

**COUNCIL  
OF  
THE REGIONAL MUNICIPALITY OF YORK**

November 15, 2007

Regional Council met at 9:34 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, Scarpitti, Van Bynen and Young

Regional Councillor: Ferri, Frustaglio, Heath, Jones, Landon, Rosati, Spatafora, Taylor  
Wheeler, and Wong

Staff: Davidson, Hulton, Jankowski, Korolnek, Kurji, Macgregor, Russell, Simmons,  
Tuckey

**PRESENTATIONS**

**167 Solid Waste Association of North America (SWANA) Gold Award**

Andrew Campbell, Director of Solid Waste Management, advised Council that the Solid Waste Association of North America (SWANA) recently awarded the Region with its Gold Award for the Region's 2006 Household Hazardous Waste promotion and education campaign.

Regional Councillor Landon had previously accepted the SWANA award at the 2007 WASTECON Conference. Regional Councillor Ferri, Chair of the Solid Waste Management Committee, and Regional Councillor Heath, Vice-Chair of the Committee, accepted the award today on behalf of Regional Council. Regional Chair Fisch congratulated all staff members who were involved in the promotion and education campaign.

**168 2007 Masonry Masterpiece Awards**

Regional Chair Fisch advised that the Region was recently awarded the 2007 Masonry Masterpiece Award from the Masonry Association of Ontario in honour of the Regional Administrative Centre. Regional Chair Fisch noted that four current members of Regional Council were on Council at the time of the opening of the Regional Administrative Centre, being Mayor Scarpitti and Regional Councillors Landon, Rosati and Wheeler.

Regional Chair Fisch congratulated all Members of Council and staff members who were involved with the construction and opening of the Regional Administrative Centre on a job well done.

## **169 MINUTES**

It was moved by Regional Councillor Spatafora, seconded by Regional Councillor Rosati, that the Minutes of the Council meeting held on October 18, 2007 be confirmed in the form supplied to the Members.

Carried

## **170 COMMITTEE REPORTS**

The following reports were presented for the consideration of Council:

Report No. 4 of the Audit Committee

Report No. 9 of the Community Services and Housing Committee

Report No. 9 of the Finance and Administration Committee

Report No. 3 of the Joint Rapid Transit Public/Private Partnership Steering Committee and the Transit Committee

Report No. 9 of the Planning and Economic Development Committee

Report No. 10 of the Solid Waste Management Committee

Report No. 8 of the Transit Committee

Report No. 9 of the Transportation and Works Committee

Report No. 1 of the Regional Solicitor (*Deferred from the Regional Council meeting of October 18, 2007*)

It was moved by Regional Councillor Landon, seconded by Mayor 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. 4 of the Audit Committee be adopted without amendment;

Report No. 9 of the Community Services and Housing Committee be adopted without amendment;

Report No. 9 of the Finance and Administration Committee be adopted without amendment;

*Clause 7 relating to a proposed amendment to the Purchasing By-law, was referred to Private Session to consider the confidential memorandum (October 23, 2007) mentioned in the Clause. See Minute No. 175.*

Report No. 3 of the Joint Rapid Transit Public/Private Partnership Steering Committee and the Transit Committee be adopted without amendment;

Report No. 9 of the Planning and Economic Development Committee be adopted without amendment;

Report No. 10 of the Solid Waste Management Committee be adopted with the following amendment:

*Clause 2, relating to 2008 Waste Management User Fees be referred back to the Committee and be forwarded to staff members at the local municipalities for comment*

*See Minute No. 171 for Motion relating to Clause 5, Item 3, regarding the Certificate of Approval amendment for 10525 Keele Street — Waste Excellence Corporation.*

Report No. 8 of the Transit Committee be adopted without amendment;

*Clause 3, relating to York Region Transit — Transit By-law Enforcement within the City of Toronto, was referred to Private Session for Solicitor-Client advice. See Minute No. 176.*

Report No. 9 of the Transportation and Works Committee be adopted without amendment;

Report No. 1 of the Regional Solicitor was adopted with the following amendment:

*The report from the Regional Solicitor regarding the application by Leon's Furniture Limited for exemption under the Retail Business Holidays Act for its location at 299 Bass Pro Mills Drive, be received and the application be denied. In considering this matter, Committee heard a deputation from Mr. John A. Cooney, Corporate Counsel, Leon's Furniture Limited.*

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

Carried

**171 MOTION - CERTIFICATE OF APPROVAL AMENDMENT – 10525 KEELE STREET**  
*(Clause 5, Item 3 of Solid Waste Management Committee Report No. 10)*

It was moved by Regional Councillor Ferri, seconded by Regional Councillor Frustaglio:

**Whereas** Waste Excellence Corporation owns and operates a waste transfer and processing station located at 10525 Keele Street in the City of Vaughan, licensed by the Ministry of the Environment under Provisional Certificate of Approval No. A. 230634;

**And Whereas** Regional Council adopted a position with respect to the current Provisional Certificate of Approval in Report No. 2 of the Solid Waste Management Committee on March 23, 2006;

**And Whereas** Waste Excellence Corporation has requested that its Provisional Certificate of Approval be amended to increase the size and scope of its operation;

**And Whereas** the City of Vaughan strenuously objects to the changes requested to the Provisional Certificate of Approval issued to Waste Excellence Corporation and requests that the MOE reject the proposed changes as outlined in Item 7, Report No. 48 of the Committee of the Whole, City of Vaughan;

**And Whereas** the City of Vaughan has requested that the Regional Municipality of York support the City of Vaughan's position;

**And Whereas** the commenting period for the application by Waste Excellence Corporation to the Ministry of the Environment closed on October 18, 2007;

**Now Therefore Be It Resolved** that The Regional Municipality of York:

1. Receive the correspondence from the City of Vaughan dated October 26, 2007
2. Support the recommendations adopted by the City of Vaughan
3. Request that the Ministry of the Environment proactively enforce all conditions of the current Certificate of Approval before considering any amendments to the Certificate of Approval; and
4. Forward this resolution to the Ministry of the Environment and the City of Vaughan.

Carried Unanimously

## **172 BY-LAWS**

It was moved by Mayor Grossi, seconded by Mayor Van Bynen, that certain Bills be introduced and approved in the form as noted on the Revised Agenda, and enacted as By-laws.

|                             |                                                               |
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| By-law No. RD-0539-2007-078 | To dedicate certain lands for the purposes of public highways |
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| By-law No. R-1471-2007-079 | To acquire certain lands for or in connection with the widening and reconstruction of Bathurst Street (YR 38), Township of King |
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|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bill No. 78<br><i>NOT ADOPTED</i> | A by-law to amend By-law No. LI-8-95-76 to permit retail business establishments to be open on holidays (Deferred from Regional Council Meeting on October 18, 2007)                                                                                                                                        |
| By-law No. D-0191-2007-081        | A by-law to authorize the borrowing upon 3 year instalment debentures in the principal amount of \$25,271,000.00 and 10 year term debentures in the principal amount of \$71,520,000.00 (in the aggregate principal amount of \$96,791,000.00) for the purposes of The Regional Municipality of York;       |
| By-law No. D-0192-2007-082        | A by-law to authorize the borrowing upon 3 year instalment debentures in the principal amount of \$1,229,000.00 and 10 year term debentures in the principal amount of \$3,480,000.00 (in the aggregate principal amount of \$4,709,000.00) for the purposes of The Corporation of the City of Vaughan; and |
| By-law No. D-0193-2007-083        | A By-law to authorize the borrowing of the aggregate of the principal amounts authorized by By-laws Nos. D-0191-2007-081 and D-0192-2007-082 in the aggregate principal amount of \$101,500,000.00 and the issuing of one series of instalment debentures and term debentures therefor                      |
| By-law No.<br><i>NOT ADOPTED</i>  | A by-law to establish fees for waste management services in The Regional Municipality of York                                                                                                                                                                                                               |
| By-law No. A-0353(b)-2007-084     | To amend By-law No. A-0353-2004-089 governing the procurement of goods and services                                                                                                                                                                                                                         |

## 173 PRIVATE SESSION

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

1. Private Report of the Finance and Administration Committee – Update on Development Charges Collected – Litigation Matter

2. Private Attachment – Clause 7, Report No. 9 of the Finance and Administration Committee - Proposed Amendments to By-law A-0353-2004-088 (The “Purchasing By-law”) – Solicitor Client
3. Private Report of the Community Services and Housing Committee – Contingent Allocation of Capital Funding to East Markham Non-Profit Homes Inc. – Security of Municipal Property
4. Private Attachment – Clause 2, Report No. 9 of the Community Services and Housing Committee - Community Development and Investment Fund Strategy: Request for Approval of Recommended 2008 Projects – Security of Municipal Property
5. CUPE 905 Negotiations Update – Labour Relations
6. Private Report of Regional Solicitor and General Manager, Roads - 7751 Yonge Street Access Location on Thornhill Summit Drive – Solicitor - Client
7. York Region Transit – Bus Storage and Maintenance Facility Strategy – Land Acquisition
8. Clause 3 of Transit Committee Report No. 8, relating to York Region Transit – Transit By-law Enforcement within the City Of Toronto –Solicitor-Client.

Carried

Council met in Private Session at 11:20 a.m. and reconvened in Council at 1:01 p.m.

It was moved by Mayor Van Bynen, seconded by Mayor Grossi, that Council rise and report from Private Session.

Carried

- 174** Regional Councillor Taylor declared an interest in a matter relating to the Greater Toronto Airports Authority that was raised as an informational item in private session. Regional Councillor Taylor had left the private session and did not take part in any consideration or discussion of or vote on this matter.

- 175** **Amendment to By-law No. A-0353-2004-089 (The “Purchasing By-law”): Prohibiting Contract Awards to Litigating Bidders**  
(*Clause 7 of Finance and Administration Committee Report No. 9*)

It was moved by Mayor Van Bynen, seconded by Mayor Grossi, that Council adopt the recommendation in Clause 7 of Finance and Administration Committee Report No. 9 as follows:

1. The Purchasing By-law be amended to:
  - (a) prohibit accepting bids and awarding or extending contracts to bidders who are in litigation with the Region where the amount in dispute exceeds \$50,000 subject to the following exceptions:

- (i) where there is only one supplier and the Chief Administrative Officer (“CAO”) has approved the award;
  - (ii) in the case of an emergency where health, safety and/or the preservation of municipal infrastructure are at risk; and
  - (iii) when there is a legal obligation to enter into a contract such as a current contract or where there is an inter-municipal agreement.
- (b) allow staff to exercise discretion to accept and open bids and award contracts to bidders who are in litigation with the Region where the amount in dispute does not exceed \$50,000.

Carried

**176 York Region Transit –Transit By-law Enforcement in the City of Toronto**  
*(Clause 3 of Transit Committee Report No. 8)*

It was moved by Regional Councillor Jones, seconded by Regional Councillor Heath, that Council adopt the recommendations in Clause 3 of Transit Committee Report No. 8 as follows:

1. The City of Toronto be requested to consent to the enforcement of By-law R-1415-2005-028 by York Region Transit enforcement staff within the jurisdictional boundary of the City of Toronto.
2. The Region enter into an agreement with the City of Toronto, if required, for the enforcement of the By-law, on terms satisfactory to the General Manager, Transit.
3. Regional staff be authorized to request the Toronto Police Services Board to appoint York Region’s Special Constables as Special Constables within the City of Toronto.
4. The Region enter into an agreement with the Toronto Police Services Board governing the powers and duties of Special Constables within the boundaries of the City.
5. The Regional Chair and Regional Clerk be authorized to sign the agreements with the City of Toronto and the Toronto Police Services Board, respectively, subject to approval by Legal Services.
6. The Regional Solicitor review and amend the Transit By-law, if necessary, to ensure enforceability within the City.
7. The Regional Clerk forward this report to the City of Toronto and the Toronto Police Services Board for appropriate action.

Carried

**177 Update on Development Charges Collected**

It was moved by Regional Councillor Jones, seconded by Regional Councillor Frustaglio, that Council adopt the recommendation contained in the confidential report of the Finance and Administration Committee dated November 1, 2007, as follows:

1. the three requests for consideration to pay development charges at the old rate, received by Finance and Administration Committee on September 6, 2007, and reported to Council on September 27, 2007, together with the additional request received directly by staff, be denied.

Carried

The balance of the report to remain confidential under the provisions of the *Municipal Act* as it contains information pertaining to solicitor-client privilege.

**178 Contingent Allocation of Capital Funding to East Markham Non-Profit Homes Inc.**

It was moved by Mayor Scarpitti, seconded by Regional Councillor Jones, that Council adopt the recommendations contained in the confidential report of the Community Services and Housing Committee as follows:

1. Regional Council allocate \$700,000 of Developing Opportunities for Ontario Renters funding to the East Markham Non-Profit Homes Inc. housing proposal in the Town of Markham should the Region be unable to secure sufficient funding allocation under the Canada-Ontario Affordable Housing Program.
2. The Region continues to pursue additional Canada-Ontario Affordable Housing Program funding allocation from the Province.

Carried

The balance of the report to remain confidential under the provisions of the *Municipal Act* as it contains information pertaining to the acquisition of land and the security of municipal property.

**179 York Region Transit – Bus Storage and Maintenance Facility Strategy**

It was moved by Regional Councillor Jones, seconded by Mayor Grossi, that Council adopt the recommendations contained in the confidential report of the General Manager, Transit, and the Commissioner of Corporate Services, as amended, as follows:

1. The unsolicited proposal from Tokmakjian Inc. for the development of a bus storage and maintenance facility at 8470 Keele Street not be accepted.



2. The Region enter into an agreement of purchase and sale for the purchase of 8300 Keele Street on the terms outlined in the term sheet, subject to the resolution of the holdback for environmental cleanup to the satisfaction of the Chief Administrative Officer .
3. The Regional Chair and Regional Clerk be authorized to execute the agreement on behalf of the Region and complete the transaction in accordance with the terms of the agreement.

Carried

The balance of the report to remain confidential under the provisions of the *Municipal Act* as it contains information pertaining to the acquisition of land.

## RESOLUTION

### 180 Special Council Education Meeting, November 21 and 22, 2007

It was moved by Regional Councillor Frustaglio, seconded by Regional Councillor Ferri, that:

1. Regional Council hold a meeting that is closed to the public pursuant to subsection 239 (3.1) of the *Municipal Act* for the purpose of educating its Members on topics including the impact of new legislation, budget pressures and options, growth management, a strategic accommodation plan and transit matters; and
2. the meeting be held at the Kingbridge Centre, 12750 Jane Street, King City, Ontario starting on Wednesday, November 21, 2007 at 7:30 p.m. and continuing on Thursday, November 22, 2007 at 8:30 a.m.

Carried Unanimously

### 181 CONFIRMATORY BY-LAW

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

By-law No. M-0744-2007-085

To confirm the proceedings of Council at its meeting held on November 15, 2007.

Carried

The Council meeting adjourned at 1:07 p.m.

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Regional Clerk

Minutes confirmed and adopted at the meeting of Regional Council held on the 13th of December.

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Regional Chair