



COUNCIL MINUTES

January 29 and 30, 2013, 7:00 p.m.

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 2

Alternate formats for this document are available upon request

ATTENDANCE FOR JANUARY 29, 2013, 7:08 P.M. TO JANUARY 30, 2013, 3:31 A.M.

ROLL CALL

Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Gord Landon, Regional Councillor Joe Li, Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Councillor Colin Campbell, Councillor Alan Ho, Councillor Logan Kanapathi, Councillor Alex Chiu.

STAFF

Andy Taylor, Chief Administrative Officer
Catherine Conrad, City Solicitor
Jim Baird, Commissioner of Development Services
Brenda Librecz, Commissioner of Community and Fire Services
Trinela Cane, Commissioner of Corporate Services
Joel Lustig, Treasurer
John Wong, Technology Support Specialist
Mark Visser, Senior Manager, Financial Strategy & Investments
Dennis Flaherty, Director of Communications and Community Relations
Don Taylor, Manager of Executive Operations
Bill Snowball, Fire Chief
Laurie Rose, Chief of Staff
Martha Pettit, Acting City Clerk
Stephen Huycke, Acting Deputy Clerk
Alida Tari, Council/Committee Coordinator

The regular meeting of Council convened at 7:08 p.m. on January 29, 2013 in the Council Chamber. Mayor Frank Scarpitti presided. Deputy Mayor Jack Heath presided during 2:04 a.m. and 2:09 a.m. on January 30, 2013.

At 11:48 p.m. on January 29, 2013, Council passed a motion to waive Section 3.28 of Procedural By-law 2001-1 allowing the meeting to continue further than 12:01 a.m. on January 30, 2013. The motion moved by Councillor Alex Chiu and Councillor Colin Campbell was carried by a two-thirds vote of the Members present.

At 3:31 a.m. on January 30, 2013, Council passed a motion to recess the meeting and to reconvene the meeting at 10:30 a.m. on January 30, 2013. The motion moved by Councillor Carolina Moretti and seconded by Councillor Howard Shore was carried by a two-thirds vote of the Members present.

ATTENDANCE FOR JANUARY 30, 2013, 10:30 A.M. to 11:59 A.M.

ROLL CALL

Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Gord Landon, Regional Councillor Joe Li, Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Councillor Alan Ho, Councillor Logan Kanapathi, Councillor Alex Chiu.

REGRETS

Councillor Colin Campbell.

STAFF

Andy Taylor, Chief Administrative Officer
Catherine Conrad, City Solicitor
Jim Baird, Commissioner of Development Services
Brenda Librecz, Commissioner of Community and Fire Services
Trinela Cane, Commissioner of Corporate Services
Joel Lustig, Treasurer
Alida Tari, Council/Committee Coordinator
John Wong, Technology Support Specialist
Dennis Flaherty, Director of Communications and Community Relations
Rino Mostacci, Director of Planning and Urban Design
Martha Pettit, Acting City Clerk
Alida Tari, Council and Committee Coordinator

The meeting re-convened at 10:37 a.m. on January 30, 2013 in the Council Chamber. Deputy Mayor Jack Heath presided from 10:37 a.m. to 11:11 a.m. Deputy Mayor Jack Heath vacated the chair at 11:12 a.m. and Mayor Frank Scarpitti presided.

1. DISCLOSURE OF PECUNIARY INTEREST

(1) None disclosed.

2. MINUTES

- (1) COUNCIL MINUTES
– DECEMBER 13, 2012, DECEMBER 18, 2012 AND JANUARY 21, 2013
[Dec 13](#) [Dec 18](#) [Jan 21](#)

Moved by Councillor Alex Chiu
Seconded by Councillor Alan Ho

- 1) That the Minutes of the Council Meetings held on December 13, 2012, December 18, 2012 and January 21, 2013, be adopted.

CARRIED

3. PRESENTATIONS

- (1) INTERNATIONAL HOLOCAUST REMEMBRANCE DAY
- JANUARY 27, 2013 (3.4)

Elin Beaumont, Outreach and Communications Manager, Holocaust Survivor Memoirs Program from the Azrieli Foundation, provided a presentation on the importance of International Holocaust Remembrance Day.

A short film based on the book about local resident and Holocaust survivor Felix Opatowski was displayed, followed by the 88-year-old author presenting a copy of his book, “Gatehouse to Hell” to Mayor Frank Scarpitti.

(See Proclamation Item No. 1)

4. DELEGATIONS

Council consented to hear Delegation Nos. 1 to 3 as listed below.

(1) DELEGATION - GENTHORN DEVELOPMENTS INC, 5 HILLCROFT DRIVE (10.5)

- Mohamed Ladha addressed Council and spoke of his concerns for the subject application.

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

That Council consider the matter for Genthorn Developments Inc, 5 Hillcroft Drive, immediately following the delegation with respect thereto.

(See New/Other Business No. 1 for Council's decision on this matter)

CARRIED

(2) DELEGATION - STIVER MILL PRESERVATION (16.34)

- Ann Laxton, President of the Unionville Historical Society, addressed Council and spoke in favour of the silver colour for the Stiver Mill cladding as she believes the presence of red paint is the result of primer being used prior to painting.

(See Report No. 3, Item No. 3 for Council decision on this matter)

(3) DELEGATIONS REGARDING:

- MOTION NO. 1:

RESCIND THE FINANCIAL FRAMEWORK FOR THE PROPOSED GTA SPORTS, ENTERTAINMENT AND CULTURAL CENTRE)(6.0)

- MOTION NO. 2

COMPLETE THE MARKHAM LIVE VISION & UPDATE THE DOWNTOWN MARKHAM CENTRE SECONDARY PLAN (10.0)

- NEW/OTHER BUSINESS NO. 2

SITE PLAN CONTROL APPLICATION FOR MARKHAM SPORTS, ENTERTAINMENT AND CULTURAL CENTRE (10.6)

[Presentation](#)

Andy Taylor, Chief Administrative Officer, provided a brief PowerPoint presentation for the Markham Sports, Entertainment and Cultural Centre.

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

That Council receive the delegations as listed below:

1. Paul Kelly, Jackson Lewis, LLP - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
2. Randy Pettigrew, The Remington Group - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
3. Kurt Christensen – Spoke in support of the Markham Sports, Entertainment and Cultural Centre.
4. Ken Ng, FCCM/CCCM/Taste of Asia - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
5. Bal Sharma, Markham resident - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
6. Aaron Madar, Toronto Trillium Lions Club - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
7. Owen Macri, on behalf of Paul Calandra, MP, Oakridge-Markham - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
8. Marilyn Ginsburg, on behalf of Grandview Area Residents Association - Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.

9. Toinette Bezant, on behalf of Bayview Glen Residents - Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.
10. Karen Rea, Markham Village City Ratepayers - Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.
11. Annette Cacorovski - Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.
12. Evelin Ellison – Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.
13. Stephen Kotyck – Spoke in opposition to the City of Markham pursuing Markham Sports, Entertainment and Cultural Centre.
14. Brenda Address – Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
15. Grace Sonoda – Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.
16. Rose Mittelholzer – Spoke in opposition to the City of Markham pursuing Markham Sports, Entertainment and Cultural Centre.
17. Bil Trainor - Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.
18. Marg Ferguson – Spoke in opposition to the City of Markham funding the Markham Sports, Entertainment and Cultural Centre, and not in opposition to the City pursuing the centre.
19. Donna Bush - Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.
20. Barbara Sampson - Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.
21. Mike Gannon, representing Unionville Ratepayers Group – Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.
22. Robert Mok - Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.
23. Joyce Ramer - Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.

24. Ahsan Irfan - Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.
25. Norman Manara - Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.
26. John Chiu – Spoke in opposition to publicly funding Markham Sports, Entertainment and Cultural Centre.
27. Sumeet Tandon – Not in attendance when name was called.
28. Lorne Mccool – Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.
29. Jean Chiu - Spoke in opposition to publicly funding Markham Sports, Entertainment and Cultural Centre.
30. Terry Gibson, on behalf of his father John Gibson, Markham resident who was not able to attend in person - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
31. RT Sangani - Spoke in opposition to publicly funding Markham Sports, Entertainment and Cultural Centre.
32. Tom Chan - Spoke in opposition to publicly funding Markham Sports, Entertainment and Cultural Centre.
33. Patrick O'Hanlon, Angus Glen Development Ltd. – Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
34. Nick Zarafonitis, The School Restaurant – Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
35. Mohamed Maherli - Not in attendance when name was called.
36. Shafique Malik - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
37. Daniel Elmalem - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
38. Bhupen Karia - Spoke in opposition to the City of Markham pursuing Markham Sports, Entertainment and Cultural Centre.
39. Patrick Regina, Hilton Suites Hotel - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.

40. Jim Kwan - Spoke in opposition to the City of Markham pursuing Markham Sports, Entertainment and Cultural Centre.
41. Gin Siow - Not in attendance when name was called.
42. Wayne Sonoda - Spoke in opposition to the City of Markham pursuing Markham Sports, Entertainment and Cultural Centre. (Grace Sonoda read the delegation on behalf of Wayne Sonoda)
43. Marco Filice, representing Liberty Development Corporation - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
44. Eileen Liasi, German Mills Residents' Association - Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.
45. Elisabeth Tan - Spoke in opposition to the City of Markham pursuing Markham Sports, Entertainment and Cultural Centre.
46. Bill O'Donnell - Not in attendance when name was called.
47. Meg Stokes - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
48. Gary Tehara - Not in attendance when name was called.
49. Daisy Wau, Ad2000 and Beyond Advertising Inc. - Not in attendance when name was called.
50. Tupper Wheatley - Spoke in opposition to the City of Markham pursuing Markham Sports, Entertainment and Cultural Centre.
51. Lou Bada, Greenpark Group of Companies - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
52. David Stewart, TACC Developments - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre, provided that an NHL team is achieved.
53. Peeter Vanker - Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.
54. Ashok Joshi - Not in attendance when name was called.
55. Ray Menzies - Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.

56. Sandra McEleney - Not in attendance when name was called.
57. Dean Rajwani – Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.
58. Bruce Barrow - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
59. Loris Rossi - Not in attendance when name was called.
60. Rob Kadlovski, Central Counties Tourism - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
61. Jason Kaptyn, Sheraton Parkway Toronto North Hotel - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
62. Philip Wong, Gibson Community Centre - Not in attendance when name was called.
63. Stephen Chan, Dapasoft Inc. - Not in attendance when name was called.
64. Graham Dewar - Not in attendance when name was called.
65. Harold Kersey, Mady Development Corp. - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
66. John Quinn - Not in attendance when name was called.
67. Lenx Revilien - Not in attendance when name was called.
68. Samir Sa'D – Spoke in opposition to rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.
69. Shakir Rehmatullah, Flato Developments - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
70. Sam Wadera, Second Cup - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
71. Harpreet Bal, HomeLife Superstars Real Estate - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
72. Ahmad Khawaja, Markham-Unionville Young Liberals - Not in attendance when name was called.
73. Joyce Deutsch - Spoke in support of rescinding the financial framework for Markham Sports, Entertainment and Cultural Centre.

74. Davide Pellegrini, Countrywide Homes - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
75. Bhulesh Lodhia, JM Hospitality Group - Not in attendance when name was called.
76. Mohammed Rahman, President, Rouge River Residents' Association - Spoke in opposition to the City of Markham pursuing Markham Sports, Entertainment and Cultural Centre.
77. Amanda Collucci, ACCE – Not in attendance when name was called.
78. Charles Jiang, Federation of Canadian Chinese Association - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
79. Carmel Marina - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
80. Cosimo Crupi, D. Crupi & Sons Ltd. - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
81. David Black, Monopoly Property Management - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
82. Kenny Wong, Richmond Hill/Markham Chinese Business Association - Spoke in support of the City of Markham pursuing the Markham Sports, Entertainment and Cultural Centre.
83. Peter Counti, new Markham resident – Provided comments.

CARRIED

(See following to consider the matter)

Moved by Councillor Carolina Moretti
Seconded by Councillor Alan Ho

That Council consider the following items immediately following the delegations with respect there to:

- Motion No. 1 titled "Rescind the Financial Framework for the Proposed GTA Sports, Entertainment and Cultural Centre".
- Motion No. 2 titled "Complete the Markham Live Vision & Update the Downtown Markham Centre Secondary Plan."
- New/Other Business No. 2 titled "Application for Site Plan Control Approval, GTA Centre L.P. on behalf of The Remington Group".

(See Motion Nos. 1 & 2, and New/Other Business No. 2 for Council's decision on these items)

CARRIED

5. PETITIONS

There were no petitions considered.

6(A) REPORT NO. 1 - GENERAL COMMITTEE (November 19, 2012)

- (1) 2013 OPERATING BUDGET (7.4)
[Nov19GCReport](#) [Jan29CouncilReport](#)

Moved by Regional Councillor Gord Landon
Seconded by Councillor Logan Kanapathi

That Report No. 1 – General Committee comprised of 1 item be received and adopted.

- 1) That the report dated November 19, 2012 entitled “2013 Operating Budget” and the report dated January 29, 2013 entitled “2013 Operating Budget – Supplementary Report” be received; and,
- 2) That Council approve a 1.0% tax rate increase to the City’s tax levy; and,

- 3) That Council approve an additional 0.5% tax rate increase for infrastructure to fund an extraordinary item, the Emerald Ash Borer (EAB) infestation; and,
- 4) That Council approve the establishment of an interest bearing infrastructure reserve fund for the Emerald Ash Borer program; and,
- 5) That Council approve the 2013 Operating budget for City services totalling \$180,795,409 (excluding the 2012 surplus) which includes a 1.5% tax rate increase over 2012 (\$171,553,698) of which the principal components are detailed in Appendix 1; and,
- 6) That the gross operating expenditures of \$180,795,409, (excluding the 2012 surplus) be funded from the following sources:

<u>Revenue</u>	<u>2013 Budget \$</u>
Taxation Levies	124,765,727
Grants-in-lieu of Taxes	1,209,007
Grant & Subsidy Revenue	1,546,994
General Revenues (Investment Income, Fines, Permits, Interest & Penalties)	26,393,689
User Fees & Services Charges (User Fees, Rentals, Sales)	22,281,315
Other Income/Recoveries	<u>4,598,677</u>
Total Revenues	<u>180,795,409</u>

; and,

- 7) That Council approve the 2013 Planning & Design Operating Budget totalling \$8,407,168, (excluding the 2012 surplus/deficit), the principal components of which are detailed in Appendix 2; and,
- 8) That Council approve the 2013 Engineering Operating Budget totalling \$6,467,026, (excluding the 2012 surplus/deficit), the principal components of which are detailed in Appendix 3; and,
- 9) That Council approve the 2013 Building Standards Operating Budget totalling \$9,026,380, (excluding the 2012 surplus/deficit), the principal components of which are detailed in Appendix 4; and,
- 10) That upon finalization of the 2012 audited financial statements, the 2013 Operating, Planning & Design, Engineering and Building Standards Operating Budgets be adjusted to reflect the 2012 operating results; and,

- 11) That a copy of the budget document be made available to the public through the Clerk's Department, the City's website and each of the Markham Public Libraries; and,
- 12) That the "Additional Financial Disclosure Requirements Pursuant to Ontario Regulation 284/09" be received for information purposes; and,
- 13) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED BY A RECORDED VOTE (9:1)
(See following recorded vote)

YEAS: Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Gord Landon, Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Councillor Alan Ho, Councillor Logan Kanapathi. (9)

NAYS: Regional Councillor Joe Li. (1)

ABSENT: Mayor Frank Scarpitti, Councillor Colin Campbell, Councillor Alex Chiu. (3)

6(B) REPORT NO. 2 - GENERAL COMMITTEE (January 21, 2013)

Moved by Regional Councillor Gord Landon
Seconded by Councillor Logan Kanapathi

That Report No. 2 – General Committee comprised of 3 items be received and adopted.

- (1) REVISED TERMS OF REFERENCE
-THEATRE BOARD (16.0)
[Minutes](#) [Appendix A](#) [Memo](#)

- 1) That Council endorse the resolution made at the May 28, 2012 Markham Theatre Advisory Board meeting:

“That the revised Theatre Advisory Board Terms of Reference be approved as shown in Appendix “A” attached hereto.”

CARRIED

(2) 013-S-13 SUPPLY OF FIRE DEPARTMENT APPARATUS (7.12)

[Report](#)

- 1) That the report entitled “013-S-13 2013 Supply of Fire Department Apparatus” be received; and,
- 2) That the supply of three (3) Pumper apparatus be awarded to Safetek Emergency Vehicles in the amount of \$577,652.85 each in US dollars (\$567,774.99 each in CAD dollars), totaling \$1,732,958.55 in US dollars (\$1,703,324.96 CAD dollars) inclusive of HST; and,
- 3) That the supply of an Aerial apparatus be awarded to Safetek Emergency Vehicles in the amount of \$927,918.91 in US dollars (\$912,051.50 each in CAD dollars) inclusive of HST; and,
- 4) That authority to approve the expenditure to equip the three (3) Pumper apparatus and one (1) Aerial apparatus in the amount of \$225,000.00 be provided to the Director of Operations (or his designate) or the Fire Chief (or his designate) as per the limits in accordance to the Expenditure Control Policy; and,
- 5) That the funds for the award are provided from account 057-6150-13402-005 “Corporate Fleet Replacement-Fire” in the amount of \$2,840,376.46 CAD dollars; and,
- 6) That the remaining funds in account 057-6150-13402-005 “Corporate Fleet Replacement-Fire” in the amount of \$622,823.54 in CAD dollars be returned to the original funding source; and,
- 7) That the tender process be waived in accordance with purchasing By-Law 2004-341, Part II, Section 7 Non Competitive Procurement, item 1 (e) which states “Where the City is acquiring specialized equipment, in which case the sources of supply may be identified based on technical specifications prepared by the User Department staff, the Manager of Purchasing may negotiate purchases based on such specifications in consultation with the User Department;” and,
- 8) That vehicles 9871 (2003 model year), 9881 (1998 model year), 9836 (2002 model year) and one of 911, 961 or 971 (2003 model year) will be disposed of in accordance with Purchasing By-Law 2004-341, Part V, Disposal of Personal Property and the proceeds be posted to account 890-890-9305 “Proceeds of Sale-Other F/A” upon placing the new apparatus into service; and further,
- 9) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(3) **DEVELOPMENT CHARGE BY-LAW UPDATE (7.11)**
[Presentation](#)

- 1) That Council endorse the following policies as a basis in the preparation of the Development Charges Background Study:
 1. That the cost of oversizing sanitary sewers be funded 100% from development charges; and,
 2. That the by-laws be amended to allow for rate increases only; and,
 3. That development charges be calculated using the rates in effect at building permit issuance; and,
 4. That staff include other service levels in development charge recoveries, including but not limited to, Parking services; and,
 5. That 12 month deferrals be made available to high-rise **and** mixed use developments in the ratio 30%/35%/35% ; and,
 6. That the policy of applying a differentiated rate for the non-residential portion of mixed-use developments be continued; and,
 7. That a policy be adopted to defer development charges for facilities owned and operated by a non-profit organization that meet City specifications; and,
 8. That the industrial exemption for the expansion of up to 50% of a structure be broadened to include office buildings; and,
 9. That the City institute one apartment rate for large and small apartments to incent the construction of larger units; and,
 10. That a policy be adopted to apply the average non-residential rates (Retail : Industrial/Office) to non-residential structures where no information on tenancy is available; and,
 11. That a policy be adopted to close the reserve accounts of inactive Area Specific by-laws and transfer the net balance to the City Wide hard reserve at every by-law review; and,
 12. That the current policy of funding a maximum of 25% of the cost of local bridges that have a city wide benefit from the City Wide Hard reserves be continued; and,

13. That all Public works capital infrastructure, for soft services be funded 100% from Development Charges; and,
 14. That enhanced streetscaping on internal roads within a plan of subdivision or abutting site plan be treated as 100% local cost; and further,
 15. That the 4th lane of a road in a residential subdivision be funded 100% from the City Wide Hard reserves and 3 lanes or less in a residential subdivision be funded 100% by the local developer; and,
- 2) That the Area Specific Development Charges (ASDC) By-laws are not consolidated and that the City continue with the current ASDC methodology for the 2013 update of the by-laws:
- Consolidate ASDCs where possible.
 - Transfer the responsibility for the construction of some ASDC infrastructure to the developers group where possible; and further,
- 3) That the City adopt the Alternate Methodology for calculating the Soft Services Charge as follows:
- Library Services and Indoor Recreation - Population and Households
 - Park Development - Population and Households
 - Fire Service and Public Works - Household and Employment

CARRIED

Note: Resolution Nos. 1 and 2 are from the January 21, 2013 General Committee meeting. Resolution No. 3 is from January 28, 2013 General Committee meeting.

6(C) REPORT NO. 3 - DEVELOPMENT SERVICES COMMITTEE (January 22, 2013)

Moved by Councillor Don Hamilton

Seconded by Councillor Alan Ho

That Report No. 3 – Development Services Committee comprised of 6 items be received and adopted.

(1) METROLINX - BIG MOVE UPDATE (5.0)

[Presentation](#) [Draft Resolution](#)

- 1) That the presentation provided by Mr. Alan Brown, Director of Engineering entitled "Metrolinx - Big Move Update" be received; and,
- 2) That Metrolinx be requested to deliver a more specific and timely transit implementation and funding strategy that provides the necessary transit infrastructure to accommodate growth to 2031; and,
- 3) That staff work with Region of York and Metrolinx to provide an updated transit plan to accommodate growth to 2031; and,
- 4) That staff report back following discussions with York Region as to opportunities to advance the design of the Yonge Subway; and,
- 5) That Bruce McCuaig, President and C.E.O., Metrolinx, and Bill Fisch, York Regional Chair be advised accordingly, and,
- 6) That the Transportation Demand Management (TDM) program continue; and further,
- 7) That Mayor Frank Scarpitti send a letter with this resolution to the leaders of the Liberal, Conservative, and New Democrat Parties at the Provincial and Federal levels, and Markham MPs and MPP.

CARRIED

(2) MAIN STREET UNIONVILLE
PRECINCT MASTER PLAN (10.0)

[Draft Resolution](#) [Precinct Plan Proposal](#)

- 1) That the Main Street Unionville Precinct Master Plan study proposal submitted by Torti Gallas and Partners Inc., and sub-consultants, dated January 16, 2013, be received; and,
- 2) That Council authorizes the Main Street Unionville Precinct Master Plan study, at an upset limit not to exceed \$250,000, subject to the study proceeding in four (4) stages as outlined in the proposal, and with provision for the CAO and the Commissioner of Development Services to pre-authorize advancement to each stage of the study, and to release payments to the consultants on a pro-rata basis upon completion of each respective stage, having regard to the schedule on page 33 of the proposal; and,
- 3) That the RFP process be waived in accordance with Purchasing By-law 2004-341, Part II, Section (h) – where it is necessary or in the best interest of the City to acquire non-standard items or Consulting and Professional Services from a preferred supplier or from a supplier who has a proven track record with the City in terms of pricing, quality and service; and,
- 4) That the lead consultant, enter into a standard form of consultant contract with the City of Markham; and,
- 5) That all consultant expenses, including disbursements and travel costs, and attendance at all required presentations and meetings with Council, Committees of Council, Study Working Group, and Public Agencies, as required to see the study through to completion and acceptance by Council, shall be included in the upset limit of \$250,000; and,
- 6) That a new 2013 capital project be created for the Main Street Unionville Precinct Master Plan to an upset limit of \$250,000 inclusive of HST; and,
- 7) That the project be funded from the Development Charges Reserve (\$225,000 or 90%) and the Development Fee Reserve (\$25,000 or 10%); and further,
- 8) That staff report back to Committee with Terms of Reference for a Main Street Unionville Committee, to be comprised of representatives of Council, the UBIA, and area Ratepayer and Heritage Groups, to operate as a Working Group to guide the study process and to make recommendations to Development Services Committee and Council regarding the Master Plan study and its implementation.

CARRIED

(3) UNIONVILLE STIVER MILL PRESERVATION
ADVISORY COMMITTEE MINUTES

- December 12, 2012 (16.34)

[Minutes](#) [Terms of Reference](#) [Jan 17 - Extract](#)

- 1) That the depositions by Bob Stiver and Jeanne Ker-Hornell, both of the Unionville Village Conservancy, be received; and,
- 2) That the minutes of the Unionville Stiver Mill Preservation Advisory Committee meeting held on December 12, 2012, be received for information purposes; and,
- 3) That the following recommendation from the December 12, 2012 Unionville Stiver Mill Preservation Advisory Committee meeting be endorsed:

"That the Terms of Reference of the Unionville Stiver Mill Preservation Advisory Committee attached as Appendix A, be approved."; and,

- 4) That the following recommendation from the January 17, 2013 Unionville Stiver Mill Preservation Advisory Committee meeting be endorsed:

"That in light of the new evidence provided, the Unionville Stiver Mill Preservation Advisory Committee recommends that the "silver" colour for the Stiver Mill cladding approved by the Committee on December 12, 2012 be replaced with the colour "red with a shade to be determined between Heritage Staff and the Architect" .; and further,

- 5) That any replacement cladding should be a metal product replicating the existing materials in profile, shape, and texture, and its placement should replicate the historical/original direction of the siding (the building has both vertical and horizontal components).

CARRIED

(4) HERITAGE DESIGNATION BY-LAW AMENDMENTS
LEGAL DESCRIPTIONS (16.11)

[Report](#)

- 1) That the staff report entitled “Heritage Designation By-law Amendments, Legal Descriptions”, dated January 22, 2013, be received; and,
- 2) That the heritage designation by-laws on the following municipal property addresses be amended to reflect their current legal descriptions:
 - a. 33 Artisan Trail (formerly 10372 Woodbine Ave)
 - b. 37 Artisan Trail (formerly 10271 Woodbine Ave)
 - c. 39 Artisan Trail (formerly 10327 Woodbine Ave)
 - d. 7 Bewell Drive (formerly 7449 Ninth Line)
 - e. 15 Bewell Drive (formerly 7447 Ninth Line)
 - f. 819 Bur Oak (formerly 9483 McCowan Road)
 - g. 2665 Bur Oak Ave (formerly 7006 16th Ave)
 - h. 17 Campus Close (formerly 10521 Woodbine Ave)
 - i. 43 Castlevue Cres (formerly 10077 Woodbine Ave)
 - j. 18 Cecil Nichols Drive (formerly 10519 Woodbine Ave)
 - k. 60 Dame Gruev (formerly 6297 Major Mackenzie Dr)
 - l. 226 Edward Jefferys (formerly 9462 Hwy 48)
 - m. 8 Greenhollow Court (formerly 9516 Ninth Line)
 - n. 11 Heritage Corners Lane (formerly 9251 Hwy 48)
 - o. 9899 Hwy 48
 - p. 1 Kalvinster Drive (formerly 6937 Hwy 7)
 - q. 70 Karachi Drive (formerly 7555 Markham Road)
 - r. 10000 Kennedy Road (formerly 9994 Kennedy Road)
 - s. 20 Mackenzie’s Stand Avenue (formerly 8083 Warden Ave)
 - t. 60 Maple Park Way (formerly 4438 Fourteenth Ave)
 - u. 73 Old Kennedy Road
 - v. 28 Pike Lane (formerly 9451 Ninth Line)
 - w. 11 Tannis St (formerly 9765-67 Kennedy Rd)
 - x. 99 Thoroughbred Way (formerly 9721 Kennedy Rd)
 - y. 527 William Forster Rd (formerly 8882 Reesor Rd)
 - z. 8 Wismer Place (formerly 10391 Woodbine Ave)
 - aa. 99 YMCA Blvd (formerly 7796-7798 Kennedy Rd); and,
- 3) That notice of the proposed amendments be given to the property owners in accordance with the Ontario Heritage Act; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

(5) REQUEST FOR DEMOLITION
9 ALBERT ST. MARKHAM VILLAGE (16.11)
[Report](#)

- 1) That the report titled “Request for Demolition, 9 Albert St. Markham Village” dated January 22, 2013 be received; and,
- 2) That Council endorse the demolition of the non-heritage detached garage at 9 Albert St. within the Markham 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) INFORMATION REPORT
PROPOSED AMENDMENT 2 TO THE
GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE
2006 – POPULATION AND EMPLOYMENT FORECASTS
POLICIES AND IMPLEMENTATION (2012) (10.0)
[Report](#)

- 1) That the Information Report: Proposed Amendment 2 to the Growth Plan for the Greater Golden Horseshoe, 2006 – Population and Employment Forecasts Policies and Implementation (2012), be received; and,
- 2) That the Minister of Infrastructure be advised that future growth must be supported by the necessary Provincial investment in transit infrastructure; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

6(D) REPORT NO. 4 - GENERAL COMMITTEE (January 28, 2013)

Moved by Regional Councillor Gord Landon

Seconded by Councillor Logan Kanapathi

That Report No. 4 – General Committee comprised of 2 items be received and adopted.

(1) TOWN CENTRE BOULEVARD
STREETLIGHT REPLACEMENT
- PURCHASE ORDER ADJUSTMENT REQUEST (7.0)

[Report](#)

- 1) That the report entitled “Town Centre Boulevard Streetlight Replacement – Purchase Order Adjustment Request” be received; and,
- 2) That Purchase Order PD 12282 issued to Fellmore Electric for contract 188-T-12 Town Centre Boulevard Streetlight Replacement be increased by \$237,076 from \$352,313 to \$589,389 inclusive of HST, to cover the additional works due to revised streetlight poles and luminaires design; and,
- 3) That Purchase Order PD 10097 issued to Lumentec Engineers Inc. for contract 036-Q-10 Town Centre Boulevard Illumination, Consulting, Design and Contract Administration Services be increased by \$16,180 from \$45,792 to \$61,972 inclusive of HST, to cover revisions to streetlight pole and luminaires design and additional contract administration services required; and,
- 4) That the funding shortfall of \$153,256 inclusive of HST, to complete the additional work be funded from the Life Cycle Replacement and Capital Reserve; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

- (2) NORTH AMERICAN SOCIETY OF
TRENCHLESS TECHNOLOGY (NASTT)
NO-DIG 2013 CONFERENCE & EXHIBITION
ON MARCH 3-7, 2013 IN SACRAMENTO, CALIFORNIA, USA (11.12)
[Report](#)

- 1) That authorization be granted for Ernie Ting, Manager of Infrastructure, Waterworks and Councillor Alex Chiu to attend the North American Society of Trenchless Technology's (NASTT) No-Dig 2013 Conference and Exhibition on March 3-7, 2013 in Sacramento, California; and,
- 2) That Waterworks staff and Councillor expenses be paid in accordance to Town's Policy from the 2012 Operating Budget account #760-998-5200; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

7. MOTIONS

- (1) RESCIND THE FINANCIAL FRAMEWORK FOR THE
PROPOSED GTA SPORTS, ENTERTAINMENT AND CULTURAL CENTRE (6.0)

A lengthy discussion ensued.

Moved by Councillor Colin Campbell
Seconded by Councillor Valerie Burke

Whereas the City of Markham at the request of GTA Sports, Entertainment and Cultural Centre, has developed a Financial Framework for the proposed Markham, Sports, Entertainment and Cultural Centre; and,

Whereas this proposed financial framework has been subject to considerable study and feedback by all stakeholders; and,

Whereas the present financial framework model is not in the best interest of the City; and,

Now therefore be it resolved:

- 1) That the previous approval of the draft financial framework on April 26th, 2012 for the GTA Centre project be rescinded, and,

- 2) That the City of Markham have no participation in the financing of the GTA Centre (MSECC) project, and,
- 3) That all work and negotiations on operating and cost-sharing agreements related to the GTA Centre project be terminated, and further,
- 4) That the GTA Sports and Entertainment Centre consortium be advised it may continue to pursue site plan approval at its sole discretion, cost and risk.

MOTION LOST BY A RECORDED VOTE (6:7)

(See following recorded vote)

(See following to consider the matter)

YEAS: Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Joe Li, Councillor Valerie Burke, Councillor Don Hamilton, Councillor Colin Campbell. (6)

NAYS: Mayor Frank Scarpitti, Regional Councillor Gord Landon, Councillor Howard Shore, Councillor Carolina Moretti, Councillor Alan Ho, Councillor Logan Kanapathi, Councillor Alex Chiu. (7)

Motion to consider the matter:

Moved by Councillor Carolina Moretti

Seconded by Councillor Alan Ho

That Council consider Motion No. 1 titled "Rescind the Financial Framework for the Proposed GTA Sports, Entertainment and Cultural Centre" immediately following the delegations with respect thereto.

CARRIED

Note: The notice of this motion was given to Council at its meeting held on November 20, 2012. It was the consensus of Council to consider the motion at a Council meeting in January 2013.

(2) COMPLETE THE MARKHAM LIVE VISION &
UPDATE THE DOWNTOWN MARKHAM CENTRE SECONDARY PLAN (10.0)

A lengthy discussion ensued.

Moved by Regional Councillor Joe Li
Seconded by Regional Councillor Jim Jones

Motion: That site plan approval for the GTA Centre be deferred pending the outcome of a Secondary Planning process for the lands east of Tributary #4, south of the Rouge River Valley, east to Kennedy Road and north of 407 Highway.

Whereas planning and development within the area (lands south of the Rouge River, commonly called Downtown Markham and including approximately 125 acres around the Metrolinx hub commonly called Markham Live, boundaries Kennedy Road on the East, Tributary #4 on the west and 407 Highway on the south) in Markham Centre has been proceeding on a site by site basis rather than in accordance with an overall integrated strategy, and,

Whereas a comprehensive vision and plan is needed to shape and guide development in the area rather than allowing individual development applications to drive the plan; and

Whereas the area's public realm, streetscape, transportation and transit infrastructure are being adversely affected by uncoordinated development; and,

Now therefore be it resolved:

- 1) That staff be directed to report back to Development Services Committee by February 2013 on the visioning and planning for a new draft updated secondary plan done with total public participation; and,
- 2) That the City leads the visioning exercise and planning process and not the landowners.

CARRIED AS AMENDED BY A UNANIMOUS RECORDED VOTE (13:0)

(See following to amend)

(See following to consider the matter)

For record purposes, the following Resolution Nos. 1 to 4 was proposed to Council:

- 1) That the GTA Centre site plan is deferred until completion of a comprehensive plan and policies for the area with public input and participation; and,
- 2) That the visioning and planning for a new draft updated secondary plan done with total public participation; and,
- 3) That the City leads the visioning exercise and planning process and not developer driven; and further,
- 4) That the consortium be advised it may continue to pursue site plan approval at its' sole discretion, cost and risk.

Council consented to amend the above proposed Resolution Nos. 1 to 4 as follows:

Resolution No. 1 – Lost by a recorded vote

"1) That the GTA Centre site plan is deferred until completion of a comprehensive plan and policies for the area with public input and participation;"

MOTION LOST BY A RECORDED VOTE (5:8)
(See following recorded vote)

YEAS: Regional Councillor Jim Jones, Regional Councillor Joe Li, Councillor Valerie Burke, Councillor Don Hamilton, Councillor Colin Campbell. (5)

NAYS: Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Gord Landon, Councillor Howard Shore, Councillor Carolina Moretti, Councillor Alan Ho, Councillor Logan Kanapathi, Councillor Alex Chiu. (8)

Resolution Nos. 2 and 3 – Carried as amended by a recorded vote

Moved by Regional Councillor Joe Li

Seconded by Regional Councillor Jim Jones

That the following proposed Resolution Nos. 2 and 3 be deleted:

- "2) That the visioning and planning for a new draft updated secondary plan done with total public participation; and,
- 3) That the City leads the visioning exercise and planning process and not developer driven;"

and replaced with the following as Resolution Nos. 1 and 2:

- "1) That staff be directed to report back to Development Services Committee by February 2013 on the visioning and planning for a new draft updated secondary plan done with total public participation; and,
- 2) That the City leads the visioning exercise and planning process and not the landowners."

CARRIED AS AMENDED BY A UNANIMOUS RECORDED VOTE (13.0)
(See following recorded vote)

YEAS: Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Gord Landon, Regional Councillor Joe Li, Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Councillor Colin Campbell, Councillor Alan Ho, Councillor Logan Kanapathi, Councillor Alex Chiu.

Resolution No. 4 – Council consented to delete:

- "4) That the consortium be advised it may continue to pursue site plan approval at its' sole discretion, cost and risk."

Motion to consider the matter:

Moved by Councillor Carolina Moretti

Seconded by Councillor Alan Ho

That Council consider Motion No. 2 titled "Complete the Markham Live Vision & Update the Downtown Markham Centre Secondary Plan" immediately following the delegations with respect thereto.

CARRIED

Note: The notice of this motion was given to Council at its meeting held on November 20, 2012. It was the consensus of Council to consider the motion at a Council meeting in January 2013.

8. NOTICES OF MOTIONS

(1) MADE ALL REPORTS RELATED TO THE GTA ARENA PUBLIC (6.0)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

Whereas a number of reports pertaining to the proposed GTA Centre arena were commissioned by the City without Council's knowledge or authorization; and,

Whereas these reports continue to be withheld from Markham taxpayers; and,

Whereas the release of these reports would not expose proprietary information or divulge matters that warrant them being kept secret; and,

Now therefore be it resolved:

- 1) That all such reports and related documentation be immediately released to the public, including those authored by:
 1. Miller Thomson Slide Deck – Markham Live – Jan 24, 2011
 2. KPMG Reports
 - a. Markham Sports Entertainment and Cultural Centre Project Highlights
 - b. Assisting the Town of Markham in Pursuing a Sports and Entertainment Facility as a Public-Private Partnership
 3. Weir Foulds – Client-Privileged Communications
 - a. Assisting the Mayor and Town Staff how to make this a Municipal Capital Facility
 - b. Memorandum – How the potential Centre transaction might be structure
 4. BDR – 4 page memorandum –Sensitivity Analysis
 - a. Re – Model developed by the Town of Markham regarding the possible Markham participation in “Project Live”
 5. Prof Daniel Mason/Prof Brad Humphreys – A review
 - a. New Arena Development in Markham
 6. Town of Markham – Economic Opportunity - Stephen Chait
 - a. Exploratory Economic Impact Analysis of a Major Sports/Event Arena in Markham Centre
 7. Raymond James – Markham Arena Opportunity – 40 pages
 - a. Mainly a slide deck presentation; and,
- 2) That Council be advised of the cost, funding source(s) and authorization for the work.

Note: This notice of motion will be listed on the February 12, 2013 Council Agenda for consideration.

9. COMMUNICATIONS

Moved by Councillor Alex Chiu
Seconded by Councillor Logan Kanapathi

That Council receive and consent to the disposition of Communication No. 4-2013 as outlined below.

CARRIED
(See following to consider)

Moved by Councillor Carolina Moretti
Seconded by Councillor Alan Ho

That Council consider Communication No. 4-2013 immediately following the delegations with respect thereto.

CARRIED

Moved by Councillor Howard Shore
Seconded by Regional Councillor Jim Jones

That Council receive and consent to the disposition of Communication Nos. 1-2013 to 3-2013 as outlined below.

CARRIED

Received

1-2013 ONTARIO MUNICIPAL BOARD DECISION (13.13)
[Letters](#)

Summary from the City Solicitor:

This decision relates to the Zoning By-law 2012-13 passed for the area comprised of Hughson Drive, Lunar Crescent, Ankara Court, Polaris Drive and part of Athens Drive, establishing new regulations to permit lot division with the area. The by-law was appealed by two homeowners who opposed lot division and two others seeking site specific relief from the height and sideyard setback provisions. The appellants who opposed lot division supported the conclusions of Meridien Planning Consultants, who had been retained by the City to study the area and who had recommended preservation of the existing large lots, with significant open spaces and vegetation.

The Ontario Municipal Board found that updating the old standards for the community was important, that permitting lot division would not necessarily increase the number of applications for severance, that the by-law would guide future growth and is in the public interest.

In addition, site specific relief was requested for two properties, 12 Hughson and 11 Lunar Crescent. Firstly, the calculation of maximum height was varied to permit renovation of attic space, as the actual height of a dwelling is not increased, and in the other, site specific reduction of the required 1.8m sideyards, to 1.5m was approved.

CARRIED

Referred to all Members of Council

2-2013 LIQUOR LICENCE APPLICATION FOR WONDER FUSION, 505 HIGHWAY 7 EAST (WARD 2) (3.21)

[Info](#)

Request for the City of Markham to complete the Municipal Information Form. (Change of ownership and application of a liquor licence for indoor areas previously licenced).

CARRIED

Received

3-2013 MOHAMED LADHA AND ROSA LADHA – FORWARDING COMMENTS REGARDING THE PROPOSED APPLICATION FOR GENTHORN DEVELOPMENTS INC., 5 HILLCROFT DRIVE (10.5)

[Letter](#)

(New/Other Business Item No. 1) (By-law 2013-9)

CARRIED

4-2013 COMMUNICATIONS RECEIVED – PROVIDING COMMENTS REGARDING MARKHAM SPORTS, ENTERTAINMENT AND CULTURAL CENTRE (6.0)

Communications

Moved by Councillor Alex Chiu

Seconded by Councillor Logan Kanapathi

That Council receive Communication No. 4-2013 as outlined below:

1. Michael Chan, MPP, Markham-Unionville
2. John McCallum, MP, Markham-Unionville
3. Mary Tashos
4. Anthony and Nelly Mazzone
5. Robert Watson
6. Carol Pollard
7. Azza Gammo
8. Ray Tawadros
9. Pearl Sarafian
10. Eira Keay
11. Ingrid Hollett
12. Julieta Montojo
13. Caterina Crupi
14. Bill Hollett
15. Grace Chin
16. Tony Hsiung
17. Keith Thirgood
18. Carlos Diaz
19. Evelyn St. Laurent
20. Jim & Marcia Archer, Joyce & Jim Allen, Carlos & Sue Pereia
21. Peter Kent, MP, Thornhill
22. Sameer Thaver
23. Carolyn and Bob Davison
24. Paul Calandra, MP, Oak Ridges-Markham
25. Cosimo Crupi
26. Mary Brawley
27. Frank E. Russo Jr., Senior Vice President, Business Development & Client Relations, Global Spectrum
28. Anne Marie DeCicco-Best, Mayor, London, Ontario 2000-2010

CARRIED

(See following to consider)

Moved by Councillor Carolina Moretti

Seconded by Councillor Alan Ho

That Council consider Communication No. 4-2013 immediately following the delegations with respect thereto.

CARRIED

10. PROCLAMATIONS

(1) PROCLAMATION REQUESTS (3.4)

Moved by Councillor Valerie Burke

Seconded by Councillor Howard Shore

- 1) That the following proclamations issued by the City Clerk in accordance with the City of Markham Proclamation Policy be received for information purposes:
 - International Holocaust Remembrance Day (January 27, 2013)
(See Presentation Item No. 1)
 - Heritage Week (February 17 to 23, 2013)
- 2) That the following new request for proclamation be approved and added to the Five-Year Proclamations List approved by Council:
 - Epilepsy Awareness Month (March 2013).

CARRIED

11. NEW/OTHER BUSINESS

- (1) RECOMMENDATION REPORT
GENTHORN DEVELOPMENTS INC.
ZONING BY-LAW AMENDMENT APPLICATION
TO ADD RESTAURANTS, TAKE-OUT RESTAURANTS
AND COMMERCIAL SCHOOLS TO THE LIST OF
PERMITTED USES AT 5 HILLCROFT DRIVE
(ZA 11 131295) (10.5)
[Report](#)

Moved by Councillor Alex Chiu

Seconded by Regional Councillor Gord Landon

- 1) That the report dated December 11, 2012 titled "RECOMMENDATION REPORT, Genthorn Developments Inc., Zoning By-law Amendment application to add restaurants, take-out restaurants and commercial schools to the list of permitted uses at 5 Hillcroft Drive, File No. ZA 11 131295" be received; and,
- 2) That the application (ZA 11 131295) submitted by Genthorn Developments Inc. to amend Zoning By-law 90-81, as amended, to add restaurants, take-out restaurants and commercial schools to the list of permitted uses at 5 Hillcroft Drive, be approved, and the draft By-law attached as Appendix "A" be finalized and enacted without further notice; and further,

- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2013-9)

CARRIED
(See following to consider the matter)

Moved by Councillor Alex Chiu
Seconded by Councillor Logan Kanapathi

That Council consider the matter for Genthorn Developments Inc, 5 Hillcroft Drive, immediately following the delegation with respect thereto.
(See Delegation No. 1)

CARRIED

Note: This matter was deferred from the December 18, 2012 Council meeting.

- (2) RECOMMENDATION REPORT
APPLICATION FOR SITE PLAN CONTROL APPROVAL
GTA CENTRE L.P. ON BEHALF OF THE REMINGTON GROUP
PROPOSED MARKHAM SPORTS, ENTERTAINMENT
AND CULTURAL CENTRE
EAST SIDE OF TRIBUTARY 4, SOUTH OF ENTERPRISE BOULEVARD
311 ENTERPRISE BOULEVARD,
MARKHAM CENTRE
(SC 12 124727) (10.6)
[Nov20DSCEExtract](#) [Nov20DSCReport](#)

A lengthy discussion ensued.

Moved by Councillor Howard Shore
Seconded by Deputy Mayor Jack Heath

- 1) That the Recommendation Report titled “Application for Site Plan Control Approval, GTA Centre L.P. on behalf of The Remington Group” be received; and,
- 2) That the application for Site Plan Control Approval for the proposed Markham Sports, Entertainment and Cultural Centre be endorsed in principle, subject to the conditions attached as Appendix A; and,
- 3) That Site Plan Control Approval be brought back to the Development Services Committee to be issued prior to the execution of a Site Plan Agreement. Site Plan Control Approval is issued only when the Commissioner or designate has signed the site plan; and,
- 4) That site plan approval is conditional on Council approving a financial model and implementing agreements for the funding and operation of the arena and delivery of external infrastructure works to support the site plan application; and,
- 5) That staff report back to Council on requirements and agreements related to road network improvements, event traffic management and special transit service requirements to support programming associated with the site plan application in consultation with Metrolinx, VIVA, York Region and MTO; and,
- 6) That staff bring back a by-law to remove the Hold (H) provisions on the subject lands upon execution of the Site Plan Agreement and to the satisfaction of the CAO in consultation with the Commissioner of Development Services and the City Solicitor; and further,

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

CARRIED AS AMENDED BY A RECORDED VOTE (9:4)

(See following recorded vote)

(See following to amend)

(See following to consider the matter)

Recorded vote:

YEAS: Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Gord Landon, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Councillor Alan Ho, Councillor Logan Kanapathi, Councillor Alex Chiu. (9)

NAYS: Regional Councillor Jim Jones, Regional Councillor Joe Li, Councillor Valerie Burke, Councillor Colin Campbell. (4)

Amendments:

Council consented to delete the following proposed Resolution Nos. 3 and 6:

- "3) That Site Plan Control Approval be delegated to the Commissioner of Development Services, to be issued following execution of a Site Plan Agreement. Site Plan Control Approval is issued only when the Commissioner or designate has signed the site plan;
- 6) That Council authorize the enactment of a by-law to remove the Hold (H) provisions on the subject lands upon execution of the Site Plan Agreement to the satisfaction of the CAO in consultation with the Commissioner of Development Services and the City Solicitor;"

and to replace them with the following revised Resolution Nos. 3 and 6:

- "3) That Site Plan Control Approval be brought back to the Development Services Committee to be issued prior to the execution of a Site Plan Agreement. Site Plan Control Approval is issued only when the Commissioner or designate has signed the site plan; and,
- 6) That staff bring back a by-law to remove the Hold (H) provisions on the subject lands upon execution of the Site Plan Agreement and to the satisfaction of the CAO in consultation with the Commissioner of Development Services and the City Solicitor;"

Motion to consider the matter:

Moved by Councillor Carolina Moretti

Seconded by Councillor Alan Ho

That Council consider New/Other Business No. 2 titled "Application for Site Plan Control Approval, GTA Centre L.P. on behalf of The Remington Group" immediately following the delegations with respect thereto.

CARRIED

(3) REVIEW OF TAX PAYMENT PLAN OPTIONS (7.3)

Moved by Councillor Don Hamilton

Seconded by Councillor Carolina Moretti

- 1) That staff be directed to report back to General Committee in February 2013 regarding options for the tax payment plan and the communications tools relative to the payment plan; and,
- 2) That staff consider payment dates of February/April and July/September.

CARRIED

(2/3 Vote of Council was obtained)

(4) BOBBIE BURNS DAY – JANUARY 25, 2013 (12.2.6)

Council recognized Bobbie Burns Day.

12. BY-LAWS

Moved by Regional Councillor Gord Landon

Seconded by Councillor Howard Shore

That By-laws 2013-2 to 2013-9 be given three readings and enacted.

Three Readings

BY-LAW 2013-2 ROAD DEDICATION BY-LAW (BERKSHIRE CRESCENT)

By-law

- A by-law to dedicate certain lands as part of the highways of the Town of Markham, Block 157, Plan 65M-4085.

CARRIED

- BY-LAW 2013-3 ROAD DEDICATION BY-LAW (MAJOR MACKENZIE DRIVE AND MARKLAND STREET)
[By-law](#)
- A by-law to dedicate certain lands as part of the highways of the Town of Markham, Part of Lot 20, Concession 3, designated as Part 1, Plan 65R-34002 (Major Mackenzie Drive) and Part of Lot 20, Concession 3, designated as Part 2, Plan 65R-34002 (Markland Street).
CARRIED
- BY-LAW 2013-4 DOVCOM REALTY INC. PART LOT CONTROL EXEMPTION BY-LAW FOR 65M-4233
[By-law](#)
- A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Blocks 46 and 47, 65M-4233, south of Major Mackenzie Drive East and west of Markham Road and east of McCowan Road.
CARRIED
- BY-LAW 2013-5 DOVCOM REALTY INC. PART LOT CONTROL EXEMPTION BY-LAW FOR 65M-4341
[By-law](#)
- A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Blocks 87 to 95, 102 and 103, 65M-4341, south of Major Mackenzie Drive East and west of Markham Road and east of McCowan Road.
CARRIED
- BY-LAW 2013-6 BRIARLANE DEVELOPMENTS INC. PART LOT CONTROL EXEMPTION BY-LAW FOR 65M-4306
[By-law](#)
- A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Lots 31 to 35, 46 to 55 and 134 to 140, 65M-4306, south of 16th Avenue, east of Bur Oak Avenue and west of Donald Cousens Parkway.
CARRIED

- BY-LAW 2013-7 2271850 ONTARIO LTD. PART LOT CONTROL EXEMPTION BY-LAW FOR 65M-4328
[By-law](#)
- A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Lots 1 to 4, 8 to 11, 13 to 17, 22 to 27, 55 to 59, 63 to 67 and 79 to 86, Plan 65M-4328, 11050 Woodbine Avenue, west of Woodbine Avenue and north of Elgin Mills Road.
CARRIED
- BY-LAW 2013-8 PARADISE HOMES UNIONVILLE INC. PART LOT CONTROL EXEMPTION BY-LAW FOR 65M-4325
[By-law](#)
- A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Lots 205, 206, 443, 444, 452, 460, 480 to 484, 506, 534, 535, Blocks 561 to 564 and Blocks 571 and 572, Plan 65M-4325.
CARRIED
- BY-LAW 2013-9 GENTHORN DEVELOPMENTS INC., 5 HILLCROFT DRIVE, IMPLEMENTING BY-LAW
[By-law](#)
- A by-law to amend By-law 90-81, as amended, to permit additional uses. (New/Other Businesses Item No. 1)
CARRIED

13. IN-CAMERA ITEMS

Council consented to add an item regarding a litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board (Item No. 6).

Moved by Councillor Carolina Moretti

Seconded by Councillor Alan Ho

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into an in-camera session to discuss the following matters: (11:09 a.m. on January 30, 2013)

COUNCIL – January 29, 2013

- (1) A MATTER IN RESPECT OF WHICH A COUNCIL, BOARD, COMMITTEE OR OTHER BODY MAY HOLD A CLOSED MEETING UNDER ANOTHER ACT (MINUTES OF IN-CAMERA COUNCIL MEETING - DECEMBER 18, 2012)
[Section 239 (2) (g)]
- (2) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (CONFIDENTIAL NOTICE OF MOTION) (5.0)
[Section 239 (2) (b)]

GENERAL COMMITTEE – January 21, 2013

- (3) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/COMMITTEE APPOINTMENTS)
[Section 239 (2) (b)]
- (4) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/COMMITTEE RESIGNATION)
[Section 239 (2) (b)]

DEVELOPMENT SERVICES COMMITTEE – January 22, 2013

- (5) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD
[Section 239 (2) (e)]

COUNCIL – January 29, 2013

- (6) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD
[Section 239 (2) (e)]

Moved by Regional Councillor Gord Landon
Seconded by Councillor Alan Ho

That Council rise from the in-camera session and report. (11:57 a.m. on January 30, 2013)

CARRIED

Council reported out the items as follows:

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
- DECEMBER 18, 2012

Moved by Councillor Carolina Moretti
Seconded by Councillor Howard Shore

- 1) That the Council In-camera Minutes dated December 18, 2012 be confirmed.

CARRIED

- (2) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES
(CONFIDENTIAL NOTICE OF MOTION) (5.0)

Moved by Councillor Howard Shore
Seconded by Councillor Alex Chiu

- 1) That staff be authorized to proceed as directed by Council on January 30, 2013.

CARRIED

(3) BOARD/COMMITTEE APPOINTMENTS (16.24)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Carolina Moretti

- 1) That the following appointment to the Unionville Stiver Mill Preservation Advisory Committee be received, for information purposes:

<u>Name</u>	<u>Representation</u>	<u>Term</u>
Reid McAlpine	President of the Unionville Villagers Association (UVA)	November 30, 2014

CARRIED

(4) BOARD/COMMITTEE RESIGNATION (16.24)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Carolina Moretti

- 1) That the resignation of Salim Manji from the Environmental Advisory Committee be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti.

CARRIED

(5) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (8.0)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Carolina Moretti

- 1) That the confidential verbal report from the City Solicitor regarding a litigation or potential litigation matter, be received; and,
- 2) That staff be authorized to proceed as directed by Council on January 30, 2013.

CARRIED

(6) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (8.0)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Carolina Moretti

- 1) That staff be authorized to proceed as directed by Council on January 30, 2013.

CARRIED

14. CONFIRMATORY BY-LAW

Moved by Councillor Logan Kanapathi
Seconded by Councillor Valerie Burke

That By-law 2013-10 be given three readings and enacted.

Three Readings

BY-LAW 2013-10 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF JANUARY 29, 2013.
[By-law](#)

CARRIED

15. ADJOURNMENT

Moved by Councillor Alex Chiu
Seconded by Councillor Valerie Burke

That the Council Meeting be adjourned at 11:59 a.m. on January 30, 2013.

CARRIED

MARTHA PETTIT
ACTING CITY CLERK

FRANK SCARPITTI
MAYOR

(Signed)