



COUNCIL MINUTES

April 3, 2012, 7:00 p.m.

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 6

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
Catherine Conrad, Town Solicitor
Brenda Librecz, Commissioner of Community and Fire Services
Kimberley Kitteringham, Town Clerk
Kitty Bavington, Council/Committee Coordinator
Joel Lustig, Treasurer
Nasir Kenea, Chief Information Officer
Dennis Flaherty, Director, Communications & Community Relations
John Wong, Technology Support Specialist

The Regular Meeting of Council convened at 7:09 p.m. on April 3, 2012 in the Council Chamber. Mayor Frank Scarpitti presided.

1. DISCLOSURE OF PECUNIARY INTEREST

- (1) None declared.

2. MINUTES

- (1) COUNCIL MINUTES – MARCH 20, 2012
[Minutes](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Carolina Moretti

- 1) That the Minutes of the Council Meeting held on March 20, 2012, be adopted.

CARRIED

3. PRESENTATIONS

There were no presentations.

4. DELEGATIONS

(1) ONTARIO MUNICIPAL BOARD (OMB) (13.0)

Moved by Regional Councillor Gord Landon

Seconded by Councillor Howard Shore

- 1) That the following delegations and the written communications regarding the proposed motion on Ontario Municipal Board (OMB) be received:

1. Eileen Liasi on behalf of the German Mills Residents Association, Spoke in support of the proposed motion.
2. David Jordon, Thornhill Conservation District Ratepayer's Association, spoke in opposition to the proposed motion.
3. Fred Webber, spoke in support of the proposed motion.
4. Brian Chadderton, spoke in support of the proposed motion.
5. Danielle Chin, BILD (York Chapter), spoke in opposition to the proposed motion.
6. Donna Bush, spoke in opposition to the proposed motion.
7. Annette Cacorovski, spoke in opposition to the proposed motion.
8. Karen Rea, spoke in opposition to the proposed motion.
9. Zuzana Zila, spoke in opposition to the proposed motion.
10. Bhupen Karia, spoke in opposition to the proposed motion.
11. Joyce Raymer, on behalf of Ray Menzies, spoke in opposition to the proposed motion.
12. Alex Hardy, Markham Residents for Responsible Community Planning, spoke in opposition to the proposed motion.
13. Brahm Satov, spoke in support of the proposed motion.
14. Benjamin Fitzerman, spoke in support of the proposed motion.
15. Gerald Diner, offering an alternative to the proposed motion.
16. Leon Brumer, spoke in support of the proposed motion.
17. Marion Matthias, provided comments.

(See Motion Item No. 2 on Council's decision on this matter)

(See Petition Item No. 1)

(See Communication Item No. 21-2012)

(See New/Other Business Item No. 1)

CARRIED

(See following to bring the motion forward for consideration)

(See following regarding Marion Matthias's delegation)

Moved by Councillor Howard Shore
Seconded by Councillor Logan Kanapathi

That Council consider the proposed motion regarding Ontario Municipal Board (OMB) immediately following the delegations with respect thereto.
(See Communication No. 21-2012)
(See Motion No. 2 on Council's decision on this matter)
(See New/Other Business Item No. 1)

CARRIED

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

That Council hear the delegation of Marion Matthias regarding the proposed motion on Ontario Municipal Board (OMB) immediately following the consideration of Report No. 20, although the matter has been considered by Council earlier in the meeting

CARRIED

(2/3 Vote was requested & obtained)
(See following to receive the delegation)

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

That delegation of Marion Matthias regarding the proposed motion on Ontario Municipal Board (OMB) be received.

CARRIED

- (2) RICCARDO PACI
- MAIN STREET RECONSTRUCTION UPDATE HIGHWAY 7
TO BULLOCK DRIVE – UNDERGROUND SERVICES (5.10)

Moved by Councillor Carolina Moretti
Seconded by Councillor Colin Campbell

- 1) That the delegation by Riccardo Paci providing comments with respect to the proposed motion titled "Main Street Reconstruction Update Highway 7 to Bullock Drive – Underground Services" be received.
(See Item 6 of Report 17 on Council's decision on this matter)

CARRIED

5. PETITIONS

- (1) ONTARIO MUNICIPAL BOARD (OMB) (13.0)
[Petition](#)

Moved by Regional Councillor Gord Landon

Seconded by Councillor Howard Shore

- 1) That the petition signed by 40 residents providing their support with respect to the proposed motion on Ontario Municipal Board (OMB) be received.
(See Motion Item No. 2 on Council's decision on this matter)
(See Delegation Item No. 1)
(See Communication Item No. 21-2012)
(See New/Other Business Item No. 1)

CARRIED

6(a) REPORT NO. 16 - GENERAL COMMITTEE (March 26, 2012)

Moved by Regional Councillor Gord Landon

Seconded by Councillor Colin Campbell

That Report No. 16 – General Committee comprised of 3 items be received and adopted.

- (1) CONTRACT EXTENSION FOR 007-T-09
TOWNWIDE CATCH BASIN CLEANING (5.10)
[Report](#)

- 1) That the report entitled “Contract Extension for 007-T-09 Townwide Catch Basin Cleaning” be received; and,
- 2) That contract 007-T-09 Townwide Catch Basin Cleaning be extended to Flow Kleen Tech Ltd. for an additional three (3) years (April 1, 2012 to March 31, 2015) in the estimated annual amount of \$221,424 inclusive of HST impact; and,
- 3) That the Director of Operations and Manager of Purchasing be authorized to extend the contract for Townwide Catch Basin Cleaning for two (2) additional years, provided that it is in the best interest of the Town and increase per year does not exceed 5% of the cost of the previous years contractual value; 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 be provided from the budget accounts as listed in the Financial Considerations in the amount of \$221,424, inclusive of HST impact; and,
- 6) That the award for 2013 – 2015 be funded from the respective years operating budget accounts subject to Council approval of the annual operating budgets; and,
- 7) That this report be brought forward to the April 3rd, 2012 Council meeting; and further,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(2) AMENDMENT OF WATERWORKS FEES (7.0)

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

- 1) That the report titled “Amendment of Waterworks Fees” be received; and,
- 2) That the proposed fees outlined in Attachment ‘A’ for services provided by the Waterworks Division be approved effective June 1, 2012; and,
- 3) That By-Law No. 2002-276 be amended to update the user fees set under ‘Community Services – Water’ section of Schedule A, with fees outlined in Attachment ‘A’; and,
- 4) That the Director of the department be authorized to set future increases annually based on the change in the Consumer Price Index (Toronto All Items September – September) with such increases effective January 1 and rounded to the nearest half dollar; and,
- 5) That staff report back on the possibility to exempt the waterworks service fee to turn water off at the curb during emergency situations and the monitoring of water trucks filling up from fire hydrants; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(3) MARKHAM ARTS COUNCIL (3.0)

[Report](#)

- 1) That the report titled Markham Arts Council (MAC) be received; and,
- 2) That Council approve a 10 year unsecured, interest free loan of \$66,000 to the Markham Arts Council, repayable in ten (10) equal installments commencing November 1, 2013; and,
- 3) That Council authorize the execution of a loan agreement to the satisfaction of the Chief Administrative Officer and the Town Solicitor based on the terms outlined in the report including that no liability be incurred to any of the Board Members or staff of the Markham Arts Council; and,
- 4) That Council authorize the Commissioner of Community and Fire Service to enter into a Partnership Agreement that would outline roles, expectations and accountabilities between the Markham Arts Council and the Town of Markham under the stewardship of the Department of Culture; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

6(b) REPORT NO. 17 - DEVELOPMENT SERVICES COMMITTEE (March 27, 2012)

Council consented to separate Item Nos. 4, 5 and 6.

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 17 – Development Services Committee comprised of 6 items be received and adopted, except Item Nos. 4, 5 and 6. (See following Item Nos. 4, 5 and 6)

(1) AGRICULTURAL ADVISORY
COMMITTEE MINUTES

- FEBRUARY 2, 2012 (16.34)

[Minutes](#) [Appendix A](#)

- 1) That the minutes of the Agricultural Advisory Committee meeting held February 2, 2012, be received for information purposes; and,

- 2) That the following recommendation from the Agricultural Advisory Committee meeting held on February 2, 2012 be endorsed:

"That the revised Agricultural Advisory Committee Terms of Reference be approved to acknowledge the agency members as voting members as presented in Appendix A."

CARRIED

- (2) INTENTION TO DESIGNATE A PROPERTY UNDER
PART IV OF THE ONTARIO HERITAGE ACT
NAME: JARVIS-FAIRTY HOUSE
ADDRESS: 6350 STEELES AVENUE (16.11.3)
[Report](#) [Attachment](#)

- 1) That as recommended by Heritage Markham, the Jarvis-Fairty House – 6350 Steeles Avenue, be approved for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest; and,
- 2) 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,
- 3) 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,
- 4) 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,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

- (3) REVISED LOCATION FOR
CASELY HERITAGE HOUSE
198 ANGUS GLEN BOULEVARD
ANGUS GLEN WEST VILLAGE
BUILDING PERMIT TO BREAK FOUNDATION
(12 111426 DP) (16.11.3)

Memo

- 1) That the staff memorandum entitled “Revised Location for the Casely Heritage House, 198 Angus Glen Boulevard, Angus Glen West Village, Building Permit to Break Foundation 12 111426 DP,” dated March 27, 2012, be received; and,
- 2) That Council approve the new location for the Casely House on “Lot 26” of the proposed future plan of subdivision subject to:
 - a) the proposed lot in the future plan of subdivision being increased in size to adequately accommodate the size of the heritage dwelling;
 - b) the applicant providing a Letter of Undertaking with (i) a commitment to complete the site plan agreement for the Casely House within three (3) months, and (ii) a timeline for the Casely House to be placed on a new foundation acceptable to the Commissioner of Development Services;
 - c) the applicant providing the required financial security of \$100,000 along with the Undertaking prior to the issuance of the Building Permit to Break Foundation.
 - d) the building being properly secured/boarded and made weather-tight once it is removed from its foundation, including any openings in the floor and any window openings; and
 - e) the temporary relocation area being fenced off to provide security for the heritage building; and,
- 3) That Council has no objection to the building permit submitted to allow the Casely House to be broken from its foundation and relocated to the property (Lot 26) where it will be stored pending the completion of the site plan agreement and approval of the future plan of subdivision for the specific area, but that the permit only be released once the Undertaking is signed by the applicant and the required financial security has been provided to the Town, to the satisfaction of the Commissioner of Development Services; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(4) FEDERAL PARKS CANADA REVIEW
FOR A ROUGE NATIONAL URBAN PARK (10.0)
[Report](#) [Attachment](#)

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Colin Campbell

- 1) That the staff report entitled Federal Parks Canada Review for a Rouge National Urban Park dated March 27, 2012 be received; and,
- 2) That Council endorse the Parks Canada partnership ‘Statement of Intent – Towards Cooperation and Collaboration in the establishment of a national urban park in the Rouge Valley’ and continue to advance the Federal Rouge Park planning process as identified in this report; and,
- 3) That staff and Council representatives continue to monitor and participate in landowners discussions and stakeholder discussions regarding a new Rouge National Urban Park and any alternative interim and long term Rouge Park arrangements;
- 4) That the Mayor, Deputy Mayor, and CAO be requested to hold a preliminary meeting with senior Parks Canada officials regarding the new National Park and following that, staff be requested to schedule in April an educational and training session for Council on the Rouge National Urban Park to discuss Markham’s interests relative to the proposed National Park including, but not limited to:
 - Milne Dam Conservation Area and whether it should be included in Rouge National Urban Park
 - Other areas in Markham and whether they should be included or excluded in Rouge National Urban Park
 - A potential large group picnic area, potential activity and/or cultural centre and other public uses
 - Long term recommendations for residential properties and agricultural leases
 - Heritage building strategy and Transport Canada’s building demolition requests
 - Maintenance and operations facilities
 - Existing and planned infrastructure
 - Recommendations of Markham’s Rouge Park Implementation Task Force
 - Other relevant matters as determined by Council and staff; and,
- 5) That staff schedule a discussion, on the subject of Item (4a) above, at a Development Services Committee Part A meeting as soon as possible after the education and training session; and,

- 6) That Parks Canada officials be invited to meet with the Town (Markham and Region Rouge Park Alliance representatives, other interested Members of Council and Town staff) following the above two meetings and release of the Federal Budget, to discuss Markham's interests in the Rouge National Urban Park; and,
- 7) That Council reaffirm its December 13, 2011 resolution (Appendix C) requesting Parks Canada and Transport Canada to work together with respect to heritage buildings on the Pickering Airport lands in Markham, which are under consideration as part of the Rouge National Urban Park; and,
- 8) That this staff report and appendices be forwarded to Parks Canada, Transport Canada, Province of Ontario (represented by Ministry of Infrastructure), Rouge Park Alliance, City of Toronto, Region of York, Toronto and Region Conservation Authority, City of Pickering and Region of Durham, local MPs and MPPs as well as other MPs and MPPs involved with the National Park project for information; and further,
- 9) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED AS AMENDED

(See following recommendation not considered by Council)

Council consented to not consider the following proposed recommendation from the March 27, 2012 Development Services Committee:

- "1) That the staff report entitled Federal Parks Canada Review for a Rouge National Urban Park dated March 27, 2012 be received; and,
- 2) That Council endorse the Parks Canada partnership 'Statement of Intent – Towards Cooperation and Collaboration in the establishment of a national urban park in the Rouge Valley' and continue to advance the Federal Rouge Park planning process as identified in this report; and,
- 3) That staff continue to monitor and participate in landowners discussions and stakeholder discussions regarding a new Rouge National Urban Park and any alternative interim and long term Rouge Park arrangements;

- 4) That staff schedule a discussion item for the Rouge National Urban Park at a Part A Development Services Committee meeting in April to identify Markham's interests and requirements relative to the proposed National Park including, but not limited to:
 - consideration of Milne Dam Conservation Area and other inclusions and exclusions for the Rouge National Urban Park
 - consideration of a potential large group picnic area, potential activity and/or cultural centre and other public uses
 - discussion of long term management options of residential and agricultural leases
 - discussion of heritage building strategy and Transport Canada's building demolition requests
 - provision for maintenance and operations facilities
 - provision for existing and planned infrastructure
 - review relevant recommendations of Markham's Rouge Park Implementation Task Force
 - other relevant matters as determined by staff; and,
- 5) That Parks Canada staff be invited to meet with the Town (Markham and Region Rouge Park Alliance representatives, other interested Members of Council and Town staff) following the Park A session and release of the Federal Budget, to discuss Markham's interests in the Rouge National Urban Park; and,
- 6) That Council reaffirm its December 13, 2011 resolution (Appendix 'C') requesting Parks Canada and Transport Canada to work together with respect to heritage buildings on the Pickering Airport lands, which are under consideration as part of the Rouge National Urban Park; and,
- 7) That this staff report be forwarded to Parks Canada, Transport Canada, Province of Ontario (represented by Ministry of Infrastructure), Rouge Park Alliance, City of Toronto, Region of York, Toronto and Region Conservation Authority, City of Pickering and Region of Durham for information; and further,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution."

(5) PROPOSED AMENDMENT TO THE
CENTRAL PICKERING DEVELOPMENT PLAN (10.0)
[Report](#)

- 1) That the report entitled “Proposed Amendment to the Central Pickering Development Plan,” dated March 27, 2012 be received; and,
- 2) That the Region of York be requested to continue to address the need to protect the Community of Box Grove and the Bob Hunter Memorial Park/Rouge Park in negotiations with the Province and the Region of Durham pertaining to transportation planning and related infrastructure decisions; and,
- 3) That this report be forwarded to the Ministry of Municipal Affairs and Housing by April 2, 2012; and further,
- 4) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(6) MAIN STREET RECONSTRUCTION UPDATE
HIGHWAY 7 TO BULLOCK DRIVE
– UNDERGROUND SERVICES (5.10)
[Report](#) [Attachment A1-A3](#) [Attachment B1-B3](#)
[Attach C](#) [Attach D](#) [Attach E](#) [Attach F](#)

- 1) That the deputation by Diane Kobalowsky, representing Markham Village BIA, be received; and,
- 2) That the staff report entitled “Main Street Reconstruction Update, Highway 7 to Bullock Drive – Underground Services”, be received; and,
- 3) That Main St. Markham from Bullock Drive to Highway 7 be restricted to one lane southbound, and no northbound traffic, from July 2, 2012 to November 19, 2012 to facilitate the replacement of underground services on Main Street; and,
- 4) That, Schedule “C” of Traffic By-law 2005-188, restricting parking be amended by including both the west and east sides of Main Street Markham North, between Highway 7 and Bullock Drive; and,
- 5) That, upon completion of the project, Schedule “C” of Traffic By-law 2005-188, be amended by rescinding the parking restriction on both sides of Main Street Markham North, between Highway 7 and Bullock Drive; and,

- 6) That the Parking Control Department be directed to enforce the parking prohibition upon installation of the signs; and,
 - 7) That the Director of Engineering be authorized to finalize and implement the traffic management plan in consultation with the Region of York, Operations Department, the Fire and Emergency Services Department, and the Project Liaison Committee; and,
 - 8) That staff and the Markham Village BIA be authorized to finalize the draft Marketing Plan and implement such; and,
 - 9) That a maximum \$30,825.00 + HST from capital account (083-5350-12048-005) be authorized to implement the draft Marketing Plan for 2012 subject to conditions specified in this report; and,
 - 10) That Staff be authorized to proceed with the tender for the underground servicing upgrades from Highway 7 to Bullock Drive based on the construction staging and road closures outlined in this report; and,
 - 11) That the Robinson Street bridge rehabilitation works be carried out between July and September 2012; and further,
 - 12) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
- (By-laws 2012-79)

CARRIED BY A UNANIMOUS RECORDED VOTE

(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. (13)

**6(c) REPORT NO. 18 - DEVELOPMENT SERVICES PUBLIC MEETING
(March 27, 2012)**

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

That Report No. 18 – Development Services Public Meeting comprised of 1 item be received and adopted.

**(1) PROPOSED ZONING BY-LAW AMENDMENT
TO PROHIBIT NEW REVERSE SLOPE DRIVEWAYS
IN THE TOWN OF MARKHAM (PR-128052) (10.5)**
[Report](#) [Staff Presentation](#)

- 1) That correspondence from John Webster, Doris Cheng, Mike McLean, James Andrew, Eileen Liasi, Roy Vanek, and Marilyn Ginsberg representing the Grandview Residents Association and the Bayview Glen Residents Association, with comments regarding the proposed prohibition of reverse slope driveways, be received; and
- 2) That the depositions by Marilyn Ginsberg representing the Grandview Residents Association and the Bayview Glen Residents Association, Marion Matthias, and Roy Vanek regarding the proposed prohibition of reverse slope driveways, be received; and
- 3) That the Development Services Commission report dated December 6, 2011 entitled “PRELIMINARY REPORT – Proposed Zoning By-law Amendment to Prohibit New Reverse Slope Driveways in the Town of Markham, File Number: ZA 11-128052” be received; and,
- 4) That the record of the Public Meeting held on March 27, 2012, with respect to the proposed Zoning By-law Amendment to Prohibit New Reverse Slope Driveways in the Town of Markham (ZA 11-128052) be received; and,
- 5) That the proposed amendments include an exemption for properties with naturally sloping topography, with an evaluation by Engineering staff regarding appropriate measures to be taken; and,
- 6) That the Zoning By-law Amendment application (ZA 11-128052) to amend Zoning By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 177-96, as amended by 28-97, as amended, and 2004-196, as amended, be approved; and further,

- 7) That the proposed amendment to Zoning By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 177-96, as amended by 28-97, as amended, and 2004-196, as amended, be enacted without further notice.
(By-law 2012-82)

CARRIED

6(d) REPORT NO. 19 - GENERAL COMMITTEE (April 2, 2012)

Council consented to add Report No. 19 and to separate Item No. 1. (See following Item No. 1)

Moved by Councillor Carolina Moretti
Seconded by Councillor Alan Ho

That Report No. 19 – General Committee comprised of 2 items be received and adopted.

**(1) FLATO DEVELOPMENTS – NAMING RIGHT
FOR MARKHAM THEATRE (6.2)**

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

- 1) THAT the report titled Flato Developments Naming Right for Markham Theatre be received; and,
- 2) THAT the Town of Markham agrees to name the Markham Theatre: “FLATO MARKHAM THEATRE”, the new name to be branded and utilized in all promotional, administrative, and legal functions, operations and communications associated with Markham Theatre; and,
- 3) That the Flato Developments VIP Lounge naming right will be extended for the same term as the Naming Rights to the Markham Theatre for Performing Arts; and,
- 4) That the proposed Terms for a Naming Right Agreement for Markham Theatre of \$75,000 per annum, provided by Flato Developments, for a ten year period subject to an increase each year during the term of this agreement to reflect the change in the Consumer Price index (Toronto All items September – September) with such increases effective January 1st rounded off to the nearest dollar, be approved; and,

- 5) That Flato Developments provide \$30,000, a one time contribution to cover the costs to change the name, signage and other material for the Theatre, and to be paid at time of execution of the agreement; and,
- 6) That the remaining Naming Rights terms as outlined in the report be approved; and,
- 7) That the Mayor and Clerk be authorized to execute an agreement with Flato Developments, for naming rights for the Markham Theatre, on the terms set out in this report, in a form satisfactory to the Commissioner of Community and Fire Services and the Town Solicitor; and,
- 8) That the proceeds for the naming agreement be deposited into account 890 890 9254 (General Sponsorship); and,
- 9) That the correspondence from Dr. Pat Kincaid, Markham resident be received; and further,
- 10) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED BY A RECORDED VOTE (11:2)

(See following recorded vote)

YEAS: Mayor Frank Scarpitti, 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. (11)

NAYS: Deputy Mayor Jack Heath, Councillor Valerie Burke. (2)

(2) MINUTES OF THE FEBRUARY 23, 2012
LEASH FREE MARKHAM COMMITTEE (16.0)
[Minutes](#)

- 1) That the Minutes of the February 23, 2012, Leash Free Markham Committee be received for information purposes; and,
- 2) That Regional Councillor Joe Li be appointed to the Leash Free Markham Committee for the term ending November 30, 2014.

CARRIED

6(e) REPORT NO. 20 - DEVELOPMENT SERVICES COMMITTEE (April 3, 2012)

Council consented to add Report No. 20.

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

That Report No. 20 – Development Services Committee comprised of 1 item be received and adopted.

(1) DEMOLITION OF NON-HERITAGE DETACHED GARAGE
28 JOHN ST. THORNHILL (16.11)

[Report](#)

- 1) That the staff report titled “Demolition of Non-Heritage Detached Garage 28 John St. Thornhill” dated March 27, 2012 be received; and,
- 2) That Council endorse the demolition of the detached garage at 28 John St. located within the Thornhill Heritage Conservation District; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

7. MOTIONS

(1) MARKHAM EAST TORONTO RAIL
ONTARIO-EXPRESS ALL DAY TRAIN SERVICE (5.14)

Moved by Regional Councillor Jim Jones

Seconded by Deputy Mayor Jack Heath

That the following motion be referred to a Part A Session of the May 1, 2012 Development Services Committee meeting:

"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,

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 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
- 2) 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
- 3) 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
- 4) 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,

- 5) 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 Toronto, the Toronto Transit Commission, Metrolinx, York Region and York Rapid Transit Corporation."

CARRIED

For reference purposes:

- February 28, 2012 - The notice of this motion was given.
- March 20, 2012 - Council deferred the consideration of this motion to the April 3, 2012 Council meeting.
- April 3, 2012 – Council referred the consideration of this motion to the May 1, 2012 Development Services Committee meeting.

(2) ONTARIO MUNICIPAL BOARD (OMB) (13.0)

Moved by Councillor Howard Shore

Seconded by Councillor Don Hamilton

Whereas municipal Councils are democratically elected and accountable representative bodies; and,

Whereas municipal councillors are the elected officials most closely tied to the residential and business community and have the broadest understanding of the issues that affect their neighbourhoods; and,

Whereas municipal councillors have the obligation to make decisions on planning matters in the best interests of their community at large; and,

Whereas municipal councillors make determinations on issues of planning based on direct and personal knowledge of the community, its potential and opportunities that are not restricted to the boundaries of the Planning Act, such as strategic plans, including Markham's Growth Alternative to 2031; and,

Whereas despite the Provincial of Ontario's effort to heighten the relevance of local municipal decisions by amending the Planning Act and directing that the OMB "*shall have regard to*" decisions made by municipal councils this has proven to be so vague that the OMB's decisions are not, in fact, being influenced by this amendment; and,

Whereas it would be more appropriate in matters of law to have legal disputes referred to the courts; and,

Whereas particular planning concerns respecting land severance applications and minor variances are heard by the municipal Committee of Adjustment and are subject to appeal to the OMB;

Now therefore be it resolved:

- 1) That the Town of Markham recommend an intervenor funding function be created within the Ministry of Municipal Affairs and Housing (MMAH) to financially assist community associations and citizen groups engaged in hearings before the OMB (or its successor) on local, municipal matters; and,
- 2) That the Town of Markham convene a forum discussion entitled “Rethinking the Ontario Municipal Board” to include panellists from the development community or the Building Industry and Land Development Association; municipal law; residents; and, municipal planning and that such a Forum be held here in Markham, no later than the fall of 2012; and,
- 3) That the MMAH be requested to hold public hearings on amending the Planning Act to consider:
 - a) Appeals of decision so a local Committee of Adjustment being held by Municipal Council;
 - b) Appeals of Official Plan or Zoning By-law matters being from Municipal Council to the Divisional Court, with leave of the Divisional Court, on questions of law or where there is a matter of Provincial interest; and,
- 4) That copies of this resolution be sent to the Minister of Municipal Affairs and Housing, all local members of Provincial Parliament, GTA municipalities, registered ratepayer associations in the Town of Markham, Markham Action Group for Improved Community, and Association of Municipalities of Ontario (AMO).
(See Delegation Item No. 1)
(See Petition Item No. 1)
(Communication Item No. 21-2012)
(See Other/New Business Item No. 1)

MOTION LOST BY A RECORDED VOTE (4:9)

(See following recorded vote)

(See following to introduce a new motion for consideration with 2/3 vote)

(See following to refer the new motion to General Committee Workshop, which was lost)

(See following to include several revisions, which was declared Out of Order)

(See following for motion given at the March 20, 2012 Council meeting, which was lost)

(See following to move the matter forward for consideration)

The new motion considered by Council was lost by a recorded vote (4:9):

YEAS: Deputy Mayor Jack Heath, Councillor Howard Shore, Councillor Don Hamilton, Councillor Logan Kanapathi. (4)

NAYS: Mayor Frank Scarpitti, Regional Councillor Jim Jones, Regional Councillor Gord Landon, Regional Councillor Joe Li, Councillor Valerie Burke, Councillor Carolina Moretti, Councillor Colin Campbell, Councillor Alan Ho, Councillor Alex Chiu. (9)

To introduce a new motion for consideration with 2/3 vote:

Moved by Councillor Howard Shore

Seconded by Councillor Don Hamilton

That a new motion regarding Ontario Municipal Board be introduced for Council's consideration under New/Other Business.

(See New/Other Business Item No. 1)

CARRIED

(2/3 Vote was requested & obtained)

Motion to refer to General Committee Workshop which was lost by a recorded vote:

Moved by Regional Councillor Gord Landon

Seconded by Deputy Mayor Jack Heath

That the new motion moved by Councillor Howard Shore and seconded by Councillor Don Hamilton not be considered at this time and be referred to a General Committee Workshop in May 2012.

MOTION LOST BY A RECORDED VOTE (4:9)

(See following recorded vote)

YEAS: Deputy Mayor Jack Heath, Councillor Howard Shore, Councillor Don Hamilton, Councillor Logan Kanapathi. (4)

NAYS: Mayor Frank Scarpitti, Regional Councillor Jim Jones, Regional Councillor Gord Landon, Regional Councillor Joe Li, Councillor Valerie Burke, Councillor Carolina Moretti, Councillor Colin Campbell, Councillor Alan Ho, Councillor Alex Chiu. (9)

Motion to include several revisions, which was declared Out of Order:

The motion moved by Councillor Howard Shore seconded by Councillor Don Hamilton to consider the motion, including several revisions to the version with notice given at the March 20, 2012 Council meeting, was declared by the Chair to be Out of Order.

Motion as given at the March 20, 2012 Council meeting, which was lost:

The following motion, as given at the March 20, 2012 Council meeting with a notice, was lost as there was no seconder. Councillor Don Hamilton withdrew from seconding the motion, once the proposal to include several revisions was declared by the Chair to be Out of Order.

"Whereas municipal councils are democratically elected and accountable representative bodies; and,

Whereas municipal councillors are the elected officials most closely tied to the residential and business community and have the broadest understanding of the issues that affect their neighbourhoods; and,

Whereas municipal councillors have the obligation to make decisions on planning matters in the best interests of their community at large; and,

Whereas municipal councillors make determinations on issues of planning based on direct and personal knowledge of the community, its potential and opportunities that are not restricted to the boundaries of the Planning Act, such as strategic plans, including Markham's Growth Alternative to 2031; and,

Whereas despite the Provincial of Ontario's effort to heighten the relevance of local municipal decisions by amending the Planning Act and directing that the OMB "*shall have regard to*" decisions made by municipal councils this has proven to be so vague that the OMB's decisions are not, in fact, being influenced by this amendment; and,

Whereas it would be more appropriate in matters of law to have legal disputes referred to the courts; and,

Whereas particular planning concerns respecting land severance applications and minor variances are heard by the municipal Committee of Adjustment and are subject to appeal to the OMB;

Now therefore be it resolved:

- 1) That the Minister of Municipal Affairs and Housing (MMAH) be requested to amend the Planning Act, the Heritage Acts, and all other legislation under which the Ontario Municipal Board (OMB) operates and has jurisdiction to abolish the OMB and to provide that decisions of municipal councils are only appealable to the courts on matters of substantive law; and,
- 2) That the MMAH be requested to amend the Planning Act to direct that appeals of decisions of the Committee of Adjustment be appealable to municipal councils and that municipalities be authorized to conduct hearings on such appeals through an Appeals Committee of Council, if viewed appropriate to do so by the municipality; and,
- 3) That copies of this resolution be sent to the Minister of Municipal Affairs and Housing, all local members of Provincial Parliament, GTA municipalities, registered ratepayer associations in the Town of Markham, Markham Action Group for Improved Community, and Association of Municipalities of Ontario (AMO); and,

- 4) That the MMAH be requested to hold public consultations regarding these requests; and,
- 5) That upon confirmation of the dissolution of the OMB, Town Development Services Commission staff continue the process of establishing the local appeal body for decisions of the Committee of Adjustment; and,
- 6) That the Town of Markham support the request of the City of Mississauga to the MMAH for public consultations on these requests, and advise the Minister of its support in writing and offer of assistance to liaison with local stakeholders including business owners, property owners, residents, and individuals and corporations working in land use development and planning; and,
- 7) That should during the MMAH and city-lead public consultations, it be determined that municipal jurisdictions wish to remain subject to OMB hearings, then Markham Council and other municipal jurisdictions by a majority vote, be granted the option of removal from the OMB's purview; and,
- 8) That should the MMAH not accede to the request to dissolve the OMB, in the alternative, the Town of Markham would recommend that leave to appeal be required in all appeals to the OMB. Such leave to appeal shall be to a Master of the Superior Court of Ontario."

MOTION LOST

Motion to move the matter forward for consideration:

Moved by Councillor Howard Shore

Seconded by Councillor Logan Kanapathi

That Council consider the proposed motion regarding Ontario Municipal Board (OMB) immediately following the delegations with respect thereto.

CARRIED

8. NOTICES OF MOTIONS

There were no notices of motions.

9. COMMUNICATIONS

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

That Council receive and consent to the disposition of Communication Nos. 15-2012 to 20-2012 as outlined below.

CARRIED

Moved by Regional Councillor Gord Landon

Seconded by Councillor Howard Shore

That Communication No. 21-2012 regarding Ontario Municipal Board (OMB) be received.

CARRIED

Referred to all Members of Council

15-2012 ROAD CLOSURE REQUEST - UNIONVILLE FESTIVAL 5 KM & 10 KM RUN (3.5)

The following street will be closed on June 3, 2012 between 8:00 a.m. and 10:00 a.m. to facilitate the run:

- Start on Carlton Road (at Main Street) in front of Varley Art Gallery
- Run northwest on Carlton to Toogood Park near Pomander (path near transformer) - Follow trail to end of Toogood Pond
- Go northeast towards Toogood Pond and Toogood Pathways
- Circle TooGood pathways to exit onto 16th ave Toogood Pathways - keeping river to the right
- Go east of 16th Avenue along the sidewalk and turn south onto Normandale Rd
- Follow Normandale Rd around and back onto 16th AveLocal
- Proceed east on 16 Ave and re-enter Toogood Park prior to Aiken Circle
- Exit park system onto Toogood Pond Park Rd to Main Street
- Proceed south on Main Street & turn west onto Carlton Rd (Road Closure required)
- End in front of Varley Art Gallery

[Info](#)

CARRIED

- 16-2012 ROAD CLOSURE REQUEST – EASTER PARADE & EGG HUNT (3.5)
The following roads will be closed on April 7, 2012 between 10:00 a.m. and 5:00 p.m. to facilitate the event:
- Main Street Unionville north from Concession Road to south of Carlton Rd
 - Main Street Unionville east onto Carlton Rd
 - Main Street Unionville west onto Fred Varley Drive & Carlton Rd

[Info](#)

CARRIED

- 17-2012 ROAD CLOSURE REQUEST – CANADA DAY CELEBRATIONS (3.5)
The following roads will be closed on July 1, 2012 to facilitate the celebrations:
3:00 p.m. to 4:30 p.m.
- McCowan Road from Bullock Drive to South Unionville Avenue – Regional Roadway
 - McCowan Road and Heritage Rd
 - Hwy 7 – east and west of McCowan Road

8:30 p.m. to 11:30 p.m.

- McCowan Road north of South Unionville Avenue Regional Roadway – rolling closures

[Info](#)

CARRIED

- 18-2012 TEMPORARY EXTENSION APPLICATION FOR LIQUOR SALES LICENCE
- MARKHAM VILLAGE BIA (3.21)

Requesting an approval from the Town of Markham to extend their existing liquor licence for the outdoor areas created by using the sidewalks located directly in front of the establishment while the street is closed to vehicular traffic. The proposed extension will be utilized in conjunction with the events as follows:

Events:

Markham Village Music Festival

- June 15, 2012 (4:00 p.m. to 11:00 p.m.)
- June 16, 2012 (11:00 a.m. to 7:00 p.m.)

World Music and Dance Event

- July 22, 2012 (11:00 a.m. to 6:00 p.m.)

Establishments:

- Stanley's Fish and Chips, 48 Main Street North, Markham
- Liberty Burgers & Wings, 144 Main Street North, Markham
- The Duchess of Markham, 53 Main St. N. Markham, and
- Main's Mansion Restaurant and Bar, 144 Main St. N., Markham
- Al Dente Restaurant, 39 Main St. N., Markham
- Folco's Restaurant, 42 Main St. N., Markham

Note: The application for Stanley's Fish is from 11:00 a.m. to 11:00 p.m., as the additional extended hours will be specifically for the patio area located within the establishments.

[Info](#)

CARRIED

- 19-2012 TEMPORARY EXTENSION APPLICATION FOR LIQUOR SALES LICENCE
- MARKHAM DISTRICT VETERANS ASSOCIATION (3.21)
Requesting an approval from the Town of Markham to extend their existing liquor licence for the parking lot area at 7 Washington Street. The proposed extension will be utilized during their Multi Cultural Festival and Pot Luck Dinner being held on June 29, 2012, 5:00 p.m. to 10:00 p.m.

[Info](#)

CARRIED

- 20-2012 TEMPORARY EXTENSION APPLICATION FOR LIQUOR SALES LICENCE
- OLD COUNTRY INN (3.21)
Requesting an approval from the Town of Markham to extend their existing liquor licence for the patio and indoor areas at 198 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, 11:30 a.m. to 11:00 p.m.

[Info](#)

CARRIED

Received

21-2012

COMMUNICATION RECEIVED REGARDING ONTARIO MUNICIPAL BOARD (OMB) (13.0)

1. Debra C. Saxe (In support of the proposed motion)
2. Ray Menzies (In opposition to the proposed motion)
3. Annette Caron (In opposition to the proposed motion)
4. Donna Bush ((In opposition to the proposed motion)
5. Janice Fox (In support of the proposed motion)
6. David Slotnick (In support of the proposed motion)
7. Brahm Satov (In support of the proposed motion)
8. Shafiq Sediqzadah (In support of the proposed motion)
9. Fred Webber (In support of the proposed motion)
10. Reid McAlpine (Providing comments)
11. Shanir Jamal (Providing comments)
12. George Chammas (In opposition to the proposed motion)
13. Karen Gullason (In support of the proposed motion)
14. Danielle Chin, BILD (In opposition to the proposed motion)
15. Brian Chadderton (In support of the proposed motion)
16. German Mills Residents Association (In support of the proposed motion)
17. Keith Thirgood, President, Old Markham Village Ratepayers Inc., (Providing comments)
Fred Leitner (In support of the proposed motion)
Rachael Pasternak (In support of the proposed motion)
18. Executive Board, Aileen-Willowbrook Ratepayers Association (In opposition to the proposed motion)
19. David Jordon (In opposition to the proposed motion) (copy of deputation statement)
20. Donna Bush (In opposition to the proposed motion) (copy of deputation statement)

[Communication AddendumCommunications](#)

(See Motion Item No. 2 on Council's decision on this matter)

(See Delegation Item No. 1)

(See Petition Item No. 1)

(See New/Other Business Item No. 1)

CARRIED

10. PROCLAMATIONS**(1) APPROVED PROCLAMATIONS - FOR INFORMATION (3.4)**

Moved by Councillor Alan Ho

Seconded by Councillor Valerie Burke

- 1) That the following proclamations issued by the Town Clerk in accordance with the Town of Markham Proclamation Policy be received for information purposes:

- Steward of the Earth Day (May 9, 2012)
- Jazz Celebration Week (August 13 to 19, 2012)

CARRIED

11. NEW/OTHER BUSINESSES**(1) ONTARIO MUNICIPAL BOARD (OMB) (13.0)**

Moved by Councillor Howard Shore

Seconded by Councillor Don Hamilton

- 1) That a new motion regarding Ontario Municipal Board (OMB) be introduced for Council's consideration.
(See Motion Item No. 2 on Council's decision on this matter)
(See Delegation Item No. 1)
(See Petition Item No. 1)
(See Communication Item No. 21-2012)

CARRIED

(2/3 Vote was requested & obtained)

12. BY-LAWS

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Gord Landon

That By-laws 2012-64 to 2012-82 and By-law 2012-84 be given three readings and enacted.

Three Readings

BY-LAW 2012-64 ROAD DEDICATION BY-LAW – RUSTLE WOODS AVENUE
- A by-law to dedicate certain lands as part of the highways of the Town of Markham (Block 88, Plan 65M-4256)
[By-law](#)

CARRIED

BY-LAW 2012-65 ROAD DEDICATION BY-LAW – RIVERLANDS AVENUE AND CORNELL ROUGE BOULEVARD
- A by-law to dedicate certain lands as part of the highways of the Town of Markham (Blocks 104 and 105, Plan 65M-4093 and Block 178, Plan 65M-4093)
[By-law](#)

CARRIED

BY-LAW 2012-66 MATTAMY (WYKLAND) 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, Blocks 170, 174 and 187, Plan 65M-4306, north of Church Street and east of Bur Oak Avenue.
[By-law](#)

CARRIED

BY-LAW 2012-67 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, Blocks 1 to 10, 65M-4290, south of 14th Avenue and east of Box Grove By-Pass.
[By-law](#)

CARRIED

BY-LAW 2012-68 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST – BECKETT FARMHOUSE, 4672 16th Avenue.

[By-law](#)

CARRIED

BY-LAW 2012-69 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST – JOHN B. MILLER HOUSE, 7134 MAJOR MACKENZIE DRIVE EAST.

[By-law](#)

CARRIED

BY-LAW 2012-70 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST – WELLINGTON WIDEMAN HOUSE, 11201 REESOR ROAD.

[By-law](#)

CARRIED

BY-LAW 2012-71 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST – DAVID BURKE HOUSE, 10531 REESOR ROAD.

[By-law](#)

CARRIED

BY-LAW 2012-72 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST – ANTHONY ROMAN CENTRE/MARKHAM CIVIC CENTRE, 101 TOWN CENTRE BOULEVARD.

[By-law](#)

CARRIED

BY-LAW 2012-73 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST – ADAM BETZ HOUSE, 10676 REESOR ROAD.

[By-law](#)

CARRIED

BY-LAW 2012-74 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST – JOHN BOYLES HOUSE, 11190 YORK DURHAM LINE.

[By-law](#)

CARRIED

BY-LAW 2012-75 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST – NOBLE TENANT FARMER'S HOUSE, 11122 REESOR ROAD.

[By-law](#)

CARRIED

BY-LAW 2012-76 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST – RICHARD TARR HOUSE, 7368 ELGIN MILLS ROAD EAST.

[By-law](#)

CARRIED

BY-LAW 2012-77 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST – JAMES BRISON JOHNSON HOUSE, 10295 NINTH LINE

[By-law](#)

CARRIED

BY-LAW 2012-78 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST – JAMES COLLINS HOUSE, 11223 REESOR ROAD.

[By-law](#)

CARRIED

BY-LAW 2012-79 A BY-LAW TO AMEND PARKING BY-LAW 2005-188 (MAIN STREET MARKHAM NORTH PARKING RESTRICTION)

- Between Highway 7 and Bullock Drive.

(Item No. 6, Report No. 17)

[By-law](#)

CARRIED

BY-LAW 2012-80 S AND J REAL ESTATE INVESTMENT CORP., PART LOT CONTROL EXEMPTION BY-LAW

- A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Blocks 23 to 26, Plan 65M-4263, north of Castlemore Avenue and south of Fred Mclaen Boulevard.

[By-law](#)

CARRIED

BY-LAW 2012-81 A BY-LAW TO DELEGATE THE AUTHORITY FOR THE CONVEYANCE OF PERMANENT AND TEMPORARY EASEMENTS TO THE CHIEF ADMINISTRATIVE OFFICER

- Amend By-law 4-2000, being a by-law to appoint a Chief Administrative Officer for the Town of Markham.

(In-camera Item No. 1)

[By-law](#)

CARRIED

BY-LAW 2012-82 A BY-LAW TO AMEND ZONING BY-LAWS TO PROHIBIT REVERSE SLOPE DRIVEWAYS IN THE TOWN OF MARKHAM

- Amend Zoning By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 177-96, as amended by 28-97, as amended, and 2004-196, as amended.

[By-law](#)

CARRIED

BY-LAW 2012-84 A BY-LAW TO CHANGE THE NUMBER OF MEMBERS OF THE BOARD OF MANAGEMENT FOR UNIONVILLE BIA

- Amend By-law 169-83, being a by-law to designate an area in the Unionville Business District as an Improvement Area and to establish a Board of Management for the Business Improvement Area

[By-law](#)

CARRIED

13. IN-CAMERA ITEMS

Council consented to not resolve into in-camera session and to report out the following items, as proposed, at open Council session:

GENERAL COMMITTEE – March 26, 2012

- (1) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD
[Section 239 (2) (c)]

DEVELOPMENT SERVICES COMMITTEE - March 20, 2012

- (2) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD IN WARD 4
[Section 239 (2) (e)]

GENERAL COMMITTEE – April 2, 2012

- (3) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES – BOARD AND COMMITTEE RESIGNATIONS
[Section 239 (2) (b)]
- (4) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES – BOARD AND COMMITTEE APPOINTMENTS
[Section 239 (2) (b)]
- (5) THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR LOCAL BOARD: WARD #1
[Section 239 (2) (a)]
- (6) THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR LOCAL BOARD: WARD #6
[Section 239 (2) (a)]

- (7) THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY
OR LOCAL BOARD: WARD #7
[Section 239 (2) (a)]

CARRIED

Council reported out the items as follows:

GENERAL COMMITTEE – March 26, 2012

- (1) CONVEYANCE OF PERMANENT AND TEMPORARY EASEMENTS (8.6)

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Jim Jones

- 1) That the confidential report dated February 3, 2012 from the Chief Administrative Officer and Town Solicitor regarding Conveyance of Permanent and Temporary Easements, be received; and,
- 2) That By-law 4-2000 be amended to delegate the authority for the conveyance of permanent and temporary easements to the Chief Administrative Officer; and,
- 3) That staff be authorized to proceed as directed by Council on April 3, 2012.
(By-law 2012-81)

CARRIED

DEVELOPMENT SERVICES COMMITTEE – March 20, 2012

- (2) MINOR VARIANCE APPEAL
10 HENRIETTA STREET, MARKHAM
A/134/11 (8.0)

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Jim Jones

- 1) That the confidential report titled “Minor Variance Appeal, 10 Henrietta Street, A/134/11” be received; and,
- 2) That Council direct staff not to attend the Ontario Municipal Board (OMB) hearing regarding the decision of the Committee of Adjustment to approve a Minor Variance to permit a 0.0 metre side and rear yard setback, whereas the By-law requires minimum side and rear yard setbacks of 0.5 metres, as it relates to an existing shed; and further,

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

CARRIED

GENERAL COMMITTEE – April 2, 2012

(3) BOARD AND COMMITTEE RESIGNATIONS (16.24)

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Jim Jones

- 1) That the resignation of Kelly Huff from the Cemetery Board be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti; and,
- 2) That the resignation of Erika Lontoc from the Environmental Advisory Committee be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti.

CARRIED

(4) UNIONVILLE BUSINESS IMPROVEMENT AREA (UBIA) (16.0)

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Jim Jones

- 1) That Markham Council amend Markham By-law 169-83, a by-law to designate an area in the Unionville Business District as an improvement area and to establish a Board of Management for the Business Improvement Area, to increase the number of members appointed to the Board to between seven (7) and eleven (11) members, two (2) of whom shall be Members of Council.
- 2) That Andrew Black, Kieng Ly, Sylvia Morris, Shauna Podrozney, Sharon Taylor-Wood and Mario Tiano be appointed to the UBIA Board of Management for the term ending November 30, 2014.

(By-law 2012-84)

CARRIED

(5) LADIES GOLF CLUB OF TORONTO PROPERTY MATTER UPDATE (8.0)

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Jim Jones

- 1) That the confidential report dated March 1, 2012 from the Town Solicitor and Chief Administrative Officer regarding an update on the Ladies Golf Club of Toronto property matter be received.

CARRIED

(6) SURPLUS LAND - PROPERTY MATTER (8.7)

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Jim Jones

- 1) That the confidential report dated March 19, 2012 from the Town Solicitor and Chief Administrative Officer regarding a property matter be received; and,
- 2) That Blocks 8, 9 and 10 on Plan 65M-3998 be declared surplus to Town purposes; and further,
- 3) That staff be authorized to proceed as directed by Council on April 3, 2012.

CARRIED

(7) LEASE EXTENSION - PROPERTY MATTER (8.0)

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Jim Jones

- 1) That the confidential report dated January 20, 2012 from the Town Solicitor and Chief Administrative Officer regarding a lease extension be received; and,
- 2) That staff be authorized to proceed as directed by Council on April 3, 2012.

CARRIED

14. CONFIRMATORY BY-LAW

Moved by Councillor Alex Chiu

Seconded by Councillor Don Hamilton

That By-law 2012-83 be given three readings and enacted.

Three Readings

BY-LAW 2012-83 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL
MEETING OF APRIL 3, 2012.

[By-law](#)

CARRIED

15. ADJOURNMENT

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

That the Council meeting be adjourned at 10:14 p. m.

CARRIED

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR

(Signed)