

**CITY OF VAUGHAN
 COUNCIL MINUTES
 NOVEMBER 24, 2009**

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CITY OF VAUGHAN

COUNCIL MEETING

TUESDAY, NOVEMBER 24, 2009

MINUTES

1:00 P.M.

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

The following members were present:

Regional Councillor Joyce Frustaglio, Chair
Regional Councillor Mario F. Ferri
Regional Councillor Gino Rosati
Councillor Tony Carella
Councillor Bernie Di Vona
Councillor Peter Meffe
Councillor Sandra Yeung Racco

Also present: Vaughan Youth Councillor Ali Fatehzadah

214. CONFIRMATION OF AGENDA

MOVED by Regional Councillor Ferri
seconded by Councillor Di Vona

THAT the agenda be confirmed.

AMENDMENT

MOVED by Regional Councillor Ferri
seconded by Councillor Di Vona

That the following addendums be added to the agenda:

- 1) **RECOMMENDATION OF SELECTION COMMITTEE FOR THE COMMISSIONER OF FINANCE/CITY TREASURER VACANCY SECOND SUPPLEMENTAL REPORT**

Confidential report of the Selection Committee with respect to the above.

- 2) **BY-LAW NUMBER 267-2009**
(tem 14, Committee of the Whole Report No. 50)

A By-law to amend the Consolidated Traffic By-law 284-94, as amended, to govern and control traffic in the City of Vaughan. (Allway Stop Signs - Via Campanile / La Rocca; Vellore Avenue / St. Urbain Drive; and Vellore Avenue / Maria Antonia)

- 3) **BY-LAW NUMBER 268-2009**
(Item 10, Committee of the Whole (Closed Session) Report No. 51)

A By-law to declare City land surplus and to authorize the sale of City lands, described as Block 148, Registered Plan 65M-3348, and to authorize the execution of the Agreement of Purchase and Sale.

CARRIED UNANIMOUSLY

Upon the question of the main motion:

CARRIED AS AMENDED

215. DISCLOSURE OF INTEREST

Councillor Di Vona declared an interest with respect to Item 21, Committee of the Whole Report No. 50, DEPUTATION – MR. FRANK J. STADLER, MAPLEWOOD RAVINES HOMEOWNERS, ASSOCIATION WITH RESPECT TO THE RIZMI GRAVEL PIT, AT DUFFERIN STREET AND KIRBY ROAD, as he may be called as a witness in a related legal proceeding.

216. ADOPTION OR CORRECTION OF MINUTES

MOVED by Councillor Yeung Racco
seconded by Regional Councillor Rosati

THAT the minutes of the Council meeting of November 3, 2009 be adopted as presented.

CARRIED

MOVED by Regional Councillor Ferri
seconded by Councillor Carella

That the minutes of the Special Council meeting of November 10, 2009, be adopted as presented.

CARRIED

217. TAX ADJUSTMENTS PURSUANT TO SECTIONS 357, 358, 359 OF THE MUNICIPAL ACT, S.O. 2001

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

MOVED by Regional Councillor Rosati
seconded by Regional Councillor Ferri

That the recommendation contained in the following report of the Director of Financial Services, dated November 24, 2009, be approved:

CARRIED

Recommendation

The Director of Financial Services, in consultation with the Manager of Property Tax & Assessment recommends:

That the tax adjustments as outlined on the attached report be approved.

Contribution to Sustainability

This is not applicable to this report.

Economic Impact

The City's share of these property tax adjustments is approximately \$59,347. A provision for tax adjustments has been budgeted.

Communications Plan

As required by the Act, notification of this meeting has been sent to all applicants and persons in respect of whom the applications were made, at least 14 days prior to the meeting.

Purpose

To obtain Council's approval for the increase or cancellation of property taxes as permitted under the *Municipal Act, 2001*.

Background - Analysis and Options

Sections 357 and 358 – Cancellation, Reduction or Refunds:

One hundred and twelve (112) applications have been prepared for Council's consideration for the cancellation, reduction or refund of taxes for the current and prior tax years, under sections 357 and 358 of the *Municipal Act, 2001, as amended*. There are various reasons for tax adjustments such as property becoming exempt, roll numbers being cancelled by the Municipal Property Assessment Corporation (MPAC), buildings that have been demolished or razed by fire, and properties that have been over assessed by a gross or manifest clerical error. These tax adjustments do not relate to collection issues. Properties affected by the August 20 Tornado will be processed in a future separate item, as applicable.

Five (5) applications have been included for Council's consideration but do not require adjustment. They have not qualified for any adjustment under sections 357 and 358 of the *Municipal Act, 2001, as amended*.

The total cancellation, reduction or refund of taxes, as recommended is \$310,311. The City portion of this amount is \$59,347, or approximately 19%. The tax adjustments relating to commercial and industrial properties are prior to any recalculations resulting from the capping legislation.

Section 359 – Increase of Taxes:

One (1) application has been prepared under section 359, *Municipal Act, 2001, as amended*, for Council's consideration. The increase in tax on these applications is the result of a MPAC assessment roll error where the property was incorrectly assessed under an apportioned roll number. The apportionment should not have occurred. Reasons for Section 359 adjustments can include gross or manifest errors that are clerical or factual, including transposition of figures, topographical, but cannot be an error in judgment in assessing the land. The total additional tax as recommended is \$3,498. This City portion of this amount is \$473.

Relationship to Vaughan Vision 2020

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

Regional Implications

The Region's share of these property tax adjustments is approximately \$114,339 or approx. 37%.

Conclusion

Council approval of the applications in this report will allow staff to proceed with the property tax adjustments as applicable. The applicant also has the right to appeal the decision to the Assessment Review Board if so desired.

Attachments

Attachment 1 - Tax Appeal Report

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.)

218. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

The following items were identified for separate discussion:

Committee of the Whole (Working Session) Report No. 49

Item 1

Committee of the Whole Report No. 50

Items 2, 6, 15, 21, and 23

Committee of the Whole (Closed Session) Report No. 51

Items 3, 6, and 7

Addendum Items

1, 2 (By-Law 267-2009), and 3 (By-Law 268-2009)

MOVED by Regional Councillor Rosati
seconded by Regional Councillor Ferri

THAT Items 1 and 2 of the Committee of the Whole (Working Session) Report No. 48, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 4 of the Budget Committee Report No. 7, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 and 2 of the Committee of the Whole (Working Session) Report No. 49, with the exception of the item identified for separate discussion, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 4 of the Budget Committee Report No. 8, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 23 of the Committee of the Whole Report No. 50, with the exception of the items identified for separate discussion, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 10 of the Committee of the Whole (Closed Session) Report No. 51, with the exception of the items identified for separate discussion, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 4 of the Committee of the Whole (Public Hearing) Report No. 52, BE APPROVED

and the recommendations therein be adopted;

THAT Items 1 to 3 of the Strategic Planning Committee Report No. 4, BE APPROVED and the recommendations therein be adopted; and

THAT Items 1 to 5 of the Audit and Operational Review Committee Report No. 3, BE APPROVED and the recommendations therein be adopted.

CARRIED

219. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

COMMITTEE OF THE WHOLE REPORT NO. 50

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

ITEM - 2 SIGN VARIANCE APPLICATION
FILE NO: SV.09-019
OWNER: ZZEN GROUP
LOCATION: SOUTH SIDE HIGHWAY 7
CONCESSION 9, PART OF LOT 6
WARD 2

MOVED by Councillor Carella
seconded by Councillor Di Vona

That this matter be deferred to the Committee of the Whole meeting of December 1, 2009;

That the memorandum from the Chair, Sign Variance Committee, dated November 20, 2009, be received; and

That the written submission from Mr. Graham Armstrong, Pattison Outdoor Advertising, 2285 Wycroft Road, Oakville, L6L 5L7, dated November 24, 2009.

CARRIED

ITEM - 6 OFFICIAL PLAN AMENDMENT FILE OP.09.002
ZONING BY-LAW AMENDMENT FILE Z.09.009
MADISON BATHURST HOLDINGS LIMITED
WARD 1

MOVED by Councillor Di Vona
seconded by Councillor Carella

THAT Item 6, Committee of the Whole Report No. 50 be adopted and amended, as follows:

By receiving the following written submissions:

- a) Ms. Brooke Elsner, dated November 23, 2009;
- b) Mr. and Mrs. David Pisarek, 12 Asner Avenue, Vaughan, L6A 0W3, dated November 23, 2009;
- c) Mr. Matthew Ber, 34, Carmel Street, Vaughan, L6A 0W7, dated November 23, 2009; and
- d) Ms. Marina Avisar, dated November 24, 2009.

CARRIED

ITEM - 21 DEPUTATION – MR. FRANK J. STADLER, MAPLEWOOD RAVINES
HOMEOWNERS
ASSOCIATION WITH RESPECT TO THE RIZMI GRAVEL PIT
AT DUFFERIN STREET AND KIRBY ROAD

MOVED by Regional Councillor Rosati
seconded by Councillor Meffe

THAT Item 21, Committee of the Whole Report No. 50 be adopted and amended, as follows:

By approving the following:

That the deputation be received;

That, without undermining the integrity of the planning process and any possible legal process and strictly on a without prejudice basis, that council appoints a committee for discussion purposes, comprised of the local councillor, the three regional councillors and the Mayor, the ratepayers group, the owners, appropriate city staff, and an invited regional staff person and a provincial representative, to enter into discussion and for education purposes as well to identify possible solutions that may be applicable to the lands in question;

That, further, on a without prejudice basis, that the respective lawyer of the ratepayers and the owners contact the city lawyer as may be appropriate in reference to this matter, and that staff prepare any documents (if required) for the purpose of clarity and integrity of the process; and

That all members of Council be informed in advance of the date, place, and hour of all meetings;

By receiving the confidential memorandum from the Director of Legal Services, dated November 23, 2009; and

By receiving the following written submissions:

- a) Ms. Carrie Liddy, dated November 12, 2009;
- b) Mr. Ira T. Kagan, Kagan Shastri, Barristers & Solicitors, 188 Avenue Road, Toronto, M5R 2J1, dated November 16, 2009;
- c) Mr. Michael Miller, Aylesworth, Barristers & Solicitors, P.O. Box 124, 18th Floor, 222 Bay Street, Toronto, M5K 1H1, dated November 17 and 19, 2009; and
- d) Mr. Cam Milani, 11333 Dufferin Street, P.O. Box 663, Maple, L6A 1S5, dated November 19, 2009.

CARRIED UPON A RECORDED VOTE

YEAS

NAYS

Councillor Carella
Regional Councillor Ferri
Regional Councillor Frustaglio
Councillor Meffe
Councillor Yeung Racco
Regional Councillor Rosati

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

COMMITTEE OF THE WHOLE (WORKING SESSION) REPORT NO. 49

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

ITEM - 1 TASK FORCE ON DEMOCRATIC PARTICIPATION & RENEWAL:
FINAL REPORT
(Referred Item)

MOVED by Councillor Carella
seconded by Regional Councillor Ferri

THAT Item 1, Committee of the Whole (Working Session) Report No. 49 be adopted and amended, as follows:

By referring recommendations 2, 8, and 10 of the Committee of the Whole (Working Session) meeting to the Committee of the Whole meeting of December 1, 2009, for discussion; and

By receiving the memorandum from the City Clerk, dated November 23, 2009.

CARRIED

COMMITTEE OF THE WHOLE REPORT NO. 50

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

ITEM - 15 REGISTRY OF LOBBYISTS

MOVED by Councillor Carella
seconded by Councillor Di Vona

THAT Item 15, Committee of the Whole Report No. 50 be adopted and amended, as follows:

By receiving the written submission from Ms. Anna Bortolus, 303 Westridge Drive, Kleinburg, LOJ 1C0, dated November 10, 2009.

CARRIED

ITEM - 23 NEW BUSINESS – VAUGHAN MILLS OUTPARCELS

MOVED by Councillor Yeung Racco
seconded by Regional Councillor Rosati

That this matter be deferred to the Committee of the Whole meeting of December 1, 2009.

CARRIED

COMMITTEE OF THE WHOLE (CLOSED SESSION) REPORT NO. 51

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

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ITEM - 3 SAFE CITY COMMITTEE
APPOINTMENT OF MEMBER

MOVED by Councillor Yeung Racco
seconded by Councillor Meffe

THAT Item 3, Committee of the Whole (Closed Session) Report No. 51 be adopted and amended, as follows:

By approving that Mr. Ali Fatehzadah be appointed to the Safe City Committee.

CARRIED

ITEM - 6 ONTARIO MUNICIPAL BOARD HEARING
APPEAL OF ZONING BY-LAW 144-2009
RIOTRIN PROPERTIES (VAUGHAN) INC.
HIGHWAY 400 AND HIGHWAY 7 – WARD 3

MOVED by Councillor Yeung Racco
seconded by Regional Councillor Rosati

That this matter be deferred to the Committee of the Whole (Closed Session) meeting of December 1, 2009; and

That the confidential memorandum from the Solicitor/Litigation, dated November 24, 2009, be received.

CARRIED

220. BY-LAWS FIRST, SECOND AND THIRD READINGS

MOVED by Councillor Yeung Racco
seconded by Councillor Carella

That the following be approved in accordance with the memorandum from the Commissioner of Planning, dated November 20, 2009, regarding By-law 263-2009:

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

That the memorandum from the Commissioner of Planning, dated November 17, 2009, regarding By-law 257-2009, be received; and

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

By-Law Number 253-2009 A By-law to amend By-law 332-98, the Hiatus By-law. (Amending Subsection 2 (d) (Council, September 21, 2009, Item 7, Committee of the Whole, Report No. 38)

By-Law Number 254-2009 A By-law to assume Municipal Services in ROM Management Subdivision, 19T-99V03, Registered Plan 65M-3499. (Subdivision Agreement - ROM Management Inc. dated March 9, 2001) (Item 9, Committee of the Whole, Report No. 50)

By-Law Number 255-2009 A By-Law to assume Municipal Services in Mackenzie Glen

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- Developments, Phase 6, 19T-89016, Registered Plan 65M-3449. (Subdivision Agreement - Mackenzie Glen Developments Ltd. dated July 18, 2000) (Item 7, Committee of the Whole, Report No. 50)
- By-Law Number 256-2009 A By-law to assume Municipal Services in Woodbridge Estates Subdivision, 19T-87101, Registered Plan 65M-3585. (Subdivision Agreement - Woodbridge Estates Inc. dated May 13, 2002) (Item 8, Committee of the Whole, Report No. 50)
- By-Law Number 257-2009 A By-law to amend City of Vaughan By-law 1-88. (Z.09.015, Dufferin South Developments Limited, located northwest of Highway #407 and Highway #427, on the east side of Regional Road 50, in Lot 3, Concession 9) (Council, November 3, 2009, Item 11, Committee of the Whole, Report No. 45)
- By-Law Number 258-2009 A By-law to amend City of Vaughan By-law 1-88. (Z.03.066, Royale Villa Developments Inc., Z.97.072, Sugarberry Holdings Inc., Z.97-073, Bralawn Developments Inc., Z.04.002, 1307180 Ontario Ltd., located south of Major Mackenzie Drive, east of Pine Valley Drive, in Part of Lot 19, Concession 6) (Administrative Corrections) (Council, March 8, 1999, Item 26, Committee of the Whole, Report No. 23) (Council, September 11, 2006, Items 65, 66, and 69, Committee of the Whole, Report No. 43)
- By-Law Number 259-2009 A By-law to adopt Amendment Number 704 to the Official Plan of the Vaughan Planning Area. (OP.09.002, Z.09.009, Madison Bathurst Holdings Ltd., located on the north west corner of Bathurst Street and Lebovic Campus Drive, being in Lot 17, Concession) (Item 6, Committee of the Whole, Report No. 50)
- By-Law Number 260-2009 A By-law to amend City of Vaughan By-law 1-88. (Z.09.009 (OP.09.002), Madison Bathurst Holdings Ltd, located at the northwest corner of Lebovic Campus Drive and Bathurst Street, being Part of Lot 17, Concession 2) (Item 6, Committee of the Whole, Report No. 50)
- By-Law Number 261-2009 A By-law to amend City of Vaughan By-law 1-88. (Z.09.012, Maribel Dossantos and Joao Defaria, located on the east side of Pine Valley Drive, south of Major Mackenzie Drive, in Planning Block 39, being Lot 19, Concession 6) (Council, November 3, 2009, Item 9, Committee of the Whole, Report No. 45)
- By-Law Number 262-2009 A By-law to amend City of Vaughan By-law 1-88. (Z.09.020, Roybridge Holdings Limited, located at the northwest corner of Regional Road 27 and Zenway Boulevard, being Block 1, Registered Plan 65M-3627, in Lot 7, Concession 9) (Council, November 3, 2009, Item 10, Committee of the Whole, Report No. 45)
- By-Law Number 263-2009 A By-law to amend City of Vaughan By-law 1-88. (Z.09.032 (19T-06V07), Belmont Properties Inc., located on the west side of Weston Road and north of Major Mackenzie Drive, in Planning Block 40, in Part of Lot 22, Concession 6) (Removal of Holding Symbol "H") (Council, June 25, 2007, Item 94, Committee of the Whole, Report No. 34)
- By-Law Number 264-2009 A By-law to exempt parts of Plan 65M-4106 from the provisions of Part Lot Control. (PLC.09.026, Greenbrook Developments Inc.,

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located west of Weston Road and north of Major Mackenzie Drive being Lots 138, 142, 146 and 163 on Registered Plan 65M-4106, in Part of Lot 23, Concession 6) (Delegation By-law 333-98)

- By-Law Number 265-2009 A By-law to repeal By-law 264-2009. (PLC.09.026, Greenbrook Developments Inc., located west of Weston Road and north of Major Mackenzie Drive being Lots 138, 142, 146 and 163 on Registered Plan 65M-4106, in Part of Lot 23, Concession 6) (Delegation By-law 333-98)
- By-Law Number 266-2009 A By-law to designate by Number an amendment to City of Vaughan By-law Number 1-88, as effected by the Ontario Municipal Board. (File Z.07.031 - 10360 Islington Avenue) (OMB Order File No. PL080179)
- By-Law Number 267-2009 A By-law to amend the Consolidated Traffic By-law 284-94, as amended, to govern and control traffic in the City of Vaughan. (Allway Stop Signs - Via Campanile / La Rocca; Vellore Avenue / St. Urbain Drive; and Vellore Avenue / Maria Antonia) (tem 14, Committee of the Whole Report No. 50) (Addendum No. 2)
- By-Law Number 268-2009 A By-law to declare City land surplus and to authorize the sale of City lands, described as Block 148, Registered Plan 65M-3348, and to authorize the execution of the Agreement of Purchase and Sale. (Item 10, Committee of the Whole (Closed Session) Report No. 51) (Addendum No. 3)

CARRIED

MOVED by Councillor Carella
seconded by Councillor Di Vona

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

- i) PROPERTY MATTER, WARD 2, SALE OF CITY LANDS
BLOCK 100, PLAN 65M-2852
GARRIOCK COURT
(acquisition or disposition of land by the municipality or local board)

- ii) RECOMMENDATION OF SELECTION COMMITTEE FOR THE
COMMISSIONER OF FINANCE/CITY TREASURER VACANCY – SECOND
SUPPLEMENTAL REPORT
(labour relations or employee negotiations)

CARRIED

Council recessed at 2:27 p.m.

MOVED by Councillor Di Vona
seconded by Regional Councillor Ferri

THAT Council reconvene at 2:40 p.m.

CARRIED

Council reconvened at 2:40 p.m. with the following members present:

Regional Councillor Joyce Frustaglio, Chair
Regional Councillor Mario F. Ferri
Regional Councillor Gino Rosati
Councillor Tony Carella
Councillor Bernie Di Vona
Councillor Peter Meffe
Councillor Sandra Yeung Racco

221. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

COMMITTEE OF THE WHOLE (CLOSED SESSION) REPORT NO. 51

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

ITEM - 7 PROPERTY MATTER - WARD 2
 SALE OF CITY LANDS
 BLOCK 100, PLAN 65M-2852
 GARRIOCK COURT
 (Referred Item)

MOVED by Regional Councillor Ferri
seconded by Councillor Di Vona

THAT Item 7, Committee of the Whole (Closed Session) Report No. 51 be adopted and amended, as follows:

By approving the confidential recommendation of the Closed Session meeting of November 24, 2009; and

By receiving the confidential memorandum from the Director of Legal Services, dated November 24, 2009.

CARRIED

222. RECOMMENDATION OF SELECTION COMMITTEE FOR THE COMMISSIONER OF FINANCE/CITY TREASURER VACANCY – SECOND SUPPLEMENTAL REPORT

(Addendum No. 1)

MOVED by Regional Councillor Ferri
seconded by Councillor Di Vona

That the following recommendation of the Closed Session meeting of November 24, 2009, be approved:

That the confidential recommendation contained in the confidential report of the Selection Committee, dated November 24, 2009, be approved; and

That the recommendation be made public upon the execution of a signed agreement.

CARRIED

223. CONFIRMING BY-LAW

MOVED by Councillor Di Vona
seconded by Regional Councillor Rosati

THAT By-law Number 269-2009, being a by-law to confirm the proceedings of Council at its meeting on November 24, 2009, be read a First, Second and Third time and enacted.

CARRIED

224. ADJOURNMENT

MOVED by Councillor Di Vona
seconded by Regional Councillor Ferri

THAT the meeting adjourn at 2:43 p.m.

CARRIED

Regional Councillor Joyce Frustaglio
Acting Mayor

Jeffrey A. Abrams, City Clerk