



COUNCIL MINUTES

April 17, 2012, 7:00 p.m.

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 7

Alternate formats for this document are available upon request

ROLL CALL

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

REGRETS

Regional Councillor Gord Landon, Councillor Logan Kanapathi.

STAFF

Andy Taylor, Chief Administrative Officer
Jim Baird, Commissioner of Development Services
Catherine Conrad, Town Solicitor
Brenda Librecz, Commissioner of Community and Fire Services
Kimberley Kitteringham, Town Clerk
Alida Tari, Council/Committee Coordinator
Joel Lustig, Treasurer
Dennis Flaherty, Director, Communications & Community Relations
Dereje Tafesse, Capital Works Engineer
Alain Cachola, Manager of Infrastructure & Capital Projects
John Wong, Technology Support Specialist

The Regular Meeting of Council convened at 7:13 p.m. on April 17, 2012 in the Council Chamber. Mayor Frank Scarpitti presided.

Council observed a moment of silence to commemorate the Holocaust Memorial Day and the 95th Anniversary of the Battle of Vimy Ridge.

1. DISCLOSURE OF PECUNIARY INTEREST

- (1) Deputy Mayor Jack Heath disclosed an interest with respect to Item No. 3, Report No. 23 (168-S-11 Renewal of Life Insurance Contract), as he and his spouse own shares in Sun Life Financial, and did not take part in the discussion of or vote on the question of the approval of such matters.
- (2) Regional Councillor Joe Li disclosed an interest with respect to Item No. 3, Report No. 23 (168-S-11 Renewal of Life Insurance Contract), as he owns shares in Sun Life Financial, and did not take part in the discussion of or vote on the question of the approval of such matters.

2. MINUTES

- (1) COUNCIL MINUTES – April 3, 2012
[Minutes](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

- 1) That the Minutes of the Council Meeting held on April 3, 2012, be adopted.

CARRIED

3. PRESENTATIONS

- (1) SMART COMMUTE MARKHAM, RICHMOND HILL
2011 EMPLOYER OF THE YEAR AWARD AND
2011 HONOURABLE MENTION AWARD (12.2.6)

On behalf of Smart Commute Markham, Richmond Hill, Council presented the 2011 Employer of the Year Award and 2011 Honourable Mention Award to the winners.

Smart Commute is the sustainability initiative of the Town of Markham, Town of Richmond Hill, Region of York and Metrolinx. They assist local employers and commuters to explore different commute choices like carpooling, cycling and transit, with a goal of easing gridlock, improving air quality and reducing greenhouse gas emission while making daily commute less expensive and more enjoyable.

MMM Group Limited – 2011 Employer of the Year Award

Hugo Blasutta, CEO and Rob Wanless, Vice President Transportation, received the award on behalf of MMM Group Limited.

AMD Canada – 2011 Honourable Mention Award

Richard Conohan, Site Manager and Tim Klinker, EHS Co-ordinator, received the award on behalf of AMD Canada.

Smart Commute Markham, Richmond Hill representatives were in attendance, including:

Flo McLellan, Program Director

Basil Marcello, Senior Program Advisor

Wincy Tsang, Program Advisor

Nicole Beayni, Marketing, Communications Coordinator

Richard Cunningham, President, Markham Board of Trade and Rachel Pruhomme, Manager, Special Projects, Town of Markham, were in attendance with respect to this presentation.

4. DELEGATIONS

- (1) SEAN GOSNELL
MARKHAM FREE METHODIST CHURCH,
22 ESNA PARK DRIVE (10.5)

- Sean Gosnell, Borden Ladner Gervais LLP, addressed Council on behalf of Markham Free Methodist Church, addressed Council and spoke in support of the proposed By-law 2012-90.
- Jim Baird, Commissioner of Development Services, provided a verbal update on the discussions with stakeholders and indicated the proposed By-law 2012-90 for Council's consideration is a reflection of the agreement made.

(See following to consider the matter)

Moved by Councillor Alex Chiu

Seconded by Councillor Alan Ho

That Council consider the matter regarding Markham Free Methodist Church, 22 Esna Park Drive, immediately following the Presentation Section of the agenda.

(See By-law 2012-90 for Council's decision on this matter)

(See Communication No. 27-2012)

CARRIED

(2/3 Vote was requested & obtained)

- (2) GLENN POCILUYKO, ALEA INVESTMENTS LTD., REGARDING
"RENAMING OF THE TOWN OWNED SECTION OF
HIGHWAY 48 TO MARKHAM ROAD" (10.14)

- Glenn Pociluyko, Alea Investments Ltd, addressed Council and spoke in opposition to the proposed recommendation.

(See following to consider the matter)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Carolina Moretti

That Council consider the matter regarding "Renaming of the Town Owned Section of Highway 48 To Markham Road" immediately following the consideration of the matter related to Markham Free Methodist Church, 22 Esna Park Drive.

(See Item No. 1, Report No. 21 for Council's decision on this matter)

CARRIED

(2/3 Vote was requested & obtained)

- (3) DELEGATIONS REGARDING
"MULTI USE PATHWAY (MUP) FROM 16TH AVENUE
TO BOB HUNTER MEMORIAL PARK
- CLASS ENVIRONMENTAL ASSESSMENT"(5.7)

- The following individuals addressed Council:

1. Glenn Baron, spoke in opposition to the proposed recommendation.
2. Jennifer Baron, request to speak withdrawn.
3. Gord Walter, on behalf of Cycling and Pedestrian Advisory Committee (CPAC), spoke in opposition to the proposed recommendation.
4. Ted Spence, spoke in opposition to the proposed recommendation.
5. Philip Ling, on behalf of Markham Environmental Advisory Committee (MEAC), spoke in opposition to the proposed recommendation.
6. Maureen Cowan, on behalf of Sherwood South Ratepayers Community Group, spoke in support of the proposed recommendation.
7. Al Pickard, on behalf of Milne Conservation Pathway Committee, Legacy Community, and spoke in opposition to the proposed recommendation.
8. Lynn Nowicki, and spoke in support of the proposed recommendation.
9. Duyen Lau, and spoke in support of the proposed recommendation.
10. Tupper Wheatley, on behalf of Milne Park Conservation Association, spoke in support of the proposed recommendation.

(Item No. 1, Report No. 22 for Council's decision on this matter)

- (4) DELEGATIONS REGARDING
“REVISIONS TO APPROVED PLANS DUE
TO UNAUTHORIZED DEMOLITION OF
HERITAGE DWELLING BUILDING PERMIT
APPLICATION HP 11 122569 000 01
41 ALBERT STREET, MARKHAM VILLAGE” (16.11)

- The following individuals addressed Council:

1. Karen Rea, providing comments.
2. Zila Zuzana, providing comments.
3. Bhupen Kharia, providing comments.

(See Item No. 1, Report No. 24 for Council's decision on this matter)

5. PETITIONS

There were no petitions.

6(a) REPORT NO. 21 - DEVELOPMENT SERVICES PUBLIC MEETING (March 27, 2012)

Council consented to separate Item No. 1.

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Carolina Moretti

That Report No. 21 – Development Services Public Meeting comprised of 1 item be received and adopted, as amended.

- (1) RENAMING THE TOWN OWNED SECTION
OF HIGHWAY 48 TO MARKHAM ROAD (10.14)
[Report](#) [Figure 1](#) [AleaLetter](#)

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Carolina Moretti

- 1) That the correspondence from Tammy Morrell-Bellai, in support of the proposed renaming of the Town owned section of Highway 48, provided at the March 27, 2012 Development Services Public Meeting, be received; and

- 2) That the deputation by Ted Brown regarding concerns for the proposed renaming of the Town owned section of Highway 48, provided at the March 27, 2012 Development Services Public Meeting, be received; and
- 3) That the letter dated April 13, 2012 from Ted Brown and Glenn Pociluyko, Alea Investments Ltd., provided at the April 17, 2012 Council meeting be received; and,
- 4) That the renaming of the Town owned section of Highway 48 between 16th Avenue and Major Mackenzie Drive to Markham Road be approved effective January 1, 2013; and,
- 5) That Council adopt a street name change by-law to permit the renaming of Highway 48 between 16th Avenue and Major Mackenzie Drive; and further,
- 6) That staff report back to the Development Services Committee with options to compensate property owners and/or tenants impacted by Town-initiated street changes and that these options include increased compensation levels for special circumstances.

(By-law 2012-85)

CARRIED AS AMENDED

(See following to amend)

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Carolina Moretti

That the following be added as Resolution No. 5:

"That staff report back to the Development Services Committee with options to compensate property owners and/or tenants impacted by Town-initiated street changes and that these options include increased compensation levels for special circumstances."

CARRIED

Council consented to delete the following Resolution No. 3:

"That Development Services Committee approve a renaming of the Town owned section of Highway 48 between 16th Avenue and Major Mackenzie Drive to Markham Road."

and to insert the following as Resolution Nos. 3 and 4:

- "3) That the letter dated April 13, 2012 from Ted Brown and Glenn Pociluyko, Alea Investments Ltd., provided at the April 17, 2012 Council meeting be received; and,
- 4) That the renaming of the Town owned section of Highway 48 between 16th Avenue and Major Mackenzie Drive to Markham Road be approved effective January 1, 2013;"

(See following to consider the matter)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Carolina Moretti

That Council consider the matter regarding "Renaming of the Town Owned Section Of Highway 48 To Markham Road" immediately following the consideration of the matter related to Markham Free Methodist Church, 22 Esna Park Drive.

(See Delegation Item No. 2)

(See By-law No. 2012-85)

CARRIED

(2/3 Vote was requested & obtained)

6(b) REPORT NO. 22 - DEVELOPMENT SERVICES COMMITTEE (April 10, 2012)

Council consented to separate Item No. 1.

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 22 – Development Services Committee comprised of 2 items be received and adopted, except Item No. 1. (See following Item No. 1)

- (1) MULTI USE PATHWAY (MUP)
FROM 16TH AVENUE TO BOB HUNTER MEMORIAL PARK
– CLASS ENVIRONMENTAL ASSESSMENT (5.7)
[Report](#) [Attach A](#) [Attach B](#) [Attach C](#)

- 1) That the deputations by Glenn Baron, Tupper Wheatly, and Ted Spence regarding the proposed Multi Use Pathway from 16th Avenue to Bob Hunter Memorial Park, at the April 10, 2012 Development Services Committee, be received; and,

- 2) That appreciation be expressed to Councillor Carolina Moretti, to others involved Members of Council, to residents, to the Working Group, and to staff for their hard work on this matter; and
- 3) That the report entitled “Multi Use Pathway (MUP) from 16th Avenue to Bob Hunter Memorial Park - Class Environmental Assessment” dated April 10, 2012, be received; and,
- 4) That the preferred alignments for multi use pathway as described in this report and as amended at the April 10, 2012 Development Services Committee be endorsed; and,
- 5) That the section of the pathway along the south side of 14th Avenue east of the Rouge River Valley to Bob Hunter Memorial Park shown in Section 7 be deferred from the Environmental Assessment Study, for possible consideration in the future York Region`s Environmental Assessment Study for this road; and,
- 6) That Option 4S (Street Option) for Area 4, which routes pedestrians/cyclist onto Drakefield Road and Willowgate Drive and restricts parking on both sides of such roads, be endorsed on a trial basis; and,
- 7) That staff monitor the Street Option 4S and report back to Council if pedestrians continue to cross at the Milne Creek and whether Option 4T-1 (the Creek Crossing Option) needs to be reconsidered; and,
- 8) That the Engineering Department staff be authorized to file the Environmental Study with the Ministry of Environment (MOE) for the 30 day public review; and,
- 9) That staff be authorized to proceed with the detailed design of the recommended multi use pathway alignments from 16th Avenue to Bob Hunter Memorial Park; and,
- 10) That staff report back as to on recommended staging plan for the Multi Use Pathway; and further,

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

CARRIED BY A RECORDED VOTE

(See following recorded vote for Resolution Nos. 6 & 7) (7:4)

(See following recorded vote for Resolution Nos. 1 to 5 and Nos. 8 to 11) (11:0)

Recorded vote for Resolution Nos. 6 & 7

YEAS: Mayor Frank Scarpitti, Regional Councillor Joe Li, Councillor Valerie Burke, Councillor Don Hamilton, Councillor Carolina Moretti, Councillor Colin Campbell, Councillor Alex Chiu. (7)

NAYS: Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Councillor Howard Shore, Councillor Alan Ho. (4)

ABSENT: Regional Councillor Gord Landon, Councillor Logan Kanapathi. (2)

Recorded vote for Resolution Nos. 1 to 5 and Nos. 8 to 11

YEAS: Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Joe Li, Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Councillor Colin Campbell, Councillor Alan Ho, Councillor Alex Chiu. (11)

ABSENT: Regional Councillor Gord Landon, Councillor Logan Kanapathi. (2)

Council consented to add the following words to Resolution No. 5

"...east of the Rouge River Valley to Bob Hunter Memorial Park....".

(2) UTILITY POLE REPLACEMENT ON MARKHAM ROAD
FROM 16TH AVENUE TO MAJOR MACKENZIE DRIVE (5.0)
[Report](#) [Attach A1 & A2](#) [Attach B](#)

- 1) That the report entitled “Utility Poles Replacement on Markham Road from 16th Avenue to Major Mackenzie Drive be received; and,
- 2) That the tendering process for the replacement of utility poles along Markham Road from 16th Avenue to Major Mackenzie Drive including design review and construction co-ordination services, be waived in accordance with Purchasing By-Law 2004-341 Part II, Section 7(2); and,
- 3) That Staff be authorized to issue Purchase Orders to Power Stream and other utility companies (i.e. Bell, Rogers Cable) for the replacement of their existing utility facilities on Markham Road from 16th Avenue to Major Mackenzie Drive up to a value of \$565,000.00 (\$484,937.64 Power Stream work, and \$80,062.36 estimate for other utilities) exclusive of HST to be funded from the Road Reconstruction Budget #083-5350-11069-005 which currently has a balance of \$5,787,600.00; and further,
- 4) That Staff be authorized and directed to take the actions necessary, including the execution of documents, to give effect to this report.

CARRIED

6(c) REPORT NO. 23 - GENERAL COMMITTEE (April 16, 2012)

Council consented to separate Item No. 1.

Moved by Councillor Carolina Moretti
Seconded by Councillor Alex Chiu

That Report No. 23 – General Committee comprised of 5 items be received and adopted.

(1) MINUTES OF THE MARCH 21, 2012
ENVIRONMENTAL ISSUES COMMITTEE (16.0)
[Minutes](#) [MESF Report](#) [Trees for Tomorrow](#)

- 1) That the Minutes of the March 21, 2012 Environment Issues Committee be received for information purposes; and,
- 2) That the following recommendations from the March 21, 2012 Environmental Issues Committee meeting be endorsed:

“That the Environmental Issues Committee recommends that the demonstration rain garden proposed by TRCA be installed at the Markham Museum instead of at the Warden House and be subject to review and approval by the Museum staff; and,

That the funding application from Ontario Streams for \$7,000, for a stream rehabilitation initiative at Little Rouge Creek and Robinson Creek, be approved; and,

That the funding application from Wilclay Public School for \$3,392, for a waste audit, be approved, subject to working with Waste and Environmental Management Department staff; and,

That the funding application from the 3rd Unionville Scouts for \$3,800, for plantings at Milton Feirheller Park, be approved, subject to working with Parks Department staff and that an exception to the funding criteria be provided, to allow this application to proceed prior to completion of the Scout’s signage project in the Park; and,

That the application from Armadale Public School for \$5,000, for an outdoor classroom, be approved provided the plant selection is approved by Parks Staff; and,

That the application from St. Edward Catholic Elementary School for an outdoor classroom, be approved, in the amount of \$4,400, provided the plant selection is approved by Parks Staff and conditional upon providing written consent of the school board for this project; and,

That the funding application by 10,000 Trees for the Rouge requesting \$23,000, to conduct their 23rd Annual Community Tree Planting Event on Earth Day to complete the restoration planting project to complete the planting of their 2011 planting site in Bob Hunter Park be approved; and,

That the funding application by Friends of the Rouge Watershed requesting \$22,500 to conduct multiple planting events in the spring planting season in Bob Hunter Park and be approved; and,

That the funding application by Evergreen requesting \$29,400 to continue partnership with the Town with their successful Common Grounds Program to conduct a series of Community Planting Events and 8 to 10 Stewardship Events to promote, educate and engage the community in tree planting events and stress the importance of follow up maintenance work that is performed at volunteer stewardship events be approved; and,

That the funding application by LEAF (Local Enhancement and Appreciation of Forests) requesting \$30,000 to continue to offer their subsidized Backyard Tree Planting Program to Markham residents and to continue to provide educational workshops such as the Tree Tenders Course, along with other educational/stewardship opportunities be approved; and further,

That the above requests be funded from the Capital Project 12252 Markham Trees for Tomorrow (700-101-5399-12252) in the amount of \$104,900"; and further,

- 3) That the Environmental Issues Committee be requested to review the funding criteria relative to York Region school applications.

CARRIED

Council consented to add the following as Resolution No. 3:

"That the Environmental Issues Committee be requested to review the funding criteria relative to York Region school applications."

(2) **PROVINCIAL PAYMENTS IN LIEU OF TAXES
– RATES FOR HOSPITALS, UNIVERSITIES AND
COLLEGES AND CORRECTIONAL INSTITUTIONS (7.1)**
[Report](#)

- 1) That the report entitled "Provincial Payment in Lieu of Taxes - Rates for Hospitals, Universities and Colleges and Correctional Institutions " be received for information; and,
- 2) That Council request that the Government of Ontario meet with municipalities to review an increase in the rates set by the Province as payments in lieu of taxes for hospitals, universities and colleges and correctional institutions; and,
- 3) That, as part of the review, a mechanism be investigated to provide for regular updates to the rates on a go forward basis; and,
- 4) That this request be forwarded to the Premier of Ontario, Minister of Finance, the Minister of Municipal Affairs and Housing, the Large Urban Mayors Caucus of Ontario (LUMCO), the Association of Municipalities of Ontario (AMO), and the Ontario Municipal Tax and Revenue Association (OMTRA); and Ontario municipalities; and further,
- 5) That staff be authorized and directed to do all the things necessary to give effect to this resolution.

CARRIED

(3) 168-S-11 RENEWAL OF LIFE INSURANCE CONTRACT (4.0)
[Report](#)

- 1) That the report entitled “168-S-11 Renewal of Life Insurance contract” be received; and,
- 2) That contract 168-S-11 for Basic Life Insurance be extended with Sun Life Assurance Company for an additional one (1) year (January 1 to December 31, 2012) in the estimated annual amount of \$353,141 inclusive of HST impact; and,
- 3) That contract 168-S-11 for Optional Life Insurance be extended with Sun Life Assurance Company for an additional one (1) year (January 1 to December 31, 2012) in the estimated annual amount of \$31,871 inclusive of HST impact; and,
- 4) That the tendering process be waived in accordance with Purchasing By-Law 2004-341, Part II, Section 7 (1) (c) which states “when the extension of an existing contract would prove more cost-effective or beneficial”; and,
- 5) That funds for Basic Life Insurance be provided from account 030 220 0046 Payroll – Life in the estimated annual amount of \$353,141 inclusive of HST impact; and,
- 6) That funds for Optional Life Insurance be recovered from employees as required in the estimated annual amount of \$31,871 inclusive of HST impact; and,
- 7) That the Director of Human Resources and Manager of Purchasing be authorized to extend the contract for Basic Life Insurance for three (3) additional years, provided that it is in the best interest of the Town and rate increase per year does not exceed 5% of the cost of the previous year’s rate; and further,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(4) MILLIKEN CHILDREN'S FESTIVAL
COMMITTEE STRUCTURE (3.5)

[Report](#)

- 1) That the report entitled "Milliken Children's Festival Committee Structure" be received; and,
- 2) That the Town of Markham establish the "Children's Festival Advisory Committee," to coordinate the Markham Milliken Children's Festival; and,
- 3) That the Terms of Reference for the Children's Festival Committee be approved; and,
- 4) That the following individuals be appointed to the Children's Festival Advisory Committee for the term expiring on October 31, 2012:

Pat Lee	Ellakiya Sivapalan	Gowthaman Rajakumar
Nappinder Dogra	Mayavan Ananthanadarajah	Brendan Ng
Rishi Narula	Kethika Logan	Councillor Logan Kanapathi;

and,

- 5) That the members of the committee for terms beginning after October 31, 2012 be recruited in accordance with the Town of Markham Boards & Committee Appointment Policy; and further,
- 6) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(5) 2012 UNIONVILLE & MARKHAM VILLAGE
BUSINESS IMPROVEMENT AREAS (B.I.A)
OPERATING BUDGET (7.4)

[Report](#) [Exhibit 1](#) [Exhibit 2](#)

- 1) That the report entitled "2012 Unionville & Markham Village Business Improvement Areas (B.I.A.) Operating Budgets" dated April 16, 2012 be received; and,
- 2) That the 2012 Operating Budget in the amount of \$256,000 for the Unionville B.I.A. (UBIA) be approved; and,

- 3) That the 2012 Operating Budget in the amount of \$305,665 for the Markham Village B.I.A. (MBIA) be approved; and,
- 4) That the Special Tax Rate levy, in the amount of \$199,500 for the UBIA members and \$215,327 for the MBIA members be included in the 2012 Tax Levy By-law; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

6(d) REPORT NO. 24 - DEVELOPMENT SERVICES COMMITTEE (April 17, 2012)

Council consented to separate Item Nos. 1 to 3. (See following Item Nos. 1 to 3)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 24 – Development Services Committee comprised of 3 items be received and adopted, except Item No. 1. (See following Item No. 1)

- (1) REVISIONS TO APPROVED PLANS
DUE TO UNAUTHORIZED DEMOLITION OF
HERITAGE DWELLING BUILDING PERMIT
APPLICATION HP 11 122569 000 01
41 ALBERT STREET, MARKHAM VILLAGE (16.11)
[Extract Report Written Submission Heritage Staff Notes](#)
[Markham Subcommittee Minutes and Recommendations](#)

Moved by Councillor Colin Campbell
Seconded by Councillor Carolina Moretti

- 1) That the minutes of the Markham Subcommittee meeting held April 11, 2012, be received; and,
- 2) That the single detached dwelling at 41 Albert Street, Markham Village, be approved as constructed; and,
- 3) That the owners pay for a Markham Remembered plaque that would be installed at the front of the property detailing the former heritage building; and,

- 4) That the owners construct a wooden white picket fence along the street; and further,
- 5) That the owners complete the appropriate Building Permit processes and receive approvals for the alterations and the Site Plan Agreement be revised as per Council's direction.

CARRIED

(See following to consider the matter)

Moved by Councillor Colin Campbell
Seconded by Councillor Carolina Moretti

That Council consider the matter 41 Albert Street immediately following the consideration of the matter related to the renaming of Highway 48 to Markham Road.

CARRIED

(2/3 Vote was requested & obtained)

(2) THE DENISON CENTRE, MARKHAM
APPLICATION FOR EXEMPTION UNDER THE
RETAIL BUSINESS HOLIDAYS ACT (10.16)
[Correspondence](#)

- 1) That the correspondence dated April 11, 2012 from Mr. Joseph C. Vieni, Barrister on behalf of the owners for The Denison Centre, and from Dr. Ken Ng, Chairman, Chinese Chamber of Commerce in Markham, dated April 16, 2012, requesting the Town of Markham's support with respect to an application made to the Regional Municipality of York for exemption under the *Retail Business Holidays Act*, be received; and,
- 2) That the depositions by Jennifer Thomas of Thomas Law representing the Denison Centre, and by Manoj Biswas, representing Oriental Foods in the Denison Centre with respect to an application made by the Denison Centre to the Regional Municipality of York for exemption under the *Retail Business Holidays Act*, be received; and further,

- 3) That the Regional Municipality of York be advised that the Town of Markham supports the request by the Denison Centre for an exemption under the *Retail Business Holidays Act*, due to its proximity to the tourist attraction of Pacific Mall.

CARRIED BY A RECORDED VOTE (6:5)

(See following recorded vote)

YEAS: Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Joe Li, Councillor Carolina Moretti, Councillor Alan Ho, Councillor Alex Chiu. (6)

NAYS: Mayor Frank Scarpitti, Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Colin Campbell. (5)

ABSENT: Regional Councillor Gord Landon, Councillor Logan Kanapathi. (2)

- (3) 2197088 ONTARIO INC.
O/A FOODY MART, 5221 HIGHWAY 7
EXEMPTION UNDER THE
RETAIL BUSINESS HOLIDAYS ACT (10.16)
[Correspondence](#)

- 1) That the correspondence dated April 10, 2012 from Cheng Yi Wei, President, Foody Mart requesting for exemption under the *Retail Business Holidays Act*, be received; and,
- 2) That the deputation by Andy Wong, representing Foody Mart, with respect to an application made by Foody Mart to the Regional Municipality of York for exemption under the *Retail Business Holidays Act*, be received; and further,

- 3) That the Regional Municipality of York be advised that the Town of Markham supports the request by 2197088 Ontario Inc., Foody Mart, for an exemption under the *Retail Business Holidays Act*, due to its proximity to the tourist attraction of Main Street Markham.

CARRIED BY A RECORDED VOTE (6:5)

(See following recorded vote)

YEAS: Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Joe Li, Councillor Carolina Moretti, Councillor Alan Ho, Councillor Alex Chiu. (6)

NAYS: Mayor Frank Scarpitti, Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Colin Campbell. (5)

ABSENT: Regional Councillor Gord Landon, Councillor Logan Kanapathi. (2)

7. MOTIONS

(1) DESIGNATION OF MARKHAM AS A CITY (12.0)

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Jim Jones

- 1) That the Chief Administrative Officer be directed to prepare a report on the designation of Markham as City for consideration at the May 7, 2012 General Committee meeting.

CARRIED

(See following to consider)

Moved by Councillor Colin Campbell

Seconded by Councillor Alan Ho

That Council introduce a matter regarding the designation of Markham as City for consideration this date.

CARRIED

(2/3 Vote was requested & obtained)

8. NOTICES OF MOTIONS

There were no notices of motions.

9. COMMUNICATIONS

Moved by Councillor Alex Chiu
Seconded by Councillor Alan Ho

That Council receive Communication No. 27-2012 as outlined below.

CARRIED

Moved by Councillor Carolina Moretti
Seconded by Councillor Colin Campbell

That Council receive and consent to the disposition of Communication Nos. 22-2012 to 26-2012 as outlined below.

CARRIED

Referred to all Members of Council

22-2012 TEMPORARY EXTENSION APPLICATION FOR LIQUOR SALES LICENCE
 – JAKES ON MAIN PUB & GRILL (3.21)
 Requesting an approval from the Town of Markham to extend their existing liquor
 licence for the patio areas at 202 Main Street Unionville. The proposed extension
 will be utilized in conjunction with the Unionville Village Community Festival
 from June 1, 2012 to June 3, 2012.

[Info](#)

CARRIED

23-2012 ROAD CLOSURE REQUEST – WORLD MUSIC & DANCE FESTIVAL (3.5)
 - The following street will be closed on July 21, 2012 between 10:00 a.m. and
 11:00 p.m. to facilitate the festival:

1. Main Street Unionville north from Concession Road to south of Carlton Rd
2. Main Street Unionville east onto Carlton Rd
3. Main Street Unionville west onto Fred Varley Drive & Carlton Rd

[Info](#)

CARRIED

24-2012 LIQUOR LICENCE APPLICATION FOR THE BOMBAY GRILL, 5694 HWY NO. 7, UNIT 1A (3.21)

- Forwarding a request for the Town of Markham to completed the Municipal Information Form (Ward 4) (Ownership change with application for a new indoor licence)

[Info](#)

CARRIED

25-2012 ROAD CLOSURE REQUEST – STARBUCKS RUN FOR WOMEN (3.5)

- The following roads will be closed on May 12, 2012 from 9:00 a.m. to 11:00 a.m. to facilitate the event:

1. Main Street Unionville - from Library Lane to north of Highway 7 (8:00 a.m. to 11:00 a.m.)
2. West & East Eckardt Street (8:15 a.m. to 9:15 a.m.)
3. Carlton Road from Crosby CC parking lot on west side to Pomander Rd (8:00 a.m. to 11:00 a.m.)
 - Start to finish on Main Street Unionville just south of Library Lane
 - Head south on Main Street to Hwy 7
 - Turn around at Hwy 7 and come back north to Eckardt Street
 - Eckardt Street to pathway for Austin Park
 - Run through Austin Park & back to Eckardt Street to Main Street
 - Head north on Main Street Unionville– 5 K race finishes back at start/finish line
 - 10 K race continues through Toogood Pond trail system
 - 10 K runners come out Toogood Pond trail behind Gallery on Carlton
 - Take a quick left up on Main Street Unionville Start/Finish line

(**Note:** The event "National Women Run Series" previously received by Council on February 28, 2012 has been withdrawn)

[Info](#)

CARRIED

Referred to Commissioner of Development Services

26-2012 COMMUNICATIONS WITH RESPECT TO THE ITEM TITLED "MULTI USE PATHWAY (MUP) FROM 16TH AVENUE TO BOB HUNTER MEMORIAL PARK - CLASS ENVIRONMENTAL ASSESSMENT"(5.7)

1. Dennis Svetanic
2. Alan and Mary-Joan Vigneux
3. Debbie Neilson
4. Dianne Fisher
5. Andree Nottage
6. Michael and Madeleine Landry

7. Fritz and Brenda Schmidt
 8. Wayne Owen
 9. Nancy Christoffer, Marilyn and George Christoffer
 10. Robert and Janet Johnson
 11. Bob Fisher
 12. Lorne and Helen Lageer
 13. Reuben Tang
 14. Yvonne Shek
- (Item No. 1, Report No. 22)
- [Communications](#)

CARRIED

Referred to Commissioner of Development Services and Town Solicitor

27-2012 COMMUNICATIONS REGARDING MARKHAM FREE METHODIST CHURCH, 22 ESNA PARK DRIVE (10.5)

1. Quinto M. Annibale, Loopstra Nixon, LLP, on behalf of Holcim (Canada) Inc., advising their client is now satisfied with By-law 2012-90, as proposed.
2. Gerard C. Borean, Parente, Borean LLP, on behalf of Davencourt Investments Inc. ("Davencourt"), advising their client is now satisfied with By-law 2012-90, as proposed.

[Holcim](#) [Davencourt](#)

(See Delegation Item No. 1)

(See By-law 2012-90 on Council decision on this matter)

CARRIED

(See following to receive the communications)

Moved by Councillor Alex Chiu

Seconded by Councillor Alan Ho

That Communication No. 27-2012 regarding Markham Free Methodist Church, 22 Esna Park Drive, be received.

CARRIED

(See following to consider the matter)

Moved by Councillor Alex Chiu

Seconded by Councillor Alan Ho

That Council consider the matter regarding Markham Free Methodist Church, 22 Esna Park Drive, immediately following the Presentation Section of the agenda.

CARRIED

(2/3 Vote was requested & obtained)

10. PROCLAMATIONS**(1) PROCLAMATIONS - FOR APPROVAL AND INFORMATION (3.4)**[Info](#)

Moved by Councillor Alex Chiu

Seconded by Deputy Mayor Jack Heath

- 1) That the following new proclamation be approved and added to the Five-Year Proclamations List approved by Council:
 - Day of the Honey Bee (May 29, 2012); and,
- 2) That the following proclamation issued by the Town Clerk in accordance with the Town of Markham Proclamation Policy be received for information purposes:
 - Day of Mourning for Workers Killed or Injured on the Job (April 28, 2012).

CARRIED

11. NEW/OTHER BUSINESSES

Council consented to add New/Other Business Item Nos. 2 and 3.

**(1) DECLARATION OF SURPLUS REAL PROPERTY
BLOCKS 8, 9 AND 10 ON PLAN 65M-3998 (8.7)**

Notices of Proposed Sale

Town of Markham

Proposed Sale of Surplus Real Property

(Pursuant to By-law 178-96)

Moved by Councillor Alex Chiu

Seconded by Councillor Don Hamilton

- 1) That the notice of proposed sale for the Town owned lands legally described as Blocks 8, 9 and 10 on Plan 65M-3998, be confirmed.
(In-Camera Item No. 6, April 3, 2012 Council meeting)

CARRIED

- (2) 1039954 ONTARIO LTD.
SOUTH OF MAJOR MACKENZIE DRIVE,
WEST OF EVERSLOT CRESCENT, WISMER COMMUNITY
FILE NUMBER: ZA.12-112570 (10.5)

[Memo](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Colin Campbell

- 1) That the memorandum dated April 17, 2012 titled "1039954 Ontario Ltd., South of Major Mackenzie Drive, West of Evershot Crescent, Wismer Community, File Number: ZA. 12-112570" be received, and
- 2) That conditional 2013 servicing allocation for 25 single detached units (92.5 population) be granted to plan of subdivision 19TM-02016 (1039954 Ontario Ltd.) from the total allocation for the Wismer Commons Secondary Plan, assigned in accordance with the January 18, 2011 staff report on servicing allocation.
(By-law 2012-89)

CARRIED

- (3) NATIONAL VOLUNTEER WEEK (12.2.6)

Council recognized National Volunteer Week, April 15 to 21, 2012.

12. BY-LAWS

Moved by Councillor Alex Chiu
Seconded by Councillor Alan Ho

That By-law 2012-90 be given three readings and enacted.
(See Delegation Item No. 1)
(See Communication No. 27-2012)

CARRIED

Council consented to amend Section 2.3 of By-law 2012-90 so that it reads as follows:

"2.3 Prior to removing the '(H)' HOLD provision from the Part 2 lands shown on Schedule "A" attached hereto, the following conditions shall be met to the satisfaction of the Town of Markham:"

Council also consented to add the word "M" next to the words "Part 1" in the Schedule "A" attached to By-law 2012-90.

(See following to consider the matter)

Moved by Councillor Alex Chiu
Seconded by Councillor Alan Ho

That Council consider the matter regarding Markham Free Methodist Church, 22 Esna Park Drive, immediately following the Presentation Section of the agenda.

CARRIED

(2/3 Vote was requested & obtained)

Moved by Councillor Alex Chiu
Seconded by Councillor Valerie Burke

That By-laws 2012-85 to 2012-87, By-law 2012-89 be given three readings and enacted.

CARRIED

Three Readings

BY-LAW 2012-85 A BY-LAW TO CHANGE A STREET NAME IN THE TOWN OF MARKHAM – FROM HIGHWAY 48 TO MARKHAM ROAD.
(Item No. 1, Report No. 21)

[By-law](#)

CARRIED

- BY-LAW 2012-86 HUMBOLD PROPERTIES AND DIGRAM DEVELOPMENTS INC.,
PART LOT CONTROL EXEMPTION BY-LAW
- A by-law to designate part of a certain plan of subdivision not subject to
Part Lot Control, Humbold Properties, Part of Block 9, Plan 65M-4218,
being Parts 12 and 13, Plan 65R-33444 and Digram Developments Inc.,
Part of Block 8, 65M-4303, being Parts 8 and 9, Plan 65R-33444.
[By-law](#)
CARRIED
- BY-LAW 2012-87 A BY-LAW TO AMEND PARKING BY-LAW 2005-188
(ADMINISTRATIVE AMENDMENT TO ADD A NEW
"OBSTRUCTION" CLAUSE FOR ENFORCEMENT PURPOSES)
[By-law](#)
CARRIED
- BY-LAW 2012-89 1039954 ONTARIO LTD., HOLD REMOVAL BY-LAW, SOUTH OF
MAJOR MACKENZIE DRIVE, WEST OF EVERSLOT CRESCENT,
WISMER COMMUNITY
- A by-law to amend By-law 177-96, as amended, to permit the
development of 25 single-detached units.
[By-law](#)
CARRIED
- BY-LAW 2012-90 MARKHAM FREE METHODIST CHURCH, 22 ESNA PARK DRIVE,
ZONING BY-LAW AMENDMENT
- A by-law to amend By-law 108-81, as amended, to operate a place of
worship.
[By-law](#)
CARRIED

13. IN-CAMERA ITEMS

There were no in-camera items.

14. CONFIRMATORY BY-LAW

Moved by Regional Councillor Joe Li

Seconded by Councillor Alan Ho

That By-law 2012-88 be given three readings and enacted.

Three Readings

BY-LAW 2012-88 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL
MEETING OF APRIL 17, 2012.

[By-law](#)

CARRIED

15. ADJOURNMENT

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Jim Jones

That the Council meeting be adjourned at 11:07 p. m.

CARRIED

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR

(Signed)