



Council Minutes

December 15, 2015, 7:00 PM

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 25

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
Jim Baird, Commissioner of Development Services
Trinela Cane, Commissioner of Corporate Services
Brenda Librecz, Commissioner of Community and Fire Services
Joel Lustig, Treasurer
Dennis Flaherty, Director of Communications and Community Relations
John Wong, Technology Support Specialist
Raj Raman, Mayor's Chief of Staff
Kimberley Kitteringham, City Clerk
Martha Pettit, Deputy City Clerk
Andrea Tang, Manager of Financial Planning
Catherine Biss, Chief Executive Officer
Bill Snowball, Fire Chief
Barbara Rabicki, Director of Operations
Nancy Myles, Senior Health & Safety Specialist

The regular meeting of Council convened at 7:12 PM on December 15, 2015 in the Council Chamber. Mayor Frank Scarpitti presided.

1. DISCLOSURE OF PECUNIARY INTEREST

- (1) None declared.

2. MINUTES

- (1) COUNCIL MINUTES – NOVEMBER 24, 2015
[Minutes](#)

Moved by Councillor Alex Chiu
Seconded by Councillor Valerie Burke

- 1) That the Minutes of the Council Meeting held on November 24, 2015, be adopted.

Carried

3. PRESENTATIONS

- (1) PRESENTATION
- TOOGOOD POND OUTDOOR
WINTER MAINTENANCE (6.0)
[Presentation](#)

Barbara Rabicki, Director of Operations and Catherine Conrad, City Solicitor and Acting Director of Human Resources, provided a PowerPoint presentation titled "Winter Maintenance Toogood Pond". They provided background information on Toogood Pond and summarized the concerns regarding health and safety, liability and climate change impacts related to the maintenance of the pond.

(See Item No. 4, Report No. 55 for Council's decision on this matter)

- (2) PRESENTATION
- 2016 OPERATING AND CAPITAL BUDGETS (7.4 & 7.5)
[Presentation](#)

Andrea Tang, Manager of Financial Planning, provided a PowerPoint presentation outlining the highlights of the proposed 2016 Budget.

Councillor Logan Kanapathi, Chair of Budget Committee, thanked Members of Council for their support and staff involved in the budget process for their hard work.

Members of Council thanked Councillor Logan Kanapathi, Chair of Budget Committee, and staff for their outstanding teamwork.

Mayor Frank Scarpitti, on behalf of Council, thanked Councillor Logan Kanapathi, Chair of Budget Committee, for his leadership throughout the 2016 budget process. He also thanked Members of Council for their continued support and staff for their efforts.

4. DELEGATIONS

- (1) DELEGATIONS REGARDING THE ITEM TITLED "TOOGOOD POND OUTDOOR WINTER MAINTENANCE" (6.0)

Moved by Councillor Colin Campbell

Seconded by Councillor Don Hamilton

That the following delegations, in opposition to the proposed recommendation regarding the item titled "Toogood Pond Outdoor Winter Maintenance", be received:

1. Abby Thom.
2. Reid McAlpine
3. Giovanni Abbruzzo
4. Gabe Abbruzzo
5. Juliette Lisi
6. Zackary Gratta
7. Tristen Gutierrez
8. Alison Budgell
9. Holly Budgell
10. Yasmine Mohajer
11. Jordan Mohajer
12. Mia Ergir
13. Rhys Malisch
14. Olivia Voulgaris
15. Ehsha Vig
16. Jaden Kwan
17. Max Terp
18. Victoria Jones (submitted a petition)
19. David Walsh
20. Christine Bergauer-Free
21. Mavis Smylie

(See Item No. 4, Report No. 55 for Council's decision on this matter)

Carried

5. PETITIONS

There were no petitions.

6(a) REPORT NO. 53 - DEVELOPMENT SERVICES COMMITTEE (November 30, 2015)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

That Report No. 53 – Development Services Committee comprised of 3 items b received and adopted.

- (1) INTENTION TO DESIGNATE A PROPERTY UNDER
PART IV OF THE ONTARIO HERITAGE ACT
NAME: WILLIAM MERGEN HOUSE
ADDRESS: 10855 KENNEDY ROAD (16.11.3)
[Report](#)

- 1) That as recommended by Heritage Markham, the William Mergen House at 10855 Kennedy Road be approved for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest; and,
- 2) 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,
- 3) That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk be authorized to place a designation by-law before Council for adoption; and,
- 4) 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,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (2) REQUEST FOR DEMOLITION
DETACHED ACCESSORY BUILDING
329 MAIN STREET NORTH, MARKHAM VILLAGE (16.11, 10.13)

[Report](#)

- 1) That the staff report entitled “Request for Demolition –Detached Accessory Building, 329 Main Street North”, dated November 30, 2015 be received; and,
- 2) That Council endorse the demolition of the detached accessory building at 329 Main Street North located within the Markham Village Heritage Conservation District, subject to the support of Heritage Markham and the applicant advertising the building for relocation or salvage in the local newspapers for two weeks; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution;

Carried

- (3) REQUEST FOR DEMOLITION
SINGLE DETACHED DWELLING
41 DEANBANK DRIVE, THORNHILL (16.11, 10.13)

[Report](#)

- 1) That the staff report entitled “Request for Demolition – Single Detached Dwelling, 41 Deanbank Drive, Thornhill ”, dated November 30, 2015 be received; and,
- 2) That Council endorse the demolition of the non heritage dwelling at 41 Deanbank Drive located within the Thornhill Village Heritage Conservation District; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

**6(b) REPORT NO. 54 DEVELOPMENT SERVICES PUBLIC MEETING
(December 1, 2015)**

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 54 – Development Services Public Meeting comprised of one item be received and adopted.

(1) DEVELOPMENT FEE AND BUILDING FEE
BY-LAWS UPDATE (2016) (10.0)
[Report](#)

- 1) That the Record of the Public Meeting held on December 1, 2015, with respect to the proposed amendments to the Development and Building Fee By-laws be received; and,
- 2) That the amendment to the “Tariff of Fees for Processing Planning Applications,” By-law 211-83, substantially in the form attached as Attachment "B", be enacted; and,
- 3) That By-law 2015-4 be repealed and the attached “By-law respecting Construction, Demolition and Change of Use Permits and Inspections,” attached as Attachment “C”, be enacted; and further,
- 4) That the By-laws come into force and take effect on January 1, 2016.
(By-laws 2015-165 and 2015-166)

Carried

6(c) REPORT NO. 55 - GENERAL COMMITTEE (December 7, 2015)

Moved by Councillor Colin Campbell
Seconded by Councillor Alan Ho

That Report No. 55 – General Committee comprised of 4 items be received and adopted, except Item No. 4. (See following Item No. 4)

(1) MINUTES OF THE DECEMBER 1, 2015
ENVIRONMENTAL ISSUES COMMITTEE (16.0)
[Minutes](#) [Report](#)

- 1) That the minutes of the December 1, 2015 Environmental Issues Committee meeting be received for information purposes; and,

- 2) That the report entitled “Markham Environmental Sustainability Fund (MESF) Funding Applications, Fall 2015”, be received; and,
- 3) That the following recommendations be endorsed:
 - i) That the Fall 2015 MESF funding applications be approved: Pierre Elliot Trudeau High School "Trudeau Terrace" initiative request for \$5,000, and,
 - ii) That the funds be provided from the 2015 Markham Environmental Sustainability Fund (MESF), account #87 2800168; and,
- 4) That the Deputy Mayor Jack Heath be appointed to the National Zero Waste Council; and further,
- 5) That staff be authorized to do all things necessary to give effect to the above recommendations.

Carried

(2) AWARD OF 267-S-15 JOINT PORTAL
INFRASTRUCTURE HARDWARE
REFRESH AND DATA MIGRATION (7.12)
[Report](#)

- 1) That the report entitled “Award of 267-S-15 Joint Portal Infrastructure Hardware Refresh and Data Migration” be received; and,
- 2) Whereas the Regional Municipality of York awarded the contract to Compugen Inc. for Joint Portal Infrastructure Hardware Refresh in the amount of \$937,048.00 inclusive of HST; and,
- 3) That the contract for the Joint Portal Infrastructure Hardware Refresh and Data Migration be shared equally (50/50) between the Regional Municipality of York and the City of Markham on 50% cost sharing basis; and,
- 4) That Markham’s share of the contract for Joint Portal Infrastructure Hardware Refresh in the amount of \$363,690.00 inclusive of HST be funded from the Portal hardware project (account #049-6150-15615-005); and,
- 5) That Markham’s share of the contract for Joint Portal Data Migration in the amount of \$104,834.00 inclusive of HST be funded from the Portal project (account #049-5350-8659-005); and,

- 6) That a purchase order in the amount of \$468,524.00 (\$363,690.00 + \$104,834.00) be issued to Regional Municipality of York to cover the City's 50% contribution of the Joint Portal Infrastructure Refresh and Data Migration Initiative; and,
- 7) That the remaining balance of \$35,925.71 in the Portal hardware project (account #049-6150-15615-005) be returned to the original funding source; and,
- 8) That the remaining balance of \$650,449.52 in the Portal project (account #049-5350-8659-005) be used to address the remaining scope of Phase 4 of the Portal project; and,
- 9) That this report be taken to the December 15, 2015 Council meeting; and further,
- 10) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(3) 2015 AREA-SPECIFIC DEVELOPMENT CHARGES
BACKGROUND STUDY UPDATE FOR
AREAS 9, 42B-6 & 42B-8 (7.11)

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

- 1) That the report on the "2015 Area-Specific Development Charges Background Study Update for Areas 9, 42B-6 & 42B-8" be received; and,
- 2) That no further public meeting is required under Section 12 of the Development Charges Act 1997; and,
- 3) That the summary response to the questions raised at the public meeting be received for information; and,
- 4) That Council approve the Development Charge Background Study and associated by-laws prepared by Hemson Consulting Ltd. dated October 27, 2015; and,
- 5) That it is Council's intent to ensure that the increase in the demand for services due to new development will be met; and,
- 6) That Council approve the enactment of the Area Specific development charges by-laws for Area 9, 42B-6 and 42B-8 effective on December 16th 2015; and,
- 7) That these recommendations including the implementing by-laws be forwarded to the December 15, 2015 Council meeting for adoption; and further,

- 8) That staff be directed to do all things necessary to give effect to this report.
(By-laws 2015-167 to 2015-169)

Carried

- (4) TOOGOOD POND OUTDOOR
WINTER MAINTENANCE (6.0)
[Report](#) [Presentation](#)

Moved by Councillor Colin Campbell
Seconded by Councillor Don Hamilton

Whereas skating on outdoor Ponds in the City of Markham has been a very enjoyable experience for residents since the time of Pioneers who, for example, skated on Toogood Pond in Unionville; and,

Whereas liability and safety concerns have resulted in the withdrawal of City of Markham resources for clearing and monitoring Toogood Pond and other ponds; and,

Whereas local residents still desire to skate on Toogood Pond; and,

Whereas professional ice engineering services are available in Quebec at substantial cost for testing ice safety and stability; and,

Whereas Markham Fire and Emergency Services has the expertise to train staff on ice safety and rescue;

Now therefore be it resolved:

- 1) That the deputations provided at the December 15, 2015 Markham Council meeting be received; and,
- 2) That the staff presentation provided at the December 15, 2015 Markham Council meeting entitled “Winter Maintenance Toogood Pond” be received; and,
- 3) That the staff report dated December 7, 2015 entitled “Toogood Pond Winter Maintenance Report” be received; and,
- 4) That City of Markham staff be directed to continue the City’s current practice of not providing maintenance or ice monitoring of Toogood Pond and to erect proper signage with respect to the dangers of skating on Toogood Pond; and,
- 5) That City of Markham staff liaise with other York Region and GTA communities with outdoor pond skating to gauge interest in jointly hiring an ice engineering firm to provide options for ice condition assessment; and,

- 6) That City of Markham staff report back on the feasibility of Fire and Emergency Services developing an ice safety and ice rescue program for City staff involved in checking ice condition; and,
- 7) That a Working Group be established with appropriate Terms of Reference to review options; and,
- 8) That staff report back to General Committee within the first quarter of 2016; and further,
- 9) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(See following to consider the matter)

Moved by Councillor Don Hamilton
Seconded by Councillor Colin Campbell

That Council consider the item titled "Winter Maintenance Toogood Pond" immediately following the delegations with respect thereto.
(See Delegation Item No. 1)

Carried

Council consented to not consider the following proposed recommendation from the December 7, 2015 General Committee meeting:

- "1) That the staff report dated December 7, 2015 entitled "Toogood Pond Winter Maintenance Report" be received; and,
- 2) That staff recommend due to health and safety, liability and climate change impacts that Council
 - i. Approve option C and not permit skating on Toogood Pond;
 - ii. Authorize staff to provide a volunteer natural ice rink beside Toogood Pond; and
 - iii. Direct staff not to monitor ice or clear ice on Toogood Pond by the City workers or its contractors; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution."

6(d) REPORT NO. 56 - GENERAL COMMITTEE (December 8, 2015)

Moved by Councillor Colin Campbell

Seconded by Councillor Alan Ho

That Report No. 56 – General Committee comprised of 4 items be received and adopted, except Item No. 1. (See following Item No. 1)

- (1) TO2015 PAN AM/PARAPAN AM GAMES
- SUMMARY REPORT (6.0)

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

Moved by Councillor Colin Campbell

Seconded by Councillor Alan Ho

- 1) That the report “TO2015 Pan Am/Parapan Am Games – Summary Report” be received; and,
- 2) That Sponsors and Funding Partners for Markham Pan Am/Parapan Community Activation be acknowledged and thanked for enabling the Markham Host Advisory Committee, related subcommittees, and the City of Markham to complete the Markham Community Activation Plan; and,
- 3) That Markham Pan Am Host Advisory Committee, Subcommittee Members, Markham Pan Am Volunteers, the Regional Municipality of York, York Regional Police, and other community partners be acknowledged and thanked for contributing to the success of the Markham Pan Am Community Activation Plan; and,
- 4) That Staff be recognized for program and service excellence in the City of Markham’s role in the TO2015 Pan Am/Parapan Am Games; and,
- 5) That Council appoint Mayor and up to two Council representatives to the Markham Sport Hall of Fame Board of Directors; and,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

Council consented to defer the appointment of two Council representatives to the Markham Sport Hall of Fame Board of Directors until January 2016.

(2) BUILDING MARKHAM'S FUTURE TOGETHER 2015
– 2019 STRATEGIC PLAN (16.23)

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

- 1) That the presentation by Ms. Meg West, Manager, Strategic Initiatives and. Mr. Asare Kester-Akrofi, Executive Coordinator entitled “Building Markham’s Future Together 2015 – 2019 Strategic Plan”, be received; and,
- 2) That the report entitled, “Building Markham’s Future Together 2015 – 2019 Strategic Plan”, be received; and,
- 3) That the Building Markham’s Future Together 2015 – 2019 Strategic Plan, attached as Appendix A, be endorsed for adoption by the City; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(3) STORMWATER MANAGEMENT
FACILITIES RETROFIT STUDY
CLASS ENVIRONMENTAL ASSESSMENT (5.7)

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

- 1) That the report entitled “Stormwater Management Facilities Retrofit Study Class Environmental Assessment” be received; and,
- 2) That Asset Management staff be authorized to file the Notice of Completion for the Environmental Study Report with the Ministry of the Environment and Climate Change (MOECC) and post it for the 30 day public review; and,
- 3) That Council endorse the recommended stormwater management facilities retrofit implementation plan to retrofit existing and construct new stormwater management facilities as detailed in the Environmental Study Report; and further,
- 4) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(4) CELEBRATE MARKHAM GRANT
- Q1 2016 FUNDING APPROVALS (7.6)
[Report](#) [Attachment 1-5](#)

- 1) That the report titled, “Celebrate Markham Grant Program – Q1 2016 Funding Approvals” be received; and,
- 2) That Council approve the recommendations of the Interdepartmental Staff Review Committee to fund eight (8) Celebrate Markham applicants, totalling \$21,500 as identified in Attachment 1; and,
- 3) That the following Celebrate Markham grants be approved for the Cultural Events and Programs Category (as per Appendix 1):
 - i) Unionville Theatre Company be awarded \$5,000 for a theatre production (5 shows);
 - ii) Moksha Canada Foundation be awarded \$2,000 for Moksha Fest;
 - iii) Centre for Tamil Heritage & Culture be awarded \$4,000 for Markham Thai Pongal Vizha Cultural Celebration;
 - iv) Markham African Caribbean Canadian Association be awarded \$3,000 for Black History Month volunteer recognition; and,
- 4) That the following Celebrate Markham grants be approved for the Major Community Festivals Category (as per Appendix 2):
 - i) Federation of Chinese Canadians of Markham be awarded \$2,500 for their 2016 Lunar New Year celebration; and,
- 5) That the following Celebrate Markham grants be approved for the Seniors’ Clubs Category (as per Appendix 3):
 - i) AMICI Association be awarded \$1,000 for 2016 for seniors’ activities;
 - ii) Milliken on the Move Older Adults’ Club be awarded \$3,000 for seniors activities;
 - iii) Dorcas Senior Interest Club be awarded \$1,000 for seniors’ activities.
- 6) That subject to approval by Council, this report showing recommended applications be posted on the Celebrate Markham website for applicants and the public’s information, along with Council’s resolution; and,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

6(e) REPORT NO. 57 – GENERAL COMMITTEE (December 15, 2015)

Moved by Councillor Colin Campbell

Seconded by Councillor Logan Kanapathi

That Report No. 57 – General Committee comprised of 2 items be received and adopted, except Item No. 2. (See following Item No. 2)

(1) FEEDBACK FROM PUBLIC MEETING AND
2016 WATER/WASTEWATER RATE INCREASE (7.4)
[Report](#)

- 1) That the report entitled “Feedback from Public Meeting and 2016 Water/Wastewater Rate Increase” be received; and,
- 2) That the 2016 City of Markham’s (“City”) water/wastewater rate increase be equivalent to the Region of York’s (“Region”) monetary increase of \$0.1960 per cubic metre (m³) based on Region’s approved increase of 9%; and,
- 3) That in addition to the Region’s increase, the 2016 water/wastewater rate increase includes a surcharge of \$0.0637/m³; and,
- 4) That effective April 1, 2016, the water/wastewater rate will be \$3.5751/m³, an increase of \$0.2597/m³, equivalent to a 7.8% increase compared to prior year; and,
- 5) That this report be brought forward to Council on Tuesday, December 15, 2015 for approval; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2015-174)

Carried

(2) 2016 OPERATING AND CAPITAL BUDGETS (7.4 & 7.5)
[Report](#) [Appendix 1-7](#)

Moved by Councillor Logan Kanapathi

Seconded by Councillor Amanda Collucci

- 1) That the report dated December 15, 2015 entitled, “2016 Operating and Capital Budgets” be received; and,

- 2) That Council approve a 2.28% property tax rate increase to the City's tax levy to support the City's day-to-day operations; and,
- 3) That Council approve an additional 0.16% property tax rate increase to fund the response and recovery costs associated with the December 2013 ice storm (Year 3 of 3); and,
- 4) That Council approve the 2016 Primary Operating Budget for City services of \$193,198,038 and Library of \$13,339,317 to a total of \$206,537,355 (excluding the 2015 surplus/deficit) which includes a 2.44% property tax rate increase over 2015 (\$199,295,751), of which the principal components are detailed in Appendices 1 and 2; and,
- 5) That the gross operating expenditures of \$206,537,355, (excluding the 2015 surplus/deficit), be funded from the following sources:

	<u>2016 Budget \$</u>
Taxation Levies	142,693,652
Payments-in-lieu of Taxes	1,209,007
Grant & Subsidy Revenues	1,596,143
General Revenues	
(Investment Income, Fines, Permits, Interest & Penalties)	30,333,921
User Fees & Service Charges, Rentals and Sales	25,385,344
Other Income / Recoveries	5,319,288
Total Revenues	206,537,355; and,

- 6) That Council approve the remaining 2016 Capital Budget of \$106,060,400 for a total of \$122,895,400 of which the projects are detailed in Appendix 3; and,
- 7) That Council approve the 2016 Planning & Design Operating Budget totalling \$8,194,104, (excluding the 2015 surplus/deficit), the principal components of which are detailed in Appendix 4; and,
- 8) That Council approve the 2016 Engineering Operating Budget totalling \$6,968,616, (excluding the 2015 surplus/deficit), the principal components of which are detailed in Appendix 5; and,
- 9) That Council approve the 2016 Building Standards Operating Budget totalling \$8,640,992, (excluding the 2015 surplus/deficit), the principal components of which are detailed in Appendix 6; and,
- 10) That Council approve the 2016 Waterworks Operating Budget totalling \$115,294,759 (excluding the 2015 adjustment), the principal components of which are detailed in Appendix 7; and,

- 11) That upon finalization of the 2015 audited financial statements, the 2016 Operating, Planning & Design, Engineering, Building Standards, and Waterworks Operating Budgets be adjusted to reflect the 2015 operating results; and,
- 12) That a copy of the Budgets be made available to the public through the Clerk's Department, the City website and each of the Markham Public Libraries; and,
- 13) That the "Additional Financial Disclosure Requirements Pursuant to Ontario Regulation 284/09" be received for information purposes; and,
- 14) That this report be brought forward to Council on Tuesday, December 15, 2015 for approval; and further,
- 15) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried by a unanimous recorded vote (12:0)

(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, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Logan Kanapathi, Councillor Alex Chiu. (12)

NAYS: 0

ABSENT: Deputy Mayor Jack Heath. (1)

Moved by Councillor Logan Kanapathi
Seconded by Councillor Amanda Collucci

That Council consider the item titled "2016 Operating and Capital Budgets" immediately following the consideration of the Toogood Pond winter maintenance matter.

Carried

7. MOTIONS

(1) RAINFALL WREAKED HAVOC IN CHENNAI, TAMIL NADU, INDIA (12.2.6)

Moved by Councillor Logan Kanapathi

Seconded by Regional Councillor Joe Li

Whereas the heaviest rainfall recorded in a century has wreaked havoc in Chennai, Tamil Nadu, India; and

Whereas the massive flooding has resulted in a significant loss of life and has had a devastating impact; and

Whereas a large number of Markham and GTA residents have family, friends or colleagues in Chennai, Tamil Nadu, India;

Now therefore be it resolved:

- 1) That the City of Markham offer its deepest condolences to the citizens of Chennai, Tamil Nadu, India.

Carried

(See following to consider the matter)

Moved by Councillor Logan Kanapathi

Seconded by Regional Councillor Joe Li

That Council suspend the rules of procedure to introduce a matter for consideration titled "Rainfall Wreaked Havoc in Chennai, Tamil Nadu, India".

Carried

Carried by a 2/3 vote of Members present)

8. NOTICES OF MOTIONS

There were no notices of motions.

9. COMMUNICATIONS

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

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

Received

65-2015 JOSEPH CIMER, LAND USE ADVISOR - DEVELOPMENT FEE AND BUILDING FEE BY-LAW (10.0)

[Communications](#)

Providing comments with respect to the proposed amendments to the Development Fee and Building Fee By-law.

(Item No. 1, Report No. 54 - December 15, 2015 Council Meeting)

Carried

66-2015 COMMUNICATION RECEIVED REGARDING THE ITEM TITLED "TOOGOOD POND OUTDOOR WINTER MAINTENANCE" (6.0)

[Letter](#)

Letter dated December 10, 2015 from Alick Siu, President, Unionville Ratepayers Association, Peter Wales, President, Unionville Villagers Association and Elisabeth Mensher, Chair, Unionville Business Improvement Area, providing comments.

(Item No. 4, Report No. 55)

Carried

67-2015 LIQUOR LICENCE APPLICATION FOR DIANA'S OYSTER BAR & GRILL, 7501 WOODBINE AVENUE (WARD 8) (3.21)

[Info](#)

Forwarding a request for the City of Markham to complete the Municipal Information Form.

(Change of ownership and application of a liquor licence for indoor areas licenced previously).

Carried

10. PROCLAMATIONS

There were no proclamations.

11. NEW/OTHER BUSINESS

(1) ILLEGAL SIGNS AND GRAFFITI ON CANADA POST SUPER MAILBOXES (2.16)

Council briefly discussed instances of illegal signs and graffiti that are occurring on Canada Post Super Mailboxes in the City of Markham. Staff advised they will look into options available to discourage these activities.

12. BY-LAWS

Moved by Councillor Alex Chiu

Seconded by Councillor Amanda Collucci

That By-laws 2015-160 to 2015-169 and 2015-171 to 2015-174 be given three readings and enacted.

Three Readings

BY-LAW 2015-160 SERVO CONSTRUCTION INC., 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 1 to 6 inclusive and Blocks 32 to 35 inclusive, Registered Plan 65M-4468.

[By-law](#)

BY-LAW 2015-161 ROAD DEDICATION BY-LAW (HAMMERSLY BOULEVARD, COLLIER CRESCENT AND TITUS STREET)

A by-law to dedicate certain lands as part of the highways of the City of Markham (Blocks 33 and 34, Plan 65M-3988 and Block 78, Plan 65M-4001).

[By-law](#)

BY-LAW 2015-162 ROAD DEDICATION BY-LAW (WILLIAM FORSTER ROAD)

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 6 and 7, Plan 65R-34812).

[By-law](#)

- BY-LAW 2015-163 APPOINTMENT CHIEF BUILDING OFFICIAL AND BUILDING INSPECTORS
A by-law to appoint a Chief Building Official and Building Inspectors pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended (Repeals By-law 2010-75).
[By-law](#)
- BY-LAW 2015-164 A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST (JOHN EBY REESOR HOUSE, 8402 STEELES AVENUE)
[By-law](#)
- BY-LAW 2015-165 A BY-LAW TO AMEND BY-LAW 211-83, AS AMENDED (A BY-LAW TO PRESCRIBE A TARIFF OF FEES FOR THE PROCESSING OF PLANNING APPLICATIONS)
(Item No. 1, Report No. 54 - December 15, 2015 Council Meeting)
[By-law](#)
- BY-LAW 2015-166 A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION, CHANGE OF USE PERMITS AND INSPECTIONS (BUILDING BY-LAW)
(Repeals By-law 2015-4)
(Item No. 1, Report No. 54 - December 15, 2015 Council Meeting)
[By-law](#)
- BY-LAW 2015-167 A BY-LAW TO ESTABLISH AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE PD1-7 AREA 9 DEVELOPMENT AREA OF THE CITY OF MARKHAM
(Repeals By-law 2013-109)
(Item No. 3, Report No. 55 - December 15, 2015 Council Meeting)
[By-law](#)
- BY-LAW 2015-168 A BY-LAW TO ESTABLISH AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE MARKHAM CENTRE - SOUTH HWY 7 AREA 42B-6 DEVELOPMENT AREA OF THE CITY OF MARKHAM
(Repeals By-law 2013-110)
(Item No. 3, Report No. 55 - December 15, 2015 Council Meeting)
[By-law](#)

- BY-LAW 2015-169 A BY-LAW TO ESTABLISH AREA SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR THE MARKHAM CENTRE - SCIBERRAS AREA 42B-8 DEVELOPMENT AREA OF THE CITY OF MARKHAM (Repeals By-law 2013-111)
(Item No. 3, Report No. 55 - December 15, 2015 Council Meeting)
[By-law](#)
- BY-LAW 2015-171 PRIMONT HOMES (HARMONY) INC., SOUTH UNIONVILLE COMMUNITY, HOLD REMOVAL BY-LAW
[By-law](#)
A by-law to amend By-law 177-96, as amended, to facilitate construction of thirteen townhouse dwellings and two single-detached dwellings.
- BY-LAW 2015-172 ROAD DEDICATION BY-LAW (BIRCHMOUNT ROAD AND ENTERPRISE BOULEVARD)
[By-law](#)
A by-law to dedicate certain lands as part of the highways of the City of Markham, Block 61, Plan 65M-4060, designated as Part 3, Plan 65R-36039 (Birchmount Road) and Part of the West Half of Lot 8, Concession 5, designated as Parts 4 and 5, 65R-36039 (Enterprise Boulevard).
- BY-LAW 2015-173 A BY-LAW TO STOP-UP AND CLOSE PORTIONS OF ROAD ALLOWANCE UNNAMED ROAD, REGISTERED PLAN 2196, MORE PARTICULARLY DESCRIBED AS PARTS 4, 5, AND 6 ON REFERENCE PLAN 65R-35480.
[By-law](#)
- BY-LAW 2015-174 2016 WATER/WASTEWATER RATES (EFFECTIVE APRIL 1, 2016)
[By-law](#)
A by-law to amend By-law No. 2002-276, being a by-law to impose fees or charges for services or activities provided or done by the City of Markham.
(Item No. 1, Report No. 57 – December 15, 2015 Council meeting)

13. IN-CAMERA ITEMS

Council consented to not resolve into an in-camera session to consider the following items:

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
- NOVEMBER 24, 2015 (16.0)
[Section 239 (2) (a) (b) (c) (d) (e) (f) (g)]

Development Services Committee – November 30, 2015

- (2) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (ONTARIO MUNICIPAL BOARD APPEAL - 3 TREELINE COURT -WARD 7) (8.0)
[Section 239 (2) (e)]
- (3) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (ONTARIO MUNICIPAL BOARD APPEAL - 160 SHERWOOD FOREST DRIVE - WARD 4) (8.0)
[Section 239 (2) (e)]

General Committee – December 8, 2015

- (4) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (VARIOUS WARDS) (8.6)
[Section 239 (2) (c)]

Council consented to approve the following in-camera items in open session as follows:

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
- NOVEMBER 24, 2015 (16.0)

Moved by Regional Councillor Joe Li
Seconded by Councillor Colin Campbell

- 1) That the Council In-camera Minutes dated November 24, 2015 be confirmed.

Carried

(2) CONSENT AND MINOR VARIANCE APPLICATION APPEAL
SYED AND NABILA WARSI, 3 TREELINE COURT
FILES B/10/15 AND A/119/15 (8.0)

Moved by Councillor Alan Ho

Seconded by Regional Councillor Jim Jones

- 1) That the confidential report titled “Consent and Minor Variance Application Appeal, Syed and Nabila Warsi, 3 Treeline Court, Files B/10/15 and A/119/15” be received; and,
- 2) That Council direct Staff not to attend the Ontario Municipal Board (“OMB”) hearing regarding the decision of the Committee of Adjustment to approve the requested consent and minor variance applications, provided that the applicant requests the OMB to impose the following conditions:

B/10/15

- a) Payment of all outstanding realty taxes and local improvements charges owing to date against both the severed and retained parcels;
- b) Submission to the Secretary-Treasurer of the required transfer, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;
- c) Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application, as submitted;
- d) Payment of the required Conveyance Fee for the creation of a residential lot in accordance with the City of Markham Fee By-law 211-83, as amended;
- e) Submission of an Appraisal Report prepared by a member of the Appraisal Institute of Canada respecting the proposed residential lot; and subject to review and approval of this report, payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate.
- f) Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City’s Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate.

- g) Subject to the review and approval of the Tree Assessment and Preservation Plan, tree protection fencing be erected and inspected in accordance with the City's Streetscape Manual (2009), as amended, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or designate;
- h) Subject to the review and approval of the Tree Assessment and Preservation Plan, tree replacements be provided and/or tree replacement fees be paid to the City if required, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
- i) The Owner shall enter into a Development Agreement with the City to the satisfaction of the Director of Planning and Urban Design, the City Solicitor, and the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the Lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:
 - 1) payment and installation of separate service connections (sanitary, storm and water) for Part 2 as shown on Figure 1 attached to the Staff Committee of Adjustment Report (Figure 3 of this Report), in accordance with the Ontario Building Code requirements, to the satisfaction of the Director of Engineering. In the event Part 1 as shown on Figure 1 attached to the Staff Committee of Adjustment Report (Figure 3 of this Report) requires alterations to the service connections in order to comply with Building Code, the Development Agreement shall require the owner to pay for any alteration as required by the City.
 - 2) Submission and approval of a detailed Lot Grading Plan, designed and stamped by a Professional Engineer/Ontario Land surveyor/Landscape Architect, to the satisfaction of the Director of Engineering or designate;
- j) That the owner demolish the garage attached to the existing dwelling, resulting in a reconfigured dwelling wholly located upon Part 1 as shown on Figure 1 attached to the Staff Committee of Adjustment Report (Figure 3 of this Report), that complies with the interior side yard setback requirement of By-law 90-81, as amended. And that the Secretary-Treasurer receives written confirmation that a building permit has been obtained for such work, and that the reconfiguration of the dwelling on Part 1 as shown on Figure 1 has been built to the satisfaction of the Chief Building Official or designate;

- k) Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13;

A/119/15

- a) That the variance apply only to the proposed development as long as it remains;
 - b) That the variance apply only to a one-storey attached garage in the rear yard of the subject property, as shown on the plan attached as Figure 1 to the Staff Committee of Adjustment Report (Figure 3 of this Report), to the satisfaction of the Director of Planning and Urban Design or designate; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (3) MINOR VARIANCE APPLICATION APPEAL
GUANG YU WU & LONG QIONG GUO
160 SHERWOOD FOREST DRIVE
A/74/15 (8.0)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Karen Rea

- 1) That the confidential report titled “Minor Variance Application Appeal, Guang Yu Wu & Long Qiong Guo, 160 Sherwood Forest Drive, A/74/15” be received; and,
- 2) That Council direct the City Solicitor and Staff not to attend the Ontario Municipal Board (OMB) hearing regarding the decision of the Committee of Adjustment to approve the minor variance related to Net Floor Area Ratio, front yard encroachment and setbacks for accessory buildings, 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 plans attached as “Appendix A” to the Staff Report dated September 8, 2015, to the satisfaction of the Director of Planning and Urban Design or designate;
- c) The Owner shall enter into a Development Agreement with the City to the satisfaction of the Director of Engineering and City Solicitor, which Development Agreement shall be registered on title to the Lands in priority to all mortgages, charges, liens and other encumbrances, and that the Owner shall procure and caused to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for Development Agreement on title to the Lands. The Development Agreement shall provide for matters including but not limited to:
 - i) Preparation and submission to the City for approval by the Director of Engineering of a construction management plan, and implementation of such plan to the satisfaction of the Director of Engineering or designate;
 - ii) Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City’s Streetscape Manual (2009), as amended, to be reviewed and approved by the City;
 - iii) Subject to the review and approval of the Tree Assessment and Preservation Plan, tree protection fencing be erected and inspected in accordance with the City’s Streetscape Manual (2009);
 - iv) Subject to the review and approval of the Tree Assessment and Preservation Plan, tree replacements be provided and/or tree replacement fees be paid to the City if required;
- d) Submission and approval of a siting/grading plan of the property, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;
- e) That subject to the review and approval of a siting/grading plan, the owner demonstrate that the pre-existing drainage pattern within the property will not be altered in such a way as to cause any adverse impact on the naturally occurring drainage from the site, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;

- f) That subject to the review and approval of a siting/grading plan, the owner demonstrate that there is no negative impact to any abutting property respecting surface water drainage, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;
 - g) Submission of a statutory declaration by the owner, satisfactory to the Director of Planning and Urban Design or designate, that the property will be used only as single detached dwelling in accordance with the applicable zoning by-law; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(4) **REPORTING OUT OF REAL PROPERTY ACQUISITIONS (8.6)**
[Report](#)

Moved by Regional Councillor Nirmala Armstrong
Seconded by Councillor Colin Campbell

- 1) That the report entitled “Reporting Out of Real Property Acquisitions” be received; and,
- 2) That Staff be authorized and directed to take the actions set out in this report.

Carried

14. CONFIRMATORY BY-LAW

Moved by Councillor Alex Chiu
Seconded by Councillor Valerie Burke

That By-law 2015-170 be given three readings and enacted.

Three Readings

BY-LAW 2015-170 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF DECEMBER 15, 2015.
[By-law](#)

Carried

15. ADJOURNMENT

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

That the Council Meeting be adjourned at 10:45 PM.

Carried

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

(Signed)