

**COUNCIL
OF
THE REGIONAL MUNICIPALITY OF YORK**

November 20, 2008

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: Barrow, Black, Emmerson, Grossi, Jackson, Morris, Scarpitti, Young,
Van Bynen

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

Staff: Davidson, Hulton, Llewellyn-Thomas, Macgregor, Mahoney, Russell, Simmons,
Tuckey and Weir

160 PRESENTATIONS

United Way Campaign for 2008

Regional Chair Fisch announced that Regional and Police Services employees donated over \$235,000 to the 2008 United Way campaign. This is the most ever donated by the employees and exceeds this year's ambitious campaign target of \$225,000.

Regional Chair Fisch thanked Bryan Tuckey, Commissioner of Planning and Development Services, his staff, the Senior Management team and all Regional employees for their hard work and generosity in making this a successful campaign.

International Liveable Community Awards

Regional Chair Fisch advised Council that York Region recently received first place and the gold award in the International Liveable Community Awards, Whole City Section – population category of 750,000 and over, for our Sustainability Strategy – Towards a Sustainable Region. The International Liveable Community (“LivCom”) Awards were launched in 1997 and are endorsed by the United Nations Environment Program. The 2008 LivCom Awards were presented in Dongguan China from November 6 to 10, 2008.

The Chairman congratulated Bryan Tuckey, Commissioner of Planning and Development Services, and all the staff who developed the Region's Sustainability Strategy for their efforts in developing the Strategy.

161 MINUTES

It was moved by Regional Councillor Landon, seconded by Mayor Van Bynen that Council confirm the Minutes of the Council meeting held on October 23, 2008 the form supplied to the Members.

Carried

COMMUNICATIONS

Council considered the following communications:

162 Proposed Sites for Private Electric Power Generation

(Clause No. 4 of Planning and Economic Development Committee Report No. 10)

Susan Walmer, STORM Coalition, MegaWhat? Citizens' Collective, November 13, 2008, requesting deputant status.

It was moved by Regional Councillor Spatafora, seconded by Mayor Grossi that Council receive the communication and grant deputant status.

Carried

163 Harvey Tenenbaum, Harten Consulting Group on behalf of Accu-Metrics, November 14, 2008, requesting deputant status.

It was moved by Mayor Black, seconded by Regional Councillor Landon that Council receive the communication and grant deputant status.

Carried

164 Brad Rogers, Managing Principal Senior Planner, GTA, Stantec Consulting, November 17, 2008, requesting deputant status for him, Dr. Douglas Bryant, Intrinsic, and Sam Mantenuto, Northland Power Inc.

It was moved by Mayor Grossi, seconded by Mayor Van Bynen that Council receive the communication and grant deputant status.

Carried

165 Dr. P. Strawbridge, Physician, York Region, November 18, 2008, regarding Proposed Sites for Private Electric Power Generation.

It was moved by Mayor Jackson, seconded by Mayor Scarpitti that Council receive the communication and refer it to consideration of the Clause.

Carried

- 166** Jim Masin, Resident, Bradford, November 20, 2008, requesting deputant status.

It was moved by Mayor Morris, seconded by Regional Councillor Wong that Council receive the communication and grant deputant status.

Carried

- 167** ***Retail Business Holidays Act Exemptions, as they apply to Family Day, Vaughan Mills Shopping Centre***

Jeffrey A. Abrams, City Clerk, City of Vaughan, November 14, 2008, forwarding Item 34, Report No. 53, adopted by the Council of the City of Vaughan at its meeting on November 10, 2008, regarding the *Retail Business Holiday Act Exemptions as they apply to Family Day, Vaughan Mills Shopping Centre*.

It was moved by Regional Councillor Ferri, seconded by Mayor Jackson that Council receive the communication.

Carried

(See Minute No. 143 adopted on October 23, 2008 and Minute No. 173.)

- 168** **Transportation Master Plan Update – Key Recommendations and Public Consultation**
(See Clause 3 of Planning and Economic Development Committee Report No. 10)

Cam Milani, Rizmi Holding Limited, November 19, 2008, regarding the Transportation Master Plan Update – Key Recommendations and Public Consultation.

It was moved by Mayor Emmerson, seconded by Regional Councillor Wong that Council receive the communication and refer it to consideration of Clause 3 of Planning and Economic Development Committee Report No. 10.

Carried

DEPUTATIONS

Council then heard the following deputations:

- 169** **Proposed Sites for Private Electric Power Generation**
(Clause No. 4 of Planning and Economic Development Committee Report No. 10)

Susan Walmer, STORM Coalition, MegaWhat? Citizens' Collective

Harvey Tenenbaum, Harten Consulting Group on behalf of Accu-Metrics

Brad Rogers, Stantec, accompanied by Dr. Douglas Bryant, and Sam Mantenuto, on behalf of Northland Power Inc., and

Jim Masin, Resident, Bradford.

It was moved by Mayor Morris, seconded by Mayor Emmerson that Council receive the deputations and refer them to consideration of Clause 4 of Planning and Economic Development Committee Report No. 10.

Carried

170 COMMITTEE REPORTS

Regional Councillor Spatafora presented the following reports for the consideration of Council:

Report No. 3 of the Audit Committee
Report No. 7 of the Community Services and Housing Committee
Report No. 9 of the Finance and Administration Committee
Report No. 8 of the Health and Emergency Medical Services Committee
Report No. 10 of the Planning and Economic Development Committee
Report No. 9 of the Rapid Transit Public/Private Partnership Steering Committee
Report No. 7 of the Solid Waste Management Committee
Report No. 8 of the Transit Committee
Report No. 9 of the Transportation and Works Committee

It was moved by Regional Councillor Spatafora, seconded by Mayor Grossi that Council receive the reports and 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 Audit Committee be adopted without amendment;

Report No. 7 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 10 relating to Indemnification of Emergency Medical Services Paramedics was referred to private session to receive further Solicitor-Client advice. Following private session the clause was adopted without amendment. (See Minute No. 175 and By-law No. 2008-73.)

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

Report No. 10 of the Planning and Economic Development Committee be adopted without amendment;

Report No. 9 of the Rapid Transit Public/Private Partnership Steering Committee be adopted without amendment;

Report No. 7 of the Solid Waste Management Committee be adopted without amendment;

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

Report No. 9 of the Transportation and Works Committee be adopted with the following amendment:

Clause 2, relating to the 2009 Water and Wastewater Rate Supported Budget, was adopted with a request that staff provide a follow-up report within the next six months with additional information on the rates charged by Peel and Toronto and the benefits to York Region in partnering with Peel and Toronto.

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

Carried

171 BY-LAWS

It was moved by Regional Councillor Rosati, seconded by Mayor Jackson 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. 2008-69	A by-law to adopt Amendment No. 52 to the Official Plan for the Region of York
By-law No. 2008-70	To rename a portion of Highway 9 (Y.R. 31) in the Town of Newmarket
By-law No. 2008-71	A by-law to authorize the submission of an application to the Ontario Infrastructure Projects Corporation (“OIPC”) for financing certain capital works of The Corporation of The Town of Whitchurch-Stouffville; and to authorize long term borrowing for such works through the issue of debentures to OIPC

By-law No. 2008-72

To acquire certain lands for or in connection with intersection improvements at Ninth Line (YR 69) and Major Mackenzie Drive East (YR 25), Town of Markham

Carried

172 MOTION

Resolution to hold a Special Meeting of Council under s.239 (3.1) of the *Municipal Act* – November 26 and 27, 2008

It was moved by Mayor Emmerson, seconded by Regional Councillor Landon that Council adopt the following resolution:

BE IT RESOLVED THAT:

Regional Council hold a special 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 reviewing Council's goals and accomplishments, budget pressures, governance structures, and various matters relating to the management of growth in the Region; and

The meeting be held at the Hockley Valley Resort, Orangeville, Ontario starting on Wednesday, November 26, 2008 at 7:30 p.m. and continuing on Thursday, November 27, 2008 at 8:30 a.m.

Carried

OTHER BUSINESS

173 Vaughan Mills Shopping Centre – Family Day

It was moved by Regional Councillor Frustaglio, seconded by Mayor Jackson that Council waive the notice requirement in the Procedure By-law and allow the introduction of a motion to reconsider the decision of Regional Council regarding the *Retail Business Holiday Act* Exemptions as they apply to Family Day, Vaughan Mills Shopping Centre as set out in Minute No. 143 of October 23, 2008.

Regional Chair Fisch advised Council that waiver of the notice requirement would need a two-thirds majority vote.

Lost

174 PRIVATE SESSION

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

1. Private Report of the Transportation and Works Committee - Greening Land Securement Bendor and Graves Forest Tract Addition, Towns of East Gwillimbury and Whitchurch-Stouffville – Acquisition of Property
2. Private Report of the Finance and Administration Committee - Settlement of the Nancy Tenaglia Development Charge Complaint Appeal – Solicitor-Client
3. Private Report of the Finance and Administration Committee - Status of Harvest Hills Development Corporation and Minto Communities (Toronto) Inc. Development Charge Complaint Appeal – Solicitor-Client
4. Private Attachment to Clause 3 of Report No. 9 of the Finance and Administration Committee - Request from Vaughan Mills Hotel to Pay Development Charges at the Rates Prior to June 18, 2008 - Solicitor-Client
5. Clause 10 of Finance and Administration Committee Report No. 9, as referred by the Committee of the Whole and Private Attachment regarding Indemnification of Emergency Medical Services Paramedics - Solicitor-Client
6. Private Report of the Solid Waste Management Committee - Update on the York Dufferin Request for Proposal for a Municipally Owned Organics Processing Facility - Security of Municipal Property
7. Private Report of the Regional Solicitor – Expropriation Matter – Islington Avenue, Vaughan – Land Acquisition / Solicitor-Client
8. Private Attachment to Clause 2 of Report 3 of the Audit Committee – Audit Services Branch - Security of Municipal Property
9. Private Report of the Regional Solicitor - Zoning By-law Amendment Application A11/07 – City of Pickering – Solicitor-Client
10. Private Report of the Commissioner of Transportation Services – Major Mackenzie Drive/CNR Underpass Sole Source Dewatering Rehabilitation and Contingency Plans, Town of Richmond Hill – Security of Municipal Property
11. Appointment of a Deputy Clerk - Personal matters about an identifiable individual

Carried

Council met in Private Session at 11:55 a.m. and reconvened in Council at 12:35 p.m.

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

Carried

175 Indemnification of Emergency Medical Services Paramedics
(*Clause 10 of Finance and Administration Committee Report No. 9 and Bill 76*)

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

1. Adopt the recommendation contained in Clause 10 of Finance and Administration Committee Report No. 9; and
2. Enact By-law No. 2008-73 to amend By-law No. A-0263-1999-064 to provide certain indemnification to paramedics who are charged with an offence under the *Highway Traffic Act*.

Carried

176 Greening Land Securement Bendor and Graves Forest Tract Addition, Towns of East Gwillimbury and Whitchurch-Stouffville

It was moved by Mayor Young, seconded by Regional Councillor Taylor that Council adopt the recommendations contained in the private report of the Commissioner of Transportation Services and Commissioner of Planning and Development Services dated October 22, 2008 as follows:

1. Regional Council approve the acquisition of the Schickedanz property as outlined in this report.
2. The Commissioner of Corporate Services be directed to complete the acquisition of the 121 hectare (299 acre) property outlined on *Attachment 1* for a maximum total consideration of \$3,382,500 (\$3,287,500 land costs plus approximately \$95,000 in securement related costs), less if Oak Ridges Moraine Funding is approved.

Carried

The balance of the report to remain private under the provisions of the *Municipal Act* as it pertains to the acquisition of property.

177 Settlement of the Nancy Tenaglia Development Charge Complaint Appeal

It was moved by Regional Councillor Spatafora, seconded by Mayor Morris that Council adopt the recommendations contained in the private report of the Commissioner of Finance and the Regional Solicitor dated October 16, 2008 as follows:

1. The complaint filed against the Region pursuant to the *Development Charges Act, 1997*, by Nancy Tenaglia be settled substantially in accordance with the terms and conditions outlined in this report.

2. The Regional Solicitor be authorized to execute minutes of settlement substantially in accordance with the terms and conditions outlined in this 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 pertains to solicitor-client privilege.

178 Status of Harvest Hills Development Corporation and Minto Communities (Toronto) Inc. Development Charge Complaint Appeal

It was moved by Mayor Morris, seconded by Regional Councillor Ferri that Council adopt the recommendations contained in the private report of the Commissioner of Finance and the Regional Solicitor dated October 28, 2008 as follows:

1. The proposed settlement offer made by Harvest Hills Development Corporation and Minto Communities (Toronto) Inc. be denied.
2. The Regional Solicitor be authorized to attend the Ontario Municipal Board in support of the Region's position in this matter.

Carried

The balance of the report to remain private under the provisions of the *Municipal Act* as it pertains to solicitor-client privilege.

179 Update on the York Dufferin Request for Proposal for a Municipally Owned Organics Processing Facility

It was moved by Regional Councillor Ferri, seconded by Mayor Young that Council adopt the recommendation contained in the private report of the Commissioner of Environmental Services dated October 22, 2008 as follows:

1. Regional Council endorse the recommendation that the Request for Proposal with the County of Dufferin be concluded without selection of a preferred supplier.

Carried

The balance of the report to remain private under the provisions of the *Municipal Act* as it pertains to the security of municipal property.

180 Zoning By-law Amendment Application A11/07 - City of Pickering

It was moved by Regional Councillor Spatafora, seconded by Mayor Scarpitti that Council adopt the recommendations contained in the private report of the Regional Solicitor dated November 19, 2008 as follows:

1. The Regional Solicitor be authorized to appeal the approval of Zoning By-law Amendment Application A11/07 by City of Pickering Council to the Ontario Municipal Board.
2. The Regional Solicitor be authorized to retain any professional consultants, including external legal counsel, required to advance the Region's position at the Ontario Municipal Board.

Carried

The balance of the report to remain private under the provisions of the *Municipal Act* as it pertains to solicitor-client privilege.

181 Major Mackenzie Drive/CNR Underpass Sole Source Dewatering Rehabilitation and Contingency Plans, Town of Richmond Hill

It was moved by Mayor Barrow, seconded by Mayor Emmerson that Council adopt the recommendations contained in the private report of the Commissioner of Transportation Services dated November 17, 2008 as follows:

1. Regional Council authorize entering into an agreement with Golder Associates Ltd. for engineering services to undertake the feasibility assessment and design phase of the Major Mackenzie Drive (Y.R. 25) / Canadian National Railway Underpass Dewatering Rehabilitation Project in the amount of \$305,000, including all applicable taxes, pursuant to the sole source provisions of the Regional Purchasing By-law.
2. The Region enter into a contract with Golder Associates Ltd. subject to terms and conditions satisfactory to the Commissioner of Transportation Services.
3. The Regional Chair and Regional Clerk be authorized to execute the agreement, subject to the approval of the Legal Services Branch as to form and content.

Carried

The balance of the report to remain private under the provisions of the *Municipal Act* as it pertains to the security of municipal property.

182 Appointment of a Deputy Clerk

It was moved by Mayor Scarpitti, seconded by Regional Councillor Heath that Council pass By-law No. 2008-74 to appoint Christopher Raynor as Deputy Clerk effective January 5, 2009.

Carried

183 CONFIRMATORY BY-LAW

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

By-law No. 2008-75 To confirm the proceedings of Council at its meeting held on
November 20, 2008.

Carried

The Council meeting adjourned at 12:40 p.m.

Regional Clerk

Minutes confirmed and adopted at the meeting of Regional Council held on December 18, 2008.

Regional Chair