

**COUNCIL
OF
THE REGIONAL MUNICIPALITY OF YORK**

April 21, 2005

Regional Council met at 9:30 a.m. in the Council Chambers, York Region Administrative Centre, 17250 Yonge Street, Newmarket, with Regional Chair Fisch presiding.

The following were present at this Meeting:

Mayor: Bell, Black, Cousens, Di Biase, Grossi, Jones, Sherban, Taylor and Young.

Regional Councillor: Barrow, Ferri, Frustaglio, Heath, Hogg, Jackson, Jones, O'Donnell, Scarpitti, Van Bynen and Wheeler.

Staff: Cartwright, Davidson, Garrett, Hulton, Schipper, Simmons, Tuckey and Woolhead.

51 DISCLOSURE

Fare Payment Processor Agreement – Moneris Solutions
(Report No. 3 of the Commissioner of Finance)

Regional Councillor Van Bynen declared an interest in Report No. 3 of the Commissioner of Finance relating to the Fare Payment Processor Agreement with Moneris Solutions, as he is still technically employed by the Royal Bank. He did not take part in the consideration or discussion of or vote on this item.

52 MINUTES

It was moved by Mayor Bell, seconded by Regional Councillor Wheeler, that the Minutes of the Council meeting held on March 31, 2005 be confirmed in the form supplied to the Members.

Carried

COMMUNICATIONS

Council considered the following communications:

53 Community Services and Housing Committee

Mayor Robert Grossi, Town of Georgina, March 17, 2005, forwarding his proposed resignation from the Community Services and Housing Committee.

(Regional Chair Fisch advised Council that Mayor Grossi has agreed to stay on as a member of the Committee.)

It was moved by Mayor Taylor, seconded by Mayor Sherban, that the communication be received.

Carried

54 Property Tax Capping Options – Town of Markham
(Clause 2 of Finance and Administration Committee Report No. 4)

Sheila Birrell, Town Clerk, Town of Markham, March 30, 2005, forwarding a resolution adopted by the Council of the Town of Markham at its meeting on March 29, 2005, regarding 2005 Tax Policy Options – Tax Impacts.

It was moved by Mayor Sherban, seconded by Regional Councillor Wheeler, that the communication be received and referred to discussion of Clause No. 2 of Finance and Administration Committee Report No. 4.

Carried

55 GTA Pooling – Town of Newmarket
(Clause 8 of Finance and Administration Committee Report No. 4)

Anita Moore, Town Clerk, Town of Newmarket, April 4, 2005, forwarding a resolution adopted by the Council of the Town of Newmarket regarding the Provincial Pooling Levy.

It was moved by Mayor Taylor, seconded by Regional Councillor Barrow, that the communication be received and referred to discussion of Clause No. 8, Item Nos. 1 & 2 of Finance and Administration Committee Report No. 4.

Carried

56 Draft Growth Plan for the Greater Golden Horseshoe
(Clause 1 of Planning and Economic Development Committee Report No. 4)

Neil Rodgers, President, Urban Development Institute/Ontario, March 30, 2005, regarding the Provincial Draft Growth Plan and requesting deputant status.

It was moved by Mayor Taylor, seconded by Regional Councillor Ferri, that the communication be received and deputant status be granted.

Carried

57 Community Living Month

Ron Rose, President, Board of Directors, Community Living Newmarket/Aurora District, Phil Lanzarotta, President, Board of Directors, York South Association for Community Living and Roy O'Leary, President, Board of Directors, Georgina Association for Community Living,

March 22, 2005, requesting that the Region proclaim the month of May 2005 "Community Living Month".

It was moved by Regional Councillor Frustaglio, seconded by Regional Councillor Hogg, that the communication be received and that the month of May 2005 be recognized as "Community Living Month".

Carried

58 Eating Disorder Awareness Week

(Clause 6 of Health and Emergency Medical Services Committee Report No. 3)

Debby Goldstein, President Eating Disorders of York Region, March 7, 2005, requesting that the Region of York proclaim May 8 – May 16, 2005 as Eating Disorder Awareness Week.

It was moved by Regional Councillor Frustaglio, seconded by Mayor Young, that the communication be received and that the week of May 8 – May 16, 2005 be recognized as Eating Disorder Awareness Week.

Carried

59 Transit By-law – Set Fine Order

(Clause 3 of Transit Committee Report No. 4.)

Joy Hulton, Regional Solicitor, April 20, 2005, forwarding as requested a proposed set fine schedule for the transit by-law to provide for higher penalties for more serious offences.

It was moved by Regional Councillor Jackson, seconded by Mayor Black, that the communication be received and referred to discussion of Clause 3 of Transit Committee Report No. 4.

Carried

(See Minute No. 63.)

Council also considered an oral communication from Councillor John West, Town of Aurora, that Council consider the following item at this time.

60 Lake Simcoe Region Conservation Authority – Headquarters

(Report No. 2 of the Commissioner of Finance and Clause 8 of Finance and Administration Committee Report No. 4)

It was moved by Regional Councillor Frustaglio, seconded by Mayor Jones, that Report No. 2 of the Commissioner of Finance be considered at this time.

Carried

61 It was moved by Mayor Black, seconded by Mayor Jones, that Council adopt Report No. 2 of the Commissioner of Finance.

Carried

DEPUTATION

Council heard the following deputation:

62 Draft Growth Plan for the Greater Golden Horseshoe
(Clause 1 of Planning and Economic Development Committee Report No. 4)

Neil Rodgers, President, Urban Development Institute/Ontario.

It was moved by Regional Councillor Scarpitti, seconded by Regional Councillor Frustaglio, that the deputation be received and referred to discussion of Clause 1 of Planning and Economic Development Committee Report No. 4.

Carried

(See Minute No. 63.)

63 COMMITTEE REPORTS

Regional Councillor O'Donnell presented the following reports for the consideration of Council:

Report No. 3 of the Community Services and Housing Committee
Report No. 4 of the Finance and Administration Committee
Report No. 3 of the Health and Emergency Medical Services Committee
Report No. 4 of the Planning and Economic Development Committee
Report No. 4 of the Rapid Transit Public/Private Partnership Steering Committee
Report No. 3 of the Solid Waste Management Committee
Report No. 4 of the Transit Committee
Report No. 4 of the Transportation and Works Committee
Report No. 3 of the Commissioner of Finance

It was moved by Regional Councillor O'Donnell, seconded by Regional Councillor Van Bynen, that the reports be received and that Council resolve itself into Committee of the Whole to consider them.

Carried

Regional Chair Fisch chaired the Committee of the Whole.

The Committee of the Whole rose after making the following recommendations:

Report No. 3 of the Community Services and Housing Committee be adopted, without amendment;

Report No. 4 of the Finance and Administration Committee be adopted, without amendment;

Report No. 3 of the Health and Emergency Medical Services Committee be adopted, with the following amendments:

Clause 2 be amended by substituting the following relating to the Decriminalization of Cannabis as recommendation 5:

5. *WHEREAS Health Canada has recognized that there are serious short-term and long-term health effects associated with cannabis use; and*

WHEREAS scientific literature has shown that regular cannabis smoking can cause lung irritation, respiratory damage and effects similar to those caused by tobacco use; and

WHEREAS smoking cannabis exposes an individual to approximately 4,000 chemicals, including many of the same carcinogens and mutagens found in tobacco smoke; and

WHEREAS a single cigarette of cannabis may expose an individual to more particulates than tobacco due to the lack of filtration and patterns of inhalation; and

WHEREAS the prevalence of cannabis use among youth in Ontario has steadily increased from 10% in 1991 to 29% in 2003; and

WHEREAS research has shown that two-thirds of Ontario students report that cannabis is easily attainable and only 25% strongly disapprove of trying cannabis; and

WHEREAS the Ontario Drug and Alcohol Treatment Registry has indicated that cannabis is currently the number one substance that youth are seeking treatment for; and

WHEREAS the World Health Organization has recognized that there is an increased risk of motor vehicle collisions among persons who drive when intoxicated by cannabis; and

WHEREAS the Regional Municipality of York Police Services Board adopted the position that it opposes the decriminalization of marijuana in Canada; and

WHEREAS healthy public policy related to cannabis use must aim to increase the health of Canadians by incorporating best practices in both prevention and harm reduction strategies;

NOW THEREFORE BE IT RESOLVED that the Council of the Regional Municipality of York ask the Federal Government to be mindful of these health issues when considering federal legislation which results in the decriminalization of cannabis in Canada;

AND BE IT FURTHER RESOLVED that this resolution be distributed to the Federal Minister of Justice and Attorney General of Canada, the Federal Minister of Health, the Federal Minister of State for Public Health, the Provincial Minister of Health and Long-Term Care, the Federation of Canadian Municipalities, and local Members of Federal Parliament.

Clause 6, Item 15 relating to the Central Health Integration Network be amended to include the following:

WHEREAS Regional Council adopted, as amended, Clause No. 1 of Report No. 1 of the Regional Commissioner of Health Services at its meeting on December 16, 2004, regarding the provincial health initiative involving the establishment of Local Health Integration Networks (LHINs) and reflecting numerous concerns with the implementation and governance model and requested the Ministry of Health and Long-Term Care (MOHLTC) to ensure that all of York Region is within one LHIN area; and

WHEREAS revised LHIN boundaries recently announced by MOHLTC continue to divide York Region between two LHINs: Central West and Central; and

WHEREAS the majority of York Region falls within the Central LHIN; and

WHEREAS a portion of Vaughan is included in the Central West LHIN; and

WHEREAS the City of Vaughan has recently proposed a Vaughan Health-Care Facility; and

WHEREAS Green River appears in the Central LHIN map in error as it is not a part of York Region but rather Durham Region; and

NOW, THEREFORE BE IT RESOLVED that the Council of the Regional Municipality of York urges the Province of Ontario to further revise its LHIN boundaries to include all of York Region within the Central LHIN;

AND BE IT FURTHER RESOLVED that this resolution be distributed to the Association of Municipalities of Ontario, the Provincial Minister of Health and Long-Term Care, and local Members of Provincial Parliament.

Report No. 4 of the Planning and Economic Development Committee be adopted, with the following amendment:

Clause 1 relating to the Draft Growth Plan for the Greater Golden Horseshoe be amended by adding the words “and all municipalities in the Greater Golden Horseshoe” to Committee Recommendation 6, following the words “local municipalities” so that the recommendation now reads as follows:

- 6. These recommendations be forwarded to the local municipalities and all municipalities in the Greater Golden Horseshoe for their endorsement;*

Report No. 4 of the Rapid Transit Public/Private Partnership Steering Committee be adopted, with the following amendment:

Clause 8 relating to Additional Funds for the North Maintenance Facility (Newmarket Truck Centre) be amended by adding the following paragraph after the fifth paragraph of the Resolution:

“AND WHEREAS the work can be expedited in order to meet the Operation and Maintenance Viva start-up requirements under the Region’s current Design Build Contract with Kiewit Ellis Don (KED) through a competitive tender;”

and by adding the following words to the last paragraph:

“and an increase in the Design Build contract with KED in an amount not to exceed \$350,000.”

Report No. 3 of the Solid Waste Management Committee be adopted, with the following amendment:

Clause 4 relating to Source Separated Organics (SSO) Implementation in the Town of Markham be amended by adding the following recommendation:

“3. The Region enter into a six month contract starting July 4, 2005 with GSI Environment Ltd. for the haulage and processing of household organic waste at a cost of \$138 per tonne for an estimated contract value of \$1.2 million.”

Report No. 4 of the Transit Committee be adopted, with the following amendment:

Clause 3 relating to the Transit By-law—York Region Transit and Viva Rapid Transit Systems be amended by replacing the Set Fine Schedule referred to in Attachment 1 of the Transit Committee Report with the Set Fine Schedule attached to the communication of the Regional Solicitor dated April 20, 2005.

Report No. 4 of the Transportation and Works Committee, with the following amendment:

*Clause 7 relating to the Authorization of Consulting Services for the York-Peel Sanitary Diversion, City of Vaughan, be referred to Council’s Private Session.
(See Minute No. 67.)*

Report No. 3 of the Commissioner of Finance, be adopted, without amendment.

It was moved by Regional Councillor Scarpitti, seconded by Mayor Bell, that Council adopt the recommendations of the Committee of the Whole, with the exception of Clause 7 of Transportation and Works Report No. 4 which was referred to Private Session, and Clause 1 of Planning and Economic Development Committee Report No. 4, which was held for a recorded vote. *(See Minute Nos. 64 and 67.)*

Carried

64 Draft Growth Plan for the Greater Golden Horseshoe

A recorded vote on the adoption of the recommendations in Clause 1 of Planning and Economic Development Committee Report No. 4, as amended, was as follows:

FOR: Barrow, Bell, Di Biase, Ferri, Frustaglio, Grossi, Hogg, Jackson, J. Jones, T. Jones, O'Donnell, Scarpitti, Sherban, Taylor, Van Bynen, Wheeler (16)

AGAINST: Heath (1)

Carried

65 BY-LAWS

It was moved by Mayor Sherban, seconded by Regional Councillor Frustaglio, that certain Bills be introduced and approved in the form as noted on the Revised Agenda, and enacted as By-laws.

By-law No. A-0359-2005-021	A by-law to establish tax ratios and to specify the percentage by which tax rates are to be reduced for prescribed property subclasses for 2005
By-law No. R-1107(r)-2005-022	To amend By-law No. R-1107-96-126 being a By-law to set out all the roads in the Regional Road System
By-law No. R-0629(aaa)-2005-023	To amend By-law No. R-629-79-109 to authorize through highways
By-law No. R-1412-2005-024	A By-law to prescribe maximum rates of speed on Markham By-Pass (Y.R. 48)
By-law No. R-1413-2005-025	To authorize the Commissioner of Transportation and Works to temporarily close certain Regional roads

By-law No. R-1414-2005-026	Respecting temporary speed limits on Regional Roads
By-law No. R-1102(au)-2005-027	To amend By-law No. R-1102-96-100 to prohibit or regulate parking and stopping on Regional Roads
By-law No. R-1415-2005-028	A by-law to regulate the use of public transit vehicles in The Regional Municipality of York
By-law No. R-1416-2005-029	To acquire certain lands for or in connection with the widening and reconstructing of Teston Road (YR 49) in the City of Vaughan
By-law No. R-1417-2005-030	To abandon certain lands acquired for or in connection with the widening and reconstruction of Warden Avenue (YR 65) from Steeles Avenue to 16 th Avenue (YR 73), in the Town of Markham
By-law No. RD-0519-2005-031	To dedicate certain lands for the purposes of public highways
By-law No. A-0360-2005-032	A by-law to set and levy the rates of taxation for regional general purposes for the year 2005
By-law No. A-0361-2005-033	A by-law to implement options for determination of maximum taxes under the Municipal Act, 2001

66 PRIVATE SESSION

It was moved by Regional Councillor Hogg, seconded by Mayor Di Biase, that Council convene in Private Session for the purpose of considering certain legal, property and personnel matters.
Carried

Council met in Private Session at 11:19 a.m. and reconvened in Council at 12:45 p.m.

It was moved by Regional Councillor Jones, seconded by Regional Councillor Heath, that Council rise and report from Private Session.
Carried

**67 Authorization of Consulting Services, York-Peel Sanitary Diversion
City of Vaughan, Project 77200**
(Clause 7, Report No. 4 of the Transportation and Works Committee)

It was moved by Regional Councillor Jackson, seconded by Regional Councillor Wheeler, that Clause 7, Report No. 4 of the Transportation and Works Committee be adopted, without amendment.

Carried

68 Source Separated Organic Program Update

It was moved by Regional Councillor Scarpitti, seconded by Regional Councillor Heath, that Council adopt the recommendations contained in the confidential report of the Solid Waste Management Committee dated April 13, 2005, as follows:

1. Council not accept any proposals received in the joint York / Toronto Request for Proposals (No. 9150-03-5280) for Provision of Processing Capacity for Source Separated Organics.
2. Council invite proposals from Groupe Conporec Inc., Orgaworld Canada, Miller Waste Systems and GSI Environnement Ltd. to receive and process source separated organics at their respective facilities starting as early as July, 2005 for a term of up to 10 years.
3. Council authorize Regional staff to issue a tender to receive and process the Region's yard waste starting in April, 2006 for a term of up to five years.

Carried

The balance of the report remains confidential in accordance with the provisions of the *Municipal Act* as it contains confidential information which is subject to solicitor-client privilege.

69 Lease Extension Agreement – The Tannery

It was moved by Regional Councillor Jackson, seconded by Mayor Grossi that Council adopt the recommendations contained in the confidential report of the Commissioner of Corporate Services, as follows:

1. Regional Council authorize lease extension agreements, commencing on May 1, 2005, for existing office space located at The Tannery Mall, 465 Davis Drive, Newmarket, as follows:
 - a) the Health Services office located on the 1st and 2nd floor, consisting of 15,842 sq. ft., be extended for a term of five years, with the Region's option to terminate the lease, on the third and fourth year anniversary of the term;
 - b) the Court Services office located on the 2nd floor, consisting of 15,029 sq. ft., be extended for a term of five years, instead of three years, which was previously approved by Regional Council on September 23, 2004. The lease extension will also contain an option for the Region to terminate the lease, on the third and fourth year anniversary of the term;

- c) the I.T. Services office located in Suites 210 and 211, consisting of 1,100 sq. ft., be extended for a term of five years, with the Region's option to terminate the lease, on the third and fourth year anniversary of the term; and
- d) the existing space located on the 3rd floor, consisting of 11,205 sq. ft, which is to be utilized for swing space, be extended for a term of three years, with the Region's option to terminate the lease, on the first and second year anniversary of the term.
- 2. Property Services staff resolve the ongoing concerns with the landlord related to the condition of the 1st and 2nd floor of Health Services space, prior to finalization of that lease extension agreement.
- 3. The Regional Chair and the Regional Clerk be authorized to execute the lease extension agreements on behalf of The Regional Municipality of York, subject to review by Legal Services, Corporate Services Department.
- 4. The above recommendations and the lease extension agreement become public upon execution of the lease extension agreements by the Regional Chair and the Regional Clerk.

Carried

The balance of the report remains confidential in accordance with the provisions of the *Municipal Act* as it contains confidential information which is subject to solicitor-client privilege.

70 CONFIRMATORY BY-LAW

It was moved by Regional Councillor Ferri, seconded by Regional Councillor Jackson, that the following by-law be enacted to confirm the proceedings of this meeting of Council.

By-law No. M-0717-2005-034

To confirm the proceedings of Council at its meeting held on April 21, 2005

Carried

The Council meeting adjourned at 12:47 p.m.

Regional Clerk

Minutes confirmed and adopted at the meeting of Regional Council held on the 19th day of May, 2005.

Regional Chair