

**CITY OF MARKHAM  
REGULAR COUNCIL MEETING  
March 18, 2020**

Mayor Roger Agpawa called the Regular Meeting of the Markham City Council to order at 7:17 p.m. with the Pledge of Allegiance. Prayer led by Ald. McDowell. Roll Call was taken by Deputy City Clerk, Carolyn Murphy.

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

ALSO PRESENT: Attorney, Steven Miller  
Treasurer, Belinda Richardson

MOVE AGENDA ITEM Motion by Ald. Jones, seconded by Ald. Hampton,  
to move numbers 8E,8F and 8G on the agenda, City  
Attorney's Report, before number five.  
Voice Vote: 3 Ayes/0 Nays/1 Absent (Barron)

CITY ATTORNEY'S REPORT 1 Resolution, 5 Ordinances

WAIVE READING ORDINANCE Motion by Ald. Jones, seconded by Ald. Hampton  
20-O-2254 to waive the reading of Ordinance 20-O-2254 – AN  
ORDINANCE PERTAINING TO LOCAL STATE  
OF EMERGENCY.  
Voice Vote: 3 Ayes/0 Nays/1 Absent (Barron)

ADOPT ORDINANCE Motion by Ald. Jones, seconded by Ald. Hampton  
20-O-2254 to adopt Ordinance 20-O-2254  
Roll Call: 3 Ayes/0 Nays/1 Absent (Barron)

STATEMENT OF STANDARDS Motion by Ald. Jones, seconded by Ald. Hampton  
& DECLARATION OF LOCAL to authorize the Mayor to sign the STATEMENT OF  
STATE OF EMERGENCY STANDARDS & DECLARATION OF LOCAL  
STATE OF EMERGENCY.  
Q. Jones – What does this entail?

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Atty. Miller – Answered by reading full text of the statement.

Q. Jones – Is this the one that applies to next meeting?

Atty. Secler – This is the one that allows the Mayor to proclaim the Local State of Emergency

Roll Call: 3 Ayes/0 Nays/1 Absent (Barron)

WAIVE READING RESOLUTION Motion by Ald. Hampton, seconded by Ald. Jones  
20-R-587 to waive the reading of Resolution 20-R-587 – A  
RESOLUTION AUTHORIZING  
MODIFICATIONS TO CITY OF MARKHAM  
CITY COUNCIL MEETINGS OCCURRING  
DURING THE CONVID-19 PANDEMIC.  
Voice Vote: 3 Ayes/0 Nays/1 Absent (Barron)

ADOPT RESOLUTION Motion by Ald. Hampton, seconded by Ald. Jones  
20-R-587 to adopt Resolution 20-R-587.  
Roll Call: 3 Ayes/0 Nays/1 Absent (Barron)

APPROVAL OF MINUTES FOR Motion by Ald. McDowell, seconded by Ald.  
REGULAR COUNCIL MEETING Hampton to approve Minutes of the Regular City  
MARCH 4, 2020 Council Meeting held March 4, 2020 with necessary  
corrections and/or deletions.  
Roll Call: 3 Ayes/0 Nays/1 Absent (Barron)

AUTHORIZATION OF CLAIMS Motion by Ald. Hampton, seconded by Ald.  
McDowell, to adopt Authorization of Claims and  
Accounts Bill List \$808,466.59 with manual checks  
in the amount of \$13,000.00 totaling \$821,466.59  
Roll Call: 3 Ayes/0 Nays/1 Absent (Barron)

SPECIAL PRESENTATION Mayor – We had a special presentation regarding the  
Census 2020 but we will be putting that on hold.

CITY ATTORNEY’S REPORT Cont...

PLUM CREEK MARKHAM LP Mayor – In regards to matter 8a (Conveying  
Property to Plum Creek LP) we had three appraisals  
done but we only are using two because the 3<sup>rd</sup> did

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not conduct it in a manner that the others one did which was a result of pushing it. We do have a couple reasonable ones the other one wasn't even in the ballpark.

Q. Hampton – What was unethical about it?

Mayor – It wasn't unethical they just didn't follow the same rules that everyone else did. We did ask them to either give us money back or redo it but we don't have time. You can take that into consideration however you want.

Q. Hampton – So there was a total of three could we say the other one was conflicting?

Mayor – It was very conflicting. Both attorneys knew that it wasn't correct and they admitted that they used a different measure in how they did it.

Q. Hampton – So they admitted they didn't do it correctly?

Mayor – Right, but you have a couple of good ones you can use or you can decide how you want to handle the third one.

Q. Jones – In what way did they do it incorrectly? What was wrong with the appraisal?

Mayor – Well we still have to bring them in and sit them down but they admit that they did not go the same route as everyone else.

Q. Jones – But we gave them the same blueprint?

Mayor – No we went back and forth with mylars and surveys and plats. It was very difficult because we were pushing it. The first one came in at a higher number but after we gave them some information, they brought it back down. Wee have been dealing with this for a couple months and it just has not been a static matter.

Q. Jones – Did we pick this appraiser?

Mayor – Yes, I think we did.

Q. Jones – One appraisal came in at \$460,000 and the other one came in at \$700,000?

Mayor – The first one came in at \$470,000 and then went down to \$460,000 and the second one was \$700,000 and then the last one was \$80,000.

Q. McDowell – How many PINS did they have?

Mayor – The PINS were all the same there were 55 PINS we started at 61 but we found that there was some conflict so we changed it to 55.

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PLUM CREEK MARKHAM LP

Motion by Ald. Jones, seconded by Ald. Hampton to open the floor to Plum Creek Markham LP.  
Voice Vote: 3 Ayes/0 Nays/1 Absent (Barron)

Tom Leontios – Thank you for considering my proposal as you know it is complicated and I appreciate your understanding. This is my first time tonight hearing the numbers that came in. I just want to know how will we be able to move forward? Are we just taking an average?

Mayor – I was of the position that the third appraisal was not any good and that we would revoke that. However, it is not my decision that is up to the board to determine if it is taken into consideration. The average came out to \$580,000. The first one was yours (Plum Creek) and it came in at \$470,000 but went down to \$460,000.

Tom Leontios – It went down because of the 6 lots not being included.

Mayor – Right and the City's appraisal came in at \$700,000. The last one wasn't in the ballpark, so the average of that is \$580,000 and its up to the Council on what they want to do.

Hampton – So that average is based on just the two appraisals?

Mayor – Right

McDowell – Based on us just receiving this tonight there is no way I would take any action on this until I have legitimate time to go over these appraisals and be able to read the materials.

Hampton – This information was given to our attorney and I'm pretty sure that she looked at these appraisals and approved them prior to them coming to the City Council meeting.

Mayor – With all due respect if there is a way if we can consider what we can and move this along. We have a number of \$580,000 let's work with that so we can move on. I'm asking graciously. We have two good appraisals that gives us some sort of basis and we will either get another number later or either they will owe us some money. However, if we can let's move this along.

Jones – We started this project where we were actually giving him the land, now we are on

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appraisals so he can buy the land. This has been going on for six years and I was looking for the average of three instead of the average of two.

Mayor – It depends on what he would think is fair and the City and the people think is fair but if you want to come up with a number between \$700,000 and \$400,000 to add to this then that's another number. You can pick number.

Jones – Let's close this tonight with a promissory that whatever that third number comes back in that we will do the average of all three, because I think this is close enough.

Mayor – I agree.

Jones – So we can actually finish this without a final number but we have a general number, do you have any issues with that?

Tom Leontios – No, I'm fine with negotiating that number I don't think we are far off.

Mayor – So we have a number here you don't want to use this number you want to wait?

Jones – I would want to know that third number is. I think we can move this forward and just find out what that third number is. Attorney is that possible?

Hampton – The third number was \$80,000. The average of all three is \$413,000.

Mayor – That's if your choosing to use an \$80,000 appraisal for 55 lots, that's your call. If that's what you're looking to do then let's move it.

Jones – Is it possible what I was saying Attorney?

Atty. Miller – If we go with the two appraisals the amount is \$580,000 if we go with three it would be \$413,000 that's a \$167,000 difference so it's up to Council on which one you want to go with.

Jones – If we go and get another number can we still close this out?

Mayor – We need a number to close it out.

Tom Leontios – What's the difference between those two numbers?

Atty Miller – It would be \$496,500.

Tom Leontios – I'm fine with whatever that middle number is. I have a couple other things I need to address I need a sign off on MWRD to fix the 156<sup>th</sup> Street.

Mayor – We can make that a part of the package.

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Tom Leontios – I would like to pay half the money upfront before I get my building permit and the other half before you approve the occupancy permit. I have to close this loan before I get my building permit.

Jones – He has to get his 14 million dollars first.

Mayor – I don't want to be involved in any of that I'm looking at the City gets a check and then we are done with it. How are we going to give him the deeds and we don't have the money?

Jones – We will have half of it and then we put it in writing with the attorney for the other half.

Hampton – So after you build the building you want to pay us the other half?

Tom Leontios – Yes, the reason that is, is because it was originally only planning to pay \$10 for the land and now, I have to pay \$500,000 for it.

Hampton – That brings up another issue.

Jones – Treasure do you have an issue with that?

Treasurer – I prefer all the money upfront.

Atty. Miller – We can draw something up to where if we don't get the money then the deeds will be quit-claimed back to us.

Mayor – There's got to be another way where we can not carry as much weight with this or have as much exposure or liability.

Jones – This property has been vacant for 14 years and we have not seen a dime from those property taxes.

Mayor – Well then give it to him Alderman.

Jones – It's not about giving it to him its about working with the developer just like we worked with the developer with the 159<sup>th</sup> Street project and he's paying for his permits we see these differences.

Mayor – That's different they aren't coming in here like he is.

Jones – Its only \$200,000

Mayor – You are arguing for him I am arguing for all these people.

Jones – I am arguing for them too.

Mayor – No you're not.

Jones – It's been six years.

Mayor – But it wasn't done right. I wasn't here then. It wasn't done right.

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Tom Leontios – Let's do it right. If I can give you \$413,000 and I can pay it all upfront and we can get this done with this today.

Mayor – Yes that's fine.

Hampton – So instead of \$496,500 we can take a settlement of \$413,000 all upfront?

Tom Leontios – Yes.

Motion by Ald. Jones, seconded by Ald. Hampton to close the floor to Plum Creek Markham LP.

Voice Vote: 3 Ayes/0 Nays/1 Absent (Barron)

ADOPT ORDINANCE  
20-O-2255

Motion by Ald. Jones, seconded by Ald. Hampton to adopt Ordinance 20-O-2255 AN ORDINANCE CONVEYING PROPERTY TO PLUM CREEK MARKHAM LP AND TO VACATE AN AREA AT APPROXIMATELY 155<sup>TH</sup> STREET AND TURNER INSIDE THE CITY OF MARKHAM for \$413,000 and to sign the MWRD.

McDowell – Are there going to be any stipulations on this?

Mayor – No they are going to pay the money upfront and we will be done with it.

McDowell – My thing is limitations on the building so we can make sure.

Mayor – We should have something in terms of what he's building we should have all that in writing that he's building a senior building and not turning it into anything else. We can add that too that it has to be an assisted living facility for 55 and up?

Tom Leontios – 62 and the people have to have some activities which is meal preparations, bathing, house-keeping, shopping.

Mayor – Okay we will make that part of the record.

Hampton – Also remember that if it's not following our regulations we can always revoke, we can always revise and we can always make corrections.

Roll Call: 3 Ayes/0 Nays/1 Absent (Barron)

SCANNELL PROPERTIES

Motion by Ald. Hampton, seconded by Ald. Jones to open the floor to Scannell Properties.

Voice Vote: 3 Ayes/0 Nays/1 Absent (Barron)

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Scannell – We have a tenant for the property who intends to build and will provide a significant number of jobs for the community. Been working on this for 12 years. The site is incredibly cleaned up from what it was in the past. It was a troubled site for the City. A TIF district is covering this and other properties nearby. The developer will generate far more real estate taxes than is currently generated on this property. This property was not free it was paid for before the transfer. Now that we are moving forward with this project, we are asking for a portion of those tax dollars to come back to the developer. In a period of 20 years there will be about 432 million in the TIF. We only get it if we make those payments for the taxes. There is no cost to the City for any aspect of this. This solely comes from our tax dollars that are paid to the County. There is language in the agreement that we will be responsible for all costs dealing with the property.

Jones – So the TIF is 20 years?

Scannell – A TIF can only last for 23 years and we are about 3 years into it.

Mayor – The attorneys and Kane McKenna work very carefully to redo the agreement. We were very careful to protect the City's interest as well as being fair to them. It's a good agreement.

Jones – So what is the percentage of the TIF? Is it like 30%, 50%?

Chuck Durham – The projected numbers are something like 60% - 65%

Jones – Is Harvey going to get a percentage?

Chuck Durham – That is not a part of this redevelopment agreement. There may be some other agreements between the City and Harvey.

Mayor – We didn't tie them up into this. That will be something we have to talk them about.

Jones – So are we splitting our money with Harvey?

Mayor – We're not splitting anything, but we do have to sit with our neighbors and have a conversation.

Jones – So out of the 432 million over the 20 years how much is the City getting?

Chuck Durham – Approximately 6 million a year.

Jones – So 120 million?



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Scannell – It’s actually going up 1% each year so you’ll probably get somewhere between 130 to 135 million.

Chuck Durham – The City will benefit. Yes, they will be getting some reimbursements, but that is the purpose of the TIF. That’s why the TIF was created.

Jones – Can you tell us what it is going to be?

Scannell – A motor freight terminal warehouse distribution facility. It should create a significant amount of jobs. We are under a non-disclosure agreement with our clients. The mayor and attorneys are aware of it. I can’t wait to disclose it to the City. I think it will be great for the City.

Jones – We were talking about fire and police safety, is that still on the table?

Mayor – There’s been some conversation about it I’m still working on that to see if there is some room for that.

Motion by Ald. Hampton, seconded by Ald. Jones to close the floor to Scannell Properties.

Voice Vote: 3 Ayes/0 Nays/1 Absent (Barron)

Hampton – Mayor, how do you feel about this?

Mayor – Absolutely wonderful.

**WAIVE READING ORDINANCE  
20-O-2256**

Motion by Ald. McDowell, seconded by Ald. Jones to waive the reading of Ordinance 20-O-2256 – AN ORDINANCE TO APPROVE THE REDEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MARKHAM AND SCANNELL PROPERTIES #420, LLC, FOR THE PROPERTY LOCATED AT 159<sup>TH</sup> STREET TO THE NORTH, I-294 TO THE WEST; DIXIE HIGHWAY TO THE EAST, 162<sup>ND</sup> STREET BETWEEN I-294 AND WESTERN AND 161<sup>ST</sup> STREET BETWEEN WESTERN AND DIXIE HIGHWAY TO THE SOUTH.

Voice Vote: 3 Ayes/0 Nays/1 Absent (Barron)

**ADOPT ORDINANCE  
20-O-2256**

Motion by Ald. McDowell, seconded by Ald. Jones to adopt Ordinance 20-O-2256.

Roll Call: 3 Ayes/0 Nays/1 Absent (Barron)

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Hampton – While the documents are being handed out for item 8c (Granting of Access Easement to Wasso) attorney can you please explain a little bit about it.

Atty. Miller – They have two billboards and they need access to service them and we currently own the property.

Hampton – So those particular billboards will still be owned by the City?

Atty. Miller – The billboards are owned by Wasso, they just need access to them.

**WAIVE READING ORDINANCE  
20-O-2257**

Motion by Ald. Jones, seconded by Ald. McDowell to waive the reading of Ordinance 20-O-2257 – AN ORDINANCE APPROVING THE GRANTING OF AN ACCESS EASEMENT BY THE CITY OF MARKHAM TO THE WASSO FAMILY LLC WITHIN THE PROPERTY GENERALLY LOCATED AT 159<sup>TH</sup> STREET TO THE NORTH, I-294 TO THE WEST; DIXIE HIGHWAY TO THE EAST, 162<sup>ND</sup> STREET BETWEEN I-294 AND WESTERN AVENUE AND 161<sup>ST</sup> PLACE BETWEEN WESTERN AVENUE AND DIXIE HIGHWAY

Voice Vote: 3 Ayes/0 Nays/1 Absent (Barron)

**ADOPT ORDINANCE  
20-O-2257**

Motion by Ald. Jones, seconded by Ald. McDowell to adopt Ordinance 20-O-2257.

Roll Call: 3 Ayes/0 Nays/1 Absent (Barron)

Hampton – Is item 8d (Amending Zoning Code to regulate Cannabis Business Establishments) stating that there is a possibility that we might grant a company property to regulate cannabis?

Mayor – Yes, this would allow it should the board see fit to want to let something come in. We have a lot of people asking for cannabis growing and this would allow us to have a conversation about it.

Hampton – So this is just for conversation?

Mayor – Yes this doesn't promise anything this just allows us to have the zoning for it should you all see fit.

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Hampton – Which zoning are would this be located?

Mayor – There is no specific area set. That is something else that would have to be determined.

Hampton – So with this we are going to just entertain the possibility of a cannabis business coming into the community, not knowing if it's going to be for distribution of cannabis or for growing product?

Mayor – Well I think the distribution has kind of passed us up as a lot of those places are already in motion in a lot of other places. Most of what has been coming to my office is a lot of growers and transporters. More like factories and industrial type areas is where they would want to go. They would have little interaction with the public.

Hampton – So not a dispensary?

Mayor – Right this would be off site somewhere where people could grow it and transport it out not where people would be lined up around the community.

Hampton – What is the importance of us passing this tonight?

Mayor – It allows the City the opportunity to allow it if we want to and allows anyone that wants to come talk to us about it to do so.

Hampton – Can we address the residents of the City of Markham to see exactly how they feel about cannabis in our community before we designate a particular area?

Mayor – We are not going to designate a particular area perhaps the attorney can explain a little bit.

ATTORNEY ROSS SECLER

Motion by Ald. McDowell, seconded by Ald. Hampton to open the floor to Attorney Ross Secler.  
Voice Vote: 3 Ayes/0 Nays/1 Absent (Barron)

Ross Secler – This matter was presented to the Planning Commission and was granted an approval. It allows the possibility, it is not designating a specific area or granting any licenses. There are standards in this ordinance that would not allow any type of cannabis related businesses to be around any daycares, schools or residential areas. It is

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recommended to put something in place to be able to start a discussion it doesn't bind the City in anything. Hampton – I understand that it does not bind the City but it does say that it has to be in a designated area.

Ross Secler – Any business that is looking at Markham is seeing these standards across most municipalities.

Jones – Is there a set size as far as square feet?

Hampton – We would need someone to come before us before we hear that.

Mayor – There has been several people but that will come before the board to see if it's something that you want to do. It's not saying that we are going to do anything.

Jones – I'm in favor of it I just don't want anyone to try and grow it in their backyard.

Mayor – I have had people say they want to put it in their backyards.

Jones – I don't care for that.

Mayor – I don't either but this at least structures all of that and puts us in a position where we can talk to people the right way. We will have a law in place and it puts it in our zoning. We just want to put this in place to handle whatever your concern would be whether it be for it or against it.

WAIVE READING ORDINANCE  
20-O-2258

Motion by Ald. Hampton, seconded by Ald. Jones to waive the reading of Ordinance 20-O-2258 – AN ORDINANCE AMENDING CHAPTER 156 “ZONING CODE” OF TITLE XV “LAND USAGE” OF THE MARKHAM CODE OF ORDINANCES TO REGULATE CANNABIS BUSINESS ESTABLISHMENTS  
Voice Vote: 3 Ayes/0 Nays/1 Absent (Barron)

ADOPT ORDINANCE  
20-O-2258

Motion by Ald. Hampton, seconded by Ald. Jones to adopt Ordinance 20-O-2258  
Roll Call: 3 Ayes/0 Nays/1 Absent (Barron)

CITY CLERK'S REPORT

None

MAYOR'S REPORT

Just advise that everybody continues with precautions, social distancing and sanitary conditions everywhere. I want to mention to the Council that you should be checking your emails for Homewood Disposal I would like to get that on the agenda to pass for the next meeting if possible. Depending on what happens in emergency we may be set up for some sort of teleconferencing. I think that the government is allowing us to do some video conferencing and that sort of thing so we don't have to assemble. I think they are taking into account the Open Meetings Act and that hasn't been totally declared off limits by the Attorney General so that's why we are here tonight. We had some bills to pay to keep us moving and we got quite a bit done tonight. The other thing that will be coming to you in the next couple of weeks is the AFSCME contract we are just waiting for a response back. We met with the officials and I think that we pretty much might be able to solve that contract. They've waited a long time for a good contract and I think we were able to do it. I met with the Treasurer's Office finance department and we made good headway with the negotiations. I think this is the best contract that we've had with them in years. It was a struggle because we had to fix the whole organization. I had a hard time getting the union to understand that but we were successful. We also had conversations that we did not take care of our retro pay. We will try and get the retro resolved for some of the employees from last year. It shouldn't be a ton of employees affected by it but there are people that we still owe backpay for their increases from last year. We told them that we would deal with them in February but now we're into March and it will probably be by April but we talked to the employees about it.

NEW BUSINESS

ALD JONES

Just like to say everyone please be safe. This corona virus hit us by surprise. My office, the township, is actually closed for two weeks. This virus does not discriminate. Please wash your hands. Don't think

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you are exempt from these activities. Please just be safe.

ALD. HAMPTON

Don't want to be redundant with the corona virus. Moving forward I want to thank everyone that came out to the brunch. Under consideration of everyone trying to be safe I appreciate everyone that did come out. We shared some good information and it went pretty well. Other than that, everyone please be safe.

ALD. MCDOWELL

Mayor, if we could work on something with a lot of these loose dogs at some time. I think we need to look at our ordinances in regards to owners that if they are going to have a dog that they have to be responsible for their dogs.

Mayor – I agree with you wholeheartedly. I know that you had an experience a month or so ago and just yesterday I had an incident. One of the things we've done in the past year is have Public Works on track in terms of dealing with it. Coming up with this budget we will deal with stricter efforts of enforcement with the residents. I think we have a suitable ordinance on the books. I think it is strong enough but we will check it. I think it's a matter making sure our procedures are good with the ordinance people on the street.

OPEN FLOOR TO PUBLIC

No Public Comments

EXEC SESSION

Motion by Ald. Hampton, seconded by Ald. Jones, to go into executive session at 8:55pm to discuss 8i and 8k for Land Development and Litigation in accordance with section 2c6 and 2c11 of the Open Meetings Act.

Voice Vote: 3 Ayes/0 Nays/1 Absent (Barron)

REGULAR SESSION

Motion by Ald. McDowell, seconded by Ald. Hampton, to return to regular session at 9:17pm.  
Voice Vote: 3 Ayes/0 Nays/1 Absent (Barron)

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LITIGATION

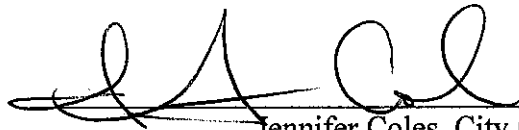
Motion by Ald. Jones, seconded by Ald. Hampton,  
to authorize the Mayor to sign the Waiver of Conflict  
for Concurrent Representation in the matter of  
Worship v. Country Club Hills, et al.  
Roll Call: 3 Ayes/0 Nays/1 Absent (Barron)

ADJOURNMENT

Motion by Ald. Jones, seconded by Ald. McDowell  
to adjourn at 9:23 p.m.  
Voice Vote: 3 Ayes/0 Nays/1 Absent (Barron)

DATED:

4/2/2020



Jennifer Coles, City Clerk