



Town of
RICHMOND HILL
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COUNCIL - C#31-09

**Tuesday, September 29, 2009
7:30 p.m.**

**Council Chambers
Richmond Hill Town Hall
225 East Beaver Creek Road
Richmond Hill, Ontario**

**His Worship
Mayor David Barrow**

MINUTES

A meeting of the Council of the Town of Richmond Hill was held on Tuesday, September 29, 2009 at 7:30 p.m. in the Council Chambers. The meeting was preceded by a Question and Answer Period at which the following members of the public addressed Council:

Carla Vonn Wordan, 1393 Bethesda Road, expressed her concerns regarding fundraising for the Richmond Hill Theatre for the Performing Arts.

Anna Della Rosa expressed her concerns regarding the Designating By-law for the David Dunlap Observatory Lands.

The following Members of Council were present:

Mayor Barrow
Regional and Local Councillor Hogg
Regional and Local Councillor Spatafora
Councillor Cohen
Councillor Foster
Councillor Papa
Councillor Chan

Regrets:
Councillor Beros
Councillor Warner

The following members of Staff were present:

J. Anderton, Chief Administrative Officer
D. Melitzer, Town Solicitor
S. Baker, Acting Commissioner of Parks, Recreation and Culture
A. Bassios, Commissioner of Planning
I. Brutto, Commissioner of Engineering and Public Works
D. Miller, Commissioner of Corporate and Financial Services
P. Lee, Director of Planning Policy
J. Leung, Manager Planning Urban Design
S. Kraft, Acting Fire Chief
R. Pyle, Chief of Prevention
P. Dawson, Deputy Fire Chief Support Services

P. Waddell, Micro Computer Analyst
C. Pitcher, Communications Officer
D.L. McLarty, Town Clerk
T. Arbuckle, Council/Committee Clerk

ADOPTION OF AGENDA

Moved by: Councillor Foster
Seconded by: Councillor Papa

That the agenda be adopted as circulated by the Clerk, with the following additions:

1. Correspondence regarding the Designating By-law for the David Dunlap Observatory Lands – Agenda Item No. 4.0
2. Correspondence from A. W. Scott Masterton regarding the Designating By-law for the David Dunlap Observatory Lands – Agenda Item No. 5.0

Carried Unanimously

DISCLOSURES OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest by Members of Council under the *Municipal Conflict of Interest Act*.

ADOPTION OF PREVIOUS COUNCIL MINUTES

Council Public Meeting C#27-09
September 9, 2009

Moved by: Regional and Local Councillor Spatafora
Seconded by: Councillor Papa

That the minutes of Council Public Meeting C#27-09 held on September 9, 2009 be adopted.

Carried Unanimously

Council Meeting C#28-09
September 14, 2009

Moved by: Councillor Chan
Seconded by: Regional and Local Councillor Hogg

That the minutes of Council Meeting C#28-09 held on September 14, 2009 be adopted.

Carried Unanimously

Special Council Meeting C#30-09
September 21, 2009

Moved by: Councillor Cohen
Seconded by: Councillor Foster

That the minutes of Special Council Meeting C#30-09 held on September 21, 2009 be adopted.

Carried Unanimously

ADOPTION OF REPORTS NOT REQUIRING SEPARATE DISCUSSION

Moved by: Regional and Local Councillor Spatafora
 Seconded by: Councillor Papa

That the following Items be approved and that the various officials of the Corporation be hereby authorized and directed to take such action as may be necessary to give effect to the recommendations contained therein:

1.0 Minutes – Committee of the Whole meeting CW#14-09 of September 21, 2009

The Committee of the Whole presents its Report for meeting CW#14-09 held on September 21, 2009 and respectfully recommends that the minutes be adopted as circulated and the following recommendations be approved:

1.1 Tender Approval for the supply of all labour and equipment necessary to perform sidewalk winter maintenance in the Town of Richmond Hill – (SREPW.09.083)

- Rec. 1
- a) That the bid which meets the terms and conditions of Tender TW-45-09 be awarded to the firm Forest Ridge Landscaping Inc. for a three year period commencing November 20, 2009 to March 31, 2012;
 - b) That the Mayor and Town Clerk be authorized to execute such agreements as required upon the written recommendation from the Commissioner of Engineering and Public Works;
 - c) That the funding for this tender be as recommended in the Financial Report attached to SREPW.09.083;
 - d) That the Manager of Purchasing be authorized to increase existing approved purchase orders, as necessary, in relation to work performed through tender TW-45-09.

1.2 Restoration of the Dovetail Drive – Sandbanks Drive Hedgerow (related to Subdivision File # D03-98011) – (SRPRC.09.53)

- Rec. 2
- That the Commissioner of Parks, Recreation and Culture be authorized to use any excess monies received from 1133373 Ontario Inc. (“Lebovic”) pursuant to a subdivision agreement between the Town and Lebovic dated November 5, 2004, after paying for the replanting of trees on properties within the subdivision, to pay for the planting of trees and shrubs in the rear yards of private properties on Sandbanks Drive, which properties are external to the subdivision, as outlined in SRPRC.09.53.

1.3 Infrastructure Stimulus Fund Contribution Agreement – (SRCAO.09.032)

- Rec. 3
- That the Mayor and the Chief Administrative Officer be authorized to sign and execute the Infrastructure Stimulus Fund Contribution Agreement as attached to Appendix ‘A’ of SRCAO.09.032.

1.4 Request for Proclamation – *Child Abuse and Neglect Prevention Month* – Month of October 2009 – Correspondence from Boost: Child Abuse Prevention and Intervention – dated August 7, 2009

- Rec. 4
- That the month of October 2009 be proclaimed *Child Abuse and Neglect Prevention Month* in the Town of Richmond Hill.

1.5 Refusal of a *Permit to Injure or Destroy a Tree* located at 161 Oxford Street pursuant to the Town's Tree Preservation By-law No. 41-07 (Permit Application #TP-2009-048) - (SRPRC.09.52)

- Rec. 5
- a) That SRPRC.09.52 regarding the refusal of a *Permit to Injure or Destroy a Tree* located at 161 Oxford Street pursuant to the Town's Tree Preservation By-law be referred back to staff;
 - b) That the correspondence from Anna Caporiccio, 161 Oxford Street, regarding the refusal of a *Permit to Injure or Destroy a Tree* dated September 21, 2009 be received.

1.6 Designation- Gormley Heritage Conservation District and Plan – File No. D12-G0 - (SRPD.09.028)

The Recommendations for this Agenda Item will be brought forward to the October 13, 2009 Council Meeting.

1.7 Permanent Closure of the Unimproved Portion of Duncan Road/Colston Court Road Allowance – File No. T05-DU-CO – (SRCFS.09.050) – (By-law No. 98-09)

- Rec. 6
- That, after hearing submissions from the public, members are of the opinion that the proposed road closure is in the best interests of the public, it directs that proposed By-law No. 98-09, being a by-law to permanently close the unimproved portion of Duncan Road/Colston Court road allowance lying between Red Maple Road and the CNR railway tracks as set out in Appendix 'A' to SRCFS.09.050, be enacted.

1.8 Village Core Façade Assistance Program – 10078 Yonge Street – Society for the Community of Old Richmond Hill (SCORH) 'Up Front and Friendly Project' – (SRCAO.09.30)

- Rec. 7
- a) That the Village Core Façade Assistance Program application from Penny Parmenter, on behalf of the Society for the Community of Old Richmond Hill (SCORH) for 10078 Yonge Street be approved as outlined in SRCAO.09.30;
 - b) That a maximum of \$1012.11 be approved for expenditure from the Village Core Façade Assistance Program account.

1.9 2008 Municipal Performance Measures Program (MPMP) – (SRCFS.09.049)

- Rec. 8
- a) That the Municipal Performance Measures Program (MPMP) results attached in Appendix A to SRCFS.09.049, be submitted to the Ministry of Municipal Affairs and Housing;
 - b) That the Town's Website be used as the method to meet the provincial requirement of reporting the Town's 2008 Municipal Performance Measures Program (MPMP) results to the public by September 30, 2009.

1.10 2010 Richmond Hill Council and Committee Meeting Schedule – (SRCFS.09.052)

- Rec. 9
- a) That the 2010 schedule of meetings of Richmond Hill Council and its Committees as set out in Appendix 'A' to SRCFS.09.052, be approved.
 - b) That staff report back on proposed changes to the October and December 2010 Council and Committee Meeting Schedule.

1.11 Leslie LRT Environmental Project (New Business Item)

Rec. 10 That Council reaffirm its earlier motion of May 26, 2009 (confirmatory By-law 57-09) regarding the Leslie LRT Environmental Project:

Whereas Leslie Street has been identified as a Transit Priority in the Region's Transportation Master Plan;

And whereas Leslie Street north of Highway 7 is an employment corridor with a destination;

Therefore Richmond Hill Town Council request the Region of York to extend the northerly limit of the current Environmental Assessment (EA) study for the Don Mills/Leslie Street Light Rapid Transit (LRT) from Highway 7 to Major Mackenzie Drive.

Furthermore, Council supports the current option of a centre medial LRT along Don Mills/Leslie Street from Steels Avenue to Major Mackenzie Drive as identified in the draft Regional Transportation Master Plan 2009.

3.0 Correspondence from Paul Mortfield, Chair, David Dunlap Observatory Committee, Royal Astronomical Society of Canada, Toronto Centre – dated September 21, 2009

That the correspondence from Paul Mortfield, Chair, David Dunlap Observatory Committee, Royal Astronomical Society of Canada, Toronto Centre, dated September 21, 2009, regarding the proposed Designating By-law for the David Dunlap Observatory Lands be received.

4.0 Correspondence regarding the Designating By-law for the David Dunlap Observatory Lands

That the following correspondence regarding the Designating By-law for the David Dunlap Observatory Lands be received:

4.1 Gerald Wong dated September 16, 2009

4.2 Diana Turetsky, 204-199 Roehampton Avenue, Toronto dated September 16, 2009

4.3 Allen and Bernadette Pais, 113 Gordon Rowe Crescent dated September 16, 2009

4.4 Renee Lee, 44 Lesley Drive dated September 17, 2009

4.5 Roxiane Alexander dated September 27, 2009

4.6 Tom Bolton, #30-95 Weldrick Road East dated September 29, 2009

4.7 J. Edward Detoro received September 29, 2009

4.8 Jim and Ann Dadson received September 29, 2009

5.0 Correspondence regarding the Designating By-law for the David Dunlap Observatory Lands

That the following correspondence regarding the Designating By-law for the David Dunlap Observatory Lands be received:

5.1 A. W. Scott Masterton, dated September 29, 2009

Carried Unanimously

PRESENTATION

Randy Pyle, Chief of Prevention, made a presentation regarding Fire Prevention Week 2009 noting the history, the theme for 2009, some statistics about fires and burns, the message of Fire Prevention Week and activities that have been planned. He advised of the upcoming Open House on October 3 at Station 8-1 located at 191 Major Mackenzie Drive West noting that there will be activities including breakfast and lunch, games, a safety house, demonstrations and a silent auction.

DELEGATIONS

Marie Thomson, 40 Frank Endean Road, expressed her concerns regarding the strength of the by-law if it is challenged in the future.

Lloyd Helferty, 603-48 Suncrest Boulevard, Thornhill, was not present at the meeting.

Bassouma Kassouf, 8 Wilfred Court, expressed her concerns for the wildlife that resides on the property.

Alex Riberio, 41 Sprucewood Drive, Thornhill, expressed his desire to see the property not developed so future generations can enjoy it.

Madlen Shalit, 95 Weldrick Road East, echoed concerns of previous speakers regarding the wildlife and expressed her concerns regarding traffic, air pollution and sewers.

Penny Parmenter, Society for the Community of Old Richmond Hill (SCORH), expressed her desire to see higher levels of government involved in the designation process.

Rod Potter, 128 Pugsley Drive, on behalf of the Richmond Hill Naturalists, echoed concerns of previous speakers regarding the strength of the by-law, and noted his concerns for the Richmond Hill Naturalists comments not being incorporated.

Bonnie Jindal, 337 Fern Avenue, advised of her concerns regarding the degree of protection the by-law will provide.

Toomas (Tom) Karmo, 42 Gentry Crescent, raised a question regarding what Corsica and Metrus are doing to ensure the safe operation of the heritage telescope, spectrograph and detector. He asked that the Town direct this question to Metrus Development. He also expressed his concerns regarding the scientific-heritage integrity of the equipment at the Observatory.

Karen Cilevitz, 40 Birch Avenue, echoed concerns of previous speakers regarding the strength of the by-law and the Richmond Hill Naturalists comments not being incorporated.

Karen Mortfield, Royal Astronomical Society of Canada - Toronto Centre, expressed her support of the by-law, and noted her desire to see the Observatory remain open to the public.

Evelin Ellison, Representative of Ward One (South) Thornhill Residents Inc., expressed her concerns for possible sewage, stormwater and flooding problems that may occur as a result of the development of this property.

Gloria Boxen, 117 Old Surrey Lane, noted her opposition to the by-law and expressed her desire to see minimum maintenance standards included in the by-law. She noted her desire to see the property 100% protected.

Tom Bolton, No. 30 - 95 Weldrick Road East, expressed his desire to see professionals operating the Observatory, and noted his concerns regarding the public consultation process.

Carla Vonn Wordan, 1393 Bethesda Road, expressed her desire to see the public's comments incorporated in the by-law.

Heide DeBond, 578 Stonebridge Lane, Pickering, expressed her concern for the protection of the Observatory and telescope.

Moved by: Councillor Chan

Seconded by: Regional and Local Councillor Hogg

That the correspondence submitted by the delegates regarding the Draft Designating By-law for the David Dunlap Observatory Lands be received.

Carried Unanimously

CONSIDERATION OF REPORTS REQUIRING SEPARATE DISCUSSION

2.0 Designating By-law for the David Dunlap Observatory Lands – File No. D12-07228 – 123 Hillsvie Drive – (SRPD.09.104)

Moved by: Councillor Chan

Seconded by: Regional and Local Councillor Hogg

- a) That the SRPD 09.104 regarding the Designating By-law for the David Dunlap Observatory Lands, File No. D12-07228, 123 Hillsvie Drive, dated September 29, 2009 be received;
- b) That By-law No. 100-09, attached as ‘Appendix A’ to SRPD.09.104, be passed as the designation by-law for the David Dunlap Observatory Property, 123 Hillsvie Drive, including land and buildings, as a property of cultural heritage value or interest under Part IV, Section 29, Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, as amended;
- c) That staff be directed to establish an archive to retain historical information and research materials regarding the David Dunlap Observatory Property for the future good of the site, and that these materials be made available to the public with required permission;
- d) That staff be instructed to commence a cultural heritage review of Land Parcel “B” identified as the ‘Panhandle Lands’ located on 350 16th Avenue, such a review to be completed in time to inform the forthcoming David Dunlap Observatory Lands Planning and Conservation Management Study;
- e) That staff be instructed to commence the David Dunlap Observatory Lands Planning and Conservation Management Study;
- f) That a copy of the audio recording from the September 29, 2009 Council meeting form part of the official record and be retained by the Office of the Clerk as part of its permanent records; and that a copy of the audio recording be provided to the Richmond Hill Public Library Board for its records.

Carried Unanimously

MOTION

Moved by: Regional and Local Councillor Spatafora

Seconded by: Councillor Cohen

That a Special Meeting of Council be held on October 27, 2009 at 9:00 a.m. in the Council Chambers to educate members with respect to accessibility issues, and that pursuant to Section 239(3.1) of the *Municipal Act, 2001*, this meeting be closed to the public.

Carried Unanimously

BY-LAWS

By-law No. 98-09, A By-law to Permanently Close an Unimproved Portion of Duncan Road/Colston Court between Red Maple Road and the CNR Railway Tracks Duncan Road, Plan 3806 (Markham), West of Maple Avenue

Moved by: Regional and Local Councillor Spatafora
Seconded by: Councillor Foster

That By-law No. 98-09 be taken as read a first and second time.

Carried Unanimously

Moved by: Regional and Local Councillor Spatafora
Seconded by: Councillor Foster

That By-law No. 98-09 be taken as read a third time and finally passed and the Mayor and Clerk be authorized to sign same and have the seal of the Corporation attached thereto.

Carried Unanimously

By-law No. 100-09, A By-law to Authorize the Designation of 123 Hillsvie Drive, David Dunlap Observatory Lands under the *Ontario Heritage Act*

Moved by: Regional and Local Councillor Spatafora
Seconded by: Councillor Foster

That By-law No. 100-09 be taken as read a first and second time.

Carried Unanimously

Moved by: Regional and Local Councillor Spatafora
Seconded by: Councillor Foster

That By-law No. 100-09 be taken as read a third time and finally passed and the Mayor and Clerk be authorized to sign same and have the seal of the Corporation attached thereto.

Carried Unanimously

By-law No. 105-09, A By-law to Amend By-law no. 2325-68, as amended, of The Corporation of the Township of Markham as amended by By-law No. 113-06 of The Corporation of the Town of Richmond Hill

Moved by: Regional and Local Councillor Spatafora
Seconded by: Councillor Foster

That By-law No. 105-09 be taken as read a first and second time.

Carried Unanimously

Moved by: Regional and Local Councillor Spatafora
Seconded by: Councillor Foster

That By-law No. 105-09 be taken as read a third time and finally passed and the Mayor and Clerk be authorized to sign same and have the seal of the Corporation attached thereto.

Carried Unanimously

Confirmatory By-law No. 109-09

By-law No. 108-09, A By-law to Remove Certain Lands from Part Lot Control

Moved by: Regional and Local Councillor Spatafora
Seconded by: Councillor Foster

That By-law No. 108-09 be taken as read a first and second time.

Carried Unanimously

Moved by: Regional and Local Councillor Spatafora
Seconded by: Councillor Foster

That By-law No. 108-09 be taken as read a third time and finally passed and the Mayor and Clerk be authorized to sign same and have the seal of the Corporation attached thereto.

Carried Unanimously

BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT THIS MEETING

By-law No. 109-09, A By-law to confirm the proceedings of Council at this meeting

Moved by: Regional and Local Councillor Hogg
Seconded by: Councillor Papa

That By-law No. 109-09 be taken as read a first and second time.

Carried Unanimously

Moved by: Regional and Local Councillor Hogg
Seconded by: Councillor Papa

That By-law No. 109-09 be taken as read a third time and finally passed and the Mayor and Clerk be authorized to sign same and have the seal of the Corporation attached thereto.

Carried Unanimously

ADJOURNMENT

Moved by: Councillor Foster
Seconded by: Councillor Cohen

That the meeting be adjourned.

Carried Unanimously

The meeting was adjourned at 10:40 p.m.

Mayor

Town Clerk