



## **COUNCIL MINUTES**

**June 26 and 27, 2012, 7:00 p.m.**

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 13

---

**Alternate formats for this document are available upon request**

### **ROLL CALL**

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

### **STAFF**

Andy Taylor, Chief Administrative Officer  
Jim Baird, Commissioner of Development Services  
Brenda Librecz, Commissioner of Community and Fire Services  
Trinela Cane, Commissioner of Corporate Services  
Catherine Conrad, Town Solicitor  
Kimberley Kitteringham, Town Clerk  
Martha Pettit, Deputy Town Clerk  
Joel Lustig, Treasurer  
Dennis Flaherty, Director, Communications & Community Relations  
John Wong, Technology Support Specialist  
Laurie Rose, Mayor's Chief of Staff  
Jacqueline Chan, Assistant Town Solicitor  
Lisa Reigel, Assistant Town Solicitor  
Gary Adamkowski, Director of Asset Management  
Bob Penner, Supervisor, Business Systems Improvement  
Bill Wiles, Manager of Enforcement and Licensing  
Paul Ingham, Director of Operations

The regular meeting of Council convened at 7:07 p.m. on June 26, 2012 in the Council Chamber. Deputy Mayor Jack Heath presided until the arrival of Mayor Frank Scarpitti at 8:08 p.m.

At 11:50 p.m. on June 26, 2012, Council passed a motion to waive Section 3.28 of Procedural By-law 2001-1 allowing the meeting to continue further than 12:01 a.m. on June 27, 2012. The motion moved by Councillor Howard Shore and Councillor Alan Ho was carried by two-thirds vote of the Members present.

**1. DISCLOSURE OF PECUNIARY INTEREST**

- (1) None declared.

**2. MINUTES**

- (1) COUNCIL MINUTES – JUNE 12, 2012  
[Minutes](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Carolina Moretti

- 1) That the Minutes of the Council Meeting held on June 12, 2012, be adopted.

**CARRIED**

**3. PRESENTATIONS**

- (1) RECOGNITION OF THE 35<sup>TH</sup> ANNIVERSARY OF THE  
MARKHAM VILLAGE MUSIC FESTIVAL (12.2.6)

Council recognized the Chair, Ed Joaquin and Board of Directors on the 35<sup>th</sup> Anniversary of Markham Village Music Festival held on June 15 and 16, 2012.

Council also recognized Phil Mannell and Sonia Sarazi, Enbridge Gas Distribution Inc., Presenting Sponsor for the Markham Village Music Festival.

- (2) SABISTON LANDFILL (5.1)  
[Presentation](#)

Gary Adamkowski, Director of Asset Management, provided a PowerPoint Presentation on the former Sabiston Landfill Site. Staff responded to questions from Members of Council on this matter.

(See Delegation Item No. 1, Motion Item No. 1 and Communication No. 52-2012)

#### 4. DELEGATIONS

Council consented to add Delegations Item Nos. 1 to 4.

##### (1) DELEGATIONS – SABISTON LANDFILL (5.1)

Moved by Councillor Howard Shore

Seconded by Councillor Carolina Moretti

- 1) That the following delegations regarding the motion titled "Sabiston Landfill" be received:
  1. Rigby Andrews, Settlers Park Residents Association, in support of the proposed motion.
  2. Kimberly Seymour, Settlers Park Residents Association, in support of the proposed motion.
  3. Kuthur M. Kalyanam, in support of the proposed motion.
  4. Emma Dillabough, in support of the proposed motion.
  5. Laura Barkin, in support of the proposed motion.
  6. Eileen Liasi, German Mills Residents Association, in support of the proposed motion.
  7. Alena Gotz, in support of the proposed motion.
  8. Artem Pozdnyakov, Settlers Park Residents Association, in support of the proposed motion.  
(See Presentation Item No. 2, Motion Item No. 1 and Communication No. 52-2012)

**CARRIED**

(See following motion to consider the matter)

(See following motion for Artem Pozdnyakov)

Moved by Councillor Howard Shore

Seconded by Councillor Don Hamilton

That Motion Item No. 1 titled "Sabiston Landfill" be brought forward for consideration immediately following the delegations with respect thereto.

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

**CARRIED**

(2/3 Vote was requested & obtained)

Moved by Councillor Carolina Moretti  
Seconded by Councillor Alan Ho

That Artem Pozdnyakov, President, Settlers Parks Residents Association, be given an opportunity to address Council although the matter has already been considered by Council earlier in the meeting.

**CARRIED**

(2/3 Vote was requested & obtained)

(2) DELEGATIONS - UNIONVILLE VARLEY VILLAGE  
INFILL HOUSING WORKING GROUP  
(FILE NUMBER PR 10-118360) (10.0)

The following individuals addressed Council regarding the item titled "Unionville Varley Village Infill Housing Working Group":

1. Christiane Bergauer-Free, in support of the proposed recommendation.
2. Jim Clarke, in support of the proposed recommendation.

Moved by Regional Councillor Jim Jones  
Seconded by Councillor Howard Shore

That Council consider the matter titled "Unionville Varley Village Infill Housing Working Group" immediately following the delegations with respect thereto.  
(See Item No. 7, Report No. 39 for Council's decision on this matter)

**CARRIED**

(2/3 Vote was requested & obtained)

(3) DELEGATIONS  
- OUTDOOR BOULEVARD PATIO (2.0)  
- MAIN STREET UNIONVILLE PROPOSED  
PARKING PROHIBITION (2.17)

The following individuals addressed Council regarding the two items titled "Outdoor Boulevard Patio" and "Main Street Unionville Proposed Parking Prohibition":

1. Sharon Taylor Woods, in opposition to the proposed recommendation on each of the two items.
2. Parveen Jhingan, in opposition to the proposed recommendation on each of the two items.

3. Tony Lamanna, in opposition to the proposed recommendation on each of the two items.
4. Rob Kadlovski, in opposition to the proposed recommendation item titled "Main Street Unionville Proposed Parking Prohibition" and in support of the proposed recommendation item titled "Outdoor Boulevard Patio"
5. Christine Matthews, provided comments for the two items

Moved by Councillor Carolina Moretti  
Seconded by Councillor Colin Campbell

That Council consider the matters titled "Outdoor Boulevard Patio" and "Main Street Unionville Proposed Parking Prohibition" immediately following the delegations with respect thereto.

(See Item No. 6, Report No. 38 and Item No. 4, Report No. 41 for Council's decision on these matters)

**CARRIED**

(2/3 Vote was requested & obtained)

- (4) DELEGATION – ROAD DEDICATION BY-LAW 2012-146  
(DEDICATION OF WILLIAMSON ROAD) (10.0)

Karen Rea addressed Council on the proposed By-law No. 2012-146, a by-law to dedicate Williamson Road. Jim Baird, Commissioner of Development Services, provided clarification concerning the by-law.

## 5. PETITIONS

Council consented to add Petitions Item No. 1.

- (1) PETITION – SABISTON LANDFILL (5.1)  
[Petition](#)

Moved by Councillor Howard Shore  
Seconded by Councillor Carolina Moretti

- 1) That the petition signed by approximately 540 residents regarding the motion titled "Sabiston Landfill" be received.  
(See Presentation Item No. 2, Motion Item No. 1 and Communication No. 52-2012)

**CARRIED**

**6(a) REPORT NO. 38 - GENERAL COMMITTEE (June 18, 2012)**

Council consented to separate Item No. 6.

Moved by Councillor Carolina Moretti

Seconded by Councillor Valerie Burke

That Report No. 38 – General Committee comprised of 7 items be received and adopted, except Item No. 6. (See following Item No. 6)

(1) **SOUTHEAST MARKHAM COMMUNITY  
CENTRE & LIBRARY - SITE LAYOUT AND PROGRAM (6.6)**  
[Presentation](#)

- 1) That the presentation by Mr. Andrew Frontini, Perkins + Will Canada, entitled “Southeast Markham Community Centre & Library – Site Layout and Program” be received; and,
- 2) That the recommended functional program areas as presented be approved for the development of schematic design by the Design Consultant; and,
- 3) That the recommended site layout as presented be approved for the development of schematic design by the Design Consultant; and,
- 4) That staff be directed to work with the developer of the surrounding land to accelerate the timing of construction by the developer of both the East-West road off of Middlefield Road and the extension of Canfield Road south of 14th Avenue, in conjunction with the design and construction of the Southeast Community Centre; and,
- 5) That staff be directed to further explore the 60% better than National Energy Code of Canada for Buildings (NECB) 2011 Sustainability Initiative as part of the Southeast Community Centre & Library; and,
- 6) That staff be directed to conduct a public charrette to confirm the building program, and report back to Council; and further,
- 7) That staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(2) MINUTES OF THE MAY 25, 2012  
GREENPRINT STEERING COMMITTEE (16.0)  
[Minutes](#) [Memo](#) [Terms of Reference](#)

- 1) That the Minutes of the May 25, 2012 Greenprint Steering Committee be received for information purposes; and,
- 2) That the following recommendation to Council be endorsed:

“That Council be requested to amend the Terms of Reference for the Greenprint Steering Committee to reflect the following Sustainability Office Strategies”:

- a) Sustainability governance, integration, coordination and reporting
  - Set milestones and targets for Markham to achieve
  - Meet at minimum twice yearly; mid-year to receive an update and end of year to receive annual implementation report and at the Chair’s call
  - Advise on recommended updates as the Greenprint is a living document
  - Advise on priority indicator reporting
  - Work with staff to develop sustainability lens for Council use in decision making;
- b) Greenprint promotion
  - Be Greenprint champion
  - Recognize and celebrate accomplishments
  - Advise on communications strategy;
- c) Sustainability services
  - Provide guidance on Councillor sustainability information needs
  - Advise on opportunities for funding partnerships
  - Advocate externally as needed;
- d) Priority focus
  - Advise and support three focused priorities of: Energy and Climate; Food Security; and, Access and Mobility.”

**CARRIED**

(3) MINUTES OF THE MARCH 21 AND APRIL 18, 2012  
ANIMAL CARE COMMITTEE (16.0)  
[March](#) [April](#) [Revised Terms of Reference](#)

- 1) That the Minutes of the March 21 and April 18 Committee be received for information purposes.

- 2) That the following recommendation from the Animal Care Committee meeting held on April 18, 2012 be endorsed:

“That the revised Animal Care Committee Terms of Reference be approved, as presented in Appendix A”.

**CARRIED**

(4) DRAFT 2011 CONSOLIDATED FINANCIAL STATEMENTS (7.0)

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

- 1) That the report “Draft 2011 Consolidated Financial Statements” be received; and,
- 2) That Council approve Markham’s Draft Consolidated Financial Statements including Markham Enterprises Corporation (MEC) for the fiscal year ended December 31, 2011; and,
- 3) That Council authorize Staff to issue the Financial Statements (including MEC) for the fiscal year ended December 31, 2011 upon receiving the auditors’ final report; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(5) AWARD OF TENDER 086-T-12 CLOSED  
CIRCUIT TELEVISION INSPECTION OF  
SANITARY AND STORM SEWER MAINS (5.5)

[Report](#)

- 1) THAT the report entitled “Award of Tender 086-T-12 Closed Circuit Television Inspection of Sanitary and Storm Sewer Mains” be received;
- 2) And That Tender 086-T-12 for Closed Circuit Television Inspection of Sanitary and Storm Sewer Mains be awarded to the lowest priced bidder, Dambro Environmental Inc., for one (1) year in the amount of \$201,220.22 inclusive of HST and be funded from the Waterworks and Operations Departments accounts as detailed in the financial template;

- 3) And That the Director of Operations, Director of Environmental Services and Manager of Purchasing be authorized to extend the contract for three (3) additional years at the same itemized pricing as outlined below, subject to Council approval of the annual budgets;
- 2013 - \$ 201,220.22
  - 2014 - \$ 201,220.22
  - 2015 - \$ 201,220.22
- 4) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(6) OUTDOOR BOULEVARD PATIO (2.0)

Moved by Councillor Colin Campbell

Seconded by Councillor Carolina Moretti

- 1) That preparation of Markham -wide Urban Design Guideline & By-law to permit Boulevard Patios be brought forward in the 1st Quarter of 2013; and,
- 2) The Urban Design Guidelines and By-law be developed in consultation with the Main Street Markham Reconstruction Project; and,
- 3) That Encroachment Agreements, containing public safety requirements, be entered into for any Main Street businesses wishing a patio in 2012; and,
- 4) That the above recommendations apply to any other appropriate outdoor patios within Markham; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(See following to consider)

Moved by Councillor Carolina Moretti

Seconded by Councillor Colin Campbell

That Council consider the matter titled "Outdoor Boulevard Patio" immediately following the delegations with respect thereto.

(See Delegation Item No. 3)

**CARRIED**

(2/3 Vote was requested & obtained)

(7) STANDING COMMITTEE/ COUNCIL MEETING SCHEDULE (16.0)

- 1) That Council endorse the proposed Standing Committee/Council pilot project meeting calendar from September to December 2012.

**CARRIED**

**6(b) REPORT NO. 39 - DEVELOPMENT SERVICES COMMITTEE (June 19, 2012)**

Council consented to separate Item Nos. 4 and 7.

Moved by Regional Councillor Jim Jones  
Seconded by Councillor Don Hamilton

That Report No. 39 – Development Services Committee comprised of 9 items be received and adopted, except Item Nos. 4 and 7. (See following Item Nos. 4 and 7)

(1) PROPOSED RENAMING OF A ROAD  
ON A REGISTERED PLAN  
CATHEDRAL COMMUNITY (10.14)

[Report](#)

- 1) That the Town of Markham rename a road on Registered Plan 65M-4314 currently named Roman High Street to Cathedral High Street; and,
- 2) That the Owner (Crown of Markham Inc.) confirm in writing that notification of the proposed street name change will be sent to all affected future third parties; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2012-147)

**CARRIED**

(2) DESIGN, CONSTRUCTION AND FINANCING OF A  
NEIGHBORHOOD PARK IN MARKHAM CENTRE  
BY RULAND PROPERTIES INC. (6.3)

[Report](#)

- 1) That the report dated June 19, 2012 to Development Services Committee, entitled “Design, Construction and Financing of a Neighborhood Park in Markham Centre by Ruland Properties Inc.” be received; and,
- 2) That Council approve the request by Ruland Properties Inc. to finance the cost of design, construction, and contract administration of a neighbourhood park known as Block 39 on draft plan of subdivision 65M-4060, subject to the following conditions:
  - A. That Ruland Properties Inc. finance the cost of the design, construction, and contract administration of this park to a minimum value of \$800,000.00 per acre based on 0.74 acres / 0.3 ha of park which totals approximately \$592,000.00 inclusive of all applicable taxes but exclusive of HST; and,
  - B. That, subject to compliance with these terms and conditions, the Town of Markham reimburse Ruland Properties Inc., up to a maximum of \$592,000.00 plus HST, towards this project from development charges for park development under the understanding that Ruland Properties Inc. may contribute additional funds above this amount which will not be reimbursable by the Town, towards the development of this park; and,
  - C. That subsequent to collection of sufficient Development Charges for park development, the Town shall reimburse Ruland Properties Inc., for invoices paid for approved costs associated with the design, construction, and contract administration, for development of this park. No interest on such invoices shall be payable by the Town. Reimbursement terms are as follows:
    - a. Ruland Properties Inc. may only invoice the Town for 80% of approved costs for this park provided that:
      - i. at least 45 days from the date of publication of Substantial Performance has transpired;
      - ii. proof of publication has been submitted with the invoice;
      - iii. no liens have been registered in regard to this contract;
      - iv. the constructed work has reached Total Completion to the Town’s satisfaction after which the two year warranty period shall begin;
      - v. the landscape architect has issued to the Town a Total Completion certificate; and,

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

- G. That Ruland Properties Inc. tender out the construction of the park works, either separately or collectively, to a minimum of three bidders to the satisfaction of the Town including providing the Town with a copy of all bids submitted within 24 hours of tender close. The successful bidder will be responsible to construct and maintain the park from the time park construction is begun until Final Acceptance by the Town; and,
  - H. That, notwithstanding the requirement noted above in Condition (G), Ruland Properties Inc. shall tender and award a maintenance contract for this park to Town standards. The maintenance contract for the park must be tendered and awarded at the same time as the construction contract and cover a minimum period of 2 years detailed maintenance as outlined in Appendix 'C' ("Developer Obligations: Two Year Maintenance Activities") to the Town's satisfaction and that maintenance of the park shall continue until Final Acceptance of the park. Costs for the 2 year (minimum) maintenance contract are the responsibility of Ruland Properties Inc. The Town will not reimburse Ruland Properties Inc. for costs associated with this additional maintenance obligation for the park; and,
  - I. That this park be included in the Urban Design, Development Services Commission, Capital Budget submission in 2013 identifying the total budget in the amount of \$655,600 which includes the amount to be reimbursed, the HST impact, and the internal charges; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(3) DESIGN, CONSTRUCTION AND FINANCING OF  
THREE STRATA PARKS AT THE WORLD-ON-YONGE  
SITE BY LIBERTY DEVELOPMENT CORPORATION  
(FOR AND ON BEHALF OF 1691126 ONTARIO INC.) (6.3)

[Report](#)

- 1) That the report dated June 19, 2012 to Development Services Committee, entitled "Design, Construction and Financing of Three Strata Parks at the World-On-Yonge Site by Liberty Development Corporation (for and on behalf of 1691126 Ontario Inc.)" be received; and,
- 2) That Council approve the request by 1691126 Ontario Inc. to finance the cost of design, construction, and contract administration of three public strata parks known as Part of Lot 18, Register's Compiled Plan 10327, designated as Parts 14, 18 and 20, on an unregistered reference plan prepared by Schaeffer Dzaldiv Bennett, Ltd. Job No. 06-156-02C, subject to the following conditions:

- 
- A. That 1691126 Ontario Inc. finance the cost of the design, construction, and contract administration of this park to a minimum value of \$1,500,000 per acre based on 1.386 acres / 0.56 ha of parks which totals approximately \$2,079,000 inclusive of all applicable taxes but exclusive of HST; and,
- B. That, subject to compliance with these terms and conditions, the Town of Markham reimburse 1691126 Ontario Inc., up to a maximum of \$2,079,000, plus HST, towards this project from development charges for park development under the understanding that 1691126 Ontario Inc. may contribute additional funds above this amount which will not be reimbursable by the Town, towards the development of these parks; and,
- C. That subsequent to collection of sufficient Development Charges for park development, the Town shall reimburse 1691126 Ontario Inc., for invoices paid for approved costs associated with the design, construction, and contract administration, for development of each park. No interest on such invoices shall be payable by the Town. Reimbursement terms are as follows:
- a. 1691126 Ontario Inc. may only invoice the Town for 80% of approved costs for each park provided that:
    - i. at least 45 days from the date of publication of Substantial Performance has transpired;
    - ii. proof of publication has been submitted with the invoice;
    - iii. no liens have been registered in regard to this contract;
    - iv. the constructed work has reached Total Completion to the Town's satisfaction after which the two year warranty period shall begin;
    - v. the landscape architect has issued to the Town a Total Completion certificate;
    - vi. and further, that the strata park lands have been conveyed to the Town in accordance with all of the terms and conditions set out in Section 26, Parkland Conveyance, in the Site Plan Control Agreement, dated January 24, 2011 between 1691126 Ontario Inc. and the Town; and,
  - b. the remaining 20% of Town approved costs for each park shall be retained by the Town for a minimum of two years from Total Completion and shall be paid to 1691126 Ontario Inc. upon 1691126 Ontario Inc. invoicing the Town for the remaining 20% for each park, provided the following has occurred in the order listed here:

- i. two years has passed from the date of Total Completion;
    - ii. that the two year warranty inspection has occurred with the Town;
    - iii. that all noted deficiencies at the two year warranty inspection have been completed to the Town's satisfaction to the point of total performance;
    - iv. that Final Acceptance has been granted by the Town;
    - v. that the landscape architect has issued a certificate certifying the warranty period has expired and further that noted deficiencies have been completed in general conformance to the plans and specifications;
    - vi. that any liens registered in regard to the contract have been released and/or paid by 1691126 Ontario Inc.;
    - vii. that the two year maintenance obligations had been performed during the warranty period, failing which, the Town shall use the remaining funds at its sole discretion to compensate for the unfulfilled obligations; and,
  - c. or alternatively, 1691126 Ontario Inc. may invoice the Town for 100% of approved costs two years after the date of Total Completion for each park provided items b, i through vii, as listed above, have occurred to the Town's satisfaction; and,
- D. That Owners/Developers within the World-On-Yonge development, including 1691126 Ontario Inc. not receive any credit towards park development charges and continue to pay the park development charge at the building permit stage for all present and future development phases of this development; and,
- E. That 1691126 Ontario Inc. hire a landscape architect who is a Full Member of the OALA having custody and use of the Association seal, approved by the Town, to provide professional design, contract document, and contract administration services, to the satisfaction of the Town as outlined in Appendix 'B'; and,
- F. That 1691126 Ontario Inc. follow the Town's standard park and open space approval process for each park which includes development of several design concepts, holding community input meetings, presentation to selected Standing and Advisory Committees as applicable, as well as review and approval by the Manager of Parks and Open Space Development, Planning and Urban Design Department, in consultation with the Parks Operations Department; and,
- G. That 1691126 Ontario Inc. tender out the construction of the park works, either separately or collectively, to a minimum of three bidders to the satisfaction of the Town including providing the Town with a copy of all bids submitted within 24 hours of tender close. The successful bidder will be responsible to construct and maintain the park from the time park construction is begun until Final Acceptance by the Town; and,

- H. That, notwithstanding the requirement noted above in Condition (G), 1691126 Ontario Inc. shall tender and award a maintenance contract for each park to Town standards. The maintenance contract for the park must be tendered and awarded at the same time as the construction contract and cover a minimum period of 2 years detailed maintenance as outlined in Appendix 'C' ("Developer Obligations: Two Year Maintenance Activities") to the Town's satisfaction and that maintenance of the park shall continue until Final Acceptance of the park. Costs for the 2 year (minimum) maintenance contract are the responsibility of 1691126 Ontario Inc. The Town will not reimburse 1691126 Ontario Inc. for costs associated with this additional maintenance obligation for each of the parks; and,
- I. That these parks be included in the Urban Design, Development Services Commission, Capital Budget submission in 2013 identifying the total budget in the amount of \$2,302,700 which includes the amount to be reimbursed, the HST impact, and the internal charges; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(4) **OPTIONS TO COMPENSATE PROPERTY OWNERS/TENANTS AFFECTED BY TOWN INITIATED STREET NAME CHANGES (10.14)**  
[Report](#)

- 1) That the report entitled "Options to compensate Property Owners/Tenants affected by Town initiated street name changes", dated June 19, 2012, be received; and,
- 2) That the request for compensation, by the affected business owner, not be supported; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to these resolutions.

**CARRIED BY A RECORDED VOTE (11:2)**  
(See following recorded vote)

**YEAS:** 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 Alan Ho, Councillor Logan Kanapathi, Councillor Alex Chiu. (11)

**NAYS:** Councillor Carolina Moretti, Councillor Colin Campbell. (2)

- (5) ELIAS AND EKATERINI BOBOTSIS  
9941 WOODBINE AVENUE  
EAST SIDE OF WOODBINE AVENUE  
SOUTH OF MAJOR MACKENZIE DRIVE  
APPLICATIONS FOR OFFICIAL PLAN AND  
ZONING BY-LAW AMENDMENTS AND  
SITE PLAN APPROVAL TO PERMIT AN  
EXPANSION OF THE ROYAL CACHET MONTESSORI SCHOOL  
(OPA, ZA AND SC 11 110068) (10.3, 10.5, 10.6)

[Report](#)

- 1) That the report entitled “RECOMMENDATION REPORT, Elias and Ekaterini Bobotsis, 9941 Woodbine Avenue, East side of Woodbine Avenue, south of Major Mackenzie Drive, Applications for Official Plan and Zoning By-law Amendments and Site Plan Approval to permit an expansion of the Royal Cachet Montessori School, File No.’s: OPA, ZA and SC 11 110068” be received; and,
- 2) That the application submitted by Elias and Ekaterini Bobotsis to amend the Official Plan, be approved and that the draft Official Plan Amendment attached as Appendix “A”, be finalized and adopted without further notice; and,
- 3) That the notice of adoption of the Official Plan Amendment be forwarded to the Region of York for final approval of the Official Plan Amendment; and,
- 4) That the application submitted by Elias and Ekaterini Bobotsis to amend Zoning By-law 304-87, as amended, be approved and the draft by-law attached as Appendix “B”, be finalized and enacted without further notice; and,
- 5) That the application submitted by Elias and Ekaterini Bobotsis for site plan approval be endorsed in principle, subject to the conditions outlined in Appendix “C”; and,
- 6) That site plan approval be delegated to the Director of Planning and Urban Design or designate, to be issued following execution of a site plan agreement. Site Plan Approval is issued only when the Director or designate has signed the plans; and,
- 7) That the 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,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-laws 2012-148 and 2012-149)

**CARRIED**

- (6) PHASING PLAN FOR PHASE 2  
OF THE TIMES UPTOWN MARKHAM  
PLAN OF SUBDIVISION (19TM-070003)  
SOUTH SIDE OF HIGHWAY 7, EAST OF WARDEN AVENUE  
(SU 12 133313) (10.7)

[Report](#)

- 1) That the staff report titled “Phasing Plan for Phase 2 of the Times Uptown Markham Plan of Subdivision (19TM-070003), South side of Highway 7, east of Warden Avenue,” be received; and,
- 2) That the phasing plan attached as Appendix ‘A’ to the staff report, be approved for Phase 2 only; and,
- 3) That the subdivision agreement for Phase 2 include provisions to secure the construction of Rougeside Promenade to the west boundary of the applicant’s lands, if required by the Town; and,
- 4) That, prior to the execution of a subdivision agreement for Phase 3, the Owner shall submit a comprehensive phasing plan for approval by Council and enter into a phasing agreement, if required by the Town; and,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution, and further,
- 6) And that staff report back as soon as possible on the opportunity for alternate VIVA routes along Highway 7 between Kennedy Road and Town Centre Blvd.

**CARRIED**

- (7) RECOMMENDATION REPORT:  
UNIONVILLE VARLEY VILLAGE  
INFILL HOUSING WORKING GROUP  
(FILE NUMBER PR 10-118360) (10.0)

[Report](#)

Moved by Regional Councillor Jim Jones  
Seconded by Councillor Don Hamilton

- 1) That the deputations by Christiane Bergauer-Free and Jim Clarke regarding the Unionville Varley Village Infill Housing, be received; and,
- 2) That the report entitled: “Recommendation Report: Unionville Varley Village Infill Housing Working Group (File Number 10-118360)” be received; and,

- 3) That Development Services Committee endorse the recommendation of the Unionville Sub-Committee that the Town of Markham not proceed with an Infill Housing By-law for the Varley Village area.

**CARRIED BY A UNANIMOUS RECORDED VOTE (13:0)**

(See following recorded vote)

YEAS: 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.

- (8) MARKHAM'S PARTICIPATION IN THE  
GREATER TORONTO CHINESE BUSINESS ASSOCIATION  
CHINA TRADE MISSION NOVEMBER 21 – DECEMBER 5, 2012 (10.16)  
[Report and Attach A](#) [Attach B](#)

- 1) That the report entitled "Markham's Participation in the Greater Toronto Chinese Business Association China Trade Mission November 21 – December 5, 2012" be received; and,
- 2) That the Town be represented by a five person delegation composed of the Mayor, the Chair of the Economic Development Committee, one Council Member, the Director of the Economic Development Department, and one Senior Business Development Officer; and,
- 3) That the total cost of the mission not exceed \$53,600.00 and be expensed from within the 2012 Economic Alliance Program 610-9985812 (\$30,600.00), the Business Marketing Account 610-9985808 (\$11,000.00), and the Economic Development Business Travel Account 610-9985201 (\$12,000.00); and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(9) MAIN STREET MARKHAM, HIGHWAY 7 TO BULLOCK DRIVE  
TEMPORARY PARKING RESTRICTIONS (2.17)

Whereas the replacement of municipal infrastructure on Main Street Markham from Highway 7 to Bullock Drive will commence July 3, 2012 and be completed late October 2012; and,

Whereas traffic on Main Street will be restricted to one lane southbound during construction; and,

Whereas local Main Street traffic is anticipated to redistribute around Main Street using surrounding local roads; and,

Whereas parking on Main Street (Highway 7 to Bullock Drive) will be prohibited during construction; and,

Whereas staff will monitor traffic in the area during construction and may need to temporarily prohibit parking on certain roads for traffic operations and safety reasons; and,

Whereas staff, in consultation with the local Councillors, may temporarily wish to permit parking on surrounding local streets to help offset the loss of existing parking in the area; and,

Now therefore be it resolved:

- 1) That Schedule 'C' of Parking By-law 2005-188, prohibiting parking be amended to include local roads in the Main Street Markham area (Highway 7 to Bullock Drive) as required by the Directors of Engineering and Operations and the Manager of By-law Enforcement in consultation with the local Councillors; and,
- 2) That, upon completion of the project, Schedule 'C' of Parking By-law 2005-188 be amended by rescinding the temporary parking prohibitions; and,
- 3) That Schedule 'D' of Parking By-law 2005-188 permitting parking for restricted periods, be amended to include local roads in the Main Street Markham area (Highway 7 to Bullock Drive) as required by the Directors of Engineering and Operations and Manager of By-law Enforcement in consultation with the local Councillors; and,
- 4) That the Parking Control Department be directed to enforce the parking restrictions upon installation of the signs; 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. 40 - DEVELOPMENT SERVICES PUBLIC MEETING  
(June 19, 2012)**

Moved by Regional Councillor Jim Jones  
Seconded by Councillor Don Hamilton

That Report No. 40 – Development Services Public Meeting comprised of 2 items be received and adopted.

- (1) DOVCOM REALTY INC. &  
WISMER MARKHAM DEVELOPMENTS INC.  
ZONING AMENDMENT TO PERMIT AN INCREASE  
IN THE WIDTH OF DRIVEWAYS AND GARAGES ON  
CERTAIN LOTS WITHIN DRAFT PLAN OF SUBDIVISION  
19TM-02009 AND TO PERMIT THE REZONING OF  
PART LOTS TO MATCH THE ZONING OF THE ADJOINING  
PART LOTS WITHIN PHASE 3B AND 4 OF PLAN 19TM-02009  
(ZA-12-113320) (10.5)  
[Report](#)

- 1) That the report titled “PRELIMINARY REPORT, Dovcom Realty Inc. & Wismer Markham Developments Inc., Zoning Amendment to permit an increase in the width of driveways and garages on certain lots within Draft Plan of Subdivision 19TM-02009 and to permit the rezoning of part lots to match the zoning of the adjoining part lots within Phase 3b and 4 of Plan 19TM-02009” dated May 8, 2012, be received; and,
- 2) That the Record of the Public Meeting held on June 19, 2012, with respect to the proposed amendment to permit an increase in the width of driveways and garages on certain lots within Draft Plan of Subdivision 19TM-02009 and to permit the rezoning of part lots to match the zoning of the adjoining part lots within Phase 3b and 4 of Plan 19TM-02009, be received; and,
- 3) That the application by Dovcom Realty Inc. & Wismer Markham Developments Inc., Zoning Amendment to permit an increase in the width of driveways and garages on certain lots within Draft Plan of Subdivision 19TM-02009 and to permit the rezoning of part lots to match the zoning of the adjoining part lots within Phase 3b and 4 of Plan 19TM-02009, be approved; and further,
- 4) That the proposed amendment to the Town’s Zoning By-law 177-96, as amended, be enacted without further notice.

**CARRIED**

- (2) MARKHAM CENTRE DEVELOPMENT CORPORATION  
NORTH SIDE OF ENTERPRISE BOULEVARD,  
WEST OF KENNEDY ROAD  
APPLICATIONS FOR OFFICIAL PLAN AND  
ZONING BY-LAW AMENDMENT TO PERMIT  
A HIGH DENSITY RESIDENTIAL DEVELOPMENT  
(OP 08 106659 AND ZA 08 106664) (10.3, 10.5)  
[Report](#) [Attachment](#)

- 1) That the written submissions by Ami Au-Yeung and Edwin Fong, Kelly Chan, and Grace Fong regarding the application by Markham Centre Development Corp. for the north side of Enterprise Boulevard, be received; and,
  - 2) That the deputation by Tupper Wheatley regarding the application by Markham Centre Development Corp. for the north side of Enterprise Boulevard, be received; and,
  - 3) That the Development Services Commission report dated May 22, 2012, entitled "Preliminary Report, Markham Centre Development Corporation, North side of Enterprise Boulevard, west of Kennedy Road, Applications for Official Plan and zoning by-law amendment to permit a high density residential development, Files OP 08 106659 and ZA 08 106664," be received; and,
  - 4) That the Record of the Public Meeting held on June 19, 2012 with respect to the proposed amendments, be received; and,
  - 5) That the Official Plan Amendment application (OP 08 106659) be approved and the draft Official Plan Amendment be finalized and adopted; and,
  - 6) That the zoning by-law amendment application (ZA 08 106664) be approved and the draft zoning by-law amendments be finalized and enacted on June 26, 2012 if possible, or alternatively, the first Council meeting in September, 2012; and further,
  - 7) That staff be authorized and directed to do all things necessary to give effect to this resolution.
- (By-laws 2012-150, 2012-151 and 2012-152)

**CARRIED**

**6(d) REPORT NO. 41 - GENERAL COMMITTEE (June 25 and 26, 2012)**

Council consented to separate Item Nos. 4 and 12.

Moved by Councillor Carolina Moretti

Seconded by Councillor Logan Kanapathi

That Report No. 41 – General Committee comprised of 12 items be received and adopted, except Item Nos. 4 and 12. (See following Item Nos. 4 and 12)

**ITEMS 1 TO 7 ARE FROM JUNE 25, 2012 GENERAL COMMITTEE MEETING****(1) 2013 BUDGET CALENDAR (7.5)**[Report](#)

- 1) That the report dated June 25, 2012 entitled “2013 Budget Schedule” be received; and,
- 2) That the Budget Committee meetings scheduled for the dates and times below be approved:

*Meeting #1* – Friday, October 5<sup>th</sup> (9:00 a.m. to 12:00 p.m. – Canada Room)

*Meeting #2* – Friday, October 12<sup>th</sup> (9:00 a.m. to 12:00 p.m. – Canada Room)

*Meeting #3* – Monday, October 15<sup>th</sup> (9:00 a.m. to 12:00 p.m. – Council Chamber)

*Meeting #4* – Tuesday, October 16<sup>th</sup> (9:00 a.m. to 12:00 p.m. – Council Chamber)

*Meeting #5* – Friday, October 19<sup>th</sup> (9:00 a.m. to 12:00 p.m. – Canada Room)

*Meeting #6* – Friday, October 26<sup>th</sup> (9:00 a.m. to 12:00 p.m. – Council Chamber)

- 3) That the above Budget Committee meetings are subject to change pending approval of the General Committee and Development Services Committee meeting schedule from September to December 2012; and,
- 4) That two public meetings will be held at the Civic Centre on Wednesday October 10<sup>th</sup> and Thursday, October 25<sup>th</sup> respectively to receive public feedback on the 2013 Budget; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(2) STATUS OF CAPITAL PROJECTS AS OF  
MARCH 31, 2012 (7.5)

[Report](#) [Attachment A](#) [Attachment B](#) [Attachment C](#)  
[Revised Attach A, B and C](#)

- 1) That the report entitled “Status of Capital Projects as of May 31, 2012” be received; and,
- 2) That the net amount of \$9.458M from the closure of capital projects be transferred to the sources of funding as listed on Exhibit A which includes the top up for the capital contingency in the amount of \$152,700, top up of the Design development charge contingency in the amount of \$55,425 and transfer of funds to the Sanitary Sewer System Upgrade/Rehabilitation Program in the amount of \$439,371; and,
- 3) That the net amount of \$109,818 from the closure of tree replacement/planting capital projects be transferred to the Life Cycle Replacement & Capital reserve fund for the purpose of the Emerald Ash Borer (EAB) program (include management and treatment where possible); and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(3) CONSOLIDATED STATIONARY BUSINESS BYLAW (2.0)

[Report](#) [Bylaw](#)

- 1) That the report entitled “Consolidated Stationary Business Licensing By-law” be received; and,
- 2) That Appendix ‘A’ – the Consolidated Stationary Business Licensing By-law be enacted to provide for the licensing and regulation of stationary businesses; and,
- 3) That the 27 separate By-laws currently governing stationary businesses in Markham (see table below), be repealed and replaced as schedules in the proposed Consolidated Stationary Business Licensing By-law; and,
- 4) That By-laws 2007-146, 2008-17 and 2008-18 related to the application of pesticides be repealed; and,
- 5) That the Holistic Practitioners Registry, By-law 2004-309 be repealed; and further,

- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.  
(By-law 2012-158)

**CARRIED**

- (4) MAIN STREET UNIONVILLE PROPOSED  
PARKING PROHIBITION (2.17)  
[Report](#) [Bylaw](#)

Moved by Councillor Don Hamilton

Seconded by Councillor Carolina Moretti

- 1) That the staff report entitled “Main Street Unionville Proposed Parking Prohibition”, be received; and,
- 2) That Operation and By-law Enforcement staff be authorized to implement additional parking restrictions at driveway access points along the west side of Main Street, Unionville (from Carlton Road to Station Lane); and,
- 3) That Operation staff investigate opportunities to increase the number and locations of accessible parking spaces on Town owned property in close proximity to Main Street, Unionville (Business Improvement Area district); and,
- 4) That Operations and By-law monitor the effectiveness of the modified parking restrictions and report back to General Committee in January 2013; and
- 5) That the Operations Department be directed to install the appropriate signs at the subject locations, funded through the Operations Department account # 083-5399-8402-005; and,
- 6) That the Operations Department be directed to maintain the signs at the subject locations;
- 7) That the Parking Control Department be directed to enforce the parking prohibition upon approval of the By-law amendment and installation of the signs; and further,
- 8) That staff work with Councillor Don Hamilton and Regional Councillor Jim Jones and parking lot owners on improving parking in the east and west rear private lots to increase integrated parking opportunities; and,

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

**CARRIED**

Council consented to add the following as Resolution No. 8 to the proposed recommendation:

- "8) That staff work with Councillor Don Hamilton and Regional Councillor Jim Jones and parking lot owners on improving parking in the east and west rear private lots to increase integrated parking opportunities."

Moved by Councillor Carolina Moretti  
Seconded by Councillor Colin Campbell

That Council consider the matter titled "Main Street Unionville Proposed Parking Prohibition" immediately following the delegations with respect thereto.  
(See Delegation Item No. 3)

**CARRIED**

(2/3 Vote was requested & obtained)

- (5) SWEDEN'S SMART COMMUNITIES TOUR  
SEPTEMBER 8-15, 2012 IN STOCKHOLM SWEDEN (3.0)  
[Report](#)

- 1) That authorization be granted for two staff (one from Environmental Services Department of Community and Fire Services Commission and one staff from Development Services Commission) to attend the Smart Energy Communities Tour in Stockholm, Sweden in September 2012; and,
- 2) That expenses be paid in accordance to Town's Policy from the 2012 Operating Budget; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(6) YORK DOWNS GOLF & COUNTRY CLUB  
AUXILIARY WATER SUPPLY SYSTEM  
AGREEMENT RENEWAL (5.3)

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

- 1) That the staff report entitled “York Downs Golf & Country Club Auxiliary Water Supply System Agreement Renewal” be received; and,
- 2) That the renewal of the existing agreement between the Town of Markham and the York Downs Golf & Country Club for the supply of water from the York Downs Stormwater Management Pond ‘H’ for irrigation purposes be authorized for an additional seven (7) year term; and,
- 3) That the Mayor and Clerk be authorized to execute the renewal agreement in a form satisfactory to the Town Solicitor and the Director of Asset Management; and,
- 4) That the Commissioner of Community & Fire Services be authorized and delegated the authority to approve and execute any future agreement renewals, if required by the York Downs Golf & Country Club, and subject to such terms and conditions deemed appropriate by the Commissioner, Community & Fire Services, the Commissioner, Corporate Services and the Town Solicitor; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(7) ANNUAL FIELD AGREEMENT – YORK REGION  
DISTRICT SCHOOL BOARD (5.0)

[Report](#)

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

**CARRIED**

**ITEMS 8 TO 12 ARE FROM JUNE 26, 2012 GENERAL COMMITTEE MEETING****(8) FITNESS CENTRE UPDATE (3.0)**

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

- 1) That the report entitled “Fitness Centre Update” be received; and
- 2) That Staff continue to monitor and implement strategies to increase awareness and promotion of Fitness Centre as outlined in this report; and,
- 3) That Staff report back in Fall 2012 on the various initiatives outlined in this report; and,
- 4) That Staff engage a pricing consultant to undertake pricing elasticity testing to determine optimal pricing, utilizing funds within existing operating budget to engage a consultant; and,
- 5) That Fitness Centre Memberships be excluded from the annual Consumer Price Index Fee increases scheduled for September, 2012; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

**(9) CONTRACT EXTENSIONS FOR HIRED GRADERS  
AND LOADERS FOR WINTER MAINTENANCE (5.0)**

[Report](#)

- 1) That the staff report entitled ‘Contract Extensions for Hired Graders and Loaders for Winter Maintenance’ be received; and,
- 2) That the Director of Operations and Manager of Purchasing be authorized to enter into formal negotiations with existing contractors to secure contract extensions for both hired loaders and graders for local road winter maintenance; and,
- 3) That the tender process be waived in accordance with Purchasing Bylaw 2004-341, Part 11, Section 7(1) c which states “when the extension of an existing contract would prove more cost-effective or beneficial; and,
- 4) That the Chief Administrative Officer be authorized to award contract extensions for tenders 012-T-03 and 128-T-03 for three (3) winter seasons (2012-2015) with an option for the Town to renew on a year by year basis for two (2) additional winter seasons (2015-2017); and,

- 5) That the budget impacts resulting from the award of these contract extensions be dealt with through the 2013 Operating Budget process; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(10) MASTER FIRE PLAN IMPLEMENTATION (7.15)

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

- 1) That this report titled “Master Fire Plan - Implementation Plan (MFPIP)” be received; and,
- 2) That Council approve the Master Fire Plan including (Appendix ‘A’) subject to annual business planning, operating and capital budget processes; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

(11) STIMULUS & RINC INFRASTRUCTURE  
PROJECTS: PROJECT COMPLETION AND  
OPERATIONAL RESULTS (5.0)

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

- 1) That the report entitled “Stimulus & RInC Infrastructure Projects: Project Completion and Operational Results” be approved; and,
- 2) That Markham’s portion of the surplus funds in the amount of approximately \$533,139 be allocated as follows:
  - a. \$80,000 for the Thornhill Community Centre & Library Project to address minor deficiencies
  - b. \$150,000 for the solar panels at 8100 Warden
  - c. \$303,139 for Civic Centre ice rink site improvements
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

---

Mayor Frank Scarpitti vacated the Chair and Deputy Mayor Jack Heath assumed the Chair, prior to the consideration of the matter titled "Approval of the New City of Markham Flag".

---

(12) APPROVAL OF THE NEW CITY OF MARKHAM FLAG (12.0)

Moved by Mayor Frank Scarpitti

Seconded by Councillor Carolina Moretti

- 1) That Council approve a change in the current Markham flag design to reflect Markham's new City Status and to include the years 1850, 1871, 1971 and 2012.

**CARRIED BY A UNANIMOUS RECORDED VOTE (13:0)**

(See following recorded vote) (13:0)

(See following motion to re-consider the matter)

(See following for minor revisions)

(See following motion which was lost)

Carried by a unanimous recorded vote (13:0)

YEAS: 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.

Motion to re-consider the matter:

Moved by Mayor Frank Scarpitti

Seconded by Regional Councillor Gord Landon

That Council re-consider the matter titled "Approval of the New City of Markham Flag" although the matter has already been considered by Council earlier in the meeting.

**CARRIED**

(2/3 Vote was requested & obtained)

Minor revisions:

Council consented to add the years "1850, 1871, 1971 and 2012" in the new Markham flag.

Motion which was lost:

Moved by Councillor Alan Ho

Seconded by Councillor Colin Campbell

That the year "1794" be included in the new Markham flag.

**LOST**

---

Deputy Mayor Jack Heath vacated the Chair and Mayor Frank Scarpitti assumed the chair, immediately following the consideration of the matter titled "Approval of the New City of Markham Flag".

---

**6(e) REPORT NO. 42 - DEVELOPMENT SERVICES COMMITTEE (June 26, 2012)**

Council consented to separate Item No. 1.

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

That Report No. 42 – Development Services Committee comprised of 7 items be received and adopted, except Item No. 1. (See following Item No. 1)

- (1) BILLBOARD VARIANCE  
CBS OUTDOOR CANADA  
STEELES AVE. E. N/S E/O TAPSCOTT RD., MARKHAM  
MILE 177.6, HAVELOCK SUBDIVISION  
APPLICATION # 11-133847 (2.16.2)  
[Memo](#) [Report](#)

Moved by Councillor Carolina Moretti

Seconded by Councillor Alex Chiu

- 1) That the billboard sign variance, application # 11-133847, submitted by CBS Outdoor Canada, be denied; and,

- 2) That the CBS Outdoor Canada be advised that Markham Council supports billboard sign located on the west side of CP rail tracks at Steeles Avenue, for a 5 year term and in accordance with Markham Standards.

**CARRIED**

(See following motion which was lost)

Moved by Regional Councillor Gord Landon

Seconded by Councillor Colin Campbell

That the billboard sign variance, application # 11-133847, submitted by CBS Outdoor Canada, be referred to a Development Services Committee meeting in September 2012.

**LOST**

- (2) **PROPOSED REGIONAL MAINTENANCE FACILITY  
(CORROSION CONTROL FACILITY)  
7949 9TH LINE, BOX GROVE  
(SC 11-119413) (10.0)**  
[Report](#)

- 1) That the Staff report dated June 26, 2012, entitled “Proposed Regional Maintenance Facility (Corrosion Control Facility)”, be received; and,
- 2) That the presentation by York Region Environmental Services Department Staff be received; and,
- 3) That Site Plan approval for the Regional Maintenance Facility (Corrosion Control Facility) at 7949 9<sup>th</sup> Line, be delegated to the Director of Planning and Urban Design or his designate; and,
- 4) That, as outlined in the report in consultation with the Ward Councillor a Public Information Meeting for the proposed Corrosion Control Facility on the subject property not be required, and that the Resolution of the Development Services Committee (No. 5, Item 10.6) from its meeting on June 13, 2011, be rescinded; and,
- 5) That the Region and staff be requested to examine a potential integrated entrance and exit with the adjacent property to the north, from the Box Grove Bypass; and,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution; and further,

- 7) That Staff and the Ward Councillor work together with the proponent on the design of the public spaces for the subject lands.

**CARRIED**

- (3) AURELIO FILICE  
PROPOSED DRAFT PLAN OF SUBDIVISION  
AND IMPLEMENTING SECONDARY PLAN  
AND ZONING BY-LAW AMENDMENTS TO PERMIT  
SINGLE-DETACHED AND TOWNHOUSE DWELLINGS  
SOUTH OF CASTAN AVENUE, EAST OF HARRY COOK DRIVE  
WITHIN SOUTH UNIONVILLE  
(SU 10 128366, OP 10 128364 & ZA 10 128365) (10.7, 10.4, 10.5)

Report

- 1) That the deputations by Tom Han, President of South Unionville Residents Forum (SURF) and Flora Wen, regarding the proposal by Castan Avenue (Aurelio Filice) be received; and,
- 2) The report entitled “RECOMMENDATION REPORT, Castan Avenue (Aurelio Filice), Proposed Draft Plan of Subdivision and implementing Secondary Plan and Zoning By-law amendments to permit single-detached and townhouse dwellings, south of Castan Avenue, east of Harry Cook Drive, within South Unionville, File Nos: SU 10 128366, OP 10 128364 & ZA 10 128365,” be received; and,
- 3) That the record of Public Meeting held on March 8, 2011, regarding the proposed Draft Plan of Subdivision and implementing Secondary Plan and Zoning By-law amendments be received; and,
- 4) That the Director of Planning and Urban Design, or his designate, be delegated authority to issue draft approval, subject to the conditions set out in Appendix ‘A’, as may be amended by the Director of Planning and Urban Design or his designate; and,
- 5) That the application submitted by Castan Avenue (Aurelio Filice) to amend the South Unionville Secondary Plan, as amended, be approved and the draft Secondary Plan Amendment attached as Appendix ‘B’ be finalized and adopted without further notice; and,
- 6) That the application submitted by Castan Avenue (Aurelio Filice) to amend Zoning By-laws 304-87 and 177-96, as amended, be approved and the draft by-laws attached as Appendices ‘C’ & ‘D’ be finalized and enacted without further notice; and,

- 7) That the Owner provide the Town with the required payment of 30% processing fees in accordance with the Town's applicable Fee By-law; and,
  - 8) That Council authorize servicing allocation for 5.5 single-detached units (20.35 population) and 17 townhouse units (47.94 population) from the 2011 allocation assigned to South Unionville, and that the Owner provide a clearance letter from the Trustee of the South Unionville Landowners Group, confirming that there is adequate servicing allocation for 5.5 single-detached units (20.35 population) and 17 townhouse units (47.94 population) and that the Owner has met his obligations to the landowner's group; and,
  - 9) That the Town reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner; and,
  - 10) That the Region of York be advised of this servicing allocation for this development; and,
  - 11) That the draft plan approval for plan of subdivision 19TM-10005 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period; and further,
  - 12) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
- (By-laws 2012-160, 2012-161 and 2012-162)

**CARRIED**

(4) **SERVICING ALLOCATION UPDATE (5.3, 5.5)**

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

- 1) That the report dated June 26, 2012, titled "Servicing Allocation Update", be received; and,
- 2) That Council redistribute "current" allocation as noted in Table 2 and in detail in Attachment "A"; and,
- 3) That Council distribute 2015 conditional servicing allocation as noted in Table 3 and shown in detail in Attachment "C" to this report; and,
- 4) That Council delegate to the Commissioner of Development Services the authority to assign "current" and 2015 conditional allocation to developments that are ready to proceed to building permits based on anticipated construction timelines, established protocols and complexity of construction; and further,

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

**CARRIED**

- (5) RECOMMENDATION REPORT  
TRIBUTE (UNIONVILLE) LIMITED  
ZONING BY-LAW AMENDMENT APPLICATION  
TO PERMIT A MIXED-USE, COMMERCIAL-RESIDENTIAL  
BUILDING AT 20 FRED VARLEY DRIVE  
(ZA 11 113101) (10.5)  
[Report](#) [Appendix A](#)

- 1) That the report dated June 26, 2012 titled “RECOMMENDATION REPORT, Tribute (Unionville) Limited, Zoning By-law Amendment application to permit a mixed-use, commercial-residential building at 20 Fred Varley Drive (File No. ZA 11 113101)”, be received; and,
- 2) That the record of the public meeting held on October 25, 2011 regarding the proposed Zoning By-law Amendment be received; and,
- 3) That the application as submitted by Tribute (Unionville) Limited be denied; and,
- 4) That Council endorse the Structuring Concept and resultant Alternative Development Option recommended by Staff in this report, to form the basis of the Town’s position at the Ontario Municipal Board Hearing; and,
- 5) That Council direct the Town Solicitor and Staff to attend the second pre-hearing conference scheduled for July 10, 2012; and further,
- 6) That Council direct and authorize the Town Solicitor and Staff to attend the Ontario Municipal Board hearing, scheduled to commence on October 22, 2012, in opposition to the applicant’s current proposal and present the Alternative Development Concept.

**CARRIED**

(6) COST RECOVERY REQUEST RELATED  
TO HAMMERSLY BOULEVARD CONSTRUCTION  
ADJACENT TO PROPOSED PUBLIC PARK IN  
WISMER COMMUNITY (6.3)

[Memo](#)

- 1) That the Finance Department be authorized to compensate 2163280 Ontario Inc. from the Town's Cash-in-lieu of parkland reserve fund the sum of \$244,199.00 for the land and construction costs of the portion of Hammersly Boulevard adjacent to the proposed new park on the east side of Hammersly Boulevard, south of Bur Oak Avenue, in the Wismer Community.

**CARRIED**

(7) BIRCHMOUNT ROAD ROUGE RIVER  
CROSSING AND ROAD EXTENSION (5.10)

[Report](#)

- 1) That the staff report entitled, "Birchmount Road Rouge River Crossing and Road Extension" be received; and,
- 2) That subject to receipt of approvals as listed in this report, funding commitments or alternative arrangements, the CAO be authorized to approve the award of the construction contract for this project during the Council summer recess; and,
- 3) That a Purchase Order be issued to Schollen & Company Inc., as a preferred supplier, in accordance with Purchasing By-Law 2004-341, Part II, Section 7 (1) (h), to carry out a Consolidated Conservation Strategy Report to evaluate the comprehensive environmental impact and restoration plan in the Rouge River valley corridor as requested by the Toronto Region Conservation Authority as a condition of permit approval, in the amount of \$105,544.45 (from capital account 083-5350-11078-005 - Birchmount Crossing at Rouge River - Design), inclusive of contingency and HST impact; and,
- 4) That Mayor and Clerk be authorized to execute cost sharing or any other agreements/documents required to give effect to this report, to the satisfaction of the Treasurer and Commissioner of Development Services; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

## 7. MOTIONS

---

Mayor Frank Scarpitti vacated the Chair and Deputy Mayor Jack Heath assumed the Chair, prior to the consideration of the matter titled "Sabiston Landfill".

---

### (1) SABISTON LANDFILL (5.1)

Moved by Councillor Howard Shore  
Seconded by Deputy Mayor Jack Heath

Whereas the former Sabiston landfill is located on the western portion of German Mills Settlers Park; and,

Whereas this area has become a very important ecosystem – a rare and important habitat that supports an abundance of flora and fauna, is part of the East Don watershed and has potential path linkages into East Don Parklands and Duncan Mills Creek; and,

Whereas a Public Open House was held on August 22, 2006; in November 2006 a 'Q & A' document was sent via mail to area residents including information on the history and operations of the landfill, studies completed to date, additional information on aerobic landfill technology and its potential impacts; and in December 2006 a site visit with residents to the Donlands Landfill site (aerobic) was completed and a further presentation to General Committee was made on March 23, 2009; and, on March 19, 2012 a further Public Open House with area residents was held; and,

Whereas at the Public Open House conducted by Town Staff and the Ward Councillor on October 4, 2006 it was noted that: *"all solid wastes safely contained within landfill"* and further that: *"off site migration of methane around the perimeter of the site (adjacent to the homes) are contained and below MOE levels"*; and,

Whereas the Ministry of Environment (MOE) regulations for control of landfill gas requires that methane gas concentrations "below the surface of the land at the boundary of the site be less than 2.5 percent by volume". Continuous operation and maintenance of the perimeter gas collection system is required in order to meet the Certificate of Approval (C of A) requirements and to protect the neighbouring residences; and,

Whereas the monitoring of water samples could identify trends and potentially provide for rapid response to any contamination which would in turn enhance the health of the Creek and the creatures that live, feed, or spawn there; and,

Whereas the residents of German Mills generally, and particularly the neighbourhoods surrounding Settlers Park have consistently and emphatically expressed their desire to maintain the existing methane collection system and rejected the proposal for an Aerobic Bioreactor Landfill Technology;

Now therefore be it resolved:

- 1) That the existing methane gas collection system remain in place until confirmation is received that methane gas has been eliminated as per Ministry of Environment regulations; and,
- 2) That there is no interest by the Town of Markham to host an Aerobic Bioreactor Landfill Technology pilot project and declare the matter is no longer under consideration; and,
- 3) That the following paragraph be referred to staff for consultation with the Ministry of Environment and for a subsequent report back to the General Committee in Fall, 2012:

"That the subject lands be formally brought into the Markham park system and designated as the 'German Mills Meadow and Natural Habitat' as recognition of the unique and special character of this site"; and,

- 4) That the following paragraph be referred to staff for a report to the General Committee in Fall, 2012 on an implementation plan and the impact of same on wildlife and vegetation:

"That a redundancy system be established as a safety measure against any failure to the existing maintenance system, including the installation of a generator at the pump house"; and,

- 5) That the frequency of monitor readings be increased from every two months to once per month as an additional safety measure and staff continue to monitor readings as per Ministry of Environment regulations and a report to General Committee be provided annually; and further,

- 6) That the following paragraph be referred to staff for a report to the General Committee in Fall, 2012 on an implementation plan and the impact of same on wildlife and vegetation:

"That a Leachate Collection System be installed to intercept discharge to German Mills Creek and protect the Creek from contamination and where possible, this System should be installed and operated in a manner that minimizes disruption to existing wildlife and vegetation".

(See Presentation Item No. 2, Delegation Item No. 1 and Communication No. 52-2012)

**MOTION CARRIED, AS AMENDED, BY A RECORDED VOTE (12:1)**

(See following recorded vote) (12:1)

(See following for amendments to Resolution Nos. 3, 4 and 6)

(See following motion to consider the matter)

(See following for minor revisions)

(See following for the notice of motion given)

Motion carried, as amended, by a recorded vote (12:1)

YEAS: 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. (12)

NAYS: Mayor Frank Scarpitti. (1)

Amendments to Resolution No. 3

Resolution No. 3

Moved by Mayor Frank Scarpitti

Seconded by Regional Councillor Gord Landon

- "3) That the following paragraph be referred to staff for consultation with the Ministry of Environment and for a subsequent report back to the General Committee in Fall, 2012:

"That the subject lands be formally brought into the Markham park system and designated as the 'German Mills Meadow and Natural Habitat' as recognition of the unique and special character of this site."

**CARRIED BY A RECORDED VOTE (7:6)**

(See following recorded vote)

YEAS: Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Gord Landon, Regional Councillor Joe Li, Councillor Carolina Moretti, Councillor Alex Chiu. (7)

NAYS: Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Colin Campbell, Councillor Alan Ho, Councillor Logan Kanapathi. (6)

Amendments to Resolution Nos. 4 and 6

Moved by Mayor Frank Scarpitti

Seconded by Regional Councillor Gord Landon

- "4) That the following paragraph be referred to staff for a report to the General Committee in Fall, 2012 on an implementation plan and the impact of same on wildlife and vegetation:

"That a redundancy system be established as a safety measure against any failure to the existing maintenance system, including the installation of a generator at the pump house."

- "6) That the following paragraph be referred to staff for a report to the General Committee in Fall, 2012 on an implementation plan and the impact of same on wildlife and vegetation:

"That a Leachate Collection System be installed to intercept discharge to German Mills Creek and protect the Creek from contamination and where possible, this System should be installed and operated in a manner that minimizes disruption to existing wildlife and vegetation."

**CARRIED BY A UNANIMOUS RECORDED VOTE (13:0)**

(See following recorded vote)

YEAS: 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.

Motion to consider the matter

Moved by Councillor Howard Shore

Seconded by Councillor Don Hamilton

That Council consider Motion Item No. 1 titled "Sabiston Landfill" immediately following the delegations with respect thereto.

**CARRIED**

(2/3 Vote was requested & obtained)

Minor revisions

Council consented to add the following to the proposed motion titled "Sabiston Landfill":

Resolution No. 1:

Add the words "...as per Ministry of Environment regulations;"

Resolution No. 5:

Add the words "...and staff continue to monitor readings as per Ministry of Environment regulations...".

Notice of motion

The Notice of this motion was given to Council at its meeting held on June 12, 2012.

---

Deputy Mayor Jack Heath vacated the Chair and Mayor Frank Scarpitti assumed the Chair, immediately following the consideration of the matter titled "Sabiston Landfill".

---

## 8. NOTICES OF MOTIONS

There were no notices of motions.

## 9. COMMUNICATIONS

Council consented to separate Communications No. 52-2012.

Moved by Councillor Carolina Moretti

Seconded by Councillor Alex Chiu

That Council receive and consent to the disposition of communications in the following manner, except Communication No. 52-2012 (See following Communication No. 52-2012):

### Referred to all Members of Council

51-2012 ROAD CLOSURE REQUEST – UNIONVILLE HERITAGE FESTIVAL (3.5)  
[Info](#)

The following roads will be closed on September 3, 2012 between 10:00 a.m. and 8:00 p.m. to facilitate the event:

- Main Street north from Concession Rd to south of Carlton Rd.
- Main Street Unionville east onto Carlton Rd.
- Main Street Unionville west onto Fred Varley & Carlton Rd.

**CARRIED**

52-2012 COMMUNICATIONS PROVIDING COMMENTS WITH RESPECT TO THE  
MOTION TITLED "SABISTON LANDFILL" (5.1)  
[Communications](#) [Addendum Communications](#)

Moved by Councillor Howard Shore

Seconded by Councillor Carolina Moretti

1) That communications outlined below be received:

1. Kathy Dahlback
2. Douglas Mahy
3. Sevil Shirinova and Artyom Sych
4. Brian and Donna Chadderton
5. Kimberly Seymour, Treasurer, Settler's Park Residents Association
6. Gillian Minsky
7. David Slotnick
8. Bernard Sze
9. Eileen and Steve Liasi
10. Irene Pozdniakova
11. Angel Sze
12. Rigby Andrews
13. Hernan Polak

14. Florence Man
15. Ross Lavery
16. Frank Sze
17. Susheila Li
18. Resident, 11 Pine Knoll Gate
19. Artem Pozdnyakov, President, Settlers Parks Residents Association
20. Joseph & Judy So
21. Mike Oberpichler
22. Nevzat Gurmen
23. Brian Dahlback
24. Robert and Teddene Long
25. Brian and Denise Dunn
26. Tim He
27. Al Dharsee
28. Lloyd Mather
29. Janet Gargano
30. Jasmine Gurmen
31. Yuk Ping Leung
32. Galen Leung
33. Eileen Liasi, Vice President, German Mills Residents Association
34. Antoinette Bozac and Family
35. Dianne Kehoe
36. Araxie Altounian
37. Yuanming Dong
38. Nova Moffat
39. This number is not needed
40. Eileen (Smith) Carter
41. Erin Shapero
42. Andrew Cooks
43. Debra C. Saxe
44. Ted & Florence Buchowski
45. Anthony Lee
46. Liv Corriero, Kids And Neighbours
47. Peter K. Macleod
48. Hasan And Zenab Naqvi
49. Elena Domnita Postea And Eugen Postea
50. Edith Kangas
51. Sean Zhuang
52. Sylvia Gordner
53. Peter Young & Juanita Charleton
54. Mark Shnier
55. Linda Scavuzzo
56. Kathy, Ted, Mimi & Toby
57. Livia Burghardt
58. Christa Burghardt
59. K.M. Kalyanam

60. Padmini Kalyanam
61. Athir Jamil
62. Linda Tait
63. Marianne Vinton
64. Theresa Moore

(See Presentation Item No. 2, Delegation Item No. 1 and Motion Item No. 1)

**CARRIED**

Moved by Councillor Howard Shore  
Seconded by Councillor Don Hamilton

That Communication No. 52-2012 be brought forward for consideration immediately following the delegations with respect thereto.

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

**CARRIED**

**Received**

53-2012 93 HELEN AVENUE - MEMORANDUM FROM THE COMMISSIONER OF DEVELOPMENT SERVICES (10.0)

[Memo](#)

- Memorandum dated June 26, 2012 providing an update and recommending the approval for the proposed Hold Removal By-law.  
(By-law 2012-145)

**CARRIED**

54-2012 BEN QUAN, QX4 INVESTMENTS LIMITED, ON BEHALF OF MONTE CARLO HOTEL, 7255 WARDEN AVENUE (10.0)

[Letter](#)

Forwarding a letter dated June 21, 2012 to confirm the landscaping improvement of the daylighting triangle at the southeast corner of Warden Avenue and Denison Street will be taking place in the Fall 2012.

**CARRIED**

**Referred to all Members of Council**

55-2012 LIQUOR LICENCE APPLICATION FOR JJ'S EATERY & PUB, 3000 HIGHWAY 7 EAST (WARD 6) (3.21)

[Info](#)

- Forwarding a request for the Town of Markham to complete the Municipal Information Form (Change of ownership application for previously licenced indoor and outdoor areas).

**CARRIED**

## 10. PROCLAMATIONS

Council consented to add proclamations Item No. 1

- (1) CHILDHOOD CANCER AWARENESS MONTH PROCLAMATION  
- SEPTEMBER 2012 (3.4)  
[Letter](#)

Moved by Councillor Howard Shore

Seconded by Regional Councillor Gord Landon

Whereas families, caregivers, charities and research groups across the North America will be observing September as Childhood Cancer Awareness Month; and,

Whereas there are approximately 10,000 children living with cancer in Canada today;  
In Canada, childhood cancer remains responsible for more deaths from one year through adolescence than any other disease; more deaths than asthma, diabetes, cystic fibrosis and AIDS combined; and,

Whereas sadly, about one in four children who are diagnosed with cancer will die of the disease; and,

Whereas childhood cancers differ from adult cancers. Adults are most affected by breast, lung, prostate, bowel and bladder cancers. Children are most affected by acute leukemia, tumours of the brain and nervous system, the lymphatic system, kidneys, bones and muscles; and,

Whereas the objective of Childhood Cancer Awareness Month is to put a spotlight on the types of cancer that largely affect children, survivorship issues, and - importantly - to help raise funds for research groups working towards cures;

Now therefore be it resolved:

- 1) That the month of September be proclaimed as "Childhood Cancer Awareness Month" in the Town (soon to be City) of Markham; and,
- 2) That this proclamation be added to the Five-Year Proclamations List approved by Council; and,
- 3) That the correspondence of Meg Stokes, Cancer Recovery Foundation of Canada, dated June 22, 2012, be received; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**CARRIED**

**11. NEW/OTHER BUSINESSES**

Council consented to add New/Other Businesses Items No. 1 to 5.

- (1) SERVICING ALLOCATION  
DOVCOM REALTY INC. AND WISMER MARKHAM DEVELOPMENTS INC.  
NORTH EAST CORNER OF CASTLEMORE AVE AND ROY RAINEY AVE  
WISMER COMMUNITY  
FILE NUMBER: ZA.12-123881 (10.5)  
[Memo](#)

Moved by Councillor Logan Kanapathi  
Seconded by Councillor Alex Chiu

- 1) That the memorandum dated June 26, 2012 from the Commissioner of Development Services regarding the servicing allocation for Dovcom Realty Inc. and Wismer Markham Developments Inc. be received; and,
- 2) That conditional servicing allocation for 18 single detached units (66.6 population), 11 townhouse units (31 population) be granted to Draft Plan of Subdivision 19TM-02009 (Dovcom Realty Inc. and Wismer Markham Developments Inc.) from the total allocation for the Wismer Community, assigned in accordance with the June 26, 2012 staff report to the Development Services Committee titled "Servicing Allocation" (5.3, 5.5).  
(By-law 2012-156)

**CARRIED**

- (2) POSTPONEMENT OF MARKHAM'S DEBT FROM  
POWERSTREAM RE EDFIN (13.7)  
[Memo](#)

Moved by Deputy Mayor Jack Heath  
Seconded by Councillor Alex Chiu

- 1) That the report entitled "Postponement of Markham's Debt from PowerStream re EDFIN" dated June 25, 2012 be received; and,
- 2) That the Mayor and Clerk be authorized and directed to execute postponements of Markham's Promissory Note or other debt from PowerStream, including any other documents required to give effect to this report, to facilitate the refinancing of PowerStream's EDFIN debenture, to the satisfaction of the Chief Administrative Officer; and further,

- 3) That staff be directed to do all things necessary to give effect to the recommendations of this report.

**CARRIED**

(2/3 Vote was requested & obtained)

(3) NOMINATION FOR THE ONTARIO HERITAGE TRUST  
2012 RECOGNITION PROGRAMS (13.0)

[Letter](#)

Moved by Regional Councillor Gord Landon

Seconded by Councillor Logan Kanapathi

- 1) That the letter dated June 1, 2012 from Thomas H.B. Symons, Chairman, Ontario Heritage Trust, advising of the annual nomination deadline for the 2012 Recognition Programs be received; and,
- 2) That Sid Kiyoshi Ikeda be nominated for the Ontario Heritage Trust 2012 Recognition Programs (Cultural Heritage Category).

**CARRIED**

(2/3 Vote was requested & obtained)

(4) REVIEW OF SIGN BY-LAW 2002-94 (2.16)

Moved by Councillor Howard Shore

Seconded by Councillor Valerie Burke

- 1) That staff review the Sign By-law 2002-94 and report back to a Development Services Committee meeting in Fall, 2012.

**CARRIED**

(2/3 Vote was requested & obtained)

(5) MODERNIZING LOTTERY AND GAMING IN ONTARIO (13.0)  
[Report](#)

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Jim Jones

- 1) That the report titled “Modernizing Lottery and Gaming in Ontario” be received; and,
- 2) That Council advise the Ontario Lottery and Gaming Corporation (OLG) that, subject to the provision of additional information, it may be interested in hosting a gaming facility; and,
- 3) That staff be authorized to seek further information on this opportunity and report back to General Committee in the Fall, 2012, on the following:
  - a) The potential location for a Gaming Facility within Markham;
  - b) The approximate number and types of jobs that could be created by hosting a Gaming Facility within Markham;
  - c) The approximate amount of revenue Markham could receive as a result of having a Gaming Facility through Provincial Hosting fees, property taxes, rent of lease or income from municipally-owned land if used for a Gaming Facility;
  - d) The incremental costs associated with a Gaming Facility in Markham, including police, fire and emergency medical services costs, etc.;
  - e) The impact of a Gaming Facility as a regional/international attraction
  - f) The experiences other municipalities have had when introducing a Gaming facility in terms of pre-existing businesses, neighbourhoods, social services and crime rates;
  - g) Land use, physical planning, infrastructure (including transportation) and other matters associated with the development of a Gaming Facility with Markham;
  - h) Public consultation; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

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

YEAS: Mayor Frank Scarpitti, Regional Councillor Jim Jones, Regional Councillor Joe Li, Councillor Carolina Moretti, Councillor Logan Kanapathi, Councillor Alex Chiu. (6)

NAYS: Deputy Mayor Jack Heath, Regional Councillor Gord Landon, Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Colin Campbell, Councillor Alan Ho. (7)

Council consented to add the following to the staff's proposed recommendation prior to the consideration of the matter, as Sub-Section h):

"h) Public consultation;"

## 12. BY-LAWS

Moved by Councillor Colin Campbell  
Seconded by Regional Councillor Jim Jones

That By-laws 2012-141 to 2012-152, 2012-154 to 2012-159 and 2012-163 be given three readings and enacted.

**CARRIED**

Moved by Councillor Colin Campbell  
Seconded by Regional Councillor Jim Jones

That By-laws 2012-160, 2012-161 and 2012-162 be given three readings and enacted.

**CARRIED**

### Three Readings

BY-LAW 2012-141 BRIDLEPATH (BULLOCK) DEVELOPMENTS INC., 162 BULLOCK DRIVE (HOLD REMOVAL BY-LAW)  
- A by-law to amend By-law 1229, as amended, to permit the development of a new industrial, commercial and retail building.  
[By-law](#)

**CARRIED**

BY-LAW 2012-142 FOREST BAY HOMES, SOUTH-EAST CORNER OF DENISON STREET AND MARKHAM ROAD, BLOCK 194, PLAN 65M-3928, ZONING BY-LAW AMENDMENT (IMPLEMENTING ZONING BY-LAW)

- A by-law to amend Zoning By-law 90-81, as amended, to permit residential development.

[By-law](#)

**CARRIED**

BY-LAW 2012-143 FOREST BAY HOMES, SOUTH-EAST CORNER OF DENISON STREET AND MARKHAM ROAD, Block 194, Plan 65M-3928 (HOLD REMOVAL BY-LAW)

- A by-law to amend Zoning By-law 90-81, as amended, to permit residential development.

[By-law](#)

**CARRIED**

BY-LAW 2012-144 1691126 ONTARIO INC. (LIBERTY DEVELOPMENT CORPORATION), 7171 YONGE STREET (HOLD REMOVAL BY-LAW)

- A by-law to amend By-law 2237, as amended, to permit the construction of residential units.

[By-law](#)

**CARRIED**

BY-LAW 2012-145 93 HELEN AVENUE, PART 3, PLAN 65R-32684, (HOLD REMOVAL BY-LAW)

- A by-law to amend By-law 177-96, as amended, to permit the construction of a detached dwelling fronting onto Helen Avenue. (Communication No. 53-2012)

[By-law](#)

**CARRIED**

BY-LAW 2012-146 ROAD DEDICATION BY-LAW – WILLIAMSON ROAD

- A by-law to dedicate certain lands as part of the highways of the Town of Markham (Block 68, Plan 65M-4216)

[By-law](#)

**CARRIED**

BY-LAW 2012-147 A BY-LAW TO CHANGE THE STREET NAME OF ROMAN HIGH STREET TO CATHEDRAL HIGH STREET  
(Item No. 1, Report No. 39)

[By-law](#)

**CARRIED**

BY-LAW 2012-148 ELIAS AND EKATERINI BOBOTSIS, 9941 WOODBINE AVENUE, (OFFICIAL PLAN AMENDMENT NO. 201)  
- To permit an expansion of the existing Royal Cachet Montessori School.  
(Item No. 5, Report No. 39)

[By-law](#)

**CARRIED**

BY-LAW 2012-149 ELIAS AND EKATERINI BOBOTSIS, 9941 WOODBINE AVENUE (IMPLEMENTING ZONING BY-LAW)  
- A by-law to amend By-law 304-87, as amended, to permit an expansion of the existing Royal Cachet Montessori School.  
(Item No. 5, Report No. 39)

[By-law](#)

**CARRIED**

BY-LAW 2012-150 MARKHAM CENTRE DEVELOPMENT CORPORATION, NORTH SIDE OF ENTERPRISE BOULEVARD, WEST OF KENNEDY ROAD (OFFICIAL PLAN AMENDMENT NO. 202)  
- To permit a high density residential development.

[By-law](#)

**CARRIED**

BY-LAW 2012-151 MARKHAM CENTRE DEVELOPMENT CORPORATION, NORTH SIDE OF ENTERPRISE BOULEVARD, WEST OF KENNEDY ROAD, (DELETING BY-LAW)  
- A by-law to amend By-law 122-72, as amended, to delete the subject lands from By-law 122-72, as amended, so that they may be incorporated into By-law 2004-196, as amended, to permit a high density residential development.

[By-law](#)

**CARRIED**

BY-LAW 2012-152 MARKHAM CENTRE DEVELOPMENT CORPORATION, NORTH SIDE OF ENTERPRISE BOULEVARD, WEST OF KENNEDY ROAD, (IMPLEMENTING BY-LAW)

- A by-law to amend By-law 2004-196, as amended, to permit a high density residential development.

[By-law](#)

**CARRIED**

BY-LAW 2012-154 DOVCOM REALTY INC., PART OF LOT 19, CONCESSION 7, DRAFT PLAN OF SUBDIVISION 19TM-02009, PHASE 3B AND 4, WISMER COMMONS COMMUNITY, ZONING BY-LAW AMENDMENT (DELETING BY-LAW)

- A by-law to amend By-law 304-87, as amended, to delete subject lands from By-law 303-87, as amended, so that they may be added to By-law 177-96, as amended, to ensure that certain part lots are given the same zone category.

(Item No. 1, Report No. 40)

[By-law](#)

**CARRIED**

BY-LAW 2012-155 DOVCOM REALTY INC., PART OF LOT 19, CONCESSION 7, DRAFT PLAN OF SUBDIVISION 19TM-02009, PHASE 3B AND 4, WISMER COMMONS COMMUNITY, ZONING BY-LAW AMENDMENT (IMPLEMENTING BY-LAW)

- A by-law to amend By-law 177-96, as amended, to ensure that certain part lots are given the same zone category.

(Item No. 1, Report No. 40)

[By-law](#)

**CARRIED**

BY-LAW 2012-156 DOVCOM REALTY INC., PART OF LOT 19, CONCESSION 7, DRAFT PLAN OF SUBDIVISION 19TM-02009, PHASE 4, WISMER COMMONS COMMUNITY (HOLD REMOVAL BY-LAW)

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

(New/Other Business Item No. 13)

[By-law](#)

**CARRIED**

BY-LAW 2012-157 A BY-LAW TO AMEND PARKING BY-LAW 2005-188  
(ADMINISTRATIVE AMENDMENTS FOR STATION LANE AND  
MAIN STREET UNIONVILLE)

[By-law](#)

**CARRIED**

BY-LAW 2012-158 A BY-LAW TO LICENSE AND REGULATE STATIONARY  
BUSINESSES (STATIONARY BUSINESS LICENSING BY-LAW)  
(Repeals By-laws 2007-146, 2008-17, 2008-18, 2004-309 and 27 other  
licensing by-laws)  
(Item No. 3, Report No. 41)

[By-law](#)

**CARRIED**

BY-LAW 2012-159 ELDIN HOMES LIMITED, PART LOT CONTROL EXEMPTION BY-  
LAW  
- A by-law to designate part of a certain plan of subdivision not subject to  
Part Lot Control, south of 14<sup>th</sup> Avenue and north of Moore' Court and west  
of Vettese Court, Block 12, Plan 65M-4290.

[By-law](#)

**CARRIED**

BY-LAW 2012-160 CASTAN AVENUE (AURELIO FILICE), PARTS OF LOT 6,  
REGISTERED PLAN 2196, SOUTH UNIONVILLE PLANNING  
DISTRICT, 19TM-1000 (OFFICIAL PLAN AMENDMENT NO. 203)  
- To facilitate residential development.  
(Item No. 3, Report No. 42)

[By-law](#)

**CARRIED**

BY-LAW 2012-161 CASTAN AVENUE (AURELIO FILICE), PARTS OF LOT 6,  
REGISTERED PLAN 2196, SOUTH UNIONVILLE PLANNING  
DISTRICT, 19TM-1000 (DELETING 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 may be incorporated  
into By-law 177-96, as amended, to facilitate residential development.  
(Item No. 3, Report No. 42)

[By-law](#)

**CARRIED**

BY-LAW 2012-162 CASTAN AVENUE (AURELIO FILICE), PARTS OF LOT 6, REGISTERED PLAN 2196, SOUTH UNIONVILLE PLANNING DISTRICT, 19TM-1000 (IMPLEMENTING BY-LAW)  
- A by-law to amend By-law 177-96, as amended, to facilitate residential development.  
(Item No. 3, Report No. 42)  
[By-law](#)

**CARRIED**

BY-LAW 2012-163 A BY-LAW TO AMEND BY-LAW 4-2000, BEING A BY-LAW TO APPOINT THE CHIEF ADMINISTRATIVE OFFICER  
- To delegate authority to the Chief Administrative Officer during Council summer recess.  
[By-law](#)

**CARRIED**

### **13. IN-CAMERA ITEMS**

Council consented to add In-Camera Item Nos. 2 to 7.

Moved by Councillor Valerie Burke  
Seconded by Deputy Mayor Jack Heath

That, in accordance with Section 239 of the *Municipal Act*, Council resolve into an in-camera session to discuss the following matters: (12:43 a.m. on June 27, 2012)

#### **REPORT OF GENERAL COMMITTEE – June 18, 2012**

- (1) THE SECURITY OF THE PROPERTY OF  
THE MUNICIPALITY OR LOCAL BOARD – LITIGATION MATTER  
[Section 239 (2) (a)]

#### **REPORT OF GENERAL COMMITTEE – June 25 and 26, 2012**

- (2) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND  
BY THE MUNICIPALITY OR LOCAL BOARD. (WARD # 3 & WARD # 7)  
[Section 239 (2) (c)]
- (3) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF  
LAND BY THE MUNICIPALITY OR LOCAL BOARD. (WARD #3)  
[Section 239 (2) (c)]

**REPORT OF DEVELOPMENT SERVICES COMMITTEE- June 26, 2012**

- (4) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD  
[Section 239 (2) (e)]
- (5) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD. (WARD 3)  
[Section 239 (2) (c)]

**COUNCIL – June 26, 2012**

- (6) BOARD/COMMITTEE APPOINTMENTS (16.24)

**REPORT OF GENERAL COMMITTEE – June 25 and 26, 2012**

- (7) LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS (11.0)  
[Section 239 (2) (b)]

**CARRIED**

Moved by Regional Councillor Gord Landon  
Seconded by Councillor Alan Ho

That Council rise from in-camera session and report. (1:11 a.m. on June 27, 2012)

**CARRIED**

Council reported out the items as follows:

- (1) LITIGATION MATTER (8.7)

Moved by Councillor Logan Kanapathi  
Seconded by Councillor Colin Campbell

- 1) That the confidential report dated May 22, 2012 from the Commissioner of Corporate Services and Treasurer regarding a litigation matter be received for information; and,
- 2) That staff be directed to do all things necessary to give effect to this report.

**CARRIED**

(2) PROPERTY MATTERS (WARDS 3 AND 7) (8.0)

Moved by Councillor Logan Kanapathi

Seconded by Councillor Colin Campbell

- 1) That the confidential report dated June 22, 2012 from the Chief Administrative Officer and Town Solicitor regarding property matters in Wards 3 and 7 be received; and,
- 2) That staff be authorized to proceed as directed by Council on June 26, 2012.

**CARRIED**

(3) PROPERTY MATTER (WARD 3) (8.7)

Moved by Councillor Logan Kanapathi

Seconded by Councillor Colin Campbell

- 1) That the confidential report dated June 14, 2012 from the Chief Administrative Officer and Town Solicitor regarding a property matter in Ward 3 be received; and,
- 2) That staff be authorized to proceed as directed by Council on June 26, 2012.

**CARRIED**

(4) CONSENT AND MINOR VARIANCE APPEALS  
17 EAST DRIVE, MARKHAM  
IAN & MARY GRAHAM  
B/02/11 & A/20/12 (10.12)

Moved by Councillor Logan Kanapathi

Seconded by Councillor Colin Campbell

- 1) That the confidential report titled "Consent and Minor Variance Appeals, 17 East Drive, Markham, Ian & Mary Graham, B/02/2011 & A/20/12", be received; and,
- 2) That the Town Solicitor be instructed not to attend the Ontario Municipal Board (OMB) hearing respecting the consent and minor variance applications for 17 East Drive (B/02/11 & A/20/12); and further,

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

**CARRIED**

(5) ACQUISITION OF PROPERTY (WARD 3) (8.0)

Moved by Councillor Logan Kanapathi

Seconded by Councillor Colin Campbell

- 1) That the confidential report dated June 25, 2012 from the Chief Administrative Officer and Town Solicitor regarding the acquisition of a property matter in Ward 3 be received; and,
- 2) That staff be authorized to proceed as directed by Council on June 26, 2012.

**CARRIED**

(6) BOARD/COMMITTEE APPOINTMENTS (16.24)

Moved by Councillor Logan Kanapathi

Seconded by Councillor Colin Campbell

- 1) That the following persons be appointed to the Markham Centre Advisory Group:

Name	Term
Christine To	November 30, 2016
Karen Ho-Cespedes	November 30, 2015
Bruce Burnett	November 30, 2014
; and,	

- 2) That the following persons be appointed to the Race Relations Committee:

Name	Term
Barbara Tate	November 30, 2016
Samil Chagpar	November 30, 2014
Moises Calo	November 30, 2013
; and,	

- 3) That the following persons be appointed to the Seniors Advisory Committee:

Name	Term
Joan Lever	November 30, 2015
Balasunderam Ponniah	November 30, 2016
Kunigal (Asad) Shariff	November 30, 2016

; and,

- 4) That the following persons be appointed to the Milliken Mills Main Street Advisory Group:

Name	Term
Mark Sui	November 30, 2015
Emanuel Leyson	November 30, 2016

; and,

- 5) That the following persons be appointed to the Animal Care Committee:

Name	Term
Furhait Kashmiri	November 30, 2015
Mi Ly	November 30, 2016

; and,

- 6) That the following persons be appointed to the Cycling & Pedestrian Advisory Committee:

Name	Term
Paul Salvo	November 30, 2016
Joe Doria	November 30, 2014

; and further,

- 7) That the following persons be appointed to the Achievement & Civic Recognition Committee:

Name	Term
Binu George	November 30, 2015

(7) LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS (11.0)

Moved by Councillor Logan Kanapathi

Seconded by Councillor Colin Campbell

- 1) That staff be authorized to proceed as directed by Council on June 26, 2012 on the labour relations or employee negotiations matter.

**CARRIED**

**14. CONFIRMATORY BY-LAW**

Moved by Councillor Colin Campbell

Seconded by Councillor Valerie Burke

That By-law 2012-153 be given three readings and enacted.

**Three Readings**

BY-LAW 2012-153 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF JUNE 26, 2012.

[By-law](#)

**CARRIED**

**15. ADJOURNMENT**

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

That the Council meeting be adjourned at 1:12 a.m. on June 27, 2012.

**CARRIED**

---

KIMBERLEY KITTERINGHAM  
TOWN CLERK

---

FRANK SCARPITTI  
MAYOR

(Signed)