



**CITY OF VAUGHAN
COUNCIL MINUTES
May 19, 2015**

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CITY OF VAUGHAN

COUNCIL MEETING

TUESDAY, MAY 19, 2015

MINUTES

1:00 P.M.

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

The following members were present:

Hon. Maurizio Bevilacqua, Mayor
Regional Councillor Michael Di Biase
Regional Councillor Gino Rosati
Regional Councillor Mario Ferri
Councillor Tony Carella
Councillor Rosanna DeFrancesca
Councillor Marilyn Iafrate
Councillor Alan Shefman

74. CONFIRMATION OF AGENDA

MOVED by Regional Councillor Ferri
seconded by Councillor Carella

THAT the agenda be confirmed.

AMENDMENT

MOVED by Councillor Carella
seconded by Councillor Iafrate

That the following addendums be added to the agenda:

1. ONTARIO MUNICIPAL BOARD HEARING
TORONTO JEWISH ACADEMY OHR MENACHEM
7608 YONGE STREET
WARD 5

Confidential report of the Interim Commissioner of Legal & Administrative Services/City Solicitor with respect to the above.

2. ONTARIO SOCCER ASSOCIATION
PHASE ONE FACILITY RENOVATION AND STADIUM BUILD FINANCING
AGREEMENT
WARD 2

Report of the Executive Director, Office of the City Manager with respect to the above.

3. PROCLAMATION AND FLAG RAISING REQUEST
ITALIAN HERITAGE MONTH ("IHM")

Report of the City Clerk with respect to the above.

CARRIED UNANIMOUSLY

Upon the question of the main motion:

CARRIED AS AMENDED

75. DISCLOSURE OF INTEREST

Regional Councillor Ferri declared an interest with respect to the following items:

Items 1 and 2, Committee of the Whole (Closed Session), Report No. 19, as his son is employed by a legal firm representing one or more of the appellants, and did not take part in the discussion or vote on the matter;

Item 4, Committee of the Whole Report No. 20, as his son is employed by a legal firm representing one or more of the appellants, and did not take part in the discussion or vote on the matter; and

Item 16, Committee of the Whole Report No. 20, as his son is employed by a legal firm representing one or more parties within the VMC, and did not take part in the discussion or vote on the matter.

76. CEREMONIAL PRESENTATIONS

The Mayor and Members of Council congratulated all the recipients of the Vaughan Alive! Community Program Awards.

The Mayor and Members of Council congratulated the Corporate Events team as recipients of the 2015 Festival & Events Ontario – Best Promotional Campaign Award.

77. ADOPTION OR CORRECTION OF MINUTES

MOVED by Regional Councillor Di Biase
seconded by Regional Councillor Rosati

THAT the minutes of the meeting of the Council Meeting of April 21, 2015 and the Special Council Meeting of May 5, 2015 be adopted as presented.

CARRIED

78. COMMUNICATIONS

MOVED by Councillor Iafrate
seconded by Councillor DeFrancesca

THAT Communications C1 to C15 inclusive be received and referred to their respective items on the agenda.

CARRIED

79. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

The following items were identified for separate discussion:

Committee of the Whole (Closed Session) Report No. 19

Items 1 and 2

Committee of the Whole Report No. 20

Items 1, 4, 5, 12, 16, 21, 23, 25, 27 and 30

Referred Item

1

Addendum Items

1, 2 and 3

MOVED by Regional Councillor Di Biase
seconded by Councillor DeFrancesca

THAT Items 1 to 7 of the Finance, Administration and Audit Committee Report No. 9, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 3 of the Committee of the Whole (Closed Session) Report No. 19, with the exception of the items identified for separate discussion, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 31 of the Committee of the Whole Report No. 20, with the exception of the items identified for separate discussion, BE APPROVED and the recommendations therein be adopted;

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

THAT Items 1 to 4 of the Committee of the Whole (Working Session) Report No. 22, BE APPROVED and the recommendations therein be adopted.

CARRIED

Referred

**80. SITE DEVELOPMENT FILE DA.14.042
LUCIA CORNO AND MICHAEL CORNO
WARD 1 - VICINITY OF WESTON ROAD AND KIRBY ROAD
(Referred Item)**

MOVED by Councillor Iafrate
seconded by Regional Councillor Ferri

1. That Site Development File DA.14.042 (Lucia Corno and Michael Corno) to permit the installation of a 45 m high flagpole telecommunication tower and associated radio equipment cabinet for Bell Mobility Inc., be refused;
2. That the report of the Commissioner of Planning, Director of Development Planning, and Manager of Development Planning, dated April 14, 2015, be received; and
3. That Communication C14 from the Commissioner of Planning, dated May 15, 2015, be received.

CARRIED

COUNCIL MEETING MINUTES – MAY 19, 2015

Council, at its meeting of April 21, 2015, adopted the following recommendation (Item 2, Report No. 17):

That consideration of this matter be deferred to the Council meeting of May 19, 2015, to allow staff, the proponent and other affected residents to meet and discuss any outstanding issues; and

That Communication C19 from the Commissioner of Planning, dated April 21, 2015, be received.

Recommendation of the Committee of the Whole meeting of April 14, 2015:

The Committee of the Whole recommends:

- 1) That consideration of this matter be deferred to the Council meeting of April 21, 2015, and that staff provide a Communication to the Council meeting of April 21, 2015, with respect to the inclusion of a condition of site approval to permit the termination of the lease agreement or relocation of the tower to accommodate future development;
- 2) That Communications C20 and C30, dated April 14, 2015, from Mr. Daniel Belli, Trinistar Corporation, M.A.M. Group Inc., Dufferin Street, Vaughan, be received; and
- 3) That the coloured renderings submitted by the applicant be received.

Recommendation of the Commissioner of Planning, Director of Development Planning, and Manager of Development Planning, dated April 14, 2015:

Recommendation

The Commissioner of Planning, Director of Development Planning, and Manager of Development Planning recommend:

1. THAT Site Development File DA.14.042 (Lucia Corno and Michael Corno) BE APPROVED, to permit the installation of a 45 m high flagpole telecommunication tower and associated radio equipment cabinet for Bell Mobility Inc. (Attachments #3 to #6) on the subject lands shown on Attachments #1 and #2.

Contribution to Sustainability

N/A

Economic Impact

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

Communications Plan

Pursuant to the City's current telecommunication tower/antenna facilities protocol, the Proponent (Bell Mobility Inc.) held a Public Consultation Meeting on September 16, 2014, which is discussed in the City of Vaughan's Telecommunication Tower/Antenna Protocol section of this report.

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.14.042 on the subject lands shown on Attachments #1 and #2, to permit the installation of a 45 m high flagpole telecommunication tower with internal antennas and an associated radio equipment cabinet, as shown on Attachments #3 to #6.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located on the southeast corner of Weston Road and Kirby Road, municipally known as 11511 Weston Road, in the City of Vaughan.

City of Vaughan's Telecommunication Tower/Antenna Protocol

On June 23, 2003, Vaughan Council adopted a protocol for establishing telecommunication tower/antenna facilities. In accordance with the City's Protocol, all new tower/antenna systems (as superseded by Industry Canada's Protocol, June 2014) require consideration by Vaughan Council.

In accordance with the City's Protocol, the Proponent attended a Pre-Application Consultation meeting with the Vaughan Planning Department and submitted the subject application. The Proponent conducted a survey of the surrounding area and determined that there were no existing facilities suitable for co-location within the vicinity network coverage. The location of existing telecommunication towers that required and were granted municipal concurrence within the vicinity of the subject lands are located on Attachment #1.

On June 7, 2011, Vaughan Council resolved to appoint a Telecommunication Facility Task Force comprised of residents, industry representatives, and two Vaughan Council Members to review the City of Vaughan's existing Protocol for establishing Telecommunication Tower/Antenna Facilities.

On June 7, 2011, Vaughan Council also resolved:

"THAT Site Development Applications for new telecommunication facilities submitted prior to approval of a new City protocol to be reviewed under the current City of Vaughan Protocol for Establishing Telecommunication Tower/Antenna Facilities."

The subject Site Development Application is proceeding to the Committee of the Whole meeting on April 14, 2015, in accordance with the above resolution.

The Task Force developed a comprehensive work plan to formulate a Findings Report with assistance from City staff. The Task Force also consulted with and heard presentations from a variety of sources such as Industry Canada, Public Health Ontario, Bell Mobility, and telecommunications industry professionals. The Task Force approved the final Findings Report at its meeting on December 17, 2013, and forwarded the Findings Report and the following recommendation to the Committee of the Whole meeting on January 14, 2014, which Vaughan Council adopted on January 28, 2014:

"That the Findings Report be referred to staff for review, and that a report be provided to a future Committee of the Whole Meeting; and,

That the Findings Report form the basis for developing the City of Vaughan's Telecommunication Facility Siting Protocol."

City Staff reviewed the Findings Report and provided recommendations through a report from the Commissioner of Planning for consideration by the Committee of the Whole on June 17, 2014. On June 24, 2014, Vaughan Council adopted the following resolution:

"THAT the Vaughan Planning Department be directed to prepare a new City of Vaughan Telecommunication Siting protocol ("Protocol"), for consideration at a future Committee of the Whole (Working Session) meeting, in early 2015".

The City's in-effect Protocol states that applications for telecommunication towers located within the urban area require the Proponent to provide notice of a Community Information Meeting by regular mail to all landowners within a radius of 120 m from the tower base, or within a distance of three times the height of the proposed tower, whichever is greater, as well as to the local ratepayers' association.

On September 16, 2014, the Proponent held a Community Information Meeting at the Maple Community Centre from 7:00 pm to 8:00 pm. In accordance with the City's Protocol, notice for this meeting was provided by regular mail within a 135 m radius to all notified residents and the local ratepayers' association, a minimum of 20 days in advance of the Community Information Meeting. No residents attended the Public Consultation Meeting. The abutting neighbour to the south contacted the Vaughan Planning Department after formal conclusion of the public consultation meeting with an inquiry that was directed to the Proponent. The neighbour had a question related to whether the telecommunication provider will compensate them for the tower being located adjacent to their property. The Proponent advised that the concern is not considered relevant or reasonable to the tower proposal, and that telecommunication provider will not compensate the neighbour with respect to their services with Bell.

Official Plan and Zoning

The subject lands are designated "Prestige Employment - Office/Business Campus" by City of Vaughan Official Plan 2010 (VOP 2010), Volume 2, Highway 400 North Employment Lands Secondary Plan. The proponent advises that the lease agreement for the site contains a clause that allows the tower to be relocated on the property to accommodate future development that implements the policies of the Official Plan. However, the lease permits termination with conditions due to redevelopment, if a suitable location on the site cannot be found. VOP 2010 encourages the development of comprehensive high-speed telecommunications and data networks throughout Vaughan to contribute to economic competitiveness and support widespread access to such services. The telecommunications and data policies of VOP 2010 do not apply until such time as Vaughan Council has adopted a new telecommunications tower protocol.

The subject lands are zoned A Agricultural Zone by Zoning By-law 1-88.

The *Radiocommunication Act* designates Industry Canada as the approval authority for all matters respecting telecommunication towers and antenna facilities. Federal regulations are not subject to Provincial policies, including the *Planning Act* and *Building Code Act*. As such, telecommunication towers and antenna facilities are exempt from municipal zoning by-law requirements and site plan control (i.e. no implementing Site Plan Agreement or Letter of Undertaking).

Planning Considerations

The proposed 81 m² equipment compound is enclosed by a 2.4 m high chain link security fence topped with barbed wire. The compound includes a 45 m high flagpole with shrouded antennas, and one radio equipment cabinet, as shown on Attachments #3 to #6. The accessory radio cabinet is constructed of galvanized steel and measures approximately 4.8 m², as shown on Attachments #5 and #6. All hydro requirements to service the equipment cabinets for the telecommunications tower must be to the satisfaction of PowerStream Inc. The Proponent has submitted a tree preservation plan for the existing trees on the property, to the satisfaction of the Vaughan Planning Department. The Proponent proposes to remove seven trees in the area of the future compound. The plan includes four replacement trees of large-calliper, being 4.5 m - 6 m tall spruce trees that will be installed along the southern property line, to provide additional screening from the neighbour to the south, however, this was not an issue that the neighbour was concerned with. A total of 32 trees will be preserved and protected on the site.

The Proponent is proposing construction via a crane from Kirby Road, and servicing and maintenance of the tower and associated cabinet via an existing driveway entering from Weston Road and through a proposed pedestrian footway, as shown on Attachment #3.

The Proponent has advised that the proposed telecommunication tower is required to address the absence of any telecommunication towers within 500 m and to provide coverage along Kirby Road to the existing residential area to the west and service areas along Weston Road. The existing telecommunications tower located at the southwest corner of Highway 400 and Kirby Road serves the purpose of providing cellular coverage to passerby traffic along Highway 400, and is engineered to maximize the capacity for additional carriers in that area.

The Proponent has advised that the 45 m high flagpole telecommunications tower will facilitate future co-location by other licensed carriers, which is consistent with the City's in-effect telecommunication tower/antenna facilities protocol that encourages the use of existing structures. The Vaughan Planning Department has no objection to the proposed layout, design, and location of the compound and telecommunications tower.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiative set forth in the Vaughan Vision 2020 Strategic Plan:

i) **Plan and Manage Growth & Economic Vitality**

The proposal will support the development of a high-speed telecommunications and data network throughout the City of Vaughan to contribute to economic competitiveness and support widespread access to such services.

Regional Implications

On April 23, 2009, York Region adopted Industry Canada's Protocol (CPC-2-0-03) to reduce redundancies and permit a more efficient and consistent approach for regulating telecommunication facilities, while providing an opportunity for local municipalities to determine individual procedures and protocols. The proposed compound area and telecommunication tower conforms to York Region's adopted Protocol.

The York Region Transportation and Community Planning Department has reviewed the proposed tower and has no objections, subject to technical and utilities conditions, which will be satisfied by the Proponent through York Region.

Conclusion

The Vaughan Planning Department has reviewed the proposal for a 45 m high flagpole telecommunication tower and associated radio equipment cabinet in accordance with the Official Plan, Zoning By-law 1-88, the City of Vaughan's Protocol for Establishing Telecommunication Tower/Antenna Facilities, and Industry Canada's Protocol for Radiocommunication and Broadcasting Antenna Systems. The installation of the proposed tower and accessory radio equipment is considered acceptable, and accordingly, the Vaughan Planning Department can support the approval of Site Development File DA.14.042.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Compound Layout & Tower Details
5. Cabinet Details - South and West Elevations
6. Cabinet Details - North and East Elevations

Report prepared by:

Gillian McGinnis, Planner, ext. 8003
Carmela Marrelli, Senior Planner, ext. 8791

(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.)

81. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

COMMITTEE OF THE WHOLE REPORT NO. 20

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

ITEM - 4 APPLICATION FOR BLOCK PLAN APPROVAL
STATUS UPDATE
FILE BL.40/47.2003
BLOCK 40/47 DEVELOPERS GROUP INC.
WARD 3, VICINITY OF PINE VALLEY DRIVE AND TESTON ROAD

MOVED by Councillor DeFrancesca
seconded by Councillor Carella

THAT Item 4, Committee of the Whole Report No. 20 be adopted and amended, as follows:

By receiving Communication C1 from Mr. David R. Donnelly, Donnelly Law, Carlaw Avenue, Toronto, dated May 5, 2015.

CARRIED

Regional Councillor Ferri declared an interest with respect to this matter, as his son is employed by a legal firm representing one or more parties to the application, and did not take part in the discussion or vote on the matter.

ITEM - 5 OAK RIDGES MORAINÉ CONSERVATION PLAN REVIEW
UPDATE ON PROVINCIAL PLAN REVIEW - IN RESPONSE
TO THE MEMBERS RESOLUTION OF MARCH 24, 2015

MOVED by Regional Councillor Di Biase
seconded by Councillor Carella

At this point in the meeting, this matter was stood down. Refer to Minute No. 83

82. ADDENDUM ADDED TO THE AGENDA

MOVED by Councillor Shefman
seconded by Councillor Iafrate

That the following addendum be added to the agenda:

LEGAL ADVICE CONSEQUENT TO VAUGHAN HEALTHCARE CENTRE PRECINCT
LANDS UPDATE

CARRIED UNANIMOUSLY

83. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

COMMITTEE OF THE WHOLE REPORT NO. 20

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

ITEM - 5 OAK RIDGES MORaine CONSERVATION PLAN REVIEW
UPDATE ON PROVINCIAL PLAN REVIEW - IN RESPONSE
TO THE MEMBERS RESOLUTION OF MARCH 24, 2015

MOVED by Regional Councillor Di Biase
seconded by Councillor Carella

THAT Item 5, Committee of the Whole Report No. 20 be adopted and amended, as follows:

By approving the following recommendations contained in Communications C8 and C9, dated May 15, 2015 and Communication C13, dated May 19, 2015, from the Commissioner of Planning, except insofar as they relate to the North East corner of Dufferin and Teston Road (approximately 29 acres) and except for comment 3 on Attachment 2 of Communication C9:

Communication C8

1. That the Region of York and the Province examine the details of the three requests for amendments to the Oak Ridges Moraine Conservation Plan in the City of Vaughan, as identified below, as part of the Provincial Plan Coordinated Review process; and
2. That the Province confirm the requirements for proceeding with such amendments and where necessary, enshrine the requirements in the legislation or regulations to allow consideration at the time of a municipal comprehensive review; and that the Province provide clarity on the process that it will follow in assessing and deciding on the proposed land use changes;

Communication C9

1. That the comments and recommendations set out in Attachment 2 to this report be submitted to the Ministry of Municipal Affairs and Housing, Ontario Growth Secretariat, as Vaughan's response to the Phase 1 public consultation process for the Provincial Plan Coordinated Review of the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan;
2. That the Ministry of Municipal Affairs and Housing and the Ministry of Natural Resources and Forestry be requested:
 - a. To take the City's comments and recommendations into consideration in the Coordinated Plan Review and when preparing any resulting amendments to the subject plans for review through the Stage 2 consultation process; and
 - b. To consider the merits of the Landowners' Requests forming Attachment 3 to this report as part of the Provincial Plan review process;
3. That the Ministry of Municipal Affairs and Housing provide for a minimum 180 day review and comment period for the Stage 2 consultation process; and
4. That this report be forwarded to the Members of Provincial Parliament for the City of Vaughan, the Regional Municipality of York and the York Region Municipalities;

Communication C13

1. That the following landowners' correspondence be forwarded to the Ministry of Municipal Affairs and Housing and the Ministry of Natural Resources and Forestry for their consideration as part of the Provincial Plan Review Process:

COUNCIL MEETING MINUTES – MAY 19, 2015

- Malone Given Parsons Inc. (Joan McIntyre), May 11, 2015, Copper Creek Golf Course, City of Vaughan (Attachment 1);
- Malone Given Parsons Inc. (Ali Ikram), May 12, 2015, Block 41 Landowners' Group (Attachment 2); and
- Building Industry and Land Development Association (BILD) (Paula Tenuta), May 15, 2015, on behalf of BILD (Attachment 3); and

By approving the following:

That the Region of York and the Province of Ontario be notified that Vaughan Council supports and requests the re-designation from Countryside to Settlement for the approximately 29 Hectares located on the property at the north east corner of Teston Road and Dufferin Street;

That Vaughan Council supports and requests that the Region of York and the Province of Ontario establish a defined process to permit adjustments to the Greenbelt Plan boundaries through OPA's adopted by Local and Regional Councils;

That the Province of Ontario and Region of York consider expanding the uses permitted within the Greenbelt Plan to include uses such as active public parks and public stormwater management facilities;

By receiving the report of the Commissioner of Planning, dated May 5, 2015; and

By receiving the following Communications:

- C10. Mr. Ali Ikram, Malone Given Parsons Ltd., Renfrew Drive, Markham, dated May 12, 2015;
- C11. Ms. Joan MacIntyre, Malone Given Parsons Ltd., Renfrew Drive, Markham, dated May 19, 2015; and
- C12. Ms. Paula Tenuta, Building Industry and Land Development Association (BILD), dated May 15, 2015.

CARRIED UPON A RECORDED VOTE

YEAS

Regional Councillor Rosati
Regional Councillor Di Biase
Mayor Bevilacqua
Regional Councillor Ferri
Councillor DeFrancesca
Councillor Carella

NAYS

Councillor Shefman
Councillor Iafrate

Addendum

- 84. ONTARIO SOCCER ASSOCIATION
PHASE ONE FACILITY RENOVATION AND STADIUM BUILD FINANCING AGREEMENT
WARD 2**
(Addendum 2)

MOVED by Councillor Carella
seconded by Councillor Iafrate

That the recommendation contained in the following report of the Executive Director, Office of the City Manager, dated May 19, 2015, be approved:

CARRIED UPON A RECORDED VOTE

YEAS

Councillor Shefman
Regional Councillor Rosati
Regional Councillor Di Biase
Mayor Bevilacqua
Regional Councillor Ferri
Councillor DeFrancesca
Councillor Carella
Councillor Iafrate

NAYS

Recommendation

The Executive Director, Office of the City Manager in consultation with the Director of Financial Planning and Analytics recommends:

1. That Council continue to support the Ontario Soccer Centre by consenting that the City of Vaughan continue to be a guarantor of the OSA's capital loan and continue to provide a postponement of claims as required by the OSA's bank covenants.
2. That a bylaw be enacted to authorize the Mayor and Clerk to execute a consent to the Second Amended And Restated Credit Agreement between the Ontario Soccer Centre, the Ontario Soccer Association and the Canadian Imperial Bank of Commerce (CIBC) in a form satisfactory to the Commissioner of Finance and Commissioner of Legal Services.

Contribution to Sustainability

Green Directions Vaughan embraces a Sustainability First principle and states that sustainability means we make decisions and take actions that ensure a healthy environment, vibrant communities and economic vitality for current and future generations. In addition to the fact that a stadium has significant features and assets that will enable the large soccer community in Vaughan to host high-caliber competitive and training programs, this facility will provide significant opportunity to increase City pride and exposure, boost economic growth and deliver a multi-use facility to accommodate a variety of active living (sport and recreation) and arts and culture events.

Economic Impact

There is no direct financial impact from this report.

The City of Vaughan has been the guarantor of the OSA's \$5 million credit facility with the CIBC since 1996. In addition, the City has agreed to a postponement of claims against the Ontario Soccer Association. Consenting to continue with these two provisions means that the City would continue to have a contingent liability for the amount of the credit facility and that it would continue to forego revenues from the revenue sharing provisions of the its agreement with the Ontario Soccer Association. As no revenues have been budgeted, there is no impact from continuing with this provision.

Communications Plan

A formal communications plan is not needed.

Purpose

The purpose of this report is to seek Council's approval to proceed to reaffirm the City's postponement of claim and guarantee up to \$5 million for the Ontario Soccer Association's (OSA) second amended and restated credit agreement with the CIBC which will allow the OSA to secure the necessary financing to complete Phase One of its facility renovation and stadium build.

Background - Analysis and Options

On Thursday, January 8, 2015, the Director, Parks Development and Executive Director, met with Mr. Ron Smale, OSA, and Mr. Johnny Misley, OSA Executive Director, with representatives from Maple Leaf Sports + Entertainment (MLSE) to further discuss the OSA Phase One and Two Capital Development Project. MLSE identified its timing and announcements for the Toronto FC2 professional soccer team who has committed to permitting the new stadium field at the OSC for its home games, contingent on the OSC completing its facility renovations no later than July 2015.

The Phase One component of the Project is currently proposed to include:

- Lifecycle replacement of the existing outdoor artificial turf field
- Lifecycle replacement and expansion of existing perimeter fencing
- Removal and expansion of existing spectator seating to a capacity of 2,000 seats
- Alterations to the current Press Box.
- Driveway repair and re-paving
- Partial parking lot repair and re-paving where required

Ownership of the Soccer Lands

The City has a long term lease from the Province and Sublease to OSA. The lands are owned by the Province and subject to a lease with the City until 2039. The OSA entered into a sub-lease agreement for the OSC lands with the City of Vaughan on June 20, 1996 for a 43 year term (expiring June 30, 2039). The current capital project to build a soccer stadium is in line with section 2 and section 3 b) of the original sublease.

Staff identified that the Phase One Capital Project conformed to the sub-lease agreement original concept plan. Therefore, in consultation with Legal Services it was determined that an amendment of the sub-lease to undertake the proposed capital project was not required. Staff advised Infrastructure Ontario (representing the Province as Landlord), who also agreed the proposal is in accordance with the sub lease.

In addition, Staff reviewed with OSA the building and planning process and requirements for necessary permits. It was agreed by all parties that the emphasis was needed on completing the Phase One Project to meet the July 1, 2015 first home field date.

In January 2015, the OSA indicated to the City that it had secured all financing required for the completion of the work associated with its Phase One project. At that time, the Phase One capital costs were estimated to be \$5,000,000. Furthermore, the OSA confirmed at that time it would not be requesting a contribution from the City to fund the capital costs.

In order to help finance the capital costs, the OSA renegotiated its credit facility with its lender, CIBC. As part of an amended and restated credit agreement, the OSA will re-borrow the funds repaid to date against its \$5 million credit facility. The amount of funds to be drawn down is \$3,835,849. The terms and conditions of the credit facility are substantially unchanged except that the interest rate has been reduced from 5.85% to 3.2%. In order to fully execute the renegotiated agreement, the CIBC has requested that the City to reaffirm its guarantee and postponement of claim.

The original credit agreement between the OSA and CIBC was executed in 1996 with the City as a guarantor. Since that time, the original agreement has been amended and the City has continued to be a guarantor.

The current balance on the credit facility is approximately \$1.2 million and has always been in good standing. In addition to the guarantee, Vaughan has signed a postponement of claim, meaning that any monies owed to Vaughan under its agreement with the OSA will not be remitted to the City of Vaughan while there is a balance outstanding to the CIBC. At this time, there are no monies owed to the City of Vaughan.

In order to complete the proposed Phase One project, the OSA proposed to draw down the available credit facility back up to \$5 million. The revised proposed credit terms between the OSA and the CIBC will see the OSA's interest charges reduced from 5.85% to 3.2%. In order to execute the revised credit agreement, CIBC has asked to have the City of Vaughan confirm its continued agreement to the guarantee and postponement of claim.

Should the OSA default on their credit agreement with CIBC, the guarantee could be called. This is a contingent liability for the City of Vaughan. However, based on staff's review and the credit record of the OSA, the risk of a default is assessed as being low.

Relationship to Vaughan Vision 2020/Strategic Plan

This project encompasses the Vaughan Vision of being a city of choice that promotes diversity, innovation and opportunity for all citizens, fostering a vibrant community life that is inclusive, progressive, environmentally responsible and sustainable.

In consideration of the strategic priorities related to Vaughan Vision 20|20, the project will provide STRATEGIC GOAL: Service Excellence – Providing service excellence to citizens and to Preserve our Heritage and Support Diversity, Arts & Culture

STRATEGIC OBJECTIVES: Pursue Excellence in Service Delivery and Enhance and Ensure Community Safety, Health and Wellness – To deliver high quality services and to promote health and wellness through design and program.

Regional Implications

None

Conclusion

A stadium has significant features and assets that will enable the large soccer community in Vaughan to host high-caliber competitive and training programs and this facility will provide significant opportunity to increase City pride and exposure, boost economic growth and deliver a multi-use facility to accommodate a variety of active living (sport and recreation) and arts and culture events. Staff recommend that Council support the Ontario Soccer Centre by consenting to the continuing guarantee of the OSA's capital loan.

Attachments

N/A

Report prepared by:

Tim Simmonds, Executive Director, Office of the City Manager

85. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

COMMITTEE OF THE WHOLE REPORT NO. 20

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

ITEM - 1 ZONING BY-LAW AMENDMENT FILE Z.14.035
 SITE DEVELOPMENT FILE DA.14.060
 1639722 ONTARIO LIMITED, ET AL.
 WARD 2 - VICINITY OF REGIONAL ROAD 7 AND REGIONAL ROAD 27

MOVED by Councillor Carella
seconded by Regional Councillor Di Biase

THAT Item 1, Committee of the Whole Report No. 20 be adopted and amended, as follows:

By approving the recommendation contained in the report of the Commissioner of Planning, Director of Development Planning, and Manager of Development Planning, dated May 5, 2015, subject to the following:

That Recommendation 1. be deleted and replaced with the following in accordance with Communication C4 from the Commissioner of Planning, dated May 14, 2015, subject to removing the words "Convention Centre" and substituting the words "in Building A, B or C" in the first bullet of recommendation 1. i), and adding the words "as it relates to outdoor areas" to the end of the second bullet of recommendation 1. i), so that Recommendation 1. reads as follows:

"1. That Zoning By-law Amendment File Z.14.035 (1639722 Ontario Limited, et al.) BE APPROVED, to amend Zoning By-law 1-88, specifically to rezone the subject lands shown on Attachments #1 and #2 from C2 General Commercial Zone and C8 Office Commercial Zone, subject to site-specific Exception 9(654A), to C7 Service Commercial Zone together with site-specific zoning exceptions identified in Table 1 of this report to facilitate the development of the subject lands for commercial and industrial uses in the manner shown on Attachments #3 and #4, subject to the following:

- i) The following uses shall not be permitted on the subject lands:
 - Hotel, Motel, in Buildings A, B or C;
 - Recreational Uses as defined in Section 2, as it relates to outdoor areas; and
 - Parks and Open Space; and
- ii) An Outdoor Patio use shall be permitted on the lands, subject to the following:
 - an outdoor patio must be accessory to an eating establishment use located in Building "A" and Unit "11" of Building "C"; as shown on Attachment #4; and
 - the total combined floor area of all outdoor patios on the subject lands shall not exceed 107.6 m²; and

That the following additional recommendation be approved:

"3. That Attachment #7 contained in Item 1, of the May 5, 2015 Committee of the Whole Report from the Commissioner of Planning, Item 1 be deleted and replaced with a revised Attachment #7, attached hereto as Attachment #7, to reflect the revised east elevation for Building "B" as outlined in this Communication".

CARRIED

ITEM - 12 PROCLAMATION REQUEST
PEACE TREE DAY

MOVED by Councillor Iafrate
seconded by Regional Councillor Rosati

THAT Item 12, Committee of the Whole Report No. 20 be adopted and amended, as follows:

By approving the recommendation in Communication C3 from the City Clerk, dated May 13, 2015, as follows:

1. That the report of the City Clerk, dated May 5, 2015, be received.

CARRIED

ITEM - 16 AMENDMENT TO THE TERMS OF REFERENCE OF THE
VAUGHAN METROPOLITAN CENTRE (VMC) SUB-COMMITTEE

MOVED by Councillor DeFrancesca
seconded by Councillor Carella

THAT Item 16, Committee of the Whole Report No. 20 be adopted without amendment.

CARRIED

Regional Councillor Ferri declared an interest with respect to this matter, as his son is employed by a legal firm representing one or more parties within the VMC, and did not take part in the discussion or vote on the matter.

ITEM - 21 BUSINESS MISSION TO CHINA 2015

MOVED by Councillor Shefman
seconded by Councillor Iafrate

THAT Item 21, Committee of the Whole Report No. 20 be adopted and amended, as follows:

By approving the recommendation in the report of Director of Economic Development, dated May 5, 2015; and

By approving that the following Members of Council participate in the business mission to China 2015:

Regional Councillor Rosati;
Councillor DeFrancesca; and
Councillor Yeung Racco.

CARRIED

ITEM - 23 COMMENTS TO THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING
BILL 73 – SMART GROWTH FOR OUR COMMUNITIES ACT, 2015
AN ACT TO AMEND THE DEVELOPMENT CHARGES ACT, 1997 AND
THE PLANNING ACT

MOVED by Councillor Carella
seconded by Councillor DeFrancesca

THAT Item 23, Committee of the Whole Report No. 20 be adopted and amended, as follows:

By approving the recommendation in Communication C2 from the Interim Commissioner of Legal & Administrative Services/City Solicitor and the Commissioner of Planning, dated May 13, 2015, as follows:

1. That this communication be received for information and be considered in conjunction with the earlier staff report and attachments; and

2. That the Ministry of Municipal Affairs and Housing, Provincial Planning Branch be advised that the City of Vaughan does not support the proposed Planning Act amendment to change the Cash In Lieu alternative rate to 1 Ha per 500 units for the payment in Lieu of parkland.

CARRIED

ITEM - 25 TENDER T15-111 - SUPPLY AND PLANTING OF TREES CITY WIDE
ALL WARDS

MOVED by Regional Councillor Di Biase
seconded by Councillor Iafrate

THAT Item 25, Committee of the Whole Report No. 20 be adopted and amended, as follows:

By approving the recommendation in Communication C5 from the Commissioner of Public Works and the Director of Transportation Services, Parks and Forestry Operations, dated May 19, 2015, as follows:

1. That the Award of Tender T15-111 for the Supply and Planting of Trees throughout the City of Vaughan be awarded to M&S Architectural Ltd. for a one year contract, at a total cost of \$1,822,286.37 (excluding HST and administrative recovery);
2. That a contingency allowance in the amount of \$182,229.00 (10%) be approved within which the Director of Transportation Services, Parks and Forestry Operations is authorized to approve amendments to the contract; and
3. That the Mayor and Clerk be authorized to sign the necessary documents.

CARRIED

ITEM - 27 CONSULTING SERVICES - VAUGHAN HEALTHCARE CENTRE
PRECINCT (VHCP) COST-SHARING FACILITATOR –
WARD 1

MOVED by Councillor Iafrate
seconded by Councillor Carella

THAT Item 27, Committee of the Whole Report No. 20 be adopted and amended, as follows:

By approving the recommendation in Communication C15 from the Commissioner of Public Works and the Commissioner of Finance and City Treasure, dated May 21, 2015, as follows:

1. That the firm of Prism Partners Inc., be re-engaged at a cost of \$20,000 plus HST, to be funded from the City's current capital project C0-0054.

CARRIED

ITEM - 30 NEW BUSINESS - EMERGENCY PREPAREDNESS WEEK IN VAUGHAN
AND RAIL CARS TRANSPORTING DANGEROUS GOODS

MOVED by Councillor Shefman
seconded by Councillor Iafrate

THAT Item 30, Committee of the Whole Report No. 20 be adopted without amendment.

CARRIED

Addendum

**86. PROCLAMATION AND FLAG RAISING REQUEST
ITALIAN HERITAGE MONTH ("IHM")
(Addendum 3)**

MOVED by Regional Councillor Ferri
seconded by Regional Councillor Rosati

That the recommendation contained in the following report of the City Clerk, dated May 19, 2015, be approved:

CARRIED

Recommendation

The City Clerk recommends:

1. That June 2015 be proclaimed as "Italian Heritage Month" ("IHM") in the City of Vaughan;
2. That the Italian flag be raised at Vaughan City Hall on June 1, 2015 for a period no longer than one week in accordance with the Flag Raising / Half Masting Policy; and
3. That the proclamation be posted on the City's website and published on the City Page Online.

Contribution to Sustainability

N/A

Economic Impact

N/A

Communications Plan

The Corporate Communications Department posts proclamations issued by the City on the City's website under "Council – Proclamations" and on the City Page Online.

Purpose

To respond to the request received from the President of the National Congress of Italian Canadians – Toronto District (NCIC-TD).

Background - Analysis and Options

The correspondence received in the City Clerk's Office on May 13, 2015 from the President of the National Congress of Italian Canadians - Toronto District is attached (Attachment 1). This request was received too late to be placed on the last Committee of the Whole Agenda and so it is being introduced as an addendum at Council.

The proclamation and flag raising request meets the City's Proclamation and Flag Raising / Half Masting Policies as follows:

"In recognition of the ethnic diversity of the residents of a municipality the City of Vaughan will fly at the Vaughan City Hall the flag of any nation, country or ethnic group on the national day or on the anniversary of a special occasion, upon written request to the City Clerk submitted one month in advance by that nation, or ethnic group or its representatives"; and

“If the event, campaign or declaration is directly related to matters over which the City has jurisdiction or the City directly sponsors the event, campaign or other matter”.

The Province of Ontario passed Bill 103 on October 25th, 2010 declaring June as Italian Heritage Month. In recognition of the passage of this Bill, the National Congress of Italian-Canadians-Toronto District are seeking Council's support to proclaim Italian Heritage Month, and hold a flag raising ceremony on June 1, 2015 at Vaughan City Hall.

Relationship to Vaughan Vision 2020/Strategic Plan

This report supports the strategic priorities established by Vaughan Vision 2020 plan:

- STRATEGIC GOAL:
Service Excellence – Providing service excellence to citizens
- STRATEGIC OBJECTIVES:
Preserve Our Heritage & Support Diversity, Arts & Culture

Regional Implications

N/A

Conclusion

Staff is recommending that June 2015 be proclaimed as “Italian Heritage Month” (“IHM”) in the City of Vaughan, that the Italian flag be raised at Vaughan City Hall on June 1, 2015 for a period no longer than one week in accordance with the Flag Raising / Half Masting Policy; and that the proclamation be posted on the City's website and published on the City Page Online.

Attachments

Attachment 1 Correspondence from the President of the National Congress of Italian Canadians - Toronto District (NCIC-TD)

Report prepared by

Connie Bonsignore, Administrative Assistant to the 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.)

87. RESOLUTION TO RESOLVE INTO CLOSED SESSION

MOVED by Councillor Shefman
seconded by Councillor Carella

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

1. ONTARIO MUNICIPAL BOARD HEARING
CITY OF VAUGHAN OFFICIAL PLAN VOP2010
INSTRUCTIONS/SETTLEMENTS
ALL WARDS
(Report No. 19, Item 1, Committee of the Whole (Closed Session)
(litigation or potential litigation)

2. ONTARIO MUNICIPAL BOARD HEARING
VOP 2010 VOLUME 2
VAUGHAN METROPOLITAN CENTRE SECONDARY PLAN
WARD 2
(Report No. 19, Item 2, Committee of the Whole (Closed Session)
(litigation or potential litigation)
3. ONTARIO MUNICIPAL BOARD HEARING
TORONTO JEWISH ACADEMY OHR MENACHEM
7608 YONGE STREET
WARD 5
(Addendum 1)
(litigation or potential litigation)
4. LEGAL ADVICE CONSEQUENT TO VAUGHAN HEALTHCARE CENTRE PRECINCT
LANDS UPDATE
(Addendum 4)
(solicitor/client privilege)

CARRIED

Council recessed at 3:10 p.m.

MOVED by Regional Councillor Rosati
seconded by Regional Councillor Ferri

THAT Council reconvene at 3:56 p.m.

CARRIED

Council reconvened at 3:56 p.m. with the following members present:

Hon. Maurizio Bevilacqua, Mayor
Regional Councillor Michael Di Biase
Regional Councillor Gino Rosati
Regional Councillor Mario Ferri
Councillor Tony Carella
Councillor Rosanna DeFrancesca
Councillor Marilyn Iafrate
Councillor Alan Shefman

88. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

COMMITTEE OF THE WHOLE (CLOSED SESSION) REPORT NO. 19

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

ITEM - 1 ONTARIO MUNICIPAL BOARD HEARING
 VAUGHAN OFFICIAL PLAN VOP 2010
 INSTRUCTIONS/ SETTLEMENTS - ALL WARDS

MOVED by Regional Councillor Di Biase
seconded by Councillor Carella

THAT Item 1, Committee of the Whole (Closed Session) Report No. 19 be adopted and amended, as follows:

COUNCIL MEETING MINUTES – MAY 19, 2015

By approving the confidential recommendation of the Council (Closed Session) meeting of May 19, 2015; and

By receiving Confidential Communication C6, from the Interim Commissioner of Legal & Administrative Services/City Solicitor and the Commissioner of Planning, dated May 14, 2015.

CARRIED

Regional Councillor Ferri declared an interest with respect to this matter, as his son is employed by a legal firm representing one or more of the appellants, and did not take part in the discussion or vote on the matter.

ITEM - 2 ONTARIO MUNICIPAL BOARD HEARING
VOP 2010 VOLUME 2
VAUGHAN METROPOLITAN CENTRE SECONDARY PLAN
WARD 4

MOVED by Councillor Shefman
seconded by Councillor Iafrate

THAT Item 2, Committee of the Whole (Closed Session) Report No. 19 be adopted and amended, as follows:

By approving the confidential recommendation of the Council (Closed Session) meeting of May 19, 2015; and

By receiving Confidential Communication C7, from the Interim Commissioner of Legal & Administrative Services/City Solicitor, dated May 19, 2015.

CARRIED

Regional Councillor Ferri declared an interest with respect to this matter, as his son is employed by a legal firm representing one or more of the appellants, and did not take part in the discussion or vote on the matter.

Addendums

**89. ONTARIO MUNICIPAL BOARD HEARING
TORONTO JEWISH ACADEMY OHR MENACHEM
7608 YONGE STREET
WARD 5
(Addendum 1)**

MOVED by Councillor DeFrancesca
seconded by Regional Councillor Bi Biase

That the confidential recommendation of the Council (Closed Session) meeting of May 19, 2015, be approved.

CARRIED

**90. LEGAL ADVICE CONSEQUENT TO VAUGHAN HEALTHCARE CENTRE PRECINCT
 LANDS UPDATE**
 (Addendum 4)

MOVED by Regional Councillor Ferri
seconded by Councillor DeFrancesca

That the confidential recommendation of the Council (Closed Session) meeting of May 19, 2015, be approved.

CARRIED

91. BY-LAWS

MOVED by Councillor DeFrancesca
seconded by Councillor Iafrate

THAT the following by-laws be enacted:

- | | |
|------------------------|---|
| By-Law Number 076-2015 | A By-law to assume Municipal Services in Block 39 Spine Services. (City of Vaughan and Bralawn Developments Inc., Sugarberry Holdings Inc., 2041320 Ontario Inc., 1307180 Ontario Inc., Euro Estates Inc., 2032331 Ontario Inc., 1668872 Ontario Inc., Block 39 (North-West) Developers Group Inc. dated June 16, 2009) (Item 6, Committee of the Whole, Report No. 20) |
| By-Law Number 077-2015 | A By-law to assume Municipal Services in Honeyvale Glade Estates Subdivision Phase 1, 19T-03V15 and 19T-03V18, Registered Plan 65M-3933. (City of Vaughan and Honeyvale Glade Estates Inc. dated June 9, 2006). (Item 7, Committee of the Whole, Report No. 20) |
| By-Law Number 078-2015 | A By-law to assume Municipal Services in Ivyglen Subdivision Phase 1, 19T-00V14, Registered Plan 65M-3935. (City of Vaughan and Ivyglen Developments Inc. dated May 31, 2006). (Item 8, Committee of the Whole, Report No. 20) |
| By-Law Number 079-2015 | A By-law to assume Municipal Services in Artibus Subdivision Phase 3, 19T-97V15, Registered Plan 65M-4138. (City of Vaughan and Honeyvale Glade Estates Inc. dated June 9, 2006). (Item 9, Committee of the Whole, Report No. 20) |
| By-Law Number 080-2015 | A By law to authorize the Mayor and Clerk to execute a Lease Agreement between the Corporation of the City of Vaughan and Human Endeavour. (Council, December 10, 2013, Item 25, Committee of the Whole, Report No. 52) |
| By-Law Number 081-2015 | A By-law to amend Appointment By-law 73-2007. (Delegation By-law 196-2010) |
| By-Law Number 082-2015 | A By-law to amend Appointment By-law 157-2009. (Delegation By-law 196-2010) |

COUNCIL MEETING MINUTES – MAY 19, 2015

- By-Law Number 083-2015 A By-law to amend City of Vaughan By-law 1-88, as amended, by By-law 120-2012. (Z.15.003, 19T-10V004, Nashville Developments Inc., located north of Major Mackenzie Drive and east of Huntington Road, being Part of the West Half of Lot 23, Concession 9, specifically Lots 64 to 67 inclusive on Registered Plan 65M-4421) (Lifting "H" Symbol). (Council, November 29, 2011, Item 16, Committee of the Whole, Report No. 50)
- By-Law Number 084-2015 A By-law to amend City of Vaughan By-law 1-88 as amended by By-law 110-2014. (Z.15.006, Z.13.007, 19T-13V002, 19CDM-13V003, Teefy Developments Inc., located on the west side of Bathurst Street, south of Rutherford Road municipally known as 9130 Bathurst Street, being Part of Lot 15, Concession 2 (Lifting "H" Symbol). (Council, June 24, 2014, Item 55, Committee of the Whole, Report No. 30)
- By-Law Number 085-2015 A By-law to further amend By-law Number 1-96 to govern and control the parking, placing and stopping of motor vehicles in the City of Vaughan. (Council, April 21, 2015 Item 30, Committee of the Whole, Report No. 17)
- By-Law Number 086-2015 A By-law to authorize the Mayor and Clerk to execute a consent to the Second Amended and Restated Credit Agreement on behalf of the City of Vaughan between The Corporation of the City of Vaughan and the Ontario Soccer Centre, the Ontario Soccer Association and the Canadian Imperial Bank of Commerce. (Addendum Item 2)
- By-Law Number 087-2015 A By-law to dedicate certain lands as part of the public highway. (Block 192 on Plan 65M-3891, Block 12, Via Romano Boulevard, Andridge Homes Subdivision, 19T-99V08 Phase 1, Longyard Residential Subdivision, 19T-03V13). (Delegation By-law 196-2010)
- By-Law Number 088-2015 A By-law to dedicate certain lands as part of the public highway. (Block 136 on Plan 65M-3113, Stonebriar Drive, Part of Lot 21, Part 43, Block 120). (Delegation By-law 196-2010)

CARRIED

92. **CONFIRMING BY-LAW**

MOVED by Councillor Iafrate
seconded by Regional Councillor Ferri

THAT By-law Number 089-2015, being a by-law to confirm the proceedings of Council at its meeting on May 19, 2015, be enacted.

CARRIED

93. ADJOURNMENT

MOVED by Councillor Carella
seconded by Regional Councillor Di Biase

THAT the meeting adjourn at 3:57 p.m.

CARRIED

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk