

**COUNCIL
OF
THE REGIONAL MUNICIPALITY OF YORK**

December 16, 2004

Regional Council met at 9:35 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, Jaczek, Schipper, Simmons, Tuckey.

DECLARATIONS

211 2005 Capital Budget and 19th Avenue Interceptor Leslie Trunk Sewer

Mayor Black declared an interest in Clause 14, Report No. 12 of the Finance and Administration Committee Report regarding the 2005 Capital Budget and Clause 2, Report No.12 of the Transportation and Works Committee regarding Authorization of Consulting Services for the 19th Avenue Interceptor Leslie Trunk Sewer Project. She declared this interest due to the fact that her spouse works for a company that is a sub-contractor on this project and did not take part in the consideration or discussion or vote on these items.

212 Langstaff Road Construction

Regional Councillor Frustaglio, having declared an interest in a matter discussed in private session at Council's meeting of November 18, 2004, publicly declared this interest due to the fact that her property abuts Langstaff Road. She had left the meeting on November 18, 2004 during consideration of this item and did not take part in the consideration of or vote on this item.

213 MINUTES

It was moved by Regional Councillor Heath, seconded by Mayor Bell, that the Minutes of the Council meeting held on November 18, 2004 be confirmed in the form supplied to the Members.
Carried.

PRESENTATIONS

214 Investing in Ability Award

Regional Councillor Frustaglio presented Regional Chair Fisch with the “Investing in Ability” award given by the Future Abilities and Creative Employment (FACE) organization to the Region for its efforts in assisting people with developmental disabilities to find employment in York Region.

215 “Water for Tomorrow” Program –York Central Hospital

Regional Chair Fisch presented a rebate cheque in the amount of \$47,167.00 to Bruce Harber, President and Chief Executive Officer, York Central Hospital in recognition of the efforts made by the Hospital and its staff to reduce water requirements under the Region’s “Water for Tomorrow” Program.

216 Community Export Development Award

Bryan Tuckey, Commissioner of Planning and Development Services, presented the Community Export Development Award given to York Region by the Ontario Chamber of Commerce to recognize the Region’s export development initiatives. The formal presentation of the award was made at the Outstanding Business Achievement Awards dinner in Toronto on November 10, 2004. Regional staff and the Region’s Export Advisors were in attendance to receive the award.

217 2005 Operating Business Plan and Budget

Michael Garrett, Chief Administrative Officer and Sandra Cartwright, Commissioner of Finance circulated the draft 2005 Operating Business Plan and Budget and made a presentation on it. The presentation included an overview of the main drivers of the 2005 Operating Budget, various efficiencies that were found during the budget process, major initiatives in 2005, the impact of the capital budget and various issues for Committees and Council to consider as they deliberate on the budget in the upcoming weeks.

It was moved by Mayor Cousens, seconded by Regional Councillor Wheeler, that the presentation be received and referred to the Standing Committees for their review and recommendations in accordance with the schedule included with the presentation.

Carried.

COMMUNICATIONS

Council proceeded to consider the following communications:

218 Hydro One

(Clause No. 10, Item No. 2 of Planning and Economic Development Committee Report No. 11)

Newmarket Hydro Ltd.

U. Phillip Daniels, Chair, Newmarket Hydro Ltd., December 7, 2004 regarding the Reinforcement of Transmission Supply Facilities to York Region – Hydro One Networks Inc.

It was moved by Regional Councillor Wheeler, seconded by Mayor Jones, that the communication be received and referred to consideration of Clause No. 10, Item No. 2 of Planning and Economic Development Committee Report No. 11.

Carried.

219 Town of Markham

Mayor Donald Cousens, Town of Markham, December 13, 2004, regarding Hydro One's proposal to expand transmission capacity in the Markham-Newmarket corridor.

It was moved by Regional Councillor Scarpitti, seconded by Regional Councillor Frustaglio, that the communication be received and referred to consideration of Clause No. 10, Item No. 2 of Planning and Economic Development Committee Report No. 11.

Carried.

220 David Estrin

David Estrin, Certified Environmental Law Specialist, Gowling Lafleur Henderson, December 14, 2004, regarding Hydro One, and requesting deputant status.

It was moved by Regional Councillor Scarpitti, seconded by Regional Councillor O'Donnell, that the communication be received and deputation status be granted.

A recorded vote on the adoption of this motion was as follows:

FOR: Black, Cousens, Grossi, Heath, Hogg, J. Jones, T. Jones, O'Donnell, Scarpitti (9)

AGAINST: Barrow, Bell, Di Biase, Ferri, Frustaglio, Jackson, Sherban, Taylor, Van Bynen, Wheeler, Young (11)

Lost.

(Please refer to Minutes Nos. 227 and 229.)

King City Sewer

221 Township of King

Chris Somerville, Township Clerk, December 14, 2004, forwarding a resolution adopted by the Township of King at its meeting on December 13, 2004, regarding the King City application for the COMRIF Program.

It was moved by Regional Councillor Wheeler, seconded by Regional Councillor Ferri, that this communication be received and referred to private session.

Carried.

(Please refer to Minute No. 236)

222 Jane Underhill

Jane Underhill, Councillor, Township of King, December 14, 2004, regarding the extension of the York Durham Sewer System.

It was moved by Regional Councillor Wheeler, seconded by Regional Councillor Ferri, that this communication be received.

Carried.

Bill 135 – Greenbelt Act, 2004 and the Greenbelt Draft Plan

(Report No. 1 of the Commissioner of Planning and Development Services and Clause 7 of Planning and Economic Development Committee Report No. 11))

223 862015 Ontario Inc.

M. Domovitch, 862015 Ontario Inc., December 13, 2004.

It was moved by Mayor Jones, seconded by Mayor Grossi, that the communication be received and referred to consideration of Report No. 1 of the Commissioner of Planning and Development Services.

Carried.

224 City of Brampton

Chandra Urquhart, Legislative Coordinator, City of Brampton, December 14, 2004.

It was moved by Regional Councillor Frustaglio, seconded by Mayor Sherban, that the communication be received and referred to consideration of Report No. 1 of the Commissioner of Planning and Development Services.

Carried.

Retail Business Holidays Act – Kennedy & Denison Shopping Centre
(Report No. 2 of the Regional Solicitor)

225 Pacific Mall Heritage Town Inc.

Adam Brown, Sherman Brown Dryer Karol, December 15, 2004, on behalf of Pacific Mall Heritage Town Inc.

It was moved by Mayor Di Biase, seconded by Mayor Bell, that the communication be received and referred to consideration of Report No. 2 of the Regional Solicitor.

Carried.

(See Minute Nos. 226 and 227.)

UNFINISHED BUSINESS

226 *Retail Business Holidays Act – Kennedy & Denison Shopping Centre*
(Report No. 2 of the Regional Solicitor)

(This matter was deferred from the November 18, 2004 Regional Council meeting pending receipt of a report from the Regional Solicitor.)

It was moved by Mayor Cousens, seconded by Regional Councillor Frustaglio, that Council receive Report No. 2 of the Regional Solicitor and deny the request by Kennedy & Denison Shopping Centre to be permitted to remain open on all holidays set out in the *Retail Business Holidays Act*, between 8:00 a.m. and 12:00 a.m.

Carried.

227 COMMITTEE REPORTS

Mayor Black presented the following reports for the consideration of Council:

Report No. 10 of the Community Services and Housing Committee
Report No. 12 of the Finance and Administration Committee
Report No. 8 of the Health and Emergency Medical Services Committee
Report No. 11 of the Planning and Economic Development Committee
Report No. 10 of the Rapid Transit Public/Private Partnership Steering Committee
Report No. 8 of the Solid Waste Committee
Report No. 10 of the Transit Committee
Report No. 12 of the Transportation and Works Committee
Report No. 2 of the Regional Solicitor
Report No. 3 of the Regional Solicitor
Report No. 1 of the Commissioner of Planning and Development Services
Report No. 1 of the Commissioner of Health Services
Report No. 8 of the Commissioner of Transportation and Works

It was moved by Mayor Black, seconded by Mayor Cousens, 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. 10 of the Community Services and Housing Committee be adopted, without amendment;

Report No. 12 of the Finance and Administration Committee be adopted, without amendment;

Report No. 8 of the Health and Emergency Medical Services Committee be adopted, without amendment;

Report No. 11 of the Planning and Economic Development Committee be adopted, without amendment;

Report No. 10 of the Rapid Transit Public/Private Partnership Steering Committee be adopted, without amendment;

Report No. 8 of the Solid Waste Committee be adopted, without amendment;

Report No. 10 of the Transit Committee be adopted, without amendment;

Report No. 12 of the Transportation and Works Committee be adopted, without amendment;

Report No. 2 of the Regional Solicitor be adopted, without amendment;

Report No. 3 of the Regional Solicitor be adopted, without amendment;

Report No. 1 of the Commissioner of Planning and Development Services, be adopted, with the following amendments:

By revising Recommendation 1 to read as follows:

- 1. That the Provincial Growth Management Plan proceed at the same time as the Greenbelt Plan and both documents reflect the new Provincial Population and Employment Forecasts to ensure full co-ordination of the Plan with such elements as an adequate land supply to reflect the residential and employment forecasts anticipated in the GTA and co-ordination with the Provincial Transportation Strategy for the Golden Horseshoe and Rural Development Program.*

By revising Recommendation 20 to read as follows:

20. *The Province re-examine the Greenbelt designation in the City of Vaughan and limit the Greenbelt designation to those lands currently in public ownership, or which are a part of the natural heritage system, designated in OPA 600 and OPA 601 the Kleinburg Nashville Community Plan, and remove the Greenbelt Designation from the lands designated as Rural Use Area and Agricultural Area in OPA 600.”*

Report No. 1 of the Commissioner of Health Services be adopted, with the following amendment:

Recommendation 9 be amended to add that this Report also be forwarded to the local municipalities for their endorsement (and that a copy of their decision be forwarded directly to the Minister), and to local MPP's and the Ontario Hospital Association;

(See Minute No. 228 for recorded vote.)

Report No. 8 of the Commissioner of Transportation and Works be adopted, without amendment.

It was moved by Mayor Black, seconded by Mayor Cousens, that Council adopt the recommendations of the Committee of the Whole.

Carried.

228 Local Health Integration Networks

(Report No. 1 of the Regional Commissioner of Health Services)

A recorded vote on the adoption of Report No. 1 of the Commissioner of Health Services, as amended, was as follows:

FOR: Barrow, Black, Cousens, Di Biase, Ferri, Frustaglio, Grossi, Heath, Hogg, Jackson, J. Jones, T. Jones, O'Donnell, Scarpitti, Sherban, Taylor, Van Bynen, Wheeler, Young (19)

AGAINST: Nil

Carried Unanimously

229 MOTION

(Clause 10, Item 2 of Planning and Economic Development Committee Report No.11)

In considering this matter, Council had before it a presentation paper from Gowling Lafleur Henderson, LLP entitled “Hydro One’s Draft *Supply to York Region: Environmental Study Report*”.

It was moved by Regional Councillor Scarpitti, seconded by Mayor Jones, that:

WHEREAS Regional Council adopted, as amended, Clause No. 4 of Report No. 6 of the Planning and Economic Development Committee at its meeting on June 24, 2004, regarding the proposed Hydro One transmission project in York Region and reflecting fundamental concerns with Hydro One’s approach and requested Hydro One to ensure there was a full consideration of alternative routes based on a full assessment of environmental, social, economic and health effects of such facilities;

AND WHEREAS the legislated and regulatory authority for provision of electricity to York Region consumers rests with Hydro One and the local distribution companies:

NOW THEREFORE BE IT RESOLVED THAT Regional Council request Hydro One and the Minister of Environment to ensure that a proper, full, individual environmental assessment is carried out and that the draft ESR process be terminated;

AND BE IT FURTHER RESOLVED THAT the Region of York supports Newmarket Hydro and the Town of Newmarket’s initiative to provide local hydro distribution through a proposed 300-megawatt gas-fired peaking facility as a solution to additional electricity demands;

AND BE IT FURTHER RESOLVED THAT the Region of York supports the Town of Markham’s request to the Ministers of Energy and Environment for mediation to resolve the issues;

AND BE IT FURTHER RESOLVED THAT the Region of York requests the Federal Minister of Health to further review the issue and impact of Electro Magnetic Fields (EMFs).

A recorded vote on the motion was as follows:

FOR: Barrow, Black, Cousens, Di Biase, Ferri, Frustaglio, Grossi, Heath, Hogg, Jackson, J. Jones, T. Jones, O’Donnell, Scarpitti, Sherban, Van Bynen, Young (17)

AGAINST: Wheeler (1)

Carried.

230 BY-LAWS

It was moved by Regional Councillor O'Donnell, 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. R-1406-2004-094	A by-law to adopt Amendment No. 43 to the Official Plan for the Region of York
By-law No. RD-0516-2004-095	To dedicate certain lands for the purposes of public highways
By-law No. R-1102(av)-2004-096	To amend By-law No. R-1102-96-100 to prohibit or regulate parking and stopping on Regional Roads
By-law No. A-0355-2004-097	A by-law to authorize the temporary borrowing of monies to meet the current expenditures of The Regional Municipality of York for the year 2005
By-law No. R-1407-2004-098	To authorize the temporary closure of 16 th Avenue (Y.R. 73) in the Town of Markham
By-law No. R-1107(q)-2004-099	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. WO-0077-2004-100	For the Regional Municipality of York to assume the Kirby Crescent Pumping Station in the Town of Newmarket
By-law No. A-0356-2004-101	A by-law to adopt an Emergency Management Program
By-law No. A-0357-2004-102	A By-law to establish a Provincial Gas Tax Reserve Fund
By-law No. S-0063-2004-103	A by-law to transfer the sewer system servicing the Community of King City to the Corporation of the Township of King
By-law No. A-0358-2004-104	A by-law to appoint a Deputy Clerk for The Regional Municipality of York

Carried.

OTHER BUSINESS

230 PRIVATE SESSION

It was moved by Regional Councillor Wheeler, seconded by Regional Councillor Frustaglio, that Council convene in Private Session for the purpose of considering certain personnel, labour relations and legal matters.

Carried.

Council met in Private Session at 1:10 p.m. and reconvened in Council at 2:06 p.m.

It was moved by Regional Councillor Jackson, seconded by Regional Councillor Frustaglio, that Council rise and report from Private Session.

Carried.

231 Aurora Sewage Pumping Station Upgrades

It was moved by Mayor Grossi, seconded by Mayor Jones, that:

1. Council authorize the Commissioner of Transportation and Works to engage the firm of Conestoga-Rovers & Associates to provide detailed design and contract administration services for upgrades to the Aurora Sewage Pumping Station for an upset fee of \$176,589 excluding G.S.T., pursuant to the provisions of the purchasing by-law.

Carried.

232 Regional Development Charge By-law Appeals

It was moved by Mayor Young, seconded by Regional Councillor Frustaglio, that:

1. Regional Council approve the proposed settlement respecting appeals of Regional Development Charge By-law No. DC-0005-2003-050 by developers of apartment buildings. The settlement would amend Schedule F of the by-law to extend the grandfathering of apartment building development charge rates by one year from December 31, 2003 to December 31, 2004.
2. The Ontario Municipal Board be advised of Council's position.

Carried.

233 Deputy Regional Clerk

It was moved by Regional Councillor Frustaglio, seconded by Regional Councillor Heath, that Council pass a by-law to appoint Jeffrey A. Abrams as Deputy Clerk, effective January 3, 2005.

Carried.

(See By-law No. A-0358-2004-104.)

235 Labour Negotiations –CUPE 905 (York Region Unit) and CUPE 905 (Long Term Care)

It was moved by Regional Councillor Wheeler, seconded by Regional Councillor Barrow, that:

1. The recommended position (including 3% increases in 2004, 2005 and 2006) for negotiating monetary issues with CUPE 905 (York Region Unit) and CUPE 905 (Long Term Care Unit) be endorsed.
2. The position for non-union salary range adjustments (including 3% increases in 2004, 2005 and 2006) be endorsed.
3. In the event agreement is reached within the recommended position that the Regional Chair & CEO and the Chief Administrative Officer be authorized to execute the collective agreement on behalf of The Regional Municipality of York.

Carried.

236 King City Request for Funding - Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF)

It was moved by Regional Councillor Scarpitti, seconded by Regional Councillor Hogg, that:

1. Regional Council support the application of the Township of King for Federal/Provincial COMRIF funding for a portion of the Township costs of the sewage collection system in King City by transferring ownership of the system to the Township of King through enactment of the necessary by-law .
2. The Regional Chair and Regional Clerk be authorized to execute an agreement with the Township of King based substantially on the principles outlined as follows:
 1. Notwithstanding the minimum funding threshold set out in Clause 2 of both the Region and Township proposed by-laws, if the Township receives funding from COMRIF in a lesser amount, and both Region and Township Councils determines it is to their mutual benefit to do so, the by-laws will be amended to reflect the lesser amount.
 2. Notwithstanding the sunset date set out in Clause 2 of both the Region and Township proposed by-laws, it is recognized that it is not intended that such date be effective if the Township has not received a decision from COMRIF as to whether funding will be given to the Township and in such circumstances the by-laws will be amended to reflect a later date mutually agreed to between the Township and the Region.

3. The contract for the local collection system will not be awarded until a decision is received from COMRIF and the Township of King has executed a Contribution Agreement with the Province of Ontario.
4. If the Township does not receive any funding from COMRIF, or receives funding in an amount less than \$5 Million dollars and the Region and Township determine it is not appropriate to amend the by-laws, then the settlement agreement continues in all respects with performance dates set out therein to be adjusted to account for the period of time during which the COMRIF application was being processed.
5. If the Township does receive funding, either in the amount set out in the proposed by-laws or a lesser amount agreed to between the Township and the Region, and ownership and jurisdiction over the local collection system therefore remains with the Township, the Township and Region agree they will do all things necessary to ensure the seamless continuation of construction of the project, including any necessary amendments to the settlement agreement.

Carried.

(See By-law No. S-0063-2004-103)

237 CONFIRMATORY BY-LAW

It was moved by Mayor Jones, seconded by Mayor Bell, that the following by-law be enacted to confirm the proceedings of this meeting of Council.

By-law No. M-0713-2004-105

To confirm the proceedings of Council at its meeting held on December 16, 2004.

Carried.

The Council meeting adjourned at 2:10 p.m.

Regional Clerk

Minutes confirmed and adopted at the meeting of Regional Council held on January 20, 2005.

Regional Chair