

**CITY OF VAUGHAN
COUNCIL MINUTES
SEPTEMBER 8, 2008**

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CITY OF VAUGHAN

COUNCIL MEETING

MONDAY, SEPTEMBER 8, 2008

MINUTES

1:00 P.M.

Council convened in the Municipal Council Chambers in Vaughan, Ontario, at 1:05 p.m.

The following members were present:

Mayor Linda D. Jackson, Chair
Regional Councillor Joyce Frustaglio
Regional Councillor Mario F. Ferri
Regional Councillor Gino Rosati
Councillor Tony Carella
Councillor Alan Shefman
Councillor Sandra Yeung Racco

Also present: Vaughan Youth Councillor Sabrina Bruno

ONE MINUTE SILENCE

Members of Council observed a moment of silence in remembrance of the late Mr. Marco Della Penna, City of Vaughan employee in the Building and Facilities Department, who passed away on Thursday, September 4, 2008.

**186. DECLARATION OF APPOINTMENT
SABRINA BRUNO, VAUGHAN YOUTH CITY COUNCILLOR**

The City Clerk administered the Declaration of Appointed Member and the Oath of Allegiance to Vaughan Youth City Councillor Sabrina Bruno. The newly appointed Youth City Councillor thanked those involved in developing the position, and who supported her submission for appointment.

Mayor Jackson, on behalf of Council, Regional Councillor Ferri, and Councillor Yeung Racco congratulated and commended Sabrina Bruno on her appointment.

Mr. Ron Dorcas, York Catholic District School Board, congratulated Sabrina Bruno on her appointment. Mr. Pat DeCaria, Principal, Mr. Gary McGuire, Co-Op Teacher and Ms. Carmelior DeRose, Guidance Counsellor, Father Bressani C.H.S., were also present.

187. CONFIRMATION OF AGENDA

MOVED by Councillor Carella
seconded by Regional Councillor Ferri

THAT the agenda be confirmed.

CARRIED

188. DISCLOSURE OF INTEREST

Mayor Jackson declared an interest with respect to Item 3, Committee of the Whole (Closed Session)

Report No. 41, LINDA D. JACKSON APPLICATION, as the matter deals with her application.

Regional Councillor Frustaglio declared an interest with respect to Item 3, Committee of the Whole (Closed Session) Report No. 41, LINDA D. JACKSON APPLICATION, as she is awaiting a report on her compliance audit.

189. ADOPTION OR CORRECTION OF MINUTES

MOVED by Regional Councillor Ferri
seconded by Councillor Carella

THAT the minutes of the Council meeting of June 23, 2008 and Special Council meeting minutes of June 24, 2008 and July 14, 2008 be adopted as presented.

CARRIED

190. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

The following items were identified for separate discussion:

Committee of the Whole Report No. 40

Items 4 and 19

Committee of the Whole (Closed Session) Report No. 41

Items 2 and 3

MOVED by Regional Councillor Frustaglio
seconded by Councillor Carella

THAT Items 1 to 27 of the Committee of the Whole Report No. 40, with the exception of the items identified for separate discussion, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 3 of the Committee of the Whole (Closed Session) Report No. 41, with the exception of the items identified for separate discussion, BE APPROVED and the recommendations therein be adopted; and

THAT Items 1 and 2 of the Committee of the Whole (Public Hearing) Report No. 42 BE APPROVED and the recommendations therein be adopted.

CARRIED

191. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

At this point in the meeting, Mayor Jackson relinquished the Chair to Regional Councillor Frustaglio.

COMMITTEE OF THE WHOLE REPORT NO. 40

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 4 ILAN RAMON BLVD AND MARC SANTI BLVD AND
ILAN RAMON BLVD AND LEBOVIC CAMPUS DRIVE
ALL-WAY STOP CONTROL INSTALLATION

MOVED by Mayor Jackson
seconded by Regional Councillor Ferri

THAT Item 4, Committee of the Whole Report No. 40, be adopted and amended, as follows:

By approving that an all-way stop control be installed at the intersection of Ilan Ramon Boulevard and Marc Santi Boulevard and Ilan Ramon Boulevard and Lebovic Campus Drive;
and

By receiving the memorandum from the Commissioner of Engineering and Public Works, dated September 5, 2008.

CARRIED

Mayor Jackson resumed the Chair.

COMMITTEE OF THE WHOLE REPORT NO. 40

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 19 SIGN VARIANCE APPLICATION
FILE NO: SV.08-010
OWNER: CALLOWAY REIT INC.
LOCATION: 57 NORTHVIEW BLVD, LOT 6, CONCESSION 5

MOVED by Regional Councillor Frustaglio
seconded by Regional Councillor Ferri

THAT Item 19, Committee of the Whole Report No. 40 be adopted and amended, as follows:

By receiving the memorandum from the Director of Building Standards, dated September 5, 2008.

CARRIED

At this point in the meeting, Mayor Jackson relinquished the Chair to Regional Councillor Ferri.

MOVED by Councillor Yeung Racco
seconded by Councillor Shefman

That Council resolve into Committee of the Whole (Closed Session) for the purpose of discussing the following matters:

- i) Item 2, Committee of the Whole (Closed Session) Report No. 41, UPDATE ON VAUGHAN PROFESSIONAL FIREFIGHTERS ASSOCIATION NEGOTIATIONS (labour relations or employee negotiations); and
- ii) Item 3, Committee of the Whole (Closed Session) Report No. 41, LINDA D. JACKSON APPLICATION (litigation or potential litigation, including matters before administrative tribunals, affecting the City or local board).

CARRIED

Council recessed at 1:35 p.m.

MOVED by Councillor Shefman
seconded by Councillor Yeung Racco

THAT Council reconvene into public session.

CARRIED

Council reconvened at 4:38 p.m. with Regional Councillor Ferri still in the Chair. The following members were present:

Mayor Linda D. Jackson
Regional Councillor Mario Ferri
Regional Councillor Gino Rosati
Councillor Tony Carella
Councillor Peter Meffe
Councillor Alan Shefman
Councillor Sandra Yeung Racco

192. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

COMMITTEE OF THE WHOLE (CLOSED SESSION) REPORT NO. 41

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 3 LINDA D. JACKSON APPLICATION

MOVED by Councillor Yeung Racco
seconded by Councillor Shefman

THAT Item 3, Committee of the Whole (Closed Session) Report No. 41 be adopted and amended, as follows:

By approving the following Committee of the Whole (Closed Session) recommendation of September 8, 2008:

1. That Council authorize the filing of Appearances to the Application on behalf of the municipal corporation and Mr. Tim Wilkin, Special Counsel;
2. That Council retain the firm WeirFoulds LLP to act on its behalf in defense of the Application, subject to the direction of the City Solicitor;
3. That a by-law to confirm all decisions of Council to date relating to the compliance audit of the Applicant be enacted;
4. That the following Resolution be enacted:

WHEREAS the legal proceedings commenced by Mayor Jackson seek a declaration that section 81 of the Municipal Elections Act, 1996, the legislative authority governing applications for municipal corporations to audit the campaign finances of candidates for municipal office, is of no force or effect;

AND WHEREAS the relief sought against the City is to declare its appointment of auditors and prosecutions counsel in response to the two compliance audit applications made to it with respect to the election campaign finances of Mayor Jackson, to be null and void and to prevent the Council from laying charges against

Linda D. Jackson in relation to alleged contraventions of the Municipal Elections Act, 1996;

AND WHEREAS the City has received clear and comprehensive legal advice that its actions throughout in processing and acting on the compliance audit applications, and confirming its actions by by-law, were fully lawful and in accordance with the legislative and judicial authority and mandates governing its responsibilities in this matter, including the authority for the appointment of auditors and legal counsel;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF VAUGHAN HEREBY RESOLVES:

THAT the City of Vaughan respond to these legal proceedings brought by its Mayor on the basis of the lawfulness and authority of each of its actions referred to in the proceedings, making clear in its by-law to retain and instruct legal counsel in response to the application, its position that its acts and decisions which are the subject-matter of the legal proceedings were duly made by the by-laws which it enacted;

5. That the City Solicitor and Clerk take all necessary steps to give effect thereto; and
6. That the confidential additional reports of the Commissioner of Legal and Administrative Services and City Solicitor, the Director of Legal Services and external counsel, both dated September 8, 2008, be received.

CARRIED

Having previously declared an interest Mayor Jackson did not take part in the discussion or vote on the foregoing matter.

193. ADDENDUM BY-LAW NUMBER 228-2008

MOVED by Councillor Shefman
seconded by Councillor Carella

THAT the following by-law be added to the agenda:

By-Law Number 228-2008 A By-law to retain and instruct legal counsel and confirm actions, decisions and by-laws of the City Council, in respect of legal proceedings brought by Linda D. Jackson.

CARRIED UNANIMOUSLY

MOVED by Councillor Carella
seconded by Councillor Yeung Racco

THAT the following by-law be read a First, Second and Third time and enacted:

By-Law Number 228-2008 A By-law to retain and instruct legal counsel and confirm actions, decisions and by-laws of the City Council, in respect of legal proceedings brought by Linda D. Jackson.

CARRIED

Mayor Jackson did not take part in the discussion or vote on the foregoing matter.

Mayor Jackson resumed the Chair.

194. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

COMMITTEE OF THE WHOLE (CLOSED SESSION) REPORT NO. 41

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 2 UPDATE ON VAUGHAN PROFESSIONAL FIREFIGHTERS ASSOCIATION NEGOTIATIONS

MOVED by Councillor Carella
seconded by Councillor Meffe

THAT Item 2, Committee of the Whole (Closed Session) Report No. 41 be adopted and amended, as follows:

By approving the following Committee of the Whole (Closed Session) recommendation of September 8, 2008:

That the confidential recommendation contained in the confidential additional report of the Commissioner of Legal and Administrative Services and City Solicitor, the Director of Human Resources and the Fire Chief, dated September 8, 2008, be approved.

CARRIED

195. BY-LAWS FIRST, SECOND AND THIRD READINGS

MOVED by Regional Councillor Ferri
seconded by Councillor Yeung Racco

That the following recommendation contained in the memorandum from the Commissioner of Planning, dated September 3, 2008, with respect to By-law 214-2008, be approved:

1. That a by-law be enacted to remove the words “and street townhouse dwellings” from Subparagraph 2.c)i) in Site Plan Control By-law 228-2005.

CARRIED

MOVED by Councillor Carella
seconded by Councillor Yeung Racco

That the memorandum from the Commissioner of Planning, dated September 3, 2008, with respect to By-law 215-2008, be received.

CARRIED

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MOVED by Councillor Meffe
seconded by Councillor Carella

That the memorandum from the Commissioner of Planning, dated September 4, 2008, with respect to By-laws 226-2008 and 227-2008, be received.

CARRIED

MOVED by Councillor Yeung Racco
seconded by Councillor Carella

THAT the following by-laws be read a First, Second and Third time and enacted:

- By-Law Number 207-2008 A By-law to amend the Consolidated Traffic By-law 284-94, as amended, to govern and control traffic in the City of Vaughan. (Treasure Road and Del Francesco Way) (Council, June 23, 2008, Item 22, Committee of the Whole, Report No. 36)
- By-Law Number 208-2008 A By-law to amend the Consolidated Traffic By-law 284-94, as amended, to govern and control traffic in the City of Vaughan. (Del Francesco Way and Mast Road) (Council, June 23, 2008, Item 21, Committee of the Whole, Report No. 36)
- By-Law Number 209-2008 A By-Law to amend By-law 1-96 as amended, to govern and control the parking of vehicles in the City of Vaughan. (Velmar Drive) (Council, June 23, 2008, Item 20, Committee of the Whole, Report No. 36)
- By-Law Number 210-2008 A By-law to amend the Consolidated Traffic By-law 284-94 as amended, to govern and control traffic in the City of Vaughan. (Meeting House Road) (Council, June 23, 2008, Item 23, Committee of the Whole, Report No. 36)
- By-Law Number 211-2008 A By-law to amend the Consolidated Traffic By-law 284-94 as amended, to govern and control traffic in the City of Vaughan. (Fogal Road and Zenway Boulevard) (Council, June 23, 2008, Item 25, Committee of the Whole, Report No. 36)
- By-Law Number 212-2008 A By-law to amend the Consolidated Traffic By-law 284-94, as amended, to govern and control traffic in the City of Vaughan. (Ilan Ramon Boulevard and Lebovic Campus Drive) (Item 4, Committee of the Whole, Report No. 40)
- By-Law Number 213-2008 A By-law to amend the Consolidated Traffic By-law 284-94, as amended, to govern and control traffic in the City of Vaughan. (Ilan Ramon Boulevard and Marc Santi Boulevard) (Item 4, Committee of the Whole, Report No. 40)
- By-Law Number 214-2008 A By-law to amend City of Vaughan Site Plan Control By-law Number 228-2005, as amended. (OP.08.006 (12.28, this amendment applies to all of the lands within the corporate boundaries of the City of Vaughan) (Administrative Correction) (Council, May 20, 2008, Item 19, Committee of the Whole, Report No. 27)

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- By-Law Number 215-2008 A By-law to amend City of Vaughan By-law 1-88. (Correct Schedule "T-12" to By-law 1-88 by including maximum lot coverage for the R3, R4 and RM1 Residential Zones that are subject to site-specific Exception 9(471) (Administrative Correction) (Additional Information Memo dated September 3, 2008)
- By-Law Number 216-2008 A By-law to exempt parts of Plan 65M-4077 from the provisions of Part Lot Control. (PLC.05.018, PB Homes (Woodbridge) Corporation, located on the south side of Regional Road #7, west of Helen Street, being Block 1 on Plan 65M-4077) (Delegation By-law 333-98)
- By-Law Number 217-2008 A By-law to repeal By-law 216-2008. (PLC.05.018, PB Homes (Woodbridge) Corporation, located on the south side of Regional Road #7, west of Helen Street, being Block 1 on Plan 65M-4077) (Delegation By-law 333-98)
- By-Law Number 218-2008 A By-law to exempt parts of Plan 65M-4069 from the provisions of Part Lot Control. (PLC.08.020, Laredo Construction, located south of Major Mackenzie Drive and east of Grand Truck Avenue, and specifically on White Beach Crescent, being Lots 46 - 51 inclusive, Lots 62 - 67 inclusive and Blocks 68 - 72 inclusive on Registered Plan 65M-4069, in Part of Lot 20, Concession 3) (Delegation By-law 333-98)
- By-Law Number 219-2008 A By-law to repeal By-law 218-2008. (PLC.08.020, Laredo Construction, located south of Major Mackenzie Drive and east of Grand Truck Avenue, and specifically on White Beach Crescent, being Lots 46 - 51 inclusive, Lots 62 - 67 inclusive and Blocks 68 - 72 inclusive on Registered Plan 65M-4069, in Part of Lot 20, Concession 3) (Delegation By-law 333-98)
- By-Law Number 220-2008 A By-law to dedicate certain lands as part of the public highway. (Part of Lot 19, Concession 3, designated as Part 48, on Plan 65R-28686 – Grand Trunk Avenue, Part of Lot 19, Concession 3, designated as Parts 3, 21, 23 and 44, on Plan 65R-28686 - Ivy Glen Drive) (Delegation By-law 333-98)
- By-Law Number 221-2008 A By-law to dedicate certain lands as part of the public highway. (Part of the East and West halves of Lot 20, Concession 3, designated as Parts 7, 9 and 21 on Plan 65R-28687 – Peter Rupert Avenue) (Delegation By-law 333-98)
- By-Law Number 222-2008 A By-law to dedicate certain lands as part of the public highway known as Kipling Avenue. (Part of Lot 8, Concession 7, designated as Parts 1 and 2 on Plan 65R-30680 – Kipling Avenue) (Delegation By-law 333-98)
- By-Law Number 223-2008 A By-law to dedicate certain lands as part of the public highway. (Part of Lot 18, Concession 3, designated as Part 52, on Plan 65R-28693 - Peter Rupert Avenue, Part of Lot 18, Concession 3, designated as Parts 23, 46 and 48 on Plan 65R-28693 - Grand Trunk Avenue, Part of Lot 18, Concession 3, designated as Parts 43 and 49 on Plan 65R-28693 - Maurier Boulevard) (Delegation By-law 333-98)

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- By-Law Number 224-2008 A By-law to dedicate certain land as part of the public highway being Canada Company Avenue. (Part of Lot 19, Concession 7 , designated as Part 1 on Reference Plan 65R-26967 - Canada Company Avenue) (Delegation By-law 333-98)
- By-Law Number 225-2008 A By-law to dedicate certain lands as part of the public highway. (Part of East Half of Lot 20, Concession 3, designated as Part 60, on Plan 65R-28684 - Peter Rupert Avenue, Part of East Half of Lot 20, Concession 3, designated as Part 36 on Plan 65R-28684 - Grand Trunk Avenue, Part of East Half of Lot 20, Concession 3, designated as Parts 6, 10, 24, 28, 32 and 45 on Plan 65R-28684 - Freedom Trail) (Delegation By-law 333-98)
- By-Law Number 226-2008 A By-law to amend City of Vaughan By-law 1-88 as amended by By-law 121-2007. (Z.08.042, York Major Holdings Inc., located north of Major Mackenzie Drive and west of Dufferin Street, in Part of Lot 22, Concession 3) (Lifting of Holding Symbol "H") (Council, June 26, 2006, Item 90, Committee of the Whole, Report No. 37)
- By-Law Number 227-2008 A By-law to amend City of Vaughan By-law 1-88 as amended by By-law 121-2007. (Z.08.042, York Major Holdings Inc., located north of Major Mackenzie Drive and west of Dufferin Street, in Part of Lots 22, 23 and 24, Concession 3) (Lifting of Holding Symbol "H") (Council, June 26, 2006, Item 90, Committee of the Whole, Report No. 37)
- By-Law Number 228-2008 Refer to Minute No. 193

CARRIED

196. **CONFIRMING BY-LAW**

MOVED by Councillor Shefman
seconded by Councillor Yeung Racco

THAT By-law Number 229-2008, being a by-law to confirm the proceedings of Council at its meeting on September 8, 2008, be read a First, Second and Third time and enacted.

CARRIED

197. **ADJOURNMENT**

MOVED by Councillor Carella
seconded by Regional Councillor Rosati

THAT the meeting adjourn at 4:46 p.m.

CARRIED

Linda D. Jackson, Mayor

Jeffrey A. Abrams, City Clerk