



COUNCIL MINUTES

September 12, 2012, 7:00 p.m.

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 14

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, Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Councillor Colin Campbell, Councillor Alan Ho, Councillor Logan Kanapathi, Councillor Alex Chiu.

Regrets

Regional Councillor Joe Li

STAFF

Andy Taylor, Chief Administrative Officer

Brenda Librecz, Commissioner of Community and Fire Services

Trinela Cane, Commissioner of Corporate Services

Catherine Conrad, City Solicitor

Martha Pettit, Acting City Clerk

Rino Mostacci, Director of Planning and Urban Design

Alida Tari, Council and Committee Coordinator

Stephen Huycke, Acting Deputy Clerk

Joel Lustig, Treasurer

Dennis Flaherty, Director, Communications & Community Relations

John Wong, Technology Support Specialist

Brian Lee, Senior Manager, Development Engineering and Transportation

The regular meeting of Council convened at 7:04 p.m. on September 12, 2012 in the Council Chamber. Mayor Frank Scarpitti presided.

1. DISCLOSURE OF PECUNIARY INTEREST

(1) None declared.

2. MINUTES**(1) COUNCIL MINUTES – JUNE 26 AND 27, 2012**[Minutes](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Carolina Moretti

- 1) That the Minutes of the Council Meeting held on June 26 and 27, 2012, be adopted.

CARRIED

3. PRESENTATIONS**(1) DOORS OPEN MARKHAM 2012 LAUNCH (12.2.6)**

Mayor Frank Scarpitti announced the Doors Open Markham 2012 launch.

Doors Open Markham has been a City-wide event since 2003. The event is supported by City of Markham Council, community partners and local businesses. The event draws visitors from various communities and it is a great opportunity to see some of the City of Markham's cultural heritage landmarks that contribute to its unique character.

(2) BRONZE BICYCLE FRIENDLY COMMUNITY AWARD (12.2.6)

Council announced the City of Markham received the Bronze Bicycle Friendly Community Award presented by Share the Road Cycling Coalition. The Coalition is an Ontario-based non-profit organization that promotes bicycling as a mode of transportation, recreation and fitness.

The award recognizes Markham's efforts for achieving the categories referred to as the Five "Es": Engineering, Education, Encouragement, Enforcement, and Evaluation & Planning.

Council thanked members of the Markham's Cycling and Pedestrian Advisory Committee and staff for their outstanding work.

(See following to consider the matter)

Moved by Councillor Don Hamilton

Seconded by Councillor Colin Campbell

That Council hear the matter regarding the Bronze Bicycle Friendly Community Award.

CARRIED

(2/3 Vote was requested & obtained)

4. DELEGATIONS

Council consented to hear Delegation Items 1 and 2.

(1) **DELEGATION - TONY MURPHY REGARDING
NATIONAL SENIORS DAY PROCLAMATION (3.4)**

Tony Murphy thanked Council for proclaiming October 1, 2012 as the "National Seniors Day" in the City of Markham.

Council consented to consider the item regarding the proclamation of National Seniors Day immediately following Presentation Item 2 regarding the Bronze Bicycle Friendly Community Award.

(See Proclamation Item No. 3 for Council's decision on this matter)

(2) **DELEGATIONS - SIDEWALK ON PAGNELLO COURT (5.18)**

Moved by Councillor Logan Kanapathi

Seconded by Regional Councillor Jim Jones

- 1) That the following delegations regarding the sidewalk on Pagnello Court be received:
 1. David Stewart, TACC Development - In support of the installation of a sidewalk on the east side of Pagnello Court.
 2. Saqib Qureshi – In support of the installation of a sidewalk on the east side of Pagnello Court.
 3. Amy Sarju – In support of the installation of a sidewalk on the east side of Pagnello Court and provided a petition regarding the same. (See Petition Item No. 1)
 4. Stacy-Ann Samuels – In support of the installation of a sidewalk on the east side of Pagnello Court.
 5. Selman Nagri - Enquiring about the location of sidewalk on Pagnello Court relating to the park nearby.

CARRIED

Council consented to consider the item regarding the sidewalk on Pagnello Court immediately following the consideration of the proclamation of National Seniors Day.

(See Item No. 11, Report 43 for Council's decision on this matter).

(See Petition Item No. 1)

5. PETITIONS

- (1) PETITION REGARDING THE SIDEWALK ON PAGNELLO COURT (5.18)
[Petition](#)

Moved by Councillor Logan Kanapathi
Seconded by Regional Councillor Jim Jones

- 1) That the petition signed by approximately 20 residents of Pagnello Court forwarding their objection to the installation of a sidewalk on the west side of Pagnello Court be received.

CARRIED

(See Item No. 11, Report 44 for Council's decision on this matter)
(Also See Delegation Item No. 2)

6(a) REPORT NO. 43 - GENERAL COMMITTEE (September 10, 2012)

Council consented to separate Item No. 3 regarding Markham Cemetery By-law.
(See following Item No. 3)

Moved by Councillor Carolina Moretti
Seconded by Councillor Valerie Burke

That Report No. 43 – General Committee comprised of 8 items be received and adopted

- (1) SPENDING MARKHAM COUNCIL GRANTS (2009-2011)
AND GRANT REQUEST (2012) BY ROUGE PARK ALLIANCE (7.6)
[Report](#) [Appendix 1](#) [Appendix 2](#) [Appendix 3](#) [Appendix 4](#)

- 1) That the staff report entitled “Report on Spending of Markham Council Grants (2009-2011) and Grant request (2012) by Rouge Park Alliance”, dated September 10, 2012, be received; and,
- 2) That a total grant of \$75,000 be issued to Rouge Park Alliance (Alliance), from Acct# 25-2100024 Rouge Watershed Grant, as follows:
- \$50,000 for the 2009/2010 Trails Master Plan, as approved
 - \$25,000 for the Little Rouge Corridor Woodland Restoration and Diversification project, conditional upon approval of project invoices; and,

- 3) That the grant request by the Rouge Park Alliance for the 2012 Rouge Park Grant contribution of \$25,000 for the next phase of the restoration project in the Little Rouge Corridor, as described in this report, be approved and that a cheque be issued upon submission of the summary report and invoices for the completed project, to the satisfaction of the Commissioner of the Community and Fire Services; and,
- 4) That the Rouge Park annual grant allocation provided in support of the Rouge Park Alliance cease after 2012, given the formal dissolution of the Rouge Park Alliance and funding commitments made by Parks Canada; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

- (2) MINUTES OF THE MAY 16 & JUNE 20 & JULY 18,
2012 ANIMAL CARE COMMITTEE (16.0)
[May](#) [June](#) [July](#)

- 1) That the Minutes of the May 16 & June 20 & July 18, 2012 Animal Care Committee be received for information purposes; and,
- 2) That the following recommendation from the July 18, 2012 Animal Care Committee meeting be endorsed:

“That the Animal Care Committee request that Council direct Staff to prepare a report on banning the sale of cats and dogs at pets stores in Markham; and,

That the report include information on the implications of banning the sale of small animals and birds at pet stores in Markham”.

CARRIED

(3) FUNERAL, BURIAL & CREMATION SERVICES

ACT, 2002 - MARKHAM CEMETERY BY-LAW UPDATE (9.3)

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

- 1) That the report entitled “*Funeral, Burial & Cremation Services Act, 2002 - Markham Cemetery By-law Update*” be received; and,
- 2) That the staff memorandum dated September 10, 2012 outlining a full list of cemeteries in the City of Markham, provided to Council on September 12, 2012, be received; and,
- 3) That Attachment ‘A’ – Cemeteries By-Law be enacted to provide for the effective governance of Markham municipal cemeteries; and,
- 4) That upon enactment of the by-law by Council, staff be directed to provide notice to the public of the passing of the By-law in accordance with the provisions of Section 151 (3) of Ontario Regulation 30/11; and,
- 5) That upon enactment of the By-law by Council, staff be directed to submit the by-law to the Registrar, Cemetery Regulations Unit, Ministry of Consumer Affairs, for approval in accordance with Section 151 of Ontario Regulation 30/11; and,
- 6) That the Price List for Markham Cemeteries, Attachment ‘B’, be adjusted to increase the Transfer fee from \$75.00 to \$100.00; and,
- 7) That staff be authorized to review the Price List for Markham Cemeteries in 2013, and every second year thereafter, and adjust the fees, including interment rights fees, based on market comparables, as required.; and further,
- 8) That staff be authorized and directed to do all things necessary to give effect to this resolution.

(Communication No. 62-2012) (By-law 2012-178)

CARRIED

Council consented to receive the staff memorandum dated September 10, 2012 outlining a full list of cemeteries in the City of Markham, as noted in Resolution No. 2.

(4) MISTA – PROJECT SCOPE (3.0)

[Memo](#)

- 1) That the memo from Brenda Librecz, Commissioner of Community and Fire Services dated August 16, 2012 be received; and,
- 2) That staff be authorized to undertake a preferred supplier contract with Sasaki Associates to a maximum of \$ 73,000 to be sourced from the Markham Live budget; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED(5) APPOINTMENT OF MEMBERS TO THE MAYOR'S
YOUTH TASK FORCE FOR THE PERIOD OF SEPTEMBER 1, 2012
TO JUNE 30, 2013 (5.0)[Report](#)

- 1) That the Report Appointment of Members to the Mayor's Youth Task Force for the period of September 1, 2012 to June 30, 2013 be received and,
- 2) That the following Appointments of Members to the Mayor's Youth Task Force be confirmed for the term September 1, 2012 to June 30, 2013:

Name	District	School	Grade
Carmen Chen, Co - Chair	Unionville	Unionville H.S.	12
Kevin Jen, Co-Chair	Thornhill	St. Roberts	12
Joeffre Braga	Markham	St. Brother Andre	10
Kush Thaker	Milliken	Bill Crothers	12
Christofer Ristovski	Unionville	Bill Crothers	12
River Wong	Thornhill	Thornhill S.S.	12
Annie Sun	Markham	Pierre Elliott Trudeau	11
Janice Chu	Unionville	Unionville H.S.	12
Rocky Chen	Markham	Markham District H.S.	12
Tiffany Chan	Unionville	Unionville H.S.	11
Justin Jen	Unionville	St. Justin Martyr CES	7
Anjali Sharma	Unionville	Town Centre Montessori	8
Loreta Chan	Markham	Markville Secondary School	9
Manav Kainth	Milliken	Father Michael McGivney	10
Yu Xin Shi	Milliken	Milliken Mills H.S.	10
Henry He	Markham	Marc Garneau CI	10
Nirushi Mohan	Milliken	Markham District H.S.	10
Bethany Chrystoja	Unionville	Unionville H.S.	11

Amanda Whyte	Unionville	Unionville H.S.	11
Steeve Vakeeswaran	Milliken	Unionville H.S.	12
Ronaz Remtulla	Milliken	Unionville H.S.	11

; and,

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

CARRIED

(6) JOHN STREET OPERATIONS FACILITY – SITE
MODIFICATIONS (3.0)

[Report](#)

- 1) That the report entitled "John Street Operations Facility - Site Modifications" be received; and,
- 2) That the estimated cost of \$147,600 for site modifications be pre-approved as part of the 2013 Operating Lifecycle funded Capital Budget; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(7) BOARD/COMMITTEE RESIGNATIONS (16.0)

- 1) That the resignation of Beverly Kelly from the Varley-McKay Art Foundation of Markham 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 David Jones from the Markham Public Library Board be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti; and
- 3) That the resignation of Catherine Mount from the Doors Open Markham be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti; and,
- 4) That the resignation of Robert Baird from the Cornell Advisory Group be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti; and,

- 5) That the resignation of Mario Tiano from the Unionville Business Improvement Area be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti; and,
- 6) That the resignation of Eddie Mariani from the Unionville Business Improvement Area be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti; and,
- 7) That the resignation of Joan Stockwell from the Achievement & Civic Recognition Award Committee be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti; and,
- 8) That the resignation of Rufaro-Maria Shambare from the Theatre Advisory Board be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti; and further,
- 9) That the resignation of Mayavan Ananthanadarajah from the RBC Milliken Mills Children's Festival be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti; and further
- 10) That the resignation of Councillor Alex Chiu from the Canada Day Committee be received with regret for information purposes.

CARRIED

(8) BOARD/COMMITTEE APPOINTMENTS (16.0)

- 1) That the following person be appointed to the Theatre Advisory Board:

Name	Term
Stephen Timms	November 30, 2014

; and,

- 2) That the following persons be appointed to the Doors Open Markham Committee:

Name	Term
Ola Oduneye	November 30, 2014
Anita Chadha	November 30, 2014

; and further,

- 3) That the following person be appointed to the German Mills Community Centre Board:

Name	Term
Anastasia Tsouroupakis	November 30, 2013

CARRIED

**6(b) REPORT NO. 44 - DEVELOPMENT SERVICES COMMITTEE
(September 11, 2012)**

Council consented to separate the following Items:

- Item No. 1 Highway 404 Mid-block Crossing Study.
- Item No. 2 Miller Avenue Extension Class EA Study.
- Item No. 11 Sidewalk on Pagnello Court.

(See following Item Nos. 1, 2 and 11)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 44 – Development Services Committee comprised of 12 items be received and adopted.

(1) **HIGHWAY 404 MID-BLOCK
CROSSING STUDY
MARKHAM AND RICHMOND HILL (5.10)**
[Presentation](#)

- 1) That the correspondence dated September 10, 2012 from Nick Pileggi, of Malone Given Parsons Ltd., with comments regarding a potential second mid-block crossing, be received and referred to the Working Group; and,
- 2) That the presentation provided by Mr. Stephen Collins, Manager of Engineering, Transportation Services, Region of York entitled " Highway 404 Mid-Block Crossing Study Markham and Richmond Hill" be received; and,
- 3) That Council endorse the findings of the study and regional staff recommendations; and,

- 4) That Markham staff be directed to participate in a Working Group to develop an implementation plan; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(2) MILLER AVENUE EXTENSION
CLASS EA STUDY UPDATE (5.7)
[Presentation](#)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

- 1) That the presentation provided by Mr. Alan Brown, Director of Engineering and Mr. Kevin Phillips, URS Canada Inc. entitled "Miller Avenue Extension Class EA Study Update" be received; and,
- 2) That Markham proceed to complete the Environmental Assessment study and obtain the Ministry of the Environment approval for the Section of the Miller Avenue extension between Warden Avenue and Kennedy Road, and Warden Avenue to Rodick Road; and,
- 3) That staff proceed with a second Public Meeting, anticipated in October, 2012, to present the preferred Miller Avenue extension between Woodbine Avenue and Kennedy Road; and,
- 4) That the City request Hydro One to finalize their agreement with Miller Development and permit the construction of the future stormpond east of Rodick Road; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED BY A RECORDED VOTE (10:2)
(See following recorded vote)

YEAS: Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Gord Landon, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Councillor Colin Campbell, Councillor Alan Ho, Councillor Alex Chiu. (10)

NAYS: Councillor Valerie Burke, Councillor Logan Kanapathi. (2)

ABSENT: Regional Councillor Joe Li. (1)

Council consented to the following regarding Miller Avenue Extension Class EA Study:

- Resolution No. 2): Replace the word "Woodbine" with the word "Warden".
- Resolution No. 4): Replace the word "authorize" with the word "request".

(3) HERITAGE COMMUNITY RECOGNITION
AWARD NOMINATIONS
ONTARIO HERITAGE TRUST (16.11)
[Report](#)

- 1) That the staff report entitled “Heritage Community Recognition Award Nominations, Ontario Heritage Trust”, dated September 11, 2012, be received; and,
- 2) That Council nominate the following individuals for the Ontario Heritage Trust’s Heritage Community Recognition Program:
 - a. Barry Nelson, Built Heritage
 - b. Wing Morse, Natural Heritage
- 3) That this resolution be referred to the Council meeting on September 12, 2012 to address the nomination deadline; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

- (4) REQUEST FOR DEMOLITION – GARAGE
33 JOSEPH STREET, MARKHAM
(FILE DP 12-123978) (10.13, 16.11)

[Report](#)

- 1) That the staff report entitled “Request for Demolition – Garage, 33 Joseph Street Markham”, dated September 11, 2012, be received; and,
- 2) That Council endorse the demolition of the garage at 33 Joseph Street located within the Markham Village Heritage Conservation District; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

- (5) 1826997 ONTARIO INC. (TIMES GROUP INC.)
3989 HIGHWAY 7 (SOUTH SIDE, WEST OF BIRCHMOUNT ROAD)
APPLICATION FOR SITE PLAN APPROVAL FOR A HIGH DENSITY
RESIDENTIAL DEVELOPMENT FILE NO. SC 12 108133 (10.6)

[Report](#)

- 1) That the staff report dated September 11, 2012 titled “1826997 Ontario Inc. (Times Group Inc.), 3989 Highway 7 (south side, west of Birchmount Road), Application for site plan approval for a high density residential development,” be received; and,
- 2) That the application be endorsed, in principle; and,
- 3) That site plan approval be delegated to the Director of Planning and Urban Design, or his designate, to be issued (Site Plan Approval is issued only when the Director or his designate has signed the signed the site plan “approved”) when the following conditions have been met:
 - Phase 2 of plan of subdivision 19TM-070003 has been registered.
 - The Owner has entered into a site plan agreement with the City and the Region of York containing all standard and special provisions and requirements of the City and public agencies and the provisions outlined in Appendix ‘A’ to the September 11, 2012 staff report.
 - The trustee for the Markham Centre Landowners Group has advised the City in writing that the required servicing allocation for the proposed development or any proposed phase thereof, is available and has been assigned to 1826997 Ontario Inc. (Times Group Inc.).
 - The trustee for the Markham Centre Landowners Group has advised the City in writing that the Owner is in good standing with the group; and,

- 4) That prior to the Director of Planning and Urban Design endorsing the site plan, the applicant shall submit final confirmation of the 40% (201 units) servicing allocation credits from the Region of York under their “Sustainable Development Through LEED policy.”; and,
- 5) That conditional 2015 servicing allocation for 302 units be granted from the Regional allocation to Markham, subject to written confirmation from the Trustee of the Markham Centre Landowners Group; and,
- 6) That the City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner; and,
- 7) That the Owner provide the City with the required payment of 60% planning processing fees in accordance with the City’s applicable Fee By-law; and further,
- 8) That site plan endorsement shall lapse after a period of three (3) years from the date of endorsement in the event that the site plan agreement is not executed within that period.

CARRIED

- (6) APPLICATION BY 2220922 ONTARIO INC.
FOR THE ENACTMENT OF A DEEMING BY-LAW
95 KONRAD CRESCENT
(FILE NO: DY 12 113009) (10.0)
[Report](#)

- 1) That Council enact the By-law attached as Appendix “A” to deem Lots 84 and 85, Registered Plan 65M-2481, not to be part of a registered plan of subdivision; and,
- 2) That staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2012-179)

CARRIED

- (7) APPLICATION BY 2292322 ONTARIO INC.
AND 2292324 FOR THE ENACTMENT OF
A DEEMING BY-LAW
255 SHIELDS COURT
(FILE NO: DY 12 112796) (10.0)

[Report](#)

- 1) That Council enact the By-law attached as Appendix “A” to deem Lots 55 and 56, Registered Plan 65M-2481, not to be part of a registered plan of subdivision; and,
- 2) That staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2012-180)

CARRIED

- (8) 211 LANGSTAFF ROAD
APPLICATIONS BY THE CATHOLIC CEMETERIES
ARCHDIOCESE OF TORONTO FOR A
ZONING BY-LAW AMENDMENT AND
SITE PLAN APPROVAL TO PERMIT
A 4,562 M² (49,107 FT²) FUNERAL HOME (10.5, 10.6)

[Report](#)

- 1) That the report dated September 11, 2012, entitled “RECOMMENDATION REPORT – 211 Langstaff Road, Applications by the Catholic Cemeteries Archdiocese of Toronto for a Zoning By-law Amendment and Site Plan Approval to permit a 4,562 m² (49,107 ft²) funeral home” be received; and,
- 2) That the record of the public meeting held on June 19, 2012, relating to the applications for a Zoning By-law Amendment and Site Plan by the Catholic Cemeteries Archdiocese of Toronto, be received; and,
- 3) That Site Plan Approval for a 4,562 m² (49,107 ft²) funeral home be delegated to Staff for endorsement subject to conditions of site plan endorsement as identified in Appendix ‘A’ to this report; and,
- 4) That the draft amendment to Zoning By-law 2150 as amended, attached to this report as Appendix ‘B’ be finalized and enacted; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2012-181)

CARRIED

- (9) RECOMMENDATION REPORT
ANAGNI HOMES (PHASE 2)
SITE PLAN APPLICATION TO FACILITATE AN
18-STOREY MIXED USE BUILDING ON THE WEST SIDE
OF HIGHWAY 48, NORTH OF
EDWARD JEFFREYS AVENUE (9506 HIGHWAY 48)
File No: SC 11 118781 (10.6)

[Report](#)

- 1) That the deputation by Rose Mittelholzer, representing Markham Residents for Responsible Community Planning (MRRCP), with concerns regarding the site plan application by Anagni Homes, be received; and,
- 2) That the report dated September 11, 2012 and titled “RECOMMENDATION REPORT, Anagni Homes (Phase 2), Site Plan application to facilitate an 18-storey mixed use building on the west side of Highway 48, north of Edward Jeffreys Avenue (9506 Highway 48), File No. SC 11 118781”, be received; and,
- 3) That the Site Plan application (File No. SC 11 118781) submitted by Anagni Homes, to facilitate an 18-storey building with 219 residential apartment units and non-residential uses at grade, being Phase 2 of a high density mixed use development, be endorsed in principle, subject to the conditions attached as Appendix ‘A’; and,
- 4) That Site Plan Approval be delegated to the Director of Planning and Urban Design or his designate, to be issued following execution of a site plan agreement. Site Plan Approval is issued only when the Director or his designate has signed the plan; and,
- 5) That 219 units of 2013 servicing allocation be granted (less the 35% LEED Silver Bonus) to the proposed Phase 2 development; and,
- 6) That prior to the Director of Planning and Urban Design endorsing the site plan, the applicant shall submit to the City, final confirmation of the 35% (77 units) servicing allocation credits from the Region of York under their “Sustainable Development Through LEED” policy; and,
- 7) That the City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner; and,
- 8) That the Owner provide the City with the required payment of 60% planning processing fees in accordance with the Town’s applicable Fee By-law; and,

- 9) That site plan endorsement shall lapse after a period of three (3) years from the date of endorsement in the event that a site plan agreement has not been executed within that period; and further
- 10) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(10) RECOMMENDATION REPORT
1839314 ONTARIO LIMITED
9560 HIGHWAY 48
REZONING AND SITE PLAN APPLICATIONS TO
PERMIT A MIXED USE HIGH DENSITY BUILDING.
FILE NOS: ZA 11 108999 & SC 12 114501 (10.5 and 10.6)
[Report](#)

- 1) That the report dated September 11, 2012 and titled “RECOMMENDATION REPORT, 1839314 Ontario Limited, 9560 Highway 48, Rezoning and site plan applications to permit a mixed use high density building, File Nos: ZA 11 108999 & SC 12 114501”, be received; and,
- 2) That the record of the Public Meeting held on June 21st, 2011, regarding the applications for approval of the implementing Zoning By-law be received; and,
- 3) That the application submitted by 1839314 Ontario Limited to amend Zoning By-law 304-87 and 177-96, as amended, to permit a mixed use high density building be approved and the draft by-laws attached as Appendix ‘B’ be finalized and enacted; and,
- 4) That the zoning by-law shall include provisions requiring the Owner to enter into a Section 37 Agreement with the City prior to removal of the Hold provisions; and,
- 5) That the Mayor and Clerk be authorized to enter into a Section 37 Agreement with the property owner; and,
- 6) That the Site Plan Application (SC 12 114501) submitted by 1839314 Ontario Limited, to facilitate an 18-storey building with 220 apartment units and 2 guest suites and non-residential uses at grade, be endorsed in principle, subject to the conditions attached as Appendix ‘A’; and,

- 7) That Site Plan Approval be delegated to the Director of Planning and Urban Design or his designate, to be issued following execution of a site plan agreement. Site Plan Approval is issued only when the Director or his designate has signed the plan; and,
- 8) That conditional 2015 servicing allocation for 222 units (220 residential units and 2 guest suites) be granted, subject to written confirmation from the Trustee of the Wismer Commons Developers Group that servicing allocation is available from the 2015 sewer and water allocation previously assigned to Wismer Commons; and,
- 9) That prior to the Director of Planning and Urban Design endorsing the site plan, the applicant shall submit to the City final confirmation of the 35% (78 units) servicing allocation credits from the Region of York under their “Sustainable Development Through LEED” policy; and,
- 10) That the City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner; and,
- 11) That the Owner provide the City with the required payment of 60% planning processing fees in accordance with the Town’s applicable Fee By-law; and,
- 12) That site plan endorsement shall lapse after a period of three (3) years from the date of endorsement in the event that a site plan agreement is not executed within that period; and further,
- 13) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-laws 2012-182 and 2012-183)

CARRIED

(11) PETITION FOR THE DELETION OF A
SIDEWALK ON PAGNELLO COURT
WARD 7 (BOX GROVE) (5.18)

[Report](#)

Moved by Councillor Logan Kanapathi

Seconded by Regional Councillor Jim Jones

- 1) That the deputations by Amy Sarju, Stacey-Ann Samuels, and David Stewart of TACC Developments Inc., regarding the sidewalk on Pagnello Court, to the Development Services Committee meeting held on September 11, 2012, be received; and
- 2) That the September 11, 2012 report entitled “Petition for the Deletion of a Sidewalk on Pagnello Court, Ward 7” be received; and,
- 3) That the installation of a sidewalk on the east side of Pagnello Court be approved; and,
- 4) That the homeowners of Pagnello Court be informed of Council’s decision; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED BY A RECORDED VOTE (11:1)

(See following recorded vote)

(See following regarding delegations and petition to Council this date)

(See following to consider the matter)

Recorded vote:

YEAS: Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Gord Landon, Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Councillor Colin Campbell, Councillor Logan Kanapathi, Councillor Alex Chiu. (11)

NAYS: Councillor Alan Ho. (1)

ABSENT: Regional Councillor Joe Li. (1)

Delegations and petition to Council this date:

Council received the delegations and the petition regarding the sidewalk on Pagnello Court – See Delegation Item No. 2 and Petition Item No. 1.

Motion to consider the matter:

Moved by Councillor Colin Campbell

Seconded by Councillor Logan Kanapathi

That Council consider the matter regarding the sidewalk on Pagnello Court immediately following the consideration of National Seniors Day proclamation.

CARRIED

(2/3 Vote was requested & obtained)

(12) INDIA INVESTMENT ATTRACTION
MISSION, JANUARY 2013 (10.16)

[Report](#)

- 1) That the report entitled “India Investment Attraction Mission, January 2013” be received; and,
- 2) That Markham partner with the Indo-Canada Chamber of Commerce (ICCC) to develop, promote and execute a business mission and that the ICCC help to recruit mission delegates; and,
- 3) That the City be represented by a five person delegation composed of Mayor Frank Scarpitti, Councillor Carolina Moretti, Chair of the Economic Development Committee, Councillor Logan Kanapathi, and two Economic Development professional staff, S. Chait (Director) and C. Kakaflikas (Manager Special Projects); and,
- 4) That the total cost of the “India Investment Attraction Mission 2013” not exceed \$57,500 and be expensed from within Economic Development’s operating budget (Acc.# 610998 5811- International Investment Attraction Program); and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**6(c) REPORT NO. 45 - DEVELOPMENT SERVICES PUBLIC MEETING
(September 11, 2012)**

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 45 – Development Services Public Meeting comprised of 1 item be received and adopted.

- (1) CORNELL ROUGE DEVELOPMENT CORPORATION
ZONING AMENDMENT APPLICATION TO REZONE
CERTAIN LANDS WITHIN DRAFT PLAN OF SUBDIVISION
19TM-08002 NORTH OF HIGHWAY 7
WEST OF DONALD COUSENS PARKWAY
(ZA.12-110334) (10.5)

[Memo](#)

- 1) That correspondence from Joseph DF Lee, with comments regarding the proposed Zoning By-law Amendment by Cornell Rouge Development Corporation be received; and,
- 2) That the report dated September 11, 2012, entitled “Information Report, Cornell Rouge Development Corporation, Zoning By-law Amendment application to rezone certain lands within draft plan of subdivision 19TM-08002, North of Highway 7, west of Donald Cousens Parkway, File No: ZA.12-110334.” be received; and,
- 3) That the Record of the Public Meeting held on September 11, 2012, with respect to the proposed amendment to the Zoning By-law, be received; and,
- 4) That the application by Cornell Rouge Development Corporation to amend the City’s By-law 177-96, as amended, be approved; and further,
- 5) That the proposed amendment to the City’s Zoning By-law 177-96, as amended, be enacted without further notice.

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 Councillor Logan Kanapathi

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

Referred to all Members of Council

56-2012 ROAD CLOSURE REQUEST – KIDS SPORTS DAY IN MARKHAM (3.5)

[Info](#)

The following roads will be closed on September 29, 2012 from 6:00 am to 6:00 pm to facilitate the event:

- Main Street Unionville south and south of Enterprise Boulevard.

CARRIED

57-2012 ROAD CLOSURE REQUEST – SPOOKY SUNDAY IN UNIONVILLE (3.5)

[Info](#)

The following roads will be closed on October 28, 2012 from 11:00 am to 5:00 pm to facilitate the event:

- Main Street north from Concession Road to south of Carlton Road

- Main Street Unionville east onto Carlton Road

- Main Street Unionville west onto Fred Varley Drive & Carlton Road.

CARRIED

58-2012 ROAD CLOSURE REQUEST – MARKHAM FAIR (3.5)

[Info](#)

Elgin Mills Road between Highway 48 and McCowan Road will be closed during the date and time noted below to facilitate the event:

- September 27 to 29 (9:00 am to 10:00 pm)

- September 30 (9:00 am to 6:00 pm).

CARRIED

59-2012 ROAD CLOSURE REQUEST – ANGUS GLEN HALF MARATHON (3.5)

[Info](#)

The following roads will be closed on November 4, 2012 from 5:00 am to 1:00 pm to facilitate the event:

- Kennedy Rd from Bur Oak Ave to 19th Ave
- Major Mackenzie Dr from Angus Glen Community Centre to William Berczy Blvd
- Prospectors Dr from Major Mackenzie Dr to Angus Glen Blvd
- The Fairways – all
- Royal Troon Cres – all
- Angus Glen Blvd – all
- Port Rush Trail – all
- Angus Meadow Dr from Port Rush Trail to Angus Glen Blvd
- Elgin Mills Rd from Warden Ave to McCowan Rd
- McCowan Rd from Elgin Mills Rd to 19th Ave
- 19th Ave from McCowan Rd to Warden Ave
- Warden Ave from 19th Ave to Elgin Mills Rd.

CARRIED

60-2012 ROAD CLOSURE REQUEST – MARKHAM LONGEST DANCING DRAGON (3.5)

[Info](#)

The following roads will be closed on September 29, 2012 from 12:00 noon to 9:00 pm to facilitate the event:

- Town Centre Blvd & north of Cox Blvd
- Wallis Way & Town Centre Blvd
- Apple Creek Blvd & Town Centre Blvd
- Apple Creek Blvd & east of Whitehall Drive
- Apple Creek Blvd to west of the Unionville High School driveway

CARRIED

61-2012 LIQUOR LICENCE APPLICATION FOR RAKU RAMEN IZAKAYA, 8360 KENNEDY ROAD, UNITS 87-90 (WARD 3) (3.21)

[Info](#)

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

CARRIED

Received

62-2012 MEMORANDUM PROVIDING A FULL LIST OF CEMETERIES IN THE CITY OF MARKHAM (9.3)

[Memo](#)

(Communication No. 62-2012 was received by Council separately - See Item No. 3, Report No. 43 for Council's decision on this matter)
(By-law 2012-178)

CARRIED

Referred to all Members of Council

63-2012 RETAIL LIQUOR STORE AUTHORIZATION (3.21)

[Info](#)

- Forwarding a request for the Town of Markham to complete the Municipal Information Form for a Retail Liquor Store Authorization. (Ward 8)

CARRIED

10. PROCLAMATIONS

- (1) APPROVED PROCLAMATIONS AND FLAG REQUESTS
- FOR INFORMATION (3.4)

Moved by Councillor Alan Ho

Seconded by Regional Councillor Gord Landon

- 1) That the following proclamations issued by the City Clerk in accordance with the City of Markham Proclamation Policy be received for information purposes:
 - India Independence Day (August 15, 2012)
 - Franco-Ontarian Day (September 25, 2012)
 - Big Brother Big Sister Month (September 2012)
 - Markham Fair Week (September 27 to 30, 2012)
 - English as a Second Language Week (November 4 to 10, 2012)
 - United Way Week (October 15 to 19, 2012); and,
- 2) That the following requests for flag to be raised at the Anthony Roman Markham Civic Centre flagpole approved by the City Clerk in accordance with the City of Markham Community Flag Raisings & Flag Protocol Policy be received for information purposes:
 - Flag of India (August 19, 2012)
 - Franco-Ontarian Flag (September 25, 2012); and further,

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

- Blue Shirt Day – Ontario Stop Workplace Bullying and Harassment Day (October 19th, 2012)
- Prostate Cancer Week (September 17 to 23, 2012).

CARRIED

Council consented to add the proclamation of Prostate Cancer Week.

- (2) NATIONAL DAY OF THE PEOPLE'S REPUBLIC OF CHINA
- OCTOBER 1, 2012 (3.4)

Moved by Councillor Alan Ho

Seconded by Regional Councillor Gord Landon

- 1) That the request to proclaim October 1, 2012 as "National Day of the People's Republic of China" in the City of Markham be approved; and,
- 2) That the request to raise the flag for People's Republic of China at the Anthony Roman Markham Civic Centre flagpole on October 1, 2012 be approved; and further,
- 3) That the approval be added to the Council approved Five-Year Proclamation List and Five-Year List of Request to Raise Flag.

CARRIED

- (3) PROCLAMATION OF NATIONAL SENIORS DAY – OCTOBER 1, 2012 (3.4)

Moved by Councillor Alan Ho

Seconded by Deputy Mayor Jack Heath

- 1) That October 1, 2012 be proclaimed as "National Seniors Day" in the City of Markham; and,
- 2) That the proclamation be added to the Five-Year Proclamations List approved by Council.

(See Delegation Item No. 1)

CARRIED

Council consented to consider the proclamation of National Seniors Day immediately following Presentation Item No. 2 regarding the Bronze Bicycle Friendly Community Award.

11. NEW/OTHER BUSINESSES

There were no new/other businesses.

12. BY-LAWS

Moved by Councillor Valerie Burke

Seconded by Councillor Colin Campbell

That By-laws 2012-164 to 2012-176 and By-laws 2012-178 to 2012-183 be given three readings and enacted.

Three Readings

BY-LAW 2012-164 A BY-LAW TO DEDICATE CERTAIN LANDS AS PART OF THE HIGHWAYS OF THE CITY OF MARKHAM

By-law

- Blocks 59, 60, 63 and 69, Plan 65M-4225 - Hammersly Boulevard.
- Blocks 61 and 62, Plan 65M-4225 - Wozniak Crescent.
- Blocks 66 and 68, Plan 65M-4225 - Evershot Crescent.
- Block 38, Plan 65M-4231 - Hammersly Boulevard.
- Blocks 39, 41 and 42, Plan 65M-4231 - Evershot Crescent.
- Blocks 45 and 46, Plan 65M-4231 - Beebe Crescent.

CARRIED

BY-LAW 2012-165 A BY-LAW TO DEDICATE CERTAIN LANDS AS PART OF THE HIGHWAYS OF THE CITY OF MARKHAM

By-law

- Blocks 49 and 50, Plan 65M-4222 - Kelly Crescent.

CARRIED

BY-LAW 2012-166 A BY-LAW TO DEDICATE CERTAIN LANDS AS PART OF THE HIGHWAYS OF THE CITY OF MARKHAM

By-law

- Block 18, 20 and 22, Plan 65M-3637 - Lane CC.

CARRIED

BY-LAW 2012-167 A BY-LAW TO DEDICATE CERTAIN LANDS AS PART OF THE HIGHWAYS OF THE CITY OF MARKHAM

By-law

- Part of Lot 20, Concession 7, designated as Part 7, Plan 65R-32504 - Beebe Crescent.

CARRIED

BY-LAW 2012-168 A BY-LAW TO DEDICATE CERTAIN LANDS AS PART OF THE HIGHWAYS OF THE CITY OF MARKHAM

By-law

- Block 1, Plan 65M-3835 - Alfred Paterson Drive
- Block 13, Plan 65M-4218 - Jeffrey Nihda Crescent.

CARRIED

BY-LAW 2012-169 WISMER MARKHAM DEVELOPMENTS INC, PART LOT CONTROL EXEMPTION BY-LAW

By-law

- A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, north of Hammersly Boulevard and east of Mingay Avenue, Block 37, Plan 65M-4231.

CARRIED

BY-LAW 2012-170 16TH MCCOWAN HOLDINGS LTD. PART LOT CONTROL EXEMPTION BY-LAW

By-law

- A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, north of 16th Avenue and south of Barnstone Drive, Lots 3 to 19, 26 to 31, 34 to 39 and 44 to 57, Plan 65M-4317.

CARRIED

BY-LAW 2012-171 WISMER MARKHAM DEVELOPMENTS INC. PART LOT CONTROL EXEMPTION BY-LAW

By-law

- A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, south of Major Mackenzie Drive and east of Mingay Avenue, Blocks 70 and 71, Plan 65M-4326.

CARRIED

BY-LAW 2012-172 BRIARLANE DEVELOPMENTS INC. PART LOT CONTROL EXEMPTION BY-LAW

By-law

- A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, north of Church Street, south of Donald Sim Avenue and west of Cornell Centre Boulevard, Lots 120 to 131, Blocks 163 to 165 and Block 188 to 196, Plan 65M-4306.

CARRIED

BY-LAW 2012-173 AMBER PLAIN INVESTMENTS LTD. PART LOT CONTROL EXEMPTION BY-LAW

By-law

- A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, east of McCowan Road and south of Chokecherry Crescent, Lots 1 to 11 and 17 to 25, Plan 65M-4315.

CARRIED

BY-LAW 2012-174 CRESTCOVE DEVELOPMENTS LTD. PART LOT CONTROL EXEMPTION BY-LAW

By-law

- A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, northwest of Markham Road and Denison Street, Part of Block 1, Plan 65M-4081, designated as Parts 3, 7, 8, 10, 12, 78, 79, 80, 81, 83, 84, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 120, 123, 124, 126, 127 and 128 on Plan 65R-32563.

CARRIED

BY-LAW 2012-175 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST – HIRAM POWERS HOUSE, 4802 HIGHWAY 7.

By-law

CARRIED

BY-LAW 2012-176 2271850 ONTARIO LIMITED (VETMAR LTD.), HOLD REMOVAL BY-LAW, CONCESSION 3, PART LOTS 27 AND 28, WEST OF WOODBINE AVENUE, SOUTH OF WOODBINE AVENUE BY-PASS AND NORTH OF ELGIN MILLS ROAD EAST

By-law

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

CARRIED

BY-LAW 2012-178 A BY-LAW TO PROVIDE FOR THE EFFECTIVE GOVERNANCE OF MARKHAM MUNICIPAL CEMETERIES (MARKHAM CEMETERY BY-LAW

By-law

(Repeals By-law 178-93)

(Item No. 3, Report No. 43) (Communication No. 62-2012)

CARRIED

BY-LAW 2012-179 A BY-LAW TO DEEM LOTS 84 AND 85, REGISTERED PLAN 65M-2481, NOT TO BE PART OF A REGISTERED PLAN OF SUBDIVISION (2220922 ONTARIO INC., 95 KONRAD CRESCENT)

(Item No. 6, Report No. 44)

By-law

CARRIED

BY-LAW 2012-180 A BY-LAW TO DEEM LOTS 55 AND 56, REGISTERED PLAN 65M-2481, NOT TO BE PART OF A REGISTERED PLAN OF SUBDIVISION (2292322 ONTARIO INC. AND 2292324, 255 SHIELDS COURT)

(Item No. 7, Report No. 44)

By-law

CARRIED

BY-LAW 2012-181 CATHOLIC CEMETERIES ARCHDIOCESE OF TORONTO ZONING BY-LAW AMENDMENT, 211 LANGSTAFF ROAD

By-law

- A by-law to amend By-law 2150, as amended, to add a Funeral Home use to the list of permitted uses on the subject lands.

(Item No. 8, Report No. 44)

CARRIED

BY-LAW 2012-182 1839314 ONTARIO LIMITED, 9560 HIGHWAY 48 ZONING BY-LAW AMENDMENTS, 9560 HIGHWAY 48

By-law

- A by-law to amend By-law 304-87, as amended, to delete the subject lands from By-law 304-87, as amended, so that they could be incorporated into By-law 177-96, as amended, to permit an 18-storey mixed use building.

(Item No. 10, Report No. 44)

CARRIED

BY-LAW 2012-183 1839314 ONTARIO LIMITED, 9560 HIGHWAY 48 ZONING BY-LAW AMENDMENTS, 9560 HIGHWAY 48

By-law

- A by-law to amend By-law 177, as amended, to permit an 18-storey mixed use building.

(Item No. 10, Report No. 44)

CARRIED

13. IN-CAMERA ITEMS

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

COUNCIL – September 12, 2012

- (1) A MATTER IN RESPECT OF WHICH A COUNCIL, BOARD, COMMITTEE OR OTHER BODY MAY HOLD A CLOSED MEETING UNDER ANOTHER ACT (CONFIRMATION OF RESTRICTED IN-CAMERA MINUTES) (16.0)
[Section 239 (2) (g)]

Moved by Regional Councillor Gord Landon

Seconded by Councillor Carolina Moretti

- 1) That the following Restricted In-camera Minutes be confirmed:
- Restricted In-camera Special Council Education and Training Session Minutes dated April 12, 2012.
 - Restricted In-camera Special Council Education and Training Session Minutes dated April 16, 2012.
 - Restricted In-camera Council meeting minutes dated May 15, 2012.
 - That the Restricted In-camera Council meeting minutes dated June 26 and 27, 2012.

CARRIED

14. CONFIRMATORY BY-LAW

Moved by Councillor Colin Campbell
Seconded by Councillor Howard Shore

That By-law 2012-177 be given three readings and enacted.

Three Readings

BY-LAW 2012-177 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL
MEETING OF SEPTEMBER 12, 2012.

By-law

CARRIED

15. ADJOURNMENT

Moved by Councillor Alex Chiu
Seconded by Councillor Valerie Burke

That the Council meeting be adjourned at 8:41 p.m.

CARRIED

MARTHA PETTIT
ACTING CITY CLERK

FRANK SCARPITTI
MAYOR

(Signed)