



COUNCIL MINUTES

May 15, 2012, 7:00 p.m.

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 10

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
Catherine Conrad, Town Solicitor
Alida Tari, Deputy Town Clerk
Kitty Bavington, Council/Committee Coordinator
Nasir Kenea, Chief Information Officer
Bill Snowball, Fire Chief
Sharon Laing, Director, Human Resources
Joel Lustig, Treasurer
Dennis Flaherty, Director, Communications & Community Relations
Bill Wiles, Manager of By-law Enforcement and Licensing
John Wong, Technology Support Specialist

The meeting of Council convened at 7:02 p.m. on May 15, 2012 in the Council Chamber. Mayor Frank Scarpitti presided.

1. DISCLOSURE OF PECUNIARY INTEREST

- (1) None declared.

2. MINUTES

- (1) COUNCIL MINUTES
- APRIL 26 AND MAY 1, 2012
[April 26](#) [May 1](#)

Moved by Councillor Alex Chiu
Seconded by Councillor Valerie Burke

- 1) That the Minutes of the Council Meetings held on April 26 and May 1, 2012, be adopted.

CARRIED

3. PRESENTATIONS

There were no presentations.

4. DELEGATIONS

There were no delegations.

5. PETITIONS

There were no petitions.

6(a) REPORT NO. 28 - GENERAL COMMITTEE (May 7, 2012)

Moved by Councillor Carolina Moretti

Seconded by Regional Councillor Jim Jones

That Report No. 28 – General Committee comprised of 5 items be received and adopted.

(1) 2012 TAX RATES AND LEVY BYLAW (7.3)

[Report](#)

- 1) That a by-law to provide for the levy and collection of property taxes totalling \$536,674,466 required by the Town of Markham, Regional Municipality of York, Boards of Education and Business Improvement Areas in a form substantially similar to the attached Appendix and satisfactory to the Town Solicitor and to provide for the mailing of notices requesting payment of taxes for the year 2012, as set out as follows, be approved;

Town of Markham:	\$116,830,026
Region of York:	\$228,459,421
School Boards:	\$190,970,192
Old Markham BIA:	\$215,327
Unionville BIA:	<u>\$199,500</u>
Total	<u>\$536,674,466</u>

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

(By-law 2012-100)

CARRIED

(2) BUTTONFIELD ROAD PROPOSED
PARKING PROHIBITION (5.12.4)

[Report](#)

- 1) That the staff report entitled “Buttonfield Road Proposed Parking Prohibition”, be received; and,
- 2) That Schedule “C” of Traffic By-law 2005-188, be amended by including the east side of Buttonfield Road, between 16th Avenue and a point 30 metres south of Cavalry Trail; and,

- 3) That Schedule “C” of Traffic By-law 2005-188, be amended by including the west side of Buttonfield Road, between 16th Avenue and a point 55 meters south of 16th Avenue; and,
- 4) 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,
- 5) That the Operations Department be directed to maintain the signs at the subject locations; and,
- 6) 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,
- 7) That staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2012-101)

CARRIED

(3) **PROPOSED ALL-WAY STOP CONTROL
AND SPEED LIMIT REDUCTION AT CORNELL
CENTRE BOULEVARD & WHITE’S HILL AVENUE (5.12.2)**
[Report](#)

- 1) That the report entitled “Proposed All-way Stop Control and Speed Limit Reduction at Cornell Centre Boulevard & White’s Hill Avenue”, be received; and,
- 2) That Schedule “B”(60 km/h) of Speed By-law No. 105-71 be amended by removing Markham Road By-pass, between 9th Line to a point 100 metres north of Highway 7; and,
- 3) That Schedule “D”(70 km/h) of Speed By-law No. 105-71 be amended by removing Markham Road By-pass, between 9th Line to a point 100 metres north of Highway 7; and,
- 4) That Schedule “F” (50 km/h) of Speed By-law No. 105-71 be amended to include Cornell Centre Boulevard, between Highway 7 and 16th Avenue; and,
- 5) That Schedule 12 (Compulsory Stops) of Traffic By-law 106-71 be amended to include the intersection of Cornell Centre Boulevard & White’s Hill Boulevard; and,

- 6) That the Operations Department be directed to install the appropriate signs and pavement markings at the subject locations, funded through the Operations Department account # 083-5399-8402-005; and,
- 7) That the Operations Department be directed to maintain the signs at the subject locations; and,
- 8) That York Region Police be requested to enforce the posted speed limit and all-way stop control upon installation of these signs and passing of the By-law; and further,
- 9) That staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-laws 2012-102 and 2012-103)

CARRIED

(4) LANGSTAFF ROAD RAILWAY CROSSING
WARNING SYSTEM MODIFICATION AGREEMENT (5.13)
[Report](#)

- 1) That the staff report entitled Langstaff Road Railway Crossing Warning System Modification Agreement, be received; and,
- 2) That the Mayor and Clerk be authorized to execute the Standard Funded Crossing Warning System Modification Agreement between Canadian National Railway and the Town of Markham based on the principles set out in the draft Agreement (Attachment 'A'), for the construction and future maintenance of the Langstaff Road railway crossing warning system. Said agreement to be in a form satisfactory to the Town Solicitor and Commissioner of Community and Fire Services; and,
- 3) That upon execution of the Agreement, the Commissioner of Community and Fire Services be authorized to issue payment to Canadian National Railway (CN) for the Town of Markham's portion of funding for the installation of the CN railway warning system upgrade at Langstaff Road and funded as per Financial Considerations; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(5) MARKHAM PUBLIC ART POLICIES (6.5)

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

- 1) That the staff report titled Markham Public Art Policies be received; and,
- 2) That the Public Art Policy – Markham Municipal Projects attached as Appendix A be approved; and,
- 3) That Council approve an allocation of up to one percent of construction cost of new municipal construction budgets and municipal renovation projects over one million dollars for the purpose of public art; including but not limited to new buildings, parks and open spaces, major street reconstruction/streetscape projects, new or major upgrades to bridges, fences, walls and barriers; and,
- 4) That the Public Art Policy - Private Sector, attached as Appendix B, be approved to encourage a contribution of up to one percent of new residential and non-residential construction projects from the private sector for Public Art; and,
- 5) That Council approve the creation of a Public Art Acquisition Reserve Fund that will receive cash contributions and fund projects in accordance with Markham Public Art Policies as identified and approved; and,
- 6) That Culture staff report back to Council annually on the activities in the fund; and,
- 7) That the cost to sustain the public art program be brought forward annually for inclusion during the capital budget process; and,
- 8) That the Public Art Policy – for both the voluntary Private Sector and the Municipal Projects be reviewed in three years with a report back to Council on outcomes of the program; and further,
- 9) That staff be authorized and directed to do all things necessary to give effect to these resolutions.

CARRIED

6(b) REPORT NO. 29 - DEVELOPMENT SERVICES COMMITTEE (May 1, 2012)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

That Report No. 29 – Development Services Committee comprised of 1 item be received and adopted.

(1) MARKHAM EAST TORONTO RAIL
ONTARIO-EXPRESS ALL DAY TRAIN SERVICE (5.14)
[Presentation](#)

Whereas the Metrolinx Regional Transportation Plan 2009 (“The Big Move 2020”) identifies full day, 2-way service on the Stouffville line from Mount Joy to Toronto’s Union Station as part of the 15 year plan for Regional Rapid Transit; and,

Whereas GO Transit will be undertaking an Environmental Assessment (EA) study on the Stouffville line for future infrastructure improvements in Markham and Toronto to provide for the planned full day, 2-way service, to be operational between Markham Center and Toronto’s Union Station by 2014; and,

Whereas Metrolinx in 2013 is reviewing and updating its Regional Big Move 2020 Transportation Plan. The Stouffville Go Line should be considered for electrification in its entirety; and,

Whereas the Stouffville Rail Corridor Environmental Assessment process allows opportunities to consider alternative technologies. These alternative technologies include MagLev which is currently used in major centers and is extremely quiet, affordable, efficient and fast; and,

Whereas smaller, more cost effective diesel-electric multiple unit (DEMU), trains that are used throughout Europe, in use today in Ottawa on their O-Train line, and is currently being implemented between Toronto Pearson Airport and Union Station; and,

Whereas consideration should be given to go directly to Electric Train Technology for the Stouffville GO Line; and,

Whereas the electric technology will enable more frequent, lower cost service, with a greater number of new stations stops along the route and improve travel time to our transit riders; and,

Whereas the electric technology trains could carry a similar or larger number of transit rides than subway service; and,

Whereas the Markham East Toronto Rail Ontario-Express (I-METRO-E) concept would enable more frequent headways, and more frequent transit stops along this approved north-south rapid transit corridor between Stouffville and Union Station; and,

Whereas this north-south corridor will also interconnect with a number of existing and planned east-west rapid transit corridors, including VIVA bus rapid transit, 407 Rail Transitway, Steeles BRT/LRT, Finch BRT/LRT, Sheppard, Eglinton-Crosstown, and Bloor-Danforth Subway, and Lakeshore East GO; and,

Whereas the I-METRO-E would stimulate transit dependant development (TDD) and redevelopment along I-METRO-E transit corridor; and,

Whereas climate change, global warming, end of oil and gridlock are issues facing all major cities, it is important that all station communities are TDD designed systems to be net zero in energy, waste and emissions and produce the best public realm and quality of life for our citizens; and,

Whereas I-METRO-E would reduce automobile dependence, energy consumption and would promote environmental, social and economic sustainability initiatives; and,

Whereas Metrolinx has allocated their budget for transit projects for the next five years and revenues from development charges, TIFs, Section 37, HST, taxes, Gas Taxes increased user fees, improve operating performance are viable and can be leveraged within a Public Private Partnership (P3) model;

Now therefore be it resolved:

- 1) That the presentation by Regional Councillor Jim Jones, and the “I-METRO-E” document regarding the proposed Markham East Toronto Rail Ontario-Express All Day Train Service be received; and,
- 2) That the deputation by Kevin Egan, with comments regarding the proposed Markham East Toronto Rail Ontario-Express All Day Train Service be received; and,
- 3) That a steering committee co-chaired by Markham Regional Councillor Jim Jones and a member of Toronto Council selected by City of Toronto Council be created. The committee will determine its membership which will include members of Markham, Toronto Council and other municipalities and levels of Government. This committee will focus on station and rail strategy, TDD, community planning, Government Relationships and Public Private Partnerships; and,
- 4) That the Steering Committee seek advice from the participating government bodies, agencies and other sources as determined by the committee with respect to terms of reference and funding requirements for comprehensive studies and reports that would be required to pursue the I-METRO-E concept; and,

- 5) That a working group reporting to the steering committee be formed of representatives from Metrolinx, the City of Toronto, the Region of York, and the Town of Markham to review the need and justification of the I-METRO-E concept, and the associated transportation, land use planning and economic development benefits; and,
- 6) That Metrolinx and other government agencies and stakeholders at the Federal, Provincial, Regional and Municipal level be requested to consider the merit and implications of the I-METRO-E concept and Maglev/Electric/DEMU technology on the Stouffville rail line in the context of the current review and update of the Metrolinx Regional Transportation Plan and Metrolinx Environment Assessment Study for the GO's Stouffville Line; and further,
- 7) That copies of this resolution be forwarded to the Premier of Ontario, the Federal Ministers of Finance, Transportation, Infrastructure and the Provincial Ministers of Finance, Transportation and Infrastructure Ontario, East Toronto and Markham area MPP's, the City of Toronto, the Mayor and Council members of the City of Toronto, the Toronto Transit Commission, Metrolinx, York Region and York Rapid Transit Corporation.

CARRIED

6(c) REPORT NO. 30 - DEVELOPMENT SERVICES COMMITTEE (May 8, 2012)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 30 – Development Services Committee comprised of 3 items be received and adopted.

- (1) INTENTION TO DESIGNATE A PROPERTY UNDER
PART IV OF THE ONTARIO HERITAGE ACT
HIRAM POWERS HOUSE
4802 HIGHWAY 7 (16.11.3)

[Report](#)

- 1) That correspondence from John T. McGovern, representing the owner, dated May 8, 2012, in support of the staff recommendation, be received; and,
- 2) That as recommended by Heritage Markham, the Hiram Powers House – 4802 Highway 7, be approved for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest; and,

- 3) That the Clerk's Department be authorized to publish and serve Council's Notice of Intention to Designate as per the requirements of the Ontario Heritage Act; and,
- 4) That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk be authorized to place a designation by-law before Council for adoption; and,
- 5) That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the Clerk be directed to refer the proposed designation to the Ontario Conservation Review Board; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

- (2) AMBER PLAIN INVESTMENTS LTD.
APPLICATIONS FOR DRAFT PLAN OF SUBDIVISION
AND ZONING BY-LAW AMENDMENT
5443, 5521, AND 5565 MAJOR MACKENZIE DRIVE
(SU.11-120547 AND ZA.11-120546) (10.7, 10.5)
[Report](#) [Figures](#) [Appendix A and B](#)

- 1) That the report dated May 08, 2012, entitled "Recommendation Report, Amber Plain Investments Ltd., Applications for Draft Plan of Subdivision Approval and Zoning By-law Amendment, 5443, 5521 and 5565 Major Mackenzie Drive East, File Nos.: SU.11-120547 and ZA.11-120546", be received; and,
- 2) That the record of the Public Meeting held on January 17, 2012, regarding the applications for approval of Draft Plan of Subdivision and implementing Zoning By-law be received; and,
- 3) That the Mayor and Clerk be authorized to enter into a No Presale Agreement with the Owner of Plan 19TM-11002 which agreement shall be registered on title, committing the Owner to:

Not enter into any agreements of purchase and sale with end users for the lands (residential unit purchasers), until such time as:

- a. the Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;
or,

- b. i. to the expected completion of the Southeast Collector Trunk Sewer and,
 - ii. The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development;
or,
- c. the Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development;

AND

Not enter into any agreements of purchase and sale with non end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the Town of Markham, which agreement shall be registered on title, committing the new Owner to the same terms as set out in items a, b and c above; and,

- 4) That draft plan of subdivision 19TM-11002 submitted by Amber Plain Investments Ltd., be draft approved subject to the conditions outlined in Appendix 'A'; and,
- 5) The Director of Planning and Urban Design or his designate, shall 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; and,
- 6) That the application submitted by Amber Plain Investments Ltd. to amend Zoning By-laws 304-87 and 177-96, as amended, be approved and the draft by-laws attached as Appendix 'B' 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 the Regional Municipality of York be advised of the servicing allocation for this development; and,
- 9) That the draft plan approval for plan of subdivision 19TM-11002 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,
- 10) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-laws 2012-104 and 2012-105)

CARRIED

- (3) ARROWDALE DEVELOPMENTS LTD.
AND BONNYDON LTD.
APPLICATIONS FOR DRAFT PLAN OF SUBDIVISION
AND BY-LAW AMENDMENT
5601 MAJOR MACKENZIE DRIVE
(SU.11-118808 AND ZA.11-118807) (10.7, 10.5)
[Report](#) [Figures](#) [Appendix A and B](#)

- 1) That the report dated May 08, 2012, entitled “Recommendation Report, Arrowdale Developments Ltd. and Bonnydon Ltd., Applications for Draft Plan of Subdivision Approval and Zoning By-law Amendment, 5601 Major Mackenzie Drive East, File Nos.: SU.11-118808 and ZA.11-118807, be received; and,
- 2) That the record of the Public Meeting held on January 17, 2012, regarding the applications for approval of Draft Plan of Subdivision and implementing Zoning By-law be received; and,
- 3) That the Mayor and Clerk be authorized to enter into a No Presale Agreement with the Owner of Plan 19TM-03001 which agreement shall be registered on title, committing the Owner to:

Not enter into any agreements of purchase and sale with end users for the lands (residential unit purchasers), until such time as:

- a. the Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;
or,
- b. i. York Region has advised in writing that it is no earlier than twelve (12) months prior to the expected completion of the Southeast Collector Trunk Sewer and,

ii. The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development;
or,
- c. the Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development;

AND

Not enter into any agreements of purchase and sale with non end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the Town of Markham, which agreement shall be registered on title, committing the new Owner to the same terms as set out in items a, b and c above;

- 4) That draft plan of subdivision 19TM-03001 submitted by Arrowdale Developments Ltd and Bonnydon Ltd., be draft approved subject to the conditions outlined in Appendix 'A'; and,
- 5) 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; and,
- 6) That the application submitted by Amber Plain Investments Ltd. to amend Zoning By-laws 304-87 and 177-96, as amended, be approved and the draft by-laws attached as Appendix 'B' 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 2013 servicing allocation for 22 singles, 9 semis and 6 towns (a population of 125.5) be granted to plan of subdivision 19TM-03001 (Arrowdale Developments Ltd. and Bonnydon Ltd.) from the total allocation from the Wismer Commons Secondary Plan, assigned in accordance with the January 18, 2011 staff report on servicing allocation; and,
- 9) That the draft plan approval for plan of subdivision 19TM-03001 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,
- 10) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-laws 2012-106 and 2012-107)

CARRIED

6(d) REPORT NO. 31 - GENERAL COMMITTEE (May 14, 2012)

Council consented to add Report No. 31.

Moved by Councillor Carolina Moretti

Seconded by Councillor Alan Ho

That Report No. 31 – General Committee comprised of 4 items be received and adopted, except Item No. 4. (See following Item No. 4)

(1) AWARD OF PROPOSAL 034-R-12 AUDIO
VISUAL REPLACEMENT (7.0)

[Report](#)

- 1) That the report entitled “Award of Proposal 034-R-12 Audio Visual Replacement” be received; and,
- 2) That the contract for Audio Visual Replacement from Proposal 034-R-12 be awarded to the highest ranked/lowest priced bidder, MacLean Media Systems Inc. in the amount of \$674,590.15 (inclusive of HST), of which \$528,126.26 is for the hardware/software and labour costs and \$146,464.19 is for 6 years of warranty, support and maintenance; and,
- 3) That the hardware, software and labour cost for Council Chambers and Canada Room for 034-R-12 be funded from account #049-5350-12410-005 Audio Visual Replacement (Canada Room and Council Chambers) in the amount of \$278,764, account #049-5350-10076-005 Core-Base Architecture (audio visual replacement in Canada Room) in the amount of \$86,562.26 and account #049-6150-11433-005 AV Replacement in Council Chambers in the amount of \$127,200 with a total of \$492,526.26 (inclusive of HST); and,
- 4) That the hardware, software and labour cost for Great Hall for 034-R-12 be funded from account #046-5350-12114-005 Great Hall Implementation of Multimedia (Phase 1 of 2) in the amount of \$35,600 (inclusive of HST); and,
- 5) That the hardware and software warranty, support and maintenance fees in the amount of \$146,464.19 (inclusive of HST) over a six year term be funded from #400-404-5360 Computer Hardware; and,
- 6) That Maclean Media Systems Inc. be designated as the preferred vendor for Town’s Audio Visual service needs for the six year term of this contract; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(2) 143-S-12 PURCHASE OF 3M EQUIPMENT
FOR ANGUS GLEN AND EAST MARKHAM LIBRARIES (3.19)
[Report](#)

- 1) That the Report entitled “143-S-12 Purchase of 3M Equipment for Angus Glen and East Markham Libraries” be received; and,
- 2) That staff be authorized to award a contract to 3M Canada Company for one (1) FX 7-bin book sorter with patron and staff induction, for Angus Glen Community Branch (Infrastructure Project) in the amount of \$ 195,494 (including freight, installation and HST impacts);and,
- 3) That staff be authorized to award a contract for 3M equipment for East Markham Branch for one (1) FX 11-bin book sorter with patron and staff induction, three (3) 896 RFID staff workstations, one (1) 803 Digital library assistant, three (3) 8410 self check no kiosk, one (1) 8420 self check with kiosk in the amount of \$365,857 (including freight, installation, first year warranty and HST impacts);and,
- 4) That the tendering process be waived in accordance with Purchasing By-Law 2004-341, Part II, Section 7, Non Competitive Procurement, “Where there is only one source of supply for the goods to be purchased”;and,
- 5) That the award for purchasing of equipment for the Angus Glen branch in the amount of \$195,494 be funded from the 2012 Capital Budget #049-5350-12103-005 Angus Glen 3M Smart Sorter; and,
- 6) That the award for purchasing of equipment for East Markham Branch in the amount of \$365,857 be funded from the 2010 Capital Budget #070-5350-10559-005, East Markham Library (IT); and,
- 7) That the annual maintenance cost of \$82,954 be charged to the ITS Computer Hardware Acct#400-404-5360 following the expiry of the one year warranty period (sometime in mid 2013), which will be addressed during the 2013 operating budget process; and further,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

- (3) AWARD OF RFP #247-R-11 CONSULTING
ENGINEERING SERVICES FOR WEST THORNHILL
FLOOD CONTROL IMPLEMENTATION
ALTERNATIVE REFINEMENT, PRELIMINARY
AND FINAL DESIGN (6.0)

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

- 1) That the report entitled “Award of RFP #247-R-11 Consulting Engineering Services for West Thornhill Flood Control Implementation Alternative Refinement, Preliminary and Final Design” be received; and,
- 2) That staff be authorized to award RFP #247-R-11 to the highest ranked and sixth lowest priced bidder R.V. Anderson Associates Limited to an upset fee limit of \$789,614.86 inclusive of disbursements and HST impact; and,
- 3) That a contingency amount of \$118,442.23 inclusive of disbursements and HST impact be established to cover any additional design and that the Director of Asset Management be authorized to approve expenditure of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy; and,
- 4) That the award be funded from the Capital Budget accounts 058-6150-8530-005 and 058-6150-9330-005 as outlined under the financial template section of the report; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(4) MARKHAM VILLAGE MUSIC FESTIVAL (3.5)

[BNote](#)

Moved by Councillor Colin Campbell

Seconded by Councillor Carolina Moretti

- 1) That the Briefing Note provided to Council at its meeting held on May 15, 2012 be received; and,
- 2) That the standard noise exemption until 11:00 p.m. be granted for the Markham Village Music Festival on June 15, 2012; and,
- 3) That the Main Street Markham Road be closed from 3:00 p.m. on Friday June 15, 2012 to 6:00 p.m. Saturday June 16, 2012; and further,
- 4) That the approval of the above Clauses 2 and 3 are subject to the conditions outlined in the Briefing Note to the satisfaction of Town staff.

CARRIED

Council consented to not adopt the following recommendation from the May 14, 2012 General Committee meeting:

- 1) That the noise exemption by-law for the Markham Village Music Festival be extended to midnight on June 15th, 2012; and,
- 2) That the Main Street Markham Road be closed from 3:00 p.m. on Friday June 15, 2012 to 6:00 p.m. Saturday June 16, 2012.

7. MOTIONS

There were no motions.

8. NOTICES OF MOTIONS

There were no notices of motions.

9. COMMUNICATIONS

Council consented to add Communication No. 35-2012.

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

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

Referred to all Members of Council

33-2012 SPECIAL OCCASION LIQUOR PERMIT APPLICATION FOR UNIONVILLE VILLAGE FESTIVAL COMMITTEE (3.21)

[Info](#)

- Requesting an approval from the Town of Markham regarding the application of a Special Occasion Liquor Permit to be utilized during the Unionville Village Community Festival being held on June 2, 2012 from 12:00 noon to 8:00 p.m. at the Crosby Park, 210 Main Street Unionville.

CARRIED

34-2012 ROAD CLOSURE REQUEST – MAIN STREET MARKHAM FARMERS' MARKET (3.5)

[Info](#)

- The following roads will be closed every Saturday from May 12, 2012 to September 29, 2012 from 6:00 a.m. to 2:00 p.m. to facilitate the event:
 1. Robinson Street from 132 west to 138 Robinson Street.
Note: Road closure for May 12 is scheduled from 6:00 a.m. to 4:00 p.m. as the "Science Rendezvous" event is being held in conjunction with the Main Street Markham Farmer's Market.

CARRIED

Received

35-2012 2012 TAX RATES – UPDATE MEMORANDUM FROM STAFF (7.3)

[Memo](#)

- Providing information on the proposed residential, commercial and industrial tax rates for 2012:
(Item No. 1, Report No. 23 – May 15, 2012 Council Meeting)

CARRIED

10. PROCLAMATIONS

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

[Info](#)

Moved by Councillor Alan Ho

Seconded by Regional Councillor Gord Landon

- 1) That the following proclamations issued by the Town Clerk in accordance with the Town of Markham Proclamation Policy be received for information purposes:
 - Jumpstart Day (May 26, 2012)
 - Armenian National Day (May 28, 2012); and,
- 2) That the following request for flag to be raised at the Anthony Roman Markham Civic Centre flagpole approved by the Town Clerk in accordance with the Town of Markham Community Flag Raisings & Flag Protocol Policy be received for information purposes:
 - Armenian National Flag (May 28, 2012).

CARRIED

11. NEW/OTHER BUSINESSES

There were no new/other businesses.

12. BY-LAWS

Council consented to separate By-laws 2012-113 to 2012-116 for voting purposes.

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Joe Li

That By-laws 2012-100 to 2012-112 be given three readings and enacted.

CARRIED

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Joe Li

That By-laws 2012-113 to 2012-116 be given three readings and enacted.

CARRIED

Three Readings**BY-LAW 2012-100 2012 TAX RATES AND LEVY BY-LAW**

- A by-law to provide for the levy and collection of sums required by The Corporation of the Town of Markham for the year 2012 and to provide for the mailing of notices demanding payment of taxes for the year 2012.

(Item No. 1, Report No. 28 – May 14, 2012 Council Meeting)

[By-law](#)

CARRIED

BY-LAW 2012-101 BUTTONFIELD ROAD PARKING PROHIBITION AMENDING BY-LAW

- A by-law to amend Parking By-law 2005-188.

(Item No. 2, Report No. 28 – May 24, 2012 Council Meeting)

[By-law](#)

CARRIED

BY-LAW 2012-102 CORNELL CENTRE BOULEVARD AND WHITE'S HILL AVENUE ALL-WAY STOP CONTROL AMENDING BY-LAW

- A by-law to amend Traffic By-law 106-71.

(Item No. 3, Report No. 28 – May 24, 2012 Council Meeting)

[By-law](#)

CARRIED

BY-LAW 2012-103 CORNELL CENTRE BOULEVARD AND WHITE'S HILL AVENUE SPEED LIMIT REDUCTION AMENDING BY-LAW

- A by-law to amend Speed By-law 105-71.

(Item No. 3, Report No. 28 – May 24, 2012 Council Meeting)

[By-law](#)

CARRIED

BY-LAW 2012-104 AMBER PLAIN INVESTMENTS LTD., 5443, 5521 AND 5565 MAJOR MACKENZIE DRIVE EAST, 19TM-11002 (TO AMEND BY-LAW 304-87, AS AMENDED)

- 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 permit residential development.

(Item No. 2, Report No. 30 – May 15, 2012 Council Meeting)

[By-law](#)

CARRIED

BY-LAW 2012-105 AMBER PLAIN INVESTMENTS LTD., 5443, 5521 AND 5565 MAJOR MACKENZIE DRIVE EAST, 19TM-11002, AMENDING BY-LAW (TO AMEND BY-LAW 177-96, AS AMENDED)

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

(Item No. 2, Report No. 30 – May 15, 2012 Council Meeting)

[By-law](#)

CARRIED

BY-LAW 2012-106 ARROWDALE DEVELOPMENTS LTD. AND BONNYDON LTD., 5601 MACKENZIE DRIVE EAST, 19TM-03001, (TO AMEND BY-LAW 304-87, AS AMENDED)

- 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 permit residential development.

(Item No. 3, Report No. 30 – May 15, 2012 Council Meeting)

[By-law](#)

CARRIED

BY-LAW 2012-107 ARROWDALE DEVELOPMENTS LTD. AND BONNYDON LTD., 5601 MACKENZIE DRIVE EAST, 19TM-03001, (TO AMEND BY-LAW 177-96, AS AMENDED)

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

(Item No. 3, Report No. 30 – May 15, 2012 Council Meeting)

[By-law](#)

CARRIED

BY-LAW 2012-108 HARRY COOK DEVELOPMENTS INC., OFFICIAL PLAN AMENDMENT APPLICATION

- A by-law to adopt Official Plan Amendment No. 196 to facilitate single-detached and townhouse dwellings, east of Harry Cook Drive, between Helen Avenue and Castan Avenue, including 304, 312 & 322 Helen Avenue, within South Unionville.

(Item No. 2, Report No. 27 – May 1, 2012 Council Meeting)

[By-law](#)

CARRIED

BY-LAW 2012-109 HARRY COOK DEVELOPMENTS INC., ZONING BY-LAW AMENDMENT APPLICATION (TO AMEND BY-LAW 304-87, AS AMENDED)

- A by-law to amend By-law 304-87, as amended, to delete the subject lands from 304-87, as amended, so that they may be incorporated into By-law 177-96, as amended, to facilitate single-detached and townhouse dwellings, east of Harry Cook Drive, between Helen Avenue and Castan Avenue, including 304, 312 & 322 Helen Avenue, within South Unionville.

(Item No. 2, Report No. 27 – May 1, 2012 Council Meeting)

[By-law](#)

CARRIED

BY-LAW 2012-110 HARRY COOK DEVELOPMENTS INC., ZONING BY-LAW AMENDMENT APPLICATION (TO AMEND BY-LAW 177-96, AS AMENDED)

- A by-law to amend By-law 177-96, as amended, to facilitate single-detached and townhouse dwellings, east of Harry Cook Drive, between Helen Avenue and Castan Avenue, including 304, 312 & 322 Helen Avenue, within South Unionville.

(Item No. 2, Report No. 27 – May 1, 2012 Council Meeting)

[By-law](#)

CARRIED

BY-LAW 2012-111 AMICA (SWAN LAKE) CORPORATION, OFFICIAL PLAN AMENDMENT

- A by-law to adopt Official Plan Amendment No. 197 to permit a retirement residence at 6380 16th Avenue

(Item No. 3, Report No. 2 – January 24, 2012 Council Meeting)

[By-law](#)

CARRIED

BY-LAW 2012-112 AMICA (SWAN LAKE) CORPORATION, zoning by-law amendment

- A by-law to amend By-law 177-96, as amended, to permit a retirement residence at 6360 and 6380 16th Avenue.

(Item No. 3, Report No. 2 – January 24, 2012 Council Meeting)

[By-law](#)

CARRIED

BY-LAW 2012-113 BRUTTO CONSULTING (CHRISTOS PAVLAKIS), OFFICIAL PLAN AMENDMENT, 39 CAROLWOOD CRESCENT

- A by-law to adopt Official Plan Amendment No. 198 to facilitate the severance of the existing lot.

(Item No. 4, Report No. 9 – February 28, 2012 Council Meeting)

[By-law](#)

CARRIED

BY-LAW 2012-114 BRUTTO CONSULTING (CHRISTOS PAVLAKIS), ZONING BY-LAW AMENDMENT, 39 CAROLWOOD CRESCENT

- A by-law to amend By-law 304-87, as amended, to facilitate the severance of the existing lot.

(Item No. 4, Report No. 9 – February 28, 2012 Council Meeting)

[By-law](#)

CARRIED

BY-LAW 2012-115 BRUTTO CONSULTING (PETER CASAGRANDE AND CORINNE MARTON), OFFICIAL PLAN AMENDMENT, 65 AND 69 CHATELAINE DRIVE

- A by-law to adopt Official Plan Amendment No. 199 to facilitate the severance of the existing two lots.

(Item No. 4, Report No. 9 – February 28, 2012 Council Meeting)

[By-law](#)

CARRIED

BY-LAW 2012-116 BRUTTO CONSULTING (PETER CASAGRANDE AND CORINNE MARTON), ZONING BY-LAW AMENDMENT, 65 AND 69 CHATELAINE DRIVE

- To amend By-law 90-81, as amended, to facilitate the severance of the existing two lots.

(Item No. 4, Report No. 9 – February 28, 2012 Council Meeting)

[By-law](#)

CARRIED

13. IN-CAMERA ITEMS

Moved by Councillor Carolina Moretti

Seconded by Councillor Valerie Burke

That, in accordance with Section 239 (2) of the Municipal Act, Council resolve into an in-camera session to discuss the following matters (7:49 p.m.):

DEVELOPMENT SERVICES COMMITTEE- May 8, 2012

- (1) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (WARD 3)
[Section 239 (2) (a)]
- (2) THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR LOCAL BOARD
[Section 239 (2) (e)]

COUNCIL – May 15, 2012

- (3) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD
[Section 239 (2) (c)]
- (4) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (11.0)
[Section 239 (2) (b)]

CARRIED

Moved by Councillor Howard Shore

Seconded by Regional Councillor Gord Landon

That Council rise from the in-camera session and report. (8:09 p.m.)

CARRIED

Council reported out the following items:

- (1) APPEAL OF A CONSENT TO CREATE AN EASEMENT
17 RIVER BEND ROAD, MARKHAM
B/02/12 (10.0)

Moved by Deputy Mayor Jack Heath
Seconded by Councillor Alex Chiu

- 1) That the staff report dated May 8, 2012 titled Appeal of a Consent to Create an Easement, 17 River Bend Road, Markham, B/02/12, be received; and,
- 2) That Council direct the Town Solicitor and staff not to attend the Ontario Municipal Board (OMB) hearing respecting a Consent appeal for 17 River Bend Road; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

- (2) AGREEMENTS FOR HIGHWAY 404 MID-BLOCK CROSSING
BETWEEN HIGHWAY 7 AND 16TH AVENUE (8.6)

Moved by Regional Councillor Gord Landon
Seconded by Councillor Alan Ho

- 1) That the confidential report with respect to the agreements for Highway 404 Mid-Block Crossing between Highway 7 and 16th Avenue be received; and,
- 2) That the Mayor and Clerk be authorized to execute a Tri-Party Agreement with the Region of York and the Town of Richmond Hill to govern construction, administration, long term maintenance and replacement of Highway 404 Mid-Block Crossing between Highway 7 and 16th Avenue and to allocate responsibilities for costs between the parties, in a form and content satisfactory to the Chief Administrative Officer, the Town Solicitor and the Director of Engineering; and,

- 3) That subject to execution of the Tri-Party Agreement, the Mayor and Clerk be authorized to execute an Agreement between the Town of Markham and the Ministry of Transportation (MTO) for the construction and long term maintenance and replacement costs of the Highway 404 Mid-Block Crossing between Highway 7 and 16th Avenue to the satisfaction of the Chief Administrative Officer, the Town Solicitor and the Director of Engineering; and,
- 4) That upon completion of the Highway 404 Mid-block Crossing, the Asset Management Department include in their Life Cycle / Capital budget one third (1/3) of the long-term maintenance and replacement cost for the Highway 404 Mid-Block Crossing; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED BY A RECORDED VOTE (12:1)

(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 Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Councillor Colin Campbell, Councillor Alan Ho, Councillor Logan Kanapathi, Councillor Alex Chiu. (12)

NAYS: Councillor Valerie Burke. (1)

(3) PROPERTY ACQUISITION MATTER (7.12.2)

Moved by Councillor Alan Ho

Seconded by Councillor Carolina Moretti

- 1) That the report dated May 2, 2012 from the Chief Administrative Officer and Town Solicitor regarding a property acquisition matter be received; and,
- 2) That staff be authorized to proceed as directed by Council on May 15, 2012.

CARRIED

(4) COMMISSIONER OF CORPORATE SERVICES SELECTION (11.0)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Gord Landon

- 1) That Council endorse the recommendation of the Chief Administrative Officer (CAO) and appoint the preferred candidate to the position of Commissioner, Corporate Services; and,
- 2) That staff be authorized and directed to take the actions set out in this report.

CARRIED BY A RECORDED VOTE (12:1)

(See following recorded vote)

YEAS: Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Gord Landon, Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Councillor Colin Campbell, Councillor Alan Ho, Councillor Logan Kanapathi, Councillor Alex Chiu. (12)

NAYS: Regional Councillor Joe Li. (1)

14. CONFIRMATORY BY-LAW

Council consented to separate By-law 2012-117 for voting purposes.

Moved by Councillor Don Hamilton
Seconded by Councillor Howard Shore

That By-law 2012-117 be given three readings and enacted.

Three Readings

BY-LAW 2012-117 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF MAY 15, 2012.

[By-law](#)

CARRIED BY A UNANIMOUS RECORDED VOTE (12:0)

(See following recorded vote)

YEAS: Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Gord Landon, Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Councillor Colin Campbell, Councillor Alan Ho, Councillor Logan Kanapathi, Councillor Alex Chiu. (12)

ABSENT: Regional Councillor Joe Li. (1)

15. ADJOURNMENT

Moved by Councillor Alex Chiu
Seconded by Councillor Colin Campbell

That the Council meeting be adjourned at 8:22 p.m.

CARRIED

ALIDA TARI
DEPUTY TOWN CLERK

FRANK SCARPITTI
MAYOR

(Signed)