



Council Minutes

September 12, 2018, 7:00 PM

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 14

Roll Call

Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Nirmala Armstrong, Regional Councillor Joe Li; Councillor Valerie Burke, Councillor Alan Ho, Councillor Don Hamilton, Councillor Karen Rea, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Khalid Usman, Councillor Alex Chiu.

Staff

Andy Taylor, Chief Administrative Officer
Catherine Conrad, City Solicitor and Acting Director of Human Resources
Trinela Cane, Commissioner of Corporate Services
Brenda Librecz, Commissioner of Community and Fire Services
Arvin Prasad, Commissioner of Development Services
Joel Lustig, Treasurer
Kimberley Kitteringham, City Clerk
Alida Tari, Acting Manager, Access & Privacy
John Wong, Technology Support Specialist
Bryan Frois, Chief of Staff
Andrea Berry, Senior Manager, Corporate Communications & Community Engagement
Biju Karumanchery, Director, Planning & Urban Design
Brian Lee, Director, Engineering
Ron Blake, Senior Manager, Development, Planning & Urban Design
Dave Miller, Manager, Development, Planning & Urban Design

The meeting of Council convened at 7:07 PM on September 12, 2018 in the Council Chamber. Mayor Frank Scarpitti presided.

INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging that we walk upon the traditional territories of Indigenous Peoples and we recognize their history, spirituality, culture, and stewardship of the land. We are grateful to all Indigenous groups for their commitment to protect the land and its resources and we are committed to reconciliation, partnership and enhanced understanding.

The Mayor acknowledged the passing of former Deputy Mayor and Regional Councillor Ron Dancy. He also acknowledged the sudden passing of long-time City employee Agnes Kam. On behalf of Council, he extended condolences to their respective families. Council observed a moment of silence in their honour.

Council recessed at 9:48 pm and reconvened at 9:57 pm.

At 11:49 p.m. on September 12, 2018, Council passed a motion allowing the meeting to continue further than 12:01 a.m. on September 13, 2018. The motion moved by Councillor Karen Rea and seconded by Councillor Alan Ho was carried by a two-thirds vote of the Members present.

1. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

2. APPROVAL OF PREVIOUS MINUTES

(1) COUNCIL MINUTES – JUNE 26, 2018 [Minutes](#)

The June 26, 2018 Council minutes were amended to include names of individuals who withdrew their request to address Council following the reporting of the recommendations with respect to the York Downs Golf Course development.

Moved by Councillor Alex Chiu
Seconded by Councillor Alan Ho

- 1) That the Minutes of the Council Meeting held on June 26, 2018, as amended, be adopted.

Carried as amended

3. PRESENTATION

(1) CITY OF MARKHAM INCLUSION CHARTER STATEMENT (11.0)

In recognition of the City's commitment to achieve inclusion in the organization and the community, a photo will be taken with the new Markham Inclusion Charter statement.

Withdrawn

4. DEPUTATIONS**(1) DEPUTATION – JUNE 26, 2018 COUNCIL MINUTES (16.0)**

Richard Dusome addressed Council on this matter.

(2) DEPUTATION - CONFIDENTIAL ITEM: SIXTEENTH LAND HOLDINGS INC., 4134 16TH AVENUE (YORK DOWNS GOLF COURSE) (WARD 6)(8.0)

The following individuals addressed Council on this matter:

- 1) Richard Dusome spoke in opposition of the application.
- 2) Peter Miasek provided comments.
- 3) Nesta Morris spoke in opposition of the application.
- 4) Michael Morris spoke in opposition of the application.
- 5) Richard Herold spoke in opposition of the application.
- 6) Elisabeth Tan spoke in opposition of the application.

(See Confidential Item No. 8 for Council's decision on this matter)

(3) DEPUTATION – PARKLAND DEDICATION (10.0)

Martin Quarcoopome, Weston Consulting addressed Council on an item not on the agenda related to parkland dedication.

(4) DEPUTATION – MINIMUM HEIGHT RESTRICTIONS IN THE FUTURE URBAN AREA (10.0)

The following individuals addressed Council and provided comments and concerns regarding the Motion on minimum height restrictions:

- 1) Maria Gatzios
- 2) Clay Leibel.

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

5. COMMUNICATIONS

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

Moved by Councillor Alex Chiu

Seconded by Councillor Khalid Usman

Received

- 26-2018 NOMINATIONS FOR 2019 COLLEGE PHYSICIANS AND SURGEONS OF
ONTARIO COUNCIL AWARD (12.2.6)

[Communication](#)

The College of Physicians and Surgeons of Ontario is accepting nominations for the 2019 Council Award. The Council Award honours outstanding Ontario physicians who have demonstrated excellence and embody society's vision of an ideal physician. The deadline for receipt of nominations is October 1, 2018.

- 27-2018 LOCAL PLANNING APPEAL TRIBUNAL (LPAT) DECISION – 4031 16TH
AVENUE (UNIONVILLE) INC. – 4031 16TH AVENUE (13.13)

[Communication](#)

Summary from the City Solicitor:

On June 25, 2018, the Local Planning Appeal Tribunal (the LPAT) approved a settlement between the City of Markham and 4031 16th Avenue (Unionville) Inc. (the “Appellant”) with respect to appeals by 4031 16th Avenue (Unionville) Inc. from the City’s failure to make a decision regarding applications for draft plan of subdivision and zoning by-law amendment for 4031 16th Avenue, located on the south side of 16th Avenue between Village Parkway and Normandale Road.

The settlement permits the lands to be developed with seven single detached residential lots served by a private road connecting to Normandale Road. The existing heritage home on the lands will be relocated to one of the proposed lots, restored and expanded. The west (valleyland) portion of the property and a park block will be transferred to the City of Markham.

The LPAT approved a zoning by-law amendment to delete the lands from the designated area of By-law 134-79, incorporate them into the designated area of By-law 177-96 (the New Urban Area By-law) and zone them to permit the development outlined above. This by-law requires assignment of a number for municipal tracking purposes.

(By-law 2018-119)

28-2018 COMMUNICATION REGARDING YORK DOWNS DEVELOPMENT (8.0)

Communication dated September 11, 2018 from Nesta Morris providing comments on the York Downs Development.

[Communication](#)

Communication dated September 12, 2018 from Mike Gannon providing comments on the York Downs Development.

[Communication](#)

(Confidential Item No. 8)

Carried

6. PROCLAMATIONS

(1) PROCLAMATIONS AND FLAG RAISING REQUESTS (3.4)

Moved by Regional Councillor Nirmala Armstrong

Seconded by Regional Councillor Joe Li

- 1) That the following proclamations, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
 - Prostate Cancer Awareness Month - September 2018
 - Public - Rail Safety Week - September 23 - 29, 2018
 - National Day of the People's Republic of China – September 30, 2018
 - Occupational Therapy Month - October 2018
 - World Mental Health Day - October 10, 2018
 - English as a Second Language Week – October 28 – November 3, 2018
 - Pulmonary Hypertension Awareness Month – November 2018
- 2) That the following new requests for proclamations, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received and added to the Five-Year Proclamations List approved by Council:
 - Mitochondrial Disease Awareness Week - September 17 - 23, 2018
 - Walk for Aging Positively Day - September 23, 2018
- 3) That the following request for a flag to be raised at the Anthony Roman Markham Civic Centre flagpole, approved by the City Clerk in accordance with the City of Markham Community Flag Raisings & Flag Protocol Policy, be received for information purposes:
 - National Day of the People's Republic of China – September 30, 2018 (Organized by Federation Chinese Canadians in Markham).

Carried

**7(A) REPORT NO. 33 – GENERAL COMMITTEE
(SEPTEMBER 4, 2018)**

That the report of the General Committee comprised of 11 items be received & adopted, except for Item No. 7. (See Item No. 7).

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Alan Ho

(1) MINUTES OF THE APRIL 5, 2018
GERMAN MILLS MEADOW & NATURAL HABITAT
LIAISON COMMITTEE (16.0)-
[Minutes](#)

- 1) That the minutes of the April 5, 2018 German Mills Meadow & Natural Habitat Liaison Committee meeting be received; and,
- 2) That Council endorse the motion passed at the April 5, 2018 German Mills Meadow and Natural Habitat Liaison Committee meeting requesting staff to prepare a report on fishing and the various laws that apply in Markham (what is permitted and what is not).

Carried

(2) 2019 INTERIM SPENDING AUTHORITY
PENDING APPROVAL OF BUDGET (7.0)
[Report](#)

- 1) That the report titled “2019 Interim Spending Authority Pending Approval of Budget”, be received; and,
- 2) That Council approve 50% of the City’s 2018 Operating, Waterworks, Planning & Design, Building Standards and Engineering budgets equal to \$189,228,235 as a pre-budget approval for 2019 operating expenditures; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (3) 2019 INTERIM SPENDING AUTHORITY PENDING
APPROVAL OF UNIONVILLE AND MARKHAM VILLAGE
IMPROVEMENT AREAS BUDGETS (7.0)
[Report](#)

- 1) That the report titled “2019 Interim Spending Authority Pending Approval of Unionville and Markham Village Business Improvement Area Budgets”, be received; and,
- 2) That Council approve 50% of the 2018 Operating Budget equivalent to the amounts of \$141,878 for the Unionville BIA (UBIA) and \$224,150 for the Markham Village BIA (MBIA) as pre-budget approval for 2019 operating expenditures; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (4) TEMPORARY BORROWING BY-LAW 2019 (7.0)
[Report](#)

- 1) That the report titled “2019 Temporary Borrowing By-law” be received; and,
- 2) That a by-law be brought forward for Council approval to authorize the temporary borrowing, if required, of amounts not to exceed \$189,228,235 from January 1, 2019 to September 30, 2019 and \$94,614,117 from October 1, 2019 to December 31, 2019 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.

(By-law 2018-126)

Carried

- (5) DELEGATION OF AUTHORITY TO
CHIEF ADMINISTRATIVE OFFICER
DURING THE 2018 ANNUAL SUMMER
RECESS AS PER BY-LAW 4-2000 (7.0)

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

- 1) That the report entitled “Delegation of Authority to Chief Administrative Officer during the 2018 annual summer recess as per By-law 4-2000” be received; and,
- 2) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (6) AWARD OF PROPOSAL 134-R-17 SUPPLY
AND INSTALLATION, CUSTOMER RELATIONSHIP
MANAGEMENT SOLUTION (CRM) (7.12)

[Report](#)

- 1) That the report entitled “Award of Proposal 134-R-17 Supply and Installation, Customer Relationship Management Solution (CRM)” be received; and,
- 2) That the contract for 134-R-17 Supply and Installation, Customer Relationship Management Solution (CRM) be awarded to the highest ranked/lowest priced bidder, Verint Americas Inc. in the amount of \$1,159,102.37 inclusive of HST, of which \$718,438.83 is for the software and implementation costs and \$440,663.54 is for seven years of support and maintenance; and,
- 3) That a 10% contingency in the amount of \$71,843.88 inclusive of HST, be established to cover any additional project costs be approved, and that authorization be granted to approve expenditures of this contingency in an amount up to the specified limit, in accordance with the Expenditure Control Policy; and,
- 4) That the cost of the software, implementation, and contingency be funded from the following capital project; #16062 “Legislative Services - ACR Replacement/CRM System” with an approved budget of \$1,250,300.00 inclusive of HST, and that the budget surplus in the amount of \$460,017.29 (\$1,250,300.00 less \$718,438.83 less \$71,843.88) be returned to the original funding source; and,

- 5) That the cost of the software support and maintenance fees of \$440,663.54 inclusive of HST for a seven year (Year 2 to 8) term be funded from #400-400-5361 with an available annual budget of \$39,550.00 subject to Council approval of the 2020-2026 operating budgets in the amounts of;

Year 2 (2020) - \$59,488.90

Year 3 (2021) - \$59,488.90

Year 4 (2022) - \$62,463.34

Year 5 (2023) - \$62,463.34

Year 6 (2024) - \$65,586.36*

Year 7 (2025) - \$65,586.36*

Year 8 (2026) - \$65,586.36*

Total - \$440,663.54

*Optional Year Renewal; and,

- 6) That the current operating budget shortfall of \$19,938.90 (\$39,550.00 - \$59,488.90) in Year 2 will be addressed as part of the 2020 and future operating budget processes, subject to Council approval of the 2020 to 2026 operating budgets; and,
- 7) That a contract Staff for a one-year term to a maximum amount of \$69,418 (including benefits) be pre-approved as part of the 2019 Operating Budget to support the implementation, change management, testing and training of the CRM system and;
- 8) That Verint Americas Inc. be designated as the preferred vendor for the City of Markham's Customer Relationship Management Solution (CRM); and,
- 9) That the Chief Information Officer be authorized to approve the annual support and maintenance fee subject to Council approval of the annual Operating Budget; and,
- 10) That the Chief Information Officer be authorized to execute additional renewals for the life cycle of the project (at the sole discretion of the City); and further,
- 11) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(7) UPDATE ON LEGAL CANNABIS SALES IN ONTARIO (13.1)
[Report](#) [Attachment](#)

Moved by Councillor Amanda Collucci

Seconded by Regional Councillor Jim Jones

- 1) That the report entitled “Update on Legal Cannabis in Ontario” be received; and,
- 2) That the City Clerk be delegated the authority to inform the Province of Ontario that Markham is not a willing host of cannabis retail locations and that Markham is opting out of permitting physical cannabis retail stores within the City once this option is officially made available to municipalities; and,
- 3) That Staff report back to General Committee when changes to Bill 174 are passed by the Government of Ontario.

Carried by a recorded vote (12:1)
(See following recorded vote)

(See following to bring the matter forward)

Recorded vote (12:1):

YEAS: Councillor Valerie Burke, Councillor Alan Ho, Councillor Don Hamilton, Councillor Karen Rea, Regional Councillor Nirmala Armstrong, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Joe Li, Councillor Amanda Collucci, Councillor Khalid Usman, Councillor Alex Chiu.

NAYS: Councillor Colin Campbell

Motion to consider the matter:

Moved by Deputy Mayor Jack Heath

Seconded by Regional Councillor Joe Li

Council consented to consider the matter related to the Update on Legal Cannabis Sales in Ontario following the passing of the By-laws.

Carried

(8) APPOINTMENT OF MEMBERS TO THE MARKHAM
MAYOR'S YOUTH COUNCIL FOR THE PERIOD OF
SEPTEMBER 4, 2018 TO JUNE 28, 2019 (5.0)

[Report](#)

- 1) That the Report Appointment of Members to the Markham Mayor's Youth Council for the period of September 4, 2018 to June 28, 2019 be received; and,
- 2) That the following Appointments of Members to the Markham Mayor's Youth Council be confirmed for the term September 4, 2018 to June 28, 2019;

Name	High School	Grade
Ahmed Nadeem	St Roberts C.H.S	11
Laura Florea	Thornhill S.S	12
Vivian Liu	Thornhill S.S	12
Julia Groza	TMS Schools	12
Evan Qi	Bayview S.S	11
Kelly Hu	Bayview S.S	11
Ivan Qian	Bayview S.S	12
Michelle Lam	Bayview S.S	12
Jaclyn Leung	Pierre Elliott Trudeau H.S	12
Sidd Mittal	Unionville H.S	11
Boris Lam	Markville S.S	11
Hana Almofti	Markville S.S	11
Selina Qiu	Markville S.S	10
Patrick Ang	St. Brother Andre C.H.S	10
Justine Lin	Unionville H.S	9
Jake Koszczewski	Markham District H.S	12
Adara Hagman	St. Brother Andre C.H.S	10

Maxine Bisera	St. Brother Andre C.H.S	10
Olivia Chan	Unionville H.S.	9
Grace Huang	Bayview S.S	12
Eddy Guo	Bayview S.S	11
Karthik Ganapathiraju	Pierre Elliott Trudeau H.S	12
Renee Lee Wah	St. Augustine C.H.S	12
Janice Xu	Bayview S.S	12
Ashley Vadivelu	Markville S.S	11

and further;

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

Carried

(9) DEVELOPMENT CHARGES AUDIT (7.0)

[Presentation](#) [Report](#)

- 1) That the presentation provided by Geoff Rodrigues, CPA, CA, CIA, CRMA, ORMP, MNP LLP, Auditor General, City of Markham, entitled “Report of the Auditor General – Development Charges Audit” be received; and,
- 2) That the report prepared by Geoff Rodrigues, CPA, CA, CIA, CRMA, ORMP, MNP LLP, Auditor General, City of Markham, entitled “City of Markham – Development Charges Audit” be received; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to the recommendations

Carried

(10) INCLUSION CHARTER FOR CITY OF MARKHAM (11.0)

[Presentation](#) [Report](#)

- 1) That the presentation entitled “Markham’s Inclusion Charter” be received; and,
- 2) That Council endorse the Inclusion Charter for Markham, set out in this report; and,
- 3) That the Clerk circulate this report, for information, to local municipalities, York Region, The Race Relations, Seniors, Youth Council and Accessibility Advisory Committees, the York Region Accessibility Advisory Committee, the York Regional Police Services Board, Community Partnership Council and the Municipal Diversity and Inclusion Group; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(11) INCORPORATION OF A DESTINATION
MARKETING CORPORATION (7.0)

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

- 1) That the report “Incorporation of a Destination Marketing Corporation” be received; and,
- 2) That Council approve the Destination Marketing Corporation Business Case; and,
- 3) That staff be authorized to apply for incorporation of a Municipal Services Corporation which will operate as the City of Markham’s new destination marketing organization; and,
- 4) That Council approve the appointment of the City Solicitor, Treasurer, and the Director of Economic Growth, Culture & Entrepreneurship as the initial Directors of the new Municipal Services Corporation; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2018-116)

Carried

**7(B) REPORT NO. 34 - DEVELOPMENT SERVICES COMMITTEE
(September 5, 2018)**

That the report of the Development Services Committee comprised of 4 items be received & adopted, except for Item No. 3. (See Item No. 3).

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

**(1) UPDATE ON PROVINCIAL AND REGIONAL
HOUSING INITIATIVES (10.0)**

[Report](#)

- 1) That the report entitled “Update on Provincial and Regional Housing Initiatives” dated September 5, 2018, be received; and,
- 2) That Staff be requested to report back on an updated Affordable and Rental Housing Strategy for the City of Markham, including options for inclusionary zoning and additional financial incentives, in response to Provincial and Regional affordable and rental housing initiatives; and,
- 3) That the Mayor and Clerk be authorized to enter into a Transfer Payment Agreement with the Ministry of Housing for the Provincial Development Charges Rebate Program, generally in a form satisfactory to the City Solicitor; and,
- 4) That Staff be authorized to submit a Take Up Plan to the Ministry of Housing for the Provincial Development Charges Rebate Program, generally in a form satisfactory to the Commissioner of Development Services; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

**(2) STREET NAME CHANGE
FROM RIVIS ROAD TO UNIVERSITY BOULEVARD (10.14)**

[Memo](#)

- 1) That the memorandum dated August 20, 2018 entitled “Street Name Change from Rivis Road to University Boulevard” be received; and,
- 2) **That the road named Rivis Road be renamed to University Boulevard.**

(By-law 2018-131)

Carried

- (3) WEB SUMMIT- LISBON, PORTUGAL
NOVEMBER 5-8, 2018 (10.16)
[Report](#)

Moved by Regional Councillor Nirmala Armstrong
Seconded by Deputy Mayor Jack Heath

- 1) That the report dated September 5, 2018 entitled “Web Summit- Lisbon, Portugal November 5-8, 2018” be received; and,
- 2) That the City of Markham be represented by Christina Kakaflikas, Manager Economic Development, another member of staff **and Mayor Frank Scarpitti; and,**
- 3) That the total cost of the summit to a maximum amount of **\$15,300.00** be funded from the 2018 Operating budget account #610-998-5201 “Business Travel”, and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

Council consented to amend clause 2 and 3 from

- "2) That the City of Markham be represented by Christina Kakaflikas, Manager Economic Development **and another member of staff;** and,
- 3) That the total cost of the summit to a maximum amount of \$5,100.00 be funded from the 2018 Operating budget account #610-998-5201 “Business Travel”, and further,"

To as follows:

- "2) That the City of Markham be represented by Christina Kakaflikas, Manager Economic Development, another member of staff **and Mayor Frank Scarpitti; and,**
- 3) That the total cost of the summit to a maximum amount of **\$15,300.00** be funded from the 2018 Operating budget account #610-998-5201 “Business Travel”, and further,"

(4) PROPOSED LANE DESIGNATION BY-LAW (5.0)
[Report](#)

- 1) That the report entitled “Proposed Lane Designation By-law”, be received; and,
- 2) That a new “Lane Designation” By-law be enacted, designating the portions of a public highway for the exclusive use of certain types of vehicles; and,
- 3) That the VivaNext Rapidway, located on portions of South Town Centre Boulevard and Cedarland Drive, as identified in this report, be designated for the exclusive use of certain types of vehicles as set out in the new Lane Designation By-law; and,
- 4) That York Region Police be requested to enforce the new By-law upon its passing; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2018-130)

Carried

**7(C) REPORT NO. 35 - DEVELOPMENT SERVICES COMMITTEE
(September 10, 2018)**

That the report of the Development Services Committee, comprised of 6 items be received & adopted, except for Item No. 3. (See Item No. 3):

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

(1) AWARD OF TENDER 106-T-18:
SWAN LAKE PARK SOUTH WILLIAMSON – CONSTRUCTION (7.12)
[Report](#)

- 1) That the report entitled “Award of Tender 106-T-18: Swan Lake Park South Williamson Construction” be received; and,
- 2) That the contract for the Swan Lake Park South Williamson – Construction, be awarded to the lowest priced bidder Loc Pave Construction Limited, in the amount of \$386,538.41, inclusive of HST; and,
- 3) That a 7% contingency in the amount of \$27,057.69, inclusive of HST, be established to cover any additional project costs and that authorization to approve

expenditures of this contingency up to the specified limit be in accordance with the Expenditure Control Policy; and,

- 4) That the Internal Project Management Fee in the amount of \$37,223.65 be allocated to account 081-5350-17013-005 “Swan Lake Park South - Construction”; and,
- 5) That the total cost for the project in the amount of \$450,819.75 (\$386,538.41 + \$27,057.69 + \$37,223.65) be funded from capital project #17013 “Swan Lake Park South – Construction” which has an available budget of \$404,227.72; and,
- 6) That the budget shortfall of \$46,592.03 (\$404,227.72 - \$450,819.75) be funded from the Development Charges Reserve in the amount of \$41,932.83 (90%) and Parks Cash-in-lieu Reserve in the amount of \$4,659.20 (10%); and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (2) INFORMATION MEMORANDUM
BOX GROVE RESIDENTIAL EAST INC.
SITE PLAN APPLICATION TO ALLOW
COMMON ELEMENT CONDOMINIUM TOWNHOUSE
DEVELOPMENT AT THE NORTH-WEST CORNER
OF DONALD COUSENS PARKWAY AND COPPER CREEK DRIVE
(PART OF BLOCK 1, 65M 4141), WARD 7
FILE NO: SC 18 150349 (10.6)
[Report](#)

- 1) That the Staff report dated September 10, 2018 and titled “Information Report, Box Grove Residential East Inc., Site Plan application to allow common element condominium townhouse development at the north-west corner of Donald Cousens Parkway and Copper Creek Drive (Part of Block 1, 65M 4141), Ward 7, (File No: SC 18 150349),” be received; and,
- 2) That the presentation by Box Grove Residential East Inc. with respect to the Site Plan application (SC 18 150349) be received; and,
- 3) That the authority for granting Site Plan Endorsement (SC 18 150349) for the proposed common element condominium townhouse development be delegated to the Director of Planning and Urban Design; and,
- 4) That prior to issuance of Site Plan Endorsement, the Owner shall submit revised drawings and comply with all requirements of the City and authorized public agencies, to the satisfaction of the Director of Planning and Urban Design; and,

- 5) That Site Plan Approval (SC 18 150349) be delegated to the Director of Planning and Urban Design or his designate, not to be issued prior to the execution of a site plan agreement; and,
- 6) That Council assign servicing allocation for a maximum of 217 townhouses; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(3) RECOMMENDATION REPORT
BERCZY GLEN COMMUNITY DESIGN PLAN (WARD 2) (10.0)
[Report](#)

- 1) That the staff report dated September 10, 2018, titled “Recommendation Report, Berczy Community Design Plan” be received; and,
- 2) That the Berczy Glen Community Design Plan, dated August 2018, prepared by NAK Design Strategies, be endorsed subject to Section 7 “Sustainable Development and Community Energy Plan” being updated following completion and acceptance of the Berczy Glen Community Energy Plan; and,
- 3) That the urban design principles and guidance contained in the Berczy Glen Community Design Plan be used in the evaluation of development applications within the Berczy Glen Secondary Plan area; and,
- 4) That the design guidance be implemented by the plans to be approved and the conditions of draft plan approval and subdivision and site plan agreements within the Berczy Glen Secondary Plan area as appropriate; and,
- 5) That staff be directed to continue to evaluate the issues and/or concerns raised by Development Services Committee; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (4) RECOMMENDATION REPORT
DIGRAM DEVELOPMENTS MARKHAM 2 INC.
APPLICATIONS TO AMEND THE ZONING BY-LAW
AND FOR SITE PLAN APPROVAL TO ALLOW TOWNHOUSES
FRONTING ONTO SWAN PARK ROAD
NORTH OF CASTLEMORE AVENUE (PART OF BLOCK 78, 65M3834)
WARD 5.
FILE NOS: ZA 16 113212 & SC 18 113212 (10.5, 10.6)
[Report](#)

- 1) That the report titled “Recommendation Report, Digram Developments Markham 2 Inc., Applications to amend the Zoning By-law and for Site Plan Approval to allow townhouses fronting onto Swan Park Road, north of Castlemore Avenue (Part of Block 78, 65M3834), Ward 5,” be received; and,
- 2) That the Zoning By-law Amendment application (ZA 16 113212) be approved and the draft implementing Zoning By-law, attached as Appendix ‘A’ to this report, be finalized and enacted without further notice; and,
- 3) That the site plan application (File No. SC 18 113212) submitted by Digram Developments Markham 2 Inc., to allow 21 townhouses fronting onto Swan Park Road, north of Castlemore Avenue, be endorsed in principle, subject to the conditions attached as Appendix ‘B’; and,
- 4) That Site Plan Approval (SC 18 113212) be delegated to the Director of Planning and Urban Design or his designate; not to be issued prior to the execution of a site plan agreement; and,
- 5) That site plan endorsement shall lapse after a period of three (3) years from the date of endorsement in the event that a site plan agreement is not executed within that period; and,
- 6) That Council assign servicing allocation for a maximum of 21 townhouses; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2018-128)

Carried

- (5) DEVELOPMENT CHARGE REIMBURSEMENT APPLICATION
– VILLAGE OF FAIRTREE BY FOREST BAY HOMES LTD.
6350 STEELES AVENUE E, WARD 7 (AMANDA NO. 98 224944 SU) (7.0, 5.0)

[Report](#)

- 1) That the report entitled “Development Charge Reimbursement Application – Village of Fairtree by Forest Bay Homes Ltd., 6350 Steeles Avenue E, Ward 7 (AMANDA No. 98 224944 SU)” be received; and,
- 2) That Council authorize City Wide Hard Development Charge reimbursement not exceeding \$4,045,149, to Forest Bay Homes Ltd. for the construction of the extension of Denison Street and Kirkham Drive and associated infrastructure, external to the plan of subdivision, as set out on this report and all in accordance with the City’s Development Charge Credit and Reimbursement Policy; and ,
- 3) That Council authorize the reimbursement of any completed works to date, subject to the approval of the Director of Engineering and the Treasurer; and,
- 4) That the Mayor and Clerk be authorized to execute a Development Charge Reimbursement Agreement, if necessary, in accordance with the City’s Development Charge Credit and Reimbursement Policy, with Forest Bay Homes Ltd., or their successors in title, to the satisfaction of the Treasurer and City Solicitor; and further,
- 5) That staff be directed to do all things necessary to give effect to this report.

Carried

- (6) CONSULTING ENGINEERING SERVICES
FOR THE HIGHWAY 404 NORTH SECONDARY PLAN, WARD 2 (5.0)

[Report](#)

- 1) That the report entitled “Consulting Engineering Services for the Highway 404 North Secondary Plan, Ward 2” be received; and,
- 2) That the tendering process for consulting engineering services for the Highway 404 North Secondary Plan, Ward 2 be waived in accordance with Purchasing By-Law 2017-8, Part II, Section 11.1 (h), which states “where it is necessary or in the best interests of the City to acquire non-standard items or Consulting and Professional Services from a preferred supplier or from a supplier who has a proven track record with the City in terms of pricing, quality and service;” and,

- 3) That the consulting engineering services for the detailed design of trunk municipal services to service the Highway 404 North Secondary Plan be awarded to SCS Consulting Group Limited in the amount of \$1,230,502.27 Inclusive of HST impact; and,
- 4) That a 10% contingency in the amount of \$123,050.22 inclusive of HST impact (10% of \$1,230,502.27) be established to cover for any additional work and that the authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
- 5) That the consulting engineering services for the preliminary design and property protection for the north-east quadrant of the future Highway 404 interchange at 19th Avenue and widening of 19th Avenue be awarded to CIMA+ in the amount of \$44,367.36 Inclusive of HST impact; and,
- 6) That a 10% contingency in the amount of \$4,436.73 inclusive of HST impact (10% of \$44,367.36) be established to cover for any additional work and that the authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
- 7) That the total consulting engineering services in the amount of \$1,402,356.58 (\$1,230,502.27 + 123,050.22 + \$44,367.36 + \$4,436.73) be funded from the Development Charges Reserve; and,
- 8) That this award be pre-approved as part of the 2019 Capital Budget process; and further,
- 9) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

**7(D) REPORT NO.26 - DEVELOPMENT SERVICES COMMITTEE
(June 11, 2018)**

That the report of the Development Services Committee comprised of 1 item be received & adopted.

Moved by Deputy Mayor Jack Heath
Seconded by Councillor Don Hamilton

**(1) GEOTHERMAL-BASED COMMUNITY
ENERGY SYSTEM PILOT PROJECT (WARDS 2 AND 6) (5.0)**
[Mattamy Presentation](#) [Staff Presentation](#) [Report](#)

- 1) That the presentations by Subhi Alsayed, VP, Sustainable Development, Mattamy Homes, and Graham Seaman, Director, Sustainability & Asset Management, regarding the Geothermal-Based Community Energy System Pilot Project (Wards 2 and 6) be received; and,
- 2) That the report entitled “Geothermal-Based Community Energy System Pilot Project (Wards 2 and 6)”, dated June 11, 2018, be received; and,
- 3) That Staff be directed to continue to negotiate with Mattamy and Enwave to address outstanding issues; and,
- 4) That Staff report back on the result of the negotiation, resolution of issues identified by Staff, and provide comments on the implementation of community energy system pilot project at a future Development Services Committee meeting; and,
- 5) That the Mayor and Clerk be authorized to enter into agreements, as necessary, to the satisfaction of the Chief Administrative Office and the City Solicitor, to implement the Pilot Project; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8. MOTIONS

(1) MOTION – DEVELOPMENT AND WILDLIFE (10.0)

Moved by Councillor Valerie Burke

Seconded by Councillor Amanda Collucci

Whereas development displaces wildlife's homes and causes injury and death through habitat loss and the increase in automobiles.

Whereas the protection of wildlife and biodiversity is paramount to the residents of the City of Markham

Therefore be it resolved that staff report back in 2019:

That staff report back on the relationship between development and wildlife displacement and/or injury as well as the associated costs to the City for development-related wildlife issues.

Carried

(2) MOTION – MINIMUM HEIGHT RESTRICTIONS IN THE FUTURE URBAN AREA (10.0)

Moved by Councillor Karen Rea

Seconded Councillor Khalid Usman

Council agreed to consider the motion on Minimum Height Restrictions in the Future Urban Area.

Carried by 2/3

"Whereas that given the significant increase in the number of seniors in our community now and in the near future; and,

Whereas our Official Plan, as well as Provincial and Regional Policy, directs the creation of complete communities, including providing a variety of housing for the full range of age groups;

Therefore, be it resolved:

That City staff be directed to ensure that the minimum building height in all of the Residential Mid Rise designations in the Robinson Glen, Angus Glen, and **Berczy Glen Secondary Plans** be two storeys, and the minimum height in all Residential Low Rise designations in the Robinson Glen, Angus Glen Secondary and **Berczy Glen Secondary** plans be one storey; and further,

That City staff report back on the feasibility of applying these minimum requirement city-wide."

Carried as amended, by a recorded vote (10:3)

(See following recorded vote)

(See following to refer to matter to staff)

(See following to amend the motion)

Recorded vote, as amended (10-3):

YEAS: Councillor Valerie Burke; Councillor Don Hamilton, Councillor Karen Rea, Regional Councillor Nirmala Armstrong, Regional Councillor Jim Jones, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Khalid Usman, Councillor Alex Chiu.

NAYS: Councillor Alan Ho, Mayor Frank Scarpitti, Deputy Mayor Jack Heath

Motion to refer to staff:

That the motion be referred to staff to review implications.

Lost

Council consented to add the following:

- "That Berczy Glen Secondary Plan be added and,

- That City staff report back on the feasibility of applying these minimum requirement City-wide."

Carried

9. NOTICE OF MOTION TO RECONSIDER

There were no notices of motion to reconsider.

10. NEW/OTHER BUSINESS

- (1) NEW/ OTHER BUSINESS - DECLARATION OF SURPLUS LANDS - 16 MOORE'S COURT LAND EXCHANGE (8.6)

[Map](#)

Moved by Deputy Mayor Jack Heath

Seconded by Regional Councillor Jim Jones

Notices of Proposed Sale

City of Markham

Proposed Sale of Surplus Real Property

(Pursuant to By-law 178-96)

- 1) That the notice of proposed sale for the City owned lands legally described as Part of Block 19 on Plan 65M-4290, depicted as Part 1 on Plan 65R-37850, City of Markham, Regional Municipality of York (the "City's Lands") be confirmed.
(In-Camera Item No. 4 – June 26, 2018 Council Meeting)

Carried

- (2) NEW/ OTHER BUSINESS - DIVERSITY OF HOUSING IN THE FUTURE URBAN AREA (10.0)

[Memo](#)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

- 1) The memorandum "Diversity of Housing in the Future Urban Area", be received.

Carried

(3) NEW/ OTHER BUSINESS - PARKLAND DEDICATION (10.0)
[Written Communication](#)

Moved by Councillor Khalid Usman
Seconded by Councillor Colin Campbell

That the rules of procedure be waived in order to allow Martin Quarcoopome to address Council on an item not on the agenda.

Carried by 2/3

Moved by Regional Councillor Jim Jones
Seconded by Councillor Karen Rea

- 1) That the deputation of Martin Quarcoopome be received and,
- 2) That the matter be referred to staff.

(4) NEW/ OTHER BUSINESS - TERM LIMIT FOR MUNICIPAL COUNCILLORS (16.23)

Councillor Karen Rea inquired why the motion on Term Limits for Municipal Councillors from the September 4, 2018 General Committee meeting was not on the Council agenda. Kimberley Kitteringham, City Clerk advised that based on the City's Procedural By-law and past practice, motions lost at the Standing Committee level are not brought to Council as there is no recommendation for Council to consider.

(5) NEW/ OTHER BUSINESS – TABLE TENNIS BUILDING PERMIT (6.0)

Regional Councillor Joe Li inquired on the status of the Table Tennis Building permit. The Mayor advised that staff are looking into the matter.

(6) NEW/ OTHER BUSINESS – CANADA DAY FUNDRAISING (7.0)

Councillor Amanda Collucci thanked Regional Councillor Jim Jones for his support in raising \$30,000 in additional funds for the Canada Day celebration.

11. ANNOUNCEMENTS

- (1) COUNCILLOR ALEX CHIU – WITHDRAWING AS CANDIDATE FOR WARD 8 (16.23).

[Announcement](#)

At the start of the meeting, Councillor Alex Chiu announced that he is withdrawing his name for consideration as a candidate for Ward 8.

It was noted that under the Municipal Elections Act, the deadline has passed for the withdrawal of nominations, and that candidate Alex Chiu's name will still be included in the ballot in the upcoming October 22, 2018 Municipal elections.

Moved by Deputy Mayor Jack Heath

Seconded by Regional Councillor Jim Jones

- 1) That the comments of Councillor Alex Chiu be received and that the Markham City Council extend its sincere appreciation to Councillor Alex Chiu for his 33 years of public service to Markham.

Carried Unanimously

12. BY-LAWS

That By-laws 2018-110 to 2018-132, and 2018-134 be given three readings and enacted.

Moved by Councillor Don Hamilton

Seconded by Councillor Alex Chiu

Three Readings

BY-LAW 2018-110 ROAD DEDICATION BY-LAW (CASTLEMORE AVENUE)

A by-law to dedicate certain lands as part of the highways of the City of Markham (Block 3, (Reserve) Plan 65M-3833 - Castlemore Avenue)

[By-law](#)

Carried

BY-LAW 2018-111 CULTURAL HERITAGE BY-LAW (JOSEPH WIDEMAN HOUSE)

A By-law to designate a property as being of cultural heritage value of interest – Joseph Wideman House.

[By-law](#)

Carried

BY-LAW 2018-112 A BY-LAW TO AMEND FENCE BY-LAW 277-97

[By-law](#)

Carried

BY-LAW 2018-113 A BY-LAW TO AMEND SIGN BY-LAW 2002-94

To amend Bylaw 2002-94 being a By-law to prohibit and regulate signs and other advertising devices and the posting of notices on building or vacant lots within the City of Markham.

[By-law](#)

Carried

BY-LAW 2018-114 A BY-LAW TO AMEND NOISE BY-LAW 2017-74

To amend By-law 2017-74 being a By-law to regulate noise in the City of Markham.

[By-law](#)

Carried

BY-LAW 2018-115 A BY-LAW TO AMEND TREE BY-LAW 2008-96

To amend By-law 2008-96 being a By-law to regulate or prohibit the injury or destruction of trees within the City of Markham.

[By-law](#)

Carried

BY-LAW 2018-116 MUNICIPAL ACCOMMODATION TAX BY-LAW

(Item No.11, Report No. 33)

[By-law](#)

Carried

BY-LAW 2018-117 ROAD DEDICATION BY-LAW (VERDALE CROSSING)

A by-law to dedicate certain lands as part of the highways of the City of Markham (Block 22, Plan 65M-4294 – Verdale Crossing)

[By-law](#)

Carried

BY-LAW 2018-118 ROAD DEDICATION BY-LAW

A by-law to dedicate certain lands as part of the highways of the City of Markham:

1. Block 269, (Reserve) Plan 65M-3840 - Maryterance Court.
2. Block 291, (Reserve) Plan 65M-3840 - Stoney Stanton Road.
3. Block 292, (Reserve) Plan 65M-3840 - Lane 16.

[By-law](#)

Carried**(By-law 2018-119 approved by LPAT)****(For information only to facilitate the assignment of a By-law number)**

BY-LAW 2018-119 4031 16th AVENUE (UNIONVILLE) INC., 4031 16TH AVENUE, ZONING BY-LAW AMENDMENT APPROVED BY LOCAL PLANNING APPEAL TRIBUNAL (LPAT)

A By-law to amend By-law 134-79, as amended, to delete the lands from the designated area of By-law 134-79, incorporate them into the designated area of By-law 177-96 (the New Urban Area By-law), as amended.

(Communication No. 27-2018)

[By-law](#)

BY-LAW 2018-120 FOREST BAY HOMES, PART LOT CONTROL EXEMPTION BY-LAW

A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Lots 1 to 21 (inclusive) and 24 to 39 (inclusive), Registered Plan 65M-4619.

[By-law](#)

Carried

BY-LAW 2018-121 A BY-LAW TO CHANGE A CERTAIN STREET NAME IN THE CITY OF MARKHAM (ANTHONY ROMAN AVENUE TO POPE JOHN PAUL II SQUARE)

[By-law](#)

Carried

BY-LAW 2018-122 A BY-LAW TO REPEAL IN PART, PART LOT CONTROL EXEMPTION BY-LAW 180-84

[By-law](#)

Carried

BY-LAW 2018-123 NEAMSBY INVESTMENTS INC., 1443 DENISON STREET, AMENDMENT TO THE IN FORCE OFFICIAL PLAN (REVISED 2014), AS AMENDED

A by-law to adopt an Official Plan Amendment to the in force Official Plan (Revised 2014), as amended, to provide for a sports and fitness recreation use as a discretionary use through a new site specific policy applicable to the subject lands.

(Item No.6, Report No. 30 - June 26, 2018 Council Meeting)

[By-law](#)

Carried

- BY-LAW 2018-124 NEAMSBY INVESTMENTS INC., 1443 DENISON STREET, ZONING BY-LAW AMENDMENT
A By-law to amend By-law 108-81, as amended, to provide for a sports and fitness recreation use as a discretionary use through a new site specific policy applicable to the subject lands.
(Item No.6, Report No. 30 - June 26, 2018 Council Meeting)
[By-law](#)
Carried
- BY-LAW 2018-125 NOBLEE HOMES CORPORATION, 4671 14TH AVENUE, ZONING BY-LAW AMENDMENT
A By-law to amend By-law 193-81, as amended to facilitate the severance and future construction of two new single-detached dwellings.
(Item No. 1, Report No. 8 – February 27, 2018 Council Meeting)
[By-law](#)
Carried
- BY-LAW 2018-126 2019 TEMPORARY BORROWING BY-LAW
By-law to authorize temporary borrowing to meet the expenditures of the City of Markham until taxes are collected and other revenues received.
(Item No. 4, Report No. 33)
[By-law](#)
Carried
- BY-LAW 2018-127 FOREST BAY HOMES, LOTS 1, 41 AND 42 PLAN 65M-4619, VILLAGES OF FAIRTREE – EAST VILLAGE, HOLD REMOVAL BY-LAW.
A by-law to amend By-law 2015-6 to remove the Holding (H1) zoning provision.
[By-law](#)
Carried
- BY-LAW 2018-128 DIGRAM DEVELOPMENTS MARKHAM 2 INC., NORTH OF CASTLEMORE AVENUE, EAST SIDE OF SWAN PARK ROAD, ZONING BY-LAW AMENDMENT
A By-law to amend By-law 177-96, as amended, to permit residential development on the lands in addition to zoning two (2) Vegetation Protection Zone (VPZ) blocks.
(Item No. 4, Report No. 35)
[By-law](#)
Carried

- BY-LAW 2018-129 KALEXIA DEVELOPMENT CORPORATION, PART LOT CONTROL EXEMPTION BY-LAW
A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Blocks 1-6 on Registered Plan 65M-4621

[By-law](#)

Carried

- BY-LAW 2018-130 LANE DESIGNATION BY-LAW
A by-law to designate lanes on City of Markham roads for the exclusive use of certain classes of vehicles.

[By-law](#)

Carried

- BY-LAW 2018-131 A BY-LAW TO CHANGE A CERTAIN STREET NAME IN THE CITY OF MARKHAM (RIVIS ROAD TO UNIVERSITY BOULEVARD)

[By-law](#)

Carried

- BY-LAW 2018-132 10945 VICTORIA SQUARE BLVD, PART LOT CONTROL EXEMPTION BY-LAW

A by-law to designate part of a certain plan of subdivision not subject to part lot control, Blocks 20-25 on Registered Plan 65M-4612

[By-law](#)

Carried

- BY-LAW 2018-134 ONE PIECE (MS) DEVELOPMENTS INC., NORTH OF ENTERPRISE BLVD, WEST OF MAIN STREET UNIONVILLE, ZONING BY-LAW AMENDMENT

A By-law to amend By-law 122-72 and By-law 2004-196, as amended to permit a proposed development accommodating approximately 673 residential units and up to 1700 square metres of retail uses in 29 and 33 storey buildings.

(Item No.1, Report No. 32 – June 26, 2018 Council Meeting)

[By-law](#)

Carried

13. CONFIDENTIAL ITEMS

Moved by Councillor Khalid Usman

Seconded by Councillor Alex Chiu

That, in accordance with Section 239 (2) of the Municipal Act, Council resolve into a private session at 9:48 PM.

Carried

- (1) MINUTES OF CONFIDENTIAL COUNCIL MEETING
JUNE 26, 2018 (16.0)
[Section 239 (2) (a) (b) (c) (d) (e) (f)]

General Committee - September 4, 2018

- (2) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (7.3)
[Section 239 (2) (b)]
- (3) THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR LOCAL BOARD (WARD 7) (8.6)
[Section 239 (2) (a)]
- (4) THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR LOCAL BOARD (WARD 8) (8.2)
[Section 239 (2) (a)]
- (5) LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS (3.19 & 11.0)
[Section 239 (2) (d)]

Development Services Committee - September 4, 2018

- (6) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD – MINOR VARIANCE APPLICATION APPEAL – 2915 BUR OAK AVENUE (WARD 5) (8.0)
[Section 239 (2) (e)]

- (7) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD – 2404099 ONTARIO LIMITED (JD DEVELOPMENT GROUP) (WARD 7) (8.0)
[Section 239 (2) (e)]
- (8) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD – SIXTEENTH LAND HOLDINGS INC., 4134 16TH AVENUE (YORK DOWNS GOLF COURSE) (WARD 6)(8.0)
[Section 239 (2) (e)]-

Moved by Regional Councillor Joe Li
Seconded by Councillor Valerie Burke

That Council rise from the confidential session at 11:14 PM.

Carried

The confidential items were approved by Council as follows:

- (1) MINUTES OF CONFIDENTIAL COUNCIL MEETING
JUNE 26, 2018 (16.0)
[Section 239 (2) (a) (b) (c) (d) (e) (f)]

Moved by Regional Councillor Nirmala Armstrong
Seconded by Councillor Alex Chiu

- 1) That the Council Confidential Minutes dated June 26, 2018 be confirmed.

Carried

General Committee - September 4, 2018

- (2) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (7.3)
[Section 239 (2) (b)]

Moved by Regional Councillor Nirmala Armstrong
Seconded by Councillor Alex Chiu

- 1) That the report entitled “Properties Ready for Tax Sale Registration” be received.

Carried

- (3) THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR LOCAL BOARD (WARD 7) (8.6)
[Section 239 (2) (a)]

Moved by Regional Councillor Nirmala Armstrong
Seconded by Councillor Alex Chiu

- 1) That the confidential report regarding the security of the property of the municipality or local board be received; and,
- 2) That notice of the proposed surplus declaration in respect of the following lands, being 0.3 metre reserves and road widening lands adjacent to roads under the jurisdiction of The Regional Municipality of York, be published in the public agenda for the next Council meeting:
 - Block 7 on Plan 65M-4141 (road widening);
 - Blocks 12 and 16 on Plan 65M-4141 (0.3 metre reserves);
 - Blocks 62 and 63 on Plan 65M-3970 (0.3 metre reserves);
 - Part of Lots 4 and 5, Concession 9, designated as Part 4 on Plan 65R-30962 (0.3 metre reserve);
 - Blocks 14 and 19 on Plan 65M-4141 (0.3 metre reserves);
 - Part of Blocks 374 and 375, Plan 65M-3838, designated as Parts 15, 16, and 18 on Plan 65R-30962 (0.3 metre reserves); and
 - Part of Block 375, Plan 65M-3838, designated as Part 17 on Plan 65R-30962 (road widening).

Carried

- (4) THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR LOCAL BOARD (WARD 8) (8.2)
[Section 239 (2) (a)]

Moved by Regional Councillor Nirmala Armstrong
Seconded by Councillor Alex Chiu

- 1) That the confidential report regarding the security of the property of the municipality or local board be received; and,
- 2) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (5) LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS (3.19 & 11.0)
[Section 239 (2) (d)]

Moved by Regional Councillor Nirmala Armstrong

Seconded by Councillor Alex Chiu

- 1) That the confidential report regarding labour relations or employee negotiations be received; and,
- 2) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

Development Services Committee - September 4, 2018

- (6) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD – MINOR VARIANCE APPLICATION APPEAL – 2915 BUR OAK AVENUE (WARD 5) (8.0)
[Section 239 (2) (e)]

Moved by Regional Councillor Nirmala Armstrong

Seconded by Councillor Alex Chiu

- 1) That the confidential report titled “Minor Variance Application Appeal, Annie Ai-Ling Cheng, 2915 Bur Oak Avenue” be received; and,
- 2) That Council direct the City Solicitor and Staff to attend the Local Planning Appeal Tribunal (LPAT) hearing in support of the decision of the Committee of Adjustment to deny the minor variances related to the proposal of a fourplex dwelling; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

- (7) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD – 2404099 ONTARIO LIMITED (JD DEVELOPMENT GROUP) (WARD 7) (8.0)
[Section 239 (2) (e)]

Moved by Regional Councillor Nirmala Armstrong
Seconded by Councillor Alex Chiu

- 1) That the Confidential Report titled “2404099 Ontario Limited (JD Development Group), Applications for Zoning By-law Amendment and Site Plan Approval to permit 258 stacked townhouse units and 11 dual-purpose units (south west corner of Markham Rd. and Denison Street in Ward 7) ” be received; and,
- 2) That the City Solicitor or their designate and all necessary Staff be directed to attend the Local Planning Appeal tribunal (LPAT) hearing to support the settlement of the appeal made by 2404099 Ontario Limited, as described in this report; and,
- 3) That Council approve in principle the Zoning By-law Amendment application to rezone the subject lands from Special Commercial One (SC1) under By-law 90-81, as amended, to Community Amenity One (CA1) under By-law 177-96, as amended, with site specific development standards attached in draft as Appendix ‘A’; and,
- 4) That Council endorse in principle the site plan application for 258 stacked townhouse units and 11 dual-purpose units; and,
- 5) That Council assign in principle servicing allocation for 269 townhouse units to the proposed development; and,
- 6) That Council authorize the City Solicitor to enter into Minutes of Settlement reflecting the terms of this report; and,
- 7) That staff be directed to review the collision data and re-evaluate traffic engineering options to improve safety at the Denison Street/Marydale Avenue and report back to a future Development Services Committee meeting; and,
- 8) That staff be authorized and directed to do all things necessary to give effect to this resolution.

- (8) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD – SIXTEENTH LAND HOLDINGS INC., 4134 16TH AVENUE (YORK DOWNS GOLF COURSE) (WARD 6)(8.0)

Moved by Councillor Amanda Collucci

Seconded by Regional Councillor Jim Jones

- 1) That the Confidential Recommendation Report dated September 10th, 2018 titled, “Sixteenth Land Holdings Inc., 4134 16th Avenue (York Downs Golf Course), North of 16th Avenue, west of Kennedy Road, Legal advice regarding settlement of an appeal, Applications for Official Plan and Zoning By-law amendments, and Draft Plans of Subdivision Approval to permit a new residential neighbourhood”, be received; and,
- 2) That the confidential presentation entitled “Sixteenth Land Holdings Inc. 4134 16th Avenue (York Downs Golf Course) Development Phasing & Transportation Triggers” by Brian Lee, Director of Engineering be received; and,
- 3) That the City Solicitor or designate be directed to attend the Local Planning Appeal Tribunal (LPAT) hearing in support of the applications, subject to the conditions and recommendations set out in this resolution and in the report; and,
- 4) That Council support approval of the Draft Plan of Subdivision and conditions of draft plan approval; the Official Plan Amendment; and the Zoning By-law Amendment contained in this report, **amended to include the following changes:**
 - **Prior to registration of the first phase of Stage A (max. 559 units), improvements to all approaches of the 16th Avenue/Kennedy Road intersection will be designed and approved, financially secured, and construction commenced;**
 - **Prior to registration of the second phase of Stage A (beyond 559 units), improvements to all approaches of the 16th Avenue/Kennedy Road intersection will be completed and operational;**
 - **Prior to registration of the second phase of Stage A (beyond 559 units), improvements to all approaches of the 16th Avenue/Warden Avenue intersection will be designed and approved, financially secured, and construction commenced;**
 - **Prior to registration of the first phase of Stage B (beyond 1099 units), improvements to all approaches of the 16th Avenue/Warden Avenue intersection will be completed and operational;**
 - **Prior to registration of the first phase of Stage B, (beyond 1099 units), York Region’s 16th Avenue Environmental Assessment is approved;**
 - **Prior to registration of the first phase of Stage B (beyond 1099 units), the widening of 16th Avenue from Warden Avenue to Kennedy Road**

- is in York Region's 10-year Roads and Transit Capital Construction Program;**
- **Prior to registration of the first phase of Stage B (beyond 1099 units), detailed design of the widening of 16th Avenue from Warden Avenue to Kennedy Road is completed and approved; and,**
 - **Prior to the registration of the second phase of Stage B (at 1,500 units), the widening of 16th Avenue from Warden Avenue to Kennedy Road is completed; and,**
 - **Notwithstanding the above conditions for 16th Avenue widening, if alternative measures or improvements are available to mitigate the transportation impact of the development through real-time, periodic monitoring, compared with the traffic conditions prior to any construction of development (i.e. first phase Stage A), to the satisfaction of Regional staff and City of Markham staff, the above transportation conditions related to 16th Avenue widening may be considered satisfied for the purpose of registration; and,**
 - **That the height of the condominium development (Block 26) be limited to 4 storeys at the south end of the block and 6 storeys at the north end of the block; and,**
- 5) That staff be authorized to finalize the content of the official plan amendment, zoning by-law amendment, and conditions of draft plan approval with the applicant, in consultation with applicable public agencies and in accordance with this report; and,
- 6) That the 4134 16th Avenue (York Downs) Community Design Plan, dated May 18, 2018 prepared by MBTW-WAI be approved in principle subject to the following revisions:
- Updated Figures to reflect the current community design concept plan;
 - Update Section 2.0 - Sustainable Development Principles to comply with the "Draft Subdivision of Land Low-rise Housing checklist";
 - Updated cross-section for Figure 8 to indicated the second row of trees;
 - Update figures 11 and 12 to conform to comply with fire requirements;
 - Update to Section 3.3.3 - 16th Avenue Special Character Area to reflect City of Markham Urban Design Guidelines for mixed use blocks;
 - Update Section 4.4 to reflect current direction High Density Residential Product;
 - Update Section 4.5 and 4.7 to reflect City of Markham Urban Design Guidelines for mixed use blocks and the additional design principles proposed;
 - Update Section 6.0 to reflect revised parkland configurations;
 - Update Section 7.0 to reflect updated zoning requirements;
 - Update Section 8.0 A to reflect Updated Sustainable Development Principles to comply with the "Draft Subdivision of Land Low-rise Housing checklist";
 - Update Section 8.0 C to include a "laneway coach house" option.

- 7) That Council authorize the City Solicitor or designate to prepare and execute minutes of settlement with the appellants and other parties as applicable, in a form satisfactory to the City Solicitor and the Commissioner of Development Services, in accordance with this resolution and the report and including the following items, subject to the Ratepayers Associations that are parties to the LPAT appeal, agreeing to withdraw from the hearing;
- That no drive-through facilities shall be permitted at the south end of the mixed-use block (Block 25), but may be permitted at the north end of the mixed-use block (Block 25); and,
 - That a six metre wide, double treed buffer block shall be provided north of 16th Avenue abutting the commercial uses in Block No. 25; and,
 - That a six meter wide window street and a three meter wide buffer block be provided in front of the residential uses fronting onto 16th Avenue in Block 25; and,
 - That at least 50 percent of Block No. 25 fronting on to 16th Avenue shall be for reserved for residential uses;
- 8) That in accordance with the provisions of subsection 45 (1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the Owner shall through this Resolution, be permitted to apply to the Committee of Adjustment for variances from the provisions of Zoning By-law Amendment referred to Resolution No. 4 above, **excluding any increase in the permitted number of storeys and increase in density**, before the second anniversary of the day on which the by-law is approved; and,
- 9) That Council assign servicing allocation for the development; and,
- 10) That the Mayor and Clerk be authorized to enter into a tree planting agreement and a trails agreement with the applicants; and,
- 11) **That City Staff be directed to have the Environmental Plan be peer reviewed, save and except the portions of the Plan that have been approved or in respect of which permits have been issued and especially related to Barn Swallows, at the applicant's expense; and,**
- 12) **That staff request the Ministry of Natural Resources and Forestry to provide confirmation of approval under the Environmental Protection Act for any plan registration impacting the barn swallows; and,**
- 13) **That all trees planted on the site be guaranteed for two years, and if a planted tree fails the replacement tree shall be guaranteed for an additional two years; and further,**
- 14) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried by a recorded vote for Resolution Nos., 1 to 10, and 14 (10:3)
(See following recorded vote)

Carried by a recorded vote for Resolution Nos. 11, 12 and 13 (13:0)
(See following recorded vote)

(See following to bring the matter forward)

Recorded vote for the adoption of Recommendation Nos. 1 to 10 and 14:

YEAS: Councillor Alan Ho, Councillor Don Hamilton, Regional Councillor Nirmala Armstrong, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Khalid Usman, Councillor Alex Chiu.

NAYS: Councillor Valerie Burke, Councillor Karen Rea, Deputy Mayor Jack Heath

Recorded vote for the adoption of Recommendation Nos. 11, 12 and 13:

YEAS: Councillor Valerie Burke, Councillor Alan Ho, Councillor Don Hamilton, Councillor Karen Rea, Regional Councillor Nirmala Armstrong, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Khalid Usman, Councillor Alex Chiu.

NAYS: None

Motion to consider the matter:

Moved by Regional Councillor Nirmala Armstrong

Seconded by Councillor Valerie Burke

Council consented to consider the matter related to the York Downs Golf Course following the deputations with respect thereto.

Carried

14. CONFIRMATORY BY-LAW

That By-law 2018-133 be given three readings and enacted.

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

Three Readings

BY-LAW 2018-133 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF SEPTEMBER 12, 2018.

[By-law](#)

Carried

15. ADJOURNMENT

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

That the Council Meeting be adjourned at 1:21 AM on September 13, 2018.

Carried

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor