



COUNCIL MINUTES

October 18, 2011

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 17

Alternate formats for this document are available upon request

ROLL CALL

Mayor Frank Scarpitti, Deputy Mayor Jack Heath, 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.

REGRETS

Regional Councillor Jim Jones, Regional Councillor Gord Landon.

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
Andrew Brouwer, Deputy Town Clerk
Dennis Flaherty, Director, Communications & Community Relations
Joel Lustig, Treasurer
John Wong, Technology Support Specialist
Ralph Capocci, Chief of Staff to the Mayor

The Regular Meeting of Council convened at 7:06 p.m. on October 18, 2011 in the Council Chamber, Civic Centre.

1. DISCLOSURE OF PECUNIARY INTEREST

(1) None declared.

2. MINUTES**(1) COUNCIL MINUTES – OCTOBER 4, 2011**[Minutes](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Carolina Moretti

- 1) That the Minutes of the Council Meeting held on October 4, 2011, be adopted.

CARRIED**3. PRESENTATIONS**

There were no presentations considered by Council.

4. DELEGATIONS

Council consented to add Delegation Item Nos. 1 to 3.

(1) SURESH PERCIRA**TREELINE COURT PARKING BY-LAW (2.17)**

Moved by Councillor Logan Kanapathi

Seconded by Councillor Colin Campbell

- 1) That the delegation of Suresh Percira to thank Council regarding the proposed By-law 2011-204, an amendment to Parking By-law 2005-188 (Treeline Court administrative amendment), be received.

CARRIED

- (2) JESSICA A. POMPILIO, ON BEHALF DUFFERIN CONCRETE
AT 7655 WOODBINE AVENUE (10.5)

Moved by Councillor Alex Chiu

Seconded by Councillor Don Hamilton

- 1) That the delegation of Jessica A. Pompilio, on behalf Dufferin Concrete at 7655 Woodbine Avenue, to propose a deferral of By-law 2011-203 regarding the application submitted by Markham Free Methodist Church, 22 Esna Park Drive, to accommodate a place of worship proposal, be received.
(See Communication Nos. 69-2011, 70-2011 and By-law 2011-203)

CARRIED

- (3) SEAN GOSNELL, BORDEN LADNER GERVAIS LLP,
ON BEHALF OF MARKHAM FREE METHODIST CHURCH,
22 ESNA PARK DRIVE (10.5)

Moved by Councillor Alex Chiu

Seconded by Councillor Don Hamilton

- 1) That the delegation of Sean Gosnell, Borden Ladner Gervais LLP, on behalf of Markham Free Methodist Church, 22 Esna Park Drive, to support the enactment of By-law 2011-203 to accommodate a place of worship proposal, be received.
(10.5)
(See Communication Nos. 69-2011, 70-2011 and By-law 2011-203)

CARRIED

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

That By-laws 2011-203 and 2011-204 be brought forward for consideration by Council immediately following the delegations.

(See By-laws Section of these minutes for Council decision on these by-laws)

CARRIED

5. PETITIONS

There were no petitions considered by Council.

6(a) REPORT NO. 53 - GENERAL COMMITTEE (October 3, 2011)

Moved by Councillor Carolina Moretti

Seconded by Councillor Valerie Burke

That Report No. 53 – General Committee comprised of 1 item be received and adopted.

(1) THEATRE ENDOWMENT TERMS OF REFERENCE (6.5)

[Report](#) [Attachments A-C](#) [Revised App A](#)

- 1) That the report titled Theatre Endowment Terms of Reference be received; and,
- 2) That the document entitled “Theatre Endowment – Terms of Reference” as outlined in Appendix A, as amended at the October 3, 2011 General Committee meeting be approved; and,
- 3) That the Theatre Endowment comprises of *the Theatre Endowment Reserve Fund* and *Capital Improvement Reserve Fund*; and,
- 4) That the funds in the *Capital Improvement Reserve Fund* be utilized for funding of new capital projects other than those projects funded either from Life Cycle Replacement and Capital Reserve; and,
- 5) That the *Theatre Endowment Reserve Fund* and the *Capital Improvement Reserve Fund* receive equal share of the allocated \$1.00 ticket handling fee (currently at \$1.00 out of a \$3.50 handling fee); and,
- 6) That the *Theatre Endowment Reserve Fund* and the *Capital Improvement Reserve Fund* receive equally the proportionate increase in allocated ticket handling fee for any future increase to fees; and,
- 7) That an amount of \$25,000 be transferred from the *Theatre Endowment Reserve Fund* to the Theatre operating account annually for a period of four years (2012-2015), to fund special initiatives (as per terms of Reference); and,
- 8) That a report be provided to Council on the usage of the funds annually; and further,
- 9) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**6(b) REPORT NO. 54 - DEVELOPMENT SERVICES COMMITTEE
(October 11, 2011)**

Moved by Councillor Don Hamilton

Seconded by Regional Councillor Joe Li

That Report No. 54 – Development Services Committee comprised of 2 items be received and adopted.

**(1) 2011 MARKHAM SMALL BUSINESS CENTRE
MARKETING PLAN (10.16)**

[Report](#)

- 1) That the report entitled “2011 Markham Small Business Centre Marketing Plan” be received and endorsed; and,
- 2) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**(2) 142-R-11 AWARD OF DESIGN SERVICES
FOR THE RECONSTRUCTION OF
MAIN STREET MARKHAM FROM HWY 407 TO HWY 7 (5.10)**

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

- 1) That the report entitled “142-R-11 Award of Design Services for the Reconstruction of Main Street Markham from Highway 407 to Hwy 7”, be received; and,
- 2) That the contract “142-R-11 Design Services for the Reconstruction of Main Street Markham” (from Highway 407 to Highway 7) be awarded to the highest ranked and second lowest priced bidder McCormick Rankin Corporation, in the amount of \$582,632.99 HST included; and,
- 3) That a contingency in the amount of \$87,394.95 inclusive of HST be established to cover any additional design, contract administration and legal costs; and,
- 4) That upon successful completion of the Design Services to the satisfaction of the Engineering Department, that McCormick Rankin Corporation be retained to complete the Contract Administration and Inspection Services in the estimated amount of \$468,096 HST included (4.6% of the estimated construction costs); and,

- 5) That the Director of Engineering be authorized to decrease or increase the estimated Contract Administration and Inspection Services based on a fixed 4.6% fee as per recommendation # 3 with the final tendered construction costs; and,
- 6) That the Engineering Department shall apply a Project Management Fee in the amount of \$85,359.30 inclusive of HST; and,
- 7) That funding for the project be provided from the approved Capital Account 083-5350-11068-005 which currently has funding in the amount of \$1,564,100.00; and,
- 8) That the remaining funding in the amount of \$340,616.76 for the project be contributed towards the construction cost scheduled for 2013; and further,
- 9) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**6(c) REPORT NO. 55 - DEVELOPMENT SERVICES PUBLIC MEETING
(October 11, 2011)**

Moved by Councillor Don Hamilton

Seconded by Councillor Colin Campbell

That Report No. 55 – Development Services Committee comprised of 2 items be received and adopted.

- (1) WYKLAND ESTATES INC.
ZONING AMENDMENT APPLICATION
TO PERMIT ROOFED PORCHES TO ENCROACH
INTO THE REQUIRED YARD
WEST OF CORNELL CENTRE BLVD., SOUTH OF 16TH AVENUE
(ZA.11-121981) (10.5)
[Memo](#)

- 1) That the written submission from Marcel Patel in support of the Zoning Amendment application by Wykland Estates Inc., be received; and,
- 2) That the report dated October 11, 2011, entitled “Information Report, Wykland Estates Inc., Zoning Amendment application to permit roofed porches to encroach into the required yard, west of Cornell Centre Blvd, south of 16th Avenue, File No: ZA.11-121981” be received; and,

- 3) That the Record of the Public Meeting held on October 11, 2011, with respect to the proposed amendment to the Zoning By-law, be received; and,
- 4) That the application by Wykland Estates Inc. to amend the Town's By-law 177-96, as amended, be approved; and further,
- 5) That the proposed amendment to Zoning By-law 177-96, as amended, be enacted without further notice.

CARRIED

(2) GLENN & CHERYL HARRINGTON
ZONING AMENDMENT TO PERMIT
A BUSINESS OFFICE ON THE SUBJECT LANDS
(6882 14TH AVENUE) (ZA 11 116392) (10.5)
[Report](#) [Attachment](#)

- 1) That the report titled "PRELIMINARY REPORT, Glenn & Cheryl Harrington, Zoning Amendment to permit a business office use within the existing residential dwelling at 6882 14th Avenue, File No. ZA 11 116392," dated September 13, 2011 be received; and,
- 2) That the Record of the Public Meeting held on October 11, 2011, with respect to the proposed amendment to the Town of Markham's Zoning By-law 194-82, as amended, be received; and,
- 3) That the application by Glenn & Cheryl Harrington to amend the Town's By-law 194-82, as amended, be approved; and further,
- 4) That the proposed amendment to the Town's Zoning By-law 194-82, as amended, be enacted without further notice.

CARRIED

6(d) REPORT NO. 56 - GENERAL COMMITTEE (October 17, 2011)

Council consented to separate Item No. 3. (See following Item No. 3).

Moved by Councillor Carolina Moretti

Seconded by Councillor Alan Ho

That Report No. 56 – General Committee comprised of 4 items be received and adopted.

(1) 2012 STANDING COMMITTEE/ COUNCIL
MEETING SCHEDULE (16.0)

[Attachment](#)

- 1) That the 2012 meeting schedule for Council and Standing Committees be approved.

CARRIED

(2) MINUTES OF THE OCTOBER 7, 2011
COMMUNICATIONS COMMITTEE & INFORMATION
TECHNOLOGY SUB-COMMITTEE (16.0 & 12.1))

[September 28](#) [October 7](#).....[Policy](#)

- 1) That the Minutes of the September 28 and October 7, 2011 Communications Committee and Information Technology Sub-Committee be received for information purposes.
- 2) That Council endorse the Social Media Policy as approved by the Communications Committee and Information Technology Sub-Committee, and,
- 3) That Markham Boards, Business Improvement Areas and Committees be required to adhere to the Town's Corporate Social Media Policy; and,
- 4) That Markham District Energy and Markham Enterprise Corporation be requested to consider adopting the Town's Social Media Policy if no such policy currently exists.

CARRIED

(3) **MILLIKEN MILLS LIBRARY FEASIBILITY STUDY (3.19)**
[Report](#)

Moved by Councillor Alex Chiu

Seconded by Deputy Mayor Jack Heath

- 1) That the following recommendation from the October 17, 2011 General Committee meeting entitled “Milliken Mills Library Feasibility Study” be referred to a Special Council Workshop to take place in 2011 if possible:

“That the staff report entitled “Milliken Mills Library Feasibility Study”, dated September 28, 2011, be received; and,

That Option 3 (Partial Two Level Concept as identified in the Milliken Mills Library Feasibility Study) be endorsed in principle as the preferred option for potential library expansion; and,

That the potential expansion of the Milliken Mills Library be considered as a future capital budget item with timelines to be coordinated with the construction of the South East Library Branch; and further,

That Staff authorized and directed to do all things necessary to give effect to this resolution.”

CARRIED

(4) **ONTARIO GOOD ROADS ASSOCIATION REQUEST
FOR NOMINATIONS TO 2012 -2013 BOARD OF DIRECTORS (5.10)**
[Attachment](#)

- 1) That the letter dated October 7, 2011 from the Ontario Good Roads Association requesting nominations to the 2012 -2013 Board of Directors, be received; and,
- 2) That Councillor Colin Campbell be nominated for the 2012-2013 Ontario Good Roads Association (ORGA), Board of Directors.

CARRIED

7. MOTIONS

There were no motions considered by Council.

8. NOTICES OF MOTIONS

There were no notices of motions considered by Council.

9. COMMUNICATIONS

Council consented to add Communication Nos. 69-2011 and 70-2011.

Moved by Councillor Alex Chiu

Seconded by Councillor Howard Shore

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

Received

69-2011 JESSICA A. POMPILIO, ON BEHALF DUFFERIN CONCRETE AT 7655 WOODBINE AVENUE (10.5)
- Requesting Council defer the enactment of By-law 2011-203 regarding the application submitted by Markham Free Methodist Church, 22 Esna Park Drive, to accommodate a place of worship proposal and providing comments with respect thereto. [Letter](#)

CARRIED

70-2011 SEAN GOSNELL, ON BEHALF OF MARKHAM FREE METHODIST CHURCH, 22 ESNA PARK DRIVE (10.5)
- Requesting Council proceed with the enactment of By-law 2011-203 to accommodate a place of worship proposal and providing comments with respect thereto. [Letter](#)

CARRIED

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

Moved by Councillor Logan Kanapathi

Seconded by Councillor Alan Ho

- 1) That the following proclamations issued by the Town Clerk in accordance with the Town of Markham Proclamation Policy be received for information purposes:
 - German Pioneers Day (October 11, 2011)
 - Ontario Public Library Week (October 16 to 22, 2011)
 - Crohn's & Colitis Awareness Month (November 2011).

CARRIED

11. NEW/OTHER BUSINESSES

Council consented to add New/Other Businesses Item Nos. 1 and 2.

**(1) UPDATE ON POLICY FOR ESTABLISHING
TELECOMMUNICATION TOWERS (10.0)**

[Mkm Presentation](#) [S. DAgostino](#) [R. Copes](#)

Moved by Councillor Howard Shore

Seconded by Councillor Alex Chiu

- 1) That the presentation provided by the following representatives titled "Update on Policy for Establishing Telecommunication Towers" at the October 18, 2011 Development Services Committee meeting be received:
 - Anna Henriques, Town of Markham
 - Stephen D'Agostino, Thomson Rogers Barristers and Solicitors (representing service providers Bell, Rogers and Telus)
 - Dr. Ray Copes, Public Health Ontario; and,
- 2) That, until a review of the Town's Telecommunications Tower policy is completed, community consultation be required within 120 metres for all Telecommunication Tower applications; and further,
- 3) That the verbal update provided by the Town Solicitor at the October 18, 2011 Council meeting on the implications of the proposed notification requirement be received.

CARRIED

(2) GOVERNMENT TECHNOLOGY EXHIBITION
AND CONFERENCE (GTEC) 2011 (11.12)

- 1) That approval be given to Mayor Frank Scarpitti to attend the “Government Technology Exhibition and Conference (GTEC)” being held in Ottawa on October 19, 2011; and,
- 2) That the expenses related to the attendance of the conference be charged to Account No. 110-1105200.

12. BY-LAWS

Moved by Councillor Alex Chiu
Seconded by Councillor Logan Kanapathi

That By-laws 2011-203 and 2011-204 be consideration by Council immediately following the delegations.

CARRIED

Moved by Councillor Logan Kanapathi
Seconded by Councillor Alan Ho

That By-law 2011-204 be given three readings and enacted.

CARRIED

Moved by Councillor Colin Campbell
Seconded by Councillor Howard Shore

That By-law 2011-203 be deferred to the November 22, 2011 Council meeting.

CARRIED

(See following By-law 2011-203)

Three Readings

BY-LAW 2011-203 MARKHAM FREE METHODIST CHURCH ZONING BY-LAW
AMENDMENT, 22 ESNA PARK DRIVE

- A by-law to amend By-law 108-81, as amended, to operate a place of
worship within an existing industrial building.

DEFERRED

(See following motion to defer by-law)

Moved by Councillor Colin Campbell
Seconded by Councillor Howard Shore

That the consideration of By-law 2011-203 be deferred to the November 22, 2011
Council meeting.

CARRIED

(See following proposed motion which was deferred)

Moved by Deputy Mayor Jack Heath
Seconded by Councillor Alex Chiu

That the direction for staff to develop the following regarding Markham Free Methodist
Church, 22 Esna Park Drive be deferred to the November 22, 2011 meeting for Council's
consideration:

- A letter, agreement or provision in the Site Plan agreement, to be registered on
title to the subject lands, acknowledging the existence of the Dufferin Concrete
operation at 7655 Woodbine Avenue and acknowledging the current noise levels
from the Dufferin Concrete operations, and the Markham Free Methodist
Church's acceptance of both as evidenced by their purchase of the property and
their rezoning and site plan applications at 22 Esna Park Drive; and,
- A condition of Site Plan Approval requiring the Church to incorporate building
materials into their development that will mitigate noise impacts from the
Dufferin Concrete, if required.

DEFERRED

(See following notation)

Council approved the deferral of By-law 2011-203; therefore, the proposed motion
moved by Deputy Mayor Jack Heath and seconded by Councillor Alex Chiu is deferred
accordingly.

BY-LAW 2011-204 PARKING BY-LAW 2005-188 AMENDMENT (Treeline Court administrative amendment)

By-law

CARRIED

13. IN-CAMERA ITEMS

Council consented to report out the following 6 in-camera items at open Council without resolving into in-camera session:

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
- SEPTEMBER 20, 2011 (16.0)

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

- 1) That the minutes of the in-camera Council meeting held on September 20, 2011, be confirmed.

CARRIED

- (2) BOARD AND COMMITTEE APPOINTMENTS (16.24)

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

- 1) That the following persons be appointed to the Committee of Adjustment:

	Term Start Date	Term End Date
Lolita Bruneau	October 1, 2011	November 30, 2014
Keith Daunt	October 1, 2011	November 30, 2014
Peter Favot	October 1, 2011	November 30, 2014
Philip Gunn	October 1, 2011	November 30, 2014
Gary Muller	October 1, 2011	November 30, 2014
Bruno Tucciarone	October 1, 2011	November 30, 2014
Khalid Usman	October 1, 2011	November 30, 2014

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

CARRIED

(3) 555 MILLER AVENUE PROPERTY MATTER (8.2)

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

- 1) That the confidential report dated September 12, 2011 from the Town Solicitor and Chief Administrative Officer regarding a property matter pertaining to 555 Miller Avenue be received; and,
- 2) That staff be directed to do all things necessary to give effect to this report.

CARRIED

(4) 8100 WARDEN AVENUE PROPERTY MATTER (10.0)

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

- 1) That the confidential report dated October 5, 2011 from the Town Solicitor and Chief Administrative Officer regarding a property matter pertaining to 8100 Warden Avenue be received;
- 2) That staff be directed to do all things necessary to give effect to this report.

CARRIED

(5) BOARD AND COMMITTEE APPOINTMENTS (16.24)

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

- 1) That Harriet Friedmann be appointed to the Agricultural Advisory Committee with a term ending November 30, 2015.

CARRIED

(6) APPOINTMENT OF COMMUNITY CENTRE BOARDS (16.24)

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

- 1) That the report entitled “Appointment of Community Centre Boards” be received; and,
- 2) That the following individuals be appointed to the Box Grove Community Centre Board for a term ending December 31, 2011:
Tom Farrar, Chair
Stan Buell, Secretary
Dan McCombe, Treasurer
Syed Aziz
Murray Cresswell
Julia Elefano
Angelica Gutierrez
Sherry Hugh
Frank Orovits
Trish Vrotsos
Bob Watt; and,
- 3) That the following individuals be appointed to the Cedar Grove Community Centre for a term ending December 31, 2011:
Graeme Weston, Chair
Murray Reesor
Paul Reesor
Frank Whittamore; and,
- 4) That the following individuals be appointed to the German Mills Community Centre for a term ending December 31, 2011:
Erin Catral, Co-Chair
Kathy Branny, Co-Chair
Myra Bechtel
Eileen Carter
Helen Duffy
Athena Hui
Sharon Raibmon; and,

- 5) That the following individuals be appointed to the Markham Village Train Station Board for a term ending April 30, 2012:
Linaire Armstrong
Annette Ali
Dorothy Gilbert
Rutherford Spraggon
Dianne More
Wayne Moss
Elizabeth Plashkes
Ken Rudy
Mari Lin Van Zetten
Donna Wigmore; and,
- 6) That the Board and Committee Appointment Policy (Appendix A) apply to the Box Grove, Cedar Grove, German Mills, Heintzman House and Victoria Square Community Centre Boards following the expiry of terms ending December 31, 2011; and,
- 7) That the Board and Committee Appointment Policy apply to the Markham Village Train Station Board following the expiry of terms ending April 30, 2012; and,
- 8) That Staff discuss the transition to the recruitment, screening/interview and appointment process outlined in the Board and Committee Appointment Policy with current Community Centre Board members; and,
- 9) That current Community Centre Boards be requested to provide input on candidate attributes and qualifications for consideration by the Appointment Committee; and further,
- 10) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(7) PROPERTY MATTER (8.2)

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

- 1) That the confidential report dated October 14, 2011 from the Manager of Real Property and Chief Administrative Officer regarding a property matter be received; and,

- 2) That Staff be authorized and directed to take the actions set out in this report.

CARRIED

14. CONFIRMATORY BY-LAW

Moved by Councillor Logan Kanapathi
Seconded by Councillor Valerie Burke

That By-law 2011-205 be given three readings and enacted.

Three Readings

BY-LAW 2011-205 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL
MEETING OF OCTOBER 18, 2011.

By-law

CARRIED

15. ADJOURNMENT

Moved by Councillor Alex Chiu
Seconded by Councillor Alan Ho

That the meeting do adjourn.

CARRIED

Council adjourned at 8:24 p. m.

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR

(Signed)