



Council Minutes

March 1, 2016, 7:00 PM

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 3

Alternate formats for this document are available upon request

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 Logan Kanapathi, Councillor Alex Chiu.

Regrets

Deputy Mayor Jack Heath.

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
Dennis Flaherty, Director of Communications and Community Relations
Raj Raman, Mayor's Chief of Staff
Kimberley Kitteringham, City Clerk
Martha Pettit, Deputy City Clerk
John Wong, Technology Support Specialist
Meg West, Manager, Strategic Initiatives
Andrea Tang, Senior Manager of Financial Planning

The meeting of Council convened at 7:07 PM on March 1, 2016 in the Council Chamber. Mayor Frank Scarpitti presided.

1. DISCLOSURE OF PECUNIARY INTEREST

- (1) None declared.

2. MINUTES**(1) COUNCIL MINUTES – FEBRUARY 16, 2016**[Minutes](#)

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

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

Carried

3. PRESENTATIONS**(1) YORK UNIVERSITY MARKHAM CAMPUS UPDATE (8.0)**

Bud Purves, President, York University Development Corporation, provided a verbal update on the York University Markham Campus. He noted the Provincial Budget mentioned York University which has energized interest and that the York University is working on a schedule to start the construction of the campus by 2018.

Moved by Councillor Don Hamilton

Seconded by Regional Councillor Nirmala Armstrong

That the verbal presentation provided by Bud Purves, President, York University Development Corporation, on the York University Markham Campus update, be received.

Carried

4. DELEGATIONS

There were no delegations.

5. PETITIONS

There were no petitions.

**6(A) REPORT NO. 4 - DEVELOPMENT SERVICES PUBLIC MEETING
(February 23, 2016)**

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 4 – Development Services Public Meeting comprised of 1 item be received and adopted.

- (1) PRELIMINARY REPORT
1307306 ONTARIO LTD. & 1307307 ONTARIO LTD.
(WHITTAMORE’S FARM)
PROPOSED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS
TO ALLOW FOR THE FUTURE SEVERANCE OF
THREE RESIDENTIAL DWELLINGS ON PORTIONS OF THE
SUBJECT LANDS, MUNICIPALLY KNOWN AS 7150, 7186 AND
7200 11TH CONCESSION
FILES ZA 15-152217 & OP 15-152217 (10.3, 10.5)
[Report](#)

- 1) That the record of the Public Meeting held on February 23, 2016, with respect to the proposed Official Plan and Zoning By-law Amendment applications for 7150, 7186 and 7200 11th Concession Road, submitted by 1307306 & 1307307 Ontario Ltd. (Whittamore’s Farm), Files OP 15 152217 and ZA 15 152217, be received; and,
- 2) That the Official Plan Amendment application (File OP 15 152217) submitted by 1307306 & 1307307 Ontario Ltd. (Whittamore’s Farm) to amend the In-force City of Markham Official Plan (revised 1987), as amended to permit the future severance of three existing residential dwellings on portions of the subject lands, be approved; and,
- 3) That the Zoning By-law Amendment application (File ZA 15 152217) submitted by 1307306 & 1307307 Ontario Ltd. (Whittamore’s Farm) to amend Zoning By-law 304-87, as amended, and rezone portions of the subject lands from Agricultural One (A1) to a Rural Residential Zone, be approved; and further,
- 4) That the Official Plan amendment to the In-force Official Plan (Revised 1987), as amended, be adopted and forwarded to York Region for approval.

Carried

6(B) REPORT NO. 5 - GENERAL COMMITTEE (February 29, 2016)

Moved by Councillor Colin Campbell

Seconded by Councillor Amanda Collucci

That Report No. 5 – General Committee comprised of 5 items be received and adopted, except Item No. 1. (See following Item No. 1)

(1) ICE ALLOCATION UPDATE (6.1)

[Extract](#) [Report](#)

Moved by Councillor Colin Campbell

Seconded by Councillor Amanda Collucci

- 1) That the report entitled “Ice Allocation Policy Revision” be received; and,
- 2) That Council approves the following principles to guide the Ice Allocation Policy:

Guiding Principles:

- City facilities are built for the benefit of Markham residents and are funded by Markham residents.
- All members of the community should have opportunity to access city facilities regardless of physical, financial, social or environmental barriers.
- City facilities serve as a fabric of the community creating opportunities for individuals to connect to one another and the community.
- City facilities provide an excellent environment to promote, encourage and facilitate lifelong active living.

Policy Principles:

- Allocations will be handled in an open and transparent manner.
 - An Allocation Policy will ensure the distribution of City facilities in a fair and equitable manner, respecting issues of accessibility.
 - Allocations will be reviewed on an annual basis.
 - Groups meeting Markham residency requirements will receive priority.
 - Children/Youth should receive preference of hours when allocating time.
 - Where facility demand exceeds supply, the City may have to limit the emergence of new user groups; and,
- 3) That Council approves the recommended ice allocation formula outlined in this report which allocates ice by category, residency, and banding; and,
 - 4) That Council approve the inclusion of ‘L4J’ postal code as a means to calculate residency numbers for users of City ice pads where no further ice allocation has been granted by other municipalities ; and,

- 5) That staff be directed to report back to General Committee on instances where user groups have had a reduction of five (5) hours or more of ice allocation and that staff meet with those user groups to investigate ways to mitigate the reduction by offering early morning hours and unallocated ice times; and,
- 6) That staff respond to the concerns raised in various emails to Members of Council and staff by user groups; and further,
- 7) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried by a recorded vote (10:2)
(See following recorded vote)

YEAS: Councillor Alan Ho, Councillor Don Hamilton, Councillor Karen Rea, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Logan Kanapathi, Councillor Alex Chiu. (10)

NAYS: Councillor Valerie Burke, Regional Councillor Nirmala Armstrong. (2)

ABSENT: Deputy Mayor Jack Heath.

Council consented to add the following as Resolution No. 6 to the proposed recommendation from the February 29, 2016 General Committee meeting:

"6) That staff respond to the concerns raised in various emails to Members of Council and staff by user groups;"

(2) AWARD OF TENDER 002-T-16 TREE PLANTING
- SUPPLY, INSTALL, WATER AND WARRANTY
OF TREE PLANTING (7.12)

[Report](#)

- 1) That the report entitled "Award of Tender 002-T-16 Tree Planting – Supply, Install, Water and Warranty" be received; and,
- 2) That contract 002-T-16 for the Supply, Install, Water and Warranty of Tree Planting throughout the City be awarded to the lowest priced bidder (Salivan Landscape Ltd. for Area 1 and 1913574 Ontario Inc., Royal Oak Tree Services Inc. for Area 2) for two years in following amounts:
 - 2016 - \$2,212,475.08
 - 2017 - \$1,738,185.96; and,

- 3) That the 2016 award be funded from accounts as detailed in the Financial Considerations Section; and,
- 4) That balance remaining in the 2014 and 2015 Boulevard/Parks Planting totaling \$10,194 be returned to original funding source; and,
- 5) That balance remaining in the Forestry – Contracted Services account (730-734-5399) of \$2,359 be reported as part of the year-end operating variance and the 2017 operating budget will be amended accordingly; and,
- 6) That Staff be authorized to amend the award amount in 2017 to reflect changes to Capital budget accounts based upon volume changes, subject to Council approval of the 2017 budget; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(3) CONTRACT EXTENSION FOR 007-T-09
CATCH BASIN CLEANING (7.12)

[Report](#)

- 1) That the report entitled “Contract Extension for 007-T-09 Catch Basin Cleaning” be received; and,
- 2) That contract 007-T-09 Catch Basin Cleaning be extended to Flow Kleen Tech Ltd. for an additional four (4) years (2016-2019) with price increase of 15.9%, 5%, 2.5% and 2.5% for the years 2016, 2017, 2018 and 2019 respectively in the estimated total amount of \$1,345,620 inclusive of HST impact;
 - 2016 - \$318,158
 - 2017 - \$334,066
 - 2018 - \$342,418
 - 2019 - \$350,978; 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 funds be provided from the budget accounts as listed in the Financial Considerations in the amount of \$318,158 inclusive of HST impact; and,

- 5) That the award for 2016 – 2019 be funded from the respective years operating budget accounts subject to Council approval of the annual operating budgets; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(4) 2015 YEAR-END REVIEW OF OPERATIONS (7.4)

[Presentation](#) [Report](#) [Appendices 1-13](#)

- 1) That the report entitled “2015 Year-End Review of Operations” be received; and,
- 2) That the City’s 2015 net favourable variance of \$3.28M be transferred to the Corporate Rate Stabilization Reserve as per the following breakdown:
 - a. City’s day-to-day operating surplus \$4.47M
 - b. Year-end accounting accruals and other adjustments (\$1.87M)
 - c. Winter maintenance favourable variance \$0.68M

Total **\$3.28M;** and further,

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

Carried

(5) ANNUAL WATER QUALITY REPORT
(JANUARY - DECEMBER 2015) (5.3)

[Report](#) [Attachment A](#)

- 1) That the report titled “Annual Water Quality Report (January-December 2015)” as required by Schedule 22 of Ontario Regulation 170/03, under the Safe Drinking Water Act, 2002, enclosed herein be received; and,
- 2) That the Annual 2015 Regulatory Water Quality Report (Attachment “A”), containing information for the Ministry of the Environment and Climate Change (MOECC) on water supply and quality as required by Section 11 of Ontario Regulation 170/03, under the Safe Drinking Water Act, 2002, be received; and,

- 3) That Council acknowledge that staff posted the Annual 2015 Detailed Regulatory Water Quality Report on the City's website and that it has been made available electronically and in hard copy version by February 28, 2016 as per regulations; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6(C) REPORT NO. 6 - DEVELOPMENT SERVICES COMMITTEE (March 1, 2016)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 6 – Development Services Committee comprised of 5 items be received and adopted, except Item No. 1. (See following Item No. 1)

- (1) 14TH AVENUE AT NINTH LINE (5.10)
[Presentation](#) [RickyTsui](#)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

- 1) That the deputations by Angelica Gutierrez, Jim Beauchamp, Ian Foulds, Nimisha Patel, Balasunderam Ponniah, and Nimisha Patel regarding 14th Avenue at Ninth Line, to Development Services Committee on March 1, 2016, be received; and,
- 2) That the 40 e-mails (addressed to Nimisha Patel) and a petition from area residents in objection to signalizing 14th Avenue at Ninth Line, submitted by Nimisha Patel to Development Services Committee on March 1, 2016, be received; and,
- 3) That the email dated March 1, 2016 from Ricky Tsui, submitted to Council on March 1, 2016, be received; and,
- 4) That the presentation provided by Brian Titherington, Director, Roads and Traffic Operations, Region of York entitled "14th Avenue at Ninth Line" be received; and,
- 5) That the Region of York be requested to come back with further details on the proposed signalization and intersection improvements, including design elements, monitoring, the location of the intersection within the hamlet and speed mitigation measures; and further,

- 6) That City of Markham staff and Region of York staff be requested to meet with three representatives of the community to review the proposed intersection design.

Carried by a recorded vote (9:3)
(See following recorded vote)

YEAS: Councillor Alan Ho, Councillor Don Hamilton, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Logan Kanapathi, Councillor Alex Chiu. (9)

NAYS: Councillor Valerie Burke, Councillor Karen Rea, Regional Councillor Nirmala Armstrong. (3)

ABSENT: Deputy Mayor Jack Heath.

Council consented to the following amendments to the proposed recommendation from the March 1, 2016 Development Services Committee meeting:

- Receive Ricky Tsui's email dated March 1, 2016 as Resolution No. 3.
- Delete the following proposed Resolution No. 5:
"5) That the Region of York be requested to come back with further details on the proposed signalization and intersection improvements, including design elements, monitoring, and other issues as defined."

and replace with the following revised Resolution No. 5:

- "5) That the Region of York be requested to come back with further details on the proposed signalization and intersection improvements, including design elements, monitoring, the location of the intersection within the hamlet and speed mitigation measures;"
- Add the following as Resolution No. 6:
"6) That City of Markham staff and Region of York staff be requested to meet with three representatives of the community to review the proposed intersection design."

(2) PARTIAL ADVANCEMENT OF PHASE 3
OF MARKHAM'S NEW COMPREHENSIVE ZONING BY-LAW
PROJECT & PROPOSED SOLE SOURCING OF
CONSULTANTS, PR 13 128340 (10.5)
[Report](#)

- 1) That the report titled, "Partial Advancement of Phase 3 of Markham's New Comprehensive Zoning By-law Project & Proposed Sole Sourcing of Consultants, PR 13 128340" dated March 1, 2016, be received; and,
- 2) That Staff be authorized to advance work on a portion of Phase 3 of the Project (drafting and processing of the New Comprehensive Zoning By-law) to complete work on new zoning and licensing regulations for short term residential rental accommodations (i.e., AirBnB), rooming houses and secondary suites (Phase 3a); and,
- 3) That the tendering process be waived for Gladki Planning Associates ("GPA") in accordance with Purchasing By-Law 2004-341, Part I, Section (7) Non Competitive Procurement, item 1(c) "when the extension of an existing contract would prove more cost-effective or beneficial"; and,
- 4) That the Contract for 043-S-16: Consulting Services for (drafting and processing of the New Comprehensive Zoning By-law) to complete work on new zoning and licensing regulations for short term residential rental accommodations (i.e., AirBnB), rooming houses and secondary suites (Phase 3a), be awarded to GPA in the amount of \$105,372.48 inclusive of HST; and,
- 5) That a contingency in the amount of \$10,537.25 (10%), inclusive of HST impact to cover any additional project costs be approved, and that authorization be granted to approve expenditures of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy; and,
- 6) That the award to GPA in the amount of \$115,909.73 (\$105,372.48 + \$10,537.25) inclusive of HST impact be funded from 620-101-5399-16001 "Consolidated Zoning By-Law Program – Phase 3 of 4"; and,
- 7) That Staff be authorized to establish an inter-departmental Staff working group to work with GPA on Phase 3a (as noted above), as required; and further,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(3) HIGHWAY 7 AGREEMENT
WITH ROGERS COMMUNICATIONS INC. (5.0)
[Report](#)

- 1) That the staff report entitled, Highway 7 Agreement with Rogers Communications Inc. be received; and,
- 2) That the Mayor and Clerk be authorized to execute an agreement with Rogers Communications Inc. (“Rogers”) to transfer ownership of the abandoned 300mm watermain located on Highway 7 (from Warden to the CN Tracks), in a form satisfactory to the Chief Administrative Officer and the City Solicitor; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(4) MUP NAMING
(MULTI-USE PATHWAY) (6.3)
[Report](#)

- 1) That the March 1, 2016 report entitled “MUP Naming” be received; and,
- 2) That the name of “Rouge Valley Trail” for the multi-use pathway be approved; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(5) IBI GROUP FEASIBILITY STUDY
ON REROUTING OF FREIGHT RAIL TRAFFIC
IN THE GREATER TORONTO RAIL NETWORK (5.13)
[Report](#)

- 1) That Metrolinx be advised that rerouting of freight rail traffic through the City of Markham is not supported by Markham Council; and,
- 2) That Metrolinx be requested to consult directly with the City of Markham on the IBI Group Feasibility Study before any further detailed studies are carried out; and,

- 3) That staff report back to the Development Services Committee as any further information becomes available; and,
- 4) That the City of Markham strongly objects to the addition of rerouting additional freight rail traffic through our community, and further, that the Prime Minister, The Premier, Federal and Provincial Transportation Ministers, local MPs and MPPs, Region of York, the Cities of Cambridge, Mississauga, Toronto and Vaughan, the Towns of Milton and Richmond Hill, Metrolinx, CN Rail and CP Rail, be so advised; 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 THE GOVERNMENT OF ONTARIO
TO LIMIT THE JURISDICTION OF THE
ONTARIO MUNICIPAL BOARD (13.2 & 10.0)

Moved by Councillor Karen Rea

Seconded by Councillor Valerie Burke

- 1) That the City of Markham request that the Province of Ontario undertake a public review of the mandate and jurisdiction of the Ontario Municipal Board to ensure that the OMB is respectful of municipal planning policies and local decision making and complies with Provincial Policy; and,
- 2) That the Provincial review include consideration of the amount of costs that may be awarded to ensure fairness for community participants in the appeal process; and,
- 3) That a copy of this Motion be sent to the Honourable Kathleen Wynne, Premier of Ontario; the Honourable Ted McMeekin, Minister of Municipal Affairs and Housing; the Honourable Patrick Brown, Leader of the Progressive Conservative Party; the Honourable Andrea Horwath, Leader of the New Democratic Party; and all MPPs in the Province of Ontario; and further,
- 4) That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO); Federation of Canadian Municipalities (FCM); York Region Council and all Ontario municipalities for their consideration.

Carried by recorded votes
(See following recorded votes)

Recorded vote for Resolution Nos. 1, 3 and 4 (11:0):

YEAS: Councillor Valerie Burke, 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 Amanda Collucci, Councillor Alex Chiu. (11)

ABSENT: Deputy Mayor Jack Heath, Councillor Logan Kanapathi. (2)

Recorded vote for Resolution No. 2 (10:1):

YEAS: Councillor Valerie Burke, Councillor Alan Ho, Councillor Don Hamilton, Councillor Karen Rea, Regional Councillor Nirmala Armstrong, Mayor Frank Scarpitti, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Alex Chiu. (10)

NAY: Regional Councillor Jim Jones. (1)

ABSENT: Deputy Mayor Jack Heath, Councillor Logan Kanapathi. (2)

Council consented to amend the proposed motion; therefore, the following version of the motion with notice given to Council at its meeting held on February 16, 2016 was not considered by Council this date:

"Whereas the City of Markham spends an incredible amount of resources and taxpayer money developing an Official Plan; and

Whereas the City's Official Plan is ultimately approved by the Province; and

Whereas it is within the legislative purview of Municipal Council to approve Official Plan amendments or Zoning By-law changes that better the community or fit within the vision of the City of Markham's Official Plan; and

Whereas it is also within the legislative purview of Municipal Council to deny Official Plan amendments or Zoning By-law changes that do not better the community or do not fit within the vision of the City of Markham's Official Plan; and

Whereas planning decisions may be appealed to the Ontario Municipal Board (OMB), an unelected, appointed body that is not accountable to the residents of Markham; and

Whereas appeals of OMB decisions are limited to questions of law, not the findings of facts in a case; and

Whereas all decisions—save planning decisions—made by Municipal Council are similarly only subject to appeal by judicial review and such appeals are limited to questions of law; and

Whereas the recent Provincial anti-SLAPP legislation (Bill-52) in support of democratic participation, does not apply to the OMB. A SLAPP lawsuit (Strategic Lawsuit Against Public Participation) covers court litigation. Since the OMB is an agency of the government, not a court, the anti-SLAPP legislation is not applicable causing financial hardship to community groups facing court costs;

Now therefore be it hereby resolved:

- 1) That the City of Markham Council requests the Government of Ontario to limit the jurisdiction of the OMB to questions of law or process; and
- 2) That the Government of Ontario be requested to require the OMB to uphold any planning decisions of Municipal Councils unless they are contrary to the processes and rules set out in legislation; and
- 3) That the Government of Ontario be requested to apply the Provincial anti-SLAPP legislation to the OMB; and
- 4) That a copy of this Motion be sent to the Honourable Kathleen Wynne, Premier of Ontario; the Honourable Ted McMeekin, Minister of Municipal Affairs and Housing; the Honourable Patrick Brown, Leader of the Progressive Conservative Party; the Honourable Andrea Horwath, Leader of the New Democratic Party; and all MPPs in the Province of Ontario; and further,
- 5) That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO), Federation of Canadian Municipalities (FCM), York Region Council and all Ontario municipalities for their consideration. "

8. NOTICES OF MOTIONS

There were no notices of motions.

9. COMMUNICATIONS

Moved by Councillor Alex Chiu

Seconded by Councillor Amanda Collucci

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

Received

2-2016 ROAD CLOSURE REQUEST – SHOPPERS DRUG MART RUN FOR WOMEN (3.5)

[Info](#)

The following roads will be closed on May 7, 2016 from 5:00 AM to 1:00 PM to facilitate the event:

1. Main St. From Carlton Road to Hastings Drive
2. Carlton Road from Main Street to Old Ivy Lane
3. Carlton Road & Stanford Road
4. Carlton Road from Main Street to Pomander Road (Northbound lane only) (Southbound traffic on Carlton Road will be diverted onto Main Street southbound)
5. Intermittent closures of Normandale Road at 16th Avenue (When runners are present. Runners will stay on the sidewalk but will have to cross Normandale Road in two locations. Officers will allow vehicles through the intersections when there are gaps in the runners.)

Carried

3-2016 COMMUNICATIONS RECEIVED REGARDING THE MOTION TITLED "REQUEST THE GOVERNMENT OF ONTARIO TO LIMIT THE JURISDICTION OF THE ONTARIO MUNICIPAL BOARD" (13.2 & 10.0)

[Communication](#) [Addendum](#)[Communication](#)

1. Marilyn Ginsburg, Markham Citizens Coalition for Responsive Government (MCCRG), email dated February 21, 2016, providing comments.
 2. Tom Mrakas, Councillor, Town of Aurora, email dated March 1, 2016, providing comments.
- (See Motion Item No. 1)

Carried

- 4-2016 MEMORANDUM RECEIVED REGARDING THE APPLICATION BY RULAND PROPERTIES INC. (THE REMINGTON GROUP), NORTH OF ENTERPRISE BOULEVARD, EAST OF WARDEN AVENUE AND WEST OF ROUGE VALLEY DRIVE WEST (10.0)

[Memo](#)

Memorandum dated March 1, 2016 from the Commissioner of Development Services providing an update regarding the application by Ruland Properties Inc. (The Remington Group) and recommending the enactment of the proposed zoning by-law amendment with respect thereto.

(By-law 2016-23)

Carried

10. PROCLAMATIONS

There were no proclamations.

11. NEW/OTHER BUSINESS

- (1) NOTICE OF PROPOSED SALE
PART OF LOT 5, CONCESSION 7,
BEING PART 3 ON REFERENCE PLAN 65R-35649 (8.6 & 6.6)

[Map](#)

Notice of Proposed Sale

City of Markham

Proposed Sale of Surplus Real Property

(Pursuant to By-law 178-96)

Moved by Councillor Alan Ho

Seconded by Regional Councillor Nirmala Armstrong

- 1) That the notice of proposed sale for the City of Markham owned lands legally described as follows be confirmed:

"Part of Lot 5, Concession 7, being Part 3 on Reference Plan 65R-35649, City of Markham, Regional Municipality of York."

(In-Camera Item No. 1 – February 16, 2016 Council Meeting)

Carried

(2) NATIONAL ZERO WASTE
COUNCIL MEMBERSHIP APPOINTMENT (5.1)
[Report](#)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

- 1) That the report entitled "National Zero Waste Council Membership Appointment" be received; and,
- 2) That the City of Markham joins Canada's National Zero Waste Council; and,
- 3) That Deputy Mayor Jack Heath be appointed to represent Markham as a member of the National Zero Waste Council; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution."

Deferred to the March 22, 2016 Council meeting
(See following to defer)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

That the item titled "'National Zero Waste Council Membership Appointment", referred from the February 29, 2016 General Committee meeting, be deferred to the March 22, 2016 Council meeting for consideration.

Carried

12. BY-LAWS

Moved by Councillor Don Hamilton

Seconded by Regional Councillor Jim Jones

That By-law 2016-24 related to the hold removal provision for Tribute (Unionville) Limited be given three readings and enacted.

Carried

(See following to consider the by-law)

Moved by Councillor Don Hamilton

Seconded by Councillor Alan Ho

That By-law 2016-24 be brought forward for consideration immediately following the presentation of the York University Markham Campus Update.

Carried

Moved by Councillor Alex Chiu

Seconded by Councillor Alan Ho

That By-laws 2016-20 to 2016-23 and By-law 2016-26 be given three readings and enacted.

Three Readings

BY-LAW 2016-20 FIELDGATE HOMES (IVANHOE HOMES LTD.) UPPER UNIONVILLE, PART LOT CONTROL EXEMPTION BY-LAW

A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Lots 9 and 10, Blocks 17, 22, 30, 34 and 38, Plan 65M-4429, north of 16th Avenue and east of Kennedy Road.

[By-law](#)

Carried

BY-LAW 2016-21 SWIRE HOMES, PART LOT CONTROL EXEMPTION BY-LAW

A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Block 118, Plan 65M-3536, east of Kennedy Road and north of Bur Oak Avenue.

[By-law](#)

Carried

- BY-LAW 2016-22 PACE DEVELOPMENTS (THE MARK) LTD., 9560 MARKHAM ROAD, HOLD REMOVAL BY-LAW
A by-law to amend By-law 177-96, as amended, to remove the Holding (H) Provision to permit the development of a mixed use building.
[By-law](#)
Carried
- BY-LAW 2016-23 RULAND PROPERTIES INC. (THE REMINGTON GROUP), NORTH OF ENTERPRISE BOULEVARD, EAST OF WARDEN AVENUE AND WEST OF ROUGE VALLEY DRIVE WEST, ZONING BY-LAW AMENDMENT
A by-law to amend By-law 2004-196, as amended, to permit a proposed high-density development and limit retail stores.
(Communication No. 4-2016)
[By-law](#)
Carried
- BY-LAW 2016-24 TRIBUTE (UNIONVILLE) LIMITED, 20 FRED VARLEY DRIVE, HOLD REMOVAL BY-LAW
A by-law to amend By-law 122-72, as amended, to remove the Holding (H) Provision to permit a mixed-use commercial-residential development.
[By-law](#)
Carried
- BY-LAW 2016-26 1932585 ONTARIO INCORPORATED, 4802 HIGHWAY 7 EAST, ZONING BY-LAW AMENDMENT
A by-law to amend Zoning By-law 122-72, as amended, to introduce additional commercial uses within the existing heritage building and expand the open space zone boundary.
(Item No. 1, Report No. 49 – November 10, 2015 Council Meeting)
[By-law](#)
Carried

13. IN-CAMERA ITEMS

Moved by Councillor Don Hamilton

Seconded by Councillor Valerie Burke

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into an in-camera session to discuss the following matters (9:29 PM):

General Committee – February 29, 2016

- (1) GENERAL COMMITTEE IN-CAMERA MINUTES
- FEBRUARY 16, 2016 (16.0)
[Section 239 (2) (b) (c) (d)]
- (2) THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR LOCAL BOARD (WARDS 3 & 8) (8.7)
[Section 239 (2) (a)]
- (3) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/COMMITTEE APPOINTMENT) (16.24)
[Section 239 (2) (b)]

Development Services Committee – March 1, 2016

- (4) DEVELOPMENT SERVICES COMMITTEE IN-CAMERA MINUTES
- NOVEMBER 30, 2015 (10.0)
[Section 239 (2) (e) (e) (e)]
- (5) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD - TRI-PARTY AGREEMENT WITH IBM AND REGION - TRANSIT WAY (WARD 8) (8.0)
[Section 239 (2) (e)]

Council – March 1, 2016

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

Moved by Regional Councillor Jim Jones
Seconded by Councillor Alan Ho

That Council rise from the in-camera session. (9:50 PM)

Carried

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

- (1) GENERAL COMMITTEE IN-CAMERA MINUTES
- FEBRUARY 16, 2016 (16.0)

Moved by Councillor Alex Chiu
Seconded by Regional Councillor Joe Li

- 1) That the General Committee in-camera minutes dated February 16, 2016 be confirmed.

Carried

- (2) THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR LOCAL BOARD (WARDS 3 & 8) (8.7)

Moved by Councillor Colin Campbell
Seconded by Regional Councillor Jim Jones

- 1) That the verbal update provided by Andy Taylor, Chief Administrative Officer, on the matter of the security of the property of the municipality or local board in Wards 3 & 8, be received; and,
- 2) That staff be authorized to proceed as directed by Council on March 1, 2016.

Carried

- (3) BOARD/COMMITTEE APPOINTMENT
- APPOINTMENT OF MEMBER TO THE
BOARD OF MANAGEMENT FOR THE
MAIN STREET UNIONVILLE BUSINESS
IMPROVEMENT AREA (UBIA) (16.24)

Moved by Councillor Don Hamilton

Seconded by Regional Councillor Jim Jones

- 1) That Council appoint the following individual as Director of the Board of Management for the Main Street Unionville Business Improvement Area for a term to expire November 30, 2018:
- Sylvia Morris.

Carried

- (4) DEVELOPMENT SERVICES COMMITTEE
IN-CAMERA MINUTES
- NOVEMBER 30, 2015 (10.0)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

- 1) That the minutes of the Development Services Committee in-camera meeting, held November 30, 2015, be confirmed.

Carried

- (5) TRI-PARTY AGREEMENT WITH IBM AND REGION
- TRANSIT WAY (8.0)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

- 1) That the confidential report titled "Tri-Party Agreement with IBM Canada Limited ("IBM") and the Regional Municipality of York (the "Region") - Viva" be received; and,

- 2) That the Mayor and Clerk be authorized to execute a Tri-Party Agreement with IBM and the Region of York to allow for a break in the Viva Rapid Transit Way to be constructed along the south boundary of Cederland Drive between Warden Avenue and South Town Centre Boulevard (the “Transit Way”) on the terms and conditions outlined in this report and in a form and content satisfactory to the Commissioner of Development Services and the City Solicitor; and further,
- 3) That Staff be authorized and directed to take the actions set out in this report.

Carried

(6) BOARD/COMMITTEE APPOINTMENTS (16.24)

Moved by Councillor Amanda Collucci

Seconded by Councillor Colin Campbell

- 1) That the following persons be appointed to the Achievement & Civic Recognition Awards Committee (ACRA):

Name	Term
Santosh Choubey	November 30, 2017
Binu George	November 30, 2017
Gail Leet	November 30, 2018
Devendra Mishra	November 30, 2018
Christeena Samuel	November 30, 2019
Susan Wong	November 30, 2019; and,
- 2) That the following persons be appointed to the Heritage Markham Committee:

Name	Term
Ian Darling	November 30, 2019
Ken Davis	November 30, 2019; and further,
- 3) That the following re-appointments to the Victoria Square Community Centre Board be confirmed:

Name	Term
Ruth Brock	November 30, 2019
Charlotte Frisby	November 30, 2019
Jean McCron	November 30, 2017
Edith Fridel	November 30, 2017.

Carried

14. CONFIRMATORY BY-LAW

Moved by Councillor Alex Chiu

Seconded by Councillor Karen Rea

That By-law 2016-25 be given three readings and enacted.

Three Readings

BY-LAW 2016-25 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL
MEETING OF MARCH 1, 2016.

[By-law](#)

Carried

15. ADJOURNMENT

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

That the Council Meeting be adjourned at 9:52 PM.

Carried

Kimberley Kitteringham
City Clerk

(Signed)

Frank Scarpitti
Mayor