



Council Minutes

September 26, 2017, 7:00 PM

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 12

Alternate formats for this document are available upon request

Roll Call

Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Joe Li (arrived at 7:22 pm), Regional Councillor Nirmala Armstrong, Councillor Valerie Burke, Councillor Alan Ho, Councillor Don Hamilton, Councillor Karen Rea, Councillor Colin Campbell, Councillor Amanda Collucci (arrived at 7:20 pm), Councillor Logan Kanapathi, Councillor Alex Chiu.

Staff

Andy Taylor, Chief Administrative Officer
Catherine Conrad, City Solicitor and Acting Director of Human Resources
Jim Baird, Commissioner of Development Services
Trinela Cane, Commissioner of Corporate Services
Brenda Librecz, Commissioner of Community and Fire Services
Joel Lustig, Treasurer
Brian Lee, Director of Engineering
Kimberley Kitteringham, City Clerk
Martha Pettit, Deputy City Clerk
John Wong, Technology Support Specialist
Shane Manson, Senior Manager, Revenue & Property Tax

The meeting of Council convened at 7:07 PM on September 26, 2017 in the Council Chamber. Mayor Frank Scarpitti presided.

1. DISCLOSURE OF PECUNIARY INTEREST

(1) None declared.

2. APPROVAL OF PREVIOUS MINUTES

- (1) COUNCIL MINUTES – JUNE 27 AND AUGUST 10, 2017
[June 27](#) [August 10](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

- 1) That the Minutes of the Council Meetings held on June 27 and August 10, 2017, be adopted.

Carried

3. PRESENTATIONS

There were no presentations.

4. DEPUTATIONS

- (1) DEPUTATION - WHISTLE CESSATION ON STOUFFVILLE GO LINE (5.12)

Moved by Councillor Logan Kanapathi

Seconded by Councillor Amanda Collucci

That the deputation of Shanta Sundarason, Founder, The Giving Tree Unionville, requesting an update on the Whistle Cessation on Stouffville GO line matter be received.

(See Item No 4, Report No. 36 for Council's decision on this matter)

Carried

- (2) DEPUTATION - RECOMMENDATION FROM
LICENSING COMMITTEE HEARING (72 MARION CRESCENT) (2.0)

Salvatore Cozzoli, on behalf of the owners of 70 Marion Crescent, was not present during the Council meeting.

(See New/Other Business Item No. 2 for Council's decision on this matter)

(3) DEPUTATION - CANCELLATION, REDUCTION OR REFUND
OF TAXES UNDER SECTIONS 357 AND 358
OF THE MUNICIPAL ACT, 2001 (7.3)

Mr. Stephen Longo, Partner, WalkerWestLong, addressed Council in support of the request to refund property taxes for the Sports Dome located on the Father Michael McGivney Catholic Academy property.

(See New/Other Business Item No. 4 for Council's decision on this matter)

5. COMMUNICATIONS

Moved by Councillor Valerie Burke

Seconded by Councillor Alex Chiu

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

Received

29-2017 LIQUOR LICENCE APPLICATION FOR COFFEE BOX, 7191 YONGE
STREET, SUITE 101 (WARD 1) (3.21)

[Info](#)

Forwarding a request for the City of Markham to complete the Municipal
Information Form.

(New restaurant and application of a new liquor licence for indoor areas).

Carried

6. PROCLAMATIONS

(1) PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Alex Chiu

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:
 - India Independence Day (August 20, 2017)
 - Prostate Cancer Awareness Month (September 2017)
 - Blue Shirt Day (October 20, 2017)
 - English as a Second Language Week (October 29 to November 4, 2017)
 - LIVERight Gala Day (November 3, 2017); and,
- 2) That the following request for 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:
 - Flag for India Independence Day (August 20, 2017)
(Organized by Vedic Cultural Centre)
 - Flag for Blue Shirt Day (October 20, 2017)
(Organized by Anti Bullying Support Group); and,
- 3) That the following new request for proclamation be approved and added to the Five-Year Proclamations List approved by Council:
 - National Day of Remembrance and Action on Violence against Women (December 6, 2017); and further,
- 4) That the following new request for flag to be raised at the Anthony Roman Markham Civic Centre flagpole be approved and added to the Five-Year List of Request to Raise Flag approved by Council:
 - Flag for National Day of Remembrance and Action on Violence against Women (December 6, 2017)
(Organized by Violence against Women Awareness Committee)

Carried

**7(A) REPORT NO. 36 - DEVELOPMENT SERVICES COMMITTEE
(September 11, 2017)**

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 36 - Development Services Committee comprised of 5 items be received and adopted, except Item Nos 1 and 5. (See following Item Nos. 1 and 5)

(1) CHURCH STREET & ELM STREET
PROPOSED ALL-WAY STOP CONTROL (WARD 4) (5.12)
[Report](#)

Moved by Councillor Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

- 1) That the report entitled “Church Street & Elm Street Proposed All-way Stop Control (Ward 4)”, be received; and,
- 2) That Schedule 12 of Traffic By-law 106-71, pertaining to compulsory stops, be amended to include all approaches to the intersection of Church Street & Elm Street; and,
- 3) That the Operations Department be directed to install the appropriate signs and pavement markings at the subject locations; and,
- 4) That the cost of materials and installation for the traffic signs and pavement markings be funded from capital project # 083-5350-17162-005; and,
- 5) That York Region Police be requested to enforce the all-way stop controls upon installation of these stop signs and passing of the By-law; and further,
- 6) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Postponed
(See following to postpone)

Moved by Councillor Colin Campbell
Seconded by Councillor Karen Rea

That the recommendation from the September 11, 2017 Development Services Committee entitled “Church Street & Elm Street Proposed All-way Stop Control (Ward 4)” be referred back to staff to investigate options available to control pedestrians crossing and report back to a Development Services Committee meeting in October/November 2017.

Carried

- (2) DEMOLITION PERMIT APPLICATION
SINGLE DETACHED DWELLING C.1948,
15 PAVILION STREET
UNIONVILLE HERITAGE CONSERVATION DISTRICT
FILE NO. 17 170321 DP (16.11)
[Report](#)

- 1) That the deputation by Hendrik Spaans, owner, regarding the Demolition Permit Application for 15 Pavilion Street, be received; and,
- 2) That the report titled “Demolition Permit Application, Single Detached Dwelling c.1948, 15 Pavilion Street, Unionville Heritage Conservation District, File No. 17 170321 DP, dated September 25, 2017, be received; and,
- 3) That as recommended by Heritage Markham, on the basis of the property’s Group B classification as a building that is important in terms of contextual value, the demolition permit application be refused; and,
- 4) That the applicant be advised that renovations and additions can be applied for as an alternative means of development rather than demolition; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (3) CONTROLLING GROUND FLOOR OFFICE USES
IN MARKHAM VILLAGE – COMMERCIAL CORE AREA (10.5, 16.11)
[Council Extracts - Mar 21 and Apr 11](#) [Report](#)

- 1) That the staff report entitled “Controlling Ground Floor Office Uses in Markham Village – Commercial Core Area”, dated February 27, 2017, be received; and,
- 2) That Council endorse the following Option (3):

That staff and consultants be directed to examine the issue of ground floor office space in the traditional commercial core area of Markham Village as part of the new Markham Village Heritage Centre Secondary Plan and any zoning changes be considered as part of the Comprehensive Zoning By-law Project; and,
- 3) That staff provide an update by the summer of 2018; and further,

- 4) That Staff be authorized to implement the direction to be provided by Council regarding the options outlined in this report.

Carried

(4) **WHISTLE CESSATION ON STOUFFVILLE GO LINE**
– SEPTEMBER 2017 PROGRESS UPDATE (WARDS 3, 4, 5 & 8) (5.12)
[Report](#)

- 1) That the report entitled “Whistle Cessation on Stouffville GO Line – September 2017 Progress Update (Wards 3, 4, 5 & 8)” be received; and,
- 2) That Council authorize the Director of Engineering and Senior Manager of Procurement to issue the tender for construction of Packages #2 and #3, for the crossings utilizing a select group of Metrolinx approved contractors; and,
- 3) That Council authorize staff to negotiate with Metrolinx and York Region regarding using Metrolinx’s contractor (Dufferin Construction Company) to construct the Kennedy Road (South) crossing safety upgrades at the Region’s cost; and,
- 4) That upon successful negotiations with Metrolinx and York Region for the Kennedy Road (South) crossing safety upgrades, the Director of Engineering and Senior Manager of Procurement be authorized to award the contract for the Kennedy Road (South) crossing safety upgrades to Metrolinx or its contractor (Dufferin Construction Company); and,
- 5) That the tender process be waived for Kennedy Road (South) crossing safety upgrades in accordance with purchasing By-Law 2017-8, Part II, Section 11 Non Competitive Procurement, item 1 (c) which states, in “when the extension of an existing contract would prove more cost-effective or beneficial”; and,
- 6) That Metrolinx be requested to expedite the review and approval of the whistle cessation safety enhancement detailed design and assist the City to proceed to construction as soon as possible; and,
- 7) That the Ministry of Transportation, Metrolinx and York Region be informed of Council’s decision; and,
- 8) That a completion date for work under the responsibility of the City of Markham be targeted for on or before August 6, 2018; and further,
- 9) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (5) 29TH WORLD HAKKA CONFERENCE
HONG KONG, OCTOBER 12-15, 2017 (10.16)
[Report](#)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

- 1) That the report titled “29th World Hakka Conference, Hong Kong, October 12-15, 2017” be received; and,
- 2) That the City support the “Hakka Canadian Association” in the bidding for hosting rights for the 31st World Hakka Conference in Markham in October, 2021; and,
- 3) That Council approve the attendance of Deputy Mayor Jack Heath, Regional Councillor Joe Li and Senior Staff Sandra Tam to the 29th World Hakka Conference, Hong Kong, October 12-15, 2017 with the costs being paid by the City in bidding for the 31st World Hakka Conference to be hosted in Markham in October, 2021; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried as amended
(See following to amend)

Moved by Councillor Amanda Collucci

Seconded by Regional Councillor Nirmala Armstrong

That the following proposed Recommendation No. 3 from the September 11, 2017 Development Services Committee meeting be deleted in its entirety:

- "3) That Council approve the Hakka Canadian Association's invitation to Mayor Frank Scarpitti, Regional Councillor Joe Li and Senior staff Sandra Tam to attend the 29th World Hakka Conference, Hong Kong, October 12-15, 2017 at no cost to the City to assist the Association in bidding for the 31st World Hakka Conference to be hosted in Markham in October, 2021;"

and replaced with the following revised Recommendation No. 3:

- "3) That Council approve the attendance of Deputy Mayor Jack Heath, Regional Councillor Joe Li and Senior Staff Sandra Tam to the 29th World Hakka Conference, Hong Kong, October 12-15, 2017 with the costs being paid by the City in bidding for the 31st World Hakka Conference to be hosted in Markham in October, 2021;"

Carried

7(B) REPORT NO. 37 - GENERAL COMMITTEE (September 18, 2017)

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Colin Campbell

That Report No. 37 - General Committee comprised of 5 items be received and adopted.

(1) DEVELOPMENT CHARGES
BACKGROUND STUDY UPDATE (7.0)
[Presentation](#)

- 1) That Council endorse the following policies to be utilized in the preparation of the Development Charges Background Study:
 1. That staff be directed to institute a policy for office space as follows:
 - 100% City Wide Soft Development Charges to be charged for the first 100,000 sq. ft. of gross floor area, with a reduced charge of 25% City Wide Soft Development Charges on gross floor area exceeding the threshold.
 2. That staff be directed to remove “The rate that is in effect at the time of payment” from the Development Charges Deferral Policy as a repayment assessment option.
 3. a) That staff update the Development Charges Deferral Policy to provide a development charge deferral for purpose-built high density rental buildings with the following terms:
 - Rate and quantum determined at building permit issuance.
 - Duration of 36 months with no interest applied, if paid within 15 days of the deferral expiration.
 - Security in the form of a charge against land.
 - Registration on title restricting change of use for 20 years.b) Staff continue to review other options to make both rental and affordable housing more feasible in Markham.

Carried

(2) APPOINTMENT OF MEMBERS TO THE
MARKHAM MAYOR'S YOUTH COUNCIL FOR
THE PERIOD OF SEPTEMBER 5, 2017 TO
JUNE 29, 2018 (16.24)

[Report](#)

- 1) That the Report Appointment of Members to the Markham Mayor's Youth Council for the period of September 5, 2017 to June 29, 2018 be received; and,
- 2) That the following Appointments of Members to the Markham Mayor's Youth Council be confirmed for the term September 5, 2017 to June 29, 2018:

| Name | High School | Grade | Ward |
|-----------------------|--|--------------|-------------|
| Laura Florea | Thornhill Secondary School | 10 | 1 |
| Julia Groza | TMS School | 11 | 1 |
| Michelle Lam | Bayview Secondary School | 11 | 2 |
| Ivan Qian | Bayview Secondary School | 11 | 2 |
| Ashlee Jiang | PACE | 12 | 2 |
| Julia Ip | Markham District High School | 12 | 3 |
| Megan Niu | Markham District High School | 12 | 3 |
| Adara Hagman | St. Brother Andre Catholic High School | 9 | 4 |
| Maxine Bisera | St. Brother Andre Catholic High School | 9 | 4 |
| Peter Huang | Pierre Elliott Trudeau High School | 12 | 4 |
| Olivia Chan | Greensborough Public School | 8 | 4 |
| Jake Koszczewski | Markham District High School | 11 | 4 |
| Hayley Banks | Markham District High School | 12 | 4 |
| Grace Huang | Bayview Secondary School | 11 | 5 |
| Vivian Liu | Thornhill High School | 11 | 5 |
| Benny Lam | Bur Oak Secondary School | 12 | 5 |
| Kelly Hu | Bayview Secondary School | 10 | 6 |
| Renee Lee Wah | St Augustine Catholic High School | 11 | 6 |
| Felix Chan | Pierre Elliott Trudeau High School | 12 | 6 |
| Karthik Ganapathiraju | Pierre Elliot Trudeau High School | 11 | 6 |
| Janice Xu | Bayview Secondary School | 11 | 6 |
| Jessica Li | Bayview Secondary School | 12 | 6 |
| Jennifer Chen | Markham District High School | 12 | 7 |
| Lindsay Lee | Markham District High School | 12 | 7 |

| | | | |
|-----------------|----------------------------|----|---|
| Ashley Vadivelu | Markville Secondary School | 10 | 8 |
|-----------------|----------------------------|----|---|

; and,

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

Carried

(3) FLOOD CONTROL AND WATERMAIN
PROJECTS – CLEAN WATER AND
WASTEWATER FUND (CWWF) (5.4)
[Report](#)

- 1) That the Report entitled “Flood Control and Watermain Projects – Clean Water and Wastewater Fund (CWWF)” be received; and,
- 2) That the funding sources for Capital Project #17201 - West Thornhill Flood Control Implementation - Phase 2B with a budget of \$10,117,600 be revised as follows based on a 50% - 25% - 25% shared funding structure with the Government of Canada, Province of Ontario and City of Markham respectively:

| | | |
|--------------------------------------|-------------|---------------------|
| CWWF: Government of Canada (50%) (A) | | \$5,058,800 |
| CWWF: Province of Ontario (25%) (B) | | <u>\$2,529,400</u> |
| CWWF Total (C) = (A) + (B) | | \$7,588,200 |
| City's Portion (25%): | | |
| Funding from Project # 17201 | | |
| Gas Tax (D) | \$2,000,000 | |
| Stormwater Fee Reserve (E) | \$529,400 | |
| Total City's Portion (F) = (D) + (E) | | <u>\$2,529,400</u> |
| Total Funding (G) = (C) + (F) | | \$10,117,600 |

; and,

- 3) That the previously approved funds from Capital Project #17201 West Thornhill Flood Control Implementation Program – Phase 2B Construction in the amount of \$7,588,200 of which \$6,550,200 from the Stormwater Fee Reserve and \$1,038,000 from the Lifecycle Replacement and Capital Reserve Fund be returned to the original funding sources; and,

- 4) That the City of Markham approve the undertaking of a new infrastructure project “Cast Iron Watermain Replacement/ Rehabilitation Program” for a total cost of \$4,119,900.00, based on a 50% - 25% - 25% shared funding structure with the Government of Canada, Province of Ontario and City of Markham respectively, to be funded from the following sources:

| | | |
|--------------------------------------|--|--------------------|
| CWWF: Government of Canada (50%) (A) | | \$2,059,950 |
| CWWF: Province of Ontario (25%) (B) | | <u>\$1,029,975</u> |
| CWWF Total (C) = (A) + (B) | | \$3,089,925 |
| City’s Portion (25%): | | |
| Waterworks Reserve (D) | | <u>\$1,029,975</u> |
| Total Funding (E) = (C) + (D) | | \$4,119,900 |

; and,

- 5) That a new capital project in the amount of \$4,119,900 be established to undertake the work for the Cast Iron Watermain Replacement/ Rehabilitation Program; and,
- 6) That the Mayor and Clerk be authorized to execute the Clean Water and Wastewater Fund (Ontario) Transfer Payment Agreement (TPA) (and any related documents), in a form and content satisfactory to the City Solicitor and the Commissioner of Community & Fire Services, and that the Commissioner of Community & Fire Services (or designate) be authorized to act as an authorized signing officer for the City under the TPA (including for the purpose of submitting required TPA reports and confirmations); and,
- 7) That the Chief Administrative Officer (CAO) be delegated authority to award (and execute) the construction contract for the Cast Iron Watermain Replacement/ Rehabilitation work to the successful bidder, provided that the contract award amount is within budget or can be made to come within budget through selected scope changes and/or corresponding price adjustments and/or budget allocation changes; and further,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(4) CONTRACT EXTENSION FOR GENERAL INSURANCE
AND RISK MANAGEMENT PROGRAM (7.0)

[Report](#)

- 1) That the report “Contract Extension for General Insurance and Risk Management Program” be received; and,
- 2) That contract for General Insurance and Risk Management Program be extended for a further one-year term from January 1, 2018 to January 1, 2019 to Jardine Lloyd Thompson for the amount of \$1,105,402 (inclusive of PST, exclusive of annual asset changes related to the property and automotive portfolios and coverage changes); and,
- 3) That the Treasurer be authorized to extend the contract for General Insurance and Risk Management Program for five further one-year terms (2019 to 2023) provided that it is in the best interest of the City and the premium increase per year does not exceed 5% of the cost of the previous years' insurance program, exclusive of annual asset changes related to the property and automotive portfolios and coverage changes; and,
- 4) That the Treasurer be further authorized to approve all annual asset changes related to the property and automotive portfolios and coverage changes 2018 to 2023; and,
- 5) That in accordance with Purchasing By-Law 2004-341, Part II, Section 7 (1)©, Non-Competitive Procurement, whereby “When the extension of an existing contract would prove more cost-effective and beneficial”, the tendering process be waived; and,
- 6) That this award be funded from the annual 2018 Operating Account 840-846-5555 Insurance Premium as shown in the financial consideration section, subject to Council approval of the 2018 operating budget; and,
- 7) That any net annual budget surplus from the City’s Insurance premium and deductible operating accounts be transferred to the Insurance Reserve; and further,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(5) JUNE – JULY 2017 STORM EVENTS REVIEW
AND FOLLOW-UP ACTIVITIES (5.3)

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

- 1) That the report and presentation entitled “June-July 2017 Storm Events Review and Follow-up Activities” be received; and,
- 2) That Council pre-approve the 2018 Capital Budget request, project #18273 “Flood Control Remediation – Study” in the amount of \$1,274,000 to be funded in the amount of \$1,109,000 from the Stormwater Fee Reserve and the remaining balance of \$165,000 from the Waterworks Reserve; and,
- 3) That Council pre-approve the 2018 Capital Budget request, project #18281 “Sanitary System Downspout Disconnection Program – Phase 6” in the amount of \$250,000 to be funded from the Waterworks Reserve; and,
- 4) That staff bring forward the corresponding Capital Budget Request Forms for each of the pre-approved projects as part of the 2018 Capital Budget process; and,
- 5) That Council approve the expansion of the Phase 5 Sanitary System Downspout Disconnection Program to include additional areas in Royal Orchard Blvd/ Romfield Circuit, Willowbrook Road, Markham Village between Church St and Paramount Road to be funded from existing capital project #17221 “Sanitary System Downspout Disconnection Program – Phase 5”; and,
- 6) That staff report back on a proposed interim Private Property Plumbing Protection Program including backwater valve and sump pump subsidy program for high risk areas, which will include program criteria, budget requirements, funding source, communication plan and any potential rebate program with consideration to retroactive payment to 2017; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

**7(C) REPORT NO. 38 - DEVELOPMENT SERVICES PUBLIC MEETING
(September 19, 2017)**

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

That Report No. 38 - Development Services Committee comprised of 1 item be received and adopted.

- (1) PRELIMINARY REPORT
WORLD TECH CONSTRUCTION INC.
APPLICATION FOR ZONING BY-LAW AMENDMENT
TO FACILITATE A SEVERANCE TO CREATE ONE
ADDITIONAL SINGLE DETACHED RESIDENTIAL LOT
221 HELEN AVENUE (WARD 3)
FILE NO. ZA 17 140058 (10.5)

[Report](#)

- 1) That the written submission from Flora Ip, regarding the application by World Tech Construction Inc. for 221 Helen Avenue, be received; and,
- 2) That the report dated September 11, 2017 titled “PRELIMINARY REPORT, Application by World Tech Construction Inc. for a Zoning By-law Amendment to facilitate a severance to create one additional single detached residential lot at 221 Helen Avenue (File No. ZA 17 140058)”, be received; and,
- 3) That the Record of the Public Meeting held on September 19, 2017, with respect to the proposed Zoning By-law Amendment by World Tech Construction Inc. to facilitate a severance to create one additional single detached residential lot at 221 Helen Avenue (File No. ZA 17 140058), be received; and,
- 4) That the application by World Tech Construction Inc. for a Zoning By-law Amendment to facilitate a severance to create one additional single detached residential lot at 221 Helen Avenue (File No. ZA 17 140058), be approved; and,
- 5) That the proposed amendment to Zoning By-laws 304-87 and 177-96, as amended, be enacted without further notice; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8. MOTIONS

There were no motions.

9. NOTICE OF MOTION TO RECONSIDER

There were no notice of motion to reconsider.

10. NEW/OTHER BUSINESS

- (1) DECLARATION OF SURPLUS PROPERTY
PART 7, PLAN 65M-2761
(14 HERITAGE CORNERS LANE, MARKHAM HERITAGE ESTATES)
(RELOCATION OF THE REVEREND JENKINS HOUSE) (7.0 AND 16.11)
[Map](#)

*Notices of Proposed Sale
City of Markham
Proposed Sale of Surplus Real Property
(Pursuant to By-law 178-96)*

Moved by Councillor Valerie Burke
Seconded by Regional Councillor Jim Jones

- 1) That the notice of proposed sale for the City owned lands legally described as Part 7, Plan 65M-2761, City of Markham, Regional Municipality of York (14 Heritage Corners Lane, Markham Heritage Estates) be confirmed.
(In-Camera Item No. 3 – June 27, 2017 Council Meeting)

Carried

(2) RECOMMENDATION FROM THE JUNE 28, 2017
LICENSING COMMITTEE HEARING (72 MARION CRESCENT) (2.0)

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Logan Kanapathi

- 1) That the following recommendation of the Licensing Committee from the Hearing held on June 28, 2017, be approved and adopted:
 - a) That the application to remove a blue spruce tree at 72 Marion Crescent, Markham, be denied; and,
 - b) That it is recommended that the applicant have the tree pruned correctly by an ISA Certified Arborist, to sufficiently address the neighbours' concerns; and further,
 - c) That City staff be requested to offer to inspect the functioning of the neighbours' gutter guard at 70 Marion Crescent.

Carried

(3) THE CADILLAC FAIRVIEW CORPORATION LTD.
APPLICATION FOR ZONING BY-LAW AMENDMENT TO PERMIT A MOTOR
VEHICLE SALES ESTABLISHMENT, ACCESSORY MOTOR VEHICLE SERVICE
STATION AND ACCESSORY MOTOR VEHICLE REPAIR GARAGE, AND
INCORPORATE PREVIOUSLY APPROVED MINOR VARIANCES AT
MARKVILLE MALL SHOPPING CENTRE
5000 HIGHWAY 7 (WARD 3) ZA 17 156158 (10.5)
[Memo](#)

Moved by Councillor Don Hamilton

Seconded by Regional Councillor Jim Jones

- 1) That the memorandum dated September 26, 2017 titled "The Cadillac Fairview Corporation Ltd., Application for Zoning By-law Amendment to permit a motor vehicle sales establishment accessory motor vehicle service station and accessory motor vehicle repair garage, and incorporate previously approved minor variances at Markville Mall Shopping Centre, 5000 Highway 7 (Ward 3), File No. ZA 17 156158", be received; and,
- 2) That the attached Zoning By-law Amendment be enacted; and further,

- 3) 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 to the Committee of Adjustment for a variance from the provisions of the Zoning By-law within two years of its approval by Council.
(By-law 2017-87)
- (4) CANCELLATION, REDUCTION OR REFUND
OF TAXES UNDER SECTIONS 357 AND 358
OF THE MUNICIPAL ACT, 2001 (7.3)
[Report](#) [Memo](#)

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

- 1) That the Report for the Cancellation, Reduction or Refund of Taxes under Sections 357 and 358 of the *Municipal Act, 2001* be received; and,
- 2) That the memorandum dated September 26, 2017 providing background information on the tax appeal application for the Father Michael McGivney Catholic Academy property be received; and,
- 3) That taxes totalling approximately \$71,979.01 be adjusted under Section 357 and 358 of the *Municipal Act, 2001* of which the City's portion is estimated to be \$11,180.27; and,
- 4) That the associated interest be cancelled in proportion to the tax adjustments; and,
- 5) That the Treasurer be directed to adjust the Collector's Roll accordingly; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

Joel Lustig, Treasurer, provided a summary of the subject matter. Catherine Conrad, City Solicitor and Acting Director of Human Resources, provided legal advice.

The following motion was introduced, moved by Councillor Don Hamilton and seconded by Regional Councillor Jim Jones:

That the City of Markham reimburse First Services Tennis Management Inc. in the amount of \$105,312.67 related to the Sports Dome located on the Father Michael McGivney Catholic Academy property for the Municipal, Regional and Provincial property taxes collected for the period of October 3, 2015 to December 31, 2015, January 1, 2016 to December 31, 2016 and January 1, 2017 to March 27, 2017.

Discussion on the matter ensued.

Moved by Deputy Mayor Jack Heath
Seconded by Councillor Amanda Collucci

That Council call the question on the matter.

Carried by a 2/3 vote of Members of Council present

The Chair ruled the motion introduced by Councillor Don Hamilton and seconded by Regional Councillor Jim Jones to be out of order as the City has no authority to grant the relief requested.

There was a motion introduced by Councillor Don Hamilton and seconded by Councillor Colin Campbell to challenge the ruling of the Chair.

The ruling of the Chair was upheld and carried by a majority Members of Council present.

The motion put forward in the agenda was then considered and carried.

(5) ELECTION OF YORK REGION CHAIR (13.4)

This matter was discussed at the September 25, 2017 Development Services Committee meeting.

Mayor Frank Scarpitti, Chair, ruled the matter to be out of order for discussion at Council as it had not yet been considered at a Standing Committee. Staff were directed to place this matter on the October 2, 2017 General Committee meeting agenda.

11. ANNOUNCEMENTS

(1) FRANCO-ONTARIAN DAY (12.2.6)

Deputy Mayor Jack Heath advised that he provided a speech on behalf of Mayor and Members of Council at the Franco-Ontarian Day flag raising event held on September 25, 2017 at the Markham Civic Centre.

12. BY-LAWS

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

That By-laws 2017-83 and 2017-85 to 2017-87 be given three readings and enacted; and,

That By-law 2017-84 be postponed.

Carried

Three Readings

BY-LAW 2017-83 ROAD DEDICATION BY-LAW (CHIMENTI COURT)

A by-law to dedicate certain lands as part of the highways of the City of Markham (Part of Block 9, Plan 65M-3810, designated as Part 1, Plan 65R-37250)

[By-law](#)

Carried

BY-LAW 2017-84 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71 (CHURCH STREET AND ELM STREET ALL-WAY STOP CONTROL)
(Item No 1, Report No. 36)

Postponed

BY-LAW 2017-85 A BY-LAW TO AMEND SIGN BY-LAW 2002-94 (ADD REBUTTABLE PRESUMPTION CLAUSE)

[By-law](#)

Carried

BY-LAW 2017-86 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST - ALEXANDER MCPHERSON HOUSE, 31 VICTORY AVENUE

[By-law](#)

Carried

BY-LAW 2017-87 CADILLAC FAIRVIEW CORPORATION LTD., (MARKVILLE MALL SHOPPING CENTRE), 5000 HIGHWAY 7, ZONING BY-LAW AMENDMENT

A by-law to amend By-law 184-78, as amended, to add one (1) motor vehicle sales establishment and one (1) motor vehicle repair garage and one (1) motor vehicle service station, accessory to the motor vehicle sale establishment.

(New/Other Business Item No. 3)

[By-law](#)

Carried

13. CONFIDENTIAL ITEMS

Council consented to not resolve into private session to discuss the following confidential matters:

- (1) MINUTES OF CONFIDENTIAL COUNCIL MEETING
- JUNE 27 AND AUGUST 10, 2017 (16.0)
[Section 239 (2) (a) (b) (c) (d) (e) (f)]

Council

- (2) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (APPOINTMENT TO BOARD/COMMITTEE) (16.24)
[Section 239 (2) (b)]

General Committee – September 18, 2017

- (3) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 2)
[Section 239 (2) (c)]

The confidential items were approved by Council as follows:

(1) MINUTES OF CONFIDENTIAL COUNCIL MEETING
- JUNE 27 AND AUGUST 10, 2017 (16.0)

Moved by Councillor Alex Chiu

Seconded by Councillor Alan Ho

- 1) That the Council Confidential Minutes dated June 27 and August 10, 2017 be confirmed.

Carried

(2) APPOINTMENTS TO BOARDS/COMMITTEES (16.24)

Moved by Councillor Don Hamilton

Seconded by Councillor Amanda Collucci

- 1) That the following persons be re-appointed to the Heritage Markham Committee:

| <u>Name</u> | <u>Term</u> |
|--------------|-------------------|
| Graham Dewar | November 30, 2020 |
| Anthony Farr | November 30, 2020 |

Carried

(3) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE
MUNICIPALITY OR LOCAL BOARD (WARD 2) (8.6)

Moved by Councillor Alan Ho

Seconded by Councillor Alex Chiu

- 1) That the confidential presentation regarding a proposed or pending acquisition or disposition of land by the municipality or local board in Ward 2 be received; and,
- 2) That staff be authorized to proceed as directed by Council on September 26, 2017.

Carried

14. CONFIRMATORY BY-LAW

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

That By-law 2017-88 be given three readings and enacted.

Three Readings

BY-LAW 2017-88 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL
MEETING OF SEPTEMBER 26, 2017.

[By-law](#)

Carried

15. ADJOURNMENT

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

That the Council Meeting be adjourned at 10:05 PM.

Carried

Kimberley Kitteringham
City Clerk
(Signed)

Frank Scarpitti
Mayor