



Council Minutes

November 29, 7:00 PM

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 18

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
Jim Baird, Commissioner of Development Services
Trinela Cane, Commissioner of Corporate Services
Brenda Librecz, Commissioner of Community and Fire Services
Joel Lustig, Treasurer
Raj Raman, Mayor's Chief of Staff
Dennis Flaherty, Director of Communications and Community Relations
Kimberley Kitteringham, City Clerk
Martha Pettit, Deputy City Clerk
John Wong, Technology Support Specialist

The meeting of Council convened at 7:06 PM on November 29, 2016 in the Council Chamber. Mayor Frank Scarpitti presided.

Mayor and Members of Council extended a warm welcome to guests in attendance from Havergal College to observe Markham Council meeting as part of their Grade 10 Civic course.

Commissioner Trinela Cane advised that this was Dennis Flaherty's last Council meeting prior to his retirement and acknowledged his work with the City of Markham over the past eight plus years. Mayor Frank Scarpitti, on behalf of Council, wished Dennis all the best in his future endeavours.

1. DISCLOSURE OF PECUNIARY INTEREST

- (1) Councillor Valerie Burke disclosed an interest with respect to Item 1, Report No. 45 and By-law 2016-136 (26 Colborne Street) by nature of the property being her personal residence, and did not take part in the discussion or vote on the question of the approval of this matter.

2. MINUTES

- (1) COUNCIL MINUTES - NOVEMBER 15 AND 16, 2016
[Minutes](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

- 1) That the Minutes of the Council Meeting held on November 15 and 16, 2016, be adopted.

Carried

3. PRESENTATIONS

There were no presentations.

4. DELEGATIONS

There were no delegations.

5. PETITIONS

There were no petitions.

**6(A) REPORT NO. 45 - DEVELOPMENT SERVICES COMMITTEE
(November 21, 2016)**

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 45 - Development Services Committee comprised of 4 items be received and adopted, except Item No. 1. (See following Item No. 1)

- (1) HERITAGE EASEMENT AGREEMENTS
FOR HERITAGE PROPERTY TAX REDUCTION PROGRAM
292 MAIN STREET NORTH, MARKHAM VILLAGE
20 MARKHAM STREET, MARKHAM VILLAGE
26 COLBORNE STREET, THORNHILL (16.11)
[Report](#)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

- 1) That the staff report titled “Heritage Easement Agreements for Heritage Property Tax Reduction Program, 292 Main Street North, Markham Village, 20 Markham Street, Markham Village, 26 Colborne Street, Thornhill”, dated November 21, 2016, be received; and,
- 2) That a by-law be passed to authorize the Mayor and Clerk to execute a Heritage Easement Agreement with the property owners of 292 Main Street North, 20 Markham Street, Markham Village and 26 Colborne Street, and any other documents required to give effect thereto, in a form satisfactory to the City Solicitor; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2016-136)

Carried

(Councillor Valerie Burke abstained due to conflict)

Councillor Valerie Burke disclosed an interest with respect to Item 1, Report No. 45 (26 Colborne Street) by nature of the property being her personal residence, and did not take part in the discussion or vote on the question of the approval of this matter.

- (2) REQUEST FOR DEMOLITION
– SINGLE DETACHED DWELLING
9 ROUGE STREET, MARKHAM VILLAGE (16.11 & 10.13)

[Report](#)

- 1) That the staff report entitled “Request for Demolition – Single Detached Dwelling, 9 Rouge Street, Markham Village ”, dated November 21, 2016 be received; and,
- 2) That Council endorse the demolition of the non heritage dwelling at 9 Rouge Street, located within the Markham Village Heritage Conservation District, subject to the Owner obtaining Site Plan Approval for a new infill single detached dwelling; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (3) RECOMMENDATION REPORT
KYMBERVILLE CAPITAL INC.
PROPOSED OFFICIAL PLAN AMENDMENT
ZONING BY-LAW AMENDMENT AND
REDLINE REVISION TO DRAFT APPROVED
PLAN OF SUBDIVISION 19TM-040016
NORTH OF HIGHWAY 7, WEST OF WILLIAM FORSTER ROAD
FILES OP 15 028274, ZA 15 028274 & SU 15 028274 (10.3, 10.5 & 10.7)

[Report](#)

- 1) Proposed Official Plan Amendment, Zoning By-law Amendment and Redline Revision to Draft Approved Plan of Subdivision 19TM-040016, north of Highway 7, west of William Forster Road, Files OP 15 028274, ZA 15 028274 & SU 15 028274”, be received; and,
- 2) That the record of the Public Meeting held on June 21, 2016, regarding the applications for approval of an Official Plan Amendment, Zoning By-law Amendment and Redline Revision to Draft Approved Plan of Subdivision 19TM-040016, be received; and,
- 3) That the Official Plan Amendment application submitted by Kymberville Capital Inc. to amend the Cornell Secondary Plan (2008) be approved, and that the draft Official Plan Amendment attached as Appendix ‘A’ be finalized and enacted without further notice; and,

- 4) That the Zoning By-law Amendment application submitted by Kymberville Capital Inc., to amend Zoning By-law 177-96, as amended, be approved and that the draft by-law attached as Appendix 'B' be finalized and enacted without further notice; and,
- 5) That Redline Revision to Draft Approved Plan of Subdivision 19TM-040016 submitted by Kymberville Capital Inc., be draft approved subject to the conditions outlined in Appendix 'C'; and,
- 6) That the Director of Planning and Urban Design, or his designate be delegated authority to issue draft approval, subject to the conditions set out in Appendix 'C' as may be amended by the Director of Planning and Urban Design; and,
- 7) That the draft plan approval for Plan of Subdivision 19TM- 040016 will lapse after a period of three (3) years from the date of Council approval in the event that a subdivision agreement is not executed within that period; and,
- 8) That Council assign servicing allocation for 139 townhouse dwellings and 72 condominium stacked townhouse dwellings; and further,
- 9) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (4) RECOMMENDATION REPORT
MARKHAM (7350 HIGHWAY 48) HOLDINGS INC.
C/O TERCOT COMMUNITIES
APPLICATIONS TO AMEND THE
ZONING BY-LAW AND FOR SITE PLAN APPROVAL
TO PERMIT A CONDOMINIUM TOWNHOUSE DEVELOPMENT
AT 7350 MARKHAM ROAD
FILE NOS: ZA 15 156659 & SC 16 156659 (10.5, 10.6)
[Report](#)

- 1) That correspondence from Anne Benedetti of Goodmans, on behalf of Forest Bay Homes Ltd., regarding the applications by Markham (7350 Highway 48) Holdings Inc., be received; and,
- 2) That the report dated November 21, 2016 titled "Recommendation Report, Markham (7350 Highway 48) Holdings Inc. c/o Tercot Communities, Applications to amend the Zoning By-law and for Site Plan Approval to permit a condominium townhouse development at 7350 Markham Road (File Nos: ZA 15 156659 & SC 16 156659)", be received; and,

- 3) That the record of the Public Meeting held on November 16, 2015 regarding the Zoning By-law Amendment application submitted by Markham (7350 Highway 48) Holdings Inc., c/o Tercot Communities (ZA 15 156659), be received; and,
- 4) That the Zoning By-law Amendment (ZA 15 156659) submitted by Markham (7350 Highway 48) Holdings Inc., c/o Tercot Communities to amend the City's Zoning By-law 304-87, as amended, and By-law 177-96, as amended, to permit a condominium townhouse development at 7350 Markham Road be approved, and that the draft Zoning By-law Amendment attached as Appendix 'A' be finalized and enacted without further notice; and,
- 5) That the Site Plan application (SC 16 156659) submitted by Markham (7350 Highway 48) Holdings Inc. c/o Tercot Communities to facilitate a condominium townhouse development at 7350 Markham Road, be endorsed in principle, subject to the conditions in Appendix 'B'; and,
- 6) That this endorsement shall lapse and site plan approval will not be issued after a period of three (3) years commencing on November 21, 2016 in the event the site plan agreement is not executed within that time period; and,
- 7) That Site Plan Approval be delegated to the Director of Planning and Urban Design or his designate, to be issued following execution of a site plan agreement. The Site Plan is only approved when the Director or his designate has signed the site plan; and,
- 8) That Council assign servicing allocation for 115 townhouse units to the proposed development and advise York Region; and,
- 9) That the City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner; and,
- 10) That a year after construction, staff review the transportation operations for this development for monitoring purposes, and to inform future development; and further,
- 11) That Staff be authorized to do all things necessary to give effect to this resolution.

Carried

6(B) REPORT NO. 46 - GENERAL COMMITTEE (November 28, 2016)

Moved by Deputy Mayor Jack Heath

Seconded by Regional Councillor Nirmala Armstrong

That Report No. 46 - General Committee comprised of 6 items be received and adopted.

(1) FLATO DEVELOPMENTS: AMENDMENT
AND EXTENSION OF NAMING RIGHTS
FOR FLATO MARKHAM THEATRE (6.2)

[Report](#) [Appendix A](#) [Appendix B- Presentation](#) [Appendix C](#)

- 1) That the report titled “FLATO Developments: Amendment and Extension of Naming Rights for FLATO Markham Theatre” be received; and,
- 2) That the City of Markham agrees to extend the existing naming rights arrangement with FLATO Developments for exterior and interior naming rights of the FLATO Markham Theatre as outlined in this Report, in exchange for a naming rights fee, for a term of twenty (20) years; and,
- 3) That the Markham Theatre continue to be named the “FLATO MARKHAM THEATRE”, and the VIP Lounge continue to be named the “FLATO DEVELOPMENTS VIP LOUNGE”, and such names continue to be utilized in all promotional and administrative materials, and in connection with all functions, operations and communications associated with the Markham Theatre; and,
- 4) That a naming rights fee payable by FLATO Developments of \$95,000 per annum starting January 1, 2017, subject to a 2% annual increase effective January 1st in each year thereafter, for a total twenty (20) year contribution of \$2,308,276.00 be approved; and,
- 5) That the remaining naming rights terms outlined in this Report be approved; and,
- 6) That the Mayor and Clerk be authorized to execute a naming rights agreement with FLATO Developments in accordance with the naming rights terms outlined in this Report, and in a form satisfactory to the Commissioner of Corporate Services and the City Solicitor; and,
- 7) That proceeds for the renewed naming agreement be deposited into account 890 890 9254 (General Sponsorship); and further,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(2) 2017 INTERIM TAX
LEVY BY-LAW (7.4)
[Report](#)

- 1) That the report "2017 Interim Tax Levy By-law" be received; and,
- 2) That Council authorize an interim tax levy for 2017; and,
- 3) That the attached by-law be passed to authorize the 2017 interim tax levy; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2016-138)

Carried

(3) AWARD OF CONTRACT EXTENSION
#242-R-13 THORNLEA POOL, BUILDING
MAINTENANCE AND POOL MAINTENANCE (7.12)
[Report](#)

- 1) That the report entitled "Award of Contract Extension #242-R-13 Thornlea Pool, Building Maintenance and Pool Maintenance" be received; and,
- 2) That the contract for #242-R-13 Thornlea Pool, Building and Pool Maintenance be extended to PPL Aquatic, Fitness & Spa Group Inc. in the amount of \$571,131.24 inclusive of HST for a period of three years (January 1, 2017 – December 31, 2019) as follows:

2017 - \$190,377.08
2018 - \$190,377.08
2019 - \$190,377.08; and,
- 3) 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,
- 4) That the award be funded from the operating budget account 501-911-5314 - S/A Facility Maintenance as identified within the Financial Considerations Section subject to Council approval of the 2017, 2018 and 2019 operating budget; and,

- 5) That the Director Recreation and Senior Manager, Purchasing & Accounts Payable be authorized to extend the contract for one (1) additional year subject to Council approval of the 2020 operating budget; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(4) REQUEST FOR PROPOSAL
197-R-16 PRINTING AND
DELIVERY OF MARKHAM
LIFE MAGAZINE (7.12)

[Report](#)

- 1) That the report “Request for Proposal 197-R-16 Printing and Delivery of Markham Life Magazine” be received; and,
- 2) That the Contract 197-R-16 Printing and Delivery of Markham Life Magazine be awarded to the highest ranked / 2nd highest priced bidder, Canmark Communications in the estimated amount of \$723,763.92 inclusive of HST for a period of three (3) years (2017-2019); and,

2017 - \$241,254.64

2018 - \$241,254.64

2019 - \$241,254.64
- 3) That the Commissioner of Corporate Services be authorized to extend the contract for two (2) additional years (2020-2021) at the same terms and conditions, subject to Council approval of the 2020- 2021 operating budget; and,
- 4) That the 2018-2021 Operating Budgets/Purchase Orders will be adjusted for price escalation allowance based on the pulp and paper price index; and,
- 5) That the award be funded from Corporate Communication operating budget account 795-796-5874 Markham Life Magazine as identified within the Financial Considerations Section subject to Council approval of the 2017, 2018 and 2019 operating budget; and,
- 6) That this report be taken to November 29, 2016 Council meeting; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(5) FRIENDSHIP AGREEMENT WITH
MULLAITIVU, NORTHERN PROVINCE, SRI LANKA (10.16)
[Report](#)

- 1) That the report titled "Friendship Agreement with Mullaitivu, Northern Province, Sri Lanka" be received; and,
- 2) That the City of Markham invite the Sri Lankan Consul General in Toronto, Mr. U. L. M. Jauhar, and the High Commissioner of Canada in Sri Lanka, Shelley Whiting, to attend a signing ceremony for a friendship agreement between the City of Markham and Mullaitivu, Northern Province, Sri Lanka, on Saturday, January 14, 2017; and,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(6) TEXTILE RECYCLING PROGRAM
STRATEGY - NEXT STEPS (5.2)
[Report](#)

- 1) That the report entitled "Textile Recycling Program Strategy - Next Steps" be received; and,
- 2) That Council endorse the Textile Recycling strategy and supporting initiatives outlined in this report; and,
- 3) That a copy of this report be forwarded to York Region, the Premier of Ontario, Federal and Provincial Ministers of Environment, Local Members of Parliament (MP's) and Local Members of Provincial Parliament (MPP's) and the local municipalities for their information; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

7. MOTIONS

There were no motions.

8. NOTICES OF MOTIONS

There were no notices of motions.

9. COMMUNICATIONS

Moved by Regional Councillor Jim Jones
Seconded by Regional Councillor Nirmala Armstrong

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

Received

45-2016 COMMUNICATION REGARDING
MARKHAM (7350 HIGHWAY 48) HOLDINGS INC.
C/O TERCOT COMMUNITIES ,7350 MARKHAM ROAD (10.5, 10.6)
(Item No. 4, Report No. 45)

[Letter](#)

Letter dated November 29, 2016 received from Anne Benedetti, Goodmans LLP, providing comments on behalf of Forest Bay Homes Ltd., the owner of the lands known as 6350 Steeles Avenue East.

Carried

10. PROCLAMATIONS

There were no proclamations.

11. NEW/OTHER BUSINESS

- (1) REVISED 2017 COUNCIL AND COMMITTEE
MEETING CALENDAR - JANUARY TO JUNE (16.0)
[ProposedCalendar](#) [ApprovedCalendar](#)

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

- 1) That the Revised 2017 Council and Committee Meeting Calendar - January to June be approved, with the following amendments:
- Planning Public Meeting be held at 7:00 PM.
 - Council Meeting be held at 7:00 PM.
 - Council Meeting be held on February 13th, instead of February 14th.

Carried as amended
(See following to amend)

Moved by Councillor Karen Rea
Seconded by Regional Councillor Joe Li

That Planning Public Meetings be held once a month generally on the 1st Tuesday of the month at 7:00 PM.

Carried

Moved by Deputy Mayor Jack Heath
Seconded by Councillor Don Hamilton

That Council Meetings be held twice a month generally on the 2nd and 4th Tuesday of the month starting at 7:00 PM.

Carried by a recorded vote
(See following recorded vote) (8:5)

YEAS: Councillor Alan Ho, Councillor Don Hamilton, Councillor Karen Rea, Regional Councillor Nirmala Armstrong, Regional Councillor Jim Jones, Deputy Mayor Jack Heath, Regional Councillor Joe Li, Councillor Alex Chiu. (8)

NAYS: Councillor Valerie Burke, Mayor Frank Scarpitti, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Logan Kanapathi. (5)

Moved by Councillor Valerie Burke
Seconded by Councillor Amanda Collucci

That the Council meeting be held on February 13, 2017, instead of February 14, 2017

Carried

- (2) SHAKIR REHMATULLAH
- HONORARY PATRON OF THE FLATO MARKHAM THEATRE (12.2.6)

Moved by Regional Councillor Nirmala Armstrong
Seconded by Councillor Amanda Collucci

- 1) That Shakir Rehmatullah be named an honorary patron of the Flato Markham Theatre.

Carried

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

12. BY-LAWS

Moved by Councillor Colin Campbell
Seconded by Councillor Logan Kanapathi

That Council consider the proposed by-laws before the consideration of the New/Other Business Section of the agenda.

Carried

Moved by Councillor Colin Campbell
Seconded by Councillor Logan Kanapathi

That By-laws 2016-132 to 2016-135, 2016-138 and 2016-139 be given three readings and enacted.

Carried

Moved by Councillor Colin Campbell
Seconded by Councillor Logan Kanapathi

That By-law 2016-136 be given three readings and enacted.

Carried

(Councillor Valerie Burke abstained due to conflict)

Councillor Valerie Burke disclosed an interest with respect to By-law 2016-136 (26 Colborne Street) by nature of the property being her personal residence, and did not take part in the discussion or vote on the question of the approval of this matter.

Three Readings

BY-LAW 2016-132 A BY-LAW TO CHANGE A CERTAIN STREET NAME IN THE CITY OF MARKHAM ("TROTHEN CRESCENT" TO "TROTHEN CIRCLE") (Street Parcel, Section 1 on Registered Plan M1899)

By-law

Carried

BY-LAW 2016-133 CORNELL ROUGE DEVELOPMENT CORPORATION, PART LOT CONTROL EXEMPTION BY-LAW, 65M-4513

A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Lot 95 and Blocks 96 to 101, Plan 65M-4513, west of Donald Cousens Parkway and north of Highway 7 East.

By-law

Carried

BY-LAW 2016-134 CORNELL ROUGE DEVELOPMENT CORPORATION, PART LOT CONTROL EXEMPTION BY-LAW, 65M-4364

A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Blocks 157 to 167, 65M-4364, west of Reesor Road and north of Highway 7 East.

By-law

Carried

BY-LAW 2016-135 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST (TOMLINSON-GATES HOUSE, 7790 NINTH LINE)

By-law

Carried

BY-LAW 2016-136 A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE A HERITAGE EASEMENT AGREEMENT WITH THE PROPERTY OWNERS OF 292 MAIN STREET NORTH, 20 MARKHAM STREET, MARKHAM VILLAGE AND 26 COLBORNE STREET

(Item No. 1, Report No. 45)

By-law

Carried

(Councillor Valerie Burke abstained due to conflict)

Councillor Valerie Burke disclosed an interest with respect to By-law 2016-136 (26 Colborne Street) by nature of the property being her personal residence, and did not take part in the discussion or vote on the question of the approval of this matter.

BY-LAW 2016-138 A BY-LAW TO PROVIDE FOR AN INTERIM TAX LEVY IN 2017.
(Item No. 2, Report No. 46)

By-law

Carried

BY-LAW 2016-139 MARKHAM (7350 HIGHWAY 48) HOLDINGS INC., C/O TERCOT COMMUNITIES, 7350 MARKHAM ROAD, ZONING BY-LAW AMENDMENT

A by-law to amend By-law 304-87, as amended and By-law 177-96, as amended, to facilitate the development of townhouses.
(Item No. 4, Report No. 45)

By-law

Carried

13. IN-CAMERA ITEMS

Council consented to add an in-camera matter regarding labour relations or employee negotiations.

Moved by Deputy Mayor Jack Heath
Seconded by Councillor Don Hamilton

That, in accordance with Section 239 (2) of the Municipal Act, Council resolve into an in-camera session to discuss the following matter (8:08 PM):

- (1) LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS (CITY OF MARKHAM) (11.0)
[Section 239 (2) (d)]

Moved by Councillor Alan Ho
Seconded by Councillor Amanda Collucci

That Council rise from the in-camera session. (9:01 PM)

Carried

- (1) LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS (CITY OF MARKHAM) (11.0)

Council consented to not report out on this matter.

14. CONFIRMATORY BY-LAW

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Jim Jones

That By-law 2016-137 be given three readings and enacted.

Three Readings

BY-LAW 2016-137 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL
MEETING OF NOVEMBER 29, 2016.

By-law

Carried

15. ADJOURNMENT

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Jim Jones

That the Council Meeting be adjourned at 9:02 PM.

Carried

Kimberley Kitteringham
City Clerk

(Signed)

Frank Scarpitti
Mayor