

Council Minutes

May 9, 2017, 7:00 PM

Council Chamber, Anthony Roman Markham Civic Centre Meeting No. 7

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, Regional Councillor Nirmala Armstrong, Councillor Valerie Burke, Councillor Alan Ho, Councillor Don Hamilton, Councillor Karen Rea, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Logan Kanapathi, 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
Joel Lustig, Treasurer
Raj Raman, Mayor's Chief of Staff
Kimberley Kitteringham, City Clerk
Martha Pettit, Deputy City Clerk
John Wong, Technology Support Specialist
Biju Karumanchery, Director of Planning and Urban Design
Brian Lee, Director of Engineering

The meeting of Council convened at 7:08 PM on May 9, 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 - APRIL 25, 2017 Minutes

Moved by Councillor Alex Chiu Seconded by Councillor Valerie Burke

1) That the Minutes of the Council Meeting held on April 25, 2017, be adopted.

Carried

3. PRESENTATIONS

There were no presentations.

4. **DEPUTATIONS**

There were no deputations.

5. **COMMUNICATIONS**

Moved by Councillor Logan Kanapathi Seconded by Councillor Valerie Burke

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

Received

15-2017

TEMPORARY EXTENSION APPLICATION (LIQUOR SALES LICENCE) – MARKHAM VILLAGE BIA (WARD 4) (3.21) Info

Requesting an approval from the City of Markham to extend their existing liquor licence for the outdoor areas created by using the sidewalks located directly in front of the establishment while the street is closed to vehicular traffic. The proposed extension will be utilized in conjunction with the events as follows:

Markham Village Music Festival

(Friday, June 16, 2017, 4:00 PM to 11:00 PM) (Saturday, June 17, 2017, 11:00 AM to 9:00 PM)

- Liberty Burgers & Wings, 144 Main Street North.
- Main's Mansion Restaurant and Bar, 144 Main Street North.
- Inspire Restaurant, 144 Main Street North.
- Main Street Greek, 60 Main Street North.
- Lemon Bistro, 76 Main Street North.

Markham Village Music Festival

(Friday, June 16, 2017, 4:00 PM to Saturday, June 17, 2016, 2:00 AM) (Saturday, June 17, 2017, 11:00 AM to 9:00 PM)

The Duchess of Markham, 53 Main Street North***

***Note:

The approval to extend the patio for the Duchess of Markham from Friday, June 16, 2017, 4:00 PM to Saturday, June 17, 2017, 2:00 AM, is subject to the following conditions:

- 1. Over-night road closure has been approved by the City of Markham for Friday June 16, 2017 from 3:00 PM to Saturday June 17, 2017 9:30 PM to facilitate the Markham Village Music Festival.
- 2. Hiring (and confirmation) of a pay duty officer from 10:00 PM to 2:00 AM for each establishment operating past 11:00 PM.
- 3. Provision of stable and secure fence enclosure, with a minimum 0.91 m height, for any licenced patio areas established on municipal property.
- 4. Inspection and approval of fence enclosure by City Staff.
- 5. No amplified music past 11:00 PM.

Markham Auto Classic

(Sunday September 10, 2017, 11:00 AM to 4:00 PM)

- Liberty Burgers & Wings, 144 Main Street North.
- Main's Mansion Restaurant and Bar, 144 Main Street North.
- Inspire Restaurant, 144 Main Street North.
- Main Street Greek, 60 Main Street North.
- Lemon Bistro, 76 Main Street North.
- The Duchess of Markham, 53 Main Street North

16-2017 ROAD CLOSURE – TORAH DEDICATION PARADE AND CEREMONY
(3.5)
Info

The following road closure for Sunday May 14, 2017 from 9:30 AM to 11:00 AM has been approved by the Director of Operation to facilitate the Torah Dedication Parade and Ceremony:

- Green Lane between Guardsman Road and Willowbrook Road.

Carried

Councillor Alex Chiu left the meeting at 7:15 PM.

6. PROCLAMATIONS

(1) PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Karen Rea Seconded by Regional Councillor Jim Jones

- 1) That the following new request for proclamation, 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:
 - Nursing Week (May 8 to 14, 2017); and,
- 2) That the following proclamation, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
 - Pride Week (June 9 to 18, 2017); and,
- 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:
 - Rainbow Flag (For Pride Week, June 9 to 18, 2017) (Organized by York Region LGBT); 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:
 - ALS Double Play Flag (June 10, 2017 Promote Intentional Walk for ALS) (Organized by Intentional Walk for ALS)

7(A) REPORT NO. 20 - DEVELOPMENT SERVICES COMMITTEE (April 24, 2017)

Moved by Regional Councillor Jim Jones Seconded by Councillor Don Hamilton

That Report No. 20 - Development Services Committee comprised of 1 item be received and adopted.

- (1) CREATING CONNECTIONS IN
 THE CITY OF MARKHAM
 (METROLINX REGIONAL EXPRESS RAIL PROGRAM UPDATE) (5.10)
 Presentation
 - 1) That the April 24, 2017 presentation titled "Creating Connections in the City of Markham" by Metrolinx, dated April 24, 2017 be received; and,
 - 2) That Council authorize closure of existing Turff Avenue at Steeles Avenue intersection and direct staff to bring forward the necessary bylaw at the appropriate time; and,
 - That Council authorize the Mayor and Clerk to execute agreement(s) with Metrolinx, the City of Toronto, adjacent land owners, and other parties having jurisdiction, in a form satisfactory to the Chief Administrative Officer and the City Solicitor for implementation of the Regional Express Rail program and the Steeles Avenue East grade separation; and further,
 - 4) That staff be authorized and directed to do all things necessary to give effect to this resolution.

7(B) REPORT NO. 21 - GENERAL COMMITTEE (May 1, 2017)

Moved by Regional Councillor Jim Jones Seconded by Councillor Don Hamilton

That Report No. 21 - General Committee comprised of 3 items be received and adopted.

(1) DEVELOPMENT CHARGES
BACKGROUND STUDY UPDATE (7.0)
Presentation

- 1) That the presentation entitled "Development Charges Background Study Update" be received; and,
- 2) That Council endorse the following policies to be utilized in the preparation of the Development Charges Background Study:
 - a) Staff be directed to institute a policy where new roads/expansions to accommodate growth are funded 100% from Development Charges,
 - b) Staff be directed to levy non-residential City Wide Hard Development Charges based on floor space (Gross Floor Area) rather than land area,
 - Staff be directed to develop a GFA-based methodology that supports differentiated rates for CWH charges related to non-residential development,
 - d) Staff be directed to provide a credit for change-in-use based on the prevailing rates, consistent with York Region; and,
- 3) That Regional Councillor Jim Jones be appointed to the Council Development Charge Committee; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(2) ADDITION OF GENERAL COMMITTEE MEETING (16.0)

1) That an additional General Committee meeting be scheduled for Thursday June 8, 2017 from 9:00 AM to 3:00 PM.

(3) 151-R-16 CONSULTING
ENGINEERING SERVICES FOR
WEST THORNHILL - PHASE 3 STORM
SEWER UPGRADES AND WATERMAIN
REPLACEMENT (5.3)
Report Attachment A Attachment B

- 1) That the report entitled "151-R-16 Consulting Engineering Services for West Thornhill Phase 3 Storm Sewer Upgrades and Watermain Replacement" be received; and,
- 2) That the detailed design work under contract 151-R-16 Consulting Engineering Services for West Thornhill Phase 3 (inclusive of Phases 3A, 3B and 3C) Storm Sewer Upgrades and Watermain Replacement be awarded to the highest ranked, second lowest priced Bidder, R.V. Anderson Associates Limited, in the amount of \$644,608.90, inclusive of HST; and,
- 3) That a 10% contingency in the amount of \$64,460.90, inclusive of HST, be established to cover any additional construction costs and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
- That the detailed design in the amount of \$709,069.80 be funded from the capital projects 16211 "West Thornhill Flood Control Design Phase 3" and project 16247 "Watermain Construction Design for 2017" as outlined under the financial considerations section in this report; and,
- That the budget remaining in project 16211 "West Thornhill Flood Control Design Phase 3" and project 16247 "Watermain Construction Design for 2017" in the amounts of \$285,565.10 and \$8,166.40 respectively, be returned to original funding sources; and,
- That the contract administration services award (inclusive of 10% contingency) for Phase 3A in the amount of \$390,992.44 (\$355,447.68 + \$35,544.76), Phase 3B in the amount of \$394,843.04 (\$358,948.22 + \$35,894.82) and Phase 3C in the amount of \$402,589.02 (\$365,990.02 + \$36,599.00) as outlined under the financial considerations section of this report be requested as part of the 2020, 2021 and 2022 Capital budget process, subject to Council approval; and,
- 7) That the future Purchase Order for contract administration of Phases 3A, 3B & 3C be updated to reflect the actual construction time required based on the final design; and further,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

7(C) REPORT NO. 22 - DEVELOPMENT SERVICES PUBLIC MEETING (May 2, 2017)

Moved by Regional Councillor Jim Jones Seconded by Councillor Don Hamilton

That Report No. 22 - Development Services Public Meeting comprised of 1 item be received and adopted.

(1) PRELIMINARY REPORT
APPLICATION BY TUNG VAN LAM
FOR A ZONING BY-LAW AMENDMENT
TO FACILITATE THE SEVERANCE OF
26 OAKCREST AVENUE
TO CREATE ONE ADDITIONAL BUILDING LOT
FILE NO.: ZA 16 134042 (10.5)
Report

- 1) That the report dated April 10, 2017 titled "PRELIMINARY REPORT, Application by Tung Van Lam for a Zoning By-law Amendment to facilitate severance of 26 Oakcrest Avenue to create one additional building lot (File No. ZA 16 134042)", be received; and,
- 2) That the Record of the Public Meeting held on May 2, 2017, with respect to the proposed Zoning By-law Amendment to facilitate severance of 26 Oakcrest Avenue to create one additional building lot (File No. ZA 16 134042), be received; and,
- 3) That the application by Tung Van Lam to amend the zoning by-law to facilitate severance of 26 Oakcrest Avenue to create one additional building lot (File No. ZA 16 134042), be approved; and,
- 4) That the proposed amendment to Zoning By-laws 304-87 and 122-72, as amended, be enacted without further notice; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

7(D) REPORT NO. 23 - DEVELOPMENT SERVICES COMMITTEE (May 8, 2017)

Moved by Councillor Karen Rea Seconded by Councillor Colin Campbell

That Report No. 23 - Development Services Committee comprised of 1 item be received and adopted.

(1) MAIN STREET MARKHAM PAVER RESTORATION (5.10)

Presentation

- 1) That the staff presentation be received; and,
- 2) That staff recommendation of Option 4 be approved; and,
- 3) That the Director of Engineering and Senior Manager, Purchasing be authorized to invite a selected group of qualified suppliers based on past performance to submit a tender for restoration; and further,
- 4) That the Chief Administrative Office be authorized to award the construction tender to the successful bidder

Carried

8. MOTIONS

There were no motions.

9. NOTICE OF MOTION TO RECONSIDER

There was no notice of motion to reconsider.

10. NEW/OTHER BUSINESS

(1) LETTER OF CREDIT RELATED TO DEMOLITION PERMIT APPLICATION FOR 26 ALBERT STREET (7.0)

Moved by Councillor Karen Rea Seconded by Councillor Colin Campbell

1) That staff review the release of letter of credit related to the Demolition Permit Application for 26 Albert Street.

Carried

Councillor Alex Chiu returned to the meeting at 7:24 PM.

11. ANNOUNCEMENTS

(1) DELEGATION TO EABAMETOONG FIRST NATION (FORT HOPE) (12.2.6)

Regional Councillor Nirmala Armstrong advised that the delegation to Eabametoong First Nation (Fort Hope), by Mayor Frank Scarpitti, Councillor Logan Kanapathi and herself from May 3 to May 5, 2017, was very productive and that the City of Markham will continue to cultivate the relationship. Mayor Frank Scarpitti advised that the Eabametoong First Nation community was very appreciative of the donation from Markham's Chinese community and is investigating on how best to allocate the funds.

(2) APPRECIATION TO OPERATIONS STAFF (12.2.6)

Councillor Valerie Burke expressed appreciation to Operations Staff, Community and Fire Services Commission, for their efforts on the recent tree planting event during stormy weather.

12. BY-LAWS

Moved by Councillor Alex Chiu Seconded by Councillor Alan Ho

That By-laws 2017-29 to 2017-31 be given three readings and enacted.

Three Readings

BY-LAW 2017-29

A BY-LAW TO PROVIDE FOR THE MAKING OF AN APPLICATION FOR APPROVAL TO EXPROPRIATE LAND IN FEE SIMPLE, IN THE CITY OF MARKHAM

(Part of Lots 40, 41, 42 and 43 in Block M on Registered Plan 173 designated as Parts 5, 6, 7, 8, 9 and 11 on Reference Plan 65R-36046)

By-law

Carried

BY-LAW 2017-30

A BY-LAW 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 (TREE BY-LAW) By-law

Carried

BY-LAW 2017-31

SUNRISE ACQUISITIONS (HWY 7) INC., 4116-4154 HIGHWAY 7 EAST AND 96-131 LICHFIELD ROAD, 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, 2 and 3 on Registered plan 65M-4539, north of Highway 7 and west of Sciberras Road. By-law

Carried

13. CONFIDENTIAL ITEMS

Council consented to add a matter related to advice that is subject to solicitor-client privilege, including communications necessary for that purpose as Item No. 7 to the confidential agenda.

Moved by Regional Councillor Jim Jones Seconded by Councillor Colin Campbell

That, in accordance with Section 239 (2) of the <u>Municipal Act</u>, Council resolve into a private session to discuss the following confidential matters (7:29 PM):

(1) MINUTES OF CONFIDENTIAL COUNCIL MEETING
- APRIL 25, 2017 (16.0)
[Section 239 (2) (a) (b) (c) (e) (f)]

Development Services Committee - May 8, 2017

- (2) DEVELOPMENT SERVICES COMMITTEE CONFIDENTIAL MINUTES
 April 10, 2017 (10.0)
 [Section 239 (2) (e) (c)]
- (3) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD ONTARIO MUNICIPAL BOARD VALLEYMEDE BUILDING AMA CORPORATION (WARD 8) (8.0) [Section 239 (2) (e)]
- (4) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD MINOR VARIANCE APPLICATION APPEAL 6 JONQUIL CRESCENT (WARD 4) (8.0)
 [Section 239 (2) (e)]
- (5) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (WARD 4) (7.0) [Section 239 (2) (b)]

Council - May 9, 2017

- (6) LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS (COLLECTIVE BARGAINING UPDATE) (11.0) [Section 239 (2) (d)]
- (7) ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE (WARD 4) (5.10) [Section 239 (2) (f)]

Moved by Councillor Alan Ho Seconded by Councillor Logan Kanapathi

That Council rise from the private session. (8:42 PM)

Carried

The confidential items were approved by Council as follows:

(1) MINUTES OF CONFIDENTIAL COUNCIL MEETING - APRIL 25, 2017 (16.0)

Moved by Councillor Alex Chiu Seconded by Regional Councillor Nirmala Armstrong

1) That the Council Confidential Minutes dated April 25, 2017 be confirmed.

Carried

(2) DEVELOPMENT SERVICES COMMITTEE CONFIDENTIAL MINUTES - APRIL 10, 2017 (10.0)

Moved by Regional Councillor Jim Jones Seconded by Councillor Don Hamilton

1) That the minutes of the Development Services Committee confidential meeting, held April 10, 2017, be confirmed.

(3) VALLEYMEDE BUILDING AMA CORPORATION
CHANGES TO THE OMB SETTLEMENT
APPLICATIONS FOR OFFICIAL PLAN AND
ZONING BY-LAW AMENDMENTS TO
PERMIT 100 TOWNHOUSE DWELLING UNITS
AT 5112, 5122 AND 5248 14TH AVENUE AND
7768, 7778, 7788 AND 7798 MCCOWAN ROAD (WARD 8)
FILE NOS. OP/ZA 12 117316 (8.0)

Moved by Councillor Alex Chiu Seconded by Councillor Logan Kanapathi

- That the confidential report dated April 24, 2017 titled "Valleymede Building AMA Corporation, Changes to the OMB settlement, Applications for Official Plan and Zoning By-law Amendments to permit 100 townhouse dwelling units at 5112, 5122 and 5248 14th Avenue and 7768, 7778, 7788 and 7798 McCowan Road, File Nos. OP/ZA 12 117316" be received; and,
- 2) That the City Solicitor or her designate be directed to attend the OMB hearing to support the revised settlement of the appeal by Valleymede Building AMA Corporation, as described in this report; and,
- 3) That staff be authorized to finalize the contents of the Official Plan Amendment and Zoning By-law Amendment with the Applicant, in consultation with applicable public agencies and in accordance with this report; and,
- 4) That Council authorize the City Solicitor or her designate to execute an amendment to the Minutes of Settlement respecting the appeal, satisfactory to the City Solicitor, to ensure that the applicant supports the revised settlement proposal and conditions described in this Report at the OMB; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

(4) MINOR VARIANCE APPLICATION APPEAL DIANNA KASIAS
6 JONQUIL CRESCENT, MARKHAM
A/159/16 (WARD 4) (8.0)

Moved by Councillor Amanda Collucci Seconded by Councillor Colin Campbell

- 1) That the confidential report titled "Minor Variance Application Appeal, Dianna Kasias, 6 Jonquil Crescent, A/159/16" be received; and,
- That Council direct the City Solicitor and Staff not to attend the Ontario Municipal Board hearing regarding the decision of the Committee of Adjustment to deny the minor variances related to building height, building depth and floor area ratio, provided that the applicant agrees to request the OMB to impose the staff recommended conditions of approval set out below in the event that the OMB allows the variances;
 - a) That the variances apply only to the proposed development as long as it remains;
 - b) That the variances apply only to the subject development, in substantial conformity with the plan(s) submitted with the application received on December 15, 2016 (see Appendix A), to the satisfaction of the Director of Planning and Urban Design or designate;
 - c) That a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, shall be submitted for review and approval by the City, that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the recommendations of the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his/her satisfaction.
 - d) That prior to the commencement of construction or demolition, tree protection be erected around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Director of Planning and Urban Design or their designate and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his/her satisfaction.

- e) That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his/her satisfaction;
- f) That a Siting, Lot Grading and Servicing Plan designed and stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect shall be submitted to the Director of Engineering for review and approval and that the Secretary-Treasurer receive written confirmation from the Director of Engineering or designate that this condition has been fulfilled to his/her satisfaction; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(5) NEW BUSINESS - PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (WARD 4) (7.0)

It was deemed that this item could be dealt with in open session.

Please see New/Other Business Item No. 1 contained in these minutes.

(6) LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS (COLLECTIVE BARGAINING UPDATE) (11.0)

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

1) That staff be authorized to proceed as directed by Council on May 9, 2017 regarding a labour relations or employee negotiations (collective bargaining update) matter.

(7)		AT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING ATIONS NECESSARY FOR THAT PURPOSE (WARD 4) (5.10)	1G
Coun	cil consented to	not report out on this matter.	
14.	CONFIRMA	TORY BY-LAW	
	d by Councillor aded by Regiona	Alex Chiu al Councillor Joe Li	
That l	By-law 2017-32	be given three readings and enacted.	
Three	e Readings		
BY-L	AW 2017-32	A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNC MEETING OF MAY 9, 2017. By-law	!IL
		Carri	ed
15.	ADJOURNM	IENT	
	d by Councillor ded by Council	Alex Chiu lor Valerie Burke	
That t	he Council Mee	eting be adjourned at 8:48 PM.	
		Carri	ed

Frank Scarpitti Mayor

Kimberley Kitteringham City Clerk (Signed)