

**COUNCIL
OF
THE REGIONAL MUNICIPALITY OF YORK**

October 23, 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, Van Bynen

Regional Councillor: Ferri, Frustaglio, Heath, Hogg, Landon, Taylor, Wheeler and Wong

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

139 PUBLIC MEETING

Vaughan Mills Shopping Centre — *Retail Business Holidays Act Exemptions*
(Report No. 2 of the Regional Solicitor)

Pursuant to Section 4 of the *Retail Business Holidays Act*, Regional Council held a public meeting at 9:30 a.m. regarding the application and proposed by-law to permit the Vaughan Mills Shopping Centre to extend its exemption under the Act to include Family Day and extend its operating hours to 9:00 a.m. to 9:00 p.m. on holidays for which it has obtained an exemption.

- 140** It was moved by Regional Councillor Frustaglio, seconded by Mayor Jackson that Council receive the communication, October 15, 2008, from Fred Santini, Senior Legal Counsel, Ivanhoe Cambridge, and permit Gil Small, General Manager, Vaughan Mills Shopping Centre and Sunita Mahant, Solicitor, Ivanhoe Cambridge, to address Council.

Carried

- 141** It was moved by Mayor Jackson, seconded by Regional Councillor Ferri, that Council receive the communication, October 1, 2008, from Dino Naccarato, business owner, Vaughan Mills Shopping Centre.

Carried

- 142** Gil Small, General Manager, Vaughan Mills Shopping Centre and Sunita Mahant, Solicitor, Ivanhoe Cambridge, spoke in favour of Vaughan Mills Shopping Centre's request for a further *Retail Business Holidays Act* exemption to include Family Day and for permission to extend the Shopping Centre's operating hours on all previously-exempted holidays (New Year's Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day) to 9:00 a.m. to 9:00 p.m.

No one spoke in opposition to the request.

It was moved by Regional Councillor Frustaglio, seconded by Mayor Jackson, that Council receive the deputation.

Carried

- 143** It was moved by Mayor Jackson, seconded by Regional Councillor Frustaglio that Council receive Report No. 2 from the Regional Solicitor along with the letters and other materials attached to the Report and:

1. grant the request from Vaughan Mills Shopping Centre to extend its hours of operation on New Year's Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day to 9:00 a.m. to 9:00 p.m.
2. grant an exemption to the Vaughan Mills Shopping Centre for Family Day from 9:00 a.m. to 9:00 p.m.

Part 1 of the motion relating to extending the permitted hours of service on previously-exempted holidays to 9:00 a.m. to 9:00 p.m. carried.

A recorded vote on Part 2 of the motion relating to granting a new exemption for Family Day was as follows:

For: Black, Ferri, Frustaglio, Heath, Jackson, Landon and Wheeler (7)

Against: Barrow, Emmerson, Grossi, Hogg, Morris, Scarpitti, Taylor, Van Bynen and Wong (9)
Lost

- 144** It was moved by Mayor Jackson, seconded by Regional Councillor Frustaglio that Council amend Bill No. 68 and enact the following By-law to reflect its decision on this matter.

By-law No. 2008-64	A by-law to amend By-law No. LI-8-95-76 to permit retail business establishments to be open on holidays
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Carried

REGULAR MEETING

PRESENTATIONS

145 Awards

Regional Chair Fisch advised Council that the Region had recently received the following awards:

Healthy Communities Award 2008
Ontario Professional Planners Institute 2008 Excellence in Planning Award
2007 Sustainable Urban Transportation Award
Prosecutors' Association of Ontario Award
Recycling Council of Ontario Silver Award for Sustainable Environment

Regional Chair Fisch expressed appreciation on behalf of Council to all members of staff who were involved for their exemplary service to the community and the Region's constituents.

146 MINUTES

It was moved by Mayor Emmerson, seconded by Regional Councillor Frustaglio that the Minutes of the Council meeting held on September 18, 2008 be confirmed in the form supplied to the Members.

Carried

COMMUNICATIONS

Council considered the following communications:

147 2008 United Way Campaign

Vicky B. Norman, Executive Assistant, United Way of York Region, August 12, 2008, regarding the 2008 United Way Campaign and requesting deputant status for Daniele Zanotti, Chief Executive Officer and Ian Proudfoot, United Way of York Region's 2008 Campaign Cabinet Vice-Chair.

It was moved by Mayor Emmerson, seconded by Mayor Barrow that the communication be received and that deputant status be granted.

Carried

**148 Regional Municipality of York Police Services Board
Protocol for the Sharing of Information**

Connie Phillipson, Executive Director, The Regional Municipality of York Police Services Board, June 26, 2008, forwarding the recommendations adopted at its meeting on June 25, 2008 requesting that Council review and approve the amended “Protocol for the Sharing of Information”.

It was moved by Regional Councillor Wheeler, seconded by Mayor Scarpitti that the communication be received and that the Protocol for the Sharing of Information be adopted.

Carried

149 Restorative Justice Week – November 16 – 23, 2008

Don Head, Correctional Services Canada, October 1, 2008, requesting that November 16, 2008 to November 23, 2008 be recognized as Restorative Justice Week 2008.

It was moved by Mayor Van Bynen, seconded by Mayor Grossi that the communication be received and that November 16 – 23, 2008 be recognized as “Restorative Justice Week”.

Carried

150 Regional Official Plan Amendment No. 52

(See Clause 6 of Planning and Economic Development Committee Report No. 9)

Roslyn Houser, Goodmans LLP, October 20, 2008, on behalf of Fleur De Cap Development Inc. and Cuenca Development Inc., regarding ROPA 52, and requesting deputant status.

It was moved by Mayor Scarpitti, seconded by Mayor Black that the communication be received and that deputant status be granted.

Carried

DEPUTATIONS

Council then heard the following deputations:

151 2008 United Way Campaign

Ian Proudfoot United Way of York Region’s 2008 Campaign Cabinet Vice-Chair advised Regional Council of the launch of the 2008 United Way Campaign, held in the Town of Richmond Hill on September 29, 2008. Mr. Proudfoot expressed his appreciation to Members of Regional Council, all local municipalities and members of the media, specifically the York Region Media Group and Rogers Cable TV for their support.

Daniele Zanotti, Chief Executive Officer of the United Way, York Region announced the recent release of the United Way of York Region’s report entitled “...if addressed.” The report outlines

the challenges resulting from the growth in the Region's population and calls for the Federal and Provincial Governments to assist the Region in keeping pace with the growing need for social services. Mr. Zanotti advised of the United Way's commitment to engaging the community in dialogue about the need for more social services.

It was moved by Regional Councillor Frustaglio, seconded by Regional Councillor Ferri that the deputation be received with thanks.

Carried

**152 Heart and Stroke Foundation of Ontario and York Region EMS
Partnership to Install Automated External Defibrillators**

Mr. Rocco Rossi, CEO, Heart and Stroke Foundation of Ontario advised Regional Council of the Foundation's partnership with York Region Emergency Medical Services to install Automated External Defibrillators (AEDs) in public places across York Region. Mr. Rossi indicated that the original goal for this program was to install 1,000 units in Ontario over five years and the goal has been surpassed in less than two years with a commitment to over 2,000 units. Mr. Rossi further announced that largely as a result of contributions from the Polo for Heart event and the Al Palladini Legacy for Life, funding has been secured for the installation of 100 units in York Region.

Joann Simmons, Commissioner of Community and Health Services, also outlined the importance of AEDs in helping people survive sudden cardiac arrests and the important role of Emergency Medical Service staff in working with staff of the local municipalities to install AEDs in priority public places.

It was moved by Regional Councillor Frustaglio, seconded by Mayor Grossi that the deputation be received with thanks.

Carried

153 Regional Official Plan Amendment No. 52
(See Clause 6 of Planning and Economic Development Committee Report No. 9)

Ms Roslyn Houser, Goodmans LLP addressed Council regarding Regional Official Plan Amendment No. 52, specifically as it relates to the property owned by her clients, Fleur De Cap Development Inc. and Cuenca Development Inc. at the northwest corner of Teston Road and Jane Street. Ms Houser requested that the designation of these lands be deferred until the City of Vaughan's OPA 637 is approved and brought forward to Regional Council.

It was moved by Mayor Jackson, seconded by Regional Councillor Ferri that the deputation be received and referred for consideration with Clause 6 of Report No. 9 of the Planning and Economic Development Committee.

Carried

(See Minute No. 155.)

PRESENTATION

154 2009 Draft Capital Business Plans and Budgets

Lloyd Russell, Commissioner of Finance and Treasurer introduced the 2009 draft Capital Business Plans and Budgets. Mr. Russell advised that the draft Capital Business Plans and Budgets are scheduled for consideration by the Standing Committees at their November meetings, review and consolidation by the Finance and Administration Committee in December and consideration by Regional Council on December 18, 2008.

It was moved by Mayor Emmerson, seconded by Regional Councillor Heath that the presentation be received and that the 2009 Draft Capital Budget be referred to the Standing Committees for consideration.

Carried

155 COMMITTEE REPORTS

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

Report No. 8 of the Finance and Administration Committee
Report No. 7 of the Health and Emergency Medical Services Committee
Report No. 9 of the Planning and Economic Development Committee
Report No. 8 of the Rapid Transit Public/Private Partnership Steering Committee
Report No. 6 of the Solid Waste Management Committee
Report No. 7 of the Transit Committee
Report No. 8 of the Transportation and Works Committee

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. 8 of the Finance and Administration Committee be adopted without amendment;

Report No. 7 of the Health and Emergency Medical Services Committee be adopted without amendment;

Report No. 9 of the Planning and Economic Development Committee be adopted with the following amendment:

Clause 6, Recommendation No. 1, regarding Amendment No. 52 to the York Region Official Plan – Vaughan Highway 400 Employment Area, be amended as follows:

That the Commissioner of Planning be authorized to give Notice to adopt Amendment No. 52 to the Official Plan of the Region of York, as set out in Attachment 1 (as amended) to this report as follows:

Attachment No. 1 (figure 2, 3 and 4) is amended to defer the lands shown as “Mixed Use Area – Employment/Commercial” within Vaughan local Official Plan Amendment 637 at the northwest corner of Teston Road and Jane Street, to address the proposed commercial uses at the time the Vaughan Secondary Plan OPA 637 is brought forward for consideration by Regional Council; and

That Clause 6, Recommendation 2 be amended to read:

- 2. The Regional Solicitor be directed to prepare the adopting by-law for Regional Council’s consideration at a future meeting.*

Report No. 8 of the Rapid Transit Public/Private Partnership Steering Committee be adopted without amendment;

Report No. 6 of the Solid Waste Management Committee be adopted without amendment;

Report No. 7 of the Transit Committee be adopted with the following amendment:

Clause 3 regarding the York Region Transit Fare Policy be referred back to the Transit Committee for further consideration regarding:

- a) amendment to Section 2(f) to allow children up to four years old to ride free*
- b) Section 2 (g) free travel on conventional transit services to emergency service workers including York Region Police and EMS staff as well as extension of free travel to Ontario Disability Support Program recipients.*

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

It was moved by Mayor Scarpitti, seconded by Mayor Jackson that Council adopt the recommendations of the Committee of the Whole, save and except Clause 2 of Transit Committee Report No. 7.

Carried

Transit 2009 Fare Rate Change

A recorded vote on the adoption of the recommendation in Clause 2 of Transit Committee Report No. 7 as recommended by the Committee of the Whole was as follows:

For: Barrow, Black, Emmerson, Hogg, Landon, Morris, Scarpitti, Van Bynen and Wheeler (9)

Against: Ferri, Grossi, Heath, Jackson, Taylor and Wong (6)

Carried

156 BY-LAWS

It was moved by Regional Councillor Hogg, seconded by Mayor Jackson that certain Bills be introduced and approved in the form as noted on the Revised Agenda, and enacted as By-laws.

By-law No. 2008-65	To acquire certain lands for or in connection with the intersection improvements to the intersection of Kennedy Road (YR 3) and Elgin Mills Road East (YR 49), Town of Markham
By-law No. 2008-66	To acquire certain lands for or in connection with the widening and reconstruction of Gamble Road 19 th Avenue (YR 29), in the Town of Richmond Hill
By-law No. 2008-67	A by-law to establish fees for waste management services in The Regional Municipality of York

Carried

157 PRIVATE SESSION

It was moved by Mayor Emmerson, seconded by Mayor Barrow that Council convene in Private Session for the purpose of considering the following:

1. Private Report of the Commissioner of Finance and Regional Solicitor – Appeal of Development Charge Complaint by Nancy Tenaglia – Solicitor-Client.
2. Private Report of the Transit Committee - York Region Transit - Operations and Maintenance Contract Strategy – Security of Municipal Property.

Carried

Council recessed to meet in Private Session at 12:25 p.m. and reconvened in Council at 12:32 p.m.

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

Carried

158 York Region Transit - Operations and Maintenance Contract Strategy

It was moved by Mayor Grossi, seconded by Regional Councillor Wheeler that Council adopt the recommendations contained in the private report of the Transit Committee dated October 16, 2008 as follows:

1. Staff be authorized to negotiate a three to five-year extension to the transit operations and maintenance contract with First Student Canada (formerly Laidlaw) for the north division, and report back to Regional Council with respect thereto for final approval.
2. A Request for Proposals (RFP) be issued for the award of a transit operations and maintenance contract for the south-west division, and staff report back to Regional Council with respect thereto for final approval.
3. Staff report back to Regional Council with respect to the extension of the current Veolia operations and maintenance contract for the Viva bus rapid transit service.

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.

159 CONFIRMATORY BY-LAW

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

By-law No. 2008-68 To confirm the proceedings of Council at its meeting held on October 23, 2008.

Carried

The Council meeting adjourned at 12:33 p.m.

Denis Kelly
Regional Clerk

Minutes confirmed and adopted at the meeting of Regional Council held on November 20, 2008.

Bill Fisch
Regional Chair