



CITY OF VAUGHAN
COUNCIL MINUTES
May 3, 2011

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CITY OF VAUGHAN
COUNCIL MEETING
TUESDAY, MAY 3, 2011
MINUTES
1:00 P.M.

Council convened in the Municipal Council Chambers in Vaughan, Ontario, at 1:10 p.m.

The following members were present:

Hon. Maurizio Bevilacqua, Mayor
Regional Councillor Gino Rosati
Regional Councillor Michael Di Biase
Regional Councillor Deb Schulte
Councillor Tony Carella
Councillor Rosanna DeFrancesca
Councillor Marilyn Iafrate
Councillor Alan Shefman
Councillor Sandra Yeung Racco

81. CONFIRMATION OF AGENDA

MOVED by Councillor Iafrate
seconded by Councillor Carella

THAT the agenda be confirmed.

AMENDMENT

MOVED by Councillor Carella
seconded by Regional Councillor Di Biase

That the following Addendum be added to the agenda:

- 1) BY-LAW NUMBER 69-2011
(Item 35, Committee of the Whole Report No. 19)

A By-law to amend By-law Number 331-99, as amended by By-law Number 428-99, By-law Number 243-2000 and By-law Number 489-2000 to authorize the amendment of the Commitment Letter in connection with the financing, operation and management of a municipal capital facility known as "The Sports Village".

CARRIED UNANIMOUSLY

Upon the question of the main motion:

CARRIED AS AMENDED

82. DISCLOSURE OF INTEREST

Councillor Shefman declared an interest with respect to Item 37, Committee of the Whole Report No. 19, SPIRIT OF COMMUNITY DINNER, as he is Chair of the event.

Councillor Yeung Racco declared an interest with respect to Item 37, Committee of the Whole Report No. 19, SPIRIT OF COMMUNITY DINNER, as she has been honoured by this group in the past.

83. ADOPTION OR CORRECTION OF MINUTES

MOVED by Councillor Carella
seconded by Councillor Iafrate

THAT the minutes of the Council meeting of April 5, 2011 and Special Council meeting of April 5, 2011 and April 15, 2011 be adopted as presented.

CARRIED

84. COMMUNICATIONS

MOVED by Councillor DeFrancesca
seconded by Regional Councillor Schulte

THAT Communications C1 to C12 inclusive be received and referred to their respective items on the agenda.

CARRIED

85. PORTIONS OF APPLE MILL ROAD AND MILLWAY AVENUE ROAD CLOSURE WARD 4

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

MOVED by Regional Councillor Schulte
seconded by Councillor Shefman

That the recommendation contained in the following report of the City Clerk, dated May 3, 2011, be approved:

CARRIED

The City Clerk recommends:

- 1) That any deputations on the matter be received; and
- 2) That a By-law be enacted to Stop-up and Close a portion of Apple Mill Road and Millway Avenue.

Purpose

To enact a by-law to stop-up and close a portion of Apple Mill Road and Millway Avenue.

Contribution to Sustainability

The Toronto-York Spadina Subway Extension (TYSSE) project will provide higher order transit infrastructure to support compact urban form and offer an alternative mode of transportation to the single occupant vehicles. In addition, the subway extension into the City will stimulate the establishment of transit oriented development in the Vaughan Metropolitan Centre and the Steeles West Secondary Plan intensification areas.

Economic Impact

The cost associated with the procedure to stop-up and close a portion of Millway Avenue and Apple Mill Road will be recovered from the Toronto-York Spadina Subway Extension project.

Communications Plan

The Toronto-York Spadina Subway Extension project is carrying out a comprehensive communications plan to facilitate the planning, design and construction of the Spadina Subway project.

Background – Analysis and Options

At its meeting of April 5th, 2011, Council directed staff to commence procedures as required by the Municipal Act to advertise and schedule a Public Hearing to stop-up and close a portion of Apple Mill Road and Millway Avenue.

The notice (Attachment 1) was advertised on the City Page of the City's Website for two consecutive weeks commencing April 14, 2011. The appropriate agencies have been notified of the proposed by-law. No objections have been received.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

The Region of York is a partner in the Toronto-York Subway Extension project.

Conclusion

In order to complete the road closure process, Council's approval of this recommendation is required. A By-law will be brought forward to a future council meeting once a reference plan has been completed.

Attachments

1. Notice of Road Closure

Report Prepared by:

Brenda Macdonald, Administrative Co-ordinator, Ext. 8286
Todd Coles, Manager of Development Services, Ext. 8332

(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.)

86. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

The following items were identified for separate discussion:

Priorities and Key Initiatives Committee Report No. 4

Item 2

COUNCIL MEETING MINUTES – MAY 3, 2011

Committee of the Whole Report No. 19

Items 4, 5, 20, 37, 39, and 40

Committee of the Whole (Working Session) Report No. 23

Item 2

Committee of the Whole (Closed Session) Report No. 24

Item 1 (Reconsidered)

Finance and Administration Committee Report No. 12

Item 1

Deferred Items

1, 2, 3, 4, and 5

MOVED by Councillor Iafrate
seconded by Councillor DeFrancesca

THAT Items 1 to 3 of the Priorities and Key Initiatives Committee Report No. 4, with the exception of the item identified for separate discussion, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 3 of the Special Committee of the Whole (Closed Session) Report No. 18, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 46 of the Committee of the Whole Report No. 19, 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. 20, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 21 of the Committee of the Whole (Public Hearing) Report No. 21, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 and 2 of the Special Committee of the Whole (Closed Session) Report No. 22, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 and 2 of the Finance and Administration Committee Report No. 11, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 3 of the Committee of the Whole (Working Session) Report No. 23, with the exception of the item identified for separate discussion, BE APPROVED and the recommendations therein be adopted; and

THAT Items 1 and 2 of the Special Committee of the Whole (Closed Session) Report No. 24, with the exception of the item identified for separate discussion, BE APPROVED and the recommendations therein be adopted.

CARRIED

Deferred Items

**87. SITE DEVELOPMENT FILE DA.10.070
CITY OF VAUGHAN
WARD 2
(Deferred Item 1)**

MOVED Councillor Carella
seconded by Councillor Yeung Racco

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated February 1, 2011, be approved; and
- 2) That the following Communications be received:
 - C8 Memorandum from the Acting Commissioner of Planning and the Director of Development Planning, dated May 2, 2011; and
 - C10 Written submission from Ms. Tina Catalano, 20 Dalmato Court, Woodbridge, L4L 8XA, dated May 1, 2011.

MOVED by Regional Councillor Schulte
seconded by Regional Councillor Rosati

That consideration of this matter be deferred pending the review of the telecommunication tower protocol.

FAILED TO CARRY

Voting upon the main motion:

CARRIED

Council, at its meeting of February 15, 2011, adopted the following (Item 4, Report No. 7):

That this matter be reconsidered;

That this matter be deferred to the Council meeting of May 3, 2011, to permit discussion with members of the telecommunications industry with cell towers in the City of Vaughan;

That the memorandum from the Solicitor, C5, dated February 15, 2011, be received; and

That the following communications be received:

- a) Mr. Stephen J. D'Agostino, Thomson Rogers, 390 Bay Street, Suite 3100, Toronto, M5H 1W2, C4 and C12, dated February 9 and 15, 2011; and
- b) Ms. Josie Fedele, West Woodbridge Homeowners Association Inc., 57 Mapes Avenue, Woodbridge, L4L 8R4, C11, dated February 15, 2011.

Committee of the Whole recommendation of February 1, 2011:

- 1) That consideration of this matter be deferred to the February 15, 2011 Council Meeting;
- 2) That staff consult with the applicant and explore other sites, such as across from the Al Palladini Community Centre on the north side of Rutherford Road on the TRCA lands; and
- 3) That the following deputations and communications be received:

1. Ms. Tina Catalano, 20 Dalmato Court, Woodbridge, L4L 8X7 and Communication C4, dated February 1, 2011;
2. Ms. Josie Fedele, West Woodbridge Homeowner's Association, 35 Albany Drive, Woodbridge, L4L 2X5 and Communication C3; and
3. Mr. Matthew Milligan, Rogers Communication, 8200 Dixie Road, Brampton, L6T 0C1.

Report of the Commissioner of Planning, dated February 1, 2011

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.10.070 (City of Vaughan) BE APPROVED, for the installation of a new 40m high telecommunication tower and accessory radio equipment cabinet on the subject lands shown on Attachments #1 to #3, and in the manner shown on Attachment #4.

Contribution to Sustainability

N/A

Economic Impact

The removal of an existing telecommunication facility which has been in operation on the site since 1991 and installation of a new telecommunication facility on the City owned lands will continue to generate income for the municipality.

Communications Plan

On April 7, 2010, the Proponent (Rogers Communications Inc.) held a required (in accordance with the City's Telecommunication Protocol) evening Information Session at Al Palladini Community Centre to provide area residents and landowners an opportunity to discuss any issues they may have with the proposed telecommunication tower. Three members of the community attended the meeting and the following issues were discussed:

- a) Health issues relating to radio frequency emissions; and,
- b) Do radio frequency emissions and health risks increase due to the proximity to metal fencing?

The Proponent addressed both inquiries at the meeting, and no written comments were received by the Proponent after the meeting was held.

Purpose

The Proponent (Rogers Communications Inc.) has submitted a Site Development Application on the subject lands shown on Attachments #1 and #2, for the installation of a new telecommunication facility consisting of a 40m high telecommunication tower and accessory radio equipment cabinet on lands owned by the City of Vaughan (Al Palladini Community Centre) as shown on Attachments #3 and #4. An existing 46m telecommunication facility shown on Attachment #3 will be removed from the site.

Background - Analysis and Options

City of Vaughan's Telecommunication Tower/Antenna Protocol

On June 23, 2003, the City of Vaughan adopted a protocol for establishing telecommunication tower/antenna facilities. In accordance with the City's protocol, all new tower/antenna systems greater than 16.6m in height require consideration by City of Vaughan Council. The proposed 40m

high flagpole design tower exceeds the 16.6m maximum height exemption, and therefore, is subject to this application.

The protocol requires that telecommunication tower/antenna facilities proposed in the City of Vaughan undertake a public consultation process unless the proposal meets the criteria for exemption. The following facilities would be exempt from public consultation:

- a) towers less than 16.6m in height above ground;
- b) all proposals exempt from municipal approval (includes co-locating on existing telecommunication structures, and replacement of and modification to existing towers subject to specific criteria);
- c) towers located on any building where the tower height does not exceed 25% of the height of the building or 16.6m above ground level, whichever is greater;
- d) towers within industrial and commercial zoned areas, located a minimum of 100m away from residential areas.

As the proposal to locate a new tower on the subject lands does not meet the exemption to the public consultation process, the Proponent was required to undertake public notification and consultation, as discussed in the “Communications Plan” section of this report.

The Proponent attended a pre-application consultation meeting with the Vaughan Development Planning Department and subsequently submitted a Site Development Application with the required supporting documentation and application fee. The Proponent also conducted a survey of the surrounding area and it was determined that there were no facilities suitable for co-location within the vicinity network coverage.

The City of Vaughan’s protocol also requires the following to be considered as part of the site selection criteria:

- a) maximum distance from residential areas;
- b) maximum distance from public and institutional facilities such as schools, hospitals, community centres, daycare and seniors residences;
- c) avoid natural features, vegetation, hazard lands (floodplains, steep slopes);
- d) avoid areas of topographical prominence, where possible, to minimize long/short range viewscapes;
- e) compatibility with adjacent uses;
- f) access.

The existing facility located at the southeast corner of the site has been operational since June 3, 1991, prior to the current Protocol coming into effect, and prior to the development of the existing residential subdivision to the south. The Development Planning Department considers the replacement of the existing 46m high tower with a new 40 m high tower, relocated to the north side of the Community Centre along Rutherford Road and further away from the existing residential, to be acceptable. In order to ensure ongoing service, the telecommunications provider cannot immediately remove the existing tower. Once the proposed tower has been installed and is operational, the existing tower will be removed.

The Development Planning Department is currently reviewing the City of Vaughan’s existing Telecommunication Protocol in light of Industry Canada’s revised procedures for installing radio communication and broadcasting antenna systems, which took effect in January 1, 2008. A report updating the City’s existing Protocol will be forthcoming to a future Committee of the Whole Working Session, sometime in mid-2011. Some of the items under consideration for the new Protocol include the introduction of timelines respecting response times for comments made through the Public consultation process; increasing the notification area; increasing the required minimum distance from residential areas; and, permitting the communication facilities on specific institutional lands subject to strict design criteria. The current proposal is not impacted by any of the proposed changes under consideration.

Location

The subject lands are located at 9201 Islington Avenue situated on the south side of Rutherford Road and east of Islington Avenue, on the Al Palladini Community Centre site, as shown on Attachments #1 and #2.

Official Plan and Zoning

The subject lands are designated "Open Space" by OPA #240 (Woodbridge Community Plan). The new City of Vaughan Official Plan 2010 designates the subject lands "Low-Rise Residential", as adopted by Vaughan Council on September 7, 2010, and is subject to Region of York approval. The proposal conforms to the Official Plans.

The subject lands are zoned A Agricultural Zone by By-law 1-88. It is noted that the siting of telecommunication tower/antenna facilities are not required to comply with the development standards set out in the City's Zoning By-law, as telecommunications is a matter of Federal jurisdiction. Furthermore, the subject lands are deemed a public use, which is subject to Section 3.10 Public Uses in By-law 1-88, and therefore, exempt from the zoning provisions.

Planning Considerations

The Development Planning Department conducted a review of the proposed telecommunication tower facility, its site location and design, and is of the opinion that the removal of the existing 46m high telecommunication tower and the installation of a new 40m high flagpole tower and telecommunication facility on the subject lands, can be supported.

The relocation of the proposed compound was discussed between City Staff and the Proponent in an attempt to move the current facility further away from the existing residential neighbourhood located to the south of the subject lands, and ensuring continuing network coverage for the immediate area. The existing location has been operational since June 3, 1991, prior to the City of Vaughan establishing a protocol for telecommunication towers/antennas. The existing compound is located at the southeast corner of the subject lands and houses a monopole designed structure which is 46m in height. It is approximately 22.5m away from the property line at the rear of the subject lands, which is adjacent to residential lots, whereas the newly proposed compound is in excess of 150m away from the residential lots to the south of the subject lands.

The proposed telecommunication tower and radio equipment shelter is to be located within a landscaped area adjacent to the Al Palladini Community Centre along Rutherford Road. The facility has an area of 53.3m², and is surrounded by a 2.4m high pressure treated board fence, as shown on Attachment #4. The 40m high tower is required in order to accommodate the necessary range and network demands the tower is intended to meet. Taking into consideration the area context and close proximity to Rutherford Road, the flagpole structure was considered the most appropriate option as it is to be constructed to contain the required antenna equipment interior to the pole structure. No antenna or wireless equipment is visible. The design, construction and installation of the tower will be consistent with the required engineering practices including structural adequacy.

The accessory walk-in radio equipment shelter is constructed of galvanized steel and is situated on top of a concrete slab. The shelter is approximately 4.64m x 3.30m with a height of 2.4m. All hydro requirements to service the equipment shelter for the telecommunications tower must be to the satisfaction of PowerStream Inc.

The Development Planning Department has no objection to the proposed layout and location of the compound and tower, and considers it an improvement over the existing situation, by relocating the compound more than 150m from the nearest residential; reducing the height of the tower by 6m; and making it less conspicuous by changing the design of the tower from a monopole to a flagpole.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly “Plan & Manage Growth & Economic Vitality”.

Regional Implications

The Region of York Planning Department undertook a review of its Telecommunication Protocol in light of Industry Canada’s revised procedures for installing radio communication and broadcasting systems, which has been in effect since January 1, 2008. In 2008 and early 2009, the Region of York Planning Department met with area municipalities (including Vaughan) and industry stakeholders to update its Protocol. As a result, on April 23, 2009, the Region of York adopted Industry Canada’s protocol outright. The proposed tower conforms to the adopted Industry Canada Protocol, and in doing so, also conforms to the Region of York’s Protocol.

Conclusion

The Development Planning Department has reviewed the proposal to relocate and replace the existing 46 m high telecommunication tower and accessory radio equipment facility located at the southeast corner of the property with a new 40m high flagpole tower on the north side of the Al Palladini Community Centre along Rutherford Road, in accordance with the Official Plan and Zoning By-law, and the City of Vaughan’s Protocol for Establishing Telecommunication Tower/Antenna Facilities. The development of the new 40m high flagpole structure and associated equipment cabinet on the subject lands, is considered to be acceptable as it replaces an existing 46m high tower with a 40m flagpole tower that will be located 150m away from the residential lots to the south, and continue the existing network coverage for the immediate area, and accordingly, the Development Planning Department can support the approval of Site Development Application DA.10.070.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Compound Plan and Tower Detail
5. Communication C3, Committee of the Whole, February 1, 2011
6. Communication C4, Committee of the Whole, February 1, 2011
7. Communication C4, Council, February 15, 2011
8. Communication C5, Council, February 15, 2011
9. Communication C11, Council, February 15, 2011
10. Communication C12, Council, February 15, 2011

Report prepared by:

Christina Napoli, Acting Senior Planner, ext. 8483
Carmela Marrelli, Senior Planner, ext. 8791

/LG

(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.)

**88. SITE DEVELOPMENT FILE DA.10.088
INNOVATION COMMERCIAL CENTRE INC.
WARD 2
(Deferred Item 2)**

MOVED by Regional Councillor Di Biase
seconded by Councillor Carella

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated February 1, 2011, be approved; and
- 2) That the following Communications be received:
 - C8 Memorandum from the Acting Commissioner of Planning and the Director of Development Planning, dated May 2, 2011; and
 - C10 Written submission from Ms. Tina Catalano, 20 Dalmato Court, Woodbridge, L4L 8XA, dated May 1, 2011.

MOVED by Regional Councillor Rosati
seconded by Regional Councillor Schulte

- 1) That consideration of this matter be deferred pending the review of the telecommunication tower protocol; and
- 2) That the following Communications be received:
 - C8 Memorandum from the Acting Commissioner of Planning and the Director of Development Planning, dated May 2, 2011; and
 - C10 Written submission from Ms. Tina Catalano, 20 Dalmato Court, Woodbridge, L4L 8XA, dated May 1, 2011.

CARRIED UPON A RECORDED VOTE

YEAS

Councillor DeFrancesca
Councillor Yeung Racco
Mayor Bevilacqua
Councillor Iafrate
Councillor Shefman
Regional Councillor Schulte
Regional Councillor Rosati

NAYS

Regional Councillor Di Biase
Councillor Carella

Council, at its meeting of February 15, 2011, adopted the following (Item 5, Report No. 7):

That this matter be deferred to the Council meeting of May 3, 2011, to permit discussion with members of the telecommunications industry with cell towers in the City of Vaughan;

That the memorandum from the Solicitor, C5, dated February 15, 2011, be received; and

That the following communications be received:

- a) Mr. Stephen J. D'Agostino, Thomson Rogers, 390 Bay Street, Suite 3100, Toronto, M5H 1W2, C4 and C12, dated February 9 and 15, 2011; and
- b) Ms. Josie Fedele, West Woodbridge Homeowners Association Inc., 57 Mapes Avenue, Woodbridge, L4L 8R4, C11, dated February 15, 2011.

Committee of the Whole recommendation of February 1, 2011:

- 1) That consideration of this matter be deferred to the February 15, 2011 Council Meeting;
- 2) That staff undertake an overall review of the telecommunication tower protocol, with consideration given to health effects, protocols in other municipalities and proposals for a new telecommunication protocol and report back after consultation with the public, industry representatives, Health Canada and Members of Parliament; and
- 3) That the following deputations and communications be received:
 1. Ms. Tina Catalano, 20 Dalmato Court, Woodbridge, L4L 8X7 and Communication C4, dated February 1, 2011;
 2. Ms. Josie Fedele, West Woodbridge Homeowner's Association, 35 Albany Drive, Woodbridge, L4L 2X5 and Communication C3; and
 3. Mr. Matthew Milligan, Rogers Communication, 8200 Dixie Road, Brampton, L6T 0C1.

Report of the Commissioner of Planning, dated February 1, 2011

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.10.088 (Innovation Commercial Centre Inc.) BE APPROVED, for the installation of a 30m high telecommunication tower and accessory radio equipment cabinet on the subject lands shown on Attachments #1 to #3, and in the manner shown on Attachment #4.

Contribution to Sustainability

N/A

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

N/A

Purpose

The Proponent (Rogers Wireless Inc.) has submitted a Site Development Application on the subject lands shown on Attachments #1 and #2, for the installation of a telecommunication facility consisting of a 30m high telecommunication tower and accessory radio equipment cabinet as shown on Attachments #3 and #4.

Background - Analysis and Options

City of Vaughan's Telecommunication Tower/Antenna Protocol

On June 23, 2003, the City of Vaughan adopted a protocol for establishing telecommunication tower/antenna facilities. In accordance with the City's protocol, all new tower/antenna systems greater than 16.6m in height require consideration by City of Vaughan Council. The proposed 30m high circular steel monopole tower exceeds the 16.6m maximum height exemption, and therefore, is subject to this application.

The protocol states that telecommunication tower/antenna facilities proposed in industrial and commercial zoned areas that are a minimum of 100m away from residential areas are exempt from the public consultation process. As the proposed telecommunication facility is located more than 100m from existing residential (located on the east side of Regional Road #27), this application is exempt from the public consultation process.

As required in the City of Vaughan's Telecommunication Tower/Antenna Protocol, the Proponent attended a pre-application consultation meeting with the Vaughan Development Planning Department and subsequently submitted a Site Development Application with the required supporting documentation and application fee. The Proponent also conducted a survey of the surrounding area and it was determined that there were no facilities suitable for co-location within the vicinity network coverage.

The Development Planning Department is currently reviewing the City of Vaughan's existing Telecommunication Protocol in light of Industry Canada's revised procedures for installing radio communication and broadcasting antenna systems, which took effect on January 1, 2008. A report updating the City's existing Protocol will be forthcoming to a future Committee of the Whole Working Session, sometime in mid-2011. Some of the items under consideration include the introduction of timelines respecting response times for comments made through the public consultation process; increasing the notification area; increasing the required minimum distance from residential areas; and, permitting telecommunication facilities on specific institutional lands subject to strict design criteria. The current proposal is not impacted by any of the proposed changes under consideration.

Location

The subject lands are located at 60 and 80 Innovation Drive situated on the north side of Innovation Drive, south of Langstaff Road and west of Regional Road #27, as shown on Attachments #1 and #2.

Official Plan and Zoning

The subject lands are designated "Employment Area General" by OPA #450 (Employment Area Growth Management Plan). The new City of Vaughan Official Plan 2010 designates the subject lands "Commercial Mixed-Use", as adopted by Vaughan Council on September 7, 2010, and is subject to Region of York approval. The proposal conforms to the Official Plans.

The subject lands are zoned EM1 Prestige Employment Area Zone by By-law 1-88. The minimum rear yard setback for all buildings and structures in the EM1 Zone is 12.0m. The accessory radio equipment shelter is providing a 0.0m rear yard setback as shown on Attachment #3. The siting of telecommunication tower/antenna facilities are not required to comply with the development standards set out in the City's Zoning By-law, as telecommunications is a matter of Federal jurisdiction.

Planning Considerations

The Development Planning Department conducted a review of the proposed telecommunication tower facility, its site location and design, and is of the opinion that the proposed 30m high circular steel monopole tower and telecommunication facility within the City's Employment Area, can be supported.

The equipment compound has an area of 31.9 m² as shown on Attachment #3, and is surrounded by a 1.8m high chain link fence. The compound houses a 30m high circular steel monopole telecommunication tower and accessory radio equipment cabinet (see Attachment #4). The 30m high tower is required in order to accommodate the necessary range and network demands the tower is intended to meet. The monopole design has been used throughout the City and is appropriate considering the employment area context. The design, construction and installation of the tower will be consistent with the required engineering practices including structural adequacy.

The accessory walk-in radio equipment shelter is constructed of galvanized steel and is situated on top of a concrete slab. The shelter is approximately 2.74m x 1.62m with a height of 2.4m. All hydro

requirements to service the equipment shelter for the telecommunications tower must be to the satisfaction of PowerStream Inc.

The location of the proposed compound does not interfere with any existing landscaping on site or the required number of parking spaces. The Development Planning Department has no objection to the proposed layout and location of the compound and telecommunications tower.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly “Plan & Manage Growth & Economic Vitality”.

Regional Implications

The Region of York Planning Department undertook a review of its Telecommunication Protocol in light of Industry Canada’s revised procedures for installing radio communication and broadcasting systems, which has been in effect since January 1, 2008. In 2008 and early 2009, the Region of York Planning Department met with area municipalities (including Vaughan) and industry stakeholders to update its Protocol. As a result, on April 23, 2009, the Region of York adopted Industry Canada’s protocol out-right. The proposed tower conforms to the adopted Industry Canada Protocol, and in doing so, also conforms to the Region of York’s Protocol.

Conclusion

The Development Planning Department has reviewed the proposal for a telecommunication tower and accessory radio equipment cabinet in accordance with the Official Plan and Zoning By-law, and the City of Vaughan’s Protocol for Establishing Telecommunication Tower/Antenna Facilities. The installation of the 30m high monopole antenna structure and associated equipment cabinet on the subject lands is considered acceptable within the employment area context, and accordingly, the Development Planning Department can support the approval of Site Development Application DA.10.088.

Attachments

- 1. Context Location Map
- 2. Location Map
- 3. Site Plan
- 4. Compound Plan and Tower
- 5. Communication C3, Committee of the Whole, February 1, 2011 }
- 6. Communication C4, Committee of the Whole, February 1, 2011 }
- 7. Communication C4, Council, February 15, 2011 } C3-C12 Refer to
- 8. Communication C5, Council, February 15, 2011 } Deferred Item 1
- 9. Communication C11, Council, February 15, 2011 }
- 10. Communication C12, Council, February 15, 2011 }

Report prepared by:

Arminé Hassakourians, Planner, ext. 8368
Christina Napoli, Acting Senior Planner, ext. 8483
Carmela Marrelli, Senior Planner, ext. 8791

/CM

(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.)

**89. SITE DEVELOPMENT FILE DA.10.089
MACFAZZEN PROPERTIES INC. C/O ZENTIL PROPERTY MANAGEMENT
WARD 3**
(Deferred Item 3)

MOVED by Councillor Yeung Racco
seconded by Councillor Iafrate

- 1) That consideration of this matter be deferred pending the review of the telecommunication tower protocol; and
- 2) That the following Communications be received:
 - C8 Memorandum from the Acting Commissioner of Planning and the Director of Development Planning, dated May 2, 2011; and
 - C10 Written submission from Ms. Tina Catalano, 20 Dalmato Court, Woodbridge, L4L 8X4, dated May 1, 2011.

CARRIED

Council, at its meeting of February 15, 2011, adopted the following (Item 6, Report No. 7):

That this matter be deferred to the Council meeting of May 3, 2011, to permit discussion with members of the telecommunications industry with cell towers in the City of Vaughan;

That the memorandum from the Solicitor, C5, dated February 15, 2011, be received; and

That the following communications be received:

- a) Mr. Stephen J. D'Agostino, Thomson Rogers, 390 Bay Street, Suite 3100, Toronto, M5H 1W2, C4 and C12, dated February 9 and 15, 2011; and
- b) Ms. Josie Fedele, West Woodbridge Homeowners Association Inc., 57 Mapes Avenue, Woodbridge, L4L 8R4, C11, dated February 15, 2011.

Committee of the Whole recommendation of February 1, 2011:

- 1) That consideration of this matter be deferred to the February 15, 2011 Council Meeting;
- 2) That staff undertake an overall review of the telecommunication tower protocol, with consideration given to health effects, protocols in other municipalities and proposals for a new telecommunication protocol and report back after consultation with the public, industry representatives, Health Canada and Members of Parliament; and
- 3) That the following deputations and communications be received:
 1. Ms. Tina Catalano, 20 Dalmato Court, Woodbridge, L4L 8X7 and Communication C4, dated February 1, 2011;
 2. Ms. Josie Fedele, West Woodbridge Homeowner's Association, 35 Albany Drive, Woodbridge, L4L 2X5 and Communication C3; and
 3. Mr. Matthew Milligan, Rogers Communication, 8200 Dixie Road, Brampton, L6T 0C1.

Report of the Commissioner of Planning, dated February 1, 2011

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.10.089 (Macfazzen Properties Inc. c/o Zentil Property Management) BE APPROVED, for the installation of a 35m high telecommunication tower and accessory radio equipment cabinet on the subject lands shown on Attachments #1 to #3, and in the manner shown on Attachment #4.

Contribution to Sustainability

N/A

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

N/A

Purpose

The Proponent (Rogers Wireless Inc.) has submitted a Site Development Application on the subject lands shown on Attachments #1 and #2, for the installation of a telecommunication facility consisting of a 35m high telecommunication tower and accessory radio equipment cabinet as shown on Attachments #3 and #4.

Background - Analysis and Options

City of Vaughan's Telecommunication Tower/Antenna Protocol

On June 23, 2003, the City of Vaughan adopted a protocol for establishing telecommunication tower/antenna facilities. In accordance with the City's protocol, all new tower/antenna systems greater than 16.6m in height require consideration by City of Vaughan Council. The proposed 35m high circular steel monopole tower exceeds the 16.6m maximum height exemption, and therefore, is subject to this application.

The protocol states that telecommunication tower/antenna facilities proposed in industrial and commercial zoned areas that are a minimum of 100m away from residential areas are exempt from the public consultation process. As the proposed telecommunication facility is located more than 100m from existing residential (located southeast of the subject lands and opposite the Hydro Corridor), this application is exempt from the public consultation process.

As required in the City of Vaughan's Telecommunication Tower/Antenna Protocol, the Proponent attended a pre-application consultation meeting with the Vaughan Development Planning Department and subsequently submitted a Site Development Application with the required supporting documentation and application fee. The Proponent also conducted a survey of the surrounding area and it was determined that there were no facilities suitable for co-location within the vicinity network coverage.

The Development Planning Department is currently reviewing the City of Vaughan's existing Telecommunication Protocol in light of Industry Canada's revised procedures for installing radio communication and broadcasting antenna systems, which took effect on January 1, 2008. A report updating the City's existing Protocol will be forthcoming to a future Committee of the Whole Working Session, sometime in mid-2011. Some of the items under consideration for the new Protocol include the introduction of timelines respecting response times for comments made through the public consultation process; increasing the notification area; increasing the required minimum distance from residential areas; and permitting the communication facilities on specific institutional lands subject to strict design criteria. The current proposal is not impacted by any of the proposed changes under consideration.

Location

The subject lands are located at 221 Racco Parkway, southeast of Dufferin Street and Highway #407 on the south side of Racco Parkway, as shown on Attachments #1 and #2.

Official Plan and Zoning

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Growth Management Plan). The new City of Vaughan Official Plan 2010 designates the subject lands "Prestige Employment", as adopted by Vaughan Council on September 7, 2010, and is subject to Region of York approval. The proposal conforms to the Official Plans.

The subject lands are zoned EM1 Prestige Employment Area Zone by By-law 1-88, subject to site-specific Exception 9(1073). The minimum interior side yard and rear yard setbacks for all buildings and structures in the EM1 Zone is 6m and 12m, respectively. The accessory radio equipment cabinet is providing a 0.0m interior side yard setback and a 9m rear yard setback as shown on Attachment #3. The siting of telecommunication tower/antenna facilities are not required to comply with the development standards set out in the City's Zoning By-law, as telecommunications is a matter of Federal jurisdiction.

Planning Considerations

The Development Planning Department conducted a review of the proposed telecommunication tower facility, its site location and design, and is of the opinion that the proposed 35m high circular steel monopole tower and telecommunication facility within the City's Employment Area, can be supported.

The equipment compound located at the southeast corner of 221 Racco Parkway has an area of 57.76m² as shown on Attachment #3, and is surrounded by a 1.8m high chain link fence. The proposed location of the compound is situated in the parking area and reduces the on-site number of parking by 2 spaces. The reduction does not create a parking deficiency as the site provides for 104 parking spaces and only requires 101 spaces as a result of a Committee of Adjustment Approval for Minor Variance Application A277/03. The Development Planning Department has no objection to the proposed layout and location of the compound.

The compound houses a 35m high circular steel monopole telecommunication tower and accessory radio equipment cabinet (see Attachment #4). The 35m high tower is required in order to accommodate the necessary range and network demands the tower is intended to meet. The monopole design has been used throughout the City and is appropriate considering the employment area context and proximity to the Hydro Corridor. The design, construction and installation of the tower will be consistent with the required engineering practices including structural adequacy.

The accessory walk-in radio equipment cabinet is constructed of galvanized steel and is situated on top of a concrete slab. The cabinet is approximately 2.74m x 1.62m with a height of 2.4m. All hydro requirements to service the equipment shelter for the telecommunications tower must be to the satisfaction of PowerStream Inc.

The location of the proposed compound does not interfere with any existing landscaping on site or the required number of parking spaces. The Development Planning Department has no objection to the proposed layout and location of the compound and telecommunication tower.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

The Region of York Planning Department undertook a review of its Telecommunication Protocol in light of Industry Canada's revised procedures for installing radio communication and broadcasting systems, which has been in effect since January 1, 2008. In 2008 and early 2009, the Region of York Planning Department met with area municipalities (including Vaughan) and industry stakeholders to update its Protocol. As a result, on April 23, 2009, the Region of York adopted Industry Canada's protocol out-right. The proposed tower conforms to the adopted Industry Canada Protocol, and in doing so, also conforms to the Region of York's Protocol.

Conclusion

The Development Planning Department has reviewed the proposal for a telecommunication tower and accessory radio equipment cabinet in accordance with the Official Plan and Zoning By-law, and the City of Vaughan's Protocol for Establishing Telecommunication Tower/Antenna Facilities. The installation of the 35m high monopole structure and associated radio equipment cabinet on the subject lands is considered acceptable within the employment area context, and accordingly, the Development Planning Department can support the approval of Site Development Application DA.10.089.

Attachments

- 1. Context Location Map
- 2. Location Map
- 3. Site Plan
- 4. Compound Layout Plan and Tower Elevation
- 5. Communication C3, Committee of the Whole, February 1, 2011 }
- 6. Communication C4, Committee of the Whole, February 1, 2011 }
- 7. Communication C4, Council, February 15, 2011 } C3-C12 Refer to
- 8. Communication C5, Council, February 15, 2011 } Deferred Item 1
- 9. Communication C11, Council, February 15, 2011 }
- 10. Communication C12, Council, February 15, 2011 }

Report prepared by:

Arminé Hassakourians, Planner, ext. 8368
Christina Napoli, Acting Senior Planner, ext. 8483
Carmela Marrelli, Senior Planner, ext. 8791

/LG

(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.)

**90. SITE DEVELOPMENT FILE DA.10.061
HL & M MARCUS INVESTMENTS INC.
WARD 4
(Deferred Item 4)**

MOVED by Councillor Yeung Racco
seconded by Councillor Iafrate

- 1) That consideration of this matter be deferred pending the review of the telecommunication tower protocol; and
- 2) That the following Communications be received:

COUNCIL MEETING MINUTES – MAY 3, 2011

- C8 Memorandum from the Acting Commissioner of Planning and the Director of Development Planning, dated May 2, 2011; and
- C10 Written submission from Ms. Tina Catalano, 20 Dalmato Court, Woodbridge, L4L 8X4, dated May 1, 2011.

CARRIED

Council, at its meeting of February 15, 2011, adopted the following (Item 7, Report No. 7):

That this matter be deferred to the Council meeting of May 3, 2011, to permit discussion with members of the telecommunications industry with cell towers in the City of Vaughan;

That the memorandum from the Solicitor, C5, dated February 15, 2011, be received; and

That the following communications be received:

- a) Mr. Stephen J. D'Agostino, Thomson Rogers, 390 Bay Street, Suite 3100, Toronto, M5H 1W2, C4 and C12, dated February 9 and 15, 2011; and
- b) Ms. Josie Fedele, West Woodbridge Homeowners Association Inc., 57 Mapes Avenue, Woodbridge, L4L 8R4, C11, dated February 15, 2011.

Committee of the Whole recommendation of February 1, 2011:

- 1) That consideration of this matter be deferred to the February 15, 2011 Council Meeting;
- 2) That staff undertake an overall review of the telecommunication tower protocol, with consideration given to health effects, protocols in other municipalities and proposals for a new telecommunication protocol and report back after consultation with the public, industry representatives, Health Canada and Members of Parliament; and
- 3) That the following deputations and communications be received:
 1. Ms. Tina Catalano, 20 Dalmato Court, Woodbridge, L4L 8X7 and Communication C4, dated February 1, 2011;
 2. Ms. Josie Fedele, West Woodbridge Homeowner's Association, 35 Albany Drive, Woodbridge, L4L 2X5 and Communication C3; and
 3. Mr. Matthew Milligan, Rogers Communication, 8200 Dixie Road, Brampton, L6T 0C1.

Report of the Commissioner of Planning, dated February 1, 2011

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.10.061 (HL & M Marcus Investments Inc.) BE APPROVED, for the installation of a 40m high telecommunication tower and accessory radio equipment cabinet on the subject lands shown on Attachments #1 to #3, and in the manner shown on Attachment #4, subject to the following:
 - a) that the Proponent obtain a Building and Land Use Permit from the Ministry of Transportation, prior to any construction or installation of the proposed Telecommunication Facility, on the subject lands.

Contribution to Sustainability

N/A

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

N/A

Purpose

The Proponent (Rogers Wireless Inc.) has submitted a Site Development Application on the subject lands shown on Attachments #1 and #2, for the installation of a telecommunication facility consisting of a 40m high telecommunication tower and accessory radio equipment cabinet as shown on Attachments #3 and #4.

Background - Analysis and Options

City of Vaughan's Telecommunication Tower/Antenna Protocol

On June 23, 2003, the City of Vaughan adopted a protocol for establishing telecommunication tower/antenna facilities. In accordance with the City's protocol, all new tower/antenna systems greater than 16.6m in height require consideration by City of Vaughan Council. The proposed 40m high circular steel monopole tower exceeds the 16.6m maximum height exemption, and therefore, is subject to this application.

The protocol states that telecommunication tower/antenna facilities proposed in industrial and commercial zoned areas that are a minimum of 100m away from residential areas are exempt from the public consultation process. As the proposed telecommunication facility is more than 100m from existing residential (located to the northeast of the subject lands on the east side of Keele Street and south of Regional Road #7), this application is exempt from the public consultation process.

As required in the City of Vaughan's Telecommunication Tower/Antenna Protocol, the Proponent attended a pre-application consultation meeting with the Vaughan Development Planning Department and subsequently submitted a Site Development Application with the required supporting documentation and application fee. The Proponent also conducted a survey of the surrounding area and it was determined that there were no facilities suitable for co-location within the vicinity network coverage.

The Development Planning Department is currently reviewing the City of Vaughan's existing Telecommunication Protocol in light of Industry Canada's revised procedures for installing radio communication and broadcasting antenna systems, which took effect on January 1, 2008. A report updating the City's existing Protocol will be forthcoming to a future Committee of the Whole Working Session, sometime in mid-2011. Some of the items under consideration for the new Protocol include the introduction of timelines respecting response times for comments made through the public consultation process; increasing the notification area; increasing the required minimum distance from residential areas; and, permitting telecommunication facilities on specific institutional lands subject to strict design criteria. The current proposal is not impacted by any of the proposed changes under consideration.

Location

The subject lands are located at the southwest corner of Doney Crescent and Keele Street, north of the Highway 407 on-ramp, municipally known as 25 Doney Crescent and 7500 Keele Street, as shown on Attachments #1 and #2.

Official Plan and Zoning

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Growth Management Plan). The new City of Vaughan Official Plan 2010 designates the subject lands "Prestige Employment", as adopted by Vaughan Council on September 7, 2010, and is subject to Region of York approval. The proposal conforms to the Official Plans.

The subject lands are zoned EM1 Prestige Employment Area Zone by By-law 1-88, subject to site-specific Exception 9(339). The proposed location of the compound complies with the EM1 Zone standards with respect to front, rear and side yard setbacks and is not located within the parking area of the subject lands. It should be noted that the siting of telecommunication tower/antenna facilities are not required to comply with the development standards set out in the City's Zoning By-law, as telecommunications is a matter of Federal jurisdiction.

Planning Considerations

The Development Planning Department conducted a review of the proposed telecommunication tower facility, its site location and design, and is of the opinion that the proposed 40m high circular steel monopole tower and telecommunication facility within the City's Employment Area, can be supported.

The equipment compound located at the south end of the subject lands has an area of 52.0m² as shown on Attachment #3, and is surrounded by a 1.8m high chain link fence, which can be accessed via lands leased to the Proponent for direct access to the compound. The compound houses a 40m high circular steel monopole telecommunication tower and accessory radio equipment cabinet (see Attachment #4). The 40m high tower is required in order to accommodate the necessary range and network demands the tower is intended to meet. The monopole design has been used throughout the City and is appropriate considering the employment area context. The design, construction and installation of the tower will be consistent with the required engineering practices including structural adequacy.

The accessory walk-in radio equipment shelter is constructed of galvanized steel and is situated on top of a concrete slab. The shelter is approximately 4.0m x 1.4m with a height of 2.4m. All hydro requirements to service the equipment shelter for the telecommunications tower must be to the satisfaction of PowerStream Inc.

The location of the proposed compound does not interfere with any existing landscaping on site or the required number of parking spaces. The Development Planning Department has no objection to the proposed layout and location of the compound and telecommunication tower.

Ministry of Transportation

The location of the proposed tower and accessory radio equipment cabinet on the subject lands shown on Attachments #1 and #2 is situated within the Ministry of Transportation's (MTO) Permit Control Area. The MTO requires a minimum 14.0m setback from the Highway 407 property line for all above and below ground structures and utilities. The proposed compound is located a minimum of 20.0m away from the rear lot line of the subject lands and complies with the MTO setback requirement.

The Proponent is required to apply to the MTO for and be granted a Building and Land Use Permit, prior to the construction or installation of any equipment associated with the proposal. The MTO requires the Proponent to provide a site plan drawing, which is to be stamped and signed by a Professional Engineer for review and approval.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

The Region of York Planning Department undertook a review of its Telecommunication Protocol in light of Industry Canada's revised procedures for installing radio communication and broadcasting systems, which has been in effect since January 1, 2008. In 2008 and early 2009, the Region of York Planning Department met with area municipalities (including Vaughan) and industry stakeholders to update its Protocol. As a result, on April 23, 2009, the Region of York adopted Industry Canada's protocol out-right. The proposed tower conforms to the adopted Industry Canada Protocol, and in doing so, also conforms to the Region of York's Protocol.

Conclusion

The Development Planning Department has reviewed the proposal for a telecommunication tower and accessory radio equipment cabinet in accordance with the Official Plan and Zoning By-law, and the City of Vaughan's Protocol for Establishing Telecommunication Tower/Antenna Facilities. The installation of the 40m high monopole antenna structure and associated equipment cabinet on the subject lands is considered acceptable within the employment area context, and accordingly, the Development Planning Department can support the approval of Site Development Application DA.10.061.

Attachments

- 1. Context Location Map
- 2. Location Map
- 3. Site Plan
- 4. Compound Plan and Tower
- 5. Communication C3, Committee of the Whole, February 1, 2011 }
- 6. Communication C4, Committee of the Whole, February 1, 2011 }
- 7. Communication C4, Council, February 15, 2011 } C3-C12 Refer to
- 8. Communication C5, Council, February 15, 2011 } Deferred Item 1
- 9. Communication C11, Council, February 15, 2011 }
- 10. Communication C12, Council, February 15, 2011 }

Report prepared by:

Arminé Hassakourians, Planner, ext. 8368
Christina Napoli, Acting Senior Planner, ext. 8483
Carmela Marrelli, Senior Planner, ext. 8791

/CM

(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.)

**91. PROPERTY MATTER – WARD 2
ROGERS TELECOMMUNICATIONS TOWER LEASE
AL PALLADINI COMMUNITY CENTRE
(Deferred Item 5)**

MOVED by Councillor Carella
seconded by Regional Councillor Di Biase

That the confidential recommendation contained in the confidential report of the Commissioner of Legal and Administrative Services/City Solicitor, dated February 1, 2011, be approved.

CARRIED UPON A RECORDED VOTE

YEAS

Councillor Carella
Councillor Yeung Racco
Councillor Iafrate
Regional Councillor Rosati
Councillor DeFrancesca
Councillor Shefman
Mayor Bevilacqua
Regional Councillor Di Biase

NAYS

Regional Councillor Schulte

92. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

PRIORITIES AND KEY INITIATIVES COMMITTEE REPORT NO. 4

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

ITEM - 2 COUNCIL PRIORITIES DISCUSSION

MOVED by Regional Councillor Di Biase
seconded by Regional Councillor Schulte

THAT Item 2, Priorities and Key Initiatives Committee Report No. 4 be adopted and amended, as follows:

By receiving Communication C3 from the Director of Corporate Communications, dated April 26, 2011.

CARRIED

COMMITTEE OF THE WHOLE REPORT NO. 19

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

ITEM - 4 TENDER AWARD – T11-108 CURB & SIDEWALK REPAIR AND
REPLACEMENT PROGRAM
WARD(S) - ALL

MOVED by Councillor Yeung Racco
seconded by Councillor Iafrate

THAT Item 4, Committee of the Whole Report No. 19 be adopted and amended, as follows:

By approving the following in accordance with Communication C5 from the Commissioner of Engineering and Public Works, dated April 28, 2011:

- “1. That Part 1 and Part 2 of Tender T11-108 for curb & sidewalk repair and replacement be awarded to Serve Construction Ltd.;
2. That staff be authorized to perform the necessary curb & sidewalk repairs up to the approved annual Capital Budget amount; and

3. That the Mayor and Clerk be authorized to sign the necessary documents.”

CARRIED

ITEM - 5 AWARD OF TENDER T11-008
 2011 ROAD RESURFACING/REHABILITATION – PART I
 MAPLE/CONCORD
 WARDS 1, 4 AND 5

MOVED by Regional Councillor Di Biase
seconded by Councillor Iafrate

THAT Item 5, Committee of the Whole Report No. 19 be adopted and amended, as follows:

By approving the following in accordance with Communication C2 from the Commissioner of Engineering and Public Works and the Director of Engineering Services, dated April 20, 2011:

- “1. That Tender T11-008, 2011 Road Resurfacing/Rehabilitation – Part I – Maple/Concord be awarded to D. Crupi & Sons Limited in the amount of \$2,029,764.00, plus applicable taxes;
2. That a contingency allowance in the amount of \$210,000.00, plus applicable taxes be approved within which the Commissioner of Engineering and Public Works or his designate is authorized to approve amendments to the Contract;
3. That a Geotechnical and Material Testing amount of \$21,000.00, plus applicable taxes be approved to ensure compliance with all applicable standards; and
4. That the Mayor and City Clerk be authorized to sign the appropriate documents.”

CARRIED

ITEM - 20 PROCLAMATION - VAUGHAN YOUTH WEEK - MAY 1 - 8, 2011

MOVED by Councillor Yeung Racco
seconded by Regional Councillor Schulte

THAT Item 20, Committee of the Whole Report No. 19 be adopted without amendment.

CARRIED

ITEM - 37 SPIRIT OF COMMUNITY DINNER

MOVED by Regional Councillor Di Biase
seconded by Regional Councillor Schulte

THAT Item 37, Committee of the Whole Report No. 19 be adopted and amended, as follows:

By receiving Communication C4 from the City Clerk, dated May 3, 2011.

CARRIED

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

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

COUNCIL MEETING MINUTES – MAY 3, 2011

ITEM - 39 DEPUTATION - MR. FRANCESCO DI NARDO WITH RESPECT TO
1101 CLARENCE STREET SEVERANCE

MOVED by Councillor Carella
seconded by Councillor Shefman

THAT Item 39, Committee of the Whole Report No. 19 be adopted and amended, as follows:

By approving that the staff report identifying concerns raised be provided to the Committee of the Whole meeting of May 10, 2011.

CARRIED

ITEM - 40 DEPUTATION - MS. CATHY MORABITO WITH RESPECT TO FLAG
RAISING CEREMONY
AND EVENT AT CITY HALL FOR 150TH ANNIVERSARY OF THE
UNIFICATION OF ITALY AND THE FESTA DELLA REPUBBLICA

MOVED by Regional Councillor Rosati
seconded by Regional Councillor Di Biase

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

By approving that the following support be provided to the organizer of the event subject to contributions being made to offset the cost to the City:

1. The 2011 Flag Raising Ceremony be approved in accordance with the City's Flag Raising/Half Masting Policy;
2. The City of Vaughan provide the services outlined in Communication C11 at no cost for the 2011 event only, with the understanding that this is a one time level of support;
3. The organizers be required to coordinate all external services noted in Communication C11 in consultation with City staff (i.e., for payment of invoices); and, to work with the Fire and Rescue Services Department to facilitate an appropriate temporary fire plan;
4. The organizers be requested to seek sponsorship to offset costs and remit to the City any surplus funds raised; and,
5. The organizers be advised to apply for the Flag Raising Proclamation and associated ceremony on an annual basis; and

By receiving Communication C11 from the Commissioner of Community Services, dated April 29, 2011.

AMENDMENT

MOVED by Councillor DeFrancesca
seconded by Regional Councillor Rosati

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

By approving the following:

1. That June be declared Italian Heritage Month; and

2. That the proclamation be posted on the City's website and published on the City Page online.

Voting upon the main motion as amended so that the recommendations now read:

By approving that the following support be provided to the organizer of the event subject to contributions being made to offset the cost to the City:

1. The 2011 Flag Raising Ceremony be approved in accordance with the City's Flag Raising/Half Masting Policy;
2. The City of Vaughan provide the services outlined in Communication C11 at no cost for the 2011 event only, with the understanding that this is a one time level of support;
3. The organizers be required to coordinate all external services noted in Communication C11 in consultation with City staff (i.e., for payment of invoices); and, to work with the Fire and Rescue Services Department to facilitate an appropriate temporary fire plan;
4. The organizers be requested to seek sponsorship to offset costs and remit to the City any surplus funds raised; and,
5. The organizers be advised to apply for the Flag Raising Proclamation and associated ceremony on an annual basis;

By approving the following:

1. That June be declared Italian Heritage Month; and
2. That the proclamation be posted on the City's website and published on the City Page online; and

By receiving Communication C11 from the Commissioner of Community Services, dated April 29, 2011.

CARRIED AS AMENDED

SPECIAL COMMITTEE OF THE WHOLE (CLOSED SESSION) REPORT NO. 24

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

ITEM - 1 LITIGATION/LEGAL ADVICE, VAUGHAN ATS RIZMI HOLDINGS LTD
AND LUCIA MILANI
ONTARIO MUNICIPAL BOARD - 11333, 11641 DUFFERIN STREET
11490 BATHURST STREET, PART LOT 31, CONCESSION 2
WARD 1

MOVED by Councillor Shefman
seconded by Councillor DeFrancesca

THAT Item 1, Special Committee of the Whole (Closed Session) Report No. 24 be reconsidered and dealt with in Council (Closed Session).

CARRIED

FINANCE AND ADMINISTRATION COMMITTEE REPORT NO. 12

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

ITEM - 1 REQUEST FOR PROPOSAL AWARD – RFP 11-135
PROFESSIONAL CONSTRUCTION COST AUDIT SERVICES
FOR THE NEW CITY HALL CONSTRUCTION PROJECT

MOVED by Regional Councillor Di Biase
seconded by Councillor Iafrate

THAT Item 1, Finance and Administration Committee Report No. 12 be adopted and amended, as follows:

By approving the recommendation of the Commissioner of Finance/City Treasurer, the Commissioner of Legal & Administrative Services & City Solicitor, the Commissioner of Engineering & Public Works and the Operational & Compliance Auditor, dated April 29, 2011; and

By receiving Communication C9, from the Commissioner of Finance/City Treasurer, the Commissioner of Legal & Administrative Services & City Solicitor, the Commissioner of Engineering & Public Works and the Operational & Compliance Auditor, dated May 2, 2011.

CARRIED

MOVED by Councillor DeFrancesca
seconded by Councillor Iafrate

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

- i Item 2, Report No. 23 of the Committee of the Whole (Working Session), PROPERTY MATTER, VAUGHAN METROPOLITAN CENTRE, YORK REGION TRANSIT BUS STATION, WARD 4
(acquisition or disposition of land)
- ii. Item 1, Report 24, of the Special Committee of the Whole (Closed Session), 2011 LITIGATION/ LEGAL ADVICE, VAUGHAN ATS RIZMI HOLDINGS LTD AND LUCIA MILANI, ONTARIO MUNICIPAL BOARD – 11333, 11641 DUFFERIN STREET, 11490 BATHURST STREET, PART LOT 31, CONCESSION 2, WARD 1)
(litigation or potential litigation)

CARRIED

Council recessed at 3:25 p.m.

MOVED by Councillor Carella
seconded by Councillor Iafrate

That Council reconvene at 4:45 p.m.

CARRIED

Council reconvened at 4:45 p.m. with the following members present:

Hon. Maurizio Bevilacqua, Mayor
Regional Councillor Gino Rosati
Regional Councillor Michael Di Biase

Regional Councillor Deb Schulte
Councillor Tony Carella
Councillor Marilyn Iafrate
Councillor Alan Shefman
Councillor Sandra Yeung Racco

93. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

COMMITTEE OF THE WHOLE (WORKING SESSION) REPORT NO. 23

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

ITEM - 2 PROPERTY MATTER
 VAUGHAN METROPOLITAN CENTRE
 YORK REGION TRANSIT BUS STATION
 WARD 4

MOVED by Regional Councillor Di Biase
seconded by Councillor Carella

THAT Item 2, Committee of the Whole (Working Session) Report No. 23 be adopted and amended, as follows:

By approving the confidential recommendation of the Council (Closed Session) meeting of May 3, 2011; and

By receiving Confidential Communication C7 from Ms. Mary Frances Turner, York Region Rapid Transit Corporation, 3601 Highway 7 East, 12th Floor, Markham, L3R 0M3, dated April 29, 2011.

CARRIED UPON A RECORDED VOTE

YEAS

NAYS

Regional Councillor Di Biase
Councillor Iafrate
Councillor Schulte
Councillor Carella
Mayor Bevilacqua
Regional Councillor Rosati
Councillor Shefman
Councillor Yeung Racco

SPECIAL COMMITTEE OF THE WHOLE (CLOSED SESSION) REPORT NO. 24

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

ITEM - 1 LITIGATION/LEGAL ADVICE, VAUGHAN ATS RIZMI HOLDINGS LTD AND
 LUCIA MILANI
 ONTARIO MUNICIPAL BOARD - 11333, 11641 DUFFERIN STREET
 11490 BATHURST STREET, PART LOT 31, CONCESSION 2
 WARD 1

MOVED by Regional Councillor Di Biase
seconded by Councillor Carella

THAT Item 1, Special Committee of the Whole (Closed Session) Report No. 24 be adopted and amended, as follows:

By approving the confidential recommendation of the Council (Closed Session) meeting of May 3, 2011.

CARRIED

94. BY-LAWS

MOVED by Councillor Iafrate
seconded by Councillor Shefman

THAT the following by-law be enacted:

By-Law Number 69-2011 A By-law to amend By-law Number 331-99, as amended by By-law Number 428-99, By-law Number 243-2000 and By-law Number 489-2000 to authorize the amendment of the Commitment Letter in connection with the financing, operation and management of a municipal capital facility known as "The Sports Village". (Item 35, Committee of the Whole Report No. 19)(Addendum No. 1)

CARRIED

MOVED by Councillor Iafrate
seconded by Councillor Carella

THAT the following by-laws be enacted:

By-Law Number 56-2011 A By-law to amend the Consolidated Traffic By-law 284-94, as amended, to govern and control traffic in the City of Vaughan. (Davos Road, Lucerne Drive, St. Jean De Brebeuf Catholic High School west access) (Council, April 5, 2011, Item 11, Committee of the Whole, Report No. 14)

By-Law Number 57-2011 A By-law to amend the Appointment By-law 73-2007. (Council, July 13, 2010, Item 27, Committee of the Whole, Report No. 21)

By-Law Number 58-2011 A By-Law to dedicate certain lands as part of the public highway. (Bass Pro Mills Drive, Part 2 on Plan 65R-25933, Parktrail Industrial Subdivision, 19T-99V01, 65M-3692). (Delegation By-law 196-2010)

By-Law Number 59-2011 A By-law to dedicate certain lands as part of the public highway. (Lealinds Road and Petticoat Road Honeyvale Glade Estates Inc., 19T-03V15 & 19T-03V18, Phase 1 & 2, Block 18, (65M-3933/65M-4042). (Delegation By-law 196-2010)

By-Law Number 60-2011 A By-law to dedicate certain lands as part of the public highway. (Thomas Cook Avenue, Lebovic Campus Drive, and Rumsey Road, North Bathurst Developments Limited., 19T-95044, Phase 2 – Plan 65M-4091 and Phase 2A – Plan 65M-4201) (Delegation By-law 196-2010)

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- By-Law Number 61-2011 A By-law to dedicate certain lands as part of the public highway. (Grand Trunk Avenue, Maurier Boulevard and Sir Sanford Fleming Way, Medallion Developments (South Maple) Limited/Dufferin Rutherford Holdings Limited, 19T-00V19, Phase 1 & 2, Block 18, (65M-3941/65M-4113). (Delegation By-law 196-2010)
- By-Law Number 62-2011 A By-law to dedicate certain lands as part of the public highway. (Valley Vista Drive, Ilan Ramon Boulevard, Lindvest Crescent, Shale Crescent, Elihof Drive, and Southdown Avenue, Lindvest Properties (Bathurst Mackenzie) Limited, 19T-04V05, Phase 2A – Plan 65M-4191) (Delegation By-law 196-2010)
- By-Law Number 63-2011 A By-law to assume Municipal Services in Peace Village Subdivision, Phase 2, 19T-05V08, Registered Plan 65M-3987. (Item 8, Committee of the Whole, Report No. 19)
- By-Law Number 64-2011 A By-law to assume Municipal Services in Roybridge Holdings Subdivision, Phase 2, 19T-97V33, Registered Plan 65M-3498. (Item 7, Committee of the Whole, Report No. 19)
- By-Law Number 65-2011 A By-law to assume Municipal Services in Roybridge Holdings Subdivision Phase 1, 19T-97V33, Registered Plan 65M-3391. (Item 6, Committee of the Whole, Report No. 19)
- By-Law Number 66-2011 A By-law to change the name of Mounsey Street, west of Clarence Street to Claddamour Place. (Council, May 26,2009, Minute No. 103)
- By-Law Number 67-2011 A By-law to amend City of Vaughan By-law 1-88. (Z.10.004, 19T-10V01) 2216840 Ontario Inc., located on the south side of Teston Road, east of Dufferin Street, municipally known as 1213 Teston Road, in Part of Lot 25, Concession 2). (Item 6, Committee of the Whole, Report No. 11)
- By-Law Number 68-2011 A By-law to amend City of Vaughan By-law 1-88, as amended by 55-2010 and 137-2010. (Z.11.002, 19T-07V06) 1711479 Ontario Inc., located on the north side of Major Mackenzie Drive, between Weston Road and Pine Valley Drive, within approved Plan of Subdivision File 19T-07V06 (Majormack Investments Inc., M3DC Capital Corp. & 4074 MM Inc.), within Planning Block 40, Part of lot 21, Concession 6) (Item 22, Committee of the Whole, Report No. 19)

CARRIED

95. **CONFIRMING BY-LAW**

MOVED by Councillor Carella
seconded by Regional Councillor Rosati

THAT By-law Number 70 -2011, being a by-law to confirm the proceedings of Council at its meeting on May 3, 2011, be enacted.

CARRIED

96. ADJOURNMENT

MOVED by Councillor Iafrate
seconded by Regional Councillor Schulte

THAT the meeting adjourn at 4:50 p.m.

CARRIED

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk