

Council Minutes

September 13, 2016, 7:00 PM

Council Chamber, Anthony Roman Markham Civic Centre Meeting No. 13

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Roll Call

Mayor Frank Scarpitti, 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 Alex Chiu.

Regrets

Deputy Mayor Jack Heath, 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
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 7:08 PM on September 13, 2016 in the Council Chamber. Mayor Frank Scarpitti presided.

1. DISCLOSURE OF PECUNIARY INTEREST

(1) None declared.

2. MINUTES

(1) COUNCIL MINUTES - JUNE 28 AND JULY 28, 2016 <u>June 28</u> <u>July 28</u>

Moved by Councillor Alex Chiu Seconded by Councillor Valerie Burke

1) That the Minutes of the Council Meetings held on June 28 and July 28, 2016, be adopted.

Carried

3. PRESENTATIONS

There were no presentations.

4. **DELEGATIONS**

(1) DELEGATION - DEMOLITION PERMIT APPLICATION FOR 38 JOHN STREET (16.11, 10.13)

Marion Matthias spoke in opposition to the demolition permit application for 38 John Street. (See New/Other Business Item No. 1 for Council's decision on this matter)

5. PETITIONS

There were no petitions.

6(A) REPORT NO. 30 - DEVELOPMENT SERVICES COMMITTEE (September 6, 2016)

Moved by Regional Councillor Jim Jones Seconded by Councillor Don Hamilton

That Report No. 30 - Development Services Committee comprised of 7 items be received and adopted, except Item Nos. 4 and 6. (See following Item Nos. 4 and 6)

(1) INTENTION TO DESIGNATE A PROPERTY UNDER PART IV OF THE <u>ONTARIO HERITAGE ACT</u>

NAME: TOMLINSON – GATES HOUSE ADDRESS: 7790 NINTH LINE (16.11.3) Report

- 1) That Council receive the staff report titled "Intention to Designate a Property under Part IV of the Ontario Heritage Act, Name: Tomlinson Gates House, Address: 7790 Ninth Line"; and,
- 2) That as recommended by Heritage Markham, the Tomlinson Gates House at 7790 Ninth Line be approved for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest; and,
- 3) That the Clerk's Department be authorized to publish and serve Council's Notice of Intention to Designate as per the requirements of the Ontario Heritage Act; and,
- 4) That if there are no objections to the designation in accordance with the provisions of the <u>Ontario Heritage Act</u>, the Clerk be authorized to place a designation by-law before Council for adoption; and,
- 5) That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the Clerk be directed to refer the proposed designation to the Ontario Conservation Review Board; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

- (2) REQUEST BY STAFF FOR NAMING TWO LANES
 IN REGISTERED PLAN 65M4496 TO PERMIT THE
 ADDRESSING OF RESIDENTIAL UNITS WITH LANE ACCESS (10.14)
 Memo
 - 1) That Council approve two street naming by-laws to name two lanes (Blocks 42 & 43) on registered plan 65M4496 as Alicia Lane (Block 42) and John Rudkin Lane (Block 43); and,
 - 2) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-laws 2016-91 and 2016-92)

Carried

- (3) REQUEST BY STAFF FOR NAMING TWO LANES
 IN REGISTERED PLAN 65M4429 TO PERMIT THE
 ADDRESSING OF RESIDENTIAL UNITS WITH LANE ACCESS (10.14)
 Memo
 - 1) That Council approve two street naming by-laws to name two lanes (Blocks 52 & 53) on registered plan 65M4429 as Presquile Lane (Block 52) and Jaffna Lane (Block 53); and,
 - 2) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-laws 2016-93 and 2016-94)

(4) REVISED PROCESS FOR CALLING PUBLIC MEETINGS AND SCHEDULING PRELIMINARY REPORTS FILE PR 16 129880 (10.0) Report

Moved by Regional Councillor Jim Jones Seconded by Councillor Don Hamilton

- 1) That the report "Revised process for calling public meetings and scheduling preliminary reports" be received; and,
- 2) That the Director of Planning and Urban Design be delegated the authority to schedule public meetings for Official Plan and Zoning By-law Amendments and Draft Plans of Subdivision applications; and,
- 3) That staff be required to bring forward a Preliminary Report to Development Services Committee prior to the Public Meeting, and generally at least one week prior to a scheduled public; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

- (5) RECOMMENDATION REPORT
 APPLICATION FOR ZONING BY-LAW AMENDMENT
 SUBMITTED BY LIVANTE HOLDINGS
 2271850 ONTARIO LTD., AND VETMAR LTD.
 ON THE LANDS KNOWN MUNICIPALLY AS
 10978, 10988, 11030 VICTORIA SQUARE BOULEVARD
 (FORMALLY WOODBINE AVENUE)
 FILE NO. ZA 15 129978 (10.5)
 Report
 - 1) That the deputation by Maria Gatzios of Gatzios Planning, representing the applicants, regarding applications by Livante Holdings, 2271850 Ontario Ltd., and Vetmar Ltd., be received; and,
 - 2) That the Staff report entitled "Recommendation Report, Application for Zoning By-law Amendment, submitted by Livante Holdings, 2271850 Ontario Ltd., and Vetmar Ltd., on the lands known municipally as 10978, 10988, 11030 Victoria Square Boulevard (formally Woodbine Avenue), File No. ZA 15 129978, be received; and,

- That the record of the Public Meeting held on November 16, 2015, relating to the application for Zoning By-law Amendment submitted by Livante Holdings, 2271850 Ontario Ltd., and Vetmar Ltd., on the lands known municipally as 10978, 10988, 11030 Victoria Square Boulevard (formally Woodbine Avenue), File No. ZA 15 129978, be received; and,
- 4) That the draft amendments to Zoning By-laws 304-87 and 177-96 for the subject lands, attached to this report as Appendix 'A', be finalized and enacted once finalized; and,
- 5) That servicing allocation for 24 units be assigned to plan of subdivision 19TM-15002; and,
- 6) That the Region of York be advised of the servicing allocation for this development; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(6) CYCLING AND PEDESTRIAN ADVISORY
COMMITTEE (CPAC) MINUTES
-May 19, 2016 (16.34)
Minutes

Moved by Councillor Don Hamilton Seconded by Councillor Alan Ho

- 1) That the minutes of the Cycling and Pedestrian Advisory Committee (CPAC) meeting held May 19, 2016, be received for information purposes.
- 2) That the following recommendation from the May 19, 2016 Cycling and Pedestrian Advisory Committee (CPAC) be received and referred to staff to provide a report back to the Development Services Committee:

"That Cycling & Pedestrian Advisory Committee request City of Markham Council to update their by-law to restrict motor vehicles from parking on all bicycle facilities."

Carried as amended

(7) LAKE TO LAKE ROUTE IMPLEMENTATION
IN MARKHAM
(YORK REGION PRESENTATION)
AND
YORK REGION LAKE TO LAKE TRAIL IMPLEMENTATION
(CITY STAFF PRESENTATION) (6.3)
York Region Presentation City Staff Presentation

- 1) That the presentation provided by Angela Gibson, Acting Director, Transportation Services, York Region entitled "Lake to Lake Route Implementation in Markham" be received; and,
- 2) That the presentation provided by Brian Lee, Deputy Director of Engineering, entitled "York Region Lake to Lake Implementation City of Markham Staff Presentation" be received; and,
- 3) That staff be directed to review the on-road section, to determine if it can be transitioned into an MUP system separated from traffic in the first phase, or identify improvements for future phases; and,
- 4) That the Lake to Lake Route implementation for the Markham section be endorsed in principle subject to funding; and,
- That Markham's funding share of the construction of Lake to Lake Route through Markham (\$1,415,690.21) be considered under the 2017 Capital Budget process; and,
- 6) That Markham's funding share of \$1,415,690.21 be funded 35% from Development Charges and 65% from non-DC Growth Reserve; and,
- 7) That the Operations Department's operating budget include the funds in the maximum amount of \$88,000 in the 2018 Operating Budget to cover annual operations and maintenance requirement for the Lake to Lake MUP Route through City of Markham upon completion of construction; and,
- 8) That the Region of York be authorized to design and tender the Lake to Lake MUP route in Markham; and,

- 9) That the Mayor and Clerk be authorized to execute further agreement(s) with York Region for the cost sharing and implementation of the project; and,
- 10) That the Regional Municipality of York be advised accordingly; and further,
- 11) That staff be authorized and directed to do all things necessary to give effect to this resolution.

6(B) REPORT NO. 31 - DEVELOPMENT SERVICES PUBLIC MEETING (September 6, 2016)

Moved by Regional Councillor Jim Jones Seconded by Councillor Don Hamilton

That Report No. 31 - Development Services Public Meeting comprised of 1 item be received and adopted.

- (1) MAIN AND MARKHAM INVESTMENTS LTD.
 C/O DAVID JOHNSTON, ARCHITECT LTD.
 ZONING BY-LAW AMENDMENT APPLICATION
 TO PERMIT AN ADDITIONAL USE
 8 MAIN STREET NORTH, MARKHAM VILLAGE
 FILE NO. ZA 16 120186 (10.5)
 Memo
 - 1) That the Development Services Committee report dated September 6, 2016, entitled "Preliminary Report, Zoning By-law Amendment, ZA 16 120186, 8 Main Street North, Markham Village, Main and Markham Ltd.", be received; and,
 - 2) That the Record of the Public Meeting held on September 6, 2016, with respect to the proposed amendments to By-law 1229, as amended, be received; and,
 - That the application by Main and Markham Investments Ltd. to amend By-law 1229, as amended, be approved; and further,
 - 4) That the proposed amendment to By-law 1229, as amended, be enacted without further notice.

(By-law 2016-99)

7. MOTIONS

There were no motions.

8. NOTICES OF MOTIONS

There were not 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

36-2016

NOMINATIONS FOR THE 2017 COUNCIL AWARD (12.2.6)

Letter

The College of Physicians and Surgeons of Ontario is accepting nominations for the 2017 Council Award. The Council Award honours outstanding Ontario physicians who have demonstrated excellence and embody society's vision of an "ideal physician". The deadline for receipt of nominations is October 3, 2016.

Carried

37-2016 ROAD CLOSURE REQUEST – MARKHAM FAIR (3.5)

Info

Elgin Mills Road between McCowan Road and Highway 48 will be closed during the date and time noted below to facilitate the 2016 Markham Fair:

- Thursday September 29 to Saturday October 1, 2016 (8:00 AM to 10:30 PM)
- Sunday October 2, 2016 (8:00 AM to 6:30 PM)

10. PROCLAMATIONS

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

Moved by Councillor Karen Rea Seconded by Councillor Don Hamilton

- 1) That the following proclamations, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
 - India Independence Day (August 15, 2016)
 - Franco-Ontarian Day (September 23, 2016)
 - Bereaved Families York Region Month (September 2016)
 - Big Brothers Big Sisters Month (September 2016)
 - National Seniors Day (October 1, 2016)
 - World Mental Health Day (October 10, 2016)
 - Blue Shirt Day Ontario Stop Workplace Bullying & Harassment Day (October 21, 2016)
 - Child Care Worker & Early Childhood Educator Appreciation Day (October 26, 2016)
 - English as a Second Language Week (November 20 to 26, 2016)
 - World AIDS Day (December 1, 2016)
 - Caribana's 50th/Canada's 150th "Twinning" Celebration (June 29 to July 1, 2017); and,
- 2) That the following requests 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:
 - India Independence Day (August 21, 2016)
 - Franco-Ontarian Day (September 23, 2016)
 - National Seniors Day (September 26, 2016)
 - Blue Shirt Day (October 21, 2016)

11. NEW/OTHER BUSINESS

(1) REQUEST TO DEMOLISH
SINGLE DETACHED DWELLING
DEMOLITION PERMIT APPLICATION DP 16 115753
38 JOHN STREET
THORNHILL HERITAGE CONSERVATION DISTRICT (16.11, 10.13)
Memo

Council was advised that the applicant has provided written consent to defer the decision on the demolition permit application for 38 John Street.

Moved by Councillor Valerie Burke Seconded by Councillor Alex Chiu

- That the written submissions from Ken Webster, Diane Berwick, Tryfon and Jennea Elles, Olana Alcock, Debrah Berman, and, Joseph and Diane Ricciuti regarding the demolition permit application for 38 John Street, Thornhill, provided to the Development Services Committee on September 6, 2016, be received; and,
- 2) That deputations by Marion Matthias, Barry Nelson representing the Society for Preservation of Historic Thornhill, and Diane Berwick regarding the demolition permit application for 38 John Street, Thornhill, provided to the Development Services Committee on September 6, 2016, be received; and,
- 3) That the staff memo dated September 6, 2016 regarding a demolition permit application for 38 John Street, Thornhill, be received; and,
- 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,
- 5) That Council defer the consideration of the demolition permit application for 38 John Street; and,
- 6) That Staff be authorized and directed to do all things necessary to give effect to the final resolution.

Carried as amended

(See following to consider the matter)

Moved by Councillor Valerie Burke Seconded by Regional Councillor Jim Jones

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

Carried

(2) MARKHAM TENNIS CLUBHOUSE RECONSTRUCTION - UPDATE (6.4) Report

Moved by Councillor Karen Rea Seconded by Councillor Colin Campbell

- 1) That the report "Markham Tennis Clubhouse Reconstruction Update" be received; and,
- 2) That Council approve reconstruction of the Markham Tennis Clubhouse to a maximum cost of \$225,000 (increase from \$150,000 to \$225,000); and,
- 3) That the 2016 capital project #16195 "Markham Tennis Club Reconstruction" be increased by \$75,000 from \$150,000 to \$225,000 to be funded from the Lifecycle Replacement and Capital Reserve Fund; and,
- 4) That the reconstruction cost be equally shared by the City and Markham Tennis Club, with maximum contribution of \$112,500 from the Markham Tennis Club (increase from \$75,000 to \$112,500); and,
- 5) That the City provide an interest free loan to the Markham Tennis Club equivalent to 50% of the reconstruction cost to a maximum amount of \$112,500 to be paid back in 30 years with no interest (pay back from 20 years to 30 years); and,
- That the Markham Tennis Club commence repayment of the loan in July 1, 2017, the first year the clubhouse will be ready for use, and in the event the clubhouse is not ready by that time, the repayment will commence 2 months after its completion; and,
- 7) That reconstruction of the Tennis Clubhouse not be subject to site plan approval as it is a replacement building; and,

- 8) That Council authorize the Mayor and Clerk to execute an agreement with the Club in a form satisfactory to the City Solicitor and Chief Administrative Officer for the repayment related to the reconstruction of the clubhouse; and further,
- 9) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(3) 40TH THORNHILL VILLAGE FESTIVAL ROAD CLOSURES - SEPTEMBER 17, 2016 (3.5)

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

- 1) That Markham City Council support the necessary road closures, which include Yonge Street, for the 40th Anniversary of the Thornhill Village Festival being held on September 17, 2016 in the City of Markham; and,
- 2) That the Region of York be requested to support the closure of Yonge Street to facilitate the Thornhill Village Festival.

Carried

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

(4) 40TH THORNHILL VILLAGE FESTIVAL SPECIAL OCCASION LIQUOR PERMIT APPLICATION - SEPTEMBER 17, 2016 (3.21)

Moved by Councillor Valerie Burke Seconded by Regional Councillor Joe Li

1) That Markham City Council designate the 40TH Thornhill Village Festival being held on September 17, 2016 as an event of Municipal Significance for the purposes of the application of a Special Occasion Liquor Permit to be utilized in conjunction with the festival.

Carried

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

12. BY-LAWS

Moved by Councillor Alex Chiu Seconded by Regional Councillor Nirmala Armstrong

That By-laws 2016-91 to 2016-99 be given three readings and enacted.

Three Readings

BY-LAW 2016-91 A BY

A BY-LAW TO CHANGE A CERTAIN STREET NAME IN THE CITY OF MARKHAM (Lane to Alicia Lane)

(A lane legally described as Block 42 on Registered Plan 65M-4496, be named Alicia Lane)

(Item No. 2, Report No. 30)

By-law

Carried

BY-LAW 2016-92

A BY-LAW TO CHANGE A CERTAIN STREET NAME IN THE CITY OF MARKHAM (Lane to John Rudkin Lane)

(A lane legally described as Block 43 on Registered Plan 65M-4496, be named John Rudkin Lane)

(Item No. 2, Report No. 30)

By-law

Carried

BY-LAW 2016-93

A BY-LAW TO CHANGE A CERTAIN STREET NAME IN THE CITY OF MARKHAM (LANE TO PRESQUILE LANE)

(A Lane legally described as Block 52 on Registered Plan 65M-4429 be named Presquile Lane, between Cherna Avenue and Nipigon Avenue near Kennedy Road)

(Item No. 3, Report No. 30)

By-law

Carried

BY-LAW 2016-94

A BY-LAW TO CHANGE A CERTAIN STREET NAME IN THE CITY OF MARKHAM (LANE TO JAFFNA LANE)

(A lane legally described as Block 53 on Registered Plan 65M-4429, be named Jaffna Lane, between Cherna Avenue and Nipigon Avenue near Kennedy Road)

(Item No. 3, Report No. 30)

By-law

BY-LAW 2016-95

2124123 ONTARIO LIMITED, 3940 HIGHWAY 7 EAST, AMENDMENT TO THE NEW COUNCIL ADOPTED OFFICIAL PLAN (2014), AS AMENDED

A by-law to adopt an Official Plan Amendment to the new Council adopted Official Plan (2014), as amended, to permit the subject lands to be developed with townhouses, north of Highway 7 between Village Parkway and Verclaire Gate.

(Item No. 1, Report No. 20 - May 31, 2016) By-law

Carried

BY-LAW 2016-96

2124123 ONTARIO LIMITED, 3940 HIGHWAY 7 EAST, AMENDMENT TO THE IN FORCE OFFICIAL PLAN (REVISED 1987), AS AMENDED

A by-law to adopt an Official Plan Amendment to the in force Official Plan (Revised 1987), as amended, to permit the subject lands to be developed with townhouses, north of Highway 7 between Village Parkway and Verclaire Gate.

(Item No. 1, Report No. 20 - May 31, 2016) <u>By-law</u>

Carried

BY-LAW 2016-97

2124123 ONTARIO LIMITED, 3940 HIGHWAY 7 EAST, ZONING BY-LAW AMENDMENT

A by-law to amend By-law 118-79, as amended, to permit the subject lands to be developed with townhouses, north of Highway 7 between Village Parkway and Verclaire Gate.

(Item No. 1, Report No. 20 - May 31, 2016) By-law

Carried

BY-LAW 2016-98

ROAD DEDICATION BY-LAW (RIVERLANDS AVENUE AND CORNELL CENTRE BOULEVARD)

A by-law to dedicate certain lands as part of the highways of the City of Markham (Part of Lot 12, Concession 9, designated as Parts 2, 3, 5, and 10, Plan 65M-28526 - Riverlands Avenue and Part of Lot 12, Concession 9, designated as Part 4, Plan 65M-28526 - Cornell Centre Boulevard) By-law

BY-LAW 2016-99 MAIN AND MARKHAM INVESTMENTS LTD., 8 MAIN STREET NORTH, ZONING BY-LAW AMENDMENT

A by-law to amend By-law 1229, as amended, to permit retail as an additional permitted use.

(Item No. 1, Report No. 31)

By-law

Carried

13. IN-CAMERA ITEMS

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

Development Services Committee - September 6, 2016

(1) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD - ONTARIO MUNICIPAL BOARD - 56 ASCOT CRESCENT (WARD 8) (8.0) [Section 239 (2) (e)]

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

(1) MINOR VARIANCE APPLICATION APPEAL RASANAYAGAM & VINOTHINI RAVEENTHIRAN 56 ASCOT CRESCENT A/60/16 (8.0)

Moved by Councillor Alex Chiu Seconded by Councillor Amanda Collucci

- 1) That the confidential report titled "Minor Variance Application Appeal, Rasanayagam & Vinothini Raveenthiran, 56 Ascot Crescent, A/60/16" 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 deny the minor variances related to rear yard setback and lot coverage, providing the applicant agrees to request the OMB to impose the staff recommended conditions of approval set out below:
 - a) 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 March 23, 2016, to the satisfaction of the Director of Planning and Urban Design or designate;
- c) Submission and approval of a siting/grading plan of the property, 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 review and approval of a siting/grading plan, the owner demonstrates: 1) the pre-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; 2) 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; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

14. CONFIRMATORY BY-LAW

Moved by Councillor Alex Chiu Seconded by Councillor Colin Campbell

That By-law 2016-100 be given three readings and enacted.

Three Readings

BY-LAW 2016-100 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF SEPTEMBER 13, 2016.

By-law

15. ADJOURNMENT

Moved by Councillor Alex Chiu
Seconded by Councillor Valerie Burke

That the Council Meeting be adjourned at 7:56 PM.

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	Carried
Kimberley Kitteringham	Frank Scarpitti
City Clerk	Mayor

(Signed)