

**COUNCIL
OF
THE REGIONAL MUNICIPALITY OF YORK**

May 21, 2009

Regional Council met at 9:33 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, Morris, Van Bynen and Young
Regional Councillor:	Ferri, Frustaglio, Heath, Hogg, Jones, Landon, Spatafora, Taylor, and Wheeler
Staff:	Davidson, Hulton, Kurji, Llewellyn-Thomas, Macgregor, Mahoney, Russell, Simmons and Tuckey

58 MINUTES

It was moved by Mayor Grossi, seconded by Regional Councillor Hogg that Council confirm the Minutes of the Council meeting held on April 23, 2009 in the form supplied to the Members.

Carried

PRESENTATIONS

Council received the following presentations:

59 Delegation from Sora, Italy

Regional Councillor Ferri introduced Deputy Mayor Gabriella Paolacci and Planning Director Assessore Roberto DeDonatis who are part of a delegation from the City of Sora, Italy, visiting their sister city, Vaughan. Deputy Mayor Paolacci addressed Council and brought greetings from Sora.

Regional Chair Fisch, Regional Councillor Ferri and Regional Councillor Frustaglio joined in presenting a token of appreciation on behalf of the Region to Deputy Mayor Paolacci and Mr. DeDonatis.

60 National Public Works Week Challenge

Regional Chair Fisch congratulated Mayor James Young for winning the Mayor's challenge in the driving competition during National Public Works Week on May 20, 2009. He also thanked Mayor David Barrow of the Town of Richmond Hill for organizing the event.

61 2009 Bob Hartwell Runners' Challenge

Mayor Morris indicated that the Towns of Aurora and Newmarket recently participated in the Bob Hartwell Runners' Challenge, in recognition of Mr. Hartwell, a former municipal councilor with Aurora and a marathon runner. Mayor Van Bynen issued a Mayor's challenge to Aurora, which accepted and subsequently won the competition. All proceeds from the run were donated to Southlake Regional Health Centre.

62 Retirement – Don Gordon

Regional Chair Fisch announced the upcoming retirement of Don Gordon, General Manager, York Region Transit and thanked Don, on behalf of Council, for his yeoman's work in the development of the transit system in York Region and for his contributions to the Town of Markham over the past 32 years.

COMMUNICATIONS

Council considered the following communications:

**63 English as a Second Language Week
December 6 to December 12, 2009**

Susan Richarz, President, TESL North York/York Region, requesting that Council recognize December 6 to 12, 2009 as "English as a Second Language Week".

It was moved by Regional Councillor Hogg, seconded by Regional Councillor Spatafora that Council receive the communication and recognize December 6 to 12, 2009 as "English as a Second Language Week".

Carried

**64 Annual Persechini Run/Walkathon
May 31, 2009, Newmarket, Ontario**

Lorella (Lory) Paterson, District Manager, Easter Seals Ontario, May 8, 2009, regarding the Annual Persechini Run/Walkathon and requesting deputant status for Mr. Mike Smith, Executive Committee Chairperson.

It was moved by Mayor Emmerson, seconded by Mayor Morris that Council receive the communication and grant deputant status to Mr. Smith.

Carried

**65 Hunger Awareness Day
June 2, 2009**

Joan Stonehocker, Executive Director, York Region Food Network, May 12, 2009, requesting that June 2, 2009 be recognized as “Hunger Awareness Day” and requesting deputant status.

It was moved by Regional Councillor Ferri, seconded by Mayor Young that Council receive the communication, recognize June 2, 2009 as “Hunger Awareness Day” and grant deputant status to Ms. Stonehocker.

Carried

**66 2009 Accessibility Plan
National Access Awareness Week**

It was moved by Regional Councillor Spatafora, seconded by Regional Councillor Wheeler that Council grant deputant status to Donna Hardaker, York Region Accessibility Advisory Committee member.

Carried

DEPUTATIONS

Council then heard the following deputation:

67 Annual Persechini Run/Walkathon

Mr. Mike Smith, Executive Committee Chairperson addressed Council regarding the Annual Persechini Run/Walkathon to be held at the Upper Canada Mall in Newmarket on May 31, 2009. He indicated that this event has raised over \$3.4 million for needy children over the years. Mr. Smith challenged everyone to attend the 33rd annual run/walkathon and bring one more person to participate. Regional Chair Fisch and Mayor Van Bynen, Honorary Chair of the run/walkathon,

congratulated Regional staff for their work on behalf of the run/walkathon and for their participation in the event.

It was moved by Mayor Van Bynen, seconded by Regional Councillor Landon that Council receive the deputation and encourage everyone to participate in Annual Persechini Run/Walkathon.

Carried

**68 2009 Accessibility Plan
National Access Awareness Week and Invisible Disabilities**

Donna Hardaker, York Region Accessibility Advisory Committee Member, addressed Council regarding the 2009 Accessibility Plan, National Access Awareness Week and Invisible Disabilities. She indicated that over the past six years of accessibility planning, York Region has addressed over 500 barriers to accessibility. This year's plan addresses 77 initiatives to remove barriers. Ms. Hardaker thanked Council for recognizing May 24 – 30, 2009 as National Access Awareness Week, and noted that she will be facilitating a session for staff next week on one of the least understood and invisible disabilities, mental illness.

It was moved by Regional Councillor Spatafora, seconded by Mayor Grossi that Council receive the deputation and congratulate the Committee and staff for their work on the plan.

Carried

69 Hunger Awareness Day

Joan Stonehocker, Executive Director, York Region Food Network, addressed Council regarding the recognition of June 2, 2009 as "Hunger Awareness Day". She indicated that there are food banks located that help a total of over 4,000 residents a month in all nine municipalities in York Region. Food bank access has increased by 29% in the Region in the first four months this year compared to the same period in 2008, and the number of new families has increased by 51% in the same period. Ms. Stonehocker also thanked the Region for its continued support of the community gardens in the Eldred King Parkette and invited members to participate in the lunch and learn event on June 2, 2009 at the York Region Food Network offices in Newmarket.

It was moved by Mayor Grossi, seconded by Regional Councillor Hogg that Council receive the deputation.

Carried

70 COMMITTEE REPORTS

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

Report No. 4 of the Community Services and Housing Committee

Report No. 6 of the Rapid Transit Public/Private Partnership Steering Committee
Report No. 3 of the Solid Waste Management Committee
Report No. 6 of the Transit Committee
Report No. 5 of the Transportation and Works Committee
Report No. 3 of the Commissioner of Finance
Report No. 4 of the Commissioner of Finance
Report No. 5 of the Commissioner of Finance
Report No. 6 of the Commissioner of Finance
Report No. 1 of the Commissioner of Community and Health Services and the Commissioner of Finance

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. 4 of the Community Services and Housing Committee, with the following amendment:

Clause 6, regarding Access-Ability: York Region's 2009 Accessibility Plan – adoption of the recommendations contained in the report dated May 5, 2009, from the Commissioner of Community and Health Services, with the following additional recommendation:

4. *The Regional Clerk forward this report to the Clerks of the local municipalities and to the appropriate provincial authorities.*

Report No. 6 of the Rapid Transit Public/Private Partnership Steering Committee

Report No. 3 of the Solid Waste Management Committee

Report No. 6 of the Transit Committee

Report No. 5 of the Transportation and Works Committee

Report No. 3 of the Commissioner of Finance

Report No. 4 of the Commissioner of Finance

Report No. 5 of the Commissioner of Finance

Report No. 6 of the Commissioner of Finance

Report No. 1 of the Commissioner of Community and Health Services and the Commissioner of Finance

This report was referred to Private Session – land acquisition. See Minutes Nos. 74 and 79.

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

Carried

71 BY-LAWS

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

By-law No. 2009-25 To stop up and close a portion of Teston Road (Y.R. No. 49) in the City of Vaughan.

By-law No. 2009-26 To authorize the borrowing upon instalment debentures in the aggregate principal amount of \$31,906,000.00 (five year instalment debentures in the principal amount of \$3,111,000.00 and ten year instalment debentures in the principal amount of \$28,795,000.00) for purposes of The Regional Municipality of York.

By-law No. 2009-27 To authorize the borrowing upon instalment debentures in the principal amount of \$8,094,000.00 for purposes of the Corporation of the City of Vaughan.

By-law No. 2009-28 To provide for the borrowing of the aggregate of the principal amounts authorized by by-laws numbered 2009-26 and 2009-27 and for the issuing of one series of instalment debentures therefor in the aggregate principal amount of \$40,000,000.00.

By-law No. 2009-29 A by-law to authorize certain Capital Works of The Regional Municipality of York (the “Municipality”); to authorize the submission of an application to the Ontario Infrastructure Projects Corporation (“OIPC”) for financing such Capital Works; to authorize temporary borrowing from OIPC to meet expenditures in connection with such works; and to authorize long term borrowing from OIPC for such works through the issue of debentures

Carried

OTHER BUSINESS

72 AMO Board of Directors Regional and Single-Tier Caucus

It was moved by Regional Councillor Frustaglio, seconded by Mayor Morris that the Council of the Regional Municipality of York consents to Regional Chair Bill Fisch running for the 2009 – 2010 AMO Board of Directors Regional and Single Tier Caucus.

Carried

73 Speed Limit Revision Ravenshoe Road, Town of Georgina

Mayor Grossi requested that Council waive notice requirements and consider the matter of raising the speed limits on a certain portion of Ravenshoe Road. Following a short discussion, the Regional Chair directed that this item be placed on the agenda for the Special Council Meeting on May 28, 2009.

74 PRIVATE SESSION

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

1. Private Report of the Commissioner of Finance – Finalization of the Ninth Line By-Pass/Box Grove, Development Charge Credit Request, Town of Markham – Solicitor Client.
2. Private Memo from Sean Love, Counsel, Environmental Law – The Donald Cousens Parkway Individual Environmental Assessment and the Town of Markham's Request to Construct a Local Municipal Road in the Community of Box Grove from Highway 407 to the Ninth Line By-Pass – Solicitor-Client.
3. Private Report of the Transit Committee – York Region Transit, Bus Advertising Contract Settlement - Potential Litigation and Solicitor-Client.
4. Private Report of the Commissioner of Finance and the Regional Solicitor – Settlement of the Harvest Hills/Minto Development – Charge Complaint Appeal – Solicitor-Client.
5. Report No. 1 of the Commissioner of Community and Health Services and the Commissioner of Finance – Loan Request – Hesperus Fellowship Village – Land Acquisition.

Carried

Council met in Private Session at 11:42 a.m. and reconvened in Council at 12:47 p.m.

It was moved by Regional Councillor Ferri, seconded by Mayor Morris that Council rise and report from Private Session.

Carried

**75 Finalization of the Ninth Line By-Pass/Box Grove
Development Charge Credit Request
Town of Markham**

It was moved by Mayor Van Bynen, seconded by Regional Councillor Jones that Council adopt the recommendations contained in the private report of the Commissioner of Finance, dated May 21, 2009 as follows:

1. Council authorize a final development charge (“DC”) credit in the amount \$945,421 (88%) for the growth-related component (development charge) and a payment of \$128,921 (12%) for the non-growth component (tax levy) of the proposed road works undertaken by Box Grove Developer Group in the Town of Markham, subject to completion of the works to the satisfaction of the Commissioner of Transportation Services, and
2. The Regional Treasurer be authorized to fund the growth component of the development charge credit totalling \$945,421 from the Regional road DC previously collected from the developer through buildout of the subdivision within the Box Grove Community area, subject to receipt of the final release from the Box Grove Developer Group.
3. The Regional Chair and the Clerk be authorized to execute any release documents required by as a result of the settlement.

Carried

The balance of the report to remain private under the provisions of the *Municipal Act* as it is subject to Solicitor-Client Privilege.

76 The Donald Cousens Parkway Individual Environmental Assessment and the Town of Markham’s Request to Construct a Local Municipal Road in the Community of Box Grove from Highway 407 to the Ninth Line By-Pass

It was the direction of Council that this item be deferred to the June 11, 2009 Finance and Administration Committee meeting.

**77 York Region Transit
Bus Advertising Contract Settlement**

It was moved by Regional Councillor Landon, seconded by Mayor Morris that Council adopt the recommendations contained in the private report of the Commissioner of Transportation Services and Regional Solicitor, dated May 14, 2009 as follows:

1. The Region enter into a new bus advertising contract for a term expiring on September 30, 2015 with 1351731 Ontario Inc. (operating as Durham Promotions International) limited to the placement of traditional vinyl advertising on York Region Transit buses which will replace the Region's existing contract with Durham Promotions International dated as of October 1, 2005 (the "October 2005 Contract" or the "Contract"), in accordance with the terms and provisions more particularly set forth in this report.
2. The Region approve the terms of an interim Memorandum of Understanding with Durham Promotions International, dealing with a number of operational issues arising out of the vinyl advertising, the terms of which can then be incorporated into the new bus vinyl advertising contract with Durham Promotions International.
3. The Region enter into a five-year agreement with Byte Media Inc. for the provision of the existing Innovative Media services pertaining to video screens on Viva buses, in accordance with the terms and provisions more particularly set forth in this report.
4. The Region purchase from Byte Media Inc. all rights, licences and title to any and all technical infrastructure relating to innovative media, including on-board LCD video screens and software previously developed by Byte Media Inc. for the video screens under the October 2005 Contract between the Region and Durham Promotions International.
5. The Region execute and deliver separate Minutes of Settlement with each of Durham Promotions International and Byte Media Inc. in respect of all claims arising from disputes under the October 2005 Contract, the terms of which shall not be disclosed to the other party and which will be incorporated into the agreements referred to above, with the proviso that neither Minutes of Settlement will be effective nor enforceable against the Region until they have been signed by both Durham Promotions International and Byte Media Inc.
6. The Region execute and deliver a Full and Final Mutual Release with each of Durham Promotions International and Byte Media Inc., wherein each of the parties thereto shall fully release the others from any claims from disputes under the October 2005 Contract.
7. The Regional Chair and Regional Clerk be authorized to execute the above documents on the Region's behalf, subject to the prior review of Legal Services, together with any ancillary documents with respect thereto.

Carried

The balance of the report to remain private under the provisions of the *Municipal Act* as it pertains to Potential Litigation and is subject to Solicitor-Client Privilege.

78 Settlement of the Harvest Hills/Minto Development Charge Complaint Appeal

It was moved by Regional Councillor Spatafora, seconded by Regional Councillor Jones that Council adopt the recommendations contained in the private report of the Commissioner of Finance and the Regional Solicitor, dated May 21, 2009 as follows:

1. The complaint filed against the Region pursuant to the *Development Charges Act*, 1997, by Harvest Hills/Minto be settled substantially in accordance with the terms and conditions outlined in the report.
2. The Regional Solicitor be authorized to execute minutes of settlement substantially in accordance with the terms and conditions outlined in the report, to the satisfaction of the Commissioner of Finance.

Carried

The balance of the report to remain private under the provisions of the *Municipal Act* as it is subject to Solicitor-Client Privilege.

79 Loan Request – Hesperus Fellowship Village
(Report No. 1 of the Commissioner of Community and Health Services and the Commissioner of Finance)

It was moved by Regional Councillor Ferri, seconded by Mayor Morris that Council adopt Report No. 1 of the Commissioner of Community and Health Services and the Commissioner of Finance, dated May 21, 2009, including the following recommendation:

1. The Region lend Hesperus Fellowship Village \$755,000 on the terms set out in section 4.2 of this report.

Carried

80 CONFIRMATORY BY-LAW

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

By-law No. 2009-30	To confirm the proceedings of Council at its meeting held on May 21, 2009.
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Carried

The Council meeting adjourned at 12:53 p.m.

Regional Clerk

Minutes confirmed and adopted at the meeting of Regional Council held on June 25, 2009.

Regional Chair