



Council Minutes

April 11, 2017, 7:00 PM

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 5

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 (left the meeting around 9:35 PM), Councillor Amanda Collucci, Councillor Logan Kanapathi (left the meeting around 8:40 pm), 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
Phoebe Fu, Director of Environmental Services
Kimberley Kitteringham, City Clerk
Martha Pettit, Deputy City Clerk
John Wong, Technology Support Specialist

The meeting of Council convened at 7:09 PM on April 11, 2017 in the Council Chamber.
Mayor Frank Scarpitti presided.

Council observed a moment of silence in recognition of the 100th anniversary of the Battle of Vimy Ridge during World War I.

Council welcomed the students who were in attendance to observe the Council proceedings.

1. DISCLOSURE OF PECUNIARY INTEREST

(1) None declared.

2. APPROVAL OF PREVIOUS MINUTES

- (1) COUNCIL MINUTES - MARCH 21, 2017
[Minutes](#)

Moved by Councillor Logan Kanapathi

Seconded by Councillor Valerie Burke

- 1) That the Minutes of the Council Meeting held on March 21, 2017, be adopted.

Carried

3. PRESENTATIONS

There were no presentations.

4. DEPUTATIONS

- (1) PETER MIASEK - DEPUTATION REGARDING DRAFT YORK REGION
2017 DEVELOPMENT CHARGES BACKGROUND STUDY (13.4)

Moved by Councillor Alan Ho

Seconded by Deputy Mayor Jack Heath

That the deputation of Peter Miasek, Unionville Residents Association, in support of the proposed recommendation regarding the item entitled "Draft York Region 2017 Development Charges Background Study" be received.

(See Item No. 5, Report No. 13 for Council's decision on this matter)

Carried

- (2) DEPUTATIONS - REGARDING HERITAGE PERMIT APPLICATION, SHAKIBA DILMAGHANI AND MASSOOD MASHDI, 149 JOHN STREET, THORNHILL, DRIVEWAY ENTRANCE GATE (16.11)

Moved by Councillor Valerie Burke

Seconded by Councillor Karen Rea

That the following deputations regarding the Heritage Permit Application for 149 John Street be received:

1. Helen Lepek, Lepek Consulting Inc., in support of the proposed recommendation.
2. Barry Nelson, The Society for the Preservation of Historic Thornhill (SPOHT), in opposition to the proposed recommendation

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

Carried

5. COMMUNICATIONS

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Joe Li

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

Received

10-2017 TEMPORARY EXTENSION APPLICATION (LIQUOR SALES LICENCE) FOR JAKES ON MAIN PUB & GRILLE, 202 MAIN STREET UNIONVILLE (WARD 3) (3.21)

[Letter](#)

Requesting an approval from the City of Markham to extend their existing liquor licence for the patio areas at 202 Main Street Unionville. The proposed extension will be utilized in conjunction with the Unionville Festival and Markham Jazz Festival as follows:

1. Unionville Festival, June 2, 3 and 4, 2017
2. Markham Jazz Festival, August 18, 19 and 20, 2017.

Carried

- 11-2017 COMMUNICATION - EXEMPTION TO ANIMAL CONTROL BY-LAW NO. 2005-254 (PYGMY HEDGEHOG) (2.8)
(Item No. 8, Report No. 14)

[Email](#)

Email dated April 6, 2017 from Zita Au providing comments and support regarding the request for exemption to Animal Control By-law No. 2005-254 (pygmy hedgehog).

Carried

- 12-2017 COMMUNICATIONS - HERITAGE PERMIT APPLICATION, SHAKIBA DILMAGHANI AND MASSOOD MASHDI, 149 JOHN STREET, THORNHILL, DRIVEWAY ENTRANCE GATE (16.11)
(New/Other Business No. 2)

[Communications](#)

Communications regarding the Heritage Permit Application for 149 John Street received as follows:

1. Email dated April 10, 2017 from Valerie Tate.
2. Email dated April 10, 2017 from Diane Berwick.
3. Letter dated April 11, 2017 from Helen Lepek, Lepek Consulting Inc.

Carried

6. PROCLAMATIONS

- (1) PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Alex Chiu

Seconded by Councillor Karen Rea

- 1) That the following proclamations, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
 - Be a Donor Month (April 2017)
 - National Volunteer Week (April 23 to 29, 2017)
 - Day of Mourning for Workers Killed or Injured on the Job (April 28, 2017)
 - Multiple Sclerosis Awareness Day (May 25, 2017); and,
- 2) That the following new request for proclamation be approved and added to the Five-Year Proclamations List approved by Council:
 - Markham Toastmasters Club #4782 Month (June 2017); and further,

- 3) 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:
 - Multiple Sclerosis Flag (May 25 to 31, 2017)
(Organized by Multiple Sclerosis Society of Canada York Region)

Carried

7(A) REPORT NO. 13 - DEVELOPMENT SERVICES COMMITTEE (March 20, 2017)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

That Report No. 13 - Development Services Committee comprised of 6 items be received and adopted.

- (1) PRELIMINARY REPORT
APPLICATION FOR DRAFT PLAN OF SUBDIVISION
19TM-16009 AND OFFICIAL PLAN AMENDMENT
BY 605918 ONTARIO LTD. FOR 8651 9TH LINE
IN CORNELL CENTRE
FILES: SU / OP 16 117108 (10.7, 10.3)
[Report](#)

- 1) That the report entitled “PRELIMINARY REPORT, Application for Draft Plan of Subdivision 19TM-16009 and Official Plan Amendment by 605918 Ontario Ltd. For 8651 9th Line, in Cornell Centre, Files SU / OP 16 117108”, be received; and,
- 2) That the Mayor and Clerk be authorized to execute a Construction Agreement and enter into utility and service easements with 605918 Ontario Ltd., as necessary, to allow for construction of underground services in advance of draft plan approval; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(2) MARKHAM CENTRE PARKLAND FUNDING
AND DELIVERY AGREEMENT (10.0)

[Report](#)

- 1) That the report titled “Markham Centre Parkland Funding and Delivery Agreement” dated March 20, 2017 be received; and,
- 2) That the Markham Centre Parkland Funding and Delivery Agreement be terminated; and,
- 3) That the Mayor and Clerk be authorized to execute an agreement to terminate the Markham Centre Parkland Funding and Delivery Agreement; and further,
- 4) That staff be authorized and directed to do all things necessary to give effect to the recommendations set out in this report, including execution of additional documents.

Carried

(3) MARKHAM CENTRE PUBLIC ART (10.0)

[Report](#)

- 1) That the report titled “Markham Centre Public Art” be received; and,
- 2) That a new Culture Department 2017 capital project be created for ‘Markham Centre Public Art’; and,
- 3) That the received funds from the Remington Group in the amount of \$566,913 in account 087-2801255 be transferred to the new ‘Markham Centre Public Art’ account; and,
- 4) That staff follow the Public Art Process as outlined in the Public Art Policy (2012 CFS 02), for the initial public art installation, at a cost not to exceed \$566,913 outlined in this report, and future public art installation within the Remington Group’s Downtown Markham project; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (4) EP VICTORIA SQUARE MANORS LTD.
10925 AND 10945 WOODBINE AVENUE
FILE NOS. SU & ZA 14 136727
REVISIONS TO COUNCIL RECOMMENDATION REPORT (10.5, 10.7)
[Report](#)

- 1) That the report dated March 20, 2017 entitled “EP Victoria Square Manors Ltd. 10925 and 10945 Woodbine Avenue File Nos. SU & ZA 14 136727 Revisions to Council Recommendation Report” be received; and,
- 2) That the staff report entitled “RECOMMENDATION REPORT, EP Victoria Manors Ltd., 10925 and 10945 Woodbine Avenue, Applications for Zoning By-Law Amendment and Draft Plan of Subdivision, File No’s SU & ZA 14 136727” dated April 7, 2015 (the “2015 Report”) and the resolutions approved by Council as part of the 2015 Report be amended as described in this report; and,
- 3) That City Council authorize the appropriate City staff to make the necessary revisions to the 2015 Report to correct the name of the landowner to EP Victoria Square Manors Ltd., and to provide the full legal description of the 3.07m Woodbine Avenue widening as Part of Lot 27, Concession 4, designated as Parts 2, 3, 4, 5, 6, and 7 on Plan RS-1232; and,
- 4) That in accordance with By-law 178-96 the City declare certain lands described as Part of Lot 27, Concession 4, designated as Parts 2, 3, 4, 5, 6 and 7 on Plan RS-1232, City of Markham, Regional Municipality of York, as surplus, being lands originally set out for the Woodbine Avenue road widening; and,
- 5) That subject to No. 4 above, the City enact a By-law to stop up and close the lands described as Part of Lot 27, Concession 4, designated as Parts 2, 3, 4, 5, 6 and 7 on Plan RS-1232, City of Markham, Regional Municipality of York; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2017-17)

(New/Other Business Item No. 1)

Carried

(5) DRAFT YORK REGION
2017 DEVELOPMENT CHARGES BACKGROUND STUDY (13.4)
[Report](#)

- 1) That the report entitled “Draft York Region 2017 Development Charges Background Study” be received; and
- 2) That the Region be requested to include all road projects in Markham as recommended in the York Region 2016 Transportation Master Plan in the York Region 2017 Development Charge Bylaw Background Study; and,
- 3) That the Region consult with City staff to prioritize the timing of implementation of all Regional road improvements to align with planned growth in the City of Markham to 2031; and,
- 4) That the Region be requested to consult with City staff when the Region conducts the annual review of the Regional 10-Year Roads and Transit Capital Construction Program starting with review of the 2017 Program; and,
- 5) That York Region be requested to come to a future City of Markham Development Services Committee meeting with a presentation explaining why the full Transportation Master Plan cannot be funded without significant tax levy and debt pressure; and further,
- 6) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

Councillor Valerie Burke noted she is in opposition to road widenings specifically Bayview Avenue.

(6) NEW/OTHER BUSINESS
COUNCIL/STANDING COMMITTEE MEETING CALENDAR
- COUNCIL MEETING (16.0)

- 1) That the Tuesday October 31, 2017 Council meeting be rescheduled to Wednesday November 1, 2017.

Carried

7(B) REPORT NO. 14 - GENERAL COMMITTEE (April 3, 2017)

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Amanda Collucci

That Report No. 14 - General Committee comprised of 8 items be received and adopted, except Item Nos. 1 and 8. (See following Item Nos. 1 and 8)

(1) STEELES AVENUE GRADE SEPARATION
AT STOUFFVILLE GO LINE (5.7)

[Presentation](#)

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Amanda Collucci

- 1) That the presentation “Steeles Avenue Grade Separation at Stouffville GO Line” at the April 3, 2017 meeting of General Committee be received; and,
- 2) That the City of Markham advise that it has no objection to the EA preferred design alternative, and the three outstanding items as indicated on slide 9 to be addressed in the detailed design stage; and,
- 3) That the following aspects also be considered:
 - Implement the City's Bird friendly guidelines for the design of the pedestrian bridge
 - A combination of elevators and escalators to address capacity and personal security
 - Include enhanced landscaping and urban streetscape along the widened section of Steeles Avenue
 - Lower or open up sections of the retaining wall to enhance streetscape and to improve appearance
 - Address possibility of pedestrian crossing at rail line north of Steeles Avenue
 - Pursue a dedicated left hand turn access into private property on the north side of Steeles Avenue
 - All residential properties backing on to the Environmental Assessment project should have their backyard fences replaced at 100% of Metrolinx cost
 - Extend or relocate GO platform such that a portion of the platform is on the north side of Steeles Avenue; and,
- 4) That the above design improvements be implemented in the context of the significant land use and economic development node emerging on the north and south sides of Steeles Avenue at this location; and,

- 5) That Staff submit any comments from the April 3, 2017 General Committee, as draft comments subject to Council endorsement, to the City of Toronto, Metrolinx and the Ministry of the Environment and Climate Change before the EA public review period ends on April 7, 2017; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

Council consented to delete the following proposed Recommendation No. 3:

- "3) That the following aspects also be considered:
- Implement the City's Bird friendly guidelines for the design of the pedestrian bridge
 - Combination of elevators and escalators, and address capacity and personal security
 - Include enhanced urban street streetscape along the widened section of Steeles Avenue
 - Lower or open up sections of the retaining wall to enhance streetscape and to improve appearance
 - Address possibility of pedestrian crossing at rail line north of Steeles Avenue
 - Pursue a dedicated left hand turn access into private property on the north side of Steeles Avenue
 - All properties backing on to the Environmental Assessment development project should have their backyard fences compensated at 100% of the cost
 - Extend GO platform as close to Steeles Avenue as possible; and, "

and replace with the following as Recommendation Nos. 3 and 4:

- "3) That the following aspects also be considered:
- Implement the City's Bird friendly guidelines for the design of the pedestrian bridge
 - A combination of elevators and escalators to address capacity and personal security
 - Include enhanced landscaping and urban streetscape along the widened section of Steeles Avenue
 - Lower or open up sections of the retaining wall to enhance streetscape and to improve appearance
 - Address possibility of pedestrian crossing at rail line north of Steeles Avenue
 - Pursue a dedicated left hand turn access into private property on the north side of Steeles Avenue
 - All residential properties backing on to the Environmental Assessment project should have their backyard fences replaced at 100% of Metrolinx cost

- Extend or relocate GO platform such that a portion of the platform is on the north side of Steeles Avenue; and,
- 4) That the above design improvements be implemented in the context of the significant land use and economic development node emerging on the north and south sides of Steeles Avenue at this location; and,"
- (2) CITY WIDE STREETSCAPE
BEAUTIFICATION (6.3)
[Presentation](#) [Report](#)
- 1) That the presentation dated April 3, 2017 titled "Streetscape Beautification Program" be received; and,
- 2) That the report dated April 3, 2017 titled "City Wide Streetscape Beautification be received"; and,
- 3) That the current City deployment of traditional elements in areas of identified opportunity in favor of Citywide large self watering planters at high impact intersections be revised; and,
- 4) That the deployment of materials on historic main street areas to allow beautification within the space limitations be continued; and,
- 5) That traditional streetscape elements in 2 newly identified business districts be added; and,
- 6) That the current deployment of barrels from private businesses be discontinued; and,
- 7) That surplus barrels and baskets to Sustainability and Recreation for Community gardens and camps be offered; and;
- 8) That the operating costs be monitored in 2017 with any savings being redirected to gateway beautification in 2018 aligning with future gateway master plan; and further,
- 9) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(3) AWARD OF CONTRACT
260-R-16 2017 SANITARY
SEWER SYSTEM REHABILITATION
UPGRADE PROGRAM (5.5)

[Report](#)

- 1) That the report entitled “Award of Contract 260-R-16: 2017 Sanitary Sewer System Rehabilitation and Upgrade Program” be received; and,
- 2) That Contract ‘A’ for Sanitary Sewer Spot Repairs, Cured-In-Place-Pipe Lining & Manhole Repairs be awarded to the highest ranked and lowest priced bidder Capital Sewer Services Inc., in the total amount of \$188,359.80 inclusive of HST; and,
- 3) That Contract ‘B’ for Sanitary Sewer Testing and Grouting at Joints be awarded to the highest ranked and lowest priced bidder D.M. Robichaud Associates Ltd., in the total amount of \$314,334.60, inclusive of HST; and,
- 4) That Contract ‘C’ for Sanitary Sewer Lateral Repairs and Cured-In-Place-Pipe Lining be awarded to the highest ranked and lowest priced bidder D.M. Robichaud Associates Ltd., in the total amount of \$360,026.88, inclusive of HST; and,
- 5) That a contingency in the amount of \$25,881.64 (3%) $((\$188,359.80 + \$314,334.60 + \$360,026.88) \times 3\%)$, inclusive of HST be established to cover any additional 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,
- 6) That the 2017 award in the total amount of \$888,602.92 $(\$188,359.80 + \$314,334.60 + \$360,026.88 + \$25,881.64)$ be funded from the Waterworks capital project 17220 Sanitary Sewer System Upgrade Program (account 053-6150-17220-005) with a current budget available of \$1,278,700.00; and,
- 7) That the budget remaining in the amount of \$390,097.08 inclusive of HST be returned to the original funding source; and,
- 8) That the term of the three Contracts ‘A’, ‘B’ and ‘C’ be approved for one year (2017), with an option to extend the contract for one additional year (2018), at the same terms, conditions and pricing; and,

- 9) That the Director of the Environmental Services and the Senior Manager of Purchasing and Accounts Payable be authorized to extend the contract for one additional year (2018), subject to Council approval of the 2018 budget based on the same terms, conditions and pricing; and further,
- 10) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(4) WEST THORNHILL FLOOD CONTROL
IMPLEMENTATION - ADDITIONAL
WATERMAIN DESIGN WITHIN
PHASES 2C & 2D AREAS (5.4)
[Report](#) [Attachment A](#) [Attachment B](#)

- 1) That the report entitled “West Thornhill Flood Control Implementation – Additional Watermain design within Phase 2C & 2D Areas” be received; and,
- 2) That the contract for the detailed design of watermain for the Phases 2C & 2D area (Grandview) be awarded to R.V. Anderson Associates Ltd. In the amount of \$172,686.72 inclusive of disbursements and HST; and,
- 3) That a 10% contingency in the amount of \$17,268.67 inclusive of HST be established to cover any additional costs 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,
- 4) That the watermain replacement design component in the amount of \$189,955.39 inclusive of contingency and HST (\$172,686.72 + \$17,268.67) be funded from the “Waterworks Stabilization/ Capital Reserve” and a new Waterworks capital project be established for ‘Additional Watermain design within Phases 2C & 2D Areas’; and,
- 5) That the procurement process be waived in accordance with Purchasing By-Law 2004-341, Part II, Section 7 Non Competitive Procurement, item 1 (c), which states “When the extension of an existing contract would prove more cost-effective and beneficial”; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(5) ELECTRIC VEHICLE WORKPLACE
CHARGING PILOT (5.0)

[Report](#)

- 1) That the report “Electric Vehicle Workplace Charging Pilot” be received; and,
- 2) That the CAO be authorized to execute an agreement with Alectra Energy Solutions Inc., for a two year electric vehicle workplace charging pilot at the Civic Centre, in a form satisfactory to the CAO and the City Solicitor; and,
- 3) That the CAO be authorized to execute an agreement with Alectra Energy Solutions Inc., following the two year pilot, to purchase the pilot equipment for a nominal fee and for electric vehicle workplace charging various services for five years plus an option to renew for an additional five years, in a form satisfactory to the CAO and the City Solicitor; and,
- 4) The Council approve the locations of nine electric vehicle charging stations at the Civic Centre as shown on Appendix A, configured as follows:
 - a. Five dual head Level 2 charges in the outdoor parking lot capable of supplying 10 vehicles total, with access limited to program participants.
 - b. One single head Level 2 charger for public use with a fee of \$1/hr, adjacent to the existing Level 3 Fast Charger.
 - c. Three dual head Level 2 chargers in the parking garage capable of supplying 6 vehicles total, with access limited to program participants; and,
- 5) That Council endorse the preferred location shown in Appendix A of the ‘Solar Carport’, if funded by Natural Resources Canada; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(6) CONTRACT EXTENSION FOR CAFETERIA
SERVICES AT THE MARKHAM
CIVIC CENTRE (7.12)

[Report](#)

- 1) That the report entitled “Contract Extension for Cafeteria Services at the Markham Civic Centre” be received; and,
- 2) That the tendering process be waived in accordance with Purchasing By-Law 2004-341, Part II, Section 7.1 (c) which states: when the extension of an existing contract would prove more cost-effective or beneficial; and,

- 3) That Contract for Cafeteria Services at the Markham Civic Centre be extended to 2267644 Ontario Inc. (formerly known as Unique Caterers) from January 1, 2017 to December 31, 2019 at a fixed annual rate of \$31,125.00; and,
- 4) That the fixed annual revenue in the amount of \$31,125.00 be credited to the account # 890 890 8902 Cafeteria Revenue; and,
- 5) That 2267644 Ontario Inc. be responsible for payment of property taxes based on the annual assessed value for provision of food services, estimated to be \$2,000.00 in 2017; and,
- 6) That 2267644 Ontario Inc. provide an additional amount of \$600.00 for one parking space in the underground parking garage; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(7) CANCELLATION, REDUCTION OR
REFUND OF TAXES UNDER
SECTION 357 & 358 OF THE
MUNICIPAL ACT, 2001 (7.1)

[Report](#)

- 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 taxes totalling approximately \$4,607.55 be adjusted under sections 357 and 358 of the Municipal Act, 2001 of which the city’s portion is estimated to be \$1,067.47; and,
- 3) That the associated interest be cancelled in proportion to the tax adjustments; and,
- 4) That the Treasurer be directed to adjust the Collector’s Roll accordingly; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(8) EXEMPTION TO ANIMAL CONTROL
BY-LAW NO. 2005-254 (2.8)
[Report](#)

Moved by Councillor Colin Campbell
Seconded by Councillor Amanda Collucci

Whereas the City of Markham's Animal Care Committee's support for the proposed one time exemption to the Animal Control By-law is conditional on the pygmy hedgehog being obtained from a rescue if at all possible and not a breeder;

Now therefore be it resolved:

- 1) That the report entitled "Exemption to Animal Control By-law No. 2005-254" be received; and,
- 2) That Council approve an exemption to the Animal Control By-law No. 2005-254 to permit Zita Au to possess a pygmy hedgehog; and,
- 3) That Council not waive the exemption fee of \$200.00; and,
- 4) That Zita Au be advised of this resolution and thanked for following the established exemption process; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried by a recorded vote (9:3)

(See following recorded vote)

(See following proposed amendment which was lost)

(See following to consider the matter)

Recorded vote (9:3):

YEAS: Councillor Don Hamilton, Councillor Karen Rea, Regional Councillor Nirmala Armstrong, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Alex Chiu. (9)

NAYS: Councillor Valerie Burke, Councillor Alan Ho, Deputy Mayor Jack Heath. (3)

ABSENT: Councillor Logan Kanapathi. (1)

Proposed amendment which was lost:

Moved by Councillor Colin Campbell

Seconded by Councillor Amanda Collucci

That Council waive the exemption fee of \$200.00.

Lost by a recorded tie vote (6:6)

(See following recorded vote)

YEAS: Regional Councillor Nirmala Armstrong, Regional Councillor Jim Jones, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Alex Chiu. (6)

NAYS: Councillor Valerie Burke, Councillor Alan Ho, Councillor Don Hamilton, Councillor Karen Rea, Mayor Frank Scarpitti, Deputy Mayor Jack Heath. (6)

ABSENT: Councillor Logan Kanapathi. (1)

Motion to consider the matter:

Moved by Councillor Colin Campbell

Seconded by Regional Councillor Nirmala Armstrong

That Council consider the matter regarding the request for exemption to Animal Control By-law No. 2005-254 (pygmy hedgehog) immediately following the consideration of the Heritage Permit Application for 149 John Street.

Carried

7(C) REPORT NO. 15 - DEVELOPMENT SERVICES COMMITTEE (April 10, 2017)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

That Report No. 15 - Development Services Committee comprised of 2 items be received and adopted.

- (1) PRIVATE MEMBERS BILL C-323
AN ACT TO AMEND THE INCOME TAX ACT
(REHABILITATION OF HISTORIC PROPERTY) (16.11, 7.0)

[Report](#)

- 1) That the staff report entitled “Private Members Bill C-323 An Act to Amend the Income Tax Act (rehabilitation of historic property), dated April 10, 2017, be received; and,
- 2) Whereas the City of Markham is a leader in the heritage conservation movement in Canada and a strong advocate for programs and initiatives that will assist in the protection and enhancement of its local cultural heritage resources; and,

Whereas a heritage tax credit incentive through the Income Tax Act to encourage and assist in the rehabilitation of protected heritage buildings will assist owners of these properties as well as benefit all Canadians, especially as Canada celebrates its 150th anniversary as a country; and,

That Markham Council offers its support in requesting that Parliament adopt Bill C-323 An Act to Amend the Income Tax Act (rehabilitation of historic property); and,

- 3) That this resolution be sent to the following individuals:
 - Hon. Catherine McKenna, Minister of the Environment
 - Hon. William Morneau, Minister of Finance
 - Bob Saroya, Member of Parliament, Markham-Unionville
 - Hon. Jane Philpott, Member of Parliament, Markham-Stouffville
 - Mary Ng, Member of Parliament, Markham-Thornhill
 - Nathalie Bull, Executive Director, National Trust
 - Peter Kent, Member of Parliament, Thornhill; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (2) 2014 CITY OF MARKHAM OFFICIAL PLAN, PART 1
– PROPOSED FURTHER MODIFICATIONS RECOMMENDED
FOR APPROVAL BY THE ONTARIO MUNICIPAL BOARD (10.0)

[Report](#)

- 1) That the report entitled “2014 City of Markham Official Plan, Part I – Proposed Further Modifications Recommended for Approval by the Ontario Municipal Board” dated April 10, 2017, be received; and,
- 2) That the proposed modifications to the 2014 City of Markham Official Plan – Part 1, as outlined in Appendix ‘A’ of the report entitled “2014 City of Markham Official Plan, Part I – Proposed Further Modifications Recommended for Approval by the Ontario Municipal Board” dated April 10, 2017, be endorsed, and forwarded to the Ontario Municipal Board for approval; and further,
- 3) That staff and legal counsel 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 was no notice of motion to reconsider.

10. NEW/OTHER BUSINESS

- (1) NOTICES OF PROPOSED SALE
(EP VICTORIA SQUARE MANORS LTD.)
PART OF LOT 27, CONCESSION 4,
DESIGNATED AS PARTS 2, 3, 4, 5, 6 AND 7
ON PLAN RS-1232 (10.5, 10.7)

[Map](#)

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Alan Ho

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 Lot 27, Concession 4, designated as Parts 2, 3, 4, 5, 6 and 7 on Plan RS-1232, City of Markham, Regional Municipality of York, being lands originally set out for the Woodbine Avenue road widening, be confirmed.

(Item No. 4, Report No. 13)

Carried

- (2) HERITAGE PERMIT APPLICATION
SHAKIBA DILMAGHANI AND MASSOOD MASHDI
149 JOHN STREET, THORNHILL
DRIVEWAY ENTRANCE GATE (16.11)

[Memo](#)

Moved by Regional Councillor Nirmala Armstrong

Seconded by Regional Councillor Jim Jones

- 1) That the depositions by Helen Lepek of Lepek Consulting Inc., representing the applicant, and Barry Nelson, representing the Society for the Preservation of Historic Thornhill (SPOHT), at the February 13, 2017 Development Services Committee meeting, regarding a Heritage Permit for 149 John Street, be received; and,
- 2) That the staff memo dated February 13, 2017 regarding a Heritage Permit application for a driveway entrance gate at 149 John Street, Thornhill, be received; and,

- 3) Whereas Heritage Markham and Heritage Staff in their report of December 5, 2016 recommended that the heritage permit application to approve the driveway gate at 149 John Street, Thornhill be denied; and

Whereas the Development Services Committee recommended on December 5, 2016 that the application be referred back to staff to work with the applicants to explore an appropriate, less intrusive gate design, with appropriate materials, to be brought back to the Development Services Committee for consideration; and,

Whereas Heritage Staff suggested to the applicant a simple wooden gate mounted on the original iron hinges of the existing masonry piers, based on the physical evidence that there was once a historic driveway gate at 149 John Street (Appendix 'B'); and,

Whereas the applicant does not support the style of gate recommended by Heritage Section Staff, but is willing to modify the existing metal driveway gate, mounted on the newly installed posts (Appendix 'C'); and,

Whereas if a metal driveway gate is supported by Council, then Option 2 shown in Appendix 'C' is the preferred approach; and,

Whereas 149 John Street is located in the east end of the Heritage District; and,

Whereas 149 John Street has a 37 metres setback from the road and a substantial lot size;

Now therefore be it resolved:

- 4) That the metal gate be permitted subject to the final design being approved by 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 BY A RECORDED VOTE (8:4)

(See following recorded vote)

(See following proposed motion which was lost)

(See following motion to consider the matter)

(See following proposed recommendation which was not considered)

Recorded vote (8:4):

YEAS Councillor Alan Ho, Regional Councillor Nirmala Armstrong, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Alex Chiu. (8)

NAYS: Councillor Valerie Burke, Councillor Don Hamilton, Councillor Karen Rea, Deputy Mayor Jack Heath. (4)

ABSENT: Councillor Logan Kanapathi. (1)

Proposed motion which was lost:

Moved by Councillor Valerie Burke

Seconded by Deputy Mayor Jack Heath

- 1) That the depositions by Helen Lepek of Lepek Consulting Inc., representing the applicant, and Barry Nelson, representing the Society for the Preservation of Historic Thornhill (SPOHT), at the February 13, 2017 Development Services Committee meeting, regarding a Heritage Permit for 149 John Street, be received; and,
- 2) That the staff memo dated February 13, 2017 regarding a Heritage Permit application for a driveway entrance gate at 149 John Street, Thornhill, be received; and,
- 3) Whereas Heritage Markham and Heritage Staff in their report of December 5, 2016 recommended that the heritage permit application to approve the driveway gate at 149 John Street, Thornhill be denied;

Now therefore be it resolved:

- 4) That the existing metal gate be removed within 30 days of the April 11, 2017 Council meeting; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Lost by a recorded vote (8:4)
(See following recorded vote)

NAYS Councillor Alan Ho, Regional Councillor Nirmala Armstrong, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Alex Chiu. (8)

YEAS: Councillor Valerie Burke, Councillor Don Hamilton, Councillor Karen Rea, Deputy Mayor Jack Heath. (4)

ABSENT: Councillor Logan Kanapathi. (1)

Motion to consider the matter:

Moved by Councillor Valerie Burke

Seconded by Councillor Logan Kanapathi

That Council consider the matter regarding the Heritage Permit Application for 149 John Street immediately following the deputations with respect thereto.

Carried

Proposed recommendation which was not considered:

Council consented to not consider the following proposed recommendation from the February 13, 2017 Development Services Committee:

- 1) That the deputations by Helen Lepek of Lepek Consulting Inc., representing the applicant, and Barry Nelson, representing the Society for the Preservation of Historic Thornhill (SPOHT), at the February 13, 2017 Development Services Committee meeting, regarding a Heritage Permit for 149 John Street, be received; and,
- 2) That the staff memo dated February 13, 2017 regarding a Heritage Permit application for a driveway entrance gate at 149 John Street, Thornhill, be received; and,
- 3) Whereas Heritage Markham and Heritage Staff in their report of December 5, 2016 recommended that the heritage permit application to approve the driveway gate at 149 John Street, Thornhill be denied; and,

Whereas the Development Services Committee recommended on December 5, 2016 that the application be referred back to staff to work with the applicants to explore an appropriate, less intrusive gate design, with appropriate materials, to be brought back to the Development Services Committee for consideration; and,

Whereas Heritage Staff suggested to the applicant a simple wooden gate mounted on the original iron hinges of the existing masonry piers, based on the physical evidence that there was once a historic driveway gate at 149 John Street (Appendix 'B'); and,

Whereas the applicant does not support the style of gate recommended by Heritage Section Staff, but is willing to modify the existing metal driveway gate, mounted on the newly installed posts (Appendix 'C'); and,

Whereas if a metal driveway gate is supported by Council, then Option 2 shown in Appendix 'C' is the preferred approach; and,

Now therefore be it resolved:

- 4) That the metal gate illustrated in Option 2 in Appendix 'C' as proposed by the applicant is supported; and,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Note: This matter was considered by Development Services Committee on February 13, 2017 and the proposed recommendation was lost by a tie vote. On March 1, 2017, Council postponed the matter to the April 11, 2017 Council meeting.

(3) CONTROLLING GROUND FLOOR OFFICE USES
IN MARKHAM VILLAGE – COMMERCIAL CORE AREA (10.5, 16.11)
[Report](#)

This item was postponed from the March 21, 2017 Council meeting to allow for the Markham Village Business Improvement Area Board of Management to present the matter to their April 5, 2017 Annual General Meeting.

Moved by Councillor Karen Rea
Seconded by Councillor Colin Campbell

That the following recommendation from the February 27, 2017 Development Services Committee meeting be postponed to the September 11, 2017 Development Services Committee meeting:

- "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 further,

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

Carried

11. ANNOUNCEMENTS

There were no announcements.

12. BY-LAWS

Moved by Councillor Alex Chiu
Seconded by Councillor Alan Ho

That By-laws 2017-17 to 2017-21 be given three readings and enacted.

Three Readings

BY-LAW 2017-17 A BY-LAW TO STOP UP AND CLOSE THE LANDS DESCRIBED AS PART OF LOT 27, CONCESSION 4, DESIGNATED AS PARTS 2, 3, 4, 5, 6 AND 7 ON PLAN RS-1232
(Item No. 4, Report No. 13)

[By-law](#)

Carried

BY-LAW 2017-18 A BY-LAW TO DEDICATE CERTAIN LANDS AS PART OF THE HIGHWAYS OF THE CITY OF MARKHAM (LICHFIELD ROAD)
Part of Lot 11, Concession 5, designated as Block 13, 65M-3019, Part of Lot 11, Concession 5, designated as Block CX, Plan M-1475 and Part of Lot 11, Concession 5, designated as Part 8, Plan 65M-28640 - Lichfield Road

[By-law](#)

Carried

BY-LAW 2017-19 A BY-LAW TO AMEND BYLAW 32-95, BEING A BYLAW TO ESTABLISH AND MAINTAIN A SYSTEM FOR THE COLLECTION AND DISPOSAL OF REFUSE IN THE CITY OF MARKHAM (REFUSE BY-LAW)

[By-law](#)

Carried

BY-LAW 2017-20 A BY-LAW TO AUTHORIZE THE USE OF INTERNET VOTING AS AN ALTERNATIVE VOTING METHOD IN THE CITY OF MARKHAM (2018 MUNICIPAL ELECTION)

[By-law](#)

Carried

BY-LAW 2017-21 A BY-LAW TO AUTHORIZE THE USE OF OPTICAL SCANNING VOTE TABULATORS AND VOTE RECORDERS AS AN ALTERNATIVE VOTING METHOD IN THE CITY OF MARKHAM (2018 MUNICIPAL ELECTION)

[By-law](#)

Carried

13. CONFIDENTIAL ITEMS

Moved by Councillor Alex Chiu

Seconded by Deputy Mayor Jack Heath

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into a private session to discuss the following confidential matters (9:37 PM):

- (1) MINUTES OF CONFIDENTIAL COUNCIL MEETING
- MARCH 21, 2017 (16.0)
[Section 239 (2) (e) (f)]

Development Services Committee - March 20, 2017

- (2) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD - (WARD 4) (8.6)
Section 239 (2) (c)]

General Committee - April 3, 2017

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

- (4) THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR LOCAL BOARD (LEASE AGREEMENT) (13.7, 8.0)
[Section 239 (2) (a)]

Council - April 11, 2017

- (5) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD - 6 ERLANE AVENUE (WARD 4) (8.0)
[Section 239 (2) (e)]

Moved by Councillor Don Hamilton
Seconded by Regional Councillor Nirmala Armstrong

That Council rise from the private session (9:45 PM).

Carried

The confidential items were approved by Council as follows:

- (1) MINUTES OF CONFIDENTIAL COUNCIL MEETING
- MARCH 21, 2017 (16.0)

Moved by Councillor Alex Chiu
Seconded by Councillor Valerie Burke

- 1) That the Council Confidential Minutes dated March 21, 2017 be confirmed.

Carried

(2) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 4) (8.6)

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Karen Rea

- 1) That the confidential report regarding a proposed or pending acquisition or disposition of land by the municipality or local board in Ward 4 be received; and,
- 2) That staff be authorized to proceed as directed by Council on April 11, 2017.

Carried

(3) APPOINTMENTS TO BOARDS/COMMITTEES (16.24)

Moved by Regional Councillor Joe Li

Seconded by Regional Councillor Nirmala Armstrong

- 1) That the following person be appointed to the Main Street Markham Committee:

<u>Name</u>	<u>Term</u>
John Himanen	November 30, 2020; and,

- 2) That the following person be appointed to the Environmental Advisory Committee:

<u>Name</u>	<u>Term</u>
Aamir Sadiq	November 30, 2020; and,

- 3) That the following person be appointed to the Doors Open Markham Committee:

<u>Name</u>	<u>Term</u>
Michael Cheng	November 30, 2020; and,

- 4) That the following person be appointed to the Senior's Hall of Fame Committee:

<u>Name</u>	<u>Term</u>
Liu Li	November 30, 2020; and further,

- 5) That the following person be appointed to the Public Realm Advisory Committee:

<u>Name</u>	<u>Term</u>
Alick Siu	November 30, 2020.

Carried

(4) THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR LOCAL BOARD (LEASE AGREEMENT) (13.7, 8.0)

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

- 1) That the confidential report regarding the security of the property of the municipality or local board (lease agreement) be received; and,
- 2) That staff be authorized to proceed as directed by Council on April 11, 2017.

Carried

(5) MINOR VARIANCE APPLICATION APPEAL
PETER WEST
6 ERLANE AVENUE
A/115/16 (8.0)

Moved by Councillor Karen Rea

Seconded by Regional Councillor Jim Jones

- 1) That the confidential report titled "Minor Variance Application Appeal, Peter West, 6 Erlane Avenue, A/115/16" be received; and,
- 2) 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 approve the minor variances related to building height, building depth, floor area ratio and garage projection, 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 dated November 24, 2016 (see Appendix A), to the satisfaction of the Director of Planning and Urban Design or designate;
 - c) That a siting/grading plan of the property shall be submitted to the City for review and approval, and that the Secretary-Treasurer receives written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;

- d) That through the City's review and approval of the siting/grading plan, the owner demonstrates that:
 - i) the existing drainage pattern within the property will not be altered in such a way as to cause any adverse impact on the existing drainage from the site to abutting properties; and
 - ii) there is no negative impact to any abutting property respecting surface water drainage;

and that the Secretary-Treasurer receives written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;

- e) 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, reviewed and approved by the City, 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, and that any detailed siting/grading plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
- f) That prior to the commencement of construction or demolition, tree protection be erected around all trees on site, including street trees, to the satisfaction of the Director of Planning and Urban Design or their designate, in accordance with the City's Streetscape Manual (2009) as amended, be inspected by City Staff, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
- g) That arrangements for tree replacement or other plantings be made, if required, in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
- h) That arrangements for tree replacement be made and/or cash-in-lieu be paid to the City for trees that were removed without a permit from the front yard of the subject property as shown in Figure 4 (see attached), and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate; and further,

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

Carried

14. CONFIRMATORY BY-LAW

Moved by Councillor Alex Chiu
Seconded by Councillor Karen Rea

That By-law 2017-22 be given three readings and enacted.

Three Readings

BY-LAW 2017-22 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL
MEETING OF APRIL 11, 2017.
[By-law](#)

Carried

15. ADJOURNMENT

Moved by Councillor Alex Chiu
Seconded by Councillor Valerie Burke

That the Council Meeting be adjourned at 9:48 PM.

Carried

Kimberley Kitteringham
City Clerk
(Signed)

Frank Scarpitti
Mayor