

COUNCIL MINUTES

February 26, 2013, 7:00 p.m.

Council Chamber, Anthony Roman Markham Civic Centre Meeting No. 6

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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 Catherine Conrad, City Solicitor Jim Baird, Commissioner of Development Services Brenda Librecz, Commissioner of Community and Fire Services Trinela Cane, Commissioner of Corporate Services Joel Lustig, Treasurer John Wong, Technology Support Specialist Martha Pettit, Acting City Clerk Stephen Huycke, Acting Deputy Clerk

The regular meeting of Council convened at 7:07 p.m. on February 26, 2013 in the Council Chamber. Mayor Frank Scarpitti presided.

1. DISCLOSURE OF PECUNIARY INTEREST

(1) None declared.

2. MINUTES

(1) COUNCIL MINUTES – FEBRUARY 7, 2013 AND FEBRUARY 12 AND 13, 2013 <u>Feb 7</u> <u>Feb 12and13</u>

Moved by Councillor Alex Chiu Seconded by Councillor Valerie Burke

1) That the Minutes of the Council Meetings held on February 7, 2013, February 12 and 13, 2013, be adopted.

CARRIED

3. PRESENTATIONS

There were no presentations.

4. **DELEGATIONS**

There were no delegations.

5. **PETITIONS**

There were no petitions.

6(A) **REPORT NO. 7 - DEVELOPMENT SERVICES COMMITTEE** (February 12, 2013)

Moved by Regional Councillor Jim Jones Seconded by Councillor Don Hamilton

That Report No. 7 – Development Services Committee comprised of 2 items be received and adopted.

- (1) INTENTION TO DESIGNATE A PROPERTY UNDER PART IV OF THE ONTARIO HERITAGE ACT THE JOHN KOCH HOUSE 12 HERITAGE CORNERS LANE (16.11) <u>Report</u>
 - 1) That the report dated February 12, 2013, entitled "Intention to Designate a Property under Part IV of the *Ontario Heritage Act*, John Koch House, 12 Heritage Corners Lane" be received; and,
 - 2) That as recommended by Heritage Markham, the John Koch House 12 Heritage Corners Lane, be approved for designation under Part IV of the *Ontario Heritage Act* as a property of cultural heritage value or interest; and,
 - 3) That the Clerk's Department be authorized to publish and serve Council's Notice of Intention to Designate as per the requirements of the *Ontario Heritage Act*; and,
 - 4) That if there are no objections to the designation in accordance with the provisions of the *Ontario Heritage Act*, the Clerk be authorized to place a designation by-law before Council for adoption; and,
 - 5) That if there are any objections in accordance with the provisions of the *Ontario Heritage Act*, the Clerk be directed to refer the proposed designation to the Ontario Conservation Review Board; and further,
 - 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(2) TERMS OF REFERENCE – MAIN STREET UNIONVILLE COMMITTEE (16.24) <u>Report</u>

- 1) That the staff report entitled "Terms of Reference Main Street Unionville Committee", dated February 12, 2013, be received; and,
- 2) That the Terms of Reference for the Main Street Unionville Committee attached as Appendix 'A' to this report be adopted; as amended to increase the BIA representatives to four; and,
- 3) That each of the identified community groups or organizations be invited to participate on the Main Street Unionville Committee by appointing a representative as per the Terms of Reference; 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. 8 - GENERAL COMMITTEE (February 25, 2013)

Moved by Councillor Logan Kanapathi Seconded by Councillor Colin Campbell

That Report No. 8 – General Committee comprised of 3 items be received and adopted.

- (1) SOUTHEAST COMMUNITY CENTRE AND LIBRARY - DESIGN DEVELOPMENT AND SOUTHEAST COMMUNITY PARK DESIGN CONSULTANT (6.6) <u>Report</u> <u>Attachment A- Presentation</u> <u>Attachment B</u>
 - 1) That the report titled "Southeast Community Centre and Library– Design Development and Southeast Community Centre Park Design Consultant" be received; and,
 - 2) That the presentation by Perkins + Will, the Prime Design Consultant for the Southeast Community Centre and Library, highlighting the result of the Design Development phase of the project be received; and,

- 3) That Council authorizes staff to proceed with the detailed design drawings, technical specifications, and the construction contract documents phase of Southeast Community Centre and Library project; and,
- 4) That staff be directed to report back in June 2013 with an update of the Southeast Community Centre and Library cost estimate, prior to the issuance of the construction tender; and,
- 5) That Council affirm Fleisher Ridout Partnership Inc. as the preferred consultant to provide full service landscape architectural consulting services for the Southeast Community Centre Park: design; working drawings, tender documents; contract administration and warranty in accordance with the scope of work outlined in Attachment 'B" to an upset limit of \$218,000 inclusive of HST and capital administration fees; and;
- 6) That the tendering process be waived in accordance with Purchasing By-law 2004-341, Part II, Section 7.1 (h) which states;" where it is necessary or in the best interests of the City to acquire ... Professional Services from a preferred supplier or from a supplier who has a proven track record with the City in terms of pricing, quality and service" and;
- 7) That a new 2013 Urban Design capital project for the award to hire Fleisher Ridout Partnership Inc. be created to an upset limit of \$218,000 inclusive of HST and capital administration fees, to be funded from Development Charges in the amount of \$196,200 (90%) and the Capital Contingency Account in the amount of \$21,800 (10%); and further,
- 8) That staff be authorized and directed to do all things necessary to give effect to this resolution.

- (2) 2013 WATER/WASTEWATER RATE INCREASE, 2013 WATERWORKS OPERATING BUDGET AND FEEDBACK FROM PUBLIC MEETING (7.4) <u>Report Appendix 1 Appendix 2 Appendix 3</u>
 - 1) That the report dated February 25, 2013 entitled "2013 Water/Wastewater Rate Increase, 2013 Waterworks Operating Budget and Feedback from Public Meeting" be received; and,
 - 2) That the minutes from public meeting held on February 12, 2013 with respect to the 2013 Water/Wastewater rate increase be received (Appendix 1); and,

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- 3) That the 2013 City of Markham's ("City") Water/Wastewater rate increase be equivalent to the Region of York's ("Region") monetary increase of \$0.1637 per cubic metre (m³) based on Region's approved increase of 10%; and,
- 4) That in addition to the Region's increase, the 2013 Water/Wastewater rate increase includes a surcharge of $0.0462/m^3$; and,
- 5) That effective April 1, 2013, the 2013 Water/Wastewater rate will be $2.8376/m^3$, an increase of $0.2099/m^3$; and,
- 6) That Council approve the 2013 Waterworks budget that totals \$89,789,481, (excluding the 2012 surplus/deficit), the principle components of which are detailed in Appendix 2; and further,
- That Staff be authorized and directed to do things necessary to give effect to this resolution.
 (By-law 2013-24)

CARRIED

(3) UPDATE ON SWAN LAKE WATER QUALITY (5.0) <u>Report</u> <u>Attachment A & B</u>

- 1) That the report entitled "Update on Swan Lake Water Quality Monitoring" be received; and
- 2) That the Phoslock application to lower Phosphorus levels in Swan Lake in the amount of \$150,000 be funded from surplus funds in Project #8445 'Pond 2D Buttonville' and from Project #9241 'Storm Water Mgmt Pond Maintenance (ID #10 Galleria); and,
- 3) That the remaining budget of \$15,931 in Projects #8445 and #9241 be returned to the original funding source; and,
- 4) That Staff report back in summer 2014 regarding the results of the Phoslock application and the level of reduction in Phosphorus and algae bloom in the lake; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

7. MOTIONS

There were no motions.

8. NOTICES OF MOTIONS

There were no notices of motions.

9. COMMUNICATIONS

Moved by Councillor Alex Chiu Seconded by Councillor Valerie Burke

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

Received

8-2013

ONTARIO MUNICIPAL BOARD DECISION – TRIBUTE (UNIONVILLE) LIMITED, 20 FRED VARLEY DRIVE (13.13) Letter

Summary from the City Solicitor:

Tribute Homes applied to permit a 113 unit, four storey apartment building with at-grade commercial at 20 Fred Varley Drive, in close proximity to the Unionville Heritage District, to replace an existing strip plaza with one storey of residential above. The applicant appealed the application to the Ontario Municipal Board after the expiry of the Planning Act time limits. The City initiated a process to work with a facilitator and the community and as a result, an Alternate Development Concept was developed, which comprised a maximum FSI of 1.14 and 67 dwelling units. Though discussions with the community and the developer continued up to the hearing, an acceptable settlement proposal was not agreed upon. The TRCA also opposed the application which is within a special policy area and the floodplain.

The Board found that the intensification (over and above the Alternate Development Concept) is compatible with the abutting area and is an appropriate use of the site. The Board allowed the appeal of the owners and approved their development of 3-4 stories, 113 residential units, with ground floor commercial, at an FSI of 1.92.

(By-law 2013-22)

(1) PROCLAMATION REQUEST (3.4)

Moved by Councillor Alex Chiu Seconded by Councillor Valerie Burke

- That the following new request for proclamation be approved:
 Lyme Disease Awareness Month (May 2013); and,
- 2) That the 2014 proclamation request for Lyme Disease Awareness Month be forwarded to Council for review and approval.

CARRIED

11. NEW/OTHER BUSINESS

Moved by Councillor Alex Chiu Seconded by Councillor Valerie Burke

That New/Other Business Item Nos. 1 and 2 be received and adopted.

- (1) AMBER PLAIN INVESTMENTS LIMITED SOUTH OF MAJOR MACKENZIE DRIVE EAST EAST OF ROY RAINEY AVENUE WISMER COMMONS COMMUNITY FILE NUMBER: ZA 12-135492 (10.5) <u>Memo</u>
 - That the memorandum from the Commissioner of Development Services titled "Amber Plain Investments Limited, South of Major Mackenzie Drive East, east of Roy Rainey Avenue, Wismer Commons Community, File Number: ZA 12-135492" be received; and,
 - 2) That 2011/2012 servicing allocation for 17.5 single detached units (64.75 population) and 50 semi-detached units (151 population) be granted to plan of subdivision 19TM-11002 (Amber Plain Investments 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 2013-20)

- UPPER UNIONVILLE INC.
 DRAFT APPROVED PLAN OF SUBDIVISION 19TM-10003 (PHASE 2)
 EAST OF KENNEDY ROAD, NORTH OF 16TH AVENUE
 BERCZY VILLAGE COMMUNITY
 FILE NUMBERS: SU 10 118874 AND ZA 12 134745 (10.5)
 <u>Memo</u>
 - That the memorandum dated February 21, 2013 from the Commissioner of Development Services titled "Upper Unionville Inc. Draft approved plan of subdivision 19TM-10003 (Phase 2), East of Kennedy Road, north of 16th Avenue, Berczy Village Community, File Numbers: SU 10 118874 and ZA 12 134745" be received; and,
 - 2) That 2013 servicing allocation for 185.9 single detached units, 146 semi-detached units and 280 townhouse units be granted to draft approved plan of subdivision 19TM-10003 (Phase 2), Upper Unionville Inc. from the servicing allocation being redistributed from high density developments to low density developments, in accordance with the staff report on servicing allocation adopted by Council on June 26, 2012; and further,
 - That the Holding (H) provision, with respect to servicing allocation, in Zoning By-law 177-96, as amended, that applies to draft approved plan of subdivision 19TM-10003 (Phase 2), Upper Unionville Inc. be removed.
 (By-law 2013-21)

CARRIED

12. **BY-LAWS**

Moved by Councillor Alex Chiu Seconded by Councillor Valerie Burke

That By-laws 2013-19 to 2013-21 and 2013-24 be given three readings and enacted.

Three Readings

BY-LAW 2013-19 2271850 ONTARIO LTD. PART LOT CONTROL EXEMPTION BY-LAW <u>By-law</u> - A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control Lots 30 to 46 and 49 to 51 Plan 65M-4328 west of

- A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Lots 30 to 46 and 49 to 51, Plan 65M-4328, west of Woodbine Avenue and north of Elgin Mills Road.

BY-LAW 2013-20 AMBER PLAIN INVESTMENTS LIMITED, HOLD REMOVAL BY-LAW, 5443 MAJOR MACKENZIE DRIVE EAST, WISMER COMMONS COMMUNITY
 <u>By-law</u>

 A by-law to amend By-law 177-96, as amended, to permit residential development.

(New/Other Business No. 1)

CARRIED

 BY-LAW 2013-21 UPPER UNIONVILLE INC., HOLD REMOVAL BY-LAW, EAST OF KENNEDY ROAD AND NORTH OF 16TH AVENUE
 <u>By-law</u>
 A by-law to amend By-law 177-96, as amended, to permit residential development. (New/Other Business No. 2)

CARRIED

BY-LAW 2013-22 TRIBUTE (UNIONVILLE) LIMITED, 20 FRED VARLEY DRIVE (BY-LAW APPROVED BY OMB) By-law

A by-law to amend by-law 122-72, as amended, to permit a mixed use development.

(Communication No. 8)

Note: OMB approved By-law 2013-22 (For information only to facilitate the assignment of a by-law number)

BY-LAW 2013-24 2013 WATER/WASTEWATER RATE <u>By-law</u> - A by-law to amend By-law No. 2002-276, being a by-law to impose fees or charges for services or activities provided or done by the City of Markham. (Item No. 2, Report No. 8)

13. IN-CAMERA ITEMS

Moved by Regional Councillor Jack Heath Seconded by Councillor Alex Chiu

That the rules of procedure be suspended to add an In-camera Item as No. 8 regarding the following matter:

A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD AND ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE

CARRIED (2/3 Vote of Council was obtained)

Moved by Councillor Alex Chiu Seconded by Councillor Valerie Burke

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into an in-camera session to discuss the following matters (7:15 p.m.):

COUNCIL – February 26, 2013

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING FEBRUARY 12 AND 13, 2013 [Section 239 (2) (b) (e)]
- (2) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (8.0) [Section 239 (2) (e)]

DEVELOPMENT SERVICES COMMITTEE- February 12, 2013

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

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

GENERAL COMMITTEE – February 25, 2013

- (6) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/COMMITTEE RESIGNATION) [Section 239 (2) (b)]
- PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/COMMITTEE APPOINTMENTS) [Section 239 (2) (b)]

COUNCIL – February 26, 2013

 (8) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD [Section 239 (2) (c)] AND
 ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE [Section 239 (2) (f)]

CARRIED

Moved by Regional Councillor Jim Jones Seconded by Councillor Howard Shore

That Council rise from the in-camera session and report. (7:46 p.m.)

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Council reported out the items as follows:

(1) MINUTES OF IN-CAMERA COUNCIL MEETING - FEBRUARY 12 AND 13, 2013 (16.0)

Moved by Councillor Alex Chiu Seconded by Councillor Valerie Burke

1) That the Council In-camera Minutes dated February 12 and 13, 2013 be confirmed.

CARRIED

(2) OMB APPEALS: (1) TIMES GROUP INC. (1820266 ONTARIO INC.), 4002/4022 HIGHWAY 7 (OPA 11 129271 AND ZA 11 129271
(2) LEE DEVELOPMENTS (UNIONVILLE DEVELOPMENT CORPORATION), 3972 HIGHWAY 7 (OPA 12 111399 AND ZA 12 111399)
(3) ALEX SHAW (2124123 ONTARIO LIMITED), 3940 HIGHWAY 7 (OPA 07 134436, ZA 07 134461 AND SU 07 134454) NORTH SIDE OF HIGHWAY 7 IN THE VICINITY OF VILLAGE PARKWAY (10.3, 10.5, 10.7)

Moved by Councillor Alex Chiu Seconded by Councillor Valerie Burke

- 1) That the oral report of the City Solicitor be received; and,
- 2) That the City Solicitor be instructed to settle the Ontario Municipal Board appeals by Times and Lee in accordance with her oral report on maximum number of units and approval of single family dwellings at the north end of the Times site; and,
- 3) That the City Solicitor and Commissioner of Development Services be authorized to finalize settlement negotiations on any other outstanding issues; and further,
- 4) That staff be authorized and directed to do all things necessary to give effect to this resolution.

(3) MINOR VARIANCE APPEAL 104 MAIN STREET, UNIONVILLE WINDAR MANAGEMENT LIMITED (10.12)

Moved by Councillor Alex Chiu Seconded by Councillor Valerie Burke

- 1) That Council supports the existing dental practice at 104 Main Street Unionville, as it is a good transition between Highway 7 and the residential to the north, and it will not set a precedent; and,
- 2) That the correspondence from Doug Worsley and Carole Doane, area residents, regarding the Minor Variance for 104 Main Street, Unionville, be received; and,
- 3) That the report titled "Minor Variance Appeal, 104 Main Street, Unionville, A/206/12", dated February 12, 2013, be received; and,
- 4) That staff be directed to withdraw the appeal of the Committee of Adjustment (A/ 206/12) with respect to 104 Main Street Unionville, to approve a minor variance to permit an existing dental office; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(4) MINOR VARIANCE APPEAL 245 RENFREW DRIVE A/202/12 (10.12)

Moved by Councillor Alex Chiu Seconded by Councillor Valerie Burke

- 1) That Council supports a place of worship within the existing private school at 245 Renfrew Drive, as site specific Official Plan Amendment has already been approved for this property to permit a private school, and this additional use will not set a precedent; and,
- 2) That the report titled "Minor Variance Appeal, 245 Renfrew Drive, A/202/12" be received; and,
- 3) That staff be directed to withdraw the appeal of the decision of the Committee of Adjustment under file "A/202/12" with respect to 245 Renfrew Drive, to approve a minor variance to permit a place of worship within an existing private school whereas the by-law does not permit a place of worship; and further,

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

CARRIED

(5) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (10.3, 10.5)

Moved by Councillor Valerie Burke Seconded by Councillor Alex Chiu

- 1) That the confidential report dated January 22, 2013 from the City Solicitor, Commissioner of Development Services and Director of Planning and Urban Design regarding a litigation and potential litigation matter be received; and,
- 2) That staff be authorized to proceed as directed by Council on February 26, 2013.

CARRIED

(6) BOARD/COMMITTEE RESIGNATION (16.24)

Moved by Councillor Alex Chiu Seconded by Councillor Valerie Burke

- 1) That the resignation of Mylene Batista Bezerra from the <u>Environmental Advisory</u> <u>Committee</u> be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti; and,
- 2) That the resignation of Chris Burkholder from the <u>Agricultural Advisory Committee</u> be received with regret for information purposes and that a letter of appreciation be forwarded from Mayor Frank Scarpitti.

(7) BOARD/COMMITTEE APPOINTMENTS (16.24)

Moved by Councillor Alex Chiu Seconded by Councillor Valerie Burke

> 1) That the following persons be appointed to the <u>RBC Markham-Milliken</u> <u>Children's Festival Committee</u>:

	Term End Date
Vivienne Jiang	November 30, 2016
Munira Budhedo	November 30, 2016
Kimberly Cheung	November 30, 2015
Iman Cassim	November 30, 2016
Andy Leung	November 30, 2015
Susanna Lee	November 30, 2015
Ellakiya Sivapalan	November 30, 2015
Nappinder Dogra	November 30, 2014
Kethika Logan	November 30, 2014
Gowthaman Rajakumar	November 30, 2014
Vivian Lam	November 30, 2016; and,

2) That the following persons be appointed to the <u>Animal Care Committee</u>:

	Term End Date
Pamela Young	November 30, 2016; and further,

3) That the following persons be appointed to the <u>Environmental Advisory</u> <u>Committee</u>:

	Term End Date
Muhammad Rashid	November 30, 2016
Alexander Karlovski	November 30, 2016
Amanda Napoli	November 30, 2015.

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 ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE (8.0)

Moved by Deputy Mayor Jack Heath Seconded by Councillor Logan Kanapathi

1) That the City of Markham be authorized to proceed as directed on this matter by Council on February 26, 2013.

CARRIED

14. CONFIRMATORY BY-LAW

Moved by Councillor Alex Chiu Seconded by Valerie Burke

That By-law 2013-23 be given three readings and enacted.

Three Readings

BY-LAW 2013-23 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF FEBRUARY 26, 2013. By-law

CARRIED

15. ADJOURNMENT

Moved by Councillor Alex Chiu Seconded by Valerie Burke

That the Council Meeting be adjourned at 7:48 p.m.

CARRIED

MARTHA PETTIT ACTING CITY CLERK FRANK SCARPITTI MAYOR

(Signed)