.), South of Major Mackenzie Drive East, east of Roy Rainey Avenue and west of Mingay Avenue, Wismer Commons Community, File Number: ZA 13-113289", be received; and,
- 2) That 2011/2012 servicing allocation for 7 single detached units (25.9 population) be granted to plan of subdivision 19TM-02012 (Mackenzie Builders and Developers Limited) from the total allocation for the Wismer Commons Secondary Plan, assigned in accordance with the June 26, 2012 Servicing Allocation Update Report.

(By-law 2013-77)

CARRIED

- (2) ROAD CLOSURE REQUEST
– MARKHAM VILLAGE MUSIC FESTIVAL (3.5)
[2013Request](#) [2012Approval](#)

Moved by Councillor Colin Campbell
Seconded by Councillor Carolina Moretti

- 1) That the request from Samuel Carr, Event/Production Manager, to close the following roads over-night from Friday June 14, 2013, 2:00 pm to Saturday June 15, 2013 8:00 pm to facilitate the Markham Village Music Festival be approved, subject to the conditions approved by Council on May 15, 2012 are met to the satisfaction of City of Markham Staff:
- Main Street North from north of Hwy 7 to south Parkway Avenue/Bullock Drive
 - Access from Main Street Markham is closed to Bullock Drive
 - Wilson Street to Water Street
 - Robinson Street to Water Street
 - Robinson Street to George Street
 - Dublin Street
 - Centre Street

CARRIED

12. BY-LAWS

Moved by Councillor Alex Chiu
Seconded by Councillor Howard Shore

That all Development Charge By-laws containing the words "...September 30, 2013..." be replaced with the words "...November 29, 2013..."; and,

That By-laws 2013-70 to 2013-77 and 2013-79 to 2013-100 be given three readings and enacted.

Ontario Municipal Board (OMB) Approved By-law

BY-LAW 2013-69 A BY-LAW TO AMEND BY-LAW 1229, AS AMENDED, AMENDMENT APPROVED BY ONTARIO MUNICIPAL BOARD (OMB), GEMINI URBAN DESIGN CORPORATION, 11 AND 15 HOUGHTON BOULEVARD AND 55 JOSEPH STREET
[By-law](#)

(By-law 2013-69 approved by OMB - For information only to facilitate the assignment of a by-law number)
(Communication No. 38-2013)

Three Readings

BY-LAW 2013-70 FOREST BAY HOMES, PART LOT CONTROL EXEMPTION BY-LAW, BLOCK 194, 65M-3928

[By-law](#)

- A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, east of Markham Road and south of Denison Street.

CARRIED

BY-LAW 2013-71 PRISTINE HOMES (MARKHAM) INC., PART LOT CONTROL EXEMPTION BY-LAW, BLOCKS 1 TO 4, 65M-4367

[By-law](#)

- A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, west of Markham Road and north of Edward Jeffreys Avenue.

CARRIED

BY-LAW 2013-72 ROAD DEDICATION BY-LAW

[By-law](#)

- A by-law to dedicate certain lands as part of the highways of the City of Markham (Block 10, 65M-3863 - Gable Avenue and Block 513, 65M-3501 - Thomas Foster Street)

CARRIED

BY-LAW 2013-73 ROAD DEDICATION BY-LAW

[By-law](#)

- A by-law to dedicate certain lands as part of the highways of the City of Markham (Part of Lot 23, Concession 3, designated as Part 3, Plan 65R-32909, Laneway 7 and Block 95, Plan 65M-4031, Markland Street).

CARRIED

BY-LAW 2013-74 ROAD DEDICATION BY-LAW

[By-law](#)

- A by-law to dedicate certain lands as part of the highways of the City of Markham (Part of Lot 19, Concession 6, designated as Part 1, Plan 65R-24026 - Gable Avenue; Part of Lot 18, Concession 6, designated as Part 2, Plan 65R-24026 - Gable Avenue; Part of Lot 19, Concession 6, designated as Part 10, Plan 65R-24026 - Thomas Foster Street; Part of Lot 19, Concession 6, designated as Part 12, Plan 65R-24026 - Viscount Drive; Part of Lot 19, Concession 6, designated as Part 13, Plan 65R-24026 - Westlake Road).

CARRIED

BY-LAW 2013-75 ROAD DEDICATION BY-LAW

[By-law](#)

- A by-law to dedicate certain lands as part of the highways of the City of Markham (Part of Lot 23, Concession 3, designated as Part 1, Plan 65R-33716 - Reflection Road; Part of Lot 23, Concession 3, designated as Part 2, Plan 65R-33716 - Donald Buttress Boulevard West; Part of Lot 23, Concession 3, designated as Part 3, Plan 65R-33716 - Murison Drive; Part of Lot 23, Concession 3, designated as Part 4, Plan 65R-33716 - Laneway A; Part of Lot 23, Concession 3, designated as Part 5, Plan 65R-33716 - Murison Drive).

CARRIED

BY-LAW 2013-76 ROAD DEDICATION BY-LAW

[By-law](#)

- A by-law to dedicate certain lands as part of the highways of the City of Markham (Part Lot 9, Concession 5, designated as Part 3, Plan 65R-34211 and Part of Lot 9, Concession 5, designated as Part 4, Plan 65R-32741 - Bill Crothers Drive).

CARRIED

BY-LAW 2013-77 MACKENZIE BUILDERS AND DEVELOPERS LIMITED (FLATO DEVELOPMENTS INC.), MAJOR MACKENZIE DRIVE EAST, WISMER COMMONS COMMUNITY, REMOVAL OF HOLD PROVISION

[By-law](#)

- A by-law to amend By-law 177-96, as amended, to permit the development of single detached units, south of Major Mackenzie Drive East and east of Roy Rainey Avenue.

(New/Other Business Item No. 1)

CARRIED

BY-LAW 2013-79 CORNELL RIDGE (ARH) HOMES LTD., 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, Lots 37 to 39, 50 to 57, 71 and 72, 65M-4345, east of Country Glen Road and south of Donald Cousens Parkway.

CARRIED

BY-LAW 2013-80 STATION LANE PARKING RESTRICTION

[By-law](#)

- A by-law to amend Parking By-law 2005-188.
(Item No. 8, Report No. 27)

CARRIED

BY-LAW 2013-81 A BY-LAW TO ESTABLISH CITY-WIDE SOFT SERVICES DEVELOPMENT CHARGES FOR THE CORPORATION OF THE CITY OF MARKHAM (REPEALS BY-LAW 2009-120).

(Item No. 7, Report No. 27)

[By-law](#)

CARRIED

BY-LAW 2013-82 A BY-LAW TO ESTABLISH CITY-WIDE HARD SERVICES DEVELOPMENT CHARGES FOR THE CORPORATION OF THE CITY OF MARKHAM (REPEALS BY-LAW 2008-124).

(Item No. 7, Report No. 27)

[By-law](#)

CARRIED

BY-LAW 2013-83 A BY-LAW TO ESTABLISH AN AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE YONGE STEELES CORRIDOR AREA 1B DEVELOPMENT AREA OF THE CITY OF MARKHAM.

(Item No. 7, Report No. 27)

[By-law](#)

CARRIED

BY-LAW 2013-84 A BY-LAW TO ESTABLISH AN AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE WOODBINE/404 AREA 4 DEVELOPMENT AREA OF THE CITY OF MARKHAM (REPEALS BY-LAW 2008-126).

(Item No. 7, Report No. 27)

[By-law](#)

CARRIED

BY-LAW 2013-85 A BY-LAW TO ESTABLISH AN AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE ARMADALE AREA 5 DEVELOPMENT AREA OF THE CITY OF MARKHAM (REPEALS BY-LAW 2008-127).

(Item No. 7, Report No. 27)

[By-law](#)

CARRIED

BY-LAW 2013-86 A BY-LAW TO ESTABLISH AN AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE ARMADALE NORTH EAST AREA 7 DEVELOPMENT AREA OF THE CITY OF MARKHAM (REPEALS BY-LAW 2008-128).

(Item No. 7, Report No. 27)

[By-law](#)

CARRIED

BY-LAW 2013-87 A BY-LAW TO ESTABLISH AN AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE MILLIKEN MILLS AREA 8 DEVELOPMENT AREA OF THE CITY OF MARKHAM (REPEALS BY-LAW 2008-129)

(Item No. 7, Report No. 27)

[By-law](#)

CARRIED

- BY-LAW 2013-88 A BY-LAW TO ESTABLISH AN AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE RODICK/MILLER ROAD PLANNING DISTRICT AREA 17 DEVELOPMENT AREA OF THE CITY OF MARKHAM (REPEALS BY-LAW 2008-131).
(Item No. 7, Report No. 27)
[By-law](#)
CARRIED
- BY-LAW 2013-89 A BY-LAW TO ESTABLISH AN AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE BUTTONVILLE AIRPORT AREA 18 DEVELOPMENT AREA OF THE CITY OF MARKHAM.
(Item No. 7, Report No. 27)
[By-law](#)
CARRIED
- BY-LAW 2013-90 A BY-LAW TO ESTABLISH AN AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE MOUNT JOY AREA 23 DEVELOPMENT AREA OF THE TOWN OF MARKHAM.
(Item No. 7, Report No. 27)
[By-law](#)
CARRIED
- BY-LAW 2013-91 A BY-LAW TO ESTABLISH AN AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE HELEN AVENUE AREA 42A-1 DEVELOPMENT AREA OF THE CITY OF MARKHAM (REPEALS BY-LAW 2008-133).
[By-law](#)
CARRIED
- BY-LAW 2013-92 A BY-LAW TO ESTABLISH AN AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE MARKHAM CENTRE AREA 42B DEVELOPMENT AREA OF THE CITY OF MARKHAM (REPEALS BY-LAW 2008-134).
(Item No. 7, Report No. 27)
[By-law](#)
CARRIED

- BY-LAW 2013-93 A BY-LAW TO ESTABLISH AN AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE MARKHAM CENTRE - CLEGG AREA 42B-2 DEVELOPMENT AREA OF THE CITY OF MARKHAM (REPEALS BY-LAW 2008-135).
(Item No. 7, Report No. 27)
[By-law](#)
CARRIED
- BY-LAW 2013-94 A BY-LAW TO ESTABLISH AN AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE MARKHAM CENTRE - HOTEL AREA 42B-4 DEVELOPMENT AREA OF THE CITY OF MARKHAM (REPEALS BY-LAW 2008-136).
(Item No. 7, Report No. 27)
[By-law](#)
CARRIED
- BY-LAW 2013-95 A BY-LAW TO ESTABLISH AN AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE MARKHAM CENTRE - EAST PRECINCT AREA 42B-9 DEVELOPMENT AREA OF THE CITY OF MARKHAM (REPEALS BY-LAW 2008-139).
(Item No. 7, Report No. 27)
[By-law](#)
CARRIED
- BY-LAW 2013-96 A BY-LAW TO ESTABLISH AN AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE WISMER AREA 45A DEVELOPMENT AREA OF THE CITY OF MARKHAM (REPEALS BY-LAW 2008-141).
(Item No. 7, Report No. 27)
[By-law](#)
CARRIED
- BY-LAW 2013-97 A BY-LAW TO ESTABLISH AN AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE CATHEDRAL AREA 46 DEVELOPMENT AREA OF THE CITY OF MARKHAM (REPEALS BY-LAW 2008-142).
(Item No. 7, Report No. 27)
[By-law](#)
CARRIED

BY-LAW 2013-98 A BY-LAW TO ESTABLISH AN AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE YORK DOWNS AREA 47B DEVELOPMENT AREA OF THE CITY OF MARKHAM (REPEALS BY-LAW 2008-143).

(Item No. 7, Report No. 27)

[By-law](#)

CARRIED

BY-LAW 2013-99 A BY-LAW TO ESTABLISH AN AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE 404 NORTH EMPLOYMENT LANDS AREA 49 DEVELOPMENT AREA OF THE CITY OF MARKHAM (REPEALS BY-LAW 2008-144).

(Item No. 7, Report No. 27)

[By-law](#)

CARRIED

BY-LAW 2013-100 A BY-LAW TO REPEAL AREA SPECIFIC DEVELOPMENT CHARGE BY-LAW 2008-132 (SOUTH UNIONVILLE 42A) AND BY-LAW 2008-140 (ROUGE NORTH EAST 44A).

(Item No. 7, Report No. 27)

[By-law](#)

CARRIED

13. IN-CAMERA ITEMS

Moved by Councillor Carolina Moretti

Seconded by Councillor Alan Ho

That, in accordance with Section 239 (2) of the Municipal Act, Council resolve into an in-camera session to discuss the following matters: (10:11 p.m.)

COUNCIL – May 28, 2013

- (1) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION
OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (8.6)
[Section 239 (2) (c)]

CARRIED

Moved by Councillor Valerie Burke

Seconded by Councillor Colin Campbell

That Council rise from the in-camera session and report. (10:25 p.m.)

CARRIED

The item was reported out as follows:

- (1) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION
OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (8.6)

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

- 1) That the update provided by the City Solicitor regarding a proposed or pending acquisition or disposition of land by the municipality or local board be received.

CARRIED

14. CONFIRMATORY BY-LAW

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

That By-law 2013-78 be given three readings and enacted.

Three Readings

BY-LAW 2013-78 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL
MEETING OF MAY 28, 2013.

[By-law](#)

CARRIED

15. ADJOURNMENT

Moved by Councillor Alex Chiu

Seconded by Councillor Carolina Moretti

That the Council Meeting be adjourned at 10:26 p.m.

CARRIED

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

(Signed)