



COUNCIL MINUTES

April 16, 2013, 7:00 p.m.

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 9

Alternate formats for this document are available upon request

ROLL CALL

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

STAFF

Andy Taylor, Chief Administrative Officer
Catherine Conrad, City Solicitor
Jim Baird, Commissioner of Development Services
Trinela Cane, Commissioner of Corporate Services
Brenda Librecz, Commissioner of Community and Fire Services
Joel Lustig, Treasurer
John Wong, Technology Support Specialist
Dennis Flaherty, Director of Communications and Community Relations
Martha Pettit, Acting City Clerk
Stephen Huycke, Acting Deputy Clerk
Mark Visser, Senior Manager, Financial Strategy and Investments
Fred Rich, Senior Risk and Business Analyst
Mary Creighton, Director, Recreation Services

The regular meeting of Council convened at 7:20 p.m. on April 16, 2013 in the Council Chamber. Mayor Frank Scarpitti presided.

On behalf of Council, Mayor Frank Scarpitti extended a warm welcome to the 7th Thornhill Scout Group attending the Council meeting in order to earn their Voyager Badge. Mayor Frank Scarpitti noted Scouts Canada designated April 13 to 21, 2013 as Good Turn Week. Good Turn Week provides an opportunity to highlight the good work scouting does for communities and it also inspires others to make time for their own simple acts of kindness. Mayor Scarpitti encouraged all Canadians to perform at least one good turn for someone else.

1. DISCLOSURE OF PECUNIARY INTEREST

- (1) None declared.

2. MINUTES**(1) COUNCIL MINUTES – MARCH 19, 2013**

[Minutes](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

- 1) That the Minutes of the Council Meeting held on March 19, 2013, be adopted.

CARRIED

3. PRESENTATIONS

There were no presentations.

4. DELEGATIONS**(1) NICK PILEGGI, MALONE GIVEN PARSONS (7.11)**

– Addressed Council regarding the item titled "Development Charges Update". Mr. Pileggi indicated he is pleased to see the differentiation rates for small and large apartment units and expressed concern about a no transition policy.
(See Item No. 1, Report No. 16 for Council's decision on this matter)

(2) ANNETTE CACOROVSKI (3.4, 7.0 and 16.0)

- Addressed Council regarding the items titled "Proclamation and Flag Raising Requests", "Councillor Expenses" and "Minutes of the March 25, 2013 Budget Sub-Committee - Celebrate Markham Grants". She requested Council to revisit the Proclamation and Flag Raising Policies, expressed objection to the reimbursement of alcohol expenses in any capacity on the Councillor Expenses Policy and spoke of her concerns for the March 25, 2013 Budget Sub-Committee Minutes regarding the provision of in-kind services being provided to support the Clarkson Cup.
(See Proclamation Item No. 1 for Council's decision on this matter)
(See Item No. 1, Report No. 15 for Council's decision on this matter)
(See Item No. 1, Report No. 16 for Council's decision on this matter)

- (3) KAREN REA (7.11)
- Addressed Council regarding the item titled "Development Charges Update" and indicated she does not support the differentiation rates for small and large apartment units.
(See Item No. 1, Report No. 16 for Council's decision on this matter)

Moved by Councillor Alex Chiu
Seconded by Councillor Carolina Moretti

That Delegation Nos. 1 to 3 be received.

CARRIED

- (4) JOHN WANNOP, ON BEHALF OF CINDY DERYNCK (2.0)
- Address Council regarding the item titled "Recommendation from the March 27, 2013 Licensing Committee Hearing" and indicated support for the Licensing Committee Hearing's recommendation.

Council consented to suspend the rules of procedure in order to hear the delegation of John Wannop before the consideration of the matter titled "Recommendation from the March 27, 2013 Licensing Committee Hearing". A 2/3 vote of Council was requested & obtained.

(See New/Other Business Item No. 2 for Council's decision on this matter)

5. PETITIONS

There were no petitions.

6(A) REPORT NO. 15 - GENERAL COMMITTEE (April 3, 2013)

Moved by Councillor Carolina Moretti

Seconded by Regional Councillor Gord Landon

That Report No. 15 – General Committee comprised of 1 item, as amended, be received and adopted.

(1) COUNCILLOR EXPENSES (7.0)

[Presentation](#)

Discussion on the matter ensued.

- 1) That the presentation by Mr. Fred Rich, Senior Business & Risk Analyst entitled “Councillor Expenses,” be received; and,
- 2) That an additional \$1,500.00 discretionary expense be approved; and,
- 3) That smart phone costs (voice and data) remain a corporate expense; and,
- 4) That Councillors with personal smart phone account/plans will be reimbursed in an amount equivalent to the corporate plan & additional costs will become a discretionary expense; and,
- 5) That two newsletters per year per Ward Councillor remain as a corporate expense and all other newsletters be considered as a discretionary expense; and,
- 6) That the expenses related to Members of Council attending Association of Municipalities Ontario (AMO) and/or Federation of Canadian Municipalities (FCM) Conference(s) be considered as a non-discretionary expense. All other conferences will be considered as a discretionary expense unless otherwise pre-approved by Council; and,
- 7) That business travel expenses for Members of Council align with the policy requirements for Staff; and,
- 8) That the current per diem practice for overnight stays be replaced with an expenditure reimbursement; and,
- 9) That the reimbursement of alcohol expenses be considered as an ineligible expense; and,

- 10) That Members of Council not be reimbursed for direct donations to individuals, political, charitable, religious and community organizations; and further;
- 11) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED AS AMENDED

(See following for the adoption of Resolution Nos. 1 to 11)

(See following motions which were lost)

Council consented to separate Resolution Nos. 1 to 11 for voting purposes as follows:

Resolution No. 1

Moved by Councillor Carolina Moretti

Seconded by Regional Councillor Gord Landon

That the following Resolution No. 1, as proposed, be adopted.

- "1) That the presentation by Mr. Fred Rich, Senior Business & Risk Analyst entitled "Councillor Expenses," be received;"

CARRIED

Resolution No. 2

Moved by Councillor Alan Ho

Seconded by Deputy Mayor Jack Heath

That the following proposed Resolution No. 2 be deleted in its entirety:

- "2) That an additional \$1,500.00 discretionary expense be approved for mileage only and be paid as incurred, with the option of any additional mileage expenses above this allotment to be paid out of the Councillor's discretionary account."

and replaced with the following amended Resolution No. 2:

- "2) That an additional \$1,500.00 discretionary expense be approved."

CARRIED

Moved by Councillor Alan Ho

Seconded by Deputy Mayor Jack Heath

That the following Resolution No. 2, as amended, be adopted:

- "2) That an additional \$1,500.00 discretionary expense be approved."

CARRIED AS AMENDED

Resolution Nos. 3, 4, 5, 6 and 7

Moved by Councillor Carolina Moretti

Seconded by Regional Councillor Gord Landon

That the following Resolution Nos. 3, 4, 5, 6 and 7, as proposed, be adopted.

- "3) That smart phone costs (voice and data) remain a corporate expense; and,
- 4) That Councillors with personal smart phone account/plans will be reimbursed in an amount equivalent to the corporate plan & additional costs will become a discretionary expense; and,
- 5) That two newsletters per year per Ward Councillor remain as a corporate expense and all other newsletters be considered as a discretionary expense; and,
- 6) That the expenses related to Members of Council attending Association of Municipalities Ontario (AMO) and/or Federation of Canadian Municipalities (FCM) Conference(s) be considered as a non-discretionary expense. All other conferences will be considered as a discretionary expense unless otherwise pre-approved by Council; and,
- 7) That business travel expenses for Members of Council align with the policy requirements for Staff;"

CARRIED

Resolution No. 8 carried by a recorded vote (8:5)

Council consented to amend the following proposed Resolution No. 8 by deleting in its entirety:

- "8) That the current per diem practice be replaced with an expenditure reimbursement."

and replace with the following amended Resolution No. 8:

- "8) That the current per diem practice for overnight stays be replaced with an expenditure reimbursement."

Moved by Councillor Carolina Moretti

Seconded by Regional Councillor Gord Landon

That the following Resolution No. 8, as amended, be adopted:

- "8) That the current per diem practice for overnight stays be replaced with an expenditure reimbursement."

MOTION LOST

Moved by Regional Councillor Jim Jones
Seconded by Councillor Alex Chiu

That the per diem for overnight stays be set at \$100.00

MOTION LOST BY A RECORDED VOTE (7:6)

(See following recorded vote)

NAYS: Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Regional Councillor Joe Li, Deputy Mayor Jack Heath, Councillor Logan Kanapathi. (7)

YEAS: Regional Councillor Jim Jones, Mayor Frank Scarpitti, Regional Councillor Gord Landon, Councillor Colin Campbell, Councillor Alan Ho, Councillor Alex Chiu. (6)

Moved by Councillor Howard Shore
Seconded by Regional Councillor Gord Landon

That Council suspend the rules of procedure to re-introduce the following Resolution No. 8, as moved by Councillor Carolina Moretti and seconded by Regional Councillor Gord Landon, which was lost when it was introduced earlier:

"8) That the current per diem practice for overnight stays be replaced with an expenditure reimbursement."

CARRIED

(2/3 Vote was requested & obtained)

Moved by Councillor Howard Shore
Seconded by Regional Councillor Gord Landon

That the following Resolution No. 8, as amended, be adopted:

"8) That the current per diem practice for overnight stays be replaced with an expenditure reimbursement."

CARRIED BY A RECORDED VOTE (8:5)

(See following recorded vote)

YEAS: Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Gord Landon, Councillor Logan Kanapathi. (8)

NAYS: Regional Councillor Joe Li, Regional Councillor Jim Jones, Councillor Colin Campbell, Councillor Alan Ho, Councillor Alex Chiu. (5)

Resolution No. 9 carried by a unanimous recorded vote (13:0)

Council consented to amend the following proposed Resolution No. 9 by deleting in its entirety:

- "9) That the reimbursement of alcohol expenses for conventional business lunches, dinners, etc be considered as an ineligible expense. Expenses for alcoholic beverages will be reimbursed at certain Corporate hospitality, business and trade mission events when authorized by the Mayor or his designate."

and replace with the following amended Resolution No. 9:

- "9) That the reimbursement of alcohol expenses be considered as an ineligible expense."

Moved by Deputy Mayor Jack Heath
Seconded by Councillor Howard Shore

That the following Resolution No. 9, as amended, be adopted:

- "9) That the reimbursement of alcohol expenses be considered as an ineligible expense."

CARRIED BY A UNANIMOUS RECORDED VOTE (13:0)

(See following recorded vote)

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

Resolution No. 10

Council consented to amend the following proposed Resolution No. 10 by deleting in its entirety:

- "10) That Members of Council not be reimbursed for donations to individuals, political, charitable and community organizations."

and replace with the following amended Resolution No. 10:

- "10) That Members of Council not be reimbursed for direct donations to individuals, political, charitable, religious and community organizations."

Moved by Councillor Carolina Moretti
Seconded by Regional Councillor Gord Landon

That the following Resolution No. 10, as amended, be adopted:

"10) That Members of Council not be reimbursed for direct donations to individuals, political, charitable, religious and community organizations."

CARRIED

Resolution No. 11

Moved by Councillor Carolina Moretti
Seconded by Regional Councillor Gord Landon

That the following Resolution No. 11, as proposed, be adopted.

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

Motion which was lost – Referred the item back to staff

Moved by Councillor Don Hamilton
Seconded by Councillor Carolina Moretti

That the item on Councillor Expenses be referred to staff to bring forward a report back to General Committee.

MOTION LOST

Motion which was lost by a recorded (11:2) – Post expense receipts online

Moved by Deputy Mayor Jack Heath
Seconded by Regional Councillor Joe Li

That a copy of the detailed expense receipts be posted online.

MOTION LOST BY A RECORDED VOTE (11:2)

(See following recorded vote)

NAYS: Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Regional Councillor Gord Landon, Councillor Colin Campbell, Councillor Alan Ho, Councillor Logan Kanpathi, Councillor Alex Chiu. (11)

YEAS: Regional Councillor Joe Li, Deputy Mayor Jack Heath. (2)

6(B) REPORT NO. 16 - GENERAL COMMITTEE (April 8, 2013)

Council consented to separate Item Nos. 1 and 2.

Moved by Councillor Carolina Moretti

Seconded by Deputy Mayor Jack Heath

That Report No. 16 – General Committee comprised of 6 items be received and adopted, except Item Nos. 1 and 2. (See following Item Nos. 1 and 2)

(1) DEVELOPMENT CHARGES UPDATE (7.11)

[Presentation](#)

Moved by Councillor Don Hamilton

Seconded by Regional Councillor Jim Jones

- 1) That the presentation by Mr. Craig Binning, Partner, Hemson Consulting and Mr. Mark Visser, Senior Manager, Financial Strategy and Investments entitled “Development Charges Update,” be received; and,
- 2) That Council provide approval for staff to call a Development Charge Public Meeting on May 13, 2013 as required by the Development Charges Act, 1997; and,
- 3) That staff be directed to present differentiated rates for small and large apartment units at the Public Meeting; and,
- 4) That staff be directed to consider a no transition policy due to the adverse financial impact to the City; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(See following motion which was lost)

Moved by Regional Councillor Gord Landon
 Seconded by Regional Councillor Joe Li

That the words "...differentiated rates..." contained in Resolution No. 3 be replaced with the words "...uniform rates...".

MOTION LOST BY A RECORDED VOTE (7:6)
 (See following recorded vote)

NAYS: Councillor Howard Shore, Councillor Don Hamilton, Deputy Mayor Jack Heath, Councillor Colin Campbell, Councillor Alan Ho, Councillor Logan Kanapathi, Councillor Alex Chiu. (7)

YEAS: Councillor Valerie Burke, Councillor Carolina Moretti, Regional Councillor Joe Li, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Regional Councillor Gord Landon. (6)

(2) MINUTES OF THE MARCH 25, 2013
 BUDGET SUB-COMMITTEE
 - CELEBRATE MARKHAM GRANTS (16.0)
[Minutes](#)

- 1) That the Minutes of the March 25, 2013 Budget Sub-Committee - Celebrate Markham Grants be received for information purposes; and,
- 2) That Council endorse the following resolutions made at the March 25, 2013 Budget Sub-Committee - Celebrate Markham Grants Meeting:
 - i) That \$4,000 from the 2013 Celebrate Markham Grant Program be allocated to the Tamil Heritage/ Thai Pongal/Tamil New Year's Celebration; and,
 - ii) That \$5,000 from the 2013 Celebrate Markham Grants Program be allocated to the Markham BIA, Unity Festival; and further,
 - iii) That the remaining 2013 Celebrate Markham Grants be allocated as follows:

Senior's Hall of Fame	\$2,000
South Asian Heritage Celebration	\$3,000
Markham Village Music Festival	\$10,000
Markham Federation of Filipino Canadians	\$2,500
Unionville Festival	\$10,000
Taste of Asia Festival	\$15,000
Canada Day Celebrations	\$44,775
Markham Rotary Ribfest	\$6,000
Night-It-Up	\$5,000
Thursday Night Summer Music Series –Unionville Bandstand	\$2,500
Doors Open Markham	\$9,500
Markham Concert Band	\$4,500
Markham Jazz Festival	\$10,000

RBC Markham Milliken Children's Festival	\$13,250
Remington Markham International Sedan Chair Challenge	\$1,500
Thornhill Village Festival	\$10,000
Senior's Extravaganza	\$1,200
Markham Santa Claus Parade	\$16,500
Unionville Old Tyme Christmas Parade	\$6,500
Markham Arts Council	\$19,000
Tourism Markham	\$5,000
Seniors Advisory Committee	\$2,848
Seniors Clubs	\$21,000

CARRIED

Council consented to replace the word "Nigh-It-Up" with the word "Night-It-Up" and to replace the words "Thornhill Festival" with the words "Thornhill Village Festival" contained in the 2013 Celebrate Markham Grants List.

(3) 2013 UNIONVILLE BUSINESS IMPROVEMENT AREA
AND MARKHAM VILLAGE BUSINESS IMPROVEMENT
AREA OPERATING BUDGETS (7.4)

[Report](#) [Exhibit I](#) [Exhibit II](#) [Exhibit III](#) [Exhibit IV](#)

- 1) That the report entitled "2013 Unionville Business Improvement Area and Markham Village Business Improvement Area Operating Budgets" dated April 8, 2013 be received; and,
- 2) That the 2013 Operating Budget in the amount of \$236,016 for the Unionville Business Improvement Area (UBIA) be approved; and,
- 3) That the 2013 Operating Budget in the amount of \$304,208 for the Markham Village Business Improvement Area (MBIA) be approved; and,
- 4) That the Special Tax Rate levy, in the amount of \$205,982 for the UBIA members and \$215,327 for the MBIA members be included in the 2013 Tax Levy By-law; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(4) ANNUAL FIELD AGREEMENT
–YORK REGION DISTRICT SCHOOL BOARD (6.4)
[Report](#)

- 1) That the report titled Annual Field Agreement- York Region District School Board be received; and;
- 2) That the Commissioner of Community and Fire Services be authorized to execute the Annual Field Agreement- York Region District School Board of Education; and further
- 3) That staff be directed to do all things necessary to give effect to this resolution.

CARRIED

(5) REELWORLD FILM FESTIVAL
- MARKHAM PARTNERSHIP (6.5)
[Report](#)

- 1) That the City of Markham support a partnership to host a REELWorld Film Festival in 2014 in Markham; and,
- 2) That Markham establish REELWorld Markham Advisory Committee to support the development of the program in 2014; and,
- 3) That the Culture Department provides regular status reports on progress; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(6) LUNCH PERIOD SCHOOL CROSSING GUARD
SERVICE REVIEW (3.16)

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

- 1) That the report entitled “Lunch Period School Crossing Guard Service Review”, be received; and,
- 2) That the presentation entitled “Lunch Period School Crossing Guard Service Review Update”, be received; and,
- 3) That lunch period school crossing guard services be discontinued at 21 locations, as identified in Attachment “B”, as of June 30, 2013; and,
- 4) That the 2014 Operating Budget for school crossing guard services be adjusted accordingly; and,
- 5) That staff notify all affected schools of the discontinued school crossing guard services during the lunch period; and,
- 6) That the schools being provided with lunch period crossing guard services with minimal pedestrian activity consider the School Safety Patroller Program as an alternative; and,
- 7) That all future requests for crossing guard services be assessed using the “Ontario Traffic Council (OTC) School Crossing Guard Guide”; and further,
- 8) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

6(C) REPORT NO. 17 - DEVELOPMENT SERVICES COMMITTEE (April 9, 2013)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

That Report No. 17 – Development Services Committee comprised of 3 items be received and adopted.

(1) DESIGN, CONSTRUCTION AND FINANCING
OF TWO PARKS IN CORNELL BY WYKLAND ESTATES INC. (6.3)

[Report](#)

- 1) That the report dated April 9, 2013 to Development Services Committee, entitled “Design, Construction and Financing of Two Parks in Cornell by Wykland Estates Inc.” be received; and,
- 2) That Council approve the request by Wykland Estates Inc. to finance the cost of design, construction, and contract administration of two parks identified as Block 199 (0.186 ha / 0.461 ac) and Block 200 (0.45 ha / 1.11 ac) in draft plan of subdivision 65M-4306, subject to the following conditions:
 - A. That Wykland Estates Inc., finance the cost of the design, construction, and contract administration of these two parks to a minimum value of \$550,000.00 inclusive of all applicable taxes including HST; and,
 - B. That, subject to compliance with these terms and conditions, the City of Markham reimburse Wykland Estates Inc., up to a maximum of \$550,000.00, towards this project from development charges for park development under the understanding that Wykland Estates Inc. may contribute additional funds above this amount which will not be reimbursable by the City, towards the development of these parks; and,
 - C. That subsequent to collection of sufficient Development Charges for park development at the building permit stage for residential lots within the Cornell Community, the City shall reimburse Wykland Estates Inc., for invoices paid for approved costs associated with the design, construction, and contract administration, for park development. No interest on such invoices shall be payable by the City. Reimbursement terms are as follows:
 - a. Wykland Estates Inc. may only invoice the City for 80% of approved costs provided that:
 - i. at least 45 days from the date of publication of Substantial Performance has transpired;
 - ii. proof of publication has been submitted with the invoice;
 - iii. no liens have been registered in regard to this contract;

- iv. the constructed work has reached Total Completion to the City's satisfaction after which the two year warranty period shall begin;
 - v. the landscape architect has issued to the City a Total Completion certificate.
 - b. the remaining 20% of City approved costs shall be retained by the City for a minimum of two years from Total Completion and shall be paid to the Developer upon the Developer invoicing the City for the remaining 20%, provided the following has occurred in the order listed here:
 - i. two years has passed from the date of Total Completion;
 - ii. that the two year warranty inspection has occurred with the City;
 - iii. that all noted deficiencies at the two year warranty inspection have been completed to the City's satisfaction to the point of Final Completion;
 - iv. that Final Acceptance has been granted by the City;
 - v. that the landscape architect has issued a certificate certifying the warranty period has expired and further that noted deficiencies have been completed in general conformance to the plans and specifications;
 - vi. that any liens registered in regard to the contract have been released and/or paid by the Developer;
 - vii. and further, that the two year maintenance obligations had been performed during the warranty period, failing which, the City shall use the remaining funds at its sole discretion to compensate for the unfulfilled obligations.
 - c. or alternatively, Wykland Estates Inc. may invoice the City for 100% of approved costs two years after the date of Total Completion provided items b, i through vii, as listed above, have occurred to the City's satisfaction; and,
- D. That Owners/Developers within the Cornell Community, including Wykland Estates Inc. not receive any credit towards park development charges and continue to pay the park development charge at the building permit stage for all present and future development phases of this subdivision; and,
- E. That Wykland Estates Inc. hire a landscape architect who is a Full Member of the OALA having custody and use of the Association seal, approved by the City , to provide professional design, contract document, and contract administration services, to the satisfaction of the City as outlined in Appendix 'B'; and,
- F. That Wykland Estates Inc. follow the City's standard Park Development Process which includes development of several design concepts, holding community input meetings, presentation to selected Standing and Advisory Committees as applicable, as well as review and approval by the Planning and Urban Design Department in consultation with the Parks Operations Department; and,

- G. That Wykland Estates Inc. competitively tender out the construction of the park works to the satisfaction of the City including providing the City with a copy of all bids submitted within 24 hours of tender close. The successful bidder will be responsible to construct and maintain the park from the time park construction is begun until Final Acceptance by the City; and,
- H. That, notwithstanding the requirement noted above in Condition (G), Wykland Estates Inc. shall tender and award a maintenance contract for the park to City standards. The maintenance contract for the park must be tendered and awarded at the same time as the construction contract and cover a minimum period of 2 years detailed maintenance as outlined in Appendix 'C' ("Developer Obligations: Two Year Maintenance Activities") to the City's satisfaction and that maintenance of the park shall continue until Final Acceptance of the park. Costs for the 2 year (minimum) maintenance contract are the responsibility of Wykland Estates Inc. The City will not reimburse Wykland Estates Inc. for costs associated with this additional maintenance obligation for the parks; and,
- I. That these parks be included in the Urban Design, Development Services Commission, Capital Budget submission in 2014 identifying the total budget in the amount of \$599,500 which includes the amount to be reimbursed, the HST and the internal charges; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

- (2) RECOMMENDATION REPORT
BRIARWOOD HOMES (MARKHAM) LTD.
APPLICATIONS TO AMEND THE SECONDARY PLAN
AND ZONING BY-LAW AND FOR SITE PLAN APPROVAL
TO PERMIT A TOWNHOUSE DEVELOPMENT
AT 2 HAVELOCK GATE
(OP 09 113033, ZA 09 113040 & SC 113042)
(10.3, 10.5 & 10.6)
[Report](#)

- 1) That the correspondence and deputation by Debbie Wong on behalf of the Rouge Fairways Residents' Association regarding the applications by Briarwood Homes (Markham), be received; and,

- 2) That the report dated March 19, 2013 titled “RECOMMENDATION REPORT, Briarwood Homes (Markham) Ltd., Applications to amend the Secondary Plan and Zoning By-law and for Site Plan Approval to permit a townhouse development at 2 Havelock Gate, File Nos: OP 09 113033, ZA 09 113040 & SC 113042”, be received; and,
 - 3) That the record of the Public Meetings held on September 8th, 2009 and February 1st, 2011 regarding the applications to amend the Rouge North Secondary Plan (OP 09 113033) and to amend Zoning By-law 90-81, as amended (ZA 09 113040), submitted by Briarwood Homes (Markham) Ltd, be received; and,
 - 4) That the application (OP 09 113033) submitted by Briarwood Homes (Markham) Ltd. to amend the Rouge North Secondary Plan (OPA 81), as amended, to permit a townhouse development at 2 Havelock Gate, be approved, and the draft Secondary Plan amendment attached as Appendix ‘C’ be finalized and adopted without further notice; and,
 - 5) That the application (ZA 09 113040) submitted by Briarwood Homes (Markham) Ltd. to amend Zoning By-law 90-81, as amended, to permit a townhouse development at 2 Havelock Gate, be approved, and the draft Zoning By-law amendment attached as Appendix ‘D’ be finalized and enacted without further notice; and,
 - 6) That the Site Plan application (SC 09 113042) submitted by Briarwood Homes (Markham) Ltd. to facilitate a townhouse development at 2 Havelock Gate be endorsed in principle, subject to conditions attached as Appendix ‘A’; and,
 - 7) That Site Plan Approval (SC 09 113042) be delegated to the Director of Planning and Urban Design or his designate, to be issued following execution of a site plan agreement; and,
 - 8) That a restrictive covenant be incorporated to ensure the fencing along Havelock Gate is of an appropriate material and a maximum of five feet in height; and,
 - 9) That Pre-2011 servicing allocation for 25 townhouses be assigned to the proposed development; and,
 - 10) That the City reserves the right to revoke or reallocate the servicing allocation should development not proceed in a timely manner; and further,
 - 11) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
- (By-laws 2013-41 and 2013-42)

CARRIED

- (3) DRAFT OFFICIAL PLAN 2012
PUBLIC CONSULTATION OVERVIEW (10.0)
[Report](#) [Figure 1](#) [Appendix A](#) [Appendix B](#) [Appendix C](#) [Appendix D](#)
- 1) That the following communications providing comments regarding the draft Official Plan be received:
 1. Matthew Cory, Malone Given Parsons Ltd.
 2. Patricia A. Foran, Aird & Berlis
 3. Alena Gotz, Aileen-Willowbrook Ratepayers Association; and,
 - 2) That the deputations by Nick Pillegi on behalf of Times Group, and Alena Gotz on behalf of Aileen-Willowbrook Ratepayers Association, regarding the draft Official Plan be received; and,
 - 3) That the report entitled “Draft Official Plan 2012 – Public Consultation Overview” dated March 19, 2013, be received; and further,
 - 4) That the correspondence relating to the Draft Official Plan attached in Appendix ‘C’ to this report, be received.

CARRIED

**6(D) REPORT NO. 18 - DEVELOPMENT SERVICES PUBLIC MEETING
(April 9, 2013)**

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 18 – Development Services Public Meeting comprised of 2 items be received and adopted.

- (1) PRELIMINARY REPORT
2271850 ONTARIO LIMITED
APPLICATIONS FOR ZONING BY-LAW AMENDMENT
AND SITE PLAN APPROVAL TO PERMIT
FIVE ADDITIONAL TOWNHOUSE UNITS
(TOTAL 24 UNITS) IN BLOCK 93, PLAN 65M-4328
(ZA 12 129209 & SC 12 129209) (10.5, 10.6)
[Report](#)
- 1) That the Development Services Commission report dated February 5, 2012 entitled “PRELIMINARY REPORT, 2271850 Ontario Limited, Applications for Zoning By-law Amendment and Site Plan Approval to permit five additional townhouse units (total 24 units) in Block 93, Plan 65M-4328” be received; and,

- 2) That the record of the Public Meeting held on April 9, 2013 with respect to the proposed Zoning By-law Amendment by 2271850 Ontario Limited, to permit five additional townhouse units (total 24 units) in Block 93, Plan 65M-4328 be received; and,
- 3) That the Zoning By-law Amendment (ZA 12 129209) by 2271850 Ontario Limited, to amend the Zoning By-law 177-96, as amended, be approved; and further,
- 4) That the proposed amendment to the Zoning By-law 177-96, as amended, be enacted without further notice.

CARRIED

(2) PRELIMINARY REPORT
WISMER COMMONS DEVELOPERS GROUP
APPLICATION FOR ZONING BY-LAW AMENDMENT
TO PERMIT RESIDENTIAL USES
NORTH OF FRED MCLAREN BLVD.
SOUTH OF HAMMERSLY BLVD.
WEST OF ROY RAINEY AVENUE
(ZA.12-113883) (10.5)
[Report](#)

- 1) That the report dated November 20, 2012, entitled “Preliminary Report, Wismer Commons Developers Group, Application for Zoning By-law Amendment to permit residential uses, North of Fred McLaren Blvd., south of Hammersly Blvd., west of Roy Rainey Ave, File Number: ZA.12-113883”, be received; and,
- 2) That the record of the Public Meeting held on April 9th, 2013, with respect to the proposed amendment to the Zoning By-law be received; and,
- 3) That the application by Wismer Commons Developers Group to amend the City’s by-law 177-96, as amended, be approved; and,
- 4) That the proposed amendment to the City’s Zoning By-law 177-96, as amended, be enacted without further notice; and,
- 5) That upon approval of the Wismer Commons Developers Group application, the lands described as Parts 2, 3, 4 and 5, Plan 65 R-29152 be declared surplus to City purposes pursuant to By-law 178-96 and conveyed to the Wismer Commons Developers Group in accordance with the Consent and Release Agreement dated July 30, 2003 between the City and the Wismer Markham Developments Inc and Lazo Mikijelj (Trustee of the Wismer Commons Developers Group); and further,

- 6) That servicing allocation for 4 single detached units (14.8 population) be granted to the Wismer Commons Developers Group from the total allocation from the Wismer Commons Secondary Plan, assigned in accordance with the June 26, 2012 Servicing Allocation Report.

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 Deputy Mayor Jack Heath

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

Received

14-2013 ONTARIO MUNICIPAL BOARD DECISION – FUNG LOY KOK INSTITUTE OF TAOISM, 378 STEELES AVENUE EAST (13.13)

[Letters](#)

Summary from the City Solicitor:

On June 26, 2012, the Ontario Municipal Board issued a decision allowing an appeal by Fung Loy Kok Institute (“FLKI”) respecting its property located at 378 Steeles Avenue East. The property is designated Urban Residential – Low Density Housing by the Thornhill Secondary Plan and was zoned Single Family Special Residential Third Density (SR3) under Zoning By-law 1767.

FLKI appealed both Council’s refusal to enact a proposed amendment to Zoning By-law 1767 to permit a place of worship and appropriate accessory uses, and Council's failure to make a decision with respect to its application for Site Plan Approval.

In the decision, the Board member noted that one of the primary arguments against the proposal was incompatibility with the surrounding neighbourhood, and that this argument seemed to be based on the fact that there are no other cantilevered buildings in this area. The Board member also made reference to the fact that although the proposal had been completely redesigned by the applicant to address the community's concerns, the same concerns that were raised with original proposal were repeated at the hearing. The Board held that the proposal was compatible:

“... uniqueness and innovative design does not equal incompatibility. The subject property is located within a mixed use corridor on the periphery of a residential neighbourhood. ... The height, massing and footprint of the proposed building are similar to that of the existing structure and many other residential dwellings in this area. The evidence before the Board was that if this structure were to be used as a residential dwelling the only approval that would be required is a minor variance for building length...”

The Board is satisfied that the proposal is sensitive to the surrounding neighbourhood and will not result in the creation of unacceptable impacts. The building has been designed in a tasteful manner which is considerate of the abutting properties and the neighbourhood as a whole. Places of worship are commonly located in residential areas and have long been considered an acceptable component of a residential neighbourhood.”

The Board member referenced the fact that Council had rejected the Staff recommendation to approve the application and denied the proposed Zoning By-law Amendment (ZBA) on October 4, 2011, without issuing any reasons for the refusal. The Board found that the proposal was reasonable and appropriate:

“The Board is satisfied that the intent and purpose of the locational criteria is being met. Both Town and City of Toronto transportation experts have evaluated the site and concluded that the location is satisfactory from a traffic functioning perspective. The traffic impact is benign, the access onto Steeles Avenue is satisfactory, and a second access is neither warranted nor desirable. Accordingly, the intent of the policy is satisfied, and a formal OPA is not required.”

The Board allowed the appeal, amending the Zoning By-law (ZBL) and approving the site plan.

(By-law No. 2013-39 approved by OMB)

CARRIED

15-2013 MINUTES OF COUNCIL WORKSHOP DATED MARCH 25, 2013
REGARDING RECREATION, CULTURE, PARKS AND LIBRARY PRICING
STRATEGY. (16.0)

[Minutes](#)

CARRIED

Referred to all Members of Council

16-2013 ROAD CLOSURE REQUEST – MARKHAM STOUFFVILLE HOSPITAL BED RACE (3.5)

[Info](#)

The following roads will be closed on June 23, 2013 from 12:00 noon to 4:00 p.m. to facilitate the event:

1. Unionville Main Street from north of Station Lane to south of Carlton Rd
2. No access from Main Street Unionville west onto
 - Fred Varley Drive
3. No access from Main Street Unionville east onto
 - Victoria Avenue
 - Concession Rd (Bypass)

CARRIED

17-2013 ROAD CLOSURE REQUEST – CANADA DAY IN UNIONVILLE (3.5)

[Info](#)

The following roads will be closed on July 1, 2013 from 9:00 a.m. to 6:00 p.m. to facilitate the event:

- Unionville Main Street south of Carlton Rd
- Fred Varley Drive west of Main Street
- Concession Road & Main Street Unionville
- Victoria Avenue
- Main Street Unionville just north of Station Lane

CARRIED

18-2013 SPECIAL OCCASION LIQUOR PERMIT APPLICATION – UNIONVILLE VILLAGE FESTIVAL (3.21) (Ward 3)

[Letter](#)

- Requesting an approval from the City of Markham to designate the Unionville Village Festival being held on June 1 and 2, 2013 as an event of "Municipal Significance". The City's designation is a requirement of the Alcohol and Gaming Commission of Ontario (AGCO) to support the Unionville Village Festival Committee's application of a Special Occasion Liquor Permit to be utilized on June 1, 2013, 12:00 noon to 8:00 p.m., Crosby Park, 210 Main Street Unionville.

CARRIED

19-2013 LIQUOR LICENCE APPLICATION FOR ROLLING POT, 7077 KENNEDY ROAD, UNIT 111 (WARD 8) (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

- 20-2013 LIQUOR LICENCE APPLICATION FOR PRESIDENT'S CHOICE COOKING SCHOOL, 200 BULLOCK DRIVE (WARD 4) (3.21)
[Info](#)
- Forwarding a request for the City of Markham to complete the Municipal Information Form.
(Existing premises and application of a new liquor licence for indoor areas).
CARRIED
- 21-2013 LIQUOR LICENCE APPLICATION FOR NINO DAVERSA BAKERY PANE & DOLCE INC., 7287 YONGE STREET (WARD 1) (3.21)
[Info](#)
- Forwarding a request for the City of Markham to complete the Municipal Information Form.
(Existing premises and expansion of existing liquor licence for indoor and outdoor areas).
CARRIED
- 22-2013 LINCOLN M. ALEXANDER AWARD TO HONOUR YOUNG ONTARIANS (13.2)
[Letter](#)
- Minister of Citizenship and Immigration - Calling nominations for the 2013 Lincoln M. Alexander Award to honour young Ontarians who have demonstrated exemplary leadership in contributing to the elimination of racial discrimination. The deadline for nominations is May 31, 2013.
CARRIED
- Referred to the Treasurer**
- 23-2013 COMMUNICATION REGARDING THE ITEM TITLED "DEVELOPMENT CHARGES UPDATE" (7.11)
(Item No. 1, Report No. 16)
[Letter](#)
- Danielle Chin, Senior Planner, Policy & Government Relations, Building Industry and Land Development Association (BILD), providing comments.
CARRIED

Received

24-2013 COMMUNICATION REGARDING THE ITEM TITLED "COUNCILLOR EXPENSES" (7.0)

[Email](#)

- Karen Rea and Donna Bush providing comments.

CARRIED

10. PROCLAMATIONS

(1) PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

[Info](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Alan Ho

- 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 Volunteer Week (April 21 to 27, 2013)
 - Be Kind To Animals Week (May 5 to 11, 2013);
- 2) That the following new request for proclamation be approved:
 - Pan Am/Parapan Am Day (July 10, 2013);
- 3) That the following new request for flag to be raised at the Anthony Roman Markham Civic Centre flagpole be approved:
 - Toronto 2015 Pan American Games Flag (July 10, 2013).

CARRIED

11. NEW/OTHER BUSINESS

- (1) 1473092 ONTARIO LIMITED (METRUS DEVELOPMENT INC.)
SOUTH OF DONALD COUSENS PARKWAY, EAST OF COUNTRY
GLEN ROAD AND NORTH OF BUR OAK AVENUE
CORNELL COMMUNITY
FILE NUMBER: ZA 13-110404 (10.5)
[Memo](#)

Moved by Regional Councillor Gord Landon

Seconded by Councillor Howard Shore

- 1) That the memorandum from the Commissioner of Development Services titled "1473092 Ontario Limited (Metrus Development Inc.), south of Donald Cousens Parkway, east of Country Glen Road and north of Bur Oak Avenue, Cornell Community, File Number: ZA 13-110404" be received; and,
- 2) That servicing allocation for 48 single detached units (177.6 population) and 28 semi-detached units (84.56 population) be granted to subdivision 19TM-01015 from the total allocation to the Cornell Secondary Plan area, assigned in accordance with the June 26, 2012 Servicing Allocation Update Report.
(By-law 2013-40)

CARRIED

- (2) RECOMMENDATION FROM THE MARCH 27, 2013
LICENSING COMMITTEE HEARING (2.0)

Discussion on the matter ensued.

Moved by Regional Councillor Jim Jones

Seconded by Councillor Colin Campbell

- 1) That the following recommendation of the Licensing Committee from the Hearing held on March 27, 2013 be approved and adopted:
 - "1. That the application to remove a Black Walnut tree at 10 Albert Street, Markham, be approved, with the following conditions:
 - a) That the applicants provide for six replacement trees, in a size and native species deemed appropriate by staff, within 2013; and with a two year warranty to be monitored by staff;

- b) That at least two of the replacement trees be placed on the applicant's property, at a location of their choice; and trees not located on 10 or 12 Albert Street be subject to the standard cash-in-lieu \$500 fee per tree; and,
2. That the recommendations are based on the unique characteristics of this case only and are neither intended to be precedent setting nor to be used as a basis for future cases."

CARRIED

Council consented to replace words "...four replacement trees..." with the words "...six replacement trees..." contained in Section 1 a).

(3) TRANSITION OF THORNLEA POOL AND GYMNASIUM OPERATION
TO THE CITY OF MARKHAM (6.0)
[Report](#)

Andy Taylor, Chief Administrative Officer provided background information on the report. A detailed discussion on the matter ensued.

Moved by Regional Councillor Jim Jones
Seconded by Councillor Howard Shore

- 1) That the report "Transition of Thornlea Pool and Gymnasium Operation to the City of Markham" be received; and
- 2) That the City of Markham enter into a new agreement with York Region District School Board (YRDSB) based on the principles outlined in this report effective July 1,2013 to change roles of both parties related to the operation of the Thornlea Pool and Gymnasium; and
- 3) That a net additional \$50,000 be added to the 2014 Operating budget for the Thornlea Pool and Gymnasium operation, bringing the total additional budget for operation and programming to \$100,000 per year (\$50,000 included in 2013 operating budget) for an additional 1,800 hours of community access, bringing the total 2014 Operating budget to \$490,715; and
- 4) Staff will report back on the operational model including staffing for the Thornlea Pool and Gymnasium; and
- 5) That the City agrees to receive from the YRDSB a one-time fee of \$150,000, paid upon commencement of the new agreement, in recognition of the financial situation Markham inherits by assuming capital repair and replacements of the facility; and

- 6) That the Mayor and City Clerk be authorized to sign a new Agreement with the York Region District School Board – Thornlea Pool and Gymnasium subject to the satisfaction of the Chief Administrative Officer, the City Solicitor and the Commissioner of Community and Fire Services; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

12. BY-LAWS

Moved by Councillor Alex Chiu
Seconded by Councillor Valerie Burke

That By-laws 2013-40 to 2013-42, 2013-44 and 2013-45 be given three readings and enacted.

Three Readings

BY-LAW 2013-39 FUNG LOY KOK INSTITUTE OF TAOISM, 378 STEELES AVENUE EAST, ONTARIO MUNICIPAL BOARD (OMB) APPROVED ZONING AMENDMENT

[By-law](#)

(By-law 2013-39 approved by OMB - For information only to facilitate the assignment of a by-law number)
(See Communication No. 14-2013)

CARRIED

BY-LAW 2013-40 1473092 ONTARIO LTD (METRUS DEVELOPMENT INC.), HOLD REMOVAL BY-LAW, PART OF LOTS 16 AND 17, CONCESSION 9, PLAN 65M-4362

[By-law](#)

- A by-law to amend By-law 177-96, as amended, to permit the development of single detached and semi-detached units.
(New/Other Business Item No. 1)

CARRIED

- BY-LAW 2013-41 BRIARWOOD HOMES (MARKHAM) LTD., 2 HAVELOCK GATE,
OFFICIAL PLAN AMENDMENT
[By-law](#)
- A by-law to adopt an Official Plan Amendment, to permit a residential
development.
(Item No. 2, Report No. 17)
CARRIED
- BY-LAW 2013-42 BRIARWOOD HOMES (MARKHAM) LTD., 2 HAVELOCK GATE,
ZONING BY-LAW AMENDMENT
[By-law](#)
- A by-law to amend By-law 90-81, as amended, to permit a residential
development.
(Item No. 2, Report No. 17)
CARRIED
- BY-LAW 2013-44 2145312 ONTARIO INC., 1 STEELCASE ROAD WEST, OFFICIAL
PLAN AMENDMENT
[By-law](#)
- A by-law to adopt an Official Plan Amendment, to permit a mixed use
commercial/office development.
CARRIED
- BY-LAW 2013-45 2145312 ONTARIO INC., 1 STEELCASE ROAD WEST,
IMPLEMENTING ZONING BY-LAW
[By-law](#)
- A by-law to amend By-law 108-81, as amended, to permit a mixed use
commercial/office development.
CARRIED

13. IN-CAMERA ITEMS

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

COUNCIL – April 16, 2013

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
- MARCH 19, 2013 (16.0)
[Section 239 (2) (b) (c) (d) (e) (f)]

GENERAL COMMITTEE – March 4, 2013

- (2) ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE (13.2)
[Section 239 (2) (f)]

Council reported out the items as follows:

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
- MARCH 19, 2013 (16.0)

Moved by Deputy Mayor Jack Heath
Seconded by Councillor Alex Chiu

- 1) That the Council In-camera Minutes dated March 19, 2013 be confirmed.

- (2) CLOSED MEETING INVESTIGATOR REPORT (13.2)
[Report](#)

Moved by Deputy Mayor Jack Heath
Seconded by Councillor Alex Chiu

- 1) That the confidential memorandum dated April 15, 2013 from the City Solicitor and Acting City Clerk be received; and,
- 2) That the report from Amberley Gavel Ltd., City of Markham Closed Meeting Investigator, regarding a complaint relating to a closed session meeting of the Development Services Committee held on January 24, 2012 be released in its entirety; and further,

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

14. CONFIRMATORY BY-LAW

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

That By-law 2013-43 be given three readings and enacted.

Three Readings

BY-LAW 2013-43 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF APRIL 16, 2013.

[By-law](#)

CARRIED

15. ADJOURNMENT

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

That the Council Meeting be adjourned at 10:25 p.m.

CARRIED

MARTHA PETTIT
ACTING CITY CLERK

(Signed)

FRANK SCARPITTI
MAYOR