

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 2, 2007

Item 1, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

1 NO STOPPING PROHIBITION– CREDITSTONE ROAD

The Committee of the Whole recommends approval of the recommendation contained in the following report of Councillor Yeung Racco, dated March 26, 2007:

Recommendation

Councillor Sandra Yeung Racco recommends:

1. That a No Stopping prohibition be installed on the east side of Creditstone Road (northbound) between the Canadian National Rail crossing and MacIntosh Boulevard, at all times, Monday to Friday;
2. That a No Stopping Prohibition be installed on the west side of Creditstone Road (southbound) between the Canadian National Rail crossing and MacIntosh Boulevard, at all times, Monday to Friday;
3. That both No Parking prohibitions on the east and west sides of Creditstone Road between the Canadian National Rail crossing and MacIntosh Boulevard be removed; and
4. That Bylaw staff be requested to monitor and enforce the No Stopping prohibitions upon their installation.

Economic Impact

N/A

Communications Plan

None

Purpose

To deal with ongoing loading and unloading issues along Creditstone Road, from MacIntosh Boulevard to Highway 7.

Background - Analysis and Options

On September 11, 2006 Council approved that a No Parking prohibition be implemented on the east and west sides of Creditstone Road, during AM and PM peak times, from Monday to Friday, between the Canadian National Rail Crossing and MacIntosh Boulevard (See Attachment 1).

With the implementation of the above-noted No Parking prohibitions, several businesses in the area have telephoned to raise concerns that large tractor trailers are still stopping to load and unload their vehicles on Creditstone Road and that the No Parking prohibitions are largely ineffective. Additionally, local businesses have indicated that the loading and unloading happens throughout the day, not just during AM and PM peak travel times.

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Since Creditstone Road is only one lane northbound and one lane southbound between MacIntosh Boulevard and the National Rail Crossing, the stopping, loading and unloading of tractor trailers poses a safety hazard for other vehicles on this stretch of roadway, as well as for drivers exiting driveways along this stretch of roadway.

In consultation with staff, it was discovered that to enforce the stopping, loading and unloading of tractor trailers more effectively, it would be best to change the existing No Parking prohibitions to No Stopping prohibitions. That way the enforcement will not just be limited to tractor trailers that are parked on Creditstone Road, but can also be expanded to include vehicles that stop on the roadway to load and unload their cargo.

Relationship to Vaughan Vision 2007

A-2 – Promote Community Safety, Health & Wellness

A-5 – Plan & Manage Growth

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

Regional Implications

None

Conclusion

In light of ongoing safety concerns on Creditstone Road, it would be appropriate to change the existing No Parking prohibitions to No Stopping prohibitions along both the east and west sides of Creditstone Road between the Canadian National Rail crossing and MacIntosh Boulevard, at all times, Monday through Friday.

Attachments

1. Extract from Council Meeting Minutes of September 11, 2006 (Item 7, Report No. 40)

Report prepared by:

Cindy Furfaro-Benning, Council Executive Assistant

(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.)

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Item 2, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

2

BLOCK 17 –TRAFFIC CALMING

The Committee of the Whole recommends approval of the recommendation contained in the following report of Councillor Yeung Racco, dated March 26, 2007 subject to adding the phrase “and the Ward 4 Sub-committee” following the word “Councillor” in Clause 2 of the recommendation:

Further, Committee of the Whole recommends:

That a process be put in place that would require the developer to confirm the effectiveness of their traffic calming plan prior to assumption of a subdivision in the plan.

Recommendation

Councillor Sandra Yeung Racco recommends:

1. That staff be directed to review the need for and feasibility of traffic calming measures along Forest Run Boulevard, Ten Oaks Boulevard and Dufferin Hills Drive;
2. That staff and the Local Councillor meet with the local community to discuss a traffic calming plan and to form a traffic calming committee; and
3. That staff report to a future Committee of the Whole meeting.

Economic Impact

N/A

Communications Plan

Staff will circulate a notice of the Traffic Calming Meeting to the local Block 17 community, and advertising will proceed, as per Traffic Engineering policy.

Purpose

To alleviate speeding concerns in the Block 17 area.

Background - Analysis and Options

Residents have brought concerns to my office regarding speeding issues along the primary roads in the Block 17 community, namely Forest Run Boulevard, Ten Oaks Boulevard and Dufferin Hills Drive. Residents would like to initiate traffic calming measures and providing the local community with the opportunity to form a Traffic Calming Committee is the most appropriate method for proceeding with traffic calming initiatives.

Relationship to Vaughan Vision 2007

A-2 Promote Community Safety, Health & Wellness

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

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Regional Implications

None

Conclusion

It is recommended that staff be directed to investigate the necessity for and feasibility of traffic calming measures along Forest Run Boulevard, Ten Oaks Boulevard and Dufferin Hills Drive. It is also recommended that a community meeting be held to discuss a traffic calming plan and to form a traffic calming committee.

Attachments

None

Report prepared by:

Cindy Furfaro-Benning, Council Executive Assistant

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Item 3, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

3

AMPARO DRIVE TRAFFIC REVIEW

The Committee of the Whole recommends approval of the recommendation contained in the following report of Councillor Di Vona, dated March 26, 2007:

Recommendation

Councillor Bernie Di Vona recommends:

1. That Engineering staff be requested to conduct the necessary traffic studies on Amparo Drive and report on those findings.
2. That the review and recommendations be brought forward to the June 18, 2007, Committee of the Whole Meeting .

Economic Impact

Nil

Communications Plan

Residents will be advised upon the results of the traffic studies.

Purpose

That the City of Vaughan Engineering Department conduct a review of traffic control and provide the residents of Amparo Crescent with their comprehensive study and statistics.

Background

My office has received further complaints regarding the traffic volume, vehicles speeding, stop sign compliance and infiltration problems on these roadways.

Relationship to Vaughan Vision 2007

This traffic study is consistent with Vaughan Vision 2007 as to identify and implement innovative traffic management alternatives to improve general traffic safety.

Regional Implications

N/A

Conclusion

Residents of Amparo Crescent hope that the necessary traffic measures are taken.

Attachments

Nil

Report prepared by:

Councillor Di Vona

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Item 4, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

4

REVISION TO 4.1.4 C) OF BYLAW 1-88

The Committee of the Whole recommends approval of the recommendation contained in the following report of Councillor Yeung Racco, dated March 26, 2007:

Recommendation

Councillor Sandra Yeung Racco recommends:

1. That the City of Vaughan Legal Department research the feasibility and merit of revising Bylaw 1-88, Section 4.1.4 c), Parking or Storing of Trailers, Boats and Mobile Homes, to include that in the case of a corner lot, boats, trailers and mobile homes shall not be stored in the side yard of a lot when the side yard is adjacent to and visible from the roadway; and
2. That the City of Vaughan Legal Department report back to a future Committee of the Whole with a report in May 2007.

Economic Impact

N/A

Communications Plan

None

Purpose

To address resident concerns regarding Bylaw 1-88, Section 4.1.4 c) regarding the parking or storing of trailers, boats and mobile homes.

Background - Analysis and Options

Currently Bylaw 1-88, Section 4.1.4 c) allows for the parking or storing of one boat, trailer or mobile home in the rear or side yard of a lot so long as it "shall comply with the minimum yard requirements for accessory buildings and structures contained in Subsection 3.16" of the Bylaw.

Residents have brought concerns to my office regarding this Bylaw with regards to corner lots. The Bylaw allows for a resident who lives in a corner lot to store one trailer, boat or mobile home in the side yard; however, when said trailer, boat or mobile home is stored in the side yard abutting the roadway, the trailer, boat or mobile home is visible from the roadway and neighbouring residences. Residents have asked that the City look at altering the Bylaw so that corner lots would only be allowed the storage of trailer, boats or mobile homes in the rear yard and not the side yard.

An exception to the parking and storing of boats, trailers and mobile homes has already been made in the case of multiple family dwellings, whereby no storage or parking of said vehicles shall take place except within a building or within an outdoor parking area.

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Relationship to Vaughan Vision 2007

A-1 Pursue Excellence in the Delivery of Core Services

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

Regional Implications

None

Conclusion

Section 4.1.4 c) of Bylaw 1-88 should be reviewed to determine if the current clause to deal with the parking or storing of trailers, boats and mobile homes should be modified to deal with corner lots as an exception.

Attachments

1. Bylaw 1-88, Section 4.1.4 c)

Report prepared by:

Cindy Furfaro-Benning, Council Administrative Assistant

(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.)

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Relationship to Vaughan Vision 2007

A-2 Promote Community Safety, Health & Wellness

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

Regional Implications

None

Conclusion

It is recommended that a Community Meeting be held in order to address the ongoing concerns over speeding along Carl Tennen Street and to determine if the majority of the residents are in favour of additional traffic calming measures for the roadway.

Attachments

1. Email correspondence containing Traffic Study results for Carl Tennen Street

Report prepared by:

Cindy Furfaro-Benning, Council Executive Assistant

(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.)

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Item 6, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

6 **BATHURST STREET AND ATKINSON AVENUE**
REQUEST FOR WESTBOUND RIGHT TURN LANE

The Committee of the Whole recommends approval of the recommendation contained in the following report of Councillor Shefman, dated March 26, 2007:

Recommendation

Councillor Alan Shefman recommends:

1. THAT the Region of York be requested to proceed with the design and construction of a westbound to northbound right turn lane at the intersection of Atkinson Avenue and Bathurst Street; and
2. THAT the cost of the work be borne by the Region of York.

Economic Impact

As the request is for the Region of York to pay the cost of designing and constructing the intersection improvement, there would be no economic impact to the City of Vaughan.

Communications Plan

N/A

Purpose

To initiate the design and construction of a westbound Atkinson Avenue to northbound Bathurst Street right turn lane.

Background - Analysis and Options

Bathurst Street is an arterial road under the jurisdiction of the Region of York and Atkinson Avenue is a collector road under the jurisdiction of the City of Vaughan. See Attachment 1 for the area road network.

Area residents have complained that traffic westbound on Atkinson backs up to Rosedale Heights Boulevard in the peak hours.

The Region of York was requested to review the feasibility of installing a westbound to northbound right turn lane at the intersection of Bathurst Street and Atkinson Avenue in the City of Vaughan. Currently the intersection is signalized and is configured as follows:

Bathurst Street:	2 through lanes both northbound and southbound Left turn lanes both northbound and southbound Right turn lanes both northbound and southbound
Atkinson Avenue:	2 through lanes each direction Left turn lane westbound to southbound
New Westminster Drive:	2 through lanes each direction Left turn lane eastbound to northbound

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Traffic control at the intersection is under the jurisdiction of the Region of York.

In response to the request, the Region of York completed an assessment of the proposed turning lane. The Region advised that in accordance with the Canadian Capacity Guide, an exclusive westbound right turn lane is warranted when the right turning volume equals or exceeds 300 vehicles in one hour. This threshold is met at the intersection of Bathurst Street and Atkinson Avenue during both the morning and evening peak hour.

In addition, Regional staff conducted a capacity analysis to compare the existing condition versus adding an exclusive westbound right turn lane at the intersection of Bathurst Street and Atkinson Avenue. The results indicate that the level of service will increase from Level Of Service E to Level Of Service D for the entire intersection and the intersection peak hour delay will decrease by 17 seconds.

The Region of York advised that the City of Vaughan would be responsible for undertaking the project and all costs associated with the design and installation of the exclusive westbound right turn lane.

As noted above, the intersection is under the jurisdiction of the Region of York. The traffic signals and associated timing are fully the responsibility of the Region. The benefits noted above of the right turn lane are benefits to the traffic operations at the intersection. Further, the Region of York does plan and implement intersection improvements on their road network and their Development Charge document identifies various intersection projects on Regional roads as Regional DC projects. The Region of York budgets for maintenance, construction, reconstruction and improvements to their road network including intersections. The City of Vaughan does not budget and should not be required to pay for an improvement to an intersection under the Region's jurisdiction.

Relationship to Vaughan Vision 2007

This report is consistent with Vaughan Vision 2007 and the priorities previously set by Council so as to Serve our Citizens.

Regional Implications

In order to undertake this intersection improvement project, the Region of York would be required to approve sufficient funds for the design and construction of the turning lane in their budget.

Conclusion

Based on studies undertaken by the Region of York, the westbound right turn lane is warranted and would both improve the level of service and decrease peak hour delay for the intersection. Since the intersection is owned and operated by the Region of York, the Region should be requested to implement and pay for the work.

Attachments

1. Location Map

(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.)

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Item 7, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

**7 POLICY – RESPONSE BY CITY STAFF TO REQUESTS FOR INFORMATION FROM
THE PUBLIC (REVISED)**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the City Manager, dated March 26, 2007, be approved; and
- 2) That the deputation of Mr. Paul De Buono, Vaughan Watch Inc., be received.

Recommendation

The City Manager, in consultation with the Senior Management Team, recommends that:

1. The Policy, "Response by City Staff to Requests from the Public", forming Attachment No. 1 to this report, BE ADOPTED by Council.

Economic Impact

No new funding will be required as a result of the approval of this report.

Communications Plan

All City staff will be notified of the Policy and a copy will be posted on the City's Website and VIBE.

Purpose

To establish a corporate Policy for City staff in responding to information requests or inquiries made by the public and to provide the public with procedures for various types of information requests or inquiries.

Background and Options

I. Origin

At the Committee of the Whole (Working Session) of February 13, 2007, Council considered this matter and on February 26 Council directed "That staff provide a further report to a future Committee of the Whole meeting incorporating the comments expressed by Members of Council". This report reviews current practices and recommends the adoption of a Policy to clarify and codify the City's and procedures in support of the principles of transparency and openness identified and emphasized in the recent amendments to the *Municipal Act, 2001* through Bill 130, the *Municipal Statute Law Amendment Act, 2006*.

II. Current Practices

Municipalities provide an array of services and facilities that affect people's lives on a day-to-day basis. It is normal to receive inquiries from the public on an extensive number of subjects, ranging from the simple to the complex, and spanning all functions under the City's mandate. Providing the public with timely replies to its questions is an obligation of good government to which the City of Vaughan has assigned a high priority. Municipal government is the most accessible level of government.

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The City has in place a number of procedures designed to meet the information needs of the public, which are set out in the following paragraphs. Any person may make a deputation to Council in accordance with the procedure set out in the Procedural By-law. Regular Committee of the Whole meetings are held bi-weekly and deputations can be scheduled through the City Clerk's Office.

In January 2006, the City established *Access Vaughan*. This service is designed to ensure that inquiries and complaints are answered promptly by trained Citizen Service Representatives who have access to a computerized database of public information. In the year following the launch of this service, *Access Vaughan* answered a total of 174,682 calls. On average, the service answers 15,770 calls per month. This ranges from between 700 to 850 calls per day.

As part of its normal business, the City provides responses to numerous requests for information and complaints which fall under the day-to-day operating mandates of individual Departments. These departmental response functions deal primarily with site-specific, property-specific or individual specific matters like zoning inquiries, compliance letters, tax status, building inquiries, environmental inquiries, etc. They are of a routine nature and are processed expeditiously. They generally take the form of written responses originating with written correspondence from a member of the public or consultant.

In addition, the City has in place a Corporate Policy dealing with Media Relations for City Staff. The intent of this Policy is to develop and maintain effective communications with representatives of the print and broadcast media to facilitate the flow of information between the corporation and the public. Its purpose is to communicate consistent corporate messages in a timely and accurate manner and to respond appropriately to all enquiries in an open and professional manner to build an understanding of the work carried out by the City.

Also, for a number of years, the City has had in place a process for responding to inquiries made under the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA"). The City Clerk's Department processes and responds to all written requests ("FOI" requests) by individuals, firms, the media and others for copies of records, documents or other information in the possession of the City. This process also is responsible for ensuring that personal information and other information and records which are protected from release under the MFIPPA legislation are not provided to any persons or entities not entitled to receive such information.

III. Responding to Non-Routine Inquiries

It is appropriate to build on these foundations by adopting a Policy which will provide further clarification and assistance to both the public and City staff in processes and procedures for responding to all questions, including those that are not routine or do not fall under the umbrella of any current processes, policies or procedures, such as *Access Vaughan*, Departmental operational functions or MFIPPA requests. These non-routine types of requests are most often received in the form of written correspondence, either as hard copy or electronically by e-mail.

There are certain limitations in e-mail technology that cause concerns. Systems of senders are not necessarily secure. The source of an e-mail inquiry may not be readily verifiable due to incomplete e-mail sender names and addresses, there is the possibility of e-mail requests being delivered by someone other than the named author, there is the possibility of responses being picked up on the requestor's computer by a person other than the requestor, etc. In addition, it is possible that an e-mail response by the City could be manipulated and forwarded on to other recipients.

Developing a comprehensive Policy will enhance accountability as well as transparency of the services available to the public and will clarify procedures for City staff.

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IV. Principles Guiding the Preparation of the Policy

In developing the Policy, the following principles were taken into account:

1. Inquiries are made by telephone call (including voice mail) and by correspondence (including correspondence received through the mail, fax, hand-delivered or e-mail inquiries). Where the initiator of the request has not provided his or her full name and mailing address, the initiator may be requested to provide a name and mailing address so a response may be provided by hard copy letter, sent by regular mail or for pickup on arrangement with City staff.
2. The Policy does not preclude providing a quick verbal or e-mail response, where this will suffice.
3. The request should be sent to the appropriate Department Head. Should it be determined upon consultation that the response should be directed to a different City Department, then it will be redirected for preparation of a response. If it is determined that the appropriate process for obtaining the requested information is the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, the correspondent will be redirected to the City Clerk's Department (which is responsible for *MFIPPA* requests) to submit a request on the required form.
4. The objective is to provide a response within 5 working days from the date of receipt of the request by the responding Department. Where a response will require additional time, a response will be provided within 10 working days or, where applicable, advice provided to the requestor on a more appropriate process for obtaining the desired response, e.g. through an *MFIPPA* request, through contact with the appropriate operational Department, or by making a deputation to Council, etc.
5. Where an inquiry requires the photocopying or reproduction of materials, fees may be charged in accordance with the Fees and Charges By-law.
6. All inquiries and responses are considered to be matters of public record, unless personal information or other protected information is included in an inquiry or response. Responses to inquiries may be copied to the City's Senior Management Team, relevant City staff and the Mayor and Members of Council, as deemed necessary.
7. Only factual information will be provided, defined as information that is already a matter of public record and subject to release to the public.
8. While it is the objective to provide prompt responses to all questions from the public, there are circumstances where providing a response within the proposed time-frame may be unreasonable. Such circumstances may include:
 - The extent of the inquiry may be of a general nature or application, but of such magnitude that it would not be possible for staff to respond within the proposed time frame and it would be inappropriate for staff to allocate the time to preparing a response to the correspondent, without Council first directing the reprioritization of the City's staff resources to preparation of a response to an individual requestor. The correspondent would be directed to make a deputation to Council outlining the request.
 - The inquiry may involve a response to a situation that has application or importance across the municipality or could have city-wide implications rather than affecting an individual site, property, business or person. In such cases, direction from Council would be required to proceed with the necessary review and, if required, further study. The correspondent would be directed to

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make a deputation to Council outlining the request and seeking Council's directions to staff to undertake the required review and/or further study. It should be noted that current City policy does not permit individual Councillors to direct staff to prepare reports on a Councillor's sole request, but rather these must be directed by Council. A request from the public of this nature, which requires a report or study that may have City-wide implications, similarly should be a matter for Council's consideration and direction.

- The request(s) may be frivolous or vexatious, or submitted for the purpose of disrupting the operations of the City. This may be due to the frequency of submission of requests from the same or similar source(s) or due to the nature of the inquiry itself (such as a threatening or harassing inquiry(s)). In such cases, prior to response the request will be forwarded to the City Manager and/or Council to determine the merits of the request, including whether it is frivolous, vexatious or an abuse of City staff or processes (evidence of a threat or harassment), and the City Manager and/or Council will be requested to provide further directions to City staff regarding the request. If a request is considered harassing or threatening, it may be forwarded to the appropriate authorities for further investigation.

In all such instances, an acknowledgment of the inquiry or request will be provided and confirmation of the appropriate process to be followed by the requestor or by the City.

Relationship to Vaughan Vision 2007

Adoption of the proposed Policy is consistent with the Vaughan Vision 2007 objective of "*Citizens first through service excellence*", including:

- “1.2 Establish and communicate service level standards that are affordable and sustainable.
 - 1.2.2. Review current customer service practices and implement enhanced and consistent customer service standards.
 - 1.2.3. Communicate established service levels to the community.
- 1.3 Provide effective and efficient delivery of services.”

Regional Implications

None

Conclusion

Providing the public with timely and accurate responses to requests for information, inquiries or complaints is an important ongoing function of municipal government. The City of Vaughan has already established processes for dealing with a number of types of inquiries, through *Access Vaughan*, individual operating departments respecting site specific, property specific or individual specific requests for information, inquiries or complaints, and through the *MFIPPA* process for FOI requests. These processes operate well for routine inquiries. However, there are circumstances where questions will require more research and preparation time for response. For this reason it is recommended that Council adopt the attached proposed Policy to address these additional types of requests for information that extend beyond routine requests, by setting a time-frame of 10 working days for response or, where appropriate, by redirection of the correspondent to the Clerk's Office to schedule a deputation to Council for further direction to be provided to City staff.

It is intended that the Policy provide guidance to staff in identifying and processing such inquiries and the corporate expectations regarding standard response time-lines. The Policy also provides

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direction as to when a response would not be appropriate but requires redirection to another more appropriate process (e.g. *MFIPPA*, City Manager or Council determination whether request is frivolous or vexatious, etc.). This Policy will also assist the public by providing clear information as how to submit an inquiry and how it will be processed upon receipt.

The proposed Policy will further enhance the City's ability to respond fully and promptly to public inquiries and will build on the foundation established by Access Vaughan, the current policies and processes and the *MFIPPA* process.

Attachments

1. Draft - City of Vaughan Policy: Response by City Staff to Requests from the Public.

Report prepared by:

Janice Atwood-Petkovski, Commissioner of Legal & Administrative Services
& City Solicitor
Carolyn Stobo, Solicitor/Special Services
Roy McQuillin, Manager of Corporate Policy

(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.)

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Item 8, Report No. 15, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on April 2, 2007, as follows:

By directing that in the matter of the allegations regarding the Mayor's e-mail that staff provide a report on the forensic audit results for Council's consideration.

8

PUBLIC INQUIRY REPORT

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the City Manager and the Commissioner of Legal and Administrative Services & City Solicitor, dated March 26, 2007, be approved; and
- 2) That the deputation of Mr. Paul De Buono, Vaughan Watch Inc., and confidential written submission, dated March 26, 2007, be received.

Recommendation

The City Manager and the Commissioner of Legal and Administrative Services & City Solicitor, based on the extensive review by external legal counsel, recommend:

1. That this report be received, and,
2. That Council not initiate a public (judicial) inquiry, and,
3. That no other review or investigation in relation to the allegations in this matter be undertaken.

Economic Impact

Not applicable.

Communications Plan

Not applicable.

Purpose

This report provides a comprehensive analysis of the various allegations put forward in the request for public inquiry made to Council by way of deputation to Committee of the Whole at its February 19, 2007 meeting, and provides an analysis of whether the subject matters require, or would support, the need for a public inquiry. This report is prepared entirely on the basis on the detailed review by the City's external legal counsel retained in this matter.

Background - Analysis and Options

THE CHARACTERISTICS OF A PUBLIC INQUIRY

- (1) a judicial inquiry is a specific and formal type of proceeding, intended to fulfil particular objectives, involving a public hearing presided over by a judge of the Superior Court of Justice, exercising the powers of a commission under the *Public Inquiries Act*,
- (2) a judicial inquiry may turn out to be an unpredictably expensive proposition, both in terms of time and municipal money; and

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- (3) a judicial inquiry is at the extreme end of the list of various alternative ways by which a council may investigate the truth of, or bring light to bear upon, allegations of wrongdoing or suspicious or unexplained conduct, where considered necessary and appropriate to do so.

CRITERIA JUSTIFYING A JUDICIAL INQUIRY

In view of the nature, cost and magnitude of a full-scale judicial inquiry under section 274 of the *Municipal Act, 2001*, and the factors supporting or negating the choice of establishing such an inquiry from among the various alternative means of investigation, the following are suggested as possible criteria against which a proposal for such an inquiry should be assessed:

- (1) whether or not there is sufficient information, supported, where possible, by relevant documentation and records, to enable the Council to decide that there is a problem requiring consideration of the need for a judicial inquiry or other investigation in the interests of the municipality and of the public;
- (2) whether or not there are major issues causing widespread public concern about the conduct of the City's business which such an inquiry could usefully address;
- (3) whether or not the subject-matter of the concerns or allegations involves matters of substantial magnitude and importance to the municipality;
- (4) whether or not the Council concludes that there is a serious problem engaging the public's right and need to know and understand what happened;
- (5) whether or not the circumstances indicate the necessity for a public investigation by a judge, where those involved would be required to attend at a formal hearing, give evidence under oath, and produce documents;
- (6) whether or not there may be some other useful, cost-effective means of obtaining the information required, and enabling the City Council to be in a position to address the situation and take effective action, without requiring a judicial inquiry;
- (7) whether or not there is a consensus of Council that the public interest necessitates the cost and particular means of a judicial inquiry to address the problem and clear the air, and that it is anticipated that the inhabitants of the municipality would generally support such an expenditure.

THE ALLEGATIONS

The analysis herein addresses allegations contained in a document dated February 19, 2007 on the letterhead of Vaughan Watch Inc., including a one-page covering letter signed by Paul De Buono, President, and attaching "proposed terms of reference" for a proposed judicial inquiry, involving a preamble containing 63 paragraphs over seven pages.

In determining whether any allegation involving the conduct of the public business of the City which could warrant becoming the proper subject-matter of a judicial inquiry initiated by the City, a number of the statements made in the deputation fail to provide such proper subject matter for the following reasons:

- a number of the paragraphs are simply statements of context or background fact, containing no suggestion of misconduct or impropriety;

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- a number of the paragraphs contain assertions which do not, on their face, suggest misconduct or questionable conduct by any person, and provide no evidence of apparent damage to the administration of the City, or loss or mismanagement of public funds;
- a number of the allegations on their face involve lawful decision-making by the Council within its jurisdiction, and policy choices properly within its purview; and
- some of the allegations on their face involve hearsay opinions of unnamed third parties, or allegations in court proceedings, unsupported by any corroboration and not proven in Court.

With respect to this latter point, a number of statements and assumptions contained in the preamble to the Proposed Terms of Reference for the inquiry rely from time to time on statements made in pleadings and other court proceedings by those in litigation against the City. Aside from being simply allegations left to be corroborated by objective facts, it is noted that litigants may often plead all sorts of serious allegations in support of vindication for their position and money damages, in the expectation that laws of privilege will attach to their pleadings and protect them from defamation and other legal proceedings. In those circumstances, such allegations do not in themselves provide a factual basis for the holding of a judicial inquiry, at least until proven in Court.

In a number of matters referred to in the Proposed Terms of Reference, issues are raised which are within the power of the Council, if it decides fit to do so, to inquire into, and if deemed appropriate as a matter of policy, to take steps to rectify, without the need to conduct a judicial inquiry into issues of fact.

Most of the potentially serious allegations have previously been the subject of formal review by police or other public authorities.

The Proposed Terms of Reference submitted on behalf of Vaughan Watch Inc. contains 63 paragraphs of preamble dealing with a wide range of subject-matters and containing a large number of alleged facts, some of which, if substantiated, could possibly form a basis upon which City Council might decide to investigate further, if the City or other investigative bodies have not already done so.

Many of the paragraphs simply provide context or background circumstances asserted in support of allegations of criminal or otherwise improper conduct of unnamed or named-only-by-title individuals.

Few of the allegations include particulars of the date or time at or within which the alleged activities are said to have occurred, but to the extent that dates are included, it would appear that the majority of the matters relate to the period from 1997 to 2004.

Some of the allegations refer to what appear to be trivial or isolated incidents or matters in respect of which the Council or others were in a position to take effective action at the time as they saw fit. Other paragraphs describe, in extremely vague and general terms, fact situations which have apparently already formed the basis for a police investigation concluding in a decision to take no further action. Facts involved in some of the issues raised have been the subject-matter of legal proceedings, some of which are still continuing.

To the extent that it is possible to identify issues dealt with in the Proposed Terms of Reference, the following would appear to be the principal subject-matters of concern to the writer of that submission:

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ISSUES RAISED

PARA. NO(s).	ALLEGATION
• Paras. 8-11	Allegation re: contaminated soil at Melville Park.
• Paras. 12-13	Allegation re: development of the Sports Village.
• Paras. 15-17	Allegation re: late bid opening.
• Paras. 19-21	Allegation re: prequalifications for Vellore Village contract and decisions on technical irregularities.
• Paras. 35-39, 53, 54	Allegation re: altered invoices
• Paras. 40-41	Allegation re: forged documents
• Para. 53	Allegation re: sexual assault
• Para. 54	Allegation re: stolen e-mails.
• Para. 56-57, 59-61	The award of the contract for the construction of the new City Hall.

With respect to the above allegations, the following summarizes information available to the City:

Alleged illegal dumping of soil by unknown individuals at Michael Cranny Elementary School and Melville Park (prior to July, 2000) (paras. 8-10)

The minutes of the meeting of City Council held on June 26, 2006 contain reference to an internal audit report provided by the City Auditor with a covering letter dated September 18, 2005.

Among the statements in the Audit Committee report to the Council with respect to this matter were the following:

- "The audit confirmed that the City incurred the necessary costs in exercising 'due diligence' in the handling of the soil and groundwater conditions of Melville Park and surrounding schools in ensuring that public safety is not at risk";
- "In August/September 1997 and December 1997, there was illegal dumping of soil by unknown individuals at Michael Cranny Elementary School and Melville Park respectively";
- "In July 2000, methane was discovered at Melville Park and adjacent school sites";
- "The City hired consultants McClymont & Rak Engineers Inc in December 1997 to monitor removal of soil and verification that the site was clean";
- "The City hired Terrapex Environmental Ltd to do Phase 2 Environmental Site Assessment and modified Phase 1 Environmental Site Assessment on the Melville Park and surrounding schools";

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- "The City also constructed a methane barrier/ventilation trench along the boundary of the park and the elementary school site, and the houses of Falkirk Crescent";
- "The City paid for an independent review of the work of Terrapex Environmental Ltd by a consultant (Decommissioning Consulting Services Limited). who were chosen by the residents of Falkirk Crescent";
- "The City acted on the recommendation of the environmental specialists, Terrapex Environmental Ltd at all times, until the latter was satisfied that the soil and groundwater conditions posed no threat to public safety";
- "Based on the auditor's independent, objective review, it is the auditor's professional opinion that the City of Vaughan exercised due diligence in the handling of the soil and groundwater conditions of Melville Park and surrounding schools of Michael Cranny Elementary School and Divine Mercy Catholic School."

The report of the City Auditor concluded with his following statements of opinion:

1. The City had gone to great lengths and extensive cost, to ensure that there were no health hazards or harmful effects to human lives. The City hired and relied on the "experts" in the field of environmental assessment, namely, Terrapex Environmental Ltd.
2. It is the auditor's opinion that due diligence was exercised by the City in the soil and groundwater conditions of Melville Park and abutting residential lots.
3. The City should not react to every individual's complaint to test areas not selected by the professional consultant. It is impractical, costly, time consuming and not necessary to check every inch of soil; hence the use of statistical sampling by the consultant. Statistical sampling provides a sample of areas to be tested, and provides a certain comfort level that the results of the areas tested, fairly represent that of the whole area. Statistical sampling is an acceptable technique used in auditing.

It should be noted that the land in question is, in fact, owned by the School Board.

The City Council adopted the recommendation of the Audit Committee that the report of the City Auditor be approved, that the deputation of Mr. Paul De Buono, Vaughan Watch Inc., be received, and that the deputant submit his concerns regarding the school site in writing, for the City to forward the submission to the School Board for review.

There is no information available suggesting that Mr. De Buono complied with Council's request to address submissions to the School Board.

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In all of the public meetings that were held and discussions with affected residents, no other party ever came forward regarding these allegations, and the City has not been provided with any written submissions in response to its request.

Our external legal counsel advises that this subject-matter would not, therefore, when assessed in light of the criteria set out above, justify a decision by the City Council to establish a judicial inquiry to investigate further, or to take any further steps whatever.

Agreement for the construction of the Sports Village on Rutherford Road (paras. 12-13)

There is a public-private partnership between the City and Mentana Corporation for the construction of the Sports Village on Rutherford Road, a four-pad arena. Mentana contracted with Maystar to build it, not the City.

Our external legal counsel advises that while the City is in possession of a number of documents and agreements relating to the Sports Village, there is an insufficiency of information or any particularized statement of fact contained in the Proposed Terms of Reference that would suggest a need for a judicial inquiry, and an insufficiency of information suggesting any subject-matter which would comply with any of the criteria set out above. Accordingly, there is nothing in this allegation upon which there is reason for the City to investigate further.

The "Vellore Joint Complex" (paras. 15-21) (2002-2003)

This was a joint project of the City of Vaughan and York Catholic District School Board for the construction of a 23,500 square metre multi-use facility. The selection committee was chaired by a School Board representative.

The prequalification documents stated that tenders would be issued to a list of pre-qualified general contractors and selected subcontractors.

Some provisions of the prequalification notice were as follows:

- "only general contractors who have completed similar institutional projects at a value not less than \$30 million 'including GST' will be considered";
- "Prequalification information shall be submitted to the City of Vaughan ... on or before 3:00 p.m. local time September 18, 2002. Submissions received after closing deadline will not be accepted";
- "The City of Vaughan and York Catholic District School Board reserves the right to select and approve only those contractors which they deem suitable to successfully complete the above-mentioned project".
- The Prequalification Proposal - General Instructions contains the following:
- "4.1 The City of Vaughan and York Catholic District School Board reserves the right to select and approve only those contractors which they deem suitable to successfully complete the project. The right is reserved to accept or reject any or all submissions without explanation."
- "4.2 The owner reserves the right to select any contractor and restrict the number of contractors to be nominated, consistent with the objective of ensuring competitive and equitable tendering."

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It is noted that the allegation with respect to the timing of the prequalification bid did not apply to the tender call which followed. As mentioned above, the process of prequalification was not itself a tender call, but simply an exercise in which the City would select contractors whom it believed to be qualified to bid on the main contract.

The strict laws relating to tender calls do not apply to this process, particularly in a context whereby the City reserves the right to select any contractor, and any or all submissions, without explanation.

With respect to the tender call itself, which followed the prequalification process, Aquicon Construction Company Ltd., whose bid was disqualified, brought legal proceedings in the Ontario Superior Court of Justice, which dismissed its application on the basis that the City was entitled to treat Aquicon's bid as non-compliant.

The Ontario Provincial Police, in April, 2004, following concerns expressed by Vaughan Watch, entered into an investigation of certain matters involving the City of Vaughan, which included issues relating to the Vellore Village project.

With respect to the Vellore Village Contract, the report of the Director, Criminal Investigation Branch, reads as follows:

"Vellore Village is a \$39 million joint City of Vaughan and York Region Catholic School board project that involves the construction of a school, a community centre, swimming pool, park, playground, and other facilities. The project is well under way and Maystar General Contracting is doing the work.

In the summer of 2002, the owners issued a request for interest for the construction of the project. As a result eight general contractors pre-qualified. That means there were eight contractors that were deemed by the owners to be suitable candidates for the project. However, at the time of bid closing on February 18th, 2003 only four pre-qualified contractors submitted bids on the project. They were Aquicon, Maystar, Atlas, and Bondfield.

The controversy surrounding this tender arises from the Aquicon bid that came in at \$38,999,000 ended up being disqualified for non-compliance (unauthorized person editing the bid document) and Maystar obtained the contract with the 2nd lowest bid at \$39,000,000.

In this instance Aquicon Construction filed suit against the City of Vaughan. The Superior Court of Justice dismissed the suit and ruled in favour of the City. The court's reasons for its decision can be found in court file 03-CV-245653CM2 (copy in file) or at www.canlii.org/on/cas/onsc/2003.

Investigators received a copy of Maystar's pre-qualification from the City of Vaughan's building department on November 10th, 2004. The document shows that Maystar does between 50 and 60 million dollars per year in contracts. Their largest single project

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prior to this one was the Vaughan Sports Centre at 22 million dollars. There was no evidence of an attempt to hide this information from city officials and police had found no evidence of favouritism in granting the contract.

Attached to the pre-qualification document was a letter from Maystar's insurance company, Zurich Insurance, a bonding company. In their letter, Zurich purports Maystar is both technically and financially qualified to complete the project in a timely and satisfactory fashion. This letter assumes the function of a performance bond and it appears that city officials relied on it in their decision to award the contract to Maystar.

Whether or not the City contravened its own policy regarding the qualifying and acceptance of tenders is a separate issue from those under police investigation. However, a review of all of the facts and circumstances by police did not produce any evidence of secret commissions or any other criminal culpability by the persons or companies involved.

Police interviews and related documents have satisfied investigators that the tender process in this case was transparent and no evidence of criminal activity was detected."

The Vellore Village tender material discusses nothing which would lead one to disagree with the conclusions by the Ontario Provincial Police. The decision of the Ontario Superior Court of Justice in the action by Aquicon (*Aquicon Construction Co. v. Vaughan (City)* (2003), 42 M.P.L.R. (3d) 84), in which the City's defence was upheld is a matter of public record.

Following the award of the tender to Maystar General Contractors Inc., which was the low bidder, Maystar performed the contract in a satisfactory manner.

In view of the foregoing, and particularly in view of the fact that this subject-matter has already been the subject of both litigation and a police report, there are no further or new issues raised in the submissions of Vaughan Watch Inc. to justify the holding of a judicial inquiry, especially one with respect to a process which took place over four years ago.

The bid from Maystar General Contractors Inc. that was "officially 17 seconds late", while opened, was not accepted. Staff reported to Council immediately, and the bid was disqualified.

The Ontario Provincial Police, which included this fact situation as a subject-matter of its investigation, concluded as follows:

"In December 2002 pre-qualification for general contractors commenced for this multi-million dollar project. Twenty-five contractors responded and of those nine qualified to bid. The tender went out with a closing date of February 12th, 2003 at 3:00 p.m. At the time of closing four bidders, Maystar, Jasper Construction, Atlas Corporation, and Torcom Construction, were present.

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The controversy in this case surrounds the Maystar bid being seventeen seconds late. The Maystar representative submitting the bid claims to have been blocked in a crowded area, which caused her the delay. Purchasing director George Wilson sought advice from Clayton Harris who is the Commissioner of Finance and Corporate Services. According to Wilson he was instructed by Harris to open the Maystar bid anyway and they would rule on its acceptance later. Wilson indicated this was a good decision because the bid would then be opened publicly. The end result was the legal department recommended that the Maystar bid be disqualified. Maystar in this case was the lowest bidder with Atlas Corp. being the second lowest.

However, the contract did not get awarded to Atlas. Following the decision to disqualify the Maystar bid there was a proposal to change the tender and include the addition of an Italian Interpretive Centre in the expansion. Vaughan decided to re-tender the project but only the four previously contractors were invited. Wilson explained the change would cost up to an additional \$500,000 [and] require new drawings and renovations. This was deemed to be significant enough to justify a new tender. Smaller changes can be made with an amendment to the original contract but not for one this large. Council subsequently approved a new tender process for the project.

On May 21st, 2003 Maystar, Jasper, Atlas and Torcom submit[ted] compliant bids. The Maystar bid came in at \$5,601,450.00, which was \$197,950.00 less than the next lowest bidder, Jasper Construction. On June 9th, 2003 council, on the recommendation of the Commissioner of Community Services, awarded the contract to Maystar.

The police investigation of this matter indicates the Maystar disqualification for being seventeen seconds late was irrelevant because the city ultimately made changes to the project that were significant enough to require another tendering submission. Their decision to include only the four contractors that qualified in the original process, on the surface, appears to have been fair.

No evidence of criminal activity was determined. Any grievances by contractors arising from this process would best remain in the domain of a civil proceeding."

Council, at its meeting held on September 22, 2003, established a Task Force to review the City's tender documentation requirements and related policy and procedures.

In 2003 Council established the Tendering Task Force to review the City's tendering policies. In addition to the City Manager the Task Force included the President of the Ontario General

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Contractors Association, the President of the Toronto Construction Association, the Executive Director of the Greater Toronto Sewer and Watermain Contractors Association, the President and Chairman of the Board of the Vaughan Chamber of Commerce and external legal counsel, Les O'Connor (WeirFoulds). The Task Force review was completed in the spring of 2004 and Council approved the recommendations coming out of the review in June 2004.

In view of the foregoing, our external legal counsel advises that there has been sufficient inquiry and discussion of this tender call, which occurred over four years ago, and that there is no evidence or new information which would justify the establishment of a judicial inquiry at this time.

Allegations with respect to "questionable invoices" and "pressure to forge documents" (paras. 35-41, 53, 55) (2003-2004)

There are no transcripts in the proceedings in question (*Donofrio v. City of Vaughan*) in which Mr. Donofrio alleges that any employees of the City used threats and intimidation to force him to sign off on invoices which "he found questionable".

In pursuance of these allegations, our external counsel interviewed John Campbell, who is acting for the City in the continuing litigation brought by Mr. Donofrio. He was shown copies of transcripts of the examination for discovery of Mr. Boyce, which is, apparently the evidence referred to and relied upon by Vaughan Watch Inc. as supporting this allegation.

A review of the transcripts does not support any suggestion that there was any forgery or uttering of forged documents, under pressure of threats and intimidation, or otherwise.

Mr. Campbell has concluded as follows:

"Mr. Boyce's answers are not an admission of forgery or uttering. He did not say he was under distress from Mr. Kallideen. None of the answers remotely approach such evidence."

Similarly, our external counsel reviewed those portions of the transcript of the evidence of the former Fleet Co-ordinator, Mr. Donofrio, upon which Mr. De Buono apparently relies in his allegation "that more senior officials in Community Services used threats and intimidation to sign off on invoices he found questionable".

A review of the transcript in question shows that, while, in general terms, Mr. Donofrio takes the position that a number of members of the City's staff conspired against him, there is no evidence in the transcript supporting the proposition either that he was forced by threats and intimidation to sign off on any invoices, nor that any such invoices were in fact forged, nor is there any evidence in the transcript suggesting that any invoices were created fraudulently or for a fraudulent purpose.

The City retained independent consultants, KPMG Forensic, to review the circumstances surrounding the particular work to which the invoices relate, a series of repairs to certain snow ploughs carried out by Conti Automotive and Equipment Sales Ltd.

KPMG had full access to available information concerning Mr. Donofrio's allegations and on the process adopted by the City in its internal review of the allegations and circumstances surrounding the services provided by Conti.

- Within the scope of our review, we were unable to validate the legitimacy of Mr. Donofrio's claims with respect to the allegedly excessive value of the Conti invoices or

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any of the other concerns raised by Mr. Donofrio to City officials, or in the media, regarding the allegedly irregular process that was followed in obtaining the snow plow maintenance and repairs from Conti.

- We found little independent support for most of Mr. Donofrio's criticism with respect to the process that was followed in obtaining the services from Conti particularly in the area of the City's purchasing policies. However, the policy requirement that three quotes be obtained was not followed by the City's Fleet Department for the reason that there are not many specialty automotive repair facilities capable of performing the repairs required, and Conti was capable of completing the repairs on a short turnaround basis.
- We found no evidence of irregularity by the City's Fleet Maintenance Supervisor or any other officials in respect of these matters. Mr. Donofrio's Supervisor has alleged that Mr. Donofrio did not perform his duties in respect of these matters to the expectations set out in Mr. Donofrio's job description. Our review of the information and documents would tend to support this assertion, however, an interview with Mr. Donofrio would be helpful and assist us in better evaluating the available evidence.
- The information we obtained and the documents we examined suggest that when the City conducted its internal investigation into these matters in mid-October 2003, the actions taken by Mr. Donofrio were designed to distance him from any criticism regarding the process that he had followed. The Toronto Star report of February 7, 2003 based in part on an interview with Mr. Donofrio contains information that in some cases are misleading, inaccurate, and confused.

These matters were also the subject-matter of an investigation by the Criminal Investigation Branch of the Ontario Provincial Police, which commenced in April, 2004, and was completed with a report to the Chief of Police dated November 12, 2004, which concluded, among other things, as follows:

"The team has reviewed each allegation in detail. Digitally recorded audio interviews of each witness and documents relevant to the investigation were obtained.

...

The investigation is now complete and we have determined, based on the evidence examined, that the allegations against the City of Vaughan were unfounded. There is no evidence of any criminal activity or corruption and fraud.

...

We have determined no charges will be laid in this investigation.

...

1. Fleet Vehicle Repairs

...

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The police investigation into this allegation has been extensive and is now complete. Numerous witnesses were interviewed and the City of Vaughan provided records as requested. Employees were co-operative with the investigators and consented to digitally recorded interviews. Explanations for a service provider being located in Mississauga have also been reviewed. A KPMG audit report regarding the Conti service work prepared for City solicitor, Robert Swayze, was provided to police. Reports from other maintenance service providers and interviews have been completed.

...

A careful examination of these documents and a comparison to the City's own records failed to show any attempt at fraud. This finding was corroborated by the KPMG report that had been commissioned by the City of Vaughan.

...

No evidence of criminal activity was found."

In view of the fact that these allegations relate to circumstances alleged to have taken place three years ago, and that such have been the subject-matter of both a review by KPMG and an investigation by the Ontario Provincial Police, and are still the subject-matter of litigation between Mr. Donofrio and the City, our external counsel concludes that there is no basis which it would be reasonable or necessary for the City Council to establish a judicial inquiry to conduct yet another review of these allegations.

WeirFoulds LLP acts for the City in the defence of the action brought by Mr. Donofrio. In a letter dated November 30, 2006, Mr. John Campbell, the responsible solicitor in charge of that matter on behalf of the City, reported to the City Solicitor, in a strictly privileged and confidential report, as follows:

"There have been many days of examinations for discovery of all parties.

....

I have found no evidence of any impropriety with respect to the Conte Automotive invoices. The OPP and KPMG both investigated those allegations and found no wrongdoing.

I have found no evidence of any improper conduct by M. Kallideen or Mr. Boyce."

Mr. Campbell concludes as follows:

"In my view Mr. Donofrio's claim has no merit whatsoever. The action is frivolous and vexatious."

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Our external legal counsel advises that in view of the foregoing, including the fact that the subject-matter of the allegations is included in ongoing litigation not yet completed, there is no basis for suggesting the need or desirability for a judicial inquiry at this time. However, even if the other litigation was not continuing, our external counsel has advised that the findings of KPMG Forensic and the Ontario Provincial Police should end the matter.

"Alleged sexual assault" (para. 53)

City staff are unaware of any such investigation, and the Proposed Terms of Reference provide no particulars of either the alleged assault or the alleged investigation.

Accordingly, there is no basis for any further action with respect to this allegation.

Allegation that some of the Mayor's e-mails were stolen (para. 54)

Then-City of Vaughan Regional Councillor Linda Jackson alleged that a number of e-mail messages has been printed, without her authority, and provided apparently anonymously to another member of Council. The allegation was brought to the attention of the police in November, 2006 during the municipal election campaign.

In a media release dated March 7, 2007, the York Regional Police, having completed a comprehensive, four-month review of this allegation, determined that this was not a matter warranting a criminal investigation, or a police matter, and that the York Regional Police would not be investigating the matter.

In light of the report from the York Regional Police, the City has secured the firm of Deloitte & Touche to perform a forensic audit regarding e-mail disclosures at City Hall. It is anticipated that the audit will be completed in April, 2007.

At least in the absence of any further information and that produced to date, our external legal counsel advises that there appears to be no basis upon which Council might decide to proceed with a judicial inquiry into this matter.

Award of the contract for the construction of new City Hall (paras. 56-57, 59-61)

City Council voted on December 18, 2006 to award the contract for the construction of the new City Hall.

As in the case of much of the rest of the Proposed Terms of Reference, to the extent there are allegations of "questions" raised, they are non-particularized, not stated, nor any source for them specified. Certainly there is nothing in these paragraphs substantiating the need for a public inquiry to look into them.

It is noted that the City has appointed The Honourable Peter Cory, former Justice of the Supreme Court of Canada, as a Fairness Monitor to ensure that the procedure leading to the award of a contract to a general contractor and major subcontractors for the construction of [the City's] new Civic Centre building is fair, impartial and leads to the construction of the building by qualified contractors at the lowest price to the City.

In this respect, Mr. Cory reported to City Council by letters dated June 8, 2006 and December 11, 2006.

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In the latter communication, Mr. Cory noted that the tender process for construction of the City Hall "has now been completed. All that remains to be done is the awarding of the contract."

Mr. Cory continued as follows:

"I confirm that I have had full access to all documentation throughout, and that I have been present at the opening of the bids. I can confirm that tenders closed at the appointed hour. They remained located in the tender box until the time set for their opening. That opening was conducted publicly, the bids were read out and it was apparent to all present which company was the lowest bidder.

I can confirm that in all aspects, this procedure was conducted fairly, openly and properly. The work of the city employees was conducted in an exemplary manner. Their care and scrupulous attention to fairness in every aspect of the process was outstanding."

Our external counsel advises that there is nothing in any of the allegations with respect to this matter which would require or support the need for a public inquiry into this matter at this time.

Relationship to Vaughan Vision 2007

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

Regional Implications

Not applicable.

Conclusion

Based on the extensive review by the City's external legal counsel in this matter, there is nothing in any of the allegations which would require or support the need for a public inquiry or any other review or investigation into any of these matters.

Attachments

None

Report prepared by:

Janice Atwood-Petkovski

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Item 9, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

9 VELLORE VILLAGE SAFETY IMPROVEMENTS

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Community Services, dated March 26, 2007:

Recommendation

The Commissioner of Community Services in consultation with the York Catholic District School Board, the Director of Parks Operations and Forestry and the Director of Parks Development recommend:

1. That the construction of an asphalt walkway to connect the Fossil Hill Park walkway system to the St. Agnes of Assisi School asphalt area be approved; and,
2. That the installation of a 50m long, 1.2m high black vinyl chain link fence along the common park/school property line be approved; and,
3. That \$15,000.00 be added to the 2007 Parks Operations and Forestry operating budget and \$7,500.00 be added to recoveries for the construction of the walkway and chain link fencing.

Economic Impact

There will be a net impact of approximately \$7,500.00 on the 2007 Parks Operations and Forestry operating budget. The York Catholic School Board has committed to reimburse the City of Vaughan \$7,500.00 for their estimated share of the work.

Communications Plan

Parks Development staff met with Ms. Gina Covello, a representative of the St. Agnes of Assisi School Parent Council and author of the petition dated December 6, 2006 and Mr. Domenic Naccarato, the Principal of St. Agnes of Assisi School on Thursday, February 8, 2007 to determine the full scope of the request. On Friday, February 9, 2007, Mr. Mario Covatta, Manager of Construction Services the York Catholic District School Board was contacted regarding shared funding of the proposed work.

Purpose

The purpose of this report is to review and address safety concerns raised by the St. Agnes of Assisi School Parent Council in correspondence dated December 6, 2006 regarding Fossil Hill Park and the St. Agnes of Assisi School site.

Background - Analysis and Options

Council, at its meeting of February 12, 2007, adopted Item 13, Committee of the Whole February 5, 2007, Report No. 5, Vellore Village Safety Improvements and directed City of Vaughan Parks Development staff to consult with the York Catholic District School Board to review a request for a walkway and fencing in Fossil Hill Park and St. Agnes of Assisi School to address community safety concerns.

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Parks Development staff met with a representative of the St. Agnes of Assisi School Parent Council and the Principal of St. Agnes of Assisi School on Thursday, February 8, 2007 to determine the full scope of the request (refer to Attachment 'A').

Based on the request, the estimated cost to implement these works is \$15,000.00 which will be shared by the City of Vaughan and the York Catholic District School Board. The York Catholic District School Board has committed to reimburse the City of Vaughan ½ of the tendered value of the construction of the asphalt walkway and chain link fencing (refer to Attachment 'B').. If approved, implementation would commence in the Summer of 2007.

Relationship to Vaughan Vision 2007

The provision of an asphalt walkway and fencing at Fossil Hill Park and St. Agnes of Assisi School is consistent with Vaughan Vision as it acts to serve our citizens through the promotion of community safety, health, and wellness.

This report recommends a change from the priorities previously set by Council and the necessary resources have not been allocated.

Conclusion

That the implementation of an asphalt walkway and 1.2m high chain link fence at at Fossil Hill Park and St. Agnes of Assisi School to address safety concerns be approved and that \$15,000.00 be added to the 2007 Parks Operations and Forestry operating budget to facilitate these works.

Attachments

- A. Fossil Hill Park and St. Agnes of Assisi School – Ortho Photograph
- B. Letter from Mario Covatta, CET Manager of Construction Services, YCDSB

Report prepared by:

Melanie Morris, Landscape Technician – Ext. 3207
Paul Gardner, Director, Parks Development – Ext. 3209

(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.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 2, 2007

Item 10, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

10 PRIVACY FENCING AND SCREENING ALONG PUBLIC ROADS

The Committee of the Whole recommends that this matter be referred to staff and that prior to the summer hiatus a policy be provided regarding planting enhancements alongside privacy fences adjacent to local public road allowances within subdivisions.

Recommendation

The Commissioner of Engineering and Public Works recommends:

1. That this report BE RECEIVED for information purposes; and
2. That the City's current practice of not requiring enhanced plantings alongside privacy fences adjacent to local public road allowances within subdivisions be maintained.

Economic Impact

There are no immediate budgetary impacts resulting from the adoption of this report.

Communications Plan

N/A

Purpose

This report has been prepared in response to Council's request to review the concerns expressed by Members of Council related to privacy fencing and plantings adjacent to public road allowances within subdivisions.

Background – Analysis and Options

Item 32, Report No. 25 of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 8, 2006, recommended:

"That staff bring forward a report to address the concerns expressed by Members of Council with respect to privacy fencing and ensuring that all future subdivisions that require privacy fences along public roads, also include plantings."

Current City Policy / Criteria

Privacy fencing is typically placed along the flankage of corner lots adjacent to a public road to ensure adequate screening for the amenity areas of residential dwelling units. This fencing is placed entirely within private property and is maintained by the homeowner. Warning clauses to this effect are placed in all Purchase and Sale Agreements as required by the Subdivision Agreement.

Privacy fences are typically designed to be uniform in appearance throughout a development area in accordance with the approved urban design guidelines and the architectural control guidelines for the community. Additional plantings adjacent to these privacy fences would enhance the aesthetics of the community. The plantings however would have to be placed within

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the boulevard areas of the municipal right-of-way immediately adjacent to the required fencing. Current City right-of-way standards allow for a 1.0 metre offset consisting of sodded boulevard area from the property line to the edge of the concrete sidewalk. The placement of additional landscape plantings may cause potential utility conflicts in the event that repair and/or maintenance works would be required within the boulevard areas. Additional repair and retrofit costs would be incurred in this situation.

Alternatively, additional landscape plantings may be located entirely within private property thereby requiring that the privacy fence be installed approximately 1-2 metres inside of the property line. This option is not feasible, as there would certainly be concerns by individual homeowners regarding the reduction of their usable side and/or backyard amenity areas as a result of the space requirements for the plantings.

The City's Parks and Forestry staff note that the current practice is to provide plantings and enhanced landscaping adjacent to privacy/noise attenuation fencing along community edges within the boulevards of Regional roads. With respect to having plantings installed adjacent to all privacy fences that are located alongside local City roads, cost considerations associated with long term maintenance, upkeep and replacement need to be evaluated. Additional maintenance and staffing costs related to such landscaped planting along privacy fencing should also be considered.

As noted by Parks and Forestry staff, the physical constraints, limitation and conflicts within the boulevard areas of the municipal right-of-way include the fact that:

- all planting beds require a minimum setback of 1.0 metre from the edge of a sidewalk or any hard surface that requires winter maintenance;
- if planting beds are too close to sidewalks snow loading will damage shrubs; snow removal equipment will also damage shrubs; and shrub debris, soil & mulch can fall onto walkways and become tripping hazards;
- all planting beds located adjacent to pedestrian walkways must take into consideration Crime Prevention Through Environmental Design (CPTED) principles (ie. shrubs must be low enough so they do not create hidden/problem areas, typically less than 60 centimetres in height);
- selected species must be drought tolerant, non-invasive and able to withstand the effects of de-icing salts;
- this type of area can often become a problem for litter or garbage collecting; and
- planting beds should have a maintenance access strip at rear of bed for maintenance access to fencing.

Additional maintenance costs for the planting beds will result based on the following general requirements:

- yearly mulching;
- weeding two times per month during the growing season;
- pruning two times per year; and
- a minimum of two litter pick-ups per month during the growing season.

Parks and Forestry staff advise that based on an average planting bed size of approximately 65 square metres (1.3m x 50m) and the above noted minimum maintenance requirements, it is estimated that each planting bed will cost \$10,000 per year. This excludes any required replacement costs for planting beds which may be damaged.

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Viable landscape planting alongside of privacy fences adjacent to public roads need to be non-obtrusive and low lying to allow for adequate vehicular visibility at all times. They would need to be hardy and require minimal maintenance (such as pruning and watering). However, there are associated replacement costs resulting from winter salting, sidewalk plowing, etc.

Relationship to Vaughan Vision 2007

In consideration of the strategic priorities related to service delivery excellence as established by Vaughan Vision 2007, the recommendations of this report will assist in establishing and communicating service level standards that are affordable and sustainable; and in respecting the review of enforcement, compliance and monitoring of regulations related to public safety.

This report is therefore consistent with the priorities previously set by Council.

Regional Implications

N/A

Conclusion

The requirement for additional plantings adjacent to privacy fencing would enhance the aesthetic appearance of the community. These plantings would be located within the public road allowance thereby requiring regular maintenance by the City. The plantings would need to be low lying (so as to not interfere with vehicular visibility), non-obtrusive (so as to not interfere with boulevard utilities) and requiring minimal maintenance. However, there is a significant cost consideration resulting from general upkeep and potential replacement. It is therefore recommended that the City's current practice of not requiring enhanced plantings alongside privacy fences adjacent to local public road allowances within subdivisions be maintained.

Attachments

N/A

Report prepared by

Michael Frieri, Development Supervisor, Engineering Planning & Studies, Ext. 8729
Irfan Arab, Manager of Development Services, Ext. 8250

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EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 2, 2007

Item 11, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

11 **WALKWAY LIGHTING POLICY**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated March 26, 2007, be approved; and**
- 2) That the written submission from Constable Morris Shaw, York Regional Police, dated March 19, 2007, be received.**

Recommendation

The Commissioner of Engineering and Public Works in consultation with the Manager of Insurance/Risk Management, recommends:

1. That this report BE RECEIVED for information purposes; and
2. That the 'Walkway Lighting Policy' included as Attachment No. 3 be adopted by Council.

Economic Impact

Walkways and all associated lighting infrastructure requirements are constructed at the developer's expense as a typical requirement of development and administered through the subdivision agreement with the City. Once constructed and assumed, hydro operating costs and all maintenance requirements are considered as part of the City's yearly operating budget.

Retrofitting existing walkways with warning signs where required, can be considered within the City's yearly operating budget based on funding availability. It is estimated that approximately 50 existing walkways throughout the City currently lead to areas where full illumination is not provided beyond the limits of the walkway. The estimated cost to purchase and install each of these signs would be approximately \$100.

As a result, there are no immediate budgetary impacts resulting from the adoption of this report.

Communications Plan

N/A

Purpose

This report has been prepared in response to Council's direction regarding pathway lighting leading into the Woodbridge Expansion Area open space.

Background – Analysis and Options

Item 41, Report No. 1 of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on January 29, 2007, recommended:

That the deputation of Ms. Deborah Schulte with respect to pathway lighting leading into the Woodbridge Expansion Area (Block 53) be received, and referred to staff to review the concerns identified by the deputant, including related issues and report back to the Committee of the Whole meeting of March 26, 2007.

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Current City Standards

Walkways are required to provide connectivity for pedestrians allowing convenient access to community amenity areas such as schools, parks, community centres, open space or park trail systems, transit routes or simply from one residential street to an adjacent one. Current City standards require a 9.0 metre wide walkway block with a 2.5 metre wide concrete platform when providing pedestrian connectivity to a park. All other standard walkway applications are typically 6.0 metre wide blocks with a 1.5 metre wide concrete platform. In both cases, wood privacy and chain link fencing is provided on either side of the walkway block at a height of 1.8 metres and 1.2 metres, respectively. Walkways are dedicated as public walkways and are deemed to be on City-owned lands.

Walkways may also be strategically placed within subdivisions leading to stormwater management facilities. In these cases, walkway blocks are typically used to channel overland stormwater flows. The walkways will provide a safe outlet for the overland flow route to a storm pond during high intensity storm events. This allows for maximum flooding protection to private property. The subject walkway functions both as access to the open space area and as conveyance for overland flows to the stormwater management pond.

All walkways and roadways within the limits of a subdivision development area are designed with full illumination in accordance with current City standards and specifications. The walkway lighting practice has been in place since Council approved the Walkway Lighting Priority Study Report in 1995 and initiated a walkway lighting upgrading program. Light standards are provided at regular intervals along the length of the walkway in order to achieve minimum acceptable illumination levels. It is the responsibility of the lighting design consultant to complete a photometric analysis to determine the required spacing to meet these requirements. Where walkways intersect with a municipal right-of-way, the design consultant must ensure there is a light standard located within 2.0 metres of the walkway entrance to ensure pedestrian safety.

Crime Prevention Through Environmental Design (CPTED)

Crime Prevention Through Environmental Design (CPTED) is a pro-active crime prevention strategy. It surmises that the proper design and effective use of the built environment can lead to a reduction in the incidence and fear of crime and improve the quality of life. Emphasis is placed on the physical environment, productive use of space, and behavior of people to create environments that are absent of environmental cues that cause opportunities for crime to occur.

Staff have consulted with York Regional Crime Prevention Officer, regarding the application of CPTED principles relating to walkway lighting standards throughout the City. Based on these principles, lighting walkways leading to areas where full illumination is not continuous should be avoided. However, staff was provided with information from other crime prevention specialists contradicting this principle stating that the addition of lighting improves natural surveillance and makes users feel safer.

Although competing philosophies on the implementation of lighting and its effectiveness to improve pedestrian safety may exist, it was acknowledged that one of the key over-riding factors in considering if a walkway should be lit, is to review the matter based on the Municipality, risk management principles.

As part of the City's due diligence, all factors including the CPTED principles discussed above should be reviewed in consideration of a proposed walkway lighting policy. From a risk management perspective, every reasonable effort should be made to minimize hidden risks to the public.

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Woodbridge Expansion Area (Block 53) Pathway Lighting

The subject area in question with respect to Ms. Deborah Schulte's concerns is identified in Attachment No. 1. The open space neighbourhood multi-use recreational pathway currently under construction within the Woodbridge Expansion Area (Block 53) will consist of up to a maximum 2.5 metre wide pathway structure composed of various materials such as asphalt and granular screenings. The pathway will facilitate community recreational uses such as cycling and walking. It is anticipated that this facility will be opened for public use by summer of this year. The proposed location and layout of this pathway system is included as Attachment No. 2. Illumination of such open space natural walkway systems is typically not provided due to the disruptive impacts on vegetation, wildlife and general increase in light pollution to the surrounding natural habitat.

Walkway Lighting Policy

Based on the CPTED principles discussed above and on the City's risk management analysis of walkway lighting, it is most reasonable to provide lighting for all City-owned walkways. In addition, in order to minimize potential hidden risks to the public, warning signs should be posted at entrance points to all walkways leading to any area such as an open space block where full illumination is not provided.

The above noted scenario would typically apply to any City walkway leading from a fully lit municipal right-of-way to an open space trail system where no illumination is provided, as currently is the case in the Woodbridge Expansion Area as identified in Attachments No. 1 and 2. The implementation of lighting for all walkway blocks also serves as a deterrent for individuals from loitering at night and causing disturbance to residential property owners immediately adjacent to walkway blocks. It is noted that, prior to the City implementing walkway lighting, the City did receive complaints from adjacent residents of loitering in unlit walkways. Staff have made inquiries regarding lit walkways leading to unlit areas and have not been advised of any concerns in those areas.

Relationship to Vaughan Vision 2007

In consideration of the strategic priorities related to service delivery excellence as established by Vaughan Vision 2007, the recommendations of this report will assist in;

- improving community safety standards through design, prevention, enforcement and education;
- establishing and communicating service level standards that are affordable and sustainable; and
- reviewing the level of enforcement, compliance and monitoring of regulations related to public safety.

This report is therefore consistent with the priorities previously set by Council.

Regional Implications

N/A

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Conclusion

As all walkway blocks are registered as public right-of-way and deemed to be City-owned lands, it is prudent, from a risk management perspective, that every reasonable effort is made to minimize hidden risks to the public. In addition to the City's current walkway design standards and practices, the following key elements will assist in reducing potential hidden risks to the public:

1. Continuing the practice of providing illumination of all walkways throughout the City; and
2. Providing standard warning signs at all entrance points to walkways leading to areas where full illumination is not continuous beyond the walkway, such as stormwater management facilities or open space trail systems, thereby deterring pedestrians from entering a walkway during non-daylight hours.

The implementation of lighting for all walkways dedicated as public walkways also serves as a deterrent for individuals from loitering at night and causing disturbance to residential property owners immediately adjacent to walkway blocks.

It is noted that this proposed policy applies to walkway blocks only and does not mean that all public trails and park walkways are to be illuminated. These would be considered on an individual basis. The City has no plans to illuminate the trail system planned in the West Woodbridge Expansion Area open space.

Therefore, it is recommended that the Walkway Lighting Policy included as Attachment No. 3 be adopted by Council.

Attachments

Attachment No. 1 – West Woodbridge Expansion Area Open Space
Attachment No. 2 – West Woodbridge Expansion Area Open Space Master Plan
Attachment No. 3 – Walkway Lighting Policy

Report prepared by:

Michael Frieri, Development Supervisor, Engineering Planning & Studies, Ext. 8729

(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.)

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EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 2, 2007

Item 12, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

12

SIDEWALK ON VAUGHAN BOULEVARD

The Committee of the Whole recommends

- 1) That Option B contained in the following report of the Commissioner of Engineering and Public Works be referred to the Budget Committee for consideration; and
- 2) That the following report of the Commissioner of Engineering and Public Works, dated March 26, 2007, be received.

Recommendation

The Commissioner of Engineering and Public Works recommends:

That this report be received for information detailing the need and feasibility of installing a sidewalk on Vaughan Boulevard between Centre Street and Lawrie Road.

Economic Impact

The estimated cost of installing a sidewalk ranges from \$11,000 - \$18,000 depending on the Option selected. This cost would be an initial impact for the Capital Budget in the year of construction. On-going maintenance and replacement costs would be an impact to future operating budgets.

Communications Plan

Should Council direct that a sidewalk be constructed, notifications will be circulated among all area residents to confirm by survey the Community acceptance prior to implementation.

Purpose

To provide Council with information regarding the feasibility and estimated cost of constructing a sidewalk on Vaughan Boulevard between Centre Street and Lawrie Road.

Background - Analysis and Options

At its meeting on January 29, 2007, (Item 4, Report No. 1 of the Committee of the Whole) Council directed: (Attachment No. 2).

- “1. That staff investigate the need for and feasibility of installing a sidewalk on either the east side or the west side of Vaughan Boulevard between Centre Street and Lawrie Road; and
2. That staff report back to a future Committee of the Whole by March 2007.”

The segment of Vaughan Boulevard between Centre Street and Lawrie Avenue is a two-lane local residential road, with a posted speed limit of 50km/h. The Centre Street and Vaughan Boulevard intersection is signalized with continuous sidewalks along Centre Street. Pedestrians on Vaughan Boulevard are forced to walk in the roadway and are exposed to vehicular traffic through and turning movements in the block. The area is illustrated in Attachment No. 1. To improve pedestrian safety in the area, a sidewalk could be built on either side of the road. A comparison of the two possible options are as follows:

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Option A: A sidewalk along the **west side of Vaughan Boulevard** would connect to the existing sidewalk on Centre Street, then run north alongside a commercial building and parking lot, and the flankage of a residential property fronting on Lawrie Avenue. Minor grading onto private property and utility relocation may be required, along with some tree/brush removals. The sidewalk would terminate at the intersection of Lawrie Road.

The estimated cost of Option A is approximately \$14,400 - \$18,000

Option B: A sidewalk along the **east side of Vaughan Boulevard** would begin at the existing sidewalk and bus stop platform on Centre Street, and run alongside a vacant commercial lot and across two residential properties fronting on Vaughan Boulevard. There are no known utility conflicts and grading issues are minor in nature. Minimal brush clearing may be required. The sidewalk would terminate at a driveway, opposite Lawrie Avenue.

The estimated cost of Option B is approximately \$11,000.00.

Relationship to Vaughan Vision 2007

This report is consistent with Vaughan Vision 2007 and priorities previously set by Council.

3.2.5 “Develop and implement bicycle and pedestrian networks”.

Regional Implications

Should a sidewalk be constructed, Regional approval must be received with respect to the Centre Street right-of-way.

Conclusion

Based on staff's review of the area, it is recommended that should a sidewalk be constructed on Vaughan Boulevard between Centre Street and Lawrie Road, it be built as per **Option B, on the east side**. This is the preferred routing for the following reasons:

- Lesser cost
- Least construction disruption to residents and commercial buildings
- Provides a direct link to the bus stop, a significant pedestrian traffic source
- Proper offset from curb provides for snow storage
- Allows for a future connection to the existing sidewalk system from Katerina Avenue.
- No requirement for a retaining wall or permission for grading on private property

Attachments

1. Location Map
2. Council Extract – Committee of the Whole Meeting, January 29, 2007 - Item 4, Report No. 1

Report prepared by:

Colin Cassar, Senior Engineering Assistant, Ext. 3112
Tom Ungar, Manager, Design Services, Ext. 3110

CC:mc

(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.)

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EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 2, 2007

Item 13, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

13

**TEMPORARY ROAD CLOSURE
HUNTINGTON ROAD – BLOCK 57/58 WEST**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated March 26, 2007:

Recommendation

The Commissioner of Engineering and Public Works recommends:

That the necessary by-law be passed for the temporary road closure of Huntington Road from approximately 100m south of Langstaff Road to approximately 450m south of Fogal Road, during the period of April 15, 2007 to September 28, 2007 inclusive.

Economic Impact

There are no immediate economic impacts resulting from the adoption of this report.

Communications Plan

Notification and installation of signage informing motorists of the temporary road closure will be placed on all collector and local roads affected two weeks prior to the closure in accordance with the Ontario Traffic Manual, Book 7. All emergency public service agencies (police, fire and ambulance) and public and school transit authorities will be informed of the closure a minimum of two weeks prior to the closure period. The contractor will be responsible for all barricades and construction signage in order to provide pedestrian safety around the construction area.

In addition, Access Vaughan will be provided with information regarding the closure and associated contact information.

The two property owners directly affected by the temporary closure which utilize continuous access from their lands onto Huntington Road include the Quality Seeds property at 8400 Huntington Road and the Credo Christian School at 8260 Huntington Road. Written notification to these property owners will be provided directly by the Consultant two weeks prior and local access will be maintained at all times during the road closure period.

Purpose

The purpose of this report is to seek Council's approval for the temporary road closure of Huntington Road between Highway 7 and Langstaff Road (Refer to Attachment No. 1).

Background - Analysis and Options

In order to accommodate the construction of municipal services for the Vaughan West II Limited industrial subdivision described by 19T-03V19 in Block 57/58 west, it is proposed that Huntington Road from approximately 100m south of Langstaff Road to approximately 450m south of Fogal Road be temporarily closed during the period of April 15, 2007 to September 28, 2007. Refer to Attachment No. 1.

The contractor is proposing two phases of construction in order to complete the work. During the first phase, the south end of Huntington Road (approximately 1,000 metres northerly) and newly

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aligned road as shown in Attachment No. 1 will be completed. During the second phase, the remaining portion of Huntington Road to the northerly limit of construction will be completed. Emergency access will be provided at all times.

The temporary road closure will reduce safety risks to both the traveling public and the construction crews and will significantly reduce the construction time schedule of construction, thus minimizing public impact and disruption.

Relationship to Vaughan Vision 2007

This recommendation is consistent with the priorities set forth in Vaughan Vision 2007, particularly A-2, "Promote Community Safety, Health and Wellness" and A-5, "Plan and Manage Growth".

Regional Implications

N/A

Conclusion

To facilitate the development of Block 57/58 West, it is recommended that a By-law be passed to implement the temporary road closure of Huntington Road from approximately 100m south of Langstaff Road to approximately 450m south of Fogal Road, during the period of April 15, 2007 to September 28, 2007. The temporary closure is required to accommodate the construction of municipal services.

In order to divert the motorist traveling in both northbound and southbound directions, Advanced Notification Signs will be posted prior to commencement of construction.

Attachments

Attachment No. 1 – Location Plan

Report prepared by:

Irfan Arab, Manager of Development Services, Ext. 8250

(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.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 2, 2007

Item 14, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

14

**CREDITSTONE ROAD
PROPOSED ALL-WAY STOP CONTROLS**

The Committee of the Whole recommends that this matter be referred to the Committee of the Whole meeting of April 16, 2007.

Recommendation

The Commissioner of Engineering and Public Works recommends:

That all-way stop controls not be installed at the four subject intersections on Creditstone Road at:

1. MacIntosh Boulevard
2. Pippin Road
3. Edilcan Drive
4. Locke Street

Economic Impact

None.

Communications Plan

Not Applicable.

Purpose

To review the feasibility of implementing all-way stop controls at four intersections on Creditstone Road, in response to direction from Council.

Background - Analysis and Options

At its meeting on January 29, 2007 Council directed:

- “1. That staff review and report back on the feasibility of implementing appropriate stop signs instead of traffic control signals at the subject intersections on Creditstone Road;”**

Creditstone Road is an urbanized industrial roadway with a pavement width of 14.0 metres between approximately 100 metres south of MacIntosh Boulevard to Rutherford Road. The speed limit on Creditstone Road is posted at a statutory 50 km/h. The other intersecting roadways are all designed to our industrial roadway standard with a statutory speed limit of 50 km/h. The area is shown on Attachment No. 1.

Concerns were raised from several business owners regarding the speed of traffic on Creditstone Road.

Turning movement counts were conducted on Tuesday, November 14, 2006 at the four subject

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intersections during peak travel periods. The traffic counts were conducted from 7:00 am to 9:00 am, 11:00 am to 2:00 pm and 3:00 pm to 6:00 pm. On the day of the traffic studies the weather was clear and the roads were dry. Previously, the collected traffic volumes were compared to the Provincial Warrant for Traffic Signal Installation and none of the four intersections met the warrant to install traffic signals.

The collected volumes were now compared to the the Provincial Warrant for All-Way Stop Control and are summarized below:

Creditstone Road and MacIntosh Boulevard

- Warrant 1 – Minimum Vehicular Volumes Warranted 48%
- Warrant 2 – Accident Hazard Warranted 0%
- Warrant 3 – Sight Restriction Warranted 0%

Creditstone Road and Pippin Road

- Warrant 1 – Minimum Vehicular Volumes Warranted 47%
- Warrant 2 – Accident Hazard Warranted 0%
- Warrant 3 – Sight Restriction Warranted 0%

Creditstone Road and Edilcan Drive

- Warrant 1 – Minimum Vehicular Volumes Warranted 38%
- Warrant 2 – Accident Hazard Warranted 0%
- Warrant 3 – Sight Restriction Warranted 0%

Creditstone Road and Locke Street

- Warrant 1 – Minimum Vehicular Volumes Warranted 34%
- Warrant 2 – Accident Hazard Warranted 0%
- Warrant 3 – Sight Restriction Warranted 0%

For an all-way stop control to be warranted, one or more of the 3 warrants must be satisfied 100% or more. The results of the turning movement counts do not meet the requirements of the Provincial Warrant for All-Way Stop Control Installation. The above results reflect the highest eight peak traffic hours at the intersections. At all four intersections, there are zero recorded collisions from the past 12 months, and there are no sight line restrictions at any of the four intersections.

The All-Way Stop Control Warrant varies from the Traffic Signal Control Warrant in that the all-way stop control warrant does not include delay to cross traffic, and includes a review of sight line restrictions.

Both the All-Way Stop Control warrant and the Traffic Signal Control warrant include an Accident Hazard section, but the requirements are different for each warrant. For an all-way stop control, the past 12 months of collisions susceptible to correction by an all-way stop control are included, while for traffic signals, the past 36 months of collisions susceptible to correction by a traffic signal are included. The initial report dated December 11, 2006 is on Attachment No. 2.

The installation of an all-way stop control should be considered when two roadways have similar traffic volumes and operating characteristics. The traffic volumes on Creditstone Road are substantially higher than those on the four side streets. All-way stop controls are not to be installed as speed control devices.

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Relationship to Vaughan Vision 2007

This traffic study is consistent with Vaughan Vision 2007 as to ensure enhanced safety standards are incorporated in community designs (1.1.2).

This report is consistent with the priorities previously set by Council.

Regional Implications

Not Applicable.

Conclusion

Based on staff's review, it is recommended that all-way stop controls not be installed at any of the four subject intersections on Creditstone Road.

Attachments

1. Location Map
2. Council Extract titled Signalized Intersections – Creditstone Road, December 11, 2006 Committee of the Whole (referred to January 29, 2007 Council meeting)

Report prepared by:

Mark Ranstoller, Senior Traffic Technologist, ext. 3141
Mike Dokman, Supervisor, Traffic Engineering, ext. 3118

MR:mc

(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.)

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EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 2, 2007

Item 15, Report No. 15, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on April 2, 2007, as follows:

By approving that a parking prohibition be implemented on the south side of the street between the driveway entrances to 575 Oster Lane, Monday to Friday, 6:00 a.m. – 6:00 p.m., and signed with a 6.0m offset to adjoining driveways advising of the no parking zone in front of 575 Oster Lane;

By receiving the report of the Commissioner of Engineering and Public Works, dated March 26, 2007; and

By receiving the memorandum from the Commissioner of Engineering and Public Works, dated March 29, 2007.

15

**OSTER LANE
PARKING PROHIBITION REVIEW**

The Committee of the Whole recommends:

- 1) That this matter be referred to the Council meeting of April 2, 2007, and that staff provide a report on the proper location for a parking prohibition that would allow the appropriate turning radius for transport trucks exiting the driveway of 580 Oster Lane, and staff be requested to enforce the prohibition; and
- 2) That the deputation of Ms. Conny Wong, Cooper Machine & Tool Co., 580 Oster Lane, Concord, L4K 2C1, and written submission dated March 26, 2007, be received.

Recommendation

The Commissioner of Engineering and Public Works recommends:

1. That a parking prohibition not be implemented on the north side of Oster Lane between Rayette Road and Bowes Road, Monday through Friday; and
2. That the Enforcement Services Department be requested to enforce the three hour parking by-law on Oster Lane.

Economic Impact

None.

Communications Plan

Engineering Staff will communicate this issue to the Enforcement Services Department to request enforcement of the three hour parking by-law on Oster Lane.

Purpose

To review the need for a No Parking Prohibition on the north side of Oster Lane between Bowes Road and Rayette Road.

Background - Analysis and Options

At its meeting on January 29, 2007, Council directed:

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- “1. That staff investigate the need for a No Parking prohibition on the north side of Oster Lane, between Rayette Road and Bowes Road, Monday through Friday; and**
- 2. That staff report back to a future Committee of the Whole by March 2007.”**

Oster Lane is an industrial road with a 26m Right-of-Way and 11.5m traveled pavement width. This area accommodates industrial and commercial businesses. The area road network is shown on Attachment No. 1.

Staff conducted a review of the parking activity on Tuesday, March 6, 2007 on Oster Lane between Rayette Road and Bowes Road. The parking study was conducted during the hours of 8:00 am – 9:00 am, 12:00 pm – 1:00 pm, and 4:00 pm – 5:00 pm.

Throughout the day, staff observed that three vehicles remained parked on the road all day. Other than these three vehicles, on street parking activity was sporadic and minimal, with a total of 15 vehicles parked on both sides of the road. The number of vehicles that parked on Oster lane were eight on the south side and two on the north side between 4:00 pm and 5:00 pm. These vehicles did not impact the operation of the road.

Relationship to Vaughan Vision 2007

This traffic study is consistent with Vaughan Vision 2007 as to identify and implement innovative traffic management alternatives to improve general traffic safety (1.1.3).

This report is consistent with the priorities previously set by Council.

Regional Implications

Not Applicable.

Conclusion

Staff recommends that a parking prohibition not be implemented on Oster Lane between Rayette Road and Bowes Road, Monday through Friday and that the Enforcement Services Department be requested to enforce the existing three hour parking By-Law.

Attachments

1. Location Map

Report prepared by:

Leslie Winfrow, Traffic Analyst, ext. 3131
Mike Dokman, Supervisor Traffic Engineering, ext. 3118

LW:mc

(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.)

CITY OF VAUGHAN

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Item 16, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

16

**WADE GATE FOLLOW UP REPORT
TRAFFIC CALMING MEASURES**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated March 26, 2007:

Recommendation

The Commissioner of Engineering and Public Works recommends:

1. That a speed hump not be installed on Wade Gate; and
2. That no further action be taken by staff.

Economic Impact

None.

Communications Plan

Public notices were issued to each of the 121 households on Wade Gate, Keffer Court and Checker Court to attend a public meeting on Tuesday, February 20, 2007. Staff also placed a "Notice of Commencement" ad in the Vaughan Weekly and Vaughan Citizen newspapers.

Purpose

To review the feasibility of installing traffic calming measures on Wade Gate.

Background - Analysis and Options

At its December 18, 2006 meeting, City of Vaughan Council recommended:

- “1. That staff investigate the feasibility of installing speed humps on Wade Gate at the two locations identified, between the north intersection of Brownridge Drive and the southern intersection of Brownridge Drive;
2. That a public meeting be held as soon as possible; and
3. That the following report of the Commissioner of Engineering and Public Works, dated December 11, 2006, be received.”

A public meeting was held at the Dufferin Clark Community Centre on the evening of Tuesday, February 20, 2007. The Ward 4 Councillor, Councillor Assistant, Engineering staff and one Wade Gate resident attended the public meeting. The resident stated they were not in favor of installing speed humps along Wade Gate.

Wade Gate is a two lane, local roadway with a 20.0 metre right-of-way and an existing posted speed limit of 40 km/h. Wade Gate Park is located on the south side of Wade Gate. The area is shown in Attachment No.1.

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As stated in the previous Council report dated December 18, 2006, staff conducted speed and volume studies on Wade Gate from Tuesday, November 14, 2006 to Friday, November 17, 2006. The results have been summarized below:

Wade Gate – Approximately 80 metres south of Brownridge Drive

Direction	Average Speed	85th Percentile Speed	Average Daily Traffic
Northbound	39 km/h	48 km/h	470 vehicles
Southbound	38 km/h	47 km/h	560 vehicles

The recorded average speeds on Wade Gate, south of Brownridge Drive, range between 38 km/h and 39 km/h. The 85th percentile speed (the speed at which 85% of the vehicles are traveling at or below) range between 47 km/h to 48 km/h. The results of this study suggest an acceptable level of motorist compliance with the 40 km/h speed limit.

Wade Gate – Approximately 50 metres east of Keffer Court

Direction	Average Speed	85th Percentile Speed	Average Daily Traffic
Eastbound	35 km/h	46 km/h	390 vehicles
Westbound	38 km/h	47 km/h	490 vehicles

The recorded average speeds on Wade Gate, east of Keffer Court, range between 35 km/h and 38 km/h. The 85th percentile speed (the speed at which 85% of the vehicles are traveling at or below) range between 46 km/h to 47 km/h. The results of this study suggest an acceptable level of motorist compliance with the 40 km/h speed limit.

In accordance with the Council approved Neighbourhood Traffic Committee Policy and Procedure, speed humps are considered only when the following three warrants are met:

- The street is not a primary emergency response route.
- The speed limit is 50 km/h or less.
- The average speed is measured to be 10 km/h greater than the speed limit.

Wade Gate is not a primary emergency response route and the speed limit is 40 km/h. However, the recorded average speeds do not exceed the speed limit by 10 km/h and therefore do not warrant the installation of speed humps.

Due to the lack of residential support and the above traffic review, it is recommended that speed humps not be installed on Wade Gate.

Relationship to Vaughan Vision 2007

This traffic study is consistent with Vaughan Vision 2007 as to ensure enhanced safety standards are incorporated in community designs (1.1.2).

This report is consistent with the priorities previously set by Council.

Regional Implications

Not Applicable.

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Conclusion

Based on this review, it is recommended that a speed hump not be installed on Wade Gate and that no further action be taken by staff.

Attachments

1. Location Map

Report prepared by:

Tim Apostolopoulos, Traffic Analyst, ext. 3120

Mike Dokman, Supervisor, Traffic Engineering, ext. 3118

TA:mc

(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.)

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Item 17, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

17 REFRIGERATOR RETIREMENT PROGRAM IN CO-OPERATION WITH POWERSTREAM

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated March 26, 2007:

Recommendation

The Commissioner of Engineering and Public Works recommends:

That the Public Works Department be authorized to partner with PowerStream and/or its agents, to initiate a program that would allow for up to 1,000 refrigerators be removed from people's houses and recycled at no cost to the resident.

Economic Impact

PowerStream staff have confirmed that the City's participation would be limited to sharing advertising costs, which can be accommodated within the proposed 2007 Draft Operating Budget.

As the current appliance collection program run by the City is on a cost recovery basis, there would be no negative impact as a result of this program on that aspect of the budget.

Communications Plan

Staff have met with representatives from PowerStream over the past month regarding this initiative. As one way of reducing the demand for electricity, PowerStream would like to encourage residents to get rid of their second, often old and energy inefficient, refrigerators from their houses.

If approved by Council, Public Works will work with PowerStream and their agent to promote this initiative, and will act as the call answering and booking agent. The promotional aspect would:

- Appeal to customers to retire an older fridge that they don't need as many empty nesters no longer need a second fridge
- Appeal to customers to upgrade to a newer primary fridge
- Advocate that customers to buy 1 large fridge to replace 2 older fridges
- Offer to remove the appliances from the house as getting it to the curb is often the impediment

Purpose

To seek Council's approval to work with PowerStream and or its agents with this initiative. As this initiative will benefit the City's residents, this report is being presented to Council in order to expedite the approvals process.

Background - Analysis and Options

As part of PowerStream's conservation and energy demand management program, they have identified older refrigerators as being particularly inefficient in terms of energy consumption. When many residents purchase a new refrigerator, they simply move the old unit to the basement

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or into the garage. These older units consume significantly higher amounts of electricity in comparison to the new units. In addition, many of these units are not really being used, and simply are there consuming power. The major holdback for residents to get rid of these units is simply getting them out of their basements.

In order to help residents get rid of these older inefficient units, PowerStream has joined up with the Energy Shop to create a refrigerator retirement program. This program would see up to 1,000 units be collected from within a resident's house at no cost.

Under this joint project, City of Vaughan residents would call the City's Public Works Department to arrange for collection, and a third party under contract with PowerStream would go into the resident's house and collect the refrigerator and recycle the unit. As part of this program, the City would waive its normal \$25 collection fee.

The benefits of the program are:

- Reduced load for electricity.
- Removal of several objections that homeowners may have to getting rid of an older appliance by going into the house and removing it free of charge.
- Reducing the amount of CFC's released into the atmosphere by improper disposal.
- Enhance the City's image as being environmentally friendly.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council in terms of its environmental initiatives, and complies with Vaughan Vision strategies:

A-1 "Pursue Excellence in the Delivery of Core Services",
A-3 "Safeguard Our Environment", and
D-2 "Develop Internal/External Collaborative Solutions"

Regional Implications

N/A

Conclusion

By partnering with PowerStream or its agents, the City will be assisting residents in becoming more energy efficient through the retirement of older inefficient refrigerators.

As the City already has the infrastructure in place to handle appliance collection calls, it makes sense for the City to be involved, and makes it easier for the residents to participate in this program.

Attachments

N/A

Report prepared by:

Brian T. Anthony, CRS-S, C. Tech

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Item 18, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

18 TENDER AWARD – T07-013 SUPPLY AND INSTALLATION OF WATER, SANITARY AND STORM SEWER SERVICE CONNECTIONS – RESIDENTIAL, COMMERCIAL & INDUSTRIAL/INSTITUTIONAL

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated March 26, 2007:

Recommendation

The Commissioner of Engineering and Public Works, in consultation with the Purchasing Services Department, recommends:

1. That Tender T07-013 for the Supply and Installation of Water, Sanitary & Storm Sewer Service Connections for Residential, Commercial Industrial/Institutional be awarded to Direct Underground Inc. for the amount of \$ 541,989.66 per year for the possible term of 5 years; and
2. That the Mayor and Clerk be authorized to sign the necessary documents.

Economic Impact

This activity is fully funded by the developers, builders and homeowners applying for service connections and does not require additional funding from the Corporation. The estimated annual value of this contract is \$541,989.66, for an estimated total value of \$2,709,948.30 for the possible five year life of this contract (3 years + 2 years optional extension).

Communications Plan

N/A

Purpose

The purpose of this report is to award contract T07-013 for the Supply and Installation of Water, Sanitary & Storm Sewer Service Connections for Residential, Commercial Industrial/Institutional Applications.

Background - Analysis and Options

Municipal service connections to existing water mains and sanitary & storm sewers are required by homeowners, developers and builders to service new residential, industrial/commercial & institutional sites or upgrade their existing services. Applicants are required to apply to Public Works to have this type of work completed to ensure compliance with City Engineering Standards, applicable bylaws, existing policies and procedures, and pertinent government regulations, particularly the Ministry of Environment's Water Quality regulations. The cost to install service connections is paid entirely by the applicant at the unit price listed in this contract as well as 15% for engineering inspection & administrative costs in accordance with the Fee By-law.

The contract was prepared with a special emphasis on Water Testing Requirements to comply with the Ministry of Environment's regulations, and also focused on project completion times and

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quality of restorations. As the number of applications varies from year to year based on the demand, the numbers listed in T07-013 Bid Document were compiled from last year's (2006) applications, which was considered a typical year. Bidders were invited to analyze the statistical information provided at the end of the document to assist in their bid preparation.

Tender T07-013 was advertised on February 5, 2007 in the Daily Commercial News, in the local paper on the City Page, on OPBA and on the Electronic Tendering Network (ETN), and closed on February 20, 2007.

A total of twenty-five documents were picked up from the Purchasing Department, with a total of twelve bids submitted. Two of these bids were declared non-compliant by Purchasing Services.

The following are the results of the tender opening:

BID RESULTS FOR T07-013 SUPPLY & INSTALLATION OF WATER, SANITARY & STORM SERVICE CONNECTIONS			
Bid Rating	Contractor	Total Before G.S.T.	Total Including G.S.T.
1.	Direct Underground Inc.	\$511,311.00	\$541,989.66
2.	Co-X-Co Construction Ltd.	\$588,145.00	\$623,433.70
3.	Finch Paving (1993) Inc.	\$592,401.00	\$627,945.06
4.	A. Donofrio Construction Ltd.	\$600,488.00	\$636,517.28
5.	M. Charbonneau Const. Inc.	\$629,525.00	\$667,296.50
6.	Gio Contracting Inc.	\$694,720.00	\$736,403.20
7.	Dig-Con International Ltd.	\$779,367.00	\$826,129.02
8.	F.D.M. Contracting Co. Ltd.	\$789,615.00	\$836,991.90
9.	Vipe Construction Ltd.	\$1,006,850.00	\$1,067,261.00
10.	Vigor Infrastructure Ltd.	\$1,054,145.00	\$1,117,393.70
11.	Trisan Construction	\$1,310,153.00	\$1,388,762.18
12.	Serve Construction Ltd.	\$2,283,436.00	\$2,420,442.60

Staff has checked the bids for mathematical errors. Direct Underground Inc. has held the contract for service connections for the past three years with good results. This contractor has also performed similar work for the Engineering Department and the Town of Richmond Hill with good results.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and complies with Vaughan Vision 2007, specifically A-2, "Promote Community Safety, Health and Wellness", and A-5 "Plan and Manage Growth".

Regional Implications

Applications for services on regional roads are reviewed in collaboration with the Region of York. Projects do not proceed to construction until comments and recommendations are received from the Region and resulting implications have been integrated in the final layout of services.

Conclusion

Based on the prices submitted, it is recommended that the contract for T07-013 Supply and

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Installation of Water, Sanitary & Storm Sewer Service Connections for Residential, Commercial Industrial/Institutional be awarded to the lowest bidder Direct Underground Inc. of Maple, Ontario.

Attachments

N/A

Report prepared by:

Odette McIntyre, C. Tech
Municipal Service Technicien

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Item 19, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

19 TENDER AWARD – T07-044 SPRING STREET SWEEPING SERVICES

The Committee of the Whole recommends:

- 1) That the following be approved in accordance with the additional report of the Commissioner of Engineering & Public Works, dated March 26, 2007:
 1. That Tender T07-044 for Spring Street Sweeping Services be awarded to A&G The Road Cleaners Ltd.; and
 2. That the Mayor and Clerk be authorized to sign the necessary documents; and
- 2) That the following report of the Commissioner of Engineering and Public Works, dated March 26, 2007, be received.

Recommendation

The Commissioner of Engineering and Public Works, in consultation with the Purchasing Services Department, recommends that this report be received for information purposes.

Economic Impact

Funds for the Spring street sweeping services are budgeted for in the draft 2007 Operating Budget.

Communications Plan

Staff advertise in the local papers advising residents when the Spring sweeping takes place, and remind residents not to park on the road during this time.

Purpose

The purpose of this report is to inform Council of the Tender closing for Spring Street Sweeping Services T07-044, on March 15, 2007.

Background - Analysis and Options

As part of its routine road maintenance service, the Public Works Department sweeps all City streets as well as City owned parking lot facilities. While the City owns 2 sweepers, it is unable to complete the initial Spring sweeping program in a timely fashion. Due to the number of units required, (12 or more) and the high cost of the equipment, the City contracts out this initial Spring street sweeping. For the remainder of the year, City forces operate the 2 City-owned sweepers throughout the City.

A tender has been called (T07-044) for these services and it will close on Thursday, March 15, 2007. Due to the timing of the Agenda deadlines, the need to check references and mathematical calculations, as well as the impact of the March Break, staff will report the results of the tender to Council on Monday, April 2, 2007, with the intent to begin sweeping operations on the target date of Monday April 16, 2007, weather permitting. This city-wide routine sweeping will last approximately 3 -4 weeks.

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Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council. Although the funds have been included in the draft 2007 Operating Budget, the necessary resources have not been formally allocated and approved.

Regional Implications

The City's contract does not impact the Region's operations, as they maintain their own streets.

Conclusion

This report is to inform Council of the upcoming results for Tender T07-044 Spring Street Sweeping Services, which is scheduled to close on March 15, 2007. The results and recommendation will be presented to Council on their meeting of April 2, 2007.

Attachments

N/A

Report prepared by:

Tina Di Biase
Technical Coordinator, Public Works

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Item 20, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

20

PROPERTY ASSESSMENT APPEALS - 2007

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Finance & Corporate Services and the Director of Finance, dated March 26, 2007:

Recommendation

The Commissioner of Finance & Corporate Services and the Director of Finance, in consultation with the Manager of Property Tax & Assessment recommends:

That Council approve the attached list of properties for appeal to the Assessment Review Board.

Economic Impact

The correction of assessments which are too low will generate additional funding for the City and provide for a more equitable distribution of the property tax burden.

Communications Plan

As required by the Act, notification of the assessment appeal will be sent to the property owner when the appeal is actually filed with the Board.

Purpose

To appeal vacant land properties (no residential homes) which for a variety of reasons have significant errors in their assessment as returned on the roll.

Background - Analysis and Options

Section 40 of the *Assessment Act* allows that any person, including a municipality, may appeal assessments to the Assessment Review Board (ARB). Finance staff, together with the Municipal Property Assessment Corporation (MPAC), identified a number of significant errors on the assessment roll provided to the City for 2007 taxation purposes. If these errors are not appealed to the ARB, the City will lose significant assessment value. These errors will affect the 2007 tax year only as MPAC will have them properly added to the 2008 assessment roll.

Once the assessment roll has been provided to the municipality, there are a number of mechanisms available to property owners to potentially correct errors that may have caused their property assessment to be over-assessed. However, property assessments which are under-assessed would not normally be corrected by the property owner, therefore, the City has to appeal in order to have the corrections made.

The types of appeals that can be filed include:

- Unoccupied, enclosed buildings where the value was omitted from the roll
- Errors in property class
- Exemptions for properties that do not qualify
- Property that is no longer farmed

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Relationship to Vaughan Vision 2007

This report is consistent with Vaughan Vision 2007 through item B-2 Expand Revenues & Tax Base and is consistent with the priorities previously set by Council. The necessary resources have been allocated and approved.

Regional Implications

The correction of assessments which are too low will also generate additional funding for the Region and provide for a more equitable distribution of the Regional property tax burden.

Conclusion

Reaching an agreement with the property owner and MPAC on the correction required and processing an adjustment to the property tax account will conclude these appeals. Should the City, MPAC and the property owner not be able to reach an agreement the appeal will be heard and decided by the Assessment Review Board (ARB). Finance staff do not anticipate that many would reach this stage as the appeals have primarily been launched in order to correct obvious errors to the roll.

Attachments

Attachment 1 - Vaughan Assessment Appeals 2007 Tax Year

Report prepared by:

Maureen E. Zabiuk, A.I.M.A., AMTC
Manager, Property Tax & Assessment
Ext. 8268

(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.)

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EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 2, 2007

Item 21, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

**21 STATEMENT OF REMUNERATION AND EXPENSES FOR MEMBERS OF COUNCIL
AND COUNCIL APPOINTMENTS TO BOARDS AND OTHER BODIES FOR THE YEAR 2006**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Finance & Corporate Services and the Acting Director of Budgeting and Financial Planning, dated March 26, 2007:

Recommendation

The Commissioner of Finance & Corporate Services and the Acting Director of Budgeting and Financial Planning recommends:

That the report regarding the 2006 Statement of Remuneration and Expenses for Members of Council and Council appointments to Boards and Other Bodies be received.

Economic Impact

Not applicable.

Communications Plan

This item is provided to the public through the agenda process.

Purpose

To report the Statement of Remuneration and Expenses for Members of Council and Council appointments to Boards and Other Bodies for the year 2006.

Background - Analysis and Options

The Municipal Act, 2001, Section 284(1) requires that the Treasurer of every municipality submit by-law for Boards, a Statement of Remuneration and Expenses for the preceding year paid to the Members of Council and Council appointments to Boards and other Bodies. The Municipal Act, 2001, Section 283(1) provides authority for the Remuneration and Expenses to Council, Boards and other Bodies. The Remuneration and Expenses of Council are authorized by By-Law Number 251-2005. By-Law Number 57-2004 authorizes the remuneration of members for the Committee of Adjustment, By-Law Number 59-2004 for Heritage Vaughan, By-Law Number 60-2004 for Property Standards Committee, By-Law Number 107-2001 for Hydro Vaughan Holdings Inc. and Hydro Vaughan Energy Corp. and By-Law Number 291-2005 for Vaughan Holdings Inc. The Statement of Remuneration and Expenses paid during the year 2006 is attached.

Relationship to Vaughan Vision 2007

Not applicable.

Regional Implications

Regional remuneration and expenses for the Mayor and Regional Councillors are reported separately by the Region of York and therefore not included in the Statement of Remuneration provided by the City.

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Conclusion

To receive the Statement of Remuneration and Expenses for Members of Council and Council appointments to Boards and Other Bodies for the year 2006.

Attachments

Attachment 1 - Statement of remuneration and expenses for Members of Council and Council appointments to boards and other bodies for the year 2006.

Report prepared by:

John Henry, B.COM, CMA, ext. 8348
Acting Director of Budgeting & Financial Planning

(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.)

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EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 2, 2007

Item 22, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

22

**PROCLAMATION REQUEST –
NATIONAL FIBROMYALGIA AND CHRONIC FATIGUE SYNDROME DAY**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Clerk, dated March 26, 2007:

Recommendation

The City Clerk recommends:

- 1) That May 12, 2007 be proclaimed as “**NATIONAL FIBROMYALGIA AND CHRONIC FATIGUE SYNDROME DAY**”; and
- 2) That the proclamation be posted on the City’s website, published on the City Page, space permitting, and that staff issue a news release.

Economic Impact

N/A

Communications Plan

The Corporate Communications Department posts proclamations issued by the City on the City’s website under “Events – Proclamations”. Publishing proclamations on the City Page depends on space availability. Corporate Communications will, given sufficient lead-time, issue news releases in support of the proclamation.

Purpose

To respond to requests received from the Richmond Hill Fibromyalgia-Chronic Fatigue Syndrome Wellness Support Group in Collaboration with FM-CFS Association of Canada.

Background - Analysis and Options

A copy of correspondence received from the Richmond Hill Fibromyalgia-Chronic Fatigue Syndrome Wellness Support Group in Collaboration with FM-CFS Association of Canada (Attachments #1).

The proclamation request meets one of the requirements of the City’s Proclamation Policy, namely, “*which are promoted by an organization that is a registered charity pursuant to Section 248 of the Income Tax Act*”.

The Richmond Hill Fibromyalgia-Chronic Fatigue Syndrome Wellness Support Group in Collaboration with FM-CFS Association of Canada has requested the City publicize this proclamation in an effort to promote awareness of this debilitating disease. Council has approved this proclamation in previous years.

Relationship to Vaughan Vision 2007

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

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Regional Implications

N/A

Conclusion

Staff is recommending that May 12, 2007 be proclaimed as “National Fibromyalgia and Chronic Fatigue Syndrome Day” and that the proclamation be posted on the City’s website and published on the City Page, space permitting.

Attachments

Attachment #1 - Correspondence from the Richmond Hill Fibromyalgia-Chronic Fatigue Syndrome Wellness Support Group in Collaboration with FM-CFS Association of Canada, dated March 5, 2007

Report prepared by:

John D. Leach, City Clerk

(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.)

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Item 23, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

23

PROTECTING OUR NEIGHBOURHOODS TASK FORCE

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Legal and Administrative Services & City Solicitor, dated March 26, 2007:

Recommendation

The Commissioner of Legal and Administrative Services & City Solicitor recommends:

1. That the Protecting Our Neighbourhoods Task Force become a standing item on the agenda of the Compliance Coordinating Committee; and
2. That the Ward Councillor be invited to that Committee should a property in their Ward be scheduled for discussion.

Economic Impact

Not applicable

Communications Plan

Communications would be limited to inviting individual Ward Councillors to participate at Compliance Coordinating Committee meetings where a property in their Ward is scheduled for discussion.

Purpose

This report is to provide information on how the Protecting Our Neighbourhoods Task Force will be rolled out.

Background - Analysis and Options

Council, at its meeting of September 11, 2006, Item 3, Report 40, approved the following recommendations:

“That the City of Vaughan establish a task force comprised of staff and Members of Council to investigate the scope of the problem of inappropriate and/or illegal infringements of commercial and institutional entities into our residential communities;

That the task force prepare, for Council’s consideration, through a review of current practices in Vaughan, other municipalities and with consultation with residents, a compliance and enforcement strategy to address these situations; and

That the Task Force begin its deliberations immediately and that Members of Council interested in participating on the task force be selected after November 14, 2006; and

That the Task Force present its recommendations to Council by February 15, 2007.”

In the time since September 11, 2006, the Compliance Coordinating Committee has met on a monthly basis. The departments represented on the Committee are, Enforcement Services, Vaughan Fire & Rescue Service, and Building Standards.

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The work of the Compliance Coordinating Committee will be discussed in a report at a later date. However, issues that cross departmental jurisdiction or are high priority matters are the subject matter discussed by the Committee. These discussions ensure that every available option to bring the situation into compliance is being deployed. This relates not only to commercial uses in residential areas, but any situation that requires the attention of more than one department. This Committee should be the body to have carriage of the items that would be intended for the Task Force envisioned. As each complaint could have its own “local” flavour, the Ward Councillor for that complaint would be invited to the discussion table for input and feedback.

Specific strategies would need to be developed to deal high profile/priority matters. The following table provides which matters become part of the enhanced protocols.

	Response Level	Response Parameters	Action	Escalation
1.	Routine	1 complainant No similar history No mitigating circumstance	As per established protocols	Non compliance with Notice/Order Elevation of the problem/impact on community
2.	Elevated	2 related complaints Minor violation history	As per established protocols Increased dialogue to members of council	Non compliance with Notice/Order Further elevation of the problem/impact on community
3.	High	Multiple Complaints or Complainants Significant history or ongoing violations	Compliance Coordinating Committee Specific Strategies developed and communicated	

In order to track additional complainants or updated information from complainant, the CTS tracking system in use in Enforcement Services will be modified in such a way as to allow for investigators to readily see that new information has been received. This will improve the flow of information and communication between the City and the concerned neighbours in the area.

Members of Council also receive complaints from constituents and are often called upon to provide the neighbourhood with detailed information on how problems are being dealt with. To address these requests, a specific strategy document will be developed and provided the Mayor and Members of Council. This document will provide issue specific details on how the problem will be dealt with, including expected timelines and outcomes. This document will be drafted in such a way that it can be shared with the public.

This approach would allow individual compliance strategies to be developed, deployed, and monitored by the department heads responsible for compliance of City by-laws and Provincial Statutes.

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Enforcement Services has also recently developed a policy outlining the expected timeframes for investigations to move from complaint to resolution or charge under the particular bylaw. This will allow for timely investigations, and reasonable expectations by members of the public.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously established by Council in that it speaks to Service Excellence and Community Safety.

Regional Implications

There are no particular Regional implications in this initiative.

Conclusion

A strategy of escalating responses to situations causing high levels of concern in the neighbourhood, or persistent violations, is required to decisively deal with issues to obtain permanent compliance.

Attachments

None

Report prepared by:

Tony Thompson
Senior Manager, Enforcement Services

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The product used was applied to all sign backings where stickers had been removed. On subsequent removal of stickers from repeat locations, sticker removal was easier, but still time consuming.

It was determined that the solution was not as effective if the solution was applied on any sign having significant sun exposure. It appeared as though the solution was not resilient to that of the sign when subjected to direct, prolonged sunlight. This was an unanticipated shortfall of the product.

The product represented a viable solution to the problem of illegal signs being stuck to signs and poles. The initiative would have been more successful if intersections were visited on a more frequent basis. However, the intention was to inspect as many intersections as possible at least once. The number of intersections inspected and re-inspected was proportionate to the staff available to be redeployed to the project. Staff did re-inspect intersections on a complaint basis.

The operating cost of the six month project was approximately \$12,000. Staffing costs represented 87.5% of these costs. The solution, application system, and equipment, made up the remainder of the costs. This cost does not include cost impacts of having Enforcement Services staff redeployed to this initiative. This redeployment in turn results in unforeseen losses in enforcement revenue and other delays in follow-up action on other files.

Since the commencement of the project, the Sign By-law has been amended to provide for the laying of charges against those responsible for, or benefiting from, posting of these illegal signs.

The City would benefit from the continuation of this type of project, however, it would need to become a specific assignment for several staff members to be more effective. Also, Enforcement Services may not be the most appropriate department to conduct this project on an ongoing basis. Redeploying staff has a direct impact on the ability to maintain an acceptable service delivery standard for response times. As well, safety concerns expressed by Enforcement staff were a potential issue. A multi-seasonal maintenance program performed by departments which are properly equipped would allow for safe and consistent removal.

Relationship to Vaughan Vision 2007

This report was consistent with the Vaughan Vision as it used innovative and collaborative solutions.

Regional Implications

Although the Region did commit some staff time to this project, the majority of Regional Road intersection signs were cleaned by City staff. The majority of the illegal signs are posted at Regional Road intersections. A more coordinated approach should be undertaken.

Conclusion

This project was successful in that thousands of illegal placard and sticker signs were removed from signs and posts at 1,600 intersections.

The product was not as effective as anticipated. Other product solutions should be explored.

Attachments

None

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Report prepared by:

David Madore, Supervisor of Parking and Signs
Tony Thompson, Senior Manager of Enforcement Services

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Item 25, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

25

**PROPOSED ANNEXATION OF LANDS
CITY OF VAUGHAN FROM CITY OF BRAMPTON**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Director of Legal Services, dated March 26, 2007:

Recommendation

The Director of Legal Services, in consultation with the Solicitor/Special Services, recommends:

1. That Council receive the Minutes of the Joint Public Meeting held on January 18, 2007 in Attachment No. 3 to consider the proposed annexation of lands by Vaughan (York) from Brampton (Peel);
2. That Council of the City of Vaughan enact a by-law confirming its support for, compliance with all procedural requirements and its intention to forward the Restructuring Proposal in Attachment No. 2, upon receipt of documentation evidencing the consent of the City of Brampton, Region of Peel and the Region of York to the proposal, to the Minister of Municipal Affairs and Housing for approval pursuant to subsection 173(1) of the *Municipal Act, 2001*;
3. That a certified copy of the City of Vaughan by-law including the Restructuring Proposal be forwarded to the Minister of Municipal Affairs and Housing, together with a certified copy of the consent of each of the City of Brampton, the Regional Municipality of Peel and the Regional Municipality of York.

Economic Impact

There is no economic impact as a result of this report.

Communications Plan

Not applicable.

Purpose

The purpose of this report is to seek Council approval of the Restructuring Proposal made by the City of Vaughan for the annexation of a small parcel of land left over following the realignment of Regional Road No. 50.

Background - Analysis and Options

The subject lands are currently in public ownership and located north of Highway 407 and east of Regional Road No. 50, consisting of an area of .74 hectares (1.83 acres) with frontage on the east side of Regional Road 50. The location of the subject lands is shown in Attachment No. 1 to this Report. The Restructuring Proposal is set out in Attachment No. 2.

With the construction of Highway 407 and the realignment of Regional Road No. 50, the Brampton lands now lie on the east side of Regional Road No. 50 (the Vaughan side) rather than the west side (the Brampton side). This circumstance left two landowners to the north of Highway

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407 landlocked from Regional Road No. 50 and required a right-of way in favour of the Dobson property owner over the provincially held lands to access the property from Regional Road 50. This circumstance will also pose difficulties in the future. Separate property assessments will apply to the lands on the east side of Regional Road 50, distinct planning designations and by-laws will affect the development of the lands to the east of Regional Road No. 50, and there will be impacts in the application of other by-laws and services related to the lands on the east side of the road.

The City of Brampton has confirmed there are no outstanding tax arrears on the property for the year 2007 and prior years, as the lands were owned by Her Majesty the Queen in Right of Ontario (Management Board Secretariat). The lands were also recently removed by the Minister of Municipal Affairs and Housing from the Parkway Belt West Plan.

In the future, should the minor restructuring be approved and the subject lands transferred to the abutting owners, taxes will be levied by and paid to Vaughan. Regional Road No. 50 will become the boundary at this location between Brampton and Vaughan and Peel and York. Further, upon approval of the restructuring, the lands will be deemed to have the official plan designation(s) and zoning currently applicable to the lands in both Brampton and Peel, until amended by the City of Vaughan and Region of York. City planning staff will be reviewing the planning designations and zoning in conjunction with the outstanding application for approval of a draft plan of subdivision for the abutting lands owned by Glen 50 and with any future planning application that may be made with respect to the Dobson lands to the south of the Glen 50 lands.

Vaughan Council at its meeting on December 18, 2006 adopted a recommendation of the Committee of the Whole appointing a Committee of members of Council, including Regional Councillor Gino Rosati and Ward 2 Councillor Tony Carella, and instructing the members to attend the proposed joint public meeting on the Restructuring Proposal and report back to Council. The Region of York Council at its meeting on December 14, 2007 appointed Mayor Linda Jackson, Regional Councillor Joyce Frustaglio and Regional Councillor Mario Ferri as its Committee to attend the proposed joint public meeting.

Joint Public Meeting

The joint public meeting was held by Brampton, Vaughan, Peel and York on January 18, 2007 at Ebenezer Hall in Brampton, with Committee members attending on behalf of each Council. Notice of the public meeting to consider the proposed restructuring was provided by Vaughan by publication in a newspaper of general circulation in the municipality and by the printed public agenda prepared by the City of Brampton for the Meeting, as required by the City's Notice By-law No. 394-2002. Each of the other municipalities provided notice of the public meeting in accordance with their procedural notice requirements.

No member of the public from any of the affected municipalities appeared at the public meeting to make a deputation on the Restructuring Proposal, nor did any member of the public or any agency deliver written comments to the Clerk of the City of Brampton or to any of the other municipalities.

The Minutes of the Joint Public Meeting on January 18, 2007 are contained in Attachment No. 3 to this Report.

The municipalities further have now received confirmation from staff at the Ministry of Municipal Affairs and Housing that the information forwarded including the Draft Restructuring Proposal, with amended dates, appears to be in order. They have requested that the reference map be attached to the Property description and that the Restructuring Proposal be attached to the By-law for clarity.

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Relationship to Vaughan Vision 2007

This report is consistent with the Vaughan Vision 2007.

Regional Implications

This report will have regional implications. These implications have been assessed respectively by the Region of York and Region of Peel.

Conclusion

The effect of the Restructuring Proposal is that upon approval by the Minister of Municipal Affairs and Housing the subject lands will no longer be part of the City of Brampton and will become part of the City of Vaughan. The effective date of this change will be May 1, 2007, provided the approval order is made.

Vaughan Council has indicated its support for the Restructuring Proposal on a number of occasions in the past. No comments have been received by any City Department indicating difficulties with the proposed annexation. Further, no deputations were received from the public at the public meeting or in writing indicating any concern with the Restructuring Proposal.

Attachments

Attachment No. 1 - Location Map 1

Attachment No. 2 - Restructuring Proposal

Attachment No. 3 - Minutes – Joint Public Meeting – January 18, 2007

Report prepared by:

Carolyn P. Stobo, Solicitor/Special Services

(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.)

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Item 26, Report No. 15, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on April 2, 2007, as follows:

By approving that Clause 1 of the Committee of the Whole recommendation be replaced with the following:

That this matter be referred to staff and a report be provided on the cost implications of amending the cost sharing formula for senior's residences in the City where substantially similar arrangements are also in place.

26

**VILLA GIARDINO
MARTINGROVE ROAD**

The Committee of the Whole recommends:

- 1) That this matter be referred to staff and a report be provided on the cost implications of amending the cost sharing formula for all senior's residences in the City;
- 2) That the following report of the Director of Legal Services and the Director of Public Works, dated March 26, 2007, be received; and
- 3) That the deputation of Mr. Joe Terminesi, 104 Corinthian Blvd., Scarborough, M1N 1B8, and site rendering dated March 26, 2007, be received.

Recommendation

The Director of Legal Services and the Director of Public Works, recommend that this item be received for information.

Economic Impact

Annual winter maintenance cost is estimated at \$3,000.00 and installation of curb bumpers is estimated at a one-time cost of \$2,000.00.

Communications Plan

The deputant will be advised in writing of Council's decision.

Purpose

The purpose of this report is to respond to Council direction.

Background - Analysis and Options

On September 5, 2006, a representative of Villa Giardino (YRCC 911) located at 7373 Martin Grove Road, appeared on deputation and on September 13, Council requested a report. The lands are shown on Attachment No. 1. The representative requested that the Agreement between the Villa Giardino and the City dated December 21, 1998, be amended. The Agreement sets out terms and conditions, obligations, duties and responsibilities with respect to the repair and maintenance, including snow clearing for Martin Grove Parkway, a private road running east off Martin Grove Road, providing access to Villa Giardino, and the neighbouring building, Villa D'Amica. The representative advised that the majority of the cars using the road were traveling to the City sports fields to the east and the heritage house owned by the City and presently occupied by the Shining Through Centre for Autism, and submitted four pages by Ontario Traffic Inc. containing traffic counts.

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The 1998 Agreement between the City and Villa Giardino Homes Limited provides that the City sub-let and licensed a 2.2 acre parcel of land for parking and the land for the access road to Villa Giardino. One of the matters forming part of the consideration for the reduction of Market Rent to be paid for the sublease and license was that Villa Giardino agreed to be responsible for the repair and maintenance of Martin Grove Parkway. Other matters included the construction of Martin Grove Parkway and servicing to the fields, which were completed.

Section 4.3 provides that the costs incurred to repair the road shall be shared, with the City contributing two-thirds (66%) and the Villa Giardino contributing one-third. Villa Giardino is proposing this cost sharing formula be changed to the City's share being four-fifths (80%) and Villa Giardino's share being one-fifth. Villa Giardino is responsible for the total cost of snow and ice clearing in accordance with the City's snow clearing standards. They would like that cost shared on the same basis as repair.

Public Works staff inspected the road in the summer of 2006 and performed minor shoulder repair work. A preliminary estimate of base and asphalt repair cost is approximately \$35,000.00, and requires further review. Under the present Agreement, the City would therefore pay \$23,100.00 for repair. Under the proposed sharing formula, the City would contribute \$28,000.00.

The curb bumpers would be located on the roadway to prevent parking problems. The traffic data gathered in the summer indicates eastbound and westbound cars, but does not indicate car destinations (fields or Villa Giardino).

Vaughan Grove Sports Park contains four lit baseball/softball facilities and 2 premium senior soccer fields, one artificial turf senior soccer field and 2 mini soccer fields which are accessed primarily by this road. All except the ball diamonds were constructed after 1998 and would contribute to traffic on the road during the permit season (May to September). The fields are not accessed in the winter.

Relationship to Vaughan Vision 2007

This is consistent with Vaughan Vision 2007 to serve our citizens and manage our resources.

Regional Implications

None

Conclusion

Council has the authority to amend the 1998 Agreement. Should Council wish to amend the cost sharing formula, direction is requested.

Attachments

1. Location Map

Report prepared by:

Heather A. Wilson
Director of Legal Services

(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.)

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Item 27, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

27

**SIGN VARIANCE APPLICATION
FILE NO: SV.06-028
OWNER: THOMAS KIRIAKOU
LOCATION: 99 PEELAR ROAD
LOT 13, REGISTERED PLAN 8070**

(Referred from the Council meeting of February 12, 2007)

The Committee of the Whole recommends:

- 1) **That the following be approved in accordance with the memorandum from the Chair, Sign Variance Committee, dated March 14, 2007:**

“That Sign Variance Application SV.06.028 be approved subject to the following conditions:

- 1) **That the application be approved in accordance with the attached marked up photograph;**
- 2) **That no other signs be permitted on the subject building; and**
- 3) **That all existing sign boxes be removed. (North and South building elevations.)”**

- 2) **That the following report of the Chair, Sign Variance Committee, dated February 5, 2007, be received.**

Council, at its meeting of February 12, 2007, adopted the following:

That this matter be deferred to a future Committee of the Whole meeting, to allow for discussion between the Local Councillor, staff and the applicant, in accordance with the memorandum of Councillor Yeung Racco, dated February 1, 2007.

Report of the Chair, Sign Variance Committee, dated February 5, 2007

Recommendation

That Sign Variance Application SV.06-028, Thomas Kiriakou, be APPROVED, subject to the removal of all other sign boxes located on the north and east elevations.

Economic Impact

None.

Purpose

Request to install a wall sign above the roof line located on the east elevation of the subject building as shown on the attached drawings.

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Background - Analysis and Options

By-Law Requirements (203-92, as amended)

5.8 No person shall erect, install, post, display, maintain or keep on a premises any roof signs and signs erected in part or entirely above the roof of a building or structure.

Relationship to Vaughan Vision 2007

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

Conclusion

The By-law only permits wall signs below the roof line in accordance with the Sign By-law. The applicant is proposing to install a wall sign above the roof line on the east elevation of the existing building as shown on the attached drawings.

Members of the Sign Variance Committee generally had no objections to the application as submitted, provided that all other existing sign boxes located on the north and east elevations were removed. Committee members note that the proposed sign is to be erected on the gable end of the structure and are of the opinion that the general intent and purpose of the by-law is being maintained.

If Council finds merit in the application, a Sign Permit issued by the Building Standards Department is required.

Attachments

1. Sketch of Sign
2. Site Plan
3. Memorandum from Councillor Yeung Racco, dated February 1, 2007

Report prepared by:

John Studdy Manager of Customer & Administrative Services Ext 8232

(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.)

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Item 28, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

28

**SIGN VARIANCE APPLICATION
FILE NO: SV.07-04
OWNER: VALLEY MILL DEVELOPMENT LTD.
LOCATION: 9101 WESTON ROAD, LOT 15, CONCESSION 5**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Sign Variance Committee, dated March 26, 2007:

Recommendation

That Sign Variance Application SV.07-04, Valley Mill Development Ltd., be APPROVED.

Economic Impact

None.

Communications Plan

The results of this application will be communicated to the applicant through the Secretary to the Sign Variance Committee.

Purpose

Request to install an additional wall sign on the west elevation of the subject property as shown on the attached drawings.

Background - Analysis and Options

6.2 (a) Where a site plan approved by the City provides standards for signage and the signs for the development comply therewith, such signs shall be deemed to comply with this By-Law.

Relationship to Vaughan Vision 2007

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

Regional Implications

Region of York Engineering approval is not required for the proposed sign.

Conclusion

The applicant is proposing to install a wall sign on the west elevation of the existing building (Facing Weston Road) as shown on the attached drawings.

Members of the Sign Variance Committee have no objections to the application as submitted, and are of the opinion that the intent and purpose of the Sign By-Law is being maintained.

If Council finds merits in the application, a Sign Permit issued by the Building Standards Department is required.

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Attachments

1. Site Plan
2. Building location plan
2. Sketch of Sign

Report prepared by:

John Studdy, Manager of Customer & Administrative Services Ext 8232

/pa

(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.)

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Item 29, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

29

**SIGN VARIANCE APPLICATION
FILE NO: SV.07-05
OWNER: 1676395 ONTARIO INC./EDDIE GELFAND
LOCATION: 3175 RUTHERFORD ROAD, BUILDING B, UNIT 78
PART OF BLOCK 1, REGISTERED PLAN 65M-3696, YCC 1052**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Sign Variance Committee, dated March 26, 2007:

Recommendation

That Sign Variance Application SV.07-05, 1676395 Ontario Inc./Eddie Gelfand, be APPROVED.

Economic Impact

None.

Communications Plan

The results of this application will be communicated to the applicant through the Secretary to the Sign Variance Committee.

Purpose

Request to install directional ground signs along the north side of the subject property as shown on the attached drawings.

Background - Analysis and Options

6.2 (a) Where a site plan approved by the City provides standards for signage and the signs for the development comply therewith, such signs shall be deemed to comply with this By-Law.

Relationship to Vaughan Vision 2007

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

Regional Implications

Region of York Engineering approval is not required for the proposed signs.

Conclusion

The applicant is proposing to install three (3) directional ground signs and two (2) menu board signs along the north and east sides of the subject building, as shown on the attached drawings. These signs are being proposed in conjunction with an existing drive-through operation.

Members of the Sign Variance Committee have no objections to the application as submitted, and are of the opinion that the intent and purpose of the Sign By-Law is being maintained.

CITY OF VAUGHAN

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If Council finds merit in the application, a Sign Permit issued by the Building Standards Department is required.

Attachments

1. Site Plan for the property.
2. Detailed building location plan.
3. Details for the proposed signs.

Report prepared by:

John Studdy, Manager of Customer & Administrative Services Ext 8232

/pa

(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.)

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Item 30, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

30

**OFFICIAL PLAN AMENDMENT FILE OP.05.022
ZONING BY-LAW AMENDMENT FILE Z.05.045
SITE DEVELOPMENT FILE DA.05.052
1411069 ONTARIO INC. c/o TOWNWOOD HOMES INC.
REPORT #P.2005.60**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated March 26, 2007:

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.05.022 (1411069 Ontario Inc.) BE APPROVED, to permit a golf driving range including a pro shop as a temporary use within the "Agriculture Area" designation (southerly portion abutting Kirby Road), on the subject lands shown on Attachment #1.
2. THAT Zoning By-law Amendment File Z.05.045 (1411069 Ontario Inc.) BE APPROVED, subject to the following:
 - a) That the implementing zoning by-law:
 - i) permit a golf driving range and accessory uses (ie. pro shop) in the A Agricultural Zone for a temporary period of 3 years from the enactment of the implementing zoning by-law;
 - ii) rezone the portion of the subject lands within the Greenbelt Area from A Agricultural Zone to OS1 Open Space Conservation Zone to ensure its protection; and,
 - iii) include the necessary exceptions to the zoning by-law to implement the approved site plan.
3. THAT Site Development File DA.05.052 (1411069 Ontario Inc.) BE APPROVED, subject to the following:
 - a) That prior to the registration of the site plan agreement:
 - i) the site plan, elevation plan, and landscape plan shall be approved to the satisfaction of the Development Planning Department;
 - ii) the site servicing and grading plan shall be approved by the Engineering Department;
 - iii) the Owner shall convey sufficient property to provide 17.5m from the centreline of the Kirby Road municipal road allowance to the City of Vaughan at no cost and free of charge and encumbrance to the satisfaction of the Engineering Department;

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- iv) the portion of the existing tee decks within the Greenbelt shall be removed and restored to pre-development grades to the satisfaction of the Development Planning Department and the Toronto and Region Conservation Authority; and
- v) the Owner shall provide a form of mitigation to prevent errant golf balls from landing in the rail right-of way, along the GO/CNR rail corridor property line, to the satisfaction of GO Transit.

Economic Impact

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

Communication Plan

N/A

Purpose

The Owner has submitted the following:

1. An Official Plan Amendment Application (File OP.05.022) to amend the “Agriculture Area” designation of OPA #600 to permit a “golf driving range” including a pro shop, as a temporary use on the subject lands shown on Attachment #1.
2. A Zoning By-law Amendment Application (File Z.05.045) to permit a “golf driving range” and an accessory pro shop use as additional uses in the “A” Agricultural Zone for a temporary period of 3 years from the date of enactment of the implementing zoning by-law on the subject lands shown on Attachment #1.
3. A Site Development Application (File DA.05.052) to facilitate the development of the subject lands for a “golf driving range” in order to coordinate the siting of the raised tee area, putting greens, parking area, and a proposed 71.1m² pro shop on the subject lands shown on Attachment #2.

Background - Analysis and Options

The 24.85 ha subject lands shown on Attachment #1 are located on the north side of Kirby Road, west of Keele Street, in Part of Lot 31, Concession 4, City of Vaughan. The surrounding land uses are:

- North - existing agricultural use (A Agricultural Zone)
- South - Kirby Road, existing agricultural use (A Agricultural Zone)
- East - existing agricultural use (A Agricultural Zone) and existing CN Rail/Go Transit line (M3 – Transportation Industrial Zone)
- West - existing agricultural use (A – Agricultural Zone)

Official Plan

The subject lands are designated “Agriculture Area” and “Valley and Stream Corridor” by OPA #600, as shown on Attachment #4.

The Owner has submitted an application to amend the Official Plan to permit a golf driving range

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including a pro shop as temporary uses on the southerly portion of the subject lands, which are not permitted under the "Agriculture Area" policies of OPA #600. The Agriculture Area" designation, permits farming and accessory uses as primary uses with provisions for farm-related uses directly related to agriculture. However, temporary uses are permitted in OPA #600, which will be discussed in detail later in the report.

The proposal does not include development of the northerly portion of the property designated "Agriculture Area", nor the central portion designated "Valley and Stream Corridor", which will remain in a natural state.

Greenbelt Plan

The subject lands are identified partly within the "Natural Heritage System" within the "Protected Countryside" designation of the Greenbelt Plan, as shown on Attachment #4.

The Owner has already graded a portion of the subject lands in the preparation to construct the tee deck. Through the review of the plans and a site walk on March 14, 2006 with the Toronto and Region Conservation Authority, the Development Planning Department has determined that a portion of the graded area for the tee deck is located within the Greenbelt Area. To ensure conformity with the Greenbelt Plan, the graded portions for the tee deck now located within the limits of the Greenbelt Area must be removed and the lands restored to pre-development grades, as illustrated on Attachment #2, to the satisfaction of the Development Planning Department and the Toronto and Region Conservation Authority. The Owner has agreed to relocate the tee deck entirely within the "Agriculture Area" designation and to ensure that the tee deck is located a minimum distance of 2 metres away from the Greenbelt Area.

Zoning

The subject lands are zoned A Agricultural Zone by By-law 1-88, which does not permit the proposed golf driving range and accessory uses.

Two exceptions to the Zoning By-law are required to implement the proposed plan. The proposed parking area and aisles will have a gravel surface, rather than asphalt as required by By-law 1-88. The golf driving range use is not permitted in the A Agricultural Zone, although other recreational uses, such as Bowling Greens, Curling and Skating Rinks, Tennis Courts, and Private and Municipal Swimming or Wading Pools are permitted. A portion of the subject lands that are located within the Greenbelt Area will be rezoned from A Agricultural Zone to OS1 Open Space Conservation Zone, in the manner shown on Attachment #5, to ensure its protection.

The proposed gravel surface for the parking lot and the golf driving range use are considered appropriate given the temporary nature of the use as discussed below, which will be permitted on a temporary 3 year basis. The proposed uses would also be comparable to some of the recreational uses permitted as of a right in the Agricultural Zone, as noted above. In addition, a portion of the subject lands will be rezoned from A Agricultural to OS1 Open Space Conservation Zone for the protection of the Greenbelt Area as shown on Attachment #5.

Temporary Uses

OPA #600 permits temporary uses in the new community areas, subject to a zoning by-law amendment and the proposal being in conformity with a number of policies, including that the proposed use:

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- i) is substantially less intensive than the planned use;
- ii) entails limited capital investment;
- iii) does not require municipal water or sanitary services;
- iv) requires buildings of a temporary nature only;
- v) is not automotive or industrial in nature;
- vi) does not require outside storage;
- vii) is preferably not located within the City's existing residential or employment areas; and
- viii) does not conflict with the planned development pattern, including roads, parks, schools, and valley areas.

The subject lands are not located within a new community area, however the criteria can be used to assess the appropriateness of the temporary nature of the proposed golf driving range.

The proposed golf driving range is less intensive than some of the permitted uses in the "Agriculture" designation including market gardening, horticulture, plant nurseries, greenhouse production. The proposal includes sodded and graveled areas and a 71.1m² pro shop involves limited capital investment. A private sewage disposal system and individual well will be provided on-site and the proposed pro-shop is temporary in nature. The golf driving range is not automotive or industrial in nature and does not require any outside storage. The site is not within an existing residential or industrial employment area. The location of the golf driving range does not conflict with the future development of the area. The proposed development conforms to the policies of OPA #600 with respect to temporary uses.

The temporary nature of the golf driving range use will cease once the 3 year temporary use zoning by-law ceases. Under the Planning Act, a temporary use by-law can be reviewed by Council for subsequent 3 year periods by way of by-law amendment, which will be scrutinized through the same public process.

Site Plan

The overall site is 24.85 ha, as shown on Attachment #2, however, only the southerly portion of the property adjacent to Kirby Road is proposed to be developed for the golf driving range. The subject southerly parcel consists of an existing one and 1- ½ storey brick farmhouse and a concrete block building where the Owner/Operator will continue to reside, and a proposed parking area, pro shop and tee decks for the golf driving range. Approximately 3.6 ha are dedicated to the range and tee deck and approximately 0.6 ha is dedicated to the areas for parking area and the Pro Shop. The remaining 20.6 ha will remain untouched or within the Greenbelt Area.

The proposed tee deck is approximately 6,250m² with dimensions of 125 metres by 50 metres. Its location will allow for a driving range oriented in an east/west orientation, with the golf balls to be hit towards the east. The tee deck will be located a minimum distance of 2.0 metres from the Greenbelt limit.

A small area is dedicated to a putting green. The gravel parking area is located off the existing entrance to the property, of which the driveway proposes to extend along the Greenbelt limits. The proposed parking area will be setback a minimum 10m from the Greenbelt limits. The parking area will end in a turning bulb to facilitate the fire route. A total of 98 parking spaces, including 1 handicap space, will be provided on site.

The pro shop, with a floor area of 71.1m², is located on the west side of the proposed tee deck. The driving range faces east and averages a length of approximately 275m. The Development Planning Department has recommended that a 4.5m high protective mesh fencing be provided

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along Kirby Road to prevent errant balls from landing onto the right-of-way. Go Transit has also requested the placement of netting adjacent the CN Rail/Go Transit line, as discussed later in this report. The final site plan must be approved to the satisfaction of the Development Planning Department.

Elevations

The building elevations of the pro shop, as shown on Attachment #3, consist of pre-finished beveled aluminum siding in an off-white colour with beige trim, with a slightly pitched roof. The simple building elevations are reminiscent of a Mark III school portable with painted plywood skirting. There are four windows on the east elevation. The final elevation plans must be approved to the satisfaction of the Development Planning Department.

Access

Access to the site is from the existing single entrance on Kirby Road, as shown on Attachment #2 serving 2480 Kirby Road (Owner/operator's residence) and the proposed golf driving range. As Kirby Road is a local road, final approval must be to the satisfaction of the City Engineering Department.

Engineering Department

i) Environmental Site Assessment (ESA)

A Phase 1 Environmental Site Assessment (ESA) Report has been approved to the satisfaction of the City Engineering Department. The Record of Site Condition has been filed with the Ontario Ministry of the Environment.

Cultural Services

The existing 1.5-storey brick farmhouse at 2480 Kirby Road, as shown on Attachment #2, is included in the Listing of Significant Heritage Structures in the City of Vaughan's Register of Property of Cultural Heritage Value as per Part IV, Subsection 27, of the Ontario Heritage Act (Approved by Council on June 27, 2005). Any future proposed changes to the exterior elevations of the existing farmhouse are to be reviewed by Cultural Services in order to preserve the property's heritage integrity.

Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority has reviewed the applications and has no objections to the proposed golf driving range provided that the graded portions for the tee deck now located within the limits of the Greenbelt Area are removed and restored to pre-development grades, to the satisfaction of the Toronto and Region Conservation Authority.

GO Transit

GO Transit has reviewed the application and requires a form of mitigation to be provided along the GO/CNR rail corridor property line. The Owner is required to provide netting raised to an appropriate height to prevent errant balls from landing in the right-of-way, to the satisfaction of GO Transit and the Development Planning Department.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

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Regional Implications

N/A

Conclusion

The Development Planning Department has reviewed an application to amend the Official Plan (File OP.05.022) to permit a “golf driving range” and accessory pro shop use in the “Agriculture Area” designation of OPA #600; an application to amend the Zoning By-law (File Z.05.045) to permit a “golf driving range” as an additional use in the Agriculture Zone for a temporary period of 3 years from enactment of the by-law; and a Site Development Application (File DA.05.052) to facilitate the development of the subject lands for a golf driving range in order to coordinate the siting of the raised tee area, putting greens, parking area, and the proposed pro shop on the subject lands.

The proposed golf driving range complies with the temporary use policies of the Official Plan and with the Greenbelt Plan. The temporary use by-law will ensure that the driving range operates for a maximum of 3 years, at which time the Owner may reapply for the use, and that the application will be subject to the same public process. The Development Planning Department considers the proposed driving range to be a suitable use for the subject property due to the temporary nature of the use, the similar nature of the use relative to other permitted uses (i.e. skating rink, bowling area) in the A Agricultural Zone and protection of the Greenbelt lands. For these reasons, the Development Planning Department recommends approval of the Official Plan Amendment, Zoning By-law Amendment, and Site Development applications, subject to the recommendations contained in this report.

Attachments

1. Location Map
2. Site Plan
3. Elevation Plan
4. Existing Official Plan/greenbelt Designation
5. Proposed Zoning

Report prepared by:

Stephen Lue, Planner, ext. 8210
Mauro Peverini, Senior Planner, ext. 8407
Grant Uyeyama, Manager of Development Planning, ext. 8635

/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.)

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31

**ZONING BY-LAW AMENDMENT FILE Z.98.021
SITE DEVELOPMENT FILE DA.98.020
791296 ONTARIO LIMITED
REPORT #P.98.110**

The Committee of the Whole recommends that this matter be deferred to allow the proponents the opportunity to meet with staff.

Recommendation

The Commissioner of Planning recommends:

1. THAT applications to amend the Official Plan and Zoning By-law are required to permit a "Fitness Club" and/or a "Karate School" on the subject lands shown on Attachment #1.

Economic Impact

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

Communications Plan

N/A

Purpose

The purpose of this report is to respond to the February 8, 2007 letter (Attachment #3) submitted by Mr. Dan Dalimonte, who appeared as a deputation at the Committee of the Whole meeting on February 19, 2007, concerning the uses permitted on the subject lands (Attachment #1) as set out in Zoning By-law 216-2006 (Zoning By-law Amendment File Z.98.021) as shown on Attachment #2, and in response to the following resolution by Council on February 26, 2007:

"That in keeping with the City's efforts to entrench physical fitness in the community and to ensure children's fitness programming, that Staff be directed to report on the necessary steps to reinstate the previously permitted fitness use."

Background - Analysis and Options

In 1995, the subject lands, shown on Attachment #1, were zoned OS1 Open Space Conservation Zone by By-law 310-95 to permit a stormwater management facility for Draft Plan of Subdivision File 19T-94014 (Graybank Limited Partnership and Maytree (Vaughan) Limited). In May 1997, the Toronto and Region Conservation Authority (TRCA), and the City determined that the subject lands were no longer required for a stormwater management facility, since an alternative stormwater management arrangement was designed to the satisfaction of the TRCA and the City.

On March 2, 1998, the Owner (791296 Ontario Limited) of the subject lands submitted Zoning By-law Amendment and Site Development Applications (Files Z.98.021 and DA.98.020) to facilitate a 3,769.8 m², 3-storey mixed-use building, with office uses on the first floor, 20 apartment units on the second floor and a third floor loft. A Public Hearing was held on May 19, 1998, to consider the Zoning Amendment application.

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On September 20, 1999, a community information meeting was held between the Owner and area residents to discuss concerns associated with the proposed mixed-use office/commercial and residential development. The Owner subsequently amended the applications by eliminating the residential component of the proposal and proposed the following uses:

- business or professional office;
- day nursery;
- eating establishment; and,
- retail store.

A letter/petition dated September 29, 1999, from the Denton Circle, Prestonwood Court and Stonebriar Drive residents was received by the City. The residents expressed concerns related to increased traffic, access issues from Masters Avenue onto Keele Street, reduced privacy, and decreased property values. The residents' petition indicated that a low-rise commercial retail building would be preferable.

The Development Planning Department reviewed the modified proposal, and it was determined that exceptions to the minimum zoning standards were required to facilitate the revised proposal, including a reduction of 23 parking spaces from 92 to 69 parking spaces. The Owner had requested that an eating establishment be a permitted use. However, an eating establishment use generates a high demand for parking, which would be difficult to provide on the site, given the building size of 1953.8 m², the 0.37 ha site area, and the parking deficiency already proposed. Accordingly, it was recommended that an eating establishment not be a permitted use. In recognition of the restricted site area, the day nursery, business and professional office and retail store uses were identified as permitted uses on the subject lands with specific gross floor area limits ultimately incorporated into the implementing by-law (By-law 216-2006).

On December 18, 2001, Council ratified the Committee of the Whole recommendation from December 3, 2001, to approve the Zoning By-law Amendment Application to rezone the subject lands from OS1 Open Space Conservation Zone to C8 Office Commercial Zone and to permit up to 600 m² of GFA for retail commercial uses, business or professional offices with up to 2 regulated health professionals, and a day nursery up to 700 m² of GFA, and approved the site plan. Following Council's approval, the Owner did not proceed to advance the zoning and site plan approvals for over two and one-half years.

On August 13, 2004, the Owner submitted a revised proposal to eliminate the day nursery use and replace it with a commercial school. In correspondence dated September 15, 2004, the Building Department advised that the proposal for a commercial school required 103 parking spaces instead of 69 parking spaces provided on the approved site plan and a minimum 15 m building setback from a Residential Zone. On January 11, 2005, the Owner revised the proposal back to the day nursery use and eliminated the commercial school use.

The subject lands are designated "Office Commercial" by OPA #350 (Maple Community Plan), as amended. The "Office Commercial" designation allows low-rise office buildings, with limited ground floor retail, in a scale and form that is complementary and compatible with adjacent low-rise residential development. A "Fitness Club" or "Karate School" would not be permitted in the "Office Commercial" designation.

On June 26, 2006 Council, enacted By-law 216-2006 (Attachment #2), to rezone the subject lands from OS1 Open Space Conservation Zone to C8 Office Commercial Zone to permit the uses as follows:

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- commercial/retail uses up to 600 m² of GFA;
- and professional office uses including up to 2 regulated health professionals; and,
- day nursery up to 700 m² of GFA.

By-law 216-2006 does not permit “Fitness Club” and/or a “Karate School” uses. The “Fitness Club” and/or a “Karate School” uses were never uses requested by the Owner in the submission of the applications to amend the Zoning By-law and for Site Plan approval. Further, the “Fitness Club” and/or a “Karate School” uses were never considered by Council.

Additional Use(s)

In the February 8, 2007 letter (Attachment #3), submitted by Mr. Dan Dalimonte, he indicates that he wants a “Fitness Club” as a permitted use on the subject lands, and that he was unaware of the limitations of By-law 216-2006 on the subject lands. The Owner, who has been involved with the proposal since March 1998, has been aware of the uses permitted on the subject lands throughout the entire process. On February 15, 2007, Mr. Dan Dalimonte and his prospective tenant came to the Development Planning Department to advise that they wanted to establish a “Karate School” use on the subject lands. They were advised by the Development Planning Department that a “Fitness Club” use or “Karate School” use are currently not permitted and would require the submission of applications to amend the Official Plan and Zoning By-law, as the uses are not permitted. This interpretation of the zoning by-law was also confirmed by the Building Standards Department.

The Owner was issued an “Order to Comply” on July 5, 2006, “Stop Work Orders” on July 7, 2006 and November 29, 2006, and an “Order Not to Cover Construction” on February 13, 2007. On February 15, 2007, the Owner returned the signed copies of the Site Plan Agreement and the required securities and insurance documents to the Development Planning Department. The Site Plan Agreement was registered on February 22, 2007.

Relationship to Vaughan Vision 2007

This staff report is consistent with the priorities set forth in Vaughan Vision 2007, particularly ‘A-5’, “Plan and Manage Growth”.

Regional Implications

N/A

Conclusion

The Development Planning Department has reviewed the request to permit a “Fitness Club” and “Karate School” uses on the subject lands. The requested “Fitness Club” and/or “Karate School” uses as set out in the February 8, 2007 letter (Attachment #3) submitted by Mr. Dan Dalimonte, are not permitted uses and were never permitted uses for the subject lands shown on Attachment #1. The only permitted uses for the subject lands shown on Attachment #1 are commercial/retail uses up to 600 m² of GFA, business and professional office uses including up to 2 regulated health professionals, and a day nursery up to 700 m² of GFA in the C8 Office Commercial Zone by By-law 216-2006, which was enacted by Council on June 26, 2006 (Attachment #2). A stormwater management facility, which was zoned OS1 Open Space Conservation Zone by By-law 310-95 and enacted by Council on October 30, 1995, was the only use permitted on the subject lands shown on Attachment #1 prior to the enactment of By-law 216-2006 to rezone the subject lands to C8 Office Commercial Zone for the permitted uses discussed in Recommendation #3 of this Report.

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The proposed uses do not conform to the Official Plan and are not permitted by By-law 1-88 as amended by By-law 216-2006. Accordingly, should the Owner wish to establish either of these uses on the subject lands, applications to amend the Official Plan and Zoning By-law are required. The proposed uses would be reviewed in accordance with the applicable policies of the Official Plan and the requirements of the Zoning By-law, and with respect to compatibility and appropriateness in the context of development on the subject lands and with the surrounding area.

Attachments

1. Location Map
2. Zoning By-law 216-2006
3. February 8, 2007 letter submitted by Mr. Dan Dalimonte

Report prepared by:

Judy Jeffers, Planner, ext. 8645
Mauro Peverini, Senior Planner, ext. 8407
Grant Uyeyama, Manager of Development Planning, ext. 8635

/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.)

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Item 32, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

**32 ONTARIO BUILDING CODE ACT ANNUAL FINANCIAL REPORT
 BUILDING STANDARDS DEPARTMENT**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning and the Director of Building Standards, dated March 26, 2007:

Recommendation

The Commissioner of Planning and the Director of Building Standards in consultation with Finance Department Staff recommends that the Building Standards Department Annual Financial Report be received for information.

Economic Impact

None

Communications Plan

The Building Standards Department will make copies of the report available to the public and every person(s) and/or organization(s) that has requested a copy as required by the Building Code Act and Building Code. To date, staff have not received any requests for information.

Purpose

To provide Council information respecting the Building Standards Department Annual Financial Report.

Background - Analysis and Options

As part of the recent amendments to the Ontario Building Code Act and Building Code (Bill 124), the City shall prepare an annual financial report and provide information on the following matters:

- i) Total Fees Collected (12 month period)
- ii) Direct Costs of administrating and enforcing the Act (Plans Review and Inspections)
- iii) Indirect Costs (Support and Overhead Costs)
- iv) The account balance for the Building Permit Reserve Fund that has been established by Council.

Attached as Attachment 1 is a copy of the Annual Report that has been prepared for 2006 and is based on unaudited information.

This report has been prepared in consultation with Finance Department Staff and is based on Council's previous approvals respecting the C.N. Watson Activity Based Costing Methodology For User Fees Report, and the establishment of the Building Standards Service Continuity Reserve fund.

Relationship to Vaughan Vision 2007

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

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Regional Implications

None.

Conclusion

This report should be received for information.

Attachments

Attachment 1 - A copy of the 2006 Annual Report.

Report prepared by:

John Studdy, Manager of Customer and Administrative Services Ext. 8232

Leo Grellette, Director of Building Standards Ext. 8218

(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.)

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Item 33, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

33

**DRAFT PLAN OF CONDOMINIUM FILE 19CDM-06V11
BATH-VON LIMITED**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated March 26, 2007:

Recommendation

The Commissioner of Planning recommends:

1. THAT Draft Plan of Condominium (Common Elements) File 19CDM-06V11 (Bath-Von Limited) BE APPROVED, subject to the conditions of approval set out in Attachment #1.

Economic Impact

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

Communications Plan

N/A

Purpose

The Owner has submitted an application on the subject lands shown on Attachment #2 for approval of a Draft Plan of Condominium to create common elements (ie. private road, visitor parking, walkways and private parkette) for a 47-unit residential townhouse development, as shown on Attachment #3.

Background - Analysis and Options

The 1.32 ha subject lands shown on Attachments #2 and #3 are located at the southwest corner of Ner Israel Drive and Bathurst Street, being Block 249 on Registered Plan 65M-3618, (8900 Bathurst Street), City of Vaughan.

The development received site plan approval from Council on December 12, 2005, and is located within a registered plan of subdivision. In order to create the individual freehold lots, the Applicant is to submit a Part Lot Control application. The common element areas, including the walkways, open space amenity areas, visitor parking and private roads will be created through the subject Draft Plan of Condominium application (19CDM-06V11).

The surrounding land uses are:

- North - Ner Israel Drive; vacant (RVM2 Residential Urban Village Multiple Family Zone Two)
- South - stormwater management pond facility (OS1 Open Space Conservation Zone)
- East - Bathurst Street; recreational use, tennis club (Town of Richmond Hill)
- West - stormwater management pond facility (OS1 Open Space Conservation Zone)

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Official Plan

The subject lands are designated “Low Density Residential” by OPA #600. However, the approved Block 10 Plan further describes the lands as “Medium Density Residential”. The “Medium Density Residential/Commercial” designation in OPA #600 permits street and block townhouse uses at a density of between 17-40 units/ha (22 - 53 units). At a net density of 35.61 units/ha, the subject proposal consisting of 47 townhouse units conforms to the “Medium Density Residential/Commercial” designation and the Council approved Block Plan.

Zoning

The subject lands are zoned RVM2 Residential Urban Village Multiple Zone Two by By-law 1-88, subject to site-specific Exception 9(1063). The RMV2 Zone permits the proposed townhouse dwellings and development.

Site Design

The 1.32 ha triangular shaped site has 145m frontage along Ner Israel Drive and 152 m flankage along Bathurst Street as shown on Attachment #3. The site will be developed with direct driveway access from Ner Israel Drive for the 8 lots which front onto this street, and one full movement access at the northwest corner of the site and a right-in/right-out access at the northeast corner of the site that will provide vehicular access to the internal lots.

The development proposes a total of 47 units, one less than was site plan approved by Council at their meeting on December 12, 2005. The 47 lots will be serviced by a private common element condominium road.

The common elements also include 12 visitor parking spaces, which will be provided in clusters situated at three different locations on the subject lands.

Private walkways are located throughout the townhouse development, which also lead to a private parkette at the southeast corner of the site. The walkways and parkette will be addressed as common elements within the condominium.

Garbage and Recycling Collection and Snow Removal

The collection of garbage and recycling, and the removal of snow will be administered privately by the Condominium Corporation. The owner is to include this information in all Offers of Sale, Purchase or lease and in the Condominium Declaration.

Region of York

The Region of York Planning Department has no objections to the approval of the draft plan of condominium, subject to the condition of approval in Attachment #1, with respect to the Owner satisfying all Regional site plan matters to the satisfaction of the Region of York Transportation and Works Department.

Application Review

The draft plan of condominium is in accordance with the approved site plan (File DA.05.029). As a condition of approval, the Owner will be required to submit an “as-built” survey of the road and other common elements to the satisfaction of the Vaughan Engineering Department, prior to the registration of the final condominium plan.

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Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Regional Implications

N/A

Conclusion

The Development Planning Department has reviewed the proposed application for Draft Plan of Condominium, which is consistent with the approved site plan, and is in accordance with the provisions of the Official Plan and the Zoning By-law. The Development Planning Department has no objections to the approval of the Draft Plan of Condominium, subject to the conditions set out in Attachment #1.

Attachments

1. Conditions of Approval
2. Location Map
3. Draft Plan of Condominium (Common Elements)

Report prepared by:

Arminé Hassakourians, Planner, ext. 8368
Arto Tikiryan, Senior Planner, ext. 8212
Grant Uyeyama, Manager of Development Planning, ext. 8635

/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.)

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Item 34, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

34

**STREET NAME APPROVAL
DRAFT PLAN OF SUBDIVISION FILE 19T-95098
KLEINBURG RESIDENTIAL ESTATES**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated March 26, 2007:

Recommendation

The Commissioner of Planning recommends:

THAT the following street name for Draft Plan of Subdivision File 19T-95098 (Kleinburg Residential Estates), as shown on Attachment #2, BE APPROVED:

<u>STREET</u>	<u>APPROVED NAME</u>
Street 'A'	Mizuno Crescent
Street 'B'	Richard Lovat Court (existing)

Economic Impact

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

Communications Plan

N/A

Background

The subject lands shown on Attachment #1 are located east of Huntington Road, north of Nashville Road, in Lots 26 and 27, Concession 9, City of Vaughan.

The applicant has submitted street names for approval. The draft plan of subdivision (19T-95098) shown on Attachment #2, was approved by Vaughan Council on September 25, 2006. The Planning Department for the Region of York does not have any objections to the proposed street names.

The Vaughan Fire and Development Planning Departments have also reviewed the proposed street names, which are considered to be satisfactory.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Regional Implications

N/A

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Conclusion

The Development Planning Department has no objection with the proposed street names for Draft Plan of Subdivision 19T-95098.

Attachments

1. Location Map
2. Draft Plan of Subdivision 19T-95098

Report prepared by:

Jack McAllister, Senior GIS Technician, ext. 8209
Grant Uyeyama, Manager of Development Planning, ext. 8635

/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.)

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Item 35, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

35

**ZONING BY-LAW AMENDMENT FILE Z.06.053
1275620 ONTARIO INC.
REPORT #P.2006.67**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated March 26, 2007:

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.06.053 (1275620 Ontario Inc.) BE APPROVED to:
 - i) rezone Area "A" as shown on Attachment #2 of the subject lands from RD4(H) Residential Detached Zone Four with the Holding Symbol "(H)" and RD3 Residential Detached Zone Three to RD3(H) Residential Detached Zone Three with the Holding Symbol "(H)";
 - ii) rezone Area "B" as shown on Attachment #2 of the subject lands from RD3 Residential Detached Zone Three and RD3(H) Residential Detached Zone Three with the Holding Symbol "(H)" to RD4 Residential Detached Zone Four;
 - iii) rezone Area "C" as shown on Attachment #2 of the subject lands from RD3 Residential Detached Zone Three to RD3(H) Residential Detached Zone Three with the Holding Symbol "(H)";
 - iv) remove the Holding Symbol "H" from Area "D" as shown on Attachment #2 of the subject lands; and
 - v) zone Area "E" as shown on Attachment #2 of the subject lands to provide a 3.5m wide buffer block along the lots abutting the OS5 Open Space Environmental Zone at the east end of Delani Court, to the satisfaction of the Toronto and Region Conservation Authority.
2. THAT the Owner submit a revised Draft Plan of Subdivision incorporating a 3.5 m wide buffer block along the lots abutting the OS5 Open Space Environmental Zone located at the east end of Delani Court, prior to plan registration.

Economic Impact

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

Communications Plan

N/A

Purpose

The Owner has submitted a Zoning By-law Amendment application for the subject lands shown

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on Attachment #1, specifically to amend Zoning By-law 1-88 in accordance with the proposed zoning as detailed on Attachment #2. A minor relotting of the plan of subdivision has resulted in Phase 1 of the plan containing 30 lots as opposed to the previously approved 33 lots.

Background - Analysis and Options

The subject lands shown on Attachment #1 are located on the west side of Dufferin Street and north of Rutherford Road, being Part of Lot 17, Concession 3, within Planning Block 18, City of Vaughan. The subject lands are located within the approved Draft Plan of Subdivision 19T-02V10, as shown on Attachment #1. The subject lands are currently vacant.

The surrounding lands uses are as follows:

- North - future residential (RD3, RD3(H) Residential Detached Zone Three with and without the Holding Symbol "H")
- South - vacant (Agricultural Zone) and Woodlot (OS5 Zone)
- East - future residential (RD3 Zone) and future storm water management pond (OS5 Open Space Environmental Protection Zone)
- West - woodlot (OS5 Zone)

On August 25, 2006, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Maple Village Ratepayers Association. As of March 14, 2007, no written comments have been received by the Development Planning Department. The recommendation of the Committee of the Whole on September 18, 2006 to receive the Public Hearing report and to forward a technical report to a future Committee of the Whole meeting was ratified by Council on September 25, 2006.

Official Plan

The subject lands are designated "Low Density Residential", "Medium Density Residential/Commercial", and "Valley Lands" by OPA #600, as amended by OPA #604 (Oak Ridges Moraine Conformity Plan), which further designates the subject lands "Settlement Area". The proposed amendments to Zoning By-law 1-88 conform to the Official Plan.

Zoning

The subject lands are zoned RD3 Residential Detached Zone Three, RD3(H) Residential Detached Zone Three with the Holding Symbol "(H)", RD4 Residential Detached Zone Four, RD4(H) Residential Detached Zone Four with the Holding Symbol "(H)", OS1 Open Space Conservation Zone and OS5 Open Space Environmental Protection Zone, by By-law 1-88 subject to Exception 9(1228). The removal of the Holding Symbol "(H)" is contingent upon the availability of water and sanitary servicing capacity to service the residential lots.

Phase 1 of the approved Draft Plan of Subdivision File 19T-02V10 is currently allocated 33 units for water and sanitary servicing capacity. Due to the finalization of the approved draft plan of subdivision, relotting of certain residential lots within the plan and a minor shifting of the lands subject to the Holding Symbol "(H)", 30 units (18 full lots and 12 part lots) are now proposed in Phase 1. Overall, Phase 1 of Draft Plan of Subdivision File 19T-02V10 is underutilized by 3 units of its allocated water and sewage capacity.

The Development Planning Department can support Zoning Amendment Application File Z.06.053, as the current allocation of water and sanitary servicing capacity (33 units) will not be exceeded.

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Subdivision Design

There are no significant changes proposed to the draft plan of subdivision. The road pattern for the subdivision plan will remain unchanged. Upon approval of the implementing zoning by-law by Council, the total number of units in Phase 1 of Draft Plan of Subdivision File 19T-02V10 will be 30 units, which will not exceed the allocation of 33 units for the plan. The original conditions of subdivision approval dated June 21, 2004 will remain in effect.

The Owner has proposed minor revisions as shown on Attachment #2 to the lotting pattern of the approved draft plan of subdivision as shown on Attachment #3.

Oak Ridges Moraine Conservation Plan

The subject lands are located on the Oak Ridges Moraine and are designated as "Settlement Area" by OPA #604, which amends OPA #600 to be in conformity with the Oak Ridges Moraine Conservation Plan (ORMCP). The Development Planning Department is satisfied that the application conforms to the requisite provisions of the Oak Ridges Moraine Conservation Plan, and can therefore be supported.

Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority (TRCA) has no objections to the application provided that the OS5 Open Space Environmental Protection Zone category continues to remain in place for the southern limits of the subdivision lands. The TRCA has advised that the zoning for an additional buffer block feature, in accordance with the draft conditions for the related Draft Plan of Subdivision Application 19T-02V10 and the original Zoning Amendment Application Z.02.084 for the subject lands, be provided along those lots abutting the OS5 Open Space Environmental Protection Zone at the east end of Delani Court, as shown on Attachment #2. The 3.5 m wide buffer block will continue to be zoned OS5 Open Space Environmental Protection Zone.

Planning Considerations

The Zoning By-law Amendment Application purposes to rezone certain residential lots in Draft Plan of Subdivision File 19T-02V10 to facilitate minor revisions to the original approved lotting pattern for the plan. The proposed amendments comply with the Official Plan and do not alter the road pattern of the approved draft plan of subdivision. In addition, the Engineering Department has confirmed that servicing is available to facilitate the changes proposed to the approved draft plan of subdivision.

In light of the above, the Development Planning Department can support the Zoning By-law Amendment Application.

Engineering Services

The Engineering Department has noted that the peer review of the Environmental Site Assessment Phase 1 is still required for the original Draft Plan of Subdivision File 19T-02V10. In accordance with the Council approved Block 18 Plan conditions, the completion of the peer review and the implementation of any recommendations will be completed to the satisfaction of the Engineering Department prior to the final approval of the Draft Plan of Subdivision File 19T-02V10. The conditions of approval as outlined in the Committee of the Whole report for File 19T-02V10, dated June 21, 2004, remain in effect.

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The Engineering Department previously reserved the allocation of sewage servicing capacity on the subject lands for 33 units for Phase 1 of approved Draft Plan of Subdivision 19T-02V10, whereas 30 units are now proposed in Phase 1.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Regional Implications

N/A

Conclusion

The Development Planning Department has reviewed the Zoning By-law Amendment Application File Z.06.053 to rezone portions of the subject lands as shown on Attachment #2. The proposed zoning amendments will result in a minor lotting of the plan, however the overall road pattern of the approved Draft Plan of Subdivision File 19T-02V10 will remain the same. For these reasons, the Development Planning Department can support the approval of the Zoning By-law Amendment Application.

Attachments

1. Location Map
2. Proposed Zoning Amendments and Lotting Pattern (19T-02V10)
3. Existing Zoning Schedule "E-1354" and Lotting Pattern (19T-02V10)

Report prepared by:

Stephen Lue, Planner, ext. 8210
Mauro Peverini, Senior Planner, ext. 8407
Grant Uyeyama, Manager of Development Planning, ext. 8635

/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.)

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Item 36, Report No. 15, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on April 2, 2007, as follows:

By receiving the written submission from Regional Councillor Frustaglio and Mr. Bill Hogarth, Co-Chairs, Human Services, Planning Coalition, York Region, dated March 19, 2007, submitted by Regional Councillor Frustaglio.

36

PEACE TREE DAY- JUNE 1, 2007

(Referred from the Council meeting of March 19, 2007)

The Committee of the Whole recommends:

- 1) That Clause 3 of the recommendation contained in the following report of Councillor Yeung Racco, dated March 5, 2007, be approved;
- 2) That the following be approved in accordance with the memorandum from Councillor Yeung Racco, dated March 26, 2007:
 - i) That the City of Vaughan endorse June 1 as Peace Tree Day annually;
 - ii) That a permit be issued at no charge for services-in-kind at the Concord Thornhill Regional Park annually for the purpose of organizing a ceremonial event to celebrate Peace Tree Day; and
 - iii) That a working committee be formed, led by myself, with a representative from Recreation and Culture, Corporate Communications and outside organizations, including Ratepayers' Associations and School Boards, for the purpose of organizing the Peace Tree Day event; and
- 3) That the memorandum from the Commissioner of Community Services, dated March 23, 2007, be received.

Recommendation

Council, at its meeting of March 19, 2007, adopted the following:

That the following report of Councillor Yeung Racco, dated March 5, 2007, be received and referred to the next Committee of the Whole meeting.

Report of Councillor Yeung Racco, dated March 5, 2007

Councillor Sandra Yeung Racco recommends:

1. That the City of Vaughan endorse June 1, 2007 as Peace Tree Day;
2. That a permit be issued at no charge for the use of space, tables and chairs at the Concord Thornhill Regional Park on June 1, 2007 for the purpose of organizing a ceremonial event to celebrate Peace Tree Day;
3. That a copy of the resolution be issued to the City of Vaughan's Community Relations Committee and all educational institutions throughout the City of Vaughan; and
4. That Corporate Communications staff issue a news release.

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Economic Impact

N/A

Communications Plan

Corporate Communications will issue news releases in support of June 1, 2007 being Peace Tree Day in the City of Vaughan.

Purpose

To acknowledge June 1, 2007 as Peace Tree Day and to celebrate the values and principals associated therewith.

Background - Analysis and Options

The Peace Tree is based upon a movie of the same title wherein three little girls of different religious backgrounds seek to enjoy the festive celebrations of the others. Upon facing resistance from their parents, the girls go about convincing their parents that it is all about peace and thus the Peace Tree is born.

The Peace Tree is a symbolic representation of the importance of embracing and celebrating diversity. As the City of Vaughan continues to grow and expand, our community has witnessed increasing diversity and this is a tremendous asset to the City - one that should be celebrated and acknowledged at every opportunity.

The City of Vaughan did endorse Peace Tree Day in 2006, and accordingly organized an official celebration on June 1, 2006.

Relationship to Vaughan Vision 2007

A-2: Serving our citizens through the promotion of community, safety, health and wellness

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

Regional Implications

N/A

Conclusion

In light of the City of Vaughan's efforts to recognize and promote diversity and to work in partnership with groups to that effect, Councillor Sandra Yeung Racco recommends that the City of Vaughan once again endorse June 1st as Peace Tree Day and plan an appropriate celebration accordingly.

Attachments

N/A

Report prepared by:

Cindy Furfaro-Benning, Council Executive Assistant

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Item 37, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

37

REQUEST FOR STAFF ATTENDANCE

The Committee of the Whole recommends approval of the recommendation contained in the following report of Councillor Shefman, dated March 26, 2007:

Recommendation

Councillor Shefman respectfully requests that Planning and Recreation/Culture attend a community meeting being held on April 12, 2007 at 7:00 p.m. at the Gallanough Resource Centre to receive input regarding the Centre Street business district located west of Yonge Street to Elizabeth Street in Ward 5.

Economic Impact

N/A

Communications Plan

none

Background – Analysis and Options

The above-mentioned meeting will allow local business owners to discuss any concerns with staff in the company of the local Councillor.

Purpose

To obtain input from local business owners on the current and future status of the above area.

Relationship to Vaughan Vision

This report is consistent with the priorities previously set by Council.

Regional Implications

none

Conclusion

It is appropriate for staff to be aware of the views of local residents in respect to neighbourhood issues especially in relationship to the ongoing process of the Historic District Plan revision.

Attachments

none

Report prepared by:

Debi Traub, Council Executive Assistant

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Item 38, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

38

RESIDENTIAL PROPERTY TAX RELIEF FOR SENIORS

The Committee of the Whole recommends approval of the recommendation contained in the following report of Regional Councillor Rosati, dated March 26, 2007:

Recommendation

Regional Councillor Gino Rosati recommends the following Resolution:

WHEREAS many seniors living in our communities have expressed concerns over property taxes for many years due to their limited ability to pay; and

WHEREAS most seniors live on fixed incomes or very limited adjustments; and

WHEREAS a large portion of property tax is not related to municipal service costs, primarily the Education and Social Service component; and

WHEREAS seniors have already contributed immensely to the well being of our community; and

WHEREAS seniors desire to live in the home they worked for or be able to afford to pay rent;

THEREFORE BE IT RESOLVED

That the Provincial Government pass legislation to rebate the Education portion of residential property taxes, or a portion of the rental expenses for seniors, in a similar fashion to Bill 43 which was introduced on June 26, 2003, then refused;

THEREFORE BE IT FURTHER RESOLVED

That a copy of this resolution be forwarded to the Premier of Ontario Dalton McGuinty, the Honourable Greg Sorbara, Minister of Finance, Mario G. Racco, M.P.P. (Thornhill), local Members of Provincial Parliament, Leader of the Progressive Conservative Party, John Tory, Leader of the New Democratic Party, Howard Hampton, the Association of Municipalities of Ontario, the Regional Municipality of York, all Municipalities with a population over 50,000 in the Province of Ontario and all Seniors Groups in the City of Vaughan.

Economic Impact:

No economic impact to the City of Vaughan

Communication Plan:

As outlined

Purpose:

To provide support to our seniors, who are already petitioning the Provincial Government to enact the proposed legislation.

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Background - Analysis and Options:

For many years now, our senior citizens have been complaining and asking for support in assisting them in easing the burden of their property taxes. The proposed resolution will provide some relief to them if enacted. The majority of these seniors have worked a life time to acquire a residential property and it would be an injustice to force a sale of such property due to taxes. Our seniors have worked long and hard and deserve our admiration and support in any way we can. This type of relief is long overdue and it is now time to act.

Relationship to Vaughan Vision 2007

Section A Serve our Citizens

Section D-2 Develop Internal and External Collaborative Solutions – Develop internal and external “people connections” to solve problems and improve service delivery

The above are consistent with this recommendation.

Regional Implication

Not Applicable

Conclusion:

This recommendation would provide much needed assistance to our seniors if implemented.

Attachments:

Canadian Snowbird Association highlighted on Bill 43
Explanatory Notes - Bill 43.

Report Prepared By:

Regional Councillor Gino Rosati

(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.)

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39

PUBLIC INQUIRY – OUTLINE OF OPTIONS AVAILABLE

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Manager, dated March 26, 2007:

Recommendation

The City Manager recommends that this information report be received.

Economic Impact

Not applicable

Communications Plan

This information report will be made publicly available in advance of the March 26, 2007 meeting.

Purpose

Pursuant to Council direction of March 19, 2007, the following report is prepared on the basis of the legal opinion received by Council from the City's external legal counsel, Mr. George Rust-D'Eye; it outlines all possible courses of action available to the City of Vaughan, including, but not limited to:

- a) a review by staff;
- b) a Council review;
- c) a police investigation;
- d) a judicial inquiry or investigation;
- e) a ministerial inquiry or audit, or
- f) any combination of the above.

Background - Analysis and Options

This report provides information with respect to the City's possible response to requests or suggestions that a public inquiry be held relating to one or more specified or as yet unspecified issues involving the management or affairs of the City.

This report addresses the issue in general terms, not referring specifically to any particular matters or allegations which have been raised or may be raised in support of any request for such an inquiry to be held.

This report is structured on the basis of the assumption that Council may decide that it wishes to obtain information concerning one or more aspects of the City's past or current affairs. Should it decide in the affirmative, it will then be in a position to decide whether or not, and how, to do so. One possible course of action would be to authorize and proceed with a comprehensive public process, for the purpose of addressing and attaining the City's proper municipal objectives, possibly involving future decision-making and actions to be taken by the City arising out of the results of whatever process is pursued.

Accordingly, this report will commence with an outline of the alternate means by which Council might give consideration to and address such investigation and objectives, followed by a discussion of factors involved in proceeding with each alternative approach.

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It is emphasized that the following discussion proceeds on the basis of the very generalized issues referred to above, not addressing or dependent upon any specific issues of fact or allegation that may have raised or alleged either by one or more members of Council or the public.

One or more of the following alternative courses of action might or might not prove to be appropriate in addressing any particular fact situation or allegations which the Council might decide to address. Further discussion and evaluation of alternatives could be undertaken in response to any decision by Council with respect to the potential subject-matter of review, the objectives to be sought in pursuing any particular alternative, and the manner and form in which Council might wish any particular method of inquiry to proceed.

ALTERNATIVE COURSES OF ACTION

In general terms, the following would appear to be possible courses of action which might be pursued by the Council or other parties for the purpose of inquiring into one or more matters involving the City's past or ongoing business, interests or the conduct of its affairs.

- (1) Take no action;
- (2) Request for review by staff;
- (3) Council review;
- (4) Police Investigation;
- (5) Judicial inquiry or investigation;
- (6) Other available mechanisms;
- (7) Any combination of the above.

It is emphasized that the following discussion is a very general one, not based upon or relating to any particular subject-matter. The series of alternatives are set out in ascending order of magnitude and cost, not involving recommendation or preference suggesting any particularly useful approach, since any such conclusion would have to await further consideration of the precise subject-matter(s) of any particular inquiry or other course of action, a balancing of the pro's and con's, including costs, of proceeding with any particular approach, and a determination by the Council of its immediate and ultimate objectives to be sought through proceeding with any particular course of action:

(8) **TAKE NO ACTION**

Depending on the nature of the request or allegation to be dealt with by the Council, in the absence of a court order, ministerial direction or statutory mandate, the fact that one or more parties may request or demand the establishment of a public inquiry does not mean that the Council has to grant such request.

Except in extreme cases of allegations of specific wrongdoing, generally, the Provincial Legislature has left it up to the discretion and judgment of the elected City Council to decide whether or not a public inquiry or other course of action is warranted in all of the circumstances, and to balance the costs of proceeding with such an inquiry or other alternative(s) against the municipal objectives which may realistically be obtained through doing so.

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Certainly the Council should impose upon any party requesting or demanding any particular course of action, the onus of first making full disclosure and production of all information and documents relevant to the Council's decision-making, so that the Council may review and weigh the credibility and significance of whatever grounds are being put forward in support of the request being made.

The Council should not entertain or proceed with any such request unless and until it has received such disclosure, information and records, and had the opportunity to review and consider its desired course of action in the particular circumstances relevant to whatever request or proposal is presented for its consideration.

(9) REQUEST FOR REVIEW BY STAFF

The discussion herein relating to the alternatives open to the Council proceeds on the basis and assumption that, as discussed above, the Council is not required by law to take action or pursue any particular course of action in addressing any request or proposal that a public inquiry be held.

In such circumstances, it is at all times open to the Council to decide to refer to its staff whatever information, submissions or records which it receives, with a request that the staff review and investigate such matters and report back to the Council as to the results of such review, together with any recommendations which the staff may have to make based on the circumstances and information available to it at that time.

The form of any such request, and the nature and extent of staff review sought by the Council, may vary significantly, based upon the subject-matter of the request, the nature and form of available evidence, the magnitude of its implications for the City Corporation, and the complexity and comprehensiveness of whatever review and report may be sought by the Council in the particular circumstances of the case.

Any such request for staff action may or may not specify particular terms of reference, subject-matters to be considered, results to be obtained, recommendations which may be requested, or any specific directions to staff involving the subject-matter of the review and the form and nature of the staff response which the Council may see fit to require.

It is open to the Council, for instance, to simply refer the requests and information to the staff for report, together with any possible time period within which staff response might be directed.

At the other end of the spectrum, the Council could direct a formal communication to one or more specific officials on its staff, requesting and authorizing a specific review to be conducted, either by one or more designated City staff or any designated outside professional or consultant, or a combination of the two, to produce a report or other manner of response as could be specified by the Council in the decision and direction that it should decide to adopt.

Pro's and Con's of Staff and/or Retained Professional or Consultant Review

PRO'S	CON'S
<p><u>Expense:</u> An investigation by staff could cost the City nothing by way of additional costs. Expense to the City would, of course, increase through the retainer of one or more outside professional or consultant persons to conduct or assist in the conduct of the review. For a public inquiry, there would be possibly significant additional costs</p>	<p><u>Issues dependent upon the subject-matter:</u> Should the proposal involve allegations which may implicate or raise issues relating to the Council or its members or conduct of one or more specific members of the City's staff, it may not be appropriate to have the review conducted in-house,</p> <p style="text-align: right;">.../4</p>

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PRO'S	CON'S
<p><u>Item 39, CW Report No. 15 – Page 4</u></p> <p>relating to the inquiry, all of which are likely to be borne by the City in full, involving not only the engagement of inquiry counsel, but that counsel's co-counsel and assistants and counsel for other parties, other non-legal staff, investigators, court reports, transcript costs, clerical staff and hearing facilities.</p>	<p>involving such staff, or employees of the City generally.</p> <p>At the same time, the fact that allegations may be made against one or more staff or, for that matter, past or present members of Council, does not mean that the Council is precluded from requesting one or more officials or members of staff to conduct a review of the matter, and respond, upon such terms as may be delineated by the Council in its direction. In any event, any such issue might be addressed and dealt with through retaining outside professional assistance with respect to any such matter.</p>
<p><u>Thoroughness of review:</u></p> <p>Expert staff may be in the best position to review and report to Council with respect to the proposal. Staff, with or without the assistance of one or more outside professionals, are in a position, with the co-operation of those involved in the matter, to produce a very thorough investigation and report. However, staff are not in a position to require other individuals who may resent "being investigated" to talk to or provide information to the investigators. Council may, of course, give lawful directions to its employees.</p>	<p><u>Public Process:</u> Depending upon the nature and seriousness of specific allegations involved in the proposal, the Council might consider it undesirable to have the review conducted by staff, which presumably would not involve a process conducted in a public manner (although steps could be taken to address issues of the public interest to be attained through a staff review). Council could, of course, in directing any staff or outside professional review, make such directions as it may see fit to bring about public disclosure and information relating to the subject-matter of the review, or its results.</p>
<p><u>Expertise:</u> Typically the City's professional and administrative staff would be in a good position, and would probably be most knowledgeable, to respond efficiently and in a comprehensive manner to the Council's need for information and recommendations.</p>	<p><u>Powers to compel disclosure:</u> A staff review would not, of course, necessarily empower the staff or outside professional to require any person or persons to respond to requests for information or produce documentation to assist in the review. No power of search or seizure or to compel the giving of evidence under oath, would be available in such a process.</p>
<p><u>Timing:</u> The staff would probably be in the best position to respond immediately and expeditiously to the Council's request.</p>	<p><u>Public Confidence:</u> Depending on the specificity, seriousness and other nature of the information provided to the Council in support of the proposal for an inquiry, such might be of a sufficiently serious nature as to virtually demand a neutral public process, in order to ensure a comprehensive, fair and open fact-finding process, shining the public spotlight on the circumstances of the case, in a manner justifying the expense and ensuring all available legal steps, powers and protections in the process, which a staff review simply could not do.</p>
<p><u>Flexibility:</u> The staff is in a position to give consideration to the various alternatives available to the City in dealing with the proposal, and to report back in response to council requests, and as</p>	<p>.../5</p>

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PRO'S	CON'S
<p><u>Item 39, CW Report No. 15 – Page 5</u></p> <p>to what further or alternative course(s) of action by the Council might be available and/or warranted.</p>	
<p>Process: The City's staff is available and would be immediately responsive to Council's decision. Presumably the staff could review the matter with little in the way of procedural complexity or formality and report back to Council in a specific and issue-directed manner.</p> <p>As an alternative, Council could instruct staff to retain outside professional or consultant assistance in conducting the review, and/or could decide directly to retain one or more outside professionals or consultants to conduct the review, and instruct staff to co-operate fully and provide full information to the outside professional, as may be appropriate or deemed appropriate by that person.</p> <p>This latter sub-alternative would presumably involve an increase in expense to the City, and might or might not involve pro's and con's of its own, but it would also be open to the Council and, if authorized, its staff, to take all steps necessary to minimize additional delay, complexity and expense in producing a report responsive to and useful in addressing the attainment of Council objectives.</p>	

(3) **COUNCIL REVIEW**

It is open to the Council to simply decide to deal with the matters through one or more meetings of the Council, one of its standing committees or a special committee or other fact-finding process, to be established by the Council itself and conducted through one or a series of meetings or other process, with such assistance of staff or outside professional or consultant as might be required to ensure the effectiveness of the process. Presumably such meetings would be held in public, but in the discretion of Council, could be held in camera in respect of any subject-matters in respect of which in camera meetings are authorized by law.

Pro's and Con's of a Council Review

PRO'S	CON'S
<p>Expense: Generally, the expense of a council-conducted inquiry should not be substantially more than that involving a review by staff and/or outside professional, referred to above. One additional expense might be the need to retain outside legal counsel to assist the Council in conducting the review.</p>	<p>Timing: Dependent upon whether or not the Council conducts the inquiry itself or delegates it to some other body, proceeding in such a manner may or may not involve issues of timing and the time period within which the matter is ultimately concluded.</p>
<p>Thoroughness: Council's review, dependent on a number of factors, may or may not be more or less</p>	<p>Flexibility: The availability of Council members, .../6</p>

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PRO'S	CON'S
<p><u>Item 39, CW Report No. 15 – Page 6</u></p> <p>thorough than would be a review by staff alone.</p>	<p>meeting rooms and co-ordination with other Council meetings and responsibilities could pose problems of flexibility in ensuring the effective and time-effective conduct of the inquiry by the Council. However, delegation to a committee would address this problem to a considerable extent.</p>
<p><u>Expertise:</u> While members of Council may not have the scope and specific types of expertise required to conduct the inquiry, presumably the availability of staff and/or outside professional assistance would enable such an inquiry to be carried on effectively and thoroughly.</p>	<p><u>Process:</u> It is unusual, although not unknown, for a council to conduct its own fact-finding inquiry into a particular matter. Councils may, for instance, from time to time become involved in conducting a quasi-judicial hearing, or be required to provide natural justice in a particular matter involving, for instance, proposed dismissal of a public officer. Generally, the conduct of a public inquiry by the full council would probably raise serious issues of logistics and appropriateness. On the other hand, the establishment of a committee for such purpose, dependent upon such issues as the experience of the particular members of the committee, the extent to which the committee could call upon staff or outside professionals and/or counsel to assist, and other such issues, could render the council inquiry more effective and likely to accomplish the council's objectives.</p>
<p><u>Review in Public:</u> The inquiry could be in the open, at least to the extent that Council directed it to be so, subject to Council consideration of such issues as legal solicitor-and-client and/or litigation privilege, the need to protect confidentiality of one or more staff or other individuals, potential for litigation, or issues of confidentiality arising out of factors set out in section 239 of the <i>Municipal Act, 2001</i>, the <i>Municipal Freedom of Information and Protection of Privacy Act</i>, and other statutory and practical subject-matters of concern.</p>	<p><u>Specific Subject-Matter:</u> The actual or potential effectiveness of a council-conducted or directed public inquiry might or might not be more effective and thorough, and desirable in the public interest, dependent upon the specific subject-matter of the inquiry, and the extent to which, for instance, individual members of council might have a potential conflict of interest in dealing with such a matter.</p>
<p><u>Public Confidence:</u> Presumably, a full and fair public inquiry conducted by the Council itself, which provides full public disclosure of all of the information and evidence relevant to the subject-matter of the inquiry, may support public objectives and enhance public confidence in the results.</p>	<p><u>No Powers:</u> Aside from Council's authority with respect to its own officers and employees, the Council itself would have no special powers to require the attendance or testimony of individuals, or discovery of information through legal search and seizure.</p>

(4) **POLICE INVESTIGATION**

Dependent upon the seriousness of whatever allegations are made and the specificity and nature of whatever information may be available to the Council, Council may consider that the most

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appropriate response would be to refer the matter to the York Region Police Services, with a request that the matter be investigated by the police.

This is not a matter appropriate to discuss under Pro's and Con's, as an alternative to a public inquiry, but depends on the nature of the allegations made and the Council conclusion as to whether or not any inquiry or investigation should, at least at the outset, be handled as a police matter, pending which it may be most appropriate that the Council take no other action whatsoever.

At the same time, the fact of a police investigation does not necessarily preclude the Council, either immediately or at some time in the future, from pursuing the matter itself, dependent upon the circumstances existing at the time, and dependent upon legal issues involving the relationship between criminal and civil proceedings and inquiries.

(5) **JUDICIAL INQUIRY OR INVESTIGATION PURSUANT TO THE MUNICIPAL ACT, 2001, S. 274**

Section 274 of the Municipal Act, 2001 provides as follows:

274. (1) If a municipality so requests by resolution, a judge of the Superior Court of Justice shall,

(a) investigate any supposed breach of trust or other misconduct of a member of council, an employee of the municipality or a person having a contract with the municipality in relation to the duties or obligations of that person to the municipality;

(b) inquire into any matter connected with the good government of the municipality; or

(c) inquire into the conduct of any part of the public business of the municipality, including business conducted by a commission appointed by the council or elected by the electors.

(2) In making the investigation or inquiry, the judge has the powers of a commission under Part II of the Public Inquiries Act, which Part applies to the investigation or inquiry as if it were an inquiry under that Act.

(3) The judge shall report the results of the investigation or inquiry to the council as soon as practicable.

(4) The council may hire counsel to represent the municipality and pay fees for witnesses who are summoned to give evidence at the investigation or inquiry.

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(5) Any person whose conduct is called into question in the investigation or inquiry may be represented by counsel.

(6) The judge may engage counsel and other persons to assist in the investigation or inquiry and the costs of engaging those persons and any incidental expenses shall be paid by the municipality.

This provision, formerly section 100 of the previous *Municipal Act*, has existed substantially in its present form in Ontario municipal legislation since Confederation.

The principles which form the basis for this provision produce a form of inquiry somewhat analogous in law to public inquiries under the *Public Inquiries Act* (such as the Blood Inquiry a few years ago) and inquests under the *Coroners Act*.

Section 274 and its predecessor provisions of the *Municipal Act* have formed the basis for a number of judicial inquiries initiated by municipal councils in Ontario over the years.

Some of the best known of the recent judicial inquiries were:

1. the "Risdon Inquiry", established by the City of Toronto arising out of allegations of misconduct involving the City's Chief Plumbing Inspector (late 1970's);
2. the "Sarnia Inquiry", an inquiry established by the City of Sarnia concerning a series of land transactions in the former Town of Clearwater, which took place in late 1989 and early 1990. Litigation seeking to prohibit the inquiry from proceeding resulted in the inquiry not being held until 1998;
3. the "Toronto - MFP Inquiry", a review by the City of Toronto of its computer leasing contract with MFP Financial Services. In December, 2001, City Council requested the City Solicitor to submit a report to the Council on whether a public inquiry should be instituted pursuant to section 100 of the *Municipal Act*. Ultimately, the City proceeded with the inquiry (actually two separate inquiries into related issues), of which the second phase ended in 2005; and
4. the "RIM" Inquiry, concerning financial agreements between the City of Waterloo and MFP, the same company involved in the City of Toronto Inquiry. The RIM Inquiry commenced in 2002 and finished in 2003, following an extensive investigation undertaken by KPMG.

In general terms, the establishment of a section 274 judicial inquiry would involve the following:

- City Council receiving information of sufficient specificity and seriousness as to consider warranting a judicial inquiry, culminating in a decision to that effect;
- collection of information and potential evidence, possible investigation by staff and/or outside professional(s) or consultant(s), development of a list of witnesses and other preliminary matters relevant to the proposed inquiry;

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- at the same time, review and consideration of terms of reference meeting the requirements of the Act and generally of law, determining the nature of the proposed inquiry, which of the grounds and procedures referred to in section 274 should be pursued, and what form or subject-matter might be the basis of the ultimate judge's report;
- the hiring of legal counsel to represent the municipality and to provide advice to it with respect to its role in the inquiry;
- the establishment of a list of potential witnesses and areas of evidence to be pursued in the inquiry, and the issuance of summonses under Part II of the *Public Inquiries Act* requiring persons to attend to give evidence on oath or affirmation at the inquiry, and to produce in evidence at the inquiry such documents and things as the Commission may specify relevant to the subject-matter of the inquiry and admissible in evidence;
- contact by the City with the Superior Court of Justice to seek a judge, followed by engagement of the particular judge to whom the council's request is to be addressed;
- engagement by the judge of counsel and other persons to assist in the investigation or inquiry, with the costs of engaging those persons and any incidental expenses, to be paid for by the municipality, pursuant to section 274(6) of the *Municipal Act, 2001*;
- establishment of the council chambers, court room or other appropriate physical location for the inquiry to be conducted, together with the hiring or allocation of staff, the taking of security and other measures appropriate to enable the inquiry to proceed, and a large number of other steps necessary to commence and proceed with the inquiry and the performance of the judge's mandate under the Act, and in response to the request by City Council;
- persons affected by the inquest whose character or conduct may be the subject-matter of evidence, or who may be affected by the inquiry and/or its outcome, may seek standing as parties at the inquest, a matter which will have to be dealt with by the judge in accordance with law. The right to any person whose conduct is called into question at the inquiry to be represented by counsel, may also lead to requests to the City that it pay for such representation and other possible costs.

The nature of an inquiry under the authority of section 274 of the *Municipal Act*, is that, once the City has decided upon the nature of its request, in terms of one or more of the provisions of section 274(1) of the Act and has issued its request to the judge, from that point of time on, the judge is empowered to conduct the inquiry, and required to report the results to the Council as soon as practicable. The City Council has no further necessary role in the matter, other than, if it decides to do so, participating as a party at the inquiry, and responding to any litigation which may result surrounding the inquiry and the manner in which it is conducted.

This also means that, once the decision to proceed with the inquiry has been made by the Council, the City may well end up bearing substantial costs, involving every aspect of the conduct of the inquiry, while having no control over the inquiry, or any ability to curtail or otherwise limit the scope of the inquiry and its length, other than through the specific terms of reference created at the outset and provided to the judge. Essentially once such an inquiry is commenced, the City has no longer any control over its carriage or its costs.

Ultimately, the municipality may be called upon to pay counsel fees and other costs of a number of witnesses, including staff, appearing before the inquiry. The experience of some of the municipalities referred to above, would support a conclusion that almost inevitably, public inquiries under section 274 are significantly longer and more expensive than initially estimated by

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staff and Council, even on the best available information prior to embarking upon the inquiry.

This is not necessarily anyone's fault, simply that a public inquiry of this kind, once commenced, will run its course, and it is impossible prior to its commencement, except in the simplest of circumstances, to predict with any certainty where the terms of reference may take the inquiry, and what new issues and witnesses may come forward during the inquiry in circumstances which could not have been predicted before its commencement.

The nature of a judicial inquiry, the extensive powers granted to a judge, and the wide-ranging potential terms of reference, lead to the conclusion that such an inquiry may be appropriate and necessary to address extremely serious matters of public interest, allegations of serious misconduct, or issues of serious importance to the municipality, and should be based upon extremely specific and credible information and potential threat to the public interest, to warrant the expense, and the exercise of extreme powers made available to a judge conducting such an inquiry at the request of a municipality.

The Drafting of the Terms of Reference

One of the most important steps that must be taken at the beginning of the process is the drafting of the Terms of Reference upon which the judicial inquiry is to proceed.

In the litigation involving the Sarnia Inquiry, the Supreme Court of Canada stated as follows:

"The municipal council resolution contemplated by [section 274] must, to be sure, be intelligible. It must convey to the Commissioner and every other interested person the subject matter of the inquiry, and it must connect the subject matter to one or more of the matters referred to section 100 of the Municipal Act. It must provide those who appear before the Commissioner with a reasonable understanding of the scope, as well as the limits of the inquiry, so as to avoid the possibility, however remote, that an overly enthusiastic Commissioner or Commission counsel could, in effect, draw their own terms of reference. The [section 274] resolution must provide specific particularity to satisfy these legislative requirements."

One of the first duties of the judge (frequently referred to as the "Commissioner" - referable to references to a "commission" by the *Public Inquiries Act*, Part II of which applies to the judicial inquiry) is to decide, upon the application of persons claiming to have a substantial and direct interest in the subject-matter of the inquiry, whether or not one or more such persons should be given standing, i.e. an opportunity during the inquiry to give evidence and to call and examine or cross-examine witnesses personally or by counsel on evidence relevant to the person's interest.

Although technically it is only Part II of the *Public Inquiries Act* which is made specifically applicable to a municipal judicial inquiry, effectively, the provisions of Part I applicable to a commission appointed to conduct an inquiry under that Act, also will generally be followed.

Such provisions deal with when hearings must or need not be open to the public, what parties should be accorded rights of standing, and the general establishment of the principle that no finding of misconduct on the part of any person shall be made against the person in the inquiry report unless that person has had reasonable notice of the substance of the alleged misconduct and has been allowed full opportunity during the inquiry to be heard in person or by counsel.

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The Scope And Length Of Municipal Judicial Inquiries

While the specific terms of reference and, to some extent, the scope, of a judicial inquiry can be determined by the Council at the outset and embodied in the terms of reference, the actual scope of the inquiry as it develops, and the length of time which it takes to be completed, are virtually impossible to predict beforehand. A few examples in this regard may be of assistance to the City Council, (including information contained in a report, dated January 30, 2002, addressed to the Audit Committee, from the City Solicitor, City of Toronto).

Risdon Inquiry

The Risdon Inquiry, which took place in the late 1970's, concerned allegations of misconduct involving the Chief Plumbing inspector for the City of Toronto. The Risdon Inquiry involved 29 hearing days, 69 witnesses and 326 exhibits.

Sarnia Judicial Inquiry

The Sarnia Inquiry took place in 1998, concerning a series of land transactions in the former Town of Clearwater. The inquiry involved 33 hearing days, 38 witnesses and 326 exhibits. The total cost of the inquiry was \$600,000, plus approximately \$400,000 in costs associated with related legal challenges which went all the way to the Supreme Court of Canada.

Toronto Computer Leasing Inquiry/Toronto External Contracts Inquiry ("MFP" Inquiry)

The MFP Inquiry was really two separate inquiries into related issues, that took place consecutively. The first phase of the MFP Inquiry commenced in 2002 and ended in 2004. The second phase commenced in 2004 and ended in 2005. The MFP Inquiry involved 156 witnesses and cost approximately \$19.2 million.

Interestingly, in a Report to the Audit Committee in 2002, the City Solicitor had estimated that the cost of an inquiry itself, relating only to the MFP transactions would be \$1 million to \$2 million, based on an estimated cost per hearing day of \$10,500 and an estimate of 40 hearing days. The City Solicitor also estimated that the report of the inquiry would be submitted within one year of the resolution requesting the inquiry.

City of Waterloo RIM Park Financing Inquiry ("RIM Inquiry")

The RIM Inquiry concerned financing agreements between the City of Waterloo and MFP. The RIM Inquiry commenced in 2002 and finished in 2003. The total cost of the RIM Inquiry was \$3,767,761.00. Of that amount, the City's legal fees and expenses were \$1,292,639, the cost of Commission counsel and offices was \$2,410,267, the fees for parties with standing at the inquiry were \$41,863.41, the cost of the website was \$27,000 and the budget for responding to the inquiry recommendations was \$23,000.

Commission counsel for the RIM Inquiry advised us that a large part of the legal costs to the City were related to the investigation undertaken by KPMG, which cost was approximately \$750,000.00. There were five or six parties with standing at the Inquiry, which contributed to its length, since each party had the opportunity to examine each witness. The RIM Inquiry involved 42 days of hearing and heard from approximately 40 witnesses.

Difficulties in Getting the Inquiry Started

It is difficult to predict what difficulties may arise during the course of a judicial inquiry. Quite frequently, persons potentially affected by them commence litigation at the outset to attack the validity or the procedures followed in respect of the inquiry.

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In the case of the Sarnia Inquiry, legal proceedings for that purpose were heard by the Divisional Court (twice), the Ontario Court of Appeal (twice), and the Supreme Court of Canada. While the City was ultimately successful in establishing the Inquiry and its legal validity, it meant that by the time of the commencement of the Inquiry, approximately seven years after the facts which gave rise to it, the effectiveness of the Inquiry may have been diminished by the passage of time (although, as in the case of other inquiries, it does appear that the actual inquiry itself fulfilled the objectives and terms of reference established by the City Council which led to its creation).

Pro's and Con's of a Judicial Inquiry

PRO'S	CON'S
<p><u>Public Confidence:</u> In the face of serious allegations possibly involving potentially incriminating factual assertions and documentation, where a municipal council decides that it is essential for one or more of the purposes set out under s. 274, to initiate a judicial inquiry, and where such is done effectively, an inquiry of this kind serves the public interest in having a full and fair inquiry presided over by a respected, trusted, knowledgeable and objective judicial officer, responding to requests by the municipality for his or her professional and judicial assistance. This approach could pose the most effective municipal response, albeit an expensive one, toward satisfying public concerns and ensuring that a full, appropriate and legal light is shed upon conduct or events which have raised them.</p>	<p><u>Flexibility:</u> Section 274 of the Municipal Act, 2001 provides by far the most effective means of investigating and inquiring into a difficult matter of extreme seriousness to the municipality and to the public interest, ascertaining the factual circumstances which led to the emergence of those issues, satisfying the public that no stone has been left unturned in shedding light upon the conduct or facts in question, and ensuring that the public interest has been or will be served. At the same time, where less serious issues, which may or may not involve allegations of misconduct or wrongdoing, have arisen, it may be more useful for the Council to consider, at the outset, approaching the matter through one of the other means set out above, without committing the City to the full-scale procedure, commitment, complexity and cost of a full-scale judicial inquiry where such is not necessarily required by the circumstances in question. Once the inquiry is commissioned, as set out above, the City would have no flexibility at all with respect to its conduct, other than to appear before it as a party.</p>
<p><u>Powers:</u> As will be seen from s. 274, and the provisions of the Public Inquiries Act, a judicial investigation or inquiry under those provisions would provide the Inquiry with a high degree of investigative powers, including the power to require by summons the attendance of witnesses and the production of documents, the power of the judge to state a case to the Divisional Court for contempt for failure to attend, the protection of employees who, acting in good faith, make representations as a party or disclose information to the judge or the inquiry, the power of the inquiry to admit evidence not given under oath or affirmation, and the protection of witnesses giving testimony at the inquiry.</p>	<p><u>Expense:</u> As mentioned above, should the City decide to embark upon a s. 274 inquiry, it would also commit itself to paying the costs of the inquiry as well as its own participation. In the case of a relatively short inquiry, these costs may be predictable and relatively subject to some degree of limitation. However, in a major inquiry into complex and comprehensive issues and facts, the ultimate costs to the City may be very high indeed, probably unrecoverable from any other source. Such costs would include paying for the services of the judge, counsel to the inquiry and to the City (if outside counsel is retained), expert professional consultants, advisors and witnesses, possible counsel fees for lawyers for parties with standing in the inquest, salaries of court and other staff involved in the conduct of the inquiry, the provision .../13</p>

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PRO'S	CON'S
<p><u>Item 39, CW Report No. 15 – Page 13</u></p>	<p>or rental of accommodation for the inquiry over the period of time that it takes to complete, and administrative, photocopying, interpreter, transcript, court reporter and any other costs associated with the conduct of the inquiry, none of which are likely to be subject to control or limitation on behalf of the City. As mentioned above, costs of recent major judicial inquiries involved \$600,000.00 for the City of Sarnia (extending over 33 hearing days), \$3.8 million for the Waterloo RIM Inquiry (42 days), and \$19.2 million for the City of Toronto MFP Inquiry (which involved thousands of hours of investigation, 214 days of hearings, 124,000 pages of documents, 156 witnesses, 22 parties with standing and over 60 lawyers). The Toronto Computer Leasing Inquiry, presided over by The Honourable Madame Justice Denise E. Bellamy produced a 4-volume report, comprising 1,146 pages.</p>
<p>Review in Public: The legislative provisions and applicable jurisprudence both support the proposition that a judicial inquiry will, either entirely or to the extent permitted by law, be held in public. Typically, such inquiries are closely covered by the press and may, in fact, be televised and/or available on-line. All witnesses who may have evidence relevant to the subject-matter of the inquiry can be called, their evidence compelled to be given under oath or affirmation, and, as is frequently the case, the inquiry will seek out witnesses and sources of evidence which may arise or be disclosed during the course of the inquiry and may be considered relevant to its purposes. Often, the objectives of the inquiry are satisfied simply by its being held, and its shining a light on a series of transactions or conduct which explain why and how certain events have taken place, whether or not the inquiry produces recommendations or actions to be taken pursuant to its findings.</p>	<p>Specific Subject-matter: It is unclear on the basis of the information available to me at the present time exactly what is the nature of any subject-matter intended to form the basis for a public inquiry. Once again, should there be allegations of serious misconduct, or suspicious fact situations, posing substantial concern to the public interest and to the financial or other health of the City, such may be considered by the City Council to warrant consideration by a judicial inquiry and the incurring of the cost of such an exercise at public taxpayer expense. However, should the allegations be less serious, non-specific or ambiguous in nature, some of the other approaches to the problem referred to above, might be preferable and far less prejudicial to the City in terms of cost-effectiveness.</p>
<p>Thoroughness: The public inquiry under s. 274 is likely to be the most thorough, depending upon the scope of the terms of reference, of any of alternative courses of action available to the Council discussed herein.</p>	
<p>Expertise: The utilization of a Superior Court Justice as the inquiry commissioner, the availability to the inquiry of a professional and expert counsel, expertise and information, and the nature of the process, including the potential participation by the municipality in the inquiry, ensure that the highest level of expertise and professional assistance will</p>	<p>.../14</p>

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PRO'S	CON'S
<u>Item 39, CW Report No. 15 – Page 14</u> be available to the inquiry.	
<u>Process:</u> The process to be followed, developed through over 150 years of legislative history, together with all of the powers and safeguards associated with a hearing of this kind, provide a fair and public process, with full protections to those who may become involved.	

(6) **OTHER AVAILABLE MECHANISMS**

Other than the three principal approaches referred to above, and the possibility of a police investigation, at this point it may not be useful for the City to be giving consideration to possible other alternative means of addressing the issue.

Such further and other types of proceedings, which would apply only in the case of an extremely serious financial threat to the municipality, would include a Ministerial inquiry under section 3(h) of the *Municipal Affairs Act*, a Ministerial audit of the financial affairs of the municipality under section 9 of the *Municipal Affairs Act*, a Ministerial inquiry into the affairs of a municipality under section 10 of the *Municipal Affairs Act*, and an inquiry by the Ontario Municipal Board under Part III of the *Municipal Affairs Act* or section 54 of the *Ontario Municipal Board Act*.

(7) **ANY COMBINATION OF THE ABOVE**

It should also be noted, in passing, the possibility of combining one or more of the various potential approaches, such as requesting staff to conduct its own investigations while at the same time reporting the matter to the police, if such be the nature of the subject-matter of the proposals for a public inquiry.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council.

Regional Implications

Not applicable

Conclusion

This information report provides a framework within which Council can assess whether or not, and if so, in what manner, Council may inquire into allegations involving the management or affairs of the City.

Attachments

None

Report prepared by:

Janice Atwood-Petkovski

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Item 40, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

40 PROPOSED RESOLUTION – GTA/905 HEALTHCARE ALLIANCE

The Committee of the Whole recommends approval of the recommendation contained in the following report of Regional Councillor Frustaglio, dated March 26, 2007:

Recommendation

Regional Councillor Joyce Frustaglio recommends that this resolution be adopted;

WHEREAS local and timely access to health care and health care services is essential for building strong, prosperous and healthy communities;

WHEREAS the City of Vaughan is among the fastest growing communities in Ontario and a key community in the Provincial Growth Plan for Ontario;

WHEREAS provincial funding for health care and social services fails to take into account the increasing need for additional services locally in high growth regions of Ontario, such that there is a large and growing provincial funding gap for health and social services in the City of Vaughan and the GTA/905 regions compared to the rest of Ontario;

WHEREAS the City of Vaughan fully supports Premier McGuinty's request for a fairer share of the federal transfer payments and that Ontario's argument with the federal government parallels the City of Vaughan's and the GTA/905's health and social services funding gap situation vis-à-vis other Ontario regions;

WHEREAS York Region residents are now contributing more than \$170 million to the province of Ontario by way of the health care tax;

THEREFORE be it resolved that the City of Vaughan request the Province of Ontario to provide immediate growth funding to the City of Vaughan's and other GTA/905 hospitals, health care and social services so they can meet the needs of the growing number of residents in their communities;

FURTHER that the City of Vaughan request the Province of Ontario to commit to allocating provincial health and social services to Local Health Integration Networks (LHIN) and Ontario regions on the basis of population size, growth and characteristics, i.e. population-based funding;

AND FURTHER that the City of Vaughan request the Province of Ontario to develop a health and social services plan for Ontario's high growth regions to help build the "complete communities" envisioned in the *Places to Grow Act*;

AND THAT THIS RESOLUTION be sent to the Premier of Ontario, the Minister of Health and Long-Term Care, the Minister of Finance and the Association of Municipalities of Ontario.

Purpose

The City of Vaughan Council has joined a number of other communities across the GTA/905 by unanimously endorsing a resolution calling on the Ontario Government to improve local access to hospital and health care services by addressing the growing gap in health care funding inequities facing residents in Vaughan, York Region and other GTA/905 regions.

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Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council, to enhance the quality of life for our residents. No additional resources are necessary.

Regional Implications

The under funding for Human Services in high growth communities such as York Region must be immediately fixed through a new provincial growth funding model based on a per capita system.

A recent PricewaterhouseCoopers report found a \$1.5 billion annual funding gap in provincial funding for GTA/905 residents when compared to other regions in Ontario. The report found that GTA/905 residents face a \$551.5 million funding gap in social services, \$899 million gap for hospital care and \$90 million gap for home care. The gap results from a \$181 less in per capita funding for social services and a \$246 less per capita gap for health care services for GTA/905 residents compared to the rest of Ontario. In both sectors, the gap in provincial funding between the GTA/905 and the rest of the province is widening.

Conclusion

The GTA/905 Healthcare Alliance is the collective voice of acute care and mental health hospitals across the GTA/905 regions. Alliance hospitals provide care in communities that represent more than 25 per cent of Ontario's population. The GTA/905 area is the fastest growing region in Ontario, increasing by more than 100,000 new residents annually and accounts for more than half of Ontario's annual population growth.

Attachments

1. Media Release from the GTA/905 Healthcare Alliance

Report prepared by:

Joy Ciafardoni, Council Executive Assistant

(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.)

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Item 41, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

**41 EXTENSION OF FIRST RIGHT OF REFUSAL TO LEASE PREMISES –
ELECTIONS CANADA – MERINO CENTENNIAL CENTRE**

The Committee of the Whole recommends that the following report of the Commissioner of Community Services, dated March 26, 2007, be received:

Recommendation

The Commissioner of Community Services, in consultation with the Directors of Recreation and Culture and Legal Services, recommends:

1. That Council provide direction to extend the first right of refusal to lease premises for Merino Centennial Centre to Elections Canada from March 31, 2007 to December 31, 2007; and
2. If a federal election is called and Election Canada wishes to lease Merino Centennial Centre, staff is authorized to make the necessary arrangements to facilitate the completion of the lease agreement.

Economic Impact

There is no economic impact to execute the First Right of Refusal to lease the premises. However, if a lease is executed the City of Vaughan will receive revenue as per the lease agreement.

Communications Plan

If a federal election is called and Elections Canada leases the premises, staff will meet with the various user groups from Merino Centennial Centre to assist in addressing their various needs.

Purpose

The purpose of this report is to seek Council direction to extend the first right of refusal to lease premises for Merino Centennial Centre to Elections Canada from March 31, 2007 to December 31, 2007. Also, if a federal election is called during that period, staff request Council approval to execute a lease on behalf of the City of Vaughan with Elections Canada for a seven (7) week period during this time.

Background - Analysis and Options

On June 12, 2006, Council approved Elections Canada using Merino Centennial Centre for a seven (7) week period should a federal election be called between then and March 31, 2007. In light of the fact that a federal election has not been called to date, Elections Canada has requested approval to change the end date of the first right of refusal from March 31, 2007 to December 31, 2007. (*Lease of City Building – Merino Centennial Centre. Council, June 12, 2006, Item 6, Committee of the Whole, Report No. 33*)

Staff request Council direction to extend the first right of refusal to lease the premises for Merino Centennial Centre to Elections Canada from March 31, 2007 to December 31, 2007. Also, if approved by Council and a federal election is called during that period, staff request Council approval to execute a lease agreement between the City of Vaughan and Elections Canada for a seven (7) week period.

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Relationship to Vaughan Vision 2007

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

Regional Implications

None

Conclusion

Staff seek Council direction to extend the first right of refusal for lease premises for Merino Centennial Centre to Elections Canada from March 31, 2007 to December 31, 2007. Also, if a federal election is called during this time period, staff request Council approval to execute a lease on behalf of the City of Vaughan with Elections Canada for a seven (7) week period. All other terms and conditions will remain as approved by Council in June 12, 2006. (*Lease of City Building – Merino Centennial Centre. Council, June 12, 2006, Item 6, Committee of the Whole, Report No. 33*)

Attachments

1. Letter from Elections Canada dated February 14, 2007
2. Lease of City Building – Merino Centennial centre. Council, June 12, 2006, Item 6, Committee of the Whole, Report No. 33

Report Prepared By

Diane LaPointe-Kay, Director, Recreation and Culture
Glyn Onizuka, Solicitor

(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.)

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Item 42, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

42 RECONSTRUCTION OF FRAN DRIVE AND HURRICANE AVENUE

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of Councillor Carella, dated March 26, 2007, be approved; and

- 2) That appropriate staff be directed to attend any community meeting that may be convened by the Ward Councillor to determine the wishes of the affected residents respecting the possible urbanization of these streets and that such meeting take place in an appropriate City facility.

Recommendation

Councillor Tony Carella recommends that appropriate staff be directed to undertake at the earliest opportunity pre-design investigations in respect of the reconstruction of Fran Drive and Hurricane Avenue, and to complete the detailed design of same in time for consideration of the project as part of the 2008 budget process.

Economic Impact:

Nil

Purpose:

To address the concerns of local residents that the condition of the subject streets is substandard.

Communication Plan:

The local councillor will inform area residents in writing of Council's response to this recommendation, which proceeds from their stated concerns.

Background - Analysis and Options:

Excluding regional roads (including former provincial highways 7 and 27) and provincial highways (400, 407, and 427), the City of Vaughan maintains over 800 kilometers (or 500 miles) of roadways, all of which are regularly inspected over a three year cycle. As the subject streets were last inspected in 2004, they are due for inclusion in this year's inspection process, expected to be completed before the end of May. Information gained from annual inspections is recorded in the City's Pavement Management System data base, analysis of which will form part of the proposed five-year pavement management report presented to the Committee of the Whole in its working session of March 20, 2007. Given the current condition of both streets as a result of visible deterioration since the 2004 inspections, it is very likely that reconstruction, currently slated for 2010, may be advanced one or two years, based on staff recommendation.

The speed with which this project can be effectively addressed will be determined by a number of factors. As the streets are already scheduled for reconstruction (i.e., upgrading from a surface-treated road to a hot-mix asphalt road requiring base and surface reconstruction), a geo-technical

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investigation is required, as well as an evaluation of the condition of the water and sanitary sewer systems. If the latter need replacement, this work should be undertaken at the same time as the roadway reconstruction (as is being done on nearby Hawman Avenue, where the timing of both roadwork and sewer replacement---scheduled for 2006 and 2008---is being coordinated in 2007, to avoid disrupting local traffic twice in three years).

Related to these issues is the question of whether the streets should be urbanized (i.e., be rebuilt with curbs, gutters and storm sewers) or reconstructed 'as is', with drainage ditches running along both sides of the roadways. A final determination of the wishes of area residents in this regard is advisable, and can be effected by means of a community meeting, which the local councillor is prepared to convene at the earliest opportunity. If urbanization is advised, that will impact the detailed design and subsequent tender documents.

Lastly, given the timing of the 2007 budget approval process, it is unlikely that the pre-design, detailed design, and tendering processes can be completed in time to ensure reconstruction can be completed prior to the winter shut down late this year. And if they were, the cost of the project---as is usually the case with projects tendered late in the year---would be noticeably higher. In the alternative, attending to the pre-design and detailed design of the project during 2007 will permit the inclusion of the project in the 2008 budget and, upon approval of the budget, will allow for an early tender and completion of the project within the 2008 construction season.

Regional Implications:

Nil

Relationship to Vaughan Vision 2007:

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

Conclusion:

It is appropriate to begin to address the concerns of local residents regarding the condition of Fran Drive and Hurricane Avenue.

Attachments:

None

Report prepared by:

Councillor Tony Carella

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43

NOISE BY-LAW

The Committee of the Whole recommends approval of the recommendation contained in the following report of Mayor Jackson, dated March 26, 2007:

Recommendation

Mayor Linda D. Jackson recommends that staff prepare a report for the Committee of the Whole meeting of May 28, 2007 which revisits the current Noise By-Law #96-2006, put into effect on April 10, 2006. The report should be inclusive of, but not limited to:

- A summary of the costs associated with monitoring decibel levels at private and community events,
- A summary of the various decibel level ratings,
- A summary of the number of permits issued, fees paid and locations of special events (both public and private), and
- Recommendations for possible amendments to the existing bylaw.

Economic Impact

None.

Communications Plan

None required.

Purpose

To review the effectiveness of and adherence to the existing Noise By-Law with a view to affecting improvements of same.

Background - Analysis and Options

Many private social associations rent or lease grounds in the City of Vaughan for the purposes of hosting fairs, celebrations, etc. The City of Vaughan is committed to ensuring that opportunities for private celebrations continue to exist, while preserving our residents' right to enjoyment of their private properties.

Relationship to Vaughan Vision 2007

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

Regional Implications

None.

Conclusion

A staff report which revisits the current Noise By-Law #96-2006, put into effect on April 10, 2006,

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will assist Council in ensuring that opportunities for private celebrations continue to exist, while preserving our residents' right to enjoyment of their private properties.

Attachments

None.

Report prepared by:

Mirella Compagno

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Item 44, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

44 RECREATION BOCCE TO SENIOR CLUBS - OFF PEAK HOURS

The Committee of the Whole recommends approval of the recommendation contained in the following report of Councillor Di Vona, dated March 26, 2007:

Recommendation

Councillor Bernie DiVona recommends:

1. The City of Vaughan receive the petition from residents/seniors of the City of Vaughan. (See *appendix 1*).
2. The City of Vaughan Council reconsider the level of service provided as outlined, as contained in this report, and restore the “free” use of indoor bocce during off peak hours from Monday to Friday throughout Vaughan.

Economic Impact

There is no additional impact to the indoor bocce facilities. The restoration of the policy would result in seniors to “operate the use of the courts without staff assistance” during the off peak hours. Minor reduction in revenue would be offset by existing supervision during off peak hours.

Purpose

The City of Vaughan has four indoor bocce facilities throughout the municipality for use throughout the day and evening. For sometime, seniors have expressed they would like to have the opportunity during “off peak” hours (12 noon to 5 p.m.) to use indoor bocce courts for “free” as they are unable to travel at night and are “shut in”, experience restricted movement or opportunity as they take care of children or baby-sit, unable to compete with adults during the evening and competitive users, or have limited funds to “pay as you go”.

The City of Vaughan over the past decade did regularly provide “free” off peak indoor bocce use, i.e. regularly provided level of service to senior clubs.

The City of Vaughan Council is being requested to restore a level of service to the senior members of the community during off peak hours.

Background - Analysis and Options

For more than the past decade, the City of Vaughan provided as both a practice and then a policy, seniors with the “free of charge” use of indoor bocce courts during off peak periods, Monday to Friday.

The original Corporate Policy (89.11 (0*8) reads:

“Senior citizens are allowed free use of the courts during weekday and daytime hours”

City of Vaughan Corporate Policy Manual 03.3.18
(Appendix 2)
CNL 89.11(08)

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Prior to the establishment of this corporate policy some indoor bocce facilities had “free” off peak use of bocce courts and various levels of fees being paid at various facilities for other non senior users. The policy, in essence, formalized a benefit that was understood to be provided to “senior citizens” during “off peak” hours.

In **1997**, the City of Vaughan opened Chancellor Community Centre and shortly thereafter entered into an agreement with the Chancellor Bocce Club to manage and regulate bocce. The bocce club managed and operated the bocce operations at night, as part of a pilot project, and were advised by the Recreation Department that the existing policy of “free” off peak use during the day would be continued. The bocce club provided bocce balls for the seniors to use. (See Bocce Committee-Agreement Renewal dated June 26, 2000 (**Appendix 4**) and the final agreement dated May 6, 2002.

The City of Vaughan Director of Recreation tabled a report to change the structure of bocce service delivery as a result of many factors and challenges. Concurrently, other clubs throughout Vaughan also experienced “free” indoor use of bocce by senior clubs, i.e. Garibaldi (Dufferin /Clark), West Woodbridge (Martingrove) and Maple (Keele).

The City of Vaughan reviewed and updated the bocce policy in both **2002**, and again in **2003**, after considerable community consultation. The revised and current corporate policy, as circulated reads:

“Seniors continue to benefit from the use of bocce courts free of charge during non prime time hours five days a week from 12-5 p.m. year round at all four locations. Seniors operate the use of the courts without staff assistance during this time. Direct costs to the City include staff maintenance and utility costs”.

City of Vaughan Policy Manual 04.1.18
(Appendix 3)
CNL 89.11(08)
CNL 02.10.15
CNL 03.06.23

Important: The above reference City of Vaughan Policy Manual 04.1.18 represents the current /existing policy as circulated.

Further, the Director of Recreation reconfirmed that while the bocce rates would be changing, as the rate of recovery for bocce was extremely low, the practice to support or assist seniors during off peak hours would continue.

“As per Council’s policy, seniors would continue to play during the day at no charge”.
(emphasis added)-- May 13, 2002. (Appendix 5).

The City of Vaughan Recreation Department continued to undergo review of “indoor bocce usage at city operated facilities” **June 10, 2003**, and the report contained the “new” corporate established policy to charge \$55 as annual membership. (Appendix 6)

However, the Director of Recreation reconfirmed that while bocce rates would be changing, she writes,

“Seniors continue to benefit from the use of bocce courts free of charge during non prime time hours five days per week from 12-5 p.m. year round at all four locations. Seniors operate the use of the courts without staff assistance during this time.” (Appendix 7)

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On **April 26, 2004**, the City of Vaughan reviewed the “recreation bocce program” and included a fee for NON PRIME TIME, BUT IT EXCLUDED CHARGING SENIORS DURING NON PRIME TIME.

“The present practice of allowing seniors to play Monday through Friday during non prime time would continue; however, seniors would be required to pay a nominal membership fee of \$15 per year for Vaughan residents.”

The policy “continuance” policy would suggest that during the non prime time that there would be “no charge” as this was the practice used during the past decade or more. It also provided for the introduction of a nominal charge during “off peak” hours. This would suggest or imply that those users that are non seniors during off peak hours are obliged to pay a nominal fee.

Furthermore, the City of Vaughan continued to review the recreation bocce use and again reported one year later and restored the “no charge” to seniors during non peak hours.

On June 23, 2003, the Commissioner of Community Services, reported on “**recreation bocce program**”. ***On page 2 he reports, “Seniors continue to benefit from the use of bocce courts free of charge during non prime time hours five days per week from 12-5 p.m. year round at all four locations. Seniors operate the use of the courts without staff assistance during this time. Direct costs to the City include staff maintenance and utility costs.*** (Appendix 9). The City of Vaughan approved the recommendation “receive for information”.

However, a chart showing a fee for bocce during off peak hour was contained within several reports.

Currently, there is some staff resources used, and any restoration of the “old” policy to allow the “Free” off peak use would be based on the premise of “without staff assistance”.

Lastly, during the Budget Committee discussion, it was directed that “budget consultation process with stakeholders be initiated earlier” December 12, 2005. Contained within the same report are fees, but no reference to the \$15/court/2 hours off peak hours.

During the preparation of this report, SAVI was contacted that they expressed that they have no recollection of bocce being discussed during the review and revision of the City of Vaughan Senior Policy.

During the preparation of this report several senior clubs and bocce clubs were contacted and they have signed the petition in support of the restoration of “free” use of indoor bocce during off peak hours.

Relationship to Vaughan Vision 2007

Programs and services which are provided by the City in pursuing its mandate of being a significant provider of recreation and culture to the residents of Vaughan and that promote active living and well being amongst the widest cross section of the population, particularly for target groups such as youth, seniors, and other identified groups.

Conclusion

The City of Vaughan during the past decades had both a practice and policy to provide seniors with “free” bocce during off peak hours. This includes past corporate policies and the existing corporate policy as distributed.

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Staff reports over the past decade has outlined and reconfirmed the principle and importance to promote active living and provide seniors with “free” bocce during off peak hours. We refer to Appendix 2 to 9 as prepared by Community Services.

The City of Vaughan Budget Committee recommendation, approved by Council, reconfirmed the need and importance that early prior consultation is needed. SAVI, and various senior clubs have reconfirmed no prior knowledge or participation in any changes in the policy. (In fact, the policy, of 2004 was reversed by staff report dated 2005 in which \$15 had been included and then referenced as “no charge”).

The City of Vaughan Recreation Department is requested to provide the senior clubs with the opportunity to provide “free” off peak period uses, subject to no additional staff assistance with this service level.

Attachments

Appendix 1
Appendix 2
Appendix 3
Appendix 4
Appendix 5
Appendix 6
Appendix 7
Appendix 8
Appendix 9

Report prepared by:

Councillor Bernie DiVona, ext. 8339.

(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.)

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EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 2, 2007

Item 45, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

45 REGION OF YORK TRAFFIC REVIEW- WESTON ROAD AND VILLA ROYALE AVENUE

The Committee of the Whole recommends approval of the recommendation contained in the following report of Councillor Di Vona, dated March 26, 2007:

Recommendation

Councillor Bernie DiVona recommends:

1. The City of Vaughan receives the letter dated March 7, 2007 from Villa Royale Shopping Centre Inc. and requests the Region of York to review and complete a traffic control study in the vicinity of the above referenced intersection.
2. That the City of Vaughan Council, acknowledge concerns raised by the local shopping centre, residents of Vellore with respect to volume of traffic, turning delay, pedestrian safety, and therefore supports the request for the Regional Municipality of York to complete a traffic control study including options, costs, and opportunities to address the traffic and pedestrian safety matters raised.
3. It is further requested, that the Regional Municipality of York, consults with the City of Vaughan Engineering Department and produce a report at the earliest opportunity, no later than the end of May 2007.

Economic Impact

No financial impact.

Purpose

To request a traffic study review of Weston Road and Villa Royale Avenue to address traffic, pedestrian safety.

Background - Analysis and Options

Since 2002 the area Vellore community has grown substantially and vehicular traffic has increased. A secondary school, community centre, and several shopping plazas now operate in the vicinity of Weston Road and Villa Royale Avenue. Concerns have been raised with respect to lack of traffic signalization at the intersection of Weston Road and Villa Royale Avenue, pedestrian safety crossing to attend both the secondary school and community centre from an adjacent walkway, and vehicular access, turning delay, to the shopping plaza.

Relationship to Vaughan Vision 2007

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

Conclusion

The traffic review will ensure the necessary and appropriate attention, examination and execution of traffic controls will be put in place to address both vehicular and pedestrian safety.

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Attachments

Letter from Villa Royale Shopping Centre Inc. dated March 23, 2007.

Report prepared by:

Councillor Bernie DiVona, ext. 8339.

(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.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 2, 2007

Item 46, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

46

LITIGATION MATTER

This matter was considered at the Special Council meeting of March 26, 2007. Please refer to Minute No. 49.

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EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 2, 2007

Item 47, Report No. 15, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on April 2, 2007, as follows:

By approving that the following resolution be adopted:

WHEREAS on November 20, 2006 the United Nations General Assembly designated March 25, 2007 as the “International Day for the Commemoration of the 200th Anniversary of the Abolition of the Trans-Atlantic Slave Trade”; and

WHEREAS the Commemoration of the 1807 decision by the British Parliament to abolish the slave trade, acknowledges that this trade in human lives is a crime against humanity and that the forced transportation of millions of Africans as slaves, among the worst violations of human rights;

NOW THEREFORE, The City of Vaughan and members of Council, in respect of the “International Day for the Commemoration of the 200th Anniversary of the Abolition of the Trans-Atlantic Slave Trade” do hereby proclaim April 9 as its day to commemorate this day of recognition;

AND IN SO DOING, respectfully acknowledge the history of African enslavement.

By receiving the written submission from Councillor Shefman, dated April 1, 2007.

47

**DEPUTATION – MS. SHERNETT MARTIN
THE VAUGHAN AFRICAN ASSOCIATION WITH RESPECT TO
BICENTENARY OF THE ABOLITION OF THE TRANS ATLANTIC SLAVE TRADE**

The Committee of the Whole recommends:

- 1) That the deputation of Ms. Shernett Martin, The Vaughan African Canadian Association, and written submission dated March 26, 2007, be received; and
- 2) That two minutes of silence be observed to commemorate the Bicentenary of the Abolition of the Trans Atlantic Slave Trade.

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EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 2, 2007

Item 48, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

48

NEW BUSINESS – CROSSING GUARD REPLACEMENTS

The Committee of the Whole recommends that staff provide a report with respect to the replacement of crossing guards due to unexpected absences.

The foregoing matter was brought to the attention of the Committee by Councillor Yeung Racco.

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EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 2, 2007

Item 49, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

49

**NEW BUSINESS – VERBAL REPORT REGARDING
A MEETING DEALING WITH THE REGIONAL THERMAL TREATMENT PLANT**

The Committee of the Whole recommends that the verbal report of Regional Councillor Ferri, advising of a special meeting at the Region of York regarding potential sites for the proposed thermal treatment facility, be received.

The foregoing matter was brought to the attention of the Committee by Regional Councillor Ferri.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 2, 2007

Item 51, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

51

**NEW BUSINESS – REQUEST FOR REPORT REGARDING
MUNICIPALITIES AFFECTED BY INVASIVE SPECIES**

The Committee of the Whole recommends that the Director of Corporate Communications in consultation with the Director of Parks Operation and Forestry provide a report identifying all municipalities affected by invasive species and particularly by the Asian Long-Horned Beetle.

The foregoing matter was brought to the attention of the Committee by Councillor Di Vona.

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Item 52, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

52

**NEW BUSINESS – REQUEST FOR REPORT REGARDING
ENHANCING THE ROAD WATCH PROGRAM IN THE CITY OF VAUGHAN**

The Committee of the Whole recommends that the Human Resources Department in consultation with the Legal Services Department and the Safe City Committee provide a report with respect to the necessary and appropriate steps required to enhance the City's Road Watch Program.

The foregoing matter was brought to the attention of the Committee by Councillor Di Vona.

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Item 53, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

53

NEW BUSINESS – LAST MINUTE ADDENDUMS

Regional Councillor Rosati requested that addendums not be permitted just prior to the Committee of the Whole and Council meetings unless they are of an urgent nature.

The foregoing matter was brought to the attention of the Committee by Regional Councillor Rosati.

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EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 2, 2007

Item 54, Report No. 15, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 2, 2007.

54

**NEW BUSINESS – VERBAL REPORT WITH RESPECT TO
A MEETING WITH THE MINISTER OF FINANCE**

Regional Councillor Frustaglio provided details of Finance Minister Greg Sorbara's post-budget breakfast meeting that morning at the Vaughan Chamber of Commerce.

The foregoing matter was brought to the attention of the Committee by Regional Councillor Frustaglio.