



Council Minutes

September 23 and 24, 2014

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 18

Alternate formats for this document are available upon request

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 Alex Chiu.

Regrets

Councillor Logan Kanapathi.

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

John Wong, Technology Support Specialist

Raj Raman, Mayor's Chief of Staff

Kimberley Kitteringham, City Clerk

Kitty Bavington, Council/Committee Coordinator

Dennis Flaherty, Director of Communications & Community Engagement

Moe Hosseini-Ara, Director of Culture

The regular meeting of Council convened at 7:11 PM on September 23, 2014 in the Council Chamber. Mayor Frank Scarpitti presided.

At 11:55 PM on September 23, 2014, Council passed a motion to waive Section 3.28 of Procedural By-law 2001-1 allowing the meeting to continue further than 12:01 AM on September 24, 2014. The motion moved by Councillor Alan Ho and seconded by Councillor Carolina Moretti was carried by a two-thirds vote of the Members present.

1. DISCLOSURE OF PECUNIARY INTEREST

- (1) None declared.

2. MINUTES

- (1) COUNCIL MINUTES – AUGUST 25 AND SEPTEMBER 10, 2014
[Aug 25](#) [Sept 10](#)

Moved by Councillor Alex Chiu
Seconded by Councillor Don Hamilton

- 1) That the Minutes of the Council Meeting held on August 25 and September 10, 2014, be adopted.

Carried

3. PRESENTATIONS

There were no presentations.

4. DELEGATIONS

- (1) DELEGATION OF JOBERT SEVILLENO
KINDRED SPIRITS ORCHESTRA
REQUEST FOR FINANCIAL ASSISTANCE (9.0)

Jobert Sevilleno, President and CAO of Kindred Spirits Orchestra, addressed Council regarding their request for financial assistance, and thanked Council for their financial support.

(See Item No. 2, Report No. 35 for Council's decision on this matter)

(2) DELEGATIONS

- KING DAVID INC., 10340, 10350 AND 10370 WOODBINE AVENUE
(10.3, 10.4, 10.5, 10.6, 10.7)

The following individuals addressed Council regarding the applications by King David Inc., 10340, 10350 and 10370 Woodbine Avenue:

- Kim Beckman, Davies Howe Partners LLP, representing King David Inc., spoke of the deferral of the matter.
- Shant Kouyoumdjian, spoke in support of the City attending the OMB hearing to oppose the appeals by King David Inc.
- Mayrose Gregorios, spoke in support of the City attending the OMB hearing to oppose the appeals by King David Inc.
- Wing Liu, spoke in support of the City attending the OMB hearing to oppose the appeals by King David Inc.; and,
(See In-camera Item No. 5 for Council's decision on this matter)

(3) DELEGATION OF MARION MATTHIAS

- MAYOR'S YOUTH COUNCIL APPOINTMENTS (16.24)

Marion Matthias addressed Council and spoke of the youth representation for Thornhill regarding the Mayor's Youth Council Appointments item.

(See Item No. 5, Report No. 34 for Council's decision on this matter)

5. PETITIONS

See New/Other Business Item No. 5.

6(a) REPORT NO. 35 - GENERAL COMMITTEE (September 15, 2014)

Moved by Councillor Carolina Moretti
Seconded by Regional Councillor Joe Li

That Report No. 35 – General Committee comprised of 8 items be received and adopted, except Item Nos. 2 and 7. (See following Item No. 2 and 7)

(1) CANCELLATION, REDUCTION OR REFUND OF
TAXES UNDER SECTIONS 357 AND 358 OF
THE MUNICIPAL ACT, 2001 (7.1)

[Report](#)

- 1) That the report for the cancellation, reduction or refund of taxes under sections 357 and 358 of the *municipal act, 2001* be received; and,
- 2) That taxes totalling approximately \$78,658.57 be adjusted under section 357 (in the amount of \$19,037.64) and section 358 (in the amount of \$59,620.93) of the *municipal act, 2001*, of which the city's portion is estimated to be \$16,851.64; and,
- 3) That the associated interest be cancelled in proportion to the tax adjustments; and,
- 4) That the treasurer be directed to adjust the collector's roll accordingly; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(2) KINDRED SPIRITS ORCHESTRA
REQUEST FOR FINANCIAL ASSISTANCE (9.0)

[Report](#)

Moved by Councillor Don Hamilton
Seconded by Councillor Carolina Moretti

- 1) That the report entitled "Kindred Spirits Orchestra Request for Financial Assistance" be received; and,

- 2) That the City of Markham support the financial request by Kindred Spirits Orchestra Markham in the amount of \$23,000 to the end of 2014; and,
- 3) That the City of Markham support \$15,000 quarterly to Kindred Spirits Orchestra beginning in 2015 until staff report back; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried by recorded votes
(See following recorded votes)
(See following to consider the matter)

Council consented to delete the words " up to...", before the words "...\$15,000..." contained in Resolution No. 3.

Recorded vote for Resolution Nos. 1, 2 and 4 (12:0):

YEAS: Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Regional Councillor Joe Li, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Gord Landon, Councillor Colin Campbell, Councillor Alan Ho, Councillor Alex Chiu. (12)

ABSENT: Councillor Logan Kanapathi. (1)

Recorded vote for Resolution No. 3 (10:2):

YEAS: Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Regional Councillor Joe Li, Regional Councillor Jim Jones, Deputy Mayor Jack Heath, Councillor Colin Campbell, Councillor Alan Ho, Councillor Alex Chiu. (10)

NAYS: Mayor Frank Scarpitti, Regional Councillor Gord Landon. (2)

ABSENT: Councillor Logan Kanapathi. (1)

Motion to consider the matter:

Moved by Councillor Don Hamilton

Seconded by Councillor Carolina Moretti

That Council consider the matter entitled "Kindred Spirits Orchestra Request for Financial Assistance" immediately following the delegation with respect thereto.

Carried

- (3) DEVELOPMENT CHARGE CREDIT/
REIMBURSEMENT APPLICATION –
NORTH MARKHAM AVENUE 7 DEVELOPERS GROUP;
1820266 ONTARIO INC. AND
UNIONVILLE DEVELOPMENT CORP (7.11)
[Report](#) [Appendices](#)
- 1) That the report entitled “Development Charge Credit/Reimbursement Application – North Markham Avenue 7 Developers Group; 1820266 Ontario Inc. and Unionville Development Corp.” be received; and,
 - 2) That Council authorize Area Specific Development Charge credits and reimbursement from Area Specific By-laws for Areas 9, 42B-6 and 42B-8 not exceeding \$4,777,701, to the North Markham Avenue 7 Developers Group for the construction of the Sheridan pond, Sheridan storm sewer, and Highway 7 storm sewer from Village Parkway east along Highway 7 to the Sheridan pond; and,
 - 3) That the Mayor and Clerk be authorized to execute a Development Charge Credit and Reimbursement Agreement, in accordance with the City’s Development Charge Credit and Reimbursement Policy, with the North Markham Avenue 7 Developers Group, or their successors in title to the satisfaction of the Treasurer and City Solicitor; and,
 - 4) That Council authorize Area Specific Development Charge credits and reimbursement from Area 9 not exceeding \$400,250, to 1820266 Ontario Inc. and Unionville Development Corp. for the construction of a roundabout on Village Parkway; and,
 - 5) That Council authorize Area Specific Development Charge credits and reimbursement from Area 9 not exceeding \$44,553, to 1820266 Ontario Inc. and Unionville Development Corp. for the construction of a dedicated left turn lane on Village Parkway at Highway 7; and,
 - 6) That Council authorize Area Specific Development Charge credits and reimbursement from Area 9 not exceeding \$206,409, to 1820266 Ontario Inc. and Unionville Development Corp. for the construction of dedicated bike lanes along Village Parkway; and,
 - 7) That the Mayor and Clerk be authorized to execute a Development Charge Credit and Reimbursement Agreement, in accordance with the City’s Development Charge Credit and Reimbursement Policy, with 1820266 Ontario Inc. and Unionville Development Corp., or their successors in title, to the satisfaction of the Treasurer and City Solicitor; and,

- 8) That the Development Charge credits and reimbursement be phased as outlined in this report; and,
- 9) That a By-law be passed to amend the Fee By-law 2002-276 to include a cost recovery fee applicable to each credit and/or reimbursement request to be charged for the Engineering, Legal and Finance Departments costs incurred relating to the preparation and administration of a Development Charge Credit and/or Reimbursement agreement. The fee, which is structured in the following manner, will be payable at the execution of a credit and/or reimbursement agreement or any other relevant agreement:
 - A minimum fee of \$1,500 to review a development charge credit and/or reimbursement request
 - A fee equivalent to 1.0% of the value of the public works, to a maximum of \$10,000
 - In instances where the City's costs to prepare and administer a credit and/or reimbursement agreement exceed the fee structure set out above, such fees shall be separately quantified and invoiced to the applicant; and further,
- 10) That staff be directed to do all things necessary to give effect to this report.
(By-law 2014-140)

Carried

(4) 2015 CAPITAL BUDGET PRE-APPROVAL (7.5)
[Report](#) [Appendices](#)

- 1) That the report dated September 15, 2014 entitled, "2015 Capital Budget Pre-Approval" be received; and,
- 2) That Council approve the 2015 Capital Budget pre-approval which totals \$26,647,500 as outlined in Appendices 1 and 2; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(5) MAYOR'S YOUTH COUNCIL APPOINTMENTS (16.24)
[Report](#)

- 1) That the Report Appointment of Members to the Markham Mayor's Youth Council for the period of September 1, 2014 to June 30, 2015 be received; and,
- 2) That the following Appointments of Members to the Markham Mayor's Youth Council be confirmed for the term September 1, 2014 to June 30, 2015:

Name	Ward in which Youth Resides	School that the Youth Attends	Grade
Loreta Chan, Co-Chair	3	Markville S.S.	11
Joeffre Braga, Co-Chair	5	St. Brother Andre C.H.S.	12
Nirushi Mohan	7	Markham District H.S.	12
Tina Zhong	1	Thornhill S.S	12
Jeffrey Li	3	Markville S.S	12
Jennifer Cheng	7	Markham District H.S.	12
Michelle Lu	4	Markham District H.S.	12
Yu Xin Shi	8	Milliken Mills H.S.	12
Justin Jen	4	St. Augustine C.H.S.	10
Joyce Chan	5	Unionville H.S.	10
Scott Zhang	6	Unionville H.S.	11
Gary Li	4	Pierre Elliot Trudeau H.S.	12
Monica Xu	4	Bayview S.S.	11
Nikolai Peram	2	Pierre Elliot Trudeau H.S.	9
Januut Nadeem	6	Pierre Elliot Trudeau H.S.	10
Ethan Wong	7	St. Brother Andre C.H.S.	11
June Xu	2	St. Roberts C.H.S.	11
Nicholas Vadivelu	8	Marc Garneau C.I.	10
Jessica Duncan	5	Markham District H.S.	10
Eason Gao	6	Unionville H.S.	11
Jasmyne Eastmond	4	Markham District H.S.	11
Megan Niu	4	Marc Garneau C.I.	9
Vruksha Vakeeswaran	4	Markville S.S.	11
Marie Song	2	Bayview S.S.	11
Aman Mathur	7	Markville S.S.	10

; and further,

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

Carried

(6) PUBLIC ART UPDATE/PAN AM PUBLIC ART (6.0)

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

- 1) That the report entitled “Public Art Update/Pan Am Public Art” be received; and,
- 2) That the presentation entitled “Public Art Update” be received; and,
- 3) That a new Culture Department 2014 capital project be created for ‘Pan Am Public Art’; and,
- 4) That the remaining funds from the International Indian Film Academy (IIFA) Buzz Events’ in the amount of \$15,717.35 in account 031-222-0074 be transferred to the new ‘Pan Am Public Art’ account; and,
- 5) That the Public Art Advisory Committee extract dated September 10, 2014 be received; and,
- 6) That Council approves the recommendation of the Public Art Committee that approved the artwork proposal for TACC Development’s Upper Unionville Development submitted by Marlene Hilton Moore; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(7) MARKHAM ARTS COUNCIL (MAC)

REQUEST FOR FINANCIAL ASSISTANCE (6.0 & 7.6)

[Report](#) [Appendices](#)

Moved by Councillor Carolina Moretti

Seconded by Councillor Valerie Burke

- 1) That the report dated September 5, 2014 entitled “Markham Arts Council (MAC) Request for Financial Assistance” be received; and,
- 2) That MAC be requested to complete a strategic plan outlining clear strategic imperatives and outcomes for the next 3-5 years and report back the results to Council in Q1 2015; and,

- 3) That Council defer the 2014 loan repayment in the amount of \$6,600 to November 2015 with the remainder to be repaid in equal installments of \$6,600 annually until paid in full; and,
- 4) That the City of Markham support the financial request by MAC in the amount of \$23,000 for 2014, which is in addition to the \$43,000 already received by MAC from the City for 2014; and,
- 5) That the City of Markham support \$15,000 per quarter to MAC beginning in 2015 until staff report back; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried by recorded votes
(See following recorded votes)

Council consented to the following amendments to the proposed recommendation:

- Delete the following proposed Resolution No. 2 in its entirety and the remaining proposed resolutions be renumbered:
 - "2) That staff do not recommend approval of the requested \$150,000 per year grant for the years 2015-2018; and,"
- Delete the following proposed Resolution No. 4:
 - "4) That the City of Markham support the financial request by MAC in the amount of \$23,000 for 2014; and,"and replace with the following revised Resolution No. 4:
 - "4) That the City of Markham support the financial request by MAC in the amount of \$23,000 for 2014, which is in addition to the \$43,000 already received by MAC from the City for 2014; and,"
- Delete the words "...up to ..." before the word "...\$15,000..." contained in the proposed Resolution No. 5.

Recorded vote for Resolution Nos. 1, 2, 3, 4 and 6 (12:0):

YEAS: Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Regional Councillor Joe Li, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Gord Landon, Councillor Colin Campbell, Councillor Alan Ho, Councillor Alex Chiu. (12)

ABSENT: Councillor Logan Kanapathi. (1)

Recorded vote for Resolution No. 5 (10:2):

YEAS: Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Councillor Carolina Moretti, Regional Councillor Joe Li, Regional Councillor Jim Jones, Deputy Mayor Jack Heath, Councillor Colin Campbell, Councillor Alan Ho, Councillor Alex Chiu. (10)

NAYS: Mayor Frank Scarpitti, Regional Councillor Gord Landon. (2)

ABSENT: Councillor Logan Kanapathi. (1)

(8) CITY-WIDE STREAM EROSION MASTER STUDY UPDATE
CLASS ENVIRONMENTAL ASSESSMENT (5.7)

[Report](#) [Attachments](#)

- 1) That the report entitled “City-wide Stream Erosion Master Study Update, Class Environmental Assessment,” dated September 8, 2014 be received; and
- 2) That the recommendation to complete erosion restoration at priority erosion sites along Markham’s water courses as detailed in the Environmental Study Report (ESR) be endorsed; and,
- 3) That staff be authorized to file the ESR for the mandatory 30 day public review; and,
- 4) That staff report back in 2015 with a 5-year implementation plan for restoration of priority sites including funding, easement, inspection and maintenance requirements for private property erosion restoration sites; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

**6(B) REPORT NO. 36 - DEVELOPMENT SERVICES COMMITTEE
(September 16, 2014)**

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 36 – Development Services Committee comprised of 10 items be received and adopted, except Item No. 4. (See following Item No. 4)

(1) ACCEPTANCE FOR MAINTENANCE
OF PLANS OF SUBDIVISION

REGISTERED PLAN NUMBERS 65M-4031,
65M-4197, 65M-4225, 65M-4226, 65M-4229,
65M-4232, 65M-4233, 65M-4235, 65M-4245, 65R-32883,
65M-4262, 65M-4289 AND 65M-4302 (10.7)

[Report](#)

- 1) That the report entitled “Acceptance for Maintenance of Plans of Subdivision” Registered Plan Numbers 65M-4031, 65M-4197, 65M-4225, 65M-4226, 65M-4229, 65M-4232, 65M-4233, 65M-4235, 65M-4245, 65R-32883, 65M-4262, 65M-4289 and 65M-4302 be received; and,
- 2) That the municipal services in Subdivision Registered Plan numbers 65M-4031, 65M-4197, 65M-4225, 65M-4226, 65M-4229, 65M-4232, 65M-4233, 65M-4235, 65M-4245, 65R-32883, 65M-4262, 65M-4289 and 65M-4302 be Accepted for Maintenance; and,
- 3) That by-laws be enacted by Council to accept these subdivisions and to establish each of the roads within the residential subdivisions as a public highway of the City of Markham; and,
- 4) That the Community Services Commission accepts the responsibility for operating and maintaining the infrastructure within the subdivisions as part of the City’s system; and,
- 5) That the Acceptance for Maintenance Period commence July 1, 2014; and,
- 6) That acceptance of the subdivisions to be taken into consideration in future operation budgets; and,
- 7) That the by-law to amend schedule ‘12’ of Traffic By-law #106-71, by including compulsory stops to the indicated streets, be approved; and,

- 8) That the by-law to amend Schedule 'A' of the Speed By-law #105-71, by including a maximum speed of 40 kilometers per hour for the streets indicated, be approved; and,
- 9) That the by-law to amend schedule 'F' of the speed by-law #105-71, by including a maximum speed of 50 kilometers per hour for the streets indicated, be approved; and,
- 10) That the by-law to amend Schedule 'C' of the Parking of Vehicles By-law #2005-188, by including prohibited parking on the streets indicated, be approved; and,
- 11) That the Mayor and Clerk be authorized to execute the necessary releases from the terms of the Subdivision Agreements, subject to confirmation from the Director of Engineering that the final two year guarantee periods have been completed; and further,
- 12) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-laws 2014-141 to 2014-156)

Carried

(2) REQUEST FOR DEMOLITION
36 GEORGE ST. MARKHAM VILLAGE (16.11 & 10.13)
[Report](#)

- 1) That Council endorse the demolition of the single detached dwelling at 36 George St. located within the Markham Village Heritage Conservation District; and,
- 2) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (3) HERITAGE EASEMENT AGREEMENTS
ABRAHAM REESOR HOUSE, 7265 HIGHWAY 7
FRANK ALBERT REESOR HOUSE, 7323 HIGHWAY 7
LINDVEST PROPERTIES (CORNELL) LIMITED (16.11.3)
[Report](#)

- 1) That the report titled “Heritage Easement Agreements, Abraham Reesor House, 7265 Highway 7, Frank Albert Reesor House, 7323 Highway 7, Lindvest Properties (Cornell) Limited”, be received; and,
- 2) That the Mayor and Clerk be authorized to enter into Heritage Easement Agreements between the City of Markham and the property owner, Lindvest Properties (Cornell) Limited; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (4) RECOMMENDATION REPORT
ARBOR MEMORIAL INC.
(FORMERLY MEMORIAL GARDENS CANADA LIMITED)
REZONING APPLICATION TO PERMIT A FUNERAL HOME
AND CEMETERY AT 6278 19TH AVENUE
(FILE NOS: ZA 13 113055) (10.5)
[Report](#)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

- 1) That the correspondence from W. Thomas Barlow of Fasken Martineau DuMoulin, LLP, representing the applicant, regarding Arbor Memorial Inc., be received; and,
- 2) That the deputation by Dave McKennitt, representing the Dickson Hill Hamlet and Neighbourhood Community Association, regarding Arbor Memorial Inc., be received; and,
- 3) That the report dated September 16, 2014 titled “RECOMMENDATION REPORT, Arbor Memorial Inc. (formerly Memorial Gardens Canada Limited), Rezoning application to permit a funeral home and cemetery at 6278 19th Avenue (File No. ZA 13 113055)”, be received; and,

- 4) That the application (ZA 13 113055) submitted by Arbor Memorial Inc. to amend the City's Zoning By-law to permit a funeral home and cemetery not be supported; and,
- 5) That the City Solicitor and Staff be authorized to attend at the Ontario Municipal Board hearing to defend Council's position in opposition to the appeal of the Zoning By-law application (ZA 13 113055) filed by Arbor Memorial Inc.; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

Council consented to delete the following words from the end of Resolution No. 5:

"...should the application to amend the City's Zoning By-law to permit a funeral home and cemetery be refused."

(5) **SERVICING AGREEMENT FOR LEITCHCROFT
SANITARY SEWER UPGRADE (5.5)**
[Report](#)

- 1) That the report entitled "Servicing Agreement for Leitchcroft Sanitary Sewer Upgrade", be received; and,
- 2) That Council authorize the Mayor and Clerk to execute a servicing agreement with the Times Group in a form satisfactory to the City Solicitor and the Commissioner of Development Services for the construction of a sanitary sewer from South Park Road to an existing sewer crossing at the Highway 407 ETR; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(6) CHURCH STREET IMPROVEMENTS
(NINTH LINE TO BUR OAK AVENUE)
ENVIRONMENTAL ASSESSMENT STUDY (5.7)

[Report](#)

- 1) That the staff report entitled “Church Street Improvements (Ninth Line to Bur Oak Avenue), Environmental Assessment Study”, dated September 16, 2014 be received; and,
- 2) That the preferred cross section for Church Street Improvements as set out in the Environmental Assessment Study be endorsed; and,
- 3) That staff be authorized to issue a Notice of Study Completion for the project which will make the Environmental Assessment Study available for public review for a period of 30 days commencing September 22, 2014; and,
- 4) That staff report back as to level of service, operating cost and budget requirements for bike paths and multi-use pathways in Markham; and,
- 5) That the configuration of the boulevard be finalized at the design stage; and further,
- 6) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(7) HIGHWAY 7 STREETScape IMPROVEMENTS
FROM TOWN CENTRE BLVD. TO SCIBERRAS ROAD (5.10)

[Report](#)

- 1) That the staff report entitled, Highway 7 Streetscape Improvements from Town Centre Blvd. to Sciberras Road be received; and,
- 2) That the streetscape design concept for the Highway 7 right-of-way from Town Centre Blvd. to Sciberras Road as outlined in this report be endorsed; and,
- 3) That the Director of Engineering and Director of Planning and Urban Design be authorized to finalize any future revisions to the streetscape plans; and,
- 4) That staff report back to Council with the operations and maintenance costs associated with the enhanced streetscaping for Council consideration; and further,

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

Carried

(8) MARKHAM ROAD SANITARY SEWER
AND FAIRTREE SEWAGE PUMPING
STATION IMPROVEMENTS (5.5)

[Report](#)

- 1) That the report titled “Markham Road Sanitary Sewer and Fairtree Sewage Pumping Station Improvements” be received; and,
- 2) That a new Engineering Department’s 2014 capital project be created in the amount of \$496,000 for a Markham Road Sanitary Sewer and Fairtree Sewage Pumping Station Class Environmental Assessment Study; and,
- 3) That the Class Environmental Assessment Study be 100% funded by the benefiting developers; and,
- 4) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(9) UTILITY RELOCATION FOR HWY 404
MIDBLOCK CROSSING NORTH OF HWY 7 (5.10)

[Report](#)

- 1) That the report entitled “Utility Relocation for Hwy 404 Midblock Crossing North of Hwy 7” be received; and,
- 2) That the tendering process for the relocation of existing utilities for Hwy 404 Midblock Crossing North of Hwy 7, be waived in accordance with Purchasing By-Law 2004-341 Part II, Section 7 Non-Competitive Procurement item 2 (e) which states “Tenders, Requests for Proposal and Requests for Quotation may not be required for goods and services to be provided by Utilities”; and,
- 3) That Staff be authorized to issue Purchase Orders to the various utility companies (Rogers Cable Communications Inc., PowerStream Inc., Enbridge Gas Distribution Inc. and Bell Canada) for the relocation of their facilities in the amount of \$895,884.88 (inclusive of HST), and be funded from the Hwy 404 Mid-Block Crossing, North of Hwy 7 account # 083-5350-12046-005; and,

- 4) That a contingency in the amount of \$89,588.49 inclusive of HST, be established to cover any additional construction costs and that the Director of Engineering be authorized to approve expenditures of this contingency up to the specified limit in accordance with the Expenditure Control Policy; and,
- 5) That the Engineering Department Capital Administration Fee in the amount of \$88,692.60 inclusive of HST, be transferred to revenue account 640-998-8871 (Capital Admin Fees); and,
- 6) That the City of Markham upfront the total cost for the relocation of facilities in the total amount of \$1,074,165.98 (inclusive of HST), and recover 67% of the cost from the Region of York and Town of Richmond Hill as their share of the costs following the execution of the Cost Sharing Agreement between the Region of York, City of Markham and Town of Richmond Hill; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(10) PUBLIC ART UPDATE
(MARKHAM MUSEUM SCULPTURE BY KIPJONES (6.0)
[Extract Presentation](#)

- 1) That Markham Council accept the artwork proposed for the Markham Museum site submitted by Kipjones.

Carried

7. MOTIONS

There were no motions.

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:

Referred to all Members of Council

48-2014 ROAD CLOSURE REQUEST – ANGUS GLEN HALF MARATHON (3.5)
[Info](#)

The following roads will be closed on November 2, 2014 from 8:00 AM to 1:00 PM to facilitate the event:

- Kennedy Rd from Bur Oak to Elgin Mills Rd
- Major MacKenzie Dr from Kennedy Rd to Ridgecrest Dr
- Schoolhouse Rd from Kennedy Rd to Prospectors Dr
- Prospectors Dr from Schoolhouse Rd to Angus Glen Blvd
- The Fairways from Prospectors Dr to Angus Glen Blvd
- Royal Troon Cres – all
- Angus Glen Blvd from The Fairways to Kennedy Rd
- Elgin Mills Rd from Kennedy Rd to McCowan Rd
- McCowan Rd from Elgin Mills Rd to 19th Ave

Carried

10. PROCLAMATIONS

(1) PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Alan Ho
Seconded by Councillor Alex Chiu

- 1) That the following proclamations, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
 - Waste Reduction Week (October 20 to 26, 2014).
 - Lung Month (November 2014); and,
- 2) That the following new request for proclamation, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received and added to the Five-Year Proclamations List approved by Council:
 - World Polio Day (October 24, 2014); and further,

- 3) That the following new requests for flag to be raised at the Anthony Roman Markham Civic Centre flagpole, approved by the City Clerk in accordance with the City of Markham Community Flag Raisings & Flag Protocol Policy, be received and added to the Five-Year List of Request to Raise Flag approved by Council:
- Syringomyelia and Chiari Malformation Flag (September 22, 2014)
 - "End Polio Now" Flag (October 24, 2014).

Carried

11. NEW/OTHER BUSINESS

- (1) NOTICE OF PROPOSED SALE
LOT 3, PLAN 65M-2761
(6 HERITAGE CORNERS LANE,
MARKHAM HERITAGE ESTATES) (7.0 & 16.11)

*Notice of Proposed Sale
City of Markham
Proposed Sale of Surplus Real Property
(Pursuant to By-law 178-96)*

Moved by Deputy Mayor Jack Heath
Seconded by Regional Councillor Joe Li

- 1) That the notice of proposed sale for the City of Markham owned lands, legally described as Lot 3, Plan 65M-2761, City of Markham, Regional Municipality of York (6 Heritage Corners Lane, Markham Heritage Estates), be confirmed.
(In-Camera Item No. 2 – September 23, 2014 Council)

Carried

- (2) CENTRAL PICKERING DEVELOPMENT PLAN
CLASS ENVIRONMENTAL ASSESSMENT
FOR REGIONAL SERVICES (5.7)
[Report](#)

Moved by Deputy Mayor Jack Heath
Seconded by Regional Councillor Joe Li

- 1) That the staff report entitled “Central Pickering Development Plan – Class Environmental Assessment for Regional Services” be received; and,

- 2) That Durham Region be advised of the City of Markham's concerns re transportation issues in the East end of Markham and the impact of the Central Pickering Plan on Box Grove residents; and,
- 3) That Durham Region be requested to review with Markham and Region of York the transportation staging and implementation plan for phases subsequent to Phase 1 of the Central Pickering Development Plan and solutions to mitigate impact to Box Grove; and,
- 4) That Durham Region be requested to work with the MTO, City of Toronto, Regional Municipality of York and City of Markham to develop a comprehensive plan for transportation issues in this area including widening of Steeles Avenue from Markham Road to York-Durham Line, impact on Box Grove, Locust Hill and Green River, impact on Rouge National Urban Park, transit requirements and implementation plan and protection of wildlife crossings; and,
- 5) That Metrolinx be requested to provide transit services to the Seaton Community and East Markham, including commuter rail service on the CP Havelock Subdivision, CP Belleville Subdivision, Highway 7 transit, and Highway 407 transit; and,
- 6) That this report and recommendations be forwarded to Durham Region, Regional Municipality of York, City of Pickering, Metrolinx, Ministry of Transportation and the Ministry of the Environment for their necessary action; and further,
- 7) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

Council consented to add the words "National Urban", before the words "...impact on Rouge..." contained in Resolution No. 4.

(3) RECOMMENDATION FROM THE
SEPTEMBER 17, 2014 LICENSING COMMITTEE HEARING
(39 MCKAY CRESCENT) (2.0)

Moved by Deputy Mayor Jack Heath
Seconded by Regional Councillor Joe Li

- 1) That the following recommendation of the Licensing Committee from the Hearing held on September 17, 2014 be approved and adopted:
 - "1. That the application to remove a Norway Maple tree at 39 McKay Crescent, Markham, be approved, with the following condition:
 - a) That the applicants provide for two replacement trees to a Markham park or natural area project, in a size and native species deemed appropriate by staff, by 2015, or provide a cash-in-lieu payment of \$600.00 per tree; and,
 2. That the recommendations are based on the unique characteristics of this case only and are neither intended to be precedent setting nor to be used as a basis for future cases."

(4) RECOMMENDATION FROM THE
SEPTEMBER 17, 2014 LICENSING COMMITTEE HEARING
(7 VICTORIA AVENUE) (2.0)

Moved by Deputy Mayor Jack Heath
Seconded by Regional Councillor Joe Li

- 1) That the following recommendation of the Licensing Committee from the Hearing held on September 17, 2014 be approved and adopted:
 - "1. That the application to remove a Sugar Maple tree at 7 Victoria Avenue, Markham be denied; and,
 2. That the application to remove a Golden Weeping Willow tree at 7 Victoria Avenue, Markham be denied."

- (5) CROSSING GUARD AT THE CORNER OF
SHADY OAKS AND JOHN ALLAN CAMERON STREET (3.16)
[Petition](#)

Moved by Councillor Colin Campbell
Seconded by Councillor Don Hamilton

- 1) That the petition submitted by the Black Walnut Public School Parent Council requesting a Crossing Guard at the corner of Shady Oaks and John Allan Cameron Street be received; and,
- 2) That a Crossing Guard be implemented for the corner of Shady Oaks and John Allan Cameron Street on a temporary basis; and further,
- 3) That staff report back on permanent solutions for traffic flows and parking restrictions in this area, with the anticipation of the opening of St. Joseph Catholic Elementary School.

Carried by a 2/3 vote of Council Members present

- (6) WASHROOMS IN MAIN STREET UNIONVILLE
AND MAINTENANCE OF LANEWAY
BETWEEN MAIN STREET UNIONVILLE AND CARLTON ROAD (5.0)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Alan Ho

- 1) That staff be directed to report on the evaluation of washrooms for Main Street Unionville and maintenance for the laneway east of Main Street Unionville between Main Street Unionville and Carlton Road during the 2015 Budget Process.

Carried by a 2/3 vote of Council Members present

12. BY-LAWS

Moved by Councillor Colin Campbell
Seconded by Councillor Don Hamilton

That By-laws 2014-139 to 2014-158, By-law 2014-161 and 2014-162 be given three readings and enacted.

Carried

Moved by Councillor Colin Campbell
Seconded by Councillor Carolina Moretti

That By-law 2014-160 be given three readings and enacted.

Carried

(See following to consider the by-law)

Moved by Councillor Colin Campbell
Seconded by Councillor Carolina Moretti

That Council consider By-law 2014-160 immediately following the consideration of the item titled "Markham Arts Council (MAC) Request for Financial Assistance".

Carried

Three Readings

BY-LAW 2014-139 UPPER UNIONVILLE INC., 19TM-12012, HOLD REMOVAL BY-LAW

A by-law to amend By-law 177-96, as amended, to remove the Holding Provision to permit residential development, north of 16th Avenue and east of Kennedy Road.

[By-law](#)

Carried

BY-LAW 2014-140 A BY-LAW TO AMEND FEE BY-LAW 2002-276 (ADMINISTRATIVE FEE FOR DEVELOPMENT CHARGE CREDIT AND/OR REIMBURSEMENT)

(Item No. 3, Report No. 35)

[By-law](#)

Carried

- BY-LAW 2014-141 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71 (TO INCLUDE COMPULSORY STOPS FOR THE STREETS AS INDICATED IN THE BY-LAW)
(Item No. 1, Report No. 36)
[By-law](#)
Carried
- BY-LAW 2014-142 A BY-LAW TO AMEND SPEED BY-LAW 105-71 (TO INCLUDE A MAXIMUM SPEED OF 40 KILOMETERS PER HOUR FOR THE STREETS AS INDICATED IN THE BY-LAW)
(Item No. 1, Report No. 36)
[By-law](#)
Carried
- BY-LAW 2014-143 A BY-LAW TO AMEND SPEED BY-LAW 105-71 (TO INCLUDE A MAXIMUM SPEED OF 50 KILOMETERS PER HOUR FOR THE STREETS AS INDICATED IN THE BY-LAW)
(Item No. 1, Report No. 36)
[By-law](#)
Carried
- BY-LAW 2014-144 A BY-LAW TO AMEND PARKING BY-LAW 2005-188 (TO PROHIBIT PARKING ON THE STREETS AS INDICATED IN THE BY-LAW)
(Item No. 1, Report No. 36)
[By-law](#)
Carried
- BY-LAW 2014-145 A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4031 AS PUBLIC HIGHWAY PART OF LOT 21, CONCESSION 3 (MAJORWOOD DEVELOPMENTS INC.)
(Markland Street; Russell Dawson Road; Silverado Hills Drive; Ivory Silk Drive; Princess Diana Drive)
(Item No. 1, Report No. 36)
[By-law](#)
Carried

- BY-LAW 2014-146 A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4197 AS PUBLIC HIGHWAY PART OF LOT 21, CONCESSION 3 (MAJORWOOD DEVELOPMENTS INC.)
(Robert Osprey Drive; Staglin Court; Lane)
(Item No. 1, Report No. 36)
[By-law](#)
Carried
- BY-LAW 2014-147 A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4225 AS PUBLIC HIGHWAY PART OF LOT 20, CONCESSION 7 (WISMER MARKHAM DEVELOPMENTS INC.)
(Wozniak Crescent; Hammersly Boulevard; Evershot Crescent)
(Item No. 1, Report No. 36)
[By-law](#)
Carried
- BY-LAW 2014-148 A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4226 AS PUBLIC HIGHWAY PART OF LOTS 18 AND 19, CONCESSION 7 (WISMER MARKHAM DEVELOPMENTS INC.)
(Fred McLaren Boulevard; Everett Street; Kentland Street; Hammersly Boulevard; Lanes)
(Item No. 1, Report No. 36)
[By-law](#)
Carried
- BY-LAW 2014-149 A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4229 AS PUBLIC HIGHWAY PART OF LOT 17, CONCESSION 7 (WYNBERRY DEVELOPMENTS INC.)
(Fred McLaren Boulevard; Prebble Drive; Stoots Street)
(Item No. 1, Report No. 36)
[By-law](#)
Carried

- BY-LAW 2014-150 A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4232 AS PUBLIC HIGHWAY PART OF LOT 20, CONCESSION 7 (DANVEST WISMER INVESTMENTS LIMITED)
(Eakin Mill Road; Landsdown Crescent; Pineforest Place)
(Item No. 1, Report No. 36)
[By-law](#)
- Carried**
- BY-LAW 2014-151 A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4233 AS PUBLIC HIGHWAY PART OF LOT 19, CONCESSION 7 (DOVCOM REALTY INC.)
(Silkgrove Terrace; Locust Terrace; Furrow Street; Begonia Street; Lane A; Lanes)
(Item No. 1, Report No. 36)
[By-law](#)
- Carried**
- BY-LAW 2014-152 A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4235 AS PUBLIC HIGHWAY PART OF LOTS 26 AND 27, CONCESSION 3 (MONARCH CORPORATION)
(Gillings Street; Helford Street; Duke of Cornwall Drive; Colonel George McLaren Drive; Bruce Thomson Drive; Laneway 1)
(Item No. 1, Report No. 36)
[By-law](#)
- Carried**
- BY-LAW 2014-153 A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4245 AS PUBLIC HIGHWAY PART OF W ½ OF LOT 24, CONCESSION 4 (MONARCH WALMARK DEVELOPMENT LIMITED)
(Campus Close; Cecil Nichols Avenue; Hazelton Avenue; Church View Avenue; Freesia Road; James Joyce Drive)
(Item No. 1, Report No. 36)
[By-law](#)
- Carried**

- BY-LAW 2014-154 A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4262 AS PUBLIC HIGHWAY PART OF LOT 8, PLAN 2196 (FLATO MEADOWS INC.)
(Peshawar Avenue; Caboto Trail; Glenbar Gardens)
(Item No. 1, Report No. 36)
[By-law](#)
Carried
- BY-LAW 2014-155 A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4289 AS PUBLIC HIGHWAY PART OF EAST ½ OF LOT 2, CONCESSION 5 (COTTONLANE ESTATES INC.)
(Aldergrove Drive)
(Item No. 1, Report No. 36)
[By-law](#)
Carried
- BY-LAW 2014-156 A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4302 AS PUBLIC HIGHWAY PART OF LOT 20, CONCESSION 6 (LASSETER DEVELOPMENT INC.)
(Lane; Truchard Avenue; Nimes Avenue; Sibbald Avenue; Percy Reesor Street; Valliere Drive)
(Item No. 1, Report No. 36)
[By-law](#)
Carried
- BY-LAW 2014-157 2271850 ONTARIO LIMITED, PART LOT CONTROL EXEMPTION BY-LAW
A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, south of Woodbine By-pass and north of Elgin Mills Road, Block 93, Plan 65M-4328.
[By-law](#)
Carried
- BY-LAW 2014-158 CWH MARKHAM DEVELOPMENTS 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, east of Mingay Avenue and south of Bur Oak Avenue, Lots 5 and 6 and Blocks 7 to 15, Plan 65M-4415.
[By-law](#)
Carried

BY-LAW 2014-160 LINDVEST PROPERTIES (CORNELL) LIMITED, SOUTH OF HIGHWAY 7 AND WEST OF DONALD COUSENS PARKWAY, AMENDMENT TO THE IN FORCE OFFICIAL PLAN (REVISED 1987), AS AMENDED

A by-law to adopt Official Plan Amendment No. 224 to the in force Official Plan (Revised 1987), as amended, to re-designate the subject lands to Residential, and to adjust Open Space, Environmental Protection Area and Residential Designations.

(Item No. 4, Report No. 34 – September 10, 2014 Council Meeting)

[OPA](#)

Carried

BY-LAW 2014-161 BELFIELD INVESTMENTS INC., 8050 WOODBINE AVENUE, AMENDMENT TO THE IN FORCE OFFICIAL PLAN (REVISED 1987), AS AMENDED

A by-law to adopt Official Plan Amendment No. 225 to the in force Official Plan (Revised 1987), as amended, to expand the range of permitted uses for the subject lands.

(Item No. 1, Report No. 29 – June 24, 2014 Council Meeting)

[OPA](#)

Carried

BY-LAW 2014-162 BELFIELD INVESTMENTS INC., 8050 WOODBINE AVENUE, ZONING BY-LAW AMENDMENT

A by-law to amend By-law 2284-68, as amended, and By-law 177-96, as amended, to expand the range of permitted uses for the subject lands.

(Item No. 1, Report No. 29 – June 24, 2014 Council Meeting)

[By-law](#)

Carried

13. IN-CAMERA ITEMS

Moved by Regional Councillor Jim Jones

Seconded by Councillor Howard Shore

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into an in-camera session to discuss the following Item No. 5 (9:15 PM on September 23, 2014):

LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (KING DAVID INC., 10340, 10350 AND 10370 WOODBINE AVENUE)
(10.3, 10.4, 10.5, 10.6, 10.7)
[Section 239 (2) (e)]

Carried

Moved by Regional Councillor Gord Landon

Seconded by Regional Councillor Joe Li

That Council rise from the in-camera session to reconvene the regular session. (11:52 PM on September 23, 2014)

Carried

Moved by Councillor Carolina Moretti

Seconded by Councillor Valerie Burke

That, in accordance with Section 239 (2) of the *Municipal Act*, Council reconvene the in-camera session to discuss the following items (12:31 AM on September 24, 2014):

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
- AUGUST 25 AND SEPTEMBER 10, 2014 (16.0)
[Section 239 (2) (b) (c) (e)]

General Committee – September 15, 2014

- (2) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 4) (7.0 & 16.11)
[Section 239 (2) (c)]

Council directed that the Ward Number for In-camera Item No. 2 be corrected to read "Ward 4", instead of Ward 5.

- (3) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 7) (8.6)
[Section 239 (2) (c)]
- (4) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 2) (8.6)
[Section 239 (2) (c)]
- (5) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (KING DAVID INC., 10340, 10350 AND 10370 WOODBINE AVENUE) (10.3, 10.4, 10.5, 10.6, 10.7)
[Section 239 (2) (e)]
- (6) ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE (WARD 2) (8.0)
[Section 239 (2) (f)]

Council consented to add In-Camera Item No. 6.

Carried

Moved by Regional Councillor Jim Jones
Seconded by Councillor Carolina Moretti

That Council rise from the in-camera session and reconvene the regular session. (12:51 AM on September 24, 2014)

Carried

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

- (1) MINUTES OF IN-CAMERA COUNCIL MEETING
- AUGUST 25 AND SEPTEMBER 10, 2014 (16.0)

Moved by Regional Councillor Joe Li
Seconded by Councillor Colin Campbell

- 1) That the Council In-camera Minutes dated August 25 and September 10, 2014 be confirmed.

Carried

(2) RELOCATION OF THE ELIAS HAMILTON
HOUSE TO MARKHAM
HERITAGE ESTATES, FINANCIAL
CAPABILITY/LOT SELECTION (7.0 & 16.11)

Moved by Regional Councillor Joe Li
Seconded by Councillor Colin Campbell

- 1) That the confidential report on financial capability and lot selection for the applicant, Basil Galatianos, to purchase a lot and relocate and restore the Elias Hamilton House at Markham Heritage Estates be received; and,
- 2) That Lot 3, Plan 65M-2761, City of Markham, Regional Municipality of York (6 Heritage Corners Lane, Markham Heritage Estates) be declared surplus to the City's needs; and
- 3) That notice of the proposed sale of the above lands be placed on the next Council agenda, or subsequent date; and,
- 4) That the Mayor and Clerk be authorized to execute an Agreement of Purchase and Sale between Basil Galatianos and the City of Markham including any other documentation required to give effect to these recommendations in a form satisfactory to the City Solicitor; and further,
- 5) That staff be authorized and directed to take the actions set out in this report.

Carried

(3) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE
MUNICIPALITY OR LOCAL BOARD (WARD 7) (8.6)

Moved by Regional Councillor Joe Li
Seconded by Councillor Colin Campbell

- 1) That the confidential report dated September 8, 2014 from the Chief Administrative Officer and City Solicitor regarding a proposed or pending acquisition or disposition of land by the municipality or local board matter in Ward 7 be received; and,
- 2) That staff be authorized to proceed as directed by Council on September 23, 2014.

Carried

- (4) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 2) (8.6)

Moved by Regional Councillor Joe Li

Seconded by Councillor Colin Campbell

- 1) That the confidential report dated September 5, 2014 from the Chief Administrative Officer and City Solicitor regarding a proposed or pending acquisition or disposition of land by the municipality or local board matter in Ward 2 be received; and,
- 2) That staff be authorized to proceed as directed by Council on September 23, 2014.

Carried

- (5) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (KING DAVID INC., 10340, 10350 AND 10370 WOODBINE AVENUE) FILE NO.: OP/ZA/SU 13 109102 AND SC 13 138564 /13 138565 (10.3, 10.4, 10.5, 10.6, 10.7)

Moved by Deputy Mayor Jack Heath
Seconded by Regional Councillor Jim Jones

- 1) That the following delegations regarding the applications by King David Inc., 10340, 10350 and 10370 Woodbine Avenue, be received:
 - Kim Beckman, Davies Howe Partners LLP, representing King David Inc., spoke of the deferral of the matter.
 - Shant Kouyoumdjian, spoke in support of the City attending the OMB hearing to oppose the appeals by King David Inc.
 - Mayrose Gregorios, spoke in support of the City attending the OMB hearing to oppose the appeals by King David Inc.
 - Wing Liu, spoke in support of the City attending the OMB hearing to oppose the appeals by King David Inc.; and,
- 2) That the report dated September 23, 2014 and entitled “Confidential report, legal advice regarding settlement of appeals by King David Inc., 10340, 10350 and 10370 Woodbine Avenue, Cathedral Community, North of Major Mackenzie Drive, west of Woodbine Avenue, Applications for Official Plan/Secondary Plan and Zoning By-law amendments, Draft Plan of Subdivision and Site Plan Approval, File No.: OP/ZA/SU 13 109102 and SC 13 138564” (the “Applications”), be received; and,
- 3) That the City Solicitor or her designate be directed to attend the Ontario Municipal Board (OMB) hearing to oppose the appeals by King David Inc. respecting File Nos. OP/ZA/SU 13 109102 and SC 13 138564; and,
- 4) That staff be directed to retain an external planner and any other consultants as necessary; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried by a recorded vote (8:2)

(See following recorded vote which was carried)

(See following proposed motion to defer the matter which was lost)

(See following recorded vote on motion as proposed in confidential report which was lost)

Recorded vote which was carried (8:2)

YEAS: Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Regional Councillor Joe Li, Regional Councillor Jim Jones, Deputy Mayor Jack Heath, Councillor Colin Campbell, Councillor Alan Ho. (8)

NAYS: Councillor Carolina Moretti, Mayor Frank Scarpitti. (2)

ABSENT: Regional Councillor Gord Landon, Councillor Logan Kanapathi, Councillor Alex Chiu. (3)

(This recorded vote was taken at approximately 12:55 AM on September 24, 2014)

Proposed motion to defer the matter which was lost:

Moved by Deputy Mayor Jack Heath

Seconded by Regional Councillor Gord Landon

That Council defer the consideration of the matter for King David Inc., 10340, 10350 and 10370 Woodbine Avenue, to the December 16, 2014 Council meeting.

Lost

Council denied the request to withdraw the proposed motion, moved by Deputy Mayor Jack Heath and seconded by Regional Councillor Gord Landon, to defer the consideration of the matter for King David Inc., 10340, 10350 and 10370 Woodbine Avenue, to the November 25, 2014 Council meeting. Council consented to revise the date from "November 25, 2014" to "December 16, 2014".

Recorded vote on motion as proposed in confidential report which was lost (8:4):

NAYS: Councillor Valerie Burke, Councillor Howard Shore, Councillor Don Hamilton, Regional Councillor Joe Li, Regional Councillor Jim Jones, Deputy Mayor Jack Heath, Councillor Colin Campbell, Councillor Alan Ho. (8)

YEAS: Councillor Carolina Moretti, Mayor Frank Scarpitti, Regional Councillor Gord Landon, Councillor Alex Chiu. (4)

Absent: Councillor Logan Kanapathi. (1)

(This recorded vote was taken at approximately 11:55 PM on September 23, 2014)

- (6) ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE
(WARD 2) (5.7)
[Section 239 (2) (f)]

Council consented to not report out on this matter.

14. CONFIRMATORY BY-LAW

Moved by Councillor Carolina Moretti
Seconded by Regional Councillor Jim Jones

That By-law 2014-159 be given three readings and enacted.

Three Readings

BY-LAW 2014-159 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF SEPTEMBER 23, 2014.

[By-law](#)

Carried

15. ADJOURNMENT

Moved by Councillor Valerie Burke
Seconded by Councillor Howard Shore

That the Council Meeting be adjourned at 1:11 AM on September 24, 2014.

Carried

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

(Signed)