



MINUTES
GENERAL COMMITTEE
November 5, 2012
Meeting No. 24

Finance & Administrative Issues

Chair: Mayor Frank Scarpitti
Vice Chair: Councillor Carolina Moretti

Community Services Issues

Chair: Councillor Alex Chiu
Vice Chair: Councillor Howard Shore

Environment & Sustainability Issues

Chair: Councillor Valerie Burke
Vice Chair: Regional Councillor Joe Li

Building, Parks, & Construction Issues

Chair: Councillor Logan Kanapathi
Vice Chair: Councillor Colin Campbell

Alternate formats are available upon request.

Attendance

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

Andy Taylor, Chief Administrative Officer
Catherine Conrad, City Solicitor
Jim Baird, Commissioner of Development Services
Brenda Librecz, Commissioner of Community & Fire Services
Trinela Cane, Commissioner of Corporate Services
Joel Lustig, Treasurer
Nory Takata, Parks Planner
Bill Wiles, Manager of By-law Enforcement & Licensing
Claudia Marsales, Senior Manager of Waste & Environmental Management
David Porretta, Supervisor Traffic Operations
Paul Wealleans, Director, Revenues
Mary Creighton, Director Recreation
Alida Tari, Council/Committee Coordinator

Regrets

Regional Councillor Gord Landon
Councillor Alan Ho

The General Committee convened at the hour of 9:08 a.m. with Mayor Frank Scarpitti in the Chair and Councillor Alex Chiu Chaired Community Services related items. Councillor Howard Shore assumed the Chair for Community Services item #22 at 2:20 p.m.

The General Committee recessed at 12:25 p.m. and reconvened at 1:13 p.m.

DISCLOSURE OF INTEREST

None disclosed.

1. FAIR HOSPITAL PARKING CHARGES (3.8)

[Presentation](#) [Attachment 1](#) [Attachment 2](#) [Attachment 3](#) [Attachment 4](#)

Mr. Alan Powell delivered a PowerPoint presentation regarding Fair Hospital Parking Charges.

The Committee thanked the Alan Powell, John Hazelwood and Elizabeth Plashkes for all their work relative to fair hospital parking charges.

There was discussion regarding LHIN (Local Health Integrated Network). The Committee inquired what the parking revenue is. It was noted that the net parking revenue from last year at Markham Stouffville Hospital was \$3.1 Million.

The Committee suggested that Ms. Janet Beed be requested to provide any comments relative to this proposed resolution.

Moved by Councillor Colin Campbell

Seconded by Logan Kanapathi

- 1) That the presentation by Mr. Alan D. Powell, entitled “Fair Hospital Parking Charges” be received; and,
- 2) **That the City of Markham hereby requests that the Province of Ontario reduce and cap at a fair rate the parking charges at Ontario Hospitals including Markham Stouffville Hospital.**

CARRIED

2. 2013 SPECIAL OLYMPICS SUMMER GAMES (7.0)

Ms. Karen Richards addressed the Committee and provided some opening comments relative to the 2013 Special Olympics Summer games.

Superintendent Paul Pedersen, York Region Police addressed the Committee requesting that Members of Council support a community base involvement regarding the 2013 Special Olympics Summer games.

The Committee thanked Ms. Karen Richards and Superintendent Paul Pedersen, York Region Police for their presentations today.

Moved by Councillor Howard Shore

Seconded by Councillor Carolina Moretti

- 1) That the presentation by Ms. Karen Richards & Mr. Paul Pedersen, entitled “2013 Special Olympics Summer Games” be received.

CARRIED

**3. MINUTES OF THE OCTOBER 22, 2012
GENERAL COMMITTEE (16.0)**

[Minutes](#)

Moved by Councillor Don Hamilton
Seconded by Councillor Carolina Moretti

- 1) That the Minutes of the October 22, 2012 General Committee be confirmed.

CARRIED

**4. MINUTES OF THE OCTOBER 10, 2012
2013 BUDGET PUBLIC INFORMATION MEETING (16.0)**

[Minutes](#)

Moved by Councillor Don Hamilton
Seconded by Councillor Carolina Moretti

- 1) That the Minutes of the October 10, 2012, 2013 Budget Public Information Meeting be received for information purposes.

CARRIED

**5. MINUTES OF THE OCTOBER 5 & OCTOBER 12, 2012
2013 BUDGET SUB- COMMITTEE (16.0)**

[October 5](#) [October 12](#) [October 16](#) [October 19 \(1\)](#) [October 19 \(2\)](#)

Moved by Councillor Don Hamilton
Seconded by Councillor Carolina Moretti

- 1) That the Minutes of the October 5 & October 12, 2012, 2013 Budget Sub-Committee be received for information purposes.

CARRIED

**6. MINUTES OF THE OCTOBER 4, 2012
COMMUNICATIONS COMMITTEE & INFORMATION
TECHNOLOGY SUB – COMMITTEE (16.0)**

[Minutes](#)

Moved by Councillor Don Hamilton

Seconded by Councillor Carolina Moretti

- 1) That the Minutes of the October 4, 2012 Communications Committee & Information Technology Sub- Committee be received for information purposes.

CARRIED

**7. MINUTES OF THE JUNE 19, 2012
VARLEY MCKAY ART FOUNDATION OF MARKHAM (16.0)**

[Minutes](#)

Moved by Councillor Don Hamilton

Seconded by Councillor Carolina Moretti

- 1) That the Minutes of the June 19, 2012, Varley McKay Art Foundation of Markham be received for information purposes.

CARRIED

**8. MINUTES OF THE SEPTEMBER 19, 2012
ADVISORY COMMITTEE ON ACCESSIBILITY (16.0)**

[Minutes](#)

Moved by Councillor Don Hamilton

Seconded by Councillor Carolina Moretti

- 1) That the Minutes of the September 19, 2012 Advisory Committee on Accessibility be received for information purposes.

CARRIED

**9. MINUTES OF THE SEPTEMBER 24, 2012
PUBLIC LIBRARY BOARD (16.0)**

[Minutes](#)

Moved by Councillor Don Hamilton

Seconded by Councillor Carolina Moretti

- 1) That the Minutes of the September 24, 2012 Public Library Board be received for information purposes.

CARRIED

**10. MINUTES OF THE SEPTEMBER 19, 2012
ANIMAL CARE COMMITTEE (16.0)**

[Minutes](#) [Attachment](#)

Staff pointed out that the Animal Care Committee was advised that the municipality does not have the legislative authority to eliminate animal acts at its circus events. It was suggested to not single out one particular organization, but have it for all organizations that have provided events in the past that include animal acts.

There was discussion regarding whether rodeos should be included in the recommendation.

Moved by Councillor Don Hamilton
Seconded by Councillor Carolina Moretti

- 1) That the Minutes of the September 19, 2012 Animal Care Committee be received for information purposes.
- 2) That **General Committee receive** the following recommendation from the Animal Care Committee:

“That the Animal Care Committee request that Council endorse the letter to the Shriners International Headquarters regarding eliminating animal acts at its circus events presented as Appendix A ; and,

That the letter be signed by Mayor Frank Scarpitti and forwarded to the Shriners International Headquarters”; and further,

- 3) **That the Mayor forward a letter to all organizations that have brought circus events to the City of Markham and request that consideration be made to eliminate animal acts in their events.**

CARRIED

11. MINUTES OF THE SEPTEMBER 19, 2012 SANTA CLAUS PARADE (16.0)

[Minutes](#)

Moved by Councillor Don Hamilton
Seconded by Councillor Carolina Moretti

- 1) That the Minutes of the September 19, 2012 Santa Claus Parade be received for information purposes.

CARRIED

12. REQUEST FOR PROPOSAL 035-Q-12 PUBLIC SPACE WASTE RECYCLING RECEPTACLES SYSTEM AND ADVERTISING PROGRAM (5.2)

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

Claudia Marsales, Senior Manager of Waste & Environmental Management delivered a brief PowerPoint presentation regarding the Public Space Waste Recycling Receptacles System and Advertising Program.

There was discussion regarding the challenges of including organics as part of the waste recycling receptacles system. Staff advised that they can investigate specific sites that could potentially begin to incorporate organics.

There was brief discussion regarding the percentage of containers that can be used by the City for their own advertising uses.

Moved by Councillor Don Hamilton
Seconded by Councillor Carolina Moretti

- 1) That the Report entitled 'Request for Proposal 035-Q-12 Public Space Waste Recycling Receptacles System and Advertising' be received; and,
- 2) That the Request For Proposal (RFP) 035-12 for Public Space Waste Recycling Receptacles and Advertising program be awarded to Creative Outdoor Advertising the highest ranked / highest revenue bidder for a period of five years; and,
- 3) That the Director of Environmental Services and Manager Purchasing be authorized to extend the contract for a further period of five years as per terms of the RFP and subject to the satisfactory completion of the initial contract term; and,
- 4) That the annual guaranteed revenue of \$90,000.00 or 28% commission whichever is the greater as provided for in the RFP be included in the Waste Department Operating Budget beginning 2013; and,
- 5) That the Commissioner of Community & Fire Services and the Manager of Purchasing be authorized to execute the contract with Creative Outdoor Advertising in accordance to the terms of the Purchasing By Law and to the satisfaction of the City's Solicitor; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution

CARRIED

**13. 2012 THIRD QUARTER INVESTMENT PERFORMANCE
REVIEW (7.2)**

[Report](#) [Attachment 1](#) [Attachment 2](#) [Attachment 3](#) [Attachment 4](#)
[Attachment 5](#) [Attachment 6](#)

Moved by Councillor Don Hamilton
Seconded by Councillor Carolina Moretti

- 1) That the report dated October 12, 2012 entitled “2012 Third Quarter Investment Performance Review” be received.

CARRIED

**14. BYLAW TO AUTHORIZE TEMPORARY BORROWING
FOR 2013 (7.0)**

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

Moved by Councillor Don Hamilton

Seconded by Councillor Carolina Moretti

- 1) That the report “By-law to authorize Temporary Borrowing for 2013” 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 \$137,087,510 from January 1, 2013 to September 30, 2013 and \$68,543,755 from October 1, 2013 to December 31, 2013 to meet the expenditures of the municipality until taxes are collected and other revenues are received; and,
- 3) That the Treasurer report 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.

CARRIED

15. 2013 INTERIM TAX LEVY AND BYLAW (7.2)

[Report](#)

Moved by Councillor Don Hamilton

Seconded by Councillor Carolina Moretti

- 1) That Council authorize an interim tax levy for 2013; and,
- 2) That the attached by-law be passed to authorize the 2013 interim tax levy; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**16. STRATEGIC LAWSUIT AGAINST PUBLIC PARTICIPATION
(SLAPP) REPORT (8.0)**

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

Catherine Conrad, City Solicitor summarized the details outlined in the report.

There was brief discussion regarding an indemnification by-law.

The Committee requested further explanation between “absolute privilege” versus “qualified privilege.” The Committee suggested that staff e-mail Members of Council a memo with further details regarding "absolute and qualified privileges".

Councillor Shore is suggesting that this report be forwarded to MAGIC.

The Committee reviewed Councillor Howard Shore's Notice of Motion from the October 16, 2012 Council meeting and suggested that clause 3 be deleted.

Moved by Councillor Howard Shore

Seconded by Councillor Colin Campbell

- 1) That the report entitled “Strategic Lawsuits Against Public Participation (SLAPP)”, dated November 5, 2012, be received; and,
- 2) That Council receive the information regarding SLAPP legislation as requested by Council in a Motion passed on May 7, 2012; and,
- 3) That Council authorize staff to draft an indemnification by-law for their consideration; and,
- 4) **That the Strategic Lawsuits Against Public Participation (SLAPP) be circulated to Markham Action Group for Improved Community (MAGIC); and further,**
- 5) That Staff be authorized and directed to take the actions set out in this report.

CARRIED

Moved by Councillor Howard Shore

Seconded by Councillor Carolina Moretti

Whereas Strategic litigation against public participation (SLAPP) has been defined as a lawsuit started against one or more persons or groups who speak out or take a position on an issue of public interest; and,

Whereas the intent of such litigation is to limit the freedom of expression of the defendants and neutralize their actions by resorting to the courts to intimidate them, exhaust their resources and reduce their means of action by redirecting their energy and finances into defending a lawsuit and away from their original public criticism; and,

Whereas Strategic Lawsuits Against Public Participation (SLAPP) are a major impediment to free speech in Ontario; and,

Whereas these frivolous lawsuits are a waste of already overburdened Court time and resources; and,

Whereas concerns have been raised that SLAPPs also act as a warning to other potential critics, including Ratepayer Associations and community activists; and,

Whereas SLAPP is a form of bullying and intimidation, and an abuse of our judicial and quasi-judicial systems the effect and intent of which is to discourage public debate; and,

Whereas the SLAPP experience, already familiar in the United States, first appeared in Canada as a type of abuse of process, or began to be identified as such, in the 1990s. A number of companies initiated legal proceedings that fit the definition of a SLAPP in order to silence groups or citizens who were speaking out on public issues, especially on environmental, but also municipal or consumer, issues; and,

Whereas abusive SLAPP lawsuits are an observable reality and constitute a serious threat to the participation of citizens and groups in public debate; and,

Whereas the public's right to participate in decision-making in matters of public interest is a cornerstone of our democratic system; and,

Whereas the only way to protect the citizen's right to public participation is through the creation of effective legislation; and,

Whereas Article 25 of the *International Covenant on Civil and Political Rights* states:

“Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country”;

Whereas the province of Quebec and over half of U.S. states have anti-SLAPP legislation; and,

Whereas the Association of Municipalities of Ontario has passed a resolution to meet with the provincial government in order to find solutions to SLAPP intimidation in Ontario; and,

Whereas more than 60 municipalities in Ontario have passed resolutions calling on the provincial government to protect citizens and adopt anti-SLAPP legislation; and,

Whereas Yasir Naqvi, Member of Provincial Parliament for Ottawa Centre, tabled a private member's bill on October 15, 2012 – *the Protection of Public Participation Act* – that targets Strategic Lawsuits Against Public Participation (SLAPPs), and,

Whereas the City of Markham believes that the right to participate in public affairs is an essential condition for the effective exercise of the right to freedom of expression and right of association and implies the free communication of information and freedom of the press and further, the right to hold opinions without interference.

Therefore be it resolved that:

- 1) Council through the Mayor, write to the Attorney General and Premier of Ontario urging the adoption of the “Anti-SLAPP Advisory Panel Report to the Attorney General of Ontario dated October 28, 2012” and enact anti-SLAPP legislation, to discourage SLAPP intimidation and protect citizens' rights to free speech and participation in public debate, without fear of frivolous and meritless lawsuits; and further,
- 2) That Council recommend to the Attorney General and Premier of Ontario to extend Parliamentary Privilege to members of municipal Councils where a member of the Council participates in the exercise of their responsibilities representing the constituents of their electoral district, and generally, the carrying out of the functions of his or her responsibilities as Councillor, the Councillor shall not be held personally liable for SLAPP lawsuits.

CARRIED

NOTE: The above recommendation was amended at the November 13, 2012 Council meeting.

17. INTEGRITY COMMISSIONER & COUNCIL CODE OF CONDUCT (9.0)

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

Moved by Regional Councillor Jim Jones
Seconded by Councillor Colin Campbell

That this item be deferred to the November 19, 2013 General Committee meeting as the first item on the agenda:

- 1) That the report entitled “Integrity Commissioner & Council Code of Conduct” be received for information purposes;
- 2) That Staff be authorized to proceed with the recruitment of an Integrity Commissioner, on a retainer basis, using the recruitment model detailed in this report;
- 3) That Council adopt the mandate for the Integrity Commissioner included with this report as Appendix ‘A’;
- 4) That Council adopt the complaint protocol included with this report as Appendix ‘B’;

- 5) That Council adopt and implement the Council Code of Conduct included with this report as Appendix 'C'; and
- 6) That the 2013 costs for the Integrity Commissioner be funded from the existing operating budget and that staff be authorized to monitor the expenses and that any adjustments required be considered in the 2014 operating budget process; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**18. AMENDMENTS TO DISCHARGE OF FIREARMS
BY-LAW (2.0)**
[Report](#) [Attachment](#)

There was brief discussion regarding the provision in the proposed by-law relative to farmers and the proposed exceptions to the by-law.

Moved by Deputy Mayor Heath
Seconded by Councillor Colin Campbell

- 1) That the report entitled “Discharge of Firearms and Bows By-law” be received; and,
- 2) That By-law 323-86 being “a bylaw to Prohibit the Discharge of Guns and Other Firearms, Air Guns and Spring Guns and Class Thereof, Within the Municipality” be repealed; and,
- 3) That the proposed “Discharge of Firearms and Bows By-law” as outlined in Appendix 'A' be enacted; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**19. REQUEST FROM THE YORK REGIONAL POLICE FOR
ASSISTANCE WITH CLANDESTINE DRUG OPERATION
COST RECOVERY (2.0)**
[Report](#) [Attachment A](#) [Attachment B](#) [Attachment C](#)

There was discussion regarding recoverable costs.

The Committee suggested that staff examine all other potential costs associated with drug operation and any potential opportunities to include those costs in the proposed by-law.

The Committee discussed whether there is a way to put more responsibility on the home owner as well as the tenant.

Ms. Karen Rea, addressed the Committee regarding the Request from the York Regional Police for Assistance with Clandestine Drug Operation Cost Recovery and provided comments.

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

- 1) That the report entitled “Request from York Regional Police for Assistance with Clandestine Drug Operations Cost Recovery” be received; and,
- 2) That the City of Markham enact a by-law (*Attachment ‘A’ - Draft By-law*) to permit recovery of costs incurred by York Regional Police Services which are associated with the remediation of clandestine drug operations in Markham, in accordance with Section 391 (1) of the Municipal Act, 2001; and,
- 3) That staff be directed to report back on all other potential costs associated with drug operation and opportunities to include those costs in the by-law; and,
- 4) That the Mayor and Acting City Clerk be authorized to execute a Memorandum of Understanding between Markham and the Regional Municipality of York Police Services regarding the payment and collection of costs by the City to the Regional Municipality of York Police Services, prepared in a form acceptable to the Commissioner of Corporate Services and the City Solicitor; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

20. CITY OF MARKHAM URBAN FOREST STUDY (5.7) [Presentation](#)

Nory Takata, Parks Planner addressed the Committee and provided some opening comments relative to the City of Markham Urban Forest Study.

Megan Eastwood, Toronto Region and Conservation Authority (TRCA) delivered a PowerPoint presentation regarding the results of the City of Markham Urban Forest Study.

There was discussion regarding the environmental impact relative to the Emerald Ash Borer (EAB) risk.

The Committee briefly discussed the priority planting index.

The Committee thanked staff and Ms. Megan Eastwood for this report.

Moved by Mayor Frank Scarpitti
Seconded by Councillor Colin Campbell

- 1) That the presentation by Megan Eastwood, Toronto Region and Conservation Authority, entitled “City of Markham Urban Forest Study” be received; and,
- 2) **That the City of Markham Urban Forest Study be considered as a source of reference for future Urban Forest Management planning and the Trees for Tomorrow program.**

CARRIED

21. REVISIONS TO REGION PARKING CONTROL RESTRICTIONS (2.17)

David Porretta, Supervisor Traffic Operations delivered a PowerPoint presentation regarding the Revisions to Region Parking Control Restrictions.

There was brief discussion regarding the Regional Parking By-law R-1102-96-100 and the general provisions.

It was suggested that if there are any further concerns with respect to parked vehicles on Regional Roads within Markham to advise the Traffic staff and they will further investigate.

Moved by Mayor Frank Scarpitti
Seconded by Regional Councillor Jim Jones

- 1) That the presentation by David Porretta, Supervisor Traffic Operations entitled “Revisions to Region Parking Control Restrictions” be received.

CARRIED

22. MILLIKEN MILLS WORKSHOP FOLLOW-UP EXPANSION PROPOSAL (3.0)

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

Mary Creighton, Director Recreation delivered a PowerPoint presentation regarding the Milliken Mills Workshop Follow Up – Expansion Proposal.

Joel Lustig, Treasurer delivered a PowerPoint presentation regarding the Milliken Mills Expansion Proposal outlining the funding options.

There was discussion regarding the funding options used for the expansion at Angus Glen Library.

Moved by Mayor Frank Scarpitti
Seconded by Councillor Colin Campbell

- 1) That the report titled “Milliken Mills Workshop Follow Up - Expansion Proposal” be received for information; and
- 2) That Council direct staff to complete a Feasibility Review in 2013 to determine the scope of changes to Milliken Mills Community Centre & Library for recreation and library services; and,
- 3) That based on the outcome of the Feasibility Review that consideration be given to the following timelines: Design Phase to be initiated in 2014/15 and Construction between 2015 to 2017; and,
- 4) That Staff report back in spring 2013 on the result of a Feasibility Review and implementation plan; and,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

NEW BUSINESS

There was no new business.

23. IN-CAMERA MATTERS

Moved by Regional Councillor Jim Jones

Seconded by Deputy Mayor

That the November 5, 2012 General Committee in-camera and restricted agendas be referred directly to the November 13, 2012 Council meeting.

- 1) Personal matters about an identifiable individual, including municipal or local board employees.
- 2) Labour relations or employee negotiations (RESTRICTED)
- 3) The security of the property of the municipality or local board.
- 4) A proposed or pending acquisition or disposition of land by the municipality or local board.

CARRIED

ADJOURNMENT

The General Committee meeting adjourned at 3:08 p.m.