

**CITY OF MARKHAM
SPECIAL CITY COUNCIL MEETING
January 8, 2020**

Mayor Roger Agpawa called the Regular Meeting of the Markham City Council to order at 6:14 p.m. with the Pledge of Allegiance. Prayer led by Ald. McDowell. Roll Call was taken by City Clerk, Jennifer Coles.

ROLL CALL: ALDERMEN PRESENT Alderman Rondal Jones
 Alderman William Barron
 Alderman Brenna Hampton
 Alderman Wanda McDowell

ALSO PRESENT: Attorney, Steven Miller
 Treasurer, Belinda Richardson

Mayor Agpawa: Apology to public for delay, but this is a big matter and requires additional attention.

CITY ATTORNEY'S REPORT 1 Ordinance

WAIVE READING ORDINANCE Motion by Ald. Barron, seconded by Ald. Jones
20-O-2249 to waive the reading of Ordinance 20-O-2249 – AN
 ORDINANCE APPROVING INTERSTATE
 CROSSINGS, LLC'S APPLIXATION FOR SITE
 PLAN APPROVAL FOR THE PROPERTY
 LOCATED AT 159TH STREET TO NORTH, I-294
 TO WEST; DIXIE HIGHWAY TO EAST, 162ND
 STREET BETWEEN I-294 AND WESTERN AND
 161ST STREET BETWEEN WESTERN AND
 DIXIE HIGHWAY TO SOUTH SIDE INSIDE THE
 CITY OF MARKHAM.
 Voice Vote: 4 Ayes/0 Nays

ADOPT ORDINANCE Motion by Ald. Barron, seconded by Ald. Jones
20-O-2249 to adopt Ordinance 20-O-2249.
 Roll Call: 4 Ayes/0 Nays
 Atty Miller – Read Findings and Decision from
 Planning and Zoning Board. 8 Ayes, 0 Nays, 0
 Absent. LLC is in good standing.

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ATTORNEY FOUNTAIN

Motion by Ald. Jones, seconded by Ald. Hampton to open the floor to Attorney Fountain.
Voice Vote: 4 Ayes/0 Nays

Attorney Fountain spoke briefly about the Planning and Zoning meeting and all elements voted on and discussed, the applicant provided information for each.

Motion by Ald. Jones, seconded by Ald. Hampton, to open the floor to Attorney Fountain.
Voice Vote: 4 Ayes/0 Nays

AUTH & VARIATIONS

Motion by Ald. Hampton, seconded by Ald. McDowell, to authorize 5b, i, 1, 2, 3 on the agenda –
AUTHORIZATIONS AND BUILDING VARIATIONS FOR THE PROPOSED BUILDING AT 159TH STREET TO THE NORTH, I-294 TO WEST, DIXIE HIGHWAY TO THE EAST, 162ND STREET TO THE SOUTH BETWEEN I-294 AND WESTERN AVENUE, AND 161ST PLACE TO THE SOUTH BETWEEN WESTERN AVENUE AND DIXIE HIGHWAY.

- i. **VARIANCE OF SECTION 150.002 OF THE MARKHAM BUILDING CODE IN ORDER TO ALLOW FOR:**
 - 1. **FIRE RESISTANCE RATING OF THE BUILDINGS STRUCTURAL ELEMENTS (WALLS, FLOORS, ROOF, COLUMNS AND BEAMS) THROUGH AN ACTIVE FIRE SUPPRESSION SYSTEM.**
 - 2. **THE FIRE SUPPRESSION SYSTEM SHALL BE DESIGNED SO AS TO PROVIDE:**
 - a. **INCREASED SPRINKLER PERFORMANCE – SPRINKLER SYSTEM DESIGN WILL BE PROVIDED SUPPRESSION, RATHER THAN CONTROL THROUGHOUT THE FACILITY.**
 - b. **REDUNDANT WATER SUPPLY AND DISTRIBUTION SYSTEMS – TWO INDEPENDENT WATER SUPPLIES WILL BE PROVIDED FOR THE FACILITY. THIS WILL**

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INCORPORATE TWO INDEPENDENT WATER SOURCES (I.E., A CONNECTION TO THE PUBLIC WATER SUPPLY AND ONE ONSITE TANK, OR TWO ONSITE TANKS IF THE PUBLIC WATER SUPPLY IS DETERMINED TO NOT BE ADEQUATE), TWO INDEPENDENT FIRE PUMPS, AND TWO DISTRIBUTION METHODS (I.E., INTERIOR AND EXTERIOR WATER MAINS).

- c. INCREASED WATER SUPPLY DURATION – THE DURATION OF THE WATER SUPPLY WILL BE COMMENSURATE WITH THE MOST RESTRICTIVE FIRE-RESISTANCE RATINGS ASSOCIATED WITH TYPE IA CONSTRUCTION (I.E., 3 HOURS)
- 3. EXTERIOR WALL SYSTEM TO BE COMPRISED OF PRECAST CONCRETE PANELS IN COMBINATION WITH INSULATED METAL PANELS.
 - ii. VARIANCE FROM THE REQUIREMENTS OF INTERNATIONAL BUILDING CODE SECTION 1016.1 TO ALLOW FOR INCREASE EXIT TRAVEL DISTANCE FROM 250 FEET TO 400 FEET;
 - iii. VARIANCE FROM THE REQUIREMENTS OF INTERNATIONAL BUILDING CODE, TABLE 601 IN ORDER TO ELIMINATE THE REQUIREMENT OF PASSIVE STRUCTURE FIRE PROTECTION OF A 1A BUILDING AND SUBSTITUTE AN ACTIVE FIRE SUPPRESSION SYSTEM AS NOTED ABOVE.

Q. Ald. Barron – Not sure he understands b.

A. Mayor Agpawa – The two pumps ensures adequate pressure in the building.

Roll Call: 4 Ayes/0 Nays

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3RD PARTY REIMBURSEMENT Motion by Ald. McDowell, seconded by Ald. Barron to approve **THIRD PARTY REIMBURSEMENT PROPOSAL FOR ENGINEERING SERVICES PROVIDED BY MANHARD CONSULTING FOR THE PROPOSED BUILDING AT 159TH STREET TO THE NORTH, I-294 TO WEST, DIXIE HIGHWAY TO THE EAST, 162ND STREET TO THE SOUTH BETWEEN I-294 AND WESTERN AVENUE, AND 161ST PLACE TO THE SOUTH BETWEEN WESTERN AVENUE AND DIXIE HIGHWAY.**

Q. Ald. Jones – Who is paying?

A. Mayor Agpawa – They will. He was part of the selection process for this and chose them from the pool they selected. Bill will come to us and then go to them.

Q. Hampton – Is the proposal recommended by the third party?

A. Mayor Agpawa – He chose from the pool they selected.

Roll Call: 4 Ayes/0 Nays

ZONING CONF LETTER

Motion by Ald. Barron, seconded by Ald. Jones to approve and authorize Mayor to sign – **ZONING CONFIRMATION LETTER FOR THE PROPOSED BUILDING AT 159TH STREET TO THE NORTH, I-294 TO WEST, DIXIE HIGHWAY TO THE EAST, 162ND STREET TO THE SOUTH BETWEEN I-294 AND WESTERN AVENUE, AND 161ST PLACE TO THE SOUTH BETWEEN WESTERN AVENUE AND DIXIE HIGHWAY.**

Roll Call: 4 Ayes/0 Nays

MWRD EASEMENT

Q. Ald. Jones – will MWRD maintain water flow?

Attorney Miller – On 12/18 we vacated land.

MWRD would have to go to the developer. With this their rights are reserved.

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Motion by Ald. McDowell, seconded by Ald. Hampton to approve and authorize Mayor to sign – EASEMENT WITH METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO (MWRD) REGARDING PROPERTY AT 159TH STREET TO THE NORTH, I-294 TO WEST, DIXIE HIGHWAY TO THE EAST, 162ND STREET TO THE SOUTH BETWEEN I-294 AND WESTERN AVENUE, AND 161ST PLACE TO THE SOUTH BETWEEN WESTERN AVENUE AND DIXIE HIGHWAY.
Roll Call: 4 Ayes/0 Nays

INTERSTATE CROSSINGS

Motion by Ald. Hampton, second to Ald. Jones to open the floor to Interstate Crossings.
Voice Vote: 4 Ayes/0 Nays

Dialogue about 5d and 5e

Mayor Agpawa – Wants them to provide clarity for the third party reimbursement and fee waivers and if they could keep it simple.

Bernard Citron, Howard Powers III, Courtney Layman – Bernard Citron spoke – third party agreement is required for them to retain any consultants along the way. They'll need architectural consultants and so on and is not expecting the City to pay for them. Initially asked for permit fees to be waived but after speaking with attorneys, realized it's unfair to ask without knowing the cost.

Ald. Hampton – Said remove the last sentence in section 2, but will come back later?

Bernard Citron – yes once they out a cost to the fees may come back and ask for waivers.

Ald Jones – If we chose Manhard, concerned with not getting everyone involved like some locally like Robinson Engineering.

Mayor Agpawa – Had consideration for Robinson Engineering, but this required some specialty, but still has other things that will need to consider others for. The concept of permit fee waivers is coordinating with the third parties as a replacement to pay third party expenses. We'll come out better than collecting permit fees.

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Ald. Jones – believes permit fees should be imposed. Seems we're giving the henhouse to the fox. Helps with checks and balances and allows us to pay for things. For instance the fees at the senior building would be about \$250,000 and this property is three time larger than that. Thinks it's needed for the interest of the City.

Ald. Barron – Manhard will be providing inspection services, so where we would have costs we won't.

Attorney Fountain – also proposes changes in section A along with the fee waiver being stricken.

REIMBURSEMENT AGREEMENT Motion by Ald. Barron, seconded by Ald. McDowell to approve and authorize the mayor to sign – REIMBURSEMENT AGREEMENT WITH INTERSTATE CROSSINGS LLC FOR THIRD PARTY SERVICES INCLUDING CONSULTANT COSTS FOR ARCHITECTS AND ENGINEERS RESPONSIBLE FOR REVIEW OF THE DEVELOPMENT OF THE PROPOSED BUILDING AT 159TH STREET TO THE NORTH, I-294 TO WEST, DIXIE HIGHWAY TO THE EAST, 162ND STREET TO THE SOUTH BETWEEN I-294 AND WESTERN AVENUE, AND 161ST PLACE TO THE SOUTH BETWEEN WESTERN AVENUE AND DIXIE HIGHWAY.
Roll Call: 4 Ayes/0 Nays

5e will not be considered.

CITY CLERK'S REPORT

None

MAYOR'S REPORT

None

NEW BUSINESS

ALD JONES

Great job Mayor. Keep up the good work.

ALD BARRON

Would like a heads up in the future with these things, but once explanations were given, understood. Keep working hard, it's a new day for Markham.

Mayor Agpawa – will try to make sure information gets to them sooner. There was so much going on.

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ALD. HAMPTON

Thank you all for your patience at this special meeting. We're diligently trying to work hard for the citizens and trying to be transparent. Happy Holidays to everyone and be safe.

ALD. MCDOWELL

Believes this project will be fantastic for Markham. Works hard to make the right decisions and that each resident is represented.

ADJOURNMENT

Motion by Ald. Barron, seconded by Ald. McDowell, to adjourn at 7:13 p.m.
Voice Vote: 4 Ayes/0 Nays

DATED: 1/15/2020



Jennifer Coles, City Clerk