



December 14, 2010

COUNCIL MINUTES

Council Chamber, Civic Centre
Meeting No. 2

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ROLL CALL

Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Gord Landon, Regional Councillor Joe Li (1:45 p.m.), Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Colin Campbell, Councillor Alan Ho, Councillor Logan Kanapathi, Councillor Alex Chiu.

ABSENT

Councillor Carolina Moretti

STAFF

John Livey, Chief Administrative Officer
Jim Baird, Commissioner of Development Services
Brenda Librecz, Commissioner of Community and Fire Services
Andy Taylor, Commissioner of Corporate Services
Catherine Conrad, Town Solicitor
Kimberley Kitteringham, Town Clerk
Andrew Brouwer, Deputy Town Clerk
John Wong, Technology Support Specialist
Dennis Flaherty, Director, Communications & Community Relations
Joel Lustig, Treasurer

The Regular Meeting of Council convened at 1:15 p.m. on December 14, 2010 in the Council Chamber, Civic Centre. Mayor Frank Scarpitti presided.

1. DISCLOSURE OF PECUNIARY INTEREST

- (1) Mayor Frank Scarpitti disclosed an interest with respect to Item No. 12, Report No. 1 (Purchase of desktops, laptops, tablets and monitors through the Ontario Provincial Government – Ministry of Government Services Desktop Management Services and Products Purchasing Agreement), by nature of his brother being an employee of Compugen Inc., and did not take part in the discussion of or vote on the question of the approval of such matters. Mayor Scarpitti vacated the Chair and Deputy Mayor Jack Heath assumed the Chair during the consideration of this matter.
- (2) Deputy Mayor Jack Heath disclosed an interest with respect to In-camera Item No. 7, Resolution No. 2 (Benefit Enhancement for Non-Union Staff), by nature of owning 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.
- (3) Regional Councillor Joe Li disclosed an interest with respect to In-camera Item No. 7, Resolution No. 2 (Benefit Enhancement for Non-Union Staff), by nature of being a shareholder and an employee of 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
- NOVEMBER 23 & 24, 2010
[Nov. 23](#)

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Gord Landon

That the Minutes of the Council Meeting held on November 23 & 24, 2010, be adopted.

CARRIED

3. PRESENTATIONS

(1) GOVERNOR GENERAL'S HORSE GUARDS (GGHG) SWORD PRESENTATION (12.2.6)

Maj Christopher M. Stewardson was in attendance to present a sword to Mayor Frank Scarpitti which reads "Presented to the Office of the Mayor of Markham from the GGHG". Mr. Bob McTaggart, Mr. David Tsubouchi and Mr Craig McOuat were also in attendance.

The sword was originally presented at the Governor General's Horse Guard celebration held on November 25, 2010. The celebration honours the Markham Troop of Cavalry raised 200 years ago by Markham resident John Button in 1810.

Moved by Deputy Mayor Jack Heath
Seconded by Regional Councillor Jim Jones

- 1) That the Town of Markham accept the sword from Governor General's Horse Guards (GGHG) with honours; and,
- 2) That Council thank Members of the Organizing Committee for the Celebration of the Markham Troop of Cavalry raised 200 years ago by Markham resident John Button in 1810, including:

Councillor Carolina Moretti
Mr. Craig McOuat
Mr. Bob McTaggart
Mr. David Tsubouchi
Lieutenant-Colonel Glenn Develiadis
Honorary Colonel David Friesen
Lieutenant-Colonel (R) John Burns
Lieutenant-Colonel (R) Jeff Dorfman
Lieutenant-Colonel (R) Kirk Corkery
Major Christopher Stewardson

CARRIED

4. DELEGATIONS

There were no delegations heard by Council.

5. PETITIONS

There were no petitions considered by Council.

6(a) REPORT NO. 1 – GENERAL COMMITTEE (December 13, 2010)

Council consented to add Report No. 1. Council also consented to separate Item No. 12 to provide an opportunity for Mayor Frank Scarpitti to disclosure an interest on the matter.

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

That Report No. 1 – General Committee comprised of 13 items be received and adopted, except Item No. 12. (See following Item No. 12)

(1) ADVISORY BOARD AND COMMITTEE RESIGNATION (16.24)

- 1) That the resignation of Ms. Tara Sermer from the Animal Care Committee be received with regret and a letter of appreciation be forwarded.

CARRIED

(2) 029-T-07 CONTRACT EXTENSION FOR ROUTINE & EMERGENCY SEWER AND WATERMAIN REPAIRS (7.12.1) [Report](#)

- 1) That the report entitled “029-T-07 Contract Extension for Routine & Emergency Sewer and Watermain Repairs” be received; and,
- 2) That contract 029-T-07 for Routine & Emergency Sewer and Watermain Repairs be extended to Finch Paving (1993) Inc. for an additional one (1) year (January 1, 2011 to December 31, 2011) at the same 2010 itemized pricing in the estimated contractual value totalling \$860,714.00 inclusive of HST; and,
- 3) 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,
- 4) That various 2011 operating budget accounts allocated for these contracted services be the same as the 2010 budget amount and as listed in Table 1 under Financial Considerations in the amount of \$860,714.00 inclusive of HST; and,

- 5) That the 2011 budget allocated for these contracted services is the same as the 2010 budget amount; and,
- 6) That the remaining balance be applied to other waterworks projects; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(3) BY-LAW TO AUTHORIZE TEMPORARY
BORROWING FOR 2011 (7.0)

[Report](#)

- 1) That the report “By-law to authorize Temporary Borrowing for 2011” be received; and,
- 2) That a by-law be brought forward for Council approval to authorize the temporary borrowing, if required, of an amount not to exceed \$115,573,134 from January 1, 2011 to September 30, 2011 and \$57,786,567 from October 1, 2011 to December 31, 2011 to meet the current expenditures of the municipality until taxes are collected and other revenues are received; and,
- 3) That the Treasurer will report back to Council in advance of borrowing, if temporary borrowing is required; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2011-7)

CARRIED

(4) INTERIM SPENDING AUTHORITY
PENDING APPROVAL OF 2011 BUDGET (7.0)

[Report](#)

- 1) That the report “Interim Spending Authority Pending Approval of 2011 Budget”, be received; and,
- 2) That Council approve 50% of the 2010 Operating Budget equal to \$115,573,134 as a pre-budget approval for 2011 operating expenditures; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(5) 2011 INTERIM TAX LEVY AND BYLAW (7.3)

[Report](#)

- 1) That Council authorize an interim tax levy for 2011; and,
 - 2) That the attached by-law be passed to authorize the 2011 interim tax levy; and further,
 - 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.
- (By-law 2011-8)

CARRIED

(6) DEVELOPMENT CHARGES INDEXING –
JANUARY 1, 2011 (7.11)[Report](#)

- 1) That the report titled “Development Charges Indexing – January 1, 2011” be received; and,
- 2) That Council approve an increase in development charges of 1.20%, effective January 1, 2011; and further,
- 3) That staff be directed to do all things necessary to give effect to this report.

CARRIED

(7) AWARD OF CONTRACT # 238-S-10
LABORATORY SAMPLING ANALYSIS (7.12.1)[Report](#)

- 1) That the report entitled “Award of Contract #238-S-10 Laboratory Sampling Analysis” be received; and,
- 2) That the contract for # 238-S-10 Laboratory Sampling Analysis be awarded to York-Durham Regional Environmental Laboratory in the estimated contract value of \$535,752.00 inclusive of HST for a period of 3 years at the same firm fixed prices per the original contract; and,
- 3) That the tender process be waived in accordance with Purchasing Bylaw 2004-341, Part 11, Section 7(1) h which states “where it is necessary or in the best interest of the Town to acquire non-standard items or Professional Services from a preferred supplier”; and,

- 4) That funds for this contract for the 2011 period be drawn from the 2011 Operating Budget Accounts as listed under financial considerations in the estimated amount of \$178,584.00 inclusive of HST, subject to approval of the 2011 operating budget; and,
- 5) That the 2012 – 2013 estimated amounts be provided within the respective years budget submission for the Waterworks Department; and further,

-	2012	\$178,584.00
-	2013	\$178,584.00
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution

CARRIED

(8) **CONTRACT EXTENSION FOR WATER
METER READING & BILLING SERVICE
AND CASHIERING SERVICES (7.12)**
[Report](#)

- 1) That the report entitled “Contract Extensions for Water Meter Reading & Billing Service and Cashiering Services” be received; and,
- 2) That the contract for Water Meter Reading & Billing Services be extended for an additional three (3) years (January 1, 2011 to December 31, 2013) with PowerStream in the amount of \$1,136,862 for 2011, with 3% annual escalation for years 2012 and 2013; and,
- 3) That the 2011 operating budget for Water Meter Reading & Billing Services be decreased from \$1,426,190 to \$1,136,862 to take into account the negotiated decrease; and,
- 4) That subject to Council approval of the Town’s 2011 Operating Budget, funds be provided from account #760-998-5390 Water Billing/Administration; and,
- 5) That the contract for the Hydro Cashiering Services reimbursement to the Town be extended for an additional three (3) years (January 1, 2011 to December 31, 2013) with PowerStream in the amount of \$86,920 for 2011, with 3% annual escalation for years 2012 and 2013; and,
- 6) That the 2011 operating budget for the Hydro Cashiering Services reimbursement be increased from \$84,388 to \$86,920 to take into account the negotiated increase; and,

- 7) That subject to Council approval of the Town's 2011 Operating Budget, the Hydro Cashiering Services reimbursement be allocated to accounts #890-890-8399 and #410-440-3621; and,
- 8) That the tender 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,
- 9) That the Mayor and Town Clerk be authorized to execute the extension of the agreement with PowerStream in a form satisfactory to the Town Solicitor; and,
- 10) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(9) PROPOSED LICENCE FEE
BY-LAW AMENDMENTS (2.0)
[Report](#) [Attachment A](#) [Attachment B](#)

- 1) That the Report entitled "Licence Fee By-law Amendment" be received; and,
- 2) That the 2011 Operating Budget for Miscellaneous License Fees (Account 310-323-8504) for the By-law Enforcement and Licensing Division be amended to include the anticipated additional late fee revenue of \$10,000; and,
- 3) That future annual licence fee increases be based on a change in the Consumer Price Index in April of each year with such increases being effective January 1st and rounded to the nearest dollar; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2011-9)

CARRIED

(10) THORNHILL C.C. & LIBRARY (TCC&L)
ASBESTOS ABATEMENT
AND REINSTATEMENT (7.12.3)

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

- 1) That the report entitled “Thornhill C.C. & Library (TCC&L) Asbestos Abatement and Reinstatement” be received; and,
- 2) That Council approve the reallocation of the uncommitted budget of \$539,000 to the Charterhouse Projects Inc. construction contingency purchase order for the purpose of asbestos abatement and the reinstatement of the areas at the TCC&L as outlined in Attachment 2; and,
- 3) That additional construction contingency in the amount of \$539,000 be funded from 070-5350-10511-005 TCC&L Construction Contingency, and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(11) PROVINCIAL OFFENSES ACT COURTS-
AMENDED AGREEMENT (2.0)

[Report](#) [Appendix A](#)

- 1) That the report “Provincial Offences Act Courts – Amended Agreement” be received; and,
- 2) That the Mayor and Clerk be authorized to execute an amended “York Region Courts Inter-municipal Agreement” in a form and content satisfactory to the Chief Administrative Officer; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(12) PURCHASE OF DESKTOPS, LAPTOPS,
TABLETS AND MONITORS THROUGH THE
ONTARIO PROVINCIAL GOVERNMENT –
MINISTRY OF GOVERNMENT SERVICES DESKTOP
MANAGEMENT SERVICES AND PRODUCTS
PURCHASING AGREEMENT (7.12)

[Report](#)

- 1) That the report entitled “Purchase of desktops, laptops, tablets and monitors through the Ontario Provincial Government – Ministry of Government Services Desktop Management Services and Products Purchasing Agreement” be received; and,
- 2) That the Ontario Provincial Government – Ministry of Government Services supplier Compugen Inc. be the preferred supplier for the Town of Markham for a period of three (3) years effective January 1, 2011 at the same itemized prices as that of the Province with an option for an additional two (2) year extension for desktop, laptops, tablets and monitors; and,
- 3) That the Town’s Tender process be waived as the Ontario Provincial Government has undergone their own competitive process and in accordance with Purchasing By-Law 2004-341, Part II, Section 7 Non Competitive Procurement, item 1 (g) which states “Where it’s in the Town’s best interest not to solicit a competitive bid”; and,
- 4) That the total award of \$1,218,505 inclusive of HST impact, be funded from the 2010 approved capital account 49-6150-10076-005 in the amount of \$310,000 and the 2011 account funded from account 49-6150-11119-005 Core-Hardware Infrastructure in the amount of \$908,505; and,
- 5) That the 2011 account 49-6150-11119-005 Core-Hardware Infrastructure be pre-approved for the 2011 capital budget in the amount of \$908,505 for this award; and,
- 6) That the Chief Information Officer be authorized to approve any future desktop, laptops, tablets and monitor purchases during the duration of this contract (2011 to 2015) due to growth (new full-time employees and/or new sites) as long as the expenditure is within the approved budget; and,
- 7) That the Mayor and Town Clerk be authorized to execute a Desktop Management Services and Products Purchasing Agreement with the Ontario Provincial Government – Ministry of Government Services and Compugen Inc. in a form satisfactory to the Town Solicitor; and,

- 8) That the Mayor and Town Clerk be authorized to execute further Ontario Provincial Government – Ministry of Government Services procurement agreements in relation to ITS requirements such as, cellular phone acquisition/plans, printing and imaging devices/services, server and computer acquisition etc, where it is in the Town's best interest not to solicit an additional competitive bid where it is within an approved budget and upon receipt of the Chief Administrative Officer's approval; and,
- 9) That this report be brought forward to the December 14th, 2010 Council meeting; and further,
- 10) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(Mayor Scarpitti abstained)

Mayor Frank Scarpitti vacated the Chair and Deputy Mayor Jack Heath assumed the Chair during consideration of the matter regarding "Purchase of desktops, laptops, tablets and monitors through the Ontario Provincial Government – Ministry of Government Services Desktop Management Services and Products Purchasing Agreement".

(13) 182-S-10 CONTRACT EXTENSION FOR
STREET LIGHTING MAINTENANCE, REPAIR
AND RELAMPING PROGRAM (7.12.2)

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

- 1) That the report entitled "182-S-10 Contract Extension for Street lighting Maintenance, Repair and Relamping Program" be received; and,
- 2) That the contract for 2011 Streetlight Maintenance, Repair and Relamping Program be extended to PowerStream for an additional one (1) year (January 1, 2011 to December 31, 2011) at the same 2008 itemized pricing in the estimated contractual amount of \$1,005,230 inclusive of HST; and,
- 3) That the 2011 operating budget for Street Light Maintenance, Repair and Relamping be increased from \$965,230 to \$1,005,230 to take into account the year over year volume increase; and,

- 4) That, subject to Council approval of the Town's 2011 Operating Budget, funds be provided from account #720-720-5497 Street Lighting Maintenance and Repair; and,
- 5) That the tender 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,
- 6) That the CAO be authorized to renew the contract for an additional three (3) years exercised at one year intervals, subject to performance and based on yearly approval of the Operating budget; and further,
- 7) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**6(b) REPORT NO. 2 - DEVELOPMENT SERVICES COMMITTEE
(December 13, 2010)**

Council consented to add Report No. 2 and to separate Item No. 1.

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 2 – Development Services Committee comprised of 9 items be received and adopted, except Item No. 1. (See following Item No. 1)

- (1) RECOMMENDATION REPORT
STREET NAMES FOR PHASE 1 OF
DRAFT PLAN OF SUBDIVISION
19TM-070003 (TIMES GROUP INC.)
SOUTH SIDE OF HIGHWAY 7
EAST OF WARDEN AVENUE (SU 07 133313) (10.14)
[Report](#) [Attachment](#)

- 1) That the following recommendation from the December 13, 2010 Development Services Committee meeting be deferred to a future Development Services Committee meeting to allow further discussion with the applicant regarding appropriate names for these important streets in Markham Centre:

“That the staff report entitled “Street names for Phase 1 of draft plan of subdivision 19TM-070003 (Times Group Inc.), South side of Highway 7, east of Warden Avenue,” be received; and,

That the following street names be approved for this subdivision:

- Rougeside Promenade
- Leaside Drive

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

CARRIED AS AMENDED

(See following motion to amend)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

That the matter entitled “Street names for Phase 1 of draft plan of subdivision 19TM-070003 (Times Group Inc.), South side of Highway 7, east of Warden Avenue,” be deferred to a future Development Services Committee meeting to allow further discussion with the applicant regarding appropriate names for these important streets in Markham Centre.

CARRIED

(2) RECOMMENDATION REPORT
PRIVATE STREET NAMING REQUEST (10.14)

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

- 1) That the report entitled “Private Street Naming Request”, dated December 13, 2010, be received; and,
- 2) That the request for approval of the private street name “Town Crier” to be applied to the driveway situated on the north-western portion of the property municipally addressed as 41 Maple Street be approved, subject to the owner satisfying the Fire Department’s driveway load condition; and,
- 3) That the private street name, and associated street addressing, be as “Town Crier Lane”; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(3) SUNRISE DRIVE - OVERNIGHT
PARKING PERMIT PROGRAM (5.12.4)
[Report](#) [Attachment A](#) [Attachment B](#)

- 1) That the report entitled “Sunrise Drive - Overnight Parking Permit Program” be received; and,
- 2) That the Schedule “C” – Prohibited Parking of the Parking Control By-law 2005-188 be amended to prohibit parking anytime on the north side of Sunrise Drive in its entirety; and,
- 3) That the Schedule “H” – Parking Permit Program Areas of Parking Control By-law 2005-188 be amended to include Sunrise Drive, south side only, so as to permit overnight parking; and,
- 4) That the Schedule “I” – Parking Permit Program Fees and Restrictions of Parking Control By-law 2005-188 be amended to include Sunrise Drive so as to permit overnight parking on the south side in its entirety, subject to a fee of \$30.00 per month for each vehicle; and,
- 5) That the Operations Department be directed to install the appropriate signs at the subject locations, funded through the Operations Department account # 83-5399-8402-005; and,
- 6) That the Parking Control Department be directed to enforce the parking prohibition upon installation of the signs and passing of the by-law; and,
- 7) That Traffic Operations staff monitor parking activity on Sunrise Drive to ensure that the safe and efficient movement of traffic is not compromised; and,
- 8) That the Condominium Corporation administration for the residential property adjacent to Sunrise Drive be notified of the parking permit program and a copy of this report forwarded to them; and,
- 9) That the “Sunrise Drive - Overnight Parking Permit Program” be forwarded to the Parking Advisory Committee for their input; and further,
- 10) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2011-10)

CARRIED

(4) OLD KENNEDY ROAD (WEST SIDE)
PARKING RESTRICTIONS (5.12.4)
[Report](#) [Attachment A](#) [Attachment B](#)

- 1) That the report entitled “Old Kennedy Road, Westside Parking Restrictions”, be received; and,
- 2) That Schedule “C” of Parking By-law 2005-188 be amended to rescind the parking prohibition on the west side of Old Kennedy Road, between Steeles Avenue and Denison Street; and,
- 3) That Schedule “C” of Parking By-law 2005-188 be amended to prohibit parking between the hours of 6 AM to 9 AM and 4 PM to 7 PM Monday to Friday, on the west side of Old Kennedy Road, from a point 15 metres south of Sunrise Drive to a point 65 metres south of Sunrise Drive; and,
- 4) That Schedule “C” of Parking By-law 2005-188 be amended to prohibit parking on the west side of Old Kennedy Road, between Steeles Avenue and a point 65 metres south of Sunrise Drive; and,
- 5) That Schedule “C” of Parking By-law 2005-188 be amended to prohibit parking on the west side of Old Kennedy Road, between Denison Street and a point 15 metres south of Sunrise Drive; and,
- 6) That Schedule “D” of Parking By-law 2005-188 be amended to permit 1-hour maximum permitted parking Monday to Sunday, from a point 15 metres south of Sunrise Drive to a point 65 metres south of Sunrise Drive; and,
- 7) That the Operations Department be directed to install the appropriate signs at the subject locations, funded through the Operations Department account # 83-5399-8402-005; and,
- 8) That the Parking Control Department be directed to enforce the parking prohibition upon installation of the signs and passing of the by-law; and,
- 9) That Traffic Operations staff monitor parking activity on Old Kennedy Road to ensure that the safe and efficient movement of traffic is not compromised; and further,
- 10) That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2011-11)

CARRIED

(5) REMOVAL OF THE 3-HOUR
PERMITTED PARKING RESTRICTION
ON LILAC AVENUE (5.12.4)

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

- 1) That the staff report entitled “Removal of the 3-Hour Permitted Parking on Lilac Avenue”, be received; and,
- 2) That Schedule “D” of Traffic By-law 2005-188, be amended to rescind the 3-hour maximum permitted parking restriction on the south side of Lilac Avenue, in its entirety; and,
- 3) That the Operations Department be directed to remove the appropriate signs at the subject locations; and further,
- 4) That staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2011-12)

CARRIED

(6) TRAIL RIDGE LANE
PROPOSED PARKING PROHIBITION (5.12.4)

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

- 1) That the staff report entitled “Trail Ridge Lane Proposed Parking Prohibition”, be received; and,
- 2) That Schedule “C” of Traffic By-law 2005-188, be amended by including the north side of Trail Ridge Lane, between Twin Oaks Drive and The Bridle Walk; and,
- 3) That the Operations Department be directed to install the appropriate signs at the subject locations, funded through the Operations Department account # 83-5399-8402-005; and,
- 4) That the Operations Department be directed to maintain the signs at the subject locations; and,
- 5) That the Parking Control Department be directed to enforce the parking prohibition upon installation of the signs; and further,

- 6) That staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2011-13)

CARRIED

(7) MARKHAM CENTRE MOBILITY HUB (5.14)
[Report](#) [Attachment](#)

- 1) That the December 13, 2010 report entitled “Markham Centre Mobility Hub”, be received; and,
- 2) That staff be authorized to issue a purchase order to VIVA, on a preferred supplier basis, for their detailed analysis of alternative alignment options at the Markham Centre Mobility Hub, in the upset amount of \$100,000 including HST, and in accordance with Purchasing By-law 2004-341, Part II, Section 7 (2)(b); and,
- 3) That the purchase order for the VIVA review be funded by the Remington Group and be eligible for a Development Charges Credit; and,
- 4) That the Mayor and Clerk be authorized to execute a development charge credit agreement with the Remington Group to the satisfaction of the CAO and Town Solicitor, and in accordance to the Town’s Development Charge Credit / Reimbursement Policy; and,
- 5) That VIVA be requested to establish a technical working group for the Mobility Hub review; and,
- 6) That staff be authorized to issue if necessary a purchase order to Ministry of Transportation, on a preferred supplier basis, for their peer review of alternative alignment options at the Markham Centre Mobility Hub, in the upset amount of \$70,000 including HST, and in accordance with Purchasing By-law 2004-341, Part II, Section 7 (2)(c); and,
- 7) That the Engineering Department create a new project in the 2010 Capital Budget to include the VIVA/GO Transit/MTO review at a cost of \$170,000 to be funded by the Remington Group (\$100,000) and Town wide hard Development Charges (\$70,000); and further,
- 8) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

- (8) APPLICATIONS BY CROWN OF MARKHAM INC.
FOR ZONING BY-LAW AMENDMENT AND
DRAFT PLAN OF SUBDIVISION APPROVAL TO
PERMIT MEDIUM DENSITY LIVE-WORK UNITS
TOWNHOUSES AND SINGLE DETACHED DWELLINGS
ON PART OF LOT 23, CONCESSION 3 OF THE
WEST CATHEDRAL COMMUNITY (CROWN OF MARKHAM PHASE II)
(ZA 09 120148 AND SU 09 120124) (10.5, 10.7)
[Report](#) [Figures](#) [Attachment A to C](#)
- 1) That the report dated December 13, 2010, entitled “Recommendation Report Applications by Crown of Markham Inc. for Zoning By-law Amendment and Draft Plan of Subdivision Approval to permit medium density live-work units, townhouses and single detached dwellings on Part of Lot 23, Concession 3 of the West Cathedral Community (Crown of Markham Phase II) Files ZA 09 120148 and SU 09 120124”, be received; and,
 - 2) That Draft Plan of Subdivision 19TM-09002 prepared by MMM Group, dated June 17, 2009, be approved as set out in Appendix ‘A’ to this report; and,
 - 3) That the draft amendments to Zoning By-laws 304-87, as amended and 177-96, as amended, attached to this report (Appendices B and C) be finalized and enacted; and,
 - 4) That servicing allocation for up to 187 units (449.2 population) be granted to plan of subdivision 19TM-09002 from the total 2009 allocation assigned to the Cathedral Community; and,
 - 5) That the Director of Planning and Urban Design be directed to issue draft approval once:
 - a. conditions from external agencies have been received and included into the draft conditions; and,
 - b. the Owner has provided to the Town the required outstanding payments relating to the subdivision processing fees in accordance with the Town’s Fee By-law; and,
 - 6) That the Town reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner; and,
 - 7) That the Region of York be advised of the servicing allocation for this development; and,

- 8) That the draft plan approval for plan of subdivision 19TM-09002 will lapse after a period of three years commencing on the date of issuance of draft plan approval, in the event that a subdivision agreement is not executed within that period; and further,
- 9) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(9) CYCLING, PATHWAYS AND TRAILS
– 5 YEAR IMPLEMENTATION PROGRAM (6.3)
[Report](#) [Attachment A](#) [Attachment B-1](#) [Attachment B-2](#)

- 1) That the Cycling, Pathways and Trails - 5 Year Implementation Program, be received and endorsed, and;
- 2) That staff report back to Council with project work plans and the associated stakeholder and public consultation strategies, and;
- 3) That staff work with the Markham Cycling and Pedestrian Advisory Committee (CPAC) to prepare updates of the annual implementation programs for Council approval, and further;
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**6(c) REPORT NO. 3 - DEVELOPMENT SERVICES PUBLIC MEETING
(December 13, 2010)**

Council consented to add Report No. 3.

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

That Report No. 3 – Development Services Public Meeting comprised of 2 items be received and adopted.

- (1) B. MCGREGOR DEVELOPMENTS LTD.
57 AND 59 BRIDLEFIELD LANE
BLOCKS 90 AND 91, PLAN 65M-3168
NORTH OF 16TH AVENUE, WEST OF STONEBRIDGE DRIVE
APPLICATION FOR ZONING BY-LAW AMENDMENT
TO FACILITATE A 7 SINGLE DETACHED UNIT DEVELOPMENT
ON A PRIVATE ROAD (ZA 07 110709) (10.5)
[Report](#) [Attachment](#)

- 1) That the correspondence from Pat & Linda Cubellis, Zingzhong Chen & Xiaojuan Kang, Leoncia & Maria Teresita Co, William Chan & Siu Fun Ng and Stuart Taylor and Pauline King- Taylor be received; and,
- 2) That the report entitled “Preliminary Report, B. McGregor Developments Ltd., 57 and 59 Bridlefield Lane, Blocks 90 and 91, Plan 65M-3168, North of 16th Avenue, west of Stonebridge Drive, Application for zoning by-law amendment to facilitate a 7 single detached unit development on a private road , File No.: ZA 07 110709”, dated December 13, 2010 be received; and,
- 3) That the Record of the Public Meeting held on December 13, 2010, with respect to the proposed amendment to Zoning By-law 177-96, as amended, be received; and,
- 4) That the application by B. McGregor Developments Ltd. to amend Zoning By-law 177-96, as amended, be approved; and further,
- 5) That the proposed amendment to Zoning By-law 177-96, as amended, be finalized and enacted without further notice.

CARRIED

- (2) PROCTOR INVESTMENTS LTD.
APPLICATION FOR OFFICIAL PLAN
AND ZONING BY-LAW AMENDMENTS
34 PROCTOR AVE. THORNHILL
(OP 10-121403 ZA 10-121404) (10.3, 10.5)
[Report](#) [Attachment](#)

- 1) That the Development Services Commission report dated November 2, 2010, titled PRELIMINARY REPORT - Proctor Investments Ltd., Applications for Official Plan and Zoning By-law Amendments at 34 Proctor Ave. Thornhill OP 10-121403 & ZA 10-121404, be received; and,
- 2) That the Record of the Public Meeting held on December 13, 2010, with respect to the applications by Proctor Investments Ltd. for Official Plan and Zoning By-law Amendments 34 Proctor Ave. Thornhill, be received; and,
- 3) That the applications by Proctor Investments Ltd. for an Official Plan Amendment to redesignate the subject lands in the Thornhill Secondary Plan from Medium Density Housing to Low Density Housing and, to amend By-law 2237 as amended, to permit single detached dwellings, be approved; and further,
- 4) That the proposed Official Plan Amendment to redesignate the subject lands in the Thornhill Secondary Plan from Medium Density Housing to Low Density Housing and, an amendment to Zoning By-law 2237 as amended, to permit single detached dwellings, be enacted; and further,
- 5) That the By-law and Official Plan Amendments be brought forward once the Noise and Vibration Report prepared by J. E. Coulter and Associates Limited has been approved to the satisfaction of the Director of Engineering and a development agreement has been executed by the applicant and the Town to address outstanding CN Rail noise and safety issues.

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. 2011-4 and 2011-5.

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Gord Landon

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

Referred to all Members of Council

- 1-2011 Municipal Information Form for Liquor Licence Application - Forwarding a request to complete the Alcohol and Gaming Commission Municipal Information Form for Dahn Korean Cuisine, 8159 Yonge Street (Ward 1) (New restaurant). (3.21)
[Info](#)

Referred to Commissioner of Development Services & Town Solicitor

- 2-2011 Ontario Municipal Board – Forwarding their decision to allow the appeal by Cesaroni Holdings Limited, 10757, 10759 & 10761 Woodbine Avenue. (13.13) (By-law 2011-5)
[Letter](#)
- 3-2011 Ontario Municipal Board – Advising that the appeal regarding the application submitted by Wismer Markham Developments Inc. to rezone 9426, 9442, 9462 and 9506 Hwy 48 has been withdrawn and there are no outstanding appeals on this matter. (13.13)
[Letter](#)

Referred to all Members of Council

- 4-2011 Municipal Information Form for Liquor Licence Application - Forwarding a request to complete the Alcohol and Gaming Commission Municipal Information Form for The Sweet Spot Virtual Golf Cafe & Bar, 7500 Woodbine Avenue, Unit 8 (Change of ownership) (Ward 8) (3.21)
[Info](#)
- 5-2011 Commissioner of Development Services – Providing an update with respect to the Hold removal for Main Street Residence Inc., 34 Main Street Unionville South, to permit the construction of a retirement residence (10.5). (By-law 2011-4)
[Memo](#)

CARRIED

10. PROCLAMATIONS

There were no proclamations considered by Council.

11. NEW/OTHER BUSINESSES**(1) RECENT FACILITY INCIDENT AT
THORNHILL COMMUNITY CENTRE AND LIBRARY (6.0)**

Ms. Mary Creighton, Director of Recreation, provided an overview on the recent incident at the Thornhill Community Centre and Library. She also provided a brief update on the investigation of the fire. She advised that the Senior Centre is currently being restored and that the remainder of the Community Centre reopened as of Monday December 13, 2010 at 12 noon.

12. BY-LAWS

Council consented to add By-laws 2011-7 to 2011-13.

Moved by Councillor Alan Ho
Seconded by Councillor Valerie Burke

That By-laws 2011-2 to 2011-4 and By-laws 2011-7 to 2011-13 be given three readings and enacted.

Three Readings

BY-LAW 2011-2 A by-law to approve the expropriation of land and the taking of all steps necessary to obtain the possession of those lands (Lands near Enterprise Boulevard).

[By-law](#)

BY-LAW 2011-3 A by-law to amend Municipal Law Enforcement Officers Appointment By-law 2002-178 and Parking By-law 2005-188 (Update the list for Enforcement Officers, Parking Enforcement Agencies and Tagging Locations).

[By-law](#)

BY-LAW 2011-4 A by-law to amend By-law 2004-196, as amended (Main Street Residence Inc., 34 Main Street South Unionville - To remove (H) Hold provision to permit the construction of a retirement residence).

[By-law](#)

OMB approved By-law 2011-5

(For information only to facilitate the assignment of a by-law number):

BY-LAW 2011-5 A by-law to amend By-law 83-73, as amended (Cesaroni Holdings Limited, 10757, 10759 and 10761 Woodbine Avenue – To permit a small scale commercial/office building).

(Approved by OMB on October 25, 2010)

(Communication No. 2-2011)

[By-law](#)

BY-LAW 2011-7 A by-law to authorize temporary borrowing to meet the expenditures of the Town of Markham until taxes are collected and other revenues received during the year 2011 (2011 Temporary Borrowing By-law).

(Item No. 3, Report No. 1)

[By-law](#)

BY-LAW 2011-8 A by-law to authorize the 2011 interim tax levy.

(Item No. 5, Report No. 1)

[By-law](#)

BY-LAW 2011-9 A by-law to amend By-law to amend By-law No. 2002-284, being a by-law to establish licence fees for the Town of Markham (Delete and replace Appendix 1 to reflect the change in the Consumer Price Index).

(Item No. 9, Report No. 1)

[By-law](#)

BY-LAW 2011-10 A by-law to amend Parking Control By-law 2005-188 (Sunrise Drive Parking Permit Program).

(Item No. 3, Report No. 2, 2010)

[By-law](#)

- BY-LAW 2011-11 A by-law to amend Parking Control By-law 2005-188 (Old Kennedy Road Parking Restrictions [west side]).
(Item No. 4, Report No. 2, 2010)
[By-law](#)
- BY-LAW 2011-12 A by-law to amend Parking Control By-law 2005-188 (Removal of 3-hour Permitted Parking on Lilac Avenue).
(Item No. 5, Report No. 2, 2010)
[By-law](#)
- BY-LAW 2011-13 A by-law to amend Parking Control By-law 2005-188 (Trail Ridge Lane Parking Prohibition).
(Item No. 6, Report No. 2, 2010)
[By-law](#)

CARRIED

13. IN-CAMERA ITEMS

Moved by Regional Councillor Jim Jones
Seconded by Councillor Valerie Burke

That, in accordance with Section 239 of the *Municipal Act*, Council resolve into an in-camera session to discuss the following matters (1:52 p.m.):

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
- NOVEMBER 23 AND 24, 2010
[Section 239 (2) (g)]
- (2) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND
[Section 239 (2) (c)]
- (3) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND
[Section 239 (2) (c)]
- (4) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND
[Section 239 (2) (c)]

- (5) MINOR VARIANCE OMB APPEAL
- CHERISH INTEGRATED SERVICES
431 ALDEN ROAD, A/109/10 (10.12 AND 10.0)
[Section 239 (2) (f)]
- (6) LABOUR RELATION MATTERS (11.0)
[Section 239 (2) (d)]

CARRIED

Moved by Deputy Mayor Jack Heath
Seconded by Councillor Colin Campbell

That Council rise from in-camera session and report. (2:48 p.m.)

CARRIED

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
- NOVEMBER 23 AND 24, 2010 (16.0)

Moved by Regional Councillor Gord Landon
Seconded by Deputy Mayor Jack Heath

- 1) That the minutes of the in-camera Council meeting held on December 23 and 24, 2010, be confirmed.

CARRIED

REPORT OF GENERAL COMMITTEE – December 13, 2010**(2) MILLIKEN COMMUNITY CENTRE-
GROUND LEASE RENEWAL WITH MCDONALDS
RESTAURANT OF CANADA LIMITED (8.2)**

Moved by Councillor Logan Kanapathi

Seconded by Councillor Alan Ho

- 1) That the confidential report entitled “Milliken Community Centre – Ground Lease Renewal with McDonalds Restaurants of Canada Limited” be received for information purposes; and,
- 2) That staff be directed to do all things necessary to give effect to this report.

CARRIED

(3) PROPOSED ACQUISITION OF PROPERTY (8.6)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Valerie Burke

- 1) That the confidential report dated December 8, 2010 from the Town Solicitor regarding a proposed acquisition of property be received; and,
- 2) That staff be directed to do all things necessary to give effect to this report.

CARRIED

(4) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND (8.5)

Council consented to defer consideration of this matter.

REPORT OF DEVELOPMENT SERVICES COMMITTEE – December 13, 2010

- (5) MINOR VARIANCE OMB APPEAL
CHERISH INTEGRATED SERVICES
431 ALDEN ROAD, A/109/10 (10.12, 10.0)

Moved by Councillor Logan Kanapathi
Seconded by Regional Councillor Gord Landon

- 1) That the confidential report titled “Minor Variance OMB Appeal, Cherish Integrated Services, 431 Alden Road, A/109/10”, be received; and,
- 2) That the Town Solicitor and Town staff be instructed not to attend the Ontario Municipal Board (OMB) hearing respecting a minor variance appeal for 431 Alden Road; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

COUNCIL – December 14, 2010

- (6) 2010 COLLECTIVE BARGAINING MANDATE (11.0)

Moved by Deputy Mayor Jack Heath
Seconded by Regional Councillor Jim Jones

- 1) That Council approve the mandate for 2010 Collective Bargaining between The Corporation of Town of Markham and the Canadian Union of Public Employees (CUPE) Local 905, Inside and Outside Units, as presented during the in-camera meeting of Council on December 14, 2010.

CARRIED

(7) NON-UNION WAGE INCREASE & BENEFIT ENHANCEMENT (11.0)

- 1) That the Town of Markham implement a general wage increase for non-union staff of 2% effective April 1, 2010; and,
- 2) That the Town of Markham implement a benefit enhancement for non-union staff of \$30,000 per year for three consecutive years effective April 1, 2010.

CARRIED

(Deputy Mayor Heath abstained regarding Resolution No. 2)
(Regional Councillor Li abstained regarding Resolution No. 2)
(See following motions)

Council consented to divide the proposed motion regarding Non-Union Wage Increase & Benefit Enhancement for voting purposes.

Moved by Deputy Mayor Jack Heath
Seconded by Regional Councillor Gord Landon

That Resolution No. 1 regarding the Town of Markham implementing a general wage increase for non-union staff of 2% effective April 1, 2010, be adopted.

CARRIED

Moved by Regional Councillor Gord Landon
Seconded by Councillor Colin Campbell

That Resolution No. 2 regarding the Town of Markham implementing a benefit enhancement for non-union staff of \$30,000 per year for three consecutive years effective April 1, 2010, be adopted.

CARRIED

(Deputy Mayor Heath abstained)
(Regional Councillor Li abstained)

14. CONFIRMATORY BY-LAW

Moved by Councillor Alan Ho

Seconded by Regional Councillor Joe Li

That By-law 2011-6 be given three readings and enacted.

Three Readings

BY-LAW 2011-6 A by-law to confirm the proceedings of the Council meeting of December 14, 2010.
(Council Meeting No. 2, 2010)
[By-law](#)

CARRIED

15. ADJOURNMENT

Moved by Councillor Alex Chiu

Seconded by Councillor Howard Shore

That the meeting do adjourn.

CARRIED

Council adjourned at 2:51 p.m.

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR

(Signed)