

**COUNCIL
OF
THE REGIONAL MUNICIPALITY OF YORK**

June 24, 2010

Regional Council met at 9:32 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:	Barrow, Black, Emmerson, Grossi, Jackson, Morris, Scarpitti, Van Bynen and Young
Regional Councillor:	Ferri, Frustaglio, Hogg, Jones, Landon, Rosati, Spatafora, Taylor, Virgilio and Wheeler
Staff:	Davidson, Hulton, Kurji, Llewellyn-Thomas, Macgregor, Mahoney, Russell, Urbanski and Tuckey

84 DISCLOSURES

None

85 MINUTES

It was moved by Mayor Young, seconded by Regional Councillor Frustaglio that Council confirm the Minutes of the Council meeting held on May 20, 2010 in the form supplied to the Members.

Carried

PRESENTATIONS

Council then received the following presentation:

86 FCM Sustainable Community Award

Regional Chair Fisch announced that the Region has received the 2010 Federation of Canadian Municipalities (FCM) Sustainable Community Award for its McCleary Court Community Environmental Centre (CEC) in Vaughan. The McCleary Court CEC provides residents with a convenient location to drop off a variety of materials, including clothing, household electronics,

appliances and construction waste. It is part of a network of facilities that has helped the Region to gain the number one ranking in the Province for waste diversion.

87 2010 Clean Air and Climate Change Summit - Recognition of Achievement

Regional Chair Fisch and Regional Councillor Frustaglio announced that the Region has been recognized for efforts to improve local air quality and reduce greenhouse gas emissions at the Clean Air Partnership's Clean Air and Climate Change Summit held earlier this month.

Among the Region's initiatives are:

- promoting walking and biking through the Region's Pedestrian and Cycling Master Plan
- adopting a minimum of a LEED (Leadership in Energy and Environmental Design) Silver standard for all new buildings and retrofitting existing facilities to be more energy efficient
- managing more than 2,200 hectares of Regional Forest in 20 different tracts
- promoting water conservation through its award-winning Water for Tomorrow program
- encouraging people to leave their cars at home and take its Viva and YRT transit services

88 Appointment of York Region Social Services General Manager as President of OMSSA

Regional Chair Fisch announced that the Region's General Manager of Social Services, David Rennie, was recently appointed President of the Ontario Municipal Social Services Association (OMSSA).

OMSSA is celebrating its 60th anniversary and promotes policy development and program delivery in the areas of children's services, affordable housing, homelessness prevention and social assistance.

Mr. Rennie's appointment carries forward a tradition of York Region staff members who have served as OMSSA presidents. Past York Region presidents have included former CAO Alan Wells, former Commissioner of Community and Health Services Joann Simmons and current Commissioner of Community and Health Services Adelina Urbanski (during her tenure with Halton Region). Joann Simmons was also honoured at the conference with a Lifetime Achievement Award for a legacy of contributions made over her 30-year career in municipal community services.

COMMUNICATIONS

Council considered the following communications:

89 Local Immigration Partnership Initiative

Mayor Frank Scarpitti, Town of Markham and Stephen Lam, Director of Immigrant Services, Co-Chairs of the Community Partnership Council June 24, 2010, providing an update on the Local Immigration Partnership Initiative.

It was moved by Mayor Emmerson, seconded by Regional Councillor Landon that Council receive the communication.

Carried

90 Keswick North Elevated Tank Class Environmental Assessment Study *(Clause 13 of Finance and Administration Committee Report No. 6.)*

Jim Davidson, Commissioner of Corporate Services and Erin Mahoney, Commissioner of Environmental Services, June 21, 2010, regarding the Keswick North Elevated Tank Class Environmental Assessment Study.

It was moved by Mayor Grossi, seconded by Mayor Jackson that Council receive the communication and refer it to consideration of Clause 13 of Report No. 6 of the Finance and Administration Committee.

Carried

(See Minute No. 97.)

91 International Fetal Alcohol Syndrome Awareness Day on September 9, 2010

Linda Wheeler, Co-Chair, Fetal Alcohol Syndrome Disorder Coalition of York Region, June 7, 2010, requesting that Council recognize International Fetal Alcohol Syndrome Awareness Day on September 9, 2010.

It was moved by Regional Councillor Spatafora, seconded by Regional Councillor Ferri that Council receive the communication and recognize International Fetal Alcohol Syndrome Awareness Day on September 9, 2010.

Carried

92 Update on 211 and its Potential Launch in York Region

Adelina Urbanski, Commissioner of Community and Health Services, June 24, 2010 providing an update on 211 and its potential launch in York Region

It was moved by Mayor Grossi, seconded by Regional Councillor Frustaglio that Council receive the communication.

Carried

93 Appointment of an Associate Medical Officer of Health
(Bill No. 52)

Adelina Urbanski, Commissioner of Community and Health Services, June 22, 2010 regarding the appointment of an Associate Medical Officer of Health for the Region.

It was moved by Mayor Morris, seconded by Regional Councillor Virgilio that Council receive the communication and consider it in conjunction with Bill No. 52.

Carried

(See Minute No. 98 and By-law No. 2010-50.)

94 Request for Roadway Transfer, Nashville Road – Highway 50 to Highway 27 – City of Vaughan
(Clause 17, Item 1 of Transportation Services Committee Report No. 6)

Kathleen Llewellyn-Thomas, Commissioner of Transportation Services, June 24, 2010, regarding Request for Roadway Transfer, Nashville Road – Highway 50 to Highway 27 – City of Vaughan

It was moved by Mayor Jackson, seconded by Mayor Van Bynen that Council receive the communication and refer it to consideration of Clause 17, Item 1 of Transportation Services Committee Report No. 6.

Carried

(See Minutes Nos. 98, 100 and 117.)

95 2010 Development Charges By-law Amendment – Proposed Rate Increases
(Report No. 3 of the Commissioner of Finance)

Jim Kirk, Malone Given Parsons Ltd., June 23, 2010, on behalf of Times Group Corporation regarding the 2010 Development Charges By-law Amendment – Proposed Rate Increases.

It was moved by Mayor Van Bynen, seconded by Regional Councillor Spatafora that Council receive the communication and refer it to consideration of Report No. 3 of the Commissioner of Finance.

Carried

(See Minute No. 98.)

96 York Region Official Plan – December 2009

(Clause 5 of Planning and Economic Development Committee Report No. 5)

ROPA 1

Fernando Lamanna, Deputy Clerk, Town of East Gwillimbury, June 15, 2010

ROPA 2

Templar Trinaistich, Senior Project Manager, Delta Urban Inc., Delta Urban Inc., June 16, 2010

Ken Schwenger, President, Kleinburg and Area Ratepayers' Association, June 17, 2010

Ken Schwenger, President, Kleinburg and Area Ratepayers' Association, June 14, 2010

It was moved by Mayor Young, seconded by Regional Councillor Frustaglio that Council receive the communications and refer them to consideration of Clause 5 of Planning and Economic Development Committee Report No. 5.

Carried

(See Minute No. 98.)

97 York Region Official Plan – December 2009

Regional Analysis of Draft Provincial Modifications and Further Submissions

(Clause 6 of Planning and Economic Development Committee Report No. 5)

James Kennedy, President, KLM Planning Partners Inc., on behalf of Casa Development Inc., June 23, 2010

Jeffrey Davies, Davies Howe Partners, on behalf of Rizmi Holdings Limited, June 23, 2010

Ms. Draga Barbir, Barbir & Associates, on behalf of Paul Jadilebovski, June 23, 2010

Templar Trinaistich, Senior Project Manager, Delta Urban Inc., on behalf of Giampaolo Investments Limited and Vinview Development Inc.

It was moved by Mayor Young, seconded by Regional Councillor Wheeler that Council receive the communications and refer them to consideration of Clause 6 of Planning and Economic Development Committee Report No. 5.

Carried

(See Minute No. 98.)

98 COMMITTEE REPORTS

It was moved by Mayor Van Bynen, seconded by Regional Councillor Hogg that Council resolve itself into Committee of the Whole to consider the following reports:

Report No. 2 of the Audit Committee
Report No. 5 of the Community and Health Services Committee
Report No. 6 of the Environmental Services Committee
Report No. 6 of the Finance and Administration Committee
Report No. 5 of the Planning and Economic Development Committee
Report No. 6 of the Transportation Services Committee
Report No. 2 of the Chief Administrative Officer
Report No. 3 of the Commissioner of Finance
Report No. 1 of the Commissioner of Planning and Development Services
Report No. 2 of the Commissioner of Corporate Services
Report No. 3 of the Commissioner of Corporate Services

Carried

Regional Chair Fisch chaired the Committee of the Whole.

The Committee of the Whole rose and recommended that Council adopt the recommendations in the following reports with amendments as noted:

Report No. 2 of the Audit Committee

Report No. 5 of the Community and Health Services Committee

Report No. 6 of the Environmental Services Committee

Clause 3, regarding Update on Residual Waste Processing and Clause 11, regarding York Region Waste Management Centre Operating Contract Garfield Wright Drive were referred to Private Session.

(See Minutes Nos. 101, 102 and 103.)

Report No. 6 of the Finance and Administration Committee

Clause 6, regarding 2010 Development Charge By-law Amendment Proposed Rate Increases was received. See the adoption of Report No. 3 of the Commissioner of Finance.

Report No. 5 of the Planning and Economic Development Committee

Clause 2, regarding Three-Stream Waste Management in New High-Rise Residential Buildings was amended to include recommendation 4 as follows:

4. *Council request the Ministry of Municipal Affairs and Housing to amend the Building Code to include mandatory three-stream waste management in high-rise residential buildings.*

Clause 8, regarding the Proposed Lake Simcoe Phosphorous Reduction Strategy, Feasibility Study for Water Quality Trading and Shoreline Protection Discussion Paper was amended to include recommendation 1a) as follows:

- 1(a) *Council request that the Province provide sufficient ongoing funding to support the implementation of the Lake Simcoe Protection Plan, including the phosphorous reduction components of the Plan.*

Clause 12, regarding the Town of Markham Request for Deletion of Land from the Oak Ridges Moraine Conservation Plan, the Greenbelt Plan and Growth Plan was amended to include recommendation 3 as follows:

3. *York Region requests, in conjunction with the Town of Markham, that the Minister of Municipal Affairs and Housing and the Minister of Energy and Infrastructure delete the subject lands from the Greenbelt Plan and effect a parallel amendment to the Growth Plan.*

Report No. 6 of the Transportation Services Committee

Clause 17, Item 1, regarding Transfer of Nashville Road From the Region to the City of Vaughan was amended to refer it back to staff for a report to the September 8, 2010 meeting of the Transportation Services Committee.

(See Minutes Nos. 100 and 117.)

Report No. 2 of the Chief Administrative Officer

Report No. 3 of the Commissioner of Finance

Report No. 1 of the Commissioner of Planning and Development Services

Report No. 2 of the Commissioner of Corporate Services, and

Report No. 3 of the Commissioner of Corporate Services

It was moved by Mayor Emmerson, seconded by Regional Councillor Wheeler that Council adopt the recommendations of the Committee of the Whole.

Carried

99 BY-LAWS

It was moved by Regional Councillor Virgilio, seconded by Regional Councillor Taylor that Council introduce and approve certain Bills in the form as noted on the Revised Agenda and enact them as By-laws.

- | | |
|--------------------|---|
| By-Law No. 2010-39 | To acquire certain lands for or in connection with constructing the Southeast Collector Sewer, in the Town of Markham and City of Pickering |
| By-law No. 2010-40 | To dedicate certain lands for the purposes of a public highway |
| By-law No. 2010-41 | To amend by-law no. R-629-79-109 to designate through highways |
| By-law No. 2010-42 | A By-law to amend By-law No. R-1329-2002-131 being a by-law to prescribe maximum rates of speed on Bloomington Road (Y.R. 40) |
| By-law No. 2010-43 | A By-law to amend By-law No. R-1320-2002-122 being a by-law to prescribe maximum rates of speed on St. John's Sideroad (Y.R. 26) |
| By-law No. 2010-44 | To amend By-law No. R-1102-96-100 to prohibit or regulate parking and stopping on Regional Roads |
| By-law No. 2010-45 | To Authorize the Borrowing Upon Debentures in The Principal Amount of \$30,000,000.00 for a Purpose of The Regional Municipality Of York |
| By-law No. 2010-46 | To Authorize the Borrowing Upon Debentures in The Principal Amount of \$14,300,000.00 for a Purpose of The Regional Municipality Of York |
| By-law No. 2010-47 | To Authorize the Borrowing Upon Debentures in The Principal Amount of \$12,000,000.00 for a Purpose of The Town of Markham |
| By-law No. 2010-48 | A by-law to delegate authority to the Regional Treasurer to establish "clawback" percentages for the 2010 taxation year for the commercial, industrial and multi-residential property classes |
| By-law No. 2010-49 | To amend By-law No. DC-0007-2007-040, as amended |

By-law No. 2010-50 To provide for the appointment of an Associate Medical Officer of Health

By-law No. 2010-51 To authorize the borrowing upon sinking fund debentures in the principal amount of \$200,000,000.00 (\$122,000,000.00 of which amount may be raised by the issue of refinancing debentures on or before the maturity date) for the capital works of The Regional Municipality of York

Carried

OTHER BUSINESS

Council approved the introduction of the following motion by a two-thirds majority vote.

100 Transfer of Nashville Road, From Highway 50 to 27, to the City of Vaughan

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

1. Staff be authorized to prepare a by-law to enact a temporary truck ban on Nashville Road, from Highway 50 to Highway 27, in the City of Vaughan until October 1, 2010 pending a staff report to the Transportation Services Committee and Council in September 2010 on the implications of a potential transfer of that stretch of road from the Region to the City of Vaughan; and
2. Staff monitor and report back in September 2010 on the levels of truck traffic that are directed on to Major Mackenzie Drive and Rutherford Road.

Carried

(See Minute No. 117.)

101 PRIVATE SESSION

It was moved by Regional Councillor Jones, seconded by Regional Councillor Wheeler that Council convene in Private Session for the purpose of considering the following:

1. Private Report of the Finance and Administration Committee – Bus Facilities, Toronto-York Spadina Subway Extension, Project 90996, City of Vaughan - Land Acquisition

2. Private Report of the Finance and Administration Committee – Land Exchange for Toronto-York Spadina Subway Extension Project 90996, City of Vaughan – Land Acquisition
3. Private Report of the Audit Committee – Status Update: Averro Security (GTA1) Inc. – Solicitor-Client and Potential Litigation
4. Private Report of the Environmental Services Committee – Richmond Hill Community Environmental Centre Lease Agreement and Status Update – Project 76335 - Land Acquisition
5. Private Memorandum – Environmental Services Committee - Agreement for Residual Waste Processing – Solicitor-Client
6. Private Report of the Commissioner of Environmental Services – Residual Waste and Source Separated Organics Contingency – Potential Litigation
7. Private Memorandum of the Regional Solicitor – York Region Official Plan and North Leslie Secondary Plan – Potential Litigation
8. Private Report of the Commissioner of Finance – Development Charges – Potential Litigation
9. Private Attachment – Report No. 3 of the Commissioner of Corporate Services – Acquisition of Land Highway 7 – Yonge Street to Warden Avenue (H3) VivaNext Project 90773 – Land Acquisition
10. Private Report of the Chief Administrative Officer – Legal Action Regarding 2005 Memorandum of Understanding – Litigation
11. Private Attachment – Clause 14 of Finance and Administration Committee Report No. 6 – Expropriation Settlement and Land Acquisition York Region Rapid Transit Corporation Davis Drive Project 90991, Town of Newmarket – Land Acquisition
12. Private Report of the Chief Administrative Officer – CUPE 905 (York Region Unit) Bargaining Update – Labour Relations
13. Private Report of the Commissioner of Transportation Services – Southeast Division Bus Operations and Maintenance Contract – Security of Municipal Property and Potential Land Acquisition
14. Clause 3 of Environmental Services Committee Report No. 6, Update on Residual Waste Processing – Solicitor-Client
15. Clause 11 of Environmental Services Committee Report No. 6, York Region Waste Management Centre Operating Contract Garfield Wright Drive – Security of Municipal Property

Carried

Council met in Private Session at 1:10 p.m. and reconvened in Council at 3:29 p.m.

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

Carried

102 Update on Residual Waste Processing

(Clause 3 of Environmental Services Committee Report No. 6)

It was moved by Regional Councillor Ferri, seconded by Regional Councillor Virgilio that Council adopt the recommendations in Clause 3 of Environmental Services Committee Report No. 6.

Carried

103 York Region Waste Management Centre Operating Contract Garfield Wright Drive

(Clause 11 of Environmental Services Committee Report No. 6)

It was moved by Regional Councillor Landon, seconded by Regional Councillor Spatafora that Council adopt the recommendations in Clause 11 of Environmental Services Committee Report No. 6.

Carried

104 Bus Facilities, Toronto-York Spadina Subway Extension, Project 90996, City of Vaughan

It was moved by Regional Councillor Wheeler, seconded by Mayor Black that Council adopt the confidential directions to staff.

Carried

105 Land Exchange for Toronto-York Spadina Subway Extension Project 90996, City of Vaughan

It was moved by Regional Councillor Virgilio, seconded by Mayor Barrow that Council adopt the recommendations in the private report of the Finance and Administration Committee as follows:

1. The Commissioner of Corporate Services be authorized to negotiate and finalize the business terms of a land exchange agreement or other agreement with UPS, the Region and the City of Vaughan to facilitate the construction of the Toronto-York Spadina Subway Extension (TYSSE) and surface transit facilities at the Steeles West Station in the City of Vaughan.

2. The Commissioner of Corporate Services be authorized to negotiate and finalize the business terms of any required agreements between the Region and the City of Vaughan for the transfer of the storm water management pond lands at Steeles Avenue and Jane Street for the purpose of the land exchange with UPS and for the transfer of lands acquired from UPS to the City of Vaughan for new road infrastructure.
3. The Commissioner of Corporate Services be authorized to negotiate and finalize the business terms of any required agreements with the Region, the City of Vaughan and the Toronto Region Conservation Authority (TRCA) for the delivery, funding arrangements (including front-ending and development charge credit agreements as appropriate), and management of new storm water management facilities on the TRCA lands at Black Creek.
4. Upon finalizing each of the above business terms, the Commissioner of Corporate Services be authorized to execute the necessary legal agreements on behalf of the Region, subject to the prior review of Legal Services.

Carried

106 Status Update: Averro Security (GTA1) Inc.

It was moved by Mayor Emmerson, seconded by Regional Councillor Jones that Council receive the private report of the Audit Committee.

Carried

107 Richmond Hill Community Environmental Centre Lease Agreement and Status Update – Project 76335

It was moved by Mayor Barrow, seconded by Regional Councillor Hogg that Council adopt the recommendations in the private report of the Environmental Services Committee as follows:

1. The Region be authorized to enter into a lease for a ten-year term, commencing on March 1, 2011 with The Corporation of the Town of Richmond Hill, for Environmental Services, located at 1200 Elgin Mills Road, 1st Floor, in the Town of Richmond Hill, consisting of 7,591 square feet.
2. The Region be authorized to enter into a Shared-Use and Access agreement with the Corporation of the Town of Richmond Hill (Town) to provide the Region with use and an access route across the Town's land leading into the Region's land.
3. The Commissioner of Corporate Services be authorized to sign a lease extension agreement with the Town, if required, for two additional periods of up to five (5) years each, at a rental rate to be agreed by the Region and the Town, for the above-noted lease.

4. The Region request that the Town of Richmond Hill provide full building permits by July 15, 2010 with execution of all agreements conditional on occupancy to ensure that construction is completed by March 2011.

Carried

108 Agreement for Residual Waste Processing

It was moved by Regional Councillor Wheeler, seconded by Regional Councillor Spatafora that Council receive the private memorandum from Senior Counsel.

Carried

109 Residual Waste and Source Separated Organics Contingency

It was moved by Regional Councillor Landon, seconded by Regional Councillor Ferri that Council adopt the recommendations in the private report of the Commissioner of Environmental Services as follows:

1. Regional Council authorize sole source procurement of contingency landfill capacity from Niagara Waste Systems Limited at an upset limit fee of \$5,760,000 for a period of three years plus two additional one year terms, commencing on June 28, 2010, with an option to renew for an additional five years;
2. Regional Council authorize the Commissioner of Environmental Services to negotiate contract extensions within the scope of the terms of the agreement.

Carried

110 York Region Official Plan and North Leslie Secondary Plan

It was moved by Mayor Barrow, seconded by Mayor Emmerson that Council receive the private memorandum of the Regional Solicitor.

Carried

111 Development Charges

It was moved by Regional Councillor Jones, seconded by Regional Councillor Virgilio that Council adopt the recommendations in the private report of the Commissioner of Finance, including recommendations 2a) and 2b) as follows:

- 2a) the existing deferral policy for high-rise residential be extended to also include high-rise office development; and

- 2b) the prepayment policy approved by Regional Council April 22, 2010 be amended to allow for mixed-use high-rise development to prepay development charges as outlined below:

Specific projects be allowed to pay their development charges prior to the actual issuance of the building permit and retain all of the existing deferrals that are available through Regional policies subject to the following:

1. 25% of the development charges payable be paid in cash up-front;
2. 75% of the development charges to be secured at the time of execution of the prepaid agreement or to the satisfaction of the Commissioner of Finance;
3. the building permit must be issued within 18 months (if not there would be a requirement to pay the difference between the rates in place when the building permit is actually issued and the rates paid originally);
4. the Region will provide a deferral for high-rise office development for 18 months; and
5. the applicant agrees to not appeal the current development charge by-law amendment

Carried

112 Acquisition of Land Highway 7 – Yonge Street to Warden Avenue (H3) VivaNext Project 90773

It was moved by Regional Councillor Landon, seconded by Mayor Van Bynen that Council receive the private attachment to Report 3 of the Commissioner of Corporate Services.

Carried

113 Legal Action Regarding 2005 Memorandum of Understanding

It was moved by Regional Councillor Taylor, seconded by Mayor Morris that Council adopt the recommendations in the private report of the Chief Administrative Officer.

Carried

114 Expropriation Settlement and Land Acquisition York Region Rapid Transit Corporation Davis Drive Project 90991, Town of Newmarket

It was moved by Mayor Van Bynen, seconded by Regional Councillor Taylor that Council receive the confidential attachment to Clause 14 of Finance and Administration Committee Report No. 6.

Carried

115 CUPE 905 (York Region Unit) Bargaining Update

It was moved by Mayor Black, seconded by Regional Councillor Wheeler that Council adopt the recommendation in the private report of the Chief Administrative Officer.

Carried

116 Southeast Division Bus Operations and Maintenance Contract – Security of Municipal Property and Potential Land Acquisition

It was moved by Regional Councillor Jones, seconded by Regional Councillor Landon that Council receive the private report of the Commissioner of Transportation Services and adopt the following:

1. the Region extend its contract with Miller Transit Ltd for an additional six months from April 2, 2011 on condition that the lease for the facilities located at 8050 Woodbine Ave. be extended for an additional six months, and continue with negotiations with Miller; and
2. in the event that negotiations are not successful in the next three weeks, staff be authorized to issue a Request for Proposal for the south-east division bus operations and maintenance contract.

Carried

BY-LAW

117 Nashville Road Heavy Truck Prohibition

It was moved by Regional Councillor Landon, seconded by Regional Councillor Spatafora that Council permit the introduction of a Bill to prohibit heavy trucks on Nashville Road between Highway 27 and Highway 50 until October 1, 2010.

Carried on a two-thirds majority vote

It was then moved by Regional Councillor Ferri, seconded by Regional Councillor Virgilio that Council approve Bill No. 54 and enact it as a By-law.

By-law No. 2010-52 To amend By-Law No. R-1017-93-112 which prohibits heavy trucks on Regional Roads

Carried

118 CONFIRMATORY BY-LAW

It was moved by Mayor Morris, seconded by Regional Councillor Virgilio that Council enact the following by-law to confirm the proceedings of this meeting of Council.

By-law No. 2010-53

To confirm the proceedings of Council at its meeting held on
June 24, 2010.

Carried

The Council meeting adjourned at 3:40 p.m.

Regional Clerk

Minutes confirmed and adopted at the meeting of Regional Council held on September 23,
2010.

Regional Chair