



## **Council Minutes**

**October 17, 2016, 7:00 PM**

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 15

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**Alternate formats for this document are available upon request**

### **Roll Call**

Mayor Frank Scarpitti, Deputy Mayor Jack Heath, 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 Alex Chiu.

### **Regrets**

Regional Councillor Jim Jones, Councillor Logan Kanapathi.

### **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  
Regan Hutcheson, Manager, Heritage Planning

The meeting of Council convened at 7:02 PM on October 17, 2016 in the Council Chamber.  
Mayor Frank Scarpitti presided.

## **1. DISCLOSURE OF PECUNIARY INTEREST**

(1) None declared.

## 2. MINUTES

### (1) COUNCIL MINUTES - SEPTEMBER 27, 2016

[Minutes](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

- 1) That the Minutes of the Council Meeting held on September 27, 2016, be adopted.

**Carried**

## 3. PRESENTATIONS

### (1) GERMAN PIONEERS DAY - OCTOBER 11, 2016 (12.2.6)

October 11, 2016 was proclaimed as German Pioneers Day in the City of Markham.

Mayor Frank Scarpitti provided a brief overview of the early German settlers that helped establish what it is now the City of Markham. He also provided an overview of the 15<sup>th</sup> Anniversary of Alliance between the City of Markham and its twin City of Nordlingen, Germany.

David Burkholder, President, Pennsylvania German Folklore Society of Ontario and Vice-President of Reesor Family in Canada, provided a history of German settlers in Markham. He presented a book titled "Pioneer Footprints in York County" to Council.

Lorne R. Smith, Official Historian and Secretary, Markham Berczy Settlers Association, spoke of the alliance agreement signed in Nordlingen on October 7, 2001 posted outside Markham's Council Chamber. He noted that there will be representatives coming from Nordlingen for the Canada 150 celebrations and encouraged Markham to begin planning for their visit.

On behalf of Council, Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Councillor Valerie Burke and Councillor Karen Rea received the historical "pig" from Nordlingen.

John Webster, Town Crier, spoke of the successful celebrations of Nordlingen's traditional Historic Wall Festival held in September 2016 and the alliance with City of Cary, North Carolina.

A video created by Heinz Nitschke on the celebrations of the Historic Wall Festival was shown to Council.

Moved by Councillor Karen Rea  
Seconded by Councillor Valerie Burke

That Council receive all the presentations related to the German Pioneers Day.

**Carried**

#### **4. DELEGATIONS**

##### **(1) DELEGATION - GERMAN PIONEERS DAY (12.2.6)**

See Presentation Item No. 1 related to the delegation from John Webster on German Pioneers Day.

##### **(2) DELEGATIONS - DEMOLITION PERMIT APPLICATION FOR 38 JOHN STREET (16.11, 10.13)**

The following individuals addressed Council regarding the demolition permit application for 38 John Street:

1. Joan Honsberger, spoke in opposition to the proposed demolition.
2. Marion Matthias, spoke in opposition to the proposed demolition.
3. Diane Berwick, spoke in opposition to the proposed demolition.
4. Ken Webster, spoke in opposition to the proposed demolition.
5. Olana Alcock, spoke in opposition to the proposed demolition.
6. Rob Armstrong, Ward 1 South Thornhill Residents Inc., spoke in opposition to the proposed demolition.
7. Mahmood Zake, spoke in support of the proposed demolition.

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

#### **5. PETITIONS**

There were no petitions.

**6(A) REPORT NO. 35 - DEVELOPMENT SERVICES COMMITTEE (October 3, 2016)**

Moved by Councillor Don Hamilton

Seconded by Regional Councillor Joe Li

That Report No. 35 - Development Services Committee comprised of 2 items be received and adopted.

(1) **PROVINCIAL CO-ORDINATED  
LAND USE PLANNING REVIEW  
– CITY OF MARKHAM RESPONSE TO PROPOSED  
AMENDMENTS TO THE GROWTH PLAN, GREENBELT PLAN  
AND OAK RIDGES MORAINÉ CONSERVATION PLAN (10.0)**  
[Report](#) [Figure 1](#) [Figure 2](#) [Appendix A](#) [Appendix B](#) [Appendix C](#) [Appendix D](#)

- 1) That the deputations by Don Givens of Malone Given Parsons Ltd., representing Angus Glen Block Landowners Group, Employment Block Landowners Group, and the Robinson Glen Block Landowners Group, and Catherine Lyons of Goodmans representing Minotar and KMLG regarding the Provincial Co-ordinated Land Use Planning Review, be received; and,
- 2) That the staff report entitled “Provincial Co-ordinated Land Use Planning Review – City of Markham Response to Proposed Amendments to the Growth Plan, Greenbelt Plan, and Oak Ridges Moraine Conservation Plan” dated October 3, 2016 be received; and,
- 3) That this report be forwarded to the Ministry of Municipal Affairs and Housing and the Regional Municipality of York as the City of Markham’s response to the proposed amendments to the Provincial Plans; and,
- 4) That in addition to the recommendations in the report, the Province be requested to revise the proposed Designated Greenfield Area minimum density and/or transition provisions in the Growth Plan to acknowledge the extensive work undertaken to date on developing a complete, compact community in Markham’s 2031 settlement area expansion (the Future Urban Area) based on integrated Subwatershed, Master Transportation and Servicing Studies consistent with the Growth Plan, and minimum densities of 70 residents and jobs per hectare, consistent with the York Region Official Plan 2010; and allow for approval of secondary plans on this basis; and,
- 5) That staff report recommendation 1.1 be amended to identify that whereas Markham’s growth strategy to 2031 is based on 60% intensification within the 2005 built boundary, there is serious concern that a region-wide increase to 60% could push Markham’s percentage to an impractical higher level; and,

- 6) That the following be added to staff report recommendation 2.1:
- That the Province be requested to:
- a) Develop an open and transparent process to review potential minor boundary changes associated with the Greenbelt Plan in response to individual land owner requests,
  - b) Define clear criteria for Greenbelt boundary refinements,
  - c) Provide a clear timeframe for its process and for its consideration of submissions, and
  - d) Enable the definition of precise limits of the Greenbelt boundary in the City of Markham's New Community Areas to be established through the approval process for Secondary Plans, to the satisfaction of York Region and the Province of Ontario; and,
- 7) That the Province be requested to provide additional time to refine the Growth Plan and to work with municipalities and various stakeholders so that the Growth Plan for the Golden Horseshoe can be implemented in a collaborative manner; and,
- 8) That the Province be requested to expedite the necessary investment in transit and other infrastructure to support the Growth Plan; and further,
- 9) That staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

(2) CONCEPTUAL MASTER PLAN  
FOR THE FUTURE URBAN AREA – INTERIM REPORT  
AND PRELIMINARY COMMUNITY STRUCTURE PLAN (10.0)  
[Presentation](#) [Report](#) [Figure 1](#) [Figure 2](#) [Appendix A](#)

- 1) That correspondence from Savanta Inc. dated August 24, 2016, be received and referred to staff; and,
- 2) That the report dated October 3, 2016 entitled “Conceptual Master Plan for the Future Urban Area – Interim Report and Preliminary Community Structure Plan” be received; and,
- 3) That the report entitled “Conceptual Master Plan for the Future Urban Area – Interim Report and Preliminary Community Structure Plan” dated October 3, 2016 be released for comment, and that a Public Open House be held in Fall 2016 to gain public input; and,

- 4) That the report “Conceptual Master Plan for the Future Urban Area - Interim Report and Preliminary Community Structure Plan” dated October 3, 2016 be forwarded to the Minister of Municipal Affairs and Housing and York Region in support of Council’s request to the Province to continue to plan for the Future Urban Area in accordance with the York Region Official Plan 2010 in effect (i.e., at a minimum 70 residents and jobs per developable hectare), notwithstanding proposed amendments to the Provincial Growth Plan which may result in higher minimum density requirements; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

**6(B) REPORT NO. 36 - DEVELOPMENT SERVICES PUBLIC MEETING  
(October 5, 2016)**

Moved by Councillor Don Hamilton

Seconded by Councillor Alan Ho

That Report No. 36 - Development Services Public Meeting comprised of 1 item be received and adopted.

- (1) PRELIMINARY REPORT  
APPLICATION BY FIRST MARKHAM PROPERTIES INC.  
FOR ZONING BY-LAW AMENDMENT TO ADD A  
SUPERMARKET TO THE LIST OF PERMITTED USES ON THE  
PROPERTY KNOWN MUNICIPALLY AS 3265 AND 3275 HIGHWAY 7 EAST  
FILE NO: ZA 16 170952 (10.5)

[Report](#)

- 1) That the written submissions from Meaghan McDermid of Davies Howe Partners LLP, representing 2438515 Ontario Inc., and Sandra Patano of Weston Consulting, representing First Markham Place Highway 7 Inc (Unit 1) regarding the application by First Markham Properties Inc. 3265 and 3275 Highway 7 East, be received; and,
- 2) That the report dated June 20, 2016 titled “PRELIMINARY REPORT, application by First Markham Properties Inc. for Zoning By-law Amendment to add a supermarket to the list of permitted uses on the property known municipally as 3265 and 3275 Highway 7 East (File No. ZA 16 170952)”, be received; and,

- 3) That the Record of the Public Meeting held on October 5, 2016, with respect to the proposed Zoning By-law Amendment to add a supermarket to the list of permitted uses on the property known municipally as 3265 and 3275 Highway 7 East (File No. ZA 16 170952), be received; and,
- 4) That the application by First Markham Properties Inc. to amend the zoning by-law to add a supermarket to the list of permitted uses on the property known municipally as 3265 and 3275 Highway 7 East (File No. ZA 16 170952), be approved; and,
- 5) That the proposed amendment to the Zoning By-law 165-80, as amended, be enacted without further notice; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

**6(c) REPORT NO. 37 - GENERAL COMMITTEE (October 17, 2016)**

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Amanda Collucci

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

- (1) VIDEO STREAMING OF MARKHAM CITY COUNCIL, STANDING COMMITTEE AND STATUTORY PUBLIC MEETINGS (7.14)

[Presentation](#)

- 1) That the presentation by Martha Pettit, Deputy City Clerk regarding the video streaming of Markham City Council, Standing Committee & statutory public meetings in the Council Chamber be received; and,
- 2) That Council approve the proposed video streaming solution for implementation for Council, Standing Committee & statutory meetings held in the Council Chamber no later than January 2017; and further,
- 3) That General Committee meetings be moved into the Council Chamber when video streaming begins.

**Carried by a recorded vote (9:2)**  
(See following recorded vote)

YEAS: Councillor Valerie Burke, Councillor Alan Ho, Councillor Don Hamilton, Regional Councillor Nirmala Armstrong, Deputy Mayor Jack Heath, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Alex Chiu. (9)

NAYS: Councillor Karen Rea, Mayor Frank Scarpitti. (2)

ABSENT: Regional Councillor Jim Jones, Councillor Logan Kanapathi. (2)

(2) CANCELLATION, REDUCTION OR REFUND  
OF TAXES UNDER SECTIONS 357 AND 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 \$137,582.34 be adjusted under sections 357 and 358 of the *Municipal Act, 2001* of which the city's portion is estimated to be \$22,723.52; 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**



**7. MOTIONS****(1) REQUEST YORK REGION TO WRAP TRAFFIC CONTROL CABINETS (5.0)**

Moved by Councillor Valerie Burke

Seconded by Regional Councillor Nirmala Armstrong

Whereas the City of Markham has initiated a very successful public realm improvement project to wrap traffic control cabinets in beautiful public art; and,

Whereas the traffic control cabinet wraps have been very well received by residents; and,

Whereas the traffic control cabinet wraps improve the Public Realm;

Now therefore be it resolved:

- 1) That York Region commence a similar program to wrap traffic control cabinets on regional roads; and,
- 2) That a copy of this Motion be sent to York Region Council for their consideration and response.

**Carried**

(See following to consider the matter)

Moved by Councillor Valerie Burke

Seconded by Councillor Karen Rea

That Council consent to the introduction of a motion for discussion titled "Request York Region to Wrap Traffic Control Cabinets".

**Carried**

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

(2) HEARING PROCESS  
- LICENSING BY-LAWS AND TREE BY-LAW MATTERS (2.0)

Moved by Councillor Valerie Burke  
Seconded by Councillor Don Hamilton

- 1) That staff be requested to report back to General Committee in early first quarter of 2017 with recommended changes to the City of Markham's current hearing process, particularly with respect to Licensing By-laws and Tree By-law matters; and,
- 2) That a workshop be held prior to reporting back to General Committee on the recommended changes.

**Carried**

(See following to consider the matter)

Moved by Councillor Alan Ho  
Seconded by Councillor Don Hamilton

That Council consent to the introduction of a motion for discussion titled "Hearing Process - Licensing By-Laws and Tree By-Law Matters".

**Carried**

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

(3) APPOINTMENT OF BOARD OF DIRECTOR TO  
NATIONAL ZERO WASTE COUNCIL (16.24)

Moved by Regional Councillor Nirmala Armstrong  
Seconded by Councillor Don Hamilton

That Council endorse the appointment of Deputy Mayor Jack Heath to the Board of Directors of the National Zero Waste Council.

**Carried**

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

## 8. NOTICES OF MOTIONS

### (1) PAVING OF RESIDENTIAL BACKYARDS IN THE CITY OF MARKHAM (10.0)

Moved by Councillor Valerie Burke

Seconded by Councillor Karen Rea

Whereas the paving of residential backyards in the City of Markham is increasing; and,

Whereas increased paving contributes to issues relating to stormwater runoff such as flooding, erosion and poor water quality; and,

Whereas backyards adjacent to ravines are of particular concern due the sensitivity of the watershed and ecosystem; and,

Whereas increased pavement contributes to heat-island effect; and,

Whereas trees are removed to facilitate the installation of pavement;

Now therefore be it resolved:

- 1) That City staff report back about ways to prevent further paving of residential backyards.

Note: This motion will be listed on the November 1, 2016 Council Agenda for consideration.

## 9. COMMUNICATIONS

Moved by Councillor Alex Chiu

Seconded by Councillor Alan Ho

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

### **Received**

38-2016

LIQUOR LICENCE APPLICATION FOR GOOD CATCH BOIL HOUSE, 179 ENTERPRISES BOULEVARD, M-109 (WARD 3) (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**

- 39-2016      COMMUNICATION  
              - DEMOLITION PERMIT APPLICATION  
              FOR 38 JOHN STREET (16.11, 10.13)  
              [Communication](#)  
              Email dated October 16, 2016 received from Joe and Diane Ricciuti providing  
              comments.  
              (New/Other Business Item No. 4)

**Carried**

- 40-2016      COMMUNICATION  
              - PROVINCIAL CO-ORDINATED  
              LAND USE PLANNING REVIEW  
              – CITY OF MARKHAM RESPONSE TO PROPOSED  
              AMENDMENTS TO THE GROWTH PLAN, GREENBELT PLAN  
              AND OAK RIDGES MORAINÉ CONSERVATION PLAN (10.0)  
              [Communication](#)  
  
              Letter dated October 17, 2016 received from Catherine Lyons, Solicitor for  
              Kennedy McCowan Landowner Group, providing comments.  
              (Item No. 1, Report No. 35)

**Carried**

**10. PROCLAMATIONS****(1) PROCLAMATION AND FLAG REQUESTS (3.4)**[Info](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Amanda Collucci

- 1) That the following proclamations, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
  - Waste Reduction Week (October 17 to 21, 2016)
  - International Holocaust Remembrance Day (January 27, 2017); and,
- 2) 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:
  - Pregnancy and Infant Loss Awareness Day (October 15, 2016); 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:
  - Poppy Flag on Remembrance Day (November 11, 2016)

**Carried****11. NEW/OTHER BUSINESS****(1) RECOMMENDATION FROM THE OCTOBER 5, 2016  
LICENSING COMMITTEE HEARING  
(34 WOOLSTHORPE CRESCENT) (2.0)**

Moved by Councillor Karen Rea

Seconded by Regional Councillor Nirmala Armstrong

- 1) That the following recommendation of the Licensing Committee from the Hearing held on October 5, 2016 be approved and adopted:
  - "1. That the application to remove a littleleaf linden tree at 34 Woolsthorpe Crescent, Markham, be approved, with the following condition:
    - a) That the applicants provide for one replacement tree at the subject property in a size and native species deemed appropriate by staff, by 2017, or provide a cash-in-lieu payment of \$300.00 per tree; and,

2. That the recommendations are based on the unique characteristics of this case only and are neither intended to be precedent setting nor to be used as a basis for future cases."

**Carried by a recorded vote (8:3)**

(See following recorded vote)

YEAS: Councillor Alan Ho, Councillor Don Hamilton, Councillor Karen Rea, Regional Councillor Nirmala Armstrong, Mayor Frank Scarpitti, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Alex Chiu. (8)

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

ABSENT: Regional Councillor Jim Jones, Councillor Logan Kanapathi. (2)

(2) RECOMMENDATION FROM THE AUGUST 18, 2016  
LICENSING COMMITTEE HEARING  
(6007 16<sup>TH</sup> AVENUE) (2.0)

Moved by Regional Councillor Nirmala Armstrong  
Seconded by Councillor Karen Rea

- 1) That the following recommendation of the Licensing Committee from the Hearing held on August 18, 2016 be approved and adopted:
  - "1. That the application to remove a Norway spruce tree at 6007 16<sup>th</sup> Avenue, Markham, be denied; and,
  2. That City Operations Staff be requested to advise the applicant on proper trimming and lightening of the branches for the Norway spruce tree."

**Deferred to the next Council meeting**

- (3) 2531789 ONTARIO INC.  
PROJECT PIN: 02988-0133 (120 DUFFIELD DRIVE)  
- SUPPORT FOR FIT PROGRAM (5.7)

Moved by Councillor Valerie Burke

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 2531789 Ontario Inc. (the “Applicant”) proposes to construct and operate a Rooftop Solar Project (the “Project”) on 02988-0133 (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) REQUEST TO DEMOLISH  
SINGLE DETACHED DWELLING  
DEMOLITION PERMIT APPLICATION DP 16 115753  
38 JOHN STREET  
THORNHILL HERITAGE CONSERVATION DISTRICT (16.11, 10.13)  
[Memo](#)

Moved by Councillor Valerie Burke

Seconded by Regional Councillor Nirmala Armstrong

- 1) That the staff memo dated October 17, 2016 regarding a demolition permit application for 38 John Street, Thornhill, be received; and,
- 2) That Council supports the Heritage Markham recommendation of August 10, 2016 confirming Heritage Markham's previous recommendation from May 11, 2016 which indicated that Heritage Markham recognizes that 38 John Street is located in the sensitive core area of the Thornhill Heritage Conservation District and supports the installation of a compatible addition in accordance with the policies and guidelines of the Thornhill Heritage Conservation District Plan, appropriately scaled to its context, in consultation with the Ward Councillor, and that the first 20 feet of the building remains a distinct component of any future addition; and,
- 3) That application for a demolition permit for the demolition of the entire building at 38 John Street be denied; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to the final resolution.

**Carried by a recorded vote (7:4)**

(See following recorded vote)

(See following to consider the matter)

YEAS: Councillor Valerie Burke, Councillor Alan Ho, Councillor Don Hamilton, Councillor Karen Rea, Regional Councillor Nirmala Armstrong, Mayor Frank Scarpitti, Deputy Mayor Jack Heath. (7)

NAYS: Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Alex Chiu. (4)

ABSENT: Regional Councillor Jim Jones, Councillor Logan Kanapathi. (2)



Moved by Councillor Valerie Burke  
Seconded by Councillor Karen Rea

That Council consider the item related to the demolition permit application for 38 John Street immediately following the delegations with respect thereto.

Carried

Council consented to not consider the following proposed recommendation listed on the agenda:

- "1) That the staff memo dated October 17, 2016 regarding a demolition permit application for 38 John Street, Thornhill, be received; and,
- 2) That the Heritage Markham recommendation of August 10, 2016 confirming Heritage Markham's previous recommendation from May 11, 2016 which indicated that Heritage Markham recognizes that 38 John Street is located in the sensitive core area of the Thornhill Heritage Conservation District and supports the installation of a compatible addition in accordance with the policies and guidelines of the Thornhill Heritage Conservation District Plan, appropriately scaled to its context, in consultation with the Ward Councillor, and that the first 20 feet of the building remains a distinct component of any future addition, be received; and,
- 3) That the following staff recommendation from May 24, 2016 be endorsed by Council:

"That Council supports the demolition of the existing, non-heritage, single detached dwelling at 38 John Street, conditional on the owner first obtaining site plan approval for a new replacement single detached dwelling designed in accordance with the policies and guidelines of the Thornhill Heritage Conservation District Plan, and appropriately scaled to its context within the Core Area of the Heritage Conservation District"; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to the final resolution.

**12. BY-LAWS**

Moved by Councillor Alex Chiu  
Seconded by Councillor Karen Rea

That By-law 2016-106 be given three readings and enacted.

**Three Readings**

BY-LAW 2016-106 ROAD DEDICATION BY-LAW (CACHET WOODS COURT)

A by-law to dedicate certain lands as part of the highways of the City of Markham (Block 9, being a reserve, Plan 65M-3184)

[By-law](#)

**Carried**

**13. IN-CAMERA ITEMS**

Council consented to not resolve into in-camera session to discuss the following matter:

**Development Services Committee - October 3, 2016**

- (1) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD - ONTARIO MUNICIPAL BOARD - 7713 KENNEDY ROAD (WARD 8) (8.0)  
[Section 239 (2) (e)]

**Carried**

The in-camera item was approved by Council as follows:

- (1) MINOR VARIANCE APPEAL)  
1297482 ONTARIO LTD. (ALAWN LAI)  
7713 KENNEDY ROAD  
FILE NO. A/60/13 (8.0)

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Joe Li

- 1) That the report dated October 3, 2016 titled “Minor Variance Appeal, 1297482 Ontario Ltd. (Alawn Lai), 7713 Kennedy Road, File No. A/60/13” be received; and,
- 2) That Council direct the City Solicitor and Staff not to attend the Ontario Municipal Board hearing respecting the Minor Variance appeal for 7713 Kennedy Road (A/60/13) provided that the applicant agrees to request the OMB to impose the staff recommended conditions of approval set out below:
  - a) That the variance apply only to the proposed development as long as it remains.
  - b) That the variance apply only to the subject development, in substantial conformity with the plan(s) endorsed by Development Services Committee on June 7, 2016, to the satisfaction of the Director of Planning and Urban Design or designate.
  - c) That the owner provide mature vegetation at the rear of the property, to provide a buffer to the existing rear lots (on Alai Circle), and that this condition be included in the site plan agreement; 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 Colin Campbell

That By-law 2016-107 be given three readings and enacted.

**Three Readings**

BY-LAW 2016-107 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF OCTOBER 17, 2016.

[By-law](#)

**Carried**

**15. ADJOURNMENT**

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

That the Council Meeting be adjourned at 10:42 PM.

**Carried**

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Kimberley Kitteringham  
City Clerk

(Signed)

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Frank Scarpitti  
Mayor