



November 23 and 24, 2010

COUNCIL MINUTES

Council Chamber, Civic Centre
Meeting No. 13

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ROLL CALL

Mayor F. Scarpitti, Deputy Mayor J. Heath, Regional Councillor J. Jones, Regional Councillor G. Landon, Regional Councillor J. Virgilio, Councillor V. Burke, Councillor E. Shapero, Councillor D. Hamilton, Councillor J. Webster, Councillor L. Kanapathi, Councillor A. Chiu.

ABSENT

Councillor C. Moretti, Councillor D. Horchik.

STAFF

J. Livey, Chief Administrative Officer
J. Baird, Commissioner of Development Services
B. Librecz, Commissioner of Community and Fire Services
A. Taylor, Commissioner of Corporate Services
C. Conrad, Town Solicitor
A. Brouwer, Deputy Town Clerk
J. Wong, Technology Support Specialist
D. Flaherty, Director, Communications & Community Relations
A. Brown, Director of Engineering
R. Capocci, Chief of Staff
J. Lustig, Treasurer
A. Tari, Committee/Council Coordinator

The Regular Meeting of Council convened at 7:08 p.m. on November 23, 2010 in the Council Chamber, Civic Centre. Mayor F. Scarpitti presided.

At 11:54 p.m. on November 23, 2010, Council passed a motion to waive Section 3.28 of Procedural By-law 2001-1 allowing the meeting to continue further than 12:01 a.m. on November 24, 2010. The motion moved by Regional Councillor J. Jones and seconded by Regional Councillor G. Landon was carried by two-thirds vote of the Members present.

1. DISCLOSURE OF PECUNIARY INTEREST

- (1) Councillor J. Webster disclosed an interest with respect to Report No. 55, Item No. 8, Resolution No. 9, Markham Environmental Issues Funding Applications regarding Community Gardens, by nature of being involved in his own community garden, 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 – SEPTEMBER 21, 2010
[Minutes](#)

Moved by Councillor A. Chiu
Seconded by Regional Councillor J. Virgilio

That the Minutes of the Council Meeting held on September 21, 2010, be adopted.

CARRIED

3. PRESENTATIONS

Council consented to add Presentation Nos. 8 and 9.

- (1) NATIONAL QUALITY INSTITUTE (NQI)
CANADA AWARD FOR EXCELLENCE SILVER (CAE) (12.2.6)

Mayor F. Scarpitti, on behalf of the Town of Markham, received the National Quality Institute Canada Award for Excellence Silver from Mr. Allan Ebedes, President and CEO, NQI.

The award recognizes Town of Markham's outstanding achievements in quality, customer service and a healthy workplace.

- (2) PAUL MCGAW MEMORIAL CONSERVATION AWARD RECOGNITION (12.2.6)

The Paul McGaw Memorial Conservation Award presented by North American Native Plant Society recognizes the Town of Markham's extraordinary contributions to conservation, protection, and restoration of natural heritage/native flora of North America.

On behalf of the Town of Markham, Mayor F. Scarpitti and Brenda Librecz, Commissioner, Community and Fire Services received the award presented by the following members of the North American Native Plant Society:

- Deborah Dale, Jim French, Greg Hagan, Miriam Henriques and Harold Smith.

Jim French, Founding Member, spoke briefly on behalf of the North American Native Plant Society.

Karen Boniface, Technical Coordinator, Operations Department, assisted with the presentation.

(3) COMMUNITIES IN BLOOM ONTARIO
URBAN FOREST MANAGEMENT AWARD RECOGNITION
(GRANDVIEW PARK WOODLOT RESTORATION) (12.2.6)

The Communities in Bloom Ontario Urban Forest Management Award presented by the Communities in Bloom Ontario recognizes the Town of Markham's and the Grandview Area Residents Association's contributions in the restoration of the Grandview Park woodlot.

Denis Flanagan of Communities in Bloom Ontario presented the Communities in Bloom Urban Forest Management Award (Grandview Park Woodlot Restoration) to Mayor F. Scarpitti, Councillor V. Burke, Brenda Librecz, Commissioner, Community and Fire Services and Jane McCulloch, John Hunter, Dayna Black, Lyn Vrensen and Peter Cox who have actively worked on the forest restoration since March 2005 on behalf of the Grandview Area Residents Association.

Nory Takata, Parks Planner, Operations Department, assisted with the presentation.

(4) GOLD YOUTH FRIENDLY COMMUNITY AWARD RECOGNITION (12.2.6)

Council recognized Community Services Staff for winning the Gold Youth Friendly Community Award. This Provincial award recognizes Town of Markham's excellent effort in programming and facilitating spaces for youth.

On behalf of the Town of Markham, Mayor F. Scarpitti, Mary Creighton, Director of Recreation, Jason Tsein, Community Resource Coordinator, Brenda Librecz, Commissioner of Community and Fire Services, Representative of YMCA, Mayor's Youth Task Force and the Board of Education participated in the presentation.

Jason Tsein, spoke about the Play Works accreditation program and Markham's successful achievements in the past two years.

(5) ASSOCIATION OF MUNICIPALITIES OF ONTARIO
P. J. MARSHALL AWARD (12.2.6)

Council recognized Markham Public Library Staff for winning the P. J. Marshall Award presented by the Association of Municipalities of Ontario. The Town of Markham earned the award for creating a new library organization system to increase the efficiency of retrieving items.

On behalf of Town of Markham, Mayor F. Scarpitti, Library Board Members- Deputy Mayor J. Heath, Councillor A. Chiu, Councillor J. Webster, Board Chair, Cheryl Giblon, Catherine Biss, CEO, Markham Public Library, Brenda Librecz, Commissioner, Community and Fire Services participated in the presentation.

Catherine Biss provided remarks on the C3 project.

- (6) RECYCLING COUNCIL OF ONTARIO
2010 ONTARIO WASTE MINIMIZATION AWARDS
- PLATINUM AWARD FOR MUNICIPAL WASTE DIVERSION
- GOLD AWARD FOR UNIQUE PROGRAM (12.2.6)

Council recognized the Waste and Environment/Community Services Staff and all of the residents of Markham for winning the following 2010 Ontario Waste Minimization Awards presented by Recycling Council of Ontario:

- Platinum Award for Municipal Waste Diversion – Best Recycler in Ontario
- Gold Award for Unique Program – Zero Waste, Big Blue Belly, 2 year calendar

On behalf of the Town of Markham, Mayor Scarpitti, Councillor Alex Chiu, Chair of Community Services, Councillor Erin Shapero, Chair of Environment, Claudia Marsales, Senior Manager, Waste Management and Environment, and Waste Management Team, Brenda Librecz, Commissioner, Community Services received the awards.

Claudia Marsales provided an overview of the awards and Markham's results as Top Recycler in Ontario.

- (7) TOWN OF MARKHAM UNITED WAY EMPLOYEE
FUNDRAISING CAMPAIGN
- COMMUNITY SERVICES COMMISSION
- DEVELOPMENT SERVICES COMMISSION
ANNUAL GOLF TOURNAMENT (12.2.6)

Brenda Librecz, Commissioner of Community and Fire Services, presented a cheque in the amount of \$3,000 to Mr. Adam Grant, Public Education Officer and Chair of the 2010 Town of Markham United Way Employee Fundraising Campaign. The donation represents the proceeds from the Community Services Commission Annual Golf Tournament.

Jim Baird, Commissioner of Development Services, also presented a cheque in the amount of \$5,500 to Mr. Grant. The donation represents the proceeds from the Development Services Commission Annual Golf Tournaments.

(8) RECOGNITION OF DEPARTING MEMBERS OF COUNCIL
FROM 2006 – 2010 TERM OF COUNCIL (12.2.6_

Mayor F. Scarpitti recognized Ward 2 Councillor E. Shapero, Ward 5 Councillor J. Webster and Ward 6 Councillor D. Horchik for their many contributions to the Town of Markham over the course of the 2006 – 2010 term of Council. Mayor F. Scarpitti also highlighted some of the many accomplishments for each of the departing Council Members. He noted since 2006, the Town of Markham has received over 26 provincial, national and international awards for professional excellence for accomplishments in municipal planning, financial management, heritage preservation, the arts, community services, communications and more.

Regional Councillor J. Virgilio thanked the Mayor and Members of Council for their support and noted he is proud to have represented Markham Council.

Councillor E. Shapero thanked the Mayor and Members of Council, staff and residents of Ward 2 for their support. She congratulated Ward 2 Councillor elect Howard Shore and extended her best wishes.

Councillor J. Webster thanked the Mayor and Members of Council, staff and his Assistant Marina Antonoglou. He highlighted some of the many accomplishments during his term of Council and noted he is proud to have served on Markham Council.

(9) HERITAGE MARKHAM COMMITTEE MINUTES
ITEM #4 - SITE PLAN APPROVAL APPLICATION
FILE NO. SC 10 111677
20 PETER STREET - CLADDING AND WINDOW ISSUES (16.11)
[Letter](#) [Nov 16 Memo](#) [Attachment](#) [Nov 23 Memo](#)

Regan Hutcheson, Manager, Heritage Planning, summarized the details outlined in the memo dated November 23, 2010.

There was discussion on the issues identified by the homeowner and while sympathetic to the pertinent health issues raised, Council stressed the importance of retaining the original materials for a Class A Heritage Building.

(New/Other Business No. 2)

4. DELEGATIONS

Council consented to add Delegations (2) to (11).

- (1) Azmeena Kara addressed Council and spoke in support of her request to change the address for 4 Chimenti Court. (10.15)
(Item No. 1, Report No. 53)
- (2) James Makaruk addressed Council regarding the Appeal of Variances and Site Plan Approval to Ontario Municipal Board, 94 John Street. He requested Council to support the area residents and community groups. (8.0 and 10.6)
(In-Camera Item No. 2)
- (3) Elena Bevilacqua addressed Council regarding the Appeal of Variances and Site Plan Approval to Ontario Municipal Board, 94 John Street. She requested Council to support the decision of the Committee of Adjustment and Heritage Markham Committee. (8.0 and 10.6)
(In-Camera Item No. 2)
- (4) Judson Whiteside addressed Council regarding the Appeal of Variances and Site Plan Approval to Ontario Municipal Board, 94 John Street. He requested Council to support the recommendation of the Committee of Adjustment. (8.0 and 10.6)
(In-Camera Item No. 2)
- (5) Kirk Tobias addressed Council regarding the Site Plan Control Application for 20 Peter Street. He is requesting that Council allow the removal of the beaded edge cladding for the subject house. Mr. Tobias also noted there is mould in the house and indicated his family would like a safe home to live in. (16.11)
(New/Other Businesses Item No. 2 and Communication No. 60-2010)
- (6) Bob James, German Mills Ratepayer Association, addressed Council regarding the applications by Bayview Summit Development Ltd. for Official Plan and Zoning By-law Amendments for mixed-use, high-density residential and commercial development at 2900 Steeles Avenue East. He provided comments related to the proposed development and suggested the words “milestones for” be removed from the proposed recommendation contained in Resolution No. 5. (10.3 and 10.5)
(Item No. 3, Report No. 54)

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- (8) Fred Webber addressed Council regarding the applications by Bayview Summit Development Ltd. for Official Plan and Zoning By-law Amendments for mixed-use, high-density residential and commercial development at 2900 Steeles Avenue East. He requested Council to support the area residents and community groups. (10.3 and 10.5)
(Item No. 3, Report No. 54)
- (9) Carmen Naccarato addressed Council regarding the Appeal of Variances and Site Plan Approval to Ontario Municipal Board, 94 John Street. He requested Council to support the applications. (8.0 and 10.6)
(In-Camera Item No. 2)
- (10) Howard Shore, Ward 2 Councillor elect, addressed Council regarding the applications by Bayview Summit Development Ltd. for Official Plan and Zoning By-law Amendments for mixed-use, high-density residential and commercial development at 2900 Steeles Avenue East. He noted his opposition for the proposed development and his support for the sentiment of the area residents. (10.3 and 10.5)
(Item No. 3, Report No. 54)
- (11) Eileen Liasi addressed Council regarding the applications by Bayview Summit Development Ltd. for Official Plan and Zoning By-law Amendments for mixed-use, high-density residential and commercial development at 2900 Steeles Avenue East. She submitted a copy of the presentation including information on density and floor space for the subject matter. She also noted her support for the staff's recommendation. (10.3 and 10.5)
(Item No. 3, Report No. 54) [Info](#)
- (12) Chris Sauer addressed regarding the Site Plan Control Application for 20 Peter Street. He noted his support for the replacement of beaded edge siding with V-joint cladding. (16.11)
(New/Other Businesses Item No. 2 and Communication No. 60-2010)

5. PETITIONS

There were no petitions considered by Council.

**6(a) REPORT NO. 53 - DEVELOPMENT SERVICES COMMITTEE
(November 2, 2010)**

Moved by Councillor J. Webster

Seconded by Councillor L. Kanapathi

That Report No. 53 – Development Services Committee comprised of 6 items be received and adopted.

**(1) REQUEST BY MANSURALI AND AZMEENA KARA
FOR A CHANGE OF ADDRESS FROM
4 CHIMENTI COURT TO 2A OR 6A CHIMENTI COURT (10.15)
[Letter](#) [Memo](#) [Appendix A](#) [Appendix B](#)**

- 1) That the request for an address change by Mansurali and Azmeena Kara from 4 Chimenti Court to 2A or 6A Chimenti Court be denied on the basis that the requested change would not comply with the Town's approved street addressing criteria.

CARRIED

**(2) REQUEST BY GRAHAM AND LUCIE CANNING
FOR A CHANGE OF ADDRESS FROM
4 MACPHAIL COURT TO 3 OR 5 MACPHAIL COURT (10.15)
[Letter](#) [Memo](#) [Appendix A](#) [Appendix B](#)**

- 1) That the request for an address change by Graham and Lucie Canning from 4 Macphail Court to 3 or 5 Macphail Court be denied on the basis that the requested change would not comply with the Town's approved street addressing criteria.

CARRIED

**(3) UPPER UNIONVILLE COMMUNITY DESIGN PLAN (10.0)
[Report](#) [Attachment](#)**

- 1) That the Upper Unionville Community Design Plan, dated September 24, 2010, be received and;
- 2) That the Upper Unionville Community Design Plan, dated September 24, 2010, be endorsed subject to the following revisions to the document:
 - a) all references to a clock tower be replaced with a Public Art Piece appropriate to the proposed development.

- b) provide a guideline that provides for the “Commercial/Residential” buildings identified near the intersection of 16th Avenue and Kennedy Road to be designed to reflect the ability to have flexible zoning to allow live/work or commercial uses in the future.
 - c) to revise the streetscape plan to reflect the Town's approved tree species list.
 - d) to revise the Sustainable Development guidelines to include Council's interim sustainable guideline requirements, to address specific performance measures such as those contained in the Region of York's Sustainable Home Incentive Program (S.H.I.P.), and to incorporate Sustainable Measures such as native drought tolerant vegetation, minimum top soil depth, and building design guidelines; and,
- 3) That the community design plan be used in the evaluation of development applications within the Upper Unionville Neighbourhood; and,
 - 4) That the community design plan be reflected in the conditions of draft plan approval and subdivision and site plan agreements within the Upper Unionville Neighbourhood as appropriate; and further,
 - 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

- (4) H AND W DEVELOPMENT CORPORATION
EAST SIDE OF SOUTH TOWN CENTRE BOULEVARD
BETWEEN CLEGG ROAD AND CEDARLAND DRIVE
APPLICATIONS FOR ZONING BY-LAW AMENDMENT
AND SITE PLAN APPROVAL FOR A PROPOSED
RESIDENTIAL DEVELOPMENT
(ZA 08 106754 AND SC 05 027409) (10.5, 10.7)
[Report](#) [Attachment](#)

- 1) That the staff report dated November 2, 2010 titled “H and W Development Corporation, East side of South Town Centre Boulevard between Clegg Road and Cedarland Drive, Application for zoning by-law amendment and site plan approval for a proposed residential development,” be received; and,
- 2) That the record of the Public Meeting held on December 7, 2009, be received; and,

- 3) That the zoning by-law amendment application be approved, and the draft zoning by-law amendment attached as Appendix 'B,' be finalized and enacted; and,
- 4) That the site plan application be endorsed, in principle; and,
- 5) That site plan approval be delegated to the Commissioner of Development Services, or his designate, to be issued following execution of a site plan agreement (Site Plan Approval is issued only when the Commissioner has signed the site plan "approved"), when the following conditions have been met:
 - The Owner has entered into a site plan agreement with the Town containing all standard and special provisions and requirements of the Town and public agencies and the provisions outlined in Appendix 'A' to the November 2, 2010 staff report.
 - The trustee for the applicable cost sharing group has advised the Town in writing that the required servicing allocation for the proposed development, or any proposed phase thereof, has been assigned to H and W Development Corporation.
 - The Trustee for the applicable cost sharing group has advised the Town in writing that the Owner is in good standing with the group.
 - The applicant has entered into a development agreement (which may form a component of the site plan agreement) for the construction of the Courtyard Lane extension.
 - The holding provision has been removed from the zoning of the subject lands in accordance with the provisions of the By-law 2004-196, as amended; and,
- 6) That staff be authorized to enter into negotiations with the applicant regarding a Section 37 contribution, to form the basis of a draft Section 37 Agreement to be brought back to Council for consideration; and,
- 7) That Council authorize the Mayor and Town Clerk to enter into a development agreement with the Owner (which may form a component of the site plan agreement) for the construction of the Courtyard Lane extension; and,
- 8) That the Town owned lands to the west of the Courtyard Lane extension (Block 8, Plan 65M-3998 and an approximately 250 square metre portion of Block 3, Plan 65M-3998) be declared surplus to Town purposes by By-law and conveyed to H & W Development Corporation at a purchase price based on fair market value as established by an independent third party appraisal to the satisfaction of the Town's Chief Administrative Officer, with the said appraiser to be retained by the Town at H & W Development Corporation's sole cost and expense; and,
- 9) That in the event the Owner participates in the enhanced hoarding program for Markham Centre, the Mayor and clerk be authorized to execute a hoarding agreement with the Owner; and,

- 10) That the correspondence from Peter Swinton, PMG Planning Consultants on behalf of Aryeh Construction Limited, be received; and further,
 - 11) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
- (Communication No. 56-2010) (By-law 2010-205)

CARRIED

- (5) INTERIM PHASING PLAN 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) (10.7)
[Report](#) [Appendix A](#)

- 1) That the staff report entitled “Interim phasing plan 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,
- 2) That the interim phasing plan for Phase 1, attached as Appendix ‘A’ to the staff report, be approved; and,
- 3) That, prior to the execution of a subdivision agreement for Phase 2, the Owner shall submit a comprehensive phasing plan for approval by the Council of the Town of Markham addressing the infrastructure and transportation requirements associated with Phase 2 and all subsequent phases as per the approved Precinct Plan; and,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(6) FESTIVALS & EVENTS ONTARIO CONFERENCE
– MARKHAM, ONTARIO
MARCH 2 – 5, 2011 (10.16)

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

- 1) That the report entitled “Festivals and Events Ontario Conference – Markham, Ontario, March 2 – 5, 2011, be received; and,
- 2) That the Town sponsor the Festivals and Events Ontario Conference at a cost not to exceed \$15,000 to be funded from the 2011 Capital Accounts; and,
- 3) That the cost of the sponsorship be expensed from within the pre-approved 2011 “Festival and Events Ontario Conference” Capital Budget; and
- 4) That the verbal update by Ms. Suzanne McCrimmon, Senior Economic Development Officer regarding Festival and Events Ontario Conference, be received; 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. 54 - DEVELOPMENT SERVICES COMMITTEE
(November 16, 2010)**

Council consented to separate Item Nos. 1 and 3.

Moved by Councillor J. Webster

Seconded by Councillor E. Shapero

That Report No. 54 – Development Services Committee comprised of 6 items be received and adopted, except Item Nos. 1 and 3. (See following Item Nos. 1 and 3)

**(1) REVIEWING STREET ADDRESSING
CRITERION NUMBER 12 (10.15)**

[Report](#) [Figure 1](#) [Figure 2](#) [Appendix A](#) [Appendix B](#)

- 1) That the report entitled “Reviewing Street Addressing Criterion Number 12”, dated November 16, 2010, be received; and,
- 2) That Staff be authorized to interpret the intent of street addressing criterion number 12 to permit the inclusion of both odd and even numbers when assigning addressing in the case of small courts; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**(2) TRAFFIC CONTROL SIGNALS
– PROPOSED BY-LAW AMENDMENTS (5.12)**

[Report](#) [Map](#) [By-law](#)

- 1) That the report entitled “Traffic Control Signals – Proposed By-Law Amendments”, be received; and,
- 2) That Schedule 19 of Traffic By-law 106-71, pertaining to “Traffic Control Signals”, be amended by including the following intersections:
 - Brimley Road and Wilclay Avenue / Winston Road
 - Bur Oak Avenue and Brunswick Avenue
 - Bur Oak Avenue, 140 metres east of The Bridle Walk
 - Church Street and Country Glen Road
 - Copper Creek Drive and Bernbridge Road
 - Enterprise Boulevard and Ravis Road
 - Enterprise Boulevard and Main Street Unionville; and,

- 3) That the Schedule 12 of Traffic By-law 106-71, pertaining to “Compulsory Stops”, be amended by rescinding the stop control at the following intersections:
 - Brimley Road and Wilclay Avenue / Winston Road
 - Church Street and Country Glen Road
 - Enterprise Boulevard and Main Street Unionville; and,
- 4) That the amended by-laws shall come into force and effect when the authorized traffic control signals have been energized; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2010-206)

CARRIED

- (3) APPLICATIONS BY BAYVIEW SUMMIT DEVELOPMENT LTD.
FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS
FOR MIXED USE HIGH DENSITY RESIDENTIAL AND
COMMERCIAL DEVELOPMENT
2900 STEELES AVENUE EAST
(N/E CORNER OF STEELES AVE E AND DON MILLS ROAD)
(OP 07 130802 & ZA 07 110745) (10.3, 10.5)
[Report](#) [Attachment](#)

- 1) That the correspondence from Mr. Bob James, Mr. Fred Webber and Eileen Liasi be received; and,
- 2) That the report entitled “RECOMMENDATION REPORT: Applications by Bayview Summit Development Ltd. for Official Plan and Zoning By-law Amendments for mixed-use, high-density residential and commercial development, 2900 Steeles Avenue East (n/e corner of Steeles Ave E and Don Mills Road), File Nos. OP 07 130802 & ZA 07 110745” be received only and that the Town of Markham Council not endorse any specific density at this time; and,
- 3) That the applications by Bayview Summit Development Ltd. for Official Plan and Zoning By-law Amendments be denied as currently proposed; and,
- 4) That Council endorse in principle the built form and planning principles set out in Appendix A to this report and that the applicant be encouraged to continue to work cooperatively with staff to revise the development proposal to implement these principles; and,

- 5) That prior to any redevelopment of the site, the Commissioner of Development Services report back to Council on a phasing plan for the development of this site, based on the availability of servicing allocation and linked to the delivery of high order transportation infrastructure; and,
- 6) That staff be directed to attend the Ontario Municipal Board hearing when scheduled; and,
- 7) That a negotiating group be established with the Mayor, the Ward Councillor, staff and the applicant to work through the outstanding issues and concerns related to their proposal; and further,
- 8) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED BY A UNANIMOUS RECORDED VOTE

(See following recorded vote)

YEAS: Mayor F. Scarpitti, Deputy Mayor J. Heath, Regional Councillor J. Jones, Regional Councillor G. Landon, Regional Councillor J. Virgilio, Councillor V. Burke, Councillor E. Shapero, Councillor D. Hamilton, Councillor J. Webster, Councillor L. Kanapathi, Councillor A. Chiu. (11)

ABSENT: Councillor C. Moretti, Councillor D. Horchik. (2)

Council consented to remove the words "...milestones for..." after the words " allocation and linked to..." contained in Resolution No. 5.

- (4) WYKLAND ESTATES INC.
APPLICATIONS FOR DRAFT PLAN OF SUBDIVISION
AND ZONING BY-LAW AMENDMENT (19TM-10002)
WEST OF CORNELL CENTRE BLVD., SOUTH OF 16TH AVENUE
CORNELL COMMUNITY
(ZA.10-114269 AND SU.10-114270) (10.7, 10.5)
[Report](#) [Attachment](#)

- 1) That the report dated November 16, 2010 entitled "Recommendation Report, Wykland Estates Inc. Applications for Draft Plan of Subdivision and Zoning By-law Amendment (19TM-10002), West of Cornell Centre Blvd, south of 16th Avenue, Cornell Community. File Numbers: ZA.10-114270 and SU SU.10-114270" be received; and,

- 2) That the record of the Public Meeting held on June 1, 2010, regarding the applications for approval of Draft Plan of Subdivision and implementing Zoning By-law be received; and,
- 3) That the draft plan of subdivision (19TM-10002) submitted by Wykland Estates Inc. be draft approved subject to the conditions attached as Appendix 'A' to this report; and,
- 4) That the application submitted by Wykland Estates Inc. to amend Zoning By-laws 304-87 and 177-96, as amended, be approved and the draft by-laws attached as Appendix 'B' be finalized and enacted without further notice; and,
- 5) That conditional 2011 servicing allocation for 130 single detached units, 70 semi detached units and 198 townhouse units (1250.76 population) be granted to Wykland Estates, subject to written confirmation from the Trustee of the Cornell Developers Group that servicing allocation is available from the total 2011/2012 sewer and water allocation previously assigned to the Cornell Community; 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 Mayor and Clerk be authorized to enter into a No Presale Agreement with owners of 19TM-10002 for the remaining units and such agreement shall be registered on title, committing the owner not to enter into any agreements of purchase and sale with anyone, including other developers or builders, for the lands until such time as:
 - a) the Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure; or,
 - b)
 - i) York Region has advised in writing that the expected completion of the Southeast Collector Trunk Sewer project will be within twelve (12) months.
 - ii) The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development; or,
 - c) the Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development; and,
- 8) That the Owner provide the Town with the required payment of 30% processing fees in accordance with the Town's applicable Fee By-law; and,
- 9) That the Region of York be advised of the servicing allocation for this development; and,

- 10) That the draft plan approval for plan of subdivision 19TM-10002 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period; and further,
- 11) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-laws 2010-207 and 2010-208)

CARRIED

(5) MULTI-USE PATHWAY CONSULTATION STRATEGY
- TOOGOOD POND TO BOB HUNTER MEMORIAL PARK (5.7)
[Report](#) [Attachment](#)

- 1) That the Multi-Use and Pedestrian Pathway Consultation Strategy - Toogood Pond to Bob Hunter Memorial Park be received and endorsed; and,
- 2) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(6) UTILITIES RELOCATION FOR RODICK ROAD PHASE 2
(MILLER AVENUE TO 14TH AVENUE) AND
RODICK ROAD PHASE 3 (14TH AVENUE TO ESNA PARK DRIVE) (5.10)
[Report](#) [Attachment](#)

- 1) That the report entitled “Utilities Relocation for Rodick Road Phase 2 (Miller Avenue to 14th Avenue) and Rodick Road Phase 3 (14th Avenue to Esna Park Drive)” be received; and,
- 2) That the tendering process for the relocation of existing utilities for Rodick Road Phase 2 (Miller Avenue to 14th Avenue) and Rodick Road Phase 3 (14th Avenue to Esna Park), including design review and construction co-ordination services, be waived in accordance with Purchasing By-Law 2004-341 Part II, Section 7(2); and,
- 3) That Staff be authorized to issue Purchase Orders to the various utility companies for the relocation of their existing facilities for Rodick Road Phase 2 (Miller Avenue to 14th Avenue) up to a total value of \$300,000.00 exclusive of HST to be funded from the Rodick Road Reconstruction – Miller Ave. to 14th Ave account # 83-5350-7258-005; and,

- 4) That Staff be authorized to issue Purchase Orders to the various utility companies for the relocation of their existing facilities for Rodick Road Phase 3 (14th Avenue to Esna Park Drive) up to a total value of \$1,300,000.00 exclusive of HST to be funded from the Rodick Road Extension – Phase 3 account # 83-5350-9300-005; and further,
- 5) That Staff be authorized and directed to take the actions necessary, including the execution of documents, to give effect to this report.

CARRIED

6(c) REPORT NO. 55 – GENERAL COMMITTEE (November 22, 2010)

Council consented to separate Item Nos. 1 and 8.

Moved by Regional Councillor J. Virgilio
Seconded by Councillor A. Chiu

That Report No. 55 - General Committee comprised of 8 items be received and adopted, except Item Nos. 1 and 8. (See following Item Nos. 1 and 8)

(1) YORK REGION CHILDREN'S AID
SOCIETY BOARD (3.0)
[Presentation](#)

- 1) That the Deputation by Ms. Jennifer Grant and Ms. Sophia Wong from the Board of Directors of the York Region Children's Aid Society be received; and
- 2) That the Town of Markham forward the following resolution to the attention of Premier Dalton McGuinty and the Minister of Children and Youth Services Laurel Broten:

Whereas York Region is the third lowest funded Children's Aid Society Board in the Province of Ontario, receiving 40 cents on the dollar compared to Toronto;

And Whereas the funding for the most vulnerable children in York Region is approaching a crisis level, compromising services and placing children at risk;

And Whereas the Town of Markham views the potential impacts on child protection as unacceptable;

Now Therefore be it resolved, the Town of Markham strongly requests the Province to increase funding to the York Region Children's Aid Society Board to be equitable to that of other Regions; and

- 3) That the resolution be forwarded to other municipalities in York Region, and the Association of Municipalities of Ontario (AMO), petitioning their support; and further,
- 4) That the Town of Markham request the Regional Chair and CEO Bill Fisch convene a meeting with the Minister of Children and Youth Services Laurel Broten on behalf of the York Region municipalities.

CARRIED

Council consented to delete the following Resolution No. 4 in its entirety:

- “4) That Regional Chair and CEO Bill Fisch and the Mayors of all municipalities in York Region be encouraged to make a deputation to the Province in this regard.”

and replace it with the following Resolution No. 4:

- “4) That the Town of Markham request the Regional Chair and CEO Bill Fisch convene a meeting with the Minister of Children and Youth Services Laurel Broten on behalf of the York Region municipalities.”

(2) VOLUNTEER ICE RINK PROGRAM-
SNOW PLOWING: GRANDVIEW PARK AND
BAYVIEW LANE PARK, THORNHILL (6.1)
[Report](#)

- 1) That the Deputation by Mr. Rob Chillingworth, Mr. Brian Forrester and Mr. John Bell, Volunteer Ice Rink Co-ordinators for Thornhill be received; and,
- 2) That the Volunteer Ice Rink Policy be amended to allow use of snow plowing equipment to remove snow from the ice rinks; and,
- 3) That Council direct staff to negotiate a Memorandum of Understanding (MOU) with the Volunteer Ice Rink Groups, in a form satisfactory to the Town Solicitor, to allow plowing of ice rinks using a combination of Options A and B, as outlined in this report, and that staff be directed to look at alternative options for local snowplowing businesses to volunteer services, provided all necessary requirements are in place; and,

- 4) That the Town's contribution towards ice rink snow clearing by contracted services be included in the current 'ice rink materials' cost sharing agreement with Volunteer Groups (to an upset limit of \$500 per location per year); and,
- 5) That Option D, snow removal by use of a snow blower not be allowed due to safety issues; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(3) MINUTES OF THE SEPTEMBER 14, AND
OCTOBER 12, 2010 SENIORS ADVISORY COMMITTEE (16.0)
[September](#) [October](#)

- 1) That the Minutes of the September 14 and October 12, 2010 Seniors Advisory Committee be received for information purposes and,
- 2) That Council consider the following resolution passed at the September 14, 2010 Seniors Advisory Committee:

“That the Seniors Advisory Committee strongly recommend that the Town of Markham Council allocate adequate space for seniors at Community Centres; and,

That the Town of Markham Council ensure allotted Community Centre space for seniors is at times of the day which permit seniors to fully participate in recreational programs and activities; and,

That the Town of Markham Council include proper space for seniors in its plans for new Community Centres and when updating existing Community Centres; and further,

That the Seniors Advisory Committee be consulted when allocating Community Centre space to seniors and when designing new spaces for seniors.”

CARRIED

(4) APPOINTMENTS TO ADVISORY
BOARDS/COMMITTEES (16.24)

- 1) That the following persons be appointed to the Mayor's Youth Task Force, for the term ending June 30, 2011:
 - Kush Thaker
 - Mark Mercado; and,
- 2) That the resignation of Mr. Tasneem (Taz) Karimjee from the Seniors' Advisory Committee be received with regret and that a letter of appreciation be forwarded; and,
- 3) That the vacancy be filled following the commencement of the new Council; and,
- 4) That the resignation of Mr. Vince Tortorici from the Friends of Markham Museum Board be received with regret and that a letter of appreciation be forwarded; and,
- 5) That the vacancy be filled following the commencement of the new Council and,
- 6) That the resignation of Ms. Sandra McEleney from the Cycling & Pedestrian Advisory Committee be received with regret and that a letter of appreciation be forwarded; and further,
- 7) That the vacancy be filled following the commencement of the new Council.

CARRIED

(5) SEPTEMBER 2010 YEAR-TO-DATE REVIEW OF
OPERATIONS AND YEAR-END PROJECTION
AND ADDITIONAL FINANCIAL DISCLOSURE
REQUIREMENTS PURSUANT TO ONTARIO
REGULATION 284/09 (7.0)

[Report](#) [Attachments](#)

- 1) That the report dated December 1, 2010 entitled "September 2010 Year-To-Date Review of Operations and Year-End Projection" be received; and,
- 2) That the "Additional Financial Disclosure Requirements Pursuant to Ontario Regulation 284/09" be received for information purposes.

CARRIED

(6) WINTER PARKING PILOT PROGRAM (2.17)

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

- 1) That the report entitled, “Winter Parking Pilot Program” be received; and,
- 2) That Council endorse the continuation of the pilot project initiated in 2009 to restrict parking on the “even” numbered side of the street, applicable to all municipal roads, from November 15, 2010 to April 15, 2011; and,
- 3) That the education and communications campaign commence as soon as possible; and,
- 4) That the Winter Parking Committee report back in Spring 2011, with the results of the pilot project; and
- 5) That the funding for the education and communications campaign be provided from the Operations Department operating account 700 998 5801 to an upset limit of \$3500; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(7) INFRASTRUCTURE PROJECTS-
OPERATING PLANS & IMPACTS (6.0)

[Report](#)

- 1) That the report entitled “Infrastructure Projects – Operating Plans & Impacts” be received; and,
- 2) That Council support the operating plans set forth; and,
- 3) That Staff incorporate the operating impacts of the various Infrastructure Projects in the 2011 Operating Budget submission; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(8) MARKHAM ENVIRONMENTAL ISSUES
COMMITTEE, MINUTES, NOVEMBER 3, 2010
AND FALL FUNDING CYCLE 2010
SUPPLEMENTARY INFORMATION (16.0)
[Minutes](#) [Memo](#) [Report](#)

- 1) That the Minutes of the Markham Environmental Issues Committee meeting, dated November 3, 2010, be received for information purposes; and,
- 2) That the Fall Funding Cycle 2010 Supplementary Information Memo, dated November 15, 2010, be received; and,
- 3) That the application by Dr. Jose Etcheverry, York University, for a Sustainable Energy Initiative be approved, to a maximum of \$5,330.00, subject to York University executing an agreement with the Town, in a form satisfactory to the Town Solicitor, confirming the Town's ownership of the Sun Eye Analysis device; and,
- 4) That the Commissioner of Community and Fire Services be authorized to execute the agreement on behalf of the Town, with Dr, Jose Etcheverry and York University; and,
- 5) That the funding application by David Suzuki Public School, for \$2,040 for an outdoor classroom, be approved, subject to final review and approval of a site plan and species selection by Parks staff; and,
- 6) That the application by James Robinson Public School, for \$5,000 for an organic waste recycling project, be approved, subject to working with Town of Markham Waste Management staff; and,
- 7) That the funding application by David Merriman, Facilities Coordinator, for \$33,285 for a Green Spin Studio, be approved, including signage costs; and,
- 8) That the application by Vicky McGrath, Sustainability Office, for a school demonstration garden at Baythorn P.S., be approved in the amount of \$1,816 subject to the consent of the school board; and,
- 9) That the request for Town funding of a community garden on a private condominium property at Stately Way, York Condominium Corporation No. 34, including programming and communications programs, be approved in the amount of \$3,116 subject to securing condominium board approval to the satisfaction of the Town Solicitor; and,

- 10) That the Sustainability Office staff take all necessary steps, prior to release of funding for a school demonstration garden at Baythorn P.S. and a community garden at York Condominium Corporation No. 34, to ensure all necessary approvals are secured and soil testing has been taken; and,
- 11) That the funding application received from Alex Moore, Purchasing, to extend the contract for a part-time person until the end of March, 2011, to complete the Green Purchasing Guide be approved to a maximum amount of \$15,000; and further,
- 12) That the Markham Trees For Tomorrow Fund Application request by 10,000 Trees for the Rouge, for \$8,100, to conduct a series of fall tree plantings to restore 3 acres of floodplain along the north bank of the Little Rouge River to enhance the biological diversity and increase the effective riparian buffer along a 500+ m reach of this sensitive watershed area, be approved.

CARRIED

(Councillor J. Webster abstained
for Resolution No. 9)

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. 58-2010 to 60-2010.

Moved by Councillor A. Chiu

Seconded by Councillor D. Hamilton

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

Received

52-2010 Gail D. Leet, President, Markham Seniors Activity Centre – Forwarding a letter to thank Council for providing a grant and to advise the fund has been used towards the purchase of new computers. (7.6)
[Letter](#)

Referred to all Members of Council

53-2010 Minister of Citizenship and Immigrant of Ontario - Calling nominations for the June Callwood Outstanding Achievement Award for Voluntarism in Ontario. The award recognizes exceptional leadership, innovation and creativity in voluntarism and community service. Deadline for nominations is December 5, 2010. (13.2)
[Letter](#)

54-2010 Rotary Club of Markham Sunrise Inc. - Forwarding a request to close the following streets to facilitate the Markham Santa Claus Parade being held on November 27, 2010:

9:00 a.m. to 1:00 p.m.

- 1 Hwy 7 east of Wooten Way to west of Hwy 48
- Hwy 7 north of Main St Markham to Parkway Ave.
- Wooten Way west of Hwy 7
- Wideman street north of Hwy 7
- Christman Court south of Hwy 7
- Savannah cres north of Hwy 7
- Jerman Street north of Hwy 7
- Thomson Court West of Main street
- Washington street north of Hwy 7
- Washtington Street & Hwy 7
- Albert Street & Hwy 7
- Centre Street east of Main street
- Robinson Street west of Main Street
- Albert Street north of Hwy 7
- Dublin Street west of Main Street

7:00 a.m. to 1:00 p.m.

- Robinson Street east of Main St Markham to George St.

9:00 a.m. to 1:00 p.m.

- Wilson Street west of Main street
- Bullock Drive west of Main Street
- Parkway Avenue east of Main street

9:30 a.m. to 11:00 a.m.

- Reeves Drive

10:00 a.m. to 1:00 p.m.

- Station Street west of Main Street
- Beech St west of Main Street
- Eby Way west of Main Street
- Springdale Ave west of Main Street
- Gleason Ave east of Main Street
- Peter Street, south of 16th Ave.
- David Street west of Main St.
- Pilkey Lane east of Main St.
- Elizabeth Street, south of 16th Ave.
- Quarry Stone Ave south of 16th Ave
- 16th Ave east of Mingay Avenue
- Heritage Corners north of 16th Ave
- Main St N east of Deer Park Lane
- Main St N, east & west of 16th Avenue
- Main St. N, south of Bur Oak Ave (3.5.5)

[Info](#)

55-2010 Markham Village BIA - Forwarding a request to close the following streets on November 27, 2010 from 3:00 p.m. to 10:00 p.m. to facilitate the Festival of Lights:

- Access east from Main Street Markham is closed to Robinson Street
- Access west to Main Street Markham is closed to Robinson Street. (3.5)

[Info](#)

56-2010 Commissioner of Development Services – Providing an update and recommending the enactment of zoning by-law amendment regarding the application submitted by H and W Development Corporation for a proposed residential development, east side of South Town Centre Boulevard between Clegg Road and Cedarland Drive. (10.5 and 10.7)
(Item No. 4, Report No. 53) (By-law 2010-205)

[Memo&By-law](#)

Referred to Commissioner of Development Services & Town Solicitor

- 57-2010 Ontario Municipal Board - Forwarding their Orders dated September 28, 2010 to dismiss the appeal against By-law 2009-193 (Peoples Christian Academy, 245 Renfrew Drive). (13.13)
[Letter](#)

Referred to all Members of Council

- 58-2010- Greg McCormick, Chair, Unionville BIA - Forwarding a request to close the following roads to facilitate the Unionville Olde Tyme Christmas being held on Friday, December 3, 2010:
6:00 p.m. to 8:00 p.m.
- Main Street Unionville north of Euclid to south of Library Lane
- Carlton Road west of Concession Road to south of Pomander Road

6:00 p.m. to 10:00 p.m.
- Main Street Unionville & Concession Road to south of Carlton Road
- Fred Varley east of EJ Lennox Way to Main Street Unionville
[Info](#)
- 59-2010 Morton Roseman – Forwarding comments with respect to the Appeal of Variances and Site Plan Approval to Ontario Municipal Board, 94 John Street. (8.0 and 10.6)
(In-Camera Item No. 2)
[Letter](#)
- 60-2010 Kirk Tobias – Forwarding an article from Health Canada regarding Healthy Living – Dampness, Mould and Indoor Air. (16.11)
(Delegation Item No. 5 and New/Other Businesses Item No. 2)
[Info](#)

CARRIED

10. PROCLAMATIONS**(1) PROCLAMATIONS (3.4)**[Info](#)

Moved by Councillor L. Kanapathi

Seconded by Councillor E. Shapero

- 1) That the following be proclaimed in the Town of Markham:
- Montessori Week (Week of February 22, 2011) and International Day (March 11, 2011); and,
- 2) That the Communications and Community Relations Department be requested to publish the above proclamations in the local newspapers.

CARRIED

11. NEW/OTHER BUSINESSES

- (1) FLATO MEADOWS INC.
251 AND 271 HELEN AVENUE AND
THE ABUTTING LOT TO THE EAST
ZONING BY-LAW AMENDMENT APPLICATION TO PERMIT NEW
RESIDENTIAL DEVELOPMENT CONSISTING OF
64 SINGLE AND SEMI-DETACHED UNITS IN SOUTH UNIONVILLE
(ZA 10 109547) (10.5)

[Memo](#)

Moved by Councillor J. Webster

Seconded by Councillor A. Chiu

- 1) That the memorandum dated November 9, 2010 from the Commissioner of Development Services providing an update with respect to the application for Flato Meadows Inc., 251 and 271 Helen Avenue and the abutting lot to the east, Application No. ZA 10 109547, be received; and,
- 2) That the proposed amendments to By-laws 304-87, as amended and 177-96, as amended, be finalized and enacted without further notice.
(By-laws 2010-203 and 2010-204)

CARRIED

- (2) HERITAGE MARKHAM COMMITTEE MINUTES
ITEM #4 - SITE PLAN APPROVAL APPLICATION
FILE NO. SC 10 111677
20 PETER STREET - CLADDING AND WINDOW ISSUES (16.11)
[Letter](#) [Nov 16 Memo](#) [Attachment](#) [Nov 23 Memo](#)

Moved by Regional Councillor G. Landon

Seconded by Councillor V. Burke

- 1) That the correspondence dated November 14, 2010 from Mr. Kirk J. Tobias, Homeowner, 20 Peter Street, be received; and,
- 2) That the staff memo dated November 16, 2010 entitled "Site Plan Control Application (SC 111677), 20 Peter Street, Markham Village - Exterior Cladding", be received; and,
- 3) That the staff memo dated November 23, 2010 entitled "Site Plan Control Application (SC 111677), 20 Peter Street, Markham Village - Exterior Cladding Outcome of Site Meeting", be received; and further,
- 4) That the following recommendation from the Heritage Markham Committee meeting held on November 10, 2010 be approved:

"That Heritage Markham receive the depositions from Mr. Tobias, the owner of 20 Peter Street, and Mr. Charters Kenny of Legacy Home Inspections;

That Heritage Markham receive the notes from the Architectural Review Sub-Committee meeting site visit;

That the issue of the window restoration/replacement assessment be left to Heritage Section staff;

That Heritage Markham recommends that based on all the evidence available to date, both vertical tongue and groove sidings found on the dwelling should be retained and restored;

And That Heritage staff consult with the Building Inspector to ensure awareness of the concerns of the Committee and the applicant."

CARRIED

(See following motion which was lost)

Moved by Regional Councillor J. Jones
Seconded by Councillor A. Chiu

- 1) That the correspondence dated November 14, 2010 from Mr. Kirk J. Tobias, Homeowner, 20 Peter Street, be received; and,
- 2) That the staff memo dated November 16, 2010 entitled "Site Plan Control Application (SC 111677), 20 Peter Street, Markham Village - Exterior Cladding", be received; and,
- 3) That the staff memo dated November 23, 2010 entitled "Site Plan Control Application (SC 111677), 20 Peter Street, Markham Village - Exterior Cladding Outcome of Site Meeting", be received; and further,
- 4) That the applicant be permitted to remove and replace the beaded edge siding with beaded edge material if available.

LOST BY A RECORDED VOTE (4:7)

(See following recorded vote)

(See following amendment)

YEAS: Deputy Mayor J. Heath, Regional Councillor J. Jones, Councillor L. Kanapathi, Councillor A. Chiu. (4)

NAYS: Mayor F. Scarpitti, Regional Councillor G. Landon, Regional Councillor J. Virgilio, Councillor V. Burke, Councillor E. Shapero, Councillor D. Hamilton, Councillor J. Webster. (7)

ABSENT: Councillor C. Moretti, Councillor D. Horchik. (2)

Moved by Councillor E. Shapero
Seconded by Councillor D. Hamilton

That the following Resolution No. 4 moved by Regional Councillor J. Jones and seconded by Councillor A. Chiu be deleted in its entirety:

- "4) That the Town of Markham allow the applicant to remove and replace the beaded edge siding with V-joint cladding."; and,

That the following Resolution No. 4 be substituted instead:

- "4) That the applicant be permitted to remove and replace the beaded edge siding with beaded edge material if available."

CARRIED

(3) 407 TRANSITWAY ENVIRONMENTAL PROJECT REPORT (5.7)
[Report](#) [Att A](#) [Att B](#) [Att C](#) [Att D](#) [Att E](#) [Att F](#) [Memo](#)

Moved by Regional Councillor J. Virgilio
Seconded by Councillor A. Chiu

- 1) That the staff memo dated November 19, 2010 outlining suggested revisions to the recommendation regarding 407 Transitway Environmental Project, be received; and,
- 2) That the November 16, 2010 report entitled “407 Transitway Environmental Project Report”, be received; and,
- 3) That the Ministry of Transportation be requested to defer filing a notice of completion for the 407 Transitway until December 2011 to enable the outstanding issues as outlined in the report to be finalized; and,
- 4) That the Town of Markham request the Province of Ontario to implement Light Rail Transit (LRT) in place of the proposed Bus Rail Transit (BRT); and,
- 5) And that the CAO and the Mayor be requested to arrange a meeting with the Minister of Transportation, Metrolinx Chair, and appropriate staff to review the role and function of the Highway 407 transitway, including design criteria and transit technology; and,
- 6) That if the Ministry of Transportation proceeds to file the 407 Transitway Environmental Project Report with the Ministry of Environment, it be endorsed in principle only, and subject to the following revisions/conditions;
 - That the transportation modelling take account of the full urban density and transit potential of the Urban Growth Centres, including Markham Centre and Richmond Hill/Langstaff Gateway and the design of the alignment be efficient to best serve these centres;
 - That the Ministry of Transportation be requested to review the proposed Leslie Street station and consider re-locating the station to the north side of Highway 407, adjacent to the south of South Park Road, to better serve the Leitchcroft Residential Community and Commerce Valley Business/Beaver Creek Areas;
 - The Environmental Project Report be amended to provide for consideration of a potential alternative transitway station at Yonge Street to be outlined by ARUP consultants on behalf of the Town of Markham, and reviewed by the stakeholders;

- The Ministry of Transportation revise the 407 Transitway alignment options in Markham Centre to provide additional flexibility to facilitate development of the Pan AM pool facility on the Town owned lands at the S/W corner of YMCA Blvd and Kennedy Road;
- The Environmental Project Report be amended to provide for consideration of alternative transitway alignments and stations in Markham Centre as per the June 2010 Markham Council resolution (Calthorpe Associates transit alignment concept) and on the south side of Highway 407;
- The Transitway stations within Markham be subject to the Site Plan approval process;
- The Ministry of Transportation be requested to consult with area Municipalities in the detail design of the Transitway;
- The Ministry of Transportation and Ontario Realty Corporation be encouraged to implement Transit Oriented Development at the stations;
- The Ministry of Transportation or future transit providers enter into negotiations, and if necessary an agreement, with the Town of Markham for the operation and management of the 407 transitway stations parking facilities;
- The Ministry of Transportation provide a release to Ontario Realty Corporation to allow for an access easement to the Town of Markham and Magna for the Magna East lands at the S/E corner of Rodick Road and Hwy 407;
- The Ministry of Transportation continue to provide at their cost access to the Magna East Lands east of Rodick Road including the extension of the Rodick Rd underpass structure;
- Metrolinx be requested to advance funds for preliminary design and to pre-build certain sections of the transitway infrastructure to facilitate development, particularly in Markham Centre;
- Metrolinx be requested to advance the timing of the 407 transitway capital program from Jane St. (Spadina subway) to Kennedy Road within its Phase One investment plan to be completed within the next **10** years;
- And that the Ministry of Transportation and Ontario Realty Corporation conduct the necessary studies to protect land for a potential Hwy 404/ 407 Transit interface; and,

- 7) That in the requested deferral period (1 year) the Ministry of Transportation be requested to complete a Transitway Environmental Assessment Study for the 407 Transitway from Kennedy Road to the Box Grove Mobility Hub; and,
- 8) That staff report back with an update on the Quebec City to Windsor Rapid Transit Feasibility study, and that the MTO be requested to review potential implications to the transitway alignment option if a high speed corridor is located within the Parkway Belt/Hwy 407 Corridor in a linear and high speed alignment; and,
- 9) That staff report back at the preliminary and detailed design stages with further details, land requirements, financial implications, potential partnership arrangements, transit oriented development opportunities, and any required agreements between Stakeholders; and,
- 10) That the Ministry of Transportation and Ontario Realty Corporation be requested to finalize the land exchange and financial arrangements to the satisfaction of Markham District Energy for the Birchmount/407 plant; and,
- 11) That the MTO and 407 ETR be requested to review the feasibility of access and egress ramps at Birchmount Ave; and,
- 12) That the MTO be requested to review with Markham and adjust the 407 transitway alignment and Rodick Road station layout concept to reflect a preferred Millar Ave alignment; and,
- 13) That Staff be authorized and directed to do all things necessary to give effect to this resolution; and further,
- 14) And that the Minister of Transportation, Ministry of the Environment, Metrolinx Chair, Ontario Realty Corporation, Richmond Hill, Vaughan and Region of York be advised accordingly.

CARRIED AS AMENDED
(See following amendments)

Moved by Regional Councillor J. Jones
Seconded by Councillor A. Chiu

That the following be added as Resolution No. 4 and the remainder of the resolutions be renumbered accordingly:

- “4) That the Town of Markham request the Province of Ontario to implement Light Rail Transit (LRT) in place of the proposed Bus Rail Transit (BRT);”

CARRIED

Moved by Councillor E. Shapero
Seconded by Regional Councillor J. Virgilio

That the following be added as the second bullet point under Resolution No. 5:

- “That the Ministry of Transportation be requested to review the proposed Leslie Street station and consider re-locating the station to the north side of Highway 407, adjacent to the south of South Park Road, to better serve the Leitchcroft Residential Community and Commerce Valley/Beaver Creek Business Areas;”

CARRIED

(4) ENGINEERING CAPITAL PROJECTS
AUDIT REPORT (5.0)
[Auditor Report](#) [Staff Response](#)

Moved by Regional Councillor J. Virgilio
Seconded by Regional Councillor J. Jones

- 1) That the presentation provided by Ingrid Kutter, former Auditor General, and the report entitled “Engineering Capital Projects Audit Report of the Town of Markham” be received; and,
- 2) That the following be referred to the first meeting of General Committee in January 2011.

“That the presentation by Alan Brown, Director of Engineering, entitled ‘Engineering Department Capital Project Audit Report – Management Responses’ be received; and,

That the Town staff action plans developed in response to the Auditor General recommendations be received and approved; and further,

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

(Also see In-Camera Item No. 5)

CARRIED AS AMENDED

(See following motion to amend)

Moved by Deputy Mayor J. Heath

Seconded by Regional Councillor J. Jones

That the presentation by Alan Brown, Director of Engineering and the consideration of Town staff action plans be referred to the first meeting of General Committee in January 2011.

CARRIED

12. BY-LAWS

Moved by Councillor A. Chiu

Seconded by Regional Councillor G. Landon

That By-laws 2010-192 to 2010-208 be given three readings and enacted.

Three Readings

BY-LAW 2010-192 A by-law to dedicate certain lands as part of the highways of the Town of Markham (Part of Lot 9, Concession 5, designated as Parts 1, 3, 4, 5, 7, 10, 11, 12 and 13, Plan 65R-29433, Enterprise Boulevard)

[By-law](#)

BY-LAW 2010-193 A by-law to dedicate certain lands as part of the highways of the Town of Markham (Blocks 52 and 53, Plan 65M-3995 [Betty Roman Boulevard]; Block 54, Plan 65M-3995 [Reflection Road]; Block 55, Plan 65M-3995 [LANEWAY 4]; Blocks 56 and 57, Plan 65M-3995 [Laneway 3]; Blocks 135 and 142, Plan 65M-3830 [Betty Roman Boulevard]; Block 136, Plan 65M-3830 [Laneway 12]; Blocks 137 and 138, Plan 65M-3830 [Charity Crescent]; Block 139, Plan 65M-3830 [Laneway 9] and Block 140, Plan 65M-3830 [Reflection Road]).

[By-law](#)

BY-LAW 2010-194 A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control (Country Wide Homes at Victoria Square, 2901 Elgin Mills Road, south of Elgin Mills Road, west of Woodbine Avenue, Lots 1 to 5 and Blocks 6 to 20, Plan 65M-4183).

[By-law](#)

- BY-LAW 2010-195 A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control (The Crown of Markham Phase III, 10350 Woodbine Avenue, Block 29, 65M-4195, north of Major Mackenzie Drive and west of Woodbine Avenue).
[By-law](#)
- BY-LAW 2010-196 A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control (Amber Plain Investments Ltd., Lots 25 to 30, 40 to 43, 46 to 53, 57 to 69, Blocks 109, 110 and 118 to 121, Plan 65M-4193, east of McCowan Road, and north and south of Bur Oak Avenue).
[By-law](#)
- BY-LAW 2010-197 A by-law to amend Municipal Law Enforcement Officers Appointment By-law 2002-178 (Update Enforcement Officers' List).
[By-law](#)
- BY-LAW 2010-198 A by-law to repeal By-law 2010-188, being a by-law for the Removal of (H) Hold provision for Sunrise Montessori School (For administrative purposes) (By-law 2010-199 is the new by-law).
(Item No. 5, Report No. 52)
[By-law](#)
- BY-LAW 2010-199 A by-law to amend Zoning By-law 108-81, as amended (Sunrise Montessori School, 180 Amber Street – To remove (H) Hold provision to permit the operation of a private school and daycare).
(Item No. 5, Report No. 52)
[By-law](#)
- BY-LAW 2010-200 A by-law to adopt Official Plan Amendment No. 189 (World Tech Construction, Block 20, 65M-3583, Part of Lots 5 and 6, Plan 2196, east of Harry Cook Drive, south of Castan Avenue and north of the future extension of South Unionville Avenue – To accommodate residential development).
(Item 6, Report No. 44)
[By-law](#)

- BY-LAW 2010-201 A by-law to amend 304-87, as amended (World Tech Construction, Block 20, 65M-3583, Part of Lots 5 and 6, Plan 2196, east of Harry Cook Drive, south of Castan Avenue and north of the future extension of South Unionville Avenue – To delete the subject lands from By-law 304-87, as amended, so that they may be incorporated into By-law 177-96, as amended, and zoned for residential development).
(Item 6, Report No. 44)
[By-law](#)
- BY-LAW 2010-202 A by-law to amend 177-96, as amended (World Tech Construction, Block 20, 65M-3583, Part of Lots 5 and 6, Plan 2196, east of Harry Cook Drive, south of Castan Avenue and north of the future extension of South Unionville Avenue – To facilitate the development of single and semi-detached residential dwellings).
(Item 6, Report No. 44)
[By-law](#)
- BY-LAW 2010-203 A by-law to amend Zoning By-law 304-87, as amended (Flato Meadows Inc., 251 and 271 Helen Avenue and the abutting lot to the east in South Unionville, Part of Lot 8, Plan 2196 – To delete subject lands from By-law 304-87, as amended, so that they may be incorporated into By-law 177-96, as amended, to facilitate the development of single and semi-detached residential dwellings).
(New/Other Business 1)
[By-law](#)
- BY-LAW 2010-204 A by-law to amend Zoning By-law 177-96, as amended (Flato Meadows Inc., 251 and 271 Helen Avenue and the abutting lot to the east in South Unionville, Part of Lot 8, Plan 2196 – To facilitate the development of single and semi-detached residential dwellings).
(New/Other Business 1)
[By-law](#)
- BY-LAW 2010-205 A by-law to amend Markham Centre Zoning By-law 2004-196, as amended (H and W Development Corporation, east side of South Town Centre Boulevard between Clegg Road and Cedarland Drive – To accommodate a proposed residential development).
(Item No. 4, Report No. 53) (Communication No. 56-2010)
[By-law](#)

BY-LAW 2010-206 A by-law to amend Traffic By-law 106-71 (Traffic Control Signals at the intersection of: Brimley Road and Wilclay Avenue/Winston Road; Bur Oak Avenue and Brunswick Avenue; Bur Oak Avenue, 140 metres east of The Bridle Walk; Church Street and Country Glen Road; Copper Creek Drive and Bernbridge Road; Enterprise Boulevard and Rivis Road; Enterprise Boulevard and Main Street Unionville) (Rescind Compulsory Stops at the intersection of: Brimley Road and Wilclay Avenue/Winston Road; Church Street and Country Glen Road; Enterprise Boulevard and Main Street Unionville).
(Item No. 2, Report No. 54)

[By-law](#)

BY-LAW 2010-207 A by-law to amend 304-87, as amended (Wykland Estates, west of Cornell Centre Blvd, south of 16th Avenue, Cornell Community, 19TM-10002 – To delete the lands from 304-87, as amended, and incorporate the lands into By-law 177-96, as amended, to permit the development of residential units.
(Item No. 4, Report No. 54)

[By-law](#)

BY-LAW 2010-208 A by-law to amend 177-96, as amended (Wykland Estates, west of Cornell Centre Blvd, south of 16th Avenue, Cornell Community, 19TM-10002 – To permit the development of residential units.
(Item No. 4, Report No. 54)

[By-law](#)

CARRIED

13. IN-CAMERA ITEMS

Moved by Regional Councillor J. Jones
Seconded by Councillor V. Burke

That, in accordance with Section 239 of the *Municipal Act*, Council resolve into an in-camera session to discuss the following item (12:32 a.m. on November 24, 2010):

- (2) APPEAL OF VARIANCES AND SITE PLAN APPROVAL TO
ONTARIO MUNICIPAL BOARD
- 94 JOHN STREET, THORNHILL (8.0 AND 10.6)

CARRIED

There was no discussion during the in-camera session for the following items:

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
- SEPTEMBER 21, 2010
- (3) MINOR VARIANCE OMB APPEAL
- 3028 BUR OAK AVENUE A/96/10 (8.0)
- (4) ACQUISITION/DISPOSITION OF LAND -
PROPERTY ACQUISITION FOR RODICK ROAD PHASE 2
(MILLER AVENUE TO 14TH AVENUE) (8.6)
- (5) ENGINEERING CAPITAL PROJECTS AUDIT REPORT (5.0)

Moved by Regional Councillor J. Virgilio
Seconded by Councillor A. Chiu

That Council rise from in-camera session and report. (12:56 a.m. on November 24, 2010)

CARRIED

Moved by Regional Councillor J. Virgilio
Seconded by Councillor V. Burke

That In-camera Item Nos. 1 to 5 be received and adopted, except Item No. 5. (See following Item No. 5)

CARRIED

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
- SEPTEMBER 21, 2010 (16.0)

- 1) That the minutes of the in-camera Council meeting held on September 21, 2010, be confirmed.

CARRIED

REPORT OF DEVELOPMENT SERVICES COMMITTEE – November 16, 2010**(2) APPEAL OF VARIANCES AND
SITE PLAN APPROVAL TO****ONTARIO MUNICIPAL BOARD (OMB)****94 JOHN STREET, THORNHILL (8.0, 10.6)**

- 1) That the confidential report entitled “Appeal of Variances and Site Plan Approval to Ontario Municipal Board (OMB) - -94 John Street, Thornhill” be received; and,
- 2) That the Town Solicitor be instructed to attend the hearing and take the following action:
 - a. For the variance appeal, ensure that the conditions of approval recommended by Staff are imposed by the OMB, should the OMB decide to allow the variances;
 - b. For the Site Plan Approval of the proposed new dwelling, ensure that the conditions of approval recommended by Staff are imposed by the OMB, should the OMB decide to support the application; and further,
- 3) That Staff be authorized and directed to take the actions set out in this report.

CARRIED**(3) MINOR VARIANCE OMB APPEAL****3028 BUR OAK AVENUE A/96/10 (8.0)**

- 1) That the confidential staff report dated November 16, 2010 titled “Minor Variance OMB Appeal, 3028 Bur Oak Avenue, A/96/10”, be received; and,
- 2) That Council direct the Town Solicitor and Staff to attend the Ontario Municipal Board (OMB) Hearing to oppose the appeal regarding the minor variance application for 3028 Bur Oak Avenue (A/96/10); and further,
- 3) That Staff be authorized and directed to take actions set out in this report.

CARRIED

(4) PROPERTY ACQUISITIONS FOR RODICK ROAD PHASE 2
(MILLER AVENUE TO 14TH AVENUE) (8.6)

- 1) That the confidential report entitled “Property Acquisitions for Rodick Road Phase 2 (Miller Avenue to 14th Avenue)” be received; and,
- 2) That Staff be authorized and directed to take the actions necessary, including the execution of documents, to give effect to this report.

CARRIED

COUNCIL – November 23, 2010

(5) ENGINEERING CAPITAL PROJECTS AUDIT REPORT
- CONFIDENTIAL AUDIT FINDING (5.0)

- 1) That the confidential report prepared by Ingrid Kutter, former Auditor General, entitled “Engineering Capital Projects Audit Report of the Town of Markham – Confidential Audit Finding” be referred to the first in-camera meeting of General Committee in January 2011.
(Also see New/Other Businesses 4)

CARRIED AS AMENDED
(See following motion to amend)

Moved by Deputy Mayor J. Heath
Seconded by Regional Councillor J. Jones

That In-camera Item No. 5 regarding the confidential report prepared by Ingrid Kutter, former Auditor General, entitled “Engineering Capital Projects Audit Report of the Town of Markham – Confidential Audit Finding” be referred to the first meeting of General Committee in January 2011.

CARRIED

14. CONFIRMATORY BY-LAW

Moved by Councillor A. Chiu

Seconded by Councillor E. Shapero

That By-law 2010-209 be given three readings and enacted.

Three Readings

BY-LAW 2010-209 A by-law to confirm the proceedings of the Council meeting of November 23, 2010.

(Council Meeting No. 13, 2010)

[By-law](#)

CARRIED

15. ADJOURNMENT

Moved by Councillor A. Chiu

Seconded by Councillor L. Kanapathi

That the meeting do adjourn.

CARRIED

Council adjourned at 1:01 a.m. on November 24, 2010.

ANDREW BROUWER
DEPUTY TOWN CLERK

FRANK SCARPITTI
MAYOR

(Signed)