



COUNCIL MINUTES

November 13, 2012, 7:00 p.m.

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 19

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
Brenda Librecz, Commissioner of Community and Fire Services
Trinela Cane, Commissioner of Corporate Services
Joel Lustig, Treasurer
Richard Kendall, Manager, Central District
Martha Pettit, Acting City Clerk
Kitty Bavington, Council and Committee Coordinator
Stephen Huycke, Acting Deputy Clerk
Denis Flaherty, Director of Communications and Community Relations
Rino Mostacci, Director of Planning and Urban Design
Bill Wiles, Manager of By-law Enforcement and Licensing
John Wong, Technology Support Specialist

The regular meeting of Council convened at 7:09 p.m. on November 13, 2012 in the Council Chamber. Mayor Frank Scarpitti presided.

1. DISCLOSURE OF PECUNIARY INTEREST

(1) None declared.

2. MINUTES

- (1) COUNCIL MINUTES – OCTOBER 30, 2012
[Minutes](#)

Moved by Councillor Alex Chiu
Seconded by Councillor Howard Shore

- 1) That the Minutes of the Council Meetings held on October 30, 2012, be adopted.

CARRIED

3. PRESENTATIONS

There were no presentations.

4. DELEGATIONS

Council consented to add Delegation Item Nos. 1 and 2.

- (1) DELEGATION – JANET BEED REGARDING
FAIR HOSPITAL PARKING CHARGES (3.8)

Moved by Councillor Carolina Moretti
Seconded by Councillor Valerie Burke

That the delegation by Janet Beed, President and CEO of Markham Stouffville Hospital, regarding the item titled "Fair Hospital Parking Charges", be received.

CARRIED

(See Item No. 1, Report No. 52 for Council's decision on this matter)

(2) DELEGATIONS – PROPOSED DEVELOPMENT ON
HIGHWAY 7/VILLAGE PARKWAY (10.3, 10.5, 10.7)

Moved by Councillor Don Hamilton

Seconded by Councillor Carolina Moretti

- 1) That the following delegations in opposition to the proposed development on Highway 7/Village Parkway by Times Group Inc, Lee Developments and Alex Shaw, be received:
 1. Tom Zigomanis
 2. Karen Gullason
 3. Giuliana Minardi
 4. Fong Hsiung
 5. Mohamed Maherali
 6. Zina Maher
 7. Endel Mell
 8. David McBeth.

CARRIED

5. PETITIONS

There were no petitions.

6(a) REPORT NO. 52 - GENERAL COMMITTEE (November 5, 2012)

Council consented to separate Item No. 6.

Moved by Councillor Carolina Moretti

Seconded by Councillor Colin Campbell

That Report No. 52 – General Committee comprised of 9 items be received and adopted, except Item No. 6. (See following Item No. 6)

(1) FAIR HOSPITAL PARKING CHARGES (3.8)

[Presentation](#) [Attachment 1](#) [Attachment 2](#) [Attachment 3](#) [Attachment 4](#)

- 1) That the presentation by Mr. Alan D. Powell, entitled “Fair Hospital Parking Charges” be received; and,

- 2) That the City of Markham hereby requests that the Province of Ontario reduce and cap at a fair rate the parking charges at Ontario Hospitals including Markham Stouffville Hospital.

CARRIED

(2) REQUEST FOR PROPOSAL 035-Q-12 PUBLIC SPACE WASTE RECYCLING RECEPTACLES SYSTEM AND ADVERTISING PROGRAM (5.2)

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

- 1) That the Report entitled 'Request for Proposal 035-Q-12 Public Space Waste Recycling Receptacles System and Advertising' be received; and,
- 2) That the Request For Proposal (RFP) 035-12 for Public Space Waste Recycling Receptacles and Advertising program be awarded to Creative Outdoor Advertising the highest ranked / highest revenue bidder for a period of five years; and,
- 3) That the Director of Environmental Services and Manager Purchasing be authorized to extend the contract for a further period of five years as per terms of the RFP and subject to the satisfactory completion of the initial contract term; and,
- 4) That the annual guaranteed revenue of \$90,000.00 or 28% commission whichever is the greater as provided for in the RFP be included in the Waste Department Operating Budget beginning 2013; and,
- 5) That the Commissioner of Community & Fire Services and the Manager of Purchasing be authorized to execute the contract with Creative Outdoor Advertising in accordance to the terms of the Purchasing By Law and to the satisfaction of the City's Solicitor; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution

CARRIED

(3) BYLAW TO AUTHORIZE TEMPORARY BORROWING FOR 2013 (7.0)

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

- 1) That the report "By-law to authorize Temporary Borrowing for 2013" be received; and,

- 2) That a by-law be brought forward for Council approval to authorize the temporary borrowing, if required, of an amount not to exceed \$137,087,510 from January 1, 2013 to September 30, 2013 and \$68,543,755 from October 1, 2013 to December 31, 2013 to meet the expenditures of the municipality until taxes are collected and other revenues are received; and,
- 3) That the Treasurer report to Council in advance of borrowing, if temporary borrowing is required; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2012-231)

CARRIED

(4) 2013 INTERIM TAX LEVY AND BYLAW (7.2)
[Report](#)

- 1) That Council authorize an interim tax levy for 2013; and,
- 2) That the attached by-law be passed to authorize the 2013 interim tax levy; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2012-232)

CARRIED

(5) STRATEGIC LAWSUIT AGAINST PUBLIC PARTICIPATION
(SLAPP) REPORT (8.0)
[Report](#) [Attachment A](#)

- 1) That the report entitled “Strategic Lawsuits Against Public Participation (SLAPP)”, dated November 5, 2012, be received; and,
- 2) That Council receive the information regarding SLAPP legislation as requested by Council in a Motion passed on May 7, 2012; and,
- 3) That Council authorize staff to draft an indemnification by-law for their consideration; and,

- 4) That the Strategic Lawsuits Against Public Participation (SLAPP) be circulated to Markham Action Group for Improved Community (MAGIC); and further,
- 5) That Staff be authorized and directed to take the actions set out in this report.

CARRIED

(6) MOTION - STRATEGIC LITIGATION AGAINST
PUBLIC PARTICIPATION (SLAPP) (8.0)

Moved by Councillor Howard Shore
Seconded by Councillor Valerie Burke

Whereas Strategic litigation against public participation (SLAPP) has been defined as a lawsuit started against one or more persons or groups who speak out or take a position on an issue of public interest; and,

Whereas the intent of such litigation is to limit the freedom of expression of the defendants and neutralize their actions by resorting to the courts to intimidate them, exhaust their resources and reduce their means of action by redirecting their energy and finances into defending a lawsuit and away from their original public criticism; and,

Whereas Strategic Lawsuits Against Public Participation (SLAPP) are a major impediment to free speech in Ontario; and,

Whereas these frivolous lawsuits are a waste of already overburdened Court time and resources; and,

Whereas concerns have been raised that SLAPPs also act as a warning to other potential critics, including Ratepayer Associations and community activists; and,

Whereas SLAPP is a form of bullying and intimidation, and an abuse of our judicial and quasi-judicial systems the effect and intent of which is to discourage public debate; and,

Whereas the SLAPP experience, already familiar in the United States, first appeared in Canada as a type of abuse of process, or began to be identified as such, in the 1990s. A number of companies initiated legal proceedings that fit the definition of a SLAPP in order to silence groups or citizens who were speaking out on public issues, especially on environmental, but also municipal or consumer, issues; and,

Whereas abusive SLAPP lawsuits are an observable reality and constitute a serious threat to the participation of citizens and groups in public debate; and,

Whereas the public's right to participate in decision-making in matters of public interest is a cornerstone of our democratic system; and,

Whereas the only way to protect the citizen's right to public participation is through the creation of effective legislation; and,

Whereas Article 25 of the *International Covenant on Civil and Political Rights* states:

“Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country”; and,

Whereas the province of Quebec and over half of U.S. states have anti-SLAPP legislation; and,

Whereas the Association of Municipalities of Ontario has passed a resolution to meet with the provincial government in order to find solutions to SLAPP intimidation in Ontario; and,

Whereas more than 60 municipalities in Ontario have passed resolutions calling on the provincial government to protect citizens and adopt anti-SLAPP legislation; and,

Whereas Yasir Naqvi, Member of Provincial Parliament for Ottawa Centre, tabled a private member’s bill on October 15, 2012 – *the Protection of Public Participation Act* – that targets Strategic Lawsuits Against Public Participation (SLAPPs), and,

Whereas the City of Markham believes that the right to participate in public affairs is an essential condition for the effective exercise of the right to freedom of expression and right of association and implies the free communication of information and freedom of the press and further, the right to hold opinions without interference;

Now therefore be it resolved that:

- 1) Council through the Mayor, write to the Attorney General and Premier of Ontario urging the adoption of the “Anti-SLAPP Advisory Panel Report to the Attorney General of Ontario dated October 28, 2012” and enact anti-SLAPP legislation, to discourage SLAPP intimidation and protect citizens' rights to free speech and participation in public debate, without fear of frivolous and meritless lawsuits.

CARRIED AS AMENDED
(See following to amend)

Moved by Councillor Howard Shore
Seconded by Councillor Valerie Burke

That the following proposed Resolution No. 2) be deferred until staff report back on this matter:

- "2) That Council recommend to the Attorney General and Premier of Ontario to extend Parliamentary Privilege to members of municipal Councils where a member of the Council participates in the exercise of their responsibilities representing the constituents of their electoral district, and generally, the carrying out of the functions of his or her responsibilities as Councillor, the Councillor shall not be held personally liable for SLAPP lawsuits."

CARRIED

Note: The notice of this motion titled "Strategic Litigation Against Public Participation (SLAPP)" was given to Council at its meeting held on October 16, 2012, moved by Councillor Howard Shore and seconded by Councillor Valerie Burke. At this meeting, Council consented to consider the motion when the staff report on same is being considered.

On November 5, 2012, General Committee considered the staff report and the recommendation of the committee is listed under Item No. 5, Report No. 52 of these Council minutes. The Committee also considered this motion with notice given to Council on October 16, 2012.

(7) **AMENDMENTS TO DISCHARGE OF FIREARMS BY-LAW (2.0)**
[Report](#) [Attachment](#)

- 1) That the report entitled "Discharge of Firearms and Bows By-law" be received; and,
- 2) That By-law 323-86 being "a bylaw to Prohibit the Discharge of Guns and Other Firearms, Air Guns and Spring Guns and Class Thereof, Within the Municipality" be repealed; and,
- 3) That the proposed "Discharge of Firearms and Bows By-law" as outlined in Appendix 'A' be enacted; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2012-233)

CARRIED

(8) REQUEST FROM THE YORK REGIONAL POLICE FOR ASSISTANCE WITH CLANDESTINE DRUG OPERATION COST RECOVERY (2.0)

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

- 1) That the report entitled “Request from York Regional Police for Assistance with Clandestine Drug Operations Cost Recovery” be received; and,
- 2) That the City of Markham enact a by-law (*Attachment ‘A’- Draft By-law*) to permit recovery of costs incurred by York Regional Police Services which are associated with the remediation of clandestine drug operations in Markham, in accordance with Section 391 (1) of the Municipal Act, 2001; and,
- 3) That staff be directed to report back on all other potential costs associated with drug operation and opportunities to include those costs in the by-law; and,
- 4) That the Mayor and Acting City Clerk be authorized to execute a Memorandum of Understanding between Markham and the Regional Municipality of York Police Services regarding the payment and collection of costs by the City to the Regional Municipality of York Police Services, prepared in a form acceptable to the Commissioner of Corporate Services and the City Solicitor; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2012-234)

CARRIED

(9) MILLIKEN MILLS WORKSHOP FOLLOW – UP
– EXPANSION PROPOSAL (3.0)

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

- 1) That the report titled “Milliken Mills Workshop Follow Up - Expansion Proposal” be received for information; and
- 2) That Council direct staff to complete a Feasibility Review in 2013 to determine the scope of changes to Milliken Mills Community Centre & Library for recreation and library services; and,
- 3) That based on the outcome of the Feasibility Review that consideration be given to the following timelines: Design Phase to be initiated in 2014/15 and Construction between 2015 to 2017; and,

- 4) That Staff report back in spring 2013 on the result of a Feasibility Review and implementation plan; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**6(b) REPORT NO. 53 - DEVELOPMENT SERVICES COMMITTEE
(November 6, 2012)**

Council consented to separate Item No. 2.

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 53 – Development Services Committee comprised of 4 items be received, except Item No. 2. (See following Item No. 2)

(1) INTENTION TO DESIGNATE A PROPERTY UNDER
PART IV OF THE *ONTARIO HERITAGE ACT*
REESOR-GROVE HOUSE
6330 SIXTEENTH AVENUE (16.11.3)
[Report](#)

- 1) That the report dated November 6, 2012, entitled “Intention to Designate a Property under Part IV of the *Ontario Heritage Act*, Reesor-Grove House, 6330 Sixteenth Avenue” be received; and,
- 2) That as recommended by Heritage Markham, the Reesor-Grove House – 6330 Sixteenth Avenue, 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.

CARRIED

(2) **TEMPORARY ROAD CLOSURE
OF A SECTION OF VILLAGE PARKWAY
FROM LANDMARK COURT TO HIGHWAY 7 (5.10)**
[Report](#)

- 1) That the November 6, 2012 report entitled 'Temporary Road Closure of a Section of Village Parkway from Landmark Court to Highway 7' be received; and,
- 2) That temporary closure of Village Parkway from Landmark Court to Highway 7 be approved to facilitate municipal infrastructure construction, for a forecast period from Friday November 30, 2012 at 8:00 PM to Friday December 7, 2012 at 8:00 AM subject to public notice, signage and scheduling to be confirmed by the Director of Engineering; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

To ensure the new temporary traffic signals near the Sheridan Nursery are operational before turning off the signals at Village Parkway/Birchmount Road, Council consented to revise the temporary road closure date from the November 6, 2012 Development Services Committee meeting as follows:

From:

"...Friday November 16, 2012 at 8:00 PM to Monday November 26, 2012 at 8:00 AM..."

To:

"...Friday November 30, 2012 at 8:00 PM to Friday December 7, 2012 at 8:00 AM..."

(3) FENCE EXEMPTION APPEAL- 104 JOHN STREET (2.19)

[Report](#)

- 1) That the report entitled “Fence Exemption Appeal- 104 John Street” be received; and,
- 2) That Council confirm the exemption for a 1.8 m solid panel fence at 104 John Street for the reasons outlined in this report.

CARRIED

(4) LOSS OF A SIGNIFICANT CULTURAL HERITAGE RESOURCE
NIGHSWANDER BROTHERS TEMPERANCE HOTEL AND STORE
7877 HIGHWAY 7 EAST
LOCUST HILL COMMUNITY (16.11)[Report](#)

- 1) That the report dated November 6, 2012, entitled “Nighswander Brothers Temperance Hotel and Store, 7877 Highway 7 East, Locust Hill Community”, be received; and
- 2) That the City of Markham Council regrets the loss of the Nighswander Brothers Temperance Hotel and Store, a landmark building in the community of Locust Hill which had been recommended for designation under the *Ontario Heritage Act* in 2003; and,
- 3) That the loss of this significant heritage building due to an extreme example of poor stewardship and demolition by neglect is a regrettable outcome for a government agency, and sets a poor example for the private sector; and,
- 4) That Council advise the Minister of Tourism, Culture and Sport and the Minister of Infrastructure of the City of Markham’s disappointment in the lack of action on the Nighswander Brothers Temperance Hotel and Store and the poor communication from Infrastructure Ontario on its intentions for the building and property, and the loss of the structure from Locust Hill due to demolition by neglect; and,
- 5) That with the support of the Minister of Tourism, Culture and Sport, Infrastructure Ontario be requested to reconstruct the building on its original site due to its significance as a cultural heritage landmark within Locust Hill and the future Rouge National Urban Park; and,

- 6) That the City express its interest in meeting with provincial and federal representatives to discuss the preservation and enhancement of heritage buildings as a key component of the Rouge National Urban Park plan and its implementation; and,
- 7) And that this resolution be forwarded to the Ministry of Environment in Ottawa, Parks Canada, and the TRCA; and further,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

7. MOTIONS

- (1) MOTION - STRATEGIC LITIGATION AGAINST PUBLIC PARTICIPATION (SLAPP) (8.0)

Note: The notice of this motion titled "Strategic Litigation Against Public Participation (SLAPP)" was given to Council at its meeting held on October 16, 2012, moved by Councillor Howard Shore and seconded by Councillor Valerie Burke. At this meeting, Council consented to consider the motion when the staff report on same is being considered.

On November 5, 2012, General Committee considered the staff report. This motion was also considered by the Committee – Please refer to Item No. 6, Report No. 52 of these minutes.

8. NOTICES OF MOTIONS

- (1) GTA SPORTS CENTRE
- BACKGROUND CHECK FOR PROPONENTS (6.0)

Moved by Councillor Don Hamilton
Seconded by Regional Councillor Jim Jones

Whereas Winston Churchill once said “Leadership is demonstrated by behaviour”. This should guide companies and organizations to hire executives who have demonstrated the character traits that they would want exemplified by their leaders. Given the recent corporate scandals throughout the corporate landscape, the necessity of conducting executive background checks has become an industry norm. It is imperative for companies and organizations to explore the past of their potential executives, as they plan for the future; and,

Whereas a detailed executive background investigation captures, in an in-depth dossier, an understanding of the risks that are often times inherent when entering into business relationships that might jeopardize your organizations reputation; and,

Whereas the higher the position within a company, the higher the level of scrutiny must be. A comprehensive background investigation provides information on key personnel, executive candidates, or potential partners that allow you to make an informed decision on the future leadership of your company or project,

Recommended Searches

- County Criminal History (provincial for Canadian operations)
- Bankruptcy search
- Credit Report
- Education Verification
- Federal District Court Criminal History
- Media search
- Motor Vehicle Report
- National Criminal Super Search
- OFAC-List of Specially Designated Nationals and Blocked Persons
- Professional License/Certification
- Proprietary Records Search
- References: Employment, Social Acquaintance, and Neighbours
- SEC violations search
- Social Security Number Trace
- State and Federal civil search (provincial for Canadian operations)
- State Criminal History (provincial for Canadian operations);

Now therefore be it resolved:

That staff be directed to carry out a due diligence investigation of a full background check of the proponents' of the GTA Sports Centre paying attention to other ventures with sports groups and municipalities. This study is required so that Council can demonstrate that if the GTA Sports Centre is financially viable that the present proponents can meet their financial obligations to the City to pay the debt being incurred by the City on their behalf.

Note: This motion will be considered by Council on November 20, 2012.

9. COMMUNICATIONS

Council consented to add Communication Nos. 75-2012 and 76-2012.

Moved by Councillor Carolina Moretti

Seconded by Councillor Logan Kanapathi

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

Referred to all Members of Council

72-2012 ROAD CLOSURE REQUEST – OLDE TYME CHRISTMAS CANDLELIGHT PARADE (3.5)

[Info](#)

The following roads will be closed on December 7, 2012 from 5:30 pm to 10:30 pm to facilitate the event:

- Main Street Unionville north of Euclid to south of Library Lane.
- Main Street Unionville & Concession Rd to south of Carlton Rd.
- Carlton Road west of Concession Rd to south of Pomander Rd.
- Fred Varley east of E.J. Lennox Way to Main Street Unionville.

CARRIED

73-2012 LIQUOR LICENCE APPLICATION FOR WHOLE FOODS MARKET, 3997 HIGHWAY NO. 7 (WARD 3) (3.21)

[Info](#)

- Forwarding a request for the City of Markham to complete the Municipal Information Form.

(New premises and new application of a new liquor licence for indoor and outdoor areas).

CARRIED

74-2012 LIQUOR LICENCE APPLICATION FOR MIHYANG KOREAN RESTAURANT, 3229 HIGHWAY 7 EAST, UNIT 3 (WARD 3) (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 not previously licenced).

CARRIED

75-2012 ROAD CLOSURE REQUEST – FESTIVAL OF LIGHTS (3.5)

[Info](#)

The following roads will be closed on November 24, 2012 from 11:00 am to 10:00 pm to facilitate the event:

- Main Street Markham North from Hwy 7 to Bullock Dr/ Parkway Ave & Robinson Street from Water Street to Washington Street
- Access east from Main Street Markham is closed to
 - a) Centre Street
 - b) Robinson Street
- Access west to Main Street Markham is closed to –
 - a) Dublin street
 - b) Robinson street west to Water Street
 - c) Wilson street

CARRIED

Received

76-2012 COMMUNICATION DATED NOVEMBER 13, 2012 FROM JEFFREY E. STREISFIELD, LAND LAW, LEGAL COUNSEL TO THE OWNER OF 3940 HIGHWAY 7 (10.3, 10.5, 10.7)

[Communication](#)

- Providing comments with respect to his client's planning applications.

CARRIED

10. PROCLAMATIONS**(1) NEW PROCLAMATION REQUEST (3.4)**[Info](#)

Moved by Councillor Alex Chiu
Seconded by Councillor Alan Ho

That the following new request for proclamation be approved and added to the Five-Year Proclamations List approved by Council:

- World AIDS Day (December 1, 2012)

CARRIED

11. NEW/OTHER BUSINESSES**(1) NOTICE OF PROPOSED SALE OF SURPLUS CITY LANDS (8.0)**

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

Moved by Deputy Mayor Jack Heath
Seconded by Regional Councillor Gord Landon

- 1) That the Notice of Proposed Sale for the City owned lands legally described as follows be confirmed:

"Remnant parcels of land comprising approximately 0.35 acres located north of the north-west corner of Midland Avenue, as extended, and Steeles Avenue East, being Part of Lot 1 Concession 6, designated as Parts 13, 14, 15, 18, 19, 21, 22 and 23, 65R- to be registered, City of Markham, Regional Municipality of York."

(In-Camera Item No. 3 – October 30, 2012)

CARRIED

12. BY-LAWS

Council consented to add By-law Nos. 2012-236 and 2012-237.

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

That By-laws 2012-231 to 2012-234, 2012-236 and 2012-237 be given three readings and enacted.

Three Readings

BY-LAW 2012-231 A BY-LAW TO AUTHORIZE TEMPORARY BORROWING FOR THE YEAR 2013

(Item No. 3, Report No. 52)

CARRIED

BY-LAW 2012-232 A BY-LAW TO AUTHORIZE AN INTERIM TAX LEVY FOR THE YEAR 2013

(Item No. 4, Report No. 52)

CARRIED

BY-LAW 2012-233 A BY-LAW TO REGULATE AND/OR PROHIBIT THE DISCHARGE OF FIREARMS AND BOWS IN THE CITY OF MARKHAM

(Repeals By-law 323-86)
(Item No. 7, Report No. 52)

CARRIED

BY-LAW 2012-234 A BY-LAW TO RECOVER COSTS ASSOCIATED WITH THE ABATEMENT AND REMEDIATION OF CLANDESTINE DRUG OPERATIONS AND OTHER UNSAFE BUILDINGS

(Item No. 8, Report No. 52)

CARRIED

BY-LAW 2012-236 A BY-LAW A ADOPT AN OFFICIAL PLAN AMENDMENT, MILLIKEN DEVELOPMENT CORPORATION AND MON SHEONG FOUNDATION, 31, 67 & 73 OLD KENNEDY ROAD AND 4550 & 4576 STEELES AVENUE

- To permit four seniors' buildings at the subject properties.

CARRIED

BY-LAW 2012-237 A BY-LAW TO AMEND BY-LAW 177-96, AS AMENDED BY BY-LAW 2011-87, MILLIKEN DEVELOPMENT CORPORATION AND MON SHEONG FOUNDATION, 31, 67 & 73 OLD KENNEDY ROAD AND 4550 & 4576 STEELES AVENUE

- To permit four seniors' buildings at the subject properties.

CARRIED

13. IN-CAMERA ITEMS

Council consented to add In-camera Item No. 8 regarding a litigation and potential litigation matter and Item No. 9 regarding a proposed or pending acquisition or disposition of land matter.

Moved by Councillor Howard Shore

Seconded by Regional Councillor Joe Li

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into an in-camera session to discuss the following matters (9:09 p.m.):

- (1) A MATTER IN RESPECT OF WHICH A COUNCIL, BOARD, COMMITTEE OR OTHER BODY MAY HOLD A CLOSED MEETING UNDER ANOTHER ACT (MINUTES OF IN-CAMERA COUNCIL MEETING - OCTOBER 30, 2012)
[Section 239 (2) (g)]

GENERAL COMMITTEE – November 5, 2012

- (2) A MATTER IN RESPECT OF WHICH A COUNCIL, BOARD, COMMITTEE OR OTHER BODY MAY HOLD A CLOSED MEETING UNDER ANOTHER ACT (MINUTES OF IN-CAMERA GENERAL COMMITTEE MEETING - OCTOBER 22, 2012)
[Section 239 (2) (g)]

- (3) A MATTER IN RESPECT OF WHICH A COUNCIL, BOARD, COMMITTEE OR OTHER BODY MAY HOLD A CLOSED MEETING UNDER ANOTHER ACT (MINUTES OF 2013 IN-CAMERA BUDGET SUBCOMMITTEE MEETING - OCTOBER 12, 2012)
[Section 239 (2) (g)]
- (4) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (16.24) (APPOINTMENTS/RESIGNATIONS)
[Section 239 (2) (b)]
- (5) THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR LOCAL BOARD (8.7)
[Section 239 (2) (a)]
- (6) A MATTER IN RESPECT OF WHICH A COUNCIL, BOARD, COMMITTEE OR OTHER BODY MAY HOLD A CLOSED MEETING UNDER ANOTHER ACT (MINUTES OF 2013 RESTRICTED BUDGET SUBCOMMITTEE MEETINGS - OCTOBER 5 AND 19, 2012)
[Section 239 (2) (g)]

DEVELOPMENT SERVICES COMMITTEE- November 6, 2012

- (7) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (10.3, 10.5, 10.7)
[Section 239 (2) (e)]

COUNCIL – November 13, 2012

- (8) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (10.3)
[Section 239 (2) (e)]
- (9) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD
[Section 239 (2) (c)]

Moved by Regional Councillor Gord Landon
Seconded by Councillor Colin Campbell

That Council rise from the in-camera session and report. (11:07 p.m.)

CARRIED

The items were reported out as follows:

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
- OCTOBER 30, 2012

Moved by Councillor Alex Chiu
Seconded by Councillor Valerie Burke

That the minutes of the in-camera Council meeting held on October 30, 2012, be confirmed.

CARRIED

- (2) GENERAL COMMITTEE IN-CAMERA MINUTES
OCTOBER 22, 2012 (16.0)

Moved by Councillor Logan Kanapathi
Seconded by Councillor Howard Shore

That the General Committee In-camera Minutes dated October 22, 2012, be confirmed.

CARRIED

- (3) 2013 BUDGET SUB- COMMITTEE IN-CAMERA MINUTES - OCTOBER 12, 2012

Moved by Regional Councillor Gord Landon
Seconded by Councillor Logan Kanapathi

That the In- Camera Minutes of the October 12, 2012, 2013 Budget Sub-Committee be received for information purposes.

CARRIED

(4) APPOINTMENTS/RESIGNATIONS (16.24)

Moved by Councillor Carolina Moretti

Seconded by Councillor Alex Chiu

- 1) That the appointments to the Unionville Stiver Mill Preservation Advisory Committee be received, for information purposes:

Name	Representation	Term
Ann Laxton	President of the Unionville Historical Society	November 30, 2014
Jeff Morris	President of the Unionville Ratepayers Association	November 30, 2014
Peter Wales	President of the Unionville Villagers Association	November 30, 2014
Rob Kadlovski	President of the Unionville Business Improvement Area	November 30, 2014
Jeanne Ker-Hornell	President of the Unionville Villagers Conservancy	November 30, 2014

; and,

- 2) That the resignation of Jordan Dewitt from the Leash Free Markham Committee be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti.

CARRIED

(5) PROPOSED LEASE RENEWAL (8.7)

Moved by Councillor Howard Shore

Seconded by Councillor Valerie Burke

- 1) That the confidential report dated October 10, 2012 from the Chief Administrative Officer and City Solicitor regarding a proposed lease renewal be received; and,
- 2) That staff be authorized to proceed as directed by Council on November 13, 2012.

CARRIED

- (6) 2013 BUDGET SUB-COMMITTEE RESTRICTED MINUTES
- OCTOBER 5, 2012
- OCTOBER 19, 2012 (SESSIONS 1 AND 2) (16.0)

Moved by Regional Councillor Gord Landon
Seconded by Councillor Logan Kanapathi

That the restricted minutes of 2013 Budget Sub-Committee dated October 5, 2012 and October 19, 2012 (Sessions 1 and 2) be received for information purposes.

CARRIED

- (7) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS
BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE
MUNICIPALITY OR LOCAL BOARD (10.3, 10.5, 10.7)

Moved by Councillor Don Hamilton
Seconded by Regional Councillor Jim Jones

- 1) That the confidential report dated November 6, 2012 from the City Solicitor and Commissioner of Development Services regarding a litigation or potential litigation matter, be received; and,
- 2) That staff be authorized to proceed as directed by Council on November 13, 2012.

CARRIED

- (8) LITIGATION OR POTENTIAL LITIGATION MATTER (10.3)

Moved by Regional Councillor Gord Landon
Seconded by Regional Councillor Jim Jones

- 1) That the confidential staff report dated November 12, 2012 from the City Solicitor and Commissioner of Development Services regarding a litigation or potential litigation matter be received; and,
- 2) That staff be authorized to proceed as directed by Council on November 13, 2012.

CARRIED

(9) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND
BY THE MUNICIPALITY OR LOCAL BOARD (8.7)

Council consented to not report out on this matter.

14. CONFIRMATORY BY-LAW

Moved by Councillor Alex Chiu
Seconded by Councillor Valerie Burke

That By-law 2012-235 be given three readings and enacted.

Three Readings

BY-LAW 2012-235 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL
MEETING OF NOVEMBER 13, 2012.

CARRIED

15. ADJOURNMENT

Moved by Councillor Alex Chiu
Seconded by Regional Councillor Joe Li

That the Council meeting be adjourned at 11:09 p.m.

CARRIED

MARTHA PETTIT
ACTING CITY CLERK

FRANK SCARPITTI
MAYOR

(Signed)