



Regular Meeting of Council
Agenda

Date: May 17, 2022
Time: 1:00 pm
Location: Hybrid meeting- virtual and Council Chambers, City Hall

City Council meetings are now being conducted using a hybrid model, allowing members of Council, city staff and the public the option of participating remotely or in-person. We ask for your patience as we work through this new meeting model today. The meeting will be live web streamed, as usual, and archived on the city website.

1. **Call to Order:**
2. **National Anthem:**
3. **Land Acknowledgement:**
4. **Regrets:**
5. **Proclamations:**
 - 5.1. Month of Play: June 2022
 - 5.2. Pride Month: June 2022
 - 5.3. Black Music Month: June 2022
 - 5.4. National Indigenous Month: June 2022
 - 5.5. National Deafblind Month: June 2022
 - 5.6. Hidradenitis Suppurativa Awareness Week: June 6-12, 2022
 - 5.7. National AccessAbility Week: May 29-June 4, 2022
 - 5.8. Longest Day of Smiles: June 19, 2022
6. **Recognitions and Achievements:**

7. Motion to approve Council Minutes:

Confirm the minutes of the following meeting of Council:

7.1. Regular meeting of Council April 19, 2022

7.2. Special meeting of Council May 5, 2022

8. Presentations:

9. Declarations of Interest:

10. Delegations:

As of May 2022, City Council meetings are being held using a hybrid model, allowing members of Council, city staff and the public the option of participating remotely or in-person at city hall, 426 Brant St.

Requests to delegate to this hybrid meeting can be made by completing the online delegation registration form at www.burlington.ca/delegate, by submitting a written request by email to the Office of the City Clerk at clerks@burlington.ca or by phoning 905-335-7600, ext. 7481 by noon the business day before the meeting is to be held. It is recommended that virtual delegates include their intended remarks, which will be circulated to all members in advance, as a backup to any disruptions in technology issues that may occur.

If you do not wish to delegate, but would like to submit correspondence, please email your comments to clerks@burlington.ca. Any delegation notes and comments will be circulated to members in advance of the meeting and will be attached to the minutes, forming part of the public record.

10.1. Vanessa Warren representing Burlington Agricultural & Rural Affairs Advisory Committee (BARAAC) will speak (virtually) regarding Regional Official Plan Review ROPA 49 staff comments (PL-37-22)

11. Petitions:

12. Recommendations from Standing Committees:

12.1. Community Planning, Regulation & Mobility meeting of May 3, 2022

a. Cannabis Production Study (PL-29-22)

Amend the Burlington Zoning By-law, 2020 as proposed in Appendix A to community planning department report PL-29-22; and

Direct the Director of Community Planning to circulate community planning department report PL-29-22 and the approved Zoning By-law Amendment to

Health Canada, to share the study findings; and

Direct the Director of Community Planning to continue to monitor the impacts of the emerging cannabis production industry and to consider the general findings of the Cannabis Production Study through the Comprehensive Zoning By-law Review, in the context of ensuring that:

- a. in the urban area, permissions for agricultural uses, particularly on lands abutting residential zones, are appropriate to the surrounding urban context; and
 - b. in employment zones adjacent to residential and other sensitive land uses, adverse effects are avoided, or if avoidance is not possible, minimized and mitigated through the use of separation distances, the placement of non-sensitive land uses in buffer areas, and/or other means.
- b. Zoning By-law Amendment for 2154 Walker's Line (PL-43-22)

Direct staff to continue to proceed with the processing of the submitted Zoning By-law Amendment application for 2154 Walker's Line, including evaluating and incorporating any/all comments received by committee and public at the Statutory Public Meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments.
 - c. Update on 2069-2079 Lakeshore Road and 383-385 Pearl Street (PL-47-22)

Receive and file community planning department report PL-47-22 providing an update on 2069-2079 Lakeshore Road and 383-385 Pearl Street.
 - d. Proposal for the relocation of Bingo Hall 'The Bingo Connection' (BB-08-22)

Approve Option A to approve the proposal to relocate 'The Bingo Connection', as outlined in Appendix B (page 13) of Building and By-law department report BB-08-22, containing the AGCO Criteria and Procedures for establishing Bingo Halls.
 - e. Proposal to open a new Bingo Hall 'Bingo Bingo' (BB-09-22)

Approve Option B to turn down the application from Bingo, Bingo as lacking a market study or demonstrated community support for their operation, as outlined in Appendix B (page 13) of Building and By-law department report BB-09-22, containing the AGCO Criteria and Procedures for establishing Bingo Halls.
 - f. Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision at 2294 and 2300 Queensway Drive (PL-31-22, SD-15-22)

Note: See item 17.1 Supplemental information memorandum.

Approve the applications for Official Plan Amendment and Zoning By-law Amendment, as modified by staff in community planning department report PL-31-22, to permit 16 standard townhouse units and 8 back-to-back townhouse units; and

Approve Official Plan Amendment No. 127 to the City of Burlington Official Plan, as provided in Appendix B of community planning department report PL-31-22, to redesignate the subject lands “Residential – Medium Density with site specific policy”, to permit a townhouse development consisting of 16 standard townhouse units and 8 back-to-back townhouse units; and

Deem that Section 17(21) of The Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 127 as contained in Appendix B of community planning department report PL-31-22; and

Approve Zoning By-law 2020.440, attached as Appendix C of community planning department report PL-31-22, rezoning the lands at 2294 & 2300 Queensway Drive from “H-RM2” to “H-RM3-513”; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 127 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 127 is adopted; and

Direct the Director of Community Planning to grant draft subdivision approval for an application for a residential plan of subdivision at 2294 & 2300 Queensway Drive consisting of 24 lots, a common element road, and common element condominium blocks representing the deemed width of Queensway Drive, as shown in Appendix A of community planning department report PL-31-22, subject to the conditions contained in Appendix D of community planning department report PL-31-22, after the associated amending zoning by-law comes into effect.

- g. Staff Direction to evaluate eligibility of a heritage designation for 977 Unsworth Avenue (CPRM-03-22, SD-16-22)

Direct the Director of Community Planning to evaluate the eligibility of 977 Unsworth Avenue for heritage designation by hiring a qualified heritage consultant to complete a heritage property evaluation and statement of significance and, if the evaluation indicates the property is of cultural heritage value or interest, consult the Heritage Burlington Advisory

Committee for feedback and then report back to council with a recommendation. (SD-16-22)

12.2. Corporate Services, Strategy, Risk & Accountability meeting of May 4, 2022

- a. 2022 capital budget variance and project closure (F-16-22)

Direct the Chief Financial Officer to proceed with the closure of 65 capital projects identified as being ready for closure in finance department report F-16-22.

- b. Financial status report as at March 31, 2022 (F-21-22)

Receive and file finance department report F-21-22, financial status report as at March 31, 2022.

- c. Right to Disconnect from Work Policy (HR-05-22)

Receive and file the City of Burlington's Right to Disconnect from Work Policy attached as appendix A to human resources department report HR-05-22.

- d. COVID-19 emergency response verbal update (CSSRA-04-22)

Receive and file the May 4, 2022 staff presentation providing the COVID-19 emergency response verbal update.

- e. 2021 annual engagement report (CC-03-22)

Receive and file corporate communications and engagement department report CC-03-22 providing a status update on community and staff engagement.

- f. Corporate project status updates – January, February and March 2022 (CM-15-22)

Receive and file city manager's office report CM-15-22 providing status reports for designated corporate projects for the period January through March 2022 as detailed in appendix A, and automated vehicle locator system and web modernization project overviews as provided in appendices B and C, respectively.

- g. Closed session meeting investigation report– Aird & Berlis LLP (CL-17-22)

Receive and file office of the city clerk report CL-17-22, closed session meeting investigation report from Aird and Berlis LLP.

- h. Council remuneration and expense recommendations implementation plan (F-17-22)

Revised Council Expense Manual attached.

Approve the implementation plan for the recommendations arising from the report by the Council Remuneration Review Working Group (CRRWG) as outlined in finance department report F-17-22; and

Approve the Discretionary Budget Policy attached as appendix A to finance department report F-17-22; and

Approve By-law 45-2022, a by-law to establish the Council Members Special Initiatives Reserve Fund attached as appendix B to finance department report F-17-22; and

Approve the Council Member Expense Manual attached as appendix C to finance department report F-17-22.

- i. Confidential update on Ontario Lands Tribunal Appeal PL200557 - 2107 Old Lakeshore Rd, 2119 Lakeshore Rd (L-15-22)

That the Executive Director of Legal Services and Corporation Counsel, or their designate, be instructed as per confidential legal department report L-15-22, to attend at the Ontario Land Tribunal to oppose the Official Plan and Zoning By-law amendment applications to permit a 27 storey mixed use development proposed by Old Lakeshore (Burlington) Inc. for its lands at 2107 Old Lakeshore Road and 2119 Lakeshore Road, subject to further instructions.

12.3. Environment, Infrastructure & Community Services meeting of May 5, 2022

- a. Single source report – forestry chipper equipment (RPF-06-22)

Approve the single source purchase of one (1) 15 inch drum brush chipper and one (1) 9 inch disc brush chipper to Powertech Ontario, 55 Magnificent Road, Etobicoke Ontario, M8Z 4T4 at a purchase price of \$111,600.77 and \$74,637.22, respectively (including HST); and

Approve the standardization of brush chipper equipment to improve safety of operations as outlined in the roads, parks and forestry department report RPF-06-22.

- b. Tender award report, Plains Road protected bikeway and resurfacing (ES-13-22)

Award the tender for contract ES-22-03 Plains Road protected bikeway and

resurfacing to Associated Paving & Materials Ltd for \$8,067,561.14 including HST; and

Authorize the Manager of Procurement Services to issue a purchase order and/or sign any associated agreements with the bidder named above; and

Authorize the City Clerk to prepare the debenture by-law; and

Authorize the Mayor and City Clerk to sign any required agreements with the bidder named above, subject to the satisfaction of the Executive Director of Legal Services and Corporation Counsel; and

Approve the total cost of \$9,791,000 (Net HST) to be charged to Capital Order RA0246 and funded as outlined in the financial matters section of the report.

c. Community donation (RCC-05-22)

Authorize the Director of Recreation, Community and Culture to accept the donation from Patrick J McNally Foundation for various recreation and park infrastructure amenities as outlined in recreation, community and culture department report RCC-05-22; and

Authorize the Director of Recreation, Community and Culture to execute a donation agreement, subject to the satisfaction of the Executive Director of Legal Services and Corporation Counsel, with the Patrick J McNally Foundation for various recreation and park infrastructure amenities as outlined in recreation, community and culture department report RCC-05-22; and

Authorize the Director of Engineering to incorporate the various recreation and park amenities donated by the Patrick J McNally Foundation, into the applicable park improvement projects as outlined in recreation, community and culture department report RCC-05-22.

d. Public Tree Removal Report – 2069 Lakeshore Rd (535-013-20) (RPF-12-22)

Approve the request by the applicant to remove (5) public trees in order to proceed with the proposed site plan application file no. 535-013-20 as outlined in roads, parks & forestry department report RPF-12-22; and

Instruct the applicant, Mark Bales on behalf of Lakeshore (Burlington) Inc., to provide compensation for the public tree removals by providing cash-in-lieu of replacement totaling \$4,500.00 and the planting of six (6) new street trees as part of the overall streetscape design for the site plan application; and

Direct that a tree permit be obtained for the public tree removals and pay the associated tree permit fees as outlined in the City's Rates and Fees By-law; and

Direct that all associated costs with respect to the removal of the public trees (including stump removal) will be the responsibility of the applicant. The contractor hired to remove the trees will require approval by the Manager of Urban Forestry or designate.

- e. Climate Resilient Burlington: A (draft) plan for adapting to our warmer, wetter and wilder weather (EICS-02-22)

Receive and file environment, infrastructure and community services report EICS-02-22 regarding Climate Resilient Burlington: A plan for adapting to our warmer, wetter and wilder weather (May 2022 draft).

- f. Bay Area Climate Change Council (EICS-05-22)

Direct the Executive Director of Environment, Infrastructure and Community Services to work with Mohawk College to execute a Memorandum of Understanding to guide the support for and implementation of the Bay Area Climate Change Council for the 2022/23 fiscal year in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel; and

Approve funding in the maximum amount of \$56,000 in 2022 for the Bay Area Climate Change Council as a variance in the City's operating budget.

- g. Status update – proposed City of Burlington interest in Hamilton 2030 Commonwealth Games Bid (CM-04-22)

Receive and file report city manager's office report CM-04-22 providing an update on City of Burlington's interest in the Hamilton 2030 Commonwealth Games Bid opportunity.

- h. Update on marina operations (RCC-09-22)(SD-17-22)(SD-18-22)(SD-19-22)

Receive and file recreation, community and culture department report RCC-09-22 regarding an update on the LaSalle Park Maria operations; and

Direct the City Manager and Director of Recreation, Community and Culture to undertake the necessary due diligence to identify and fully address the financial, legal, human resource and operating risk exposures to the City in order to operate the LaSalle Park Community Marina on an interim basis for the 2022 season based on a target date for opening of no later than June 15 (SD-17-22) ; and that

In completing the due diligence, City staff do so with regard to the following principles and requirements:

1. The interim Marina operation must be a net zero incremental cost to the taxpayers of Burlington inclusive of city reserve funds;
2. The City maintains the ability to seek expressions of interest/proposal and/or investigate other options for the operation of Marina in 2022 and in the future in keeping with our Council approved Framework for Recreation which gives preference to a community partnership based operating model for recreation service delivery in Burlington;
3. Formal written confirmation of insurance coverage for the interim Marina operation be received by the City's insurer;
4. The City can secure fully qualified Marina operations staff (i.e. certified Harbour Master) in keeping with all Federal and other regulatory requirements for the interim operation of a Recreational Marina;
5. The LaSalle Park Marina Association must continue to meet all its financial obligations to the City;
6. The LaSalle Park Marina Association and the Burlington Sailing and Boating Club must work cooperatively with the City in relation to but not limited to amending agreements, the City securing equipment required to operate and maintain the Marina, lift-in and lift-out of boats and transitioning all administrative and financial aspects of the operation; and

Direct the Executive Director of Legal Services and Corporation Counsel to preserve all City legal rights contained in its approved license agreement with the LaSalle Park Marina Association (SD-18-22); and

Direct the Director of Recreation, Community and Culture to report back to City Council on May 17, 2022 and the June 9, 2022 Environment, Infrastructure and Community Services Committee meeting to provide updates and current information regarding the LaSalle Park Marina including potential risks. (SD-19-22)

12.4. Community Planning, Regulation and Mobility Public meeting of May 10, 2022

- a. City-initiated housekeeping amendments to Zoning By-law 2020 (PL-39-22)

Approve the proposed amendments to Zoning By-law 2020 as outlined in community planning department report PL-39-22; and

Enact By-law 2020.441 as outlined in Appendix A to community planning department report PL-39-22.

- b. Regional Official Plan Review ROPA 49 staff comments (PL-37-22)

Authorize the Director of Community Planning to submit community planning department report PL-37-22, in advance of Council approval, as the City of Burlington submission on the Region of Halton's Draft Regional Official Plan Amendment Number 49; and

Direct the Director of Community Planning to provide any further comments to the Region, if any, upon Council's decision on May 17, 2022.

- c. New Burlington Official Plan - proposed modifications for ROPA 48 conformity (PL-30-22)

Direct the Director of Community Planning to consider agency and public comments on the proposed modifications to the Burlington Official Plan, 2020 that would present a means to resolve matters of non-conformity, where possible, to Regional Official Plan Amendment No. 48, and to report back with final recommendations at the July 5, 2022, Community Planning, Regulation and Mobility committee meeting.

- d. Confidential update on a litigation matter regarding appeals to the New Official Plan (L-21-22)

Instruct the Executive Director of Legal Services and Corporation Counsel or their designate to proceed in accordance with the instructions sought in confidential legal department report L-21-22.

12.5. Special Audit Committee meeting of May 11, 2022

- a. Update regarding Aldershot Village BIA (CM-16-22)

Direct the City Auditor in conjunction with the Chief Financial Officer to engage directly with the Aldershot Village BIA to offer support for a review of their internal control policies and procedures related to financial management and report back upon completion.

13. Motion to Approve Standing Committee Minutes:

Approve the following minutes:

- 13.1. Community Planning, Regulation and Mobility Committee meeting minutes of May 3, 2022
- 13.2. Corporate Services, Strategy, Risk and Accountability Committee meeting minutes

of May 4, 2022

- 13.3. Environment, Infrastructure and Community Services Committee meeting minutes of May 5, 2022
- 13.4. Community Planning, Regulation and Mobility Public meeting minutes of May 10, 2022
- 13.5. Special Audit Committee meeting minutes of May 11, 2022

14. Urgent Business:

- 14.1. Update on LaSalle Park Community Marina (RCC-10-22)

Receive and file recreation, community and culture report RCC-10-22 update on LaSalle Park Community Marina.

- 14.2. Update on a Real Estate Matter regarding Robert Bateman High School Acquisition - Direct to Council May 17, 2022 (L-22-22)

Approve the motion set out in Appendix 'A' to L-22-22;

Direct the City Manager to proceed with a process of public consultation regarding: (1) the proposed disposition to the Halton District School Board of approximately 4.92 acres of City owned land described as Part 2, Plan 20R-19654, located adjacent to Burlington Central High School by way of land exchange and; (2) the proposed long-term leaseback and lease of portions of the Robert Bateman High School site to the Halton District School Board and Brock University, all of which are proposed in connection with the planned acquisition of the Robert Bateman High School site by the City of Burlington; and

Direct that the City Manager report back on status of public consultation at the Corporate Services, Strategy, Risk and Accountability meeting of June 6, 2022, with a further detailed report and recommendations to Council at the Regular Meeting of Council on June 21, 2022.

- 14.3. Burlington Enterprises Corporation Annual General Meeting Resolutions (ADM-08-22)

That the Resolutions of the Sole Shareholder of Burlington Enterprises Corporation (Appendix A) as presented at the Annual General Meeting of the BEC held April 26, 2022 be approved; and

That Council direct the City Clerk to execute the foregoing Resolutions on behalf of the Sole Shareholder; and

That the City Clerk be directed to provide a copy of this Council Resolution along with the executed copy of the Resolutions of the Sole Shareholder to the Burlington Enterprises Corporation.

14.4. Appointment of Deputy City Clerks (CL-19-22)

Enact By-law 47-2022 attached as appendix A to office of the city clerk report CL-19-22, a by-law to amend By-law 40-2021 regarding the appointment of Deputy City Clerks.

14.5. Appointments to Advisory Committees and the Burlington Museums Board (CL-22-22)

Approve the appointments to the Burlington Mundialization Committee and the Burlington Museums Board as outlined in confidential Appendix A of office of the city clerk's report CL-22-22 and following approval from Council make the recommended names for appointments public.

14.6. Confidential Supplementary Memo on Ontario Lands Tribunal Appeal PL200557-2107 Old Lakeshore Rd, 2119 Lakeshore Rd (L-15-22)

To be distributed under separate cover.

Pursuant to Section 239(2)(e) of the Municipal Act, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

15. Motions of Members:

16. Council Information Package:

16.1. Council Information Package April 22, 2022

16.2. Council Information Package April 29, 2022

16.3. Council Information Package May 6, 2022

16.4. Council Information Package May 13, 2022

17. Motion to Receive and File Information Items:

Receive and file the following Information Packages, having been prepared and distributed to Council:

17.1. Supplemental Information Related the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision at 2294 and 2300 Queensway Drive (PL-31-22)

- 17.2. Correspondence from Penny Hersh regarding update on marina operations (RCC-09-22)
- 17.3. Correspondence from Joe Fuzat representing SVP of Innovation regarding cannabis production study (PL-29-22)

18. Motion to Consider Confidential Items:

19. Notice of Motion:

20. Motion to Approve By-Laws:

Enact and pass the following by-laws which are now introduced, entitled and numbered as indicated below:

- 20.1. 45-2020: A by-law to establish a Council Members Special Initiatives Reserve Fund.
Report F-17-2022, Corporate Services, Strategy, Risk and Accountability May 4, 2022.
- 20.2. 46-2022: Official Plan Amendment 127 – 2294, 2300 Queensway Drive.
Report PL-31-22, Community Planning, Regulation and Mobility May 3, 2022.
- 20.3. 47-2022: A by-law to amend By-law 40-2021 regarding the appointment of Deputy City Clerks.
Report CL-19-22 Council May 17, 2022
- 20.4. 2020.440: A by-law to amend By-law 2020, as amended;2294 & 2300 Queensway Drive.
Report 31-2022 Community Planning, Regulation and Mobility May 3, 2022.
- 20.5. 2020.441: A by-law to amend By-law 2020, as amended.
Report 39-2022 Community Planning, Regulation and Mobility May 10, 2022.
- 20.6. 2020.442: A by-law to amend By-law2020, as amended.
Report PL-29-22 Community Planning, Regulation and Mobility May 3, 2022.

21. Confirmatory By-law:

Enact and pass By-law Number 48-2022, being a by-law to confirm the proceedings of Council at its meeting held Tuesday, May 17, 2022, being read a first, second and third time.

22. Statements by Members:

23. Motion to Adjourn:

Adjourn this Council now to meet again at the call of the Mayor.