

**COUNCIL
OF
THE REGIONAL MUNICIPALITY OF YORK**

October 27, 2005

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: Bell, Black, Di Biase, Grossi, Jones, Sherban and Young

Regional Councillor: Barrow, Ferri, Frustaglio, Heath, Hogg, Jackson, Jones, Scarpitti, Van Bynen, and Wheeler

Staff: Cartwright, Garrett, Hulton, Macgregor, Simmons, Tuckey, Woolhead

PRESENTATIONS

155 2006 Draft Business Plans and Budget

Michael Garrett, Chief Administrative Officer and Sandra Cartwright, Commissioner of Finance, presented an overview of the 2006 draft Operating and Capital Business Plans and Budget.

It was moved by Mayor Jones, seconded by Regional Councillor Scarpitti, that the presentation be received and the following recommendations as detailed in the “Next Steps” portion of the presentation be adopted:

1. The 2006 draft Business Plans and Budget as submitted be tabled and be made subject to the following review process:
 - a) The 2006 Business Plans and Budget be forwarded to Standing Committees for detailed review with specific direction that any changes made by a Standing Committee not exceed the proposed funding envelope of 4.6%;
 - b) Committees forward recommended budgets to the Finance and Administration Committee on December 1, 2005, for review and recommendations to Regional Council on December 15, 2005;

- c) Public input be received at the Finance and Administration Committee on December 1, 2005; and
- d) Staff be directed to provide Notice not later than October 29, 2005 of the proposed adoption of the 2006 Business Plan and Budget by Regional Council on December 15, 2005, in accordance with the provisions of the *Municipal Act, 2001*.

Carried

156 Government Finance Officers Association (GFOA) Award for 2005 Business Plan and Budget

Sandra Cartwright, Commissioner of Finance, indicated that the Region has received the Government Finance Officers Association [GFOA] Distinguished Budget Presentation Award for the 2005 Business Plan and Budget.

It was moved by Regional Councillor Scarpitti, seconded by Mayor Bell, that the presentation be received and the following staff be acknowledged for their role in the 2005 Business Plan and Budget process: Janette Andrade, Sandra Cartwright, Kelly Fenchak, Fabrizio Fillippazzo, Tony Haddad, Beth Kodama, Debbie Koltai, Koon Chau Lee, Warren Marshall, Barbara McConville, Marilyn Peters, Michael Pinnock, Andrea Reid, Val Sequeira, Carla Simas and Kelly Strueby, all within the Finance Department's Business Planning and Budgets Branch.

Business support staff from all departments also contributed to the document. Members which make up the Strategic Working Advisory and the Financial Administrators Strategy teams include Bob McClelland, Frank Ahlin, John Oswald, Eric Chan, Marina Huang, Marilyn Woolhead, Mark Critch, Christy Tosh, Tony Fernandes, Pina Ierullo, Cathy Carter, Susan Selfe, Dennis Norton, Joanne Bovair, Cathy Brennan, Jane Sargent, Mark Holland, Jeff Channell, Julie Rocca, Bonnie Anderson, Jane Harrison, Laurie Hodder, Harry Fok, Lynda Cook, Connie Lai, Janet Gudlat, Mark Christiansen, and Allison Kennedy.

In addition, the printing of the document was done by the Regional print shop staff Mike Sova, Joe Weiler, and Jan Thompson.

Carried

157 Parallel Implementation of the Ontarians with Disabilities Act, 2001 (ODA) and the Accessibility for Ontarians with Disabilities Act, 2005 (AODA)
(Report 3 of the Commissioner of Community Services and Housing)

Joann Simmons, Commissioner of Community Services and Housing, and Joy Hulton, Regional Solicitor, made a presentation regarding the parallel implementation of the *Ontarians with Disabilities Act, 2001* (ODA) and the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA). They outlined differences between the ODA and AODA together with the Province's roles and municipal obligations and responsibilities.

It was moved by Regional Councillor Frustaglio, seconded by Regional Councillor Wheeler, that the presentation be received.

Carried

158 Condolences to Dr. Helena Jaczek, Commissioner of Health Services

Regional Chair Fisch conveyed condolences on behalf of Council to Dr. Helena Jaczek regarding the recent passing of her father and informed Council of memorial services to be held on October 28, 2005.

159 Condolences to David Tsubouchi

Regional Chair Fisch conveyed condolences on behalf of Council to David Tsubouchi, formerly a Councillor and MPP for Markham and the Ontario Solicitor-General, regarding the recent loss of Mr. Tsubouchi's father in a tragic hit-and-run accident.

160 MINUTES

It was moved by Mayor Young, seconded by Regional Councillor Frustaglio, that the Minutes of the Council meeting held on the 22nd of September, 2005, be confirmed in the form supplied to the Members.

Carried

COMMUNICATIONS

Council proceeded to consider the following communications:

161 25th Anniversary of Community Home Assistance to Seniors (CHATS)

Jane M. Brown, CHATS, Community Home Assistance to Seniors, September 29, 2005, regarding its 25th Anniversary and the launching of its new vision during CHATS Wellness Week, and requesting deputation status for Deborah Egan, Executive Director.

It was moved by Mayor Jones, seconded by Regional Councillor Scarpitti, that the communication be received and deputation status granted.

Carried

(See Minute No. 167.)

162 English as a Second Language Week

Linda Cooper, President, TESL North York/York Region, (Teachers of English as a Second Language), September 27, 2005, requesting that the Region of York recognize November 13 – 19, 2005 as "English as a Second Language Week".

175342 P03 Oct 27/05

It was moved by Mayor Sherban, seconded by Regional Councillor Jackson, that the communication be received and that Council recognize November 13 to 19, 2005 as “English as a Second Language Week”.

Carried

163 Bill 123, *Transparency in Public Matters Act*, 2005
(*Clause 1 of Regional Solicitor Report No. 1*)

Frank Nicholson, Manager, Legislative Services, Association of Municipal Managers, Clerks and Treasurers of Ontario, October 18, 2005, regarding Bill 123, the *Transparency in Public Matters Act*.

It was moved by Mayor Di Biase, seconded by Regional Councillor Ferri, that the communication be received and referred to consideration of Clause 1 of Regional Solicitor Report No. 1.

Carried

Association of Municipalities of Ontario, October 4, 2005, regarding Bill 123, the *Transparency in Public Matters Act*.

It was moved by Mayor Di Biase, seconded by Regional Councillor Ferri, that the communication be received and referred to consideration of Clause 1 of Regional Solicitor Report No. 1.

Carried

(*See Minute No. 169.*)

164 Police Services Board 2006 Capital Budget and Forecast to 2015

Connie Phillipson, Executive Director, Police Services Board, October 12, 2005, forwarding the 2006 Capital Budget and Forecast to 2015 and 2006 Operating Budget reports which were received at the Police Services Board meeting of September 28, 2005.

It was moved by Mayor Jones, seconded by Regional Councillor Hogg, that the communication be received and referred to the Finance and Administration Committee for consideration at its next meeting on November 3, 2005.

Carried

165 Markham Bypass to Morningside Avenue Link
(*Clause 8 of Transportation and Works Committee Report No. 8*)

Murray Cresswell, on behalf of the Ratepayers Association of Box Grove, October 24, 2005, regarding the Markham By-pass, and requesting deputant status.

It was moved by Regional Councillor Heath, seconded by Regional Councillor Scarpitti, that the communication be received and deputation status granted.

Carried

(See Minute Nos. 168 and 169.)

166 Bill 206 – OMERS

(Clause 7 of Finance and Administration Committee Report No. 8)

Joy Hulton, Regional Solicitor, October 26, 2005, regarding Bill 206 – *Ontario Municipal Employees' Retirement System Act*.

It was moved by Regional Councillor Jackson, seconded by Mayor Sherban, that the communication be received and referred to consideration of Clause 7 of the Finance and Administration Committee Report No. 8.

Carried

Association of Municipalities of Ontario, October 26, 2005, regarding OMERS – Bill 206 Information, Status Update and Sample Municipal Resolution.

It was moved by Regional Councillor Jackson, seconded by Mayor Sherban, that the communication be received and referred to consideration of Clause 7 of Finance and Administration Committee Report No. 8.

Carried

(See Minute No. 169.)

DEPUTATIONS

167 25th Anniversary of Community Home Assistance to Seniors (CHATS)

Deborah Egan, Executive Director, CHATS, Community Home Assistance to Seniors informed Council that CHATS will be celebrating its 25th Anniversary and the launch of its new vision during CHATS Wellness Week to be held during the week of November 14, 2005. Members of Council are invited to attend the launch in the afternoon of November 17, 2005 at the Aurora office.

It was moved by Mayor Jones, seconded by Mayor Grossi, that the deputation be received and Council convey its gratitude to the many volunteers involved in this work.

Carried

168 Markham Bypass to Morningside Avenue Link
(Clause 8 of Transportation and Works Committee Report No. 8)

Murray Cresswell, resident and member of the Board on behalf of the Ratepayers Association of Box Grove.

It was moved by Regional Councillor Jones, seconded by Regional Councillor Heath, that the deputation be received and referred to consideration of Clause 8 of Transportation and Works Committee Report No. 8.

Carried

169 COMMITTEE REPORTS

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

Report No. 8 of the Community Services and Housing
Report No. 8 of the Finance and Administration Committee
Report No. 7 of the Health and Emergency Medical Services Committee
Report No. 8 of the Planning and Economic Development Committee
Report No. 6 of the Solid Waste Management Committee
Report No. 8 of the Transportation and Works Committee
Report No. 3 of the Joint Transit Committee and the Rapid Transit Public/Private Partnership Steering Committee
Report No. 1 of the Commissioner of Corporate Services and the Regional Solicitor
Report No. 1 of the Regional Solicitor
Report No. 3 of the Commissioner of Community Services and Housing
Report No. 4 of the Commissioner of Community Services and Housing
Report No. 5 of the Commissioner of Community Services and Housing
Report No. 6 of the Commissioner of Community Services and Housing
Report No. 7 of the Commissioner of Community Services and Housing
Report No. 2 of the Regional Chair

It was moved by Regional Councillor Frustaglio, seconded by Regional Councillor Ferri, 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 Community Services and Housing Committee be received;

Report No. 8 of the Finance and Administration Committee be adopted with the following amendment:

Clause 7, regarding Bill 206, the OMERS Act, be amended by deleting the Committee recommendations and adopting the staff recommendations contained in the memorandum from Joy Hulton, Regional Solicitor, dated October 26, 2005, as follows:

- 1. The Regional Chair submit a letter to Premier McGuinty and the Minister of Municipal Affairs and Housing identifying concerns with Bill 206 and requesting that further consideration of the Bill be postponed pending municipal consultations.*
- 2. A copy of the letter be sent to Mayors and Regional Chairs of Ontario (MARCO) member municipalities for information.*
- 3. The Chief Administrative Officer and/or other appropriate Regional staff present the Region's position on Bill 206 to the Standing Committee on General Government.*

Report No. 7 of the Health and Emergency Medical Services Committee be adopted with the following amendment:

Clause 2, regarding the Department's Mid-Year Activity Report, be amended by replacing recommendation 2 with the following:

- 2. Staff be requested to submit a report to the November 3, 2005 Health and Emergency Medical Services Committee meeting with a business case for posting EMS staff at each area hospital and make a presentation to the area hospital boards relating to the collaborative strategies to deal with offload delays affecting response times.*

Report No. 8 of the Planning and Economic Development Committee be adopted with the following amendment:

Clause 4, regarding the Pedestrian and Cycling Master Plan Study, be amended to provide that the Commissioner of Planning and Development Services report to the Planning and Economic Development Committee on the composition of a task force or advisory committee comprised of regional and local municipal staff and citizens.

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

Report No. 8 of the Transportation and Works Committee be adopted with the following amendments:

Mayor Grossi being noted as in attendance at the October 12, 2005 meeting of the Committee;

Clause 2, regarding the "Watertight" report, be amended by adding the following recommendation:

- 3. A Council workshop be held prior to staff reporting back on the implications of any Provincial legislation or policy changes arising from the "Watertight" report that relate to recommendation 1(c).*

Clause 3, regarding a proposed Telus Mobility tower at a Regional reservoir, be amended by adding the following recommendations:

- 3. The agreement shall be subject to the proponent erecting a “Stealth” flag-pole type of tower on this site.*
- 4. The Commissioner of Transportation and Works report to the Committee on whether “Stealth” flag-pole types of towers should be the Regional standard for cellular telecommunications towers.*

Clause 6, regarding all-terrain vehicles on Regional roads, be referred back to the Committee pending receipt of a further report from the Town of Georgina.

Clause 8, regarding the Markham Bypass to Morningside Avenue link, be amended by adding the following recommendation:

- 8. The Region continue to work with the Ratepayers Association of Box Grove regarding noise and visual mitigation as this project proceeds.*

Clause 9, regarding Managing Transportation Congestion, be amended by adding the following recommendation:

- 2. Staff provide a further progress report as of year end, with more detail and implementation plans, in January or February of 2006.*

Clause 17, regarding Speed Limit revisions in the Township of King, be amended by deleting recommendation 2 and amending the by-law accordingly. (See Minute No. 170 for amended By-law No. R-1309(b)-2005-089.)

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

Clause 2, regarding a proposed 2006 Fare Rate Change for York Region Transit, was referred to private session and subsequently adopted by Council in public session (See Minute No. 177 for the recorded vote).

Report No. 1 of the Commissioner of Corporate Services and the Regional Solicitor be adopted without amendment;

Report No. 1 of the Regional Solicitor be adopted without amendment;

Report No. 3 of the Commissioner of Community Services and Housing be adopted without amendment;

Report No. 4 of the Commissioner of Community Services and Housing be adopted without amendment;

Report No. 5 of the Commissioner of Community Services and Housing be adopted without amendment;

Report No. 6 of the Commissioner of Community Services and Housing be adopted without amendment;

Report No. 7 of the Commissioner of Community Services and Housing, be adopted without amendment;

This report, regarding the awarding of a contract for Building Condition Assessments, was referred to private session for the receipt of legal advice and subsequently adopted in public session (See Minute No. 172.)

Report No. 2 of the Regional Chair be adopted without amendment.

It was moved by Regional Councillor Scarpitti, seconded by Mayor Di Biase that Council adopt the recommendations of the Committee of the Whole.

Carried

170 BY-LAWS

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

By-law No. R-1424-2005-082	To stop up and close a portion of Islington Avenue (Y.R. 17) in the City of Vaughan
By-law No. R-1425-2005-083	To stop up and close a portion of Rutherford Road (Y.R. 73) in the City of Vaughan
By-law No. R-1426-2005-084	To stop up and close a portion of Ninth Line (Y.R. 69) in the Town of Markham
By-law No. R-1427-2005-085	To stop up and close a portion of Bathurst Street (Y.R. 38) in the Towns of East Gwillimbury and Newmarket and the Township of King
By-law No. R-1428-2005-086	To stop up and close a portion of Green Lane East (Y.R. 19) formerly Herald Road/Harold Road in the Town of East Gwillimbury
By-law No. R-1429-2005-087	To stop up and close a portion of Lloydtown/Aurora Road (Y.R. 16) in the Township of King
By-law No. A-0368-2005-088	A by-law governing the execution of documents on behalf of The Regional Municipality of York

By-law No. R-1309(b)-2005-089	A By-law to amend By-law No. R-1309-2002-111 being a by-law to prescribe maximum rates of speed on King Road (Y.R. 11) <i>Amended by deleting Schedule A, Page 9.</i>
By-law No. R-1102(ba)-2005-090	To amend By-law No. R-1102-96-100 to prohibit or regulate parking and stopping on Regional Roads
By-law No. R-1430-2005-091	To authorize the temporary closing of Rutherford Road (Y.R. 73) in the City of Vaughan
By-law No. R-1431-2005-092	To acquire certain lands for or in connection with the 10th Line watermain in theTown of Whitchurch-Stouffville
By-law No. RD-0520-2005-093	To dedicate certain lands for the purposes of public highways

Carried

OTHER BUSINESS

171 Building Character Communities Book

Mayor Jones announced the release of the new book “*Building Character: A Community’s Success Story*”. The book can be purchased by the public and the Region will be pleased to release a number of books to be sold at township, town and city halls.

PRIVATE SESSION

It was moved by Regional Councillor Ferri, seconded by Regional Councillor Frustaglio, that Council convene in Private Session for the purpose of considering certain legal matters and matters relating to the security of municipal property.

Carried

Council met in Private Session at 12:35 p.m. and reconvened in Open Session at 2:14 p.m.

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

Carried

172 Awarding of Contract for Building Condition Assessments
(Clause 1 of Commissioner of Community Services and Housing Report No. 7)

It was moved by Regional Councillor Wheeler, seconded by Mayor Young, that Council adopt the recommendation contained in Clause 1 of the Commissioner of Community Services and Housing Report No. 7 as follows:

1. Council approve the awarding of a contract in the amount of \$193,670 to The Stonewell Group Inc. for Building Condition Assessments and related Replacement Reserve Studies for 66 projects in the Social Housing Portfolio.

Carried

173 2005 GTA Pooling Payments – Further Actions

It was moved by Regional Councillor Frustaglio, seconded by Regional Councillor Barrow, that Council adopt the recommendations contained in the confidential Report of the Regional Finance and Administration Committee dated October 6, 2005 as follows:

1. The amount of \$5.07 million, representing the difference between the 2005 budget for GTA Social Assistance and Social Housing Pooling costs and the capped payment amount directed by Council, be contributed to the General Capital Reserve Fund.
2. Staff report back to Council regarding any further action by either the Province or the City of Toronto to recover this shortfall.

Carried

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

**174 Agreement with the National Golf Club/City of Vaughan
Langstaff Road/Pine Valley Drive**

It was moved by Regional Councillor Jackson, seconded by Mayor Sherban, that Council adopt the recommendations contained in the confidential Report of the Regional Transportation and Works Committee dated October 5, 2005 as follows:

1. Regional Council authorize an agreement with The National Golf Club of Canada and the City of Vaughan to address property issues at the intersection of Langstaff Road (Y.R. 72) and Pine Valley Drive (Y.R. 57), in accordance with the terms set out in this report.
2. The Regional Chair and Regional Clerk be authorized to execute the agreement subject to review by Legal Services.

Carried

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

175 Viva Phase 2 Right-of-Way Property Acquisition Strategy

It was moved by Regional Councillor Scarpitti, seconded by Mayor Bell, that Council adopt the recommendations contained in the confidential Report of the Joint Transit Committee and Rapid Transit Public/Private Partnership Steering Committee dated October 20, 2005 as follows:

1. The strategy outlined in the report to acquire property required for the purpose of constructing dedicated lanes for Viva Phase 2 and valued at \$54.7 million, be endorsed.
2. Requests for Proposals be issued by the Region for the procurement of expert consulting services to undertake pre-negotiation work for Viva Phase 2 property acquisitions at a cost of approximately \$3.3 million, subject to 2006 budget approval.
3. Staff report back to Committee and Council on the outcome of the Request for Proposals process, progress of Stage 2 Environmental Assessments and appropriate timing for commencement of land acquisition.

Carried

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

**176 York Region Transit
Conventional Service Contract Extensions**

It was moved by Regional Councillor Heath, seconded by Regional Councillor Jones, that Council adopt the recommendations contained in the confidential Report of the Joint Transit Committee and Rapid Transit Public/Private Partnership Steering Committee dated October 20, 2005, as amended, as follows:

1. The York Region Transit Division 1 (Markham/Whitchurch-Stouffville) contract with Miller Transit Ltd. be extended for a period of five years, to April 2, 2011, on the terms and conditions outlined in this report, including a year one hourly rate of \$63.98, to be adjusted in future years based on the Consumer Price Index (Toronto – All Items), with a minimum annual increase of 2.5%, and that the contract be converted to a performance based contract.
2. The York Region Transit Division 3 (Richmond Hill) contract with Miller Transit Ltd. be merged with the Division 1 contract effective April 1, 2006 on the same terms and conditions as the Division 1 contract, and that Miller be compensated in the amount of \$241,000 for the delayed transfer of buses to Division 4.

3. The York Region Transit Division 2 (Newmarket/Aurora/Georgina/King/East Gwillimbury) contract with Laidlaw Transit Ltd. be extended for a period of three years, to June 23, 2009, on the terms and conditions outlined in this report, including a year one hourly rate of \$62.21, to be adjusted in future years based on the Consumer Price Index (Toronto – All Items), with a minimum annual increase of 2.5%.
4. The York Region Transit Division 4 (Vaughan) contract with Tokmakjian Inc. (Can-Ar) be extended for a period of four years, to May 1, 2010, on the terms and conditions outlined in this report, including a year one hourly rate of \$59.78, to be adjusted in future years based on the Consumer Price Index (Toronto – All Items), with a minimum annual increase of 2.5%.
5. The Regional Chair and Regional Clerk be authorized to sign the necessary contracts subject to review by Legal Services.

Carried

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

177 2006 Fare Rate Change for York Region Transit

It was moved by Regional Councillor Jones, seconded by Mayor Jones, that Council adopt the recommendations contained in Clause 2 of Report No. 3 of the Joint Transit Committee and Rapid Transit Public/Private Partnership Steering Committee, which was carried without amendment, on the following recorded vote:

FOR:	Barrow, Hogg, J.Jones, T. Jones, Scarpitti, Sherban, Wheeler, Young (8)
AGAINST:	Jackson, Van Bynen, Ferri, Grossi, Heath (5)

Carried

178 CONFIRMATORY BY-LAW

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

By-law No. M-0722-2005-094	To confirm the proceedings of Council at its meeting held on October 27, 2005.
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Carried

The Council meeting adjourned at 2:21 p.m.

Denis Kelly
 Regional Clerk

Minutes confirmed and adopted at the meeting of Regional Council held on the 17th of November, 2005.

Bill Fisch
Regional Chair