

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

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CITY OF VAUGHAN

COUNCIL MEETING

MONDAY, DECEMBER 8, 2008

MINUTES

1:00 P.M.

Council convened in the Municipal Council Chambers in Vaughan, Ontario, at 1:06 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 Bernie Di Vona
Councillor Peter Meffe
Councillor Alan Shefman
Councillor Sandra Yeung Racco

Also present: Vaughan Youth Councillor Sabrina Bruno

258. PRESENTATION – WARD 5 CIVIC HERO AWARD TO ELLISE GASNER

Ms. Ellise Gasner was awarded the Civic Hero Award for Ward 5, for a recommendation that led to a recycling pilot project for large households.

259. PRESENTATION – WARD 1 CIVIC HERO AWARD TO TIMOTHY J. ARNOTT

Mr. Timothy J. Arnett was awarded the Civic Hero Award for Ward 1, for his outstanding contributions to the community.

260. CONFIRMATION OF AGENDA

MOVED by Regional Councillor Ferri
seconded by Councillor Carella

THAT the agenda be confirmed.

AMENDMENT

MOVED by Regional Councillor Frustaglio
seconded by Councillor Shefman

That the following addendum be added to the agenda:

1) **RIZMI AND MILANI VS CITY OF VAUGHAN**

Confidential verbal report with respect to the above.

CARRIED UNANIMOUSLY

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

AMENDMENT

MOVED by Councillor Shefman
seconded by Regional Councillor Ferri

That the following addendum be added to the agenda:

2) DONOFRIO LITIGATION

Confidential verbal report with respect to the above.

CARRIED UNANIMOUSLY

Mayor Jackson resumed the Chair.

Upon the question of the main motion:

CARRIED AS AMENDED

261. DISCLOSURE OF INTEREST

Regional Councillor Frustaglio declared an interest with respect to Item 4, Committee of the Whole (Closed Session) Report No. 62, SECURITY OF THE PROPERTY (UPDATE OF INVESTIGATION BY THE CITY MANAGER), insofar as it relates to issues pertaining to her son.

Mayor Jackson declared an interest with respect to the following matters:

- i) Audit and Operational Review Committee Report No. 5, Item 1, REPORT ON THE MAYOR'S CITY-RELATED EXPENSES FOR 2007, as the report deals with her expenses.
- ii) Addendum No. 2, DONOFRIO LITIGATION, as she may be called as a witness.

262. ADOPTION OR CORRECTION OF MINUTES

MOVED by Regional Councillor Ferri
seconded by Councillor Yeung Racco

THAT the minutes of the meeting of November 24, 2008 be adopted as presented.

CARRIED

263. PROPOSED AMENDMENTS TO PROCEDURE BY-LAW NO. 400-2002, AS AMENDED

No one appeared either in support of or in opposition to this matter.

MOVED by Councillor Carella
seconded by Councillor Meffe

That the recommendation contained in the following report of the City Clerk, dated December 8, 2008, be approved:

CARRIED

Recommendation

The City Clerk recommends:

- 1) That any deputations and/or written submissions from the public on the proposed amendments to Procedure By-law No. 400-2002, as amended, be received; and
- 2) That the proposed amendments to Procedure By-law No. 400-2002, as amended, as set out in Attachment 1, be enacted.

Economic Impact

There is no economic impact.

Communications Plan

The consolidated Procedure By-law No. 400-2002, that includes all amendments enacted by Council, is posted on the City's website.

Purpose

The purpose of this report is to consider proposed amendments to Procedure By-law No. 400-2002, as amended, that reflect the recent adoption of Committee and Council meeting times and to receive deputations and/or written submissions from the public.

Background - Analysis and Options

At the Council meeting of November 10, 2008, Council considered the staff report entitled, "2009 Schedule of Meetings", and adopted in part:

"That By-law No. 400-2002, as amended (the Procedural By-law) be further amended accordingly, and that the required notice be provided."

Pursuant to Section 4(10) of the City's Notice By-law No. 394-2002 the required public notice at least ten (10) days prior to the date the proposed by-law is to be considered was given by posting on the City's website and Attachment 1, being the proposed amendments, was included with the notice.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council and Vaughan Vision 2020 Strategic Goals: Demonstrate Leadership & Promote Effective Governance and Enhance Productivity.

Regional Implications

N/A

Conclusion

Pursuant to the City's Notice By-law 394-2002, the required notice was provided that Council would be considering proposed amendments to Council's Procedure By-law No. 400-2002, as amended, at the Council meeting of December 8th and that members of the public could attend to provide comments and/or written submissions could be submitted to the City Clerk. It is recommended that following any deputations from the public and/or written submissions, Council consider enacting the proposed amendments to the Procedure By-law.

Attachments

1. Proposed amendments to the City of Vaughan Procedure By-law No. 400-2002, as amended.

Report prepared by:

Sybil Fernandes, Deputy City Clerk, Ext. 8628

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

264. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

The following items were identified for separate discussion:

Committee of the Whole Report No. 61

Items 10, 22, 25, 26, 27, and 32

Committee of the Whole (Closed Session) Report No. 62

Item 4

Audit and Operational Review Committee Report No. 5

Item 1

Addendum Items

1 and 2

MOVED by Regional Councillor Ferri
seconded by Regional Councillor Frustaglio

THAT Items 1 to 3 of the Committee of the Whole (Working Session) Report No. 60, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 36 of the Committee of the Whole Report No. 61, with the exception of the items identified for separate discussion, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 6 of the Committee of the Whole (Closed Session) Report No. 62, with the exception of the item identified for separate discussion, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 and 2 of the Committee of the Whole (Public Hearing) Report No. 63, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 6 of the Budget Committee Report No. 9, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 and 2 of the Audit and Operational Review Committee Report No. 5, with the exception of the item identified for separate discussion, BE APPROVED and the recommendations therein be adopted; and

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THAT Items 1 to 3 of the Environment Committee Report No. 8, BE APPROVED and the recommendations therein be adopted.

CARRIED

265. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

COMMITTEE OF THE WHOLE REPORT NO. 61

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

ITEM - 10 FRIULI COURT
VEHICULAR CONTROL ISSUES

MOVED by Councillor Carella
seconded by Regional Councillor Frustaglio

THAT Item 10, Committee of the Whole Report No. 61 be adopted without amendment.

CARRIED

ITEM - 22 SIGN VARIANCE APPLICATION
FILE NO: SV.08-023
OWNER: STONEMARK INVESTMENTS INC./YORK STANDARD
CONDOMINIUM CORP.
LOCATION: 643 CHRISLEA BLVD, UNIT 4, YCC 1005
LOT 32, REGISTERED PLAN 65M-2588

MOVED by Councillor Di Vona
seconded by Regional Councillor Frustaglio

THAT Item 22, Committee of the Whole Report No. 61 be adopted and amended, as follows:

By approving the recommendation contained in the report of the Sign Variance Committee, dated December 1, 2008.

CARRIED

ITEM - 25 SITE DEVELOPMENT FILE DA.07.023
TOYS "R" US LIMITED

MOVED by Councillor Shefman
seconded by Councillor Yeung Racco

That this matter be referred to the Committee of the Whole meeting of February 10, 2009, to allow further discussion with the applicant; and

That the written submission from Mr. Jim McKinlay, McDonald's Restaurants of Canada Limited, McDonald's Place, Toronto, M3C 3L4, dated December 5, 2008, be received.

CARRIED UPON A RECORDED VOTE

YEAS

Councillor Carella
Councillor Di Vona
Regional Councillor Ferri
Regional Councillor Frustaglio
Mayor Jackson
Councillor Meffe
Councillor Yeung Racco
Councillor Shefman

NAYS

Regional Councillor Rosati

266. PRESENTATION – MR. ANTONIO CARUSO IN RECOGNITION OF HIS SCULPTURE BEING USED FOR A CANADA POST POSTAGE STAMP

Members of Council recognized Mr. Antonio Caruso in honour of his sculpture of infant Jesus being used for a Canada Post Christmas postage stamp.

267. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

COMMITTEE OF THE WHOLE REPORT NO. 61

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

ITEM - 26 VAUGHAN CORPORATE CENTRE UPDATE
RFP AWARD – RFP08-163
FILE # 25.5

MOVED by Councillor Yeung Racco
seconded by Regional Councillor Ferri

THAT Item 26, Committee of the Whole Report No. 61 be adopted and amended, as follows:

By approving that a copy of this report be forwarded to the Region of York.

CARRIED

ITEM - 27 DEPUTATION - MS. VICKI KOMAR
REQUEST FOR REFUND OF COMMITTEE OF ADJUSTMENT FEES

MOVED by Regional Councillor Ferri
seconded by Regional Councillor Frustaglio

THAT Item 27, Committee of the Whole Report No. 61 be adopted and amended, as follows:

By receiving the written submission from Ms. Vicki Komar-Apreda, dated December 3, 2008.

CARRIED

ITEM - 32 DEPUTATION – MS. ERLINDA INSIGNE WITH RESPECT TO THE
EXPANSION OF THE PATRICIA KEMP COMMUNITY CENTRE

MOVED by Regional Councillor Ferri
seconded by Councillor Shefman

THAT Item 32, Committee of the Whole Report No. 61 be adopted and amended, as follows:

By receiving the written submission from O.P. Lamba, 2 Gould Lane, Thornhill, L4J 9B6, dated November 29, 2008; and

By receiving the petition.

CARRIED

COMMITTEE OF THE WHOLE (CLOSED SESSION) REPORT NO. 62

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

ITEM - 4 SECURITY OF THE PROPERTY (UPDATE OF INVESTIGATION BY THE CITY MANAGER)

MOVED by Councillor Di Vona
seconded by Councillor Carella

THAT Item 4, Committee of the Whole (Closed Session) Report No. 62 be adopted without amendment.

CARRIED

Having previously declared an interest Regional Councillor Frustaglio did not take part in the discussion or vote on the foregoing matter.

AUDIT AND OPERATIONAL REVIEW COMMITTEE REPORT NO. 5

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

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

ITEM - 1 REPORT ON THE MAYOR'S CITY-RELATED EXPENSES FOR 2007

MOVED by Councillor Carella
seconded by Councillor Meffe

THAT Item 1, Audit and Operational Review Committee Report No. 5 be adopted without amendment.

AMENDMENT

MOVED by Councillor Di Vona
seconded by Councillor Carella

THAT Item 1, Audit and Operational Review Committee Report No. 5 be adopted and amended, as follows:

By approving that the City auditor review the confidential information regarding this matter submitted directly to him by Councillor Di Vona, and provide comments on same, to the next Audit and Operational Review Committee meeting; and

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By receiving the written submission from Ms. Carrie Liddy, dated December 5, 2008.

CARRIED

Upon the question of the main motion, as amended:

CARRIED

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

MOVED by Regional Councillor Ferri
seconded by Regional Councillor Rosati

That Council resolve into Closed Session for the purpose of discussing the following matters:

- i) ADDENDUM 1, RIZMI AND MILANI VS CITY OF VAUGHAN (litigation or potential litigation, including matters before administrative tribunals, affecting the City or local board); and
- ii) ADDENDUM 2, DONOFRIO LITIGATION (litigation or potential litigation, including matters before administrative tribunals, affecting the City or local board).

CARRIED

Council recessed at 3:59 p.m.

MOVED by Councillor Shefman
seconded by Regional Councillor Frustaglio

THAT Council reconvene at 4:56 p.m.

CARRIED

Council reconvened at 4:56 p.m. with the following members present:

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

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

268. DONOFRIO LITIGATION
(Addendum No. 2)

MOVED by Councillor Yeung Racco
seconded by Councillor Shefman

That the confidential recommendation of the Closed Session be approved.

CARRIED

Mayor Jackson resumed the Chair.

269. RIZMI AND MILANI VS CITY OF VAUGHAN

(Addendum No. 1)

MOVED by Councillor Yeung Racco
seconded by Councillor Shefman

That the confidential recommendation of the Closed Session be approved.

CARRIED

270. BY-LAW 302-2008 FIRST, SECOND AND THIRD READINGS

MOVED by Regional Councillor Frustaglio
seconded by Regional Councillor Rosati

That the following be approved in accordance with the memorandum from the Commissioner of Planning, dated December 3, 2008:

The Commissioner of Planning recommends:

“THAT a by-law be enacted to remove the Holding Symbol “(H)” from the subject lands shown on Attachment #1 and zoned RD3(H) Residential Detached Zone Three, RD4(H) Residential Detached Zone Four and RT1(H) Residential Townhouse Zone.”; and

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

By-Law Number 302-2008	A By-law to amend City of Vaughan By-law 1-88 as amended. (Nine-Ten West Ltd. – Z.03.067/19T-95066; Thornhill Ravines – Z.03.001/19T-03V01; Alice Smith – Z.05.011/19T-05V11; 1275621 Ontario Inc., - Z.07.008/19T-95065; Lindvest Properties – Z.04.014/19T04V05, located (north of Rutherford Road, south of Major Mackenzie between Dufferin Street and Bathurst Street, on Draft Plans of Subdivisions 19T-95066 (Nine-Ten West Limited), 19T-03V01 (Thornhill Ravines Development Corporation), 19T-95065 (1275621 Ontario Inc.), 19T-05V11 (Alice Smith) and 19T-04V05 (Lindvest Properties (Bathurst Mackenzie) Limited), in Part of Lots 16 to 20, Concession 2) (Removal of the Holding Symbol “(H)”) (Council, June 28, 2004, Items 64, 65, 97, Committee of the Whole, Report No. 56) (Council, December 6, 2004, Item 27, Committee of the Whole, Report No. 55) (Council, January 29, 2007, Item 32, Committee of the Whole, Report No. 27)
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CARRIED

271. BY-LAWS FIRST, SECOND AND THIRD READINGS

MOVED by Councillor Carella
seconded by Regional Councillor Ferri

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

By-Law Number 301-2008	A By-law to designate by Number an amendment to City of
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Vaughan By-law Number 1-88, as effected by the Ontario Municipal Board. (Z.06.054 - Invar (Freshway) Limited (Related Files: OP.06.024 and 19T-06V09) (OMB Order File No. PL080464)

- By-Law Number 303-2008 A By-Law to exempt parts of Plan 65M-4104 from the provisions of Part Lot Control. (PLC.08.032, Ozner Corporation (South), located on Manordale Crescent (Lots 32 - 48 inclusive, Blocks 143 - 152 inclusive, Plan 65M-4104), Aidan Drive (Lots 13-30 inclusive, Lots 57 - 65 inclusive, Plan 65M-4104) and Retreat Boulevard (Lots 66 - 68 inclusive, Plan 65M-4104) located north of Major Mackenzie Drive, east Weston Road, in Part of Lot 22 and 23, Concession 5) (Delegation By-law 333-98)
- By-Law Number 304-2008 A By-Law to repeal By-law 303-2008. (PLC.08.032, Ozner Corporation (South), located on Manordale Crescent (Lots 32 - 48 inclusive, Blocks 143 - 152 inclusive, Plan 65M-4104), Aidan Drive (Lots 13-30 inclusive, Lots 57 - 65 inclusive, Plan 65M-4104) and Retreat Boulevard (Lots 66 - 68 inclusive, Plan 65M-4104) located north of Major Mackenzie Drive, east Weston Road, in Part of Lot 22 and 23, Concession 5) (Delegation By-law 333-98)
- By-Law Number 305-2008 A By-law to amend City of Vaughan Procedural By-Law 400-2002, as amended. (Procedure By-law) (Council, December 16, 2002, Item 5, Committee of the Whole (Working Session), Report No. 84)
- By-Law Number 306-2008 A By-law to assume Municipal Services in Vaughan West North Business Park, 19T-99V07/19T-89058, Registered Plan 65M-3627; and Vaughan West II Business Park, 19T-03V19, Registered Plan 65M-3992. (Subdivision Agreement dated April 20, 2007 - Vaughan West II Limited and Conair Consumer Products Inc. and Subdivision Agreement dated November 6, 2002 - Roybridge Holdings Limited) (Item 8, Committee of the Whole, Report No. 61)
- By-Law Number 307-2008 A By-law to assume Municipal Services in Tri-Din Subdivision, 19T-97V25, Registered Plan 65M-3566. (Subdivision Agreement dated December 21, 2001 - Tri-Din Development Corporation) (Item 7, Committee of the Whole, Report No. 61)
- By-Law Number 308-2008 A By-law to dedicate certain lands as part of the public highway. (Part of Lot 17, Concession 2 designated as Part 1, on Plan 65R-31215 - Marc Santi Boulevard) (Delegation By-law 333-98)
- By-Law Number 309-2008 A By-law to dedicate certain lands as part of the public highway. (Part of Block 157 on Plan 65M-3973, designated as Part 1 on Reference Plan 65R-31089 - District Avenue) (Delegation By-law 333-98)

CARRIED

272. CONFIRMING BY-LAW

MOVED by Councillor Carella
seconded by Regional Councillor Rosati

THAT By-law Number 310-2008, being a by-law to confirm the proceedings of Council at its meeting on December 8, 2008, be read a First, Second and Third time and enacted.

CARRIED

273. ADJOURNMENT

MOVED by Councillor Carella
seconded by Councillor Di Vona

THAT the meeting adjourn at 4:59 p.m.

CARRIED

Linda D. Jackson, Mayor

Jeffrey A. Abrams, City Clerk