



Council Minutes

November 15 and 16, 2016, 7:00 PM

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 17

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
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
David Hunt, Tree Preservation Technician & Provincial Offences Officer
Herch Tencer, Manager, Real Property
David Plant, Manager, Parks Operations

The meeting of Council convened at 7:09 PM on November 15, 2016 in the Council Chamber. Mayor Frank Scarpitti presided.

Council recessed at 9:39 PM and reconvened at 9:50 PM on November 15, 2016.

At 11:52 PM on November 15, 2016, Council passed a motion to waive Section 3.28 of Procedural By-law 2001-1 allowing the meeting to continue further than 12:01 AM on November 16, 2016. The motion moved by Councillor Karen Rea and seconded by Councillor Amanda Collucci was carried by a two-thirds vote of the Members present.

1. DISCLOSURE OF PECUNIARY INTEREST

- (1) None declared.

2. MINUTES

- (1) COUNCIL MINUTES - NOVEMBER 1 AND 2, 2016
[Minutes](#)

Moved by Councillor Logan Kanapathi
Seconded by Councillor Alan Ho

- 1) That the Minutes of the Council Meeting held on November 1 and 2, 2016, be adopted.

Carried

3. PRESENTATIONS

There were no presentations.

4. DELEGATIONS

- (1) DELEGATION - TREE REMOVAL AT 125 TILMAN CIRCLE (2.0)

Moved by Councillor Colin Campbell
Seconded by Councillor Amanda Collucci

That the delegation of Jacqueline Cushing Dill in support of the application to remove a tree at 125 Tilman Circle be received.
(See New/Other Business Item No. 1 for Council's decision on this matter)

Carried

- (2) DELEGATIONS
- TOOGOOD POND RECREATIONAL USE
OF NATURAL ICE - ICE MONITORING
PROGRAM OPTION (5.6)

Moved by Councillor Don Hamilton

Seconded by Regional Councillor Jim Jones

That the following delegations in opposition to the recommendation contained in the staff report dated October 31, 2016 titled "Toogood Pond Recreational Use of Natural Ice - Ice Monitoring Program Option" be received:

- Shanta Sundarason
 - Elizabeth Tan
 - Reid McAlpine, Unionville Residents Association.
- (See New/Other Business Item No. 2 for Council's decision on this matter)

Carried

5. PETITIONS

There were no petitions.

**6(A) REPORT NO. 43 - DEVELOPMENT SERVICES COMMITTEE
(November 7, 2016)**

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 43 - Development Services Committee comprised of 2 items be received and adopted, except Item No. 1. (See following Item No. 1)

- (1) RECOMMENDATION REPORT
1659139 ONTARIO INC. (HBNG HOLBORN GROUP)
BLOCKS 299, 300 AND 301, PLAN 65M-4026
NORTH OF ELGIN MILLS ROAD
WEST OF WOODBINE AVENUE
APPLICATIONS FOR OFFICIAL PLAN AND
ZONING BY-LAW AMENDMENTS, AND
DRAFT PLAN OF SUBDIVISION APPROVAL
FILE NO.'S: OP 13 116651 AND ZA/SU 15 116651 (10.3, 10.5 & 10.7)
[Report](#) [Update Memo](#) [Conceptual Elevations](#)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Alan Ho

- 1) That the report dated November 7, 2016 titled, "RECOMMENDATION REPORT, 1659139 Ontario Inc. (HBNG Holborn Group), Blocks 299, 300 and 301, Plan 65M-4026, North of Elgin Mills Road, west of Woodbine Avenue, Applications for Official Plan and Zoning By-law amendments, and Draft Plan of Subdivision Approval", be received; and,
- 2) That Draft Plan of Subdivision 19TM-15003, prepared by Gagnon and Law, Urban Planners Ltd., revision dated October 13, 2016, be approved subject to conditions of draft plan approval set out in Appendix 'A' to this report; and,
- 3) That servicing allocation for 178 townhouse units be assigned to Draft Plan of Subdivision 19TM-15003; and,
- 4) That the draft plan approval for plan of subdivision 19TM-15003 will lapse after a period of three years commencing on the date of issuance of draft plan approval, in the event that a subdivision agreement is not executed within that period; and,
- 5) That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner; and,
- 6) That the Region of York be advised that servicing allocation for 178 units has been confirmed; and,

- 7) That the draft amendments to the 1987 Official Plan and the Cathedral Community Secondary Plan, and the 2014 Official Plan be finalized prior to being enacted by Council; and,
- 8) That the draft amendment to Zoning By-law 177-96, as amended, attached to this report as Appendix 'C', be finalized prior to being enacted by Council; and,
- 9) That the memorandum dated November 15, 2016 from the Commissioner of Development Services providing an update to Council on November 15, 2016 be received; and,
- 10) That the conceptual elevations provided by the applicant to Council on November 15, 2016 be received; and further,
- 11) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried as amended
(See following to amend)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Alan Ho

That the following proposed recommendation from the November 7, 2016 Development Services Committee be deleted in its entirety:

"That Site Plan Approval be brought forward to Development Services Committee."

Carried

(2) HIGHWAY 404 RAMP EXTENSION
(ARISTOTLE AVENUE) AT HIGHWAY 7, AND
HIGHWAY 404 MID-BLOCK CROSSING
(NORMAN BETHUNE AVENUE) BETWEEN
ALLSTATE PARKWAY AND EAST BEAVER CREEK ROAD (5.10)
[Report](#)

- 1) That the report entitled “Highway 404 Ramp Extension (Aristotle Avenue) at Highway 7, and Highway 404 Mid-Block Crossing (Norman Bethune Avenue) between Allstate Parkway and East Beaver Creek Road” be received; and,

HIGHWAY 404 MID-BLOCK CROSSING (NORMAN BETHUNE AVENUE)
BETWEEN HIGHWAY 7 AND 16TH AVENUE
- (the “Highway 404 Mid-Block Crossing”)
- 2) That the Engineering Department Capital Administration Fee in the amount of \$156,640.58, be charged to revenue account 640-998-8871 (Capital Admin Fees); and,
- 3) That the 2018 operating budget for the Asset Management Department (\$3,388.00) and Operations Department (\$21,642.37) be increased to fund annual operations and maintenance requirements for Highway 404 Mid-Block Crossing as set out in this report; and,
- 4) That the 2018 Lifecycle Replacement and Capital Reserve study be updated to include an additional \$533,731.00 (Streetlights: \$324,965.00 + Roads and Sidewalk: \$69,266.00 + Traffic Signals: \$139,500.00) for the future replacement of streetlighting, road, sidewalk, and traffic signals for the Highway 404 Mid-Block Crossing; and,
- 5) That the 2018 Lifecycle Replacement and Capital Reserve study be updated to include a one-time payment for Markham’s share of the Ministry of Transportation’s (“MTO”) long-term maintenance and replacement cost for the Highway 404 Mid-Block Crossing structure to a maximum amount of \$1,731,333.33, being 33% of the total cost of \$5,194,000; and,
- 6) That the Mayor and Clerk be authorized to execute an agreement with the Town of Richmond Hill (“Richmond Hill”) for road surface maintenance of the Highway 404 Mid-Block Crossing structure, provided that the form and content of such agreement are satisfactory to the Chief Administrative Officer and the City Solicitor; and,

**HIGHWAY 404 RAMP EXTENSION AT HIGHWAY 7
(ARISTOTLE AVENUE) - (the “Highway 404 Ramp Extension”)**

- 7) That the Mayor and Clerk be authorized to execute an agreement with the Region of York (“Region”) to govern the design, property acquisition, project management, construction, operation, long-term maintenance and replacement of the Highway 404 Ramp Extension and cost sharing with respect to same, provided that the form and content of such agreement are satisfactory to the Chief Administrative Officer and the City Solicitor; and,
- 8) That staff be authorized to issue a Purchase Order to the Region, for 50% of the project costs for the Highway 404 Ramp Extension, to a maximum amount of \$12,900,012.58; and,
- 9) That the Engineering Department Capital Administration Fee in the amount of \$291,964.12, be charged and transferred to revenue account 640-998-8871 (Capital Admin Fees); and,
- 10) That the amount of \$1,698,193.64 (comprising a 20% contingency for project costs and the Region’s administration fees) be added to the budget for capital project #16041 ‘Highway 404 Ramp Extension, North of Hwy 7’; and,
- 11) That Markham’s portion of the project cost in the amount of \$14,890,170.34 (inclusive of the City’s Capital Administration Fee of \$291,964.12), be funded from the capital project #16041 ‘Highway 404 Ramp Extension, North of Hwy 7’ with an available budget of \$12,346,400 as outlined in this report; and,
- 12) That the additional financial requirement of \$2,543,770.34 (\$12,346,400.00 - \$14,890,170.34) be funded from the Development Charges Reserve; and,
- 13) That the 2018 operating budgets for the Asset Management Department (\$1,716.00) and Operations Department (\$25,396.04) be increased to cover annual operations and maintenance requirements for the Highway 404 Ramp Extension as set out in this report; and,
- 14) That the 2018 Lifecycle Replacement and Capital Reserve study be updated to include an additional \$192,890.00 (Streetlights: \$136,828.00 + Roads & Multi-Use Pathway: \$56,062.00) and financial program for the future replacement of streetlighting, underground stormwater facility, road and multi-use pathway for the Highway 404 Ramp Extension; and,
- 15) That the 2018 Lifecycle Replacement and Capital Reserve study be updated to include a one-time payment to the Region to a maximum amount of \$378,000, being 50% of MTO’s long-term maintenance and replacement cost for the Highway 404 Ramp Extension structure; and,

- 16) That in accordance with By-law 178-96, the lands legally described as Part of Block 9, Plan M-2029 designated as the Parts 6, 8, 11, 12 and 13 on Reference Plan 65R-36152 (the “MTO Ramp Lands”) be declared surplus to municipal purposes; and,
- 17) That subject to recommendation #16 and after the Highway 404 Ramp Extension is complete, the Mayor and Clerk be authorized to execute any documents and/or agreements required to transfer the MTO Ramp Lands to MTO for nominal consideration, provided that the form and content of such documents and agreements are satisfactory to the Chief Administrative Officer and the City Solicitor; and,
- 18) That after the Highway 404 Ramp Extension at Highway 7 is complete, the Mayor and Clerk be authorized to execute any documents and agreements required to acquire the lands legally described as Part of Block 9, Plan M-2029 designated as the Parts 1 and 3 on Reference Plan 65R-36152 (the “City Ramp Lands”) from the Region for nominal consideration, provided that the form and content of such documents and agreements are satisfactory to the Chief Administrative Officer and the City Solicitor; and,
- 19) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6(B) REPORT NO. 44 - GENERAL COMMITTEE (November 14, 2016)

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Colin Campbell

That Report No. 43 - General Committee comprised of 8 items be received and adopted.

(1) DEVELOPMENT CHARGES
BACKGROUND STUDY UPDATE (7.11)

[Presentation](#)

- 1) That the presentation by Kevin Ross, Manager Development Finance, entitled “Development Charges Background Study Update” be received; and,
- 2) That a Council Development Charge Committee be established; and,
- 3) That Mayor Frank Scarpitti, the Chair and Vice Chair of the Budget Committee, Regional Councillor Nirmala Armstrong, Councillor Don Hamilton and Councillor Karen Rea 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) 2017 TEMPORARY BORROWING BY-LAW (7.0)

[Report](#)

- 1) That the report titled “2017 Temporary Borrowing By-law” be received; and,
- 2) That a by-law be brought forward for Council approval to authorize the temporary borrowing, if required, of amounts not to exceed \$172,817,913 from January 1, 2017 to September 30, 2017 and \$86,408,957 from October 1, 2017 to December 31, 2017 to meet the expenditures of the municipality until taxes are collected and other revenues are received; and,
- 3) That the Treasurer report to Council in advance of borrowing, if temporary borrowing is required; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2016-130)

Carried

(3) 2017 INTERIM SPENDING AUTHORITY
PENDING APPROVAL OF UNIONVILLE AND
MARKHAM VILLAGE BUSINESS IMPROVEMENT
AREA BUDGETS (7.9)

[Report](#)

- 1) That the report titled “2017 Interim Spending Authority Pending Approval of Unionville and Markham Village Business Improvement Area Budgets”, be received; and,
- 2) That Council approve 50% of the 2016 Operating Budget equivalent to the amounts of \$125,309 for the Unionville BIA (UBIA) and \$172,812 for the Markham Village BIA (MBIA) as pre-budget approval for 2017 operating expenditures; and,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(4) MILMAR COURT SANITARY SEWER
- AMENDMENT OF BY-LAW NO. 2007-65 (5.5)

[Report](#)

- 1) That the report entitled "Milmar Court Sanitary Sewer - Amendment of By-law No. 2007-65" be received; and,
- 2) That By-law 2007-65, a by-law to levy the actual costs of construction of the sanitary sewer on Milmar Court, be amended as outlined in Appendix A; and,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2016-131)

Carried

(5) MARKHAM TEXTILE AND CLOTHING
REUSE AND RECYCLE INITIATIVE
GRANT AGREEMENT WITH THE
FEDERATION OF CANADIAN MUNICIPALITIES (5.2)

Whereas the City of Markham applied to the Federation of Canadian Municipalities (FCM) for funding under the Green Municipal Fund for Markham's textile recycling program; and,

Whereas FCM approved Markham's funding application in the amount of \$67,100 or 50% of eligible costs; and,

Whereas FCM requires the City of Markham to sign a funding agreement to finalize the grant and issue approved disbursements;

Now therefore be it resolved:

- 1) That the Commissioner of Community and Fire Services be authorized to execute the Markham Textile and Clothing Reuse and Recycle Initiative Grant Agreement NO.15003 with the Federation of Canadian Municipalities as Trustee of the Green Municipal Fund; and,
- 2) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(6) CITY OF MARKHAM ASSET
MANAGEMENT PLAN (7.1)
[Presentation](#) [Report](#)

- 1) That the presentation titled "City of Markham Asset Management Plan" be received; and,
- 2) That the report titled "City of Markham Asset Management Plan" be received; and
- 3) That Council endorse the 2016 City of Markham Asset Management Plan (AMP) Final Report and adopt the proposed asset management strategy and framework; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(7) POWERSTREAM MERGER UPDATE (7.0)

[Report](#)

- 1) That the report dated November 14, 2016 entitled "PowerStream Merger Update" be received; and,
- 2) That the City of Markham guarantee a Markham Enterprises Corporation loan for up to \$47.3M to finance the equity contribution required for the closing of the MergeCo transaction; and,
- 3) That the Mayor and Clerk be authorized to execute the required lending documents; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(8) NAMING OF THE NEW COMMUNITY CENTRE AND LIBRARY IN SOUTH EAST MARKHAM (3.19)

[Report](#)

- 1) That the report "Naming of the new Community Centre and Library in South East Markham" be received; and,
- 2) That Council endorse the following name:
"Aanin Community Centre and Library"; and,
- 3) That Staff be directed to seek input from the Community on the option recommended by General Committee; and,
- 4) That Staff report back to the December 12, 2016 General Committee with public input; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

7. MOTIONS

(1) GOVERNANCE STRUCTURE FOR YORK REGION AND MUNICIPALITIES (13.4)

[Background](#)

Note: The notice of this motion was given to Council at its meet held on November 1, 2016.

At the request of Regional Councillor Jim Jones, Council consented to defer the consideration of this motion to the last Council meeting in January 2017.

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Nirmala Armstrong

Whereas the Region of York was formed in January 1971, more than 45 years ago from the former County of York; and

Whereas the number and boundaries of municipalities need to be studied to determine the best ways to deliver services to residents and businesses; and

Whereas watershed planning is important to the balance of our Great Lakes, we should recognize the topography of lands in the Oak Ridges Moraine as a real boundary between Lake Ontario Watershed and Lake Huron Watershed; and

Whereas the northern boundary between the City of Markham and the Town of Whitchurch-Stouffville, and the northern boundary between the City of Vaughan and the Town of King is not close to the top of the Oak Ridge Moraine, but is the logical urban boundary; and

Whereas the northern boundary of Richmond Hill is where it should be from a watershed planning perspective; and

Whereas the Lake Ontario Based York Durham Sewer and the Lake Ontario Water System extend through the Oak Ridges Moraine to service Aurora, Newmarket and East Gwillimbury in the Lake Huron Watershed; and

Whereas it is time to review all services within York Region including regional government boundaries, municipal boundaries, number of municipalities, representation, school boards and the delivery of services; and

Now therefore be it resolved:

- 1) That a meeting of the staff and Councils of the City of Markham, the City of Vaughan and the Town of Richmond Hill be convened, hosted by Markham Mayor Scarpitti, to discuss these issues; and

- 2) That a task force be created made up of Mayors, Regional Councillors and Senior Staff from the three southern municipalities to study these issues; and,
- 3) That the Oak Ridges Moraine be used as the boundary rather than roads, thus bringing a large portion of Whitchurch-Stouffville into the City of Markham, and a large portion of the Town of King into the City of Vaughan. Richmond Hill's northern boundary is already the crest of the Oak Ridges Moraine; and
- 4) That a meeting of the three southern municipalities be held with the MPPs from York Region and the Minister of Municipal Affairs to determine how Provincial funding can be made; and,
- 5) That the CAOs and or City Managers of the City of Markham, the City of Vaughan and the Town of Richmond Hill be requested to draft a terms of reference for a FEASIBILITY STUDY to examine what should be included in any re-organization report; and further,
- 6) That if approved, the report should outline the steps to be taken, a proposed budget and a time-line for implementation, recognizing that time is of the essence due to the pending elections in 2018.

8. NOTICES OF MOTIONS

There were no notices of motions.

9. 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

41-2016 MINISTER OF CITIZENSHIP AND IMMIGRANT CALLING
NOMINATIONS FOR THE 2016 JUNE CALLWOOD OUTSTANDING
ACHIEVEMENT AWARD FOR VOLUNTARISM IN ONTARIO (13.2)

[Letter](#)

The award recognizes exceptional leadership, innovation and creativity in voluntarism and community service. Deadline for nominations is December 5, 2016.

Carried

- 42-2016 LIQUOR LICENCE APPLICATION FOR WOW! SUSHI, 15 KARACHI DRIVE, SUITE NO. 14 (WARD 7) (3.21)
[Info](#)
Forwarding a request for the City of Markham to complete the Municipal Information Form.
(New premises and application of a new liquor licence for indoor areas).
Carried
- 43-2016 LIQUOR LICENCE APPLICATION FOR LIBERTY SUITES, 7191 YONGE STREET, SUITE #1201 (WARD 1) (3.21)
[Info](#)
Forwarding a request for the City of Markham to complete the Municipal Information Form.
(New premises and application of a new liquor licence for indoor and outdoor areas).
Carried
- 44-2016 LIQUOR LICENCE APPLICATION FOR COCOA BERRY CUPCAKES, 7181 YONGE STREET, SUITE #299 (WARD 1) (3.21)
[Info](#)
Forwarding a request for the City of Markham to complete the Municipal Information Form.
(New premises and application of a new liquor licence for indoor areas).
Carried

10. PROCLAMATIONS**(1) PROCLAMATION AND FLAG RAISING REQUESTS (3.4)**

Moved by Councillor Alex Chiu

Seconded by Councillor Alan Ho

- 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:
 - Turkish Republic Day (November 7, 2016); and,
- 2) That the following new 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 and added to the Five-Year List of Request to Raise Flag approved by Council:
 - Flag for Turkish Republic Day (November 7, 2016).

Carried

11. NEW/OTHER BUSINESS

- (1) RECOMMENDATION FROM THE AUGUST 23, 2016
LICENSING COMMITTEE HEARING (125 TILMAN CIRCLE) (2.0)
[Independent Report](#)

Moved by Councillor Karen Rea

Seconded by Regional Councillor Nirmala Armstrong

- 1) That the recommendation from the August 23, 2016 Licensing Committee regarding the application to remove a honeylocust tree at 125 Tilman Circle be received; and,
- 2) That the report dated October 29, 2016 from Peter Turtlebury, Independent Licensed Arborist, Arbor Knot Tree Service be received; and,
- 3) That the application to remove a honeylocust tree at 125 Tilman Circle be approved; and,
- 4) That the applicant be required to plant a suitable tree from the City of Markham's approved list of replacement trees.

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

(See following recorded vote)

(See following amendment which was lost)

(See following to consider the matter)

Recorded vote (10:3):

YEAS: Councillor Alan Ho, 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 Logan Kanapathi, Councillor Alex Chiu. (10)

NAYS: Councillor Valerie Burke, Deputy Mayor Jack Heath, Councillor Amanda Collucci. (3)

Amendment to the proposed recommendation which was lost (10:3):

Moved by Councillor Don Hamilton

Seconded by Deputy Mayor Jack Heath

That the consideration of the recommendation from the August 23, 2016 Licensing Committee regarding the application to remove a honeylocust tree at 125 Tilman Circle be deferred for two weeks.

Lost by a recorded vote (10:3)
(See following recorded vote)

NAYS: Councillor Alan Ho, Councillor Karen Rea, Regional Councillor Nirmala Armstrong, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Logan Kanapathi.
(10)

YEAS: Councillor Valerie Burke, Councillor Don Hamilton, Councillor Alex Chiu. (3)

Motion to consider the matter:

Moved by Councillor Colin Campbell

Seconded by Councillor Don Hamilton

That Council consider the application to remove a honeylocust tree at 125 Tilman Circle immediately following the delegation section of the agenda.

Carried

(2) TOOGOOD POND RECREATIONAL USE
OF NATURAL ICE - ICE MONITORING
PROGRAM OPTION (5.6)

[Report](#) [Memo](#)

This matter was deferred from the November 1, 2016 Council meeting.

Moved by Councillor Don Hamilton

Seconded by Deputy Mayor Jack Heath

- 1) That the Staff report dated October 31, 2016 entitled "Toogood Pond Recreational Use of Natural Ice - Ice Monitoring Program Options" be received; and,
- 2) That the memorandum dated November 14, 2016 from the Commissioner of Community and Fire Services providing an update on the Toogood Pond Ice Monitoring Program be received.

Carried as amended by a recorded vote (12:1)

(See following recorded vote)

(See following call the question)

(See following to consider the matter)

Recorded vote (12:1):

YEAS: Councillor Valerie Burke, Councillor Alan Ho, Councillor Don Hamilton, Councillor Karen Rea, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Logan Kanapathi, Councillor Alex Chiu. (12)

NAYS: Regional Councillor Nirmala Armstrong. (1)

Call the question:

Moved by Councillor Karen Rea

Seconded by Councillor Amanda Collucci

That Council call the question on the matter of the Toogood Pond Ice Monitoring Program.

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

Motion to consider the matter:

Moved by Councillor Colin Campbell

Seconded by Councillor Don Hamilton

That Council consider the matter of the Toogood Pond Ice Monitoring Program immediately following the delegation section of the agenda.

Carried

Council consented to not consider the following recommendation from the October 31, 2016 General Committee:

"That Option 5: Ice Monitoring Program by two (2) engineers for 8 weeks - cost share with City of Toronto, be approved; and,

That staff be directed to confirm that the City of Toronto will cost share with Option 5 and if not that staff report back on other options; and,

That staff be directed to report back on the cost for a winter maintenance program of Toogood Pond for recreational skating purposes including the size of the pond that will be maintained; and,

That the Ice Monitoring Program and winter maintenance program of Toogood Pond be part of the 2017 Budget deliberation; and,

That the list of names gathered electronically in support of re-instating winter maintenance program of Toogood Pond for recreational skating, be received; and further,

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

- (3) ASTENIK SOLAR INC.
PROJECT PIN: 02997-0071, 02997-0116, 02997-0117
(60 AMBER ST. AND 100 AMBER ST.)
- SUPPORT FOR FIT PROGRAM (5.7)

Moved by Deputy Mayor Jack Heath
Seconded by Regional Councillor Joe Li

Whereas capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 5.0; and,

Whereas Astenik Solar Inc. (the “Applicant”) proposes to construct and operate a Rooftop Solar Project (the “Project”) on 02997-0071, 02997-0116, 02997-0117 (the “Lands”) in the City of Markham under the Province’s FIT Program; and,

Whereas the Applicant has requested that Council of the City of Markham indicate by resolution Council’s support for the construction and operation of the Project on the Property; and,

Whereas pursuant to the FIT Rules, Version 5.0, Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other Persons applying for FIT Contracts; and,

Now therefore be it resolved:

- 1) That Council of the City of Markham supports the construction and operation of the Project on the Lands; and,
- 2) That this resolution’s sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Project, or for any other purpose.

Carried

- (4) GENGROWTH ENERGY LP
PROJECT PIN: 02997-0005
(401 BENTLEY ST. AND 421 BENTLEY ST.)
- SUPPORT FOR FIT PROGRAM (5.7)

Moved by Deputy Mayor Jack Heath
Seconded by Regional Councillor Joe Li

Whereas capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 5.0; and,

Whereas Gengrowth Energy LP (the “Applicant”) proposes to construct and operate a Rooftop Solar Project (the “Project”) on 02997-0005 (the “Lands”) in the City of Markham under the Province’s FIT Program; and,

Whereas the Applicant has requested that Council of the City of Markham indicate by resolution Council’s support for the construction and operation of the Project on the Property; and,

Whereas pursuant to the FIT Rules, Version 5.0, Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other Persons applying for FIT Contracts; and,

Now therefore be it resolved:

- 1) That Council of the City of Markham supports the construction and operation of the Project on the Lands; and,
- 2) That this resolution’s sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Project, or for any other purpose.

Carried

- (5) GENGROWTH ENERGY LP
PROJECT PIN: 02997-0006
(331 BENTLEY ST., 381 BENTLEY ST., 385 BENTLEY ST.)
- SUPPORT FOR FIT PROGRAM (5.7)

Moved by Deputy Mayor Jack Heath
Seconded by Regional Councillor Joe Li

Whereas capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 5.0; and,

Whereas Gengrowth Energy LP (the “Applicant”) proposes to construct and operate a Rooftop Solar Project (the “Project”) on 02997-0006 (the “Lands”) in the City of Markham under the Province’s FIT Program; and,

Whereas the Applicant has requested that Council of the City of Markham indicate by resolution Council’s support for the construction and operation of the Project on the Property; and,

Whereas pursuant to the FIT Rules, Version 5.0, Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other Persons applying for FIT Contracts; and,

Now therefore be it resolved:

- 1) That Council of the City of Markham supports the construction and operation of the Project on the Lands; and,
- 2) That this resolution’s sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Project, or for any other purpose.

Carried

- (6) GENGROWTH ENERGY LP
PROJECT PIN: 02997-0012
(200 BENTLEY ST., 380 BENTLEY ST., 400 BENTLEY ST.)
- SUPPORT FOR FIT PROGRAM (5.7)

Moved by Deputy Mayor Jack Heath
Seconded by Regional Councillor Joe Li

Whereas capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 5.0; and,

Whereas Gengrowth Energy LP (the “Applicant”) proposes to construct and operate a Rooftop Solar Project (the “Project”) on 02997-0012 (the “Lands”) in the City of Markham under the Province’s FIT Program; and,

Whereas the Applicant has requested that Council of the City of Markham indicate by resolution Council’s support for the construction and operation of the Project on the Property; and,

Whereas pursuant to the FIT Rules, Version 5.0, Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other Persons applying for FIT Contracts; and,

Now therefore be it resolved:

- 1) That Council of the City of Markham supports the construction and operation of the Project on the Lands; and,
- 2) That this resolution’s sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Project, or for any other purpose.

Carried

- (7) DIWALI FESTIVAL (12.2.6)

Council thanked Councillor Amanda Collucci for celebrating the Diwali Festival with the residents on November 13, 2016.

(8) LIABILITY RELATED TO
DENIAL OF TREE REMOVAL APPLICATION (8.0)

Moved by Councillor Don Hamilton
Seconded by Deputy Mayor Jack Heath

- 1) That the City Solicitor report back regarding the liability of the City of Markham denying a tree removal application.

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

12. BY-LAWS

Moved by Councillor Alex Chiu
Seconded by Councillor Logan Kanapathi

That By-laws 2016-130 and 2016-131 be given three readings and enacted.

Three Readings

BY-LAW 2016-130 2017 TEMPORARY BORROWING BYLAW

A by-law to authorize temporary borrowing to meet the expenditures of the City of Markham until taxes are collected and other revenues received.
(Item No. 2, Report No. 43)

[By-law](#)

Carried

BY-LAW 2016-131 A BY-LAW TO LEVY THE ACTUAL COST OF CONSTRUCTION OF
THE SANITARY SEWER ON MILMAR COURT
(REPEALING BY-LAW 2007-65)

(Item No. 4, Report No. 43)

[By-law](#)

Carried

13. IN-CAMERA ITEMS

Moved by Councillor Valerie Burke

Seconded by Councillor Alex Chiu

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into an in-camera session to discuss the following matters (10:41 PM on November 15, 2016):

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
- NOVEMBER 1 AND 2, 2016 (16.0)
[Section 239 (2) (a) (b) (c) (d) (e) (f)]

Development Services Committee - November 7, 2016

- (2) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD - ONTARIO MUNICIPAL BOARD - 23 CHURCH STREET (WARD 4) (8.0)

General Committee - November 14, 2016

- (3) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 4) (8.6)
[Section 239 (2) (c)]
- (4) LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS (COLLECTIVE BARGAINING UPDATE) (11.0)
[Section 239 (2) (d)]

Carried

Moved by Councillor Alex Chiu

Seconded by Councillor Karen Rea

That Council rise from the in-camera session. (12:27 AM on November 16, 2016)

Carried

The in-camera items were approved by Council as follows:

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
- NOVEMBER 1 AND 2, 2016 (16.0)

Moved by Regional Councillor Nirmala Armstrong
Seconded by Councillor Alex Chiu

- 1) That the Council In-camera Minutes dated November 1 and 2, 2016 be confirmed.

Carried

- (2) MINOR VARIANCE APPLICATION APPEAL
ALAN & JACQUIE GARDINER, 23 CHURCH STREET
FILE A/76/16 (8.0)

Moved by Councillor Alex Chiu
Seconded by Councillor Alan Ho

- 1) That the confidential memorandum dated October 27, 2016 providing clarification on the approvals for the location of the in-ground swimming pool, pool enclosure and gazebo at 23 Church Street be received; and,
- 2) That the confidential report titled “Minor Variance Application Appeal, Alan & Jacquie Gardiner, 23 Church Street, File A/76/16”, be received; and,
- 3) That Council direct the City Solicitor and Staff to attend the Ontario Municipal Board (OMB) hearing regarding the decision of the Committee of Adjustment to approve the minor variance related to permitting an accessory building to be located in the front yard, a reduced front yard, and reduced side yard setback, providing the applicant agrees to request the OMB to impose the staff recommended condition of approval set out below:
- a) That the variances apply only to the development as long as it remains; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (3) 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 Logan Kanapathi

- 1) That this matter be referred to the November 28, 2016 General Committee in-camera meeting.

Carried

- (4) LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS
(COLLECTIVE BARGAINING UPDATE) (11.0)

Moved by Regional Councillor Jim Jones

Seconded by Deputy Mayor Jack Heath

- 1) That this matter be referred to the November 28, 2016 General Committee in-camera meeting.

Carried

14. CONFIRMATORY BY-LAW

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

That By-law 2016-129 be given three readings and enacted.

Three Readings

BY-LAW 2016-129 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF NOVEMBER 15, 2016.

[By-law](#)

Carried

15. ADJOURNMENT

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

That the Council Meeting be adjourned at 12:28 AM on November 16, 2016.

Carried

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

(Signed)